

# **PROCEEDINGS – Training Project N°5**

## **THE CONFLICT OF SECURITY AND REHABILITATION IN THE 1970s**

AUSTRALIAN INSTITUTE OF  
CRIMINOLOGY

The conflict of security and  
rehabilitation in the 1970's  
Canberra, 1974 N/A

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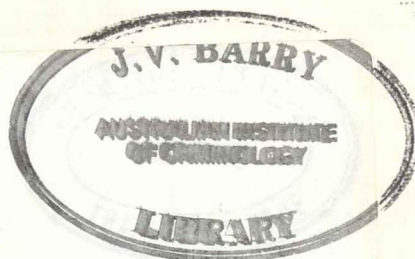
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## THE CONFLICT OF SECURITY AND REHABILITATION IN THE 1970s

HAROLD G. WEIR

A little over sixteen years ago, to be precise in July, 1958, a Seminar on the Punishment of Crime was held at what was then known as the New South Wales University of Technology. The theme of the seminar was The Conflict of Security and Rehabilitation. For three days a distinguished group of eminent persons gave their time and energies to what the New South Wales Attorney-General and Minister of Justice of the day, the Honourable R.R. Downing, M.L.C., called the common cause of garnering knowledge in a field which can never remain static.

Professor K.O. Shatwell, who is the Director of the Institute of Criminology of the University of Sydney, read a paper to the 1958 seminar on The Philosophy of Punishment. He concluded that, 'there is an apparent conflict between security and rehabilitation in which, as a result of inevitable social pressures, rehabilitation may be compelled to yield to security.' He expressed the view that 'the primary object of the criminal law is the prevention of crime, and the science of Penology is the study of the most effective means of preventing crime, irrespective of the reformation of the criminal.' Professor Shatwell felt then that although we would not accept 19th century medical science in treating disease we were still thinking in mid-19th century terms so far as the punishment of criminals was concerned. Among the matters which he felt needed urgent attention were sentencing procedures, probation and parole techniques, the problem of recidivism and the enlightenment of the public.

A number of dramatic events have happened in national and international affairs since 1958. During the intervening sixteen years there have been some subtle but no less dramatic changes in Australian Society. The protest movement which arose on such issues as compulsory military service, Australia's involvement in Indo-China, the visit of the South African football team and other matters has, within more recent days, been replaced by threats of violent industrial confrontation. There has been a movement of disobedience within correctional institutions and deliberate attempts to encourage prison escapes and to offer sanctuary to escapees. Consistent with the organisation of labour there has been considerable development in the industrial organisation of persons employed in the correctional services. There has also been a rapid growth in training programmes for prison officers.

On the one hand we are confronted with reports of increased crimes of violence and the menace of organised crime and yet on the other hand we are witnessing a decline in prison populations in many centres. There is increased interest on the part of the judiciary and the magistracy in the use of extra-mural forms of treatment - not only probation and parole, but also periodic detention, work release, halfway houses and other measures. Attention is also being directed to restitution and reparation for the victims and dependents of victims of crime.

In planning this particular workshop project those of us responsible for the training and information activities of the Institute of Criminology were of the opinion that the time had come for another long, hard look at the objectives of the correctional services, the ways in which those objectives are being achieved and the effectiveness of the correctional services in the type of society in which we live in 1974.



There is a wide range of topics which could be included under the heading of The Conflict of Security and Rehabilitation. The whole purpose of prison services might be examined. Note could be taken of the resurgence of the hardline approach whereby many people, including judges and magistrates and social scientists are beginning to feel too much emphasis has been placed on the psychological, social and economic needs of the offender for whom good old-fashioned punishment, in its various disabling, deprivative and often degrading forms of the past may be needed. This punitive attitude found clear expression in the words of a judge of the New South Wales Supreme Court, Mr Justice Taylor, who on 21 June, 1974, passed sentence on two offenders who were committed to life imprisonment for the most revolting crimes of murder, assault and violence against a housewife and other persons in New South Wales.

However, in the planning of this project it was decided that the people who should have an opinion to express on this matter were the ones who were in the best position to know what the system in Australia is really like; its strengths and weaknesses, the results it achieves, its day-to-day problems and the real effectiveness of the various methods employed within the system. It was decided to turn to prison officers themselves - not the outside experts who are always telling them about the attitudes they should adopt and the way they should do their work, but the people themselves who face the everyday problems. That is why we decided to provide this opportunity for prison officers who have some years of experience and who undoubtedly have much to contribute on this subject.

Let me make it perfectly clear that beyond the choice of the subject and an invitation to a few persons to present formal papers, this week's activities are largely unstructured. Later on this afternoon we shall seek to work out ways in which we can divide ourselves into small syndicate groups so that freer discussion may be facilitated and we shall endeavour to work out the topic headings to be considered. Seminars here are not in the nature of conventions, but are pretty strenuous activities in which everybody has a part to play. The justification for our existence is that we make a report and put forward recommendations for consideration by governments or officials as the case may be. By Thursday night we should have some ideas as a result of our discussions together and on Friday morning it is proposed to bring these ideas forward for consideration by the group as a whole. If we can make any contribution to the subject then I assure you that the widest possible dissemination of the findings will be made.

I should like to take this opportunity to express the Institute's thanks to the Permanent Heads of the various prison services who willingly accepted the idea which was put to them and also to the various staff associations for their cooperation in the project.

In introducing the theme for our seminar I propose to set before you some of the observations I made and impressions I received during the last six weeks in which I represented the Institute in discussions, conferences and such like in fifteen cities and in the course of some 33,000 miles of travel. Our Institute is required to take its place in international considerations of crime prevention and treatment and I found great interest in Australia in general and, with the people I met, in our correctional services in particular.

#### SINGAPORE

The little 224.5 square mile island of Singapore is an example to the rest of the world in its cleanliness, the result of a vigorous government-inspired,



sanction-enforced, public participation programme. The crowded, noisy city bustles with energy. I was there during its nationwide campaign aimed, by posters, media presentations and a massive promotion project, to 'Keep Singapore Crime Free'. A well-run probation service is encouraged to direct its energies towards the rehabilitation of offenders. However it seemed to me that there is no conflict or confusion of roles and goals between rehabilitation and security in their criminal justice system at the present time. I had the opportunity to scan a very recent official report and recommendations on the prison service, and also to discuss the report's findings and prevailing attitudes with senior officials. So far as they are concerned security is the business of the prisons service and punishment is seen as an effective deterrent. The report's recommendations include more and better prisons, with attention to maximum custodial conditions and the use of the cane as punishment, together with imprisonment for such prevalent offences as robbery. There were no apologies to my suggestion that such attitudes might be setting the clock back. The end was believed to justify the means and punishment was believed to be required by government and public as a way of controlling the incidence of crime. So far as Singapore is concerned today it seemed to me that the feeling is that the probation services do the rehabilitation, but the prisons are concerned with security of the public through the custody of offenders.

#### SRI LANKA

A visit to Sri Lanka was not part of the original plans for my tour but it was included at the last minute as an en route stopover between Singapore and Bombay and at the suggestion of Dr V.N. Pillai. During his term as Visiting Expert at this Institute Dr Pillai expressed the view that both Australia and Sri Lanka would benefit from an exchange of views with the Commissioner and senior prison staff in Colombo. Events did not exactly transpire as planned but I had a private discussion with Commissioner J.P. Delgoda and one of his senior prison officers who is hoping to migrate to Australia shortly. The evening before I left I had an exciting discussion with a score of their senior prison officers. The thing which surprised us all was the extent to which we shared common problems and concerns. Mr Delgoda is here himself and I shall leave it to him to present his own viewpoints in due course. I would just say that on the basis of our discussions there I formed the impression that the most pressing problem in the prison service in Sri Lanka concerns remand prisoners.

#### KENYA

In Kenya there is no question as to competing claims between security and rehabilitation. The word 'rehabilitation' is written in large block letters as the objective of the main prison in the Nairobi Province. It was my privilege to address over 1,000 prisoners and staff in that prison - Kimanti - at an impressive open-air gathering. On the other hand I was impressed with the military-like discipline and emphasis on physical fitness which is obvious in the Prison Officers' Training School and in the amazing number of trophies won by individuals and teams in regional, national, international and Olympic events.

Notwithstanding an attention to religious and moral education which would amaze many countries, a highly effective vocational and educational training programme and very efficient prison industries the prison service of Kenya has had its security problems. Escapes are not unknown and a most serious riot broke out in the period between the Third and Fourth United Nations Congresses resulting in the death of an officer and reprisals that showed only too clearly that not only prisoners but officers are human.



An aspect of prison routine which made a pleasant impression on me was the practice of retaining prisoners' names as well as identification numbers on all clothing and documentation and in the addressing of a prisoner by an officer. Another impressive practice was the friendly, approachable, two-way relationship between very senior officers and the prisoners without any loss of respect, dignity or authority. I listened to an officer of Assistant Commissioner rank discussing an offence and court appearances with a country woman who had been charged with the murder of the woman with whom her husband was living. It was a pathetically familiar developing country situation; wife keeping home fires burning in the village while disillusioned, frustrated husband fails to find the el dorado in the city. Rehabilitation for that woman calls for a high degree of understanding and practical aid which has low priority in the competing demands of the transitional economies of much of the Third World.

#### INTERNATIONAL COUNCIL ON SOCIAL WELFARE

The exchange group with which I worked at the International Council on Social Welfare in Nairobi represented a significant number of the 75 countries sending delegations. Although Non-Institutional Treatment was our subject, a lot was also said about institutional treatment. It was of interest that a minority were concerned that the element of punishment should not be overlooked. Australia and New Zealand, somewhat to my surprise, were acclaimed by one non-Australian as examples of forward thinking with regard to emphasis in sentencing and restitution, compensation and original alternatives to sterile, unproductive, expensive, disabling penal programmes. Certainly, the Australian Institute of Criminology, through its very effective display booth, its wide dissemination of thousands of copies of publications and its representation in exchange group programmes and discussions about further international forums, in public meetings and in conversations with delegates from other countries, was credited with modern thinking and ascribed a leadership role which has considerable possibilities for the future.

#### CAIRO

Anyone who wants to do some field work in extortion, bribery, corruption, blackmail, robbery and pick-pocketing would be advised to ride a camel to the Pyramid of Cheops near Cairo! If he wants to see an Institute which conducts training and research in both the criminal and forensic sciences, against a background of social welfare, he could usefully spend time at the well-equipped impressively staffed Institute set up originally by the Government of Egypt. Founded soon after Independence and, more recently, accepted as an official crime prevention and treatment research and training institute by the United Nations, the Cairo Institute has as its Director Dr Ahmed Khalifa who was formerly the Egyptian Minister for Social Affairs. At a time of considerable tension in foreign affairs it was not considered appropriate to request an inspection of penal establishments but the activities of an internationally acknowledged Egyptian Prisoners Aid Society suggests an awareness of the claims of rehabilitation in the treatment of offenders notwithstanding excessive poverty, especially in rural areas, an over-populated countryside and a shortage of resources available for welfare projects.

#### SPAIN

The political situation in Spain is such that I dare not even reveal the identity of my informant, nor the extreme measures we had to take to talk freely without the risk of secret police knowing of our discussion. Since



all news, local and overseas, is censored and the learning of foreign languages not encouraged, there is minimal interchange of ideas between Spaniards and others. Officially crime, delinquency and deviance do not rate as problems. Industrial unrest is not possible as anything which even resembles serious discussions about working conditions, for instance between three or four persons in a pub, promptly invites investigation. Special mounted police quickly quelled a workers attempted boycott of a public bus service. The only elections are for minor local government bodies with little effective power and in such an atmosphere that the main wish of the average man is to keep out of trouble and mind his own business. But there is crime; bank holdups, graft, extortion, corruption, prostitution on a grand scale involving girls of fourteen years of age, car thefts by juveniles and a significant number of robberies.

According to legend the city of Toledo was founded some 2,000 years before the Christian era. Romans, Visigoths, Moors, Arabs, French and Spaniards have all contributed to its history and its present architecture. I saw the archway under which rulers administered justice in ancient times, the Arcade la Sangre, and above that arch is a chapel in which Mass was offered in intercession for those about to be executed. Fierce battles raged in and around Toledo in the Civil War which brought Franco to power and many Toledo buildings were severely damaged. Some famous religious mystics and poets were held prisoners in various cells. The famous Posada de la Hermandad, with its late 15th century facade was formerly a prison and the Tribunal of the Santa Hermandad, an ancient police body formed to protect the people of Toledo. It is of some interest to note that this prison and police service was later incorporated by the Catholic Sovereigns in a much more extensive, national law enforcement body.

In the heart of Madrid is the Plaza Mayor, built by King Philip III in 1619. This is the square where were carried out the public punishments of the Inquisition. There was a particular place where sermons on the advantages of rehabilitation were preached to those accused by the Inquisition - it now gives its name, The Pulpit, to a popular restaurant. Just one final point about historical locations in Spain: what was built in 1634 as the Court Prison, in the Plaza de Santa Cruz is now occupied by the Ministry of Foreign Affairs.

For the reasons I have implied I am in no position to comment on the conflict of security and rehabilitation in Spain. I suspect that the major emphasis is on security.

#### UNITED STATES OF AMERICA

Without doubt the most shattering series of events in post-Vietnam American history have been all those trials and events grouped together as Watergate. I was in the national capital when John Dean was sentenced and the House Judiciary Committee was before the television cameras reaching its momentous articles of impeachment decision. In one trip, just by chance, I passed the Watergate Hotel, the court where the cases were being heard and the White House. Not once did I hear a kind word about Nixon. As I strolled back to a bus after visiting the Kennedy graves in Arlington National War Cemetery a senior citizen told me that her country was morally bankrupt. Others are seeing the constellation of the Agnew and Watergate affairs as a vindication of democracy and justice.

It seemed to me that one good thing likely to come out of the sixteen Watergate court cases so far heard is a closer look at judicial sentencing practices. Some say that the sentences on people like Charles W. Colson,



Herbert W. Kalmbach and former Attorney-General Richard G. Kleindienst have been too lenient, while others argue that the sentences have been either appropriate or too harsh. An interesting report in the *New York Post* (27 July, 1974, p. 2) quoted the reaction of A.L. Wirin, Chief Counsel of the American Civil Liberties Union for 42 years. He was reported as having said - 'The ACLU wants to discourage violations of the law, especially violations by men of power in high places, but prison sentences won't accomplish that. Prison just isn't the kind of institution that these wily, ambitious, amoral, self-serving President's men will get any benefit from - not for themselves nor for society.'

A different attitude was expressed by Attorney-General Saxbe (a Nixon appointee) who said - 'It is hardly reassuring when one man goes to prison for years for theft while another man involved in a conspiracy to steal our freedoms is in and out of jail in the wink of an eye... Criminal violations cannot be tolerated on the part of anyone - no matter what position of public trust they may have held, no matter how glib their attempts at justification may be.'

One other viewpoint that deserves consideration is that of Professor Earl Johnson of the University of Southern California Law School who said - 'All of these men have already been subjected to disgrace and humiliation just by being discovered and prosecuted and convicted. They've been stripped of their power and influence and their status and good name. Some of them may lose their licence to practice law. All of them will be stigmatised for life. That is not only sufficient punishment for the individuals involved, it's also more than enough to deter future Presidential advisers and others in similarly high places from doing the same.'

Americans are being forced to look again at the purposes of sentencing - the conflict of security and rehabilitation is a very contentious issue for them. Words like 'deterrence', 'examples', 'retribution', 'reaffirmation of society's values and standards', 'accountability' are filling newspaper columns now as well as the writings of penologists. Equality before the law, especially in a race-ridden society is being sharply reviewed and contrasts between 'suite criminals' and 'street criminals' are being drawn. There is still much more to be heard about the Watergate affair, but its basic issues have relevance to all democratic societies.

It is not unfair to say that amongst North American social scientists there has been a lot of adherence to a deterministic position largely based on Freudian principles. Much of the practice and precepts of psychiatrists, probation officers and social workers in correctional services has been deterministic in approach. However the judicial position holds man responsible although the erosion of traditional judicial sentencing practices by delegation to executive discretion might be seen as a concession to the deterministic position. Now the Watergate affair is presenting a new challenge to determinists. Responsibility based on an assumption of free will appears to be the key issue and the opinion I formed, as I read the reports and watched events on American television is that security and punishment rather than rehabilitation and treatment are the predominant factors in dealing with the accused.

It is interesting to speculate on the possible fate of John Mitchell, Nixon's former Attorney-General, an avowed law and order man, critical of soft treatment for offenders, who now comes up for his turn in the spotlight of the Watergate trials. In a speech before the International Association of Chiefs of Police at Miami Beach, Florida, on 29 September 1969, Mitchell spoke of liberal social scientists who were able to 'explain the motivations of the criminal, but who can do little to protect the innocent against the



mugger or armed robber.' Such a hard-line approach is gaining strong support. The irony of it is that one of its most outspoken proponents may himself be one of the victims of his own remedies.

This hard-line approach will probably become increasingly evident in Australia in the near future. It is already finding support overseas by such distinguished academics as Northwestern University Law Professor, Fred E. Inbau, who was formerly Director of the Scientific Crime Detection Laboratory of the Chicago Police Department and the former editor of the *Journal of Criminal Law, Criminology and Police Science* (see 'The Case for the So-Called "Hard-Line" Approach to Crime' by Fred E. Inbau and Frank G. Carrington in *The Annals of the American Academy*, September, 1971, pp. 19-27).

This hard-line attitude offers a fairly simplistic approach to the alarming increase of lawlessness. It relates increases in crime to the permissiveness shown towards criminals and points out that, no amount of elaboration on the question of whether or not the assailant came from an environment of poverty or a broken home makes the robbery itself any the less a crime. (Inbau and Carrington *op cit* p.20).

Within this type of thinking the increases in crime are put down to three failures - failure to apprehend criminals, failure to convict criminals and failure to incarcerate criminals. It must be pointed out that the proponents of this hard-line approach are not insensitive to the social factors which give rise to delinquency and crime. They do not minimise the value of programmes of rehabilitation for those who have been convicted and who are likely to be responsive to rehabilitation.

It accepts the criminogenic elements in unsatisfactory environments, inherited propensities, lack of equality in educational and vocational opportunities and socio-economic deprivation, but it gives first priority to public security. It points out that the greatest number of victims of crime are the poor, the deprived and, often, ethnic minorities. So strongly do these hard-liners feel about the need to take firm measures to deal with crime that it is organising citizen action groups which follow a judge's sentencing record and report to the public whether or not the sentences a judge imposes are in the best interests of public security.

#### CONCLUSION

With a timing that authors and publishers dream about, a new book by Professor William Clifford was on the bookstalls in Nairobi in time for the ICSW Conference. The subject of the book is *An Introduction to African Criminology* (Oxford University Press, Nairobi 1974).

Clifford was writing for developing countries in particular but his ideas are relevant to Australia and deserve consideration in this seminar. He says that (p.192) - 'Perhaps reality demands that every country should have at least one maximum security institution for the apparently irredeemable recidivists or the specially dangerous offenders.' For Africa Clifford suggests a wide range of mobile prison camps adapted to the developing needs of the nation as well as the needs of the offenders. In such a programme special liaison with both official and unofficial agencies would be needed and instead of being called the prison service Clifford asks whether a more appropriate designation might not be the rehabilitation or reintegration service?



There are many useful ideas in Clifford's book but just one more can be mentioned here and that is his reminder that (p.196) 'Basic humanitarian conditions for offenders have no necessary relevance to the reformatory or rehabilitative efficiency of a prison or community programme...[good conditions] are necessary to keep a sufficient standard of civilisation in our treatment of offenders.'

It is very easy to make sweeping generalisations about the treatment of offenders and I am aware of this danger, but I think it is appropriate for me to make some at this time. Some efficient victimisation surveys being conducted in a number of American cities show that crime and delinquency is much more extensive and occurs more frequently than official statistics show. Millions of people live in constant fear of robbery and violence. The whole way of life of people in a city like New York is dominated by fear of crime. There is, in Australia as well as in countries I have visited, a back-lash which demands security above all - which espouses punishment without ambiguity and which puts concern for victims before rehabilitation programmes for offenders.

However, at such a time, the correctional services in many parts of the world are in turmoil. With bitter memories of 35 killed in the Attica riot I watched on television, the reports of the recent eleven-day Texas State Prison siege in Huntsville in which two women, the librarian and a school teacher, out of thirteen hostages as well as two prisoners were shot and others seriously wounded, including a chaplain.

The French prison system has been going through an agonising crisis in which six persons have been killed in disturbances which have affected more than 40 of France's 140 prisons. The criminal justice system has been seriously disrupted; guards went on strike, prisoners could not be released and new convicts could not be admitted to prisons.

The Quakers and others in Pennsylvania, in a widely read book *The Struggle for Justice* have condemned the individualised rehabilitation model which singles out the poor, coloured, helpless, deprived sections of society for its attention while white-collar crimes of Presidents and Vice-Presidents point up anti-social acts with far more serious implications which have often evaded justice. Powerful corporations, such as the Associated Milk Producers Inc. have been able to buy political support for their own advantage with, on conviction, no more serious disability than a fine which is only a fraction of the total funds involved.

Some people are saying that traditional forms of probation and parole treatment have been ineffective; others are saying that such treatment has never been properly tried. Some, usually professionals, are denigrating the use of volunteers in rehabilitation programmes, while others, such as Mr Don Sinclair, the Deputy Minister for Corrective Services in Ontario, Canada, are enthusiastic about the role which volunteers can play.

There is still much talk about community based correctional services, with prisons as a last resort. Many are saying that prisons have failed to curb crime and that, in the United States of America in particular, no more prisons should be built. There are loud voices advocating the reduction of periods of incarceration to as short a time as possible.

There is much talk about citizen action to control crime and delinquency, community treatment, community alternatives to prison, diversion from the criminal justice system, decriminalisation, diversification, the new criminology and other panaceas. I was in Washington when the first



consideration by selected experts was being given to the uses of the satellite put up by NASA partly for the use of the Law Enforcement Administration Authority and I heard a lot about footprints and new technical terms which relate not to crime detection as such, but the coverage of satellites.

On one point I have found general agreement - something must be done because society cannot go on without coming to grips with the threats to its existence now posed on such a scale, with such ruthlessness and often, with great technical efficiency.

In the final analysis this seminar is really about the objectives of our prison services. Perhaps I should have said objective, for in its simplest terms that objective, surely, is the prevention of further crimes by those who are committed to correctional institutions.

Let me close by repeating a story which was told at the 1958 seminar by my late, highly esteemed, friend, Professor Paul Tappan whose untimely and tragic death deprived criminology prematurely of one of its greatest modern teachers.

Professor Tappan told of a rather persistent offender who came up before a judge for sentence for a series of offences. He was committed to prison with hard labour for two 99-year terms, to be served consecutively. Rather pathetically the offender, on hearing his 99-year sentences, said to the judge; 'Your Honour, I cannot do this amount of time,' and the judge said; 'That is alright young man. You go there and do as much of it as you can.'

In this seminar we are confronted with issues of great importance to the communities we represent. We don't expect to solve all the problems or even to define them. But let us do as much of it as we can.





## WHAT IS THE ROLE OF THE PRISON OFFICER?

F. J. CASSIDY

An editorial appearing in the *English Prison Service Journal* published as recently as October 1973 reflects on the concern that the English prison system should have for its staff. The content of the editorial is significant for this seminar and in particular to this session: What *is* the role of the Prison Officer? I therefore propose to quote it as an introduction to this paper:

'When the penal history of this decade comes to be evaluated, the most significant feature to emerge may well be a sudden concern of the prison system for its staff. This is a more remarkable out-turn than might at first sight appear, for it is a fact that all the chronicles of prison reform over the last century have a great deal to say (quite properly) about offenders, their causes and conditions, the moralities and practicalities and methods of deterring or rehabilitating them, etc., etc., and about the merits and demerits of prison buildings, but little or nothing about the men who really run the show (apart from the individual contributions of a handful of gold-dust governors), the conditions under which they work, how they see their task and its discharge, what they think and feel.

Only one writer (J.E. Thomas) seems to have considered the English Prison Officer worthy of a book to himself - a book which will be found of increasing reference value to the professionals and the policy-makers as they face the need to design a prison system for the last quarter of the twentieth century - a need which has been lent some urgency by the recent direct attention-seeking of both prisoners and officers.

Yet many governors and administrators (and a very few outsiders) have for long recognised that any system of dealing with the incarcerated, however inspired its philosophy or sophisticated its methodology, however sincerely meant and applied, must fall short of its aim unless subscribed to by the majority who have to implement it. For the dichotomy of prison exists not only between the seeming irreconcilables of custody and treatment, but in the self-cancelling (and for both inmates and basic staff, the highly confusing and cynical) effect produced when fine phrases from on high are so patently denied by the day-to-day realities of their situation.

It is not a question in prison; any more than elsewhere in society, of taking a popular referendum about what should be done; it is the business of leaders to lead, and of staff to be guided. But it is a question of acknowledging, perhaps for the first time fully, that people required to perform a difficult, demanding and often obscure task matter, that it is essential to attract and recruit sufficient of them of good quality, to look well to their pay and conditions of service, to consult, train and respect them.



'These things are not union matters, they are part and parcel of the whole involved pattern of penal reform. To neglect them is to guarantee that the prisons will remain as ineffectual in the constructive aspects of their task as their worst critics declare them to be.'

The task of the prison officer in Australia, and his involvement in the correctional process is the subject of much debate. He has faced up to some dramatic changes in the prison system. These changes have not always brought about the desired job satisfaction, that should have materialised; on the contrary, to some officers it has resulted in frustration, insecurity and at times a feeling of inferiority. Rightly or wrongly they feel that they are not sufficiently consulted on matters of treatment and methods of rehabilitation, which directly affect the discipline and control of the prison. They want to become more involved in the treatment programme, and actively participate where their services can be of most value.

H.T. Klare in *People in Prison* makes the following observation:

'In no other role are the conflicting purposes of imprisonment - punishment, deterrence and rehabilitation - so manifest as in that of the officer. For they are often able to see very clearly that inmates have problems, do suffer and may arouse sympathy and compassion. Of course a dedicated disciplinarian will not allow himself to be involved and there are many still like that in the service.'

On the other hand a flexible and sympathetic person can readily sense the difficulties which individual inmates have and can have a considerable impact on their attitude to themselves and others.'

It may be appropriate at this stage to go back nearly twenty years and look at what *was* the role of the Prison Officer. In this context I can speak with authority on the prison services in South Australia.

At that time the guard or warder as he was then named, received no initial training. He was recruited straight off the street and after a short briefing by the head of the institution and the chief guard, was handed a bunch of keys or a rifle and assigned to the most arduous of duties, usually consisting of a round of out posts and tower duties, lasting for a period of six weeks or more. During that time he had little or no direct contact with prisoners. It was some time before he was trusted to engage in what was considered the important duties of escorting prisoners to courts etc. He had to learn the hard way, on the job, listening and watching the more seasoned officers in their rough and tough approach to the criminal. He was indoctrinated into the worst aspects of handling inmates. It must have been quite an ordeal for him, when he made his first charge, reported the prisoner to the superintendent and subsequently gave evidence before the visiting justices. After that experience he was blooded and was well on his way to becoming a fully fledged 'screw', (the inmates term for the prison officers), and more readily accepted by his fellow officers. If there was anything good that you could say about those days, it would be the fact that the officer knew where he stood. His job was not complicated, it was clearly defined. His role was that of a strict disciplinarian, and custodial officer in the very narrow sense of preventing misconduct and punishing those involved.



There was no sideways movement to his task, he had to be straight down the line. His job was to exact discipline by repressive measures, and physical punishment, for these were considered the best methods of maintaining control. He was not allowed to talk to prisoners except on a point of duty. If he did, he was accused of fraternisation, which was a serious breach of the regulations. There was no question of bending the rules. Every infringement of the rules no matter how trivial had to be reported, for example, if a prisoner was found with a stub of a pencil in his possession, the offence was considered serious enough to have him locked up, his privileges and tobacco removed from his cell while awaiting trial before the visiting justice.

The quality of a good officer in those days, was a good voice, an overbearing and dictatorial attitude, and when the occasion demanded fairly useful with his fists. I repeat, his role was clearly defined, there was no confusion, no insecurity providing the officer measured up to these specifications, and I suspect there was more of a feeling of superiority rather than inferiority. I also know that there was a feeling of frustration among a number of officers who fully realised that this method of discipline and control was not achieving anything other than a fierce bitterness against authority, creating dangerous tension and unrest throughout the system. The officers cannot be held responsible for this role, because in those days the general school of thought was that prisons should be tough places where no one would wish to pay a second visit. It is significant to note that the recidivism rates in those days was higher than it is today.

The head of the institution also had his role clearly defined. There were very few privileges to give or take away from the prisoner. He was rarely side stepped. It was a simple 'yes' or 'no' answer to requests, and more often the answer was 'no'. His concern was to ensure that strict discipline and control was maintained at all costs, that his officers did not fraternise or traffic with the prisoners. He had solitary confinement cells and bread and water to assist him in enforcing this type of discipline.

There were no complications with classification committees, specialists, and professional staff for the simple reason that there weren't any. The prison chaplain, Salvation Army and Prisoners Aid, were the sum total of social and treatment services available. Retired part-time medical officer, and prisoner medical orderlies, were the sole means of caring for the prisoners health, unless he was admitted to hospital.

The conditions and disciplinary measures used in those days were considered to be a deterrent against prisoners committing offences in the prison.

In the 1870's the punishments awarded for breaches of the regulations were very grim. The following extracts taken from the Superintendent's Journal during the period 1870 to 1892, highlights the type of punishments awarded.

Monday 28th November, 1870.

Prisoner O'DONNELL was sentenced to 3 months Solitary for repeated offences.

Thursday 1st December, 1870.

14 pound irons put on prisoner O'DONNELL in accordance with orders of the Comptroller.



Friday 10th March, 1871.

Prisoner O'DONNELL reported for destroying Government property. Prisoner O'DONNELL placed in handcuffs to prevent destruction of Government property.

Thursday 20th July, 1871.

Prisoner O'DONNELL ordered to be kept in his cell (on No 3 Ration) to await a Visiting Justice for breaking Prison Regulations.

Wednesday 26th July, 1871.

Prisoner O'DONNELL was sentenced to receive 50 lashes [presumably for repeated infringement of Prison Regulations].

Wednesday 2nd August, 1871.

The punishment of prisoner O'DONNELL put off by direction of the Comptroller (as the Visiting Justices had their own affairs to attend to) until 1.00 p.m. Monday next.

6th April, 1877.

Prisoner CAVENAGH [apparently a consistent offender] to receive 100 lashes.

Prisoner E. THOMAS also to receive 100 lashes subject to the report of three Medical men as to his [Thomas'] state of mind.

The conditions that existed in the 1870's, and to a much lesser degree up to the 1950's did not deter people from committing crimes. The crime rate went on increasingly despite the nature of these deterrents. Brutality in prisons accomplished nothing, except to embitter the prisoners and create a tense atmosphere of a hatred against authority.

It was not until the 1950's that South Australia really began to concern itself with the new approach in the field of treatment and rehabilitation. It was very quickly realised that before any definite step could be taken in the reformation and treatment it was essential to set up a training centre to train officers in a more humane approach to the treatment of prisoners and to assist in the development of a rehabilitation programme.

In 1956 the Department established a training school for prison officers and a programme of training was introduced to cover all phases of prison management and approach in the training and treatment of prisoners. Officers are now being trained to approach the job in a more technical manner. They are trained as leaders and counsellors, trained to have patience and understanding, to influence prisoners by setting an example and to assist and encourage them to talk and discuss their problems.

In South Australia we have two major training courses for Probationary Prison Officers. One is a Stage 'A' Course which is of five weeks duration, both classroom and on the job training. These people are in training for the first five weeks of their employment, then they go on the job for a period of five months. Then they return back to the Training Centre for what we call Stage 'B' training for a period of one week. At this stage they are appraised, reports are submitted and they are considered on these



reports for either permanent appointment, perhaps another three months on probation, or their services are terminated.

Officers are encouraged to enrol for courses available at the Institute of Technology and the Education Department which include such subjects as Supervision Certificate, Group Work Certificate and Residential Care Certificate.

For promotion through the ranks to Chief Prison Officer grade we have a selective examination and any officer, irrespective of his length of service may sit for this examination. We have recently placed an additional subject on the agenda, which is the successful completion of the Supervision Certificate.

The Criminal Law and Penal Methods Reform Committee under the chairmanship of her Honour Justice Mitchell, assigned by the South Australian Government to examine and report and make recommendations in relation to the Criminal Law and Penal Methods, have now recommended the creation of a three year College of Advanced Education Course leading to a Diploma of Correctional Science as a minimum qualification for appointment to a senior position in the correctional services or to permanent probation and parole officer.

The Committee also recommended that prison officers be given every encouragement by way of time, facilities and tuition fees to advance their secondary education to the point of eligibility to undertake the diploma course. Initial investigation into the content of such a course is already in the discussion stage with the College of Advanced Education, Salisbury, who are interested in providing for this course.

In addition, an Officers Training and Development Committee has been formed, consisting of a member of the Public Service Board, three senior officers of the Department, including the Director of Correctional Services and a prison officer who has been nominated by the Association. This committee is in the process of investigating the training needs of the service. An intensive survey has already been conducted into all aspects of the prison officers duties. A Training and Education survey questionnaire was circulated to all officers to assess their reaction to the various aspects of their duties and involvement in the treatment and rehabilitation programme.

#### REHABILITATION IN CORRECTIONAL ESTABLISHMENTS

We should reflect on the meaning and the aim of rehabilitation as it should apply in our correctional establishments. It is the development of a continuous process of institutional training, treatment and parole and should be based on the following:

Scientific classification and programme - planning on the basis of complete case histories, examinations, tests and studies of the individual prisoner, fully coordinated psychiatric and psychological services properly related to the education and work programmes, discipline in the training sense. Individual and group counselling and preparation for parole. Academic and vocational education in accordance with the individual needs, interests and capabilities, library services, designed to provide recreation and indirect education. Organised physical training, indoor and outdoor recreation to promote good morale and sound mental and physical health. A



religious programme and spiritual counselling provided by the chaplain. Discipline that aims at the development of self-control, and the preparation for discharge or release on parole, not merely conforming to institutional rules. The provision of building and proper facilities and equipment to cater for the various programmes and activities of the institutions. The importance of obtaining carefully selected and competent well trained staff to promote a high standard of morale and efficiency.

It is generally accepted that the most effective influence in the prison system is the prison officer and this includes all grades: base grade, seniors, trade instructors and chiefs. It follows therefore that if treatment and rehabilitation programmes are to succeed the prison officers must be encouraged to participate where possible and certainly be consulted before any new scheme is implemented. Because of the nature of his duties and the type of institutions, the extent to which he becomes involved will be limited, but this should not be a bar to his involvement in the discussion and planning of new schemes, and he should be encouraged to be critical with a constructive attitude, which should result in his full support and cooperation in the implementation of any new project. There will always be a number of officers who do not want to be involved and are content to carry out their normal rostered custodial duties. Then there is the hardcore who don't want any part of it and won't support reformatory training, particularly if it is likely to make their job a little bit more difficult and complicated. However, I feel that this category is in the minority.

The Training and Educational survey questionnaire to which I have previously referred, produced the following results:

1. Do you see the present role of the General Duty Officer described as

63 Custodial	= 30.144%
5 Man Managers	= 2.392%
153 Custodial and Man Managers	= 73.2%

2. Would you like your present role	<u>Yes</u>	<u>No</u>
To remain custodial only	11.0%	44.5%
Involve clerical duty	39.7%	12.0%
Involve welfare and counselling duty	75.6%	3.4%

I suppose this could be taken as a fair indication of the reaction of officers in all states if they were to be asked the same type of questions. If we accept this for the purpose of the exercise, we can feel sure that prison officers generally are keen and interested in participating, assisting and supporting such programmes, if they are brought into the planning and discussion stages.

J.E. Thomas refers to a document published in 1963 by the Prison Officers Association in England. I would like to quote an extract from his book:

'Because of the ever increasing eminence of the reformatory aim, and the consequent depression of the controlling task, the prison officer began to express some distaste for his work. In 1963 the Prison Officers Association published a three page document,



"The Role of the Modern Prison Officer", which is unique since it set out an account of the officer's position as he saw it. It begins with a precise and accurate description of the bulk of the work performed by the majority of the officers:

A day's duty for an officer usually comprises nothing more or less than unlocking the men and locking them up again; escorting them to exercise, to the workshops and back again inside the prison; feeding them and at the end of the day, finally locking them up and checking them for the night.'

Thomas goes on to say that this document was unanimously accepted at the Prison Officers Association Annual Conference in 1963. In essence, it proposes that there should be five aspects of the role of the officer which would mean five grades of officer: first, there would be group work officers who had passed through the group work training part of the programme for which no great academic learning is necessary; next, come the rehabilitative officers; another group role whose difference from the previous grade is not clear, except that their training would be to a higher standard; the fourth grade would be welfare officers, who would do what welfare officers do at the moment; finally, there would be a grade which would work in liaison with the after-care associates.

The document concludes with the hope that the proposals will eradicate a common attitude among prison officers which reflects a bitter hopelessness.

Thomas concludes in part by saying that apart from the major disadvantages of an entirely wrong structure, the proposals were not realistic because of staff attitudes to, and expectations of, the role of the officer.

#### THE ROLE OF THE PRISON OFFICER

We have examined the seemingly irreconcilable role of the prison officer and the dichotomy apparent on the surface between rehabilitation and custody, between treatment and punishment.

It may be advisable for us now to recapitulate but in a little greater depth the various tasks which he is required to perform within the correctional system, and the extent to which he is or should be involved. We as prison officers are well aware of these functions, but they should be spelt out in some detail if we are to more clearly define the role of the officer.

#### CUSTODY AND SECURITY

The primary function of any penal establishment, whether it be maximum, medium or minimum security, is to maintain custody of the offender until he is released by due process of law.

The prison officer is employed specifically to carry out this function, and it therefore must be regarded as his primary duty and responsibility.

The tightening up of security measures, as a result of the escapes of the train robbers in Britain, and the Mountbatten Inquiry has dramatically underlined the custodial nature of the job. However, we must also bear in mind that too much custodial restraint militates against rehabilitation programmes.



Custody and security is a highly skilled job requiring alertness, quick thinking, tact, positive action, and the ability to assess critical situations.

In the remand prisons, groups of offenders are received practically straight off the streets via the Police Courts. The group is usually a mixture of violent offenders, drunks, drug addicts, many of them still under the influence, some seething with hatred against authority, and others near collapse from emotional disturbance. Can one imagine a more dangerous collection of human beings than the officer is required to handle, and usually with the minimum of assistance? These people have to be searched, their particulars and identifications recorded. Some of these people are filthy dirty, clothing fouled and smelling, are unable to undress themselves, and have to be assisted by the officer to shower and change. Whilst the officer is attending to the care of these persons he has to be constantly on the alert for any attempt at escape or violent attack.

The security of an institution is the constant concern of all staff and only good training functions can ensure effectiveness in this area of work. He has to be alert to any weaknesses in the security of plant and loose equipment, which could aid in an escape or be used as a weapon.

#### DISCIPLINE

Some people do not like the term 'discipline' because they interpret the meaning in its narrow sense, as repressing only to the progress of preventing misconduct and punishing those involved.

Prison administration and staff have adopted a more realistic definition of discipline in the prison community as being concerned with good order, in the sense that individuals and groups proceed punctually and in an orderly manner to places where they are supposed to be, carry out satisfactorily their assignments; that they maintain the standards of orderly conduct that are reasonable and necessary when large numbers of people are living and working together.

The acts and regulations are quite clear on matters of discipline, privilege, rights, duties etc., and when the South Australian acts and regulations are revised later this year and the more medieval of them repealed or altered, they will become a set of rules that most people could live within. In fact, many of them would be no more restrictive, than could perhaps be found in a boarding house or student college.

Certainly prisons can be punitive when regulations are breached and the visiting justice or magistrate is called in to judge the particular circumstances; some people are quick to excuse this sort of behaviour by saying that a person in prison is in an unnatural situation and should therefore be excused such breaches. However, the community does not excuse breaches, that is why people are in prison in the first place, so how can one enforce any sort of learning experience on a person by punishing him for one breach but allowing him licence on another. It is a basic principle of psychology to reward acceptable behaviour, and this can be done in the prison setting by remission of sentences, parole and some privilege. It is equally a basic principle that disapproval of unacceptable behaviour should be shown.

It is the prison officers job to maintain this type of discipline. He does not have to be overbearing or dictatorial in his approach; in fact this part



of his role can be likened to that of the police officer. He is the policeman within the prison community, and must approach this aspect of his duties, as some good police officers do with courtesy, patience, understanding and determination.

#### TREATMENT AND REHABILITATION

This has been the field of much controversy and speculation in regard to the role of the prison officer. Dr Thomas in his book tends to regard as inevitable that the role of the prison officer is purely custodial. No prison administrator, and very few prison officers would agree with this theory.

Norman Fenton, Deputy Director, Classification and Treatment in the Department of Correction, California, poses the question; 'What is treatment in prison?' He then answers the question in very simplified form by saying that there are two major objectives in the treatment programme for the individual prisoner. These are:

1. To help the inmate to adjust well to institutional life.
2. To help him succeed after release from prison on parole or discharge.

Let us examine the first of these two major objectives and consider the role of the officer in helping the inmate to adjust well to institutional life. The first contact that an offender has with the prison officer is usually at the remand prison, and this is the commencement of his treatment. It may be his first introduction into a penal establishment.

The attitude of the admitting officer will probably be an indication to him, as to what to expect in his future imprisonment. If he is treated decently, and he observes efficient methods in admission procedure he will feel more inclined to cooperate, and respect the officers. If he is treated with an abrupt and stand-over attitude, his response is likely to be one of hatred and bitterness against authority. If he already had this feeling it could result in his emotions reaching the dangerous explosive stage.

The first impression therefore may effect his entire institutional adjustment and his attitude in the treatment programme may be considerably influenced by his initial experience. It can be said then that in the very first stages of the prisoners incarceration, the prison officer can influence him in one way or another. There will be continual influences which the prison officer can bring to bear in the adjustment of the prisoner to institutional life, to motivate him to enter into the treatment programme and accept the use of the facilities available to assist in preparing himself for release on parole or discharge. After-hours activities such as recreation, hobbies, debating, Alcoholics Anonymous groups and group counselling are all facets of treatment in which the prison officer can become actively involved. In this respect he plays a vital role either positively or negatively in the prisoner's rehabilitation.

Professional staff are essential in providing various skills in the application of treatment techniques developed by their respective professions. The medical, psychiatric and psychological services are the clinical team, and each using their respective skills diagnoses the type of treatment best suited to the individual's needs.



There are the other professionals and specialists such as the education officers, chaplains, social workers and probation and parole officers. All of these people using their respective skills, assist and advise the classification committee in planning the inmates programme. They and the prison officers are all important members of the treatment team.

I said early in the paper that the prison officer felt he was excluded from the treatment programme. There have been indications that he resents the intrusion of specialists, and is critical of the introduction of additional programmes of treatment. The feeling was strong that some treatment programmes interfered with discipline and the otherwise smooth operation of the prison.

On the other hand the professionals sometimes fail to encourage the co-operation of the officer, seek his advice, and try to understand the concern of the officer and the difficulties encountered in implementing programmes.

Every effort should be made by each group to cooperate in the planning and implementation of treatment and rehabilitation.

If the prison officer is sincere in taking his place as a treator in these programmes he must prove it by showing the utmost cooperation, and not condemn the programme before giving it a chance to be proved effective or otherwise. If the officers adopt this approach they will be demonstrating that they are a force in corrective treatment, which will greatly assist them in achieving professional status.

In conclusion, I would like to quote the words of Professor Norval Morris, Criminologist, University of Chicago in his book *Prison in Evolution*.

'If it is true that we are developing and increasingly applying penal sanctions differing widely from the traditional prison and that prison itself is in a state of flux moving towards a wide diversity of penal sanctions, there are many consequences of policy and practice which should be considered. For example, the task of the prison officer is suddenly one of much greater complexity than the maintenance of security and discipline; inevitably he becomes part of a larger correctional process with institutional and non-institutional facets, and should play a difficult rehabilitative role in a complex therapeutic community. And he must be better trained and better paid for these tasks.'



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## SOME RADICAL ATTITUDES TOWARDS LAW AND ORDER

MARY W. DAUNTON-FEAR

There is at least an element of truth in the old maxim; 'He who is not a radical at 20 does not have a heart; he who still is one at 40 does not have a head.' Of course not all young people would describe themselves as radicals and some of us who are touching 40, or have even touched it, would pride ourselves on nurturing a few radical ideas. However, when I use the term 'radical' today I shall in most cases be referring to the young and generally those who are undergoing some form of tertiary training. *Cassell's English Dictionary* defines a radical as 'one promoting extreme measures or holding advanced views.'

I should explain at the outset that in writing this paper, I am being forced to leave my usual niche in my ivory tower and enter somewhat unfamiliar territory which is more properly the domain of sociologists. The only reason that I have taken this step is that Frank Cassidy, who was planning the programme for this seminar, asked me and I found his request hard to refuse. Frank felt that the value systems of many students who become involved in demonstrations, violent and otherwise, are so far removed from the value systems of many law enforcement officers that any attempt by one group to understand the other is better than no attempt. I suppose most prison officers who are here today have at one time or another had radicals in their custody and may have felt mystified or even angry about the apparent abuse of privilege of tertiary education. If that is the case, the prison officers certainly would not be alone. In an attitude survey conducted by the NOP Market Research Limited for the *English Daily Mail* in 1970, respondents were asked to indicate whether they agreed or disagreed that certain remedies should be used for dealing with student violence.

The suggested remedies were as follows (and by way of a bonus I have shown also the political sympathy of the respondents):

<u>REMEDY</u>	<u>TOTAL</u>	<u>POLITICAL SYMPATHY</u>		
	(731) percent	Conservative (315) percent	Labour (255) percent	Liberal (64) percent
<u>Increase Social Discipline</u>				
Discipline at home should be stricter	78	81	76	76
Discipline at colleges should be stricter	88	89	84	75
<u>Increase Penal or Legal Measures</u>				
Students should be fined	86	87	85	80
Students' grants should be stopped or reduced	73	77	69	72
Courts should be tougher	86	88	88	73
Police should be tougher	68	68	68	59
Police should use tear gas	43	42	45	34
Prison sentences should be imposed	69	70	60	70



<u>REMEDY</u>	<u>TOTAL</u> (731) percent	<u>POLITICAL SYMPATHY</u>		
		Conservative (315) percent	Labour (255) percent	Liberal (64) percent

Mass Media

Violence on T.V. and films  
should be reduced

63

64

60

70

(Taken from Table XB of the Report on Attitudes towards Crime, Violence and Permissiveness in Society prepared for the English *Daily Mail* by NOP Market Research Ltd, March, 1970 at 31.)

According to the survey, respondents who thought that measures should be taken against student violence, thought that disciplinary measures would be appropriate on all fronts, at home, in college and by the courts. Although relatively greater emphasis was placed on financial measures such as fining students and stopping grants, there was still a high proportion of respondents who favoured the imposition of prison sentences and tougher police action. Even the use of tear gas in the case of student violence attracted a substantial degree of support. The researchers were interested to see that there was little difference between the responses given by those in different age groups, apart from the fact that the younger respondents did not seem to agree as to the need for stricter home discipline and the reduction of violence portrayed by the mass media.

Certainly stricter measures might have the effect of reducing the present manifestations of student violence, but what would be the consequences of a totally repressive system? In other words, why should society tolerate the disruptive effect of protest on the part of students or other radicals?

You may recall that in 1970, a report was made following the establishment of a Royal Commission to investigate the causes for a violent clash between police and demonstrators in Adelaide. The demonstration was organised primarily as a protest against the Australian involvement in hostilities in Vietnam but there was also general discontentment with the *National Service Act* and conscription. The Royal Commissioner, Mr Justice Bright, addressed his mind to the question of how far a free and democratic society should encourage freedom of assembly and discussion. He concluded that the rights should exist within the widest limits consistent with safety and the reasonable maintenance of other public and private rights. Even more positively, Mr King, the South Australian Attorney-General has pointed out that democratic government depends for its effectiveness on the formation of public opinion on issues facing the country. The formation of public opinion involves giving the maximum opportunity to citizens to influence each other's thinking. Those who do not agree with the laws and policies of the Government must have the opportunity to persuade others to assist in having the laws and policies changed. Democratic government necessarily involves the right to disagree.

1 Royal Commission, 1970, *Report on the September Moratorium Demonstration*, Government Printer, Adelaide at 34.

2 Proceedings of a Seminar on *Social Order and the Right to Dissent*, 1970, Adult Education Department at the University of Adelaide.



At this point, you may want to say that it is one thing to disagree and quite another to use violence and of course, such an argument is irrefutable. But real violence on the part of radicals is relatively rare. More often injuries inflicted are of a minor nature. However, one is now confronted by a different question: is it better to have a democratic system of government which encourages freedom of assembly and discussion even knowing that on some occasions this will lead to relatively minor skirmishes with the law, or is it better to have a totally repressive system in which human rights are regarded as of minimal importance and in which suspicion and espionage are rife? Ward and Woods, in their book *Law and Order in Australia* consider this question and argue that '[the] politician is better off having furious constituents wave placards at him outside Parliament House rather than write secret death threat letters to him; the corporation under public attack is better off having its office windows painted with slogans than its factory installations blown up; and the policeman is better off having angry demonstrators shout "fascist pig" to his face rather than snipe at him with rifles from roof tops.<sup>3</sup> The fact is that a system of repression may serve short term ends but these are likely to be heavily outweighed by the long term losses.

With considerable justification you may argue that it is all very well for me to preach a gospel of tolerance. I am hardly in the front line. It is the law enforcement officers, and particularly the police, whose interests should be safeguarded. Far be it from me to argue to the contrary, but I can only observe that a tougher line by law enforcement officers does not seem to safeguard their interests or make their task any more enviable. Rather, a tougher line probably produces on the part of radicals a polarising effect. It adds fuel to the fire of contempt and to the determination to free the oppressed from the perceived tyrant. Mr Justice Bright used strong terms to indicate his concern about polarisation of views concerning the police. He said; 'I believe that one of the greatest disasters that can happen to a police force is to become strongly supported by one section and strongly disliked and distrusted by another section of the ordinary non-criminal public.<sup>4</sup>' And although prison officers are not in the public eye to the same extent as police, I can see no reason to distinguish between them when considering the ill-effects of polarisation.

If we concede that it would not only be idle but positively harmful to repress dissent and protest, how can we not only live with it but also learn from it? After all, demonstrations are efforts to educate public opinion even though they are often counter-productive. I suggest that for those of us who find it hard to understand why students become involved in protest, it may help to know something of their backgrounds and beliefs. Unfortunately relatively little research has been undertaken on this subject in Australia. As far as I am aware, only one substantial thesis has been written and that was by Christopher Rootes at the University of Queensland. Most of Rootes' material was derived from a mailed questionnaire and he was the first to acknowledge the limitation of such methodology to determine what causes Australian students to become involved in radicalism.<sup>5</sup>

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3 Ward, Paul and Woods, Greg., 1972, *Law and Order in Australia*, Angus & Robertson (Publishers) Pty Ltd. at 40.

4 Royal Commission, *Report on the September Moratorium Demonstration*, op. cit. at 78.

5 Rootes, Christopher A., 1969, 'Australian Student Radicals', unpublished thesis for the degree of B.A. (Honours) for the Department of Government, University of Queensland.



Instead, he pointed to the need for Australian researchers to follow the lead of Keniston<sup>6</sup> and others in the United States who have conducted probing in-depth interviews with radicals and their parents. Both Rootes and Keniston have been very wary of advancing any unified characterisation of radicals which they have felt could not do justice to the enormous variety of outlooks, styles and personalities which were joined together in movements such as the New Left. Indeed, I am sure that anyone here who has much to do with student radicals will agree with me that the only respect in which one can almost count on uniformity between them is with regard to their hairstyles! Rootes found, then, that he could not speak of the typical radical but he could say that it was more likely than not that an Australian radical had attended a metropolitan high school, had lived in a metropolitan area during his school life, was the child of parents who rank highly on various measures of socio-economic status and who probably vote A.L.P. or Communist. Most radicals in Rootes' sample had assimilated quite well the ideas of their parents, if not the usual standards of society. However, most students regarded themselves as more radical than their parents.

Sometimes it is argued that radicals feel conscious of their own obsolescence or put another way, they do not feel needed by society. But Rootes did not find any evidence to support this theory; on the contrary, he found that many of the students in his sample had a preference for careers in service professions. He thought this might reflect a desire for flexibility but he thought it could also stem from a commitment to the principle of service to humanity.

No doubt idealism, to a greater or lesser extent is common amongst radical students and an American psychoanalyst, Robert Liebert,<sup>7</sup> has found that the really idealistic radicals will:

- (1) emphasise programmes with realistic and negotiable goals;
- (2) not pursue violence and disruptive tactics as sources of psychological gratification;
- (3) have the capacity to empathise with the oppressed and powerless;
- (4) have sources of pleasure and relatedness apart from political activity and
- (5) maintain a humanistic creed and follow it in daily life.

But Liebert did not believe that all radicals espoused such idealistic motives. At the other extreme, there appears to be those who are more determined to pursue entirely destructive goals, to use people as pawns in a political struggle and totally mask dreams of what might be with rage at what is and deny anything that is positive in order to maintain an essentially paranoid view. Needless to say, it is unlikely that many students fall into either of the extreme categories. Very few are totally idealistic. Very few are totally destructive.

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6 Keniston, Kenneth, 1968, *Young Radicals, Notes on Committed Youth*, Harcourt Brace & World, Inc. New York.

7 Liebert, Robert, 1971, *Radical and Militant Youth, A Psychoanalytic Inquiry*. Praeger Publishers, New York.



Liebert's findings are interesting in a number of respects because they emphasise the need to consider the total background of the radicals. It is all too easy to form superficial judgments but really one should make an effort to determine the total influences which are at work. Liebert interviewed 50 students who had taken part in a well-known uprising at Columbia University in 1968. He found that as far as the white students were concerned, the revolt was of the privileged, not the oppressed or the economically deprived youth. He noted that today's radicals are very different from the Marxist students of the 1930s who usually lived at home with marginally employed parents. Liebert's view is that today's radicals, having been amply provided with material goods, economic security and educational opportunity, have become increasingly aware that these things do not generate personal fulfilment, inner meaning or satisfaction. A relatively high proportion of Liebert's radicals were interested in social sciences and the humanities which he found hardly surprising, particularly as social scientists are by definition interested in the forces and dynamics accounting for the behaviour of people. Interestingly enough, Sol Encel, a well-known Australian sociologist, has found that in this country social sciences do not predominate among leaders of student radicalism. He describes law as the traditional breeding ground for radical politics in Australia.

Both Liebert and Flacks,<sup>9</sup> another American, have found that white activists tend to come from upper-middle class families which stress democratic, egalitarian interpersonal relations, permissiveness and values other than achievement. The families tend to emphasise the intrinsic worth of intellectualism, aesthetics and political ideals and there tends to be a lack of emphasis on qualities such as moralism and self-control. Liebert found that few of the Columbia students' parents had actually been radical themselves; rather the parents had been successful within the system. So while it was true that many parents expressed liberal-humanitarian values within the home, it was generally in an atmosphere of inconsistency between ideology and actual life-style. Many of the students had listened to civil rights rhetoric while at the same time they had watched the social and economic exploitation of the family's black servant. Many of the students apparently felt that while their parents had the choice of fighting for social justice, they had 'copped out' and had taken the safer and more remunerative path of life. On the credit side for the parents, however, Liebert found that when the 'chips' were down, they were generally supportive of their children and seemed to accept the view that principle and commitment are qualities of paramount importance regardless of whether they agreed with the goals and tactics of the student action.

I should add at this point that although it is attractive to emphasise factors in the students' backgrounds which may have influenced them in becoming radicals, the work of Liebert and Flacks is not without criticism.<sup>10</sup> Possibly they have exaggerated the significance of the parental role<sup>10</sup> and

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- 8 Encel, Sol. 'Sociology and Student Unrest.' (1965-1970) *Australia and New Zealand Journal of Sociology* at 3.
  - 9 Flacks, Richard. 'The Liberated Generation: An Explanation of the Roots of Student Protest' (1967), 23. *Journal of Social Issues*. No. 3 at 32.
  - 10 See Aron, William S. 'Student Activism of the 1960s Revised: A Multivariate Analysis Research Note' (1974) 52. *Social Forces*, No. 3 at 408.



the fact that activist students tend to come from privileged backgrounds.<sup>11</sup> Maybe Flacks is on safer ground when he attempts simply to describe the main value themes which are common amongst radical students:

1. Romanticism

By this, Flacks means that there tends to be strong stress on the quest for self-expression which is often articulated in terms of living a free life. This may well be coupled with aesthetic interests and a strong rejection of scientific pursuits or other activities which depend more upon logical analysis than humanitarian considerations.

2. Anti-authoritarianism

To those who have had a background in the armed services or any activity which has placed emphasis on regimentation, a hierarchical chain of command and the need for uniformity of dress or standards of conduct, this characteristic is likely to be foreign. However, among students few have experienced regimentation and even fewer feel the need for it. Such things are likely to be associated in their minds with arbitrary rules, centralised decision-making which does not take into account individual circumstances, manipulation, and promotion which depends exclusively on seniority and not at all on ability.

3. Egalitarianism

In the Australian vernacular, this perhaps can best be illustrated by reference to a concern which is refreshingly common in this country that everyone should be given a fair go. All sorts of implications flow from egalitarian beliefs including the need for wide political participation. I am aware of the fact that law enforcement officers feel that radical students give them anything but a fair go and to an extent, this is of course justified. I will say some more later about the way that opinions about law enforcement officers tend to be polarised.

4. Anti-dogmatism

Many students are suspicious of any institution, including churches and political parties which appears to hand down to its members, and possibly others, any established principles which are not open to question or even discussion. Similarly many students tend to become irritated by formulated explanations of the social order or events which often seem facile and lacking in depth.

5. Moral purity

You may perhaps find the name Flacks has given to this characteristic unacceptable and yet agree that the characteristic he describes is quite common amongst any activist students with whom you have become acquainted. He says activist students often have a strong antipathy

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11 Dunlop, R. 'Radical and Conservative Student Activists: A Comparison of Family Backgrounds,' in Macqueen, D.R. (Ed.), *Understanding Sociology Through Research*, 1973, Addison-Wesley Publishing Company, Massachusetts.



to behaviour which is seen to be self-interested, particularly where it is overlaid by claims of disinterestedness. Often the older generation is perceived as having sold out the values it espouses. Universities are by no means exempt from this criticism because it is argued that they fail to live up to their professed ideals, presumably the ideals of the objective pursuit and dissemination of knowledge. Universities or individual departments may be seen as having compromised these ideals for the sake of ensuring their own survival. I think the fact that many activist students are discontented with the structure of the universities and the activities of particular persons within the structure tends to be overlooked by people on the outside. So often the waged war is perceived as being between universities on the one hand and the rest of society on the other.

#### 6. Community

By this, Flacks means that there is a strong emphasis amongst many students, radical and otherwise, on the desire for human relationships where there is a full expression of emotions, a breaking down of conventional norms of behaviour concerning inter-personal contact (e.g. norms respecting sex, status, race and age.)

#### 7. Anti-institutionalism

This, according to Flacks, is a strong distrust of involvement in the conventional institutional roles. This may be expressed in a desire to avoid institutionalised careers, such as in a bureaucracy, and a distaste for the professions, sciences, industry and politics. I think that this particular characteristic may not be so common amongst Australian activist students as amongst Americans: indeed Rootes' findings suggest, as I have mentioned, that activist students may even have a preference for careers in service professions.

So much then, for the theory relating to radical students. Many of the views that have been expressed require verification, particularly in relation to the Australian scene.

You may wonder whether anything is to be gained by correctional officers concerning themselves with such theories, particularly if the theories must still be regarded as unproven so far as Australia is concerned. I hope I do not sound unduly sermonical if I suggest that no effort to understand other people is wasted and this is especially so with regard to correctional officers and people who may be detained in their custody. Radicals who are imprisoned tend to find they have not only a captive audience but a ready audience for their articulately expressed ideas and depending to some extent on the radicals' status, they may have considerable influence in the wider community as well. Currently there are many issues which are likely to bring radicals into conflict with the law. In the recent past the most prominent issues have been conscription and Australian involvement in wars between other nations. Unless solutions are found to some present problems, we are likely to find there is growing conflict on the issue of race relations in this country. Having been present recently at a Seminar at Monash University on 'Aborigines and the Law' and having witnessed first hand the hostility by radical blacks towards the white man generally and his system of criminal justice, I can only take a pessimistic view of the likely success of any measure falling short of self-determination. Whether



or not such a development ultimately takes place, it is difficult to imagine there will be any immediate reduction of radicals who find their way into custody. On the contrary, an increase is all too probable.

Lastly I should say that if the preparation of this paper has achieved no other purpose, it has at least convinced the author that no particular section of society should feel singled out for criticism by student radicals. Often their indictment is of hypocrisy, exploitation and undue authoritarianism. These faults are by no means confined to particular groups within the community: they are fairly evenly spread. Some members of society tend, by virtue of their occupation, to become scapegoats and this is especially so of police and to a lesser extent prison officers. There seems little doubt that radical students and law enforcement officers do exercise a polarising effect on each other. The more the radicals show contempt of authority the more authoritarian law enforcement officers are likely to become. In 1968, Anne Freud said that today's youth are more concerned with the problem of man against society than with the problem of man against himself. There seems no reason to believe this statement is less true in 1974.



## REMAND CENTRES - A LOOK INTO THE FUTURE

DAVID BILES

There is nothing original in saying that as a basic principle of Anglo-Australian justice an accused person is presumed innocent until he is proved guilty by the courts. No-one would seriously want to challenge this principle, but a close examination of the operation of the system of remanding accused persons in custody throughout Australia leads one to the view that the presumption of innocence is not always clearly perceived.

At any time in Australia today there are approximately 9000 persons being held in the 78 prisons which are maintained by the six States and the Northern Territory. Of these 9000 persons an approximate calculation suggests that over 1000 are in prison awaiting trial. This calculation can only be approximate as not all administrations provide details in their annual reports of the numbers of unconvicted prisoners. The relevant reports for New South Wales, Victoria, Western Australia and the Northern Territory do provide this information, but for the others one can only guess. There can be no doubt, however, that the total number of unconvicted prisoners throughout the whole country is over 1000 or, to put it another way, at least one out of every nine persons in our prisons is technically innocent.

These figures may not sound very large, a mere 471 in New South Wales and 216 in Victoria as at 30 June 1973, but one must bear in mind that it is frequently the case that prisoners on remand experience greater deprivation than do convicted prisoners serving sentences. The remand sections of the old prisons, often 100 years old, in our capital cities frequently provide little physical comfort or recreational opportunities. These people are often locked in cells for as long as 15 or 16 hours of each day. Some of them, of course, are actually or potentially dangerous offenders, but it must be remembered that all of them are innocent during this period of incarceration.

There can be no argument with the proposition that at least some accused persons could not be safely released on bail. Remand in custody may well be required to ensure the appearance of the person in court or to prevent the continuance or repetition of crime. In some cases also there is the fear that the accused person will interfere with witnesses and therefore must be at least temporarily removed from the community. Hence, remand in custody cannot be totally avoided, but in the interests of an equitable system of justice these people should not be subjected to degrading and humiliating conditions, nor should they be hindered in the preparation of their defence.

It has been argued by Milte<sup>1</sup> that offenders appearing at their trial from custody are at a significant disadvantage when compared with the non-custody cases on similar charges. Milte's research, even though his methodology could be criticised, is a clear indication of the probability that the person remanded in custody as compared to the person granted bail

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<sup>1</sup> Milte, K., Pre-trial Detention, *Australian and New Zealand Journal of Criminology*, 1 (1968), pp. 225-238.



is more likely to be convicted, and if convicted is more likely to be given a prison sentence. There are two possible explanations for this finding. In the first place, it is obviously difficult for an accused person in a remand yard to prepare an adequate defence, and secondly he may well adopt a defeatist attitude when he appears in court as he has become psychologically attuned to the experience of being a prisoner even before his trial.

A most interesting research project of a similar type was also conducted in Victoria by Martin<sup>2</sup> who examined the subsequent careers of 213 unconvicted prisoners who were being held in Victorian prisons in October 1970. Martin found in his study that 20 of the 213 were released on bail before appearing in court and of the remainder he found that 10 (5.2 percent) were acquitted, 21 (11.0 percent) were placed on probation, 18 (9.4 percent) were placed on bonds and 8 (4.2 percent) were fined. This means that of the 193 persons who spent the total pre-trial period in custody, 57, or just under 30%, were either acquitted or given a non-custodial penalty. One is forced to ask what measure of justice was being applied to explain the time that these people spent in prison. Perhaps some of those acquitted were able to raise technical defences, but of those convicted and yet given non-custodial penalties by the courts, the justification for prior imprisonment would seem difficult to sustain. They were clearly not highly dangerous offenders.

The study by Martin further revealed that persons held on remand were sometimes there for very long periods of time. One person, subsequently convicted, waited more than one year for his trial and even of those acquitted, two persons spent more than 13 weeks in prison and a further three people, who were also acquitted, spent more than eight weeks in prison. Of the 30 percent of the total sample who were either acquitted or given non-custodial penalties, more than half had in fact spent more than eight weeks in prison before appearing in court. All of this would not necessarily be a cause for concern if these people were detained in relatively humane and pleasant surrounds without any suggestion of punishment or degradation, but, as has been shown above, this is clearly not the case and the need for reform of remand centres is therefore obvious and urgent.

It must be remembered that in the future the types of persons who are remanded in custody will almost certainly be different from those in remand yards today. There is considerable interest at this time in the operation of bail systems throughout Australia (one of this Institute's research projects, for example, is specifically examining this area) and it is highly likely that, as a result of this interest, two changes will occur. In the first place more accused persons are likely to be granted bail than is now the case, and secondly the criteria for granting bail will be more precisely specified than it is at present. We may even see the widespread<sup>3</sup> use of a point-score system such as developed in the Manhattan Bail Project being used to determine bail eligibility. This system allocates points according to prior record, family ties, employment history and length of residence in the area. If used, it means that those who are remanded in custody because bail has been refused are more likely than now to be those without family or neighbourhood ties and/or who have long histories of previous crime. Very serious offenders and those with a record of absconding

2 Martin, J., 'Awaiting Court Hearing' *Australian and New Zealand Journal of Criminology*, 5 (1972), pp. 72-82.

3 Sturz, H., 'The Manhattan Bail Project and its Aftermath' *American Journal of Correction*, 27 (1965), pp. 14-17.



from bail will be held in custody. It may be possible, however, to reduce today's numbers of remand prisoners by up to fifty percent, and with smaller numbers it may be easier to provide for their basic human rights.

The prospects of reform in this area seem at the present time to be good. Many people throughout this country are now arguing for separate pre-trial detention centres that are not seen to be part of the existing prison system. The Criminal Law and Penal Methods Reform Committee of South Australia, for example, has argued in favour of a separate pre-trial detention centre and the South Australian Comptroller of Prisons in his most recent annual report has said; 'Adelaide Gaol has now outlived its acceptability as a remand prison and I trust that the not too distant future will see the erection of a modern pre-trial centre with appropriate assessment, visiting and accommodation standards in a secure setting.'<sup>4</sup> Similar expressions of intent to build pre-trial detention centres have been made in Victoria and Western Australia. It is to be hoped that within a few years all States will accept the fundamental justice of the proposition that no unconvicted person should be held in any prison unless this is absolutely unavoidable, as it might occasionally be in remote country areas.

It is clear that what is needed, at least in each major city, is a separate institution, preferably to be called a pre-trial detention centre and not a remand prison, which will be seen as essentially an adjunct to the courts. It should have nothing to do with punishment, correction or rehabilitation. As it is to be simply a holding place for innocent people who have been accused of serious crimes and who cannot be safely released on bail, there are serious difficulties in the conception and design of such a building. The Criminal Law and Penal Methods Reform Committee of South Australia has said, for example, that the basic problem is to combine the requirement of security with ease of access and a degree of freedom of movement and amenity appropriate to an unconvicted defendant as opposed to a convicted offender.<sup>5</sup> Also it should be sited within convenient reach of courts and lawyers. A separate section of an existing prison clearly will not do for this purpose. A pre-trial detention centre must be close to police headquarters, public transport and to the courts which it serves. It must also avoid the stigma which inevitably attaches to prisons like Long Bay, Pentridge and Fremantle.

The staffing of pre-trial detention centres could create difficulties as the first task of the staff is to ensure adequate custody and prison officers are the only occupational group with training and experience in maintaining custody, and yet these centres are not to be regarded as prisons. The most appropriate solution would seem to be to staff such institutions with trained prison officers but while they are employed in these centres to change their designation from prison officer to either court official or law officer. Such a change would represent a symbolic reminder of the difference between pre-trial detention centres and prisons. The staffing would also need to be provided at a fairly generous level as the institution would have a very high turnover. There would be a

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4 *Annual Report*, Prisons Department, South Australia, 1972/73.

5 *First Report : Sentencing and Corrections*, Criminal Law and Penal Methods Reform Committee, South Australia, Government Printer (1973), p. 198.



large amount of clerical work, close supervision of visits and other activities would be required, and the perimeter must be at least as secure as any existing prison. It would also, of course, have to be adequately staffed 24 hours a day to allow for late receptions or the raising of bail outside normal office hours. A staff/inmate ratio of 1 to 1 would probably be required to satisfy all of these needs.

What of the detainees? These people, let us remind ourselves again, are not prisoners and there is no justification for restricting their personal pursuits, except as is necessary to maintain custody. They should, for example, be given the freest possible access to visitors. Most importantly, they must have available to them legal advice and this, if necessary, should be provided by the State. It may be feasible to have one or two lawyers permanently situated within the centre. Visits from relatives and friends should be made as congenial as possible from the detainee's and visitor's points of view. There is no logical reason why wives should not be allowed to stay with their detained husbands (or husbands with their detained wives) provided that overnight visitors pay for their own accommodation.

Many of the other petty restrictions which are unavoidably applied to prisoners serving sentences in the interests of efficient management should also not be applied to pre-trial detainees. Private clothing should be available, there should be controlled availability of alcohol and pocket money and private property should be unrestricted. It should be allowable for detainees to use the telephone (with the only restriction that they be prevented from intimidating prosecution witnesses and, with the same safeguard, both inward and outward mail should be uncensored). As the intimidation of witnesses is an extremely rare occurrence, and it has not often been found to be a problem with accused persons on bail, there must be a general presumption that this is not a danger unless there is evidence to the contrary. In other words, I am suggesting that telephone calls should not be overheard and all mail should be uncensored unless there are firm grounds for suspecting malpractice.

Persons detained in such a centre should be given the opportunity to work for pay at normal award rates if they choose to do so. There clearly must be no compulsion about work and similarly it should be allowable for detainees to continue with their normal business or professional occupations as far as this is possible within the confines of their detention. A businessman, for example, should be able to continue to sign documents, enter contracts or authorise sales during this period of time. For others, appropriate work opportunities must be provided within the centre itself. To provide for this it would probably be necessary for each centre to have a multi-purpose workshop which offered a variety of work tasks to the detainees.

As to the physical living conditions of detainees, they should as far as possible be at a standard equivalent to the individual's experience and personal taste. This implies some variety of living conditions, such that for accused persons with no prior criminal history or experience of imprisonment, the physical conditions may be similar to those provided in an average level motel. But the conditions may not necessarily be as congenial as this for the accused person who has previously served many sentences in prison. The person who is clearly under the influence of alcohol when received, for example, would need to be placed in a more plainly furnished room until he dries out; and others, such as Aborigines, may prefer to have dormitory-type accommodation rather than a single room.



In all cases, access to radio, television and recreational reading material should be freely available. Also to provide for some degree of personal privacy, all detainees should also be provided with lockers for their clothing and other property to which they will be given the key.

Much of this may sound like a Utopian dream when compared with the experiences of remand prisoners in Australia today, but none of this is excessive or radical if we ask again why these people are being held. Notwithstanding the fact that my proposal is for highly congenial non-punitive detention, it will nevertheless be seen by the individual detainees as restrictive, and therefore unwelcome. For those who are ultimately acquitted, and there will always be a number of these, it may be necessary in the future to consider paying compensation to them for their loss of earnings and the restriction that they have experienced during the period of remand. That however is a question I will leave for others. It will be a significant step in the right direction when we reach the stage of having no unconvicted prisoners in our normal gaols.







## ROLE CONFLICT IN THE PRISON WELFARE SERVICES

P. J. LYNN

This paper will consider aspects of role conflict within prison welfare services. Its main emphasis, however, will be on role conflicts as they relate to prison officers.

Role conflict may be defined as that situation where a person is exposed to incongruent or inconsistent expectations while he occupies one position. An example of role conflict outside the prison service may be seen among army chaplains. Army chaplains are ministers of the Gospel in a military organisation. An army chaplain may therefore be extremely conscious of the conflict inherent in his role. Another example relates to the English Police Juvenile Scheme. This scheme has been operating in England for several years and is based on the proposition that certain police have a welfare role in relation to young offenders as well as their traditional police duties. Here again the policeman in the juvenile scheme may be conscious of the possible conflicts between police duties and any additional welfare role for which he may be responsible.

A brief glance at the historical developments of prisons reveals very little conflict among prison staff. In the English prison service at least until the turn of this century, prison governors had almost absolute authority over prisoners. The governor's role related to discipline and the chaplain's role involved the moral exhortation of prisoners. It appears to have been an unquestioned assumption that the combination of vigorous discipline and moral exhortation was an infallible recipe for the reformation of the prisoner. The roles of both chaplain and governor were fairly distinct, and a reading of prison history reveals little disagreement between chaplains and governors in the administration of prisons.

One reason for the relative absence of conflict in earlier prison systems relates to the fairly simple and agreed upon aims of prisons. The Prison Commissioners in England in 1912 stated quite clearly that; 'the purpose for which prison exists is the due punishment of fully responsible persons.' Contacts between prisoners and prison officers were rigidly controlled to the extent that prison officers were forbidden to speak to prisoners unless absolutely necessary. There were few welfare services within prisons and these were the responsibility of the chaplain who was the all purpose welfare officer until the gradual introduction of other professionals.

### BASIS OF ROLE CONFLICT

The basis of current role conflict in prison systems is related to changing philosophies about the purpose and aims of imprisonment. This conflict may be seen in several areas -

#### 1. Contradictory Functions of the Prison

There is a perpetual ambivalence about the purpose and usefulness of prisons. There is a vague community expectation that prisons should be places of at least deterrence and possibly of punishment. Additionally there is a legislative expectation that somehow prison personnel should assist in the rehabilitation of prisoners. Another related aspect is that until fairly recently there were



very few professionals employed within prisons and therefore the question of role conflict was never highlighted. With the recent introduction of 'treatment personnel' into prisons the contradictory functions of the prison are being starkly revealed.

## 2. The Low Status of Prison Officers

Another factor which contributes to role conflict within prisons is the low status of prison officers within the community contrasted with their high formal status vis-a-vis the prisoner. Prison officers are I think, aware of these differences and are extremely conscious of working in organisations with a para-military structure over which they have very little direct control and very little influence in terms of policy formulation. Lack of involvement tends to mitigate against commitment to organisational goals.

## 3. The Proliferation of Role Definers

There is no generally accepted prison officer role within Australian correctional systems but there are many persons within correctional institutions who define prison officer roles. Senior administrators may have one perception of a prison officer role but senior staff within prisons may have radically different perceptions of his role. In various prisons, depending on whether they are medium or maximum security institutions, role definitions may vary considerably. Other personnel working within prisons may have yet again differing perceptions of the prison officer's role. Persons in this category may include medical officers, psychiatrists, education officers, and chaplains. What seems to me to be fairly clear is that there is a low degree of consensus among prison staff as to their current role in the prison and also in terms of what that role ought to be.

## 4. Prison Ambiguities

Ambiguity is an important basis of conflict within prisons. There is ambiguity about the purposes of prisons and the desirability or necessity for particular persons to be incarcerated. There is considerable ambiguity in the area of achieving vaguely understood aims of the prison. There is the ambiguity of the word 'rehabilitation', a much used but rarely defined word. As well as the ambiguity in all of these areas there is the additional difficulty of determining ways of assessing the effectiveness of prisons.

## 5. Rising Prisoner Expectations

Prison systems in the past with a clear and unambiguous punitive orientation gave prisoners little expectation of either improving their conditions or raising their status. It is fairly evident today that prisoners are achieving increased status. They are achieving rights which they never had previously. They have access to persons of influence outside the prison - i.e., ombudsmen and various prisoners' advisory councils and civil liberties groups. These rising expectations are acknowledged within prison systems by the provision of welfare services to prisoners and their families, and by the gradual changes in regulations relating to the conditions of imprisonment.



## 6. Rising Prison Officer Expectations

Prison officers are attempting to improve their own conditions within prisons. There is much evidence to suggest that prison officers in the past accepted without question their subordinate role in the para-military organisation of the prison. To seek improved working conditions and to form organisations for this purpose was considered quite subversive. Prison officers are now legitimately demanding that their conditions of employment reflect the general situation in the community. They are also legitimately seeking a closer involvement in correctional policies and practices. The rising expectations of the prison officer is related to his demand for recognition as a person providing a valuable community service and the corollary that he has a contribution to make within the prison which has not yet been recognised by prison administrators.

## 7. The Conflict with Professionals

Not only is there a basic conflict for the prison officer in terms of what his role is or should be within the prison, but there is also a conflict between his role and the preceived roles of professionals within the prison. The fairly recent introduction into prisons of professionals, i.e., social workers, probation officers, etc., has highlighted two philosophically different approaches to offenders. One of these could be called the custodial approach where criminality is seen as a consequence of the person's deliberate conscious choice. Prison is necessary to protect society from such individuals and if possible to bring about their rehabilitation. What may be loosely called a treatment approach may view criminality as an inadequate adjustment due to faulty training. By implication the criminal is not responsible for his behaviour and the community bears its share of the blame. Conflicts between prison officers and professional staff are generally conflicts along the continuum of custodial and treatment approaches. Protagonists in this debate may reject each other as either misguided humanitarians or rigid disciplinarians. There is in fact a tendency for the ambiguities to be resolved into fallaciously clear cut categories thus rendering more difficult the rational discussion of conflicting approaches to criminal responsibility.

## 8. English Prison Officers and their Role Perceptions

Part of a study of the English prison system undertaken by the writer in 1972 related to prison officer perceptions of their role. The prison staff of four large prisons were interviewed with a view to determining role perceptions. Prison officers were asked about their role perceptions in terms of a continuum starting with security on one end and welfare on the other. That is, they were asked to indicate the prime emphasis of their role. Results indicated that 60 percent of prison officers saw their role primarily in terms of security and 29 percent saw their role primarily in terms of welfare. The remaining 11 percent opted for an indefinable mixture of security and welfare. The study clearly indicated a fair degree of ambivalence on the part of prison officers. Prison governors were also interviewed in terms of their perceptions of prison officer roles. Results indicated that 47 percent of governors saw the prison officer role primarily in terms of security, 41 percent primarily in terms of welfare. Chaplains were similarly interviewed and 40 percent saw



the prison officer's role as primarily security and 40 percent primarily welfare. In terms of all persons working within these four prisons results indicated that 45 percent saw security as being the major role of the prison officer with 31 percent emphasising the welfare role.

It is true of course that prison officers are not the only ones whose role in the prison is unclear. Prison officers in this same study were interviewed about how they saw the chaplain's role in the prison and results indicated that 42 percent saw the chaplain's role as being almost entirely a spiritual one, 29 percent saw the chaplain's role as a kind of welfare officer, and 29 percent were either not sure of his role or saw no viable role for him in the prison. Chaplains themselves were also divided about how they saw their own role in prisons.

The dilemma confronting prison officers in relation to their role has been frequently highlighted by the Prison Officers Association in England. The Assistant General Secretary of the Prison Officers Association stated in 1962:

'It is therefore true that the prison officer is a "turnkey" and it is precisely because he is so regarded by those over whom he has to exercise discipline and security that it is more difficult for him than for any other body of workers in this field to get himself accepted as a "social worker". To the prisoner the prison officer is the visible representative of that society which has deprived him of his freedom; he is the one responsible for turning the key in the lock, for preventing access to the outside world. It is very difficult for the prisoner to believe that the prison officer has his best interests at heart and it is, therefore, all the harder for the prison officer to create the image of the social worker which he would like to be... nevertheless, that he is a "social worker" in the very best sense of the words, is not open to doubt. By his precept and example he seeks to reform, and he has to do it under the worst possible conditions.'

(Address to Social Service Organisation of  
Cambridge University: in *Prison Officer*  
*Magazine*, January 1962).

A year later the Prison Officers Association which had until that time been notably ambivalent about the role of the prison officer, clearly committed itself in 1963 to a rehabilitative role for the prison officer.

'This conference, being gravely aware of the dangerous trends in criminal behaviour within society today agrees that the Association should endeavour to define what should be the modern role of the prison officer. It furthermore agrees that in order to enable the prison officer to take his full share in the responsible task he be trained to: (a) assist and advise during the course of the sentence; and (b) assist in the after-care following an inmates release in so far as this may prove practicable.'

(P.O.A. Annual Conference).

This is not to claim that the prison officer in the English prison system has achieved the stated aims of the P.O.A., but the policy of prison officer involvement in more than a custodial role is the clearly established policy of the Prison Officers Association.



## Responses to Role Conflict

There are several possible ways in which a prison officer may respond to role conflict. He may repudiate any role which does not relate to the security aspects of his job. He may reduce interaction with prisoners to a minimum thereby avoiding the development of a relationship which may be more than custodial.

Groups in conflict within the prison may also adopt a variety of responses to perceived role conflict. Welfare officers may define their role in terms of casework to the exclusion of all other possible roles. Similarly the chaplain may define his role as a spiritual one and operate accordingly, and as indicated earlier, prison officers may define their role in terms of custody.

An interesting aspect of role conflict is the extremely common response of minimising interaction. Thus in the study of four English prisons, chaplains had very little interaction with social workers. Social workers had very little contact with medical officers. That is, there were no formal meeting, informal discussion or referral of prisoner between the groups. These groups tended to work in isolation and were acutely aware that the teamwork concept was a hope rather than a reality. Prison officers in particular were concerned at their exclusion from a non-existent team!

Prison officers in correctional systems, at least in Victoria, are an under-used resource and given the opportunity they can make a valuable contribution to the reformation of offenders. It seems to me that while prison officers are an under-used resource they will tend to be suspicious of the variety of professionals entering our prisons and role conflicts will continue unabated.

The following quotation from the English prison scene illustrates this suspicion :

'The officer is the man in the middle, beset by enemies and detractors, misunderstood and misrepresented, and except for his fellow-officers completely on his own if there is any trouble. Each day he is on duty and each incident he deals with calls for good judgement and common sense. But he has to stand silent as the "head shrinkers" and other "experts" refer to the need for psychiatry and the use of fully trained case workers to deal with the sociological aspects of crime and rehabilitation. He (the P.O.) knows only too well that regardless of what theory is put forward, or by whom, he is the one who will finally get landed with the rough end of the stick and he is sick of having the standard for his conduct set by people who would probably jump out of their socks with fright if they had to do half of the things required of him, even with twice the protection. The average prison officer represents the commonsense and the integrity of the ordinary man-in-the-street.'

(Prison Officer Magazine: October 1965)

This is obviously a highly emotional and confused statement but in my view it is useful to examine the feelings and attitudes portrayed. The first element is the suspicion of other groups. Nobody else can understand the situation and the prison officer is in his bluestone tower assailed by



enemies. The second element is resentment and scorn for professionals. The experts will theorise about prisoners but the prison officer will be the person who will have to deal with the prisoner on a practical, common-sense level. A third element relates to the physical dangers faced by prison officers, presumably whilst the professionals are safe in their offices. The prison officer is a doer whilst the professional is a talker. A further element in the above quotation is that professionals make judgements on the prison officers' conduct. This judgement is presumably unfavourable and implies condemnation of the role played and common-sense approach taken by the prison officer.

To a lesser degree than quoted above, the essence of the above views arose constantly during interviews with prison officers in England. The degree to which the prison officer verbalised these attitudes seemed to vary according to his personal experience of professionals. A professional is seen as distant or high and mighty in his dealings with officers and tended to reinforce the feelings of both hostility and isolation. Conversely a psychiatrist, social worker or chaplain, perceived as an understanding person willing to listen, seek the advice of the officer, tended to minimise the distance between the officer and the professional concerned. Whilst there are many differences between the English prison system and the various Australian prison systems, it is probable that many of these elements would be applicable in the Australian correctional scene.

In stressing the negative aspects of role conflict it is recognised that there are many positive aspects of role conflict which can indicate a healthy organisation. Role conflict can be the basis for a re-examination of organisational goals; it can promote clarity through discussion and it may lead to changes in the organisation. Ambiguity in roles may also permit a flexibility which may not be present in an organisation where role boundaries are firmly fixed.

In my view however, the negative results of role conflict predominate in prisons because there are few organisational structures which facilitate constructive interaction between the various groups working within the prison. This is not to say that trust and confidence do not build up as a result of the interaction of insightful and committed individuals or groups. This development may take place spontaneously at an individual level. It is not however a built-in or deliberately sought for state of affairs and therefore does not rate highly as a prison priority. The harmful aspects of role conflict relate to its effects on the organisation and its personnel. It may create tensions and decrease job satisfaction. In prisons it may be responsible for a high turnover rate of prison staff with its detrimental effect on staff morale. In my view organisational changes in the prison structure is a necessary pre-requisite to the development of consensus. The para-military structure is appropriate for an organisation concerned with uniformity of operations, custody and security, but inappropriate for an organisation aimed at the individual treatment of offenders.

Thus role conflict is extensively related to the structure of prisons and in my view the structure of prisons emphasises status and role differences.

The development of commitment and the motivation of correctional staff is, I believe, dependent on their involvement in prison changes. This involvement of prison staff in planning and implementation of programmes would foster consensus and minimise harmful role conflicts in prisons.



## MANAGEMENT PLAN FOR CORRECTIVE SERVICES

W. R. McGEECHAN

### STATEMENT ONE

The officers and agencies of the Department of Corrective Services are committed to the care, direction, control and management of the individual offender.

### STATEMENT TWO

Generally accepted penal aims

A general view of penal aims, acceptable to a democratic society, should crystallise as:

1. demonstrating society's non-acceptance of the criminal act;
2. reducing the frequency and incidence of behaviour prohibited by the criminal code;
3. the more carefully focussing of punishment as to cause a minimum of suffering, whether to offenders or to others;
4. ensuring that offenders are exposed to the opportunity to reform;
5. expiating offences but without attracting unofficial retaliation or inhumane suffering on the offender, or without increasing the incidence of offences;
6. not exceeding the limit that is appropriate to the culpability of the offence;
7. not applying to someone against his will unless he has intentionally done something prohibited; and
8. protecting offenders and charged non-convicted offenders against unofficial and informal retribution.

These aims are not ranked in any particular sense of order or degree of importance.

### STATEMENT THREE

#### Policy Statement:

The philosophy for the Department of Corrective Services is to develop within a contemporary crime control plan, an agency with particular emphasis on individual diagnostic techniques.

The aims of this policy contrast with earlier penological doctrines and conventions focussing, as they did, on retribution with a strong element of physical punishment either directly induced or, alternatively, by denial or deprivation.



The aims of the policy will be achieved through constantly refined programmes of supervised liberty, custody and conditional liberty.

Some limited evidence in terms of social acceptance exists supporting the policy plan to move from physically oriented concepts, e.g., the rapid rate of growth in the areas of supervised and conditional liberty, in an increasing number of diversified forms.

Not all areas of future endeavour need have as a commencing point the legal fact of a conviction.

The essential characteristics of an effective crime control system are:

1. crime prevention; and
2. community attitudes supporting respect for the law.

#### STATEMENT FOUR

Major functions:

The care, direction, control and management of offenders by:

1. supervision and control of persons both in the community and the secured environment;
2. determination and implementation of treatment programmes for persons in supervised liberty, conditional liberty and detention;
3. developing staff to meet future needs;
4. making research-supported management decisions;
5. assessment, development and utilisation of offenders' potential in educational and other areas, while conceding that offenders are not by right entitled to an expensive academic education.

#### STATEMENT FIVE

Major objectives of aims:

1. to assist in maintaining and developing social order;
2. to apply appropriate empirical-founded corrective and remedial measures to individual offenders;
3. to strive for stronger community support and understanding with particular emphasis in areas of supervision and to assist in avoiding the phenomena of the economic survival crime;
4. to optimise efforts in levels of supervised and conditional liberty;
5. to further consolidate the areas of custody, conditional liberty and supervised liberty, in function and aesthetics by integrating the management and functions of these areas as part of an overall programme; thus offering to the community a cohesive and unified programme for law enforcement and crime control.



## STATEMENT SIX

## Strategies to achieve objectives:

1. making use of intensive educational techniques to impart knowledge to and develop appropriate attitudes in offenders, equipping them in a remedial sense with the means for survival in a free, competitive community;
2. planning the long term programmes to deal with the problems arising between different cultures;
3. maintain campaigns to stimulate and encourage public interest in innovations considered essential in attaining the ideals and objectives of corrective services through supervised liberty, custody, conditional liberty and after-care;
4. educating society to tolerate corrective innovations and to accept the risk factor accompanying modern corrective programmes;
5. seeking community support and approval for the increased costs of providing modern corrective services;
6. establishing research programmes designed to assist in identifying effective measures in problem areas;
7. providing comprehensive training for staff at all levels, to equip them with the skills to innovate and implement validated corrective and remedial programmes;
8. implementing appropriate treatment programmes to encourage attitude change in persons under supervision or in custody;
9. introducing new and/or more efficient methodology to achieve the longer-run benefits of crime alleviation and prevention.

## STATEMENT SEVEN

## Controls and evaluation:

1. developing and setting up control systems, e.g., planning and review committees, to aid in the achievement of policy aims and objectives;
2. preparation of profiles and forecasts plus the designing of projects to assist in long-range planning and developments;
3. the development of research and statistical methods to ensure that follow-up and feed-back action occurs for the purpose of modifying strategies to achieve the objectives of the Department.







## PENAL REFORM

W. R. McGEECHAN

In March of 1966, President L.B. Johnson drew together the words which seem to fit this particular occasion, when he said:

'The problems of crime bring us together. Even as we join in common action, we know there can be no instant victory. Ancient evils do not yield to easy conquest. We cannot limit our efforts to enemies we can see. We must, with equal resolve, seek out new knowledge, new techniques, and new understanding.'

Some time later I drew a philosophy for the Department of Corrective Services. The intention was to plan and develop, within a contemporary crime control plan, an agency with an emphasis on individual diagnostic techniques.

The thought may have been ambitious for two particular reasons, viz. the essential characteristics of an effective crime control programme are crime prevention on the one hand and, secondly, community attitudes supporting respect for the formal law and order programme.

As a community we do very little in the area of crime prevention and our traditional community feelings are somewhat vague and hesitant on the matter of formal law and order attitudes - perhaps, undeveloped is a better descriptive word.

However the policy for the Department of Corrective Services will hopefully be achieved through constantly refined programmes of supervised liberty, custody and conditional liberty.

The aims of this projected penal policy contrast with earlier penological doctrines and conventions focussing as they did, on retribution with a strong element of physical punishment, either directly induced or alternatively, by denial or deprivation.

I think it is interesting that between 1969 and 1974 the proportions of those people in custody as compared with those on conditional liberty programmes have been reversed. At the time of my commission, something of the order of 70 percent of the entire population in my area of administration was in custody and 30 percent were on conditional liberty programmes. Today these proportions are reversed. I take the view that the community, both particularly and generally, is the better for the quite dramatic change.

The rapid rate of growth in the area of supervised and conditional liberty programmes in an increasing number of diversified forms reflect growing acceptance for a shift of emphasis from what was essentially a contained custodial orientation to semi-custodial and community corrections.

In my view future prison populations may be expected to again rise, notwithstanding the emphasis on community based programmes. There are a number of reasons for this anticipated increase, e.g. increases in supervision efficiency in conditional liberty areas, growth in crime rates and community attitudes. Further, it is interesting to see that in New South Wales at least, prison populations rarely remain static but tend to move in a generally uncoordinated sequence through major peaks and valleys.



Community oriented correctional services may, in the future, be available for persons who have not been convicted.

Notwithstanding the stresses of the past generated by demands for change, in my view the major trauma of stress in the movement away from the more comfortable authoritarian position has not yet been fully felt in the penal system in any of its functional areas.

However, this stress will be also increased by the need for emphasis on the vital requirement of a more individualised programme rather than the more popular conceptual approach of physical punishment.

The officers and agencies of the Department of Corrective Services are committed to the care, direction, control and management of the individual offender. I do not think the word care is patronising or parental nor, for that matter, do I look on direction, control and management as being physically onerous or mentally inhibiting.

The major objectives of Corrective Services' aims, not necessarily in order of importance, are:

- to maintain and develop social order;

- to apply corrective and remedial measures, including those empirically-founded;

- to strive for stronger community support with particular emphasis on understanding;

- to optimise our efforts in levels of supervised and conditional liberty; and

- to minimise the differences between the areas of custody, conditional liberty and supervised liberty by integrating the management and function of those areas as part of an overall programme; thus offering to the community a cohesive and unified programme for law enforcement and crime control.

Perhaps if time allowed, we could re-examine some of the physical and generating problems of imprisonment.

The question 'what is an ideal prison' would need to be examined in the light of the theoretical justification for imprisonment.

We are told that the last choice in any sentencing programme, other than the extreme penalty of capital punishment, is imprisonment.

Perhaps the contention of last choice needs challenge as lacking in realism. At this point in time I take the view that the correctional concept has not yet been fully recognised or exploited.

One must ultimately come to the point of assessing a goal of a prison's operations. Clearly, we see deterrence of the potential offender, we see incapacitation of the dangerous individual by removing him from society for a relatively short term in some cases, and we see reformation of this individual prior to his release. There is a fourth function sometimes suggested and that is the need to satisfy moral outrage or the public's



passion for revenge. I recall Lord Justice Denning remarked on this some years ago when he said that some crimes need the extreme penalty to satisfy the moral outrage of the community.

Although the pressures for retribution often cannot be ignored, the problem of satisfying public indignation and moral outrage most certainly does not contribute to crime reduction.

It would seem that the three goals mentioned - that of the particular deterrent coupled with the general deterrent, the incapacity of the dangerous offender by removing him from the community, and reformation - are the ideal perimeters for operation.

In passing I would mention that the community at large tends to expect that prisons be operated economically, humanely and, most desirably, with a minimum of fuss.

In July of 1971 the Department of Corrections in California became the subject of a task force study and a report flowed from this study.

The view was taken by the Californian authorities that, insofar as possible, prisons should duplicate the demands and responsibilities of the free world and should supply the motivation as well as the responsibilities of the general community. Some difficulty exists in explaining the concept to critical areas of the community, simply because of our habit association with the physical aspect of punishment.

Secondly, it was suggested any future facility planning should emphasise efforts away from large institutions, and commended that current efforts of prison management should devote more attention to the effect of large institutions upon the social relations among various type of inmates and the social distance between inmates and staff.

An important observation was also made that prisons in the past have done far better at postponing crime than at preventing or deterring crime.

One would need to speculate further on the objectives or goals of prison operation and it would appear that in the ultimate, the logical major objective should be the formal attack on the phenomena of recurring crime, that is to say, an attempt to reduce the incidence of future crime.

The aim of a reduction concept of future crime is expected to be achieved by pursuing the three major objectives of deterrence, reformation and incapacity.

Unfortunately this area of social need, that is the confinement of the individual, is one more than ordinarily burdened with emotional argument and as a consequence, it is exceedingly difficult to maintain a clinical objectivity.

Whatever reforms are introduced in any particular penal system will be governed by the major perimeters of the need to be humane and the need to be economical. I would mention that the need to be economical does not necessarily suggest undue sparsity of resources.

On the other hand unnecessary deprivation ought not be attempted to be justified on the grounds of economy.



I would add that it is also desirable that whatever changes take place in the penal system should be done with as little fuss as possible, that is to avoid the stimulation of public criticism for the simple reason that such criticism flows from the two major opposing opinion forces, and these two forces are in conflict.

It has been suggested that the major social concern rests only in the extreme areas of five percent of the community which leaves ninety percent of the community in a passive position, except when outraged and then, of course, a very different stance results.

I place a great store of value in the penal programmes which stop short of physical incarceration, i.e., unless demonstrably essential for the preservation of peace and safety.

However there must be a form of segregation from the community in the cases of the criminally incorrigible, truculent and the perpetual lawbreaker.

Very clearly there are a large number of people in custody who are most appropriately placed and the community generally would benefit if they were never to be released.

Within the penal areas, that is those involving physical confinement, the requirements of society and the establishment may be met in a number of different ways:

- (1) minimise as far as is possible unnecessary physical barriers and intrusive surveillance;
- (2) ensure a diagnostic concept to identify problems, both individually and collectively;
- (3) provide appropriate education to optimise the abilities of the individual;
- (4) provide vocational training for all inmates capable of learning;
- (5) ensure an appropriate industrial programme;
- (6) conduct appropriate research programmes to examine the post-release utilisation of prisoner education and training;
- (7) reduce the waiting period from time of conviction to time of adequate re-employment for intensified educational programmes;
- (8) provide appropriate counselling services;
- (9) ensure that inmates take part in community committees concerned with their own welfare;
- (10) provide adequate psychological, psychiatric services, as well as services in other behavioural areas;
- (11) provide appropriate access and rapport with the clergy;
- (12) ensure that literature is available;
- (13) provide organised recreational and cultural activities;



- (14) include community service as part of the rehabilitation programme;
- (15) practise preventative crime control within the areas of tolerance;
- (16) provide as much privacy for each inmate as is feasible;
- (17) encourage prisoner/community relationships and empathy between the major groups;
- (18) recruit competent, experienced officers from other areas;
- (19) ensure appropriate medical and dental care;
- (20) provide nourishing and palatable foods;
- (21) conduct research oriented studies designed to measure the efficacy of treatment programmes and policies;
- (22) graduate the return to society by appropriate alleviation of the degrees of security compatible with the estimated qualities of the individual from time-to-time.

Without suggesting that these ideals are exhaustive, a vigorous attempt has been made within my administration to implement these ideals into a viable policy programme. The respective optimum levels for achievement must remain in doubt as so many of the ideals are either aesthetic or abstract in character.

I have no doubt that a direct positive correlation exists between the incidence of application of the points listed and the general well-being of the prison community. Incidentally, one must not lose sight of the fact that the prison community is not composed exclusively of prisoners.

Prisons have in the past tended to produce insular and cloistered cultures, an environment remarkably suited for the development of paranoia and resistance.

Some resistance to change must be expected when opposing views are not only rigid but diametrically opposed. A good working example of differing views may be found in the community at large where sectional calls on penal authorities for conjugal visiting for prisoners contrast sharply with calls for capital punishment.

One of the most important difficulties of adequacy of achievement flows from the imperfect integration and the resulting conflicts of so many different functional areas in the ordinary processes of justice.

I am sure that a better liaison within the formal law and order area of operation (in a management administrative sense) could be established which would be both rewarding and beneficial to the community at large.

Finally, let me stress again that from my standpoint undue emphasis is placed on physical aspects relating to prisoners in custody. Extra emphasis needs now to be directed to effecting change in crime and criminals by intellectual and persuasive pursuits.



Clearly, the most identifiable and effective change agents are those in daily contact with prisoners, that is to say, the custodial officer. It is now incumbent on custodial officers to meet the evolving needs of the community just as this force has met time and time again the needs of the past. However, now even more flexibility and personal resources need to be found to meet the accelerating challenge.

I am sure the challenge can and will be met at this operation level of custodial management.



## APPENDIX I

### REPORT ON THE SEMINAR

P. PRISGROVE

#### INTRODUCTION

In July 1958 a seminar on 'The Conflict of Security and Rehabilitation' was held at what was then known as the New South Wales University of Technology. The intervening years have evidenced some profound changes in correctional techniques and facilities but little improvement in our understanding of the relationship between these two major correctional themes.

In planning the present workshop project, the Training and Information Division of the Australian Institute of Criminology decided that the people who should have most to contribute to an understanding of this area of the criminal justice system are experienced prison officers, whose job lies precisely at the point at which security and rehabilitation come into conflict. With the offer of the widest possible dissemination of their findings, representative members of this group were invited to participate in a discussion of this conflict. The offer was enthusiastically taken up by them, some taking recreation leave in order to attend. Industrial action within the transport industry almost caused the project to be postponed but a last-minute easing of the situation meant the project could be held but reduced in length from five to three days. This curtailment was most unfortunate as it meant that the final wording of the deliberations of the group had to be completed by Institute staff after the participants' departures. Nevertheless, these deliberations represent the first nationally based statement on this important issue from the prison officer's point of view. They clearly deserve the most careful consideration by those involved in developing and administering correctional policy in Australia.

#### PARTICIPANTS

The participants were selected by inviting three nominations from prison officer associations in each State and Territory and one nomination from each prison administration. These figures were readjusted slightly in the light of availability of participants from the various States and Territories. The final figures were as follows:

Northern Territory	..	..	..	..	..	..	5
New South Wales	..	..	..	..	..	..	4
South Australia	..	..	..	..	..	..	5
Victoria	..	..	..	..	..	..	6
Queensland	..	..	..	..	..	..	5
Western Australia	..	..	..	..	..	..	4
Tasmania	..	..	..	..	..	..	1

In addition six overseas visitors were invited personally. These visitors came from Fiji, Kenya, New Zealand, Papua New Guinea and Sri Lanka.



## PROGRAMME

The programme comprised two full days, two half days and an evening of lecture papers, workshops and discussions. The papers were intended not as keynote addresses which tend to focus discussion on a particular area, but rather to generate ideas that would enrich and diversify workshop discussion and widen the area considered by participants. These papers are available in a separate volume published by the Institute.

In workshops the participants were divided into four groups, each group included an overseas participant and a member of the Institute staff as a reporter. The workshop elected its chairman from its participant members. The workshops were free to consider any issue that seemed to them to be relevant in the context of the training project title. To stimulate initial discussion, participants were asked, prior to the first workshop, to prepare some examples from their experience of situations in which security and rehabilitation had been in conflict.

During the first two workshops the issues discussed were taken down by the reporters and this material was moulded into a group report in workshop three. During the fourth workshop each group attempted to refine the issues in their group report into a series of resolutions to be put before the combined groups in the plenary sessions.

Because of the reduced time available for the workshop deliberations and plenary session debate, many resolutions were hurriedly worded and almost a third were not discussed or voted on at all. Even the resolutions that had been voted on were occasionally returned to and amended in the light of subsequent debate and for this reason the resolutions *per se* are not presented in this report. Rather, the points raised in both the group reports and the subsequent resolutions have been combined under a number of major headings in the next section of this report.

## CONCLUSIONS AND RECOMMENDATIONS

Before presenting the conclusions and recommendations derived from the group reports and resolutions, it is useful to define some terms:

1. 'Correctional Officer' denotes a uniformed prison officer. This was the term favoured by most but not all of the participants.
2. 'Specialist Staff' denotes such non-uniformed people employed within a prison system as welfare officers, probation/parole officers, social workers, psychologists, psychiatrists, clergymen and so on.
3. 'Administrative Staff' denotes superintendents and other senior institutional administrative staff as well as senior departmental staff.

The conclusions and recommendations are grouped for convenience of reference but neither the particular groupings nor the order of groups is intended to have any other significance.



## Recruitment

In order to attract an applicant of a sufficiently high standard, a progressive and active recruiting campaign is necessary. Improved conditions of service are necessary in some States if worthwhile applicants are to be attracted. Standards for enlistment into the correctional service need to be high but these standards should not be exclusively academic. Factors such as good character, stable personality and the ability to handle men should be heavily weighted in selection procedures, although the results of a number of standard tests should also be of assistance. The selection panel should include at least one correctional officer. Recruitment procedures should be standardised on a national basis.

## Training

The training of correctional officers must be an ongoing process, involving both initial training at intake and in-service training permeating all levels of the service. The training of correctional officers must be tied to a precise statement of duties. If officers' duties include rehabilitation of offenders, this term must be precisely defined and appropriate training provided. Training procedures should be standardised on a national basis.

## Career Structure and Promotion

Concrete attempts must be made to enrich the career structure within the correctional service. These should include the recruitment of welfare and probation/parole staff from within the service. Promotion within the service should be on the basis of merit but the completion of in-service training courses should play only a part in assessing officers for promotion. The national coordination of both training and promotion in correctional services could well be achieved by the establishment of a national professional association of correctional workers. The relation of this association to the prison officers industrial associations needs further consideration. The Australian Institute of Criminology could also have a role to play in this area of national coordination of qualifying examinations for correctional workers.

## Professional Image

The correctional officer has a low professional status both in the eyes of the community and other professional groups. To a large extent this is a public relations problem and more attention must be paid to enlightening the community in this regard. Corrections departments should employ a public relations officer for this purpose and accredited officers should ensure that the correctional officer's point of view is heard in the news media. Improving the correctional officer's image in the community is likely to have a positive effect on the standard of job applicants and hence benefit the service in this way also.

## Role Conflicts

The role of the correctional officer needs to be precisely stated and his area of responsibility exactly defined. The fact that this has not been done has led to serious conflicts with specialist staff. Because the correctional officer is held accountable by his superiors for the security and discipline of inmates, his role must be primarily custodial. Any



additional non-custodial duties must be consistent with this primary role. Specialist staff must act in a way that is consistent with the officer's maintenance of security and discipline and must be held accountable in this regard. The duties and responsibilities of specialist staff must be precisely stated and must be consistent with those of the correctional officer. Every effort must be made to promote communication and hence mutual understanding between correctional officers and specialist staff.

#### Working Conditions

While conditions for the prisoner are continually being improved the same cannot be said for those of the correctional officer. Poor conditions are instrumental in reducing the officer's status and hence the effectiveness of his influence on the prisoner. Staff shortages are another factor that make it difficult for the officer to fulfil his professional potential by making it necessary for him to devote his entire energies to simply maintaining basic institutional services and functions. A national survey of correctional officers' working conditions should be made and remedial steps taken where necessary.

#### Consultation

Departmental administrators, specialist staff and senior correctional staff often neglect to take advantage of the correctional officer's experience and first-hand contact with inmates when making decisions relating to the prison, its programmes and inmates. Correctional officers welcome such consultation and feel that it could contribute considerably to the quality of the decisions taken. Where such consultation is not made correctional staff should, as a matter of courtesy, be informed of various institutional reforms and changes before they occur.

#### Community Services

Correctional authorities must exert a stricter control over some volunteer groups whose radical and controversial approach make the correctional officer's job more difficult. In addition, it should be ensured that their approaches were welcomed by the prisoner and did not merely frustrate him.

#### Classification

All prisoners should be brought before a classification committee as soon as possible after admission and longer sentence prisoners should be reassessed regularly thereafter. Such a committee should include administrative, correctional and specialist staff. An attempt should be made to decrease the number of inmates in maximum security institutions.

#### Institutional Size and Composition

Rehabilitative programmes are best suited to small, medium to minimum security institutions. Before any such programme is introduced it must be ensured that suitable staff and facilities are available, especially in the case of evening or group activities. No new institution should be built to accommodate more than 200 inmates and there must be sufficient work and training facilities to employ them all. A study should be made of the optimal staff-inmate ratio in institutions of various types.



## Rehabilitation

If rehabilitation is to be a correctional aim it must be defined in explicit, practical terms. The types of programmes so far introduced for rehabilitative ends have often conflicted seriously with institutional security. There seems little doubt that rehabilitative programmes can fit into a maximum security situation only with the most extreme difficulty and should preferably only be used in institutions that are designed specifically for that purpose.

It is considered that for any programme of rehabilitation to succeed it must have the cooperation of the inmate.

## Institutional Programmes

Correctional training programmes must be realistic in terms of the inmate's aptitudes and abilities and oriented towards the realities of post-release job opportunities. Correctional authorities should press for outside recognition of trade training undertaken in prison under a qualified instructor. Conditional remission should be applied in such a way as to encourage inmates to participate in institutional training programmes.

## Inmate Discipline and Prisoner Committees

While views vary on the degree of discipline necessary in a correctional institution, it is clear that inmate behaviour must be closely regulated. In recent years the attitudes of prisoners have changed quite markedly and in a more permissive society prisoners are demanding a greater degree of freedom within the prison. The formation of inmate committees in some prisons is a trend which must be watched closely, for while there should be opportunities for inmates to put forward suggestions, these committees could develop into inmate organisations that pose a dangerous threat to prison security.



rehabilitation is to be successful it must be based on a sound psychological basis. The types of programs so far introduced for rehabilitation have often been considered as purely institutional. There seems little doubt that rehabilitation programs can be made a maximum security situation only with the most extreme difficulty and should preferably only be used in institutions that are designed specifically for that purpose.

It is considered that for any program of rehabilitation to succeed it must have the cooperation of the inmate. The inmate must be motivated to change and must be given the opportunity to do so. Institutional programs must be realistic in terms of the inmate's abilities and abilities and organized towards the realities of post-release life. Institutional authorities should press for outside recognition of time training undertaken in prison under a qualified instructor. Conditional remission should be applied in such a way as to encourage inmates to participate in institutional training programs.

Inmate discipline and inmate behavior are two different things. Inmate discipline is the degree of the inmate's conformity to a correctional institution. Inmate behavior is the degree of the inmate's conformity to the society. The attitudes of inmates have changed quite markedly and in a more pervasive manner than previously. The formation of inmate attitudes is a process which must be watched closely. For while there should be opportunities for inmates to put forward suggestions, these committees could develop into inmate organizations that pose a dangerous threat to prison security. The formation of inmate organizations is a process which must be watched closely. For while there should be opportunities for inmates to put forward suggestions, these committees could develop into inmate organizations that pose a dangerous threat to prison security.

There is a need for a more realistic approach to inmate discipline and inmate behavior. The formation of inmate attitudes is a process which must be watched closely. For while there should be opportunities for inmates to put forward suggestions, these committees could develop into inmate organizations that pose a dangerous threat to prison security.

The formation of inmate attitudes is a process which must be watched closely. For while there should be opportunities for inmates to put forward suggestions, these committees could develop into inmate organizations that pose a dangerous threat to prison security.



## APPENDIX II

### LIST OF PARTICIPANTS

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Prisons Department  
Northern Territory

Visiting Scholar: P. Prisgrove  
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## PARTICIPANTS

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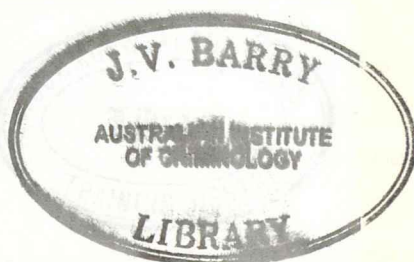
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