Indigenous Representations in Corrections: ‘Why the Revolving Door?’

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The following paper considers the overrepresentation of Indigenous offenders within the Australian correctional system; particularly the factors linked to a cycle of contact (the ‘revolving door’). It explores the process of colonisation and the steps towards reconciliation. Demographic details and practices are compared with those occurring in New Zealand and Canada, and the criminogenic, non-criminogenic and cultural issues are noted. Two noteworthy programs occurring in New South Wales and Victoria are discussed before a number of strategic recommendations are made to prevent the ‘revolving door’.

Following the initial settlement of Europeans the Australian Aboriginal population has had a history marked by: dispossession of land, poor living conditions, exposure to introduced disease, and theft of women, cultural disintegration and separation, suppression of Aboriginal law, language and spirituality. They have also experienced physical and political force to assimilate while being faced with racism, discrimination and social exclusion (Halloran, 2007; Weatherburn, 2008). Only since 1967 have Indigenous Australians been recognised as citizens and included in a census. There still, however, remains a disproportional rate of unemployment, limited education and lower lifespan when compared with the non-Indigenous population (Bretherton & Mellor, 2006).

From January 1980 to May 1989 there were 99 Indigenous people that died in custody, predominantly due to suicide. The Australian Royal Commission into Aboriginal Deaths in Custody observed a relationship between a history of colonisation and the deaths during 1991 (43 had been removed as children) (Bretherton & Mellor, 2006). Given the process of colonisation the nature of love, relationships, trust, community and culture amongst Australian Aboriginal people had all been affected. The breakdown of roles, kinship and parenting skills was also associated with problems amongst the second generation (substance abuse, promiscuity, self harm, violence) (Bretherton & Mellor, 2006; Sprivakovs, 2009).

The Council for Aboriginal Reconciliation considered in 1991 that reconciliation was required, and that this involved the recognition of past injustices, respect for Indigenous Australians and an increased understanding of contemporary Aboriginal needs (Halloran, 2007). The Human Rights and Equal Opportunity Commission also made 54 recommendations related to apologies and measures for restitution, rehabilitation and monetary compensation. It was considered that there was a need for symbolic or material recompense to minimise feelings of injustice (Bretherton & Mellor, 2006).

Public support for reconciliation has since been shown through participation in reconciliation marches, reports of positive views regarding reconciliation as well as support for an official apology (Halloran, 2007). Despite these acts, the actual improvements in better relations have been slow. In addition the significant body for Aboriginal affairs (Aboriginal and Torres Strait Islander Commission- ATSIC) has been dismantled and the framework of a Council of Australian Governance, encompassing new ways of doing business with Indigenous Communities.
has been introduced, although the issues of Aboriginal people have not received significant political attention over recent years. Prime Minister Kevin Rudd gave a formal apology during February 2008, yet there has since been some reluctance by politicians to apologise for actions that they have not engaged in, or to consider what the changes should occur following an apology.

The Australian Institute of Criminology (AIC) recently analysed the national data of both Indigenous and non-Indigenous prisoners (Willis, 2009). More specifically, the research analysed the data relating to 8938 violent male prisoners (35 percent were Indigenous) that had been convicted and imprisoned for a violent offence, as well as released from custody between 1 January 2001 and 1 January 2003 (either onto parole or at end of sentence expiry). The results of this study revealed a number of differences regarding age, education, prior imprisonment, time to re-offend, as well as the nature of subsequent offending amongst Indigenous prisoners (see Appendix A & B). Rates of incarceration for female Indigenous offenders have also increased across Australia (see Appendix B) (Australian Human Rights Commission, 2006).

Similar concerns have been identified in other countries. For instance during 2007/2008, Aboriginal adults represented 3 percent of the Canadian population, although accounted for 22 percent of admissions to sentenced custody and Aboriginal adults had higher rates of admissions across all age groupings. Similar to Australia there was an observation of lower levels of education being associated with higher incarceration rates amongst Aboriginal people (Statistics Canada, 2009). Within New Zealand the re-imprisonment rate for 60 months has been observed to be 58 percent for Maori offenders, 47 percent for European offenders and 40 percent for Pacific offenders (Department for Corrections, 1999/2000). Family structure and stability, the presence of violence and harsh physical discipline were linked with vulnerability to offend.

The Correctional Services of Canada (CSC) has been attempting to address the accommodation needs of Aboriginal offenders through healing lodges. CSC manages or provides financial support to 8 healing lodges that are operated in partnership with Aboriginal Communities. The operation of Healing Lodges has also been formally recognised through agreements under Section 81 of the Correctional Conditional Release Act. The CSC also provides support to Aboriginal offenders through a number of programs, initiatives and strategies. Programs are also designed to specifically target the needs of Aboriginal women (for instance the Circles of Change program) (Deane, Bracken & Morrissette, 2007).

There is recognition of the need to focus on cultural identity to address offending behaviour within New Zealand (Department for Corrections, 2009). Programs and initiatives specifically aim to develop and secure cultural identity, as well as address accommodation needs, substance abuse, violence, health needs, and increase literacy, numeracy and employment skills. Professor Durie in New Zealand has noted areas of wellbeing at three levels: the individual, collective and population level. A number of tools have also been specifically developed to address these areas amongst Maori offenders (Durie, 2006).

There are a number of possible factors related to the over representation of Australian Indigenous offenders (see Appendix C), although only a small number of researchers have explored the criminogenic needs and responsivity factors (Day, 2003; Day, Davey, Casey, Howells & Nakata, 2008; Sprivaqkovsky, 2007). The Royal Commission into Deaths in Custody (findings reported to the Federal Government in 1991) made recommendations in addressing drug and alcohol abuse (a criminogenic need). Other recommendations related to a lack of education, parenting skills, poverty, accommodation issues, peer pressure, welfare dependence were also made. This report and other researchers have therefore highlighted the role of
non-criminogenic needs (Weatherburn). The narratives of Australian Indigenous people also give recognition to specific factors related to culture and subsequent offending. These include: confusion or loss of cultural identity, misguided teachings regarding traditional and evolved culture, inability to meet cultural needs or connect with cultural needs/values/support, the disrespect or demonising of culture (Agius, 2009).

Noteworthy examples of intervention within Australia include the Bugilmah Burube Wullinje Balund-a program and the Wulgunggo Ngalu Learning Place. The Bugilmah Burube Wullinje Balund-a program meaning ‘Be good now you have a second chance down by the river’ (Walker, 2008) from the language of the Bundjalung people. It commenced operations on 28 May 2008, and aims to break the cycle of offending and in turn contribute to the reduction of soaring recidivism rates for Indigenous offenders. Balund-a, is an innovative and intensive approach to managing predominately Aboriginal offenders in a community based residential facility.

The Balund-a program is located in close proximity to the community of Tabulum, a small predominantly Indigenous community in the north east of New South Wales. The key objectives include the need to recognise, restore and value cultural links of young adult offenders with their land and history; to promote the significance of family to through community and family involvement in the facilitation of change for residents; and to offer a range of programs to target offence based issues as well as placing emphasis on increasing educational, vocational and employability skills for offenders during the program. The minimal length of stay is 6 months, with residents able to remain in the program for a 12 month period (New South Wales Government, 2009).

The underlying principles of The Balund-a program include the ‘Best Practice Framework for Program Intervention’ with the incorporation of a human needs model (Birgden, 2002; Carauna, 1989). Entry criteria includes a willingness to undertake a comprehensive assessment including risk assessment, participants aged between 18 and 35 years and the completion of a detoxification program if dependent on alcohol and or drugs. As a Court diversionary program, offenders can be referred to the program prior to sentencing. The role of Circle Sentencing in the empowerment of Indigenous people to be self-determining is also acknowledged through referrals from this judicial process. Community Offender Services identifies issues that can impede the likelihood of successful order completion and the program is viewed as fundamental to long-term outcomes for Indigenous offenders within the Tabulum area. Current Balund-a demographic data shows the age of the Balund-a residents relating to residents received and exiting the program (Table 1).

The Balund-a program is considered a noteworthy example, given the overarching philosophy of the program. The recognition of cultural importance, the value on the role of family and community, the understanding of the need to develop, support and to guide in capacity building and self determination for Indigenous offenders are invaluable to improve outcomes and to stop ‘the revolving door’. Whilst evaluation of the program is not yet available, it is a program worthy of close monitoring by those in the field of corrections as to the outcome of incorporating cultural sensitivity and offence targeted interventions.

Wulgunggo Ngalu Learning Place (WNLP) which in the Gunai Kurnai language means ‘which way together’, also
commenced operations during May 2008. It is located 12 kilometres from Yarram in Central Gippsland, Victoria, and is a culturally appropriate residential diversion program for up to 20 Indigenous adult males that are completing Community Based Orders. Potential participants are referred through Community Correctional Services (CCS). In some cases the Court requests an assessment of suitability to attend the WNLP.

Wulgunggo Ngalu Learning Place is a key initiative of the Victorian Aboriginal Justice Agreement; a partnership agreement between the Victorian State Government and the Koori community. It was established in response to the findings of the Royal Commission into Aboriginal Deaths in Custody, where a recommendation was to establish an Aboriginal diversion program to reduce the over representation of Aboriginal people in prison. As a result, Wulgunggo Ngalu Learning Place has been established to assist offenders to engage in pro-social lifestyles. At Wulgunggo Ngalu, residents have the opportunity to fulfil the requirements of their Community Based Orders while at the same time connecting or reconnecting with their culture. Community Corrections Officers work alongside of the WNLP staff to ensure each participant’s successful transition into the community and the completion of their Community Based Order. Elders and respected people also regularly attend to provide staff and participants with support in relation to cultural knowledge and issues.

The WNLP is another noteworthy example, as it places importance on cultural knowledge and identity. Connections with the community, as well as the promotion of skills to desist from future offending, are also fundamental. The outcomes of this program warrant monitoring to develop and strengthen strategies aimed at stopping the ‘the revolving door’.

International trends can be seen in the practices occurring in Canada and New Zealand. There is recognition of the need to identify and address specific needs, as well as promote and provide opportunities for developing identity, connecting with culture and healing. Given the practices in Australia as well as those occurring overseas a number of recommendations can be made at the practical, organisational and political level.

It is considered that strategic recommendations include a National and state multi-disciplinary team approach to promote community engagement and ownership through government structures that enable sustainable communities. It is also recommended that correctional systems take responsibility in considering a national framework in relation to Indigenous based interventions to reduce the ‘revolving door’ (like through Corrective Services Administrative Council). Other general recommendations include increased partnerships that meet the unique needs of Aboriginal people, and establishing opportunities that assist staff in working alongside of Aboriginal colleagues in roles reflective of the needs of Indigenous communities.

A review of current and future initiatives (regarding employment, education and housing) in relation to whether the needs of Aboriginal people are being addressed, along with research that compares Indigenous populations (at national and state level) to identify protective factors would be of utility. The implementation of strategies that monitor culturally appropriate targets, as well as the provision of assistance for the construction of resources or links to
communities is also recommended. It is considered that a significant cultural shift is needed at the individual, organisational and political level, and only with multi-faceted approach are we likely to slow the ‘revolving door’.

References


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Characteristics of Indigenous Prisoners based on the 2007 Census
(Willis, 2009)

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Table 1
Age of Balund-a Residents
Characteristics of Indigenous Prisoners based on the 2007 Census

(Willis, 2009)

- Seventy-two percent of prisoners were between 18 and 35 years at the time of their admittance to prison. Within this cohort, eighty percent were Indigenous prisoners in comparison with sixty-nine percent of non-Indigenous prisoners (69 percent). Non-indigenous prisoners accounted for a greater percentage of prisoners over 45 years (thirteen percent) than Indigenous prisoners (four percent).

- Thirty-seven percent of Indigenous prisoners had less than a Year 9 level of education (in comparison with 21 percent of non-Indigenous). Fewer than seven percent of Indigenous prisoners had completed Year 12; sixteen percent of non-Indigenous prisoners had completed.

- Most Indigenous prisoners had been imprisoned for assault (77%), although only forty-six percent of non-Indigenous prisoners had been imprisoned for assault. Indigenous prisoners also tended to receive shorter sentences. A significant number of Indigenous prisoners had served a prior adult sentence.

- Fifty percent of Indigenous prisoners remained in prison until the expiry of their sentence, with a smaller percentage (42%) released before the end of their sentence on parole. Eight percent were released through other mechanisms, such as bonds.

- Indigenous violent offenders were far more likely to be readmitted to prison for other violent offences (44%). Non-Indigenous offenders more often re-offended by committing break and enter theft or robbery.
### Appendix B

**Indigenous women - rates of incarceration, September Quarter 2005**

(Australian Human Rights Commission, 2006)

<table>
<thead>
<tr>
<th>State / Territory</th>
<th>Number of Indigenous females in corrections[^146]</th>
<th>Rate per 100,000 Indigenous females[^47]</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>171</td>
<td>420.1</td>
</tr>
<tr>
<td>Victoria</td>
<td>20</td>
<td>222.8</td>
</tr>
<tr>
<td>Queensland</td>
<td>98</td>
<td>239.5</td>
</tr>
<tr>
<td>South Australia</td>
<td>26</td>
<td>318.5</td>
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<tr>
<td>Western Australia</td>
<td>128</td>
<td>613.7</td>
</tr>
<tr>
<td>Tasmania</td>
<td>6</td>
<td>109.8</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>18</td>
<td>98.5</td>
</tr>
<tr>
<td>ACT</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>467</td>
<td>323.3</td>
</tr>
</tbody>
</table>

Appendix C

Possible Factors related to Overrepresentation

Mental Health  Physical Health
Alcohol, drugs, sniffing  Family Violence
Lack of cultural support to staff  Social exclusion
Prison identity  Development of culture within culture
Non-customised treatment programs  Loss of culture
Poverty  Lower life expectancy  Cultural disconnection
Employment difficulties  Chronic experiences of loss and trauma
Limited education opportunities  Pressure to assimilate
Family connection override  Links with the land
Varied language/family connections  High recidivism rate
Removal of support services  Social isolation
Lack of positive, traditional role models

Possible Factors across Three Areas of Need: Wellbeing, Criminogenic & Cultural

Identity

Wellbeing (non-criminogenic)
Unemployment  Poverty
Housing  Education
Social Isolation  Health (physical & mental)
Anger  Cultural Disconnection
Pressure to Assimilate

Criminogenic
Family violence  Antisocial peers
Alcohol & Drugs  Mental Health
Antisocial attitudes  Offending history

Cultural
Loss & Trauma  Social Exclusion
Connection to Land  Kinships

Indigenous Representations in Corrections: ‘Why the Revolving Door?’
Australasian Journal of Correctional Staff Development [Website Link]
Table 1

Age of Balund-a Residents

<table>
<thead>
<tr>
<th>Age</th>
<th>Total</th>
<th>ATSI</th>
<th>Non ATSI</th>
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<tr>
<td>18 to 19</td>
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<td>4</td>
<td>0</td>
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<tr>
<td>20 to 24</td>
<td>18</td>
<td>16</td>
<td>2</td>
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<tr>
<td>25 to 29</td>
<td>10</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>30 to 34</td>
<td>5</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>35 and over</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

Note: This research paper was submitted for the Advanced Diploma of Correctional Management (CSC60107) in the Australian Correctional Leadership Program 09/001 September 2009

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