

# THE DOOLIGAR JUSTICE CENTRE: A POST-ROYAL COMMISSION RESPONSE TO ABORIGINAL CORRECTIONAL ISSUES

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THE VICTORIAN OFFICE OF CORRECTIONS IS RESPONSIBLE FOR THE SAFE, secure and humane supervision of adult offenders who have been deprived of their liberty by the courts. This responsibility emphasises the provision of opportunities for the personal development of prisoners and offenders and facilitating their reparation to the community.

The Office of Corrections (OOC) corporate mission statement, "The Way Ahead: Corporate Directions 1990-95" contains eight major principles upon which Corrections policy is based. Although all principles apply equally to all offenders, two principles have particular relevance to Aboriginal prisoners and offenders:

*Principle 5: Individualised management of offenders*

Services, facilities, activities and programs should be based on the concept of individual management and designed to meet the individual needs of offenders. In particular, regard should be paid to the special needs of specific groups of offenders.

*Principle 8: Anti-discrimination provision*

There must be no discrimination in any respect of correctional programs on the grounds of race, colour, gender, marital status, physical disability, religion, political affiliation, national origin, except as is necessary in properly meeting the needs of a disadvantaged individual or group.

These principles indicate, not only the need for anti-discrimination, but also the need to take positive steps to counter the disadvantages suffered by Aboriginal people.

### **Aboriginal Offenders and Prisoners in Victoria**

In recognition of the plight of Aboriginal people within the criminal justice system the OOC, in consultation with Aboriginal organisations and communities, has undertaken a range of initiatives aimed at decreasing the over-representation of Aboriginal people within the corrections system and to prevent the occurrence of prisoner deaths in custody.

Since 1987, the OOC has been involved in continued consultation with the Royal Commission into Aboriginal Deaths in Custody. In December 1988, an interim report from the Commission was released. The OOC responded to identified areas of concern with the following initiatives:

- n the up-grading of suicide resistant cells;
- n development of an Aboriginal employment strategy;
- n development of cultural awareness training programs for all staff working with Aboriginal offenders;
- n the employment of specialist Aboriginal staff in education and health positions;
- n holding culture camps for young Aboriginal offenders;
- n the creation of Aboriginal Liaison Officer positions at all Corrections facilities; and
- n support for the development of Community Justice Panels within local Aboriginal communities.

In early 1992 the OOC, in response to the findings of the final report of the Royal Commission into Aboriginal Deaths in Custody, undertook a comprehensive review of its policy and practices associated with the supervision and incarceration of Aboriginal people.

Arising from the review process, the OOC has developed a proposal for a new Corrections initiative, provisionally titled "The Dooligar Justice Centre" aimed at addressing issues such as Aboriginal imprisonment, the delivery of services to Aboriginal people within the criminal justice system and increasing Aboriginal control and ownership of these services within a correctional context.

The detail of this proposal represents a starting point and direction for consultation with the Aboriginal community of Victoria through which the Office of Corrections hopes to make a significant contribution to decreasing the over-representation of Aboriginal people within the Victorian criminal justice system.

### **Trends in Aboriginal Offender Numbers**

The number of Aboriginal people in Victorian prisons has increased over the past four years. This reflects an Australia wide trend.

- n In 1987 there were 52 Aboriginal prisoners (2.6 per cent of the total prison population) and by June 1992 there were 106 prisoners (3.9 per cent of the total prison population).

Analysis indicates that this trend is still increasing. There has been 0.9 per cent increase in the ratio of Aboriginal to non-Aboriginal prisoners between June 1991 to June 1992. Major factors which have influenced this trend include:

- n a more accurate recording of Aboriginal people within the Victorian prison system;
- n a study by the Australian Institute of Criminology (Biles & McDonald 1992) found that Aboriginal people are more likely to come into contact with the criminal justice system at an early age and they are more likely as adults to attract custodial sentences due to their longer juvenile criminal histories;
- n Australian Bureau of Statistics census data (Australian Bureau of Statistics 1988 & 1992) shows that the number of people who are identifying themselves as Aboriginal has been increasing since 1981, therefore some increase in the overall numbers of Aboriginal people in custody can be explained as part of a general increase in the population of offenders in custody; and
- n Aboriginal people display higher rates of failure on community based corrections orders and parole than non-Aboriginal offenders. This causes a disproportionate increase in custodial numbers due to the consequences of failure to abide by the conditions of release or court orders.

The Aboriginal prison population as at 1 June 1992 is as follows:

- Victoria currently houses 106 Aboriginal inmates in custody;
- Of these 97 inmates are male, 9 are female;
- Of the 97 male prisoners, 20 are being held on remand;
- Of the 9 women prisoners 1 is being held on remand;
- Aboriginal prisoners are dispersed throughout the State prison system, with the highest concentrations of prisoners being 42 within the Coburg prison complex, 10 prisoners at Ararat prison, 7 prisoners

at Loddon prison and 15 prisoners situated at the Melbourne Remand Centre.

### **Community Based Corrections Aboriginal Offender Population**

The trend in numbers of Aboriginal people under the supervision of Community Based Corrections has undergone a similar increase to that of the prison population.

In 1987 there were 108 Aboriginal offenders (2.01 per cent of the total offender population) and by March 1992 there were 203 Aboriginal offenders (2.6 per cent of the total offender population). An analysis of gender indicates that 177 offenders are male and 26 are women offenders.

Aboriginal offenders are dispersed throughout Victoria with the greatest concentration of people being in large rural centres such as Shepparton, Warrnambool, Mildura and Bairnsdale.

In undertaking its examination of the deaths of Aboriginal prisoners the Royal Commission was forced to confront a broader range of issues than simply the behaviour of police and corrections departments.

In attempting to define the causal factors of deaths in custody, it was found the following factors contributed to the over-representation of Aboriginal people at all levels of the criminal justice system:

- n a combination of social and racial inequities suffered by Aboriginal people;
- n the crisis of a diminishing Aboriginal culture and identity; and
- n the capacity for all elements of the non-Aboriginal social and justice systems to alienate Aboriginal people.

### **The Effects of the Correctional System**

The effects of the correctional system on Aboriginal people include:

- n high rates of imprisonment and community based orders;
- n high rates of failure of community based orders due to breaches of reporting conditions and further offending; and
- n high rates of failure on parole.

The only solution available to these problems from a correctional perspective is to:

- n divert Aboriginal people from entering the criminal justice system or at least from entering prison; and
- n assist Aboriginal prisoners in successfully returning to the community.

### **The Framework**

In response to the need to divert Aboriginal offenders from imprisonment and increase the success of prisoners undertaking parole, the Dooligar Justice Centre has been designed to achieve five primary goals.

- n Provide culturally relevant diversionary programs for Aboriginal offenders undertaking community based corrections orders.
- n Provide personal development, release preparation and post-release support programs for Aboriginal prisoners.
- n Train Aboriginal people to work within the criminal justice system to provide assistance and support to Aboriginal offenders and prisoners.
- n Train non-Aboriginal workers in the criminal justice system with respect to Aboriginal cultural awareness to improve the effectiveness of communication and counselling strategies.
- n Provide mechanisms for Aboriginal offenders and prisoners to undertake community work, personal development and drug and alcohol treatment in Aboriginal communities.

### **The Dooligar Justice Centre**

Providing these services and facilities is in itself not enough. The findings of the Royal Commission have shown that if correctional facilities and programs are to be relevant to Aboriginal offenders and prisoners then a greater presence of Aboriginal staff, self-determined policies, an emphasis in programs on cultural identity and the involvement of the wider Aboriginal community in the care of offenders, are required. Thus the following features have been incorporated into the design of the Dooligar Justice Centre.

#### *Community involvement*

The Dooligar Justice Centre will provide the Office of Corrections and the Aboriginal Community with a pathway of communication and interaction that is not available under the current structures of the Office of Corrections. The centre will facilitate the involvement of Aboriginal people in the development and delivery of corrections programs and consequently it will provide a greater presence of Aboriginal people in professional roles within the correctional system.

The centre will facilitate the involvement of Aboriginal people at all levels of the correctional system in providing supervision and care to Aboriginal offenders and prisoners. Examples of community involvement include:

- n the training of Aboriginal correctional volunteers and Aboriginal Community Justice Panel members in providing a broad range of supervisory, administrative and advocacy roles within the criminal justice system;
- n the employment of Aboriginal sessional employees in community based corrections and prisons programs to undertake the provision of culturally relevant personal development and community work programs;
- n using Aboriginal community centres and significant Aboriginal cultural sites as places of learning and for community work purposes;
- n utilising Aboriginal community members as prison visitors;
- n the employment of Aboriginal people to staff the Dooligar facility and as correctional workers within the mainstream corrections system; and
- n employing Aboriginal people to manage and develop policies relating to the provision of correctional services to Aboriginal people.

Operational philosophy characteristics will be:

- n the reinforcement of Aboriginal identity and pride in the ownership of Aboriginal culture and heritage;
- n recognition of the effects on Aboriginal people of white settlement in Australia;
- n acceptance of Aboriginal spirituality, tradition and cultural values;
- n the responsibility of all Aboriginal people to protect and preserve their cultural heritage; and
- n the right of all Aboriginal people to lead a healthy and socially productive life in Australian society, as Aboriginal people.

One of the central purposes of the Dooligar Centre is to develop an environment in which offenders can have the opportunity to confront their offending behaviour, and examine how their status as Aboriginal people relates to their offending.

Through pro-social modelling by staff cultural history education and the provision of challenging experiences which reinforce traditional skills and beliefs, offenders will be exposed to alternative viewpoints of their heritage which construct a more positive view of Aboriginal people than existing social stereotypes.

It is expected that within the provision of a cultural emphasis to correctional programs, greater rates of participation in non-custodial orders by Aboriginal offenders will be achieved.

#### *Culturally relevant program*

The Dooligar Justice Centre will provide personal development, treatment and supervisory programs which promote a positive recognition of Aboriginal identity and focus on Aboriginal culture and spirituality as an alternative to the negative stereotypes which are a feature of Australian society.

Although no direct solutions to the problems of Aboriginal people are possible from within a corrections framework, by utilising the time offenders and prisoners are required to be under the supervision of the Office of Corrections to increase their cultural knowledge, Aboriginal people undertaking corrections programs will be given an opportunity to see themselves and their communities in a more positive manner.

Emphasis will continue to be placed on skills training, education, health and specialist treatment where required, but where possible the delivery of these services will be undertaken within an Aboriginal context and with respect to the roles offenders and prisoners are likely to undertake within their own communities.

#### *Independent Aboriginal management*

The Dooligar Justice Centre will be jointly developed by the Office of Corrections, the Victorian Aboriginal community and other government agencies and departments. After an initial three-year period of development and infrastructure building it is envisaged that the fully operational centre will be transferred to an independent Aboriginal Board of Management and operate as an autonomous service provider within the criminal justice system.

The development period, where the Office of Corrections will retain responsibility for services provided by the Dooligar Justice Centre, is intended so Aboriginal employees have time to assimilate to the rigorous demands of the court system, Adult Parole Board, prisons and corrections centres in which they will provide services.

#### *The structure*

The structure of the Dooligar Justice Centre will consist of three primary elements.

The Residential Unit There will be a central facility located in or near the metropolitan area of Melbourne, which will house five service units associated with the Centre's key areas of operation.

The Residential unit will maintain all relevant services to the housing and primary supervision of the Centre's residents. A ten to fifteen bed unit is envisaged as an appropriate size for centre based accommodation to service Intensive Correction Orders, bail hostel and emergency post release accommodation needs. Although the projected numbers of participants (twenty to twenty-five) is greater than this number, accommodation will also be provided by participants being involved in the culture camp program.

Dooligar Programs Unit The program unit will offer a range of Aboriginal personal development and the educational programs which emphasise Aboriginal culture and tradition. Programs will be made available to all Aboriginal prisoners and offenders.

A major emphasis for program centre workers will be on the coordination of community organisations and education providers (TAFE, Skill Share, DEET) to participate in the delivery of programs, so community contacts are maximised and centre staff do not become over-committed as service providers.

It will also provide and/or coordinate the delivery of personal development, educational and therapeutic programs for Aboriginal offenders and prisoners; provide bridging programs for prisoners undertaking release; and provide a range of intensive support services to Aboriginal people undertaking parole, including emergency accommodation and personal development.

Criminal Justice Training Unit The Criminal Justice Training Unit will have two primary focuses: developing skills within the Aboriginal community and better equipping non-Aboriginal workers in the criminal justice system to work with Aboriginal offenders and prisoners.

Training will be provided on an ongoing basis to members of Aboriginal Community Justice Panels (a Victorian Aboriginal community based initiative) and any Aboriginal people wishing to develop knowledge about, or work within, the criminal justice system. It will involve both specific programs associated with different tasks in the corrections system, as well as general community information programs.

Currently the Office of Corrections utilises its senior Aboriginal staff to implement staff training programs for prison recruits, community based corrections staff and Aboriginal liaison positions at all Office of Corrections locations.

To expand the frequency and content of staff training in cross-cultural awareness the Criminal Justice Training Unit will focus on operational staff within the Office of Corrections. With over 2,300 staff involved in custodial and community based services, the Office of Corrections has substantial training requirements to fulfil the criteria set out in the Royal Commission in relation to training.

Cultural Awareness Programs Cultural awareness programs will provide staff training in Aboriginal culture and society and courses to corrections personnel as well as providing training contracts to other Government and private organisations.

Community Justice Panel Training Specific training modules and systems will be developed relevant to the needs of Community Justice Panel members.

Volunteer Training Ongoing training for Aboriginal volunteers working in the criminal justice system will be developed.

The training officers will be located within the Dooligar Centre and utilise the program centre's facilities. It is envisaged that services will also be provided on a regional basis to Aboriginal communities, prisons and Community Based Corrections centres.

#### *Outreach counselling unit*

The outreach counselling unit will provide emergency counselling and support services to Aboriginal offenders and prisoners. Counselling staff will be responsible for the collation of a data base on Aboriginal offenders and prisoners which examines their progress through the correctional system. Via the development of offender management plans and case reviews, the data base will be used to develop profiles of offender needs. This data can be utilised in the future planning and development of programs for all Aboriginal offenders and prisoners.

Outreach staff will be available to visit offenders either in their own communities when significant problems are identified by local correctional supervisors or as an additional support to prison welfare services.

For offenders on community based orders, outreach staff will be able to offer direct counselling, liaison with the Office of Corrections, the offender and their local community agencies, or referral to services available through the Dooligar Justice Centre. These options will help keep the offender in the community in compliance with court or parole board orders.

### *Culture camp / community work unit*

The Culture Camp program will undertake outdoor personal development programs and culturally significant community work projects within the Aboriginal community. The Unit will operate ongoing camp sites on Aboriginal land throughout Victoria for Aboriginal offenders and prisoners. The camps will be used as extensions of the Centre's cultural programs and reinforce traditional skills within bushland environments.

The team will also be responsible for the identification and undertaking of community work projects as part of the normal activities of the camp program. The camp coordinators will involve local Aboriginal communities in supervising offenders and providing programs.

### **The Dooligar Community Resource Network**

Through its training, outreach and culture camp programs, the Dooligar Justice Centre will establish links with a broad range of Aboriginal communities, individuals and organisations. In capitalising on these contacts, the Dooligar Justice Centre will provide specific resources for the development of a community network.

Formally, the network will be utilised to deal with the high mobility of Aboriginal offenders, a problem which currently results in many breaches of correctional and parole orders. Informally, through the dissemination of information, holding forums and helping share ideas on local community initiatives, the community network will assist in the overall development of effective responses to criminal justice issues which affect Aboriginal people.

Importantly, through its training functions the Dooligar Justice Centre will be able to identify community members who have special skills or who are willing to assist in the supervision of offenders in the community, and be able to coordinate these resources on a state-wide scale.

### **The Benefits**

The Office of Corrections has given priority to this initiative on the basis of:

- n the extent of compliance the initiative achieves to the findings of the Royal Commission into Aboriginal Deaths in Custody;
- n its long-term focus towards developing solutions to Aboriginal over-representation in the criminal justice system;
- n the opportunities it provides for employment and involvement of Aboriginal people in the criminal justice system;
- n its ability to achieve greater levels of diversion of Aboriginal offenders from imprisonment than current mainstream services; and
- n the opportunity it provides for the Aboriginal community to become involved in developing responses to the needs of Aboriginal offenders.

## Conclusion

The Dooligar Justice Centre proposal gives the Office of Corrections an operational framework through which it can develop responses in conjunction with Aboriginal people working within the criminal justice system, to address the needs of Aboriginal offenders and prisoners. Importantly, the Dooligar proposal creates a focus for the Office of Corrections and the Aboriginal community towards diverting Aboriginal people from the criminal justice system.

In developing a dual approach to Aboriginal over-representation within the criminal justice system the Dooligar Justice Centre seeks to recognise the importance of family structure and the manner in which Aboriginal people organise and support each other. By developing a greater awareness of criminal justice issues within the Aboriginal community and providing offenders with a more structured support network of Aboriginal workers and volunteers, the Dooligar Justice Centre will increase the likelihood of success for Aboriginal offenders involved in correctional orders.

In committing itself to the development of the Dooligar Justice Centre the Office of Corrections is both recognising the crisis of Aboriginal people within the criminal justice system and the importance of Aboriginal people developing and implementing the solution. Whilst aware of past failures by both governments and Aboriginal organisations in undertaking initiatives to deal with these issues, the Office of Corrections believes that success will depend on cooperation and partnership with the Aboriginal community and will provide a credible and effective service to Aboriginal people.

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