

Preventing incarceration & re-incarceration by addressing causes and developing alternatives

One of the key themes of the Royal Commission into Aboriginal Deaths in Custody in 1991 was that imprisonment should be a sanction of last resort¹. Today Aboriginal and Torres Strait Islander people continue to be incarcerated at alarming rates.

In the almost two decades since the Royal Commission into Aboriginal Deaths in Custody completed its work, the situation has gotten worse, not better. In 1991, Aboriginal people made up 14 per cent of Australia's adult prison population. By June 2005 this figure had jumped to 22 per cent². There is a constant flux through the system, and as described by former Social Justice Commissioner Mick Dodson:

“Our young people return from gaol to the very same conditions of daily existence that create the patterns of offending in the first place. The whirl of the revolving door is never far away”.

Solutions for the excessive incarceration of Aboriginal and Torres Strait Islander people must be sought and enacted in the community – not in prisons – and must address the underlying determinants of incarceration and re-incarceration.

Indigenous people are two and a half times as likely as non-Indigenous adults to be unemployed, and income is rarely more than 60% of the average income of non-Indigenous people. Over half experience financial stress. The majority are in rented dwellings, and have reported less access to transport than others. Presence of social problems in neighbourhoods and communities is high, as is the experience of being a victim of crime⁴.

The Australian Institute of Criminology (AIC)⁵ recently examined issues related to community re-integration among Aboriginal and Torres Strait Islanders. They acknowledged the problems of Indigenous disadvantage extend well beyond the purview of corrections and all parts of the justice system. Correctional initiatives alone will not stop incarceration rates. Efforts towards individual reintegration must ultimately be supported by major changes at the community level.

The AIC's work included interviews with prisoners, staff and other stakeholders, who put forward a range of suggestions to increase the relevance of programs for Indigenous offenders:

- Interviewees saw a lack of Indigenous-specific programs and services as a barrier to participation and successful reintegration
- Enhance elements like skill development and education, by making them more relevant to life experiences and circumstances of Indigenous people and their communities
- Overcoming language and literacy barriers for those offenders with limited English language skills
- Involving elders and Indigenous facilitators in the development and delivery of programs.



Alternatives to prisons

There exist a number of alternative strategies the Queensland government can invest in to reduce prison population and burden on the economy and society. For example, the Commonwealth government's 'Pathways to Prevention' project is an example of early intervention where the aim is to invest in resources to support children, families and their communities prior to problems arising. There are a number of diversionary and culturally appropriate sentencing and rehabilitation strategies in Australia that may be enhanced, evaluated and utilised as means to reduce prison populations and make communities safer and more functional. There are also *international best practices and success stories*. For example, Northern European countries like Denmark, Norway, Sweden and Finland have among the lowest imprisonment rates in the world. These countries have 15 Year Business Plans driven by government and taking a whole-of-community approach.

Queensland Aboriginal and Torres Strait Islander Justice Agreement 19 December 2000

This agreement was signed between the Queensland Government and the Aboriginal and Torres Strait Islander Advisory Board, representing the Aboriginal and Torres Strait Islander peoples of Queensland. The stated overarching outcome of the Agreement is a *50% reduction in the rate of Aboriginal and Torres Strait Islander peoples incarcerated in the Queensland criminal justice system by the year 2011*. To achieve this, the Justice Agreement will follow a five part strategy:

1	Building Community Capacities: Strengthening communities by eliminating the conditions which lead to crime and cultivating positive attitudes in terms of respect for the law and socially acceptable behaviour.
2	Building Individual Capacities: Strengthening individuals, especially those at risk and those who have already come into contact with the law, by providing them with the necessary support and helping them cope successfully with the demands of the criminal justice system.
3	Building a More Culturally Sensitive Criminal Justice System: Increasing the relevance of the criminal justice system to Aboriginal and Torres Strait Islander peoples and changing laws and practice as necessary to make due acknowledgement of Aboriginal and Torres Strait Islander cultures, histories and life circumstances.
4	Building a Stronger role for Communities in Justice Administration: Increasing the capacities of communities, and community organizations, to contribute to the criminal justice system in all its phases.
5	Building Integrated and Coordinated Justice Related Services: Improving coordination between relevant Government agencies and with individual community members/organizations that play a role in support and service provision.

The 2006 independent evaluation of the Agreement highlighted many failures in the implementation of strategies - especially because of lack of financial and other resources made available by Government to meet need (6). It is an imperative that Government is accountable to their stated commitments to end Indigenous over-representation in Queensland's criminal justice system.

References:

1. Johnston E (Commissioner) Royal Commission into Aboriginal Deaths into Custody, National Report. Vol 1 to 5. Canberra: AGPS 1991;
2. Gary Highland, ANTaR's National Director in ANTaR's National Magazine Seachange: Vol 1 Winter 2008;
3. Aboriginal incarceration; health and social impacts by Anthea S Krieg. MJA Vol 184 Number 10, 15 May 2006;
4. ABS 2005 5. Reintegration of Indigenous prisoners: key findings by Matthew Willis in Australian Institute of Criminology Trends and Issues series no 364 August 2008;
6. Cunneen, C. (2006) Evaluation of Queensland Aboriginal and Torres Strait Islander Justice Agreement, <http://www.austlii.edu.au/au/journals/AILR/2006/85.html>.

ANTaR Qld and the Bridge Network are facilitating a Campaign to End Indigenous Over-representation in the Queensland Criminal Justice System. Interested organisations and individuals are encouraged to contact:



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