

PUBLISHED VERSION

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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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Introduction



- 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 anomaly 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.

NORTH AMERICA



- 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.

Tribal Jails



- 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.

Tribal Law and Order Act (TLOA) 2011

Long term plans to build & enhance Tribal Justice Systems



Image: Pete Souza

- 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.

Tribal Law and Order Act (TLOA) 2011

Long term plans to build &
enhance
Tribal Justice Systems



Image: Pete Souza

- 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



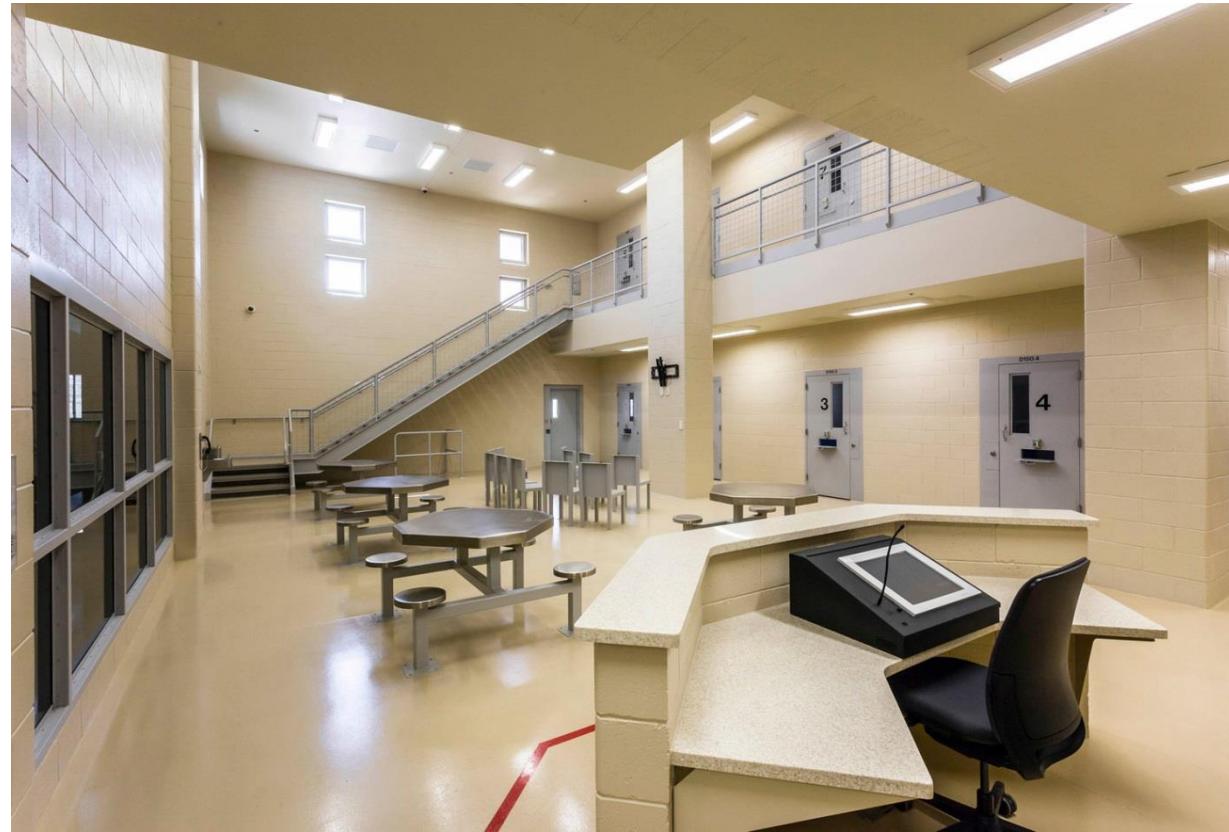
Images: JCJ Architecture

The Navajo Nation Correctional Facilities and Justice Centers



Images: JCJ Architecture

The Navajo Nation Correctional Facilities and Justice Centers



Images: JCJ Architecture

The Navajo Nation Correctional Facilities and Justice Centers

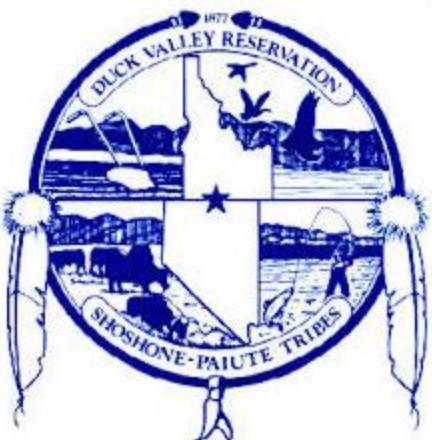
Kayenta Multipurpose Justice Center



Images: David Sloan Architects

Alternatives to Corrections Transitional Living Facilities

Hualapai Transitional Living Facility



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

Ramah Navajo Chapter Adult Detention Center



Image: Justice Solutions Group

Native Americans Struggles for Religious Freedoms in Mainstream Prisons



Image: Angela Carone

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

Native Americans struggles for religious freedoms in mainstream prisons



Images: Nancy Mullane

Native Americans struggles for religious freedoms in mainstream prisons



Images: Angela Carone

CANADA



- 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.

Creating Choices

TASK FORCE ON FEDERALLY SENTENCED 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



Images: Department of Justice Canada

The Final Report of the Commission to Investigate Certain Events at the Prison for Women in Kingston, 1990

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:

- The Kingston Prison for Women closed its doors in July 2000.
- A network of smaller, more normalised regional facilities for women was created.



- The Aboriginal Healing Lodge concept was conceived.

Healing Lodges



Image: Elizabeth Grant

- The *Corrections and Conditional Release Act* (CCRA) was 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

Pê Sâkâstêw Healing Lodge

Maskwacis, Alberta

1997



Images: Elizabeth Grant



Image: Department of Justice Canada

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

(*Kalaallit Nunaat*)



- 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 Kalaalit 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).

Overview



- 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 Risskov 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



Image: schmidt hammer lassen architects

Ny Anstalt

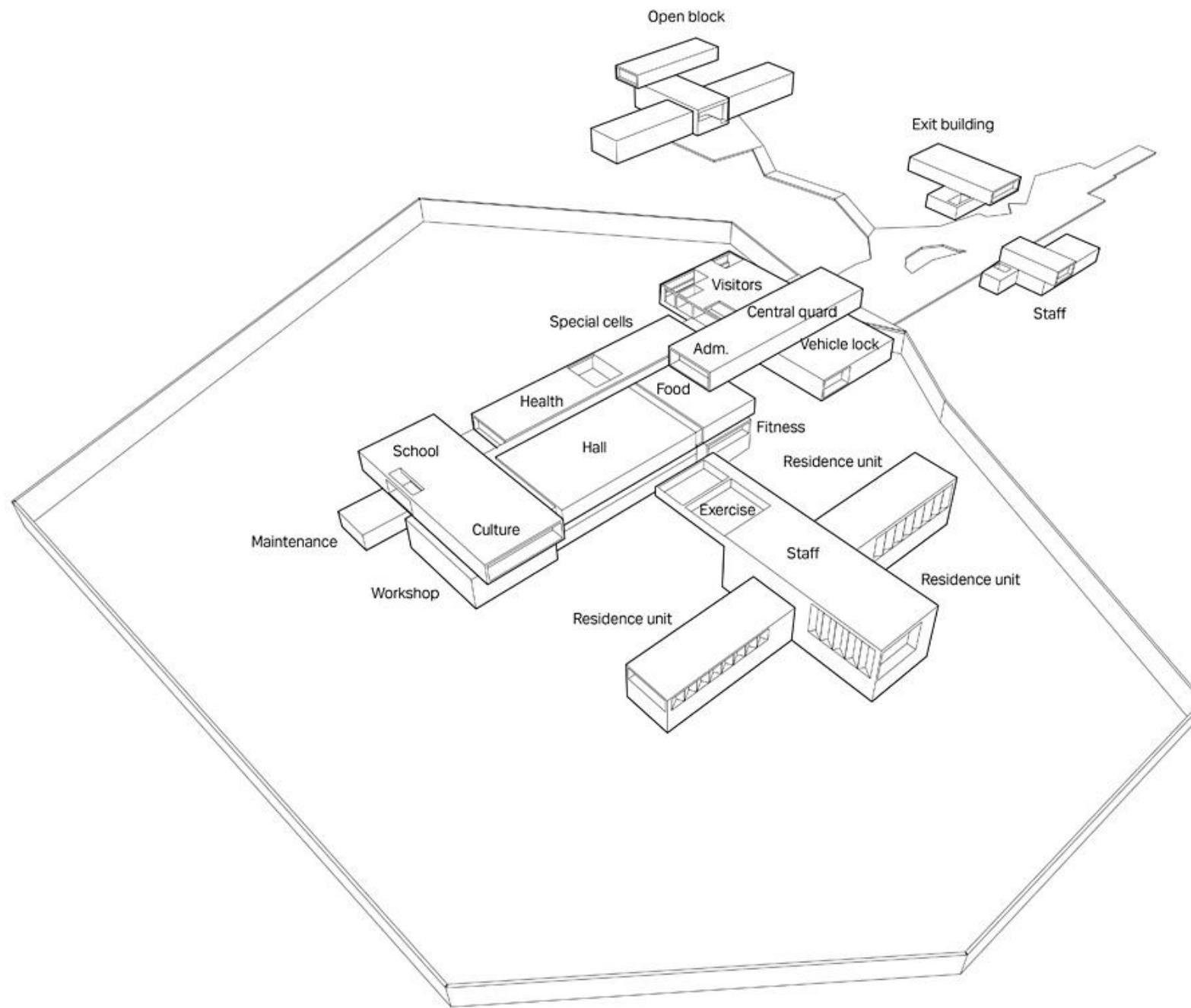


Images: Schmidt Hammer Lassen Architects

Ny Anstalt



Images: Schmidt Hammer Lassen Architects



Ny Anstalt

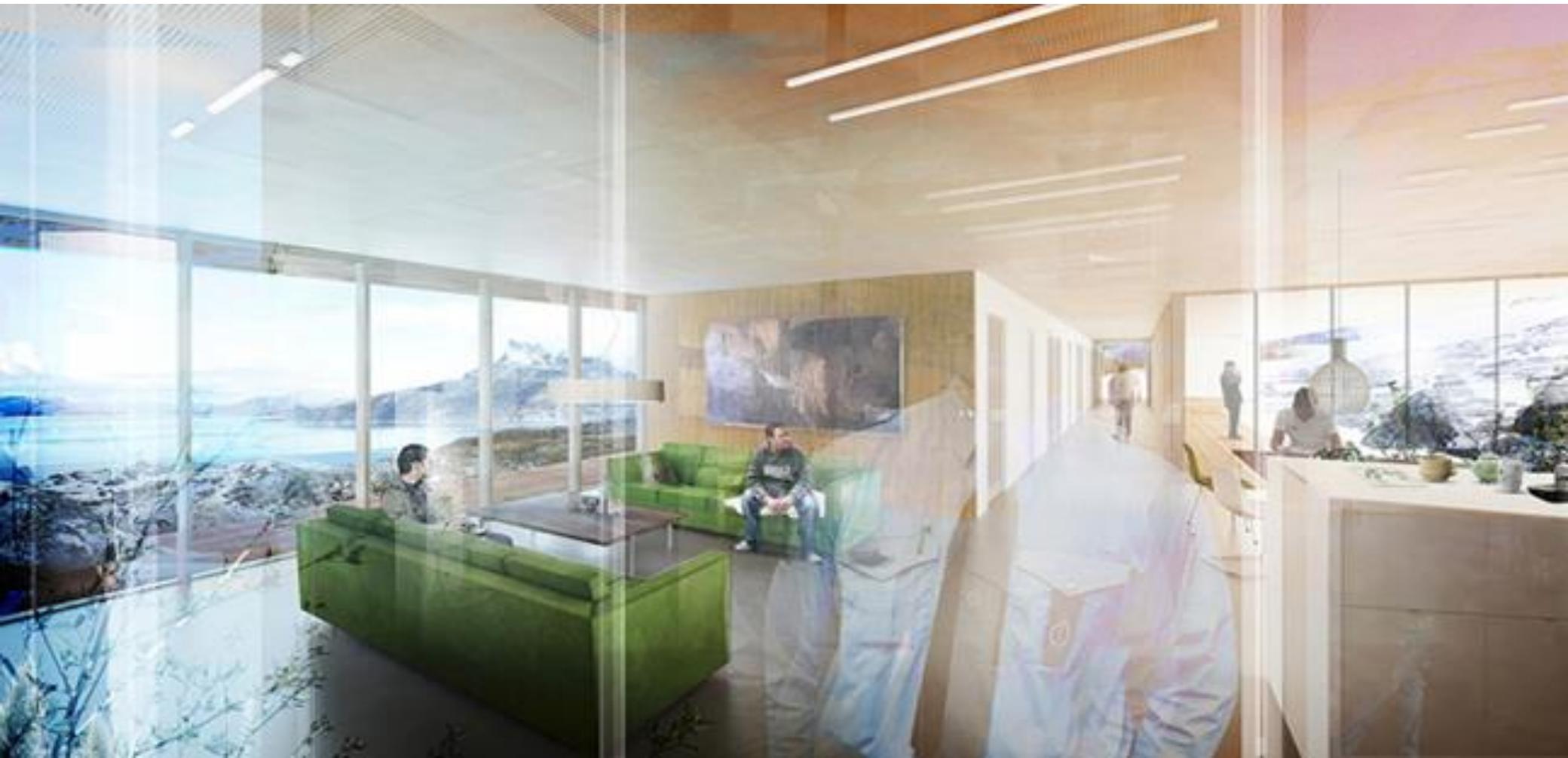


Image: Schmidt Hammer Lassen Architects

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

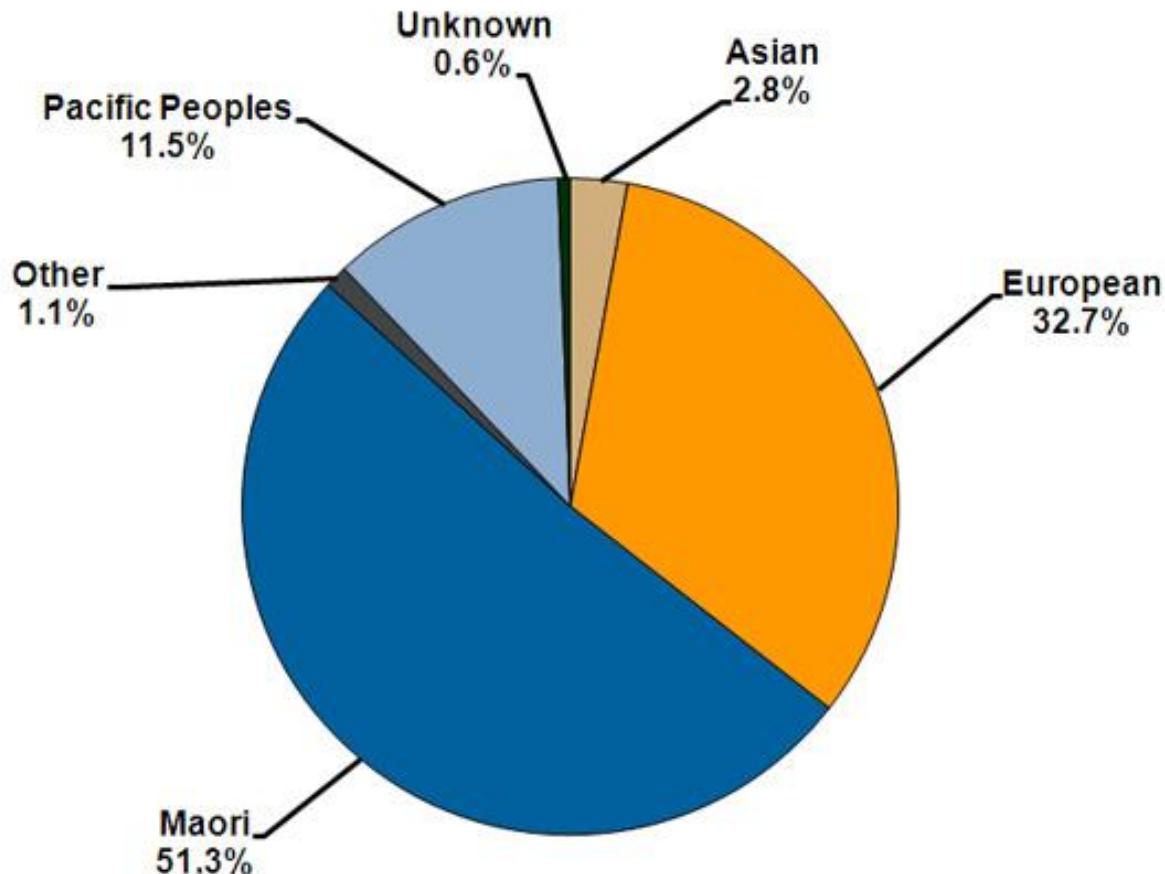


Image: Corrections New Zealand

Māori Focus Units



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.



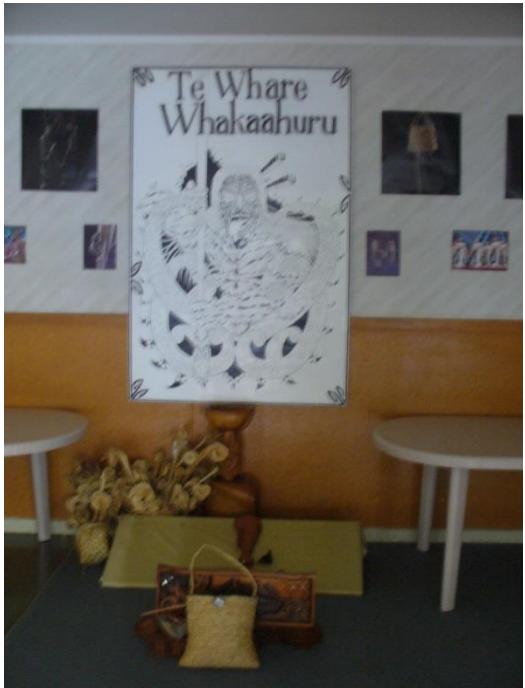
Images: Elizabeth Grant

Rimutaka Māori Focus Unit



Images: Elizabeth Grant

Rimutaka Māori Focus Unit



Images: Elizabeth Grant

Rimutaka Māori Focus Unit



Images: Elizabeth Grant

Spring Hill Corrections Facility



Image © 2010 GeoEye
© 2010 MapData Sciences PtyLtd, PSMA

Google

Pacific Focus Unit (Vaka Fa'aola)

Spring Hill Corrections Facility



Images: Elizabeth Grant

Spring Hill Corrections Facility



Whare Hui, the Māori meeting place.



Images: Elizabeth Grant

Spring Hill Corrections Facility



Fale adjacent to the Pacific Islander Focus Unit.



Images: Elizabeth Grant

Spring Hill Corrections Facility

Members of two opposing gangs were involved in riots in maximum security in 2013.



Image: One News NZ

Auckland Regional Women's Correctional Facility



International Approaches to the design of accommodation for Indigenous Prisoners

Auckland Regional Women's Correctional Facility



Images: Elizabeth Grant

Auckland Regional Women's Correctional Facility



Images: Elizabeth Grant

Auckland Regional Women's Correctional Facility



Images: Elizabeth Grant

Auckland Regional Women's Correctional Facility



Images: Elizabeth Grant

Auckland Regional Women's Correctional Facility



Images: Elizabeth Grant

Auckland South Corrections Facility Kohuora



Images: Serco

Auckland South Corrections Facility Kohuora



Images: Serco

Auckland South Corrections Facility Kohuora



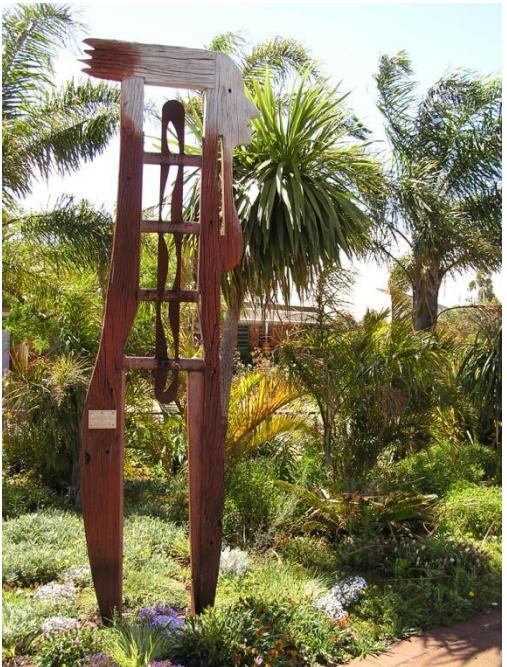
Images: Serco

AUSTRALIA



- 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

Purpose Built Cultural Centres



Image: Elizabeth Grant



Image: Merrima Indigenous Design Unit

Minimum Security Facilities in Discrete Locations



Photographs ABC

Minimum Security Facilities in Discrete Locations



Minimum Security Facilities in Discrete Locations

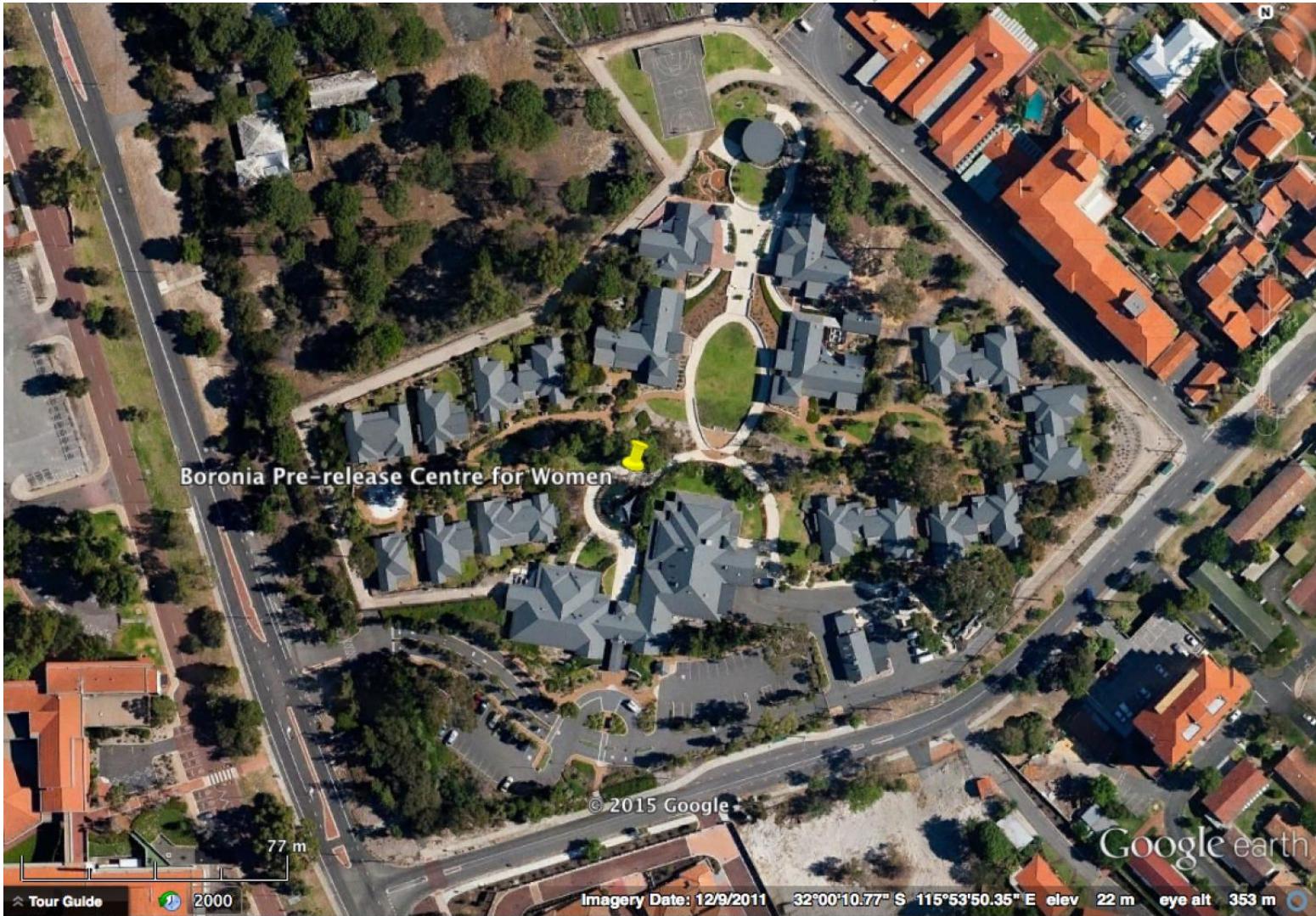


Minimum Security Facilities in Discrete Locations



Photographs Grant

Boronia Pre-release Centre, Perth



Boronia Pre-release Centre, Perth



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

Wulgunggo Ngalu Learning Place, Won Wron



Photographs: Department for Justice, Victoria

West Kimberley Regional Prison Project



Images: Peter Bennetts



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West Kimberley Regional Prison Project



Images: Peter Bennetts

Overview

- 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

Thank you



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