



**A resource by the UnitingCare
Centre for Social Justice**

Sharing Stories:

Lived Experience in the Criminal Justice System

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INTRODUCTION

The purpose of this research is to provide an alternative view point about the criminal justice system, and the issues surrounding it, from that usually represented in the mainstream media. When we refer to the criminal justice system, we are referring to the police, the courts and corrective services.

By networking with agencies like HART 4000, Catholic Prison Ministry and Sisters Inside we were able to link with people who were willing to share their stories about their experiences within the criminal justice system. By talking to people who have been directly impacted by the criminal justice system, we gained an understanding of different issues: how the upbringing of people influences the choices they make in life; how contact with the criminal justice system affects individuals and families. Talking to the participants helped us to understand how their lives had been shaped by the circumstances they found themselves in. It soon became apparent that the people we spoke to had many challenges in life in common.

It may not be immediately apparent, but language is important, since the use of language can have practical consequences in real life. **People are handed a label, like ‘derelict’, ‘junkie’ or ‘criminal’, and this affects how other people treat them. It can influence whether they get accommodation or employment or custody of their children.** On the surface at least, it seems to make life smoother for some of us too. Some people in the community get to feel self righteous and superior while others do not. Some get better access to job and housing opportunities. More importantly, those without negative labels never have to deal with ‘them’ (the crims, junkies or derelicts) as peers, or equals; ‘those peoples’ concerns become irrelevant. When a group of people are deliberately dehumanised in such a way, it becomes much easier to mistreat them. Therefore, throughout this report, we refer to the people who took part in our research as participants, or as people who have come into contact with the criminal justice system, in an attempt to avoid such labelling and the negativity associated with it.

The English clergyman and poet John Donne wrote:

*“No man is an island, entire of itself; every man is a piece of the Continent, a part of the main; if a clod be washed away by the sea, Europe is the less.”*¹

There is a simple meaning behind this quote: human beings do not thrive when isolated from other human beings.

At an early stage, some people – often through no fault of their own - become disconnected from the institutions that serve to keep most people in check: family, school, work. The lack of engagement with family, education or work means that people can fail to attain the skills and social networks needed to succeed in what can be a competitive and unforgiving world. The results of these circumstances are that people are more likely to make decisions that can lead them into contact with the criminal justice system. Once people become enmeshed in the criminal justice system, it is tremendously difficult for them to get out of it.

If most people in prison are already *wounded* when they enter, when they leave it they are even more *wounded*. There is very little rehabilitation for people within the system.² **Most people who are incarcerated will end up back in the community yet there is only a token attempt to address the causes of their offending. So upon release from prison, having received little or no rehabilitation to address the causes of their offending, people are expected to ‘re-integrate’ into a community they were never really part of in the first place.** Not surprisingly, many fail to do so.³ Breaking out of that cycle can be extremely difficult, but benefits us all by decreasing further crime and increasing community safety. It takes

¹ Donne, John 1624 *Devotions Upon Emergent Occasions and Death’s Duel*

² Department of Corrective Services QLD (2006) *Myths and Frequently Asked Questions* www.dcs.qld.gov.au

³ Walsh, Tamara (2005) *INCORRECTIONS II: Correcting Government*, University of Queensland

great strength of character and a bit of luck for people to change their life for the better. To provide a sense of context, the participants' interviews have been broken down into themes that illustrate the circumstances of their lives, and how these circumstances have affected them.

Childhood abuse and neglect

The majority of people we interviewed had experienced childhoods lacking stability, nurturing, parental guidance and love. Some had been removed from their family and fostered out at an early age; some had been sexually or physically abused and others were just left to take care of themselves.

'I have a lot of history with domestic violence. Not just myself personally, but growing up in it. And also, being sexually abused as a child.'

'I never got any emotional grounding. There was no praise or love in the family. None whatsoever. You were only noticed if you did something wrong ... and then you were flogged for it.'

'I'd been fostered out when I was about two but I was sent backwards and forwards from foster parents back to family, backwards and forwards. Obviously caus of [having] so many children, my parents looked bad, so some of us were taken'

'My father failed after my mother died. When I was sixteen, dad left the country. He just left me to fend for myself.'

'My mum and my dad was divorced when I was really early. I was four years old when they divorced. I had no parental guidance whatsoever. It was just me basically. I had to rely on myself all my life, kind of thing. And when you've got lack of parental guidance and understanding, you tend to do things for yourself and end up in trouble more often than not.'

Early Contact with police

The participants recounted their experiences of coming into contact with the police (and other institutions such as juvenile detention centres or girls/boys homes) at an early age. This appeared to set up a situation where people had continued and ongoing contact with police officers in their teen years and as adults.

'I was taken away to be put into a white man's home, where we weren't allowed to be with our parents. I was always running away from these homes. The police used to come and get me and bring me back.'

'I was seven and I stole a tea towel and prongs from the kitchen at school and that was my first encounter with policemen.'

'I, probably from the age of eleven or twelve, started stealing things. I'd do it on a paper round with a mate. We'd go and break into clubs and factories and stuff like that. One day we did about six or seven in one day and knew we were going to get caught. So we decided to do a runner, we hitchhiked into Melbourne. So we got to Melbourne and we had no money and decided it wasn't such a good idea. So we headed back, jumped the train. And I walked in, got home, walked in the front door and there were detectives there.'

Disengagement with school and then work

The majority of the participants reported that they had had difficulties at school and difficulty gaining full-time paid work. Not being engaged with school or work means that people have less opportunity to develop social skills than their peers and can drift into the use of alcohol or other drugs.

'I came to Australia when I was nine. I came from Scotland. I went to four or five primary schools. It was pretty tough coming from having a different accent. It was pretty tough coming into that environment and not fitting. On reflection, I always felt like a fringe dweller in some ways, because you never fitted. You never fitted with that group.'

'I had no education, at eleven that was the end of my schooling because when you went to (girl's institution) they said 'Do you want school or do you want to work?'. I said 'Oh I'll go work', so that was it.'

'I had a learning disability. I'm not really good with my words. I have a problem with authority figures. I think that stems from my family background. As soon as someone starts teaching at me instead of teaching with me, I tend to shut off and turn away.'

'I eventually pull away, I either get sacked from the job because of non attendance because I can't stand dealing with people or I just quit. And then I fall into that pit. The cycle through my twenties was I'd get a job, work for 3-6 months, hit a depression, fall into

crime, climb back out over a period of a year, get a job. And that was til I was 27 and I hit the six year (jail) sentence.'

Alcohol and other drug use

Most of the participants had some history of alcohol and other drug use, and some of people had started using at a very young age. Two of the participants reported that they had used drugs intravenously.

'Got in trouble, drank, smoked. Started smoking when I was six, started drinking when I was eleven. That's what happens when you've got no parental guidance and no one there to care for you. You just, it's too easy to fall into holes.'

'I'm an ex IV drug user. I didn't get a habit until I was homeless and on the streets. And that was when I got an addiction. It was just so humiliating. I was 38. I'd never been homeless before in my life, and it was just so humiliating that I just couldn't cope with it and so I got into morphine.'

One participant reported that his drug use was directly linked with his offending.

'Once I fell into the criminal behaviour, it wasn't long before you come across all the powders. I had never had a taste of heroin; it made me sick as a dog. But speed was the one for me, it just snapped me up, it played perfectly into burglary. I'd go out and do a dozen burglaries in one day. That's how I fell into that. I snorted and drank it for a long time before I started injecting. That's how I caught Hep C.'

Offending as a means of survival

A myth about people in the criminal justice system is that their offending is a random, senseless act. The people that were interviewed, however, viewed much of their offending as a matter of survival. In other words, their options were so limited - by poverty and under employment, among other factors - that they could see no other way to live, even though they realised that the likelihood of getting caught by the police increased each time they offended.

'What I'd been doing, I'd been living in squats. I'd been living in the inner city squats in Liverpool. I moved into the room the guys had

been renting with a bunch of schoolmates and that's how I fell into burglary, with that group of people.'

'I was living on the streets, didn't have any money, didn't have a house, didn't have any food. So yeah, started breaking into factories and things like that. Trying to get money from wherever we could really.'

'At the age of fifteen, I sort of became a prostitute. It was a terrible thing I had to do but I had to do it on the basis of supporting my family, getting money in.'

'I ended up back in Brisbane, hanging around with a bunch of mates and again, going back into crime. Cos I had no money. My girlfriend was pregnant. So I started the same old pattern, breaking into factories.'

Going to court

Participants agreed that the experience of going to court was often baffling and disorienting for them. They were given no information about what to expect in court, an overly formalised setting that can be intimidating at the best of times. The majority of these people, it should be pointed out, began life on an uneven playing field. Most people who end up in court are disadvantaged in some way. They are experiencing homelessness; they are dependant on alcohol or other drugs; they are experiencing poverty; they are Indigenous; they are experiencing mental health issues. The isolating, confusing experience of going to court can be doubly stressful for people who already have a difficult life due to the disadvantages they experience. Participants reported that this stress was at least partially caused by the almost total lack of power they had during the process, a powerlessness that increased dramatically if they received a custodial sentence.

'I was scared stiff! It's a horrible feeling if you're on that side. And you've got the police prosecution naming out these charges and suddenly these new charges come in and they read out something, 'I don't remember doing that, I didn't do that', you know?'

'The fact that I'd never been in trouble before, wasn't brought up. You know? I was brand new to it, you know? I was freaking out! I'd never even been to the watch house before! It was really scary too. I had nobody there. They didn't tell me, it was my first offence, what was going to happen to you. Nothing like that happened.'

'I can remember how isolated and alone you are going through the system. Particularly if you have chemical dependency issues or psychiatric issues. How alone you must be, how alone you must be. That was the main thing for me, is just being so alone, in the system. I remember when I was younger I used to come to court stoned, have a smoke, because you just didn't know what was going to happen.'

Imprisonment Experiences

A common misconception about the criminal justice system is that people in jail lead a somewhat privileged existence; that rather than being punished, they are able to access 'luxuries' (tertiary education, internet access, computer games and so on) that most ordinary people in the community cannot. The participants who had been imprisoned stated that this was not the case. **Their experiences were that prison was a frightening, stressful, sometimes brutal place and that accessing, or gaining eligibility to access, any type of rehabilitation within it was almost impossible.**⁴

'Maximum security can be a scary place. Can be a very, very scary place.'

'I have panic anxiety disorder and post traumatic stress disorder. I only did four weeks but I just couldn't deal with it, I didn't eat the entire time I was there, I just couldn't eat. I couldn't sleep.'

'I guess fear is the overwhelming factor. It's almost like you can't believe it. That it's actually happening. You got a baby, you got a partner, you're never going to see them, you're never going to touch them. There was no contact visits. So it was like, you're on edge the whole time because you don't know what's going to happen next. That's the overwhelming thing I remember.'

'It just got the best of me; I ended up with a suicide attempt. I just loaded up on the pills and cut my arm. But I survived. It's a pretty standard operating procedure in jail; people will hang themselves or whatever. They don't have any intensive follow up for you. They put you in a cell and you're observed and that's it.'

⁴ Department of Corrective Services QLD (2006) *Myths and Frequently Asked Questions* www.dcs.qld.gov.au

'I was fairly sick, I woke up one morning, I'd been having pains in my chest. So I'm out in the yard, luckily for me I got some girls looking after me. And by the time I get over to the medical centre, I couldn't walk by myself. I was virtually carried by these other inmates. And I ended up getting raced to the PA hospital where I was promptly abused by the screw that came with me because he missed out on his lunch. And he came and abused the crap out of me, he really did. And I started crying and I'm all hooked up to this heart monitor. And the doctors come in. That was the only time he excused himself because he had made me that upset.'

'I was there for about a month and then there was a riot. After the riot, things got worse. It was just horrific. We all got dragged over and systematically bashed. Just up against the wall getting smashed by four or five guys.'

'What assistance did I receive in jail? Nothing!'

'Nothing whatsoever. There was nothing.'

'Rehab for me, there was none.'

'There was no rehabilitation for me in the system. It was about survival, it wasn't about thinking about my future. It was like getting through the day.'

Long Term Effects of Imprisonment

One of the other myths surrounding the criminal justice system is the belief that, once having served their time in prison, people are able to simply pick up and go on with their lives. The participants confirmed that the opposite is true, that being incarcerated, regardless of the length of the sentence, has a detrimental effect that is long lasting. It affects people's family relationships, their access to housing, their physical and mental health, and their employment prospects. In other words, there are very few areas in a person's life that remain unaffected. **The label of criminal tends to remain on people who have been imprisoned, regardless of the life they lead after they are released.** The negative repercussions are also felt by their family and friends.

“It's really wrecked my family life. My kids live with my mum. And I only get to see them three or four times a year.’

'I had another suicide attempt eighteen months after getting released. Because I was alone. Living alone. I had nobody. No

one else. Sitting in a tiny little bed in Sunnybank Hills. With nothing. I'd gone and just lost another job. I was lost. And sick of it.'

'I believe that it actually hurts people more on the outside than it does to you and that then comes back on you later on caus your family, your children have been stressed and put through all this drama. My daughter was in foster care while I was in prison; she went to five different foster homes, got to drinking, got to smoking dope, luckily nothing else. And she went through a hard time, very hard time. I coped with prison. But it was more my daughter that was killing me, killed me every day'

'I still haven't really recovered from that. I'm still very much caught in that trap, of depression, cyclical depression, in and out. Currently, right now, I'm in another period where I've been kicked out of my residence, I'm having to find somewhere again. Through drug use, I picked up Hep C. And I'm currently suffering from that as well. So my health is terrible.'

'My boyfriend back then had gotten a female to ring up saying she was me and got my (Centrelink) payment transferred into his bank account. Then (after I was released from jail) they started jumping up and down saying I had to pay them back. I didn't get a red cent of that money. I got home and packed up and left. I broke up with him then. I'd only been gone four weeks and he'd let five people in the house, along with the girl he'd been seeing.'

Post Release Experience

The participants rated being released from prison as one of the most jarring experiences of all. For people who have been incarcerated for a significant length of time, the outside world they return to can be very different from the one they remember. The experience can be likened to landing in a foreign country, and having to adapt to unfamiliar customs and technology. Participants often found that they were released from prison with literally the clothes on their back and not much more, having had the rest of their possessions lost, stolen or damaged while they were in jail.

'I actually walked out of prison with a pair of gray shorts and a blue t-shirt from the prison. I didn't even have a handbag caus they put the stuff I had in a box and it was all mould, the whole thing was mouldy, that all went in the bin.'

'I didn't even get a ride to the station. I had no money. I had to get all the way back to Bald Hills from Wacol. I had to walk all the way to the train station and then jump the train from Wacol to Bald Hills without a ticket.'

'I think I actually had to speak to somebody else and say 'How do you get your power on? How do you use an ATM?' My friend helped me to get around to get ID back, I had no current ID, no driver's licence, it expired.'

'After six years jail I walked out with nothing.'

'I had absolutely nothing when I got out, not a skerrick of furniture. You've lost everything you had when you went to prison.'

'No one said to me, no one asked me one question about what I was going to do when I got out. Where are you going to go? How are you going to get there? Never heard anything about anything.'

Once affixed, the label of 'criminal' is difficult to shed. The majority of the participants confirmed that being stigmatised in such a way has had a very negative effect on their lives, even if they had made positive contributions to society since that time.

'With me, all over me is a 'druggie' or a 'crim' (label). You know? Nothing about the fact that I worked for QUIVVA for four years and did the training and whatnot and put heaps of effort into educating people about safe using and disposing.'

'They say 'You're a criminal person now'. You got that on you the rest of your life.'

Participants reported that interacting with police on a regular basis was part of their life. It seemed that once they had become known to the police, the police were more likely to give them attention, much more than they would give other people. While the majority of participants viewed their interactions with police as negative, a few acknowledged that police officers had provided positive assistance to them at times.

'How has my interaction with police been? Pretty lousy, pretty lousy. Most of them seem to have an attitude.'

'I just find it's hard for me not to talk to police. This is why we (Indigenous people) retaliate against the police because of the justice system. Once you're in their care you've got nothing to

stand on. Once in their care that's it, they can do whatever they want. You can't win. Once you're in the lock up you're in their power now.'

'Was I coming into regular contact with the police? I was on a first name basis.'

'They have changed, yeah. They're a lot more approachable now. I've seen the arrogant side of them. They're not all bad.'

Improving the system

The last question we asked the participants was about how the criminal justice system could be improved. It was important for us to canvas the participants' views about this subject for a couple of reasons: to give voice to their opinions; to provide a fresh perspective that can be different from the mainstream; and to access invaluable knowledge that can only come from being directly affected by the issue. It seems obvious that people like the participants are the true experts on this issue and yet their opinions are usually ignored by those who write the criminal justice policies and make the laws.

'I wouldn't even know where to start. We're talking about poverty; we're talking about social justice. You look at who's in jail, it's not rich people. I mean, there are some but it's generally the lower economic end of the scale. So that's got to tell you that there's something wrong with the system. We live in one of the richest countries in the world and there's people living in poverty. That's what has to change.'

'I think the system could be improved by perhaps strengthening women with different strengthening programs instead of pushing them down and making them weak, standing over all the time. Prison really doesn't do anything. Prison does nothing. And it's so easy (to re-offend), if you haven't got any back up, caus the prison gives you no process to actually get some back up to live a nice life. You know, reasonable, not flash but just a nice life when you get out of prison.'

'It should be done prior to release so that when you get released you're going out into something already set up. And also, you know, being able to get home from where you are. You know, without breaking any laws and getting into more trouble.'

'I think there should be more caring people. Not only to hear what their problems are but to see what they can do. We need support

workers to come in these centres and to make sure that they are getting the possible help they need.'

'Prisons are for people who shouldn't be in prison. People, who are in prison through drug related crime, poverty related crimes, fine defaulters, again poverty related. I think it should open from the day you get into jail; the day you get in is the day you start planning to get out. It should be education, it should be training.'

CONCLUSION

It has become all too easy for the community to think of people in the criminal justice system in terms of crude stereotypes: losers, deviants, criminals. It becomes easier when these stereotypes are continually pushed onto the public by those with a vested interest in the status quo: journalists who want to sell more newspapers, and get higher television ratings; politicians who want to increase their re-election chances by appearing 'tough on crime'.

The idea of compassion for one's fellow man or woman has become largely replaced by the cult of the individual, a philosophy that promotes self-interest above all else. At the core of this philosophy is the view that the world consists of winners and losers, and people at the disadvantaged end of the spectrum are responsible for their own predicament. This type of thinking only serves to deepen the divisions between people and encourage a lack of understanding that is unhelpful, if not unhealthy. It fails to recognise that we are all in this together: in other words, human beings need each other to survive. The isolation and dehumanisation of certain individuals does not make the rest of the community safer, healthier or happier. It actually increases crime and decreases community safety.⁵ It also does very little for the people who are supposed to be rehabilitated or 'corrected'. People who enter the criminal justice system tend to remain in that cycle. Nothing occurs in isolation. People's actions are shaped by their circumstances, the challenges they experience in daily life, and they

⁵ Rockett, F (2006) *Prisoner Rehabilitation – The Role of the Custodial Institution*, Queensland Department of Corrective Services

must be understood in that context if there is to be a genuine attempt to rehabilitate them.

*'Basically see me as me, not as a number. There's no understanding of my situation that the things that have happened to me have made me the way I am. They just see the outcome of my actions, and not the situation that brought me to it. And if they had of done that I would've been able to a lot earlier come to the conclusion of my actions, the consequences for my actions. And I am responsible for my actions. **When you're being treated as a number, there's no reason to self analyse. Why should I understand what I'm going through when no one else has even bothered to? There was no interaction with me as a person. When that happens you just switch off from society. It's like if society doesn't care about me, why should I care about society?'***