

# *Contested Narratives of Penal Knowledge: H Division Pentridge Prison and the Histories of Imprisonment*

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## **Introduction**

The prison has been considered an extremely difficult area of social life to study. In the English context, criminologist Rod Morgan has bemoaned the problem of studying prisons without establishing ‘anthropological huts on British prison landings’ (Morgan 1994:927). The obstacles to such research are numerous and have been well documented by previous researchers (for instance, Cohen & Taylor 1972; Hart 1995). A particularly relevant, and often intractable, problem is access to prisons and prisoners (Jupp 1989:138–139). Prison administrators may be concerned that a research project conducted within the prison may result in the disclosure of uncomfortable facts into the public realm. This is particularly so if the proposed area of study is likely to expose prison administrators in a negative manner. For instance, research into the mistreatment of prisoners by staff may be unlikely to receive official approval, or support, from administrators of a prison. In that sense, and given the institutional impediments to access, the prison may be described as a ‘sensitive research site’ (Lee 1993).

It is in this context, especially given the problem of access and a general reluctance of prison administrators to permit researchers to perambulate along prison wings, that the historians method of enquiry is particularly beneficial in attempting to ‘know’ the prison (for instance, see Scraton, Sim & Skidmore 1991; Bosworth 2001). The historian’s method, allowing as it does the collection of evidence and the drawing of conclusions and inferences from such evidence (see for instance Carr 1961; McCullagh 2004), is perhaps more conducive in understanding the prison in that it is not constrained to the same extent by the problem of access and institutional resistance. In addition, the problem of access is not as accentuated and sensitivities to the disclosure of information concerning particular aspects

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of prison administration tend to become less over time. Of even greater significance is that those who have been sent to prison are released and are able to express their experience of confinement.

The context of this research is H Division Pentridge Prison and the abuse and ill treatment of prisoners in that Division. This particular division was subject to considerable controversy in the early 1970's concerning allegations of ill treatment of prisoners who had served part of their term of imprisonment within its confines. As a result of those allegations an Inquiry was established to investigate those complaints. Released prisoner authors of that Division have produced a rich and fertile narrative of H Division documenting their own and other prisoners experience (O'Meally 1979; Eastwood 1992; Mooney 1997; Roberts 2003). In this manner the concern here is with investigating the differing, conflicting versions of reality that have emerged from Pentridge Prison and, in particular, the source of knowledge produced about H Division. That is, the richness of the prison as a site of meaning marked by contested types of knowledge; particularly the dissonance between what I have termed the 'official history' of H Division and the counter narrative provided by H Division prisoners. In terms of what follows, there will first be a description of some of the basic historical facts of Pentridge Prison and H Division. An outline and exposition of what I have termed the 'official' history of Pentridge Prison by Lynn and Armstrong in their work *From Pentonville to Pentridge: A History of Prisons in Victoria* (1996) will be provided with a focus specifically on the treatment of H Division by the authors. Interwoven with that history will be findings of the *Jenkinson Inquiry*, a Board of Inquiry established in 1972 to investigate prisoners' complaints of ill treatment in H Division. Prison narratives, or the 'unofficial' stories by prisoners, of H Division will then be detailed and juxtaposed with those official accounts. Those divergent accounts will then be considered to ascertain what they represent for the epistemology of the prison.

## Setting the Scene

Pentridge Prison was established in 1857 after it was considered an appropriate site for a prison being relatively close to Melbourne. The initial purpose of Pentridge Prison was to cope with the overcrowded conditions then existing in the Old Melbourne Gaol and to provide extra prison space for the recently created State of Victoria. Over time it became the largest prison in the Victorian prison system. It was decommissioned in 1997 after the then Liberal National Government decided to engage on the privatisation of nearly the half the Victorian prison system (Stern 1998:297). At the time of its closure Pentridge Prison held both remand and sentenced male prisoners, although at some times during its history it also housed female prisoners and young offenders (Lynn & Armstrong 1996:60, 111-114).

The maximum security unit known as H Division was established in 1957. It appears that the impetus for the establishment of a high security division was a number of escapes from Pentridge Prison in the mid 1950's and was achieved by the partitioning of A Division so as to create a smaller self contained division containing thirty nine cells. The long title for this Division was the High Security Division — hence H Division — and signalled the first attempt within the Victorian prison system to establish a distinct and special unit for prisoners who threatened the good order and security of Pentridge Prison. Over time, H Division was the receptacle for all prisoners from all prisons throughout Victoria who were alleged to have committed offences while in other prisons or whose behaviour was alleged to have amounted to a breach of the prison rules. H Division operated on strict, quasi-military lines and its brief was intimately connected to the justifications for its existence:

the securing of troublesome prisoners through the use of high levels of supervision, exacting disciplinary standards and a high number of staff-inmate ratio. What ultimately occurred in H Division was the product of the ideological basis for its establishment and its daily supplication in the ordering of the Division.

H Division was to be subject to considerable controversy in the early 1970's concerning allegations of violence and brutality against prisoners by friends and families of prisoners, prisoner support groups and legal representatives. Following support by the trade union for prison officers for an independent inquiry the *Jenkinson Inquiry* was established in 1972 by the Victorian Government. H Division, notwithstanding the adverse findings of that Inquiry, continued to operate until 1995 when it was finally decommissioned.

## The Official History of H Division

Peter Lynn and George Armstrong's work *From Pentonville to Pentridge: A History of Prisons in Victoria* (hereafter '*From Pentonville to Pentridge*') is a history of the prison system of Victoria. Published in 1996 by the State of Library of Victoria, *From Pentonville to Pentridge* details the establishment of prisons within Victoria and purports to offer a systematic and comprehensive account of the prison system of the State of Victoria. In terms of structure *From Pentonville to Pentridge* displays a method of analysis that is distinctly linear in nature. In short, that 'prison history' in Victoria simply appears to unroll in a matter of fact manner without any effort by Lynn and Armstrong to account for changes in penal philosophy or the manner in which prisoners were treated. No attempt is made to connect treatment of prisoners throughout the different periods, or between different prison administrators or governments, and the possibility of recurring themes in Victorian penal practice is ignored. Instead, the account is one of gradual progress over time as the community *and* the prison become more enlightened and sophisticated in the treatment of prisoners. The future for the prison is promising as it becomes more efficient and expert at fulfilling its function. Progress and increasing rationality in its operation are the dominant themes in this account.

In an attempt to show such a degree of progress in the prison system of Victoria, Lynn and Armstrong are quite critical of early prison administrators and their methods of prisoner management and the ideology that was held to underpin their vision of the prison order. In particular there is strong criticism of the founder of the Victorian penal system, Samuel Barrow, and the 'harshness' of his regime in the early 1850's (Lynn & Armstrong 1996:37). In their assessment of Barrow the authors note that how in 'just over three years he laid down the punitive foundations that were to be followed with variations by his successors' (Lynn & Armstrong 1996:38). John Price, Barrow's successor, fares little better and is credited with creating a prison regime where 'discipline was unnecessarily severe' (Lynn & Armstrong 1996:38). As the concern here is with the use of illegal violence against prisoners, in the context of H Division, the following analysis of Price's treatment of prisoners by Lynn and Armstrong is particularly important (1996:44):

Price also clearly condoned illegal assaults on prisoners and, when Pasco reported to the Colonial Secretary that the *President* was dirty and that a prisoner had been repeatedly beaten by officers, Price replied that 'The prisoner has several bruises about the body ... but he has not received more punishment than he richly deserved ... however, I will instruct my officers not to proceed to such lengths in the chastisement they inflict ...'. Here, clearly is the use of naked power. There was no suggestion of an inquiry. It was enough that Price thought the beating was warranted.

This quote has a manifold significance. First, treatment of prisoners in this manner is illegal and is not perceived as being connected to any legitimate penological objective. Second, the prison by its nature may tend to involve the use of force against prisoners as an incidence of prisoner management and, in those circumstances, an investigation would be necessary to ensure that proper standards are maintained in the administration of force to ensure that that power is not misused. Finally, if such force was used against a prisoner, some type of inquiry was justified and the subjective assessment of persons who are in positions of authority over prisoners when such force was inflicted was not sufficient. If correctional officials engaged in such conduct they must account to a standard that stood outside the normative framework of the prison milieu. Thus, the prison is conceived as not standing outside society nor is it considered a separate social world unencumbered by moral and legal standards of right conduct, but would be judged by independent standards of propriety.

In this manner Lynn and Armstrong's assessment of Price and his use of violence against prisoners is very much a modernist and humanist perspective which would not countenance, or even attempt to justify, the use of unlawful force. The assumption of Lynn and Armstrong's argument is that conduct of this nature cannot be condoned as a legitimate form of prison management. Rationality and reason would instead dominate and would provide for a prison order that functioned fairly and humanely. Force against prisoners would only be used in exceptional situations where there was no lesser alternative. Behaviour outside such parameters of conduct was clearly wrong and is condemned by Lynn and Armstrong in emphatic terms. Lynn and Armstrong's working theory is to establish a moral framework within which to judge the acts of prison administrators and prison officers. The establishment of such a framework is significant. Any attempt to transcend or invalidate those norms through acts of wanton violence would, according to the moral vision of the prison order established in Lynn and Armstrong's account, expose the prison regime to censure.

A close examination of Lynn and Armstrong's interpretation of the history of the events in H Division reveals little, if any, condemnatory language, or castigation, of prison administrators for allowing the emergence of a violent culture in H Division. Nor is there any attempt to connect the violence that was found to exist in H Division, which will be shortly documented, with the practices of Barrow and Price in the early period of the Victorian prison system. Moreover, there is no analysis that it may be possible to consider the violence of those early prison administrators with what occurred in H Division and how that may be part of a long term historical trend in Victoria. In short, the continuities that may exist temporally, as well as the more basic question concerning the possibility that some type of illegal force may underpin the operation of all prisons is left unexamined in *From Pentonville to Pentridge*. It is now appropriate to turn to Lynn and Armstrong's treatment of H Division and its legacy.

## **We Saw Nothing: Lynn and Armstrong and the Culture of Denial**

Notwithstanding the critical assessment of the early 'harsh' regimes of the Victorian prison landscape, Lynn and Armstrong attempt to frame, or interpret, the disturbances in H Division and other parts of the prison system of Victoria as something else. In the commencement of the chapter concerning aspects of H Division the authors note the following:

The years 1970-84 were to be the most troubled in this century as the prison system endeavoured to come to grips with considerable social change, increasing public accountability and prisoners' rights (Lynn & Armstrong 1996:156).

In articulating this history Lynn and Armstrong are aware that the findings of the *Jenkinson Inquiry* into H Division need to be explained. A number of explanatory tools are used to downplay the extent of the violence that is documented in the *Jenkinson Inquiry*. This falls within a general framework of denying the possibility of abuse of prison inmates and the culpability of the State in such conduct (see generally Cohen 1993). A key method to achieve this end is to highlight those matters *outside the prison* as the possible causes of the disorder. The source of difficulties, according to Lynn and Armstrong are manifold and include the following: recalcitrant prisoners, inadequate prison infrastructure, and insufficient resources, outside social forces, intrusion of norms from the legal system and an influx of young prisoners (Lynn & Armstrong 1996:156–158).

Enumerating these selected factors forms a significant part of the argument of Lynn and Armstrong; particularly when the focus shifts to H Division. At this point Lynn and Armstrong do not question the basic philosophy of the maximum security prison environment with its severe curtailment of freedoms of prisoners and the problematic nature of the prison's paramilitary structure and the possibility in those circumstances in the cultivation of a social order which may be conducive to the development of the abuse of power by prison officials. Instead, H Division and its methods of prison management remain unquestioned. Significantly, it also dovetails with the acceptance of the 'official' story of the reasons for the establishment of H Division and the abuse of prisoners: troublesome prisoners whom would require an extremely high level of discipline and security to guarantee their compliance with the prison rules.

More particularly, as the concern is with the use of force by prison officers there is little, if any, attempt to get a fix on the use of force within a prison and the demarcation between legal and illegal use of force. In short, how force is central to the social order of the prison and what such violence means for the participants within the prison. The writings of some of the prisoners who served some part of their terms of imprisonment within H Division were available to Lynn and Armstrong at the time of writing but were neglected in their account of H Division. This is not problematic in itself, but the work should have properly acknowledged the limits of its account of prison history with the omission of prisoners own stories.

The other method favoured by Lynn and Armstrong is to suggest that the *nature* of the prisoners being held in Pentridge Prison, and particularly H Division, led to such a response by prison authorities. In particular, the argument put forward suggests that the changes in the nature of the prison population were part of the reason for the disorder and protest in Pentridge Prison during this period. Lynn and Armstrong note that:

Decriminalisation of some minor offences and the use of parole resulted in the prison population being dominated by some *intractable long term career criminals* (1996:157) (emphasis added).

Note that there is no statistical data provided for this statement nor what offences were decriminalised. Further, there is no connection made between the practices that were found to exist in H Division and these casual claims. The use of the words 'intractable', 'long term', 'career' and 'criminals' in conjunction is perhaps coincidental but, given the particular assumptions underpinning the work it seems to be a rhetorical flourish that would attempt to persuade the reader that the Pentridge Prison population during this period was a seething mass of angry, violent and disobedient prisoners. Other researchers have documented, in the context of discussion of other prison disturbances, the tendency for the 'official' perspective to dominate and how such perspectives have tended to undermine the legitimacy of prisoners versions of such disturbances (see for instance Sim 1991; Scraton, Sim & Skidmore 1991; King & McDermott 1990; King 1999).

In conjunction with a 'prison system that had suffered years of neglect' (Lynn & Armstrong 1996:157) and the suggestion, again without evidence, that 'many staff had difficulty in coping' (Lynn & Armstrong 1996:157) Lynn and Armstrong suggest that the problems afflicting Pentridge Prison during 1970's were simply a consequence of inadequate resources. Thus a sense of inevitability is portrayed concerning the subsequent disorders and the ill treatment of prisoners in H Division. Put simply, the location of responsibility shifts away from prison administrators to the prisoners then imprisoned or the government of the day for failing to provide adequate resources for the prison system.

In this manner Lynn and Armstrong in *From Pentonville to Pentridge* lay the foundation for a sympathetic assessment of the unlawful practices that were disclosed in the *Jenkinson Inquiry* concerning the systematic ill treatment of prisoners in H Division. Criticism of prison administration is kept to a minimum and the extent of their responsibility is confined. For instance, when Lynn and Armstrong discuss the *Jenkinson Inquiry* they note that the Kenneth Jenkinson QC took:

... evidence from over 250 people, and hearing allegations from about 400 prisoners (about 3 per cent of the more than 12 000 who were at or had passed through Pentridge between May 1970 and May 1972). Complaints came primarily from H Division prisoners or those who had previously been in H Division (Lynn & Armstrong 1996:159).

This appears to be a disingenuous attempt to downplay the extent of the adverse findings of the *Jenkinson Inquiry*. According to Lynn and Armstrong, the findings of the *Jenkinson Inquiry* are undermined because it was only concerned with complaints from *only 3 per cent* of prisoners. This claim by Lynn and Armstrong requires critical examination. The primary reason for the establishment of the *Jenkinson Inquiry* was the allegations of abuse of prisoners in H Division and outside public pressure to investigate that particular division as well as the treatment of young prisoners in J Division. The terms of reference did not require an investigation of all the different Divisions at Pentridge Prison. Moreover, H Division consisted of thirty nine cells and in that context the fact that the far majority of complaints came from that division is significant. Indeed the dates between which the *Jenkinson Inquiry* investigated H Division 23 May 1970 until 22 May 1972 there were two hundred and sixty prisoners housed in H Division (Jenkinson 1973:44).

Lynn and Armstrong do not therefore deal — and despite the findings of the *Jenkinson Inquiry* — with what had developed within H Division, as the punishment unit of the Victorian prison system. What had emerged over time was a culture of brutality and violence that was systematic and entrenched in the working philosophy of H Division. That prisoners engaged in riots and strikes as collective responses is not given any weight but is simple proof of their intractability. In *From Pentonville to Pentridge* this collective response of prisoners is considered not an expression of deeply held beliefs and grievances concerning the unjustified use of violence against them in H Division but because of the nature of the prisoners themselves to challenge authority. To achieve this shift in perspective, Lynn and Armstrong confine the collective concerns as not an expression of a widely held view within the prison body, but as a result of small group of 'intractable' and troublesome prisoners. In this sense, prisoners as subjects with agency and the capacity to act in a deliberate manner to challenge the conditions of their confinement is viewed as highly improbable and instead the result of a few intractable inmates who would defy the patterns and structures of authority of the prison.

Thus the conduct of the prisoners is explained in the following manner:

In the early months of 1972 major acts of mass insubordination occurred in various forms in most divisions of Pentridge. Minor fires, damage to prison property, bashing of prisoners

who elected not to be involved, and refusal by prisoners to leave prison yards were all tactics used to keep pressure on the staff, and the *majority of other prisoners* (Lynn & Armstrong 1996:158) (emphasis added).

The fact that prisoners — and even those who were only aware of H Division by its reputation and the information provided by other prisoners — may have felt a degree of solidarity with one another is simply not considered, nor is the possibility that prisoners were acutely aware that they may also be placed in H Division and would be in jeopardy from officers within that Division.

## Opening Up H Division: The Jenkinson Inquiry

The *Jenkinson Inquiry* commenced sitting in June 1972 and was confined according to its terms of reference provided by the Victorian Parliament to a two year period between 23 May 1970 and 22 May 1972. The relatively short time frame of the Inquiry assists Lynn and Armstrong to construct a history suggesting that the use of violence against prisoners in H Division was short term and an unfortunate part, or minor glitch, of an otherwise progressive history of Pentridge Prison. Implicit in this perspective is the idea that the penal project of Victoria was purposive, rational and an unfolding project towards humane and effective confinement. As will be shortly noted by the accounts of Eastwood, Roberts and Mooney the practices of H Division appear to have continued notwithstanding the *Jenkinson Inquiry* and belies the optimistic account of Lynn and Armstrong.

The key findings of the *Jenkinson Inquiry* (which are extracted in Lynn and Armstrong 1996:89) were as follows:

1. On many occasions between 22<sup>nd</sup> May 1970 and 13<sup>th</sup> June 1972 a number of prisoners (some named) were repeatedly subject to ill treatment in H Division at Pentridge by being unlawfully beaten by prison officers (some named).
2. A number of those who were ill treated by Officers in H Division were struck in the presence of named senior prison officers on many other occasions between 22<sup>nd</sup> May 1970 and the 13<sup>th</sup> January 1972. On none of those occasions did the senior prison officer command the cessation of the ill treatment which was occurring in his presence and his failure to interrupt that ill-treatment by command or other means constituted on each of those occasions ill treatment of the prisoner by him.
3. Two of the senior prison officers named knew, not later than December 1970 that prisoners in H Division were being habitually subjected to ill treatment by the unlawful violence of several prison officers who were regularly performing duty in H Division. Neither reported his knowledge to the Governor of Pentridge and the failure of each of them to report his knowledge to the Governor constituted ill treatment by him of the prisoners who were subject to unlawful beating by prison officers after December 1970.

These findings are significant. First, they demonstrate that prisoners were believed despite rigorous cross-examination of their testimonies by Counsel for prison officers. Thus despite what may be perceived as some problems of reliability and credibility that would attach to prisoners because of their status it appears that their evidence was accepted in relation to significant issues of disputed fact. That is, they were assaulted and ill treated by prison officers while they were in H Division. It also suggests that the *Jenkinson Inquiry* found that

prisoner witnesses both individually and collectively provided testimony that was internally consistent and coherent. Further, the fact that the Chairperson of the Inquiry was able to make the positive findings detailed above suggests also that prisoners' evidence was of such a standard that it would discharge the standard of proof adopted by the *Jenkinson Inquiry*.

Second, the Inquiry's use of the phrases 'on many occasions', 'repeatedly subject' and 'habitually subjected' demonstrate a consistent pattern of conduct and that what occurred in H Division was systemic and not an isolated occurrence nor the grievances of a small number of prisoners. This suggests that the violence against prisoners had become ritualised and associated with the procedures of H Division itself. In short, within the shadows of the prison bureaucracy there had developed a violent counter-culture of unlawful treatment against prisoners in H Division. This culture of violence operated independently from the numerous other divisions at Pentridge during the same historical period. This is confirmed by the lack of negative findings in relation to other divisions of Pentridge Prison during the same period.

The findings of the *Jenkinson Inquiry* revealed that H Division had developed its own distinct culture that was not elsewhere replicated in the Victorian prison system. This culture was based upon a particular organisational structure. Prisoners placed in H Division were generally for the infringement of prison rules and discipline. In particular, prisoners who assaulted staff were sent to that division and were 'punished' accordingly. Thus it may be possible to comprehend what occurred in H Division as representing an attempt by those prison officers to affirm their version of the good which had been challenged by acts of the prisoner (see generally Edney 1997). Thus, and it is only possible to speculate, what occurred was a restoration of the moral order which had been defied by the prisoner. The isolation and the unlikely chance in such procedures of independent witnesses suggest a type of perverse forensic logic that was extremely powerful and used by prison officers to justify their behaviour. Importantly, H Division would operate as the ultimate deterrent to prisoners who misbehaved in the prison system of Victoria.

Third, the findings of the *Jenkinson Inquiry* suggest that such acts of violence were undertaken in the presence of senior staff in charge of H Division. The seemingly tacit approval, as suggested by these findings, imply that senior staff of Pentridge Prison were aware of such unlawful acts but chose not to intervene or attempt to reform H Division. It is only possible to speculate why senior officers would permit such abuse of prisoners, but the failure of them to stop the abuse represents a clear failure of prison administration and the hierarchy of control. By not doing so the culture of H Division became entrenched and normalised. The embedded nature of this culture is demonstrated by the accounts of ill treatment by prisoners who were imprisoned in H Division in the aftermath of the *Jenkinson Inquiry* (see for instance Eastwood 1992; Mooney 1997).

What is of interest is the manner in which Lynn and Armstrong deal with the findings of the *Jenkinson Inquiry* in simply stating those recommendations but nothing further. There is certainly no criticism or condemnation by Lynn and Armstrong of what happened in H Division. The contrast with the strong criticisms of earlier prison regimes in Victoria is revealing. What this ignores is the great efforts that the Inquiry undertook to understand the 'culture' of H Division and also in the deliberate and careful assessment that was taken with the evidence that was given by prisoners and prison officers. Lynn and Armstrong also discount the significant value of the *Jenkinson Inquiry* as a historical record of H Division. In describing the rules and procedures the Inquiry noted as follows:

The regimen of H Division is prescribed partly by written rules called 'standing orders' and partly by unwritten customary rules (Jenkinson 1973:45).

Also the Inquiry provides details of the ordinary day in the life of H Division prisoner from the perspective of prison administrators (Jenkinson 1973:45–48) which evidenced a strict, military type regime where the value, or end, of discipline appears to have subsumed all other values. In this manner the *Jenkinson Inquiry* is part legal document and part sociological analysis of a ‘total institution’ (see generally Goffman 1961). Importantly, the Inquiry noted that the perception of prisoners was far different and that the description provided to the Board of Inquiry by correctional administrators and ‘omitted reference to a daily carnival of violence by prison officers against them’ (Jenkinson 1973:48). Thus there was a clear divergence of the perception of the operation of prisoners and prison officers in H Division. This was to continue in relation to the evidence given by both groups when the Board of Inquiry considered particular allegations and complaints.

The Board of Inquiry also spent some time considering the role played by the Chief Prison Officer in the operation of H Division. This aspect of the leadership of H Division was subject to testimony before the Board of Inquiry which suggested two distinct phases, or periods, from the establishment of H Division in 1957 until the commencement of the *Jenkinson Inquiry* in 1972. Those phases may be described as the Clark and Carrolan years. There is no reference in relation to the stewardship of H Division by Lynn and Armstrong in *From Pentonville to Pentridge* even though personalities of administrators in early prison administration formed a distinctive aspect of the first part of their text. For instance, the critical assessment of Price and Barrow and their ‘harsh regimes’ and their ‘naked use of power’ (Lynn & Armstrong 1996:37, 44). The Board of Inquiry noted that Chief Prison Officer Clark was head of H Division between 1958 until 1968. Chief Prison Officer Clark was found by the *Jenkinson Inquiry* to have:

... influenced very greatly the procedures and the ethos of H Division, even after his promotion to the rank of Governor and consequent departure from the Division (Jenkinson 1973:48).

Chief Prison Officer Clark died before the Board of Inquiry sat although the Inquiry did offer this assessment of his style of prison management based on the testimony of other witnesses:

... the records in his hand and under his signature, as well as the evidence of prisoners and prison officers, depict a man apt to command and meticulous in its exercise (Jenkinson 1973:48).

In the context of the findings of Inquiry this is an ominous observation as to the kind of the culture created within H Division between 1958 and 1968 by Chief Prison Officer Clark and the consequences revealed by the *Jenkinson Inquiry* and prisoners accounts of H Division. Chief Prison Officer Clark was replaced by Chief Prison Officer Carrolan in 1968 and a prisoner, Stanley Taylor, is quoted in the Inquiry’s report of the stark difference between the two management regimes:

You can just about cut H Division in half, when Chief Prison Officer Clark was there and when Chief Prison Officer Carrolan was there ... (Jenkinson 1973:49).

And further by Taylor:

The first thing he did was to stop the bash. He made it known that he did not want the bash going on (Jenkinson 1973:49).

The word ‘bash’ is defined in this context by the Inquiry to mean ‘gross violence’ committed against a prisoner (Jenkinson 1973:49). Interestingly, this aspect of the Inquiry reveals the existence of a clear tension between H Division prison officers, who were a small group of officers that were rotated on a 28 day cycle in H Division only, and Chief

Prison Officer Carrolan, the successor to Clark whose style of leadership appeared to be somewhat different to that of Chief Prison Officer Clark and whom appeared to have attempted to 'reform' H Division through a desire to remove the excesses in previous management of H Division. Certainly prisoners who had spent a considerable period of time in H Division were convinced of this change in stewardship and what this would mean for them. Stanley Taylor in a letter to prison administration posed the question:

It has been made known that there is a move on to get Mr Carrolan (sic) a transfer from H/ Div. so as it can get back to the 'bash factory' it once was. Is there any truth in this? (Jenkinson1973:49).

The Board when hearing from prison officers who worked in H Division under both Chief Prison Officer Clark and Carrolan did observe that some officers:

could not conceal in the witness box their preference for the former; nor their opinion that a stricter discipline had obtained in Mr Clark's period as Chief Prison Officer of the Division (Jenkinson 1973:49).

The following extract from the *Jenkinson Inquiry* perhaps demonstrates the division that had grown between Chief Prison Officer Carrolan and the H Division prison officers at that time after Chief Prison Officer Clark had left H Division:

Mr Carrolan was not unaware of those preferences and opinions. In 1971 he was on sick leave for more than a month in March and April; and again for about two months in 1972. He described the illness as 'nerves' and attributed to the strain of his work. He said of His work: 'I had two sides to contend with. I had prisoners on one hand to keep in line, and I had some officers to keep into line who thought that they could run the place on their own' (Jenkinson 1973:49).

These matters are not dealt with at all in Lynn and Armstrong yet they provide a compelling portrait of the use and misuse of power and how some of the participants constructed H Division. The division of opinion reveals divergent sensibilities between management and prison officers as to how the correctional ideology was to be implemented in H Division. In addition, it reveals the power of the force of personality as instrumental in constructing the nature of the prison regime. Finally, it signals the resistance to change of subcultures within the quasi-military organisation of the prison. This potentially rich vein of inquiry is not pursued in *From Pentonville to Pentridge*.

In the remaining part of the findings of H Division the Board of Inquiry assessed the accounts and allegations of prisoners who made complaints about their treatment in H Division. The chain of reasoning in terms of what evidence is accepted and to be relied upon is made explicit. In particular, the Board of Inquiry is careful to ensure that adverse findings that are made against prison officers are done so only after a strict scrutiny of that evidence. This is conformity with the level of proof that the Board of Inquiry imposed upon itself. In discharging such a high evidentiary burden which it had imposed upon itself the Board of Inquiry was careful to ensure the reliability and veracity of prisoners accounts. For instance, an allegation made by a prisoner against an officer or number of officers was checked against staff records to ascertain whether the officer was actually working on that date. If prisoners complained of injuries sustained while in H Division medical records were investigated and medical officials called as witnesses. Moreover, prisoners' allegations were compared with each other to ascertain whether they were consistent and, if consistent, to such a level whether this suggested that prisoners had discussed their evidence. Prior convictions, the present status of the prisoner, psychological history, whether or not the prisoner had approached the Board of Inquiry himself or had been approached by the solicitor assisting the Board of Inquiry, and the existence of some corroborative evidence of the allegation were also considered necessary before a positive finding of ill treatment would be made (Jenkinson 1973:74–77).

The testimony of prison officers was then assessed against that body of evidence. On the whole the testimony was, not unexpectedly, at odds with prisoners' testimonies. There also appeared to be high degree of consistency between the accounts given as to the use of force in H Division and the reasons for the use of force by prison officers. Typically, officers denied using force or witnessing any other officers using force and if they had used force it was only to act in self defence from an aggressive inmate (see, for instance, Jenkinson 1973:59).

When weighing those competing accounts the Board of Inquiry found in favour of prisoners making allegations on a number of occasions. That is, the Board of Inquiry was satisfied that the prisoners had been treated in a particular manner. What follows is some of the accounts provided by prisoners which were accepted by the Board of Inquiry. The Board of Inquiry made the following findings in respect of the evidence of prisoner Raymond Chanter after first noting that his evidence was accepted as 'truthful' and 'accurate':

When Chanter entered the reception area of H Division he was picked up by the neck by Prison Officer Ackland and shaken about it. He was then punched in the face, throat and chest by Ackland. He was then repeatedly punched on the upper body by Prison Officer Dickson. He was then repeatedly punched in the face and upper body by Prison Officer Chanter. His feet slipped in his own blood, from his nose, and a prison officer threatened that he would be charged with making a mess on the floor. After he entered the cell block he was struck again by two prison officers, of whom Prison Officer Chanter was one, before he was placed in a cell (Jenkinson 1973:58).

On the following day the same prisoner was also assaulted by officers and on two other subsequent occasions (Jenkinson 1973:58–59). The officers against whom these allegations were made denied in totality those allegations. Notwithstanding those denials the prisoner's version of events was accepted.

Another prisoner who was believed was a young prisoner Colin O'Toole who had been transferred from J Division in relation to a rape allegation against another prisoner of that unit. Prisoner O'Toole always maintained his innocence of that offence. Part of his allegation against H Division officers was that they had violently assaulted him so that he would confess to the offence. In transcript from the Inquiry, which the Board of Inquiry accepted as 'substantially correct' (Jenkinson 1973:62), the following exchange occurred between Counsel assisting the Board, Mr Kelly and prisoner O'Toole:

Who called you up? — Another officer marched me up and Dickson was doing the visits, and he said, 'O'Toole, there isn't a visit here for you,' and he thought it was funny. Evans came out then and of course he won't deny it because it is what he done; he took me in there and they started punching me. Evans picked me up by the throat and put me up by the wall and said, 'I'll kill you, I will get it out of you;' I said, 'You might as well kill me'. They just kept punching me. I had a guts full and I was just fed up and I said 'I done it', just to get them to lay off.

After you said you had done it, what happened then? — Evans turned around and said, 'That is not enough, we want the names now'. I thought they were going to repeat the same thing all over again. They started on me again and he said, 'If you don't give me them names tomorrow. I am going to chuck you all around that wall'. I had a guts full and I didn't know what was going on, I was just a cabbage then, I could myself falling apart. I got a cup that night'.

What did you do with it? — I slashed my wrists.

Why? — I just didn't care, I was fed up being treated like an animal so I slashed my wrists.

When had you in fact slashed your wrists? — The night I got the bashing (Jenkinson 1973:61–62).

The Board of Inquiry found that the evidence of O'Toole was 'substantially correct' (Jenkinson 1973:62). We now leave the *Jenkinson Inquiry* and the official history of Lynn and Armstrong to consider the narratives of H Division by prisoners.

## The Foundational Unofficial Story: William O'Meally and the Man They Couldn't Break

William O'Meally's *The Man They Couldn't Break* may be taken as the alternative history, or narrative, of H Division. O'Meally's autobiography, a substantial part of which is detailed to his experience of H Division, fits comfortably with the genre of prison writings (Davies 1990; Franklin 1978). As part of that genre it fulfils an important role in providing an alternative to the 'official' account of the penal truth and thus challenging the idea that there exists only one truth in the history of a prison. In *The Man They Couldn't Break* O'Meally chronicles the twelve years that he spent in H Division. O'Meally's account has particular strength as a counter narrative to the official history articulated in Lynn and Armstrong in that he was a prisoner in H Division from its inception. The importance of O'Meally's account is partly a function of the length of time that he spent within H Division but also in the manner in which he chronicles the violence that was used against him and other prisoners in H Division. Significantly, the corroboration of his account with other inmates of Pentridge Prison who have also contributed to our historical knowledge of H Division (see, for instance, Eastwood 1992; Mooney 1997; Roberts 2003) allows for the development of an 'individual theory of prisons, the penal system' (Foucault 1977:209) and the possible redundancy of a history such as *From Pentonville to Pentridge* where prisoners are mere objects and whose subjective experiences of pain are ignored (also see Richards & Ross 2001).

Importantly, O'Meally in the explicit detail in which he chronicles his experience of H Division, particularly the violence by prison officers against him, offers an account on the use of power and the extent to which the body and mind may endure severe hardship and pain (see generally Scarry 1985). O'Meally's descriptions evoke parallels with Cohen and Taylor's classic study of long term prisoners in a High Security British prison wing and the devices used by prisoners in such extreme situations to cope with physical violence from those in power over them, but also the fear of psychological degeneration and disarray engendered by such an unusual and controlling environment (Cohen & Taylor 1972).

O'Meally offers another insight into the attitude of younger prisoners who were sometimes placed in H Division and their exposure to violence by prison officers. O'Meally notes:

... grown sick and tired of being singled out on a Friday afternoon to be sent to H Division where they were brutalised for the weekend and returned on the Monday morning with smashed and broken limbs and torn and bruised flesh (O'Meally 1978:306).

Note the conformity of this account with the testimony of the J Division prisoner Colin O'Toole whose account of his assault was accepted as 'substantially accurate' by the *Jenkinson Inquiry*.

In terms of the bashings suffered by O'Meally at the hands of H Division prison officer's one description, among many occurrences, may suffice:

It was quite obvious from the first day that the old labour yards, now known as H Division, were to have a horror quality equivalent to those places. Harsh voices, spitting out orders, greet you, along with the sound of hammers smashing rock. You stand outside the heavily locked grille gate, the entrance to Hell. A heavily built cold eye screw opens the gate and

the moment of hate smothers you as you are knocked to the floor. Rough hands grab you, haul you to your feet and someone snarls in your face to get your clothes off. Probing fingers search you body. Every orifice is explored. Nothing is missed. The orders come thick and fast, and a rain of blows follows. Half dragged, half carried, you are forced forward a dozen places to a grille gate which bars the way into the inner sanctum (O'Meally 1978:262–263).

And this was the commencement of the process according to O'Meally. A prisoner would also need to prepare himself for the second part of his reception to H Division:

You must get to your feet. 'Run! Move! Move! Get up, you bastard! Get up! Give it to him!' The air is filled with screams of pain, anguish, horror. You suddenly realise the screams are yours. Your whole body is recoiling from the pain which is blinding you. Someone barks in your ear to get up and run. Somehow you manage to. Then the orders are bellowed again. 'Run, you bastard! Move! Move!' The pain is enveloping you like a thick fog. You feel yourself falling, falling. The batons keep coming. You are on the ground again. You feel heavy soled shoes sink into your body, your testicles, stomach, head. You feel the blood run down your face (O'Meally 1978:262–263).

Remarkably, O'Meally did not give evidence at the *Jenkinson Inquiry* despite his long term exposure to the practices of H Division. The reason for the absence of his testimony is that the Inquiry was confined to a two year period between 23 May 1970 and 23 May 1972. O'Meally was released from H Division on 4 May 1970.

## Other Unofficial Stories of H Division and the Bash Goes On and On ...

Other prisoners have also written about H Division. This is perhaps testimony to the enduring nature of H Division, notwithstanding the *Jenkinson Inquiry*, to sustain violent rituals over time and the resistance of violent spaces within a prison to challenge and reform. The histories of H Division of the authors that will now be considered are exemplary of the continuation of the practices of prison officers after the *Jenkinson Inquiry*. For Lynn and Armstrong there is no need to go beyond the *Jenkinson Inquiry*. By doing so what occurred in H Division is constructed by Lynn and Armstrong as the exception rather than being in any way connected to the project of the prison. Of significance, is that the accounts of prisoners post *Jenkinson Inquiry* indicate that the forms and nature of violence of H Division were constant over time.

If O'Meally provided an account of the establishment of H Division and the foundations for a particular culture of violence against prisoners, then Edwin Eastwood is able, in an almost clinical manner, to describe those rituals and practices of H Division in the aftermath of the *Jenkinson Inquiry*. Once again, and in a similar manner to O'Meally, Eastwood describes the practices in a matter of fact manner. For instance he notes that:

Most escapees spend three months in H Division before being returned to the prison mainstream: I spent four years. This gave me plenty of time to get to know the general policies of the division: both official and unofficial (Eastwood 1992:79).

Eastwood describes the effects the violence on other prisoners had on him in the following manner:

One of the hardest things to deal with while in H Division was listening to the officers assaulting the younger prisoners. The screams of pain and the sounds of the violence, while locked in a cell or in a separate yard will stay with me for the rest of my life. Unable to help, all we could do was yell out, 'Leave him alone!' (Eastwood 1992:84).

Thus violence against prisoners in H Division was normalised and remained a de facto practice of prison administration, notwithstanding the findings of the *Jenkinson Inquiry*.

In contrast to Eastwood and the descriptive manner of his account of prison officer violence, Ray Mooney's short piece *Bluestone Shadows* documents the enduring psychological consequences of a division such as H Division and the terrifying perspective of prisoners exposed to that unlawful violence. In that sense H Division acquired a 'reputation' within the Victorian prison system. That reputation was documented in the *Jenkinson Inquiry* and was explained away by prison officers as a 'myth' (Jenkinson 1973:82-83). As Mooney notes it was something more substantial from the perspective of prisoners:

Everyone was terrified of H. I was no exception. It left a permanent mark on my life (1997:5).

In a similar vein Gregory Roberts, who escaped from Pentridge Prison with another prisoner in July 1980, was quite aware of the reputation of H Division and what would happen if they were detected:

The Slot was prison slang for the punishment unit. In those years, that unit, in that prison, was one of the most inhumane in the country. It was a place of random, brutal beatings. A failed attempt to escape through the roof of the security force building — *their building*, the head office for the punishment unit guards — would ensure that the beatings were less random and more brutal (Roberts 2003:173) (emphasis in text).

Note that H Division's reputation as a violent regime for prisoners' remained intact in the aftermath of the *Jenkinson Inquiry*. Clearly, prisoners were still aware exactly what placement in H Division would mean. In short, there remained an economy of prison officer violence which a prisoner could be subject and which would be measured in batons and fists.

Such was the enduring nature of H Division as a distinct violent prison space that Roberts' detailing of the reputation of H Division is corroborated by Mooney who experienced the brutality of H Division directly after being appointed as a spokesperson for prisoners protesting the serious assault of a prisoner in H Division. Mooney describes that experience, which occurred in some years after the *Jenkinson Inquiry*, as follows:

What followed could best be described as shock treatment because it was the biggest bloody shock I ever had. The brutality was vicious and prolonged. The only thing they let you do was live. You never saw other prisoners but you heard their cries of anguish (Mooney 1997:5).

In the history in *From Pentonville to Pentridge* there is no sign or reference to that pain. In those circumstances it is not surprising that authors such as O'Meally, Eastwood, Roberts and Mooney have documented their experiences and perceptions of H Division.

## **From Brutality to Humanity and Other Stories of Penal Change**

As noted Lynn and Armstrong's history is one long history of gradual reform of the Victorian prison system from a system dominated by administrators with ideas of confinement characterised by capricious, violent and brutal decision making to a more humane and rational penal system. The last chapter of *Pentonville to Pentridge* is titled 'Towards the 21<sup>st</sup> Century' underscores the supposed relentless path to penal progress and enlightenment. In that sense, at least in this history, what happened in H Division was an unfortunate anomaly and nothing more. This perspective is unfortunate. The desire to quarantine H Division and what happened there in this manner is an attempt by Lynn and Armstrong to explain it away.

Thus instead on engaging with the materials produced by prisoner authors such as Mooney and Eastwood an opportunity is lost to attempt to explain the phenomenon of prison officer violence and how it may evolve in particular contexts within a prison. This is compounded by a neglect of the power of the prison culture and institutional norms and how they may interact with the claims of agency made by prison officers to produce a phenomenology of violence. That is, not only how rituals may evolve within a prison, but how they produce a particular set of justifications for the maintenance and sustaining of a violent sub-culture.

Recent events in the United States controlled prison of Abu Ghraib in Iraq suggests that violent culture in institutions can develop extremely quickly (see Hersh 2004; Greenberg & Dratel 2005). Significantly, it also suggests that the power of prisoners in terms of making complaints concerning allegations of ill treatment is not so much what they say is true but the power of photographic evidence to reveal the 'truth' of what occurred. Certainly had there been no photographs but simply statements by prisoners it is unlikely they would have been believed given their place on the 'hierarchy of credibility' (Becker 1967:241). In this sense, what may seem on first reading to be florid and exaggerated accounts by prisoner authors such as O'Meally and Eastwood and others there may be a lot more truth in their accounts than may be expected. It also makes it incumbent that when prisoners do complain, even in the absence of photographic evidence, those complaints are taken seriously.

The narratives offered by the prisoners by H Division also offer a challenge to the discipline of criminology and its failure to incorporate such violence within its analytical frameworks (Edney 1999). This omission is unfortunate given that such violence against prisoners has not been confined to the Victoria prison system. The *Nagle Royal Commission* documented similar practices in New South Wales (Zdenkowski & Brown 1982:ch 10; Rinaldi 1977:211–213; Ramsland 1996; Brown 2003). In addition such practices have been found to exist in other jurisdictions including the United States (Abbott 1981; Wicker 1975; Conover 2000) and the United Kingdom (Newburn 1995:23–25). In such circumstances there needs to be by criminology an attempt to at least theorise and make problematic the nature of violence against prisoners. In that sense it requires that the 'stories' of prisoners are accepted as legitimate offering as they do the experience of those subject to great power and the possible basis for a theory of such power (Carter 2001; Martel 2001; Martel 2004; Naffine 1995; Shaylor 1998; Morgan 1999).

The different accounts of the penal truth of H Division reveal the contested nature of the prison as a research site. To those who put forward the prison as a desirable means of controlling crime, prisoners' accounts offer a challenge to the normative assumptions underpinning prison management. There is a tendency to ascribe to the prison a rationality that it may not necessarily have. In comparison with earlier prisons with their filth and overcrowded nature, 'modern' prisons are viewed in progressive and positive terms. Unfair and brutal practices are posited as antithetical to the prison project and contrary to penological objectives. Moreover, the implicit assumption is that the community has moved *beyond* such prisons. However, the prison remains an institution with totalitarian features. A necessary by-product of such a regime is that prisoners remain vulnerable to abuse.

## Conclusion

The prison is likely to remain part of the criminal justice system for the foreseeable future. In general, the community supports such an institution on the basis that it protects the society from offenders who would threaten the peace and security of that community. There

is also an expectation that although punishment by imprisonment is a serious consequence, the curtailing of freedom is the outer limit of state intervention. What is revealed by the *Jenkinson Inquiry* and the narratives of the individual prisoners is that this does not always occur. Violence as such will remain part of the prison and no matter what euphemistic terms are used to cloak such conduct it needs to be acknowledged and reckoned with. To do otherwise is to permit the cultivation of a reign of terror that was H Division. Moreover, the revelation of different versions of the 'truth' of H Division and their divergent perspectives suggests the difficulty in any reaching settled consensus of how the prison is experienced. Official accounts should be critically examined and contrasted with how prisoners themselves experience that process. The epistemological gulf that emerged in accounts of H Division between Lynn and Armstrong and prisoners who had experienced the exercise of penal power should provide a cautionary tale as to any acquiescence to official accounts of prison history as the indubitable truth.

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