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# DESIGNING CARCERAL ENVIRONMENTS FOR INDIGENOUS PRISONERS: A COMPARISON OF APPROACHES IN AUSTRALIA, CANADA, AOTEAROA NEW ZEALAND, THE US AND GREENLAND (KALAALLIT NUNAAT)

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## Abstract

The high incarceration rate of people from Indigenous cultures is a worldwide phenomenon. Disproportionately high numbers of Indigenous people are confined in prisons as a legacy of forced colonisation. 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 and recent projects in the design of prison facilities for Indigenous prisoners in the US, Canada, Australia, Aotearoa New Zealand and Greenland (Kalaallit Nunaat). It reflects on the important considerations and summarises eight key considerations for the design of carceral environments for Indigenous peoples.

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## Introduction

Individuals outside the western domiciliary tradition may differ in the ways they react to environmental factors such as isolation (Reser 1989; Grant and Memmott 2008) crowding (Grant and Memmott 2008; Memmott et al. 2012), light (Grant 2009; 2009a) and sound. Individuals may also need connections to the external environment and to be located in a place where they have cultural attachments and access to kin in order to sustain mental and physical health and feelings of well-being (Grant 2009). People from some cultures often also have obligations to observe certain behaviours (such as the avoidance of certain family members), or to perform ceremonies that require specific structures. Prisons are regimented environments (see, for example, Toch 2013) which are often inflexible to the needs of different cultural groups (Grant 2009). Surviving in the prison can be challenging in itself but the struggle is compounded when one is denied religious and personal freedoms, has different cultural traditions, social norms and domiciliary practices and is denied access to family, community and country.

The high incarceration rate of people from Indigenous cultures is a world-wide phenomenon. Prison overrepresentation rates are just one indicator of the dysfunction that forced colonisation leaves in its wake. The growing number of Indigenous people in prison systems around the world is of concern. In short, and put simply, the experience of prison may cause immeasurable distress and damage to the individual, families and communities and perpetuate an intergenerational cycle of excessive contact with the criminal justice system (see, for example, Commonwealth of Australia 1991; Quince 2007; Blagg 2008). While the primary concern should be to reduce the number of Indigenous people entering prison systems, it is also important to reduce the negative impacts of prison experiences for Indigenous people and protect people's fundamental human rights.

This paper examines the manner in which various countries have sought to provide facilities in attempts to meet the varying environmental and cultural needs of Indigenous people within their prison systems. Recent research in behavioural design, drawing from architectural, anthropological and psychological considerations of the cultural context of various groups of Indigenous people, empirical studies, coronial inquiries, legal cases and other factors have fed into the recent approaches to design of custodial environments for Indigenous prisoners. Much of the work fits within Barker's theoretical framework of behavior settings (1968)<sup>1</sup> following the model that assumes meeting the (socio-spatial and cultural) needs of the individual leads to reduced stress and greater outcomes<sup>2</sup>. A number of developments are based on the premise that cultural identity is fundamental to Indigenous health and wellbeing (see for example, Richmond et al. 2008; Kirmayer et al. 2003) ascertaining cultural identity can be increased through incorporating appropriate cultural references into the architecture, management and programs of the prison. Many countries are also aware of their obligations under the charter of the United Nations Declaration on the Rights of Indigenous Peoples (2006) and increasingly acknowledge that Indigenous peoples have the right to self-determination, recognising correctional agencies must develop "respect for Indigenous knowledge, cultures and traditional practices" and allow Indigenous peoples to "pursue economic, social and cultural development" within prison settings.

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1 *Barker's 'behavior setting' theory examines the interplay between environmental attributes (such as spatial behaviour, physical boundaries, structures, meanings and controls) and settings to fulfil human needs.*

2 *There have been no post occupancy evaluations to assess the success of such approaches.*

This paper outlines recent developments in tribal jails on reserves and the incorporation of ethnoarchitectural forms<sup>3</sup> into mainstream prisons for spiritual observance by Native American prisoners in the United States. These experiences are contrasted to the experiences of constructing healing lodges and other dedicated Aboriginal facilities in Canada. Australian experiences have been different and this paper outlines the various approaches including the recent construction of a prison to meet the needs of Aboriginal prisoners in the Western Australia. In response to the large numbers of Māori imprisoned, Aotearoa New Zealand developed the concept of Māori Focus Units, built on the premise that increased cultural knowledge reduces the criminal behaviour. The Māori Focus Units and Pacific Islander Units present unique responses to incarcerating Indigenous prisoners. Finally, the chapter outlines the establishment of a prison in Greenland to respond to needs of the Kalaallit peoples.

## THE UNITED STATES OF AMERICA

The 2012 census recorded a population of 2.5 million Native Americans<sup>4</sup> and it is estimated that more First Nations people are incarcerated relative to population size than any other ethnic group in the United States<sup>5</sup>. The US has an array of places to detain people. There are jails and prisons run by local jurisdictions (cities or counties) that house convicted people awaiting trial and serving short sentences. Prisons or penitentiaries are run by states or the federal government and house prisoners serving longer sentences. There are also jails and prisons on reservations and in overseas territories, most of which are administered by different entities. Native American people have a lengthy history of successful litigation for the right to religious and cultural freedoms while incarcerated (see, for example, Grobsmith 1994; Holscher 1992; Cooper 1995; Davies & Clow 2009; Foster 2010) some which emphasize prisoners' access to sweat lodges. Few facilities have been designed to accommodate the varying environmental needs of Native American prisoners. The existence of tribal jails does, however, provide some autonomy to First Nations in the manner in which they incarcerate community members and designs for new justice centers are beginning to incorporate signs and symbols into the designs to enculturate the environment.

### Tribal Jails

A little over one million Native Americans reside on the self-governing reservations throughout the US (Norris et al 2012). Separate tribal legal structures have been established to allow reservations self-determination and the creation of tribal jails allows members to be housed within or close to their home community. Across the US there are 79 detention facilities operated by tribal authorities or by the Bureau of Indian Affairs (Minton 2013).

In 2004, a review of 27 tribal jails highlighted numerous cases of prisoner neglect and abuse, overcrowding, decrepit, substandard and unsafe conditions in tribal jails (United States Department of the Interior, Office of Inspector General 2004). In 2010, the Tribal Law and Order Act was enacted providing the basis for funding for the renovation of existing jails and construction of new facilities. From 2007 – 2014 the renovation or construction of new facilities for the incarceration and rehabilitation of adult offenders subject to tribal jurisdiction has occurred in 80 locations (US

3 *Forms from vernacular architectural traditions.*

4 *The US census uses self-identification to means of measuring people as Native American, Aleut or Inuit-Yupik (Gardiner Garden 2002).*

5 *A number of US States do not record the ethnicity of prisoners.*

Department of Justice 2014)<sup>6</sup>.

New facilities must comply with the Core Jail Standards (see American Correctional Association 2010) and US disability and safety requirements (Department of the Interior, Indian Affairs 2015: 378). The design of new tribal jails has mirrored aspects of secure mainstream custodial facilities using the concepts of unit management and podular design (see Grant and Jewkes 2015: 5-6) as the basis of design. Many of the new adult jails are designed with cells around a day room with fixed furniture with an officer station. The tribal jails are typically situated within a 'justice centre' which may house other functions such as court, police and allied activities.



Figure 1: Tuba City Corrections Center, Navajo Nation, Arizona. Photograph: JCY Architecture.

Some Indigenous Nations are recognising that the use of features such as colours and circular spaces to reflect local cultures can enculturate the justice environment and provide positive messaging (Bureau of Justice Assistance 2009). The use of the medicine wheel<sup>7</sup> (and the use of significant colours such as red, yellow, black and white) and other pan-Indian symbols have been incorporated into the design of a number of facilities. Depending on the Nation, tribal jails may have sweat lodges<sup>8</sup> within the grounds. In other circumstances, tribal courts may issue temporary releases for prisoners to participate in sweat lodges and other ceremonies under escort in the community (Luna-Firebaugh 2003).

### Mainstream Prisons

Most Native Americans do not live on reservations. In 2010, 92 percent of First Nations peoples lived outside of Native American and Alaska Native designated areas (Norris et al 2012). The freedom to observe the religion of one's choice is the inherent right of all Americans (Solove 1996) and

- 6 *There has been some criticism that some of the new tribal prisons are being built with capacities higher than required. In particular, it is stated that the tribal jails at Tuba City and Kayenta (Arizona) were constructed with capacities at least 250 percent larger than needed. In Tuba City, NDPS constructed a 132-bed corrections facility although the 2007 master plan called for building a 48-bed prison. In Kayenta, an 80-bed corrections facility was built although the master plan stated a need for a 32-bed facility (U.S. Department of Justice 2015). The excessive size of both facilities creates increased operational and staffing costs.*
- 7 *The Medicine Wheel symbolises the balance between mind, body, emotion and spirit, and the centre, is the spiritual axis of the four cardinal points. In many Native American cultures its meaning stresses the importance of unity, reciprocity and social interaction.*
- 8 *Sweat lodges are a salient feature of some Native American cultures. The structures are constructed with a rounded roof and a single entryway facing either west or east. The dome-like shape of sweat lodges which is pervasive across a number of First Nations is intricately and uniquely significant for different communities.*

U.S. prisons are required to accommodate religious beliefs under legislation<sup>9</sup>. Prisoners' religious freedoms, however, are often tempered by budgetary shortfalls, detention philosophies and security concerns (Grant 2016).

Most Native American prisoners are imprisoned in mainstream prisons which make few concessions for their varying cultural, environmental or socio-spatial needs and there has been little evidence based research into these. Furthermore, the rise of private prisons has exacerbated cultural dislocation for many prisoners as multinational corporations locate in the areas with the lowest taxes and wages and often Native American prisoners are incarcerated hundreds, if not thousands of miles from their homes and families. Overcrowding is a serious issue in the United States and has a major impact on living conditions for all prisoners in all States. Modern US prisons are typically designed under the principles of unit management, most commonly with separate housing units each with a dayroom and adjoining cells or dormitories. Overcrowding has resulted in many of the dayrooms being used for prisoner overflow accommodation. Prisons in the US are increasingly becoming more hostile environments that are regulated with excessive static security measures.

Some US prisons have developed or adopted specific cultural programs for Native American prisoners and have constructed sweat lodges within the grounds of mainstream prisons to allow ceremonies to be conducted. While Native American prisoners continue to assert their rights to religious freedoms, many jurisdictions appear unaware of the central role spirituality plays in the lives of prisoners and deny access to sweat lodges and religious items (Foster 2010) and little evidence based research has been conducted to ascertain the environmental needs of Native American prisoners.



*Figure 2: San Quentin Indian Reservation within San Quentin State Prison, California. Photograph: Nancy Mullane. In 1977 American Native prisoners were allocated a space for worship in the form of a 'reservation' inside the walls of San Quentin State Prison. The reservation is a 2,500-square-foot fenced area planted with fruit trees, flowers and herbs located on the edge of the main prison yard. Prisoners with privileges have access to the area one day each week. Each week the sweat lodge ceremony is conducted with prisoners building the fire to heat the stones, constructing the dome from metal frame, covering it with grey cloth, shifting hot stones to heat the sweat lodge. After the ceremony, the sweat lodge is deconstructed to be re-built the following week.*

<sup>9</sup> The Religious Land Use and Institutionalized Persons Act, 2000.

## CANADA

Three groups of Aboriginal peoples<sup>10</sup>: the First Nations<sup>11</sup>, the Inuit and the Métis are officially recognised in Canada. Between and within each group there is considerable linguistic, tribal and cultural diversity. While Aboriginal people make up about 4 per cent of the Canadian population, in 2013, 23.2 per cent of the federal prisoner population was Aboriginal (First Nation, Métis or Inuit)<sup>12</sup>. The federal prison population consists of a staggering 71 percent First Nations people, 24 percent Métis and 5 percent Inuit.

The Canadian experience has involved providing normalised accommodation within healing lodges which imbue Aboriginality in their design. The healing lodge initiative was in response to the abuse of women prisoners in the first instance and broadened to cover all Aboriginal prisoners with other investigations. Despite these initiatives, the majority of Aboriginal prisoners are incarcerated in mainstream prisons where their environments are the same as other prisoners (although they may have access to sweat lodges and other structures at various times). To enculturate the carceral environment, some prisons have been enculturated with Aboriginal signs and symbols (typically totem poles).

### Healing Lodges

In 1990, the report 'Creating Choices' (Task Force for Federally Sentenced Women 1990) recommended that the needs of women, especially of Aboriginal women must be addressed. The report called for respectful and dignified prison environments where women could be empowered to make meaningful and responsible choices. The Native Women's Association of Canada proposed the concept of a 'healing lodge'. The Healing Lodge concept included services and programs reflecting Aboriginal culture in spaces that incorporate Aboriginal peoples' tradition and beliefs<sup>13</sup>. In 1992, the Corrections and Conditional Release Act (CCRA) was revised to state "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<sup>14</sup>."

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10 The Indian Act, 1951 defines an 'Indian' (meaning Native American) by ancestry.

11 This paper uses the terms Aboriginal people, First Peoples and First Nations peoples interchangeably. The descriptor 'Indian' remains in place as the legal term used in the Canadian Constitution but its usage outside such situations may be considered offensive.

12 It is commonly held view that the available statistics are an underestimate. Ethnicity is determined by self-identification and there is a contentious issue of distinguishing between Status and non-Status First Nations, Métis and Inuit offenders.

13 There is a great diversity between Aboriginal cultures and ceremonies. Waldram (1993) suggests that in the prison context, people have had to accept that "...a form of pan-Indianism exists, in which all Aboriginal spirituality traditions are fundamentally the same, ...and prison Elders ...have been forced to enhance the common themes and discredit the significance of the differences as a means of establishing the common mythical base for spiritual healing to occur" (p. 335).

14 Sections 79 to 84 of the CCRA deal with the specifics of Correctional Service Canada's obligations in Aboriginal corrections, discussing the needs of Aboriginal prisoners, including the implementation of programs, agreements, and parole plans, the establishment of advisory committees and Aboriginal prisoners' access to spiritual leaders and Elders to address the needs of Aboriginal prisoners. Section 81 states that Correctional Service Canada (CSC) may enter into an agreement with an Aboriginal community for the provision of correctional services to Aboriginal offenders.

Canada's first healing lodge<sup>15</sup>, Okimaw Ohci Healing Lodge in the Nekaneet First Nation, Saskatchewan opened in 1995. This healing lodge was designated for Aboriginal women with minimum or medium security ratings. The design of the healing lodge and building departed radically from that of a traditional prison. The complex is circular with a spiritual lodge where teachings, ceremonies, and workshops with Elders take place. Okimaw Ohci contains both single and family residential units and women prisoners may have their children stay with them. Each unit has a bedroom, a bathroom, a kitchenette dining area and a living room.



*Figure 3: Healing Lodge (meeting and ceremonial area) at Okimaw Ohci, Photograph: Correctional Service, Canada. The basis of the design of the lodge is the Nekaneet First Nation's tipi ethno architectural tradition and the medicine wheel. The master plan for the facility and individual buildings are circular (with minor adjustments for functionality). The facility is located near the sacred Thunder Hills of southwest Saskatchewan.*

Five healing lodges have since opened across Canada for male Aboriginal offenders. Stan Daniels Healing Centre (Edmonton, Alberta), the Prince Albert Grand Council Spiritual Healing Lodge (Prince Albert, Saskatchewan), the O-Chi-Chak-Ko-Sipi Healing Lodge (Crane River, Manitoba), the Waseskun Healing Lodge (St-Alphonse-Rodriguez, Quebec)<sup>16</sup> and the Willow Cree Healing Lodge (Duck Lake, Saskatchewan) have approximately 110 beds in total for male prisoners.

The Buffalo Sage Wellness House (Edmonton, Alberta) was opened in 2011 as a minimum and medium security and community residential facility for Aboriginal women on conditional release in the community (Correctional Service Canada 2013). A further three healing lodges were built. The Okimaw Ohci Healing Lodge (Maple Creek, Saskatchewan), the Pê Sâkâstêw Centre (Maskwacis, Alberta) and the Kwikwëxwelhp Healing Village (Harrison Mills, British Columbia) are each designed to reflect pan-Indian world views. Each design incorporates elements associated with undergoing a symbolic healing journey within the pan-Indian tradition (WalDRAM 1993; 1997) with symbols such as medicine wheels, significant colours, symbols and structures such as sweat lodges and tipis incorporated into designs.

The desire for purpose built buildings in rural areas came from the constraints of operating cultural programs in adapted buildings located in urban areas (i.e. the Stan Daniels Center in Edmonton). Limiting prisoners access to alcohol and drugs in the urban context were difficult and escapes were common (Grant 2009). Elders also realised that spiritual healing needed to be done on 'country' and near sacred country. The healing lodges incorporate normalised self-contained accommodation for

<sup>15</sup> Healing lodges operate under two different models. The lodges are either funded and operated by Correctional Services Canada or funded by CSC and managed by a partner organisation under a Section 81 agreement.

<sup>16</sup> Waseskun Healing Centre operates as a half-way house.



prisoners with individual bedrooms, kitchen and living areas.



Figure 4: Pê Sâkâstêw Centre, Alberta. Photograph: Correctional Service, Canada. The Centre was designed consultation with Samson Cree Elders. The architecture symbolises the Aboriginal view of the world, with each of the six yellow buildings a tall, conical shape and the group arranged in a large circle on the 40-acre site. Bright primary colours herald Aboriginal ancestry, as does the eagle tail entrance to the main programming building.

### Mainstream Prisons

Aboriginal offenders are more likely to have served previous sentences, are incarcerated more often for violent offences and frequently have gang affiliations (Mann 2009). Many Aboriginal offenders are unable to be accommodated in healing lodges or other minimum security institutions and end up in mainstream prisons due to their security ratings. Some Aboriginal offenders are unfamiliar with the cultural background of the pan-Indian tradition and are unwilling to go through the education necessary to engage in healing lodges' programs (Waldram 1997 p. 345).

Aboriginal people entering the prison system are typically incarcerated in mainstream facilities. At most medium and minimum security prisons, there are concerted (although not consistent) attempts to provide facilities for spiritual observance. Sweat lodges and tipis are constructed most prisons and participation in ceremonies provides Aboriginal prisoners with diversions and 'escape' from the highly secure hardened and regimented prison environments. The ability of Aboriginal prisoners however to perform cultural obligations is not a right and varies from prison to prison. The isolated location of many prisons has an impact on the level of contact Aboriginal prisoners have with their families. Prisons are typically located in areas poorly serviced by public transport which makes maintaining family and community contact difficult.



Figure 5: Tipi and Sweat Lodge, North Bay Jail, Ontario. Photograph: Diane Tregunna

The Correctional Investigator for Canada reports that the number of Aboriginal people imprisoned has increased 43 per cent in the last five years (Mas 2013). Since 1960, most provincial and municipal prisons and jails (the majority of them predating the First World War) have been replaced by new institutions. Canadian prisons designed with Auburn-styled rows of inside cells have been abandoned for campus layouts with separate housing units. Larger numbers of offenders are being sentenced to federal custody to serve longer sentences and as prisons have become more crowded, they become more violent and volatile places. In some cases, security at formerly campus style prisons have been tightened to accommodate growing numbers of young (often gang affiliated) offenders convicted of violent crimes (see Grant 2009). In many cases, additional layers of static security and restricted regimes have been put in place to restrict movement and contact between prisoners.

The majority of the correctional efforts in Canada have been at developing 'women focused' and minimum and medium security environments such as healing lodges and other entities. While this may be a crucial factor in rehabilitation, access to healing lodges and certain cultural initiatives is limited for many Aboriginal prisoners due to the violent nature of their crimes.

## AUSTRALIA

Aboriginal and Torres Strait Islander peoples<sup>17</sup> currently make up three per cent of the total Australian population (Australian Bureau of Statistics 2012), while constituting 27 per cent of the total Australian prison population<sup>18</sup>. Growing numbers of Aboriginal people in Australian prisons are a legacy of former government policies (such as forced resettlement, dispossession of land, removal of children and the undermining of Aboriginal social structures). Australian Aboriginal people live in a variety of circumstances, from residing in urban settings to pursuing traditional lifestyles in remote communities. There are commonalities between different Aboriginal groups. Family and kin lie at the core of Aboriginal life and is often the only constant in the lives of Aboriginal people. People generally live with or within close proximity of their extended family and maintaining connections to one's country<sup>19</sup> is vitally important for well-being for most Aboriginal people.

The landmark Royal Commission into Aboriginal Deaths in Custody (1987–1991) stated that there "...are important cultural differences between Aboriginal and non-Aboriginal detainees for which accommodation can, and should be made in the context of custodial procedures and cell design" (Commonwealth of Australia 1991 p. 230). As a result of evidence based research, government reports and first-hand experience, some correctional agencies have attempted to create prison environments to better meet the diverse cultural, environmental and criminological needs of Indigenous prisoners (Grant 2009a; 2016).

17 *In Australia, an Aboriginal or Torres Strait Islander person is defined as a person "...of Aboriginal or Torres Strait Islander ancestry who identifies himself or herself as an Aboriginal person or Torres Strait Islander and is accepted as an indigenous person by members of the indigenous community"* Aboriginal and Torres Strait Islander Commission (Regional Council Election) Amendment Rules 2002.

18 *There are variations between the number of Aboriginal prisoners in various states and territories, for example in the Northern Territory, 86 per cent of the prison population is identified as being of Aboriginal or Torres Strait Islander descent (Australian Bureau of Statistics 2013).*

19 *The notion of 'country' is complex and does not just refer to a geographical location or physical features. 'Country' includes all living things and incorporates people, plants and animals and embraces the seasons, stories and creation spirits. 'Country' is both a place of belonging and a way of believing.*

### Cultural Areas and Spaces

Some prisons have incorporated separate outdoor areas for cultural gatherings including building fire pits for the preparation and cooking of traditional foods. One of the major issues facing Aboriginal prisoners is the inability to fulfil cultural obligations by attending family and community funerals. In response, a number of correctional agencies have constructed small shelters to allow prisoners to gather and grieve. The Department of Corrective Services, New South Wales moved beyond developing meeting places to establishing a learning and cultural centre outside the walls of the Bathurst Gaol. Girrawaa Creative Works Centre's design was derived from the lace monitor, the totem of the local Wiradjuri people. The site features a men's meeting area abstracted from a traditional ceremony to achieve manhood and provides a hub for a diverse range of creative endeavours (Grant 2014; 2015).

### Work Camps

Work camps are seen as a way of increasing employment skills, providing meaningful work in a comparatively normalised environment. Camps are generally well suited to Aboriginal offenders who may struggle to cope with imprisonment in standard custodial environments. Correctional agencies with larger Indigenous prison populations have established permanent work camps in regional locations (Grant 2014). Western Australia with the highest rate of Indigenous imprisonment operates four work camps; the Northern Territory with a high number of Indigenous prisoners has established two regional work camps while Queensland operates 13 work camps (Grant 2016). In most states except Western Australia work camps operate out of makeshift or existing facilities. Western Australia has constructed new purpose built facilities to provide prisoners with acceptable levels of accommodation. Work camps offer the opportunity to incarcerate Indigenous people close to their community potentially reducing the distress of being 'off country' (Office of the Inspector of Custodial Services Western Australia 2008a: 4). There are constraints to the work camp model for Indigenous prisoners. Unfortunately, many Indigenous prisoners find it difficult to obtain a low security rating and those who may benefit from being housed in a work camp are often unable to because of their security rating.



Figure 6: Single room accommodation at purpose-built work camp at Roebourne, Western Australia. Photograph: Cooper Oxley

### Culturally Appropriate Facilities

Other Australian jurisdictions have looked beyond imprisoning Aboriginal people in traditional prison environments. Developments have included correctional environments that emphasise the acquisition of work skills and cultural education and are designed to cater for specific groups. In 2000, the New South Wales Department for Corrective Services opened a separate minimum security facility (Yetta

Dhinnakkal) for youthful Aboriginal offenders housed on a 10,500 hectare sheep farm (Legislative Council of New South Wales 2003). Due to the minimum security rating, only certain categories of prisoners can be placed at the facility. Eight years later, New South Wales opened a second facility to house first-time youthful Indigenous offenders on a 600 hectare cattle station. The establishment of Bugilmah Burube Wullinje Balunda addressed a particular issue faced by many Aboriginal offenders, in that they lack a suitable address while undertaking a community based court order. Bugilmah Burube Wullinje Balunda has no secure perimeter, is staffed by non-uniformed staff and offers a range of educational and cultural programs in an attempt to reduce the number of Indigenous men in prison custody. Such initiatives fill a critical gap in the criminal justice system by allowing offenders to serve community based orders and similar sentences in relatively normalised environments. In most instances, offenders housed at such facilities originate from urban areas and for the period of their sentence they are effectively separated from family and community. While such facilities and intervention programs may be seen to be more effectively delivered in remote locations, there is a dichotomy in moving young offenders away from family and kin, existing support mechanisms and 'off country' (Grant 2016).

A number of prison agencies have focussed on meeting the differing domiciliary and socio-spatial needs of Aboriginal prisoners. Aboriginal prisoners have been found to be less able to tolerate isolation than a person of non-Aboriginal descent (Reser 1989: Commonwealth of Australia 1991). Often Aboriginal prisoners will be housed with other Aboriginal prisoners in shared cells, dormitories or units (Grant & Memmott 2008). There was an incorrect assumption that Aboriginal people had a high tolerance for crowding. Research has indicated that Aboriginal prisoners require accommodation that allows individuals to maintain relationships with family and to live within a specified social group (generally with other people from the same language group) but overcrowded settings cause considerable stress to the Aboriginal prisoner (Grant & Memmott 2008).

Regional prison approaches have been devised to cater for needs of Aboriginal prisoners. Western Australia has instituted a regional prison policy that wherever possible Aboriginal prisoners serve their sentence near their home country and family and kin to reduce the "...anguish in Aboriginal prisoners' concerns at being held out of their country or under the threat of being sent out of country" (Office of the Inspector of Custodial Services 2008a: 4). The West Kimberley Regional Prison was devised with this strategy in mind. The prison was designed with community consultation to incorporate Indigenous prisoners' cultural, kinship, family and community responsibilities and spiritual connections to land. The prison accommodates 120 male and 30 female prisoners of varying security classifications in separate areas. Accommodation comprises self-care housing units, arranged so that prisoners can be housed according to family ties or language groupings and aligned in radial manner to the direction of their home 'country' (Grant 2013a; 2015). Providing 'normalised' self-care cottage accommodation at West Kimberley Regional Prison was a measure to enhance a prisoner's life skills. Sleeping arrangements in some housing units are flexible and contain both shared and single rooms and areas for prisoners to sleep outside if they desire.

While there have been a number of initiatives to meet the cultural needs of Aboriginal prisoners, such developments are not consistent across Australia or even within jurisdictions. For example, while Western Australia has developed the West Kimberley Prison, some Aboriginal prisoners in the same state are imprisoned in overcrowded and decrepit conditions often in extreme temperatures (Grant et

al. 2012; 2016).

Fig 7



Figure 7: West Kimberley Regional Prison, Western Australia. Photograph: Peter Bennetts. West Kimberley Regional Prison is designed to house male and female prisoners in self-care units. The 22 houses on site accommodate 6 to 7 prisoners each and are grouped so that prisoners can be located according to family ties, language and security rating.

Australian correctional agencies appear to be far more likely to consider the cultural, socio-spatial needs and spiritual needs of Aboriginal people originating from remote areas rather than those of Aboriginal people formerly living in urban settings. The importance of being connected to country and family is paramount to all Aboriginal prisoners regardless of whether people originate from urban, rural or remote settings. Aboriginal kinship is a cohesive force that binds Aboriginal people together and provides psychological and emotional support. Denying people access to family and country can be soul destroying.

## **AOTEAROA NEW ZEALAND<sup>20</sup>**

There are 17 prisons<sup>21</sup> located across Aotearoa New Zealand accommodating over 8,500 sentenced and remand prisoners (Department of Corrections (Ara Poutama Aotearoa) 2014). Of the 16 facilities, 14 are purpose built for men and three for women. Māori<sup>22</sup> make up approximately 15 per cent of Aotearoa New Zealand's population with a higher number of the Māori population living on the North Island. Māori account for over half of the prison population, with the Māori incarceration rate being 175 per 100,000 of the adult population compared to the non-Māori incarceration rate of approximately 100 per 100,000 of the adult population (Department of Corrections (Ara Poutama Aotearoa) 2014).

### **Māori Focus Units**

In response to the large numbers of Māori imprisoned, Aotearoa New Zealand Corrections developed the concept of Māori Focus Units. The units are developed on the premise that increased cultural knowledge will reduce criminal behaviour and operate on Māori principles, with the aim of bringing about positive changes in offenders' attitudes and behaviour (Grant 2009). The first Māori Focus Unit opened at Hawkes Bay Prison in 1997. Since then, 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 within an existing prison, housing up to 60

20 Aotearoa is the accepted Māori name for New Zealand.

21 A new men's prison at Wiri in Manukau is under planning at the time of writing.

22 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."

prisoners. The Māori Focus Units are housed in typical prison units (a design idiosyncratic to Aotearoa New Zealand prisons), where cells and ablution blocks are located around three sides of an open court yard. The entrance, administration, staff facilities, control room and dining spaces are accommodated on the fourth side (Grant 2013).

The Māori Focus Units differ in that they have sacred meeting rooms, are enculturated with Māori signs and symbols and act as keeping houses, stages for cultural performances and environments for the revival of cultural practice, language and tradition (Grant 2009). There have been subtle changes to the environment to increase the feeling of living as a whānau (family) within the Māori Focus Units. The furniture in the dining rooms is arranged so that the group dines together for each meal. Other areas of the Māori Focus Units are enculturated with artefacts and garden areas where prisoners are encouraged to cultivate traditional foods.



*Figure 8: Māori Focus Unit. Photograph Elizabeth Grant. 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.*

### **Regional Prison Project**

Another development in Aotearoa New Zealand prison system has been the implementation of a Regional Prison Project. Under this program, a number of new prisons were constructed across Aotearoa New Zealand to provide an increased standard of secure accommodation, to increase capacity of the prison system and to allow prisoners to be incarcerated closer to home. Northland Regional Corrections facility was commissioned in 2005, Auckland Regional Women's Corrections Centre in 2006, the Otago and Spring Hill Corrections Centres (both commissioned in 2007) and the Kohuora, Auckland South Corrections Centre opened in 2015.

Māori community members were engaged to advise on the cultural elements of the designs and some projects also engaged Māori architects to lead the consultation processes. The first development to depart from typical Aotearoa New Zealand prison design was the Auckland's Women Prison.

The Auckland Region Women's Corrections Centre was commissioned in 2006 as Aotearoa New Zealand's first purpose-built women's prison and designed in consultation with local Māori. The facility is set on a 47 hectare site with 38 buildings. The facility can house 286 women prisoners in various types of accommodation. High and medium security prisoners are housed in units while minimum security prisoners are accommodated in living units of 10 beds or self-care four bedroom houses for mothers with babies. The Auckland Region Women's Corrections Centre builds on the Canadian work

of normalising prison environments for women. The prison has courtyards and water features outside interview and visit rooms to reduce stress and increase aesthetic appeal. An innovative colour palette has been used to 'soften' the prison environment. The prison is designed around a Māori sacred site, a low lying hill, and is the only known example nationally and internationally where such a site has been incorporated into a prison. The prison's plan resembles a Sting Ray, the totem of the local Māori which wraps around the sacred hill. Women with high security needs are housed in secure units on the outside side of the spine of the Sting Ray. All services are contained within a curved building (the Sting Ray's spine), low and medium security accommodation is sited inside the spine with views of the sacred hill (Grant 2009). At the centre of the site a Māori meeting house has been built.



Figure 9: Auckland Region Women's Corrections Facility, Aotearoa New Zealand. Photograph Elizabeth Grant. The whare hui (meeting house) for the prison in the foreground with the Māori sacred site behind it.

Another project development within the Regional Prison Project was the construction of the Spring Hill Corrections Centre. The design involved a perimeter fence which follows the contours of the site and allows prisoners a view to the horizon and two cultural spaces, the Fale (Pacific Islander meeting house) and a whare hui, the Māori meeting place. The design reconceptualised the Māori Focus Unit to a new setting. The prison incorporates the first separate unit for prisoners from the Pacific Islands (Vaka Fa'aola, Pacific Focus Unit) and a Māori Focus Unit. The Pacific Islander Focus Unit and the Māori Focus Unit at Spring Hill are 60 bed units built in the form of a figure eight with each unit surrounding a courtyard area. The entry and secure officer facilities are housed in the intersection of the '8'. Each prisoner has an individual cell fitted with a toilet and wash basin and share shower facilities, dining and recreational areas. The Vaka Fa'aola, Pacific Focus Unit houses prisoners from six Pacific nations (Samoa, Tonga, Cook Islands, Niue, Tokelau and Fiji). Each unit is a blank canvas where staff and prisoners have been enculturated through cultural programs such as wood carving.

Aotearoa New Zealand's most recently built prison, Kohuora, Auckland South Corrections Facility opened in 2015 is a high security prison includes a cultural centre just outside the gate providing services for prisoners' families. Although some elements of the prison mirror traditional maximum security design, 10 two-storey blocks of self-care units have been included into the design to provide prisoners with greater autonomy. – A marae-style Whare Manaaki and a circular Fale Pasifika have also been built on the site.



While Aotearoa New Zealand has been a pioneer in developing separate minimum and medium security environments for Māori (and Pacific Islander) prisoners, there are considerable constraints in



Figure 10: Pacific Islander Fale Pasifika (meeting house) at Spring Hill Corrections Centre, Aotearoa New Zealand. Photograph Elizabeth Grant

the model. Since the 1960's, many Māori have joined gangs and sentenced Māori gang affiliates tend to have high security ratings and may be ineligible or disinclined to be housed in Māori Focus Units. While the cultural units attempt to reconnect Māori with their families and encourage prisoners to get back in touch with their cultural ancestry, many Māori prisoners are unwilling to undergo the personal journey. Few gang members have family contact and re-establishing that bond is not an easy task. There is also an expectation that prisoners entering Māori and Islander Focus Units remain drug free and participate in cultural and work programs.

### **GREENLAND (KALAALLIT NUNAAT)**

Greenland's Indigenous peoples who call themselves Kalaallit or Inuit, constitute around 88 per cent of the Greenlandic population of approximately 56,000 people (Statistics Greenland 2013). The International Centre for Prison Studies (2012) note the imprisonment rate for Kalaallit was 301 per 100,000 of the adult population. All prisons places in Greenland are 'open' and mixed gender. The current Nuuk Correction Institution has 60 rooms and most prisoners return home periodically for weekend visits, may be entitled to holidays and are normally permitted to leave the prison for activities such as medical appointments, educational purposes and personal circumstances.

Greenland does not have psychiatric treatment facilities or a 'closed' institution. Kalaallit sentenced to an indeterminate placement are transferred to Copenhagen for psychiatric and psychological care. In 1986, Herstedvester Institution set up a special unit for convicted, non-psychotic<sup>23</sup> sentenced Kalaallit. The unit has 13 mixed gender places. The unit consists of prisoners' rooms flanking a central corridor. There are two kitchens to allow the preparation of traditional Greenlandic food to be prepared in one area (the unusual smell of some of the traditional foods led to complaints) and a lounge.

The issue of transporting Greenland's serious offenders over 4,000 kilometres to Denmark has always been problematic. Many prisoners suffer from homesickness and find the separation from

23 Greenlandic forensic prisoners are housed in a dedicated Greenlandic Unit at Risskov Hospital in Aarhus. A small group of patients were on remand are also held at this unit for assessment or treatment during the court process (Grant 2009a).



family very difficult<sup>24</sup>. As a result, a new prison (Ny Anstalt) with a capacity of 76 places (40 people within a 'closed' regime), will be constructed in Nuuk by 2018 (Council of Europe 2012), making it possible for all Kalaallit prisoners currently accommodated in Denmark (Frantzszen 2012) to be transferred to Greenland.

A design competition for the project was held by the Danish authorities in 2009. The Danish Ministry of Justice identified that the new prison needed to accommodate the cultural needs of Kalaallit prisoners stating building structure, aesthetics and materials should reflect the culture and tradition in Greenland and a high degree of connection between indoor and outdoor environments together with access to outdoor areas from the living-units (Schmidt Hammer Lassen 2013). Danish architectural firms, Schmidt Hammer Lassen and Friis and Moltke won the competition with a design comprising of five residential blocks. The residential units are designed to bring the experience of natural elements such as day light, snow, ice, rocks, moss and blue sky inside. The common areas have been designed with natural views. The design attempts to incorporate a judicious blend of punishment and rehabilitation of prisoners ensuring zero physical and psychological violence to them (Schmidt Hammer Lassen 2013). The issues of repatriating prisoners currently held in Denmark will be a sensitive task as many of the prisoners are psychiatrically ill and have been separated from their homeland for considerable periods of time

## CONCLUSION

Indigenous peoples around the world share long and dismal histories of negative interactions with criminal justice legal systems. The imposition of alien ideologies has resulted in disproportionate numbers of Indigenous people being incarcerated, often in culturally inappropriate environments.

Some countries with Indigenous prisoners face issues not present in others. The issues of dealing with gang affiliates in Australia and Greenland are different to the experiences of the US, Aotearoa New Zealand or Canada. Gang membership is not as widespread among Aboriginal Australians with the composition and activities of gangs are different. In Greenland, gang membership is virtually non-existent and the issues of disenfranchised people with violent and potentially dangerous behaviours in their prison systems are minimal. While all four countries examined here have introduced minimum and medium security cultural units, for countries with groups of Indigenous gang affiliates, greater thought should be given to designing maximum security facilities to suit disenfranchised Indigenous people in a culturally sensitive manner.

Many Indigenous prisoners have excessively high rates of chronic diseases, disabilities and psychosocial conditions in comparison to the non-Indigenous populations. Imprisonment often provides Indigenous prisoners an environment to improve their health status, if only for a short period of time before they return to dysfunctional communities, overcrowded housing and risk-taking behaviours. Increasingly across the world, Indigenous people with profound or severe physical, intellectual and cognitive disabilities are being imprisoned (see Australian Broadcasting Commission 2014). Alternative humane secure environments are urgently needed for these people.

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24 *Most prisoners do not have visitors and miss cultural activities and familiar landscapes Some Kalaallit prisoners do not speak Danish and communication with Danish correctional staff is difficult.*

The design of different types of Indigenous units has been pioneered in Australia, Aotearoa New Zealand and Canada. The new prison in Greenland is a noteworthy project. The West Kimberley prison in Australia and the prison to be constructed in Greenland are significant as the designs take into account the manner in which people behave within their cultural norms and attempt to integrate this knowledge into reconceptualising prison accommodation. The healing lodges in Canada and the more recent Aotearoa New Zealand regional prison projects attempt to provide prisoners with 'normalised' living environment within the western domiciliary tradition. Many other prisons provide typical prison accommodation expecting that Indigenous people who may have different cultural and environmental needs will adapt. This paper highlights the need for more evidence based research and evaluation regarding the ways prison accommodation can 'fit' with the cultural traditions, social norms and domiciliary practices of Native Americans and Aboriginal Canadians and the manner in which various prison environments impact prisoners behaviours and outcomes. Such knowledge would be particularly beneficial in the US where a number of new tribal jails are being constructed.

Design guidelines can be derived based on international trends which indicate that designs for prisons for Indigenous people need to consider eight key points:

- A connection to community and country when siting,
- Fluid connections to exterior environment in all aspects of design,
- An environment imbued with Indigeneity,
- A capacity for the individual to maintain connections to family and kin (inside and outside the prison),
- A capacity for the individual and group to continue ceremony and cultural practices (including domiciliary and socio-spatial behaviours),
- Normalised accommodation which allow the individual to be part of a social and cultural grouping and develop life skills,
- All aspects of the design to meet health and safety needs, and
- Avenues to allow effective & culturally appropriate information flows.

It is essential that Indigenous prisoners should be kept as close as possible to their families and support systems, live in culturally appropriate accommodation with others and allowed to continue cultural traditions to prevent people from endlessly recycling through prison systems. Shipping people to faraway prisons that have no vested interest in rehabilitation and the prisoner's eventual return home is a prescription for disaster. It would be far preferable that fewer Indigenous people ended up in prison or that less damaging alternatives were implemented; however, while various countries continue to operate in current modes, there is a responsibility to find ways to minimise the damage prisons do to those incarcerated within them.

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