

Culture within Women's Prisons

September 2004

In order to understand the context of discrimination in prison it is necessary to have an appreciation of the very different culture(s) that operate within the prison. Prison is a heavily structured and hierarchical environment. This means that many of the norms of social life, which are merely recommendations on the outside, become rigid rules on the inside. This applies not only to the rules of the prison authorities but also to the rules which govern the internal culture of the prisoners.

The power of the prison system over the lives of the incarcerated and the working conditions of the prison officers appear, to those experiencing them, to be totally arbitrary. Within this atmosphere of arbitrary power, incidences of discrimination can pass almost completely unnoticed by those exercising the power. The power of the system almost totally controls the lives of the women in the system. The actions of prison officers are rarely, if ever, appropriately examined. In the exigencies of the running of an institution it seems almost impossible to examine the decisions of each prison officer to see if they are discriminatory. Inadequate examination leads to individual and societal prejudices being reproduced without question.

This submission will discuss a number of factors that combine to make up the culture of the prison including: the prison as a community, the language of the prison system, power within the prison system and violence within the system.

1. Community

Every prison facility constitutes a community. The women inside are often from similar cultural backgrounds; typically, they have low levels of education, are from poorer socio/economic groups and have often suffered a history of abuse (physical, sexual, verbal, emotional). Furthermore, many of the women have a history of incarceration as children and as adults. During incarceration, prisoners live more closely with each other than is common in the outside world. They work, eat, sleep and spend their (limited) leisure time with the same people every day. Their housing, work, social, and material environments are all provided by the prison.¹

¹ Debbie Kilroy, "The White Wall Syndrome," *Women in Prison Journal* Volume 1, Issue 1, October 2000 pp39-43

Whilst these factors connect the women to one another, there are also several factors which divide them. Issues that divide the women include the length of their sentences, their status within the cultural norms of the prison, their strength of body and mind (whether they have “ticker”), their relationship with the prison officers, their age, and issues of race or class.

2. Language

It is important to notice that the prison system uses language to oppress.² Much of the language about prison and language used in prison is highly euphemistic and does not accurately reflect reality. The consistent masking of reality through the use of euphemism seems to be intended to disguise the brutality and irrationality of the prison system. It is not unusual for the treatment of prisoners to be referred to as “management.” The term “management” can cover a variety of activities that might more accurately be referred to as: caging, isolation, solitary confinement, shackling and bullying to name but a few. Euphemisms such as “management” are used because the more accurate terms are presumably too naked in their depiction of the reality of prison life.

The state government department that has responsibility for the incarceration of prisoners is known as the Department of Corrective Services. “Correction” is another common euphemism in the prison system, it implies that there is some attainable improvement in behaviour that will be facilitated by the prison system. This is clearly not the case. Another common tactic is to refer to the prison as an institution, this one at least has some leeway in language because institution can have both negative and positive connotations. Words like, “institution” are used to normalise and sanitise the experience of imprisonment, which is clearly not “normal” at all. Tragically, many prisoners internalise this false normalcy and become totally “manageable” and “institutionalised”. After years inside, many are completely programmed and debilitated, they are unable to apply critical thinking, and have no understanding of the “real world” inter-relationships between work, family and community. When released, many “good” prisoners fail at reintegration, returning to prison (their “normal” home) over and over again.

“Prisoner” is the only correct term to describe a person locked into a cage or cell within a facility not of their choice and whose quality of existence depends upon their keepers. “Client” is one of the worst euphemisms used as it describes the coerced reality experienced by a prisoner in terms of a voluntary relationship. Client describes a person, who has

² Horster 1992:63

voluntarily entered into some kind of contract for the receipt of goods or services. Prisoners are clearly not the clients of the prison system.

“Offender” is a word often used to describe prisoners - the continual use of this term covertly justifies everything done to a prisoner in the name of the law. “Offender” describes a person who is committing an offence – a current transgression - one that is occurring at a specific time. Charged with an offence, the person is tried, and if convicted becomes a prisoner. The offence has already happened. It is in the past. The prisoner in prison is not offending. She has already offended. She may have offended once and may never offend again, but utilising the label “offender” permits an ongoing and static reference justifying brutalisation and degradation (euphemistically referred to as “management of the offender”) and enables the continuum of power distinctions.

Women prisoners in Queensland prisons are almost always referred to as “girls” by prison management and prison officers. The use of the term “girl” for adult women is demeaning and disempowering. It implies that the women are not adults responsible for their own lives and behaviour but children to be controlled by the paternalistic prison authorities.

Occasionally the prison varies its vocabulary on this matter and refers to the women as “females”, “female offenders” and “female prisoners” this is also disempowering as it implies that the women are being reduced to their biological identities and are not whole people. Sisters Inside rejects the use of both the terms “girls” and “females” and insists that the only respectful way to refer to women in prison is as “women”.

In Queensland prisons the euphemistic use of language is clearly illustrated in the use of the word “treatment”. When a woman in a Queensland prison is unwell and needs help for her mental health she will be “treated” in exactly the same way that a woman who is perceived as a problem for prison discipline is treated. It is not “treatment” that is administered in enhanced security and/or crisis support units or where prisoners are secured under s38 Corrective Services Act 2000. It is punishment because prisoners held in isolation cells for punishment are being ‘treated’ in exactly the same way. It is punishment to be held under segregated or solitary confinement conditions within fortified cells. “Programs” such as counselling or therapy clearly cannot be delivered to women living in total isolation. Prisons are not effective medical or psychiatric facilities.

3. Power

Prison officers have almost the power of life and death over prisoners. Different prison officers treat their power over prisoners in different ways: some prison officers are fair

mind and attempt to treat prisoners in ways that are humane and that take into account the human rights of prisoners; other prison officers seem to allow the power to go to their heads, they exercise their power in arbitrary and brutal ways. If all prison officers were humane and acted with the human rights of prisoners in mind, prison would still not be a pleasant environment but it would be less inhumane and there would be some chance that women would emerge from prison with an improved capacity to integrate with society.

Alongside, and in interaction with, the overt power of the prison system and its officers, there are other forms of power within the prison system. Power in prison does not always follow the structural norms of the prison authorities. Power is not necessarily dependent upon job title. The prison officers who hold power are those that have been there for the longest time. If a prison officer, who has been working in the system for only a short time, attempts to change the system, then the long-term prison officers will sanction them.

The prisoners who hold power within the community of the prison do so based on various personal and cultural factors, including the length of their sentence. Some prison officers tend to leave long-term prisoners alone. They also often foster a divide between short-term and long-term prisoners. Short-term prisoners are those with the least power within the complex structures of power in the prison system. Sisters Inside has attempted to break down the divisions between long-termers and short-termers and has met with mixed levels of success. It is very difficult to change an entire culture.³ There is currently a situation in BWCC where a woman is in difficulties because prison staff expect her to use her power to maintain order in her unit. At one point they even expected her to give out a beating to another woman. This woman worries that if she does what the prison officers say she will be unable to progress through the system.

It is commonplace in the prison system for prison officers to attempt to break down the bonds of loyalty and community that may exist between the women. They do this in a number of ways: by encouraging the division between long term and short term prisoners; by encouraging beliefs that one group of prisoners are being treated better than other groups; by encouraging racist belief systems; by encouraging any personal disputes that may exist between prisoners; by promoting unfounded gossip about some women to other women; by

³ Within prison culture there is no formal structure that divides the long termers from the short termers, however there are a large number of informal and cultural norms that seem so strong as to be unbreakable. Only women who have received life sentences (16 years before application for parole) are automatically part of long-term culture. Even this is predicated on the woman not having committed a crime against children and not being a "dog". A woman whose sentence is sixteen years but not life must be "sussed out" before she becomes a part of long-term culture. Kilroy, "The White Wall Syndrome," *Women in Prison Journal* Volume 1, Issue 1, October 2000 pp39-43

taking actions such as moving women from cell to cell and breaking up units then telling the women that the other women in the unit were at fault and that is why the move has happened; by arbitrarily giving privileges to some women and not others; by breaching some women and not others for the same infractions.

Prison officers exercise their power not only over prisoners but also over community organisations entering the prison. Some officers are friendly, helpful and keen to assist in ensuring that prisoners obtain appropriate access to services. Other prison officers seem to feel that it is in their job description to impede prisoners' access to services. When individual prison officers disagree with allowing prisoners access to services they will often resort to petty harassment of community organisation workers. For example, they do things like fail to open gates quickly trapping community workers in areas between gates that resemble air locks for periods up to an hour.

It is painfully obvious that in many cases prison officers have very little understanding of the nature of the work of community organisations. They often seem to lack the education that would help them to understand the needs of the women inside. For example, prison officers have been known to ask sexual assault counsellors to see women in groups rather than individually – demonstrating a clear lack of understanding of the nature of sexual assault counselling. Prison officers have also demanded to know why women need to see counsellors over the public intercom system. In addition, prison officers regularly exhibit a lack of understanding about issues of mental health. There is no requirement in the prison system for prison officers to have any education about the treatment of mental health issues. Because prison officers lack any education about the symptoms of mental illness they react to these symptoms in an extremely negative manner. They will often behave as if women displaying symptoms of mental illness are being deliberately difficult. They seem to feel that their first recourse in the management of mental health issues is violent restraint and total isolation for the women displaying symptoms.

During the early 1990s, which was a reform period in the prison, prison staff and women attended sessions at the Outlook (an experiential learning centre). Prison officers had two major concerns about the project. Firstly, they were concerned that the women would “nick off”. This would seem to be a perfectly reasonable concern for a prison officer. Secondly, and more surprisingly, prison staff were very concerned about how their actions would be perceived in the wider community. They feared that they would invite social disapproval if

they started treating prisoners with any level of respect.⁴ This seems to indicate a high level of fragility in the prison officers' sense of security.

According to Sisters Inside staff, tension in the prison operates on a feedback system. If the prison staff are stressed then they take it out on the women, which leads to the women becoming stressed, which further stresses the staff. Sisters Inside tries to provide support at such times, but it is particularly difficult because they are dealing with highly stressed women at the same time as dealing with more niggling incidents than usual from highly stressed prison staff. Tensions like this usually arise when: the prison is crowded; there are changes in prison management or simply bad management; or when there has been an "incident" in the prison (suicide, escape, murder); or at Christmas time when emotions run high.

In addition, the relationship between prison officers and prisoners is adversarial. The system is set up so that prison officers must regard prisoners as the enemy and *vice versa*. It is commonplace pop psychology to understand that in any situation where one group regards another as the enemy and is then given almost absolute power over that group that mistreatment will occur. This mistreatment may or may not be physical in nature but it will always occur. Whilst it may be argued that it is in the nature of the prison system to be coercive of prisoners and therefore an adversarial relationship between prisoners and prison officers is natural this is NOT the stated aim of the prison system. The prison system's stated aim is to rehabilitate prisoners – the prison system is after all run by the Department of Corrective Services – but an automatically adversarial relationship is not in fact conducive to rehabilitation. Rather it creates a climate of fear and pain which does little to improve the behaviour or circumstances of the incarcerated.

3.1 Inconsistency

One of the effects of the atmosphere of arbitrary power in the prison system is the apparent inconsistency with which the rules of the prison are applied. Some inconsistencies may be due to poor communication, others could be to do with personality, some seem to be designed to perpetuate the powerlessness of those incarcerated and many are probably to do with discrimination on the bases of race, sex and mental health that cannot be formally sanctioned by the prison but are informally sanctioned or ignored when they happen. The uncertainty engendered by the inconsistent application of the rules encourages learned helplessness and institutionalisation in those who are subject to the rules.

⁴Kate Harrison, *Sisters Inside: The Outlook Model in Action*, Unpublished paper, 1994-5

Here are a number of examples of the inconsistent application of rules in the prison:

- When women have matters before the family court they do not always have to appear in the court. Sometimes women do want to attend to make sure their case is made, other times there may be no need to appear if it is simply a procedural matter. In prison it appears that if a woman wants to attend the court she will be refused permission and if she does not want to attend then she will be forced to. This disjunction is very obvious on a casual level.
- A Sisters Inside worker brought a child from a regional area to see his mother. The prison had ruled that the child could only see his mother if he was accompanied. Sisters Inside is currently allowed only very limited access to the prison because of Sisters Inside's submission to the Anti-discrimination commission. The Sisters Inside worker had always previously accompanied this child in to see his mum. But because the worker was aware of the problem he made sure to check if this would be affected and was told that it would be OK. However, when he arrived at the prison with the child, after a long drive in from the child's home, he was told they could not go in. It seemed that there was a different manager on that day and this manager was enforcing the policy differently. The Sisters Inside worker had to contact the general manager of the prison and get him to intervene before the visit could go ahead.
- Often urgent legal faxes are not passed on. The prison is supposed to help in these areas. They also refuse to allow women doing bail applications to make photocopies. Making it almost impossible to do the applications.
- There was a woman in prison who had a mental health condition – anxiety. She has a son. She felt prison officers were pushing her buttons so she 'lost the plot' on the issue of her child. And then they would turn around and say she wasn't in a fit state to see her son.
- Sometimes women are brought to court in handcuffs, sometimes not, this is inconsistent and it affects how judges treat women.
- When bail is granted women should be free to go immediately but at least three times this year they have been forced to return to jail and released between 5.30 and 6pm when it is dark, they are in an isolated area (Wacol) and any helping agencies such as Centrelink are closed.

3.2 Prison Psychologists

In addition to prison officers, whose role is to monitor and contain prisoners, the prison also employs a psychologist and several welfare workers. Psychologists are responsible for official reports and assessments. Some reports are compulsory, for example those relating to home detention orders, transfer to low security and parole. It is apparent that, within the

context of prison, psychologists become enculturated in the same way as other prison staff. Women are not comfortable telling their stories to the official psychologist because the system has so much power over them. In the context of prison, knowledge is very definitely power.

There have been a few incidences of problems with prison psychologists including on a number of occasions failure by prison employed psychologists to provide court ordered psychological assessments for women. In at least one case a psychological assessment was not produced until a judge threatened to subpoena it. In the same case, the woman, who was being held on remand, was imprisoned for much longer than any sentence she would have been given for the crime she was accused of because of the failure of the psychologists to provide the assessment.

4. Violence

4.1 Monitoring

Prison is a violent place. Violence is committed by the prisoners, by the prison officers and by the system itself. The violence of the system is masked in rules and regulations. The mere act of deprivation of liberty is violent. Furthermore, within the prison the women are constantly observed. As Foucault wrote, “visibility is a trap”.⁵ The brutality that is practiced by the state on its prisoners, is not usually overt violence but the slow killing of the mind through the loss of self and privacy.

The lives of the prisoners are constantly monitored. This monitoring is considered to be for: the sake of the community, so that women do not escape; for the sake of the women, so that they do not harm themselves or each other; and for the sake of the ‘sentence management’ so that the prison can evaluate whether or not a woman is being successfully ‘rehabilitated’.

This constant monitoring creates an extreme sense of insecurity in the prisoners. Because every aspect of their lives is controlled by an authoritarian regime they do not wish to give that regime any more information about themselves than they can possibly avoid.

The prison system and its employees exert systematic control of all activities of the prisoner. The most extreme instance of this type of control is strip searching. The act of strip searching is supposed to prevent drugs from getting into the prison. However, it does not work very

⁵ Michel Foucault, *Discipline and Punish*, London: Penguin Books, 1977, (translated Alan Sheridan)

well in this regard because it is clear – from DCS reports - that drugs still do get into the prison.

Strip searching is profoundly demoralising for the women. It can act overtly to prevent them from accepting visitors but the more usual effect of the constant strip searching applied to women prisoners is to cause them to lose hope, to lose a sense of self and to lose any faith in the system to help them to deal with the other traumas of their lives. It has been reported to Sisters Inside that some prison officers are professional in their attitude to strip searching, are polite when they carry out strip searches and in general disassociate themselves from the process in order to make it easier for the women. However, other prison officers seem to enjoy the act of strip searching prisoner, they act in a way that deliberately humiliates the women. One prison officer even went so far as to order a woman to her hands and knees while she was naked during a strip search. Another woman was strip searched several times in the same day – she was strip searched before she left the prison, she then had to make an appearance at the district court, then she was strip searched again in the cells at the magistrates court with the door open so that she could be observed by anyone passing by, then she had to appear in the magistrates court, then she returned to prison and was strip searched a third time. It has also been reported to Sisters Inside that some prison officers make lewd remarks when strip searching women and ogle (and sometimes even touch) their breasts and bottoms.

4.2 Bullying

Prison officers are formally prohibited by the system from performing acts of physical violence against prisoners, however they often resort to bullying tactics. For example, a prison officer threatened a woman in BWCC with transfer to Townsville prison. Within the system women have the right to refuse a transfer. This woman did not wish to go to Townsville because it was far from her family, and because her co-accused, who had ‘dogged’ on her was there. The prison officer told the woman that it did not matter if she refused, that she would be “shanghaied”, and that once the transfer was a *fait accompli* she would be unable to do anything about it. The woman managed to find her way out of this threatening situation by accessing SIS.

4.3 Aboriginality

Women who are labelled as violent are treated differently within the prison system. They are labelled and feared. They are more likely to be placed in the DU, the CSU or on Management plans. The fact that the majority of women who are labelled as violent are Aboriginal is apparent on an anecdotal level. One possible explanation for the greater likelihood of

Aboriginal woman being labelled as violent in the prison system would seem to be the fact that Aboriginal women are often imprisoned for the “trifecta” (drunk and disorderly, abusive language, resisting arrest) which is technically a “violent” crime. Another possible explanation is the violent backgrounds that many Aboriginal women come from. However, there are white women on the trifecta and white women from abusive backgrounds who are not labelled as violent. This appears to be discriminatory on the basis of race.

In Queensland, indigenous women are 3% of the total population but approximately 30% of the prison population.⁶ Issues such as racism, poverty and powerlessness as well as the marginalisation that resulted from the process of colonisation have significantly affected the social world in which indigenous women live. These factors tend to lead to greater contact with the criminal justice system and cause higher levels of incarceration.⁷

4.4 Breaching

Women are constantly threatened with being ‘breached’. Breaching is the word commonly used within the system to describe punishment for breaking the rules of the prison. Women may be breached for minor infringements such as sitting on the grass, hanging towels in the ‘wrong’ place or buying soft drink from the ‘wrong’ vending machine; or major infringements such as assaults, drug use and attempting to escape. Punishment ranges from loss of privileges to being sent to the Detention Unit (DU) to further criminal charges and sentences. The utter pettiness of some breaches creates an atmosphere of authority designed to regulate and control. It also creates the motivation to avoid getting caught. As one woman said, “they teach murderers how to be criminals.” Rules about breaches are unevenly applied, actions that will be allowed by one prison officer will be severely punished by another. In addition, actions that are allowed by an individual prison officer one day will be punished by the same officer the next day. This lack of certainty about which rules are going to be enforced when and by whom is a constant stressor in the lives of women in prison.

It should be noted that, prison officers themselves experience the rules and regulations of their own work conditions as arbitrary and consequently pass this view on to prisoners. Within the prison system, there are few explanations of procedures, they just exist and everyone assumes that someone in the system has a reason for them.

⁶ Communication with Department of Corrective Services, Women’s Services Unit 2004.

⁷S. Payne, “Aboriginal Women and the Law.” In P Eastal & S McKillop, (eds) *Women and the Law*, Canberra, Australian Institute of Criminology, 1993. Quoted in Stephania Jacob with Sisters Inside, *Murri Sistas Inside Standing Tall & Proud: Trauma, Loss and Separation with Indigenous Women in South East Queensland Correctional Centres*, Sisters Inside, Brisbane, 2000

4.5 Prison Officers

It is known to SIS that prison officers have committed acts of violence against women. The women inside are aware of the threat of such violence. Because violence by officers against women is forbidden under most circumstances, any prison officer who is caught acting in such a manner will be “written up”(the term used to describe a report on a prison officer). However, the women inside have little faith that such action will have any effect or that they will even be believed in the first place. Often the worst punishment for the prison officer is that they are transferred within the system.

There was a situation in which a newly employed prison officer was thought to be sexually assaulting women. Other long-term prison officers became aware of these allegations. The prison officers made the new officer aware of these informal reports. The culture of the long-term prison officers is sufficiently moral that they were scandalised by this allegation. The officer in question lost his temper and attacked, in public, a young Aboriginal woman he had allegedly assaulted in private. His colleagues made a report of the public incident - they “wrote him up”. He was transferred within the system. The culture of the prison is such that the allegations against this officer could not be formally put to prison management. The long-term prison officers manipulated the system so that he was transferred to the men’s jail. In this way the prison officers protected the woman who had made the allegation.

The violence of the prison officers is largely that of enforcing the violence of the system. In a world governed by arbitrary authority, prison officers have the power to treat people justly or unjustly simply because they can. Being subject to the arbitrary authority of the prison officers is part of the violence of the system. Sisters Inside notes that recently there have been a number of incidences of possibly excessive violence by prison officers when enforcing the prison system.

- Women have been bodily dragged between the residential units and the secure unit.
- In the CSU and the DU violent restraint is very common. This usually involves four or five prisoners officers restraining a woman. On at least one occasion a woman was shoved face first into industrial carpeting. The abrasion on her cheek took months to heal.
- Violent restraint also includes the use of bodily restraints such as straight jackets, body belts, handcuffs and tying women to mattresses. On one occasion a woman was tied to a mattress when she had a bleeding head wound (the wound was made when the prison officers restrained her). She was left for a number of hours, even though she was complaining about the wound. When the prison officers finally untied her she

collapsed and they realised that she had lost a significant amount of blood. She required a blood transfusion.

4.6 Prisoners

Violence by prisoners towards other prisoners also occurs in the prison. Violence often occurs in relation to the economy of scarcity that exists within the prison. 'Buy up' is the women's weekly shopping for items like shampoo and tobacco. 'Buy up' is structured so that each individual can only purchase a limited supply. Furthermore, many women do not have enough money to purchase goods through 'buy up'. Some prisoners are able to work within the prison which allows them to earn a small amount of money, others have relatives or friends who put money into their trust accounts; a few have money in their own right. The prison authorities have control over the women's trust accounts and can prevent women from purchasing items at 'buy up'. Access to money is an advantage, most prisoners have very limited financial resources. Sometimes women are bullied and threatened into handing over the goods they have purchased.

Despite the constant underlying threat of violence in the prison, the women inside do form friendships and communities. These relationships are characterised by strong feelings of loyalty, as would be expected given the climate of adversity in which they are formed.

Conclusion

The culture of the prison can be compared to that of a despotic regime where human rights are an alien concept. The arbitrary power of the prison system means that actions which may seem appropriate within the prison system are, on examination, discriminatory and inhumane. The system is based on the concealed violence of incarceration and enforced with varying levels of overt violence. Arbitrary power leads in almost all circumstances to the abuse of power. It seems reasonable to attempt to ensure that power in the prison system is made less arbitrary in order to ensure that it is not abused. One method of ensuring that power becomes less arbitrary is to make sure that it cannot be exercised in a discriminatory manner and that the exercise of power is open to public scrutiny. To do this the decisions made by individual prison officers must be examined in the light of anti-discrimination legislation. It is not enough to ensure that the rules are not discriminatory the enforcement of the rules must also become non-discriminatory.