

Male Aboriginal Serial Offenders' Experience of Desisting from Crime and 'Going Good'

Report to community groups and participants of research undertaken in
north-western NSW as part of Doctoral Research funded by
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*Motivating and Maintaining Desistance from Crime:
Male Aboriginal Serial Offenders' Experience of 'Going Good'*

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The reason for the study and the nature of the project

This paper is an attempt to distil the analyses of my PhD dissertation so that the implications may be fully appreciated, especially by people outside the university sector. I undertook the study because a large number of the Aboriginal people in prison are repeat offenders.¹ The research was funded by the Australian Research Council and the NSW Bureau of Crime Statistics and Research (BOCSAR), and was undertaken at the Centre for Economic Policy Research (CAEPR) at the Australian National University (ANU).²

One of the key findings of the Royal Commission was that Aboriginal people were more likely to die in custody because so many were incarcerated at any point in time. The high rates of incarceration not only reflect the number of arrests but is largely driven by repeated interactions with the criminal justice system. These interactions usually result in increasingly serious offences that are most likely to result in longer spells in jail. Policy makers need to understand why Aboriginal people are repeatedly coming back into the system and how some break free of this cycle (or desist), so that policy can be designed to ensure that Aboriginal people can stay out of gaol and avoid the negative consequences of prolonged periods of incarceration.

This is a report to communities and participants and on seven month's of fieldwork and follow up interviews undertaken over two years between 2008 and 2010. The work was undertaken in Aboriginal communities the north-west of New South Wales. Participants were community members who had been repeat offenders and who had since ceased offending. Families of these members were also involved and the views of the wider Aboriginal community, through Justice Groups, Working Parities, elders groups and others also contributed. The research is about men because they made up the vast majority of repeat offenders with whom I spoke.

¹ Overrepresentation of Aboriginal people in prison is more than 13%.

² The principal researcher for the ARC lineage grant was Dr Boyd Hunter and express my gratitude to him and my other supervisors Dr Jerry Schwab (CAEPR) and Dr Don Weatherburn (NSW BOCSAR).

Although a lot had been written about the causes of high Aboriginal prison rates (overrepresentation) no one had studied the process by which Aboriginal people cease offending and start ‘staying out of trouble’. ‘Staying out of trouble’ for the long term is called desistance which is illustrated in figure 1.

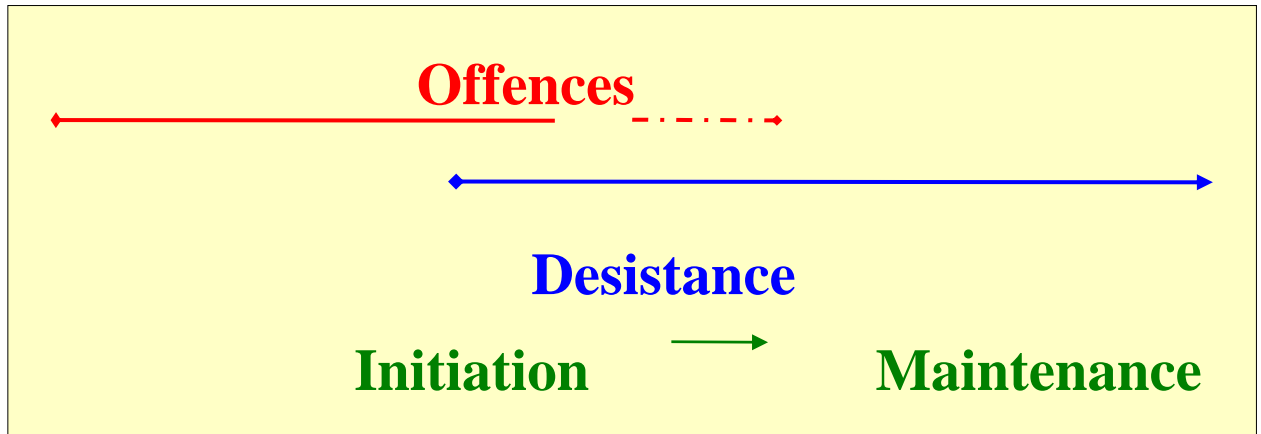


Figure: 1. Desistance and offence. Offences may be less frequent or less serious rather than ceasing altogether and maintenance is on-going.

People may begin trying to ‘stay out of trouble’ by committing fewer and less serious crime rather than ceasing to commit crime altogether. People doing this need to be supported. Desistance often involves multiple attempts.

I hoped that understanding the process would allow community members, service providers and policy makers to assist or support offenders move towards staying out of trouble permanently. I was also interested in exploring the impact of culture on ‘staying out of trouble’ and also the impact of ‘staying out of trouble’ on culture.

Participants in the study told me their life stories: they talked about their childhoods, about growing up in big families, about roaming freely on the banks of the river (whether it was the Macquarie, the Barwon, the Bogan or the Darling) and they also told about violence in their homes, about absent fathers, about being separated from (sometimes abandoned by) their mothers, about being brought up by aunties or grandmothers and sometimes by no one relative in particular. They told me about getting into trouble and about how they came to stop getting into trouble – about how they were now ‘going good’.

While every person's experience of 'going good' is unique there are quite a few factors that were experienced by a number of participants. After reading and rereading participants' stories and after looking at studies that have been done overseas I decided to look closely at:

- The **initiation** of desistance or the **beginning** of 'staying out of trouble',
- The **maintenance** of desistance or 'staying out of trouble' for the long term, and
- The **motivation** involved in both initiation and maintenance of desistance.

The beginning or initiation of the desistance

What triggers a decision to change and how is the decision made

- a trigger or catalyst (often a shock or frightening event) occurs; *this leads to*
- a person becoming aware of his current situation, thinking about their past and the future and recognising that there is a problem; *this leads to*
- the person, using their past experience and upbringing (cultural models) forming a vision of alternative futures some of which may be negative and rejected and some which are positive and accepted; *which in turn leads to*
- a decision to act.

For example, a trigger might occur if an offender's life or that of a close relative is endangered by the person's actions. One participant was nearly killed by a road-train when he when to sleep lying on the road when drunk. This made him reconsider his drinking which had been the main cause of his crime. Another participant was involved in an accident (in a stolen car) in which his cousin nearly died. The birth of a child (and/or missing the birth of a child while in gaol) or other significant events can also have a similar impact. This sort of event or shock makes the offender aware that life is short or that they could easily die. Offenders reassess what they are doing and how their life might turn out. Some think about others they know who have successful or 'normal' lives and decide that that is what they want. Some think about fathers or brothers who have sad or hopeless lives and decide that that is not what they want. They make decisions to change so they can have a different future. They often aim to emulate a positive model that they have seen in the past.

Motivation and the beginning of the desistance, why people begin to stay out of trouble

The main reasons which men gave for having made a decision to stop 'getting into trouble' were either children or partners. That is, specifically:

- men were motivated to be with their children, or
- men were motivated to maintain their relationship with a partner.

Men's experience of fatherhood

Many men spoke about the importance of being physically present with their children and being able to cuddle them, and the research explores the nature of Aboriginal fatherhood and its importance to, that is to men's sense of self and their concept of their future existence (ie their *ontological security*). Having young children tended to make men think about their mortality and their future.

Men's experience of partnership

Many men said that either they were motivated to stay out of gaol to maintain a relationship and/or that their female partner had laid down an 'ultimatum' to them about their behaviour. Many female partners were either older or came from a different sort of background to the men, and were often better educated. Men held the concept of 'a good woman' as someone who would stick by them and be nurturing. Some men actually sought out what they called a 'a good woman' as a strategy to help keep them out of trouble.

Maintaining kinship

In one case, a participant whose gaol classification was changed so that he was no longer able to associate with his kin in gaol, was motivated to stay out of gaol by a desire to maintain connections with kin which he could no longer do in gaol. This case also points to how important access to kin in gaol, (especially cousins and uncles), is in making gaol 'an OK' place to be for some people.

Vocation or employment not usually a motivator

Men were not motivated to make a decision to 'stay out of trouble' by vocational or work aspirations, though this does not mean that work or vocation were not important to men's desistance in either the short or the long term.

Staying out of trouble for the long term - maintaining desistance

Things that help men to stay out of trouble

Things that assisted men to stay out of trouble for the long term were:

- their continued motivation to be with children and/or partners or to be with kin
- the busyness and satisfaction that comes from active fatherhood

- the understanding and active support and coaching of a partner, helping men to know how to live a 'normal' life
- the support of other family members (which often took the form of quiet encouragement and sometimes the passing on of information about opportunities for work or training)
- being able to access and take advantage of training and sustainable employment opportunities when motivated to want this
- having something meaningful to do. A significant number of men took on the role of full-time carer of their children while their often better-educated spouses worked. Looking after children and being a physically present father, especially early in desistance, provided a safe and solid start to participants' change and staying out of trouble
- accessing good drug and alcohol rehabilitation services at an appropriate time, that is when they were ready and motivated, and the availability of ongoing support
- receiving positive feedback about their progress from a range of people, including police, court staff, other service providers and family and community members. This process of accepting such feedback is called *self-authoring*. As a result of the feedback participants strengthen and consolidate their identity as 'ex-offender' rather than 'repeat offender'
- continuity of identity, both continued Aboriginal identity and continued links with their past offender status. Continuity of identity is discussed further below.

Barriers to staying out of trouble for the long term

Barriers to the maintenance of desistance included:

- partners who are not supportive or don't have the desire, skills or capacity to influence behaviour of ex-offenders
- substance misuse by partners
- lack of access to appropriate, quality rehabilitation services and facilities (and lack of planning for post rehabilitation coping strategies and ongoing support)
- difficulties of maintaining close contact with family while undergoing rehabilitation because of a lack of affordable facilities for families and/or the threat of loss of public housing during long absence and/or the cost of maintaining public housing while paying for accompanying family in rehabilitation accommodation
- lack of appropriate housing

- training programs with no employment prospects at completion
- the lack of and the short term nature of job opportunities; the difficulty of obtaining a job with a criminal record and low skill levels including illiteracy
- participants' lack of social skills to cope with the intercultural workplace. Miscommunication (a problem for employer and employee) led to people walking away from jobs.

Taking the luck out of staying out of trouble

A feature of both the initiation or beginning of desistance and the successful maintenance of 'staying out of trouble' was the way triggers, motivation and opportunity coincide or occurred at the same time. This luck, coincidence, or serendipity, is a key feature. Many who have done well have done so because an opportunity arose at just the right time when they had the capacity to take advantage of it. This is one area that might be explored by policy makers; that is, the possibility of removing the chance factor, so that when people feel ready they can identify, recognise and access what they need to move forward. The other side of this is that to bolster the capacity of ex-offenders to take advantage of opportunities, support could be provided to those (usually spouses but sometimes other family members) who are supporting the ex-offender. In other words make sure that when people are ready to change they have or can access what they need to make the change.

Continuity of identity

Another feature that was common amongst participants who had desisted was the continuity of their identity, not only their Aboriginal identity but also their past identity as repeat offenders or recidivists. This is important because much of what has been written overseas describes people developing new identities and also cutting ties or *knifing-off* previous relationships. Aboriginal participants who were 'going good', did not speak of 'new' identities or of cutting off relationships (with cousins) in the same way. There are three areas of importance here: repeat offender identity, Aboriginality and the role of autonomy.

Repeat offender identity

Well before Aboriginal offenders ever reach juvenile detention or gaol they are familiar with the identity of 'repeat offender' or the person who is always in and out of prison. The participants in my study grew up exposed to criminogenic factors³ such as alcohol, drugs and violence and/or with the knowledge that close relatives had had 'trouble with the law' were repeatedly incarcerated. It is also clear that many community members do not consider people who are 'in and out of trouble' as criminals. 'Repeat offender' identity is not an identity of 'criminal'. Participants did not usually identify with a criminal self-image. The childhoods for many participants had presented role models that tied Aboriginality with repeat offender status. Fathers, uncles and cousins had been repeat offenders or 'in and out of trouble'.

Autonomy

Many anthropologists have written about the way Aboriginal young people are encouraged to be independent and at the same time tend to define and redefine themselves in relation to those (relatives) around them. The importance of this to Aboriginal identity and culture has been recognised. (These issues are summed as *autonomy* and *relatedness*.) Aboriginal participants owned their past activities and took responsibility for them, (not in a boastful way but in a way that did not blame others). This was in contrast to some overseas studies in which people desisting claim to now be a different person and often blamed the circumstances of their youth for their crimes. Taking responsibility in this way may be due to way Aboriginal young people are raised to be *autonomous* or independent.

Aboriginality

Going to prison as young boys or men tended to strengthen Aboriginality. The Orana Juvenile Detention centre in Dubbo, Bathurst Gaol and the Wellington Correctional Centre have very high rates of Aboriginal inmates.⁴ Most Aboriginal men entering

³ That is the things that influence people to get into trouble

⁴ In 2008 54.7 % of juvenile detainees in Australia were Aboriginal (Richards 2011:3). The school within the Orana Juvenile Detention Centre in Dubbo has a 90% Indigenous enrolment

gaol for the first time explain that their fear of ‘the big gates closing’ was immediately relieved when they discovered that their fellow inmates were their uncles and cousins (and in some cases fathers or sons) or ‘hometown boys’.⁵ The following comments about gaol illustrate this.

Brad

Oh I was frightened – first off ... I was windy first and when I got to Bathurst I was lookin’ around, I was scared but when them opened the doors, a few of my cousins and that was in there and I was right.

Noel

I was scared when I seen the big gates – but when I got in there I seen all the Widetown boys in there – the fullas from town here. And I was right then. See there are more Koori boys in there than anyone else, you know. And if you’re Koori you’re right.

Prison is a harsh place where the bonds of relatedness are particularly comforting. Men have grown up in a racist society where they are made to feel ‘other’. This feeling of ‘otherness’ is intensified in prison and has the effect of binding Aboriginal inmates together and strengthening Aboriginality.

In gaol, kinship networks are activated and some ties that otherwise may not have been strong, are strengthened and developed. Stories tell of people being ‘looked out for’ or ‘looked after’ by older relatives in gaol. People meet long-lost relatives and renew acquaintances with cousins, uncles and ‘hometown boys’. One man met his natural father for the first time, and another met up with his adult son. Some men even meet their future partners when women are visiting relatives in gaol. A number

(Lincoln Training and Education Unit 2011). In NSW gaols, 22% of prisoners are Aboriginal (Australian Bureau of Statistics 2011: DO002 Table 5). Some gaols such as Bathurst have in the past been commonly described as ‘black gaols’ and now many Aboriginal prisoners from the region are housed in the Wellington Correctional Centre, opened in 2007.

⁵ ‘Hometown boys’ are men from the same home town, often related.

of community members reported to me that if a young man is not 'strong in his identity' beforehand, then being in gaol strengthens his ties with his own mob and his awareness of Aboriginality.

Given the number of Aboriginal prisoners and visitors and the effectiveness of the Aboriginal grapevine, prison can be an effective communication hub and those who go to gaol may be comforted by the presence of kin when they get there. This does not remove the pain that participants reported in being separated from particular kin or being unable to attend funerals of kin to whom they feel obligation. Incarceration is also likely to have an adverse impact for those left at home. And some wives and children feel equally punished.

Given the centrality of relatedness to Aboriginal identity and the high numbers of Aboriginal people in prison, the impact of gaol on Aboriginal identity is likely to be different from its impact on some non-Aboriginal people who would not usually have any or many close kin in gaol. However, identity as 'repeat offender' or 'recidivist' may not be any less strong for Aboriginal people particularly because of the exposure of many to this identity early in life. Identity as Aboriginal and identity as 'repeat offender' are likely to be closely interwoven for Aboriginal repeat offenders.

What happens to identity when repeat offenders start staying out of trouble

Continuity of identity seems to be important. Aboriginality is maintained, and relationships with kin are (necessarily) maintained, though the nature of some relationships may change. People enact their Aboriginality by 'looking after family' or by 'looking after my people'. This is frequently expressed in participants' occupations. A significant number became full-time carers for their children while their usually better educated partners worked. Others took up roles in community-based organisations 'looking after their people'. In communities where 50% of the

population are Aboriginal, some worked on the CDEP⁶ or Work for the Dole schemes on projects such as mowing lawns at old people's homes. Living and working in such communities allowed maintenance of identity, though it limited future work opportunity.

Links with their repeat offender past were maintained by:

- continuing to live in communities with others of similar background
- working to assist young people to either stay out of trouble or 'stay out of gaol'. These participants essentially stay in the same world but change their position and role in that world.

A few participants felt some need to distance themselves from some of their kin. Rather than cutting themselves off completely they chose to not initiate contact with certain cousins and responded to requests to interact (usually to drink) in a limited way. Some of these participants, while distancing themselves from some family members, took up positions working with community organisations, shifting their commitments to kin to a more general role of 'caring for community members'. Others fiercely maintained relationships with cousins but built careful boundaries around interactions and acted as new role models for cousins.

Why understanding identity issues should be important for policy makers

The importance of continued identity has several implications for policy:

Firstly a policy that encourages ex-offenders to simply *cut-off* from or relocate away from family is unlikely to be effective, though if close relationships are maintained with repeat offender relatives then ex-offenders may need support and role models of how to manage these relationships. Significantly for some young participants, a time away from their home town immediately upon release was effective, but in each case this was in a situation where a partner or spouse accompanied them and supported them, (and sometimes included some rehabilitation program). This

⁶ Community Development Employment Projects (CDEP) Program

continued support eased their transition back into their community and allowed them to manage their relationships with cousins when they returned. Some older people managed their relationships carefully and skilfully while others formed a new group of supporters.

Secondly, where ex-offenders are strong enough to set boundaries and continue relationships, they have the potential to operate as new role models in their families and communities. A group of cousins acting in such way has the potential to develop a 'culture of desistance' (a culture of staying out of trouble) in a community. This means that support for ex-offenders who have decided to try to stay out of trouble and stay in their community may not only help their own success but may also influence to the future intentions of other family members.

Thirdly, for many in the early stages of desistance, re-establishing relationships with close family (especially children and partners) is of a higher priority than working, though in time (sometimes four or five years after deciding to 'stay out of trouble') some men wanted to find work (especially so their children could see that they had worked). Often taking care of children provides a new experience of responsibility and stability. It is something worthwhile for the men to do, provides ongoing identity (*ontological*) security and allows men to redefine or rediscover who they are. For some this period of stability is important before they can move onto employment.

Implications of the research for policy and service delivery

As well as the implications about continuity of identity outlined above there are a number of other things that can be done to support desistance. I will describe these and then show how they relate to the initiation or beginning of desistance, motivation and maintenance of 'staying out of trouble'.

There is little that can be done to make people develop an intention to stay out of trouble except by encouraging a belief that it is possible and likely to be achieved if the right support is accessed. Even so, it seems people must reach a position of being open to this belief before they will see it. The emphasis then should be on having

supports in place so that **when people are ready, when they have an intention**, they will be supported to achieve their intention. They may then become useful models for others and other repeat offenders will be more likely to develop a belief that it is possible for them.

Mechanisms should be in place to identify offenders who have intentions to stay out of trouble and to support them in identifying what their needs are, and what barriers they will face in becoming an ex-offender. Participants themselves are best placed to identify their needs and their barriers. Such needs in the first instance are likely to include:

- accommodation (possibly with some short term accommodation away from criminogenic or bad influences but only with appropriate family support – otherwise with:
- strategies and support in place to assist in managing criminogenic or bad influences including relationships with cousins. Maintaining relationships can be useful rather than harmful
- counselling that is accessible and appropriate (suitable to deal with childhood issues including separation and abandonment issues, violence, neglect and abuse)
- training for employment, with a real likelihood of employment at the end of training and including training in social skills and how to deal with the inter-cultural workplace
- on-going employment support including education for employers about inter-cultural communication issues
- relationship support
- parenting support
- drug and alcohol rehabilitation programs that provide
 - affordable accommodation suitable for family, at residential rehabilitation facilities
 - the ability to maintain accommodation during extended absence in a residential rehabilitation facility, either due to cost or Housing NSW rules⁷
 - more and better access to good quality residential rehabilitation facilities

⁷ One participant had to leave rehabilitation before he was ready in order to maintain his Housing NSW house

- appropriate counselling services in rehabilitation centres. (Some centres have virtually no services)
- programs (including residential programs) that facilitate the counselling of partners and/or other family members including couples rather than individuals only
- planning and support for post-residential rehabilitation and on-going community based programs and support

Some of these needs could be met by ongoing one-on-one case management, begun even before the intention to desist is formed. Support (and encouragement) for spouses and other close family members who may be in a supportive role should form part of case management.

Each person's needs will be different and there is no 'one size fits all' approach. While the following is a rough guide to what most people may need at each stage, individual needs analysis and planning (and continued one-on-one case management by a trusted person) will allow a tailored approach for individuals. The role of on-going, trusted supporter, could be undertaken in partnership with a spouse, or other community member provided that they had the right support and training and the participant was comfortable with this. The needs of each stage do not end but may continue throughout, however the likely new emphasis at each stage is set out below.

Initiation of and motivation for staying out of trouble

When people begin to form an intention to desist they should immediately be able to access someone who can assist them to assess their own needs and barriers; some one who is trusted and who can help the participant make plans to meet these needs, including facilitation of access to services and programs. Ideally the offender should already know and trust such a service before they make the decision. Assisting participants to explore and vocalise their motivation at this stage will allow for appropriate planning, though care should be taken that plans be realistic. Case management should ideally begin at the time of sentence, or certainly well before release from prison.

Early or initial desistance

Early needs are likely to include accommodation, strategies for dealing with criminogenic or bad influences, drug and alcohol support, relationship support, independent living skills, social skills, and financial support and/or employment. It seems that the major emphasis during this stage should be on stable living and developing and/or supporting relationships, whether with children, spouses, other family members or in the workplace or community.

Medium term maintenance of staying out of trouble

At this time a reassessment of participants' goals, motivations and needs would be appropriate, followed by planning to support these. Ongoing support for education and/or training and employment are likely to be needed.

Long term maintenance

In the long term, if not addressed already, counselling to deal with underlying childhood trauma and/or separation (where appropriate) will be needed and should be available. A reassessment of needs and planning to assist in long term maintenance should be provided.

Conclusion

Though this study was focused upon repeat offenders, it did identify that disengagement from school (often experienced as suspensions or expulsion) was a common point of escalation in criminal activity. Social and language skills were lacking among participants and contributed to this disengagement. Teachers were ill equipped to communicate with Aboriginal youth about these issues. Disengagement from school should be recognised as a key point for potential intervention.

The key to supporting desistance from crime by repeat offenders is to have appropriate services available and known to repeat offenders so that when they are ready to change, offenders can take advantage of these services. This means establishing trusted and ongoing relationships before people make a decision to change, preferably well before release from prison. Services must form on-going, trusted relationships and deliver services which respond to participants' own assessment of needs. Strategies to avoid predictable obstacles will be most effective.