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What Works At One Arm Point? A Study In The Transportation Of A Penal Concept

The state of Western Australia, which has a Criminal Justice System similar in many respects to that of England and Wales, has imported and adapted the What Works orthodoxy developed in North America and the UK. Drawing on exploratory research in this region, Anne Worrall highlights the dangers of an 'international trade in penal ideas' which fails to take greater account of issues such as the loss of traditional culture and breakdown of kinship systems in Aboriginal societies.

> "Effective rehabilitative ventures are reflexive rather than directive; they respond to situations as they unfold. Their language is an innovative dialogue not a prescriptive monologue. For these reasons, successful interventions can seldom be categorised, cloned and transplanted. To do so may be helpful to researchers, administrators and politicians, because it tidies up a messy and idiosyncratic world but, unfortunately, successful interventions do not seem to travel well." (Pitts, 1992, p.144)

For those in the business of trying to keep as many people as possible out of prison for as long as possible, while offering protection to the community, the last decade of the 20th Century has been dominated by the doctrine of What Works (Vanstone, 2000). The English-speaking world of probation and community corrections has been pre-occupied with a model of focused, accountable, standardised intervention in the lives of offenders, based on the actuarial concept of risk assessment, the science of cognitive behavioural psychology, the morality of individual responsibility and the politics of restorative justice. At the same time, however, that world has seen an unprecedented rise in the prison population and a blurring of the boundary between freedom and custody. Offenders increasingly receive sentencing packages that involve time spent both inside and outside prison, and technology now makes it possible for many of the restrictions of imprisonment to be visited on offenders in their own homes and communities. In addition, practitioners are often overloaded with the bureaucratic demands of programme integrity and evaluation, and find themselves with less and less time to consider the underlying values and

philosophy of their work, thus making themselves vulnerable to the vagaries of crisis-driven law and order policy.

So how do we make sense of these developments in the context of the globalisation of crime and punishment? How do we take advantage of the insights offered by global knowledge while at the same time taking account of national, regional and local diversity and difference? How can we learn from each other without being forced into adopting a bland and simplistic language which we *think* we all recognise but which may, in reality, mean very little to any of us?

The globalisation of criminology has revealed an international trade in penal ideas: restorative justice, family group conferencing, 'three strikes' and 'honesty in sentencing' are but a few examples of ideas that have been imported and exported through the English-speaking world. Little account, it seems, is taken of regional, let alone local differences of demography, culture or economy. Based on exploratory research in Western Australia (WA) between July and December 1998, this paper examines the importation by the WA Community Based Services of the What Works agenda, and demonstrates how the penal concept has been adapted (or perhaps subverted) to meet the needs of a vast, sparsely populated state with a colonial legacy and unique racial conflicts.

The Western Australian Context

One Arm Point is a real place; it is also a symbolic place. It 'stands in for' all those geographical, social, economic and cultural places where What Works might not work. Although this paper focuses on the contrasts between working in the centre of a large multicultural (though largely white) city and working in a remote bush region, the theoretical point it makes is about the dangers of adopting a globalised penal discourse.

At One Arm Point the earth is bright red, the bush is bright green, the sky is bright blue, the sea is bright turquoise – and the temperature rarely falls below 25 degrees centigrade. The community of about 300 people is joined to the nearest town, Broome, some 200km away by an unsealed road open only to 4 x 4 vehicles. The community council has prohibited alcohol but some of the men smuggle it in from Broome anyway. When they are drunk, some of the men become very violent, most frequently towards the women. Aboriginal women are 45 times as likely to be victims of what we would call domestic violence (a term not accepted by many Aboriginal communities) than are non-Aboriginal women (Ferrante *et al*, 1996). Although Aboriginal people make up less than 3% of the population of Western Australia, just under half of all cases of family violence reported to the police involve Aboriginal families. The terms 'family fighting' or 'feuding' are preferred by indigenous people because the violence is multilayered and crosses the boundaries between the public and private/domestic violence spheres (Blagg, 2000). Its public, alcohol-related nature often results in both men and women being charged with public order offences. All this, many would argue, is the legacy of colonialism that stripped indigenous Australians of their land and their dignity in ways too various and complex to discuss in this brief paper. As Margaret Smallwood says, "This violence is not our way":

> "The patriarchal attitudes of colonial Australia replaced Aboriginal kinship laws and the resultant breakdown in the Aboriginal society generated violence within the family unit." (Smallwood, 1996, p.131)

One Arm Point is in the far north of a state the size of Western Europe with a population of less than two million, over one million of whom live in metropolitan Perth, 2,300km to the south. The remainder are scattered across the 'country' in small towns and hundreds of Aboriginal

communities. The Community Corrections Centre at Broome, with two sub-offices, covers a region twice the size of the UK with 12 community corrections officers. Home visits are carried out on expeditions, which may involve camping, travelling in a 4 x 4 with a satellite phone and last on average two weeks. Offenders have to be found, for the concept of appointments and diaried time is irrelevant. Yet, according to local community corrections officers, probation orders are more highly respected by the offender, their family and friends, than seems to be the case in the metropolitan area.

Western Australia's criminal justice policy is very close to that of England and Wales, although the term 'Probation Service' was abandoned over ten years ago in favour of 'Community Corrections'. Western Australia's 1995 Sentencing Act bears many similarities to the 1991 Criminal Justice Act of England and Wales. Imprisonment is to be imposed only where the seriousness of the offence or the protection of the community requires it. Despite this, the average prison population continues to rise (from just over 2,000 in December 1996 to 2,500 in March 1999: Ferrante *et al*, 1998; Australian Bureau of Statistics, 1999). The Ministry of Justice, responsible for both the Prison Service and Community Based Services, has undergone a major 'Refocus' based on the concept of restorative justice, and the What Works agenda has been adopted as the driving force behind rehabilitative work with offenders, both inside and outside prison. In a previous issue of *Probation Journal*, David Daley and Richard Lane (1999) have outlined the development of the actuarially based 'on-line' risk assessment methodology used in Western Australia.

One gains the impression that WA has made the 'community corrections' transition less aggressively than America and with less soul-searching than England and Wales. However, that impression fades when one considers WA's – and indeed Australia's – greatest criminal justice problem, namely the excessive imprisonment of its indigenous people (Harding *et al*, 1995). In Australia as a whole, indigenous prisoners account for 18% of the average prison population, compared with less than 3% of indigenous people in the general population. But the proportion in WA is nearer 33% (Ferrante *et al*, 1998). It is a problem that presents the greatest possible challenge to Community Corrections. It also demonstrates the shortcomings of an ideological adherence to What Works. What works in the centre of Perth is certainly not what works in the regions. At a more fundamental level, Harry Blagg (1997) argues that notions of reintegrative shaming and restorative justice are wholly inappropriate to members of a civilisation that has been all but destroyed by British colonialism. Rather than separating out crime problems into discrete and apparently unrelated components (for example, domestic violence, alcohol abuse, petrol sniffing) we should see such issues as "aspects of a collective suffering" (Blagg 1998, p.10) requiring an understanding akin to that shown to the survivors of disaster or trauma.

What Works in Perth?

So what are the particular challenges of working with offenders in WA? In metropolitan Perth they are similar to those in many large urban centres with relatively small minority ethnic populations. The Sex Offender Treatment Unit was set up in 1987 as a prison-based service but developed community-based programmes in 1990. The programmes would be recognisable to anyone working in this field in the UK, Canada and the USA, and there is a 'culturally relevant' adaptation of the programme for use with Aboriginal sex offenders. The latter includes greater use of audio visual materials about Aboriginals, a greater emphasis on the interaction of alcohol, violence and inappropriate sexual behaviour, awareness of issues arising out

of Tribal law and awareness of cultural differences with respect to sexual propriety and impropriety.

Similarly, the Warminda Intensive Intervention Centre, established in 1997, shares the philosophy and many of the features of probation centres in England and Wales, including routine urinalysis. The pattern of assessment and treatment of high risk offenders and the delivery and evaluation of the 'COGS' (Chance of Going Straight) programme of offending behaviour modules, contain all the elements of similarly named programmes in the UK and North America. Very few Aboriginal offenders attend (those considered sufficiently high risk are usually imprisoned) and in late 1998, the Centre was adjusting to its first two female attenders.

But this is where the similarity ends and where the local adaptations of What Works begin. The Aboriginal Family Support Scheme had its beginnings in a survey of Aboriginal families in the northern suburbs of Perth in 1995 and 1996. Concerns emerged that families wanted to be dealt with as families rather than as either individual offenders or as a homogeneous 'Aboriginal' group. Families believed that they could identify significant members who were decision-makers and authority figures. They had a concern about loss of authority among family and community elders and their inability to affect the behaviour of their younger members. As a result, a mentoring project was set up in two suburbs and one separate large town in 1996. Aboriginal co-ordinators were appointed and co-operation was also obtained from the metropolitan Council of Elders. The scheme has experienced many problems, especially in relation to the recruitment of appropriate and acceptable mentors. For example, a very high proportion of Aboriginal people have some kind of police record which is something of an impediment to their appointment as mentors. On the other hand, there is a reluctance among potentially suitable mentors to expose themselves to this kind of vetting – a feeling that white people have the audacity to scrutinise them while, at the same time, being dependent on their co-operation for the scheme to work. As a result of the complex social structures in Aboriginal societies, it is also important that mentors are acceptable to the families of the young offenders. Such problems and negotiations go beyond simplistic definitions of 'cultural sensitivity' and expose the heart of colonial relationships.

What Works in Kimberley and the Central Desert?

If the What Works approach to offending has to be compromised in dealings with urban Aboriginal communities, then it becomes transformed beyond recognition when imposed on communities in the 'country'. In its Aboriginal Plan, the Ministry of Justice (1996a) acknowledged four guiding principles in delivering services to indigenous people. First, it recognised the importance to Aboriginal culture of the spiritual relationship of indigenous people to land. Second, it recognised the complexities of extended family relationships and importance of the obligations and responsibilities which these place on individuals. Dispossession and marginalisation has resulted in the loss of traditional culture and the breakdown of community kinship systems, loosening the bonds which help to prevent offending. Third, it recognised that Aboriginal people are not a homogeneous group and that there are many different language groups which have distinct affiliations. Attempts to design interventions suitable for use in all communities are unlikely to succeed. Finally, it acknowledged the relevance of customary law which it aimed to respect and, where practicable, accommodate. In remote communities, adherence to white law may be subsidiary to the practice of customary law but the latter may include formalised physical punishments that

constitute serious assault in white law.

These points are illustrated by two projects in which Community Based Services have used a community development model of working with offenders – a model which, it could be argued, lies at the opposite end of the rehabilitative spectrum from the What Works approach. The first is the use of contracts between the Ministry of Justice and several of the larger Aboriginal communities (Daley and Lane, 1999) – in the Kimberley district there are more than 100 communities but fewer than 20 with populations of more than 80 people. Under these contracts, the communities manage their own offenders, with support from Community Based Services. A major role of the Services is to visit the communities regularly to provide support and training and to maintain a constant dialogue on local issues and development. A number of these communities are subject to periods of internal volatility, and leadership changes make it essential to continually promote the value of the partnerships. Until some four years ago, the communities appointed honorary community corrections officers who liaised with statutory workers in the region. But this system did not work well because of the kind of issues identified earlier in relation to mentoring, so the community council now makes its own decisions about who should supervise offenders in the community. The small number of supervisors I spoke to at one community were committed to their role but spoke of difficulties in dealing with breaches of orders (especially people not fulfilling their community work orders) and minor corruption. One example was a woman community work organiser being selected to supervise her own husband on an order, choosing the best work for him and ignoring his non-compliance.

The second project, in the Central Desert region, illustrates a number of dilemmas and challenges to white justice. In the early 1990s serious concerns emerged about the high proportion of Aboriginal offenders imprisoned in the Central Desert region for solvent abuse, primarily petrol sniffing. At one point, up to 40% of prison admissions were for petrol sniffing by Aboriginal people. Ironically, this is not a criminal offence in WA, but is prohibited under Aboriginal by-laws. Through the Aboriginal Communities Act 1979, the state government gave the communities the right to decide whether or not to adopt the by-laws. In 1993 a Commonwealth (central government) grant was given to develop a programme to divert such offenders from prison and also to involve Aboriginal communities more in the management of their own offenders. By mid-1995 there was a dramatic reduction in the number of Aboriginal admissions to prison for sniffing, possession or distribution of petrol, as a result of a number of community initiatives. These included the establishment of a diversion hostel, the establishment of a skills oriented youth centre, increased support by Community Corrections in the use of non-custodial sentences and, most significantly for my argument here, the replacement of petrol with 'Avgas' (a form of diesel) in Aboriginal communities.

Sadly, but perhaps inevitably, the offending figures have crept up again, largely as a result of imported (and over-priced) illicit petrol from other states and the removal of the WA state subsidy on Avgas. However, this environmental solution to a specific form of offending, *which is illegal only in a specific environment*, seems to be of great significance to the contention that 'successful intervention does not travel well' and that we need to exercise the greatest of caution in developing global discourses about the treatment of offenders.

A postscript to both these projects emphasises the ever-changing dilemmas of attempting to impose criminal justice solutions – however enlightened – on dispossessed peoples. In Broome, Aboriginal men used to be constantly locked up for simple drunkenness. In an attempt to combat racism, the police have been encouraged not to do this. Now, I am

told, they have to wait until the drunken men become abusive and violent before locking them up for offences which, arguably, might previously have been prevented – and criminal records avoided. Similarly, in the Central Desert, the power to imprison for breaches of by-laws (such as petrol sniffing) has been removed, but Aboriginal communities are now complaining that they have no respite from their most troublesome members.

In evaluating the solvent abuse project, the Ministry of Justice (1996b) argued that there were certain lessons to be learnt that could be of use to other programmes. First, the community must be supportive of the programme's rationale, directions and pace of implementation. The development of trust and respect cannot be accelerated to suit bureaucratic timetables. Second, textbook models of programme design will not work. This particular project has been in continuous evolution and some of its best achievements were not part of the programme' s original aims. It has largely evolved by trial and error, which makes evaluation extremely difficult, but even the evaluation report has acknowledged that its flexibility has been amongst its greatest strengths.

Conclusion

This discussion has attempted to show that what works with offenders in indigenous communities in remote areas of Western Australia (a state whose Criminal Justice System is so similar in many respects to that of England and Wales) bears no relation to the official globalised What Works agenda, even though it has to be squeezed – politically, professionally and managerially – into that linguistic strait-jacket. Interventions which fail to take account of dispossession, loss of traditional culture, breakdown of kinship systems and customary law, entrenched poverty and racism, will find programme integrity to be but poor compensation. There is here a stark example of the persistent, if less dramatic, dilemmas which are routinely facing the Criminal Justice System in England and Wales.

What Works may make a lot of intellectual sense, it may suit the contemporary political agenda in many westernised countries and it may ensure the best use of limited resources. But it should not be elevated to the status of a global penological creed. The limitations of attempting to export knowledge in this way have been demonstrated in this paper in the spirit of developing what Hamai *et al* (1995) refer to as "a comparative imagination" and what Clear and Rumgay (1992, cited in Hamai *et al*, 1995, p.xiv) call "an abrasive challenge to the routine assumption framework" within which so much penal debate occurs. It has been argued (Worrall, 1997) that comparative research on the supervision of offenders in conditions of freedom shows that it is ineluctably complex and ridden with tensions and ambiguities. Attempts to resolve these tensions are doomed to failure and it is a mark of the maturity of a system that it can tolerate uncertainties and ambiguities. Ultimately, comparative research teaches one to "decentre one's professional preoccupations by locating them in a larger and more diverse context" (Hamai *et al*, 1995, p.xiii). What works at One Arm Point may not work in England and Wales but it provides inspiration to anyone (see, for example, Cameron, 1999) who is still struggling not to foreclose the debate on rehabilitation.

Author

Dr. Anne Worrall is Reader in Criminology at Keele University and Visiting Research Fellow at the University of Western Australia, where she has researched community corrections provision with a particular focus on women and Aboriginal offenders. E-mail contact details: a.j.worrall@crim.keele.ac.uk

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References

Australian Bureau of Statistics (1999) *ABS: Prison Numbers Continue to Rise.* Media Release 44/99, http://www.abs.gov.au

Blagg, H. (1997) 'A Just Measure of Shame: Aboriginal Youth and Conferencing in Australia', in *British Journal of Criminology* 37 (4), pp.481-501.

Blagg, H. (1998) 'Restorative Visions and Restorative Justice Practices: Conferencing, Ceremony and Reconciliation in Australia', in *Current Issues in Criminal Justice* 10 (1), pp.5-14.

Blagg, H. (2000) *Crisis Intervention in Aboriginal Family Violence.* Perth, Crime Research Centre: University of Western Australia.

Cameron, J. (1999) 'The Probation Service Today', in *Criminal Justice Matters* 38, pp.34-5.

Clear, T. & Rumgay, J. (1992) 'Divided by a Common Language: British and American Probation Cultures', in *Federal Probation* LVI, pp.3-11.

Daley, D. & Lane, R. (1999) 'Actuarially Based "On-Line" Risk Assessment in Western Australia', in *Probation Journal* 46 (3), pp.164-170.

Ferrante, A., Morgan, F., Indermaur, D. & Harding, R.W. (1996) *Measuring the Extent of Domestic Violence.* Perth: The Hawkins Press.

Ferrante, A., Loh, N. & Maller, M. (1998) *Crime and Justice Statistics for Western Australia 1996.* Perth: The University of Western Australia Crime Research Centre.

Hamai, K., Ville, R., Harris, R., Hough, M. & Zvekic, U. (1995) *Probation Around the World: a Comparative Study.* London: Routledge.

Harding, R.W., Broadhurst, R., Ferrante, A. and Loh, N. (1995) *Aboriginal Contact with the Criminal Justice System.* Perth: The Hawkins Press.

Ministry of Justice (1996a) *Aboriginal Plan.* Perth: WA Ministry of Justice.

Ministry of Justice (1996b) *Aboriginal Offender Management Initiatives.* Joint Workshop, Alice Springs, Conference Briefing Papers. Perth: WA Ministry of Justice.

Pitts, J. (1992) 'The End of an Era', in *The Howard Journal of Criminal Justice* 31 (2), pp.133-149.

Smallwood, M. (1996) 'This Violence is Not Our Way: an Aboriginal Perspective on Domestic Violence', in Thorpe, R. and Irwin, J. (eds) *Women and Violence – Working for a Change.* Sydney: Hale and Iremonger Pty Ltd.

Vanstone, M. (2000) 'Cognitive-Behavioural Work with Offenders in the UK: a History of Influential Endeavour', in *The Howard Journal of Criminal Justice* 39 (2), pp.171-183.

Worrall, A. (1997) *Punishment in the Community: the Future of Criminal Justice.* Harlow: Longman.