



## Précis Paper

### An Indigenous journey from imprisonment to empowerment

A comprehensive discussion about Keenan Mundine's unpleasant and victimized interactions with the criminal justice system as an Indigenous individual, which focuses on policing, deaths in custody, policy reform, economic/educational factors and the overarching importance of family for an Aboriginal child.

#### Discussion Includes

- Keenan's childhood
- The schooling system
- Family time
- Relationship with the police
- Reflecting on the prison system
- A survival attitude
- Deadly Connections
- Recommendations
- The long term vision
- Deaths in custody

## Précis Paper

### An Indigenous journey from imprisonment to empowerment

1. In this edition of BenchTV, Dr Thalia Anthony (Professor at UTS Law) and Keenan Mundine (Co-founder of Deadly Connections) discuss Keenan's journey in and out of the criminal justice system, his upbringing, relationship with police, deaths in custody and his long term vision.

#### Keenan's childhood

2. Research and people, who are involved, on all levels, heavily fuel the societal understanding of criminal law and what it entails.
3. Keenan Mundine is an Aboriginal man, belonging to the Waka Waka tribe (based in Queensland). He was raised in the inner city of Redfern. Keenan hopes to spark some meaningful dialogue and change through sharing his traumatic story and interactions with the criminal justice system.
4. Keenan is the youngest of three children in his family. During his childhood, Redfern was going through a dark phase where unemployment levels were high, domestic violence was prevalent, policing became more strict and drug/alcohol abuse was growing. He considered this negativity as normality at that point of time. Keenan's parent's passed away and his family became more divided than ever, as each of the three children were taken care of separately (not under the same roof). The support system for Keenan's family was extremely poor and ineffective.
5. Keenan was 'displaced' as he was re located to live with his extended family who did provide Keenan with what they could, to the best of their capacity and resources. From this point of time, Keenan began to live a life that was vastly different and very disadvantaged compared to most non-Indigenous children. His bond with his brothers gradually weakened due to the notion of distance, leading to the development of emotional vulnerability.

### The schooling system

6. In terms of academic performance, Keenan's marks at school were below average. It was an unwritten expectation that children should not bring in their home-related struggles into the classroom, but naturally this was difficult for Keenan to do, especially in light of his young age. His school failed to understand Keenan's side of the story, and as a result, he was labelled as a 'troubled child'. Keenan responded with exclusion and rebellion-centred activities which resulted in frequent detentions, and this went more downhill as he entered his teenage years. In a nutshell, Keenan had to teach himself to be strong.
7. Unfortunately, Keenan did not encounter a teacher during his entire schooling experience, who looked beyond his 'deficits' and appreciated him for his smartness and skill sets.
8. Keenan conveys that the school system was constantly sending the message that he is not special or normal compared to the rest of his peers. He never fitted in with other children of his children. This forced isolation has moulded into an unwanted part of his adult personality. Amongst all this personal struggle, Keenan ensured that he was literate and became focused on sport during his high school years. During this time, he won a range of medals and trophies in football. Keenan felt that something was holding him back from sharing his story with his football friends. He consistently felt that he was fighting against the system and its belittling messages on a mundane basis. The system failed to recognise that a disruptive upbringing (e.g. drugs, poverty) is not something that a child can cope with easily.

### Family time

9. At the age of 13, Keenan underwent an existential crisis and was missing his family. After gaining his independence, he started to seek his brothers and strengthen the sibling bond. Keenan emphasises the fact that he was only able to re connect with his brothers due to the co incidence that they both played football at the same ground. They system took no initiative, to give Keenan quality 'family time'. Keenan eventually found out that one of his brothers were already involved with the criminal

justice system and that he had drug taking tendencies in the name of 'self medication'.

#### Relationship with police

10. Soon, Keenan reached a point in his life where there was no familial attachment and his brother's situation was worsening. It seemed as though Keenan was expected to somehow figure everything out and in the midst of this internal confusion, Keenan became involved with the criminal justice system. Police officers began to overly scrutinise the day to day activities of Keenan and quickly transcended into an oppressor-oppressed/ master-slave like relationship.
11. Individuals like Keenan are innocent by-products who are subject to an array of disadvantages, due to their ethnicity and background.
12. Keenan never believed that police officers would ever listen to or support him. He communicates that the police are focused on convenient labelling and due to Keenan's disadvantaged lifestyle, the police took it upon themselves to make narrow and one-sided assumptions. They expect individuals like Keenan to get to their level instead of making the understanding process, work the other way around. This led to Keenan viewing them as an enemy instead of a protector of law and enforcement (which they are on paper).

#### Reflecting on the prison system

13. Keenan was placed in a Penrith juvenile detention centre. He claims that his conversations with the court and magistrates made him feel very 'alienated'. He believed that he had no say in any part of the process (e.g. sentencing) and the sufficient priority for child safety was not given. For the most part, Keenan did not understand the complex workings of a court and there were no explanations to break it down for him. The courts expected Keenan's family to take of him and ensure that he properly appeared for every hearing and trial.

14. He was always conscious of not being a 'burden' on his family, and this led to him coming across negative adult influencers on the streets who knew nothing but crime. Keenan wants to make sure that his children never come in contact with such people or situations. Moving between various juvenile detention centres throughout his youth, Keenan believed that authorities were 'preparing' him for the adult jails (once he turns 18). Keenan expresses that he subject to a biased law and enforcement agenda, whereby authorities attempted to get him the highest possible sentence/imprisonment period.
15. The boys home was not 'culturally competent' in helping Keenan deal with his issues. In Indigenous culture, the idea of a man committing a crime to protect and sustain his family is viewed as honour. However under Western law, this is not the right thing to do, even under desperate circumstances. Keenan's hunger for knowledge (e.g. an internship or traineeship) was never satisfied. If this hunger had been satisfied, Keenan could have potentially overcome his years of trauma due to the diversion-based aspect. As no prosperous opportunities emerged, Keenan resorted to drug use.

#### A survival attitude

16. Keenan's attitude, thoughts and vision was simply to survive for the day (e.g. where do I get food, clothes etc.), and inevitably this allowed no room to think about tomorrow or the day after. When Kennan in custody, the inmates introduced him to meth amphetamine. Once he came out in 2012, Keenan committed a robbery in company (under the influence of ice) and as an outcome, was imprisoned at Goulburn. Due to Keenan's strong connections within jail networks, he was moved to the Goulburn high security prison with notorious prisoners (who were convicted for murder and shootings). During this phase, Keenan was wondering if the system well and truly desired for him to become a more serious criminal.
17. When a 24 year old Keenan pleaded in front of the judge, he was subject to a diversionary program which did help him to re adjust into his community. Now, Keenan had the confidence to go back to Redfern, regardless of all the bad memories associated with it.
18. Certain death in custody cases continues to haunt the community.
19. It seems that once you get out of prison, you're just thrown right back into the same situation.

20. There was a time where Keenan realised that jail did provide daily essentials like milk and cereal, which would require more effort to independently source outside of prison. As an institution, Keenan does disclose that it gave a sense of structure to his daily routines.

### Deadly Connections

21. Keenan's ability to deal with his trauma in his own effective way (via studying and volunteering), did help, but he wishes that a mentor could have helped him earlier in life. This is the grassroots inspiration for Deadly Connections Community and Justice Services (an Indigenous community led support organisation). Deadly Connections also benefits from the skills and expertise of Keenan's wife, who has her own unique story - as a single mother she went to university and obtained a degree in criminology. In turn this helped her to identify and act upon community gaps and challenges. As a couple, they helped educate the Indigenous community about court processes, formalities and solutions for empowerment.
22. Deadly Connections is a 'one-stop shop' for the vulnerable members of the Indigenous community. Organisationally, it aims to act as an intermediary bridge between kinship/community care and avoiding the juvenile justice system. They offer services like helping young children of prisoners to adjust into society, catering to their educational needs, ensuring their safety in school and home. The 'Deadly Families Program' on the other hand, aids adult Indigenous offenders whose children are at risk of being removed. This program tries to keep families together.
23. The 'Street Smart Program' is a youth work initiative, providing free entertainment, arts and cultural activities with a barbecue to children who are in the midst of a

disruptive and unpleasant upbringing. The underlying goals are harm minimisation and early intervention. Additionally, it also opens up a safe space to discuss alcohol, drugs and sex education. Witnessing the prosperous growth of children and their strengthening bond with their heritage gives the organisation an immense degree of satisfaction.

24. Deadly Connections helps Aboriginal children to navigate their roots with proper adult supervision, and this is something that Keenan would have treasured growing up. The organisation lends a listening ear to child problems. They aim to be a backbone rather than a one-size fits all fraternity. Like-minded people and the passion of do gooders fuel it.
25. The 'Breaking the cycle' program aims to facilitate early intervention to a more mass Indigenous community, beyond children. Additionally, this program tries to give released offenders a degree of clarity to how to structure and live life crime-free, once they are released. The overarching idea of 'continuing care' is at the forefront of this program.

### Recommendations

26. Keenan's policy-centred recommendations:

- i. Send the message that prison does not work. The data shows that it does not rehabilitate offenders.
- ii. The false glorification of prison needs to stop. Prison should only be more the most dangerous. - The cost of running prisons is too high. Financially, is prison a worthwhile investment for law and enforcement?
- iii. There is a considerable amount of work to be done by the system, to help released offenders to re fit in society. The transition needs to be more smoother.
- iv. Invest in long term localised solutions. Don't invest in tired and tested strategies which are barely effective.

27. Focus more on diversionary tactics. Make education and mentorship opportunities more known and accessible. Viewing Indigenous people as economic units in itself, will allow the government to enable such opportunities. Encourage Indigenous entrepreneurs.

### The long term vision

28. Keenan's long term goal is to build a national and centralised peak body for the Indigenous community, which involves justice-based initiatives and the blame element is shared instead of scrutinising and imprisoning one person due to racial factors. Through such bodies and measures, Keenan firmly believes that Aboriginal people will be able to take better control over their lives and wellbeing. The most important factor is that such a body should be primarily run by the affected parties (Indigenous people).
29. Justice is one of our biggest crises when it comes to Aboriginal peoples' wellbeing, opportunities and health outcomes because we know in prisons; there is far inferior health.

### Deaths in custody

30. Over a third of Aboriginal deaths in custody, was the direct result of authorities not providing proper medical assistance. Governments only tend to take this issue seriously, when they establish Royal Commission enquires but otherwise, this issue continues to linger in a blind spot zone. Activists like Keenan need to constantly push and pressurise the government, to ensure that the issue is in the spotlight or else, it will continue to be subject to the blind spot. The politicised motives, which override the real issues at play, create further legal and socio-political inefficiencies. The governmental approach of legal restrictions often makes Indigenous offender to re-offend as they view the system as the ultimate enemy. In a nutshell, a more humanitarian response is needed but it goes under the radar because it is not as 'politically popular'.



31. Indigenous people like Keenan do have concrete solutions like Deadly Connections, and it is crucial for governments and authorities to embrace and value this systemic effort because families are being shattered and mental/physical health is at stake.

## BIOGRAPHY

### Dr Thalia Anthony

Professor at UTS Law, Sydney

Thalia's research specialises in legal areas surrounding Indigenous people and the broader criminal justice system. She completed her PhD in law at the University of Sydney in 2010. Over the years, she has contributed quality advice and research output towards High Court trials, Royal Commissions, Aboriginal Justice Agreements and bail applications. Her legal opinion and commentary has consistently been valued by media entities and public interest organisations, and she continues to liaise and collaborate with a range of Indigenous advocacy groups like UTS Jumbunna and Aboriginal Legal Services.

### Keenan Mundine

Keenan is the co-founder and ambassador of Deadly Connections Community and Justice Services. He has extensive experience in youth work and partnerships and is a strong believer in the power of community engagement. Keenan utilises his first hand experience to fundamentally send the message that reform and change is urgently required. He acknowledges that he has been given a second chance at life, and Keenan wishes to use this as an opportunity to inspire others to make positive decisions.

## BIBLIOGRAPHY

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### Benchmark Link

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### Judgment Link

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### Cases

*X v A*

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### Legislation

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