

# *The 'Demise of Corrections' Fifteen Years On: Any Hope for Progressive Punishment?*

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## **Introduction**

A decade and a half ago I wrote an article entitled *The Demise of Corrections* (Findlay 1988). The central thesis was that penal correctionalism had failed because it was piecemeal and lacked the support of a well developed commitment to alternative strategies to the prison:

One would be rightly cynical of the relevance of correctionalism for criminal justice, when an examination is made of the limited, unimaginative and few semi-custodial and non-custodial alternatives which have been introduced into NSW since settlement (Findlay 1988:332).

The criticism is sharper in the current context of imprisonment in NSW where correctional expectations continue to disappoint (and be disappointed), despite a recent revival of interest in 'what works' offender management programmes.

David Brown in his recent retrospective on the Nagle Royal Commission into NSW Prisons (Nagle 1978), 25 years on (Brown 2004), observes 'progress' since the days of prison reform in this State:

... Nagle predicted that the prison population would not increase, in part because 'alternatives to imprisonment should be used as extensively as possible, and prisons should be used only as a last resort' (Rec 249). As we saw, the prison population as a rate has more than doubled. We have seen an expansion in available alternatives since 1978, but this has not stemmed the flow. For a whole range of reasons an institution under significant challenge in the 1960's and the 1970's, regarded by some as deeply obsolete and likely to be consigned to a marginal state or even abolished, has undergone a revival ... Rather than seeing such trends as inevitable and irresistible it is important to try and reconstitute the conditions, the forces and discourse of penal reform represented in part in the era of the Nagle Report,<sup>1</sup> albeit now in very different circumstances (Brown 2004:174).

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1 For a detailed discussion of those conditions see Findlay, M (1982) *The State of the Prison: A critique of reform*, Mitchellsearch, Bathurst; Zdenkowski, G & Brown, D (1982) *The Prison Struggle*, Penguin, Sydney.

In respect of 'correctionalism' and its paradoxical influence in the reform process and the legitimisation of prison expansion, this paper modestly takes up Brown's challenge. It is an examination recognising the intensely political context of the prison as punishment.<sup>2</sup> Corrections within and beyond the prison is a fertile topic for discovering the penology of paradox: wherein the majority of convicted offenders suffer a fine or community based corrections, and yet the political and economic focus of punishment, and the popular retributive debate, are about the prison. Alternatives to imprisonment are, as Brown agrees, not essentially the path to abolition, but may be the buffer that enables the prison to continue in the face of tantamount failure.

The 1988 argument in favour of corrections (beyond prison walls) was advanced in an environment of imprisonment rates on the decline, with serious discussion in this State about never opening another prison for women,<sup>3</sup> and rehabilitation being a pre-eminent principle in sentencing. Those were the last days of decarceration and economic rationalism as drivers of NSW prison policy, prior to the emergence of 'truth in sentencing', penal retributivism and the rapid escalation in prison capitalisation. In 2002 imprisonment rates per head of population in NSW increased by 2% while community corrections' figures went down 7%. The imprisonment rate for indigenous offenders in NSW for that year was over 2000 (per 100,000)<sup>4</sup> compared with 117 for non-indigenous populations. Community correction figures remained three times those of persons in prison, while recurrent expenditure on the prison (at almost half a billion dollars<sup>5</sup>) was ten times the investment directed to community corrections.

Currently, post-just-deserts punitive conservatism has imprisonment (and the diminishing of its rehabilitative responsibilities) almost as an article of faith for punishment practice in NSW. It is as if the significance of restorative justice and the manifold empirical failures of the prison have simply been swept aside in favour of a vision of punishment which promotes custodial outcomes as the answer to public dissatisfaction with criminal justice. All this is politically justified in terms of deterrence and community safety. Politicians, judges and prison administrators are frightened to talk publicly in terms of corrections, rehabilitation and reform, and the legislation on sentencing side-lines their significance.<sup>6</sup>

What the taxpayer is getting in return for the punishment dollar seems to be beyond political discourse and debate. It now costs over \$160 a day to keep a prisoner in the State's gaols, half that figure going in capital costs. The real total cost of corrective services per head of population in NSW is almost \$90 per annum. Despite the increase in prison investment, the indicators of prison effectiveness<sup>7</sup> have not improved in the past 5 years.<sup>8</sup>

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2 For a discussion of the relationship between the prison and law and order politics in Australia see, Hogg, R & Brown, D (1998) *Rethinking Law and Order*, Pluto Press, Sydney, chaps 3 & 4.

3 See NSW Women in Prison Task Force (1985) *Report of the NSW Women in Prison Task Force*, NSW Govt Printer, Sydney.

4 This put NSW second in a national measure, behind Western Australia — see ABS Corrective Services Australia for the December quarter, 2002 (ABS catalogue no.4512.0).

5 This figure increased by over 5% on the previous year.

6 *Crimes (Sentencing Procedure) Act* 1999, was amended last year to introduce a new ordering of purposes for Punishment (s 3A) with rehabilitation lying below adequacy, crime prevention, and community protection. Rehabilitation is proffered in the context of offender accountability, and denunciation.

7 Including escape rates, prisoner occupation, prisoner safety, but not including recidivism.

8 The figures used in this are drawn from Steering Committee for the Review of Commonwealth/State Service Provision, *Review of Government Service Provision: Report on Government Services 2003* <<http://www.pc.gov.au/gsp/2003/index.html>>.

A bleak picture it is when political imperatives justify the discriminatory investment of limited criminal justice to satisfy a populist penalty skewed by an unbalanced fear of crime.

This paper returns to the failure of imprisonment as a foundation for punishment policy. The argument is based on the premises that:

- Rehabilitation is more effective (at least in a cost/benefit sense) outside the prison, and
- A more balanced and successful punishment strategy must first achieve a reduction in the use of imprisonment.<sup>9</sup>

It does so realizing that the popularity of the prison has never been stronger. However, if American experience is anything to go by, the recent political love affair with imprisonment may be coming to an end. An article in the *New York Times* (April 2003) observed:

When violent crime rates were higher, many politicians were afraid to be seen as soft on crime. But now that crime has receded<sup>10</sup> and the public is more worried about taxes and budget deficits, it would not require extraordinary courage for elected officials to do the right thing and scale back on the overuse of jails and prison cells (*New York Times* 2003).

With serious crime rates steady and public spending under strain it is a good time for reflection on punishment and its efficacy. Restorative justice is challenging the monopoly of just deserts over the interpretation of justice.<sup>11</sup> Retributive punishment now requires the support of restorative outcomes in the same way the prison has come to rely on the alternative penology. The Premier of NSW, early in his third term of office, laid out the challenge for government to come up with a more progressive and effective strategy for punishment and this makes a serious reconsideration of rehabilitation unavoidable. On the other hand an ill-considered alliance with the re-born psychologies of behaviour management may not reclaim the worthy aspirations of rehabilitation as a principle for punishment.

In order to have an impact on the future of burgeoning incarcerated generations there is no longer Mathiesen's (Mathiesen 1974) luxury to eschew prison reform as a defacto policy for the perpetuation of the prison. In the short term, incredibly costly and unjustifiable on almost any measure as it is, the prison remains the centre-piece of punishment policy, and therefore its failings must be addressed in the context of the future for rehabilitation as a diminished and selective principle of sentencing and punishment policy.

This paper looks at what happened to the hopes for corrections when rehabilitation waned as the primary principle for punishment, to be replaced by just deserts and the equation of penalty with severity. The contemporary punishment model of criminal justice will be criticised and in particular the futility of current sentencing policy in terms of corrections, highlighted. Against this, frenzied political investment in custodial punishment will be proposed as an obstacle to corrections in more compatible environments. Structural conflicts within the prison and imprisonment will be identified as reasons for the loss of correctional motivation and its redirection outside the prison walls. Previous failures in correctional commitment will be examined against today's prison practice and the challenge of a progressive punishment paradigm incorporating corrections along with competing aspirations for sanction, will be practically proposed.

9 This is in all its forms, including unsentenced inmate populations.

10 And the last quarter's ABS crime figures confirm this trend for Australia.

11 This is particularly so with international criminal justice and the challenge posed by unique victim communities. See Findlay, M & Henham, R *International Criminal Justices: Understanding crime in a comparative context*, Willan, London (in press).

## Fading Hopes for Corrections?

Why is it that corrections remains a somewhat suspect euphemism in the popular culture of punishment in NSW? Does custodial punishment continue to be bound to the single aim enunciated by Royal Commissioner Justice Nagle that inmates should not leave the prison in a worse state than before they were incarcerated? Is it that rehabilitation has failed the prison rather than the prison failing society?

Some would have it that the topic of prison rehabilitation, particularly offender treatment, has been greatly revived in the past decade (Hollin 2002). Identified by the rise in popularity of offending behaviour programmes, prison rehabilitation has moved down at least one of two paths: 'risk need' and 'good lives' models (Ward 2002). It has also been argued that these might be integrated to form the basis for the development of the next generation of prison programmes (Ward 2002).

There is no doubt that correctional programming in prison has expanded from the domain of psychology and treatment into the sphere of offender management. Integrated offender management programmes in NSW goals are as much about the good order and managerial efficiencies of institutions as they are about offender development. This alliance between treatment and management underwrites the renewed interest in cognitive offender development programmes.

However, there is a resonant critique of the motivation behind this new era for rehabilitation in prison. The criticism reflects the long established debate in criminology between psychological and social determinism. For instance and simply, there appears to be a significant connection between the imprisonment of parents and the eventual incarceration of their children. How can this be explained? Social determinists would propose that the criminogenic structural conditions of family life for the parent and the child remain constant, and the marginalisation they produce leads to crime and prison.<sup>12</sup> Psychological behaviourists will either blame criminal genealogies, crime as an intergenerational or genetic feature, or learning patterns within families that promote crime.

Such explanations indicate the isolation of penological thinking that removes the prison as a significant determinant for future criminal behaviours. Those who advocate restorative justice alternatives against an over-concentration on crude retributive punishments such as the prison claim the inclusion, in communities of punishment, of those who are further victimised by the prison (such as prisoner families) or those who receive minimal value from this penalty. Victims and victims' families have a right to appropriate retribution but how much more long-lasting, effective and restorative is recourse to re-integrative correctional alternatives beyond the prison? This stands the test of even those justifications like community safety, advanced in favour of the prison.

In a political/punishment climate of individualised liability and just deserts, where offenders are called upon to own up to their responsibility,<sup>13</sup> psychological determinism has taken hold in contemporary prison rehabilitation thinking (Andrews & Bonta 1994). A reason for this may be that it holds out a causal connection between prison programmes and the reduction of recidivism. In a more cynical context it also allows prison administrators to rationalize programme resources and to restrict programme entry on the basis of risk.

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12 They might also argue that these social determinants are a common experience within prison populations and tend to create opportunities for the type of crime that police enforce and which courts respond to with imprisonment.

13 Again, paradoxically restorative alternatives also promote this responsibility model but directed towards distinctly different collaborative outcomes which are not possible with imprisonment.

A distinct motivation behind cognitive correctional programmes in prison is the desire to reduce re-offending on release. This presents another penological paradox where the success of a programme is measured by how well it counteracts the failures of the institutional environment in which it is housed.

The *criminogenic needs* model of offender programming in prison argues for psychological intervention which addresses criminogenic thinking, needs and risk on the basis of cognitive behaviour research (Ross & Fabiano 1985). Advocates of the model argue that a greater heuristic adherence to psychological justifications for rehabilitation will exclude other modes of explanation. Even the belief that rehabilitation in prison has failed can be overcome by psychological models such as those which explain criminal behaviour and go on to address offender risks such as eventual re-offending. This predictable intervention paradigm is said to enable targeted programme funding that can significantly reduce re-offending through programming of cognitive skills, promoting behavioural change.

Like the treatments and therapies of the 60's that left rehabilitation inside prison in tatters, this new wave of behaviourist prisoner programming may be equally problematic and unduly ambitious. For example, when criminogenic needs programmes themselves are unpacked they seem to contain little which is different from the teaching methodologies employed by prison teachers in general curricula. In addition, the empirical research tends to suggest that the justification that criminogenic needs approaches will reduce the re-offending of the most risky and the most dangerous, cannot be substantiated. For example, Canadian Correctional Service research (Robinson 1995) does not support the assertion that high-risk offenders who receive these programmes in institutional settings gain significantly in the sense of risk reduction. Low risk offenders seem to benefit from such cognitive programmes whether they participate in them within community corrections, or institutional environments:

Generally programme assignment is based on the principle that offenders who are at high risk of recidivism should be given priority for treatment. It is assumed that allocation of services to low risk offenders is wasteful because the latter group recidivate at rates which are too low to be affected by interventions (Robinson 1995:50-51).

This is the issue. The presumed positive connection (and inherent resource justification) between cognitive behaviour programmes and the reduction of recidivism on the basis of risk prediction may not justify the investment, or the associated strategic resource targeting and access restriction. However, the potential correlation between risk prediction and improved programme outcomes should not be dismissed. What seems from the research to lack justification is risk classification based on diagnosis of the original offending behaviour rather than more material indicators such as the offending history of the inmate, age, drug record, and current offence.

The reliability of claims that selective allocation of cognitive behavioural programmes based on individualized criminogenic diagnosis will reduce recidivism is suspect. The ability to diagnose the cause of the inmate's underlying criminal behaviour through psychological determinism is not sufficient to overturn more universal rights to programme access for prisoners. If this diagnostic capacity were routinely available, and it is not, then such predictive wisdom would be more economically applied to crime prevention than correctional remedies.

Reaching these conclusions is not then an invitation for prison administrators again to retreat from rehabilitation as a legitimate motivation for investment in prisoner education, employment, and life skills programmes. These are issues with a general socially

reintegrative potential. Rather, it suggests the promotion of these for what we will later refer to as 'quality of prison life' initiatives, freed from unrealistic determinist performance measures.

Quality of life, including the radical reform of institutional environments for the purposes of social inclusion, is a more productive initiator of prison programming. It can comfortably move across the institutional divide and as is shown with effective pre-release programmes, can focus on the prisoner's return to non-institutional communities. If the prison environment is progressed to resemble wherever possible the constituents of non-institutional society, then the social factors which marginalise, and promote recidivism<sup>14</sup> may be identified and dealt with, within and beyond the prison.

In terms that recognise the human rights of prisoners and the duty of care the prison so often denies, quality of life can be measured against international obligations as well as jurisdictional best practice. A useful methodology for measuring compliance with a quality of life paradigm is the ascription to human rights expectations.<sup>15</sup>

Commissioner Nagle identified and recommended the advancement of humane environments for prisoners. He linked this back to enlightened prison administrators such as Maconochie in Norfolk Island who in a century when imprisonment was the humane alternative, recognised the link between quality of life and re-offending.<sup>16</sup> Nagle reduced this down to the essence that life in prison should at the very least not degenerate the offender. This minimalist aspiration is largely failing in NSW gaols today.

## Criticising the Contemporary Penal Model for Criminal Justice

In recent years in NSW political and public debate about criminal justice has moved from prison reform, through police reform and on to sentencing. Unfortunately, the analysis of sentencing has been constrained by several taken-for-granted public truths:

- judges are soft on crime;
- tough sentencing makes for community safety;
- sentencing discretion needs to be constrained because it is inconsistent;
- lenient sentences are evidence of inconsistency;
- harsh sentences of imprisonment are the only appropriate response to all crimes that make the community feel unsafe.

Responding to this pressure the legislature has restricted sentencing discretion, raised sentencing ranges, introduced more factors of offence aggravation, reduced opportunities for executive release, and downplayed any punishment strategies beyond imprisonment.

This has led to more people going to prison for longer. Remand populations are at new record highs. Any court disposition interpreted as soft on crime is now met with the media response that prison is the only appropriate response. The choice for sentencers is not what penalty but how much.

14 See Findlay, M (1999) *The Globalisation of Crime*, CUP, Cambridge, chap 4.

15 See Brown, D & Wilke, M (2002) (eds) *Prisoners as Citizens: Human rights in Australian Prisons*, Federation Press, Sydney, esp chaps 8, 10, 12 and 17.

16 See Nagle (1978) Appendix H; see also Finnane, M (1997) *Punishment in Australian Society*, OUP, Melbourne, chaps 1 & 2.

As a consequence, penal policy in the context of stretched resourcing is discriminated towards concerns about outcomes for the most serious and the most dangerous. This is against the reality that costly custodial resources are being squandered on whole classes of offenders who Justice Nagle declared as unsuited for prison. Suggestions that short-term prison sentences are ineffective now seem novel.<sup>17</sup>

Penological paradox is present in the climate of small government and economic rationalism where more state funds are invested in institutional failure to appease the ill-informed punitive appetite of a populace fuelled by the same politicians and press which berate government excess and applaud fiscal prudence. On any measure community correctional alternatives are more cost effective than the prison, and they soak up the bulk of offenders yet they are starved of funds.

Everything associated with criminal sanctioning is measured against penal expectations, principal amongst these being community safety. Yet even in this context it is not easy to argue that rehabilitation needs to be directed towards cost-effective themes of social restoration, rather than psychological and institutional reprogramming. With individual responsibility and appropriateness re-emerging in sentencing principles, it is not surprising that the behaviourists are back in the ascendancy when it comes to inmate programming.

## Custody as the Challenge to Corrections

The custodial environment is justified in terms of a variety of principles of punishment. However, despite their problematic nature,<sup>18</sup> recidivism figures do not suggest that the prison component of a sentence improves prospects for deterrence or rehabilitation, by comparison with other sentencing options. In a recent British Home Office review of punishment outcomes 59% of prisoners discharged from prison in 1998 were re-convicted within 2 years of release (Counsell & Olangundoye 2003). As for community corrections, despite a high level of successful completions (over 80%) the actual re-conviction rate remained around 55%.<sup>19</sup> The crucial distinguisher, therefore, may be the economic and emotional cost of imprisonment, against negligible comparative benefit on the recidivism score.

While Weatherburn suggests (Weatherburn 2002) that higher imprisonment rates have some impact on crime rates, the best figures he can draw are a 10% increase in the prison population bringing about a 2-4% reduction in crime (Spellman 1999). Translated to current NSW punishment practice that would mean that an investment of around \$350,000 might register a minimal crime rate drop. If the same were to be spent on community corrections, and probation in particular, the return on crime reduction would be significantly better.

The ultimate popular wisdom on why we need prisons is that they contain the dangerous and make communities safer at least for the term of the imprisonment. Hence the longer we

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17 Note the comments by the NSW Attorney General in launching the Sentencing Council, June 2003.

18 It is argued that the prison cannot be held responsible for re-offending when inmates may come to imprisonment from a history of failed sentencing experiences. However, imprisonment must bear a greater relationship with re-offending simply because one of its strongest justifications is deterrence, specific and general.

19 This comparison may be somewhat artificial in 'cost' terms because the re-conviction offences for those on community corrections were uniformly less serious and less harmful than those committed by ex-inmates.

can make that term, the safer we feel.<sup>20</sup> Escape rates in NSW are varied but average out at around 1.5 per 100 prisoners, not a comforting figure.<sup>21</sup>

The data referred to in other parts of this paper tend to suggest that in terms of recidivism, deterrence, and even crime prevention, the results from community prevention options are no worse than the prison, often better and always so much cheaper. In addition, it would appear that rehabilitation and restoration have better chances of success outside the prison than in a custodial setting.<sup>22</sup>

## Loss of Correctional Motivation Outside Prison Walls

The deteriorating relative investment in community corrections in recent years speaks volumes about how often successful non-custodial punishment programmes are out of political favour. In addition, the predominance of the prison as the popular punishment model has meant that under-resourced and apparently undervalued alternative sentencing options do not figure in political considerations of the efficacy of the criminal sanction.

Recent evaluations of the Drug Court,<sup>23</sup> and of Juvenile Conferencing in NSW (Power 1996) should give the community confidence in diversionary initiatives, and the international experience of both suggests a significant potential benefit in their expansion.<sup>24</sup> However, the corrections discussion seems disproportionately located in custodial settings. A consequence of this might be to expect research and development in the area of pre-release programmes. The research is there, as well as the empirical confirmation that well planned and well-resourced pre and post release initiatives will ensure important and realistic correctional outcomes (Bates & Pietsch 2003).

As will be mentioned later, the challenge is to reinvest in non-custodial corrections and to recognize the corrective capacity of community collaborations and partnerships. This will require some declaration of political interest and to ensure this in the prevailing penal climate it may be necessary to include the development of community corrections models prominently within an integrated progressive punishment plan.

## Is Corrections Possible in Prison?

Victoria, for instance, is investing substantially in a best practice strategy to reduce re-offending:

In addition to risk management to address community protection and justice principles, enhanced well-being to address autonomy and therapeutic principles is required. The psychological theory of good lives proposes an enhancement model of rehabilitation. The legal theory of therapeutic jurisprudence proposes how the roles of legal actors may be therapeutic. Both theories are concerned with the enhancement of psychological wellbeing (Birgden 2002).

20 Paradoxically, this logic is what makes it difficult to institute semi-custodial pre-release programmes for long-term offenders which are known to reduce their risk on return to the community.

21 There were no escapes in 2004, but again this measure depends on the interpretation of 'escape'.

22 For a discussion of the factors influencing such a measure in terms of predictability see Winters, B & Hayes, H (2001) 'Assessing the Queensland Community Corrections RNI (Risk Needs Inventory)', *Current Issues in Criminal Justice*, vol 12, no 3, pp 288–305.

23 See Indermaur, D & Roberts, L (2004) 'Drug Courts in Australia: The first generation', *Current Issues in Criminal Justice*, vol 15, no 2, pp 136–154.

24 For instance see, Bazemore, G & McLeod, C (2002) 'Restorative Justice and the Future of Diversion and Informal Social Control' in Weitekamp, E & Kerner, H (eds) *Restorative Justice: Theoretical Foundations*, Willan, Portland; Knight, K, Simpson, D & Hiller, M (2003) 'Outcome Assessment of Correctional Treatment' (unpublished research paper).



Birgden argues for a correctional system responsive to offenders. She suggests the possibility of a 'culture shift' to reaffirm rehabilitative as well as punitive goals for sentencing.

Where cognitive treatment programmes in prison seem to work against a measure of reconviction, they have been operating in a 'what works' context.<sup>25</sup> Programmes which come within this reference include the Canadian-originated 'Reasoning and Rehabilitation', and 'Enhanced Thinking Skills'. These programmes promote self-control (thinking before acting), inter-personal problem solving skills, social perspective taking, critical reasoning skills, cognitive style, and understanding the values which govern behaviour. Not inconsistent with the Canadian studies, while reconviction rates for the treatment population were up to 14% better than the control group, this only held for medium to low risk prisoners. For the high risk the differential fell to a low 5%. In any case this study provides a potential for a cost effectiveness evaluation of offender programmes. Transformed into quality of life opportunities for most inmates, the possible social inclusion outcomes may have a broader influence on re-offending. At least they would make life in prison less destructive.

As suggested earlier, recidivism rates alone as a performance measure of the effectiveness of offender programmes are too narrow a measure of rehabilitation practice in prison. More realistic is an integrated approach focusing on:

- The climate of programme delivery;
- The programme's cost effectiveness;
- The programme's integrity; and
- The treatment outcomes.

In this respect life quality issues are promoted as a vital measure of the relevance of correctional programmes in prison (Friendship, Falshaw & Beach 2003).

If rehabilitation is to be preferred as a motivation for punishment then its location should be in community corrections and restorative environments, if only on the basis of cost effectiveness considerations. In saying this, however, in the medium term prison will be the environment for certain offenders and there is no reason to deprive them of rehabilitation programmes, provided performance measures and resource justifications shift from unrealistic, to simple, practical, obvious and predictable concerns. This is particularly so when a measure of parole appropriateness is the rehabilitative experience of the applicant in prison.

There is significant evidence that prison life and society tend to exacerbate the behavioural and social determinants of crime (Christie 1993). Violent, inhuman, unsafe, confrontational, and exploitative prison settings will distort appropriate social and moral messages consistent with crime prevention. A reluctance to deal with illiteracy, drug abuse, anger, indolence, and marginalisation will leave offender populations ill prepared for social reintegration. An under-resourcing of pre-release programmes will compound the problem.

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25 For a detailed evaluation of these programmes in the context of recidivism see, Friendship, C, Blud, L, Erikson, M & Travers, R (2002) *An Evaluation of Cognitive Behaviour Treatment for Prisoners*, Home Office Findings 161, London.

These issues can be confronted in a more basic, universal, best practice model for prison life and as such will achieve the small but consistent improvements in prisoner life quality that produces measurable performance indicators.

The Home Office as the administrator of English prisons is now required to meet modest targets in the improvement of prison life and the reduction of re-offending following release. This has necessitated the development of a new paradigm for corrections, one directed to the improvement in the quality of prison life and an investment in 'what works' with offenders (Prime 2002). A recent study to evaluate the quality of life in five English prisons from the perspective of staff and offenders found (Liebling & Arnold 2002):

- Staff and prisoners agree on 'what matters' in assessing prison quality, suggesting that there is a broad consensus about values;
- These include respect, fairness, decency and order;
- Prison life quality resembles the expectation for civil society'; and
- Safety is a critical concern.

One prisoner respondent reflected on his aspirations for prison treatment:

To me, being treated with humanity means being provided adequate, reasonably comfortable and clean accommodation and being acknowledged as a person with individual needs, desires, concerns, strengths and weaknesses.

Along with this commitment to the quality of life in prison has been an appreciation that time and money needs to be invested on an inmate-by-inmate commitment to improved sentence planning, and better arrangements for post release supervision.

### **Progressive Punishment Plan — Harmonising Sanction and Rehabilitation**

If crime control and community safety are to continue as the motivations for punishment (recognising just deserts, and deterrence principles), then lower re-offending targets as public service/government commitments seem reasonable for corrective services agencies. This means that for rehabilitation programmes to play a realistic part in the achievement of these targets there must be a two-pronged approach to corrective services:

- in an atmosphere of rationalized prison resources, correctional programmes should be integrated and offender-centred. In this respect, individualized sentence management strategies should be a priority. Life quality concerns will be an important programme focus and relevance indicator. The programmes must operate under straightforward performance indicators which rely neither on problematic risk measures nor on artificial selection criteria such as the diagnosis of original offending.
- Non-custodial environments for correctional programmes are to be preferred and promoted, if only on the basis of cost effectiveness. Such programmes must rely on investment in pre-release and post release transition and institutional support so that re-offending targets will be secured.

This dual approach will work if it focuses on 'what works' rather than what might work. It must also grow from a foundational environment of trust and mutual self-respect rather than in an atmosphere of discriminative access to behaviour management and thereby early release, based on suspect measures of re-offending risk.

A re-alignment of custodial punishment priorities in particular will require a shift in political emphasis and the creation of a community context tolerant of rehabilitation as a deterrent strategy, at the very least. In the US and Europe political/community/media alliances have had some success in the re-positioning of attitudes to punishment, and the resultant policy liberation.<sup>26</sup>

The generation of community collaborations and partnerships in the development and delivery of custodial and non-custodial correctional programmes should be encouraged as the natural progression from custodial corrective climates designed to foster cultural change within and beyond the prison. Particularly in the areas of employment, work ethic generation and purposeful activity, locating corrective initiatives within community settings increases the potency of employment as a factor against re-offending (Drake 2003).

Ultimately, a progressive punishment plan which has as its central plank, corrections and restoration, will need to argue its relevance in a different way to the prison. Imprisonment is accepted as a preferred sanction despite its failings and because of epidemic community confidence in its capacity to protect. This approach can and should be challenged by an approach to punishment planning which values realistic evaluation. For corrections programmes inside the gaol in particular, consideration must be advanced of regimes, conditions and costs in the creation of practical prison performance indicators such as:

- average hours engaged in purposeful activity;
- time unlocked;
- programme completions;
- total education study hours;
- nature of prison employment;
- releases on temporary (pre-release) licence;
- accommodation in cells beyond their capacity design;
- prisoners testing positive for drugs;
- escapes;
- assaults and self harm;
- cost per uncrowded place.<sup>27</sup>

These constituents also underlie indicators of social inclusion and exclusion. If corrections in prison is to have any potential for success, the programmes which promote it need to be integrative and work towards basic goals of social inclusion. The isolation of prisoners from the rest of society is inherently exclusionary. Another penological paradox where corrections is concerned, can be the manner in which correctional programmes either work against the destructive features of this exclusionary environment, or more likely become a factor in its re-enforcement. After all, the vast majority of prisoners will eventually be released. The success of their time in prison, and the corrections they experienced, is paradoxically measured against how well they integrate into the environment from which they have been profoundly socially excluded. Most offenders, in terms of literacy, employment history, family life, education and economic commitment,

26 For a discussion of examples where this has been achieved see Roberts, J & Hough, M (2002) (eds) *Changing Attitudes to Punishment: Public opinion, crime and justice*, Willan, Devon.

27 Many of these are promoted by the Steering Committee Report, as per n.13.

carry with them into prison the seeds and experience of intimate and prevailing social exclusion. The environment they confront there, in terms of distorted sexuality, hyper masculinity and violence, trivialised occupation, paternal authority, and irresponsible life-management regimes, works on rather than against a model of community ill suited to success in the outside world. Correctional programmes face the challenge of correcting environmental distortion as much as individual dysfunction within prison communities.

A renewed commitment to rehabilitation within a *smart* and *resource effective* criminal justice model will build bridges between custodial and community corrections. Issues of cost and resource accountability in public spending are eventually catching up on the lavish investment in the failing prison of previous decades. Rights-based and equitable correctional opportunities are the essential precursors for a return to rehabilitation that avoids the excesses of the sixties, the denial of the seventies, the rejection of the eighties, and the disappointment of the nineties.

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