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Working with Indigenous offenders to end violence

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Anna Macklin and Robyn Gilbert
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The knowledge we hold about offender rehabilitation from our own perspective is an important dimension of what is needed, but there are also culture-specific dimensions, where we are the ones needing guidance (Jones 2001: 5).

Introduction

Violence continues to be a significant challenge for Indigenous people in Australia and New Zealand. Treatment programs for violent adult offenders have the potential to contribute significantly to reducing violent reoffending. This research brief examines literature from Australia, New Zealand, Canada, the United States and the United Kingdom and reports on the effectiveness of programs aimed at reducing violent reoffending. It specifically reports on the evidence concerning the development of culturally specific violent offender programs. The brief is intended to contribute to Objective 2.4 of the *Australian National Indigenous Law and Justice Framework*, reducing Indigenous recidivism rates. The term "Indigenous" is used to refer to Aboriginal and Torres Strait Islander Australians, unless otherwise indicated.

What works

Since the mid 1990s, the risk – need – responsivity (RNR) model of offender rehabilitation has been dominant in Canada, Britain, Europe, Australia and New Zealand (Ward et al. 2007). The RNR model has been developed by Canadian researchers using the results of largely North

American research. It calls for treatment to be:

- targeted to those offenders assessed to be at the greatest risk of reoffending
- directed at those offenders' criminogenic needs
- responsive to the individual offender's learning needs (Andrews & Bonta 2006).

Criminogenic needs (known in New Zealand as criminogenic targets) are factors that raise the risk of offending, and that are amenable to change (in contrast to static risk factors such as age and gender). Andrews & Bonta (2006) have found that the most important criminogenic needs are factors personal to the offender such as impulsivity, anti-social attitudes, pro-criminal beliefs, substance abuse, and lack of attachment to work or study. Treatment programs that follow all three of these principles have been shown to reduce reoffending by an average of 17% if delivered in custody and 35% if delivered in the community (Andrews & Bonta 2006).

The research relied upon by Andrews & Bonta and associated researchers did not usually distinguish between violent and non-violent offending. However, two American researchers (Dowden & Andrews 2000), again relying on North American samples,

investigated whether the RNR principles hold for violent offending, and found some support for all three principles.

Risk – need – responsivity and Indigenous offenders

There is evidence that the RNR principles are valid for Canadian Aboriginal offenders (Rugge 2006) and Māori offenders (Coebergh et al. 2001) but no research confirms their applicability to Indigenous offenders (Day et al. 2003). Rehabilitation approaches that have been found to be effective in Western societies tend to be individualistic and neglect context and culture (Day 2003). Day canvasses the arguments and concludes that it is likely that the risk, need and responsivity principles are relevant, but particular care needs to be paid to developing culturally appropriate and ethical services and to issues of power, marginalisation, disadvantage and frustration.

Risk factors

Research on risk factors for Indigenous offending tends to rely on variables that can be collected in administrative data and large scale surveys such as the National Aboriginal and Torres Strait Islander Social Surveys (known as NATSIS:

ABS 1994, and NATSISS: ABS 2004). However this research usually investigates risk factors for arrest, charge or imprisonment and does not usually focus on violent crime. Only Hunter's (2001) analysis of the NATSIS considered risk factors for assault, and found that the most important risk factors, in order of magnitude, are alcohol consumption, fewer years of secondary schooling, having been a victim of an attack or threat, male gender, age between 25 and 34 years, and unemployment.

Wundersitz (2010) analysed the research on risk factors for Indigenous violence and suggested that an ecological systems approach is an effective way of understanding the many variables that contribute to violent offending. This approach acknowledges that risk and protective factors for offending are located not only within the individual, but also in his or her family, local environment (including neighbourhood, school and work), the broader community and the wider society (including values, customs and laws). Many of these factors are closely inter-related. Wundersitz investigated a range of characteristics thought to be linked with violent behaviour among Indigenous people and found that the evidence for the links to be "relatively scant".

One exception is alcohol misuse, where the evidence linking alcohol misuse and violence is persuasive. Many commentators have noted the increase in violence that occurred after restrictions on Indigenous people's access to alcohol were eased in the 70s (Wundersitz 2010). Analysis of responses to a survey of Indigenous people in 1994 found that the likelihood of committing alcohol-related verbal abuse or assault increased as the level of alcohol consumption increased (Hennessy & Williams 2001). Two surveys of adult offenders found that Indigenous respondents (both male and female) were much more likely to report having recently used alcohol than were non-Indigenous prisoners (Wundersitz 2010).

It is difficult to identify other risk

factors specific to Indigenous violent offending, as most Australian research relies on surveys of offenders generally, rather than Indigenous or violent offenders. Studies of the NATSIS and NATSISS that consider Indigenous contact with the criminal justice system (charge and arrest) rather than violence have found that the most important risk factors are male gender, age less than 25 years, drug and alcohol abuse and unemployment (Weatherburn, Snowball & Hunter 2006, Weatherburn, Snowball & Hunter 2008).

There is growing evidence that family disruption and the experience of violence as a child is a risk factor for both Indigenous and non-Indigenous offending (Wundersitz 2010; Atkinson 2002). A survey of 480 Queensland offenders, including 98 Indigenous offenders found that having been sexually assaulted as a child was a significant risk factor for involvement in the criminal justice system (Mazerolle & Legosz 2007). Studies of the NATSIS (Mukherjee et al. 1998), NATSISS (Dodson & Hunter 2006) and the Western Australian Aboriginal Child Health Survey (Zubrick et al. 2005) have found strong links between a child having been removed from the family, or having had a family member removed, and the likelihood of arrest.

In New Zealand, Fergusson (2003) examined the Christchurch Health and Development Study which revealed higher rates of violent offending among Māori youth in the study. He found that the most important explanatory variables were family circumstances (including parents' alcohol use, family history of offending and multiple family problems) and parenting behaviours (including use of physical punishment and level of parental care). In a similar vein, the New Zealand Department of Corrections (2007) explained the over-representation of Māori as offenders with reference to the high rates of social, economic and family disadvantage among Māori, including parental neglect, family disruption, conduct disorder,

poor educational outcomes and substance abuse.

Criminogenic needs

Researchers in Australia have noted that the criminogenic needs of Indigenous offenders may include low self esteem, frustration, anger and powerlessness (Mals et al. 2000), deculturation, separation from family, discrimination and identity issues (Jones et al. 2002). In mainstream RNR analysis, issues around self esteem and identity have been categorised as non-criminogenic, as research has not demonstrated a sufficient link between these issues and criminal offending. However researchers focusing on Indigenous justice have challenged this categorisation, arguing that trauma, discrimination and identity issues are central for Indigenous offenders (Howells et al. 1999, Jones et al. 2002). Day, Howells and Casey (2003) argue that "risk assessment measures must (...) target both non-criminogenic and criminogenic risk factors if they are to be in any way useful or effective" (121).

The relationships between trauma, anger and violence are important in understanding the triggers for violent behaviour by Indigenous offenders. It appears that the existence of stress at a community level contributes to the experiences of trauma, anger and loss by individuals which in turn contributes to violent behaviour (Robertson 2000, Mals et al. 2000).

Research with Aboriginal offenders in Australia has found anger is associated with historical and intergenerational experiences and family and community dynamics. In interviews with 14 Aboriginal male prisoners, anger was described by the men as being passed down from one generation to the next. It was perceived to be directly connected to historical trauma, colonisation and discrimination. Anger management approaches that address intergenerational trauma and racial discrimination may be more effective for Aboriginal offenders (Day et al. 2006).

Day et al. (2008) analysed

surveys of 101 male prisoners in South Australia, including 46 Aboriginal, and found that Aboriginal participants reported higher levels of anger, and more frequent loss and experience of trauma. The researchers suggested that successful intervention, treatment and prevention of violence by Aboriginal offenders should directly address issues of trauma, grief and loss, and that low intensity, 20 hour anger management programs cannot adequately meet these needs.

Risk assessment

Care also needs to be taken in using risk assessment tools that have been developed for mainstream populations. Risk assessment is important for targeting the content and delivery of treatment programs, but may be ineffective if there are different risk factors for Indigenous offending. Allan & Dawson (2004) studied file data of 1838 adult male Aboriginal offenders in Western Australia and attempted to construct a risk assessment tool for Indigenous male violent and sexual offenders. They were able to develop an assessment tool to predict sexual reoffending, but were unable to develop a satisfactory tool to assess the risk of violent reoffending. Jones et al. (2002: 190) suggest that “culturally-informed revisions of standard risk assessment tools” are needed, while acknowledging that issues such as anger, loss of language, cultural and parenting capacity and the disintegration of family units do not easily fit into the individual focus of current assessment tools.

In New Zealand, the Criminogenic Needs Inventory (CNI) is used to assess offenders’ needs and assist in the planning of sentences, programming and staff training. The CNI assessment has been supplemented with a Māori Culture Related Needs (MaCRN) assessment which is designed to cater for Māori offenders. MaCRNs have been identified through consultation with Māori experts and researchers but no testing or evaluation of the validity of the tool has yet been published.

The MaCRNs are said to be “cultural identity, cultural tension, *whanau* (relationship to family and community) and *whakawhanaunga* (family cohesion and cooperation)” (Coebergh 2001: 16). Unlike criminogenic needs, culture related needs are not necessarily risk factors: for example, *whanau* can be positive or negative, depending on whether *whanau* members contribute to pro-social or pro-criminal behaviour

Types of programs for violent offenders

Interventions for violent offenders usually use cognitive-behavioural approaches to improve skills in problem solving, impulse control and conflict resolution. Newer programs known as cognitive self-change programs specifically target and challenge criminal thinking such as anti-social attitudes and pro-criminal beliefs.

Anger management programs also use cognitive-behavioural approaches but they specifically focus on controlling anger and often include relaxation training, social skills training and substance abuse education (Day et al. 2006). Their underlying theory is that a lack of control over anger is associated with violent behaviour (Howells & Day 2006).

Multi-modal programs, as their name suggests, offer a range of services tailored to the offender’s specific needs, and usually include a cognitive-behavioural component.

There are also programs to address specific types of offending, such as sex offending and family violence. This paper will briefly review the evidence for the effectiveness of violence prevention programs, with the exception of sex offending programs which were discussed in Clearinghouse Brief #3 (Macgregor 2008).

The violence prevention programs discussed in this paper are largely delivered in correctional settings. There is limited published research regarding community-based violence

prevention programs, and those that appear in the literature focus on family violence prevention. Family violence prevention programs will be addressed in more details in a forthcoming Clearinghouse brief.

Evaluations of programs

Polaschek and Collie (2004) examined evaluations of eight programs for violent offenders, five from Canada, two from New Zealand and one from the United States. The programs included cognitive-behavioural, anger management, and multi-modal programs. The authors noted that the evaluations did not provide information about the theoretical frameworks of the programs, and therefore do not provide guidance for future program development. Only four evaluations included data on violent recidivism, and of these, two found a large (greater than 15%) reduction in violent reoffending, one found a small (10 – 15%) reduction, and one found no effect.

More recently Jolliffe and Farrington (2007) reviewed eleven intervention programs for violent offenders, five of which were included in the Polaschek and Collie study discussed above. They found reductions in both non-violent (8-11%) and violent (7-8%) reoffending rates for program participants, and reported that “multi-modal treatments which encompass cognitive skills, role-play and relapse prevention might be particularly effective with violent offenders”. Their review found evidence that interventions with a longer duration and longer sessions were more effective. They found no evidence for the effectiveness of anger control approaches. They conclude that more evaluations of higher quality are needed before firm conclusions can be drawn about the most effective interventions with violent offenders.

The two meta-evaluations discussed above excluded programs aimed specifically at reducing domestic and family violence. Three North American meta-evaluations of domestic violence treatment programs found small or no

reductions in reoffending (Babcock et al. 2004, Feder & Wilson 2005, Stover et al. 2009). Few outcome evaluations of Australian programs for family violence offenders have been published. A recent evaluation of the Gold Coast Domestic Violence Integrated Response found reduced offending among program completers compared with non-completers, but no control group was used (Day et al. 2010).

A review of 50 anger management programs found that the programs reduced anger among participants (Beck & Fernandez 1998) but these programs have not been demonstrated to reliably reduce violent offending. However recent Australian research on the effectiveness of anger management found that although offenders increased their knowledge about anger and its consequences, low intensity programs did not lead to statistically significant reductions in violent reoffending (Heseltine et al. 2010). Low intensity programs (generally less than 100 hours in duration) may not be long or detailed enough to cause behavioural change. Another possibility is that for some offenders anger is not the trigger for violent behaviour (Chambers et al. 2008).

Promising programs for Indigenous offenders

A recent survey of Australian correctional services found that intensive programs for violent offenders are delivered in six jurisdictions and there are plans to develop programs in the remaining two. The programs are delivered in accordance with the RNR principles outlined above, and staff training is well developed (Heseltine et al. 2011). However there are no published evaluations of Australian violent offender treatment programs. Interviews with workers in correctional services revealed a consensus that there is a need for programs specifically addressing the complex needs of Indigenous offenders (Heseltine et al. 2011). The following section outlines two violent offender programs which

have found promising results with Indigenous offenders in Canada and New Zealand.

The Canadian Violence Prevention Program (VPP) is for incarcerated male offenders who have committed a minimum of two violent offences and who are assessed as at high risk of committing future violent crime. The content of the program includes violence awareness, anger control, problem solving, social attitudes, positive relationships and conflict resolution. It also has an emphasis on relapse prevention. It is approximately 190 hours in length and is delivered in a group format (Cortoni et al. 2006).

Evaluation has shown that offenders who completed the program had significantly lower rates of reoffending. Untreated offenders in a matched comparison group had 1.36 times greater rates of any reoffending and 2.10 times greater rates of violent reoffending than those who completed the program. Untreated Aboriginal offenders had a 3.33 times greater rate of new violent offences than Aboriginal offenders who completed the program (Cortoni et al. 2006). Consistent with the findings of other evaluations, rates of reoffending were highest among those who began but did not complete the program: non-Aboriginal non-completers had a 4.25 times higher reoffending rate, and Aboriginal non-completers had a rate 3.92 times higher.

The New Zealand Rimutaka Violence Prevention Unit (RPVU) provides intensive cognitive-behaviourally based treatment for violent male offenders. This intervention has been in operation since 1998 and is a 330 hour program delivered over 28 weeks in a group format. The program includes investigation of offence-supportive thinking, mood management, victim empathy, problem solving and relationship skills. It also uses post release risk management plans to aid relapse prevention. Re-offending data was examined for 112 offenders, more than half of whom were Māori, over an average of three and a half years post release. Most (86) were at a

high risk of reoffending and there was a 10 – 12% reduction in the proportion of high risk offenders reconvicted for both violent offences and all offences (Polaschek 2010). The authors concluded that the program is promising, but more basic research is needed into the causes of violence and violent offenders' criminogenic needs.

Program design

Violent offenders in custody, both Indigenous and non-Indigenous, rarely specialise in violent crimes; there is frequently a long history of both violent and non-violent offending by the same individual (Wundersitz 2010). It is now suggested that program designs which focus only on violence may be too narrow (Polaschek 2010).

Gilbert and Daffern (2010) argue that good design for treatment of violent offending should allow for individualisation of the program to each participant. They suggest this can be achieved through a mixture of both individual and group-based sessions. Such an approach can take into account each individual's personal, environmental and cultural situation, and provide the opportunity for offenders to link the program concepts to their personal circumstances (Atkinson & Jones 2005). Such an approach has the potential to better respond to cultural diversity, taking into account differences between Indigenous and non-Indigenous offenders as well as between different Indigenous tribal groups.

Current program designs which focus on individual explanations for behaviour have not been properly assessed for effectiveness with Indigenous populations. Willis and Moore (2008) note that offenders from collectivistic-based societies, as most Indigenous communities tend to be, may have difficulty connecting with the content in such programs. More emphasis on community and relationships and less on individual thinking patterns is likely to increase effectiveness. Mals et al. (2000) suggest that programs will be more effective with Indigenous participants

if appropriate cultural concepts and examples are used when explaining and demonstrating techniques.

The use of healing ceremonies within the criminal justice system has not been widespread in Australia. However they have been used within New Zealand and Canadian Aboriginal communities (Cox et al. 2009). Healing ceremonies address individual behaviour using a framework which acknowledges the effects of social and historical issues experienced by Aboriginal people. Such ceremonies seek to reconnect participants with aspects of traditional Aboriginal culture and identity. They can validate participants' perceptions of discrimination while reducing future offending behaviour by encouraging them to become consistent with positive cultural values. Offenders are encouraged to implement and practice pro social cultural traditions both in custody and post release (Bracken et al. 2009). Formal evaluations of these approaches have not been published.

Finally, Atkinson & Jones, in their evaluation of the *Koori Cognitive Skills Program Pilot* (2005) noted the need for treatment programs for Indigenous offenders to minimise the need for written work. Literacy and language issues are still considerable barriers to involvement in treatment for many Indigenous offenders. Treatment programs should be adapted to account for the more visual and verbal learning styles of Indigenous offenders.

Improving program delivery

Indigenous staff

Program effectiveness can be significantly increased when Indigenous facilitators work with Indigenous offenders. It is believed that the inclusion of Indigenous staff or elders increases the perceived legitimacy, relevance and responsiveness of Indigenous participants (Trevethan et al. 2005 cited in Willis & Moore 2008). However recruiting qualified Indigenous staff remains a significant

challenge for many government agencies. Often minimum standards regarding education and qualifications exclude Indigenous persons from eligibility for such positions. The requirements for positions involved in program delivery should continue to be reviewed. The value of Indigenous staff is in their ability to engage with Indigenous offenders and understand Indigenous culture (Ken Jurotte personal communication 20/10/2010).

Australian research into the recruitment and retention of Indigenous staff found that recruitment strategies should emphasise the positive contributions that can be made by working within government and criminal justice agencies. Agencies need to expand the support available for their Indigenous staff, with initiatives including staff mentoring programs, cross-agency collaboration of Indigenous staff and addressing inappropriate behaviour and attitudes of non-Indigenous staff through improved grievance handling processes (Day et al. 2004). Training for all staff working with Indigenous offenders to improve cultural awareness, better communicate cultural concepts and increase understanding of the diversity of Indigenous culture can create a more positive environment within which programs can be delivered.

Integration vs segregation

Service providers differ in their opinions as to whether delivery in groups should be segregated or mixed. Indigenous-only groups are thought to facilitate self-disclosure as members have common cultural backgrounds (although the cultural diversity among Indigenous people does create limits), and may also allow better targeting of program content to Indigenous offenders. Others suggest that segregating groups increases the isolation and difference already experienced by Indigenous people. Advocates for mixed groups argue that it is therapeutic for Indigenous offenders to see commonalities in their experiences with non-Indigenous

offenders. One solution employed in Western Australia is the use of a separate program specifically for Indigenous offenders focusing on issues of specific cultural relevance. These programs can run either prior to or in conjunction with the main intervention program which is racially integrated (Mals et al. 2000).

Therapeutic communities

Prison environments can have an impact on the effectiveness of interventions, and some features of custodial environments may be counter-therapeutic. Challenges include safety concerns, poor facilities for teaching and learning, and conflicting philosophies held by custodial officers and program staff (Day & Doyle 2010). Efforts to address these problems include the use of separate units within prisons as small therapeutic communities. For example, the Māori Focus Units in New Zealand Corrections operate as therapeutic communities within the prisons. A wide range of Māori cultural activities occur including the delivery of culturally specific intervention programs. Activities include courses on Māori culture, language lessons, involvement within the unit from respected Māori elders, and daily participation in culturally meaningful rituals and ceremonies. The purpose is to encourage offenders to embrace prosocial Māori cultural values, identity and affiliations. A recent process evaluation found that there were positive impacts for participants' knowledge and learning as well as improvements in their cultural ties and community relationships (New Zealand Department of Corrections 2009).

Post release

Finally, violence prevention programs require reinforcement after release, in order to maintain the skills learned in treatment programs. Atkinson & Jones (2005) have said that "any benefits of the [program] for Indigenous offenders may be undermined unless the substance abuse problems and barriers to community re-integration are also effectively addressed." Post release

or community based treatment programs may be particularly important in retaining treatment gains for Indigenous offenders considering the environments to which they are returning are likely to have high levels of social disadvantage and entrenched patterns of violence (Willis & Moore 2008). Transition and post release are discussed further in Clearinghouse Brief #4 (Gilbert & Wilson 2009).

A note on women

The research reviewed in this paper is largely based on work with male offenders and this review has uncovered very little literature on preventing violent reoffending among Indigenous women. Howells et al. (2004) noted that women offenders have high rates of mental health and substance abuse problems and are likely to have different criminogenic needs, possibly relating to their own victimisation and self-esteem. The current state of published research does not allow conclusions to be drawn about effective treatment programs for Indigenous women who have committed violent offences.

Conclusion

This review of research has found considerable gaps in the current understanding of the causes of violence, the relationship between anger and violence, and the differences between Indigenous and non-Indigenous offenders. However there is some agreement that including culturally specific program content, modifying program design and improving program delivery to address cultural needs can increase the effectiveness of violent offender treatment programs for Indigenous people. Researchers are exploring the possibility that violent behaviour can have different origins for Indigenous offenders, as well as the suggestion that trauma and loss are central considerations. Finally, the review reveals support for longer and more intensive programming for offenders at high risk of reoffending, and post release support to ensure that treatment gains are maintained.

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