A Multi-Perspective Model to Reduce Indigenous Revictimisation and Retruamatisation in Incarceration

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My name is Lisa Watene. I am a Yamagti woman from Western Australia. I work as a Prison Support Officer at Bandyup Women's Prison as part of Offender Services in the WA Department of Corrective Services. My co-presenter is Romana Lee, who is of Burmese-Chinese descendent, working as the Manager of Offender Services We are co-located at Bandyup and we have been working together for about 18 months.

We would like to thank the organisers of the conference for this wonderful opportunity to be a part of something we are deeply passionate about – Indigenous people having a say. We would also like to extend our thanks to the Northern Territory Indigenous communities and the traditional people of the land we are standing on. The viewpoint and information contained within this presentation/paper is predominantly coming from the Noongyar and Yamagti communities' perspective and we acknowledge that we are not able to speak for all Indigenous communities across Western Australia. It is our hope that by presenting this paper, we are able to raise and address what we see as a major gap in the conversations that have been taking place around the issue of revictimisation and retruamatisation of Indigenous people in the criminal justice system.

It is an undeniable fact that there is an overwhelming representation of indigenous people in the justice system. The premise of our paper is that the history of colonisation (or the invasion) of Aboriginal lands laid the foundation for ongoing traumatisation and victimisation of the Indigenous society. The victimisation and traumatisation for Aboriginal people is further compounded when an Aboriginal person becomes involved in the justice system. This involvement could be as a victim of crime, a perpetrator, a community member, and the family of the victim or the perpetrator. There has been some work in the recent past to reduce the rate of incarceration of Aboriginal people as well as the recognition of victims' rights and the need for support in the justice system. An area that has received little or no attention is the effect and the impact to the Indigenous individual working in the justice system. From our experience, we believe that there is a significant likelihood that an Indigenous person could be re-traumatised and re-victimised in the justice system, whether as a worker, a victim or a perpetrator.

To highlight the pertinent issues, we will be outlining a multi-perspective model that takes into account the re-victimisation and re-traumatisation of Indigenous people in the justice system. This model is predicated on the necessity to understand the impact of the colonisation and the history of trauma and victimisation of Aboriginal people. We will discuss how this awareness and understanding promote the 3 key ingredients that are required in working with Indigenous individuals in the correction system in order to prevent and/or minimise retraumatisation and revictimisation. We will take the opportunity to examine how we apply this model and the way of working at 2 levels:

1. The prisoners, their families and the community; and
2. The Aboriginal workers in the system

In doing so, we will provide a brief overview of the current peer support program in WA Department of Corrective Services utilising prisoners and Indigenous workers and spend some time exploring the Indigenous workers' issues. We will conclude with a presentation of a model of collaboration that is working for us in our team. The theme of the paper is one that reinforces the necessity of a collaborative working relationship that takes into account cultural, historical, systematic and individual factors in working in a complex, dynamic and difficult environment and system.

We feel strongly that the issues we have identified need to be raised in forums such as this conference for a number of reasons:

1. To be reminded that there is a history of traumatisation and victimisation for Aboriginal people;
2. Aboriginal people continued to be traumatised and victimised in contemporary Australian society;
3. The justice system can retraumatise and revictimise Aboriginal people (among others);
4. Aboriginal workers are part of the sub-set of the population that is at risk of being retraumatised and revictimised; and
5. Sharing ways in working towards preventing Indigenous people from being further revictimised and retraumatised.

The ultimate goal is for us as a wider community to work towards increasing protective factors against retraumatisation and revictimisation for all of our citizens, particularly our Indigenous people.

Definition of Trauma and Victimisation

According to the definition provided by MedicineNet.com, "Trauma" is a Greek word for "a wound" as well as "damage or defeat"[1]. It is important to work with this definition that encompasses the concept that one can be traumatised as in having been "wounded" but also that one can be "defeated or damaged". When we are speaking of traumatisation and victimisation we are loosely ascribing to the impact of an "experience that is emotionally painful, distressful, or shocking" for an individual who has been on the receiving end of unwanted and unsolicited attention (verbal, physical, emotional and be it real or perceived), "which often results in lasting mental and physical effects" (MedicineNet.com)1. The term "victims" is generally used to describe people who have been offended against, mainly in the judicial sense. So often we fail to acknowledge that there is a broader sense of victimology – an offence

against a person that may not necessarily be about having had a criminal act perpetrated against her/him. We mean no offence to victims of crimes when we refer to perpetrators in our system as victims or those who may be revictimised.

The Importance of Recognising Australian History

The colonisation, or the invasion, of terra firma now known as Australia over 200 years ago has left a legacy including racism in contemporary Australia. The impact of the White Australian Policy has been devastating and long lasting. There are Indigenous groups that have been decimated; on-going trauma from the stolen generation where children were forcibly removed from their families, kinship and their lands; where many atrocities occurred and traditional values eroded from the introduction of unhealthy relationship with alcohol and other substances, as well as the effects of institutional violence (sexual, emotional, economical, physical abuse).[2]

The Royal Commission into Aboriginal Deaths in Custody (1994) made a statement directly linking current circumstance of the Indigenous people to the impact of colonisation: 'deliberate and systematic disempowerment of Aboriginal people starting with dispossession of their land and proceeding to almost every aspect of their life…(with) every turn in the policy of government and the practice of the non-Aboriginal community… postulated on the inferiority of Aboriginal people… Every step of the way is based upon an assumption of superiority and every new step is an entrenchment of that assumption [10] … Aboriginal peoples were never treated as equals and certainly relations between the two groups were conducted on the basis of inequality and control'[3]. HREOC in their consultation with Aboriginal and CALD communities also linked colonisation with our current mono-cultural paradigm: 'Australia's public institutions and structures were based on cultural models derived from the British colonisers. This has led to the institutional structures largely being based upon, and operating within, a mono-cultural paradigm, one result of which is systemic racism and intolerance of diverse cultural modes. A regularly raised example was that of the educational sector with the school system seen as a product of a specific cultural model, one unresponsive to cultural differences in learning and teaching.'{2}

The devastation that has taken place in the Indigenous communities is two-fold: the breakdown of traditional values and lifestyle causing many to be fractured about their place within the wider system; and the systematically entrenched perception that Aboriginal people are generally 'lazy', 'incompetent', 'drunk/alcoholic', 'unmotivated', 'violent', and 'worthless'. There is a lack of appreciation for Aboriginal culture and history. There is a direct link between what Indigenous people experience historically to what the conditions that they live with today {2, 3}.

Life for an average Indigenous person is hard. In contemporary Australian society we have overrepresentation of Indigenous people in a number of systems – justice, health, public housing, and social welfare. The statistics on Aboriginal people within these systems is alarming and depressing. The life of a stereotypic Indigenous person, according to statistics and law of probability, is fraught with substance abuse issues, chronic health problems including diabetes, with a likelihood of being touched by personal and familial experience with physical, sexual and psychological abuse. The person is likely to be living in public housing, with low education and poor financial

means, most likely to be unemployed and facing a shorter life expectancy than their fellow Australians. Senator Andrew Bartlett (Democrats Indigenous Affairs spokesman) presented the 2000 figures from the Australian Bureau of Statistics for life expectancy of Indigenous people – "life expectancy for Indigenous males was 56 years - 21 years less than for the total male population. Life expectancy for Indigenous females was 63 years - 20 years less than for the total female population." He likened the average life expectancy of Aboriginal Australians to that of Third World countries in Africa like Ghana, Madagascar and Senegal. In fact, the average age expectancy for an Aboriginal person was 10 years shorter than the Latin Americans in South America. Even our future generation isn't safe - in his paper, it was also quoted that each year 83 Indigenous children die in Australia of various causes, including malnutrition (AMA)[4]

It is painful to look at the statistics. There is an imbalance of power, rights, and equality for Aboriginal people of Australia. Aboriginal people are socially, culturally and economically unequalled and disadvantaged in the wider society {2, 3}. It is undeniable that the history of colonisation and current set of circumstances paint a picture of trauma and victimisation that has been experienced by Aboriginal people and that the descendents continue to experience the ongoing negative effects of the traumatised generations before them.

Aboriginal People in Custody – Preventing Retraumatisation and Revictimsation

Indigenous over representation in the justice system has been a major source of concern since the mid 80s. The submission from HREOC for the expert seminar on Indigenous Peoples and the administration of justice (2003), Stated that the Aboriginal and Torres Strait Islander people in Australia constituted approximately 2.4% (estimated to be 458,500) of the total Australian population. Yet Indigenous people have regularly constituted over 20% of the adult prison population and over 40% of juveniles in detention since 1997 {3}. This is seen as a reflection of systemic discrimination by many in the Indigenous and ethnic communities {2}.

In the year that this submission was made (2003) the rate Indigenous deaths in prison custody was 2.1 per 1,000 Indigenous prisoners in comparison to 1.6 per 1,000 rates of deaths for non-Indigenous prisoners[5]. The statistics for Aboriginal male and female prisoners in relation to self harm incidents in Western Australian prisons indicated that the rate of self-harm was 158 per 1,000 Indigenous prisoner and 179 per 1,000 non-Aboriginal prisoners {5}.

<u>Preventing Further Traumatisation – Preventing Aboriginal Deaths in Custody</u>

Prisoners in custody, particularly young Aboriginal men, are vulnerable to ideation of suicide or self harm {3, 5}. Prisoners may be withdrawing from substances, have been removed from the home and families, feeling vulnerable and isolated. For some Aboriginal prisoners, they may feel safe due to extended family network in the prison. For others it may be a highly threatening and unsafe place due to payback or feuding. Retraumatisation and revictimisation may result from the way they were arrested, kept in lock-up and through the court process. For a large number of Aboriginal prisoners, they may associate being in a prison and a prison cell with loss and grief – someone in

their family may have died in custody, given the number of Aboriginal deaths in custody and incidents of self harm.

Following a number of investigations into the Aboriginal deaths in custody, including the Royal Commission into Aboriginal Deaths in Custody[6], the Department of Corrective Services WA implemented a number of initiatives to manage and reduce the incidences of suicide and self harm in prisoner population. One of the major strategies was to introduce prisoner support programs. The current Peer Support program evolved from a program initiated in 1993 by the Commonwealth Youth Bureau to implement creative programs which were specifically aimed at reducing the risk with young aboriginal people under age 25 {5}. Despite this designation, the program is accessible by the whole of the prisoner population.

The risk of suicide is greatly reduced when there is sufficient access to internal support or support provided by others. Prisoners are a valuable resource to provide this support within the prison community to assist in the reduction of self-harm and suicide. If a peer support program is operating well within the prison, it assists in promoting a cultural change which makes it acceptable for prisoners to talk about their problems and seek the help and support they require. Often a prisoner feels more comfortable talking with another prisoner than to Prison Officers and staff {5}.

The main focus of the strategy is to engender a sense of wellbeing and influence the prison community in a way which reduces the level of stress and incidence of self harm and suicide {5}. It is essential that there was support provided with an understanding and acknowledgement of the impact of trauma and victimisation that is associated with the majority of prisoner's lives, with a secondary aim of reducing the likelihood of re-traumatisation and re-victimisation for prisoners whilst in custody. This is particularly pertinent with indigenous prisoners for all the reason we have discussed associated with the history of colonisation.

Awareness and Sensitivity the Key to Prevention

The Peer Support members and the PSO's assist the prisoner in reconnecting and maintaining ties to their family and kin, community and their lands. Should the prisoner be disconnected through the sheer experience of being incarcerated, we would be perpetrating the same sense of loss and disconnection that was experienced by the stolen generation. By providing assistance in communicating with various parties within the system and by availing the opportunities and the access to services such as education and health care, the Peer Support Team is empowering the individual. This reduces a lot of shame, isolation, alienation and anxieties that can be experienced by many indigenous prisoners and their families in the communities. The prisoner support team work with a knowledge and personal experience of trauma and victimisation. The contact they have with other prisoners, particularly those at risk of self harm and suicide, and the relationship they build is through 3 key ingredients: respect (of the individuals, their circumstances and their histories), acknowledgement (of issues, circumstances, pain, trauma and the rights to their feelings and thoughts), and validation (basic rights and obligations, acceptance, support, etc).

Indigenous Staff in Prison – Also Doing the Time

The strategy also promoted the necessity to employ indigenous staff to coordinate and implement this strategy. The officers were employed under section 50D of the EEO Act as Prison Support Officers. Although the Peer Support model is there for every prisoner, it was determined that Indigenous staff members would be able to provide the cultural knowledge, understanding and sensitivity in a system that is over represented by Indigenous people. It was seen as an advantage to have Aboriginal Officers to provide much needed cultural expertise to facilitate dealing with issues faced by Aboriginal prisoners.

Currently there are 16 Prison Support Officers who report to Offender Services, and are an integral part of the prison system. They receive periodic training in suicide awareness, in addition to performing a daily welfare role. They also normally attend all PRAG meetings and provide input into prisoner management, particularly with regards to Aboriginal prisoners {5}.

Black or White – System Demands

There are a number of tensions in the system for the Indigenous worker. All these tensions are interrelated and can be felt by the worker on a daily basis. To put it bluntly, the organisation recruits the Aboriginal worker for being "Black" that is, being a part of the Aboriginal community. There is a sense that by employing a member of the Aboriginal community, that the person would represent and be respected by ALL Aboriginal people. Secondly, whilst they are employed for their cultural knowledge and cultural ties, the system demands require these officers to be "White" in their administration of the role. The way in which the Aboriginal workers are expected to operate may be in conflict with their cultural norms and with the way in which they as Indigenous people prefer to operate in their daily lives.

Some of these tensions are:

- the expectation that the organisation has of the PSO often conflicts with the expectation that the Indigenous community (wider Indigenous community and the Indigenous community in the prison) has of the worker who is often related and/or known to them outside of the justice system; For example, a family member/elder may ask you to go and see another family member in the community and pass on some information. As an Indigenous community member, there is an expectation that this would be carried out. As a worker in a system that has boundaries and policies, this would be considered unethical and breach of security/trafficking of information. A PSO in talking about this issue stated "Sometimes I feel like I am the prisoner: I can relate and empathise more with the prisoners and their issues rather than the 'side' of the fence I represent";
- the perception of self as a worker versus the perception of others in the organisation of the worker; This tension can be felt most personally. This is about the working relationship between individuals and others in the workplace, and whether the person feels valued by others. Aboriginal workers are often working in isolation, they may be the only Indigenous person in that section/organisation, and are often the victims of systematic

discrimination, racism, and bullying within the work environment and by their colleagues/managers. There is a level of dissonance in the worker about how Aboriginal people should be treated and how they are sometime treated in reality;

- the nature of the work, which can be personally confronting, and the lack of appropriate support and strategies for the worker in the system; For example, an Aboriginal worker having the threat of tribal retribution as a result of being held 'responsible' for another community member safety and their wellbeing under the worker's care. The system did not have sufficient cultural sensitivity to take into consideration the effect of designating the Aboriginal worker to an assigned task and the possible effects that task may have on the worker (personal harm from own community, anxiety about doing the job or losing the job, fear of retribution from the victim's family or the prisoner's family, etc.); and
- the tendency of the organisation and those within it to operate with the "one size fits all" philosophy.
- 'Be Black' but 'Work White'. This is the dichotomous expectation that we expect the Aboriginal worker to be a representative of everything Indigenous (eg NAIDOC celebration, Reconciliation, Aboriginal representative on all committees related to indigenous issues), however, to work within the corporate guidelines and policies that are very much representative of middle-class, White beliefs and attitudes{2}. Hence implementation and auditing processes around timesheets, record keeping, confidentiality, time management, performance indicators and KPIs are some of the things in the job that may cause conflict.

One of the biggest issues for Indigenous workers, particular those employed under Section 50D of the EEO Act is the determination of the position[7]. There is a sense that people are only employed for the colour of the skin and not for the range of skills, aptitude and potential they may have as individual workers. More often than not, there is no progression for a person with the S50D position as they may be sitting in the only position in the agency/system. This is the current situation for the PSOs and we have devised a business plan to address the lack of opportunities for them.

Coupled with this is often the lack of expectation – that is, there is little support or work being done by senior management to assist, develop and raise the standards as the person grows and develop in their perspective roles. There is a sense of shared-responsibility that needs to be in place between the Aboriginal worker and the employer to set appropriate expectations that are in line with their responsibilities and obligations (JDF and KPIs) {7}. These expectations need to be reviewed regularly, reshaped, and renegotiated and both parties need to be held accountable for their obligations and responsibilities. It is a common experience of an Aboriginal worker to be 'left alone' and issues related to them to be considered 'too difficult to deal with' so the individuals do not get a chance to address the issues. This then leads to individuals being shunned or their role and contribution being negated.

Being isolated at the workplace, facing racism, experiencing bullying and discrimination, being unappreciated and misused can retraumatise and revictimise individuals from the Aboriginal community who is likely to have had personal experience of this growing up and in other settings.

Finding a Way Forward Together

What we have found that works for us as a manager and an Aboriginal employee stems from what we have experienced together in the time we have been working in a team. In looking at various documents and searching for information, we were astounded at the limited discussion on the complex issue of effective work practices that takes into account an Aboriginal person's needs (including the historical impact and trauma and victimisation experiences). Having said that, we found ourselves being validated by seeing our 'way' being reflected in some of the principles laid out in the Office of Equal Employment Opportunity's document titled "Insights – Strategies for Success: Indigenous and Non-Indigenous People on Work" {7}.

We have based our working relationship on the foundation of mutual respect. This includes:

- Active listening
- Being able to acknowledge and state our limited understanding of any issues
- Being open to change
- Asking - Not making cultural assumptions
- Understanding the cultural context
- Sharing of cultural values and beliefs regarding work practices and impact of work practices on self and family
- Being able to challenge one another and not let cultural values get in the way
- Acknowledging strengths and working from a strength-based perspective
- Shared goals – explored in mutual way that benefits the individuals and the system
- Management being approachable – the Indigenous worker not being fearful of expressing thoughts, feelings and aspiration
- Regular debriefs that allow the workers and the manager to explore issues and the psychological impact of the work and the interactions within their roles

The following is a quote from one of the PSOs that exemplifies a sense of control and empowerment derived from this model of collaboration: "Being able to approach the manager and not feel like your views are going to be dismissed because you are a Black person"

The key ingredients of this relationship that we have found so rewarding in the team are respect, acknowledgement and validation. With those 3 ingredients, we are able to work though a range of issues and difficulties with sensitivities for each other needs, taking into account the cultural complexities and personal histories.

Where to From Here

We hope we have been able to link the necessity to have a good understanding and appreciation of the impact of colonisation on Aboriginal people and how that is still represented in the trauma and victimisation of Aboriginal people in our contemporary society. This is particularly relevant in the criminal justice system that has an overrepresentation of Aboriginal people {2,3,4}. We have outlined for your consideration a good practice in minimising and managing retraumatisation and

revictimisation of Aboriginal people in custody, whether that be for the victims of crime, the perpetrators of crime, the workers or the families of all those individuals. We have shared with you a way of working between the two of us that we both found rewarding and this seems to have had a similar effect on another of our Indigenous colleague who had been with us for the past six months. We hope you can take away with you this simple message:

Often, we complicate things. Respect, acknowledgement and validation are the three main ingredients to a successful working relationship regardless of race, creed, gender or sexual orientation.

We feel strongly that with those 3 ingredients, the way in which we work with one another as colleagues and with Indigenous clients, we can minimise the potential for revictimisation and retraumatisation.

And hopefully the following will no longer be a part of the future generation's thinking:

"If you are black - stand back.
If you are brown - hang around.
If you are white - you are right."
Broome consultation, WA - 15 June 2001{2}

References

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