



Moral Performance in New Zealand Prisons

Kim Workman

Project Leader

Rethinking Crime and Punishment

- **Examine the Role of Values and Ethics in the Prison System**
- **Consider the place of values and ethics within a period of rapid modernisation**
- **Propose the instatement of an explicitly moral agenda, to:**
 - **Affirm humaneness**
 - **Identify what violates it**



Conclusion:

- **Requires a re-evaluation of the role of prison in society, in terms of its:**
 - **External Legitimacy**
 - **Internal Functioning**

- Prisons are 'special moral places' where relationships , and the treatment of one party by another, really matter

(Goffman 1987)
- Questions of fairness, order, authority, trust, respect and well being, are both important, and capable of measurement

(Liebling 2004)
- There is a difference between focussing on what can eaasily be measured, and what really matters

Credo One: Punishment	Credo Two: Efficiency	Credo Three: Care
<p>Moral Condemnation Dislike of offenders Degradation Unfettered discipline Expressive function of sanctions</p>	<p>Pragmatism Management, system-based Smooth Administration Process Oriented Lack of correctional ideology Separation of action from beliefs or sentiments</p>	<p>Liberal, Humanitarian Empathy with offenders Optimistic Inclusive Belief in constructive work Open and accountable procedures Links with social policy</p>

UK - The Woolf Report - 1991

- **Described poor conditions, overcrowding, staff violence,**
- **lack of staff training, high staff turnover**
- **Lack of clarity about purpose**
- **Called for a balance between Security and Control, and Justice, Humanity and Fairness**
- **Supported decarceration, community alternatives**
- **Moral leadership – Joe Pilling – the ‘moral management of prisoners’**

NZ – Penal Policy Review Committee 1981

- **Prison does not rehabilitate and should not be expected to do so**
- **Promoted decarceration and community alternatives**
- **Led to reform and the Criminal Justice Act 1985**
- **Political leadership - Sir Geoffrey Palmer**

He Ara Hou 1990 - 1993

- Shifted focus from discipline, custody and punishment to cooperation, treatment and training
- Newbold (2007) reported:
 - Three fold increase in prisoners completing educational courses
 - 75% reduction in prison incidents
 - Escapes declines from 5.5 per 100,000 in 1986 to 1.2 per 100,000 in 1993
 - Suicide drop from 8 in 1992, to 1 in 1993
- Concern about increased license and departure from procedures

Lessons Learnt:

- Difficult to get universal acceptance of the requirement to treat prisoners civilly, - and that order is dependant on humane and fair treatment**
- Failure to explore values and ethical concepts in depth, and develop a moral framework**
- Lack of full understanding as to how the principles should apply in daily operations**
- In absence of guidance – some managers and officers overly tolerant and generous**

The Effectiveness Credo

- Standards for all aspects of work
- Protection of public a key ideology
- Regimes and programmes subject to accreditation
- Reducing reoffending as a key outcome
- Best value from resources



“No one truly knows a nation until he has been inside its jails. A nation should not be judged by how it treats its highest citizens but how it treats its lowest ones.”

– Nelson Mandela



“Where the liberating dynamic of late modernity emphasised freedom, openness, mobility, and tolerance, the reactionary culture of the end of the century stresses control, closure, confinement and condemnation.”

David Garland

The way we run prisons, and the values that underlie their management, communicate meaning about the nation's attitude to power, authority, legitimacy, normalcy, morality, personhood, and social relations.

Garland (1990)

The social and economic determinants of "the outside world" affect the conduct of penal agents (police officers, judges, prison officials, etc), through the gradual reshaping of the rules of thought and action within a field that has relative autonomy

Garland (1990)



rethinking

CRIME AND PUNISHMENT

The Culture of Control

- Public opinion as the driver
- Criminal justice professionals ignored
- Call for punitive measures – incapacitation – prison as a deterrent
- Lack of interest in evidence which contradicts populist policy direction
- Aggressive control of the underclass
- Simplistic, unworkable solutions
- Uses the language of war



The Case for Decent Prisons

- Humane treatment results in less violent and disruptive prisons

(Seiter 2002)

- Increases likelihood of prisoner success on release

(Gendreau and Keyes 2001)

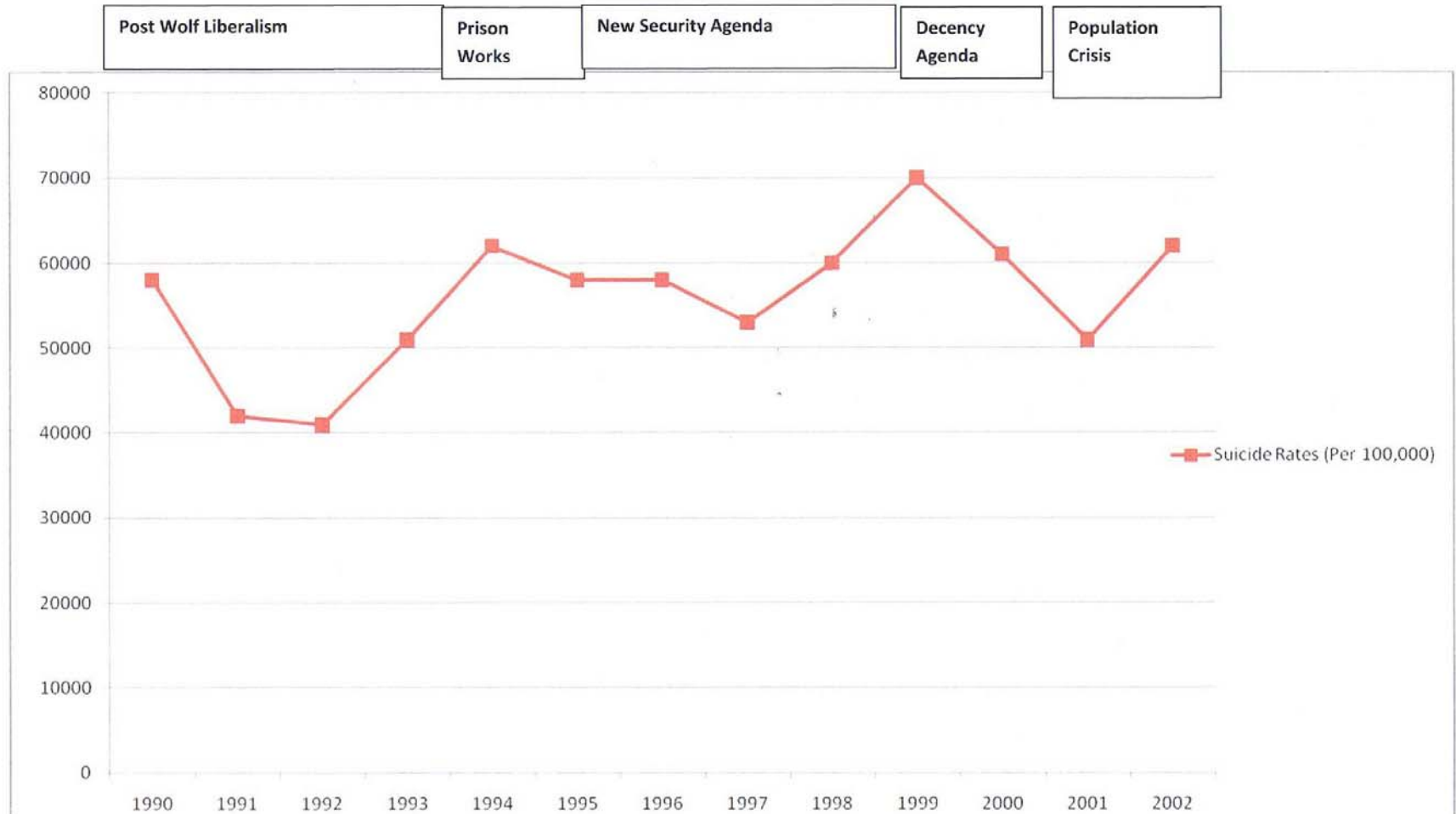
- Harsh treatment does not reduce p[ost-release criminal behaviour

(Chen and Shapiro 2007)

Moral Performance of Prisons 1992 – 2003

- Liebling's study over 11 years
- Between 1999 – 2001 – the “decency agenda”.
- Language of morality stood alongside language of performance
- Balance between political acceptability/improved performance/reduction in staff violence/humane approach
- Drop in prison suicides
- Rise in prisoner perceptions of fairness and justice

Population and Suicide Rates 1990 - 2002





“The one consideration, which must never be forgotten in all of this, is that all prisoners are persons. To use the recent phrase of one author, they have to be regarded as subjects, not as objects. No matter what crime they may be accused or convicted of, they remain human beings, entitled to respect. This recognition should influence prison staff in the way they carry out all their duties. It is also the foundation stone of good prison management. The details of prison management may vary from country to country since they have to be sensitive to local culture and circumstances. However, the need to operate within an ethical context is universal and is also one of the defining features of good prison management.”

Coyle, Andrew, ‘Managing Prisons in Times of Change’ Address at Senior Management Seminar, Department of Corrections, 14 May 2008



“It seems to me that the first conversation we need to have, is around developing a set of values that return to fundamentals – a humane, just and workable prison system that attempts to reduce the pain of imprisonment for those under our care. As Florence Nightingale famously argued, the first principle of the hospital should be to do the sick no harm. If the focus shifts from managing risk to supporting humans to achieve their best, that will be a major achievement.

If at the end of the day, we constantly ask ourselves, what does it mean to be just – what does it mean to show kindness – and how can we walk – not in pride but in humility – we will be well on the way.

Workman, Kim, “Reducing Reoffending – An Outsider’s Perspective’ a presentation to the Corrections Leader’s Forum, ASB Stadium, Wellington, 28 May 2008

Recent Developments - As of May 2009

- *Since July 2003, assaults on staff increased from 1.7 per 100 prisoners to 4.3 per 100 in 2007-08, and total notified assaults increased by 3.85 per 100;*
- *A noticeable rise in 2006 – 2007 was linked to the increase in prison muster at that time;*
- *Included in this figure were four rapes;*
- *It was noted that :*
 - *Many assaults take place after the guard had tried to enforce prison rules or asked the prisoner to do something*
 - *There was concern at the number of incidents showing a lack of ‘active management skills by officers*

On 26 November 2009, Corrections CEO, Barry Matthews, reported that there were 43 serious prisoner-on-prisoner assaults in 2008-09, up from 30 in the previous year.



“We face opposition from people who put the rights of criminals before the safety of the police and public. There are people out there who would rather look out for the country’s burglars, thieves, rapists and killers than those who put their lives on the line to uphold the law”.

Hon Judith Collins , Opening Address to the Sensible Sentencing Trust Annual Conference, 19 September 2009

“..... we must actively resist this idea that you are either for offenders, or for victims. We must reject any proposition that potentially divides us. Some of us deal with offenders, some with victims, and many work with both. To rate one activity above the other is unhelpful and counter productive. “

Kim Workman, “Reducing Crime or Reducing Victims”, An Address to ‘Manaaki Tangata’ Victim Support Annual Conference, 17 October 2009



“Some of these prisoners are simply bad, and nothing anyone can do will prevent them forging a career in crime and spending much of their lives behind bars.”

Hon Judith Collins, Address to launch of Prisoner Skills and Employment Strategy, Auckland Region Women's Corrections Facility, Manukau City, 7 October

“We want to introduce double bunking to our prisons to ensure we don't have to keep dangerous prisoners in police vans as the last government did. Yet we face opposition from people who are concerned that prisoners will not enjoy sharing a cell.”

Hon Judith Collins, .Address to the Sensible Sentencing Trust, 19th September 2009



The Search for External Legitimacy

*“Protecting the public” is “staying tough” and suggests penal populism.
“Rehabilitating offenders” is “being smarter” and hints at soft liberalism.*

Nevertheless, these apparently contradictory targets can be achieved. I have pointed out that there is a need for balance and it seems to me that one way to assess the range and the depths of the attitudes advanced, as I have foreshadowed, is to establish a Commission of experienced and appropriately qualified people to investigate not only the operations of the entire criminal justice system, but to put forward explicitly the philosophies and values which should guide its policies and practices into the future. “

Report of Mel Smith, Ombudsman, into issues involving the criminal justice sector. (2007)

The Search for Moral Performance

“The choice is straightforward. We take on the challenge. We make a reality of the rhetoric of decency and dignity. Or we accept the unacceptable. We tolerate filth, appalling healthcare, treating prisoners as a sub-species, doing virtually nothing to prepare them for release. We tolerate these things because they are too difficult to change.”

Martin Narey, (2001) Speech to the Prison Service Conference, Nottingham, Feb 2001



The Moral Performance of New Zealand Prisons

Kim Workman

Project Leader

Rethinking Crime and Punishment