

An Appreciative Assessment of Prison Quality for Australian First Peoples of the Kimberley  
Region in Western Australia

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### Abstract

In an attempt to understand the meaning of prison quality for Australian First Peoples, this paper examines the aspects of prison considered to be positive and negative for First Peoples serving sentences of imprisonment in the Kimberley Region in Western Australia. The meaning of prison quality as experienced by First Peoples is compared with the meaning of prison quality as defined by an existing measure of the quality of prison life. Through a qualitative analysis of interviews with 28 prisoners and staff members from West Kimberley Regional Prison and Broome Regional Prison, seven key aspects of prison as experienced by First Peoples are identified. Six of these key aspects, respect/courtesy, staff-prisoner relationships, bureaucratic legitimacy, fairness, family contact, and personal development, are consistent with dimensions previously identified as pertaining to the quality of prison life. An additional culture/traditions dimension was also identified. The findings show that the differences between prison quality as experienced by First Peoples and non-Indigenous peoples are influenced by aspects relevant to the culture and traditions of First Peoples. The authors highlight the importance of considering culture and traditions in understanding the meaning of prison quality for First Peoples.

*Key words:* culture, Indigenous, prison quality

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To date, there have been limited studies that have examined the meaning of prison quality in the Australian context and none that have examined the meaning of prison quality for Australian First Peoples.<sup>1</sup> In this context, prison quality refers to a prison's moral performance, or "those aspects of a prisoner's mainly interpersonal and material treatment that render a term of imprisonment more or less dehumanising and/or painful" (Liebling, 2004, p. 473). Given that the majority of Australian prisons operate under regimes developed for Western society, this occidental focus of prison management and operation suggests that, in the main, Australian prisons are not designed and operated in a way that is culturally sensitive and attuned to the specific needs of First Peoples (Harding, 1999). In order to address this gap in knowledge it is necessary to examine if the meaning of prison quality as experienced by First Peoples differs to the meaning of prison quality as experienced by non-Indigenous peoples. Should there be an identifiable difference, these differences should be encouraged to be made present throughout the prison experience for First Peoples.

In the Australian context, the incidence of imprisonment is far greater and is more likely to reoccur for First Peoples than for non-Indigenous peoples in Australia (Australian Bureau of Statistics [ABS], 2015a; ABS, 2015b; ABS, 2016). This pattern of imprisonment suggests that prison is failing to discharge its deterrence function, amid its other functions of retribution, incapacitation, and rehabilitation, for First Peoples and that an alternative way of responding to this overrepresentation is needed (Weatherburn, 2014; Weiner, Graham, & Reyna, 1997). Given prison may not be a deterrent, incarceration and recidivism means net-widening and increased volume and time spent exposed to prison. Recent research suggests

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<sup>1</sup> The terms Australian First Peoples, First Peoples, and Indigenous used throughout this paper refer to the Australian Aboriginal and Torres Strait Islander population.

that the higher a prisons' quality the less damaging the experience and the more likely prison programmes will be in successful behaviour modification (Day, Casey, Vess, & Huisy, 2011; Harding, 2014). What follows is a discussion of the overrepresentation of First Peoples in Australian prisons and identification of what prison quality is for First Peoples serving sentences of imprisonment in the Kimberley region in Western Australia in an alternative attempt to deter future offending.

### **Imprisonment of Australian First Peoples**

According to the Australian Bureau of Statistics (ABS), there were a total of 38,845 prisoners in Australian prisons as at December 2016. Aboriginal and Torres Strait Islander prisoners comprised approximately 27% (10,596 prisoners) of the total number of prisoners in Australian prisons although accounting only for approximately 3% (669,900 peoples) of the Australian population aged 18 years and over. The imprisonment rate for the Aboriginal and Torres Strait Islander population for this period was more than 15 times higher (2,346 prisoners per 100,000) than the imprisonment rate for the non-Indigenous population (154 per 100,000 prisoners). Furthermore, of the total number of Aboriginal and Torres Strait Islander prisoners in Australia, over three quarters (76%) had previously been imprisoned as compared to under half (49%) of the total non-Indigenous population in prison. These statistics suggest that the Aboriginal and Torres Strait Islander population is also more likely to recidivate (ABS, 2013; ABS, 2016).

Furthermore, there is a disproportionate rate of conviction between Aboriginal and Torres Strait Islander and non-Indigenous prisoners after controlling for offence type. For example, according to the ABS (2016), the most common offence Aboriginal and Torres Strait Islander prisoners were charged with were 'acts intended to cause injury' and for non-Indigenous prisoners, 'illicit drug offences' and 'acts intended to cause injury'. Of the

prisoners charged with ‘acts intended to cause injury’ as at 30 June 2016, 33% were Aboriginal and Torres Strait Islander as compared to 17% that were non-Indigenous (ABS, 2016). These statistics suggest that not only is the Aboriginal and Torres Strait Islander population overrepresented in the criminal justice system, they are also much more likely to be convicted of certain types of crimes than the non-Indigenous population. It is evident that further research on the meaning of prison quality for First Peoples is necessary in order to understand and respond in more culturally appropriate ways. It is first important to outline the past experiences of First Peoples throughout post-colonial history and how these experiences have affected the overrepresentation of First Peoples in prison.

### **Colonisation**

The Royal Commission into Aboriginal Deaths in Custody (1991), a review investigating the relationship between First Peoples and the criminal justice system in order to reduce the number of deaths in custody and those entering the criminal justice system, recognised the effects that Australia’s post-colonial history has had on First Peoples and their position within the criminal justice system: “So much of the Aboriginal people’s current circumstances, and the patterns of interactions between Aboriginal and non-Aboriginal society, are a direct consequence of their experience of colonialism and, indeed, of the recent past” (p. 1). Colonisation refers to the takeover of one territorial group by another in an often violent, domineering, and exploitative way (Cunneen, 2004). The end of the 18th century marks the beginning of the European colonisation of Australia which continued throughout the 19th and 20th century. Rather than a single historical event, colonisation involves ongoing social, political, economic, and cultural processes. These ongoing processes of colonisation, through genocide, dislocation of land, and government initiatives, has greatly devalued Aboriginal culture (Cunneen, 2011; Finnane & McGuire, 2001).

**Genocide.** At the time of the British arrival in 1788, there were between 300,000 to over one million First Peoples living in approximately 500 tribes across Australia each with their own language and customs (Harris, 2003; Tatz, 1999). The British arrival brought with it many infectious diseases such as typhoid, diphtheria, tuberculosis, and measles. However, the single biggest contributor to the deaths of First Peoples at this time was the introduction of smallpox (Tatz, 1999). As some scholars have argued, it is possible that the introduction of smallpox was a deliberate act intended to eliminate the Aboriginal race (e.g., Bennett, 2009; Butlin, 1983; Day, 2001).

By the 19th century, incarceration as a form of punishment predominated although physical punishments were still an important element of power and control. First Peoples were considered unable to feel or reason and that physical subjection and the infliction of bodily pain was their only form of control. These penal and physical practices, designed to dehumanise First Peoples as individuals, were also accompanied by other practices of dispossession and measures of governmental control (Hogg, 2001).

**Assimilation.** In the late 19th and early 20th centuries segregation and assimilation policies through the use of government reserves and the forced removal of children were implemented in order to strengthen the relationship between white authority and First Peoples. Segregation practices provided the rationale for erasing the culture of First Peoples in order to assimilate their values and beliefs with those of a European way of life. During the time of segregation, First Peoples were controlled by white officials and were denied basic rights such as marriage, child rearing, and education (Hogg, 2001; Sutton, 2011).

The forced removal of children from families arose from the belief that First Peoples were unable to care for themselves and therefore their children would benefit by being assimilated into mainstream society (Clark, 2000; Hogg, 2001). Furthermore, sexual contact

between settlers and First Peoples and the resultant mixed-blood population led to the growing concern that these descendants would continue to challenge the order of White Australia. The strategy adopted to deal with this mixed-blood population was to remove First Peoples' rights over their children and in turn remove all 'full-blood' children from their families so that they would be led down a path of extinction. The thousands of children removed from their families as part of these segregation and assimilation policies represent the Stolen Generations (van Krieken, 1999; McGregor, 1997).

**Self-determination.** Throughout this period of 'protection', First Peoples were marginalised. These policies were developed and implemented without the consultation of First Peoples (Behrendt, 2001). On May 27 1967, following a federal referendum the Australian constitution was amended with respect to First Peoples with the inclusion of First Peoples in population numbers. As a result, the Australian government abandoned segregation and assimilation policies and began to implement self-determination. Self-determination represents Indigenous communities having a higher degree of control over their own affairs (Edney, 2001). The government policies of the time, the RCIADIC and the Human Rights and Equal Opportunity Commission inquiry into the forced removal of children (HREOC), and later the Little Children are Sacred inquiry and the Stronger Futures policy, adopted principles of self-determination in an attempt to reduce the high number of First Peoples in prison (Australian Government, 2011; HREOC, 1997; Anderson & Wild, 2007; RCIADIC, 1991). Unfortunately, despite these attempts this number has continued to rise.

**Impacts.** The history of colonisation endured by First Peoples has lasting social and emotional impacts. The experience of colonisation has led to many negative social effects for First Peoples such as poverty, poor health and education, unemployment, and difficulty accessing general services (Behrendt, 2001). Furthermore, government initiatives such as the

forced removal of children were emotionally traumatic experiences. Many of the Stolen Generations lost their identity and struggled through life without family, culture, and community connections (Clark, 2000; HREOC, 1997).

Currently, prison is one of a range of functions or institutions in which colonisation is still expressed. Eradicating systemic or institutional racism from prisons, that is, policies and practices that discriminate and disadvantage First Peoples, is necessary in order to reduce the overrepresentation of First Peoples in prison (Blagg, Morgan, Cunneen, & Ferrante, 2005). Given the post-colonial history of First Peoples, it should be recognised that what is important for First Peoples in prison may be different to non-Indigenous prisoners. Given the excessive incarceration rates, if the well-being of First Peoples is to be enhanced prison should not continue to act as a colonising agent (Marchetti, 2006; Purdy, 1996).

Due to the overrepresentation of First Peoples in prison and the recurring nature of their offending, prison often does not achieve one of its intended outcomes—to deter future offending. Rather, prison can become a normalised experience for First Peoples as it may provide a place of accommodation, food, and safety in some instances (Brown, 2010; Cunneen, 2008; Weatherburn, 2014). Blagg (2008) argues that prison can become a domain of Aboriginal culture, a place in which Aboriginal languages, cultures, and feelings are built. Given the challenges confronting many First Peoples in their ordinary lives, the threat of imprisonment may not hold the anticipated, albeit limited, negative consequences of retribution and punishment. If this is the case, prison and its consequences may lose its controlling and deterrence effects for First Peoples as possibly explained by the principle of less eligibility (Bentham, 1791/1843; Rusche & Kirchheimer, 1939/1968).

Formulated in several works by Bentham (e.g., 1791/1843) and further articulated by Rusche and Kirchheimer (1939/1968), the principle of less eligibility posits that punishments



should be worse than the lowest conditions of non-custodial life. That is, prison should be no better than the typical conditions experienced by the lowest class in society. According to the principle of less eligibility, if prison is not worse than the typical conditions of life it may become a place of refuge for those seeking an alternative to the disadvantages of community life and thus negate its ability to punish and ultimately deter future offending (Rusche & Kirchheimer, 1939/1968; White, 2008). However, intensifying the pains of imprisonment would have many negative effects as prison would become inhumane and counter to basic human rights (United Nations, 1990). Given the recidivism rates of First Peoples, it may be that the principle of less eligibility is worthy of further consideration as it pertains to prison quality for First Peoples.

### **Prison Quality**

**Measuring prison quality.** The origins of measuring prison quality can be attributed to Moos' (1975) research regarding the climate of various institutions and Toch's (1977) research regarding prisoners' preferences of the prison environment. In 1975, Moos developed the Correctional Institutions Environment Scale (CIES), an instrument designed to measure the social and physical climate of correctional institutions. Moos (1975) emphasised the relationship between 'climate' and an individual's personality stating that climate influences an individual's "attitudes and moods, his behaviour, his health and overall sense of wellbeing, and his social, personal, and intellectual development" (p. 8). Moos (1975) proposed that the three dimensions measured by the CIES, relationship, personal development, and system maintenance and system change, capture the climate of an institution. Although used by the US Federal Bureau of Prisons for a number of years, the CIES has been contested by several scholars on the basis of its lack of validity and low internal consistency of some of its scales (Alden, 1978; Saylor, 1984; Schalast, Redies, Collins, Stacey, & Howells, 2008; Wright & Boudouris, 1982).

Toch (1977) extended Moos' (1975) conception of climate in which environmental forces act upon the individual by emphasising individual needs. Toch (1977) analysed the shared environmental concerns of 900 prisoners by asking them of their difficulties in prison and how they managed them. The analysis resulted in the emergence of eight themes: privacy, safety, structure, support, emotional feedback, social stimulation, activity, and freedom. These were later criticised by Wright (1985).

Wright (1985) who then developed the Prison Environment Inventory (PEI) with Toch's (1977) eight themes in mind used it to compare prison quality across prisons. In one study, Wright (1983) used the PEI to identify the quality of correctional environments and the interplay between various dimensions and prisoner adjustment. The results of this study found support for four of Toch's (1977) eight themes (structure, support, freedom, and privacy) in predicting disruptive behaviours. However, these themes were only significant in predicting disruptive behaviours when measured using official records, not in predicting self-reported adjustment outcomes (Armstrong, 2001). Wright (1985) has suggested that while Toch's (1977) eight themes represent universal aspects of prison life, it is difficult to measure prisoner perceptions against these themes and they are unable to be measured against benchmarks. Such criticisms prompted a shift to the way in which prison quality is measured in the 1980's and 1990's.

The 1980's saw a shift from a rehabilitative to a managerialist approach to measuring prison quality by shifting focus from individual needs to goals of security and order (e.g., Feeley & Simon, 1992; Logan, 1992; King & McDermott, 1995; Saylor, 1984) (Liebling, Hulley, & Crewe, 2012). A clear illustration of this is the 'confinement model' as proposed by Logan (1992). As Logan (1991) stated:

The mission of a prison is to keep prisoners – to keep them in, keep them safe, keep them in line, keep them healthy, and keep them busy – and to do it with fairness, without undue suffering, and as efficiently as possible. (p. 2)

Logan (1992) later developed the Prison Quality Index to measure the ‘quality of confinement’ across prisons. Logan (1992) described the quality of confinement as the collective of eight dimensions: security, safety, order, care, activity, justice, conditions, and management. By emphasising custodial goals and deemphasising rehabilitative goals, Logan’s (1992) dimensions were relatively concrete and easy to measure. However, as several scholars have argued (e.g., Camp, Gaes, Klein-Saffran, Daggett, & Saylor, 2002; Camp, Gaes, & Saylor, 2002; Liebling et al., 2012), the confinement model of prison quality neglects the prisoner experience.

Liebling (2004) extended the prison quality literature and addressed many of the previous limitations by focusing on ‘what matters’ in prison. In considering ‘what matters’ in prison, Liebling (2004) adopted an appreciative approach in order to uncover the best experiences of an individual’s life in prison. Through the consultation of staff and prisoners, Liebling (2004) developed the Measuring the Quality of Prison Life (MQPL) survey. The most recent and thoroughly revised version of the MQPL survey measures 21 key dimensions of prison life including entry into custody, respect/courtesy, staff/prisoner relationships, humanity, decency, care for the vulnerable, help and assistance, staff professionalism, bureaucratic legitimacy, fairness, organisation and consistency, policing and security, prisoner safety, prisoner adaptation, drugs and exploitation, regime decency, family contact, personal development, personal autonomy, wellbeing, and distress (Liebling et al., 2012). These dimensions form the basis of the quality of prison life, or a prison’s “moral performance” (Liebling, 2004, p. 129).

Since its development, the MQPL survey has been largely supported as a useful measure of prison climate and utilised as a measure of its quality. However, the dimensions of the MQPL survey may only apply in the context in which it was developed as the experience of prison and the meaning of prison quality may differ amongst culturally diverse groups; of particular concern is the applicability of the MQPL survey to measuring First Peoples' experiences of prison quality. The need to address the overrepresentation of First Peoples in the criminal justice system is highlighted by the conditions of prisons in Australia given that they are generally not designed in such a way that they are culturally sensitive and attuned to the specific needs of First Peoples.

The aim of this study is to contribute to the understanding of the meaning of prison quality for First Peoples and to encourage the development of prison quality measures appropriate in this context. In attempting to understand the meaning of prison quality for First Peoples, this paper examines the experience of prison for First Peoples serving sentences in the Kimberley Region in Western Australia. Secondly, the applicability of Liebling et al.'s (2012) MQPL survey to the meaning of prison quality as experienced by First Peoples is discussed.

## **Method**

### **Adaptive Theory and Ethnography**

This study adopted an adaptive and ethnographic methodology. Adaptive theory involves both inductive and deductive approaches to theory development in that it “both shapes, and is shaped by the empirical data that emerges from research” (Layder, 1998, p.132) thus recognising the influence of a broader theoretical model—in this instance, the dimensions of Liebling et al.’s (2012) MQPL survey. Ethnographic methods constitute an understanding of how personal experience relates to the collective experience of those belonging to a particular culture (Aldiabat & Le Navenec, 2011; Streubert & Carpenter, 1999).

### **Participants**

Participants were 17 adult male Aboriginal and Torres Strait Islander prisoners and eight (five male and three female) Indigenous and non-Indigenous staff members. The participants were from West Kimberley Regional Prison (WGRP), primarily from the Warwa and Nyikina clans, and Broome Regional Prison (BRP), primarily from the Jukun and Yawuru clans, in Western Australia. Despite the differences between WGRP and BRP, the results of this study are presented together as the majority of prisoners had served sentences at both prisons. The prisoners in this study were serving sentences for various offences and of various lengths. Staff members that participated in this study included both correctional and treatment staff employed by the Government of Western Australia Department of Corrective Services. Given their small sample, staff member opinions were used to support prisoner experiences rather than for a separate analysis.

### **West Kimberley Regional Prison and Broome Regional Prison**

West Kimberley Regional Prison differs to BRP in that the former is purpose-built specifically for minimum and medium classified First Peoples prisoners. The prison does have capacity for short-term maximum classification prisoners. The WKRP opened in November, 2012 and was designed, built, and managed to embrace the culture and practices of the First Peoples of the Kimberley region. The prison has a capacity rating for 120 males and 30 females. The prison design, architecture, and operational approach resulted from extensive consultation with Elders, First Peoples, and local community members to appropriately model and respect cultural practices and local conditions of the Kimberley region. The self-care emphasis of prisoners taking a leading hand in managing their daily lives through, for example, cooking for themselves in each of the living units reflects an innovative approach to prison management (Western Australia Office of the Inspector of Custodial Services [OICS], 2015). The design and management of WKRP is unique and has a positive impact on the demeanour and attitude of its prisoners as compared to prisoners from other prisons (Western Australia OICS, 2015). Further, WKRP staff receive specialist training in the ethos of the prison in combination with standard prison-skills training. For its first four years of operations, WKRP had a First Peoples superintendent in charge of the prison.

Alternatively, BRP is an archaic and largely dysfunctional prison (Western Australia OICS, 2005). The prison was initially gazetted on its current location in 1894 and is located centrally in Broome. The BRP was extended in 1945 to a rated capacity of 66 prisoners in 22 cells. Currently, the prison is for minimum security prisoners but does have capacity for medium and maximum security prisoners awaiting court appearances. It commonly operates at above capacity and in recent years has operated at 200% (i.e., eight persons per cell). The prison has been referred to as an “Aboriginal” prison (Western Australia OICS, 2005, p. 7). Staff at BRP receive cultural awareness training as part of their induction and on-going

training. However, given its age, poor conditions, and overcrowding, there is no consideration for specific First Peoples' needs (Western Australia OICS, 2005).

### **Appreciative Inquiry and Yarning**

Consistent with the principles of grounded theory and ethnography, an adaption of the Appreciative Inquiry (AI) framework pioneered by Cooperrider and Srivastva (1987) along with culturally appropriate conversations (yarning) was used as the primary method of data collection. AI involves a “cooperative, co-evolutionary search for the best in people, their organisations, and the world around them” (Cooperrider & Whitney, 2005, p. 8), initiating dialogue that centres on the positive aspects of organisations and individuals (Elliott, 1999; Liebling, 2004). Yarning is recognised by First Peoples as a culturally appropriate conversation in which one can informally talk to another or exchange information of interest (Bessarab & Ng'andu, 2010). For the purposes of this study, yarning involved the non-direct questioning of participants following a semi-structured format. In the context of research, yarning requires a relational collaboration between researchers and First Peoples participants in which the level of engagement is far greater than that required by traditional research methods. It is especially effective when conducting appreciative research as it encourages participants' own views and promotes empowerment by placing them at the forefront of the data (Bessarab & Ng'andu, 2010; Cunneen & Rowe, 2014; Leeson, Smith, & Rynne, 2016; Rynne & Cassematis, 2015).

### **Data Collection and Sampling**

The research team visited WKRP and BRP on separate occasions in which the first two days were spent acclimatising to the prison. To obtain the sample, a snowball recruitment approach was used. The research team asked prison staff which prisoners held the highest or most prominent position amongst the prison population. Typically, these

prisoners were Elders or highly respected persons. The authors acknowledge that this technique may bias the sample through leading to the recruitment of a certain type of prisoner. However, every effort was made to obtain a sample that included all categories of prisoners. Interviews were then conducted with these people and the participants were asked if they could recommend others for the research team to speak with.

Snowball sampling is a non-probability method of locating information-rich informants that possess specific knowledge, skills, or characteristics deemed as being useful to a study. The snowball sampling method helps to determine stakeholders (even those that are unknown), increases the size of samples, and utilises existing relationships. A disadvantage of snowball sampling is that samples may not represent the entire population as not all of its members have a chance of being sampled. However, this non-probability sampling method was favoured over probability methods of sampling as this study seeks to describe a particular group in an exploratory way (Patton, 1990).

While randomly sampling participants provides the best opportunity of generalising the results, it is not effective in gaining a thorough understanding of the complex issues of human behaviour (Marshall, 1996). Rather, nonprobability sampling methods such as snowball sampling are often used to access hard-to-reach or hidden populations such as those participating or who have participated in illegal activities (e.g., prisoners) or the stigmatised and vulnerable of a society as they may be reluctant to take part in research using traditional research methods (Atkinson & Flint, 2001; Browne, 2005).

### **Reliability and Validity**

Generally, the reliability and validity of qualitative research refer to the trustworthiness, rigour, and quality of the research methods (Golafshani, 2003). In establishing the reliability and validity of qualitative research, that is reducing bias and



increasing the accuracy of a proposition, the process of triangulation was adopted (Denzin, 1978). Triangulation is “a validity procedure where researchers search for convergence among multiple and different sources of information to form themes or categories in a study” (Creswell & Miller, 2000, p. 126). The open-ended perspective of this study in which participants assisted with the research aims and the data collection, the multiple methods of observation (recorded interviews and field notes), and the way in which the data was coded adheres to this process of triangulation (Johnson, 1997). The data was coded by three people on separate occasions who later met to discuss the emerging dimensions. The data was then exchanged and re-coded by each of the coders to ensure that all of the dimensions had been captured thoroughly. By adopting these processes of triangulation, this study has established a high degree of reliability and validity according to its prescribed nature.

### **Data Analysis**

The interviews were recorded, transcribed, and analysed using open, axial, and selective coding using NVivo (Version 11.3.1.777), a computer software package developed by QSR International (Melbourne, Australia) for qualitative data analysis. The open coding phase of the analysis involved preliminarily grouping the data into the emerging concepts. The concepts identified during the open coding phase of the analysis were then explored in order to determine their relationship with each other as part of the axial coding phase. Finally, the selective coding phase of the analysis involved developing conditions and dimensions by integrating all of the interpretive work of the analysis allowing for the emergence of themes (Glaser, 1978; Glaser & Strauss, 1967; Scott & Howell, 2008; Scott & Corbin, 1990, 1998). Throughout the data analysis phase of this study, the dimensions of Liebling et al.’s (2012) MQPL survey were used as a priori. However, the interpretation of the data and subsequent formulation of the overarching themes was not restricted to these dimensions.

## Results

In determining what the meaning of prison quality is for First Peoples serving sentences of imprisonment in the Kimberley region in Western Australia, the analysis focused on examining the aspects of prison considered to be positive and negative for First Peoples. The data were subjected to open, axial, and selective coding resulting in seven key aspects of prison considered to be positive and negative as experienced by First Peoples. Six of these key aspects, respect/courtesy, staff-prisoner relationships, bureaucratic legitimacy, fairness, family contact, and personal development, are consistent with Liebling's (2004) dimensions with the identification of an additional culture/traditions dimension.

### Respect/Courtesy

As with Liebling et al.'s (2012) research, respect/courtesy emerged as a key aspect of prison for First Peoples. Many First Peoples prisoners expressed their concerns regarding a lack of listening/understanding, acknowledgement, and acceptance and response to cultural differences on behalf of prison staff and the prison as an institution. Many examples were given regarding how respect/courtesy could be achieved for First Peoples in prison. The following direct quotes provide an illustration of this dimension:

*Listen to what we have to say, that would be one. Come and have a yarn. (Prisoner 7, BRP)*

*To listen more, to treat them [prisoners] with a bit more respect. We're all humans here. Show a bit more courtesy. Yes, we might be prisoners but we do have feelings... (Prisoner 20, WKRP)*

*They never listen to how we feel and that instead of assuming what's going on. (Prisoner 20, WKRP)*

*They treat us the same, but we are not the same, we are totally different people.*

(Prisoner 16, WKRP)

*Well we feel we do not even get the time of day...* (Prisoner 3, BRP)

### **Staff-Prisoner Relationships**

One of the aspects of prison most often raised by First Peoples prisoners was the strained relationship between staff members and prisoners. Ideally, the relationship between staff members and prisoners should be characterised as having a high level of trust, fairness, and support (Liebling et al., 2012). However, the majority of First Peoples prisoners indicated a lack of support from staff members, their reluctance to meet prisoners' needs, and negative attitudes towards prisoners. The following direct quotes provide an illustration of this dimension:

*If I am down in here, like every Christmas you can tell how you feel they are looking down at you, they don't want to touch you or ask you for anything.* (Prisoner 2, BRP)

*Like they do nothing but we got to help ourselves.* (Prisoner 12, BRP)

Furthermore, First Peoples prisoners indicated that staff members were reluctant to help meet their needs:

*You ask an officer to do something and they say oh yeah I will get back to you...two hours later he comes again...oh I forgot you know...I see him wandering around doing nothing you know.* (Prisoner 14, BRP)

The lack of support and the reluctance to meet prisoners' needs was often related to negative staff member attitudes including anger, assertion, and insults:

*You do not want that prison officer to be wild at you because you are in here because while you are in you are thinking about other things, your punishment...you do not want that prison guard to kick you while you are down. (Prisoner 1, BRP)*

*They swear at you in here. (Prisoner 19, WKRP)*

*Well, one officer here is actually swearing at some of the other prisoners, calling them black cunts. (Prisoner 20, WKRP)*

*They come up and expect you to stand when you are asleep, wake you when you asleep...And you do not want to be awoken from an afternoon rest just to get ticked off...And you there right, and you see the person there and he is grinning... (Prisoner 4, BRP)*

*They are not happy, the officers. And they take their personal problems out on you... The officers they call us names and everything... (Prisoner 5, BRP)*

### **Bureaucratic Legitimacy**

Bureaucratic legitimacy refers to the responsiveness of the prison and its ability to recognise the prisoner as an individual (Liebling et al., 2012). The bureaucratic legitimacy of the prison was characterised by both positive and negative forms of authority for many First Peoples prisoners. Being able to influence decisions made about oneself such as being able to choose where and with whom to share accommodation with was a positive aspect of the bureaucratic legitimacy operating in the prison for the majority of First Peoples prisoners. The following direct quotes provide an illustration of this dimension:

*Yeah that is right they say look you know anyone on the list you know...or your family or someone you know. (Prisoner 4, BRP)*

However, the majority of First Peoples prisoners felt that they had no control of their lives in prison.

*They [staff members] are not thinking that you can change your mind hey. They do not understand that. (Prisoner 13, BRP)*

Furthermore, many First Peoples prisoners felt that they had to meet impossible expectations that they did not understand. These expectations include those regarding prison rules and having to conform to the living standards of staff members:

*Yeah, well they make up rules and they need to follow the rules right rules like when they need to listen to our rules where we are coming from you know. (Prisoner 8, BRP)*

*They want us to live like them and when it's time for us to move up and be like them, they come up with something else... (Prisoner 18, WKRP)*

### **Fairness**

Fairness, a key aspect of prison for First Peoples, arose from the desire for equal treatment. Many First Peoples prisoners felt as though they were treated poorly as compared to non-Indigenous prisoners. The following direct quotes provide an illustration of this dimension:

*Well fairness we get the same treatment as the non-Indigenous people you know like non-Indigenous prisoners. But we feel there are double standards. (Prisoner 3, BRP)*

*It's like living in both worlds what I say, in my world and in the white world... (Prisoner 17, WKRP)*

Many First Peoples prisoners also felt as though their preferences were ignored as evidenced by the jobs that they received in prison. It is important to note that working in the kitchen was a favoured job for prisoners of BRP:

*But sometimes those Gubbah's [non-Indigenous person] will come in hey, and they go straight to work in the kitchen. (Prisoner 5, BRP)*

### **Family Contact**

Family contact was considered to be a positive aspect of prison for many First Peoples prisoners. The majority of First Peoples prisoners indicated that family contact was one of the most positive aspects of prison and that a lack of contact was a negative aspect of prison. The following direct quotes provide an illustration of this dimension:

*My favourite [day] was my first letter. Yeah from my wife. (Prisoner 8, BRP)*

*Worst thing, being away from my wife I went through hell... (Prisoner 8, WKRP)*

*When I first came here...I felt lonely...I... Then when someone told me that he [family member] was here then I was...just really happy. (Prisoner 13, BRP)*

The provision of family contact by staff members also highlighted the importance of family for First Peoples in prison. Discussions surrounding the best thing that staff members could do for First Peoples in prison included facilitating visits by family:

*He helped me to get hmm contact for people on the outside. (Prisoner 12, BRP)*

*I suppose get your family up to see you, visit. (Prisoner 6, BRP)*

Family contact was also related to feelings of safety:

*[I feel safe] because people are around you all the time, people you know - you know. (Prisoner 3, BRP)*

[What makes this prison safe?] *A lot of family I reckon, or other family members you know.* (Prisoner 7, BRP)

### **Personal Development**

A prison environment that supports and encourages personal development is one that manages and responds to prisoners' offending behaviour and encourages the development of their skills and capabilities (Liebling et al., 2012). Personal development was considered to be a positive aspect of prison for many First Peoples prisoners as the activities and education offered by the prison promoted prisoner wellbeing. The following direct quotes provide an illustration of this dimension:

[Look forward to] *Art. Education yeah. Clears the stress and all that.* (Prisoner 2, BRP)

*I guess I go and do activities and whatever in prison, play sports, just enjoy basically what I have got in here...* (Prisoner 4, BRP)

For many First Peoples prisoners, the activities and education offered by the prison gave them a chance to change and develop skills that may be useful upon their release from prison:

[Do you think you have got the skills?] *No that is what I am learning in here now.* (Prisoner 3, BRP)

*Like most people from here they get out of here, like anyone can jump on or push a lawn mower, start a whipper snipper and you know they do that as a course in here.* (Prisoner 4, BRP)

However, many First Peoples prisoners felt that prison should offer more activities and vocational courses:

*The same thing... but more education.* (Prisoner 14, BRP)

*More things to do. More activities. (Prisoner 15, BRP)*

*Well they could do something about it. You know teach them up, teach them up what to do like weld or something like that and they can go back to their community and they will have something to do like instead of going back home and get on the piss or whatever, smoke drugs, go back home and do something you know. (Prisoner 4, BRP)*

### **Culture/Traditions**

The most prominent aspect of prison for First Peoples prisoners was culture/traditions with participants' comments reflecting both positive and negative views. In regards to the positive aspects of culture/traditions in prison for many First Peoples, prison facilitated traditional Aboriginal communication. The following direct quotes provide an illustration of this dimension:

*But like when I am in here I talk to my tribe and I just know many languages in there in prison. (Prisoner 9, BRP)*

Furthermore, Elders were another positive aspect of prison for many First Peoples prisoners:

*[Are there Elders in here that help you with stuff?] Yeah pretty much, the older ones are in the group in here... (Prisoner 6, BRP)*

Despite this, there were many aspects of Aboriginal culture and traditions that were, more often than not, missing from the prison experience for many First Peoples prisoners. Many First Peoples prisoners felt as though the Aboriginal way of life was not respected in prison:

*So you give them, like I said the people from down river, they treat all of them [unclear] they come up here and they're treating us like them...They should let us have our tradition. (Prisoner 16, WKRP)*



*I reckon you got to treat them the way we are, like the way we have been brought up. You know by the old generation you know teach them how we do things like some of these people in here those officers they do not want to know nothing about it you know. (Prisoner 4, BRP)*

The lack of traditional Aboriginal food provided in prison as mentioned by many First Peoples prisoners further extended this:

*[Unclear] they told us we'd be getting food, meat and that from outside family, that been from last year, meant to start early this year...but nothing seems to be happening. (Prisoner 17, WKRP)*

*[What could prison do better to respect your culture more?] We should eat kangaroo. (Prisoner 5, BRP)*

Aspects pertaining to traditional sickness, witch doctoring, and retribution, all important aspects of prison for many First Peoples prisoners, were also missing from the prison experience. Many First Peoples prisoners expressed concerns over the lack of support they would receive in prison if they were to get traditionally sick (i.e., sickness caused by sorcery or malevolent spirits [Clarke, 2008]). In the case of a traditional sickness, a traditional healer may not always be present in prison. Furthermore, there are issues pertaining to the payment of the healer as it is against prison rules for prisoners to pay other prisoners:

*But then he had to be paid. You can't – he was a prisoner. The witch doctor was a prisoner. (Staff member 5, WKRP)*

Moreover, prison does not appear to facilitate Aboriginal forms of retribution often creating issues for many First Peoples prisoners:

*Yeah, the thing is if it's done in the wrong way [traditional payback] it can create issues, so the right people have to do it... (Staff member 5, WKRP)*

*If the victim's family is the one that does payback but whatever payback is done they then have to care for the victim of the payback until they're well. (Staff member 5, WKRP)*

Finally, funerals were another key aspect of prison for many First Peoples prisoners. A lack of understanding and respect of Aboriginal culture and traditions is evidenced by the process surrounding funerals as experienced by many First Peoples prisoners:

*...they knocked me back for my youngest brother who passed away, from my mother's sister. (Prisoner 6, BRP)*

*My brother past away and I did not go to the funeral. I took care of my brother, I took him through lore, they did not respect my lore, I was supposed to go to my brother's funeral. (Prisoner 7, BRP)*

*...a lot of the girls do not even live with their biological mothers they are brought up by their mother's sister...so you know we got to think about the funerals so okay we automatically approve mothers or fathers, sister, brother direct blood and then tribal significance, well what is tribal significance, what they think is tribal significance. (Staff member 2, BRP)*

### **Staff Member Opinions**

Generally, and in contrast to the experience of prison for First Peoples, staff members were of the view that prison was a positive experience:

*Well, they do like it. They've got a bed to sleep on and food, regular food. (Staff member 8, WKRP)*

*I think a wonderful role...because it's encouraging them and they are being who they want to be. (Staff member 8, WKRP)*

Prison was also regarded by the majority of staff members as beneficial to the health of First Peoples. The prison doctor at WKRP suggested that First Peoples in prison get more exposure to healthcare and that prison is not as stressful as life in the community:

*So the younger cohort gets – in here gets exposure – more ongoing daily exposure than in the community where they might see a doctor, as you say, only where necessary. (Staff member 5, WKRP)*

*...well the prison might be because you'd see a reduction in morning cortisol so the stress is less as opposed to community life... When you walk in here the first thing that hit me was just the calmness... (Staff member 5, WKRP)*

Furthermore, many staff members were of the view that First Peoples want to go to prison:

*...the average white person would try and avoid going to prison, these people...it is just another thing that is part of their life. (Staff member 2, BRP)*

*I've known guys that actually do something wrong to actually get back to jail because they've been in here so long, when they get out they don't know what to do with themselves. (Staff member 4, WKRP)*

Some staff members even went further to say that prison is a 'badge of honour' for First Peoples:

*There is no community going back to the lifestyle that they had and this is just like a [inaudible]...and in some cases it is a badge of honour. (Staff member 2, BRP)*

*...when they leave prison they're quite boastful about their time in prison. (Staff member 5, WKRP)*

In contrast, staff members' perceptions of fairness were in accordance with First Peoples' experiences of fairness in prison. The majority of staff members agreed that First Peoples prisoners were discriminated against in terms of the jobs that they received in prison. The unfair nature of prison for First Peoples is therefore very transparent.

Another key aspect of prison as experienced by First Peoples, family contact, was also highlighted as one of the most important aspects of prison for First Peoples by many staff members:

[So in here what matters most to First Peoples?] ...*family*. (Staff member 6, WKRP)

*...you could see the difference in the bloke when I saw him up here. Just the fact that he was back in country and had a visit from his family...The fact that they're up in country now is huge for them...* (Staff member 3, WKRP)

Family contact, congruent with First Peoples' own experiences, was also referenced as one of the most important aspects of prison for First Peoples:

*I think I think it is to do with an...understanding to do with their family relationships.*

(Staff member 2, BRP)

Finally, in terms of bureaucratic legitimacy, many staff members acknowledged the importance of individual choice and control as well as the provision of prison jobs and activities for personal development:

*I actually think just providing, letting people see that they've got a choice, providing them with the tools to actually make the decisions that they don't have to come back here...* (Staff member 7, WKRP)

*You have to have contact with the community – more involvement as a community so that these blokes know that there is something out there for them and hopefully it's jobs. That's what they want. (Staff member 3, WKRP)*

*It's great because we keep people occupied here, they're achieving something and that's good... (Staff member 6, WKRP)*

## **Discussion**

The purpose of this study was to explore how First Peoples experienced imprisonment in the Kimberley region in Western Australia. The research was the first stage in determining the applicability of prison quality as defined by Liebling et al.'s (2012) MQPL survey to the meaning of prison quality as experienced by First Peoples.

### **Positive and Negative Aspects of Prison as Experienced by First Peoples**

The analysis of the experiences of the First Peoples prisoners included in this study identified seven key positive and negative aspects of prison. Six of these key aspects: respect/courtesy, staff-prisoner relationships, bureaucratic legitimacy, fairness, family contact, and personal development are consistent with Liebling's (2004) dimensions with the identification of an additional culture/traditions dimension. The findings of this study support the literature regarding the effects of imprisonment for First Peoples. However, this study also identified several positive aspects of the prison experience for First Peoples that differ to those identified in previous research.

The analysis found that the aspects of prison considered to be negative for First Peoples included the perceived lack of respect and support towards prisoners by staff members, negative staff attitudes, the limited control of their lives, having to meet impossible expectations, and the perceived lack of fairness. Furthermore, the majority of First Peoples prisoners feel that prison, both as an institution and its staff members, does not remain impartial to and foster Aboriginal culture and traditions such as food, traditional healing, and the kinship system. However, there are some aspects of the prison experience for First Peoples that make the sentence more tolerable.

The aspects of prison considered to be positive for First Peoples include staff member provision of family contact such as the facilitation of phone calls, for example. Many First

Peoples prisoners are surrounded by family members also serving sentences in prison and being with family while in prison is related to feelings of safety. Furthermore, prison may facilitate traditional Aboriginal language and gives many First Peoples prisoners an opportunity to communicate with other First Peoples prisoners. The activities and education offered by prison also greatly contribute to the development of skills for many First Peoples prisoners such as cooking and gardening that are useful upon their release.

### **Prison Quality as Defined by the MQPL Survey and as Experienced by First Peoples**

In terms of the applicability of the meaning of prison quality as defined by Liebling et al.'s (2012) MQPL survey to the meaning of prison quality as experienced by First Peoples, this study indicates that First Peoples prisoners have a strong need for staff member acceptance and response to cultural differences, an issue not of concern to the prisoners included in the development of Liebling et al.'s (2012) MQPL survey. Furthermore, the lack of equal treatment between Indigenous and non-Indigenous prisoners as perceived by First Peoples prisoners is also a relevant aspect of their lives in prison that differs to those for whom the MQPL survey was developed. The most prominent finding of this study however is the identification of an additional dimension pertaining specifically to the needs of the First Peoples prisoners in this study: culture/traditions dimensions. The culture/traditions dimensions identified by the analysis of the experiences of the First Peoples prisoners included in this study highlight the importance of prison's propensity to remain impartial to and foster the cultural and traditional aspects of First Peoples lives in prison. Evidently, culture/traditions dimensions are a key aspect of prison life for First Peoples and for any measure of prison quality for First Peoples these dimensions should be present.

### **Conclusion**

The study findings relate to a small sample of First Peoples serving sentences of imprisonment in the Kimberly region in Western Australia and therefore are not directly generalisable to First Peoples prison populations in other regions. However, due to the in-depth nature of the interviews with the First Peoples prisoners regarding their experiences and perceptions of prison quality, it is likely that the study themes would be similar to the experiences and perceptions of First Peoples in prison in other regions of Australia. Future research would benefit from the use of a larger sample of First Peoples prisoners.

The experience of prison and the meaning of prison quality differs amongst culturally diverse groups. The key aspects of prison as experienced by First Peoples that contribute to prison quality for First Peoples differ to the aspects perceived as important in the lives of non-Indigenous peoples in prison. All of the observed differences between prison quality as experienced by First Peoples and the dimensions of the MQPL survey are underpinned by aspects relevant to the culture/traditions of First Peoples emphasising the importance of the cultural sensitivity of the prison and its ability to meet prisoners' needs. As such, special care should be taken during the assessment of prison quality when interpreting First Peoples' experiences as well as considering culture/traditions as important elements in understanding what prison quality is for First Peoples. For the prison environment to meet the needs of its prisoners, including First Peoples prisoners, it is necessary for quality to also encompass orientation toward rehabilitation processes. With this mind the prison environment can facilitate and empower prisoner change processes and the attainment of rehabilitative goals.

The findings of this study show that measures of prison quality need to include prison quality dimensions that are able to measure the specific needs of First Peoples; specifically, the inclusion of cultural considerations. The adoption of more comprehensive measures of prison quality for First Peoples can influence more inclusive and culturally sensitive prison



policies and procedures. Likewise, there are clear opportunities to consider the importance of incorporating processes that enable the recognition of cultural practices to positively impact on the prison experience for First Peoples in Australian prisons.

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