RESISTING Carceral Violence

WOMEN'S IMPRISONMENT AND THE POLITICS OF ABOLITION

BREE CARLTON AND EMMA K. RUSSELL

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Contents

Acronyms

AFC	*Agenda for Change*
AIC	Australian Institute of Criminology
ASIO	Australian Security and Intelligence Organisation
CASA	Centre Against Sexual Assault
CAWI	Coalition Against Women's Imprisonment
CBO	Community-based order
CCA	Corrections Corporation of Australia
CHRIP	Centre for the Human Rights of Imprisoned People
CLC	Community legal centre
CWA	Country Women's Association
DOP	Director of Prisons
DPFC	Dame Phyllis Frost Centre
EOCV	Equal Opportunity Commission of Victoria
FOI	Freedom of Information
FRG	Fairlea Research Group
IDU	Identified Drug User
MRP	Metropolitan Reception Prison
MWCC	Metropolitan Women's Correctional Centre
OOC	Office of Corrections
PJA	People's Justice Alliance
SFWPC	Save Fairlea Women's Prison Coalition

UK	United Kingdom
US	United States
VCAT	Victorian Civil and Administrative Tribunal
WLRG	Women's Legal Resource Group

Timeline of Key Events in Women's Imprisonment in Victoria

9 March 1956	50 women prisoners are transferred from Pentridge Prison to the new Fairlea Women's Prison
22 June 1956	Fairlea Women's Prison officially opens
1977	'Women and Law Conference' is organised by four women law students at Monash (participants subsequently form the Fairlea Research Group (FRG))
1978	Fairlea is declared a fire hazard by Metropolitan Fire Brigade
1979	Two classrooms erected in Fairlea Prison and two fulltime teachers employed
1980	A fire in Wing 1 of Fairlea destroys a bathroom and toilet facilities. On the following night two fires, in Wings 2A and 2B, are deliberately lit. Five prisoners are charged. Fairlea women prisoners initiate rooftop 'riot'
1981	FRG makes a submission to the Equal Opportunity Board arguing that women in prison are discriminated against Yarrabrae, an 18-cell block for difficult-to-manage prisoners, is opened. It later becomes the reception centre for Fairlea

6 February 1982	Four women escape from Fairlea (two are recaptured) A deliberately lit fire results in the deaths of three women, Danielle Wright, Clelia Vigano and Mary Catilo, who die of asphyxiation in the remand centre at Fairlea. Six women are immediately transferred to Jika Jika By April, all maximum- and medium-security women prisoners (incl. the six in Jika) are transferred to B Annexe and B Division of Pentridge Prison
February 1982	Women's Legal Resource Group (WLRG) forms
July 1982	FRG publishes *Prisoner and Female: The Double Negative* (Hancock ed.), launched by Pauline Toner (then Corrections Minister) On 8 July, Coroner Mason commences the Inquest into the Deaths of Wright, Vigano and Catilo in the Fairlea fire
1982	The Fairlea Drama Group (later Somebody's Daughter Theatre Company (SDTC)) is established
1983	Office of Corrections (OOC) releases *Corrections Master Plan*, recommending that there be no separate prison for women The Women's Council on Homelessness and Addiction (WCHA) is established (formerly the Drug Club formed in 1982) The daily average number of women prisoners in Victoria is 69
1985	Women Against Prison (WAP) forms with members from WCHA and WLRG, establishes contact with the FRG
4 July 1986	The Attorney-General officially re-opens Fairlea, with post-fire redevelopment completed, now with 'cottage-style' accommodation. Some women are returned from B Annexe in Pentridge Prison. Fairlea's capacity is now 86

	The daily average number of women in prison is now 97
29 October 1987	Men imprisoned inside Pentridge's K Division (Jika) light a protest fire and five prisoners die: James Loughnan, David McGauley, Arthur Bernard Gallagher, Robert Wright and Richard Morris
1987	The daily average number of women in prison exceeds 100 for the first time in 30 years
January 1988	Tarrengower minimum-security prison for women opens in the rural town of Maldon, Victoria (capacity 24)
12 January 1988	Seven women hunger strike inside Fairlea, one woman lasting 17 days. They issue demands but are largely ignored by the media and OOC
30 January 1988	A fire and riot occur at Fairlea driven by overcrowding, women prisoners climb up onto the roof. Riot quashed by Pentridge riot squad and women on the roof were beaten, and nine are taken to hospital with injuries
June 1988	Launch of Fitzroy Legal Service 'Women and Imprisonment in Victoria' report Women prisoners are transferred to K Division, now referred to by the OOC as a 'lifestyles unit drug program'
26 June 1988	The first 'Wring Out Fairlea' protest is organised by the Coalition Against Women's Imprisonment
13 July 1988	WAP advised by Community Services Victoria of $100,000 grant awarded to set up flats for women getting out of jail—this would soon be used to establish Flat Out
10 August 1988	15 women inside Fairlea attend a meeting organised by WAP to discuss the operation of a new housing organisation (Flat Out) to support them upon release
August 1988	John Griffin is appointed Director of Prisons

11 November 1988	In Fairlea 40 or 50 women hold a peaceful sit-in on the prison oval and refuse to return to their cells at evening muster over the treatment of Aboriginal imprisoned woman, Vicky Solomon. A number of small fires are lit and some prisoners climb onto a roof in protest. The incident is resolved without violence after about 6 hours
12 November 1988	The prison dog squad conducts a forceful raid in Fairlea and 18 women are taken to Pentridge's G division, a section of the male psychiatric unit
7 October 1988	Flat Out Inc. is established by WAP
9 April 1989	Death in custody of Karen Watson in G Division, Pentridge, the night before she is due for release
1990	Women are transferred to the Banksia Unit in the new Barwon (men's) Prison in Lara The OOC sets up a Women Prisoners and Offenders Advisory Committee to develop policy guidelines for women in prison and on community-based orders
25 March 1990	The second 'Wring Out Fairlea' action takes place
30 April 1990	Inquest investigation before Coroner L. J. Hill commences into Karen Watson's death
1991	OOC launches the *Agenda for Change* policy framework
April 1991	The Equal Opportunity Commission refers allegations of discriminatory treatment and conditions experienced by women in Barwon men's prison for formal investigation
May 1992	The Women and Imprisonment Group organises the conference 'Changing Agenda: Women's Imprisonment and Law and Order'. For the first time, women and children who had been inside give papers, talks and workshops Women sent to Banksia Unit of Barwon Prison make representations to the Equal Opportunity

	Commissioner alleging discrimination in education, children's visits, recreation and health care
February 1992	Commissioner Rayner reports prima facie finding of discrimination against women in Barwon. She enters into a conciliation process with the OOC
March 1992	SDTC performs its first public performance outside, 'Tell her that I love her', at the Malthouse Theatre Flat Out, in conjunction with other concerned community members, organises a memorial service at the Melbourne Town Hall for women who have died in prison or shortly after their release from prison. SDTC performs as part of this service
April 1993	Save Fairlea Women's Prison Coalition (SFWPC) forms to oppose the Kennett state government's plan to transfer all women and their children from Fairlea to Jika Jika, high-security unit located within Pentridge men's prison
July 1993	The *Save Fairlea* campaign begins with a press conference held by SDTC, its first non-theatre statement
26 July 1993	The first day of the Save Fairlea Vigil. Three women start the 6 am shift—Wendy Bennett, Catherine Gow and Anne Roseman. The 24-hour vigil lasts until Christmas and thousands of hours are voluntarily committed in the campaign to keep women out of Jika
5 September 1993	The third 'Wring Out Fairlea' is held—a spontaneous action that coincides with a community event at the Save Fairlea vigil, 'A Day to Remember'
26 October 1993	Moira Rayner is 'sacked' from her position as Equal Opportunity Commissioner and the position itself is axed to be replaced by a new five-member commission

2 November 1993	'Cup Day' festivities are held at the vigil
15 December 1993	The Kennett government announces the largest prison privatisation programme in the world, including a new private prison for women and the closure of Fairlea
1994	The People's Justice Alliance forms out of the SFWPC
15 December 1994	Corrections Corporation of Australia (CCA), a subsidiary of Corrections Corporation America, is awarded the contract to construct, manage and own the first private women's prison in Australia
19 May 1996	The fourth and final Wring Out Fairlea demonstration is held to protest against the private prison and women's imprisonment
15 August 1996	The Metropolitan Women's Correctional Centre (MWCC) opens and is protested with a 'blood money' stunt
30 August 1996	Fairlea Prison closing ceremony
October 2000	The Victorian State Government uses emergency powers to take over the management of the MWCC from CCA. The Victorian Government bought the contract out for $A20.2 million

Interviews

Carmel Benjamin, 12 September 2016, conducted in Melbourne by Bree
Shelley Burchfield, 16 December 2016, conducted in Collingwood by Bree
Sandy Cook, 11 May 2015, conducted in Melbourne by Bree
Billi Clarke, 13 December 2016, conducted in South Melbourne by Emma
Annie Delaney, 19 January 2017, conducted in Melbourne by Emma
'Fairlea Nurse', 21 November 2016, conducted in Inverleigh by Emma
Amanda George, 6 May 2014 and 22 November 2016, conducted in Flemington by Bree and Emma
Catherine Gow, 17 June 2014, conducted in Parkville by Bree; and 29 November 2017, conducted in Yarra Bend Park by Bree and Emma
Cath Keaney, 2 December 2017, conducted in Preston by Emma
Margi Lardi, 6 September 2016, conducted in South Melbourne by Bree
Trish Luker, 20 January 2017, conducted via Skype by Emma
Jude McCulloch, 12 August 2016, conducted in Melbourne by Bree
John Griffin, 30 April 2015, conducted in Melbourne by Bree
Sue Wynne-Hughes, 22 November 2016, conducted in Red Hill by Bree

Focus Groups

Chris Burnup, Sandy Cook and Linda Hancock, 11 December 2013, conducted in Kew by Bree and Emma

Maud Clark and Kahren Harper, 5 September 2016, conducted in South Melbourne by Bree

Part I

Carceral Violence and Official Responses

1

Introduction

On the evening of 6 February 1982 a fire was lit by women prisoners in the remand section of the HM Fairlea Women's Prison, Victoria's main prison for women located in the Melbourne suburb of Fairfield. The fire caused the deaths of three women who were being held on remand at the time, Clelia Vigano, Mary Catilo and Danielle Wright, and destroyed a large section of the prison. Two other imprisoned women were hospitalised and sustained serious injuries. On the day of the fire there were 53 women, three babies and five staff on duty within the prison (Mason 1982, 8 June, 9). At the time, Fairlea Prison was understaffed and an industrial dispute was brewing (Mason 1982, 8 June, 58–59). A sense of unrest had been building among the imprisoned women, as one woman, JM, told the Coroner: 'There were hassles and pressure building up in the gaol, it was blowing up' (Mason 1982, 22 September, 399).

In the afternoon, just hours before the fire was lit, four women escaped the prison. It was alleged that Danielle Wright assisted the escapees to disappear through the laundry section of the prison. However, shortly thereafter, they were apprehended and returned to the punishment cellblocks of Fairlea Prison. Wright had a close friendship

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with one of the escapees and had wanted to be with her in the punishment section of the prison. Two surviving imprisoned women (DL and JM) who were present when the fire was lit reported that Wright had built and lit the fire in order to be transferred to the cellblock: 'It was common knowledge amongst prisoners that Danielle Wright lit the fire to get herself into trouble … she was irresponsible, hated the system, hated the screws, she didn't care about the consequences of her actions … [she was] very rebellious' (Mason 1982, 22 September, 400–401). When asked why they had not 'buzzed up' to warn duty staff of the fire, DL and JM had both reported that Wright had threatened them with violence if they alerted staff. DL and JM also reported that Clelia Vigano assisted Wright to light the fire in the remand section, because Vigano believed the buildings were in poor shape and should be condemned. One imprisoned woman in the unit told the Coroner that Vigano's brother was a builder and so she was knowledgeable about building safety standards (Mason 1982, 26 July, 354).

From 5.00 pm papers and magazines were torn up and shoved into cupboards, and mattresses were pulled apart and stacked for fuel under wooden benches. Duty staff alleged that they did not witness or inspect the preparations for the fire (Mason 1982, 26 July, 299, 370–372). The women residing in the dormitories at the time told the authorities that Wright started the fire with a cigarette lighter. The dormitory was an outdated building constructed of weatherboard and was rapidly engulfed in flames. Officers launched an emergency response and the Metropolitan Fire Brigade attended. Two women were rescued and taken to the burns unit at the Royal Melbourne Hospital. Wright, Vigano and Catilo (another prisoner present in the unit) were too close to the seat of the fire to be rescued. They died from asphyxiation.

Over the four days of the inquest held in September 1982, the Coroner heard evidence from up to 20 witnesses, including three imprisoned women, about the immediate circumstances of the fire. During the inquest, there were no efforts made to investigate the lack of staffing and safety standards or the conditions experienced by women within Fairlea. There was no attempt to investigate the imprisoned women's reports of unrest in the lead-up to the fire. No contextual evidence was presented or investigated about the events preceding the

escapes and the lighting of the fire. Coroner Mason instead commended the bravery demonstrated by prison staff attending the emergency response (Mason 1982, 22 September, 423). The Coroner's finding was largely based on assumptions rather than evidence about Wright and Vigano's intentions. While both were remand prisoners, Vigano was reportedly about to receive bail and be released from Fairlea in a matter of days. When delivering his findings, Coroner Mason characterised the fire as a felonious act by Wright and Vigano, which, he deemed, resulted in the murder of Catilo (Mason 1982, 22 September, 424).[1] This finding of homicide leaves no question as to why the other unsentenced women present in the remand section of the gaol denied having any involvement in the protest and were not more candid in providing information and evidence about the unrest in the gaol at the time. To admit any involvement or speak out in the public Coroner's Court would have carried grave implications for their legal cases and sentencing. In the absence of any consideration of the systemic factors that contributed to Wright's, Catilo's and Vigano's deaths in custody, the Coroner's Court attributed the Fairlea protest fire to 'malicious' acts by individual prisoners, further criminalising them when they were unconvicted, obfuscating the state's duty of care and shielding the Victorian prison system from due scrutiny.

The prison is a violent institution. It is predicated upon and sustained by the constant threat and occurrence of coercive violence. The prison is enlivened by disciplinary power that reproduces terror, alienation but also resistance. Carceral violence is therefore not exceptional or abnormal; it is routine. It is further sustained and legitimated by the surrounding culture of institutional secrecy and punitiveness. Despite these structuring logics of control and repression, carceral spaces are not experienced uniformly, nor are they totalising. As this opening account suggests, carceral spaces are also frequently sites of resistance and struggle which, in the above instances, were waged by women from the inside–out.

[1]Under the 1958 Act a Coroner had the power to make these findings of homicide without the same stringent rules of evidence and burden of proof applied in regular courts of law. In 1985, the Act was reformed so that this finding was no longer available to Coroners.

Generally speaking, the early 1980s was a period of intense securitisation in Victoria's prison system. This is well documented with regard to the construction of the Jika Jika High-Security Unit in Pentridge Prison, one of Australia's most hi-tech supermax units, ostensibly designed for those men prisoners who were deemed 'the worst of the worst' (Carlton 2007). However, this punitive shift extended decisively to women. At the time that Mason delivered his findings in the Victorian Coroner's Court, two-thirds of the women's prison population had been moved out of the fire-damaged Fairlea Prison and into Pentridge Prison's B Annexe and the Jika Jika High-Security Unit. In the latter half of the decade, they were held also in G Division. Inside Pentridge, a prison designated only for men since Fairlea opened in 1956, women were subjected to archaic and squalid conditions, enforced idleness, the over-prescription of sedating medications by prison staff for the purpose of maintaining control over women, and long hours spent in lockdown due to a lack of staffing. Prison authorities used the Fairlea fire as a justification to punish women who expressed concern about their rights or spoke out against conditions. Far from the short-term measure it was purported to be, women were incarcerated in high-security men's prisons in Victoria for more than a decade: from the time of the fire in February 1982 until 28 July 1993. While isolated in men's prisons, women were subjected to a secret regime of terror and violence; and seven women died in custody in Pentridge.

While the escape and fire were tragically fatal, they signified a flashpoint of resistance whereby women sought to challenge their invisibility and poor treatment in a system designed for men. This book approaches the violence of incarceration from a local and historical perspective, with our central reference point being women's resistance to the continuum of carceral violence that flows from the community to the prison. We examine the gendered dynamics of an expansive carceral regime through the lens of a burgeoning social movement that mobilised to challenge it. Spanning the decades of the 1980s and 1990s, our research explores how incarcerated women have worked productively with feminist activists and community coalitions to expose, critique and resist their conditions of confinement through a combination of reformist strategies, legal challenges and radical direct actions. This 'inside–out'

activism generated a powerful anti-carceral movement that bolstered and expanded feminist understandings of the workings of power and the potential for social change. Imprisoned women were always located at the centre of the movement which was concerned not only with using reform as a vehicle for holding government to account and challenging conditions, but also with engaging in myriad creative direct actions and methods to breach and overcome the sense of social stigma, invisibility and isolation imposed by prison walls. It is the decarcerative implications of these critiques, challenges and actions that fed the growth of a cohesive social movement from within Fairlea Women's Prison and Pentridge and out into the community. In excavating these accounts, it is our intention to unearth legacies for contemporary movements seeking to challenge the continuance of carceral power and violence.

From Resistance and Reformism to Expansion

At the time of the Fairlea fire, imprisoned women were virtually invisible to the public. While there was a prison designated for women, there were neither women-specific policies nor correctional standards to guide prison practices. In the early 1980s, there was growing concern among imprisoned women and community advocates about gendered discrimination in the prison system. In response, a small group of women, some of whom volunteered or worked at the prison, formed the Fairlea Research Group (FRG). FRG members covertly gathered evidence from imprisoned women to document the pains of their dormitory-style accommodation, punitive classification and disciplinary procedures, and inadequate medical and health care. With this information, they compiled a comprehensive report on the conditions at Fairlea for submission to the Victorian Equal Opportunity Board.[2] The report,

[2]In 1982 the Victorian Equal Opportunity Board was relatively newly established. Subsequently, after the Equal Opportunity Act was reformed in 1984 and then again in 1987, it became the Equal Opportunity Commission of Victoria and a Commissioner was appointed and allocated powers to investigate discrimination claims.

titled *Prisoner and Female: The Double Negative* (hereafter, the Double Negative report), was released shortly after the Fairlea fire (Hancock 1982). It argued that women imprisoned at Fairlea–the only prison for women in Victoria at the time–were experiencing systemic discrimination due to their relatively small numbers in the prison system overall (making up roughly 3.5% of the total imprisoned population) and the 'absence of a policy on prisons for women in Victoria' (Hancock 1982, 1). Although the FRG's advocacy was limited by its reformist and liberal approach, the group succeeded in raising public awareness of the prison conditions facing women at a time when reform was far from the official agenda (see Carlton and Russell 2018). Its efforts to expose women's experiences and struggles inside Fairlea served as vital groundwork for later formations of feminist activism that challenged carceral violence through a combination of grassroots and legal strategies. However, the Double Negative report was primarily conceived to create pressure for penal reform. The Fairlea fire, in combination with the FRG's advocacy, prompted public discussion and piecemeal changes within the regime of Fairlea Women's Prison. Yet the brutalising treatment and conditions for women in Pentridge and the official secrecy surrounding the prison continued during this period. Moreover, there was no comprehensive official response to the FRG's advocacy until 1991, when the Victorian Government under John Cain launched the Agenda for Change correctional framework for women.

Since the anti-discrimination campaign waged by the FRG in 1982, the history of women's imprisonment in Victoria has been underpinned by three key trends: resistance from inside and outside the prison, including organised campaigns and direct actions aimed at contesting and dismantling violent and discriminatory carceral regimes; the cyclical roll-out and repackaging of penal reform policies characterised by discourses of penal progress; and, finally, but perhaps most importantly, a steady trajectory of women's penal expansion. The number of women imprisoned in Victoria has grown from just 54 in 1982, when the FRG published the Double Negative report, to 507 in 2017 (State of Victoria 2017, 17). This translates into a seven-fold increase over the past three and a half decades, despite sustained challenges to the women's prison system during this time.

Victorian prison numbers are reflective of the distinct upward trend in women's imprisonment nationally and globally, even though the state continues to maintain the lowest imprisonment rate for women out of any jurisdiction in the country (Australian Bureau of Statistics 2016). Yet, statistics do not paint a complete picture. A closer interrogation of Victorian penal culture and history reveals prison regimes characterised by endemic violence, discrimination, secrecy, securitisation and resistance. It is these silenced accounts and subjugated histories that we are concerned to excavate (Scraton 2016). Our research has sought to challenge a seemingly popular conception of Victoria as an exemplar of correctional innovation compared to other Australian jurisdictions. But it also reaches beyond this localised context to engage the larger themes of carceral reform, resistance and expansion relevant to women's incarceration in various international contexts. In particular, it has been our aim to make meaning out of the interconnections between liberal reform discourses, the steady growth in prisoner numbers, and persistent feminist advocacy and activism against the violence of incarceration.

Resisting Carceral Violence: Abolitionism and the Fraught Position and Role of Reform

Prison abolitionist scholarship provides useful frameworks with which to assess and critique prison-focused activism and advocacy, penal reform and carceral expansion. The struggle to achieve prison abolition is one for 'broad-based social change', which 'challenges multiple and overlapping sites of inequality and the discourses that ensure their institutionalization and exacerbation' (Russell and Carlton 2013, 476). Our contribution is primarily concerned to document and explore historical lineages of feminist and abolitionist resistance to carceral violence. This focus—and the strategic practices of the anti-carceral feminist movement we examine—necessitates consideration of the broader structural conditions of inequality that reproduce the violence, oppression and injustice of incarceration. Abolition is a challenging social change project that begins with locating the historical and ongoing linkages between imprisonment and other forms of social control and harm.

There is an established politics of abolition that reminds us to be wary of myopic attempts to reform and improve carceral systems. From an abolitionist perspective, the prison system is not 'broken', but works exactly as intended: to contain and hide those deemed threatening or 'other' to the patriarchal white sovereign Australian nation-state. Historically, efforts to reform prisons have largely entrenched them. Reformist discourses frequently 'rebrand' or 'repackage' carceral control and containment (Heiner and Tyson 2017), promoting a 'carceral humanism' (Kilgore 2014) that suggests that prisons can be spaces of healing and support. Indeed, penal reform initiatives are seemingly driven by benevolence; but, regardless of intentions, they frequently reproduce carceral logics (Gottschalk 2008; Schept 2015). As Ruth Wilson Gilmore (2007, 242) argues, 'unfortunately, many remedies proposed for the all-purpose use of prisons to solve social, political, and economic problems get caught in the logic of the system itself, such that a reform strengthens, rather than loosens, the prison's hold'. Efforts to 'improve' the prison are thus too easily absorbed into correctional frameworks, neutralising systemic critiques and challenges (Mathiesen 1974, 2000). In these ways, state reform projects often provide precursors, rationales and justifications for the expansion of harmful systems (Spade 2011; Carlton 2018).

Women—especially those who are poor, Indigenous and of colour—have often borne the brunt of such 'caring' reform efforts in the penal sphere (Davis 2003; Hannah-Moffat 2001; Whalley and Hackett 2017). Yet, European abolitionist scholarship within criminology has generally avoided critical engagement with gender or feminist theorising (Christie 1977, 1998, 2000; Bianchi and van Swaaningen 1986; Mathiesen 1974, 2000; Ruggiero 2010), with a few notable exceptions (Carlen 1983, 1990, 1998; Sim 2006, 2009). As Vicky Law (2009) and Emily Thuma (2014) have argued, resistance to women's imprisonment has remained largely at the margins of critical prison scholarship and activism (but see Bosworth 1999). For example, criminologist Thomas Mathiesen's (1974) seminal manuscript, *The Politics of Abolition*, provides a case study of Norwegian prison lobby group KROM to outline a typology of prison reform based on abolitionist principles. According to Mathiesen (1974), reforms can be classified as either 'reformist' or