

**TOUGHER CRIMINAL LEGISLATION MEANS PRISON
OVERCROWDING: THE END OF THE ROAD FOR PRISONS AS AGENTS
FOR REHABILITATION.**

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TOUGHER CRIMINAL LEGISLATION MEANS PRISON OVERCROWDING: THE END OF THE ROAD FOR PRISONS AS AGENTS FOR REHABILITATION.

Contemporary responses to the notion of advancing a 'sense' of criminal justice through tougher penalties and longer prison sentences has led to a crisis for correctional administrators. The crisis is prison overcrowding. While there have been many explanations about overcrowded prison occupancy levels; politically motivated initiatives based on social concerns that are at best ill-informed, appears the main instigator for this problem. Januszyk (1997) argues that people, police, politicians, and the media know very little of what really happens in prison. Yet, the justification for administering tougher prison sentences has major implications for correctional administrators and program providers alike. Often charged with the responsibility of 'rehabilitating' prisoners, so as they can return to and function in society free of the temptation or will to commit further crime, overcrowded prisons places additional and more demanding expectations on prison program providers. This paper presents details about the problems associated with prison overcrowding for prisoners and how this can impact on service providers. The paper also suggests some strategies to address these problems.

In 1880 the Comptroller General of News South Wales expressed concern about prison overcrowding (which was in every sense destructive of the first principles of prison treatment' (cited in Cullen, B., Dowding, M., & Griffin, J., 1989, p.5). Appreciating that this was said over 100 years ago; evidence suggests that prison overcrowding remains a significant problem for contemporary correctional administrators both nationally and internationally.

Historically, in Australia prison overcrowding was attributed to the impact of transportation and the various social issues associated with a developing nation. However, current explanations about reasons for, and problems with, prison overcrowding are more varied.

There is an abundance of academic literature purporting explanations as to the reasons for prison overcrowding. Kinkade, Leone and Semond (1995) argue that the 'get-tough' criminal justice philosophy has significantly increased prisoner numbers, and that changes in imprisonment policies arose from public dissatisfaction about sentencing. In 1995 and 1996, the Northern Territory and New South Wales governments advanced 'truth in sentencing' policies. Simply put, this means if an individual is sentenced to two years imprisonment, they "do" two years in prison. In 1997, Queensland adopted longer sentences for various offences with limited opportunities for early release options. While these changes have been politically motivated based on public perceptions about sentencing, Daly (1995) and Fox (1997) argue that sensationalised media tactics have contributed significantly to the public's imagination about criminal activities in Australia. Daly (1995) writes:

By framing crime and 'the criminals' in individualist and crisis-oriented terms, media filtered knowledge contributes to a punitive law-and-order response to crime by policy makers who see in 'the crime issue' a way to capitalise on their popularity, future election, or continued time in office (p.6).

Other universal explanations for prison overcrowding have included increased crime rates, unemployment, and an overall increases in the population (Fox, 1995; Pontell & Welsh, 1994).

It is interesting to note that Australia no longer monitors national prisoner number trends in a formal process (personal communication, Secretary, Secretariat for Correctional Administrator, Attorneyís General Department. February, 1998). However, figures that have been produced in the 1990 National Prisoner Census and 1997 Report of the Secretariat for Correctional Administrators show that Australian prisoner numbers are increasing.

Although it has been argued that increases in Australian prisoner numbers are not as significant as some overseas locations, the fact remains that local prisoner numbers are increasing (Psaila, 1987; Satjanshu & Neuhaus, 1990). Certainly, comparing Australiaís prisoner numbers to international figures is problematic in light of differing philosophies about crime, varied criminal justice practices, and differing sentencing policies. However, it is timely to appreciate those issues regarding overcrowded prisons that are occurring internationally, in order to foster a pro-active policy in dealing with not only increasing prisoner numbers, but also regular fluctuations in prisoner populations.

Table 1 outlines the aggregate average prisoner numbers in the Australian states and Territories from the 1990 National Prisoner Census compared to the 1997 Secretariat Report to the Attorney General from Australian correctional administrators.

Table 1
Australian Prisoner Populations - National Aggregate Averages

State/Territory	1990	1997	Increase
ACT	19	67	+ 48
NSW	5981	6291	+ 310
NT	410	467	+ 57
QLD	2195	3122	+ 927
SA	883	1403	+ 520
TAS	227	267	+ 40
VIC	2191	2432	+ 241
WA	1621	2237	+ 616
TOTAL	13,527	16,286	2,759

Issues about prison overcrowding and prison conditions have been identified, acknowledged, researched and reported on since the emergence of the study of penology. Englishman, John Howard (1726-1800) in his seminal work ‘The State of Prisons’ discovered prisoner exploitation, disease and brutality throughout British and European prisons in the early 18th century. Adwell (1991) reporting on American prisons observed:

Any practitioner who has viewed or been responsible for the management of an open housing unit can strongly attest to the excessive noise level, lack of privacy, and threat to basic human dignity inherent in such an arrangement (p.65).

Lester (1990) argues that atrocious conditions similar to Howard's 18th century findings prevail in some Western nations, and Vass (1990) reports that correctional administrators struggle to deal with the implications associated with prison overcrowding.

Effects of overcrowding on prisoners.

There is an abundance of research examining the effects overcrowding has on prisoners. This research has focussed on both physical and mental health and prisoner behaviour.

Heidensohn and Farrel (1991) and Sieh (1989) established positive correlations between prison overcrowding and violence. This violence was demonstrated through assaults on other prisoners and staff, riots and breach violations. It is interesting to note that Queensland and Victoria have experienced major incidents of this nature in the past twelve months.

Overcrowding in prisons has contributed to problems concerning hygiene, sanitation and the control of communicable diseases (Adwell, 1991; Sieh, 1989). Australian prisons have witnessed an increase in the occurrence of the hepatitis strands and are ever aware of the implications associated with HIV amongst prisoners.

Many researchers have also identified prisoner stress in overcrowded conditions. Increased blood pressure for prisoners in overcrowded institutions according to Jones (1976) prevails. This impacts on their mental health and in some instances induces psychological disorders. Research clearly shows overcrowded prisons positively correlates with prisoner problems in the areas of:

- Psychological disorders ñ stress, depression, aggression
- Erratic behaviour
- Inmate and staff assaults
- Polarisation and the emergence of gangs
- Suicidal tendencies

Walter (1994) has argued that due to lack of funds and increased service demands many of the activities and services available to prisoners in overcrowded locations have been cut-back or eliminated. The trends and problems arising from overcrowded prisons can place some correctional administrators in a precarious legal situation in respect of prisoner rights, vicarious liability, and duty of care (Ruback, and Carr, 1993).

Affects of prison overcrowding on staff.

Research shows that the impact of overcrowding has negative influences on institutional staff including; correctional officers, administration personnel, and specialist program providers. Some of these effects include:

- Increased attacks on staff by inmates
- Increased attacks on inmates by staff
- Increased pressure to maintain security
- Staff numbers do not increase in respect of inmate number increases

Decreased morale
Increased demands in the workplace
Indifference and apathy to work requirements
Decreased resources and support
(Jones, 1976; Kinkade et.al, 1995; McCarthy, 1992).

The many variables that can impact on the successful administration and operations in an overcrowded prison affect the prisoners, correctional officers, and specialist service providers. Overcrowding costs money and typically, under the notion of cost effectiveness and economic rationalism many services to prisoners are withdrawn or significantly reduced by correctional administrators as a cost saving measure. It can be argued that these cost-cutting practices are financially greater on correctional administrators, as a result of eliminating or diminishing programs and personnel.

A case for advancing programs in overcrowded prisons

Investigating violent acts and activity levels in prisons Scraton, Sim and Skidmore (1991) found that increased activity and recreational programs reduce the frequency of violent behaviour in that they provide an outlet for the pressures associated with prison life. Rideau (1994) argued that recreational activities enhance prisoner self esteem by providing a process for personal achievement.

Education and skill training programs have been known to decreasing recidivism and prisoner tension by:

Increasing prisoner self-esteem
Providing an avenue for successful integration into the community
Providing viable options for work as opposed to criminal activity
Enhances prisoner thinking and moral reasoning
Occupies prisoner's time ñ gives them something to do
Allows for individual expression and ideas outside rigours or prison operations
(Fox, 1998; Rideau, 1994; Koehler and Lindner, 1994).

The value of advancing programs to prisoners in a crowded environment is associated with the notions of prisoner welfare and compliance. Moreover, if the prisoners are occupied and committed to such programs their demands and association with some prison personnel decreases. However, appreciating that many correctional administrators are more akin to reduce funds and activities, there are some strategies that service providers can introduce to overcome those problems aligned to increased demand and limited or diminishing resources. Certainly, the characteristics and history associated with some prisoners plays a major role in the viability of some of these suggestions.

Suggested strategies for service provision in overcrowded prisons.
Flexible delivery options in education.
Production of learning manuals which allows prisoners to work independently
Peer assisted learning
Variance in classroom delivery styles whole group/small group/independent
Use of AV/Learning programs via television or tapes
Self directed learning plans
Prisoner contribution to learning curriculum
Training and use of volunteers
Options for specialist service delivery
Small groups
Peer assistance
Utilisation of other appropriate staff
Greater use of relevant assessment packages
Teamwork approaches

There is no easy formula in working with prisoners. Typically prisoners are indifferent to their situation and hostile toward any notion of assistance while incarcerated. Service providers must remember successes in such an environment take time; which means patience, understanding and commitment are fundamental skills required by all service providers.

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Biographical note

Dr Tricia A. Fox has worked in correctional administration in Ontario, Canada and Darwin, Australia. Her primary interests are prisoner rehabilitation through education and prison administration strategies. She has published extensively in the area of prisoner moral development and has presented at national and international prison conferences. Currently, Dr Fox is the Coordinator of Human Services, and lectures in Corrective Services at the Queensland University of Technology.