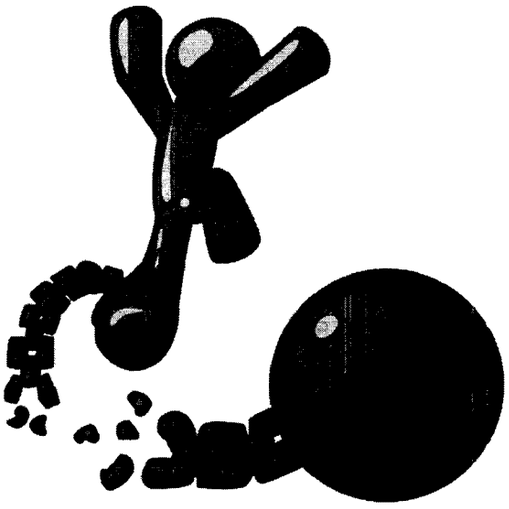
# *The Abolition of Prisons: A utopian pipedream or a realistic proposition*

By Julian Knight*

## Introduction

Insanity is often defined as doing the same thing over and over and expecting a different result. The current state of prisons in the Australian State of Victoria must, therefore, constitute collective insanity on the part of successive Victorian governments. As prisons have expanded in Victoria and prison numbers have correspondingly increased, the recidivism rate has likewise increased. This must raise the question of whether prisons should be abolished altogether. If prisons don't work, why are we still relying on them?



I entered the Victorian prison system in 1987 as a 19-year-old, first time offender. I had committed a particularly high profile crime so I was sent straight to Pentridge Prison's notorious H Division, where I received what was colloquially known as the "reception bash" from prison officers. I have been continuously in Maximum Security prisons ever since, including stints of up to 18 months in solitary confinement and repeated periods of up to 3½ years in "management" facilities. I served my first ten years in Pentridge Prison, a 19th Century bluestone prison with divisions built in the Panopticon style. Since then, I have served my time in modern concrete prisons built on the campus-style design. The improvement in physical conditions has not resulted in a decrease in prisoner numbers; in fact, the opposite has occurred.

## Victorian prison numbers

In 1984 there were 1,784 prisoners in Victoria[1] comprising 1,730 male and 54 female prisoners. By 1987, when I entered the Victorian prison system, that number had only increased to 1,956.[2] In 1994 the number of prisoners stood at 2,523[3] and was predicted by the Victorian prison authorities to reach 2,795 by 2001.[4] The actual number of prisoners in Victoria in 2001 turned out to be 3,391.[5] By 2006, prisoner numbers exceeded 4,000.[6] In 2012, prisoner numbers had increased to well over 5,000.[7] Today (2019) there are over 8,500 prisoners in Victoria.

## Corrections Victoria's rubbery 'recidivism' figures

The Corrections Victoria definition of 'recidivism' is an intentional mechanism by which they have played down the true extent of reoffending in Victoria. Whilst they have consistently claimed that the recidivism rate is around 33%[8] the true figure is much higher. The Australian Bureau of Statistics (ABS) conducts an annual nationwide prison census on 30 June each year, and publishes the results in its publication *Prisoners in* Australia.[9] In 1999 the ABS found that rather than 40% of prisoners having reoffended, the actual percentage of prisoners in Victoria who had 'known prior adult imprisonment' was around 63%.[10] The same year the Department of Justice was forced to admit to the Victorian Auditor-General 'that the State's prison system experiences a recidivism rate of 70 per cent.'[11]

'Known prior adult imprisonment' is the true measure of recidivism. Even using that definition is flawed because it only records the prior imprisonment of those prisoners in prison on the day of the census; it does not include those prisoners who returned to prison and were released before the census was taken (i.e. short-term prisoners and those who were remanded in custody but then obtained release on bail), prisoners who reoffended in another jurisdiction or those juvenile offenders who graduated to the adult prison system. Buried amongst Corrections Victoria's own figures the rate of 'known prior adult imprisonment' was consistently recorded as around 63%.[12] In 2002 the rate of 'known prior adult imprisonment' was still recorded by Corrections Victoria as being 63%.[13] The following year their definition of 'known prior adult imprisonment' was changed

from 'episodes on remand as well as under sentence' to only those prisoners 'held under sentence'. This statistical manipulation magically reduced the 'known prior adult imprisonment rate' from 63% to around 52%.[14] Even this statistical manipulation was not enough for the Victorian prison authorities and their political masters. By 2015, the rate of 'known prior adult imprisonment' was changed from a separate table in Corrections Victoria statistical documents to a line buried in general 'historical trends' tables.[15]

## Victoria's Maximum Security gulag

While successive Victorian State Governments have loudly claimed that the rate of imprisonment in Victoria is the lowest in Australia (along with the Australian Capital Territory)[16] they have intentionally neglected to mention that Victoria has also consistently had the highest percentage of its prisoners in high-walled Maximum Security prisons. The percentage of Victoria's prisoners held in 'secure' (i.e. walled or fenced) prisons has increased over the past 30 years. During 1995-2001, the percentage increased by almost 47% to the point where 88% of Victoria's prisoners were in secure prisons.[17] This was despite the fact that during that same period, the percentage of sentenced prisoners with Maximum Security ratings was only around 9%.[18] Added to this number were the average of 14% of prisoners who were held in prison on remand.[19] Victoria has long had the ludicrous policy of automatically ascribing a Maximum Security rating to *all* remand prisoners, irrespective of the reason for their remanding or the offence for which they have been remanded. Many prisoners are now remanded for minor offences, such as breaching an intervention order, or committing the 'criminal offence' of not complying with a condition of parole.[20]

The figures for 'all prisoners, by sex and Security Rating' are no longer published by Corrections Victoria but the fact remains that of Victoria's 15 prisons, only four are 'open' Minimum Security prison farms and there is only one 27-bed 'transition centre' for male prisoners (and none for female prisoners). The last 'open' prison in Victoria was a 240-bed prison opened in 2005. Since then, five

walled or fenced prisons have been constructed in Victoria. Three of those prisons have capacities of over 1,000 beds. The next prison due to be constructed in Victoria is a 1,258-bed Maximum Security prison; no prison farms are planned.

When I entered the prison system in 1987 prisoners could expect to serve their sentence in 'thirds': the first third of their sentence in Maximum Security, the next third in Medium Security and the final third in Minimum Security. Prisoners serving medium to long sentences would often spend the middle third of their sentence working outside the prison in escorted work gangs reminiscent of the probation gangs used during the convict era in Australia.[21] During the final third of their sentence, they were usually at an 'open' prison and routinely received 72-hour unescorted rehabilitation "leaves" once a month. One life sentence prisoner during the 1980s and 90s received a total of 98 such leaves during the final 11 *years* of his sentence.[22] Today, prisoners can only receive an unescorted "leave" in the final year of their sentence and such "leaves" are rare. In addition, those that most need to be placed at the State's sole transition centre (i.e. those serving the longest sentences) are the prisoners least likely to be sent there. Since the transition centre was opened in 2007 only one convicted murderer has been sent there.

The Australian historian and art critic Robert Hughes in his seminal work on the history of the transportation of convicts to Australia during 1787-1868, *The Fatal Shore*,[23] described the five progressive stages of the convict "assignment" system: 1. A year in prison after arrival. 2. Work in the "probation gangs" (consisting of labour in "unsettled districts"). 3. The issue of a "probation pass" (work for wages with government approval). 4. The issue of a 'ticket-of-leave' (living and working for wages in the community with the 'ticket' renewed annually). 5. Finally, a conditional or absolute pardon.[24] Hughes wrote that the assignment system was 'the early form of today's open prison.'[25] He noted that the system;

> 'Instead of herding men together in gangs [or prisons] - in which bad apples automatically dominated - assignment dispersed them throughout

the bush and kept them in working contact with the free. It fostered self-reliance, taught them jobs and rewarded them for doing them right.'[26]

His conclusion was that;

'For all its flaws (and one cannot imagine a prison system without defects) the assignment system in Australia was by far the most successful form of penal rehabilitation that had ever been tried in English, American or European history.'[27]

As long ago as 1999 the Victorian Auditor-General noted a conflict between Corrections Victoria's *Sentence Management Framework* and the Corrections Commissioner's standards for prisoner placement. The *Framework* noted that prisons 'may only accommodate prisoners of an equivalent or lower security rating', while the Commissioner's standards dictated that all prisoners must be 'placed within a prison according to their legal status [i.e. remand or sentenced] and security ratings and ... within prison at the lowest security rating for which they qualify.'[28] To highlight the conflict between these standards in the Victorian prison system the Auditor-General noted, by way of example, the situation at Barwon Prison, a Maximum Security men's prison. In June 1998 there were 256 prisoners at Barwon; of these, 155 (60%) had Medium Security ratings.[29] The Auditor-General stated that 'action should be taken to address this conflict.'[30] Despite the Auditor-General's plea, the conflict between theory and practice still exists today and is replicated throughout the Victorian prison system.

In 2006 the Victorian Ombudsman and the Victorian Office of Police Integrity also recognized the value of reduced Security Ratings and the use of "leaves" to rehabilitate prisoners. Their joint recommendations were that Corrections Victoria;

- Introduce greater flexibility in the current classification procedures, including a model which allows the movement of prisoners from

maximum security to fill empty beds in other [lower security] facilities,

...

- Consider expanding Home Detention and Weekend Leave programs in appropriate circumstances, in conjunction with the Adult Parole Board.[31]

What happened? The Victorian State Government abolished Home Detention, and Corrections Victoria restricted the temporary leave program to only those prisoners with a Minimum Security rating in the last 12 months of their sentence *and* who had already completed 12 months of escorted leaves.

So the empirical evidence is that walled prisons do not work, and that work in the community as a reintegration into and re-association with society does work. Which system then does Victoria (and most other jurisdictions) favour? Large Maximum Security prisons: the one that has been shown to be exorbitantly expensive - at the expense of other government services such as public housing, education and health - to be counter-productive and not to work. If the prison system was a tool, it would not be "fit for purpose".

## The use of "rehabilitation" programs

Instead of 'open' prisons and "leaves", the Victorian prison system has increasingly relied upon prison-based 'programs designed to address offending behaviour'. Such programs have existed since the first drug and alcohol programs were introduced in the early 1990s. Despite being found to be 'inefficient and costly'[32] such programs continued to be introduced into the Victorian prison system and were expanded to encompass general, violent and sexual offending. Today these programs form the foundation for obtaining parole in the State of Victoria. Participation in these programs remains voluntary but the Adult Parole Board of Victoria usually insists on

the completion (note *completion* – there is no 'pass' or 'fail' in these programs) before the Board will consider the granting of parole.

There is no empirical evidence that these programs have resulted in any real reduction in the rates of recidivism. In fact, the opposite is true: many empirical and meta-analytical studies have found that such programs have had minimal to no impact on the rates of re-offending.[33] Those studies or reports that do claim that these programs 'work' usually contain caveats or are contradictory. The Victorian prison system's 'Reducing Re-offending Framework' in 2000 claimed that, 'There is substantial evidence that offenders who participate in offender behaviour interventions have a reduced rate of reoffending of between 10-40%.'[34] It referred to various meta-analytical studies in the body of the report,[35] but then reported that a survey of 'Offender Behaviour Programs in Victorian Prisons' revealed that there was 'no evidence to support any of these programs in successfully reducing reoffending.'[36]

A Corrections Victoria update of the 'Reducing Re-offending Framework' in 2001 noted that recidivism could 'be reduced by 10% and up to 50% through offence-specific programs' but only if those programs 'meet particular criteria.'[37] One of the 12 criterion listed was that 'prison-based programs can also be effective if adequate reintegration occurs.'[38] It is exactly this reintegration ("leaves", transition centres and post-release support) that Corrections Victoria has restricted, reduced or eradicated over the years. The paper also advised that 'a consistent system of sentence management is required to underpin the framework.'[39] As noted above, that advice was likewise unheeded.

The evaluation of offending behaviour programs that report reduced rates of recidivism often derive from a skewered cohort of program participants. The assessment of suitability for these programs is almost universally done involving the well-known Transtheoretical Stages of Change model.[40] This model assesses program candidates readiness to engage in programs as falling somewhere on a spectrum from 'precontemplation', through 'contemplation' to 'action'. Given that

program participation is, at least theoretically, voluntary, program participants are those prisoners who are already motivated to change. It is not surprising, therefore, that a comparison of recidivism rates between those prisoners who completed and who did not complete programs shows reduced recidivism for program participants. Put simply, those that did not reoffend were less likely to reoffend anyway.

During 1999-2013, I voluntarily completed various general and offence specific (i.e. violent offending) programs. In 2004 my risk of reoffending was assessed by prison clinicians using the Level of Supervision Inventory-Revised (LSI-R), an actuarial risk/need measure widely recognized as being a reliable indicator of the risk of re-offending violently.[41] I received a rating of 2 – Low, on an ascending scale of 0-54. Corrections Victoria simply ignored their own findings and reclassified me as a 'High' risk of reoffending. The 9-month long High Intensity Violence Intervention Program (VIP) I was compelled to complete in 2013 was the culmination of the various programs I had already completed. My experience has been that these programs involve nothing more than a group discussion of what we already know (or *should* already know!) a superficial examination of the reasons for our offending, and no real commitment to change. The expression of anti-social attitudes during group discussions are not really confronted, and even a failure to abide by program requirements (e.g. attending all program sessions and on time) does not result in any sanctions. As there is no formal 'pass' or 'fail' grading, program participants simply have to turn up to (most of) the program sessions in order to 'pass' the course. In fact, the VIP has actually resulted in prisoners who have not re-offended violently for long periods (often years) acting violently again or acting even more violently. We tend to come to terms with what we have done or what we have experienced, and suppress those feelings that are unpleasant or which we wish not to express. The VIP tends to 'wind-up' participants to revisit mental states and behaviour they have long suppressed. By way of analogy, it is tantamount to forcing someone to revisit the death of a loved one that occurred many years ago, and then being surprised when that person breaks down in tears!

In 2003 the Victorian Auditor-General reported that the limited availability of programs 'has been identified as a key factor in the rising level of recidivism in the Victorian corrections system.'[42] In the following years more prison-based programs were introduced. In spite of programs being a mainstay of the Victorian prison system's 'Reducing Re-offending Framework'[43] for three decades, the recidivism rate of Victorian prisoners has *increased*. This fact alone settles any pontification or argument about whether offending behaviour programs do or do not work.

If prison 'rehabilitation' programs do not work, what do they do? They keep prisoners in prison, and in prisons with high walls. The 'programs designed to address offending behaviour' in Victoria are only offered in Maximum and Medium Security walled prisons. They are also often a prerequisite for obtaining not only parole, but a transfer to a Minimum Security prison. By effectively forcing prisoners to complete programs the Victorian prison and parole authorities have shifted the blame for reoffending from the system to the offender. This has become an imperative in the State of Victoria where the relatives of those people murdered by parolees in recent years are currently suing the State, Corrections Victoria and the Adult Parole Board of Victoria for negligence.

## Retributive justice vs restorative justice

In 2005 I wrote a letter of apology to one of my victims. I asked a volunteer from the Christian volunteer organization Prison Fellowship to act as an intermediary in delivering this letter (rather than just sending it directly to the victim concerned). The letter was intercepted by the prison authorities and I ended up in a punishment cell serving full "loss of privileges" (a Corrections Victoria euphemism for solitary confinement in a bare cell).

In 2007 I obtained the leave of the Supreme Court of Victoria to challenge the decision of the prison authorities to intercept and withhold the letter.[44] The Victorian State Government responded by amending the Victorian *Corrections Act*

with retrospective effect to make it both a criminal offence (punishable by up to six months in prison) and a prison offence to send any letter that a victim *may* find 'distressing or traumatic'.[45] In 2009 I challenged the legality of this new law in the Supreme Court. The Court, however, found that,

> 'The very fact that the communications in question are letters signed by the perpetrator of these grave crimes, which caused such a degree of trauma to surviving victims, and that this fact would be brought to the attention of the victim, may have the effect of distressing the victim, regardless of the contents of the balance of the letters, their tone or subject matter.'[46]

Prior to taking my case to court I sought to resolve the issue of prisoners writing letters of apology to their victims with Corrections Victoria. The Deputy Commissioner of Corrections Victoria advised me that any such approach would only be approved as part of a restorative justice program. The advice was hollow: there are no restorative justice programs in Victoria.

## Out of sight (& earshot). Out of mind.

In Victoria there is a total ban on prisoners contacting the media. Corrections Victoria's policy on prisoner communication with the outside world dictates that, 'Prisoners are not permitted to contact media organisations under any circumstances.'[47] The policy extends to all forms of communication: telephone, letters to or from media organizations, giving interviews, and even receiving visits from journalists. This policy is so strictly enforced that even an innocuous enquiry to a media organization's sales department is forbidden.

In 2014 I filed a Supreme Court challenge to the decision of the Victorian prison authorities to seize three letters sent to media organizations: one letter was to a TV producer seeking a copy of an old documentary; another letter was to a TV

sales department asking for a copy of their product catalogue; the third letter was a letter to the editor of a daily metropolitan newspaper. The letter to the editor was in response to the State Premier of the day giving an exclusive interview to that newspaper in which he referred to my case as part of his election promises. In relation to that letter, I sought to invoke the judicially recognized protection of the Australian Constitution of free speech in political discourse.[48] I argued that a letter to the editor of a newspaper in response to the election promise of a state politician during an election campaign was the clearest example of communication of a political nature. The Supreme Court thought otherwise and upheld the decision of the prison authorities to seize all three letters.[49] This "hands off" approach to the decisions of prison management in Victoria by the judiciary has a long history.[50] Prison litigation in Victoria has the worst success rate of any jurisdiction in Australia, so it is not surprising that even constitutionally protected communication by prisoners is subject to seizure.

In April 2019 the attempt to hold prisoners publicly incommunicado was extended by the introduction of the *Corrections Regulations 2019* (Vic).[51] These regulations introduced a regulation which made it a prison offence to use social media, either personally or through someone else.[52] Corrections Victoria and the Victorian State Government claim that such restrictions are justified in the interests of victims and prisoners' privacy. These same agencies identify particular prisoners and release information about them to the media when it suits their agenda or election platform, so their claims of virtuous motivations for introducing repressive legislation or policies tend to ring hollow.

The combination of high prison walls and a total ban on public communication serves to ensure that Victorian prisoners are "out of sight, out of mind". The aim of this ban is to ensure that no prisoner in Victoria is able to engender any public sympathy or even empathy, ensuring that the Victorian prison authorities have a free hand to treat their prisoners in any manner *they* deem fit. What is disturbing is that this total ban on public discourse extends even to claims of innocence. A

prisoner can shout his innocence from the (prison) rooftops; he just can't tell the media about it.

## A blueprint for prison abolition?

The former Victorian Catholic prison chaplain, Peter Norden, has recently outlined a 10 step pathway towards reducing the Australian prison population by 5% per year over the next 20 years. The ten steps are the following:

1. Address the housing or support needs of those charged with an offence (e.g. bail hostels) to reduce the remand population from the current level of +30% of the prison population;
2. Have disability services provide community alternatives for persons with an intellectual disability charged with a lesser criminal offence;
3. Establish a drug and alcohol service network that is fully responsible for community supervision of existing criminal offenders and implement a program of drug law reform;
4. Ensure community mental health services to undertake much greater responsibility for persons charged with a criminal offence who display limited capacity or responsibility;
5. Recognize that property offenders do not pose a major physical threat to our community and implement a discrete use of electronic monitoring for all adult prison sentences of six months or less and within two years for all repeat property offenders;
6. Redefine the purpose of imprisonment as existing to respond only to serious criminal behaviour that presents a real danger to our society;
7. Retain strong family and social connections (i.e. visits) for those that are imprisoned;

8. Uphold the purpose of parole as being to supervise and support those at risk on release;
9. Focus justice reinvestment programs in 10 of the most disadvantaged postcode areas; &
10. Maintain school retention for 'at risk' young people and focus on employment skills.[53]

It may not be possible to abolish prisons altogether but surely a more socially aware approach to punishment as proposed above is not only conceivable, but achievable.

## Conclusion

Even Victorian State Government agencies have recognized that prisons serve no rehabilitative function. The Sentencing Advisory Council noted that, 'The ability of prison to rehabilitate offenders and reduce offending in the long-term is questionable.'[53] I do not advocate the total abolition of prisons. Some individuals, either through their crimes or the risk they pose to the community or both, need to be incarcerated. The majority of prisoners in Victoria are not raving violent psychopaths but those with drug additions and those recipients of the "idiot of the week" award. I may no longer be a danger to the community but I *deserve* to be in prison for my crimes. Most prisoners, however, do not and could be better employed – and better reintegrated into the community -- by doing work in the community. In 2009 I suggested to the Victorian Country Fire Authority that they work with Corrections Victoria to establish CFA stations manned by prisoners, and overseen by CFA-trained prison officers, at Victoria's four dispersed "open camp" prisons. I never received a response. That is indicative of the official attitude to imprisonment and rehabilitation in the State of Victoria. There has to be a better way of doing things.

* Julian Knight, BA (Deakin). (julian.knight@iexpress.org.au)

The author was only 19-years-old when he committed a mass shooting in Melbourne, Australia, in 1987. He was subsequently sentenced to life imprisonment with a minimum non-parole term of 27 years (see *R v Knight* [1989] VR 705). In 2014, five weeks before that minimum term expired, the Victorian Government introduced *ad hominem* legislation that removed his entitlement to parole (see s.74AA, *Corrections Act 1986* (Vic) at www.legislation.vic.gov.au). Prior to entering prison he was an army officer cadet at Australia's Royal Military College.

**Endnotes:**

1. *Prison Profiles* (December 1994), Melbourne; Correctional Services Division, Department of Justice ("*Prison Profiles*"), Table 5, page 8.
2. *ibid*.
3. *ibid* & para 2.1, page 9.
4. *op.cit.*, Table 4, page 9.
5. *Statistical Profile of the Victorian Prison System 1995/1996 to 2000/2001* (2003), Melbourne, Office of the Correctional Services Commissioner ("*Statistical Profile 2003*"), Table 1, page 8.
6. *Victoria's Prison Population 2001 to 2006* (June 2007), Melbourne; Sentencing Advisory Council ("*Victoria's Prison Population*"), page 1. Available on the SAC website: www.sentencingcouncil.vic.gov.au.
7. *Key Statistics on the Victorian Prison System 2009-10 to 2013-14* (2015), Melbourne; Department of Justice & Regulation ("*Key Statistics*"), Table 3, page 9.
8. *Addressing the needs of Victorian prisoners* (November 2003), Melbourne; Auditor-General Victoria ("*Addressing the needs of Victorian prisoners*"), para 2.15 & Figure 2C, page 18. Note that a further 9% are reported as 'returning to corrective services' (i.e. receiving non-custodial sentences) within two years. See also Jeremy Kelly, 'Prisoners keep returning', *Herald Sun*, 20 November 2003, page 9.
9. *Prisoners in Australia* (Catalogue No 4517.0) (annual), Canberra; Australian Bureau of Statistics. Available on the ABS website: www.aic.gov.au/publications.
10. *Prisoners in Australia* (1999), Canberra; Australian Bureau of Statistics, Table 3, page 17; 62.8% (63.2% for male prisoners & 57% for female prisoners).
11. *Victoria's prison system: Community protection & prisoner welfare* (May 1999), Melbourne; Victorian Auditor-General's Office ("*Victoria's prison system*"), para 6.92, page 121. Available on VAGO website: www.audit.vic.gov.au.
12. *Statistical Profile 2003*, Table 14, page 24 (Ranging from a low of 60.4% in 2000 to a high of 64.9% in 1996).
13. *Statistical Profile of the Victorian Prison System 2000-01 to 2004-05*, 6th Edition (2006), Melbourne; Office of the Correctional Services Commissioner ("*Statistical Profile 2006*"), Table 12, page 21.
14. *ibid*.
15. *Key Statistics*, Tables 4 & 5, pages 10-11.
16. *Prisoners in Australia* (1999), page 1 & *Statistical Profile 2003*, Table 13, page 23. See also *Addressing the needs of Victorian prisoners*, para 2.17 & Figure 2E, page 19.
17. *Statistical Profile 2003*, Table 2, page 8.
18. *op.cit.*, Table 16, page 26.
19. *ibid*. See also *Conditions for persons in custody* (July 2006), Melbourne; Ombudsman Victoria & Office of Police Integrity ("*Conditions for persons in custody*"), which reported that 66% of Maximum Security prisoners were unsentenced, page 73.
20. In Victoria a failure to comply with a term or condition of parole (e.g. a curfew or reporting to a parole officer) is now a criminal offence punishable by 3 months in prison: see s.78A, *Corrections Act 1986* (Vic) - available at www.legislation.vic.gov.au.
21. See Robert Hughes (1996), *The Fatal Shore: A History of Transportation of Convicts to Australia, 1787-1868*', London; The Harvill Press.
22. See *Ryrie* (1993) 64 ACrimR 332, at 339. Available at www.AustLII.edu.au.
23. Robert Hughes (1996), *The Fatal Shore: A History of Transportation of Convicts to Australia, 1787-1868*', London; The Harvill Press.
24. *op.cit.*, pages 523-4.
25. *op.cit.*, page 587.
26. *ibid*.
27. *op.cit.*, page 586.
28. *Victoria's prison system*, paras 6.99 & 6.100, page 122.
29. *op.cit.*, para 6.102.
30. *op.cit.*, para 6.101.
31. *Conditions for persons in custody*, page 77. See also *Investigation into the Rehabilitation & Reintegration of Prisoners in Victoria* (2015), Melbourne; Ombudsman Victoria.

32. *op.cit.*, para 6.3, page 69.
33. See e.g. Williamson *et al.* (2003), Assessing Offender Readiness to Change Problems with Anger, *Psychology, Crime & Law*, 9: 4, 295-307: '... the data do not support the contention that the anger programme "works" by producing increments in readiness to change which subsequently produce reductions in anger [and] there was little evidence, from the overall evaluation of the programme, that the treatment was effective' (page 305).
34. Felicity Dunne (September 2000), *A Framework for Reducing Re-offending: Differentiated Case Management in Victorian Prisons*, Melbourne; The Office of the Correctional Services Commissioner ("*Reducing Re-offending Framework*"), page 3.
35. *op.cit.*, page 21.
36. *op.cit.*, page 54.
37. Astrid Birgden & Dr Colin McLachlan (January 2004), *Reducing re-offending framework: Setting the scene*, Paper No 1, Melbourne; Corrections Victoria ("*Reducing re-offending framework: Setting the scene*"), page 4. Available at www.justice.vic.gov.au.
38. *op.cit.*, page 5.
39. *op.cit.*, page 4.
40. See J.O. Prochaska & C.C. di Clemente (1986), *The Transtheoretical Approach: Crossing Traditional Boundaries of Therapy*, Homewood, IL; Dow Jones Irwin.
41. See Wagdy Loza & Amel Loza-Fanous, Anger & Prediction of Violent & Nonviolent Offenders' Recidivism, *Journal of Interpersonal Violence*, 1999 14: 1014-1029, at 1016. Available at www.jiv.sagepub.com/content/14/10/1014.
42. *Addressing the needs of Victorian prisoners*, paras 6.3, page 69.
43. *op.cit.*, paras 6.3 & 6.4, page 69. See also Felicity Dunne (September 2000), *A Framework for Reducing Re-offending: Differentiated Case Management in Victorian Prisons*, Melbourne; Department of Justice.
44. *Knight v Anderson* [2007] VSC 278; (2007) 16 VR 532. Available at www.AustLII.edu.au.
45. s.47DA, *Corrections Act 1986* (Vic): Offence for prisoner to send distressing or traumatic letters - 'A prisoner must not send or cause to be sent, or attempt to send or cause to be sent, a letter to a victim ... if the prisoner knows, or ought reasonably to know, that the letter contains written or pictorial matter that may be regarded as distressing or traumatic by the victim or any other victim who might reasonably receive it.' Available at www.legislation.vic.gov.au.
46. *Knight v Corrections Victoria* [2009] VSC 607, at [49] Available at www.AustLII.edu.au.
47. Corrections Victoria, *Commissioner's Requirement 4.2.1: Prisoner Telephone System* (September 2015), Part 4.22 Media Contact, page 13 of 16.
48. *Unions NSW v New South Wales* [2013] HCA 58. Available at www.AustLII.edu.au.
49. *Knight v Shuard & Thomas* [2014] VSC 475. Available at www.AustLII.edu.au.
50. See Richard Edney (2001), Judicial deference to the expertise of correctional administrators', [2001] *Australian Journal of Human Rights* 5 & Richard Edney (2005), Importance of administrative transparency in the correctional context: knowing the rules, 32 *Australian Journal of Administrative Law* 12, 163-174.
51. Available at www.legislation.vic.gov.au.
52. *Corrections Regulations 2019* (Vic): Regulation 65(1) - It is a prison offence for a prisoner to 'use or access the Internet' (o) or to 'commission, arrange, enable or allow another person to use or access the Internet on the prisoner's behalf' (p). Available at www.legislation.vic.gov.au.
53. Available from Norden Directions at www.nordendirections.com.au.
54. *Victoria's Prison Population*, page 1.

---

Word Count (Including Headings & Excluding Endnotes): 4,024

---