WOMEN OFFICERS WORKING IN MEN'S PRISONS

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Abstract

New Zealand was a late starter in the international trend towards employing female prison officers to work in men's prisons. Even after the first such officer was appointed in 1985, resistance to the idea continued in some quarters. This paper examines the recent history of New Zealand women's involvement in men's prisons and the debates that ensued. As will be seen, the fears of male prison officers that inmates would endanger women's safety proved largely unfounded, and the principal obstacle to women's integration was not the inmates but some officers themselves. Nonetheless, certain issues, particularly the risk of females entering into inappropriate relationships with their male charges, remain. The paper discusses the advantages and disadvantages of having women officers working in a front-line capacity with male prison inmates, and how some of the problems have been addressed.

INTRODUCTION

Although New Zealand prides itself on being the first country in the world to grant women the vote (1893), it was relatively late in integrating women into some employment areas, such as law enforcement and prisons. By 1914 most large cities in North America, as well as many European cities, had appointed female constables, but it was 1941, following intense lobbying from women's organisations, before the first female constables were appointed in New Zealand (Butler et al. 2003:304). In prisons, likewise, female correctional officers were restricted to women's institutions until relatively late.

It was the United States that led the revolution which introduced women to male prisons. Until 1972 only two states – Virginia and Idaho – employed women as correctional officers in male institutions (Simon and Simon 1993:227). However, in 1972 congressional amendments to the Title VII of the 1964 Civil Rights Act extended the prohibition on employment on the basis of sex from the private sector to the state sector, thus opening the door for women to work in all areas of corrections (Farkas and Rand 1997:995-6).

The 1972 amendments led to a spate of litigation which challenged the application of the new law. The most significant early decision was the 1977 case of Dothard v. Rawlinson, where the US Supreme Court ruled that in some circumstances – in this case where the security of an institution might be compromised - employment could be denied on the basis of sex. Some male inmates also opposed the employment of women on the ground that their personal privacy might be violated. In the outcome, apart from Alabama (to which *Dothard* related), no other state has successfully applied the ruling, and inmate privacy lawsuits have resulted in various compromises between inmates' privacy rights and the right to equal employment (Zimmer 1989). Thus, women officers gained an increasing presence in prisons catering for males. By 1978, 33 states had commenced assigning women to men's institutions (Jurik 1985:377), and by 1981 all but four state correctional systems had done so, with women comprising 6% of all staff in male prisons (Britton 2003:32-34, Farrell 2003:202, Zupan 1992:325-327). As the trend continued, by 1999 23.5% of the more than 200,000 staff working in US correctional facilities were female (Maillicoat 2005:190), and by the early 2000s 80% of all female correctional employees in the United States were working in male institutions (Zupan 2003:288).

Not until 1985, following the example of Australia, Britain, Canada and the United States, all of which had begun employing women officers in men's prisons from at least the mid-1970s (Farnworth 1992, Lashlie 2002:29), did New Zealand assign its first female officer to a male prison. As we shall see, the processes by which this transformation took place and the issues it created were similar to those that arose in America and elsewhere. This paper traces the progress of women's employment in New Zealand men's prisons and examines some of the debates that have come out of it.

HIRING WOMEN OFFICERS TO NEW ZEALAND MEN'S PRISONS

The decision in 1985 to employ women officers in men's prisons came amid a wave of legislation throughout the Western world aimed at gender equity in the workplace. In New Zealand, equal pay legislation for the public sector had been legislated in 1960, but it was not extended to the private sector until 1972. After that, discriminatory job titles allowed many employers to avoid the equal pay mandate, although this too was eventually prohibited with the passage of the Human Rights Commission Act 1977 (Department of Statistics 1993:280).

In 1978 a public service memo advised heads of government departments against discrimination when drafting job advertisements, but equal employment opportunities for women in the public sector did not really come until 1984. That year a statement, signed by all government employing authorities, explicitly opposed all forms of workplace discrimination, direct and indirect, and recognised the leading role of state employers in developing truly equal employment policies. That year a public service

Equal Employment Opportunities (EEO) position was created in Wellington, which was expanded into a fully fledged unit two years later (Bartley 1993).

Men have always worked in women's prisons and for years a few women have been present in male prisons in voluntary or clerical capacities. However, it was the movements in employment law and policy that made the assignment of front-line women correctional officers to men's prisons inevitable. In February 1985 Minister of Justice Geoffrey Palmer issued a press release declaring that, beginning with minimum security and youth prisons, women officers would soon be hired to work in men's prisons (*New Zealand Herald*, 22 February 1985). In June that year, aware of the new policy, Celia "Ces" Lashlie, at that time working as a probation officer, was one of at least half a dozen women who applied for a vacant position at Wi Tako minimum security prison near Wellington. Her bid was successful, and in December 1985 Lashlie became the first woman prison officer to be hired by a men's institution (Lashlie 2002).

Lashlie's integration into the world of male prisons proved relatively painless and further recruitment soon followed. In 1986, as a result of a report by the first working party for the integration of prison officers, all male penal institutions were instructed to amend toilet facilities for the use of women (Hansen 1993). Early in 1986 a woman was appointed to the minimum security prison at Rolleston, and by August 1986 there were five women working in men's prisons (Lashlie 2002:33). That month the first female prison officer started at the century-old medium security jail at Mt Eden, and by March 1987 the Department of Justice had 37 women working as front-line officers in a dozen male institutions (Appendices to the Journals of the House of Representatives (AJHR) E5 1987:34). Later in 1987, as a result of government pressure to normalise the prison working environment, a decision was made at the national office of the Justice Department to employ at least one woman in every penal institution in New Zealand. Thus, in 1989, of a total of 1,600 prison officers, 90 were women working in male institutions (Lashlie 2002:33). From there, progress was rapid. Just two years later, of the 450 women prison officers employed by the Justice Department's Penal Division, 300 worked in male institutions (Hansen 1993). Women then represented about 20% of all Penal Division staff (He Ara Hou, no.14 May 1993:5).

RESISTANCE TO EMPLOYING WOMEN

In the United States, Britain and Australia, even after women had become established there was resistance to their presence in men's institutions. There were five principal bases of opposition:

- Women are physically weaker than men, and would be of little use in a confrontation, and might also endanger staff who had to protect them.
- As argued in *Dothard*, they would risk being raped by predatory and sexually deprived prisoners.

- Women are mentally weak and unable to take the strain of working in men's prisons.
- Women might become emotionally or sexually involved with inmates and compromise their duty.
- Women would have limited use on the floor because of inmate privacy issues and would be unable to conduct strip searches, thus increasing men's workload (Farnworth 1992, Jurik 1985, Liebling and Price 2001, Simon and Simon 1993, Zimmer 1989).

As we shall see, most of these concerns proved either unfounded or easily remedied, and have hardly impacted at all on the operation of prisons. Nonetheless, even though by 1985 women had been established in North American, Australian and English male prisons for well over a decade, these same types of argument surfaced when women made similar inroads in New Zealand. Almost as soon as the new policy was drafted there was resistance to it. In December 1986 the Christchurch branch of the prison officer subgroup of the Public Service Association opposed the employment of women due to the higher risks women might be exposed to, and publicly announced that they would refuse to work with them (New Zealand Herald, 8 December 1986). At Auckland maximum security prison (Paremoremo), the union took an even harder line. Fearful that women officers would need to be "babysat" by male officers when dealing with dangerous criminals, they were intransigent. In December 1986 subgroup representatives declared they would refuse to cooperate with maintenance staff assigned to alter toilet facilities, which effectively put a stop to the work. Moreover, they threatened to take immediate industrial action the moment a woman was appointed (New Zealand Herald, 9, 12 December 1986).

Resistance to the employment of women broke down fairly rapidly in most institutions, but the result of the sabre rattling at Paremoremo was that while other prisons were gradually accepting women, the maximum security facility remained an all-male organisation as far as security staff were concerned. At that time all health personnel at Paremoremo were women, as were Ana Tia, a volunteer who had tutored Māori inmates since the early 1970s, Joy Frazer, a social worker appointed in 1975, and Sister Joan Timpany, appointed Catholic Chaplain in 1986. The difference was that although both Frazer and Timpany were permitted to interview the maximum security men alone in their offices with the doors closed, they seldom ventured into the prison proper and never did so unaccompanied. Tia, on the other hand, worked with groups of men in open areas, usually under camera or direct surveillance. None of the female personnel at Paremoremo were involved in what maximum security staff saw as their primary duty: the discipline and control of potentially dangerous inmates.

Once again it was employment law that eventually broke the back of intransigence at this institution. In 1988 the State Sector Act created a legal requirement for public service employers to be "good employers" and to develop and report annually on their

equal opportunity programme (Bartley 1993). This was a significant development as far as prisons were concerned, and it led in 1990 to the establishment of an EEO coordinator specifically for the Penal Division. Ces Lashlie, who had become a Third Officer at Ohura Prison in 1988, applied for, and secured, this new position.

Although Prime Minister Geoffrey Palmer had declared in December 1989 that women would be working at Paremoremo within a year, Paremoremo persisted in its refusal to hire any. Residual opposition to female employees continued in other prisons as well. In order to break this down, in her new capacity as EEO coordinator Lashlie toured the country's 17 prisons over an 18-month period in 1990 and 1991, giving a total of 69 seminars to staff about their obligations under EEO. Many attempted to boycott her talks and only attended after being ordered to do so by their employer. In order to deal with Paremoremo, where the union still refused to work with women, a working group was established at the Department of Justice's national office in Wellington. Subsequently, Lashlie and other members of the working group gave seven compulsory seminars in which Paremoremo staff were informed that women would soon be employed there whether they liked it or not, and advising them how best to accommodate the situation.

Although about 10% of the 200 officers at Paremoremo remained strongly opposed, in March 1991 three female officers with experience in other male prisons commenced duty at this last bastion of male exclusivity (Lashlie 2002:37-41). In December the following year another milestone was reached when Heather Colby was appointed to run the minimum security prison complex at Tongariro, thus becoming the first woman to manage an all-male prison. The only other female prison manager at the time, Fleur Grenfell, ran the women's prison at Arohata.

THE IMPACT OF WOMEN IN MEN'S PRISONS

From the mid-1980s onward international investigators became increasingly interested in the phenomenon of women working in men's prisons and a great deal of research now exists on the impact that women have had. Although there is little information available for New Zealand, American literature tells us that while prisons must employ women on an equal basis to men, their mode of deployment is up to local managers. As a result, in some institutions women report that they have been restricted largely to non-contact administrative positions, thus affecting their promotion chances (Belknap 1991, Jurik 1985, Jurik and Halemba 1984, Zimmer 1986, 1989, Zupan 1992). Others have complained of sexual harassment and gender put-downs from male employees, although the majority report acceptance by inmates. In fact, rather than being preyed upon by male inmates, many prisoners adopt a protective attitude toward female line staff (Belknap 1991, Liebling and Price 2001, Zimmer 1989, Zupan 1992). A similar situation has been reported in Australia (Farnworth 1992).

In terms of how they do their jobs, fears that women would be more lenient than men have proven unfounded in overseas research. Jenne and Kersting (1996), for example, found in a study of six US penitentiaries that levels of aggressiveness in female staff did not differ markedly from males (except that in some situations women were more aggressive), and that their handling of conflicts with inmates and their likelihood of laying charges were not significantly different from men either. Similar results have been reported by Jurik and Halemba (1984), Simon and Simon (1993), and Zupan (1992). Zupan (1992:338) also cites research indicating that assault rates on female staff are not significantly different from those on male staff.

These results notwithstanding, there is also a body of opinion which holds that the approach that women take in handling male inmates and the types of relationship that develop between them may be qualitatively different from those of males. Zimmer (1987) argues that the macho imperative which frequently characterises male—male relationships is absent with women, and that physical dominance is not necessary to achieve inmate compliance. She writes:

While utilizing many traditional guard techniques, women guards also use a strategy that is seldom used by men: the development of friendly, pleasant relationships with prisoners as a way of generating prisoners' voluntary compliance. Some women play a mothering, nurturing role vis-à-vis inmates, a role that is in direct contrast to the macho, competitive role typical of men guards. Women guards are also more likely to have a social workers' orientation toward the job and to spend a great deal of time listening to inmate problems, discussing their family relationships, assisting them with letter writing, and helping them make plans for their release (p.421).

Belknap (1991) and Farnworth (1992) agree that women tend to define their roles somewhat differently from males and are more likely to develop friendly relations with inmates, although Zupan (1992:337) notes that such relationships are by no means restricted to women. However, a draft paper written by former prisoners Murphy, Terry, Newbold and Richards (2005) describes the existence of some women staff who adopt a hyper-masculine, aggressive persona when working with male inmates.

The consensus where women officers are concerned seems to be that although women vary little from men in how they do their jobs on objective criteria, the way they operate is different. The presence of women "softens" the prison environment and normalises it to an extent by introducing a female presence into a male-dominated environment. Moreover, in a criminal world where the status of women is typically marginal (Newbold 1989), and where many men are imprisoned for crimes against them, the presence of women as authority figures may prompt men to revisit traditional attitudes in which women are portrayed primarily as housekeepers, subordinates and sexual playthings (Public Prisons Service 2004).

Unfortunately, no objective research has yet been done on women working in men's prisons, but it appears for the most part that fears for women's safety in prisons and consequent dangers for male staff have been unfounded. The incidence of serious assaults on staff has declined dramatically since 1998 (*AJHR* E61 2004:46) and most physical confrontations have continued to be male-on-male. This is probably because of the fact that, where an inmate may gain some peer prestige from knocking over a male officer, no such kudos follows attacks on women. In a world where male pride remains strong, men who assault women are disdained as bullies and cowards, and as Zimmer (1987:421) found, may be subjected to defensive retaliation from chivalrous inmates. Further, the fact that women are illegitimate targets of violence forces inmates to attempt to resolve differences with them verbally, rather than resorting to the fist.

There were no women officers in prisons when I was an inmate in the 1970s, but observations I have made and numerous conversations I have had with officers and prisoners suggest that relationships between male inmates and female officers are generally relaxed and easy in New Zealand. Lashlie (2002) supports this, reporting that during her five years at Wi Tako and Ohura she experienced few problems. Anecdotally it appears, conforming to the American and Australian findings, that some women also forge a maternal, protective role toward certain prisoners, and some prisoners, lacking motherly figures in their own lives, reciprocate. Recently a long-serving woman prison officer said to me:

Male inmates will talk to a female officer about things that they would never discuss with a male, like they'll talk about their families and their relationships. They'll discuss their personal problems. With a male officer, all they'll talk about is the rugby.

PROBLEMS WITH WOMEN IN NEW ZEALAND MEN'S PRISONS

Contrary to the expectations of certain cynics, and again in accordance with international findings, the principal difficulties that New Zealand women prison officers have faced in men's prisons have not been with inmates, but with their male colleagues. This in fact was a problem that a number of female officers and administrators had predicted when interviewed by the media in the mid-1980s (e.g. New Zealand Herald, 25 June 1985). We have seen that in some institutions women were employed in the face of opposition from male staff. And, true to expectations, while some officers accepted the situation and even welcomed it, others remained resentful.

Lashlie (2002) reports that during her time as prisons EEO coordinator (1990–1993), although she personally experienced few difficulties as an officer she came across numerous examples of women being ignored, ridiculed, insulted, assaulted and subjected to indecent suggestions by male staff. Particularly in the 1980s, when the

policy was new and many women worked with men alone, the atmosphere of hostility, isolation and rejection caused some to resign. At Invercargill (medium security) Prison, for example, a 1991 internal inquiry found that the first female officer there had been placed by herself in a yard with male prisoners, had received obscene phone calls, had been subjected to unsubstantiated sexual accusations, and had her handbag put in a toilet bowl by male colleagues. As a result, several staff were disciplined and the officer herself had to be transferred to another institution. One of the problems that arose when female staff were cut off in this way was that, lacking support from their workmates, they were drawn into friendships with inmates. Workplace isolation increased the chances of female officers being "groomed" by manipulative male prisoners and drawn thereby into compromise.

As women's presence became more firmly established some of these issues reduced, but problems with inappropriate relationships between women and male prisoners continued. In 1989 an inmate in Auckland Prison's medium security division escaped, assisted by a prison officer's wife with whom he was having an affair, and between mid-1989 and mid-1990 four female prison officers resigned after falling in love with inmates, two of whom were serving life sentences for murder. Thereafter, publicity about officers having sexual relations with inmates came sporadically, although most cases were shielded by the quiet resignations of the officers concerned.

Accusations of male officers having sex with inmates emerged as well. In 1998 an inmate at Arohata women's prison became pregnant to an officer, prompting opposition justice spokesman Phil Goff to announce that he had received 13 allegations and/or evidence of sexual relationships between correctional staff and inmates or former inmates (*Press*, 29 September 1998). For most of the 1990s publicity about prison love affairs remained intermittent but 2002 saw recognition of a growing problem. In July 2002 the Corrections Association said that it knew of at least five women officers who had resigned or been dismissed in the previous two years as a result of inappropriate relations with male inmates, and demanded remedial action from the Department of Corrections (*Press*, 8 July 2002). Adding fuel to the fire, eight months later it was claimed by the Chistchurch *Press* (7 March 2003) that a rapist serving 11 years after drugging young girls for sex had fathered a child to an officer at the medium security prison in Christchurch.

In recent years, in spite of a number of measures put in place to combat corrupt practice of this type (discussed below), the problem has continued. At Auckland Prison, where 70 out of 220 officers were female, two women officers were fired in 2004 after being accused of smuggling contraband to their gang-member lovers. A third was charged with criminal fraud. A few months later it was disclosed that a young inmate, serving 12 years for a series of highly publicised gang rapes and sodomy, had fathered the child of an officer at Waikeria Prison. In the furore that ensued, Minister of Corrections Paul

Swain admitted to the media that since December 1999 17 female and four male officers had been investigated for having affairs with inmates of the opposite sex. Of the 21 officers involved, two had been dismissed, eight had resigned, eight cases had not been proven, and one was still being investigated (*New Zealand Herald*, 21 May 2004).

POLICY IMPLICATIONS

At the end of 2003, of the 4,440 staff working for the Department of Corrections 35% were female. Prisons employed 2,869 staff in 18 prisons, of which 500 were female (*AJHR* E61 2003:132, *AJHR* E61 SO(04) 2004:110). In mid-2004 a total of 349 women were assigned to the 15 men's prisons in the country, while 33 men worked in three women's prisons. Four prisons (three male and one female) were managed by women. One of the women's prisons was managed by a male (and one position was vacant). As a general principle the Department of Corrections now requires that female staff comprise approximately 20% of the available resource in a male prison at any one time, while in female prisons up to a third of duty staff may be male. Thus, the battle against male exclusivity has largely been won, but at the same time the risks of future scandals involving males and females on opposite sides of the prison divide remain.

In recent years significant steps have been taken in the induction, training and work environment of correctional officers to try to control this problem. Codes of Conduct within the State Services Commission and the Department of Corrections define and prohibit illegitimate relationships between staff and clients, and prison employees are well aware of this. In addition, since June 2003 Corrections has used a personality-based test known as the Hogan Assessment Tool to try, among other things, to screen out job applicants who might be vulnerable to developing improper relationships with prisoners.

Once accepted, correctional officers complete a one-week induction programme before attending a six-week initial training course. They then complete another week of induction before commencing rostered duties. During this eight-week training period, recruits are warned about the hazards of inmate manipulation and taken through the Code of Conduct. The Code of Conduct outlines the Department's expectations in terms of job performance and integrity, provides instances of serious misconduct (such as having a serious or financial relationship with an inmate), and describes the penalties that infractions may incur. During the initial training course, staff are also given comprehensive instruction on building and maintaining professional relationships with inmates, and about how to avoid being compromised.

Once he or she commences normal duty, a new correctional officer is teamed up with an experienced officer who introduces the new employee to the routine of the institution he or she is working in. All officers have access to the Employee Assistance Programme, which provides counselling for those needing help with issues that may be affecting their work. In addition, in 2004 the Department released two 18-page booklets on safe working practices for men and women assigned to opposite-gendered institutions. These booklets give good practical advice about the nature of the job, the hazards it may produce, and about the best way of dealing with issues that might arise. Staff are also directed to the Department's website, Corrnet, which has an entry titled *Personal Reactions to Dealing with Inmates*.

If an employee is accused of unacceptable conduct, a robust and transparent procedure has been established to investigate any allegations. If an accusation is proven, a number of disciplinary options are available including, in serious cases, immediate dismissal and the laying of criminal charges. As noted, a number of staff, both male and female, have been dismissed after developing corrupt relationships with prisoners, but many resign before an investigation is complete.

Preventing the onset of corrupt practices among correctional officers, therefore, is not simply a question of managerial vigilance. Effective recruitment, training, and employee support procedures are also critically important. In New Zealand, where only about 200 of the country's more than 6,000 inmates are held in maximum security, the relaxed regimes of the majority allow great potential for friendships between inmates and front-line staff. As a matter of policy this is to be encouraged, albeit advisedly. Provided that the fine line between sanguine control and loose management practice is not crossed, establishing friendly relations between staff and inmates makes sense because a good correctional officer can become an important adviser and role model for people under his or her charge. In addition, developing positive staff–inmate relationships makes prisoners easier to manage and prisons nicer places to work in. The downside of such a situation is that it increases the potential for irregular, sometimes romantic, relationships between keepers and kept. This was clearly evidenced, for example, at Mangaroa Prison in the early 1990s (see *Ministerial Inquiry* 1993).

Although preventing corrupt interactions between staff and inmates is an ongoing concern for administration, the advantages of co-sexual staffing have been well demonstrated in international research. If such a policy is to develop to its full potential in New Zealand, however, the time is certainly overdue for some independent qualitative and quantitative inquiry into the effects that women have had.

CONCLUSION

The decision in 1985 to appoint women to men's prisons was part of an international trend, and came on the heels of a movement aimed at ceasing discrimination against women in employment. In prisons, particularly maximum security, the threat of female incursion became symbolic of a general assault on a masculine ethos that had

accompanied the rise of feminism in the 1960s and 1970s. The resistance that women initially faced in prisons had much to do with what was essentially an attempt to cling to a fading dream. Here male prejudice, pride and traditionalism played as strong a role as did any practical concerns.

Apart from its symbolic importance in terms of gender equity, the pragmatism of having male and female staff supervising both male and female inmates is considerable. Many inmates are in prison as an indirect result of archaic values relating to the inferior status of women, or because of a failure to observe women's civil or sexual rights. Crimes such as partner abuse and rape are commonly attributed to such attitudes. Locking men up for years in a world where contact with women is minimal and where such attitudes remain unchallenged must, therefore, be undesirable. Since an important objective of rehabilitation is to alter anti-social value systems, exposing men to a situation where women present as authorative role models is an essential part of the reform process. Moreover, having women working on the floor on a daily basis helps reduce the artificial atmosphere that all-male institutions produce. Given that nearly all inmates will some day have to readjust to freedom, the creation of an environment that replicates the real world as closely as possible within the requirements of custody is commended. Normalisation of the prison world is a step toward this goal.

Inevitably, co-sexual staffing of prisons creates the problem of inappropriate relationships developing between inmates and employees, but it appears, particularly in recent years, that the Department of Corrections has set up some firm and relatively inexpensive structures to minimise the problem. It thus appears that, on balance, the rewards of a co-sexual prison staffing policy far outweigh the added managerial burdens that the policy might produce.

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