

## **Women in Prison**

by

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Much has been written in recent years on the subject of women in our society. The 125 women in New Zealand's prisons appear to have been consistently ignored.

This paper deals first with why these women are in prison: the crimes they have committed, sentencing, and attitudes towards female offenders. Some consideration is given to the effect of the changing role of women on the pattern of female offending and the prison population.

Secondly, it looks at the penal institutions dealing with women offenders: what takes place within the institution and the problems faced by the female inmate.

It would be impossible to give a detailed appraisal of the current state of the penal system as it relates to women, without working within it for a considerable period of time. What follows is necessarily based on observations from the "outside" — impressions formed by talking to people involved with female offenders, the offenders themselves, and from seeing some of the facilities offered.

The Justice Department statistics divide offences into six categories. Nearly 51% of the total number of women imprisoned fall within the category of "offences against property". This includes theft, burglary, fraud, arson, robbery, receiving, trespass, car conversion and wilful damage.<sup>1</sup> It has been noted that various methods of forgery have consistently been practised by women.<sup>2</sup> The category of "forgery and offences against currency" accounts for 6.7% of the female population compared with a mere .92% of the male population.

It is still recognised that theft (which includes shoplifting) figures

<sup>1</sup> New Zealand Justice Statistics (1975), 84-85.

<sup>2</sup> Smith, *Women in Prison* (1962), 33.

prominently in the total number of offences committed by women.<sup>3</sup> Pollak, the recognised authority on female offending, points out that in relation to crimes against property, particularly stealing, the opportunities seem to be relatively greater for a woman than a man.<sup>4</sup> Modern sales promotion methods concentrate on the female shopper.<sup>5</sup> Department stores and supermarkets make articles readily accessible under the "self-service" system. However, theft has not increased proportionately to overall offending. It has been a noted trend overseas that in relation to female offending those offences showing the greatest increase are the white collar crimes such as fraud and embezzlement.<sup>6</sup>

As women increase their participation in the labour force, their opportunities to commit this type of crime are increased. In previous periods when women's role in society has been extended, for example in war years, similar increases in the number of offences against property committed by women have been observed.<sup>7</sup> The results of a review undertaken of international statistics have proved consistent with the hypothesis that in countries where women are likely to be employed in commercial and white collar positions and enjoy legal and social rights, they are also likely to engage in property and economic types of offences.<sup>8</sup>

In sharp contrast to offences against property, those against the person account for only 8.3% of the female prison population. It has been said that arrest for violent crimes such as aggravated assault has changed hardly at all over the last three decades, that "violent acts of aggression are something that women do not do unless driven by extraordinarily strong catalytic circumstances".<sup>9</sup> This is in line with the observations consistently put forward by criminologists to the effect that offences entailing extreme physical violence are not typical of women on the whole — when women do use extreme violence their victims tend to be entirely helpless and incapable of retaliation, usually children or the elderly. The reasons put forward for this are based on the premise that the woman's sphere is still, in many instances, the home; that social customs prevent a woman taking the initiative in establishing contacts with people she does not know and therefore she is less likely to attack strangers than is a man.<sup>10</sup>

<sup>3</sup> Adler, *Sisters in Crime* (1975), 28; Report of The Department of Justice (For the year ended 31 March 1978).

<sup>4</sup> Pollak, *The Criminality of Women* (1950), 146.

<sup>5</sup> *Ibid.*, 159.

<sup>6</sup> Adler, *op. cit.*, 15-16.

<sup>7</sup> Pollak, *op. cit.*, 58-75.

<sup>8</sup> Price, "The Forgotten Female Offender", *Crime and Delinquency*, April 1977, Vol. 23, No. 2.

<sup>9</sup> *Idem.*

<sup>10</sup> Pollak, *op. cit.*, 10-11; Smith, *op. cit.*, 22-29.

It is submitted that in relation to violent crimes the pattern of female offending is also changing. This is supported by the Annual Report of the Justice Department which acknowledges that there is an emerging pattern of female offending involving more serious crimes such as aggravated robbery, assaults, and burglary.<sup>11</sup>

Adler<sup>12</sup> attributes this to the phenomenon of "new feminism". This, she explains, is not an organised women's movement but a growing awareness of women's rights: a consciousness that is permeating all levels of society. The "new female criminal" is not a feminist. She still comes from lower socio-economic levels and probably identifies herself with the traditional image of women but as a result of radical educational, political and technological advances, she has been freed from unwanted pregnancies, provided with male occupational skills, and, via weapons, equal strength. These factors, coupled with psychological changes — a spirit of assertiveness arising from changing self-perceptions, abilities and aspirations — have created the conditions for women to break out of the stereotype feminine crimes of prostitution and shoplifting.<sup>13</sup>

Like her legitimate based sister the female criminal knows too much to pretend to return to her former role as a second rate criminal confined to feminine crimes such as shoplifting and prostitution. She has had a taste of financial victory. In some cases she has had a taste of blood. Her appetite appears to be only whetted.<sup>14</sup>

New feminism, Adler says, "describes women who have concluded that prostitution and shoplifting are not their style: embezzlement, robbery and assault are more congenial to their self-image".<sup>15</sup> She concludes that as the position of women approximates the position of men so does the frequency and type of their criminal behaviour. If present social trends continue, women will compete increasingly in such traditionally male activities as crimes against the person, more aggressive property offences and especially white collar crime.<sup>16</sup> It is perhaps appropriate, in connection with the foregoing discussion on changing attitudes, to consider the category of "offences against good order" with specific reference to vagrancy and the "victimless" offences traditionally associated with women's offending.

Only 7.1%<sup>17</sup> of the female prison population, compared with 19.5% of the male prison population, fall within the category of offences against good order. This marked difference is attributable to the substantially greater number of males imprisoned for offences

<sup>11</sup> Report of the Department of Justice (for the year ended 31 March 1978), 10.

<sup>12</sup> *Op. cit.*

<sup>13</sup> *Ibid.*, 7-12, and at 21-30.

<sup>14</sup> *Ibid.*, 15.

<sup>15</sup> *Ibid.*, 27.

<sup>16</sup> *Ibid.*, 252.

<sup>17</sup> New Zealand Justice Statistics (1975), 84-85.

relating to alcohol which fall within this category. The offence of being idle and disorderly also comes under the heading of offences against good order. On the 1975 Justice Department statistics eight of the total 240 women in prison were there for the offence of being idle and disorderly — 3.3% of the total female prison population. This is to be compared with the corresponding statistics for male prisoners — in absolute figures, 43 out of a total of 4794 or .89%.

The section on female offending in the Justice Department publication *Crime in New Zealand*<sup>18</sup> explains this discrepancy. After noting that much of the increase in female offending had been due to vagrancy it goes on to explain that, as a general rule ships in port are allowed visitors until a certain time, up until which Wharf Police exercise a certain discretion in approaching visitors. However, they may question a girl of unkempt appearance as to her means of support and if she cannot prove to their satisfaction that she has sufficient lawful means she is liable to be charged with being idle and disorderly under the Police Offences Act. At least one reason given for this is the

public concern over the spread of V.D.. Control of the disease requires that promiscuous girls be found and treated. V.D. is not notifiable in New Zealand — control depends on finding cases and treating contacts . . . . When one of these girls appears in court the probation officer's report may mention that she has not been attending a V.D. clinic for treatment. Such a report may contribute to the Magistrate's decision to send her to an institution where she is certain to obtain the treatment that she needs.<sup>19</sup>

This hardly seems the best solution to the problem.

One cannot help thinking that these girls are the victims of an attitude towards such females, perhaps best illustrated by the discussion in *Crime and the Community*<sup>20</sup> of the so-called "criminal fringe" — a term used to describe those persons whose conduct falls short of criminal but is so closely related that offending is said to be the next step. Vagrants and prostitutes are placed in this category. In relation to provisions allowing prosecution and punishment of persons who are without lawful means of support it is said:

. . . the use of these provisions enables action to be taken against many people who might otherwise drift into or continue in a criminal career. How are such people to be dealt with? The young girl who is sexually promiscuous needs help if she is to be diverted from wrongdoing towards a happy and useful life. Her youth may well justify a period of supervision for her own protection. A man with a criminal background or criminal associates presents a different problem. Perhaps a further offence may be prevented if he is kept away from his associates but does justice not require that he should not be liable to prosecution except for defined conduct which can be condemned for itself and not merely for its possible undesirable consequences?

Perhaps this protectiveness towards females "for their own good" explains the discrepancy in the proportion of females, as compared with males, in institutions for "being idle and disorderly".

<sup>18</sup> Department of Justice N.Z., *Crime in New Zealand* (1968).

<sup>19</sup> *Ibid.*, 247.

<sup>20</sup> Department of Justice N.Z., *Crime and the Community* (1964), 32-33.

The "I and D" charge appears to be akin to the so-called status offences in many American states<sup>21</sup> which, applying only to youth, allow courts to interfere for "waywardness" or a "person being in need of supervision". Girls apparently account for a very large proportion of those brought into the juvenile justice system for such offences. This has been seen as the result of an attitude on the part of the courts that girls must be protected from the temptations of the street. The same concern does not, however, appear to be shown for the protection of boys. By means of these vague offence categories the court maintains traditional sex-roles. It is pointed out that no apology is made for the consequences of this double standard of justice.<sup>22</sup>

The issue is that status offences are offences against values. Girls are seemingly over-protected as status offenders because we have a strong heritage of being protective towards females in this country. It offends our sensibility and our values to have a fourteen year old girl engage in sexually promiscuous activity. It is not the way we like to think of females in this country.

Perhaps a parallel type of thinking exists here when a female is brought before the court on an "I and D" charge. The statistics<sup>23</sup> would certainly seem to suggest that there could possibly be an element of truth in the claim that "magistrates use such crimes as idle and disorderly to impose their male stereotyped morality on such women as the 'ship girls'. Recurring offenders on charges 'I and D' and prostitution often get sentences as large as those given for more major crimes".<sup>24</sup> The Annual Report of the Department of Justice for the year ended March 1973 observed that New Zealand has proportionately six times as many girls in borstals than the United Kingdom and three times as many women and girls in custody as are detained in Sweden. It goes on to say "The question therefore inevitably forces itself on us, have our courts settled into the habit of simply consigning large numbers of girls to borstal for misbehaviour that hardly justifies what is in truth a term of 12-15 months imprisonment?".<sup>25</sup> What has been written and said in relation to the offence of being idle and disorderly certainly highlights some of the underlying attitudes towards female offending.

Low female crime rates have been attributed to many factors. Pollak argues women are more deceitful than men.<sup>26</sup> The lesser strength of her body causes her to resort to indirection in her

<sup>21</sup> Meda Chesney-Lind, "Judicial Paternalism and the Female Offender", *Crime and Delinquency*, April 1977, Vol. 23, No. 2; Conway, Bogdan, "Sexual Delinquency: The Persistence of a Double Standard", *Crime and Delinquency*, April 1977, Vol. 23, No. 2; Adler, *op. cit.*, 89-92; De Crow, *Sexist Justice* (1974), 216-217.

<sup>22</sup> Meda Chesney-Lind, *loc. cit.*, 1.

<sup>23</sup> New Zealand Justice Statistics (1975), 84-85.

<sup>24</sup> Ex-Inmate in "The Invisible Status of the Female Offender", *Broadsheet*, September 1975, No. 32, 21. (A series of articles on treatment of the Female Offender).

<sup>25</sup> Report of the Justice Department (for the year ending 31 March 1973).

<sup>26</sup> Pollak, *op. cit.*, 8.

aggressive behaviour more often than a man — although he admits that this should not be over-stated in our technological age. A woman's body is also supposed to make it easier for her to practise deceit. Basic physiological differences may have great influence on the degree of confidence which the two sexes have in possible success of concealment.<sup>27</sup> On the cultural side it is explained that our sex mores require a woman to conceal every month the period of menstruation. Girls' natural aggressions are inhibited and forced into concealed channels: she must not fight with boys any more, must not show her interest in them and must not take an active role in establishing an emotional relationship.<sup>28</sup>

Pollak uses this "deceit theory" as a support for the theme which runs throughout his book: that the true rate of female offending is higher than the statistics tend to indicate because women are equipped for evading detection. It is also claimed that as a result of the cultural arrangement, men assume the active role in many spheres of life, and women, when they do participate in the more serious crimes of burglary and robbery, tend to act as instigators and accomplices. The fact that accomplices and especially instigators are supposedly harder to detect is put forward as another reason why women offenders escape punishment.<sup>29</sup> Under-reporting of female offenders by male victims and police who tend to treat unofficially all minor offences of young girls in order to save them the social stigma that follows an appearance in court are given as further explanations.<sup>30</sup>

It could be a result of a swing away from this kind of attitude that female crime rates appear to be increasing. Also, if Adler's hypotheses are correct, the female offender has herself changed. Both factors are obviously inter-related.

A popular explanation for the low female crime and imprisonment rates is that the courts are less stringent on women. Comparing the length of sentence<sup>31</sup> for the same crimes, there would appear to be very little difference in sentencing between males and females. The more obvious exceptions are: (i) fraud — more women were sent to prison than men, (it must be borne in mind the alternative of detention centre is not available for women); more had sentences of greater than three months; (ii) forgery; and, predictably, (iii) the offences against good order. Under the offence of "drunkenness with disorderly conduct" the statistics show there were two distinct types of prisoner received — the male sentenced to between three and six months; the female

<sup>27</sup> *Ibid.*, 9, 10.

<sup>28</sup> *Ibid.*, 11.

<sup>29</sup> *Ibid.*, 3.

<sup>30</sup> Adler, *op. cit.*, 240; Pollak, *op. cit.*, 2.

<sup>31</sup> New Zealand Justice Statistics (1975), 86-88.

sentenced to two and less than three years borstal training. Under the offence of brothel keeping and prostitution two distinct prisoners were received — the male sentenced to one and less than two years; the female to two and less than three years borstal training. Idle and disorderly: only one male in forty-three received a sentence of between two and three years. Four out of eight females received between two and three years.

These figures are of limited value in themselves. One cannot legitimately compare sentencing unless one has the same information about each offender as the judge or magistrate — for example, information concerning previous convictions, employment, background.

Following accusations by the Divorce Law Reform Association and the Nelson Maori Committee that there is discrimination against Maoris in courts, and discrimination against men by both the law and the courts, a former probation officer and a lecturer in sociology at Victoria University undertook a comparison of sentencing based on probation reports.<sup>32</sup> They claimed that by working with probation reports they could regularize the information collected — each report apparently containing a certain amount of standard information about each offender. A statistical analysis was made between offence and sentence and other factors such as economic class and ethnic origin.

They concluded, if economic class was not controlled in making a statistical analysis, a correlation between ethnic group and severity of sentence was apparent. This sentencing difference almost completely disappeared as soon as occupational differences were controlled. The difference in sentencing of any magnitude was between upper and lower socio-economic groups (which includes most Maoris). There was no real difference of any significance between Maoris and Pakehas once the factor of socio-economic status was controlled.

For upper socio-economic groups there was a close correlation between crime and punishment. If a man committed a serious offence he received a heavy punishment. For lower socio-economic groups on the other hand, offenders seemed to receive the same sentence no matter what they had done. For less serious offences they appeared to receive proportionately heavier sentences, for more serious offences perhaps lighter sentences.

These findings would presumably hold for female offenders too. The section dealing with female offending in *Crime in New Zealand*<sup>33</sup> acknowledges that statistics show there is a clear distinction unfavourable to Maori girls — most noticeable for the offence under

<sup>32</sup> "Class, Sex and Other Apartheids", *New Zealand Listener*, 13 July 1974, 14.

<sup>33</sup> Department of Justice, *Crime in New Zealand* (1968), 269.

the heading "offences against good order". On the figures then relevant (1965) a Maori female was shown to have between eight and fifteen times as much chance of being imprisoned as a non-Maori female of the same age. Between 1969 and 1971, 58% of women prisoners were Maoris.<sup>34</sup> The Department concluded, on the basis of impressions of field workers and interviews with girls in borstal, that part of the explanation for the difference in conviction rates was the difference in attitude of the Maori girl, who is often more willing to admit she has done something wrong and to accept correction than a European girl, who often pleads not guilty and is represented by counsel.<sup>35</sup>

Predictably, the data collected on women offenders in this research were very limited. Within the small sample of reports on Maori and European females some "interesting" differences were noted. The example given is the length of the probation reports. A report is recommended to be about three pages. For the sample of 200 males taken this was found to be the usual length. For the sample of about 30 females it was noted that the officers gave a report of about six pages. "Obviously they spent a lot longer interviewing and collecting information. So, you might be right in saying that they receive favoured treatment". The survey also revealed that where females were concerned, the probation officer more often argues that "the poor lass was affected by people, mostly male associates." Mugford suggests that this is a subtle form of male chauvinism:<sup>35a</sup>

Women are seen as being easily lead and therefore when a woman gets into trouble we do the reverse of '*cherchez la femme*'. We start looking for the male to explain why she went off the tracks. It was definitely the case with both the Maori and the Pakeha women we looked at, that a high proportion of probation officers said that the main cause was a male associate which had led her into evil ways.

The conclusion reached by the writers, and, one might add, by many of those directly involved with female offenders is that, at least in many instances, there is a bias in favour of women — a general leniency all along the line from original complaint to imprisonment. "Courtroom chivalry" is recognised as leading to decisions for acquittal reflecting more our cultural attitudes than the evidence.<sup>36</sup>

The statistics do back up these conclusions. The figures for the Supreme Court show that of the females indicted 55.17% only were convicted, 39.65% were acquitted.<sup>37</sup> The corresponding figures for males showed 77.03% convicted and 17.77% acquitted. Of persons sentenced in the Supreme Court 41.02% of the total number of women were sentenced to prison compared with 75.55% of males

<sup>34</sup> Report of the Department of Justice (for the year ended 31 March 1978).

<sup>35</sup> Department of Justice, *Crime in New Zealand* (1968), 269.

<sup>35a</sup> "Class, Sex and Other Apartheids", *New Zealand Listener*, 13 July 1974, 14.

<sup>36</sup> Pollak, *op. cit.*, 4; Adler, *op. cit.*, 240.

<sup>37</sup> New Zealand Justice Statistics (1975), 92.



sentenced (this figure includes sentencing to detention centre which is not available for women). However, more women received probation, or probation and fine only, or fine only, and more were ordered to come up for sentence if called on.

The rise in the number of women entering our criminal justice system, and the change in the kinds of crime women are committing would suggest that the penal administration will no longer be able to go on ignoring the female offender, and the deficiencies and inadequacies of the existing women's prisons.

Before discussing the New Zealand prisons it is useful to consider by way of comparison some of the general observations and criticisms that have frequently been made of penal institutions for women.

Most women's prisons reflect the paternalism that exists towards women throughout their treatment in the criminal justice system.<sup>38</sup> The male prisoner is generally seen as aggressive and dangerous, the female criminal is seen as an erring and misguided creature in need of protection and support — more of an embarrassment than a danger to society.<sup>39</sup> Institutions for women have been noted as being more pleasant, located in pastoral settings and not as likely to have the towers, concrete walls and barbed wire that characterise the security-orientated institutions for men.<sup>40</sup> Women enjoy more freedom than men to move from building to building, attend classes and work assignments. They have more privacy, single rooms and wear street clothes.<sup>41</sup>

Treatment for women means something different than it does for men. It means instilling standards of sobriety and preparing them for duties as wives and homemakers. (This is interrelated with the prison design. It is considered that these goals can best be achieved under conditions approaching home life.)<sup>42</sup> Work programmes therefore tend to be directed to sewing, cooking, laundry, cleaning — all serving the needs of the institution.<sup>43</sup> Adler states that what little money is given to female institutions is channelled into programmes based on sexist stereotypes which are no longer valid.<sup>44</sup>

The story is the same at institution after institution. Those that have training programmes at all train participants in 'women's jobs'. Those low-paying low-skill jobs ensure that she will return to the mould of the preliberated woman, bound to one of the job ghettos in the outside world.<sup>45</sup>

The separation of a woman from her family and the non-existent or

<sup>38</sup> Adler, *op. cit.*, 181.

<sup>39</sup> Giallombardo, *Society of Women: A Study of a Women's Prison* (1966).

<sup>40</sup> Price, "The Forgotten Female Offender", *loc. cit.*, 105.

<sup>41</sup> Marks, in "The Invisible Status of the Female Offender", *loc. cit.*, 17.

<sup>42</sup> Giallombardo, *op. cit.*, 57.

<sup>43</sup> *Ibid.*, 58-63; Nicki Crutchley in "The Invisible Status of the Female Offender", *loc. cit.*, 20; Price, "The Forgotten Female Offender", *loc. cit.*, 105.

<sup>44</sup> Adler, *op. cit.*, 185.

<sup>45</sup> *Ibid.*, 186.

inadequate provisions for child care are frequently criticised aspects of imprisonment of women.<sup>46</sup> This is augmented by the fact that most women's institutions are situated in isolated or remote areas—a hangover from the traditional thinking on prisons. The traditionalists were out to punish people for their crimes — isolation suited this goal well. While this thinking might have gone, the buildings are in many cases left behind, their location preventing inmates' children, husbands and family from visiting.<sup>47</sup>

Medical care in women's prisons is claimed to be inadequate. One American feminist news journal reported few women in prison have normal menstrual periods due to lack of exercise, poor diet and the shock of incarceration.<sup>48</sup> Proper medical provisions are rarely available for pre-natal care. Pregnant women do not receive milk, vitamins or proper diets.

The prison experience itself has often been said to be, in some respects, harder on women, largely because of separation from children, but also because of their social pre-conditioning. It is supposed to be part of our culture that the boy tests and validates his masculinity by the group. Girls on the other hand validate themselves as females by proving they can attract boys, consequently this discourages the formation of female groups. One of the hardest things for a woman in prison becomes the living with other women. The psychological consequences, in the form of anxiety, insecurity, ostracism, of verbal attacks or gossip, known as "penitentiary darby" are just as harmful in female prisons as the actual physical attacks more characteristic of males in institutions. Women suffer perhaps more in the "humiliation process" and loss of individual identity that inevitably occurs in prison. They are socialised to be more modest and have higher regard for cleanliness and privacy.<sup>49</sup>

The view that women are "sinful" and "misguided" is blamed for having much to do with the development of a characteristic benevolent maternal orientation of staff towards inmates, reducing them further to a weak and dependent status. It is possibly also responsible for the persecution of lesbians frequently said to take place in prison.<sup>50</sup>

One further defect for which reform has been called is the limited use of diversion programmes for women. Since the great majority of

<sup>46</sup> Paumier, "Serving Time Family Style", *Ms.*, May 1976, 47; Marks in "The Invisible Status of the Female Offender", *loc. cit.*, 18, 20, 21.

<sup>47</sup> Adler, *op. cit.*, 180; Marks in "The Invisible Status of the Female Offender", *loc. cit.*, 18.

<sup>48</sup> Shirley Berget, "Women and the D.C. 'Correctional System'", *Off Our Backs*, (August-September 1974), 14.

<sup>49</sup> Giallombardo, *op. cit.*, 99-102.

<sup>50</sup> Adler, *op. cit.*, 174; Ex-Inmate in "The Invisible Status of the Female Offender", *loc. cit.*, 33.

women are incarcerated for such crimes as theft, forgery, fraud, embezzlement, drunkenness and drug abuse, alternatives to incarceration for these women are considered essential. Diversionary measures have centred almost entirely on male offenders.<sup>51</sup>

It is obvious that at the root of many of these criticisms is the fact that women represent a very small proportion of the total prison population. At the end of March 1974, there were 2675 men in prison (compared with 2786 at the end of March 1977) and only 125 women in prison (107 in March 1977).<sup>52</sup> There are accordingly fewer prisons for women. There does not exist the same possibility that individuals can be placed in the institution most appropriate to their particular offence and sentence as applies to males. The system is not as geographically extensive, therefore visiting is necessarily limited. Women's prisons might be nicer to look at but they receive less funds, have lower priority and offer less in the way of educational and recreational facilities.

Adler, consistent with her theory on the "new female offender", suggests that women are no longer tolerating the existing prison system. Administrators of low security, over-crowded, under-staffed facilities built for women prepared to accept their lot in prison, are now finding themselves confronted with increasing numbers of women, convicted of aggressive crimes against persons and property, who won't hesitate to make a point with "a loud voice or a balled fist".<sup>53</sup> She cites the outbreaks of violence that have taken place in various prisons across the States — Mundy, Alderson, Philadelphia, Niantic — as examples of women inmates no longer being the "frightened" people women prisoners are supposed to be, but instead giving vent to the frustrations of incarceration just as do male inmates among whom outbreaks of violence are an accepted phenomenon.

Christchurch Women's Prison is the only prison in New Zealand for women serving sentences of three months or more. There is also a small unit at Mt. Eden, actually a Remand Station, but which also has a small number of inmates serving short sentences. There are a few selected prisoners at Arohata (offenders sentenced locally). Some are serving long terms but in the main the women are there for short sentences only. All other sentenced offenders are transferred to Christchurch from all over New Zealand.

Prior to the opening of Christchurch Women's Prison, long-term prisoners were sent to Dunedin Women's Prison. Dunedin Prison has been described as "a cold comfortless stone anachronism"<sup>54</sup> and

<sup>51</sup> Price, "The Forgotten Female Offender", *loc. cit.*

<sup>52</sup> Report of the Department of Justice (for the year ended 31 March 1978), 11.

<sup>53</sup> Adler, *op. cit.*, 180.

<sup>54</sup> Ex-Inmate in "The Invisible Status of the Female Offender", *loc. cit.*, 21.

“continually criticised as being below any acceptable standard”.<sup>55</sup> Its isolation and design probably reflected traditional thinking that existed at the time of its construction. Outbreaks of violence among inmates resulted from the cramped and depressing conditions. (This perhaps throws some doubt on the validity of Adler’s argument.) The first outbreaks at Dunedin occurred at least fourteen years ago when the status and role of women probably was not quite so uppermost in as many people’s minds as it is today. Perhaps the outbreaks of violence to which she refers are not so much due to the “new female criminal”, the more aggressive nature of women passing through the criminal justice system, as to conditions in prisons falling below those which *any* woman would tolerate. Following one such disturbance there appeared in the *Herald*<sup>56</sup> a statement by Mr Hanan, Minister of Justice, that provision of a new prison had been brought forward for urgent planning:

It is proposed to build a prison for sixty inmates divided into three categories. Ten should be kept in conditions of security where they will live and work. These will be isolated from the rest of the institution so that in the event of a disturbance the remainder of the inmates would not be disturbed. A middle group of inmates, about 35, would have living accommodation less austere than the first group with controlled workshops and exercise areas. The last group of about fifteen would live in open conditions and work outside the walls.

Despite the priority which was to be given to the new prison, Christchurch Women’s did not open until ten years later, on June 1 1974. The prison as it exists follows closely the description outlined by the Minister. “Tawa” houses eight women. Each has her own cell which can be decorated more or less at will. Doors are locked at night, lights and radios are controlled from outside. Toilet facilities are inside the cell. “Kowhai”, the medium security wing holds sixteen. The women here are still locked in at night. However the cells are more comfortable and the toilet facilities are separate. The third wing is an open villa — “Pohutukawa”. Women work their way to the open villa through good conduct and industry. Inmates on the “Release to Work Scheme” are housed there. Residents of Pohutukawa are self-governing in that they arrange their own housekeeping schedules and have no supervising officer. Doors and windows are unlocked.<sup>57</sup>

No classification of prisoners is done prior to transfer to Christchurch. This is done at Christchurch. When an escort is received from other parts of the country, inmates start off in Tawa section (maximum security). The women are given approximately two weeks to settle down. Staff note attitudes, behaviour and so on, and depending

<sup>55</sup> McCracken, “The Not So Liberated Woman”, *New Zealand Listener*, 6 September 1975, 18.

<sup>56</sup> *New Zealand Herald*, 14 April 1964.

<sup>57</sup> McCracken. *loc. cit.*, 18.

on progress and the degree of security considered necessary, a prisoner may then move up to the medium security wing.

At the time of writing, the total number in Christchurch is 47 (about the daily average for the prison) — three of these are local remands. Of the 44 sentenced inmates, 18 are Polynesians. There are only 8 inmates at present in maximum security; 16 inmates in medium security and the rest (excluding remands) are housed in open villa.

The women are seen by the Superintendent as soon after admission as possible — usually the next day. They are also seen by a ranking officer who deals with inmate problems. Rights and privileges (remission, earnings, home leave and “Release to Work”) are explained at these interviews. “The women are thus made aware of what is available and given goals and incentives”. A programme committee made up of the Superintendent, three ranking officers, two chaplains, senior education officer and visiting probation officer, visiting psychologist and visiting psychiatrist, meets every fortnight. This gives new people a chance to meet visiting specialists, and to learn where they can obtain help. Every inmate is seen by the senior education officer, tested as to potential, and some form of study is arranged if possible.

Work within the institution consists mainly in cleaning, cooking, sewing, laundry and gardening. The cleaners are those inmates requiring a greater degree of security. They work in sections in the staff canteen, administration block, the medical and school rooms. In the kitchen (under the “Kitchen Instructress”) there are a first and second cook and two cleaners. These inmates learn cooking, hygiene standards required and so on. In the sewing room, between eight and twelve inmates learn sewing on factory lines and the use of factory machines, for example overlockers and buttonholers. All the clothing worn by inmates (except cardigans, jerseys, socks and panty-hose) is made in the institution sewing room. The male officers’ shirts, and leisure shirts, jeans, pyjamas, and football shorts for the trainees at Rolleston Detention Centre are also made here. Three inmates are employed in the laundry. This is an institution laundry only. Between ten and twelve inmates work in the garden under the Grounds Officer. These are first offenders, trusted inmates, and some recidivists.

The senior education officer, who tests all inmates soon after arrival, programmes and supervises the variety of studies undertaken by the inmates. Those involved in courses have school programme during normal industry hours (8a.m. to 5p.m.) and are obliged to attend school Monday, Wednesday and Thursday. They are also able to study in leisure time. There are two spacious classrooms — one is used as a typing room, and a quiet room is made available in the evening for those seriously engaged in study. Inmates preparing for exams

at the end of the year may be put on full-time study a few weeks prior to examinations. Illiterate and semi-literate inmates may be taken out of industry for basic education. There are 31 inmates at present involved in formal study. Evening classes are also available. Arts and crafts include pottery, embroidery, rug-making, basket-making. Maori language and culture are also offered.

A similar formal organisation exists at Arohata for those locally sentenced and borstal trainees. Privileges and comforts are increased as the inmate "proves" herself within the institution. The work done is mainly sewing, cleaning and laundry. Similar educational opportunities are made available — courses are mainly by correspondence although there are teachers on the staff.

There are, as mentioned, some women serving short sentences at Mt. Eden. Facilities here are very limited. There is one single cell and two bare-walled rooms — each having bunk accommodation for nine prisoners. At the time the writer visited the institution, there was a total of nineteen inmates (including "remands"). Apart from the institution laundry and cleaning, the only work offered is sewing dish cloths for the Hospital Board and packing tobacco. The women understandably complain that this is not rewarding work that they can take a pride in doing. Most said they would prefer shorter harder sentences or outdoor physical work. Although the women could in theory undertake some education (presumably by correspondence), in practice the multi-occupancy cells prevent this.

Women serving sentences here must wear a prison uniform consisting of a shapeless short dress (sewn at Arohata) and socks.

There is no formally organised exercise — the only area available being a tarsealed yard the size of a basketball court, completely surrounded by a high stone wall. (The women at Christchurch have also complained of physical frustration. "We have an exercycle so they tell us 'Get on there and bike for 100 miles you'll be right.' There's no outlet whatever".)<sup>58</sup>

Inmates are permitted three visitors per week for half an hour although if visitors come from any great distance this is taken into account. One small room is made available for this purpose. The number of letters the women are allowed to write is limited to three per week.

In the 1964 publication *Crime and the Community*<sup>59</sup> there is a statement to the effect that "a small women's prison is being established at Auckland to take the remainder of the prisoners now being held at Mt. Eden". The officers at Mt. Eden are still talking about plans for a new women's prison in Auckland.

<sup>58</sup> *Idem.*

<sup>59</sup> Department of Justice N.Z., *Crime and the Community* (1964), 89.

Medical facilities for women in New Zealand's prisons appear to be adequate. Pregnant women receive a special addition to their normal diet ("an extra pint of milk, an egg and two pieces of fresh fruit daily, vitamin tablets, fresh air and exercise"). They are looked after by the Medical Officer and booked in at Bethany Hospital. After the baby's birth a woman may be paroled to hospital so that she may look after the baby and can, if she wishes, breast-feed. Inmates do not return to prison after having a baby unless they are considered a security risk, in which case a foster home is found for the baby and it is brought into the institution to visit the mother. The sister at Mt. Eden thought that pregnant women should not be in prison at all. In a study of a home for ex-Borstal girls,<sup>60</sup> it was observed that pregnant women have an adverse effect on other women in the institution. Staff find themselves dealing with a universal anti-work pro-sickness culture. Pregnant women present a problem in that they are unable to follow the routine of the institution and are inclined to take advantage of their incapacity.<sup>61</sup>

When a woman goes into prison she is forced to renounce all control over her children and family. The inmates at Mt. Eden were unanimous in saying that this was the worst aspect of imprisonment. The women must make their own arrangements for their children's care. If relatives or friends will not take the responsibility then the children are put into state or foster homes. It is apparently not uncommon for there to be periods when these women do not know where their children are. This is a problem affecting the majority of women in prison. Only seven of the nineteen in Mt. Eden did not have children. Many of them are solo parents. The Department even acknowledged the difficulties facing women in this respect in its publication *Crime in New Zealand*.<sup>62</sup> There it points out that in the case of male prisoners the wife and family are kept together by a social security benefit without too much invasion into the family home. Husbands of women prisoners on the other hand frequently take in "another woman" — relative, housekeeper or the like which endangers the security of the woman as a wife. "The need to keep a woman near her family is urgent and necessary if she is to be restored successfully to the community." It also recognises the risk of permanent harm to children as a result of separation. One wonders how the Department thought it was going to achieve this goal of keeping women and family together by building a single institution in which it planned to accommodate all long term women prisoners from all over

<sup>60</sup> P.D. Elder, "Home for Ex Borstal Girls — An Exploratory Project", (unpublished).

<sup>61</sup> Smith, *op. cit.*, 268.

<sup>62</sup> Department of Justice N.Z., *Crime in New Zealand* (1968), 260.

New Zealand. In light of these contradictions it is difficult to disbelieve the statement that "[L]ittle research has been done about female offenders and their needs in New Zealand. No survey was carried out before Christchurch women's prison was built to determine the needs of New Zealand women in prison or even if such a prison were needed at all".<sup>63</sup>

An inmate can apply for "home leave" after serving two months of her sentence. In special cases — those involving drugs or violence — inmates have to wait longer for home leave and extra reports from the Medical Officer, psychologist and psychiatrist before a decision can be made. If she qualifies an inmate can go on home leave for up to seventy-two hours plus travelling time. The family is required to pay the expenses involved. For women who come from the North, as many do, or even further South, the prison's "isolation and remoteness" must make visiting and home leave prohibitive.

What is achieved when a woman is sentenced to a term of imprisonment at one of these institutions? The statistics show that of the total prisoners received (borstal and imprisonment) approximately 30% had previously been in prison or borstal before.<sup>64</sup> Of the 44 sentenced inmates at Christchurch, 19 are recidivists. The New Zealand prisons for women, as they have been described, would appear to be achieving very little. What are the reasons and what are the alternatives?

One of the obvious factors to be considered is the relationship between the routines and programmes outlined and the problems at the root of the inmate's criminality.

The way people regard themselves is supposed to have considerable influence on their behaviour. The relationship between self-image and delinquency has been investigated by a research officer of the Justice Department — Jocelyn Roberts. A test was given to borstal girls at various stages of training. The same test was administered to a number of non-borstal girls. On the basis of the tests each girl was rated "good", "doubtful" or "poor" self image.<sup>65</sup> Among borstal girls good self image was found to be associated with average or above average intelligence, with staying at school beyond the minimum leaving age and with reaching the fifth form. It was also related to good performance on parole when measured by non-conviction, satisfactory work record, harmonious relations with relatives and a co-operative attitude to probation. Poor self image was related to any kind of physical handicap. These girls tended to be more likely to be re-convicted and to be more likely to return to a penal institution

<sup>63</sup> Nicki Crutchley in "The Invisible Status of the Female Offender", *loc. cit.*, 20.

<sup>64</sup> New Zealand Justice Statistics (1975), 92.

<sup>65</sup> Roberts, *Self Image and Delinquency* (1972), 7-17.



following re-conviction.<sup>66</sup>

It is argued in the paper that a major cause of offending by adolescent girls is their failure to progress through stages in their adolescence concerned with changes in identity. This arises from a failure in family relationships, in particular lack of identification with a satisfactory mother figure. Control group girls tended to accept and enjoy family relationships but borstal girls were often uncertain of their status in a family and therefore of their status as young women.<sup>67</sup>

Allan Nixon also argues that female offending begins with depressed self-esteem — the way we deal with her resultant behaviour results in greatly reducing what little self esteem she has.

Whatever a girl's delinquency is, whether it be promiscuity or petty theft or riding in converted cars, it arises from the same want of self-approval, of self respect which would have been hers if she had been approved at the *right* time by the *right* people in the course of her development. It's that approval that enables her to build up the image of herself as a person worthy of approval which is the best defence against delinquent behaviour.<sup>68</sup>

Nixon proposes that these girls should not be subject to a public court appearance and all the humiliation and embarrassment that goes with it. He advocates a programme, "Project Pygmalion", consisting of such things as a course of beauty-care, proper dress sense and deportment to build up a girl's self esteem so that she "rejects as disgraceful behaviour which is beneath her".<sup>69</sup> Similar thinking is behind "Operation Rebound" undertaken by Niantic prison in the United States. Female inmates are taken into the woods of New England and taught to live off the land. "Aside from the refreshing change of pace and new life experience it provides for the women, the programme aids greatly in instilling new levels of confidence in the participants."<sup>70</sup>

Nixon's and Roberts' ideas are mercilessly ripped up in *Learning About Sexism in New Zealand*<sup>71</sup> as being designed to make delinquent women conform to the accepted roles of wife and mother and encouraging the view that women in our prisons and borstals must adjust to society thereby accepting sexism.<sup>72</sup>

Not once does she [Roberts] mention the possibility of them doing something else, such as rejecting the patriarchal system. Roberts and Nixon assume that the blame lies in the criminal's personality and upbringing, not their social position. They therefore never consider that it could be the inadequacies of the female role itself which is the source of the problem, or that women's rejection of it may be a legitimate response to the limitations of a role which denies her personal value if she is not stereotypically attractive. Their programmes, therefore, consist in reinforcing

<sup>66</sup> *Ibid.*, 65.

<sup>67</sup> *Idem.*

<sup>68</sup> Nixon, "Permissiveness, Promiscuity, Persecution", *New Zealand Listener*, 13 July 1974.

<sup>69</sup> *Idem.*

<sup>70</sup> Adler, *op. cit.*, 189.

<sup>71</sup> Bunkle, Levine, Wainwright, *Learning About Sexism in New Zealand* (1976).

<sup>72</sup> *Ibid.*, 56-61.

the very role which women are rejecting without examining the legitimacy of their reasons for rebellion. Part of the chain of oppression is to identify deviants (women in borstal) as victims and then insist they do something about it. Roberts is correct of course: women in borstal *are* victims. Her ideas of criminality however, lead her to ask the victim to remedy the situation. An alternative would be to work to remove the oppressors from the victims' backs.<sup>73</sup>

This is all very well on an intellectual level but, with respect, it totally ignores the reality of the whole situation. The fact is that the greater number of these women do come from very disturbed backgrounds. It is perhaps significant that both a probation officer and prison psychologist to whom the writer spoke mentioned that in a number of cases these women had had, at some stage of their lives, incestuous relationships. The superintendent at the Women's Periodic Detention Centre pointed out the lack of confidence many women have in signing their own name and filling out a simple form. Bunkle demolishes Nixon's idea of a treatment programme, as being sexist and forcing women to accept a subordinate place in a sexist society, without suggesting any alternative except that of changing society. Let us consider what happens to the women presently going through our penal institutions while the campaigners against oppression are waiting for society to change.

As pointed out, when a woman goes into prison all control over her children is taken from her. Her living quarters house both her bed and toilet facilities in one room until she has "proved" herself. (It is submitted that no matter what one has done to offend society nobody should be subject to this kind of degradation. It is probably fair comment that most people would be horrified if it was suggested that they sleep in the same room as housed their toilet facilities). "Proving" oneself means, basically not "bucking the system".

You can get up to a third of your sentence on remission. It depends on your behaviour — if they like you, if you jump when they say jump.

There are three matrons, they work shifts, and each has her own set of rules, we learn to obey them all.<sup>74</sup>

Or, if an inmate at Mt. Eden, it means being with other women all day and every day; not having your own room — therefore none of your own belongings in case they are stolen; wearing a prison uniform; cleaning the prison, packing tobacco or sewing dish cloths. You cannot decide for yourself if you want the lights or radio on. Your day is planned from beginning to end so "you can never wake up thinking that something different might happen today".<sup>75</sup> Everything a prisoner does is marked. The way she does her laundry that day is "graded" according to her best, from "A" to "H". She is paid according to this grade and she also earns remission on this points

<sup>73</sup> *Ibid.*, 60.

<sup>74</sup> McCracken, *loc. cit.*, 19 (citing the inmates of Christchurch Women's Prison).

<sup>75</sup> Tina — an ex-inmate of Arohata.

system. The prisoner's own words describe best what life "inside" is like:

It's like being in cotton wool, living in a cocoon. No worries about how you are going to pay your bills or where the next meal is coming from. You feel like a blob because you can make decisions about nothing.

They say they know how we feel. I locked a staff member in a cell once and she nearly went crazy. They don't know how we feel . . . .<sup>76</sup>

While the writer does not perhaps agree with the finer details of "Project Pygmalion", at least it is a constructive suggestion. Nixon recognises that women passing through our criminal justice system are being degraded. Worse still, virtually nothing is being achieved.

As already pointed out, by far the greatest proportion of women in our prisons are there because they have committed anti-social acts to improve their economic position — offences against property. This is the area of greatest increase in female offending. However, the programmes operating in prison are not helping a woman legitimately to improve her social position to the extent that they potentially could. The work programme outlined, that operates in the New Zealand women's prisons falls fairly within the criticism made of programmes running in most women's prisons — that they consist of busy work or perpetuate the same unskilled and semi-skilled jobs that women had before incarceration.

Factory sewing and typing would appear to be the main job-training offered in Arohata and Christchurch. Admittedly these are typical "women's jobs", but the writer does not feel it would be justified to criticise training inmates in such jobs on this ground alone. (Neither are they necessarily low-paid). The criticism is that they do not go far enough — there should be more choice. For example some institutions overseas are offering training as laboratory technicians, dental assistants, paramedics, and have small engine and appliance repair workshops.<sup>77</sup> There would appear to be far more emphasis on job training in male's prisons. For example among the opportunities offered at Wi Tako are upholstery, welding, horticulture and joinery.<sup>78</sup> Obviously, more weight needs to be placed on the importance of job training rather than institution cooking and cleaning.

In view of the poor educational background of many inmates in women's prisons, job-training must be linked with educational programmes. It would appear that, at Christchurch at least, there is some emphasis placed on the importance of this. Frustration stemming from communication problems must definitely be a contributing factor in criminal behaviour.

Lack of counselling contributes to the fact that existing treatment

<sup>76</sup> McCracken, *loc. cit.*, 19.

<sup>77</sup> Adler, *op. cit.*, 187.

<sup>78</sup> See generally Justin, *Prisoner* (1973).

programmes, when they are compared with the cause of offending, are inadequate. One woman to whom the writer spoke had spent six months in Arohata on a drug charge. Although on drugs when she went into prison, she claimed she was given no treatment during withdrawal, (the writer was assured at Mt. Eden that these girls are not ignored but are given methadone), and that she never saw a counsellor during her whole sentence. One can be assured that shutting her problem away without further reference to it for the specified period of six months did not solve it. The prison faces a similar problem with cases labelled "personality disorders". These people have usually been in mental hospitals prior to offending. A psychiatric report on the offender is usually called for before sentencing. If classified "personality disorder", therefore not certifiable, the offender is sentenced to a term of imprisonment and referred by the sentencing authority to the prison psychiatric services. These inmates are usually mentally unable to participate in any programme, they are often destructive to themselves, to others, and to property, and require constant attention. The visiting psychiatrist spends four hours weekly at Christchurch. Taking into account that the daily average number of women in the prison is 47, many requiring psycho-therapy and counselling in depth, inmates labelled "personality disorder" cannot be given the treatment they require. Some special institution is needed for these people — the prison has neither the staff nor the facilities to cope. Lack of adequate counselling was brought out in a newspaper interview with an ex-inmate of Christchurch:

... she was supposed to have psychiatric treatment, but the doctor came for one afternoon a week and saw 40 of them. The doctor had her official job with the Department of Health at a nearby hospital and could spend only a few minutes with each girl.<sup>79</sup>

The only other attempt at counselling would appear to be group therapy. This has become part of the programme of every institution. Groups are gatherings of about seven or eight inmates who, with an officer, meet voluntarily and regularly to discuss whatever they choose. The aim is to help the inmate come to a closer understanding of herself and her problems. They would also appear to be a means to break down the barriers inevitably existing between prison staff and inmates.

Discussion groups encourage inmates to form constructive relationships with officers whom they trust and respect. This can change their attitude towards prison officers in particular and authority in general. Bridging the gulf between officer and inmate is the first step towards successful reformatory work.<sup>80</sup>

By what one can gather from talking to women who have been in prison, those who have the "easiest" or most beneficial

<sup>79</sup> *New Zealand Truth*, 9 March 1976.

<sup>80</sup> Department of Justice New Zealand, *Crime and the Community* (1964), 61.

imprisonments are those in whom some officer has taken a personal interest. Life "inside" becomes difficult if one rebels or does not "institutionalize" satisfactorily. Over 75% of the women in Christchurch attend groups led by the visiting psychiatrist, psychologist, chaplains, and education officer.

While dealing with "attitudes" and problems it may be appropriate to mention the fate of the lesbian female in prison. One ex-inmate in writing of her prison experience in Dunedin five years ago stated that the lesbian female is persecuted:

General ignorance and abhorrence of the screws towards the gay female leads to the situation where known offenders are constantly watched or threatened with loss of remission if they start the 'dolly racket' and even a comforting arm cannot be extended without fear of reprisal. . . . I watched appalled as they destroyed a relationship which had existed stably on the 'outside' for three years.<sup>81</sup>

Attitudes would appear to have changed little. Officials at Christchurch declare:

Lesbianism causes problems — but having various sections, we segregate people who become too emotionally involved, and sometimes prone to disturbed behaviour.

Another problem, bound to arise where there is only a single institution, is that very close friendships are often made by long-termers with those serving comparatively short sentences — this causes emotional problems which in a few cases retard progress.

After the lack of correlation between the causes of offending and treatment programmes, possibly the second main explanation for high recidivism is the lack of help given to the offender in the transition back into society.

About half a dozen girls keep coming back. They have no security outside. Prison is all a lot know. They just won't work on the outside. The most difficult time is when they have been released. They find it difficult to find places to go and they mightn't have much money. There's no follow-up outside and there's no pre-release hostel in Christchurch. They leave and seek their own haunts and friends and get into more trouble.<sup>82</sup>

Within a year of the anticipated year of release first offenders may apply for release to work. Those serving long sentences involving drugs or violence have to be recommended by the Prisons Parole Board and specialist reports are required.

Release to work is a classic illustration of the apparent communication breakdown between the wants and needs of those imprisoned and the opinion held by the administrators of what are the prisoners' wants and needs. The scheme is designed to assist those nearing the end of their sentence. Suitable work is found for the inmate outside the prison. She does this work during the day and returns to the prison at night. John Justin served his sentence at Wi Tako. He describes the experience of work parole:

<sup>81</sup> Ex-Inmate in "The Invisible Status of the Female Offender", *loc. cit.*, 23.

<sup>82</sup> McCracken, *loc. cit.*, 19.

To survive work parole a prisoner had to consciously enforce upon himself a kind of schizophrenia. If he did not then his mind was liable to break under the strain of being a free man during the day and at night being a prisoner, an animal potentially dangerous without rights and suffering indignities to be locked up securely. The moment you walked out the prison door you had to blot the institution from your mind and become a person. The moment you walked back in at night you had to blot out the outside world and become a prisoner.<sup>83</sup>

This particular inmate held a responsible position in a large organisation where only the personnel officer knew he was a prisoner. Justin explains that in effect he had to live a lie; making excuses as to why he could not go to the pub after work or what he had done in the weekend. He goes on to say that every prisoner had the same problem. The short-term prisoners survived the enforced schizophrenia and deception but most of the long-term prisoners did not. After two or three months they began to crack — some drank, others gave up their jobs and refused to work, some had mental breakdowns and were committed to institutions. “When it’s considered that almost all the prisoners were in some way mentally unstable it is quite remarkable that so many lasted under these conditions so long”.<sup>84</sup>

The Department’s comments on the scheme are to the effect that it is of direct benefit to the taxpayer, that large sums of money are spent each year to keep people in institutions and the inmates earnings represent a substantial saving in public expenditure. “But there are many more *men* who could well enjoy this privilege if we had the facilities . . . . The release to work privilege is highly valued by inmates and the trust has rarely been abused”.<sup>85</sup>

The release to work scheme would seem to be one experience that for the women at Christchurch is less traumatic than for men in prison. Those on work parole, as mentioned, are housed in open villa at Christchurch and are not locked up as Justin describes, but are virtually self-governing. One wonders, especially in the case of women, who for the most part are not violent or dangerous, if these “trusted people” should be in prison at all.

Mr Robson, Secretary for Justice, announced in 1966 that a pre-release hostel was to be opened for Arohata Borstal girls “as an attempt to try and remedy the tragic neglect of female offenders”.<sup>86</sup> No pre-release facilities existed for women in Christchurch Prison or those serving prison sentences in Arohata until early 1978 when the first hostel was opened in Auckland. This is a large old home in Mt. Eden, run by a married couple, and having accommodation for about four women at a time. To date, about fifteen have been through the

<sup>83</sup> Justin, *op. cit.*, 73.

<sup>84</sup> *Ibid.*, 73-74.

<sup>85</sup> Department of Justice New Zealand, *Crime in the Community* (1964), 72-73, (emphasis added by author).

<sup>86</sup> *The Auckland Star*, 7 April 1966.

hostel and it has, unlike a similar attempt for Arohata Borstal girls, been successful. The women must find employment within a specified time after arrival or they are sent back to prison. This however, has proved no problem — despite the fact that they must tell any prospective employer of their circumstances, as they are still technically in prison. Many have found jobs either sewing or typing; skills they have learnt while in prison. The women have been spending approximately two months at the hostel. During this period they have the opportunity to save money, adjust to family, join social organisations, start up constructive leisure time activities, and get to know their probation officer.

A term in the hostel is not received as of right or a matter of course. The women must first apply to go, although no one has so far been refused. For those who do not take advantage of the opportunity, the transition back into society is by no means easy. The women come out of prison likely to have very little money, especially if they have been engaged mainly in study. The wages for work in prison are 52 cents per day — half of this goes into a savings account for the prisoner on release, the remainder goes into canteen funds, for cigarettes, sweets and toilet things. A prisoner is often forced to seek material assistance in the form of suitable clothing and footwear for finding a job, lodgings until employment is found, and the inevitable cash bond and advance rent payment must be met. The Prisoners Aid and Rehabilitation Society, an independent organisation, assists ex-inmates as much as possible in these respects, but the mental adjustment, without some kind of half-way period between the two extremes of prison and ordinary society, is as difficult a problem as these physical and material considerations. For example, one of the first three women to be transferred to the pre-release hostel earlier this year, although her stay in Christchurch prison was comparatively short, was perturbed even at the prospect of catching a bus on her own. For women with children the period immediately following release can be even more traumatic. All at once they have to assume responsibility for another person; a person who, quite possibly, has greatly changed. In many cases, a woman has only seen her child intermittently during the period of imprisonment. Some apparently prefer not to see their children at all because visiting is so distressing. Children of women in prison would appear to be punished just as much as the women themselves. Nixon's remarks rather neatly sum up the illogicality of the whole situation:

Virtually no wives are widowed, no children orphaned in New Zealand today by what we call crime — there wouldn't have been half a dozen family men murdered in the whole country over the past twelve months. Yet what we do about crime in the name of justice effectively widows hundreds of people each year for varying lengths of time. Those children have no forum before which they can appear; save the court

of your conscience, to plead their innocence of any wrong deserving such cruel humiliation as their father's imprisonment. You punish them now. They are little and helpless and can't stop you but for goodness sake don't compound your wrong by calling it justice.<sup>87</sup>

There would appear to be very little thought given to the female offender, and in particular the needs and problems of the women in our prisons. This is obvious from the deplorable conditions that were permitted to exist for so long at Dunedin before completion of the new prison at Christchurch, and the unsatisfactory situation that continues at Mt. Eden. Publications put out by the Justice Department seem to ignore the fact that there are women in prisons. The following passage provides a typical example:

Prison social workers, like workers in general and mental hospitals, should be women. In prison men are completely deprived of the society of women. Only on more social occasions, within the walls, does a man have the opportunity to talk to a woman. Yet it is surely important that men should remain social beings through association with the opposite sex. This makes a case not only for social workers but also occupational therapists in prison.<sup>88</sup>

In its Annual Report to Parliament for the year ended 31 March 1978 the Justice Department devoted a section to female offending. It stated that an examination of the available information indicated the position and status of women offenders to have changed dramatically in the last ten years, yet actually admitted little has been written or mentioned on the subject since its publication of *Crime in New Zealand* in 1968.<sup>89</sup>

It is submitted, having spoken to a number of people involved through their work with female offenders and the women who are or have been "inside", that institutions such as Christchurch are entirely inappropriate for most female offenders. This is not the fault of the prison superintendents or officers. Most of these people seem genuinely concerned and try to do a lot for the women under their care. The fact is that the greater number of these women should not even be in prison. The Department itself writes that the "overwhelming impression is that they're just ordinary women. Few if any are dangerous, few if any are a security risk. They do, however, tend to have more unfortunate lives than most people."<sup>90</sup>

It would appear to be mainly financial and emotional complications, not violent acts, that have put these women where they are. Prisons like Christchurch do not resolve the complications. In most cases they merely compound them. The prison's psychologist to whom the writer spoke considered that she is treating problems that prison creates and not problems that have put the offenders there in the first place. The kinds of problems that cause women to be in prison will

<sup>87</sup> Nixon, "New Ways to Combat Crime", *New Zealand Listener*, 20 April 1974.

<sup>88</sup> Department of Justice N.Z., *Crime in the Community* (1964), 62.

<sup>89</sup> Report of the Department of Justice (for the year ended 31 March 1978), 10.

<sup>90</sup> Department of Justice N.Z., *Crime in New Zealand* (1968), 260-264.



never be solved while we remove the women from the community, from contact with their children, and take away their need to make everyday decisions.

The alternative would be the establishment of decentralised community centres for small groups of women, along the lines of the pre-release hostel. First, this would enable inmates to be closer to family. Secondly, women could get the psychiatric treatment many of them require from the nearest mental health institution. This would certainly be a more satisfactory solution than one specialist trying to see all these women in one institution. Thirdly, from the hostel, women could attend night classes at local schools (possibly more beneficial than correspondence courses) while working, and/or job training courses at technical institutes. The Department is making an attempt, in offering typing and factory sewing, to provide occupational training but there needs to be more choice available — in jobs where there is not already plenty of labour. It is simply impossible to have instructors in a variety of jobs come into prison for just a few inmates. Neither has the prison got the facilities that would in many cases be required. The obvious solution is to have the inmate go to where training in that job is normally given. This would be possible if there were a number of small institutions for offenders within the community instead of one large prison outside the community. If they were going to work, or possibly even to a tertiary education institution, then they would be dealing with real money (not merely canteen vouchers) and could learn to budget. This method of dealing with female offenders could in many cases be more related to the problem that is at the root of their criminality. While these women are kept degraded, an inevitable result of the present formal organisation of our penal institutions, it is not considered that any of their problems, or society's, will be solved. Also, under the alternative system, by never taking these women completely out of society the problem of their traumatic transition back into society would never arise.

The Justice Department's excuse for inadequate facilities for women is that there is a real administration difficulty in providing for such a small group — that from an economic point of view it is not possible to diversify female institutions.<sup>91</sup> The costs of keeping a person in prison are considerable (figures in the vicinity of \$90 per week (1976) have been quoted). In the information the Department sent to the women's pre-release hostel it is stated that "the actual cost of keeping an inmate in a custodial institution is far greater than the costs involved in maintaining pre-release hostels." It is submitted that from an economic view also it would be desirable, perhaps along the lines

<sup>91</sup> *Ibid.*, 264.

mentioned, to diversify institutions for female offenders.

The Justice Department has at least recognised that prison is not a satisfactory measure for a number of people put there.

I believe there are numbers of offenders for whom prison is unnecessary but who need a greater degree of supervision and control than is provided for by probation or by the present sentences of periodic detention. We deal with some of these cases under our Release to Work scheme but this is often a palliative for an essentially unsatisfactory situation. Among the things we should look at is the concept of a half-way house that has been looked at with varying degrees of success in the United States.<sup>92</sup>

One institution, Purdy Treatment Centre for Women<sup>93</sup> in the United States, has attracted much attention. This centre is based on an entirely new approach to correction. The recidivism rate over the three years it has been open is 3%. The residents leave with concrete plans, jobs that they find fulfilling and a high degree of accomplishment and satisfaction. It exhibits a number of features from which the New Zealand system could learn much. It was a community effort from the very beginning: before construction a committee consulted with community leaders, local politicians, bankers and businessmen, and authorities of the school system on what the institution should be and how it could be helped. Purdy is located just outside Washington, far enough away to be private, near enough to enable women to get back and forth to the city for educational and job training programmes they attend daily. A number of businesses help with on-campus training programmes, phase women inmate workers into daily jobs on work-release programmes, and into solid jobs when released. The women do not wear a uniform; it is recognised here that the clothes people choose are part of their basic identity. As a result they care more about how they look, how they perceive themselves. Banks have set up a system of checking accounts so that inmates handle their own financial affairs, have a better understanding of banking and other financial transactions. It is no problem to escape from Purdy. Security comes from the programmes operated. The inmates are held by becoming involved with their lives and the direction they are taking. Women have walked off to "home" only to find what they actually thought was there was illusory. They later return and become involved in the programmes offered. The superintendent explains:

I'm not just saying you ought to let them run off when they feel like it, but it must be understood that escape is more than just a mere movement over the fence. Escape is just one of the many mistakes a woman will make while she's trying to pull herself together.<sup>94</sup>

The women live individual lives. It is the inmate's responsibility to explain, if she does not attend classes, sessions or programmes scheduled that day, why she did not do so. She does not have to get up

<sup>92</sup> Report of the Department of Justice, 1971.

<sup>93</sup> Adler, *op. cit.*, 196-201.

<sup>94</sup> *Ibid.*, 198.

at a set time, nor is she compelled to eat meals. Staff are highly educated, young and become deeply involved with the women under their care. Residents are encouraged and aided in re-locating their children in foster homes close to the institution. The children are urged to visit frequently and may stay for the weekend. There are well-stocked toy boxes all round the facility — the children enjoy the free run of the institution and frequently bring their pets with them. Basically, Purdy seems to be aimed at removing all the barriers that prevent people from making their own decisions and developing their own sense of responsibility. It aims to help these people through a caring community to escape from their former lives.

Admittedly, penal policy in New Zealand has been moving away from the idea of imprisonment as a desirable means of treatment. Following the realisation by the Department that the number of women New Zealand imprisoned was substantially higher than many other jurisdictions, notably England, Wales and Sweden, it has turned its attentions to making periodic detention available for women.<sup>95</sup> This would appear to be a fairly successful means of dealing with people who are not a substantial menace to society.

The women are required to report at the centre from 8.30a.m. to 5.30p.m. on a Saturday and 6.30p.m. to 8.30p.m. on a Wednesday and/or Friday night. On Saturday the women work on projects within the community or at the centre. This involves, for example, tree planting, painting, gardening, cleaning, done usually for pensioners, institutions for the elderly, handicapped, or in connection with charitable organisations such as the "Lions" or "Jaycees". The work is considered by most of the women to be rewarding. There is a sense of achievement in having been able to help someone who possibly belongs to a disadvantaged section of the community. It gives them a chance to prove themselves within the community. Some women have apparently found employment through the people for whom they have worked.

The programme on the weekday evening consists of lectures and discussions in which everyone appears to get involved. The warden is available to discuss whatever problems detainees may have. The impression left is that the centre could be of considerable assistance to these women.

It does, of course, have its drawbacks. For instance children, in some cases, present a problem. The women seemed to be allowed to bring their young children with them to the weekday session and on Saturday a Daycare Centre is available for children up to a certain age if no other arrangements can be made. For those who are solo parents

<sup>95</sup> Report of the Department of Justice (for the year ended 31 March 1973).

and whose children are older but not yet responsible enough to be left in the house on their own all day; or for married women whose husbands need to work on Saturdays, this again means relying on relatives. But certainly a term of periodic detention would be preferable to one of imprisonment.

Unfortunately, such innovative and forward thinking approaches as periodic detention seem to have reached female offenders last.

The existing facilities for female offenders reflect the notion that the criminal justice system is predominantly a male domain. The majority of offenders are men, the prison system has been managed by men primarily for men.

That an institution such as Christchurch Women's Prison exists at all suggests that little thought has been devoted to the subject of the female offender; more particularly to the needs and problems of the women in prison. This conclusion is borne out by: (i) the fact that the best help the Research Section of the Justice Department could give on this subject was a reference to one chapter in a 1968 publication (or a reference to the prison Superintendents themselves); (ii) the periodic apologies in the Department's annual reports to Parliament for the lack of attention given to the female offender; and (iii) the fact that most of the Department's publications are written, from beginning to end, as though there are no women in prison at all.

In view of the steady increase in the number of women coming into the justice system, a world-wide trend, one hopes that the penal administrators will take a new look at the subject of women in prison.