



Research Bulletin

Language background and release from indeterminate sentences

Irene Mamontoff
Aboriginal & Ethnic
Affairs, Co-ordinator

Don Porritt
Chief Research
Officer

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LANGUAGE BACKGROUND & RELEASE FROM INDETERMINATE SENTENCES

I. Mamontoff, Co-ordinator,
Aboriginal & Ethnic Affairs.

D. Porritt, Chief Research Officer.

SUMMARY

Persons born in non-English speaking countries ("non-Anglos") are less likely to be serving prison sentences than Australians. Despite this, more than expected numbers are in prison on remand or serving sentences for life or at the Governor's Pleasure.

This note explores why indeterminate sentence prisoners are more often "non-Anglos" than are other prisoners. In the case of life sentence prisoners, this is not due to "non-Anglo" prisoners being held for longer periods after qualifying for consideration on release. "Anglo" life sentence prisoners are more likely to have served over 14 years than "non-Anglo" prisoners, the difference apparently being due to higher rate of sadistic and/or sexual offences among the "Anglos" serving life sentences.

Among Governor's Pleasure prisoners (GP's) difficulty in obtaining release could explain some of the excess of the "non-Anglo" born. Although more of the "Anglo" GP's had been charged with murder, they tended to have spent less time under detention. Re-assessment of 8 of the 11 "non-Anglo" GP prisoners with poor English, by bi-lingual psychiatrists, produced recommendations that 6 of the 8 were fit for release on appropriate conditions. Of the 9 fluent in English, at least 1 who had recently been re-assessed was found to be fit for some form of conditional release.

Thus, the excess of "non-Anglo" life sentence prisoners remains to be explained and is not due to long delays in release. Language and cultural difficulties that delay release partly explain the excess of "non-Anglo" GP prisoners. This suggests that other areas where prisoners must take initiatives for themselves, such as access to the Work Release programme, should be investigated, to ensure that "non-Anglo" prisoners are not handicapped by language and culture differences.

Migrants born in non-English speaking countries are less likely, than people born in Australia, to be convicted or imprisoned for criminal offences (Francis, 1981). This trend clearly holds in New South Wales, as we showed in a previous Bulletin (Mamontoff and Porritt, 1980). Despite this, such migrants (called "non-Anglo" below) suffered two relative disadvantages. More than expected numbers are in prison on remand, and relatively more are serving indeterminate sentences (life sentence or held at the Governor's Pleasure). The most marked excess occurred in the small group of 36 Governor's Pleasure prisoners, 20 of whom (56%) were of "non-Anglo" birth.

Other research is underway into the role of the language problem in producing the relatively high proportion of "non-Anglos" remanded in custody. This Bulletin examined why there are relatively more "non-Anglos" among life sentence prisoners and markedly more among Governor's Pleasure prisoners than in the general sentenced prison population.

One possible explanation is that prisoners can be handicapped in negotiating release by cultural and language differences. To check this, the length of time served by life sentence and Governor's Pleasure prisoners was examined.

Life sentence prisoners are not normally considered for release in less than 10 years. The proportions of "Anglo" and "non-Anglo" life sentence prisoners who had served 10 years or more were 21.9% and 19.5% respectively. Among these, 15/53 "Anglo" and none of the 8 "non-Anglo" life sentence prisoners had served over 14 years. This difference approaches statistical significance despite the small numbers involved. (See Table 1).

Two reasons could be found for this trend in favour of "non-Anglo" life sentence prisoners. None of these 41 prisoners had committed offences of a sadistic or bizarre sexual nature. All 15 of the "Anglo" life sentence prisoners held for over 14 years had committed such offences. Also, in discussions with the first author, prison staff have expressed the opinion that "non-Anglo" prisoners are respectful of authority, well behaved and hard-working. All of these perceptions would assist them to be released on license before serving 15 years. Nor do they have to initiate consideration, as this is an automatic process.

A very different picture emerges for the Governor's Pleasure prisoners. These can, of course, be considered for release at any time, depending on their response to treatment. All but 4 of these 36 prisoners had been found not guilty because of insanity, while 4 had been found unfit to plead.

The small numbers again limit statistical analysis. Also there are differences in offence types, with 35% (7/20) of the "non-Anglo" Governor's Pleasure prisoners having been charged with some form of wounding, while this occurred for 25% (4/16) of the "Anglos". There was, within the groups charged with murder, and the groups charged with wounding, a trend for "non-Anglo" prisoners to have more often been held for over 10 years. For these two offence groups, disregarding one of each where time held could not be determined, 71% of "non-Anglos" (12/17) compared for 36% (5/14) of "Anglos" had served over 4 years, while 41% (7/17) and 7% (1/14) respectively had served over 9 years. (See Table 2).

Here we have a paradox. "Non-Anglo" Governor's Pleasure prisoners were less often charged with murder, but more of them spent long terms in custody. To further investigate this, arrangements were made for psychiatric re-assessment of the "non-Anglo" Governor's Pleasure prisoners whose limited command of English could distort the results. In each case a psychiatrist fluent in their native language conducted the examination.

Of 8 prisoners so far assessed in this way, only 2 were found to be actively psychotic and unfit for release. Of the six not actively psychotic, one has been placed on Work Release and all six cases have been referred to the Parole Board for consideration. Another three are yet to be assessed. Also, of nine who did not have language difficulties, one who had not been re-assessed recently was found to be suitable for some form of conditional release.

In some cases, errors of fact, highly relevant to consideration for release, were found to have been made in previous assessments. Thus, difficulty due to language problems in presenting a case for release and/or on obtaining appropriate treatment was found among a substantial proportion (6/8 who were re-assessed) of these 21 offenders.

Conclusion

The picture which emerges suggests that, in areas where prisoners need to take initiative on their own behalf, migrants with language difficulties might be handicapped. On the other hand, routine consideration based on their actual behaviour can reduce this handicap and confirms that they do not present management problems while in prison. The data do not explain the relatively high rate of "non-Anglos" among life sentence prisoners nor do they completely explain the very high rate among Governor's Pleasure prisoners.

Investigation of other areas where language and cultural differences could handicap prisoners is planned. In particular, consideration of life sentence prisoners for early release and consideration of prisoners for acceptance into the Work Release Programme should be investigated.

REFERENCES

- Francis, R.D.: *Migrant Crime in Australia*. St Lucia, University of Queensland Press, 1981.
- Mamontoff, I. & Porritt, D.: *Language background of prisoners: notes on some special groups: Research Bulletin No. 2, Department of Corrective Services, December 1980.*

TABLE 2: (a) Time Served by "Anglo" and Other Governor's Pleasure Prisoners X Offence Type.

Years in Custody	MURDER		WOUNDING		COMBINED	
	"Anglo"	Others	"Anglo"	Others	"Anglo"	Others
15 - 19	—	2	0	1	—	3
10 - 14	1	3	0	1	1	4
5 - 9	4	3	0	2	4	5
0 - 4	5	3	4	2	9	5
TOTAL	10 (b)	11 (b)	4	6	14	17

NOTE: (a) Table excludes "Anglo" and "Other" prisoners charged with setting a fire knowing there was a person within the building.

(b) Time in custody not known for:

1 "Anglo" charged with Murder, and
1 Other charged with Murder.

TABLE 1: Time Served by "Anglo" and Other Life Sentence Prisoners.

Years in Custody	"Anglo"	Other	Total
30+	4 (1.7%)	—	4 (1.4%)
25 - 29	2 (0.8%)	—	2 (0.7%)
20 - 24	2 (0.8%)	—	2 (0.7%)
15 - 19	7 (2.9%)	—	7 (2.5%)
10 - 14	38 (15.7%)	8 (19.5%)	46 (16.3%)
Less than 10	189 (78.1%)	33 (80.5%)	222 (78.4%)
TOTAL	242 (100%)	41 (100%)	283 (100%)
Excluding less than 10 years:			
15+	15 (28.3%)	0 (0.0%)	15 (24.6%)
10 - 14	38 (71.7%)	8 (100%)	46 (75.4%)
	53 (100%)	8 (100%)	61 (100%)