Elizabeth Grant

Designing carceral environments for Indigenous prisoners: a comparison of approaches in Australia, Canada, New Zealand, the US and Greenland


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International approaches to the design of prison facilities for Indigenous prisoners

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The high incarceration rate of people from Indigenous cultures is a world-wide phenomena.

Disproportionately high numbers of Indigenous people are confined in prisons due to factors such as socio-economic disadvantage, social anomy of living in separate worlds, lack of access to adequate legal representation and discrimination.

There is a capacity for the design of prison facilities to have an impact on the prisoners’ experiences and outcomes.

This paper will examine some trends in the design of prison facilities for Indigenous prisoners in the US, Canada, Greenland, New Zealand and Australia.

Note all figures and statistics quoted are 2013 unless otherwise noted.
The 2012 census recorded a population of 2.5 million Native Americans, constituting 1.2% of the total US population.

It is estimated that more Native American are in prison relative to population size than any other ethnic or cultural group in the United States.

It is estimated one out of every 200 Native American adults is convicted of a felony crime.
The establishment of separate tribal legal structures and prisons has been an attempt to address cultural dislocation and allow reservations self-governance.

79 jails, confinement facilities, detention centers and other correctional facilities are operated by tribal authorities or the Bureau of Indian Affairs.

Under federal law, tribal courts have the authority to prosecute members for crimes committed on reservations but cannot sentence offenders to more than three years in prison.

Tribal facilities have been the subject of review due to overcrowding, inadequate facilities, mixing of juvenile and adult offenders. This has led to funding for the construction of tribal facilities.

International Approaches to the design of accommodation for Indigenous Prisoners
Establishing alternatives to incarceration should be the major focus.

The Tribal Justice Plan should be implemented in consultation and collaboration with Tribal Leaders and should be flexible enough to allow tribes to develop strategies tailored to their specific public safety needs and tribal history and culture.

The Tribal Justice Plan should coordinate federal, tribal, state and local government resources to support operations, programming in tribal justice systems, and critical infrastructure issues with tribal correctional facilities, fully mindful of the sovereign status of tribes in these coordination efforts.
• There should be greater coordination between parties in respect to awards for grants that may be used to construct tribal correctional facilities and multi-purpose justice centers and self-governance compacts for funding operations.

• The Departments are committed to addressing the issue of coordination to other issues related to detention on Indian country.
The Navajo Nation Correctional Facilities and Justice Centers

Tuba City Corrections Center

Images: JCJ Architecture

International Approaches to the design of accommodation for Indigenous Prisoners
The Navajo Nation Correctional Facilities and Justice Centers

Images: JCJ Architecture

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The Navajo Nation Correctional Facilities and Justice Centers

Images: JCJ Architecture
The Navajo Nation Correctional Facilities and Justice Centers

Kayenta Multipurpose Justice Center

Images: David Sloan Architects

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Alternatives to Corrections
Transitional Living Facilities

Hualapai Transitional Living Facility

International Approaches to the design of accommodation for Indigenous Prisoners
Alternatives to Corrections
Transitional Living Facilities

Northern Arapaho Community Assessment Center for Youth

*Prevention through Intervention Center, a multipurpose treatment campus for youth and families.*

*Creation of therapeutic residential and community programs that prevent youth being separated from community and family.*

Images JCJ Architecture
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Native American religions are not homogeneous.

However, two dominant religious traditions have emerged in correctional settings:

- Native American Church tradition, which incorporates Christianity into traditional Native religion.
- Pan-Indian religion predicated on the Lakota Sioux tradition, frequently referred to as ‘The Way of the Pipe.’

Although ceremonies may vary, they frequently involve:

- fire,
- pipe smoking,
- smudging,
- sweat lodges,
- hogans/tipis,
- songs, and dancing.

Sacred objects, such as drums, rattles, pipes and bags are required for ceremonies.
Native Americans struggles for religious freedoms in mainstream prisons

Images: Nancy Mullane

International Approaches to the design of accommodation for Indigenous Prisoners
Native Americans struggles for religious freedoms in mainstream prisons

Images: Nancy Mullane
Native Americans struggles for religious freedoms in mainstream prisons

Images: Angela Carone

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Three groups of Aboriginal peoples: the First Nations, Inuit and Métis are officially recognised in Canada.

Aboriginal people make up about 4% of the Canadian population.

23.2% of the federal prisoner population was Aboriginal, 71% were First Nation people, 24% Métis and 5% Inuit.

The incarceration rate for Aboriginal adults is 10 times higher than the incarceration rate of non-Aboriginal adults with a higher over-representation rate for Aboriginal women.
No previous task force nor royal commission on corrections ... has ever recognized the unique position of Aboriginal women.

The Aboriginal voice has been relegated to a few pages of these previous reports ... which were disconnected philosophically from the thrust of those works.

This has effectively silenced our voice and trivialized our experience.

It is our voice that helps to lead this new vision for women in corrections. ... We trust that the message of Aboriginal women is now clear. We ALL require ACTION NOW.

November 20-21, 1986
Events at Kingston Women's Prison
Ottawa Canada

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Images: Department of Justice Canada
concluded that the IERT’s actions:

- Violated Article 53 of the United Nation’s Standard Minimum Rules for the Treatment of Prisoners, which stipulates that women prisoners be “attended and supervised only by women officers.”

- Contravened articles 3 and 5 of the Universal Declaration and Human Rights, and the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment.

- Were antithetical to the “new correctional philosophy for women” put forth in the Creating Choices report.
As a consequence of the Commission to Investigate Certain Events at the Prison for Women in Kingston:

- A network of smaller, more normalised regional facilities for women was created.
- The Aboriginal Healing Lodge concept was conceived.
The *Corrections and Conditional Release Act* (CCRA) states "that correctional policies, programs and practices [must] respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and Aboriginal peoples."

The healing lodge offers services and programs reflecting Aboriginal culture in spaces that incorporate Aboriginal peoples’ tradition and beliefs.

It was proposed that the needs of Aboriginal prisoners would be addressed through Aboriginal teachings, participation in ceremony, contact with Elders, family and children and through interaction with nature.
Okimaw Ohci Healing Lodge
Maple Creek, Saskatchewan
1995

Images: Department of Justice Canada

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Pê Sâkâstêw Healing Lodge
Maskwacis, Alberta
1997

Images: Elizabeth Grant

Image: Department of Justice Canada

International Approaches to the design of accommodation for Indigenous Prisoners
Ochi-chak-ko-sipi
Healing Lodge
Crane River, Manitoba 2003

Images: Department of Justice Canada
Mainstream Facilities

• Aboriginal offenders are incarcerated more often for violent offences and frequently have gang affiliations.

• Many Aboriginal offenders are unable to be accommodated in healing lodges or other minimum security institutions and end up in mainstream prisons.

• At most medium and minimum security prisons, there are concerted (although not consistent) attempts to provide facilities for spiritual observance.

• The presence of sweat lodges and tipis at most prisons is a reminder that Aboriginal prisoners are present in the prison as a distinct and diverse group.

Image: Elizabeth Grant
Greenland’s Indigenous peoples (Kalaallit or Inuit) constitute around 88% of the Greenland’s population of 56,000 people.

In 2008, Greenland voted to become a separate country within the Kingdom of Denmark and assumed the name Kalaallit Nunaat.

The sanctions imposed under the Greenlandic Penal Code are measured against the potential rehabilitative outcomes for the offender and are not intended to punish, but to find the ‘measure’ judged to be most suited to prevent further crime.

There are no minimum or maximum penalties with sanctions including fines, sentence of supervision, prison and safe custody sentences (otherwise known as indeterminate placement).
The imprisonment rate for Kalaallit is 301 per 100,000 of the adult population.

Greenland does not have psychiatric treatment facilities or a ‘closed’ institution.

Since 1986, Kalaallit sentenced to an indeterminate placement have been transferred to Herstedvester Institution (Copenhagen) (4,000 kms away) & are housed in a ‘Greenlander’ unit or in the closed Greenlander Unit Risskow Hospital.

Prisoners suffer from homesickness and find separation from family difficult. Most do not speak Danish and communication with correctional staff is difficult.

Ny Anstalt (76 places) (40 people within a ‘closed’ regime) will be constructed in Nuuk by 2018.
Maintaining Cultural Practices

International Approaches to the design of accommodation for Indigenous Prisoners
Maintaining Cultural Practices

International Approaches to the design of accommodation for Indigenous Prisoners
Ny Anstalt

Images: Schmidt Hammer Lassen Architects

International Approaches to the design of accommodation for Indigenous Prisoners
New Zealand
(Aotearoa)

• The *Maori Land Act 1993* defines a Māori “…as a person of the Māori race of New Zealand or a descendant of any such person.”

• Māori make up approximately 15% of New Zealand’s population.

• Māori account for over 50% of the prison population.

• There are 17 prisons located across New Zealand accommodating over 8,500 sentenced and remand prisoners.

• Of the 16 facilities, 14 are purpose built for men and 3 for women. Auckland South Corrections Facility (Wiri) is due to open May 2015.
Ethnicity of New Zealand Prison Population

Image: Corrections New Zealand
The first Māori Focus Unit opened at Hawkes Bay Prison in 1997. A further four Māori Focus Units have been established at existing prisons at Waikeria, Tongariro Rangipo, Rimutaka and Wanganui Correctional Centres. Each unit is a stand-alone minimum security unit housing up to 60 prisoners.

Images: Elizabeth Grant
Rimutaka Māori Focus Unit

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Rimutaka Māori Focus Unit

Images: Elizabeth Grant

International Approaches to the design of accommodation for Indigenous Prisoners
Spring Hill Corrections Facility
Pacific Focus Unit
(Vaka Fa'aola)
Spring Hill Corrections Facility

Images: Elizabeth Grant

International Approaches to the design of accommodation for Indigenous Prisoners
Spring Hill Corrections Facility

*Whare Hui, the Māori meeting place.*

Images: Elizabeth Grant

International Approaches to the design of accommodation for Indigenous Prisoners
Spring Hill Corrections Facility

Fale adjacent to the Pacific Islander Focus Unit.

Images: Elizabeth Grant
Members of two opposing gangs were involved in riots in maximum security in 2013.
Auckland Regional Women’s Correctional Facility

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Auckland Regional Women’s Correctional Facility

Images: Elizabeth Grant

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Images: Elizabeth Grant
Auckland South Corrections Facility
Kohuora

Images: Serco

International Approaches to the design of accommodation for Indigenous Prisoners
Auckland South Corrections Facility
Kohuora

International Approaches to the design of accommodation for Indigenous Prisoners

Images: Serco
• Aboriginal and Torres Strait Islander peoples currently make up 3% of the total Australian population while constituting 27% of the total Australian prison population.

• There are variations between the number of Aboriginal prisoners in various states and territories, for example in the Northern Territory, 86% of the prison population identifies as being of Indigenous descent.

• There are variations in approaches to the design of prison environments for Indigenous prisoners between jurisdictions.
Imbuing Environments with ‘Aboriginality’

Images: Elizabeth Grant

International Approaches to the design of accommodation for Indigenous Prisoners
Purpose Built Cultural Centres

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Minimum Security Facilities in Discrete Locations

Photographs ABC

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Photographs Grant
Boronia Pre-release Centre, Perth
Boronia Pre-release Centre, Perth

"Kullaari" (River Geckoes)

The lizard is the protector of Aboriginal women in this area

Images: Elizabeth Grant
Boronia Pre-release Centre, Perth

Photographs: Department for Justice Western Australia
Boronia Pre-release Centre, Perth

Images: Elizabeth Grant
Boronia Pre-release Centre, Perth

Images: Elizabeth Grant
Wulgunggo Ngalu
Learning Place, Won Wron

Photographs: Department for Justice, Victoria
West Kimberley Regional Prison Project

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Images: Peter Bennetts
West Kimberley Regional Prison Project

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West Kimberley Regional Prison Project

International Approaches to the design of accommodation for Indigenous Prisoners

Images: Peter Bennetts
• The issues of being away from home and isolated from family and community with a lack of access to cultural activities, religion, and traditional foods are concerns articulated by Indigenous prisoners across the world.

• It is generally concluded that Indigenous prisoners should be kept as close as possible to their families and support systems, and given access to aspects of their culture.

• Across the world, growing numbers of Indigenous prisoners enter prison systems with chronic and mental illnesses, substance abuse problems & cognitive disabilities.
Overview

• All five countries examined have introduced minimum security cultural approaches for Indigenous prisoners.

• The issues of dealing with members of gangs in prison in Australia and Greenland are different to the experiences of the US, New Zealand or Canada.

• There are issues with filling places in minimum security facilities in Canada, Australia and New Zealand.

• Some thought needs to be given to designing medium to maximum security facilities.
Design Recommendations
Indigenous Prison Environments

- Connections to country
- Connections to exterior environment
- Imbue environment with Indigeneity
- Connections to kin
- Having capacity to continue ceremony
- Being part of a social grouping
- Meeting health and safety needs
- Effective & culturally appropriate information flows

International Approaches to the design of accommodation for Indigenous Prisoners
Thank you

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