

WATCHING BRIEF WB16-2: CRIME AND PUNISHMENT

The trends in crime and the responses to it are the focus of this brief. It includes recent statistics and analysis, and comments on various types of approach to preventing crime and enhancing social cohesion. It also mentions the history of the Quaker approach to prisons.

The Challenge

In an article published in *The Canberra Times* on 17 February 2016, Ross Gittins drew attention to changes in imprisonment rates in Australia in recent years, as reported by Don Weatherburn of the NSW Bureau of Crime Statistics. Ross Gittins made the following points:

- ! Over the 66 years to 1984, Australia's rate of imprisonment per head of population rose by 13%. In the last 30 years, it has more than doubled.
- ! The Indigenous imprisonment rate is 45% higher than at the time of the Royal Commission into Aboriginal Deaths in Custody.
- ! Although the crime rate has declined, there has been a focus on policies that result in fewer people getting bail, more getting a prison sentence and more people staying in prison longer.
- ! Since 2000, drug-related crime, robbery and other thefts, and even assaults, have all declined significantly, but the 'tough on crime' legacy continues.
- ! In the 12 years to 1995, national spending of corrective services almost doubled to \$880m. The annual cost would employ 2800 probation/parole officers for 10 years.
- ! Given that criminologists say that incarceration does little to lower crime rates, we should be looking for ways to punish offenders that are more effective in reducing crime and aren't so expensive.

Don Weatherburn himself has criticized (in an article by Rachel Olding in *The Sydney Morning Herald*, 17 February 2016) what he calls the "fear and loathing" that drives public debate on law and order in Australia. He has called for a more rational approach. This was supported by John Dowd, former attorney-general of NSW and a member of the prison reform advocacy group, who observed that the system was afflicted by poor monitoring of parolees and delays in prosecution. Sarah Hopkins of the Aboriginal Legal Service, said harsh punishment does not deter, and that a project of education and treatment called Justice Reinvest has had success in trials.

United Nations

The UN General Assembly on 18 December 2014 (Res 69/192) encouraged member states to improve conditions in detention, implement UN rules for the treatment of women prisoners, and reduce prison overcrowding and use non-custodial measures instead of pre-trial detention. An ongoing Expert Group, which last met in March 2015, focusses on standard minimum rules for the treatment of prisoners, covering such areas as respect for human dignity, adequate medical and health services, right of access to legal representation, and training of staff. More details of the work of the UN Commission on Crime Prevention and Criminal Justice can be found at www.unodc.org/unodc/en/commissions/CCPCJ/

Quaker Approaches

From their beginnings, Quakers took a strong interest in the conditions of prisons, and sought to offer comfort to those imprisoned and to make representations to the authorities to improve conditions. They expressed the view that redemptive treatment rather than retributive punishment was the ideal response to crime – consistent with their approach that evil must be overcome by good. Elizabeth Fry was perhaps the most notable of early Quakers in giving hope to all those she visited in prisons.

In 1987 John Lampen, a British Friend, gave an insightful analysis of prison:

It puts the offender against property into a place where he is deprived of opportunities to practice the social rules about property; it puts the violent man into a subculture which is governed by violence; it puts the defrauder into a power system where corruption is rife; it puts the sexual offender into a place where sexual relief is only obtainable by substitutes; it puts those who need to learn to take control of their lives into a situation where all significant choices are made for them; and it puts the offender who is likely to reform into a milieu where most of the influences on him or her are criminal ones.

Many Friends have become involved in programs that seek to address these concerns constructively – through a focus on restitution (restorative justice), prisoners' aid groups, or helping people learn to deal with conflicts without violence (alternatives to violence, mediation).

In her Backhouse Lecture in January 2015, Sally Herzfeld (West Australian Quaker) outlined the history of AVP around the world, starting in 1975 when a group of prisoners in Green Haven Prison New York USA sought help from Quakers and others to design a way to teach nonviolence. Sally said:

The program that was first developed began with sessions designed to build self-worth within each participant and community within the group. It concluded with strength-building discussions of twelve guidelines for the use of a power which can transform people and situations.....We use role plays to demonstrate and practice strategies and help participants gain confidence.

Restorative practices (sometimes called 'restorative justice') focus on early intervention to deal with offences in a way that does justice to the victim and provides a way "for the offender to be restored to their community. ...a process where all stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and to decide what should be done to repair the harm.

With crime, restorative justice is about the idea that because crime hurts, justice should heal. It follows that conversations with those who have been hurt and with those who have afflicted the harm must be central to the process”.

(John Braithwaite (ANU), in journal *The Good Society* 2004). QPLC issued a fuller report on this in 2014 (WB 22) which is available on the Quakers Australia website.

Friends are encouraged to examine the legal and bureaucratic framework in their own State or Territory to see how sentencing and imprisonment rates are changing, and to report to QPLC on significant developments. Further information on alternative programs for rehabilitation are also welcome. Friends may also be led to contribute to the public debate about trends in criminal justice.

Sources:

Ross Gittins: ‘Prisons trap our money along with crooks’ (*The Canberra Times*, 17 February 2016).

Rachel Olding: ‘Don Weatherburn calls for light prison sentences’ (*The Sydney Morning Herald*, 17 February 2016).

John Lampen: British Yearly Meeting Faith and Practice 1995, clause 23.101.

Sally Herzfeld: This we Can Do (Backhouse Lecture 2015, pages 4 and 5).

UN Commission on Crime Prevention and Criminal Justice www.unodc.org

Restorative Practices (Watching Brief 22), www.quakers.org.au