CRIME AND INDIGENOUS AUSTRALIANS

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Understanding the Underlying Issues

The Legacy of Colonisation

The over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system is directly related to inherited and institutionalised powerlessness of dispossession over the past two hundred or so years. This powerlessness is now vividly exhibited through the high numbers of indigenous people in custody, who in many instances have little or no self esteem, symptoms of chronic alcohol and drug abuse with little possibility of breaking the cycle once they return to home communities.

The area of some expertise and experiential background of the author of this paper is the Queensland justice system relating to indigenous people therefore throughout this paper, comment will relate mainly to the Aboriginal and Torres Strait Islander people in Queensland and more specifically their involvement with the criminal justice system. At the time of writing this paper there were 1100 Aboriginal and Torres Strait Islander men and women in secure custody in Queensland correctional centres. This number equates to approximately 24% of the Queensland prison population. Aboriginal and Torres Strait Islander people represent approximately 2.6% of the total Queensland population.

In far north Queensland Indigenous inmates come from communities where there is no economic infrastructure, no relevant education and few employment opportunities. It is a sad reality that out of this hopelessness, alcohol consumption has become part of community and cultural life. Several theories have been put forward about the spiralling indigenous incarceration rate over the past twenty or so years, the majority of these include the incidence of alcohol consumption leading to crimes of violence in the Aboriginal and Torres Strait Islander communities.

Another theory discussed over the past two decades, which when first mooted was considered quite a phenomena is that young Aboriginal and Torres Strait Islander males see a term of incarceration as part of their progression from ‘boyhood’ to ‘manhood’. This would mean that for a young indigenous male there is almost a need to serve a term at Lotus Glen or Townsville Correctional Centres to prove your status on your home community. If there is in fact truth in the initiation theory then the Queensland correctional system may be guilty of feeding the phenomena through the continued trial and introduction of a broad range of programs and initiatives which offer support to indigenous people while in secure custody.

For some indigenous inmates and detainees a term of incarceration may mean for the first time in their lives that they have their own room, medical attention, television, clean clothes and bed clothes etc. Together with this, Queensland prisons ensure offenders from distinct communities are grouped together for support which means they are in daily contact with uncles, brothers, cousins etc. Community relationships and family dynamics continue within the correctional centre or juvenile detention centre.

Until conditions change or are improved on home communities, and the ‘underlying issues’ are addressed, the over-representation of indigenous men, women and youths in adult and juvenile facilities throughout this country will continue. The responsibility of addressing the ‘underlying issues’ and ‘risk factors’ rests with other government stakeholders and leaders and Elders in the Aboriginal and Torres Strait Islander community to short-circuit the road to imprisonment.
These issues need to be addressed by Aboriginal and Torres Strait Islander organisations and government departments to take the focus away from deaths in custody to where it belongs - the over representation in the criminal justice system brought about for a large number of indigenous inmates and detainees as a result of alcohol and drug abuse, cause effect of the Underlying Issues.

One indigenous man died in secure custody in Queensland correctional centres in 1997 one in 1998, none in 1999 and one in 2000. To date in 2001 from an indigenous offender population of 1100 there has not been one death in custody by an Aboriginal or Torres Strait Islander offender. The suicide rate in a number of Aboriginal communities, remote, urban or rural is still exceptionally high.

**Offending Patterns**

The incidence of incarceration as a result of alcohol abuse is no less for urban indigenous people as it is for those from regional or remote areas. The continued and accelerated incarceration rates for urban and regional indigenous people in many instances relate to the ‘underlying issues’ of unemployment, poor education, crowded housing etc. This causes high levels of alcohol and drug abuse, which in turn results in criminal activity inclusive of high incidences of domestic violence or crimes against other community members.

The following extract originates from a ‘routine’ psychologist report after examining an Aboriginal prisoner in Brisbane Womens’ Correctional Centre in 1987:

> ....” I read with some amazement, the General Hospital report which says she was noted to have a superficial laceration to the right thigh. No other abnormalities noted ... an examination revealed a multitude of scars on all parts of her body. Her chest is deeply scarred from a broken beer bottle; her left forearm and upper arm are extensively scarred from a beer bottle; she has stab wounds to her upper thighs and lower abdomen; a 9-10” scar just below the breasts from a knife wound. Her right eyebrow is scarred from punching. It appears she cannot see out of her left eye due to repeated blows. The back and top of her head has numerous scars from being hit with metal bars and broken bottles.”

> “To this woman, violence is part and parcel of her life. She lives in a violent sub-culture where jealousies, arguments and petty disputes are solved by violence. To her, having someone beat you with a metal bar or slash you with a broken beer bottle is anything but extraordinary - it is commonplace.

> And as she admits, at times, she gives as good as she receives. It would appear, for this woman, and many of her peers, no other method of dispute settlement comes as naturally as a violent solution. This is further exacerbated by alcohol consumption - The thinking is doubted and confused, inhibitions are lowered and emotions become more attenuated.”

This report was written in 1987 and unfortunately the same situation exists in a large number of Aboriginal communities across the country in 2001. The Sunday Program on the national 9 Network, completed a program in 1999 which won an award due to the graphic detail in which Aboriginal and Torres Strait Islander people spoke out openly about the violence in their communities. The example of the female offender in Townsville is still relevant as an example of the incidence of offending behaviour among Aboriginal and Torres Strait Islander people which involves a degree of violence against partners, family members or other members of the community. This pattern of violence is unique to communities of indigenous people, irrespective of location. It is a fact that in Queensland urban, regional or rural indigenous communities are very similar in offending patterns. Unfortunately these patterns involve violence inflicted on other Aboriginal or
Torres Strait Islander people.

For example from the total incarceration rate of 1100 indigenous offenders at the current time, 533 are incarcerated for violent offences. Therefore approximately 50% of Aboriginal and Torres Strait Islander offenders in secure custody are incarcerated for violent offences. A large number of these offences would have been committed while under the influence of alcohol.

**Community Control**

**Initiatives in the Aboriginal and Torres Strait Islander Community**

There is little doubt that the Aboriginal and Torres Strait Islander people in communities throughout Australia are fighting a war against violence in their communities. They are fighting a war against despair and hopelessness. It is a war that only the communities can win through determination and courage to fight back.

Communities in Queensland have formed Elders groups which visit correctional centres throughout the state on a regular basis to talk to offenders to give them some hope about their place in their communities once they return from custody. It is the case that these groups were formed through support from the Department of Corrective Services, but none the less their role and status on their communities is being recognised.

Government can help, but government cannot lead Aboriginal and Torres Strait Islander people. There are people in the communities who are recognised as having the strength and fortitude to assist people to become more determined to end the cycle of violence and offending behaviours.

In Queensland for example, the state Department of Aboriginal and Torres Strait Islander Policy have introduced the Local Justice Initiatives Program. This program provides funding to local justice groups who meet on a regular basis to deal with offenders in their respective communities.

On a number of remote and rural Aboriginal and Torres Strait Islander communities in northern Queensland the visiting Magistrates will often seek counsel from the Justice Group prior to imposing a sentence. Acting on the advice an offender may be sent to a Community Placement Centre close to their community, instead of being sentenced to secure custody at a correctional centre many kilometres from home.

This department also provides funding for Diversionary Centres which provide overnight accommodation for intoxicated Aboriginal and Torres Strait Islander people who are picked up from the watch house in the respective area. In many instances the local police are able to take an intoxicated person straight to the Diversionary Centre and bypass the Watch House. These facilities operate in Brisbane, Townsville, Cairns, Mt Isa, and Rockhampton. These facilities also conduct a Cell Visitor Program where indigenous people are able to visit Aboriginal and Torres Strait Islander people in watch houses. By removing indigenous people from the streets and providing a shelter, the community through government support is endeavouring to reduce the risk of activity in criminal behaviour.
Many communities have a night patrol, where local indigenous people move through the community at night, to assist people who are intoxicated, or people who are involved in violent altercations. They have played a significant role in reducing the trauma experienced by the victims of the violence through their intervention.

Mens and Womens support group have been established on a large number of communities as a means to providing support. The womens’ groups provide support the victims of domestic violence and also to women who need help across a range of issues. In some communities Mens’ groups have become extremely active in intervention programs for Aboriginal and Torres Strait Islander men who have been identified as perpetrators of domestic violence.

Queensland also has in excess of 100 Aboriginal and Torres Strait Islander Police Liaison Officers who move through the community providing a link between the people and policing practices. There is little doubt that these officers have reduced the risk of arrest but they are not always able to intervene in the process due to the seriousness of the offence.

Indigenous people are also being employed in the courts throughout the state and there is little doubt Magistrates are becoming more sensitive to indigenous lifestyles and cultures which directly relate to offending patterns and behaviour.

**Can Prisons Make a Difference?**

It is almost an absurd notion that indigenous people are able to benefit from a period of imprisonment. However, during a period of incarceration, correctional centre management has to some extent a ‘captive audience’ in relation to the delivery of specific programs. To have any impact on addressing the ‘underlying issues’ these programs must include relevant literacy and numeracy, cultural enrichment, drug and alcohol, and specific anger management and sex offender treatment programs where appropriate.

Corrections jurisdictions in Queensland or elsewhere in Australia for that matter do not have any control over the numbers of indigenous people coming into custody, and yet there is an onerous responsibility to ensure that in excess of one thousand indigenous adult men and women, survive a term of imprisonment. With the high suicide rate on home communities in the past few years, it is desperately unfortunate that more focus has not been made on eliminating the ‘underlying issues’ and ‘risk factors’ on home communities. This is a sanitized way of saying get rid of the grog and you will reduce the violence.

The fact that there are currently one thousand one hundred Aboriginal and Torres Strait islander men and women behind bars in Queensland is an indictment on the government of today in relation to the lack of provision of support and infrastructure for indigenous communities. The perception of prisons as hostile places is true and correct and yet hundreds of Murries live their daily lives in that environment, being told when to eat, when to move, when to do programs, when to go to the oval.

Prisoners need to be given the opportunity to address their offending behaviour, by firstly being able to understand the affect of the over consumption of drugs and alcohol on individual and community life. Correctional jurisdictions have recognised the need to develop more culturally specific programs in the areas of Anger management, Drug and Alcohol Abuse, and the Sex Offenders Treatment Program.

Cultural enrichment programs including Elders Visits, coupled with relevant drug and alcohol programs will go some of the way to forcing indigenous inmates to realise what the excessive use of
alcohol in particular has meant to them personally and what it has meant to their partners and other community members. The development of the Department of Corrective Services Aboriginal and Torres Strait Islander HIV/AIDS Program is evidence of the responsibility the commission took on board, partly out of a moral obligation and duty of care to deliver the message of safe sexual practices to the ‘captive audience’.

Once an indigenous person returns to his or her home community the only way forward is for the individual as part of the broader Murrie community to take positive steps to eradicate the consumption of alcohol. It seems to eliminate the grog as the common denominator will suddenly mean finding solutions to a whole range of problems associated with alcohol and drug abuse. Is it remotely possible that a lesson learned in custody during a D & A session about the demon drink will live on in the community post release.

By employing Aboriginal and Torres Strait Islander people in the system, the correctional jurisdictions can aim to lessen the extent of hostility felt by people in custody, particularly those experiencing their first time in prison. In Queensland we employ approximately 140 Aboriginal and Torres Strait Islander staff with a target of 250 by 2005.

Those staff members, counsellors, Chaplains, Elders and community representatives including Legal Services representatives who come into Queensland prisons, will never be congratulated for the numbers of Murries that were supported, counselled, brothered, sistered, educated, culturally enriched, spiritually enlightened, medically maintained etc. The Queensland Department of Corrective Services acknowledges the debt to those people who have helped to ensure that many indigenous prisoners had second thoughts about hurting themselves because of the good work done by indigenous and non indigenous staff and community people committed to eliminating the risk of self harm in custody.

**Summary**

There is little doubt that Aboriginal and Torres Strait Islander people are committing offences against the person or relating to theft, embezzlement, fraud, or doing dope the same as these offences are being committed by non-indigenous people.

However this paper has attempted to outline the gravity of the violent nature of offences being committed where the victim is another indigenous person, usually a partner, family or community member.

In most instances alcohol is the common denominator. Reference has been drawn to the corrections system which is expected to play a significant role in addressing offending behaviour; offending behaviour which for indigenous people is often the result of excessive consumption of alcohol.

Reference in this paper is also made to the work done in the communities throughout Australia to do something about the violence and offending behaviour in general. The victims, perpetrators and family members who are caught up in the web of violence are all part of the Aboriginal and Torres Strait Islander communities throughout the country.

Therefore government and communities should continue to work in partnership to make changes, which are to say the least – non-negotiable.