Incarceration, Prisons and History

- Penal Colony at Botany Bay in 1788
- 160,000 convicts transported to Australia between 1787-1868
- What is the purpose of the Prison?
  - Punishment? Reflection? Rehabilitation/corrections?
  - Confinement? Separation?
- How is ‘Incarceration’ related to Social Determinants of Indigenous Health?
Overview

- Poverty, unemployment, low levels of education, having a parent previously or currently in custody, and lack of access to social services are associated with high crime rates and high levels of imprisonment.
- Indigenous people are over-represented in the criminal justice system, as both young people and adults.
  - The early involvement of young people in the criminal justice system puts them at much higher risk of further involvement as adults.
(a) Rate per 100,000 adult population. For a definition of age standardised rates, see Explanatory Notes, paragraphs 34–39.
International Incarceration Rates

Aboriginal Australians
Age

- **Median age**
  - Indigenous prisoners = 30.6
  - Non-Indigenous = around 35
  - 21% of Indigenous prisoners were in the 20-24 age group
Are things getting better?

- The imprisonment rate increased by 59 per cent for Indigenous women and by 35 per cent for Indigenous men between 2000 and 2010.
- In 2010, after adjusting for age differences, Indigenous adults were imprisoned at 14 times the rate for non-Indigenous adults, compared to 10 times in 2000.
- The Indigenous juvenile detention rate increased between 2001 and 2008; dropped significantly between 2008 and 2009; but was still 23 times the non-Indigenous rate in 2009.

Interpretation

• Robson and Reid (2001):
• ...statistics and their analysis are not neutral, but on the contrary, are value-laden and used for different agendas and points of view. The following statistic seems innocent enough:

• “Māori students are over two and a half times more likely than non-Māori students to leave school with no qualifications (39 per cent compared with 14.6 percent)”.

• However, most people will have a question or an assumption about “why”. A superficial assumption is that the Māori student has failed. But there are a number of different ways to explain this statistic, and these need to be scrutinised. It could be equally presented as
  “the New Zealand education system is two and a half times more likely to fail Māori students than non-Māori students”,
  or again as,
  “New Zealand society, through the education system, privileges Pākehā by the time they leave school”
2009 **Number** of people aged 10-17 years in juvenile detention

![Graph showing the number of people aged 10-17 in juvenile detention by state and Indigenous status in 2009. The graph includes data for NSW, Vic, Qld, WA, SA, Tas, ACT, NT, and Aust. The x-axis represents the states and the y-axis represents the number of people. The bars are color-coded to indicate Indigenous and Non-Indigenous categories.](image-url)
2009 Juvenile detention rate per 100,000 aged 10-17 years
Juvenile detention rate by year
Socio-economic status and prisoners

- NSW Dept of Corrective services reported:
  - 60% of inmates not functionally literate
  - 44% long term unemployed
  - 60% did not complete Year 10 schooling
  - 64% have no stable family
2010 Age standardised imprisonment rates per 100,000 adult population
What crimes are Indigenous people most likely to be imprisoned for?

- Non-Indigenous?
- Homicide
- Illicit drugs
- Acts intended to cause injury
- Robbery and extortion
- unlawful entry with intent
- sexual assault
- Offences against justice procedures, government security and government operations
Prisoners by offense

- Robbery, extortion: Indigenous: 15, Non-Indigenous: 10
- Unlawful entry with intent: Indigenous: 5, Non-Indigenous: 10
- Illicit drugs: Indigenous: 10, Non-Indigenous: 5
- Offenses against justice: Indigenous: 5, Non-Indigenous: 10
Two Men

- By Dominic Allen
- Available from:
Health

• The United Nations 1990 General Assembly Resolution on the Basic Principles for the Treatment of Prisoners (Article 9) states:
  – “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation”.
• World Health Organization view
  – “All prisoners have the right to receive health care, including preventive measures, equivalent to that available in the community without discrimination” WHO 1993

Being denied an international right is a denial to justice
Health

• Around 80% of inmates were incarcerated for offences relating to alcohol and other drug use
• More than half had a history of illicit drug use
• High positive rates of HepC
• 13% have an intellectual disability
• 16% were sexually abused before the age of 16
• 21% have attempted suicide
Hearing loss Prevalence Rates, >= 25dB average hearing dBHTL (.5,1,2,4 kHz) better and worse ears
Age Group 15-50 years (male and female persons)
Inmate hearing loss

![Bar chart showing hearing loss levels in Darwin and Alice Springs. The chart indicates that there are more moderate and severe cases in Alice Springs compared to Darwin.](image)

Vanderpoll & Howard, 2011
Communication and hearing loss

- 76% of prisoners reported communication problems due to hearing loss:
  - I can’t hear them officers and I get in trouble.
  - I can’t hear on the phone most of the time.
  - I don’t understand that court fella and I can’t hear what him said.
  - Get in trouble from police can’t hear what their talking.
  - Can’t hear them police or them court man.
  - Trouble from police and officer when them talk to me can’t listen good.
  - Little bit trouble from police cause I can’t hear.
  - Can’t hear TV at all (This inmate demonstrated how if he blows his nose air
    escapes his ears, indicating that he has perforations of both ear drums)
  - Hard for me in prison.

Vanderpoll & Howard, 2011
Hearing loss and violence and problems

• My old man flogs me because I can’t hear him.
• I can’t hear what my family says.
• My family know to speak loud to me.
• Family always tells me stuff I can’t hear
• If him family sing out I can’t hear.
• I stop talking to friends too much trouble.
• School was hard for me to listen.
• Community get angry with me for no hearing.

Vanderpoll & Howard, 2011
Deaths in custody

- The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) defined a death in custody as a death, wherever occurring, of a person:
  - who in prison custody or police custody or detention as a juvenile,
  - whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care while in custody or detention,
  - who is fatally injured in the process of police or prison officers attempting to detain that person, or
  - who is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention.
- The Royal Commission found that, although the rate of Indigenous deaths in custody did not exceed the non-Indigenous rate, the number of Indigenous deaths in custody reflects the over-representation of Indigenous people in custody.
- Source: RCIADIC 1991, *Royal Commission into Aboriginal Deaths in Custody (RCIADIC)*
Deaths in custody

[Graph showing rates per 1,000 prisoners for Indigenous and Non-Indigenous groups from 1982 to 2005]
Conclusion

• Involvement of Indigenous Australians in the criminal justice system involves a complex interplay of multiple systems/ factors
  ▫ History, social relations, health, economics, employment, environment, housing

• The purpose of imprisonment needs to be seriously re-considered
  ▫ Imprisonment is clearly not simply about crime
Conclusion

- Damaging effects of imprisonment needs greater attention and consideration of more positive approaches
  - Justice reinvestment, programs such as Prison Dogs
- Health considerations need to be integrated with the criminal justice system
  - E.g., Automatic hearing assessments
Journalist: Do you feel, however, that we’re making progress in this country?

Malcolm X: No, no. I will never say that progress is being made. If you stick a knife in my back 9 inches and pull it out 6 inches, that’s not progress. If you pull it all the way out, that’s not progress. Progress is healing the wound that the blow made. They won’t even admit that the knife is there!
Further resources

• Brown, D. 2010, The limited benefit of prison in controlling crime, Current Issues in Criminal Justice, 22(1), 461-473
• The Australian Prisons Project
  ▫ http://www.app.unsw.edu.au/
• RCIADIC 1991, Royal Commission into Aboriginal Deaths in Custody (RCIADIC)
Ear Health/ Hearing loss

- Senate inquiry on Aboriginal hearing loss, May 2010:
- EarInfoNet:
  - http://www.healthinfonet.ecu.edu.au/other-health-conditions/ear
- Care for kids ears website: