



# CSAC INDIGENOUS ISSUES WORKING GROUP



# INDIGENOUS STRATEGIC FRAMEWORK 2016



QUEENSLAND GOVERNMENT



Department of Justice



Department of  
Justice



Government of **Western Australia**  
Department of **Corrective Services**

# Table of Contents

<b><u>PREFACE</u></b> .....	1
1. <u>Decision Making Principles;</u> .....	3
2. <u>Decision Making Themes</u> .....	3
<b><u>The Framework Map</u></b> .....	3
1. <u>Meaningful Partnerships of Mutual Benefit</u> .....	4
2. <u>Protection and Security</u> .....	4
3. <u>Diversion of low risk Offenders</u> .....	4
4. <u>Reducing Deaths in Custody</u> .....	4
5. <u>Negative impact Of the Incarceration Journey</u> .....	4
6. <u>Build Indigenous Cultural Awareness into all Training</u> .....	5
7. <u>Capacity for prisoners and offenders to Engage in Employment and Training</u> .....	5
8. <u>Scoped and Resourced</u> .....	5
9. <u>Sanctions must not exclude</u> .....	5
<b><u>Strategic Framework - Decision Making Themes</u></b> .....	6
1. <u>Previous contact with the Justice System</u> .....	6
2. <u>Housing and Accommodation</u> .....	6
3. <u>Health and Chronic Disease</u> .....	6
4. <u>Social and Emotional Wellbeing</u> .....	7
5. <u>Population and Demographics</u> .....	7
6. <u>Education and Employment</u> .....	7
7. <u>Income and Economic Resources</u> .....	8
8. <u>Culture and Obligation</u> .....	8
<b><u>Evaluation</u></b> .....	8
<b><u>Strategic Framework Principles of Decision Making</u></b> .....	9
<b><u>Strategic Framework Principles</u></b> .....	10
1. <u>Building Partnerships</u> .....	10
2. <u>Protection and Security</u> .....	11
3. <u>Positive impact during incarceration journey</u> .....	14
4. <u>Build Indigenous cultural awareness into all training</u> .....	15
5. <u>Capacity for prisoners to engage in employment embedded into training</u> .....	16
6. <u>Scoped and Resourced</u> .....	17

7. <a href="#"><u>Sanctions must not exclude</u></a> .....	18
<b><a href="#"><u>Strategic Framework Decision Making Themes</u></a></b> .....	19
1. <a href="#"><u>Contact with the Justice System</u></a> .....	20
2. <a href="#"><u>Housing and Accommodation</u></a> .....	21
3. <a href="#"><u>Health and Chronic Disease</u></a> .....	22
4. <a href="#"><u>Social and Emotional Wellbeing</u></a> .....	23
5. <a href="#"><u>Population and Demographics</u></a> .....	24
6. <a href="#"><u>Income and Economic Resources</u></a> .....	25
7. <a href="#"><u>Education and Employment</u></a> .....	26
8. <a href="#"><u>Culture and Obligation</u></a> .....	27
<b><a href="#"><u>EVALUATION</u></a></b> .....	28

## **PREFACE**

The Corrective Services Ministerial Council (CSMC) and the Corrective Services Administrators Council (CSAC) agreed to establish the CSAC Indigenous Working Group to assist in addressing the over-representation of Indigenous people.

In April 2013, CSAC directed their Indigenous Working Group to develop a document outlining the Minimum Standard Guidelines for managing Indigenous Prisoner and Offenders in Corrections across Australia and New Zealand.

The CSAC Indigenous Working Group consists of senior officers working in Correctional Services with an understanding of the issues impacting on Indigenous prisoners and offenders in their jurisdictions.

The Indigenous Strategic Framework is a guide; it provides the key issues for consideration in managing Indigenous prisoners and offenders, focussing on systemic issues that can impact on the over-representation of Indigenous people in the criminal justice system.

The Indigenous Strategic Framework consists of two tiers that enable the reader to be pragmatic in their assessment of new, complex and innovative initiatives that impact on Indigenous prisoners and offenders.

The Indigenous Strategic Framework should be used with the [Standard Guidelines for Corrections in Australia](#).

**The Corrective Services Administrators Council (CSAC) Indigenous Working Group 2015**

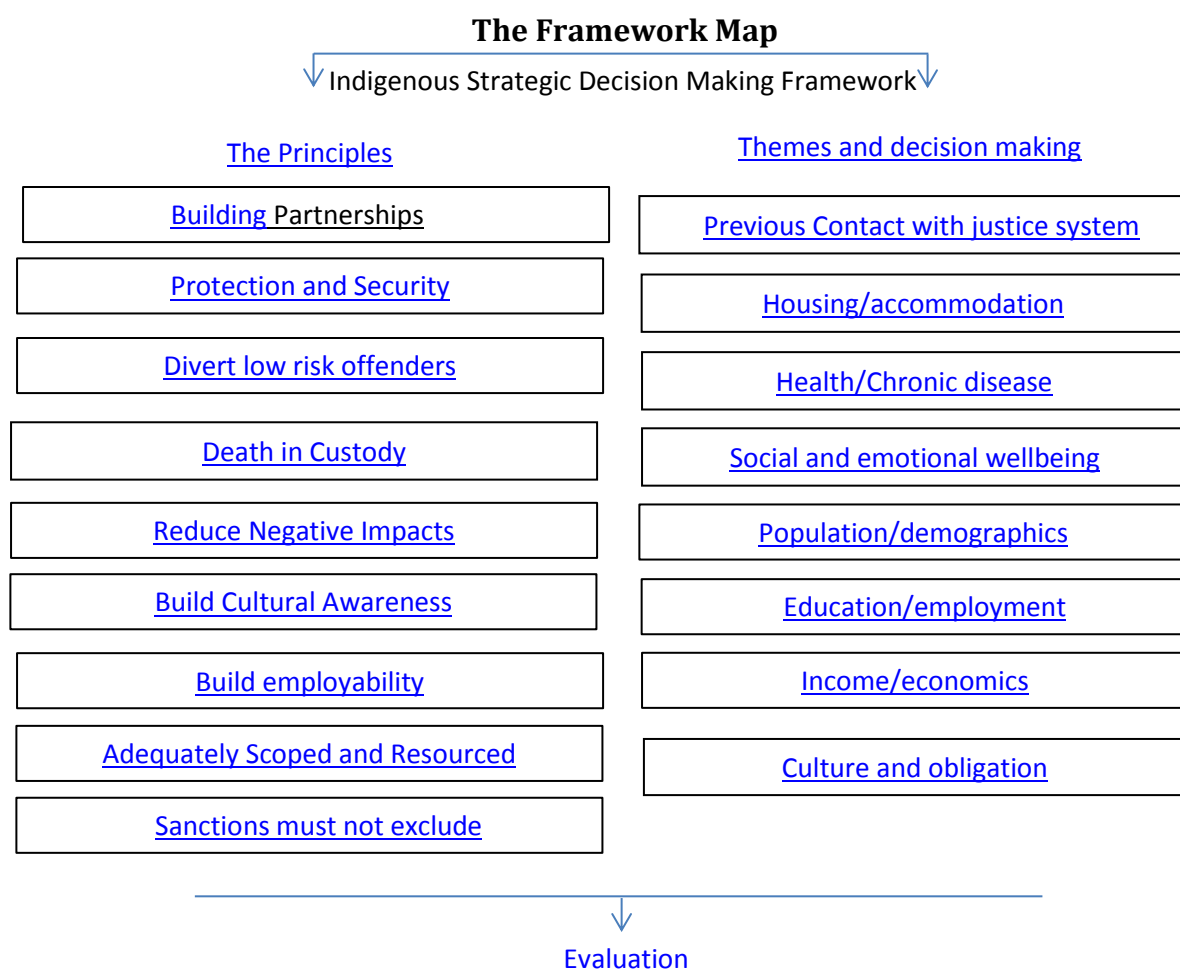
David Brown (Chair)	Chief Executive Officer, Department for Correctional Services	South Australia
Scharlene Lamont	Director, Aboriginal Services Unit	South Australia
Samuel Nolan	Program Officer, Aboriginal Programs Unit	Victoria
Meg Friel	Director, Indigenous Services and Community Engagement	Northern Territory
Adam Schreiber	Principal Manager, Aboriginal Strategy and Policy Unit	New South Wales
Alan Butler	Executive Director, Queensland Correctional Services Academy	Queensland
Dennis Hodges	A/Manager, Aboriginal Visitor Scheme	Western Australia
Neil Campbell	Director, Maori Services	New Zealand
Norman Alexander	A/Team Leader Planning and Reintegration, Tasmania Prison Service	Tasmania
David Witham	Aboriginal and Torres Strait Islander Senior Policy Officer, Policy and Governance	ACT

The two tiers are:

1. Decision Making Principles;
2. Decision Making Themes

When the Strategic Framework is used, these two elements will equip the reader with the basis for making informed decisions that align with best practice in managing Indigenous prisoners and offenders.

Understanding the principles, themes and decision making framework will assist policy, project officers and ultimately administrators to design, develop and implement programs and services that are responsive to the needs of Indigenous people in the criminal justice system.



### **1. Meaningful Partnerships of Mutual Benefit**

Effective rehabilitation and management of Indigenous prisoners and offenders should be done in partnership with community to ensure successful reintegration.

### **2. Protection and Security**

When making decisions in relation to the management of Indigenous offenders, consideration must be given to the protection and security of the victim(s) and the general public with offenders being subject to an appropriate risk assessment.

### **3. Diversion of low risk Offenders**

Every opportunity to divert low risk Indigenous offenders away from prison must be pursued and adequately resourced; Contact with the criminal justice system increases social exclusion and brings with it high financial and social cost to the offender and the community. Incarceration impacts the offender through increased marginalisation, reduced employment opportunities, continued intergenerational trauma and ongoing mental health and wellbeing issues.

### **4. Reducing Deaths in Custody**

Decisions makers must continue to consider the Recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) when managing and processing Indigenous offenders and determine if their decision has increased or reduced the potential for a death in custody.

### **5. Negative impact of the Incarceration Journey**

Appropriate placement and program plans should be negotiated for Indigenous offenders. Programs and plans should be relevant to their criminogenic needs while also reflecting responsivity, cultural needs, and build on the capability of the Indigenous offender. Decisions when managing Indigenous offenders must not have an unnecessarily negative impact on the prisoner's incarceration journey.

**6. Build Indigenous Cultural Responsiveness and Cultural Effectiveness into all Training**

All professional development training programs offered to correctional services employees must include an [Indigenous Cultural Awareness](#) component. Having Indigenous Cultural Responsiveness and Cultural Effectiveness into these programs, will assist in building a culturally aware and competent workforce.

**7. Capacity for prisoners and offenders to Engage in Employment and Training**

Custodial and Community Corrections training and work programs should provide the opportunity for Indigenous offenders to participate in meaningful [employment and skills development](#) programs that build capacity and the capability of Indigenous offenders to find and maintain employment in the community.

**8. Scoped and Resourced**

Indigenous prisoners and offenders often come from intergenerational disadvantage. Breaking the cycle of incarceration will require addressing the many issues faced by Indigenous prisoners and offenders and should be adequately [scoped and resourced](#) to ensure the effectiveness of initiatives aimed at addressing these specific issues.

**9. Sanctions must not exclude**

[Sanctions must not exclude](#) Indigenous offenders from programs that address their criminogenic factors. Excluding Indigenous offenders from participating in education, criminogenic and rehabilitation programs will create barriers for Indigenous offenders in addressing their offending behaviour.

[Back to map](#)



## **Strategic Framework - Decision Making Themes**

The Strategic Framework Decision Making Themes are directly linked to the issues that impact on Indigenous prisoners and offenders either positively or negatively.

These themes should be used to inform the decision maker when formulating their approach to an identified issue. The themes will enable the reader to ensure that their decision is clearly planned aligns with the principles and is correctly targeted to achieve the desired positive impact on the Indigenous prisoners and offenders by addressing the issue in an appropriate cultural context.

The Themes are:

### **1. Previous contact with the Justice System**

Nearly three-quarters (74%) of Indigenous prisoners in 2011 had been imprisoned previously, compared to less than half (48%) of non-Indigenous prisoners (ABS 2011). Research shows Indigenous offenders enter the justice system at an earlier age than non-Indigenous offenders. Decision makers should take into account [previous contact with the Justice System](#) to determine the level of support and services required to reduce reoffending.

### **2. Housing and Accommodation**

Adequate [Housing and Accommodation](#) has an impact on the prisoner's ability to positively reintegrate back into their Community. Indigenous homes often have multi-family households. Homes can be often overcrowded due to a lack of adequate or suitable housing and accommodation options, which can create barriers to rehabilitation and reintegration.

### **3. Health and Chronic Disease**

Life expectancy of Indigenous Australians is 10 years less than non-Indigenous Australians. The '*Closing the Gap*' report indicates two thirds of Indigenous deaths are from chronic diseases that included Circulatory disease, Diabetes, and Cancer. With this in mind, to ensure such chronic disease or illness does not lead to an Indigenous death in custody, it needs to be a key focus for consideration for Indigenous prisoner placement in terms of access to healthcare professionals and facilities.

#### **4. Social and Emotional Wellbeing**

Indigenous people have experienced high levels of trauma through the loss of land, culture, language and the breakdown of traditional lore. This trauma has been passed down through generations. Symptoms of intergenerational trauma are being seen in Indigenous Communities across Australia; including drug and alcohol abuse, low self-esteem, low numeracy and literacy, and domestic and family violence. In reference to domestic and family violence Indigenous people are between two and five times more likely than non-Indigenous people to experience violence as victims or offenders (ANROWS – fast fact Indigenous family violence).

Addressing this intergenerational trauma through culturally appropriate [Social and Emotional Wellbeing](#) programs will determine the offender's ability to engage with mainstream programs and services offered in correctional service institutions.

#### **5. Population and Demographics**

[Population and Demographics](#) should be considered when making decisions regarding managing Indigenous offenders. 32% Indigenous people reside in major cities with 43% located in regional areas and 26% located in remote areas. Decision makers need to address the different needs required by urban Indigenous offenders, semi-Traditional and Traditional Indigenous offenders. The level of support required for an Indigenous offender on release compared to the support and services available should also be taken into account.

#### **6. Education and Employment**

Low levels of numeracy and literacy amongst Indigenous offenders impact's on their ability to engage in education and employment programs Accredited and non-accredited education and training programs that are provided should include a focus on building literacy and numeracy skills.

Addressing the limited vocational skills and poor employment history of Indigenous prisoners and offenders has been identified as a key contributor to decreasing the risk of re-offending. (RoGs 2015, p556)

## **7. Income and Economic Resources**

A number of factors including level of literacy and numeracy, intergenerational unemployment, basic life skills, and lack of self-esteem contribute to Indigenous prisoners and offender's level of Income and economic resources available to them. Their economic status can determine their level of engagement in pro-social behaviours.

## **8. Culture and Obligation**

Indigenous offender's beliefs inform their world view. Due to an Indigenous offenders [cultural obligation](#) they often have to answer to their community and face further punishment upon release. Increasing Correctional Service employees understanding of cultural obligation will enable better decision making in the effective management of Indigenous offenders

## **Evaluation**

Developing effective [evaluation](#) measures and tools ensures that we accurately measure the success or failure of the work we do. This is critical to refining our approaches to addressing the over representation of Indigenous people in the criminal justice system. This will require a consistent and concerted effort over an extended period of time. We must ensure that the resources we have are adequate and targeted appropriately and the lessons learnt are shared.

[Back to map](#)

**STRATEGIC FRAMEWORK**  
**PRINCIPLES OF DECISION MAKING**

# **Strategic Framework Principles**

## **Decision Making Principles**

The Strategic Framework Principles have been identified to ensure that all decisions and resources align with the CSAC Working Group agreed principles. These principles capture the intent of the Strategic Framework and serve as a quick reference and cross check to focus the reader on the issues that need addressing.

The Principles are:

### **1. Building Partnerships**

Build meaningful partnerships of mutual benefit with Indigenous organisations, Elders, other respected persons and the broader community to successfully reintegrate Indigenous prisoners and offenders back into society with pro-social wrap around supports.

#### **Recommendations/Considerations:**

- Rehabilitation should be Department lead and community supported, reintegration must be community lead and Department supported.
- Work with community to build capacity and capability to work alongside Indigenous prisoners and offenders to ensure successful outcomes.
- Build partnerships with employers to promote job opportunities and develop job readiness skills.
- Build awareness and understanding in the broader community to support partnerships that promote prisoner and offender reintegration.
- Have a place based approach to community partnerships.
- Monitor and evaluate partnerships for successful outcomes.

## **2. Protection and Security**

Finding the balance between community protection, safety and the flexibility for prisoners and offenders to learn and change their behaviour is the goal. The safety and security of the public underpins the decisions we make in regard to prisoners and offenders.

### **Recommendation Considerations:**

- Culturally appropriate assessments, planning and programs supporting an effective rehabilitation and reintegration pathway.
- Levels of supervision and compliance monitoring are informed by risk of reoffending and risk of harm.
- Indigenous Prisoners and offenders who have engaged successfully in rehabilitation can reduce their likelihood of reoffending to be monitored through their orders with appropriate wrap around support services.
- Effective coalition and partnerships with justice and community agencies to address the high level nuisance crime, such as minor property and public order offending, at a place based level.

### **3. Diversion of low risk Offenders**

Diversion of low risk Indigenous prisoners and offenders from custody is a way to ensure that incarceration is a last resort. Diversion should always be coupled with an availability of meaningful diversionary options, adequate wrap around supports and monitoring mechanisms that enable the prisoners and offenders to modify their behaviour or maintain the desired behaviours to ensure successful reintegration.

#### **Recommendation considerations:**

- Be aware that risk is fluid and can be influenced by a range of factors. Adequate assessment of risk needs to be part of any planning or decisions and reviewed regularly;
- Indigenous offenders that pose a low level of risk to the community and have pro-social support should be considered for diversion;
- Mandatory standards of monitoring need to be flexible enough to enable the offender to modify their behaviours;
- Adequate wrap around supports or partnering with Non-Government Organisations (NGOs) ensures that the required services are in place to guide and support positive behaviour and allows for the community to be involved and included;
- Regular case conferencing and case management need to occur with stakeholders to review plans and set targets for the progression of the Indigenous prisoners and offenders; and
- Indigenous prisoners and offenders should nominate positive supports to guide them through their diversion requirements. Where offenders have no support in place, every attempt should be made to provide support for them.

#### **4. Reducing the risk of Indigenous Deaths in Custody**

Executive decisions in relation to the management of Indigenous prisoners must ensure that there is no further anxiety or stress that may elevate depression and the risk of self-harm or death of that prisoner.

##### **Recommendation Considerations**

- There are a number of contributing risk factors that may lead to self-harm or death that must be considered when managing Indigenous offenders between the ages 18 to 39 - The majority of Indigenous deaths occur within this age bracket.
- Housing Indigenous prisoners and offenders with family members and other indigenous prisoners and offenders, members of his or her community will reduce their feeling of isolation and hopelessness whilst in a custodial setting.
- To identify mental health issues, chronic disease or illness or Foetal Alcohol Syndrome (FAS), a comprehensive health screening process should be in place for all Indigenous offenders upon entry to the custodial system.
- It is important to build links to Indigenous community health organisations, promoting health protection using population health approaches and targeted staff training for early diagnosis.



## **5. Positive impact during incarceration journey**

Appropriate placement and program plans should be considered for Indigenous prisoners and offenders. Programs and plans should have a positive impact and be relevant to their rehabilitation needs but also need to reflect responsiveness, cultural needs, and build on the capability of the Indigenous prisoners and offenders to function in a positive sense in the community.

### **Recommendation Considerations:**

- When making decisions and developing policy or procedures for mainstream prisoners and offenders processes and tools should be developed to identify any negative impact they may have on Indigenous prisoners and offenders;
- Decisions need to address the over representation and high incarceration rates of Indigenous people by addressing barriers including but not limited to: cultural, education, language, and health;
- Provide an opportunity for Indigenous offenders to access programs that address rehabilitation needs as well as cultural needs that build a sense of individual, family and cultural identity, connectedness to their community and place in society;
- Ensure recruitment processes aim towards the attraction and retention of Indigenous people. Increasing the number of Indigenous employees will contribute towards building a culturally inclusive environment; and

Indigenous employees should be represented on all decision making committees to ensure Indigenous issues and the over-representation are at the forefront of business

## **6. Build Indigenous Cultural Responsiveness and Cultural Effectiveness into all training**

Aboriginal and Torres Strait Islander Cultural Responsiveness and Cultural Effectiveness develops a workforce's skills, knowledge and behaviours that are required to plan, support, improve and deliver services in a culturally respectful and appropriate manner to Indigenous prisoners and offenders. Building cross cultural awareness and competence training into all training courses across all levels of our correctional services encourages a shared responsibility for cultural consideration in their decision making.

### **Recommendation considerations:**

- Indigenous community members and wherever possible Indigenous staffs are to lead the development and delivery of cultural awareness training programs and activities to ensure the trainings relevance and effective application.
- Cultural Responsiveness and Cultural Effectiveness training should be mandated for all trainee correctional officers, newly appointed/promoted and existing staff at all levels across the jurisdiction who will be involved in such areas as the delivery of services, policy development, decision making and program delivery impacting upon Indigenous prisoners and offenders
- All staff should be required to attend refresher Cultural Responsiveness and Cultural Effectiveness training at a suitable time period (e.g. 3-5 years), as determined by the jurisdiction.

## **7. Capacity for prisoners to engage in employment embedded into training**

Employment and skills development of Indigenous prisoners and offenders is essential in reducing recidivism and increases community engagement through positive pro-social activities.

Prison employment programs and skills development should reflect the skills required in the communities. Prisoners returning to their communities should be partnered with potential employers in need of a labour force. This needs to be fostered and aligned with the development and assessment of prison education, skill development and work programs that is future focused.

Indigenous prisoners and offenders whom have access to paid employment become socially engaged in pro- social activities and become more socially mobile.

### **Recommendation considerations:**

- When assessing the needs of Indigenous prisoners and offenders numeracy and literacy abilities, it is important to align required educational support with Skill Development. Rehabilitation and reintegration programs should reflect the needs of the individual;
- Any training strategy for Indigenous prisoners and offenders should include a component of “life skills” training that, based upon the identified needs of any particular individual or group, simply shows them how to function in the community. Such training could include cooking, shopping, cleaning, banking, budgeting, navigating government services, accessing support networks and dispute resolution;
- Indigenous prisoners and offenders with English as a Second Language (ESL) need access to trained interpreters or provided with culturally appropriate literature that begin the process of reverse cultural awareness (building understanding and communication skills) and English language development;
- Engagement and partnership with Indigenous training organisations should be fostered where they exist to build training networks to assist reintegration back into the Indigenous community; and a pathway for permanent paid employment.
- Federal and national funding opportunities should be explored and Indigenous prisoner training and development should be aligned to ensure that partner organisations are encouraged to and have the resources to address corrective services employment and training requirements within and beyond the prison gates.

## **8. Scoped and Resourced**

Indigenous prisoners and offenders often come from intergenerational disadvantage and at times dysfunctional backgrounds. Breaking the cycle of incarceration with such cohorts will require an extraordinary effort.

Addressing the many complex issues faced by Indigenous prisoners and offenders will require additional resources and adequate scoping.

### **Recommendation considerations:**

- Breaking the cycle of Indigenous recidivism and the over representation of Indigenous people in the justice system will require substantial investment. Ensuring that the funding, scope and outcomes are strategic, realistic and fully resourced prior to implementation;
- Identify organisations that provide suitable services and can value add to proposed activities and engage with those organisations and provide incentives for them to develop partnerships to deliver activities to Indigenous prisoners and offenders.
- Engage community organisations that have the capacity to deliver sections of proposed activities. Establish networks and link Indigenous prisoners and offenders to community based supports and resources.
- Where appropriate deliver services and programs to Indigenous prisoners and offenders that, through engaging them in their own peer supported learning and development, maximises the effectiveness and efficiency of such services and programs; and
- Align proposals to federal, state and territory funding. Priorities should be explored and training and development should be aligned to ensure partner organisations have the resources and capacity to meet the requirements.

## **9. Sanctions must not exclude**

Sanctions must not exclude Indigenous prisoners and offenders from the programs that enable them to address their offending behaviour and their cultural connections. Exclusion from education, criminogenic and rehabilitation programs can create barriers to progression for prisoners to reform their behaviours.

### **Recommendation considerations:**

- Every attempt should be made to keep prisoners and offenders engaged in programs that address anti-social attitudes, offending behaviour and enable reintegration;
- When sanctions are necessary to address noncompliance within prison or community corrections settings, access to rehabilitation, education and programs are able to be maintained within the parameters of the sanction;
- When sanctions are required, considerations should be given to loss of privileges that are deemed important to the Indigenous prisoners and offenders. Consider loss of engagement in art or artistic endeavours for an agreed amount of time, phone calls or visits privileges. Consideration must however be assessed on a case by case basis; and
- Consideration must be given to potential impacts on mental health and potential deaths in custody. Withdrawal from programs that reduce recidivism should not be considered; unless absolutely necessary to maintaining good order, security and safety of staff or other prisoners.

# **STRATEGIC FRAMEWORK DECISION MAKING THEMES**

## **1. Contact with the Justice System**

### **Summary**

Indigenous people have higher levels of contact with the justice system than mainstream populations. This often translates to higher incarceration numbers and longer sentences due to longer offending records that begin at younger ages. There is also mounting arguments that systemic bias has an impact on the length of sentences by virtue of Indigenous people becoming engaged with the criminal justice system at younger ages through over charging of low level offending.

### **Contact with the Justice system issues for consideration**

- Every opportunity to divert offenders to well-resourced programs should be utilised before more punitive measures are accessed;
- Assessment tools must be tested for cultural bias to ensure policies and procedures do not create barriers for Indigenous prisoners and offenders progression through their incarceration journey;
- All prisoners and offenders should be assessed to determine the educational level so they can access appropriate numeracy and literacy training whilst incarcerated.
- Educating Indigenous prisoners and offenders about the justice system and how it works will enable Indigenous prisoners and offenders to understand what is required of them whilst incarcerated and when they reintegrate back into their Community.
- Indigenous prisoners should be equitably represented in all prison and community corrections programs including work programs, general activities and programs that address criminal behaviour;
- Access to programs that explore Indigenous prisoners and offenders self-awareness in a modern context will enable prisoners to take responsibility for their own actions and move toward modifying their behaviours in line with their newly developed sense of self and their identified place in the broader mainstream society leading to a higher sense of self-responsibility;
- Access to programs that recruit the engagement of pro-social cultural authorities will help to build a sense of communal and societal responsibility.
- The risks of recidivism must be identified and addressed on an individual basis by building wrap around supports and services to those Indigenous prisoners and offenders who require additional support to break the cycle of offending.
- Indigenous prisoners and offenders must be given the opportunity to build skills and learn how to navigate mainstream systems and access mainstream services so that those skills serve as a protective mechanism when they return to society.

## **2. Housing and Accommodation**

### **Summary**

Housing quality, affordability and overcrowding are issues in remote, regional and urban Indigenous Communities. Many Indigenous people see the Housing Trust as the only means of acquiring accommodation. However, waiting lists for Housing Trust accommodation are generally lengthy.

Indigenous people living on traditional lands are unable to “own” a home, as there are no individual land titles in these remote Communities (no Torrens title system) and no possibility of obtaining a loan to build a house without a legal title. In many Indigenous Communities there is communal title with premises being rented from an Indigenous controlled trustee or the Community Council.

### **Housing and Accommodation Issues for Consideration:**

- Access to stable accommodation is paramount for effective reintegration and in reducing the reoffending rate of Indigenous prisoners and offenders.
- Indigenous peoples are more likely to live in one or multi-family households than non-Indigenous people which may have an impact on victims, offenders and the reintegration and rehabilitation process.
- Placement of Indigenous prisoners and offenders into Community programs and back into Indigenous Communities may cause potential risk or further harm to Victims.
- Constant contact by the justice system whilst a prisoner or offender is under supervision within the Community may have a negative impact and disruption to the reintegration process and a particular impact on the youth in that household or Community.
- Indigenous prisoners and offenders are more likely than non-Indigenous offenders to interact with people identified as restricted contact within a compliance order through funerals etc. Therefore, increasing the chances of a breach of that order.



### **3. Health and Chronic Disease**

#### **Summary**

Life expectancy of Indigenous people is approximately 10 years less than non-Indigenous people. The Closing the Gap report indicated two thirds of indigenous deaths are from chronic diseases that included circulatory disease, diabetes, and cancer. To ensure Indigenous deaths in custody do not increase, the health and wellbeing of Indigenous prisoners and offenders needs to be a major consideration in managing Indigenous prisoners and offenders.

#### **Health Considerations for Decision Making:**

- To ensure deaths in custody do not increase appropriate integrated health services need to be made readily available to Indigenous prisoners and offenders.
- Staff should be provided with appropriate training to manage Indigenous prisoners and offenders with complex needs including health needs.
- An adequate health care plan needs to be developed for Indigenous prisoners and offenders, linking to appropriate internal and external health care providers to improve health outcomes.
- Training needs to occur to increase staff awareness of health issues that impact on Indigenous prisoners and offenders to ensure identification and early detection of health emergencies when they arise.
- Health plans and medical history needs to be accessible for Indigenous prisoners and offenders entering and exiting the criminal justice system.
- Programs need to improve Indigenous prisoners and offenders wellbeing by addressing issues such as intergenerational trauma, grief and loss, institutionalised behaviour, education, mental health, skills development, employability skills with the aim to successfully reintegrate them back into the community.

## **4. Social and Emotional Wellbeing**

### **Summary**

The loss of culture, land and traditional lore due to British colonisation continues to affect Indigenous people today. Addressing this intergenerational trauma through culturally appropriate grief and loss counselling prior to participating in mainstream programs will enable Indigenous prisoners and offenders to openly engage in the rehabilitation offered by departmental courses.

Social and emotional wellbeing of the entire Indigenous communities and individuals in prisons is the responsibility of the communities and mainstream governments. Indigenous prisoners and offenders come from many different language groups and communities. Building pro-social support and cultural awareness around a prisoner can have a positive impact on their social and emotional wellbeing and their Community.

### **Social and Emotional Considerations for Decision Making:**

- Identifying and engaging positive pro-social supports that already exist in an Indigenous prisoner or offender's life can be a protective mechanism for reducing recidivism;
- Racism and previous government's harsh policies continue to have an effect on Indigenous people today. Consultation and partnership with mainstream governments in developing new culturally appropriate awareness programs will assist in the healing process. Indigenous prisoners and offenders have learned to be careful in disclosing to mainstream government systems;
- The loss of culture, lore and rights also contributes to mistrust. Building social and emotional resilience will require a level of trust to be built up over time in order for Indigenous prisoners and offenders to fully engage in the rehabilitation;
- The effects of Intergenerational trauma which include drug and alcohol abuse, family and domestic violence, and low self-esteem, needs to be addressed with a holistic approach through the development and engagement of culturally appropriate programs and services;
- Daily stress levels affect every aspect of the social and emotional wellbeing of individuals. Being aware of these stresses can aid in the management of day to day interactions and help the Manager/Custodial officer to identify and reduce these stressors on the individual;
- Being from the Stolen Generations often leads to identity issues as they try to find their place in society and in their families. Self-development, self-esteem and self-awareness programs help to rebuild resilience and begin the process of healing in order to create a basis for moving forward in a pro-social manner: and
- Training staff on the identification of what impacts on indigenous prisoners and offenders (chronic disease, stolen generation and racism) will aid in the management of Indigenous prisoners whom are predisposed to early onset of chronic disease.

## **5. Population and Demographics**

### **Summary**

The Indigenous prisoner median age is 30.9 years old compared to the non-Indigenous prisoner median age is 35.9 years old. Should be considered when making decisions regarding managing Indigenous offenders. Thirty two percent (32%) of Indigenous people reside in major cities with 43% located in regional areas and 26% located in remote areas.

### **Population and demographic Issues for Decision making**

- Decision makers need to acknowledge the different needs of and supports required by Indigenous prisoners and offenders. The needs of an urban dwelling Indigenous prisoner and offender compared to Traditional Indigenous prisoners and offenders must be considered;
- The level of supports services required for an Indigenous offender on release compared to the support and services available should also be taken into account;
- Indigenous people are 15 times more likely to be in the criminal justice system, than non-Indigenous people. Every opportunity to divert or intervene in Indigenous incarceration should be used to reduce the over-representation;
- Decision makers need to be aware that Indigenous prisoners and offenders may need to return to regional and remote areas upon release. Ensuring that release times and dates align with transport schedules can reduce recidivism;
- Locating community correction offices around major transport hubs can assist Indigenous offenders to comply with their reporting requirements;
- Providing reporting devices in regional and remote locations will increase the ability of Indigenous offenders accessing alternatives to custody measures, enabling their reintegration into community;
- Barriers such as language and low numeracy and literacy may exist for Indigenous prisoners and offender's, accessibility to the necessary support and interpretive services is essential; and
- Access to assisted phone calls to family and community can reduce stress and minimise risk of self-harm for Indigenous prisoners and offenders. These assisted phone calls should be used when the Indigenous prisoner or offender has no funds available, is at risk, or has received bad news.

## **6. Income and Economic Resources**

### **Summary**

Low educational retention and achievements means relatively low numeracy and literacy skill levels. This in turn leads to low income levels for Indigenous prisoners and offenders.

A lack of assets and the ability to manage debt contributes to a lack of knowledge in dysfunctional Indigenous households in regards to financial management.

### **Income Issues for Consideration**

- Indigenous prisoners and offenders tend to come from lower income brackets. Due consideration to sanctions that involve fines or additional fees needs to be taken to mitigate added financial stress on individuals and families that have no legitimate means to pay;
- Self-esteem and confidence that is impacted by a lack of financial independence will affect the person's ability to navigate mainstream systems and adhere to any conditions imposed;
- Public housing is put at risk if Indigenous prisoners and offenders are imprisoned for more than four weeks adding to their risk of homelessness;
- Welfare payments are at risk after two weeks of incarceration adding to financial burden. Remand prisoners are significantly impacted;
- Access to quality, nutrition and recreation can impact on the health of Indigenous Prisoners, Offenders and family leading to chronic diseases;
- The ability to address offending behaviour and make changes that protect pro-social behaviours is limited when Indigenous Prisoners and Offenders are living below the poverty line;
- Employability of Indigenous prisoners and offenders needs to be a key focus of successful reintegration. Sentence planning needs to include training and development opportunities whilst incarcerated and the early introduction of potential employers; and
- Build partnerships with organisations and industries that align with training and skills that are provided to Indigenous Prisoners.

## **7. Education and Employment**

### **Summary**

Low numeracy and literacy levels are a common trait among Indigenous prisoners and offenders. Low numeracy and literacy of Indigenous people also contributes to a low socio economic status.

### **Education and Employment Issues for Consideration**

- Many Indigenous prisoners and offenders come from families that have experienced intergenerational unemployment;
- Breaking the cycle of unemployment will require wrap around services and partnerships with other government, community and non-government agencies in metropolitan, regional and rural areas;
- Re-engaging Indigenous prisoners and offenders in education will require adult learning styles and approaches preferably coupled with Mentors.
- Learning options to be targeted and negotiated around areas of interest to Indigenous prisoners and offenders and in areas providing a pathway to future education and employment in the community.
- The use of Interpreters and Mentors is recommended where required.
- Prisoners with language barriers should not be excluded from education and employment, including Work Health and Safety.
- Links from skills development, work experience and prison employment should be fostered to guide Indigenous prisoners and offenders into employment once they exit prison.

## **8. Culture and Obligation**

### **Summary**

The diversity of Aboriginal and Torres Strait Islander peoples in Australia is widely acknowledged. Within offender populations, as within the general community, variations will occur in residency (e.g. urban, rural, remote, coastal and inland), language and in the extent to which the individual has maintained links with his or her traditional culture.

This diversity cautions against generalisations about Indigenous offenders. It is necessary to appreciate however that culture and obligation are real to the world view of Indigenous peoples.

Such obligations, especially where the offender strongly adheres to their culture, may see cultural obligations take priority over imposed legal obligations e.g. An offender may attend the funeral of a family member before adhering to the obligations of a compliance order.

Understanding the cultural obligations the offender is expected to adhere to, will assist in finding the middle ground in such circumstances and can ensure Indigenous prisoners and offenders get through their orders without unnecessary breaches.

### **Cultural Considerations for Decision Making:**

- Aboriginal and Torres Strait Islander Units, cultural teams and staff within each correctional jurisdiction should be regarded as primary points of contact to assist with cultural considerations;
- For Indigenous people in general, kinship ties and cultural obligation may outweigh the orders of a court or obligations of a compliance order; and place that person at risk of a breach order;
- Some Prisoners must avoid other Prisoners, because of kinship (avoidance relationship) ties. In these instances Prisoners will be able to point out who they cannot talk to or be placed with;
- Pay back and kinship obligation can impact the placement of a prisoner while in prison or upon exiting prison. Special care should be given to ensure that they are not placed in the same household as victims;
- Obligated attendance at Men or Women's Business will put pressure on compliance orders in some instances; and
- Sorry Business and the inability to attend the burial ceremony can cause great stress on Indigenous prisoners and offenders. Every opportunity to attend or secure some form of closure should be facilitated when deemed appropriate.

## **EVALUATION**

Ensuring that we evaluate the success or failure of the tools that we use is an important mechanism for continual improvement and development of those tools. This document is a lens for the reader to consider in how to appropriately to incorporate ideas and develop policies and procedures and apply the Correctional Services Standard guidelines with respect to Indigenous prisoners, offenders and Communities. Measuring the success or failure will guide the developer in refining to document.

### **Measures to consider are:**

- Ability to read and understand the document;
- Ability to interpret the document into well thought out decisions;
- Ability for the document to construct good pragmatic policies and procedures;
- Has the efficacy of decisions and the outcomes improved when the tool was used?