

LEGISLATIVE COUNCIL SESSIONAL COMMITTEE
GOVERNMENT
AND ADMINISTRATION
INQUIRY INTO TASMANIAN ADULT IMPRISONMENT AND
YOUTH DETENTION MATTERS

**SUBMISSION FROM ASSOCIATE PROFESSOR ANNA
ERIKSSON
MONASH UNIVERSITY**

Dear Committee Members,

31 March 2023

My name is Dr Anna Eriksson, I am an Associate Professor in Criminology at Monash University. I have spent the last 15 years researching prison practice in Australia and the Nordic countries, conducting several large comparative studies that in essence focus on what makes prisons better or worse, what practice can support a reduction in reoffending post-release, and what practices can reduce harm and violence to both prisoners and staff in institutions of punishment.

While I have not yet conducted such research in Tasmania, I have had the privilege of conducting in-depth ethnographic research in many different prisons in Victoria and Queensland, as well as in Norway. My submission to this panel will therefore focus on point 4: *Training and support initiatives for corrective service staff related to increasing individual well-being, professionalism, resilience and reduced absenteeism* and 5: *Innovations and improvements to the management and delivery of corrective services that may be applied in Tasmania, including to future prison/detention centre design.*

I also wish to draw the Committee's attention to the recently released Cultural Review of the Adult Corrections System in Victoria (<https://www.correctionsreview.vic.gov.au/>). I provided evidence to that review, and many of those recommendations have been included in their report, in particular a focus on the need for better staff training and education in order to increase the status of their work and ensure they are better equipped of working with a complex and challenging prisoner population; a prison practice that is aimed at 'releasing neighbours'; and attention to prisoners with neurodisabilities.

Nordic, and in particular Norwegian, practices are often highlighted as something Australia should learn from. I am the only person in Australia who has conducted in-person research in seven Norwegian prisons, as well as in Australia, and I am well placed to talk about what works, why, and how.

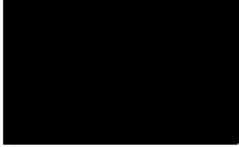
I have published a book chapter that summarises the *Nordic prison practices, and their policy relevance for Australia*. I have included that chapter in this document, as well as the link to an article on '*Prisons work as 'dirty work' in Australia*', (open access) <https://journals.sagepub.com/doi/10.1177/14624745211047534> which focuses on how prison staff in Australia perceive their work, and reasons why change is so difficult in this area. This article has been extensively referred to in Victoria, both during the Cultural Review period, and during a number of informal consultations that I have given to various Corrections leadership persons in 2021 and 2022.

I have also conducted a range of research projects focused on people with acquired brain injuries (ABI) in the criminal justice system, and I have included the references to those below. People with ABI and other neurodisabilities are significantly over-represented in our prisons, and my work provides information about how and why, but also directions for reform.

Tasmania has an opportunity to reform their prisons, in a way that adheres to human rights, supports professional staff to do a good job under challenging circumstances, and releases people who can be your neighbour. Reform is not


cheap, but the financial, human, and social cost of not changing practice, is significantly higher.

I am available to provide further verbal and/or written evidence to the Committee should that be desirable.



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THE NORDIC EDGE

Policy Possibilities
for Australia

Edited by
ANDREW SCOTT and ROD CAMPBELL



In memory of Lou Barberis, Principal of Melbourne High School from 1975 to 1986. The support he gave to young people from disadvantaged backgrounds improved many lives. His actions are echoed in the education policies of Finland today.

MELBOURNE UNIVERSITY PRESS

An imprint of Melbourne University Publishing Limited

Level 1, 715 Swanston Street, Carlton, Victoria 3053, Australia mup-contact@unimelb.edu.au

www.mup.com.au

First published 2021

Text © resides with the individual authors, 2021

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Text design and typesetting by Adala Group
Cover design by Nada Backovic

Printed in Australia by McPherson's Printing Group



A catalogue record for this book is available from the National Library of Australia

9780522877625 (paperback)

9780522877632 (ebook)

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RETHINKING AUSTRALIA'S APPROACH TO PRISONER REHABILITATION

Anna Eriksson

PUNISHMENT IN AUSTRALIA CURRENTLY has five aims, covered in the various Sentencing Acts of the states and territories: deterrence (specific and general), incapacitation, retribution, rehabilitation and denunciation. In practice, some aims tend to take precedence over others in sentencing, in particular: community safety, retribution and deterrence. The aim of the current approach in Australia is to punish past transgressions and to deter reoffending by the individual as well as the wider community. It seeks to punish, to inflict pain through retribution, and to protect the community through the incapacitation of 'risky' individuals. However, the law-and-order rhetoric lauded by politicians, particularly around election time, and the consequent punitive practices, fail to actually rehabilitate prisoners and, as a consequence, abdicate responsibility for long-term community protection. The community is 'protected' as long as the individual is in prison, but the only available response then to reduce crime is longer and harsher sentences.

This is an unsustainable approach, both socially and economically. The following data paints a clear picture.

In December 2019, there were 43 069 people in full-time custody across Australia. When prisoners on remand are added, the total was close to 60 000. In the five years to then, the number of people in custody had increased by 16.1 per cent.² Aboriginal and Torres Strait Islander prisoners are significantly over-represented, making up nearly 29 per cent³ of the daily average population, although they make up just 3.3 per cent of the national population.⁴ The over-representation of Indigenous young people under youth justice supervision is even worse. 'Although only about 6 per cent of young people aged 10–17 in Australia are Aboriginal or Torres Strait Islander, half (50 per cent) of those under supervision on an average day in 2018–19 were Indigenous.'⁵ Prisoners have poorer health than the general community, with particularly high levels of mental health issues, alcohol and other drug misuse, and other chronic health conditions. They are a vulnerable population with histories of unemployment, homelessness, low levels of education, and trauma.⁶ The national cost for corrective services in 2018–19 was \$3.64 billion while it was \$0.71 billion for community corrections.⁷

Hence, we can say with confidence that the current policy and practice in relation to punishment in Australia have led to an

1 ABS, *Corrective Services, Australia, Time Series, June Qtr 2007 to December Qtr 2019*, Canberra, 12 March 2020, <www.abs.gov.au>

2 Calculated from *ibid.*

3 Calculated from *ibid.*

4 ABS, *Estimates of Aboriginal and Torres Strait Islander Australians, June 2016*, Canberra, 31 August 2018, <www.abs.gov.au>

5 Australian Institute of Health and Welfare, *Youth Justice in Australia 2018–19*, Canberra, 2020, p. v.

6 Public Health Association of Australia, *Prisoner Health Background Paper*, Canberra, October 2017.

7 Productivity Commission, *Report on Government Services 2020*, Canberra, 29 January 2020, <www.pc.gov.au>

untenable situation with ever-rising prison populations, including women, children and Indigenous peoples. This increase has occurred without a corresponding reduction in reoffending rates, giving a clear indication that the current aim of sentencing and forms of imprisonment do not contribute to rehabilitation and reintegration. In Australia overall, 46.4 per cent of prisoners released during 2016–17 returned to prison within two years—which means a recidivism rate close to 50 per cent.⁸ The current, traditional aims of deterrence, retribution and incapacitation are therefore not leading to the change in behaviour, community satisfaction or long-term community safety that they are meant to achieve, and a rethink of the aims and practice of imprisonment in Australia is needed.

This chapter will reflect on what Australia's jurisdictions can do to improve the rehabilitation of persons convicted of crimes, learning from the Nordic approaches in general, and Norway in particular. Four areas will be discussed where Australia can draw important lessons from the Nordic countries to achieve this aim:

- 1 adoption of the normalisation principle to reduce the harm of incarceration and increase post-release success
- 2 an increase in the use of dynamic security instead of an over-reliance on static security
- 3 a rethinking of the aims of imprisonment, from the current Australian approach of incapacitation, deterrence and retribution, to a more Norwegian approach of 'releasing people who can be your neighbour'
- 4 having staff who are sufficiently trained, educated, supported and mentored to undertake a highly challenging job, and who are the people who will need to implement any policy in practice.

8 Sentencing Advisory Council, 'Released prisoners returning to prison', Melbourne, 14 July 2020, <www.sentencingcouncil.vic.gov.au>

BACKGROUND AND CONTEXT

In the book *Contrasts in Punishment: Explaining Anglophone Excess and Nordic Exceptionalism*, John Pratt and I argued that the Nordic countries have more humane prison conditions, higher work satisfaction among staff, less violence and disorder in prison, a stronger emphasis on treatment, and a less pronounced ‘public punitiveness’—in short, they are an ‘exception’ in penal policy and practice.⁹ This thesis was not without its opponents, however, with the main critique emanating from some scholars within the Nordic countries themselves.¹⁰ At the core of the critique was the argument that the analysis was too historical and cultural, without in-depth empirical research inside prisons, hence it missed important nuances in all countries.

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- 9 M. Cavadino and J. Dignan, *Penal Systems: A Comparative Approach*, Sage, London, 2006; D. Green, *When Children Kill Children: Penal Populism and Political Culture*, Oxford University Press, Oxford, 2008; N. Lacey, *The Prisoners’ Dilemma: Political Economy and Punishment in Contemporary Democracies*, Cambridge University Press, Cambridge, 2008; J. Pratt, ‘Scandinavian exceptionalism in an era of penal excess: Part I—The nature and roots of Scandinavian exceptionalism’, *British Journal of Criminology*, vol. 48, no. 2, 2008, pp. 119–37; J. Pratt, ‘Scandinavian exceptionalism in an era of penal excess: Part II—

Does Scandinavian exceptionalism have a future?’ *British Journal of Criminology*, vol. 48, no. 3, 2008, pp. 275–92; J. Pratt and A. Eriksson, *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*, Routledge, Abingdon, Oxfordshire, 2013.

- 10 T. Mathiesen, ‘Scandinavian exceptionalism in penal matters: Reality or wishful thinking?’, in *Penal Exceptionalism? Nordic Prison Policy and Practice*, ed. T. Ugelvik and J. Dullum, Routledge, Abingdon, Oxfordshire, 2012; P. Scharff Smith, ‘A critical look at Scandinavian exceptionalism: Welfare state theories, penal populism and prison conditions in Denmark and Scandinavia’, in *Penal Exceptionalism?*, ed. Ugelvik and Dullum; T. Ugelvik, ‘The dark side of a culture of equality: Reimagining communities in a Norwegian remand prison’, in *Penal Exceptionalism?*, ed. Ugelvik and Dullum; V. Barker, ‘Nordic exceptionalism revisited: Explaining the paradox of a Janus-faced penal regime’, *Theoretical Criminology*, vol. 17, no. 1, 2013, pp. 5–25.

In response, I undertook a research project between 2012 and 2014, funded under the Australian Research Council's Discovery Early Career Researcher Award scheme. This project included ethnographic research inside 14 different prisons: 7 in Australia and 7 in Norway. The prisons ranged from high to low security, and 230 interviews with staff and prisoners were conducted across all locations. The initial research question looked at how processes of 'othering' and dehumanisation functioned inside different penal institutions, and what variables contributed to reducing or increasing the social distance between staff and prisoner groups.

This approach allowed for the identification of concrete variables that underpin dehumanising practice within different prison environments, such as: physical barriers between people; the use of technology, design and physical infrastructure; task-oriented approaches to security; language use, and the presence or absence of uniforms among staff and prisoners. Most importantly, the key conclusion was that 'people make the prison', a theme that emerged strongly from all fieldwork locations. Staff who were well trained for the job, high levels of staff involvement in daily prisoner activities, less distance between 'us' and 'them', and a clear narrative of humanising everyday experiences were what separated a 'good' prison from a 'bad' one (I use inverted commas here since many would argue that there is no such thing as a good prison, that all prisons are harmful and dangerous for prisoners and staff). In essence interactions that were professional and respectful made the prison a better place to live and work.²

That professional and respectful staff-prisoner interactions are situated at the centre of 'good' prison practice has been similarly

11 Research Data Australia, 'Othering in penal policy and practice: A cross-national study of imprisonment in Australia and Sweden', [2012–14].

12 A. Bruhn, P.Å. Nylander and O. Lindberg, 'Swedish "prison exceptionalism" in decline: Trends towards distantiation and objectification of the other', in *Punishing the Other: The Social Production of Immorality Revisited*, ed. A. Eriksson, Routledge, Abingdon, Oxfordshire, 2016.

confirmed in research undertaken in other locations such as the United Kingdom ³ and Sweden. ⁴ But to provide adequate support for day-to-day practice in Australia that makes such professional and respectful interaction possible, we need to adjust the underpinning aims of imprisonment as well as the way staff are trained and supported. This chapter suggests some possible ways this can be done.

DIFFERENCE, SIMILARITIES AND POLICY TRANSFER

Viewed from the outside, and from an Anglophone perspective, the Nordic countries are often viewed as one cohesive whole that are largely the same in their culture, politics and policy, ⁵ and although there are some important and common historical, cultural and social traditions, ⁶ there are also important differences. ⁷ This is similar to the way outsiders might view Australia: as one cohesive country with a uniform culture and social structures. But ask any Australian barracking for their favourite sports team and the sharp perceived differences between the states and territories are quickly highlighted. In my own work as a prison researcher, I have also been made acutely aware of how differently the various Australian

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- 13 B. Crewe, 'Soft power in prison: Implications for staff–prisoner relationships, liberty and legitimacy', *European Journal of Criminology*, vol. 8, no. 6, 2011, pp. 455–68; A. Liebling, D. Price and G. Shefer, *The Prison Officer*, Routledge, Abingdon, Oxfordshire, 2012.
 - 14 P.Å. Nylander, O. Lindberg and A. Bruhn, 'Emotional labour and emotional strain among Swedish prison officers', *European Journal of Criminology*, vol. 8, no. 6, 2011, pp. 469–83; A. Bruhn, P.Å. Nylander and B. Johnsen, 'From prison guards to ... what? Occupational development of prison officers in Sweden and Norway', *Journal of Scandinavian Studies in Criminology and Crime Prevention*, vol. 18, no. 1, 2017, pp. 68–83.
 - 15 Pratt, 'Scandinavian exceptionalism in an era of penal excess: Part I'; Pratt, 'Scandinavian exceptionalism in an era of penal excess: Part II'.
 - 16 Ibid.; Pratt and Eriksson, *Contrasts in Punishment*.
 - 17 Ugelvik, 'The dark side of a culture of equality'; Barker, 'Nordic exceptionalism revisited'.

corrections departments view their practice in contrast to the practice in other states and territories.

We need to be aware of these difference and similarities, within and between clusters, to try to avoid the failures of policy transfer that have often plagued criminal justice interventions in the past. Some of these failures in relation to Australian prison practice will be illustrated later in this chapter, and the suggestions made here are in accordance with the feasible aims of this book expressed in chapter 1. I do not suggest that Australia needs to become Norway for these policy suggestions to be realised. Instead, I recognise the differences and put forward practical policy examples informed by the common experiences of those who live and work in these institutions of punishment.

DEFINING REHABILITATION

Before looking at policy relevance to improve rehabilitation prospects in Australian prisons, it is important to first define what we mean by rehabilitation. The term is more contested in prison practice than might be assumed. It is rooted in the idea of 'crime as a disease'. It results from the idea that people commit crimes because of inherent defects and that one way to reduce future crime is simply to correct the defect, whether that defect is physical, like a chemical imbalance; psychological, like 'criminal thinking'; or social, like association with criminal peers.⁸ For much of the twentieth century, rehabilitation was the dominant theory of punishment, which also resulted in some invasive 'treatment' methods, like forced sterilisation and forced medical treatment in psychiatric wings of the prison. The Nordic countries were themselves heavily engaged in such practices from the late 1800s to the mid-1900s.⁹ Hence, the term 'rehabilitation' is often

18 R. White, S. Perrone and L. Howes, *Crime, Criminality and Criminal Justice*, Oxford University Press, Melbourne, 3rd edn, 2019.

19 R. Andersson and R. Nilsson, *Svensk Kriminalvårdspolitik*, Liber Swedish, Malmö, 2009; Pratt and Eriksson, *Contrasts in Punishment*.

associated with ‘treatment’, which has included invasive methods to cure those who are ‘different’.

In more recent times, the medical core of rehabilitation remains in some jurisdictions, and Sweden is one of them.²⁰ In general, however, the term ‘rehabilitation’ refers to broader issues that can encompass treatment for addictions and mental illness, educational focus on reading and writing, learning skills for a new job, as well as preventing violence and other behaviour directly related to criminality. The focus is not on ‘curing’ criminal behaviour but on practical and achievable ways to reduce reoffending and reincarceration rates, and that is the way I will approach rehabilitation for the purpose of this chapter.

Effective rehabilitation consists of those initiatives that meet both criminogenic and non-criminogenic needs of a prisoner. Criminogenic needs are those that relate directly to someone’s criminal behaviour, and are usually talked about as ‘risk’ factors, such as homelessness, drug addiction and violence. Prison policy and practice in Australia is firmly rooted in a risk paradigm, whereby ‘risky people’ need to be managed and contained.

There is an important point here in relation to risk and prison operations. The neo-liberal market economies that dominate in the Anglophone countries have allowed for a development whereby risk is managed by outsourcing it to private actors. As part of this development, we have seen an increasing privatisation of both the building and managing of prisons across Australia.² This is in sharp contrast to the Nordic countries, where the state’s right to punish through criminal law is seen to come with the moral responsibility

20 Pratt and Eriksson, *Contrasts in Punishment*; Bruhn, Nylander and Lindberg, Swedish “prison exceptionalism” in decline’.

21 V. Sands, D. O’Neill and G. Hodge, ‘Cheaper, better, and more accountable? Twenty-five years of prisons privatisation in Victoria’, *Australian Journal of Public Administration*, vol. 78, no. 4, 2019, pp. 577–95; D. O’Neill, V. Sands and G. Hodge, ‘P3s and social infrastructure: Three decades of prison reform in Victoria, Australia’, *Public Works Management and Policy*, vol. 25, no. 3, 2020, pp. 214–30.

then to oversee those sentences in practice.²² Allowing private operators to build and run prisons in the Nordic countries is a topic that has been discussed since the 1980s, but the state continues to argue for its moral responsibility to oversee the punishments that it hands down. This points to a fundamental difference between the two regions: the view of prisoners in the Nordic countries as citizens in the welfare state, whereas in Australia and the other Anglophone countries they are seen as risks that need to be managed by exclusion, and are consequently deprived of fundamental human rights, as well as of freedom, upon incarceration.

When it comes to preventing reoffending, it is often more effective to focus on need as opposed to risk. Homelessness, for example, can be seen as a need for housing as opposed to a risk of offending. The interventions that follow differ distinctly. Similarly, drug addiction signals a need for treatment, instead of incarceration as a means to reduce risk. A focus on non-criminogenic needs can lead to a prison system that is more focused on supporting people to change for the future, instead of punishing criminals for past transgressions. Approaches that are forward looking, like those in the Nordic countries, are underpinned by different aims from the ones that are backward looking, where the main focus is on retribution and punishment of past transgressions, such as in Australia and the other Anglophone countries. These forward-looking aims are things like 'better out', which is how Corrections in Sweden phrase their aim of imprisonment: to release people in better shape than when they were first incarcerated. Norway goes one step further and aims to 'release people who can be your neighbour'. That particular approach will be explored later in this chapter, but first I look at the principle of normalisation, the policy that underpins Nordic approaches and which I argue is an important principle that Australia could adapt and apply to its prison practice.

22 Sands, O'Neill and Hodge, 'Cheaper, better, and more accountable?'; O'Neill, Sands and Hodge, 'P3s and social infrastructure'; Pratt and Eriksson, *Contrasts in Punishment*.

THE PRINCIPLE OF NORMALISATION

The principle of normalisation underpins the part of Nordic practice that is perceived as ‘exceptional’.²³ It emphasises that prisoners should maintain their citizen rights, apart from the right to liberty, as far as is possible without compromising prison security. The normalisation principle is not unique to the Nordic countries, as a 2006 recommendation from the Council of Europe stated that living conditions in prison should ‘approximate as closely as possible the positive aspects of life in the community’,²⁴ with prisoners having the same rights as other citizens. This idea of normalising prison life is intended to ensure the human rights of prisoners, to promote their reintegration and to reduce the harm caused by detention.

These ideas emerged within the post-war welfare states, predominantly the Nordic region and other parts of northern Europe, which strongly emphasised the need for the protection of human rights and for humane prison conditions. The principle of normalisation has been central to prison practice in all Nordic countries since World War II. In essence, it means that the inside of a prison should mirror outside society as much as possible, making deprivation of liberty the main punishment while minimising the negative impact of institutionalisation. This in turn will facilitate social reintegration post-release.

Engbo points out that the normalisation principle in Nordic prison practice, and the legislation that underpins it, contains both a defensive and a forward-looking element.²⁵ The forward-looking

23 Pratt, Scandinavian exceptionalism in an era of penal excess: Part I’;
Pratt, Scandinavian exceptionalism in an era of penal excess: Part II’;
Pratt and Eriksson, *Contrasts in Punishment*.

24 Council of Europe Committee of Ministers, Recommendation to member states on the European prison rules’, n.d. [2006].

25 H.J. Engbo, ‘Normalisation in Nordic prisons—from a prison governor’s perspective’, in *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?*, ed. P. Scharff Smith and T. Ugelvik, Palgrave Macmillan, London, 2017, p. 328.

approach places an obligation on authorities to provide conditions and situations that facilitate 'normality'. The defensive aspect of normalisation complements this by stating that the authorities may not interfere unnecessarily with prisoners' possibilities of living a normal life. In short, 'proactive normalisation gives rise to a duty to act, whereas defensive normalisation entails a duty of non-interference'.²⁶ Normalisation in the Nordic countries, then, pays attention to rights and living conditions. For example, in Denmark, reference is made to normalisation in the Program of Principles of the Prison and Probation Service, where it says: 'When planning the daily life in prisons and every time a specific decision is made, the prison and probation service must keep in view conditions in the general society.'²⁷

In Finland, normalisation is expressed most explicitly in legislation: 'To the greatest extent possible, prison conditions must be arranged to reflect living conditions in society.'²⁸ One aspect of this is not only that prisoners are paid for the work they do in prison but also that they have to pay bills in return. It means that prisoners are paid the real minimum wage for work and studies, and that they also need to pay for food, electricity, use of phones, and clothes in prison, as well as save money for their eventual release. A percentage of their salary goes towards funds and support for victims. Hence, normalisation does not mean that life in prison becomes easier, but rather that it mirrors the rights and responsibilities of outside life.

The principle of normality provides a guide for action and for decision-making. As William Rentzman, author of the Danish Programme of Principles, said in 2011 when he was Director-General of the Danish Prison and Probation Service: 'Every time we have to solve an issue in a prison, and every time we have to define a rule, our initial thought must be: How would we do it in

26 Ibid., p. 329.

27 William Rentzman, cited in *ibid.*, p. 330.

28 Finnish Imprisonment Act 2005, 767/2005, chapter 1, s. 3.

the free society? Only then are we to think: Is there any particular reason for doing it differently because it is a prison?’²⁹

The practical implementation of the normalisation principle can be seen in Halden Prison in Norway. The Governor of that prison, Are Høidal, in answering the question that he has been asked many times: whether the conditions in that prison are a bit too nice, said:

It is not easy to have your freedom taken away ... In Norway, the punishment is just to take away someone’s liberty. The other rights stay. Prisoners can vote, they can have access to school, to health care; they have the same rights as any Norwegian citizen. Because inmates are human beings. They have done wrong, they must be punished, but they are still human beings.³⁰

These conditions might indeed seem far too nice for criminals, a view often expressed in Anglophone countries. But my research clearly showed that prisoners found the experience of being incarcerated, being deprived of your liberty, just as painful in Norway as they did in Australia. What differed was that, with the correctional approach in Norway, prisoners maintained their humanity and individuality, leading to low levels of violence inside prisons, fewer conflicts with staff, and a much better prospect of rehabilitation and post-release success. Importantly, the traditional aims of deterrence and retribution are still fulfilled but without causing further deliberate harm. A central part of the normalisation principle, and one that underpins the rehabilitative potential, is an approach to security and control that places human interaction at its centre: dynamic security.

29 William Rentzman, cited in Engbo, *Normalisation in Nordic prisons*, p. 338.

30 E.J. Kirby, *How Norway turns criminals into good neighbours*, 7 July 2019, BBC News.

DYNAMIC AND STATIC SECURITY

At the centre of the normalisation principle is an approach to security and control called dynamic security. All Nordic countries subscribe to this approach, although the emphasis placed on it differs between them.

Dynamic security has been defined as ‘a concept and a working method by which staff prioritise the creation and maintenance of everyday communication and interaction with prisoners based on professional ethics. [It] aims at better understanding inmates and at assessing the risks they may pose, as well as ensuring safety, security and good order, contributing to rehabilitation and preparation for release.’³¹ In other words, dynamic security relies on the creation and maintenance of professional and respectful relationships between staff and prisoners, whereas static security largely removes the human aspect of control and relies on physical barriers such as locks, walls, physical divisions of space, and surveillance technology.

It is important to note that prisons in the Nordic countries have by no means abandoned static security measures. However, such measures have been complemented with a strong emphasis on dynamic security as a means to fulfil the normalisation principle as well as rehabilitation efforts.

Dynamic security also functions as a means for intelligence gathering in relation to criminal activity and networks inside and outside the prison. This dual role of dynamic security places high demands on staff competence, and prisoners are fully aware of the inherent contradiction of this approach, where staff are both guards and carers at the same time. This means that dynamic security is by no means a ‘soft’ approach but one that can reduce the damage done by imprisonment while also being able to implement and fulfil various rehabilitation efforts.

31 Innovative Prison Systems, Dynamic security’, n.d., <www.prisonssystems.eu>

As a response to that contradiction, Sweden changed its approach to how prison staff work with clients, from one in which all staff were engaged in dynamic security and were responsible for case work for a number of clients, to one in which the caring and control functions are now split between different staff groups. This is arguably a result of the somewhat stronger influence of a neo-liberal approach to punishment and governance in that country.³²

Norway, on the other hand, placed this focus on interaction between staff and prisoners as a conscious strategy that sits at the centre of the dynamic security approach applied across corrections in that country. In turn, the daily practice of dynamic security fits within the overall aim of Norwegian corrections: to release people who can be your neighbour.

A PRISON PRACTICE BASED ON RELEASING NEIGHBOURS: AIMS DIRECTLY INFLUENCE PRACTICE

The Norwegian Prison Service has as its aim ‘releasing people who can be your neighbour’. This aim has been explicitly written into the practice guidelines of the service, and it is taught to recruits during prison officer training.³³ While it implicitly communicates that most prisoners will ultimately be released from prison into the community, it also speaks to the personal qualities we commonly associate with a neighbour.

A common dictionary definition of ‘neighbour’ is ‘a person who lives near another’. But this says nothing about the kind of person who lives there. The additional dictionary entry states: ‘one’s fellow human being’ and ‘a person who shows kindness or helpfulness towards his or her fellow humans’,³⁴ and it is this

32 Bruhn, Nylander and Lindberg, Swedish “prison exceptionalism” in decline’.

33 The Act in its original language is at <www.regjeringen.no> See also J. Benko, ‘The radical humaneness of Norway’s Halden Prison’, *New York Times Magazine*, 26 March 2015.

34 Dictionary.com, Neighbour’, n.d., <www.dictionary.com>

meaning that I am proposing when we think of using this as a guide for prison practice, and for which Norwegian corrections policy aims. Two core aspects of this definition are worth highlighting: first, the humanising discourse as opposed to the dehumanising one encountered in much prison practice; and second, the focus on how people relate to each other in a positive way. Having such an aim of practice in mind across the different places and activities in prison supports a view of prisoners as human beings in the first instance, and encourages prisoners to practise and experience the 'neighbourly qualities' of respect for difference between, and helpfulness towards, one another.

In practice, most of us have experienced neighbours who were far from ideal. And we might not need, or want, neighbours who are friends. Living next to someone who does not cause harm to you, others or themselves might be all we need, which can be a reasonable expectation to work towards for people leaving prison. Importantly, a focus on 'releasing people who can be your neighbour' promotes long-term community safety by allowing prisoners to practise responsibility and normalised human interaction. To release people who can be your neighbour means that certain practices become not only possible but also necessary.

Normalisation and dynamic security, two key aspects of the aim of releasing people who can be your neighbour, place high demands on the staff working in these prisons, where they have to fulfil several and sometimes conflicting roles at the same time. However, in Australia, prison staff, their training and education, their working lives and their overall health and well-being have been largely overlooked in both research and policy. This is an area that needs urgent attention considering those workers' central role in implementing prison policy and the influence that they have over the rehabilitative possibilities of prisoners under their watch.³⁵

35 S. O'Toole, 'Prison officer training: The link with prison reform', *Journal of Correctional Education*, vol. 51, no. 3, 2000, pp. 282–4.

PRISON STAFF: THE BEARERS OF PRISON POLICY

Prison officers are one of the primary actors in the penal system, and they are also directly responsible for the implementation of new penal policies.³⁶ The fact that they are 'the primary bearers of penal culture' also means that they have the ability to transform cultural conceptions into penal actions,³⁷ and to determine the chance of success of new policies and practices.³⁸ The values of correctional staff are not just important to the acceptance or resistance of administrative changes concerning policies and practices in prisons,³⁹ but are also instrumental in determining prisoner quality of life.⁴⁰

Correctional staff play a vital role in shaping life inside prison walls.⁴ This role has been described as the 'base of the criminal

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- 36 M. Vuolo and C. Kruttschnitt, Prisoners' adjustment, correctional officers, and context: The foreground and background of punishment in late modernity', *Law and Society Review*, vol. 42, no. 2, 2008, pp. 307–36; see also M. Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*, Russell Sage Foundation, New York, 1980.
 - 37 D. Garland, *Punishment and Modern Society: A Study in Social Theory*, University of Chicago Press, Chicago, 1990, p. 210.
 - 38 A.C. Lin, *Reform in the Making: The Implementation of Social Policy in Prison*, Princeton University Press, Princeton, 2000.
 - 39 R. Tewksbury and E. Ehrhardt Mustaine, Correctional orientations of prison staff, *Prison Journal*, vol. 88, no. 2, 2008, pp. 207–33.
 - 40 H. Arnold, The experience of prison officer training', in *Understanding Prison Staff*, ed. J. Bennett, B. Crewe and A. Wahidin, Willan Publishing, Cullompton, Devon, 2008; B. Crewe, A. Liebling and S. Hulley, Staff culture, use of authority and prisoner quality of life in public and private sector prisons', *Australian and New Zealand Journal of Criminology*, vol. 44, no. 1, 2011, pp. 94–115.
 - 41 Crewe, Soft power in prison'; Crewe, Liebling and Hulley, Staff culture, use of authority and prisoner quality of life in public and private sector prisons'; A. Liebling, Prison officers, policing, and the use of discretion', *Theoretical Criminology*, vol. 4, no. 3, 2000, pp. 333–57; Liebling, Price and Shefer, *The Prison Officer*; R. Sparks, A. Bottoms and W. Hay, *Prisons and the Problem of Order*, Clarendon Press, Oxford, 1996.

justice pyramid' in Australia,⁴² and is one that remains complex and challenging. Prison officers find themselves having to balance the state's expectations with the practical demands of the jobs, such as meeting the needs of prisoners. The complexity of the world of a correctional officer has been recognised in Liebling, Price and Shefer's research. They write that 'on any given day, prison officers can be required to give effect to a multiplicity of roles, including gatekeepers, agents of criminal justice, peacemakers, instruments of change and deliverers and interpreters of policy'.⁴³ Importantly, a positive prisoner-staff relationship is absolutely central for a realisation of rehabilitative ideals.

Despite the complexity and importance of this role, the training provided for new staff in Australia generally consists of only eight to ten weeks of instruction,⁴⁴ largely focused on containment and control tactics, as well as the regulations around incarceration and how to manage the large amount of paperwork that modern correctional practice produces. In my interviews with more than a hundred prison staff in Australia, I asked them about their training and whether they felt it had been sufficient for them to do their job effectively. The overwhelming answer was 'no'. Training was also often delivered by current and former prison officers, which had the unintended consequence of extending and permeating a prison culture that was focused less on rehabilitation and more on keeping a distance from prisoners. Similar dynamics have been observed in the United Kingdom, where Crewe highlights that officer socialisation during training favours a version of rehabilitation promoted within the discourse of public protection. This serves to frame the prisoner as the 'other' who is less deserving of humanity

42 S. O'Toole, 'Human resources analysis of the Australian corrections industry', in *Corrections Criminology*, ed. S. O'Toole and S. Eyland, Hawkins Press, Sydney, 2005, p. 212.

43 Liebling, Price and Shefer, *The Prison Officer*, p. 42.

44 Corrections Jobs, 'Prison officers', n.d., <www.correctionsjobs.vic.gov.au>; Communities and Justice, 'Correctional officer', 5 September 2016, <www.careers.justice.nsw.gov.au>; Queensland Corrective Services, 'Work for us', 25 November 2019, <<https://corrections.qld.gov.au>>

and the one from whom staff need to be protected.⁴⁵ This is one consequence of the aims of individual deterrence, retribution and community protection being given priority over rehabilitation and reintegration.

This is in sharp contrast to Norway, where the important role of correctional staff has been explicitly recognised with a paid training program stretching over two years, with the possibility of a third year to earn a full bachelor degree. The job is also well paid in comparison to Australia, and both the pay and the higher status of the job is evident from the 1200 applications to the Prison Officer College in Norway each year, with 175 accepted into the program. The role of prison staff as the bearers of prison policy is explicitly recognised. As Høidal, Governor of Halden Prison, has said:

We are prison officers and of course we make sure an inmate serves [his or her sentence] but we also help that person become a better person. We are role models, coaches and mentors. And since our big reforms [in the 1990s], the 'recidivism rate' in Norway has fallen to only 20 per cent after two years and about 25 per cent after five years. So this works!⁴⁶

DYNAMIC SECURITY IN PRACTICE

Informal interactions, around activities such as cooking together, eating dinner and playing cards or sport, are a core part of Norwegian prison work, as a consequence of the normalisation principle and the aim of releasing people who could be your neighbour. Such seemingly informal interactions help to increase the social cohesion between individuals and groups, and can assist in breaking down barriers between 'us and them', helping both groups to see the person behind the uniform: the individual and not

45 Crewe, *Soft power in prison*, pp. 463–4.

46 Kirby, *How Norway turns criminals into good neighbours*.

just the number. It is central for dynamic security to be effective, and, as one staff member at Halden Prison mentioned in a BBC report, 'My first defence is my voice and our social connection with the inmates ... We defuse situations before they happen.'⁴⁷ Sufficient staff training and ongoing support for such an approach to be effective is crucial but currently missing in Australia. Moreover, the frequency and willingness to engage in such activities differ sharply between Australia and Norway, indicating not only a significant difference in pre-existing distance between staff and prisoners but also, perhaps, a missed opportunity to reduce the distance inside Australian prisons.

In Australian prisons, it seems to be enough for most people if the formal interactions—the ones that are a necessary component of everyday prison life—are respectful and humane. Any closer relationships are not necessarily wanted by staff or prisoners. It is also important to note that many prisoners in Norway are not especially appreciative of the model of frequent staff involvement and interaction. The prisoner culture that exists in Australia, whereby prisoners prefer to keep staff at arm's length and maintain their own social hierarchy and code without interruption, is present in Norway too. But to acquiesce to that pressure leads to a strong inmate culture, in which the division between staff and prisoner groups quickly provides fertile ground for conflict and violence. This is the process that a dynamic security approach aims to disrupt.

In my research, I asked prisoners and staff whether they would engage in any informal activities, such as I just mentioned, with the other group. In Norway, the answer was 'yes, of course' from both groups. Such interactions form an important part of their operational model. In Australia, however, the answer to the same question was generally 'no, never', at least in relation to uniformed staff, and across both high-security and low-security prisons. One medium-security prison I visited had originally been designed in

47 Ibid.

the mid-1990s with such informal interactions in mind, but when interviewing staff in early 2014, the failure to achieve this goal was evident. Comments included: 'No, no and no. Simply would not happen.' When asked if this staff member would play soccer with the inmates, he said: 'I would rather pull out my own fingernails.'⁴⁸ 'The prison was designed for staff and inmates to eat together out in the common areas of the units, but as far as I know, that has never happened.'⁴⁹ 'Never really happened. I just wouldn't feel comfortable about that sort of thing.'⁵⁰ 'Not sure why it is gone, but now it would be pretty much unthinkable.'⁵¹ In a couple of high-security prisons, staff mentioned that management prohibited such informal interactions, and one said: 'We can't even play pool with them. Management thinks it blurs the line.'⁵² Prisoners felt equally strongly about such interactions, knowing that to be seen to spend time with staff in this way would quickly give them the name 'screw lover' and place them in danger, ostracised by other prisoners and possibly punished for such transgressions.

POLICY CHANGE IN PRACTICE

Correctional authorities in Australia are aware that too large a distance between the two groups can be harmful, and a 'casework' model, where one officer acts as a 'personal officer' for three to five prisoners, was introduced in the 1990s into both Australian states where I conducted interviews. This was a policy copied from Swedish correctional practice, and since it worked well there, it was presumed to work well in Australia. The aim was to create closer, more respectful and more constructive relationships between the

48 A. Eriksson, Prison officer Kevin, medium-security prison'. All interviewee names are pseudonyms. Some of the following quotes from interviewees have been previously published, in A. Eriksson, *Prisons and the social production of immorality*, *Punishing the Other*, ed. Eriksson.

49 Eriksson, Prison officer John, medium-security prison'.

50 Eriksson, Prison officer David, medium-security prison'.

51 Eriksson, Prison officer Mark, medium-security prison'.

52 Eriksson, Prison officer Paul, high-security prison'.

two groups, trying to change the toxic culture that had existed in many prisons in the country until this time. Each casework officer was supposed to work closely with his or her prisoners, throughout their sentence and assist in guiding and supporting them with programs, education, work, preparing for release and so on.

This was not necessarily a welcome development. As one custodial officer told me, 'The model was based on what those crazy Swedes were doing. No offence, like.'⁵³ The intentions were good, but perhaps the 'people in town' underestimated the resistance among both staff and prisoners to such a move. One officer, who like many others in Victoria, had worked in Pentridge, a now defunct prison in Melbourne well known for its brutality, told me about the day when the new casework model was brought in: 'In Pentridge, they brought in case work, but we were not being paid any extra for doing that, so it was never going to happen. But even if we had been paid, it would not have happened. The reaction from the boss was to stand in the door to the outside area with the case files in his hand, then throwing them all out on the lawn, saying: "We are not doing this shit".'⁵⁴

Another officer who had worked in another old, now closed prison, summarised the development as such: 'When case management was introduced in the Old B, there was a lot of resistance from older staff—they had joined the job to turn the key on prisoners, not to be their best mate, that was how they saw it. But they probably also didn't have the skills to do it—at least quite a few of them had problems reading and writing, and also did not have the people skills to do it; didn't want to do "welfare type work".'⁵⁵

Things have changed since the 1990s, however, and even though the relationships have not necessarily become much closer in Australian prisons, they have become less antagonistic. As one prisoner in high security, who had been in and out of prison for 30 years, mentioned: 'The trade instructor—I even shook his hand

53 Eriksson, Prison officer Steven, medium-security prison'.

54 Eriksson, Prison officer Peter, low-security prison'.

55 Eriksson, Prison officer Leon, low-security prison'.

at Christmas. In the old days, I would have punched myself for doing that!’⁵⁶ This view was more common than expected, and not just in high-security prisons.

In low security in Australia, there is still almost no informal interaction, and the culture of high security is transferred more or less uninterrupted into low security. As mentioned by one prisoner in an open prison, in relation to informal interactions, he said: ‘No way. You would get your head kicked in ... I feel uncomfortable being in the car with a staff [member] when we’re going out to work ... I have seen people being punched in the mouth for shaking the hand of a senior staff member.’⁵⁷ I told this prisoner about the approach in Norway, and he was astonished, replying: ‘You would get done for that here. A thing you just learn from day one: don’t talk to staff.’

These views were arguably based on ingrained cultures within each of the two groups whereby the distance, the difference, was an important part of the identity, agency and reluctant coexistence of individuals within prisons. This culture provides a framework, a guide, for action and interaction. It provides a choice and a personal stance, backed up by powerful group dynamics. This existing culture in Australian prisons needs to be explicitly recognised when a new policy initiative is considered or implemented. The views of the people who will implement it, the bearers of prison policy, should have a voice at the table and not be mere subjects of a top-down bureaucratic decision-making process for any policy change to be successful, irrespective of whether it has been inspired by Nordic practice or another Australian state or territory. This is also a fundamental component of any policy change that aims to change practice: without staff who are equipped and motivated to carry out these new aims and directives, the policy will fail at the prison gates.

56 Eriksson, Prisoner Frank, high-security prison’.

57 Eriksson, Prisoner Luke, low-security prison’.

CONCLUSION

The principle of normalisation, dynamic security, the aim of 'releasing neighbours', and adequate staff training are four Nordic prison policies that have real relevance for Australia and which could lead to safer and less violent prisons, benefiting prisoners and staff alike, as well as lead to a reduction in reoffending and corresponding savings to Australia, both socially and economically. The obstacles to change are political, social and cultural in nature and are by no means inconsiderable. But that does not mean that we should stop trying to improve practice for the benefit of those who live and work inside the prison estate, and the wider community who will be the beneficiaries of successful—or, alternatively, the continuing victims of failed—rehabilitation attempts once prisoners are released.

