



Should the Church Run a Prison

What are the appropriate roles of the church in the prison system?

Report from the Board for Social Responsibility to the 1991 meeting of the NSW Synod.

In 1998, whether the church should run prisons is again being canvassed in some quarters. The following report makes clear that there is a role for the church in prisons, but in provision of services, not in running the institution. The report endorses the church working in prisons. The 1991 Synod meeting adopted the recommendations in the report in Resolution 256/91S

Report - Table of contents

- Resolutions 256/91S of the 1991 Synod
- Background
- Introduction: [Cooperation between church and state](#)
- 1. Goals
- 2. The Church's Resources and Expertise
- 3. Church identity
- Conclusion:
- **Appendix** : Looking at the Queensland Model : Borallen (Minimum and medium security private prison)

Resolutions (256/91S) of the 1991 Synod

(a) That the Synod adopt the policy that

- i. it is not appropriate for the church or its agencies to run penal institutions such as prisons.
- ii. it is appropriate for the church to provide chaplaincy, welfare, support, education and training services in prisons, to families of prisoners, and to ex-prisoners, where it can do so in accordance with its normal practices and policies such as consultation with those using the service and provision of quality services which achieve their

objectives . It may also be appropriate to contribute to officer training.

- iii. it is appropriate for the church to be involved in programs which provide alternatives to prison, such as community service programs and drug and alcohol rehabilitation , where these have the aim of rehabilitation, restitution and reconciliation, rather than punishment.
- iv. parishes and agencies of the church are encouraged to develop programs mentioned in clauses (b) and), including both informal services involving parish members, such as visiting inmates or their

families, and government funded programs using professional expertise.

(b) That the Synod call on the NSW Government

- i. to reduce its use of prisons, by making prison a last resort, by adequately legislating for and funding alternatives to prison.
- ii. to provide standards of accommodation consistent with the dignity and self-respect of the prisoners as human beings, permitting a reasonable degree of privacy and providing means and opportunity for education, exercise, meaningful work and necessary counseling and support aimed to rehabilitate prisoners as much as possible.
- iii. to provide adequate funding for welfare, health, support, educational and training services in prisons and for post-release services.

Background

Under By-law N 3.36.1 (j) of the Board for Social Responsibility, the Board must be advised by Parishes, Presbyteries or agencies of all proposals for institutional care. The Board is required to assess the effectiveness and viability of any such project and to make recommendations as to whether proposals needing approval of the Board of Finance and Property should receive that approval. The NSW Government has moved to privatise some prisons, and there has been some interest shown in church parishes or agencies running prisons. It is in that context that the Board has formulated this policy relating to prisons.

In preparing this policy, the Board draws upon work done by the Board and the Churches over several years, and has asked in *Interchange* for comment from the church.

- The Board is responsible for gaol chaplaincy on behalf of the Uniting Church.
- *Prison: a last resort* - a joint document of the Uniting Church in Australia Assembly Social Responsibility and Justice Committee, Catholic Social Justice Council, Anglican General Synod Social

Responsibilities Commission, and Australian Council of Churches Church and Society Committee.

- *I was in prison* Uniting Church in Australia, Victorian Synod, Division of Social Justice.
- The Board has been involved in discussions with the Minister for Corrective Services about prison policy and done substantial work on the situation in NSW prisons as a basis for this dialogue.
- The Board has been involved in the NSW Prisons Coalition (a group working for prison reform)

Submissions

We have received a small number of submissions in response to an invitation to comment which was included in the May 1991 *Interchange*. Some of the submissions were strongly against the idea of the church running prisons. Some submissions were in favour of the church running a prison, but called for it to be a radically different institution from current prisons. In other words, these submissions give the word "prison" a new meaning. In assessing whether the church should run a prison, the Board has worked from what the government appears to mean by "prison" in its requirements for a privately run prison.

The Board agrees that the church should be involved in alternative forms of institutions and programs for offenders, and take this up in our recommendations. However, it is important to be clear that such alternatives are different from what is possible within the NSW Government's requirements for a privatised prison, which would be under a number of restraints not only by government policy, but by law and by the level of funding provided by the government.

Some submissions seemed to assume that only a church run institution can exhibit compassion and understanding. In contrast to this, the Board affirms that it has found that many non-church agencies exhibit caring and compassion. Some submissions seemed to neglect the fact that the church is already involved in some ways in prisons.

Introduction:

Jesus of Nazareth announced the sovereign grace of God whereby the poor in spirit could receive the Father's love.

The Church as the fellowship of the Holy Spirit confesses Jesus as Lord over her own life, she also confesses that he is Head over all things, the beginning of a new creation, of a new mankind. God in Christ has given to men in the church the Holy Spirit as a pledge and foretaste of that coming reconciliation and renewal which is the end in view for the whole creation. The Church's call is to serve that end: to be a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, and instrument through which Christ may work and bear witness to himself. (Basis of Union, paragraph 3)

Christ who is present when he is preached among men is the Word of God who acquits the guilty, who gives life to the dead and who brings into being what otherwise could not exist. Through human witness in word and action, and in the power of the Holy Spirit, Christ reaches out to command men's attention and awaken their faith: he calls them into the fellowship of his sufferings, to be the disciples of a crucified Lord... (Basis of Union, paragraph 4)

The Gospels call us to visit those in prison and to participate in Christ's work of freeing the captives.

In Jesus Christ, God entered into the powerlessness and vulnerability of human life (incarnation) and shared in the suffering of all the victims of misuse of the legal system as an agency of military, political and religious control (crucifixion).

Actions taken by the church should be consistent with this understanding of the work of Christ - actions which proclaim the grace of God and offer forgiveness to all, which offer reconciliation and renewal, and which express our discipleship of a crucified Lord.

The church needs to be realistic in its appraisal of what we would have to offer if we ran a prison. Some submissions were based on the ideal church rather than the real church with all its sinfulness and inadequacy. The church has a history which includes some proud moments of wisdom,

innovation, compassion and justice. Its history also includes horrific actions which were characterised by ignorance, destructiveness and injustice. Often the church has been unable to recognise its destructive and inhuman actions because it claimed to be doing "God's will", and thereby sanctified what was wrong. Some of the most callous actions the church has ever committed have been done in the name of caring for people. In all our present services people have the freedom to accept what we offer or to reject it - if we are wrong, people may leave. In a prison, inmates would have no such choice.

Cooperation between church and state.

Throughout its history the Church has provided community services in areas of health and education. The funding of these activities has varied from time to time and from place to place. Given the nature of our society in Australian today nearly all community services which are conducted by the Churches receive some amount of Government funding. This is because the community recognises the social significance of the Church's work, sees that it is undertaken on behalf of the whole community and appreciates the need for community funding.

The decision to undertake these activities, therefore, did not arise because the Church wished to obtain Government funding, but because the services were within the traditional areas of Church community activity. Even without Government funding the Church would provide these services, although less funding would mean a restriction of extent.

The decision to undertake particular community services is determined by the Church in accordance with the following criteria:

1. it is in accordance with the goals of the church
2. the Church believes that it has resources and expertise which should be made available to people who are disadvantaged in society and/or vulnerable for other reasons,
3. the receipt of any necessary Government funding does not compromise the identity of the church, its goals and purposes, or

its ability to challenge injustice on the part of the Government.

It should not necessarily be thought that the provision of community services by the Church is better than a service provided by the Government or a Government agency. The Government has a particular role to play and some areas of community activity are most properly conducted by the Government on behalf of the community. The Church tradition, of which the Uniting Church is a part, does not regard the Government as alien, but recognises it as a part of God's order for the world. As the Ecumenical Justice Statement on Prisons states: "One of the legitimate functions of Government is to administer the sanctions a society adopts to ensure that laws are upheld, always striving for justice."

1. Goals.

- a. The purpose of prisons is punishment through the denial of freedom. Other purposes include control, deterrence, protection of society and rehabilitation, but these are subordinate goals.

The purposes of the church are the creation of communities where forgiveness is experienced, where healing of the person, rehabilitation and reconciliation take place and where people are encouraged to take responsibility for their own lives and for the community of which they are a part.

All institutions have a tendency to institutionalise their inmates, and the rigid nature of prisons makes this problem particularly bad. Institutionalisation involves diminution of responsibility, removal from reality, stunting of socialisation skills, and acceptance of these as a normal way of life. Prisons operate on a system of control where inmates cannot choose when to sleep, eat, be with people they love, etc. Such effects are damaging to the person, and contrary to the goals of rehabilitation and community.

The "get tough on prisoners" policies of the current NSW Government have focused on the need for prisons to be seen and

experienced as punishment. Mr Yabsley focuses on the need for prisons where prison officers are clearly in control and where prisoners do not have a say in what happens in prison. While the briefing document for private sector prisons states that prisons need to be more humane, this has to be read within the overall policy direction of the NSW Government on prisons and the laws it has enacted.

There is direct contradiction between the most basic, central goals of the church, and the purposes the NSW Government has for prisons.

- b) The NSW Government policy has increased the use of prisons in the criminal justice system. This is evident in the "truth in sentencing" policy, and the increasing proportion of the NSW population in gaol. This has occurred in spite of increased use of non-prison alternatives.

The Church sees prison as a last resort - a penalty that should only be used where violent people need containment, where the offence is of such a magnitude that prison is the only adequate sanction available, or where people repeatedly offend.

According to a report of the Australian Institute of Criminology in 1988, only 4% of crimes involve violence - the other 96% are property crimes such as breaking, entering, stealing (60%), motor vehicle theft (22%) and fraud (15%). Only a small proportion of offenders should end up in gaol. The average prison term is twelve months. (This is heavily biased by the few long sentences of 9-15 years; most people are in prison only a few months). Most crimes should not be punished by imprisonment.

The over-representation of Aboriginal people in prison has been well documented; much of this imprisonment is for minor offences and is a result of over-policing.

An obvious requirement before the church took responsibility for any prisons would be that the criminal

justice system be just and non-discriminatory. In particular, imprisonment should reflect the seriousness of the crime, not other factors such as race or socio-economic backgrounds.

The evidence is strong that most prisoners are in prison for non-violent crimes, and that most come from disadvantaged backgrounds. The determination of who goes to prison has little to do with the extent of damage they cause to people. In the past two years it has become obvious that many company executives have acted in ways which have inflicted major harm on clients and shareholders, and on the environment. Yet few of these people end up in prison, while many people go to prison for theft involving relatively small amounts of money and harm to individual people, not whole populations.

Prisons currently "serve as a social sump for the inadequate, the homeless, the desperate and the mentally subnormal whom society cannot accommodate elsewhere" (*I was in prison*, page 11)

The Law Reform Commission has pointed out that "there is no predominant judicial rationale for punishment which finds widespread acceptance" and "no community consensus about the goals of sentencing (*Discussion paper 29, 1987, cited in Prison a last resort*).

The church in running prisons would be part of a system which, it appears, is intrinsically unjust in who it prosecutes and convicts, and in its sentencing system.

c) The goal of the Government, in its administration of its own prisons and in privatisation of prisons is reduction in cost. While some attention may be given to the role of work for the sake of the prisoner, the main emphasis is on work as a way of reducing costs, and a way of controlling prisoners. Privatisation is a way of introducing non-union

labour on reduced wages in running the prison system.

The goal of the church in running a prison would have to be

* to provide prisoners with accommodation which is better than United Nations standards for prisons,

* to provide prisoners with services which contribute to their sense of dignity, allow them to develop skills and knowledge, equip them to be effective and responsible members of society. The church has long recognised the need to use properly trained personnel in all the services it runs - professional teachers, social workers, etc.

* to provide work for the sake of the prisoner rather than the system - a means of independence (earning one's keep), sense of dignity, constructive use of time, acceptance of the normal responsibilities people have as members of society.

* To base prisons on a just financial system, which provided just pay for the work of both prisoners and prison staff.

d) The prison system has a strong emphasis on security - armed guards, anti-riot squads, searches of prisoners and their cells, control of the amount of property prisoners can have in their cells, prisoners being under control of prison officers, and so on. The Government's policy and actions have led to riots in the prison system and to a break-down of trust between prisoners and prison officers.

The document: *Minimum standards for the management of correctional centres under contract management* accepts the need for a humane environment. However, this is within the clearly defined parameters of a "correctional institution", including a ten point section on "security and control" - which deals with the need for procedures to prevent escapes, deal with riots, search procedures, and

urine testing and breath testing. Section 8, on Offender discipline and segregation, requires that the prison manager "have in place procedures which comply with disciplinary procedures and requirements of the Prison Act and Regulations".

The NSW Government's policy on "escapes" involves penalties of up to ten years additional imprisonment for attempted escapes or tunnelling, and exclusion from C classification prisons. The church finds this policy unacceptable because

* it does not differentiate between different types of "escape" - most "escapes" are from low security prisons, often to deal with family problems, and do not involve criminal acts such as violence or robbery. Such absconding is quite different from a planned, armed escape from a high security prison that may involve the threat or actual occurrence of injury to prison officers or members of the public.

* it ignores the fact that many "escapes" from low security gaols would best be prevented by allowing greater access to telephones and leave of absence to deal with family problems.

Security practices and rules on access to telephones, leave, family visits etc which are standard for the government prison system, and its willingness to implement such policy in a way which leads to riots and reduced trust between prisoners and prison officers, are contrary to the church's goals of a caring, healing, rehabilitative community.

The church would want to encourage contact between prisoners and their families, and to ensure adequate support services to families. The present policies of Corrective Services are anti-family, restricting contact by visits, mail and telephone. Little or no physical contact is allowed during visits. The government puts a low value on support services to families - attempts have been made to abolish these services. The government

does not allow prisoners leave to deal with family problems.

(e) The Government has reduced education and welfare services. It is not evident that government funding for a non-government prison would provide adequate funding for the services necessary in an institution based on rehabilitation, or for adequate training of prison personnel (eg government prison officers receive a mere twelve week training program).

(f) For some people, the church's goal in running a prison would be evangelistic - an opportunity to convert people. We already have access to prisons to preach, run Bible studies, celebrate the sacraments and offer support to prisoners and their families. In a church run prison, it is not evident that we would have a significantly greater right of access - it is up to the prisoner to choose what, if any, religious activities he or she will participate in. This is a matter of respecting the prisoner's human rights.

Conclusions.

The basic purpose of the prison system, punishment, is contrary to the goals of the church. It is not appropriate for the church to have power over people in the way required by the prison system, whether it be confining people within prison walls, or administering security procedures such as preventing escapes, dealing with confrontation, limiting property, and searching people and cells. The role of the prison system within the social, economic, political and legal context means that the church, in taking on the role of prison management, would be taking responsibility for confining many people whom it believes should not be in prison. That is, the church would be participating in an unjust system.

Rather than incarcerating people under an unjust system, it would be more appropriate for the church to support initiatives to reduce the

prison population, to develop innovative alternatives to prison, and to advocate justice in the definition and prosecution of crime, and in sentencing practices.

That is, the church has to choose between becoming part of the system and participating in injustice, or working for radical change.

2. The Church's Resources and Expertise.

(a) Humaneness

It is obvious from both *Prison a last resort* (Uniting, Anglican and Catholic Churches and ACC), and *I was in prison* (Uniting Church, Victoria, Division of Social Justice), that there is urgent need to make prisons into places which are more humane. The church has expertise in running caring services and institutions. We believe we have some insights into treating people with dignity and respect. In that sense it must be acknowledged that we have something to contribute to prisoners.

However, humaneness is not confined to the church. The church often fails to be humane, and many people outside the church provide humane services. The church supports the view that the state as well as the church has the responsibility and the capacity to be humane in its institutions - schools, hospitals and prisons.

(b) Management expertise in running community services

In the running of most institutions, eg hospitals and child care centres, we employ professional expertise - the role of the church is to provide a policy based on the gospel and to ensure that that policy is implemented by administrators, teachers, social workers, nurses, and so on.

The church does not have particular expertise in security and containment, or in running commercial enterprises. That is, we do not have resources to offer in the

area of running prisons as secure institutions, nor running prison industries as commercial operations.

(c) Finance

In some institutions we make available financial resources of the church, for example Burnside. However, many of our institutions and services are funded by government or are self-funding.

The purpose of privatisation of prisons is to reduce the government's own capital expenditure - the private operator provides the capital to build and equip the gaol. For the church to build and run a prison would involve either (a) a diversion of major financial resources of the church from people centred programs to a capital intensive program or (b) entering into a commercial loan to fund an enterprise which involves a significant commercial risk (see Kleinwort Benson Australia Limited *Investigation into Private Sector Involvement in the NSW Corrective Services System 1989*).

Given the injustices and destructiveness inherent in the criminal justice system it is hard to see how such a financial investment could be said to conform to the Synod's investment guidelines, which prohibit investment in activities which cause unacceptable levels of social injury or inhibit human rights.

(d) Volunteers

The church also provides some support services using church members as volunteers - hospital visiting, drop in centres, etc.

At the present time, churches make resources available to prisoners, prison officers, ex-prisoners and their families through prison chaplaincy. Some chaplains use church members in supporting families of prisoners (see Interchange, April 1991), and encourage church members to visit inmates.

(e) Conclusions

It may be appropriate for the church to take on additional roles within the prison system.

Based on work the church does in other settings, ie its experience and expertise in managing community services, services provided to prisons might include provision of pre- and post- release programs, welfare services to prisoners and families, drug rehabilitation programs, and provision of education and training services in prisons.

However, the church would need to be free to run such programs in its normal way, ie in consultation with those who use the services, in this case the prisoners, and the work would need to be adequately funded.

However, while in theory it seems appropriate for the church to provide some services in gaols, careful consideration must be given as to whether it is possible for such programs to achieve their aims within the prison system. In South Australia, the organisation Offender Rehabilitation Services runs services in prisons and is well thought of by prisoners and prison staff.

Many of these programs would be best provided as alternatives to prison, rather than within prisons (this is the case with the Teen Challenge drug rehabilitation program, which can be part of a sentence). The church's work should contribute to the overall goal of prison becoming a last resort.

Education programs require access to books, but the number of books prisoners are allowed is restricted at present. Training programs need to impart skills which are useful in finding employment after release from prison and need to be accompanied by placement services for ex-prisoners so that the stigma of prison does not stand in the way of employment.

Also, the church should be wary of taking over services which have in the past been effectively provided by Corrective Services itself. For example, the present government has intentionally reduced the number of professional education officers in gaols, and moved to a policy of generalist officers providing education services (in spite of the fact that many are poorly education and they have only twelve weeks training for all their duties.)

Where the system is unjust and destructive, we should demand changes in prison practice, not simply provide services to deal with the damage which has been caused. For example, running pre-release schemes which include objectives like building prisoners self-esteem is pointless if the system itself has been responsible for destroying their self-esteem - what is needed is to change the system, not provide a course to undo the damage.

3. Church identity

The church expresses its identity in the institutions and services it provides. Community services, social justice work, and chaplaincy play an important role in the way the church is perceived by the community generally . It is in this work that people who suffer disadvantage in society are most likely to experience the church and the gospel in a significant way.

Where the church runs services in prison, preservation of the church's identity depends on the services being clearly seen to be for the sake of the prisoners rather than as agents of the state . Gaol chaplains, for example, are employed by the church, not the gaols, although the churches do receive a subsidy from Corrective Services for this work. In this way chaplains maintain their independence within the prison system and are able to represent prisoners when necessary.

To run a penal institution would clearly create a different identity for the church. For the church to run a

prison is to take on the role of punisher. It would reinforce the impression some people already have that the church is the proclaimer of punishment rather than grace and that the church condemns individual sinners rather than proclaiming the Christ who forgives us our sin. It would reinforce the view that the church is part of the establishment, the economic-political-legal system, rather than being in solidarity with the disadvantaged and outcasts of society. Many prisoners see the prison system as inherently unjust and would identify the church with injustice.

In considering the effect of running a prison on the identity of the church (its non-verbal proclamation of the Gospel), we should learn from the past. Muriel Porter, in Land of the Spirit? reminds us of the effect of the Reverend Samuel Marsden, who participated in the penal system as magistrate and in that capacity became involved in "two feeble uprisings of Irish convicts" , sentencing suspects to severe floggings:

His legacy to the future of the Australian church can only be described as tragic, for the legend of the 'flogging parson' ensured a lasting bitterness towards institutionalised religion. His behaviour compromised the church for decades, and cemented the ancient hatred between the English and Irish, between Protestant and Catholic, on the other side of the world. He is symbolic of the attitudes and mistakes on the part of the Christian churches which helped in the creation of secular Australia. (page 13)

The role of the churches in the history of Aboriginal people has also led to a negative heritage - the church too often acted in ways which identified it with the racist invaders rather than as supporters of the Aboriginal people. Aboriginal people see the criminal justice system, the police, the courts and the prisons, as a means of racist oppression. The Report on Racist

Violence of the Human Rights and Equal Opportunity Commission indicates that this is a true perception. Aboriginal people would want the churches to side with them in opposing the use of the system against Aboriginal people, not to identify with the unjust system.

Conclusion:

The true identity of the church cannot be expressed in running a prison.

It can best be expressed by the church doing the following:

- * acting in solidarity with Aboriginal people in challenging overpolicing of Aboriginal people and imprisonment of Aboriginal people for minor offences.

- * supporting (including encouraging government funding of) the work being done by other organisations in providing support services for families of prisoners and post-release programs for ex-prisoners

- * In relation to most offenders, seeking a massive reduction in the number of people in prison, through challenging reliance on prison, developing alternatives to prison and demanding the government legislate non-prison sentences for non-violent offences and adequately fund the administration and implementation of those sentences.

In developing an alternative strategy to prison, the church might, for example, develop and run day centres which provide supervision and help for offenders as they become involved in education, training and employment in the community.

The church might also consider schemes which are based on restitution and reconciliation.

- * In the case of the small number of offenders who should be imprisoned, it is not appropriate for the church to take on the role of punisher or to identify with the prison system. The role of the

church might be to provide services and programs for prisoners but not to be responsible for custody and security.

Appendix : Looking at the Queensland Model : Borallen (Minimum and medium security private prison)

This is very clearly a prison, with perimeter security, a rigid timetable and eight hour period of being locked in cells, standard lights out time, cell inspections, three compulsory musters per day, censorship of incoming mail, no incoming phone calls, limited outgoing calls, limited property in cells. Some property is allowed by right, other property by privilege (no details available). It is not clear, from the information we have, what punishments are used where prisoners break the rules. However, the emphasis is on a safe and humane environment, consistent relationships with staff, and preparing for release through cooperation in working out and achieving prisoner goals. There is unlimited incoming and outgoing mail, and up to nine phone calls per week. It is said to be a vast improvement on state run gaols in NSW and Qld.

Corrections Corporation of Australia Pty Ltd uses unit management. All inmates are expected to work unless they are considered full time students. Part time education courses are available for those who work. Work is paid for at rates varying between \$1.10 and \$2.00 per day, with a .50 cent allowance for the "involuntary unemployed". (Education and training appear to be paid as work).

The management is through three teams:

* Operations team : responsible for accommodation and custody matters (including, one assumes, security matters)

* Administration team: responsible for finance, support services and medical care

* Program team: responsibilities include: education, activities, work, counselling, chaplains.

It is the work of the first team which is not appropriate for the church to do.