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The Rehabilitation of Indigenous Prisoners

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The Rehabilitation of Indigenous Prisoners: An Australian Perspective

Andrew Day
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ABSTRACT. The massive problems experienced by Indigenous Australians in their encounters with the criminal justice system have been well documented and widely discussed. This paper applies the Risk,

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Needs and Responsivity Model of rehabilitation to Indigenous offenders. While much of the review is devoted to a discussion of Australian Indigenous offenders, the issues raised are likely to be relevant to Indigenous groups from other countries and, possibly, ethnic minority offenders more generally. We concluded that whilst the model clearly has value, rehabilitation programs would benefit from a careful consideration of issues relating specifically to the Risk, Needs and Responsivity of Indigenous offenders. [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <getinfo@haworthpressinc.com> Website: <<http://www.HaworthPress.com>> © 2003 by The Haworth Press, Inc. All rights reserved.]

KEYWORDS. Rehabilitation, offenders, Indigenous, Australian

The massive problems experienced by Indigenous Australians in their encounters with the criminal justice system have been well documented and widely discussed. Of the many issues raised, two have been the focus of increased attention over the past twenty years: the overrepresentation of Indigenous people in all areas of the criminal justice system (and prisons in particular), and the issue of Aboriginal deaths in custody. As a result, various recommendations have been made regarding best practice models for dealing with Indigenous offenders; recommendations that have been accepted as the basis for policy change and new initiatives (Royal Commission into Aboriginal Deaths in Custody {RCIADC}, 1991; Ministerial Summit on Indigenous Deaths in Custody, 1995). The purpose of this review however, is not to evaluate how best to prevent the entry of Indigenous people into the justice system or to prevent Indigenous suicide and self-harm in custodial settings. The focus is instead on the much broader issue of the management and rehabilitation of Indigenous people in the prison environment. In so doing, the review draws heavily on information from three sources: The Ministerial Summit On Indigenous Deaths in Custody (MSIDC)¹ (1995), on published work conducted with Canadian Indigenous Offenders,² and proceedings from the Australian Institute of Criminology Conference, *Best Practice Interventions in Corrections for Indigenous People*.³

BACKGROUND

In the context of the discussion that follows, the term Indigenous refers to the Australian Aboriginal and Torres Strait Islander peoples.

This group consists of more than 600 different cultures and tribal groups, and represents the oldest continuous culture of people in the world today (Raphael, Swan & Martinek, 1998). At the time of colonization in 1788, Australia was regarded as *terra nullius* (translated literally as land of no people), and the Indigenous inhabitants were both dispossessed of their lands and denied basic human rights. The cultural, political, and economic inequities experienced by the Indigenous population since that time have reinforced the view that this process of colonization has continued up until the present day, albeit in other forms (RCIADIC, 1991). For example, Indigenous Australians were not given the right to vote until 1967, and it was 1992 before any land rights were recognized. It is therefore not surprising that the Indigenous people feel the institutions of society have not developed in a way that protects their interests or meets their cultural needs.

As one of societal institutions, the criminal justice system (particularly the courts and prisons) has been perceived as reflecting ways of thinking about crime and community safety that are shaped by culturally determined, western ways of thinking. In this sense, prisons are viewed as an embodiment of the dominant culture's attempt to maintain the status quo. It is an argument that gains momentum when one takes into account the gross disparity between the imprisonment rates for Indigenous and non-Indigenous offenders. While Indigenous people constitute less than 2% of the total Australian population, they make up 20% of the prison population⁴ (Australian Bureau of Statistics, 1999). Furthermore, this disparity is on the increase with the Indigenous prison population growing at rate faster than that of the non-Indigenous population⁵ (Carcach, Grant & Conroy, 1990). Commenting on the high proportion of young Indigenous offenders being taken into custody, Cunneen (1997) concluded that this "high [level] of criminalization and subsequent incarceration . . . effectively amounts to a new practice of forced separation of Aboriginal and Torres Strait Islander children and young people from their families . . . [and] . . . represents a continuation of earlier assimilationist removal policies by way of a process of criminalization rather than by way of welfare" (p. 1).

Inequity within the criminal justice system is not, however, limited to a disparity in terms of the rate of imprisonment. A major contributor to the over-representation of Indigenous people in the prison population is an increased risk for re-offending; a risk that presently shows few signs of abating (see Beresford & Omaji, 1996; Broadhurst, Maller, Maller & Duffecy, 1988; Davis, 1999; Ferrante, Loh & Maller, 1999). Sarre (1999) reported that between 1988 and 1995, the imprisonment rate of

Indigenous Australians increased by 61%; for the same period, the imprisonment rate of non-Indigenous offenders rose by 38%. It is an issue that needs to be addressed.

OFFENDER REHABILITATION

Much has been written about the effectiveness of rehabilitation programs in terms of “what works” (e.g. Hollin, 1999; Howells & Day, 1999), and whether the current services meet the needs of the Indigenous offender. It is now widely accepted that rehabilitation programs must be culturally sensitive,⁶ and that those involved in the delivery of these programs must be culturally competent.⁷ The importance of ensuring this was articulated at the United Nations Congress on the Prevention of Crime and the Treatment of Offenders (2000). The members concluded that adequate prevention and rehabilitation programs were an integral part of an effective crime control strategy, and that these programs should consider the many social and economic factors that may increase the risk of offending.

Over the past decade, the “new look” in offender rehabilitation (Hollin, 1999; Howells & Day; 1999; McGuire, 1995) has produced an international consensus that rehabilitation programs can have a significant, although sometimes modest, impact on recidivism rates. While this seems in contradiction to Martinson’s (1974) now infamous claim that “nothing works”, the shift has in fact been away from the idea of *in toto* evaluations to one that takes a more piecemeal approach. In other words, contemporary researchers are less concerned with establishing whether a program is effective, and more concerned with identifying the characteristics of an effective program. One of the most widely used models of intervention to emerge from this research is the Risk-Needs Model (Andrews, Bonta & Hoge, 1990), which embodies three main principles: Risk, Needs, and Responsivity. An assessment of risk will dictate the intensity of an intervention; the needs assessment will prescribe its content; and an assessment of responsivity guides the delivery of the intervention.

Bonta (1997) has argued that the three principles can be used to develop a basic guideline for the matching of offenders to treatment programs. The present review is, therefore, structured along these lines. In so doing, however, several factors need to be acknowledged. First, the principles can be regarded as typifying a “Western” approach to rehabilitation; an approach that is not without critics in an Australian con-

text (Auckland Uniservices, 1999). Second, the positivistic approach used to evaluate rehabilitation models may not be consistent with the relativistic position taken by many Indigenous researchers (Rigney, 2001). Third, given there is a paucity of Australian research in this area, it has been necessary to draw on the findings from research conducted with other Indigenous populations. The Canadian research has been used to do this. Finally, where the Canadian research has been used, the analogy is made in terms of program effectiveness for marginalized groups and should not be read as a direct comparison of these Indigenous groups.

THE “RISK” PRINCIPLE

According to the Risk principle, offenders who are most likely to re-offend should be those who are targeted for participation in rehabilitation programs. Once an assessment of risk is made, it is then possible to determine the type and intensity of program that should be offered. While the main question is whether Indigenous offenders have the similar risk markers as non-Indigenous offenders, one must also keep in mind the ways in which a good proportion of Indigenous offenders enter the prison system in the first instance. For example, Johnston (1991) reported that 40% of Indigenous offenders who entered the Australian prisons during a one-month period were taken into custody for the non-payment of a fine. In evaluating whether risk measures are culturally sensitive then, one has to remember that many of the “crimes” for which Indigenous offenders are imprisoned are likely to be the result of economic factors (Jones, 2001).

There is a theoretical argument that the factors associated with re-offending should not vary substantially across different ethnic groups (Andrews, Bonta & Hoge, 1990). Moreover, evidence exists to support the claim that the similarities between offenders may be greater than the differences. For example, despite suggestions by some researchers (e.g. Hann & Harman, 1993) that these assessment tools need to be culturally specific, Bonta, LaPrairie and Wallace-Capretta (1997), comparing the utility of an actuarial risk-needs instrument for two groups of Canadian offenders, one Indigenous and the other non-Indigenous, in a community corrections setting concluded that the risk-needs instruments developed for use on non-Indigenous offenders could be reasonably used with Indigenous offenders. It seems that the same factors that predict risk in non-Indigenous offenders—mainly criminal history and offence

factors—also can predict risk in Indigenous offenders (e.g. Andrews & Bonta, 1994; Bonta, 1989; Bonta, Lipinski & Martin, 1992).

To date, the question of whether Indigenous and non-Indigenous offenders in Australia display the same risk markers has not been addressed in any substantial way (Dawson, 1999). The majority of risk assessment measures have been validated on North American offender populations, although one measure (Violent Offender Treatment Program—Risk Assessment Scale {VOTP-RAS}) has been validated on a sample of violent prisoners in Western Australia (Ward & Dockerill, 1999). Based on a review of measures currently being used in Australia (including the Wisconsin assessment, the VOTP-RAS, and the PCL-R), Dawson has cautioned against the direct application of measures that have been developed for use with other populations. She has argued instead for the use of measures that are ethnicity, gender, and geography-specific; an argument that is not without merit. Rehabilitation programs are known to benefit high-risk offenders, but their impact on those who fall into the low risk category is negligible, and in some instances can in fact be negative. There is the potential for disadvantage because (a) the measures fail to distinguish risk factors that are specific to Indigenous offenders, and (b) the distribution of risk is not normally distributed.

The goal then should be to develop culturally specific measures that take into account the reasons why Indigenous offenders might present a higher risk for recidivism than non-indigenous offenders. While there is a dearth of literature from an Australian perspective, the Canadian research provides a useful framework from which to work. For example, Bonta et al. (1997) have offered three possible explanations for the increased risk that is experienced by Indigenous offenders. First, they suggested that the environments to which Indigenous offenders return are in some ways more criminogenic than that to which non-Indigenous offenders return. They cite high levels of unemployment, a lack of opportunities and resources, substandard living conditions, and high levels of alcohol abuse as potential risk factors; factors that increase in severity for those who live in rural communities. Jones (2001) has pointed out that these poor socio-economic conditions also apply to Indigenous Australians.

Second, the authors have argued that the life experiences of Canadian Indigenous offenders are likely to be more extreme and isolating, particularly given their lower proximity to “mainstream” life. In an Australian context, most commentators would argue this is also the case. This country’s history of colonization and discrimination has made it diffi-

cult for the Indigenous people to integrate with its mainstream western culture. Moreover, the increased psychiatric, psychological and health needs of the Indigenous people serves to further isolate them from that mainstream. In our view, risk assessment measures must therefore target both non-criminogenic and criminogenic risk factors if they are to be in any way useful or effective.

Third, Bonta and his colleagues found that community rehabilitation programs were more effective for non-Indigenous groups because the program activities better reflected the needs and culture of those offenders. This view is supported by Johnston (1997) who found that there exists a general sense of distrust among Indigenous offenders with respect to non-Indigenous programs. The Indigenous offenders surveyed did, however, express a desire to attend specialist culture-specific programs.

THE "NEEDS" PRINCIPLE

The cornerstone of the Needs principle is that the contents and targets of rehabilitation programs should be those factors that can be demonstrated to be significant causal influences in terms of both the offending behavior and the population being addressed. The language of functional analysis (Sturmey, 1996) is preferred in this respect; that is, an assessment of needs should involve directing attention towards the functionally important aspects of the environment and the person. Accordingly, one must examine both the criminogenic and non-criminogenic needs of the Indigenous offender. Given the limited research of this type conducted in Australia, the Canadian literature provides what is perhaps the best quality research in terms of the needs of Indigenous prisoners, their participation in rehabilitation programs, and the management of issues related to the needs of Canadian Indigenous prisoners. However, while it is likely that many of the issues facing Canadian Indigenous prisoners will also be pertinent to their Australian counterparts, any generalizations from Canadian sources will obviously be treated with caution.

Criminogenic Needs

A useful starting point for such a comparison is Johnston's (1997) survey of more than 500 incarcerated Indigenous Canadian offenders. Johnston found that over 40% of his sample fell into the high risk/high needs category. He also reported that offenders in the sample had high frequencies of childhood problems, including early drug abuse

(60.4%), alcohol abuse (57.9%), behavioral problems (57.1%), physical abuse (45.2%), sexual abuse (21.2%), severe poverty (35.3%), parental absence or neglect, (41.1%) and previous suicide attempt (20.5%). The case file data also revealed that extremely high proportions of the Indigenous offenders had identified needs in the areas of substance abuse (88.2%) and personal/emotional functioning (82.4%). Nearly two-thirds (64.3%) of the sample reported that they perceived 'anti-native attitudes' within their institution, stating that they experienced significant apprehension when dealing directly with correctional staff. These prisoners reported that they preferred to put their trust in other Indigenous people, especially spiritual leaders and elders. Many (68.6%) of the offenders felt that native-specific programming was useful, and most requested greater provision of cultural and spiritual activities.

The results of Johnston's (1997) study are important in three respects. First, it comprehensively described the cultural needs of this group. What is striking is the apparent similarity of this group to Australian Indigenous offenders. Second, the questions asked of the offenders revealed in detail the nature of provision for Indigenous cultural needs in the Canadian Correctional Service. Third, the results provide a model for the type of survey that needs to be undertaken in Australia to ascertain the cultural needs and perspectives of Indigenous offenders. To the best of our knowledge, no published work of this sort has been conducted in Australia.

Bearing in mind the aforementioned caveat regarding the applicability of these findings in an Australian context, there are some strong parallels between the needs of Indigenous offenders in this country and those in Canada. Alcohol problems, for example, have been viewed as a common antecedent to offending amongst Australian Indigenous people. Hazelhurst (1987) has suggested that alcohol use could be a factor in up to 90 per cent of all Indigenous contacts with the justice system. Moreover, research has shown that in over half the incidents of homicide and serious assault committed by this offending population also involved the use of alcohol (Hazelhurst & Dunn 1988). For example, Strang's (1992) nationwide study of homicides examined whether the offender had been under the influence of alcohol at the time of the offence. While she found overall that 75% of the perpetrators had been affected by alcohol, the percentage of Indigenous offenders so affected was about twice that of the non-Indigenous offenders. Eastaest's (1993) study of homicides between intimate partners also examined whether or not the offender had consumed alcohol immediately before the killing.

She found that among Indigenous offenders, 89% were so affected, whereas the corresponding figure for non-Indigenous offenders was 65%. Although Indigenous drinking levels are actually lower than that for the general population, there seems to be a “high incidence of dangerous consumption levels” (Lincoln & Wilson, 1994, p. 62), particularly amongst young men.

In a small-scale Western Australian survey of those involved in Indigenous criminal justice programs, all informants viewed alcohol as an important contributing factor to Indigenous violence (Mals et al., 2000). Those who had worked in remote areas believed that virtually *all* violent crimes committed by Indigenous men were alcohol-related. Few informants offered any comment as to the mechanism by which alcohol and violence might be linked, other than to suggest that everyday conflicts were more likely to escalate into violent confrontations under the influence of alcohol. Data on alcohol-related violence in different cultural and ethnic groups are limited in scope (Ward & Baldwin, 1997). The low socio-economic status of many minorities may be a better guide to alcohol use and alcohol-related violence than culture/ethnicity per se.

Mals and associates (2000) further highlighted family problems as an area of criminogenic need for the Indigenous offender. They reported that feuding between family groups was common across the full spectrum of Indigenous communities. They also noted that feuds could originate from apparently trivial incidents (for example, an instance of foul-play in a football match). Once a feud has begun, family obligations may progressively draw more individuals into the hostilities. These conflicts can endure for many years and may span several generations of the families involved. A major perpetuating factor was the absence of any socially accepted way for the opposing camps to withdraw from the conflict; to give up the fight inevitably involves a loss of face. There was a belief among males that one’s sense of manhood hinges on achieving victory. It was suggested further that, in urban settings, family feuds may serve as a convenient conduit for the expression of the pervasive frustration and anger.

Indigenous informants in the Mals et al. (2000) survey were in general agreement that Indigenous male offenders (particularly younger-generation, urban-dwellers), suffered from low self-esteem and a pervasive sense of frustration, anger, and powerlessness. The researchers indicated that a number of informants used the same phrase when commenting on self-esteem: “they feel like they’re nothing.” They noted that urban males directed their anger and resentment not only to-

ward mainstream society but often also toward their parents, whom they viewed as having failed them. Informants saw these emotional problems as arising directly from colonization and its legacy of social and economic marginalization. It was suggested that *male* self-esteem had been particularly badly affected because men were finding it increasingly difficult to fulfil the role of family breadwinner, whereas women still had available to them the valued roles of child-care and homemaker. Some informants noted that the above problems were less evident in remote communities where the men typically had a more secure sense of identity.

Non-Criminogenic Needs

Non-criminogenic needs refers to areas of need (e.g. mental health problems, housing problems) which, in themselves, may not be direct causes of offending, but which nevertheless require addressing. Sansbury (1999) has described the following pathway linking non-criminogenic need to offending:

“Social disadvantage and oppression leads to poverty, family breakdown, depression and mental illness. Each of these factors can be linked independently to offending, but in combination the effect on offending rates is multiplied” (p. 5).

In our work with Aboriginal offenders, we have been struck, as have many others, by the high level of non-criminogenic needs in Aboriginal offender population. This following will focus on a very important non-criminogenic problem faced by the Aboriginal population: the issue of mental health and the needs that arise due to social and cultural isolation.

Research has shown that mental health problems and distress are prevalent in samples of Aboriginal and Torres Strait Islander (ATSI) peoples. A study by McKendrick et al. (1992) reported that over 50% of a sample of 112 randomly selected Aboriginal participants could be described as having a mental disorder, with a further 16% reporting at least 10 non-specific psychiatric symptoms, including depression and substance abuse. In McKendrick's sample, 49% had been separated from both parents by the age of 14, and a further 19% from one parent. Those who grew up in their Aboriginal families, learned their Aboriginal identity early in life, and regularly visited their traditional country were significantly less distressed.

Similarly, in Clayer's (1991) study, based on a sample of 530 Aboriginal people in South Australia, 31% had been separated from parents before age 14. The absence of a father and of traditional Aboriginal teachings was found to be significantly correlated with attempted suicide and mental disorder. Hunter (1994) also found that a history of childhood separation from parents was strongly correlated with subsequent problems, including high levels of depression in Aboriginal people seeking primary health services. Hunter comments particularly on the effects on males, whose histories are influenced by the loss of fathers. In these cases, models for, and initiations into, mature manhood are often lacking.

Raphael and Swan (1997) argued that high levels of loss, traumatic and premature mortality and family break-up contribute to the present high levels of stress experienced in ATSI populations. The extended family structures of Aboriginal peoples expose them to more bereavements, trauma, and loss, than non-Indigenous peoples. It has been argued that these experiences are likely to lead to higher levels of mental health problems, in particular depression and symptoms of post-traumatic stress (Raphael et al. 1998). Recent work has focused on both inter-generational (Danieli, 1998), and chronic personal (Herman, 1992) experiences of traumatization that may cause anxiety disorders. Problems include a wide range of general psychological and somatic symptoms, impact on personality and identity, vulnerability to self-harm, suicide, re-victimization and further abuse (Raphael et al. 1998). Given findings such as these, it is not surprising that Indigenous Australians experience high levels of mental illness. In this respect, Sansbury (1999) noted that: 25% of Aboriginal people living in the inner city or large towns have mental health problems associated with stressful life situations; that Aboriginal males are 80% more likely to commit suicide than non-Aboriginal males; and that more than 63% of Aboriginal people presenting to Aboriginal medical services have a significant level of distress, principally depression.

While the prevalence of mental illness among Indigenous people is high overall, it is likely to be even higher amongst the prison population. Sansbury (1999) suggested that over 50% of Indigenous women prisoners have a severe mental illness. These high levels of health and psychiatric problems have implications for the management of Indigenous people in prison. First, Sansbury has suggested that there is a need for culturally appropriate health and mental health services. Second, he points to links between mental illness and offending through substance

abuse. Finally, he argues that many Indigenous people with mental health needs are incarcerated rather than treated.

In terms of cultural/social needs, Bonta, Laprairie and Wallace-Capretta (1997) make the important point that Indigenous offenders are often treated as a homogenous group in a correctional setting, despite their obvious cultural diversity. In Australia, as in Canada, that diversity is widely acknowledged. It must also be kept in mind that as with the general population, variations in the offender population will arise in terms of residence. Hazlehurst (1991) has maintained that the effects and implications of imprisonment for Australian Indigenous offenders from rural and remote communities may be very different from those experienced by offenders who live in urban settings. The majority of prison facilities in Australia are located in urban areas, and as a result these prisoners are geographically isolated from their extended families and their communities.

The purpose of a needs assessment when working with offenders is to identify targets that may be suitable for intervention. This overview of the needs of Indigenous offenders suggests that, as a group, Indigenous offenders may have some distinctive areas of need. In our view, these factors should be taken into account when developing culturally appropriate rehabilitation programs. Jones (2001) makes the distinction between culturally universal needs and treatment targets and culture specific needs and treatment targets. Amongst the culturally universal needs, she lists substance abuse treatment, domestic and family violence programs, sexual offender treatment, personal and emotional problems (trauma and loss), physical health services, mental health services, parenting programs, employment and job readiness programs, community reintegration, follow-up and support. Culturally specific needs involve needs related to acculturation/deculturation (loss of connection to one's culture), separation, displacement and abandonment, coping with discrimination, identity issues and being bicultural, reconnecting with spirituality and Aboriginal heritage.

THE "RESPONSIVITY" PRINCIPLE

The Responsivity principle suggests that rehabilitation programs should be designed and delivered in ways that reflect the learning styles of the participants. Some Indigenous offenders have themselves argued that conventional rehabilitation programs are often based on implicit and explicit cultural, religious and psychological assumptions that are

inconsistent with the cultures and beliefs of Indigenous offenders. Reed (1999), for example, has questioned the suitability for Native Americans of the Alcoholics Anonymous and Narcotics Anonymous programs frequently offered in prisons in the United States. He highlighted the fundamental differences in values and beliefs that would serve to undermine the effectiveness of such programs. Critiques such as these suggest that responsivity is unlikely to be addressed simply by adapting such programs; a fundamental re-thinking and re-definition of goals is required. Reed also suggested, for example, that “the most effective approach to the problems amongst Native Americans is simply that of refamiliarizing them with the traditional values of their culture, and strengthening those cultural values and norms” (p. 9). He pointed to examples of such an approach, including the United Native Alcohol Program (UNAP) run at Lompoc in the United States. Reed puts forward the challenge:

“How can a prison official or administrator know what rehabilitation process will be effective for any prisoner when the values and beliefs held within the cultural context of the prisoner are contrary to those of the culture to which the prison official belongs? It is impossible unless the official is willing to sit down with the prisoner in an attempt to bridge the cultural gap. Repeated displays of insensitivity and indifference to the laws and to the basic human needs of the prisoners by prison officials such as those who force Indians into programs that propagate philosophies, values, principles and beliefs that clash with those of the Indians serve only to enhance the alienation of the Indians and make them more bitter and resentful towards the society those prison officials represent. In other words, such practices not only fail to rehabilitate, but, to the contrary, they serve to increase conflict (and undoubtedly the criminal recidivism rates)” (p. 14).

Reed’s position, we suspect, would be widely endorsed by Indigenous people in Australia and New Zealand. Recent debate in New Zealand relating to the rehabilitation of Maori offenders illustrates the potential for clashes of culture and ideology in combining European/North American rehabilitation principles with Indigenous culture and values. The Uniservices Report (1999) on evaluating Maori programs actively rejects the imposition of the Western model on the grounds that it fails to recognise the “Maori world view”. The Western view is described in this report as “positivistic” and irrelevant to Maori

needs. In our view, this critique of the Western rehabilitation approach is unconvincing, but the debate clearly reveals the failure to produce any sense of “ownership” and control of rehabilitation programs by the Maori community.

In the Canadian survey of Indigenous prisoners reported by Johnston (1997), most prisoners had participated in a wide range of correctional rehabilitation programs. The majority of these programs were for the general offender population, but some were “native-specific” programs. Almost a third of prisoners had participated in native specific Substance Abuse programs. “Native Liaison Officers” were the group seen as most supportive by the prisoners, followed by “Other Native Inmates and Friends” and “Native Elders”. Other institutional staff were far down the list. Johnston interprets his results as indication of distrust and antagonism towards non-native institutional staff. The offenders in this study also had a high level of participation in “Native Activities” within the institutions, including spiritual or ceremonial activities, sweat lodges and native arts and crafts. There was, however, a demand for more activities of this sort. The survey participants viewed conventional rehabilitation programs as far less useful than these native activities which were appreciated because they promoted “healing and positivity.” Forty percent of the offenders believed that their spiritual needs were not being met within the institution so most of the participants in the survey wanted the conventional rehabilitation programs to be made native-specific.

A survey of Indigenous offender service providers in Western Australia found that certain concepts in mainstream rehabilitation programs seemed alien and incomprehensible to Aboriginal participants (Mals et al., 1999). Given the high rate of literacy problems among the Aboriginal population, the researchers suggested that it was vital that program material be presented in a way that did not depend heavily on written information or assignments. Favored alternatives included videos, non-verbal symbols and role-plays, and respondents felt that much more session time should be dedicated to group discussion. In other words, there was a belief that psycho-educational programs as commonly delivered, were not culturally sensitive. Jones (2001) also discussed the need for programs to be delivered in different ways for Indigenous offenders, recommending the use of arts projects such as paintings, music, song, poetry, storytelling and narrative approaches, talking circles, drama projects, dance and movement, traditional rituals and ceremonies, meditation, prayer and other spiritual elements and the use of native language. Native spiritual practices are also seen as impor-

tant in the spiritual healing of Native American offenders, including the use of purification ceremonies.

Respondents in the Australian survey conducted by Mals et al. (1999) recommended that treatment-providers be more aware of the traditional rehabilitative process at the release-planning stage, and seek to actively involve key members of the offender's extended family and existing systems of mentoring. Generally, there was a view that programs should be delivered, where possible, by Indigenous staff members, as it was felt that this would facilitate self-disclosure. However, some respondents did identify the potential difficulties associated with pre-existing relationship between program facilitators and participants. For example, it was suggested that in any given locality, there would be a possibility that an offender will encounter, in a treatment group, someone who has family connections with the victim of his crime. It should also be noted that, at least within an Australian context, the recruitment and retention of Indigenous staff members to justice agencies remains an area where much work needs to be done (Giles et al., 2002).

CONCLUSIONS

The central question examined in this review was the utility of the Risk, Needs and Responsivity framework in terms of rehabilitation programs for Indigenous offenders. As Andrews and Bonta (1994) have stated, programs that promote the best outcomes are those where treatment is matched to the level of risk and criminogenic need of the individual, and are delivered in "a style and mode that is consistent with the ability and learning style of the offender" (p. 177). This raises three important points. First, there appears to be a need to standardize risk measures across different cultural groups. The risk of imprisonment for the Indigenous offender may be determined as much by social factors (e.g. discrimination in the criminal justice system) as well as factors directly related to the individual. Second, given the high level of non-criminogenic needs likely to be experienced by the Indigenous offender, it would seem inappropriate to focus solely on criminogenic needs. On this basis, one could argue that in order for an intervention to be effective, both sets of needs should be addressed concurrently. It is also likely that such an approach would engage the Indigenous offender in the rehabilitative process. Finally, responsivity can also be improved by the consideration of culturally appropriate ways of program delivery.

Correctional services in New Zealand have recently developed a framework for assessing cultural factors in Maori offenders (McFarlane-Nathan, 1999). This framework suggests that rehabilitation programs should consider four areas: the cultural identity of the individual, cultural explanations of offending, cultural factors related to the psychosocial environment and cultural elements of the relationship between the service provider and offender. Each of these areas seem relevant and applicable to Indigenous Australian offenders. In addition, we would also suggest that the development of any programs should adhere to the principles of self-determination. In the words of Bill Jonas (1999):

“ . . . [the self determination principle] is about moving from correctional programs designed for Indigenous people, to programs designed and informed by Indigenous people” (page 6).

NOTES

1. The Ministerial Summit reviewed progress in each Australian State in relation to the recommendations of the Royal Commission into Indigenous Deaths in Custody (RCIDC) (1991). The Report of the Summit is useful in the context of this review of best practice in that the States were required to make statements about their priorities and plans. Implicitly, therefore, the report provides an account of perceptions of best practice.

2. See for example Bonta, J., LaPrairie, C., & Wallace-Capretta, S. (1997). Risk prediction & reoffending: Aboriginal and non-Aboriginal offenders. *Canadian Journal of Criminology*, 39, 127-144: Hann R.G. & Harman, W.G. (1993). 1996 Offender classification: Two decades of progress. *Criminal Justice and Behavior*, 23, 121-143.

3. The AIC conference was held in Adelaide, South Australia in October 1999.

4. Johnson (1991) makes the point that census data collected on 30th June each year tends to overestimate long-term prisoners while underestimating prisoners serving short sentences, of whom Indigenous offenders constitute a considerable proportion. This view was confirmed by RCIADC (1991).

5. Cuneen & Libesman (1995) reported that Australian Indigenous people were 27 times more likely to be in custody than non-Indigenous people.

6. Cultural sensitivity refers to the need to ensure that programs are perceived as being in harmony with the cultural and religious beliefs of the Indigenous population.

7. Cultural competence refers to the sensitivity of the service provider.

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