

PRISONS EDUCATION AND WORK

Towards a National Employment
Strategy for Prisoners

JOHN BRAITHWAITE



Australian Institute of Criminology

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and answer "Yes Sir", "No Sir", to each question the Superintendent asks you'.

He stopped and gave a lazy salute.

'Date of birth'?

'Tenth of May 1924', he replied.

'Tenth of May 1924, SIR', came the loud interjection from behind him.

The dejected prisoner told the Superintendent that he had done farm work all of his life. His gnarled hands testified that this was the truth. He was told to salute again and dismissed.

Just as with the cases which had gone through before him, at no point was he asked whether he was aware of the work options available to him, at no point was he questioned about what work he would have liked to do, or whether he was interested in vocational training. The committee smiled upon his case and he was sent to the farm.

Out of Prison

After several years in prison 'George' was released from Long Bay in November 1978. As a sweeper in the prison he had earned only \$2.50 a week, all of which was spent in the jail. The day after his release he collected his \$51 special welfare benefit from the Department of Social Security. This benefit covered his first week on the outside. After that he would be eligible for unemployment benefits.

He registered at a Commonwealth Employment Service office immediately upon release. George was unskilled and therefore difficult to place. One employer was looking for a storeman. George admitted his criminal record, only to have the employer tell him that while he had nothing against employing ex-prisoners personally, he had a responsibility to ensure that no risks were seen to be taken with the company's stores. Next time George concealed his stint in prison, but when he could not provide an explanation for the long gap in his employment history, the employer immediately lost interest.

Meanwhile George was having trouble getting accommodation. Everyone seemed to require two weeks rent in advance or a substantial bond — money he did not have. Finally he was temporarily put up by some friends he had met in jail who had been released a few months earlier.

Sixteen days passed and George still did not have a job, permanent accommodation, or his first unemployment benefit cheque. He was broke, so he decided to temporarily put off his genuine intentions of going straight and pull a bust. It was poorly planned. He broke into a hardware store, found no money, and was apprehended by a policeman on the way out. George is now serving a further 12 month sentence.

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Point and Purpose in a Criminological Enterprise

This book describes, critically evaluates, and recommends changes in the direction of work and education in Australian prisons. The purpose is to examine the effect of imprisonment on the work lives of men and women after they are released. The emphasis is therefore more on work than on education. Yet clearly there can be no balanced evaluation of the role of work in prison which is divorced from a consideration of vocational education. Education has an intrinsic value which is independent of its value for opening up employment opportunities. It is the latter kind of worth, however, which is the focus of this book.

Doing the spade work for the book has not been the most exciting research task I have undertaken. The endless tours around prison workshops were not always voyages of intellectual discovery, but the occasional tedium here was more than compensated for by the many interesting characters I met among the trade instructors and prisoners. No, the real drudgery was in reading the international criminological literature on prison industry and prisoner education. What a dreary collection of oft-repeated tenets of conventional wisdom, protracted descriptive passages with no purpose other than to describe, and uncritical evaluations of programs. There have been a few exceptions which are cited repeatedly in the pages that follow.

Competent scholars who have a critical edge to their work tend not to do research on prisons because they assume, with some justification, that any real criticism will prevent the cooperation of prison authorities with their work. No doubt my critics will view this work as another contribution to that long tradition of intellectual barrenness. I have done my best to struggle against being platitudinous. Whether or not I have succeeded is for the reader to judge.

Towards a Different Model for Criminological Research

This book represents the beginning rather than the completion of a criminological enterprise on prisons and work. Most academics are happy to put the fruits of their research on paper and say 'take it or leave it' to those with the power to act on their findings. It is of little concern that most of the time the decision maker will choose to leave it rather than take it. In most cases the people who matter will not even read the book. The readership will be limited largely to unfortunate students of the academic who are compelled to read it, and other academics who are intending to write something on the same topic which they can, in turn, compel their students to read.

Researchers at the Australian Institute of Criminology have no students. The positive thing about the Australian Institute of Criminology, however, is its structure. There is a Research Division, of which I am a member, and a Training Division. The function of the Training Division is to bring together criminal justice decision makers and practitioners from throughout Australia at a seminar in Canberra to consider new directions for policy in specific areas. Academics at the Australian Institute of Criminology are therefore part of a structure which permits a more constructive model for criminological research than simply writing books and putting them on library shelves.

The alternative model for criminological research of which this book is a part has six stages.

Stage 1: *Formulate the problems in consultation with key decision makers*

In the case of the present research project the opportunity came at a training seminar at the Institute in May 1978 entitled 'Prisoners and Education'. Senior representatives from all State and Territory prisons systems were present at the seminar. I delivered a paper outlining a tentative formulation of research and policy questions. A formal group discussion on the paper and informal discussions with individuals afterwards led to a degree of reformulation of the key questions. Having participated in conceptualising the research questions, seminar participants from all States promised their full cooperation with the project, and many of them subsequently paved

the way through difficult situations during the data gathering phase.

Stage 2: *Collect the data*

The prisons systems of all Australian States and the Northern Territory were visited in collecting the data. Interviews with industry and educational personnel were conducted in some 30 jails, including the major maximum security institution in each jurisdiction. In cooperation with the Department of Employment and Youth Affairs a survey of the work histories of 303 prisoners subsequent to their release was undertaken.

Stage 3: *Publish findings and suggest policy proposals*

Instead of finishing with the usual vague conclusions, this book ends with a list of specific proposals for the reform of Australian prisons, and of the sections of the Department of Employment and Youth Affairs which deal with the job placement of prisoners.

Stage 4: *Convene a seminar to discuss these policy proposals*

It is the seminar to be held in April 1980, not the publication of this book, which is the crucial element of the social change process. Within the seminar there will be three sub-stages.

- (a) Subject the policy proposals of the book to criticism by key decision makers.
- (b) Reformulate the policy proposals of the individual researcher in the light of the collective expertise at the seminar.
- (c) At the conclusion of the seminar ask each delegation to indicate which of the reformulated policies they would be willing to support actively when they return to their department.

Stage 5: *Monitor the success or failure of the seminar participants in having the policies implemented*

The duration of this follow up period will be determined

on the basis of how long participants at the seminar think would be required for given changes to take place.

Stage 6: As a future publication, report the results of this follow up together with an evaluation of the success or failure of the whole action research enterprise

The Pitfalls of Collaborative Reformism

The obvious danger of having criminal justice administrators participate in the formulation of research problems is that they could attempt to compromise any potential criticism which the research might have in its design. Naturally, all of us are shy of having our empires exposed to critical evaluation. The experience with this particular research project has been, however, that the prison administrators who participated in framing the key research and policy questions in no way attempted to steer the program into safe waters.

On more politically sensitive topics than those covered in this book, a compromising of the research becomes more likely. In such cases the researcher must judge whether the benefits of framing research and policy questions so that they are most likely to be acted upon by those with decision making power, outweighs the cost of having some of the edge taken off the work. The real danger is that researchers will make this difficult judgement not on the basis of which strategy will maximise the chances of producing policy changes which will benefit prisoners and the public, but on the basis of which option will maintain maximum popularity with either conservative prison administrators, or academic peers who equate political compromise with want of integrity.

In putting forward the collaborative model for criminological research outlined above, I am certainly not suggesting that this is the only model which is appropriate. There will be occasions when the only option available to the researcher with integrity is to abandon collaboration altogether and engage in a frontal attack on a particular segment of the criminal justice system and the people who run it.

A more fundamental criticism of the reformist model described above is that such reformism helps to patch up and keep going a system which would be better totally destroyed. I reject the view that prisons should be totally abolished. In a society

organised around principles of communal self help it is possible to conceive of a world without prisons. Indeed, history provides many examples of such societies. But in an alienated, mass urban society where community responsibility for social control has disintegrated, there will always be some people who pose a severe threat to the safety of citizens and whom no one feels a special responsibility to watch over. With such people there is little alternative to incarceration.

The point is that such dangerous offenders form a very small minority of present prison populations in this country. Most offenders are sent to prison for short term punishment, not for long term incapacitation. My view is that prison should not be used as a form of punishment because there is compelling evidence that the effect of imprisonment is to increase rather than reduce the prisoner's propensity to crime. To the extent that deterrence is necessary, non-institutional punishments such as fines, restitution, and community work orders should be employed. For such a redefinition of the purpose of imprisonment to occur, the law would have to be reformed so that the courts would be required to demonstrate that a person was a serious danger to the community before they could sentence him to prison. Proof of guilt would only justify a non-penal punishment. There would be no place in prison for property offenders. People could only be sent to jail on the basis of a demonstrated history of serious violence, not on the basis of some spurious psychiatric prediction of dangerousness.¹

To those who say that reformist criminology is counter-productive, I would reply that the most important reform of all is to have fewer people sent to prison. We must argue, for example, that Victoria is no less safe a place than Western Australia or the Northern Territory as a result of having less than half their imprisonment rates. Probably Victoria is more safe as a result of having fewer people dehumanised and embittered by the experience of imprisonment. The real question is whether reforms to improve prisons for those who remain inside help to delay public realisation that imprisonment as a total experience is ineffective for anything but the incapacitation of highly dangerous offenders. The argument that reform puts off the day of revolution is naive in most political contexts. The fact is that many of the revolutionary changes in world history have occurred when things were

getting better, not worse. They were revolutions of rising expectations. One old-time prison administrator whom I interviewed adopted this very view:

Once you start talking about reforming prisons, you start to lift the lid off things. Give them an inch and they'll take a mile. We don't give our crims anywhere near the concessions they've been given in New South Wales, and look what's happened there.

The ironical thing is that some people who are critical of the whole idea of imprisonment can join forces with this man in arguing either explicitly or tacitly that reform of existing prisons is not something we need bother about.

The Plan of the Book

Chapter three outlines the theory of legitimate and illegitimate work which provides a basis for focusing on events of the type described in Chapter one. It shows that these events are of considerable significance in understanding crime. The large body of empirical evidence on the effectiveness of intervention programs to improve the legitimate work opportunities of prisoners is reviewed in Chapter four.

Part II of the book describes what is happening in each Australian jurisdiction (excluding the Australian Capital Territory which has no prison) in the areas of prison industry, education, trade training, work release, and job placement services for prisoners.

The present realities of prisons and work in Australia having been described, Part III considers policies for the future. Policy proposals are developed in the areas of prison industry (Chapter 13), work release (Chapter 14), trade training and education (Chapter 15), and job placement services for prisoners (Chapter 16). The final chapter considers the special employment problems of the two groups of prisoners who are respectively the most disadvantaged and the most neglected — Aborigines and women. The book concludes with a list of policy proposals which will form the agenda for the seminar to formulate a National Employment Strategy for Prisoners.

1. For reviews of the empirical evidence on the difficulties of predicting dangerousness, see E.A. Wenk, J.O. Robison and G.W. Smith, 'Can Violence

be Predicted?', *Crime and Delinquency*, 18, 1972, pp. 393-402. J.P. Conrad and S. Dinitz (eds), *In Fear of Each Other: Studies of Dangerousness in America* (Lexington Books, Lexington, Mass., 1977). R. Tomasic, 'The Dangerousness of Dangerousness', Paper to University of Sydney Institute of Criminology Seminar on 'The Dangerous Offender — Prediction and Assessment', 20 July, 1977. J.J. Cocozza and H.J. Steadman, 'Prediction in Psychiatry: An Example of Misplaced Confidence in Experts', *Social Problems*, 25, 3, 1978, pp. 265-276. M.L. Cohen and A.N. Groth, 'The Clinical Prediction of Dangerousness', *Crime and Delinquency*, 24, 1978, pp. 28-39. S. Dinitz and J.P. Conrad, 'Thinking About Dangerous Offenders', *Criminal Justice Abstracts*, 10, 1978, pp. 99-130. S.E. Schlesinger, 'The Prediction of Dangerousness in Juveniles: A Replication', *Crime and Delinquency*, 24, 1978, pp. 40-48.

3

Legitimate and Illegitimate Work

The majority of inmates of Australian prisons have been in jail at least once before. The anecdotes in Chapter one go part of the way towards explaining this. Prisons are full of people like George who went out with the best of intentions last time they were released, but who found themselves in a desperate situation from which they tried to extricate themselves by applying one of the few skills they had learnt in prison. Crimes which seem outrageous to us when reported out of context in the newspapers often seem to the offender to be quite reasonable and even ethical acts when viewed from the context of his¹ life situation. For example, Lloyd Davies of the Western Australian Bar Association told a seminar on unemployment and crime the story of a young offender who stole the poor box from St Patrick's Church in Perth. Asked for an explanation, the delinquent replied, 'I'm out of work, me old man's out of work, what's the bloody poor box supposed to be for anyway.'

One does not have to rely on anecdotal evidence to sustain the argument of this chapter. There have been many studies in Great Britain and America which show with a remarkable degree of consistency that prisoners who find stable employment upon release have about half (and sometimes less than half) the probability of being reconvicted compared with releasees who have a pattern of unemployment.² It may be that one of the reasons for this is that prisoners who leave jail intending to return to a career of crime do not bother about seeking legitimate employment, and it might also be that certain prisoners suffer from personality problems which render them both susceptible to unemployment and susceptible to crime. It cannot be denied that these kinds of explanations might be applicable to a considerable number of individual cases, but it is implausible that the very

strong statistical relationship between unemployment and reconviction can be totally explained by such extraneous factors especially when one comes across such a large number of prisoners who intend to go straight, have strong personalities, yet recidivate because they fail to earn a living legitimately. Peter Letkemann has used an appropriate analogy to make this point:

The reasons why miners go back to work following a mine disaster are more intelligible when we listen to how they view their alternatives. Such an approach may also help us understand why a person may return to crime following lengthy prison sentences. We may still reserve our right to make moral judgments, but we will not be as likely to invoke notions of the bizarre and pathological.³

Letkemann has made an important contribution to the understanding of why criminals recidivate. He argues that the ex-prisoner's choice is not so much a choice between work and crime, because crime itself is a form of work to which notions such as specialisation, professionalism, apprenticeship and work satisfaction should be applied if we are to understand why people opt for it. At one level it is clear that ex-prisoners will be more likely to opt for illegitimate work when legitimate work is not available. But even if jobs are available, because most prisoners have no legitimate vocational skills, these jobs are likely to be limited to unskilled, monotonous work with low remuneration and unattractive working conditions. In comparison, illegitimate work might be more remunerative, permit greater job satisfaction, and have more attractive working conditions. Of the latter, Polsky has pointed out that: 'one of the most genuinely appealing things about crime to career criminals and part-timers alike — though one would hardly gather this from criminology texts — is that for most crimes the working hours are both short and flexible'.⁴ Job satisfaction in illegitimate work was one of the interesting foci of Letkemann's research:

The data presented here indicate . . . that the criminal, like the conventional worker, is motivated in part by the rewards inherent in craftsmanship, expertise, and associated status.⁵

This was especially applicable to safecrackers. Letkemann's data showed that a purely economic model was insufficient to account for the safecracker's behaviour. In considerable measure the rewards of safecracking had to do with satisfactions derived from craftsmanship.

The Reward-Cost Model of Crime

Most of the traditional explanations of crime conceive of the criminal as an irrational character propelled into criminality by his disorganised personality, poor self concept, distorted values, or perhaps his genes. The scientific principle of parsimony requires such complex explanations, grounded in the perplexing irrationality of people, only if we cannot locate a perfectly rational reason why they choose to engage in the behaviour. Some criminologists have begun to realise that there are quite rational reasons for the lowest strata in society to engage in crime. David Gordon is one of them:

The 'legitimate' jobs available to many ghetto residents, especially to young black males, typically pay low wages, offer relatively demeaning assignments, and carry the constant risk of layoff. In contrast, many kinds of crime 'available' in the ghetto often bring higher monetary return, offer even higher social status, and — at least in some cases like numbers running — sometimes carry relatively low risk of arrest and punishment.⁶

Moreover, says Gordon, a rational assessment of the costs of being arrested must lead the slum dweller to conclude that they are fairly low, because life can seem almost as dismal outside of prison as it is inside. He quotes a black hustler from Harlem:

It is not a matter of a guy saying, 'I want to go to jail [or] I am afraid of jail'. Jail is on the street just like it is on the inside. The same as, like when you are in jail, they tell you 'Look, if you do something wrong you are going to be put in the hole'. You are still in jail, in the hole or out of the hole. You are in jail in the street or behind bars. It is the same thing.⁷

The unemployed person, or the person in a low-paying job with bad working conditions and no job satisfaction, therefore has less to lose than the person in a good job by risking criminal behaviour (either against property or against the person) which might land him in jail. He also has more to gain by property crime — \$100 is worth more to him than it is to a person on \$20,000 a year. The person who is released from prison with no legitimate vocational skills therefore has a high reward-cost ratio favouring a rational choice to engage in further crime. Following the work of Letkemann, we know that these rewards of crime are not only relatively high economically, but also comparatively high in terms of job satisfaction.

The primary concern of this book is what can be done to lower the reward-cost ratio for crime for prison releasees. On the face of it, the solution seems simple enough — train prisoners in legitimate occupational skills which will enable them to get a job which is remunerative and satisfying; then criminal behaviour will become a relatively less satisfying option. Although such a solution is certainly workable, the succeeding chapters will reveal some of the constraints upon its successful implementation.

The Principle of Lesser Eligibility

Before considering the practical difficulties in upgrading the vocational prospects of prisoners, some ethical objections should be considered. Jeremy Bentham was the first to coin the expression, 'the principle of lesser eligibility'. In the prisons context, what this principle means is that prisoners should not be entitled to any benefits which exceed the benefits enjoyed by the lowest classes among the free community. Otherwise crime and imprisonment might be seen as more attractive than a law-abiding life. Most of the policies and programs which will be discussed in this book are violations of the principle of lesser eligibility. When objections were made to these policies during my discussions with prison employees, the objections were usually a manifestation of the principle of lesser eligibility. One trade instructor, for example, objected to prisoners being able to attend full-time educational classes during the day:

They should have to work during the day, and if they want to go to school they should do it at night. If they were outside and they wanted to improve their education they would have to work during the day and go to night classes. These fellows should be the same.

Similarly, vocational training programs in prison are a violation of the principle of lesser eligibility since only a minority of people outside are permitted to benefit from manpower training programs such as the National Employment and Training Scheme (NEAT). The payment of award wages to prisoners who are released to work in private industry outside prison during the day is a violation of the principle since there are people in the free community who earn less, indeed there are many who do not have jobs at all. Special job placement services for prison releasees are a violation

of the principle since such special assistance is not available to non-prisoners.

The Principle of Greater Eligibility

This book contends that a principle of greater rather than lesser eligibility should be applied to the prison population. Take the example of special job placement services for prison releasees. When a person is sentenced to a term of imprisonment it is the determination of the judge, rightly or wrongly, that this period in prison is a just penalty for the wrong which has been committed. The offender is pulled out of his job in the free community, if he has one, and put in jail. If when he is released he cannot obtain a job which is at least as good as that which he had at the time of imprisonment, he will suffer a double penalty which might continue for many years after he has completed his term. This is quite likely to happen because his work skills and work habits will have deteriorated while he was in prison, and he is now likely to be discriminated against by employers because he bears the stigma of the ex-convict and because he has a break in his work history. It was certainly not the intention of the judge in determining a 'just sentence' for the crime that such serious additional penalties should fall upon the heads of so many among those whom he or she convicts.

On simple grounds of justice and equity in sentencing the state has a special responsibility to do everything possible to place prison releasees into jobs which are as good as those which they filled prior to conviction. This argument cannot be applied directly to prisoners who were unemployed prior to their incarceration. Nevertheless, it would clearly be perpetrating a different kind of inequity to provide job placement prior to release for prisoners who were employed upon conviction but not for those who were unemployed.

The second argument for the provision of special educational and manpower services to prisoners is that they represent a section of the population which has been especially disadvantaged in the benefits derived from such services throughout their lives. The state paid for my full-time education for a continuous period of 20 years. It would be indefensible for me, or most of my readers, to quibble over the equity of any amount of expenditure on the education of a prison population about 90 per cent of which has

extracted 10 or fewer years of education from the state.⁸

The most troubling aspect of the lesser eligibility principle for most people is in its application to prisoners depriving free men and women of employment. This concern is very often expressed about work release. Certainly if prisoners are released during the day to work in an unskilled factory job, then someone in the free community is likely to be deprived of that job, unless it is one of those jobs with such obnoxious working conditions that no one will tolerate it for long. To a considerable extent, however, prisoners can be trained to fill gaps in the labour market where there are shortages of people with requisite skills. Such gaps always exist even during periods when unemployment is at its peak and it is the role of manpower policy to ensure that such gaps are filled. Training people for jobs in which they cannot be placed while unemployment is high can still be of national economic benefit, since a reservoir of trained workers may be needed to satisfy a labour shortage when the upswing occurs.

Manpower training resources should be deployed where they can do most good in upgrading the productive capacity of the national workforce. Prisons are an ideal locus for manpower investment because prisoners represent one of the most under-utilised segments of the workforce. The whole nation loses economically because of their wasted productive capacity. Their capacity is not only wasted because of their relative idleness while in prison, but also because they are by and large a human resource which the state has never bothered to upgrade.

The argument that the fewer than 100 Australian prisoners on work release cause unemployment is a direct parallel to that very simplistic mode of economic thinking which warns that increasing immigration or allowing women to work worsens unemployment. Such arguments ignore the fact that the increased production from using more of the nation's reservoir of talent creates wealth which can be invested to provide even more jobs. National productivity benefits if, as each job vacancy arises, the best person available is placed in it, irrespective of that person's sex, criminal record, or any other extraneous factor.

If people are troubled by the possibility of 'criminals' taking jobs away from 'law abiding citizens' then they really should take this to its logical conclusion and argue for larger and larger proportions of convicted criminals to be imprisoned for longer and

longer periods so that more and more job vacancies would be left to be filled by free citizens. Some scholars have indeed shown that the judiciary tends to sentence more of their cases to imprisonment during periods when unemployment is high.⁹ It is doubtful whether this represents a conscious policy; but if it does, it is neither an effective nor humane policy for decreasing unemployment.

Let us not attempt to make prisoners the scapegoats for the nation's economic problems. They have a right to work and make a productive contribution to the nation equal to that of any citizen. Their punishment is confinement, not enforced idleness. The right to work and join a trade union laid down in Article 23 of the *Universal Declaration of Human Rights* makes no exception for prisoners in its provisions. This is reaffirmed in the *United Nations Standard Minimum Rules for the Treatment of Prisoners* and Col Bevan's discussion paper on *Minimum Standard Guidelines for Australian Prisons* both of which emphasise the importance of prisoners being given the opportunity to engage in constructive work.

Learning Illegitimate Job Skills in Prison

Most of the trade instruction which goes on in prison is not of the type which would be funded under the NEAT Scheme. Informal instruction might be conducted on how to plan, keep cool, and control the situation in an armed robbery; the electrical workshop can become a venue for tuition on the workings of alarm systems; and in the prison's welding classes greater interest can often be shown in how things are cut open rather than how they are welded together.

In an anonymous letter to *Playboy* magazine, one remand prisoner wrote:

... our jails are turning out more criminal minds than they are taking in. During my own confinement, I've already learned how to mix nitroglycerine and how to 'peel' a safe, and I've been given some tips on the kind of weaponry to be used during an armed robbery — and I haven't even been sentenced yet.¹⁰

It would be wrong to suggest that the training in illegitimate job skills which occurs in prison is in the nature of a highly

organised teacher-pupil relationship. Many professional criminals jealously guard the secrets of their trade and the novice must nurture a relationship of trust for a long period before he can begin to be regarded as an apprentice. Most of the learning is of an informal nature. The young prisoner will prick up his ears when he hears more experienced offenders speak of the consequences of mistakes they made when pulling jobs. By tuning in to these kinds of conversations the young offender learns from the mistakes of older prisoners. One of the apprentice safecrackers in Letkemann's study would informally milk professionals by referring to a newspaper article about a safecracking job during conversation. He would try to elicit a response from the professional by louding musing, 'I wonder how he done that?'

One con man who I spoke to learnt how to run mail order frauds while in prison. The professional con man who taught my informant never passed on his good ideas to his prison apprentice. The learning experience would proceed by the apprentice saying 'What do you think of this idea?', and the master would then outline all of the reasons why it might not work very successfully. Through a process of elimination the apprentice was able to leave prison with a few schemes which he had good reason to believe might work. If any of these ideas were really good, the master, being a less than totally honest man, might well have stolen the ideas for himself. Both parties could benefit from the exchange. The apprentice learns of the pitfalls he must avoid, and the master might pick up some creative new ideas without having to give away any of his own.

Prison education can often take the form, in effect, of enrolment in a post-graduate course in crime. The theory might be taught in prison and contacts developed to whom the apprentice can go to for more practical instruction upon release. One female ex-prisoner, for example, told me that she had learnt how to set herself up in prostitution while in the Brisbane women's prison. but she was also given the name of a man to call upon when released so that she could discover the up to date situation on the outside.

The motivation of prisoners to learn illegitimate job skills very often compromises the administration's efforts at imparting legitimate job skills. The following story from one of Letkemann's case studies shows that when prisoners plead with the administ-

ration for a job in the boot shop it is not always because they have their sights set on a career in bootmaking:

... the shoe shop was where all the tough convicts were — and they were all safecrackers. And some of the best safecrackers in all of Canada were in that shoe shop.

... So I — it took me, let's see — it took me about thirteen months to get into that shoe shop. I was in that shoe shop when I was eighteen because I had made up my mind I was going to be in there.

YOU MOVED FROM THE YOUNGER CONVICTS? I did about eight months in the hole, and lost five months in remission in doing it, because the warden was just as determined as me, that I was going to stay in there. So I finally won anyway — I got into the shoe shop.

NOW, IN OTHER WORDS, YOU MADE ENOUGH TROUBLE FOR THEM SO THEY FINALLY GAVE YOU . . . Anything, that's right. I got into a little minor, you know — did a little hole time during these two and a half years, but nothing like previous. AND YOU WERE IN THE SHOE SHOP FOR TWO AND A HALF YEARS. Uh huh. And I learned safecracking from A to Z in here, in theory, in that shoe shop. There were approximately — oh, I'd say fifteen good safecrackers.¹¹

It is a ubiquitous constraint on the effectiveness of all prison programs that prisoners will be seen to be doing the right things for the wrong reasons. In a commentary on this fundamental reality of prison life, Rob Golding, a New South Wales prisoner,¹² has written a poem about the effectiveness of yoga as a rehabilitative program.

PRISONERS HAVE CLEAN TOES

it is true
many prisoners
practice yoga
it is cynical
to suggest
they do so
in order to
suck their
own toes . . .
however
it is true
many prisoners
practice yoga

In the discussion of prison work in Victoria we shall see that one of the most innovative and potentially effective prison industries in Australia, the fledgling computing industry at Pentridge, was opposed by one university computer scientist to the point of writing letters to the Premier arguing the risk of ex-prisoners turning to computer crime. But this kind of criticism can be levelled at any and all prison industries. There is always the risk that prisoners will use skills learnt in prison workshops for illegitimate ends. After all, if we teach illiterate Aboriginal prisoners to read and write there is always the chance that they will use their new found skills to forge signatures on dole cheques.

Even the much vaunted benefit from prison work of maintaining the work habit can do as much to improve the efficiency of illegitimate as legitimate work on release:

Further, such exploitation may demand that the criminal use work habits strikingly similar to those of the ordinary worker. As was indicated, criminals themselves recognize the similarity between the rounder and the square-john with reference to such work-related matters as punctuality, reliability, and doing one's work with care and diligence. Conversely, the criminal bum, were he to apply his style to legitimate work, would be no less a bum.¹³

The distinction between legitimate and illegitimate job skills is not cut and dried. All offenders are in a continuous process of upgrading and neglecting all sorts of skills which could be used either legitimately or illegitimately. The goal of manpower policy with respect to prisoners should be to shift the balance of overlapping legitimate and illegitimate skills in favour of packages of skills which can be applied to landing decent jobs in the legitimate labour market. When this is achieved there is no longer a need for the prisoner to use his various skills in an illegitimate way. Shifting the emphasis onto the teaching of marketable skill packages obviates so much of the worry about prisoners abusing talents acquired in jail. The latter concern should be at its greatest when prisoners are learning bit skills which are not articulated to a marketable package, and therefore will be unpredictably used for either good or ill.

I am therefore certainly not suggesting that prison authorities should never prohibit certain types of skill training because of their potential for illegitimate use. It was not altogether unreasonable of the New South Wales Royal Commission into Prisons to

suggest that it was inappropriate that some prisoners had undertaken a course in explosives. On the other hand, if a prisoner had an aptitude for this kind of work, and if the Commonwealth Employment Service felt that there was every chance of him landing a \$20,000 a year job as a demolition expert upon release, then doing a course on explosives might be an excellent idea for that prisoner.

The Protestant Ethic and All That

To complete this introduction to the problem it is necessary to examine the philosophical roots of work being regarded as holding some kind of key to the solution of crime. Work, of course, was central to the chain-gang, rock-breaking philosophy of the eighteenth and nineteenth centuries. Edmund du Cane, a nineteenth century chairman of the British Prison Commission encapsulated the philosophy as 'the punishment of hard, dull, useless, uninteresting labour'.¹⁴ Ironically, such penologists also typically construed the criminal's problem as being one of indolently choosing the life of crime in preference to the sweat of honest toil. 'Aversion to labor is the cause from which half of the vices of low life deduce their origin and continuance'.¹⁵ Hawkins has appositely remarked that: 'Patients undergoing aversive therapy do not usually become addicted to emetics or electric shocks'.¹⁶ He goes on to quote the way that Thomas Mott Osborne expressed the paradox:

When men are placed at work, usually without consulting their preferences or capacities, are held at work only by dread of punishment, and receive no pay - or very inadequate pay . . . [they] . . . come to associate work with prison and so desire to escape it altogether . . . Any one of us, after years of that sort of labor and 'discipline' would find burglary a most refreshing contrast.¹⁷

It is something of a radical catchcry to denounce any consideration of the need for the reform of prison industry as a manifestation of 'the Protestant work ethic'. The 'Protestant work ethic', Max Weber notwithstanding, is seen as a bad thing. If by the 'Protestant work ethic' is meant the enforcement of meaningless drudgery as punishment, then, for the reasons so succinctly expressed by Hawkins, it is clearly a bad thing. If, on the other hand, what is meant is providing the opportunity for purposeful work which permits a sense of dignity and creativity in the worker,

and which opens a pathway to a remunerative occupational role, then the 'Protestant work ethic' is surely something we should support. Certainly the latter sounds like something that everyone from Karl Marx to Lang Hancock would support.

Enforced idleness is an even more oppressive punishment than enforced drudgery. Ask any prisoner who has experienced solitary confinement. The radical who, probably without ever having read Marx on work, suggests that expanding work opportunities for prisoners is imposing the Protestant work ethic upon them engages in one of the most shallow types of analyses imaginable. The problem, as William Faulkner once said, is: 'the only thing a man can do for eight hours a day, day after day, is work. You can't eat eight hours a day nor drink for eight hours a day nor make love for eight hours'. All of the prisoners I have asked have said that they would rather work than sit around in the yard doing nothing, in most cases even if that involves the alienating kinds of work which are characteristic of most Australian prison industries.

1. For convenience 'he' and 'his' will be used throughout the book to refer to prisoners unless the passage specifically refers to females. Ninety-seven per cent of Australian prisoners are male.

2. S. Glueck and E. Glueck, *500 Criminal Careers* (Alfred A. Knopf, New York, N.Y., 1930). D.C. Reitzes, 'The Effect of Social Environment Upon Former Felons' *Journal of Criminal Law, Criminology and Police Science*, 46, 1955, pp. 226-231. D. Glaser, *The Effectiveness of a Prison and Parole System* (The Bobbs-Merrill Company, New York, 1964), pp. 232-259. C. Blackler, 'Primary Recidivism in Adult Men', *British Journal of Criminology*, 8, 1968, pp. 130-169. R. Evans, 'The Labor Market and Parole Success', *Journal of Human Resources*, 3, 1968, pp. 201-212. G.A. Pownall, *Employment Problems of Released Prisoners* (U.S. Department of Labor, Washington, D.C., 1969). R. Taggart, *The Prison of Unemployment: Manpower Programs for Offenders* (John Hopkins, 1972). I Waller, *Men Released from Prison* (Toronto, University of Toronto Press, 1974). New South Wales Department of Corrective Services, *The Performance of Work Releasees on Parole* (N.S.W. Department of Corrective Services, Research and Statistics Division Publication No. 19, Sydney), p. 19. F.H. McClintock, *Employment Problems of Young Offenders Committed to a Closed English Borstal*. In United Nations Social Defence Research Institute, *Economic Crises and Crime* (Rome, U.N. Publication No. 15, 1976). Law Enforcement Assistance Administration, *Study of the Economic and Rehabilitative Aspects of Prison Industry*.

Volume VI: Analysis of Prison Industries and Recommendations for Change (U.S. Department of Justice, Washington D.C., 1978), p. 76. R. Mershon, *An Analysis of Recidivism Rates Among Residents Released from Massachusetts Correctional Institutions in 1976* (Massachusetts Department of Correction Publication 11138-31-250-12-78-CR, 1978). G.W. Knox and W.A. Stacey, 'Determinants of Employment Success Among Ex-Offenders', *Offender Rehabilitation*, 2, 1978, pp. 205-214. U.S. Department of Labor Employment and Training Administration, *Unlocking the Second Gate: The Role of Financial Assistance in Reducing Recidivism Among Ex-Prisoners* (U.S. Government Printing Office, Washington D.C., 1978), p. 27.

3. P. Letkemann, *Crime as Work* (Englewood Cliffs, Prentice-Hall, 1973), p. 160.

4. N. Polsky, *Hustlers, Beats and Others* (Chicago, Aldine Publishing Co., 1967), p. 103.

5. *Op. cit.*, p. 9.

6. D.M. Gordon, 'Capitalism, Class and Crime in America', *Crime and Delinquency*, 19, 1973, pp. 163-186.

7. *Ibid.*, p. 175.

8. One survey at Pentridge, conducted by the former principal of the prison school Bruce Walker, found recently that 0.7 per cent had no education, 22.4 per cent primary, 75.9 per cent secondary, and 1.0 per cent tertiary. In another survey at the Boggo Road prison in Queensland, 1 per cent of the sample had never attended school, 2 per cent attended school for 1-4 years, 41 per cent for 5-8 years, 47 per cent for 9-10 years, and 8 per cent for more than 10 years.

A Western Australian survey of 276 prisoners at Fremantle prison found that 86 per cent of the sample had completed 10 or fewer years of schooling. For Aboriginal prisoners, this figure was 97 per cent. See C.R. Foley-Jones and R.G. Broadhurst, *Prisoner Work and Educational Preferences* (Western Australian Department of Corrections, Research and Information Series No. 17, 1977), p. 11.

The table below has been reproduced from the report of the New South Wales Bureau of Crime Statistics and Research, *A Thousand Prisoners* (Sydney, Statistical Report 16, 1974), p. 3.

LEVEL OF EDUCATION OF 1,000 INMATES
OF N.S.W. PRISONS

	Prisoner sample (N = 1,000) %	N.S.W. Males (1971 census) %
Graduate University		
College Advanced Education		
Higher School Certificate	4.0	21.3
Intermediate School Certificate	13.5	11.9
Secondary	67.7	46.8
Primary	13.0	15.7
Never attended	0.8	0.4
Not established	1.0	3.9
	100.0	100.0

The survey of 344 Australian prison releasees reported in detail in Chapter 16 of this book found the following breakdown of educational attainment for the sample.

	%
Tertiary graduate	0.6
Some tertiary	1.2
Completed secondary	8.7
Some secondary	76.2
Primary only (or never attended)	12.8
Not established	0.6
	100.0

9. R. Quinney, *Class, State, and Crime: On the Theory and Practice of Criminal Justice* (David McKay Company, New York, 1977), pp. 131-139.

10. I. Jankovic, *Punishment and the Post-Industrial Society: A Study of Unemployment, Crime and Imprisonment in the United States* (University Microfilms International, Ann Arbor, Dissertation, University of California, Santa Barbara, 1977).

11. Letter to the Editor, *Playboy* 16, no. 8, 1969, p. 48. Quoted in Letkemann, *op. cit.*, p. 122.

12. Letkemann, *op. cit.*, p. 126.

13. From *Walled Garden*, a book of prisoners' poems produced by the New South Wales Department of Corrective Services.

14. Letkemann, *op. cit.*, p. 161.

15. E.F. du Cane, *The Punishment and Prevention of Crime* (London, Macmillan, 1885), p. 175. See also the following comments of the Reverend Sydney Smith on the 1821 annual report of the Society for the Improvement of Prison Discipline [Quoted by J.T. Sellin, *Slavery and the Penal System* (Elsevier, New York, 1976), p. 104.]

We again enter our decided protest against these modes of occupations in prisons . . . they are not the kind of occupations, which render prisons terrible. We would banish all the looms of Preston jail and substitute nothing but the treadmill or the capstan or some species of labour, where the labourer could not see the results of his toil — where it was as monotonous, irksome and dull as possible — pulling and pushing, instead of reading and writing — no share of the profits — not a single shilling. There should no be tea and sugar — no assemblage of female felons round the washing tub — nothing but beating hemp and pulling oakum and pounding bricks — no work but was tedious, unusual and unfeminine. Man, woman, boy and girl should all leave the jail unimpaired, indeed, in health but heartily wearied of their residence and taught by sad experience to consider it the greatest misfortune of their lives to return to it. We have the strongest belief that the present lenity of jails, the education carried on there — the cheerful assemblage of workmen — the indulgence in diet — the shares of earnings enjoyed by prisoners are one great cause of the astonishingly rapid increase of commitments.

15. W. Paley, 'The Principles of Moral and Political Philosophy', in J. Heath (ed.), *Eighteenth Century Penal Theory* (Oxford University Press, Oxford, 1963), p. 258.

16. G. Hawkins, *The Prison: Policy and Practice* (University of Chicago Press, Chicago, 1976), p. 110.

17. T.M. Osborne, *Prisons and Common Sense* (L.B. Lippincott, Philadelphia, 1924), pp. 39-40.

4

Empirical Evidence on the Effectiveness of Vocational Programs

It is now widely accepted by criminologists and prison administrators that rehabilitation within prison is extremely difficult. We know that sending a person to jail is more likely to increase his propensity to criminality than to rehabilitate him.¹ The now famous review of evaluation studies of rehabilitative programs by Lipton, Martinson and Wilks shows that most of the rehabilitation strategies which have been used in prisons demonstrably do not work.² Psychotherapy, counselling, group therapy, and the like do not work on prisoners because they assume that criminals have certain identifiable personality problems which can be cured. Yet the hard research evidence is also clear in showing that there are not identifiable personality difficulties which enable us to distinguish criminals from non-criminals.³ In aggregate, people in the general community would seem to be just as likely as criminals to be neurotic, paranoid, psychopathic, schizophrenic, extrapunitive, intrapunitive, and so on. It should not surprise us then that rehabilitation programs which seek to deal with prisoners at the level of their 'personality problems' do not have any impact on recidivism.

But if there are not strong correlations between personality factors and criminality, we have seen that one relationship which does discriminate convicted criminals from the general community is that criminals are less likely to have had steady jobs. The staggering extent to which this is true was highlighted when the first report of the South Australian Office of Crime Statistics showed that more than 75 per cent of individuals received into custody under sentence were unemployed during the quarter ending 31 December, 1978.⁴ Universally it is found that a high proportion of the personal histories of prisoners are characterised by chronic unemployment.⁵ Moreover, as shown in Chapter three,

the releasees who are by far the most likely to become recidivists are those who cannot get a job.⁶

In addition to the strong correlation between vocational failure and recidivism, the theory of legitimate and illegitimate work presented in Chapter three encourages the view that the provision of vocational opportunities for prisoners would reduce their chances of recidivism. Moreover, Cloward and Ohlin's⁷ theory of legitimate and illegitimate opportunity fosters the conclusion that providing good jobs for prisoners would do more to reduce crime than providing the same good jobs to non-prisoners. This is because both the blockage of legitimate opportunities and the availability of illegitimate opportunities are necessary conditions for criminality. Most non-prisoners who have legitimate work opportunities closed to them will not have the knowledge, contacts and life circumstances to be able to exploit illegitimate opportunities. In contrast, ex-prisoners who have legitimate work opportunities closed off to them have ready access to a network of illegitimate options.

Demonstrating that there are a number of reasons why vocational programs should work is a far cry from demonstrating that they actually do reduce recidivism. The purpose of this chapter is to review the empirical evidence on the latter question. Before proceeding with the review, however, it must be pointed out that reduction of recidivism should not be the ultimate criterion of success for vocational programs. If access to meaningful work, vocational training, and job placement services are deemed to be desirable for the general population on grounds other than crime reduction, then these same grounds justify their being made available to prisoners. Trade training programs for unskilled workers are justified in the interests of increasing employment and national economic growth. Just as education has intrinsic value for the student in the free community, quite independent of its value for getting a job, so prisoner education has worth for its own sake irrespective of its effects on both employment and recidivism. If job placement services help the prisoner to find the job which best fulfills his individual interests and which uses his unique skills and aptitudes to maximum community advantage, then no further justification is necessary. The only reason for asking the question of whether vocational programs for prisoners reduce crime is in deciding whether there is a rationale

for expenditure on such programs in excess of the amounts which would be justified on grounds of equity. The question is whether it would be desirable for the criminal justice system to redeploy crime prevention funds which are currently spent on police, prison psychologists, and other uses to the employment of prison trade instructors, job counsellors and the like.

Some readers will find the review of empirical evidence which follows depressingly equivocal. Research findings in this area, as in all branches of criminology, are riddled with inconsistencies. This is largely due to the unreliability of the measures which criminologists are forced to use. My conclusion will be, however, that the proportion of findings which support the proposition that vocational programs reduce recidivism is sufficient to encourage the view that such programs might emerge as one of the few types of intervention which can have an impact on crime. Let me then present the evidence, in all its complexity, so that the reader can make his or her own judgment on whether this is a reasonable conclusion. The evidence on the effects of prison work, vocational training, academic education, work release, job placement, pretrial job placement, and financial assistance upon release will be reviewed separately.

The Effects of Prison Work

While we will see that there has been considerable evaluation of the effect of vocational training programs on recidivism, almost no attention has been paid to the question of whether prison work, irrespective of any training component it might incorporate, has an effect on crime. Pownall⁸ has shown that Federal prisoners in the United States are much more likely to get a job upon release if they worked while they were in prison. However, this may well reflect the fact that it is the indolent or the handicapped who are least likely to get a work assignment in prison.

Glaser⁹ followed up 140 prison releasees from Chicago, Detroit, Cleveland and St Louis over a period of 4.1 months. At the end of this period 24 of the 140 had not yet found any post-release employment, and two had had no work assignment in prison, owing to hospitalisation. The remainder, 114 men, had had both work in prison and post-release jobs. Only 33 of the latter conceded that the work they were doing was anything like the jobs they had in prison. Glaser finds grounds for

pessimism in the fact that only 29 per cent of prisoners who obtained jobs in the first four months after release found prison work experience useful in those jobs.¹⁰ Such pessimism hardly seems justified. It seems to me that this kind of moderate to low level success is the best we can expect of any program working against the difficult odds of the prison environment. Moreover, the fact that only 29 per cent used their prison work experience during the first four months after release does not preclude the possibility that many more might come to use that experience at some time in the remaining years of their working (or non-working) lives.

Government vocational programs in the free community are funded with the full expectation that many beneficiaries of the programs, for all sorts of good reasons, will never use what they have learned. Indeed how many of us use in our jobs the algebra or calculus which we learnt at school. *A fundamental principle of all vocational programs, inside and outside prison, is that it is justified both economically and socially that they be made available to the majority with the full expectation that it will only be a minority who use them to advantage.* With respect to prison work experience we should be surprised that this minority could be as large as that demonstrated by Glaser given the appalling irrelevance of most prison work to what goes on in the real labour market.

Glaser also found that almost twice as many successful releasees as parole violators report the use of prison training on post-release jobs. Asked when and why they changed from an interest in pursuing crime, roughly a third of the successes mentioned their improved work habits or skills as a factor in this change. Interestingly, Glaser found that the highest failure rates occurred among prisoners who had held work positions in prison which incorporated the greatest degrees of influence in the inmate community. These were prisoners who were personal assistants to officers as clerks, orderlies, and runners, or were 'front office' clerical personnel. Glaser suggests that such jobs attract the 'inmate politicians' — prisoners who use the intelligence gathered on the job in exchange for influence and material rewards in the inmate community. Whether the high failure rates on parole of these prisoners reflect the fact that those who are most committed to a criminal lifestyle are attracted to such jobs, or whether being in

the jobs opens up criminal contacts and illegitimate opportunities which can be exploited upon release, is an interesting question.

Overall, Glaser interprets his findings as follows:

For the minority who gain skills in prison at which they can find a post-release vocation, prison work experience and training is a major rehabilitative influence. This ties in with the findings that: (1) prison work is able to provide a more regular employment experience than most prisoners will previously have had; (2) prior work regularity is more closely related to postrelease success or failure than type of work; (3) relationships with work supervisors are the most rehabilitative relationships with staff personnel that prisoners are likely to develop. From this diversity it seems reasonable to conclude: It is not the training in vocational skills, but rather, the habituation of inmates to regularity in constructive and rewarding employment, and the anticriminal personal influences of work supervisors on inmates, that are the major contributions of work in prison to inmate rehabilitation.¹¹

Evidence does not exist to enable a test of Glaser's assertion that it is the work habit and the benefits arising from experiencing the social organisation and interpersonal relationships of the work situation which are rehabilitative rather than any training which might accrue.

Most practising prison administrators see the main advantage of prison work as resting in its efficacy for preventing offences from occurring while the offender is in prison rather than after his release. Mark Filan has referred to this as the 'Management' rationale for prison industry:

The maxim 'Satan finds work for idle hands' is possibly a reflection of the Protestant Work Ethic; however it is true that many management problems in prisons have originated in under-employment of prisoners. Perhaps it is not coincidental that the notorious Bathurst riot and fire followed the destruction of the prison workshop in a previous fire. Similarly, remand sections, where prisoners are not employed are traditional troublespots in prisons. The management perspective recognises also the physical and psychological damage created by enforced idleness.¹²

Clearly the efficacy of prison industry with respect to the prevention of riots and other disturbances would be extremely difficult to evaluate in any systematic way.

The Effects of Vocational Training

In a multiple regression analysis, Knox and Stacey¹³ show that the probability of post-release arrest and return to prison are both

lower for those with more 'months of training or education while incarcerated'. Their results, however, give no indication of the strength of this relationship. The more general problem with such studies is that the observed effects of vocational training may be due to the selection into the programs of prisoners who are less seriously committed to crime in the first place. What is needed are studies with an adequate control group carefully matched with the experimental group on key variables. The most comprehensive of the studies without a matched control group is Pownall's¹⁴ survey of the employment experiences of all United States Federal prison releasees in June 1964. Pownall found that inmates who had received some vocational training in prison were no more likely to find employment than those who had not unless they had received the vocational training for a period of one year or more. In common with Glaser, Pownall found that less than a third of those who received vocational training in prison used it in their first job upon release. Pownall points out, however, that his surveys were done in the mid 1960s and he notes that in the 1970s government agencies have relaxed guidelines on the hiring of ex-offenders.

The best known control group study is the Rikers Island project in the New York City jail.¹⁵ One hundred and thirty-seven 16 to 21 year old males were given occupational training, remedial reading, counselling, extensive job placement assistance, and some cash upon release. A matched control group of 127 were given no special assistance. The IBM Corporation was actively involved in the training program, which was primarily in the operation of computer card punch machines.

After two years, 48 per cent of the experimental group had committed crimes which put them back in jail, compared to 66 per cent of the control group. Forty-eight per cent of the experimentals ended up in white collar jobs compared to 18 per cent of the controls.

Even though experimentals and controls were carefully matched on a large number of social and economic variables, Taggart¹⁶ points out that there were substantially more drug users among the control group, and that this could account for their higher recidivism. The apparent impact on recidivism of the Rikers Island project is perhaps surprising since only 29 per cent of the experimental group were employed in jobs even indirectly related

to their IBM training and only 18 per cent specifically for such jobs. The program encountered a degree of employer resistance to having male ex-offenders working beside the women who predominate in the industry.

Another major study of this kind has been undertaken to evaluate 25 projects (in 30 institutions) funded under the United States Manpower Development and Training Act.¹⁷ The post-release experience of 2,877 enrollees in the MPDA program and more than 1,000 matched controls were measured three and six months after release. Enrollees were given trade training mainly in welding, auto mechanics, and upholstery, and about half of them were also given special job development and placement assistance.

The follow up indicated that the employment experience of the trainees was little or no better than that of the controls. Trainees were more likely than controls to be employed full time after three months, but less likely to be employed full time after six months. While trainees earned somewhat higher wages, they worked less of the time during the six month follow up and earned less overall. One possible explanation for this, which will be discussed in greater detail later in this chapter, is that more highly trained workers use their greater earning capacity to finance spending more time in search of a job. Rather than accept the first job going, the more skilled worker will remain unemployed until a job which fits his skills can be found.

Even though the impact of the program on employment was minimal, the recidivism of the trainees was three to five per cent lower than that of the controls.

Project Develop, a post-release manpower program of the New York State Division of Parole, has been analysed for its impact on recidivism.¹⁸ Project Develop provided vocational guidance, work orientation, counselling, education, training, support, placement, and follow up assistance to young (17 to 23 year old) under-educated and underemployed parolees with above average intelligence.

The recidivism of the 115 parolees who completed the program was compared with that of a carefully selected control group. Parole violation or arrest for a new crime within a two to 10 month period happened with 15 per cent of Project Develop completers, and with 23 per cent of the controls. Only six per cent

of the experimental group were sent back to jail, compared with 12 per cent of the controls. However, these differences were not statistically significant, and Taggart¹⁹ points out that if the control group had been compared with all Project Develop enrollees (including those who dropped out, or were back in jail before the project was completed) instead of completers, it would be the control group which performed better.

Another study by Gearhart *et al.*²⁰ in two Washington State institutions examined the effect of vocational training in office machine repair, auto mechanics, barbering, body and fender work, machinist work, carpentry, drafting, dry cleaning, electronics, shoe building and machine operation. A follow up of three years showed no significant effect on recidivism in a comparison with untrained controls. Gearhart did report, however, that when a trainee succeeded in finding a job related to his area of training, his chances of becoming a successful parolee were improved. It is possible, then, that vocational programs fail because the skills acquired cannot be applied in the employment market.

Ketterling²¹ has conducted the only evaluation of a vocational training program for female offenders. The four month training program was dominated by activities largely confined to the traditional female role — instruction on personal care and grooming, child care, reading, writing, spelling, business filing, vocational guidance, and group counselling. Compared with controls no significant improvement in either employment or recidivism resulted.

The Effects of Prison Education

Quite a deal of evaluation research has been undertaken on the effects on recidivism of academic education which is not directed at any specific vocational skill. While some of the early studies produced encouraging findings on the value of academic instruction, more recent studies have been decidedly discouraging.

One of the most thorough studies was conducted by a prisoner under the pseudonym William F. Lanne on parolees from an Illinois prison between 1933 and 1939.²² On a three year follow up, 16 per cent of 187 parolees who had been enrolled for correspondence school violated parole compared to 31 per cent of 4,330 nonstudents. The students, however, differed from the nonstudents in being younger, more intelligent, more likely to be guilty of

robbery, and more likely to be first offenders. Lanne therefore compared the 187 students with 187 nonstudents matched on these variables. The matched nonstudents showed a violation rate of 20 per cent compared with 16 per cent for the students.

In another early study of men released from Wisconsin State Prison between 1936 and 1941 Schnur²³ found that inmates who had been enrolled in day-school classes showed significantly lower recidivism than those who had not. The *ex post facto* sampling and the failure to match the control group with the experimentals, as done by Lanne, makes this kind of study of dubious value. A loose attempt at matching has been undertaken by Saden²⁴ who in comparing students and nonstudents among 1,000 Michigan parolees found that 74 per cent of the former and 64 per cent of the latter were successes on parole. After matching for previous criminal record it remained the case that among those with previous criminal records 66 per cent of the students compared with 55 per cent of the nonstudents were successful on parole.

The above three studies, demonstrating a desirable effect of prison education on recidivism, were all conducted in the United States on offenders incarcerated prior to or during World War II. More recent studies have produced a less optimistic picture. A Washington study by Coombs²⁵ found that Washington prisoners who had experienced a regular prison academic educational program had a higher parole success rate of 64 per cent compared to 60 per cent for all parolees, but lower success compared with the 68 per cent success rate for all parolees of similar age. Kasuda²⁶ found among Wisconsin prisoners that, within base expectancy categories, those who had made satisfactory educational progress had lower violation rates than those who had made unsatisfactory progress, but that the difference was not statistically significant. A New York State study of 950 young male offenders found no significant difference between parole successes and failures in the proportions who increased, decreased, or did not change their educational standard during incarceration.²⁷

Perhaps the most depressing finding of all comes from Glaser's²⁸ influential study, where he found that participation in prison education overall was associated with higher than average post release failure rates. Education was related to higher success rates only where it was extensive and occurred in the course of prolonged confinement. Glaser concluded that his data might

reflect the counterproductive effects of a small amount of education raising expectations which could not be fulfilled.

Consistent with this interpretation are the findings from the Seashore and Haberfeld²⁹ evaluation of project NewGate and several other tertiary prison educational programs. Participation in the tertiary education programs was not significantly associated with lower recidivism rates. However, program participants did have their occupational aspirations increased by participation in the program. The two year follow up showed that participants were not significantly upwardly mobile compared with controls. A widening of the gap between aspirations and actual achievement may therefore have been the consequence of the program.

It is difficult to locate any methodologically sound post-war studies of the effect of academic instruction on recidivism which indicate any degree of success. Some might interpret Kovacs'³⁰ evaluation of the New Start project in Denver as providing some joy. A group of 17-21 year old males underwent a noninstitutional education program which included vocational training, role playing, group counselling, theatre and art gallery trips, college class attendance, and some programmed instruction — a primarily academic program even though there were some vocational components. A one year follow up showed that the experimentals were less likely to have been convicted to jail than a matched control group. However, the difference just failed to be statistically significant at the .05 level. The cost of the program was shown to be \$780 per person less than the cost of maintaining the offender in Colorado prisons.

In sum, there seems to be insufficient evidence to support the view that investment in academic education for prisoners is a way of reducing crime.

The Effects of Work Release

Work release is a program where the prisoner goes out to work in a normal job outside of prison each day and comes back to the jail at night and on the weekend. The benefits of work release are assumed to include the gradual reintegration of the offender into normal community life, the fostering of work habits in a realistic work situation, the provision of an opportunity for the prisoner to earn some savings both to support his family while in jail and to assist with his economic survival upon release, and the establish-

ment of contacts with employers who might assist with a post-release job.

On the latter question Bowden³¹ has shown that only a third of the 814 work releasees in his study of United States Federal prisoners were rehired by the work release employer on discharge from prison. A further nine per cent obtained their first job with another employer in an occupation related to their work release experience.

Evaluation studies of work release programs are a relatively recent phenomenon. In their review of correctional evaluation studies between 1945 and 1967 Lipton, Martinson and Wilks reported that: 'no systematic studies have been conducted that have evaluated the effect of work release on recidivism or community adjustment once offenders are discharged'.³² This is no longer true.

Taggart³³ reported that of the 1,536 Federal work releasees in the United States in 1967, 77 per cent were not recommitted to jail, and that this was a lower level of recidivism than among prisoners generally. Similarly the California Department of Corrections showed the extremely low rate of return to prison of 12.3 per cent among its work releasees.³⁴ In Pennsylvania Newman and Bialen³⁵ showed that 18 months after release from Bucks County Prison, eight per cent of the work release inmates had committed new offences compared with 15 per cent of the remaining inmates from the same institution. A small study of work releasees from a Minnesota prison by Dunlavey³⁶ found that only one out of 36 releasees were returned to prison. Another small study without a comparison group by Fine³⁷ provides the only evaluation of work release among women offenders. Of 32 work releasees from a State women's prison in the United States only one returned to jail during a follow up period varying between 16 and 26 months. Moreover the sample experienced only three arrests — for the relatively trivial offences of prostitution, amphetamine use, and shoplifting. In contrast, Adams and Dellinger³⁸ found that 156 work releasees from the District of Columbia in 1966 had a higher rate of return to prison (26 per cent) than the 15 per cent recidivism rate among the 432 offenders released from the prison in the previous year.

All of these studies are methodologically inadequate because of the probability that prisoners who are selected into the work

release program are very different from those who are not. The first methodologically adequate study was conducted by Rudoff³⁹ and his colleagues on work releasees from the Elmwood Rehabilitation Centre, California, in the late 1960s and early 1970s. Rudoff showed that, compared with a control group, work releasees remained on the street longer before their first arrest, spent fewer days incarcerated, and were involved in less serious offences. These trends were all statistically significant and remained significant after matching the control group with the work releasees on selected characteristics so as to control for selection effects.

The next methodologically sound study was conducted by Jeffery and Woolpert⁴⁰ who compared 110 Californian work releasees with a control group of 94 matched for age, race, occupation, marital status, and criminal history. The follow up was over an impressive four years. Over this period the percentages of work releasees with no arrests and no convictions (23 per cent and 43 per cent) were nearly double those for the control group (13 per cent and 23 per cent). It was also found that the impact of work release participation was greatest in the first two years after release, declining in the third and fourth years. The overall benefits of the program were therefore concentrated in the immediate post-release period when recidivism rates are at their peak.

Perhaps the most important finding of the Jeffery and Woolpert study was that work release is of most benefit to those having the greatest risk of failure after release:

Those who fared worst under standard institutionalization showed the most dramatic improvement in the newer program. The highest risk inmates were the unskilled, unmarried men under thirty-five years of age who had three or more prior convictions. Thirty-six per cent of work furloughees with these traits had no arrests in the four years following release, compared to 5 per cent of the equivalent members of the control group. Fifty per cent of these work furloughees had no convictions compared to 10 per cent of their control counterparts.⁴¹

In this study work release was hence maximally effective with unskilled prisoners whom one would assume to be most likely to commit offences because of unemployment. Releasees who would normally have little difficulty in finding a job benefitted less, possibly because their criminal activities were related to factors (for example, personality factors) other than want of employment. This finding has potentially important implications for work

release programs in Australia, which, as we shall see in Chapter 14, are in the main made available only to model prisoners with excellent employment prospects.

A far less adequate study by Beha⁴² on a very small sample of 55 work releasees found no overall tendency of work releasees to have lower recidivism rates than would be predicted by base expectancies, but that for lower status, younger releasees who participated in the program recidivism was statistically significantly lower than expected. The latter finding could be interpreted as consistent with the Jeffery and Woolpert conclusion that work release is of greatest value to those with the highest risks of unemployment and recidivism.

Also consistent with this interpretation are the findings of a study by Witte⁴³ under the somewhat overstated title 'Work Release in North Carolina: A Program That Works!' The study showed the impact of work release on criminality during the three year follow up was far greater for offenders in jail for a felony than for misdemeanour offenders. Witte's study in fact showed work releasees were slightly more likely to be rearrested and convicted during the follow up than the control group. However, the work releasees were far less likely to have committed serious offences. They were less likely to return to jail and were only half as likely to commit a felony during the three year study. For subjects who did return to jail, work releasees served an average sentence of five months compared with 13 months for the control group.

The Witte findings about the efficacy of work release are robust since their statistical significance remained following a multiple regression analysis to partial out the variance in recidivism rates explained by differences in the composition of the experimental and control groups. Other important findings of the Witte study were:

- Men who had been on work release had more stable job records, significantly lower unemployment rates, and higher wages over the three year period than those who had not participated in the program.
- Participants felt the opportunity to support their dependents while in prison was a major benefit of the program.
- In spite of the unskilled nature of most work release jobs, 38 per cent of participants claimed to have acquired new job skills while on the

program. However, only 60 per cent claimed to have been able to use such skills in the three years after release.

- The program led to a job at release for 39 per cent of the participants. Largely because of this result, releasees on average obtained their first job twice as fast as men who had not been on the program.

The first of an impressive series of evaluation studies of the Massachusetts Department of Corrections' 'day work' and 'home furlough' programs was published by Le Clair in 1973.⁴⁴ On a small sample of 78 day work (work release) participants, the one year follow up recidivism rate of the participants (31 per cent) was not significantly lower than the recidivism rate predicted from base expectancies (38 per cent). The remaining evaluation studies were of the home furlough program which permits participants 14 days a year home leave from prison, usually taken in periods of one to three days at a time. Even though this is not primarily a work release program, these studies are worth discussing because of the quality of the evaluations and the fact that home furlough shares with work release the goal of gradual reintegration into the community through day release.

The first study found a 16 per cent recidivism rate among 610 home furlough participants in 1973 compared with 27 per cent among a control group.⁴⁵ The differences remained statistically significant after controlling for selection effects through base expectancies. Among the 621 program participants in 1974 recidivism rates were only half those of the control group and again the differences remained significant after controlling for selection effects.⁴⁶ A further study among 499 furlough participants in 1976 showed a nine per cent recidivism rate for participants compared with 25 per cent for non-participants.⁴⁷ A final study showed that home furlough combined with participation in a pre-release program for offenders in their last 18 months of sentence produced maximum reduction of recidivism.⁴⁸ The pre-release program involved living in small community pre-release centres and incorporated vocational development and community work components. Table 1 shows that releasees between 1973 and 1976 who benefitted from both home furloughs and the pre-release program showed a recidivism rate of only nine per cent. This is very much lower than the recidivism rate of 22.2 per cent predicted from base expectancies.

Table 1 Actual Recidivism Rates Compared with Base Expectancy Rates for Massachusetts Releasees 1973-76*

Category	Number	Expected Recidivism Rate	Actual Recidivism Rate
Pre-release-Furloughs	769	22.2%	9%
Non-Pre-release-Furloughs	1393	25.2%	17%
Pre-release-Non-Furloughs	115	23.0%	26%
Non-Pre-release-Non-Furloughs	967	26.3%	29%

* From Le Clair (1978) *op. cit.*

The evidence is extraordinarily impressive, given the more usual gloomy outcomes of criminological evaluations, that the total Massachusetts package of graduated reintegration has a substantial impact on recidivism.

To restore a note of pessimism to this review, we now turn to the only evaluation of work release which has employed a random allocation design. The study by Waldo and Chiricos⁴⁹ was made possible when the Florida Division of Corrections agreed to random allocation of prisoners qualifying for work release into a control group or into the program itself. Waldo and Chiricos checked that the experimental and control groups which were randomly selected were in fact comparable on a large number of variables. Their study is consequently superior to all of the foregoing evaluations in terms of the way it has dealt with the selection problem. Its other strength is that it uses 18 different measures of recidivism as dependent variables. The only weakness of the study is in its comparatively small sample of 188 work releasees and 93 controls. Waldo and Chiricos found no statistically significant reductions in recidivism for work releasees on any of the 18 recidivism measures. In another study Waldo, Chiricos, and Dobrin⁵⁰ found on the same sample that during the work release experience there was no discernible improvement on a number of attitudes including levels of perceived opportunity, achievement motivation, legal self concept, and self esteem. Nor at the end of the work release experience were there any differences between work releasees and controls on these attitudes. The only significant difference in attitudes was an unfavourable one. The level of self esteem evidenced by work releasees was significantly lower

at the conclusion of the work release experience that it had been before the commencement of work release. Moreover, at the end of the program, work releasees were significantly lower on self esteem than controls. Interestingly, the Rudoff study mentioned above also demonstrated a decline in self esteem among work releasees during the program. In contrast, the Witte study reports enhanced self esteem as a result of work release. There is clearly a need for more research to determine the circumstances in which work experience can deflate or enhance feelings of self worth. One possibility which must be explored is whether some work release assignments are to degrading jobs which cannot attract free labour. Self esteem might not be enhanced by work which has a slave labour quality about it.

In all, the evaluation studies on the efficacy for crime reduction of work release programs are less discouraging than in most areas of corrections. It is probably not unreasonable for correctional administrators to grasp at programs such as work release which produce even mildly encouraging results. After all, moderate and occasional success is the best we can expect of attempts to change the habits of a lifetime with programs which occupy a number of hours a day over a period of a few months. There are grounds for suspecting that work release might sometimes work. Some of the current programs being evaluated such as the Law Enforcement Assistance Administration's (LEAA) Exemplary Project, the Montgomery County Work Release/Pre-Release Center, are already producing promising results.⁵¹

Australian evaluations of work release fall far short of the sophistication of the American control group studies. Only Western Australia and New South Wales have substantial work release programs. Figures supplied by the Planning and Research Section of the Western Australian Department of Corrections show that only 27 per cent of those who had successfully completed work release during the 1976-77 financial year had reoffended by July 1978. The New South Wales Department of Corrective Services data show that only eight per cent of 376 work releasees in 1973-74 had their parole revoked.⁵² This finding compared favourably with the general parole revocation rate of 31 per cent for New South Wales. Undoubtedly, the apparent success of the Western Australian and New South Wales work releasees is largely due to the selection for the programs of the

best behaved prisoners. Nevertheless, such figures are not useless. They constitute a necessary but not a sufficient condition for confidence in the efficacy of work release. If the figures had indicated that work releasees did no better on parole than the general prison population, then the efficacy of work release would be utterly disconfirmed.

The Effects of Job Placement

In Chapter 16 we shall see that Australia is far behind some other parts of the world in the provision of vocational guidance and job placement services for prisoners about to be released. In late 1978 in the United States, the LEAA produced a review of American programs in this area in its National Evaluation Program Phase 1 Report *The Transition from Prison to Employment: An Assessment of Community-Based Assistance Programs*.⁵³ The report is disappointing both in the lack of comprehensiveness of the review and in the way it points up the poor quality of evaluation studies of employment programs. Evaluations of six programs were reviewed:

H.I.R.E. Ex-Offender Employability Project⁵⁴

During a nine month follow up one program's clients evidenced a recidivism rate of 26 per cent compared to 36 per cent for non-participant releasees.

Project Develop⁵⁵

This comprehensive employment services program for young male parolees resulted in a parole delinquency rate of 15 per cent, while a control group of parolees had a rate of 23 per cent. The recidivism rate was 12 per cent for participants and six per cent for controls.

Employ-Ex⁵⁶

Over a one year period the rearrest rates for persons who entered the program during the first half of 1975 was a meagre 13 per cent.

Abt Evaluation of Exemplary Employment Project⁵⁷

Another employment services program showed clients to experience an even lower recidivism rate of 11 per cent after one year.

Community Correctional Services for the Sixteenth Judicial Circuit⁵⁸

During the first six months the rearrest rate for 145 participants was 3.4 per cent; for placed clients, the rearrest rate was 2.3 per cent.

Gunderson Evaluation of Five Model Ex-Offender Programs⁵⁹

For a 15 to 18 months follow up, an average of 23 per cent of the enrollees in five Model Ex-Offender Programs were estimated to have returned to prison. This contrasted with a projected recidivism rate of 51 per cent for all releasees in the five participating States.

Given that most recidivism rates for American prisoners range between 20 and 30 per cent, the National Evaluation Program would seem on the face of it to have turned up compelling evidence that job placement services for offenders reduce recidivism. To add to this promising picture there are the recently published evaluations of operation DARE in Chicago.⁶⁰ This manpower program is primarily concerned with direct job placement. The evaluation by Knox⁶¹ showed beneficiaries of the program to have significantly lower recidivism rates than the general ex-offender population. Knox and Stacey⁶² also conclude that seven manpower service programs for ex-offenders in Illinois, including operation DARE, have benefit-cost ratios ranging from 4:1 to 17:1. Calculated benefits included the averted costs to corrections, courts, law enforcement, and welfare agencies; averted costs to the public in reduced property crime; and tax contributions and labour resource contributions to the growth of the national economy.

It is possible that because these studies do not involve a random assignment of subjects to experimental and control groups, they lead to conclusions which are altogether too rosy about the efficacy of job placement services for the reduction of recidivism. Indeed even among studies with this nonrandomised type of design there is some evidence suggesting that job placement programs can fail to have an impact on employment, let alone recidivism. Abt's evaluation of the job placement programs in prisons funded under the Manpower Development and Training Act in the 1960s in the United States certainly points in this direction.⁶³ An evaluation by Borus *et al.*⁶⁴ of the Michigan Comprehensive Offender Manpower Program (COMP) showed their efforts at providing Employment Contact Specialists, vocational counselling and introductions to employers for ex-offenders failed to improve either hours employed or gross earnings in comparison to a control group.

The control group in the latter study was matched with the experimental group for age, sex, education and a number of other demographic variables. Nevertheless, studies with experimental groups which are self selected cannot control for the most crucial variable — needing a job. Even though the control group might be perfectly demographically comparable to the experimental group, the fact remains that offenders decided to seek the COMP job

placement services presumably because they needed a job. Equally, many of the controls may not have sought out the COMP services because they already had a job to return to. Naturally one would expect the latter types of prisoners to have a superior employment history subsequent to release than the program participants. We shall now see that this self selection problem does not completely disappear even when random assignment to experimental and control groups is facilitated.

Soothill⁶⁵ seems to have been the first researcher to have published a randomised group design evaluation. Prisoners from the Wormwood Scrubs and Pentonville prisons in England were randomly selected into a control group of 324 or a treatment group who were given the option of employment counselling and placement services. Only half of the treatment group fully accepted this opportunity, however. In the course of a year no significant differences in reconviction or employment emerged between the treatment and control groups. Nor were there any significant differences within the treatment group among those who completely accepted, only partially accepted, and completely rejected the offer of employment counselling and placement services. The problem was that those who rejected the program were shown to be better risks. Some of them, for example, had already arranged to return to their old job, so they were not interested in employment assistance. Those who were using the program might therefore have been doing no better than nonparticipants on release precisely because they were more unemployable to start with. The meaning of the results therefore becomes very complicated, and conclusions can only be equivocal. The most optimistic tentative conclusion that Soothill could offer was: 'When factors such as previous criminality and previous employment history are taken into account, there is evidence to suggest that overall the acceptance group performs more favourably than the rejection group'.

The other randomised group experiment to evaluate job placement services was conducted as part of the Living Insurance for Ex-Offenders (LIFE) project in Baltimore, which is discussed in greater detail later in this chapter.⁶⁶ Job placement assistance for offenders in this study consisted of two persons from the Maryland State employment service being assigned full time to finding job openings, chauffeuring men to job interviews, helping them

to fill out applications, and speaking to employers on their behalf. The men were helped to gain social security cards and drivers' licences and in some instances were advanced money to buy tools or work clothes. Within the first year after release the men receiving the job placement assistance had a slightly higher arrest rate than those who had not received job placement assistance (54 per cent for those assisted versus 52 per cent for those not). The problem was the same as in the Soothill study — only half of the treatment group chose to use the job assistance service, and these presumably were those who had the greatest need for it. More fundamentally, for those who did seek assistance the employment counsellors had little success at finding them jobs. After 13 weeks of the study those offered the service had a 46 per cent employment rate compared with 41 per cent among those not offered the service, but after 26 weeks this moderate success had been reversed, with more of those who had not been offered the service being employed (46 per cent) than those who had been offered the service (44 per cent).

Clearly job placement programs will not have an impact on recidivism if they do not successfully place prisoners in jobs. Indeed if they fail to do this they may well be counterproductive by raising expectations they cannot fulfil, thereby engendering disappointment and bitterness. Half hearted manpower programs which give prisoners advice without actually finding them jobs, or which push prisoners into the first job that comes along without regard to their interests or aptitudes (thereby briefly postponing unemployment until they are sacked or resign) are a dangerous way of pretending to do something about the crime problem.

The Effects of Pretrial Job Placement

In the United States there have been several evaluations of job placement programs before the offenders are actually tried. Pretrial intervention to solve the perceived problems of the offender is used in these programs as an alternative to processing him through the criminal justice system. Even though such programs are not directly relevant to prison releasees, they will be briefly discussed because they cast some light on the more general problem of the efficacy of finding legitimate work as an alternative to illegitimate work.

The Manhattan Court Employment Project pretrial intervention program in New York diverted arrested offenders from the criminal justice system, and gave them vocational counselling and job placement. Richert⁶⁷ has shown that the project succeeded in placing offenders into higher paying jobs, and that a substantially lower percentage of participants in the project recidivated compared with controls. However, since the groups were not randomly allocated and since controls were not matched with the experimental group on key characteristics, one does not know whether this difference was due to the creaming of less intractable offenders into the experimental group.

Another important pretrial intervention program was Project Crossroads in Washington D.C. In this case the control group was carefully matched with the experimentals. Through individual manpower services to lower class arrested offenders, Project Crossroads both increased the income of offenders and decreased recidivism rates by 10.4 per cent.⁶⁸ Although this was not a dramatic decrease, it was sufficient to induce savings in court expenses and the cost of crime, which exceeded the cost of \$200 per participant in the program. Indeed Holahan's⁶⁹ careful cost-benefit analysis of the project produced a ratio of benefits to costs of between 1.8 and 2.2.

Two major reviews of pretrial intervention programs have appeared. One was prepared for the National Science Foundation by Rovner-Piecznik.⁷⁰ Rovner-Piecznik points out that six of eight evaluations of pretrial projects from across America claim substantial reductions in recidivism in comparison with nonparticipants. Most of these claims, however, emanate from comparisons with more or less noncomparable control groups. Rovner-Piecznik is persuaded that a number of the programs were responsible for both an improvement in employment status and a reduction in participant recidivism during the period of program participation. Whether recidivism was significantly reduced in the one or two years subsequent to program termination is more difficult to answer, given the inadequate methodologies that have generally been applied, even though several control group comparisons certainly point in the direction of a reduction.

The second review of nine pretrial programs prepared for the U.S. Department of Labor by Abt Associates reached very similar conclusions.⁷¹ Even though rearrest rates were generally lower

than is normal for offenders, only one study was regarded by the reviewers as having an adequate control group. This evaluation of Operation de Novo in Minneapolis indicated a moderately favourable impact of the program on recidivism.

The Effects of Financial Assistance Upon Release

The story of George in Chapter one of this book illustrates the way that financial difficulties can lead prison releasees back into jail. The two best evaluation studies in this review have been conducted on the question of whether financial assistance to prisoners after release reduces recidivism. Because of both the methodological superiority of these studies and the political importance of their findings, they will be considered in considerable detail.

Prisoners in the United States generally come out of jail with more gate money than Australian prisoners. On the other hand, almost all American prisoners are not entitled to unemployment insurance because work experience in covered jobs held more than 12 to 18 months previously is not usually counted toward establishing entitlement to benefits. The purpose of the Baltimore Living Insurance for Ex-Offenders (LIFE) and Texas and Georgia Transitional Aid Research Project (TARP) experiments was to estimate the impact on crime of paying unemployment benefits at the normal State level to prison releasees.

Prior to the LIFE project there had been only the Californian study of Reinerman and Miller.⁷² These researchers showed that prisoners who left jail with \$10 or less in their pockets were less likely to be parole successes than those who went out with more money. Using a random allocation design with 135 experimentals and 119 controls, Reinerman and Miller showed that experimentals who were given special financial assistance of up to \$80 a week for a maximum of 12 weeks were less likely to reoffend after six and 12 months. The differences, however, did not reach statistical significance.

The LIFE project was conducted in Baltimore between 1971 and 1974 on a sample of 432 serious male offenders about to be released.⁷³ First offenders, offenders who had never committed a property crime, and offenders over 45 were excluded from the study. Random assignment to the payment and nonpayment groups was employed. Each subject was classified according to age,

work experience, and marital status, and randomly assigned in accordance with these characteristics to either the experimental or control group. The experimentals were paid benefits of \$60 a week for a period of 13 weeks after release.

The results were very encouraging. During the first year after release the payment group experienced 27 per cent fewer arrests for theft than the nonpayment group. At the end of the second year after release the difference in arrest rates was only slightly less than the first year figures. However, no substantial differences between experimentals and controls appeared for nonproperty crimes.

One of the concerns of the project sponsors was that the availability of financial aid might foster lack of interest in working. To minimise the disincentive, it was guaranteed that a man would not lose his financial aid if he worked. The weekly amounts were reduced, but payments were extended beyond the 13 weeks until he had received his full \$780. The data indicated that there was in fact no work disincentive. Those receiving the financial aid experienced similar levels of employment during the study period.

The other important finding of the LIFE project was that financial aid reduced arrest rates of the least educated prisoners by an amount five times greater than the reduction for the most educated prisoners. This would seem to confirm the conclusion of a number of the studies in this review — the economically based programs benefit most those with the greatest need.

In spite of its methodological sophistication the LIFE project was not regarded as sufficient evidence for the U.S. Department of Labor to introduce unemployment benefits for prison releasees. It was decided to replicate the experiment in Texas and Georgia with a larger sample of 3,982, and incorporate a number of important modifications. These modifications to the design were:

1. The study would cover the full range of released offenders (including females), not just high risk subjects. TARP participants represented the full range of prisoners released from Georgia and Texas prisons over a six month period.
2. The financial benefits were to be administered under the 'normal circumstances' of the State welfare bureaucracy, not by a team of social scientists. The application of the normal benefit rules meant that recipients would lose all financial aid if they obtained a job paying even as little as \$60 a week. Financial aid began to cut out as

soon as earnings reached \$8 in Texas and \$15 in Georgia. However, one special group was set up in which benefits were reduced by only 25 cents for each dollar earned.

3. Some TARP recipients were to receive payment over a 13 week period, others over a 26 week period.

The findings of the \$3.5 million TARP evaluation conducted by Peter Rossi and his team⁷⁴ are quite the opposite to those of the LIFE project. During the postrelease year the TARP payment group did not show any significant reduction in either property or nonproperty arrests in comparison with the nonpayment group. Nor were there any favourable (or unfavourable) trends in arrests which approached statistical significance.

The other important finding of the TARP evaluation was that TARP payment (unlike the LIFE payments) exerted clear and strong work disincentive effects, with participants in the payment group clearly working fewer weeks during the year after release. In addition to the average number of weeks worked, there was a strong effect on the number of weeks until the first job was obtained. In Georgia prisoners receiving payment for 26 weeks took an average of 29 weeks to find their first job; those receiving payment for 13 weeks took an average of 24 weeks; and those receiving no payment took an average of 18 weeks. In Texas, the time taken to find the first job was 17 weeks, 13 weeks, and 9 weeks for the three groups respectively.

Although the average number of weeks worked during the postrelease year was much lower for the payment group, the total amount of money earned throughout the year was as great for the payment group as for the nonpayment group. This would suggest that the payment group was using the financial buffer of the payments to permit a more leisurely job search, so that poorer jobs were being turned down until a more lucrative job offer became available. If this is what was happening, it represents something which is clearly in the national economic interest. The problem of effective job search rather than hasty entry into jobs which do not use individual talents to full advantage is a major preoccupation of manpower economists.

Even though more protracted job search might be in the national economic interest, it would seem on the basis of the TARP data that the interests of crime reduction were not being served since the devil was indeed finding mischief for the idle

hands of the releasees during their periods of extended unemployment. Rossi and his team have summarised succinctly how explaining the conflicting findings of the LIFE and TARP experiments turns on the question of unemployment:

The major difference between the outcomes of the two experiments is that in the Baltimore LIFE experiment payments do not have a work disincentive effect and did have an arrest disincentive effect. In contrast, the two TARP experiments manifested the exact opposite pattern, experiencing work disincentive effect and no decline in property-related arrests. In all three experiments, employment reduced the number of property arrests.

Benefit payment would seem to have had a work disincentive effect in the TARP experiment because a full time job meant loss of the benefit, while there was no work disincentive in the LIFE experiment because other income did not result in benefit loss.

In the final section of their report Rossi and his colleagues undertake a series of sophisticated critical path analyses to explore the interrelationships between TARP payments, employment, and property arrests. The details of these analyses will not be pursued here. However, through their analysis the authors find evidence consistent with the view (as well as some that is inconsistent with it) that TARP payments had both a direct effect in reducing property crime, and an indirect effect in increasing property crime through increasing unemployment. Crudely, what their 'counterbalancing model' says is: (a) unemployment benefits for prisoners directly reduce property crime; (b) however, unemployment benefits for prisoners increase unemployment; and (c) increased unemployment increases property crime.

Rossi *et al.* feel sufficiently confident about the counterbalancing model to conclude their draft report as follows:

We believe there is sufficiently strong evidence to suggest that transitional aid payments given to released prisoners under conditions that do not evoke a work-disincentive effect can reduce the incidence of re-arrests for property-related crimes, especially among those in the critical middle twenties age group for whom a modest assist may be critical to finding the way to successful adjustment as civilians.

In spite of the superior quality of its methodology in almost every way, one problem which the TARP research design does not adequately deal with is that the disincentive effect of benefit payments on unemployment is almost certainly overstated because

inevitably some participants who had obtained work would have concealed this fact from the welfare authorities in order to ensure the (illegitimate) continuance of their benefits. Benefit payment may be less a disincentive to working itself than a disincentive to reporting that one is working. This problem does not apply to the LIFE study since participants were reassured that other earnings would not reduce their final benefit payment.

Irrespective of how big a problem dishonesty poses for the TARP study, the more general conclusion from both LIFE and TARP might still remain intact. This conclusion is that unemployment benefits can reduce property crime so long as the benefits do not provide a disincentive for employment. The unanswered question remains: how serious is the latter disincentive effect? In the face of the fact that work disincentives are a real possibility, what are needed are programs to financially assist prisoners which do not incorporate such disincentives.

One such system of financial assistance is gate money and/or more attractive remuneration for prison work so that inmates leave jail with a greater amount of money in their pockets. There were two important findings of the TARP study in this regard. The first was that multiple regressions indicated that in neither Texas nor Georgia was the amount of gate money received by the prisoner in the slightest way related to the length of time to the first job or the average number of weeks worked during the year. In Texas the amount of savings that the prisoner had at home was also unrelated to the extent of employment on release. In Georgia, however, there was a slight tendency for prisoners with a lot of savings at home to work fewer days during the first year after release.

Overall, the disincentive effects demonstrated by the TARP experiment were disincentives arising from payments being made conditional upon work earnings. They were not disincentives arising from the amount the prisoner had in his pocket upon release. This point is important when considering the relevance of these findings for Australian prison policy. Australian prisoners already accrue unemployment benefits (or their equivalent) from the day they are released. Few people would question that such benefits should be paid. The receipt of such benefits is a matter of right, a right justified on grounds of equity. The more general conclusion of the LIFE and TARP studies, however, that

relieving the financial problems of prisoners can reduce property crime, would seem to be an important justification for policies such as the payment of greater amounts of gate money, and higher wages for prison work. Such policies put money in the pocket of the released prisoner without discouraging him from finding a job.

Conclusion

All of the studies of vocational programs for prisoners discussed in this chapter have been evaluated according to the criterion of reduced recidivism. We must be wary of this slippery criterion. Official records of rearrest or return to prison are the best criteria available for the purpose, but they ignore the vast numbers of crimes which are committed without coming to the attention of the police. To make things worse, systematic forces related to the vocational program may affect which crimes are attended to by the criminal justice system. For example, Seashore and Haberfeld⁷⁵ have shown that Project NewGate students were subjected to greater scrutiny by the police and parole departments precisely because they were participants in the NewGate program. Moreover, even if a crime has not been committed, can we consider a releasee a success if he slides into a life of complete dereliction or commits suicide simply because he is not rearrested?

To keep our analysis in perspective we must realise that not only are the data weak, but the programs are also inevitably weak. No matter how well conceived and empirically grounded a vocational program is, it attempts to change the habits of a lifetime with a strategy which impinges on the life space of the prisoner for part of the day over a period of months. Planned interventions are miniscule forces compared with the pervasive forces at work in the wider social structure. Hence, when we look at the impact of invariably weak programs on invariably weak data, we should never be surprised at how inconsistent the results turn out to be.

I believe this review should lead to the optimistic conclusion that vocationally based programs can often have a moderate effect on crime. Certainly there is a higher ratio of encouraging to discouraging evaluations than would be found from a review of the literature on most interventions which have been tried in corrections. Some of the most recent studies have produced reasonably optimistic findings about the efficacy of programs designed to improve the economic position of prisoners. My

conclusion reached on the basis of a review conducted just two to three years ago that 'programs for decreasing income inequality through job training or job placement have had minimal impact on crime and delinquency' now seems unduly pessimistic.⁷⁶

Vocational programs can have an effect on recidivism, but often they do not. One of the reasons why they often do not have an impact on recidivism is that they often do not have an impact on the economic circumstances of prisoners — job placement programs that don't place prisoners in jobs, educational qualifications which might be sneered at by an employer because they were gained in prison, prison industry experience which is nothing like work in outside commercial enterprises, vocational training in skills which are no longer used in the outside labour market.

We have seen that if vocational programs are provided which do not improve the economic circumstances of the prisoner then they can be counterproductive. They can raise expectations which they cannot fulfill, becoming a tantalising exercise in disillusionment. The result is an even more disappointed, embittered, or angry human being than existed at the beginning of the program.

The fundamental problem of program planning in this area is what Martin Rein has called the problem of discontinuity.⁷⁷ A number of component services are required to deal with any cycle of change. In the case of vocational development the relevant component stages might be recruitment, screening, formal courses of training, on the job training, and job placement. Unless there is a continuous flow through all stages, then the program will have failed.

Why vocational programs frequently produce no effect, or do ill rather than good, is clear. The encouraging thing, however, is that there is at least some hard evidence to show that it is possible for vocational programs to reduce crime. The problem is that so far we have not been very good at using them, and that the people we are trying to change have been through such a long process of disillusionment and alienation that it is difficult for them to see the point, even in a program which offers the most concrete of economic and work satisfaction benefits.

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Way of Life. (Heinemann, London, 1977), Chapter VII. Longitudinal data from a sample of London boys showed that among youths who started out equally delinquent, those who were unfortunate enough to be apprehended by the juvenile justice system finished up more heavily involved in crime than those who escaped 'correction'.

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15. R. Taggart, *The Prison of Unemployment: Manpower Programs for Offenders* (John Hopkins University Press, Baltimore and London, 1972), pp. 40-44.
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Part II

The Australian Situation

5

Northern Territory

At the time of writing there are three adult penal institutions in the Northern Territory — Alice Springs Gaol, Gunn Point Prison Farm, and Darwin Gaol at Fannie Bay. The Fannie Bay Gaol will be replaced in 1979 by the new Darwin Gaol at Berrimah. Both Darwin and Alice Springs are for maximum and medium security detention, while Gunn Point is a minimum security institution. In June 1978 daily average prison populations were 98 for Darwin Gaol, 40 for Alice Springs, and 32 for Gunn Point. Both Darwin and Gunn Point have prison populations which are 50 to 60 per cent Aboriginal, while Alice Springs varies between 70 and 80 per cent Aboriginal.

The large numbers of Aborigines, many from settlements and semi-traditional situations, make the problems of vocational development in Northern Territory prisons qualitatively different from the problems faced in other States. The absence of a maximum security juvenile institution in the Northern Territory also means that juvenile offenders are regularly placed in the adult institutions. These juvenile offenders mix with a prison population which is unusual (in Australian terms) for the seriousness of most of the offences committed by its inmates. The Northern Territory has rates for homicide, serious assault, and rape which are all almost five times as high as in the rest of Australia.¹

Northern Territory prison releasees step out into the worst labour market in Australia (a registered unemployment rate of almost 10 per cent at the time of writing). At the same time, the small size of the prison system makes it difficult to provide comprehensive vocational development programs which offer a wide range of options to prisoners.

Vocational development in the Darwin Gaol is limited by the fact that the prison routine permits only two hours in the morning

and two hours in the afternoon for constructive work. Most prisoners are idle for most of the day. The only special work which is provided is the involvement of two prisoners in the routine job of cutting disused car registration plates in half. Apart from this, prisoners are involved only in routine prison tasks such as sweeping, laundry, cooking, storekeeping, and odd carpentry jobs. One teacher provides individualised instruction to three juvenile and three adult Aboriginal offenders from a non air-conditioned demountable classroom within the prison. This instruction is mainly at the very basic level of imparting literacy skills to Aboriginal offenders. Depending on the kind of work (or education) performed, prisoners are paid at a flat daily rate varying between 10 and 40 cents a day.

The new prison at Berrimah will provide better possibilities for vocational development. It is intended that an expanded laundry will operate on a commercial basis, in addition to providing for the needs of the prison. There will be an extensive motor vehicle workshop. Unlike the laundry work, the latter involves a particularly useful skill to the types of offenders who are most typically found in Darwin Gaol. Aborigines who can return to their settlements with the new skill of being able to provide basic care and maintenance for the fleet of broken down motor cars which are found on most Aboriginal settlements will be an asset to their community.

The aim of the motor vehicle maintenance program will not be to qualify A-grade mechanics, because most settlement Aborigines are not participants in the sort of career game that is assisted by trade qualifications. Most settlement Aborigines do not have a job in the formal European sense of the term. They work to assist the community in a semi-subsistence way. What the prison can do is to provide skills which could not readily be imparted from within the Aboriginal community, and car maintenance is a good example of one of these. The new prison will also have provision for market gardening, another example of work which imparts skills useful to settlement Aborigines. There will also be provision for wood and metal workshops, painting, and bookbinding. A certificate course in cookery will qualify chefs, an occupation with numerous vacancies in Darwin.

Consideration will also be given to training in printing, an industry with some demand for labour in Darwin. Even though

there might be a short term demand for printing skills in the Northern Territory, it seems unlikely that such a situation could be long lived since there is nationally an oversupply of workers skilled in the printing industry. Careful consideration should be given to the wisdom of setting up a printing industry because of an understandable propensity for the P.K.I.U. (Printers union) to resist measures which might create greater unemployment among its members, and because printing involves a considerable investment in capital equipment.

The new Berrimah prison incorporates within the complex a work release unit which will house 10 offenders. It will be interesting to see whether Aboriginal prisoners will be included in the new work release program. Some Correctional Services Department officials seem to be of the view that Aborigines would be too risky a proposition for work release because of their perceived propensity to abscond and mix with traditional Aborigines in far flung parts of the Territory in such a way that they are difficult to recapture. Certainly it can happen that when other Aborigines who bear certain kinship relationships with the offender, suggest that he go off with them, the offender might have a kinship obligation to follow the suggestion. It is difficult to say how common an occurrence this might be.

At the Gunn Point prison farm prisoners, in principle, work an eight hour day. A number of prisoners are employed in forestry work. There is also a piggery, vegetable farming, and some poultry are reared. All of these activities are on a very small scale. While there is little commercial farming of this sort in the Northern Territory, gardening, animal husbandry and farm machinery maintenance skills imparted at Gunn Point are likely to be useful on Aboriginal settlements. Low level skills in welding and working a wood lathe are also taught at Gunn Point. There is one person who acts as both teacher and trade instructor. At the time of writing, one offender was doing an apprenticeship in carpentry.

The teacher at Gunn Point coordinates access to various courses at the Darwin Community College, the Migrant Education Centre of the Commonwealth Education Department, and correspondence courses through the Commonwealth Education Department's Technical Extension Service. The Northern Territory Department of Fisheries and Wildlife also runs a 12 week course on fishing and navigation for Aboriginal communities and this is

being made available to prisoners at Gunn Point. The Correctional Services Department has also employed part time instructors to teach physical education, yoga, guitar, and similar recreational courses.

One of the unfortunate Correctional Services Ordinances in the Northern Territory insists that any handicrafts or other products produced by prisoners must remain the property of the Department. This precludes the possibility of offenders making some money for themselves by selling their wares and it also precludes the possibility of prisoners making gifts for members of their family. There are moves afoot at the moment to review the policy. It is a particularly debilitating one with respect to the vocational development of Aboriginal offenders. One of the most lucrative job markets available to Aborigines in the Northern Territory is the production of traditional handicrafts — bark paintings, boomerangs, and the like. The development of vocational potential in this area is demotivated by the knowledge that prisoners will not be able to benefit in any way from the fruits of their labour, and by suspicion that prison officers will make money by selling their handicrafts for personal gain.

At the time I visited the third prison in the Northern Territory at Alice Springs all available prison labour was being used to build extensions to the jail buildings. In normal circumstances, however, the situation is very similar to that at the old Fannie Bay jail — most prisoners are either idle or involved in essential prison tasks like sweeping, laundry, or cooking. At the time of writing women prisoners held in the Northern Territory were being sent to Alice Springs. One of these was doing a typing course by correspondence. Training in domestic skills, including sewing and laundering, was available to female prisoners.

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6

Tasmania

There are two prisons in Tasmania — Risdon and Hayes Prison Farm. During the year ended 30 June 1977 Risdon had a daily average male prison population of 210, plus a daily average of four in the Risdon Women's Prison. Hayes Prison Farm had a daily average of 48 males. Tasmania therefore confronts the same problem as the Northern Territory — a prison system so small that there are difficulties in generating the economies of scale necessary to offer a wide range of work and training options. We shall see, however, that Tasmania has achieved far more than the Northern Territory in struggling against these odds.

Female prisoners at Risdon participate only in domestic duties — cooking, sewing, cleaning. With a daily average of four women, only highly individualised vocational programs would be possible within the prison. At the time of my visit to Risdon none of the female prisoners was enrolled in educational or correspondence courses.

Table 6.1 Numbers of Maximum Security Prisoners at Risdon in each Workshop as of November, 1978

	No. of Prisoners
Woodwork Shop	34
Laundry	29
Tailor Shop	20
Tinsmith Shop	20
Kitchen	15
Bakery	14
Construction Gang	13
Cleaning, Sweeping	12
Paint Shop	8

The male prison at Risdon has maximum and medium security sections. The range of work options offered to prisoners in the maximum security section is shown in Table 6.1.

Prisoners classified into medium security are involved primarily in outside work. Thirteen medium security prisoners at the time of my visit to Risdon were in the prison grounds gang which cared for the 160 acres of prison land. Twelve others were on a gang which tended the grounds of Government House, the Botanical Gardens and some aged persons' homes. A number of prisoners both at medium security in Risdon and on the Hayes Prison Farm were active part time members of the Rural Fire Brigades Board.

The greatest impediment to meaningful vocational development of prisoners within the Tasmanian system is the way prisoners tend to progress from maximum to medium security at Risdon and then to the Hayes farm. Privileges and conditions generally in the latter two are much superior to those prevailing in maximum security at Risdon. Naturally prisoners are keen to leave maximum security at the first opportunity for reclassification. But once a prisoner moves into medium security he foregoes the opportunity to work in the shops attached to maximum security. One trade instructor told me of the great difficulty he had in getting the Apprenticeship Commission to agree to the apprenticing of an overaged 23 year old prisoner in the bakery, only to have the prisoner throw it in when given the opportunity of medium security. The bakery is the only shop where apprenticeships, two in all, have been undertaken. Quite apart from the problems of reclassification to medium security or the farm, the State Apprenticeship Commission has been unwilling to recognise the other workshops for apprenticeship purposes because of the limited range of trade skills taught in these shops.

Notwithstanding the reluctance of the Apprenticeship Commission to grant such recognition, the workshops are equipped with relatively modern machines when compared with other prisons. Most machines were replaced when a fire burnt out the workshop complex in 1967. The woodwork shop has a chain and chisel mortiser, a 30" sander, 8' belt sander, 18" buzzer, 2' planer, circular saw, two wood lathes, spindle moulder, band saw, radial arm docking saw, two grinders, hydraulic press, band saw sharpener, and horizontal drill. The tinsmith shop has a capacity

for copper and stainless steel work as well as more routine sheet metal work. The shop contains a vertical radial drill press, bench press drill, flexible shaft grinder, two other grinders, oxycutting machines, 14" lathe, spraying compressor and gun, 3' curving rollers, three welders, spot welding machine, 8' Panbrake bending machine, pipe bender machine, 8' geared electric guillotine, and a corrugated tank curving machine.

Unlike the situation in many other Australian prisons workers in these shops are exposed to a wide range of equipment which is very much like that used in commercial workshops. The laundry also has a range of both older manual equipment and more automated modern equipment, so that prisoners with experience in the Risdon laundry should be able to go into an outside laundry with any level of plant modernisation. The paint shop, in contrast, is based on outmoded technologies which would rarely be used commercially. For example, furniture for the prison and the Education Department is usually finished simply with estapol. As the trade instructor concerned pointed out, the paint shop 'just keeps them occupied'.

The prison workshops do not manufacture products for sale on the open market. Negotiation with the Chamber of Manufactures and the Trades and Labour Council has resulted in agreement on production for three markets: (a) government departments, including the prison itself; (b) private needs of prison staff; and (c) government supported agencies, such as aged persons' homes.

Partly because Tasmania provides only small markets in each of these respects prison workshops generally produce very small production runs. The tinsmith shop will one week be producing first aid boxes for the St. John's Ambulance, the next week iron garden furniture for an institution.

One week the woodwork shop will be producing furniture for the Education Department, the next week cupboards for the new home of a prison officer. Stop-start production runs mean there is little monitoring of the productive performance of the workshops over time. The uneven work flow from such production also means that a lot of the time workers are standing around doing nothing while at other times they are overworked.

A clear exception to this is the tailor shop which has a steady flow of production producing clothing for the prison population.

The history of production in the tailor shop is interesting. A number of outcast prisoners are housed in C Division of the maximum security jail. Among these are what were described by prison officers as 'sexual deviates and child molesters', as well as inmates who needed protection from other prisoners for reasons such as having 'squealed' to the police. The inhabitants of C Division could not move among the industries during the day lest they be attacked by other prisoners, so, being bored without constructive work, they put a proposal to the administration that they be allowed to take over their own industry. The administration agreed to their moving into the tailor shop in late 1977. Production in the tailor shop has increased dramatically ever since the outcast prisoners took it over. Sabotage, rife in other shops, has not occurred in the tailor shop since this group took over. There is a lesson in this. When prisoners freely ask for and choose a certain kind of work we can expect better production from them.

The tailor shop also produces manpacks (haversacks) for the State Emergency Services throughout the nation. An incentive scheme at the rate of 10 cents a manpack has been introduced for the first time in a Tasmanian prison.

The normal rate of pay for prisoners is 15 cents a day for the first six months, 25 cents a day for the second six months, and 50 cents a day for the remaining period, provided the Superintendent has approved the rise. Each day the trade instructor rates each worker in his shop as 'good', 'fair', 'bad', or 'punishment'. If a prisoner has more than two 'fair' ratings in a week he will lose some of his pay. For example if a prisoner has five 'fair' ratings in a week he will lose three days pay. Excessive numbers of 'bad' ratings will result in disciplinary charges.

It is obviously difficult to obtain an insight into the economic viability of prison industry. One crude way of doing this is to subtract the expenditure on each prison industry from the receipts for that industry and then divide the excess of receipts over expenditure by the number of workers in the industry. This gives a profit figure per worker. Of course this is not a real profit figure since account is not taken of the cost of the labour of prison staff and prisoners, and the cost of prison buildings. Moreover, the figures in Table 6.2 can be misleading because some prison industries make a greater contribution than others to internal

prison maintenance which does not generate cash receipts. Such figures, nevertheless, are better than nothing. Pricing for most prison production is based on cost of materials plus 25 per cent for 'outside' customers and 10 per cent for the Department. Some large projects are undertaken on a set quotation and may result in a higher mark-up than 25 per cent.

Table 6.2 Profit (excess of receipts over expenditure) per Worker for each Industry in Risdon Prison for the Year Ending 30 June 1977. These Figures Include a Correction Factor for Stock in Hand at the Beginning and End of the Year

	<i>Profit Per Worker</i>
Bakery	\$2,705
Laundry	\$1,779
Tailor Shop	\$ 495
Tinsmith Shop	\$ 145
Woodwork Shop	\$ 95

While these figures are very crude, and subject to all of the limitations mentioned above, the extent to which the bakery is more profitable than other prison industries cannot be entirely the result of the inaccuracy of the figures. The fact that the Risdon bakery can provide all of the bread for both prisons in Tasmania, sell the remainder at half the commercial rate, and still have an excess of receipts over expenditure of \$2,705 per man per year is testimony to the economic viability of this industry in a prison setting. This, combined with the fact that the bakery is the only industry at Risdon which has trained apprentices, must result in the rating of the bakery as the most successful industry in the jail. Prison releasees who have training in the bakery even during a period of high unemployment can expect to benefit from a market for the skills which they have acquired in prison. As the Department of Employment and Youth Affairs' *Employment Prospects by Industry and Occupation* publication for August 1978 says of employment prospects in the bread making industry: 'Despite increased mechanisation, it is difficult to maintain an adequate supply of apprentices due to the high turnover rate associated with the unpopular working hours'.¹ Provided that releasees are prepared to put up with the working hours, job prospects in the industry do exist.

The above figures also testify to the profitability of the laundry. This performance is impressive since sheets are laundered at five cents each, compared with 25 cents commercially; and blankets are laundered for 20 cents, compared with \$1.80 commercially.

The prison administration is currently considering an expansion of its workshops into new areas as more workshop space becomes available. A shop to train panel beaters is one option being considered. This seems a good choice since there is a chronic shortage of panel beaters in Tasmania and this shortage is sure to worsen if the economy picks up.²

The Hayes farm is one of the most economically successful prison farms in Australia. This is probably because the management of the farm has a financial incentive to be productive. Receipts from sales of sheep and wool, milk, pigs, cattle, poultry, horses, and firewood go into a farm account and then can be used for further capital investment in the farm. Management can invest in new plant, fertiliser and the like as the need arises, without the frustrating delays and perverse priorities which inevitably result from having to go to Treasury. For the year ended 30 June 1977 the farm produced 528,583 litres of milk, 4,575 kilos of wool, 32,956 dozen eggs, and 325.6 tonnes of vegetables. The farm also runs about 600 pigs. Even after taking out all expenditure on these industries, including maintenance of plant and buildings, running expenses of motor vehicles, and oil and motive power, for the year ending 30 June 1977 the farm expense account was able to contribute \$55,042 to consolidated revenue. The profit per worker is thus well over \$1,000 per year.

By far the most profitable primary industry was dairying, where receipts were \$74,421 and expenditure \$24,122. Poultry was the only area where expenditure exceeded receipts.

The economic success of dairying relates to the fact that this is a fully fledged commercial venture, with produce being sold at commercial rates. Vegetables, in contrast, are sold mainly to charitable institutions at approximately half the normal retail price.

Pottery is a major hobby activity at the Hayes Prison Farm. A commercial operation for the mining of potters' clay is presently being set up. Pottery can be sold commercially, with half the

proceeds going to the prisoner, and half to the hobbies fund. One prisoner has accumulated \$5,000 over five years through pottery sales. Consequently, the Controller of Prisons has limited the maximum which a prisoner can earn in one year to \$750, a move which hardly seems calculated to reward such extraordinary diligence.

Pottery is not the only hobby activity with a vocational component. Silkscreen printing is a popular hobby at Risdon. There is considerable scope for money making after release, through running a screen printing operation from one's home. The screen printing class was run by the paint shop trade instructor who contrasted the lethargy of his paint shop workers with the enthusiasm in the screen printing class. His explanation for the differences was that while prisoners were assigned to the paint shop, they freely chose to participate in the screen printing hobby group.

All prisoners at Risdon and most at Hayes are interviewed by a Commonwealth Employment Service officer two to three weeks before release. No work release program operates in the Tasmanian prisons system. This is difficult to understand since Risdon Gaol is geographically well located for work release and problems of contraband coming into the prison are minimised by the existence of a separate medium security section within the complex.

One teacher is responsible for education at both prisons in Tasmania. Risdon prison has an excellent library, largely because it is a fully fledged branch of the State Library. A census conducted on 21 June 1977 showed that 21 per cent of the inmate population at Risdon were actively undertaking some form of study. In November 1978 three prisoners were undertaking tertiary courses, five were doing Higher School Certificate subjects, and seven were doing Qualifying Certificate subjects (the adult equivalent to fourth year). Three prisoners were doing basic maths and six basic reading. In addition, a wide variety of correspondence courses were being undertaken by prisoners, mainly through the College of External Studies Adelaide, and Technical Extension Services Perth (see Table 6.3).

Table 6.3 includes prisoners who were actually studying at the time of my visit to Tasmania or who had satisfactorily completed the course and were still in prison. The Education Officer, Mr Frank Perry, left out of the survey any prisoners whom he felt

Table 6.3 Correspondence Courses being taken by Inmates of Tasmanian Prisons in November 1978

	No. of Prisoners		No. of Prisoners
Motor Maintenance	12	Food and Nutrition	1
Showcard and Ticket Writing	6	Theology	1
Introduction to Drawing	5	Management of Horses	1
Farm Book-Keeping (also useful for small business)	5	Public Speaking	1
Welding	5	Trade Calculations	1
Preliminary Building Drawing	4	Audio Frequency Amplifiers	1
Coastal Navigation	4	Power Supplies	1
Farm Business Management	2	Short Story Writing	1
Basic Engineering Workshop Practice	2	Slide Rule	1
Drainlayer Registration	2	Carpentry	1
Design I (Art)	2	Boiler Attendant	1
Municipal and Landscape Gardening	2	Salesmanship	1
Freelance Journalism	1	Agricultural Electricity	1
Diesel Mechanics	1	Weed Control	1
Anatomy and Physiology	1	Woolclassing	1
		TOTAL	69

were not making a reasonable attempt to study although enrolled. The large number of 69 active correspondence enrolments in a prison population of less than 300 is not necessarily indicative of a massive educational effort on the part of prisoners. I will have more to say later about how prisoners often tend to lose motivation soon after enrolling in such courses. Nevertheless, the fact that such a large number of prisoners in a small prison population is prepared to even enrol in such a wide variety of courses is sufficient to damn the arguments of those who would contend that prisoners have no interest whatever in their vocational development.

1. Department of Employment and Youth Affairs Manpower Programmes Section, *Employment Prospects by Industry and Occupation: A Labour Market Analysis* (Australian Government Publishing Service, Canberra, 1978) p. 161.

2. *Ibid.*, p. 178.

7

South Australia

Table 7.1 shows that Yatala, at Adelaide, is the only large prison within the South Australian system. Historic Adelaide Gaol is primarily a remand prison.

Table 7.1 Daily Average Prison Population for South Australian Prisons for the Year Ending 30 June 1977

Yatala	308
Adelaide	197
Cadell	74
Port Augusta	53
Port Lincoln	30
Mount Gambier	18
Women's Rehabilitation Centre	13
TOTAL	693

In comparison with other States, more positive steps have been and are being taken in South Australia to make prison industry effective both in terms of its productivity and its value for training. An explicit policy of the Department of Correctional Services is to move towards the rearrangement of the organisation of all prisons so that inmates work a normal eight hour day. Naturally, there is opposition to such a reform from custodial staff who will have to bear the brunt of the extra supervisory responsibilities arising from longer periods with prisoners out of their cells. Prison industry sales are almost entirely to State government departments, being made through the State Department of Supply. One of the responsibilities of the Industries Manager in the Department of Correctional Services head office is to solicit contracts from the Department of Supply to provide different departments with the products manufactured or grown in the prisons. The Industries

Manager is advised on some of the major and more sensitive decisions by a Prison Industries Committee, consisting of representatives from private industry, the Public Service Board, the Public Buildings Department, the Department of Supply, and the Department of Technical and Further Education. Incomprehensibly, there is no trades hall representative on the committee.

Yatala

Yatala is undoubtedly the most productive maximum security prison in Australia, having a lower proportion of idle prisoners than any of its counterparts in other States. To keep this in perspective, however, it must be remembered that the level of idleness in even the best of Australian prisons would compare very unfavourably with prisons in many other parts of the world. Yatala will move into a range of new industries when work commences in the immediate future on a new industries complex which will further expand the work opportunities available.

Table 7.2 lists the numbers of prisoners who were working in each of the existing industries at Yatala at the time of my visit on 17 January 1979. Some of these industries were clearly overmanned. The laundry certainly could have operated with fewer than the 29 who were working there, even if it were operating at its full capacity of 16 tonnes a week. At the time of my visit it was processing three to four tonnes per week.

Table 7.2 Numbers of Prisoners Working in Industries at Yatala Prison on 17 January 1979

Laundry	29
Farm Work	21
Concrete Products	17
Locker Shop	17
Sheetmetal Shop	14
Tailor Shop	13
Boot Shop	12
Engineers Shop	11
Carpenter Shop	9
Spraypainting and Automobile Detailing	7
Masons	2

The concrete products industry is emerging as one of the most successful at Yatala. Concrete bricks and slabs are the main

output. The industry, which is very demanding physically, seems to be popular with those prisoners who are keen to keep physically fit. Establishing the industry has not been without its difficulties. A nearby concrete products manufacturer complained to the Ombudsman about the competition he was experiencing from the prison industry.

For most of the industries at Yatala a degree of progress has been made towards integrating work in the institution with vocational training. A number of the trade instructors have become qualified as Technical and Further Education lecturers. Brick-laying courses in the masons shop, boiler attending courses in the boiler room, welding courses in the metal shops, and automotive detailing, panel beating and spraypainting courses in the spray-painting shop are taught, and certificates which do not mention the prison are awarded. The trade instructor in one workshop might run a course to qualify prisoners as second class welders (good enough to get a job in a car factory or helping out with welding on a farm). Some prisoners from his own shop and some from other workshops will attend the sessions for the course, and while these are being run another trade instructor will take over the remaining workers in his shop.

Cadell

The South Australian Criminal Law and Penal Methods Reform Committee (Mitchell Committee) recommended that the Cadell prison farm, located on the Murray River, be closed down because of its distance from any urban centre. But the future of the prison now seems quite secure, partly because it is used for one of former Premier Dunstan's pet projects, the growing of exotic fruits for a State owned restaurant.

In Chapter 13 reservations will be expressed about the value of prison farms and it will be suggested that no further prison farms should be built anywhere in the country. Nevertheless, Cadell is an extraordinary choice to be singled out for closure, because of all of the inefficient and inhumane prison farms in Australia, it is undoubtedly one of the more efficient and humane.

Cadell has already introduced an eight hour working day — 8 am to 5 pm with one hour for lunch. Twenty-eight cells in the original maximum security block are having the iron doors removed to be replaced by normal doors to which prisoners will

have their own keys. The idea is for them to use their own alarm clock to get themselves up in the morning. Should they arrive late for work their pay would be docked.

Five hundred of the 1,639 acres are under irrigation from the Murray. Grapes are sold to local wineries and canneries; apricots are both canned by the institution and sold to the Berri Cannery; apples and pears are grown entirely for consumption within prisons; peaches are both processed in the prison for prison use and sold to commercial canneries; citrus crops are sold entirely to the Department of Supply for the use of various government institutions; pigs are sold to the market; and vegetables, milk and eggs are produced for use throughout the Department of Correctional Services. The prison is a member of the Cadell Fruit Packers Association Co-Op. This is hardly a source of resentment among local farmers since the support of the prison is necessary to the survival of the Co-Op.

Negotiations are at a fairly advanced stage for the Cadell Training Centre to be designated a Community College with the Department of Further Education. The nearest community college is some 200 kilometres away at Renmark, so that the local community surrounding Cadell is poorly serviced educationally. The idea is that educational, craft and vocational courses will be run in the prison with people from the outside community coming in to attend courses side by side with prisoners. The proposal therefore has advantages for both the community and the prison.

Adelaide Gaol

Approximately two thirds of the prisoners at Adelaide are on remand. Many of these do not want to work and there is no obligation upon them to do so. Notwithstanding the nature of the prison population, there are far too few work opportunities available at Adelaide. Most of the work consists of servicing the institution — laundry, cooking, sweeping, boilerhouse, woodwork and metalwork repairs, and some building work.

The only real industry at Adelaide is the bakery which produces bread, buns, cakes, and pies for several prisons. It is ironical that so dismal a warehouse institution as Adelaide Gaol should have such a purposeful industry. Anyone who feels that prison industry is without value should talk to Joe White, the trade instructor at the Adelaide bakery, and the six prisoners who

work for him. Not all of the men who come into the bakery have an aptitude and an interest in bakery. But for the considerable number who do, Joe makes sure that they obtain experience in the whole range of types of baking. Sometimes this diversity of experience will be ensured by soliciting jobs to cater for parties for the children of prison officers. On other occasions the bakery might cooperate with the kitchen to make pasties for the prisoners' meals.

Every man who is truly interested in bakery and who spends a reasonable time working at Adelaide comes out with a range of skills which equip him to work in any country or provincial city bakery which must produce a wide range of goods. The baker trained in the more specialised city bakeries cannot match the breadth of experience of one of the bakers trained by Joe White. The union realises this, and Joe has been careful to cultivate a good relationship with the union. Consequently, the union is willing to issue a ticket to any of his trainees. Joe does not feel that the responsibility for his prisoners ends when they leave jail. For every one of his trainees who indicates that he would like a job in the baking trade Joe finds a job. They come out of prison into a relatively lucrative, secure job which is varied and creative.

Women's Rehabilitation Centre

Industry is almost nonexistent at the women's prison in Adelaide. About half a dozen women do sewing work on prison uniforms. Some soft toys are produced.

Country Prisons

Market gardening is the main activity at the Port Augusta, Port Lincoln and Mount Gambier prisons. Port Augusta also has a sheetmetal shop which occupies about a dozen prisoners and a silkscreen printing shop which provides work for an average of three prisoners.

Payment

South Australian prisoners receive a maximum of \$1.30 per working day plus bonuses for skill, effort or productivity at rates of up to 10 cents an hour. The minimum rate is 95 cents a day with no bonuses. Pay rates within this range are determined by the trade instructor for workers in his workshop. Tobacco must be purchased out of the prisoner's pay.

Job Interviews

The Commonwealth Department of Employment and Youth Affairs has a section called Handicapped Persons and Special Employment Groups which, among other groups, has a special responsibility for finding jobs for prison releasees. A Handicapped Persons and Special Groups counsellor visits Yatala for interviews with prisoners one afternoon of every week. Probably less than half of the Yatala releasees are interviewed prior to release. This person also participates in the prerelease course run for all Yatala releasees by giving a lecture on the job market, possibilities of training under NEAT, and the like. Adelaide Gaol also gets a more or less weekly service from the Handicapped Persons and Special Groups counsellor. The country prisons are serviced to varying degrees by their local CES office. A resident parole officer based at each of these prisons also takes a large responsibility for the job placement of releasees.

The easing of prisoners back into the workforce is rendered more difficult by the fact that South Australia has no work release program. Legislation is being introduced to State Parliament during 1979 to permit work release and study release for the first time. At present prisoners often go out under escort for a job interview prior to release. If the new legislation is passed, unescorted job hunting will become possible.

Vocational Education

The South Australian prisons system is staffed with three full time school teachers. These teachers are primarily coordinators of the activities of part time teachers who come into prisons from time to time and correspondence courses. The full time teachers do run some small group tutorials which are designed to supplement the learning which a group of prisoners are undertaking in common or similar correspondence courses. Included among the courses run by outside teachers are Migrant English (taught by the Migrant Education Section of the Department of Further Education), Aboriginal Education (a course run by the Department of Further Education on traditional Aboriginal culture and on social education for the survival of Aborigines in Western cities), and first aid classes (run by the St. John's Ambulance).

Table 7.3 provides a comprehensive list of correspondence courses being undertaken in South Australian prisons as of Decem-

Table 7.3 Correspondence Courses Taken by S.A. Prisoners, December 1977

<i>Subject</i>	<i>No. of Prisoners</i>	<i>Subject</i>	<i>No. of Prisoners</i>
Auto Mechanics	23	Engineering Drawing	2
Mathematics	16	Soil Science	2
English	15	Aircraft Maintenance	
General Mechanics	15	Engineering	1
Motor Maintenance	15	Auto Data Trades	1
Adult Literacy	14	Auto Electrics	1
Agricultural Welding	11	Automatic Transmissions	1
Short Story Writing	9	Beauty Fashions and	
Building Drawing	8	Hairstyles	1
Building Theory	8	Beef Husbandry	1
Pen and Pencil Sketching	8	Building Construction	1
Typing	8	Business and Report Writing	1
Arithmetic	7	Communication	1
Bookkeeping	7	Design	1
Diesel Mechanics	7	Diesel Engine Driver's	
History (various)	6	Certificate	1
Bricklaying	5	Drawing	1
Chemistry	5	Electronic Data Processing	1
Boiler Attendant Certificate	4	Elements of Supply	1
Business Management (Farms)	4	Electrical Mechanics	1
Drain Laying	4	First Aid	1
Economics	4	Flying	1
Motor Mechanics	4	Geography	1
Nursery Practice	4	German	1
Pest Control	4	Human Relations	1
Showcard and Ticket Writing	4	Indonesian	1
Biology	3	Industrial Studies Certificate	1
Commerce	3	Milk and Cream Grading	1
French	3	Motorcycle Mechanics	1
Fruit and Vine Culture	3	Ocean Navigation	1
Ladies Hairdressing	3	Physics	1
Landscape and Municipal		Portrait Painting	1
Gardening	3	Sheep Husbandry	1
Migrant English	3	Spanish	1
Shorthand	3	Statistics	1
Technical Drawing	3	Steam Engine Driver's	
Welding	3	Certificate	1
Accounting	2	Supervision Techniques	1
Agricultural Botany	2	Viticulture	1
Anatomy and Physiology	2	Water Colour Techniques	1
Anatomy and Physiology of		Writing for the Media	1
Farm Animals	2		
Applied Arithmetic	2	TOTAL	298

ber 1977. Auto mechanics is clearly the most popular course. An education clerk provides administrative support for the running of correspondence courses.

At present there is no one who is responsible for placing interested prisoners in apprenticeships. This, along with the absence of a work release program, is a key area where South Australia has failed to keep ahead, indeed keep up, with the other Australian States. The South Australian Apprenticeship Commission is adamant about the need for apprentices to attend technical college; so until legislation is passed facilitating study release, progress cannot be expected in this area.

The other major structural impediment to further progress in the vocational development of prisoners in South Australia is the organisation of the Department of Correctional Services itself. I shall argue later that there is no real incompatibility between productivity and training in prison industry, and indeed that the most meaningful form of training takes place in the context of a productive industry. The coordination of industry and vocational education is therefore vital. Such coordination is less likely in a State such as South Australia where we have the Assistant Director Institutions responsible for industry and the Assistant Director Treatment Services responsible for education. In South Australia, Trade Instructors ('Correctional Industry Officers') belong to a different union from the custodial officers, so that there is no industrial relations rationale for having both types of staff answerable to the Assistant Director Institutions. Prison industry and education might be better coordinated if they were both placed under the responsibility of a single section of the administration.

8

Western Australia

Western Australia has a higher imprisonment rate than any other State (excluding the Northern Territory) and consequently the prisons system is quite large, consisting of 14 institutions spread across a huge geographical area. Daily average populations for each of these institutions for the year ending 30 June 1977 are listed in Table 8.1. A major new prisons complex consisting of a medium security unit, a maximum security unit and a remand centre will be built at Canning Vale in the early 1980s.

Table 8.1 Daily Average Prison Population for Western Australian Prisons for the Year Ending 30 June 1977

Fremantle	444
Wooroloo	100
Geraldton	72
Karnet	64
Bunbury	52
Albany	47
Broome	41
Kalgoorlie	37
Roebourne	32
Bandyup	31
Wyndham	31
West Perth Work Release Hostel	31
Pardelup	28
Brunswick Junction	21
TOTAL	1,031

Organisation of Prison Industry

Western Australia is the only State which does not have a definite policy of selling prison industry produce only to other government instrumentalities or government subsidised agencies.¹ Each marketing proposal is considered on its merits. Lobbying

from trade unions and manufacturers against prison industry does not seem to have been as intense in Western Australia as in the eastern States, and the nature of what opposition has existed has been against prison production of goods produced by free Western Australians rather than by free Australians as a whole. Unions or manufacturers would be most unlikely to object to prison manufacture of any product currently imported from the eastern States.

Given that prison industry operates under somewhat looser political constraints than in other States, it is not surprising that Western Australia is the only State in recent times to have experimented with a private firm running an industry on a competitive commercial basis from within a prison. In the late 1960s there was no union complaint when the prison authorities accepted a private offer for the manufacture of plaster mouldings at the Barton's Mill prison. By 1970 the industry had closed down because of a number of factors including excessive wastage of materials by prisoners and the tight competitive situation in this industry generally. Apart from this isolated example the Western Australian prison authorities have not taken initiatives to exploit the relatively permissive marketing environment for prison products. Production is almost entirely for the use of government departments, approximately 90 per cent of the value of production being for the Department of Corrections itself.

Table 8.2 shows that primary production ('rations') constitutes the predominant form of work in Western Australian prisons. The principle types of produce are milk, beef, pork, sheep, poultry, fruit and vegetables. Cattle, sheep and pigs are butchered in an abattoir at the Karnet Rehabilitation Centre. The purchase of a refrigerated truck by the Department of Corrections has made it possible for the Karnet abattoir to supply most prisons with most of their meat. Prisoners in the abattoir work hard and receive worthwhile training in various meat trades.

The value of production figures listed below in Table 8.2 and provided for all of the remaining States in the chapters that follow, are not given as an accurate reflection of the 'real' value of production, but simply to enable a crude perspective on the relative size of different industries within the system. To attribute any absolute meaning to the figures is hazardous because of the inconsistent application of costing procedures in different industries.

Table 8.2 Value of Production of Industries in Western Australian Prisons for Year Ending 30 June 1977

		\$
Rations	Karnet	128,238
	Wooroloo	97,500
	Pardelup	30,742
	Brunswick Junction	2,777
Tailoring	Fremantle	56,575
Metalwork	Fremantle	37,490
	Albany	5,700
	Wooroloo	4,750
Bootmaking	Fremantle	46,167
Carpentry	Geraldton	16,284
	Wooroloo	10,120
	Fremantle	9,738
	Albany	4,750
	Bunbury	2,315
Hay	Karnet	27,000
Printing	Fremantle	24,474
Bakery	Fremantle	7,640
	Pardelup	4,312
	Wooroloo	3,506
	Bunbury	2,425
	Karnet	2,012
Wool, Hides	Karnet	7,489
	Wooroloo	4,600
Firewood	Brunswick Junction	3,000
	Wooroloo	2,800
	Pardelup	1,540
	Karnet	225
Laundry	Wooroloo	5,700
Cement Products	Fremantle	2,100
	Broome	1,500
	Albany	1,200
Fishing	Geraldton	826

Karnet is the largest prison farm in terms of value of production. Nevertheless, the view of a number of the staff of the prison to whom I spoke was that the 370 hectares of extremely fertile land was being utilised to only a fraction of its full capacity.

Frequent turnover of superintendents in recent years, combined with the nonexistence of a farm management officer to coordinate the primary production of all Western Australian prisons, has meant that at no stage has a comprehensive plan for the full productive use of Karnet been developed. The aim of the department is to become self sufficient agriculturally. Such a goal is unlikely to be achieved while no one has a special responsibility for coordinating and rationalising the efforts of individual superintendents who understandably are primarily concerned with the custodial functions of their institutions.²

A similar problem exists with secondary industry, most of which takes place at Fremantle. Chasing markets for prison produce is a routine administrative function and not the special responsibility of any senior managerial person. Nor is monitoring of the productive and training efficiency of prison industry. One gets the impression that much of the time of prison workshops at Fremantle is frittered away on projects to satisfy the whims of staff members. Considerable time is devoted to producing items for the private use of prison staff (for which they should, according to departmental policy, pay) which are justified neither in terms of their value for training nor their financial return. These are inevitable features of any prison industry characterised by the absence of a performance emphasis.

The figures in Table 8.2 underestimate the current value of production in cement products and fishing, industries which have expanded considerably since the figures were collected. Both are emerging as highly successful industries. The concrete paving slabs plant at Fremantle is now one of the most productive industries in the jail, the produce being sold competitively on the private market at prices considerably cheaper than those prevailing commercially. As at Yatala in South Australia, this type of work is popular with the prisoners.

The fishing industry operates from a boat owned by the Geraldton prison. It is financially viable and popular with prisoners, both because it affords an opportunity to get away from jail and perhaps also because it has the psychological appeal of adventure, risk taking, and gambling on sudden success or failure. The experience opens up job opportunities in the local fishing industry, and the work itself permits various complementary training possibilities which are comparatively easily acquired (for

example, skipper's tickets, high speed diesel qualifications, coastal navigation and refrigeration).

In terms of the amount of work available (though not necessarily the quality of work) Fremantle is probably in a better position than most large maximum security prisons in Australia. The breakdown by activity (or inactivity) of the Fremantle prison population on the day of my visit, 22 January 1979, is shown in Table 8.3. My impression was that many of the workshops were grossly overmanned, so one would be mistaken to assume that the fact that a certain number of prisoners were located in a particular shop meant that they were working in that shop.

Table 8.3 Location of Prisoners at Fremantle Prison on 22 January 1979

Detained (not working)	193
Remands (not working)	52
Working Remands	23
Special Yard (not working)	21
Segregation (not working)	15
Hospital	18
Transfers and Discharged	11
Bootshop	28
Metal Shop	26
Garden Party	25
Concrete Products	23
Tailor Shop	22
Carpenters Shop	21
Cookhouse	18
Print Shop	17
Light Labour (mainly cleaning)	13
Public Works (mainly building maintenance)	9
Laundry	8
Assessment (mainly cleaning)	8
Silk Screening	1
TOTAL INMATE POPULATION	552

Payment

Payment for prisoners ranges between 84 cents and \$1.30 for every day worked. Trade instructors make a recommendation to their superintendent as to which of three pay levels each prisoner in their workshop should receive. Such determinations are usually based on both skill and effort. The pay scales are indexed to the Consumer Price Index and adjusted annually. Tobacco is paid for

out of the prisoner's pay. There are no piece rate schemes in operation in any Western Australian prison. Exceptional work performance can help prisoners to obtain up to seven extra days remission of sentence over and above the normal remission.

The Department's policy on the sale of articles made in prison by inmates is:

- 1 Where articles are manufactured by the inmate with departmental materials and during working hours the total proceeds go to the Department.
- 2 Where articles are made by the inmate with departmental material but in the inmate's own time, the break-up after recoup of cost is one third to the inmate and two thirds to the Prisoners Industrial Trust Fund (a fund to finance amenities and assist prisoners on release).
- 3 If made by the inmate in his own time and with his own materials he can retain the article but is not permitted to sell it through the prison system.

Female Prisoners

While short term female prisoners are housed at the Roebourne, Wyndham, Broome, Geraldton and Kalgoorlie Regional Prisons, most females serving a longer term are at the Bandyup Training Centre, an all female prison. There is no industry at Bandyup. The Department of Corrections does own orchards outside the prison gates, but these at the time of my visit were mostly tended by males who travelled from other prisons to do so.³

The most depressing thing about Bandyup is not so much that there is almost nothing to constructively occupy the women in the prison but that the correctional staff seem to be little concerned that this is the situation. An attempt was made to introduce work in the form of the monotonous task of assembling rubber thongs. When some women sabotaged some of the thongs this was interpreted by the staff as confirmation of what they knew all along — that the women were simply not interested in working. The fact that the work was intrinsically alienating seemed to loom less large as an explanation for the sabotage.

Western Australia is the only State which has formally recognised the difficulties of organising prison industries and trade training in a small women's prison by adopting an explicit policy of work and training in the community for female offenders. The

July 1977 Assessment and Orientation Manual for the Department of Corrections states:

As it would not be economically feasible or practical to establish a wide range of options at Bandyup, the Department has decided to adopt a policy (in the case of females) based on the widest possible use of facilities within the community rather than attempt to develop suitable relevant facilities within the prison . . . It would thus be possible for suitable inmates to spend the majority of their sentence working, studying or living in the community. (emphasis in the original).

All female prisoners are given a community contact rating (maximum, considerable, limited or minimal) which defines exactly the extent of release to the community which their perceived security risk permits. Of the 40 women in Bandyup at the time of my visit, nine were going out from the prison each day on temporary leave, mainly to undertake voluntary work in the community. Voluntary work, such as helping out in an aged persons' home, is used as a testing ground for eligibility for work release. Two other women had been on temporary leave but the privilege had been suspended. There were no women at the time who were going out from Bandyup on full work release although two of the inmates had been approved for work release and three for study release. At the time of my visit five female prisoners were on work or study release from the Highgate Women's Hostel, which is geographically separate from Bandyup but is the administrative responsibility of the Bandyup superintendent.

Work Release

Western Australia had more prisoners on work release (52) in January 1979 than any other State. All temporary leave programs have been put under considerable pressure in recent times, however, by unfavourable press concerning the security risks posed by releasees. This was brought to a head by an armed robbery committed by two prisoners while on study release to Murdoch University. The department has decided not to grant any further applications for study release. Work release has not been abolished under this decision, but entry into work release has been made more difficult.

Work release in Western Australia in fact has a low failure rate. Of the 660 releasees between 1970 and 1973 only nine per cent had their work release cancelled because of some misdemeanour. Only three per cent of the 660 absconded, and less than one per

cent offended while on work release.⁴ During the 1977-78 financial year 16 per cent of work release commencements were cancelled for some reason. For study leave commencements during 1977-78 the cancellation rate was 18 per cent. When work releasees from the 1976-77 financial year were followed up until July 1978 it was found that only 27 per cent of those who had successfully completed work release had reoffended, while 32 per cent of those who had participated in work release (without necessarily completing it) had reoffended.⁵

Work release is available from most minimum security prisons in Western Australia. Most work releasees, however, live in the West Perth, Fremantle and Highgate Work Release Hostels. These are absolutely minimum security hostels. Inmates are not locked in at night. The largest is the West Perth Hostel which is an old convent with a capacity for 36 inmates near the centre of the city.

Because many of the regional prisons are not well equipped for prison industry, considerable emphasis is placed on unpaid community work under escort. For example, Table 8.4 lists the type of community work undertaken by prisoners from the Kalgoorlie Prison during 1976-77. Community work has great public relations value for the department in Western Australian country towns. It is a boon for local community groups to benefit from a generous supply of labour at no cost, or perhaps at the price of some Scotch for the prison superintendent.

Table 8.4 Community Projects Undertaken by Inmates of the Kalgoorlie Prison for the Year Ended 30 June 1977

Type	Approx. No. of Inmate hours	Group Benefitting
Restoration work	780	Catholic Church
Carnival labour	252	Fair Society
Litter drives	500	Keep Australia Beautiful Committee
Pensioner assistance	500	Lions International
General labour	800	Tourist Bureau
Gardening	1,500	South Kalgoorlie School
Gardening	1,500	Kalgoorlie Central School
Weeding etc.	1,500	Cemetery Board
General labour, silk screening	1,500	Police and Citizens Youth Club

Successful participation in such community projects is in some

prisons almost a prerequisite for admission to work release. At the other end of the program, successful participation in work release is becoming an almost essential requirement for the granting of parole. This *de facto* policy of the Parole Board puts pressure on the Department of Corrections to admit into the work release program all prisoners whom it thinks are deserving of parole. The criteria for eligibility for work release in Western Australia are possibly the broadest in the country. Below is the policy as stated in the departmental Prison Establishments and Facilities document of January 1978.

Criteria for Work Release: In view of the limited facilities available for the operation of the program a set of criteria governing eligibility for inclusion was established.

These criteria are:

- Inmates should serve six months in prison before being included in the program. This does not preclude a prospective applicant from applying for work release before he has served six months imprisonment.
- Unless special circumstances are evident, the maximum period on work release shall be three months.
- Some preference will be given to inmates who have family responsibilities.

It should be noted that the Classification Committee will consider any prisoner who applies for work release, regardless of the above criteria. In fact, if an inmate or his family are faced with exceptional circumstances, any or all of the above criteria may be set aside.

Two other informal criteria operate in determining suitability for the program. The first is that work release is granted to applicants as a 'reward' for good behaviour while in prison. The second is that work release is granted as a pre-parole (or pre-release) trial period to prisoners who, by their pattern of offending or pattern of behaviour, indicate they are unable to cope in the outside community. This latter informal criterion is sometimes formalised by a specific request from the Parole Board to include a prisoner in the program.

The breadth of these criteria was the subject of attack in a recent *Report on Parole, Prison Accommodation and Leave from Prison in Western Australia* by Crown Counsel Parker.⁶ Parker

argued for a tightening up of the criteria of eligibility for work release and abandonment of the policy of preferential entry into the work release program for female prisoners.

Parker's report fails to document most of its glib assertions. Parker baldly asserts that: 'It remains to be demonstrated that even ordinary work release offers sufficient advantages to justify its continuation'.⁷ In making this claim no reference is made to any of the evaluation studies reviewed in Chapter four of this book. Even more incredible in the light of the considerable empirical evidence on the cost savings of work release programs is the statement that: 'what information there is suggests that it is very expensive to run'.⁸

Employment Interviews

Western Australia is one of the States where relatively large numbers of prisoners are allowed to go out job hunting, normally unescorted, prior to release. This is just as well since Western Australian prisons receive a very poor employment counselling service from the Department of Employment and Youth Affairs. The Handicapped Persons and Special Employment Groups section of that Department has only one person responsible for prerelease counselling of prisoners in Western Australia. Only about a fifth of his time is devoted to prisons, the West Perth Work Release Hostel, and probation and parole cases. This person rarely has a caseload exceeding 20 prisoners.

Regional prisons are serviced by their local CES office. In most cases this is not a regular service. The CES officer only comes out when he is specially requested by the welfare officer.

The Aboriginal Employment section of the Department of Employment and Youth Affairs has, with the Department of Corrections, initiated one very worthwhile program for Aboriginal prison releasees. There can be no question that Aboriginal prisoners are severely disadvantaged in obtaining jobs. There are only a few employers on the work release program, for example, who are willing to take Aborigines. NEAT scheme funds are used to support the special program for the employment of Aboriginal prison releasees in six local government shires. They are employed on a NEAT subsidy to work in the whole range of local government areas. Training in such skills as the operation of roadmaking equipment is provided by the council. Efforts are made to integ-

rate the prisoners fully throughout the normal workforce rather than having them exist as a separate section of the workforce. It is too early to evaluate the program. The first batch of 10 participants is yet to complete its four month subsidy period. But irrespective of whether or not the council decides to keep them on when the subsidy runs out, constructive employment will have been achieved for at least a short period, some work experience and training gained, and either the break in the work history bridged or in many cases a work history begun by the first protracted full time work experience in their lives.

Vocational Education

As in most Australian States, the Department of Corrections in Western Australia is not organised to maximise the possibilities for the successful mix of productive industry and vocational training. Industries come under the responsibility of the Assistant Director Establishments, while education and trade training is the responsibility of the Assistant Director Treatment and Training. Within the Education Services Section of the Department there is a vocational psychologist who is responsible for placing prisoners in apprenticeship trade training. Compared with other States there has been reasonable success, there being 25 apprentices as of January 1979 (see Table 8.5).

Table 8.5 Western Australian Prisoners Undertaking Apprenticeship Trade Training as of 22 January 1979

Carpentry/Cabinet making	7
Bootmaking	5
Motor Mechanics	3
Boilermaking/Welding	3
Meat Trades	3
Sheetmetal	2
Cooking/Baking	2
TOTAL	25

The possibility of a more integrated departmental approach to industry and training moved a step closer in late 1978 when most teachers in the prisons changed from being employees of the Education Department to employees of the Department of Corrections. Compared with other States Western Australia has

relatively generous staffing for prisoner education. There is one head office Education Officer who works full time on inmate education and one who works approximately half time on this and half time on staff training. There are two full time teachers at Fremantle, one full time teacher at Bunbury and one full time at Bandyup. Part time teachers are based at Albany (three full days a week), Pardelup (two full days a week), Wooroloo (12 hours a week), Geraldton (12 hours a week) and Barton's Mill (12 hours a week). In addition, many of the prisons have an effective voluntary tutor scheme in operation.

The most successful attempt to bridge work and training is a pilot 12 week welding course being run in conjunction with the Western Australian Technical Education Services at Albany Prison. A welding certificate is awarded at the end of the course. A prison trade instructor provides group teaching on theory immediately followed by a couple of hours in the prison's metalwork shop. Illiterate prisoners have been assisted through agreement by Technical Education Services to allow prisoners to answer questions from the correspondence part of the course on tape rather than in writing.

Great strides forward such as this program have been more than counterbalanced by the decision to scrap study release to technical college or tertiary institutions. No matter how effective vocational programs inside prison become, they can never hope to compete with the richness and diversity of programs available outside the prison.

1. In some States although the general policy is one of sales to government agencies only, specific exceptions are made (for example, for sales to farmers' cooperatives).

2. As of May 1979 moves were afoot for the Department to appoint a manager of industries.

3. On seeing a draft of this chapter, the Director of Corrections said that female prisoners were now (May 1979) increasingly tending the orchards.

4. G.L. Roe, *Work Release in Western Australia: A Different Approach* (Master of Social Work Thesis University of Western Australia, 1975).

5. Figures supplied by the Department of Corrections, Planning and Research Section.

6. K. Parker, *Report on Parole, Prison Accommodation and Leave from Prison in Western Australia*, (no publisher given) Perth, 1979.

7. *Ibid.*, p. 68.

8. *Ibid.*, p. 68.

9

Victoria

Although there are 11 adult prisons in Victoria more than half the prison population is housed at Pentridge. Table 9.1 lists the daily average populations for each of the Victorian prisons for the year ending 30 June 1977.

Table 9.1 Daily Average Prison Population for Victorian Prisons for the Year Ending 30 June 1977

Pentridge	847
Ararat	135
Geelong	96
Castlemaine	77
Beechworth	71
Bendigo	66
Morwell River	44
Sale	43
Dhurringile	38
Won Wron	35
Fairlea	32
TOTAL	1,484

The organisation of prison work in Victoria puts maximum emphasis on industrial productivity and minimum emphasis on vocational training. Prison industry was in total disarray in Victoria until 1974 when the decision was made to appoint a business manager and a farm management officer. Since that time a greater performance emphasis has been imposed upon prison industries. Productivity is monitored and to a certain extent targets are set. While improvements have been made, it remains the case that for a daily average of 847 prisoners at Pentridge there are 222 work positions in specific prison industries. These figures seem so unfavourable compared with the figures provided by some

other States, partly because the Victorian department is honest enough to refrain from overloading its workshops with large numbers of nonproductive workers simply to encourage a false sense of satisfaction that everyone has been given a job. The Victorian policy is to keep idle workers out of workshops because such idleness undermines the morale and atmosphere of productivity and increases the risk of sabotage.

The emphasis on productivity rather than training is reflected in the fact that civilian supervisors in the prison industries are officially designated as 'overseers' rather than 'trade instructors'. In the late 1950s a number of trade instructor positions had been created for the running of courses in trades such as bricklaying, painting and decorating, motor mechanics, and sign writing. However, in the attempt to rationalise production in 1974 these trade instructors were reclassified as overseers. The motor mechanics instructor, for example, was put onto the supervision of sheet metal production.

Trade training functions have been taken over in a small way by Education Department teachers who operate educational programs which are quite isolated from the industrial production programs. More on this later.

Manufacturing Industries

Table 9.2 lists the value of production for each manufacturing industry between 1975 and 1978. Value of production is the total value of all sales plus the value of all production for internal consumption calculated at the rate of the price for external sale. Table 9.3 lists the number of work positions available in each prison manufacturing industry for Pentridge alone.

Table 9.2 shows that production in the bakery for 1977-78 was nil. This was because the bakery was closed down by the Health Department throughout that year. Production at the bakery recommenced in July 1978. At the time of writing it is still working at only 50 per cent capacity because there have been union objections to the Minister over the tendering of the prison bakery for hospital bread contracts.

Moves have been made to rationalise production in the boot shop with the assistance of an independent evaluation by the Collingwood Technical College. Other States could well follow the example of Victoria in bringing this kind of outside constructive

Table 9.2 Value of Production of Manufacturing Industries in Victorian Prisons*

		Value of Production		
		75-76	76-77	77-78
		\$	\$	\$
Carpentry	Pentridge	26,000	36,000	29,000
	Beechworth	16,000	43,000	37,000
Coir Mats	Castlemaine	5,200	3,000	3,500
	Sale	5,000	3,750	5,586
Bootshop	Pentridge	5,000	11,000	12,000
Clothing	Geelong	59,000	71,000	62,000
	Pentridge	9,000	27,000	44,000
Textiles	Pentridge	13,000	21,500	25,000
Laundry	Pentridge	49,000	48,000	36,000
Sheetmetal	Bendigo	23,000	32,000	25,000
Tubular Steel Furniture	Ararat	23,000	38,000	17,000
Printing	Pentridge	99,000	93,000	85,000
Bakery	Pentridge	147,000	90,000	Nil
Brush Shop	Pentridge	41,000	46,000	24,000
Mop Shop	Geelong	12,710	24,000	Nil
Engineers	Pentridge	—	15,000	22,200
Number Plates	Pentridge	86,000	99,000	117,000
Fruit Cannery	Dhurringile	—	20,000	27,000
Silk Screen Printing	Ararat	—	12,500	13,000
Bookbinding	Pentridge	—	Nil	4,000

* From 1977-78 Annual Report of the Business Manager, Mr S. Cowan

criticism to bear on their productive operations. With respect to their bootmaking industry Victoria is also exploring an innovative solution to union objections over the commercial marketing of prison products. A large shoe importer has been approached with the proposition that some of its imports be replaced by prison manufactured shoes. The relevant section of the Chamber of Manufactures in Victoria has expressed satisfaction with this proposition since Australian capital and labour are not threatened by it. From a vocational point of view bootmaking is not a good prison industry. Because of the pressures of foreign competition

Table 9.3 Number of Work Positions in Each Prison Industry at Pentridge

Carpentry	21
Bootshop	18
Tailor Shop	18
Woollen Mill	25
Printing	19
Bakery	21
Brush Shop	25
Engineers	14
Electricians	1
Number Plates	19
Laundry	25
Kitchen	16

employment levels in the industry have been declining steeply in recent years.

Similarly, inmates working in the Pentridge woollen mill have no prospect of being able to use outside the skills learnt. Quite apart from the contracting job opportunities in the manufacturing of textiles in Australia, the 30 year old machines in Pentridge are hopelessly out of date and therefore of limited value for training in plants with up to date technology. The woollen mill operations have also been the subject of an independent evaluation by the Melbourne College of Textiles. Production of cloth is primarily for prison clothing.

This cloth is then made into garments by the tailor shops at Pentridge and Geelong. Again prospects are dim for the availability of jobs in the outside labour market which might use these skills. Garment manufacture for the Australian market is increasingly shifting to Asia. While there have been times when employers in New South Wales have had difficulty in recruiting cutters, the level of demand for such skills in Victoria has been constantly low.¹

The number plate shop is undoubtedly one of the more productive prison industries in Australia. All car registration plates for the State of Victoria are manufactured in Pentridge. Clearly this means that there are no employment prospects outside in this industry.

A new industry which has recently been started up at Pentridge is bookbinding. This work involves activities such as the

repair of old books and the binding of old newspapers for public libraries. Unlike so much prison industry this seems to be relatively satisfying work for the prisoners. Many find it interesting to glance at the old newspaper stories as they do their work, and the nature of the work is such that it is easy to take pride in the finished product. The Department of Employment and Industrial Relations' *Employment Prospects by Industry and Occupation* for August 1978 says that: 'Victoria has a strong demand for tradesmen bookbinders, especially those with hand-binding skills'.² Of course there is a big difference between the level of skill likely to be acquired in the Pentridge bookbindery and that of a tradesman bookbinder. Nevertheless, there is probably some prospect that bookbinding skills might be used outside with employers such as libraries.

The Incentive Payment Scheme

In February 1978 an incentive payment scheme was introduced with respect to the production of coir mats, a largely manual operation, at Castlemaine and Sale prisons. The present rate of pay in all Victorian prisons is 75 cents a day for all types of prisoners except where part of this pay is deducted as punishment. The incentive payment scheme at Castlemaine and Sale was that each worker would receive an extra \$2 a mat for every mat over and above the first one produced in a given week. The scheme was an immediate success (see Figures 9.1 and 9.2). Under the incentive payment scheme between 11 February and 21 October 1978, 701 mats were produced at Castlemaine, compared with 262 mats over the same period in the previous year. This represented almost a tripling of production. For the same comparison Sale prison showed a production increase from 275 mats to 1,071 mats, almost a four fold increase. As a result of the increased production in both prisons, the total savings resulting from the public Works Department not having to pay outside suppliers for extra mats was \$7,039. This by far exceeded the cost to the State in extra pay to prisoners.

At Sale prison the incentive payment scheme was also introduced in the smaller workshops which produce picnic tables and signs for national parks. Mr Cowan, the prison industries business manager, conducted a thorough cost-benefit analysis on the trial incentive payments scheme at Castlemaine and Sale. At Castle-

maine the net increase in benefits to State finances after subtracting all costs of increased remuneration to prisoners was \$1,036. At Sale the net benefit to the State was \$9,775.

Included among the costs which were subtracted in this cost-benefit analysis were the costs of increased payments to non-industry prisoners, such as inmates who were cleaners or kitchen workers. Unless their pay had been increased as well, considerable friction within the prison would inevitably have been

Figure 9.1 Coir Mat Production at Castlemaine Prison before and after the Introduction of the Incentive Pay Scheme

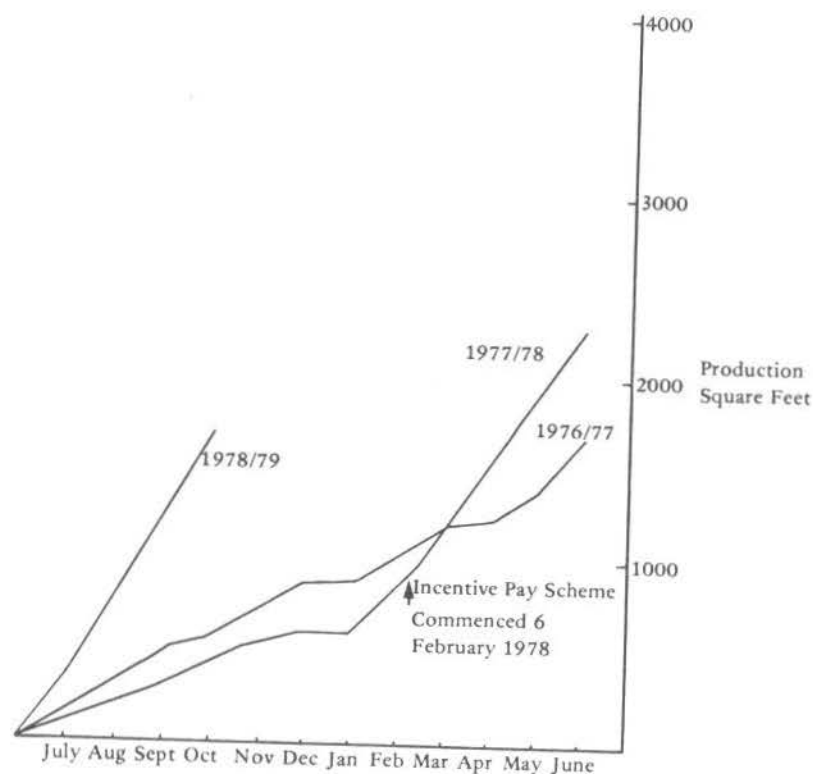
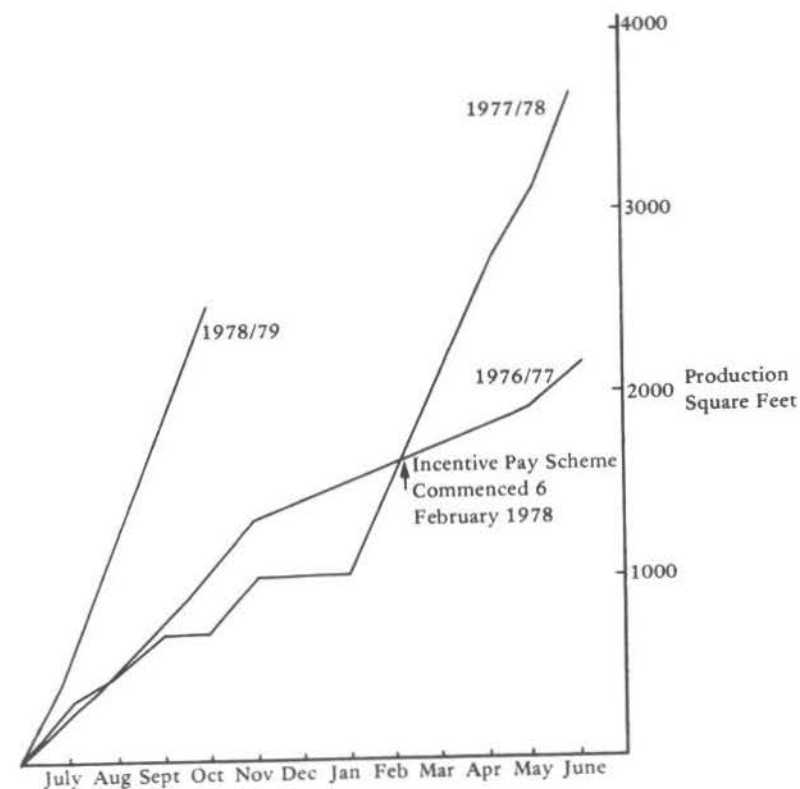


Figure 9.2 Coir Mat Production at Sale Prison before and after the Introduction of the Incentive Pay Scheme



generated. As a result of the incentive payment scheme at Sale coir mat workers were getting an average of over \$10 a week in incentive payments over and above their normal pay of \$3.75 (75 cents a day). The payment scheme for non-industry workers was such that Class I (higher skill and effort) workers were getting their normal \$3.75 plus 50 per cent of the average incentive payments received by the industry workers during that week. Every prisoner therefore benefits from the productivity of the industry workers.

From all accounts the Community Welfare Services Department has been pleased with the cost savings it has made through

the increased productivity under the incentive payment scheme, and prisoners have been pleased with the large pay increases. Purportedly, the reason for the lesser increase in production at Castlemaine compared with Sale has been a feeling of resentment among the coir mat workers at Castlemaine that less hard working prisoners, such as sweepers, were benefitting from their diligence. A 'why should we work harder to benefit them?' attitude was prevalent among many industry workers.

Such a feeling among the coir mat workers might conceivably have been defused by effective intervention by the prison staff. It seems that the main problem which the administration has had with the incentive payment scheme has been in enlisting the support of the rank and file prisons' staff. While the scheme serves to benefit financially both the administration and the prisoners, for the prison officer and overseer it means more work, and perhaps represents further evidence of prisoners having it too easy. Some prison officers have also expressed concern at the way that the incentive payment scheme makes industry jobs more attractive compared with the clerical jobs into which prison staff wish to see the best workers placed.

While the incentive payment scheme has so far proved to be a great success, the gradualism of the department in expanding the scheme seems well advised, and each further step forward must be preceded by consultation with, and education of, rank and file prisons' staff. Another variable which must be monitored is the effect of the scheme on the position within the prison of traditional 'heavies' among the prisoners. Clearly an increased level of general affluence might threaten the position of some prisoners who succeed by a lucrative black market in smuggling money and goods into the prison. Moreover, the influence of the incentive payment scheme on the social fabric of the prison will obviously be affected by the balance of power between heavies within and without the bonus paying industries. Exactly how these forces would work themselves out is difficult to predict, even for someone who is far better informed than I am about the power relationships within any given prison. All that is being suggested is that the scheme needs to be introduced steadily and its effects closely monitored. There can be little doubt that incentive payment represents the most politically feasible way of increasing remuneration to prisoners for their work. But gradualism is

justified to avert the risks of a backlash.

The advantages of incentive payments are more than monetary. If prison industry is to keep up the work habits which are necessary for successful functioning in the work world of the wider economy, then it must foster a level of sustained effort and concentration such as is not present in most of the industrial programs in Australian prisons. Incentive payments do inject, albeit artificially, the kind of performance emphasis which is present in most work places, public and private, in the outside society. Furthermore, one is led to suspect a superior quality of overseer-prisoner relationship where the prisoner is induced to work with the offer of payment rather than by the badgering of the overseer. The experience of the trial incentive payment programs in Victoria is that overseers no longer had to drag prisoners away from smoko or back from the toilets. Indeed, prisoners at Sale were bringing their cup of tea to the work bench in order to keep production moving. It has also been claimed that sabotage has been reduced by the introduction of the incentive payments scheme.

Flushed with its early success, the Community Welfare Services Department is planning further experiments on incentive payments in Victorian prisons. I attended a meeting between the Superintendent and prison industry staff at Pentridge in November 1978 where the decision was made to introduce a group incentive scheme whereby all workers in a shop get an extra day's pay if a production target is met, and a further day's pay if an even higher target is met. In early 1979 number plate production at Pentridge rose from 4,000 to 8,000 pairs per week with the introduction of a bonus of one dollar for each extra 1,000 produced. At the time of writing detailed plans are in hand for the introduction of a fully fledged group incentive scheme in three other Pentridge industries.

What is clear from the Victorian experiments with incentive payments is that they have been to the liking of the prisoners. Interestingly, a survey of the preferences of prisoners from Fremantle Prison, Western Australia, for different forms of industry payment tends to confirm this finding.³ In this survey, conducted by Foley-Jones and Broadhurst, prisoners' payment preferences were classified as 'elitist', 'democratic' or 'performance'. Inmates who felt that different jobs should receive different levels of payment as a function of the degree of skill or expertise

required were classified as having an 'elitist' preference. Those with a 'democratic' preference considered that in the prison setting there should be no differentiation in payment either due to the skill requirements of the job or the amount of effort an individual puts into his work. Classification as having a 'performance' preference meant that it was felt that payment should depend on the performance of the prisoner in terms of quality and quantity of production. The 'performance' orientation was clearly the most popular, being the preference of 52 per cent of respondents. Next in popularity was the 'democratic' orientation (39 per cent), and least popular was the 'elitist' orientation (32 per cent).

Female Prisoners

The reader may have noticed that in the discussion of the manufacturing industries in Victorian prisons no mention has been made of manufacturing activities at the Fairlea Women's Prison. There are none. Fairlea prisoners simply look after themselves. At the time of my visit to Victoria the work assignments of the 32 prisoners at Fairlea were as follows:

Kitchen	9
Garden	8
Sewing Room	7
Laundry	5
Work Release	1
Full Time Education	1
Full Time Craft	1

Primary Industries

The Ararat, Beechworth, and Dhurringile prisons are primary industries prisons, while Morwell River and Won Wron are forestry camps. The milk, eggs, vegetables, meat, and fruit from the former four prisons are all used within Community Welfare Services institutions, mainly prisons. At present these products are sold from one institution to another with all proceeds going into consolidated revenue. The prison farm in turn is given monies by Treasury to pay for its production. Such a system provides no incentive for productivity and gives farm managers no budgeting autonomy.

Budgeting autonomy for farms is important since it is often necessary to pay accounts on a seven day basis. Some stock agents

have a blacklist which denies the right to purchase at sales to purchasers who have not paid the last week's account. It is the belief of the farm management officer that a central farming account should be set up rather than individual accounts for each farm. His proposal is that rather than have individual farms each trying to maximise its profitability, it is the productivity of the whole departmental farming system which should be maximised. Hence it might maximise overall profitability for one farm to specialise in breeding and another in fattening. The latter would make all of the money and the former none at all. The ideal situation would be for all farm managers to meet and allocate expansion funds from the central farming account on the basis of maximum production for the whole system in accordance with the department's food requirements.

There can be little doubt that a central farming account and a central industry account would be in the interests of more flexible planning, optimal timing of capital investment and greater incentive to productivity in both the farming and manufacturing sectors of prison industries in Victoria. Table 9.4 shows current annual returns at market values of the primary produce from prison farms.

Table 9.4 Value of Production for the Year Ending
30 June 1978 of Primary Products from Victorian
Prisons Estimated at Current Market Prices

	\$
Processed beef @ 75c/Kg	116,345
Processed mutton @ 70c/Kg	94,385
Vegetables @ 55c/Kg	67,500
Wool (net proceeds)	40,000
Canned fruit @ 44c/Kg	26,400
Roasting poultry meat @ \$1.42/Kg	20,913
Eggs @ 80c/dozen	13,184
Skins @ \$1.50 average	8,892
Lucerne hay @ \$45/tonne	6,300
Hides @ \$8	5,568
Boiling poultry meat @ 88.5c/Kg	2,607
	402,094

Work Release

Work release in the Victorian prisons system is virtually non-existent. At the time of writing one female prisoner at Fairlea, and two males from Ararat, are on work release. Both of these prisons are well suited for release to work: at Fairlea there is a separate cottage, and Ararat also has a separate building outside the security area. The department has in the past run a very small work release program from a hostel called Brady House run by the Church of England, but this has since closed down.

The department is currently exploring the possibility of purchasing a building in Melbourne from which it might run a work release program for prisoners in their last three months of sentence. Trades Hall in Victoria has agreed to work release to the community so long as the prisoners are paid an award wage and take out the appropriate union ticket. A building quite separate from Pentridge is obviously the ideal solution. However, if the department cannot find the resources to purchase such a building then a work release program run from Pentridge would be preferable to no program at all. Admittedly a work release program from a walled institution worsens the problems of contraband (for example, drugs) coming into the prison. But these dangers must be kept in perspective. Pentridge has more than two kilometres of walls surrounding its 66 acres. It is not difficult for contraband to be thrown over the wall at an isolated spot along the perimeter. Plays are regularly run at Pentridge which attract audiences of up to 300 from outside the prison. Such occasions, as well as contact visits, provide ample opportunities for resourceful prisoners to get what they want into the jail. Certainly every effort should be made to isolate work releasees from other prisoners in a maximum security institution. But the problem of contraband coming in from work release hardly seems a sufficient justification for foregoing the benefits of such a program.

Employment Interviews

The Victorian prisons system enjoys a far superior service from the Department of Employment and Youth Affairs than the other major prisons systems in New South Wales and Queensland. Virtually all releasees from Pentridge have the opportunity of an interview with an employment officer in prison prior to release. Unlike the New South Wales Department, the Victorian

Community Welfare Services Department permits and encourages prisoners, often unescorted, to attend employment interviews prior to their release.

The coverage of country prisons by the CES is not as good as that provided for Pentridge. All CES offices with responsibility for a prison in Victoria are subject to a departmental rule whereby an employment counsellor must attend the prison for at least one half day in each month. This results in most country prisoners being given an interview prior to release, exceptions being cases where prisoners are released without warning between monthly visits.

Vocational Education

Education, both vocational and academic, is the responsibility of teachers with primary school training who are employed by the Victorian Education Department, and not by the Community Welfare Services Department. There are eight full time teachers at Pentridge, three at Bendigo, three at Geelong, three at Beechworth, two at Castlemaine, and two at Fairlea. Being beyond the administrative and funding control of the prison administration creates problems of setting up meaningful links between vocational training and prison work. The same is true of the two occupational therapists at Pentridge. Their salaries are paid by the Mental Hygiene Authority, with that authority and the Community Welfare Services Department wrangling over who should pay for the equipment which they need to be able to operate effectively. The occupational therapists have become appendages to the prison without being given a function which is included in overall goals and strategies.

A number of the teachers in Victorian prisons are moving to reintroduce practical trade instruction into the prisons. At Pentridge two instructors were being funded by the Department of Technical and Further Education to visit Pentridge five afternoons a week and teach courses such as panel beating, welding, and motor maintenance. When that prison has an engineer's shop, however, it seems wasteful to have the education section running a course on welding which does not make an explicit link with what is going on in that workshop. It also seems foolish that it is teachers, if anyone, who take responsibility for getting prisoners approved for apprenticeships when it is the overseers in the

workshops who have both the knowledge and the equipment to train apprentices. There are fewer prisoners per capita either beginning or finishing apprenticeships in Victorian prisons than in other States.

The education section at Geelong maximum security prison has run a spray painting course with an outside trade instructor. It is currently using a trade instructor from the local technical school to run a telescoped course (in less than three years) for the Department of Labour and Industry's three year ticket in welding. Geelong has introduced an innovative linkage of education and vocation whereby a CES counsellor visits the prison weekly and interviews the prisoner to discover his vocational interests and capabilities. He then tells the educator of the range of skills which would need to be developed to exploit the vocational options available to fit the prisoner's capabilities. Vocational training within the prison is important in Victoria because it is almost impossible for a prisoner to be granted study release or release to do block apprenticeship training.

Most of the time of the teachers is taken up with individualised or small group teaching in academic subjects. Many prisoners are enrolled in basic literacy and numeracy courses. At Pentridge at the time of writing 12 were doing tertiary courses, 5 were studying for the H.S.C., and 19 were enrolled in courses at Form 10 level.

Because the teachers are attached to the Education Department there is no head office coordination of their activities from the Social Welfare Department. The teachers themselves have organised to overcome this problem by forming a Prison Education Steering Committee. Included on the Committee are representatives from the CES, TAFE, the Council of Adult Education, the Social Welfare Department, and the prison educators themselves. This committee is now meeting monthly and is beginning to overcome a situation where the direction of prison education was only being changed in response to crises big enough to prompt everyone concerned to get together.

Computer Training: A Model Program

To prove that cooperative efforts to mount meaningful programs are possible, even under the most debilitating structures which inhibit such cooperation, the teachers at Pentridge have

cooperated with the Business Manager and the Australian Computer Society to mount what is perhaps the most promising and innovative vocational program in an Australian prison. This is a course on computer programming and maintenance being undertaken by 15 Pentridge prisoners. The computer was paid for by the Department of Technical and Further Education. Honeywell has also donated in 1979 \$250,000 worth of five year old equipment.

Apart from a university computer scientist who wrote to the Premier complaining of the risk that computer criminals would be produced by the course, the support of the Australian Computer Society has been the lifeblood of the project. A voluntary management committee dominated by representatives from the commercial computing industry has been set up. The influence of the senior industry people on the committee is being used to ensure that accreditation for the course will be recognised by the controlling bodies in the industry. Design of the course is such that it links up with a continuing course at the Control Data Corporation which the prisoner could take up upon release. Different aptitudes will be catered for by the possibility of switching students from computer programming to computer maintenance streams.

The integration between training and prison work will be complete when the computing facility is used on a daily work basis for the maintenance of prison records and accounts of various kinds. Moreover, the Business Manager is exploring the possibility of incorporating computer card punching as one of the system's productive industries.

Because outside industry was involved in the program from the outset, the prospects of commercial resistance to the prison industry are minimised, the relevance of the program to up to date commercial realities is ensured, and job contacts for prisoners upon release are established. Because prison industry links up with training there will be ample opportunity for on the job experience. Since the computing industry is a burgeoning job market, there is a strong likelihood that skills acquired might be utilised in the workforce. In many ways this is a model program, a model which other States might follow.⁴

1. Department of Employment and Youth Affairs, Manpower

Programmes Section, *Employment Prospects by Industry and Occupation: A Labour Market Analysis* (Australian Government Publishing Service, Canberra, August 1978), p. 175.

2. *Ibid.*, p. 198.

3. C.R. Foley-Jones and R.G. Broadhurst, *Prisoner Work and Educational Preferences* (Western Australian Department of Corrections, Research and Information Series No. 17, 1977), p. 19.

4. Successful computer training programs have been run in the United States at Leavenworth in Kansas and in Massachusetts prisons. On the latter see, J.N. Full, 'Computer Programming Course Pays Dividends to Ex-Offenders', *American Journal of Correction*, 40, 1978, pp. 10-14.

10

Queensland

Most readers will be surprised to learn that Queensland edges out Victoria as the second largest prisons system in Australia. Table 10.1 shows that the Queensland daily average prison population for the year ending 30 June 1978 was 1,537, just slightly higher than the Victorian figure over the same period. Also, Biles found that as of July 1976 the number of custodial staff in Queensland was 731 compared with 713 in Victoria.¹

Table 10.1 Daily Average Prison Population for Queensland Prisons for the Year Ending 30 June 1978

Boggo Road —	
Male Division	494
Female Division	29
Townsville	338
Wacol	219
Woodford	171
Rockhampton Prison	112
Wacol Security Patients Hospital	71
Numinbah	54
Palen Creek	49
TOTAL	1,537

Table 10.2 shows that Queensland has a range of conventional prison industries, the only unusual industry being the saddlery shop at Boggo Road which manufactures items such as belts for prison personnel and saddles and holsters for the Queensland Police. Bread baking and laundry are the largest secondary industries and dairying and the piggery are the dominant primary industries. Farming activities are the largest employers of men in the Queensland prisons system. Most of the manufacturing industries employ only very small numbers of prisoners, the

exception being laundry which employs 23 at Rockhampton, 40 at Boggo Road, and a remarkable 70 at Townsville (as of November 1978). The 70 Townsville laundry workers generated annual receipts of \$130,437 for the year ending 30 June 1977 through sales to institutions such as hospitals. This compares to the \$2 million in receipts earned by fewer than 200 prisoners at the Parramatta Linen Service. The latter was strongly castigated for its inefficiency by the Nagle Royal Commission into New South Wales Prisons. It must be pointed out, however, that the Parramatta Linen Service is a very much more highly capitalised operation than the Townsville laundry, and that methods for determining prices for receipts would not be strictly comparable between the two prisons. Queensland prisons charge only 18 cents for the

Table 10.2 Revenue Received from Industries in Queensland Prisons for Year Ending 30 June 1978

<i>Manufacturing Industries</i>		\$
Bakery	Wacol	135,393
	Boggo Road	52,020
	Rockhampton	32,526
	Townsville	22,876
Laundry	Townsville	130,437
	Boggo Road	53,091
	Rockhampton	50,831
Tailor Shop	Boggo Road	70,664
	Townsville	56,786
Bootshop	Boggo Road	50,606
	Townsville	349
Metal and Tin Shops	Boggo Road	9,139
	Townsville	5,898
	Wacol	7,198
Carpenters Shop	Boggo Road	15,220
	Wacol	10,069
	Townsville	4,510
Saddlery Shop	Boggo Road	14,229
Paint Shop	Boggo Road	1,780
Brick Making	Wacol	60

(contd.)

Primary Industries

	\$
Dairying (milk sales)	Wacol 166,793
	Rockhampton 60,301
	Numinbah 35,926
	Palen Creek 30,413
	Woodford 10,490
	Townsville 6,857
Piggery	Rockhampton 49,406
	Wacol 41,330
	Palen Creek 22,162
	Numinbah 20,321
	Townsville 7,902
Vegetables	Wacol 14,861
	Townsville 4,262
	Woodford 3,659
	Rockhampton 1,746
	Numinbah 1,050
Cattle Sales (mainly dairy)	Rockhampton 6,794
	Numinbah 5,616
	Wacol 4,326
	Townsville 2,301
	Palen Creek 921
	Woodford 487
Dog Sales	Wacol 330
Sawmill	Numinbah 821
Honey	Numinbah 41

laundering of nurses uniforms (a service which would cost over a dollar outside). Factors such as this make it very hazardous to attribute any absolute value to the figures for industry receipts.

Most of the prisoners at Boggo Road do not work in a prison industry. When I visited Boggo Road on 25 September 1978 only 119 inmates had worked in one of the industries at some time during the day. The breakdown was as in Table 10.3.

While considerable numbers of prisoners are involved in non-industry work such as cooking, sweeping, construction, organising stores, and the like, most prisoners are doing nothing most of the time. The lack of work at Boggo Road is similar to, if not worse than, the situation at Pentridge, and, as we shall soon see, Long Bay. The machines used in the tailor, metal and leather shops at Boggo Road are so outdated that it is doubtful whether many

Table 10.3 Number of Prisoners Employed in Prison Industries at Boggo Road Male Prison on 25 September 1978

Laundry	40
Tailor Shop	29
Bootshop/Leather Shop	13
Metal Shop	10
Bakery	10
Carpenters Shop	7
Saddlery Shop	6
Paint Shop	3
Bookbinding	1
TOTAL	119

work skills are being taught which could be applied to the more advanced technologies used in outside industry. In any case job opportunities in the manufacture of footwear and clothing are rapidly diminishing in the outside labour market because of the pressure from Asian imports. By and large industries do not seem to have been established with an eye to the marketability of job skills learnt. In the case of the saddlery shop, for instance, the rationale seems to have been quite the opposite. It was established because of the difficulty of finding outside people to do the work required.

The views on industry at Boggo Road expressed in the foregoing paragraph are not shared by the Queensland Prisons Department, and in fairness I must present this alternative view. The department had the following to say:

All machines used for the purpose of Workshop manufacture are equal to, if not better than the machinery currently being used by Private Enterprise. All machines were purchased on the advice of professional engineers in the State Works Department. With reference to the marketability of job skills, most of our workshop trained inmates are in fact employed in outside industry as Trades Assistants on their release from prison.

A contrast to Boggo Road is the prison at Woodford which opened in 1973. The metal and carpenters shops and the bakery there have been equipped with very modern machinery, often machinery which is more up to date than in contemporary commercial workshops. A motor vehicle repair workshop was only being established when I visited Woodford in September 1978.

This seems to have been a wisely chosen prison industry because in Queensland, as in other States, there is a shortage of skilled and semi-skilled motor mechanics. Woodford is one of four Queensland prisons which sells its milk to a dairy cooperative.² This constitutes one of the few exceptions to a general departmental policy of prison industry sales only to other government departments or government supported agencies such as aged persons homes.

Payment

Most prisoners who work receive seven cents a day, but some receive less than this. Tobacco is issued to prisoners without charge. Gate money is not normally provided, although discretionary amounts of up to \$10 can be given to prisoners with no money at all. The principle work incentive system in Queensland prisons is the allocation of 'overtask marks' to workers who perform at rates well above average. An accumulation of overtask marks can result in a significant reduction in duration of sentence.

In Queensland, as in the Northern Territory, prisoners cannot sell for monetary gain art and craft work which they produce. Even though such items cannot be sold directly, it is possible for prisoners to give them to relatives, and the relatives can then of course sell them. The Prisoner's Aid Society, a voluntary organisation, provides materials for prisoners' art and craft work and in return prisoners are expected to hand over some of their work to the society. Such a system does tend to encourage the illicit buying of some of the better works by prisons staff for private sale.

Female Prisoners

As in most of the other State systems the 'industrial' activity of female prisoners in Queensland is limited to ironing, cooking, sewing, washing, and the like. Female releasees from Boggo Road to whom I spoke described chronic boredom as the major psychological problem with which they had to contend in the prison. At the time of my visit a social skills course for female prisoners was being mooted and plans are afoot for the building of a new women's jail.

Sue Cawley, who was released in 1979 after spending five days in the present women's prison for participating in an unlawful

procession and disobeying a direction described work in the prison as follows:

There's nothing to do that's educational or recreational. You apply to work at one of three posts, all of which are conventional women's domestic work: gardening, laundry or kitchen. There's no opportunity to learn a trade.

My job was to scrub floors every day for three hours. You just use a brush and water. It was always the same floor so there was no need to use soap as it was never dirty.³

Work Release

Queensland is the State which pioneered work release in Australia in March 1969. Apart from limiting work release generally only to prisoners in their last two months of sentence, Queensland also has quite unrestrictive guidelines as to who shall be ineligible for work release. As one official departmental document expressed the policy:

There is no specific case, or group of prisoners, excluded from this scheme. The determination by the Prison authorities is the suitability of the prisoner and his likelihood to be a success in the resettlement programme.

This of course means that the prisoner must be normally industrious, reasonably reliable and not addicted to alcohol. We have found that the prisoners addicted to alcohol are poor employment risks at any time. However, no prisoner is excluded from joining his work mates in a few drinks after work, which is a custom in Australia.

Since that was written, the decision to permit consumption of alcohol has been reversed. In its selection procedure the Department places special emphasis on selecting prisoners who give indication of a high likelihood of staying on with the employer after release. The rationale given for this is the importance of keeping good faith with the employer. Departmental officers claim that some 70 per cent of those who had been on work release up until 1978 had stayed on with the same employer after release. It is also claimed that there has been only a five per cent rate of revocation of work release for breach of rules or absconding.

Work releasees receive a full pay packet, join the appropriate union, and have \$28 taken out of the pay packet for prison board. The majority of the pay packet is banked and held in trust for the prisoner until release.

The work release scheme operates from the Boggo Road,

Rockhampton and Townsville prisons. During the first five years of the scheme the number on work release averaged 18, and during 1975 and 1976 the average dropped to between 10 and 12. Even so, at one point during the 1975-76 financial year the number reached 26. The average number of work releasees during 1977 and 1978, however, has dropped to four. At the end of 1978 there were four work releasees in Brisbane, three in Townsville and none in Rockhampton.

Some departmental officers attribute much of the blame for the almost total falling off of the scheme to the high levels of unemployment during 1977 and 1978 and the resultant difficulty in interesting employers in the scheme. We shall see, however, that the experience of the New South Wales work release scheme during the same period was that they were unable to satisfy the demand of employers for work releasees. The New South Wales experience shows that there are good reasons why work releasees are attractive propositions for employers even during periods of high unemployment.

Perhaps the more significant reason for the withering of work release in Queensland is that the Department has been unsuccessful to date in persuading the government to fund a special hostel in Brisbane for work releasees. The Comptroller-General has pointed to the need for such a hostel in his last four annual reports. A hopeful note was sounded in the most recent report when it was stated that 'the acquisition of this Hostel has become a definite possibility'.⁴ The Department takes the view that work release from a special yard at Boggo Road is a less than satisfactory arrangement because of the problem of contraband entering the prison. Having failed so far to prod the government into funding the hostel, departmental enthusiasm for the whole idea of work release seems to have waned. Certainly, there is a great deal more the Department could do to increase the numbers of prisoners on work release. The resources of the Commonwealth Department of Employment and Youth Affairs could be used to locate employers, rather than relying solely on the contacts of welfare officers as happens at the moment. There have been cases where employers have requested work releasees from minimum security rural institutions, but departmental policy has been quite rigid in permitting work release only from the maximum security prisons in large cities.

Employment Interviews

It is not only in the area of work release placement that the Queensland Prisons Department makes minimal use of the resources of the Department of Employment and Youth Affairs. It is probably true that fewer prisoners in Queensland have the benefit of an employment interview prior to release than in any other State except possibly Western Australia. The Handicapped and Special Groups Section of the Department of Employment and Youth Affairs in Queensland is understaffed to the point where it provides no direct employment counselling service to any of Queensland's prisons. Prisons are serviced by their local Commonwealth Employment Service office. Boggo Road, for example, is serviced by the Woolloongabba CES office. CES officers do not call out to the prison on any routine basis, as in Victoria for instance, but call at the prison for a pre-release interview only when they are requested to do so by the Welfare Officer. In six weeks prior to my visit to Queensland there had been only one request for a CES visit to Boggo Road.

Again the Queensland Prisons Department view is that the way I have described the job placement situation is not altogether fair. Their reply to the foregoing paragraph is reported below:

Reference is made to the lack of use of local resources with regards to employment after release. Each prison in Queensland has in fact the services of the Commonwealth Employment Department, Prisoners Aid Department and other local interested agencies who interview prisoners one month prior to release with a view to finding suitable accommodation and employment.

The voluntary agencies also provide clothing for those in need and the Department is now involved with the Prisoner's Aid Society in the establishment and development of a half-way house, "Sochon" House.

Many other resources, too numerous to mention, are utilized by the Prisons Department.

Vocational Education

The prison industries which I visited in Queensland were reasonably well staffed with men who seemed to me to be well qualified and highly competent trade instructors. Although all of the trade instructors at Boggo Road are qualified to take on apprentices, it was only the bakers who had two apprentices at the time of my visit. There were no prisoners apprenticed at Rockhampton, Numinbah and Palen Creek prisons. At Woodford

there were two prisoners doing apprenticeships, there were also two prisoners doing apprenticeships in Townsville prison and three at Wacol. Of course in the best of circumstances only a small minority of prisoners would be interested and able to undertake an apprenticeship in prison. Nevertheless, the degree of involvement of Queensland prisoners in apprenticeships compares unfavourably with, say, Western Australia, which from a considerably smaller population of prisoners had at the same time 25 undertaking apprenticeship trade training.

The principal impediment to greater apprenticing of Queensland prisoners is the central place which block release to technical college takes in the Queensland apprenticeship system. The possibility of qualifying trade instructors as technical teachers has been mooted but this could very well encounter opposition from the technical teachers union. The other possibility is the use of correspondence courses as an alternative to block release. This alternative is already being used but the number of genuine trade skills which can be taught by correspondence is quite limited. The only adequate alternative is to follow the New South Wales example and permit inmates to go out to technical courses from the prison provided they are an acceptable security risk.

In terms of academic education, Queensland is the only State or Territory in the Commonwealth whose Prisons Department does not employ a full time qualified teacher. It was only in the late 1960s that education was first provided as part of the rehabilitative program in Queensland prisons. Boggo Road is moderately well provided for by six part time teachers. Voluntary university tutors also teach five tertiary students. Educational classes are only available in the evenings, so that education must compete with television, sport, and other recreational activities. Coordination of the educational classes is one of the numerous responsibilities of the Welfare Officer, who does a remarkable job in the circumstances. Inevitably, however, because full time educational staff are not available, prisoners encounter considerable difficulties in matters such as procuring text books.

Boggo Road is the only prison in Queensland which is visited even by part time teachers. Not even the large prisons of Townsville, Wacol and Rockhampton are serviced by educational classes. When a prisoner is offered the possibility of a transfer from Boggo Road to a medium or minimum security institution he must either

drop his educational course or stay in Boggo Road. Naturally, it is rare for a prisoner to opt for the latter.

1. D. Biles, 'Prisons and Prisoners', in D. Biles (ed), *Crime and Justice in Australia*, (Australian Institute of Criminology and Sun Books, Canberra, 1977), p. 92.

2. Wacol prison, the largest milk producer, has a fully industrialised milk packaging factory with a turnover of some 700 gallons of pasteurised milk per day produced from its own herd.

3. Quoted in *Jail News*, 1 (19), March 31, 1979, p. 3.

4. *Annual Report of the Comptroller-General of Prisons, Queensland for the Year Ended 30th June, 1978*, p. 2.

11

New South Wales

The New South Wales prisons system is more than twice as large as those of Queensland and Victoria. Table 11.1 lists the daily average populations for each of the New South Wales prisons for the year ending 30 June 1977.

Table 11.1 Daily Average Prison Population for New South Wales Prisons for the Year Ending 30 June 1977

Long Bay complex of prisons	1,097	Bathurst	48
Parramatta	371	Narrabri	33
Goulburn	345	Katingal	23
Cessnock	276	Broken Hill	21
Maitland	185	Work Release I (Silverwater)	214
Emu Plains	134	Work Release II	16
Milson Island	113	Periodic Detention Centres—	
Cooma	108	Malabar	37
Mannus	108	Parramatta	22
Grafton	82	Silverwater	21
Mulawa Women's Prison	71	Emu Plains	17
Glen Innes	71	Newcastle	10
Kirkconnell	68	Bathurst	9
Newnes	59		
Berrima	53		
Oberon	52	TOTAL	3,664

In terms of scale, New South Wales undoubtedly has the largest number of big prison industries of any of the States. No other State can match, for example, the \$13.7 million capital investment in the Linen Service at Parramatta jail. Of course it is only to be expected that a large prisons system should be better able to diversify into a wide variety of large scale industries. The Nagle Royal Commission into New South Wales Prisons was in fact highly critical of the availability of work within the system:¹

During 1976, the daily prison population in N.S.W. was 3,688, comprising 3,252 sentenced and 436 unsentenced prisoners. Yet only 1,788 prisoners were 'employed', according to the Department's Annual Report for 1975-76. In 1974-75, according to the assessment of the Commissioner, approximately forty-five per cent of convicted prisoners were employed 'in a gainful, useful sense'. That estimate included those employed in building, maintenance, and afforestation camps.

According to the 1975-76 report of the Department, this proportion had increased to fifty-three per cent. Given the fact that forestry activities employ ninety-one per cent of the prison population at Cooma,² ninety-one per cent at Kirkconnell, eighty per cent at Newnes and eighty-one per cent at Oberon, this points to a low rate of employment in some large maximum security institutions, such as Long Bay, where the proportion of prisoners employed for the same period totalled thirty-five per cent. This is hardly satisfactory.

Because of its size and diversity, for the New South Wales prisons system the crucial problem of discontinuity of vocational development is slightly less serious. The reader will recall that in Tasmania, for example, when a prisoner is reclassified from maximum to medium or minimum security he loses access to the industrial and vocational opportunities located in maximum security. In New South Wales, inmates are classified A, B, or C — crudely, maximum, medium and minimum security. Some industrial and vocational activities are available at all three levels, though there are only seven workshops in A classification areas. It is sometimes possible for a prisoner to be reclassified from A to B and then from B to C while being able to maintain his vocational activity. While this happens in practice only rarely in New South Wales, it is at least possible. This contrasts with the situation in the smaller States where the problem of discontinuity could not be solved no matter how determined were the efforts of the administration. In New South Wales work release and study release to technical colleges are other options available to facilitate vocational continuity during a prison term.

New South Wales has shown a lead to other States in introducing a Programs Review Committee in each prison. Each of these committees has representatives from the industrial, custodial, programs, psychological and probation and parole sections of the Department. Individual cases are reviewed at meetings which occur at least once a month. Prisoners can apply to the committee for a change of work, to take up an apprenticeship, and the like. These

committees are in a good position to monitor the progress of prisoners and ensure that their individual vocational needs are met. Whether or not this happens in practice is a question which would require a more thorough examination than has been undertaken for the present research.

What we can say with some confidence, however, is that a prisoner who genuinely wants to fulfill a certain vocational ambition has slightly more chance of being able to continuously follow that ambition during his time in prison in New South Wales than in the smaller States.

The Industries

While it would be foolish to make specific comparisons between the New South Wales, Victorian and Queensland figures for the value of prison production because there would inevitably be important differences in the costing of production for which there were no receipts, the figures in Table 11.2 give an overall indication of production which exceeds many times over the value of goods produced in either Victorian or Queensland prisons. The other overall comparison which is worth making is the low aggregate value of production of the prison farms in New South Wales when compared with say the Victorian farms, especially considering that the latter are smaller in terms of numbers of inmates. The New South Wales farms produce a similar range of primary products to the Victorian institutions — vegetables, dairying, piggery, poultry, sheep, cattle, and viticulture.

The now abandoned quarter horse stud at Cessnock prison was the subject of scathing criticism by the Nagle Royal Commission:

The stud initially employed three to four men, but it was stated that there has since been a few more employed. By comparison, it will involve an overall capital cost of some \$200,000. The Department has estimated that the stud will incur a loss of \$17,825 a year after ten years and \$25,325 a year up to ten years after establishment. In making this assessment expenses incurred in servicing loans are taken into account.

In an attempt to explain the expenditure of so much for so few, the project was said to be valuable as a large part of the prison population at Cessnock would be interested in it. This value cannot outweigh the obvious shortcomings of the stud as a prison industry.³

Table 11.2 shows that the largest prison industry in New South Wales, indeed Australia, is the Parramatta Linen Service. It

too was singled out for special criticism by Mr Justice Nagle, largely for the huge capital investment of \$13.7 million to service a workforce of only 130 prisoners at the time of the Commission.⁴ The service, which is located within the walls of Parramatta prison, launders linen primarily from major state and

Table 11.2 Value of Production of Industries in New South Wales Prisons for Year Ending 30 June 1978

		\$
Textile Conversion	Cooma)	
	Parramatta }	2,207,991
	Goulburn)	
Parramatta Linen Service	Parramatta	1,997,688
Laundries*	Long Bay	381,207
	Goulburn	64,100
	Maitland	23,400
	Cooma	19,100
	Mannus	16,750
	Glen Innes	16,540
	Newnes	14,100
	Grafton	10,000
	Berrima	9,300
	Oberon	4,383
Farming	Emu Plains	286,000
	Mannus	78,393
	Grafton*	16,200
	Goulburn	8,418
	Cooma	6,535
	Glen Innes	1,997
	Narrabri*	1,800
	Oberon	1,340
	Berrima	390
	Broken Hill	198
Light Engineering	Cessnock	181,939
	Silverwater	142,722
	Long Bay	62,933
Bakeries	Long Bay	199,558
	Parramatta	118,152
	Goulburn	40,114
Printing	Long Bay	231,131
	Parramatta	23,200
	Cessnock	5,034

(contd.)

		\$
Cabinet Making	Goulburn	83,386
	Cessnock	52,603
Motor and Mechanical Repairs*	Long Bay	41,500
	Kirkconnell	16,104
	Milson Island	14,300
	Mannus	12,000
	Newnes	8,104
	Cessnock	6,549
	Oberon	6,104
	Narrabri	700
Bookbinding	Long Bay	48,816
	Cessnock	26,659
Leather and Canvas	Maitland	71,185
	Mannus	19,356
Forestry	Kirkconnell	16,000
	Oberon	7,366
	Newnes	7,253
	Glen Innes	6,626
Sawmilling	Glen Innes	34,533
Packing*	Long Bay	26,000
Signwriting	Berrima	19,763
Cardboard Articles	Grafton	18,000
	Maitland	6,558
Upholstery		

* These value of production figures are notional only and highly suspect. They simply reflect an opinion on the part of the institutional personnel.

psychiatric hospitals. It was designed for a maximum capacity of 160 tonnes of laundry per week, with a break even point of 105 tonnes. As of November 1978 the service was running at a considerable loss, handling 75 tonnes per week. But in April 1979 a two-shift scheme was introduced and production reached 105 tonnes for the first time.

Mr Justice Nagle compared the production and cost figures for the Parramatta Linen Service with those from the Health Commission's Central Western Linen Service at Orange:

The most glaring difference is that Orange cost one-third of Parramatta capital, yet produces about one-third more each week, using a little over one half of the staff.⁵

One of the major obstacles to the operation of the Parramatta

Linen Service at full capacity has been mounting union problems over the use of non-union labour on such a large scale. The failure of the venture is a lesson in the risks of large scale capital investment at one time in one prison industry. Predicting the success of a prison industry is an inherently more risky business than predicting the success of a normal commercial venture using free labour. There is a good case for incrementalism, and for a preference of labour intensive over capital intensive operations. With the Parramatta Linen Service the New South Wales Department of Corrective Services put too many of its investment eggs in one basket, and embarked on a venture in a way which permitted no escape route should the industry prove unsuccessful in a prison setting.

Table 11.2 shows that the other large industry is textile conversions – the tailoring of all manner of garments, pillow cases, and the like for use entirely by government departments. This employs 75 men at Goulburn, 34 at Cooma, and 22 women at Parramatta.

One of the more impressive smaller industries is the Silverwater Light Engineering Facility (SLEF). The unique characteristics of this industry arise from the fact that it was designed as a prerelease industrial training facility for prisoners likely to be going on work release. Prisoners work a full day from 8 am to 4 pm, every effort is made to keep the workshop rules the same as in a commercial shop, and workers are generally away from the constant surveillance of custodial staff while they are working. The attempt to maximise the correspondence with a civilian working environment does have some concomitant disadvantages. For example, social workers are not free to pull an inmate off the production line whenever it suits them. SLEF has been highly successful in tendering for government light engineering jobs such as steel furniture for hospitals. Within the first 18 months of operation the total cost of establishing the facility had been recovered by sales. It often happens that employers will contact the Department to request SLEF trained workers as work releasees.

Payment

The remuneration received by New South Wales prisoners is highly variable. All inmates must receive at least \$1.50 a week. For even the slightest amount of work (for example, sweeping) the

prisoner will receive \$2.50 a week. Tobacco is supplied to prisoners in addition to this pay. Prisoners in many industries are earning much more than \$2.50. For example, at the time of my visit to New South Wales in December 1978 workers at the Parramatta Linen Service and the Silverwater Light Engineering Facility were earning a flat rate of \$12 per week.

The Department has approved the principle of incentive payments up to a maximum of \$18 a week provided that these payments are costed into the selling price of products. Incentive payments have already been introduced into a number of industries, especially textile conversion, and production has generally increased subsequent to the change in remuneration. In a number of industries overseers split up the money available for the payment of workers according to their judgement of the quantity and quality of the production of each worker.

Gate money (gratuity) is calculated at the rate of 30 cents for each week of incarceration.

Prisoners have a commercial outlet for the sale of arts and crafts in the form of the 'Ball and Chain' shop at the Rocks. The inmate sets a maximum and minimum price for his work and receives 70 per cent of the selling price.

Marketing of Industry Produce

Following the recommendations of the Royal Commission, the Minister has set up an Industrial Consultative Council, with representatives from both unions and employers, to try to find compromises between the interests of prison industry and the interests of free labour and capital. Prison industries have struck more intransigence from trade unions in New South Wales than in perhaps any other State. Production has been restricted in the prison bakeries and in the Parramatta Linen Service, to name but two examples, as a result of opposition voiced to the Minister by the relevant unions. The Trades and Labour Council has made deputations to both the Nagle Royal Commission and the Premier arguing that prison industry should not be allowed to operate if it is taking jobs away from free workers.

At present, prison products are sold only to government or semi-government authorities. But Mr Justice Nagle's view was that: 'Where possible, the prison industry should be organised for profit by means of sales to the community.'⁶ He was critical of the

Department of Corrective Services for not working hard enough at sorting out its differences with the trade union movement:

... the Commission considers that industrial problems may be avoided or at least minimised by maintaining a strong link with the trade union movement in all the stages of the industrial enterprise from planning through to the ultimate sale of the product.

There has been successful co-operation with the unions in England and there is no good reason why there should not be similar co-operation here.⁷

Whether or not the Commission's view is realistic on this point is a question we shall reconsider in Chapter 12.

Female Prisoners

It should be clear by now that one of the great constants of prison industry in Australia is that it is rare for work opportunities to be provided for female prisoners. This is true in New South Wales also, as the Royal Commission pointed out:

Even more dramatic is the fact that, on the figures provided in the report, only seven per cent of female prisoners are engaged in any form of industrial activity.⁸

The Department points out that this figure has been subsequently increased with 30 per cent of the female prisoners at Mulawa Women's Prison now being gainfully employed. Other States have the partial excuse for failure to provide work opportunities that there are only small numbers of female prisoners so that there are problems of scale in mounting any meaningful program. This excuse cannot be applied to New South Wales where the Mulawa Women's Prison had 129 inmates at the time of my visit in December 1978. The situation has improved subsequent to the Royal Commission, since by April 1979 there were 45 women travelling to Parramatta each day to work primarily in the tailor shop attached to the Parramatta Linen Service. Another step forward was that a cottage was being built at Silverwater to house female work releasees. On the debit side, however, a small computer card punching industry has been abandoned partly because of difficulties in obtaining a continuous flow of work and failure to train the women to a level of speed and accuracy where they could compete with outside contractors.

New South Wales female prisoners do have access to a greater range of vocational training programs than are generally avail-

able to their counterparts in most other States. A remedial teacher visits Mulawa three mornings a week, a secretarial course is run through the Meadowbank Technical College, several women were enrolled in advanced cookery classes and were sitting for exams in this subject; and, through TAFE, classes in fashion and design (largely dressmaking), art, and hair care are being run at Mulawa. It is notable, of course, that such training opportunities as are available are very much within the traditional female role.

Work Release

There are two work release programs in New South Wales. On Work Release I prisoners go out from the Silverwater work release centre, where they are confined at night, to work in a wide variety of commercial enterprises during the day. On Work Release II participants come in to work at the Parramatta Linen Service during the day and go home to their families at night.

At the time of writing both programs are being cut back in response to community concern over a few serious offences which have been committed by prisoners on work release. New South Wales did have far and away the biggest work release program in the country. But numbers on Work Release I have been cut from a peak of 110 participants at one time to 36 at the time of writing. According to new guidelines which the Department has laid down, no prisoner with any history of violent, sexual or drug offences is to be allowed out on work release.

The ease with which the Minister has backed down to this community concern is perhaps indicative that the work release program is valued less as a means to rehabilitation than as a public relations device to show that the Department is capable of introducing innovative programs. Where criteria for selection into work release are as stringent as they are in New South Wales, the only participants are model prisoners who almost certainly will never recidivate irrespective of whether they go on work release or not. More difficult cases, who might benefit from the experience of work release, are not given a chance. It is to be hoped that the Minister for Services at some time in the future might muster the political will to explain to the people of New South Wales that it is often in society's interest to take a short term risk with a prisoner in order to enhance the prospects of the long term benefit from his breaking out of the cycle of unemployment,

poverty and crime.

The experience of the people who run work release in New South Wales is that employers are keen to obtain the services of work releasees. One of the main reasons for this is that with a prisoner who has, say, six months of his sentence to serve, the employer has a good guarantee that he will not leave soon after his training period. Employers who want work releasees are often turned away. Placement into jobs is made by a Commonwealth Employment Service officer who comes out to Silverwater, as well as by the personal contacts of Department of Corrective Services officers.

Work releasees are paid a full wage. Thirty-one dollars a week is taken out of this for food and board. Money may also be taken out for the support of dependants and the payment of debts. There have not been union objections to the Work Release I program because, where appropriate, participants join the relevant union.

Work releasees are encouraged to break out of the institutional mentality by organising their own lives as much as possible. They must buy their own alarm clock, for example, to get themselves to work on time. Inmates of Work Release I have the opportunity of getting leave every fourth weekend provided their behaviour is regarded as good.

Employment Interviews

The Handicapped Persons and Special Groups section of the Department of Employment and Youth Affairs has one officer who spends most of his time conducting interviews and arranging job placements for work releasees from Silverwater. Another special employment counsellor spends all of his time between the Long Bay prisons, Parramatta Prison, and Probation and Parole referrals. These are the only two people who are working approximately full time on job placement for the more than 20,000 prisoners who are released from New South Wales jails each year. Given this situation, it was unreasonable for Mr Justice Nagle to castigate the Department of Corrective Services for having 'no departmental plan for the attendance of Commonwealth Employment Service officers at gaols'.⁹ Such plans could be drawn up, but the real crunch is whether the Department of Employment and Youth Affairs could find the resources to implement them.

Country and provincial city prisons are provided with a service from their local CES office which is highly variable. Some prisons might be visited once a fortnight by a CES officer, others hardly at all.

It is possible for prisoners to be granted temporary absence from jail to attend an employment interview, and from some jails (for example, Silverwater) this is a regular practice. However, the Prison Officers' Union has a policy of opposing such temporary absences from maximum security institutions unless the inmate is accompanied by more than one prison officer. This effectively stops job hunting for prisoners about to be released from most New South Wales prisons.

Vocational Education

Education in general was the subject of considerable criticism in the Report of the Royal Commission into New South Wales Prisons. The Royal Commissioner pointed with disapproval to the fact that according to the Department's 1975-76 Annual Report only 20 per cent of the prison population was enrolled in any kind of educational course. In fact the number of enrolments is a crude indicator of the educational resources available to prisoners, one easily subject to artificial inflation by encouraging indiscriminate enrolment in correspondence courses. The actual number of prisoners enrolled in courses in New South Wales has ranged between 20 per cent and 36 per cent according to the time the count was taken.

The Royal Commission castigated some Superintendents, in particular those of Bathurst and Grafton jails, for dropping or preventing educational activities from taking place in their jails. The Royal Commission rightly recommended that Superintendents should never withdraw educational 'privileges' as a form of punishment. Subsequent to the Royal Commission the Programmes Division of the Department of Corrective Services laid down a policy which implies that security is the only limitation which might make educational provision any different for prisoners than for free citizens:

The educational and training opportunities open to prisoners should approximate as closely as possible those available to the general adult public, but are always subject to the special requirements imposed by security considerations, public safety and policies laid down by the Commissioner of Corrective Services and the Minister of the Day.¹⁰

The most telling of Mr Justice Nagle's criticisms focused on the quality rather than the quantity of education in New South Wales prisons:

Rather than receiving encouragement from prison officers the reverse is frequently the case. They are often both actively and passively discouraged. There is no sympathy displayed by some prison staff to efforts by prisoners to better themselves and, at times, they are positively obstructionist. One prisoner was unable to sit for an examination because he was transferred to another gaol on the same day. Another complained that he had such difficulty in obtaining basic materials, such as pens and papers, that he was unable to do his course.¹¹

The remedial classes now available for inmates are designed for primary school children. The mode of instruction and the documentary material provided are inappropriate for adults. For instance, the prize for the successful completion of remedial essay courses was animal stamps. People in remedial classes are openly called illiterate and made the butt of derision by prison officers and inmates.¹²

Perhaps prisoner education in every State could do with a Royal Commission to shake it up. A number of the problems pointed to by Mr Justice Nagle have been rectified since. Certainly it would now be extremely rare for prisoners to want for pen and paper, and prisoners are no longer rewarded for their efforts with animal stamps.

Education is the responsibility of the Programmes Division of the Department of Corrective Services. As of December 1978 the education side of the Programmes Division (which is also responsible for recreation) employed 15 full time staff. Most of these were qualified teachers. Formerly the programs officers were on secondment from the Education Department, but they are now fully fledged employees of the Department of Corrective Services. The number of educationalists employed in New South Wales prisons is large enough to be able to offer teachers a meaningful career structure within the prisons system. The attraction of such a career structure is less likely to be available in small States which bring their teachers within the prisons department. The full time programs officers in fact do very little teaching. They are primarily coordinators for some 65 to 85 part time teachers who come into the prisons, and for correspondence courses, apprenticeship training, and study release programs. The part time teachers are paid for an annual load of 17,000 hours of teaching – equivalent to the workload of approximately 11 full time teachers.

Compared with other States New South Wales has a good record in placing prisoners in apprenticeships. There were 39 inmates doing apprenticeships in prison as of 26 April 1979. Just three years prior to this, however, there had been 140 New South Wales prisoners doing apprenticeships. The Department of Labour and Industry has been by and large happy to accredit prison workshops for apprenticeship purposes, and the resistance against the admission of older men to apprenticeships has been perhaps less apparent in New South Wales than in many other States. The apprenticing of prisoners in New South Wales has also in the past been facilitated by the willingness of the Department to permit prisoners to attend technical colleges for block release courses.

Some worthwhile attempts to bridge the gap between training and work are being initiated in New South Wales. Sections of the rebuilt Bathurst jail have been put aside for training of prisoners in low level skills such as basic concreting, roof tiling and fork lift truck operation. Such courses will hopefully provide some sort of ticket at the end of the training, and span only a short time. Already the technical courses listed in Table 11.3 are being run inside New South Wales prisons. Until recently a highly successful liquor services course was being run by the East Sydney Technical College at the Malabar Training Centre. The course trained prisoners for jobs as barmen. Students must now go out to the

Table 11.3 Some Internal Technical Courses in New South Wales Prisons

<i>Course</i>	<i>Where Held</i>	<i>Duration of Course</i>
Special Welding	Malabar Training	3 months
Painting and Paper Hanging		6 months
Commercial Cooking		3 months
Welding	Cessnock	3 months
Woodturning		
House Drainage	Goulburn	1 year
Carpentry and Joinery		3 years
Bricklaying	Central Industrial Prison, Long Bay	3 years
Meat Cutting and Slicing	Metropolitan Remand Centre, Long Bay	1 year

College because of an inability of the College to continue staffing inside the prison.

One of the proposals being considered for coordinating industry and training in New South Wales is for small industries to be set up initially for their value for training. If the venture is a success in terms of training, then it can be expanded into a productive industry. It is only when an industry is established as a training success that monitoring of its performance in terms of both training and production begins. Such a proposal seems to be well conceived. It averts the danger of another Parramatta Linen Service by fully recognising that the special problems of prison industry mean that a considerable proportion of the attempts to establish prison enterprises will be failures. When the industry is started in only a small way, without the fanfare and irreversible commitment of large capital investment, ineffective industries can be abandoned as soon as the ineffectiveness becomes apparent.

It is planned to pilot this incrementalist approach to new prison industries with motor vehicle detailing courses of three months duration. Basic restoration skills such as panel beating and repairing upholstery will be taught as preparation for jobs with employers such as used car dealers. If this is popular with prisoners and successful in imparting marketable skills, then it can be expanded into an industry which services perhaps government vehicles which are being put up for sale.

The area where New South Wales has made more progress than any other State, except possibly Western Australia, is in the provision of training opportunities on study release programs. Approximately 75 prisoners attend outside educational activities from the Malabar Training Centre and many other prisons also have programs for release to technical college. Spot checks are made by a custodial officer who pays unannounced visits to schools and colleges to check attendance and behaviour.

1. *Report of the Royal Commission into New South Wales Prisons* (New South Wales Government Printer, Sydney, 1978), p. 229.

2. The report is incorrect here in that Cooma does not employ any of its inmates on forestry activities.

3. *Ibid.*, p. 232.

4. As of April 1979 employment at the Parramatta Linen Service had expanded to 145 inmates from Parramatta Gaol, up to 60 residential inmates

from Silverwater, 15 Work Release II prisoners, and 45 female inmates from Mulawa. The considerable increase was due primarily to the introduction of a two shift scheme on 2 April 1979.

5. *Ibid.*, p. 231.

6. *Ibid.*, p. 236.

7. *Ibid.*, p. 236.

8. *Ibid.*, p. 229.

9. *Ibid.*, p. 336.

10. Programmes Division — Department of Corrective Services, *Philosophy and General Objectives*, 1978, p. 1.

11. *Op. cit.*, p. 241.

12. *Ibid.*, p. 244.

Part III

Policies for the Future

12

Constraints on the Efficient Operation of Prison Industry

Part II of this work set out some of the facts on the nature of work in Australian prisons. Part III moves on to a consideration of some possible future policy directions for the employment of prisoners in jail and on release. Before embarking on this policy analysis, we must take stock of the constraints which hamper any policy program for prison industry. Policy which is not firmly grounded in a practical appreciation of these difficulties is doomed to failure.

Prisoners Are a Poor Quality Workforce

Part I of this book has reviewed a considerable body of evidence which shows that prisoners are typically uneducated, lacking in vocational skills, and often have a history of chronic unemployment. Whatever the reasons for this, one consequence is that in aggregate they constitute a workforce of poor quality.

The fact that the skill levels of the workforce are so low often means that the trade instructor will spend a larger proportion of his time doing the more skilled parts of a job himself rather than supervising and monitoring production and engaging in training. The problem of the poor quality of the workmanship of unskilled workers therefore becomes compounded by inadequate quality control.

Industrial enterprises can compensate for the unskilled nature of their workforce with a systematic program of on-the-job training. In Chapter 15 I will argue that such programs are necessary and possible in a prison setting. Nevertheless, the constraint which makes this difficult is the high labour turnover in prison industries — both because of completion of sentence and transfer from institution to institution for security and other reasons. To take a typical example, the furniture shop at the

Cessnock prison in New South Wales has taken out figures which show an average retention period of 10½ weeks.

In addition to being relatively unskilled workers, prisoners are also in many cases comparatively unmotivated workers. Rudoff¹ has shown empirically that prisoners have significantly less positive attitudes to work than several comparison groups of nonprisoners. This should not surprise us given that we know prisoners often come from backgrounds of either dull repetitive work or unemployment. The alienated attitudes to work which prisoners bring to prison are undoubtedly worsened in prison by structures which make high levels of motivation for the efficient use of work time unlikely:

Without doubt the prisoners' relaxed attitude to work is partly due to the changed meaning of time in the prison context. The custodial aspect of a closed prison's focal task leads to a rigid time-tabling and demarcation of activities, for purposes of control, which highlight the exact length of time spent on each activity. Further, because of this, each day closely resembles its predecessors and inmates have difficulty in reckoning the passage of time meaningfully. If time becomes meaningless its value is diminished, and it ceases to be a commodity to be utilised as effectively as possible. Such a perception may be reinforced if there is insufficient work to go round anyway, or if that provided appears to fulfil a largely symbolic function (Davies, 1974, p. 102).²

Sometimes the only kind of motivation which prisoners have is to make life as difficult as possible for the prison administration whom they despise. This leads to industrial sabotage at a level not experienced by most commercial operations. Few outside canneries would have to put up with a worker placing the cardboard core of a toilet roll in a can of fruit, as recently happened in one Victorian prison industry.

On the other hand, although prisoners have low levels of motivation, it is also true that the non-work existence of the prisoner holds fewer attractions than is the case for the free worker. Work for the unskilled prison worker is therefore more likely to represent one of the relatively more interesting and fulfilling aspects of the day than is the case for the unskilled free worker. As Mr Jack Cohen, President of Furniture Workshops Inc. which operates out of a prison in Minnesota with a mixture of free and prison workers, told *Business Week* magazine:

They don't have as many diversions as the outside workers. They aren't

thinking about what they're going to do after work. They've told me that their working hours are the best part of their day.³

Prison Industry Cannot Have an Optimal Mix of Investment Between Manpower and Capital Equipment

Because prison work is assumed to have value simply as a way of keeping prisoners occupied, correctional administrations are under pressure to push more 'workers' into workshops than are needed. In many organisations bureaucratic pressures bring Parkinson's Law into force (that is, work expands to fill the time available for its completion). But prisons are one of the very few types of organisations where the fulfillment of Parkinson's Law is an officially approved management goal. At worst, a situation can arise in a prison industry where prisoners are forever running into each other. Even in the industries which are least cluttered with unnecessary manpower it is often difficult for workers to derive a sense of accomplishment from 'a good day's work' in the sense of testing the limits of their work capacity. Should anyone attempt that, what would everyone else in the workshop find to do?

A more fundamental consequence of the 'makework' nature of prison industry is that it provides a disincentive for investment in technology which replaces labour even where such innovation is strongly in the interests of profitability.⁴ What often happens, therefore, is that the prison industry budget does not start off with sufficient money to set up enough workshops to usefully employ all prisoners willing to work. Those that are set up, however, will often be undercapitalised to the point where they cannot run profitably. It might be that it would be better in the long run to start off with industries which employ fewer prisoners but make profits, and for those profits then to be used in setting up other industries which will create employment. In the final analysis profitable industries sustain growth in employment in a way that unprofitable industries can never do.

The choice, however, is not between unprofitable labour intensive industries and profitable capital intensive industries. More often than not it will indeed be the labour intensive operation which is more profitable. The point is simply that the exigencies of prison administration create pressures for investment in the labour intensive option even when it is not the more profitable. These exigencies, and the poor understanding which prison

administrators have of their consequences, constitute one of the principle reasons for wresting control of prison industry out of the hands of ex-superintendents and giving it over to businessmen and businesswomen.

People with business experience can plan an investment strategy which simultaneously optimises the long term profitability and labour usage of an industry program. Prison superintendents and people of similar backgrounds will almost invariably design a program which sacrifices these goals to maximum short term labour usage. A rational total investment program for prison industry, given prevailing pay rates for prisoners, is bound to be more labour intensive than industry outside. This is because the comparative advantage of prison industry lies with its cheap labour resource. One of the reasons why prison industry is so economically successful in countries like Singapore is that it takes place in a country bursting with managerial expertise in the rational exploitation of cheap labour.

Until well into the Industrial Revolution prisons in western countries, particularly in frontier societies suffering from labour shortages, remained by and large profitable.⁵ Since that time, however, they have become a severe drain on the public purse because while upkeep and custodial costs have increased in real terms, the value of the raw unskilled labour power of prisoners has undoubtedly suffered a relative decline.⁶ This happened as western capitalism shifted into an era where the greatest profits were to be made less from investment in cheap unskilled labour than from investment in technology and skilled manpower.⁷

The modern day situation is not that it is impossible to run prison industry profitably. It is just that while the 18th and 19th century prison superintendent could run a prison industry at a profit without trying, the 20th century administrator must resort to rational planning to exploit the comparative advantage which his cheap labour force affords him. No longer will any old industry do. If entrepreneurs who exploit the cheap labour of Asian workers were not economically discerning in the types of industries in which they invested, then their activities would run at a loss just as surely as do Australian prison industries.

Another constraint which compromises the economic rationality of prison industry investment decisions is that of space. Workshop buildings in jails are not custom built. They are usually

too small. Thick walls may make modifications difficult. Security rather than industrial productivity has been the icon which has guided the architect's hand. Small workshops often mean that prison industries are not able to exploit the advantages of economies of scale which may be available to outside competitors. Even in prisons where the architecture does permit large economic units, the administration may deem such sprawling workspaces undesirable from a custodial point of view.

The Markets Open to Prison Products Are Limited

Trade unions are blamed for almost every problem in Australian society, so it should not surprise us to find that they are also blamed for the failure of prison industry. Historically, trade unions did play a strategic role in the decline of prison industry. At one time or another in most countries of the world prisoners have been used quite consciously by governments under pressure from private interests to undermine the pay rates and working conditions of unionists. Throughout the history of the western world there have been many occasions when prison labour has been used to break strikes. In 19th century Australia prisoners were an enemy to the working class movement in the same way as were Chinese and Kanaka labourers imported by employers to work for slave labour rates and to break strikes. Just as we must understand Australian working class racism as in part an historical legacy of that era,⁸ so we must understand working class resentment of prisoners as in some small measure a legacy of an era when prison labour was used as an instrument of employer interests.

The trade union movement in Australia was certainly instrumental in pressuring the first State Labor governments in the early part of the century to downgrade prison industry to its present sorry status. Indeed trade unions were instrumental in winning limitations on the types of products which could be manufactured in prisons even before the era of Labor governments in Australia.⁹

Today there are still conflicts of interest between trade unions and prison labour. When prison industries are established in trades suffering from long term technological unemployment (for example, the printing trades) then the prison industry will have a small, but nevertheless real, effect in putting union members out

of jobs. In later chapters I will discuss how this conflict of interest can be somewhat limited by concentrating prison industry training in skills for which there are labour shortages. Even where the conflict does exist in the most bald fashion, the trade unionists I have spoken to have expressed the view that they would have no objection so long as prisoners joined their union and were paid award wages.¹⁰ Modern trade union officials are not as implacably opposed to prison industry and training as most prison administrators would suppose. The point is that prison administrations often do not want to establish a dialogue with the unions because were the black cloud of union opposition to be blown away the administrations might be left without a plausible excuse for the dismal plight of prison industry. The New South Wales Royal Commission castigated the Department of Corrective Services for actively shying away from dialogue with the unions, and concluded that:

There has been successful cooperation with the unions in England and there is no good reason why there should not be similar cooperation here.¹¹

It is indisputably true that union opposition to the marketing of prison products does sometimes surface. For example, when the print shop from Fremantle jail displayed their work at a local shopping centre, union opposition to the industry was ignited to the point where severe limitations were placed on the markets for the print shop.

Nevertheless the argument that union opposition is the major constraint on the capacity of prisons to market their products is a mystification. The almost ubiquitous marketing constraint on Australian prison industries is that they cannot sell their products to private purchasers, but only to government agencies or government supported agencies. If prisoners print TAB tickets, then that just as surely deprives free trade unionists of work as printing in competition with private enterprise. The concern of governments is not so much over putting union members out of jobs but over competition with private enterprise. In my travels for this research project I heard more stories of manufacturers complaining to the Minister of competition from prison industry than I did of disgruntled trade unions.

We have seen that Western Australia is the only State which does not have an explicit policy of limiting the marketing of prison products almost exclusively to the public sector. While this marketing constraint is severe, it is reasonably well compensated for by the privileged access which prison industry is given to public sector markets. While the latter has not gone as far as in the United States where legislative force is often given to preferential treatment for prison products in public purchasing, the *de facto* advantages to prison industry are real enough.

Marketing difficulties for any industry based on winning contracts have disastrous consequences when the uneven supply of orders makes work-flow administration a problem. While the marketing difficulties of Australian prison industries are real enough, what has been argued is that the extent that these are due to union opposition has been exaggerated, and that while the constraint of not selling on the private market is severe, it is compensated for by privileged access to public markets. The marketing problems of prison industry in Australia stem largely from the want of tenacious marketing managers inside prison administrations who have private sector experience.

Production Flow in Prison Industries is Subject to Continual Interruption

Administrative priorities of prisons tend to make industry functions subservient to custodial and even rehabilitative functions. This tendency is exacerbated by the fact that trade instructors or industry supervisors are generally lower status personnel than senior custodial officers, psychologists, and other staff members who from time to time decide to pull a prisoner off the production line to see them or have them do something. A whole workshop might be held up because a key worker in the production process, perhaps the only worker who is skilled enough to use a particular machine, has been called away.

Duckworth and Young in their paper on 'Industry and Trade Training in Western Australian Prisons'¹² recount how at one meeting of trade instructors from Fremantle prison a participant passed around a list of 35 reasons why inmates in his shop had left their work during the previous fortnight. The list is presented below.

Legal Aid	Division
Showers	Superintendent's Parade
Bank Practice	Photographs
Social Worker	Pros & Cons Meeting
Welfare	Probation and Parole
Visits	Library
Contact Visits	Occupational Therapy
Assessment and Orientation Officers	Guitar Practice
Deputy Superintendent	Prison Officer's Parade
Doctors Parade	Vocational Guidance
Treatment Parade	School Guidance Officers
School	Tutor
Dentist	Classification Committee
Psychologist	Lawyers
Reception Room	Detectives
Recreation Office	Warrant Officer
Canteen	Cell Cleaning
Psychiatrist	

Duckworth and Young explained the consequences of such interruptions:

... the constant fracturing of the working day due to appointments and activities outside the shop, lessens the commitment to the task in hand. Not infrequently inmates complain about the effect of these interruptions on their work. An instructor at one of the outstations told of one of his trainees, a transfer from Bunbury, who had been particularly annoyed by the fact that, whilst in that institution, the sport periods consistently prevented him from seeing a complete job through from start to finish. It may well be that for many inmates, the fractured daily timetable lessens the commitment to take workshop time seriously.¹³

One of the solutions to the problem proposed by Duckworth and Young is a late (10.00 pm) lockup at Fremantle. Many of the visits and recreational activities in the list mentioned could then be completed after work in the evening. It is possible that the increased value of prison production under such a scheme could compensate for its increased custodial costs. Should it be concluded that this would not be the case, an option which entails fewer custodial costs would be a staggered four-day week whereby each employment area works for four weekdays, leaving one day free for interviews and other commitments. Duckworth and Young have suggested the following model for a prison with five main employment areas, A, B, C, D, and E.¹⁴

	<i>Working</i>	<i>Off</i>
Mon	B, C, D, E	A
Tue	A, C, D, E	B
Wed	A, B, D, E	C
Thur	A, B, C, E	D
Fri	A, B, C, D	E

Industrial Productivity is a Low Priority in a Prison Environment

In 1973 a new rural prison was opened at Woodford in Queensland. For the 1977-78 financial year the new prison had a daily average of 171 inmates. The idea was for it to grow into a major prison farm. Although the prison grew, the crops barely grew at all. In deciding where to locate a prison it hardly seemed to matter that the decomposed granite on which it was supposed to stand was very poor soil. This contrasts with the situation in Sweden where it is said that a basic decision is made to locate a factory or a primary industry in a particular geographical area so that products in demand on the free market can be produced. Thereafter the prison facility is constructed within and around the industrial site.¹⁵

Swedish prisons operate in the context of a very different climate of concerns than Australian prisons, however. In the latter, security and retribution take precedence over all else, including work. Hence prisoners will be allocated to jobs less on the basis of their vocational skills and interests than on the basis of their status as a prisoner. This constrains the efficient allocation of manpower for maximum productivity. Prison 'heavies' might be given important and remunerative industry jobs not because they are the best qualified for those jobs but because it is a way for the administration to buy off a degree of cooperation from them. Similarly, 'escape-minded' prisoners might be given jobs offering few opportunities for trouble, even though they might be totally unsuited for those jobs. Work related criteria also quite rightly take second place to various non-security criteria. Even though an industry in one prison might be short of a fitter, for example, fitters may be transferred to other prisons where those skills cannot be used so that they might be closer to relatives.

The predominance of security also has consequences for the

morale of the workforce. As one prisoner from a lock-up workshop in Pentridge told me:

Being able to look out a window helps with your attitude to work. A locked up environment is not a good working environment. We might work harder if we didn't feel so closed in while we're working.

Security constraints also mean that some prisoners might have to be kept away from sharp tools, and that work time must be wasted on ensuring that all tools have been returned at the end of the day. Shadow-boards can make this constraint only a minor one. The trade instructor in the leather shop at Boggo Road jail told me that in his 19 years in the job he could recall only three or four knives being lost. Two of these had turned out to be cases where one prisoner had flushed the knife down the toilet in a spiteful attempt to get another prisoner into trouble.

The more general problem is that the custodial staff of prisons regard the vocational development of prisoners as unimportant. On any of an infinite variety of issues one therefore regularly finds the custodial staff taking a line in opposition to that which might improve the work prospects of prisoners. Take the following quite shocking example. Recommendation 184 of the New South Wales Royal Commission into Prisons was that: 'All statutory prohibitions against the employment of ex-prisoners should be repealed'. One would have thought that few people would disagree with this,¹⁶ yet the New South Wales Prison Officers' Union at its meeting on 29 June 1978 carried a resolution stating baldly that it did disagree with such a recommendation. The lesson from this is that no reform aimed at the vocational development of prisoners, no matter how obviously desirable it might seem to be, can be introduced without first making an effort to educate custodial staff to the value of the reform.

Reward Systems Which Motivate Work in Normal Industrial Settings Can Undergo a 'Process of Inversion' in Prisons

One of the most worthwhile theoretical contributions to an understanding of the constraints on the efficient operation of prison industry is Karen Legge's 'Work in Prison: The Process of Inversion'.¹⁷ Legge points out that prisoners are rarely allocated to work on the basis of their capacity as a worker, but rather

according to their status as a prisoner. In any case, says Legge, the jobs in an industry which are regarded as most important according to the status and reward criteria of outside industry are often low status jobs in the prison community. High status jobs are not necessarily those which require the most skill, but those which open up illegitimate opportunities:

It has been recorded, especially in studies of American custodial prisons, that the inmates rank highly prison jobs that either provide access to and control over the distribution of goods and services (valued by those inmates whose position in the inmate system has been characterised by the terms 'merchant' and the 'life') or provide access to and control of information (valued by the 'politicians' and the 'cool') (Heffernan, 1972, p. 77).¹⁸

In prison the relationship between work done and rewards received has broken down. 'Strategic placement and effective informal connections rather than individual productivity are the crucial methods for the attainment of material goods'.¹⁹ Daniel Glaser has provided some concrete illustrations of how unofficial bartering can be a more important source of remuneration than industry payments:

Sometimes the dentist's clerk can move an inmate ahead on a waiting list in exchange for a few packages of cigarettes, the kitchen or bakery worker can sneak out food for his friends or for those with something to trade for it, the inmate worker allegedly 'close' to a key officer can claim to 'put in a good word' for someone, or an inmate clerk can advise others on what he has typed or heard that may be of interest to them.²⁰

Insightful though Legge's analysis of the reality of the status and reward structures which motivate prisoners is, it describes a situation which is not totally inevitable. If prisoners were paid award wages for their labour, then the 'few packages of cigarettes' received by the clerk in exchange for information or influence becomes a trivial reward. Legge correctly shows that: 'In a 'normal' industrial organisation, consistently inadequate work performance may be sanctioned by the threat of expulsion. In the prison context this practice is inverted, as it is the 'good' prison worker who stands the best chance of leaving the system (through parole) while the troublesome or inefficient worker is retained

longer'.²¹ Again it is not inevitable for troublesome and inefficient workers to be retained in a prison workshop. Under a system of satisfactory employment conditions a repeatedly troublesome or inefficient prison worker could be sacked, and if the pay were good this would be a serious negative sanction. The prisoner might have to go into an unemployment yard where he would receive only 'unemployment benefits' until he successfully applied for a job in another workshop.

Conclusion

In this chapter I have argued that prison workshops have to face many constraints on efficiency which outside workshops do not have to bear. It is inevitable that prison industries will not be as productive as comparable enterprises outside. Nevertheless, the constraints on prison industry have often been exaggerated by those who use them as an excuse for inaction, and the fact that reforms exist which can remove many of the constraints has been suppressed. Some of the compensating advantages of prison industry over private enterprise have also been ignored by many writers on the subject.

While it is inevitable that prison industry will be less profitable than private industry, it is wrong to assume that prison industry cannot make some profit. Prison industry can be, and in some other parts of the world already is, profitable.

1. A. Rudoff, *Work Furlough and the County Jail* (Charles C. Thomas, Springfield, Ill., 1975), pp. 114-115.

2. K. Legge, 'Work in Prison: The Process of Inversion', *British Journal of Criminology* 18, 1978, pp. 6-22. The Davies reference is M. Davies, *Prisoners of Society* (Routledge and Kegan Paul, London, 1974).

3. 'Where Prison Shops Run Like Business', *Business Week*, July 18, 1977, p. 56.

4. This point has been made by G. Hawkins, *The Prison: Policy and Practice* (University of Chicago Press, Chicago, 1976), p. 120.

5. See G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (Columbia University Press, New York, 1939).

6. R. Scull, *Decarceration: Community Treatment and the Deviant - A Radical View* (Prentice-Hall, Englewood Cliffs, 1977).

7. J. O'Connor, *The Fiscal Crisis of the State* (St. Martin's Press, New York, 1973).

8. H. McQueen, *A New Britannia: An Argument Concerning the Origins of Australian Radicalism and Nationalism* (Penguin, Harmondsworth, 1970).

9. A Ph.D thesis being written by Merrel Sernack of the Department of Government and Public Administration, University of Sydney, shows strength of trade union opposition to prison industry in New South Wales in the late 19th and early 20th centuries.

10. R. Kandasamy is currently working on a M.A. thesis for the Criminology Department, University of Melbourne, in which he is more systematically eliciting the views of Victorian trade union officials to the idea of a Prison Industries Corporation.

11. *Report of Royal Commission into New South Wales Prisons* (New South Wales Government Printer, Sydney, 1978), p. 236.

12. A. Duckworth and F. Young, *Industry and Trade Training in West Australian Prisons* (Paper Prepared for the Executive Committee, Western Australian Department of Corrections, September, 1978).

13. *Ibid.*, p. 14.

14. *Ibid.*, p. 38.

15. Footnote 75 in N. Miller and W. Jensen Jr., 'Reform of Federal Prison Industries: New Opportunities for Public Offenders', *Justice System Journal* 6, 1974, pp. 1-27.

16. Statutory prohibitions against the employment of ex-prisoners are discussed in more detail in Chapter 16.

17. *Op. cit.*

18. Legge, *op. cit.*, p. 13. Heffernan reference is E. Heffernan, *Making It in Prison: The Square, the Cool and the Life* (Wiley, New York, 1972).

19. L.W. McCorkle and R. Korn, 'Resocialization Within Walls', *Annals of the American Academy of Political and Social Science* 293, 1954, pp. 91-92.

20. D. Glaser, *The Effectiveness of a Prison and Parole System* (Bobbs-Merrill Co., New York, 1969), p. 162.

21. Legge, *op. cit.*, pp. 15-16.

Reorganising Prison Industry

This chapter will argue for a number of specific policy proposals for the reorganisation of prison industries in Australia so that they might fare better against the constraints discussed in Chapter 12. As we move into the realm of specific reform proposals, we should not lose sight of the fact that the most important reforms are general, not specific. For instance, the most important reform of all is to have work which is intrinsically satisfying rather than the alienating tasks which are ubiquitous in prisons (such as shining brass doorknobs and locks again and again). What constitutes this vague concept of intrinsic work satisfaction is difficult to specify. From our discussion of the backbreaking work in the cement products industries at Yatala and Fremantle prisons we can see that it can appear in some unlikely places. A trade instructor from a prison foundry in Glaser's study has captured a feeling for how intrinsic work satisfaction can arise in seemingly the most dirty and unpleasant of work situations:

The first two weeks to a month after a young man is assigned to the foundry, we try to get him into condition, physical and mental. This includes the hard work, and the heat from pouring molten metal; he is taught to respect molten iron, but not to fear it, and to be familiar with the routine operation of the work. Pride and accomplishment is instilled within the young man as he builds a mold, and then sees his finished product. It provides an excellent motive.¹

Even though the most important recommendation which could be made would be that all industries established in future provide jobs with inherent work satisfactions, this will not be one of this book's policy proposals. The reason for this is that I wish to avoid policy proposals which are platitudinous and do not imply a definite course of action by government agencies. While

almost everyone would agree on the vague goal of making prison industry less alienating, it would be difficult to find an agreed way of monitoring improvement of prison industry in this respect. My policy proposals will be restricted to improvements on which the performance of departments can be readily assessed.

Just as there is a danger in suggesting reforms which are too general, it would be foolish to put forward proposals which are too specific. It is tempting to suggest that because bakeries have in a number of Australian prisons proven to be the most profitable, valuable for training, and intrinsically rewarding industries available, more capital should be invested in bakeries. One is tempted to argue that more investment should go to industries such as vehicle repair, panel beating, tyre retreading and automotive detailing because, as Rinaldi has pointed out: 'Prison labour which gives Australian inmates most job satisfaction is without any doubt that connected with motor vehicles'.² Perhaps Australian prisons should experiment with some of the successful industries which have been innovated overseas — for example, manufacture of false teeth,³ grinding optical lenses,⁴ renovating houses outside the prison for resale,⁵ microfilming services,⁶ musical instrument repair,⁷ fibreglass products manufacture,⁸ typewriter repair,⁹ refrigeration repair,¹⁰ upholstery work.¹¹ Detailed suggestions such as these will not be proposed, however, because while they might be appropriate for some States, in others there will be circumstances peculiar to the particular State which would render the proposal unworkable. As far as possible the proposals will be limited to structural reforms which are appropriate to all Australian jurisdictions.

Prison industry will remain a shambles in Australia until more aggressive measures are taken to find markets for prison produce. The practice where most sales are to State government departments should continue since it avoids constant distraction of administrative effort onto defusing conflicts with private interests. Nevertheless, it is proposed that:

1. No prisons department should have a policy which precludes sales to private enterprise purchasers. Each marketing proposal should be judged on its merits.

The policy in most States of prohibiting private sector sales unnecessarily ties the hands of marketing personnel. While the

public sector is quite a big enough market to accommodate most prison output, it should be possible to undertake private sector sales where such sales are not likely to evoke substantial opposition, or where the marketing proposal is so good that fighting the opposition is a worthwhile investment of administrative effort:

2. No prisons department should have a policy which precludes private companies from coming into prisons to employ prison labour and sell the products manufactured on the open market. Indeed, departmental policy should encourage this.

The lack of marketing and production expertise in the public service will make it financially more viable with certain types of industries to rent out the space and labour force of the prison to private enterprise. Just as it is foolish not to use this option at all, it would be an equally blind closing off of options to completely hand over prison industry to private enterprise. The nature of the mix between private and public enterprise in prison industry should be determined by a case by case assessment of the economic and vocational development benefits of each investment proposal. The problem is that prisons departments in Australia have generally proved incompetent at making rational economic decisions of this sort. The Victorian Government is seeking a positive solution in setting up a Prison Industries Corporation. Rational investment and marketing decisions will not be made unless control over these decisions is taken away from people whose only experience is in prison administration and/or trade instruction:

3. Each State should establish a Prison Industries Corporation which has a budget and annual report in the form of a statement of profit or loss by industry. Both of these should be independent of the prisons department budget and annual report. The corporation should have a board of directors dominated by top managers from private enterprise, but also including representatives from the prisons department, the Department of Employment and Youth Affairs, and the trade union movement.

The Prison Industries Corporation would probably be more effective in that it would have freedom from interference over its investment decisions, that is to the extent that it can operate as a normal business concern. The board would not be a committee which makes all investment and marketing decisions, but in this sense would act in the same way as the board of

directors of any private company. Day to day decisions would be made by the managing director, his or her marketing manager and other staff answerable to the corporation. Members of the board of the corporation who were not executives with private enterprise experience would be selected not only as representatives of a certain interest (for example, trade unions) but also because of their understanding of business decision making. Even more important than expertise is contacts. The experience of the Singapore Prison Industries Corporation is that the most valuable type of board member is the senior executive of a large multinational corporation who can drum up business simply by picking up a telephone.

There would have to be some respects in which a Prison Industries Corporation could not act like a normal diversified manufacturing corporation. First, there would have to be a limited right of veto of the prisons department on any industrial activity which posed a threat to security. Second, profit would not be the only variable which was to be maximised. Investment decisions would have to be made so as to optimally raise profits, numbers of prisoners employed and numbers of prisoners acquiring marketable vocational skills. Not only would the profitability of workshops have to be monitored, but the number of trademen's tickets issued and the number of job placements made in the industry upon release would need to be reported to the board for each workshop.

With respect to the latter point, the recommendation of Econ Incorporated in its model program for prison work in Connecticut should be heeded:

... in the case of industries, we would place the responsibility for assuring an effective job placement linkage of ex-inmate industrial workers on the shoulders of the Director of Industries.¹²

The system of incentives for the expansion of prison industries must be changed so that industry supervisors who find jobs for ex-prisoners in their industry outside are given more capital to expand their workshops, while industries who find jobs for no one are starved of capital and allowed to wither away. The financial carrot is likely to be a more effective way of fostering training in marketable skills than any administrative edict:

4. The duty statement of trade instructors (industry supervisors)

should include a requirement to assist prisoners to find jobs upon release.

5. The number of known cases of job placements from a prison workshop to outside employment in the same industry upon release should be recorded for each workshop.
6. Workshops with a good job placement record should be given preferential treatment in applications for capital investment, while industries with no evidence of job placement after a reasonable trial period should not be considered for further investment.

An explicit system of financial incentives to foster a job placement linkage with industry would have the complementary advantage of providing an incentive for improved classification of prisoners. Trade instructors would become keen to ensure that classification procedures gave them a good chance of getting prisoners for their shop who were genuinely interested in the type of work offered.

Notwithstanding the comments on this point in the previous chapter, there are not likely to be many major conflicts in attempts to jointly maximise profits and numbers of prisoners employed. High technology industry which is capital intensive and employs only a small number of highly skilled workers is the least likely type of industry to be economically viable in a prison setting. As the Nagle Royal Commission implied, there are ways of employing prisoners constructively that involve no capital investment at all, and since under present conditions their labour is bought at virtually no cost, what excuse can there be for not using their labour in some way?

A primary objective of the Department should be the provision of work for everyone in its control, using originality and inventiveness . . . In maximum security institutions overseas, even when a prisoner is confined to his own cell, simple assembly work is provided.¹³

Simple assembly work within the confines of a cell is neither the most profitable nor the most rehabilitative way of using a prisoner's labour. Yet on both criteria, having assembly work available as an option is preferable to having all prisoners sitting in their cells doing nothing. In the end, there can be no excuses for work not being available to every prisoner who wants it. This is not to suggest that decades of neglect can be remedied overnight. In Australia today it is an unusual maximum security prison

which has more than 30 per cent of its inmates effectively employed. It is proposed that:

7. Each State set itself the goal of by 1990 having a full day's work available to every prisoner who wants to work.

Concomitantly, and in accordance with the Western Australian departmental policy that: 'The prisoner shall retain the full rights and obligations of a citizen except such rights which must necessarily be lost as a result of loss of his liberty',¹⁴ prisoners should not be forced to work:

8. Prisoners should have the right to decline the opportunity to work.

Since people in the free community have a right to unemployment and by and large to unemployment benefits which permit a subsistence level of existence, this right should also be available to prisoners. Putting aside these moral arguments, productive efficiency is best served by a willing workforce. The question of remuneration to unemployed prisoners will be considered later in the context of the discussion of prisoners' pay generally.

Irrespective of whether the proposal for a Prison Industry Corporation is accepted, certain related reforms to ensure the more businesslike operation of prison industry are necessary:

9. Capital investment in prison industry should not be constrained by a process of application to treasury for funds. Industry profits should go into an industry account and from there be invested in industry expansion.
10. Failing the establishment of a Prison Industries Corporation, Industry Advisory Committees should be recruited from the private sector to help industry supervisors to establish shop operating standards comparable with commercial workshops and to provide an independent monitor of shop productivity and job satisfaction of workers.
11. Industry supervisors should be periodically pulled out of the artificial situation of the prison workshop and sent out to familiarise themselves with new production, supervisory, quality control, and training¹⁵ techniques in private enterprise.
12. The recommendations of the Nagle Royal Commission into New South Wales Prisons with respect to the standardisation of accounting standards for prison industries so that the performance of different industries within the system can be compared should be adopted by all States.
13. All States should invest in senior managerial, marketing, and industrial design personnel who have experience in outside industry.

The reasons for the first of the above proposals have been treated in some detail in previous chapters, notably Chapter nine on Victoria. The most important reason for proposal nine is that a situation where industry profits go to treasury provides little incentive for profitability. Application to treasury for capital funds is an inhibition on optimal timing of investment and possibly on necessary risk taking.

Proposals 10 and 11 relate to the need to revitalise 19th century prison industries with 20th century commercial know how. The Industry Advisory Committee was a recommendation of the Econ Incorporated model program for prison industry prepared for the United States government.¹⁶ A working example of such a committee exists in Australia with the Management Committee of the Pentridge computer industry. The advantages of that committee in overcoming private enterprise opposition to the prison industry, ensuring the relevance of the program to up-to-date commercial realities, and fostering job contacts for prisoners with outside employers were discussed in Chapter nine.

Policy proposal 12 is not meant to apply only to the summary recommendation of the Nagle Royal Commission on accounting which is limited to the terse suggestion that: 'Accounting methods used in prison industry should be capable of external interpretation and assessment'.¹⁷ Within the body of the report there is a more detailed consideration of what needs to be done. In essence this amounts to a systematic reporting of all real costs of each prison industry balanced against the returns costed at competitive commercial prices. Each State needs to bring together its people with accounting expertise, something which I do not presume to have, to decide on a method of accounting which is consistently followed across all jails and industries in the system so that meaningful comparisons between them are possible. As Mr Justice Nagle pointed out, people interested in evaluating the performance of prison industry must be able to ascertain the ratio of capital to earning capacity and labour employed for a prison industry with other industries within the outside the prison system. How the managers of prison industries in all States have even pretended to have been making realistic business decisions in the past with the haphazard figures which have been available is a mystery.

Accounting methods must of course in the final analysis be oriented towards the goal of profit maximisation. Existing costing

methods clearly are not. Witness the common practice of charging prices on the basis of cost of materials plus a certain percentage. A more rational policy would be to tender for contracts where the cost advantages of prison labour afford the maximum chance of being able to undercut commercial tenders, and avoiding tenders where the cost disadvantages of prison industry outweigh the advantages. The price would be set as high as possible in the light of the prices which were likely to be set by other suppliers. Blind tendering for any type of contract on a fixed price formula is likely to result in both fewer successful tenders and lower average returns.

The reasons for proposal 13 have been argued in some detail in Chapter 12. When travelling around the States for this research I found it an illuminating exercise when confronted with glaring examples of industries which were not operating at full capacity for want of contracts to ask the question: 'whose responsibility is it to find markets?' In most States the typical reply was a blank stare from the most junior trade instructor to the most senior officer of the administration. The replies were not very much more assured when I asked questions about whose job it was to keep figures on and monitor the productive performance of specific industries. If left to the goodwill of trade instructors such chores do not get done since they can only have the effect of creating more work for them.

Australian prison administrations have shown false economy in skimping on investment in managerial expertise for their prison industries. In the few cases where Australian prison administrations have invested in industry managerial personnel, there can be little dispute that those personnel have earned their salaries many times over by increasing production through the rationalising of industry or hunting down markets. Even in Victoria, where the most notable investments in industry management have occurred in recent years, there is still great excess capacity in the industries. This excess capacity could be used if only there were the marketing personnel to chase further contracts. In United States prisons investment in marketing management has been greater than in Australia. Yet even there Econ Incorporated were so confident about the capacity of marketing personnel to earn their own salaries many times over that their recommendation was that: 'marketing staff be hired with remuneration based upon a

commission on sales above existing levels'.¹⁸

Prison industry is unlikely to become either profitable or useful in maintaining the work habit among prisoners while the average working day in almost all Australian prisons remains between four to five hours after excluding time for lunch, smokes, musters, etc.

14. A 35 hour working week should be normal practice in Australian prisons.
15. Normal practice in Australian prisons should be that prisoners are not pulled off production for interviews and other interruptions. Such matters should be attended to outside working hours.
16. Each industry workshop should have a time clock and require the use of a time card by each prisoner. When fewer than 35 hours were worked for any reason other than sickness, pay would be reduced accordingly. When more than 35 hours were worked pay would be increased at overtime rates.

In many other parts of the world prisons manage to run a 35 hour or longer working week. The only real obstacle to this happening in Australia is administrative inertia. As Rinaldi has pointed out:

Unlike workers in the free community, prisoners do not have to prepare a meal nor spend an hour or more each morning and evening in trains or buses to reach their place of employment.¹⁹

Rinaldi goes on to argue that the main obstacle to a full working week is that some 70 per cent of our prisoners are kept in maximum security type custody, 'not because they require this form of security but because prison buildings do not permit any other form'.²⁰ He points out that by using prison labour many of our maximum security areas could be converted to medium or minimum security without enormous cost simply by removing existing gates and doors. The South Australian Department of Correctional Services is currently doing just this in its maximum security wing at the Cadell prison. Prisoners there will use an alarm clock to get themselves up for work in time for an eight hour day.

Once we have a situation where prisoners can let themselves out of their cells, the primary impediment to a full working week is removed. This impediment is that prisoners cannot be let out of their cells until the day shift of custodial officers comes on duty and must be put back in their cells before they go home. For

those prisoners who must be kept in maximum security accommodation, this problem will remain. Nevertheless, it may be that it is justified in economic terms to bear the increased custodial costs of a late lock-up so that prison industry can be made financially viable.

There are other ways of avoiding more minor encroachments on the working day. Duckworth and Young's²¹ suggestion of a staggered four day (or four and a half day) working week bears careful consideration as a way of making proposal 15 practicable. The two hour lunch break which is typical in Australian prisons can readily be shortened through the provision of cut lunches to be consumed in the workshop.

In Chapter 12 we discussed the problem of the changed meaning of time in the prison context — how it becomes less meaningful as a commodity to be used efficiently. Perhaps the premium which is placed on keeping appointments, getting things done on time, and using time effectively is one of the more oppressive features of complex industrialised societies. Like it or not, the fact remains that if prisons and prisoners are going to play an active role in the productive processes of this kind of society, they must be jolted out of the comfort of pre-industrial attitudes to time. In practice, that oppressive machine, the time clock, has proven to be one way of achieving this. Clocking on and off was one of the features of the highly developed industrial program at the Coldingley prison in Britain. The introduction of time clocks was also one of the recommendations of Econ Incorporated for American prisons.²²

Correctional opinion throughout the world is increasingly in favour of the payment of national minimum levels of remuneration for prisoners who work a full working week. The payment of outside levels of remuneration is also quite possible in the case of prisoners who are not working a 35 hour week, but such payment would have to be calculated at hourly rates. Finland, Costa Rica and the U.S.S.R. already pay national minimum wage rates to a large proportion of their prisoners. The Canadian cabinet has approved the principle of the payment of the Federal Minimum Wage to inmates employed in industries which are self supporting and has commenced a pilot project at the Joyceville Institution, Ontario, to assess the impact of such minimum wage payments.²³ In many Swedish, Singapore and American prisons

wages approaching national minimum levels are now being paid to prisoners.

The influential U.S. National Advisory Commission on Criminal Justice Standards and Goals recommend that:

Inmates should be compensated for all work performed that is of economic benefit to the correctional authority or another public or private entity. As a long-range objective to be implemented by 1978, such compensation should be at rates representing the prevailing wage for work of the same type in the vicinity of the correctional facility.²⁴

The Nagle Royal Commission into N.S.W. Prisons came down clearly against the payment of award wages to prisoners, though it did argue for increased levels of pay. The opposition of Mr Justice Nagle is ironical since one of the fundamental principles of imprisonment which he stressed in other sections of the report is the very principle that criminologists overseas have used as the rationale for not depriving prisoners of full rights to earn a living:

While in prison, the inmate should lose only his liberty and such rights as expressly or by necessary implication result from that loss of liberty.²⁵

Virtually all writers on the subject of prison industry agree that miniscule levels of payment to prisoners are one of the most important reasons for the low productivity of prison industry. Any discussion of the problems of prison industry with prisoners always brings a barrage of resentment over low pay rates. Such resentment was exemplified by a prisoner from Parramatta who said angrily:

The screws stand around doing nothing all day watching us work and get paid \$200 a week. We work all day and get \$2 a week.

While prisoner productivity would undoubtedly rise if they were paid normal wages, the question concerning the cost conscious administrator is whether this rise in productivity would be sufficient to pay for the increased costs of labour. This is an empirical question which could only be answered in practice. A reasonable solution is to follow the Canadian lead and approve the payment of award wages only in those industries where a profit (or a break even situation) could be achieved under those circumstances. Ultimately, a prison industries system run on business principles should have no industries which run at a long term loss.

But even if competent businessmen were to take over prison industries tomorrow it would be many years before most of them would run profitably. In the interim, it would not be unreasonable to give prisoners the choice of being unemployed or working at the below award standards of pay which the level of production in their industry could support. Such a transition would encourage the (accurate) view that there is a common interest between administration and prisoners in increasing industry efficiency.

The profitability analysis performed by Econ Incorporated found that it was feasible to pay Connecticut prisoners reasonably high wages and achieve an overall profit of 10 per cent of sales.²⁶ The net cost of paying prisoners award wages is not as great as it might at first seem. It is after all the public purse which benefits from any tax the prisoner might pay, which is relieved of the responsibility for paying welfare benefits to the prisoner's family, and which is recompensed out of the prisoner's wages for the cost of his food and board.

Prisoners' pay rates in Australia are low by international standards. Queensland prisoners, who mostly receive seven cents a day, are worse off than prisoners almost anywhere in the world. One Prisons Department official told me that there were some prisoners in Queensland who received nothing for their work and many who received less than seven cents a day. Award wages for prisoners in jurisdictions such as Queensland and the Northern Territory would be difficult to sell politically. Undoubtedly the payment of award wages to the predominantly Aboriginal prisoners in the Northern Territory would lead critics to invoke the principle of lesser eligibility by attempting to suggest that Aborigines were better off inside jail than out. Bad as employment prospects are for Aborigines in the Northern Territory, however, employment opportunities in Northern Territory prisons have a long way to go before they can match opportunities outside (at the moment there is no industry at either major prison). Even if the number of job opportunities and the pay rate for Aboriginal prisoners were increased to the point where they were better off than Aborigines outside, one would have thought that the social problem would lie with the poor economic circumstances of Aborigines outside, not with their improved conditions while in jail.

Nevertheless, recognising the political difficulties of intro-

ducing award wages, it is suggested that a politically acceptable interim measure would be the introduction of incentive payment schemes such as have been introduced in Victoria. The evidence from Victoria (reported in Chapter 9) is that increased production from the introduction of incentive payments more than compensates for increased labour costs. In these circumstances some of the most conservative of prisons officials have found the incentive payment scheme not only acceptable but desirable. Their support for the scheme also partly arises from the fact that they find the tougher prisoners easier to manage with the carrot than with the stick. Ultimately it is quite possible that further increases in productivity leading to further increases in pay levels would lead to the point where it was actually cheaper to pay award wages and subtract food and board from those wages. It is therefore proposed that:

17. Each State set itself the target of by 1990 paying award wages to all prisoners who work in industries where such wages can be paid without the industry running at a loss.
18. All States move towards substantially higher rates of pay for prisoners by introducing incentive payment schemes immediately.

It has already been proposed that prisoners should have the right to be unemployed, but that a choice to forego work should result in loss of wages and only a subsistence level of support by the state. The same should apply to prisoners who decide to engage in full time education rather than work. People can and do undertake full time education outside prison, and they should also be able to do so in prison. When people outside make this choice they must survive on the meagre subsistence provided by, say, a TEAS allowance. So should prisoners undertaking full time education be supplied with no more than room and board plus a few dollars a week spending money to pay for small necessities and only occasional luxuries. It would be dangerous to take the principle of greater eligibility discussed in Chapter three so far as to render committing a crime and being sent to jail one of the easier ways of undertaking full time education.

The Coldingley prison in Britain is an interesting model in the way that it treats the unemployed in prison similarly to the unemployed outside. They must 'apply' for jobs which are advertised at certain rates of pay, are 'interviewed', can be 'sacked', and made to 'sign on' as unemployed.

In addition to pay rates, gate money, if paid at all, is inadequate in Australia when compared to many other countries. The empirical evidence reviewed in Chapter four is consistent with the view that when prisoners are released with a reasonable amount in their pockets they are less likely to reoffend. Gate money is not so much a handout as a social investment. The state has a special responsibility to provide financially for prisoners when a job cannot be found for them on release. Prisoners who had a job before being incarcerated but cannot get a job on release because they are ex-prisoners are doubly penalised. On grounds of equity the state has a special responsibility to financially support such prisoners during this difficult period after they have served their penalty. There is consequently a good case, both on these equitable grounds and for crime prevention, to make gate money payments very much higher when a job cannot be found. If prisons departments knew that they would not have to pay out so much in gate money if they succeeded in finding a job for a releasee which was acceptable to him according to the normal Commonwealth Employment Service criteria, then they might be more diligent in doing what they could to improve his job prospects:

19. Gate money should be set at no less than \$50 for prisoners who are placed in a job, and \$300 for prisoners who are not placed in a job after serving a term of six months or more.²⁷

The latter figure of \$300 would be barely enough to survive for an unemployed releasee who was waiting for a few weeks to receive his first unemployment benefits cheque and who had to pay a bond on rented accommodation. Another form of transitional aid which seems to have proven in practice to be of considerable benefit in forestalling a return to crime is the Glebe House concept of the New South Wales Prisoners' Action Group. The half way house is run by ex-prisoners for prisoners. That means that the people running the house are sensitive to the unique problems which prisoners face in trying to make a new start. If a prisoner is flat broke upon release then he is not required to pay rent to the half way house until he develops an earning capacity:

20. Half way houses which provide transitional accommodation for prisoners should be subsidised by the state.

A final criticism of the financial treatment of prisoners concerns arts and crafts products not created in working hours. In Queensland and the Northern Territory prisoners cannot sell their art and craft work for private gain except by clandestine means. Such a system is a disincentive to creative effort and fosters corrupt deals with prison officers to get some of the more valuable pieces onto the market:

21. Other States should consider the New South Wales policy of allowing inmates to set a minimum and maximum price for their art and craft products and giving them 70 per cent of the price if sold.

Another area where prisoners do not have equal protection with free workers is with respect to compensation for accidents or injuries sustained at work:

Australian prison administrations and courts have probably the worst records in the world in resisting claims by inmates for compensation for injuries sustained on the job. In an early N.S.W. case the court held that the State had no duty of care towards prisoners but even if such a duty existed it was against public policy to allow actions for negligence to be maintained by prisoners. *Gibson v. Young* (1899) 21 S.R. (N.S.W.) 7.²⁸

In the absence of any legal protection for prison workers it is now an administrative practice in several States (New South Wales and South Australia in particular) to make *ex gratia* payments equal to amounts which might have been granted as workers compensation. Prisoner workers do seem to suffer from a great number of industrial injuries. This might be due in part to a disproportionately high number of cases of self-mutilation. However, infrequent or non-existent inspections by State departments of labour and industry are probably also a factor. The problem here is not unique to prisons, but a more general one of laxness when one State government department is inspecting another. In some States the practice is supposed to be that prisons departments call in occupational health and safety inspectors, but in practice they rarely or never do so:

22. Until such time as the law is changed to provide workers compensation protection to prisoners, all States should make *ex gratia* payments to injured prison workers a routine practice.
23. Each state should negotiate a definite routine of regular inspections of each prison industry by the relevant industrial safety authority.

Many of the employment conditions of prisoners are

undoubtedly worse than those of outside workers because prisoners are not unionised. For example, if union organisers had been regularly visiting the row of workshops at Risdon jail in which all walls and ceilings were covered with asbestos, it is possible that this problem would have been rectified earlier than it was. It is likely that most union opposition to prison industry would evaporate if prisoners were paid award wages and joined the appropriate union. Union opposition to work release, even during periods of high unemployment, is non-existent precisely because the prisoners are becoming union members.

Most prisoners who had a job were union members before entering prison and will be union members again upon release. Moreover, what I have been arguing throughout this book is that the community, including the trade union movement, should regard prisoners as fully fledged members of the workforce with all of the working rights of people outside. This should include the right to join a trade union. Comeau has suggested that trade union participation could have definite rehabilitative value for prisoners:

A union could prove to be rehabilitative in a number of ways. Leadership qualities among inmates would be developed; participation by the institutional population in this legitimate grievance structure would encourage and stimulate in the inmates those qualities of citizen involvement which they would encounter upon their release from the institution; together with administrative and legislative reform, the bargaining activities within the institution would have the potential to remove many of the dehumanising, deplorable conditions which have been allowed to persist within many institutions — thus making the facilities more conducive to rehabilitation; the opportunity to become involved in meaningful employment within and upon release from the institution would be enhanced by the bargaining objectives and by the possible involvement of the prison unions with national or international unions; and the ability to negotiate for a fair wage would enable the inmate to assist his dependents and/or to save a sum of money which would increase the likelihood of his successful entry into the general society upon his release.²⁹

Even though union opposition to prison industry is probably a less serious problem than opposition from adversely affected manufacturers, there is a major difference between the two types of opposition which makes it more worthwhile to concentrate on the unions. That difference is that if the central trade union authority, the Australian Council of Trade Unions (A.C.T.U.),

were to decide at a congress that prisoners were to be regarded as fully fledged members of the labour force with full rights to union membership, workers compensation, and award wages, then affiliated trade unions would almost certainly implement this policy. However, having a comparable resolution of support for prison industry carried by a major employers' association would count for nothing with an individual manufacturer who felt that he was having his livelihood threatened by a competing prison industry. Even though the problem of trade union opposition to prison industry is grossly exaggerated by prison administrators, it is worthwhile to take initiatives to attempt to lay it to rest so that it can no longer be used as an excuse for inaction on prison industry. It is therefore recommended that:

24. All States encourage prisoners to join trade unions and retain union memberships held prior to admission to prison.
25. A discussion be held with key members of the executive of the A.C.T.U. to win support for the notion that prisoners should be regarded as fully fledged members of the labour force with full rights to union membership, workers compensation and award wages.

Up to this point the discussion has been directed at manufacturing industries. It is ironical that most of the opposition to prison industry which has been highlighted in the literature has related to manufacturing activities. Primary industries in prisons are often concentrated in areas such as dairying and fruit growing where governments have been paying bounties to encourage producers to withdraw from production. Such prison industries are hardly in the national economic interest.

Most prison farms in Australia are not paragons of productive efficiency. It is not unfair to say that some prison farms with a workforce of perhaps 60 prisoners derive little more produce than single families operating properties of similar size in the same district. Certainly farm production is useful in saving money on prison food bills. Nevertheless, capital investment in farming is less useful, both in terms of profits and the value of skills learnt, than investment in many types of manufacturing. Since the industrial revolution self sufficiency in food has been bad economics. The criteria for capital investment should not be the romantic notion of self sufficiency, but maximum return on investment combined with maximum benefit to the prisoners. An insightful analysis of the further disadvantages of prison farms appears in the report of

the Mitchell Committee on Criminal Law and Penal Methods Reform in South Australia. I could do no better than to quote their arguments at length:

Since a farm obviously cannot be run within the confines of a conventional prison, the answer made to the criticism that it is therefore not suitable for prison work is that it is perfectly suitable to a minimum security prison. In our opinion this is the case only if the criminological aims of minimum security predominate and not the requirements of the farm. For the great majority of prisoners it is reasonably clear that the two are incompatible. The purpose of transferring a prisoner who is approaching his release date from maximum to sub-maximum security is to start the process of easing him back into society by familiarising him with reduced regimentation and restriction of movement. If a prisoner is not sent to maximum security in the first place, the aim is similarly to keep to a minimum the difference between his life in prison and life in the community. It is true that a prison farm which is run with reasonable freedom of movement and individual responsibility for getting jobs done is consistent with these aims. But it also has a basic characteristic which is incompatible with them. This is that most prisoners correctly do not regard a farm as bearing much resemblance to society as they know it . . . the great majority of prisoners reflect the distribution of population in Australia generally and in South Australia in particular in that they come from urban backgrounds to which farming activities have no relevance. It is not evidence of institutionalisation for them to feel more at home at an urban prison in the area from which they come than at a prison farm in a country district nowhere near their own area. The greater ease of visiting, the availability of prison work of more usual kinds, the greater protection from the climate and the mere consciousness of being in the proximity of a centre of population, all give the urban prisons a considerable psychological advantage over prison farms, even if to the outsider many of the physical facilities of the latter appear to be superior. The major objection to farming as prison work is that for the great majority of prisoners its influence runs counter to the aims of the sub-maximum security detention to which alone it is appropriate. For similar reasons it fails also to meet the criterion of width of appeal. There are no doubt a few offenders from country districts to whom it is attractive, and perhaps a few who take to it for no obvious or predictable reason. But for the majority of prisoners the work it entails is not purposive, because they have no interest in farm products beyond consuming some of them in a processed form as food, and no intention of engaging in farming after release. Neither is the work interesting, for in addition to having no desire to do it in the first place, most prisoners find routine farm work boring and, under most climatic circumstances, uncomfortable. It is difficult to see any rehabilitative purpose being served by removing a prisoner from one environment to another which, for reasons which appear to him to be sound, he likes less and requiring him to do work which, for reasons which appear to him to be equally

sound, he positively dislikes. As to relative cheapness of installation and maintenance, it is obvious that no farm on any scale can meet this criterion, particularly with a low-grade labour force. We conclude that farming is unsuitable as prison work. At best it is a very expensive way of meeting the needs of a small minority of prisoners. At worst it positively conflicts with the criminological and rehabilitative purposes which it is supposed to serve.³⁰

For all of the foregoing reasons, the Mitchell Committee recommended the closing of the Cadell prison farm in South Australia. Even though I fully accept the above arguments of the Committee, a recommendation to close an existing prison requires a detailed economic and administrative analysis such as is beyond the scope of this book. Moreover, it has been seen in Part II that some existing prison farms are superior environments to the maximum security institutions which are their only realistic alternative. Finally, in some remote areas farm produce is the only type of production for which markets could be found. Hence, the compelling arguments of the Mitchell Committee should only be taken so far as to imply that no new prison farms be contemplated, and that only in exceptional circumstances should existing farms be expanded:

26. No further prison farms should be built in Australia. It should also be a generally accepted principle that expansion of existing prison farms should not take place.

1. D. Glaser, *The Effectiveness of a Prison and Parole System* (Bobbs-Merrill, New York, 1969), p. 164.

2. F. Rinaldi, *Prison Labour in Australia* (Australian National University, Canberra, Penology Paper No. 4, 1973), p. 71. Consistent with the evidence presented in this book from other States, Rinaldi found that 101 inmates in New South Wales prisons were enrolled in correspondence courses in motor mechanics. No other correspondence trade course had as many as 30 enrolments. Employment prospects for workers with training in these automotive trades are also generally good.

3. A dental laboratory is one of the larger prison industries in Texas. 'Jobs Behind Bars: Boon to Prisoners and Taxpayers', *U.S. News and World Report*, June 20, 1977.

4. Grinding optical lenses is a successful prison industry in Connecticut and is being considered for introduction into Michigan.

5. Sue Collins, an industrial designer seconded to the New South Wales Department of Corrective Services, has suggested this as a profitable prison industry for that State which would fulfill multiple training functions in a variety of basic trade skills.

6. Microfilming is a labour intensive activity which involves capital investment only of the order of \$30,000 for an initial operating capacity. It is undergoing boom growth, particularly in the public sector. A microfilming service bureau was one of the new industries recommended by Econ Incorporated in their LEAA funded model program for prison industry. Law Enforcement Assistance Administration, *Study of the Economic and Rehabilitative Aspects of Prison Industry, Volume VI: Analysis of Prison Industries and Recommendations for Change* (U.S. Department of Justice, Washington D.C., 1978).

7. This was another of the recommendations of Econ Incorporated (*Ibid.*). While the capital investment for this industry is also small, it would demand the full time employment of an industry expert and a training course of some six months duration.

8. Contrary to many peoples' expectations the manufacture of fibreglass products such as boats is not highly capital intensive. It is an industry where job placement is not dependent on having a formal trade qualification. Workers get employment if they have experience and can do the job. Being able to operate a chopper gun or make a mould from a blueprint are marketable skills.

9. This industry has already been attempted once in New South Wales. It has the advantage that public sector use of typewriters is considerable and that training courses for repairers need only be of 10 weeks duration. I have spoken to officers of IBM in Australia who expressed some interest in the possibility of running training programs in prisons.

10. New South Wales is currently experiencing a shortage of refrigeration mechanics. See Manpower Programmes Section, Department of Employment and Industrial Relations, *Employment Prospects by Industry and Occupation: A Labour Market Analysis* (Australian Government Publishing Service, Canberra, 1978), p. 173.

11. Sue Collins, an industrial designer on secondment to the New South Wales Department of Corrective Services, is keen to expand into furniture upholstery work in that State's prisons.

12. Law Enforcement Assistance Administration, *op. cit.*, pp. 76-77.

13. Report of the Royal Commission into New South Wales Prisons (N.S.W. Government Printer, Sydney, 1978), p. 235.

14. *Basic Principles and Objectives of the Department of Corrections* (Perth, 12 June 1978).

15. Duckworth and Young in their discussion groups with Western Australian trade instructors found that the instructors were keen to improve their training skills:

It became clear during discussions with instructors that they would very much like the opportunity of attending courses in two particular areas. The first of these relates to techniques of trade instruction. Several men felt that though they are competent tradesmen, they need to become familiar with modern teaching methods. Secondly, there was strong support for the idea of an opportunity to regularly keep up to date with the latest developments in their particular trade areas. Techniques,

technology and materials are changing rapidly in most trade areas and it is essential that instructors in the prison service be given the opportunity to keep abreast of the developments, if on top of the other difficulties of their situation, they are to avoid imparting out-of-date knowledge.

A. Duckworth and F. Young, *Industry and Trade Training in West Australian Prisons* (Paper prepared for the executive committee, Department of Corrections, Perth, 1978), p. 15.

16. *Op. cit.*

17. *Op. cit.*, p. 384.

18. *Op. cit.*, p. 148.

19. Rinaldi, *op. cit.*, p. 31.

20. *Ibid.*, p. 32.

21. *Op. cit.*

22. *Op. cit.*

23. *Reorganisation of Industries in the Canadian Penitentiary Service* (Canadian Penitentiary Service, 1977).

24. National Advisory Commission on Criminal Justice Standards and Goals, *Corrections* (National Advisory Commission on Criminal Justice Standards and Goals, Washington D.C., 1973), p. 387.

25. Report of the Royal Commission into New South Wales Prisons, *op. cit.*, p. 41.

26. *Op. cit.*

27. This proposal is based in part of the thinking of the Econ Incorporated report, *op. cit.*, p. 74.

In the event of failure to place the worker, industries would compensate the inmate for non-performance through the mechanism of gate money upon release. The magnitude of the gate money compensation would depend upon the highest skill level achieved by the inmate worker in any Free Venture Industry shop. Specifically, the gate money payment would equal \$1,500 if the worker had achieved the level of a skilled workman, \$1,200 if the worker had achieved a semi-skilled level and \$900 if the worker were unskilled. We anticipate that the average cost to provide job placement services to ex-offenders would run about \$300 per client.

28. Rinaldi, *op. cit.*, p. 44.

29. Comeau, 'Labour Unions for Prison Inmates', *Buffalo Law Review*, 21, 1972, pp. 963-984. Quoted in Rinaldi, *op. cit.*, p. 23.

30. Criminal Law and Penal Methods Reform Committee of South Australia, *First Report. Sentencing and Corrections* (South Australian Government Printer, 1973), pp. 112-113.

14

Work Release

Imprisonment which incorporates daily release to work is a sanction which could be handed down by the courts as a sentence. This court determined type of work release is in effect a half way house between probation and full imprisonment. Australian work release programs have never been of the court determined type. Rather, entry to them has been a privilege bestowed by prison administrations upon selected offenders serving the latter part of their sentence. Work release in Australia has therefore operated as a half way out point between imprisonment and parole rather than as a half way in option. The question of whether offenders should be sentenced to work release by Australian courts will not be considered in this book. An answer to this question could only be attempted in the context of a comprehensive review of the range of sentencing options available to the judiciary and whether work release could equitably be incorporated into a sentencing system.

The Desirability of Work Release

The evidence on the impact of work release programs on recidivism was reviewed in Chapter four. While there is evidence which calls into question the efficacy of work release, notably the findings of Waldo and Chiricos,¹ there is a preponderance of evaluations reaching favourable conclusions about the effect of work release on recidivism and reintegration into the free community. Apart from the overall impact of work release, a comparison of work releasees who recidivate with those who do not, provides further evidence consistent with the efficacy of this type of program. The Research and Statistics Division of the New South Wales Department of Corrective Services have shown that work releasees who succeed on parole are more likely to have spent a longer period on work release, to have been discharged with a

greater amount of earnings in their pockets as a result of the longer period working, and to have stayed on with the work release job on completion of sentence.² Taking maximum advantage of the supposed benefits of the program is associated with reduced recidivism. It is therefore reasonable to assume that benefits such as placing more money in the pocket of the releasee are in fact having a desirable crime preventive effect.

All of the statistical evidence which exists would seem to indicate that such limited Australian work release programs as have been introduced have been outstanding successes. The Western Australian Department of Corrections has kept comprehensive statistics on the 1,650 prisoners who have been through its work release program between 1970 and 1978:

To date the programme has been regarded as successful in that over the past seven years the absconding rates has remained at a static 3.5% of the total participants in the programme; the drunkenness rate whereby work releasees have been removed from the programme for being under the influence of, or introducing liquor into an institution has remained at a static 4%; and the total breakdown rate during the work release period has remained at 9% of the total number undertaking work release.³

The New South Wales figures on removal from work release paint an almost equally favourable picture:

Since the inception of work release, thirty two men (16%) have been removed from the scheme. Of these removals, eleven (34%) were for further offences including four escapes, fourteen (44%) for breach of house regulations and seven (22%) for other reasons. It must be noted that not all removals represent failure on work release. Twenty five of the removals may be classified as breakdowns while the remaining seven were removed because of general unsuitability and health reasons.⁴

Senior officers of the Queensland Prisons' Department told me that between 1969 and 1974 there was not one case of absconding under the Queensland work release program. This is perhaps not altogether surprising since work release has been generally available only to Queensland prisoners serving the last two months of their sentence.

American studies have established that the desire of prisoners to support their families is one of the most important reasons for wanting to get into work release programs. In one North Carolina study, for example, 76 per cent of prisoners gave family support as their most important reason.⁵ A Western Australian study by

Roe,⁶ however, found that only 15 per cent of respondents gave this as their main reason for wanting to participate in work release. The latter finding could be explained by the fact that only 25 per cent of the work releasees in the study were married. Further analysis revealed that all of the married prisoners in the study listed family support as either the most or the second most important reason for wanting work release.

'To obtain work experience' was the reason for wanting work release which was most often rated as important by Roe's Western Australian inmates. Work experience of course is most relevant where it is in a job in which the prisoner has already had some vocational training in prison. One of the main conclusions of the nationwide study of work release programs prepared by Swanson⁷ for the Manpower Administration of the U.S. Department of Labor was that inmate attitudes to programs seemed to be most positive where prison vocational training was followed by work which was relevant to that training. Unfortunately, Australian work release programs have made little effort to relate work release job placement to prior training. This again emphasises the problem of discontinuity to which continual reference has been made in this book.

American investigations of work release show that the great majority of participants are placed into unskilled or semi-skilled jobs (usually 60-80 per cent unskilled or semi-skilled).⁸ New South Wales data show that 51 per cent of work release jobs fall into these categories (compared to 41 per cent for the general workforce).⁹ Roe's data indicates that 'semi-skilled' jobs are more common than either 'routine' or 'skilled' work, but that 'skilled' work is clearly the least common.¹⁰ It would seem that Australian work releasees are possibly being placed in more skilled jobs on average than their American counterparts. This might reflect the fact that work release is used far more selectively (and in a more class biased fashion) in Australia.

The fact that work release is only made available to an elite of model prisoners and that the jobs are not all unskilled might explain the rather surprising finding from a New South Wales study that only 15 per cent of work releasees said that they 'disliked' their job.¹¹ While only 42 per cent said that they were 'happy' with their jobs, 42 per cent were at least 'accepting' of them.

To consider the other side of the coin, scattered evidence would seem to suggest that more often than not employers are satisfied with the performance of their work release employees.¹² Elder and Cohen's¹³ study found that for only seven (eight per cent) of 90 work releasees was the employer dissatisfied. Swanson concluded from his study of 74 employers that:

The average employer surveyed indicated the work release program was an effective tool in helping offenders and benefitting the company. Work releasees are mostly employed as unskilled labor but are seen as better than the average employee. The strongest points in favour of the releasee as an employee are his dependability, ability to get along, conscientiousness, and his enthusiasm. The work releasee's weakest attribute is his lack of training and skills.¹⁴

Herein lie some of the reasons for my surprise to discover that even in the face of the record levels of unemployment of late 1978 and early 1979 employers were calling the Silverwater Work Release Centre in New South Wales asking for work releasees and being turned away because there were insufficient prisoners to satisfy all such requests. As one Department of Corrective Services Report states: 'The N.S.W. work release scheme is experiencing little difficulty in obtaining jobs for inmates because of real advantages to employers who hire work releasees'.¹⁵ These real advantages include the fact that the employer is guaranteed a degree of labour stability by virtue of the fact that the prisoner is likely to stay with him for the duration of his sentence and possibly longer. Undoubtedly many work releasees are keen to improve their chances of parole by exemplary work performance. Moreover, as pointed out in Chapter 12, the prisoner's non-working life has so few satisfactions when compared with the non-working life of the free worker that the prisoner may be more likely than the normal employee to invest a large part of his psychological commitment to work. One of the many favourable consequences of this for the employer might be that the work releasee will be less likely to take 'sickies' than the free worker.

Work releasees do stay on with their employer often enough to make employment at the completion of sentence one of the important justifications for a work release program. The Queensland Prisons Department claims that 70 per cent of its work releasees stay on for a time after release. This extraordinarily high figure possibly reflects the fact that guarantees by the inmate that

he will stay on with the employer after completion of sentence are one of the main criteria for the granting of work release in Queensland. In New South Wales more systematic figures have been kept. These indicate that a substantial proportion of work releasees do stay on for at least some time (see Table 14.1). Of course there may be others who move on to employment in the same field in which they gained work release experience, perhaps with another firm of the same type in their home town.

Table 14.1 Period of Employment with Work Release Firm Subsequent to End of Sentence for 361 New South Wales Work Releasees*

	<i>Left immediately on release</i>	<i>1-3 weeks</i>	<i>4-11 weeks</i>	<i>12-23 weeks</i>	<i>24-35 weeks</i>	<i>36 weeks</i>	<i>Total</i>
Number	211	40	53	31	17	9	361
%	58.4	11.1	14.7	8.6	4.7	2.5	100.0

* This table is adapted from New South Wales Department of Corrective Services Research and Statistics Division Publication No. 19, *The Performance of Work Releasees on Parole*, Table 7, p. 16.

Prison administrators in States which do not have a substantial work release program often use the excuse that it would be impossible during a period of high unemployment to find work for their inmates. Although this sounds like a plausible excuse, it is in fact a feeble one. Admittedly there will always be some prisoners who are difficult to place because of their lack of skills. But with sufficient determination even these can be placed. If required, doorknocking of employers and systematic working through the yellow pages of the telephone book can be resorted to, as can a call for special assistance from the Department of Employment and Youth Affairs Handicapped and Special Employment Group's Counsellors. If the worst comes to the worst, a prisoner can be placed in a job which has such appalling working conditions that labour turnover among free workers is rampant. The unskilled prisoner might quite reasonably decide that even this kind of work is better than rotting in prison or working in the perhaps equally unattractive, and decidedly less remunerative, prison industries. While employment in a grossly exploitative outside industry would be justified as a last resort in some individual cases, it would be shortsighted policy to encourage the

use of prisoners in such industries. If our goal is to interest prisoners in legitimate work as a more attractive option to illegitimate work, then we should hark back to Hawkins' warning that: 'Patients undergoing aversive therapy do not usually become addicted to emetics or electric shocks'.¹⁶

The Economics of Work Release

Even if all of the other supposed advantages of work release are proven with more thorough research to be unfounded, the fact will remain that work release is economically advantageous for all concerned — the prisons department, the prisoner, the prisoner's family, the Department of Social Security (which would otherwise be paying welfare benefits to the prisoner's family), and perhaps also the Taxation Department. If indeed the work releasee is a better worker than the employer would otherwise have got, then he also is benefitting financially.

American studies have consistently demonstrated the financial savings to prison administrations of running work release programs.¹⁷ In the Australian context, setting up work release hostels for the first time certainly involves an initial capital investment which might or might not be offset by savings on the future costs of building new prisons to house equal numbers of prisoners. The initial capital outlay need not be great. For example, the suggestion I heard in Adelaide of using vacant houses bought up by the State for freeway construction would involve minimal costs.

The ongoing savings of work release programs are beyond dispute. Existing work release programs in Australia save prisons departments money, in contrast with existing prison industry programs which almost invariably cost departments money. Hence, if it is deemed desirable that prisoners be allowed to work, then work release is the most economical way to do it. While prison industry implies the considerable cost of the salaries of trade instructors, work release does not. Work release also takes some of the pressure off demands to increase the numbers of custodial staff because a significant proportion of the prison population no longer has to be supervised for the greater part of the day. Putting a hundred inmates on work release rather than prison industry frees a lot of costly floor space which would otherwise have to be devoted to prison workshops. It also saves on the

all too often unprofitable capital investment in machinery to fill the workspace. Imagine, for example, the savings to the New South Wales Department of Corrective Services if the 130 prisoners working at the Parramatta Linen Service had been put on work release instead, and the \$13.7 million invested in that industry had never been spent.

The most visible return to the department from work release is the money extracted from the prisoner's pay packet each week to notionally cover the cost of his board and lodgings. In New South Wales this amount is set at 15 per cent of average male weekly earnings for New South Wales as published quarterly by the Australian Bureau of Statistics. Unlike any profits which might accrue from the employment of prisoners in prison industry, the return out of the work releasee's pay packet is guaranteed and risk free. Finally, work release saves the department the cost of paying money to prisoners for the purchase of tobacco and the like. It also removes the otherwise pressing need to increase the amount of gate money paid to prisoners on release.

Some enterprising Australian economist can do a detailed cost-benefit analysis of work release if he or she likes. I think it would be a wasted research effort because it would tell us what we already know from the American studies — that not only is work release less costly to run than traditional incarceration (both in terms of marginal costing and aggregate costing) but that there is a net gain to the public purse from such programs.¹⁸

Who Should Go on Work Release?

There is a temptation for prison administrations to place limitations on what types of prisoners should be allowed on work release. The most common limitation is to restrict entry to prisoners who are serving their last six months of sentence. There are two rationales normally given for this: (i) The purpose of work release is to ease the transition from prison to the free community, not to be an alternative to imprisonment. (ii) Inmates are less likely to attempt escape during the latter part of their sentence.

The first rationale treats reintegration of the offender into the free community as the only purpose of work release. Easing the transition from incarceration to freedom is surely one of the least convincing justifications for work release. This criterion alone

does not make work release any more justifiable than, say, allowing day release to attend a social function. The other advantages of work release, such as cost savings to the department, putting money in the offender's pocket so that he does not have to steal on release, maintaining the work habit, opening up new vocational opportunities, and allowing the offender the pride of supporting his family, are equally applicable at the beginning of a sentence.

The second rationale, while also incorporating more than a grain of truth, is nevertheless a weak one. Undoubtedly it is true that offenders are significantly more likely to attempt escape during the early part of their sentence. We have seen, however, that absconding has been rare on Australian work release programs. A low rate of escape has also been a feature of the American programs.¹⁹ It should not surprise us that it is unusual for prisoners to risk losing the great opportunity which work release affords them. So it seems justified to risk some increase in an escape rate, which is at present more than acceptably low, by allowing prisoners serving the earlier part of their sentence into the program.

The most irrational limitation of all is to prohibit violent or sexual offenders from participating in work release. At the time of writing, this limitation is being applied in New South Wales. In the first place, the limitation is irrational because such evidence as we have suggests that violent and sexual offenders are, if anything, less likely to create problems on work release and subsequent parole than other types of offenders. Tables 14.2 and 14.3 present data collected by the research divisions of the New South Wales and Western Australian departments on work release failure rates by type of offence. The definitions of failure are different in the two States: the New South Wales definition is based on reconviction or breach of conditions on subsequent parole, while the Western Australian definition is based on revocation of work release or escape while on work release. The New South Wales data show that while eight per cent of all 361 offenders in the study failed, none of the 52 violent and sexual offenders failed. For the 278 Western Australian work releasees, 15 per cent failed overall, but only 12 per cent of the 83 violent and sexual offenders failed. For the Western Australian sample, however, the violent offenders on their own had a failure rate of 16 per cent.

Even if it could be shown that violent and sexual offenders were much more likely to create problems on work release than other types of offenders, to refrain from taking a risk with them even during the last few months of sentence is to offer the community scant protection. After the few months when the offender might have been on work release follows possibly a lifetime of freedom day and night in the outside community. The community must be convinced that it is justified to partially sacrifice what is only a minimal duration of incapacitation of the offender in the hope that the program might occasionally result in a lifetime devoid of further crime. It is not always easy to convince the community of this. A strong and persuasive minister is required for the task. If the community cannot be convinced, then prison administrations should freely admit that any policy of denying work release to violent and sexual offenders is not rational, but is rather an inadequate political response to irrationally based community demands for protection from crime.²⁰

Australia's Poor Record On Work Release

Even though we have seen that the reasons for having a large and growing work release program are compelling, there has been a deplorable lack of political and administrative will in Australia to encourage work release. Such programs as exist are by and large a form of privilege for the elite of the prisoner population, often yet another way that the white collar criminal or the educated offender derives special advantages over the more common working class or black offender. We saw in Chapter four how there is considerable evidence to show that it is unskilled prisoners and the prisoners most at risk who have most to gain by vocational programs. Work release in Australia is largely made available to those who need it least.

There are reasons for the lack of political will to make work release available to people so disreputable in the eyes of the community as sex offenders or Aboriginal prisoners. The press seizes on every sensational instance of an offence or escape perpetrated by a prisoner on day release. But this is true in other countries as well. Community fear of crime and concern about protection from criminals is nowhere near as great in Australia as in the United States. Yet most States in the U.S. have demonstrated the political will to explain to the community the advan-

Table 14.2 Percentages of New South Wales Work Releasees who are Classified as 'Failures' by Nature of Current Offence. Failure is Defined as Revocation of Parole during a Follow-up Period because of either Further Convictions or Breach of Conditions*

	Homicides, assaults, and like offences	Sexual and related offences	Robbery and extortion	Fraud	Offences against property	Offences against enforcement	Driving traffic and related offences	Offences against order	Drug offences	Offensive behaviour and related offences	Total
% Failures	0	0	6	3	14	12	0	12	0	0	8
Total n	35	17	78	33	154	17	19	17	6	2	361

* This table is adapted from New South Wales Department of Corrective Services Research and Statistics Division Publication No. 19, *The Performance of Work Releasees on Parole*, Table 26, p. 37.

Table 14.3 Percentages of Western Australian Work Releasees who are 'Failures' by Nature of Offence. 'Failure' here is defined as either an Internal Disciplinary Cancellation while on Work Release, or an Escape while on Work Release*

	Violence	Sex	Property	Drug	Motor	Currency	Other	Motor and property	Total
% Failures	16	0	11	9	20	23	25	28	15
Total n **	61	22	81	32	25	13	8	36	278

* From data supplied by the Planning and Research Section, Western Australian Department of Corrections.

** Excludes prisoners who were approved for work release but had approval cancelled prior to entry into the program.

tages to them of having a work release program for offenders, or at least they have succeeded in doing so to a far greater extent than in Australia.

Table 14.4 compares the size of the work release programs in American States in 1971 with those in Australia in February, 1979.

Table 14.4 Comparison of the Percentages of Inmates on Work Release: U.S. State Prisons Versus Australian Prisons²²

U.S., 1971			U.S., 1971		
	No. on work release	% of prison pop. on work release		No. on work release	% of prison pop. on work release
Delaware	120	20.0	Georgia	85	1.4
District of Columbia	326	19.2	Michigan	104	1.1
South Carolina	575	17.6	Oaklahoma	35	1.1
Wisconsin	450	17.3	Connecticut	14	0.9
Alaska	47	11.8	Arizona	12	0.9
North Carolina	1,075	10.7	New Mexico	7	0.9
Hawaii	25	9.8	Massachusetts	15	0.7
Utah	40	7.4	Texas	36	0.2
Oregon	133	7.3	Alabama	none	—
Florida	650	7.2	Arkansas	none	—
Iowa	115	7.2	Kentucky	none	—
Rhode Island	35	6.4	Maine	none	—
Maryland	300	6.0	Mississippi	none	—
Washington	125	5.1	Nevada	none	—
New Hampshire	10	4.6	Ohio	none	—
Tennessee	146	4.4	Pennsylvania	none	—
South Dakota	17	4.4	Vermont	none	—
Nebraska	40	4.0	West Virginia	none	—
Montana	10	3.7	Wyoming	none	—
Indiana	150	3.3			
Idaho	12	3.1	AUSTRALIA, 1979		
Louisiana	125	3.0	Western Australia	44	3.3
Virginia	150	2.5	New South Wales*	55	1.4
New Jersey	125	2.3	Queensland	7	0.4
Minnesota	36	2.2	Victoria	1	0.1
North Dakota	3	2.2	South Australia	none	—
Colorado	36	1.9	Tasmania	none	—
California	300	1.7	Northern Territory	none	—
Illinois	100	1.4			

* Includes prisoners on both Work Release I and Work Release II.

The comparison is an unfair one to many of the American States which have substantially expanded their work release programs since 1971. By 1973, Vermont, one of the States listed as having no work releasees in 1971, had 27 per cent of its felon population assigned to work release.²¹ At the time of writing Western Australia has by far the largest Australian work release scheme in terms of the percentage of the prison population on the scheme. But even as long ago as 1971 there were at least 20 American States with bigger work release programs in percentage terms than today's Western Australian program.

Conclusion and Policy Proposals

Western Australia has shown the way to other States not only by developing the largest work release program in Australia but by setting down in writing the fact that the objective of the Department of Corrections is to achieve a target of 10 per cent of its prison population being on work release at any given time. Other States could do well to follow this example by also setting themselves such an objective.

The Western Australian practice of buying up old buildings located near major public transport routes for work release hostels is clearly the most desirable way of accommodating work releasees since it permits flexibility of location and avoids the problem of releasees returning to prison with contraband. Inevitably, however, budgetary restraints will influence what kind of accommodation might be provided for work releasees in particular States. A work release program run from a segregated yard of a maximum security prison is certainly better than no program at all, and the risk of contraband is insufficient reason for refusing to have work release.

The policy proposals with respect to work release are therefore as follows:

1. Each State should set itself the target of having 10 per cent of its prison population on work release by the end of 1985.
2. Each State should buy up existing buildings located close to major public transport routes to house work releasees.
3. Work releasees should be paid award wages and join the appropriate union.
4. There should be no rules restricting what types of prisoners are eligible for work release.

5. Employment counsellors from the Department of Employment and Youth Affairs Handicapped Persons and Special Employment Groups Section should be available to assist every work releasee to obtain a placement in a job which uses skills learnt in training programs and which is in accord with the vocational preferences of the prisoner.

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3. Western Australian Department of Corrections, *Prison Establishments and Facilities* (Revised Edition, January 1978), p. 20.

4. New South Wales Department of Corrective Services Research and Statistics Division Publication No. 2, *Work Release in N.S.W.* - 1973, p. 12.

5. W.D. Cooper, 'Employers and Employees in the Work Release Program in North Carolina', *Crime and Delinquency*, 16, 1970, pp. 427-433.

6. G.L. Roe, *Work Release in Western Australia: A Different Approach* (Master of Social Work Dissertation, University of Western Australia, 1975).

7. R.M. Swanson, *Work Release: Toward an Understanding of the Legislation, Policy and Operation of Community Based State Corrections* (National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 1973).

8. S. Adams and J.B. Dellinger, *In Program and Post Release Performance of Work Release Inmates: A Preliminary Assessment of the Work Release Program* (District of Columbia Department of Corrections, Research Report No. 13, 1969). E.H. Johnson, 'Work Release: A Study of Correctional Reform', *Crime and Delinquency*, 13, 1967, pp. 521-530. A. Rudoff, *Work Furlough and the County Jail* (Charles C. Thomas, Springfield, Ill., 1975). A. Rudoff, T.C. Esselstyn and G.L. Kirkham, 'Evaluating Work Furlough', *Federal Probation*, 35, 1971, pp. 34-38. A.D. Witte, 'Work Release in North Carolina: A Program that Works!', *Law and Contemporary Problems*, 41, 1977, pp. 230-251. A.D. Witte, 'Earnings and Jobs of Ex-Offenders: A Case Study', *Monthly Labor Review*, 99, 1976, pp. 31-39. See also the discussion of American evidence on this question in Roe, *op. cit.*, p. 21.

9. *Work Release in N.S.W. - 1973, op. cit.*, p. 12.

10. *Op. cit.*, p. 41.

11. New South Wales Department of Corrective Services Research and Statistics Division Publication No. 16, *The History and Administration of the N.S.W. Work Release Scheme - 1969-1977*, pp. 28-29.

12. See Swanson, *op. cit.* D. Atkinson, C.A. Fenster and A.S. Blumberg, 'Employer Attitudes Toward Work Release Programs and the Hiring of Offenders', *Criminal Justice and Behavior*, 3, 1976, p. 340. J.P. Elder and S.H. Cohen, 'Prediction of Work Release Success with Youthful, Nonviolent, Male Offenders', *Criminal Justice and Behavior*, 5, 1978, pp. 181-192.

13. *Ibid.*, p. 187.
14. *Op. cit.*, pp. 39-40.
15. *The History and Administration of the N.S.W. Work Release Scheme - 1969-1977*, *op. cit.*, p. 60.
16. G. Hawkins, *The Prison: Policy and Practice* (University of Chicago Press, Chicago, 1976), p. 110.
17. D.P. Le Clair, *An Evaluation of the Impact of the MCI-Concord Day Work Program* (Massachusetts Department of Correction Publication 6906, 1973). R. Jeffrey and S. Woolpert, 'Work Furlough as an Alternative to Incarceration: An Assessment of Its Effects on Recidivism and Social Cost', *Journal of Criminal Law and Criminology*, 65, 1974, pp. 405-415. A. Ashman, 'Work Release in North Carolina', *Popular Government* 32, 1966, pp. 1-5. W.D. Cooper, *An Economic Analysis of the Work-Release Program in North Carolina* (M.A. Thesis, North Carolina State University at Raleigh, 1967). D.R. McMillan, 'Work Furlough for the Jailed Prisoner', *Federal Probation*, 29, 1965, pp. 33-34. H.G. Moeller, 'Corrections and the Community: New Dimensions', *Federal Probation*, 32, 1968, pp. 25-29.
18. See in particular Le Clair, *op. cit.*
19. See for example Elder and Cohen, *op. cit.*, p. 187.
20. For more on this see D. Biles 'A Proposal for Work Release of Prisoners in Victoria', *Australian and New Zealand Journal of Criminology*, 3, 1970, pp. 156-165.
21. Swanson, *op. cit.*, pp. 3-6.
22. Source for the American data is K.J. Lenihan, *The Financial Resources of Released Prisoners* (Bureau of Social Science Research, Inc., Washington D.C., March 1974), p. 15. Source for the Australian data is D. Biles, *Australian Prison Trends: No. 30* (Australian Institute of Criminology, Canberra, 1979). American estimates of the number on work release were not available for Kansas, Missouri and New York. The American figures relate only to male prisoners, while the Australian figures are not broken down by sex. The percentage on work release in Western Australia would be slightly lower if females were excluded.

Trade Training and Education

There is no necessary incompatibility between the goals of prison industry productivity and vocational training. On the contrary, there is a necessary complementarity between the two. How many times have Australian prisons attempted to run crash training courses in areas such as bricklaying, only to find that their graduates cannot hold down a job in the trade because they find the pace and the duration of work as a commercial bricklayer beyond them? In prison they have learnt only the basic skills; they have not learnt how to apply them in a realistic work situation. If they are given the opportunity to follow up their bricklaying training with prison work as a bricklayer at all, it will be only for a couple of hours at a stretch, with no deadlines to meet, no requirements that certain strict quality and quantity standards be met within a time limit. Skills are no use to an employer unless they can be applied efficiently in practice.

Dealing With the Problem of Discontinuity

The contention of this book is that on one hand prison industry can be made more productive by being able to call on a more skilled workforce, and on the other hand programs to develop vocational skills can be made more effective by establishing a link with prison industry to enable the skills to be applied in a realistic work situation. Quite apart from the sheer practical necessity of the latter, psychological commitment to trade training will be increased if the prisoner can immediately move into a situation where he can use his skills to make something of practical value.

Throughout this book I have stressed the fact that the fundamental importance of the link between training and production is in most States compromised by administrative structures which

tend to make training-education and industry separate administrative functions. In some States decisions in one area are made almost independently of decision in the other. Some of the details of how this happens were discussed in Part II:

1. All States should consider the feasibility of reorganising their prisons bureaucracy to ensure cooperative planning between training-education and industry.

It is not being suggested that conflicts between productivity as a goal and training as a goal are never a problem. They very often are. What is being argued is that if these conflicts can be confronted and resolved rather than ignored, then both industry and training will be the richer for the encounter. To illustrate, a worker who is learning the skills required for one part of a job might hold up many other workers who are already skilled in their responsibilities. A solution might be to have a training module attached to the industry so that trainees are kept off the production line until they have acquired a modicum of skill. Let us suppose that the skill is welding. What we can say with some confidence is that the industry is more likely to get a highly productive worker from a prisoner who has spent a couple of weeks in a welding training module attached to it than from the graduate of a welding course run independently by the education division of the department.

It is crucial that the problem of discontinuity in the flow through classification-training-work-job placement be confronted by reference to the question of what kind of industry should be the choice for capital investment. Scattered throughout this book have been arguments for a number of important criteria in making investment decisions — the industry should be profitable; it should provide training in marketable skills; and so on. What we must now do is to organise these scattered principles into a coherent strategy for industry investment decisions.

The greatest single risk of any investment strategy is that the profit goal, being as tangible and hard headed as it is, will come to subordinate all others. The solution I would propose for controlling this risk is to opt for an investment decision strategy which requires the new industry proposal to satisfy certain other criteria before an investigation of profitability is even considered. The proposal is that a sequential series of seven questions be asked of

any industry investment decision. If the answer to the first question is 'no', then the remaining six questions will not even be asked. If the answer to the second question is 'no', then the remaining five questions will not be asked, and so on. The seven questions are: (i) Does the industry avoid the creation of insurmountable security problems? (ii) Will the jobs provided by the industry be intrinsically rewarding to most prisoners employed? (iii) Will a substantial proportion of the prisoners involved learn vocational skills which will enable them to fill labour market vacancies upon release? (iv) Can markets be found for the products which would be produced? (v) Can the industry make a profit? (vi) What would be the return on capital investment? (vii) What would be the ratio of prisoners employed to capital invested?

Only if the first five questions were answered in the affirmative would the more detailed quantitative analyses implied by questions (six) and (seven) begin. The strategy is therefore based on the investment proposal meeting certain minimum qualitative requirements before the rigorous quantitative analysis necessary for a rational business decision takes over. One of the reasons for asking the qualitative questions first is that the costs of undertaking the quantitative research will not be wasted as a result of a subsequent rejection of the project on one of the earlier criteria. The sequential strategy would also have the advantage for a Prison Industries Corporation that it would have to liaise with and win the approval of other agencies on only the first three questions. From then on, it would have the right to go ahead and make its own choices on rational business grounds without bureaucratic interference, just like any business corporation.

The reasons for security being the basis of the first question need hardly be argued. Job satisfaction is the next criterion in order of precedence precisely because it is the goal which is most likely to be compromised. Job satisfaction lies at the opposite end of the continuum from profitability in terms of its concreteness and its capacity to resist bureaucratic imposition. Money is power, the job satisfaction of voiceless prisoners is not. An explicit attempt must be made to reverse the inevitable superiority of money over human beings because the most important potential value of prison industry is in helping prisoners to believe that legitimate work can be more rewarding than illegitimate work.

Even in hard economic terms, if prisoners are given a chance to discover a meaningful world of legitimate work, then the profits of prison industry may represent small sums compared to the savings to the criminal justice system from not having to deal with those who have been turned away from illegitimate work.

Realising that it is possible for legitimate work to be rewarding is of course of limited value if such work cannot be found upon release. Hence the next question in order of precedence concerns the acquisition of skills which can be used to fill labour market vacancies. Even in periods of high unemployment, acute shortages of certain types of vocational skills exist. Having prisoners fill these labour market vacancies is a small way of reducing unemployment, fostering economic growth and reducing crime. Even though the development of marketable skills in prisoners is such an obviously desirable public policy goal, it is almost totally ignored in industry investment decisions. Data about labour market vacancies, including projections into the future, are available from the Manpower Section of the Department of Employment and Youth Affairs in its regular publication *Employment Prospects by Industry and Occupation: A Labour Market Analysis*.¹ Its projections, although somewhat uncertain at times, should nevertheless be an invaluable planning aid to prisons departments:

2. The Industries and Training Divisions of all prisons departments should place themselves on the mailing list for, and use in their planning the publication *Employment Prospects by Industry and Occupation: A Labour Market Analysis*.

The remaining four principles are self-evident and details of their implementation are beyond the competence of this writer. Self-evident though it might be that the question of whether markets can be found should be asked, prison industry planners often fail to ask it. Many, perhaps most, prison industries in Australia run at considerable losses for want of markets.

Classification

The problem of discontinuity begins with classification. Glib assessments to the effect that 'so and so is a bit short in his shop' often constitute the totality of consideration which is given to the classification of individual prisoners to work locations. On other occasions one can observe the chairperson of a classification

committee, after noting the fact that a prisoner has a certain type of work history, say 'I suppose you would like to . . .' In my limited experience of sitting in on classification committees it would seem less common for the chairperson to ask the open-ended question 'What kind of work, if any, would you like to do?'

Prisoners pick up most of their information about what work and educational opportunities are available from the informal prisoners' grapevine. While this system frequently works well enough, departments should take greater initiatives of their own to inform prisoners of all of the work and training options available. In some States all admissions are interviewed by an education officer and informed of the opportunities available prior to classification. This kind of procedure is obviously preferable to providing written information since those prisoners who have the greatest need for assistance are the illiterate offenders. A survey of 96 Yatala prisoners conducted by Andrew Sawyer recently found that more prisoners first got the idea of enrolling in a course at the interview with the Education Officer than from any other source.²

3. All prisoners should be interviewed prior to classification about their long term vocational and educational aspirations, if any. At this interview the prisoner should be informed of all work and educational options available in the prison and in other prisons within the system.

When a prisoner has a very specific vocational aspiration which may or may not be realistically achievable, specialised vocational guidance personnel from another department should be brought in to counsel him. This suggestion does not apply to the Western Australian Department of Corrections which has a vocational guidance officer on its own staff.

Classification committees should have more information available to them on both vacancies which are currently available in different workshops throughout the prisons system and vacancies which are likely to become available in the near future. If the proposal of Chapter 13 of having lists of prison industry vacancies (and their rates of pay) posted on notice boards so that 'unemployed' prisoners might apply for them were adopted, then this would concomitantly generate a set of information on vacancies which could be used in classification.

Opportunities for prisoners to apply for a change of work should be kept open at all times. The New South Wales innovation

of a Programs Review Committee in each prison to continually monitor the educational and vocational progress of each prisoner deserves consideration by other States.³ The whole question of classification of prisoners in Australia will be the subject of a forthcoming special report by David Biles of the Australian Institute of Criminology.

Government Training Schemes

With the exception of Western Australia and New South Wales, prisons departments have abysmal records in placing prisoners in apprenticeships, and even the former two States (with 25 and 39 apprentices respectively) have not had enviable success. All States need to develop more responsive attitudes towards the difficulties of prison training from their respective apprenticeship boards.

The Australian government has finally come to realise that this country is suffering from an acute shortage of skilled tradespersons, and that this is a significant factor in our level of unemployment. Consequently, funding is being provided for a number of trade training activities. The programs include CRAFT, a system of government funded rebates for employers who take on apprentices; NEAT subsidies for on-the-job training; the Special Youth Support Training Program for unemployed people between 15 and 24 years of age; subsidies for pre-apprenticeship courses; and trainer training courses and subsidies.⁴ With the exception of a minimal degree of NEAT funding for work releases in New South Wales, prisons have been excluded from all of these forms of assistance.

The attitude of officers of the Department of Employment and Youth Affairs with whom I spoke about this matter seemed to be that the care of prisoners, including their trade training, was a State government responsibility. In reply it could be pointed out that unemployment is a Federal responsibility, that prisoners are a chronically unemployed group, and that often it is the unemployment which is causally prior to the imprisonment.

The more fundamental point is that prisoners should be regarded as fully fledged members of the work force with all of the work and training rights of non-prisoners. This includes equal rights of access to Commonwealth funded training programs. Their penalty is deprivation of liberty, not deprivation of the right to undertake an apprenticeship.

In general terms, the skills of the Department of Employment and Youth Affairs should be more heavily used by prisons departments. The latter can never hope to match the expertise of the former in trade training. NEAT involvement in work release on-the-job training placements in New South Wales is to be welcomed. The administrators of NEAT have great experience of such matters as monitoring the performance of subsidised employers to ensure that worthwhile training is in fact taking place. If the same programs were run by prisons departments they would be the worse for lacking this experience:

4. The Department of Employment and Youth Affairs should accept the principle that prisoners have rights for training support equal to those of free workers.

What Sort of Trade Training?

A common view is that worthwhile vocational training cannot take place in prison because of the high turnover of inmates. This is a mistaken view. Because the majority of prisoners are totally unskilled, the most appropriate forms of trade training for them are in low level skills. Even if a person is in jail for fewer than six months, he may be able to undertake a worthwhile 10 week course, perhaps in typewriter repair, fork lift truck operation, or welding. The good thing about basic courses in welding is that they are valuable in their own right and can help a prisoner get a job. But they can also be used as the grounding for more advanced welding courses which justify the issuance of a trade qualification ticket. Prisoners universally find trade training more valuable when it gives them some sort of certificate (which does not mention the name of the prison).

For only a tiny proportion of the prisoners who pass through a prison woodwork shop would it be appropriate to even consider the possibility of an apprenticeship in carpentry. The shop might, however, produce a great number of timber machinists who have learnt how to maintain a machine and how to read a wood grain. In training people in specific skills rather than to be all round tradespersons prison workshops are moving with the current of modern training trends. Rapidly changing technological realities mean that the old craft system where the apprentice learns everything there is to know about his ancient trade is breaking down. Skills must be learnt with the full expectations that they will

become obsolete before long. When this happens the worker must be retrained in another set of related skills. An extended and comprehensive training for a lifetime at the beginning of a tradesperson's career must be replaced by shorter periods of training in more specific skills dotted throughout a lifetime.

The automotive trades can provide us with a little case study of how a large and complex trade can be broken down into a number of short courses in specific skills. This is a good case study to choose since Australia suffers from a shortage of motor mechanics, and, as we have seen in earlier chapters, correspondence course enrolments tend to indicate that Australian prisoners are more enthusiastic about learning in the automotive trades than in any other area. The penitentiary at Marion, Illinois runs the following automotive trades courses:

Automatic transmissions: A 12 or 13 week course in which students become familiar with disassembly, diagnosis of malfunction, adjustment and assembly of a number of typical automatic transmissions. Instruction includes trouble identification and operation check using a dynamometer.

Front end: An eight week course in which the class becomes familiar with the use of various alignment equipment and criteria.

Brake adjustment: A four week course in which students become adept at adjusting brakes, cylinders and the other equipment involved in this field, including grinding brake drums, replacing or adjusting brake shoes, wheel balancing and diagnostic work.

Engine tune-up: Students develop a working knowledge of all major brands of electronic diagnostic equipment. They are taught to disassemble the engine and identify and replace all components, make necessary adjustments and check their results on diagnostic equipment.

Machine tool operation: Basic operating skills are taught for engine lathes, horizontal and vertical milling machines, surface grinders and various other machine shop equipment. A working knowledge of machine tools, blue-print reading and shop maths as well as safety practices, identification of metals and use of

precision measuring devices is taught. Upon completion of the course the student is equipped with the skills needed as a machine operator.

Of course the prisoner who wants to develop employment skills as a generalist rather than as a specialist can do more than one course.

American experience is that outside employers can often be attracted to come into prisons to run training programs in specific skills which they require.⁵ One reason for this is undoubtedly the public relations value of having the corporation being seen to do something for a disadvantaged group. More importantly though, it is a way of recruiting trainees for their industries without having to pay them full wages during the training period. This concept is a perfect way of overcoming the discontinuity between prison trade training and job placement. Such programs do not seem to have been attempted in Australia:

5. Efforts should be made to attract private employers into prisons to run training courses in skills which could be used in their industry.

Education for Its Own Sake

We saw in Chapter four that there is very little evidence to support a connection between recidivism and general academic education which is not related to a particular vocational skill. General education can improve one's employment prospects, but such an improvement requires years rather than months of full time schooling, so most prisoners are not in prison long enough to make significant gains. But education has value quite independent of its use (or lack thereof) for getting jobs and reducing crime.

Most prisoners have missed out on the excitement of learning, the sense of achievement at mastering a branch of human knowledge, the wonderment of discovering new ideas and challenging old one, the feeling of being able to contribute to a democracy as an informed citizen. These things, which are intrinsically valuable, and which prisoners have been by and large denied, are their right. Prisoners, in accordance with the principle of greater eligibility argued in Chapter three, deserve greater access to educational resources, than other members of the community. This is especially true of Aboriginal and women prisoners. Given the unarguable justice of the claim of prisoners on our national educ-

ational resources, it is a deplorable situation that there are many major prisons in Australia such as Townsville, with a daily average of well over 300 inmates, where prisoners have no access to education:

6. Every prisoner who wants to engage in full time or part time education should be able to.

Research by Foley-Jones and Broadhurst⁶ in Western Australia shows that most prisoners prefer part time to full time education. In this survey, only 38 per cent of respondents said that they were not interested in education. The extraordinarily high levels of enrolment in correspondence courses among prisoners in all States⁷ (levels far in excess of those among the general adult population) testify to the fact that the strong interest in education demonstrated by such surveys is backed up by a degree of action. Admittedly, substantial proportions of the prisoners who enrol in courses do not complete them. Nevertheless, the fact that such extraordinary numbers of prisoners begin courses testifies to the fact that it is a mystification to blandly assert that prisoners are not interested in improving themselves.

Education may be so attractive because in prison the alternatives to being a student are so much less appealing than they are in the outside community. Alone in a cell at night, studying is something to do. Finally, 'in a prison school the inmate may find himself on an equal basis scholastically with his classmates and not burdened with a reputation for misconduct as he often was in schools on the outside'.⁸

Education must be made rewarding for prisoners. Traditional modes of schooling are not the answer for men and women who have turned their backs on schooling in the community, indeed for whom the embittering experiences of failure and rejection in the traditional school may have been the beginnings of their delinquent career. One of the reasons that the teaching machine seems to be so successfully used in American prisons is that it provides immediate reinforcement for learning, so that from the outset the rewarding aspects of learning become apparent.

If in prison the inmate can only learn how to learn, then a self-sustaining process might be set in train which will be with the prisoner for the rest of his life. Special efforts to encourage prisoners are worthwhile because so many prisoners express the

view that 'it is too late for me'; and so many of them have basic educational problems such as illiteracy which they would like to see rectified, but they hesitate to admit to their problem because of the bravado requirements of inmate culture.

In spite of the importance of making education rewarding, many prison routines have the effect of making it quite the opposite. Attending educational classes may deprive the prisoner of the only time in the day when he can engage in certain types of leisure activities which he enjoys. At Geelong prison, whenever the guard is called away from the tower overlooking the prison schoolroom (something which happens frequently) classes must cease immediately. Classes have even been terminated for this reason when guest lecturers from outside have been teaching. Such security constraints can render education a discouraging experience. The hegemony of security over education reached its highest point in the case of *Numer v Miller* in the United States [165 F.2d.986 (9th Cir. 1940)] in which the court upheld a warden's refusal to allow a prisoner to undertake a correspondence course because upon release he intended to apply his knowledge to writing a book about 'brutal' prison officers.⁹

Because of the unimportance of education in the normal priorities of prison administrations, it is possible for prison teachers to have an easy ride. No one in the administration cares much if they do their job badly. Prisoners to whom I spoke often had harsh words to say about teachers not attending classes and appointments as agreed, failing to organise timetables or textbooks, and generally being more interested in prison teaching as a 'novelty' or a 'glamour' job than in the prisoners themselves. An example of this is teachers visiting high schools giving talks on prisons rather than being at work.¹⁰

In the course of this study I have spoken to prison teachers in most major prisons in the country. The criticism that the teachers most often made of other teachers was that they were more concerned with the external appearances of success than with real educational achievement. It is more prestigious to have three students graduate with a B.A. than 30 students complete a course on basic literacy and numeracy, or migrant English. It may be that the greater benefit has gone to the prisoner who for the first time can read a rule without saying 'three of the big ones and two of the little ones', to the prisoner who came to one teacher with tears

in his eyes when he was first able to read a letter from his daughter.

A different way of substituting the appearance for the reality of success is by overly concentrating on the quantity rather than the quality of education. Some teachers criticised others who attempted to impress by continually trying to push up their correspondence course enrolments. The climbing enrolment figures look good in the annual report but conceal the fact that the proportion of prisoners who were failing to complete the course which they had begun was concomitantly increasing. It should sometimes be the responsibility of a teacher to discourage a student from undertaking a correspondence course which he cannot handle. Studying by correspondence, without the direct assistance and encouragement of a teacher in a face-to-face situation, is difficult for the best of students. When prison teachers cannot provide some direct interpersonal backup to a correspondence student who is undertaking a course which is a little too difficult for him, then failure is almost inevitable. A person who has probably failed all of his life has failed again. Enrolment in the correspondence course has done more harm than good. The most important responsibility of prison teachers is to structure success experiences for people whose lives typically have been devoid of a sense of achievement. Often that means going through the content of a correspondence course with the prisoner who wishes to enrol so that he can discover for himself that it is beyond him.

One of the ways of making prison education more sensitive to the special problems of prisoners is to make greater use of both prisoners and ex-prisoners in the teaching of courses. This point was made tellingly by the Nagle Royal Commission:

In addition, the Department has never attempted to make use of prisoners with some teaching qualifications. The 1974 Departmental survey indicated that there were twenty-two prisoners with university degrees and seventeen with teachers' college diplomas. It could well be that some of these represent security risks and could not be employed as teachers, but some prisoners in open institutions have complained to the Commission that they have the necessary qualifications but are not used to assist the departmental education programme.¹¹

Similarly, the skills of many prison officers are wasted. Witness the prison officer who would be well equipped to teach art but whom the programs officer cannot get off the roster for tower

duty so that he might do so. This is another example of an unreasonable subordination of education to security, especially if the department subsequently employs an outside art teacher. There are other reasons for breaking down the division between professional and custodial staff. For one, it is sometimes a source of resentment that the more interesting side of corrections is always left to the professional staff.

A fundamental educational requirement for our prisons is greater availability of reading material. Many prison libraries are a motley little collection of discards from other private and public libraries. The access of prisoners to current periodicals and newspapers is also subject to some restriction in most prisons. The Nagle Royal Commission was vocal on this point:

At Bathurst, Superintendent Pallot refused the request of the then Education Officer, Mr Higgins, to allow prisoners to have *The Australian*. His argument was: 'Not long ago they didn't have any papers at all'. Any papers allowed at Bathurst were censored.

Some prison staff advocate censorship of newspapers for the sake of good order. Publications banned at various institutions have included *The Tribune*, *The Nation Review*, *The Democratic Labor Party* publications, *Playboy* and *The Alternative Criminology Journal*, to cite but a few.¹²

Today New South Wales prisons still place restrictions on what kinds of printed material are allowed in. If one of the goals of education is to develop a capacity to contribute to a democracy as an informed citizen, then such restrictions are a serious encroachment on educational objectives:

7. Except on grounds of cost, prisoners should not be denied access to any publication which is legally available to the general community.

Since the focus of this book is not upon education for its own sake, but on improving the employment prospects of prisoners, the foregoing discussion has been necessarily sketchy. The problems of the prison educator have a subtlety and degree of variation which demand a major work devoted to them alone. Perhaps the most important responsibilities of the prison educator are neither vocational nor purely academic but in that amorphous collection of quasi-educational activities which include music, crafts, games, art, debating, and many others. It may be that the most crucial contribution of prison educators is in helping

prisoners to find themselves through an activity which uncovers their hidden talents or even their zest for life. The big issue of how best the educator might achieve this is both beyond the scope of this book and beyond the competence of this author to even partially answer.

Study Release

No matter how good an educational program is mounted within the walls of a prison, the educational resources available can never match those outside in the community. This is especially true of technical training in specialised vocational skills. In Part II we saw how the unavailability of study release in some States precludes many prisoners who wish to undertake apprenticeships from doing so because of an inability to attend block release courses. In the United States, 45 of the 54 jurisdictions have study release programs.¹³ In Australia, only Western Australia and New South Wales have small programs. Moreover, the Western Australian program has been all but abandoned, having been attacked recently in a report on parole and imprisonment by Crown Counsel Parker:

Full time (including extensive part time) study leave, is a serious departure from the basic concept of imprisonment in the Prisons Act, and substantially affects the punishment and deterrent aspects of a sentence. For these reasons it is suggested that no further grants of leave for this purpose ought to be made.¹⁴

Parker does not bother to specify in what way study release is a departure from the 'basic concept' of imprisonment. A departure from my basic concept of imprisonment would be to fail to make every effort to make educational resources which are available to free people also available to prisoners. In contrast, Parker's intention seems to be to make imprisonment as unrewarding and meaningless an experience as possible. Perhaps they should be returned to breaking rocks?

8. Study release should be available to all prisoners who wish it and who meet the same security criteria as for work release.

Pre-Release Courses

The sudden transition from the regimented life of prison to the often empty freedom of the first few months after release might in some cases be attenuated by a pre-release course which

seeks to prepare the offender for his new life. The most comprehensive pre-release program in Australia is run at the Yatala Labour prison in South Australia. Students spend six Friday afternoons receiving lectures and participating in discussions on legal rights (for example, tenancy problems, hire purchase, rights with police), finance and budgeting, employment, re-establishing interpersonal relationships, alcohol and drug dependency, and resources in the community for guidance and advice. Attendance at the course is compulsory in the sense that all prisoners approaching release must attend the first session. They can, however, give a reason at that first session for wanting to opt out of the remaining sessions, and when that request is made it is generally granted. The rationale given by the department for this degree of compulsion is that it is a way of ensuring that non-motivated releasees, who are the main targets of the course, are exposed to it.

Pre-release courses in other parts of the world also often include components on sex education and basic survival skills such as how to read a telephone book, roadmap, or bus timetable. In Western Australia one worthwhile pre-release course, which is popular with prisoners,¹⁵ enables them to acquire a driver's licence if they do not have one already. A driver's licence is a necessary requirement for some jobs, and having the extra mobility of being able to drive is both of assistance in job search and extends the geographical range within which job offers can be accepted. One American study has produced evidence suggestive of a correlation between possession of a driver's licence and a better post-release employment history.¹⁶

The most important type of pre-release counselling and assistance of all is with respect to the job market. This will be the subject of the next chapter.

1. Manpower Programmes Section, Department of Employment and Industrial Relations, *Employment Prospects by Industry and Occupation: A Labour Market Analysis* (Australian Government Publishing Service, Canberra).

2. Internal document, South Australian Department of Correctional Services, 1978.

3. See Chapter 11.

4. These programs are outlined in the publication of the National

Training Council, *Training Assistance to Industry* (National Training Council, Melbourne, 1977).

5. Hawkins, for example, has pointed out how the Federal Bureau of Prisons has pioneered a training program for electronic welders operated by Dictograph in the Danbury, Connecticut, prison and a similar program for aircraft sheetmetal workers run by Lockheed at Lompoc prison, California. G. Hawkins, *The Prison: Policy and Practice* (University of Chicago Press, Chicago, 1976), p. 122. As early as 1960 the Southern Michigan Prison at Jackson initiated a program to involve private enterprise in prison training called 'Operation Bootstrap — Rehabilitation Through Education'. See D. Glaser *The Effectiveness of a Prison and Parole System* (Bobbs-Merrill, New York, 1969), p. 178.

6. C.R. Foley-Jones and R.G. Broadhurst, *Prisoner Work and Educational Preferences* (Western Australian Department of Corrections, Research and Information Series No. 17, 1977), p. 24 and p. 33.

7. See for example Tables 6.3 and 7.3.

8. Glaser, *op. cit.*, p. 178.

9. I am indebted to an essay written by Bruce Walker, a former principal of the Pentridge Education Centre, for this piece of information.

10. The survey conducted by Sawyer, *op. cit.*, systematically explored the main prisoner discontents over education programs.

11. *Report of the Royal Commission into New South Wales Prisons* (N.S.W. Government Printer, Sydney, 1978), p. 244.

12. *Ibid.*, p. 262.

13. D. Shichor and H.E. Allen, 'Study-Release: A Correctional Alternative', *Offender Rehabilitation*, 2, 1977, pp. 7-17.

14. Parker (no initial given), *A Report on Parole, Prison Accommodation and Leave from Prison in Western Australia*, (no publisher given), 1979, p. 72.

15. See Foley-Jones and Broadhurst, *op. cit.*

16. G.W. Knox and W.A. Stacey, 'Determinants of Employment Success Among Ex-Offenders', *Offender Rehabilitation*, 2, 1978, pp. 205-214.

Finding Jobs on Release

This chapter draws out some policy proposals with respect to the provision of job placement services for prison releasees. First, however, it was decided to conduct a survey to obtain some estimate of what proportion of prison releasees were being placed in or themselves finding jobs in the difficult economic circumstances of late 1978 and early 1979.

The Work History Survey

The aim of the survey was to follow up a sample of some 300 prison releasees to find how many got jobs, how long it took them to find a job, and whether the jobs they found were related to any work or trade training they had while in prison. The Handicapped Persons and Special Employment Groups Section of the Department of Employment and Youth Affairs, in particular Mr Peter Brookhouse and his staff, gave their full support to the project. It was officers of the Department of Employment and Youth Affairs who conducted all of the interviews for the study, except in Tasmania where the Prisons Department Welfare Officer did the pre-release interviews.

The Sample: Prisoners who had not served a term of at least three months were excluded from the survey. Since a primary purpose of the research was to ascertain whether prisoners were finding jobs related to prison work or training, it was important to exclude prisoners who were not in for long enough to have undertaken much in the way of vocational programs. Interviews were conducted at the prisons listed in Table 16.1. At these prisons, interviews were solicited with all releasees during September and October 1978 who had served more than three months.

Table 16.1 Prisons Included in the Work History Survey

	<i>No. of interviews obtained</i>
Goulburn (N.S.W.)	38
Cessnock (N.S.W.)	24
Malabar Training Centre (N.S.W.)	18
Silverwater Complex (N.S.W.)	15
Parramatta (N.S.W.)	11
Pentridge (Vic.)	48
Ararat (Vic.)	45
Townsville (Qld.)	25
Wacol (Qld.)	22
Boggo Road (Qld.)	13
Yatala (S.A.)	40
Wooroloo (W.A.)	9
Risdon (Tas.)	32
Prison not coded on interview schedule	4
TOTAL INTERVIEWS	344

Readers familiar with Australian prisons will recognise the above as a good cross-section of prisons in this country. Nevertheless, no claim is made that the sample is random or representative of the population of releasees who had served sentences of more than three months. The selection of prisons was not random. Five criteria guided the selection:

- (i) The prisons were selected from among the prisons which were on the author's itinerary for this research project.
- (ii) It was deemed desirable to have at least one prison from each State.
- (iii) Staffing problems were more acute in some State offices of the Department of Employment and Youth Affairs than others. Hence, some States (particularly Western Australia) could not bear as heavy an interviewing load as others.
- (iv) Prisons which were likely to have very few releasees who had served more than three months were not considered for inclusion. For example, Adelaide Gaol was excluded because it is primarily a remand prison.
- (v) Preference in the selection process was given to prisons

which provided some forms of work or training, so that it would be possible to explore the effects of prison work and training for a substantial proportion of the sample. This is why the Malabar Training Centre and not the Central Industrial Prison at Long Bay was the choice for the study.

At each of these prisons all releasees during September and October 1978 were asked to cooperate in the study. For those who wished to register with the Commonwealth Employment Service cooperation was fairly automatic since the survey interview was integrated with the pre-release employment interview. However, many other prisoners have no reason to register with the CES. There were several releasees who might have been in the sample but who were returning to New Zealand, one who was returning to France, one who owed many thousands of dollars and planned to go into hiding, some Aborigines who were returning to reserves, several who were going on invalid or old age pensions, a number who were self-employed, and others who were returning to a life of crime and had no intention of either seeking work or giving their address to the CES. It would have been difficult to systematically ascertain just how many releasees did not grant an interview for these and other reasons. Sometimes the interviewing officer was told of prisoners who refused to be interviewed, but no doubt there were many other cases where the releasee asked a prison officer if he could be excluded from the study and this request was granted without the interviewing officer being informed.

Essentially, we have a sample of all releasees from the above list of prisons who have served more than three months and who wish to register with the CES, plus a number of others who did not wish to register but were willing to cooperate in the study. But even this cannot be guaranteed. In some States pressures on the time of the interviewing officers from the Department of Employment and Youth Affairs were considerable, and I am sure there were occasions when prisoners were released before the interviewing officer could catch up to them.

Procedure: At the pre-release interview, an agreement was reached between the interviewing officer and the prisoner as to which local CES office the prisoner would go to for his unemployment

benefits and/or assistance in finding a job. His file, usually with the standard employment history (ES1) form of the CES filled out, was then sent on to that office. For 41 of the 344 prisoners, an ES1 form was not filled out. These were primarily prisoners who volunteered to participate in the survey but who had no intention of registering with the CES.

In some cases a releasee presented at a different CES office to the one he had nominated in the pre-release interview. If the releasee informed the interviewing officer at this second office that his file had been sent to the first office, then the file would be sent from the first to the second office. Where the prisoner did not inform the second office that he had agreed to present elsewhere, problems arose. Variable efforts were made in different States to try to track these people down. In some cases the releasee's parole officer was contacted to enquire as to why the prisoner had not presented at the CES office as agreed. If the answer was that he had moved to a different locality, then a check was made at the local CES office there. In Queensland, a letter went to all local CES offices requesting them to check with each prison releasee who registered to ensure that they were not a stray survey participant. How many prisoners turned up to a CES office different from that nominated by them without informing the second CES office and without being subsequently traced as having done so is impossible to ascertain.

On 1 March 1979 all ES1 forms belonging to survey participants were collected from regional CES offices and sent to head office of the Department of Employment and Youth Affairs. Some of the ES1 forms were difficult to decipher. It was often not easy to determine whether the releasee had ever shown up at the CES office he had nominated, and if he had, what kind of assistance and referrals had been provided. It was clear that for many prisoners the pre-release interview was the last that the CES heard of them, and also that appearances at the CES were taking place without being recorded on the file. What was obviously meticulously recorded, however, was when a registrant was placed in a job by the CES or otherwise found a job himself so that his unemployment benefits had to be terminated. The vested interest of the government in recording these facts is clear.

The data therefore gives adequate information on what proportion of prisoners who registered with the CES obtained jobs

which became known to the CES. It tells us nothing about the work histories of prisoners who never bothered to apply for registration with the CES; nor does it tell us anything about how many registered prisoners obtained jobs without the CES ever becoming aware of this.

Who Found Jobs?: Of the 303 releasees who had ES1 forms (that is, who registered with the CES) 19.1 per cent found a job¹ that became known to the CES in the four to six months subsequent to their release.² Even if we were to adopt the extreme view that the CES only became aware of half the jobs obtained by prison releasees registered with it, we would still have a situation where more than 60 per cent of the prison releasees could not obtain a job during the four to six months follow-up. Compare this with the six to eight per cent official unemployment rate among the workforce generally.

Of course to say that 19.1 per cent of the prisoners found a job in the four to six month period is not to say that the unemployment rate was 80.9 per cent. At any one time, more than 80.9 per cent of the sample were recorded as unemployed. During the first few weeks of the study, almost 100 per cent were unemployed. The average time to the first job for those who eventually did find work was 5.8 weeks. Moreover, some of the 19.1 per cent who held a job at some time during the follow-up were fired or resigned within a short time after commencing work, so that they were unemployed for nearly all of the study period.

Table 16.2 compares the percentage who obtained a job during the study period for the samples obtained from the different States. Excluding Western Australia, where the numbers are

Table 16.2 Releasees who Obtained a Job by State

	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.
% who got a job	26.9%	20.8%	5.6%	14.3%	0%	21.9%
No. who got a job	28	15	3	5	0	7
Average weeks to first job for those who got a job	2.4 weeks	9.5 weeks	6.0 weeks	10.6 weeks	—	8.6 weeks

altogether too small to make a meaningful statement possible, the worst results are from Queensland, where only three of the 60 releasees were known by the CES to have obtained a job.

If we break the sample down according to all of the subgroups possible from the data coded for the survey, we find that the group of releasees who were most likely to obtain a job in the minimum time were prisoners who had been on work release. There were only 18 of them, but 9 had obtained jobs, the average time to the first job in these 9 cases being a meagre 1.2 weeks. The subgroup which fared worst in the employment market was also a very small group — Aborigines. For a number of reasons, the most important being the types of prisons and States in which the sample was concentrated, Aborigines were under represented in the survey. There were only 19 in the sample who were coded as being of Aboriginal descent. One surprising finding was that none of the Queensland releasees were coded as Aboriginal, possibly a reflection of the Queensland Prisons Department's policy of not distinguishing offenders by race. Of the 16 releasees who were coded as Aboriginal and had an ES1, only one is recorded as obtaining a job. Even though work releasees and Aborigines were the subgroups which performed best and worst respectively, the numbers in both subgroups are far too small to permit statistically meaningful statements, so we must consider some of the larger subgroups.

Releasees who had a trade qualification or training in an employment related skill³ before going to prison were more likely to find a job on release. Of the 61 tradespersons, 32.8 per cent found a job, compared with only 15.7 per cent among the 242 respondents with no trade qualifications. Similarly, 29.6 per cent of the respondents who had undertaken some form of educational or trade training in prison found a job, compared with 16.1 per cent among those who had undertaken no educational or trade training inside.

In contrast, the general level of educational attainment of the ex-offender bore no relationship to job market success on release. Of those with only a primary education 16.7 per cent found a job, as did 19.8 per cent of those with some secondary education, and 14.3 per cent of those who had either completed secondary or done some tertiary education. The average number of weeks to the first job among the three groups was 5.2, 5.9 and 5.8 respectively.

It may be that the prison releasee is a victim of discrimination in employment to the point where formal educational qualifications are of little advantage to him. Of course trade skills which are in short supply are another matter, since if it is to an employer's economic advantage to fill a vacancy for a skilled tradesperson, profit making may take precedence over prejudice. The prisoner who has completed secondary school, however, may be in a position similar to that of black high school graduates in the United States. One American study of 16 to 21 year olds found that nonwhite high school dropouts actually had slightly lower rates of unemployment than did nonwhite high school graduates.⁴

Having held a work assignment in prison (apart from sweeping or cleaning) had no effect on the probability of getting a job on release (19.0 per cent for workers, 20.0 per cent for non-workers).

One of the questions asked in the pre-release interview was: 'Is the work that the releasee intends to seek in any way related to work or training he has had while serving his sentence?' Possible answers were 'Yes Definitely', 'Yes Partially' and 'No'. Interestingly, a high 33.3 per cent (but only 11 out of 35) of those who said 'Yes Definitely' found jobs. The figure for the 'Yes Partially' group was 12.7 per cent and 19.0 per cent for the 'Nos'. Although the differences are suggestive, the chi-square value of 4.84 falls short of statistical significance at the .05 level.

As Table 16.3 shows, there is a consistent tendency for

Table 16.3 Releasees who Obtained a Job by Age

	Age of release			
	17-20	21-25	26-35	36 and over
% who got a job	15.2%	19.8%	20.8%	23.5%
No. who got a job	12	22	16	8
Average weeks to first job for those who got a job	6.4 weeks	5.5 weeks	7.4 weeks	3.0 weeks

employment success to be associated with greater age of the releasees. The trend, though consistent, is not statistically significant.

How Skilled Were the Jobs Obtained?: To examine the socio-economic status of the jobs which were obtained by the minority who were successful in the labour market, the most skilled job obtained during the six month period was classified as either 'Unskilled', 'Semi-skilled, skilled, or clerical and sales', or 'Professional or managerial'. The majority (54.9 per cent) found only unskilled jobs, 41.2 per cent obtained jobs in the middle socio-economic category, while only two respondents (3.9 per cent) obtained professional or managerial jobs.

Not surprisingly, it was those who had a trade qualification before going into prison who were more likely to get a more skilled job. There was also a statistically significant tendency for prisoners who had had some educational or trade training in prison to obtain a more skilled job on release. Among those who had no training in prison, 78.6 per cent of the jobs were unskilled, while only 30.0 per cent of the jobs of those with some educational or trade training in prison were unskilled.

Were the Jobs Related to Prison Industry Work or Training?: Only 19.0 per cent of the jobs obtained were in work of the same type which the prisoner had experienced in any of his prison industry assignments. The worst result here was with the 17-20 age group. Not one of the 78 releasees in this youngest age group obtained an outside job in which he had had prison industry experience. There was a statistically significant tendency for those who had some education or trade training in prison to be more likely to obtain a job in which they had prison industry experience. This may reflect the fact that prison industry experience is more likely to result in jobs when it is combined with related trade training (that is, when there is some continuity between work and training). To make such an inference, however, would be to go beyond the data.

Only 13.8 per cent of the jobs obtained were in work which used the skills acquired in prison vocational training. This is a surprisingly good result given the minimal amount of vocational training which goes on in Australian prisons. Again the worst result was with the 17-20 age group where none of the respondents obtained a job using prison vocational training.

To the question 'Is the work that you intend to seek in any way related to work or training you have had while serving your

sentence?', only 11.3 per cent of respondents answered 'Yes Definitely', while 71.0 per cent answered 'No'. Those who said that they intended to get a job related to their prison work or training were in fact statistically significantly more likely to both get a job related to prison work they had done, and to get a job related to any prison vocational training they had undertaken. We can see therefore that doing prison work or training, and then being interested enough in that work or training to want to seek a job related to it on release, does help a prisoner's job prospects. The problem is that the nature of prison work and training at the time of this survey is such that only a tiny minority of prisoners are interested enough to want to apply what, if anything, they have learnt.

Survey Summary

On a reasonably systematic sample of 303 prisoners who wished to register with the Commonwealth Employment Service, only 19.1 per cent found a job which became known to the CES in the first four to six months after release. The majority of the jobs found were in unskilled work. Prisoners who had undertaken some form of trade or vocational training, either before entering prison or while they were in prison, were more likely to be among those who found work. Those who had undertaken prison training were similarly more likely to have obtained a more highly skilled job.

Having worked in prison, however, was unrelated to labour market success and so was the general level of educational attainment of the prisoner. The data could be interpreted as consistent with the view that while training in specific vocational skills improves job prospects, neither work nor education which is not directed at specific vocational skills has that effect.

Given the criticisms which have been made in this book of the irrelevance of most of the work and training that goes on in Australian prisons to the realities of the labour market, it is perhaps surprising that 19.0 per cent of the jobs found were related to prison work and 13.8 per cent were related to prison vocational training. Such figures are a basis for hope that genuinely relevant work and training might have a considerable impact on job prospects.

Finally, it must be pointed out that the high general levels

of unemployment prevailing in the community at the time of the study were undoubtedly a factor in explaining the extraordinary levels of unemployment among the prisoners.

The Importance of Assistance with Job Placement

Perhaps the most strongly worded sentence in the Report of the Royal Commission into N.S.W. Prisons was: 'The greatest cause of recidivism is the release of prisoners without support, accommodation or enough money into the same environment which prompted them to turn to crime in the first place.'⁵ Tony Roux's survey of 882 Australian recidivists who had spent more than one term of at least six months in jail found that most of them came out of jail with less than \$10 in their pockets.⁶ Sixty per cent of the recidivists said 'Yes' to the question: 'Has lack of money on release (that is for food, lodging, bare necessities) ever *directly resulted* in your committing an offence?'. There is one easy way of solving the related problems of accommodation, support and money. That is by the prisoner finding a satisfactory job.

In the previous section it was shown that most prisoners are not finding jobs. And for many, being without a job sometimes means a choice between stealing and going hungry. Contrary to the popular beliefs of most Australians, stealing in order that a person might eat is not something that disappeared in the 19th century. Recent changes in government policy on the payment of unemployment benefits have made this increasingly a phenomenon of the late 20th century.

Government concern about people receiving unemployment benefits to which they were not entitled led to the setting up of an enquiry under the former Vice-Chancellor of La Trobe University, Dr David Myers, in March 1977. A major source of concern was that existing arrangements for the payment of unemployment benefits two weeks in advance resulted in overpayment of benefit to people who found a job in under the two weeks. Myers therefore recommended to the government that payment in advance be replaced by retrospective payment at the end of the first two weeks of eligibility. He realised, however, that this could cause hardship for the impoverished. Therefore, while recommending payment in arrears, he also insisted on the importance of the compensatory measure of abolishing the seven day waiting period

before the applicant becomes eligible for benefits, and stressed that to introduce one measure without the other would cause hardship. The government decided to introduce payment in arrears, but also to retain the seven day waiting period in its 1977-78 budget:

[The Department of Social Security] estimated payment two weeks in arrears would save the Treasury \$60 million a year. The Department of Social Security at the time estimated that it took a minimum period of eighteen days between the date a person registered and the issue of a cheque. At best, then, it was three weeks between date of employment and receipt of cheque. This payment was for only seven days' benefit. The unemployed then waited at least another fortnight for the next cheque. This meant the unemployed family had to survive five weeks on one week's dole payment. As most welfare agencies knew from experience, administrative delays extended this minimum period and this five weeks was more often eight weeks in reality.⁷

Some sections of the community are more subject to these administrative delays than others. Prisoners have suggested to me that they are particularly likely victims of bureaucratic mishaps because their file will often have to pass from one part of the State (where the prison is located) to another (where they go to live or seek work). An Aborigine released from jail in Alice Springs or Darwin who sets out to return to live in one of the more remote parts of the Northern Territory is lucky to receive his first unemployment benefit cheque in under two months, if he receives one at all.

At least in one respect prisoners have an advantage over other unemployed people in that they receive on release a special welfare benefit equal in value to one week's unemployment benefit. In the Northern Territory prisoners are paid this money at the jail before they are released. This ensures both that the prisoner receives the money and saves him one of the many hassles which distract him from the more important tasks of finding accommodation and employment.

Janet Vaux has outlined some of the problems which prisoners can encounter in getting hold of special benefit and dole money:

The main difficulty is proving their identity. Convicted prisoners who hang onto their I.D. release cards are O.K. as this is accepted by Social Security and at least by some banks.

But prisoners on remand, who then get acquitted, have more problems. They don't always get an I.D. card, and the court letter is not accepted

as identification. Most people don't have a copy of their birth certificate or a passport. The only possible way they can prove who they are is to get a letter from Prisoners Aid — which is accepted as identification. Identification problems don't end when you're registered with the dole. As payment is only made by cheque, cashing the cheque means proving your identity to a bank.

Graham, who came out of jail about six weeks ago, described how he found a bank who would accept his I.D. card as identification. But after cashing his first cheque there, he threw away his I.D. card. 'I went to the same bank and tried to get my next cheque cashed. I had a driver's licence. But they wouldn't cash it for me.

I tore the cheque up and threw it at the teller. I went home and came back to the bank after a couple of hours. The teller brought the cheque out — it was stuck together, and I got \$50 out and put \$50 in the bank. The thing is I had to tear the cheque up and throw it at him before anything happened'.⁸

1. Other States should consider emulating the Northern Territory by reaching an arrangement with the Department of Social Security to make possible payment of the special one week welfare benefit in jail at the time of release.
2. The federal government's policy of replacing the payment of unemployment benefits in advance with payment in arrears causes hardship and is an important contributing factor to crime. The policy should be reversed.

We have seen that almost all prison releasees become victims of the inevitable delays in receiving welfare benefits. Even the minority who found jobs took an average of 5.8 weeks to do so. There is considerable evidence to show that the offender is at maximum risk of recidivism during the first few months after release.⁹ If the ex-prisoner can keep out of trouble during this difficult early phase of freedom, he then has a good chance of long term success. Long term success is made all the more difficult by short sighted government policies which put the releasee under extra pressure precisely when that pressure is likely to be most damaging.

More humane administration of welfare bandaids is less important than curing the underlying problem of unemployment. The real solution lies with helping ex-prisoners to find jobs. A survey conducted by Foley-Jones and Broadhurst among Western Australian prisoners¹⁰ found that the kind of program for which prisoners themselves expressed the greatest desire was job inform-

ation programs. Not surprisingly it was Aborigines and prisoners with low levels of literacy who expressed the strongest preference for job information. In a similar vein, Tony Roux's¹¹ recidivists gave, in order of importance, the following responses to the question: 'What would you consider as your main difficulties ahead?'.

	<i>% of recidivists mentioning problem</i>
Money	61
Employment	46
Accommodation	37
Family relationships	26
Settling down	15

Governments should listen to Roux's New South Wales, Victorian and South Australian prisoners and Foley-Jones' and Broadhurst's Western Australian prisoners and start providing worthwhile practical assistance to get jobs.

Employer Discrimination Against Ex-Offenders

The success of the feminist and black civil rights movements in forcing the United States government to introduce affirmative action programs has made discrimination in employment a major public issue. Australia has been affected by this rising concern to the extent of the introduction of anti-discrimination legislation in South Australia, Victoria and New South Wales. This legislation has been directed almost exclusively against discrimination on the basis of sex and race. The vast, hidden discrimination against ex-offenders has been ignored. We have no idea how many Australians have criminal records, but a recent United States study by Neil Miller has estimated that there are at least 36 million, and probably 40 million, Americans with criminal records (that is, between a quarter and a third of the workforce).¹² To demonstrate how active employers are in seeking information to enable them to discriminate on the basis of criminal record, Miller has pointed out that New York State ran 150,000 employment-related fingerprint checks in 1977 upon requests from licensing agencies, banks, and other employers.

Another study of 475 potential employers in New York City showed that 312 of them would never hire a released offender, and 311 of the 312 would fire such a person if they inadvertently

hired him and later found out about the criminal record.¹³ A study of New York employment agencies found that 75 per cent of them ask applicants about arrest records and 'as a matter of regular procedure, do not refer any applicant with a record, regardless of whether the arrest was followed by a conviction'.¹⁴ In addition to this type of research, there have been studies such as that of Palys¹⁵ which show that letters written to employers in response to newspaper advertisements are less likely to elicit favourable replies if they mention the fact that the applicant has a criminal record.

Australian data also paints a sorry picture of the extent of the problem. The New South Wales Privacy Committee found that approximately 53,000 name checks against criminal records were made under New South Wales laws in 1976. In around 10 per cent of cases, a criminal record existed.¹⁶ The Privacy Committee also showed that during a three month period in 1976, the New South Wales Public Service Board refused employment to 37 people on the strength of their criminal record. These rejections, however, constituted only one seventh of those who were found to have criminal records.¹⁷

The landmark Australian study on this question is that of Tony Roux.¹⁸ Only 23 per cent of Roux's 882 recidivists always adopted the policy of never telling employers of their criminal records. Of those who did tell prospective employers, 66 per cent had had the experience of being told that 'it was company policy not to employ ex-prisoners'. Forty per cent of the same group of prisoners had at some stage been given a chance by an employer ostensibly 'because of your honest open approach'.

Fifty-eight per cent of the recidivists had on at least one occasion lost a job because of a firm becoming aware of their past record. For 57 of the recidivists this had happened on more than five occasions.

The most staggering finding of Roux's research was that the most common source for an employer being told about their past criminal record was the police. Thirty-one per cent of the recidivists had lost a job as a result of the police informing an employer of their past criminal record, and a further 12 per cent were suspicious that they might have lost a job because of police informing. Ten per cent of the sample claimed to have definitely lost a job because of police information on two or more occasions.

Some policemen that I have spoken to about Roux's finding, while pointing out that it might overstate the situation, since criminals often want to blame the police for their problems, have not expressed great surprise at them. Policemen often take the view that it is their responsibility to prevent crime by warning people against the risks posed by recidivist offenders. But let us follow through the logic of this view. If one employer is frightened off, then the recidivist might find a job with another employer who is equally at risk of victimisation, but whom the policeman does not inform of this risk. Nothing has then been achieved by the policeman warning the first employer. If, however, the policeman succeeds in warning the second, and the third employer, *ad infinitum*, then what is achieved is that the recidivist is rendered unemployable. Is this the policeman's ultimate goal?

It is true that there is a good case for preventing certain types of offenders from holding certain types of jobs. Child molesters should not be employed as schoolteachers, corporate criminals should not work as company directors, and so on. However, it is surely not the role of the police to breach the confidentiality of their files and take a decision into their own hands as to whether a particular person should be allowed to work in a particular occupation.

It should surely be the responsibility of the court, as part of its sentence, to disbar a person from future employment in specified areas related to his offence. Beyond those judicially specified limitations, ex-offenders should not be subjected to arbitrary double penalties administered according to the whims of often vindictive police officers.

The most widely favoured approach to the problem of indiscriminate disclosure of information in police records to employers was typified by an editorial in the *Age* written in reaction to the revelation during 1978 that Victorian police routinely disclosed the contents of criminal records to both private and public employers without reference to any detailed guidelines:

There should be clear guidelines, publicly stated, laying down by whom and to whom information may be given, for what reasons, in what detail and by what procedure. The police should be satisfied that requests for information are made for valid and sufficient reasons. Job applicants should be warned where such information is likely to be sought and their

written consent should be required before it is made available. (Some companies do follow this practice already.) It would seem desirable that information be confined to actual convictions within the past 10 years. There may be rare circumstances where for reasons of national security or public safety further information should be provided outside such general guidelines. In such cases, some kind of judicial authority should be required. A proper balance between public interest and personal privacy demands a clearer and more strictly applied set of rules than those which allow the present unsatisfactory practice.¹⁹

More or less the same principles have been put down more systematically by the New South Wales Privacy Committee:²⁰

- (i) No questions should be asked or information given relating to convictions or imprisonment beyond ten years.
- (ii) No criminal record checking should be carried out without the person's knowledge.
- (iii) No adverse decisions should be taken without the person having an opportunity for prior discussion.
- (iv) All adverse decisions should be subject to review.

What I have tried to suggest above, however, is that these principles do not go far enough. Hopefully, the Australian Law Reform Commission in its current reference on privacy will consider the broader question of the *de facto* inequity in sentencing which arises from selected offenders being subjected to double penalties through limitations being placed on where they can work. Irrespective of whether or not the Australian Law Reform Commission takes up this challenge, it is to be hoped that some of the States will begin to thoroughly think through these complex issues as they affect their jurisdiction:

- 3. The States should initiate an inquiry to determine the circumstances where employment discrimination against people with criminal records is reasonable; to determine who should be responsible for making judgments to disbar offenders from certain types of employment, and according to what rules; and to determine how anti-discrimination legislation can be made to apply to forms of discrimination against people with a criminal record which falls outside these limits.

As part of this research each State office of the Handicapped Persons and Special Employment Groups Section of the Depart-

ment of Employment and Youth Affairs was asked to find out what was the policy of their State government on the employment of ex-offenders. No State Government has a written policy or set of guidelines which sets out the circumstances under which people with a criminal record should not be employed. Some statutory authorities, such as the Melbourne Metropolitan Board of Works and the Metropolitan Fire Brigade in that city have a definite policy against the employment of certain categories of offenders. The discrimination of State governments against ex-prisoners is real and widespread, but is *de facto* rather than the result of the application of any set of rules.

Governments must give a lead to private employers by taking on more ex-prisoners. It is therefore proposed that:

- 4. As a measure to reduce crime and to overcome discrimination in employment, each State Public Service Board should undertake to place in State government employment one third of all prison releasees, and use this undertaking as the basis for a publicity campaign to entice private employers to increase their intake of ex-prisoners.

Foreign multinational corporations in particular often find it good public relations to respond vigorously to a campaign to help disadvantaged groups to help themselves. These motives might be exploited in the cause of getting jobs for prisoners. Cynical though this may seem, it is surely preferable to entice such companies to spend their public relations resources on some token employment for the disadvantaged than on, say, television advertising.

A public relations campaign is necessary to show employers that it is by and large a myth that the employment of an ex-prisoner increases their own risk of criminal victimisation. As Bernie Matthews of the Parramatta Resurgents Group has pointed out:

A crim is not going to be stupid enough to cack in his own nest by stealing from his boss. If you're a safecracker, you'd be a mug to crack the safe at work. You go somewhere else. Who would be the first person they would point the finger at? It's harder for a crim to get a job than other people, so when he gets one he is not going to throw it away by doing something stupid.

In the United States it is common for an employee to put down an amount of money as a bond which he loses if he steals

from his employer — rather like the bond that tenants pay to landlords in Australia. A demonstration project funded by the U.S. Department of Labor found that fewer than 2 per cent of bonded ex-offenders defaulted whereas the default rates for non-offenders averaged between 10 and 15 per cent.²¹ It would appear that ex-prisoners are indeed not so stupid as to 'cack in their own nests'.

Employers can be convinced that prisoners are better employment risks than their immediate prejudices would have them believe. There is really no need to resort to Waller's²² suggestion of paying a subsidy to employers who hire ex-prisoners.

The Role of the Parole Officer

For those prisoners who are released on parole, the parole officer can play a useful role in providing assistance with job hunting. The empirical evidence would seem to be fairly pessimistic on the question of whether probation or parole officers can ever fulfill a psychologically rehabilitative function during their brief encounters with the offender.²³ Nevertheless, the parole officer certainly can be useful to the prisoner in many little practical ways. A practical view on the functions of parole was admirably expressed in the final paragraph of Phillip Bean's *Rehabilitation and Deviance*:

What does seem clear is that prisoners are not enamoured with the after-care system preferring to define it as a supplier of material needs rather than a way of providing insights. The soul-doctors are not to their liking. If any message is clear it is that prisoners ought to be listened to more often, and listening to them does not mean interpreting what they say. Prisoners say, 'with a job and digs I'll be O.K.', they do not say 'with a job, with digs and some insights I'll be O.K.'. The prisoners' aims are less grandiose, but on humanitarian grounds rather than treatment grounds they ought to be given some credibility. After-care could begin, and end at that point, unless or until prisoners ask for that 'something else' which they do not appear to have done so as yet.²⁴

Sadly, many parole officers view helping offenders with 'a job and digs' as less important than the imposition of 'insights'. It is certainly not inevitable that parole officers play a constructive role in the area of employment. The very fact of having to appear at a parole office in a certain locality at certain times may put geographical limitations on the capacity of a parolee to move around the State looking for jobs in the places where jobs are available.

Parole officers, in trying to 'motivate' the offender can put totally unrealistic ideas in his head about the chances of getting a good job. When the parolee discovers that he has no chance of achieving the job success which the parole officer has told him to aspire to, he becomes all the more bitter and disillusioned. This problem might be avoided if parole officers were given in-service training on the changing realities of the labour market.

While people who have no training in employment counselling can often give inexpert advice, this criticism should not be taken too far. In general, the more people who are helping the prisoner with introductions to employers and tips on job vacancies, the better. If the parole officer can also help in locating cheap accommodation, this leaves the parolee more time and money to spend on job search. Finally, if the ex-prisoner fails to find a job, if his unemployment cheque fails to arrive when it is needed, then he should be able to go to his parole officer to ask for money.

The Role of the Department of Employment and Youth Affairs

Commonwealth Employment Service officers are likely to assume the worst when they are confronted with a client who has just completed a long stretch in jail. They know they are looking at a person who probably has no skills, who has an interrupted work history, who will be the subject of employer discrimination because of his record, and who, because of his protracted period of incarceration, is often mentally out of shape to tackle a job. With respect to his mental preparedness for work, the problem is not only one of the debilitating effects of imprisonment *per se*. It is the problem of getting back into full stride that all of us feel after a long vacation or illness.²⁵

Why should one be surprised then, when the interviewing officer, hopelessly harassed by a situation where he has many times more clients than jobs, finds a justification for not having to deal with one problem client by writing on his file:

'He is not to be referred. Potentially violent and dangerous.'

or:

'Pot. Undesirable character. Well known locally.'

CES officers do write these comments, and worse, on the files of ex-prisoner clients. The average CES officer who has more clients than he can handle will almost inevitably tend to push the

person with a criminal record towards the bottom of his list. In the same way, if an employer asks for referrals from the CES of people with certain skills, the officer who searches the files for people with those skills may be loathe to pull out the file of an ex-prisoner because the officer does not want to have his time taken up by becoming embroiled with a difficult case which, until then, had been the problem of another officer.

The only solution is to have officers who specialise in disadvantaged groups. This is the function of the Handicapped Persons and Special Employment Groups Section of the Department of Employment and Youth Affairs. Unfortunately, however, this Section is drastically understaffed in all States, so that it can provide direct counselling and placement assistance to only a minority of releasees in the capital cities, and virtually no assistance to prisoners outside the capitals. Most Australian prisoners are therefore entirely the responsibility of a local CES office.

This is an unsatisfactory situation, and is a considerable part of the explanation for the abysmal failure of the Department of Employment and Youth Affairs, demonstrated empirically in this chapter, to place prisoners in jobs. One solution to the problem would be to have Handicapped and Special Groups officers based in each local CES office. In many offices there would not be sufficient cases in the Handicapped and Special Groups categories to occupy the time of one officer. In these circumstances the officer would have to take on additional duties to fill his time and there would be the risk that he would become absorbed into the general duties of the office. Another problem with shunting off Handicapped and Special Groups cases into their own little office, as happens with the Aboriginal Employment Section, is that of stigma. Such situations also create problems of accountability. To whom is the Handicapped and Special Groups officer ultimately answerable — his local CES office manager or the state Handicapped Persons and Special Groups office?

I am not competent to express a view on the most appropriate way of resolving this dilemma for other groups such as the blind, paraplegics, epileptics, and the like; but with respect to prisoners the most desirable solution seems obvious. Handicapped and Special Groups placement officers should not be based in local CES offices; they should not be based in the state head office of the department; they should be based in the prisons.

Apart from the need to ensure that special efforts are made on behalf of every prisoner to move him up from the bottom of the CES pile, the main rationale for this is concerned with the problem of discontinuity. The Department of Employment and Youth Affairs should be in there, represented and active, at every stage of decision making related to vocational development which takes place in the prison. The Handicapped and Special Groups officer should participate in classification, Program Review Committees, the design of trade training programs, prison industry investment decisions, pre-release courses, and job placement. Indeed, it should be the officer from the Department of Employment and Youth Affairs who plays a major role in overcoming the discontinuities in the linkages among classification-training-work-job placement so that an unemployed offender who comes into jail can flow through a total change process until at the end of his sentence he walks into a satisfactory job. The Employment and Youth Affairs officer's training and experience in the realities of the outside labour market better equip him for that role than anyone else.

Many of the smaller prisons in Australia would not require one full time officer from the Department of Employment and Youth Affairs. These smaller jails can be covered by an arrangement where the employment officer is based at one jail and visits one, or possibly two, others. In the era of public service staff cuts it might seem unrealistic to propose that every major prison should have attached to it a person from the Department of Employment and Youth Affairs. The proposal would involve that Department in employing perhaps 50 extra people for the purpose.

We must put the justifiability of such expenditure in the context of the wider public interest, rather than view it narrowly in comparison with the demands for increased staffing from other sections of the Department of Employment and Youth Affairs. In its efforts to control crime the public sector in this country currently bears the cost of employing approximately 26,000 police officers, 4,000 prison officers, and many judges, prosecutors and ancillary court and justice department personnel, not to mention a handful of grossly overpaid criminologists. In the context of all of this expenditure, employing 50 extra officers to make sure that prisoners get jobs seems a tiny investment for a considerable return. Criminologists cannot empirically justify most

of the nation's expenditure on police, courts and corrections as effective in reducing crime. The 'nothing works' syndrome is the conventional criminological wisdom. In contrast, a case has been made in this book that there is evidence to support the claim that relatively small investments to place prisoners in legitimate work can have an effect on crime.

It is a national disgrace that the majority of Australian prisoners do not have an employment interview prior to release.²⁶ More than 20 years ago in Britain a policy was introduced whereby every prisoner would have the right to a pre-release interview with a Placing Officer of the Ministry of Labour (now the Department of Employment).

A pre-release interview alone is not enough. Vocational counselling should be available to prisoners at all stages of their sentence. In an interview a week before a prisoner is due to be released, it is a little late to begin to arrange a placement under NEAT for an on-the-job training program which he wishes to commence as soon as he gets out.

Even in times of high unemployment, a CES officer can find a job for a person who on the face of it would appear to be the most unemployable of individuals, provided the officer is able to expend an inordinate amount of time in doing so. It follows then, that if placement officers were enabled to devote a considerable time to each prisoner, nearly all of them could be placed. The criminal record is not an insurmountable barrier to employment. There is a direct relationship between government investment in job placement assistance for prisoners and the number of prisoners who get jobs. Of course, filling vacancies with prisoners means that those vacancies might not be available to non-prisoners. I have argued, however, that such a partial shifting around of unemployment is justified on the grounds of both the principle of greater eligibility and crime prevention. Moreover, involvement of the Department of Employment and Youth Affairs in prison work and training from the outset should result in the turning out of many prisoners who will fill labour market vacancies rather than take jobs away from others:

5. An officer of the Handicapped Persons and Special Employment Groups Section of the Department of Employment and Youth Affairs should be based in every major prison in Australia. Every prisoner should have the opportunity of an employment interview and job placement assistance prior to release.

In arguing that much greater job placement assistance should be available to prisoners, one should not fall into the trap of providing a service which finds jobs for prisoners but never allows them to find their own. Prisoners are most likely to hold a job which fulfills their interests, is of their own choosing, and which they themselves go out and find. A service which pushes prisoners into the first job that comes along without reference to the individual preferences and needs of the prisoner is totally inadequate. The major responsibility for making it possible for prisoners to go out and find their own job prior to release rests with the prisons departments.

6. Every prisons department should facilitate prisoners going outside the prison without escort to look for jobs during their last month of sentence.

1. Casual work lasting five working days or fewer was not counted as a 'job'. However, if a person was offered a permanent position and left this position within the first week, this was counted as a 'job'.

2. A person released on 1 September was followed up for a period of six months, whereas a person released on 31 October was followed up for only four months.

3. A broad definition of having 'a trade qualification or training in an employment related skill' was adopted. The question which the coder had to answer was 'Does he/she have a marketable vocational skill represented by some sort of ticket or formal qualification, or extensive on-the-job training which is at least as marketable as a ticket'.

4. V.C. Perrella, 'Employment of High School Graduates and Dropouts in 1963', *Monthly Labor Review*, 1964, p. 526. Quoted in M. Rein, *Social Policy: Issues of Choice and Change* (Random House, New York, 1971), p. 237.

5. *Report of the Royal Commission into N.S.W. Prisons* (N.S.W. Government Printer, Sydney, 1978), p. 334.

6. T. Roux, *Alienation and Recidivism* (M.A. Dissertation, University of South Africa, Pretoria, 1979).

7. K. Windschuttle, *Unemployment: A Social and Political Analysis of the Economic Crisis in Australia* (Penguin, Melbourne, 1979), p. 196.

8. J. Vaux, 'Tough Time for Ex-Criminals on Dole', *Jail News*, 22 July, 1978, p. 6.

9. I. Waller, *Men Released from Prison* (University of Toronto Press, Toronto, 1974), J.E. Baker, 'Preparing Prisoners for Their Return to the Community', *Federal Probation*, 30, 1966, p. 43.

10. C.R. Foley-Jones and R.G. Broadhurst, *Prisoner Work and Educational Preferences* (Western Australian Department of Corrections, Research and Information Series No. 17, 1977), p. 14 and p. 32.

11. *Op. cit.*
12. N. Miller, *A Study of the Number of Persons with Records of Arrest or Conviction in the Labor Force* (U.S. Department of Labor, Technical Analysis Paper No. 63, 1979). Reported in *Criminal Justice Newsletter*, 9 April, 1979, p. 6.
13. 'Discrimination on the Basis of Arrest Records', *Cornell Law Review*, 56, 1971, pp. 470-488.
14. President's Crime Commission Report, cited in C.R. Rasche, *Problems, Expectations, and the Post-Release Adjustment of the Female Felon* (University Microfilms, Ann Arbor, Michigan, Ph.D. Dissertation, Washington University, 1972), p. 218.
15. T.S. Palys, 'An Assessment of Legal and Cultural Stigma Regarding Unskilled Workers', *Canadian Journal of Criminology and Corrections*, 18, 1976, pp. 247-257.
16. Reported in K.P. O'Connor, *Privacy Research Paper No. 8: Federal Police Records* (Australian Law Reform Commission, Sydney, 1979), p. 61.
17. New South Wales Privacy Committee, *The Use of Criminal Records in the Public Sector* (N.S.W. Privacy Committee, Sydney, BP41, 1977), pp. 15-17.
18. *Op. cit.*
19. *The Age*, 29 June 1978.
20. *Op. cit.*, p. 73.
21. R.R. Smith and W.O. Jenkins, *Bonding Assistance Demonstration Project in the Prisoner Training Programs: Final Report* (Rehabilitation Research Foundation, Elmore, Alabama, 1972).
22. *Op. cit.*, p. 208.
23. See D. Lipton, R. Martinson and J. Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies* (Praeger Publishers, New York, 1975). P. Bean, *Rehabilitation and Deviance* (Routledge & Kegan Paul, London and Boston, 1976).
24. *Ibid.*
25. This point has been made by G.C. Pati, 'Business Can Make Ex-Convicts Productive', *Harvard Business Review*, May-June, 1974, pp. 69-78.
26. See Part II for an outline of prisoners' chances of getting a pre-release employment interview in each state.

17

The Underclasses: Aborigines and Women

In the preceding chapters the consequences of the fact that Australian prisons are full of people who are unskilled, unemployed and uneducated have been considered. Before concluding this discussion, special consideration must be given to two types of prisoners who suffer from these problems even more intensely than the remainder of the prison population — Aborigines and women.

While women, constituting only 3.3 per cent of the daily average Australian prisons population during March 1979,¹ are under represented in prison, the reverse is true of Aborigines. At 10 June 1976 there were 254 prisoners of Aboriginal descent in New South Wales jails, constituting 6.9 per cent of the prison population.² Only half of one per cent of the general New South Wales population is Aboriginal.

In South Australia Aborigines represent about three quarters of a per cent of the total population of the State. But during 1968-69 25 per cent of prison admissions in South Australia and 15.3 per cent of the daily average prison population were Aborigines.³ Similarly in Western Australia, while 2.1 per cent of the total population are Aborigines, a third of the prison population are Aborigines.⁴ The remaining jurisdictions do not keep systematic figures on the proportions of their prisoners which are Aboriginal,⁵ though I was told by prison officials in the Northern Territory that the Aboriginal proportion of their prison population varies between 60 and 80 per cent.

Evidence from South Australia and Western Australia indicates that the proportion of prisoners who are Aboriginal has been increasing during the past decade.⁶ For the indigenous people of Australia, imprisonment has become almost a normal part of their lifestyle. In 1971 alone the number of Aborigines committed to

a term of imprisonment in Western Australia equalled 36 per cent of the adult Aboriginal population of that State. However, since many people were imprisoned two or more times during the year, when the number of distinct persons is isolated only 16 per cent of the total Aboriginal population was actually involved.⁷ Even so, this is a remarkable statistic for a single year. A similar situation exists with juveniles. A South Australian survey showed that more than 44 per cent of 10 to 17 year old Aboriginal children appeared in court for offences between 1972 and 1977.⁸ Serious encounters with the criminal justice system are par for the course for Australia's blacks.

In part, this is undoubtedly due to racial bias in the criminal justice system, but it probably also reflects the fact that Aborigines have less to lose by engaging in forms of crime which might land them in jail. If they live on a reserve they might find the tight rules and regulations, lack of freedom of movement, lack of control over how money is spent, and the like, not much worse in prison than on the reserve. The prison superintendent might not seem any more malevolent than the manager of the reserve and the prison guards no worse than the local police who regulate their lives when they are 'free'. In jail they might have better food, a more comfortable bed and superior recreational facilities (for example, television) than they can enjoy outside. Being so poor, blacks have more to gain by property crime than whites, and less to lose by engaging in any form of crime. Because of this reward-cost ratio, crime is a more rational activity for blacks than for whites in Australian society.

The percentage of female prisoners who are Aboriginal is considerably higher than the proportion of male prisoners who are Aboriginal. In New South Wales in 1971 Aborigines constituted 6 per cent of male prisoners and 15 per cent of females; in 1974 the figures were 9 per cent and 13 per cent respectively.⁹ While a third of the Western Australian male prison population are Aboriginal, the female prison population has been between 60 and 76 per cent Aboriginal.¹⁰ Biles¹¹ has shown how in every year between 1956 and 1969 the percentage of Aborigines in prison was considerably higher for females than for males. The most dramatic comparison was for the 1965-66 financial year when 57 per cent of the females compared with 17 per cent of the males were Aboriginal.

Improving the Vocational Prospects of Aboriginal Prisoners

We saw in the last chapter that such flimsy evidence as exists would tend to suggest that Aboriginal prisoners fare worse than non-Aboriginal prisoners in finding jobs. Aborigines generally have poor job prospects in Australian society. But the Aborigines who are in jail are, to use the popular phrase, 'the lowest of the low'. The New South Wales Bureau of Crime Statistics and Research has shown that whereas 30 per cent of men in the New South Wales workforce are in professional, administrative, clerical or sales positions, this is true of only two per cent of the state's male Aborigines, and only one per cent of Aboriginal prisoners. Ninety-six per cent of the Aboriginal prisoners were unskilled.¹²

Foley-Jones and Broadhurst in their survey of Western Australian prisoners found that while 28 per cent of the Aboriginal prisoners that they tested had a reading age of less than nine years (almost completely illiterate), only seven per cent of the white prisoners had a reading age of less than nine years. Among the Aborigines only five per cent had a reading age of 13 years and over.¹³ While 20 per cent of the whites in the sample had undertaken more than 10 years of schooling, this was true of only three per cent of the Aborigines.¹⁴ Similarly, while 12 per cent of the whites had a trade qualification, none of the 100 Aborigines had a trade qualification.¹⁵

The Aboriginal prisoners interviewed by Foley-Jones and Broadhurst showed little interest in improving their academic educational qualifications. However, they did want practical assistance in the vocational sphere. More Aboriginal (50 per cent) than white (45 per cent) prisoners expressed a desire for 'job information' programs.¹⁶ There was also more demand among Aboriginal prisoners than among whites for tuition in art.¹⁷

The latter is an interesting finding because of the great potential for earning which Aborigines have in the area of traditional arts and crafts such as bark painting and making boomerangs. Such Aboriginal handicrafts are much in demand to supply the booming tourist market. If Aborigines could be taught in jail how to make the artifacts traditional in their culture, they could be put onto a lucrative and satisfying way of making a living. The Western Australian Department of Corrections several years ago began to consider the idea of a cooperative for Aboriginal prisoners to manufacture and sell traditional handicrafts. In justifying the

superiority of a cooperative approach Foley-Jones and Tandowski argued:

This approach is much more in sympathy with what we know of Aboriginal culture and attitudes towards work. The cooperative situation parallels to some degree traditional tribal attitudes towards property; it is a group activity which would be conducted on an 'own pace, own rewards' basis in a non-paternalistic manner with which the Aboriginals could more easily identify while catering for the importance they place on interpersonal relationships.¹⁸

The theory did not translate to practice. When an attempt was made to set up an Aboriginal handicrafts cooperative at the Bandyup Women's Prison it foundered for want of interest on the part of the Aboriginal inmates. Part of the reason for the failure may lie with the fact that the whole project was guided by the ideal of self-determination — a laudable ideal, but one that is not so readily applied to individuals who, ironically, have been utterly demoralised by never before having been given the opportunity of self-determination.

Similarly, there would seem to be especially good grounds for running pre-release courses in basic urban survival skills for Aboriginals. Foley-Jones and Tandowski have shown empirically that among female prisoners Aboriginals make more errors than whites on basic skills such as being able to use an alarm clock or phone, or read a map or calendar.¹⁹ Having established this, however, Foley-Jones and Tandowski go on to express a degree of cynicism about the value of survival skills courses for Aboriginals:

At the time this study was carried out there were only two metropolitan Aboriginals in Bandyup Training Centre, with the population consisting predominantly of country Aboriginals. The relevance of possessing skills such as answering a newspaper advertisement where no newspapers are available, of being familiar with the intricacies of a public transport system when the nearest bus stop is 1000 km away (buses have been known not to stop for Aboriginals anyway) or being able to read a street directory when living in a one-street town or mission can clearly be regarded as doubtful. The failure mentioned earlier of Aboriginals who had previously undergone survival skills training to complete the tasks successfully in the present study could be presumed to reflect the 'unlearning' of those survival skills due to lack of practice in the 'outback' environment to which they returned.²⁰

Here we have the essential dilemma. Most Aboriginal prisoners in Western Australia do not have urban survival skills, do not need

them, and do not want them. But for those who, as a result of some unpredictable set of circumstances, end up living in an urban situation, their lack of survival skills may become a major factor in their return to jail. Even the suggestion that survival skills courses should be made available to Aboriginals as an option, which only those who will be living in an urban environment would choose, is an incomplete solution. This is because many of those who move out into urban living will not have planned to do so before leaving prison; it will be something they drift into under the influence of kin or peers after release.

Perhaps this is an area where the parole officer can play a useful role. When an Aboriginal parolee has drifted into urban living, the parole officer might take him on a few circuits of practical skills: looking up a bus timetable, catching the bus, looking up a number in the telephone book and making a call, cashing a cheque at the bank, making some purchases at a supermarket, and returning to the starting point on a train.

In Australia there are two Aboriginal workforces — an urban workforce and a traditional (settlement) workforce. Aboriginals living on settlements are not 'employed' in the sense of holding a job for which they are paid weekly wages. They work to make a contribution to the community, perhaps by hunting, perhaps by fixing up one of the broken down settlement cars, perhaps by growing some vegetables, or repairing a building. These work activities on Aboriginal settlements can be the basis for ideas on how prison industry training can be extremely useful to Aboriginals. An Aborigine who can return to his settlement with some automotive repair skills, carpentry skills, the ability to do some welding, or to grow some vegetables to improve the diet of his children will make a great improvement to the quality of life of his people. Prison industry training could even result in employment for wages on the settlement, perhaps as a tradesperson's assistant. Backhoe and plant operators are always difficult to get for work on settlements. An Aborigine who developed these skills could either find work for wages back on the settlement, or in a city like Alice Springs where backhoe and plant operators are much in demand. The 12 week course on fishing and navigation for Aboriginal communities run by the Northern Territory Department of Fisheries and Wildlife is a model for how vocational training can be made relevant to the special employment circumstances of a

more traditional Aboriginal lifestyle.

As part of its National Strategy on Aboriginal Employment, the Federal government announced that Aboriginal communities who wished to could forego individual unemployment benefits in favour of a block grant to the community at least equal to the aggregate of unemployment benefits which individual community members would have received. The community then uses these monies as capital to ensure that community members are gainfully employed in farming, fishing, building, cattle projects, manufacture of handicrafts, and the like. Such a scheme seems soundly based on an appreciation of the realities of work on Aboriginal settlements. However, there is the problem of the community member who leaves to go and live say, in Alice Springs, and finds that for some time in that new situation he has no entitlement to individual unemployment benefits.

I do not have a long string of policy proposals dealing with the special problems of Aboriginal prisoners. The problems seem so intractable that there are no readily apparent solutions. It is certainly not enough to suggest that if all of the solutions discussed in the earlier chapters were applied equally to blacks and whites, then Aborigines would benefit from them as much as whites. The many constraints on the effectiveness of prison vocational programs discussed throughout this book are qualitatively worse for Aborigines. For how many white Australians is the teaching of literacy made almost impossible because eyesight and hearing have been severely impaired by years of poor nutrition and health care?

Programs such as the course in Aboriginal history and culture run by the Australian Institute of Aboriginal Studies at Goulburn Gaol have great intrinsic value. However, they make no contribution towards resolving the fundamental economic problems which land so many Aborigines in jail. The only Australian program which has begun to make such a contribution is the NEAT program discussed in Chapter eight which was jointly initiated by the Western Australian Department of Corrections and the Aboriginal Employment Section of the Department of Employment and Youth Affairs. Under this project NEAT funding was used to train and employ Aboriginal prison releasees in six local government shires. As pointed out in Chapter eight, it is too early to fully evaluate this program. Nevertheless, experience with

similar programs for non-prisoner Aborigines in Alice Springs suggests that local councils do keep on some of the Aborigines they have trained as part of their permanent workforce. It is therefore proposed that:

1. Every prisons department with a substantial Aboriginal prison population consider approaching the Aboriginal Employment Section of the Department of Employment and Youth Affairs in their State with a view to commencing a joint program such as that operating in Western Australia to use NEAT funding to place Aboriginal releasees into jobs.

Improving the Vocational Prospects of Female Prisoners

In Part II of this book it was seen that in every State the group of prisoners who are worst catered for by training and industry programs are women. There are two reasons for this. The first, and most important, concerns the sexist ideology of most prison administrators. While jobs and training are important to men, for women the path to rehabilitation is more likely to be seen as being through motherhood and settling down to a wholesome family life. Hence, to the extent that female prisoners are provided with any work, it is in the domains of cooking, washing, ironing, sewing. 'Training' courses also, if they exist at all, are likely to be confined within the female role — hair care, grooming, make up and etiquette courses are popular examples. The only welding courses to which females are likely to be exposed are in the welding of false eyelashes onto eyelids.

Female prisoners feel job insecurities and vocational aspirations which are every bit as real as those of male offenders. Rasche, in her study of female prisoners, found that 'a job or finding a job' was the most common response to two questions.²¹ The two questions were: 'What do you think are the biggest problems which come up against a woman who has just been released?' and 'What do you think a woman who is released needs to have to make it and not come back to prison?'. The second most important answer to the first question was 'Dealing with gossip, nousey neighbours, stigma' and for the second question, 'Someone who cares, believes in her, is supportive'.

Unfortunately we have no empirical evidence on the difficulties which Australian female prison releasees face in obtaining jobs. In the survey of prison releasees reported in Chapter 16 there were only five females. While this number is not very much lower

than one would expect given that only three per cent of the prison population are female, the numbers are too small in absolute terms for cross-tabulation purposes.

The second reason for women being starved of work and training opportunities is that women's prisons are typically so small as to make it difficult to have sufficient inmates with a common vocational interest to be able to mount a training program. Women's prisons are often so small that there would not be sufficient economies of scale to mount even one or two economically viable industries. At best under the present circumstances, women can only hope for a choice among a few limited work options.

But these circumstances are not inevitable. There is no reason why female prisoners should be limited to the confines of their own prison in work and training activities. If a woman wants to do a welding course she should be able to join a welding training group inside a male prison, and she should then be able to apply these skills through industry work in a metalwork shop in a male prison. This proposal is not without precedent. As many as 45 women travel from the Mulawa Women's Prison to Parramatta Gaol each day to work beside men at the Parramatta Linen Service. There have not been great problems resulting from male and female inmates working side by side under supervision. Indeed, one advantage of a mixed sex working arrangement is that it is a low risk, highly supervised form of male-female contact which could help to ease the transition from the artificial single sex society of the prison to the world of both sexes outside.

Where women's prisons are not located near male prisons, there will be considerable transport and administrative costs in having prisoners go to male institutions each working day. It may be that it would be cheaper to send the women on study or work release in the outside community than to a male prison. In addition to being cheaper, study and work release permit a wider range of vocational options. However, they are not a viable solution to the problem of escape prone prisoners. All of these things considered, the Western Australian policy of preferential entry into work release for women seems both equitable and efficient. It is therefore proposed that:

2. All States should set themselves the target of by 1990 having proportions of female prisoners engaging in vocational training courses and

working in industry jobs equal to those for males.

In order to make this policy achievable:

3. Industry and training activities in male prisons should be opened up to female prisoners who would travel to the male prison each working day.

and:

4. Other States should adopt the Western Australian policy of preferential entry into work and study release for female prisoners.

Inequality, Crime, and Public Policy

This book has been about reforms to public policies which affect prisoners as a means to tackling the crime problem. Such an emphasis hopefully will not dull the reader's perception of the fundamental insight that the most effective solutions to crime lie not in the realm of reforms to the criminal justice system but in transforming the society which produces the grist for the criminal justice mill. Treasury has a greater capacity to implement policies which will reduce crime than do all of the prisons departments combined. Most of the damage to the poverty stricken Aborigine has been done long before he enters prison. There is only a limited amount which prisons can do to heal that damage after the event. More likely, prisons will spread the infection rather than cure the wounded.

Elsewhere I have discussed at length the consequences for crime rates of macroeconomic policies which widen the gap in wealth and power between rich and poor.²² The purpose of *Prisons, Education, and Work* has been more modest. It has been to argue for limited reforms to redeploy the rehabilitative resources of corrections departments, so that the emphasis is placed on transforming the economic circumstances of the individual who is thrown in jail, rather than on rearranging his psyche.

Being limited reforms they are more politically acceptable than reforms which tamper with the social structure. Paradoxically, I am hopeful that many of the reforms I have proposed in this book will appeal to both radicals and conservatives. My hope is that they will appeal to conservatives because they might reduce working class crime and would save on public sector spending; and that they would appeal to radicals because they hold out the

possibility of a more fulfilling and less impoverished life for the prisoner both while he is incarcerated and upon release.

One of the reasons I am hopeful that the proposed reforms might enjoy a degree of political acceptance is that rather than being reforms of the much maligned 'mollycoddling criminals' type, they are reforms which have the socially acceptable gloss of helping prisoners to put themselves back on their feet through the dignity of their own work. The public will even approve of gate money handouts to prisoners if they are seen as giving prisoners a second start in life. This was the surprising finding from a national public opinion poll in which Rossi *et al.*²³ asked 2002 Americans the following question: 'At the present time, most men when released from prison throughout the country receive between \$20 and \$50 to start life over. Would you be in favour of or opposed to providing released prisoners with some form of financial support, for example, like unemployment insurance, until they found a job?'. Only 24 per cent of the sample said that they would be opposed. Even more surprisingly, when those who were not in favour were asked 'If it were shown that such support reduced crime among men coming out of prison, would you be in favour of it or not?', only 22 per cent said they would still not be in favour.

Since the 'fair go' sentiment for the underdog is certainly no less present in Australian than in American culture, there are grounds for optimism about the political acceptability of the reforms which have been proposed. The people and their politicians are not ready to accept Sir Alexander Paterson's famous paradox: 'It is impossible to train men for freedom in a condition of captivity'. However, they will accept that given that society is going to continue imprisonment, there are ways of prisoners using their time and energy which will be more personally and socially useful than the opportunities available to them at present.

1. D. Biles, *Australian Prison Trends No. 34* (Australian Institute of Criminology, Canberra, April 1979).

2. *Report of the Royal Commission into N.S.W. Prisons* (N.S.W. Government Printer, Sydney, 1978), p. 316.

3. Criminal Law and Penal Methods Reform Committee of South Australia, *First Report: Sentencing and Corrections* (South Australian Government Printer, 1973), pp. 202-204.

4. C.R. Foley-Jones and N.M. Tandowski, 'Relevance of Correctional Programmes for Female Aboriginal Prisoners' (Western Australian Department of Corrections, Research and Information Series No. 16, 1977), p. 1.

5. For other figures confirming the above findings about South Australia and Western Australia see E. Eggleston, *Fear, Favour or Affection: Aborigines and the Criminal Law in Victoria, South Australia and Western Australia* (A.N.U. Press, Canberra, 1976), pp. 15-16.

6. Criminal Law and Penal Methods Reform Committee of South Australia, *op. cit.*, pp. 202-204. G.J. Rollo, *Trends in Correctional Work* (Report of the Forensic Division, Mental Health Services, Perth, W.A., 1967). H.P. Schapper, *Aboriginal Advancement to Integration: Conditions and Plans for Western Australia* (A.N.U. Press, Canberra, 1970, Aborigines in Australian Society, 5). The latter two references are cited in M.A. Martin, *Aborigines and the Criminal Justice System: A Review of the Literature* (Western Australian Department of Corrections, Research and Information Series No. 2, 1973).

7. M.A. Martin, *op. cit.*, p. 22.

8. R. Ball, 'Set Up Support Units in Key Areas: Report', *The Advertiser* (Adelaide), 15 August, 1978.

9. Derived from New South Wales Bureau of Crime Statistics and Research, *Aborigines in Prison: Census 1971* (Dept. of the Attorney General and Justice, Sydney, 1972). Figures for 1974 from New South Wales Department of Corrective Services, *Census of Prisoners 1974: Prisoners' Social Background* (Research and Statistics Division Publication No. 12, Sydney), p. 19.

10. Martin, *op. cit.*, p. 5 puts the female figure at 76 per cent in 1970. Foley-Jones and Tandowski, *op. cit.*, p. 1 found the figure more recently to be around 60 per cent.

11. D. Biles, 'Aborigines and Prisons: A South Australian Study', *Australian and New Zealand Journal of Criminology*, 6, 1973, pp. 246-250.

12. New South Wales Bureau of Crime Statistics and Research, *op. cit.*

13. C.R. Foley-Jones and R.G. Broadhurst, *Prisoner Work and Educational Preferences* (Western Australian Department of Corrections, Research and Information Series No. 17, 1977), p. 10.

14. *Ibid.*, p. 11.

15. *Ibid.*, p. 12.

16. *Ibid.*, p. 14.

17. *Ibid.*, p. 15.

18. *Op. cit.*, p. 10.

19. *Op. cit.*

20. *Op. cit.*, p. 7.

21. C.E. Rasche, *Problems, Expectations, and the Post-Release Adjustment of the Female Felon* (University Microfilms, Ann Arbor, Michigan, Ph.D. Dissertation, Washington University, 1972), p. 65, p. 68.

22. J. Braithwaite, *Inequality, Crime and Public Policy* (Routledge and Kegan Paul, London and Boston, 1979).

23. P.H. Rossi, R.A. Berk, K.J. Lenihan, *Money, Work and Crime*. Only in draft form at this stage.

Postscript: Utopia Achieved?

Having read this book it might be possible for the cynic to suggest that if all of these wonderful reforms to increase the profitability of prison industry and to improve the vocational opportunities for prisoners were successful, it might become more sensible to send more people to jail. During the era of galley slavery and also the period just prior to the industrial revolution (when New South Wales was established as a convict colony) prisoners were a valuable economic resource. This undoubtedly was a factor in explaining the extraordinarily high rates of imprisonment prevailing in these periods.

A return to profitability in prison industry would surely then again create an incentive for the state to increase the use of imprisonment. No so. While it has been argued in this book that it is possible for prison industry to be profitable in the sense that the value of sales can exceed all real costs of prison industry (including plant and trade instructors' salaries), the proposition that the value of sales could exceed all the costs of imprisonment cannot be sustained. The latter might have been possible in an era when custodial costs consisted of one lowly paid officer wielding a whip to control perhaps fifty galley slaves in leg irons. Twentieth century prison industry could never reach the point where it could extract sufficient annual surplus value from each prisoner to cover the annual five figure sum which it costs to accommodate each inmate in a modern prison.

Similarly, it is doubtful whether prison vocational training could ever become so effective in turning prisoners away from crime as to counterbalance those more potent features of prison life which tend to push prisoners further into crime. Keeping as many people as possible out of prison would remain both sound economics and good for crime prevention.

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