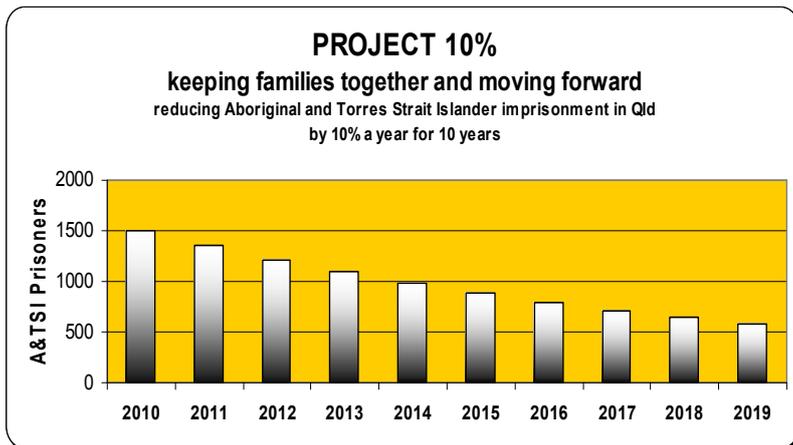




# PROJECT 10%

## Keeping families together and moving forward

Reducing A&TSI imprisonment  
by 10% a year for 10 years  
family unity community unity



## Key points from Community Meetings - Issues and Strategies

Collated by the ANTaR Qld Working Group for the Reducing Aboriginal and Torres Strait Islander Imprisonment Campaign with lead agencies MurriWatch and ATSIWLAS

### Where these ideas came from

Over 100 Aboriginal, Torres Strait Islander and non-Indigenous people have participated in workshops and community forums held between February and October 2009, to share their knowledge about why Aboriginal and Torres Strait Islander people are over-represented in Queensland's justice system, and to say what the Queensland Government needs to do to reduce imprisonment and recidivism.

From the discussions, campaign partners, led by Murriwatch, ATSIWLAS and ANTaR Qld, identified 5 Action Areas:

1. at risk groups (including child safety issues)
2. police contact
3. sentencing and remand
4. in-prison programs and preparation for future
5. post release.

This document is a brief summary of people's ideas from the community forums, about:

- barriers, gaps and issues i.e. what contributes to over-representation

- what works i.e. what programs can reduce imprisonment and recidivism rates - if properly resourced
- action needed [a] in Government leadership and reform [b] in programs and services and [c] to build capacity and empower communities and individuals.

## The big picture

Some barriers and recommended actions raised in the forums apply to all 5 Action Areas. These systemic barriers to reducing imprisonment include:

- Entrenched disadvantage - gaps in the social determinants of health among Indigenous Australians
- Discriminatory laws, policies and practices resulting in differential treatment and outcomes
- Racist attitudes and behaviours among police, court personnel, corrections staff, wider community
- Lack of knowledge and/or respect for Aboriginal and Torres Strait Islander cultures and lore
- Short-term/inadequate resourcing, support and evaluation for innovative, community led programs
- Lack of infrastructure and communication across police, justice, corrections and communities
- Not involving Aboriginal and Torres Strait Islander people in deciding and implementing programs
- Lack of evidence-based strategic planning to implement best practice, eg justice reinvestment.

### Action needed:

- Bi-partisan Government leadership and commitment to reducing A&TSI imprisonment
- Implement all recommendations of the Aboriginal Deaths in Custody report, including justice and law reform to remove discriminatory laws and policies
- Better governance and accountability for program outcomes, linked to 'Close the Gap' indicators, with measurable KPI's, resource allocation and accountability
- Mandatory cultural training for police, justice, corrections and other services personnel.

## Action Area 1: At risk groups (including child safety issues and youth offending)

### Barriers, issues, gaps

- Racism in courts, schools, society in general; young Aboriginal and Torres Strait Islander people are targeted by the system.
- Community poverty, health and safety issues make prison life (shelter, food) seem preferable for some. Some young people re-offend for this reason.
- Lack of capacity in Aboriginal and Torres Strait Islander communities to address concerns - lack of housing and infrastructure, poverty, poor health
- Adults as well as kids chroming. Also drug and alcohol misuse, addiction and related problems and abuses.
- De-funding of organisations historically delivering services to address needs, eg community youth support services
- Education and schooling not supportive of young A&TSI people, with related poor school attendance rates
- Approx 97 youngsters in Brisbane Youth Detention Centre (47 A&TSI youths, 8 A&TSI girls) need support so they don't go to prison. Family support needed too.
- Recording a conviction when kids are diverted from prison labels them for life. Difficulty in getting blue cards once you have a criminal record.
- Very difficult to visit prisons if you have been in prison.
- Domestic Violence – women with boys age 10+ not allowed in safe houses; boys of 11 are often mainstays of the family. Mother will stay in DV situation rather than leave older sons.
- Strong concerns about Welfare Quarantining/Income Management starting in Logan. Note: nothing on Qld and Federal Govt websites; news reports state a 12 month trial starts in 2010.

### Examples of what works

- Listening program, designed and delivered in culturally appropriate ways.
- [Linga Longa \(NSW\)](http://www.messagestick.com.au/csr/index.html) excellent work with youth <http://www.messagestick.com.au/csr/index.html>: *At Linga Longa, street-children and children from dysfunctional families (both Indigenous and non-Indigenous) are taken in to a non-judgemental atmosphere and exposed to concepts of trust and belonging from an Aboriginal perspective.*
- Good programme in Kowanyama, all the agencies are working together and a group from Cairns is involved.
- The Many Rivers Family Violence Prevention Legal Service, Kempsey, NSW.

### Action needed

- Government leadership, legal and justice systems and policy
  - Review strategies to reduce crime and re-offending which have been successful elsewhere in Australia and around the world (eg Justice Reinvestment)
  - Specific funding for A&TSI Community Controlled services, having just one Aboriginal or Torres Strait Islander worker is not enough.
  - Get pro bono to wipe people's criminal records; tackle racism; change policing culture; stop targeting Murris
  - Better statistics and evidence base; qualitative and quantitative research; build evaluation into programs from the start;
- Programs and service provision
  - Increase range of services to support families - urgently required; more funds to develop positive self esteem, especially for young, eg programs introduced after Aboriginal Deaths in Custody report then stopped; Elders assess youngsters and put them to work (basic reading and writing)
  - Reintroduction program for families after juveniles become estranged; ex-prisoners talk to kids; Indigenous champions program for young people;.
  - For kids without family support - provide safe housing, schooling support; when employed they can help their families
- Build capacity - empower individuals and communities
  - Teach legal rights to parent generation; P -12 opportunities to learn about law and lore, rights and responsibilities; support Indigenous students to study law and justice
  - Formal and informal peer support programs - revitalise cultural learning, identity, healing, relationship and expression; cultural sharing programs between Indigenous and non-Indigenous - develop mutual respect, start with young people (as Landcare does); increase ANTaR visibility and relationships with MPs - raise public awareness of prison issues.
  - Justice groups, men's groups, conferences - powerful way to involve and lead - shift the 'spiritual blanket'; build capacity of community members and academics to undertake appropriate research - feedback to community members and policy makers; increase community involvement in crime prevention and justice administration and implementation
  - ATSIWLAS would love to have a men's group with which to negotiate difficult DV situations

### **Action Area 2: Police contact**

#### Barriers, issues, gaps

- Racist policing practices - targeting Murris eg in parks and malls (Brisbane, Townsville, Cairns); police stereotyping - Elders tailed in their cars, know police are checking their registration; one pulled over by police and asked 'Where did you get the money to buy this car?'
- strategies for law enforcement officers to prevent relatively minor charges turning into more serious charges (e.g. a situation escalating because of police power to exercise move-on laws
- Community members feel that police need only the tiniest reason to shoot them; police come into a new town and upset everyone.
- PLO system is not working

#### What works??

#### Action needed

- Government leadership, legal and justice systems and policy
  - There is a need to have people higher up in police spending more times in Communities. Both they and all officers need to truly understand intergenerational fear that Aboriginal and Torres Strait Islanders have of "the people in blue".
  - Need more A&TSI input into the training of police officers from the Academy onwards
  - Recruit and support more Aboriginal and Torres Strait Islander police.
- Programs and service provision
  - Get PLO system working
  - Locally initiated and lead crime prevention groups
- Build capacity - empower individuals and communities
  - Information to be accessible to Aboriginal and Torres Strait Islander peoples
  - Teach Aboriginal and Torres Strait people their rights.

### **Action Area 3: Sentencing and Remand**

#### Barriers, issues, gaps

- Discriminatory law implementation - remand periods, bail conditions and options (discriminate against homeless, poor, illiterate/uneducated, addicted, mentally ill); perception that laws are imbalanced in favour of wealth and those in control of administering the law
- Lack of alternatives to custody at 4 stages: arrest courts, pre-sentencing, sentencing, post-sentencing - need to intervene in the cycle of sentencing leading to charges/imprisonment
- Sentences extended if prisoner 'mucks up' in jail (example of 3 year sentence - not released for 20 years)

#### What works

- Murri Courts - new system being implemented gives elders a lot more time to get to know the client
- Mt Isa diversionary centre - investigate for viability in implementing across Queensland
- Programs offering drug and alcohol rehabilitation, job training, therapeutic responses such as counselling services, eg Goori House

#### Action needed

- Government leadership, legal and justice systems and policy
  - JAG reforms (KPIs, benchmarks, pilot, measure, report changes): work with Law Society re remand periods, bail options, biased laws and implementation alternatives to custodial sentences; consider some 'systems of old' and evidence-based systems that are working eg Home Rule (Scotland); Vanuatu, NZ; restorative justice - role of shame; 'lore' in relation to 'law'
  - Re-open the Royal Commission into Aboriginal Deaths in Custody; re-engage with Deaths in Custody recommendations and issues
  - Enshrine Murri Courts in legislation (as per some other jurisdictions) with appropriate remuneration; Murri Court Elders recommend diversionary programs with prison as a last resort
  - Include restorative justice <http://www.restorativejustice.com.au/products.php>, human rights, rights of Indigenous peoples in tertiary studies in law, justice, policing, Corrective Services training
  - Increase accountability for government in relation to crime and justice, for example to meet the targets set in the Aboriginal and Torres Strait Islander Justice Agreement 2001
- Programs and service provision
  - Something similar to Murri Court is required for those who do not plead guilty - a range of alternatives to mainstream justice
  - Alternatives to current correctional centres, where Aboriginal and Torres Strait Islander people can practice culture safely, including access to land, spirituality and healing programs
  - Educate the full range of service providers in the justice domain to intervene appropriately, eg parole and legal services sensitive to Aboriginal and Torres Strait Islander people
  - Increase and improve communication and co-operation between justice/police services and other services - Juvenile Justice, Murri Watch, primary health care, mental health care
  - Infrastructure to support people to make use of community service orders, eg available community services and supervisors
- Build capacity - empower individuals and communities
  - Make information and legal documents and processes clearly understood and accessible to Aboriginal and Torres Strait Islander people
  - Teach Aboriginal and Torres Strait people their rights; raise young people's awareness about law
  - Support Indigenous students to undertake legal and justice studies
  - Engage with Qld judiciary (ANTaR, lobbyists) to advocate for culturally sensitive, non-discriminatory justice processes and decisions and alternatives to imprisonment.

### **Action Area 4: In-Prison programs and Preparation for the Future**

#### Barriers, issues, gaps

- Many prisoners, especially on remand, are not offered all programs
- Prisoners are shifted around so can't follow programs properly; scared of reprisals if they complain; family can't visit; some barred from visiting because of criminal history; families struggle to deal with difficulties associated with loved one in prison and with other aspects of the criminal justice system
- If offered mental health treatment, they cannot continue it outside

- 6-12 month projects are impossible to run. It can take at least 6 months to gain the trust of people in prison – they have been let down multiple times before. You need to be extremely careful in how you present a programme or it will be taken the wrong way.
- Commonwealth Government is starting to fund 5-7 year programs but Murri and Torres Strait Islander organisations often have to compete for this money against very large organisations some of which are not particularly accessible to Aboriginal and Torres Strait Islander people.
- There are now fewer half-way houses – on the basis that more is meant to be occurring in prisons. Note: corrective services are working on improving cultural appropriateness of programs

#### What works

- M.V. Hope F. Inc branching into Qld to set up a wholistic Women's Release program. Prevent reoffending and address Generational issues. Wants to set up healing centres which provided accommodation, case management and meaningful occupations (e.g. gardening)
- Elders program operating in Rockhampton for 6 years- successful outcomes with adults, less with young people (Magistrate held afternoon tea to congratulate people not reincarcerated)
- The Indigenous Unit at Arthur Gorrie appeared to work really well, and there were plans to increase staff at one point; however, it seems to be much smaller or closed down. Arthur Gorrie and Borrallon Centres are both privatised; part of their contracts is to deliver a certain range of programs.

#### Action needed

- Government leadership, legal and justice systems and policy
  - Research successful programs, factors involved in crime, patterns of coping and resilience, and cultural sensitivity, both to understand these issues and develop a strong evidence base for advocacy in program design and delivery and accountability of government in meeting their policy commitments and targets
  - Allocate NEW money for 3 year+ projects
  - Developing a correctional centre workforce that is increasingly more culturally sensitive is an imperative. This includes and is beyond regular cultural awareness training for staff. An increased number of Aboriginal and Torres Strait Islander staff are required, to reflect the over-representation of Aboriginal and Torres Strait Islanders in the criminal justice system. Effective recruitment strategies are vital to achieve this, as well as strategies to develop and retain staff who are employed.
- Programs and service provision
  - Strengthen culturally sensitive programs in prisons that meet some of the social and emotional wellbeing needs of Aboriginal and Torres Strait Islander people, including work-related training (matched to abilities and future opportunities), literacy and numeracy, cultural connection, resilience development and mental health care. Spirituality program for inmates—build on spirituality links incarcerated Indigenous people already have, and provide space for them to develop this - may help reduce recidivism; NB Gender-specific programs needed, run by Elders
  - Map programs funded – who, what they do, how much funding, for how long, funding source. What criteria are used to decide funding? How many A & TSI people involved? Survey re gaps.
  - Restore successful but de-funded programs, eg pilot program for men's group then funding dies; but if men are in prison, funding continues
  - Suggestion of a prison/farm for Aboriginal and Torres Strait men only with a focus on personal development to break the cycle of violence and recidivism
- Build capacity - empower individuals and communities
  - More Elders to visit juveniles and adult prisons - should be able to visit if endorsed by the community
  - Enhanced programs in parallel with improving the broader context of social inequality experienced by A&TSI people, which is related to high rates of crime and re-incarceration
  - Follow up outcomes from Bud-ja Djan forum (men from Wujul Wujil, Arukun, Weipa and other communities) re partnerships with Corrective Services and Juvenile Justice for effective interventions that best support individuals, family and community

#### **Action Area 5: Post release**

##### Barriers, issues, gaps

- Community opposition to developing rehab, residential or other services for marginalised populations
- Ongoing stigmatisation of people released from prison
- Problems with housing people in hostels regardless of their background for 3-6 months. Sometimes Probation officers want them to stay longer but against Hostel regulations

- Criteria for rehabilitation or post-release services exclude people who are on short sentences, eg require at least 1 year sentence to be eligible
- People are released without money, transport or capacity to get home or find accommodation; re-offending may be the only option for survival.

#### What works

- Murri Courts - new system being implemented gives elders a lot more time to get to know the client
- Goori House model of phased recovery from addiction, ongoing support and counselling, training and employment

#### Action needed

- Government leadership, legal and justice systems and policy
  - Fund evidence-based programs and policies to ensure culturally appropriate individualised release planning, exit from prison, access to programs, follow-up support
- Programs and service provision
  - Make the Offender Reintegration Support Service (ORSS) more widely available; ORSS specifically for Aboriginal and Torres Strait Islander people to be developed, implemented and evaluated, in collaboration with Aboriginal and Torres Strait Islander leaders.
  - Fund rural and remote communities to support post-prison release programs for returning prisoners.
  - Need some low security farms for culture programs
- Build capacity - empower individuals and communities
  - Supporting agencies must be told of prisoner releases so that they can organise support
  - Support M.V. Hope F. Inc to set up in Qld a wholistic Women's Release program. Prevent reoffending and address Generational issues. Wants to set up healing centres which provided accommodation, case management and meaningful occupations (e.g. gardening).
  - Kids need family structure and support post prison – families need support and help to provide this love and firm discipline ; life skill programs needed for those that have been institutionalised