Aboriginal Youth and Offending

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The South Australian juvenile justice system aims to rehabilitate rather than punish young offenders. It seeks to:

secure for the child such care, protection, control, correction or guidance as will best lead to the proper development of his personality and to his development into a responsible and useful member of the community (Children's Protection & Young Offenders' Act 1979 (SA) 81-88: s.7).

Aboriginal young offenders have clearly done less well under this system than their non-Aboriginal counterparts, being over-represented in nearly all areas. There has also been a failure of mainstream services to cater, in any real or effective way, to the needs of Aboriginal youth.

This paper suggests two main reasons for this over-representation. Firstly, it argues the justice system has discriminated against Aboriginal youth and secondly that diversionary and 'treatment' programs have failed to identify and hence adapt to the specific needs of Aboriginal young offenders. Finally the paper will briefly outline some strategies undertaken by the South Australian Department for Community Welfare.

The System

As stated, Aboriginal youth are over represented in all levels of the juvenile justice system. Professor Faye Gale (Gale, Bailey-Harris & Wundersitz 1990) suggests this over-representation in relation to their population numbers is by

some seven times at the point of apprehension (whilst) their relative position deteriorates until, at the final point of detention, they are over-represented by some twenty-four times.

This figure in South Australian juvenile institutions hovers between 25 and 35 per cent of the total number of youths incarcerated being Aboriginal.

Gale argues 'the system' has failed Aboriginal young offenders at all levels. She offers statistical evidence suggesting police arrest (as opposed to report) more Aboriginal youth, than non-Aboriginal youth (p. 8). She suggests this occurs as many Aboriginal youths have less social support, such as employment, or a strong nuclear family. In turn, the 'screening panel' process which deflects many minor young offenders into panels and away from the court system, historically treats more harshly youth who are presented before it whilst under arrest. Subsequently, far more Aboriginal youth are proportionally sent to court, hence
denying them access to a diversionary system for which South Australia has gained worldwide acclaim for the opportunities it affords young offenders.

Magistrates, according to Gale et al. (1990), are more likely to give Aboriginal youth more severe penalties than non-Aboriginals. They are certainly more likely to be sentenced to detention than other young offenders, and are less likely to have that sentence suspended.

Whilst, as Gale et al. (1990) suggest, we have failed to identify many adequate and legitimate supports which already exist, we have also failed to offer culturally sensitive 'diversionary' and 'treatment' programs. By and large, Aboriginal youth have been expected to 'fit in' to our very successful mainstream services for young offenders, believing all youth have similar problems and taking no account for the specialist needs and requirements of Aboriginal youth. Clearly in South Australia, these services have been of limited value, hence new and innovative intervention strategies have been both proposed and implemented. Prior to briefly outlining these strategies, however, a discussion follows as to the rationale for these programs, the perhaps unique problems faced by Aboriginal youth in our society and how these differ from non-Aboriginals.

**Alienation**

It is believed that many Aboriginal youth feel totally alienated from the general community. They have a restricted or limited vision of their role in the wider community and what they can achieve, which is directly related to their Aboriginality. To support this view a state-run young offender program which youths attended as an alternative to detention, required youth to answer a series of questions to make up a personal 'shield'. Questions such as favourite food, favourite sport, were asked with key questions, one being 'Where will you be (describe yourself) in ten years' time?' Over a period of three years, some sixty youths were questioned with relative equal numbers from Aboriginal and non-Aboriginal groups. Results showed 80 per cent of non-Aboriginal youths described themselves in middle-class settings for example, nice house, car, married with children, employment. (A number of these youths also indicated they would attain their goals by criminal means; however, the future was positive). Aboriginal answers were very different. Many had great difficulty answering the question, however 75 per cent of all answers depicted them in ten years being either dead, drunk or locked up.

Whilst this exercise was clearly not conclusive, it did begin to give an understanding as to how these youths perceived themselves, their world in general and their place in it. It seems that their belief of their limited role in mainstream society is constantly supported and reinforced by the world around them. Many Aboriginal youth from an early age experience racism, both overtly and covertly. Many lack role models of people who have successfully bridged the gap into mainstream society whilst many come from families where alcohol abuse, offending and violence are normal occurrences. School becomes another failure, being a seemingly pointless exercise to many Aboriginal youth. Ingram (cited in Menary 1981, p. 39) describes school for Aboriginal youth as a huge 'confidence trick', as it suggests to these children if you study now you will reap the rewards (employment) later, a fallacy for Aboriginals. To take this point one step further, in many ways Aboriginal youth are constantly teased by our society. They watch television which vividly displays all the benefits and rewards available to, as they believe, their non-Aboriginal counterparts. They are victims of a materialistic society which suggests, 'the more you have, the better person you are'. Aboriginal youth believe they are not privy to the game, let alone have any ideas of the rules as to how to play it.

Not only do these youth feel excluded from the general community, but many have little or no knowledge on which to fall back. This does not mean, however, these youth do not wish to be proud of their Aboriginality. On the contrary, in the writer's experience, many desperately seek pride and self-respect in who they are and what their place is in the world, even though this is often expressed in negative and harmful ways.
This powerlessness over one's life has dramatic consequences for many Aboriginal youth. Eckermann (1978) highlights the importance of an individual maintaining control over their own destiny by stating:

the need to establish and maintain effective control over the socio-cultural-economic environment permeates all other aspects of development and underpins all needs systems (Eckermann 1978).

In addition Weiner (1978, p. 6) suggests two dimensions affecting success and failure with regards to the perceived causes of a problem. Does the individual perceive the causes of the problem as being stable (for example IQ), or unstable (for example luck), and controllable versus uncontrollable (does the person perceive to be able to control or change the cause?). These papers suggest Aboriginal youth attribute their situation to stable and uncontrollable factors (that is, being Aboriginal and other factors outside their control) which, according to Weiner, greatly reduce their expectancy for future success.

To summarise then, we have youth who are discriminated against by a system, as suggested by Gale et al. (1990). They have a negative view of themselves and their future substantiated by almost everything they see about them. They believe they have no ability to change this situation, and hence display a range of emotions including anger, frustration and depression. These emotions lead to actions resulting in offending, alcohol and drug abuse and as being increasingly experienced, suicide.

**Strategies**

The generalist statement of all programs is as follows.

Aboriginal young offenders have to have knowledge of and pride in their own culture and heritage, whilst having the confidence and ability to operate in, and relate to the general community as they desire.

Strategies are either short-term 'deflective' in nature or longer term 'treatment'. All use Aboriginal workers (as only they can truly impact Aboriginal youth) and all attempt to use volunteers, and community members where possible.

As a beginning point, the South Australian Department of Community Welfare (SADCW) has initially focused on reducing the high numbers of Aboriginal youth in our juvenile institutions, considering these to be in most need. The aim is to reduce Aboriginal youths as a percentage of the total population of these institutions to 15 per cent (a reduction of 50 per cent) by the end of 1989-90 financial year, leading to under 10 per cent in following years. Other areas of the juvenile justice system and preventative programs will then be targeted.

**Division Programs**

Community Service Orders are community based work programs given by the courts as a direct alternative to detention. This option has been grossly under-utilised by Aboriginals. Emphasis is now being placed on Aboriginal community members supervising Aboriginal youth with a series of country and city projects being offered. Youth will live and work in Aboriginal country communities such as Point McLeay, and it is believed the extra encouragement and support offered in these communities will enable these youths to successfully complete their orders.

**Warrants default programs**

Nearly half those incarcerated for non-payment of fines in our institutions are Aboriginal. Similarly as with Community Service Orders, (community work is an option for non-
payment of fines under the South Australian system) success has only come from Aboriginal people organising Aboriginal projects for Aboriginal youths to work on. Again, community people are recruited to supervise these youths.

**Bail supervision**

Due to the lack of structure in many of the adolescents' lives, Aboriginal community members are again recruited to supervise them between court appearances to ensure attendance, rather than remand in custody.

**Longer term 'change' programs**

**Intensive Neighbourhood Care (INC)** This is a highly successful program where offending youth are placed to live with community based families who receive training and support. Country regions have recruited Aboriginal families and matched youth with dramatic effect, hence staff have been allocated to adapt the model to the metropolitan area. Youth are placed with a family from one day to two years, depending on need. The most noticeable aspect of this program is the realisation that the majority of Aboriginal youth placed want the stable, caring, structured environment these families offer.

**Intensive Personal Supervision (IPS)** IPS is a scheme where meaningful people in a youth's life are engaged to use and develop that relationship. They spend time with, guide and encourage the youth, believing that these people are more readily accepted by, and with less stigma attached to other government workers. Generally, contact is for ten hours per week and for between three and six months.

**Aboriginal Youth Team**

This Team of Aboriginal Workers has been established to work intensively with offending youth in both above groups and on an individual basis. These programs concentrate on reinforcing cultural knowledge and pride, building confidence and skills in mixing in the general community, and supporting endeavours in employment, sport and recreation. The Team will encourage youths to expand their horizons and generally use group processes to support each other's endeavours. In addition, 'Wilderness Camps' will continue to be run, based on cultural awareness and pride.

**Vocational and employment training**

Aboriginal youth face two main problems in gaining employment. Firstly, they lack the skills and confidence required. They do not see work as a realistic option for them, hence have not learnt the necessary skills or work habits. The second aspect is employers' attitudes. They often lack confidence in Aboriginal youth and their motivation to maintain their employment.

The program is based in a factory and has three phases. The first teaches basic work habits and builds confidence in such skills as woodwork, fibreglassing, mechanics, spray painting, and assembly. Staff will attempt to motivate youth into Stage 2, which involves specialised training. Numeracy and literacy courses, welding, fork-lift driving, plastics and rubber are just a few of the courses offered with support from staff and volunteers.

The program then acts as mediator 'selling' the youths and their skills to employers. Work experience is gained for them (again with support) on Stage 2 leading to full-time employment (Stage 3). A wide range of employers have either been involved or committed to become involved in the future.

**Gatekeeping**
Finally, our Department has allocated a manager's position to ensure youths are not unnecessarily brought into the system or incarcerated, and these other alternative programs are used.

Summary

In summary, Aboriginal youth have greatly suffered in our juvenile justice systems. Program planners need to encourage research and acknowledge differences when formulating strategies. Programs need to encourage pride in Aboriginality, give confidence and broaden visions for the future and intensively support efforts made. Over time, many more Aboriginal youth will have the opportunity and confidence to realise their potential, therefore reducing offending and improving society as a whole.

References

Gale, F., Bailey-Harris, R. & Wundersitz, J. 1990, Aboriginal youth and the criminal justice system the injustice of injustice?, Cambridge University Press, UK.