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## Experiences of Kinship and Connection to Family for Aboriginal and Torres Strait Islander Young Men with Histories of Incarceration

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# Experiences of Kinship and Connection to Family for Aboriginal and Torres Strait Islander Young Men with Histories of Incarceration

## Abstract

Epidemiological approaches have brought important attention to the issues surrounding the over-incarceration of Aboriginal and Torres Strait Islander young people, and the enormous health and socio-economic disparities they face. An implicit discourse often exists within the construction of this “knowledge”, however, that situates Aboriginal and Torres Strait Islander young people in deficit terms.

Using narrative inquiry, a methodological approach congruent with Aboriginal and Torres Strait Islander culture and ways of knowing, we aim to challenge this dominant discourse, via an examination of the narratives of eight Aboriginal Torres Strait Islander young men (aged 19-24 years) involved in the criminal justice system. Our analysis is embedded in understandings of the core role of family and kin in Aboriginal and Torres Strait Islander culture.

Experiences of family removal and dislocation were common, as were narratives of striving, often against all odds, to preserve and nurture family connections and kinship ties. We reveal how experiences of ongoing trauma and loss (impacted by the intergenerational effects of colonisation) harmed young men’s ties to kinship systems and family and in doing so deprived them of the very systems needed to sustain a sense of value, purpose and belonging.

A commitment by governments to adequately fund and resource solutions that honour and respect the important role family and kin represents in Aboriginal and Torres Strait Islander culture is urgently needed, as are sustainable solutions that address the over-incarceration of Aboriginal and Torres Strait Islander young people that are self-determining and led by their people.

## Acknowledgements

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## Keywords

Aboriginal and Torres Strait Islander young men, kinship, child removal, incarceration, colonisation

**We advise readers that this article contains strong language and sensitive content that some readers may find offensive.**

The over-incarceration of Aboriginal and Torres Strait Islander young peoples has been the subject of repeated investigations and national and international criticism since the Royal Commission into Aboriginal Deaths in Custody (Johnston, 1991) three decades ago (Australian Law Reform Commission [ALRC], 2017; Commission for Children and Young People [CCYP,] 2016; Evans & Fraser, 2009; Fasher et al., 1997). Aboriginal and Torres Strait Islander young peoples represent more than half (56%) of all 10-17 year olds in juvenile detention in Australia (Australian Institute of Health and Welfare, 2022) and almost half (48%) of all young adults (aged 18-24 years) in adult prisons (Australian Bureau of Statistics, 2023), despite making up only approximately 6% of all 10-24 year olds in Australia (AIHW, 2022). Many of these young people were removed from families into out-of-home care (CCYP, 2016; Liddle et al., 2022) and their first interaction with the criminal justice system was as a child (Dowse et al., 2014; Gibson et al., 2021). They experience higher rates of socio-economic disadvantage and drug use, are three times more likely to have had parents in prison and twice as likely to return to prison than those who are non-Indigenous (Allard et al., 2020; Dowse et al., 2014).

Epidemiological thinking has been critical for focusing public and political attention on the issue of Aboriginal and Torres Strait Islander young peoples' over-incarceration and the unacceptable gap in their health status compared to non-Indigenous young people. Although understanding statistical disparities between Aboriginal and Torres Strait Islander and non-Indigenous young people involved in the criminal justice system can be useful and important for highlighting issues of inequality and drawing attention to the poorer health and wellbeing outcomes of Aboriginal and Torres Strait Islander young peoples, when reported alone, these statistics have the potential to narrowly situate these young people in deficit terms (Fogarty et al. 2018).

In response to this concern, a growing movement of “truth telling” is replacing this dominant narrative (Bond and Singh, 2020; Brough et al. 2004; Dawson et al. 2021; Doyle et al. 2020; Grant 2017). It is now widely acknowledged that experiences of intergenerational trauma and loss in response to colonial dispossession and oppression, have been catalysts for the poorer health and wellbeing outcomes of Aboriginal and Torres Strait Islander young peoples (compared to non-Indigenous young people), and their disproportionate over-incarceration. Colonial invasion and the many subsequent massacres of tens of thousands of Aboriginal and Torres Strait Islander peoples that occurred, coercive policies of assimilation that involved the removal of Aboriginal and Torres Strait Islander peoples to missions and reserves where they were denied participation in cultural practices, and the forceful removal of children to institutions where neglect and abuse were common - now referred to as the Stolen Generations (Barta 2008) – are amongst recognised policies and practices that have contributed to the above statistics. Furthermore, the ongoing removal of Aboriginal and Torres Strait Islander children into out-of-home care and institutional racism in criminal justice processes have also been recognised as driving forces behind these figures (Doyle et al., 2020; Grant, 2017; Griffiths et al., 2016; Sherwood, 2013; Smallwood, 2020; Wilson et al., 2017). These policies and practices have not only caused enormous grief and loss for Aboriginal and Torres Strait Islander peoples today, but have led to the sacrifice of familial ties grounded in culture and history (Anderson & Tilton, 2017; Barta, 2008; Moran, 2005).

Our intention is to support the growing movement of scholars and activists calling for a shifting of the dominant narrative that represents Aboriginal and Torres Strait Islander young peoples involved in the criminal justice system in terms of deficiency and failure (Bond & Singh, 2020; Brough et al., 2004; Doyle et al., 2020; Grant, 2017). We do so by giving agency to the narratives of eight Aboriginal and Torres Strait Islander young men with histories of involvement in the criminal justice system, with a particular focus on their experiences of kinship ties and connection to family. In the following we describe the importance of kinship systems and family in Aboriginal and Torres Strait Islander culture to

provide context for our study, followed by the methods used to collect and analyse young men's stories, and a discussion of the implications of our findings.

### **Kinship Systems and Family**

In Aboriginal and Torres Strait Islander culture, family and kinship are important relational domains (Department of the Prime Minister and Cabinet, 2017; Gee et al., 2014; Kilcullen et al., 2018;). In contrast to Western ways of thinking about family, kinship systems represent a more flexible understanding of the concept of the family unit (i.e., the nuclear family) and relationships with others (Blythe, et al., 2020; Dunstan et al., 2020). While the kinship system was more prevalent in traditional pre-colonised society, family and kinship networks remain an important part of the lives of many Aboriginal and Torres Strait Islander peoples today (Milroy et al., 2014). Kinship systems are pivotal to the wellbeing of Aboriginal and Torres Strait Islander peoples, establishing where a person fits in their community and their roles and responsibilities towards each other and their land (Dudgeon et al., 2014). It is through these systems of family, which extend to the whole of society, that many Aboriginal and Torres Strait Islander peoples gain emotional and psychological support, spiritual connection and cultural belonging (Millroy et al., 2014). Disrupted connection to family has therefore been identified as a factor that adversely impacts Aboriginal and Torres Strait Islander peoples' social and emotional health and wellbeing (Department of the Prime Minister and Cabinet, 2017).

Several Australian studies have examined the impact of incarceration on Aboriginal and Torres Strait Islander peoples' connection to family. For example, Grant (2008) and Lafferty et al. (2016) have demonstrated that for Aboriginal men in prison, maintaining relationships with kin is paramount, but made difficult against a backdrop of social and structural issues, including being placed in prisons far from traditional Country and family, and families lacking affordable or reliable transport to visit. Furthermore Jones et al. (2018) and Sullivan et al. (2019) examined how child rearing practices within kinship systems were interrupted for incarcerated Aboriginal mothers, which caused trauma and disruptions to important mothering roles (Sullivan et al., 2019; Jones et al., 2018). We are unaware of any

studies, however, that have focused specifically on the family and kinship experiences of Aboriginal and Torres Strait Islander young men involved in the criminal justice system. It is our aim to address this gap in the literature.

### **Research Methods**

Ethics study approval was received from Curtin University, the Alfred Hospital and the Victorian Department of Justice and Community Safety, in accordance with the National Statement on Ethical Conduct in Human Research (National Health and Medical Research Council, 2007), including adhering to the National Guidelines for Research with Aboriginal and Torres Strait Islander Peoples (Section 4.7).

#### **Data Collection: Gathering Stories**

The eight young men whose narratives we share were participants of a broader qualitative study examining experiences of drug use and incarceration for 28 young men recently released from adult prisons in Victoria, Australia (see Walker et al., 2018, 2019). Young men were recruited from a longitudinal cohort study of 400 incarcerated adult men with recent histories of injecting drug use (see Kirwan et al., 2019). Eligibility involved being aged 18-24 years and participating in an interview within six months of release from prison. Participation was voluntary and involved written informed consent.

Narrative inquiry, a methodological approach congruent with Aboriginal and Torres Strait Islander culture and ways of knowing (Geia et al., 2013; Quayle & Sonn, 2019) was used to gather data for this study. Story is widely acknowledged as a relational practice that sustains Aboriginal and Torres Strait Islander communities, nurtures relationships, generates new forms of knowledge and validates experiences (Geia et al., 2013). Narrative inquiry as a research practice uses story as the central tenet of the research process, a social science research method that positions the problems experienced by people and communities in a social, political and historical context (Denborough, 2011).

The first author (a non-Indigenous woman) gathered stories via in-depth interviews. A flexible semi-structured open-ended interview schedule was used to guide conversations, which was loosely focused on understanding experiences of growing up, drug use,

incarceration and prison release. The approach used allowed the young men to have agency in the interview process, to choose what they wanted to share, and to take the conversation to places that mattered most to them. By allowing young men to tell their stories in their own words, we argue that opportunities for challenging mainstream dominant narratives were created (Gorman & Toombs, 2009).

Interviews occurred in rural/regional towns in Victoria (n=6) and Melbourne (n=2) between August 2015 and August 2016. To ensure narratives were represented as authentically as possible, interviews were audio-recorded and field notes were taken to help provide context. Participants were reimbursed \$40 cash for each interview, to acknowledge their contribution and any out-of-pocket expenses incurred - an approach that is considered appropriate, ethical and standard for research with people who use drugs and hidden or hard-to-reach populations in Australia (Fry et al, 2005; NHMRC, 2019).

### **Data Analysis: Making Sense of Narratives**

Audio-data were transcribed verbatim, and transcripts were managed using NVivo qualitative research software (QSR International Pty Ltd., 2018). The analytic process involved all authors (including two who are Aboriginal men). A nested thematic analysis of the eight young men's transcripts was initially undertaken, with the aim of drawing attention to the broader socio-cultural and racist power inequalities underpinning their lived realities. Transcripts were read several times by the lead author to develop in-depth understandings of each unique narrative and over-arching group themes, which were discussed with the author team. The significance of "family" emerged as a narrative thread that connected young men's stories. All shared experiences of family removal and dislocation that led to grief and loss, and all expressed a striving, often against all odds, to maintain these important family connections. Given the important role of family and kinship systems in Aboriginal and Torres Strait Islander culture, the author team chose to pay close attention to these narratives. The analysis process was flexible and inductive. Deductive codes were established based on areas of inquiry and available literature and extracts of data were assigned to these. As patterns and contrasting narratives related to young men's

experiences of family and kin were inductively identified, new codes and sub-codes were established to represent these themes (Terry et al., 2017). As new themes were identified, additional literature was examined to ensure direct links between the analysis and established knowledge. New ideas were formulated iteratively by the research team as findings were written up and final themes were agreed upon by the author team.

All participant names have been replaced with pseudonyms, to protect young men's identity.

### **Research Findings**

Young men were aged 19-24 years, seven identified as Aboriginal, and one young man identified as Torres Strait Islander. Five were charged with their first offence aged 14 years or younger, including one at the age of ten. Four young men had experienced juvenile detention and half had been incarcerated more than five times (as children and/or adults). Before their most recent prison sentence, all but one young man was injecting crystal methamphetamine or heroin daily, and five were homeless or in unstable accommodation.

We present young men's narratives in the following, via three broad themes: removal and loss; loss and bereavement; and strength in kinship ties.

#### **Removal and loss**

Young men shared experiences of grief and loss brought about by their own removal from immediate families as children, which was set against a backdrop of intergenerational removal and loss.

#### ***Intergenerational Removal and Loss***

Young men's experiences revealed how family histories of removal and loss, including the incarceration of close family members, continue to create deep fractures in family and kinship systems. For example, Jed and Isaac spoke of family members of the Stolen Generations. Jed was aware of the trauma these actions had caused his own family and of the broader effects of colonisation on his people. He said:

*... the hurt and the pain and the sufferin' ... everything that's happened in my life, my dad's life, his mother's life, her mother's life and so on [...] I reckon we got more pain,*



*more fear, more anxiety than the white man ... because I reckon our ancestors ... all that bad stuff that happened runs through our blood [...] I could show ya massacre sites here where you can just feel the tension.* (Jed, 24 years)

Furthermore, Isaac, whose Aboriginal mother was removed from her grandmother by non-Aboriginal family members as a small child, described how a lack of knowledge about his own culture had led to a yearning for more information:

*I don't really know much about my mob [...] The reason my mum wasn't around all the culture and that's because my grandfather took mum away from her mother, so she wasn't brought up with all them and that like. So yeah, we sort-a been, like I've never been up [to where my family's from] and spent time with them and that. We've got a whole other cultural family up there. One day I'm gonna find out about all that stuff though.* (Isaac, 22 years)

Most young men, however, knew little if anything about their families of origin. Family dislocation and the trauma of having to re-live experiences, such as those of ancestors who died in massacres or who were stolen, are factors known to have prevented the sharing of this knowledge (Menzies, 2019). Nevertheless, a desire to find out more was a common theme. Narratives such as that of Nate (below), highlight how those with little knowledge of their own family history and culture, craved and appreciated any opportunity to learn more. Nate had participated in an Indigenous arts program during his most recent prison sentence; he knew little of his own family history and described how the program had helped connect him to culture. After his interview, he proudly produced an art piece he had created. He said *"Nah – I don't know much about that side of things, cos me mum's not into it ya know. But in prison I got to do a painting. Want me to show you?"* (Nate, 20 years).

Five young men had fathers who had been incarcerated during their childhood (including one whose mother had also spent time in prison), a factor that created further isolation from the cultural roles and ties of parents, and limited opportunities for understanding more about family histories. Thomas and Byron's fathers were in prison at the time of interviews. They said *"Yeah, all, every one of us has been in jail, yeah ... dad and*

*mum and all my brothers and sisters, yeah. Yeah, dad's just been in there since [that] jail opened"* (Thomas, 23 years). *"... my brother, he went to juvenile, and all my brother's mates and that, they all went to juvenile and that [...] My dad's never been around. He's in jail now"* (Byron, 19 years).

### **Childhood Removal and Loss**

The forced separation from their families as children, which for three young men involved being removed from their parents' care by child protection authorities and being placed in foster care with white families (before the age of six), was a factor that also removed opportunities for learning about their own ancestry. None described their overall foster care experiences as positive. For example, Marley, whose father had been in and out of prison throughout his early childhood, described with resentment the inevitability that he and his siblings would be removed from their mother's care:

*From pretty much five years old I was in foster care, just cos of the old man [...] They were just like, any kid that sort-a come out of the old man, they were like, "We're gonna take 'em, rah rah, rah", which is shit!* (Marley, 23 years)

As highlighted below, some young men sensed that they were treated differently by the child protection system because they were black. For example, Jessie described the prejudice he felt that he and his younger sister were placed in foster care with white families because they were fair skinned, while his older sister who was darker skinned was placed with an Aboriginal family - who he deemed was happier as a result. His story of running away from foster care families with his sister, highlights how this racist practice not only caused grief, but exacerbated his involvement with the police:

*... in foster care like, um, you look at my older sister, you can tell she's black - she might be fair-skinned, but she's got the [Aboriginal] face, like she's koori all over. She'll get chucked into a family of blacks straight up. But me and my little sister didn't ... living with a family that ain't really your family is pretty fucked up! We ran away [...] I remember runnin' out the fuckin' back door or jumpin' out the window. Carers would call the cops, "They're gone!".* (Jessie, 21 years)

Marley believed his experience of being placed in foster care was the thing that had led to his early initiation into injecting drug use and incarceration in his early teens. He said, *“I reckon if I never went to welfare, I wouldn’t be the person I [am] today”*. Like Jessie, he believed Aboriginal and Torres Strait Islander children should remain within their family systems. He described how “neighbours” should even be considered a potential place for their care – highlighting the variety of relationships he viewed as making up care or kinship structures. He said:

*If you take the kid out and the kid doesn’t wanna leave ... and look, if you’re five years old you’re old enough to know, like how you’re being treated and all that like ... because you’ve obviously, at the least you’ve probably got one or two families, but then you’ve got neighbours and all that like too [...] Yeah, so if you’re happy where you are, why um pull ‘em out and drag ‘em to a place they don’t wanna be. Yeah, I reckon they should keep the families together, yeah.* (Marley, 23 years)

Moreover, for Ayden, despite describing the white foster family who cared for him throughout most of his childhood, as *“good [and] caring people”*, he never felt a sense of belonging. He described feeling treated differently than his non-Indigenous foster siblings because of his Aboriginality – racist practices that created cultural separation and led to his running away at age 14, “living on the streets”, and his initiation into injecting drug use and crime:

*It was um, two different worlds. They was non-Aboriginal and I could just see a difference between their children and myself [...] They were nice to me and they treated me well, but the tolerance for their children was a lot higher [than] for me. Like my foster brother for a little bit got caught up with drug, and it was like “Aw, it’s okay - he uses drugs. He’ll get over that hurdle”, but then like when I get caught up in drugs it was like “Oh my god!”, you know. “This is the worst thing that could possibly happen. Have a look at yourself!”.* (Ayden, 22 years)

## Loss and Bereavement

Each young man in this study had experienced the death of someone within their inner family circle – during childhood and/or while incarcerated as a young adult (aged 18-24 years).

### **Childhood Loss and Bereavement**

Four young men bereaved the loss of a primary carer during childhood. The effects of this on their drug use and criminal justice experiences were highlighted in narratives. For example, Nate, who in early childhood had lost one brother to suicide, described how his first sentence in juvenile detention was related to the death of his father, who he described as “*always in and out of jail*” and “*always around the drug scene*”. He said:

*Well, let's say it all happened - [my] first time in juvie - because I was goin' downhill after my dad's death. I went downhill [...] Yeah it took a big impact on my life, and I'm still trying to get through it even now. His birthday was like two weeks ago, and it took a big impact on me, his death. (Nate, 20 years)*

Byron, who spoke of his family fondly described how the death of his grandfather, who had been like a father figure growing up, was the catalyst for his first experience of incarceration:

*I done me first stint in juvie after my grandfather died, the one that I grew up with [...] Yeah, I remember I got the phone call, “Pop's died” [...] I was really rocky ya know what I mean, cos I carry his name [...] So like it hit me hard. Like he was like my father figure growing up ... cos he brought me up ... came to my footy matches and training and everythin', you know what I mean. Yeah, that's when things went bad. (Byron, 19 years)*

Marley, whose father died when he was fourteen also described a similar circumstance. He believed the death of his father had set him on a path into crime and incarceration. As a result, he expressed concern about the intergenerational journey that potentially lay ahead for his own son:

*Everything went hectic. I ended up gettin' locked up like, so I didn't even go to the funeral - they denied me. Like I got locked up that night cos I went off [...] After the old man passed it's just been constant ... doin' time since ... mm ... Yeah, that was when I sort of got right into crime and that's what worries me a bit - like I think, is my boy gonna see the same thing ya know, like, a lot of jail and then eventually ya know, [my death]. (Marley, 23 years)*

### **Separation and Loss on the Inside**

Challenges maintaining connection to family while in prison were commonplace for the young men in this study. For those who experienced the death of a close family member while incarcerated, feelings of separation and loss were exacerbated.

Only two participants received regular visits from family whilst incarcerated in adult prisons. Thomas's partner visited when she could, and she wrote letters. He said "*Yeah, the only thing I really care about is, ya know, the letters and having phone contact and a visit here and there ... yeah, it's the only thing that sort-a keeps ya a little bit more sane*" (Thomas, 23 years).

Nate who had recently served a two-year sentence and had received some visits during this time, described the pain of six months without visitors. He explained how every time his family arrived for a visit, they were told he had been transferred to a different prison.

*Six months without visitors - that really cut me up inside [...] Yeah, every time my sister and brothers came I was already on the bus goin' to another jail, [...] I finally got to see my ex-partner and my younger brother at the children's court, and they spoke to me in the box. (Nate, 20 years)*

Reasons for not receiving prison visits varied. Some said families could not afford the fuel or public transport costs, especially those who lived far from prisons. Furthermore, some young men were penalised for drug-related behaviour which prohibited physical contact visits. In these cases, they chose not to have visits because non-contact visits were too emotionally painful (see Walker et al. 2018). For example, Jessie, for whom most immediate family members had been in prison, described how during a recent stint in solitary

confinement, he chose not to have family visits to protect them from the humiliation of seeing him in physical restraints:

*Yeah, I could have visitors - I just never wanted them. Cos when you're in the slot [23-hour solitary confinement] you've gotta wear cuffs and ankle bracelets and yeah – I don't want 'em to see me like that, ya know. (Jessie, 21 years)*

An additional impediment for several young men was that close family members were also in prison or had been in prison previously and thus were prohibited from visiting. Despite this, families of the young men in this study did what they could to stay connected. For example, Ayden, whose mother had a history of injecting drugs and mental illness, said proudly, “My mum moved down from [inter-state] just so she could visit me while I was in jail”. Furthermore, Jed described how his mother and sister had smuggled a letter inside the shoes they brought in for him in police custody (also referred to as the ‘police cells’, ‘watchhouse’ or ‘lockup’). He only received four visits from family during his two-year sentence because they lived more than four hours from the prison and without a car they could not afford public transport to get there; they wrote letters instead.

The fathers of two participants were serving a prison sentence at the same time; Byron was one of these participants. He reflected positively on the comfort of being able to share a room with his brother whilst in juvenile detention. His mood visibly changed however, as he spoke about his father being in prison:

*Me and my brother have done a lot of jail together [...] I was a [cell mate] with him in juvie. We done all our jail together in juvie and that. Yeah, that was good. [...] When I was in [prison] 80% of my family were locked up there, so, uncles, cousins, my brother-in-law, heaps, um, my old man [...] but they wouldn't let me and Dad do our sentences together ... yeah, they wouldn't let me go [to the same prison] he was at. (Byron, 19 years)*

One of the greatest challenges faced whilst in prison, was the death of a loved one. Four participants described having lost a close family member whilst they were incarcerated. Although permits are available to attend funerals whilst in prison, these young men were

unable to attend Sorry Business to grieve with their communities – an experience all described as emotionally painful. For example, Jed, who was arrested and taken to into police custody the day his grandmother died, described, while holding back tears, how hard it was not being able to attend her burial ceremony:

*They locked me up the day my Nan died [...] the tenth day they was burying my grandmother [...] they're tellin' me that "pff", ya know, "bring his clothes in, and we'll um, we'll escort him down", and when [my mum] got there, [the custody officer] said, "Nah, he's on the bus goin' to [police custody: four hours away]". So, I stayed halfway through my Nan's funeral here in the cells, then they shipped me off to the cells in [another town]. (Jed, 24 years)*

One of Thomas' brothers passed away while he was incarcerated. Denied the opportunity to attend Sorry Business because he had been involved in drug-related behaviour, he tried to escape, which resulted in being placed in solitary confinement for one month; he was deprived of any emotional support and had to suffer alone with his grief and loss. Furthermore, Byron, who was denied attendance at his aunt's funeral whilst in prison, described how in desperation he injected drugs to deal with his grief; a practice he knew could result in serious harm to himself and one that he believed led to him contracting hepatitis - *"Yep, in jail ... um, my aunty passed away and then I just lost it [...] Someone owed me, and I said can you bring me up a fit [...] Yeah that's how I got [hep C]". (Byron, 19 years)*

### **Strength in Kinship Ties**

Against a backdrop of devastating experiences of family grief and loss, young men's narratives also revealed a sense of strength, determination and resilience to adapt to their circumstances, which was supported by kinship ties found on the inside, and again on the outside upon their release from prison.

### ***Finding Kin on the Inside***

Kinship ties found in police custody, juvenile detention or adult prison provided significant comfort, support and comradery while incarcerated. Once inside, young men

found members of extended families or Aboriginal and Torres Strait Islander peoples who had lived in their neighbourhoods on the outside, or whom they had met during previous experiences of incarceration. These connections, which were founded on a shared history and culture, were often described as making incarceration bearable. Jessie said:

*Aw, you don't really build relationships. Like, if you've got family in there, like in jail, and they're doing a sentence with ya, or they're in the same unit, yeah that's good [...] that's probably the only relationship you're got - every cunt will backstab you like that [clicks his fingers] - but no real relationships, not with mates. (Jessie, 21 years)*

Young men's narratives highlighted how a sense of comradery could be found in these relationships whilst incarcerated. For example, Byron described how during his first adult prison sentence, "*I was kind-a scared [...] but at the same time, like all the black boys made me feel at home*". Furthermore, Isaac shared how during his first sentence, other Aboriginal and Torres Strait Islander men (including some from his extended family) provided comfort and care:

*I'd heard stories ya know what I mean. One bloke from [another town] got dunny brushed in the arse and that ... like just ... you know what I mean ... shit! [But] it was okay cos all me um, brothers, and me brother's mates, are all ... all the [rural town] boys you know what I mean ... were there. So like I go in there and I'm like, "brother", like I'm looked after. (Isaac, 22 years)*

Thomas, whose entire immediate family had spent time in prison, described too, how whenever he was detained in police custody, extended family members could be found there, which provided comfort:

*... that's one good thing I've had on my side, like every time I've been [in police custody] I've got family in there - I've like walked out and I would hear - someone would yell out from somewhere [...] but yeah, it would be intimidating if you don't know no-one and that. (Thomas, 23 years)*



### ***Reconnecting with kin on the outside***

After their most recent return from prison to the community all participants re-connected with at least some family members – underscoring how despite the challenges wrought upon them and their families by the ongoing and continued fracturing of kinship systems, their strength and resilience enabled them to preserve these significant ties.

All young men expressed gratitude that they'd been given the opportunity to return to live with a loved one after their release. Three young men upon their release stayed with "sisters", three returned to live with their parents (including one who had been in foster care as a child), and two with their partners. Byron's first cousin who he called "sis" was living in crisis accommodation and allowed him to stay with her despite that she was not supposed to share the dwelling with others. He said with fondness, *"Yeah, if it wasn't for her I would-a been probably on the run – or worse still, back inside by now"*.

Thomas and his partner were sharing a house with an Aboriginal couple, who had been lifetime friends. He too spoke warmly of the support they provided on his release from prison. He said *"... they're our two probably closest friends, they've done heaps for us and that, so they are the ones that really keep us going"* (Thomas).

A couple of young men spoke of previously estranged relationships that they were able to mend since their release from prison, including Jed who said:

*Yeah, when I first got out, like me and my brother hadn't talked for four years. We hugged ya know. I said, "We only got us two" ... shook hands and put everythin' in the past. We went out to the river [...] we fished, and my uncle started singin' a rain song in our lingo and it started rainin'.* (Jed)

Of the three young men who returned to live with parents, all described feeling a sense of shame that their criminal justice involvement had been burdensome on their families. Nate who was living with his mother said:

*I'm just sick of letting my mum down, you know what I mean, like she's been through it all too many times with me, you know what I mean - it's just like this repetitive thing [...] I wanna prove her wrong you know what I mean.* (Nate)

A common theme across all narratives was the comfort of being re-united with family after their most recent prison sentence. For example, Jessie, who was sharing a house with his partner, his younger sister, and two extended family members—all who had previous involvement in criminal justice processes—described how “great” it had been to be sharing a house with family. He spoke fondly of his younger sister, for whom he now described as his responsibility. Rapping together with family was described as a bonding experience that gave him purpose. He spoke of wanting to make a positive difference in the lives of other Aboriginal and Torres Strait Islander young peoples. He said,

*Yeah, I'm looking after my sister, I'm looking after her. And at the moment me and me brother-in-law [...] we write and do freestyle and whatever. Yeah, it's all about your own personal struggles, what's happened to you, all that kind of stuff. Most rappers have been to prison [and] they've just quit the game and they're trying to make a difference, like us. We're trying to make a difference. (Jessie)*

All the young men in this study described not only wanting a better life for themselves (beyond where they were right now) but also wanting this for their families too. For example, Jed said,

*...it's like there's one thing I want in life, is I just want my life to be happy, and I want my brothers, sisters, and my son most of all, and my nieces and nephews to be happy. And I want my mother and father goin' to their grave in peace, like it should be ya know. (Jed)*

## Discussion

The narratives presented above underscore how racist policies and practices of removal and loss continue to permeate the contemporary lives of Aboriginal and Torres Strait Islander young peoples involved in the criminal justice system, supporting Krieg's (2009) claim that colonisation is not a moment but “an ongoing experience with multiple persistent contemporary traumatising events continuing to impact daily on Aboriginal families and communities” (p. 30). As young men's narratives attest, the ongoing traumatic effects of early European invasion and colonisation remain alive and present in their contemporary

lives today (Barta, 2008; Sherwood, 2013; Wilson et al., 2017). Narratives also reveal, however, that despite the multiple family traumas experienced—which forced the disruption of family ties and thus their connection to culture and community—young men remained resilient, determined, and able, often against all odds, to preserve these familial ties, which were central to their own health and wellbeing (Dudgeon and Walker, 2015). Findings also highlight the strength and determination of young men’s families and communities to support the young men when they could.

Our analysis demonstrates how for the young men in this study, knowledge and connection to their own ancestry and culture was influenced by the separation of familial ties and kinship systems of the past, including having family members of the Stolen Generations or who were removed from their birth parents as a small child.

Narratives also draw attention to the depth and breadth of trauma and loss the young men experienced in their own lives, and the role these experiences played in shaping their behaviours as young men, including their drug use and involvement in the criminal justice system. These effects were often influenced by forced familial relationships contrary to Aboriginal and Torres Strait Islander kinship systems, that implicitly denied young men the protective factors ascribed to culture, identity and wellbeing. Firm associations exist between grief and loss and Aboriginal and Torres Strait Islander peoples’ involvement in the criminal justice system (Malvaso et al., 2019), with evidence that experiences of removal from families into out-of-home care is directly linked to the over-incarceration of Aboriginal and Torres Strait Islander young peoples and the likelihood they will enter the criminal justice system at an earlier age (Allard et al., 2020; Baidawi & Sheehan, 2019; CCYP, 2016). Aboriginal and Torres Strait Islander children are ten times more likely to be placed in out-of-home care (n=22,000) than non-Indigenous children (Liddle et al., 2022); many are separated from siblings, and more than half are placed with non-Indigenous carers (CCYP, 2016). Whilst these figures underscore the devastating extent of the issue, our findings stress how the removal of Aboriginal and Torres Strait Islander children from biological

parents causes grief and fractures family ties and kinship systems that are crucial for connection to culture and a sense of belonging (Anderson & Tilton, 2017).

The unusually high level of Aboriginal and Torres Strait Islander peoples experiencing the death of a loved one has been acknowledged by many. For example, a study by the Australian Institute of Health and Welfare (2009) found that 42% of respondents indicated they had experienced the death of a family member or close friend within the past year, including many to suicide. The narratives above highlight how grief and loss underpinning these devastating statistics, impacted young men's drug use and criminal justice experiences.

Being separated from family whilst incarcerated is described as one of the most enduring and challenging aspects of the prison experience (De Claire & Dixon, 2017). For Aboriginal and Torres Strait Islander young peoples, for whom kinship and family ties are at the core of culture and community, losing contact with family while incarcerated has the potential to reduce feelings of self-worth, pride, purpose and belonging (Grant, 2008; Jones et al., 2018). Our findings reveal how although young men strived to maintain connections to kin while incarcerated—by looking out for Aboriginal and Torres Strait Islander family members or men from their own communities—they were forced to do so against a backdrop of prison policies and practices that worked to further erode these connections. Programs are therefore needed that recognise and act upon the fact that most Aboriginal and Torres Strait Islander children and young peoples have histories of trauma before they connect with the criminal justice system, and that connection to family and kin while incarcerated is paramount to their overall health and wellbeing. For example, when the death of a family member occurs when Aboriginal and Torres Strait Islander peoples are incarcerated, a presumption in favour of the approval for attending Sorry Business must be made, to ensure they can mourn their loss in ceremony, in Country and with community (McCoy, 2008). Furthermore, the cultural importance of family visitation must be prioritised for all Aboriginal and Torres Strait Islander young peoples who are incarcerated, for

example, considering where families live when making decisions about prison placements, and/or providing financial and practical support for families who lack these resources.

We argue that a commitment via sustained government funding and resourcing, of strengths-based, community-driven and led initiatives is needed to support Aboriginal and Torres Strait Islander families to participate in and have control over decisions that affect their children, to keep children safe and cared for within their own families and kinship systems (Liddle et al., 2022). Healing-informed interventions are also needed that address intergenerational trauma for children and young people who are in out-of-home care, juvenile detention and adult prison (CCYP, 2016).

Against this background and these urgencies, responses are also urgently needed that prevent Aboriginal and Torres Strait Islander young peoples entering the criminal justice system in the first place. For example, Justice Reinvestment, which involves the redirection of money from the criminal justice system into social justice programs, including those that keep young people in education or work; address harmful drug and alcohol use and prevent youth suicide; or support and provide connection to family, culture and community, have been shown to do just this (ALRC 2017; Brown et al. 2016). We appeal to governments to urgently prioritise (with a commitment of funding and resources) the forging of genuine, trusting and equal partnerships with Aboriginal and Torres Strait Islander peoples and their communities, to lead and implement these responses. Such programs, we argue, if community-led, have the potential to help re-build and strengthen kinship systems for Aboriginal and Torres Strait Islander peoples, and in doing so can help promote healing, a sense of pride and belonging, and a positive future for Aboriginal and Torres Strait Islander young men.

### **Limitations**

We acknowledge that the narratives presented do not represent the experiences of all Aboriginal and Torres Strait Islander young men involved in the criminal justice system in Australia, given they are not a homogenous group. We also recognise that nuanced meanings attached to kinship systems may vary across cultural groups and nations. The

absence of young women's experiences is a limitation, and thus we advocate for research that ensures their unique experiences are heard and understood. We also acknowledge that the narratives shared above were collected more than six years ago, and thus that prison policy and practice changes may have occurred since then. Nevertheless, given the rates of Aboriginal and Torres Strait Islander young peoples being removed into out-of-home care, juvenile justice facilities and adult prison continue to rise, we argue that findings continue to remain relevant.

### **Conclusion**

It is our hope that by giving voice and agency to the experiences of eight Aboriginal and Torres Strait Islander young men, and explicitly exposing the effects of colonisation on their lives, that we have challenged mainstream assumptions about Aboriginal and Torres Strait Islander young peoples involved in the criminal justice system that position them in deficit terms (Hogarth, 2017). We have revealed how experiences of ongoing trauma and loss were sustained by the intergenerational effects of colonisation and harmed young men's ties to kinship systems and family. In doing so, we argue, young men were deprived of the very systems needed to sustain a sense of value, purpose and belonging. It is time for governments to take leadership by adequately funding and promoting sustainable responses that honour and respect the important role family and kin represent in Aboriginal and Torres Strait Islander young peoples' lives, at the same time ensuring responses are self-determining and led by Aboriginal and Torres Strait Islander peoples (Grant, 2008).

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