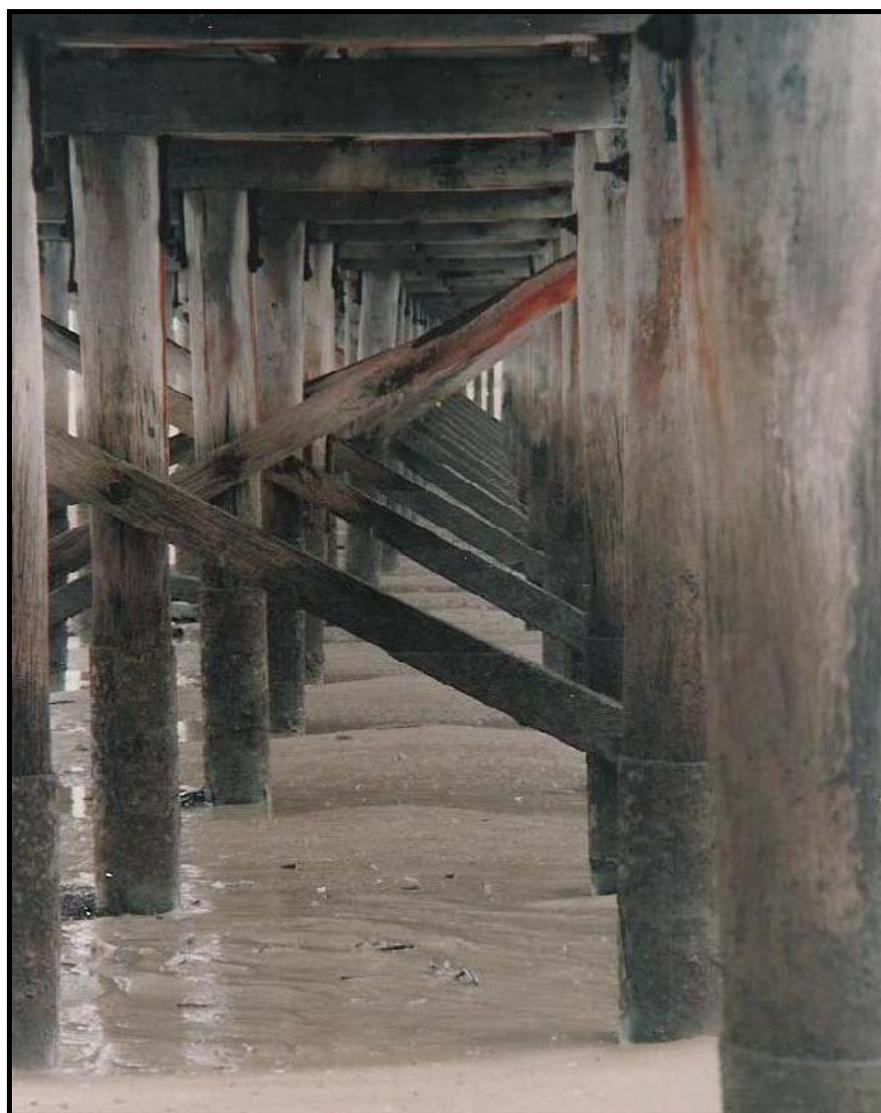


Reducing Indigenous Imprisonment Forum REPORT



***Hosted by The Honourable Mike Reynolds, Speaker of Queensland Parliament,
with ANTaR QLD and The Bridge Network.***

Brisbane, 28th February 2009

Purpose of the 'Reducing Indigenous Imprisonment' Forum

Aboriginal and Torres Strait Islanders are at least 11 times over-represented in Queensland prisons (1). A quarter (26.4%) in Queensland prisons are Aboriginal and/or Torres Strait Islander (2). This is higher than national average (2) and despite Aboriginal and Torres Strait Islander being only 4.5% of our total Queensland population (3). This is also despite Queensland Government having committed to the Aboriginal and Torres Strait Islander Justice Agreement 2001.

ANTaR Qld and The Bridge Network are seeking to establish a group of interested organisations and individuals committed to ending the shocking over-representation of Aboriginal and Torres Strait Islander people in Queensland prisons. As part of this process we invited all human rights and social justice supporters, and the associations or organisations with which they are connected, to a Forum on Saturday 28th February 2009.

The Forum was well attended with over 80 people listening to our speakers and over 50 people staying on to contribute to the following workshops/discussion groups. During workshops, people shared their success stories, identified current barriers to reducing Indigenous imprisonment and recommended campaign goal and actions.

Acknowledgement of Elders Attending: We were honoured to have the input of the following Aboriginal and/or Torres Strait Elders during the workshop sessions: Aunty Edna Alley (Rockhampton), Uncle Bob Anderson, Aunty Valda Coolwell, Aunty Olive Donald (Rockhampton) Aunty Alex Gator, Uncle Albert Holt, Aunty Vi McDermott, Aunty Mulunjali, Aunty Monica O'Callaghan, Aunty Val Smith and Aunty Lillian Willis (Townsville).

Minister of Corrective Services representative: Fiona Rafter, Acting Deputy Director of QCS.

Programme

Welcome:

Reverend Aunty Alex Gator - Aboriginal Walkabout Ministry: Welcome

In her welcome behalf of traditional custodians of Brisbane, Aunty Alex Gator spoke of her experiences in providing chaplaincy services to Aboriginal and Torres Strait Islander people within prisons. She related the story of a young man who, after being released from prison, deliberately committed crime so that he might return to prison, because he had no housing and believed he had no better options. Aunty Alex also related the story of a young woman from North Queensland being released from a prison in South-east Queensland with no means of transport away from the isolated prison, no accommodation and few options for reconnecting with North Queensland family.

Speakers:

Noritta Morseu Diop - Social Worker and PhD Student: *An Indigenous Perspective*

Noritta discussed the background to her PhD which is looking at rehabilitation practises for Indigenous peoples within Australia and New Zealand. She emphasised that the world view of Indigenous prisoners can be so very different to the non-Indigenous professionals surrounding them and making decisions about their lives. She noted issues of unresolved trauma, loss and grief which impact deeply upon Indigenous prisoners and their families, and called for an holistic approach to the rehabilitation of indigenous prisoners, including opportunities for spirituality to be strengthened and expressed.

Meg Perkins - Registered Psychologist, The Bridge Network: *Mental Health Issues*

Meg discussed the media release of the Australian Psychological Association which called for a "rethink of the causes of indigenous Australians' health and social problems and recognition that they are largely the result of a history of widespread trauma". She noted that there were proven effective treatments for people who had had suffered trauma.

Les Malezer - Chairperson of the Foundation for Aboriginal and Islander Research Action (FAIRA) *The Administration of Justice*

Les discussed the various mechanisms through which the rights of the Indigenous Peoples' of Australia could be advanced through the United Nations. This included a discussion on the UN Declaration of the Rights of Indigenous Peoples.

Workshops: Information shared and recommendations

Workshop activities were to examine:

1. *What are the issues (relevant to the theme of the workshop)?*
2. *Examples of programs and strategies viewed as working successfully to reduce imprisonment and*
3. *Priorities for change.*

ANTaR Queensland received workshop notes and feedback in different formats and degrees of detail. We have provided information here as fully as possible. We apologise for any errors or omissions. Views below are not necessarily those expressed by ANTaR Queensland or The Bridge Network.

1. Early Intervention/Prevention

This workshop group discussed the need to prevent incarceration by addressing underlying issues such as unemployment, poverty and ongoing discrimination against Aboriginal and Torres Strait Islanders. This group also discussed the importance of strategies to intervene and support people who are just coming into contact with the criminal justice system, particularly young Aboriginal and Torres Strait Islanders in detention centres. There are many points for intervention and prevention of going to the next level of crime or the criminal justice system and there is a need to look at things that work to appear to be of benefit.

Strategies for improving early intervention and prevention work suggested in this workshop included:

- Reviewing and documenting “success stories” within Queensland, Australia and internationally
- Developing Indigenous-specific programs and services to increase cultural safety and participation
- Raising public awareness.

Increased community support for successful integration of prisoners into communities after release from custody is also required - to improve wellbeing, access to services, housing and income support, and to try to reduce reoffending and reincarceration. This workshop also touched on the need to increase the number of services provided, but that these should be based on good research and success stories.

2. Reducing Returns to Prison

This workshop group discussed the need to challenge and change perceptions about people who have been in prison, including that:

- Varying strategies are required. Building awareness among business, service providers and the media is crucial to promote post-prison opportunities for individuals and their families
- Bi-partisan commitment to depoliticisation of criminal justice issues is also required to challenge stigma and discrimination.

There is also a need to increase support for people transitioning from prison to the general community:

- The Offender Reintegration Support Service (ORSS) should be made much more widely available, and that ORSS specifically for Aboriginal and Torres Strait Islander people be developed, implemented and evaluated, in collaboration with Aboriginal and Torres Strait Islander leaders.

The importance of improving cultural sensitivity within prisons was highlighted in this group, including:

- An increase in the number and quality of Aboriginal and Torres Strait Islander cultural programs in prison is required, which are run by Elders, gender appropriate and evaluated. Expansion of the Visiting Elders program is required, with greater support for Elders who are visiting correctional centres.
- Formal and informal peer support programs are a unique strategy for sharing culture, and further opportunities for cultural revitalisation are urgently required, including learning about culture, identity, healing, relationship and expression.
- 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.

An increase in a range of services to support families is urgently required as well as evidence of burden on families. To this end there is a need to develop an evidence base including:

- Qualitative and quantitative research
- Capacity building of community members and academics to undertake more appropriate research
- Feedback to community members and policy makers
- Evaluation of programs which is built in from the outset of program delivery, to inform healthy public policy.

3. Justice/ Law Reform

Information was shared in this workshop about alternative sentencing of Aboriginal and Torres Strait Islanders through avenues such as Murri Courts in Queensland. Information shared included:

- Such courts were first introduced in South Australia through Magistrate Chris Vass, who acknowledged the importance of engaging Elders from community when sentencing Aboriginal and Torres Strait Islanders
- Victoria is the only state who has 'enshrined' cultural court/sentencing.

In Queensland, Murri Courts were introduced approximately 3 years after South Australia.

- Murri Court is for sentencing, and is only available for those who plead guilty
- Attendance is voluntary; with approximately 96% attendance recorded
- Incarceration is regarded as a last option, with rehabilitation as first
- Elders are those regarded as having cultural knowledge and wisdom to guide offenders, and give cultural advice to magistrates.

Elders are remunerated for their work with Murri Court, however:

- This was reported as an allowance of \$36 (travel and a meal)
- Elders are committed to Murri Court because they see the final results are so positive
- Reoffending statistics have been reported as decreasing by 90% in some cases.

A DVD of best practice about Murri courts in pre-sentencing/post sentencing is available from: <http://www.courts.qld.gov.au/4585.htm>

This workshop asserted that a range of alternatives to mainstream justice are required:

- Something similar to Murri Court is required for those who do not plead guilty
- This has relevance for non-Indigenous people as well
- Alternatives are applicable at 4 possible stages: 1) arrest courts; 2) pre-sentencing; 3) sentencing; 4) post sentencing
- More work needs to be undertaken to ensure parole and legal services are sensitive to Aboriginal and Torres Strait Islander people.

Alternatives ways of working within the justice system are also required. Workshop discussion included:

- The place of 'lore' in relation to 'law'
- The role of shame in people coming to terms with their crimes
- The need to intervene in the cycle of sentencing leading to charges/imprisonment; and also for more strategies to be available to 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).

Other information shared in this workshop included:

- Support for law reform, with the perception that laws are imbalanced in favour of wealth and those in control of administering the law
- Support for bringing back some law systems of old: Home rule in Scotland was discussed, as well as the notion of community responsibility for crime and justice, the notion of a treaty, and restorative justice.
- The need to capitalize on evidence-based systems that are working: examples can be garnered from other countries such as Vanuatu, Scotland and New Zealand
- The importance of a campaign to look at re-engaging Deaths in Custody recommendations and issues

- Awareness raising about law, out of concern that young people know little about law and/or lore, or about their rights.

Recommendations from this workshop group are:

1. Enshrine Murri Courts in legislation (as per some other jurisdictions), with appropriate remuneration.
2. Restorative justice, human rights and rights of Indigenous peoples are to be included in tertiary studies including law, justice, policing, and other relevant courses including training for Queensland Corrective Services staff:
 - a. Restorative justice resources are available at: <http://www.restorativejustice.com.au/products.php>
3. Opportunities must be made available for young people to learn about law and lore, their rights and responsibilities:
 - a. Education about these issues can start in primary school and extend through to high school
 - b. Support Indigenous students to undertake legal and justice studies.
4. Law reform:
 - a. Including assistance to work with Law Society to look at law reform/ biased legislation
 - b. Educate the full range of service providers in the justice domain to intervene appropriately.
5. Increased 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.
6. Re-open the Royal Commission into Aboriginal Deaths in Custody.
7. Review strategies to reduce crime and reoffending, which have been considered successful elsewhere in Australia and around the world.
8. Increase and improve communication and co-operation between justice/police services and other services (Juvenile Justice, Murri Watch, primary health care, mental health care).
9. Increasing community involvement in crime prevention and justice administration and implementation.

4. Open Issues Workshop

Information shared in this workshop group included the following concerns:

- Families struggling to deal with difficulties associated with a loved one in prison, or other aspects of the criminal justice system
- De-funding of organisations with a significant history in service delivery and addressing needs, such as community youth support services
- Current programs and policies requiring significant enhancement to realistically prepare people for when they exit prison; access to programs and release planning is limited
- Criteria for rehabilitation or post-release services excludes people from participating who are on short sentences; for many programs a person must be serving at least a year
- The perception imprisonment is 'preferable' because it offers shelter and food - which living in the general community can not. This indictment on society needs to be better documented and addressed.
- Community opposition to the development of rehabilitation or other services for marginalised populations, such as in residential or other easily accessible areas
- Education and schooling which is not supportive of young Aboriginal and Torres Strait Islander people, and poor school attendance rates which are seen as related to this
- Ongoing stigmatisation of people even post-prison release
- Challenges to Aboriginal and Torres Strait Islander communities developing capacity to address concerns, because of underlying issues related to lack of housing and infrastructure, poverty and poor health.

Examples of work presented as future opportunities:

- Mt Isa diversionary centre - investigate for viability in implementing across Queensland.
- Elders in Rockhampton are seeing successful outcomes in their work with adults, but often not with young people. Their program has been operating for 6 years, although there is no statistical evidence whether there are less people in prison as a result. The Magistrate held an afternoon tea to congratulate people who had not been reincarcerated.
- Programs offering drug and alcohol rehabilitation, and hospitality training.
- Therapeutic responses such as counselling services.

Workshop recommendations

These recommendations were documented during the workshop sessions as part of the Reducing Indigenous Imprisonment Forum to guide a future campaign. Please note these have not been ratified systematically or formally by all Forum attendees.

The Reducing Indigenous Imprisonment workshop participants recommend:

1. **Increases in positive social support** options for Aboriginal and Torres Strait Islander people being released from Queensland correctional centres.
2. **Alternatives to current correctional centres** that respect the right of Aboriginal and Torres Strait Islander to practice their culture safely, which includes access to land, spirituality and healing programs.
3. **Strengthening 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, literacy and numeracy, cultural connection, resilience development and mental health care. Enhanced programs are required in parallel with improving the broader context of social inequality experienced by Aboriginal and Torres Strait Islander people, which is related to high rates of crime and re-incarceration.
4. **Exploration and development of further alternatives to current sentencing options**, and expansion of current Murri Courts.
5. **Development of better research** about successful programs, factors involved in crime, patterns of coping and resilience, and cultural sensitivity - to both understand these issues and develop a stronger evidence base for advocacy in program design and delivery and accountability of government in meeting their policy commitments and targets.
6. **Increases in infrastructure** to support people to make use of community service orders, such as available community services and supervisors.
7. **Training and education of people working in the criminal justice system** about cultural appropriateness when engaging with Aboriginal and Torres Strait Islanders, as well as human and Indigenous rights.
8. **Visits by ANTaR committee members to Queensland correctional centres** for independent first-hand accounts of the experiences of Aboriginal and Torres Strait Islander people in the current system.
9. **Engagement by ANTaR with Queensland's judiciary** to raise awareness about over-representation of Aboriginal and Torres Strait Islanders in the justice system; and to advocate for culturally sensitive engagement, and development of alternatives.
10. **Strengthening ANTaR's visibility and relationships with Members of Parliament**, particularly to raise awareness of current government commitments to reducing Aboriginal and Torres Strait Islander over-representation in the Queensland justice system and correctional centres.

Final note

Recommendations from the Reducing Indigenous Imprisonment Forum were in part directed to ANTaR and The Bridge Network in order to be able to direct a public campaign. There are many additional strategies required to reduce the over-representation of Aboriginal and Torres Strait Islander people in Queensland correctional settings and in the criminal justice system as a whole. ANTaR and The Bridge Network seek partnerships with Aboriginal and Torres Strait Islander people and organisations, as well as support and commitment by people across Queensland to campaign for implementation of the Aboriginal and Torres Strait Islander Justice Agreement and for a reduction in Indigenous imprisonment. This campaign will draw on current local and international research evidence about what works to reduce imprisonment rates, as well good practice guidance from a wide range of key stakeholders.

The term Indigenous has been used in this document to refer to Aboriginal and Torres Strait Islander people, the first inhabitants of this land Australia.

References

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3. Australian Bureau of Statistics (ABS) (2009) Quick Stats using 2006 Census Data, www.abs.gov.au.

Report preparation

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Thank you to those who gave their time at the Forum and workshops, especially our Elders and those who travelled to Brisbane to attend.

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We acknowledge the Turrubal and Yaggera Peoples,
traditional custodians of the land on which Brisbane is sited.