# Victoria's prison policy 1851-1992: from hulks to unit management.

by

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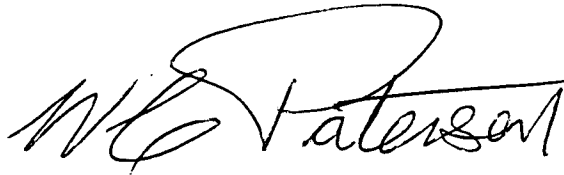
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# Statement.

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# Abstract

## Victoria's prison policy 1851-1992: from hulks to unit management.

The changing emphasis on the nature of imprisonment and the introduction of new prisoner management strategies has raised several important issues: can prisoner management strategies be imported and implemented into an entire prison system without evaluation and trial? does the proposed prisoner management strategy require a different operational philosophy?; have prison policy-makers a framework to prepare future or analyse previous policies?; and do prison officers require a different type of training whenever a new prisoner management strategy is introduced?

This thesis examines Victoria's decision to implement a new prisoner management strategy, which had been developed in the United States of America. Prior to this decision Victoria's prison policy was designed around the custody and control model of imprisonment. Traditionally changes to prison routine were simply incremental and had little implication for traditional prisoner/prison officer interactions. For example, Victoria's prison officer training was designed and developed to maintain order and most training courses highlighted the custodial aspects of prison officer work.

The origins of current prison policy-making are to be found in the 1970s emphasis on 'openness' and accountability of prison operations. Prior to this, the system's senior penal administrator largely determined prison policy-making. Since the 1970s, however, prison policy-making has become a specialised function. Indeed, many prison organisations have policy-making units. The old custody and control models are of little use to contemporary prison policy-makers. They have to develop new policies to match changes in prison routine and function. When Victoria made the decision to implement the prisoner management strategy - unit management, it not only had a new government committed to prison reform, but also was in the process of creating a separate department of corrections. Departmental policy-makers had to respond to a multiplicity of demands to cover all aspects of the departmental activities.

This thesis examines Victoria's prison officer training practices in relation to the implementation of unit management. This strategy was premised upon a climatic change in the traditional prison officer/prisoner interactions. Purpose-designed prisons were to be built to facilitate unit management. Prison officers and prisoners would no longer be physically separated as had been the practice in traditional prisons but would be together in small units, which would have limited decision-making abilities. The prison officers' roles were expanded. They were now expected to take on other duties such as counselling and be prisoners' case-managers. Changes in training strategies to meet these changes could have been expected but apart from some cursory attempts at lecturing course participants on the advantages of unit management and producing a handbook for operational use, prison officer training remained custodial. As a result prison officers gave lip service to the operation of unit management and traditional practices returned.

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# INTRODUCTION

In a media release dated 20 June 1991, Victoria's Correction's Minister, Mal Sandon, announcing the closure of the one hundred and thirty nine-year-old Geelong Prison stated, *inter alia*,

> We have built four new prisons - Barwon, Loddon, Tarrengower, and the Melbourne Remand Centre - as a demonstration of our commitment to pull the prison system into the 20th century.[1]

The decision to build these new prisons was an acknowledgment that the current system was grossly inadequate.[2] The Government also decided to separate the prison system from its responsible department and employed a firm of management consultants to develop a set of standards for the new organisation.[3] In presenting their report, the consultants recommended that

> The Government take the opportunity to introduce modern management methods and procedures into Victoria's Prisons, based on the management of prisoners in small groups or units. Accommodation must be developed or redeveloped to facilitate such a change. Staffing must also be upgraded in skills and training to serve the needs of modern prison management.[4]

The 'modern prison management' identified in the Corrections Master Plan was unit management.[5] It was first introduced into the US Federal Prison system in the early 1970s, where it was also known as Direct Supervision.[6]

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[1]    Media release, "Geelong Prison to close" Mr M. Sandon, 20 June, 1991.
[2]    Corrections Master Plan, Victoria (The Neilson Report) Vol. 1 37 1983.
[3]    These consultants were to report on the following matters:
    1     define management between Head Office and prisons,
    2     define management structure and assess manpower resources,
    3     assess management and administration for prisons; and
    4     define prison technological requirements for the management and administrative purposes on a cost benefit basis.
    Ministerial Statement, 9 August, 1983, Escapes from Pentridge Prison and events leading up to the proclamation of a state of emergency, 16-17.
[4]    The Neilson Report, Vol. 1 38, emphasis in original text.
[5]    The different approaches to unit management and its implications are discussed in chapter 1. Victoria appeared highly influenced by American practices whereas Western Australia and New South Wales appeared to follow European directions.
[6]    J. Farbstein & Associates, Inc. with R. Wener, A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities, Final Report, Washington, DC: 1989, National Institute of Corrections-Prisons Division United States Department of Justice, 1.1.2.

It was also known as Functional Unit Management.[7] Victoria's prison administrators described how the concept could be applied.

> Unit Management [is] a method of managing groups of 10 to 70 prisoners. A permanent staff team, which has delegated decision-making powers, manages each group using a mixture of custodial interpersonal, program and individual management-planning skills.[8]

The introduction of this practice into Victoria's prisons followed favourable opinion of the experimental Barlinnie Special Unit in Scotland, Direct Supervision in the United States, and encouraging results from Sweden and the Netherlands. Barlinnie was established in 1973 to house long-term violent prisoners, and was based on the view that "the traditional officer/inmate relationship should be modified to approximate more closely to a therapist/patient basis while retaining a firm but fair discipline system."[9] The Barlinnie Special Unit had a capacity of 10 places, admission being purely voluntary, but had never been full in 11 years of operation. Barlinnie was deliberately small as

> the relationship between inmates and the 18 staff [is]crucially important, and if the unit was any bigger it might lose its cohesiveness. The unit has its own governor and is a prison within a prison. The staff rotate from other prisons, and it may be just as difficult for them to as for the prisoners, some simply cannot manage it.[10]

Barlinnie's success[11] combined with favourable reports of other 'unit management' regimes convinced the Governments of New South Wales (NSW), Western Australia (WA) and Victoria to implement the concept and build purpose-designed institutions.[12]

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[7]   M. Janus, Functional Unit Management: An Evaluation of Organizational Effectiveness in the Federal Prison System, U S Department of Justice, 1982.

[8]   Unit Management in Victorian Prisons, Office of Corrections, Victoria, 1989,4.

[9]   A. Coyle, Inside: Rethinking Scotland's Prisons, (Edinburgh: Scottish Child, 1991) 135.

[10]   R. Smith, Prison Health Care, (Torquay: British Medical Journal, 1984) 109.

[11]   For a prisoner's experience of Barlinnie, see J. Boyle, The Pain of Confinement, (London: Pan, 1985).

[12]   The Northern Territory later built a purpose-designed prison at Darwin. Tasmania tried to convert the Risdon Prison in Hobart to unit management.

Victoria's Director-General stated,

> It's important to acknowledge though that each country and State has adjusted the system to suit its own particular needs. Therefore the system of unit management, offered by the US Bureau of Prisons will be quite different to our own.[13]

## Premises and Purposes.

It has been claimed that changes in penal policies and practices are a consequence of interaction between social change, pressures for reform, and the initiatives of prison administrators.[14] This thesis examines a critical aspect of penal policy - the relationship between policy change and prison officer training. Recognising that the prison officer is pivotal to ensuring policy success,[15] one would assume that prison authorities would ensure that prison officers receive the requisite training to implement a new strategy. This thesis is premised on the view that prison officer training is a critical element in the successful implementation of unit management. The proposition advanced is that limitations in the implementation of unit management were directly related to the failure to develop staff training programmes designed to meet the needs of prison officers. As a result unit management was conflated from an integrated approach to managing prisoners to simply another way of managing prisons.

The main focus of prison officer training has always been directed toward the custodial aspect of the job. This tends to be regarded as the primary function of the position, "indeed, for many staff, maintaining good order and discipline is rightly perceived as their only business."[16]

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13    Unit Management in Victorian Prisons. Handout given to participants in promotional courses, 1988. 4.

14    T.A. Williams, Custody and Conflict: an organisational study of role problems and related attitudes among prison officers in Western Australia, Ph. D diss., University of Western Australia, 1974, 17.
G.M. Sykes, The Society of Captives. (Princeton, N.J.: Princeton University Press. 1958) 53-58.
Coyle, Inside: Rethinking Scotland's Prisons, 13.

16    R D. King, "Control in Prisons" in M. Maguire, J. Vagg, and R. Morgan (Eds) Accountability and Prisons. (London, Tavistock: 1985) 187-203, 188

Despite the continued emphasis on custodial training, there has been, however, a tendency by Head Office administration to 'broadband' the traditional prison officer role. Broadbanding is also known as multiskilling. For example, many Head Office administrators are increasingly facing reduced budgets and are instructed to use cost-minimisation strategies. As the largest percentage of prison budget allocation is taken by prison officer salaries, the obvious method of reducing this economic burden is to reduce staff,[17] or to privatise. However, most Australian prison officers have tenured positions.[18] Head Office strategy has been to negotiate the reduction of positions with salary increases and offer the fiction that the prison officer role is being multi-skilled to cover staff shortages.

Prison officers, on the other hand, resent the incursion of 'professionals' and civilian staff and argue that prison officers should undertake much of the tasks 'civilians' currently perform: these tasks include, for example, welfare work, prisoner amenities officers, industrial or vocational training, and para-professional medical support officers. In many cases prison officers undertook these tasks[19] but without the benefit of specialised training. By undertaking these tasks without the appropriate training, prison officers were laying the foundations for management to later fundamentally change the prison officer role under the guise of multi-skilling.

## Justification.

> History seems to show that the advances towards a more liberal penal system are invariably followed by retreats, although the distance backwards is limited by what in the meanwhile have come to be accepted as impassible "humane" or "civilised" boundaries.[20]

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[17] The Tasmanian prison system has had an approximate 30 per cent reduction in uniformed numbers owing to a cut in the Department of Justice's budget appropriation. Discussion with Richard Bingham, Secretary of the Department of Justice, Tasmania, 11 June, 1997.

[18] Many systems are now putting officers on enterprise agreements. For example, CORE in Victoria is asking staff to sign Australian Workplace Agreements. Message, No 4, Vol. 3 March 1998

[19] J.E. Thomas, The English Prison Officer Since 1850: A Study in Conflict, (London: Routledge & Kegan Paul. 1972) 206-210.

[20] G. Playfair, The Punitive Obsession: an unvarnished history of the English prison system, (London: Gollancz, 1971) 122.

Victoria's decision to implement the prisoner management strategy of unit management into both new prisons and existing institutions should have heralded a new era in the State's penal history. Unprecedented funding by a Government committed to penal change gave Victoria's prison administrators the opportunity to lay the foundations to change a moribund system and take it into the next millennium. This has not happened. There are no simple reasons for this failure. The realities of policy implementation are often "distinct from the stated objectives and the procedures prescribed for achieving them." For example, some problems are more intractable than others, the diversity of the problems may make implementation difficult, the larger and more diverse the target group,

> The more difficult it is to affect its behaviour in a desired fashion, [and], the extent of the behavioural change the policy requires of the target group determines the level of difficulty in its implementation.[21]

That policy is often developed by bureaucrats with little operational knowledge of, or in, the policy area is a reality of modern organisations. Prior to the public sector reforms of the 1970s and 1980s, the English Civil Service notion of the 'generalist' public servant had permeated the higher echelons of the Australian Public Service.

> The higher civil servant is meant to contribute to the direction of his department and to the supporting planning process a mind prepared to probe into policy as well as operating issues and to convert finding into recommendations for action.[22]

However, the notion that 'expertise' should also permeate the higher echelons of prison administration had been questioned in the 1970s[23] and the 1980s.

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[21] M. Howlett and M. Ramesh. Studying Public Policy: Policy Cycles and Policy (Don Mills, Ont.: Oxford University Press, 1995) 154-155.

[22] F.M. Marx. The Administrative State: An Introduction to Bureaucracy, (Chicago: University of Chicago Press. 1957) 114-115.

[23] T.O. Murton. The Dilemma of Prison Reform, (New York: Holt, Rinehart and Winston. 1976) 82-83.

It should be born (sic) in mind that the civil servants who work in Prison Headquarters are not members of the prison service. They are generalist administrators, many of whom spend a few years in "Prisons" on their way from "Education" before going on the "Agriculture." In other words, they have no life-time career commitment to the decisions which they make concerning the prison service.[24]

Williams has argued that "like all management problems, which are relative to their environment, the problems of prison management are in large part unique to the prison environment."[25] Following this argument, it would seem that the best advice addressing prison management problems would be solicited from experienced prison personnel. Again, another strategy is to seek assistance from other jurisdictions. But it appears that

in policy formulation the members of policy subsystems are restricted to those who have some minimal level of knowledge in the subject area, allowing them to comment, at least hypothetically, on the feasibility of options put forward, to resolve problems put forward.[26]

The evaluation of unit management in Victoria's prisons has never been the subject of detailed inquiry. There has been little published material evaluating unit management's success or shortcomings - apart from internal Office of Corrections (OOC) documentation. It would seem unlikely that any evaluation will take place, given that less than fifteen years after Henderson reported nearly 50 per cent of the prison system is with private contractors.[27] Moreover, there is no evidence to suggest that unit management training for prison officers has been evaluated. A recurring theme, however, throughout the various prison reports to Victoria's Parliament is that of a need to or programmes which upgrade prison officer training.[28]

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[24] A.G. Coyle, The Organisational Development of the Scottish Prison Service with Particular Reference to the Role and Influence of the Prison Officer, Ph.D diss., University of Edinburgh, 1986, 95.

[25] Williams, Custody and Conflict: an organisational study of role problems and related attitudes among prison officers in Western Australia, 9-10.

[26] Howlett and Ramesh, Studying Public Policy, 124-125.

[27] Corrections Corporation of Australia (C.C.A.) operate the Metropolitan Women's Correctional Centre (M.W.C.C.). Australasian Correctional Management (A.C.M.) operate the male Fulham Correctional Centre for sentenced prisoners. Group 4 run the Port Phillip Prison for remandees.

[28] See Victoria's Prison Reports to Parliament from 1927 onwards.

Again, the Office of Corrections Staff Training College recognised the need to constantly upgrade training courses to meet the new challenges brought about by philosophical change.[29] It should also be noted, however, that prison officers "are products of their environment", and so pose particular problems for implementation or introduction of change. The belief systems of both middle management and base-grade staff "may not reflect malice or cynicism, but they may nonetheless limit the number of options for change available."[30] Moreover, it may be that prison officers are reluctant to undertake further skills training unless the training leads to some type of promotion. For example, a number of 'unit management facilitators' courses scheduled to be held at the Victorian Staff Training College in 1992 had to be cancelled due to the lack of participants.[31]

## Scope.

The thesis is about prison policy, prison practice, prison management, and prison officer training. There are numerous practical accounts of prison officer training[32] and sociological accounts of prison management.[33] However, there is a dearth of literature in prison policy. What is available tends to be of American origin (particularly in Victoria) with some European literature. This material is of limited direct use for the contemporary prison policy-maker. That Australian prisons have 'policy' has been questioned at both parliamentary and judicial level.[34]

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[29] Initiatives for OOC Training and Development, paper presented to the OOC Executive by the STC Manager, John Pini, 1991, JP-124 / SS

[30] Murton, The Dilemma of Prison Reform, 87.

[31] This course was designed to assist senior and chief prison officers implement unit management in their work environment. Unit Management in Victorian Prisons, Evaluation Handbook, Office of Corrections, 1990

[32] Each State and Territory has prison officer training modules and manuals.

[33] For a detailed account, see J.J. DiIulio Jr, Governing Prisons. A Comparative Study of Correctional Management, (New York: The Free Press, 1987) chapter 1.

[34] Report of the Board of Inquiry appointed to inquire into and report upon the escape of five prisoners from H.M. Gaol Pentridge, on Saturday 27th day of August, 1955, VPR 1955, No.7, (the McLean Report). Report of the Board of Inquiry into several matters concerning HM Prison Pentridge and the maintenance of discipline in prisons, 25 September, 1973, Victorian Government Printer (The Jenkinson Report). J.D. Henderson, A Report on the Correctional System of Victoria, Australia, Department of Community Welfare Services, April 1983. Report on the Accountability of the Office of Corrections, The Ombudsman Victoria, July, 1990.

Prior to the 1980s many prison policy makers were accustomed to pedestrian and/or procedural work. While there were a few published studies on general aspects of prisons, there was little that policy-makers could specifically use to formulate new prisoner management strategies. This was particularly evident in Victoria when unit management practices and standards were devised. Moreover, until the early 1990s when a number of 'Direct Supervision' studies were published, there was little available information on Australian experience with unit management.[35]

It also appears that some of Victoria's prison policy-makers regarded unit management as a penal philosophy instead of a prisoner management policy. For example, the New South Wales Corrective Services had introduced unit management as the preferred prisoner management policy with the Justice Model as a philosophical bedrock.[36] Victoria on the other hand was, for all practical purposes, still operating on the 'Medical Model' philosophy with its attendant prisoner management strategy.[37] When a decision was made to implement the unit management concept, there seemed to be little attention given to changing the current operational philosophy. The implementation of unit management may have been seen as a precursor to later philosophical change, however, all of the unit management documentation issued by the Victorian Office of Corrections is singularly devoid of any mention of operational philosophy.

Four purpose-designed prisons were built in Victoria during the 1980s. However, unit management was never properly evaluated in any of Victoria's existing prisons prior to the new facilities becoming operational. Resource allocation did not appear to be matched by practical endeavour. Prison officer training remained largely custodial.

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[35]    R. Robson, "Managing the Long Term Prisoner: A Report on an Australian
        Innovation in Unit Management" The Howard Journal,
        Vol. 28 No. 3 (Aug. 1989): 187-203.
[36]    J. Gorta, Unit Prisoner Accommodation -The Bathurst Gaol Experience, 1983-1987,
        NSW Department of Corrective Services memorandum, 1988, 4.

The prison Staff College should have provided unit management training expertise but, instead, internecine squabbles and external political influences led to its closure. By 1993, however, the Kennett Victorian Government embarked on a programme of prison privatisation. The Government decided to close the Coburg Prison complex (Pentridge Prison and the Metropolitan Reception Prison) and to contract the building and operation of its several replacements to private industry.[38] Whether previous unit management operations had anything to do with this decision is a moot point. The simple fact is that 1980s prison policy had little support from the incoming Liberal government elected in 1992.

Victoria's involvement with the unit management concept occurred in the period from 1983-1992. To understand the administrative process behind the decision to implement unit management and the attendant impact on prison officer training, unpacking the development of previous prison policies in Victoria is crucial. The thesis therefore traces the development of prisons from the establishment of the Colony of Victoria in 1851. The Penal Department and the prison system, which was administered by the Sheriff's Department, became part of the Chief Secretary's Department through a Royal Commission in 1869.[39]

Responsibilities for the administration of prisons was moved to the Social Welfare Department in 1960 then to the Department of Community Welfare Services in the late 1970s. Finally, in the 1980s, prisons attained a separate Ministry combining with the probation and parole sections to become the Office of Corrections. These administrative developments are important factors in the process in implementing unit management. It is important to note that prison 'policy' emerged late - indeed until the 1970s little debate was engendered over prisons which remained primarily concerned with custodial arrangements.

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[37]     In Victoria's case, the prisoner management practice was still custody and control.
[38]     Keypoints, Vol. 5 No. 2 (December 1993) 15.
[39]     Royal Commission into Penal and Prison Discipline, VPR 1870, 2, No. 18.

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Until the 1970s most jurisdictions had a strong administrator who made policy at will.[40] Indeed, one view was that the only policy before the 1970s was to "keep the Minister sweet."[41]

## Constraints and Limitations.

Most, if not all, prison systems are closed to public scrutiny, or with access restricted or limited to examination of peripheral issues. Internal documentation is difficult to obtain and in many cases is less than fully comprehensive. Officials are reluctant to talk. Former administrators and Ministers may only highlight what they perceive as 'successes.' Moreover, most of the relevant prison literature originates from American sources.

There is a perception that all prisons are similar. Prisons, however, are as diverse in practice and operation as other public and private sector organisations that operate similar technologies.[42]

> Prisons may be prisons at one level of analysis, but the concept of domain may prevent us from making inappropriate comparisons of prisons with very different domains.[43]

Thompson's insights raise further methodological questions; should the prison system be investigated as either a 'closed' or 'open' system? The early prison theorists such as Sykes,[44] Goffman,[45] and Cressey,[46] argued that the system was 'closed.' In contrast, however, Morris,[47] Hawkins,[48] Lombardo,[49] and latterly Maguire et al,[50] claim the prison system is open.

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[40]    I.L. Barak-Glantz, "Towards a Conceptual Schema of Prison Management Styles." Prison Journal, 61, No 2, (1981): 42-58.
[41]    Interview with Tasmanian Prison's Chief Superintendent, 17 November, 1995.
[42]    J.D. Thompson, Organisations in Action. (New York:McGraw-Hill, 1967), 26.
[43]    'Domain' is a term formulated by Levine & White (1961), For a full description See Thompson, Organisations in Action. 26-29. For comment on prisons see F. Rinaldi, Australian Prisons, (Fyshwick, ACT: 1977, F&M) 13
[44]    Sykes, The Society of Captives.
[45]    E. Goffman, Asylums, (Hardmonsworth: 1961, Penguin).
[46]    D.R. Cressey, The Prison: Studies in Institutional Organisation and Change, (New York: 1961, Holt, Rinehart & Winston).
[47]    N. Morris, The Future of Imprisonment, (Chicago: University of Chicago Press, 1974).

They argue that "the myriad links between the wider society and the prison system, individual prisons and prisoners serve to insure that no establishment functions in total isolation."[51]

Finally, it is important to note that "the idea that analysis is scientific, dispassionate and value neutral is a myth because research is inevitably influenced by the beliefs and assumptions of the researcher."[52] The researcher who has been part of the prison system for nearly two decades brings certain assumptions based on practical experience. However, as Coyle notes,

> Very few of the assumptions or beliefs held about the penal system can be defended by hard data or evidence. The practitioner who strays into the world of the academic is likely to find himself very quickly attempting to balance on a delicate tightrope. As an academic he may have to accept the likelihood that his findings will be unacceptable to policy-makers as a basis for action. As a practitioner he is participant in the bureaucratic power-structure and may have to abdicate the privilege of a distanced exploration of policy-possibilities.[53]

## Outline of Thesis.

Chapter 1 investigates three specific, but not mutually exclusive, variables: prisoner management practices; the link between Head Office policy and actual operational practice; and the assumptions behind prison officer training. The chapter commences by investigating the development of prisoner management practices through to the implementation of unit management. It will highlight the changing prisoner management practices in Scotland, Sweden, the Netherlands, and the United States from the late 1960s. The chapter will also demonstrate the link between the concepts developed in these systems and the practice that was eventually implemented in several Australian States, with particular reference to Victoria's prison system.

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[48]     G. Hawkins, The Prison : Policy and Practice,
         (Chicago: Uni. of Chicago Press.    1976).
[49]     L.X. Lombardo, Guards Imprisoned, (New York: 1981, Elsevier North Holland).
[50]     M. Maguire, J. Vagg, and R. Morgan. (Eds) Accountability and Prisons,
         (London, Tavistock: 1985)
[51]     Coyle, The Organisational Development of the Scottish Prison Service, 111.
[52]     C. Ham and M. Hill, The Policy Process in the Modern Capitalist State,
         (Hemel Hempstead: Harvester Wheatsheaf. 1984) 19.

The second part of the chapter investigates whether there is a gap between formal policy discourses and operational practice in relation to policy and practice within Victoria's prison system. Information contained in policy documents from the late 1970s onwards provides evidence of Head Office intention. These policies are compared to operational practice. The final section of the chapter analyses the assumptions surrounding prison officer training. While the role has been traditionally regarded as nothing more than a virtual 'turnkey' and 'keeper', the changing nature of prison operation requires that staff are given something more than pure custodial training. However, a survey of prison officer training details the emphasis on the custodial nature of the task.

Chapter 2 investigates whether there is a distinct form of prison policy-making. The focus adapted by Ham and Hill will be utilised to ascertain whether there is a method for analysing prison policy.[54] This chapter utilises the argument advanced by Davis et al that "values, interests and resources" are fundamental elements in the policy process.[55] These elements help develop a framework of analysis. A process orientation recognising the importance of 'values and interests' is a valid analytic tool to investigate the prison policy process. The 'resources' category - both human and economic - are the fulcrum on which Australian prisons pivot. It should be noted, however, that

> values, interest and resources do not run float free, waiting to link together in an ever changing array of combinations. They operate within institutions which have values, interests and resources of their own.[56]

American correctional investigators have offered a number of policy models that can be utilised to investigate what type of policy a specific institution is implementing.[57]

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[53]     Coyle, The Organisational Development of the Scottish Prison Service, 4.

[54]     Ham and Hill, The Policy Process in the Modern Capitalist State.

[55]     G.J. Davis, J. Wanna, J. Warhurst, and P. Weller, Public Policy in Australia, Second Edition, (St Leonards, NSW: Allen & Unwin, 1993).

[56]     Ibid, 4.

[57]     W.G. Archambeault and B.J. Archambeault, Correctional Supervisory Management, (Englewood Cliffs, N J: Prentice-Hall, 1982); DiIulio, Governing Prisons, and J.W. Joplin and J.E. Hendricks, "Correctional Management: A Philosophical Perspective" Corrections Today, Vol. 43, No. 6, 85-88.

They have also developed models for classifying prison operational philosophies.[58] These models are useful indicators of Victoria's prison policies from the late 1940s to the early 1970s.

Chapter 3 will examine the origins of the Victoria's prison system and describe its changing role in the century from 1850-1955. Prison policy slowly developed during this period and the most practical method of investigation will be to examine the careers of the Inspectors'-General[59] and detail the policies and changes implemented under their administration. Until 1923 Victoria's prison system had been run along military lines with ex military administrators charged with penal development. In 1923 the era of the 'educators' began with the appointment of Joseph Akeroyd. Akeroyd and his successor, Alexander Whatmore, viewed prisoner treatment and training as remedies against recidivism. Their practices fundamentally changed a moribund prison system. Whatmore was described as the greatest innovator in Victoria's penal history and directly administered the system from 1948-1960.[60] It will be demonstrated that later policy developments, including the decision to implement unit management, are a direct result of Whatmore's American sojourn in 1948.

The policies and practices implemented in Victoria's prison system from 1956 to 1983 form Chapter 4. Whatmore's blueprint for penal reform was accepted. The government created a new Social Welfare Department, which became responsible for the prison service. The Community Welfare Department was created on the break up of the Social Welfare Department. The prison service then went through some turbulent times with new policies being constantly framed by the prison bureaucracy.

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[58]     V. O'Leary, and D. Duffee, "Correctional Policy: A Classification of Goals Designed for Change" Crime and Delin., 17 4 (1971): 373-386.

[59]     The title then given to the head of Victoria's prison system.

[60]     J. Armstrong, in Correctional Policy and Political Constraints, The Third Alexander Russel Whatmore Memorial Oration, 15 September, 1993.

Chapter 5 discusses the operation of the Office of Corrections from 1983 to 1992. The chapter details both operational policy and the operating philosophy driving these operational activities. It will be argued that the departmental policy was, in hindsight, less than innovative. Data gained from analysis of official documentation is supported by interviews with former politicians charged with administering the prison system. Interviews were also conducted with former prison administrators, former prison Governors, and current serving personnel.

The application of unit management in Victoria's prison system is discussed in Chapter 6. Case examples of this approach to prison management are taken primarily from the USA - the primary source of Victoria's unit management policy practice. Australian evidence provides an insight into the difficulties of transposing a concept from one jurisdiction, and on this evidence one could expect problems in gaining similar results without the benefit of evaluation. The chapter also examines the growing academic interest in the concept of unit management and underlines evidence which provides a critique of 'successes' claimed for unit management approaches.

Chapter 7 investigates the history of Victoria's prison officer training. This chapter examines the type and function of prison officer training, and focuses on whether this training was appropriate for staff implementing a new mode of prisoner management. It will be demonstrated that as training reflected the operational mode of the prison, authorities clearly failed to consider the ramifications of their decision to implement the unit management concept on the custodial-oriented prison staff.

In Chapter 8 the thesis returns to the original argument and discusses the implementation of the new management practice in relation to the concomitant responsibilities for, and outcomes from, prison officer training. This chapter will demonstrate that Victoria's prison system, apart from building four new institutions and re-opening another former prison, has not made the progress anticipated by those involved in planning during the early 1980s.

The thesis concludes that the main reason unit management has not been the expected panacea was that Victoria's prison officers were neither adequately trained, nor, just as importantly, adequately informed about the practice. Unit management had little chance of success as the operating philosophical base was directed toward custody and control, with the result that prison officers have subsumed Victoria's variant of unit management practice into traditional concerns with prisoner management.

# Chapter 1.

## Dilemmas in Prisoner Management.

### *Correction, not mayhem[1]*

The extensive media coverage[2] of the operational difficulties facing the management of the privately operated Port Phillip Prison in Victoria has focussed attention on what may in fact be a classic example of the disparity between prison policy and practice. Whilst the current media debate has centred, for example, on the ethics of private ownership of prisons,[3] the perceived lack of experienced prison staff,[4] and the need to train prison officers to manage in the new regime,[5] of more immediate concern is the question of whether there is any connection between formal prison discourses and enacted policies. In the current situation, for example, it is by no means certain that intention and implementation are congruent.[6]

The arguments raised in this thesis regarding unit management have current relevance. The tribulations faced in Victoria's private prisons in 1997-98 may stem from the difficulties of transplanting overseas penal philosophy into Victoria reflecting earlier difficulties explained more fully in subsequent chapters.[7]

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[1]    Editorial. Herald Sun, 16 March 1998
[2]    "First suicide in private jail raises queries about design" Age, 7 November 1997;
       "Prisons must allow scrutiny" Age, 13 November 1997;
       "Cruel hoax sparks jail security worry" Sunday Herald Sun, 7 December 1997;
       "Anger at jail check" Sunday Herald Sun, 14 December 1997;
       "Call for prison inquiry" Herald Sun, 18 December 1997;
       "Prisoners need an ombudsman" Age, 23 December 1997;
       "Jail staff fear for their lives" Herald Sun, 7 March 1998;
       "HIV man found hanging" Herald Sun, 8 March 1998;
       "Jail scrutiny after HIV prisoner's suicide bid" Age, 9 March 1998;
[3]    "Poor start for private jails" Age, 8 January 1998;
[4]    "Jail mess no secret" Herald Sun, 10 March 1998;
[5]    "Riot breaks out at private prison" Herald Sun, 12 March 1998;
       "Jail bloodshed alert" Herald Sun, 13 March 1998
[6]    "What's wrong in system" Herald Sun, 20 March 1998
[7]    Group 4 claim that the philosophy behind the Port Phillip operation has "been
       proven to work overseas" "Prison owner flies in new staff"
       Weekend Australian, 21-22 March 1998.

The problems with unit management may indicate why apparently successful European prisoner management innovations had failed to realise their potential when transplanted into the Australian environment.[8] The Victorian public prison authorities could have informed private operators of their experiences with implementing a new prisoner management concept. However, it appears that Group 4 Securitas management were confident that their United Kingdom experience would be sufficient to overcome any previous Victorian operational shortcomings.[9] It seems that, for whatever reason, the private prison company did not learn from Victoria's experience.

Victoria's experience with implementing a new prisoner management concept is significant for future penal operation. The changing focus of prison officer/prisoner interaction in the unit management model will in effect determine prison policy in the 21st Century. As noted in the Introduction, there has been little published material evaluating unit management's success or shortcomings - apart from internal Office of Corrections (OOC) documentation. There is also a lack of evidence to determine whether Victoria's prison policy-makers carefully constructed the framework and pathways required for policy implementation.

Again, there remains the question of whether Victoria's prison organisation provided the requisite training to enable prison staff to understand and implement a new concept. It would also seem prudent that the final question to be determined is whether the implemented policies were judged to be successful or deemed failures.

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[8]    For some general details of the Netherlands and Swedish Prison Systems, see
       R. Utting, "Freemantle Prison -Just Another Riot," Legal Service Bulletin,
       13 (2): 62-64; T. Vinson. Wilful Obstruction: The frustration of prison reform.
       (North Ryde. NSW: Methuen. 1982) particularly 85-89,
       and T. Vinson. "Prisons: A Stark Swedish Contrast" National Outlook,
       September 1988. 12-13

[9]    It appears. however, that Group 4 had similar operational problems at Britain's first
       private prison - the Wolds Remand Centre. which opened in 1992.
       "Mr Twinn's double trouble" Herald Sun. 21 March 1998.

There are a number of reasons for policy failure: for example, the policy may be altruistic; the policy may not have been trialed in its new jurisdiction to ascertain whether it can be fully implemented; it may not have been fully explained to both management and staff; the policy may be subject to various subjective interpretation; there may not be the requisite finance to fully implement the policy; there may be time constraints in implementation which limit the concept's effectiveness; there may be tacit or overt reluctance to change by those who implement the policy; again, the intention of the policy can be watered down by other competing demands; staff may not understand the policy's intention; and, staff may not have been fully trained in the change prior to implementation. In sum, there are diverse reasons that policies fail.

> Translating programs into practice is not as simple as may first appear. For a host of reasons relating to the nature of the problems, the circumstances surrounding them, or the organization of the administrative machinery in charge of the task, programs may not be implemented as intended. These are the realities of implementation, as distinct from the stated objectives and the procedures prescribed for achieving them. It is important to recognize these limitations if we are to understand the public policy process.[10]

Prison administrators, without doubt, are faced with seemingly impossible tasks. They have to marry policy initiatives with practical applications into an environment that, at best, can loosely be described as calm and orderly, and, at worst, as volatile and precarious. They have to meet, *inter alia*, executive decrees, implement political expectations, provide public accountability, motivate and lead staff, and provide systems[11] whereby offenders have programmes and structures which are deemed meaningful during incarceration. These programmes have the two-fold aim of assisting offenders' reintegrate into society while tackling the omnipresent recidivism problem. At the same time, prison administrators are being asked to manage these tasks in a climate of economic constraint.[12]

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[10]    M. Howlett and M. Ramesh. Studying Public Policy:
        Policy Cycles and Policy Subsystems. (Toronto: Oxford University Press, 1995) 154
[11]    "System failures core of private prison's problems" Weekend Australian,
        28-29 March 1998.
[12]    "Public v Private: The competition for correctional services" Law Institute Journal.
        September, 1996, 1-2.

The large-scale funding of the late 1970s and 1980s, which saw a dramatic rise in capital refurbishment, new prison building, and large-scale recruitment, particularly in Victoria,[13] have dissipated. Governments are either reluctant or unable to provide finance on such a previous scale. Prison administrators now require prison managers to work with decreased budgets, yet, paradoxically, maintain or upgrade standards. While the planners or policy-makers dictate the framework of facility operation, the manager lives with the knowledge that performance and keypoint indicators are objective realities instead of subjective rhetoric.[14]

In general terms, managers are now judged on their ability to implement policies. A dysfunctional facility brings speedy admonition.[15] Yet managers are captive of some unrealistic and unmeasurable aims. In Victoria, for example, managers have to ensure that, among others, they are to provide "opportunities for rehabilitation, which prepare prisoners and offenders for law-abiding and productive participation in the community." [16]

If prison managers have difficulty in understanding how these policy requirements can be implemented, the obvious inference is that prison officers under their control and direction will continue to perform in a perfunctory manner.[17] Whenever policy directives are clear and unambiguous, strategies and training programmes can be developed and tailored to enable policy implementation to mirror policy intention. It helps, of course, if prison numbers do not increase. Whenever there is an increase in prison population, policies and strategies have to be modified, refined, upgraded, or in some instances, take polar directions to accommodate the increase.

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[13]    Office of Corrections Annual Reports. 1984-1990.
[14]    Men's Prisons in Victoria: Correctional Policy and Management Standards,
        Department of Justice. Office of the Correctional Services Commissioner.
        September. 1996.
[15]    "Watchdog to probe prison problems" Herald Sun, 20 March 1998.
[16]    Men's Prisons in Victoria. 3.
[17]    "Prison staff seek action" Age. 14 March 1998

For example, a policy of single cell accommodation can be changed to accommodate increased offender incarceration.[18] Tougher sentencing leads to unanticipated imprisonment levels.[19] Scotland's exceedingly high imprisonment levels have already "created an increase in tension in prisons, and an increase in stress on an already overloaded prison staff."[20] It has been noted, particularly in Victoria, that some overseas prison policies are difficult to transplant.[21] Moreover, the "new breed" of prison managers with their "softly-softly style" may have difficulty controlling offenders and implementing policies.[22] Again, their actions may cause friction with subordinate staff.[23] However, it appears that rather than blame policies for failure, Head Offices react by replacing senior staff.[24]

While it is of course singularly inappropriate to labour on the difficulties facing one private operated Victorian prison,[25] the simple fact is that all three privately operated prisons in Victoria are purpose-designed unit management prisons. The building of these types of prisons, combined with the introduction of a new prisoner management strategy, was to be the cornerstone of the Victorian Government's prison policy into the 21st century. However, a change of government in 1992 brought with it different perceptions on prison policies. By 1998, nearly fifty per cent of the government operation was to be privatised.[26]

[18]    "Tough laws fill prisons" Herald Sun, 23 March 1998.
[19]    "Tough courts crowd jails" Herald Sun, 23 March 1998.
[20]    SNP News Release 07/03/97, "Salmond Makes Keynote Speech to Prison Officers
        'Crisis of Morale in Scottish System' "
        http://www.snp.org.uk/press/news/archive/pr70307b.htm.
[21]    "Inside a private 'hell' "Age, 14 March 1998
[22]    "The politest of prisons" Herald Sun, 23 March 1998.
[23]    "Prison guards threat" Herald Sun, 14 March .
[24]    "Prison firm set for staff shake-up" Herald Sun, 21 March 1998,
        "Overseas backup to control jail" Herald Sun, 21 March 1998,
        "Jails chief removed in wake of prison riot" Weekend Australian, 19-20 April, 1997,
        John Van Groningen, Victoria's Correctional Services Commissioner, has been
        'seconded to head a task force' to investigate private prison operation.
        "Prison, not a holiday" Herald Sun, Editorial 23 March 1998
[25]    The others have by no means escaped media and public criticism.
        For example, "Jail fuel stockpile fear" Herald Sun, 1 October 1997
        (Fulham Correctional Centre)
        "Drug drama in women's jail" Herald Sun, 24 October 1997.

The salient contemporary issues - policy implementation mirroring intention; unit management operating philosophy; and prison officer training - are no different from the problems faced by the Office of Corrections in 1992. Indeed, the significant publicity given in recent months to these areas highlights the fact that prison policy-makers appear to have made less than significant progress during the past six years.

This chapter will address each of these issues but will first document the changing patterns of prisoner management prior to the introduction of unit management, which commenced in the United States Federal Prison System.[27] Studies from Sweden and Holland[28] describe the strategies devised in these jurisdictions to complement changing correctional reforms. The Barlinnie Special Unit, a major correctional innovation, provides evidence of small unit prisoner management in the Scottish Prison System.[29] In Australia, the introduction of unit management in NSW[30] prior to Victoria's initial trials with the concept provides a useful comparative example for differences in organisation and focus between NSW and Victoria.

[26] "New era for our prison system" Sunday Herald Sun, 29 November, 1992.

[27] M. Janus, Functional Unit Management: An Evaluation of Organizational Effectiveness in the Federal Prison System. U S Department of Justice, 1982.

[28] For example. B. Apsey, M. Wockel and S. Johnson, Report of Visit to Correctional Jurisdictions in the Netherlands, Denmark, Sweden, Finland and the Union of the Soviet Socialist Republics, Department of Correctional Services, South Australia, 1989 (the Apsey Report);
P. Norden, Study Tour of Swedish and Dutch Prison Systems, Catholic Prison Ministry Victoria, 1990; "Corrections in Sweden: Facts about the Swedish Correctional System" Kriminalvard Sverige, (February, 1993); Aims and Tasks of the Swedish Prison and Probation Service, Kriminalvarden, 1990; "Europe's Least Awful Prisons" The Economist (February 6 1988) 17-20; and M.J.M Brand-Koolen (Ed.) Studies on the Dutch Prison System, (The Hague: Kugler publications, 1987)

[29] Small Units in the Scottish Prison Service. The Report of the Working Party on Barlinnie Special Unit, Scottish Prison Service, 1994, especially chapters 8 and 9.

[30] Robson, R. "Managing the Long Term Prisoner: A Report on an Australian Innovation in Unit Management" The Howard Journal, Vol. 28 No. 3 (Aug. 1989): 187-203.

## Types of prisoner management and the development of small units.

There is no particular method of managing offenders. Various methods have been attempted or trialed depending on the operational philosophy. Simply, there are a small number of prison personnel who are charged with managing at least four times their number of offenders within the constraints of the prison environment. This practice leads to specific strategies being developed so that prison personnel maintain order within their institutions. During the 'Ancien Regime' management was based upon the concept of prisoner discipline. A small number of prison officers could manage a large number of prisoners. Prisoner movement was curtailed and association literally non-existent. Prison policy was based on custody and control with prisoner discipline being a fundamental tenet of prison operation.

While obviously prison reforms have meant that these practices have changed in the twentieth century to more of a humane containment strategy, the dual concepts of discipline and control have formed the cornerstone of successive philosophical and policy change up until the 1970s.[31] The rise in imprisonment rates from the 1960s onwards forced administrators to reconsider prison operation. It set in train a set of procedures, which have fundamentally changed the nature, and tone of prison policy-making, as well as prisoner operational management. Moreover, overcrowded institutions have bred a new type of felon to whom order and discipline are anathema.[32] To appease this situation, administrators virtually had to abandon the discipline protocol relying on what prison officers consider as nefarious solutions. While these may be short-term measures, the long-term ramifications are a liberalisation of

> The security and custody of many institutions, arousing intense antagonism, and overt opposition from guards. This combination of population pressure, public disillusionment, fumbling reform, prisoner militancy, and guard intransigence has broken the fragile order inside the prison.[33]

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[31]   It also seems to be reappearing, for example. "Tear gas grenades put end to prison stand-off" Sunday Age 10 August 1997.

[32]   Ibid. also see P. Lynn and G. Armstrong, From Pentonville to Pentridge: A History of Prisons in Victoria, (Melbourne: State Library of Victoria, 1996) ch. 12.

[33]   M. Ignatieff, A Just Measure of Pain, (London: MacMillan, 1978), xi.

The aetiology of prison discipline is to be found in Elizabethan bridewells or houses of correction where men were imprisoned and put to work to learn "the habits of industry."[34] It is also in these early bridewells that the genesis of the Medical Model of imprisonment[35] is to be found. However, the early bridewell detractors were doctors who perceived crime as a disease "which spreads destruction like a pestilence and immorality as an epidemical disorder which diffuses its morbid qualities."[36] These doctors argued that institutional change could only take place when penal administrators changed their *modus operandi*. For example, in 1792 Pinel the superintendent of the Bicetre Asylum in Paris, struck the chains from the insane preferring a disciplinary regime of "surveillance, hard labour, and submission to rules." He maintained that while "chains merely constrained the body. Discipline actually habituated the mind to order."[37]

The penitentiary was well established by 1815.[38] Prisoners were stripped, cleansed to prevent the proliferation of disease, clothed in uniform institutional garb, and given standardised dietary fare. "Cleanliness was regarded as the outward manifestation of inner order; dirtiness, on the other hand, was seen as a sign of feckless in discipline."[39] The operating philosophy· was based on 'quarantining' prisoners from destructive influences, imposing a 'silent regime', and making solitude a prerequisite for reform.[40]

> Authority must be founded either on the fear of punishment or on respect for superiors in whom the authority is lodged ... The question is how is this force of opinion to be imposed on the minds of these men? Is it by familiar conversation? Few men speak well enough to impose respect on their hearers - whilst every man has it in his powers to impose by silence and reserve.[41]

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[34]  Ibid, 11.
[35]  D.E.J. MacNamara, "The Medical Model in Corrections: Requiescat in Pace" Criminology. 14, ( 1977 ): 435-448.
[36]  J. Hanway. The Neglect of the Effectual Separation of Prisoners and the Want of Good Order and Religious Economy in Prisons ... 1784, 4, quoted in Ignatieff. A Just Measure of Pain, 61.
[37]  Ignatieff, A Just Measure of Pain, 69.
[38]  Ibid, 101.
[39]  Ibid.
[40]  Ibid, 102.
[41]  Paul, quoted in Ignatieff. A Just Measure of Pain, 104.

This model of prisoner management combined the rationalisation of prison administration with a regulated salaried prison staff and disciplined institutions.[42] The Pentonville Prison in England opened in 1842 and prisoners spent a minimum of eighteen months in solitude, later reduced to twelve then nine months respectively.[43] Discipline such as whipping, branding, the stocks and public hanging, was "directed at the body," whereas liberal doses of Scripture, hard labour, and silent contemplation discipline were "directed at the mind."[44] English penal thought was married with American institutional design and later transplanted to the Australian colonies.

And it appears that the American prisoner management philosophy of discipline[45] was the bedrock of Australian prison policy. But,

> the scope and range of the 'discipline' is limited by, and tied to, quite specific demands emanating from the requirements of governments, the penal bureaucracy itself and the activities of charitably - based reformers (later to be social workers proper). On these occasions, when definite ideas of policy are promoted, they become subordinated to the internal workings of organisations. For example, although a policy of classification of prisoners for treatment or reform did emerge in the last decades of the nineteenth century, the actual implementation of these classifications followed the demands of good prison discipline rather than individual treatment.[46]

The 1870 American prison system tried to combine administrative order with an adaptation of Maconochie's prisoner treatment principles.[47] But prison policy was trying to reconcile two fundamentally opposing perceptions. As Garland notes, "Like all complex institutions, the prison of this period had a multiplicity of discernible objectives that were inherent in its practices and routines."[48]

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[42]    D. Garland and P. Young, The Power to Punish, (London: Heinemann, 1983) 60.
[43]    Ignatieff, A Just Measure of Pain, 4.
[44]    Ibid. xiii.
[45]    I L. Barak-Glantz. "Towards a Conceptual Schema of Prison Management Styles" Prison Journal. 61. No 2. (1981): 42-58. 42-47.
[46]    Ibid.
[47]    See J.V. Barry, "Alexander Maconochie 1787-1860" in H. Mannheim, Pioneers in Criminology, second edition enlarged. (Montclair, NJ: Patterson Smith 1972) 84-106.
[48]    Garland, Punishment & Welfare, 11.

It is also important to remember that there was no great American prison master plan. American prison systems developed along the lines of the Auburn system after the Pennsylvania System was abandoned.[49] A meeting had been called, however, in 1870 to arrange the first American national prison association. This meeting formulated a Declaration of Principles and listed 37 goals. There was no mention of "vindictive punishment." Instead, "Classification, diagnosis, probation, and above all reformation were henceforth to be the goals of penal treatment."[50] On the other hand, Du Cane, the Chairman of the English Prison Commission, believed that the formal priority of that system was "the repression of crime."[51]

Indeed, prisoner reformation was never a fundamental consideration of English penal thinking. In 1863, for example, The Select Committee of the House of Lords on Prison Discipline rejected any efforts to impose a different philosophical purpose.

> They do not consider that the moral reformation of the offender holds the primary place in the prison system; that mere industrial employment without wages is a sufficient punishment for many crimes; that punishment in itself is morally prejudicial to the criminal and useless to society, or that it is desirable to abolish both the crank and treadmill as soon as possible.[52]

Any history of penal practice, and concomitantly policy, is replete with examples of administrative order. And to maintain order, the administrator required standardisation, routine, and discipline. Standardisation of prisons did not effectively take place in England until the Prison Act 1877, when an "exceedingly disparate and heterogeneous set of penal establishments ... with enormous variations of regime from prison to prison [were subject to] ... rationalisation, economy and uniformity."[53]

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[49]   T.O. Murton. The Dilemma of Prison Reform.
(New York: Holt. Rinehart and Winston. 1976) 9.

[50]   Ibid. 10.

[51]   Garland. Punishment & Welfare 9.

[52]   The Select Committee of the House of Lords on Prison Discipline 1863. quoted in
J. E. Thomas. The English Prison Officer Since 1850: A Study in Conflict,
(London: Routledge & Kegan Paul. 1972) 18-19.

[53]   D. Garland. Punishment and Welfare. (Aldershot: Gower. 1985) 11.

Routine is expressed by the publication of prison standing orders and uniform documentation. However, it is also a fact that in the English prison system,

> the day-to-day operation of that system is established more by the expedient provision of finance, staffing and other resources, than by any ideology on how one ought to deal with crime.[54]

By the time that American authorities had drawn up their reformation principles and the English system commenced the policy of 'repression of crime,' Victoria's prison system was trying to introduce a policy "in which a general scheme of discipline, both deterrent and reformatory in its action, might be brought to bear on the prison population."[55] Deterrence had been the cornerstone of English prison policy until 1895.[56] The Gladstone Report, however, demanded that the English service perform two primary tasks, "we start from the principle that prison treatment should have as its primary and concurrent objects deterrence, and reformation."[57] Rehabilitation through education and long-term detention of the habitual criminal became official English policy for over seventy years.[58]

According to Rotman, the early part of the 20th century found American penologists and criminologists adopting the "Psychotherapeutic Model" of prison reform. Rotman notes that "psychiatric interpretations of social deviance began to assume the central role in criminology and policy making."[59]

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[54]  Ibid, 4
[55]  VPR, Session 1873, Vol. 3, Penal Establishments and Gaols for the year 1872, 3.
       For a lucid account of Australian penal philosophy in the 19th century, see
       M. Finnane, Punishment in Australian Society.
       (Oxford: Oxford University Press, 1997) Ch. 2.
[56]  Thomas, The English Prison Officer, 117.
[57]  Quoted in Thomas, The English Prison Officer, 117. Thomas, however, ridicules the
       idea that a prison can have two primary goals. He claims deterrence and reformation
       are mutually exclusive. And he argues that the administrative machinery required to
       accomplish these polar tasks are very rarely located together.
[58]  Murton, The Dilemma of Prison Reform, 15. Murton argued in 1976, the
       fundamental dilemma has always been the unresolvable dichotomy between those
       who offer architectural renovations and esoteric theories relating to the cure for
       criminality as an answer on the one hand, and those who perceive that the everyday
       relationships between prison officer and prisoners may offer a platform for a change
       of attitude in the prisoner. Indeed, Murton claims that the perception that the prison
       can achieve either or any of these tasks is either altruistic or downright naive
[59]  E. Rotman, "The Failure of Reform" in N. Morris and D. J. Rothman, (Eds)
       The Oxford History of the Prison: The Practice of Punishment in Western Society.
       (Oxford: Oxford University Press, 1995) 169-197, 178

Crime was diagnosed as an illness. This led to the promulgation of the Indeterminate Sentence.[60] Prisoners under this sentence were held until 'cured'. Psychiatrists and psychologists now held the key to prisoner management. "Release from prison became the equivalent of release from a hospital."[61] Classification of the offender became critically important because of the new emphasis on diagnosis of criminality. This led to a revamp of custodial practices. Rewards, such as transfer to minimum-security institutions, were offered to offenders for good behaviour while transfer to maximum-security institutions awaited those who transgressed. Management of offenders now centred on "classification, work, discipline, education, and vocational training." However, Rotman points out that such rehabilitative ideals were doomed because of the intransigence of "badly paid and incompetent personnel" who made security their prime concern.[62] A period of enlightened prisoner management practices, however, began to appear in the 1920s.

Thomas Mott Osborne became chairman of the New York Prison Commission in 1913. In November 1914 he accepted the position of warden at Sing Sing Prison. He inherited an institution that was beset by riots and turbulence. Osborne immediately rejected the contemporary notion of crime as a disease.[63] Instead, he believed that offenders held the key to their reformation. He believed that reform could be effected by giving prisoners some decision-making powers - particularly in areas were they traditionally had no say. Literally, what Osborne was trying to accomplish was a form of offender self-government. He labelled this process a "Mutual Welfare League."[64] Prisoners could directly advise Osborne without going through the process of first informing their gaolers. Osborne's innovation led to offenders self-managing discipline procedures in many areas including the prison workshops.

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[60]    For a description of Victoria's implementation of the Indeterminate Sentence, see Lynn and Armstrong, From Pentonville to Pentridge: A History of Prisons in Victoria, 121.

[61]    Rotman, "The Failure of Reform", 178.

[62]    Ibid, 183

[63]    Murton, The Dilemma of Prison Reform, 200-201.

[64]    Rotman, "The Failure of Reform", 180

However, prison officers were sceptical about the concept, particularly when it appeared that Osborne was negotiating directly with the prisoners. The combination of political interference and prison officer opposition resulted in Osborne resigning in October 1916.[65]

In England during 1921, the Chairman of the Prison System, Ruggles-Brise, claimed that prison reform was not a "theory of punishment," rather, it was "an incident of it." He felt there was a necessity for "strict regulation to secure order, discipline, and obedience."[66] Moreover, Ruggles-Brise foresaw the influence of religion playing a major part in prisoner reformation. He also alluded to such 'innovations' as

> the issue to well-behaved prisoners who have completed six months of their sentences, of note-books and pencils, by which they are enabled in their leisure moments, to make a special study of some particular subject, which is likely either to be of benefit to them on discharge, or where their prospects on discharge might be impaired by the absence of any special means for maintaining the knowledge of any special subject which they previously possessed. Notes also may be taken from books regularly furnished from a well-stocked library, where such literary extracts are deemed to be of value to a prisoner for the improvement of his mental equipment.[67]

However, English prison officers had to adapt to meet the changing circumstances set in place after the Gladstone Report. Since 1895, there had been a demand for greater freedom for offenders. As Thomas notes, the absolute power of prison staff had been eroded when association and communication between prisoners was introduced.[68] The linchpin of future prisoner management strategies in the English system was to be "the process of control" based on prisoners earning privileges.[69] It took until the 1950s before English prison authorities trialed other innovations in the Norwich and Bristol Prisons.[70]

[65]    Murton, The Dilemma of Prison Reform. 207.
[66]    E. Ruggles-Brise. The English Prison System.
        (London: Macmillan & Co, 1921) 2-4.
[67]    Ibid. 8-9.
[68]    Thomas, The English Prison Officer. 132.
[69]    Ibid.
[70]    F.E. Emery. Freedom and Justice within Walls. (London: 1970, Tavistock).

The Massachusetts prison at Charlestown opened in November 1927. Its first warden was Thomas B. Gill - an economist. Gill believed that individualised psychological and sociological treatment in an environment, which replicated, as far as possible, a normal community would assist the offender to rehabilitate himself. Gill proposed that there should be units to house no more than fifty prisoners supervised by two prison officers. Each unit would elect members to become part of the Inmate Council, which would meet with Gill. This Council would have advisory powers only unlike Osborne's Mutual League, which had disciplinary powers.[71] This Council evolved into a shared decision-making body between staff and prisoners.

According to Rotman, the major problem Gill faced was the animosity between the treatment staff and the prison officers. The house officers, who supervised the inmates in the units, considered the treatment staff to be "too soft and coddling of prisoners; the social workers, in turn, found the guards ignorant and cruel."[72] Rotman notes that while Gill tended to side with the treatment staff, the prison officers had significant day-to-day authority and were thus better positioned to undermine any attempts at radical prisoner reform.[73] Gill's initial plan soon came under pressure by the expedient factor of an increased prisoner population. He had to strenuously fight to keep his reforms in place. Gill's attempts to continue participative management ended when he was dismissed in 1934 after "a political fight that lasted five months."[74]

Two American experiments with forms of prisoner participative management were light years away from previous practices. There is no comparison with the aforementioned English philosophy. Osborne and Gill appear aberrations in a system that was more concerned with prisoner and prison control. Again it would appear that both men foundered because of the intransigence of prison staff. However, both men were victims of other variables.

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71    Murton, The Dilemma of Prison Reform, 207-213.
72    Rotman, "The Failure of Reform" 181.
73    Ibid.
74    Murton, The Dilemma of Prison Reform, 213.

Osborne's demise was a direct result of allowing long-term prisoners to work outside the confines of the prison. He had also allowed prisoners to work in the administration building. It appears that this type of thinking was too liberal for the times. An order subsequently came from the Superintendent of Prisons overturning Osborne's directions. He was left with little room to manoeuvre. According to Murton, Osborne felt that the effectiveness of his progressive programmes were threatened simply because the order to dismiss prisoners working in the administration building was an overt comment on his style. Sing Sing had the only administration building outside prison walls.[75]

Gill, on the other hand, was the victim of an increasing prison population. His intention of creating a milieu based on "social, medical, psychological, and educational techniques to the traditional reformative, industrial, and religious instruction" was premised on being able to control admissions to the prison.[76] It appears that Gill had an agreement with the state commissioner of corrections that he would only take "amenable types of inmates."[77] Gill felt that these prisoners would benefit from the casework approach he implemented. The commissioner ordered Gill to take hardcore prisoners whom, on arrival, immediately took advantage of the liberal regime. Gill was forced to

> shift the primary concern from rehabilitation to custody and enforced discipline. In fact, inmates became so unruly that Gill had to resort to solitary confinement with bread and water to restore control.[78]

Gill was dismissed after several escapes and comments that the system was too soft on prisoners.[79] However, it is a moot point whether the prisoner management concepts developed by Osborne and Gill were too liberal for the respective administrators and prison officers. It appears that governments favour administrators who maintain order and stability.[80] But there is a greater danger that those systems that fail to develop will move backwards.[81]

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[75]     Ibid, 207.
[76]     Rotman, "The Failure of Reform" 182.
[77]     Ibid.
[78]     Ibid.
[79]     Ibid.
[80]     J.E. Thomas and A. Stewart, Imprisonment in Western Australia, (Perth, W.A.: Uni of W.A., 1978) 101.
[81]     Ibid.

It will always be difficult for administrators to post institutional change if they do not have prison officer support. Therefore, one of the major difficulties faced by any progressive prison administrators is trying to convince a largely sceptical and mostly disinterested prison officer staff that change is a necessary concomitant of new philosophical implementation. Prison officers traditionally are mainly conservative. The majority are normally conditioned by the organisational culture to perceive that any change in the *status quo* is either a softening or weakening by management toward prisoners on the one hand, or a gain for the prisoners on the other.[82] This perception can be reinforced when there is little funding available for prison staff amenities, but is made available for prisoner educational and vocational programmes.[83] However prior to 1930, as Rotman reports, in Illinios "the position of the guard was well-nigh intolerable; not only a meager salary but also long hours behind the walls ..."[84] Moreover, in California, "untrained guards worked for ten hours a day, seven days a week."[85] And it appeared that they were led by

> Wardens who had no serious interest in promoting rehabilitation or, for that matter, in doing much else than maintaining a secure facility and keeping the inmates in line. If the wardens had any expertise at all, it was in maintaining security as demonstrated by their previous careers in police and military service.[86]

However, many prison administrators still attempted change even though the milieu to effect changes had been condemned as unworkable.[87] These prison administrators were thus faced with the dilemma of trying to implement strategies to assist prisoner reformation while trying to reconcile differences with sceptical prison officers. On the other hand, some Australian administrators perhaps had a different view of prison officer and prisoner interaction.

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[82]     Fogel argues that the "guard is a bearer of stability, fixity and the status quo."
         D. Fogel, " ... We Are The Living Proof ..." The Justice Model For Corrections,
         (Cincinnati: W.H. Anderson Company, 1975) 71.
[83]     Ibid.
[84]     Rotman, "The Failure of Reform" 183.
[85]     J.W. Eaton, Stone Walls Not A Prison Make:
         The Anatomy of Planned Administrative Change
         (Springfield, Illinois: Charles C. Thomas, 1962) 73.
[86]     Rotman, "The Failure of Reform" 183.
[87]     In 1931, Sutherland claimed "Prisoners are the most difficult people to reform amd a
         prison is the worst place in the world in which to reform them."
         E Sutherland, quoted in Eaton, Stone Walls Not A Prison Make, 140.

The staff has worked well under difficult circumstances. The necessity of having a loyal and efficient staff cannot be too strongly stressed, as a great deal of tact and understanding of the different classes of prisoners are essential. The temptations are many, as certain prisoners and their friends are only too willing to bribe a warder to traffic articles into the Gaol. Trafficking is one of the greatest dangers to the safety of gaols all over the world.[88]

In California, one far-sighted senior prison official fundamentally changed operational practices in 1940. Kenyon Scudder, the Superintendent of Chino, recruited a "cadre of fifty young men on the basis of merit alone. Most had college degrees. No one had ever worked in a prison before he was hired."[89] Scudder thought that the introduction of these 'cleanskins' would help provide a prison environment which was "dedicated to rehabilitation rather than mere custody."[90] Scudder's argument had solid grounding. In order to facilitate prisoner reformation, both prison officers and prisoners had to communicate with each other. Yet, "mutual exchange of thoughts and feelings were opposed by the prison administration in California." An inmate seen talking to an officer could be labelled a 'squealer,' while an officer talking to an inmate could be accused of trafficking.[91] Scudder's new practices were the antithesis of Head Office edict.

However, progress was made after 1941. "Inmate Advisory Councils" were established in all Californian prisons.[92] These councils could "make suggestions, offer critiques of management policies, and ask direct questions of the prison's top manager, the warden or superintendent."[93] And, although the American Prison Association did not change its name to the American Correctional association until 1954,[94] it was evident that reformers were active in some parts of Australia.

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[88] Parliament of Tasmania, Annual Report of the Controller of Prisons, 1935-36. 3.
[89] Eaton, Stone Walls Not A Prison Make. 81-82.
[90] Ibid. 83.
[91] Ibid. 117.
[92] Ibid, 120.
[93] F. R. Dickson, N Fenton and A Holzschuh. "The Inmate Advisory Council" Proceedings of the Eighty-fifth Annual Congress of Corrections of the American Correctional Association. New York, 1955. quoted in Eaton, Stone Walls Not A Prison Make. 120.
[94] Rotman, "The Failure of Reform" 190.

During a Royal Commission into the Hobart Gaol in Tasmania, and arguing for a 'Director of Correction' to take over from the then senior administrator, the 'Controller of Prisons,'[95] a noted jurist commented,

> It should be the duty of the Director of Correction, immediately upon the conviction of any offender ... to procure a full case history of the offender since birth. He should arrange for the immediate examination of the offender by a psychologist, psychiatrist, medical officer, and a dentist, and should supply a report to be placed before a sentencing court which the court may make use of it as it thinks proper. After sentence the Director should plan a programme of rehabilitation fro the offender based upon his estimate of the individual offender's needs.[96]

Ironically, although the very nature of penal operation was now subject to constant questioning, with different prisoner programmes and practices introduced, prison officers were practically excluded from involvement. The reformative treatment-oriented approach drew upon the skills of psychiatrists, psychologists, social workers and others.[97] Prison officers became involved in "group counseling" in Folsom Prison in California in 1954. This 'counseling' referred to treatment under the leadership of "clinically untrained" prison officers. "The Deputy Director of Classification and Treatment met with 15 prisoners, two correctional officers, a librarian and a sociologist, one night a week for about two months."[98] Prison officers and prisoners also met to discuss problems whether personal or institutional. However, the "group psychotherapists" - the professionally trained personnel - worried about their status - lobbied for detailed credentials and standards for 'group leaders.' Prison officers with little or limited educations were excluded from the process. Other prison officers, who had gained credentials, aligned with the 'therapeutic community' leaving custodial duties to less-qualified personnel.[99]

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[95] When the author joined the Tasmanian Prison Department in 1975 the senior prison administrator was still entitled 'Controller of Prisons.' The title did not change to Director of Corrective Services until after the 1983 election when the newly promulgated Law Department took over the functions of the former Prisons Department.

[96] E. M. Miller in Tasmania. Parliament. Report of the Royal Commission on the Hobart Gaol, TPP, Hobart, 1943, 2.

[97] Fogel, "...We Are The Living Proof ...". 54.

[98] Eaton. Stone Walls Not A Prison Make, 49.

[99] Ibid. chapter 5. Thomas also notes that English prison officers were involved in similar projects in 1957. Thomas. The English Prison Officer, 206.

A sea change, however, was happening in correctional personnel recruitment. Whilst custodial officers were still predominantly selected on the height and weight criteria,[100] decision-making positions were attracting a higher calibre. As Eaton notes,

> Before World War II, men with education and humanitarian ideals had little to attract them to state prison work. But by 1959, most of the prison system's policy makers were at least college graduates (85%); 45 per cent had Master's or doctoral degrees. Even among the correctional officers, as the guards had been renamed, 32 per cent had some college education.[101]

The influx of liberal thinkers to the American prison system provided procedures and principles, which have tended to dominate Western penal thinking and practice since that period. While obviously the pre 1950s Australian prison practice had developed along the lines of English operation, Australian penal practice in the 1960s, particularly Victoria's prison system, was certainly shaped by American thinking.[102] Alexander Whatmore introduced the treatment-oriented approach into Victoria.[103] Its practices and procedures polarised policy-makers and prison officers. It also led to "public concern that the prisoner's lot was being made too easy."[104] The custodial-trained prison officers viewed the liberalisation of customary practices and the influx of 'civilian professionals' into the system as a recipe for losing control of the prison. Indeed, in 1954 there had been a major riot at Pentridge when prisoners protested at being locked up for long periods due to the lack of prison officer staff.[105] Yet, funding was found for 'professional' positions. Again, the prison setting was not conducive to a treatment milieu.

> The very nature of a penal institution prevents it from becoming an ideal centre for training individuals to live in the community. Of necessity it has a restraining atmosphere.[106]

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[100]    G. Hawkins, The Prison : Policy and Practice,
         (Chicago: University of Chicago Press, 1976) 95-99.
[101]    Eaton, Stone Walls Not A Prison Make, 46.
[102]    Report of the Inspector - General of Penal Establishments on Developments in Penal
         Science in UK, Europe, and USA together with recommendations Relating to
         Victorian Penal Administration, 1951, VPR. No. 25.
[103]    Lynn and Armstrong, From Pentonville to Pentridge, chapter 11.
[104]    Ibid, 142.
[105]    Ibid.
[106]    Penal Report, 1956, 20.

However, Victoria's prison officers were not the only ones concerned with the introduction of professional staff into the prison environment. The warden of Sing Sing had pointed out in 1951 that

> The professional staff fails to realize the essential totalitarian structure of the prison ... Professional personnel fail to accommodate their techniques-to- the-prison ......and seek to adopt the prison to their own specializations, conflict always results. The professionally trained ... often underestimates the intelligence of custodial employees ... and [the latter] often look upon ... [the former] with suspicion. The professional approaches his prison assignment with a deterministic theory of behavior. This leads to an impractical emphasis on positivism unsuited to the classically constructed prison community ... The pattern of custody is the oldest and first essential element of confinement. It is as much a part of the prison environment as the presence of inmates. All of the relationships in the prison community take place within the atmosphere of custody and treatment processes cannot take place apart from it.[107]

In May 1961, an "Increased Correctional Effectiveness Unit" was set up in San Quentin. It was housed in a construction dormitory outside the prison security wall system. It held sixty-six men.[108] Prisoners allocated to the unit were expected to put in "a full day's work."[109] After labour, they met four times a week with a variety of outside personnel including labour leaders, law enforcement officers, and community and parole officials among others to discuss the problems associated with offenders re-entering society. A remarkable concept - for the period - was that offenders' immediate families were allowed to attend these discussions between sixty and ninety days prior to the offender's release.[110]

These unit innovations aside, academics investigating the prison system believed that providing change in a custodial-oriented prison was always going to be difficult. As Eaton noted,

> Prisons are islands of social interaction in which administrative planning aims to exercise what approximate absolute control of inmates in order to accomplish several socially sanctioned purposes.[111]

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[107] C. McKendrick. quoted in Fogel, "...We Are The Living Proof ...", 55.
[108] Eaton, Stone Walls Not A Prison Make, 173.
[109] Ibid.
[110] Ibid. 174.
[111] Ibid. vii. In 1958. Sykes called The New Jersey Prison " a system of complete social control." G.M. Sykes, The Society of Captives. Sixth Hardcover Printing, (Princeton. New Jersey: Princeton University Press, 1970) xvi.

Moreover, many American prison administrators thought that 'inmate councils' were only providing inmates with a reason to gain more concessions. Wardens labelled the councils "gimme groups."[112] They felt those inmates, once having received "one level of aspiration" simply moved to attain another. However, it was argued that any penal innovations - such as small unit management - were simply the result of charismatic leadership and when these administrators were replaced, innovations were subject to review. Furthermore, the focus on changing the offenders' conditions was never matched by upgraded prison officer training to instil "feelings of acceptance by lower echelon staff."[113] Baker noted,

> Two features of these past experiments stand out, both containing the seeds of self-destruction - inmates functioning as disciplinarians, and the dependence of the systems on a lone individual for sponsorship.... As administered, most of the past experiments in inmate self-government were inadequately structured and implemented arrangements superimposed on an untrained staff by individuals whose zeal far exceeded their correctional management ability. All of the self-government systems reviewed depended on a central figure and rapidly expired when that person departed. Apparently little, if any, effort was made to indoctrinate staff to lead them to an acceptance of this concept of managing prisoners.[114]

A further development in managing prisoners in small groups was the concept of the "functional unit" which had originated in the mid-to late-1950s but had been used exclusively in American federal juvenile correctional institutions.[115] Simply, a "case load" of juvenile prisoners was housed in a "living unit" which had a "multidisiplinary staff" assigned for counselling and recreational programmes.[116] Zupan points out that these units were "so successful" that the adult correctional institutions trialed the concept in treating drug users within federal penitentiaries.[117] This later became a standardised feature by 1968.

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[112]   J.E.Baker, "Inmate Self Government" J Criminal Law and Criminology, vol. 55, 1964, 39, quoted in Fogel, "...We Are The Living Proof...", 212-213.
[113]   Ibid, 213.
[114]   Ibid.
[115]   L.L Zupan, Jails: Reform and the New Generation Philosophy, (Cincinnati,OH: Anderson, 1991) 67.
[116]   Ibid, 68.
[117]   Ibid.

Other penal jurisdictions were considering the use of small units to change prisoner behaviour. However, the unit's function was directed towards changing negative behaviour. In effect, the unit's purpose was the segregation of offenders from the main prison population. In 1966, the Scottish Prison Service had a distinct problem with "particularly difficult prisoners".[118] A departmental working party was set up to determine measures to handle "violent, subversive or recalcitrant prisoners."[119] A recommendation was made to set up a segregation unit. Certain assumptions were made: staff would not require any special training to handle these offenders; staffing arrangements in the prison would be sufficient to supervise the unit. The unit was set up in Inverness Prison. However, the unit's aims of controlling and changing prisoner behaviour failed. As Coyle notes,

> The unit, far from having the desired effect on some prisoners, appeared to exacerbate their unruly conduct. The more restrictive the regime in which they were held, the worse their behaviour became.[120]

In the 1970s the American Federal Bureau of Prisons introduced the conceptually different goal of humane control.[121] The focus was now on prison officer/prisoner interaction.[122] Direct supervision or unit management would be the instrument to alleviate disciplinary problems. This change in prison practice (later fully discussed in chapter 6) has dominated most Western prison practice since the 1970s. Again, like other previous penal innovations, the unit management concept would prove to be contentious.[123] However, in the beginning, all of those concerned with the concept's implementation were optimistic about the future of the concept. Indeed, initial evaluations of the effectiveness of the functional units found that they offered a number of important advantages.

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[118]    A. Coyle, Inside: Rethinking Scotland's Prisons.
         (Edinburgh: Scottish Child, 1991) 130.
[119]    Ibid.
[120]    Ibid, 130-131.
[121]    D. Lansing, J.B. Bogan, and L. Karaki. "Unit Management: Implementing a
         Different Correctional Approach" Federal Probation, Vol. 41 (1977): 43-49.
[122]    M. Janus. "Functional Unit Management: An Evaluation of Organizational
         Effectiveness in the Federal Prison System" U.S. Department of Justice, 1982.
[123]    L.L. Zupan. "The need for research on Direct Inmate Supervision" American Jails.
         (March/April. 1993): 21-22. 22.

Among the most important were, *inter alia,*

(1) [They] divide the large number of inmates into small, well
_defined and manageable groups, whose members develop a
common identity and close association with each other and their
unit staff.

(2) [They] increase the frequency of contacts and the intensity of the
relationships between staff and inmates, resulting in:

(a) better communication and understanding between individuals;
(b) more individualized classification and program planning;
(c) more valuable program reviews and program adjustments;
(d) better observation of inmates, enabling early detection of
problems before they reach critical proportions;
(e) development of common goals which encourage positive unit
cohesiveness; and
(f) generally a more positive living and working environment for
inmates and staff.[124]

The most important difference, however, was that the creation of these units
irrevocably changed prison officer/prisoner interactions. Bars and grills, among
others usually physically separated prisoners from prison officers. Both prison
officers and prisoners co-mingled in the new designed units. What both
protagonists thought of this is a moot point. Prison officers were particularly
conscious of the lack of separation. Their traditional management approach to
prisoners was based upon custody and control. They now found that former
practices would have to be modified to suit unit interaction - a fact known since
1871.

The task of changing bad men and women into good ones is not one to
be confided to the first comers. It is a serious charge, demanding
thorough preparation, entire self-devotion, a calm and cautious
judgement, a great firmness of purpose and steadiness of action, large
experience, a true sympathy and morality above suspicion. Prison
officers, therefore, need a special education for their work; special
training schools should be instituted for them, and prison administration
should be raised to the dignity of a profession.[125]

Other jurisdictions were also trialing new prisoner management practices.

[124] Lansing, Bogan and Karaki, "Unit Management: Implementing a Different
Correctional Approach" 44-45.

[125] J. Woodworth, in Prison Association of New York, Twenty-sixth Annual Report of
the Executive Committee of the Prison Association of New York and Accompanying
Documents for the Year 1870, to Which Is Appended the Papers and Proceedings of
the National Congress on Penitentiary and Reformatory Discipline Held in
Cincinnati, Ohio, October 12 to 18, 1870. (New York: The Angus Company, 1871).
quoted in Eaton, Stone Walls Not A Prison Make, 44.

For example, in the 1970s Correctional Services Canada (CSC) devised a prisoner management strategy based upon the notion of the therapeutic community. The Living Unit concept

> involves the assignment of each inmate to a residential unit within the institution and to a Case Management Team, which monitors his progress and insures that the programmatic and security needs of the offender are being met. To facilitate the development of positive patterns of interaction between the staff and the inmates, Living Unit Officers, attired in civilian clothing, replaced uniformed security personnel in the residential units and assumed the dual role of counceling inmates and providing security. Initiated during the early 1970's, the Living Unit Program was subsequently adopted in nearly all federal correctional facilities.[126]

While the Living Unit concept was philosophically sound - being based on the Medical Model, the strategy had also introduced a change in normal prison officer/prisoner dynamics. Economics, however, determined that concept's fate. Citing the need to downsize its operations, CSC reduced the number of Living Unit officers and reintroduced uniformed staff. The units simply became other prison divisions. In Scotland the prison service was also trialing a unit system.

The Scottish Prison Service, plagued by a large number of unmanageable prisoners, and finding the Inverness experiment unworkable, opened the Barlinnie Special Unit (BSU) in February 1973.[127] A working party had recommended that

> A special unit should be provided within the Scottish penal system for the treatment of known violent inmates, those considered potentially violent and selected long term inmates; and
> The traditional officer/inmate relationship should be modified more closely to a therapist/patient basis, while retaining a firm but fair discipline system.[128]

It was intended that the unit would be staffed by a combination of custodial and nursing officers and would operate as a "therapeutic milieu."[129]

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126  Unit Management Standards for all Correctional Service of Canada Institutions, set of guidelines issued by CSC, 1987, 54-58.
127  Small Units in the Scottish Prison Service, The Report of the working party on Barlinnie Special Unit, (Scottish Prison Service, October, 1994) 14.
128  Scottish Home and Health Department, 1971, 15, quoted in Small Units in the Scottish Prison Service, 14.

What made the unit unlike any other place was the way staff and prisoners were allowed and encouraged to sit down and talk together. This was the single most important factor of the unit. It allowed us to break down all the barriers of hostility between us. This was by no means easy. In conjunction with this there were built-in weekly meetings where we all sat down as a group and discussed the week's events and decided on domestic issues. There are a number of examples of how effective these groups were. In the preliminary discussions which the staff had before the Unit opened they initiated some daft rules; being allowed one shower a week, and locking up the access to the shower taps. These were issues, which we eventually tackled through these meetings. Another silly rule was that the staff would make up our weekly wage on the basis of our daily attitude or dress tidiness, etc. ... When we heard this we honestly thought the staff were a bunch of loonies. The origin of these rules could clearly be traced to the old prison tradition of 'good order and discipline'. This clearly clashed with our history of chaos and lack of discipline.[130]

The BSU attracted considerable international attention due to the fact that it was allowed to "develop its own ethos during the early days"[131] The regime was "unstructured, ... based on the notions of mutual trust and responsibilities between staff and prisoners", and offered a number of features not available in any other Scottish prisons such as "unrestricted visits and non-compulsory work."[132] The perceived success of BSU encouraged other prison systems to make similar changes to operational procedures. In the Netherlands, for example, research reports from Dutch and other investigators, had "cast doubt upon the feasibility of rehabilitation."[133] The Dutch prison authorities decided to change policy from one emphasising theories of rehabilitation to "principles of humane containment and preparation of the offender for return to society."[134] To achieve this, Dutch authorities devised three types of strategies. They decided to "change the organisation, ... change relations between staff, inmates, [and] ... change the prisoners.[135]

[129]    Ibid.
[130]    J. Boyle, The Pain of Confinement, (London: Pan, 1985), 11-12.
[131]    Small Units in the Scottish Prison Service, 14-15.
[132]    Ibid, 15.
[133]    M. Brand-Koolen, "The Dutch Penal System And Its Prisons - An Introductory Note" in Brand-Koolen, Studies on the Dutch Prison System, 3-10, 6.
[134]    Ibid.
[135]    T. Vinson, M. Brouwers and M. Sampiemon, "Management Strategies And Tactics" in Brand-Koolen Studies on the Dutch Prison System, 55-70, 55.

In 1985 the Dutch prison system had a mixture of 19th century and modern institutions.[136] The older institutions were very similar to those operating in Australia. However, the "social environment was strikingly different."[137] To implement organisational change, the Dutch authorities' proposed a strategy based on "aligning staff goals ... integrating functions ... [and] improving communication."[138]

One of the methods of achieving this strategy was to group staff into teams. The development and organisation of these teams was described as "one of the most characteristic and tangible manifestation of ... Dutch penal policy.[139] It was also considered crucial that the next level of staff - middle managers - agreed with this strategy. They, of course, would provide the link between the goals of management and the work teams. "A vital first step", therefore, was to gain their agreement.[140] On the other hand, in a demonstration of the commitment to effect change, the other main staff group, after middle managers and prison officer teams, - senior managers - had been given some responsibilities and delegations that had been previously handled by the directorate.[141]

It appears that under the previous philosophical regime prison officers "had solely a security function and did not participate when prisoners left accommodation areas for work and recreation."[142] However, the Dutch authorities decided that a change in the traditional officer role was necessary to reflect the philosophical change in penal operation. Officers would now be involved in "a broad range of functions in recreation and industry."[143] To facilitate this change in prison officer duties, the Dutch authorities built in two extremely important mechanisms: staff team meetings and policy meetings.

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136    Brand-Koolen, "The Dutch Penal System And Its Prisons - An Introductory Note" 9.

137    Vinson et al. "Impressions of an Australian Visitor" in Brand-Koolen, Studies on the Dutch Prison System, 11-14.

138    Vinson et al. "Management Strategies And Tactics" 55.

139    Ibid, 56.

140    Ibid, 57.

141    Ibid.

142    The Apsey Report, 2.

143    Ibid.

The staff team meetings gave basic grade officers the opportunity to inform and also question their team leaders and middle managers – as well as pass on information.[144] The traditional method of information and/or communication dissemination in the prison setting was downward from superior to subordinate. As Vinson noted, "The former custom of promoted staff isolating themselves from the hurly-burly of the shop floor no longer applies."[145] And arguably one of the major breakthroughs was the acknowledgment that policies may be less than successful. The Dutch authorities formalised this acknowledgment by forming a committee, which met on a monthly basis "to develop new ideas and discuss problems that have arisen with existing policies."[146] All streams of staff were allowed to attend the monthly policy meetings.[147]

In a major attempt to change traditional prison officer/prisoner interactions, Dutch authorities used the dual strategies of "altering the [normal] ground rules" and encouraging staff and inmates to have "joint participation in programs."[148] One major bonus for the administration was that the majority of staff agreed with the proposed changes. The authorities also realised that officers could "retreat into defensive attitudes at first sight of traditional inmate behavior." On the other hand, they were cognisant that inmates could "exploit" the changing patterns of interaction. One of the methods employed by the authorities was to have officers trained to lead at least one type of group activity.[149] Inmates had a number of choices of what type of programme they wished to be involved in. For example, at the remand and assessment centre at Noordsingel, they had three choices:

> (1) An education wing where half of the inmates go to the workshop in the morning and the other half to classes (eg, in Dutch or, soon, how to cook a simple meal). The two groups then switch activities in the afternoon. (2) A drug-free wing ... (3) An old-fashioned remand wing where prisoners are assigned a job and left alone (or they can twiddle their thumbs all day in their cells if they are awaiting trial).[150]

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[144]    Vinson et al. "Management Strategies And Tactics" 58.
[145]    Ibid.
[146]    Ibid, 60
[147]    Ibid.
[148]    Ibid, 61.
[149]    Ibid, 62.
[150]    "Europe's Least Awful Prisons" Economist, 6 February 1988, 17-20, 18.

In 1988, the Swedish prison authorities had a policy of "decrimalisation, down penalisation and de-institutionalisation." There was also a "clear understanding in law" that the "deprivation of liberty should be an absolute last resort."[151] Prisoner programmes were regulated by the <u>Act on Correctional Treatment in Institutions</u> (1974).

> This law states that the goal of correctional treatment in institutions shall be to encourage the inmate's adjustment to society and try to counteract the deleterious effects of incarceration. Programs shall be directed from the very beginning toward preparing the inmate for life outside the institution, to the extent that this can take place without neglecting security requirements. In other words, the inmate shall be well prepared for release.[152]

To achieve this goal, Swedish authorities attempted to create a "civilised" institutional milieu. There was particular attention given to the traditional interactions between prison officers and prisoners. The authorities wished an environment in which "relations between guards and inmates should be civil and cooperative."[153] Moreover, the institutions tried to create a "community environment" where workshops, administration and health services "as well as living areas" gave prisoners the opportunity to gains vocational and social skills to prepare them for eventual release.[154]

Apsey reports that the focus was on "managing prisoners in units of five for reasons of categorisation of prisoner types and for a quieter management environment." This obviously created a significant staffing resource problem. However, Apsey noted that it was evident the Swedish authorities had been provided with "the greatest amount of resources to build prisons and to meet extensive staffing arrangements.[155] Even though there were different categories of institutions in Sweden the policy was, as far as possible, to provide a framework of innovation that could be applied unilaterally.

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[151]    <u>Apsey Report</u>, 23.
[152]    "Corrections in Sweden: Facts about the Swedish Correctional System, <u>Kriminalvard Sverige</u>, February 1993. 1-6. 3.
[153]    Vinson, "Prisons: A Stark Swedish Contrast" 12.
[154]    "Sweden's Local Institutions" http:// www.csc.gc.ca/crd/forum/e032e032n.htm.
[155]    <u>Apsey Report</u>. 25.

While some prisons did not have programmes for unit officers "to take responsibility for, or to mentor, individual prisoners," departmental objectives were to increase officer interaction with prisoners. However, it was acknowledged that some older officers were "more fearful of greater involvement ... and change [was] difficult.[156] This problem only seemed apparent in older prison where traditional attitudes and culture would be difficult to change. In the new institutions "base grade officers [took] selected prisoners into the community for golf, swimming and other sporting activities."[157]

Although the concept of managing prisoners in a 'unit system' had been in operation for over six decades, the major difference between Osborne's innovation and the practices employed by the Scottish Dutch and Swedish prison systems was the reported positive attitude employed by staff directly interacting with prisoners.[158] And after an extensive tour of European prison systems it was evident to Apsey that the role and function of the Australian prison officer should be changed.

> The role of the correctional officer should be enriched in order to provide a more professional and fulfilling career through optimum utilization of officer's skills and attitudes [Moreover],
> The objective of enriching the role of the correctional officer should be to provide greater interaction between correctional officers and prisoners in the interests of improved security, and the development of a prison environment which is characterised by less tension and fewer incidents.[159]

However, prior to Apsey's European tour on behalf of the South Australian prison system, the NSW prison system had commenced a pilot unit management operation at a refurbished prison in Bathurst in 1982.[160]

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[156]    Ibid. 27.
[157]    Ibid. 28.
[158]    See for example. Norden. Study Tour of Swedish and Dutch Prison Systems; "Europe's Least Awful Prisons" The Economist; Vinson, Prisons: A Stark Swedish Contrast" and, "Management Strategies And Tactics"; The Apsey Report;and Small Units in the Scottish Prison Service.
[159]    Apsey Report. 59.
[160]    R. Robson, "Managing the Long Term Prisoner: A Report on an Australian Innovation in Unit Management" The Howard Journal, Vol. 28 No. 3 (Aug. 1989): 187-203.

The NSW Corrective Services Commission approved a "management programme" for the Bathurst Gaol on Monday 8 March 1982. The programme was based on four clear principles, "Reality, Responsibility, Accountability and Predicability."[161] As Sutton noted,

> Simply put the programme is a system of management through positive incentives and interpersonal relational skills that will enable the gaol to meet its aims which are 1) The secure containment of prisoners, 2) The management of prisoners on humanitarian lines and 3) to ultimately reduce the offending rate of ex-Bathurst inmates.
>
> The management strategy has a three pronged approach. Firstly, a positive incentive programme based on work. Secondly, a unit management system. Thirdly, a set of sanctions for breach of rules.[162]

The incentive programme for prisoners revolved around a "system of monetary rewards for work done." Prisoners were encouraged to apply for jobs in the prison in much the same fashion as they would if they were in a free market situation. Moreover,

> Because of the emphasis on work and to encourage prisoners to choose work as the way to productively spend their day, all recreational facilities will be closed off to prisoners until the end of the work day at 3.30 p.m. Recreational facilities will of course be open all weekend.[163]

A major organisational change, however, was in the development of a plan to change the traditional prisoner management approach. Sutton envisaged that unit management would be

> A system of management through interpersonal relational skills [which] will focus on the relationship between officer/prisoner, and prisoner/prisoner, particularly officer/prisoner. Traditionally relationships have been tenuous to say the least. It is hoped to be able to change that relationship to some degree through a change in management approach which will require different behaviours on the part of prison officers which will in turn influence prisoner's behaviour. This management system will revolve largely around the unit living situation.[164]

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[161]    A Draft Outline of a Management Strategy for the new Bathurst Gaol. Submitted by the New Bathurst Gaol Implementation Committee and Superintendent G. Hay. (Government Printer. NSW. 1983) Section 3. part 1, 2. (MSBG).

[162]    Ibid. Section 1. 3.

[163]    Ibid. 6.

[164]    Ibid.

It was anticipated that the unit living situation would be more personal with between twelve and sixteen prisoners accommodated in eight smaller units. Two prison officers would staff each unit.

> This style of accommodation creates a more relaxed and informal atmosphere, encourages closer relationships among the inmates and between inmates and staff. By resembling a normal environment it helps to prepare prisoners for their life after release.[165]

The NSW Department of Corrective Services Annual Report claimed that unit management required "a far greater degree of communication between staff and management than used to occur..." Moreover, staff were given orientation programmes to assist them understand the philosophy of unit management. It was also noted unit prison officers received "two days training in this type of work."[166]

Why two days of training were considered the appropriate amount for the officers who were operating in the units is a moot point. There have been many attempts to improve and upgrade prison officer training throughout penal history. Simply, prison officer training has been shaped toward the custodial and security aspects of the role. In the prison environment, training has organisational, institutional, and individual implications. It is also dependent on operational and philosophical edict. Whenever a management innovation is implemented there can be quite profound implications for training design and development. For example, the contemporary focus to implement business principles into prison management concentrating on 'customer satisfaction'[167] is a fundamental change in officer/offender interaction. However, it is claimed the most important figure in the success or failure of any prison procedure is the prison officer.[168] Hawkins, quoting Sykes, aptly describes the prison officer as being the "pivotal figure" in any prison process.[169]

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[165]   NSW Department of Corrective Services, Annual Report, 1983, 15.
[166]   Ibid. 16.
[167]   L. McGuire, "Prisoners as customers or Clients?" Aus. J. Pub. Admin, 56(3), 149-151. September, 1997.
[168]   Thomas, The English Prison Officer, 220.
[169]   G. Hawkins, The Prison: Policy and Practice, (Chicago: University of Chicago Press, 1976) 82.

Again, as Thomas notes,

> the community perceives the prison primarily as a coercive organisation
> and measures its competence as such. In the real world of prisons, the
> burden of carrying out this task rests on the basic - grade uniformed
> officer. This is his role, and it cannot be combined with a reformative
> role.[170]

If, as Thomas argues, the role of the prison officer simply rests on the application of custodial and security tasks, why did so many prison systems formulate policy with the prison officer being proffered as an agent of change? Perhaps the fundamental dilemma has been that policy makers have unrealistic expectations of their prison staff. In the case of unit management policy makers presumably assumed that prison officers would want to change their traditional operational practice for a task which, at first, would seem to be the antithesis of their training and culture.

## Assumptions underpinning prison officer training.

In 1923, Lord Stanhope noted,

> It has been impressed on us that a prison officer is no longer a mere
> turnkey and disciplinarian, but is required to take his part in the
> endeavours which have been increasingly made of recent years to
> reform the offender and to restore him to sound citizenship.[171]

Lord Stanhope made his comments during an inquiry into the roles and functions of borstal officers.[172] While Lord Stanhope may have been sincere in his impressions, his comments from over seventy years ago highlight the fundamental dilemma facing contemporary prison management - what kind of training do you give to prison officers? It is now accepted that the modern prison has a multiplicity of tasks.[173]

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[170]    Thomas, The English Prison Officer. 220.
[171]    Quoted in Thomas, The English Prison Officer. 169-169.
[172]    In England, young offenders were placed in 'borstals' instead of prisons. Prison staff euphemistically labelled 'housemasters' staffed these institutions.
[173]    Men's Prisons in Victoria: Correctional Policy and Management Standards. Department of Justice. Office of the Correctional Services Commissioner. September 1996.

Prisons are also subject to "conflicting management (as well as) criminal justice and community goals."[174] Moreover, at the prison management level,

> goal conflict arises because the system's aims are too abstract and not adapted to the reality of what can be achieved in prisons, goals are inconsistent or incompatible, and they attempt to achieve their goals with too little resources.[175]

While it is acknowledged that the task of being a prison officer "may be less complex and more straightforward" under a custodial rather than a treatment regime, [176] Hawkins claims "no less important than personnel selection is the training of personnel."[177] However, the history of prison officer training is littered with false premises, unfulfilled hopes, and unrealistic aims. One early comment on the type of person required to work in the prison is attributed to Sir George Onesiphorus Paul, regarded as the guiding light of the Gloucestershire prison system in England. Paul argued that prisoner discipline could only be accomplished if those charged with overseeing were divested of their "unregulated discretion."[178]

> It was a principle desideratum of our undertaking to make a change in "race" or kind of men usually chosen for a gaoler or a keeper of a prison, with whose name and office ideas of cruelty and tyranny and oppression were so associated that it was not one of the least difficult parts of the undertaking to convince mankind that it was not a necessary association.[179] (Moreover) The humanity of the gaoler should rather be the result of coldness of character than the effect of quick sensibility... He should be endowed with a patience which obstinacy the most pernicious could not overcome, a sense of order which is method, rather mechanical than method and which few men obtain but by long habits of subordination and obedience. Such men ... would be found if ought for in a profession where the passions are habitually subjugated in discipline.[180]

[174]     P.Harmsworth, "Prison Management Balancing Competing Demands, Conference of Administrators of Corrections, Selected Papers, Queensland Corrective Services Commission, Brisbane, Queensland, November 1991, 123-133.

[175]     Ibid, 123.

[176]     G.Hawkins, The Prison : Policy and Practice. (Chicago: University of Chicago Press, 1976) 89.

[177]     Ibid, 99.

[178]     M.Ignatief. A Just Measure of Pain, (London: Macmillan, 1978) 103.

[179]     Paul, Address...(1809), 48, quoted in Ignatieff, A Just Measure of Pain, 103-104.

Paul's description of the type of officer he employed is obviously coloured by the philosophy of the time. Then, the officers' role was clear and unambiguous. Problems began to arise when the English prison system moved to a policy whereby the focus was now on "a system of training such as will fit the prisoner to re-enter the world as a citizen."[181] Moreover, the reforms that had taken place - such as prisoner association, led to a situation whereby prison officer control - the essence of the discipline policy - was quickly eroded. Thomas claims that the greatly increased freedom meant that the staffing ration was "quite insufficient to exert any meaningful control over the prisoners."[182] Prisoner officer training did not match the change in operating policy.[183] Thomas notes,

> the community perceives the prison primarily as a coercive organisation and measures its competence as such. In the real world of prisons, the burden of carrying out this task rests on the basic-grade-uniformed officer. This is his role, and it cannot be combined with a reformative role.[184]

Prison experts from the 1960s,[185] the 1970s,[186] and the 1980s,[187] have long recognised the contribution of the prison officer to effect change. Yet prison officer training always appears to have a low organisational priority. Irrespective of what politicians and prison administers claim, the type of training conducted by the organisation reflects the government's actual prison philosophy and operating practice. It can also unfairly, be expected to overcome organisation deficiencies.

> Training, in Victorian England, as today, is a very attractive solution to organisational problems. It tends to be regarded as a magical process, and the expectations of the reformers, from the early days of the prison service, about the contribution which training could make have always been unrealistic.[188]

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[180]    Paul, Considerations ,54,quoted in Ignatieff, A Just Measure of Pain, 104.
[181]    English Prison Report 1922-23 quoted in J.E. Thomas, The English Prison Officer Since 1850: A Study in Conflict, (London: Routledge & Kegan Paul, 1972) 154.
[182]    Ibid, 163.
[183]    Ibid, 169.
[184]    Thomas, The English Prison Officer, 220.
[185]    G.Hawkins. The Prison: Policy and Practice.
[186]    Thomas. The English Prison Officer Since 1850; A Study in Conflict.
[187]    Dilullio, Governing Prisons and Vinson. see Studies on the Dutch Prison System.

It has always been presumed that prison officers want to be directly involved in the reformative process. Many staff did not wish to become involved with prisoners on a 'more personal level.'[189] Indeed, "given the requirements of security and good order, the role of the ordinary officer cannot be defined as that of also being the prisoners friend and counsellor."[190] Murton also argues that prison officers are not the ideal agents for prisoner change.

> There is presumed to be something inherent in staffing patterns, qualifications, training, and concepts that uniquely equip correctional personnel with the right, wisdom, expertise, and motivation to "rehabilitate" their subjects. The implicit assumption is that there are essential differences in behaviour patterns, personality traits, and value systems between the guard and the inmates.[191]

As noted earlier, Hawkins claims that training is just as important as recruiting personnel.[192] Therefore, the obvious question is to ascertain what kind of person would wish to work in the prison environment?

Homans claims no one is born to be a prison officer, indeed "there is little if any empirical knowledge of what makes a good correctional officer."[193] And there is no particular reason to seek employment in the prison environment. Some reasons include job security,[194] long term unemployment,[195] and betterment of employment,[196] among others. Thus the type of person who seeks employment in a prison setting may be determined in the first instance by job security, rather than some altruistic ideal about helping people reform themselves. In his survey of WA prisons, Williams found the decision to become a prison officer is often taken "independently of the decision to leave previous employment."[197]

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[188]   Thomas, The English Prison Officer, 89.
[189]   Interview with former prison Governor Grade 11, Jim Armstrong, 24 June 1996.
[190]   E.F.Emery. Freedom and Justice within walls. (London; Tavistock, 1970) 166.
[191]   Murton, The Dilemma of Prison Reform, 55-56.
[192]   Hawkins. The Prison, Policy and Practice, 89.
[193]   R.J.Homans. "Correlates of satisfactory relations between correctional officers and prisoners." J of Offender Counselling Services and Rehabilitation, 4 (1), (1979); 53-62, 54.
[194]   L.X.Lombardo, Guards Imprisoned, (New York: Elsevier North Holland, 1981) 21.
[195]   J.B.Jacobs. H.G. Retsky. "Prison Guard", Urban Life, 4 (1), (1975);5-28.
[196]   Lombardo. Guards Imprisoned, 21.
[197]   T.A.Williams, Custody and Conflict; an organisational study of role problems and related attitudes among prison officers in Western Australia, Ph D. diss.. Uni of Western Australia. 1974. 155.

In a sample of 60 officers Williams discussed such forces as "redundancy, financial difficulties and dissatisfaction were pushing them out of their previous (employment) before they had begun to think about becoming prison officers."[198] Many officers sampled indicated that they would have never considered this type of work had it not been suggested to them by "relatives, friends or acquaintances who were either prison officers themselves or who knew prison officers."[199]

A similar situation was found by Bullard on investigating the New South Wales prison system. His conclusions on job seeking patterns among officers highlighted the job security aspect, and his profile of the average recruit was one "with only a fundamental educational level, married and concerned to provide security for the family ..."[200] The profiles presented by both Williams and Bullard of officers in two Australian prison systems are, arguably, representative of recruits who enter the rest of the Australian prison services.

Prison officer training has always been treated as an adjunct to prison operation. The most common type of training is a short programme reflecting the custodial primacy of the prison. Training usually highlights the practical aspects of the position with the occasional theoretical construct added in order that the course appears 'professional.'[201] And it has been argued that changes to prison philosophy over the years have only cemented the custodial function.[202] It seems that with every change in correctional philosophy the role of the prison officer has been narrowed while prison administrators seek professional involvement to cure criminality. Prison officers had little involvement in the reformative process. Moreover, the soundest attribute that a prison officer has, and one, which cannot be attained by any prison civilian or visiting professional, is prisoner experience.

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[198]     Ibid,156
[199]     Ibid.
[200]     C.G.Bullard, A Sociological Study of Prison Officers in N.S.W.; A Stressful Occupation, Ph D. diss., Uni of N.S.W., 1977, 222.
[201]     Bowker, Corrections: The Science and the Art, 175.
[202]     Thomas, The English Prison Officer, xiv.

Prison officers get to know those under their charge. Officers know prisoners patterns of interaction. They know the devious, the weak and the strong.

> Time brings skill, given a modicum of sound judgement. As experience accumulates, so does ability to function effectively as a prison officer. There is no body of theory which can be mobilised to ensure that prisoners do not riot or escape, which is why training for prison officers, as for other occupations where the work is simple and repetitive, is often regarded as irrelevant.[203]

Victoria's prison authorities decided that prison officers were to be facilitators of unit management. But prison officers had always been the means by which order was maintained. In Victoria both Akeroyd and Whatmore tried to upgrade prison officer skills, but only as a means to make them understand the changing process. If prison officers were involved in any reformative measures - such as the introduction of open prison camps - it was mainly to ensure that prisoners did not take advantage of the changing circumstances.

Training did continue but changes in training were mainly a reaction to a deleterious episode and were meant to strengthen the custodial and control aspects of the position (see chapter 6). The first Director-General of the OOC, Bill Kidston, did in fact raise the profile of prison officer training and initiated a Master Plan to address perceived deficiencies.[204] Staff was trained "in such a way that they have the knowledge and skills to be able to meet the demands of these new developments [unit management] with professional merit and technical competence."[205] The expectation that prison officers wished to change their traditional role and be directly involved with prisoners was subjective. The average officer joined the service because the role was strictly defined. That the system recruited a large number of personnel with some form of military experience is no mere coincidence.[206] Fitzgerald and Sim claim that while paramilitarism is well suited to the prison environment, it has proved to be a distinct obstacle to role extension.[207]

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[203]   Thomas, The English Prison Officer, 43.
[204]   Work Force Planning and Training Plan, Office of Corrections, Revised December, 1986.
[205]   Ibid, 1.
[206]   Fitzgerald and Sim, British Prisons, 121.
[207]   Ibid, 123.

Moreover, "it has been an important factor in the marked failure of prison officers to gain responsibility for 'treatment and training' and welfare work in prisons."[208] But the major reason prison officers wanted to be involved in prisoner treatment or training and welfare work was not-out-of some sense of civic duty, it was because civilians threatened their primacy within prisons.[209]

Victoria's prison officers normally complained about the undue influence the professional prison employees appeared to have with management. The majority, however, had never considered undertaking a similar function. Some staff had probably undertaken external courses to give them skills for promotion - rarely were they undertaken to move into the professional area. Yet Victoria's prison administrators thought that training would be sufficient to undertake a social facilitation role. Thomas describes the English experience.

> Officers were encouraged to go on courses of all kinds, no doubt with the expectation on their part that they would become in some vague kind of way trained in social work. They certainly hoped that their training would be put to some novel use. Once again, the implications of this situation had barely been considered. No doubt many, if not all, of the courses were good and worthwhile. No doubt many officers enjoyed them and gained a great deal from them. But they did not produce qualified social workers, nor was the situation in the institution influenced by this training. The role remained that of a controller. It may be that an officer, after a course, knew more about criminality, perhaps his approach to the prisoner was more informal, but this is not social work.[210]

Unit management implementation was considered to be the process, which would revolutionise the operation of Victoria's prisons. The senior administrators who had journeyed to the USA to evaluate the concept had left the system. They had, like many other previous prison administrators, returned convinced of the need to build new prisons and introduce new prisoner management concepts.[211] They brought ideas, which had still to be evaluated.[212]

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[208]    Ibid.
[209]    Thomas, The English Prison Officer. 219.
[210]    Ibid, 209.
[211]    J.E. Thomas and A. Stewart, Imprisonment in Western Australia,
         (Nedlands, WA: University of Western Australia Press, 1978) 70.
[212]    Zupan, "The need for research on Direct Inmate Supervision" 21-22.

Victoria's prison authorities literally started with a set of expectations. To their credit, they quickly produced policies, which covered a plethora of issues. Capital expenditure meant new prison building. Employment, planning and training strategies were devised.[213] However, there was little apparent thought given to the provision of unit management training.

Perusal of the Annual Report of 1986-87 provides detailed information regarding the many tasks the infant organisation had or wished to accomplish.[214] There was scant mention of unit management and no reference whatever to unit management training in either the Report or the Work Force Planning and Training Plan. It appeared that unit management training was to be an afterthought.[215] Again, this is not uncommon.

> Organisations often look to training as a means of coping with
> difficulties, not because it will solve them, but because training has
> overtones of professionalism and intellectual attainment, which can keep
> demands for radical change at bay.[216]

That the majority of prison officers generally ignored the unit management principles and viewed the training as a necessary evil is a moot point. What did happen was that many experienced prison staff could not accept the intended change and left the service. There was an average eight per cent separation rate from 1984 - 1990.[217] Custodial numbers grew exponentially from 971 personnel in 1984-85 to 1643 personnel in 1989 - 90.[218] Despite this increase a major reason for concern was the average age and length of service of the staff. Over half the prison staff were aged 40 years and older in 1990. And by that time every rank from Governor grade III down to SPO had an average of at least ten years service. Base grade prison officers had an average of four years service.[219]

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[213]    Work Force Planning and Training Plan, Office of Corrections, Revised December, 1986.
[214]    OOC Annual Report, 1986-87.
[215]    Denbeigh Richards, the former CBC Director, first heard of unit management when the Directors were informed that a handbook on the topic would be written in 1989. Interview in Hobart, 19 September 1997.
[216]    Thomas, The English Prison Officer, 209.
[217]    Office of Corrections Human Resources, 1984-1990, table not labled.
[218]    Office of Corrections Human Resources, 1984-1990, table unlabled.
[219]    Ibid.

Apart from the problem associated with uniformed staff being able to retire from the service at aged 50, there was the difficulty of training personnel who had very little formal qualifications, and were reluctant to accept change.[220]

Victoria's unit management training appears to have been perfunctory. It failed to provide even the basic requirements to enable the concept to be operationalised. The new prisons opened all apparently operating on unit management principles. Each prison managed its peculiar brand.[221] While staff motivation was "at an all time high" prior to the prison accepting prisoners[222] the realities soon set in. New edifices became ordinary prisons. Traditional practices reappeared. Unit management implementation became secondary as both staff and prisoners coped with change. Some experienced staff refused to undertake prisoner Individual Management Plans (IMPs) which was an essential element of their new roles as prisoner case managers.[223] Staffing shortages meant that the so-called unit teams hardly functioned because external replacements tended to bring conflicting operational views. Unit philosophies and operating procedures digressed. There was very little accountability apart from the custodial norms.[224]

The fundamental proposition of unit management is that the officer can assist the prisoner to change his ways. This proposition has two distinguishing flaws: the prison officer may not wish to become involved in the process and, even then, it may only be lip - service; the second, and perhaps more important, is that the prisoner may also give lip - service to the process. It was going to be very difficult to change 150 years of Victoria's prison culture overnight.

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[220]     J. Braithwaite and M. Cass, "Note on the demographic composition of Australian police forces and prison services" ANZ J Crim. 12 (1979): 132-138, see tables 7&9.
[221]     See the comments in the Beeden Report.
[222]     Interview with Prison Supervisor Sandra Paterson - one of the original CPOs at HMP Barwon 22 August 1996.
[223]     Information provided by Prison Supervisor Sandra Paterson, see Unit Management in Victorian Prisons, principle 6.
[224]     Interviews with various unit managers at the STC.

Again, those charged with promulgating Victoria's version of the concept should have been aware of the ramifications arising from the "Medical Model.' Prisoners learnt to play the game.[225]

> The inmate soon becomes painfully aware that his personal success in obtaining release from prison is directly related to the personal success of the professional staff assigned to correct him ... The inmate thus chooses the game most likely to gain his ultimate release. He "wins" the game when the "rehabilitator" declares that the "rehabilitee" has indeed been "rehabilitated."[226]

Some notorious prisoners, however, do not wish to play the 'game' preferring to remain for the duration instead of accepting parole prescriptions.[227] Moreover, Bowker has identified the most salutary explanation to the difficulties of operating unit management. He notes, "relations between officers and prisoners conform to a caste model, with limited interaction across the cast line and reciprocal negative stereotypes between the officers and the prisoners."[228] For example, Victoria's prison policy-makers took a relatively new prisoner management strategy and shaped it to suit their jurisdiction. Perhaps the policy makers assumed that prison officers would understand the policy intent. They may also have assumed that training could be formulated after the principles had been devised. There is no evidence that prison officers were ever consulted about the policy or training the staff to implement the intended policy.[229]

Victoria's policy makers formulated nine principles, which would provide the framework for Victorian unit management operation.

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[225]    Murton, The Dilemma of Prison Reform, 73.
[226]    Ibid.
[227]    "Read shuns parole" The Age, 26 July, 1997.
[228]    Bowker, Corrections: The Science and the Art, 199.
[229]    Colin Marston, a former senior Governor during the OOC Departmental years from
         1983-1992, claims that unit management was presented as a fait accompli at the
         quarterly Governors' conferences at the STC "sometime during the mid eighties".
         To his knowledge, training implications were never mentioned.
         Interview, 1 May, 1998.

They were:

1   The prisoner population is to be divided, either architecturally, geographically or administratively into manageable groups, and managed by permanent staff teams.

2   Prison staff are to permanently assigned to a staff team. For instance, each security, accommodation, administrative, industry and executive unit will constitute a team.

3   Each staff team, provided it meets the goals of the prison, will have delegated power to control its own operations.

4   Staff teams will set times for regular meetings, some of which selected prisoners will be required to attend.

5   Staff and prisoners will be accountable for their own duties, obligations, responsibilities and the operation of the unit.

6   Staff in control of prisoners will be expected to perform a range of duties, which will include Custodial, Individual Management Planning and Programs Functions.

7   Staff are to support, maintain and provide a prison environment that reflects the diversity, demands and expectations of ordinary community life.

8   A system of direct sanctions and rewards for prisoners is to be devised by staff at the unit level, and is to be administered and controlled consistently and equitably.

9   Each team will set its own objectives, strategies and goals. These are to be reviewed at least once annually. Staff are to be encouraged to prepare additional goals and strategies for each review.[230]

However, as noted, little thought had been given to training the staff in the operation of the concept (see chapters 6 and 7). The little available unit management training was cursory and desultory.[231] Staff was contemptuous of some of the presenters who had little prison credibility.[232] Their perceptions of the intended policy were quickly coloured.

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[230]   Unit Management in Victorian Prisons, 7-8.
[231]   Author's experience at the Staff Training College from 1989-1992.
[232]   Correspondence from former Victorian Governor Helen Holland, 17 April 1997.

Moreover, a schism developed between the staff appointed to new prisons and those who remained in the traditional custodial operated facilities. Custodial staff accused unit management staff of 'selling out.'[233]

## The prison officer and prison policy.

Most prison officers have a different perception of prison policy than that held by their operational managers.[234] In Victoria, for example, until recently all operational managers reached their position via the promotion system.[235] All had commenced as base grade officers and arisen through the various ranks. Despite this operational managers understandably identify with Head Office senior administrators. Operational managers have two-fold responsibilities: to lead subordinates; and be the conduit between uniformed staff and Head Office. The majority of Victoria's operational governors[236] had served since the late 1960s or early 1970s.[237] They were versed in the custody and control regime. All served during the turbulence of the 1970s and early 1980s. They were all aware of the pitfalls of the Community Welfare Services policy-making era. On the other hand, there was also a new generation of senior administrators with other than custodial agendas.[238]

[233]   Prather found similar instances in America. See L. H. Bowker,
        Corrections: The Science and the Art, (New York: McMillen, 1982) 185-186.
[234]   Hawkins, The Prison, 86.
[235]   'Civilian' prison staff have been laterally entering governor grades since 1993.
[236]   The managers of prisons were Governors. The larger institutions like Pentridge had
        three grades of Governors. A Governor grade III was operational manager with a
        grade II as his deputy. There were also Governors' grade I in charge of security,
        accommodation, rostering and classification, respectively. Small prisons had a
        Governor grade I in charge with a CPO as deputy. Eventually, many positions
        attained Governor rank denigrating the position. In 1997 the Governor grades have
        been abolished - the preferred title being General Manager with the Operational
        Manager as deputy.
[237]   From the author's interviews with Governors at the STC during the many
        Governors' conferences held there during the author's position as Co-ordinator of
        Training Services.
[238]   However, most senior Australian prison administrators have limited tenure and
        transfer to other public service departments In the 1990s heads of prisons in WA,
        David Grant, Victoria's Peter Harmsworth, and Queensland's Keith Hamburger went
        to Education. S.A.'s John Dawes became a Public Advocate, and S.A's Sue Vardon
        went to Canberra in the Service Delivery Agency.

Victoria's prison officers had every right to be sceptical of the new concept of unit management. There had been limited dialogue between senior management and the prison officer grades about the concept. However, lack of communication between Head Office and institutions is hardly new.[239] Moreover, prison officers had to cope with, *inter alia*, a new organisation - the OOC; new Directors'- General in Bill Kidston and Peter Harmsworth; new prisons being built; new Governor positions to be filled; new training infrastructures and practices; an expanding Head Office; and other senior Head Office administrators creating policies to meet all and any exigencies.

Irrespective of the Director - General's motives and intentions, the harsh reality was that the new organisation had many varied tasks - the primary one being the establishment of the new department. And it may be that the failure to successfully identify and address all the problems of unit management and its implementation are to be found in the department's establishment.

Murton, in discussing the dilemma faced by new prison administrators advocating change, commented,

> But since the official reformer often believes that organizational structures, per se, hold the key to reform, he may concentrate on structure exclusively and consequently bargain away real prison reform for a more sophisticated bureaucracy. It is with this "progress" of bureaucratic structuring that reform measures wane, change is hindered, and achievement is thwarted by state agencies that tend to perpetuate themselves rather than to serve the needs of the citizenry.[240]

Cerrato argues that stability begets order.[241] The changing dynamics in Victoria's 1980s prison system created instability. Prison officers faced continued prisoner intransigence. The newly elected Labor Government acted as swiftly as the legislative machinery would allow. However, the prison officers' perceived that the new Minister, Pauline Toner, favoured the incarcerated.

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[239]    Thomas, The English Prison Officer, especially chapter 9.
[240]    Murton, The Dilemma of Prison Reform, 101.
[241]    S. Cerrato, "Reform of Correctional Instability: Order or Stability."
         Crime and Justice, Vol. VII (1984): 87-99, 87.

Her actions during the strike in 1983 of declaring a state of emergency and threatening staff with dismissal cemented this perception.[242] While the promulgation of a new Department of Corrections met general approval, the idea that prisoners conditions should be given priority was greeted with scepticism.[243] Moreover, the Governors seemed vague about the unit management concept in general when questioned closely. It appeared to many prison officers that Governors were deserting their ideals and becoming solely concerned with ingratiating themselves with the new Head Office hierarchy.[244] A schism developed between staff and prison management that never healed during the OOC years. While the strained relationships between Victoria's prison officers and operational Governors may have arisen because of the intended policy change, there, at least, was no industrial disruption.

English prison officers, on the other hand, took industrial action when the Government tried to introduce conflicting prison policy.[245] English prison officers started to question the motives of prison managers in the late 1970s. The Home Secretary warned that "relations between prison officers and prison governorships are not good and this was one of the factors in the recent breakdown of industrial relations."[246] Prison officers have many conflicting relationships; they complain about prisoners, other staff, Headquarters, and even the prison union.[247] Moreover, many felt that Governors were siding with prisoners and professional staff.[248] And prison officers' perceptions of prison 'civilians' are well known.

> many officers openly resent the introduction of probation officers and social workers into the prisons, identifying both the philosophy behind welfare and the welfare workers themselves as sympathetic to prisoners, and likely to line up with prisoners against them. Welfare workers as seen as concerned only with prisoners' interests and hostile to the custodial role of officers.[249]

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[242] MRD 046= QQA171= Melbourne CTO VIC 93/91 10.45P.
[243] Interview with former prison Governor Grade III, Jim Armstrong, 24 June 1996.
[244] Ibid.
[245] M. Fitzgerald and J. Sim. British Prisons, (Oxford: Blackwell, 1979) 127-129.
[246] Quoted in Fitzgerald and Sim, British Prisons, 126.
[247] Fitzgerald and Sim, British Prisons, 113.
[248] Ibid, 127.

Victoria's prison officers were expected to completely change roles and would now be "dealing with prisoners on a more personal level."[250] Under the custodial regime

> prison officers' tasks are clearly defined, and discretion, in principle at least, is reduced to the minimum. Prison Rules, Standing Orders and Circular instructions are designed to prescribe a way of handling every situation.[251]

However, there was little indication of what the new role required. The only practical information available was a handbook given to all the custodial staff.[252] Indeed, the handbook's foreword claimed

> it is probably true to say that prison staff have been given and have adopted many differing views and opinions on the exact nature of unit management, how it should function and how it affects them and their jobs.[253]

Victoria's senior prison authorities, however, thought that staff would be able to manage the new unit management regime particularly with purpose designed prisons. The new prisons near Lara, (HMP Barwon), Castlemaine, (HMP Loddon), and the Melbourne Remand Centre[254] were built to facilitate unit management practice. But building new prisons was not a guarantee of success. As Murton notes, "Significant reform efforts in this century have addressed themselves not to institutions but to differential methods of managing prisoners within existing institutions."[255] Moreover, the idea that unit management would be implemented throughout the system may not have been wise. "Reform programs grafted onto existing prison structures fail to survive because they are rejected as foreign organisms."[256] Again, the proposition that unit management was a new concept was found to be questionable.[257]

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[249]    Ibid, 125.
[250]    Unit Management in Victorian Prisons, Victoria, 1989: Office of Corrections, 6.
[251]    Fitzgerald and Sim, British Prisons, 120.
[252]    Unit Management in Victorian Prisons.
[253]    Ibid, 2.
[254]    The Remand Centre changed its focus its 1997 from a reception prison to an assessment prison It is now called the Melbourne Assessment Prison. A private company, Group 4, operates the new 600 bed remand Port Phillip Prison which opened in September 1997.
[255]    Murton, The Dilemma of Prison Reform, 17.
[256]    Ibid, 131.
[257]    Ibid, 209.

## Prison policy and philosophy: interrelated or intertwined?

There is a tendency in prisons to label almost any type of operational practice a policy. To the uninitiated (prison officers) the word policy has 'professional' connotations, or overtones of Head Office dogma. It is probably the most overused and misunderstood word in prisons. When a prison officer asks why a particular process is undertaken, the usual answer is that it is 'policy.'

Prison practice is usually enshrined through various Standing Orders, Rules and Regulations, and numerous prison circulars which even the most astute prison officer would have difficulty interpreting - even if they are available.[258] Prison officers are normally issued with a set of prison standing orders on recruitment. These are usually bulky and cannot be carried on a day-to-day basis.[259] Moreover, many of the current 'procedures'[260] have been adapted or remain unchanged from the originals, which were promulgated last century.[261] Prison Rules and Regulations are rarely displayed in institution on the premise that prisoners may use these to challenge practices.[262]

Any officer who strictly adheres to these procedures will soon find that practices change depending on senior personnel.[263] What one senior officer will allow, another may not. Indeed, many prison practices developed over the years and became enshrined as policy. Officers are taught these practices during their early years and quickly accept them as dictum. Practices become 'policy' by default.

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[258] M. Maguire, J. Vagg, and R. Morgan, (Eds) Accountability and Prisons,( London: Tavistock, 1985) 7.

[259] In the 1980s the Tasmanian standing orders, for example, weighed nearly a kilo. Prison officers only used these for the examination for permanency. They were then discarded into lockers or left at home. In the nine years the author was a prison officer at HMP Risdon, he never saw an officer refer to these orders except for the examination.

[260] Procedures are used to describe standing orders, rules and regulations and circulars unless otherwise stated.

[261] Thomas and Stewart, Imprisonment in Western Australia, 4.

[262] Maguire et al, Accountability and Prisons, 6-8.

[263] J.J. DiIullio, Jr., Governing Prisons, (New York: The Free Press, 1987) 221-222.

Indeed, most prisons are run on informal rather than formal policies.[264] Both staff and prisoners become accustomed to these practices and, in the main, accommodate whenever some minor change is implemented. Most prison managers deal with tangibles, and from a base of experience and rationality. Moreover, there is a definite set of procedures and practices, which can be referred to whenever a problem arises. Indeed it is only when managers are confused or uncertain "that they mask their insecurity and insufficiency with rigid rules and authoritative discipline."[265]

However, whenever a major operational change takes place - such as the introduction of unit management - the manager must expect difficulties with implementation from both staff and prisoners. The boundaries of officer and prisoner interaction have to be redefined and readjusted. It is not only the policy that is being changed but also, more importantly, the philosophy behind prison operation.

There are a number of philosophies that have entered the lexicon of prison operation.[266] Newman argues that these have been sequential, but not mutually exclusive.[267] These philosophies have given rise to various models that reflected contemporary thought. For example, the Medical Model arose during the Rehabilitation era. The model assumed the prisoner was 'sick' and could be cured through professional treatment and intervention.[268] Prisoner management and operational policy was designed to accommodate each philosophy. Most of the prisoner intervention models were less than successful. In the Medical Model era

> despite increased staff, the acquisition of a host of treatment personnel, the creation of innumerable treatment programs, and the well - intentioned interest of society in curing the criminal, we have observed an increase in institutional violence, disorders, rebellion, and riots.[269]

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[264]    Murton, The Dilemma of Prison Reform, 65-66.
[265]    Thomas, The English Prison Officer, 9.
[266]    D.J. Newman. Introduction to Criminal Justice. 2nd edition (New York: Lippincott, 1978) 308.
[267]    Ibid.
[268]    Murton, The Dilemma of Prison Reform. 27.
[269]    Ibid.

Prison operational policy was much more clearly defined during the Restraint and Revenge eras. Indeed, philosophy and policy were contiguous. However, there was conflict between operational philosophy and policy during both the Rehabilitation and Reintegration phase. The Rehabilitation era was found wanting,[270] and has practically disappeared.[271] But there were tensions between professional and uniformed staff due to the disparate philosophy and operational policy. Treatment staff has traditionally complained that prison officers are more concerned with custody than prisoner programmes.[272] Prison managers and prison officers, however, are judged on their ability to maintain order. This was their primary function in Victoria until 1990.[273] The divergence between philosophy and operational policy has become more pronounced during the contemporary Reintegration era, mainly due to the authorities' lack of explanation about the purpose of policies, and the seemingly on-going emphasis on custodial prison officer training.

Vinson has explicitly described the difficulties associated with trying to implement change in a prison environment that wishes to maintain the status quo. While Vinson advocated a change to prison philosophy, prison officers were determined that "an adequate standard of discipline be maintained."[274] Vinson's experiences highlight the difficulties in implementing policy change. In Victoria's case, there was no apparent philosophical grounding for similar change. Indeed, it was very difficult in 1990 to ascertain the basis of Victoria's prison philosophy prior to the introduction of unit management. Many Australian politicians still utter the rhetoric of 'rehabilitation.' The current Victorian prison system has a highly publicised Statement of Purpose of "Protecting the Community and Rehabilitating Offenders."[275]

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[270] R. Martinson, "What Works?-Questions and Answers about Prison Reform" The Public Interest, ( Spring 1974): 22-54.

[271] D.E.J. MacNamara, "The Medical Model in Corrections: Requiescat in Pace," Criminology, 14 ( 1977 ): 446.

[272] J.W. Eaton, Stone Walls Not a Prison Make, (Springfield, Illinois: Charles C. Thomas, 1962) 134

[273] M.C. Filan, A Study of the Legal and Sociological Determinants of the Work Role of the Victorian Prison Officer, BA diss., Canberra College of Advanced Education, 1978, 39

[274] T. Vinson, Wilful Obstruction, (North Ryde, NSW: Methuen, 1982) 34.

[275] Corrections, Protecting the Community and Rehabilitating Offenders,

But these are echoes of the Medical Model. And it is statements like these, which confuse both, prison officers and the general public that are sceptical anyway. These utterances identify the fundamental dilemma of Australian prison operation. There must be a philosophical base to which operating policy can be reflected. It is pointless implementing a new prisoner management strategy without a complimentary philosophy and the appropriate prison officer training. This was aptly demonstrated in Victoria during the OOC years.

The most significant problem that the OOC faced was linking policy intention with operational practice. Prior to the introduction of unit management in Victoria prisoner management policy and prison operation were mainly congruent. Prison officers were custodians while civilian and professional personnel catered to prisoner programming. However, since the policy makers changed strategy to directly involve prison officers in effecting prisoner change there has been a disparity between policy intention and actual practice. Whether this is a direct result of unit management implementation is speculative. However, there is evidence that some policy intention foundered.

## Policy and practice: congruent or polar?

Among the "Operating Principles" that CORE[276] proposed in its Business Plan 1997/98[277] were several that will test whether the proposed "Public Correctional Services Authority"[278] can match policy intent with operational practice. CORE suggests that the relatively new organisation has the capacity, *inter alia*,

> to discharge with integrity and professionalism, its primary responsibility
> for the safety of the community by delivering effective supervision,
> custody, reparation and rehabilitation to prisoners and offenders and
> reparation to the community;
> to maximise the benefits to prisoners and offenders through the
> application of a continuum of care model;

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Department of Justice, Victoria, 1993.
[276]  The acronym for The Public Correctional Enterprise, the descendent of the OOC.
[277]  CORE Business Plan 1997/.98: an innovative approach to corrections,
Department of Justice, (CBP).
[278]  Public Correctional Services Authority Bill, 1998.

to follow best employment practices and promote the involvement of staff in achieving the organisation's objectives; [and]
to empower staff to develop and use their skills and abilities to the full, while being held accountable for their performance.[279]

Whether the organisation accomplishes these tasks will no doubt be the subject of some future review project. However, those conducting the review will have tangible evidence that contemporary policy makers have made explicit what they expect to achieve and have designated the mechanisms necessary to achieve this end. There is nothing implied in the Business Plan. Prison officers may not necessarily agree with what has been proffered. They cannot, however, accuse the organisation of duplicity. Previous policies were singularly devoid of detail. And it was the lack of such detail that caused much friction between OOC prison officers and management. Prison officers argued that policy was shaped towards placating prisoners and that little was being done to assist them understand the unit management concept.[280] In the late 1980s senior managers had little tangible evidence to rebut their claim falling back on the official position that a unit management guidelines handbook was in the process of development. This did not eventuate until 1990.[281]

Indeed, it was claimed in 1985 that the OOC had developed mechanisms to promote "high morale amongst staff working in the Office through involvement in decision making, support and direction of the work they were undertaking, and through training."[282] Prison operational policy was to be "humane management of offenders and prisoners."[283] Prison officers, at the local level, were given a clear mandate: "Management of prisoners shall be minimally intrusive consistent with the maintenance of security and good order."[284]

> Offenders and prisoners subject to Office of Corrections jurisdictions shall be managed humanely in safe and appropriately secure facilities, and in a manner which is fair, just, constructive and contemporary.[285]

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[279]    CBP, 6.
[280]    Helen Holland interview April 1997.
[281]    Unit Management Guidelines: Achieving Leadership Excellence in Victorian Prisons, Office of Corrections, 1990.
[282]    Office of Corrections Strategic Plan 1985/86 to 1987/88, 3.4.
[283]    Ibid, 3.1.3.
[284]    Ibid, 3.3.1 ©.
[285]    Ibid, 3.4.

In an attempt to change past prisoner management practice, policy makers decided that the new process "must be characterised by skilled interaction rather than physical/electronic constraint."[286] To aid the proposed changes, the Staff Training College (STC) was established. The College would provide "intensive training, retraining, specialist and promotional courses."[287] Again it was recognised that "Training is an essential component in the development of any successful correctional system and the Office of Corrections training programmes are geared to provide high quality training in the future."[288]

By June 1990 it was recognised that the 1985 policies had not met Head Office expectations. It was noted that prison officers were increasingly reverting to customary practices.

> Experience gathered from introducing unit management into the new prisons has illustrated a need for the organisation to set out very clearly to operational staff its expectations of prison management. Without clear expectations, it has been found that staff tend, while implementing "change", to revert to old patterns of management, or they tend to propose changes that conform to traditional expectations.[289]

Head Office recognised that there was still a great deal to accomplish if unit management was to be successful.

> The system of management devised by the New Prisons Group was, and generally still is significantly divergent from the highly routinised [sic] system of management that had gone decades before. It called for not only a high level of skills acquisition amongst custodial staff, but a significant change of attitude by them towards their work.[290]

The mechanisms to provide information to prison officers were less than sound.

> In both the case of experienced and inexperienced staff the shift to a new management approach required the provision of a clear articulation of the new system and the vision senior management had for the prison system. Not only that, but the articulation had to be made conceptually accessible and attractive to staff possessing marked variations in their ability to deal with concepts.[291]

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[286]   Ibid, 3.4.1.2 (a).
[287]   Ibid, 3.5.
[288]   Ibid, 4.4.
[289]   Prisons Structual Efficiency Implementation Plan, Office of Corrections Version 1 June 1990, Attachment 6.
[290]   Ibid, Attachment 5.
[291]   Ibid.

The OOC tried to address the disparity between policy intention and the practicality of unit management implementation. It, rather belatedly, set up a syndicate to look at measures on "How to implement Unit Management in a prison."[292] The make up of the syndicate was an indication of how confused the implementation process had become. Of the six participants, two were Governors from open institutions – both soon to retire, the Superintendent of Building Development, a minor community corrections official, a manager of a community corrections region, and the manager of VPIC – the prison industry arm of corrections.[293] The intended target group of the syndicate's deliberations, prison officers, were extremely sceptical of any propositions emanating from Head Office regardless of whether a specific syndicate had been set up to assist unit management implementation.[294] Whether this syndicate made any progress is a moot point. On 4 October, after a state election, the OOC was subsumed into the newly formed Department of Justice.[295]

Howlett and Ramesh maintain that "the extent of the behavioural change the policy requires of the target group determines the level of difficulty faced in its implementation."[296] As noted, prison officers' are extremely conservative. Any change to operational routine that affects the dynamics between prison officers and prisoners is subject to intense scrutiny, especially by prison staff. Prison officers' may perceive that their traditional authority is being eroded, or at least threatened by managerial edict. Again, prison officers' attribute their authority in their ability to manipulate a system of rewards and punishments.[297] However, when an edict is proffered which threatens this authority there will be a period when staff will question management's motives.

[292]    "The Way Ahead – Working Together" Proceedings of the Senior Staff Conference held at the Staff Training College on 4 July 1990. Unit Management, 10-18. Office of Corrections.
[293]    Ibid. 10.
[294]    Prisons Structual Efficiency Implementation Plan, Attachment 3 Issues. iv.
[295]    Keypoints, Vol 4 No. 2, December 1992.
[296]    M. Howlett, and M. Ramesh, Studying Public Policy: Policy Cycles and Policy Subsystems, (Don Mills, Ont.: Oxford University Press, 1995) 155.
[297]    G. M. Sykes, The Society of Captives: A Study of a Maximum Security Prison, Sixth Edition, (Princeton, NJ.: Princeton Uni. Press, 1970) 50.

Unless there are some mechanisms available to explain policy intent and alleviate prison officer concern, the policy's chances of successful implementation are slim.[298]

There is no single method of overcoming implementation problems.[299] However, there was a number of factors which Victoria's prison managers could have utilised to overcome implementation problems. They could have, *inter alia*, involved employees – "especially those to be affected – in the planning process"; provided "more information to employees about plans and their probable consequences so that they will understand the need for change, the expected benefits, and what is required for effective implementation"; and developed "a pattern of effective planning and effective implementation"; they should have been "aware of the impact of proposed changes on organisation members and minimise[d] unnecessary disruptions ..."[300] While there is no formal evidence to suggest that these factors were ever considered or even undertaken, there is a body of anecdotal evidence from former senior governors that the planning process was flawed.[301]

Indeed, criticism about the failure to effect change is usually from the perspective of those in charge of implementation rather than from the people they are trying to influence.[302] As noted, Victoria's Head Office personnel blamed prison officer intransigence on the difficulties with implementing unit management.[303] However, there is also the fact that groups react quite differently than individuals from the direction of other individuals.

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[298]     Howlett, and Ramesh, Studying Public Policy: Policy Cycles and Policy Subsystems, 155.
[299]     J.A.F. Stoner, R.R. Collins and P.W. Yetton, Management in Australia, (Sydney: Prentice-Hall, 1985) 796.
[300]     Ibid, 165.
[301]     Interviews with Jim Armstrong, Helen Holland, Colin Marston and Peter Hannay.
[302]     D. Klein, "Some notes on the dynamics of resistance to change: The defender role" in W.G. Bennis, K.D. Benne, R. Chin, and K.E. Corey (Eds), The Planning of Change, third edition, (New York: Holt, Rinehart and Winston, 1975) 117-124, 117.
[303]     Prisons Structual Efficiency Implementation Plan, Attachment 6.

Stogdill claims that performance and expectations are "characteristic of individuals." On the other hand, group dynamics are a powerful mechanism to prevent any change to the *status quo*.

> A group by definition involves interactions and performances (actions and reactions). A group also involves expectations. The structuring of positions in a group tends to confirm differential expectations relative to the predictable initiative of certain members and the predictable reactions of other members. In addition, the members tend to confirm for each other a normative set of values relative to the group purpose and member behavior affecting the group process. Not only do the members in interaction develop norms which define expected behavior, but they exert strong pressures upon each other to conform with the norms of the group. Purpose and norms represent mutually confirmed sets of expectations which must be regarded as characteristics of groups.[304]

Victoria's prison officers may not have perceived that there was a gap between policy intention and operational practice. They were aware of the attempt to implement unit management at the custodial-designed prison at Castlemaine.[305] They also knew that the new prisons at Loddon (Castlemaine), Barwon (Lara) and the Remand Centre (Melbourne) were to be operated as unit management prisons. Many of the experienced staff who transferred to these institutions had undergone interviews for the unit management prisons. They were aware of the expectations. However, when these prisons became operational it soon became apparent that old management practices had not been eradicated. Moreover, the cursory attempts at unit management training by the Strategic Services Division of the OOC did little to impress upon prison officers that Head Office personnel were truly committed to change.[306] Most of the architects of unit management had departed, and the constant turnover in Head Office personnel (see chapter 5) reinforced this perception.

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[304] R.M. Stogdill, "Group Achievement" in W. S Sahakian, Social Psychology: Experimentation. Theory, Research, (London: Intext Educational Publishers, 1972). 430-441, 431.

[305] R. Moore and W. Higgins, Castlemaine Prison Pilot Unit Management Program Phase 1, OOC discussion document, 1986

[306] J.R. Beeden, Report on validation of SPO/CPO Promotional Courses 1989 to 1991. Report to the Co-ordinator of Training Services, Bill Paterson, October, 1991, 7.

In a departure from customary practice, new prisons were allowed to write their own operational procedures.[307] The Barwon Prison Plan highlighted the new unit management concept. On the other hand, the Loddon Prison document is singularly devoid of any direct mention of the concept. And there is evidence that prison officers at different locations were also confused as to whether they were operating under unit management principles.[308] Many officers at the open institutions at Dhurringile, Won Wron and Morwell River could not understand the fuss. They claimed to have been working under unit management principles for years.[309] Again, it may have been that prison officers could not understand what Head Office policy makers were trying to achieve. Some officers claimed that there was "a need for Office of Corrections policies/objectives ... be explained to promotional courses in laymans [sic] terms/language."[310]

The problem faced by most prison policy makers is not whether their policies will be implemented; rather the major problem is where to find appropriate information. Contemporary Victorian policy makers are using business management principles as a basis for prison operation policy to meet Public Service reforms.[311] Previous policy makers had little to refer to. Chapter 2 investigates the formation of contemporary prison policy. The following chapter establishes a framework for analysing prison policy, utilising public policy literature.

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[307] For example, Loddon Prison : Philosophy and Operational Arrangements, undated but probably 1990, and H.M. Prison Barwon Philosophy and Principles of Unit Management, undated but probably 1990.

[308] Beeden, Report on validation of SPO/CPO Promotional Courses 1989 to 1991, 3-15.

[309] Ibid.

[310] Ibid, 25.

[311] Victorian Prison Service, Planning for Performance: Operational & Performance Plan 1996/97.

# Chapter 2

## Victoria's Prison Policy: An Analytical framework.

*In the absence of genuine knowledge, those most responsible for making prison policy have been grasping at straws.*[1]

Victoria's Parliament and judiciary perceive that there is a 'discipline' of prison policy-making. Numerous Victorian parliamentary reports on prisons and judicial inquiries into prison operation criticise the lack of a systematic policy approach.[2] Prison administrators are usually criticised whenever a traumatic episode occurs and blamed for poor or non-existent policies. Parliamentary and judicial perception of what constitutes prison policy *per se* and what prison authorities perceive as policy appears at odds. There are two significant reasons for this.

First, while the prison in Australia is "the largest power that the state exercises in practice, on a regular basis, over its citizens,"[3] the seniority system combined with the custody and control philosophy meant that until the 1970s there was little accountability or government scrutiny of prisons. Under the old seniority system the long-serving officer could eventually attain a senior management position. Those responsible for the operation and management of the various Australian prison systems tended to retain custody and control approaches.

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[1]  J.J. DiIulio Jr, Governing Prisons A Comparative Study of Correctional Management, (New York: The Free Press, 1987) 12.

[2]  Report of the Board of Inquiry appointed to inquire into and report upon the escape of five prisoners from H.M. Gaol Pentridge, on Saturday 27th day of August, 1955. VPR 1955, No.7 (The McLean Report).
Report of the Board of Inquiry into several matters concerning HM Prison Pentridge and the maintenance of discipline in prisons, 25 September 1973, Victorian Government Printer , (The Jenkinson Report).
J.D. Henderson, A Report on the Correctional System of Victoria, Australia, Department of Community Welfare Services. April 1983.
Report on the Accountability of the Office of Corrections, The Ombudsman Victoria, July 1990.

[3]  N. Morris, The Future of Imprisonment, (Chicago: University of Chicago Press. 1974) 2.

At the same time public policy-making and analysis was itself in an embryonic stage, with little direct utility to individuals or institutions concerned with prisons. Indeed, some commentators claimed "there has not been much attempt to develop theory, or to devise more general frameworks."[4] Second, the 1970s movement to make prisons and prison systems more accountable; 'open' prisons, and the enshrinement of prisoners rights, left senior prison administrators in a state of *anomie*.

To counter criticism of prisons the government either retired or replaced those incumbents who did not resign.[5] Their replacements generally had wide-ranging expertise[6] and experience in number of government areas.[7] This sea-change in prison leadership from the prison 'specialist' to the prison 'generalist' implicitly recognised that the old style of prison management was no longer relevant in the contemporary correctional climate.

The change, however, was to have profound implications for prison policy, prison operation, and the role of prison officers. The new leaders were not content to have sinecures. They had been given a mandate for change, and were interested in utilising their resources to seek other methods of managing prisons, managing prisoners, and managing prison officers. Moreover, they accepted that previous prison practice had failed, presumably due to entrenched ideas and practices. The new prison managers also perceived that their skills, attributes and experience gained in the general public service stream could be readily adapted and applied into the prison system. Critical of what purported to be prison policy as fact, in sets of routines and procedures, managers applied their policy-making expertise to the prison environment.

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[4]     R.N. Spann and G.R. Curnow, Public Policy and Administration in Australia: A Reader, (Sydney: John Wiley, 1975) 456.

[5]     A practice that still occurs, for example. "Jails chief removed in wake of prison riot" Weekend Australian, 19-20 April 1997.

[6]     For example, the New South Wales Government appointed a well known academic. Professor Tony Vinson, from the University of Newcastle, to head the new Corrective Services Commission in 1979.

[7]     For example. The Office of Corrections in Victoria appointed Peter Harmsworth as Director-General. He had wide-ranging managerial and policy-making experience in the Victorian Police and Public Service Board.

The results of their endeavours set in train a number of changes that singularly would probably have had minimal impact on the functioning and operation of the prison system. They introduced new operational policies, new methods of prison officer/prisoner interactions, and a liberalisation of prisoner routine. However, there appeared to be very little thought given to the changing role of prison officers. Indeed, in one particularly famous example, it was to be a number of years before a significant investigation of the roles and duties of the contemporary officer was to be undertaken.[8]

## Prison policy: towards a method for analysis.

It is difficult to find studies on Australian prison policy which give the researcher a basis for further investigation. One Australian work resulted from a Royal Commission, but the author indicated that this should "not be taken as a model for future decision making by prison administrators unless as an example of what *not* to do."[9] Again, it is clear when investigating the prison policy process the researcher should be aware that

> The idea of 'public policy' works on a range of levels. It can mean simply a written document expressing intent on a particular issue, or imply a whole process in which values, interests and resources compete through institutions to influence government action.[10]

While Australian studies bear the hallmark of the investigators' discipline,[11] American prison policy researchers have not been constrained by psychological and sociological investigative methods.[12]

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[8]   Small Units in the Scottish Prison Service, TheReport of the Working Party on Barlinnie Special Unit, Scottish Prison Service,1994, especially chapters 8 and 9.

[9]   P. Stein, "The New South Wales Royal Commission into Prisons" in S. Encel, P. Wilenski, and B.B Schaffer.(Eds) Decisions, (Melbourne:Longman Cheshire, 1981) 206-224, 206.

[10]  G. Davis, J. Wanna, J. Warhurst, and P. Weller. Public Policy in Australia, 2nd Ed. (St Leonards, NSW: Allen & Unwin, 1993) 7.

[11]  M. Findlay, The State of the Prison, (Bathurst, NSW: Mitchellsearch, 1982), G. Zdenkowskiand D. Brown, The Prison Struggle, (Ringwood, Victoria: Penguin, 1982), T. Vinson, Wilful Obstruction, (North Ryde, NSW: Methuen, 1982), R. Tomasic and I. Dobinson, The Failure of Imprisonment, (Sydney: Allen and Unwin, 1979).

[12]  See DiIulio, Governing Prisons, especially chapter 1.

This reflects, perhaps, the view that

> policy analysis is linked more directly to the social sciences, particularly political science, economics, history, sociology, anthropology, and law, along with the management and planning sciences and philosophy, because policy problems are preeminently human or social ones. The social sciences are concerned with human societies, their evolution, structure and dynamics, and are therefore are directly relevant to policy analysis.[13]

The fact that current prison policy-making has a relatively short history does not mean that it cannot be subject to analysis. It would appear that the appropriate tools are derived from the policy analysis literature. Ham and Hill claim there are seven different variants of studies of public policy (see Fig.2:1).

Where can prison policy-making be located in order to commence analysis? There are "studies of policy content in which analysts seek to describe and explain the genesis and development of particular policies."[14] At first glance this category appears to be the ideal tool for investigation. The authors' place this variable into the "Policy Studies" section of their dichotomy.

## Figure 2:1 Types of Study of Public Policy-Making.

| Study of policy content | Study of policy process | Study of policy outputs | Evaluation studies | Information for policy making | Process advocacy | Policy Advocacy |
|---|---|---|---|---|---|---|
| | | | | | Analyst as political actor | Political actor as analyst |

Policy Studies                                                     Policy Analysis

Knowledge of policy                                    Knowledge in the policy process
and the policy process

Source: adapted from Hogwood and Gunn, 1981,

in Ham and Hill, The Policy Process, 8.

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[13]     L. Pal, Public Policy Analysis: An Introduction.
( Scarborough, Ontario: 1992, Nelson) 20.
[14]     C. Ham and M. Hill, The Policy Process in the Modern Capitalist State,
(Hemel Hempstead: Harvester Wheatsheaf, 1984) 9.

Moreover, Encel et al note that policy studies are

> the systematic study of particular areas of government activity
> (health care, education, defence, etc.) with the emphasis either on the
> processes that lead to governmental action in those fields or on the
> definition and analysis of prescription of government activity relevant
> to those problems. Indeed, the study of public policy is sometimes
> taken to embrace primarily policy analysis.[15]

Similarly, "*studies of policy processes* in which attention is focussed on the
stages which issues pass and attempts are made to assess the influence of
different factors on the development of the issue,"[16] also appears to be a valid
investigative tool for prison policy analysis. The major problem with using this
variable is getting access to relevant data. Prison Headquarters are notoriously
'closed systems' even with facilitated access through Freedom of Information
legislation.

Ham and Hill's other variables provide springboards to tackle many prison
issues but are of limited utility by requiring a major input of often unobtainable
or inaccessible data. These variables are,

> *studies of policy outputs* which seek to explain why levels of
> expenditure or service provision vary between areas.
>
> *evaluation studies*, marks the borderline between analysis for policy and
> analysis of policy.
>
> *information for policy-making* in which data are marshalled in order to
> assist policy-makers reach decisions.
>
> *process advocacy,* a variant of analysis for policy in which analysts seek
> to improve the nature of policy-making systems.
>
> *policy advocacy*, the activity which involves the analyst in pressing
> specific options and ideas in the policy process, either individually or in
> association with others, perhaps through a pressure group.[17]

Ham and Hill suggest investigation be directed toward "analysis *of* policy and
analysis *for* policy" (see Fig.2:.2). The authors' claim

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[15]    Encel et al. Decisions, xiv.
[16]    Ham and Hill. The Policy Process. 9.

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This distinction is important in drawing attention to policy analysis as an academic activity concerned primarily with advancing understanding, and policy analysis as an applied concerned mainly with contributing to the solution of social problems.[18]

This distinction is developed by Pal, who in arguing that the policy researcher has to be aware of "the total universe of policy relevant research,"[19] suggests that policy analysis should be either "academic" or "applied." Academic analysis

focuses on the relationship between policy determinants and policy contents, [whereas applied analysis is about] questions of evaluation, [and] of determining the effectiveness of the policy.[20] Academic policy analysts do not wish, at least initially, to change policies, but simply to explain and understand them. They conduct their inquiries independently, for themselves, and rarely, on a contract basis. Their research tends to be lengthy and thus comprehensive.[21]

**Figure 2:2 Summary of Differences between Academic and Applied Policy Analysis.**

|  | Academic Analysis | Applied Analysis |
|---|---|---|
| Focus | theory; "big questions" | specific policy; specific problems |
| Mode of Analysis | explanation | evaluation |
| Goal | understand policies | change policies |
| Research Agenda | independent | client determined |
| Duration of Analysis | lengthy | short |
| Value Orientation | strive for "objectivity"; neutrality | accept client values; advocate "improvements" |

Source: Pal, Public Policy Analysis, 24.

However, the prison *patchwork* approach [22] has been less than successful. There is also evidence that 'applied' policy analysis has been equally unsuccessful.[23] While Pal clearly delineates the differences in both academic and applied policy analysis, is this a useful concept for analysis of prison policy making?

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17      Ibid, 9-10.
18      Ibid.
19      Pal, Public Policy Analysis, 20.
20      Ibid, 21-22.
21      Ibid, 23.
22      Simply fixing up or adding to policies.
23      See chapters 2, 3 and 4.

Dunn, in addition, argues policy analysis is an "applied social science discipline which uses reason and evidence to clarify, appraise, and advocate solutions for public problems."[24]

If the 'academic' and 'applied' categories appear at first too restrictive for analysis of prison policy-making, and the seven approaches of Ham and Hill too general, can any of the elements from the typology be useful? Indeed, can contemporary or future prison policy-makers make use of such typologies? While public policy models may not be the ideal frameworks for analysing prison policy-making, they at least contain measurable variables that pertain to all organisations - including prison systems. Any method, which can be used to investigate prison policy-making and provides a framework for rigorous analysis will be a valuable aid to prison administrators and policy-makers. Such analytic frameworks need to recognise that prison policy is highly politicised. This is particularly the case in relation to policy failures - for example, prison riots, escapes, and hostage situations. Prison policy analysts have recognised the importance of politics in policy-making.

Davis et al note that politics must be added to "values interests and resources mediated through institutions."[25] They claim politics is "the perpetual wrecker of ordered procedure, the great undoer of best laid plans [and it] introduces chance and circumstance to the policy process."[26] Given that in practice prison policy analysis has been at the discretion of "higher reaches of administration,"[27] there appears to have been little checks and balances on the impact of such discretion. As a result those in charge of prison systems "are likely to have significant discretion over many of the problems they pursue, solutions they devise, and strategies they choose for implementing such solutions."[28]

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[24]   W.N. Dunn, "The Meaning of Policy Analysis" in F.S. Lane, (Ed), Current Issues in Public Administration, 3rd Ed. (New York: St Martin's Press, 1986) 247-252. 247.

[25]   Davis et al, Public Policy in Australia, 2.

[26]   Ibid, 7.

[27]   R.B. Reich, (Ed) The Power of Public Ideas, (Cambridge. Mass.: Harvard University Press, 1990) 124.

[28]   Ibid.

Checks and balances over such processes and outcomes should be the responsibility of the Minister, but the Minister may have other portfolios or responsibilities and rarely able to give each an equal amount of time.[29] The Minister would therefore rely on the Department's permanent head to formulate 'government' policy, given that the Minister usually has limited knowledge of the prison portfolio. If the relationship between Minister and Head of Department is fractious, the Minister may turn to advisers to provide alternate solutions.[30] The high profile that prison management had achieved in Victoria throughout the 1980s and 1990s may have encouraged politicians to "have wanted an administrator to take the political heat for doing something too unpopular to be codified explicitly in legislation."[31]

Policy-makers have to continually upgrade or develop new policies to meet exigencies. But this is not unusual, "policy will often continue to evolve within what is conveniently described as the implementation phase rather than the policy-making phase of the policy process."[32] It may also be that some prison policy-makers have neither used nor have been exposed to contemporary policy analytical models. In a more positive light, policy-makers in the prison system are beginning to establish links with various academic institutions.[33] Continued links with academia - particularly departments or centres with an interest in correctional policy-making - may prove beneficial as the dynamics within the prison setting mean that policies have to be continually updated and refined.

On the other hand, some prison policy-makers can justifiably argue that policy analytical frameworks can be too prescriptive to allow for specificities. However, this is not a new problem.

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[29] Interview with the Hon. Mal Sandon, former Minister for Police and Corrections. 14 August 1995.

[30] Mal Sandon, the last Victorian Labor Minister for Corrections felt his Director-General did not keep him fully informed of important decisions, rather presented them as a *fait accompli*. Interview 14 August 1995.

[31] Reich, The Power of Public Ideas, 124.

[32] Ham and Hill, The Policy Process, 12.

[33] For example, in a cooperative approach Monash University's Centre for Police and Justice Studies and CORE are co-hosting a conference on the "changing face of prison management" 17 May 1998

In 1972 Vickers argued that policy-making had five elements which were "especially repugnant" to "scientific" study. These elements were: endurance through time; management of conflict; value judgement; modelling historical process; and, modelling the "artificial."[34] These elements may provide evidence that an appropriate methodology for prison policy has yet to be formulated.

Vickers first variable, endurance through time suggested that "all major policies are concerned with the maintenance of relations through time, rather than with the attainment of goals which can be attained once and for all."[35] In this sense, it is impracticable to analyse any type of prison policy. As noted at the beginning of the chapter, prisons are Australian society's ultimate legal sanction. Following Vickers' argument, maintenance of the prison over time is State policy, and the attainment of goals - prison policy - is secondary.

The second part of Vickers' framework is management of conflict. He argues that "all norms conflict because there are limited resources." Some conflict "inherently" while others are "complementary." Vickers claimed "No policy can completely reconcile such conflicts. They are not evidence of penury which affluence can alleviate." [36] The changed nature of prison operation and policy from being purely custodial as a primary goal to the provision of a multiplicity of prisoner services, has, as noted, left prison administrators with a fundamental dilemma. They are judged on their ability to 'control' the system. If they commit a large percentage of their budget to programme implementation they risk increased incidents because of lack of staff. On the other hand, there will always be interest group pressure to provide prisoner services. Most prisons are run on business guidelines with a dedicated budget. They provide customer service and are subject to "rightsizing."[37]

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34      Sir G. Vickers. "Commonly Ignored Elements in Policymaking" Policy Sciences 3 (1972): 265-266.
35      Ibid. 265.
36      Ibid.
37      Map Readings. Volume 3/97, 3 March 1997.

But private operators operating commercial correctional facilities for maintaining security may reduce resources to other areas. "The Junee Correctional Centre regularly fails to meet even the most minimal standards [for education]. In 1994 the public servant monitoring the contract reported there was no vocational training in the institution."[38]

Vickers' third variable was value adjustment. He claimed "policymaking is in fact the adjustment of the value system to the reality system through time, as well as the designed adjustment of the reality system to the value system."[39] Public perception of prisons is largely shaped by the media and interest group pressure, or whenever a horrendous crime is committed. As the prison is currently the ultimate legal sanction, there is usually a spirited debate whenever a high profile offender gets incarcerated.[40] The debate normally centres on the conditions in new prisons.[41] Prior to 1970 the focus of the prison was mainly its deterrent value while the public generally ignored prison operations.

Most Australian State and Territory Governments have committed a significant percentage of their capital works appropriations in the last ten years to upgrade and rebuild ailing prison edifices, or build new institutions. However, the reality is that the public believes that very little has changed.[42] But governments' value systems have changed. By mooting privatisation of prisons as a viable alternative, they are in the process of 'mutual adjustment.' Furthermore, it seems that the public's values have also changed. There has been very little criticism of the decision to pursue privatisation.[43]

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38    "Prison Sell" The Australian, 13 June 1997.
39    Vickers, "Commonly Ignored Elements in Policymaking," 266.
40    For example, Alan Bond in WA.
41    "Crims in 'Barwon Hilton'" Herald, 23 January 1990, and "Barwon jail opens to mixed reception" Age, 24 January 1990.
42    "Bars to progress" Herald Sun, 1 February 1997.
43    L. Timar, "Privatizing Prisons" IPA Review, Spring (1990): 41-44.

The fourth variable in Vickers' model, modelling historical process, suggested that "the temporal process which policymaking seeks to regulate is irreversible and non-repetitive."[44] Vickers claimed that policy-makers represent this process by formulating a model about the problem, why it has occurred, and the possible and probable implications by intervention. However, Vickers pointed out that this model cannot be used for "prediction nor validated by prediction."[45] Most prison policy-making is reactive and it appears prison policy-making is mainly an adjunct to prison operation. Whether private prisons operate any differently is yet to be determined.[46] However, the dearth of prison policy-making studies makes it difficult to validate Vickers' proposition.

Vickers' final variable, modelling the "artificial," in a sense addresses the fundamental dilemma for prison policy-making. He noted that it is difficult to predict because of uncontrolled elements such as "human intervention." Furthermore, "the human future is in part predictable, in part controllable and in part neither predictable nor controllable by those within the process."[47] Therefore, prison policy-making must, by its very nature, be capricious.

Vickers' variables provide significant reasons why it is extremely difficult to find evidence of an applied approach to prison policy-making by Australia's prison policy-makers. On the other hand, Parker warns that Vicker's variables may be no more than a "checklist" to which policy-makers "should be always alert."[48] However, it would appear that an applied approach is unforeseeable unless Australian prison administrators determine the goals and purposes of their systems.

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[44]   Vickers, "Commonly Ignored Elements in Policymaking" 266.
[45]   Ibid.
[46]   Australia's first privately owned prison, the Borallon Correctional Centre, opened in Ipswich Qld in 1990.
[47]   Vickers, "Commonly Ignored Elements in Policymaking" 266.
[48]   R.S. Parker, "The Art of Judgement: A Study of Policy-Making," Aus. J Pub. Admin, Vol. 56, No. 3 (September, 1997): 140-141, 141.

## Prison officers *in dubio.*[49]

There is continuing debate on the purpose of the prison. And, it is argued building new prisons does not necessarily lead to improved conditions. It may often have the contrary result. "The new prison is built and the old prison remains."[50] Moreover,

> the prison system has a tendency to create more problems than it receives and has an equal tendency to fail inmates because, out of its survival fear, it tends to respond to corporate threats, real or imaginary, rather than the real problem of inmates.[51]

Whitfield rightly claims that the prison creates problems for prisoners, however, it also creates significant problems for prison officers. Whenever there is a change in prison operation the interaction between prison officers and prisoners has to be adjusted. In most cases, changes in prison routine and operation advantage the prisoner. In later chapters the different types of prisoner reform models are discussed. A recurring theme throughout these models is, however, that prison change is directed towards assisting prisoners. Little thought is given to understanding or even considering how these sometimes incremental changes affect what Poole and Regoli term "the social distance" between prison officers and prisoners.[52]

It would seem prudent that when authorities implement a different type of prison operation practice they would also re-skill prison officers. The advantages of this training are obvious. The training would not only ensure that staff skills are being upgraded, it would also give the proposed change a greater chance of success.

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[49]    Literal translation, In doubt E. Ehrlich, A Dictionary of Latin Tags and Phrases, (London: Hale, 1985) 125.

[50]    D. Whitfield, (Ed.) The State of the Prisons - 200 Years On, (London: Routledge, 1991) 6.

[51]    M. Jenkins, quoted in Whitfield (Ed) The State of the Prisons - 200 Years On, 8.

[52]    E.D. Poole and R.M. Regoli, "Professionalism, Role Conflict, Work Alienation and Anomie: A Look at Prison Management" Social Science Journal, Vol. 20 (1983): 63-70, 64.

Prison officers request this training to assist them manage change.[53] English prison officers claimed that some managers mainly direct their energies towards alleviating perceived deficiencies in prisoner reformation.[54]

On the other hand, Victoria's prison officers believed that the Department had failed to provide sufficient unit management training.[55] Staff also perceived that they would largely be left to accommodate changes in operational routine without explicit direction[56] While this perception may not have statistical significance, it demonstrates that prison officers were concerned about the ramifications resulting from the operational changes. Again, there was a Head Office recognition that extensive negotiations take place between the union representing the prison officers

> and the outcome of those negotiations is intended to provide a catalyst for change so the unit management approach in prisons can be implemented across the State. Funding to staff training is essential to prepare staff to understand the changes and to implement the new philosophy in prison management.[57]

Management at least recognised that "Prison officers are neither sufficiently multi-skilled [n]or productive to undertake duties in an unit management environment (sic).[58]

As noted previously, Australian prison policy-makers have little source of information. American prison policy-making models are useful to investigate prison policy in the 1960s and 1970s, but tend to be restricted by time, culture, and academic emphasis. They can be utilised, however, to provide some framework for analysis of Victoria's prison policies in the 1960s and 1970s.

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[53]    J.E. Thomas, "Training Schemes for Prison Staff: An Analysis of Some Problems" ANZ J Crim, 5, 4 (Dec., 1972): 199-205, 200.

[54]    Rutherford found that governors who talked to prisoners risked alienating their uniformed staff. A Rutherford, Criminal Justice And The Pursuit Of Decency, 89

[55]    J.R. Beeden, Report on validation of SPO/CPO Promotional Courses 1989 to 1991. Report to the Co-ordinator of Training Services, Bill Paterson, October, 1991.

[56]    Ibid

[57]    Memorandum from the Director-General to the Minister for Corrections, "Priorities for the Office of Corrections: 190-1992." 18 May 1990

[58]    Office of Corrections, "3 Year Strategy Plan, 1990-91 - 1992-93."

## American prison policy models.

According to Archambeault and Archambeault, policy in any correctional agency or institution may be defined as

> ...any statement or set of statements that are written, expressed verbally, or presumed operative that outline the goals, objectives, purpose, scope, principles of organization and operation, values, beliefs, and ideology and that justify the continued existence of that organization.[59]

There is, however, one qualification. The authors claim that "to understand the policy-making process which occurs in any correctional agency or institution, the correctional organization must be analysed from an "open systems" perspective."[60] However, DiIulio notes,

> For years, a number of influential organizational theorists have been arguing that democratic management practices were most effective. Managers of business firms, schools, and even armies were encouraged to be "open" to their subordinates, to issue orders informally, and to otherwise de-emphasize the symbols and substance of formal organization authority. Management was to be understood and practiced as the art of human relations. To my knowledge, architects of the human-relations school of management made no reference to prisons in building their case.[61]

Archambeault and Archambeault write expressly about the American justice system. For this reason it appears difficult to utilise their ideas to examine the Australian prison policy-making process. In addition, Archambeault and Archambeault give correctional policy such a wide-ranging definition that it effectively covers all possible scenarios and contingencies. The authors also claim all correctional policy making can be compared against several previous correctional policy-making models. Archambeult and Archambeult developed a new model of "criminal justice and correctional policy" which can be utilised to analyse "evolving correctional policy" (see Fig 2:3). The Perturbated Spiral Compression Model was formulated to address the deficiency in existing models used to examine American criminal justice policy.

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[59] W.G. Archambeault and B.J. Archambeault, Correctional Supervisory Management, (Englewood Cliffs, N J: Prentice-Hall. 1982) 138.

[60] Ibid, 145.

[61] DiIullio, Governing Prisons, 35.

While its framework enables the researcher to investigate an entire criminal justice system, its validity for examining prison policy is questionable. As the effectiveness of this model is yet to be determined, its significance to contemporary Australian prison policy-making is tenuous. However, according to Archembeult and Archembeult,

> One of the major influences brought to bear on any organization is a dominant model of correctional policy which is characteristic of a period and which reflects a broader scope of public and criminal justice policy.[62]

Perturbated Spiral Compression (PSC), holds that that the dominant policy in any period "evolves through a series of stages over time." Stage 1, the idea emerges; Stage 2, over time, the idea gradually gains acceptance and reaches its maximum point of influence on criminal justice policy-making; Stage 3, the idea declines in popularity and influence and is usually replaced by another idea or set of ideas. Stage 4, the idea seems to "disappear" from view; in reality, the idea becomes assimilated into a broader body of accumulated knowledge and is redefined. Stage 5, the redefined or reconceptualized idea reemerges and stages 2-5 are repeated.[63]

> The repetition of cycles over time and the continuous process of redefinition result in a forward spiral effect, evolving towards some unknown future. However, each time an idea reemerges, it has been redefined by the existing state of knowledge at that point, but it continues to retain properties of its original definition.[64]

While Archembeult and Archembeult, taking a process orientation, were concerned with the emergence of policy, O'Leary and Duffee in an early study, focussed on policy categories.[65] Their work (in 1971) investigated the four dominant operating prisoner management philosophies (see Fig. 2:4).

[62]   Archambeault and Archambeault, Correctional Supervisory Management, 158.
[63]   L.H. Bowker, Corrections: The Art and the Science, (New York: McMillan, 1982) 49-50.
[64]   Archambeault and Archambeault, Correctional Supervisory Management, 158.
[65]   V. O'Leary and D. Duffee, "Correctional Policy, A Classification of Goals Designed for Change." Crime and Delinquency, (October, 1971): 373-386.

**Figure 2:3 Spiral Evolution.**



Point of maximum

impact of the idea

2

5

1

Reemergence of

reconceptualized

redefined idea

3

New idea emerges

Decline of idea

Integration of idea

into pool of knowledge

4

reconceptualization

and redefinition of

idea
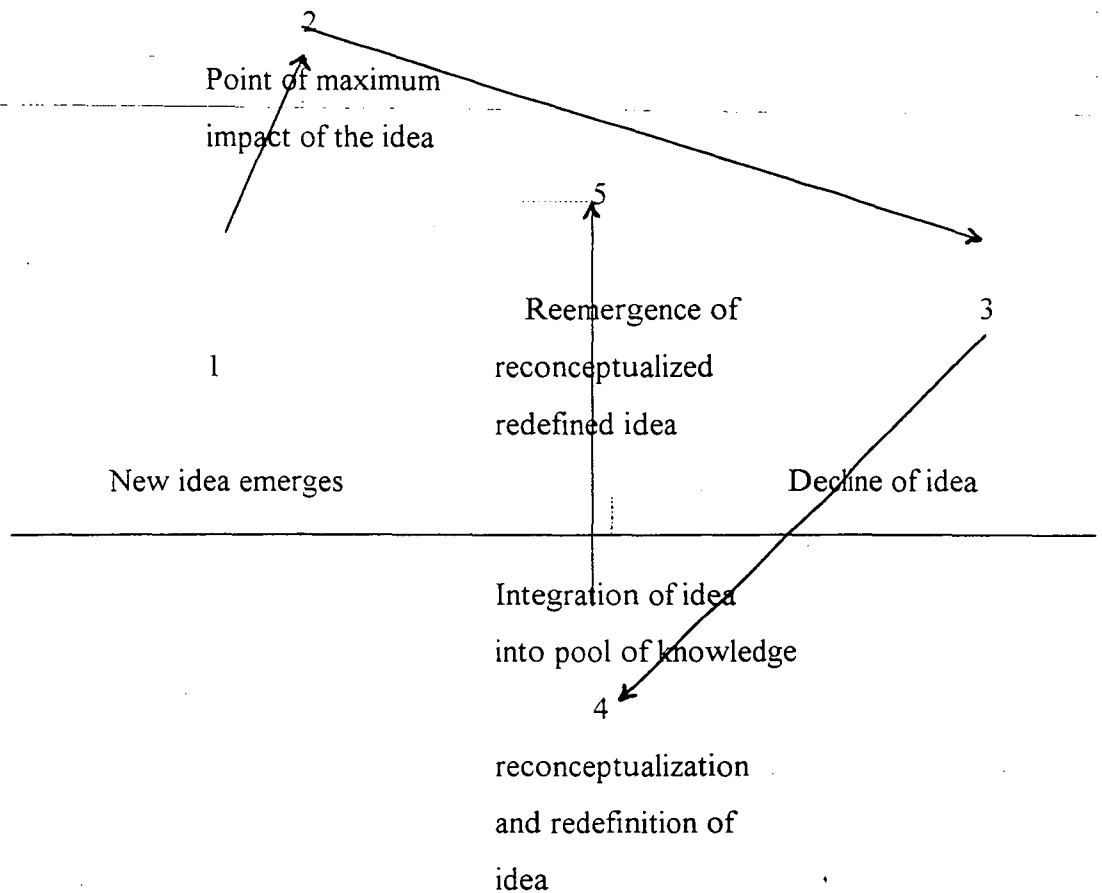
Source:   adapted from Archambeault and Archambeault
Correctional Supervisory Management, 159

Using a systems analysis approach which "emphasizes the interdependence of the whole process,"[66] O'Leary and Duffee's model aimed at classifying goals for "probation, institutional, and parole systems [which] operate in splendid isolation, each with sharply different philosophies."[67]

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[66]    Ibid, 375

[67]    Ibid

# Figure 2:4 Model of Correctional Policies.

Emphasis on the Community

| Emphasis on the Offender | Low | High |
|---|---|---|
| High | **Rehabilitation**<br>(Identification Focus) | **Reintegration**<br>(Internalization Focus) |
| Low | **Restraint**<br>(Organizational Focus) | **Reform**<br>(Compliance Focus) |
| Reform Model | high emphasis on the community | low emphasis on the offender |
| Rehabilitation Model | low emphasis on the community | high emphasis on the offender |
| Restraint Model | low emphasis on the community | low emphasis on the offender |
| Reintegration Model | high emphasis on the community | high emphasis on the offender |

Source: O'Leary and Duffee, Crime and Delinquency, 1971.

The authors concluded that

> now that processes aimed at influencing individuals have been
> linked to more generalized correctional concerns, it becomes
> possible to develop a system of classifying correctional
> organizations, a system that might permit us to make explicit some of
> the assumptions under which various correctional systems seem to be
> operating. It should also help us forecast the staff and offender behaviors
> likely to be found in such organizations and their probable
> consequence.[68]

O'Leary and Duffee's model has limited validity in contemporary Australia. While the assumptions and practices of the model are unlikely to be found in a contemporary prison system, it is useful to understand Victoria's prison system in the 1960s. This period, and the model, were based on a 'correctional' system of justice. The category with the greatest significance to the Alexander Whatmore years in charge of Victoria's prisons is the Restraint policy with its low emphasis on the community and low emphasis on the offender.[69] Another model developed in 1981 used precisely the same correctional types proposed a decade previously. Joplin and Hendricks' experimented by using the classification of programmes as the dependent variable (see Fig.2:5).

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[68] Ibid, 378.
[69] Ibid, 379.

The manner in which the programmes are ordered indicated the prison's operating philosophy.[70] For example, if the prison is operating on a rehabilitation mode, the primary emphasis will be on counselling prisoners followed by provision of education and vocational training, and so on. However, if the prison is dominantly custodial, the emphasis will be directed towards prisoner recreation with little application of counselling. When this model is applied to the 1960s Victorian prison system it appears that the dominant operating policy was that of Reform.

## Figure 2:5 Correctional Models.

| Programs | Rehabilitation | Reform | Restraint | Reintegration |
|---|---|---|---|---|
| Education | 2 | 2 | 3 | 1 |
| Vocational Training | 3 | 1 | 2 | 2 |
| Recreation | 4 | 3 | 1 | 4 |
| Counselling | 1 | 4 | 4 | 3 |
| Religion | 5 | 5 | 5 | 5 |

Key 1 = High emphasis, 5 = Low emphasis.

Source: Joplin and Hendricks Corrections Today.

Another model formulated by Bowker listed "competing correctional philosophies." [71] These correctional philosophies are, retribution, restitution, maintaining social solidarity, general deterrence, special deterrence, treatment, incapacitation, and the just deserts or justice model.[72] The retributive philosophy is designed to satisfy the State because offenders have broken the law and deserve to be punished. Moreover, retribution should not be confused with revenge. Retribution "is the impersonal expression of social policy, and is devoid of the passion that characterizes revenge." [73]

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[70]  J.W. Joplin and J.E. Hendricks, "Correctional Management-A Philosophical Perspective" Corrections Today, vol. 43, (1981): 85-88.

[71]  Bowker, Corrections: The Art and the Science. 38.

[72]  Ibid, 38-55.

[73]  E. van den Haag, quoted in Bowker, Corrections: The Art and the Science. 39.

Restitution demands offenders recompense their victims. "In the case of physical injury or death, the reimbursement has to be limited to the financial consequences of the act, since there is no way to completely eliminate the effects of assaults and homicides."[74] Both principles are similar. However, "retribution proceeds from the victim to the offender while restitution proceeds from the offender to the victim."[75] Maintaining Social Solidarity owes its origins to Durkheim and Galtung.[76]

Durkheim argued that crime was functional, inevitable and necessary for society. Punishment was necessary in order to keep society cohesive. If criminal acts went unpunished, the social fabric would crumble.[77] Galtung's work on the social functions of prisons introduced two variables that are relevant to the maintenance of social solidarity. These are the concepts of *social sanitation* and the *reinforcement of the symbols of the power holders in society*.[78] Simply, "social sanction" is where offenders are removed from society, and the reinforcements *et al* are the physical manifestation of society's sanction, that is, the prison.[79] The combination of both works provides powerful societal reinforcements. The more such symbols are reinforced, "the more they pull the members of society together around common standards of behavior."[80]

General Deterrence hopes that society will be deterred from committing similar offences when viewing the offenders' punishment.[81] Special Deterrence assumes that the offender's behaviour will be altered by the imposition of a deterrent sanction. Treatment assumes that crime is a disease and the offender can be cured through pseudo-medical processes. Incapacitation means that offenders cannot commit societal offences when they are imprisoned.

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[74]    Bowker, Corrections: The Art and the Science. 39.

[75]    Ibid.

[76]    Ibid, 40-42.

[77]    A. Giddens, (Ed) Emile Durkheim Selected Writings, (Cambridge: University of Cambridge Press. 1972) ch. 4.

[78]    Bowker, Corrections: The Art and the Science. 41.

[79]    Ibid, 41-42.

[80]    Ibid, 42.

[81]    Ibid, 42-43.

The Just Deserts or Justice Model assumes imprisonment itself should be the final sanction. Prison administrators forego theories such as treatment, rehabilitation, and deterrence. and provide a safe prison environment, giving prisoners rights, providing them with a form of self-government, and giving them access to another point of appeal - such as the Ombudsman. Moreover, the prison administrator still has to provide prisoner programmes but the prisoner has the right to decide whether the programme can help. Again, this model requires the elimination of the indeterminate sentence and replaces it with a determinate one.[82]

These eight philosophies appear to be an extension or an enlargement of Joplin and Hendricks' typology. While Bowker's analysis allows the investigator a micro view of the operation of each Victorian prison, Joplin and Hendricks' formula gives a macro or 'big picture' perception. The models, however, are indicative of the American prison system of the 1960s and 1970s. And it is quite likely that an investigator can find elements of each typology within a prison or prisons. The element that still has significant validity in the 1990s is the Just Deserts or Justice Model. The New South Wales (NSW) Department of Corrective Services uses the philosophy in conjunction with its unit management prisoner management strategy.[83]

The major problem with utilising prison policy-making models is that similar information is diagnosed and differing conclusions are reached. Prison policy is shaped by a multiplicity of internal and external influences. There are the normal constraints of finance, lack of resources, and pressure to produce workable policies. The prison policy-maker can also easily mistake one philosophy for another. For example, Joplin and Hendricks' Rehabilitation model appears identical to the Medical model.

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[82]     Ibid, 49-50.
[83]     J. Gorta, Unit Prisoner Accommodation-The Bathurst Gaol Experience, 1983-1987
         Internal NSW Department of Corrective Services document, 4.

The medical model was a euphemism for 'treatment' and

> the principal assumption as to causation is evident in the use of the term
> *treatment*, which derives from the analogy with medicine.
> The offender is seen as suffering from some disorder-varying from
> psychopathy at one extreme to bad work-habits or lack of skill at the
> other-which is responsible for his criminality and failure to achieve
> satisfactory life-adjustment in society. The "treatment program" which
> may be made up variously of psychological or psychiatric therapy or
> educational or vocational training is designed to change the orientation
> and behavior of the inmate so that he can be restored to normal
> functioning in society.[84]

Joplin and Hendricks claim:

> The rehabilitation model has chosen to emphasize the counceling
> program because (1) it is believed that the offender is "sick" and in need
> of a cure, and (2) the rehabilitation model is the best means available to
> become aware of and treat the offenders needs, thus effecting
> the needed cure. Because this model is focusing on the offender in
> identifying the needs of individuals, the most logical second choice in
> terms of priority is education. The focus here is important. The
> individual in a rehabilitation program is being educated for the
> betterment of the individual, not necessarily for the progress of society.
> The third program of importance is vocational training. The individual
> offender is expected to return to society one day, and be better prepared
> to fulfil a position in that society.[85]

Thus, depending on which model is applied, Victoria's prison system during Whatmore's stewardship was either in the Rehabilitation mode, or was using the Medical model as operational policy.

While prison policy suffers because there is only "fragmentary knowledge and untried opinions about how to improve prisons,"[86] DiIullio claims that we should "recognize the current limits of our policy-oriented knowledge about prisons and try and obtain a policy-oriented body of knowledge."[87] Thus, the emphasis is that "the proper unit of analysis, however, is less the corrections agency as a whole and more the prison itself."[88]

[84]     G. Hawkins, The Prison: Policy and Practice,
(Chicago: Uni. of Chicago Press, 1976) 79.
[85]     Joplin and Hendricks " Correctional Management: A Philosophical Perspective" 86.
[86]     DiIullio, Governing Prisons, 248.
[87]     Ibid, 248-249.
[88]     Ibid, 237.

The most recent attempt at categorising prison models was undertaken by DiIullio. He investigated three systems in Texas, Michigan, and California. Each system had a philosophical bedrock which DiIullio calls "The Keeper Philosophy."[89] Underlying this philosophy are two basic offender operating principles: deprivation of liberty; and treated humanely. The Texas Control Model demands that offenders have the "habit of obedience" and the "habit of laboring." In other words, offenders will be properly treated and respected if they obey lawful orders and institutional rules, and if they avail themselves of institutional work. According to DiIullio, the Texas prisons "were to be run as benevolent, paternalistic despotisms in the interests of the orderly, humane, and just treatment of convicted criminals." The Michigan Responsibility Model holds that incapacitation is the sole purpose of imprisonment. This keeps the public "safe from dangerous criminals."[90] Under this model offenders are expected to refrain from violence and participate, if they wished, in prison labour. On the other hand, the California Consensual Model's defining feature is its "hodgepodge, crazy-quilt pattern of correctional principles and practices."[91]

> If there is a single unifying principle of California's approach to correctional administration, it is the notion that prison government rests ultimately on the consent of the governed - that is, the inmates.[92]

Thus, three models of prison systems with the same philosophical bedrock operate three different types of offender management. In Texas it is still custody and control - prisoners are expected to work and obey orders. The operating practice in Michigan equates with the Just Deserts practice where the offender is in control of his actions and if he wishes to avail himself there are programmes to assist in rehabilitation. The Californian system finds the prison left in the hands of offender government. Prison officials only control the situation through offender acquiescence. There is no general agreement on what is the better system. According to DiIullio, what really matters is who governs the prison.[93]

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[89]     Ibid, 167.
[90]     Ibid, 179-181.
[91]     Ibid, 128.
[92]     Ibid, 129.
[93]     Ibid, 188-189.

While DiIullio never explicitly mentions prison officer training in his study of the three systems, it can be argued that these variations may have arisen as a result of different training practices. For example, in Australia Western Australia (WA) and NSW have tried a similar version of the Michigan Responsibility Model. The WA system's experience with a "concept of self determination for a stable population of medium security prisoners within an industrial complex" [94] ended after seven years because

> modifications to that philosophy resulted in system failures which manifested themselves in control and discipline problems within the prison [Canning Vale], the progressive deterioration of staff morale, difficulties within prison industries and in assessment procedures.[95]

Furthermore, the WA authorities had to keep issuing guidelines to staff. "As a relatively new concept there has been some confusion about what Unit Management is and what prison staff are required to do to make it work."[96] Basically, it would appear that the WA authorities encountered problems when formulating training to meet the proposed change. Moreover, it may have been that the authorities only offered short preparatory courses in the concept and staff was unable or unwilling to accept change. Training should be ongoing when a fundamentally different practice is implemented.[97] As Considine notes,

> In some cases the structure of the organisation responsible for a program will be the key determinant of outcomes. In other cases, the ability or inability to clarify goals will be a central concern. Elsewhere the policy will depend for its success upon the motivation and commitment of key staff.[98]

NSW had experience with a similar type of prisoner management strategy to the Responsibility Model. In implementing a programme which focussed on responsibility the outcome was a variation of the Californian model.

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[94]    Canning Vale Prison Management Document, cv. mgt/doc=99, undated, but probably 1990.

[95]    Ibid.

[96]    An overview of the objectives and principles of unit management in the Western Australia Department of Corrective Services, <ssu>ssu. kc. 1=99, 1.0, undated.

[97]    Thomas, "Training Schemes for Prison Staff: An Analysis of Some Problems" 201.

[98]    M. Considine, Public Policy: A Critical Approach, (Melbourne: MacMillan, 1994) 189.

Victorian prison officers who travelled to NSW to view the programme were less than saluatory about the experience.

> While encouraging prisoners to take more responsibility for the management of their own lives is an important principle of unit management great care needs to be taken in selecting the means by which it is put into effect. It is clear from the NSW experience that prisoner participation can lead to prisoners controlling the prison.[99]

Prison policy has unexpected consequences. It is "a dynamic system, without necessary start or finish, imbued with a tendency to chaos as simple initial conditions produce complex and unpredictable patterns."[100]

There has been little attempt to ascertain whether prison policy-making is a specialised discipline, or at least requires the incumbent to have a rudimentary knowledge of prison operations. Moreover, there has been a tacit perception by the administrative and political heads that these bureaucrats had the requisite skills to undertake the prison policy-making task. It appears "civil servants, administrators and specialists in government [can acquire], to a greater or lesser extent, policy analysis skills."[101]

In less than three decades the prison system in Australia has gone from a position whereby the senior prison administrator was the source and developer of 'policy,' to the situation whereby many prison organisations now have specialised 'policy units.' Whether these policy units have contributed towards a better prison system is a moot point. Indeed, the notion that policy can effectively change prison operation has been challenged by DiIulio,

> The lack of policy-oriented knowledge about prisons is no mere intellectual problem. Judges, administrators, and prison reformers are recommending policies based on the assumption that if the policy is adopted, then something good will happen-if budgets are increased, or double-celling eliminated, or correctional officers better trained, or prisoners' rights enlarged (or contracted), then the quality of prison life will improve.[102]

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[99] W. Higgins and M. Naylor, Report of Visit to New South Wales, 3-5 June, 1987, OOC internal document, 11.

[100] Davis et al, Public Policy in Australia, 16.

[101] Ham and Hill, Policy Process in the Modern Capitalist State, 3.

[102] DiIulio, Governing Prisons, 12.

Victoria's current prison service has now become a "public correctional enterprise" (with the acronym CORE) to compete with private prison operators.[103] CORE administrators are now trying to provide policies to,

> exceed industry efficiency and productivity benchmarks and follow best employment practices and promote the involvement of staff in CORE's objectives. We aim to be the preferred supplier in the correction industry.[104]

CORE will attempt to formulate policies and three strategic initiatives focusing on "Customers, People and Business."[105] Victoria's administrators are optimistic that policies will enable CORE staff to have "the energy, the knowhow and the skills to ensure that we become the preferred supplier in the corrections industry, not just here, but possibly interstate and overseas."[106] However, Victoria's prison system is currently the most privatised system in the world "on a proportional basis."[107] Critics have claimed that the introduction of economic rationalism in corrections is a "zealous pursuit of an ideological position."[108] Furthermore,

> If one of the primary reasons for privatising incarceration is cost-effectiveness, how can that be balanced with rehabilitation - how can enough resources then be directed to rehabilitation and reformation.[109]

It may be that one reason for CORE's existence is that previous organisational structures and prison policies were found wanting. This reinforces the significance of 'politics;' "policies may often be more effective in giving the impression that government is taking action, and therefore in maintaining political support, than in tackling social problems."[110]

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103     MRC Bulletin. 26 June, 13/96.
104     Message, No 1 Vol 1. (August 1996) 1.
105     CORE an innovative approach to corrections, publicity booklet issued by the Department of Justice, undated.
106     Message, No 2 Vol 1. (August 1996) 1.
107     "Public v Private; The competition for correctional services," Law Institute Journal, (September, 1996): 1-2, 1.
108     Ibid..
109     Ibid.

## Prison policy-making - a discipline?

It is difficult to describe what prison policy-makers do as policy-making. Prison policy-making outwardly appears to consist of incremental developments, mere refinements and tinkering with little innovation.[111] While it certainly cannot be labelled mendacious, prison policy-making has a history of finding itself in the 'extremely difficult to prove and measure success' basket - the "wicked problem" of the policy-making process.[112] The general perception is that there is little skill to prison policy-making. Furthermore, there is a notion that seniority in the organisation 'qualifies' the incumbent to make policy while "there is no single body of knowledge or techniques that analysts must master."[113] Most policy-makers attain a position because of academic and/or skills in report writing. Again, prison policy-making "is often distinguished by crisis response, short time horizons, and uncertainty."[114] As a result the individual policy-maker "satisfices rather than maximizes."[115]

The emerging process has been handicapped by accusations of incompetence, among others. But is this really the fault of the policy-makers? Prison policy-makers have had to rely on a *scrabble board* approach of creating policies on the ends of, or bifurcating, previous adaptations. The philosophical bedrock, if any, is soon lost. However,

> Policy may sometimes be identifiable in terms of a decision, but very often it involves either groups of decisions or what may be seen as little more than an orientation. [Moreover] policy is not usually expressed in a single decision. It tends to be defined in terms of a series of decisions which, taken together, comprise a more or less common understanding of what policy is.[116]

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[110]   Ham, and Hill, The Policy Process in the Modern Capitalist State, 15.
[111]   See, for example, Men's Prisons in Victoria: Correctional Policy and Management Standards, Department of Justice Office of the Correctional Services Commissioner, September 1996.
[112]   H.W.J. Rittel and M.W. Webber, "Dilemmas in a General Theory of Planning" Policy Sciences, 4 (1973): 155-169.
[113]   Pal, Public Policy Analysis: An Introduction, 19.
[114]   Ibid, 40.
[115]   H.A. Simon, Administrative Behaviour, third edition, (New York: The Free Press, 1976).
[116]   Ham and Hill, The Policy Process in the Modern Capitalist State, 11-12.

Most prison policy-makers are given a task with a definitive time-frame.[117] But how do they commence formulating policy? Do they begin by using previous policies as a yardstick? Is change incremental or do they adapt existing policy? Do they transplant concepts and introduce them *ad hoc*? Or do they modify principles, as Victoria did, to suit their jurisdiction? The adaptation of, and modification to, existing approaches is attractive. As a senior Victorian official noted,

> I wish to emphasise that the principles outlined here are not an idealistic, unattainable vision, they are the practical ideas of prison management that will guide the way we work in new prisons, and eventually, in all prisons throughout Victoria.[118]

Australian prison policy-makers are handicapped by the lack of prison policy resources. What is normally available tends to be either purposely designed or from other jurisdictions such as the United Kingdom, Holland or Sweden, and America.

While some of the American research may find parallels in Australian jurisdictions, prison policy models in the USA are mainly derived from the results of court decisions.[119] According to Newman,

> In recent years, courts, especially federal courts under Section 1983 provisions of the Civil Rights Act, have intervened in cases alleging jail conditions to be cruel or unusual or otherwise violating inmates' civil rights. In some instances courts have ordered jails closed; in others they have mandated specific changes in physical structure and programs to conform more closely to minimum standards of decent treatment. In some places there has been a state takeover of local jails or the development of regional misdemeanant detention facilities.
> In New York the state legislature recently reactivated a State Commission of Correction empowered to set standards and investigate jail conditions, with authority to order changes and even lose jails in cases of noncompliance.[120]

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[117]   From the author's experience as the Research Officer in the Legislation and Policy Division of the Law Department which was charged with framing Tasmanian prison policy.

[118]   The OOC Director-General in <u>Unit Management in Victorian Prisons</u>, Office of Corrections, Victoria, 1989, 3.

[119]   D.J. Newman, <u>Introduction to Criminal Justice</u>, 2nd edition (New York: Lippincott, 1978) 326-327.

[120]   Ibid.

In Australia public policy-making is formulated in a prescribed manner.[121] It is subject to political imperatives and input from interest groups. However, Hawker et al claim,

> policy is simply not "made"; policy processes are pluralist; they do not fit any neat rational model. Single individuals and single institutions seldom dominate them or impose on them a consistent logic or direction.[122]

Moreover, there is "no sudden rush by policy-makers to draw on academic research."[123] In prison the means (implementation) will always be judged by the ends (policy). Prison officers, those concerned with the ends, need to be reassured that policy changes have organisational support and recognise their particular positions and concerns.[124] If they perceive that a policy favours inmates it will encounter resistance. The result can be a watered down version, which is subsequently criticised.

> In the 1970s it is no longer possible to assume that when policies fail it is because they are badly designed or because implementation has been inadequate. It is not simply that we need new or better administered policies. Often the reasons for failure are inherent in the institutions themselves. The institutional machinery itself must therefore be subjected to much closer and much less formalistic study than in the past. It must be studied in action, in the making and implementation of public policy.[125]

Contemporary Australian prison policy-making emerged in the 'openness' of the 1970s, and was influenced by the increase in academic inquiry in the 1980s.[126] Riots and insurrection in New South Wales in 1970,[127] Victoria 1973,[128] and Tasmania 1974[129] focussed public attention on the prison system.

[121]    Public Service Departments provide handbooks on how to write Cabinet Submissions. These are divided into "Procedures and Legislation" and follow a standard *pro forma*, Cabinet Handbook, Cabinet Office, Department of Premier and Cabinet, Melbourne, undated.

[122]    Hawker et al, Politics & Policy in Australia, 22.

[123]    Ham and Hill, The Policy Process in the Modern Capitalist State, 1.

[124]    DiIullio, Governing Prisons, 166.

[125]    Hawker et al, Politics & Policy in Australia, 9.

[126]    See Findlay, The State of the Prison; Zdenkowski and Brown, The Prison Struggle; Vinson, Wilful Obstruction; and Tomasic and Dobinson, The Failure of Imprisonment.

[127]    Findlay, The State of the Prison, 23-32.

[128]    The Jenkinson Report.

[129]    Controller of Prisons Report for Year ended 30 June 1975, Parliament of Tasmania.

Prior to this, prison policy-making could be was similar labelled as "opportunistic decision-making."[130] Banfield claimed organisations had little inclination to plan. Instead of looking to the future, they were content with "laying out a course of action which will lead all the way to the attainment of their ends, [and] they extemporize, meeting each crisis as it arrives."[131] This opportunism, and the chaotic conditions applying policy making was reinforced by Hawker et al.

> Public policy is shaped by individuals with ideas in action within institutions. Interaction between them is bounded by the consequences of past actions and by perceived opportunities presented by the environment. The problem of relating individual activity to the activity of institutions and then to patterns of policy have led to the emergence of many theoretical ideas and analytical devices which are often not easy to apply.[132]

Pal claims the policy process "as a political process, rests on power, influence and interests."[133] Prisons clearly operate by an interaction between power, influence and interests. Again, Davis et al propose that "values, interests and resources" are fundamental elements in the policy process.[134] The recent trend to privatise prisons demonstrates the validity of these elements. Davis et al claim that values "underlie our political behaviour," and that interests are "invariably part of the public policy equation. They are legitimately, and at times illegitimately, pursued by lobby groups and by individuals."[135] Victoria's prison system has radically changed the nature of its operation.[136] Whether the winds of change have come through government edict such as corporatisation[137] or pressure from lobby groups is a moot point. The awarding of contracts to replace the Coburg prison complex could be construed as a tacit admission that prison policies have not matched Government expectation.

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130    E.C. Banfield, "Ends and Means in Planning" in A. Faludi, (Ed) A Reader in Planning Theory, (London: Pergamon Press, 1973) 139-149, 142.
131    Banfield, "Ends and Means in Planning" 142.
132    Hawker et al, Politics and Policy in Australia, 13.
133    Pal, Public Policy Analysis, 17.
134    Davis et al, Public Policy in Australia, 2.
135    Ibid, 2-3.
136    Nearly 50 per cent of the system is now privatised and prisons at Pentridge, Sale and Morwell River have closed in 1997.
137    Map Readings, Vol 6/97 (4 April 1997).

One of the significant variables in deciding to relegate the Department into the Justice portfolio and later to privatise may have been that Victorian prisons operation did not meet its highly publicised mission, "to reduce offending behaviour and encouraging offenders to be more productive individuals in society."[138] According to some government advisers, the State prison system had failed. There was simply no way of measuring success. Cohn notes, however, that

> when a correctional manager promulgates such oversimplified and inadequate goal statements as "rehabilitation of offenders" and "protection of society" (or some combination thereof) it is unlikely that outcomes which do occur can be related to such goals or that worker consistency in service delivery systems can be developed. This lack of specificity in goal statements also provides the manager with too much opportunity to make changes in worker demands, as he develops new goals to meet exigencies, satisfy whims, or otherwise respond to the vagaries of external pressures.[139]

Again, the values of others may have helped determine departmental structure and priorities.[140] A major problem is that prison policy will probably be left in the hands of personnel whose expertise is in other areas.[141] The prison officer, on the other hand, has to deal with a lexicon in which words "are now used without explanation - the new vocabulary."[142] Many policies are couched in bureaucratic and quasi-legalese language. Prison officers may not understand the intention of policy.

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[138]     OOC Annual Report, 1991-92, 19.

[139]     A.W. Cohn, "The Failure of Correctional management - Reconsidered"
          Criminal Justice Review, Vol.6 No.2 (1981): 55-61, 56.

[140]     John Van Groningen was appointed to head the new 'Corrective Services Division'
          within the Justice Department. He was the Criminal Justice Unit Director in the
          Attorney-General's department and a former Superintendent at Pentridge Prison.

[141]     Ham and Hill, The Policy Process in the Modern Capitalist State, 3 Prisons or
          correctional agencies do not attract the same profile as other departments. Indeed,
          according to Mal Sandon, politicians 'fear the call to be Prisons Minister.' They soon
          realise that public concerns are not particularly inclined toward 'rehabilitation or any
          other prison practices.' Recent government strategy has been to bury the prison
          agency within another mega-department. There are some advantages to this. Prison
          administrators can call on departmental expertise to help formulate policies, provide
          economic advice and direction, and offer diverse promotional opportunities.

[142]     A.G. J.Jordan and J.J. Richardson, "The Contemporary Language of Policy-Making"
          Chap. 1 in British Politics and the Policy Process, (London: Allen and Unwin, 1987)
          3-20, 4.

The application of business principles to prison operation and refer to the prisoners as "customers" or "clients" [143] has left prison staff with the feeling that policy-makers have little idea of prison operational practice. The feeling of many officers to policy-making is aptly summed up by an anecdote in the prison newspaper, "I can't see any future in this place [the Prison Service]. You've got square pegs in round holes at the top, right down the whole structure."[144] Again, the attempt to give prisoners the opportunity to assess 'customer service provision' indicates a profound change in prison policy.

> But we also need to be aware that the Commissioner's Office has already started polling some of our customers (including prisoners at Tarrengower) about the service that we provide. As our competition in the men's prisons kick off, it won't be long before similar questions are being asked of male prisoners...and we have to ensure that we can demonstrate to Government that we really are in the quality end of the market - that's (sic) it's not just rhetoric on our part. [145]

Prison policy-making has often proven to be arbitrary and contradictory. It follows no general policy guidelines apart from public service *pro forma*. Therefore, can prison policy-making be located in either 'academic' or 'applied' category of policy analysis? [146]

For the last three decades politicians, lobby groups, welfare agencies, the church, and prison administrators have tried to shape the direction of prisons. As politicians, and particularly Prison Ministers, are unsure of the prison's purpose the prison policy-maker has had to react to contrasting pressures. This has led to the situation whereby some policies compete with one another for funding, others are contradictory, capricious, and idealistic. It is not always the fault of policy-makers that good policies fail, as "policies often, even invariably, fail to achieve their stated objectives. Problems are exacerbated rather than solved."[147] For example, the final OOC Report carefully outlined numerous developed policies initiated the previous year.

[143]   Message, No 4, Vol 2. (February 1997) 1; P. Weller, "Are Prisoners Clients?" Aus. J. Public Admin. 56 (1): (March 1997) 125-129.
[144]   S. Hill, in Message, Coburg Prisons Complex, February, 1997.
[145]   MAP Readings, Vol 6/97, (4 April, 1997).
[146]   Pal, Public Policy Analysis, 24.
[147]   Davis et al, Public Policy in Australia, 248.

There was great fanfare, for example, for the launching of the female prisoner policy "The Agenda for Change" in August 1991.

> The report outlines recommendations on the future direction of planning, development and implementation of programs and services for women prisoners and offenders, particularly in the areas of health, education, work, vocational training and access to children, over the next five years.

The OOC appointed a "Women's Project Co-ordinator" to oversee the strategy, as well as an "Advisory Committee" to monitor implementation progress.[148] The timing of the launching of the project and the number of years of the project's implementation turned out to be prophetic. A new privately built prison opened on 15 August 1996 on the Melbourne outskirts[149] replacing Fairlea Prison. The Government now had only a minimum security prison at Maldon in country Victoria to cater for females. The Melbourne Women's Correctional Centre would, according to Dame Phyllis Frost, "help rehabilitate the residents."[150]

Dame Frost's terminology was indicative of a philosophy - crime as a disease - which was found questionable in the early 1970s [151] and was, by and large, consigned to the waste-bin of correctional practice. Similar sentiments are echoed by politicians and bureaucrats. They use the rhetoric of rehabilitation, and give superlatives about new prison building policies and strategies like unit management. However, it appears the subject of prison operating philosophy confuses most politicians and many senior prison administrators. They obfuscate and issue statements such as "Yatala [a South Australian maximum-security prison] will be about rehabilitation not revenge."[152] The media is not entirely blameless publishing headlines such as "In a penal system run for profit, what's more important - the bottom line or the rehabilitation of prisoners?"[153]

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[148]    OOC Annual Report, 1991-92, 3.
[149]    "Miffed by Jail Lockout" Herald Sun, 16 August 1996.
[150]    Reported on the 7 pm ABC evening news, Thursday 15 August 1996.
[151]    R. Martinson, "What Works?-Questions and Answers about Prison Reform" The Public Interest, Spring (1974): 22-54.
[152]    "When Punishment outstrips the Crime" The Australian, 23 July 1996.

As Davis et al note,

> Formulating policies is generally the easiest part of public-policy
> making; the delivery of policy and the transition of intentions into real
> outcomes is more difficult and unlikely to run smoothly according to
> plan. Even the best designed policies introduced with the best of
> intentions still require good implementation and delivery. History is full
> of well-intentioned (sic) policies which floundered through inadequate
> or flawed implementation or because of failure to take note of what was
> achievable.[154]

Thus, what is implemented may be contrary to expectation. However, it may be that the legislators feel "that the issue was not sufficiently important to merit their time and resources."[155] Policy-makers are normally subject to direction. While they may only be "the cogs in the system" or what Lipsky terms "street-level bureaucrats," the lower-level officer can have major impacts on the policy which is implemented - in short, they have greater influence than their position would signify.[156]

'Street-level' policy-making is not about the advancement of ideals, "but rather the development of practices which enables officials to cope with the pressures they face."[157] Many unelected bureaucrats "rarely can rely on unambiguous legislative mandates."[158] Reich notes that statutes are often written in "vague language" which are generally difficult to interpret. This ambiguity leads to situations where 'administrative discretion' is replaced by "personal doctrine because there are typically too many decisions to be made, over too wide a range of issues, for even informal ties to bind."[159] This ambiguity is reinforced by a lack of professional training. Therefore, it may be that policies are being directed and written with little idea of the impact on prison operation. However, as Pal notes, "unlike physicians, lawyers or engineers, there is no clear standard defining professional policy analysis."[160]

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[153]    "Prison Sell" The Australian, 13 June 1996.
[154]    Davis et al, Public Policy in Australia, 182.
[155]    Ibid.
[156]    Lipsky in Ham and Hill, The Policy Process in the Modern Capitalist State, 139-141.
[157]    Ibid, 139.
[158]    Reich, The Power of Public Ideas, 124.
[159]    Ibid, 125.
[160]    Pal, Public Policy Analysis, 19.

## Prison policy-making - a discipline? - revisited.

The chapter began by asking whether prison policy-making could be considered a discipline. According to Weller, "public policy is not, and never can be, a discipline; it is a field of study that is susceptible to analysis by many different disciplines."[161] Following this argument prison policy-making is not a discipline. However, the field of prison policy-making still remains unexplored. It is a fertile area for academic inquiry subject only to the limitations imposed by "government secrecy, the past (and perhaps future) lack of effective freedom of information legislation and often problems of sheer distance mean that those outside the public service have little access to modern information."[162] Given that much, if not all, prison policy-making tends to be procedural, it seems a simple task to categorise it as just another example of the bureaucratic process.

However, prison policy-making is more than just administrative procedure. It determines how a majority of prisoners spend their incarceration. And its effects are not constrained by walls. Prisoners' families, prison officers and their families, friends, relations and the public are all affected either directly or indirectly by prison policy. Therefore, prison policy-making needs intense scrutiny. It needs checks and balances, and needs to be accountable. But scrutiny and accountability only occur after the fact. Prison administrators are often reluctant to admit mistakes. Before the 1970s the prison system was rarely questioned. Prison Departments were a standard feature of Public Services. Administrative tenure was sacrosanct. It was not uncommon to find administrators reaching service milestones.[163] Since the 1970s, however, the average tenure is less than five years.[164]

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[161]    P. Weller, "The study of public policy" in G.R. Curnow, & R.L. Wettenhall, Understanding Public Administration, (Sydney: George Allen & Unwin, 1981) 237-245, 238.

[162]    Ibid, 240.

[163]    For Victoria, see chapter 2, Fig. 1.

[164]    Since 1990, each Australian State and Territory has had at least two changes in the top correctional administrative position.

Again, since the 1970s, however, each prison system has undergone massive reorganisation. Each change produced new blueprints for policy direction. Since 1992, for example, Victoria's prison system has lost departmental status, has been a division within another agency, and is subject to significant privatisation and reform to a statutory authority.[165] Policy has constantly been changed to meet the new direction. As noted in information given to prisoners in Victoria's first private male prison in 1997:

> Fulham is about you. It is about providing you with the opportunities to prepare yourself for a return to the community as a law abiding, contributing member. Prisoner management is based on the principles of unit management and self-directed rehabilitation where you are expected to accept responsibility for your life, just as others do in the general community. Within this environment you are expected to accept greater responsibility for your actions and achievements. While ACM will provide the environment, it is you who must make the effort to undertake the rehabilitation process.[166]

However, there is the chance that prisoners may have mistaken Fulham prison policies as signs of administrative weakness.[167] Prison policy-making is public policy-making. Although prisons have always had operational and procedural policies, these have been internal and largely unavailable for public scrutiny. Since the 1970s, prison policies have been openly presented for public acclamation. However, in many cases, this acclamation has been less than welcomed.

The 'openness' of prison policy scrutiny has led to criticism and calls for 'progressive' policy-making by varied interest groups. Contemporary prison policy has become a microcosm of government policy-making. Interest groups demand 'normalised' prison conditions. Prison policy-makers have little discretion or autonomy being subject to administrative or Ministerial whim, and mainly reacting to public comment. Moreover, is there a need for specialised prison policy-making units?

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[165]    Map Readings, Vol 6/97 (4 April 1997).

[166]    Fulham Correctional Centre, Prisoner Information, 1997, Australasian Correctional Management, 1.

[167]    "Jail fuel stockpile fear" Herald Sun, 1 October 1997.

Weller claims,

> The study of public policy must be concerned with political activity, with the development and content of policies, with the processes which shape them and the institutions which mould them. These factors cannot be readily separated. Whether individual studies concentrate on policy or processes or institutions, the drawing together of these threads is at the centre of our concern.[168]

As is expected, prison policy-making is subject to political activity. But prison policy-making is also constrained by public scrutiny and finance. Public scrutiny pressures action and change. In contemporary society the prison is 'open' and subject to review. Yet governments are reluctant to commit funding to complete, or even tackle, change. The movement to privatise is a tacit admission that prisons are costly and on-going financial black holes. It could also be construed that current administrators and policy-makers have yet to find answers. The major problem is that the questions remain unknown. All prison systems now use similar policies. Operational procedures may differ, but only to a matter of degree.[169] Again, it is difficult to measure government prison policy-making against the private operation. Private operators are loathe to diverge information.

For example, "contracts that are kept secret (like the operational details or staffing numbers, [are] said to be a matter of commercial confidentiality)." [170] Whether prisons can be measured using business principles is debatable. Private operators expect profits while governments are keen to maintain economic rationality. Altman, however, argues prison operation should remain a state responsibility.

> There are economic libertarians who would extend privatisation to virtually the whole range of services we expect the State to provide, including services such as roads, prisons and police. They forget that governments provide services not to make money but for the welfare of society as a whole.[171]

[168]    Weller, "The study of public policy" 237.
[169]    "New era for our prison system" Sunday Herald Sun, November 29 1992.
[170]    "Prison Sell" The Australian, 13 June 1996.
[171]    D. Altman, "Labor as a spend force" The Australian, 19 May 1997.

There is little to suggest that private prison policy-makers have different policies than currently offered by government institutions.[172] But there is an expectation that private prisons can succeed where government institutions fail.[173] Again, it is difficult to evaluate the effectiveness of the contemporary government prison system unless the variables measured are rates of escapes or number of prison incidents. Moreover, prisons have become alternative social welfare systems providing programmes, *inter alia*, for treatment of sex offenders, drug alcohol and violence problems, and intellectual disability.[174] Whether successes can be measured after prisoners leave the system is another matter. But there is evidence to show that former prisoners rarely use prison vocational training as a means of employment.[175] Again, the cost of providing these programmes vitiates against duty of care. Uniformed custodial officer positions are discarded when finances are strained.[176]

Government reaction to claims of understaffing is usually denial and counter claims, "In fact, we're overstaffed in terms of the number of officers there [the Coburg Prison complex] compared to the establishment figure."[177] But the reality is different. While Victoria's authorities were vacillating about the importance of team work in trying to address new prisoner management implementation,[178] American authorities were cutting back on direct supervision staff. "Prison officials realized that an officer could successfully supervise more than fifty inmates. The Bureau therefore established a new unofficial standard of 64 cells in the general population housing unit."[179]

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[172]    Fulham Correctional Centre Prisoner Information Handbook, 1997, 1.
[173]    "New jail to attack drugs" Herald Sun, 26 March 1997.
[174]    "Nation's biggest jail to open as four close in prison overhaul" The Australian, 4 April 1996.
[175]    J. Braithwaite, Prisons Education and Work. (Canberra: Australian Institute of Criminology, 1980) ch. 4.
[176]    The Tasmanian prison system has had an approximate 30 per cent reduction in uniformed numbers owing to a cut in Justice appropriation. Discussion with the Secretary of the Tasmanian Justice Department, Richard Bingham, 11 June 1997.
[177]    John Griffin, CEO of CORE, "Prisons chief denies understaffing" Age, 9 November 1996.
[178]    Unit Management Implementation 93, 2.
[179]    W.R. Nelson and R.M. Davis, "Podular Direct Supervision The First Twenty Years" American Jails, (July/August, 1995): 11-22, 14.

# Prison policy: *untima ratio*. [180]

The chapter commenced by asking whether there was a 'discipline' of prison policy-making. Policy researchers accept that there is not a discipline of policy-making.[181] The examples of prison policy-making cited in this chapter have a common theme - they are mainly a reaction to prison operational problems. As each Australian State and Territory committed massive resources to improving their prison systems, little attention was given to policy-making and/or implementation processes. As noted earlier, policy-making expertise in one area of government or business is not an indicator of success in other areas. Again, prior to the massive undertaking to rebuild, there was little call for prison policy expertise. There literally were no specialised policy-making units in prison departments. Placing prisons within other departments put operational policy in the hands of career bureaucrats. For example, the attitude to having prisons incorporated into the Law Department of Tasmania is aptly summed up by the then CEO, John Ramsay, "Oh Christ, not prisons."[182]

Moreover, it would have been a culture shock for career bureaucrats to be involved in prisons where they had so little expertise. For example, Ramsay noted that,

> Prison administration is no doubt a most complex, difficult and fascinating area of public administration. Human relationships have to be managed and developed in a hostile and closed environment. If that wasn't enough we enter pigs in the agricultural show; we install T.V. surveillance systems; we build shower blocks for prisoners and new administration blocks for staff; there are hearings before the Industrial Commission about such matters as prison officer manning levels for a prisoner in the local hospital, the Auditor-General wants to know what's happened to 10 dozen cracked eggs at the prison farm; the media want to interview a prisoner; the prisoners think the chicken for dinner is too tough to eat. I could go on. All these decisions need planning to the last detail. It is demanding, time consuming, and there is little room for error.[183]

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[180] The final argument.
[181] Weller, "The study of public policy" 238.
[182] Prison Officers Association of Australia, Annual Conference, 24-25 May, 1986, 4.
[183] John Ramsay, addressing the Prison Officers Association of Australia, Annual Conference, 24-25 May, 1986, 5.

While Ramsay was commenting in 1986, prior to the massive rebuilding and redevelopment of the other Australian prison systems, his experience was not uncommon. It can be argued that those charged with developing new prison policy in other states literally learnt on the job. The question of whether prison policy-making can be measured was also posed. The major difficulty, as Ramsay pointed out, is prisons now have innumerable policies. Where and what do you begin measuring? Currently the issue tends to be more of a semantic rather than a realistic problem. The government decision to privatise certainly deflects from what, in the short term, could be embarrassing politically - the issue of overcrowding. Simply, if you build more prisons the state quickly finds prisoners. [184] But some issues may be unresolvable. This is because

> The intractability and immobility of the correctional bureaucracy is notorious in Australia. Change has been slow and often poorly planned, yet this is not to say the answer lies in privatisation. The answer is, of course, to make innovative policy decisions that are long overdue. [185]

Until some of the philosophical issues such as the purpose of imprisonment is resolved, prison policy-making can be little more than a *scrabbleboard* process.

In 1979 Hawker et al identified six different strands in the study of public policy; "structural and administrative studies; process studies; output studies; technical analysis; economic reasoning; and hortatory studies."[186] Using this framework, any attempt to classify prison policy-making strictly into any of these variables risks accusation of observer or disciplinary bias. Even though Weller claims "these strands are not mutually exclusive,"[187] the external prison investigator soon realises that in order to complete an inquiry a significant amount of information is required.

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[184]     A. George, "The state tries an escape" <u>Legal Service Bulletin</u>, Vol. 14, No. 2 (April, 1989): 53-57, 56.

[185]     Ibid.

[186]     Hawker et al, <u>Politics and Policy in Australia</u>, 8-9.

[187]     Weller, <u>Understanding Public Administration</u>, 237.

As there are few, if any, studies in prison policy-making the investigator is faced with difficulties in gaining appropriate data. "Policy responses are shaped by the interplay of sectional and internal interests, by the technical aspects of the policy design and implementation, and by previous experience."[188] But there is one aspect of prison policy which is measurable - that of prison officer training.

Throughout penal history there have been attempts to upgrade prison officer skills. This is shown in an analysis of prison policy in Victoria from 1851 to 1992. Victoria's first Prison Department developed from the difficulties of managing hulks and stockades. Less than 150 years later, Victoria's last Prisons Department lost its autonomy. Under the custody and control regime a prison officer was trained to maintain order. Progress through the service was dependent on application of custodial duties and the supervision of prisoners. The current movement is to have a multi-skilled officer capable of performing all prison tasks. However, it is simplistic to suggest that there is an 'ideal type' prison officer. Most prison systems now recognise this fact by having specialised units.[189] The movement to implement a new prisoner management strategy, and change the focus of prison officer/prisoner interaction demands a different training policy to meet the changing needs next shown by analysis of prison policy and practice.

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[188]   Davis et al. Public Policy in Australia. 45.
[189]   For example. prison response teams. classification units, dog squads, and so on.

# Chapter 3

## Victoria's Prison Policy and Practice - 1851 to 1955.

*—————— An institution is the lengthened shadow of one man.*[1]

The genesis of Victoria's prison system was in England. The system's founders, its early managers and the majority of early staff were English. It is safe to presume that many of the earliest incarcerated were also English. The origins of the modern prison are, however, not English. The inspiration for the development of the modern prison is commonly attributed to the Quakers of late eighteenth century Pennsylvania. Pennsylvania revised the English criminal statutes after the War of Independence[2] and built the first penitentiary in 1790 at the Walnut Street Jail in Philadelphia.[3] It was meant to be a place of penance, where the wrongdoer could be isolated from society and encouraged to repent his crimes through a process of self-examination aided by "the uplifting effects of scriptural injunctions and solitary Bible-reading ..."[4]

For many years America had been the recipient of some of England's worst convicts. These felons had been sentenced by the courts to transportation - which was one of the methods of dealing with serious criminal offences in England. Prior to 1775 major crimes were punished with transportation, whipping, hanging, or the pillory rather than imprisonment.[5] Defeat in the War of Independence forced the English authorities to reconsider options to transportation to the Americas. The lack of suitable alternatives eventually led to transportation to New South Wales (NSW). In January 1788 Captain Phillip arrived from England with the First Fleet and founded the penal settlement of NSW and the process of large-scale transportation to Australia commenced.

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[1]    R.W. Emerson, Essays First Series, (1841) History.
[2]    M.A. Ignatief, A Just Measure of Pain, (London: Macmillan, 1978) 24.
[3]    L. L. Zupan, Jails: Reform and the New Generation Philosophy,
       (Cincinnati, OH.: Anderson, 1991) 17.
[4]    N. Morris, The Future of Imprisonment,
       (Chicago: University of Chicago Press, 1974) 4.
[5]    Ibid.

By 1842 England had opened a number of new institutions including Pentonville Prison to combat the rise in imprisonment, but transportation, particularly to Van Diemen's Land (Tasmania) and NSW, remained the primary option. Victoria, or, as it was first called, the District of Port Phillip, was a part of the Colony of New South Wales until the 1st July, 1851.[6] The penal colonies rapidly developed from mere convict settlements. With progress came a significant amount of local crime. Prisoners convicted of serious offences were sent either to the Penal Establishment at Cockatoo Island (Sydney Harbour), or to some other place of detention in the Middle District of New South Wales until 1850.[7] When Victoria became a separate colony prison administration was under the jurisdiction of two separate instrumentalities. The Sheriff's Department had control over local gaols which held appellants, civil debtors, short term prisoners, and other sentenced prisoners prior to their transfer to Penal Establishments. The Penal Establishments enforced convict discipline.[8] This duality of administration continued until 1870 when the position of Inspector-General was created.[9]

This chapter will focus on the role of the Inspector-General of Victoria's Prisons (see Fig.3:1). The Inspector-General, as Head of Victoria's Penal Department, was an extremely important figure in the colony's earliest years.[10] His role demanded vision and negotiation skills of high order. It also required diplomacy. He dealt directly with Government Agents to gain materials and resources to equip Victoria's fledgling penal system. The position's high profile was gradually eroded and the Penal Department integrated into another Government department. The position, however, retained its importance and future incumbents set up a structure that in 1992 was still in existence.

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[6]     D. F. Vicker, "The Penal System of Victoria" Handbook of Victoria,
        (Melbourne: Government Printers, 1915) 233.
[7]     Ibid.
[8]     J. Armstrong, The Bridge, Vol. 3, No. 4 (March 1980) 4.
[9]     This position arose from the Royal Commission of 1870 when both gaols and penal
        establishments came under one head - the Inspector-General.
[10]    P. Lynn and G. Armstrong, From Pentonville to Pentridge:
        A History of Prisons in Victoria, (Melbourne: State Library of Victoria, 1996) xviii

The vision and foresight of successive Inspectors' - General have given the system much of its management structure, operating practices, classification procedures, prisoner treatment programmes, and prison policy. The edifices and systems they created are largely extant. These officers did not, however, administer a large Head Office organisation. In the main they worked alone, or with little help.[11] Each made a significant contribution. The Penal Institutions of Victoria have been shaped by 14 Inspectors' - General, and the last long-serving autonomous Director of Prisons, Eric Shade. Knowledge of their contribution will help understand the manner in which Victoria's prison policy was developed. The position of Inspector-General was abolished with the proclamation of the Penal Reform Act (1956) in July 1957. The incumbent viewed the title as old fashioned and reflecting a bygone era in prison practice.[12] The position was retitled Director of Penal Services. Former Inspectors'- General had built a prison system that at stages of its development exhibited both the best and worst of prison practice. The system's cornerstone being described as a "fine example of Australian prison operation" and, latterly, as "neglected and under-resourced."[13]

The chapter will demonstrate that Victoria's prison administrators were at times at the 'cutting edge' of penal practice and at others followers of correctional trends. The chapter will provide evidence that the system was never given the finances it required to keep abreast of penal change. Indeed, it can be clearly seen that the system was ready to collapse under the strain of antiquated edifices, growing use of imprisonment, and a mixture of outdated penal philosophies prior to the 1970s riots and insurrection. It is, however, too simple to blame the prison problems purely on government inertia. There are other compounding factors.

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[11] In 1950 Head Office consisted of the Inspector-General, the Deputy Inspector-General, the Chief Clerk who was also the Secretary of the Indeterminate Sentences Board, two clerks and two secretarial people.

[12] Ironically the title reappeared in 1989 when the Director-General removed the Director of Prisons from his position. As the incumbent was on a contract he was given a created position and took the title 'Inspector-General.'

[13] Pentridge Prison described by Capt. Evans, Penal Report, 1900, 3, and by the OOC Annual Report, 1983-84, iii.

It is an oft-quoted aphorism that there are no votes in prisons.[14] However, when a new government finally addressed the system's pressing needs, the necessary infrastructure was not readily available. The chapter will also investigate the foundations of modern prison policy and compare Victoria's prison administration with the major stages of development in both England and the Americas. It will highlight Victoria's attempts to transform its system into first an English, and latterly an American version.[15]

The chapter also researches the introduction of the modern variant of Victoria's prison officer training. The later discussion will demonstrate that until Joseph Akeroyd's tenure as Inspector-General prison officer training was generally perfunctory. Akeroyd, and his successor, Alexander Whatmore, were deeply committed to prisoner reform. However, they were also aware that prison officers had an important place in the reformation process. They introduced the forerunner of modern training programmes; they instituted education requirements for prison officer promotion; and they continually strived to upgrade prison officer skills. Indeed, they can be considered as the 'Fathers' of contemporary Victorian prison officer training.

It is very difficult in retrospect to examine 140 years of Victoria's penal policy. Critics or sceptics could rightfully argue that prisons only ever had one policy-custody and control.[16] Indeed, to a certain degree this still holds true.

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14    Quoted to the author by several former Tasmanian Attorneys'- General for a study
      into the Tasmanian Prison Service, see W.C. Paterson, Prison Management
      Theory and Practice: With Special Reference to Risdon Gaol, M A diss.,
      University of Tasmania, 1988.

15    The works of English prison administrators such as E.F. Du Cane,
      The Punishment and Prevention of Crime, (London: Macmillan & Co, 1885) and
      E. Ruggles-Brise, The English Prison System (London: Macmillan & Co, 1921)
      will be examined to measure Victoria's approach from inception until the 1930s. The
      intervening years up until 1955 will be investigated using works by later prison
      investigators such as J.E. Thomas, The English Prison Officer Since 1850: A Study
      in Conflict, (London: Routledge & Kegan Paul, 1972),T.O. Murton, The Dilemma
      of Prison Reform, (New York: Holt, Rinehart and Winston, 1976) and J.J. DiIulio Jr.
      Governing Prisons A Comparative Study of Correctional Management,
      (New York: The Free Press, 1987).

16    DiIullio, Governing Prisons, 178.

Contemporary prison managers "must affect a government strong enough to control a community of persons who are most decidedly not angels."[17] There have, however, been many exponents of the prison system through the ages. Their thoughts on penal theory will be used to put the respective positions of Inspectors'- General in context in this and the following two chapters. The chapter also sets the groundwork to understanding the custodial role of the prison officer and the organisation's attempts to change it, and why the system's administrators decided to implement a new and untested prisoner management strategy - unit management - in the 1980s.

## Figure 3:1 Penal Administrators 1851-1975.

| Title | Years | Incumbent |
|---|---|---|
| **PENAL DEPARTMENT** | | |
| Inspector-General, Penal Establishments | 1851-1854 | S. Barrow |
| | 1854-1857 | J. Price |
| | 1857-1869 | W.T.N. Champ |
| **CHIEF SECRETARY'S DEPARTMENT- PENAL AND GAOL'S BRANCH** | | |
| Inspector-General, Penal Establishments and Gaols | 1869-1869 | C.Farie |
| | 1869-1880 | G.O. Duncan |
| | 1880-1884 | J.Castieau |
| | 1884-1890 | W.G. Brett |
| | 1890-1903 | Capt. J. Evans |
| Inspector-General, Penal Establishments. Gaols and Reformatory Prisons | 1903-1910 | E.O'Connor |
| | 1910-1915 | W.A. Calloway |
| | 1915-1920 | J.W. Freeman |
| | 1920-1920 | R. McIver |
| ( Deputy Inspector-General ) * | 1920-1922 | G.C. Morrison |
| ( Deputy Inspector-General ) | 1922-1923 | C.S. McPherson |
| Inspector-General, Penal Establishments. Gaols and Reformatory Prisons | 1923-1947 | J. Akeroyd |
| | 1947-1955 | A.R. Whatmore |
| Director of Penal Services | 1955-1960 | A.R. Whatmore |
| **Social Welfare Department** | | |
| Director of Prisons | 1960-1975 | E.V. Shade |

\*      The Inspector-General's position was not filled between McIver's departure and Akeroyd's appointment. Both Morrison and McPherson were officially designated Deputy Inspector-General.

Source: Penal Reports, 1851-1975.

[17]     DiIullio, Governing Prisons, 235.

There are a number of quite discrete, although not mutually exclusive, periods in Victoria's prison history. While researchers may debate their relative importance, the major epochs can be identified as forming around,

- the Champ years which set the foundations of the system;

- the Royal Commission on Penal and Prison discipline of 1870 which brought local gaols and the penal institutions under a single head;

- the establishment of the Reformatory system with the Indeterminate Sentences Board;

- the era of the educators beginning with Akeroyd and continued by Whatmore, 1923-1960;

- the Social Welfare years, 1960-1978;

- the Department of Community Welfare Services, 1978-1983;

- Office of Corrections, 1983-1992

## Victoria's initial prison policy and practice.

Although Victoria's prison system was not founded until 1851, its earliest administrators were experienced penal operators Their perceptions of how to manage a prison system had been coloured by an amalgam of the thinking which designed the American penal edifices in the 1820s and of the English perception toward dealing with criminality. The Americans created the penitentiary in the Walnut Street Jail where solitary confinement and prisoner reflection on their crimes was supposed to produce reformation. This 'Pennsylvania System' was developed on the 'separate and silent' regime and the Western State Penitentiary at Pittsburgh was one of its first practitioners when opened in 1826. However, it is when the Eastern State Penitentiary opened in Philadelphia in 1829 that the Pennsylvania System attracted world attention. Prisoners worked alone in their cells and were allowed out of seclusion to do maintenance work "only when blindfolded."[18] This system persevered until 1913.[19]

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[18]     E.H. Sutherland and D.R. Cressey, Criminology. Tenth Edition,
         (Philadelphia: Lippincott. 1978) 523.

[19]     Ibid. 523.

By 1794 American prison authorities were unhappy with the ramifications of the Pennsylvania System. Cases of insanity, intransigence and suicide increased instead of prisoners being reformed through a process of solitude and silence. Another system was immediately established which became known as the Auburn System. Based roughly on the former system, its practices were enshrined in the new prison at Auburn, which opened in 1816. Again, the experiment of keeping prisoners in solitary confinement was found to be injurious. The authorities therefore allowed prisoners to work in silent association but still retained the practice of solitary confinement at night. Thus the Pennsylvania System became the "segregate system" while the Auburn System was known as the "congregate system." [20] English prison commissioners visited both American systems in 1835 with the view to recommend one or either for the intended prison building programme. The commissioners adopted a modified version of the Pennsylvania System.[21]

The general objectives of the late Victorian penal system (1865-95) were to repress crime.[22] However, as a disciplinary institution, the prison was considered to be "a serious failure."[23] The earliest acknowledged American prison policy was that prisons were to be used for punishment.[24] A general law was passed in New York State in 1788, which determined that jails or workhouses could be used as "places of punishment."[25] Furthermore, by 1797 the inscription over the door of the New Jersey state prison cemented this perception. It read "Labor, silence, penitence. 1797. That those who are feared for their crimes may learn to fear the laws and be useful. *Hic labor, hoc opus.*"[26] English penal thought was married with American institutional design and transplanted to the Australian colonies. English prison policy and practice were to dominate Victoria's penal operation for the first 100 years of its operation.[27]

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[20]    Ibid. 524-525.
[21]    Ibid, 525.
[22]    Ibid, 11.
[23]    Ibid, 59.
[24]    Ibid. 519.
[25]    Ibid.
[26]    Ibid. 521.
[27]    For example, see Lynn and Armstrong, From Pentonville to Pentridge:
        A History of Prisons in Victoria.

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Although the earliest Australian penal administrators were recruited from the military because of their organisation and administrative experience, some thought deeply about prisoner conditions and were literally instrumental in focussing thought other than on the prisoner as an inanimate object. Alexander Maconochie was the penal administrator at Norfolk Island - a settlement which took "the dregs of the convict system, irreconcilable and irreclaimable."[28] Maconochie abhorred the cruel prisoner treatment and deleterious practices which had become the hallmark of the Norfolk prison administration. Maconochie efforts to change the system and the philosophy he espoused became the forerunner of Walter Crofton's Irish system.[29] Simply, Maconochie instituted a 'mark' system where prisoners were awarded marks for their daily endeavours. When the prisoner had accumulated a specific number of marks he was eligible to seek the termination of his sentence. Maconochie instituted five principles to effect his penal philosophy. These were:

(i)    sentences should not be for imprisonment for a period of time, but for the performance of a determined and specific quantity of labour; in brief, time sentences should be abolished, and task sentences submitted;

(ii)   the quantity of labour a prisoner must perform should be expressed in a number of marks which he must earn, by improvement in conduct, frugality of living, and habits of industry, before he can be released;

(iii)  whilst in prison a prisoner should earn everything he receives; all else should be added to his debt of marks;

(iv)   when qualified by discipline to do so he should work in association with a small number of other prisoners, forming a group of six or seven, and the whole group should be answerable for the conduct and labour of each member in it;

(v)    in the final stage, a prisoner, whilst still obliged to earn his daily tally of marks, should be given a proprietary interest in his own labour and be subject to a less rigorous discipline in order to prepare him for release into society.[30]

Maconochie's system was possibly never given the recognition it was due during his lifetime - indeed, its practices were condemned and, in part, were due to him losing his prefecture in 1844.[31]

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[28]    J.V. Barry. "Alexander Maconochie 1787-1860" in H. Mannheim, Pioneers in Criminology. second edition enlarged. (Montclair, NJ: Patterson Smith 1972) 84- 106, 92.

[29]    Ibid, 99.

[30]    Ibid, 91.

[31]    Ibid, 97.

## From humble beginnings to the Champ era (1851 - 1857).

Prior to the separation of Victoria from New South Wales, Port Phillip had limited capacity to deal with incarceration of offenders. The first permanent prison was the Melbourne Gaol, which opened on 1st January 1845. This was simply used for detention. There were no facilities for industry and classification other than separation by sex. It also provided the only holding centre for those declared insane.[32] By 1850 the gaol was becoming overcrowded and the authorities felt that convicts sentenced to hard labour would be better-utilised "on the roads of the colony than being idle and well fed in the Melbourne Gaol."[33] According to contemporary accounts, on the 5th December, 1850, sixteen prisoners from the Melbourne Gaol were marched to the Pentridge Stockade.[34]

The first Superintendent, later Inspector-General, of Penal Establishments was Samual Barrow.[35] He had been recruited from the penal colony of Norfolk Island where he had been the resident magistrate. Previously he had been a police magistrate in Van Diemen's Land (Tasmania) and prior to that a London barrister.[36] Barrow's regime was harsh. He kept the inmates of Pentridge in servitude and under absolute control. They were put to work making roads in the vicinity. He put all new prisoners in chains while working to ascertain whether they could be trusted working unrestrained.

As a result of the discovery of gold in Victoria in 1851, the Government commenced the issuing of mining licences thus attracting to the Colony "desperate characters from all quarters which rendered necessary considerable changes in the Penal System."[37]

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[32]    Armstrong, The Bridge, 4.
[33]    S. Barrow, A return from the Superintendent of Penal Establishments upon the Penal Department of the Colony By Order in Council, 21st November, 1954.
[34]    Armstrong, The Bridge, 4.
[35]    Vicker, Handbook to Victoria, 1914, 234.
[36]    R. Broome, Coburg Between Two Creeks (Melbourne: Lothian, 1987) 99.
[37]    Vicker, Handbook to Victoria, 234.

The first change being the provision of stockades, and the second that of

Floating Prisons or Houses of Correction which were proclaimed as follows:-

| Stockade | Date Proclaimed | No. held on 1/12/1883 |
|---|---|---|
| | | |
| Pentridge | 20 April, 1852 | 260 |
| Richmond | 23 June, 1853 | 50 |
| Collingwood | 21 February, 1853 | 104 |
| Marine | 7 September, 1853 | 120 |

Source:    Armstrong, The Bridge, 1980.

The Stockades were eventually emptied with the exception of Pentridge, which

became the Penal Establishment for the whole of Victoria.[38] In 1851 Barrow

proposed introducing 'task work' based on Maconochie's mark system

implemented in Norfolk Island.[39] Simply, those who exceeded their daily work

targets reduced their sentences by a set amount, while those who failed to meet

the quota were punished. Barrow foresaw the increase in crime and realised that

permanent facilities were required. He recommended the construction of a

central penitentiary at Pentridge capable of housing a thousand cells.[40] "By Act

of Council 16 Vic. No. 32, 22nd January, 1853, the old legislation relating to

Gaols was repealed, and provision made not only for Gaols and Houses of

Correction, but also for hulks or floating prisons."[41] The hulks were proclaimed

Public Prisons on the following dates:-

| Name of hulk | Date proclaimed | Capacity |
|---|---|---|
| | | |
| President | 1 February, 1853 | 90 |
| Deborah | 1 February, 1853 | 200 |
| Success | 27 June, 1853 | 125 |
| Sacramento | 15 March, 1854 | 128 |
| Lysander | 29 March, 1854 | 300 |

Source: Broome, Coburg.

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[38]    The beginnings of Pentridge, see Broome, Coburg, chapter 5.
[39]    For an account of Maconochie's innovation see H. Mannheim, (Ed)
        Pioneers in Criminology, 2nd Edition, (New Jersey: Patterson Smith, 1972)
        chapter 5.
[40]    Broome, Coburg, 103.
[41]    Vicker, Handbook to Victoria, 234.

In 1854 Barrow left the Penal Department and became Immigration Agent for Victoria having seen the embryonic prison system rise from a daily average population (DAP) under four hundred inmates to almost eleven hundred by 1853. His legacy to Victoria's prison system was in the forerunner of the modern day remission. He was replaced as Inspector-General by John Price. The period between the arrival of John Price as Inspector-General in 1854 and his death at the hands of inmates in March, 1857 is viewed by many as the harshest ever penal period in Victoria, dominated by cruelty, complete obedience, and efficiency.[42] Price, like his predecessor, had been an overseer of convicts in Van Diemen's Land and stationed on Norfolk Island. His incumbency as Commandment at Norfolk Island shaped his prefecture of the Victorian Penal system.[43]

According to Barry, while at Norfolk Island, Price ordered gross and arbitrary punishments for minor offences. There were beatings, floggings, and the use of irons in addition to convicts being tied to boltholes in cell walls and left dangling on their tip toes. The Catholic Bishop of Hobart visited the Island in 1852 and found that 39 men had been flogged the day prior to his visit.[44] In his first report to Victoria's Parliament Price condemned the penal establishments of 1854. He claimed discipline was slack - by both inmates and officials, that conditions were deplorable and insurrection rife.[45] His predecessor, Barrow, had left him "No system of classification ... beyond confining the longest sentenced prisoners aboard the prison hulk. [He found it] impracticable to effect much alteration at this point."[46] Price argued the conditions of the buildings were so bad that it "render it impossible effectually to separate the old offenders from those primarily convicted."[47] Price believed that the task system introduced by Barrow was unjust.

42    For full details see J.V. Barry, The Life and Death of John Price, (Melbourne: Melbourne University Press, 1969).
43    Broome, Coburg, 107-109.
44    Barry, John Price, 56.
45    Select Committee on Penal Discipline, 1857, 22-27.
46    Penal Report, 1854, 6.
47    Ibid.

Price argued that it favoured strong men over weaker men. Recidivists had an advantage over first offenders, and that the inmate could possibly deceive the overseer. He claimed the practice encouraged shoddy work.[48] Price replaced the task system with one of labour and conduct reports which could serve "as the criterion on which the remission [of his sentence be granted] of a portion not exceeding one third of his period of servitude."[49] As the population of Victoria increased there was a need for more penal accommodation. According to Buckley, the population in 1838 was just over 3,500. This had risen by 1851 to just fewer than 77,500. The gold discoveries attracted just under an additional half million people. Thus in 25 years the population of Victorian had increased six-fold.[50]

Price insisted on additional cell accommodation but met with little success from the Legislative Council. It was pointed out that living conditions were appalling for the majority of recent arrivals to the gold fields who failed to succeed in mining. There was also a great deal of resentment towards the operating costs of the Penal Department. Consequently the Budget for the years 1854 to 1860 fiscal years was pruned.[51] Price recommended the building of a large central penitentiary with 200 separate stone cells in September 1855. · He argued that proper control, discipline, and classification of prisoners could only be affected by permanent and adequate prison buildings. He also wanted a 100-bed hospital and dormitories to house 1200 prisoners. Price claimed the cost would be "30 thousand pounds" if built by prison labour.[52] Price, however, made many enemies by the rigorous use of authority and his treatment of inmates. His stewardship was challenged by a series of public meetings which led to two Select Committees of Inquiry - one from the lower house and one from the upper.[53]

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[48]     Correspondence 1854, Gaols and Penal Establishments, 1854, VPRS 687, vol. 1
[49]     Penal Report, 1854, 6.
[50]     B. Buckley, Life Behind the Bluestone Walls from 1800's-1980, First edition, (Melbourne: Pentridge Printing, 1981), 7.
[51]     Armstrong, The Bridge, 1980, 6.
[52]     Broome, Coburg, 112.
[53]     Notes and Proceedings of the Legislative Council, 1856-7, 563.

The Legislative Council Select Committee's report stated that

> The condition of the Penal Establishment is unsatisfactory; that this has arisen chiefly from want of adequate accommodation from the carrying out of a proper system of penal discipline, and from the consequent impracticability of enforcing the necessary classification of criminals. The Committee are also impressed with the opinion that the reformation of criminals has not been allowed to exert that practical influence upon the management of the institution which its importance demands.[54]

The report concluded

> As the bulk of the reliable evidence goes to show the utter hopelessness of accompanying anything efficiently of a reformatory character with the present establishments, your Committee are of the opinion that a properly designed building, commensurate with the wants of the department, ought to be immediately commenced, and completed as soon as possible.[55]

The report also recommended "a system of punishment of prisoners based on the four principles of centralisation, classification of prisoners, employment of prisoners, and uniformity of discipline."[56] Price did not live to see the Committees report. On the 26 March 1857, he went to hear complaints by prisoners incarcerated in the hulks at Williamstown.[57] Arguments broke out between Price and the convicts who killed him.

Although Price's tenure will be better remembered for its cruelty and harshness, his legacy forced the Government to address the penal issue. John Price's successor as Inspector-General was William Thomas Napier Champ. In 1856 Champ became the first Premier of Tasmania. In 1857 his ministry was defeated and Champ was offered the position of Inspector-General of the Penal Department, Victoria.[58] He took up duties on 3 June 1857.[59]

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[54]    Notes and Proceedings of the Legislative Council, 1856-7, 563.
[55]    Ibid.
[56]    Ibid, 178.
[57]    Memo, Price to Chief Secretary, 25 March 1857, Penal Establishments, 1857.
        VPRS 1189 Box 388.
[58]    Broome, Coburg, 114.
[59]    Lynn and Armstrong, From Pentonville to Pentridge;
        A History of Prisons in Victoria, 47.

## The building years (1857-1869).

Champ inherited a system of prison hulks and stockades spread over several locations. One of his first acts was to propose the centralising of the penal system. Apart from being easier to manage, the notion was politically expedient. The Legislative Council had complained about the cost of housing, feeding, transporting convicts, and the cost of warder salaries. Champ speculated that by centralising the system he could reduce overheads considerably. Champ claimed centralisation could only take place when he had a secure environment. He suggested Pentridge as the appropriate site. The Legislative Council approved an allocation of seventy thousand pounds to build a bluestone Panopticon-style building. In 1859 Champ had secure accommodation, albeit in dormitory fashion for 552 prisoners. His annual report noted that he had disposed with "2 Superintendents, 1 Assistant Superintendent, 3 Chief Warders, 4 Clerks, 4 Shipkeepers (from the Hulks), 6 Overseers, 3 Sergeants, 1 Corporal and 36 Warders saving in salaries [pounds sterling] 13,218,12/6." He wryly noted that this was more than the interest being paid on the Panopticon.[60]

Champ began a building programme much of which remains at HM Prison Pentridge. The Panopticon was partially completed in 1859.[61] The Women's Prison, the Hospital, the Towers and Main Gate were all started and completed within several years.[62] He built a model-prison based on that at Port Arthur, Tasmania. All the perimeter walls surrounding Pentridge (140 acres) were completed by 1866.[63] Champ then turned his attentions to the inmates. In June 1857, he suggested that criminals should pass through three imprisonment phases, "Firstly, Absolute seclusion at all times; Secondly, Association when at labour, with separation at all other times; Thirdly, Association under a proper supervision at all times."[64]

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[60]   Penal Report, 1859-60, 10.
[61]   Lynn and Armstrong, From Pentonville to Pentridge;
       A History of Prisons in Victoria, 52.
[62]   Broome, Coburg, 118.
[63]   Ibid.
[64]   Penal Report 1887, 9.

The first stage of the project was to build individual cells where absolute seclusion (solitary confinement) for no less than three months could take place. Champ hoped to have 178 cells ready in the Panopticon by December 1887. Champ rigorously enforced the 'silent regime' after lock up, "criminals could plot after hours, disparage the staff, and would not reflect on their lawlessness unless an atmosphere of contemplation was encouraged."[65] People charged with breaking the strict silence could still be sent to one of the remaining hulks. Champ's views on penal policy may well have been shaped by his contacts with contemporary English prison authorities.[66]

Two regimes had been developed to deal with 'contamination' - a malady administrators viewed as a perennial prison problem. According to Thomas, contamination occurred because

> society took people, many of whom were criminally unsophisticated, and propelled them into a situation where they faced physical and moral danger. Society had called into the prison community, but felt uneasy because society's agents, the prison staff, lost control of what was happening to people who had been put in a position of enforced dependency. On the hulks, for example, where association was inevitable, there was 'terrorism.' Contamination was made possible by this 'association,' especially where young and old, male and female were herded indiscriminately, and it followed that the reduction or elimination of social contact was necessary to eliminate contamination.[67]

The silent regime had proved almost impossible to control when association took place. The authorities answer was to cease association. The remedy to contain communication and reduce contamination was the introduction of the separate system.[68] While Champ demanded discipline, he also realised the predicament convicts faced on release.[69] He argued against issuing 'tickets of leave.' Champ thought the 'ticket of leave' was a stigma.

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[65]     Penal Report 1887,9.
[66]     Thomas, The English Prison Officer, 47.
[67]     Ibid, 30.
[68]     Ibid, 31.
[69]     Memo, Champ to Colonial Secretary, December 1857, Penal Establishments. 1857. VPRS 1189. Box 406.

Champ recommended

> No person convicted after a certain period should be allowed to receive
> a ticket of leave but that the rule under which applications for pardons
> are entertained after the expiration of two-thirds of a prisoners sentence,
> should be applied in all cases.[70]

Many prisoners were destitute when released. They committed further crimes in
order to survive. Champ proposed that released prisoners could remain on the
public works for a maximum of six days and paid five shillings per diem.[71]

Likewise, Champ's qualities towards staff were exemplary.

> He was first and foremost an excellent and determined disciplinarian; he
> possessed a high sense of justice, a keen insight into character, and his
> mode of dealing with all ranks of the service was thoroughly impartial.
> Exact in the administration of the minutest details of his office he
> restored confidence amongst all his subordinates, which was one of the
> principal elements wanting at this period in the management of
> convicts.[72]

Champ altered the Penal Department to

> Protect the interest of society by ensuring the safe custody of prisoners,
> while at the same time subjecting them to such an amount of discipline
> as might tend to deter them from a repetition of their crimes; secondly,
> to effect as far as possible a reformation in the convict; thirdly, to reduce
> the expenditure of the department and to render the labour of the
> convicts as reproductive as possible to the state.[73]

Champ left an indelible mark on the Penal System. He initiated policy that dealt
with offenders in a humane fashion. He introduced a process whereby inmates
proceeded through a graduated system, recognised the stigma attached to
imprisonment, and suggested remedies to assist the released. He centralised
services and set up the system of prison administration that, by and large, still
exists. He also employed schoolteachers to assist in remedial areas. Champ was
succeeded in the office of Inspector-General by Claude Farie in January, 1869.

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[70] Penal Report, 1887 12.

[71] Ibid.

[72] H.A. White, Crimes and Criminals in Reminiscences of the Penal Department in
Victoria, (Ballarat: 1890) 141.

[73] Ibid.

Of Farie it is said "Although (he) did not possess such an extensive knowledge of the management of convicts as his predecessor did, he had many of those fine qualities of character which make any man in authority deservedly popular among his subordinates."[74] Farie's term of office was extremely brief. He died at Pentridge after a short illness.[75] His replacement was George Duncan, a previous Pentridge Superintendent.

## Autonomy to confusion: the wilderness years (1869-1902).

From contemporary accounts it would appear that Duncan was a weak Inspector-General.

> It would have been well if this gentleman had declined the appointment, as although an excellent superintendent he was not qualified for the highest position. His want of discrimination of character, as well as his too evident love of popularity often placed him in undignified positions, and so entirely failed to secure the good will of his subordinates that an antagonistic feeling soon arose both towards himself and Mr. Gardiner, the superintendent.[76]

The 1870 Royal Commission recommended that gaols and penal establishments be brought under the direction of the Inspector-General. Departmental status was lost and the new body became part of the Chief Secretary's Department[77] (Fig. 3:2 lists Penal Establishments and Gaols under Duncan's control in 1872).

Duncan noted,

> During the past year it became my further duty to endeavour to bring the various gaols of the colony under regulation, with the view of making them more efficient as institutions in which a general scheme of discipline, both deterrent and reformatory in its action, might be brought to bear on the prison population.[78]

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[74]     Ibid, 163.

[75]     It should be noted that both the Inspector-General and the Pentridge Superintendent lived on station. This practice of senior officers in charge of Pentridge living on station only ceased on the retirement of Governor Ian Grindley in 1975.

[76]     White, Crime and Criminals, 164.

[77]     Prison Departmental status was not restored until 1983 when the Office of Corrections gained autonomy from the Department of Community Welfare.

By 1879 Duncan was forced to complain

> That the Department may become, as is aught to be, deterrent and reformatory in its influence on the prisoners, an abundant supply of work must be provided. The want of suitable employment is the chief obstacle in the way of the prisons becoming, almost, if not together, self supporting. If work cannot be procured it is impossible to keep the criminals industriously and actively occupied.[79]

The origins of Duncan's theme of deterrence and reformation as Victorian penal policy can be documented by tracing English penal policy from the centralisation of the English system. The English prison system stems from the Penitentiary Act of 1799. This Act established a national penitentiary.

There were three principal methods of punishment for serious offences at the end of the 18th century; execution, confinement in the local prison, or transportation. Prisons and bridewells had been administered by a variety of authorities, mainly the local justices.[80] Transportation problems finally forced the English Government to become involved in prison administration.[81] The Hulks Act 1776 had been passed and the use of hulks was to be limited to two years. The final hulk administered by the English Government closed in 1875.[82] The Penitentiary Act proposed "the establishment of a regime which was to include labour of the hardest and most servile kind, and compulsory attendance at religious services."[83] In 1863 the Select Committee of the House of Lords on Prison Discipline made a series of recommendations which, according to Thomas, were to have drastic effects on English prisons.

> They do not consider that the moral reformation of the offender holds the primary place in the prison system; that mere industrial employment without wages is a sufficient punishment for many crimes; that punishment in itself is morally prejudicial to the criminal and useless to society, or that it is desirable to abolish both the crank and treadwheel as soon as possible.[84]

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[78]     Inspector-General's Report for 1872, 3.
[79]     Ibid, 5.
[80]     Bridewells were not prisons. They were originally set up for the destitute.
[81]     Thomas, The English Prison Officer, 10.
[82]     Ibid, 11.
[83]     Ibid, 12.
[84]     Quoted in Thomas, The English Prison Officer, 18-19.

However, discipline became lax in Pentridge. Warders sent a petition to the Chief Secretary complaining about Duncan's suitability for the position.[85] The Prison system deteriorated under Duncan's influence. Gains made during Champ's tenure were abrogated, and in some instances dismissed as fortuitous, with the system being continually subject to press comment.[86] The general feeling toward Duncan was

> With respect to his treatment of prisoners as superintendent (Governor of Pentridge) he was severe but just in punishing them, but when he became Inspector-General he descended from his position ... to preach to and sing hymns with them. The old adage, "Familiarity breeds contempt" was somewhat frequently exemplified in consequence.[87]

Duncan retired on the 18th October 1880 after reading of his immanent retirement in the local newspaper in the September of that year.[88] His retirement left the conjoined system in a state of disarray.

## Figure 3:2 Penal Establishments, Gaols and Prisoners Held 31/12/1872.

**Penal Establishments**      **Gaols**

| | Males | | Males | Females |
|---|---|---|---|---|
| Pentridge | 571 | Ararat | 4 | 1 |
| Hulk Sacramento | 112 | Ballarat | 53 | 13 |
| Williamstown & Sandridge Defence Works | 17 | Beechworth | 60 | 5 |
| | | Castlemaine | 75 | 12 |
| | | Geelong | 19 | 12 |
| | | Kilmore | 9 | |
| | | Maryborough | 36 | 6 |
| | | Melbourne | 255 | 149 |
| | | Portland | 58 | 1 |
| | | Sandhurst * ÷ | 72 | 16 |
| | | Total | 1341 | 215 |

* Later named Bendigo, + emptied 29/12/1879.

Source: Inspector-General's Report, 1872.

85      White, Crime and Criminals, 174.
86      Ibid., 166-67.
87      Ibid, 164.
88      Memo, Duncan to Colonial Secretary, 7 September 1880, Prisons, 1880, VPRS3991, Box 1173

The Americans, having trialed both the Pennsylvania silent <u>segregate</u> system and the Eastern State's Auburn silent <u>congregate</u> system in Philadelphia,[89] were building Reformatories - both the Pennsylvania and Auburn philosophies had failed to achieve their objective. Authorities turned to a three-face model of reformation based on education, religion and hard work. The first Reformatory was built at Elmira New York in 1876.[90] Both English and American systems were based on the deterrence aspect of prisoner management practice.

America saw the moral reformation of the prisoner as a primary tenet in the fight against recidivism and in curing 'criminality,' a theme abandoned in England. The English authorities had also trialed the 'Crofton' system between 1854 and 1862. In this system, a prisoner spent nine months in solitary confinement and was then transferred to a public works project. After this stage, he resided in a halfway house and worked without supervision. When he had satisfactorily completed these stages, he transferred into an after-care programme (parole).[91]

However, in Victoria the embryonic system of gaols and penal establishments appeared to lack direction. J.B. Castieau -the Governor of Melbourne Gaol - replaced Duncan as the 6th Inspector-General. Castieau's relatively short term in office (1880-84) commenced with a Government demand to cut costs in the penal system.[92] Castieau duly made staff cuts in both 1880 and 1881. He accomplished considerable reductions and "the change was made without any marked interference with the discipline and good working of the establishment."[93]

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[89]     Both systems maintained absolute silence. The segregate system was based on prisoners working in their individual cells in silence. The congregate had prisoners working together but still in strict silence.
[90]     T. O. Murton, The Dilemma of Prison Reform, (New York: Holt, Rinehart and Winston, 1976) 16.
[91]     Ibid.
[92]     Penal Report, 1881, 1389.
[93]     Ibid.

The Royal Commission of 1870 had recommended that C Division male dormitories be occupied by female prisoners. The men were moved to the separate cells in the women's prison. Centralising the male prison increased security and lowered staff costs.[94] The females, however, were moved to the Melbourne Gaol. C Division became a Reformatory for boys.[95] It was a number of years before females returned to Pentridge.[96] By 1884 Castieau's policy, however, appeared to be subjugation,

> the only real deterrent in our gaols is solitary confinement on bread and water, with no remission of sentence while undergoing such terms of imprisonment.[97]

The disorganised state of affairs alienated the staff at Pentridge. Local residents and staff complained to the Chief Secretary about the unprotected and dangerous condition of the stockade.[98] There was a Government inquiry "for the purpose of securing an unbiased report as to the general working of the Penal Department, and more particularly at Pentridge."[99] Castieau was given six months leave of absence then finally dismissed.

> The selection of Mr. J.B. Castieau (Governor of Melbourne Gaol) as successor to Mr. Duncan proved in the end a most unfortunate one as he possessed but few of the qualifications requisite for so high a position, and it was also a matter of notoriety that he was of unsteady habits. Although the greatest blame fell rightly on Mr. Castieau, a general feeling of regret was felt that one so kind-hearted and generous should have terminated a long and useful career in the service so ignominiously.[100]

Castieu was succeeded by W.G. Brett who immediately argued for an increase in staff. He wished to set up a system of penal discipline, "criminals should earn their bread by the sweat of their brow."[101]

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[94]    Broome Coburg, 122.
[95]    Royal Commission into Penal and Prison Discipline, 2nd Session, 1870,
        Vol. 2, No. 18.
[96]    Females returned to Pentridge in 1894 following the completion of what is now D
        Division.
[97]    Penal Report, 1883, 112.
[98]    Lynn and Armstrong, From Pentonville to Pentridge:
        A History of Prisons in Victoria, 106.
[99]    White Crime and Criminals, 176.
[100]   Ibid.
[101]   Quoted in Lynn and Armstrong, From Pentonville to Pentridge:
        A History of Prisons in Victoria, 106.

The report for 1884 indicates

> It will be sufficient therefore for me to say that a false economy, a slack
> state of discipline and an indulgent system of management, especially in
> the Penal Establishment at Pentridge and the Melbourne Gaol prevailed
> with few exceptions, throughout the Department, which could only be
> changed with safety by a systematic course of judicious and extensive
> reforms, carried forward by degrees, and as I became familiar with the
> internal economy of the different establishments.[102]

Brett alluded to his management of prisoners:

> To keep prisoners in idleness is not only an injustice to the taxpayers,
> but it is attended with the worst possible consequences to themselves,
> and I hold that a penal system should recognize the principle that
> criminals must earn their bread by the sweat of their brow.[103]

Brett focussed on first offenders and introduced a system of classification for
these prisoners. This consisted of separate treatment calculated on the period of
confinement. Prisoners spent twenty-three hours in their cells. All sentences
fewer than six months were spent exclusively in solitary. All sentenced prisoners
with periods over the six months still spent the first six months in separate
treatment.

At the expiration of the maximum period of solitary the first offender was then
placed in a different division, but kept apart from those with second and more
convictions.[104] Brett began the foundations of the modern classification system
in Victoria.[105] He continually demanded additional staff at Pentridge to assist in
the implementation of organisation and prisoner policy. Brett saw Pentridge as
being the central focus of the prison system. "Country gaols are of secondary
importance as all long term prisoners are sent to Pentridge. Here it is all
punishment, Pentridge is the stronghold, in fact it is the centre of the system."[106]

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[102]    Penal Report, 1884, No.33, 3-4.
[103]    Ibid, 7.
[104]    White Crime and Criminals, 183.
[105]    Lynn and Armstrong, From Pentonville to Pentridge:
         A History of Prisons in Victoria, 107.
[106]    W.G. Brett, Statement to Board of Inquiry into the Pentridge Penal Establishment,
         1890, 10, VPRS 1226, Box 30, 31.

Brett had inherited a staff of 90 warders at Pentridge in 1884, but managed to increase that number to 106 by the end of the decade.[107] Brett retired in 1899 being replaced by Captain James Evans.

The period between Brett's resignation in 1889 and Joseph Akeroyd's appointment as Inspector-General in 1924 did little to further progress in both penal administration and prisoner reformation. As Akeroyd commented,

> The Department in 1923 was in a state of disorganization. A fair percentage of officers were ill trained and negligent, whilst some were openly disloyal and corrupt. The treatment of prisoners was far from satisfactory. In the main they were regarded merely as persons to be kept in restraint.[108]

Akeroyd pointed to obsolete and unsuitable buildings and equipment being less than adequate. He complained that there was both a public and Government lack of appreciation of the true functions of prisons. Akeroyd noted the type and nature of offenders held within the system, "much is lawless and so apt to take advantage of any leniency that officers are apt to be dominated by the security view point and so lose sight of the final aim - education in the fundamentals of citizenship."[109]

His first task was to tighten control albeit in a fair but firm fashion. He concluded, "The iron hand in the velvet glove must remain."[110] But why had three successive Inspectors-General allowed the system to become moribund? For the first three decades of the twentieth century the major problem in prison management was the competing influences of prison design and operation philosophy. Victorian prisons had been designed to ensure prisoner separation but were now being called on to allow association. Association had its champions in the penal reform movement.[111] Administrators and prison staff had great difficulty coping with the change.

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[107]    Penal Report, 1888, 13.
[108]    Ibid, 1943, 1363.
[109]    Ibid, 1365.
[110]    Ibid.
[111]    J.E. Thomas and A. Stewart, Imprisonment in Western Australia, (Perth, W.A.: Uni of W.A. 1978), 64.

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Freedom increased for the prisoners, the restrictions and strain on staff increased proportionately. In such a situation any attempt to liberalize, or even change a prison system is doomed, especially if, as happened in England, policy makers ignore the evidence thrust at them.[112]

Victoria's prison system was also to suffer from the implementation of the indeterminate sentence, which had been introduced in America in 1870. In that jurisdiction there was no effective policy towards prisoner reform.[113] This sentencing option was introduced in all Australian States. But it took decision-making in sentencing from the courts and put it in the hands of a largely inaccessible Indeterminate Sentences Board which

Gives no account at how it arrives at its decision to the person affected by it. The real reason for this is that the criteria for release centre around such generalities as 'attitude', 'co-operation', 'stability' and the rest. Only very arrogant people will claim skill at evaluating such features of human behaviour, and only extremely persuasive people would find it possible to convince others, especially customers, of the accuracy of their analysis or the certainty of their predictions.[114]

Captain Evans claimed, after touring European and American prisons, that:

We are practically working on similar lines to those obtaining under the English system. I venture to assert that no better model has yet been presented to us. The success of our methods depends very largely upon the degree of care taken in regard to classification and the facilities available for suitably employing the prisoners, such occupations as stone-breaking and oakum picking are well enough, and even desirable, for a certain class of gaol habitues, but to deal reasonably with what may be termed hopeful cases, work which will give interesting and stimulating employment is needed.[115]

Evans introduced a rigorous form of prisoner classification in 1899. Prisoners were divided into two types: special and restraint. The 'specials' were mostly first offenders and were sent to a wing of Pentridge's new A Division in the hope that reformation would take place. They were kept apart from other prisoners and worked in adjoining gardens and selected industries.

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[112]    Ibid, 85.
[113]    Murton, The Dilemma of Prison Reform, 9.
[114]    Thomas and Stewart, Imprisonment in Western Australia, 85.
[115]    Penal Report, 1900, 3.

The 'restraints,' on the other hand, were difficult young offenders, "the street corner larrikin type, for whom coercive treatment is demanded."[116] They were also housed in A Division but under strict discipline procedures and were subject to close supervision while at labour.

Prisoner labour, which had been the cornerstone of successive Inspector-General reformative policies, consisted in 1901 of unskilled farm work, maintenance or cleaning work, tailor shops, oloc making, and brush making, among others. By 1903, flax growing took up nine acres. Evans, however, was hamstrung in his endeavours to facilitate change by the lack of budget. He pointed out "the last ten years the money allowed for prisons has not been sufficient to meet many of the actual maintenance demands."[117]

Evans retired in 1902 without making a great deal of change. His actions were certainly kinder than his predecessors. He abolished the practice of punishing prisoners by placing them in 'dark' cells, and reduced solitary confinement on admission. He also ended the practice of prisoners spending their last six weeks in solitary confinement prior to release. Evans encouraged participation by the Prisoners Aid Society to prepare prisoners for discharge. And· he introduced a refined form of prisoner classification, which lasted for many years. The incoming Inspector-General, E.C. O'Connor, wrote of Evans,

> On the 31st March of this year Captain Evans severed his connection with the Prisons Branch, having held office as Inspector-General for over twelve years, or for a longer period than any of his predecessors. His regime was marked by many improvements in the prison system, and by thoroughness of administration. Compelled by failing health to relinquish the office he had filled for so long, Captain Evans has left a record of good work, and an example of earnest application to duty.[118]

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[116] Quoted in Broome, Coburg, 26.
[117] Report of the Inspector-General on the Prison Systems of Europe and America, VLA 1901 Vol. 2. No. 5 8.
[118] Penal Report, 1902, 3.

## From custody towards treatment.

O'Connor, the former Secretary of the Department for Neglected Children and Reformatory Schools, had a good insight into the problems facing the penal system. He had been Chief Clerk of the branch and, as such, worked in tandem with the Inspector-General.[119] He continued Evans' work. The declining prison population aided his transition, and he was able to close the Maryborough Gaol[120] (see Fig. 3:3 for prisoner numbers from 1871 to 1937).

The pressures associated with classifying prisoners to particular divisions, however, still presented problems. O'Connor acknowledged the work of his predecessor in opening 'special' divisions and noted those

> who come under the category of hopeful cases, continue to yield results
> that are very encouraging ... these divisions have continued to afford
> prisoners who have not yet acquired the crime habit and who desire to
> retrace their steps an opportunity to do so.[121]

O'Connor, however, was concerned that the nearness of the special divisions to other classes of prisoners would result in the hopeful cases being contaminated. He argued that a separate institution be established, one that was different in operation and demeanour to an ordinary prison. O'Connor envisaged this type of institution having workshops to provide labour for all offenders. O'Connor hoped there would be land to grow vegetables and crops, which in turn would make the institution part ways self-sufficient. O'Connor acknowledged the disparity in staff. His recommendations were that the staff should be selected "embracing officers capable of imparting instruction in the various occupations."[122] O'Connor recognised that he needed specifically selected trained officers if he hoped to achieve prisoner reformation. The major event in O'Connor's tenure as Inspector-General was the Government's decision to implement an Indeterminate Sentences Bill.

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[119]   It was not unknown for the Chief Clerk to act as Inspector-General whenever the
        incumbent was on leave or travelling interstate or overseas.
[120]   Penal Report, 1904, 3.
[121]   Ibid.
[122]   Ibid, 1907, 268.

There had been severe criticism of the Judiciary's sentencing trends. Many sentences handed down were short-term and, according to the prevailing school of thought, were of little use in helping the offender reform. The practitioners of the Indeterminate Sentence philosophy maintained that offenders needed to be incarcerated for a considerable period. This would allow the process of reformation to take place. There was considerable public pressure to declare repeat minor offenders as habitual criminals and give them indeterminate sentences which, hopefully, would facilitate reformative practices.[123]

**FIGURE 3:3**.

**Victoria's Daily Average Number of Prisoner in Confinement,**

**1871 to 1937.**

| Year | Males | Females | Total |
|------|-------|---------|-------|
| 1871 | 1345 | 274 | 1619 |
| 1881 | 1294 | 304 | 1598 |
| 1891 | 1550 | 350 | 1900 |
| 1901 | 951 | 200 | 1151 |
| 1911 | 713 | 100 | 813 |
| 1921 | 741 | 54 | 795 |
| 1931 | 1391 | 50 | 1441 |
| 1933 | 1393 | 65 | 1458 |
| 1934 | 1320 | 55 | 1375 |
| 1935 | 1220 | 44 | 1264 |
| 1936 | 1179 | 43 | 1222 |
| 1937 | 1072 | 41 | 1113 |
| | | | |

Source: Victorian Year Book, 1937-38.

O'Connor recognised the usefulness of the concept, but was wary of the tribulations which lay ahead.

> The Indeterminate Sentences Act is essentially a reformative measure, and its success and usefulness will largely depend on the adequacy and efficiency of machinery for giving effect to its provisions, it will therefore be of the utmost importance that the officers of the reformatory prisons shall be specially and carefully elected for their personal qualities, and their fitness for the duties imposed upon them.[124]

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[123]     Lynn and Armstrong, From Pentonville to Pentridge:
          A History of Prisons in Victoria, 121.
[124]     Penal Report, 1907, 268.

Indeed, this is the first mention by an Inspector-General that prison officers had a particular role to play in the prisoner reformation process. And although he acknowledged that different types of officers were required for specific tasks - in this instance a reformative role - his Report is singularly devoid of any mention of prison officer training. Clarifying the intention of the Act to the Chief Secretary in 1907, O'Connor stated,

> In declaring an offender to be an habitual criminal the Judge may direct, as part of his sentence that, on the expiration of the term of imprisonment then imposed on him he be detained during the Governor's Pleasure in a reformatory prison.[125]

The Indeterminate Sentences Act came into force on 1 July, 1908. Its main provisions were: -

1/    The adoption of the intermediate sentence for (a) habitual criminals, and (b) certain classes of offenders.
2/    The appointment of an Indeterminate Sentences Board..
3/    The establishment of reformatory prisons.
4/    A system of probation applicable to adults as well as minors.

In his final report, O'Connor noted that

> no prison has yet been set apart as a reformatory prison for habitual criminals, and none of these has yet arrived at the indeterminate stage of their sentences. For the accommodation of other offenders ordered to be detained in a reformatory prison during the Governor's pleasure, the Castlemaine Gaol is utilized as a temporary expedient.[126]

O'Connor, through his reference to using specifically chosen officers, set in train a set of staff training principles and initiatives which in turn eventually led to the 1980s implementation of the American concept of Unit Management.[127] O'Connor retired in February 1909. His successor was W.A. Calloway.

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[125]    Ibid, 282.
[126]    Ibid, 268.
[127]    Correctional theorists agree on a similar set of principles and practices needed for an institution to stand a chance of achieving its goal. The institution must be purpose - designed and have specially selected staff. In addition, the staff must be specifically trained to carry out program initiatives and operational policy. The other important element in this framework - the prisoner - should be amenable to the proposed practice and should be classified as such.

139

Calloway noted, "the Government had a most painstaking and conscientious officer, who did not spare himself in carrying out the works on the lines laid down by his predecessor, Captain Evans, in whose footsteps he trod."[128]

Calloway's appointment was intriguing. He was the Deputy-Inspector General but also the Under Secretary - the administrative head of the Chief Secretary's Department. In his role as Under-Secretary Calloway was responsible for O'Connor, but as Deputy Inspector-General he was responsible to O'Connor.[129] By the time Calloway took up his appointment on 1st March, 1910, the daily average prison population had been steadily falling.

The reason for the declining prison population was changes in sentencing, the greater use of bonds and better economic circumstances after 1900.[130] The system of solitary confinement still continued. Calloway set out the standards for this policy.

> Under the Victorian prison system the period of detention in
> separate confinement is graded according to the length of service
> thus:-2 years = 3 months in separate, 3 years = 3 months in separate,
> 4 years = 4 months in separate, 5 years = 5 months in
> separate, 6 years = 6 months in separate. For misconduct a
> prisoner may be detained as long as nine months in separate.[131]

Calloway, however, complained about the courts using prisons and gaols as a "place of refuge for many persons without means of support and in need of shelter ..." [132] Calloway realised that it was extremely difficult to change or reform a person while incarcerated,

> Gaol life is so out of touch with social activity that imprisonment cannot
> be a training for citizenship save as inducing in the mind of the culprit a
> determination to avoid the anti-social impulse which led to his privation
> of liberty.[133]

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[128]    Penal Report, 1909, 229.
[129]    The position of Deputy Inspector-General was rarely filled on a long-term basis.
[130]    Broome, Coburg, 276.
[131]    Penal Report, 1910, 10.
[132]    Ibid, 1914, 224.
[133]    Ibid, 228.

Calloway dismissed the government notion that prisons should make money. He decried "the inexperienced theorist and government officials who sought to put ... imaginary value to the labour performed in order to balance accounts."[134] By the end of 1914, with exception of the McLeod, Langi Kal Kal and Fairlea Prisons, the system he controlled was practically identical to the one operating 45 years later.[135] Calloway appears to have thought a great deal about the function of prisons and their usefulness as a tool of society. He advocated change, particularly in offender self-education,

> Before my advent any ostensible desire of a prisoner to improve his mind by study in his cell was invariably regarded with suspicion, but it has been my wish to encourage any apparent genuine aspirations for self-improvement, of course, with proper precautions.[136]

In his final report, written the day before he retired, he forecast the problems, which beset prisons and corrections in the 1970s.

> Science has not yet devised an instrument to make the punishment fit the crime, and the human agencies employed are of varying degrees of imperfection, but it must be patent to anyone who reflects on the matter that the worst use to which a man can be put is to imprison him.[137]

John William Kerr Freeman replaced Calloway. The highlight of Freeman's tenure as Inspector-General was the opening of an afforestation camp at French Island. This major policy change in prisoner incarceration was due in part to the Indeterminate Sentences Act. Reformatory Prisons had been declared in part of Pentridge on the 5th September 1909, at Castlemaine, and in the Female prison situated at the Pentridge site on the 2nd November 1909 (see Fig.3:4). The opening of the French Island camp in July 1917 set a trend for open-style Victorian prisons.[138] Freeman left the position in 1920 to be succeeded by R. McIvor from the Crown Law Department. His prefecture was limited and he was in turn replaced by the Public Service Commissioner, G.C. Morrison.

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134    Ibid.
135    see the 1959 Penal Report, 739, for details of prisons.
136    Ibid, 1914, 227.
137    Ibid, 228.

141

## Figure 3:4 Prisoners Held in Victoria's Reformatory Prisons 1914-1919.

| Year/Site | Pentridge | Female | Castlemaine | French Island |
|-----------|-----------|--------|-------------|---------------|
| 1914 | 55 * | 3 | 30 | |
| 1915 | 68 * | 4 | 35 | |
| 1916 | 70 + | 2 | 22 | |
| 1917 | 51 | 5 | 18 | 28 |
| 1918 | 54 | 3 | 32 | 28 |
| 1919 | 55 | 3 | 178 | 83 |

\*       The figures have been rounded for these years. Authorities used decimals when describing statistics in the early reports.

+       Females were moved frequently and the various institutions in which they were housed had different titles.[139]

Source: Penal Reports, 1914-19.

Morrison's input to the system was more administrative than policy making and he soon left to be succeeded as Deputy Inspector-General by C.S. McPherson. McPherson duly noted that several important changes had taken place. First, approval was given to a regulation under the Gaol's Act 1918 to provide for the payment of wages to prisoners who worked. Second, the electric light had replaced gas for lighting purposes at Pentridge Prison. Third, the decision had been made to close the Melbourne Gaol. The closure of Melbourne Gaol and the payment to 'working prisoners' was due to the fluctuating nature in the numbers imprisoned.

The prison population had fallen during the First World War but had an incremental increase from 1919. There was a decrease, however, in the numbers being held under the Indeterminate Sentence particularly in the early years of implementation (see Fig. 3:5).

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[138]    Open prisons would later open at Corriemungle, Won Wron, Morwell River, Dhurringle, and Langi Kal Kal.

[139]    For example, the 1916 report mentions the Coburg Female Prison whereas the 1917 report discusses the Female Reformatory Prison. The 1918 report mentions the Jika Reformatory for Females.

## Figure 3:5 Daily Average Numbers Held in Reformatory Prisons 1922,1923 and 1929.

| Prison | 1922 | 1923 | 1929 |
|---|---|---|---|
|  |  |  |  |
| Pentridge | 42 | 31 | 93 * |
| Castlemaine | 49 | 27 | 94 |
| French Island | 36 | 29 | 42 |
| Female Prison | 2 | 0 | 2 |
| Beechworth |  |  | 31 |
| Metropolitan |  |  | 2 |
| Geelong |  |  | 12 |
| Total | 129 | 97 | 276 |
|  |  |  |  |
|  |  |  | * rounded |

Source: Penal Reports, 1922, 1923, and 1929.

## The era of education.

The appointment of Joseph Akeroyd as Inspector-General in 1923 began a period in Victoria's penal history which saw it lead the rest of Australia's prison systems in terms of prisoner classification and offender management. Akeroyd was a former inspector of primary schools and his belief was that the penal problem was an educational one.[140] However, he realised the task ahead would not be easy. Akeroyd's first priority was to establish a set of standards which would be applicable to both staff and inmates. He found little discipline among both staff and inmates. He was clearly worried about inmates whom he felt were treated little better than caged animals. Akeroyd's first impressions of the task ahead can be gleaned from the 1923 Report when he confined himself to discussing "statistics and kindred matter."[141]

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[140]    Lynn and Armstrong, From Pentonville to Pentridge;
         A History of Prisons in Victoria, 127.
[141]    Penal Report, 1923, 2.

143

Akeroyd clearly viewed the classification process as the key to assisting in treatment of the offender,

> As an aid and as a guide to treatment close inquiry is made into the career of each prisoner received in the Penal Establishment, Pentridge, and the Castlemaine Reformatory.[142]

Akeroyd introduced the Stanford-Binet I.Q. test to prisons after ascertaining that "youthful criminals as a whole are very backwards in schooling and sadly deficient in ideals."[143] He negotiated with the Education Department to establish schools at both the Pentridge complex and the Castlemaine Reformatory Prison.[144] But imprisonment rates nearly doubled by 1931. Akeroyd realised that a key to helping prisoners reform was getting the staff to accept his ideas and help in the process of implementation. He felt the process could be refined if his staff were more than just 'turnkeys.' Akeroyd commented,

> In order to raise the standard of efficiency in the service, it will be necessary in future for a warder appointed on probation to pass an examination before being confirmed in his position. A further examination, of which prison administration will be the chief subject, will have to be passed for promotion to higher rank.[145]

Thus, with a single edict, Akeroyd changed the entrenched warder seniority practice and clearly set the guidelines, which were to be the hallmark in his dealings with both staff and prisoners. Akeroyd achieved much in a short period. The system was near to collapse when he took over as Inspector-General. He had little information to guide him.

Akeroyd's predecessors left him little in the way of information, and the various Annual Reports were little more than public relations exercises. Moreover, overseas information may not have been all that useful. For example, in 1921 Ruggles-Brise wrote a treatise on the English prison system and compared the English model with other European and American systems.

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[142]    Ibid, 1925, 2.
[143]    Ibid, 3.
[144]    Ibid, 4.
[145]    Ibid, 1923, 6.

Ruggles-Brise claimed to have been "greatly impressed with the singular ignorance that existed, both on the Continent and in the United States, of the character of British penal methods."[146] He thought those international penal conferences were a waste of time and that information gained there superfluous. In 1921 Ruggles-Brise wrote

> It must not be supposed that an Englishman, going to hear discussions on penal subjects in a foreign country where the laws, habits and character of the people are entirely different, is going to bring back new ideas of Prison administration, which he will be able at once to apply, with advantage, in his own country; nor must it be supposed that he is going to carry with him instructions and opinions on these matters which other nations will readily adopt. With a pardonable pride in his national institutions, he is disposed to think that his Prison system is the best in the world; but when he goes abroad he must not be surprised to hear the same claim raised by other countries.[147]

Ruggles-Brise viewed prison policy and the purpose of imprisonment, in order of priority, as 'retributory, deterrent, and reformatory.'[148] Australian prison systems followed this model. Their prisons replicated the great stone edifices spread throughout England. Their operating practices were based on the 'military model' used to great effect by the English.[149]

Although Akeroyd tried to achieve the dual aims of establishing treatment programmes for prisoners and upgrading staff, his intentions were to founder through lack of finance - particularly for capital works. In 1934 Akeroyd noted that

> owing to the need for rigid economy little money has been made available for repairs and renovations to gaol buildings for several years past, while improvements have been out of the question. The result is that considerable expenditure has become necessary.[150]

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[146]    Ruggles-Brise The English Prison System, 2.
[147]    Ibid..
[148]    Thomas, The English Prison Officer, 126.
[149]    Ibid, 47-50.
[150]    Penal Report, 1934, 7.

Akeroyd refined the classification system but was sometimes forced to use the regulations to keep unruly or antagonistic prisoners from associating with each other.[151] One of the hallmarks of his administration had been the liberalising of contact between prisoners from other divisions. However, he argued that the system was moribund, and had been unchanged for years. Akeroyd noted that,

> The prison system is too centralized in Pentridge and affords little scope for efficient classification and the application of modern methods for the treatment of prisoners.[152]

Akeroyd was denied the use of Reformatory Prisons for ordinary prisoners as these were used solely for those under the Indeterminate Sentence - a practice that Akeroyd severely criticised (see Fig. 3:6 for the use of reformatory prisons, 1941-1949).

> Nowadays, however, the prisoner has usually been an offender from an early age, and the problem becomes one of training him to live in accordance with the ethical standards of the community in which he resides. The problem is the same for gaols as for reformatory prisons despite the fact that the Parliament of Victoria has decreed a sharp distinction between the two. In fact, a completely scientific gaol system would be entirely indeterminate.[153]

In 1943 Akeroyd alluded to the fact that he had now been in charge of prisons for twenty years. He noted that there is great pressure upon those charged with administering prison systems.

> Prisons are instituted and prisoners placed therein for the *protection of society*, and the problem of the prison administrator then becomes one of ascertaining what to do with each prisoner in order that on his release society may benefit from his imprisonment.[154]

Akeroyd gave a simple answer to the problems of recidivism. "An all round education with particular attention to ethical standards is the only answer."[155]

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[151]    Ibid, 1938, 5.
[152]    Ibid, 1934, 7.
[153]    Ibid, 1943, 4.
[154]    Ibid, 2.
[155]    Ibid, 4.

The major change in Victoria's prison philosophy and policy making since the Royal Commission of 1870 had taken place in the early 1920s through Joseph Akeroyd. Successive Governments, however, had let this change in Victoria's prison management and direction falter through lack of funding. Whereas Victoria could have led the rest of Australia into a new era, the opportunity afforded by one man's vision was allowed to founder. Akeroyd's tenure as Inspector-General concluded in 1947 after twenty four years, the longest stewardship in the history of Victoria's prison system. He relaxed the regime, and introduced sophisticated methods of classification. His use of psychological testing on a large scale was the forerunner for a whole professional prison industry. His insistence that young offenders be given at least a rudimentary education, as well as vocational training, set in motion the current liaison between prisons and the various departments involved in prisoner education.[156] Akeroyd strived to upgrade his prison staff and formulated a set of procedures, which led to a regulated system for permanency and promotional opportunities. In 1943, he wrote,

> That as a post-war measure an adequate sum of money be set aside to build and equip modern Reformatory Prisons and also modernize existing buildings for prisoners sentenced to definite sentences in order that the educational work at present in being may be supplemented and rendered more fruitful of results.[157]

**Figure 3:6 DAP held in Victoria's Reformatory Prisons**.

| | 1 | 1 | 2 | 3 | 4 * | |
| --- | --- | --- | --- | --- | --- | --- |
| Year | Male | Female | Male | Male | Male | Total |
| 1941 | 59 | 1 | 60 | 74 | 46 | 244 |
| 1942 | 64 | | 49 | 61 | 46 | 220 |
| 1943 | 47 | | 50 | 104 | 49 | 250 |
| 1944 | 59 | | 48 | 70 | 46 | 223 |
| 1945 | 57 | | 49 | 63 | 46 | 215 |
| 1946 | 46 | | 43 | 63 | 50 | 202 |
| 1947 | 51 | | 45 | 52 | 33 | 181 |
| 1948 | 34 | 2 | 31 | 47 | 36 | 150 |
| 1949 | 32 | 1 | 50 | 50 | 19 | 152 |

\*     1 Pentridge, 2 Beechworth, 3 Castlemaine, 4 French Island.

Source: Penal Reports, 1941-49.

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[156]     Lynn and Armstrong, From Pentonville to Pentridge:
          A History of Prisons in Victoria, especially chapter 10.
[157]     Penal Report, 1943, 2.

## Towards a new direction.

It took Akeroyd's successor, Whatmore, little time to set his guidelines. He travelled to New Zealand to investigate that system. On his return he made extensive recommendations which he maintained were essential to the development of modern penal principles. He summarised them under the following headings: -

a)     The establishment of an adequate probation system as an
       alternative to institutional treatment ;

b)     A broader development of the Borstal principles in
       reformatories with a completely new institution
       in lieu of Castlemaine Reformatory ;

c)     A revision of the Indeterminate Sentences sections of the
       Crimes Act ;

d)     Some after-care provisions during the period of remission.[158]

Whatmore also saw an expanded role for the Deputy Inspector-General. He argued that the

> wide disparity between the head of the department and the next
> senior officer ... is a grave weakness in organization especially if the
> latter is incapable of going beyond routine and unsuited to act as a
> deputy for the Inspector-General. [The role should] undertake
> instruction and training of staff including the supervision of warders
> under initial training, probationary warders, promotion examinations.[159]

Whatmore could not send the 'ordinary' sentenced prisoner to a Reformatory Prison - these were for prisoners under the Indeterminate Sentences Act. Again, the low imprisonment rates of 1948 would not last. Within four years the prison population would rise from a DAP of just over 400 in 1948 to 1300 by 1952.[160] Whatmore realised that he would not assist those who received short-term sentences. He was at least philosophical about it.

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[158]     Ibid, 1947, 8.
[159]     Penal Report, 1947, 8.
[160]     Figures from Penal Reports, 1948 and 1952.

Short-term institutional treatment cannot effect any marked change in moral outlook nor enable effective training in any useful trade. Short sentences may protect society temporarily from the depravations of these petty thieves and vagrants who pray upon it. The grim and costly cycle of law enforcement provides temporary alleviation without effecting a cure.[161]

Part of Whatmore's design was realised with the purchase of the Langi Kal Kal homestead. The buildings and surrounding land would provide accommodation for young offenders and take them from the confines of adult prisons. Whatmore had been very impressed with similar facilities on his trip to New Zealand. He recruited the Superintendent of the New Zealand institution to direct the planning of the new addition and manage it on completion. The use of an open institution for young offenders was a major change in Victoria's prison policy. The provision of both vocational and educational courses at Langi Kal Kal were essential if there was to be any hope of success in young offender reform.

Education and a proper combination of sport, recreational, and leisure activities would be the corner-stone in the development of character building in young offenders.[162]

Whatmore, however, put a caveat on those who could participate on the treatment programme.

It is felt that a minimum period of two years is essential in planning courses to suit the individual trainee, and to enable his progress through varying degrees of trust until conditions immediately prior to his release are as closely akin as possible to the conditions he will experience when released under supervision.[163]

Whatmore gained Government approval to undertake a world tour to seek new developments in penal policy. He had drafted a set of propositions which, if implemented, would fundamentally change Victoria's prison policy and direction. The Government decided that, as part of his tour, he should compare the efficacy of his proposals with those currently operating in other penal jurisdictions. Whatmore set out his propositions in his Annual Report of 1948. However, he had no illusion about the enormity of the task.

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[161]     Ibid, 1948, 4.
[162]     Ibid.
[163]     Ibid.

Whatmore realised that the major barrier to Akeroyd's vision was Government's reluctance to finance capital works and provide an adequate budget. Whatmore's framework included the provision of :-

1. Establishment of a Remand Centre for investigations before sentence.

2. Development of a probation system as an alternative to institutional treatment and as a means of supervising all conditional releases.

3. Establishment of a Detention Centre for those requiring a sharp salutary lesson.

4. Establishment of Training Centres for Corrective Training in lieu of Reformatory Prison.

5. Preventative detention in normal prisons should be imposed on habitual criminals.

6. The Intermediate Sentences Board should be re-constituted as a Board of Review.[164]

Whatmore realised that, even if he could convince the Government to approve his plan, he still required legislative changes to complement his propositions. Moreover, he faced the prospect that certain elements of society did not approve of his tactics. There were many that thought he was being too soft in his approach. To alleviate their concern, he noted

> It is emphasized that there must always be an important punitive and deterrent aspect in our treatment of crime. There is little room for sheer sentimentalism, but a realistic approach must never overlook the importance of the reformative and rehabilitative aims. This is essential, both from a humanitarian and economic point of view.[165]

Whatmore was completely aware of Akeroyd's problems with budgets. Yet he sincerely believed that he could achieve where Akeroyd had failed. The continuing liberalisation of the prison system would prove a constant source of criticism.

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[164] Ibid, 9.
[165] Ibid, 19.

The fact that association creates as much stress and dissatisfaction as it removes, is confirmed by prisoners' accounts of their experiences. The prisoner who is propelled into an inmate society which can only be only loosely supervised by staff, is likely to find himself from time to time in a situation which may be intolerable, and from which he must find relief. At the same time, with the greater freedom which association brings he is probably going to reflect on the increased feasibility of escape. And finally, much to the dismay of liberal administrators, as more restrictions are removed, those which remain become intolerable. Days when hair was cropped, food was meagre, silence was imposed, and officers carried guns are soon forgotten, and eventually it becomes apparent that reformation which means something more than the issue of extra letters, logically demands the removal of all restrictions. At last the community of inmates is left with only one major restriction, the wall, which is the most intolerable of all.[166]

By 1949 Whatmore noted that the new legislation he so urgently sought was now in the course of preparation and he expected that it would "bring penal administration in the State of Victoria into line with the most recent developments overseas."[167] He had argued that the Indeterminate Sentence and the Reformatory prison structure were handicapping his plans for change. His view at that time was that prisoner reformation could only take place through vocational training.

Whatmore required the legislative base to create Training Prisons where the focus would be on the prisoner attaining vocational skills. He closed the Castlemaine Reformatory Prison and replaced it with Langi Kal Kal.[168] This institution was to be solely used as a Reformatory prison for young offenders.[169] The parameters of Whatmore's grand vision were detailed in the 1950 Penal Report. The machinery for change now included:

> 1. Pre-sentence investigations, 2. Probation, 3. Classification and training according to type, 4. Preparation of pre-release plans, and 5. Parole and after-care.[170]

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[166]    Thomas, The English Prison Officer, 159.
[167]    Penal Report, 1949, 8.
[168]    Lynn and Armstrong, From Pentonville to Pentridge;
         A History of Prisons in Victoria, 138.
[169]    Penal Report, 1950, 8.
[170]    Ibid, 1949, 9.

Progress, however, was still slow. In the 1951 Report Whatmore pointed out that "At present this State lags considerably behind modern penal developments and important changes need to be effected. These plans will take some time to bring to fruition and an early start is recommended."[171]

Whatmore closed the Reformatory prison at Beechworth. This was later designated a Training Prison under the new legislation. Moreover, he hoped to re-open the prison at Bendigo as a Training Prison in 1953.[172] He lobbied for a separation of female prisoners from male prisons and achieved his objective by the decision to establish a female prison at Fairfield. Whatmore mooted change for the long-term administrative hierarchy, which had remained unchanged since the turn of the century. He argued that several new senior positions were central to progress. He also required a Supervisor of Industries. Moreover, he envisaged a position that would interface between prisoner labour and education and felt that an Education and Training officer would meet this need.

Whatmore also required a professional classification committee to select prisoners to be trained under the new methods. He achieved these aims by 1954, but noted,

> The year has produced material progress in realization of many
> features of the long-range programme previously submitted by me, and
> it is hoped that complementary legislative action will be completed in
> 1955. It cannot be too strongly emphasized that the work of this
> department is an important component of our social framework and
> public understanding of the principles involved in modern penology is
> essential. The intention of sanctions are Punishment; Deterrence;
> Protection of Society; (and) Rehabilitation. From a reformative point of
> view imprisonment is not an unqualified success and it is now
> generally accepted that the old regime of rigid safe custody under
> crude negative conditions must be supplanted by a positive
> treatment programme. Victoria has in the past year made dramatic
> strides in developing its treatment programme and the impact of
> these changes cannot be assessed in a short term, but improved
> morale and tone are already evident.[173]

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[171]     Ibid, 1951, 6.
[172]     Ibid, 5.
[173]     Ibid, 1954, 2-3.

By 1954 Whatmore had realised part of his objectives by appointing a Chief Education and Training Officer, Eric Shade, a future Director of Prisons. He was still aware that his staff had concerns about the changing nature of their task but recognised that training was to be linchpin of his vision.

> The Chief Education Officer has already implemented important changes in staff training for recruits, and further comprehensive changes are in course of preparation for promotion exams.
> A proper appreciation of the principles and practice of modern penology among all officers is imperative in the effective implementation of a good treatment programme, It is pleasing to regard that, even among officers at first sceptical of innovations there has been a desire to understand and to co-operate. In their daily contact with prisoners, officers can exercise a profound influence over them.[174]

Whatmore's new plans received a setback. He tried to implement a liberalised regime without planning for all contingencies. On Saturday 27 August 1955 Whatmore gave permission for prisoners to play the final of a football match on the Prison farm which was within the walled confines of Pentridge. The prisoners accessed smuggled rifles, bailed up the prison officers and escaped.

Although they were later recaptured, there was an outcry and an inquiry resulted.[175] The inquiry (the McLean Report) was critical of the prison administration. "It must not be forgotten ... that the primary purpose of penal administration should be security ... and that a natural desire for the reform of criminals should always be subservient to that purpose."[176] McLean was further scathing about the staff's failure to note that there was something out of the ordinary in the daily interaction between prisoners and staff,

> A prisoner who has plans for escape will, naturally, by good behaviour in gaol, endeavour to lull his gaolers into a false sense of security in regard to himself.[177]

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[174]    Ibid, 5.
[175]    Report of the Board of Inquiry appointed to inquire into and report upon the escape of five prisoners from H.M. Gaol Pentridge, on Saturday 27th day of August, 1955, VPR 1955, No. 7, (McLean Report).
[176]    Ibid, 9.

Moreover,

> The majority are cunning criminals, men who wage a constant
> warfare against society. Unfortunately, such an individual will
> constantly strive for, and will welcome, any degree of tolerance in his
> treatment, or relaxation in his discipline, merely as something which he
> may be able to turn to his advantage.[178]

Whatmore was not dismayed by this setback. He negotiated with the government to effectively half the size of Pentridge and give seventy acres, including the prison farmland, to the Education Department.[179] This public relations coup deflected the growing criticism of the prison operation and allowed Whatmore sufficient time to recover his agenda. The building of the female prison at Fairlea was almost complete.[180] Whatmore noted that the removal of female prisoners from Pentridge would give him the capacity to develop two alternate sections for "short term vagrant types, (and) for a psychiatric clinic."[181] The cornerstone of his vision, the legislation, was finally ready.

Whatmore recorded,

> The year 1955 will remain as a landmark in the history of this
> department, as late in the year, the new Penal Reform Bill was
> introduced in Parliament. This is the first significant penal legislation for
> approximately 50 years and its passage will bring important changes into
> the treatment of offenders. The Bill will establish three distinct but
> closely related services in this branch, namely Probation, Prison, and
> Parole Services. Probation will provide Courts with an alternative to
> imprisonment for appropriate cases, and the establishment of a Parole
> Service will provide a necessary corollary to a positive treatment
> programme in prisons designated to assist in the ultimate rehabilitation
> of offenders. This is expected to decrease the rate of recidivism.

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[177]   Ibid, 10.
[178]   Ibid, 11.
[179]   A school was built on this site. Interview with former Governor Jim Armstrong,
         14 November 1995, also, Lynn and Armstrong, From Pentonville to Pentridge:
         A History of Prisons in Victoria, 142
[180]   This was the first female prison in Australia which would be completely
         separate from a male institution.
[181]   Penal Report, 1955, 2.

The Bendigo Training Prison opened in May, but Whatmore was realistic. He commented, "The very nature of a penal institution prevents it from becoming an ideal centre for training individuals to live in the community. Of necessity it has a restraining atmosphere."[182] Sykes argues, "It is a cliche of modern penology that placing the offender in prison is for the purposes of punishment, deterrence, and reform."[183]

Punishment and deterrence ideals are clear, but the notion of reform is more complex.

> When we turn to the idea of imprisonment as reform, it is clear that there are few who will quarrel with such a desirable goal - the disputes center on how it can be accomplished, if at all.
> In seeking to use imprisonment for the rehabilitation of the offender, the aim is to eradicate those causes of crime which lie within the individual and imprisonment is commonly regarded as a device to hold the patient long enough so that this can be achieved. Unfortunately, the advocates of confinement as a method of achieving rehabilitation of the criminal have often found themselves in the position of calling for an operation where the target of the scalpel remains unknown.[184]

The notion of prisoner reformation was central to Whatmore's thesis. The Penal Reform Bill was promulgated on this premise. Victoria's Prison System had developed by 1955 into a large central institution, training prisons, reformatory prisons, local and short-term prisons, and open prison camps. Penal policy had moved from the silent 'segregate' system through theories of reformation to the treatment movement. Prisoners had progressed from limited association at work to limited general association. Barrow had introduced a form of prisoner remission. Champ had set the foundations for classification by graduating the prisoner through different scales of confinement. He employed teachers for prisoners. The beginnings of the classification system commenced with Brett. Evans abolished solitary confinement on admission and during the last six weeks of sentence.

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[182]    Ibid.
[183]    G.M. Sykes, The Society of Captives, (Princeton, N.J.: Random House, 1956) 9.
[184]    Ibid, 11.

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O'Connor recognised that a separate prison with specifically trained staff was needed to keep first offenders from contamination. Calloway admitted to the conundrum of trying to rehabilitate a prisoner in the prison setting. Freeman opened the first minimum classification prison farm. Akeroyd instituted prisoner psychological testing. Akeroyd also recognised that better trained staff would assist in the process of change, and introduced officer promotion examinations. Several American penal innovations had been trialed. Whatmore's overseas tour led to a change in Victoria's prison direction. The recommendations would completely change the system's purpose, but his master plan was still to be implemented.

In over 100 years of operation the *raison detre* for Victoria's prisons had yet to be decided. While penal theorists were debating the usefulness and purpose of imprisonment, prison officers still continued with custodial duties. They were judged on their capacity to maintain control and order. Training, if any, was perfunctory and purely designed to assist in daily endeavours. Training officers were senior uniformed staff whose seniority was judged adequate to impart the nature and type of custodial duties. That most were uneducated and could hardly express themselves was of little consequence.[185] ·Whatmore was attempting to introduce different operational concepts into an organisation, which previously had been reluctant to accept change. Moreover, the majority of his middle-level prison management were Akeroyd's appointments. Chief Penal Officers were "Gods" and their word was "law." They were suspicious of Whatmore's intentions and if they did not approve of the changes, the process had very little chance of being implemented.[186] However, events were to overtake them. Whatmore had a mandate for change and his tour of America and the United Kingdom cemented his desire to effect change. He viewed the latest penal developments and on his return framed his blueprint for government approval.[187]

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[185]     Interview with former Governor Helen Holland, 17 April 1997 who described her training experiences when she joined the Prison Service in June 1973.
[186]     Interview with Jim Armstrong, 14 August 1995.
[187]     Lynn and Armstrong, From Pentonville to Pentridge: A History of Prisons in Victoria, chapter 11.

Whatemore, however, made the fundamental mistake of not considering what effect these changes would have on prison officers. They were the conduits by which success or failure depended. Their training had yet to be upgraded in any noticeable fashion. They were still basically working in a custodial regime. Thirty years later, a study confirmed the basic tenets of prison officer duties. Simply, there are only four fundamental tenets of prison officer work: security and control; maintaining social distance from the prisoner; officers must be tough and knowledgable enough to dominate the prisoners in their care; and officers must have enough "savvy" to know when they are being conned.[188]

While the authors conducted their research within American prisons, their findings would arguably be replicated in many contemporary Australian prison settings. Moreover, it was arguably how Victoria's prison officers viewed their role in the early 1950s.

The following chapter discusses Whatemore's blueprint for change and his attempts to deal with an increasing prisoner population. The chapter also documents pre 1960s prison officer training and highlights the confusion, which resulted when prisons moved to another department.

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[188]  B.M. Crouch and J. Marquart, "On becoming a prison guard" B.M. Crouch, The Keepers: Prison Guards and Contemporary Corrections, (Springfield, IL: Charles C Thomas. 1980) 63-109.

# Chapter 4

## From Penal Reform to Community Welfare Crisis, 1956 - 1983.

*There is absolutely nothing inevitable about poor prison conditions and much that*
*can be done to overcome them* [1]

A small prison in Norwich was the harbinger of radical change in the English prison world of the mid 1950s. The Norwich experiment with a new prisoner management regime included: all convicted prisoners dining in association; an increase in the amount of time that prisoners could work without increasing staff numbers; officers moving about workshops instead of sitting on raised platforms; prisoners freely conversing in workshops, officers conversing with prisoners; and the allocation of groups of prisoners to specific officers.[2] The experiment appeared successful and more small prisons implemented the 'Norwich system.' The strategy, however, had yet to be trialed in a large major prison.

At roughly the same time Whatmore was attempting to introduce a similar set of practices in Victoria's major prison at Pentridge. Whether Whatmore was aware of the English experiment is a moot point. It may, however, have been to his advantage to ascertain whether the Norwich experiment could be successfully adapted to a large institution. Prison administrators have traditionally taken programmes from other jurisdictions and implemented them without much thought of the unintended consequences. It is a peculiar axiom of prison procedure that when a practice has success in one institutional setting administrators believe it should easily translate to another. Thomas and Stewart point out,

> the pattern of prison administration is shaped substantially by the history
> and traditions of the society in which prisons are set. This latter fact
> accounts generally for the failure of attempts to transplant penal ideas from
> one country to another.[3]

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[1] J.J. DiIulio, Jr. Governing Prisons A Comparative Study of Correctional Management.
(New York: The Free Press, 1987) 206.
[2] F.E. Emery, Freedom and Justice within walls. (London: 1970, Tavistock) ix.
[3] J.E. Thomas and A. Stewart, Imprisonment in Western Australia. (Nedlands, WA:
Uni. of WA, 1978) 71.

This chapter will outline the policies of Victoria's prison system from 1956 until 1983 when the Office of Corrections (OOC) was established.[4] Victoria's prison system had then been operating approximately 130 years. Major philosophical changes had occurred in the 1950s and were meant to provide direction and purpose for many years. Three decades later the system was in turmoil and near collapse.

It has been acknowledged that Whatmore was a 'driving force' in penal innovation and managed to implement rapid prisoner management change.[5] In retrospect, Whatmore's prison changes appear pedestrian. However, later administrators had a large Head Office support staff proving advice, support, and information, among others.[6] Whatmore, by and large worked alone. Prior to 1950 his 'Head Office' staffing arrangements were minimal - seven people reported to Whatmore. This increased to ten in 1960 with the advent of the probation and parole divisions.[7] In 1957 the Penal Service employed 360 people, of whom 350 were custodial officers working in 11 prisons.[8] In contrast, by 1992 the OOC employed 2290 people of whom 1845 were custodial personnel working in 14 prisons.[9] If determination of a bureaucracy is made on the size of the organisation alone, Victoria's OOC fitted this classification.

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[4] Australia has followed American prison doctrine "to adopt names which exclude reference to their primary activity. We have in Australia 'corrective' 'correctional' and 'corrections,' rather than 'prison' departments. This is not so much a reversion to early nineteenth century English labelling but rather follows the adoption of an American practice - a practice of very dubious validity - of grouping together prison, probation and parole personnel under a single administration." F. Rinaldi, Australian Prisons, (Fyshwick, ACT: F&M, 1977) 3.

[5] J. Armstrong, in Correctional Policy and Political Constraints, The Third Alexander Russel Whatmore Memorial Oration, 15 September 1993, 2.

[6] See, for example, the OOC Annual Report, 1990-1991 for full details.

[7] Interview with former Governor Jim Armstrong, 14 August 1995.

[8] Penal Report, 1957, 3.

[9] OOC Annual Report, 1991-1992, 53.

Victoria's prison system administration had grown exponentially since the 1950s, and the American prison had evolved from an autocracy to a fully-fledged bureaucracy by 1981.[10] But this is not a particularly American phenomenon. The Scottish Prison Service is "a typical large bureaucratic organisation."[11] Contemporary prison analysts accept that the modern prison is 'open.'[12] Whatmore's 1950s prison organisation was not a classical bureaucracy but prisons were 'closed' systems.[13]

Prisons have "bounced between the poles of anarchy and tyranny; between the Hobbesian state of inmate predators and the autocratic, arbitrary regime of iron-fisted wardens."[14] As DiIullio notes, "prison directors change, and with every change any long-term plans or commitment to a way of doing things goes right out the window."[15] It is difficult, therefore, to make many prisons accountable. English prisons are a good example of "closed and total institutions" where accountability tends to be internal.[16] However, "Accountability *within* government departments is a precondition of wider managerial accountability to the outside world." [17] There is only one certainty about prisons. Each prison manager must maintain the three 'Cs' of institutional practice - Custody, Care and Control.[18]

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[10]    I.L. Barak-Glantz, "Towards a Conceptual Schema of Prison Management Styles" Prison Journal, 61, No 2, (1981): 42-58.

[11]    A.G. Coyle, The Organisational Development of the Scottish Prison Service with Particular Reference to the Role and Influence of the Prison Officer, Ph.D diss., University of Edinburgh, 1986, 112.

[12]    W.G. Archambeault and B.J. Archambeault, Correctional Supervisory Management, (Englewood Cliffs, N J: Prentice-Hall, 1982) chapter 4.

[13]    See, for example, E. Goffman, Asylums, (Harmondsworth: Pelican, 1976); A. Etzioni, A Comparative Analysis of Complex Organisations, Revised and Enlarged Edition, (New York: The Free Press, 1975) chapter 1; and P.M. Blau and W.B. Scott, Formal Organisations, (San Francisco: Chandler, 1962) 42-45.

[14]    DiIullio, Governing Prisons, 236.

[15]    Ibid, 189.

[16]    M. Maguire, J. Vagg, and R. Morgan, (Eds) Accountability and Prisons, (London: Tavistock, 1985) 5.

[17]    J. Vagg, R. Morgan, and M. Maguire, "Introduction: accountability and prisons" in Maguire et al, Accountability and Prisons, 4.

[18]    D.B. Kalinich and T. Pitcher, Surviving in Corrections, (Springfield, Illinios: Thomas, 1984) 5.

Prison experts from the 1960s,[19] the 1970s,[20] and the 1980s,[21] have recognised the contribution of the prison officer to effect change. Yet prison officer training always appears to have a low organisational priority. Irrespective of what politicians and prison administers claim, the type of training conducted by the organisation reflects the government's actual prison philosophy and operating practice. It can also, unfairly, be expected to overcome organisation deficiencies.

> Training, in Victorian England, as today, is a very attractive solution to organisational problems. It tends to be regarded as a magical process, and the expectations of the reformers, from the early days of the prison service, about the contribution which training could make have always been unrealistic.[22]

## From Chief Secretary's to Social Welfare Department 1956-1960.

With the Penal Reform Act being passed in April 1956, Whatmore had his legislative mandate to proceed. His reformative ideal was based on a package of prison, probation, and parole. Whatmore claimed this model was the harbinger of penal reform when he presented his blueprint in 1953. While American jurisdictions had implemented these concepts and had the infrastructure, Whatmore was attempting to develop and establish a new penal system whose only infrastructure was prisons. But he was implicitly directing his energies towards alternatives to imprisonment. Examination of his blueprint clarifies the approach to be taken.

1. Machinery for adequate pre-sentence investigation;
2. An organized probation service as an alternative to institutional treatment;
3. Adequate classification machinery, with a diversity of programme leading up to release;
4. Adequate after-care machinery.[23]

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[19]    G. Hawkins, The Prison, Policy and Practice, (Chicago: University of Chicago Press, 1976).

[20]    J.E. Thomas, The English Prison Officer Since 1850: A Study in Conflict, (London: Routledge & Kegan Paul, 1972).

[21]    DiIullio, Governing Prisons, Vinson, Wilful Obstruction, (North Ryde, NSW: Methuen, 1982).

[22]    Thomas, The English Prison Officer, 89.

[23]    Penal Report, 1953, 2.

Whatmore claimed these elements were interdependent. The part in need of most change, the prison, in retrospect would become the *achilles heel* of Whatmore's master plan. And while he still had to staff the probation and parole divisions, he worried about the training of prison officers. He saw the prison officer as having a significant role against recidivism.

> Some changes have been made, but a more comprehensive plan of staff training is being developed as it is recognized that the influence of trained officers in daily contact with prisoners can be a potent factor in the treatment programme. Specialists in various fields are essential, but all ranks, especially officers with long experience of regimentation, need a proper understanding of the principles and practise of modern developments in penology.[24]

Whatmore was confident that his proposals would effect change.

> Victoria's approach to the problem of treatment of offenders is now in line with the best overseas developments in the field, and development of the administrative machinery, recruitment, and training of personnel and other facilities is proceeding satisfactorily.[25]

The training prison regime was almost ready for operation. Whatmore anticipated that probation and parole would be used to punish low risk offenders and thus keep prisons free for the high risk miscreant. His first priority was to formulate a senior management structure to reflect the change of penal operation (see Fig. 4:1.).

**Figure 4:1 Penal Services Organisational Structure**.

Director of Penal Services
|
Deputy Director
|
Chief Training and Education Officer
|
Chief Clerk
|
Probation service ————— Prison Service ————— Parole Service
|
11 Custodial institutions
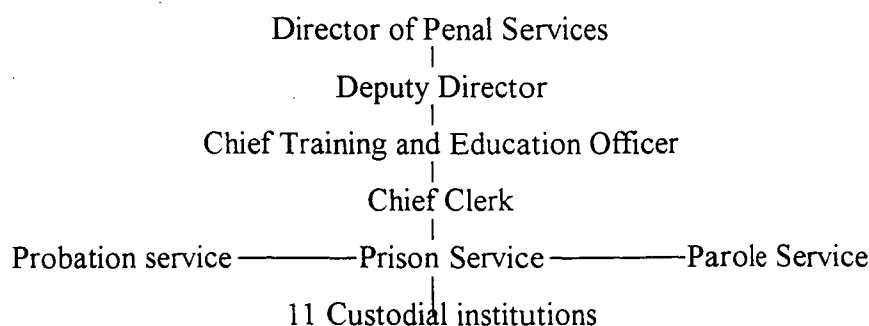
Source: Penal Report. 1957.

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[24] Ibid.

[25] Ibid, 1956. 12.

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The eleven institutions available to Whatmore in 1957 ranged in size from the quaintly described 'multi-purpose' prison at Pentridge which accommodated 1106 prisoners, to the small local and short-term prison at Sale which held 39 prisoners. Victoria's prison system operated under the philosophy of Punishment, Deterrence, Protection of Society and Rehabilitation, and prison officer training matched that operation.[26] Whatmore's intention was to create a reform system based on vocational, as well as educational, training for the prisoners. The situation required someone with educational expertise to undertake this new direction. Whatmore also required a person who could develop and implement training programmes to meet the future needs of staff. This position would therefore fulfil two needs, "a Chief Training Officer specifically for inmates, however, he would also contribute to the work of (prison officer) staff training."[27] Whatmore had realised the need for a full-time training officer for prison officers in 1951 but, at that stage, had not been able to justify the expenditure.[28]

Central to Whatmore's reform plan had been his ability to utilise cell accommodation in the available institutions. He could not use the Reformatory Prisons, which were designated for those under the Indeterminate Sentence Act. He needed institutions that could be gazetted as Training Prisons. Langi Kal Kal opened in February 1951 to accommodate young offenders, under 21 years of age, committed to Reformatory Prison. This allowed Whatmore to close the Castlemaine Reformatory Prison. He also closed the Reformatory Prison at Beechworth in July.[29] Whatmore turned his attention to Pentridge Prison and the problems of classification. Whatmore refined the different classes to reflect the intention of his blueprint. The 'restraint' prisoner was classified as someone who was under 21 years.

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[26] Ibid, 1954, 2.
[27] VPR No. 25, Report of the Inspector - General of Penal Establishments on Developments in Penal Science in UK, Europe, and USA together with recommendations Relating to Victorian Penal Administration, 19.
[28] Penal Report, 1951, 4.
[29] Ibid, 3.

This type would attend primary school in the morning and work on the Pentridge farm in the afternoon. If the prisoner progressed satisfactorily, he could be sent to Langi Kal Kal. The 'special' was any prisoner over the-age-of-21-who had no previous prison history. This type would be incarcerated in A Division. Whatmore hoped to be able to send this classification to the Training Prisons - once they were gazetted. Whatmore's other category, the 'ordinary' prisoner, would be accommodated in B and C Divisions where intractable prisoners were held. He toyed with the idea of having an orientation period at Pentridge "for the effective development of a classification procedure."[30] Aware of the critics of his treatment agenda, he added,

> Let it be clear, that it is not desired to make gaol a pleasant place, nor to pamper prisoners. Correctional treatment may be regarded as re-educational; it is certainly a process of re-adjustment in which many and various conflicts have to be resolved. They are unlikely to be resolved and might even be intensified by a purely negative programme of safe custody, hard labour, and the passage of time.[31]

He argued that prison industries were central to his plan for prison change.

> The primary purpose of prison industries is to provide useful employment to prevent the evil of idleness. In doing this, two further important objectives may be achieved. These are, to cultivate habits of industry in prisoners and to recoup some of the high costs of gaols to the state [32]

Whatmore's assumptions were perhaps idealistic. Many prisoners only attend labour because they have to. In most jurisdictions it is an offence for an inmate to refuse work.[33] Those who work, generally, do so under sufferance. Many use the occasion to meet other inmates from different divisions or units. Work is usually minimal. In the prestigious industries like the kitchen, library, or education facilities privileges and scope to access 'contraband' are much greater.

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[30]      Ibid, 1956, 24-25.
[31]      Ibid, 27.
[32]      Ibid, 19.
[33]      Law Department [Tasmania] Corrective Services Division Prison Standing Orders, Director's Standing Order No. R9, 1 December, 1985.

There is also the opportunity to work with professionals instead of prison officers and meet members of the public. To lose one of these prison labour positions is lose prestige among prisoners.

Raising revenue through prison industry is now recognised as less than practical. Most prison industries have antiquated machinery and those who do produce, mainly have contracts for other government departments. In any case, unions have effectively determined what prisons can produce.[34] Work stops prisoners from being bored and causing conflict. It may also have enabled a number of prisoners to gain some skills, which they could use on the 'outside.' A secondary consideration was that the concept would be deemed successful if the enterprise was self-sufficient, or even made a profit. In a seminal work on prison industries, Braithwaite noted that "most practicing prison administrators see the main advantage of prison work as resting in its efficacy for preventing offences from occurring while the offender is in prison rather than after his release."[35] However, a contemporary view is that the process is a valuable reintegration tool. "All industry positions will be linked to TAFE programs that will result in trade or vocational qualifications."[36]

Undaunted, Whatmore pressed ahead with his plan to re-organise the prison system, and by 1956 the Penal Reform Act had been passed.[37] The major impact of this legislation was that it abolished the Indeterminate sentence and freed up the former Reformatory Prisons. Whatmore could now implement his strategy. Training Prisons would provide vocational education to those deemed eligible by the classification process. Bendigo was officially opened as a Training Prison in May, 1955. The women's prison at Fairlea had been opened in June 1956, which gave Whatmore extra accommodation in Pentridge.

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[34]    J. Braithwaite Prisons Education and Work.
         (Canberra: Australian Institute of  Criminology, 1980) 139.
[35]    Ibid, 31.
[36]    Group 4 Securitas The Port Phillip Prison Prisoner Information Booklet (1998) 5
[37]    P. Lynn and G. Armstrong, From Pentonville to Pentridge:
         A History of Prisons in Victoria, (Melbourne: State Library of Victoria, 1996) 144

By 1957 Whatmore had accommodation for 1,800 male prisoners. He had space at three adult training prisons for 280, and Langi Kal Kal Training Centre offered another 64 places. Whatmore believed that vocational training was central to prisoner reform.[38] However, as Braithwaite pointed out in 1980, there are many variables to consider when trying to gauge the effectiveness of such a concept. He argues that demonstrating that there are a number of reasons why vocational training programmes should work "is a far cry from demonstrating that they actually do reduce recidivism."[39] It may be that those who are selected on vocational programmes may be less seriously committed to a continuation of crime upon release. Another is that the vocational course offered may not reflect societies' labour demand.[40] More importantly, the prisoner is usually allocated to a particular industry on the basis of his security classification rather than on any expertise he may be able to apply.[41]

For example, a study in two American institutions investigated the effect of vocational training in office machine repair, mechanics, carpentry, body repairs, hairdressing, shoe repairs, and machinist work. A follow up study three years later "showed no significant effect on recidivism in a comparison with untrained controls."[42] However, it was reported that when a trainee succeeded in finding a job related to his area of training, his chances of becoming a successful parolee were improved. Braithwaite concluded "It is possible, then, that vocational programs fail because the skills acquired cannot be applied in the employment market."[43]

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[38]    Ibid, 138.
[39]    J. Braithwaite, Prisons Education and Work,
        (Canberra: Australian Institute of Criminology. 1980) 28.
[40]    Ibid, 34.
[41]    Ibid, 143.
[42]    W.G. Gearhart. H.C. Keith and G. Clemmons, "An Analysis of the Vocational Training
        Program in the Washington State Adult Correctional Institutions"
        (Department of   Institutions, State of Washington. Research Review No 23, 1967,
        quoted in Braithwaite, Prisons Education and Work, 34.
[43]    Braithwaite, Prisons Education and Work, 34.

As Braithwaite points out, vocational programmes are invariably weak, and have little chance of achieving the intended objective of imparting skills that prisoners can utilise on release. Perhaps this-is-a- result-of-prisoners being given "vocational training in skills which are no longer used in the outside labour market."[44] On the other hand, Murton argues that vocational training, prison industries, and education have not addressed the two central problems of the prisoner, "he needs to change his attitude and to learn how to survive in the free society."[45] Braithwaite, however, notes,

> No matter how well conceived and empirically grounded a
> vocational program is, it attempts to change the habits of a lifetime with a
> strategy which impinges on the life space of the prisoner for part of the day
> over a period of months. Planned interventions are minuscule forces
> compared with the pervasive forces at work in the wider social structure.[46]

On an ominous note, while some prisoners looked forward to a change in operating practices, there were still some that the system could not control or change. The building at Pentridge of a security block known as H Division was expected to be completed in 1958 and would "enable proper housing and control of intractable types."[47] Whatmore's legislative programme was progressing, - the Penal Reform Act had been incorporated in the Crimes Act. [48] The staffing of Training Prisons with their vocation and education emphases required more than the usual type of custodial officer. Other systems, however, had tried change and found it daunting. The English prison system that Whatmore had recently visited was in turmoil. Thomas notes, "It was in the person and role of the officer that the confusion of tasks reached its most visible, as well as its most disastrous, expression."[49]

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[44]    Ibid, 54.
[45]    T.O. Murton, The Dilemma of Prison Reform,
        (New York: Holt, Rinehart and Winston 1976) 58.
[46]    Braithwaite, Prisons Education and Work, 53.
[47]    Penal Report, 1957, 15.
[48]    Ibid, 1958, 3.
[49]    Thomas, The English Prison Officer, 206-208.

While claiming efforts at prison reform were undermining their task, prison officers demanded to be involved in the reform process. In 1957 prison officers were involved in group psychotherapy. The practice involved allocating a group of prisoners to a particular officer who would then be involved in counselling. Neither prison officers nor prisoners deemed the trial period successful. The process failed partly because of the officers' natural reluctance to be more than cursorily involved with the prisoners; and partly because of the prisoners perceiving the officers as agents of the state and the legal system, which had sentenced them. It was to be the closest officers ever became involved as rehabilitative agents.[50] Thomas concluded the plan failed because several key issues had not been addressed.

> First, that the number of institutions that made any pretence at wishing to develop the officer's role in this way, was very small. Second, that there was by no means universal involvement of all the staff in these few institutions; and third, that the quality of the reformative work carried out ... was not high.[51]

In trying to change the system, Whatmore perhaps did not take account of the dynamics in introducing change to an environment, which had maintained stable for nearly a century. Both prison officers and prisoners treat change in prisons with suspicion. Prison officers feel any change in operating practice is a sign of weakness on the side of the hierarchy. For example, the introduction of female welfare officers into Pentridge was treated with scepticism and derision.[52] Officers maintained that the 'crims' would soon 'con' these people and their introduction would lead to security concerns. Moreover, the officers believed that the welfare officers would take the prisoner's side and sympathetically view their grievances against staff.[53]

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[50]     Ibid, 206.
[51]     Ibid.
[52]     Interview with Chief Prison Officer Sandra Moore. Melbourne Remand Centre, 1 March 1996. She was one of the first female officers to work in the Pentridge Prison complex.
[53]     The author who, after nine year's service as a prison officer in Tasmania, became the sole welfare for the Tasmanian system has proved this view. Within weeks, after coming out of uniform, prisoners forgot that I had been a prison officer and started complaining about uniformed staff.

Prisoners, on the other hand, took any changes that were aimed to assist them as a sign of weakness on the management's part. The 'carrot and stick' approach that dominated early prison practice had been eroded by the farce of the privilege policy. It has long been argued that prisoners have something to aim for whether it be better visiting rights, extended letter writing privileges, access to personal belongings, or even more articles allowed into the cell accommodation, and so on. The authorities, therefore, had a 'carrot' to offer and a 'stick' to take back, if the prisoner defied authority. However, the privilege did not take long to become enshrined as a right. The classic example is prisoner remission. As Thomas notes,

> In June [1937] the Home Secretary announced that it was better to give an inmate privileges at once, with the threat of losing them, rather than to offer 'the rather indefinite hope of getting something later on if he behaves well.' Remission is an example. Originally a prisoner had to earn it; now it is automatic and he can lose it for misbehaviour. In fact it is much more difficult to remove a privilege once given, than to award it as a culmination of good behaviour. Privileges that are given almost at once, cease to be privileges. They become accepted as rights, and their value as stimuli to good behaviour and hard work is lost.[54]

With the proclamation of the Penal Reform Act 1956 and the abolition of the indeterminate sentence, Whatmore now had four training prisons available to him at Beechworth, Bendigo, Geelong, and Langi Kal Kal. He detailed the training prisons philosophy,

1  Loss of liberty is itself a punishment.
2  The period of incarceration should be used for a positive treatment programme calculated to ensure that the prisoner leaves prison better equipped to face the problems of life in the community.
3  The treatment programme should be integrated with an adequate after care service.[55]

While Whatmore may have been sincere in his desire to assist the prisoner through a training regime, the approach had no scientific basis.

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[54]  Thomas, The English Prison Officer, 205.
[55]  Penal Report, 1957, 6.

Hawkins claims there is a tendency by prison administrators to label everything that happens to prisoners after reception as 'treatment.' He argues this solution is

> rendered the more plausible because the term "treatment" is ambiguous
> and can be legitimately be used to refer to anything the prisoner
> undergoes at the hands of the prison authorities. It is, of course, utterly
> unsurprising that in regard to results or "cures" no significant relationship
> between prison "treatment" programs and behavior after release from prison
> has been found. But to suggest, as reformers do, that those programs have
> failed because of the failure to invest sufficient resources in this enterprise is
> like saying that necromancy might solve all of our problems if only its
> practitioners were adequately funded.[56]

Murton summarises the four phase dogma of penology as "the criminal is a deviant, he needs to be incarcerated, because he will return to society one day, he needs rehabilitation, and, the people to do this ... are those on the prison staff."[57] Following from this dogma criminologists have reacted with models "to explain the deviancy, facilities to incarcerate the deviants, methods of rehabilitating them based on the deviancy models, and employment of treatment staffs to carry out the rehabilitation programs."[58]

Murton noted that the prevailing school of thought during the fifties was based on the notion that criminals are such because they lack education and training. This gave rise to the educational-training model,[59] the very model Whatmore was basing his whole strategy on. The major difficulty facing Whatmore at this stage was the staff's attitude towards changing prison practice. He was forced to address their concerns.

> Despite published statements to the contrary, I have no hesitation in
> saying that penal officers are intensively loyal and are accepting and
> understanding of the changing philosophies of our treatment
> programme. Many are displaying eagerness to study and develop
> progressive techniques in their work and in general the standard of penal
> officers in this State compares favourably with any I have seen.[60]

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[56]    Hawkins, The Prison, 20.
[57]    Murton, The Dilemma of Prison Reform, 54.
[58]    Ibid.
[59]    Ibid, 56.
[60]    Penal Report, 1957, 8.

Whatmore faced the fact that the Government was to be less than forthcoming in providing finance to implement his concept for prisons.

> The priority given to works in this branch is apparently very low as even with the maximum urgency it is usual for two years to elapse between the requests for and the commencement of works.[61]

Government apathy was not unexpected. Akeroyd had faced similar difficulties for a number of years and Whatmore was naive to think that things had changed. As Hawkins points out, "politically, there has been no great incentive to invest resources of men, money, and materials in correctional reform."[62] Whatmore's vision for a treatment-oriented regime in the training prisons depended largely on the skills and capacities of his prison officer staff.[63] While he may have had some reservations about the calibre of staff he inherited in 1948, he had directed their selection, training and progress in the interim.

## Victoria's prison officer training 1950-1959.

Following the implementation of the Social Welfare Act 1960 the Department had established a separate Training Division under the authority of section 19 of the Act.[64] This was a major change in prison officer training policy. Prior to training being enshrined in legislation, previous practice had been arbitrary. Although deemed sufficient to meet the organisation's needs, training had been viewed as a necessary concomitant. Training at the beginning of the previous decade was simply based on prison practice, rules and regulations, the control of situations, and a cursory course on firearms use.

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[61]    Ibid, 1959, 6.
[62]    Hawkins, The Prison, 18.
[63]    Cressey has pointed out prisons cannot be labelled as either custodial or purely treatment. They can only be 'custodial oriented' or 'treatment orientated'. D.R. Cressey, "Prison Organisations" in J.G. March, (Ed), Handbook of Organisations, (Chicago: Rand McNally, 1965) 1032.

Whatmore realised that the role of training had to change if he intended changing current operational practice, but he underestimated his staff's perceptions.

> The arrival of a conventional reformer poses no real threat to the guard force once it is clearly understood that he does not intend to change the prison staff structure. Staff can quite easily adapt to a new mode of performance once terms are defined and purposes made explicit. Basically, all that is involved is the acquisition of a new jargon and possibly other outward changes such as physical improvement of the facility or the creation of highly visible, but ineffective, programs. There may be some grumbling and dissatisfaction over the inconvenience of moving inmates around for a variety of "programs," but as long as control is maintained the guard force does not see this change as a personal threat to its safety or potency.[65]

In his Report for 1951 Whatmore commented,

> The penal officer is no longer merely an armed guard but is required to know more about human behaviour and to exercise, at close range, a personal influence on the reformative programme. Staff training is, therefore, being intensified and the Government's approval of four full-time scholarships for penal officers ... is encouraging.[66]

By trying to upgrade the training of his staff, Whatmore was not only relying on their capacity to understand his direction but to have the intellectual or educational capability to undertake more than basic or rudimentary training.

> In Victoria, the basic minimum qualification for a warder is grade 6 Arithmetic and Grade 8 English, and to become permanent he has to serve satisfactorily one year's probation and pass an examination in Rules and Regulations. Eligibility for promotion depends on passing examinations in (1) Acts and Regs and (2) The Principles and Practice of Prison Management. Each subject is treated in a very elementary fashion and requires only a little application to lectures and notes and about Grade 8 level of education. With the exception of the Superintendent of Langi Kal Kal who is a University graduate, not one field officer in the Victorian Penal Department is matriculated.[67]

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[64]     Social Welfare Report, 1962, 65.
[65]     Murton, The Dilemma of Penal Reform, 86.
[66]     Penal Report, 1951, 4.
[67]     VPR No. 25 Report on Victorian Penal Administration, 80-81.

Three decades later the situation was similar - less than 4 per cent of Australian prison officers had tertiary qualifications and a significant number had little formal skills.[68] In an effort to accelerate change, Whatmore considered the potentially hazardous industrial decision to latterly recruit. Whatmore envisaged trialing the position of Deputy Superintendent at Langi Kal Kal which was equivalent to Chief Warder - the rank which mainly governed minor or small scale prisons.[69] By 1954 Whatmore appointed Eric Shade - a future Director of Prisons as the Chief Education and Training Officer.

> The Chief Education Officer has already implemented important changes in staff training for recruits, and further comprehensive changes are in course of preparation for promotion exams. A proper appreciation of the principles and practice of modern penology among all officers is imperative in the effective implementation of a good treatment programme, It is pleasing to regard that, even among officers at first sceptical of innovations there has been a desire to understand and to co-operate. In their daily contact with prisoners, officers can exercise a profound influence over them.[70]

The McLean Report of 1955, noted complaints about staffing shortages and the administration's reluctance to pay overtime.[71] This meant that no training would take place. By the end of that year the situation had not improved. The Annual Report noted a net gain of 15 officers. Training, however, was revamped. The duration of the courses was increased from two to four weeks. The training syllabus was expanded and now included "gaol rules and regulations, general education, firearms use, first aid, elementary penology, court procedures, and 'on-the-job' instruction and practical experience."[72] Whatmore made two senior appointments. He promoted Eric Shade to the position of Deputy Inspector-General.

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[68] J. Braithwaite and M. Cass, "Note on the demographic composition of Australian police forces and prison services" ANZ J CRIM, 12.(1979):132-138.

[69] This idea was rejected and did not come to fruition until 1992 when the Department of Justice, Corrective Services Division, put 'civilians' in operational managers positions.

[70] Penal Report, 1954, 5.

[71] Report of the Board of Inquiry appointed to inquire into and report upon the escape of five prisoners from H.M. Gaol Pentridge, on Saturday 27th day of August, 1955, VPR 1955, No. 7, (McLean Report).

[72] Penal Report, 1955, 3.

George Smale - another educationist, following in the footsteps of both Whatmore and Shade, who had come from the Education department, filled shade's position of Chief Training Officer.[73] Whatmore's persistent lobbying of the Public Service Board was rewarded with approval for extensive changes in staff training and promotional examinations taking effect in 1957. Penology was now included at all levels in training. Recruits would undertake Penology 1, promotion to Senior Penal Officer would include Penology 2, and promotion to Chief Penal Officer depended on the participant successfully completing Penology 3. There would also be training in institutional management and prison accounting. Whatmore commented,

> The days of the purely custodial officer are vanishing and wider training is designed to fit penal officers to make a fuller contribution to the rehabilitative programme of all institutions.[74]

Prison officer training was at last being approached in a professional manner. The Public Service Board abrogated the arbitrary manner in which permanency to prison officer positions had been conducted. Amendments had been made to the regulations dealing with permanent appointment of penal officers. The Public Service Board ruled that from the 25th January, 1957, no officer could be permanently appointed until after successful examination in the following, "English Expression, Arithmetic, Rules and Regulations, Penology Part 1, Characteristics and Use of Firearms." Moreover, the Board also gazetted new regulations to cover promotions. To become a Senior Penal Officer, the applicant had to successfully complete "Institutional Book-keeping and Store keeping, Penology Part 2, and the Acts associated with Penal Establishments." Applicants for Chief Penal Officers' positions had to complete "Institutional Management and Penology Part 3."[75] By the end of the decade, prison officer and promotional training had developed from a cursory pragmatic model to a systemised career-orientated programme.

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[73]    Lynn and Armstrong, From Pentonville to Pentridge:
        A History of Prisons in Victoria, 139.
[74]    Penal Report, 1956, 4.
[75]    Ibid, 1957, 8.

Whatmore had realised the need for change in both policy and training to implement the anticipated changes. Others may not have been as prescient. As Dunphy has commented,

> Failure to anticipate change, refusal to recognise the need for change, a delayed reaction to it, can result in organisational and personal disasters through the loss of control.[76]

## A burgeoning prison population.

Whatmore's major concern was there might be an increase in imprisonment rates. He argued in his 1957 Report for new accommodation. He noted there had been an increase of just under 15 per cent on the previous year's DAP, rising from 1385 in 1956 to 1583 in 1957.[77] Numbers in 1958 were down on previous rates but Whatmore put this down to the use of probation, and parole as part of the sentence.[78] He argued for new accommodation to alleviate congestion at Pentridge and to close the obsolete 'C' Division (Fig. 4:2 details prisons by type and accommodation in 1957).

Pentridge accommodation had decreased by 92 places. Whatmore argued that "two medium security prisons for 100 each will need to be planned if and when funds are available" [79] However, he was desperate for more bed space.

> the whole structure of our prison service is dominated in terms of numbers by the multi-purpose prison at Pentridge. Although wrongly conceived according to modern standards Pentridge has many good features but the total elimination of the archaic and obsolete C Division is essential. This cannot be done until alternative accommodation is provided.[80]

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[76] D.C. Dunphy, Organisational change by choice, (Sydney: McGraw-Hill, 1981) xii.
[77] Penal Report, 1957, 8.
[78] Ibid, 1958, 3.
[79] Ibid, 1957, 6.
[80] Ibid, 7.

## Figure 4:2: Victoria's Prisons by Type and Accommodation 1957

| Location | Purpose | Max. Accom. | DAP |
|---|---|---|---|
| Ballarat | Local / Short Term | 70 | 54 |
| Beechworth | Training | 75 | 65 |
| Bendigo | Training | 85 | 79 |
| Castlemaine | Semi-Hospital | 107 | 97 |
| Corriemungle | Open Farm | 49 | 39 |
| Geelong | Training | 120 | 119 |
| Langi Kal Kal | Training Centre | 64 | 51 |
| McLeod | Open Farm | 89 | 80 |
| Pentridge | Multi-Purpose | 1106 | 934 |
| Sale | Local/Short-term | 39 | 19 |
| Total Male | | 1800 | 1537 |
| Fairlea | Female Prison | 100 | 46 |
| Grand Total | | 1900 | 1583 |

Source: Penal Report, 1957.

Whatmore's criticism of Pentridge was justified. Its design belonged to a different era and prisoner management policy. Pentridge had been mainly built when the 'separate' system was in operation. It was never designed to allow prisoners relative freedom. As Thomas points out, "The most significant problem in modern prison administration has arisen because prisons which were designed to ensure separation are now called upon to allow association."[81] The problem, however, was not confined to Victoria.

> There are twenty - five prisons in the United States over a hundred years old. Sixty - one prisons opened before 1900 are still in use. Inside these fortress structures only a small fraction of those confined are exposed to any kind of correctional service other than restraint.[82]

Whatmore was realistic enough to note that Pentridge "has many good features and on economic grounds alone it will continue for many years as our main prison"[83] (see Fig. 4:3 for Penal Service and Pentridge structure).

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81  Thomas and Stewart, Imprisonment in Western Australia, 63.
82  N. Morris and G. Hawkins, The Honest Politician's Guide to Crime Control, (Chicago: Uni. of Chicago Press, 1970) 111.
83  Penal Report, 1958, 6.

# Figure 4:3 Penal and Gaol Branch - 1950-1956.

Minister

Under Secretary

Chief Clerk ———— Accountant
US    Dept

Inspector-General

Indeterminate
Sentences Board  (ISB)

Chief Education ———— Deputy Inspector-General ———— Chief Admin ———— Secretary
and Training Officer                                   Officer              ISB

3 Clerks 2 typists

Other Prisons                          Reformatory Prisons

Bendigo        Governor I             Langi Kal Kal   Superintendent
Geelong        Governor I             Beechworth      CPO
Ballarat       CPO                    McLeod          CPO
Castlemaine    CPO
Corriemingle   CPO
Sale           SPO
Fairlea        Governor I

Governor
Pentridge Prison

Deputy Governor

CPO II         CPO II          CPO II          CPO II          CPO II
D, F, G        Classo          Stairs          Governor's      Security
Divs           and Training    and Office      Office

Classo         Officer                         Stores          Superintendent
Centre         Training                                        Industries

Security
Squad

CPO                            Hospital
D Div

CPO                                            Rations      Clothing
Records        Education
               Officers                                                  Industries
CPO
G Div          Psych
               Unit
CPO            CPO            CPO    CPO            CPO    SPO ——— SHA
A Div          B Div          E Div  Main Gate      C Div  YOG    Hospital

Information provided by former Governor Jim Armstrong, 1995

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However, Whatmore's treatment programmes were questionable. A 1954 review concluded "most treatment programs are based on hope and perhaps informed speculation rather than on verified information."[84] Cressey noted that prison administrators tended to be "labelling as 'correctional' almost anything convicted criminals are expected to do [so that] whatever is done with prisoners to keep then occupied and/or productive and quiet is likely to be called a correctional measure."[85] By 1959 an unsympathetic public still doubted the wisdom of Whatmore's reform.

> there is still a very great need for a better community realization of the
> purposes and efficacy of our penal services. So many theories
> concerning crime and the treatment of offenders have been deeply
> ingrained into our social structure that they are accepted as infallible
> when in truth there may well be ample evidence that the accepted
> remedies are as effective as the bloodletting of the medical practitioners of
> a century or two ago.[86]

Whatmore failed to appreciate the innate indifference that the general public and most officialdom have towards prisons, prisoners and any concept of reformation. Most would gladly forget that prisons and prisoners exist. When a particularly heinous crime has been committed there are the usual vociferous calls for the reintroduction of capital punishment. Indeed, sometimes public concern is reiterated by its elected officialdom.

> The Minister for Social Welfare, when criticised some years ago
> for letting his prisons run down so badly, retorted that even if
> he had a few extra million dollars this would be spent on "social
> welfare" projects and not a cent would be available for prisons.
> Such must inevitably be the order of priorities in a department
> concerned essentially with social welfare and having prison
> administration artificially engrafted upon it.[87]

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[84]   B.C. Kirby, "Measuring Effects of Treatment of Criminals and Delinquents,"
       Sociology and Social Research, 38 (1954): 368-374, 374.

[85]   D.R. Cressey, "The nature and Effectiveness of Correctional Techniques"
       Law and Contemporary Problems, 23 (1958): 754-771, 763.

[86]   Penal Report, 1959, 2.

[87]   Rinaldi, Australian Prisons, 2-3.

Newman has noted that there seems to have been an historical shift in the major emphasis of corrections "that is reflected today in the kinds of institutions, programs, and conditions most commonly found in correctional services or desired as *future* correctional interventions."[88] These have been identified as the four 'Rs': Restraint, Reform, Rehabilitation, and Reintegration.[89] Prison officer training usually reflects the philosophical mode in each institution's operation. Each mode became dominant at different times in the past. None has disappeared entirely. All of these emphases are identifiable in prisons,

> But discrepancies between the objectives exist and probably will persist. Strong emphasis on restraint may prevent or cripple serious reintegrative efforts. Yet restraint, the "incapacitation" of offenders as a legitimate purpose for sentence, will undoubtedly continue to be operative in the future. Strong reform motives, prompting use of punitive techniques to condition offenders into "good work habits" and other patterns of conforming behaviour, may exist simultaneously with rehabilitative goals in sentences to probation as well as prison.[90]

Whatmore's impetus for penal reform was slowed by the Government's decision to create a new Department of Social Welfare. He was invited to become the foundation Director-General. The rationale behind Whatmore's appointment was quite bizarre.

> Victoria has a completely absurd structure in that its prisons are administered by the department whose primary concern is caring for deserted wives and orphans, the Department of Social Welfare. This peculiar structure originated in 1960 solely as a political accident, a guarantee to the then director of penal establishments that he would be elevated to the top position in the new Department of Social Welfare provided he continued also to administer the prison system.[91]

The formation of the Social Welfare Department heralded the end of an era in penal change (see Fig. 4:4 for the 1960 Penal Branch structure).

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[88]  D. J. Newman, Introduction to Criminal Justice. 2nd Ed, (New York: Lippincott, 1978) 308.
[89]  V. O'Leary and D. Duffee, "Correctional Policy: A Classification of Goals Designed for Change" Crime and Delin., 17 4 (1971): 379.
[90]  Newman, Introduction to Criminal Justice. 309.
[91]  Rinaldi, Australian Prisons. 2.

# Figure 4:4 Penal Service Branch Structure, Circa-1960.

Minister
Health

Under Secretary
Head Office Penal Services Branch
Director-General
Penal Services

Minister

Health Dept

Chief Education & Training Officer

Chief Parole Officer

Parole Board

Director of Prisons

Mental Health

Admin.Officer Prisons

Admin. Parole and Probation

Head Office Staff

Supt. of Industries

Parole and Probation officers

Country and other Prisons

Training Prisons
Beechworth: Governor I
Geelong:    Governor I

Regional Prisons

Ballarat:    Chief Prison Officer
Sale:        Senior Prison Officer
Castlemaine: Chief Prison Officer
Fairlea:     Governor I

Governor Pentridge Prison (Grade III)
Deputy Governor (Grade II)

Gov. I
D, F, and G Divs

Gov. I
Classification

Gov. I
Security

Records
PPO

Classo Centre
CPO SPO

Training School
SPO

Security Squad
SPO

Staff Office
PPO

Governor's Office
PPO

A Div    B Div    C Div    E Div    Yogs    Main Gate    Industries

CPO    CPO    CPO    CPO    SPO    CPO    Clinic

Hospital

F Div    D Div    G Div
CPO    CPO    CPO

Psych
Unit

Information provided by former Governor Jim Armstrong, 1995.

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Whatmore had tried to change a prison service that had remained in a state of inertia since the beginning of the twentieth century. But what had he accomplished after 12 years?–The prison system he inherited in 1948 still remained largely intact. There was no significant increase in the number of custodial staff to assist the philosophical change in prisoner management practice. The explosion in professional staff to assist in prisoner reformation was still in the future. Prisoner numbers were rising and, apart from a small downturn after probation and parole became sentencing options, would continue to dominate prison operation through to the crisis in 1983.

The Victorian Government was reluctant to commit more funding than what was legislatively required, and only occasionally were cursory funds made available. Prison officers were wary of new practices, and grudgingly acquiesced to new training programmes. Whatmore, however, had changed archaic penal legislation and had given the courts some alternatives to imprisonment. He had abolished the draconian indeterminate sentences and closed the so-called Reformatory Prisons. Whatmore's view that education was the foundation for a change in prison attitudes - in both staff and prisoners - was perhaps coloured by his vocational background. Whatmore's prison policy was shaped in the first instance by a mixture of ideas and practices he observed on his sojourn overseas 10 years earlier. There was a dearth of formalised penal knowledge and the exchange of penal ideas between the various Australian States and Territories had yet to be initiated by Whatmore.[92] Whatmore's schedule and increasing workload would have permitted only cursory study of non-related penal matters including formalised policy analysis.[93] Whatmore was acknowledged as both an excellent educator and proactive prison administrator. And he was erudite - as reference to his overseas report indicates.

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[92] First Australian Conference of Prison Administrators Notes and Resolutions, Melbourne, June 6-10, 1960.

[93] Formally recognised in 1951 by: D. Lerner and H.D. Lasswell, (Eds), The Policy Sciences, (Stanford: Stanford University Press, 1951).

## From Social Welfare Department to Community Welfare Services.

With the advent of the following simple statement in the Department's first report the Victorian prison system was subsumed into a mega department whose primary function was social policy.

> The Social Welfare Act has brought the functions of the Children's Welfare Department and the Penal Department under the control of the Director-General of Social Welfare and six divisions will be established. They are:- 1. Family Welfare, 2. Youth Welfare, 3. Prisons, 4. Research and Statistics, 5. Training [and] 6. Probation and Parole.
>
> The Social Welfare Act 1960 becomes operative on 11th July, 1960 [94]

The autonomy enjoyed as part of the Chief Secretary's Department had gone and the prison system became a number in the game of playing budgetary politics along with its adoptive siblings in the Social Welfare Department. The prison system, arguably, became a junior partner.

The prison profile was largely negative while the other Divisions commenced from a sympathetic and positive position. The prison system faced more than two decades of turbulence and overcrowding, and was to wait 24 years before it achieved the autonomy of a Ministry in its own right. An examination of the Social Welfare Department years, particularly in the areas of prison officer training and prison policy development, will outline the difficulties faced by a prison system that had gone from Government prominence to departmental oblivion with a stroke of the pen. Whatmore's penal deputy, Eric Shade, became Director of the Prisons Division. The Chief Education and Training officer, George Smale, headed the new Training Division.

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[94] Social Welfare Department, Victoria, First Annual Report, 20th September, 1960.

It appeared that Whatmore had carefully maintained his penal infrastructure. And it would seem that his penal policy could now receive greater ministerial attention. The major difficulty, of course, was that Whatmore headed six diverse Divisions and literally had to abrogate responsibility to his Divisional Heads. Whatmore's penal blueprint for prison officer training foundered simply because Training Division become eclectic. Upgrading prison officer training continued. Shade and Smale, however, had other agendas and other pressures.

Smale had to set up a Training Division. Shade had to deal with the myriad problems of running a Prisons Division - a task in which he had little experience. Moreover, Shade had to liaise with Smale on training issues. Both men were now equal whereas Smale had previously been subordinate to Shade. Both Divisions had to compete for funds on an equal basis. Smale's allocation for training had to service the other five Divisions of the department. Shade desperately required funds for staffing and capital works. The 'Social Welfare' years would shape prison direction and philosophy until the beginning of the 1990s. In that period prisons would achieve Department status, and just as quickly be subsumed into another Department.

## Prison policy 1960 - 1979.

The Prisons Division's primary concern was neither policy nor training. More people were being imprisoned. The Director of Prisons, Eric Shade gave out the following figures.

| Number of prisoners | Date |
|---|---|
| 1571 | 31-12-59 |
| 1727 | 30-06-60 |
| 1875 | 30-06-61 |
| 1968 | 20-04-61 * |

\*     Highest DAP

Source: Social Welfare Report, 1961, 8.

To accommodate this increase the former hospital at Pentridge converted to a dormitory giving 120 beds. A second dormitory opened at Langi Kal Kal Prison with 64 beds, 80 beds came with the opening of Morwell River Camp, and McLeod Prison Farm opened up another 40 places.[95] Bed space was still insufficient (see Fig. 4:5).

> Despite these additions to accommodation, a serious overcrowding problem remains, and to provide the future increases it is essential that a medium security prison to accommodate 250 prisoners must be built relatively close to Melbourne as soon as possible.[96]

Shade was expected to implement a dubious treatment policy. Apart from addressing the problems of overcrowding,

> The administrator of the maximum security prison, then, finds himself confronted with a set of social expectations which pose numerous dilemmas when an attempt is made to translate them into a concrete rational policy. Somehow he must resolve the claims that the prison should exact vengeance , erect a specter to terrify the actual or potential deviant, change in the personality of his captives so that they gladly follow the dictates of the law - and in addition maintain order within his society of prisoners and see that they are employed at useful labor. If the policy of the prison sometimes seems to exhibit a certain inconsistency, we might do well to look at the inconsistency of the philosophical setting in which the prison rests.[97]

Shade also alluded to the fact that
> Penology is particularly a field of infinitely diverse opinions, strangely held. Historically, it is one of social fields in which individual or minority opinion tenaciously held and persistently advocated has influenced the wider public and political opinion to effect reform. In recent years, overdue and necessary changes in prison policy and practice in this State have thus evolved .[98]

The Director of Training's position had similar difficulties. He had "to instruct the staff in human relations with a view to maintaining correct attitudes between officers and also between officers and prisoners."

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[95]    Social Welfare Report, 1960, 929.
[96]    Ibid.
[97]    G.M. Sykes, The Society of Captives, (Princeton, N.J.: Random House, 1956) 17-18.
[98]    Social Welfare Report, 1962, 38.

Moreover, he would "instruct in correct procedures in accordance with the law and to stimulate thought so that current procedures are in line with modern methods."[99]

**Figure 4:5 Victoria's Prisons and Accommodation, 1962 and 1963.**

| Prison | Cells | DAP | Cells | DAP | Held |
|---|---|---|---|---|---|
| | 1962 | | 1963 | | |
| Ballarat | 74 | 61 | 73 | 61 | 68 |
| Beechworth | 125 | 115 | 125 | 112 | 107 |
| Bendigo | 120 | 113 | 120 | 114 | 110 |
| Castlemaine | 115 | 106 | 115 | 91 | 89 |
| Corriemungle | 60 | 51 | 60 | 55 | 55 |
| Geelong | 130 | 113 | 130 | 117 | 130 |
| Langi Kal Kal | 128 | 106 | 128 | 102 | 108 |
| McLeod | 102 | 98 | 102 | 98 | 102 |
| Morwell River | 80 | 45 | 80 | 70 | 73 |
| Pentridge | 1274 | 1127 | 1210 | 1104 | 1132 |
| Sale | 38 | 27 | 38 | 27 | 32 |
| Fairlea Women | 100 | 30 | 100 | 38 | 38 |
| **Total Prisoners** | **2346** | **1992** | **2281** | **1989** | **2044** |

Source: Social Welfare Reports, 1962-63.

George Smale began developing mechanisms whereby a largely uneducated prison staff was encouraged to help inmates with their problems. In the early 1960s the ancient dichotomy between keeper and kept was very strict. Neither side encouraged the other to interact and there was severe retribution for those who cared to attempt to bridge the gap.[100]

> This staff training should bring about a two-fold result. The long-range plan should tend towards training officers to assist prisoners in solving their own problems. The most immediate effect of correct attitudes and procedures would be well-organized institutions free of incidents usually associated with penal establishments.[101]

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[99] Ibid, 8.

[100] The author was a prison officer in the Tasmanian Prison Service for 9 years and can verify that to interact with prisoners even in the mid-1970s brought severe admonition from senior staff.

[101] Social Welfare Report, 1961, 11.

Smale's premise was based on several assumptions: the first, that prison officers would want to assist the prisoner; second, that the prisoner would wish the officer to be part of his 'rehabilitation'; third, and most salient, that the standard of currently serving officer had the intellectual capacity, the educational standard, or even the motivation to undertake training to assist prisoners.[102] One clear fact emerged, however, that future prison management, direction and practice could be read into the prison section of the Annual Report. The prison policy was enshrined in the Social Welfare Act, 1960. As Shade noted,

> The purposes and functions of a prison system are many and varied. They are simply but effectively stated (thus)
>
> (a)  To control and supervise all persons imprisoned or detained in any gaol; and
> (b)  To assist in the rehabilitation into the community of all persons released or discharged from any gaol.[103]

Shade argued that unless there was a dramatic increase in the number of prison beds available the whole prison structure would collapse. The increasing prison population soon dissipated the reformative practices initiated by Whatmore. Alternatives to imprisonment - probation and parole - were not the answer. Shade had to use the dilapidated facilities in C Division which still carried 200 beds. E Division hospital had been remodelled to give accommodation for another 120 prisoners. Plans were afoot to construct a dormitory block at D Division to house 80 prisoners.[104] Shade gained another 80 beds at the Morwell River Prison, and proposed remodelling the Sale Prison to give him another 35 beds. He planned to establish a second reforestation prison in South Gippsland.[105] By the following year prison overcrowding was still creating problems. Whatmore's grand vision for prisoner reformation had been lost in the morass of Social Welfare.

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[102]   Smale's intentions were to be realised two decades later in both the Dutch and Swedish Prison systems.

[103]   Social Welfare Report, 962, 35.

[104]   Lynn and Armstrong, From Pentonville to Pentridge: A History of Prisons in Victoria, 150.

[105]   Social Welfare Report, 1962, 38-40.

What seems ironic is that Whatmore knew about prisoner overcrowding from his days in charge yet did not seem to act on Shade's behalf. Although it has been claimed that the Social Welfare days were the best years for prison operation the evidence does not support that conclusion.[106] The emphasis on providing prison accommodation relegated reform to the 'pending' basket, and reinstated the former prison officer - prisoner practice. With the shadow of overcrowding dictating his short and long-term goals, Shade produced his idealistic blueprint for future prison direction.

> The justification and purpose of imprisonment is ultimately to protect society against crime. Therefore, any period of imprisonment must be used to ensure, as far as possible, that the offender deprived of liberty is returned to society with the will and the ability to lead a law-abiding and socially useful life. Imprisonment in itself is afflictive by removing from the prisoner all or most of his right of self-determination. Consequently, no prison system, except under special conditions incidental to justifiable segregation or discipline maintenance, should aggravate the inherent suffering imposed by deprivation of liberty. It is upon these principles that the structure and administration of Victoria's prison system is based. It is towards these implied goals that policy is directed.[107]

The numbers being sent to prison increased. Prison accommodation was stretched. The Pentridge prison chapel was utilised on a permanent basis to house 50 prisoners. There was no apparent short-term resolution.

> Unless there is a marked decrease in the crime rate-and there are no apparent reasons for such optimism-or significant changes are made in the methods of dealing with offenders, or a very large-scale building programme is implemented in the immediate future, it is obvious that the State is facing a prison crisis. Each year we are losing ground in the race to provide sufficient accommodation for the increasing prison population.[108]

Paradoxically, the worst thing that could have happened at this stage was a fall in prison numbers. Shade's pleas for additional accommodation or finance to improve and expand facilities were based on existing prison numbers.

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[106]  Interview with former Governor, Jim Armstrong, 14 August 1995.
[107]  Social Welfare Report, 1963, 37.
[108]  Ibid, 1964, 34.

The government, however, would be reluctant to provide finance or react to a falling imprisonment trend. But prison numbers would drop in 1965 to a DAP of 1880. Shade, however, had other strategies to artificially reduce prison numbers. He utilised the provisions in the Social Welfare Act. This allowed Special Leave for prisoners to have short-term release to be involved in "community services and sporting and social activities."[109]

> In recent years, Victoria has made substantial progress in establishing and improving the bridge between prison life and the community. This has been done by bringing the community into the prison and by allowing the prisoner, as far as is practicable, to participate in community activities. Such policy aims at making the community more understanding and conscious of its social obligations in relation to the wrong-doer, and simultaneously aims to make the wrong-doer more conscious of his obligations to the community. The degree to which these dual aims are achieved will largely determine the success of prisons as an instrument for the protection of public welfare.[110]

Overcrowding had produced some creative manipulation of the Crimes Act 1958. There had been significant lobbying to amend the Act to allow both the fixing of minimum terms and for the administrative discretion of 'good conduct' remissions. The reduction in imprisonment rates also produced, in retrospect, a classic example of short-term planning. The ancient Ballarat Gaol was closed. However, the intended new prison at Ararat was not scheduled to open until late 1967. Ballarat had accommodation for 74 prisoners. Moreover, the pride of Whatmore's vision for young offenders, Langi Kal Kal, was given to the Youth Welfare Division of the Social Welfare Department with the loss of 128 beds. In a matter of a month over 200 bed places were lost to a system which was just about to have another imprisonment explosion. The purchase of a homestead at Murchison - the quaintly named Dhurringile Rehabilitation Centre would eventually have places for 60 beds by 1967.[111] The level of imprisonment in Victoria in 1967 reached an all time high. The system's DAP was just under 2400. Shade noted,

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[109]    Ibid.
[110]    Ibid.
[111]    Ibid, 1965, 21.

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> The dominant and most alarming feature of the past year has been the sudden and continuing increase in the number of prisoners held in the State's prisons. If this trend continues-and current indications are that it will- prison resources of buildings, staff and facilities, strained to cope even with present numbers, will be dangerously inadequate to meet the State's needs.[112]

He called for the immediate building of both a youth prison and a short-sentence institution to solve "the State's most pressing prison problems [and] each prison should be geared to meet its specific purpose."[113] In an implicit reproach to his superior, Whatmore, Shade decried the loss of both Ballarat and Langi Kal Kal, "Victoria's prison administrators are fully aware of what is required to meet the needs of these two groups; facilities alone are lacking."[114] Whatmore realised the prison system was rapidly running down but was handicapped by the lack of Government commitment. The Social Welfare Department was Victoria's first mega-department. The high profile Divisions of Family and Youth Welfare, received a significant proportion of the Department's appropriation. Whatmore could hardly siphon funding from other Divisions to prisons. He pleaded with the Minister to allow him "a greater share of funds to cope with existing needs."[115] There was a concerted effort by various groups to offer advice in ways to reduce imprisonment. These ranged from weekend imprisonment to work release. Both Whatmore and Shade saw these approaches as cosmetic and trendy.

> It is pertinent, however, at this stage to offer a note of caution as to the action needed. There is a very real danger that enthusiasts carried away with enthusiasm and without clear perception of the outcome and in disregard of the past few years of experience proffer dramatic solutions which may best be described as gimmicks. There are examples of this where publicity has been given to countries described as socially progressive. When analysed, these bright schemes are found to be applicable to such a small field that they can only be described as window-dressing or gimmicks.[116]

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[112]   Ibid, 1967, 28.
[113]   Ibid.
[114]   Ibid.
[115]   Ibid, 1967, 4.
[116]   Ibid.

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The escalating prison numbers combined with a severe shortage in accommodation forced Shade to look at various means to keep numbers to a manageable level (see Fig. 4:6). One method was a greater use of the special leave provisions of the Social Welfare Act. There was the usual outcry forcing Shade to defend his strategy.

> Both private and group leave for prisoners have great rehabilitative value and are now an established and effective part of prison practice in the State. The practice is in confirmatory with modern penal policy that the prisoner should, as far as possible, maintain a continuing contract with the community to which in nearly all cases he will return.[117]

Prisons at Dhurringle and Won Wron had been officially opened in 1970. Dhurringile had been operating for a couple of years but Won Wron gave him another 85 beds. Although Whatmore had been Director-General for a decade, he was still committed to prison reform. Whatmore had leverage with the Minister and continually pressed for extra funding. With his retirement, prisons were at the mercy of bureaucrats with little, if any, understanding of prison operation.

The crisis, however, was about to happen and no one was prepared. The resignation and retirement of so many junior prison officers should have given some indication that all was not well. The majority of staff was unskilled and the prison service was a tenured position with an abundant supply of overtime. Why would they wish to leave?

Prison officers may have been disillusioned by the change in prisoner management operation, the change in promotional opportunities, the increasing prisoner population, a combination of all, or just plain sick of the job. There may even have been better opportunities in the general workforce. For whatever reason, they were leaving the service in droves. Shade noted that it was difficult to recruit staff and complained about the wastage being "high and expensive."[118]

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[117]    Ibid.
[118]    Ibid, 1966, 8.

**Fig. 4:6 Victoria's Prisons by location, purpose, and accommodation at**
**30 June, 1968.**

| Location | Purpose | Max. Accom. | DAP | In Custody |
|---|---|---|---|---|
| Ararat | General | 200 | 124 | 144 |
| Beechworth | Training | 115 | 107 | 111 |
| Bendigo | Training | 120 | 115 | 112 |
| Castlemaine | Semi Hosp. | 112 | 102 | 103 |
| Cooriemungle | Open Farm | 60 | 50 | 48 |
| Dhurringle | Rehabilitation | 70 | 56 | 63 |
| Geelong | Training | 130 | 128 | 139 |
| McLeod | Open Farm | 133 | 126 | 129 |
| Morwell River | Reforestation | 80 | 72 | 77 |
| Pentridge | Multi-Purpose | 1302 | 1172 | 1166 |
| Sale | Local / Short term | 75 | 68 | 70 |
| Won Wron | Reforestation | 85 | 56 | 63 |
| Total Male | | 2482 | 2176 | 2225 |
| Fairlea | Women | 100 | 57 | 57 |
| Total | | 2582 | 2233 | 2282 |

Source: Social Welfare Report, 1968.

The former staff members, however, may have been victims of what Murton has termed "The Fiction of Prison Control."[119] Murton describes this as a situation where both prison officers and prisoners "act" as if the prison officers actually control the prison. There is an implicit acknowledgment that prisoners will only allow the prison officers to exercise the necessary amount of authority to enable them to perform their tasks.

> The inmates allow the guards to remain ostensively in control as long as the inmate power structure is allowed to function sub rosa. It is advantageous to both groups that the fiction be maintained.[120]

Prisoners create the fiction of good order and lull the authorities into a sense of complacency. Once they achieve this, they are then free to take control over the weaker prisoners. The junior officer knows that this happens.

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[119]  Murton, The Dilemma of Prison Reform, 65.
[120]  Ibid.

He has the most face-to-face prisoner contact. He notices his senior staff accept the situation. He is then faced by the dilemma of accommodating this malfeasance. If he wishes to survive in the prison system, he will conform until such time that he is either in a senior position or has a great deal of experience. He knows that if he attempts to enforce rules he will meet resistance from both prisoners and senior staff. Prisoners can make a junior officer's task hard or easy. They can act so that the junior officer is deemed incompetent. On the other hand, senior staff will just keep moving the rule enforcer to more unpleasant prison positions until he leaves or conforms. By that stage, the junior officer will have rationalised that 'this is the way it is.' If he cannot acquiesce and play the game, he will leave, or be forced to leave, the system.[121]

The incoming Director-General of Social Welfare, AG Booth, the former Head of Youth Welfare, had been appointed for his administrative skills. Murton writes about the practice of appointing bureaucrats as American prison administrators:

> Almost all executives may have certain expertise in administrative problem solving, they rarely have realistic notions about prison administration. Being unknowledgeable in the area of penology, officials must rely upon their advisers and may fall victim to the "committee, consultants, and concrete" syndrome that promises a solution to prison problems.[122]

The administrative expansion of Victoria's prison system began with the appointment of a Deputy Director of Prisons in July 1972. This was a similar position to the defunct Deputy Inspector-General - a post held by Shade. Whether this position was created in view of Shade's imminent retirement or whether the Director-General wanted his own man in the system is a moot point. The prison system, however, was rapidly reaching a point of no return. Shade noted,

> Our prison system, still equipped in the main to meet security and control requirements, is inadequate to cope with the many demands now being made on it. The increase in prison population and acts of indiscipline and insubordination by prisoners at several prisons and especially Pentridge, have clearly indicated that this is so.

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[121]    Ibid, 65-66.
[122]    Ibid, 82.

The only effective means of meeting this situation is by very substantial increases in improvements in accommodation, facilities and staff, including specialist in the field of training, welfare and rehabilitation.[123]

To overcome the deficiency in staffing numbers, and unable to recruit locally, the Department sent staff to the United Kingdom to recruit officers. They managed to recruit 15 trained prison officers and 80 who wished to become prison officers.[124] By this stage, Bodna, Shade's Deputy, had been promoted to Deputy Director-General of Social Welfare.[125] Bodna's advice was to make amendments to the Social Welfare Act and create a Prisons Advisory Council. The Director of Prisons was now answerable to a committee and had to take their advice on policy and direction. It appeared that prisons were to be *de facto* administered by a committee. The functions of the committee were :

(a)     To advise the Minister concerning the policy to be adopted and programmes to be undertaken from time to time in relation to the custody, care, education, discipline, training and treatment of persons imprisoned or detained in prisons: and

(b)     To report on any matter referred to it by the Minister, or on any matter on which it is authorised by this Act to report.[126]

The use of a Prisons Advisory Council may have been implicit recognition by the Department that it could no longer meet its obligation to manage the prison system. However, membership of the Prison's Advisory Council was not based on knowledge of prisoners. Shade was nearing the end of a long and illustrious career and may have welcomed the addition of some 'informed' opinion. He had been fighting a losing battle for resources since Whatmore's retirement, and had borne the brunt of prison criticism for nearly 15 years. Shade became part of the Advisory Council as Director of Prisons. It was agreed that the Director of Prisons should be *ex officio.*

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[123]     Social Welfare Report, 1972, 33.
[124]     Ibid, 1974, 7.
[125]     He was promoted to the position of Director-General on Booth's retirement in 1977.
[126]     Social Welfare Report, 1974, 8.

After having undergone a similar experience in the Arkansas prison system in 1968, Murton wrote,

> The usual form of inquiry results from the appointment of a group of prestigious citizens, representing a cross section of the community, to investigate the prisons and report their findings and recommendations to the Governor. Unfortunately, more often than not, the principal attribute the members share in common is their abysmal ignorance of penology.[127]

Murton's experience with a committee in Arkansas is also salutary. He noted,

> They are not appointed for their knowledge of the area under study; they are appointed for their credentials of demonstrated "success" in a cross section of "professions." The inference that competency in one discipline is transferable to another unrelated field defies logic.[128]

To remedy overcrowding, prisoners were to be given an additional type of remission "not exceeding 15 days for each complete calendar month of a sentence actually served."[129] The system was rapidly collapsing and the general public was sceptical that anything was working.

> Prisons in Victoria aim to protect society more effectively by involving prison staff in the correction and rehabilitation of persons convicted of offences for which imprisonment has been imposed. This task of Prisons Division has not altogether been accepted by the public and adequate means will need to be provided to enable this task to be implemented. Only a social conscious community will be convinced of the need to generously provide funds to enable the effective implementation of rehabilitation programmes.[130]

The previous year there had been a Government enquires into the maintenance of discipline at Pentridge.[131] The Jenkinson Inquiry found little evidence of the skills needed to implement any type of treatment programme. Jenkinson was scathing in his comments on prison staff and the type of training they were undertaking.

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[127] Murton, The dilemma of Prison Reform, 82-83.
[128] Ibid.
[129] Social Welfare Report, 1974, 9.
[130] Ibid, 33.
[131] Report of the Board of Inquiry into several matters concerning HM Prison Pentridge and the maintenance of discipline in prisons, 25 September, 1973, Victorian Government Printer (The Jenkinson Report).

Prison administration calls upon management skills which the Social Welfare Training Institute is not yet sufficiently funded to provide. I am myself involved in prison staff training in Victoria, both as Chairman of the Social Welfare Council and as an examiner in Penology III., and I am bound to say that this training is inferior to our courses for child care and youth workers and to prison courses run by the Australian Foreign Affairs Department, by Wakefield Staff College in England and by other prison services. I can see no worthwhile improvement in prison discipline that will not begin with the better discipline of staff through education in criminology and penology.[132]

There was a change in the management structure at Pentridge in 1975 with the retirement of the Governor. The Governor and Deputy-Governor positions were abolished. A 'professional' Superintendent and a 'professional' Deputy Superintendent installed in their place.[133] Pentridge was sub-dived into three prisons - Northern, Central and South - each controlled by a Governor grade II with a Principal Prison Officer as his deputy. Prisoners were able to see full-time Welfare officers. A small administrative section to assist the professional management team was added. The McLeod Prison Farm at French Island was closed along with Pentridge's notorious C Division. In 1976 Shade retired after 21 years service with the prison system. Peter Lynn replaced him.[134]

One of the Lynn's first tasks was to establish Attendance Centres, which were used as alternatives to imprisonment.[135] The Cooriemungle Prison Farm closed in 1977. In two years, two open camps for minimum-security prisoners were closed. While the prison administration claimed the decision was based on economic grounds, the reality was prisoners did not want to go to these institutions because of the travel for family, and the labour of clearing land was extremely difficult. Prisoners would rather put up with the depressive atmosphere of Pentridge.[136]

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[132]     Ibid, 11.
[133]     John Van Groningen was recruited from the United States as the Deputy. When Van Groningen was promoted to Superintendent, another American, Gerry Meyers, became his Deputy. In 1992 Van Groningen became the Head of the Prison Service when the Liberal Government took office.
[134]     Social Welfare Report, 1976, 8.
[135]     Ibid, 6.
[136]     Rinaldi, Australian Prisons, 7.

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On the other hand, the prisons were closed "because it was extremely difficult to get staff to work so far away from home."[137] In 1977, Victoria followed several other Australian jurisdictions by labelling its prison and associated functions as 'Correctional Services.' According to the 1978 Report

> The name change recognises that the Division is responsible for a broader range of correctional programs than simply the administration of prisons.[138]

There was still, however, the commitment made to prisons.

> Prisons' Division staff have been working on the development of a Five-Year Plan for corrections in Victoria. The Plan is part of an overall Departmental thrust towards forward planning and is expected to provide a sound basis for developments in Victorian prisons over ... ten years.[139]

Following a 1978 White Paper, Report on the Future of Social Welfare in Victoria,[140] the Government split the Social Welfare Department. A new Department, Community Welfare Services, would be established in 1979. The new department would to take over the functions of prisons, probation and parole, family and adolescent services, and regional services. The Government made clear its prison policy and direction.

> The Government will re-organise correctional services in Victoria to separate first offenders, with sentences of less than 12 months who have not previously been imprisoned, from all other offenders. There will be a greater emphasis on promoting alternatives to institution penalties. Work release schemes and attendance centres will be expanded. Community Service Orders will be developed. There will be a commissioner of correctional services within the Community Welfare Services Department to identify the specialist nature of the correctional service division. High security accommodation will be extended, and the prison system will be improved to reach UN minimum standards.[141]

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[137]   Interview with Jim Armstrong, former Governor Grade III, 24 June 1996.
[138]   Social Welfare Report, 1978, 67.
[139]   Ibid, 1977, 27.
[140]   VPR, 1978, No. 5.
[141]   Social Welfare Report, 1978, 24.

Prison officers' argued for a separate Corrections Ministry. The Government claimed that the welfare community "supports the continued integration of family, regional and correctional services. The Government continues to view community welfare services as including the three elements."[142] Moreover, the Government was establishing a "Director of correctional services within the community welfare services department to identify the specialist nature of the correctional services division."[143] John Dawes was appointed as Director in 1979.[144]

## Policy 1979-1983.

Australian senior correctional administrators have traditionally undertaken tours of interstate or international agencies involved in a similar field. A new incumbent naturally wishes to compare current trends and practices. He can, perhaps, gain some much-needed insight into alternative methods.[145]

In 1979 Dawes undertook an extensive overseas tour. His itinerary included the USA, Canada, England, Sweden, Germany, Japan and Singapore.[146] His brief *inter alia* was "to determine that the new directions in Victorian practice are sound when compared to experiences in other more developed systems."[147] The focus of the Dawes' trip was to be, paradoxically, on prisons. Dawes, it appears, had little interest in the probation / parole / prison justice administration networks. The American authorities had established these justice services in the 1960s to little effect and even less acclaim.[148]

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[142] Ibid, 25.
[143] Ibid, 24.
[144] Lynn and Armstrong, From Pentonville to Pentridge:
A History of Prisons in Victoria, 170.
[145] Traditionally males have headed Corrective Services in Australia. In 1996 South Australia had the only female Director-General - Sue Vardon.
[146] M.J. Dawes, Overseas Study Tour Of Correctional Institutions, July/August 1979,
Report to the Department of Community Welfare Services.
[147] Ibid, Introduction, 1.
[148] For an in-depth analysis of this American innovation see Newman,
Introduction to Criminal Justice, especially chapter 3.

Dawes' interests were "high security and high rise prisons, security developments, prison industries, staff training and community based programmes."[149] Moreover, Dawes questioned Victoria's capacity to undertake change due to "outdated management systems and a shortage of senior personnel in head office."[150] His report consisted almost entirely of recommendations for upgrading the existing prison system, prison and head office management, prison staff training, and prisoner programmes.[151]

Most of Victoria's prisons were dilapidated and required an extensive infusion of capital. The low imprisonment figures were to some degree explained by the fact that Victoria's parole system had seemingly collapsed.

> The prisons branch of the Social Welfare Department has apparently
> ignored the fictional head sentence and used the parole eligibility date
> as an effective measure for release. Thus a large number of prisoners
> who might still be in prison are 'missing on parole.[152]

By the end of the 1970s, many Western prison legislators faced considerable pressure to change prison philosophy and policy. Contemporary practice was based on the 'Medical Model.' This model held crime was a social illness and the offender sick. Indeterminate sentences gave time for treatment. Corrections would facilitate a cure. While not the panacea, the model had been a significant step forward over custody and control mechanisms. However, in 1974 prison reform received a mortal wound. Martinson published his study on treatment programmes aimed to combat recidivism and concluded 'nothing works.'[153]

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[149]  Dawes, Overseas Study Tour, 1.
[150]  Ibid, 2.
[151]  Ibid, 3-37.
[152]  R. Tomasic and I. Dobinson, The Failure of Imprisonment,
(Sydney: Allen and Unwin, 1979) 37.
[153]  R. Martinson, "What Works?-Questions and Answers about Prison Reform"
The Public Interest, (Spring 1974): 22-54.

In 1977, MacNamara challenged the idea of rehabilitation as a goal for corrections.

> The new penologists posit a basic conflict between a medical
> model maintaining that crime is the product of individual defects and
> disorders that can be corrected in a program of medical, psychiatric,
> and social rehabilitation and a readjusted or reformed offender
> returned to his rightful place in society verses a justice model based
> on the more classic doctrine of the free moral agent and of individual
> responsibility for one's criminal behavior.[154]

The results of Martinson's inquiries ultimately led to the demise of the medical model and left prison administrators in a quandary: should they carry on with current practice? The major difficulty was that, unlike most private enterprise, prison practice change had to be incremental. To suddenly change an operational or philosophical approach would meet resistance by both staff and inmates. The majority of prisons were architecturally designed to meet the custody and security approach.

Australian prison administrators, however, could cautiously claim that Martinson's New York research did not mirror Australian jurisdictions. Furthermore, to lobby for additional finance to implement new programmes is to risk accusation that either the government or the administrator is neither topical nor innovative. Again, the chances of extra finance for prison innovation may be negligible. When the general economy declines drastically, certain types of crime increase, government budget priorities are readjusted, with correctional budgets among the first to be cut.[155] Australian prison administrators historically have looked to overseas jurisdictions for ways and means to operate their institutions. Before the 1950s administrators would journey to the United Kingdom.[156]

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[154] D.E.J. MacNamara, "The Medical Model in Corrections: Requiescat in Pace" Criminology, 14 ( 1977 ): 435-448, 446.

[155] Archambeault and Archambeault, Correctional Supervisory Management, 155.

[156] The United Kingdom has three distinctive prison systems The English Prison Service which includes Wales; The Scottish Prison Service; and The Northern Irish Prison Service.

However, in the mid-fifties a procession began to the United States.[157] Many American prison practices, promulgated on the containment system, were implemented into an Australian--setting--designed to deal with custody and control.[158] By the middle of the nineteen sixties some Australian jurisdictions were importing American administrators.[159] These American administrators cemented their appointments and justified their particular expertise, by introducing programmes and changing architectural design to accommodate American ideas. The Australian prison system thus became a hybrid of both British and American prison philosophy and practice.

It was again acknowledged that Victoria's system was at straining point. Building "the proposed Remand Centre and a further security prison at Castlemaine" could only avert the accommodation crisis.[160] A new ultra security division, Jika Jika, had been built within Pentridge to contain "violent prisoners incarcerated for longer terms" by 1980 [161] A State election in 1981 brought the ALP to Government. The new Minister, Pauline Toner, believed that imprisonment should be regarded "as a last resort, and reserved only for offenders who constitute a serious threat to the community."[162] In an attempt to 'normalise' imprisonment the recruitment of female officers continued and it was now official policy to place them throughout the prison with no distinction as to sex.[163]

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[157]    The United States has a three-level prison or gaol system. There are Federal and State prisons and penitentiaries, and Local or County gaols.

[158]    The American containment system was premised on large institutions where inmates had relative  freedom within the institution to move between cellblocks or divisions. This strategy meant that the institutions had armed perimeter walls to keep people from escaping. On the other hand, Australian prisons had been designed on the British model of control where prisoners were kept in divisions and only had controlled access to other prisoners usually at prison labour. When prisoners moved within the confines of the prison they were escorted by prison officers.

[159]    Victoria led this importation by appointing an American prison official as Superintendent of Pentridge Prison.

[160]    Community Welfare Services Report, 1979, 8.

[161]    Ibid, 1980, 47.

[162]    Community Welfare Priorities, Ministerial Statement by The Hon. P.T. Toner, M.P., 7 December 1982, 7.

[163]    Community Welfare Services Report, 1980, 52.

In a break from previous practice, the prisoners were allowed to make reverse charge phone calls.[164] Overcrowding was so severe in 1982 that the department gave prisoners 7 days early release, and refused to accept new receptions. At the beginning of 1983, the Government commissioned an American prison expert, James Henderson, to evaluate the security at Victoria's walled prisons - especially the major prison at Pentridge. Partly as a result of his scathing commendation of the state of security and the institutional facilities available, the Government made some major departmental re-organisation. A decision was made to

> Separate adult correctional services into an essentially separate organisation. The historical perspective may show that much that was significant, innovative and fruitful was achieved within prisons and community corrections during the association with welfare services in this State, but that poverty eventually overwhelmed the joint endeavours. The Department, among other initiatives following community concern after escapes from Pentridge, pressed for a Master Plan for the development of correctional services in Victoria.
> It is hoped that this approach will provide convincing arguments for the investment necessary to construct secure and modern prisons, and develop sound and adequate community alternatives to imprisonment.[165]

The Royal Commission of 1870 had abolished the Penal Department and incorporated it into the Chief Secretary's Department. The decision made by the new Labor Government to separate corrections from administrative control by Community services in 1983 would later lead to corrections having full Departmental status by February 1984. Whatmore's blueprint for penal reform had been mainly implemented by 1970.[166] The strategy designed to give prisoners treatment programmes and the courts alternatives and adjuncts to imprisonment had all been found wanting. Prison officer training was essential to Whatmore's three-pronged penal reformative approach. Whatmore created specific training positions to aid both prison officer and prisoner and utilised scarce resources to assist the process.

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[164]    Ibid, 1982, 38.
[165]    Community Welfare Services Report, 1983, 1-2.
[166]    Interview with Jim Armstrong, former Governor Grade III, 23 August 1995.

Jenkinson, however, found that the level of prison officer training was inadequate to even control and contain prisoners.[167] The parole system had all but collapsed by 1976.[168] Prisons were overcrowded. Prison management was questioned.[169] The system could not afford to upgrade existing prison facilities yet committed $7 million to open Jika Jika.[170] Prisoners escaped. Insurrection was rife. There were fires, bomb explosions, and inmate deaths.[171] A committee ran the prison system de facto.[172] The problem may have been, as Murton comments,

> Administrators do not innovate, they do not foster change, they do not act - they only *react* to demands from outside pressures. This pressure may be from an investigative committee, concerned citizens, the legislature, the press, or the inmates themselves.[173]

The system had been operating for over 130 years and it appeared that little progress had been made. Prison numbers kept increasing but there were few strategies available for administrators. The former Liberal Government had rigorously ignored the prison service. The incoming Labor Government had to somehow address the decaying structure. The Liberal apathy would surface again in the 1990s, but this time the solution was clear - let private enterprise deal with the problem.

From 1956 to 1983 the prison system was part of three separate departments. In retrospect, the decision to move prisons into the new mega Department of Social Welfare effectively halted Whatmore's attempt at prison reform. His new task meant that he could no longer keep his finger on the 'penal pulse.' Whatmore had to entrust that to Shade. But while Whatmore had the ear of the political head of the department, his successor was not afforded the same consideration.

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[167]    The Jenkinson Inquiry, 11.
[168]    Tomasic and Dobinson, The Failure of Imprisonment, 37.
[169]    See, for example, The Jenkinson Inquiry.
[170]    Jika-Jika High Security Unit, HM Prison Pentridge, 1980,
         Department of Community Welfare Services, 1.
[171]    See Community Welfare Services Reports, 1979, 48; 1980, 51; 1982, 43; and 1983, 33.
[172]    Social Welfare Report, 1974, 8.
[173]    Murton, The Dilemma of Prison Reform, 100.

Perhaps this may have been because Whatmore was dealing with a new Minister for Social Welfare. Whatmore and the former Chief Secretary, Sir Arthur Rylah, had worked together since 1955.[174] Shade had to run a neglected prison system. Whatmore had been unsuccessful obtaining funding from Rylah but Shade had to lobby Whatmore for the extra finance. Shade continued prisoner rehabilitation,[175] but by the time Community Welfare Services controlled prisons, Shade had retired.

The Parole and Probation sections were looked upon as the shining lights of the new Corrective Services division, and prisons relegated to the bottom of Community Welfare needs. The result of this neglect was manifest. Prisoners lobbied for 'rights.'[176] Prisoners also took advantage of the relaxation of the custodial regime. The scale of incidents and assaults on both prisoners and staff escalated as prisoner numbers grew.[177] Prison accommodation was scarce and the use of dormitories widespread.[178] The prison system lost credibility when prisoners escaped from Pentridge Prison. However, it took a series of major incidents and escape attempts before the Labor Government took firm action.

The following chapter deals with the decision to separate 'corrections' from Community Welfare Services and the formulation of a distinct Office of Corrections. The decision was to have a profound effect on prison officers. The new department decided to implement a new prisoner management strategy but it will be argued, failed to provide the necessary prison officers' training to enable them to both understand and then implement the strategy.

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[174] J. Holmes, The Government of Victoria,
(St Lucia, Queensland: Uni of Queensland, 1976) 103.

[175] Social Welfare Report, 1962, 1115.

[176] Hawkins claimed in 1985 that prisoners did not have rights, rather they were "voluntarily disentitled." G. Hawkins, "Prisoners' Rights. The John Barry Memorial Lecture" ANZ J Crim, Vol 18 No 4 (December 1985): 196 -205, 203.

[177] Lynn and Armstrong, From Pentonville to Pentridge:
A History of Prisons in Victoria, see chapter 12.

[178] Ibid.

# Chapter 5

## The Office of Corrections, 1983-1992.

*— — —— —- - —--mutato nomine*[1]

This chapter details Victoria's prison operational policy from 1983 when the OOC was formed until 1992 when a change of government abolished the department. The chapter will also highlight the complexity of creating a new department, building new prisons, and introducing a new prisoner management strategy. The development of new policies was crucial. But whether the new organisation had the time and resources to formulate the myriad policies required for such a transition was, at that stage, unknown. As Davis et al point out,

> The authors of policy are often unable or unwilling to be precise about their objectives. Moreover, public stated objectives may differ markedly from the real objectives of a policy.[2]

The chapter also examines the organisational restructures and personnel changes in the department's short history. It never appeared to have a degree of stability or decision-making consistency during these years. Moreover, the new department needed strong Ministerial support to fight for sufficient resources and defend it, if required in Cabinet. The department also required a charismatic political spokesperson to 'sell' the new organisation to a sceptic public. However, the major problem was that the corrections portfolio was added to other Ministerial responsibilities. The OOC had four Ministers in nine years of operation.[3]

In the early 1980s Victoria's prison system was run down, beset with staffing problems, and appeared to lack direction. Motivation was at an all-time low.

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[1]   Literal translation, "with the name changed" E Ehrlich, A Dictionary of Latin Tags and Phrases, (London: Hale, 1985) 152.

[2]   G. Davis, J. Wanna, J. Warhurst, and P. Weller, Public Policy in Australia, 2nd Ed. (St Leonards, NSW: Allen & Unwin, 1993) 185.

[3]   Pauline Toner was the Minister of Community Welfare. Jim Kennan was the Attorney-General; Steve Crabb was the Police and Emergency Services Minister as was Mal Sandon.

There was a feeling that the 1970s emphasis on prisoner rights had given inmates *defacto* control of the institutions.[4] However, in any prison system there are a number of informal prison practices which have tacit support by both prison management and prisoners.

> The institutionalized system of rights and privileges that inmates enjoy, one may suggest, gains the qualities of a moral order over time and when violated by prison administrators, leads to anger and outrage over perceived injustices.[5]

Victoria's 1972 <u>Social Welfare Report</u> detailed the type and nature of offender being sent to prison.

> Victorian prisons are becoming not only receptacles for those who breach the social code but for those who are little more than misfits and failures in our community and more in need of assistance than punishment. Our prison population to-day comprises persons ranging in age from 17 to 70 and includes alcoholics, drug addicts, incorrigible criminals, petty offenders, sex deviates, and offenders against Commonwealth defence policy.[6]

Moreover, as Armstrong noted, "there was a different type of criminal entering the system. The 'old crims' were in their forties and had enough of prison. They knew about discipline - a lot having been returned service men. The new lot were woeful and were a continual problem."[7] In late 1982, the Minister, Pauline Toner, acknowledged that "Prison is seen by very few as rehabilitative. Rather it is a punishment or removal from the community of those who are perceived to represent a risk to society."[8] She also accepted that the administration of prisons was not a simple matter.

> The management of prisons is a demanding and sensitive area requiring careful consideration if community expectation about security and protection is to be fulfilled. The resources previously provided have not been commensuarate (sic) with the task.[9]

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[4]    Interview with former prison Governor Grade III, Jim Armstrong, 24 June 1996.
[5]    F. J. Desroches, "Anomie: Two Theories of Prison Riots" <u>Canadian J Crim</u>, Vol 25 No 2 (1983):173-190, 182.
[6]    <u>Social Welfare Report</u>, 1972, 34.
[7]    Interview with former prison Governor Grade III, Jim Armstrong, 24 June 1996.
[8]    Speech by the Minister for Community Welfare Services at the opening of the Bendigo Attendance Centre, 29 October 1982.
[9]    <u>News Release, Minister for Community Welfare Services</u>, 7 December 1982.

Moreover, Toner was conscious of the sensitivity of her portfolio.

> We are all aware that running a corrections system is a most difficult
> task. We collect a lot of brick-bats and very few bouquets. If we run a
> humane and compassionate system, we are too soft. If we tighten up
> rules and procedures, we are accused of being callous and brutal.[10]

On the other hand, Toner found that "Normally humane citizens revealed attitudes more appropriate to the Inquisition when the subject of prisons was raised."[11] The Minister, however, assured senior managers of her support and informed them, "It is a conundrum that in bad physical conditions you have developed the best correctional services system in Australia. Together we will make it the best system in the world."[12] Tackling prison overcrowding became a government priority. The Minister announced the location of the proposed remand centre which would cost $21 million and be completed within three years.[13]

> The centre, once completed, will represent a radical departure from
> that proposed by the former government in respect of low level
> accommodation, recreational facilities and a more humane approach
> to security. The building will provide single room accommodation for
> between 220 and 240 unconvicted men and women. The removal of the
> remand facility from Pentridge will greatly assist in the proper
> implementation of justice in that persons, as yet untried, will be
> physically separated from convicted criminals.[14]

The catalyst for prison organisation change had occurred on 3 January 1983 when two prisoners escaped from Pentridge Prison. The Acting Minister announced "an extensive process of informal consultation with experts overseas has been worked through and we are now at the stage when a formal request for assistance can be made later this week."[15] However, on 30 July 1983 four extremely dangerous prisoners escaped from the high security Jika Jika prison situated within the walls of Pentridge Prison.

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[10]    Speech by the Minister for Community Welfare Services, to open a Senior Staff
       Officers Conference, 16 December 1982.
[11]    J. Hurst, "The Battle for a Humane Penal System" quoted in G. Hawkins, "Prisoners'
       Rights. The John Barry Memorial Lecture" ANZ J Crim, vol 18 no 4
       (December 1985): 196 -205, 202.
[12]    Speech by the Minister for Community Welfare Services, to open a Senior Staff
       Officers Conference, 16 December 1982.
[13]    News Release, Minister for Community Welfare Services 6 December 1982.
[14]    Ibid. 31 March 1983.

The two officers on duty at the time of the escape were transferred to other duties. Pentridge prison officers went on strike on 1 August. After negotiations between the Government and the Prison Officers union failed and "In response to the prospect of diminished security at Pentridge and worsening conditions as time went on, the Government decided last Friday 5 August that a State of Emergency should be proclaimed in Victoria."[16] Prison officers received a telegram:

> The Governor-in-Council has declared a State of Emergency stop
> Regulations now confer power on the Minister for Community
> Services to take necessary action for the proper and secure conduct
> of Victoria's correctional facilities stop You are therefore directed to
> report for duty at 9 a.m. Saturday 6th August, 1983 stop
> I now have power to dismiss prison officers or other officers
> employed by the Department of Community services who refuse to
> perform duties as directed.
>
> Pauline Toner, Minister for Community Welfare Services.[17]

The strike ended on 6 August. Prison officers were convinced that the Government was more interested in prisoner welfare than security. With the system at the point of collapse, the Government separated corrections from the Department of Community Welfare Services (DCWS). The final DCWS correctional services report noted

> 1983 has been an eventful but difficult year for corrections. Escapes
> from "J" Division and Jika Jika at Pentridge caused extensive manhunts
> throughout Victoria and triggered a review of the whole prison service
> within Victoria.[18]

James Henderson, an expert from the United States Federal Prison System, conducted a security review of Victoria's prison system. He found

> a relatively fragmented though centralised administration, functioning
> without a coherent body of policy and procedure, not performing many
> of the traditional auditing functions that are associated with centralised
> management.[19]

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[15]   Ibid, 4 January 1983.
[16]   Ministerial Statement by the Honourable Pauline Toner, M.P. Minister for
       Community Welfare Services, 9 August 1983: Escapes from Pentridge Prison and
       events leading up to the Proclamation of a State of Emergency, 1.
[17]   MRD 046= QQA171= Melbourne CTO VIC 93/91 10.45P.
[18]   Department of Community Services, Report, 1983, 33.
[19]   J.D. Henderson, The Department of Community Welfare Services, "Focus on
       Prisons" Newsletter, No. 14, (September, 1983) 3.

Henderson was particularly critical of the system's apparent lack of direction.

> Perhaps the singular most notable feature of this office was the lack of a well-developed body of policy and procedure for uniform implementation throughout all facilities.[20]

Henderson recommended the appointment of consultants to develop a "master plan to guide future development. Resources are now being spent without the regard to the long range needs of the system or society in general."[21] The government accepted Henderson's recommendations but noted

> We feel very angry that decades of neglect have resulted in a system so run-down that a massive injection of funds is necessary for a re-build. Our development programme won't occur overnight but will be carefully staged according to our master plan.[22]

The Premier and the Minister for Community Welfare Services announced the creation of a separate Office of Corrections (OOC) on 5 July, 1983. "The Office will operate within the Department of Community Welfare Services and will be directly responsible to the Minister for Community Welfare Services."[23] A separate Director-General of Corrections with permanent head powers would be appointed to head the OOC.[24] Amending legislation was required to establish the Office and would be achieved in the Spring Session of the Parliament.[25] The newly appointed Director-General of Corrections, Bill Kidston, was recruited from Western Australia (WA). The Minister acknowledged Kidston's accomplishments in changing the moribund WA system and was confident that he would achieve similar results in Victoria. Toner, however, stressed the need for time to affect change.

> It needs to be clearly understood that because of decades of neglect the Victorian prisons system cannot be fixed up overnight. However, with this appointment and the formation of a separate Office of Corrections within my Department the first important steps towards the achievement of that goal will have been taken.[26]

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[20]    Ibid.
[21]    J.D. Henderson, A Report on the Correctional System of Victoria, Australia, Department of Community Welfare Services, April 1983,    112-113.
[22]    News Release, Minister for Community Welfare Services, 6 June 1983.
[23]    News Release, From the Office of the Premier of Victoria, 5 July 1983.
[24]    Ibid.
[25]    Ibid.
[26]    Newsletter, No. 14, (September, 1983) Focus on Prisons, 2.

## Corrections Master Plan Victoria.

On 11 August 1983 the Victorian Government commissioned a team of consultants, Neilson Associates, to furnish the State with a blueprint to change the ailing correctional system.[27] Their brief was to "provide an integrated Master Plan for the OOC out-lining goals, phases and development strategies for correctional facilities, programs and systems."[28] The consultants' remarked

> The overwhelming impression is one of a prison system starved of funds, and plagued by partial (and frequently unsatisfactory) short-term decision-making on capital works. There exists a succession of unfulfilled development plans for individual prisons, each of which involved substantial resources in its preparation, and all of which appears to have fallen by the wayside.[29]

The Master Plan (the Neilson Report) pointed out that there had already been five year plans for prisons prepared in 1975 for 1976-1981, and again in 1978 for 1979-1984, but, "These plans were never adopted as Government policy."[30] Changes in prisons had been left to individual Governors who initiated building programmes using local financial resources, staff and prisoner labour to complete tasks.[31] These tasks, however, should have been directed or co-ordinated by Head Office.[32]

> Our review of physical conditions and programmes in the State's prisons identifies a real sense of neglect, gloom, frustration and tension which pervades the whole system. The prisons are, by current standards, disgraceful places in which to house people, however serious their offences, and disgraceful places in which to expect prison officers to work.[33]

The Report was highly critical of the management regimes and argued that unless both prison physical conditions and prisoner management practices changed the system would implode.

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[27]    Neilson Associates, Corrections Master Plan Victoria, (The Neilson Report)
        August 1983, 1.
[28]    Ibid.
[29]    Ibid, 35.
[30]    Ibid, 1.
[31]    Ibid.
[32]    Ibid.
[33]    Ibid, 33.

Prison officers have a highly stressful and difficult task to perform just in supervising prisoners in these primitive conditions. There is little hope of them developing more positive and participatory roles in prison management and officer/prisoner relationships while the conditions in which they work are frustrating and offensive for prisoners, who are tense and aggressive as a consequence, as well as for the officers themselves. When it is considered that, in all prisons, small numbers are supervising large numbers of fit, aggressive, idle and frustrated young men, it is more surprising, to say the least, that there have not been more serious riots, fires, or other major disturbances. Victoria's prison system could be likened, without too much exaggeration, to a powder keg waiting for a lighted fuse.[34]

The consultants posed the question, "Will the Victorian prisons serve the needs of the State over the next twenty years and beyond, without major new investment?, the answer must be "Absolutely not."[35] The consultants acknowledged that the Government accepted the existing system could no longer provide "secure and humane" conditions.[36] They were, however, concerned that unless a massive infusion of finance was made available "the lack of decisiveness on the part of the Government and the parsimony which characterises expenditure on the prison system [would continue]."[37] They recommended the State begin a building programme "to upgrade prison accommodation and facilities."[38]

> AS PART OF THAT PROGRAMME, THE GOVERNMENT
> TAKE THE OPPORTUNITY TO INTRODUCE MODERN
> MANAGEMENT METHODS AND PROCEDURES INTO
> VICTORIA'S PRISONS, BASED ON THE MANAGEMENT OF
> PRISONERS IN SMALL GROUPS OR UNITS.
> ACCOMMODATION MUST BE DEVELOPED OR
> REDEVELOPED TO FACILITATE SUCH A CHANGE.
> STAFFING MUST ALSO BE UPGRADED IN SKILLS AND
> TRAINING TO SERVE THE NEEDS OF MODERN PRISON
> MANAGEMENT.

(Section 7.4. Priority - HIGH).[39]

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[34]     Ibid, 34.
[35]     Ibid, 37.
[36]     Ibid.
[37]     Ibid. 36.
[38]     Ibid, 37.
[39]     Ibid, 38, (note. published in upper case).

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The consultants suggested the administration trial both the new prisoner programmes and prisoner management concept in one or two of the smaller existing prisons "with the assistance of specialist staff" over the period when new prisons were being constructed. Information would then be available to be analysed by the authorities prior to the commissioning of new prisons. If successful, the projects could be immediately introduced upon opening.[40]

> Modern prison management in the United States and elsewhere relies on the subdivision of accommodation within prisons into small units, with prisoner management based on the operation of these separate units. This allows flexibility in the treatment of different groups of prisoners, in the range of security environments available within prisons, and, at the same time, provides for more human contact at the "small group" level, which is of benefit to both prisoners and prison staff.

> We believe this concept should be introduced into the Victorian prisons, largely to ensure that, in prisons of up to 250 people, management and design are planned hand-in-hand to ensure a humane living and working environment in new facilities, for prisoners and officers.[41]

The foundation of the Master Plan was a set of key policies which defined the fundamental purpose of the Victorian correctional system. These policies were,

1.  imprisonment is to be regarded as a punishment of last resort.

2.  the correctional system, and especially the prisons, should be developed and administered in a manner which is:
    (i)    humane;
    (ii)   efficient; and
    (iii)  effective.

3.  to develop a humane prison system it is necessary to ensure that:
    (i) loss of liberty is the sole punitive aspect of imprisonment.
    (ii) acceptable standards of accommodation and facilities are met.
    (iii) productive work is available.
    (iv) prisoners' and officers' rights are respected
    (v) prisoners' health and welfare is protected.
    (vi) prison management emphasises human contact.
    (vii) prisoners' participate in decision making.

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[40]    Ibid.

[41]    Ibid, 44-45.

(viii) size and physical development of prisons enhances policies of humane containment.
(ix) there must be adequate staff.
(x) staff must participate in prison management.
(xi) there must be effective staff development programmes.
(xii) staff and their families must be protected from criminal acts by offenders or others.[42]

The Neilson Associates Master Plan was one of the most significant documents in the history of Victoria's prisons. It is comparable with Whatmore's blueprint for prison change in the 1950s. The Master Plan would radically change Victoria's prison design. It was the harbinger for prison building on an unprecedented scale since the nineteenth century. The new prisons would be built according to 'unit management' principles. The Plan recommended a new type of prisoner management strategy, one albeit not scientifically evaluated.

Prison officers would have to be retrained to meet the standards expected in the new regime. Although the Government accepted the Master Plan in principle, the propositions would have to be studied by the OOC and either accepted or modified to determine a new set of policies. Bill Kidston, the Director-General, took up his appointment on 10 October, 1983.[43] The Community Welfare Services (Director-General of Corrections) Act 1983, came into operation on 22 November. This gave "legislative force to the partitioning of the Department of Community Welfare Services, the establishment of the Office of Corrections and the responsibilities of the Director-General of Corrections."[44]

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[42] Ibid, 22-23, (note, upper case in original).
[43] Newsletter, no. 14, (September, 1983) Focus on Prisons, 2.
[44] OOC Annual Report, 1983-84, iii.

## Building the Office of Corrections.

The primary objectives of the new organisation were:

> To provide for the development and delivery of a range of custodial and non-custodial adult correctional programs in a manner which is consistent with both the maintenance of public safety and prisoners' rehabilitation;
>
> To manage the use of capital and manpower resources to optimise the efficiency of delivery and effectiveness of adult correctional program (sic);
>
> To provide for a process of organisational change within the Office of Corrections which will promote rapid performance improvement in prison security, prison accommodation, prison industries and activities available to prisoners consistent with security and their effective management; and
>
> To provide effective leadership to both uniformed staff administering institution-based adult correctional programs and non-uniformed staff administering community-based correctional programs to establish and maintain a cohesive and competent organisation.[45]

Kidston organised the OOC into four Divisions - each with a primary focus. Prisons were incorporated into Custodial Services, and the other Divisions reflected the nature of the work to be undertaken: Community-Based Services; Strategic Services; and Management Services.[46] The Prisons Division assumed all the functions of the former Correctional Services Division apart from Attendance Centres which would be "oversighted" by the Community-Based Services Division.[47] The Director of Prisons, Barry Apsey, had a great deal to accomplish.

> A prime concern of the new Division has been the development of an environment which will strengthen the management of prisons in Victoria. In response to the inadequate management structures identified in the former Correctional Services Division two changes have been made. Firstly, the fourteen Prison Governors have been made directly responsible to the Director of the Division and given new delegations of authority to strengthen their autonomy and accountability.

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[45]   Newsletter, 1983, 2.

[46]   OOC Annual Report, 1983-84, iii.

[47]   Ibid.

This move has overcome the blurred lines of responsibility with which Governors and Headquarters staff previously had to cope. Secondly, specialist advisers on prisoner classification and placement, prison inspection and investigation, and prisoner programs have been appointed to upgrade the quality of support services available to the Director and governors.[48]

Kidston's immediate task was to appoint a senior management team. However, the appointees were to be mainly career bureaucrats - a practice which was not uncommon.

Those behind the changes have acted in the belief that there is nothing distinctive about correctional management. In the central office and the institutions, managers with absolutely no correctional experience, but a decent record in other state agencies, have been hired.[49]

A team of management consultants had developed and recommended the OOC organisation structure (see Fig.5:1).[50] Kidston, however, successfully argued for a Deputy Director-General. He interviewed and appointed senior managers by the end of December 1983.[51] Kidston's tenure in fact was to be marked by changing senior management personnel, but there was some semblance of stability during the organisation's first years of operation (see Fig. 5:2 for OOC personnel from 1983-1992).

The government continued to implement the Master Plan, however, the Minister pointed out that the government "inherited a prison system that was Dickensian, failed to meet minimum United Nations standards and was inhumane. The system is run down, barbaric, inefficient and potentially unworkable."[52]

48      Ibid.
49      J.J. DiIulio, Jr. Governing Prisons, (New York: The Free Press, 1987) 135.
50      History of the Office of Corrections Victoria, OOC Resource Centre, September, 1984, 8.
51      Ibid.
52      Speech at ALP meeting, Eltham Court House, Eltham, Victoria, 30 May 1984.

**Figure 5:1 OOC Organisational Structure and Associated Functions.**

Director-General

Deputy Director-General

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| Classification | Prosecutions Unit | Personnel & Staff Development | Policy and Programme Development | |
| Inspections/ Investigations Unit | Special Supervision Unit | Staff Training College | Research | |
| Programme Co-ordination | Projects | General Administration | Planning & Review | |
| Projects | Parole Board Secretariat | Finance & Accounting | Building Development | |
| Governors | Court Advisory Services | Freedom of Information | Legislative Development Unit | |
| | Regional Managers | Catering and Nutrition | Information System | |
| | | | Public Relations & Publications | |

1    Director of Prisons

2    Director of CBC

3    Director of Management Services

4    Director of Strategic Services

5    Director of Special Projects

Source: adapted from OOC Annual Report, 1983-84.

Mrs Toner claimed the Cain Government had "increased expenditure on corrections by 22%, to a figure of nearly $50 million."[53] Moreover, the Minister announced on 12 June that the State's first "Correctional Centre" would be built in the Shire of Corio. Work was expected to commence in early 1985 and would cost $25 million.[54] "Mrs Toner said the Government's first correctional centre would place great emphasis on rehabilitation programmes for its prisoners."[55]

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[53]    Ibid.

[54]    News Release, Minister for Community Welfare Services, 12 June 1984.

[55]    Ibid.

## Figure 5:2 OOC Senior Management Personnel and Functions 1983-92.[56]

| Year | Prisons | CBC (1) | DMS (2) | DSS (3) |
|------|---------|---------|---------|---------|
| 1983-84  - | B Apsey | D Richards | G Drury | C Foley-Jones |
| 1984-85 | B Apsey | D Richards | P O'Grady | C Foley-Jones |
| 1985-86 | D Grant | D Richards | P O'Grady | C Foley-Jones |
| 1986-87 | T Abbott | D Richards | P O'Grady | P Priest + |
| 1987-88 | N Banner # | D Richards | P O'Grady | P Priest |
| 1988-89 | J Griffin | D Richards | P O'Grady | R Eldridge |
| 1989-90 | J Griffin | D Richards | P O'Grady | R Eldridge |
| 1990-91 | J Griffin | D Richards | P O'Grady | R Eldridge |
| 1991-92 | vacant | D Richards | P O'Grady | vacant |

(1)     Community Based Corrections.

(2)     Management Services.

(3)     Strategic Services.

#       Acting,.

+       Position title changed to Policy and Research.

Source: OOC Annual Reports, 1983-92.

Mrs Toner's statement sent mixed messages to Victoria's prison officers. While some prison officers assumed the Minister's statement demonstrated her welfare bias, others believed that the government had "gone soft on prisoners."[57] But this perception is a classic example of the fundamental dilemma of prisons in the 1970s and 1980s. There is normally a divergence between a prison's penal philosophy and the actual operating policy. They are hardly ever contiguous. For example, a prisoner management strategy will be based on control if the correctional philosophy dictates prisoner obedience, prison labour, and education.[58] However, if the operating philosophy changes to allow prisoners some freedom of choice yet the prisoner management strategy remains unchanged there will undoubtedly be prisoner/prison officer conflict. This is why Victoria's prisons were in a quandry. Victoria's prison officer training and standard work practice was directed towards maintaining control.

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[56]     There were only 2 Directors' - General: W.J. Kidston 1983-87, and P.B. Harmsworth, 1987-92. The post of Deputy Director-General was abolished after the incumbent became Director-General in 1987.

[57]     Interview with former prison Governor Grade III, Jim Armstrong, 24 June 1996.

[58]     DiIlluio, Governing Prisons, 105.

Yet, prisoner control appeared secondary to prisoner placation. This approach was never explained to front-line officers. They were never informed if this was policy. Perhaps in retrospect it should have been disseminated - at least informally.[59] A majority of Victoria's prison officers believed that inmate insurrection was the impetus for both informal and formal policy change. Officers wholeheartedly agreed with building new prisons. Their anxieties centred on proposed changes in work practice. Their views had probably been coloured by government statements. It appeared the sole interest was the welfare and conditions of prisoners. Nobody could or would explain what the changes would mean.[60]

In 1984 Victoria's prison system consisted of an eclectic range of institutions (see Fig.5:3). Most were in dire need of funding. The priority was the redevelopment of Pentridge Prison.

**Figure 5:3 Victoria's Prisons in 1983 by Type and Accommodation.**

| Prison | Type | Accommodation |
|---|---|---|
| Ararat | medium-security | 215 |
| Beechworth | medium-security | 112 |
| Bendigo | medium-security | 86 |
| Castlemaine | medium-security | 95 |
| Dhurringile | minimum-security | 72 |
| Fairlea Female | medium-security | 30 |
| Geelong | medium-security | 120 |
| Morwell River | minimum-security | 78 |
| Pentridge | multi-purpose | 981 male, 49 female |
| Sale | medium-security | 50 |
| Won Wron | minimum-security | 90 |

Source: OOC Annual Report, 1983-84.

The Pentridge complex would be restructured to contain a 250 bed reception and classification prison on the site of the Southern Prison, and a 250 bed short-term facility on the site of the Northern Prison.

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[59]   Interview with former prison Governor Grade III, Jim Armstrong, 24 June 1996.
[60]   Ibid.

Jika Jika would be used as a 50 bed protection prison. Moreover, funds would be available for a new 250 bed prison with an adjacent training college - the future Barwon Prison.[61]

## Bureaucratic rhetoric and administrative reality.

Victoria's Government approved a prison construction and redevelopment programme by August 1984.[62] The new prisons at Pentridge would be known as the Metropolitan Reception Prison (MRC) which amalgamated the former Southern Sub-Prison and Jika Jika - renamed K Division, and the 'new' Pentridge Prison combining the former Northern and Central Sub-Prisons. The position of Superintendent of Pentridge was abolished. The restructured prisons were administered by a Governor Grade III.[63] The aims of the OOC were intended to be

> Consistent with Government policy that imprisonment should be used as a punishment of last resort and that the loss of liberty be its sole punitive aspect, the Office of Corrections provides community and prison based programs as well as safe and secure facilities for the management of prisoners and offenders in a manner which respects the rights of individuals, emphasises human interaction, is humane, efficient, effective, fair, just, constructive, contemporary and has the confidence of the courts and the community.[64]

The proposed operating philosophy and policy of Victoria's prisons was not mentioned. But then Kidston's 1982 Report as Director of the WA Prisons Department was singularly devoid of any stated prison operational philosophy and practice.[65] However, it appears probable that the 1982 WA prison operating policy was an extension of the "treatment" model employed in 1972.[66]

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[61]   News Release, from the Office of the Premier of Victoria, 20 February 1984.
[62]   Minister for Community Welfare Services, Speech at the restructure of Pentridge Prison, 16 August 1984.
[63]   Ibid.
[64]   OOC Annual Report,1984-85, 1.
[65]   Western Australia Department of Corrections Annual Report, 1981-1982.
[66]   T.A. Williams, Custody and Conflict: An organisational study of role problems and related attitudes among prison officers in Western Australia, Ph D diss., University of Western Australia, 1974, 30.

There is a remarkable similarity between the various administrative functions of 1972 [67] and 1982.[68] Indeed, "There had been a rapid increase in the number of non-custodial staff (such as psychiatrists, psychologists, social workers, welfare officers, and training staff) employed by the department."[69] Victoria's Prison Minister, however, was still talking in terms of the Medical Model. "The Government aims to have a just, efficient prison system - a system where prisoners can be rehabilitated - a system in which officers are proud to work."[70] Furthermore, the philosophy behind prisoner programmes was questioned. "The programs that allegedly give rehabilitation meaning, must cease to be the claimed purpose of a correctional sanction ... programs are not the primary purpose of corrections."[71]

The building programme progressed with the new Remand Centre nearing completion, the proposed Barwon Prison and Staff Training College at the design stage, and an announcement by the Minister that Castlemaine would be the site for a new $25 million country prison.[72] The State Opposition was unhappy about some of the proposed changes and hinted at what would become a major prison policy platform in 1992 - the privatisation of some prisons. The Minister responded claiming "To introduce a single American concept vastly different from current Australian practice without any homework is grossly irresponsible."[73] Responsibility for corrections, however, transferred from Pauline Toner to the Attorney-General, Jim Kennan, in March 1985,[74] and the OOC issued a 2-year strategic plan designed to formalise correctional operational policies.[75]

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[67]   Williams, Custody and Control, 29.
[68]   Western Australia Department of Corrections Annual Report, 1981-1982, 61.
[69]   Williams, Custody and Control, 30.
[70]   News Release, Minister for Community Welfare Services, 6 June 1983.
[71]   W. Clifford, Penal Philosophies and Practice in the 1970's, (Canberra: Australian Institute of Criminology, 1976) 7.
[72]   News Release, Minister for Community Welfare Services, 19 January 1985.
[73]   Ibid.
[74]   OOC Annual Report 1985-86, 1.
[75]   Victorian Office of Corrections Strategic Plan, 1985/86 to 1987/88, OOC Resource Centre, 1985.

Prison officers were now aware of intended operational policies. The newly framed policies detailed both prison philosophical and operational aims.[76] While the immediate ramifications of these policies would not be clear, the organisation could no longer be accused of subterfuge. The policies were a clear mandate of future operational direction. Prisoner management practice was explicit, but the philosophical base was unclear. The OOC Mission Statement stated the OOC "emphasises human interaction, [and] is humane."[77] It appeared that the operating philosophy would be a variation on the Dutch concept of Humane Containment.

While OOC administrators were grappling with policy and procedure, prison security was still flawed. On 16 June 1985 prison officers discovered hacksaw blades, knives and a six metre length of cord in K Division. This is a normal find in any prison but to the embarrassment of Victoria's authorities it was found in the ultra-maximum security section formerly known as Jika - Jika.[78] The unit, which opened at a cost of $7 million dollars in July 1980,[79] and was used to house "high risk, long term prisoners," had been described as "one of the most modern buildings of its type in the world."[80] It was becoming an embarrassment to the prison authorities. Several prisoners had already escaped from the so-called 'unescapable unit' in 1983.[81] The former Minister, Pauline Toner, acknowledged the unit's defects when opening a National Conference on Technology and Design in prisons in August 1984. She detailed design faults and faulty technology in prisons which cost the Australian tax payer millions of dollars each year.

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[76]   Victorian Office of Corrections Strategic Plan, 1985/86 to 1987/88, OOC Resource Centre, 1985, 4-9.

[77]   Ibid, 3.

[78]   News Release issued by the Attorney-General, 17 June 1985.

[79]   Jika-Jika High Security Unit, H.M.Prison Pentridge, Department of Community Welfare Services, 1980, 1.

[80]   Ibid.

[81]   Ministerial Statement by the Honourable Pauline Toner, M.P. Minister for Community Welfare Services, 9 August 1983: Escapes from Pentridge Prison and events leading up to the Proclamation of a State of Emergency, 1.

Toner claimed Victoria made less costly mistakes over the past two decades simply because

> We haven't built anything worth talking about. The one grand gesture was Jika-Jika High Security Unit, now called 'K' Division. It is interesting that, in order to be absolutely sure of containing some of our bad lads, we march our escapees from our modern High Security Unit over to the 120 year-old 'H' Division where the key-in-the-door and close contact between officers and prisoners provides infinitely better security than the new technology.[82]

However worse was to come. One prisoner took on the identity of another and walked to freedom from the MRP. The Attorney-General claimed "prison staff are often not provided with sufficient documentation to enable them to carry out the proper identification of prisoners after they are delivered to the jail by police officers."[83] In the rush to implement prisoner programmes and management strategies the primary task of imprisonment, security and custody, appeared to have been forgotten.

Kidston sent the Director of Strategic Services, Foley-Jones, on a tour of American and Canadian prisons to "obtain information on prison design, perimeter security technology and prison management techniques" in late September 1985.[84] Foley-Jones's was given responsibility for "Building Development Work."[85] The decision to send the Director of Strategic Services and not the Director of Prisons seems strange. While the Director of Strategic Services was "to oversee the construction of new facilities and the maintenance of existing facilities"[86] the Director of Prisons should have been the logical person to seek information - particularly with the Government building three new prisons. However, it appears, the incumbent was "not sufficiently regarded by the Director-General to seek the necessary new prison input."[87]

[82]     Minister for Community Welfare Services, opening speech at National Conference: Review of Technological and Design Developments in Prisons, STC, Watsonia, 22 August 1984. 1.

[83]     News Release issued by the Attorney-General, 28 June 1985.

[84]     OOC Annual Report, 1985-86, 35.

[85]     Ibid, 1983-84. 6.

[86]     Ibid, 1985-86. 28.

[87]     Interview with Jim Armstrong, 6 August 1996.

Long-term prison policy and management practice decisions were made without benefit of expertise.[88] Again, the organisation procrastinated instead of acting. It took a series of rapes before a decision was made to shut the four 'F' Division dormitories in MRP. Announcing the closure, the Attorney-General said he was shocked!

> The conditions in the dormitories are unacceptable in this day and age. They are intolerable for both inmates and staff and the sooner they are closed the better. They are widely recognised as a fire hazard and can only be described as Dickensian.[89]

However, there was still dormitory accommodation in D Division (30 beds), E Division (138 beds), and J Division (120 beds). Moreover, prisons at Ararat, Bendigo, Castlemaine, Dhurringle, Sale and Won Wron all contained dormitory accommodation.[90] Double bunks were installed in 150 single cells in D Division to replace the lost bedspace in F Division.[91]

The Director of Prisons, Barry Apsey, resigned in February 1986 and was replaced by David Grant - the Chief Probation and Parole Officer.[92] Kidston "had needed someone who knew the prison ropes" and appointed Apsey until he was aware of the Victorian prison climate.[93] Apsey had been the Director of Corrective Services in DCWS. Moreover, Kidston's Deputy Director-General transferred to the Public Works Department in May.[94] The Attorney-General announced that $150 million had been earmarked for new prison construction over the following three years. The money was to be spent on 25 major building projects which would include,

- Castlemaine: $20 million medium security jail to accommodate 250 prisoners. Work to begin on perimeter wall in September this year with work on the jail to begin January 1987. To be partly occupied by June 1988 and completed by April 1989;

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88     Foley-Jones had been recruited by from WA by Kidston and had "a background in social work," interview with Jim Armstrong, 6 August 1996.

89     News Release issued by the Attorney-General, 17 December 1985.

90     Information supplied by former Governor, Jim Armstrong.

91     News Release issued by the Attorney-General, 17 December 1985.

92     OOC Annual Report, 1985-86, 30.

93     Interview with Jim Armstrong, 6 August 1996.

94     OOC Annual Report, 1985-86, 30.

- Barwon: High security prison worth $45 million to house 250 prisoners. Earth works complete and work to begin on perimeter wall in August this year. To be partly occupied by June 1988 and completed by March 1989;

- Melbourne Remand Centre: Work to resume in the near future on the high security remand centre which will house 240 prisoners. Construction of the remand will enable refurbishment of Pentridge remand division; and

- Staff Training College, Barwon: New $10 million training facility to be built adjacent to new Barwon Prison.[95]

Industrial disruption stopped the building of the Melbourne Remand Centre (MRC) at the end of 1985. The Government mothballed the project indefinitely. The original costs had blown out to $65 million.[96] Imprisonment numbers had been rising steadily since 1983 (see Fig.5:4). The only way to cope with prison overcrowding had been the liberal interpretation of prison release administrative discretion. Prisoners sentenced to a month's imprisonment or less spent the day in prison while admission procedures and prisoner information was collated.[97] The new Corrections Bill, 1986 would close all the anomalies in discretionary leave given to prisoners by Governors.[98]

**Fig. 5:4 Number of Prison Beds and Daily Average Male Population, 1983-1992.**

| Year | Number of beds | DAP |
|---|---|---|
| 1983-84 | 1899 | 1.900 |
| 1984-85 | 1912 | 1579 |
| 1985-86 | 1931 | 1819 |
| 1986-87 | 1934 | 1834 |
| 1987-88 | 2058 | 1906 |
| 1988-89 | 2247 | 2006 |
| 1989-90 | 2486 | 2192 |
| 1990-91 | 2481 | 2204 |
| 1992-92 | 2355 | 2156 |

Source: OOC Annual Reports, 1983-1992.

[95] News Release issued by the Attorney-General, 29 April 1986.
[96] Media Release Minister of Employment and Industrial Affairs, 19 December 1985.
[97] Ammendments to the Penalties and Sentences Act on 1 June, 1986 curtailed this practice.
[98] News Release issued by the Attorney-General, 18 September 1986.

When the OOC commenced operation, there were 1,427 permanent, temporary and part-time staff operating on a budget of $44,829,511.[99] By June 1987 the total was 1,971 full and part-time staff operating on a budget of $101,974,394.[100] In its last full year of operation the OOC had 2,290 employees with a budget of $149,541,076.[101] The largest appropriation had been in 1990 when OOC had a budget of $157,369,727 and had 2,435 employees.[102] Coyle, commenting on the Scottish Prison Service, noted,

> There is a tendency in any bureaucracy to feed off itself. One
> danger for any headquarters' structure is that it creates a
> raison d'etre of its own, divorced from the substructure which it was set
> up to serve. The Prison Service exists because there are prisoners;
> prisoners are held in prisons by prison staff. These are the only essential
> elements in the system. All other elements, including the headquarters'
> structure, are useful but have no separate right of existence.[103]

Funding was made available for programmes, and policies and procedures were developed for the 'high profile' soft-sell programmes such as Pre-Release Programmes,[104] new Community Based Sentencing Alternatives[105] mentally ill prisoners,[106] Official Prison Visitor scheme,[107] suicide prevention,[108] and prison education, among others.[109] However, the OOC tried to reduce prison officer overtime which had cost $7.7 million in 1985.[110] Kidston's original senior management personnel began to leave. The Deputy Director-General had transferred in 1985. In February 1987, the Director of Prisons, David Grant, the Director of Strategic Services, Chris Foley-Jones, and the Director of Policy and Research, Rob Eldridge, resigned.[111] Fifty per cent of Kidston's senior staff had now left.

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[99]    OOC Annual Report, 1983-84.
[100]   Ibid, 1986-87.
[101]   Ibid, 1991-92.
[102]   Ibid, 1990-91.
[103]   A.G. Coyle, A Comparative Examination Of The Prison Services In North America.
        Winston Churchill Memorial Fellowship, 1984. 95 (underlining in original).
[104]   News Release Minister for Community Welfare services, 7 March, 1984.
[105]   Ibid, 7 February 1985.
[106]   News Release issued by the Attorney-General, 11 March 1986.
[107]   Ibid, 24 April 1985.
[108]   Ibid, 30 September 1986.
[109]   Ibid, 11 October 1986.
[110]   Ibid, 20 November, 1986.
[111]   OOC Annual Report, 1986-87, 45.

Foley-Jones, the Director of Strategic Services, had been the 'architect' of new prison building policy and prisoner management practice. The position had been regarded as second only to the Director-General. Interestingly, Kidston abolished the position and upgraded the role of Policy and Research to Executive status. The new Director of Policy and Research commenced in the April. A new Director of Prisons, Tom Abbott, was recruited from the English Prison Service and took up his duties in May. Kidston was still optimistic that the organisation was making progress. The 1987 Report highlighted the year's achievements. These included the passing of the

> Corrections Act 1986 and finalising work on the accompanying
> Corrections Regulations, Director-General's Rules and Operational
> Orders, [the opening of the redeveloped Fairlea Women's Prison, and]
> piloting innovative unit management techniques at Castlemaine Prison in
> an attempt to improve the quality of the prison environment for both
> staff and prisoners.[112]

There was a hostage incident at Bendigo Prison on 20 August which received a great deal of publicity at local, state, and national level. A prisoner had taken ten hostages (four prisoners and six teaching staff). The siege lasted two days prior to resolution.[113] This incident should have warned administrators that the system was potentially volatile. But the siege was, probably, passed off as an aberration. Indeed, at a conference at the Australian Institute of Criminology in Canberra in September, both Kidston and Kennan, the Attorney-General, maintained that change to Victoria's prison system was being smoothly implemented. Kidston outlined his strategic plan which was to take place from 1984-1991.

> The first period [1984-86] was characterised by the development of
> the Office, the establishment of the Staff Training College, preparation
> of legislation, designing and planning new facilities, establishing
> a community based corrections division, planning experimental and
> training programs in unit management in preparation for the new
> facilities, and to develop close co-operation with the other arms of the
> criminal justice system.

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[112]    OOC Annual Report, 1986-87, i-ii.
[113]    Ibid, 1987-88, 31.

The second and most difficult period, 1987-88, was intended to be and is a period of consolidation, that is, a period for operational planning of three new maximum security institutions, to formulate new staff attitudes, to eliminate inefficient work practices, and to introduce subordinate legislation and policy directions. The third phase, 1989-91, will see the opening of the new and the closing of the old facilities and the further development and consolidation of viable community corrections programs.

Has the 3-Phase Plan Worked?

The answer is yes, to date.[114]

On 29 October 1987 prisoners in Unit 4 'K' Division (the former Jika-Jika) in MRP

Barricaded the two doors leading to the two sides of the Unit, and the barricade of the door leading to Side one was set alight. Despite the efforts of prison officers, access to the two sides of the Unit could not be gained for some time and, in the result, the four prisoners present in side 2 of the Unit were badly affected by smoke and toxic fumes, and the five prisoners housed in Side 1 were asphyxiated.[115]

The adverse publicity questioned OOC policies and practices. The Attorney-General closed 'K' Division, and subsequently blamed the previous Liberal administration for the tragedy.[116] Walter Jona was Minister when Jika-Jika opened. When the Division opened it was "publicly acclaimed." Jona claimed that he called in the Opposition (including the future Minister, Pauline Toner) to explain the need and purpose of the place prior to its commissioning and that

They understood the need for that sort of protective security. Victoria, in the late 1970s, had perhaps 40 prisoners for whom any normal maximum security was grossly inadequate, and 'H' Division [in Pentridge Prison] was totally inadequate in terms of security.[117]

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[114]    W.J. Kidston, "Practical Aspects of Victoria's Approach," in J Vernon, (Ed) Developments in Correctional Policy: More Prisons?, Canberra: Seminar Proceedings No. 22, 29-30 September 1987, Australian Institute of Criminology.

[115]    B.L. Murray, Report on the Behaviour of the Office of Corrections, 27 December 1989, 1.

[116]    Interview with the former Minister for Community Welfare Services, The Hon. Walter Jona, AM, 6 August 1996.

The Liberal Government had sent

> People round the world to view facilities with clear instructions from the
> Government through the Minister to the Department that they were to
> avoid anything inhumane like Katingal [in the NSW Prison System].
> There was to be nothing underground and the [cell] windows were to be
> at eye-level height for the first time in a Victorian Prison.[118]

The "metallic electronic operation" of the Unit should have been different.
"That's where there were grounds for some criticism, where there was room for
a lot of adjustment." Jona felt Jika-Jika was "totally misrepresented" and was
portrayed "as a cruel place." Prisoners "were never intended to be there for the
whole part of their prison life." Again, "we were not building a unit for the
average murderer." Jona claimed that when Toner took office,

> She changed all the rules in Jika-Jika and operated it in a way which
> it was never intended. For example, she took away the interior
> security cameras [and] she took away some of the outside spotlights.
> They were considered to be intimidating [to the prisoners]. She changed
> the mechanical operation of the doors.

Jona believes that "the terrible tragedy was brought about by the changes in
[Jika-Jika's] system that they [the ALP] made." Moreover, "I got the blame for
it, although it happened years after I had gone, because they said this is what
Jika-Jika was destined to lead to." [119] The Attorney-General noted

> Prison management will continue to be a difficult job. In our prison
> system, just as in any other prison system, there will be problems from
> time to time. Prisons are by their nature very difficult places to work in,
> to live in and to manage, and in political terms the news about prisons
> invariably concentrates on bad news and good news is in fact
> represented by there being media silence about the issue rather than
> positive stories. I had also said that it was the intention of the
> Government to close Jika Jika in its existing form once the new high
> security gaol at Barwon was completed. However, the recent a fire
> made it impossible to persist with Jika Jika in that form, particularly
> having regard to the design weaknesses which led to the doors being
> able to be jammed and fire started. To suggest that it would have been
> responsible to keep the Jika Jika unit open in its then form is not
> realistic.[120]

[117]   Ibid.
[118]   Ibid.
[119]   Ibid.
[120]   Speech by the Attorney-General for Victoria, The Hon. Jim Kennan, MLC, to the
        Eltham ALP Branch Meeting, Wednesday, 18 November 1987.

While the Attorney General maintained the fiction of a liberalised regime and new prisoner management strategy, the reality, particularly at Pentridge, was quite different. The Attorney-General announced a number of security measures.

- the commencement for the first time of dog patrols between 7pm and 7am;

- increased staffing in "H" Division;

- installation of new fences, together with increased razor ribbon wire;

- the installation of cameras for "A" Division, "H" Division and "B" Division;

- the fitting of high tensile steel grilles to "H" Division windows;

- the installation of the electronic surveillance systems for "H" Division windows; and

- the installation of a central television monitoring point in the security office to have dedicated staffing for two shifts a day to monitor all existing and new cameras in the Pentridge Prison.[121]

The OOC became the responsibility of the Minister for Police and Emergency Services, Steve Crabb in December 1987. The prison system was contiually undergoing change. Indeed, it seemed that the major part of Kidston's 'correctional change platform' focused on alternatives to imprisonment including the use of Community Based Corrections. In one of his final speeches as Director-General, Kidston criticised the notion of prison rehabilitation and lauded the use of the sentencing alternative. He claimed, "Our greatest chance to "rehabilitate rehabilitation" ... was through community based corrections programs.[122] Kidston did not complete the task for which Pauline Toner had recruited him. He accepted a promotion to Director of Housing and Construction in March, 1988. His successor was Peter Harmsworth.[123]

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[121]  Ibid.
[122]  W.J. Kidston, Corrections Policy & Management Issues for the 1990's, paper delivered to the Australian Bicentennial Congress on Corrective Services, 24-27 January 1988, Sydney, NSW.
[123]  OOC Annual Report, 1987-88, 54.

## Towards the 1990s.

Kidston left the OOC with three new prisons either partially constructed or on the drawing board. These new prisons were designed to manage prisoners in small groups using the concept of unit management. A pilot programme had been attempted at the old Castlemaine Prison but had yet to be evaluated. Prison officers were unsure of the changes. They believed that most of the available finance was being diverted to Community Based Corrections (CBC). Official statements verified their fears. Comments on the use of imprisonment as a last resort, and of the first class CBC which had been developed were commonplace. As Kidston noted, "the most exciting aspect of the implementation of the [strategic] plan has been the establishment of a highly professional and acceptable community based corrections program."[124] Prison officers could be forgiven if they thought that they had been disregarded. The difficulty they faced was both lack of information and misinformation. Brown-Grieves blames poor marketing and lack of communication for most of these problems. He claims there is an important by-product associated with this.

> If an officer feels that he is not being fully informed, or that some of the programs run by his department contravene his personal correctional philosophies, then his morale will suffer. When there is a general feeling of low morale, the likelihood of industrial disputation increases, and the ability of the prison to provide effective programs decreases accordingly.[125]

Indeed Victoria's prison officers were mystified. Kidston, the change agent for Victoria's prisons, had gone without completing his task. What tack would Kidston's successor take? Harmsworth first move was to transfer the Director of Prisons, Tom Abbott, into a 'new' Inspector-General's position. This role was to inspect and provide advice on prisons and reported directly to the Director-General. While this was a high profile role Harmsworth's motives could be questioned. Abbott had been Kidston's appointee and was on contract from the English Prison System for another two years.

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[124]     Kidston, "Practical Aspects of Victoria's Approach," 29.
[125]     S. Brown-Greaves, "Overcrowding-Police and Prisons" in Vernon , Developments in Correctional Policy: More Prisons?, 58.

Harmsworth appointed a CBC senior manager from NSW as Director of Prisons. John Griffin commenced duties in August 1988.[126] What the constant change of Director of Prisons meant to uniformed staff is unknown. Prison officers were probably less than impressed. They had been informed that prison direction was changing yet all that appeared to be changing was the person in charge of prisons. Harmsworth abolished the Deputy Director-General's position, and the Director of Policy and Research transferred to the Health Department. The position of Director of Building Projects was upgraded to Executive status. However, the incumbent was promoted to Housing and Construction. In 12 months the only people to keep the same positions on the Executive were the Directors of CBC and Management Services respectively. Eldridge returned to the Policy and Research directorship, a position that he had resigned from in February of the previous year.[127] In August 1988 the Government launched a comprehensive strategy to cover "prevention, apprehension and punishment of criminals, rehabilitation of offenders and care of victims." The strategy was known as BLAST [128]

Government policy appeared to directed toward rehabilitation of offenders. The Minister for Corrections, Steve Crabb, noted that most of the initiatives were "already up and running."[129] Prison officers had not been informed. They were still confused. A uniformed member of the OOC Executive Development Program wrote,

> Having reached a state of affairs where it would seem that the rehabilitative ideal has been discredited by the theorists and abandoned by the community it could be forgiven if one were to wonder why Victorian correctional administrators appear to persist in promoting the ideal. It would even seem that in recent years the ideology has undergone a resurgence in this state (sic) through the emphasis placed upon the Unit Management concept and a number of alternatives to imprisonment.[130]

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126    OOC Annual Report, 1988-89, 47.
127    Ibid.
128    Building a Law-Abiding Society-Together, (BLAST), August, 1988,
       Victorian Government Publication, 49320/88, 2.
129    News Release from the Minister for Police and Emergency Services,
       18 September 1988.
130    T. Rodgers, OOC Executive Development Program October, 1989, 11.

Indeed, it seemed as if Crabb and the OOC were taking the 'soft' option when selling Government policy. The publication of BLAST was meant to assure the public. As a public relations exercise it might have achieved its aim. However, as a policy document it was *fronti nulla fides*.[131] Whether the Government was selling the public tried and tired policies is a moot point. BLAST was more of the same, but came differently packaged. The difficulty about implementing new policies was neither the time nor effort that it took to research. It was mainly convincing Cabinet colleagues that the policy was sound politically. According to Jona, before considering implementing a policy a Minister must ask three questions:

1    Where does it fall in line with the policy of the party?
2    How much will it cost? and,
3    Community tolerance - how will the public accept it?[132]

Moreover, "the Premier did not want to be continually answering questions if the policy was negatively perceived."[133] Again,

As prisons were a pretty poor relative [when negotiating for funds from Cabinet], you had to undertake a [public relations] campaign to sell to the public. A backlash from the public can set you back ten years.[134]

The Melbourne Remand Centre (MRC) opened on 6 April 1989. It was expected to house 240 prisoners in 13 'units' with between 4 and 30 prisoners in each unit. The Minister, Steve Crabb, noted ,

This opening not only fulfils an outstanding pledge, it also marks the beginning of the most comprehensive prison development program that has been undertaken in more than a century. It is also an important element in the Government's comprehensive criminal justice strategy released last year, with the purpose of 'Building a Law Abiding Society Together.'[135]

The difficulties in changing prison management philosophy have been aptly described by DiIullio.

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131    Literal translation, 'never judge a book by its cover', Ehrlich, <u>A Dictionary of Latin Tags and Phrases,</u> 112.
132    Interview with Walter Jona, 6 August 1996.
133    Ibid.
134    Ibid.
135    News Release from the Premier of Victoria, 6 April 1989.

The California Department of Corrections had the mandate until 1978 to "rehabilitate offenders."[136] However, "the law was changed, and the department's chief duties became public protection and punishment."[137] DiIullio asks, "how is that to be implemented?"[138] Victoria's prison officers were asking the same question. In May 1989 the OOC published a set of corporate directions which would take the Department through until 1994.[139] An organisational priority was "To develop and implement the concepts of unit management in new prisons and to progressively introduce unit management concepts to all prisons."[140] Apparently the implementation of unit management did not have unqualified support. There were

> Guidelines to be reviewed and published, Training to be further developed, Evaluation of program to be undertaken, Other forms of management of prisoners in small groups needs to be explored.[141]

Unit management implementation was nowhere near readiness. Perhaps the state of unreadiness was in part due to the continuing changes in the organisation's structure and Executive personnel. Harmsworth changed the organisation almost annually (see Figs 5:5 and 5:6). The Minister inspected the new $58.7 million Barwon Prison at Lara in June 1989. He noted that the prison would house 250 prisoners "in a campus arrangement of 15 buildings with the living units grouped around enclosed courtyards."[142] Crabb commented that the prison would be used as "Victoria's main high security jail."[143] This was a far cry from Toner's proposed 'Correctional Centre.' Moreover, the proposed adjacent new Staff Training College did not rate a mention. It has yet to be built.

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[136]    DiIulio, Governing Prisons, 134.
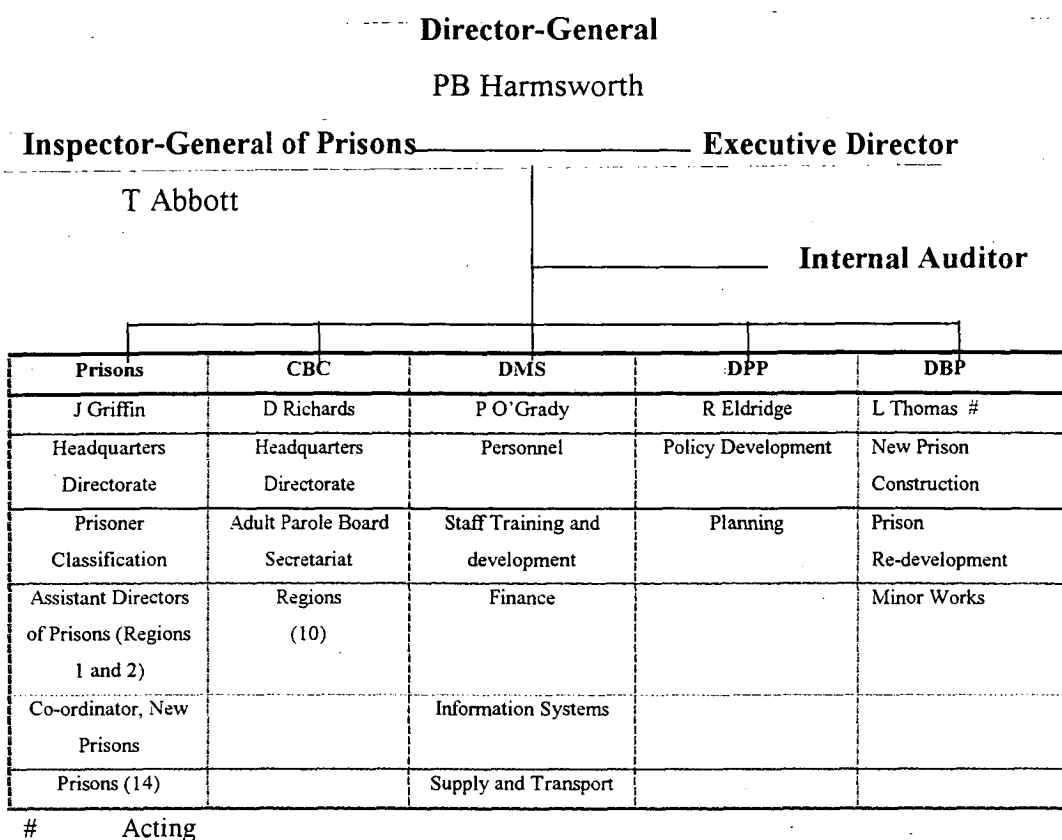[137]    Ibid.
[138]    Ibid.
[139]    "The Way Ahead - The Next Five Years, Corporate Directions: 1989-94, OOC, May, 1989.
[140]    Ibid, 17-18.
[141]    1989 Audit of Corrections Master Plan (1983), High Priority Recommendations, OOC, Recommendation 31, 3.
[142]    Media Release, OOC, 16 June 1989.

## Figure 5:5 OOC Organisational Structure at 30 June 1989.

**Director-General**

PB Harmsworth

**Inspector-General of Prisons** ——————————— **Executive Director**

T Abbott

——————— **Internal Auditor**

| Prisons | CBC | DMS | DPP | DBP |
|---|---|---|---|---|
| J Griffin | D Richards | P O'Grady | R Eldridge | L Thomas # |
| Headquarters Directorate | Headquarters Directorate | Personnel | Policy Development | New Prison Construction |
| Prisoner Classification | Adult Parole Board Secretariat | Staff Training and development | Planning | Prison Re-development |
| Assistant Directors of Prisons (Regions 1 and 2) | Regions (10) | Finance | | Minor Works |
| Co-ordinator, New Prisons | | Information Systems | | |
| Prisons (14) | | Supply and Transport | | |

\#      Acting

Source: OOC Annual Report 1988-90.

In July 1989 the State Government announced that it would set up an Independent Board of Inquiry into specific matters raised by the Coroner about the behaviour of the OOC during the Jika-Jika inquest.[144] The Coroner found that,

> If one looks at prison administration, by looking at the performance of prison administration with respect to this fire, one finds ineptitude, failure and non-performance in almost every aspect of the events examined. In this case, the prison administration is seen to be in a state of general collapse.[145]

The Barwon Prison was officially opened on 23 January 1990.[146]

143      Ibid.
144      Media Release, OOC, 31 July 1989.
145      Ibid.
146      News Release from the Office of the Premier of Victoria, 23 January 1990.

The Government's reforms to prisons were "part of a widespread strategy on law and order that dealt with penalties, crime prevention, rehabilitation of offenders, and care and protection for crime victims."[147] The Premier restated the Government position, "We want a system in which the public can have confidence, but which offers offenders the best possible prospect of rehabilitation."[148]

Barwon Prison's opening meant that Pentridge's E Division could be closed in March. The Castlemaine Prison closed its doors on 22 June. The majority of staff at the old prison were transferred to the Loddon Prison on the outskirts of Castlemaine. However, the experiment of unit management at Castlemaine Prison was never properly evaluated. Authorities would find it difficult to use this information as a basis for prisoner management at Loddon.

There were no changes to CBC, DMS, DPP, or DBP (See Fig. 5:6) in Harmsworth's next organisation reshuffle. Prisons Directorate gained the former Directorate of Strategic Services and Operations and Emergency services. However, Griffin lost supervision of the three Assistant directors of Prisons. They would now report direct to the Director-General. In addition, a new Directorate was created - Operations Review and Inspections. This Directorate would be charged with management review, inspections of all prisons, and would assume responsibility for the now demoted rank of Inspector-General. The new Minister for Corrections, Mal Sandon, announced at the opening of the redeveloped forensic psychiatric unit in "G" Division in MRP on 28 June that "Unit management is a major new initiative being progressively introduced into all prisons and the OOC is providing officer training to develop the skills necessary for any officer to perform unit management duties."[149] This was exposed as a fallacy in July 1990.[150]

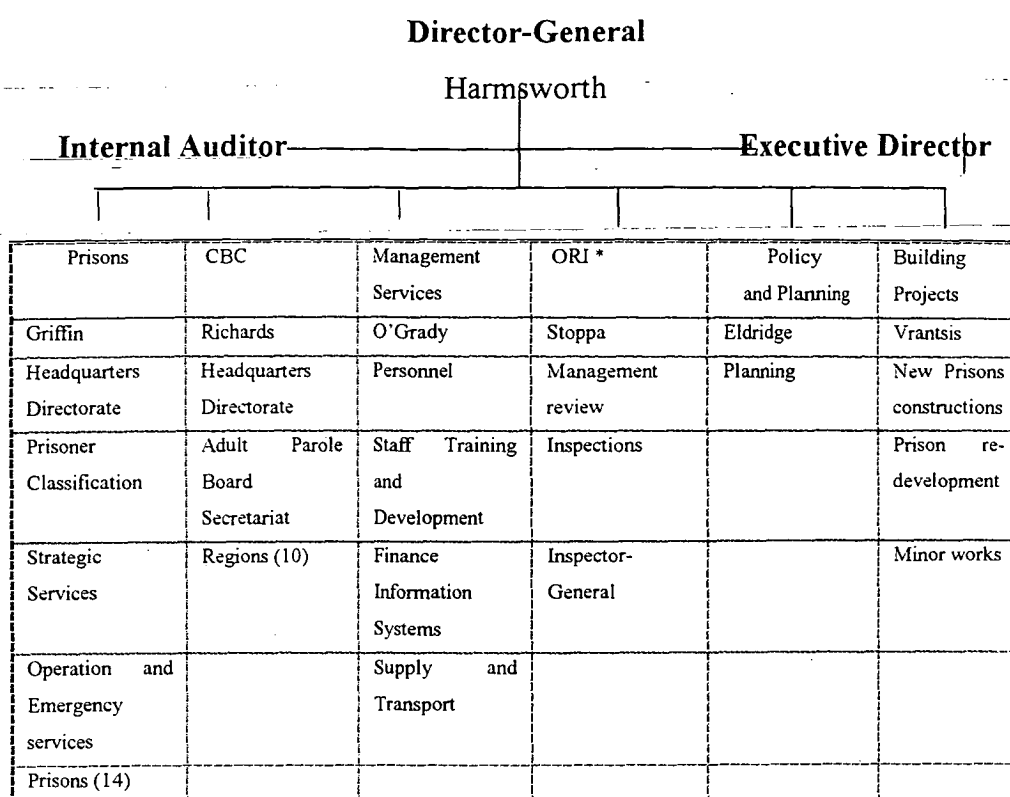---

[147]     Ibid.
[148]     Ibid.
[149]     Media Release from the Minister for Police and Emergency Services, 28 June 1990.
[150]     Report on the Accountability of the Office of Corrections,
          The Ombudsman Victoria, July 1990.

## Figure 5:6 OOC Organisational Structure at 30 June 1990.

### Director-General

Harmsworth

Internal Auditor ——————————— Executive Director

| Prisons | CBC | Management Services | ORI * | Policy and Planning | Building Projects |
|---|---|---|---|---|---|
| Griffin | Richards | O'Grady | Stoppa | Eldridge | Vrantsis |
| Headquarters Directorate | Headquarters Directorate | Personnel | Management review | Planning | New Prisons constructions |
| Prisoner Classification | Adult Parole Board Secretariat | Staff Training and Development | Inspections | | Prison re-development |
| Strategic Services | Regions (10) | Finance Information Systems | Inspector-General | | Minor works |
| Operation and Emergency services | | Supply and Transport | | | |
| Prisons (14) | | | | | |

\*      Operational Review and Inspections

Source: OOC Annual Report 1989-90.

The Ombudsman found, *inter alia*, that there were "differing philosophies between the OOC and prison officers." Moreover, there appeared to be "an atmosphere of mistrust" existing between officers at prison and head office. The prison officers felt that the OOC "fails to understand the problems and needs of officers "at the coal face" and that decisions are made without paying heed to the difficulties of implementation within prison."[151] The Ombudsman noted,

> The Director-General has agreed that this has been a long standing problem. He has advised that a number of initiatives have been implemented to deal with the problem including the publication of an in-house magazine (Keypoints), the establishment of regular staff meetings and the development and implementation of a planning process in prisons.[152]

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[151]   Report on the Accountability of the Office of Corrections, The Ombudsman Victoria, July 1990, 13.

[152]   Ibid.

The Ombudsman commented on the differing attitudes held towards the concept of unit management between Head Office and the prison officers.

> It is also considered that there is a general feeling in relation to the attitude of prison officers to new developments in correctional matters. When the unit management system was first trialed in H division it was met with resistance from both officers and prisoners and eventually failed. This system is now in use at the Melbourne Remand Centre, Barwon Prison, Tarrengower [the new minimum-security female prison at Malden] and K Division and, whilst it appears to be operating satisfactorily, its major tests will be at Barwon and Loddon prisons when those prisons are fully operational. It is often apparent that the policies of the OOC are not reflected in the actions of officers as detected in investigating complaints and in the views of officers expressed during visits to prisons, discussions with training groups, etc. by the Ombudsman and his staff.[153]

The Director-General agreed that there had been much confusion about the introduction of the concept. He, however, was confident of success.

> The Director-General conceded that the initial introduction of unit management into H Division was not successful but he considered that this had much to do with the complexities associated with trying to manage five different groups of prisoners in one unit. He has referred to the success of unit management in the prisons where it is in operation now. He has stated that the principles of unit management are based on extensive research into developments overseas and interstate and that the introduction of unit management is also linked to the implementation of Structural Efficiency Principles for custodial officers. Unit management is intended to lead to the multi-skilling of prison officers particularly in the area of developing more professional prison management and human relationship skills.[154]

It appeared the Director-General was trying to justify the new prisoner management practice. His fiction that the the concept had been subject to 'extensive' research overseas could easily be disproved. There was lingering doubt in the American jurisdiction as to the concept's usefulness. And, the decision to introduce the concept into H Division has to be examined in light of the purpose of the Division. Most prisoners who were sent to H Division were regarded as the system's 'heavies.' Apart from being a constant management problem in the general prison population, this group of prisoners were a source of 'standover' tactics.

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[153]    Ibid, 13-14.
[154]    Ibid, 14.

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The system had a duty of care to other prisoners and one way of protecting them was to segregate the 'heavies.' Moreover, the type of officer who worked in this Division was used to constant verbal and physical abuse. Indeed, the Division's regime could be compared to a military 'glasshouse.' To introduce such a concept in this Division with these types of protagonists was questionable. The underlying factor in the Director-General's defence of the concept - that of prison officer multi-skilling - is fallacious. The simple fact is there are less staff working in the unit management regime. The prison officer was expected to become a para-professional overnight on the basis of a week-long course. The American experience has suggested that recruitment of staff to work in 'new generation' prisons is entirely different from that for custodial institutions. The critical dimensions for working in unit management are based on:

1    Managing the living unit to assure a safe and humane environment;
2    Handling inmate discipline;
3    Responding to inmate requests;
4    Building positive rapport and personal credibility with inmates;
5    Supervising in a clear, well-organized, and attention-getting manner;
6    Resolving inmate problems and conflicts; and
7    Maintaining effective administration and staff relations

These dimensions require very different employee skills from those traditionally recruited for correctional work. Such dimensions present a different list of desired skills, knowledge, and abilities of staff and dramatically change the applicant pool to be targeted. This new targeted recruitment includes social workers, counselors, and others involved in the human service delivery field.[155]

When a fundamentally different prisoner management regime is implemented the ramifications for staff and prisoners are immeasurable. For example, the Michigan Responsibility Model "placed a premium on measures that maximized inmates' responsibility for their own actions." [156] But in order to accomplish this, the staff have to change their operational practice.

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[155]    S.W. McCampbell, "Direct Supervision: Looking for the Right People" American Jails, Vol.IV/number 4 (November/December, 1990): 68-69, 68.
[156]    DiIullio, Governing Prisons, 118.

Tight security is "counterproductive" because inmates ought to be given a chance to behave in acceptable ways. Rather than having their every move monitored inmates ought to be given the greatest measure of freedom consistent with basic security requirements.[157]

Victoria's prison system was trying to implement a new prisoner management concept with very little support mechanisms and even less training for change. As the Ombudsman noted,

> It seems that one inhibiting factor on progress in this area could be the maintenance of a disciplined service environment. This tends to perpetuate the militaristic trappings of the service and resists progress towards greater involvement with the prisoners. It also appears that the current system of rotating officers through various posts leads to officers with special skills in some areas of work spending considerable amounts of time in areas of work in which they have few skills. For instance, officers with limited inter-personal skills can be required to deal directly with prisoners or members of the public. Consideration should be given to possible changes in the organisation of prison officers to bring the system more into line with modern developments in penology.[158]

The Ombudsman's solution was to separate the prison service into two parts. One section was to look after security and the other was to deal with management of prisoners and visitors.[159]

Loddon Prison at Castlemaine opened on 2 August 1990. The $29.4 million medium and minimum security institution would house 64 minimum security prisoners in eight small units and 186 medium security prisoners in three larger units. The Minister, Mal Sandon, said the opening of the prison was the "culmination of the unprecedented corrections master plan embarked upon by the Government in 1983."[160] With Tom Abbott's secondment from the English Prison Service completed, the Director-General abolished his unit and established the Operational Review and Inspections Division in March 1990.

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[157] Ibid, 119.
[158] Report on the Accountability of the Office of Corrections, 14.
[159] Ibid.
[160] Media Release from the Minister for Police and Emergency Services, 2 August 1990.

The main purpose of this unit, unlike Abbott's Inspector-General Unit which focused on prisons, was organisation-wide inspection and management review.[161] The specialisation required for prison inspection, particularly in light of the introduction of new management techniques, was now be in the hands of a mixture of prison and CBC personnel. Prison officers had little time for the other half of the OOC whom they perceived as 'do-gooders' and 'prisoners friends.' Prison officers believed that the introduction of CBC staff in a prison review team highlighted the focus of the Director-General and the organisation per se. Prisons were the poor cousins in the OOC relationship.

Indeed, prison officers were subject to rank restructure in line with structural efficiency principles. This restructure came into effect in November 1990.[162] A new six-level rank structure gave the staff a new title. They were to be known as Prison Correctional Officers.[163] The warders and turnkeys of Barrow's era had progressed from being wardens but what had changed?

The OOC continued to release policies and programmes on many diverse prisoner and offender areas.[164] Three new Acts with major implications for the OOC were passed during the Autumn 1991 Session of Parliament. These were,

Corrections (Prison Management and Prisoners) Act 1991

Corrections (Remissions) Act 1991, and

Sentencing Act, 1991

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[161]   OOC Annual Report, 1990-91, 17.
[162]   Ibid, 15.
[163]   Ibid.
[164]   There were statements on: Education and Vocational Training Programs; Prison Industries and Employment; Long-Term Unemployed Offenders; Health Programs; Alcohol and Drug Treatment Programs; HIV Positive Prisoners; Psychiatrically Disturbed Prisoners; Sex Offenders; Violent Offenders; Drink Driving Offenders; Community Based Orders; Personal Development Condition; Women Offenders; Aboriginal Offenders; Young Adult Offenders; Melbourne Remand Centre Youth Unit; Day in Prison Program; Adventure Based Challenge Program; Offenders from a Non-English Speaking Background; Intellectually Disabled Offenders; Community Integration Program; and the Custodial Community Permit Program, OOC Annual Report, 1990-91, 20-31.

The first Act was designed to improve the security of prisons and the management of prisoners. The second Act to abolish prisoner remissions and the Pre-Release Program for prisoners sentenced after the commencement of the Act. The Sentencing Act, 1991 replaced the Penalties and Sentences Act, 1985 and covered all general provisions relating to the sentencing of offenders.[165] The OOC now had enabling legislation to cover the anomalies found in the various former Acts. The OOC continued the implementation of unit management. A review of practices in K Division in early 1990,[166] found that a number of issues needed to be addressed "including clarification of the philosophy and purpose of the unit."[167] To overcome the perceived deficiencies, Schwartz recommended that the unit,

> Redefine philosophy, objectives and organisational design;
> Redefine regimes, prisoner management, program unit operations;
> Revise operational procedures;
> Revise staff delegations;
> Revise staff profile, duty statements for uniform and program staff, and rostering practices;
> Develop human resource guide;
> Translation of staff; and
> Staff Training [168]

The initial experiment with unit management had been beset by teething problems. Ironically, the unit management co-ordinator commented "No doubt, given the enthusiasm staff have already shown, K Division will surpass the standard it previously achieved as a unit managed division."[169] The NSW system also had problems with unit management implementation. For example, the Minister for Corrective Services noted

> In the past affirmed my belief in the method of unit management as a desirable model of prisoner management. The attempted implementation of this strategy was made untenable due to prisoners possessing freedom to roam the gaols as they wished, to spend their time intoxicated, listening to cassettes, watching television or just 'doing their own thing.'[170]

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165    OOC Annual Report, 1990-91, 1.
166    Dr David Schwartz had managed a similar unit on unit management practices in Long Bay Prison in Sydney.
167    Unit Management in Victorian Prisons, Information for officers 20 September 1990.
168    Ibid.
169    Ibid.
170    Ibid, 9.

The major problem with Victoria's implementation was that each prison and individual units within prisons began to practice 'their version' of unit management.[171] This pattern had also been noted in California where "the system was more than ever the sum of what individual wardens happened to be doing at their prisons."[172] By December 1991 the Director-General noted that,

> Work on the progressive implementation of unit management into Victoria's prisons continued during the year. Unit management is already operating in all of our new prisons, and Robert Eldridge, assisted by a small team of implementers (sic), will be responsible for the development and implementation of unit management across all prisons. Unfortunately, implementation has been slowed because its development is linked to award restructuring which is not progressing as fast as I would like.[173]

Eldridge, the former Director of Policy and Research was now given the mandate to implement the strategy. It appeared that the task force originally charged with implementation did not achieve and was replaced by a higher profile, and more senior, figure. In April 1992, Harmsworth announced the departure of the Director of Prisons, John Griffin. Harmsworth commented that a number of changes in Prisons Division had brought about:

- the focussing of the role of the ADOP (Strategic Services) [Assistant Director of Prisons] on the planning, development, implementation and training development relating to Unit Management;

- the establishment, on temporary basis, the position of ADOP (Program Development and Implementation) to co-ordinate priority prisoner programs across prisons;

- the greater emphasis on assigning senior staff key projects consistent with the "Acting Strategically" development program.
  During the "Acting Strategically" program, I indicated my intention to move away in Head Office from fixed organisational structures and the adoption of more flexible structures that assigned key staff to priority project areas.

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[171]  From conversations by the author with various prison personnel , and from personal experience visiting all Victorian Prisons as part of then duties. See also J.R. Beeden, Report on validation of SPO/CPO Promotional Courses 1989 to 1991, internal report to the Co-ordinator of Training Services, Bill Paterson, October 1991.
[172]  DiIullio, Governing Prisons, 133.
[173]  Newsbreak,Vol.6 No. 9, (December 1991).

- I have discussed these changes with John Griffin, the Director of Prisons, and he sees it as an appropriate time to step aside to enable the new arrangements to achieve their full potential.[174]

Harmsworth maintained that he would not replace Griffin but would allocate his duties to four ADOPs who would report directly to Harmsworth.[175] On 17 August Harmsworth appointed Mike Harrington to the position of Director of Prisons.[176] Harrington was a career bureaucrat. There was little evidence that he would be an asset to prison officers.[177] It would not matter. On 6 October Harmsworth was called to a meeting with the newly elected Liberal Government and told that "The Office of Corrections has now been absorbed within the new Justice Department together with the Attorney-General's Department and the Ministry for Police and Emergency services."[178] The OOC had fallen to new Government restructure and changes.

Victoria's 'Prison Department'had survived for approximately 140 years. In that time its administrative arm had grown exponentially. It had continued to provide bed spaces for a burgeoning prison population though lack of finance prevented it supplying contemporary penal standard accomodation. It survived successive governmentmental apathy. It was never been considered to be more than the "poor cousin of the public service."[179]

Its management structures suffered through successive administrators trying to find the 'right' combination. In the last twenty years of operation from 1970 to 1990 the Head Office arm of the organisation appeared to be in competition with its prison system. It may have been that it was more politically feasible for Head Office to focus on the 'soft options' of alternatives to imprisonment rather than face the difficulties of trying to administer a system that had been irrevocably changed through philosophical edict.

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[174] Internal memorandum from the Director-General to Prisons Division staff, 8 April 1992.

[175] Ibid.

[176] Keypoints, vol. 4, no. 1, (September, 1992) 24.

[177] Ibid.

[178] Newsbreak Director-General's farewell message, October 1992.

[179] Interview with Jim Armstrong, 6 August 1996.

The prison system suffered from the competing influences of order and accountability. Its primary function was containment and control of prisoners. The movement to make prison 'open' and accountable in the 1970s drew attention to the fact that prison operation depended on the aquiescence of prisoners.

When public attention focussed on prisoners rights and changed prisoner management practices, the resulting changes in operational procedures created a volatile prison environment. Prisoners questioned procedures. Prison officers did not have the requisite skills to cope with the change. Their training reflected a by-gone practice - order and obedience. The change of goverment in the early 1980s found an unprecedented financial commitment. New prisons were designed and constructed. The organisation again attained departmental status. Recruitment was at an all-time high. A new prisoner management strategy was to be implemented. Morale was excellent.[180] Yet the organisation failed to deliver. While it is simple to blame the organisation's demise on poor management practices, the realities can be quite different. The OOC foundered as a result of the classical penal dilemma - failure to address the competing mixture of policy, practice, and prison officer training.

This chapter has dealt with the Government's decision in 1983 to create a separate department of corrections - the OOC. There is no question that the government committed massive funding to change and upgrade the prison system. Yet, in retrospect, providing funding was never going to be enough. If Victoria's prison system was going to meet the State's requirements through to the new Millenium, it required detailed research into the changing focus on prisons and prisoners.

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[180]    CPO Sandra Moore, one of the original CPOs at the new Barwon Prison, described the motivation of the new staff as "kind of euphoric." She claims that she felt part of a new era in prison operation. The feeling quickly dissipated when old operational practices soon became commonplace.

The fact that the old custody and control practices were still being practiced should have alerted authorities that a fundamental change to prison officers' roles also required a massive change to traditional prison officer training practices. It appears, however, that prison officer training was never regarded as a major priority.

The following two chapters deal with the OOC's decision to introduce a new prisoner management concept into Victoria's prisons. That the concept was in its infancy and had yet to be scientifically evaluated was inconsequential. Change had to be made to Victoria's prison system. The ramifications of the proposed changes, again, were never given serious consideration. It appears that authorities thought that building new prisons and changing traditional operating practices would be sufficient to ensure success.

Chapter 6 examines the concept of unit management. It deals with its introduction into the American Federal Prison system and the attempts by other American local and state jurisdictions to implement the concept and build "new generation" jails to accomodate the practice.[181] The American practitioners very quickly found that staff had to be retrained to not only accept the new practice but also to implement it in a satisfactory manner. Again, it quickly becomes apparent that each locale had variations in unit management practice The visiting Victorian authorities may not have considered this during their investigations. Chapter 7 considers the 1980s prison officer training and the recurring theme is that of custody and control.

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[181]     L.L. Zupan, Jails: Reform and the New Generation Philosophy, (Cincinnati, OH: Anderson, 1991).

# Chapter 6

## Unit Management: The new Panacea?

*The authorities when announcing a policy tend not to emphasize its gaps, difficulties and inconsistencies and therefore make it appear more unified, simple and attractive than it really turns out to be in practice.*[1]

In the early 1980s two Australian prison systems were re-assessing their prisoner management strategies. New South Wales (NSW) and Western Australia (WA) had committed millions of dollars to fabricate purpose-built institutions to replace outdated and decaying edifices. Along with government building approvals came decisions to change traditional prisoner management practices. Each system had received reports from the USA on American correctional trends.[2] Australian administrators praised the relatively new prisoner management strategy being used in the recently termed 'direct supervision facilities.' This prisoner management strategy was also known as unit management.

> Unit management is an inmate management concept developed by the
> Federal Prison System to reduce the size of inmate management units
> and housing groups to approximately fifty inmates.[3]

But direct supervision was literally in its infancy with less than a dozen institutions implementing the concept prior to 1984.[4] What was direct supervision? Why had it arisen? And why were Australian prison administrators so keen to fundamentally change prison architecture and prisoner management operation? After all, the traditional Australian prison edifice and prisoner management strategy had survived nearly 200 years of white settlement. However, in the 1980s Australian State prison systems were archaic, run-down, and moribund.

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[1]     R. Forward. (Ed) Public Policy in Australia. (Melbourne: Cheshire, 1974) 12.

[2]     P.M. Egge. The United States Prison System. NSW Churchill Fellowship. 19. October. 1983, and I.C. Hill, Development of the professional role of prison officers. paper presented at the Australian Bicenteenial International Congress on Corrective Services. Sydney. January 1988. 2.

[3]     W.R. Nelson. "The Origins of the Podular Direct Supervision Concept: An Eyewitness Account" American Jails. (Spring, 1988): 8-16. 8.

[4]     W.R. Nelson and M.D. Davis. "Podular Direct Supervision: The First Twenty Years" American Jails. (July/August, 1995): 11-22. 16.

Prison conditions had been the cause of riots and insurrection in the 1970s.[5]
Little had been done to remedy the situation in the interim. The burgeoning
prison population forced both the NSW and WA governments to address these
problems. The decision to build new prisons was complimented by the
recommendations to implement a different type of prisoner management
practice.[6] Australian prison operation is, however, replete with examples of
operational and prisoner programme plagiarism. Administrators return from
annual conferences with other system's ideas or innovations.[7] But why would
Australian prison heads accept international prison concepts without intense
analysis of operational practices? [8] Prison administrators are generally reluctant
to discuss prisoner management models or operating policy. It may be that
many are less than knowledgeable about either previous or contemporary prison
philosophy, and mask their shortcomings behind standards phrases as
"Protecting the Community and Rehabilitating Offenders"[9] or,

> To contribute to the administration of justice and to the protection of
> society by exercising safe, secure and humane control of all persons
> referred to the department, while providing opportunities to assist
> offenders to become law-abiding members of the community.[10]

Australian prison systems had been operating on a mixture of the Medical and
Justice philosophical models inherited from the USA (see Fig 6:1). These
models determined prison practice for five decades.

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[5]    See M. Findlay. The State of the Prison. (Bathurst, NSW: Mitchellsearch, 1982);
       G. Zdenkowski and D. Brown. The Prison Struggle,
       (Ringwood, Vic: Penguin, 1982); T. Vinson. Wilful Obstruction,
       (North Ryde, NSW: Methuen, 1982);
       R. Tomasic and I. Dobinson. The Failure of Imprisonment,
       ( Sydney: Allen and Unwin, 1979); Report of the Board of Inquiry into several
       matters concerning HM Prison Pentridge and the maintenance of discipline in
       prisons. 25 September, 1973. Victorian Government Printer (The Jenkinson
       Report); Controller of Prisons Report for Year ended 30 June 1975,
       Parliament of Tasmania.
[6]    Hill. Development of the professional role of prison officers, 2.
[7]    Heads of prison operation meet at a yearly conference where information on
       programmes and current operation is disseminated.
[8]    Type of institution, classification of and type of prisoners, operating correctional
       philosophy, and prisoner supervision or management model.
[9]    Statement of Purpose, Objectives and Priorities. Correctional services Division.
       Department of Justice, Victoria, 1993.
[10]   Department of Correctional Services, Charter. South Australia, 1992.

The Medical Model portrayed crime as a disease and the criminal as a patient who could be treated and cured.[11] The Justice Model, on the other hand, put the onus on the prisoner to participate in and take charge of his 'rehabilitation.' MacNamara noted,

> The new penologists posit a basic conflict between the medical
> model maintaining that crime is the product of individual defects and
> disorders that can be corrected in a program of medical, psychiatric, and
> social rehabilitation and a readjusted or reformed returned to his rightful
> place in society versus a justice model based on the more classic
> doctrine of the free moral agent and of individual responsibility for one's
> criminal behavior.[12]

Australian public opinion, however, tended to view prisons as "rehabilitation centres and has conceived prison sentences as general deterrents to crime."[13]

Some systems continued the practice of custody and control with minimal interruption by the introduction of the Medical Model. Indeed, Tasmania had yet to introduce the Justice Model by the late 1980s.[14] Moreover, the use of prisoner treatment models had created a prison industry for both professional and para-professional specialists. The demise of the Medical Model did not change the prison professional structure. The basic difference in the models was that the Medical Model assumed that the prisoner could be cured through the application of "appropriate diagnostic and counseling techniques. The treatment includes psychiatry, psychology, social work, and whatever may pass for the 'healing' sciences."[15] The Justice model assumed the prisoner should account for his actions. The question that both the NSW and WA systems had to address was what unit management practice should their organisation's implement. As noted, there were two main types of unit management practice: that originated in America and the model that three European systems utilised.

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[11]    For a good evaluation of the problems with the medical model analogy,
        see G. Hawkins. The Prison : Policy and Practice.
        (Chicago:Uni. of Chicago Press. 1976) 180-185.
[12]    D.E.J. MacNamara. "The Medical Model in Corrections: Requiescat in Pace."
        Criminology. 14 (1977). 446.
[13]    F. Rinaldi. Australian Prisons. (Fyshwick. ACT: F&M. 1977) 2-3.
[14]    Tasmania Service was still operating the Medical Model philosophy in 1988.
[15]    T.O. Murton. The Dilemma of Prison Reform.
        (New York: Holt. Rinehart and Winston. 1976) 27.

The concept of direct supervision (unit management) began when the American Government commenced building facilities for federal detainees in New York, Chicago and San Diego in the mid 1960s. Termed Metropolitan Correctional Centers (MCCs), these were to provide an environment "wherein safe and secure detention would be assured." The institutions were designed for "detainment rather than punishment." Inmates were to be divided into "small groups of approximately 40-50 for housing purposes,"[16] with cells "clustered around a common dayroom."[17]

> The living units were to be arranged to ensure that corrections officers could observe all areas within the unit; "blind spots" or obstructions to staff observation of the unit were to be minimized. In addition, no office, desk, or station for corrections officers was to be included in the living so that officers would interact with inmates rather than spend their shift locked in an office or ensconced behind a desk.[18]

The federal administrators made single cell accommodation mandatory in the design specifications. There was "direct staff supervision," and "functional inmate living units."[19] This arrangement became known as Podular Direct Supervision.[20] The approach was "based on the belief that inmates are rational human beings who will always manipulate an environment to their best advantage."[21]Again, direct supervision facilities would "create a·more normative humane environment for inmates and staff."[22] Apart from the direct interaction between staff and inmates, it appeared that the primary difference was that of "minimizing the number of staff to run the facility."[23] The staffing ratios had yet to be determined as various institutions implemented the concept, but the officer/inmate ratio would never compare with those used in small units in Scotland, Holland and Sweden (see chapter 1).

[16]     L.L. Zupan. Jails: Reform and the New Generation Philosophy. (Cincinnati. OH: Anderson 1991) 66.
[17]     Nelson. and Davis. "Podular Direct Supervision" 16.
[18]     Zupan. Jails. 67.
[19]     Ibid.
[20]     Nelson. and Davis. "Podular Direct Supervision." 11.
[21]     B. Johnson. "Exploring Direct Supervision: A research Note" American Jails. (March/April. 1994): 63-64. 63.
[22]     B. Berger and J. Cali. "Hudson County. New Jersey. Jail from Old to New" American Jails.(Winter. 1988): 60-62. 61.
[23]     A. Beck. "The Shawnee County. Kansas Adult Detention Facility" American Jails. (Winter. 1988): 18-22. 19.

### Figure 6:1 The Medical and Justice Models for Corrections.

| Issue | Medical Model (1930-1974) | Justice Model (1974-onwards) |
|---|---|---|
| 1 Cause of crime | Disease of society or of the individual offender | Form of rational adaptation to conditions of society |
| 2 Image of offender | Sick, the product of social-economic or psychological forces beyond rational control | Capable of exercising "constrained" free will of rationally surviving through crime |
| 3 Objective of corrections | To cure the offender and/or society, to return both to a state of health: goals of rehabilitation and reintegration | To humanely control offender under conditions of sentence, to offer voluntary treatment services |
| 4 Agency and institution accountability | To change the offender and to reintegrate the offender back into society | To legally and humanely control offender, to provide adequate care and/or custody, to offer voluntary treatment services, to protect society |
| 5 Role of treatment and role of punishment | Treatment, whether voluntary or involuntary, is the means to change offender: treatment is mandatory, punishment is used to coerce offenders into treatment: punishment and treatment are viewed as extensions of same thing: change does not require consent | To offer voluntary treatment services through which an offender mat enter or exit without reprisal; change requires consent; punishment and treatment not the same thing; punishment is for good of society, treatment for good of offender |
| 6 Object of legal sanctions | To determine conditions of sentence which are most conducive to rehabilitation of offender | To determine the conditions of sentence that just, in proportion to wrong done, equitable with other sentences, and will best protect society and deter offender from future crime |
| 7 Type of sentence | Indeterminate, flexible to adjust to offender changes | Flat time (minus gain time); determinant |
| 8 Who determines when an offender is to be released | A "body of experts": parole board for adults, institutional staff for juveniles | The conditions of the sentence itself as interpreted through some presumptive release date (PRD) formula |

Source: Archambeault and Archambeault, Correctional Supervisory Management.

Direct supervision appeared premised on the staffing allocation of one officer within each functional unit. Wells claims, however, there is no evidence to support the ratio of one officer to fifty inmates. Moreover, he pointed out that

> If direct supervision is the best method of supervision for a housing unit designed to accommodate 30 to 50 inmates, the question is raised of whether it is still appropriate when overcrowded conditions mandated double occupancy, thereby increasing the unit population by up to 100%.[24]

Again, if there is constant interaction between the officer and inmates, then the officer "must always be unquestionably in control."[25]

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[24] J.B. Wells. "Direct Supervision: Panacea or Fad? Does it Warrant Full Acceptance?" American Jails. Vol. 1/No. 1. (Spring. 1987): 46-49, 46-48.

[25] J.T. Potter. "Designing tomorrow's Jails" American Jails, (September/October. 1990): 42-48, 46.

Direct supervision officers required skills in

- Resolving Inmate Problems and Conflicts,
- Building Positive Rapport and Personal Credibility With Inmates,
- Maintaining Effective Administrative and staff relations,
- Managing the Living Unit to Assure a Safe and Humane Environment,
- Responding to Inmate Requests,
- Handling Inmate Discipline, and
- Supervising in a Clear, Well-Organized and Attention-Getting Manner.[26]

Podular direct supervision puts "much responsibility" on the officer and requires "a higher degree of training in interpersonal relationships and management than [other types of prisons]."[27] Indeed, "the lack of or the improper training of correctional officers is precarious since inmates must be professionally handled with care, not by trial and error."[28] Yet some locations were only giving their staff "at least 24 hours' training in direct supervision skills, followed by an additional 8-12 hours in interpersonal communication skills."[29] Moreover, as Zupan points out, "it is important to note that architecture and inmate management style do not miraculously transform inmates into compliant and obedient individuals."[30] Indeed, there was still provision for a

> well constructed behavior adjustment or restricted housing unit so that those who do not respond or choose to violate the norms of the modules can be removed immediately to disciplinary confinement.[31]

Others made sure that the interaction between staff and inmates was positive,

> our direct supervision facility is a success because of two critical factors: (1) Zero tolerance of inmate misbehavior, [and] (2) The threat to an inmate of having to return to the [traditional] linear jail if he or she misbehaves or chooses not to follow pod rules.[32]

It took a number of years of direct supervision operation before an attempt was made to codify operating principles.

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[26] Zupan. Jails. 107-128.
[27] Potter. "Designing tomorrow's Jails" 46.
[28] Wells. "Direct Supervision: Panacea or Fad?" 48.
[29] P. Perroncello. "The Awakening of the Wake County Detention Center" American Jails. (May/June. 1993): 34-38. 35.
[30] Zupan. Jails. 95.
[31] A.M. Wallenstein. "New Generation/Direct Supervision Correctional Operations In Bucks County. Pennsylvania" American Jails. (Spring. 1987): 34-36. 35.

The National Institute of Corrections developed these in 1982. These principles were,"(1) effective control, (2) effective supervision, (3) competent staff, (4) safety of staff and inmates, (5) manageable and cost-effective operations, (6) effective communication, (7) classification and orientation, and (8) justice and fairness."[33] While these principles would assist correctional officers understand the concept and aid their daily operation, the same understanding was less apparent elsewhere.

> Many prisons describe themselves as direct supervision, even though they have enclosed control booths at the housing units with at least some of their staff stationed in them. This makes it difficult to classify prisons and to identify ones that are truly limited to indirect supervision. The indirect supervision prisons in our study actually best represented the "hybrid" direct/indirect supervision model, with some aspects of each mode. Jails, by contrast, appear to more closely follow the direct/indirect dichotomy, though some direct supervision jails are provided with enclosed control booths, either because the system committed to direct supervision after plans were finalized, or as a fall back or failsafe measure.[34]

Indeed, some institutions opened where the manager had "little more than a three-day orientation course in direct supervision."[35] However, in 1982 visiting Australian prison administrators were impressed with the concept particularly as it was "designed to improve control and relationships by dividing the institutional population into smaller, more manageable, groups."[36] But changing prison architecture and prisoner management practice was no guarantee of success. Simply putting the two variables together would not resolve problems. However, it appears that their American peers perhaps, unduly influenced Australian administrators. Again, at this stage there was just a trickle of information becoming available on a changing European prison environment.

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[32]    W.G. Lucas. "Direct Supervision Works in Denton County, Texas!: The mandate from the public is clear: Society is tired of being victimized." American Jails. (March/April, 1995): 92-94, 93.

[33]    Nelson, and Davis. "Podular Direct Supervision: The First Twenty Years" 12.

[34]    J. Farbstein. & Associates. Inc. with R. Wener. A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities. Final Report, Washington, DC: 1989. National Institute of Corrections-Prisons Division .United States Department of Justice, 1.1-6.

[35]    Nelson and Davis. "Podular Direct Supervision: The First Twenty Years" 17.

[36]    D. Lansing, J.B. Bogan, L. Karaki. "Unit Management: Implementing a Different Correctional Approach" Federal Probation, vol. 41. (1977): 43-49, 43.

Meanwhile, despite the approval given to direct supervision by *inter alia* the American Jail Association (AJA), the American Correctional Association, the American Institute of Architect's Committee on Architecture for Justice, and The Commission on Accreditation for Corrections, some concerns were being raised.[37] Wells claimed

> research supporting the wide-spread acceptance of direct supervision models by professional correctional organizations has consisted primarily of ex post facto situations utilizing postoccupancy evaluations involving the analysis of data already existent.... it does not prove that direct supervision models are more preferable over other models in most correctional settings. [Moreover] Before any management concept is accepted for general practice in corrections, it seems essential that reliable and valid research be conducted to substantiate the claims that one method is preferable over another. Over the past 50 years, correctional professionals have been consistently vulnerable to accepting, without first examining any type of empirical data, the latest fad or "innovation."[38]

Significantly, at the 1990 AJA conference some of these concerns were addressed. More importantly, it was clearly indicated that the concept could not stand-alone.

> The principles of direct supervision were first drafted in 1982 for the purpose of explaining the content of the concept. The term "direct supervision" was easily misinterpreted to simply mean that officers were to be in direct contact with inmates, and that this contact, by itself, would produce the desired behavioral objectives. While certain benefits are realised from merely placing officers in contact with the inmates they are supervising, the full potential of this practice is not realized until it is integrated into a comprehensive system of inmate management.[39]

Kerle argued that direct supervision/unit management should be run in tandem with a reciprocal operational philosophy. The institution must change its philosophical base to, for example, the Justice Model for the concept to work.[40] The difficulty for Australian administrators was that most of their institutions were still modelled on a custody and control philosophy, and concomitant prisoner management strategy.

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[37]    Nelson. and Davis. "Podular Direct Supervision: The First Twenty Years" 14.
[38]    Wells. "Direct Supervision: Panacea or Fad? Does it Warrant Full Acceptance?" 46-48.
[39]    K. Kerle. (Ed). "Revisiting the Principles of Direct Supervision" NIC 5th Annual Symposium on Direct Supervision. AJA Conference. Reno. Nevada: 2-24. 3.
[40]    Ibid.

Prior to offering recommendations to their particular jurisdictions, it perhaps would have behoved the Australian administrators to undertake some preliminary research. They would then have discovered that a similar type of prisoner management strategy had been tried and failed. Correctional Services Canada (CSC) devised a prisoner management strategy based upon the notion of the therapeutic community. The Living Unit concept

> involves the assignment of each inmate to a residential unit within the institution and to a Case Management Team which monitors his progress and insures that the programmatic and security needs of the offender are being met. To facilitate the development of positive patterns of interaction between the staff and the inmates, Living Unit Officers, attired in civilian clothing, replaced uniformed security personnel in the residential units and assumed the dual role of counceling inmates and providing security. Initiated during the early 1970's, the Living Unit Program was subsequently adopted in nearly all federal correctional facilities.[41]

While the Living Unit concept was philosophically sound - being based on the Medical Model, the strategy had also introduced a change in normal prison officer/prisoner dynamics. Economics, however, determined the concept's fate. Citing the need to downsize its operations, CSC reduced the number of Living Unit officers and reintroduced uniformed staff. The units simply became other prison divisions. CSC then embarked on unit management implementation in 1987. Uniformed officers were now expected to be caseworkers or pseudo social welfare staff.[42]

By attempting to change the uniformed officers' task, CSC administrators and policy-makers took a calculated risk. Any positive change in prison officer/prisoner interaction is for better management. However,

> There is little scientific knowledge about handling offender populations, few principles for consistent practice, and almost no provision for assessing the value of particular measures in various situations.[43]

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[41]  Unit Management Standards for all Correctional Service of Canada Institutions. set of guidelines issued by CSC, 1987, 54-58.
[42]  Unit Management Standards for all Correctional Service of Canada Institutions. 54-58.
[43]  Hawkins. The Prison, 101.

If the prison officer cannot perform the task due to, for example, attitude, ability or lack of education,[44] then any hoped for change will be purely cosmetic and a resumption of customary jejune interaction commences. Moreover, "a cooperative effort by all staff is critical and teamwork is an essential element of Unit Management."[45] One of the principles of contemporary management practice is building successful teams.[46] The 'successful team' has been the fulcrum of unit management operation.[47] Paradoxically, it may also be a major reason for the concept's perceived lack of success. Not everyone wants to be a 'team player' - particularly if the team leader or supervisor does not command respect from subordinates. Again many prison managers have specific inclinations, "unit management was bastardized by the individual Governor's views of how 'their' prison would adapt. Rightly so due to the type of prison and prisoner to be managed and staff employed and attitudes."[48]

The myth abounds that a number of separate identities can be readily coalesced into a 'team.' Team members, particularly in the prison system, are usually arbitrarily selected either by experience, skill, qualification, or a combination of factors. Membership stability has never been a priority particularly given the nature of the prison roster. Replacements are drafted in and any harmony and reciprocity between permanent unit staff and prisoners soon becomes victim to the changing dynamics. Again, there are "many inconsistencies between teams or shifts and among officers on the same team."[49] Furthermore, staff may not wish to interact, but

> In order for an accountability framework to be effective all staff
> members, starting with the correctional officers, must be involved in
> the decision-making process. All correctional officers will be involved in
> dynamic interaction with inmates and various aspects of the case
> management process.

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[44]  J. Braithwaite and M. Cass. "Note on the demographic composition of Australian police forces and prison services" in ANZ J Crim. 12 (1979): 132-138.

[45]  Unit Management Standards for all Correctional Service of Canada Institutions. 5.

[46]  R. Meredith Belbin. Management Teams: Why They Succeed or Fail, (Oxford: Heinemann. 1981).

[47]  For example. Unit Management Standards for all Correctional Service of Canada Institutions. and Barwon, Introductory Staff Handbook, 1989-1990. OOC handout.

[48]  Correspondence from former Victorian Governor Helen Holland. 17 April 1997.

[49]  R.W. Conroy. "Santa Clara County Direct supervision Jail" American Jails. (Fall. 1989): 59-67. 67.

> A Unit Management process is premised on teamwork and
> communications. Staff members within the institution must focus their
> efforts and continuously share information with others.[50]

Trying to get staff to change attitudes and accept new strategies are manifest difficulties, and "it makes sense that correctional officers with a number of years of experience would be less than positive about the changes required of them in a direct supervision facility."[51] However, their views on operating procedures and new management strategies can colour the new recruit's expectations. As Holland notes, "there is a need for new staff to come to a united basic understanding of the views put to them and to feel they belong to the system' and not an isolated section."[52] Furthermore, the thinking behind building new facilities and introducing new concepts while retaining a similar infrastructure has been questioned. Murton claims, "reform programs grafted onto existing prison structures consistently fail to survive because they are rejected as foreign organisms."[53] Again, "there is nothing about spending more money, hiring more staff, erecting modern buildings, increasing hours of formal training, or reducing inmate populations that makes better prisons inevitable."[54]

The Direct Supervision concept, however, was accepted as a panacea. Many American administrators converted their institutions in a type of religious fervour. There appeared to be very little consideration given to concept's weaknesses. However, as Murton claims, many administrators were blinkered and acted accordingly. There was the perception that "success is assured as long as failure is not considered a possible alternative."[55] Murton also argues that in order for prison change to be effective personnel must "really believe in and practice the religious ethic of service to others."[56] Anything less is desultory. But some managers still questioned the validity of direct supervision.

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[50]    Unit Management Standards for all Correctional Service of Canada Institutions.
        14-16.
[51]    Johnson. "Exploring Direct Supervision: A Research Note" 64.
[52]    Correspondence from former Governor Helen Holland. 17 April 1997.
[53]    Murton The Dilemma of Prison Reform. 131.
[54]    J.J. Dilulio. Jr. Governing Prisons A Comparative Study of Correctional
        Management. (New York: The Free Press. 1987) 235.
[55]    Murton. The Dilemma of Prison Reform. 231.
[56]    Ibid.

After all, some managers were really pseudo-policemen. They were more interested in playing mind-games with staff and prisoners rather than focussing on programmes.[57]

Without management commitment the concept had little chance for success.[58] Moreover, there was still a perception by some American prison administrators that old prison officer/prisoner practices would come to the fore - even with the benefit of new surroundings. However, Murton argues, "It does not necessarily follow that moving a program into a 'better' structure will enhance it potency."[59] Senior managers were also concerned that prisoners would still be *de facto* running prisons. Farbstein et al, however, found the reverse.[60]

A major problem faced by many of the original direct supervision practitioners was adapting or modifying the concept to fit their environment. While there are a set of fundamental guidelines that can be utilised to enable implementation, many systems allowed individual institutions to set procedures for daily supervision practice. Moreover, there were differences within units in individual institutions.[61] But is it realistic to expect an entire system to modify? As Holland notes about the introduction of unit management into Victoria's prison system

> Common sense should have applied to the varied structure of the Victorian Prison System. A blanket view of expectation was doomed before it even started. One cannot take 'all' prisoners and 'all' prison staff emeshed (sic) in century old traditions and magically make an ideal materialize unless all Governors embraced the ideal put forward as sound, and not as a token acceptance to please H.Q. then do their own thing. The 'old school' still did their own thing and played H Q against the [operating] reality of the 'prison' staff were employed in.[62]

Direct supervision, however, had not been scientifically evaluated.

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[57]   Former Governor Helen Holland's comments on her contemporary fellow Governors. 17 April 1997.

[58]   Farbstein et al. A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities, 1.1-7-1.1.8.

[59]   Murton, The Dilemma of Prison Reform. 231.

[60]   Farbstein et al. A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities lv.1.4.

[61]   Ibid.

[62]   Correspondence from former Governor Helen Holland. 17 April 1997.

A 1989 report noted the concept had not been universally accepted within the Continental USA.[63] Direct supervision had so little practitioners, and the supportive evidence on concept success was, at the best, anecdotal.[64] However, the period from 1984 to 1994 saw an "explosion in the utilization of direct supervision - a quantum leap from fewer than a dozen direct supervision jails to over 120 operational facilities today."[65]

## Unit management: the Australian experience.

At the time Victoria's Government decided to implement unit management, Victoria's prisons had been described as archaic, an affront to society, and "certainly infringing on the minimum standards of the United Nations."[66] Two other Australian prison systems intended implementing the concept. But there was nothing in Australia to provide evidence of the concept's viability. And many of the supporting arguments to introduce the practice centred on the perceived success of the Scottish Barlinnie Special Unit which was housed in the former women's section of the main Barlinnie Prison. Indeed, as Coyle, a then Scottish prison governor, noted,

> One of the embarrassments of my visit to North America was the number of times I was asked by prison administrators to describe our assessment of the experiment of the Special Unit and where this assessment could be studied. The "experiment" of the Special Unit has never been assessed, far less have the results of any such assessment being published.[67]

As with the Special Unit, the myth of the success of direct supervision became international. However, an early Australian visitor to the USA was less than convinced. The Director of Victoria's Correctional Services, John Dawes, had visited the Butner USA Federal Correctional Institution in 1979.

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[63]    Farbstein et al. A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities. 1.1-7.

[64]    Ibid. 1.1-2.

[65]    Nelson, and Davis. "Podular Direct supervision: The First Twenty Years" 16.

[66]    The Neilson Report. 33.

[67]    A.G. Coyle. A Comparative Examination Of The Prison Services In North America. Winston Churchill Memorial Fellowship. 1984. 35.

While Dawes criticised the operational practice, he appeared to agree with the size and design of the institution.[68] On his return to Victoria, he recommended that the proposed security prison complex at Castlemaine be built "to house at least two hundred inmates in small living units, each of forty prisoners, to facilitate good management."[69] He did not recommend direct supervision practices.[70]

The Victorian Government did not appear concerned that there was very little scientific data about unit management. They had made a decision to implement. Perhaps, as the Neilson consultants had suggested, there should have been an evaluation period. After all, the Master Plan had recommended that the unit management concept be tried in one or two existing small institutions.[71] But the Government was under pressure to build new facilities or provide more places in existing institutions. Peripheral details such as unit management practice could be considered later. Prison numbers rose exponentially from approximately 1900 DAPS in 1983 to 2300 plus in 1990.[72] No attempt was made to trialing the unit management concept. Again, there appears to be only a cursory attempt to understand the implications arising.

While the prison hierarchy may have thought otherwise, unit management was never intended to be a penal philosophy. It is a prisoner management process, and needs to be linked with a prison philosophy. Many of the early criticisms by Victoria's prison officers were based on the mistaken assumption that they were already practicing the strategy.[73] The NSW system, however, had combined unit management with the Justice Model philosophy.[74]

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[68] M.J. Dawes. Overseas Study Tour Of Correctional Institutions, July/ August 1979. Report for the Department of Community Welfare Services. 1.

[69] Ibid.

[70] Ibid.

[71] The Neilson Report. 38.

[72] Figures from OOC Annual Reports. 1983-1991.

[73] The author heard this claim on many occasions at the STC. This stemmed from the belief that prison officers were rostered to a particular Division on a semi-permanent basis and, therefore, knew the inmates, and vice versa.

[74] J. Gorta. Unit Prisoner Accommodation -The Bathurst Gaol Experience, 1983-1987. NSW Department of Corrective Services memorandum. 1988.

As Gorta noted,

> The philosophy of the Bathurst Gaol Management Plan is based on the
> Justice Model of Imprisonment. In this model the primary aim of
> imprisonment is not the rehabilitation of the offender. The purpose of
> imprisonment in terms of this model is the enforcement of a loss of
> liberty by ensuring custody of prisoners is maintained without placing
> further restrictions upon them. This philosophy also involves a
> conception of the nature of prisoners that recognizes that prisoners are
> no different from other people in the community.[75]

Problems arise when the operating philosophy is the antithesis of the supervision

policy. Victoria's prisons in 1983 were arguably still operating on a variation of

the custody and control policy.[76] But prison administrators thought they were

operating under a "humane containment" policy.[77] This policy had originated in

Holland in the early 1980s.[78]

> The principle of rehabilitation was accorded less prominence, and the
> emphasis was placed instead upon carrying out imprisonments in as
> humane a manner as possible, with a minimalization of possible injurious
> effects. Consequently, certain programmes were created, which were
> aimed at a better adaptation of the detention to the prisoners' own needs
> and interests.[79]

Prison labour was reduced while study, creative and sports programmes were

introduced. Prison officers were expected to interact not simply to guard.[80]

Dutch prison policy-makers believed that changing operating practices would

guarantee a change in prisoner attitude. However, funding was later severely

cut. Nijboer and Ploeg report that,

> The number of officers decreased while the number of prisoners
> increased, necessarily leading to longer periods of cell confinement.
> The personal contacts between prisoners and officers have been
> reduced. An increase of tensions within the institutions has resulted,
> demonstrated in conflicts between staff and inmates, but also in
> demonstrations by the former of their dissatisfaction with the situation.[81]

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[75]     Ibid. 4.
[76]     See DiIullio. Governing Prisons. 110-111.
[77]     Interview with former Governor Grade III. Jim Armstrong. 14 August 1995.
[78]     Tony Vinson. the then Chairman of the Corrective Services Commission of NSW.
         visited Holland in 1980 and was impressed with the Dutch approach. Vinson.
         Wilful Obstruction. 85-88.
[79]     J.A. Nijboer and G.J. Ploeg. "Grievance procedures in The Netherlands"
         M. Maguire. J. Vagg. R. Morgan. (Eds) Accountability and Prisons.
         (London: Tavistock. 1985) 231.
[80]     Nijboer and Ploeg. "Grievance Procedures in the Netherlands" 231.
[81]     Ibid. 231-232.

Like their counterparts in Canada, Victoria's prison administrators were risking a backlash without explaining the change-process to prison officers. Again, there was little thought given to changing the operational philosophy. Prison officers thought prisons were practicing custody and control. New institutions did not necessarily equate with change. New might not mean better.[82] With only limited concept knowledge authorities were increasing the risk of failure. Moreover, there are always problems associated with transplanting programmes and practices.[83] A number of executives making the decisions in Victoria were bureaucrats with little actual prison acumen. As Pini notes,

> I think one of the main regrets I have of my time in [Victorian] corrections is the organisation's continuing inability to get quality managers into its key management positions. To a large extent (with a few glowing exceptions) the organisation seemed to have an enormous ability to get mediocre or inappropriate people into its key management positions.[84]

Estelle, a former American prison warden, has described the difficulties associated with sudden prison operation change.

> We had self-proclaimed prison reformers telling us how horrible we were at doing our jobs. Of course, what these people knew about prisons you could fit into a tiny thimble with room to spare.
> They wanted to effect changes and baptize every change a reform. Well, every change in a prison setting is not a reform and correctional institutions are ill-equipped to handle sudden administrative changes.[85]

If Victoria's prison authorities had undertaken detailed research on unit management before new prison commissioning they may have been aware of some of the associated problems with prison officer acceptance. A similar situation had occurred in California,

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[82] Murton, The Dilemma of Prison reform. 231.

[83] A. Dunsire, Implementation in a Bureaucracy. (New York: St. Martin's Press. 1978); F. Munson and D. Pelz, Innovating in Organizations: A Conceptual Framework. (Ann Arbor: University of Michigan, 1980); D. Palumbo, S. Maynard-Moody, and P. Wright. "Measuring Degrees of Successful Implementation: Achieving Policy versus Statutory Goals." Evaluation Review, Vol. 8, No. 1, (February, 1984): 45-74; and D.J. Palumbo, "Evaluating Policy Implementation: Central Issues in Comparative Analysis." Paper presented at the International Political Science Associations Meetings, Paris, France. July, 1985. 1.

[84] Correspondence with John Pini, former Manager of STC, 27 July 1996.

[85] W.J. Estelle, former Warden in the Texas Department of Corrections, quoted in DiIullio. Governing Prisons, 218-219.

> HQ is bringing in people who don't know anything about prisons. These people managed the department of birds and bees or have know-it-all degrees. They're making a mess and putting more pressure on those of us who know what the hell is going on. We have to compensate for their well-intentioned (sic) stupid decisions.[86]

However, it appears there was only minor criticism of implementing unit management in Victoria, and this was on economic grounds. Foley-Jones, the Director of the Strategic Services Division of OOC noted, "a small living unit is taken to be around about 32 prisoners within a given area. This arrangement of course leads to a fairly expensive system in terms of recurrent expenditure."[87]

Victoria's authorities disregarded a key Neilson Report recommendation. They did not validate unit management. An attempt at unit management implementation was made at the Castlemaine Prison.[88] The purpose of the Castlemaine experiment did not however appear to have been explained to the prison staff. "The new management style will still be based on the 'line authority' model, however there will be a shift of responsibility for some tasks/duties from the Governor to the lower ranks."[89] Whereas prisoners had previously attended 'Governor's requests' to obtain information or make requests they would now see junior staff. Moreover, staff were "encouraged to 'get to know' the prisoners under his/her care, control, supervision and obtain information regarding the 'health' of the prison."[90] The Co-ordinator of Unit Management and the Governor of Castlemaine Prison had travelled to view the NSW experiment. Their report was less than favourable.

> Judging from the prisoners' demeanour, staff comments and reactions it appears that the prisoners run the prison. One senior staff member apologised to prisoners every time they moved past him despite the fact there was plenty room for passing. Another said the staff were allowed out into the unit when the prisoners trusted you.

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[86]    A veteran Californian Corrections officer quoted in DiIullio, Governing Prisons. 191.

[87]    C. Foley-Jones, speech made to the National Conference on Prison design and Technlogy. Melbourne. 1984. 1.

[88]    R. Moore and W. Higgins. Castlemaine Prison Pilot Unit Management Program Phase 1. OOC document. 1986.

[89]    Ibid. No. 28.

[90]    Ibid. No. 29.

On another occasion a prisoner walked into the staff office without knocking while we were in conversation with the staff. The officer excused himself and attended to the prisoner who asked the officer if he had done anything to arrange his phone call. The overall impression was that the officers were afraid. The officers in one unit indicated that they were not happy with the arrangements.[91]

While these views were anecdotal and based on subjective values rather than on any rigorous evaluation criteria, they would have carried substantial weight particularly when presented informally by the Governor of Castlemaine Prison at the Governors' monthly conferences. In 1989, the Senior Assistant Superintendent of Bathurst Gaol NSW, claimed

> Bathurst has shown the way in unit management in N.S.W. and two new prisons planned for the 1990s will be based on unit living and unit management. The new Barwon prison and the redeveloped prison at Castlemaine, both in Victoria are also based on unit management and living principles. It would appear that the future for unit living in Australia is optimistic.[92]

Robson's claim of an Australian innovation in unit management is, perhaps, debateable. The simple fact was that by 1989, in over two years of unit management operation, the NSW system still had implementation problems.[93] Victoria's authorities had been alerted to the situation in 1987 but took little heed. The on-going rivalry between NSW and Victoria continued with the comparison of prison management approaches. There was a smug feeling that Victoria would not repeat the NSW mistakes.[94] But there was little, if any, analysis undertaken. While the prison authorities in Victoria were vacillating, the WA system was quite definite about differences in concept and procedures between traditional and unit management (see Fig.6:2).

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[91]     W. Higgins and M. Naylor. Report of Visit to New South Wales, OOC 1986. 6.
[92]     R. Robson. "Managing the Long Term Prisoner: A Report on an Australian Innovation in Unit Management" in The Howard Journal, Vol. 28, No. 3 (August 1989): 187-203. 201.
[93]     NSW. however. operated a very successful Special Care Unit for psychiatrically disturbed prisoners at the Malabar complex of prisons. Dr D.M. Schwartz. "Special Care Unit: from caring philosophy to therapeutic reality" Paper presented at 54th ANZAAS Congress. ACT. 15 May 1984.
[94]     This was the perception when the author joined the OOC from Tasmania in March. 1989.

But there were ominous signs in Victoria's system. It appeared that prison officers applying for promotion to the new prisons were rote-learning unit management concepts for panels who, in turn, had probably rote-learned the principles themselves.[95] Most promotion-seeking officers would have had no actual unit management experience. However, they may have attended training conducted by Strategic Services personnel. Moreover, the OOC had given every officer in the system a small book of unit management guidelines.[96] The system's administrators thought that it was good public relations. As a vehicle intended to inform the prison officer staff of the change of prisoner management direction, it was less than successful. The booklet probably did more harm by presenting a one-sided positive observation. Officers were informed *inter alia*,

> By now you'll have realised that the introduction of unit management will have important and practical consequences for you. You'll also find - should you be working in a unit managed environment - that you'll be doing work that is far different from anything you've done before. You'll be expected to attend team meetings, make decisions, design and run programs, deal directly with prisoners, prepare reports and give advice on prisoners. As you become more familiar with these duties, you'll also find that management will increasingly seek you out and listen to your ideas and opinions. You will have noticed by then that you are a professional - one with management skills that are valued far beyond the confines of a prison.[97]

Officers were later advised that these 'transferable skills' could be used in "Security, Crowd Control, Ambulance (sic), Casino (sic), Store Detective, Private Investigating (eg: insurance, TAC. Workcover), Police Force, Parking Attendant, [and] Gaming Staff."[98]

The Victorian prison officer can hardly have been expected to be enthused about the change when his managers seemed uncertain about the future. But perhaps the manager's focus is completely different than that of the prison staff.

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[95]    Interviews for Loddon CPO positions were held at the STC while the author was Senior Training Officer.

[96]    Unit Management in Victorian Prisons. an introduction. OOC. Victoria. 1989.

[97]    Ibid. 15.

[98]    Message. No 5 Vol 2 (March 1997).

## Figure 6:2 Summary Comparison of the Main Components of Traditional and Unit Management.

| | Traditional | Unit Management |
|---|---|---|
| Cohesiveness | Groups to (sic) large to develop common identity | Common identity |
| Decision-making | Central | Mainly local |
| Dynamic security | More distant observation, rely on grape-vine | Early detection of problems through closer observation and interaction |
| Environmental incentives to prisoner self-restraint | Low | High |
| Individual prisoner programming | More difficult to achieve | Easy to achieve |
| Involvement of prison officers in decision making | Limited | Direct |
| Level of prisoner/staff interaction | Low | High |
| Living environment | Institutional | Residential groups |
| Management structure | Hierarchical / bureaucratic | Flat pyramid / dispersed |
| Prison officer training requirements | Standard custodial emphasis | Intensive training to develop multi-faceted skills |
| Prisoner involvement | Little or none | Variable |
| Prisoner movement | Strictly controlled | Free within set limits |
| Programme flexibility | Moderate - low | Fairly high |
| Relationship between staff and prisoners | Distant | Closer |
| Role of prison officer | Custodial - cut and dried | Custodial, advisory - more complex |
| Rosters | More flexible | Aim to achieve stability of staffing on units |
| Size of prisoner groups | Large | Small |
| Speed of decision-making | Relatively slow | Fast |
| Stability of prisoner groups | May vary | Stable |
| Staff teams | No | Yes |

Source: Canning Vale Prison Management Document, 1989.

Prison officers and management often have different perceptions as to operating practice, "Most correctional officials attributed the operational differences among prisons to differences in correctional philosophy."[99] However, Holland notes differences in perceptions between senior prison administrators and prison officers as arising from different work patterns,

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[99]    DiIullio, Governing Prisons, 166.

It's one thing sitting in an air-conditioned car and attending the prison for two hours for a meeting, having lunch on the way back, then popping into the office for a few minutes. It's another thing when you are there [in the prison] on an almost constant basis.[100]

## The role of the prison officer in the unit management process.

Most commentators agree that the single most important variable affecting the success of unit management is the unit officer.

The task of supervising and guiding prisoners is no job for amateurs ... It is necessary to look for skills, talents, and unusual capabilities in persons recruited for this work. This means not only the necessary skill and capacity for doing a particular job, but also the ability to instil the same skill and capacity in untrained and frequently hostile inmates. There is no substitute for personality, genuine interest, judgement, and understanding in personal relationships between workers and inmates.[101]

Hawkins argues that it may prove impossible to recruit such "professional paragons."[102] It is through this role that any prisoner management policy will succeed or fail.[103] Moreover, according to Victoria's senior administrator, "the role of the uniformed officer needs to be accepted as a 'key' one in the correctional process."[104]

However, there are many variables working against the officer such as prisoner rights, prison administrators agendas, prisoner attitudes, 'double messages' from prison administrators, prison officer attitudes to the 'rehabilitative' process,' and correctional philosophical ideals. While prison administrators can, in theory, control the actions of prison officers, it is difficult to forecast and control the actions of prisoners. The cementing of prisoners' rights[105] has manifested in a perceived gain by prisoners and the perceived loss by officers.

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[100]    Correspondence with former Governor Helen Holland, 30 April 1997.
[101]    J.V. Bennet. "The selection and Training of Correctional Personnel with Special reference to the Federal Prison System of the United States of America", quoted in Hawkins, The Prison, 100.
[102]    Hawkins, The Prison, 100.
[103]    Ibid.
[104]    J. Van Groningen. "The Job Expectations of Prison Officers: A Profile of Victorian Recruits" ANZ J Crim., Vol 14 No. 1(March 1981): 40-48, 47.
[105]    For an excellent account of the problems associated with prisoners gaining 'rights' see Vinson. Wilful Obstruction, ch.III.

And it has been suggested that authority has eroded because administrators have formed a 'kind of alliance' with the prisoners.

> It would not be an exaggeration to say that administrators and professional treatment personnel feel more respect and greater affinity for the inmate than they do for the guard.[106]

Moreover, it has been argued that prisoners take advantage of any perceived softening of attitudes by administrators. "Yesterday's [prisoner] privileges become today's rights."[107] The contemporary prisoner uses this newfound power to control and direct what happens to him within the prison confines. Prison administrators know that their positions depend on maintaining order and stability within their institutions.[108] But order

> is nothing more than a temporary condition of functional operation created by administrative placation and characterized by inconsistent policy decisions, weak philosophical principles, and the absence of a long range plan for implementation.[109]

To avoid serious prison disturbances, "inmates must be somewhat placated. Their demands must be taken, to some degree, into account."[110] Prison stability has become subordinate "to a stagnating form of order in which placation rather than reformation is the guiding policy in reform of correctional instability."[111] The focus of prison administrators' attention is, therefore, simply "on the process of inmate placation, the means by which superficial stability is achieved." [112] The prison officer soon then realises that correctional reform appears to be shaped by prisoner action not by society's demands. The American administrators presumed that unit management would be the process whereby prison officers regained control of the prisons and helped rehabilitate prisoners.[113]

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[106]    J.B. Jacobs and H.G. Retsky. "Prison Guard." Urban Life. Vol. 4 No. 1. (1975): 5-29. 13.

[107]    W. Clifford. Rights and Obligations in a Prison.
(Canberra: Australian Institute of Criminology. 1982.) 3-4.

[108]    Jacobs and Retsky. "Prison Guard" 13.

[109]    S. Cerrato. "Reform of Correctional Instability: Order or Stability." Crime and Justice. Vol. VII. (1984): 87-99. 87.

[110]    Jacobs and Retsky. "Prison Guard" 13.

[111]    Cerrato. "Reform of Correctional Instability: Order or Stability." 87.

[112]    Ibid.

[113]    Farbstein et al. A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities. 1.1-7-1.1.8.

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Fogel argued that prison officers were being given "double-messages" which cannot possibly be accomplished.[114] Prison officers are asked to control prisoners and their functional training reflects this. To ask prison officers to assist in prisoner rehabilitation without providing the necessary training is totally unrealistic.[115] However, American rhetoric is not always congruent with practice.

> A number of direct supervision facilities have opened without personnel's having a thorough understanding of direct supervision. Often the manager has had little more than a three-day orientation course in direct supervision. Training staff, who are responsible for training all officers, frequently have had even less exposure to direct supervision. The transition training programs often reflect the limited knowledge base and expertise of the training staff rather than the needs of the organization. As a result, it is not uncommon to find transition training programs in which five times as many training hours are allocated to operation of the jail computer system as are allocated to managing and controlling inmate behavior through direct supervision.[116]

Again, there is no evidence to suggest that prisoners wish prison officers to be involved in any treatment process. Jacobs and Retsky claim the prisoners themselves believe that any differential treatment based on individual needs has to be undertaken by a person with professional competence. The authors argue that while psychologists and social workers may obtain the prisoners trust and co-operation, no such discretion will be given to "screws."[117] Jacobs and Retsky note, "The very essence of the professionals' authority lies in his claim to charisma while the guard's only basis for authority is his rank within the caste system."[118] Indeed, the evidence suggests that most prison officers would prefer to be left doing what is their primary task - custody and containment of prisoners. After all, according to Jacobs and Retsky, the prison has but one primary task, which is to "contain securely those convicted men assigned to its charge."[119] Prison officers are employed to manage that task.

[114]   D. Fogel, "We are the living proof." The Justice Model for Corrections, 2nd edition (Cincinnat: Anderson, 1979) 74.

[115]   T.E. Reed, D.D. Goodrick and P.T. Quinlan, "Correctional Management of Offenders by Line Staff: Implications of a Behavioral Model."
        Criminal Justice Review, Vol. 6 No. 2 (1982): 47-53, 48.

[116]   Nelson, and Davis, "Podular Direct Supervision: The First Twenty Years" 1.

[117]   Jacobs and Retsky, "Prison Guard" 8.

[118]   Ibid.

[119]   Ibid. 6.

For many years the secondary goal of prisoner rehabilitation has been added to the prison's *raison detre*. Indeed, it would appear that the public and government perception is that the prison's primary aim is rehabilitation. But the primary goal of custody and control and the secondary goal of prisoner rehabilitation are "fundamentally incompatible."[120] And prison officers have voiced the futility of rehabilitation for over 50 years.

> Convicts are considered "born bad," as mentally, emotionally, or morale deficient. Their only language, "the language they understand is punishment." Attempts at rehabilitation usually are considered as futile. In exceptional cases, only in cases where the inmates are "not really convicts," reform does occur.[121]

Thirty years later the sentiments had not fundamentally changed.

> In general, prison guards are cynical about rehabilitation and the work of treatment agents within the prison. They feel that they see prisoners 24 hours a day and are in a better position to judge the man's sincerity and true commitment to group therapy and other treatment programs. Inmates cannot be rehabilitated if that means that something is to be done to them by outside agents. Instead, they believe that a man can only change if he is motivated to do so and this appears to be characteristic of the individual and have nothing to do with the organization and its therapists. Like the policeman and all those who must assume the capacity of clients to carry out their tasks, the guard adheres to a radical free-will theory of man and human behavior.[122]

The nature and design of some institutions catered more for one particular philosophy than others. Prison officers had to adapt to each changing situation. Inmates had little choice. For to give choice was "tantamount to giving people who had abused freedom and shirked responsibilities when free an invitation to do likewise in prison."[123] As Cerrato notes,

> Correctional structures are seldom transferred to change their traditional function-punishment. Social change can affect parts of an institution at differential rates. Old and new philosophies can exist side by side, for example, punitive and rehabilitative ideas can exist as coterminous and coequal objectives within a given institution at any given time.[124]

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[120]   Ibid. 7.

[121]   S.K. Weinberg. "Aspects of the Prison's Social Structure." Amer. J. Soc. Vol. 47. (1942): 717-726. 721.

[122]   Jacobs and Retsky. "Prison Guard". 27.

[123]   DiIullio. Governing Prisons. 178.

[124]   Cerrato. "Reform of Correctional Instability: Order or Stability." 92.

Many systems have trialed a particular philosophy at one location and evaluated prior to rejecting or implementing elsewhere. According to Cerrato,

> There is a tendency to discuss the effects of social change in corrections, at least implicitly, in very holistic terms. Utilizing this approach, social change is depicted as the replacement of the entire traditional correctional structure and philosophy - one that is essentially punitive and custodial in nature, and which guides all spheres of activity within a particular system - by a new innovative and modern correctional structure and philosophy. The problem of stability in this view is the construction of new and modern correctional institutions. Such a depiction of change tends to gloss over its unpredictable nature. Correctional institutions are affected by change at different rates.[125]

In retrospect, Victoria's decision to implement unit management throughout its new as well as existing institutions without benefit of research, experimentation, or trialing was remarkable. Decisions had been taken which would have direct, but unknown, effects on the State's prison system. Victoria's prison officers in 1983 had little idea of what lay ahead. The grapevine had spread unfounded rumours. The Governors fuelled prison officer concern by failing to provide answers. It may have been that they had little information to impart. But this was not an unusual occurrence. Many prison managers would be uncertain of current prison philosophy. In 1981 Joplin and Hendricks posed the question to correctional managers, "What is the philosophy of this prison? " The authors report that the replies ranged from "uncertainty to apathy."[126] Victoria's prison Governors may have responded similarly in 1983.

For example, Jim Armstrong thought the system was running on "humane containment" prior to the separation of the system from the Department of Community Welfare Services.[127] While Armstrong may have believed this, there is no evidence to suggest that Victoria's prison system had dramatically changed its philosophy from the Whatmore era which emphasised prisoner change through treatment. Changes in operational philosophy had probably been made at the local level where the Governors had a modicum of self-control.

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[125]    Ibid. 91.
[126]    J.W. Joplin and J.E. Hendricks. "Correctional Management: A Philosophical Perspective." Corrections Today. Vol. 43 No. 6 (1981): 85-88, 85
[127]    Interview with Jim Armstrong, 24 June, 1996.

Moreover, it is very difficult to maintain the fiction that an open prison camp has an operating philosophy. The philosophy speaks for itself. If the prisoner is at the lowest security classification, he will probably transfer to an open institution. Two of Victoria's open prison camps at Cooriemungle and French Island closed because the camps could not attract either prisoners - because of the travel involved by their visitors, or staff - because they lived away from their family on station for at least nine days in every two weeks.[128] Even if the prison system has a philosophical grounding, the various institutional managers may use the ideological framework but stamp their individuality on the prison. This can result in many variations on a theme. Again, managers may not have given much thought to the operating philosophy and instead have relied on "managerial techniques to compensate for the consistency a philosophical perspective offers."[129]

However, with the oncoming advent of unit management, Victoria's prison officers were advised that the traditional role was to be irreversibly altered. The 'how, why, where and when' was never quite spelled out. Indeed, by 1989 prison authorities were still trying to alleviate concerns, "it is probably true to say that prison staff have been given and have adopted many differing views on the exact nature of unit management, how it should function and how it affects them and their jobs."[130] Furthermore, American 'experts' were still unsure about the concept of direct supervision.

> Because of the lack of research, suppositions and rumours about the
> effectiveness of direct supervision have taken on the force of truth. A
> common tendency is for people to believe what is ofttimes repeated,
> even if what is repeated is inaccurate or downright false. This is what
> has happened in regard to the effectiveness of direct supervision.
> At first it was claimed that direct supervision jails were safer and
> more humane for inmates and staff than were traditional jails. These
> claims were primarily based on the anecdotes, personal experiences,
> and opinions of those who worked in direct supervision facilities.
> Next came a handful of studies that seemed to substantiate the
> claims but were, in fact, so seriously flawed in their methodology as
> to make their findings unreliable.

[128]    Ibid.
[129]    Joplin and Hendricks. "Correctional Management: A Philosophical Perspective." 85.
[130]    Unit Management in Victorian Prisons. 2.

Finally came the assumption that direct supervision jails were indeed safer and more humane than traditional jails. The initial unsubstantiated claim that direct supervision jails were safer and more humane was repeated often and vigorously enough that it transcended the realm of mere supposition and became an indisputable FACT. In time, the ASSUMPTION became the TRUTH. The TRUTH of the matter is that effectiveness of direct supervision has yet to be either proved or disproved ... Until such investigations have been completed, the claims about direct supervision are no more than simply conjecture.[131]

By the time that Zupan's research had been published in 1993, the OOC had been confined to the annals of Victoria's prison history. To suggest that unit management implementation was the death knell of the organisation is trite. Yet, it is possible that the failure to consider the ramifications of implementing the concept contributed to the organisation's demise. The Liberal Government progressively moved to privatisation. The prison system has been systematically downsized. Castlemaine, Geelong, Fairlea, Sale, Morwell River, Pentridge, and MRP prisons were closed in a seven-year period.[132] Three new privately operated prisons took their place. The only gain was the former Youth training Centre, Langi Kal Kal, which, ironically had been Whatmore's flagship for prisoner treatment change over four decades previously. The prison system in Victoria was irrevocably changed. The vision of 1983 did not eventuate. The traditional prison system had disappeared by 1997.

## Unit management: the effects on the government prison system.

Morris and Zimring refer to the "four horsemen of political inaction: inertia, irresponsibility, ignorance, and cost." [133] In essence, these 'four horsemen' sum up Victoria's attempt to implement unit management. The decision-makers had found a prisoner management strategy, which they assumed, would complement the intended purpose-built facilities. The strategy required a different operating philosophy than the one in current use if it was to effect change in the system.

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[131]    L.L Zupan. "The need for research on Direct Inmate Supervision" American Jails.
(March/April. 1993): 21-22, 22 (High case in original work).

[132]    The Castlemaine Prison closed in 1990 and the Pentridge Prison complex-
comprising HMP Pentridge and MRP in November 1997.

[133]    N. Morris and F.E. Zimring. "Deterence and Corrections" Annals of the American
Academy of Political and Social Science. 381. (1969): 137-146, 138.

Prison officers were trained purely in custody and control. It did not matter whether the government procrastinated about prisoner rehabilitation, public perception was another matter,

> There can be no question either that one of the principal measures of the success or failure of the prison system in the eyes of the public is the degree to which it achieves simple containment.[134]

Victoria's prison administrators believed building new prisons and the introduction of unit management would satisfy the Labor Government's commitment to change. They had the knowledge, infrastructure, and training capacity to achieve their goals. What they apparently failed to consider was the pivotal role of the prison officer. For the prison officer role is crucial in determining whether unit management will succeed or fail.[135] Furthermore,

> Direct supervision inmate management, with its explicit link between philosophy, operations and architectural design represents ... a change in the mission of the organization, a change in the operating principles and a change in the nature of the corrections officers' job.[136]

Perhaps the greatest obstacle faced by Victoria's prison officers was conceptualising the fact that unit management could still be implemented without officers losing control. Many officers believed that unit management and control were incompatible. Why this myth was perpetuated is a moot point. The reality was that there were mechanisms within the concept to safeguard both staff and prisoners. Unruly or inappropriate behaviour could just as easily be dealt with under unit management as had been under the old regime. Indeed, it has been argued that the officers' role appears, or is, less stressful in a unit regime.[137] The simple fact is that the myth would probably not have continued if the concept had been fully explained to Victoria's staff by experienced unit management practitioners, such as officers from NSW and WA, or even overseas.[138]

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[134]    Hawkins, The Prison, 33.
[135]    Zupans, Jails, chapter 7.
[136]    Ibid, 147.
[137]    Apsey, B, Wockel M. and Johnson, S., Report of Visit to Correctional Jurisdictions in the Netherlands, Denmark, Sweden, Finland and the Union of the Soviet Socialist Republics, Department of Correctional Services, South Australia, 1989; and T. Vinson in Brand-Koolen, M.J.M. (Ed) Studies on the Dutch Prison System, The Hague: Kugler, 1987.
[138]    Officers could have been seconded from unit managed jurisdictions to the STC.

In the early 1980s Western Australia commissioned a new prison built specifically for unit management. The Prisons Executive Director, Ian Hill, acknowledged that the only way in which the new Institution would prove successful was to enhance and broadband current prison officer duties. Hill's view was that prison officers should play "an integral role" in all aspects of the management of prisoners.[139] The suggested new prison officer role spanned four main areas:

> Maintenance of custody; attending to the welfare needs of prisoners; assistance in the provision of constructive activities for prisoners (work and recreation), and, contributing, to a more limited extent, to the provision of developmental opportunities for prisoners (counselling, skills development, education).[140]

According to Hill,

> Prison officers need to utilise a variety of "professional skills" in particular those dealing with people situations in a dynamic, pro-active way with the emphasis on identifying and defusing situations before they develop into problems rather than reacting to situations as they occur. They must develop flexible attitudes and adopt a problem solving approach rather than, as in the past, undertaking a narrow range of tasks "strictly by the book" in a mechanical repetitive manner.[141]

Hill envisaged adopting four key strategies could make the changes.

- assigning primary responsibility for the delivery of welfare services from specialist welfare staff (welfare officers) to prison officers;
- the introduction where appropriate of "unit management" procedures;
- the implementation of "case management" procedures, and,
- the development and training of prison officers in their new roles.[142]

The approach described by Hill had striking similarities to a study conducted in the mid 1970s to investigate whether correctional officers could become 'behavioural technicians.' Simply, staffs were taught techniques to enable them to become involved in prisoner behavioural change procedures.

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[139] Hill, Development of the Professional Role of Prison Officers, 6.
[140] Ibid. 6-7.
[141] Ibid. 7.
[142] Ibid. 8.

The emphasis of the course was to get the officers to

> Become involved with the inmates for whom you are responsible, set goals for each, assist them in attaining those goals, provide feedback on their progress, and reinforce each successive approximation with praise, approval, and tangible positive consequences whenever necessary and appropriate.[143]

The results of the study found those trained officers,

> increased the number of interactions they had with inmates, and that a greater portion of these interactions were positive in nature. Finally, the trained officers themselves indicated that the techniques they learned were of benefit in their work with inmates, and the inmates indicted that officers who had received training appeared to them to have improved in their general calibre as well as become less punitive and more concerned with the welfare of inmates.[144]

Although this American study was conducted in the 'rehabilitation' era it provides confirmation that authorities still envisaged that the prison officer was the mode to implement change in prisoner management procedures. As the authors note,

> Until the efforts of the counselor, social worker, classification officer, vocational training instructor, and remedial education teacher are integrated in the form of a comprehensive, coherent, and continuous program, it is unlikely that correction's rehabilitative efforts will encounter any more success than they have to date; the correctional officer by virtue of his continuous contact with the inmates, is the individual within the institution who can best provide the continuity necessary if these traditionally independent efforts are to be interrelated.[145]

Hill's comments may simply have been a reiteration of the principles from the American investigation of the 1970s. This study demonstrated that, given a certain set of circumstances and training, positive interactions could result between officers and prisoners. There is little evidence, however, to suggest the American training programme was ever given serious consideration by other prison authorities. Indeed, the focus changed from investigating the role of prison officers to the study of the prisoner and his environs. Authorities now built prisons based on the small unit system instead of the traditional edifices designed for custody and containment.

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[143]  R.R. Smith, M.A. Milan, L.F. Wood, and J.M. McKee, "The Correctional Officer as
a      Behavioral Technician", Criminal Justice and Behavior, Vol. 3 No. 4,
       (December 1976): 345-369, 357.

[144]  Ibid, 357.

[145]  Smith et al, "The Correctional Officer as a Behavioral Technician" 358-359.

The NSW prison system decided to implement the unit management regime based on "four clean guiding principles, "Reality, Responsibility, Predicability and Accountability."[146] The strategy was implemented in an old prison.

> A new style of management has been introduced at Bathurst Gaol which affects prisoners as well as officers. Unit Management houses prisoners in a more humane environment, while team management gives professional and custodial staff an opportunity to participate in running the gaol. Instead of being housed in large impersonal cell blocks, prisoners in some wings live in eight smaller units, each accommodating between twelve and sixteen prisoners with two Prison Officers supervising each unit. Inmates cook and eat in their units. This style of accommodation creates a more relaxed and informal atmosphere, encourages closer relationships among the inmates and between inmates and staff. By resembling a normal environment it helps to prepare prisoners for their life after release.[147]

Prison officers were not sure of the concept and some felt that the 'experiment' was not a qualified success. Indeed one study highlighted some decidedly negative comments. The study examined officers' awareness of and the attitudes towards the Bathurst Management Programme. The main findings were:

- Most officers expressed positive attitudes toward the Programme. When speaking of the positive points of the Programme, officers generally referred to a better working environment for themselves;

- It is seen that Bathurst still offers a more relaxed working environment. Officers felt less inhibited about starting a conversation with prisoners, gave them instructions rather than orders, and felt that prisoners approached officers more;

- "rehabilitation/reduce recidivism" remains the most important perceived aim of the Programme;

- Half the staff interviewed had not attended either a Programme or Unit Orientation.

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[146]    G. Hay and M. Hart. Unit Management Discussion Document: Philosophy & Basic Programme Outline. Discussion Document prepared for Bathurst Gaol. 15 April 1980, 2.

[147]    N.S.W. Department of Corrective Services. Annual Report, 1983, 15.

The last Orientation courses were held eighteen months ago;
only one third of officers saw any difference in the way they
related to prisoners at Bathurst, to the way they related to
prisoners in other gaols. In December 1983, half the officers
saw a difference;

- Over half the officers felt that team management had broken down at
  Bathurst Gaol, even though they saw team management as a good idea.
  Fewer officers, than in December 1983, stated that they had a "say" in
  the running of the gaol, and that working at Bathurst was any different
  to other gaols;

- Officers attitudes to prisoner management have
  become less liberal since the December 1983 study. It was felt
  that controls concerning inmate movement around the gaol,
  perimeter security and enforcement of rules should be
  increased;

- When asked what assisted them in their jobs, most officers cited personal
  attributes, rather than aspects of the programme; the most difficulties
  experienced by others came from other officers or from the gaol
  administration;

- There were few difficulties with prisoners, although officers saw
  that prisoners challenging their authority was the most important
  problem they faced. Officers were also concerned about their
  control over their jobs, knowing what was expected of them,
  and unsympathetic executive officers; [and] in comparison,
  junior officers expressed more negative attitudes than senior
  officers.[148]

The NSW prison authorities had gambled on introducing a new prisoner
management concept into an environment that had been wholly custodial. But
more importantly they had given cursory consideration to staff training. They
recognised that,

> This form of management requires a far greater degree of
> communication between staff and management than used to occur, but
> it is being successfully, if gradually, introduced into Bathurst
> Gaol. To help, staff have undergone orientation programmes, while
> Prison Officers working in the units have received two days training
> in this type of work[149]

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[148]    K. McLennan and D. Simmons. Prison Officers At Bathurst Gaol: Attitudes To The
         Management Plan. May, 1985. Internal report for comment only,
         N.S.W. Department of Corrective Services. 2.
[149]    N.S.W. Department of Corrective Services. Annual Report, 1983, 16.

Those charged with prison officer training in Victoria during the mid-1980s did not learn from the NSW experience. Although some reference had been made toward assessing participants for promotion as potential unit managers, and requiring participants to complete "An Essay on Unit Management as it applies to a prison,"[150] little consideration had been given to fully developing a unit management module. CPO course participants were given a six hour session on the principles, philosophy, and application of the concept and followed this by visiting the Castlemaine Prison for a "Unit Management Exercise."[151] Indeed, by the following year, the segment now lasted less than two hours and the requirement to complete an assignment on unit management had disappeared.[152]

Implementation of unit management was still in a state of flux. There was most certainly a breakdown between what senior management viewed as unit management training and what participants were receiving. And there was little indication of a standardised system of unit management practice in Victoria's prisons, each operating their version of the concept. This certainly was reflected by the absence of a specific unit management-training package. The most information that CPOs, and to a certain extent SPOs, received was 'guidelines and principles' taken from an address given during each promotion course by the Director-General.

The OOC tried to address this deficiency by producing a manual which

> provides a comprehensive and concise reference for all staff involved in the unit management system, and is the primary reference document for the operation of the unit management system in Victoria's prisons. The manual has already become a leading text on unit management, being widely used in other Australian jurisdictions and also attracting considerable interest from overseas.[153]

The turgid manual was grossly overstated as a 'leading text' and was universally rejected by prison officers as being largely unreadable, and a waste of time and effort. As a vehicle for unit management operation, it failed dismally.

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[150]    OOC, STC, Chief Prison Officer Squad 2/1986. 6-7.
[151]    Ibid. 11.
[152]    OOC, STC, Chief Prison Officer Course, 1/1987. 29.
[153]    OOC Annual Report. 1990-1991. 15.

Moreover, the two-fold attempt at 'training' course participants in the concept of unit management by having Strategic Services address promotional courses, and instructing participants to research and present a unit management assignment, met with mixed success. Beeden's report noted inter alia,

- Unit Management principles appear to detract from the teaching of prison security; [Ararat]

- Not enough emphasis on Security of Prisons, mostly unit management being taught and officers forgetting their security role is first; [Barwon]

- Country prisons appear to be forgotten on promotional courses with the training emphasis on Unit Management; [Dhurringile]

- Unit Management is all very well but hard to write a 1500 essay on the subject from material in library and you don't come from a Unit Management prison; [and] [instructor] self centred and only interested in feedback from Loddon and Barwon Prisons on Unit Management. Participants felt left out unless they were from a Unit Management Prison; [Geelong]

- Unit Management essays were difficult for people coming from non-unit management areas, as they had no experience of this regime. If this requirement stays as part of course content, more time should be spent at Unit Management Prison to do a comparison study; [and] Training in Unit Management should be more in depth, for the benefit of those participants working in a Unit Management regime but likely to do so in the future; [and] No training in Welfare/Counselling but SPOs in Unit Management prisons required to carry out this role with prisoners; [Loddon]

- CPOs/SPOs with experience of Unit Management Prisons should be used to give input into promotional courses ie. teaching their peer group; [Pentridge]

- Course content on Unit Management was up to date; [MRC][and]

- More time should be spent on Unit Management. MRC][154]

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[154]     J.R. Beeden, Report on validation of SPO/CPO Promotional Courses 1989 to 1991. Internal report to the Co-ordinator of Training Services, Bill Paterson, October 1991. 3-18.

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Prison officers and prison governors generally ignored the promotion of the 'Unit Management Principles' handbook as the operational bible.[155] Although the decision to build and operate unit management prisons had been made early in the 1980s, little thought appears to be given to the training implications. The relative importance given the concept can be determined by reference to promotional course content prior to 1988.

By 1989 an embryonic semblance of the unit management strategy began to appear. The agreed upon implementation strategy was "a seven stage process which involves a range of personnel from each prison, both uniformed and non-uniformed, and from all ranks."[156] The major components of the strategy were,

Stage 1        Senior Management briefing;

Stage 2        SMART;[157]

Stage 3        Management of Change;

Stage 4        Planning;

Stage 5        Trainer Training;

Stage 6        Simulation Planning; and

Stage 7        Implementation.[158]

The first four stages covered training programmes and implementation techniques for senior management - the SMART programme being used to give Governors from non-unit management prisons experience in new concept prisons. The strategy also determined that unit management prison officer training would take place *in situ*, and Stages 5 and 6 had been designed with that in mind.

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[155]    The author met all of Victoria's Governors at the Governors' Conferences held normally at the STC. Most agreed that it was of little practical use. A few had not even read it.

[156]    Keypoints, Vol 4 No 3 (March 1993) 13.

[157]    Senior Management Assessment and Review Team.

[158]    Keypoints, Vol 4 No 3 (March 1993) 13-14.

It was noted that

> in addition to unit management training modules being included in
> promotional training courses conducted at the Staff Training College, some
> 400 staff at the new Barwon and Loddon Prisons also received skills
> training in unit management techniques on site.[159]

The unit management 'module' at the STC for SPOs was a period of 3 hours where
an officer from Strategic Services dealt with "OOC Management Philosophies of
Unit Management roles, goals and objectives."[160] What was extremely interesting
was that Strategic Services personnel only addressed the SPO participants.[161]

> Staff who were sent to train or explain Unit Management to prisons did
> not have the credibility or experience of Unit management to effectively
> win old staff over. Once again it was H.Q. related ideal and did not
> present a realistic overview to staff who had followed the same pattern for
> 20 years or so. [It was] Just another change which would disappear like all
> the others before. [Furthermore] On job training in individual prisons took
> away H.Q. policy and destroyed continuity of basic ideals.[162]

It appears paradoxical that the biggest change in Victoria's prisoner management
systems in over 140 years of prison functioning, including the training and retraining
of the entire prison officer category was being entrusted to a 'core team' which had
little, if any, background in either training or development.[163] Nelson and Davis,
reviewing the first twenty years of direct supervision operation in 1995, claimed
inadequate funding had weakened the concept.[164] This resulted in

> Inadequate training and orientation for staff, but also in inadequate staffing,
> inadequate transition planning, and pressure to open facilities before the
> building, staff, and inmates are ready for the move.[165]

Nelson and Davis also noted that a number of institutions had opened without staff
having a "thorough understanding" of the concept.[166]

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[159] OOC Annual Report, 1989-90, 34.
[160] Senior Prison Officer Course, CPO David Sheridan, SPO 3/91.
[161] From author's experience as STC Co-ordinator of Training Services, 1990-92.
[162] Correspondence from former Governor Helen Holland, 17 April 1997.
[163] The team consisted of the author of the unit management guidelines manual - a
former base grade officer, a CPO, the former executive officer of the director of
Prisons, a former social worker who had experience in classifications, and the
Assistant Director who had been supervisor of classifications and Deputy Director of
Programs in Prisons Division. Keypoints, Vol 3 No 4, June, 1992, 14.
[164] Nelson and Davis. "Podular Direct Supervision: The First Twenty Years" 17.
[165] Ibid.
[166] Ibid.

Training staff, who are responsible for training all officers, frequently have had even less exposure to direct supervision. The transition training programs often reflect the limited knowledge base and experience of the training staff rather than the needs of the organization.[167]

While the concept of unit management or direct supervision may have been philosophically sound, prison officers will only regard it as another strategy, which will come and go.[168] Most have little choice in the current climate but to operate under sufferance.[169] Most expect that the process will cost prison officer positions.[170] It also appears that prison managers had "rote-learned unit management principles" and had been "coached into giving answers to unit management questions" in order to gain promotion.[171] However, some found the concept to their liking,

> I was never comfortable with the old confrontation style of prisoner management operation. Unit management allowed me to interact with prisoners in a fashion that suited my style. But I accept that others did not like it.[172]

That unit management contributed to the OOC's demise is speculative. There is no doubt that the strategy was never the anticipated success. A decision was made to introduce the concept without proper investigation as to whether it was a successful practice. In 1997 its validity is still questioned. As the then Director-General noted in the foreword to Unit Management Guidelines,

> we have chosen the concept of unit management as our future approach. Unit management has not been opted for because it is new and trendy, but because it is a proven way of managing prisoners effectively and can be tailored to suit our own culture, abilities and needs. This manual outlines Victoria's approach to unit management. It is not a replica of any other system's approach, nor is it completely new. It is a collection of concepts and ideas that have been taken from the best of our past, what we consider to be the best and most workable from other systems, and the best of our own fresh ideas-ideas contributed by a number of Office of Correction's staff. Having drawn these ideas together, the manual proposes a model of prisoner management that is unique to Victoria.[173]

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[167]    Ibid.
[168]    Correspondence from former Governor Helen Holland, 17 April 1997.
[169]    Conversations with current serving metropolitan prison staff.
[170]    Realised by the closing of a number of state-operated institutions.
[171]    Interview with former Pentridge Governor, Peter Hannay, 30 May 1996.
[172]    Conversation with Prison Supervisor, Sandra Paterson, 25 April 1997.
[173]    P. Harmsworth. Unit Management Guidelines: Achieving Leadership Excellence in Victorian Prisons. (Melbourne: OOC, 1990) 3.

The major problem was that staff unilaterally ignored the 'guidelines' and continued operating under the custody and control function. Victoria's authorities had a considerable period prior to the opening of the new institutions to validate the concept in an existing prison. Apart from the desultory attempt at the Castlemaine Prison, nothing was ever attempted except for some in-house training prior to new prisons being opened.[174] Staff training was never given the importance it should have. Politics intervened. Bill Kidston's famous "buckets of money" quickly dried up.[175] Re-organisation became Harmsworth's priority - a concept that very rarely works in the prison setting.[176] When the OOC was subsumed into a new organisation its successor, the Department of Justice Corrective Services Division, carried on as if nothing had ever changed.

The following chapter will detail prison officer training practices from 1960. Prison officer training had been conducted on site until the prison system was transferred into the new Social Welfare Department. The new department purchased a facility to conduct training. Whatmore and Shade had upgraded prison officer training and the purchase of training facilities should have been the harbinger to re-skill contemporary prison officers and change their role to match the new operational practices. There are many reasons why this did not happen. It may have been that prisons were less regarded in the new divisional structure. Again, other divisions had a higher public profile. Indeed, departmental training, by its very nature, became eclectic. Prison officer training continued unabated, but a significant opportunity to upgrade and improve contemporary prison staff was lost.

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[174] Barwon unit managers were instructed by their governor to see the Australian film "Ghosts of the Civil Dead" which deals with a futuristic prison as part of their unit management induction.

[175] Conversation with Helen Holland, 30 April 1997. Mrs Holland said Kidston was famous for saying "there is a bucket of money for this and a bucket of money for that. If one bucket runs empty we'll take some from the other."

[176] DiIullio, Governing Prisons, 236-237.

# Chapter 7

## Prison Officer Training 1960-1992.

*The lack of or the improper training of correctional officers is precarious since inmates must be professionally handled with care, not by trial and error*[1]

It has been argued that the successful implementation of prison policy is subject to the will and understanding of the prison officer.[2] And the prison officer's role is clearly of critical importance.[3] "Within penal institutions their influence is inevitably predominant."[4] In 1967 the *Task Force Report on Corrections* wrote

> They may be the most influential persons in institutions simply by virtue of their numbers and their daily intimate contact with offenders. It is a mistake to define them as persons responsible only for control and maintenance. They can, by their attitude and understanding, reinforce or destroy the effectiveness of almost any correctional program. They can act as effective intermediaries or become insurmountable barriers between the inmates' world and the institution's administrative and treatment personnel [5]

If prison officers are to be the link between policy and operation, why is so little importance placed on their training? One answer may be that the primary emphasis of the prison officer's task in the 1990s has remained custody and control. Prison officers, simply, are judged on their capacity to keep order, obey commands, and carry out prison duties as required. Indeed, for many prison officers the basic task is the secure custody of the prisoner.[6] In Victoria's prison system it would appear that Headquarters implicitly agree. For example, the format of the 1991 Victorian prison officer evaluation instruments was significantly shaped towards the custodial aspects of the role.[7]

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[1]     J.B. Wells, "Direct Supervision: Panacea or Fad?" <u>American Jails</u>, (Spring, 1987): 46-49, 48.

[2]     J.E. Thomas, <u>The English Prison Officer Since 1850:</u> A Study in Conflict, (London: Routledge & Kegan Paul, 1972).

[3]     G. Hawkins, <u>The Prison : Policy and Practice</u>, (Chicago: Uni. of Chicago Press, 1976), 85.

[4]     Ibid.

[5]     <u>The Task Force Report on Corrections</u>, quoted in, Hawkins, <u>The Prison</u>, 85.

[6]     A. Coyle, <u>Inside: Rethinking Scotland's Prisons</u>, (Edinburgh: Scottish Child, 1991) 211.

[7]     <u>Procedure Manual</u>, Office of Corrections, Victoria, Ch.3, Attachment 1.

This chapter describes the training which Victoria's prison officers have undertaken for nearly three decades. A recurring theme is the emphasis on custodial training for prison officers. The central prison officer training establishment was closed by 1993. Unit management consultants still facilitated unit management implementation and training. The new prison regime, headed by John Van Groningen[8] and the newly reinstated Director of Prisons, John Griffin, did not change training policy. Training practices reverted to those of nearly 40 years ago. It is argued that some of the decisions made in 1990 already have a profound effect on the method and practice of training. With privatisation [9] and corporatisation [10] for the remainder of Victoria's prison system a reality, there is the distinct probability that many Senior and Chief Prison Officers will never receive purpose-designed training - if indeed their positions remain.[11]

## The Training Division, 1960-1978.

Prison officer training changed from being purely prison-based to external participation with the advent of the new Social Welfare Department. The Training Division began life in July, 1960, in the leafy Melbourne suburb of Hawthorn. Among its functions, the Division had to "carry out such duties in relation to training officers of the Social Welfare Department."[12] The foundation Director of Training was George Smale, formerly the prison system's Chief Training and Education Officer. Smale, like most other Directors of Divisions of Social Welfare was answerable to a committee. In Smale's case it was the Social Welfare Training Council, which had 12 members, including the Superintendent of Training, the Director of Family Welfare, and the Director of Prisons.

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8    The former Superintendent of Pentridge who was the Liberal Government choice to head the new Corrective Services Division in place of Peter Harmsworth.

9    Three private prisons have opened. Two 600 bed male institutions, and a 100 bed female prison.

10    Message, No 8, Vol 2. (April, 1997).

11    CPOs are now known as Prison Supervisors. The rank of SPO is currently under evaluation.

12    Social Welfare Report, 1962, 65.

Smale had an extremely difficult task. Among others, he had to,

> Advise the director-general on matters of general policy relating to the training of persons in matters pertaining to social welfare. Plan, co-ordinate and supervise the training of persons under the Act. Promote, foster and encourage public interest in social welfare. Supervise the training of all children, young persons and adults in any institution controlled by the social welfare branch.[13]

It was to be hoped that he would have sufficient help from the training council, whose functions were,

> To exercise a general supervision over theoretical and practical training;
> To prescribe courses of instruction and training in social welfare;
> To conduct written, practical or oral examinations; and
> To issue certificates of qualification.[14]

Prison officer training in 1960 prior to the establishment of the Social Welfare Department was perfunctory. Prospective prison officers were given an examination in both English and Arithmetic. They were subject to an intelligence test and a personal interview before a panel consisting of Smale, the Chief Training Officer, and both Governor and Deputy Governor of Pentridge Prison. Recruits were placed in an initial training class lasting 6 weeks after which they were examined in;

1.  English Expression.
2.  Arithmetic.
3.  Rules and Regulations and Procedures.
4.  Penology Part 1.
5.  Firearms.

> They must pass all these subjects before they may become permanent. If they fail in any one they are given another chance. If they fail the second time they are advised to seek other employment.[15]

Before promotion to Senior Penal Officer, the officer had to pass

1.  Acts and Regulations.
2.  Prison Accounting.
3.  Penology Part II.[16]

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[13]  S.W. Johnston and R.G. Fox, Correction Handbook of Victoria, (Melbourne: Commando, 1965) 113.

[14]  Ibid.

[15]  G. Smale, First Australian Conference of Prison Administrators Notes and Resolutions. Melbourne, June 6-10, 1960. 11.

The eager officer could sit for this examination as soon as he had passed recruit examination. He could then sit for "Institutional Administration [and] Penology Part III." Successful completion of this examination would qualify him for the position of Chief Penal Officer.[17]

The first conference of Australasian prison administrators was held in 1960. Representatives came from all Australian States plus the Northern Territory,[18] Papua-New Guinea and New Zealand.[19] Their ideas and practices on prison officer training were eclectic. Programmes ranged from no formal training in Western Australia, to the Northern Territory contracting South Australia to train staff. NSW and Victoria held similar types of custodial training programmes. The New Guinea emphasis was on foot drill and elements of ceremonial marching. Tasmania had a two week induction course, Queensland a month's trial without training. South Australia had a sophisticated (at least on paper) and graduated training schedule. This consisted of:

1. Recruit Training,

2. Refresher Courses,

3. Advance Training,

4. Promotion Training, and

5. Specialist Courses.[20]

Victoria's Training Division realised that prison officer standards were low. Applicants were of a similar low calibre. Smale noted, "It is rare that suitable, well-educated, experienced people apply."[21] He classified potential employees into four categories: -

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16     Smale, First Australian Conference of Prison Administrators Notes and
       Resolutions, 11.
17     Ibid.
18     The Australian Capital Territory (ACT) did not have a prison system. All remandees
       or sentenced prisoners went to NSW.
19     First Australian Conference of Prison Administrators Notes and Resolutions, 1.
20     Ibid, 11-18.
21     Social Welfare Report, 1962, 65.

(a)     The unemployed;

(b)     Those persons who have failed to obtain a secure job and are reaching the age and family responsibility where security means a great deal to them;

(c)     Younger people with a burning desire to assist inmates. Of these, many are too immature and others too emotionally involved with the problem of desire to assist the socially under-privileged to be of much value;

(d)     Migrants to Australia who are seeking fresh work in a new country. These are frequently very intelligent people.[22]

Smale proclaimed, in a covert reference to the quality of senior staff, that:

> While the unqualified institutional worker should not reach superintendent status, it seems clear that education without institutional experience is equally hazardous. Control and care of human beings cannot all be learned in the field of theoretical training, nor can it all be learned by sheer experience without training.[23]

Smale announced that initial training for prison officers would be extended from six to eight weeks. First aid was introduced and Penology I had been enlarged to include 'human development.'[24] The most controversial of Smale's mooted changes was the decision to combine initial courses for all new employees in the Family Welfare, Youth Welfare and Prison Divisions. There would be 'core' subjects that were applicable to all such as English Expression, Arithmetic, and First Aid. Participants would then take 'specialist' subjects suited to meet their particular divisional needs. It appears that prison officers were taught to change nappies in core elements.[25] Topics in the 'Seniors course' included

> Institutional Bookkeeping and Storekeeping Procedures (designed to equip officers who may undertake these responsibilities in prisons at some future date), the study of Penology II (offering specialized study of modern methods and techniques recommended for the development of improved attitude and skills essential to the rehabilitation of these committed to the care of institutions), as well as the study of appropriate Acts and Regulations of which prison officers must have a thorough knowledge.[26]

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22      Social Welfare Report, 1962, 65.
23      Ibid.
24      Ibid.
25      Interview with Jim Armstrong, retired Prison Governor Grade III, 28 May 1996.
26      Social Welfare Report, 1962, 66-67.

Chief Prison Officers had to submit a 3,000-word assignment on a topic approved by the Board of Examiners. "In addition they must pass in the subject Institutional Management."[27] Smale felt that Victoria's prison officer training had been restructured to meet organisational needs. However, the uniformed people he chose to train the prison personnel had little training experience. They were limited to practical prison work, marching and firearms training.[28] The other non-uniformed trainers were

> highly qualified academically and are specialists in their various fields. It may be of interest to note that, of the six professional officers, four hold university degrees and diplomas and two hold university diplomas. Again, four of these staff members are qualified teachers, whilst two are experienced social welfare workers.[29]

Recruiting standards were at an all time low. According to Armstrong, "the result of full employment meant a dearth of prospective applicants. The system literally had to take anyone off the street."[30] Applicants had little formal education. Their attitude towards non-uniformed training professionals would be shaped by uniformed instructors' observations. Trainee prison officers were conditioned towards a custodial mentality. It is highly unlikely that the average recruit had either the ability or the motivation to view training in a social welfare framework - Smale's aim. The dominant advice was "forget bullshit castle" and concentrate on prison officer duties.[31] With a little application even the dimmest recruit could pass the course. The measure of how difficult it was to fail the new combined training courses can be demonstrated by the fact that of 59 officers who sat English, Arithmetic, First Aid, Rules and Regulations, Penology Part I, and Firearms, only one failure was found in each of Arithmetic, First Aid, and Penology Part I. All other subjects were passed.[32] Courses above Part I were to be run on a part-time basis with officers expected to undertake advanced training in their own time.

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[27] Ibid, 67.
[28] Jim Armstrong interview, 28 May 1996.
[29] Social Welfare Report, 1964, 58.
[30] Jim Armstrong interview, 28 May 1996.
[31] Ibid.
[32] Social Welfare Report, 1964, 64.

There was a marked drop from formal applications to the number who actually sat examinations.[33] Smale, however, defended the courses and claimed that the demand for places was consistent

> These courses are comparable with the Child Care and Youth Welfare Work Courses Part II and Part III respectively. The Senior and Chief Prison Officers Courses have been in existence for some years and little variation has been made in their content. There has been a pleasing increase in the number of officers attending these courses or undertaking the prescribed studies. In 1962, 58 officers enrolled for the Senior Prison Officers Courses; this figure remained fairly constant in 1963, but in the course recently began there is an enrolment of 79 officers. Smaller increases have occurred in the number of officers offering for the Chief Prison Officer examinations. Whereas 12 officers commenced the course in 1962, the 1963 number was 21; already 25 officers have indicated their intention to attend lectures for these examinations to be held later this year. Whilst there is always a high enrolment, the fall-out is also high.[34]

Smale had to provide training for country prison officers wishing promotion. Applicants undertook correspondence courses. Smale admitted this was inferior to the teaching techniques used by Training Division for participants in Child Care and Youth Welfare at similar levels.[35] Country officers had to undertake correspondence courses because there was no provision for officers to be released on pay to attend theoretical training. Moreover,

> Accommodation at Training Division is severely taxed on occasions. When all groups are attending lectures at the Division, rooms are found by the simple, but organizationally unsatisfactory, expedient of arranging group visits. This situation is hardly conducive to the smoothly flowing organization so necessary for an institution of the nature of Training Division which should be regarded more in the nature of a training college. Frustrations ensuing from such a situation affect not only the students but the permanent staff.[36]

By 1968 Smale was struggling providing training and accommodation for all groups who wished to use Training Division. He recommended obtaining a "completely new site and accommodation adequate for the number of students seeking training."[37]

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[33]    Ibid, 60-61.
[34]    Ibid, 60.
[35]    Ibid, 1965, 41.
[36]    Ibid, 1967, 50.
[37]    Ibid, 1968, 53.

Another major problem was the turnover in training staff. A direct result of staffing shortages was the deferment of the correspondence courses for SPOs and CPOs.[38] They were deferred again in 1969.[39] The recruit prison officer course, which had remained unchanged for a number of years, was revamped in 1970. The syllabus included "Social Organisation, Psychology, Prison Method, and Practical Work."[40] There was, however, a resumption of correspondence courses for promotional aspirants. Moreover, a committee had been established to consider improvements in the SPO (Part II) and CPO (Part III) courses.[41] The focus on promotional training did not last long. By 1972 Smale retired and was replaced by E.V. Rogers who cancelled correspondence courses, again because of staff shortages.[42]

Whatmore had envisaged a changing role for the officer when he implemented his training prison strategy. Shade had carried on his work. Yet the officers role by the mid-1960s was seen by many as purely custodial and not treatment-oriented. According to Johnston and Fox,

> The re-training of persons while in prison actually passed to the Training Division on its establishment, and parole has fallen to the Probation & Parole Division, so that Prisons staff are now mainly guards.[43]

The authors were members of the Criminology Department of the University of Melbourne and their comments on Victoria's prison officers carried substantial weight. And there was no rebuttal by Whatmore as Director-General or Shade as Director of Prisons. Moreover, the content of all prison officer courses conducted by Training Division was still custodial. Training Division had a difficult task because of the range of duties it had to perform. Many of its tasks were high profile and were politically sensitive. Prison officer training had to be conducted, but was mainly induction training several times per annum.

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38      Ibid, 3
39      Ibid, 1969, 53.
40      Ibid, 1970, 91.
41      Ibid, 53-59.
42      Ibid, 1972, 33.
43      Johnston and Fox, Correction Handbook of Victoria, 165.

As noted, it was extremely simple to cancel promotional training even though Training Division had genuine reason through staff shortages. Prison officers were being advised that the promotion be based on merit instead of seniority. However, they had little opportunity to attend promotion courses. In 1973 the major problem was obtaining participant accommodation. Recruit prison officer courses were being conducted at the Mont Park Psychiatric Centre while other courses were spread throughout metropolitan Melbourne.[44] The Part I induction course was now of three months duration.

> Part I of the course provides preliminary training for newly recruited prison officers before they take their places of the staff of the various prisons. In 1972, 38 POs completed the theory section of the course; of these, 33 have now completed the practical work. A special POs course Part I was held at the end of last year to help alleviate the staff shortages at Pentridge. The course was completed early this year. Seventeen (17) took part and all were successful in completing it.[45]

Why the course length had been increased was debateable. The content had hardly changed and the prison officer role was still custodial. It may have been that recruiting standards were low and that a longer period was required to enable tuition to take place. There remains, however, the problem of exposing recruits to a long period of training when their task would be better suited to on-the-job training.

The wisdom of having any sort of prolonged training has been questioned by Sykes. It is his contention that "A brief period of schooling can familiarize the new guard with the routines of the institution, but to prepare the guard for the realities of his assigned role with lectures and discussions is quite another matter."[46] In January 1974, the Government purchased Loyola College, the former Jesuit Seminary, in the northern suburbs of Melbourne - the future STC. This purchase gave the Training Division and the Department a facility that would provide residential accommodation for students and staff.[47]

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[44]    Social Welfare Report, 1973, 39.
[45]    Ibid, 41.
[46]    G.M. Sykes, The Society of Captives, (Princeton. N.J.: Random House, 1956) 61.
[47]    Social Welfare Report, 1974, 6.

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Prison officer recruitment was still conducted but the dropout rate was high. Of the 75 accepted in 1973, only 57 completed all course requirements.[48] Another revision in 1975 doubled the course to 24 weeks. The first 12 was spent at the College being instructed in theory followed by 9 weeks on-the-job training in various prisons. The final 3 weeks of the course were spent back at Loyola for revision and examinations. Successful completion of the course was mandatory for permanent appointment in the Victorian Public Service as a prison officer.[49] There was, however, still a high attrition rate. Of the 131 original participants, only 67 completed all course requirements. At least those interested in furthering a career were being catered for. Both Part II and Part III, SPO and CPO, courses were now 6 weeks of full-time in-service participation.[50]

After Rodgers retired JME Sutton, the new director announced that 3 prison officers would be seconded to the College to "organize the prison officer courses under direction of the training division's course coordinator."[51] They were the first uniformed prison officers seconded to the College on a full-time basis.

The acquisition of the College doubled the cost of Departmental training from $312,748 in 1974,[52] to $672,244 by 1976.[53] The College employed a training staff of 23 including graduates in psychology, sociology, social work, law, commerce, education, youth work, management, and group work.[54] Governmental approval had been granted to the Social Welfare Department to use the title of 'Institute of Social Welfare' for the headquarters of Training Division in 1968. When Loyola was purchased it became the new Institute of Social Welfare.[55]

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[48]     Ibid, 43.
[49]     Ibid, 1975, 43.
[50]     Ibid.
[51]     Ibid, 1976, 37.
[52]     Ibid, 1974, 14.
[53]     Ibid, 1976, 11.
[54]     Ibid, 36.
[55]     Ibid, 1968, 4.

By 1976 it offered three main groups of courses: in-service for departmental officers from prisons, youth, and family divisions; pre-service courses providing training for students who would later seek positions with the department or in the Victorian welfare community; and, training for volunteer programmes.[56] The Social Welfare Training Council decided in 1976 that prison officer promotion courses be revamped.[57] SPO and CPO courses would be extended by four weeks. There would now be

> 5 weeks' academic work, 4 weeks' practical training of which one week is at a country prison and 1 week revision and examinations in three subjects. Success at this stage enables an officer to be promoted to Senior Prison Officer. Of the 32 officers who enrolled, 26 were successful. Part III of the course is also 10 weeks' full-time training, in advanced Penology and Institutional Management. Students must research and prepare a 3,000 word paper and deliver to a seminar audience. Successful completion of the Certificate in Penology enables an officer to be promoted to Chief Prison Officer, or appointed to the position of a Chief Work Release Officer or a Welfare Officer within the Prisons Division. Fourteen graduated in 1975.[58]

That the new Part II and III sections of the Certificate in Penology were intellectually demanding can be gauged by the 100 per cent pass record for the 1976 courses.[59] These results can be interpreted three ways: the participants were of such high quality; the course was of such a standard that participation was the major criteria; or, the professional staff did not properly assess participants. Moreover, the next few years displayed similar results with a total of 24 SPOs and 18 CPOs successful in 1977;[60] 11 of 12 SPOs and 8 CPOs in 1978;[61] 35 SPOs and 8 CPOs in 1979;[62] 16 SPOs and 13 CPOs in 1981;[63] and 24 SPOs with 10 CPOs successful in 1982.[64]

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[56]     Ibid, 1976, 36.
[57]     Ibid, 37.
[58]     Ibid.
[59]     Ibid, 1977, 35.
[60]     Ibid, 1978, 89.
[61]     Ibid, 1979, 63.
[62]     Ibid, 1980, 63.
[63]     Community Welfare Services Report, 1982, 15.
[64]     Ibid, 1983, 47.

Officers applied to undertake a promotional course after a certain period of service.[65] When the course was successfully completed, they could apply for promotion. The system later changed because of the necessity to staff new prisons. Officers now could apply for promotion without having completed a promotional course. However, there was a caveat. Base grade officers must first undergo a written examination in rules and regulations and English comprehension. Applicants for CPO positions did not have to undertake this test. But there could be a gap of several months between attaining promotion and attending a promotional course. In many cases officers were acting in higher than substantive positions prior to course attendance.[66] A major problem with prison officer training is determining what is relevant for both recruit and promotion training. Promotion training is based upon the current prisoner management philosophy. Recruit training is usually based on principles of security, report writing, self-defence, riot formation, rules and regulations, first aid, history of penology and of the particular organisation, and who to salute.[67]

While the former is an example of the 1970s Tasmanian recruit prison officers induction programme, a survey of any Western prison recruit training programme highlights the security and custodial nature of the training. For example, in Alberta Canada, it is acknowledged that

> On completion of the Correctional Officer Basic Training Program, the Correctional Officer will be able to effectively demonstrate skills related to security practices and procedures; manage and control inmate behaviour; achieve competence in fitness and self - defence and demonstrate a working knowledge of Departmental Policies and Procedures and Institutional Standard Operating Procedures.[68]

This is by no means an isolated example. The tasks of the Victorian prison officer of the 1970s simply replicated those of base-grade officers working in Alberta's Correctional Services.

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[65] Usually 5 years in Victoria in the 1950s and 1960s.

[66] The author had to re-write the SPO and CPO promotion course to reflect changing practices.

[67] This was deemed an important part of the author's induction into the Tasmanian Prison Service in 1975. Approximately one hour was spent on "recognising senior prison staff." The next session on "prison psychology" lasted thirty minutes.

[68] Department of Correctional services, Alberta, Canada, 4 week recruit course, 1975.

As Filan noted in 1978,

> The Prison Officer's role in the Victorian Division of Correctional
> Services is clearly defined by its legal parameters as strictly confined to
> custody, security and control of prisoners. This role is particularly
> emphasised by the specific duties and responsibilities outlined in his
> Standing Orders and apparently (judging from a small sample) his Local
> Orders; the only offences legally proscribed are unarguable offences
> directly contrary to this role. Passing reference to a 'rehabilitative' role
> is unspecific, ambiguous and possibly dangerous to the officer's career
> (depending as it does on individual interpretation of the terms
> 'rehabilitation' and 'treatment programmes').[69]

When discussing prison officer training, prison officials always tend to highlight
the progressive measures they are taking to upgrade the officers' role. They
fulminate when confronted by accusations of prevarication. What they fail to
admit, or even to see, is that the rhetoric of training change cannot always be
matched by the practical reality of a newly skilled prison officer. Some prison
administrators have acknowledged that there is a disparity in prison officer
training but accuse contemporaries of politicising the issue.

> Far too often I have heard correctional administrators refer to
> training in the context of rectifying corporate ills or as a device to
> bring about unspecified organisational change. My inevitable
> reaction is that they, the administrators, are the ones who must
> rectify ills and be responsible for the achievement of organisational
> change. Training certainly plays a central role in implementing
> change and in providing feedback to modify these goals and
> implementing strategies, but it cannot be held responsible for
> rectifying the executive's dereliction of its responsibilities. The
> organisation must settle its corporate plan, implementation strategies,
> feedback mechanisms and clearly define the role training will play in the
> total process.[70]

The reality, of course, is that prison administrators must focus on the custodial
aspect of training. Their future in the service depends on it.

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[69]     M.C. Filan, A Study of the Legal and Sociological Determinants of the Work Role of
         the Victorian Prison Officer, BA diss., Canberra College of Advanced Education,
         1978, 39.
[70]     W. Kidston, Victorial Director- General of Corrections, in J. Mugford, (Ed)
         Correctional Officer Training, (Canberra: Australian Institute of Criminology,
         1987), 4.

According to Sykes.

> One escape from the maximum security prison is sufficient to
> arouse public opinion to a fever pitch and an organization which
> stands or falls on a single case moves with understandable caution.
> The officials, in short, know on which side their bread is buttered.
> Their continued employment is tied up with the successful
> performance of custody and if society is not sure of the priority to
> be attached to the tasks assigned the prison, the overriding importance
> of custody is perfectly clear to the officials.[71]

It has been argued the recruit can learn just as much about working in prisons
by undertaking a 2-week short course combined with on-the-job training.
Compare this with the formal 12-week College instruction, which dominated the
late 1980s prison officer training. Victoria has tried both approaches and in the
mid-1990s has settled, at present, for a combination of both. The graduates of
1994 undertook a 12-week course made up of 6 weeks classroom teaching with
6 weeks on-the-job. Classroom topics were prisoner management; fire
awareness; firearms; criminal justice system; and general topics such as report
writing, first aid and infectious disease control. [72] To many, the crucial part of
training has always been the on-the-job component. It is this part where recruits
discover what the actual job entails. And it is this segment that will determine
whether the recruits can cope with the difficulties of working in a prison system.

The recruits' initial anxiety will probably be about how they interact with
prisoners. Once they overcome initial fears and get accustomed to the prison
setting, they will reach the next, and probably most crucial, stage - how to
interact with other officers. When undertaking induction training, recruits are
informed that they are becoming part of a professional cadre that embodies
*esprit de corps*. The reality is quite different. What recruits mainly learn from
the on-the-job placement is the CYA principle,[73] and the how, who, what, and
where to 'look out for.' Recruits to the prison service have innate worries whether
they will enjoy the task, and these worries are realised or rejected once they have left
the College cocoon.

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[71]     Sykes, Society of Captives. 18.

[72]     Keypoints, vol 5 no 4(, June, 1994) 18.

[73]     An acronym for "cover your arse." This means protect yourself at all times.

Homans claims, no one is born to be a prison officer; indeed, "there is little if any empirical knowledge of what makes a good correctional officer."[74] And there is no particular reason to seek employment in the prison environment. Some reasons include job security,[75] long term unemployment,[76] betterment of employment,[77] among others. Thus the type of person who seeks employment in a prison setting may be determined in the first instance by job security, rather than some altruistic ideal about helping people reform themselves. In his survey of Western Australian Prisons, Williams found the decision to become a prison officer is often taken "independently of the decision to leave previous employment."[78] In a sample of 60 officers Williams discussed such forces as "redundancy, financial difficulties and dissatisfaction were pushing them out of their previous [employment] before they had begun to think about becoming prison officers."[79] Many of the officers sampled indicated that they would have never considered this type of work had it not been suggested to them by "relatives, friends or acquaintances who were either prison officers themselves or who knew prison officers."[80]

A similar situation was found by Bullard on investigating the New South Wales prison system. His conclusions on job seeking patterns among officers highlighted the job security aspect, and his profile of the average recruit was one "with only a fundamental educational level, married and concerned to provide security for the family..."[81] Moreover, these profiles can be replicated throughout all Western prison services.

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[74] R.J. Homans, "Correlates of satisfactory relations between correctional officers and prisoners," J of Offender Counselling Services and Rehabilitation, 4 (1), (1979): 53-62, 54.

[75] L.X. Lombardo, Guards Imprisoned, (New York: Elsevier North Holland, 1981) 21.

[76] J.B. Jacobs, H.G. Retsky, "Prison Guard", Urban Life, 4 (1), (1975): 5-28.

[77] Lombardo, Guards Imprisoned, 21.

[78] T.A. Williams, Custody and Conflict: an organisational study of role problems and related attitudes among prison officers in Western Australia, Ph. D diss., Uni of Western Australia, 1974, 155.

[79] Ibid, 156.

[80] Ibid.

Emery, interviewing officers in Bristol, England, offered the following modal profile:

> Brought up in a working class family; left school at 16 years of age; first steady job most likely to have been in unskilled or semi-skilled labouring; military service with non-commissioned rank; dissatisfaction with factory or millwork and primary concern with lack of economic security; selection of the Prison Service after seeking or considering employment in the Police Force, Fire Brigade, or the like.[82]

Many prison officers, it is noted, have limited education. The method of classroom teaching training is hardly conducive to the majority of participants. Indeed, it can be argued, what the system is overtly telling prison officers that the task is not really that demanding. It demonstrates this by providing instruction to a large group of inductees on a factory-line basis. Indeed, one Australian prison system has conducted training programmes for classes of up to 60 recruits at one time "through urgent necessity."[83] Another difficulty, according to Thomas, is that prison officer trainers or staff in charge of prison officer training are rarely innovators. Most appear to follow the organisation's direction hardly questioning whether the training will make any real impact. This is compounded by the fact that training is expected to be miraculous and will solve every problem in the organisation. Again, training is always levelled at base or middle level staff.

There also seems to be the perception that those in charge of the prison need little training when it can be learned through experience. Furthermore, the training course syllabi are usually an amalgam of input depending on the skills and interests of those who undertake course development. Moreover, the large body of prison or correctional literature used by prison trainers is American in origin and has limited application in English or Australian prison settings.[84] Thomas also debunks the myth of 'on-the-job' training. While recognising that the concept is necessary, he argues that some of the most important aspects of prison work do not get formal recognition - such as how to deal with "practical common situations."

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[81]    C.G. Bullard, A Sociological Study of Prison Officers in N.S.W. : A Stressful Occupation, Ph. D diss., Uni of N.S.W., 1977, 222.

[82]    F.E. Emery, Freedom and Justice within walls, (London:, Tavistock, 1970) 32.

[83]    Report of Review of the Correctional Officer Induction Training, 1991, South Australian Department of Correctional Services, 7.

[84]    J.E. Thomas, "Training Schemes for Prison Staff: An Analysis of Some Problems" Aust. & N.Z. J of Crim, 5, 4 (Dec., 1972): 199-205.

Thomas argues these, normally get confined to the "familiar dustbin category of on-the-job training." [85] If these subjects are taught, professional non-prison trainers usually conduct them. Most of these people have no practical prison experience as prison officers yet try to impart theoretical prison knowledge to a group of new recruits - a situation the raw recruit soon recognises, and the subject's credibility is soon lost. If the credibility is not lost at this stage, once the recruit enters the prison and discusses training with experienced officers, he or she will soon be 'enlightened.' Again, there is little attempt to give recruits and promotional participants useful information in offender management. The reason is that

> there is little scientific knowledge about handling offender populations, few principles for consistent practice, and almost no provision for assessing the value of particular measures in various situations. Custodial staff generally operate on the basis of lore which has made for continued improvements in practice in other fields and occupations. Very little has been written on group management practices with confined offenders. What there is has come mainly from the social scientists and has little relevance for the line practitioner. [86]

## Training Division 1978-1983.

The creation of the Department of Community Welfare in 1978 hardly affected the nature of prison officer training. The now re-named "Community Welfare Training Institute" posited another version of the basic training course for new officers. This would now consist of three discrete segments:

a)  induction segment - a 10 day orientation course focussing on skills which the recruit prison officer requires to carry out day-to-day duties;

b)  on-the-job placement for a period of at least 10 weeks in the prison environment. At the beginning of 1980 a field supervisor section was established to support the officers and assess their performance during this part of the program;

c)  final segment - a 12 week course at the Institute. At the conclusion of this segment officers are eligible to apply for permanency. [87]

85    Thomas, "Training Schemes for Prison Staff: An Analysis of Some Problems" 202.
86    Hawkins, The Prison, 101.
87    Community Welfare Services Report, 1980, 63.

This new course was not necessarily designed to assist upgrading Victoria's recruit prison officer skills. There was perhaps, a more practical reason. Prison numbers had been steadily climbing since 1976 from a DAP of 1580 [88] to the 1980 DAP 1788.[89] The reality was that the prison service quickly needed staff. The fact that officers would do at least 12 weeks 'on-the-job training' was soon exposed as fiction. Many of these 'retreads' [90] did not return to the College for the final segment until at least 14 months later.[91] There were some unanticipated consequences of this late College return. The 'experienced' recruit prison officers had been working in the prison environment for many months. They had 'learned' on-the-job. Their 'tutors' or 'mentors' were, by and large, case-hardened as Victoria's prison system was going through one of the most violent periods in its history.

There had been a history of turbulence culminating in the Jenkinson Report in the early 1970s.[92] There was "a serious riot" in B Division, escapes from H Division, fires in F Division in 1978,[93] and a "bomb explosion in A Division on 10 April 1980 injuring 4 prisoners."[94] With prisoner accommodation being critical, a fire at Fairlea Women's Prison, in which three prisoners died, necessitated the removal of females to Pentridge Prison.[95] The 'recruits' returning to the College were "less than impressed" with the theory being taught.[96] "It was like going to wonderland after Pentridge."[97] The recruits, however, were rational enough to realise that this segment of the course had to be completed to attain permanency - even though the group consensus was that the College training content was of little use back in the prison.[98]

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[88]    Social Welfare Report, 1976, 74.
[89]    Community Welfare Services Report, 1981, 49.
[90]    Officers returning to the STC after a long period.
[91]    Interview with CPO Sandra Moore, MRC, 1 June 1996.
[92]    Report of the Board of Inquiry into Several Matters concerning H.M. Prison Pentridge and the maintenance of discipline in prisons, No 73, Government Printer, Melbourne, 25 September, 1973.
[93]    Community Welfare Services Report, 1979, 48.
[94]    Ibid, 1980, 51.
[95]    Ibid, 1982, 43.
[96]    CPO Sandra Moore interview, 1 June 1996.
[97]    CPO Sandra Moore spent 14 months at the MRP in Coburg between the Induction and the final part of the recruit course. This was not an isolated instance.
[98]    CPO Sandra Moore interview, 1 June 1996.

The Institute's management and its Training Council had lost credibility with Victoria's prison officers. According to Armstrong, prison officer training did not appear to be as fashionable as the high-profile community and social welfare programmes, or indeed received as much attention.[99] What the College management and the Training Council perhaps had failed to consider was that the worthiness of any prison-training programme can easily be evaluated in the prison setting. The men who administered Victoria's prisons, the governors, had a vested interest in the College training product. After all, they received the product of both recruit and promotional training. Their input was not yet as considerable as it would later be, but they were still a powerful collegiate. A covert schism developed between the College and prison governors leading to governors commencing 'in-service' training "to upgrade and extend prison officer skills."[100] The difficulty, however, was that prison officers had little input into College prison officer training programmes - all changes had to be approved by the Training Council. The council should have realised there are a number of issues which must be addressed before any prison course can be deemed successful. Among these are:

- the course content must have validity to the organisation;

- the course content must have validity to the participant;

- the presenter must have credibility;

- the presenter must be able to impart the knowledge;

- the participant must understand the given information;

- the participant must feel that the course has been worthwhile;

- the participant must feel that the course content has some usefulness in the prison setting;

- the participant must be able to use the information in the prison ;

- the customer (governor) must feel that the course content has some usefulness in the prison; and,

- there must be some procedure to measure course validity after officer implementation.[101]

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[99]    Jim Armstrong interview, 28 August 1995.
[100]    Community Welfare Services Report, 1981, 50.
[101]    From the author's experience as both course participant and course lecturer, 1975-1995.

While these elements are not mutually exclusive, it is argued that failure to address any of the above will directly result in wasted human and financial resources. The failure to consider these issues would be a major factor in the STC's eventual closure. The STC closure was a direct result of the lack of foresight by those charged with overseeing training. It has been noted that,

> In many respects, corrections have been slow to recognize the value of training and the impact it can have on the total organization. Unfortunately, training has frequently been viewed as an avenue to prepare someone to assume his or her first correctional assignment, focussing entirely on the individual's skills rather than the potential development of the organization. Training can have a direct impact on the overall performance of the organization, resulting in increased consistency of operations, increased appropriate implementation of policies and programs, and an opportunity for the communication of organizational values, culture and ethics. Historically, staff training functions have been limited both in resources and in staffing. They were isolated from top level management in the process of policy development. And, as current trends demonstrate, the training department is frequently the first hit by budget reductions. Training needs to be viewed not as a frill of an organization, but rather an essential component that facilitates the effective operation of an agency.[102]

## The Staff Training College 1983-1992.

In March 1983 a commissioned report from the Head of the School of Social Work at the Phillip Institute of Technology found that the Community Welfare Training Institute

> was not providing an effective and efficient service to the Department and that training for Departmental staff would be better performed at C>A>E (sic) and TAFE Colleges at far lower cost. She recommended that prison officer recruits should spend most of their training period in a prison, to allow for on-the-job training, and should attend courses at post-secondary education institutes to allow them to mix with a wide range of students.[103]

As a result of this report, the Minister announced the College would be sold and that departmental training would be covered by the TAFE system.[104]

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[102]   D. Carter, "The Status of Education and Training in Corrections" in
        Federal Probation, (June, 1991): 17-23, 19.
[103]   History of the Office of Corrections Victoria, 1984, Internal document, sec. 5.
[104]   Ibid.

It had been noted that

> Staff employed in training prison officers at Watsonia had long considered
> the existing conditions unsatisfactory: prison officers, part of a disciplined,
> uniformed service, were trained in the same facility as welfare staff. Both
> groups wreer (sic) suspicious of each other, and the relative freedom of
> welfare staff during training was resented by the prison officers.[105]

With the transfer of prisons in late 1983 into the newly created Office of Corrections
(OOC), an immediate task was to determine whether a training facility for prison
officers was still required. The newly appointed Director-General, Bill Kidston,
discussed the situation with senior governors and decided to purchase the former
Training Institute, as a temporary base for OOC training.[106] "Its present location at
Watsonia is intended to be temporary and a new Staff Training College will be built
adjoining the first new prison to be constructed in accordance with the
recommendations of the Corrections Master Plan."[107] The STC began training
activities on 20 February 1984. It was to provide "academic and practical training at
all levels, as well as fostering pride, standards and esprit de corps."[108]

The College was to have a staff of 20 in charge of Prison Officer Training,
Management and Administrative Training, Community Based Corrections Training,
and an Administrative Section.[109] The first Superintendent of the STC supervised all
aspects of College functioning. Prison officer training, however, was entrusted to a
uniformed governor. At this stage there was little indication of what the department
expected of prison officer training. All that was apparent was that there was a
pressing need for more staff. By February 1984 there were 120 temporary prison
officers who had to complete the Part I of training. New courses were urgently
needed to upgrade both recruit and SPO training. The new 12-week recruit course
was designed with the purpose of creating "a strong bond between officers."[110]

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[105]     History of the Office of Corrections Victoria, sec. 5.
[106]     Ibid.
[107]     OOC Annual Report, 1983-84, 36.
[108]     Ibid.
[109]     Ibid.

The 'new' course now comprised

> orientation, discipline and drill, prison method, the criminal justice
> system, industrial safety and prison hygiene; operational procedures, Acts
> and Regulations, disciplinary hearings and court procedures, report
> writing, self defence and baton training, fire and fire safety training.
> [Moreover], the Director-General wanted prison officers to learn something
> of public sector management and the relationship between the prison service
> and other sectors of the public service.[111]

Changes had also been made to the existing SPO course. The course now lasted 8 weeks and officers were "encouraged" to live-in at the STC. The SPO selection process had also been upgraded and applicants had "to undertake a pre-course examination, a medical/physical fitness test and an interview by a selection panel."[112] The initial intake for the 3-month residential recruits course commenced on 2 April and the SPO course on 30 April. Both courses graduated at a formal ceremony attended by the Minister and the Director-General on 22 June. The 'formality' was to allow a "spirit of tradition" to develop between all course participants and that the College would create "its own identity."[113]

STC training continued at a frantic pace for the next 2 years. During the 1984-85 financial year 5 recruit courses of 12 weeks duration were conducted for 100 prison officers. The backlog of 'retreads' to complete Part I was finalised - a total of 80 completed an 8 week modified course. Promotion courses continued with 45 participants completing the 8 week SPO course, and 10 CPOs graduating from the solitary CPO 8 week course.[114] The 1985-86 training year found another 156 recruit prison officers graduate along with 44 SPOs and 13 CPOs.[115] There was a special course for 33 Industry Supervisors.[116] But there was little indication of what the purpose of prison officer training should be.

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110    Ibid, 37.
111    History of the Office of Corrections, sec. 5.
112    OOC Annual Report, 1983-84, 37.
113    History of the Office of Corrections, sec. 5.
114    Office of Corrections Annual Report, 1984-85, 18.
115    Ibid, 1985-86, 16.
116    These newly named 'industry overseers' participated in a basic recruit course which was modified to suit the vocational nature of the task.

Perusal of the duties of the Superintendent of the STC provided little information. He had to "provide training courses relating to custodial operations."[117] The internecine problems, which had been apparent at the former Community Welfare Training Institute, surfaced at the STC. An internal review of STC functioning was critical of the administrative arrangements, and a major restructure took place.[118] Three main areas of activity were identified: Training and Development, Training Services, and Administration and Resources. At the end of the year the new structure was in place and "most appointments to teaching positions had been made."[119] The inherent problem of the nature and type of prison officer training to meet the organisation's goals was sidestepped. This perennial issue was simply addressed by referral to a new "Staff Training Council for the College [which would be a] key source of advice on the overall focus and direction of the College."[120] The STC, however, was churning out courses, 92 recruits, 89 SPOs, 10 CPOs, and 10 Industry Supervisors graduated during the financial year. Of particular interest in the 1986 CPO course was the introduction of the concept of unit management.

The latest version of the CPO course included topics on OOC policy, prisoner programmes, legislation and regulations, communication and group processes, basic management skills, writing skills, public speaking, aggression and stress management, emergency procedures, a placement in a prison or a Community Based Corrections Centre, and disciplinary hearings/evidence procedures.[121] Participants were also introduced to the concept of unit management. This practice had been introduced in some sections of the New South Wales prison system and had been trialed in the Victorian prison at Castlemaine. Unit management was to be

> Characterized by the introduction of a more pro-active management and normalized living environment with such attributes as extended out of cell hours, meal times and industry working hours; and education and other programs with more flexible availability outside normal working hours.

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[117]   Office of Corrections Annual Report, 1985-86, 29.

[118]   R.W. Harding, Report of the Review of the Objectives and Operational Programs of the Office of Corrections Staff Training College (Victoria), 1986, Office of Corrections, Melbourne.

[119]   OOC Annual Report, 1986-87, 12.

[120]   Ibid.

[121]   OOC,STC,Chief Prison Officer Squad, 2/1986, handbook given to course participants.

The project will provide better identification of staff training needs and test the operational feasibility of such an approach in prison management.[122]

The CPO course participants were encouraged to research the unit management concept and to this end a 6-hour session on the principles, philosophy, and application of the model was built in to the course syllabus. The 6-hour session included time for participants to discuss the model's application into the Victorian system. As part of the course, participants travelled to Castlemaine Prison to view unit management in action.[123] In 1987 the CPO course was extended to 9 weeks. Senior uniformed STC training staff still viewed their primary task as custodial. Courses mirrored this perception. Civilian input was regarded as perfunctory. There was, however, a change on the horizon. The OOC had commissioned a planning and training evaluation.[124]

> The Plan aims to systematically link staff work activities to recruitment, selection, appraisal, training and promotion processes. College staff have been closely involved in the formulation of the Plan, and throughout the year were responsible for the implementation of those key objectives which had training implications.[125]

The Plan had been initiated because of the pressure on the organisation to meet staffing requirements created by

> increased staff establishment for the three new prisons (M.R.C., Barwon, Castlemaine),
> redevelopment of existing facilities,
> introduction of new management philosophies such as unit management,
> normal rates of retirement and resignation.[126]

A new STC prison officer training administrative structure was implemented. The uniformed training - both recruit and promotional would be the responsibility of the 'Co-ordinator of Training Services.' New course design would be the responsibility of the 'Co-ordinator of Training Development.' Moreover, tertiary non-uniformed training professionals were sought for these positions. The hidden agenda effectively was the replacement of the uniformed power elite at STC.

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[122]    OOC Annual Report, 1985-86, 6.
[123]    OOC, STC, Chief Prison Officers Squad, 2/1986.
[124]    Work Force Planning and Training Plan, OOC, December, 1986 (revised).
[125]    OOC Annual Report, 1986-87, 12.

A newly appointed College Superintendent broke up the elite by transferring these officers back to custodial duties.[127] The STC was still, however, churning out graduates. Training courses among others in 1987-88 were held for 111 recruits and 20 CPOs.[128] The three new prisons also required training for unit management staff. The Governors, however, insisted that their staff should only be released to attend promotional courses at STC for a short period. They argued that the organisation could not afford the luxury of having prospective supervisors and managers at the STC for prolonged periods.[129] Accordingly, there were

> pressures to rationalise promotion programs for SPOs and CPOs. One is the need for improved management skills for all levels in the prisons and two is the requirement to decrease the amount of time spent on training without losing training effectiveness. [Therefore] The SPO program would be, at this stage of program development 4 weeks and that for CPOs 6 weeks.[130]

Recruit prison officer courses were reduced to 10 weeks but were still predominantly custodial oriented. The modified recruit course now covered an introduction to basic report writing techniques and a two-day supervised placement at a prison complex in week 1. During week 2 recruits were introduced to "Humane Containment with specific emphasis to the concept of unit management." This was followed by another 2-day placement in a prison and a workshop relating to AIDS in prisons. Weeks 3-7 was set aside for 4-day sessions on administrative law, firearms, management, first aid and emergency procedures. All of these sessions were subject to either a written or oral examination, or a combination of both. The recruits then undertook a two-week on-the-job placement with both prison and STC assessment prior to returning for a final week of "Administration and Graduation."[131] It was, perhaps, appropriate that all uniformed courses were reduced. The STC was in full production with 450 recruits and 141 SPOs and 18 CPOs.[132]

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[126]    Work Force Planning and Training Plan, 4.
[127]    Most of these uniformed trainer achieved promotion to Governor ranks and lambasted the STC and its training staff at every opportunity. It could be argued that their lack of support in the early 1990s was the final 'nail' in the STC 'coffin.'
[128]    OOC Annual Report, 1987-88, 21.
[129]    Interview with a former Governor of Pentridge, Peter Hannay, 30 May 1996.
[130]    Chief Prison Officer Course, OOC,STC, pilot 6 June, 1988, i-iii
[131]    OOS, STC, Recruit Prison Officer Course, CPO N. Marten Squad 13/90.

The newly developed SPO and CPO courses were developed

> After discussions with senior executives in HQ, staff in the prisons and the
> STC. The main aim of these discussions was to identify what SPOs/CPOs
> do, what they ought to do and what they are likely to have to do in the
> future. New management philosophies place greater emphasis on delegation
> of management functions and positive interaction between prison officers
> and prisoners. The effectiveness and the efficiency of the prison system of
> tomorrow will rely to a greater degree than at present on first line managers.
> The roles of individual SPOs and CPOs vary widely across the Victorian
> prison system. This is due, in part, to the architecture and management
> philosophies associated with the new prisons which are soon to be
> commissioned: the Melbourne Remand Centre and the Barwon and Loddon
> prisons. However, these new prisons and their new philosophies only extend
> the range of roles already apparent in existing prisons. The project team
> therefore selected the common training elements for these courses leaving
> the more specialised areas to be covered by on - the - job or prison specific
> training.[133]

The latest 4-week SPO course consisted of supervision, prisoner management, report writing and emergencies,[134] while the 6 week CPO course was designed around team building, administration, security, and a placement with a Community Based Corrections Centre.[135] The organisational strategy may have been to aim the module at first line supervisors - the SPOs, and let CPOs research the concept themselves or get on-the-job training. The STC, however, was still extremely busy as a large number of staff still had to be trained to furbish new and existing prisons. In the 1989-90 financial year courses were conducted for 314 recruits, 72 SPOs, and 23 CPOs.[136] By 1990 all three unit management prisons had been commissioned and were receiving prisoners. STC prison officer training was winding down. The last recruit course held at the STC concluded in July 1990. There were 63 graduates. In the same financial year 39 SPOs, 15 CPOs, and 22 Industry Supervisors completed training.[137] The STC's final year of prison officer training ended with the graduation of 18 Industry Supervisors and 59 SPOs.[138] Recruit training had ceased in 1990, and there was insufficient untrained CPOs to conduct a course. The lobbying to decentralise training had begun.

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[132]    OOC Annual Report, 1988-89, 27.
[133]    Chief Prison Officer Course, pilot, 6/6/88, i-ii.
[134]    Senior Prison Officer Course, Third Edition, January 1990.
[135]    Chief Prison Officer Course, pilot, 6/6/88.
[136]    OOC Annual Report, 1989-90, 34.
[137]    Ibid, 1990-91, 44.

It is anticipated that there will be greater emphasis on the provision of training on-the-job in 1992-93, and this trend will be encouraged by the appointment of a field training officer. On-the-job training will be further supported by the evaluation and purchase of high quality commercial video based training packages relevant to organisational training needs and suitable for use by qualified trainers at their work locations. The major training task for 1992-93 will be to prepare Prison Officers for the successful implementation of the unit management system throughout the prison system. The major administrative task will be to negotiate and achieve tertiary accreditation for a significant proportion of the training being provided through the Staff Training College.[139]

The STC's days were numbered and with it an unsure future for Victorian prison officer training.[140] The College had the skills and expertise to develop and manage all of the required training. Instead, it became victim to organisational politics. Moreover, the lack of support for STC by the prison governors and the decision to decentralise training hastened the College's demise. Unit management training was given to Strategic Services. The Co-ordinator, New Prisons had to, inter alia, "co-ordinate marketing, recruitment and general resource management in relation to new prisons."[141] In 1990 the incumbent became Assistant Director of Prisons (Strategic Services) with a mandate to "co-ordinate planning, staff development, and resource management functions; and to manage policy and program development and implementation activities."[142] In October 1991 the incumbent left on promotion and the Director of Policy and Planning assumed the position.[143] His new team had a specific mandate.

A Unit Management and Structural Efficiency Implementation Team, consisting of the Assistant Director of Prisons (Strategic Services) and a core team of four staff, has been established. The implementation team has two major responsibilities:

- co-ordinate the overall implementation of unit management and structural efficiency over the next two years; and,

- work with individual prisons on implementation at their locations.[144]

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[138]    Ibid, 1991-92, 48.

[139]    OOC Annual Report, 1991-92 49.

[140]    At the time of writing, August 1997, there have been no promotion courses since 1992.

[141]    OOC Annual Report, 1987-88, 51.

[142]    Ibid, 1989-90, 41.

[143]    Ibid, 1991-92, 54.

[144]    Ibid, 13.

Again, the constant lobbying by governors to conduct on-site training led to a downgrading in the College's importance. Cohen has described the inherent difficulties of decentralising the training system.

> The decentralization of in service training made problematic the attainment of the department's initial goal of creating a new "re-integrative" image for the guard force. Training was left in the control of the highly autonomous and parochial local facilities that, for almost 150 years, had given the New York prison "system" the character of a feudal system, with large, powerful, and independent manors, each administered by a virtually omnipotent lord. Control of training at the local level perpetuated the tradition of institutional autonomy that had resulted in an "estrangement between the essentially urban, minority clientele and rural, non-minority staff." This also permitted immediate emphasis on custodial and security concerns. The department thereby lost all opportunity to change the character of the guard force.[145]

The College was already subject to financial constraints. The Director-General announced there would be "a reduction in Staff Training College Staff."[146] The loss of training staff was expected. There was still hope that the College would be a general service provider. Furthermore, since the failure to build the proposed Staff Training College at Barwon Prison, again through financial constraints, the organisation needed centralised training facilities. The move to diversify training techniques by providing video-based training packages for use by prison-based training staff was a constructive move. But to make the practice a cornerstone of the STC training strategy indicated the lack of understanding of prison officers needs.[147] The notion that video-based training would assist prison officer development was simplistic. Prison officers traditionally have been wary of 'civilian' concepts arguing that they have little relevance in a prison setting. To expect prison officers to sit and watch videos was idealistic - no matter their worth. Prison officers require 'hands on' material. As a linchpin in future STC direction, the concept was never to get beyond the embryonic stage. Without conducting training, its *raison detre*, the STC was a 'white elephant.'

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[145]    J. Cohen, "The Correction Academy", Crime and Delinquency, 25, (1979): 177-199.

[146]    Newsbreak, vol. 6 No. 6, September 1991.

[147]    The manager was on unpaid leave and was replaced by a Community Based Corrections manager who had no experience with prison officers and prison officer training.

The argument about the relative merits between conducting in-service and decentralising training is spurious. Both have a role to play in any vibrant organisation. The advantage of having a training facility has always been obvious. It demonstrates the organisation's commitment to staff training. When properly managed, and with suitable qualified staff, the training facility can be the harbinger for organisational change. The advantages of in-service courses are obvious. There will always be a cross-fertilisation of ideas between staff who might never have the chance to meet contemporaries. Many participants enjoy the 'learning atmosphere' at in-service courses compared with those conducted on-site. As far as Victoria's prison service was concerned, the debate was academic. The STC closed in June 1993.[148]

## Prison officer training 1960-92 - a reprise.

Given that that prison officer training should reflect the Government's philosophical commitment to prisoner management practice, the decision to build and operate three unit management prisons should have eventuated in a deliberate training policy. That this has yet to be accomplished is due to many factors. It has been demonstrated that Victoria's prison officer training since 1960 has been mainly custodial. Prison officers always require basic training in custody and control. What happened to prison officer training in Victoria is a model in indifference. It directly led to the loss of the STC, and with it a detailed training infrastructure. It returned training to the decentralised practice which had effectively ended in 1960. It put training in the hands of governors who are judged upon their ability to maintain order. And it halted promotion training. But more importantly, it has led to the government being short changed by prison officer training. Unit management should have been the hallmark of proactive training thinking and practice. Instead training has been allowed to decline with the result that staff give lip service to the concept.

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[148]     Keynotes, Vol 5 No 1 (September, 1993) 9.

The reluctance of Victoria's prison administrators to invest in training, and prison officers to readily accept and practice the concept of unit management, stems from the decision to incorporate prisons into the Social Welfare Department. Prisons had been part of the Chief Secretary's Department since 1870 until transferred to Social Welfare in 1960. During that period the Penal Department, as it was known prior to incorporation, enjoyed relative autonomy due to the administrative endeavours of two charismatic Inspectors' - General; Joseph Akeroyd and Alexander Whatmore. Their ideas about prison practice aided the development of modern Victorian prison officer training. Training was conducted in-service but was developed primarily to assist the officer and benefit the system. Both men insisted there be a mode of examination. Whatmore delivered lectures on criminology during promotion courses and set high standards. It was not uncommon for participants to sit examinations on several occasions before finally passing. Armstrong commented that "the examinations would have taxed a university undergraduate."[149] When training became the preserve of Training Division examination standards appear to have dropped, or were non existent.

Training Division was required to train all departmental staff as well as those institutionalised for various reasons.[150] Prison officers were hardly at the top of the list of priorities. Training Division would undergo two decades of empire building through two different departments before the edifice crumbled. There was too great an expectation by Social Welfare of what Training Division could achieve. Social Welfare provided the Division with human and financial resources. From an inauspicious beginning until the demise of Social Welfare, Training Division received relative funding (see Fig.7: 1 for details of Training Division funding, 1962-78). However, the Division's training philosophy was welfare focussed. The seeds of prison officer discontent were soon planted. Moreover, the notion that Part I training for all recruits in Child Welfare, Family Welfare, and Prisons Division could be combined for 'core' topics only added to prison officer anomie. Prison officers were the 'bottom rung' of Social Welfare.

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[149] Jim Armstrong interview, 28 May 1996.
[150] Johnston and Fox, Corrections Handbook of Victoria, 136.

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This was reinforced by the cancellation of promotional courses due to lack of Institute staff. Moreover, promotion courses, when held, were conducted at Pentridge Prison "augmented by study assignments" which were sent to the Institute.[151] Victoria's prison officers attitude towards training was probably reinforced by their background calibre and age. The average Victorian officer was unskilled prior to joining the service. In a survey conducted in the late 1970s, Braithwaite and Cass found that 82 per cent of officers had no qualifications, 15 per cent had a trade background, and just over 1 per cent had technical expertise. Moreover, only 12 per cent were under the age of thirty. Over 50 per cent of the staff surveyed (378) were between 40 and 50 years of age. Nearly 20 per cent of the remainder were aged between 50 and 64 years.[152] Again, their attitudes may not have been conducive to training. An American study found prison officer applicants tended to be "energetic and ambitious with respect to accomplishing their goals and gratifying their own needs, but they have difficulty generating great concern about the needs or feelings of others."[153]

Armstrong has already aptly described the perils of recruiting staff in Victoria when there is a vibrant economy. He noted that "you had to take what you could get."[154] This method of recruiting tends to restrict potential for future promotion particularly when some form of assessment is required. There may have been adequate scope for this type of recruitment when promotion was based on the 'seniority' principle. The former Executive Director of the WA Department of Corrective Services commented,

> For a long period in corrective services we took our staff more or less for granted. Selection procedures were crude (there are still officers in the service who were selected on the basis of a military background, spelling a few words and performing some simple arithmetic functions). Training was next to non-existent.[155]

151    Social Welfare Report, 1966, 48.
152    J. Braithwaite and M. Cass, "Note on the demographic composition of Australian police forces and prison services" ANZ J Crim. 12 (1979): 132-138, see tables 7&9.
153    T.R. Holland, R.B. Heim, and N. Holt, "Personality Patterns among Correctional Officer Applicants" J. Clin. Psych., Vol. 32, No. 4 (October, 1976): 786-791, 788.
154    Jim Armstrong interview, 28 May 1996.
155    I.C. Hill, Development of the professional role of prison officers, paper presented at the Australian Bicenteenial international congress on corrective services, Sydney. January, 1988, 2.

### Fig. 7:1 Social Welfare Training Division Funding 1962-78.

| Year | Salaries | General Expences | Total Expenditure |
|------|----------|------------------|-------------------|
| 1962 | 8.697 | 4,625 | 13,304* |
| 1963 | 19.861 | 6,459 | 26,320* |
| 1964 | 19.941 | 9,503 | 29,444* |
| 1965 | 27.803 | 9,269 | 37,072* |
| 1966 | $ 57.475 | $ 37,529 | $ 95,004 |
| 1967 | $ 64.141 | $ 32,204 | $ 96,354 |
| 1968 | $ 70.563 | $ 44,739 | $115,302 |
| 1969 | $ 66.179 | $ 57,325 | $123,504 |
| 1970 | $ 94,714 | $ 64,007 | $158,721 |
| 1971 | $144.387 | $ 56,454 | $200,842 |
| 1972 | $201.262 | $ 75,836 | $277,098 |
| 1973 | $223,670 | $ 89,078 | $312,748 |
| 1974 | $294.805 | $130,279 | $425,084 |
| 1975 | $457.198 | $215,046 | $672,244 |
| 1976 | $541.256 | $305,083 | $846,339 |
| 1977 | $590,311 | $299,077 | $889,388 |
| 1978 | $640.914 | $308,110 | $949,124 |
|  |  |  | * pounds sterling |

Source: Penal and Social Welfare Annual Reports, 1962-1978.

By the time that the newly created OOC had purchased Loyola College for its training functions, a whole generation of prison officers had a less than positive view about training. Their attitudes would be passed on to further recruits. But the organisation had agreed upon a new prisoner management approach. The STC prison officer training section was set up to conduct training based on a three-phased approach for all courses. This three-phased approach consisted of units and sub units under the headings of "Administrative, Operational, and Emergency,"[156] A Governor Grade 1 was in charge of prison officer training. A CPO with an SPO as his deputy headed the Administrative section. Both Operational and Emergency sections were headed by a Principal Prison Officer (PPO) with a CPO as deputy.[157] Implicit in this hierarchy is the relative importance given to the operational and emergency aspects of prison officer training at that time.

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[156]   OOC, STC, Organisation Structure Handout, 1984, SPO squad 6/84.
[157]   Ibid.

The uniformed training staff at the STC determined content of each prison course with very few checks and balances. Each course was a mirror of perceived role of each grade of prison officer. Prison officer training should have been subject to the approval of Staff Training Council. Its impact, however, was negligible. The Council

> seemed to have an impact by engaging critics in a "moderated" discussion of what should be in the particular courses rather than just sitting on the [fence] having cheap shots (sic). [Deliberation] really occurred after the key decisions had been taken rather than [the Council] being a forum for taking the key decisions.[158]

The uniformed staff at the STC was promoted to higher classifications y 1986. This was recognition by the OOC of the importance that it attached to training. A Governor Grade III who was assisted by two Governors Grade II now managed uniformed training. [159] Their assistants were PPOs with CPOs as course squad managers.[160] The STC Manager, a civilian, to whom the Governor in charge of training reported "was nominally in charge"[161] had little input into prison officer training. That the training during this era was shaped toward the custodial nature of prison operation is not in dispute.

At least 659 recruits, 178 SPOs, 53 CPOs, and 43 Industry Supervisors were conditioned to accept that the purpose and nature of training was custody and control.[162] The STC had an organisational restructure in 1987.[163] The hierarchical arrangements changed to having a 'civilian' in charge of Training Services with two Governors Grade I responsible for recruit and promotional training respectively, but reporting directly to the Co-ordinator of Training Services. CPOs managed squads, and several SPOs were in administrative and support functions. But the power balance and decision making had shifted from uniforms to civilian. The most important distinction would be the attitude of these STC graduates toward a new system of prisoner management. It was an extremely difficult task to convince them to accept a fundamental change.

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158 Correspondence from John Pini, former STC Manager, 11 June 1996.
159 Ibid.
160 OOC, STC, Chief Prisoner Course, 1/1987, 1.
161 Information provided by John Pini, 11 June 1996.
162 Figures from OOC Annual Reports, from 1983-87.
163 OOC Annual Report, 1987-88, 21.

A decision by the Assistant Director of Prisons in charge of Strategic Services, Peter Breadmore, would ultimately prove fatal for the future of promotion training and the STC. Applicants had to pass a promotion course prior to applying for promotion. Breadmore reversed the order of procedure. Officers could apply for and receive promotion then attend the appropriate promotional course.[164] However, just as the Breadmore decision would have profound effects on both promotional training and the STC, a breach of the SPO selection process would have severe ramifications for SPO standards and, by fiat, the entire service. In hindsight, it would prove to be the final nail in the STC coffin.

> It has been brought to my attention that two staff from the Metropolitan Reception Prison have recently been provisionally promoted in the Victorian Public Service Notices to the rank of senior Prison Officers and they have not passed the appropriate selection test. Indeed I understand that one particular officer has failed the test twice. You should note that it is still the policy of this office that staff successfully pass the test conducted by the Staff Training College before being considered for promotion. In the meantime would you please ensure that applicants for promotion have passed the test before they progress to interviews.[165]

Griffin's edict was challenged.

> In a recent Hearing Process matter, the Office of Merit Protection has determined that it is contrary to the Public Service Act to require a pass in the Senior Prison officer preselection test as a mandatory qualification for promotion, when such a requirement is not formalised by Public Service Regulations. Consequently, the provision in the current Staff Selection and Promotional Policy that prescribes successfully completion of this test prior to provisional promotion to Senior Prison Officer positions is withdrawn. The following practices are therefore to be discounted.
> 1.    Using the Senior Prison preselection test as a mandatory requirement for promotion.
> 2.    Shortlisting of applicants solely on the basis of not having completed or passed the SPO test (Shortlisting should continue where appropriate, consistent with the Public Service Board Selection Guidelines).
> 3.    Use of the SPO test as a required qualification for the assignment of Higher Duties.[166]

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[164]    Custodial Staff Selection and Promotion Policy, 6.1 - 6.10, 17 October 1989.
[165]    Staff Qualification, Memorandum sent by the Director of Prisons, John Griffin, to the OOC Personel Manager, 24 October 1989.
[166]    OOC Memorandum, to all governors on SPO Selection Tests, from the Personnel Manager, 27 August 1990.

A number of successful SPO applicants with less than adequate comprehension or literacy skills participated in promotion courses. Many had already spent a considerable period working in the position prior to course attendance. This, combined with the Breadmore decision, meant that all promotees were attending courses to teach them the skills of a position they already held and performed. Moreover, some participants had already been acting in a higher capacity, for example SPO to CPO and CPO to Governor. The 1980s euphoria of having a centralised training facility had dissipated and prison officers questioned the STC's capacity to meet the changing organisational needs. Indeed, most course participants questioned the need to undertake such courses, and many were of the opinion that the Breadmore decision should be reversed.[167] A survey, commissioned by the Co-ordinator of Training services, on all SPO and CPO courses held at the STC from 1989-1991, intended for course evaluation, gives an insight of what past course participants thought of Breadmore's decision.

- Do not appoint people to an identified promotional position before the successful completion of the prescribed course; [**Ararat**];

- Not a good practice to give officers CPO/SPO rank and train them later, leads to apathy and the feeling of teaching your grandmother to suck eggs situation. Officers in the above situation should be studying for the next rank up; [**Beechworth**];

- Officers should attend and pass promotional courses before attaining the position; [**Bendigo**];

- Do not promote officers to a position until they have successfully passed promotional course; [**Dhurringile**];

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[167] Beeden, JR., Report on validation of SPO/CPO Promotional Courses 1989 to 1991, internal report to the Co-ordinator of Training Services, Bill Paterson, October, 1991.

- Not a good idea to give a person a ranking position (sic) eg. CPO/SPO and then somewhere down the track send them on a promotional course with the intention of training them to fill that same position. They know they cannot fail the course and that leads to apathy; **[Pentridge]**;

- Officers wondering why they have to do promotional course when they are already gazetted to a position and performing the job requirements satisfactorily; [and] Would prefer the Staff Training College went back to officers attending promotional courses and then attaining promotion on merit; **[Morwell River]**;

- Most feel quite strongly that it is wrong to be gazetted to a promotional position and then sometime in the future have to undergo training which was approached with apathy; **[MRC]**;

- Officers should pass promotional courses first and then apply for a gazetted position; **[Sale]**; [and]

- Officers who have acted in the promotional position for 18 months to two years, find no relevance on the Staff Training College courses; **[Won Wron]**.[168]

Moreover, future prison officer training was to be left to relatively inexperienced prison officer training teams. It was proposed that there should be

> a training team in each prison to deliver both the unit management modules as well as the individual management plan training. To accomplish this task, each prison will have to identify staff who have displayed an aptitude for training, and are good communicators. These staff will undertake a recognised "train the trainer" program which has formal accreditation. After completion of this program, the trainers will undertake a further program that will familiarise them with the unit management and individual plan training packages. During the post-phase, the training team will enable the prison to deliver both general training as well as specific location training as required.

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[168]   Beeden, <u>Report on validation of SPO/CPO Promotional Courses 1989 to 1991</u>, 3-15.

*The prison and its operation will only be as good as the quality of its training and the commitment of its training team, therefore the establishment of training teams in each prison is a crucial aspect of the implementation process.*[169]

Victoria's prison officers in 1992 had little to be happy about. The prison system had lost its autonomy and appeared to be thrown on the pyre of correctional indifference. The STC was closed and the system was subject to constant threat of privatisation.[170] It was still committed to implementing unit management in all Victorian prisons by March 1994.[171] To all intent, prison officer training had returned to the Pentridge model. Large numbers of officers were leaving the service.[172] If officers were cynical, they had just cause. They still had to be trained. However, others viewed it differently.

We are now in an era where the saying "the only constant is change" has become the axiom of prison management, and we are in a position to manage that change through forward planning and using the creativity of our own staff. The opportunity to be involved in effecting workplace change has never been greater for staff, and all staff are encouraged to seek active involvement in determining how their prisons will operate in the future.[173]

The preceding chapter investigated the prisoner management strategy implemented in Victoria's prisons. This chapter detailed prison officer training arguing that since the 1960s training has remained custodial. Despite attempts to marry unit management with a concomitant training approach, Victoria's prison system remains custodial; irrespective of Ministerial or Administrative claims. Prison officers perform their 'unit management' tasks in a similar manner to the tasks performed in 'traditionally managed' prisons. And the projected aims of 'unit management' have not been realised as yet. Perhaps the administration attempted too much.

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169     B Thorpe, Keypoints, Vol 4 No 3 (March 1993) 13-14, (italics in original).
170     Expressions of interest would be called from the private sector to build three new prisons to replace Pentridge, Metropolitan Reception, and Fairlea Prisons. Keypoints, Vol 5 No 2 (December 1993) 3.
171     Ibid, 13.
172     The Justice Department has recruited on a consistent basis since 1993.
173     Thorpe, Keypoints, (March, 1993) 14.

Strategic Services had made a major contribution in drawing up Victoria's version of Unit Management Principles.[174] These principles would be the fulcrum, on which the success or failure of unit management rested, and would be applied throughout the prison system. Each principle would have a rationale, guidelines, and minimum standards. It was envisaged that 'facilitates' be trained in the unit management training package and in turn train the staff in each facilitator's institution. These principles, however, were developed in 1992 when four unit management prisons were operational.[175] The principles were intended to be

> short statements that serve as a guide to a particular form of management. To get a full sense of what they mean and why each was chosen as a principle, each has to be analysed and applied to the circumstances in which it is being, or will be used.[176]

This was a tacit admission that, perhaps, the principles may not be uniformly applied. This was a very real concern giving the age and type of each prison, and the calibre, age and experience of each staff member.

> This will vary from unit to unit and from prison to prison, however these variations should occur within certain boundaries. Going beyond those boundaries means that the principle has been diluted or ignored.[177]

The major difficulty associated with the implementation of these principles was that the new prisons had been operational for at least two years. Moreover, a majority of base grade officers had also previously worked under the old system, and recent recruits sent to the new prisons did not normally work in the prisoner management units.[178] The attitude of staff toward unit management principles may be gauged by reference to the NSW experiment. After six years of operation the concept had been the subject of a prison officer strike over staffing issues, officers resigned or went sick. Replacements were hard to find. Many did not wish to remain in the units for extended periods.

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[174]   Unit Management Facilitator Training, OOC, 17 August 1992.
[175]   MRC, Loddon, Barwon, and Tarrengower female prison.
[176]   Concise Unit Management Guidelines, OOC, 17 August 1992, 1.
[177]   Ibid.
[178]   From author's experience visiting unit management prisons as part of Co-ordinator of Training Services duties.

It was noted

> The degree of enthusiasm among officers and inmates involved in unit management declined in the period immediately following the strike, and was never regained.[179]

There was difficulties relating to interaction between staff and inmates during formal unit meetings, but

> Once a unit was established and its local rules agreed, there was often little for such meetings to do, unless a specific problem arose.[180] [The greatest difficulty was] very little Staff Development input to reinforce unit philosophy and objectives due to problems maintaining a full-time Staff Development Officer.[181]

It appears that Victoria's prison decision-makers erred in allowing new prisons to be opened before staff was fully conversant with unit management operation. Staff 'training' for the new regime was less than adequate. The unit management training team was inexperienced. Experienced prison officers were sceptical about the new prisoner management strategy but accepted promotions never the less. The guiding unit management principles had yet to be developed. The new prisons relied on trial and error methodology. Each assumed its variation of unit management. The only dependent variable between the new prisons was that staff and prisoners were not physically separated.

Victoria's prison system of 1983 had to be changed. It could no longer perform its primary task of keeping prisoners incarcerated or even under control.[182] The impetus began by Akeroyd in the 1920s reached its pinnacle in the mid-1980s. Akeroyd lobbied for a change in prisoner management procedure and tried to provide a philosophical base on which to operate. Akeroyd realised that the prison officer was the fulcrum to make change successful. He tried to address this by providing training to effect a change in prison officer attitudes.[183]

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[179]    Bathurst Gaol Evaluation Study, Research Findings, January 1983-January 1986, Department of Corrective Services, Research Publication No 12, 1987, 6.

[180]    Ibid.

[181]    Ibid.

[182]    The current system is still facing similar problems. "Tear gas grenades put end to prison stand-off" Sunday Age 10 August 1997.

[183]    Hawkins notes prison officer attitudes can be addressed by training, The Prison, 102.

When Kidston assumed the Director - General's position in 1983 he brought a wealth of correctional experience with him. The system he had left in WA had undertaken a massive rebuilding programme and was in the process of implementing unit management. Kidston knew the problems associated with rapid change. But his first priority was to rebuild Victoria's system, which was totally demoralised.[184] Prison officer training was secondary. Again, the Labor Government had questioned the system's primary goal. But the difficulty was that nobody in government was sure what the goals of Victoria's prisons were. And as Thomas argues, "The debate about the treatment of prisoners is a debate about the means of achieving a *secondary* goal."[185]

## The final years.

Although the decision to build unit management prisons had been made in the early 1980s, it appears that little thought had gone into the type of training and skills the officer would require to work in this new prisoner management system. For a number of years the training of officers had been ancillary to the custodial function of prisons. Staffing replacements could easily be found.[186] As a result of this new prisoner management strategy there has been an insidious downsizing in staff with authorities creating the fiction that "the officer is being empowered; that conflict and tension will be considerably reduced; and that opportunities exist for job enlargement and job enrichment."[187] In Victoria one significant reason why there was a gap between the rhetoric of 1983 prison planning and the reality of 1992 prison functioning was a change in the Head of Agency. The architect of Victorian prison change -Bill Kidston - did not complete his task. He was promoted to another department in March 1988.[188]

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[184]   Interview with Jim Armstrong, 28 August 1995.
[185]   Thomas, The English Prison Officer, 6.
[186]   This was still the predominant approach when the author joined the OOC in March, 1989.
[187]   Unit Management in Victorian Prisons, Victoria, 1989: Office of Corrections, 6.
[188]   OOC Annual Report, 1987-88, 54.

Kidston had a great commitment to staff,[189] staff training,[190] and to the STC.[191]

He had commissioned a three year training plan to give the organisation future direction.

> In order for the Office of Corrections to meet the challenge of such future developments, and maintain its current programs it is essential that a work force planning and training plan is developed which will both address the issue of staffing resources and ensure that staff are recruited and trained in such a way that they have the knowledge and skills to meet the demands of these new developments with professional merit and technical competence.[192]

Less than seven years after the report was written the STC was closed, and training of uniformed officers became sporadic. The professional training staff were dispersed. Assets, training links, and infrastructure built up over a number of years ceased to exist. There had been a number of middle-management promotions, but authorities would not give approval for promotion courses to be held. Training estimates for the 1991-92 financial year included the provision of courses for 100 SPOs and 15 CPOs. Moreover, there were a number of Industry Supervisors who had to undertake basic prison officer training.[193] Recruitment had ceased in 1990 but the organisation still required staff. As the OOC owned the College the cost of training would be minimal. The Correctional Services Division decided to close the STC in June 1993 "following a major review of training and development requirements throughout the Department of Justice."[194] This was entirely a cost-cutting exercise.

> Major savings can be achieved by winding up the Staff Training College, Correctional Services which is severely under-utilised and has substantial running costs. These costs do not appear to be justified either short-term or long-term given the radically changed mode of SD&T programs with a focus on divisional/local based programs which do not require the use of large residential facilities. In addition, Correctional Services have not recruited base grade staff for over two years and are unlikely to do so over the next 2-3 years on the basis of staffing projections done by the Division.

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[189] Interview with former Prison Governor, Grade III, Jim Armstrong, 29 May 1996.
[190] Work Force Planning and Training Plan, Office of Corrections, 1986.
[191] History of the Office of Corrections Victoria, OOC Library, 1984, especially Section 5.
[192] Work Force Planning and Training Plan, 1.
[193] Initiatives for OOC Training and Development, Internal paper submitted to the Director of Corporate Services from the Manager of STC, August 1991.
[194] Keynotes, Vol 5 No 1 (September, 1993) 9.

The College absorbs over $1M in annual running costs (including significant non-training staff) which would represent annual recurrent savings upon its closure. In addition, its sale would achieve further revenue for the Government. Appropriate redeployment and outplacement strategies can be provided for the existing staff.[195]

It is rather ironic that the 1994 training budget to provide consultants and facilities was forecast to surpass that provided to the former STC.[196] The fiction that no recruitment training was required for at least two years was exposed as a fallacy. By September 1994, the fifth squad of the year graduated.[197] It appears that

> Training has little if any impact on program performance, it has little relationship to cost efficiency, it is not related to staff effectiveness, and it has almost no value in assisting an agency in responding to future demands. One has only to analyse the number of programs started without preparatory training to realize that decision makers view it as unrelated to performance. When a state department of corrections deletes its jail operations training program as part of a cost cut back you realise the relative importance given to staff effectiveness.[198]

It has been argued that those charged with funding Victoria's training had a different agenda from those actually providing training

> The corporate service area appeared to be very good at looking after itself and ensuring that the sun never set on their empire.[199]
> There never appeared to be any real concern about quality or safety while there appeared to be a fascination with gimmickry and a focus on cost minimisation.[200]

The OOC's primary task was the commissioning of the new 'Unit Management" prisons at Melbourne in 1989 and Barwon in 1990.[201]

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[195]   Department of Justice, Correctional Services Division, Internal memorandum from the A/Personnel Manager to the Executive, 30 April 1993, 1.7.

[196]   Department of Justice, Correctional Services Division, Internal memorandum on a Prisons Branch 1994-95 Staff Training Plan, from the Superintendent of Staff Training, 11 August 1994, 27.

[197]   Keypoints, Vol 6 No 1 (September, 1994) 18.

[198]   T.C. Neil and P. Katsampes, "Training and Staff Development for Jails: What is and What can be" The Prison Journal, vol LXI, (1986): 13-22.

[199]   The STC came under the umbrella of Corporate Services.

[200]   Correspondence with John Pini, the last manager of the STC, 22 May 1995.

[201]   Prison Profiles: Objectives of Victoria's Prisons, December, 1994, 146-147.

Central to the concept of unit management - the preferred prisoner management strategy in these institutions - was prison staff being in the units along with the prisoners instead of being physically divided in the old custodial regime.[202] A major difficulty was that there was little information on unit management training. Furthermore, there was a clear conflict of interest in who was going to develop the courses and run the programmes. The logical choice was the STC with its infrastructure and training staff. Strategic Services Division was, however, to

> co-ordinate the commissioning of new prisons; to undertake major projects with service-wide implications; to co-ordinate planning, staff development and resource management functions; and to manage policy and program development and implementation activities.[203]

The decision was taken that Strategic Services would develop unit management training and 'teach' the topics or programme to all uniformed staff - a decision which had support from the Governors.[204] Some Governors were inclined to criticise both programmes and teaching staff at STC. What was needed was "practical programmes instead of the academic bullshit put together by the social welfaries (sic) who run the college."[205] Governors wanted prison officers who could 'handle' prisoners. Most were of the 'old' school and had many years service. Their attitude to training is best summed up by Pini.

> The Governors were a separate group who largely thought that they could do the training better and cheaper themselves and some even thought why did people need to be trained anyway because it didn't happen when they came into the job. Some recognised that they needed assistance to get to where they needed to go but they were in the minority.[206]

Indeed, most Victorian prison officers held similar views as their Governors. The commissioning of three new prisons meant opportunities for promotion.

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202   J. Farbstein, and Associates, Inc. with R. Wener. A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities. Final Report, Washington, DC: 1989. National Institute of Corrections - Prison Division. United States Department of Justice, 1. 1. 1.
203   OOC Annual Report, 1989-90, 41.
204   The uniformed prison managers.
205   Interview with Greg Howden, the Barwon Prison Governor, March 1992.
206   Correspondence with the former manager of STC. John Pini, 22 May 1996.

The need for senior prison staff to fill positions in the new prisons had a flow-on effect giving others opportunities for promotions and leaving vacancies to be filled by recruitment. In 1989 the STC was strained to capacity training 314 base grade prison staff. In addition, there were promotional courses for 72 Senior Prison Officers and 23 Chief Prison Officers.[207] Not all of the promotional participants were happy to be there. Most saw the promotional courses as a means to an end. Others thought that they did not need to be trained as they were already 'doing the job.' The remainder thought that the academic aspects of the course would not assist them in their daily task.[208] Victoria's prison officer training attitudes are not held in isolation. As Thomas and Stewart point out,

> a curiosity of prison-staff training in modern societies is the swift onset of a fantasy about what the courses are trying to achieve. It is common, throughout the world, for staff undergoing training to see the process as an insidious attack on their beliefs. The very creation of training seems to prove to uniformed staff that either their attitudes are wrong and need 'correcting', or that their knowledge is defective and needs increasing. The fact that the courses contain academic subjects, notably drawn from the social sciences, confirms the suspicion that 'brainwashing' - the word most commonly used - is going on.[209]

These attitudes and concerns about training are not new. They are as old as the prison system - or at least since training commenced. From a week's training over the main gate at Pentridge in 1954,[210] to the final STC 10 week recruit training course in July 1990,[211] Victorian prison officers have complained, *inter alia*, about the necessity for training, the type, the length, the quality, and the presenter.[212]

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[207]     OOC Annual Report, 1989-90, 34.
[208]     From informal discussions in 1989-1990 with promotional course participants by the author when he was a Senior Training Officer and not directly involved in these courses.
[209]     J.E. Thomas and A. Stewart, Imprisonment in Western Australia, (Perth, W.A.: Uni of W.A., 1978) 177-178.
[210]     Interview with former Governor, Jim Armstrong, 23 August 1995.
[211]     OOC Annual Report, 1990-91, 44. Prison officer recruitment was suspended in July 1990 and never resumed until after the STC's closure in June 1993.
[212]     Invariably if a 'civilian' or non-uniformed officer conducts part of prison officer training he or she runs the risk of being labelled irrelevant.

# Chapter 8

## Victoria's Prison Policy: Expedient or Proactive?

*When the task of an organisation is not clear, or is debateable, training can
cause more problems than it can solve.*[1]

Victoria's prison service in 1998 has effectively been halved and private
corrections companies are operating two male prisons and a female prison. The
government prison system in Victoria will, most certainly, become a statutory
authority.[2] The 'new' organisation will be run focussing on "Customers, People
and Business."[3] This strategy, however, has already attracted criticism.

> Justice Vincent said references to prisoners as customers, for example,
> were "silly in the extreme." It demonstrates the absurdity of equating
> government and private business activity in this area. When in the
> course of my duty in the court I impose a sentence on an individual, I
> do not negotiate a 'transaction with a customer.'[4]

Although this thesis is particularly concerned with the period from the
foundation of Victoria's prison system in 1851 to the demise of the Office of
Corrections (OOC) in 1992, reference to previous Western penal practice may
assist the current prison system in both policy-making and decision-making. It
can be legitimately argued that everything in penal practice is cyclical.[5] The
use of a new jargon for example, or the recycling of old strategies - albeit
couched in contemporary terminology does not solve perennial problems.
Again, the new policy options that are constantly promoted bear astonishing
similarity to late 19th and early 20th century practices. Victoria's prison system
had a significant opportunity in the early 1980s to modernise its institutions,
upgrade its staffing skills, and prepare for 21st century operation.

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[1]   J.E. Thomas. The English Prison Officer Since 1850: A Study in Conflict. (London:
      Routledge & Kegan Paul. 1972) 89.
[2]   Map Readings. 4 April 1997. Volume 6/97.
[3]   CORE: an innovative approach to corrections. Department of Justice brochure.
      undated.
[4]   "Judge slams state over private prisons" Age. 17 June 1997.
[5]   For example, the English Prison service has bought a 'prison ship' from the USA to
      provide accommodation for a greatly overloaded system. "Prison ship hits snag"
      Sunday Herald Sun. July 20 1997.

It is clear, however, that Victoria's prison decision-makers failed to change the moribund system. Fifty per cent of the government prison system was privatised by 1997. The system may have been privatised regardless. It is suggested, however, that decision-makers failed to fully appreciate the impact that implementation of unit management would have on their prison staff. Decision-makers had the opportunity and time to address the perceived and recognised differences between head office edict and operational practice. This chapter re-examines the three major variables addressed in chapter 1; prisoner management practices; the link between Head Office policy and actual operational practice; and the assumptions behind prison officer training.

## Contemporary prisoner management practices.

Unit management practice is the cornerstone of contemporary Australian prisoner management operations. The policy has also been universally accepted as an important prisoner management tool. While the set of unit management principles used may vary by location or jurisdiction, the concept is unilaterally applied on the same premise: it is easier to manage a small group of prisoners than a large one. Many prison systems design accommodation units to try and replicate, as far as possible, a 'normal environment.'

A fundamental tenet of the practice has been the permanent or semi-permanent rostering of staff to particular units. Prisoners are usually allocated to units on a particular needs basis - vocational, educational, strict management, drug rehabilitation etc. It is assumed that unit staff and prisoners will work together to achieve agreed or specific ends. Subtle or overt changes in operating practice may jeopardise the tenuous relationships that have been established between staff and prisoners. Prison officers are allocated a caseload of prisoners and are encouraged to perform many of the tasks and roles formerly managed by professional civilian prison personnel. Many units have a form of self-determination. Aims and objectives are agreed through bilateral communication during regularly scheduled forums.

Unit procedures and practices, however, are subject to senior management approval and must be linked to the institution or system's strategic plan. In theory many systems have review or audit mechanisms to ascertain whether practice meets policy objective. Changes to policy and practice can adjust unworkable or superseded procedures. In practice, the reality may be quite different.

As noted earlier despite innovative approaches in Europe most of the unit managed prisons in Australia owe their designs to American campus-type institutions. For example, the prototypes for HM Prison Barwon in Victoria are Pleasanton Federal Prison in Dublin California, and Otisville Federal Correctional Institution in New York State.[6] Both were Federal Institutions.[7] Victoria's prison administrators wished to implement a new prisoner management concept such as unit management. The US Federal Prison System initiated the unit management concept,[8] which later became known as Direct Supervision.[9] Victoria's three new prisons were designed "to position manned posts and access ways so as to maximise officer/prisoner interaction."[10] However, a former Victorian Director of Corrective Services had visited a similar Federal Institution in 1979 – the Butner Federal Correctional Institution – and noted that

> The units are too large and there is massive wasted floor space taken up by extensive corridors, which create supervision problems. In fact, staff said that supervision was one of the key difficulties within the Institution. Many of the programmes that were originally operating have now been abandoned.[11]

Victoria's prison administrators however decided to implement a higher prison officer/prisoner ratio than the proposed US system of one officer to fifty inmates.[12]

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6    Barwon Introductory Handbook, 1989-1990, 3.
7    America has a three-tiered system: Federal and State institutions, and local jails.
8    D. Lansing, J.B. Bogan, and L. Karaki, "Unit Management: Implementing a Different Correctional Approach" Federal Probation, Vol. 41 (1977): 43-49.
9    W.R. Nelson, "The Origins of the Podular Direct Supervision Concept: An Eyewitness Account" American Jails, (Spring, 1988): 8-16.
10   Barwon Introductory Handbook, 1989-1990, 3.
11   M.J. Dawes, Overseas Study Tour Of Correctional Institutions, Report for the Department of Community Welfare Services, July/ August 1979. 15.
12   J.B. Wells. "Direct Supervision: Panacea or Fad? Does it Warrant Full Acceptance?" American Jails. Vol. 1/No. 1, (Spring, 1987): 46-49, 46.

Indeed, Barwon was to be managed "through the use of the direct supervision style of prisoner management. Implicit in this style of management is the expectation that there will be extensive personal interaction between staff and the prisoners."[13] Each unit would be managed by a "Chief Prison officer/ Unit Manager" who would be in a position "to observe the limit he/she controls. This is facilitated by the design of the unit."[14] The unit manager would have two Senior Prison Officers (SPO) to supervise prisoners but "at no time will an S.P.O. be required to supervise more than 32 prisoners in an accommodation unit."[15] Moreover, there would be shift overlaps to ensure that the maximum number of staff (5) would be in the unit when all unit prisoners were present.[16] Prisoners were to be given

> As much latitude for self-determination as is practicable. Implicit in that undertaking is the assumption that prisoners have the capacity for self-control, self-discipline, and can potentially maintain high standards of behaviour. Realisation of these attributes must, in part, come from prisoners themselves, however they will be assisted in every way by a regime that emphasises the values associated by co-operation and normality.[17]

It was also noted that,

> The prison's philosophy has been devised in such a way that it places on prisoners the responsibility of determining their own future and conditions. The presence of custodial staff will ensure that the self-determination process occurs within acceptable limitations. Their responsibilities, besides those of security and discipline, will be to ensure that prisoners are guided in positive directions, with the ultimate goal of providing to the community the reassurance that prisoners housed in Barwon will be provided every opportunity to enable their effective reintegration back into the community.[18]

Staff was also reminded that they were to become involved in

> Decision and policy making and to achieve that goal, the relationship between base-grade staff and management is characterised by a mutuality of trust, co-operation, high level interaction, team work, and perhaps most importantly, participatory management.[19]

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[13]    HM Prison Barwon Philosophy and Principles of Unit Management, undated but probably 1989. 16.

[14]    Ibid, 15.

[15]    Ibid, 16.

[16]    Ibid.

[17]    Ibid, 12.

[18]    Ibid.

[19]    Barwon Introductory Handbook, 1989-1990. 4.

One of the major dilemmas facing prison administrators is the unanticipated consequence arising from the implementation of a new system. Victoria's administrators noted unit management's apparent success in Scotland, Holland and the Federal Prison Service in the United States.[20] Victoria's Director-General claimed that the Victorian version of the concept was "not a replica" but had been adapted and modified to suit the organisation's environment.[21] Victoria's version was not a 'replica' but an amalgam of different variables.

For example, the three new Victorian prisons were built to US Federal Prison designs – based on large accommodation units. Yet the type of unit management that Victorian authorities wished to be implemented was fashioned on the Dutch and Scottish systems. Both the Scottish and Dutch systems operated 'small units' with nowhere like the sixty-four bed units at Barwon Prison.[22] Scottish unit staffing ratios were almost 1:1.[23] The Dutch system ranged from the De Sprang Remand Centre which had a capacity for 133 prisoners and a staff complement of 115,[24] to the Over Amstel Remand Prison in Amsterdam which accommodated 680 prisoners but had a ratio of 3 officers in each 24 bed unit, a staffing of 1:8.[25]

Again, there are doubts whether the concept was fully explained to Victoria's prison staff prior to implementation. The Dutch Prison System had made it a priority to inform staff about the proposed changes. "Nevertheless, the benefits of having several years of preparatory staff discussions in the late seventies before attempting further changes, are everywhere to be seen."[26]

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[20]   Unit Management Guidelines: Achieving Leadership Excellence in Victorian Prisons. Melbourne, OOC, 1990, 18
[21]   Ibid, 3 quoted by Peter Harmsworth.
[22]   The Barlinnie Special Unit had accommodation for 10. The Dutch system generally operated units with between 5 to 20 places.
[23]   R. Smith, Prison Health Care.
       (Torquay: British Medical Journal, 1984) 109.
[24]   B. Apsey, M. Wockel and S. Johnson. Report of Visit to Correctional Jurisdictions in the Netherlands, Denmark, Sweden, Finland and the Union of the Soviet Socialist Republics. Department of Correctional Services, South Australia, 1989 (the Apsey Report) 6.
[25]   Ibid, 8.
[26]   Vinson, "Impressions of an Australian visitor" 16.

The former Chairman for the NSW Corrective Services Commission, Tony Vinson, was interested in finding out what Dutch prison officers thought of the new unit management regime.[27] He visited a number of Dutch institutions - two open, two semi-open, three closed and eight remand centres - to gain a sample of prison officers that reflected the distribution of staff throughout the Dutch prison system.[28] Vinson found some prison officers' "pessimists." Others were "prisoner oriented." However, half of the officers interviewed could not nominate a change that had made work more difficult.[29] On the other hand, Vinson also noted that some Dutch prison officers felt that the process had "been hurried" and "that their views had not been sought" and that the "practicalities of reform had received scant attention."[30] He also found that 76 per cent of "definite rating(s)" found that the reforms "operate(d) very/quite well." As Vinson notes, "this test of staff satisfaction must, if anything, be considered fairly stringent in a field hardly noted for the enthusiastic embrace of new developments."[31]

Again, two out of three prison officers provided examples of ways in which their work had been assisted by policy changes. Vinson also found that length of service could determine whether prison officers answered positively or negatively. For example, the longer-serving staff were less inclined to mention "inmate related benefits."[32] However, Vinson also found "the enthusiasts often involved a disproportionate number of officers with long service histories."[33] He viewed that

> The length of time an officer has worked in the prison system could
> have any one of a number of possible effects. Long conditioning in the
> 'old ways' may be hard to reverse. Cynicism with new measures may
> grow with the years but so too may personal confidence and judgement
> with a consequent reliance on formal institutional controls.[34]

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[27]     Vinson, et al. "Views of Prison Officers" in Brand-Koolen, Studies on the Dutch
         Prison System. 73-94.
[28]     T. Vinson. "Impressions of an Australian visitor" in Brand-Koolen,.
         Studies on the Dutch Prison System. 11-17. 12.
[29]     Vinson, et al. "Views of Prison Officers" 77-78.
[30]     Vinson, "Impressions of an Australian visitor" 16.
[31]     Vinson, et al. "Views of Prison Officers" 75.
[32]     Ibid. 80.
[33]     Ibid, 93.
[34]     Ibid. 78.

Another Australian visitor reported in 1989 that "the philosophy promulgated by Head Office appears to differ significantly from the reality at institutional level where staff openly stated they could not implement Head Office philosophy."[35] Apsey's views of the prison staff appear at odds with Vinson's findings. "Despite the stated intentions of developing a modem (sic) management system based on an interactive model, the prison staff did not appear to exhibit a high level of morale."[36] However, it must be noted that Apsey's data is based purely on short-term observation while Vinson undertook detailed research over several months.

Again, the Scottish Prison Service undertook two studies on the operation of small units in that system.[37] A Working Party was set up to carry out a wide-ranging review of the Barlinnie Special Unit (BSU) in 1994. It noted that

    i.    The Unit has become fossilised and has been unable to move forward as a result of continuing to focus on the success of its early pioneering approach;

    ii.    The purpose of the unit and the position it holds in relation to the rest of SPS [Scottish Prison Service] is no longer clear;

    iii.    The community meetings have lost their impetus and the regime lacks direction; and,

    iv.    The term 'special' has 'become an albatross around the Unit's neck' which is preventing it from moving forward and which has made it difficult for many of the concept's of unit life to be transferred to the mainstream.[38]

It was observed that it was difficult to judge whether BSU had been successful, as its purpose had never been clearly defined.[39]

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[35]    B. Apsey. M. Wockel and S. Johnson. Report of Visit to Correctional Jurisdictions in the Netherlands, Denmark. Sweden, Finland and the Union of the Soviet Socialist Republics. Department of Correctional Services, South Australia. 1989 (the Apsey Report) 7.

[36]    The Apsey Report. 7.

[37]    Small Units in the Scottish Prison Service. The Report of the Working Party on Barlinnie Special Unit. Scottish Prison Service. 1994 (Small Units in the SPS). and An Evaluation of Barlinnie and Shotts Units. Scottish Prison Service Occasional Papers Report No 7/1994 (Barlinnie and Shotts Units).

[38]    Small Units in the SPS. 10.

[39]    Ibid. 15.

The Working Party claimed that the degree of interest in BSU had "generated a number of myths and misconceptions around the operation of the unit." The first was that unit prisoners controlled admissions. Secondly, that admission to units was perceived as a reward for bad behaviour and was seen as buying "the co-operation of recalcitrant prisoners by offering them an 'easy life'." And finally, that working in a unit was perceived to be an "easy option" for staff.[40] The Working Party noted that unit life was characterised by several practices.

First, visits had come to dominate "virtually the whole of unit life." Some prisoners hid behind a "stream of visitors" which had removed the need for them to interact with the unit community "on any regular basis." Second, so-called "demonstrations of responsibility and trust" between prisoners and unit staff by allowing unsupervised visits in prisoners cells against Unit Operational Instructions - in fact, allowing conjugal visits. Third, prisoners not being or only cursory searched with the result that alcohol consumption in the unit appeared to the norm rather than an isolated incident. Fourth, only one of the prisoners was actively engaged in any kind of "constructive activity ... from which he gains a significant financial profit." The remainder spent the majority of their time "entertaining visitors, reading, watching television or sleeping." Fifth, community meetings had become routinised, perfunctory, and on occasion had been used by certain groups of prisoners "to exert pressure on staff." Sixth, group cohesion had ceased to exist with each prisoner cooking and eating on an individual basis. Finally, incoming mail was no longer opened and checked for contraband in the presence of the prisoner as was the case in other establishments, and as it should have been "according to Standing Orders."[41]

The Working Party realised that BSU had been highly politicised and that successive governors and staff had been obliged to collude with prisoners to maintain a harmonious existence. Moreover, external commentators had likewise colluded with staff and prisoners in positive expositions of unit life.[42]

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[40]      Ibid. 15-16.
[41]      Ibid. 17-18.
[42]      Ibid. 18.

The Shotts Unit, which opened in April 1990, was the first purpose-built unit of its kind in Scotland.[43] It had accommodation for 12 prisoners and was to be staffed by 24 officers. The central role of the Unit was to provide an alternative facility for dealing with long-term 'difficult prisoners.' The Unit's philosophy was seen to be in keeping with the Scottish Prison Service mission:

> (It) will seek to keep in custody those committed to it, maintain good order, look after inmates with humanity and provide them with opportunities for self development and change to positive behaviour.[44]

The Shotts Unit Planning Group decided the process would be achieved by

1 Establishing a relationship between staff and prisoners which allows all concerned to interact freely and, whenever possible, as equally as the need for good order will allow.

2 Running the Unit as a Community in which the individuals act responsibly in relation to each other and act supportively towards each other. The main form of support should occur in community meetings where prisoners and staff may air their feelings in a conducive atmosphere. The main form of discipline and control should be the 'hot seat' and the legitimate sanction of the community meeting.

3 Regarding each prisoner as a responsible person who will be treated with the respect due to him as an individual and to encourage him to take his place and part in the life of the unit.

4 Encouraging each prisoner to review his own personal development and to take up activities which will challenge, improve and equip him to make progress within the prison system and prepare him for a fuller life on release.

5 To place emphasis on assisting each prisoner to achieve personal control, personal developments, increased self-worth, and some vocational or social skills.[45]

While the Unit had 'teething problems,' and had not yet delivered "the *structured* programme of personal development that was envisaged and expected by the Planning Group," the Unit was a necessary adjunct to larger institutions. It would allow 'difficult prisoners' to learn skills so that they could eventually return to 'mainstream' prisons.[46]

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[43]   Barlinnie and Shotts Units. 36.
[44]   Ibid, 37.
[45]   Ibid, 38.
[46]   Ibid, 64.

The <u>Evaluation Report</u>, however, was critical of the notion of 'community' in both BSU and Shotts. The <u>Report</u> noted that the notion of 'community'

> Incorporates the fundamental ideal values of life in our society; respect for individuals, dignity and concern for the rights and welfare of others. Creating conditions in prison under which prisoners (and staff) can live as responsible community members will, to the extent that is possible, reveal and support the capacity of its members to do that. A community ideology encourages social competence, co-operation, learning, growth and change. Positive social controls can thereby replace coercion, and diverse and potentially conflicting individual interests can be met. This community should be participatory involving both prisoners and staff, its walls should be permeable, it should be used as a context for 'problem-solving in the present' and it should be transitory – 'part of a continuum with the free community' – preparing prisoners for a return to that community. Enabling prisoners to deal with problems experienced in the present according to a set of generally accepted rules, would empower them to manage their own futures more competently.[47]

The <u>Report</u> claimed there was a major problem with the direct application of this ideology in the Shotts Unit. It questioned the role of the Unit in returning prisoners to 'mainstream' prisons' where the notions of 'responsibility and community' had been largely missing. While prisoners within the Unit could choose how they structured their incarceration, they would certainly not have this freedom within the normal prison environment. The <u>Report</u> noted that the Unit had failed to plan for this eventuality. Again, "the single issue agreed upon by almost all staff and prisoners was that the Unit was *not* a community." The notion of 'community' was an 'ideal type' that few communities could match. According to staff and prisoners, there were three ways in which the Unit was not regarded as a community.

The first was a perceived lack of any democratic decision-making process in practice. For example both prisoners and staff claimed the Unit Governor made the decisions. Both prisoners and staff felt that participatory or consultative management were 'ideals' not borne out by Unit practice. Moreover, prisoners did not interact with staff when involved in the decision-making process. They knew that staff had very little power because of the Governor.[48]

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[47] Ibid, 48-49.

Second, prisoners did not appear to accept the notion of community. They were highly individualistic and did not present as a cohesive group. While the Unit was purposely designed to reflect a 'community spirit,' prisoners tended to use the large communal areas to avoid other members.

The third area of concern, and possibly the major *raison detre* behind the concept, was the quality of staff-prisoner communication. Borrowing directly from BSU, the use of 'meetings' between staff and prisoners was seen as a potent tool to breakdown ancient antagonisms. However, the meetings were informed that there were certain 'non-negotiables.' "It must be clearly understood that there are certain matters or areas of concern which remain the concern of Prison Service Management Group and which are therefore not open to the community to change."[49]

All Unit members attended a Tuesday weekly meeting – external participants were kept to a minimum. The meetings normally lasted three hours - however those attended by the Governor tended to be the longest. Prisoners took turns to chair meetings and various domestic, information, and grievance issues were discussed. A staff member and a prisoner took the minutes of the meeting. A version was compiled from both accounts for records and dissemination. Prison officers were especially reluctant to participate in meetings simply because the end of the meeting coincided with the end of their shift. The Report also notes that there was "too little decision-making power arising from meetings and a strong staff-prisoner divide. There was also a tendency for the meetings to become bogged down by domestic issues relevant to only one or two individuals in the Unit."[50] Simply, there were a number of factors which militated against 'community life' such as conflicts and status-fighting among prisoners, individual pursuits of projects, all members of the Unit pursuing personal goals, staff/prisoner divide, power imbalance, and an authoritarian Governor, among others.[51]

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[48]      Ibid, 49-50.
[49]      Ibid, 50.
[50]      Ibid, 51.
[51]      Ibid, 53.

Victoria's prison administrators took various elements from a number of unit management jurisdictions and fully expected that the mixture would coalesce. A dominant feature of all three new prisons was the use of large-style American-designed living units. Prisoner management strategy and unit operating philosophy were heavily borrowed from the Dutch and Scottish systems. For example, although there is nothing explicit in the Barwon Handbook or the Philosophy and Guidelines to Unit Management pamphlet that refers to the notion of 'community,'[52] an earlier publication notes that "The prison environment shall, as far as possible, be a 'mirror' of the community."[53]

Weekly staff/prisoner unit meetings were held at Barwon Prison upon commissioning in 1990. They were run on similar lines to those held in the Shotts Unit. It is reported that identical staff/prisoner patterns and traits to those found by the study into Shotts Unit arose soon after the initial euphoria of working or being incarcerated in a new prison wore off.[54] Head Office noted similar situations occurred in other unit-managed institutions.[55]

It is evident that Victoria's prison administrators were under extreme pressure to modernise the system with the change of government.[56] It is also evident that the incoming Labor Government was committed to penal reform by giving corrections the autonomy to focus on change by separating it from its responsible department. Again, the government provided significant capital towards upgrading existing institutions and new prison building programmes.[57] In reflection prisoner management policy intention, and new building and upgrading progress were never matched by operational practice.

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52     Barwon Prison is used to exemplify the OOC's approach to unit management. Both Loddon Prison and the Melbourne Remand Centre had limited discretion in formulating staff handbooks and operational guidelines. Both are singularly devoid of the mention of "community.'

53     Barwon Regional Prison – Management Philosophy, undated but probably 1988.

54     CPO Sandra Moore was a foundation Chief at Barwon Prison and served from 1989-1992. Interview 14 May 1998.

55     Prisons Structural Efficiency Implementation Plan, Office of Corrections Version 1 June 1990. Attachment 6.

56     Community Welfare Priorities, Ministerial Statement by The Hon. P.T. Toner. M.P.. 7 December 1982.

57     OOC Annual Report, 1983-84, (iii)-6.

The administration was forced to admit that there were problems with unit management implementation throughout the system in 1990.[58] Yet, presumably, the administration thought that they had taken all necessary precautions to ensure that the concept was ready for implementation. Institutions had been designed and built to unit management specifications. New institution management infrastructure had been carefully framed to reflect the concept's intention.[59] Perhaps, in reflection, more consideration could have been given Dutch notion of 'selling' unit management to staff.[60] Again, there was the problem of who had the mandate and experience to give unit management training to new and existing staff.[61]

The notions of 'selling' and training were minor individual problems. Appropriate action would have overcome these deficits. However put together, the perceived lack of training - or cursory attempts thereto, and the organisation's unwillingness or inability to explain the concept provided prison officers with a platform to resist change. Moreover, the perceived inattention by Headquarters personnel to quickly resolve these matters created an artificial climate of distrust among lower echelon staff.[62]

Whether staff unintentionally or deliberately practiced former custodial practices in the new institutions is a moot point. The administrators' major problem was that policy intention was never matched by operational practice. Again, the committee investigating Scottish Units made similar findings. They, however, labelled this action as "regime slippage."[63] Victoria's prison administrators attempted to redress the situation. That they were less than successful cannot be solely blamed on prison officers.

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[58]    Prisons Structural Efficiency Implementation Plan, Office of Corrections Version 1 June 1990, Attachment 6.
[59]    Specialised staff positions such as the Programs Manager for prisoners and the Human Relations Development Officer for continuing staff training were created in new and existing prisons.
[60]    Vinson, "Impressions of an Australian visitor" 16.
[61]    Strategic Services had the mandate but the STC had the infrastructure and expertise to deliver the specialised training. See chapters 6 and 7.
[62]    This feeling is still current among staff. For example, Supervisor Sandra Paterson. discussing the new business principles approach commented "how can you promote trust and enthusiasm in prison officers when you see nothing given and everything taken away." Interview 14 May 1998.
[63]    Small Units in the SPS. 18.

## Policy intent and operational reality – a dichotomy?

Chapter 3 described the linkage between the 1970s 'open' prison system and the movement by various prison organisations to establish policy-making units. Various policies were offered to justify the changing focus of prisons. It was argued that a major problem was the inability of 1970s policy makers to understand the prison climate and devise policies accordingly. It was also suggested that many of the formulated policies failed to reach their potential through either prison officer intransigence[64] or prisoner dominance.[65] Again, many policies were perhaps idealistic[66] or were difficult to monitor.[67] However, prisons have always attempted to implement policies that reflect the government's perception of the nature and purpose of imprisonment. Policy making was the prerogative of the prison manager prior to the 1970s.[68] When Australia's prison managers travelled overseas to investigate the latest penal trends, programmes and practices from other jurisdictions were, invariably, implemented.

That prisons are judged on their capacity to maintain discipline and order is axiomatic. Yet, reformers have criticised contemporary penal operation arguing that policies must mirror societal practice. Prison policy-makers are thus forced to maintain the fiction of progressiveness yet balance this with society' admonition when a deleterious episode occurs.

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[64]    Unit management in Victoria is a prime example.

[65]    See chapters 5 and 6

[66]    Many prisons gave prisoner-debating teams permission to leave the institution to debate outside organisations. They were usually accompanied by an education or welfare officer. While the majority of these 'normalisation' visits went off without incident, some went horrendously wrong. For example, a group of Tasmanian prisoners, including a murderer and rapists were apprehended for drink driving and being under the influence of drugs. They had been escorted by the prison Amenities Officer - who subsequently lost his position.

[67]    The current practice by many prison systems of giving long-term prisoners daily leave to attend tertiary institutions unescorted. In a classic case, Tasmanian authorities were pressured to allow a murderer, who claimed to be aboriginal, to attend university. It was later found that he spent a lot of time in local hotels. His privileges were curtailed upon detection and he was transferred to maximum security. He later committed suicide.

[68]    I.L. Barak-Glantz "Toward a Conceptual Schema of Prison Management Styles" Prison Journal, Vol. 61 No. 2 (1981): 42-58, 45-46.

Any history of penal practice, and concomitantly policy, is replete with examples of administrative order. And to maintain order, prison systems required standardisation, routine, and discipline. It is claimed, however, that the English prison operation is different from others.

> Although British penology does share broad characteristics with similar types of endeavour in the United States and Europe, its precise nature is bounded by a quite specific concatenation of social conditions. In a very profound sense, British penology is a determinate form of knowledge.[69]

Prison policy is not made in isolation. Unlike many government policies that arise through specific needs or from social change, prison policy, however, has never been considered as an equal partner in government policy consideration - rather, it has merely been regarded as a desideratum. While some prison policies such as better education facilities for the incarcerated achieve a modicum of success the public perception is that prisons have generally failed to achieve their given tasks - whatever these tasks may be. Currently they are failing to stop the infiltration of drugs into the system.[70] Even the most basic security function - that of keeping prisoners incarcerated - is constantly tested.[71] Newly opened institutions may give both officers and offenders better working and living conditions, but it has been argued that these changes are purely cosmetic.[72] Again, authorities are sometimes guilty of spending more time and resources addressing secondary or peripheral objectives.[73] And because their focus is perhaps distracted, they sometimes fail to recognise that prison officers will resist some policies covertly or overtly.

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[69] D. Garland and P. Young, The Power to Punish, (London: Heinemann, 1983) 2.

[70] "Search call after prison drug death" Herald Sun, 25 July 1997, and "Drug drama in women's jail" Herald Sun, 24 October 1997.

[71] Prisoners have escaped, or attempted to escape, from the Melbourne Remand Centre, HM Barwon Prison, and the private operated MWCC. Victoria's first private prison, the Metropolitan Women's Correctional Centre, has attracted considerable criticism in its operation. Allegations were made that it was "a dangerous cocktail of inexperience, inefficiency, and economic expediency." "Court hears of prison bashings" Herald-Sun, June 18, 1997.

[72] L.L. Zupan, Jails: Reform and the New Generation Philosophy, (Cincinnati, OH: Anderson 1991) 95.

[73] While units remain closed because of staffing shortages, some of Victoria's government prisons are spending considerable amounts on developing teams, keypoint indicators, and customer focus guidelines.

While prison officers may have input into some policy development, they are most certainly the means by which operational policies succeed or fail. Staffs normally accept prison policies whether they agree with the intention of the procedure or not. There may be grumbling and discontent about change. The usual specious remarks are voiced that the authorities are going 'soft on prisoners.' This behaviour is a normal part of the prison officer culture. After a period of time the change becomes part of the prison daily routine. Therefore, in most cases, policy intent is mirrored by operational practice. However, there are occasions when prison policy and prison operations separate. Some policies may be too complex to be completely translated into action. Again, there are a number of limitations that affect policy intention.

It has been pointed out that translating policies into practice is "not quite as simple as may first appear." First, policy decisions "involve varying degrees of technical difficulties during implementation, some of which are more intractable than others." For example, according to Howlett and Ramesh,[74] *a single decision*, such as opening a new prison, *usually translates routinely*. On the other hand, implementing a new prisoner management strategy is more complex because it involves a series of decisions. Second, *"the diversity of problems targeted by a government program may make its implementation difficult."* The authors claim that complex problems - such as the myriad intentions of unit management – "are rooted in so many causes that programs designed to address single or even multiple causes can normally be expected to fall short of their objectives." Third, *"the size of the target group is also a factor, insofar, as the larger and more diverse the group, the more difficult it is to affect its behaviour in a desired fashion. "*

The third point has particular significance for prisons - the target groups in this context being staff and prisoners. It may be that in this situation policy intent has not been fully developed relying instead on a set of generalisations that can be applied in specific circumstances to either prison officers or prisoners.

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[74]     M. Howlett and M. Ramesh. Studying Public Policy: Policy Cycles and Policy
          Subsystems. (Don Mills. Ont.: Oxford University Press, 1995) 154 -italics in original.

Finally, "*the extent of the behavioural change the policy requires of the target group determines the level of difficulty faced in its implementation.*"[75] It is simplistic to claim that unit management implementation would be more favourably received by prisoners than prison officers. Many prisoners still adhere to the 'no prison officer contact' principle. Again, fraternisation may result in deleterious action. Moreover, some prisoners may also suspect ulterior motives behind friendly staff overtures. Furthermore, some prisoners take advantage of the unregimented unit management regime to sort out group differences.[76] However, many prisoners would accept that the practice has positive advantages - apart from the modern conditions – compared with the previous custodial regime that was practiced in old institutions. It is therefore easier to predict that prisoners would be more amenable to the new concept. As such, it would be assumed that prisoners would experience lower levels of difficulty during implementation than prison officers.

Staff, on the other hand, may be ambivalent about implementation.[77] Perhaps this is a result of the peculiar conservatism among staff. Indeed, this conservatism is an intrinsic part of the prison officer culture. Change in order and routine is usually treated with suspicion and/or scepticism. Prison officers have been traditionally wary of management's actions.[78] Moreover, it has been acknowledged for decades that feelings tend to escalate whenever a climatically operational change takes place.[79] The introduction of a new concept needs to be carefully marketed,[80] otherwise industrial action could result if staff perceive a change in order and control.[81] Again, some staff reverts to familiar practices after new programme implementation.[82]

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[75] Ibid, 154-155.

[76] A soccer match at the private Fulham Correctional Centre in Victoria ended with a "wild brawl" between Asian and Australian prisoners. More than eighty inmates were involved. "Race fury sparks jail brawl" Herald Sun, 28 May 1998.

[77] K. McLennan, and D. Simmons, Prison Officers at Bathurst Gaol: Attitudes To The Management Plan, Internal report for comment only, NSW Department of Corrective Services, 2 May, 1985.

[78] "Warders' fury at compo rally ban" Mercury 15 May 1987.

[79] D.R. Cressey, "Contradictory Directives in Complex Organizations: The Case of the Prison" Administrative Science Quarterly, 4, 1959-60, 1-19.

[80] "Slack management at jail bad for discipline: warders" Mercury, 2 October 1987.

[81] "Strike by prison officers over" Mercury, 23 January 1988.

[82] McLennan, and Simmons, Prison Officers at Bathurst Gaol: Attitudes To The Management Plan, 2.

Others may not wish to be associated with or interact with prisoners "on anything but an administrative level."[83] Moreover, the policy may be subject to internal institution interpretation prior to implementation. For example,

> The scope and range of the 'discipline' is limited by, and tied to, quite specific demands emanating from the requirements of governments, the penal bureaucracy itself and the activities of charitably - based reformers (later to be social workers proper). On these occasions, when definite ideas of policy are promoted, they become subordinated to the internal workings of organisations. For example, although a policy of classification of prisoners for treatment or reform did emerge in the last decades of the nineteenth century, the actual implementation of these classifications followed the demands of good prison discipline rather than individual treatment.[84]

Prison officers may also perceive that the intended policy masks some other action the administrators wish to impose. For example, Victoria's prison officers were about to renegotiate a new industrial agreement in 1990. It was reported at a Management Services Divisional Management meeting that a 3% increase in prison officer' salary had been approved subject to the restructure of the prison rank hierarchy.[85] The restructure had been initiated by Victoria's Public Service Board and had been developed by a joint consultative Working Party comprising OOC/VPSA (the Victorian Public Service Association) and Public Service Board (PSB) representatives.

Whilst the prison classification restructure was part of the government's strategy to achieve better productivity throughout Victoria's Public Service using Structural Efficiency Principles, prison officers immediately perceived this as an overt threat to make them accept unit management implementation. Although the new prisoner management strategy was to all intent operating at the newly commissioned prisons, there was still a great deal of confusion about the concept, and a growing disillusionment about the expanded staff roles.[86] Staff now complained that they were performing additional tasks but were not trained or compensated for the expanded roles.

83    A. Gorta, Unit Prisoner Accommodation-The Bathurst Gaol Experience, 1983-1987.
      NSW Department of Corrective Services memorandum, 1988.
84    Garland and Young, The Power to Punish, 2-3.
85    Management Services Divisional Meeting Minutes, 7 June 1990.
86    HM Prison Pentridge: Implementation of Unit Management, December 1990.

Indeed, with their industrial award due for renegotiation many officers felt that the organisation was taking advantage of the situation by tying in unit management with salary negotiations. However, Headquarters made their position clear. It was noted that

> Rank Restructure was initiated to review the existing custodial structure, and has resulted in the establishment of a restructured Prison Officer Category. Rank Restructure provides an interim broadbanding of classifications as a step towards Structural Efficiency and Unit Management whilst resolving a number of outstanding classification anomalies in the old custodial structure.[87]

Prison officers unilaterally rejected the proposals. Whilst many wished to gain an increase in salary, it was argued that the increase was insufficient to compensate for the new roles. Moreover, there was the specious argument that salary increases would benefit staff still working in custodial institutions. A new industrial agreement was endorsed by the Industrial Relations Task Force, the Director-General, and the President of the VPSA and presented to the Public Service Board. Officers still refused to ratify the agreement forcing the administration to continue working under the provisions of the 1987 Industrial Agreement.[88]

That the industrial negotiations would eventually be resolved is a moot point. The timing of unit management implementation and renegotiation of the industrial agreement left many sceptical about the process. Although these actions were related, many prison officers thought the issues separate. Thus, another major opportunity to 'sell' the concept foundered.[89] Arguably, the protracted process did not assist in changing staff attitudes towards unit management. Indeed, the process may have encouraged dissidence.[90]

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[87] Rank Restructure Translation Procedures and Reserve Matters, OOC internal Memorandum from the Personnel Manager to all Governors, 14 November 1990.

[88] Newsbreak, Vol. 5 No. 8 November 1990.

[89] Headquarters remedied this in 1992 by detailing practices. See, For the implementation of structural efficiency and further development of unit management in H M Prison Melbourne Remand Centre, September 1992.

In addition to the previous named factors, Howlett and Ramesh claim that policy implementation is also affected by "social, economic, technological, and political contexts."[91] They argue that "changes in social conditions may affect the interpretation of the problem and thus the manner in which the program is implemented."[92] In other words, while the intentions of unit management were sound a number of factors arose which affected operations.

For example, it has been noted that Victoria's version of unit management combined elements taken from other jurisdictions. It was also noted that the concept had a perfunctory trial at an old custodial institution. Three new unit management prisons opened within several months. There was no time to judge the efficacy of the concept in one institution and make any appropriate changes. Moreover, the concept was to be applied unilaterally. However, it was noted there was to be

> A less liberal form of Unit Management than that practiced in other prisons. The emphasis in Pentridge will be on discipline and work, although these two requirements will still be tempered with the availability of personal development opportunities[93]

Obviously the authorities were confident that the transition would be uneventful. However, perhaps, they did not anticipate that there would eventually be a public and legal backlash. There was concern about building institutions in isolated areas causing hardship and inconvenience for visitors.[94] Moreover, there was a change in sentencing policy. Prison numbers grew exponentially forcing administrators into "doubling-up" - increasing inmate tension.[95] Again, the amount of drug-related offenders entering the system had raised security fears.[96] Furthermore, it was never anticipated that some well-intentional prisoner industries would be the subject of scorn.[97]

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90    Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 155.
91    Ibid.
92    Ibid.
93    HM Prison Pentridge: Implementation of Unit Management, December 1990, 2.
94    "Prison transfers attacked" Herald Sun. 16 January 1997.
95    "Prison wire nabs escapee" Herald Sun. 22 May 1998.
96    "Drugs raise prison fears" Herald Sun. 9 October 1997.
97    Port Phillip attempted to use prisoners as "tele-salesmen" creating a storm of protest. "Row on jail phone sales push" Herald Sun. 12 July 1997, and "Unwanted calls" Editorial. Herald Sun. 26 July 1997.

Howlett and Ramesh note "changes in *economic conditions* have a similar impact on policy implementation."[98] The unprecedented funding committed by the Labor Government to upgrade existing and build new institutions, and to provide the machinery for operation soon dried up. It is by no means certain that the decision to implement Structural Efficiency Principles throughout the public sector was a direct result of the shortage of government funding. What is certain, however, is that correctional funding was cut from $156.6 million in the 1989-90 budget to $150.00 million in 1991-92 appropriation – a significant debit in real terms.[99] This debit obviously had ramifications for the unilateral implementation of unit management.

Howlett and Ramesh further argue that economic conditions also vary by region, "necessitating greater flexibility and discretion in implementation."[100] The three new prisons would have received preference for funding internal unit management training. Officers were informed that unit management training programmes were being developed by individual institutions to assist the change of prisoner management direction. However, officers in custodial institutions were amused to find that some unit management training was "a 3 day rock climbing and abseiling orientation camp... [These] newly acquired skills will be invaluable ...in assisting prisoners to develop those skills necessary to be able to successfully integrate back into the community."[101]

Indeed, it would take another two years of unit management operation before Pentridge officers were given documentation of how the concept would be applied in their jurisdiction. They were first informed of the "proposal to reduce the authorised staffing arrangements" and that unit management training was to be delivered locally "using packages developed at the Staff Training College by both prison trainers and OOC support staff."[102]. Pentridge officers' were well aware of the departmental priorities when allocating unit management finance.

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[98]     Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 155.
[99]     OOC Annual Reports, 1989-90 and 1991-92.
[100]    Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 155.
[101]    Unit Management in Victorian Prisons. Information for Officers, 18 October 1990.
[102]    HM Prison Pentridge: Implementation of Unit Management, December 1990. 1-2.

The third of Howlett and Ramesh's factors, new *technology*, appears to have had little direct effect in unit management implementation. Head Office's initial enthusiasm for the concept was tempered by the reality that implementation practice was less than the required standard.[103] Steps were taken to create a psychological instrument to measure unit management effectiveness. A procedures measurement manual was formulated to "bring a unique form of assessment to the forefront of Unit Management in Australia."[104] Like the Unit Management Guidelines, the procedure manual was unilaterally ignored – individual institutions claiming that they had their own evaluation procedures.

The final factor in Howlett and Ramesh's framework is "variations in *political circumstances.*"[105] When a government loses office the incoming party may or may not change previous policies *per se*.[106] However, they may change the way that policies are implemented.[107] A change of administrative head may also result in a redirection of policy priorities.

> Mr Van Groningen said complacency and acceptance which had existed in the corrective services for years needed to be uprooted. "For too long, we have done things without evidence it's needed or without having thought about it. "I think it's time we started building into evaluation and assessment, and if we have to, be honest enough to say 'let's abandon it."[108]

The Howlett and Ramesh typology gives researchers a powerful framework for detailed comment on general public policy analysis. It may not, however, be so stringent when analysing prison policy implementation. But it also has been noted that "The organization of the *administrative apparatus* in charge of implementing a policy has no less impact than the [previously mentioned] factors." Moreover, "policy implementation is inadvertently subject to the intra – and inter organizational conflicts endemic to the public policy process."[109]

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[103]    Prisons Structural Efficiency Implementation Plan, Office of Corrections Version 1 June 1990, Attachment 6.
[104]    Unit Management in Victorian Prisons. Around the Traps, 13 December 1990.
[105]    Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 155.
[106]    "Private is good for public" Herald Sun, 14 March 1997.
[107]    Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 155.
[108]    "New era for our prison system" Sunday Herald Sun, 29 November 1992.
[109]    Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 155.

It was demonstrated earlier that a notable feature of the OOC years was the almost continual change in senior administrative personnel, and the reporting relationships. Murton, a noted American penoogist, claims that the change-agent

> Often believes that organizational structures, per se, hold the key to reform, [therefore] he may concentrate on structure exclusively and consequently bargain away real prison reform in exchange for a more sophisticated bureaucracy. It is with this "progress" of bureaucratic structuring that reform measures wane, change is hindered, and achievement is thwarted by state agencies that tend to perpetuate themselves rather than to serve the needs of citizenry.[110]

The problems associated with Victoria's unit management implementation perhaps were a secondary consideration for an organisation that was trying to alleviate concern with its operation.[111] Moreover, the internecine competition between the Strategic Services Division and the STC on unit management training delivery could not have helped. Furthermore, while Dutch prison policy of that period was formulated on the premise that the offender would eventually return to the community,[112] there had only been ambiguous statements about the direction the OOC was taking.[113] On the other hand, perhaps the policy direction was similar to that of the English system.

> British penology has been able to both exclude certain types of thought or social policy as irrelevant, yet offer, as an alternative, a type of knowledge which achieves its hegemony by its very obscurity, plurality of purpose and indefiniteness. In short, British penology legitimates itself both by denying its status as ideology and more simply, by fudging issues.[114]

Of particular concern to the OOC was the fact that "The 'old school' [prison officers] still did their own thing and played H Q against the [operating] reality of the prison..."[115] Policy and practice were still not congruent.

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[110]    T.O. Murton, The Dilemma of Prison Reform, New York:
         Holt, Rinehart and Winston, 1976, 101.
[111]    Report on the behaviour of the Office of Correction, 27 December, 1989
         (The Murray Report), Victoria Police Task Force Report on Allegations of Corruption
         Within The Office of Corrections, 1989 (The Mulgrew Report), and Report on the
         Accountability of the Office of Corrections, The Ombudsman Victoria, July 1990.
[112]    J. Jonkman in P. Norden, Study Tour of Swedish and Dutch Prison Systems,
         Unpublished paper, 1990, 1-15, 11.
[113]    Building a Law-Abiding Society-Together, (BLAST), Victorian Government
         Publication, 49320/88, August 1988.
[114]    Garland and Young, The Power to Punish, 2-3.
[115]    Correspondence from former Governor Helen Holland, 17 April 1997.

## Prison officer training revisited.

Thomas notes,

> Organisations often look to training as a means of coping with
> difficulties, not because it will solve them, but because training has
> overtones of professionalism and intellectual attainment, which can
> keep demands for radical change at bay.[116]

On the surface it would appear that the OOC's commitment to the unit
management concept was never matched by an equivalent commitment to unit
management training. Indeed, until the demise of the OOC in 1992, the
organisation seemed ambivalent about the approach to be undertaken in
formulating training practices. "There is a compelling need for all staff to work
towards maintaining a prison environment that is both relaxed and under
control."[117] Prison officers were also subjected to a plethora of trite
information.

The organisation had issued a number of unit management information
guidelines but they were singularly devoid of specific direction, and were
generally dismissed as Head Office propaganda.[118] Again, the members of the
Head Office unit management implementation team were not highly regarded
by the rank and file.[119] The proposed *in situ* unit management training was
never evaluated – cursory visits from Head Office personnel aside to view
operations. Many prison officers simply reverted to standard practices. But this
was not solely a Victorian problem. "The difficult nature of unit work,
however, makes it essential that, once in the job, staff receive comprehensive
and regular training..."[120]

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[116]    Thomas. The English Prison Officer. 209.

[117]    Unit Management in Victorian Prisons. "Dynamic Security and Unit Management"
         Training Module. 1992, 6.

[118]    For example. Unit Management in Victorian Prisons. "Around the traps"
         20 September 1990. provides information on the review of "K" Division undertaken
         by Dr David Schwartz: Unit Management in Victorian Prisons. "Around the traps" 18
         October 1990 provides anecdotal information on Tarrengower female prison: Unit
         Management in Victorian Prisons. "The way we were" 1 November 1990. discusses
         the development of the English prison service and *Glasnost* in the Soviet Union: and
         Unit Management in Victorian Prisons. "A meeting of minds" 21 March 1991.
         discusses a utilitarian method of conducting meetings.

[119]    Correspondence from former Governor Helen Holland. 17 April 1997.

[120]    Small Units in the SPS. 49.

The Scottish Working Party also noted that the failure to provide sufficient finance for ongoing training had been a major contribution toward "regime slippage."[121] There is no doubt that Victoria's prison officers suffered from limited ongoing unit management training. This, perhaps, was not intentional. The major problem was that three new institutions were commissioned in a short period.

While it has been noted that there are many difficulties associated with the commissioning of a new prison,[122] these problems tend to be magnified if management and staff are unsure of work practices. Again, each new prison manager will have different priorities depending on location and classification of institution.[123] A unilateral policy may not be the ideal vehicle to affect change. There is also the difficulty in determining what constitutes 'policy.'

There is a tendency in prisons to label almost any type of operational practice a policy. To the uninitiated (prison officers) the word policy has 'professional' connotations, or overtones of Head Office dogma. It is probably the most overused and misunderstood word in prisons. When a prison officer asks why a particular process is undertaken, the usual answer is that it is 'policy.' Prison practice is usually enshrined through various Standing Orders, Rules and Regulations, and a plethora of prison circulars which even the most astute prison officer would have difficulty interpreting - even if they are available.[124] While there was a plethora of unit management information available, its practical use was minimal. Prison officers still relied on standing operational orders. These had not been changed to accommodate the new unit management practices. Prison officers are normally issued with a bulky set of prison standing orders on recruitment. They cannot be carried on a day-to-day basis.[125]

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[121]    Ibid, 50.
[122]    See, for example, the tribulations faced by the three private companies in Victoria.
[123]    Victoria opened a medium-maximum institution at Barwon, a minimum-medium Institution at Loddon, and a remand centre in Melbourne–all with different priorities.
[124]    M. Maguire, J. Vagg, and R. Morgan, (Eds) Accountability and Prisons,( London: Tavistock, 1985) 7.
[125]    As previously noted, the Tasmanian standing orders weighed nearly a kilo.

Moreover, many procedures have been adapted or remain unchanged from the originals, which were promulgated last century.[126] Prison Rules and Regulations are practically never displayed in institution on the premise that prisoners may use these to challenge practices.[127] Any officer who strictly adheres to these procedures will soon find that practices change depending on senior personnel.[128] What one senior officer will allow, another may not. Indeed, many prison practices developed over the years and became enshrined as policy. Officers are taught these practices during their early years and quickly accept them as dictum. Practices become 'policy' by default.

Most prisons are run on informal rather than formal policies.[129] Both staff and prisoners become accustomed to these practices and, in the main, accommodate whenever some minor change is implemented. Most prison managers deal with tangibles, and from a base of experience and rationality. Moreover, there is a definite set of procedures and, which can be referred to whenever a problem arises. Indeed it is only when managers are confused or uncertain "that they mask their insecurity and insufficiency with rigid rules and authoritative discipline."[130] However, whenever a major operational change takes place - such as the introduction of unit management - the manager must expect difficulties with implementation from both staff and prisoners. The boundaries of officer and prisoner interaction have to be redefined and readjusted. It is not only the policy that is being changed but also, more importantly, the philosophy behind prison operation. In the Medical Model era

> Despite increased staff, the acquisition of a host of treatment personnel, the creation of innumerable treatment programs, and the well - intentioned interest of society in curing the criminal, we have observed an increase in institutional violence, disorders, rebellion, and riots.[131]

Prison operational policy was much more clearly defined during the Restraint and Revenge eras. Indeed, philosophy and policy were contiguous.

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[126]    Thomas and Stewart, Imprisonment in Western Australia, 4.
[127]    Maguire et al. Accountability and Prisons, 6-8.
[128]    J.J. DiIullio. Jr., Governing Prisons, (New York: The Free Press, 1987) 221-222.
[129]    Murton, The Dilemma of Prison Reform, 65-66.
[130]    Thomas, The English Prison Officer, 9.
[131]    Ibid.

However, there was conflict between operational philosophy and policy during both the Rehabilitation and Reintegration phase. The Rehabilitation era was found wanting,[132] and has practically disappeared.[133]- But there were tensions between professional and uniformed staff due to the disparate philosophy and operational policy. Treatment staff has traditionally complained that prison officers are more concerned with custody than prisoner programmes.[134] Prison managers and prison officers, however, are judged on their ability to maintain order. This was judged to be their primary function in Victoria until 1990.[135] The divergence between philosophy and operational policy has become more pronounced during the contemporary Reintegration era, mainly due to the authorities' lack of explanation about the purpose of policies, and the seemingly on-going emphasis on custodial prison officer training. In retrospect, Victoria's prison officers' unit management training suffered from competing internal politics, a lack of accountability, and a failure to ensure ongoing concept measurement.

It was noted in chapter 5 that the newly autonomous OOC had many major tasks to complete in a short period. The Director-General, Bill Kidston, delegated priorities to various executive portfolios. Prison officer training, a major focus of Kidston's vision, became a political football – particularly after the unit management concept was promulgated. Two corporate areas, Management Services and Strategic Services, became involved in training design. The Management Services Division was primarily responsible, through the Staff Training College, for all training. Strategic Services was responsible, *inter alia*, for new prisons.

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[132]  R. Martinson, "What Works?-Questions and Answers about Prison Reform" The Public Interest, (Spring 1974): 22-54.
[133]  D.E.J. MacNamara, "The Medical Model in Corrections: Requiescat in Pace," Criminology, 14 (1977): 446.
[134]  J.W. Eaton, Stone Walls Not a Prison Make, (Springfield, Illinios: Charles C. Thomas, 1962) 134
[135]  M.C. Filan, A Study of the Legal and Sociological Determinants of the Work Role of the Victorian Prison Officer, BA diss., Canberra College of Advanced Education, 1978, 39

It may be that one reason why Strategic Services became involved with unit management training was a change of Director-General and the subsequent reallocating of tasks and priorities. Peter Breadmore was promoted to one of the new positions of Assistant Director of Prisons and assumed responsibility for Strategic Services. Prior to this, Breadmore was in charge of the new prisons' project. As noted, when the new prisons were built, Strategic Services became involved in furbishing and staffing issues. However, the staff in this division had little, if any background in training development and delivery. Breadmore successfully lobbied for new prisons training as part of new prisons' staffing. Strategic Services initial training input was a series of discussions with promotion course participants at the College.[136] Most experienced prison officers viewed this as Head Office intrusion into training, particularly when the presenters had little prison credibility. Unit management training was coloured thereafter. Again, it is a moot point whether Bill Kidston would have a different perspective on training. However, given Kidston's commitment to the role and work of the College, it is unlikely that unit management training would have been delivered in the manner it was.

Given the political and financial commitment to unit management it appears paradoxical that there were no apparent adequate monitoring mechanisms. After two years of unit management operation, the concept was still subject to controversy and debate. Breadmore had acknowledged in 1990 that prison officers had returned to former custodial practices.[137] Yet, the feedback in 1992 was that little had changed. A new unit management implementation team was created to assist prisons. Its credibility was soon questioned as it mainly consisted of members of the Strategic Services team who had previously been involved in unit management training and development.[138] Indeed, there is little evidence of implementation studies.

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[136] These discussions were unlike the Dutch variant. Course participant were informed that the concept was a *fait accompli* and there was nothing they could do to change it. See chapters 6 and 7.

[137] Prisons Structural Efficiency Implementation Plan, Office of Corrections Version 1 June 1990, Attachment 6.

[138] Keypoints, Vol 3 No 4, June 1992, 14.

For example, the NSW authorities recognised that detailed scrutiny and investigation of the concept was necessary to validate its usefulness. They undertook a series of investigations, which provided a range of data ranging from regime operation analysis, prisoner and prison officer attitudes, and prison officer training, among others.[139] These studies not only provided the NSW administrators with a solid framework for detailed scrutiny of the concept, but a basis for change if required. On the other hand, there is no apparent evidence that Victoria's administrators ever undertook detailed analysis of unit management implementation.[140] However, successive reports to the Minister highlighted the success of implementation.[141]

Whether any of these variables - internal politics, a lack of accountability, and a failure to ensure ongoing concept measurement – directly affected unit management operation is subject to interpretation and further analysis. What is certain is that prison officers' were unfairly or unjustly blamed for a reluctance to become fully involved in unit management implementation. It is recognised that a number of experienced officers resisted change. Indeed, to many the idea of being a prisoner's councillor and case manager was an anathema. However, the organisation had a significant opportunity for an attitudinal change particularly with the myriad recruits for new prisons. That many became captured by the custodial prison culture – hindering unit management implementation - demonstrates a failure on the part of Head Office to provide the necessary training climate for change. While training can never be the panacea for change, it is a primary instrument in effecting new practices. In Victoria there was a deficit between training intention and operational practice.

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[139]  For example. K. Mahony. M. and Crouch, Unit Management-Bathurst, Progress Report, NSW Department of Corrective Services, April, 1983; K. McLennan, and D. Simmons. Prison Officers at Bathurst Gaol: Attitudes To The Management Plan. Internal report for comment only, NSW Department of Corrective Services, 2 May, 1985; M. Crouch. A. Gorta, K. Mahony, K. McLennan, D. Porritt, and D. Simmons. Bathurst Gaol Evaluation Study, Department of Corrective Services, Research Publication No. 12, 1987; and A. Gorta, Unit Prisoner Accommodation-The Bathurst Gaol Experience 1983-1987, NSW Department of Corrective Services memorandum. 1988.

[140]  Dr David Schwartz from the NSW Department of Corrective services undertook a review of the operation of "K" Division at the MRC in 1991.

[141]  QOC Annual Reports. 1989-9, 1990-91 and 1991-92.

## Policy or philosophy?

An underlying premise in this thesis has been the distinct lack of understanding about the difference between a prison operating philosophy and a prisoner management strategy. They tend to be regarded as synonymous. This perception is supported by the inclusion in <u>Unit Management Guidelines</u> of the following;

> All participating prisons are required to make available to all prison staff a documented prison philosophy approved by the Director-General. The prison philosophy is to contain a statement of mission together with a set of guiding principles that clearly articulate the prison's purpose, standards and objectives as they relate to prisoners, staff conditions and services.
>
> The prison philosophy will conform to the spirit and intent of the OOC's Mission Statement and Guiding Principles. It will also be required to comply with the Principles of Unit Management and the Unit Management Minimum Standards.[142]

If we accept that prison operational philosophy will mirror society's perceptions of how to deal with criminality, this philosophy will be a measure of the government's response to public opinion. Given that the public are normally apathetic towards prisons and prisoners, concerned at the expenditure and largesse when new prisons are opened,[143] or, conversely, concerned when prisons are apparently not performing their function,[144] the prison's operating philosophy may be of little public concern. Indeed, despite the concern of the 'attentive public' new opinion would still see prisons' function as custody and control. Simply, a prison operational philosophy is the means for prison policies and strategies.

The advice given by the OOC to Victoria's Government, however, did not clearly indicate that operational philosophy and unit management practice were separate entities. Again, it may have been that those charged with providing this advice were unsure of the differences themselves.

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[142] <u>Unit Management Guidelines: Achieving Leadership Excellence in Victorian Prisons</u>, (Melbourne: OOC. 1990) 130.

[143] For example. "Crims in 'Barwon Hilton' " <u>Herald</u>, 23 January 1990 and "Barwon jail opens to mixed reception" <u>Age</u>, 24 January 1990.

[144] "Court hears of prison bashings" <u>Herald-Sun</u>, June 18, 1997.

It does appear, however, that CORE has learnt from experience. The Business Plan for 1997/98 provides details of operational practices being based on "a continuum of care model."[145]

The prison philosophical base has always been the foundation on which the prison operates. Prisoners in the 1960s opposed the rationale behind "humanistic policies."[146] Contemporary prisoners are just as reluctant to enter into programmes or processes designed to bring about their resocialisation. For example, the NSW prison system introduced unit management with the Justice Model as a philosophical base. While the NSW strategy had merit, the Prisons Minister claimed that prisoners doing what they wanted had made unit management practices "untenable."[147] Moreover, it may have been that prison officer training had not matched the intention of the concept. Like Victoria, a number of NSW officers had difficulty coping with the philosophy and strategy. It was also reported that team management had "almost completely broken down."[148] In retrospect, valuable lessons could have been learnt from NSW and WA who also encountered unit management implementation problems.[149] But Victoria's prison authorities either ignored the NSW experience or thought they had a better model.

Victoria's philosophical base had remained unchanged from the Community Welfare Services era.[150] As a result of the riots and prisoner intransigence of the late 1970s and early 1980s, custodial training was upgraded and refined. Prison control and improved prisoner management tactics took precedence. Emergency response groups were formed. Discipline became the norm.

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[145]    CORE The Public Correctional Enterprise, Business Plan, 1997/98,
         Department of Justice, 6.
[146]    Eaton, Stone Walls Not a Prison Make, 181.
[147]    "Prisons: Firm but Fair" Policy Statement by the Hon M. Yabsley, Minister for
         Corrective Services, NSW, December 1990, 9.
         M. Crouch, A. Gorta, K. Mahony, K. McLennan, D. Porritt, and D. Simmons,
         Bathurst Gaol Evaluation Study, Department of Corrective Services, Research
         Publication No. 12, 1987, 12.
[149]    I.C. Hill, Development of the professional role of prison officers.
[150]    John Dawes, the Director of the Correctional Services Division described the
         operational philosophy as the "Neo-Punitive Model of Imprisonment." "Trends in
         Victorian Prisons" Paper presented at the Legal Studies In-Service Program on
         Correctional Services in Victoria, March 1980, 4.

When unit management was mooted prison officers were generally incredulous that such approaches would be considered.[151] Indeed, to confuse the issue further, the very vehicle by which the OOC wished to convey their policies, the Unit Management Guidelines, noted that "Good discipline is essential if prisons are to work effectively."[152] Prison officers were certainly confused by what they perceived as conflicting objectives. Proposed policy and contemporary philosophy had little chance of coalescing. The major reasons being that both prison officers and management were working towards different "philosophical ends."[153]

## *Toto caelo?*[154]

The final element in determining whether prison policy and practice can be congruent is to examine the relationships between prison officers and management. Simply, prison officers' view 'management' as the day-to-day administrators of the institution. They also perceive 'prison management' as being subservient to Head Office edict. While this is a simplistic interpretation, it is arguably the way that prison officers understand the organisation hierarchical arrangements. On the other hand, institutional management, like Head Office, is subject to many other conflicting and competing forces. There are political, budgetary, legislative, and mandatory reporting relationships among others to comply with. However, prison officers do not see it in these terms. They perceive Head Office as being ill or uninformed about the nature of prison operation and policy implementation. Moreover, many experienced prison officers' perceive that Head Office is autocratic and inflexible with little idea about the true nature of prison operation. They also believe that their operational managers tend to provide the information that Head Office wants to hear. These attitudes are not new. They are part of prison officer culture.

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151      From conversations with various SPOs and CPOs attending promotion courses at the Staff Training College while the author was the Senior Training Officer, 1989-90.

152      Unit Management Guidelines: Achieving Leadership Excellence in Victorian Prisons, 20.

153      Report on the Accountability of the Office of Corrections, The Ombudsman Victoria. July 1990. 13.

154      Diametrically opposite. Ehrlich. Dictionary of Latin Tags and Phrases, 221.

According to prison officers', the greatest problem has always been the inability of prison administrators to put themselves in prison officers' 'shoes.' Prison officers' feel that until Head Office personnel can understand the ramifications of how their policies affect prison routine, there is very little chance of change being successful. Indeed, Howlett and Ramesh note that the "top-down approach" is fine when goals and policies are clear and unambiguous.

> The most serious shortcomings with this approach, however, concerns its focus on senior decision-makers, who often play only a marginal role in implementation compared to lower level officials and members of the public.[155]

Moreover, many of the prison officers' attitudes or feelings toward management have a solid foundation. According to some commentators, irrespective of philosophical or policy change, the "social distance" between prison officers and prisoners has little chance of altering in the near future. However, the authors also noted that the "social distance" between prison officers and management was increasing. While these findings were particular to 1983 America prior to the introduction of Direct Supervision, they indicate that a change of policy or direction can affect the tenuous relationships between staff and inmates.

The study is also noteworthy in its description of the changing patterns of interaction between staff and operational management. The authors found that "the debasing nature of the institutional work relations, coupled with the public stigmatization of the [prison officer] job, have resulted in a myriad of occupational ills."[156] This may account for prison officers' reluctance to be involved in a change of operational practice. On the other hand, recent studies demonstrate that employees will resist change when the change is actually a poor decision.[157]

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[155]    Howlett and Ramesh, Public Policy: Policy Cycles and Policy Subsystems, 157.
[156]    E. D. Poole and R.M Rigoli, "Professionalism, Role Conflict, Work Alienation and Anomie: A Look at Prison Management." Social Science Journal, Vol 20 (1983): 63-70, 64.
[157]    K.M. Bartol, D.C. Martin, M. Tein and G. Mathews, Management A Pacific Rim Focus, (New York: McGraw-Hill, 1995, 593.

Since the 1970s prison administrators have been openly made accountable. Prior to this they were literally only subject to Ministerial or judicial probing whenever a deleterious episode occurred. The new openness plus recognition that prisoners had rights has forever changed the operation of prisons. A side affect of these actions has been the overt schism between prison administrators and their staffs over operational practices and procedures. It is acknowledged that a schism between management and staff has always been a feature of organisation – both private and public. A breakdown in management/staff relationships in the prison setting can have profound implications for government policy, prisoner management, prison operation, and in many instances for prison administrators personally[158].

While changing prison philosophy has determined operational practice, prison officers have had limited input into effecting prisoner change. Early American prison innovators and reformers used civilian or professional personnel to develop and administer programmes, practices and procedures. Prison officers were custodial adjuncts. Australian administrators followed suit. Relationships between administrators and prison officers were based on the Military Model of rank and bureaucratic structure. The demise of the Medical Model did not eventuate in any significant change in these relationships.[159] Prison officers were still directed[160] and expected to act.[161] Since the advents of unit management prison officers have been informed that they have a major influence in operational procedures, operational policy and prisoner change.[162] These delegations could only succeed if the Military Model reporting relationships were also changed.

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[158]    For a lucid account of prison officer/management relationships, see T. Vinson, Wilful Obstruction, North Ryde, NSW: Methuen, 1982

[159]    The former structure intended for prisoner change under that philosophy has now become entrenched. Teachers, vocational training instructors, psychologists, social workers and psychiatric personnel are an intrinsic part of prison operation.

[160]    For an account of American management and staff relationships, see T.O. Murton, The Dilemma of Prison Reform, (New York: Holt, Rinehart and Winston, 1976).

[161]    For an English account, see J.E. Thomas, The English Prison Officer Since 1850: A Study in Conflict, (London: Routledge & Kegan Paul, 1972).

[162]    Unit Management Guidelines:

It appears pointless to delegate authority and decision-making powers to lower-level staff yet maintain the right to arbitrarily use the managerial prerogative. In fact, with Head Office perceiving prison officer intransigence,[163] the organisation could have reacted by emphasising the primacy of executive decision-making. Indeed, the bureaucratic structure of OOC vitiated any other process. A documented overt change in reporting relationships did not necessarily equate with actual change. However, to emphasise this change, the Director-General and his Executive actively encouraged debate. Graduates of promotion courses held at STC openly questioned them about the utility of the concept.[164] While the Executive may not have agreed with the proffered opinions, they at least had a first-hand account about the strength of feeling in supervisory and mid-management levels. However, Head Office must have felt frustrated with the slow implementation process.

In October 1992, the Director-General notified the Minister that "Because unit management is more complex and requires higher levels of training, its introduction is being phased progressively throughout the prison system."[165] He noted that the new prisons were operating under unit management principles. But of more importance, he pointed out that the Public Service Board had approved "the Unit Management and Structural Efficiency Agreement."[166] This agreement had been negotiated over a period of two years and had been a major cause of dissent among prison officers. Simply, the Agreement introduced a new five-level prison officer category, which would make a

> Number of efficiencies in the work conditions of Prison Corrections Officers, and significantly changes the work performed by Prison Corrections Officers. Introduction of the new structure and conditions will be negotiated on a prison by prison basis, in the form of local agreements to be approved by the Public Service Board.[167]

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[163]    Prisons Structural Efficiency Implementation Plan, Office of Corrections Version 1 June 1990. Attachment 6.

[164]    The Director-General also addressed each promotion course on the organisation's direction with particular reference to unit management.

[165]    OOC Annual Report, 1991-92, 12.

[166]    Ibid.

[167]    Ibid, 12-13.

It was argued earlier that prison officers had viewed unit management implementation and negotiations of a new industrial agreement as separate issues. The two-year negotiation period effectively hindered the unit management implementation process. Many prison officers simply did not wish to take on what they perceived to be extra responsibilities and duties without compensation. Again, many accused Head Office of duplicity by ignoring custodial concerns and focussing particularly on unit managed prisons.[168] This two-year negotiation period also engendered an artificial climate of distrust against Head Office. Moreover, Head Office may not have been properly apprised of the true feelings of staff.

Financial cutbacks in OOC's final year of operation had resulted in the postponement of promotional training, thus the Executive no longer had a forum at STC to glean a variety of prison views. Any information or feedback received would have come from either operational governors or from the vapid Unit Management Implementation Team. Operational governors at the new prisons would certainly have been reluctant to portray a negative image of implementation at their institutions.[169] The Unit Management Implementation Team dealt mainly with the operational governors. Thus, the advice provided to the Executive about implementation may not have accurately reflected practice. Again, it is possible that operational implementation difficulties were explained by the simple expedient of either blaming training, prison officer intransigence, staffing shortages, lack of funding, or a combination thereof.

In addition, there was a secondary but crucial problem. The longer the period that implementation took place magnified the chances of former custodial operating practices reappearing in new prisons. Some prison officers, used to accepting direction, being unsure of their authority or how to use it could easily take the soft option and revert to known prisoner management practices.

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[168]    J.R. Beeden, Report on validation of SPO/CPO Promotional Courses 1989 to 1991, Report to the Co-ordinator of Training Services, Bill Paterson, October 1991.
The governors of Loddon and Barwon Prisons received promotions to operate these prisons. The governor of the MRC took a demotion from Superintendent to manage the prison after the appointed governor was removed prior to prison commissioning.

The relationships between prison officers and Head Office were certainly fractured by the time the <u>Unit Management and Structural Efficiency Agreement</u> was concluded. Any number of reasons can be posited for this. For example, prison officers may have mistakenly blamed Head Office for prolonging negotiations about structural efficiency in order to change working practices. However, irrespective of some prison officers' perceptions, structural efficiency was not an OOC innovation. It was a government directive. The OOC was also subject to Public Service Board negotiation guidelines. On the other hand, Head Office viewed unit management implementation and structural efficiency as necessary concomitants. Their negotiation and information strategies were based on this principle. Perhaps a concerted effort to inform prison officers as to why Head Office was taking this direction may have alleviated later doubts and suspicions, and accusations of duplicity.

Again, the government had demanded cut backs in departmental appropriation in 1991. Each prison faced a deficit in their operating budget of $900,000.[170] It was suggested that savings could be met in "prisoner meals and clothing, and in prison officer uniform allowances,"[171] However, prison officers were the most likely to lose. In normal circumstances, governors had refused to release staff for training courses to save on overtime or replacement costs. With the current economic crisis, governors were instructed "that within field locations, non-operational areas should first be targetted. (Sic)"[172] Most would probably cut back on *in situ* unit management training. Prison officers were likely to perceive this action as having tacit Head Office approval, further cementing unfounded doubts on the reasons for unit management implementation. It is debateable that the traditional friction between Head Office and line prison officers was solely responsible for the gap between operational policy and actual practice. However, this friction added to other variables such as a change of prisoner management practice and a new award structure can be a powerful determinant. Victoria's administrators failed to adequately consider this.

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[170]    <u>Newsbreak</u>, Vol. 6 No. 6 September 1991.
[171]    Ibid.
[172]    Ibid.

_Ab initio_.[173]

The problems experienced in unit management implementation by the OOC did not lay with the concept _per se_. The fundamental assumptions underpinning the strategy were sound. It seems that in Victoria's case there were too many factors impinging for the concept's immediate success. While it is easy in hindsight to apportion blame, it appears that both Head Office and prison officers were guilty by omission. For example, Head Office could have evaluated the concept during its trial period in Castlemaine Prison. From this may have come some longitudinal studies, which would have identified prison officer and prisoner attitudes, training needs analysis, and implementation strategies for new prisons, among others. The organisation failed to promulgate or provide stringent unit management measuring instruments. Moreover, it did not adequately monitor new institution implementation - relying mainly on anecdotal information from operational governors, Strategic Services personnel, and the Unit Management Implementation Team. It did not help that there was an almost constant turnover in Executive personnel. New Executive members tried to leave their imprimatur, and by so doing gave credence to the prison officer perception that Head Office had little idea of the realities of implementation. Funding cutbacks aside, the prolonged industrial agreement negotiations, combined with the ill-timed Structural Efficiency Principles, created an environment of distrust that Head Office was never able to overcome. Prison officers were convinced that unit management was simply a vehicle to downsize the workforce. On the other hand, many prison officers never gave the concept a chance. Belligerence and antipathy were powerful weapons to combat change. Ironically, many of these officers accepted promotions or transfers to new prisons. It is very difficult to change a prison culture at any time. Unit management changed Victoria's prison culture but in a most unexpected fashion. While prisoner management strategies are always subject to philosophical ideology, unit management purpose-designed institutions will remain for the foreseeable future - thereby causing dilemmas for any future prisoner management change.

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[173]     From the very beginning. Ehrlich, A Dictionary of Latin Tags and Phrases, 18.

# Conclusion

Victoria has had a prison system since 1851. In another 150 years it will still have a prison system. People will still break society's norms and receive some type of sanction for their endeavours. Those sentenced to incarceration will be guarded or administered by the equivalent of contemporary prison officers. Key elements affecting management of prisons and prisoners will literally remain the same: ongoing debate over the philosophy behind incarceration; the training of prison officers to meet operational philosophy, the prison policy of future governments; and the role of prison officers in the prison system. In sum, it probably will not be all that much different from what it is today. The same variables - philosophy, policy, and staff - will determine whether a future system is more or less successful than its forebears.

This thesis, in investigating the development of Victoria's prison policy, has highlighted the problems that occur when a new prisoner management strategy is implemented - particularly with regard to prison officer training. The thesis has used several elements from the works of policy analysts in the course of its investigation into prison officer training. A framework incorporating variables such as "values, interests and resources mediated through institutions" provide powerful analytical tools particularly when politics are added.[1] For politics now dominate the previous closed world of prisons.

Over the past 150 years Victoria's prison administrators have expected prison officers to assume a variety of roles to meet each change in operating philosophy and its concomitant policy directives. A new and virtually untested prisoner management strategy was implementated throughout Victoria's prison system by 1990.

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[1]    G. Davis; J. Wanna; J. Warhurst; and P. Weller. Public Policy in Australia. 2nd Ed.
       (St Leonards. NSW: Allen & Unwin. 1993) 2

Having committed significant resources to building purpose-designed institutions, one would expect that administrators would match these endeavours by providing a new set of training procedures and courses to assist prison officers to understand and implement the unit management concept. Outside observers may have assumed that the organisation's specific training provider - the Staff Training College - would be the vehicle to develop unit management training modules. Similarly, observers may have expected that these new unit management institutions would not be commissioned and opened until all staff were fully trained and understood the concept's principles. This training could be expected to inform officers of their changing roles and convince them of the benefits for themselves in particular, and prison operation in general.

That none of these expectations were met focuses attention back to the central proposition of the thesis - that prison officer training is a critical element in the successful implementation of unit management. Government commitment was not matched by administrative endeavour. The fundamental problem was that prison administrators expected that prison officers would approve and accept the change in prison operation. Moreover, they fully expected that prison officers would be willing to participate in the new unit management strategy. Indeed, they had a mistaken belief that prison officers wanted to change their traditional role.

Prison officers are the focal point of day-to-day prison operation. They are the means by which prison policies or programmes will succeed or fail. Obviously when there are prison riots or disturbances they are the means by which order is restored. Yet prison philosophy and policy is never framed with them in mind. It appears that they have always been considered as an adjunct or afterthought in the prison process. And it is difficult to foresee any change in the future. While it is always difficult to forecast what other jurisdictions will do, there are lessons to be learned from Victoria's involvement in the prison process since 1851.

First, it is by no means certain that prison officers wish to be more than custodians. There are very few people whose primary aim is to pursue a career as a prison officer. They gravitate to prisons for a variety of reasons. At one stage in Victoria most applicants saw the service as providing a tenured public service position. Yet, when there was a vibrant economy in the 1960s, the organisation had to recruit from the United Kingdom.

Prior to the 1980s, most applicants had a limited amount of skills. They adapted to meet the requirements of working in the prison environment. It is a truism that for every officer who has remained or survived in the system two or more have left. The survivors become casehardened, familiar with the regulations and routine. They become experienced in managing prisoners, but more importantly, they get to know prisoners. Prison officers can normally identify changes in prisoner behaviour and take appropriate action. All of this is premised, however, on little variation in prison and prisoner routine.

The proposition advanced in the introduction was that limitations in the implementation of unit management in Victoria were directly related to the failure to develop staff training programmes designed to meet the needs of prison officers. Whenever there has been a major change in prison philosophy, prison officers and prisoners have had to renegotiate and adjust the boundaries of their interactions involved in the many tasks to be performed in the daily prison routine. Prison officers have traditionally performed these tasks apart from specialised medical and spiritual functions prior to the <u>Treatment</u> and <u>Medical Model</u> prison philosophies. This changing focus introduced 'prison professionals' such as psychiatrists, psychologists, counsellors, and welfare workers, with the related narrowing of prison officers' roles. Although both Akeroyd and Whatmore upgraded prison officer training, it was never intended that prison officers be directly involved in the reform process. Rather, it was to get better-educated officers who would understand the changes that were being made. Training courses were designed accordingly.

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The influx of professionals during the periods of prison philosophical change has not diminished. Indeed, the demand to provide services within prisons to mirror those provided in the public sector has eventuated in an increased 'civilian' presence. Obviously as prison budgets decrease, and prisoner programmes have to be maintained, it is expedient to reduce prison officer positions, and concomitantly prison officer training.

The contemporary notion that prisons are to be utilised to effect change in prisoners' attitudes, and prepare them to adjust to society's norms, has dominated penal thought since the early part of this century. That very little evidence has been provided to verify this proposition has not stopped administrators attempting to find solutions. There are continued attempts to build on previous policy failures. And the latest 'innovation'- building open or campus-type prison accommodation with a concomitant unit management prisoner strategy - is symptomatic of the attempts to achieve the Holy Grail of penology. Again, the purpose of prisons is as yet to be determined. Thus, the role of prison officers is as yet to be determined. Current administrators have tended to relegate decisions on the future of the role to the 'too hard basket.'

There is a current predilection to view prisons as 'businesses' and apply business rules. Yet, it is an axiom of business principles that innovative managers invest in their most valuable asset - staff. Prisons, however, irrespective of current thought, are not businesses. Their primary function is to contain those who have been sentenced to a period of incarceration. Thus, prisons, whether privately contracted or government instrumentalities, will have to decide on what role prison officers play and provide the requisite training. To integrate prison officers into the reform process without adequate information and training is to demonstrate a complete misunderstanding of prison officers' attitudes. While there will always be prison officers who have a genuine commitment to effect prisoner change, the significant majority of prison officers view prisoners with distrust. Prison officers' primary training cements this view.

Moreover, changing the educational standards for prison officer recruitment and/or promotion does not necessarily mean a change in prison officer/prisoner interaction. It has been claimed that "corrections has attracted too many second-class minds who have provided timorous and vacillating leadership."[2] However, it is too simplistic to blame the current confusion towards the prison's goals on 'timorous and vacillating leadership.' Prison managers are more accountable than before. And there is one contemporary truism about prison managers - their tenure is going to be limited.[3] Perhaps this is a major reason why there are confusing and contradictory prison goals. While governments and correctional agencies attempt various strategies to make prisons accountable, "if most prisons have failed, it is because they have been ill-managed, under-managed, or not managed at all."[4] Victoria's prison officers have survived prison philosophical and policy changes since 1851. And just as everything about prisons appears cyclical, management perceptions of prison officers rarely change.

Successive Victorian administrators have sacked them;[5] reduced their numbers;[6] encouraged them to participate in vocational training;[7] disciplined them;[8] upgraded qualifications for promotion;[9] upgraded training;[10] recruited staff from overseas;[11] and again, are disposing of their services in great numbers.[12]

[2]     N. Morris. quoted in A.W. Cohn. "The Failure of Correctional Management - Reconsidered" Criminal Justice Review. Vol 6 No 2 (1981): 55-61, 57
[3]     The Commissioner for Victoria's Correctional Services. John Van Groningen. has been moved sideways to head a policy unit. "Prison probe head moved" Herald Sun. 24 May 1998
[4]     J.J. DiIulio Jr. Governing Prisons A Comparative Study of Correctional Management. (New York: The Free Press. 1987) 7
[5]     Champ. Penal Report. 1859. 10.
[6]     Castieau. Penal Report. 1881. 1389.
[7]     O'Conner. Penal Report. 1904. 4.
[8]     Freeman. Penal Report. 1919. 768.
[9]     Akeroyd. Penal Report. 1924. 843.
[10]    Whatmore. Penal Report. 1951. 522.
[11]    Shade. Social Welfare Report. 1974. 652.
[12]    With privatisation over 50 per cent of government prison officer positions have been lost.

It is clear that from 1851 to the early 1970s Victoria's prison system saw little fundamental change in the nature of its operation. Victoria's prison policy was simply based on the custody and control philosophy. Successive penal heads made incremental adjustments to infrastructures and policies over this period - each leaving a hallmark of his tenure. That some were more successful than others is a moot point. Until the stewardships of Akeroyd and Whatmore, Victoria's penal administrators' primary task had been to maintain prison discipline and order in the system. Akeroyd and Whatmore thought that the problem of prisoner recidivism should be addressed by offering prisoners the opportunity to undertake education and vocational skills training. While these attempts at addressing the nature of criminality were to prove no more successful than later prisoner-change programmes, Akeroyd and Whatmore's actions forever changed the nature and practice of Victoria's prison management and operation. Future administrators were expected to be both treatment and control agents.

While prison administrators directed their energies towards prisoner treatment programmes, their tenuous grasp on prison control was slipping. Prisoners in the 1970s were not as quiescent as their forebears. Prisoners refused to conform to what they perceived as anachronistic practices. Prison officers were caught in the middle of the conflict. Prison officers were expected to act as discipline agents yet their ability to perform this function was handicapped by administrative indecision and procrastination. Simmering undercurrents and tensions finally exploded into violent altercations. Any pretence at running a treatment milieu was quickly dissipated or forgotten in the effort to reclaim order and control.

Prison violence, however, was not solely restricted to Victoria. Several Australian states suffered similar tribulations. Various state administrative and judicial inquiries questioned operational policies and practices. Prison systems could no longer hide their inadequacies behind walls of silence. There was an immediate movement by prison departments to form specialised policy-making units.

The great difficulty, however, was that these units had very little foundation on which to commence policy-making. Senior prison administrators traditionally made prison policy. Most of these, however, had been retired-or-replaced in the aftermath of the confrontations. The newly formed policy-units would find little of value in perusing the various American policy-making models as those had limited application in the Australian environment. Again, it would not matter that public policy analysis was still in its infancy. Prison administrators, having suffered public service and judicial probing, would be reluctant to expose themselves to academic investigation.

Prison policy-making has now become a specialised process. Traditional practices are no longer accepted or even viable in the newly built 'new generation' prisons. There has been a tendency by many to view prisons as the settings for micro-social experimentation. Policies now have to be formulated and considered for every aspect of prison operation. Again, prison policy-makers have to be aware that these policies are framed in relation to broader influences, including the views of a sceptical public. For example, there are some prisoners whose crimes are so despicable that an attempt to 'rehabilitate' and prepare them for 'reintegration' into society would bring public approbation.[13]

Victoria's solution to mask a lack of policy related skills were initially to send senior prison administrators overseas, particularly to the United States. These visits were aimed at inspecting the latest penal developments. However, many systems in the United States were in the process of changing traditional procedures and practices. The ramifications of that change had yet to surface. It would take a number of years before any type of scientific evaluation was attempted, and even then the results have proven inconclusive. Taking concepts from other jurisdictions and applying them locally has been a tenet of prison practice.

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[13]    For example. prisoners convicted following the Hoddle Street and Port Arthur massacres.

While prison philosophy and policies have been cyclical, prison officer recruiting standards have only recently changed in Victoria as a result of Equal Employment Opportunities. Previous recruiting standards, irrespective of Akeroyd and Whatmore's ministrations, have been traditionally framed at obtaining personnel with height, weight, and age requirements, and military or paramilitary experience. It helped if they had more than the basic education requirements. Legislation, however, has changed this. Contemporary recruits now bring myriad skills and experience into the service. These skills, paradoxically, have only peripheral use in the prison environment.

The greatest attributes which prison officers' possess is the ability to monitor situations and detect any differences in prison routine. It is these attributes which make it nearly impossible for prison officers to change their age-old perception of prisoners. From the moment they are recruited they are constantly reminded by training staff and experienced officers to be careful in their interactions with prisoners. Prisoners also perceive prison officers in a similar light. These attitudes are so deeply entrenched that any future change in these interactions is unlikely. Prison policy-makers must be aware of this fact when attempting to implement prisoner management strategies or policies that upset these tenuous relationships. Moreover, they need to re-evaluate their prison officer training when implementing change and devise training courses accordingly.

This thesis has aptly demonstrated that Victoria's prison officer training has always been based on the custody and control aspects of the position. This type of training was mandatory during the first 100 years of operation. Administrators should have realised that pure custodial training is not the ideal mechanism for prison officers to accept or even implement change. Irrespective of the Treatment Model's faulty premise, Whatmore's grand vision had little chance of acceptance by his staff. Later Victorian prison administrators either did not learn from previous practices, or thought that their policies were better prepared to meet all contingences.

Although prison administrators in the 1980s desired to change the moribund system, their choice of a new prisoner management strategy was never based on research. Simply, senior personnel went to the United States and made recommendations based on these visits. The Labor Government provided finance. New prisons were built and opened. Unit management training was an afterthought. Indeed, although the OOC had been operating for a number of years, very few of the OOC's Directorate knew about the new prisoner management concept.[14] Prison officer training remained custodial simply because the system still operated a large number of predominantly custodial institutions. And prison officer training will only change in the near future because of the economic climate.

The economic demands that a prison system places on state finances are quite profound. While there has always been a tendency by governments to provide the minimal amount of finance to maintain prison operation, in the current climate these costs have been exacerbated by building or upgrading existing institutions to implement new prisoner programmes and new prisoner management strategies. Many state systems are opting to cut costs by not only contracting out various traditional functions like prisoner transport and court security, but are giving private operators the contract to operate specific institutions. Private companies do not have the same staffing levels or prisoner/prison officer ratios as state systems. Indeed many private companies do not employ experienced staff.[15] Moreover, new technology has allowed prison managers to reduce staff while giving responsibility to prisoners for their movements. That prison officers either in the state or private system will countenance this lowering of staffing levels is for future analysis.

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[14] Denbeigh Richards. the former Director of CBC. claims the first time he heard about unit management was when it was mentioned during an executive meeting in 1989 that Unit Management Guidelines was about to be published. Interview in Hobart with Denbeigh Richards. now the Assistant Director of Justice Tasmania. 19 September 1997

[15] The current policy of the private operators in Victoria is to only hire a limited amount of experienced prison personnel. "Only about 30 of the 200 officers at Port Phillip have had experience in the public prison system." "Jailers learn respect" Herald Sun. 16 August 1997

While reports claim that prison officers are unhappy about the situation in one of Victoria's privately operated institutions,[16] prison managers and policy-makers must adapt to changing circumstances be they political or economic.

However, reducing staffing numbers will mean that future training programmes must take account of these new practices. To simply expect traditional prison officer custodial training to be of any validity within the new generation prisons is naive. Custodial training arose as a result of custodial-designed institutions. Prison policy-makers will now have to design training programmes to reflect the change in institutional design from custody to containment. While prisons have always run on order and routine, there are two major factors which have will affect future prison officer/prisoner interactions, and, subsequently, prison order: the changing emphasis in prisoners rights since the 1970s, and the construction of 'new generation' prisons.

Prisons routinely operate on the acquiescence of prisoners. Most prisoners are easy to manage and only wish to complete their sentence with as little trouble as possible. If, however, a majority of prisoners wanted to create disorder there is very little that prison authorities can do except to resort to negotiation or force. Whatever the outcomes, there will be a perceived weakening by the authorities and a perceived gain for prisoners. There was a clear demarcation between prison officers and prisoners prior to the 1970s. Custody, control, and discipline - albeit tenuous - was the hallmark of prison operation. Since that period prisoners have access to external checks and balances, the prison is now 'open,' and prison officers are accountable for their actions. Many experienced staff now perceives that discipline has gone and that authorities place too much emphasis on looking after the needs and rights of prisoners. Again, the rush to build and operate campus-style institutions has profound implications for the future role of prison officers.

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[16]    "Jail walkout threat" Herald Sun 25 September 1997

The rationale behind building this type of facility in the Australian environment was premised on the notion of introducing unit management, whereas the traditional designed Australian prison were based on the notion of custody and control. The obvious implication is that Victoria, like the rest of Australia, is moving toward the American containment model of imprisonment. This model operates with minimum staffing and specialised staff groups trained in riot prevention and emergency procedures available at a moment's notice. Indeed, the newly opened privately operated Port Phillip Prison in Victoria has minimum staff with prisoners being given coded card keys to access doors and turnstiles within the prison.[17] This means that many of the old tasks - such as manning doors and gates - have been lost and are very unlikely to return particularly in the contemporary economic climate. It also means a reduced officer presence and a perceived diminishing role for prison officers by prisoners, prison 'civilians,' but more importantly, by prison management.

## *novissimo verba* [18]

This thesis has investigated prison philosophy, prison policy, prisoner management strategies, and prison officer training. It has been particularly concerned with Victoria's prison system from 1851-1992. It has been demonstrated that whatever prison philosophy or policies Victoria's authorities have chosen to implement, prison officers' training has been predominantly custodial. Indeed, perhaps this is how it should be. Circumstances have now dictated that the prison officers' primary task is no longer purely custodial, but has evolved to become containment-oriented. Irrespective of the current movement to conduct prisons as businesses, prison officers' will always be judged on their ability to manage prisoners and maintain prison order. That is their strength and training should reflect this.

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[17]    Information provided by Mark Maloney. the Operations Manager for the Barwon
        State Emergency Response Group. 10 September 1997
[18]    Final words. E. Ehrlich. A Dictionary of Latin Tags and Phrases.
        (New York: Harper and Row. 1987) 161

Governments' are reluctant to identify what purpose prisons are to be used for. It is certainly true that they do not rehabilitate, or even change individuals to reintegrate into 'normal society' - irrespective of highly publicised prison mission statements. Indeed, the movement to privatise prisons may be construed as a tacit admission that governments' wish others to decide the prison purpose. Again, it is unrealistic to expect prison officers to become reform agents. It does not matter what prisoner management strategy or policy is implemented, prison officers will always return to fundamentals - order and control. Entrenched attitudes are the reason that any change to traditional interactions has little chance for success.

Prison officer numbers are declining as new management practices dictate a leaner organisation. Future governments or prison administrators will formulate new philosophies or policies. They will still require prison officers to implement and monitor these strategies. If prison administrators desire to change traditional prison officers' roles they must provide the training infrastructure and expertise. Anything less is both wastes of time and resources.

Victoria's attempt to change its prisoner management system without proper planning and training procedures should be a salutary lesson to other jurisdiction's administrators. Indeed, the present Liberal government has tried to exculpate itself from previous prison policies by the process of privatisation. This does not address the issue. It just puts it into another domain. Moreover, the strict confidentiality policies of private operators may mean that the issue of prison officer training becomes 'closed.' Indeed, it by no means certain that private operators have any different perceptions of prison officers than their government counterparts.

Port Phillip Prison operators claim that "respect and courtesy for prisoners are the key to training prison officers" at the new establishment. "The need to treat prisoners with dignity has been emphasised during 50 hours of inter-personal skills training for staff."

The operators are determined that "kindness is not mistaken for weakness," thus staff had another 50 hours devoted to "control and restraint."[19]

Policy-makers must be aware that all future policies, prisoner programmes, and operational procedures will be based on the mixture of political and economic decisions. Moreover, they must consider what effect these policies will have on prison officers. *Rebus sic stantibus.*[20]

[19]   "Jailers learn respect" <u>Herald-Sun</u> 18 August 1997
[20]   literally translated as 'things staying as they are.'
       Ehrlich, <u>A Dictionary of Latin Tags and Phrases.</u> 195

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