

A series of Research Briefs designed to bring research findings to policy makers

Post-prison programs for Indigenous Sex Offenders

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Written for the Indigenous Justice Clearinghouse

Research Brief 27, April 2020

Introduction

High levels of sexual violence are evident in some Indigenous communities in Australia (Cripps & McGlade, 2008; O'Brien, 2010; Smallbone, Rayment-McHugh, & Smith, 2013) and other colonised nations such as the USA and Canada (Ellerby & MacPherson, 2002; Stewart, Hamilton, Wilton, Cousineau, & Varrette, 2014). As a large majority of those incarcerated in relation to sexual offending will ultimately be released back into the community, it is vital to consider supports available to foster successful reintegration. However, very little has been documented about the reintegration support needs of Indigenous sex offenders.

This Brief begins to address this gap by assessing the existing evidence about programs that aim to foster the reintegration of Indigenous sex offenders based on available material primarily from Australia, New Zealand and Canada. It is divided into three main parts: the reintegration needs of Indigenous sex offenders; evidence on programs that aim to support the reintegration of Indigenous sex offenders; and finally, principles that should inform programs and other measures for this group.

Reintegration support needs of Indigenous sex offenders

Indigenous offenders often have additional and more complex reintegration needs than non-Indigenous offenders. Indigenous offenders and sexual offenders have unique reintegration needs for a range of reasons, including the enduring impacts of colonisation, entrenched disadvantage, high levels of unemployment, alcohol and other drug abuse, mental illness, and inadequate service provision

available in some non-metropolitan communities (Victorian Ombudsman, 2015; Willis & Moore, 2008). As Willis and Moore (2008) note, the multiple disadvantages often faced by Indigenous prisoners can impede the development of the sort of social capital required for successful reintegration. Successful reintegration also requires healthy and receptive communities. However, the reintegration of Indigenous prisoners is uniquely challenging in regional communities that often face high levels of intergenerational unemployment and other social problems, including high levels of sexual violence (Willis & Moore, 2008).

Such issues may be made worse by the impacts of colonisation, discrimination and loss of culture experienced by Indigenous people (Victorian Ombudsman, 2015; Willis & Moore, 2008). The Victorian Aboriginal Legal Services (2014) argues, therefore, that support for Indigenous prisoners leading up to and following release should incorporate both practical and cultural assistance. In particular, they stress the importance of programs connecting offenders to appropriate, prosocial family, community and Aboriginal-controlled community organisations to facilitate successful transitions from prison to the community.

For sex offenders, the typical challenges faced by ex-prisoners, such as housing, employment/income, and reconnecting with family (Grossi, 2017) are often exacerbated by community and criminal justice system responses to sexual offending. Individuals who have sexually offended commonly face additional challenges associated with stringent release conditions, which can disrupt relationships, create barriers to employment and accommodation, and can be highly stigmatising (Grossi, 2017; Harris, 2017; Russell, Seymour, &

Lambie, 2013; Tewksbury & Copes, 2012). “Collateral consequences” of these community and criminal justice system responses to sex offenders include social ostracism, fear of being recognised or attacked, and experiencing vigilante violence (Tewksbury & Copes, 2012: 104).

Indigenous individuals who have sexually offended are thus likely to have profound and extensive reintegration needs. As Russell (2010) notes, one particular issue is that they may experience resistance from families and communities, who face disrepute by associating with a perpetrator of sexual violence. Indeed, as Richards, Death and McCartan (2020) note, in many cases, Indigenous individuals who have sexually offended are not able to return to the community where their offending occurred to ensure victim and community safety. This can exacerbate the challenges associated with reintegrating this group of offenders, as they may be required to “reintegrate” into communities in which they have no existing connections (see Richards et al. 2020).

Reintegration support programs for Indigenous sex offenders

Few programs exist that specifically seek to support Indigenous sex offenders’ reintegration into the community following prison. Outlined below is the small number of programs that exist and evidence on their effectiveness.

Cultural Mentoring Program

Aboriginal and Torres Strait Islander men incarcerated for sexual offences and released under Queensland’s Dangerous Prisoners (Sexual Offenders) Act 2003 (Act) can voluntarily participate in the Cultural Mentoring Program (CMP). Participation in the program is not contingent on the men having completed any specific programming while incarcerated, although most will have done so. The program involves participation in six two-hour one-on-one mentoring sessions with an Elder, with the option of a further six sessions. The CMP focuses on providing participants with cultural and spiritual mentorship to support their integration into the community and foster law-abiding behaviour. Participants engage in a wide range of activities aiming to enhance their ties to culture, such as ceremonies and events, and activities that reconnect the men with the land, including canoeing, traditional cook-ups, fishing and bushwalking. Elders in the program also seek to instill forms of cultural knowledge in participants, about the land, traditional arts

and crafts, and the men’s tribes, kinship networks and family histories (Richards, Death, & McCartan, 2020).

A recent research study (Richards et al. 2020) sought to explore the experiences of those involved in the CMP. In particular, the study explored how the CMP shaped offenders’ narratives about their own identities, and how (re)connecting with culture encouraged and shaped the formation of narratives about past, present and future law-abiding “selves”. Semi-structured qualitative interviews (n = 32) were undertaken with participant groups as follows:

- offenders who were currently participating in or had recently participated in the CMP (n = 14 interviews with 11 individuals);
- staff who had played a role in developing, delivering or managing the CMP (n = 6); and
- a range of government, nongovernment and private stakeholders who work in tandem with the CMP (primarily service providers who work with the same clients served by the program) (n = 12) (see Richards et al. 2020 for detail of the methodology).

Interviews focused on whether and how the CMP assisted the reintegration and desistance processes of the offenders involved in it, with staff, stakeholders, and offenders all being asked to reflect on offenders’ post-prison experiences and the role of the CMP in these experiences.

The study found that the program participants had multiple, complex post-prison support needs. Interviewees explained that the men had often been ostracised by their communities as a result of the sexual nature of their offending. As a corollary, the men experienced dislocation from their families, and from cultural activities. This often impacted their ability to perform cultural obligations (such as Sorry Business). Participants, therefore, saw the CMP as filling a critical gap for the men. In general, they believed that the CMP plays an important role in supporting the men to forge positive, law-abiding identities and lifestyles post-prison.

Indigenous culture was an essential component of the men’s identity-building in the post-prison context. For the men, non-offending identities were explicitly cultural, and involved understanding and practicing culture, and being recognised by others within that culture. They were also connected, with identities inextricably linked to that of other members of the men’s families, cultures and Countries.

The CMP seeks to support the men to forge these new identities in multiple ways. The men spoke about being taken “back to Country” and connecting with Country in other ways, such as through bushwalking, kayaking and fishing. Often these activities involve the transfer of cultural knowledge, and were designed to encourage participants to see themselves as part of Indigenous cultures. As one participant explained, by taking part in the program, he was able to forge a connection to cultural identity and to earth, land and sea. He explained that he has a spiritual connection to these things – they “heal the heart” (in Richards et al. 2020). Another noted that being mentored by an Elder as part of the program “made me realise... He helped me to feel the spiritual way again” (in Richards et al. 2020).

The emergence of these law-abiding identities resulted in many of the men beginning to see themselves as well-positioned to give back to their families and communities. Many described enacting what Maruna (2001) refers to as “generativity” (i.e. wanting to use their own experiences to help future generations). For example, one CMP participant discussed his desire for generativity, claiming “I made a mistake but now it’s time for me to be a leader – to my nieces, nephews, family and community”, and “I want to be somebody – to my nieces and nephews and the wider community. I want them to think I am a good person and see changes in me”. Other participants’ generative projects were specifically cultural. For example, one CMP participant described seeing it as his “job” to teach the younger generation about culture, stating: “Some boys have lost their culture. I have to teach them the didgeridoo”. Another described wanting to join a dance troupe and share his skills and knowledge, since “most Indigenous people today in cities aren’t deeply involved in their culture”.

While participant numbers are too small to draw statistical conclusions about the CMP, the preliminary study by Richards et al. (2020) demonstrates the importance that the men in the program place on cultural content in the programming they receive (see also Bracken, Deane, & Morrisette, 2009; Deane, Bracken, & Morrisette, 2007). This is an important finding as the development of a cultural identity can support the development of a prosocial identity and foster desistance (Bracken et al. 2009; Deane et al. 2007; Gutierrez et al. 2018).

The Te Piriti Special Treatment program

The Te Piriti treatment facility operated at Auckland Prison in 1994. Based on the Kia Mārama program, it provides specialised intensive treatment based on a Cognitive Behavioural Therapy model to child sex offenders (Nathan, Wilson, & Hillman, 2003; Russell et al., 2013). In contrast to Kia Mārama and most other programs for sex offenders, however, Te Piriti is embedded in a tikanga Māori framework (ie incorporates Māori traditional values and beliefs) (Nathan et al. 2003: 12). As Russell et al. (2013) explain, Te Piriti includes an explicit focus on reintegration planning as well as a graduated release process. An evaluation by Nathan et al. (2003) examined the recidivism of 201 participants who had been released into the community for at least 12 months before the study commencing. Thirty-four percent of the participants were Māori; the remainder was mostly of European descent. The mixed methods study involved the administration of pre- and post-program psychological tests and a comparison of recidivism between those who completed the Te Piriti program and other Māori child sex offenders who had completed the Kia Mārama program. The evaluation found that Māori and non-Māori men who completed the Te Piriti program had a significantly lower rate of sexual recidivism compared with an untreated control group (5% compared with 21%). Moreover, the Māori Te Piriti participants had a significantly lower sexual recidivism rate than Māori men who completed the Kia Mārama program (4% compared with 14%). The study thus highlights the critical role of cultural content in reintegration support for Māori sex offenders (Nathan et al., 2003).

Russell et al.’s (2013) study of nine Te Piriti participants (5 of whom identified as Māori) examined the role of culture and identity in the reintegration process more specifically. Participants completed three interviews each: before their release from the Te Piriti facility; three months post-release; and six months post-release. Russell et al. (2013) reported that some participants highlighted the importance of Māori cultural identity during the reintegration process, but do not provide further detail about this. In previous work, Russell (2010) acknowledges that while some participants were not connected to culture or could not articulate their cultural needs during the reintegration process, others saw culture as central to rebuilding their identities as they exited Te Piriti and reentered the community.

The Tupiq program

The Tupiq program is delivered to moderate-high risk Inuit sexual offenders in a Canadian prison over 18 weeks and aims to reduce sexual reoffending following their release into the community. One component of the program is reintegration planning (Stewart et al. 2014). The program is delivered in the Inuktitut language and combines evidence-based principles with cultural traditions of the Inuit people, which characterise every component of the program (Trevethan, Moore, & Nakitarviq, 2004). An evaluation of the program compared reoffending of a group of Tupiq participants (n = 61) with a group of matched Inuit sex offenders who had not participated in the program (n = 114) over an average of four years following their release. Lower levels of both violent and general recidivism were found among program participants than the comparison group. Sexual recidivism was also found to be lower among program participants (4.9% compared with 11.4% among the control group), although this did not reach statistical significance (Stewart, Hamilton, Wilton, Cousineau, & Varrette, 2009; Stewart et al., 2014). Stewart et al. (2014) nonetheless conclude that the program's results are encouraging.

In Search Of Your Warrior

The In Search Of Your Warrior (ISOYW) program is an intensive program delivered to male Aboriginal offenders incarcerated in several federal correctional facilities (and prison wilderness camps) across Canada. To be eligible to participate, men must have a history of violent (including sexual) offending and have been rated as high-risk to reoffend if released into the community (Trevethan, Moore, & Allegri, 2005). Further, participants must be assessed and endorsed by an Elder as already being active in Aboriginal spirituality. The program draws on both Western and First Nations approaches, including the involvement of Elders and the use of traditional ceremonies. ISOYW addresses a range of domains (e.g. self-awareness and cognitive skills) but has a strong focus on preparing participants to be reintegrated into the community post-prison (Trevethan et al., 2005).

An evaluation by Trevethan et al. (2005) examined changes to participants' risk factors before and after completion of the program, and compared ISOYW participants with a matched comparison group of offenders who had not completed any intensive programs. Thirteen percent (n = 29) of participants

had been incarcerated in relation to sexual offending. The evaluation found that ISOYW participants had significantly higher "reintegration potential" following completion of the program. However, this was not significantly different from the comparison group. As the evaluation did not differentiate findings according to offence type, it is not possible to determine whether the program increased the likelihood of successful reintegration among sexual offenders.

Principles for reintegration support for Indigenous sex offenders

Several principles emerge from this existing evidence base that should inform reintegration programs for Indigenous sex offenders.

First, the research suggests that Indigenous cultures may be rich resources that can support reintegration and desistance processes, even among individuals who have offended sexually. Previous scholarship argued that culturally-specific correctional programming should not be utilised because there was little concrete evidence such approaches reduce recidivism (Marie, 2010; Morris & Wood, 2010; Sullivan, 2012). However, a recent meta-analysis (Gutierrez, Chadwick, & Wanamaker, 2018) of seven existing studies (n = 1,731) of sufficient rigour (i.e. involving comparison groups), found lower rates of recidivism among offenders who had completed culturally-specific programs compared with those who had completed generic programs. The above overview of post-prison programs for Indigenous sex offenders provides further support for the inclusion of Indigenous cultural content in correctional programming.

This has an important practical implication as it indicates that by utilising these cultural resources, criminal justice and allied professionals (e.g. parole officers, psychologists) might work with Indigenous clients to build law-abiding identities in the post-prison context (see further Angell & Jones, 2003). Such practitioners could incorporate Indigenous culture and spirituality into their work with sex offenders in the community, for example, by connecting clients with Elders, kin, and service providers who can support them to (re)connect with their cultural identity (see generally Leaming & Willis, 2016). Importantly, this may not be the case for all Indigenous individuals. As Trevethan et al.'s (2005) and Russell et al.'s (2013) study found, cultural programming may be particularly appropriate for individuals

who already have some connection to or understanding of traditional cultures.

Second, a strong focus on reintegration planning emerges from the literature as vital in correctional programming. Existing program evaluations suggest that explicitly focusing on reintegration preparation (Stewart et al. 2014) or developing “reintegration potential” (Trevethan et al. 2005) can produce lower levels of post-release recidivism. A New Zealand study by Willis and Grace (2009), which followed 141 convicted child molesters following their release from the Kia Mārama and Te Piriti facilities, supports this recommendation. The study found that reintegration planning (such as preparing for appropriate accommodation, employment and social support) clearly reduces the likelihood of sexual recidivism once released from prison. The findings indicate that programs delivered in correctional settings ought to include a dedicated focus on the practical aspects of the reintegration process to maximise effectiveness.

Third, while the above overview explicitly focused on cultural programming, the broader literature suggests that such programs might best be considered as pathways to “treatment readiness” (Ward, Day, & Casey, 2006) or “short motivational programmes to encourage further participation in proven rehabilitation programmes” (New Zealand Controller and Auditor General, 2013: 73) rather than as standalone interventions (Gutierrez et al., 2018; Pridemore, 2004). In other words, participation in cultural programming or “retraditionalisation” (Howell, 2008: 187) measures may foster an individual’s subsequent engagement with further evidence-based interventions. Indeed, combining evidence-based Western approaches with Indigenous cultural content may also yield effective outcomes. For example, Howell’s (2014) study of 40 Canadian Aboriginal male offenders who participated in both Aboriginal and non-Aboriginal correctional programming (including four sex offenders) found different elements of each type of programming effective. Combining Western approaches with Indigenous cultural content is effective in other contexts such as group counselling and substance abuse treatment (Howell & Yuille, 2004). The evidence suggests that practitioners should encourage broad participation in a range of interventions where these are available to Indigenous sex offenders. More specifically, it indicates that for some offenders, retraditionalisation activities may be necessary precursors for effectively engaging in other more mainstream correctional programs.

Conclusion

This Brief has provided an overview of existing approaches to the reintegration of Indigenous sexual offenders and provides a platform for future research on this important topic. More research is needed on best practice approaches to reintegrating Indigenous sex offenders safely into the community following prison. Little evidence exists about programs that support Indigenous sex offenders to reintegrate into the community after prison. However, available evidence suggests that cultural content can be drawn on to foster positive identity change among this cohort of offenders, especially if they identify with their culture. At a minimum, such programs may encourage treatment readiness, and thereby support Indigenous sex offenders to engage in other programming.

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Acknowledgements

The author would like to thank Australia’s National Research Organisation for Women’s Safety (ANROWS) for supporting and funding this research. The views expressed in this article do not necessarily reflect those of ANROWS.

The views expressed herein are solely those of the author and in no way reflect the view or policies of Queensland Corrective Services. The author acknowledges the use of data from research partner Queensland Corrective Services.

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¹The term Indigenous is used, respectfully, in this Brief to refer to First Nations peoples of both Australia and New Zealand, recognising the considerable diversity that exists both within and between different groups.

²For example, the Reintegration Puzzle is an annual conference which rotates across Australia and New Zealand to provide opportunities to hear the latest information concerning programs and services which aim to assist people to successfully reintegrate back into the community after prison. See <http://www.reintegrationpuzzle.com.au>

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