

Contemporary Comments

'Beyond Rehab' - Where does the Prison Fit?

Abstract

When does rehabilitation and then restoration start in the process of punishment and incarceration? Could the judicial system be used as a catalyst to trigger rehabilitation? Could the correctional facility itself be used as a restorative tool? And can the community itself be prepared for its role in re-integrating prisoners into society? The Australian Capital Territory has just commissioned its first prison, the Alexander Maconochie Centre; its operating philosophy developed around the principles of the ACT's Human Rights Act. ACT Minister for Corrections, John Hargreaves MLA, discusses the role of the prison in what he calls the 'continuum of restorative justice'.

Historically, in addition to incarceration, capital and corporal punishment were the norms in the administration of justice in Australian correctional centres. Floggings, beatings, sensory deprivation and starvation were all used as tools to punish and to 'reform'. This 'warehousing' model of corrections failed miserably. It created hardened criminals who were not rehabilitated and, upon release, often reoffended.

Then, in the early to mid 1900s, the rehabilitation model began to emerge. This ultimately resulted in prisons and correctional centres offering anger management courses and other programs designed to return prisoners to society during the latter part of the last century. Even with this change of thinking, recidivism rates did not decrease. Research showed that despite the availability of programs reoffending rates remained high. Clearly, a paradigm shift and a new regime of thought was needed. The journey for me began 10 years ago when an inquiry into the establishment of an Australian Capital Territory (ACT) prison was conducted by the Standing Committee on Justice and Community Safety, comprising four Members of the Legislative Assembly, including myself as Deputy Chair.

The report generated by that committee found several arguments in favour of establishing a new ACT prison, including:

1. the need to take responsibility for the ACT's own prisoners, who were being housed in NSW;
2. the need to facilitate rehabilitation and restoration by providing an opportunity to case manage prisoners' social, emotional and educational needs in order that they would be less likely to reoffend upon release;
3. the inadequate facilities which existed in the ACT to provide training, education programs or meaningful activities for detainees on lengthy remands;
4. the difficulties poses for prisoners and their families by the current regime. Some of the prisons housing ACT prisoners are six hours' ride from Canberra by public transport; and
5. the need to reduce costs.

This started me thinking. When does rehabilitation and then restoration start in the process of punishment and incarceration? Could the judicial system be used as a catalyst to trigger rehabilitation? Could the correctional facility itself be used as a restorative tool? And could the community itself be prepared for its role in re-integrating prisoners into society?

Sadly, we as a society do not do nearly enough to prepare families of offenders (and society in general) for their release.

There is a continuum of justice, as I see it, and it is based on three connected areas. First, there is the judicial system. This includes the police, the courts and the tribunals involved in the trial and sentencing of offenders. Ideally, the judicial system could set the parameters of the restoration process by making elements of rehabilitative activities (while prisoners are incarcerated) the cornerstone of the actual sentence itself. The second is the corrections system. This is where the programs, counselling, activities of daily life, family connections and support and the structure of the correctional facility itself become vital cogs in the continuum. The third is the general community; where policy is put into place to prepare society to receive the prisoner back into society through effective engagement initiatives, suitable housing and employment options, and the support of family.

Women and children are particularly affected by the imprisonment of their partners or parents. When a husband, partner or boyfriend is removed from one's life and incarcerated, it is a change of immeasurable magnitude. Many women are forced into rethinking their every action. They experience a sense of grief and loss, loneliness, helplessness, financial difficulties, confusion over the prison system, increased responsibility for any children, and the associated social stigma. These are circumstances unimaginable to most people. And the children of men and women who are incarcerated are likely to experience a whole range of behavioural and emotional effects including fear, anxiety, anger, guilt, confusion, regression and developmental delays.

The present situation in the ACT is that there is some support available from government and non-government organisations to provide services to prisoners, released prisoners and families of prisoners. Despite this assistance, and support from other groups such as the Victims of Crime Assistance League and various church groups, there is no coherent system of restorative justice available to primary, secondary, and tertiary victims in the ACT.

It is important that the principles of restorative justice are put into practice right from the moment an offender is placed in the back of a police car. The system's attitude and behaviour towards an offender, even at this early stage, can increase or decrease the offender's likelihood of rehabilitation and restoration.

In recent times we have seen a shift in corrections management from extreme punitive measures, to a focus on rehabilitation for offenders, on the understanding that a member of society who has the tools to return to the community will not necessarily reoffend. This, however, assumes that this is the only prerequisite for a reduction in recidivism. What about those factors not under the control of the prisoner?

Consider this scenario. A prisoner who has been incarcerated for 15 years is released. His then 6 year old only son is now 21 and has assumed the role of alpha male in the family. Have we prepared the family and the prisoner himself for the return of the father figure? Similarly, has the prisoner's spouse been prepared for the return of her partner and the associated intimacies? Have we prepared the son to relinquish his role?

An offender's family, friends, and the community must be willing to accept him or her, to forgive and embrace the offender. Without the support of these people, the offender has less

incentive to behave. Research indicates that maintaining family and community bonds, in particular prisoners being re-connected with their families after release, is a fundamental factor in reducing recidivism. However, a vital part of the continuum is preparing the prisoner and his or her family for their return into society. A key component in the continuum of restorative justice is that prisoners must be prepared for release before they return to the community.

For example, a few years ago when I was conducting a study tour of prisons around Australia, I was stunned when a prisoner told me about how her time in prison had so detached her from society that she was fearful about not being able to process or fathom the day to day living tasks that we all take for granted, such as crossing a street safely, using an ATM or even knowing how to buy a tube of toothpaste. In prison, she explained, these tasks were always done for her and she did not even have to think about it. To this woman, her prison experience, in the way it was structured, had removed many of the basic living skills that she needed to reintegrate successfully into society. To her, prison was safe, and somewhat comforting. She had been desocialised and rendered dependent on the system as a child is dependent on a parent.

In short, by giving prisoners living skills, opportunities and the tools they require to lead useful, law-abiding lives, we are restoring offenders. But, this, in itself, is not guaranteed to reduce recidivism.

Currently, the Australian community is not particularly welcoming of offenders upon their release. This is a mindset that needs to change. Sadly, this is often driven by sensationalist media stories, 'big-stick' political opportunism and a simple lack of public awareness and understanding.

The Alexander Maconochie Centre

On 30 March 2009, the first prisoners were transferred into the Alexander Maconochie Centre (AMC) in the ACT. The AMC is the ACT's first prison and the first prison in Australia designed in accordance with human rights legislation. Fundamental to the operating philosophy of the AMC is the premise that detainees are not punished beyond the removal of their liberty; individuals are incarcerated *as* punishment, not *for* punishment.

The human rights focus is apparent in the overall design and program structure of the AMC. The Centre is an open campus style design with accommodation units around a central facilities area, referred to as the 'Town Square'. Overt signs of incarceration are minimised; for example, there are no bars on cell windows, and there is no razor wire. There is no external wall and the perimeter fencing affords views of the external landscape.

This philosophy extends to incorporate the notions of a 'healthy prison' – that people are not sent to prison to be brutalised, and that prison life should at best, closely replicate life on the outside. It is designed so that everyone is and feels safe (prisoners, staff and visitors alike), everyone is treated with respect and as a human beings, everyone is encouraged to improve him or herself and is given every opportunity to do so through the provision of purposeful activity, and everyone is able to maintain contact with their families and is prepared for release. In order for individuals to live lives of dignity and value, human rights principles must be adhered to. The ACT *Human Rights Act 2004* provides that no one may be treated or punished in a cruel, inhumane or degrading way and that anyone deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the

human person. The belief in the inherent dignity and value of each human person is designed to be reflected in both the physical architecture of the AMC and also in its operating philosophy.

The AMC is designed to accommodate male, female, remand and sentenced persons and is able to accommodate all classifications of prisoners. It has the capacity to house 300 prisoners in cell blocks, domestic style cottages, a medical centre and a Crisis Support Unit, a 14-bed Management Unit, and a Transitional Release Centre.

Fifty per cent of the accommodation is comprised of five bedroom cottages. All females are housed in cottages, and not in cells. The two main types of accommodation (cells and cottages) form the basis of an incentive based regime, linked to classification and a hierarchy of privileges. Cells at the AMC include single, double and buddy cells. Buddy cells are cells that provide a doorway between cells allowing for contact with another prisoner while maintaining the privacy of a single cell. Two storey blocks provide open views of the landscape rather than the traditional design whereby cells face one another.

Instead of bars on the windows of the cells, secure glazing ensures security. The privacy of the prisoners is catered for in the layout of the cells, with each cell having its own toilet and shower. Each side of the cell block has its own external exercise yard, association area, group room and laundry. Fixtures and fittings within the cell blocks are designed to minimise potential self-harm, but importantly, they do not appear unduly harsh or clinical.

Prisoners with a lower security classification have the opportunity to move from being accommodated in cells to the self-contained cottages which are fully self-contained with kitchen facilities, a laundry and shower area, a dining and association area, and an external secure balcony. Prisoners in cottages cook their own meals and manage their own budgets. The cottage accommodation is designed to enable prisoners to develop and practise living skills; as far as possible replicating life outside prison.

Boredom and inactivity in a correctional setting encourage drug use, undermine rehabilitation objectives and threaten security and safety. It is therefore important that a prisoner's day be marked by his or her continuous engagement in purposeful activity. The philosophy behind the AMC's routine is that, over time, the prisoner will, through incentive-based regimes, exercise increasing levels of decision-making, and assume greater levels of responsibility. He or she will be placed in accommodation which reflects this. The means to achieve the integration of the prisoner's case plan will be a structured day of meaningful work, programs, visits and recreation.

The benefits of a structured day, incorporating programs, activities, and vocational and education training, provide experience valuable to prisoners in obtaining employment post-release, and allowing prisoners to become accustomed to a routine. By providing support and concentrating on criminogenic needs through rehabilitation plans, prisoners will be more prepared for life upon release.

Consistent with the rehabilitative aims of the AMC, a variety of programs will be offered to prisoners, based on close consultation with psychologists, education officers, and the prisoner's case manager. Once a prisoner's interests, work skills and experience, educational needs, recreation needs and life skills have been ascertained, custodial officers and probation and parole officers as case managers will undertake case management roles and will work closely with prisoners to meet the needs of individual rehabilitation plans.

An important part of the operation of the AMC is 'throughcare'. The term 'throughcare' embraces all of the assistance given to offenders and their families by the AMC as well as

outside agencies. It ties in with all the training, education and work experience that prisoners undertake whilst serving a sentence at the AMC. The purpose of throughcare is to equip these men and women with the skills needed to obtain employment, deal with home life, and return to society without reoffending. The AMC's throughcare model engages family and close associates in the behavioural change process while the prisoner is in prison, and ensures support to the prisoner as he or she re-enters society.

Throughcare seeks to maximise rehabilitative and re-integrative opportunities for ACT prisoners by maintaining a relationship between life in custody and life in the community. It seeks to enable a stable and managed transition from custody back into the community. ACT Corrective Services works in consultation with community organisations to ensure that this process is as seamless as possible. Planning for safe release should begin at the start of the offender's sentence by the development of individualised case management plans. Risk assessment and confronting offending behaviour are essential elements.

To help families understand what being in the AMC means for their loved one, information about processes and procedures within the AMC are available for all visitors. The facilities at the AMC are family friendly, and are particularly children friendly. They promote a relaxed atmosphere and, where necessary, provide some modicum of privacy. At visiting times barbecue areas are accessible and there are sitting spaces, shade and windbreaks available. Child play areas are available, and tea and coffee preparation facilities are also provided.

Given the importance placed on the role of the family, visiting hours at the AMC are much longer than in existing corrections facilities. Visits are part of a formal program with specific periods being set aside for family visits and for professional consultation.

Specific treatment components include individual and group counselling, alcohol and other drug education, relapse prevention and cognitive skill-building activities designed to address risk factors. These components will be conducted in conjunction with the AMC's other programs and activities. As a therapeutic community, the community itself, through self-help and mutual support, promotes personal change. Areas of treatment include socialisation in terms of developing attitudes and values of a mainstream, pro-social lifestyle, and the development of drug-free networks.

The pre-release Transitional Release Centre (or TRC) is another tool which is designed to assist prisoners in their rehabilitation. It has a valuable place in the rehabilitation, reintegration and resettlement of prisoners. It provides opportunities for prisoners to establish or re-establish support systems in the community; such as group living, budgeting and cooking. This expands the opportunities available to prisoners to exercise appropriate discretion and decision-making. The TRC concentrates on life skills and programs that enhance prisoners' prospects of restoring and maintaining the family unit, finding employment and generally readjusting to life in the community.

The programs and structure of the AMC make it a vital component of restorative justice. It has been purpose-built around human rights and principles of human dignity for both offenders and their families. It is also designed not to inhibit an active engagement with victims, where requested.

The great challenge ahead is to alter the thinking of corrections staff, academics, politicians, the media and the community in general. The successful implementation of rehabilitative ideals is not a matter merely for Corrections Departments. These are concepts

that span government departments, non-government organisations, academics, those involved in the criminal justice process and particularly members of the public.

Every one of us has a role to play in empowering, sustaining and ensuring that offenders and victims alike are restored fully and become vibrant and productive members of our community. Then, and only then, can we hope to reduce recidivism and the costs associated with incarceration. It should be a win-win situation for all concerned.

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