

# A solution to reducing juvenile recidivism rates?

## A day in prison

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*A belief in the power of fear and intimidation as a means of altering offenders' patterns of thought and behaviour continues to persist among criminal justice practitioners.*

The way in which governments respond to juvenile crime varies across jurisdictions. Recently, however, some Australian State governments have intensified the use of 'Day in Prison' programs. Queensland and Victoria have pursued these programs without any clear rationale to link the scheme with penological objectives. The Day in Prison program, often resulting in 'shocking juveniles', may well aggravate attempts to modify juvenile criminal behaviour. This article critically reviews the program. It is argued that more fundamental policies are needed than the 'quick fix' and politically popular Day in Prison programs if young people are to be given an opportunity to behave in socially appropriate ways.

### The background to Day in Prison programs

The notion of shocking offenders into a law-abiding way of life has a long and often lurid history. Despite the shift to more subtle forms of crime control such as 'reform', 'rehabilitation', 'treatment' and 'prevention', the belief in the power of fear and intimidation as a means of altering offenders' patterns of thought and behaviour continues to persist among criminal justice practitioners. Indeed, recent developments in juvenile justice in Western Australia<sup>1</sup> and the impending implementation of the *Juvenile Justice Bill* in Queensland (firmly based on legalistic principles of the 'justice model') would appear to indicate a distinct movement towards the twin pillars of punishment and retribution.

Given this ideological climate it is hardly surprising that calls for more hard-edged forms of crime prevention have emerged from various quarters. One of the apparently more attractive initiatives receiving renewed attention from policy makers, managers and practitioners is the Day in Prison program.

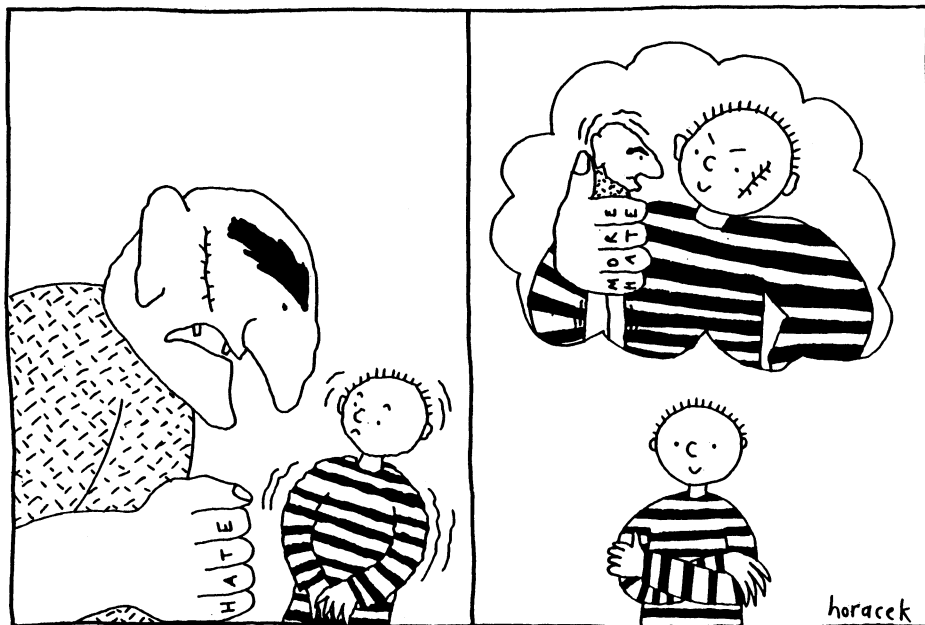
This strategy for dealing with young and adult offenders originated in the United States during the early 1970s and is variously referred to as the 'shock', 'aversion', 'confrontation' or 'delinquency prevention' approach. Perhaps the most well-known — or some might say notorious — of such initiatives, is the Lifers Awareness (or 'Scared Straight') Project established in 1978 at Railway State Prison, New Jersey. The program relied heavily on the aim of shocking young people away from a life of crime and delinquency. This involved taking apparently 'hard core' young offenders on a 'tour' of the prison followed by a 'rap session' with inmates. According to one commentator 'the objective of the project was deterrence, i.e. to scare juveniles away from criminal careers by explaining the consequences of a life of crime'.<sup>2</sup>

Against public concern over rising youth crime, the 'Scared Straight' program appeared to offer a hard-hitting, commonsense approach to crime prevention. Indeed, the American media appeared to regard the often explicit and brutal encounters between inmates and program participants as a legitimate way of dealing with the problem of criminal behaviour. A *Washington Post* journalist reported one session as follows: 'Dangling filthy lace panties from his coarse fingers convicted murderer Berne Meadows leans menacingly into the face of a 14-year-old and curses about hard times and horrors in prison.'<sup>3</sup>

Following an initial bout of optimism it soon became apparent that 'Scared Straight' and many similar programs had been far from successful in preventing recidivism among participants.<sup>4</sup> Indeed, the development of such programs had often led to a number of unintended consequences. For example, the American Correctional Association, the National Advisory Committee for Juvenile Justice and Delinquency and other organisations expressed concern about the possible infringement of children's rights in 'Scared Straight' type programs. Anthony Travistone, executive director of the American Correctional Association argued that: 'No citizen of the United States has the right to intimidate children; not ministers, not social workers, not even parents. Why should we make an exception?'<sup>5</sup> In the light of such concerns, many Day in Prison programs have faltered only to be replaced by new, more sophisticated variants based on the same approach. However, while such programs continue to proliferate in the United States, other

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countries such as Sweden and Japan have opted not to take this route.<sup>6</sup> Britain and Australia have opened only a handful of programs between them.

### The Australian experience

Day in Prison programs are currently operating in a number of States in Australia, including the Fairlea program in Victoria and the East Maitland 'Day in Prison' program in New South Wales. Proposals exist to open programs in Queensland, Western Australia and the Northern Territory. Moreover, in an effort to strengthen its crime prevention image, the federal Liberal Party has recently endorsed the use of Day in Prison programs as a central strategy in attempting to deal with youth crime.

Despite the fact that, in practice, most Day in Prison programs tend towards 'aversion', the current promoters of such initiatives in Australia emphasise the aim of raising the 'awareness' of program participants as to a prison sentence being the possible consequence of further offending. Program participants are usually aged between 17 and 25 years and are considered to be 'at risk' of receiving a custodial sentence. A short, sharp spell in prison is thus seen as a final opportunity for the offender to express remorse and a firm intention to proceed along the 'straight and narrow'.

Although a number of bold claims have been made on behalf of such programs, only one has been the subject of detailed enquiry. The Victorian 'Day in Prison' program opened in 1989 and is based on a now defunct scheme at Parramatta Prison. The Victorian program is regarded by the courts as a 'last resort' for young, repeat offenders who

are at risk of receiving a custodial sentence. According to the Victorian Director of the Office of Corrections 'the confrontation of the day in prison must be turned into a positive experience through the channelling of whatever motivation the offender demonstrates at the end of the day into short-term and achievable goals'.<sup>7</sup>

The program itself includes a busy timetable of events starting at 7.30 a.m. and ending at 4.30 p.m. After a rigorous 'assessment', during which participants are fully briefed on the nature and purpose of the program, they are subject to a 'body search' by prison officers, allocation of work, observation of prisoners and a brief spell locked up alone in a cell. The afternoon session is made up of an encounter with a panel of prisoners, a 'strip search' (during which personal documents are destroyed) and interviews with prison officers and the governor. In accordance with procedural guidelines, participants are closely observed and support staff (usually a psychologist and/or prison warden) are on hand in the event of any difficulty.

In a preliminary study of the program, researchers from La Trobe University concluded that there is no evidence to suggest that a day in prison is effective in preventing crime among participants. Moreover, concern is expressed about:

the distinct possibility that opportunities will always exist for participants to be subject to violence administered either by prisoners or, which is more difficult to regulate, by prison officers. It must be concluded that the program's retention of a philosophy of a 'short, sharp, shock' creates major problems with respect to the possibility of traumatising partici-

pants . . . There is no evidence to show that aversion elements such as violence or traumatising experience have positive effects on crime prevention.<sup>8</sup>

In 1991 four program participants alleged that they had been physically assaulted by prison officers. The allegations referred to being punched in the ribs, slapped in the face, having hair pulled, being struck by batons to various parts of the body, kept naked for one hour and being handcuffed and verbally abused. While the Victoria Police found insufficient evidence to warrant criminal charges against the officers concerned, recommendations were made to prevent the re-occurrence of such an incident.<sup>9</sup>

Despite this outcome, such incidents raise a number of fundamental questions about the operation of Day in Prison programs. First, given the continued use of aversionary techniques, it is inevitable that fear and intimidation will at some point result in violent confrontation unless measures are taken to physically separate participants and inmates. As the La Trobe study indicates, the potential for violent confrontation comes from both inmates and prison officers and while precautionary measures may limit the opportunity for abuse, the reliance on methods of confrontation and fear continues to make such encounters possible.

Secondly, the absence of clear procedures to corroborate allegations by program participants would appear to place them in an extremely vulnerable and ultimately unjust situation. Indeed, rather than ensuring the presence of independent witnesses during encounter sessions with prisoners, most programs have relied on other prison employees (for example psychologists) to monitor developments. It is also arguable that the presence of senior prison officers (as proposed by managers of the Victorian scheme) offers little or no guarantee that violent and abusive encounters will be avoided.

Thirdly, it is difficult to clearly define, let alone identify, the amount of trauma experienced by participants. Indeed, the lessening of the role of the observing psychologist in the Victorian program has, according to the La Trobe researchers, 'created a time bomb . . . Cases of severe traumatising may occur at some point in the future, if they have not already'. Evidence from case files indicates that program participants experience a significant degree of trauma.<sup>10</sup> For example, prison officers made the following observations in relation to

the experiences of participants during reception into the Victorian program:

'Very ill, distraught, totally embarrassed by the strip search.'

'He felt violated, but knows that this is what prison is like.'

'Distasteful, downgrading. This set the trend for the day.'

Similarly, in relation to the prison environment:

'He did not like the prisoners looking at him.'

'Very nervous when escorted to the Division. Reacted scared when other prisoners were around.'

Or, in discussion with prisoners:

'Shocked when described the realities of prison life.'

'Told the cold, hard facts. He was shocked and nervous.'<sup>11</sup>

Whatever methods are drawn up to lessen the traumatising effect of the prison experience for program participants, it is difficult and, from the program-manager's view, probably undesirable, to eradicate such an outcome. Furthermore, the nature of the prison environment and the absence of independent observers makes the use of physical and psychological abuse an ever-present possibility.

### The Day in Prison program initiative in context

Given the history of discouraging results relating to Day in Prison programs, why do new, seemingly more attractive variants keep springing up in the criminal justice system? There are at least four explanations. First, aversionary approaches emerged in conjunction with a distinct ideological shift from the rehabilitation theories of the 1970s to the burgeoning 'back to justice' movement of the late 1970s and early 1980s. Aversionary approaches squared easily with the individualistic approach to justice promoted under the auspices of the so-called 'justice model'. Increasing reliance on law and order and the tendency for this approach to blame the offender rather than social and economic circumstances, had become a politically attractive approach. The reliance on the principle of deterrence appeared to provide a hard-hitting response to the problem of rising crime without requiring acknowledgement of the influence of social, economic and political factors. Moreover, given that the 'crime problem' was increasingly viewed by the state as the social problem of a recessionary society and in turn that youth crime was almost synonymous with

crime itself, aversion and deterrence appeared to offer an appropriate reactive response.

Secondly, as one American commentator points out, Day in Prison programs are one of a growing number of 'punctured panaceas'<sup>12</sup> seized by criminal justice entrepreneurs in their search for an effective crime prevention strategy. The frenzied drive<sup>13</sup> to procure new or refined programs and initiatives, even in the face of negative research evidence, indicates that for many practitioners 'anything is better than nothing'.

Thirdly, compared to detention centres and some community-based programs, the Day in Prison approach is relatively cheap to manage and administer and therefore very appealing to cost-conscious policy makers and administrators.

Fourthly, aversion programs provide a subtle way of increasing the management and control of prisoners insofar as they give inmates a sense of purposeful activity in an otherwise unproductive and stifling environment. This has proved very appealing to prison authorities. However, as the Prisoners Legal Service states: 'While the benefits to prisoners are significant in terms of self-esteem and a sense of purpose, the benefits to young people are less clear-cut.'<sup>14</sup>

### Conclusion

The available evidence suggests that Day in Prison programs have little or no effect on reducing the rate of recidivism among program participants. Indeed, rather than improving matters, it is apparent that these programs give rise to a host of unintended consequences, including psychological trauma. The tendency of criminal justice policy to create programs which have no demonstrable positive results, that is, in reducing the incidence of offending, is of concern to workers in the criminal justice area. It is submitted that an 'anything is better than nothing' approach is not a sensible and rational way for developing strategies to deal with young offenders. Subjecting juveniles to a dehumanising and brutal environment, so often a feature of adult correctional centres, will only increase the sense of helplessness felt by many young offenders. Some evidence suggests that rather than shocking or increasing awareness in program participants, the Day in Prison program serves to strengthen self-images of toughness and resistance.

Observers of the Day in Prison program may rightly conclude that such

initiatives are politically expedient rather than genuine attempts at crime control. By endorsing the short-sighted and crude notions of deterrence and retribution, the Day in Prison program particularises punishment as an individual responsibility. In doing so, the individual becomes pathological, maladjusted and in need of behaviour modification. The more fundamental social causes of crime such as unemployment, poverty, deprivation, and more positive ways of providing young people with the opportunity of learning appropriate ways to behave, are totally ignored by the Day in Prison program.

### References

1. Particularly punitive measures have recently been taken in Western Australia with respect to adult and juvenile offenders, see *Crime (Serious and Repeat Offenders) Sentencing Bill 1992*, and for discussion of the political and social ramifications of this new legislation see White, R., 'Tough Laws for Hard-Core Politicians', (1992) 17(2) *Alt LJ*, pp.58-60.
2. Cavender, Gary, 'Scared Straight: Ideology and the Media', (1981) 9 *Journal of Criminal Justice*, p.453.
3. Blackmore, John, 'Scared Straight: Still Attacked, Still Imitated', (1980) 6(2) *Corrections Magazine*, p.51.
4. For two particularly good studies of juvenile groups that support this assessment see Langer, Sidney, *Fear in the Deterrence of Delinquency: A Critical Analysis of the Railway State Prison Lifer's Program*, University Microfilms International, 1980, Dissertation, City University of New York, and Finckenaue, James, *Scared Straight and the Panacea Phenomenon*, Prentice Hall, New Jersey, 1982.
5. Blackmore, above, p.51.
6. The principal reason for this would appear to be a concern over abuses of children's rights, see the United Nations Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, especially Article 10.2(b).
7. Coventry, Garry, and O'Malley, Pat, 'Victoria's Day in Prison Program Provisional Evaluation Report', Research Paper No. 3, National Centre for Socio-Legal Studies, 1991, p.14.
8. Coventry and O'Malley, above, p.32.
9. Coventry and O'Malley, above, pp.25-6.
10. See Coventry and O'Malley, above, p.27.
11. Information taken from Prisoner Panel and Prisoner Officer Reports, Coventry and O'Malley, above, pp.27-8.
12. For an elaboration of this concept see Finckenaue, above.
13. See Cohen, S., *Visions of Social Control*, 1985, Polity Press, Cambridge.
14. Prisoners' Legal Service, 'Proposed Day in Prison Program', *Prisoners' Legal Service Newsletter*, April 1992, p.6.