

## SECTION D PROCESS FOR GROUP DISCUSSION AND THEOLOGICAL REFLECTION ON SOCIAL JUSTICE STATEMENTS

### *Four sessions*

*"We want them to have self worth so we destroy their self worth.  
We want them to be responsible so we take away all responsibilities.  
We want them to be part of our community so we isolate them from our community.  
We want them to be positive and constructive so we degrade them  
and make them useless.  
We want them to be non-violent so we put them where there is violence  
all around them.  
We want them to be kind and loving people so we subject them to hatred and cruelty.  
We want them to quit being the tough guy so we put them where  
the tough guy is respected.  
We want them to quit hanging around with losers, so we put all the losers  
under one roof.  
We want them to quit exploiting us so we put them where they exploit each other.  
We want them to take control of their own lives, own their own problems and quit  
being parasites -- so we make them totally dependent on us."*

Judge Dennis Challeen (Retired Judge and Columnist Winona Daily News Minnesota USA)

**Note:** The following four sessions are designed to be used flexibly in order to meet the needs of the particular group engaged in these theological reflections. Please refer to Social Justice Statements:

#### **I was in prison and you visited me**

<http://www.ncca.org.au/files/sjs-2011-screenfile1.pdf>

#### **Building Bridges, Not Walls, Prisons and the justice system**

<http://www.socialjustice.catholic.org.au/CONTENT/PDF/Social%20Justice%20Statement%202011-2012.pdf>

*The fact is that increasing numbers of people with poor educational backgrounds, mental and financial capacity find themselves imprisoned, and when released have even less capacity to negotiate their way around society successfully and are quickly returned to prison are evidence of failures of social and human services and of increasing inequity.*

Dr Eileen Baldry, Associate Professor School of Social Sciences and International Studies,  
University of New South Wales (Baldry, 2008:12)

## SESSION 1:

**Consider who is in gaol and why?** (*Building Bridges, p8; I was in Prison p 2, 4*)

For example:

### People from low socio-economic background

Repeatedly, our prison chaplains inform us of the high level of social and economic disadvantage that prisoners and their families experience, often over generations, making it more and more likely that they would be incarcerated at some stage in their life as a result of inadequate support in the community. (BB p 10)

### People with low educational attainment and the long-term unemployed

Almost a decade ago, research was suggesting that addressing long-term unemployment and school retention rates would significantly decrease crimes such as home break-ins. The key factors in reducing property crime were reduced drug use, rising weekly earnings and falling long-term unemployment (BB p 10)

Many people leaving prison have little social support, little education or training and very little opportunity to gain access to these things. (BB p 13)

See also Section C: Statistics and 'Maps' of Disadvantage

### People from dysfunctional families

As a prison chaplain, serving the past 20 years of spiritual service to Aboriginal and non-Aboriginal inmates, I have seen the same families through generations coming through the system. (IW p 1)

### People with a history of institutionalization

A majority of the Aboriginal inmates are serving big time for petty crimes. They fall into the system of institutionalism as a result of racism, are unable to successfully assimilate into mainstream society, and are harassed by police. (IW p 1)

### People who have been physically, emotionally and sexually abused

After your birth you were adopted out because your mother was only 16 years of age. You can remember little of your childhood, other than that it was characterised by frequent violence and sexual assaults upon you by a person who stayed with your adoptive family on weekends. When you were 8 years of age the welfare department intervened and you were made a ward of the State when you were 10. You were placed in various foster homes. You often ran away from foster parents. As a consequence, you fell well behind in your education and only learned to write at a later stage of your life when you were in gaol.

(*Extract from sentencing remarks of the Honourable Justice Sulan, 2010*)

Forty percent of the inmates met standard criteria for childhood sexual abuse, which far exceeded rates found in the general population.

Fondacaroa, K. Holta, J., Powell, T. 1999

### Indigenous people (v BB p 5; IW p 1, 3)

There is an over-representation of Aboriginal and Torres Strait Islander Australians in the criminal justice system, with Indigenous Australians 16 times more likely to be imprisoned than non-Indigenous Australians. (*Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), 2010*)

### People afflicted by substance abuse issues

Nearly three-fifths (59%) of prisoners had a history of injecting drugs in 2004. ... In 2003–04, 88% of juvenile detainees had used an illicit substance 6 months prior to arrest and 70% were intoxicated at the time of offence. AIHW

## People afflicted by mental health issues

Mental illness and drug addiction, and the lack of adequate services in the community, are common elements in their lives. A recent report showed that 37 per cent of those in prison had been told by a medical professional at some time that they had a mental illness and 18 per cent were currently receiving mental health medication (BB p 10)

Rates of mental illness among the prison population are difficult to determine as there may be high numbers of people with mental health problems in correctional facilities who have not been properly diagnosed or assessed. This may especially be the case if problem behaviours arising from a psychiatric disability are assessed by the criminal justice system as arising from free will rather than mental illness. Rates of mental illness among the US prison population have been estimated to be at least twice and possibly as much as four times that of the general population, and somewhere between 8 and 16 per cent of the prison population are believed to have at least one serious mental disorder requiring psychiatric treatment. (FAHCSIA, 2010)

## Public policy (BB p 5-6, 7-8, 11; IW p 6)

Last year Antoinette Kennedy, the former District Court chief judge of 25 years, criticised Western Australia for having the highest rate of imprisonment among the states 'by a country mile'. Ms Kennedy condemned 'tough-on-crime' legislation such as mandatory sentencing, which she said was driven more by politics than any real threat to the community. She noted the enormous number of young people already being locked up and warned that more could be exposed to jail for trivial offences. (BB 7)

## Ask someone to **read**, or read together - Psalm 72

### Reflection Questions:

- *Are we locking up people because they are poor and sick?*

That the poor and marginalized constitute the vast bulk of the prison population is clear as is the fact that imprisonment is simply not the answer to crime. These issues can only be effectively resolved in the public policy arena which may not always be welcoming of church communities seeking to hear the cry of the poor (Ps 72:12). Christians often forgo the opportunity to exercise active citizenship but if we are the body of Christ (Col 1:18) we are under obligation to act according to God's will.

- *Consider: How does the Gospel call us to respond as Church, as church communities and individuals?*

### Action:

- ❖ *What can you personally do to reduce social inequality and impact on public policy?*
- ❖ *See also Section I: Advocacy*

## SESSION 2:

*In a way, they seemed to be arguing the case as if it had nothing to do with me. Everything was happening without my participation. My fate was being decided without anyone so much as asking my opinion. There were times when I felt like breaking in on all of them and saying, "Wait a minute! Who's the accused here? Being the accused counts for something. And I have something to say!"*

The Stranger (1946) by Albert Camus

### How does the criminal justice system work?

Building Bridges p4

The criminal justice process follows these stages:

- Arrest

- Bail

While most prisoners in jail have been convicted of offences and sentenced, an increasing number of them have not yet faced court: they are on remand because they were refused bail or were unable to raise it. (BB p 5)

Some people who are arrested and charged may wait years for their trial ... Often the person is refused bail. In prison, he or she is treated as a criminal, not someone presumed innocent. If the person is found not guilty, the media refuse to report the finding. The person has no recourse to compensation. (BB p 5)

- Remand

The overall rate of imprisonment in Australia and these examples of unequal rates of incarceration point to the need for real policy change and for increased resources to be reinvested into alternatives to imprisonment. (BB p 8)

- Court process

The slowness of the criminal justice system in bringing matters to court is a major problem.

(BB p 5)

... it must be ensured that "trials are conducted swiftly: their excessive length is becoming intolerable for citizens and results in a real injustice". (Compendium 404)

- Sentencing

'Truth in sentencing' provisions in New South Wales, Northern Territory, Western Australia, Victoria, South Australia and Western Australia, and related legislation such as the *Young Offenders Act 1995 (WA)*, directly offend the principle of imprisonment as a last resort.

(*Human Rights and Equal Opportunity Commission.*)

- The gaol tour

When it comes to deciding on their placement for the term of their sentenced time they are not consulted, although they are able to make representation to the Sentencing Management Unit. The strain of incarceration on the family relationship is frequently something of a downward spiral. To lose the main support base and the positives that it can provide affects the prisoner in a very negative way. The distances between our country prison location and the city make it either an expensive or impossible venture for the relatives to visit on a regular basis. The family too, experience deprivation...

*A Prison Chaplain*

## Reading: Ezekiel 18:25-28

## Reflection:

**What must it be like to be on this roller-coaster ride?**

The reality of the justice system is very unlike how most of us experience it through television. Courts operate under very little effective scrutiny apart from the claim that the media is notorious for its bias. In the end judges can only administer the laws and if the laws are unjust then their judgments may be unjust. It is not unreasonable to reflect on the judicial process that Jesus endured and ask what that tells us about the necessity for transparency and accountability.

## Consider:

Do criminal justice processes allow for or reflect the Christian concepts of justice, atonement, mercy and forgiveness?

**Action:** Visit a courtroom and watch the proceedings.

## SESSION 3:

### What is life like in gaol?

See Building Bridges p 9 (BB)

*Prison is a place where human beings are brutalised, sodomised and assaulted – but not corrected.*

William Carter, former Queensland Supreme Court judge (BB 12)

Life in gaol has the following characteristics:

- Cells

Inmates are accommodated in cells, often shared with others.

- Lock up time

At lock up time, they are locked in their cells until the next morning,

- Overcrowding

Common experiences of prison life, such as overcrowding, fear of violence and unmet need, reveal how the institution is failing to rehabilitate. Building Bridges (BB p 12)

- Protection

Certain types of offenders can find themselves despised both by staff and fellow inmates, and are particularly subject to brutality in prison. However serious their crimes, we must remember that it is the state that is responsible for their punishment – not other prisoners.

(BB p 9)

- Punishment

*Punishment does not serve merely the purpose of defending the public order and guaranteeing the safety of persons; it becomes as well an instrument for the correction of the offender, a correction that also takes on the moral value of expiation when the guilty party voluntarily accepts his punishment.[829] There is a twofold purpose here. On the one hand, encouraging the re-insertion of the condemned person into society; on the other, fostering a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed.*

(Compendium of the Social Doctrine of the [Roman Catholic] Church)

- Health

*Prisoners are a population group who face many health issues including the health-risk behaviour of injecting drug use. ... Hepatitis C antibody was found in 35% of the prison population surveyed and in 56% of prisoners who injected drugs. One in five prisoners tested positive to the hepatitis B core antibody as did over one in four (27%) prisoners who reported injecting drugs. Less than 1% of prisoners tested positively to the HIV antibody; however, this was still higher than prevalence in the general population (0.07%)*

The Australian Institute of Health and Welfare

- Dental

*I asked to see a dentist every week for five months but all I got was four courses of antibiotics and N... which didn't do nothing. I was in agony, couldn't sleep or eat, even the screws were worried. Finally they yanked me out to ... for dental but it's been nearly two weeks and nothin'.*

A prisoner.

- Rehabilitation and education

Punishment of offenders can help to preserve public order and safety, but it should also assist the rehabilitation of offenders and protect their human rights. (BB p 8)

Judicial and penal institutions must contribute to the rehabilitation of offenders, facilitating their transition from despair to hope ... When conditions within jails and prisons are not

conducive to the process of regaining a sense of worth and accepting its related duties, these institutions fail to achieve one of their essential ends (BB p 9)

Those who have been brutalised and denied proper care and rehabilitation in prison will one day return to our communities. What will be our response? (BB p 12)

For offenders, it fails to offer adequate rehabilitation that would enable them to return to society as responsible citizens. (BB p 15)

A preoccupation with 'getting tough on crime' hinders rehabilitation of offenders and can make life after release just another experience of blame and exclusion. (BB p 17)

- Visits

Relatives can visit but need to follow a set of rules laid down by the Justice system.

- Fear

Ninety-eight per cent of the time it's bone-numbing boredom ... However there's two per cent I would call bone-crushing terror ... there have been times when I've been fearful for my life. (BB p 11)

- Recreation

Recreation varies depending on which gaol the person is in.

- Possessions

Inmates are allowed some personal possessions.

- University of crime

*In the current policy and legislative climate of building more prisons to manage risk and therefore to deal with difficult social problems and an era of reduced systemic support for those with such problems, more people with little capacity to negotiate the criminal justice system will be imprisoned and the more persons imprisoned, the more will re-offend and return to prison; so prison itself is criminogenic, that is it causes crime*

(Baldry, 2008:12)

- Collateral damage (families, careers, mortgages)

We also recognise the faithfulness and resilience of families who support those in jail. Many travel great distances and even move to a new location, with all the upheaval that entails, in order to be with their loved ones. (BB p12)

## Reading: Matthew 25:36

### Reflection:

#### Are we punishing and exacting vengeance or correcting and rehabilitating?

There is a reason Jesus listed prisoners among the hungry, the naked, the thirsty and Christians cannot just ignore his injunction. We must ponder in our hearts (Lk 2:19) why Jesus included prisoners – there is a good chance that even then they were drawn from the poor and the sick and that imprisonment just escalated their powerlessness and misery.

One of the most wonderful things about his ministry is his penchant for choosing the outcast – the leper, the lame, the possessed – and working miracles that enabled them to become fully participating members of the society which had rejected them precisely because of their infirmity. Prisoners were and are also outcasts in need of reconciliation and incorporation.

## Consider:

*How can Christian people strive to ensure that human dignity is preserved in these places of torment?*

## Action:

- ❖ *Explore volunteering opportunities – see Section F.*
- ❖ *Take concrete steps to find out what your tax dollar is buying and engage with public officials about practices and programs.*

Note: The Greek word translated as “visit” is *episkeptomai*. It carries the meaning of to look upon in order to help or to benefit, to look after, have care for, provide for.

## SESSION 4

See Building Bridges pp12-14. (BB)

### What happens when people get out of gaol?

*“The evidence is clear, if someone who exits prison has access to housing and employment, and genuine opportunities to reintegrate back into society, they are significantly less likely to re-offend.”*

Dr Terry Bartholomew, Deakin University, School of Psychology.

#### ▪ Parole

It is vital that the role of probation and parole remains focused on assisting people in the process of reintegration. This is particularly important for those who are struggling with daily living and therefore at risk of reoffending. *(BB p 13)*

#### ▪ Home detention

Detainees have reported "feeling watched", or getting nervous about phone calls from the probation supervisor. They also revealed problems with sleep deprivation, and becoming obsessed with time *(Liverani, 1998)*

#### ▪ Surveillance versus support

The emphasis must be on support, not surveillance. Studies in NSW have shown that intensive supervision and monitoring on release are less effective in reducing re-offending than access to treatment and services that address the problems that underlie offending behaviour. Probation and parole officers have emphasised the importance of access to secure and affordable accommodation, mental health services and drug and alcohol treatment. We should also remember the responsibility that parole boards bring to their task, and the difficulty they face when there is interference from politicians or the media. *(BB p 13)*

#### ▪ Accommodation

... a period of incarceration can result in the loss of jobs, accumulation of debt, loss of accommodation, and homelessness upon release. *(BB p 12)*

Once released, ex-prisoners face an uphill battle of waiting lists for many basic services and supports – like drug treatment or for somewhere to live. *(BB p 12)*

There are strong links between imprisonment and homelessness and ex-prisoners are particularly vulnerable to becoming homeless. ... Providers of housing services to those exiting custody and researchers have identified a range of impediments and risk factors in accessing safe, secure, affordable and perhaps most importantly -- appropriate -- housing for ex-prisoners. *(FAHCSIA, 2010)*

#### ▪ Employment and finance

The prison population, and the homeless, face significant difficulties in securing and retaining employment. This may be due in part to stigmatisation and discrimination, but is also likely to be due in part to poor levels of education and literacy and the lifestyle associated with illicit drug use and offending behaviour. Studies of sources of income received by prisoners released from custody show that a majority of ex-prisoners are reliant on social security benefits, with a substantial minority having no form of income at all. *(FAHCSIA, 2010)*

#### ▪ Agencies and community support

Many people leave prison unprepared for a successful return to the community. They may have poor access to, or inadequate information about, housing options or forms of support and assistance. There may be substantial difficulties for community service providers trying to access prisoners pre-release ... For some recently released prisoners, not having proper identification or documentation such as birth certificates or a drivers licence can make it

difficult to access forms of assistance such as Centrelink payments or medical treatment under Medicare. (FAHCSIA, 2010)

## ▪ Institutionalisation

Whether due to the effects of institutionalisation, or deficits that existed regardless of institutionalisation, many ex-prisoners lack basic life skills necessary for maintaining a legitimate place in the community, including maintaining a tenancy. Ex-prisoners may be deficient in areas such as budgeting and financial management, shopping, cooking and basic nutrition, opening and maintaining accounts for utilities such as telephone and electricity and day-to-day problem solving ... The effects of institutionalisation and the adaptations that must be made for prison life may be counter-productive for adaptation to the community in a variety of ways, including impacting on day-to-day social interaction. (FAHCSIA, 2010)

## ▪ Recidivism

Over half (55%) of prisoners in custody at 30 June 2011 had served a sentence in an adult prison prior to the current episode. Of those prisoners sentenced in the last twelve months, 61% had a prior imprisonment. ABS 4517.0 - Prisoners in Australia, 2011

## ▪ Death

*Another man who got out of Remand when the police dropped all the charges against him lost his accommodation while incarcerated and I next met him, with not much more than he stood up in, on the ... soup run. He was already back using, sleeping rough and full of anger and resentment. Not long after I was at ... when a call from the police came through asking if we knew of this man and when he last attended at the Centre – they wanted to know because he had been found dead on the banks of the Torrens. He was younger than me but I forget by how much, but I will never forget his name and I will never forget the anguish in his face and the rage in his voice as I sat beside him and heard his story on that cold night in Hurtle Square.*

A Prison Chaplain

## Reading: Luke 15:11-32

## Reflection:

**Does the correctional system discharge its clients as well adjusted, healthy, rehabilitated, functioning adults?**

If we are going to live the gospel we cannot avoid the unpleasantness or the frightening, confronting and risky tasks. People who have committed crimes present a very special challenge – it is the job of the person who follows Christ to seek his face in others, including prisoners. If the need of prisoners was great in Israel, there is no evidence that it is not so now – the poor are not the only ones we will have with us always

(Mark 14:7; Matthew 26:11; John 12:8)

## Consider:

*What does the process of reconciliation, in its Christian dimension, require?*

## Action:

- ❖ *Help reintegrate a prisoner.*
- ❖ *Find one a home or a job.*
- ❖ *Be a friend or mentor to one.*
- ❖ *Invite one to your church or a social event.*
- ❖ *Volunteer for the DCS Volunteer Unit, OARS or the Volunteering SA-NT “Coming Back” Program.*
- ❖ *See Sections F& H: Volunteering & Caring for Prisoners/People & Organisations*

## References:

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

[http://www.fahcsia.gov.au/sa/housing/pubs/homelessness/saap\\_er\\_publications/exprisoners/Documents/sec\\_4.htm](http://www.fahcsia.gov.au/sa/housing/pubs/homelessness/saap_er_publications/exprisoners/Documents/sec_4.htm)

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Every effort had been made to ensure that the information in this Section is correct at the time of being written. SA Council of Churches accepts no liability for errors, omissions or for actions taken based on this information. We invite you to send us any suggested changes.

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