



# 2012 Detainee Census



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## Executive Summary

Clear and objective information is important for the development of appropriate policies, strategies and programmes. This report provides a 'snapshot' of the Vanuatu detainee population as at September 11 2012. The information from this census is very valuable but the real value will be in years to come as information collected each year is compared with years before.



Products of the Stade Joinery Workshop

The 2012 census highlights some important facts and indicates areas that need careful consideration. The high percentage of sexual offences (52%), increasing sentence lengths (the average sentence length is now 6.2 years) and increases in other sorts of offending are important features of this report. Some broader issues such as managing the impacts of a rapidly growing, youthful and urbanising population are also identified.

Some myths are dispelled by this census. While it would seem that many people believe that offenders from Tanna make up 90% of the detainee population, in reality detainees from Tanna make up around 20% of the detainee population.

The steady rise in the number of detainees is something that needs urgent attention. In 2007 there were 123 detainees, this census recorded 191 detainees – an increase of 35%. Although extra capacity is clearly needed, consideration also needs to be given to finding ways to reduce the flow into the Correctional Centres.

The rate of re-offending (18% of the detainees had committed an offence in the past) is relatively low when compared with many places. While a relatively low re-offence rate is positive, this statistic will need careful monitoring in future years.

It needs to be kept in mind that 191 detainees is not an especially large number of people to make any particularly powerful statistical statements about. It is hoped that in future years it will be possible to use the data to do some more detailed statistical analysis and identification of trends in the data.

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## Introduction

This census aims to be a straightforward account of key features of the detainee population in Vanuatu.



A carving done as part of the detainee art programme

The data has been gathered from the Department of Corrections Offender Management System (OMS) which is a database of all sentences administered by the Department. Other sources, such as sentencing notes and pre-sentence reports, have also been used in some cases.

This census looks at the 191 detainees who were held in the Vanuatu Correctional Centres on 11 September 2012. It is important to note that this census only looks at detainees under the jurisdiction of the Correctional Services Department – people being held in other places of detention (such as Police cells) were not part of this census.

The aim for the future is to complete a similar census each year at the same time. We will also complete a similar census for offenders serving community based sentences.

In 2007 there were 123 detainees serving a sentence. Five years later there are 191 detainees. This represents an increase of approximately 35% and it is worth noting that there have been recorded peaks of 220 detainees during early 2012. Overall, the detainee population appears to be growing at a faster rate than the general population growth rate (2.9%).

Where appropriate, the report offers comparisons and analysis of the data presented but it is hoped that the data itself is helpful for prompting discussions amongst a wide range of agencies, organisations and services.

## Sex and Age of detainees

### Sex

At the time of the census there was only one female detainee in custody. The remaining 190 detainees were male. This is a fairly typical pattern that is observed internationally.

While one female detainee does not sound like a large number, the numbers of female detainees in Vanuatu is slowly climbing. In early 2012 there were eight female detainees while in past years it has been quite normal to go for quite long periods of time with no female detainees at all.

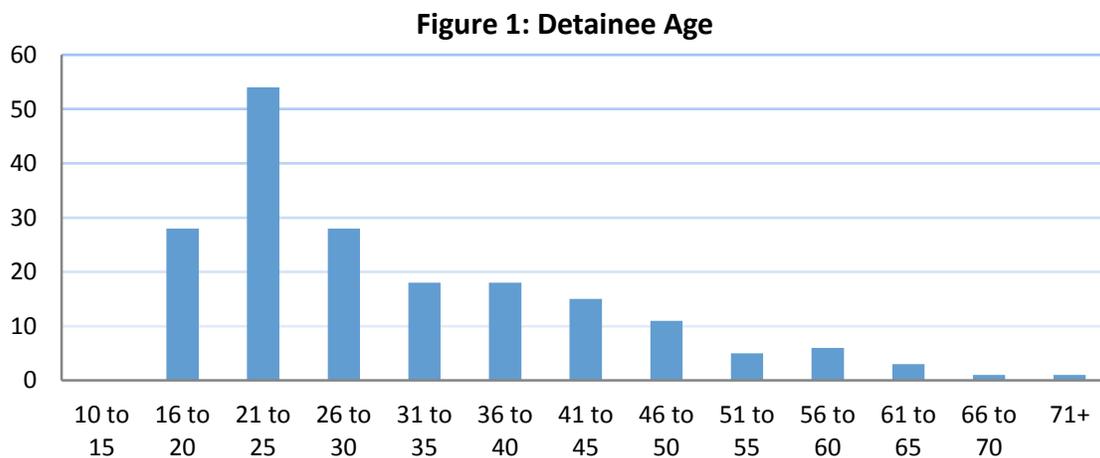
### Age

Figure 1 below shows the ages of the detainees. 60% of the detainees were 25 or younger with those aged 21-25 making up the biggest single group (29%).

The oldest detainee in the census was 74 years old and the youngest was 16. The average age was 31.5.

The age distribution of the detainees is generally consistent with the international statistics. Young men are always heavily over-represented in detainee numbers. The age distribution does however highlight that crime prevention initiatives are best targeted at young men and boys.

Although the numbers of elderly detainees is quite low, this group is likely to grow over time as improvements in standards of living within the general population lead to longer life expectancies. Elderly detainees often have a range of issues (such as health problems) that makes keeping them in custody more complex and costly. As the majority of these elderly offenders have committed sexual offences against family members there are also a range of reintegration problems that occur for elderly offenders.

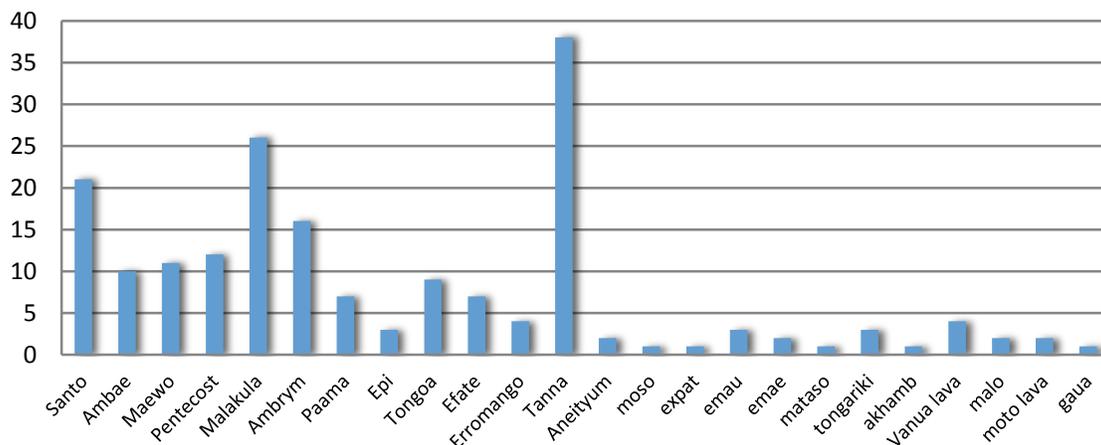


## Home Island and Residence at time of offending

### Home Island

Figure 2 below shows the home island for the detainees in the census. ‘Home Island’ refers to the island that the detainee identifies him or herself as belonging to. ‘Home Island’ does not mean that the person was born on a particular island or that it is a place of residence – ‘Home Island’ is a statement about belonging.

**Figure 2: Home island as identified by detainees**



Some caution is needed when looking at this information.

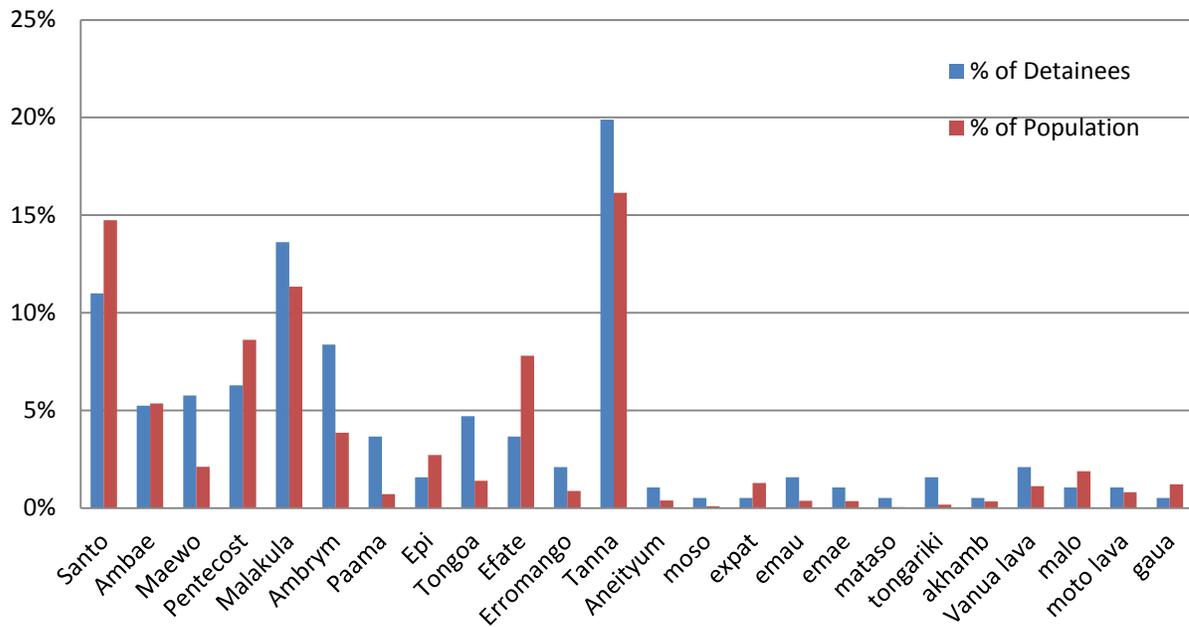
The first issue that needs to be considered is the percentage of the general population who consider a particular place to be their home island. Figure 3 below shows the percentage of the population for particular islands generally and then shows the percentage of the detainee population.

Many people will be familiar with the stereotype that people from Tanna make up 95% of the detainee population. This is clearly not true. Based on the size of the population Tanna is slightly overrepresented but not to the extent that many people would think. As can be seen from the chart, while people from Tanna do make up a significant percentage of the detainee population they are only slightly (4%) over-represented

when the size of the total population is considered.<sup>1</sup> Some other islands are overrepresented to a greater degree than Tanna.

The essential point here is that if a particular group of people make up a big part of the population you would anticipate that they would make up a big part of the detainee population.

**Figure 3: Detainee population compared with general population**



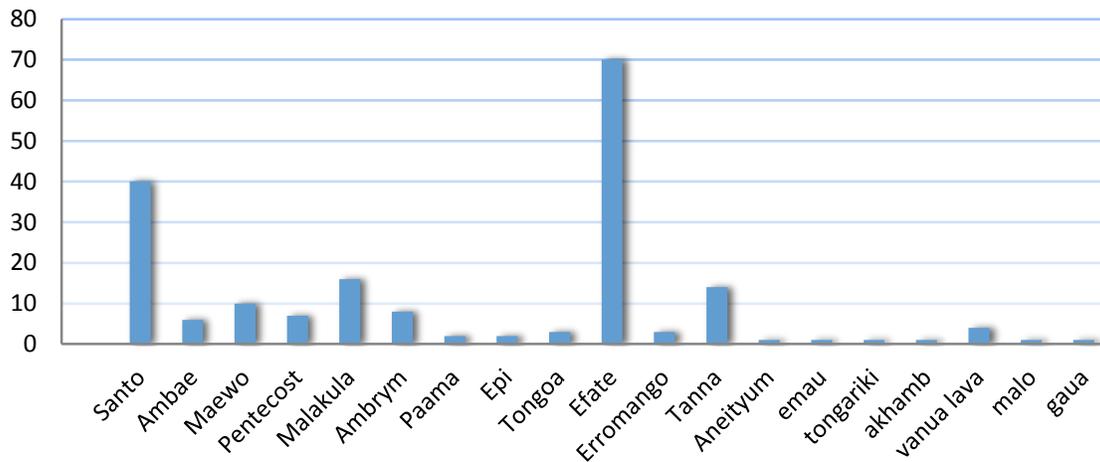
### *Residence at time of offending*

'Residence at time of offending' is a measure of where detainees were living when they committed the offence that resulted in them being in custody. Figure 4 shows that most detainees (58%) were resident in either Port Vila (37%) or Luganville (21%) at the time when they committed their offence and the rest of the detainees were spread

<sup>1</sup> The assistance of the Department of Statistics is gratefully acknowledged regarding establishing the general population 'home island' statistics. Note that the Efate general population is an estimate due to the high levels of intergenerational migration.

throughout Vanuatu.

**Figure 4: Residence at time of offending**



Although crime is often thought of as an urban issue it is clear that offending in rural areas is also a significant issue. It is quite possible that with greater access to services such as Police and Courts, people are more likely to report crime to the authorities in urban areas. It is also very important to note that kastom and community authority is utilized a lot more in rural areas to resolve disputes and issues so the numbers of detainees is not an especially reliable measure of actual rates of offending.

The types of offences committed in rural areas are discussed in more detail below but it is interesting to note that drug offences were more common in rural areas – largely due to cannabis being grown for supply in rural areas. The percentage of sexual offences in rural areas (54%) was slightly higher than for urban areas (47%).

The figures do suggest that strategies to address crime and the impacts of crime need to be developed with careful attention to the location and context and that separate strategies and approaches for rural and urban offending should be given careful consideration.

## Rate of imprisonment

The rate of imprisonment is a useful means of comparing the overall numbers of detainees between countries.<sup>2</sup>

To make comparisons between countries with very large and very small populations the rate is usually expressed as a ratio of the number of detainees per 100,000 head of population.

Country	Population	Number of detainees	Rate of imprisonment per 100,000
United States	308.4 million	2,292,133	743
New Zealand	4.41 million	8755	199
Samoa	179,000	300	168
Fiji	855,000	1150	135
New Caledonia	245,00	326	133
<b>Vanuatu</b>	<b>258,444<sup>3</sup></b>	<b>191</b>	<b>74</b>
Papua New Guinea	6.97 million	4268	61
Solomon Islands	542,000	265	49

As can be seen from the table above, Vanuatu's rate of imprisonment is higher than some of its closest neighbors but is considerably lower than places such as the United States. It should also be noted that most countries in the world with very high imprisonment rates are looking for strategies to reduce their prison populations.



Carved bowl - Stade Arts Programme

<sup>2</sup> See <http://www.idcr.org.uk/wp-content/uploads/2010/09/WPPL-9-22.pdf> for a full world prison population list.

<sup>3</sup> Vanuatu National Statistics Office estimate of population on Sept 11 2012

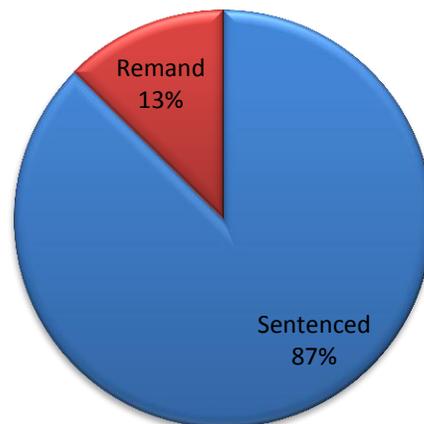
## Sentence status – Remand and Sentenced

Remand detainees are those who are in custody awaiting trial or awaiting sentencing after having been found guilty. Sentenced detainees are those serving a sentence of imprisonment.

Figure 5 below shows that 13% (24) of the detainees were remanded at the time of the census. This figure compares well with places such as the Solomon Islands where 31% of detainees are remanded in custody.

Depriving citizens of their liberty without having been found guilty of an offence is obviously a serious matter so keeping remand numbers low via efficient Courts is important. Remand detainees are also resource intensive as they create a higher number of visits and an escort, so keeping numbers down lowers the overall cost of Corrections and the country.

**Figure 5: Sentence Status**



Although the remand numbers in September were quite low it is worth noting that there are regular rapid increases in the numbers of remand detainees. This is typically as a result of a large group of people being arrested and remanded in relation to the same offence.

## Offending

The Penal Code divides offending into nine different types. The table below lists the types and gives examples of specific offences within the category.

Offence type	Examples of specific offences
Offences against public order	Unlawful assembly, rioting, sabotage
Misleading justice	Perjury, fabricating evidence
Escapes and rescues	Escaping, harboring or assisting a prisoner
Offences relating to religion	Insult to religion of any class
Offences against morality	Incest, unlawful sexual intercourse, indecent acts
Offences against the person	Intentional homicide, intentional assault, threatening to kill
Offences against reputation	Criminal defamation, abusive or threatening language
Offences against property	Theft, arson, robbery, obtaining money by deception
Offences against public interest	Idle and disorderly, witchcraft, possession of child pornography

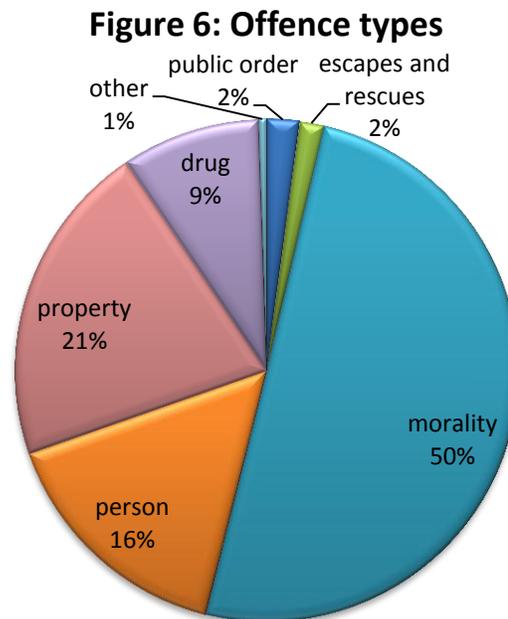
Drug offences are not included in the Penal Code but are dealt with in the Dangerous Drugs Act.

The purpose of showing the types of offending within broader categories is to make it more straightforward to understand the general picture of offence types rather than

specific offences. This approach also takes account of changes in interpretation or amendments to specific offences.<sup>4</sup>

When counting the offence type only the most serious offence has been counted for each detainee. For example, a detainee may have been found guilty of unlawful sexual intercourse and threatening to kill the victim – only the more serious offence of unlawful sexual intercourse has been counted.

Figure 6 below shows the types of offences for all of the detainees.



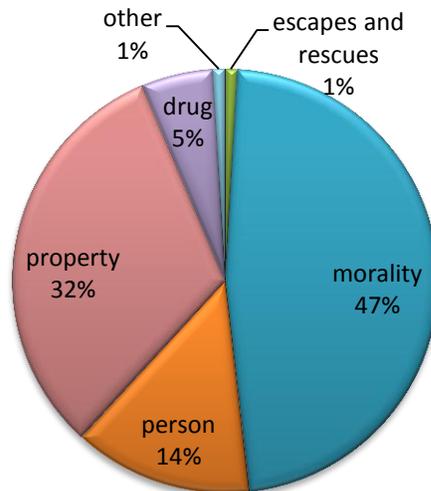
It is clear that offences against morality or sexual offences are the biggest single group of offences. This figure of 50% is actually lower than analysis that was done in 2009 where sexual offences accounted for up to 75% of the detainee offences. Although it is possible that the number of sexual offences is declining it appears that the drop in the percentage of sexual offences has more to do with increases in convictions for other types of offending – especially property offending. The actual number of sexual offenders has stayed quite stable. The victims of sexual offences were split equally between girls and adult women.

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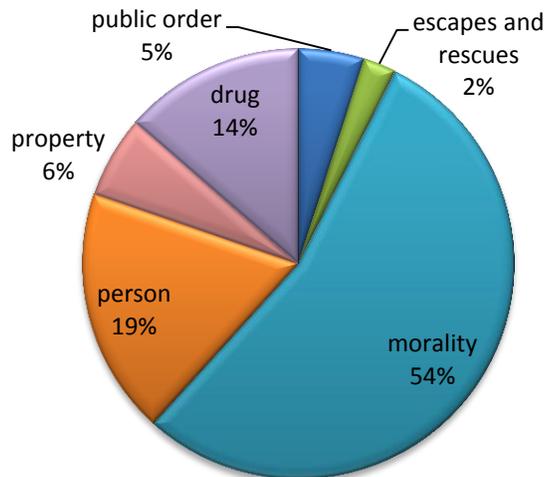
<sup>4</sup> For example, rape is no longer referred to in the Penal Code, the offence is known as 'sexual intercourse without consent'

There were some differences between offending patterns between the rural and urban areas. Figure 7 shows the percentages of types of urban offending while Figure 8 shows the rural offending distribution. It is interesting to note the higher level of property offending in the urban areas and the higher drug offending for the rural areas. The higher drug offending in the rural areas was almost entirely accounted for by cannabis offences in Malekula.

**Figure 7: Urban Offending**



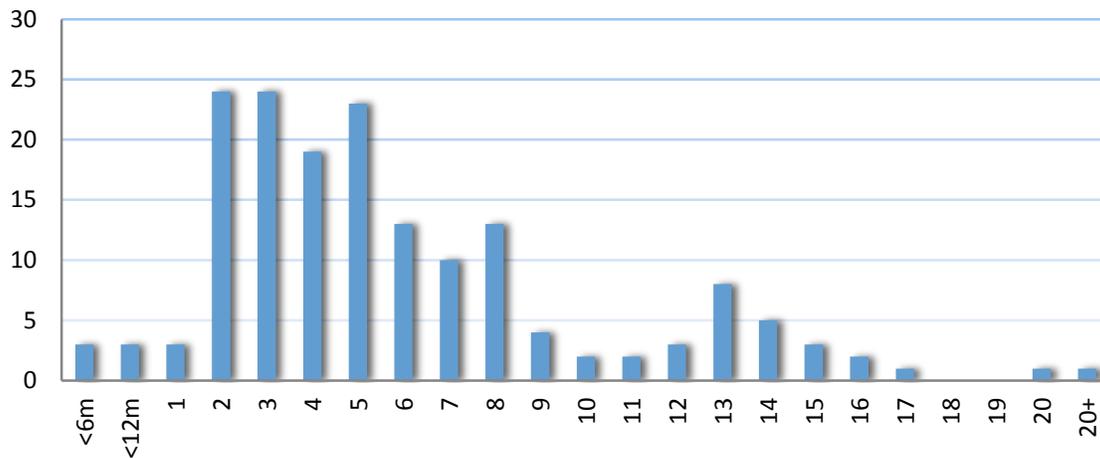
**Figure 8: Rural offending**



## Sentence length

Figure 9 shows the distribution of sentence length<sup>5</sup> for sentenced detainees. The longest sentence was 34 years and there were a few sentences of less than six months. The average sentence length was 6.2 years. 59% of sentences were five years or less.

**Figure 9: Length of Sentence**



Based on earlier analysis it is clear that sentences are gradually getting longer. Particularly relevant is the sentencing pattern for sexual offences and it is clear that a guidance judgment where the Chief Justice indicated that rape should attract a custodial sentence except in the most exceptional circumstances has had the effect of increasing the number of custodial sentences for this type of offending.

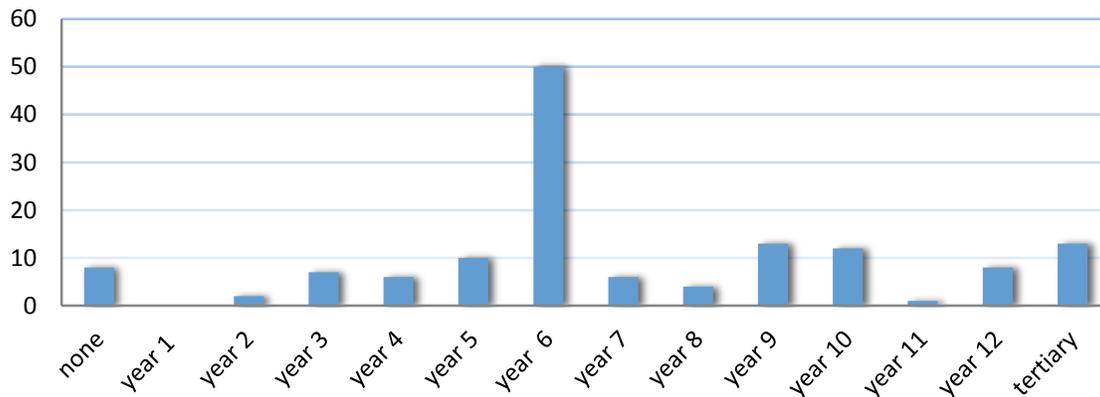
Determining the effectiveness of longer sentences is not within the scope of this report but longer sentences do raise a number of operational issues for the Correctional Centres. Even if the number of offenders coming into the Centres stays roughly the same, if they are staying for longer then the capacity of the Centres needs to be increased because more people are coming in than are going out.

<sup>5</sup> Sentences have been rounded to the nearest year

## Education

Figure 10 shows the level of schooling and education for the detainees.<sup>6</sup> The 'tertiary' category includes a range of trade qualifications and some University level study.

**Figure 10: Education**



The figures for the detainees are generally consistent with the general population where there is usually a rapid drop-off in school attendance at around age 11-12. The most frequently noted reason for not continuing past year six was a lack of funds to pay school fees.



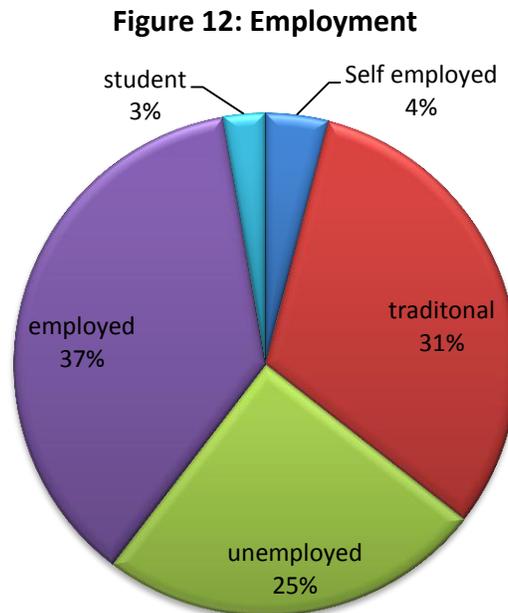
One of the 200 desks and chairs constructed at the Stade Joinery shop for schools in the outer islands

The relationship between education and offending is not as straightforward as saying that 'more education equals less offending'. Some of the detainees were very highly educated but still committed very serious crimes and we know that there are plenty of people with very little education who do not become involved in crime.

<sup>6</sup> Information on education was not available for 48 of the 191 detainees so the graph shows only those detainees for whom information was available.

## Employment

Figure 11 shows the employment status at the time of offending for the detainees.<sup>7</sup>



As for education, there were no obvious links between employment and offending. It is often thought that there is a close link between urban unemployment and property offending but this did not appear to be the case with this group. The unemployed offenders committed a wide range of offences, as did the employed and the offenders who were engaged in traditional subsistence agriculture.

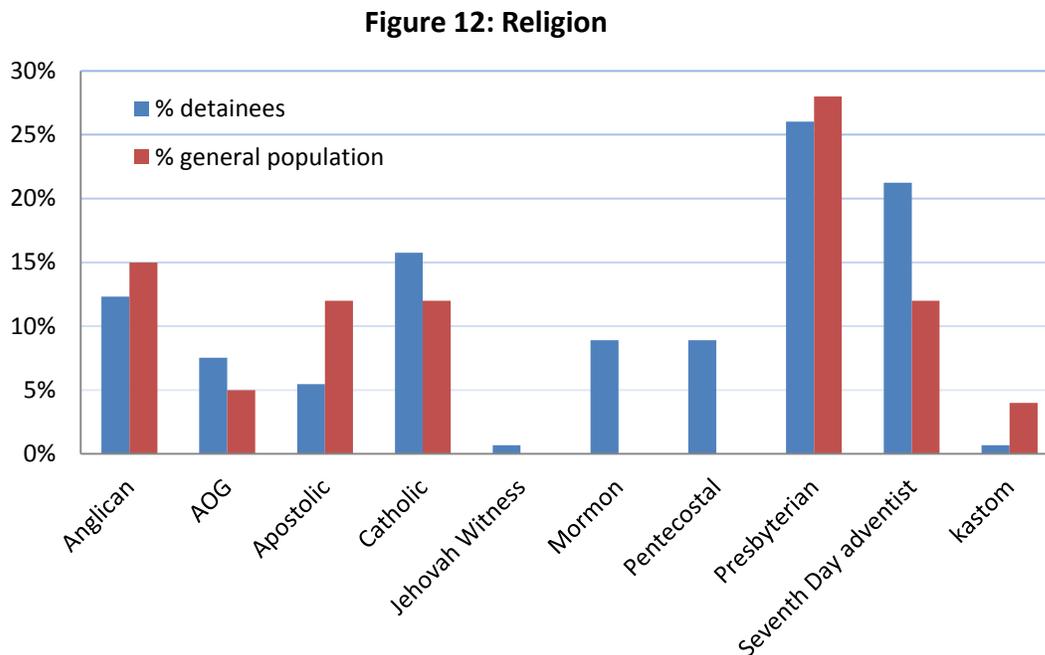
Although making a direct link between crime and employment appears difficult, the impact on families and communities is much more obvious. It was apparent from the pre-sentence reports and the sentencing notes of Judges that the loss of an income earner or gardener within families and communities often created considerable hardship for families and communities when an offender was given a custodial sentence.

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<sup>7</sup> Data was not available for 35 of the detainees

## Religion

Figure 12 shows the religious affiliation for 146 of the detainees.



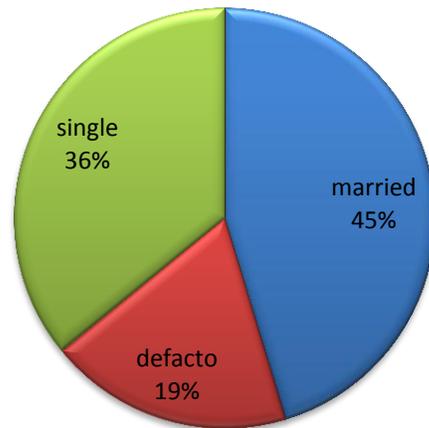
Like the home island statistics, the religion statistics need to be treated with some caution and need to be considered in context. Figure 12 includes the percentage of the general population who identify themselves as belonging to particular religious groups. It is also important to note that when detainees noted that they are a part of a particular religious group it does not necessarily mean that they are active participants. The other very important point is that in Vanuatu religion is often quite closely connected with geographical area and home island.

It is also worth noting that the 'Pentecostal' group includes quite a wide range of Churches and so the percentage of the general population is not included in figure 12. The general population census does not specifically record Mormon or Jehovahs Witness as specific groups so it was not possible to compare the detainees with the general population.

## Marital status and children

Figure 13 shows the marital status of 117 of the detainees.

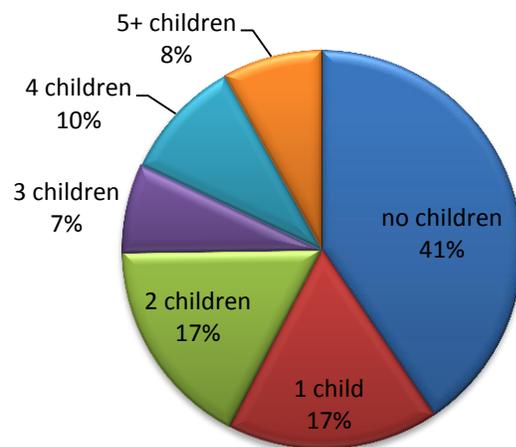
**Figure 13: Marital Status**



In general, the marital status of the detainees was very similar to the general population with almost half being formally married.

Figure 15 shows the numbers of children for 111 of the detainees. 60% of the detainees had children at the time of their offending (some of whom were the victims of offending).

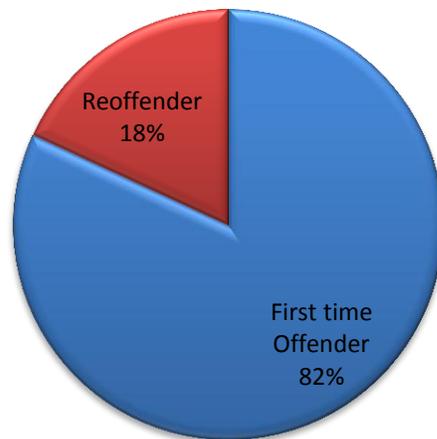
**Figure 14: Number of Children**



## Reoffending

Figure 15 shows the numbers of offenders who are in custody for a first offence and those who have committed another offence in the past. 35 of the 191 detainees had committed another offence in the past.

**Figure 15: First offenders and reoffenders**



When seen in an international context, a reoffending rate of 18% would be considered as comparatively low. In some places reoffending rates of 60-70% are not uncommon for particular types of offending or offenders. Reoffending rates are however very difficult to compare, countries often calculate re-offending rates in a variety of ways and the rates are influenced by a large number of factors.<sup>8</sup>

For this census we wanted to set a straightforward baseline that we can use to compare with data from future years. We also wanted to gain an understanding about who the reoffenders are.

When we looked at the reoffenders as a group they were very similar to the general detainee population in terms of home island, residence at time of offending, education, religion, marital status, place of residence and employment. Because they have

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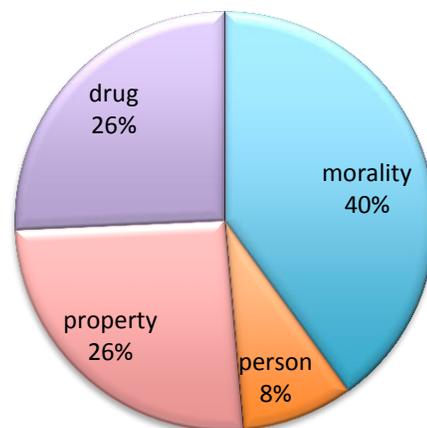
<sup>8</sup> For example, in countries where the homicide rate is high, the reoffending rate may appear relatively low because most offenders are serving a very long sentence and re-enter the community when they are much older and are less likely to offend.

committed more than one offence they are seen as being a higher risk of offending in the future.

The international rehabilitation literature suggests that rehabilitation resources should be targeted on the most high risk offenders in order to reduce reoffending rates. However, if we want to lower crime and the overall numbers of detainees in the context of Vanuatu, preventing people offending for the first time may have a much greater impact than large doses of expensive rehabilitation for a small group of reoffenders, most of whom are serving quite long sentences.

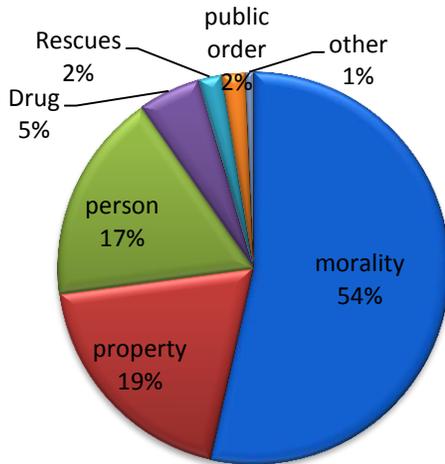
It was when we looked at offence types that some notable differences emerged. Figure 16 shows the types of offences committed by the reoffenders. There are higher rates of property and drug offending, with slightly lower rates of morality offences and offences against the person than for when all detainees are looked at as a group.

**Figure 16: Reoffenders current offence types**

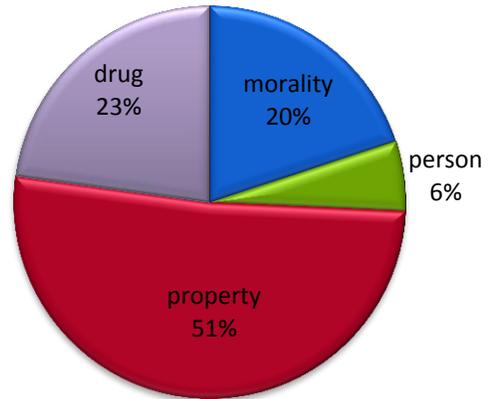


The most significant difference between the reoffender group and the first timer group emerged when we looked at the first offence of the two groups. Figure 17 shows the offences for the first-timers which can be compared to Figure 18 which shows the first offence of reoffenders.

**Figure 17: First timers offences**



**Figure 18: Reoffenders first offence**



When comparing the first timers offending pattern with the reoffenders offending pattern it is obvious that property offending and drug offending was what brought most of the reoffenders into custody for the first time while for most first time offenders morality offences, offences against the person (violence) and property offending are the reason for them coming into custody.



Detainees (in yellow and black shirts) working on the construction of the National Nursing College

What does this data indicate? It looks as though the reoffenders began their offending careers (and criminal lifestyles) after coming to prison for having committed less serious offences. They then go on to commit more serious offences. They also tend to be younger when they come into custody for the first time.

As a Department we are very interested in this information. Many people believe in the idea of the ‘short, sharp shock’ or of young people being ‘scared straight’ by a dose of incarceration – this information does not appear to support that position. We believe that this data supports the use of community based sentences and interventions such as diversion that keep offenders (especially young offenders) out of prison for as long as is reasonably possible.

Most of the re-offenders were sentenced to imprisonment before the judiciary had the option of using community based sentences. Keeping young people away from hardened criminals in prison was a primary reason for the introduction of community based sentences. We intend to compare the outcomes for those who are sentenced to community based sentences with this group. At this point the re-offending rates for those serving community based sentences (which are mostly for less serious offending such as property offending and minor drug offences) appears to be low.