Queensland Government Statistician's Office

QUEENSLAND TREASURY

Wise practice for designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples

Research report

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Acknowledgements

The team involved in the preparation of this report acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of this Country. We recognise their connection to land, sea and community. We pay our respects to them, their cultures, and to their Elders, past, present and emerging.

In undertaking this research project, we respectfully acknowledge that Aboriginal and Torres Strait Islander peoples across Australia, including individuals, families, communities, groups and nations, have a range of differences, including but not limited to, languages, beliefs, cultural practices, knowledge systems, histories, lived experiences, perspectives and ways of being (Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) 2012).

We also respectfully acknowledge that the research findings presented in this report have been informed by the stories and experiences of Aboriginal and Torres Strait Islander people, as captured through research and evaluation processes, and that these people are the respective owners of this knowledge (Australia's National Research Organisation for Women's Safety (ANROWS) 2018; D'Antoine et al. 2019). The team involved in the preparation of this report is non-Indigenous.

This report includes statistical data to provide a brief insight into the magnitude of the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. The team involved in the preparation of this report acknowledges that the broader socioeconomic and sociohistorical context in which these data exist should be understood, and that the majority of Aboriginal and Torres Strait Islander people never commit a criminal offence (Australian Bureau of Statistics (ABS) 2016).

Finally, we gratefully acknowledge the contributions and insightful feedback from stakeholders throughout the development of this research report. This includes stakeholders from the Crime Research Reference Committee, and Aboriginal and Torres Strait Islander and non-Indigenous stakeholders from relevant Queensland Government agencies involved in delivery of services to Aboriginal and Torres Strait Islander peoples.[1] We also appreciate the support and assistance provided by colleagues at the Queensland Government Research and Information Library.

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[1] The Crime Research Reference Committee is comprised of criminal justice and research experts with an understanding of Queensland's current criminal justice issues and an interest in criminal justice research. For more information on the Crime Research Reference Committee please refer to the Crime Research Agenda (Queensland Treasury 2019) published on QGSO's website (https://www.qgso.qld.gov.au/issues/7896/crime-research-agenda.pdf).

Terms used in this report

This section outlines key terms used in this report and provides important context for the reader. QGSO acknowledges that these terms may be conceptualised differently in other contexts or publications.

Aboriginal and Torres Strait Islander community is described by the National Health and Medical Research Council (2018a, p. 25) as referring to:

> … a complex notion incorporating cultural groups, geographic groups or groups sharing common interests. It may include a group or organisation and is also a term used to describe a shared view amongst Aboriginal and Torres Strait Islander Peoples.

Aboriginal and Torres Strait Islander people(s) is used throughout this report to collectively refer to Australian Aboriginal people(s) and Torres Strait Islander people(s), apart from instances where the original phrasing used in referenced literature has been retained, including where research has specifically discussed Aboriginal people only or Torres Strait Islander people only.

Country refers to a term used by Aboriginal and Torres Strait Islander peoples 'to describe the complex and interrelated connections to family origins in Australia and the Torres Strait' (Munro et al. 2017, p. 5).

Cultural competence is described by Bean (2006, p. 9) as referring to:

> … the awareness, knowledge, skills, practices and processes needed by individuals, professions, organisations and systems to function effectively and appropriately in culturally diverse situations in general and in particular interactions with people from different cultures.

Cultural safety is described by Williams (1999, p. 213) as referring to:

> … an environment which is safe for people; where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning together with dignity, and truly listening.

Elders and Respected Persons are described by Morgan and Louis (2010, p. 4) as:

> … respected members of their community. The distinction between the two is based largely on age, although there is no prescribed limit whereby a respected person automatically becomes an Elder. Instead, it is a more organic process in which the Indigenous community and other Elders within that community come to acknowledge a member of their community as an Elder.

Intergenerational trauma is described by the Healing Foundation (2019) as referring to:

> … a cycle of trauma, where the impact is passed from one generation to the next. In Australia, Intergenerational Trauma predominately affects the children, grandchildren and future generations of the Stolen Generations.

Kinship is described by the Healing Foundation (2019) as referring to:

> … the patterns of social relationships, the way people are organised into groups and how they are related to one another. It defines how people behave within a community and how they understand their roles and responsibilities.
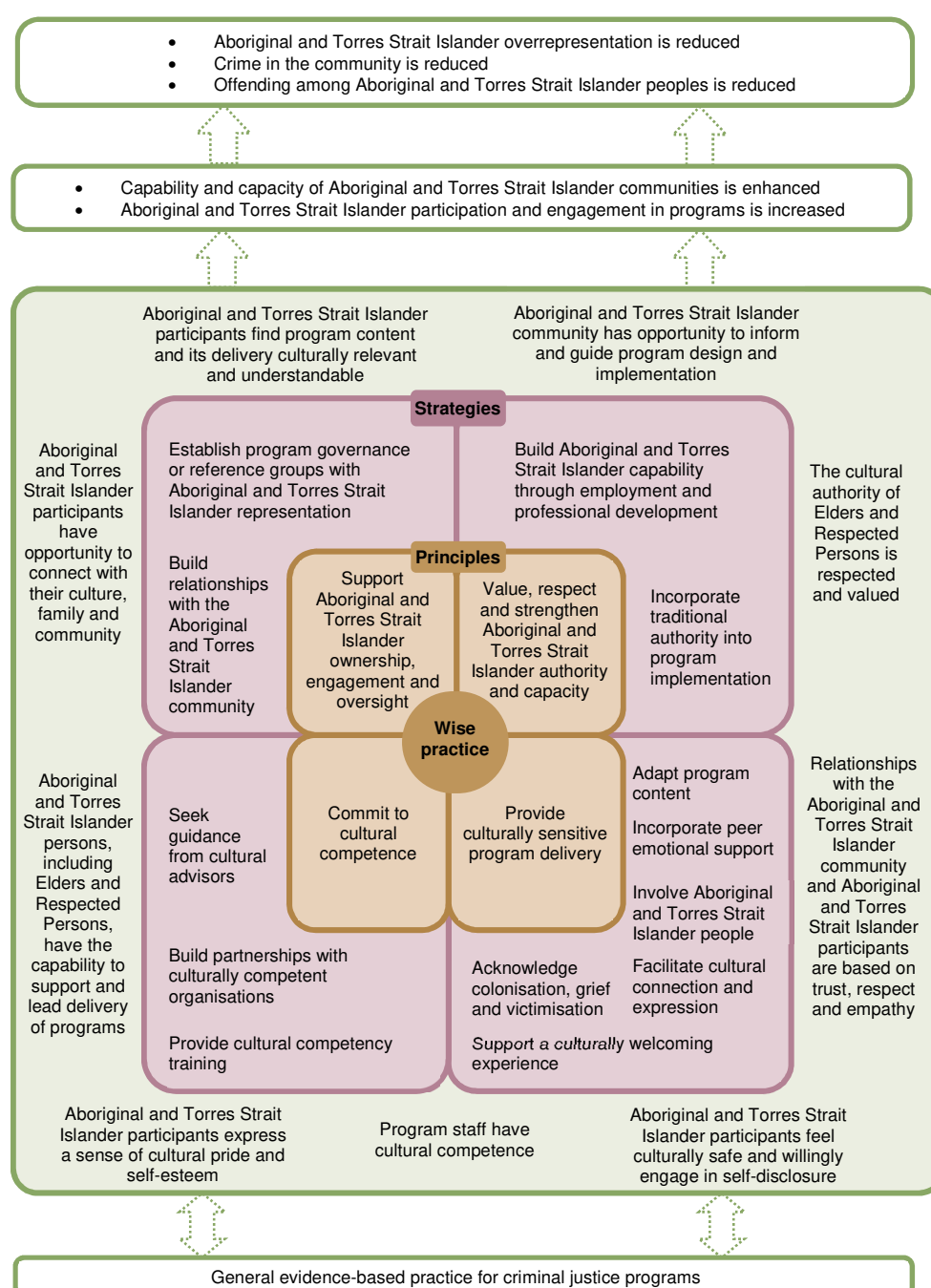
Stolen Generations are described by the Healing Foundation (2019) as:

> … the tens of thousands of Aboriginal and Torres Strait Islander children who were forcibly removed from their families and communities between the early 1900s and the 1970s … as part of deliberate assimilation policies adopted by all Australian governments.

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Research at a glance

The research synthesised learnings available in the literature to inform the design and delivery of criminal justice programs for Aboriginal and Torres Strait Islander peoples, so that programs are able to better support Aboriginal and Torres Strait Islander participation and engagement and enhance the capability and capacity of Aboriginal and Torres Strait Islander communities. These short-term outcomes are considered highly relevant to the achievement of longer-term outcomes, such as reduced Aboriginal and Torres Strait Islander offending and reduced overrepresentation in the criminal justice system.

The figure below summarises the research findings. It shows the four interrelated wise practice principles identified, the strategies used to support these principles in practice, and their relationship to longer-term outcomes. The research was not able to show 'what works to reduce Aboriginal and Torres Strait Islander reoffending in what circumstances' due to the limitations of available literature.

- Aboriginal and Torres Strait Islander overrepresentation is reduced
- Crime in the community is reduced
- Offending among Aboriginal and Torres Strait Islander peoples is reduced

- Capability and capacity of Aboriginal and Torres Strait Islander communities is enhanced
- Aboriginal and Torres Strait Islander participation and engagement in programs is increased

Aboriginal and Torres Strait Islander participants find program content and its delivery culturally relevant and understandable

Aboriginal and Torres Strait Islander community has opportunity to inform and guide program design and implementation

Strategies

Aboriginal and Torres Strait Islander participants have opportunity to connect with their culture, family and community

Establish program governance or reference groups with Aboriginal and Torres Strait Islander representation

Build relationships with the Aboriginal and Torres Strait Islander community

Build Aboriginal and Torres Strait Islander capability through employment and professional development

The cultural authority of Elders and Respected Persons is respected and valued

Principles

Support Aboriginal and Torres Strait Islander ownership, engagement and oversight

Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

Incorporate traditional authority into program implementation

Wise practice

Aboriginal and Torres Strait Islander persons, including Elders and Respected Persons, have the capability to support and lead delivery of programs

Seek guidance from cultural advisors

Commit to cultural competence

Provide culturally sensitive program delivery

Adapt program content

Incorporate peer emotional support

Involve Aboriginal and Torres Strait Islander people

Relationships with the Aboriginal and Torres Strait Islander community and Aboriginal and Torres Strait Islander participants are based on trust, respect and empathy

Build partnerships with culturally competent organisations

Provide cultural competency training

Acknowledge colonisation, grief and victimisation

Support a culturally welcoming experience

Facilitate cultural connection and expression

Aboriginal and Torres Strait Islander participants express a sense of cultural pride and self-esteem

Program staff have cultural competence

Aboriginal and Torres Strait Islander participants feel culturally safe and willingly engage in self-disclosure

General evidence-based practice for criminal justice programs

Research summary

Effective criminal justice programs are critical to the reduction of Aboriginal and Torres Strait Islander overrepresentation in the criminal justice system. A systematic search and narrative synthesis of relevant research and evaluation literature identified four interconnected wise practice principles that could be used to inform the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples.

Wise practice principles

Support Aboriginal and Torres Strait Islander ownership, engagement and oversight

Wise practice

Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

Commit to cultural competence

Provide culturally sensitive program delivery

These principles, and strategies used to support their implementation, have been informed by the knowledge and experiences of program staff, stakeholders and participants from a wide typology of criminal justice programs delivered across Australia, as captured by the research and evaluation work reviewed.

Ways to support wise practice

Support Aboriginal and Torres Strait Islander ownership, engagement and oversight

Why is this principle important?

Programs that genuinely engage with and develop respectful relationships with Aboriginal and Torres Strait Islander people and communities may be more effective in responding to the priorities and needs of Aboriginal and Torres Strait Islander people.

Ways to support implementation:

- build relationships with Aboriginal and Torres Strait Islander community throughout program design and delivery
- establish program governance or reference groups with Aboriginal and Torres Strait Islander representation.

Examples of how this has been done:

- undertaking community-wide engagement, including consultation and co-design
- spending time in communities prior to program implementation
- establishing program steering committees.

Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

Why is this principle important?

Programs that genuinely involve Elders and Respected Persons and provide capability-building opportunities may be more effective in increasing capacity of the Aboriginal and Torres Strait Islander community to inform, guide and lead criminal justice programs that are culturally relevant.

Ways to support implementation:

- incorporate traditional authority into program implementation
- build on Aboriginal and Torres Strait Islander capability through employment and professional development.

Examples of how this has been done:

- involving Elders and Respected Persons as program support staff or program facilitators
- employment opportunities for Aboriginal and Torres Strait Islander people
- providing formal training or 'on the job' learning.

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Commit to cultural competence

Why is this principle important?

Culturally competent program staff may be more effective in supporting culturally sensitive program delivery that considers and responds to the needs of Aboriginal and Torres Strait Islander people, as well as the local cultural context.

Ways to support implementation:

- provide cultural competency training

- build partnerships with culturally competent organisations

- seek guidance from cultural advisors in program design and implementation.

Examples of how this has been done:

- establishing partnerships with Aboriginal and Torres Strait Islander organisations or service providers

- involving local community members in an advisory role.

Provide culturally sensitive program delivery

Why is this principle important?

Programs that facilitate culturally sensitive program delivery for Aboriginal and Torres Strait Islander people may be more effective in supporting feelings of security, inclusivity and respect among participants, and promoting positive social connections and willingness to engage with the program.

Ways to support implementation:

- facilitate cultural connection and expression

- facilitate a culturally welcoming program experience

- incorporate opportunities for peer emotional support

- adapt program content and communication

- involve Aboriginal and Torres Strait Islander people in program implementation

- acknowledge impact and experiences of colonisation, grief and victimisation.

Examples of how this has been done:

- enabling opportunities for connection to family, land, country and cultural heritage

- incorporating cultural activities and artefacts

- utilising culturally safe community spaces

- consideration of cultural protocols and seating arrangements

- using yarning circles and gendered spaces

- creating content that is culturally relatable and addresses English proficiency

- involving Aboriginal and Torres Strait Islander people as facilitators, support staff, liaison officers, participant mentors or guest speakers

- understanding the impacts of colonisation, the history of Aboriginal and Torres Strait Islander peoples with the criminal justice system, and the unique experiences of Aboriginal and Torres Strait Islander women.

Overall, this research project found that programs which implemented strategies to support the wise practice principles enabled the development of reciprocal and collaborative relationships with Aboriginal and Torres Strait Islander people and communities, supported place–based program delivery that considers the local context, and supported the delivery of more culturally appropriate and culturally safe programs.

These outcomes are important stepping stones to the achievement of longer-term outcomes, such as reduced Aboriginal and Torres Strait Islander offending and reduced overrepresentation in the criminal justice system.

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However, further research and evaluation work is required to understand the mechanisms underpinning these causal relationships.

Finally, learnings from the literature suggested that the implementation of the wise practice principles should be done with broad consideration to:

- recognition of the diversity that exists among Aboriginal and Torres Strait Islander peoples and their communities, and the complexity of Aboriginal and Torres Strait Islander peoples' lived experiences

- taking a flexible and adaptive approach that responds to the dynamic, diverse and often complex contexts in which criminal justice programs for Aboriginal and Torres Strait Islander people and communities are delivered

- general evidence-based practice for criminal justice programs, such as addressing factors related to involvement in crime and providing an integrated and throughcare response.

The research findings are intended to be of use to practitioners responsible for the design, implementation and evaluation of criminal justice programs. The findings will support the building of wise practice knowledge over time to contribute to effective programming that supports better outcomes for Aboriginal and Torres Strait Islander Queenslanders in contact with the criminal justice system.

1.0 Introduction

This report presents the findings from the research project *Wise practice for designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples* (hereafter referred to as the wise practice research project). The overall aim of the wise practice research project was to inform the design and implementation of effective criminal justice programs for Aboriginal and Torres Strait Islander peoples by drawing on learnings from a systematic search of relevant research and evaluation literature. Delivering effective programs for Aboriginal and Torres Strait Islander peoples is critical to supporting progress against the Queensland's Government's commitment to reducing Aboriginal and Torres Strait Islander overrepresentation in the criminal justice system.

This project has been informed by the concept of wise practice which has emerged from the international Indigenous research and community development literature in recognition of the diversity that exists among Indigenous peoples and their communities, the complexity of Indigenous peoples' lived experiences, and the varied, often complex environments in which programs for Indigenous peoples are delivered. Rather than focussing on a singular best practice, wise practice is characterised as being contextual, grounded in local knowledge and culture, and valuing a strengths-based approach (Wesley-Esquimaux and Calliou 2010). In the context of this project, a strengths-based approach seeks to understand how the criminal justice system can best support and increase the strength, resilience and wellbeing of Aboriginal and Torres Strait Islander peoples and their communities (Marchetti 2017). Critically, a wise practice perspective supports the design and implementation of programs that prioritise the unique needs of the target group and recognises Indigenous knowledge as a robust source of information (Morton Ninomiya et al. 2017).

This project was also informed by an emerging discussion in the criminological literature that endeavours to understand the characteristics of what makes programs work, including the contexts in which they work and the moderating factors that may impact successful implementation and translation across settings (for example, see Day, Casey and Howells 2003; Day, Francisco and Jones 2013; Johnson, Tilley and Bowers 2015). In particular, understanding local factors that may facilitate or hinder the translation of programs across different community contexts has been noted as an important consideration for delivery of Aboriginal and Torres Strait Islander crime and justice programs (Putt and Yamaguchi 2015).

Against this backdrop, the objectives of this research project were to:

- systematically identify and critically appraise the quality of the research and evaluation literature relevant to designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples
- thematically synthesise the learnings from the research and evaluation literature into wise practice principles that can inform the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples.

The findings presented in this report are expected to be of particular interest to practitioners responsible for the design, implementation and evaluation of criminal justice programs. The research findings are not designed to be a checklist for success. Rather, they represent a synthesis of learnings from the significant work already being done to support better outcomes for Aboriginal and Torres Strait Islander people in contact with the criminal justice system. In highlighting these learnings, this project acknowledges the richness of knowledge that exists in the literature informed by the experiences of program staff, stakeholders and participants, and seeks to support the translation of this knowledge into program design and implementation, despite the relative paucity of robust evaluation information.

The structure of the report is as follows; Chapter 2 briefly presents the project background and context, Chapter 3 outlines the project scope, research approach and methods used to address the research questions, Chapter 4 presents research findings on wise practice principles, including strategies and considerations for their implementation, Chapter 5 discusses the policy, practice and research implications of the research findings, and Chapter 6 presents the report's conclusion.

The analysis presented in this report is based on a synthesis of information from point-in-time research and evaluation literature, and as such may not reflect the current practices of programs still in operation.
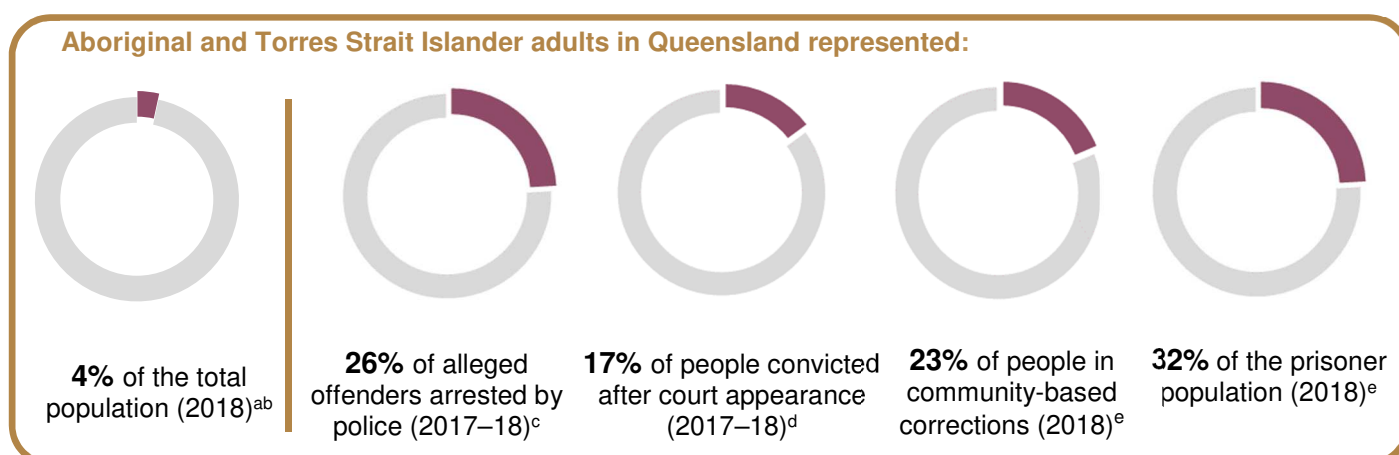
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2.0 Background

This chapter presents a brief snapshot on the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system and identifies some of the Queensland Government initiatives currently in place to address this issue. It then gives an overview of some of the factors related to involvement in crime relevant to understanding and addressing Aboriginal and Torres Strait Islander offending and associated needs. This information is provided to contextualise the project's research findings.

2.1. Aboriginal and Torres Strait Islander overrepresentation in the criminal justice system

The overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system has been extensively documented, with the release of the Australian Law Reform Commission (ALRC) report *Pathways to Justice–Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander People* (2017) bringing renewed attention to this national issue. Within the Queensland context, selected data in Figure 1 demonstrates the disproportionate representation of Aboriginal and Torres Strait Islander peoples in the adult criminal justice system compared with their representation in the general population.

Figure 1   Aboriginal and Torres Strait Islander overrepresentation in the adult criminal justice system, Queensland

Aboriginal and Torres Strait Islander adults in Queensland represented:

4% of the total population (2018)[ab]

26% of alleged offenders arrested by police (2017–18)[c]

17% of people convicted after court appearance (2017–18)[d]

23% of people in community-based corrections (2018)[e]

32% of the prisoner population (2018)[e]

Note: The data in this figure relates to persons ages 18 years and over and may vary from data published elsewhere by QGSO and others, due to differences in the dates data were extracted and frequency of revision, or in counting rules or statistical standards applied. Readers are therefore urged to exercise caution when making comparison between publications.

Source: (a) ABS (2019d); (b) ABS (2019a); (c) QGSO (2019a); (d) QGSO (2019b); (e) ABS (2019c).

Working towards the reduction of Aboriginal and Torres Strait Islander overrepresentation is a continuing strategic focus for Queensland Government's criminal justice agencies. Strategic priorities include:

- reducing the number of Aboriginal and Torres Strait Islander young people entering the criminal justice system through empowering Aboriginal and Torres Strait Islander peoples to prevent and respond to crime in their communities (Queensland Government 2019c)

- working in partnership with Aboriginal and Torres Strait Islander peoples and communities to prevent crime and disorder (Queensland Police Service (QPS) 2015)

- delivering sentencing and diversionary options that include culturally appropriate interventions (Department of Justice and Attorney-General 2018)

- building a strong understanding of the implications of sentencing for Aboriginal and Torres Strait Islander peoples (Queensland Sentencing Advisory Council (QSAC) 2019)

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- providing culturally appropriate correctional programs and services and partnering with Aboriginal and Torres Strait Islander organisations and communities to support community safety (Queensland Corrective Services (QCS) 2019).

A range of initiatives and programs are currently in place to support progress towards these strategic commitments, including Community Justice Groups, Murri Court, the Mornington Island Restorative Justice Project, Remote Justices of the Peace (Magistrates Court) Program (Queensland Courts 2018), Aurukun Justice Reintegration Program (QCS 2018), Indigenous Community/Police Consultative Groups (QPS 2018) and an Aboriginal and Torres Strait Islander Advisory Panel to inform sentencing research (QSAC 2019).

Notably, ongoing work to reduce Aboriginal and Torres Strait Islander overrepresentation in the criminal justice system is also contributing to the Queensland Government's broader commitment to closing the gap in life outcomes for Aboriginal and Torres Strait Islander peoples (Queensland Government 2019a) as well as its commitment to reducing youth reoffending under the *Our Future State–Advancing Queensland's Priorities* framework (Queensland Government 2018a).

To advance these strategic priorities the Queensland Government is working together with Aboriginal and Torres Strait Islander peoples, including Elders and community leaders, across Queensland to ensure solutions are tailored to the needs of Aboriginal and Torres Strait Islander peoples and communities. This partnership approach aligns with the principles outlined in the Statement of Commitment underpinning the *Tracks to Treaty–Reframing the relationship with Aboriginal and Torres Strait Islander Queenslanders* initiative (Queensland Government 2019b) and the vision outlined in the *Queensland Government Reconciliation Action Plan 2018–2021* (Queensland Government 2018b).

2.2.   Factors related to involvement in crime

Research describing the characteristics of people committing crime suggests that one of the best ways to reduce crime in the community is to address presenting risk factors and strengthen protective factors associated with involvement in crime at the individual, family, social and community level. Protective factors include: secure and stable family, prosocial peer group, positive school climate, access to support services and community attachment (Australian Institute of Criminology (AIC) 2012; National Crime Prevention 1999). Risk factors include: impulsivity, poor school performance, substance misuse, psychiatric disorders, family and community violence and disharmony, inadequate behaviour management, normative beliefs about violence, social and cultural discrimination and socioeconomic disadvantage (AIC 2012; National Crime Prevention 1999).

The overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system is often understood in terms of their relatively high exposure to risk factors associated with crime (Allard 2010). For example, Queensland research has shown that chronic youth offenders are concentrated in areas within remote or very remote locations that experience high levels of social and economic disadvantage which can also have a high proportion of Aboriginal and Torres Strait Islander people (Allard, Chrzanowski and Stewart 2012). The prevalence of risk factors among Aboriginal and Torres Strait Islander people in contact with the criminal justice system has been captured by research. For example, research undertaken by the Australian Institute of Health and Welfare (Australian Institute of Health and Welfare (AIHW) 2019) found that of Aboriginal and Torres Strait Islander people entering Australian prisons: [2]

- 43% reported they had been in prison at least five times before
- 31% reported that one or more of their parents or carers had been in prison while they were a child
- 47% reported that their highest year of completed schooling was year 9 or under
- 64% reported they were unemployed in the 30 days before prison

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[2] Data is from the National Prisoner Health Data Collection conducted in 2018 and is based on self-reported information at the time of entry into prison (either on remand or on a sentence). Respondents were aged 18 years or older and from across all jurisdictions except for New South Wales. Data for Aboriginal and Torres Strait Islander prison entrants is based on n=308 persons who self-identified as Aboriginal and/Torres Strait Islander.

- 42% reported they were homeless in the four weeks before prison[3]
- 33% reported being told by a health professional that they had a mental health condition[4]
- 19% reported currently taking medication for a mental health condition
- 21% reported a history of self-harm
- 20% had a high or very high level of psychological distress[5]
- 63% reported using illicit drugs in the previous 12 months
- 46% were at high risk of alcohol-related harm in the previous 12 months.[6]

Other research has detailed the high prevalence of mental disorders (mental illness and substance use disorders) and cognitive impairment among Aboriginal and Torres Strait Islander people imprisoned or in detention. For example:

- In a sample of Aboriginal and Torres Strait Islander prisoners in Queensland more than seven in 10 men and almost nine in 10 women were assessed as having a mental disorder in the preceding 12 months prior to assessment, with post-traumatic stress disorder (PTSD) identified as the most common mental illness and alcohol and cannabis representing the most common substance use disorders (Heffernan, Anderson and Dev 2012).[7]

- A separate study of a sample of female Aboriginal and Torres Strait Islander prisoners in Queensland found that almost half suffered from PTSD, with this group also more likely to experience high or very high levels of psychological distress in prison and be suffering from a co-occurring mental disorder, particularly cannabis use disorders (Heffernan et al. 2015).[8]

- More than one in five of a sample of Aboriginal adults incarcerated in Victoria were found to have impaired cognitive functioning (Shepherd et al. 2017).[9]

- Almost half of a sample of Aboriginal young people in detention in Western Australia were diagnosed as meeting the diagnostic criteria for fetal alcohol spectrum disorder (FASD)[10], which can contribute to neurodevelopmental impairment (Bower et al. 2018).

Despite the research work in this area it is recognised that accurate data on the prevalence of mental disorders and cognitive impairment among Aboriginal and Torres Strait Islander people in contact with the criminal justice system is difficult to ascertain due to a lack of professional resources to make accurate and competent diagnoses, possible misdiagnosis, and cultural inappropriateness of some of the measurement instruments (Baldry et al. 2015; Blagg et al. 2018; Shepherd et al. 2017).

The issue of hearing impairment among incarcerated Aboriginal and Torres Strait Islander people has also been raised as pertinent to understanding the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system (ALRC 2017). The limited research available suggests that significant hearing problems exist among Aboriginal and Torres Strait Islander prisoners, however the prevalence is likely to vary between jurisdictions (Quinn and Rance 2006; Vanderpoll and Howard 2012).

The above research provides a brief overview of some of the complex and interconnected needs relating to health, social and economic circumstances that Aboriginal and Torres Strait Islander people in contact with the criminal justice system may experience. In addition to these factors, responding to Aboriginal and Torres Strait

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[3] Includes short-term or emergency accommodation, non-conventional accommodation and sleeping rough.

[4] Includes alcohol and other drug use disorders.

[5] Measured using the Kessler Psychological Distress Scale.

[6] Measured using the Alcohol Use Disorder Identification Test-Consumption screening instrument.

[7] Mental disorder describes both mental illnesses (such as depressive, anxiety and psychotic disorders) and substance use disorders. The Composite International Diagnostic Instrument was used to assess 12-month prevalence and results are reported using the ICD-10 classification system.

[8] The presence of anxiety, mood and substance disorders was assessed using the Composite International Diagnostic Instrument. Psychological distress was measured using the Kessler Psychological Distress Scale.

[9] Measured using the Kimberley Indigenous Cognitive Assessment and the non-verbal intellectual functioning components of the Wechsler Abbreviated Scale of Intelligence.

[10] Diagnosed according to the Australian Guide to the Diagnosis of FASD.

Islander people committing crime may also involve understanding and addressing needs that go beyond focussing on individual experiences and characteristics (Baldry et al. 2015) and give due consideration to the broader sociohistorical context in which offending occurs, including colonisation, intergenerational trauma, loss of culture and discrimination, and the impact of this on individuals, families and communities (ALRC 2017; Baldry et al. 2015; Richards 2015). For example, research has found that survivors of the Stolen Generations were more than twice as likely to have been formally charged by police, to have been arrested in the last five years and/or to have ever been incarcerated compared with Aboriginal and Torres Strait Islander people who were not removed from their families (AIHW 2018).[11] A high prevalence of intergenerational factors was identified in the aforementioned sample of female Aboriginal and Torres Strait Islander prisoners in Queensland, including more than one in five identifying as a member of the Stolen Generations; half reporting having a parent that identified as a member of the Stolen Generations; half reporting being removed from their family as a child; and almost half reporting having their own children removed (Heffernan et al. 2015).

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[11] Data based on persons aged 50 years and over who reported having been removed from their families.

3.0   Research method

This chapter describes the approach used to identify learnings on wise practice relevant to the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples. It outlines the project scope, research approach, and methods used for systematic information collection and analysis (including consideration of methodological limitations). The results of applying an Aboriginal and Torres Strait Islander inclusion assessment framework to determine the quality of literature included in the project's analyses are also outlined.

3.1.   Project scope

The overall aim of the project was to inform the design and implementation of effective criminal justice programs for Aboriginal and Torres Strait Islander peoples by drawing on learnings from a systematic search of relevant research and evaluation literature.

The research objectives were to:

1. systematically identify and critically appraise the quality of the research and evaluation literature relevant to designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples

2. thematically synthesise the learnings from the research and evaluation literature into wise practice principles that can inform the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples.

The project did *not* seek to:

*   assess whether current criminal justice programs delivered to Aboriginal and Torres Strait Islander peoples in Queensland align with the learnings on wise practice

*   evaluate the effectiveness and appropriateness of current criminal justice programs delivered to Aboriginal and Torres Strait Islander peoples in Queensland

*   examine the literature to determine 'what works' in terms of reducing Aboriginal and Torres Strait Islander offending (reflecting limited availability of scientifically rigorous program outcome evaluations)

*   review the extent to which ethical research principles have been applied to research and evaluation work relating to the assessment of criminal justice programs involving Aboriginal and Torres Strait Islander people.

3.1.1.   Research questions

The research sought to address the following research questions:

1. What does the literature tell us about wise practice for designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples?

2. What does the literature tell us about the challenges and considerations in designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples?

3. What is the quality of the reviewed literature concerning the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples?

4. What are the gaps and limitations in the reviewed literature for understanding wise practice in the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples?

5. What are the implications of the research findings for policy, practice and research?

Information on how the project defined 'criminal justice program' is available in Appendix 1.

3.2.   Research approach

This section outlines the realist approach that framed the design of the wise practice research project and how this approach influenced what has been 'counted' as evidence for the project.

3.2.1.   Using a realist approach to understand program delivery for Aboriginal and Torres Strait Islander peoples

Programs are often delivered in complex and continually evolving social systems that are shaped by interactions among diverse and ever-changing agents (Moore et al. 2018). These social systems may also be impacted by external factors such as legislative change or policy reform (Putt and Yamaguchi 2015) or broader economic and ideological factors. For example, the Queensland Productivity Commission (QPC) has noted the challenges of service delivery in remote and discrete Aboriginal and Torres Strait Islander communities, which is often characterised by a complex system involving policy design, governance, funding and direct service delivery shared across multiple agencies and governments, commonly resulting in administrative silos and reduced effectiveness and efficiency of delivery (QPC 2017). The remote area service delivery environment is also influenced by dynamic community factors such as available resourcing, infrastructure, representative arrangements, sociodemographic characteristics, and collective capacity (Productivity Commission 2017).

A realist approach to understanding program delivery recognises the complexity of program delivery environments and contends that looking at program effectiveness in terms of outcomes alone may not provide insight as to why a program works or does not work in different contexts and under different conditions (Pointing 2014). Thus, understanding program delivery in complex social systems requires an understanding of both the program context and the process of implementation (Pawson et al. 2005). In recognition of this, there has been a call for a greater focus in criminological research on incorporating analysis of moderating factors that provide better insight into what works for whom under what circumstances (Farrington et al. 2018).

Understanding local factors that may facilitate or hinder the translation of programs across different community contexts has been noted as a particularly important consideration for delivery of Aboriginal and Torres Strait Islander crime and justice programs (Putt and Yamaguchi 2015). For example, previous evaluations of family violence programs in Aboriginal and Torres Strait Islander communities have found that program delivery can be hindered by a significant lack of community capacity as well as community resistance, resulting from past experiences of unsuccessful projects or family politics (Memmott et al. 2006). Other literature has identified that further investigation of local and contextual factors is required to understand why some Indigenous family violence programs are more effective in reducing violent offending recidivism in some locations compared with others (Closing the Gap Clearinghouse 2016).

This project has sought to incorporate a realist approach by seeking to identify the possible moderating factors influencing the successful design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples across different program contexts. Possible moderating factors are identified by describing some of the challenges and considerations associated with the design and implementation of programs referred to in the research findings.

3.2.2.   What counts as evidence for this project?

It is pertinent to outline the parameters of what was considered relevant evidence (and by extension, valid knowledge) in the research and evaluation work reviewed for this project from which learnings on wise practice were synthesised. This requires consideration of the different types of research and evaluation knowledge needed to inform the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples.

While criminological research focusing on understanding 'what works' typically limits the scope of evidence to studies assessing program effectiveness in achieving outcomes, such as reduced reoffending, the paucity of robust evaluation data on criminal justice programs for Aboriginal and Torres Strait Islander peoples (Higgins and Davis 2014; Richards, Rosevear and Gilbert 2011), and the realist approach guiding the project's research inquiry, called for an evidence base that included information on program contexts and operating mechanisms.

Accordingly, this project sought to identify and review research and evaluation literature that included learnings informed by the practice-based knowledge of program staff and/or insights from program stakeholders and program participants. Practice-based knowledge focusses on understanding the processes of program implementation critical to effectiveness and thus can provide important insight into the contexts in which particular programs work and the influence of moderating factors on how and why programs are successful (Day, Francisco and Jones 2013). The knowledge of program staff has been noted as particularly important for understanding the program mechanisms of Indigenous criminal justice programs (Marchetti 2017).

3.3.   Information collection and analysis

The wise practice research project involved systematically identifying literature relevant to designing and implementing criminal justice programs for Aboriginal and Torres Strait Islander peoples and synthesising the learnings from this literature.

The search strategy used to identify potentially relevant research and evaluation literature involved implementing a systematic database search and website scan. The literature was subsequently screened against criteria to determine its eligibility for inclusion in the project. A standardised information extraction and quality assessment process was then implemented on in-scope records and this information became the project's data records. A narrative synthesis process was then used to identify analytical themes which supported the identification of wise practice principles.

At the completion of the eligibility screening there were 59 records identified as in scope for the project, comprising 15 scholarly records and 44 grey literature records. A total of 73 research and evaluation studies were discussed across these in-scope records.[12]

The project's information collection and analysis process, including the results of the search strategy and eligibility screening, is summarised in Figure 2 below. More detailed information is available in Appendix 2.

3.4.   Limitations of the research method

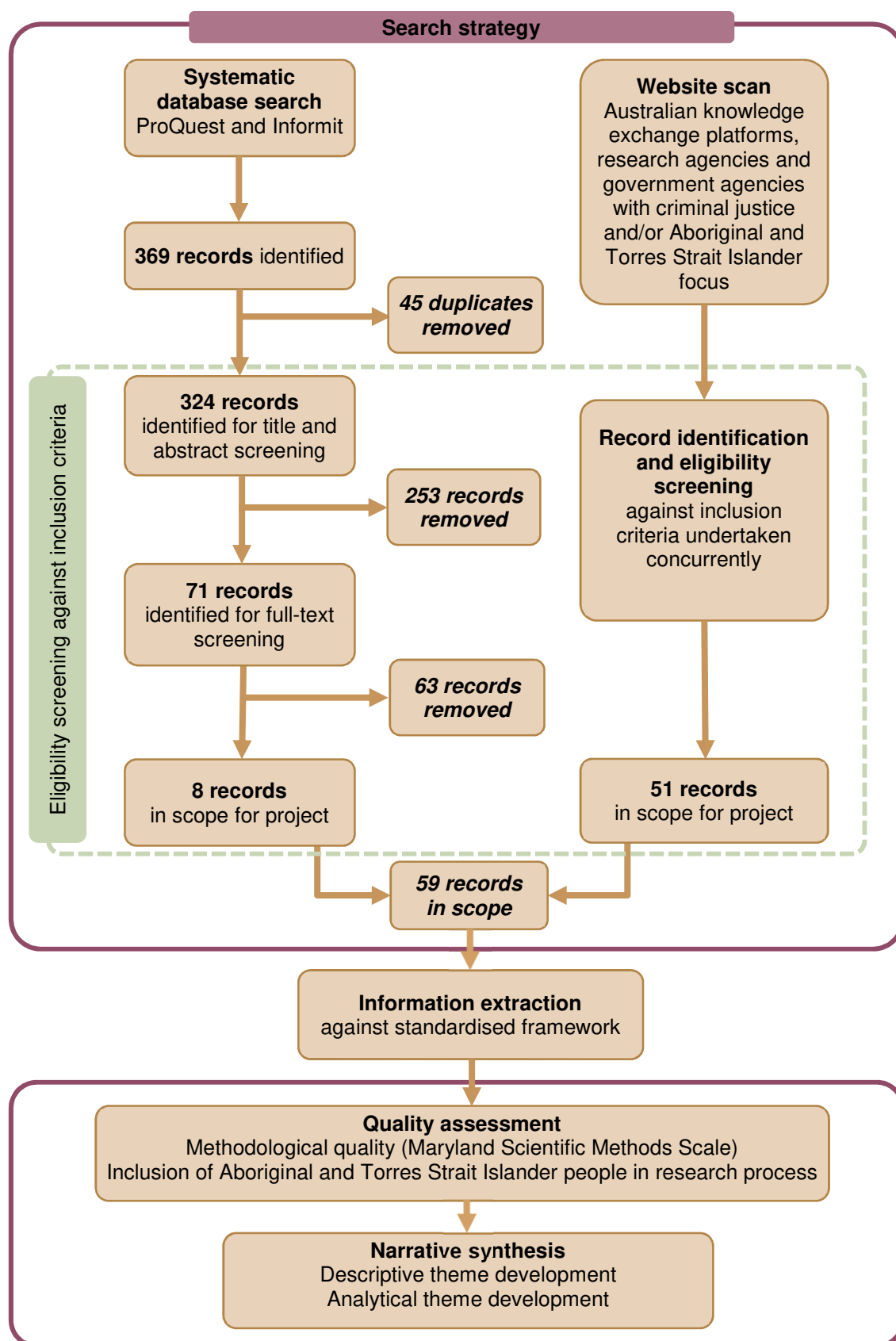The research approach used in this project has several limitations.

First, not all relevant literature may have been identified through the search strategy due to constraining the search to electronic records only, the choice of academic databases and search terms used for the systematic database search, and the manual nature of the website scan process, leaving room for literature oversight.

Second, not all information relevant to the research questions may have been accurately extracted due to possible researcher error and bias in interpretation and application of the information extraction framework, as well as difficulty in identifying relevant information in the literature. For example, the research team experienced difficulty in assessing methodological quality of some studies, due to the varying level of detailed methods information presented, as well as difficulty in assessing inclusion of Aboriginal and Torres Strait Islander people in the research process, with disclosure of this information variable (for example, the Aboriginal and Torres Strait Islander status of researchers and evaluators was often not stated).

Third, it is acknowledged that the nature of the narrative synthesis process means that there is inherent subjectivity and possible researcher bias in the interpretation, analysis and synthesis of the extracted information for this project. As such, the research findings presented in this report represent one possible interpretation of the information extracted.

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[12] Some records discussed multiple research or evaluation studies.

Figure 2 **Information collection and analysis summary**

Source: QGSO

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3.5. Literature inclusions

Systematic reviews often involve assessing the scientific rigour of studies before including them as information sources (Fernandez, Johnson and Griffiths 2014). For this project, all records identified as meeting the project's inclusion criteria were included in the information extraction and narrative synthesis process, regardless of the scientific rigour of the research and evaluation studies they described. This was for a number of reasons.

First, research suggests very few published evaluations of Aboriginal and Torres Strait Islander-specific programs use what is generally considered to be rigorous methodologies (Al-Yaman and Higgins 2011; Hudson 2017). Qualitative methodologies are often used for evaluations undertaken in Aboriginal and Torres Strait Islander communities to answer questions relating to quality of program implementation and the relevance of the program to community needs, rather than assessing program effectiveness (Day, Francisco and Jones 2013). Further, challenges around data availability and quality, evaluation timeframes, and feasibility of implementing control groups can also impact the ability of program evaluations to implement more rigorous quantitative methodologies that assess outcome measures and attribution. For example, many of the evaluation studies reviewed for this project endeavoured to include some form of outcome measurement (usually measures of reoffending), however difficulties were often cited by the researchers regarding access to sufficient data (due to poor record-keeping and a lack of baseline data) (KPMG 2010a; O'Hara 2013), insufficient follow-up periods (Cultural and Indigenous Research Centre Australia and Anne Markiewicz and Associates (CIRCA) 2013a), and establishing appropriate control groups (CIRCA 2013b).

Second, although a study with more scientific rigour may engender greater confidence in accurately attributing program outcomes, the study may not provide insights regarding the processes and mechanisms that contribute to these outcomes (Productivity Commission 2019). Since this project endeavoured to understand the characteristics of program design and implementation contributing to program effectiveness for Aboriginal and Torres Strait Islander peoples, and the contextual considerations which may mediate this, all research and evaluation studies discussed in records in scope for this project involved a component of qualitative information, in line with the earlier discussion on what counts as evidence for this project. This has meant that some purely quantitative studies examining program outcomes only were excluded from the project since they did not include information relating to the program's design and implementation.

Third, this project is cognisant of the contemporary discussion in the literature on methods and evidence considered appropriate for understanding effectiveness of programs for Aboriginal and Torres Strait Islander peoples. For example, the importance of Aboriginal and Torres Strait Islander voice in informing the ongoing monitoring, evaluation and improvement of programs for Aboriginal and Torres Strait Islander peoples has been recognised, including consideration of Aboriginal and Torres Strait Islander peoples' knowledge, perspectives and priorities (Productivity Commission 2017, 2019).

Understanding the extent of the inclusion of Aboriginal and Torres Strait Islander people in the research process informs the framework used for quality assessment in this project and is discussed in the next section.

3.6. Assessment of quality of the literature

While all records identified as meeting the project's inclusion criteria were included in the information extraction and narrative synthesis process, an assessment of the scientific rigour of the in-scope records was undertaken using the Maryland Scientific Methods Scale. The results of this assessment are provided in Appendix 3 in the interests of methodological transparency. Further information on the Aboriginal and Torres Strait Islander inclusion assessment framework used by this project to understand the quality of the literature reviewed, and the results of applying this framework, is provided below.

3.6.1. Aboriginal and Torres Strait Islander inclusion assessment framework

Aboriginal and Torres Strait Islander-led or informed research has been identified as an under-developed area within criminological inquiry (Putt 2013). To the knowledge of the research team, an assessment of the inclusion of Aboriginal and Torres Strait Islander people in the research process has not been extensively conducted in other systematic reviews within the Australian context, and little guidance exists on an

appropriate appraisal tool to use (acknowledging that there has been some developmental work undertaken within Aboriginal and Torres Strait Islander health research, see MacLean et al. 2015). For simplicity, the research team decided the appraisal of inclusion of Aboriginal and Torres Strait Islander people in the literature reviewed for this project would be informed by their involvement as:

- research participants, such as program staff, program stakeholders and/or program participants
- research practitioners, either in a role contributing directly to the research and evaluation design and/or data collection and reporting.

The information available in the literature did not offer the opportunity to assess the extent to which Aboriginal and Torres Strait Islander people's perspectives, knowledge and voices have been listened to and incorporated into the research process, nor the degree to which research and evaluation work was consistent with guidelines related to undertaking ethical, culturally safe and responsible practice within Aboriginal and Torres Strait Islander research (AIATSIS 2012; National Health and Medical Research Council 2018a, 2018b) and Aboriginal and Torres Strait Islander evaluation practice (see for example, Australian National Audit Office 2019; Kelaher et al. 2018; Productivity Commission 2019a, 2019b).
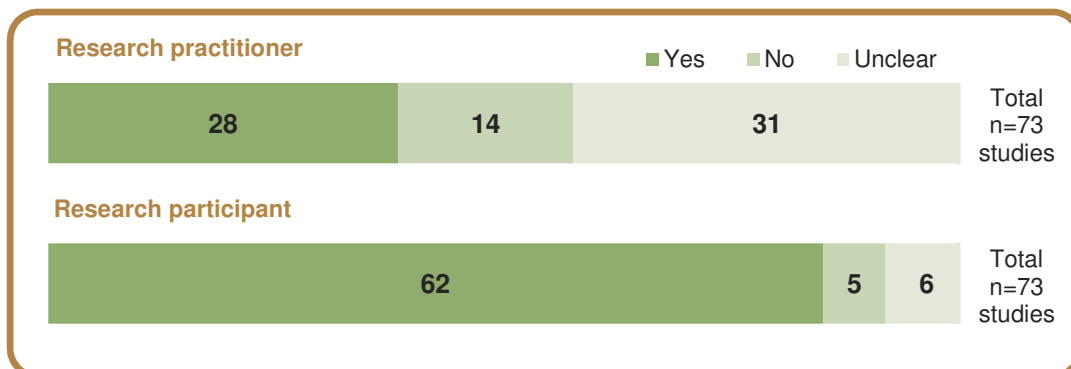
3.6.2. Applying the Aboriginal and Torres Strait Islander inclusion assessment framework

It became clear once the information extraction phase commenced that the ability of the research team to assess the degree to which Aboriginal and Torres Strait Islander people were included in the research and evaluation processes would be more difficult than initially envisioned. This was due to the limited information and/or lack of clarity around the inclusion of Aboriginal and Torres Strait Islander people in some of the studies, particularly with respect to their inclusion as research practitioners. As such, a comprehensive understanding of the inclusion of Aboriginal and Torres Strait Islander people in the research and evaluation evidence base used for this project was not able to be undertaken. However, the results of the assessment do provide useful insight into the extent to which this information is reported and disclosed in the literature reviewed for this project.

Of the 73 research and evaluation studies included in the literature reviewed:

- 62 (more than four in five) were identified as including Aboriginal and Torres Strait Islander people as research participants (Figure 3); five studies did not include any Aboriginal and Torres Strait Islander people as research participants, and for the remaining six studies it was unable to be ascertained from the records if Aboriginal and Torres Strait Islander research participants had been included.
- 28 (more than one in three) were identified as including Aboriginal and Torres Strait Islander people as research practitioners (Figure 3); 14 studies did not include any Aboriginal and Torres Strait Islander people as research practitioners, and for the remaining 31 studies it was unable to be ascertained from the records if Aboriginal and Torres Strait Islander research practitioners had been included.
- 27 (more than one in three) were identified as including Aboriginal and Torres Strait Islander people as both research participants and research practitioners.

Figure 3   Inclusion of Aboriginal and Torres Strait Islander people in the research process

Source: QGSO assessment of information presented in the in-scope literature.
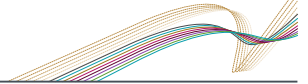
Where information on the inclusion of Aboriginal and Torres Strait Islander people as research participants or research practitioners was not clearly stated in the literature, it cannot be assumed that Aboriginal and Torres Strait Islander people were excluded from research and evaluation processes. However, the lack of overt reporting on this information in some of the studies reviewed for this project points to a current information gap in the published research and evaluation literature on criminal justice programs, particularly mainstream programs.

Through the lens of this assessment framework, the substantial inclusion of Aboriginal and Torres Strait Islander people as research participants in the literature reviewed points to an evidence base that can be considered of sound quality for informing insights on effective design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples.

However, confidence in the quality of the evidence base is tempered by the apparent minority of studies led or informed by Aboriginal and Torres Strait Islander research practitioners, as suggested by the lack of disclosure of the Aboriginal and Torres Strait Islander status of the research/evaluation team in many of the studies reviewed. This lack of disclosure is likely to be influenced by the amount of reports produced by or funded by government included in the review, where disclosure of this type of information is less common than in scholarly work.

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4.0   Research findings: wise practice principles

This chapter presents the results of the narrative synthesis process undertaken on the information extracted from the in-scope literature.

The wise practice principles emergent in the literature were:

- Support Aboriginal and Torres Strait Islander ownership, engagement and oversight.
- Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity.
- Commit to cultural competence.
- Provide culturally sensitive program delivery.

Detailed learnings from the literature on the wise practice principles are discussed, which also include information on strategies used to support their implementation and some of the benefits and outcomes associated with their use. A summary of these learnings is presented in Figure 4 below. The benefits and outcomes outlined may be achieved through implementing one or more of the strategies depending on the program context. However, the degree to which benefits and outcomes are realised can be influenced by external factors, as well as a range of challenges and considerations related to the characteristics of Aboriginal and Torres Strait Islander participants and/or communities, and the program environment. These challenges and considerations (or moderating factors), as they apply to each wise practice principle, are also presented in this chapter. Specific program examples from the literature are included in the analysis, with the choice of examples guided by those records which presented greater detail of information.
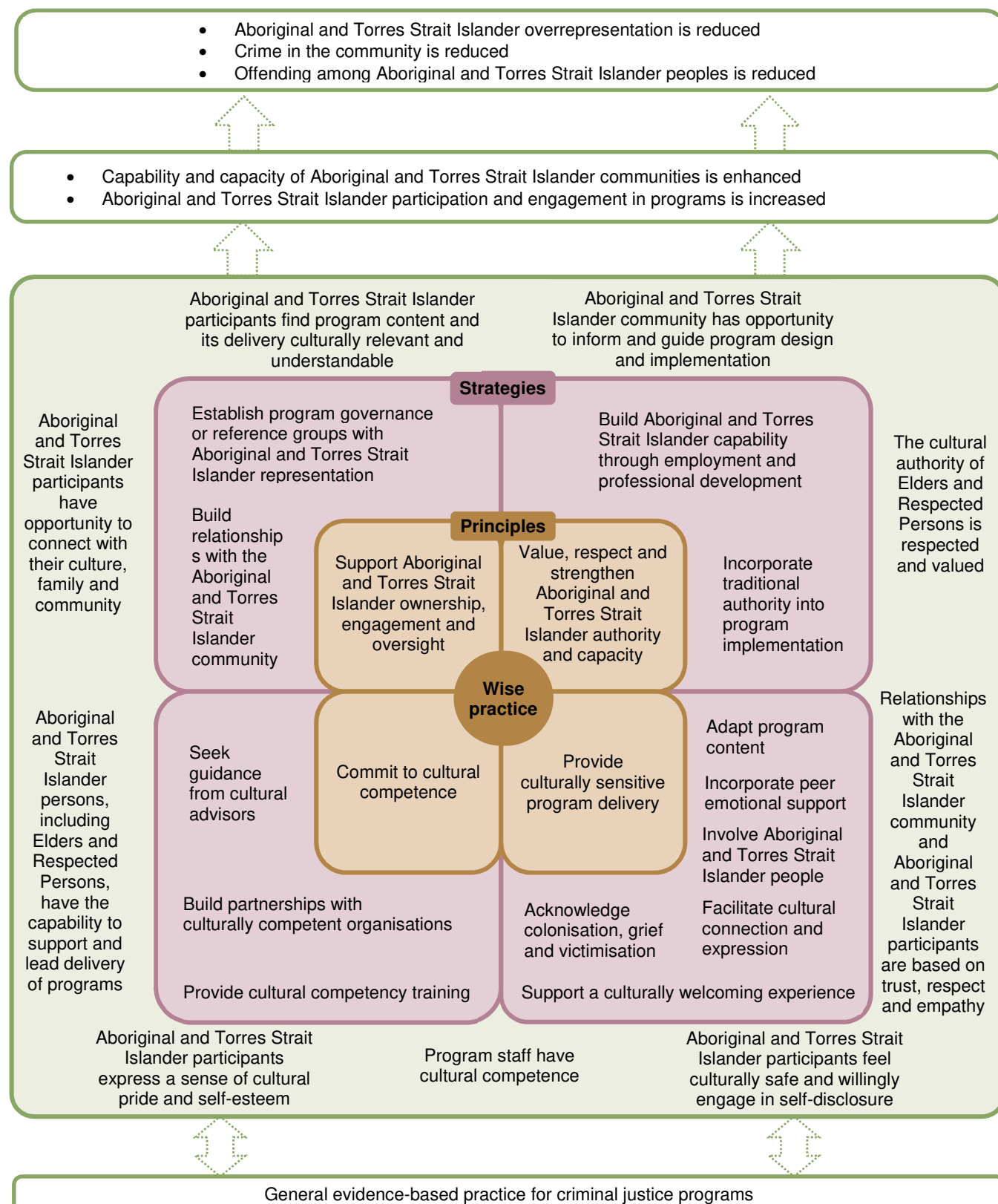
The wise practice principles are not viewed to be mutually exclusive and some implementation strategies can contribute to the realisation of more than one wise practice principle. For example, undertaking genuine relationship building with Aboriginal and Torres Strait Islander communities during program design to support Aboriginal and Torres Strait Islander ownership, engagement and oversight may also contribute to culturally competent program delivery through informing a place-based approach that is responsive to local contexts. Similarly, the involvement of Aboriginal and Torres Strait Islander people in program implementation to facilitate culturally sensitive program delivery may also support the strengthening of Aboriginal and Torres Strait Islander capacity through enabling employment opportunities.

It is important to note that the wise practice principles need to be considered alongside general evidence-based practice for criminal justice programs, which is not outlined in this report. For example, the criminological literature suggests that the best way to reduce future offending is to address factors associated with crime and is often achieved by an integrated response delivered by multiple services (AIC 2012; National Crime Prevention 1999). This approach was also emphasised in the literature reviewed for this project which noted the importance of holistic program delivery that addressed the complex presenting needs that may be experienced by Aboriginal and Torres Strait Islander people in contact with the criminal justice system. Addressing these presenting needs is important for both supporting program engagement and reducing reoffending behaviour and may include addressing practical assistance needs, such as access to identity documents (Williams et al. 2018), access to government services (Whitton and Indig 2012) and access to transport (CIRCA 2013b), as well as more significant health and socioeconomic needs such as substance misuse, accommodation and employment (Williams et al. 2018). Consistent with the broader criminological literature (for example, see Baldry and McCausland 2009; Willis and Moore 2008), throughcare and aftercare were also identified in the literature reviewed as important features of holistic program delivery for criminal justice programs involving Aboriginal and Torres Strait Islander peoples (Griffiths, Zmudzki and Bates 2017; PricewaterhouseCoopers 2017).

It is not the intention that the wise practice principles and implementation strategies presented in this chapter be interpreted as a prescriptive approach for the delivery of criminal justice programs for Aboriginal and Torres Strait Islander peoples. Rather, they are presented as a framework to support thinking about how criminal justice programs may be delivered in a way that promotes better outcomes for Aboriginal and Torres Strait Islander peoples and communities, including reduced involvement in crime and reduced contact with the criminal justice system over the longer-term. Indeed, the literature highlighted the importance of taking a flexible and adaptive approach to the design and implementation of criminal justice programs involving

Aboriginal and Torres Strait Islander peoples to account for the dynamic and diverse contexts in which these programs are delivered.

Figure 4   Wise practice for the design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples

- Aboriginal and Torres Strait Islander overrepresentation is reduced
- Crime in the community is reduced
- Offending among Aboriginal and Torres Strait Islander peoples is reduced

- Capability and capacity of Aboriginal and Torres Strait Islander communities is enhanced
- Aboriginal and Torres Strait Islander participation and engagement in programs is increased

Aboriginal and Torres Strait Islander participants find program content and its delivery culturally relevant and understandable

Aboriginal and Torres Strait Islander community has opportunity to inform and guide program design and implementation

Aboriginal and Torres Strait Islander participants have opportunity to connect with their culture, family and community

Strategies

Establish program governance or reference groups with Aboriginal and Torres Strait Islander representation

Build relationships with the Aboriginal and Torres Strait Islander community

Build Aboriginal and Torres Strait Islander capability through employment and professional development

The cultural authority of Elders and Respected Persons is respected and valued

Principles

Support Aboriginal and Torres Strait Islander ownership, engagement and oversight

Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

Incorporate traditional authority into program implementation

Wise practice

Aboriginal and Torres Strait Islander persons, including Elders and Respected Persons, have the capability to support and lead delivery of programs

Seek guidance from cultural advisors

Commit to cultural competence

Provide culturally sensitive program delivery

Adapt program content

Incorporate peer emotional support

Involve Aboriginal and Torres Strait Islander people

Relationships with the Aboriginal and Torres Strait Islander community and Aboriginal and Torres Strait Islander participants are based on trust, respect and empathy

Build partnerships with culturally competent organisations

Acknowledge colonisation, grief and victimisation

Facilitate cultural connection and expression

Provide cultural competency training

Support a culturally welcoming experience

Aboriginal and Torres Strait Islander participants express a sense of cultural pride and self-esteem

Program staff have cultural competence

Aboriginal and Torres Strait Islander participants feel culturally safe and willingly engage in self-disclosure

General evidence-based practice for criminal justice programs

Source: Prepared by QGSO based on analysis of in-scope literature.

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4.1.   Support Aboriginal and Torres Strait Islander ownership, engagement and oversight

Strategies used to support Aboriginal and Torres Strait Islander community ownership, engagement and oversight of programs included building relationships with the Aboriginal and Torres Strait Islander community throughout program delivery and establishing program governance or reference groups with Aboriginal and Torres Strait Islander representation. Examples of these strategies are provided in more detail below.

4.1.1.   Building relationships with the Aboriginal and Torres Strait Islander community throughout program design and delivery

Building relationships with the Aboriginal and Torres Strait Islander community through consultation and co-design was a strategy implemented to ensure program design was place-based and responsive to the needs of the Aboriginal and Torres Strait Islander community. For example, an extensive community consultation process underpinned the program design of the first Indigenous sentencing court in Australia, the Nunga Court in South Australia. The consultation process was initiated by a magistrate who sought to adapt the more informal court approach conducted on circuits in the Anangu Pitjantjatjara Yankunytjatjara Lands of South Australia. As part of a broader consultation process, consultations with Aboriginal community Elders, Aboriginal community groups, Aboriginal community members and the Aboriginal Legal Rights Movement identified that the court model needed to address the mistrust Aboriginal people had of the justice system, particularly the court experience which could feel isolating and unwelcoming to the Aboriginal community (CIRCA 2013a).[13] As a result of this consultation the first Nunga Court pilot was established in 1999 in the Port Adelaide Magistrates Court and sought to provide Aboriginal people with more input into the judicial process, particularly sentencing. The program design process for additional Nunga Courts, the Port Augusta Aboriginal Sentencing Court and Port Lincoln Conferencing sought input from local Aboriginal community representatives to adapt the program model to the local context and enhance the cultural appropriateness and responsiveness of their delivery (CIRCA 2013a).

The Aboriginal and Torres Strait Islander community was also heavily involved in the design of the delivery model for the former Queensland Murri Court, a sentencing court which aimed to support the involvement of the Aboriginal and Torres Strait Islander community in the sentencing process.[14] The court operated across five locations (Brisbane, Rockhampton, Mount Isa, Caboolture and Townsville) at the time of its evaluation. Murri Court at each location was initiated through joint agreements established between local magistrates and the local Aboriginal and Torres Strait Islander community, which facilitated collaboration between magistrates, Elders and other court partners on deciding the most efficient and effective delivery model for the local context (Morgan and Louis 2010).

Community consultation was integral to the design of the reintegration–focused DECCA Program which delivered off–site job skill training to prisoners incarcerated at the Roebourne Regional Prison in Western Australia.[15] The design process involved consultation with Aboriginal leaders of the Roebourne area and the traditional owners of the land for the proposed program site (CIRCA 2013a). The consultation process contributed to positive support for the program from the local Aboriginal community who were keen to work with the prison to use the land to support the rehabilitation of Aboriginal prisoners (CIRCA 2013a). The evaluation also noted that prison and program staff regularly engaged with local Aboriginal organisations, including the Ngarliyarndu Bindirri Aboriginal Corporation responsible for managing the program site on behalf of the traditional owners, to support ongoing stakeholder engagement (CIRCA 2013a).

Koori community representatives played a significant role in informing the design of the Wulgunggo Ngalu Learning Place, a voluntary community–based residential facility near the town of Yarram in the South Gippsland region that aims to support Koori men (from across Victoria) to complete their community

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[13] Including police prosecutors, legal practitioners and state government agencies.

[14] The Murri Court was reinstated by the Queensland Government in 2017 after being disbanded in 2012. The information referred to in this report relates to an evaluation of Murri Court undertaken before 2012.

[15] Note that, while not an Aboriginal and Torres Strait Islander-specific program, almost nine in 10 participants were Aboriginal and Torres Strait Islander due to the high Aboriginal population in the area.

corrections orders. Consultation was undertaken with Victorian Koori representative bodies from the justice sector as well as with other organisations connected to the Koori Caucus of the Aboriginal Justice Forum (AJF).[16] This process was identified as important to contributing to the cultural appropriateness of the program, as noted by a program stakeholder (Clear Horizon Consulting 2013, p. 17):

> The focus … right from the start [was] participation of the Koori community in its design, and delivery, and running along with that was the need for our culture to be the central part of it. Within our work we say that culture is one of the most resilient factors that young Aboriginal people need in making them 'bomb-proof', for want of another word. So right from the start we saw that culture needed to be part of this process …

The strong support and ownership by AJF representatives in the establishment of the Wulgunggo Ngalu Learning Place was evident in the important role they played, along with Department of Justice representatives, in negotiations and consultation with the local Yarram community prior to the facility establishment. Initial safety concerns raised by the community were addressed by AJF and Department of Justice representatives through discussing the value of the program which resulted in greater understanding and support of the program by the Yarram community (Clear Horizon Consulting 2013).

The importance of canvassing input from the broader community (including potential program participants), not just community leaders, was also observed within the literature. For example, during the design of the Cape York Welfare Reform initiative, which included establishing the Family Responsibilities Commission (FRC) in four Far North Queensland communities, a community engagement team supported a twelve–month engagement process in each community prior to establishment of the FRC.[17] The community engagement team, including local program staff, spent time engaging with both community leaders and community members in a dialogue around social norms, behaviour change and welfare payment reform to inform program design (KPMG 2010b). This engagement process provided an opportunity for the communities to identify core community values, behaviours not consistent with these values (such as criminal offending), and a community vision for the future (KPMG 2010b). The 'trigger' events included in the design of the FRC model that resulted in an individual coming before the FRC reflected the priority issues identified by the communities as inconsistent with their community vision (KPMG 2010b).

The design process for the Mornington Island Restorative Justice Project in Queensland also took a community–wide consultation approach to inform the co-design of a mediation model to strengthen the community's capacity to deal with conflict. The project manager (from outside of the community) spent four years building relationships with the local community to inform the development of the program model. The model was developed in close partnership with the community Elders and was based on extensive consultation undertaken with over 200 community representatives, with representation from all family groups. Important to the consultation approach undertaken by the project manager was not having a preconceived idea of a desired model, investing significant time in being available to the community when spending time 'on the ground' in community, receiving guidance from local cultural advisors, and undertaking meetings and workshops with Elders on the traditional meeting grounds on the island. This thorough community consultation process was found to support a sense of legitimacy and authority within the community regarding the program and resulted in unanimous support of the program from all family groups. Notably, the resulting mediation and peace–keeping program model was described to have 'a strong reliance on kinship, cultural and family knowledge and building the capacity of the community and local ownership' (Colmar Brunton 2014, p. 124).

The development of Our Men Our Healing, a program dedicated to community-based healing for Aboriginal and Torres Strait Islander men in the Northern Territory (including men who had been in contact with the criminal justice system), involved consulting directly with community members likely to participate in the

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[16] The AJF comprises senior representatives of the Aboriginal community and representatives from justice-related areas of the Victorian Government. It is the peak coordinating body responsible for overseeing the development, implementation and direction of the Victorian Aboriginal Justice Agreement.

[17] The FRC was a central project of the Cape York Welfare Reform initiative. It involved holding conferences with individual community members who were welfare recipients and who had been identified as 'failing to uphold social norms and related obligations around caring for children, sending them to school, abiding by the law, or abiding by public housing tenancy agreements' (KPMG 2010b, p. 9). This process included receiving referrals from the Magistrates Court for individuals in contact with the criminal justice system who needed support to address underlying issues which may contribute to offending.

program (Healing Foundation 2015). The design process was facilitated by holding 'Thinkers Workshops' involving Aboriginal and Torres Strait Islander men from the potential pilot communities, as well as people working in the field of family and community healing and other stakeholders. The purpose of these workshops was to identify the specific needs of the men within the communities and assess the gaps in existing services and healing initiatives. Once the final selection of pilot locations was made, another workshop was held with men from these communities so they could present their program logic for how the Our Men Our Healing program could work in their community. As described in the program evaluation, this design process was found to improve program ownership through facilitating 'Aboriginal and Torres Strait Islander men's ownership of the issues affecting them so they could positively lead and sustain their own responses' (Healing Foundation 2015, p. 12).

Program staff spending time in Aboriginal and Torres Strait Islander communities to facilitate community relationships that will support program implementation was another practice evident in programs delivered in community settings. For example, early engagement with the community was a key feature supporting the establishment of the Woorabinda Early Intervention Panel Coordination Service in Queensland. The panel provided a case management and referral service to address the complex needs of young people (and their families) at risk of offending or reoffending. Panel membership comprised government and community representatives supported by two program staff members, a program coordinator and youth worker.[18] Relationship development with the community was a key focus of program staff who spent two and a half months meeting and consulting with community members, community representatives and statutory agencies to promote understanding about the purpose and process of the panel and attain support for the program model. Development of community relationships was also supported by involvement of program staff in community events, as noted by a former program coordinator (Stewart et al. 2014, p. 63):

> We try and help out, like if there's a, like they have a barbecue night or if there's something going on we'll go down and help. Like just help out … try and be involved with what the community is doing.

4.1.2. Establishing program governance or reference groups with Aboriginal and Torres Strait Islander representation

The establishment of governance mechanisms that included Aboriginal and Torres Strait Islander representation was a strategy often used to facilitate ongoing Aboriginal and Torres Strait Islander community oversight of program delivery.[19] For example, the Local Justice Worker Program and the Koori Offender Support and Mentoring Program, aimed at supporting Aboriginal offenders in Victoria to complete their community corrections orders, sought to facilitate ongoing contribution from the Aboriginal community through the establishment of a local program steering committee in each delivery location (CIRCA 2013b). The committees comprised a range of community stakeholders, including the local Aboriginal service provider organisations supporting program delivery and Regional Aboriginal Justice Advisory Committees (RAJACs) representatives.[20] Quarterly meetings facilitated communication between committee members and enabled input from members into the ongoing delivery of the programs, including the progress towards achieving program objectives and the responsiveness to emerging local needs and issues (CIRCA 2013b).

The Family Inclusion Project, a wraparound service for young people involved with the youth justice system in New South Wales, also sought to include Aboriginal representation on the project's steering committee to support program delivery (Nisbet, Graham and Newell 2011). Established at the start of the project, the interagency steering committee comprised representation from various government and non-government organisations, including the local Aboriginal Community Justice Group, and provided strategic consultation and monitoring of the project to support interagency collaboration (Nisbet, Graham and Newell 2011). Similarly, program delivery of the Wulgunggo Ngalu Learning Place operated under the guidance of a steering

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[18] It is unclear from the evaluation reviewed if the program coordinator/s and youth worker/s were Aboriginal and Torres Strait Islander / from the local Aboriginal community.

[19] This design factor was also used by some programs in the program design stage only, such as the County Koori Court (Dawkins et al. 2011) and the FRC (KPMG 2010b).

[20] RAJACs provide a mechanism for improving justice outcomes at the regional level in Victoria through bringing together community representatives and justice agency representatives. The RAJACs report directly to the AJF.

committee comprised of stakeholders from the Department of Justice, Corrections Victoria, program staff (all core program staff were Aboriginal and Torres Strait Islander men), and chairs of all the RAJACs across Victoria. Although it was noted that some RAJACs had little involvement in the steering committee at the time of the program evaluation, the steering committee was viewed to be an important mechanism for Koori justice stakeholders from across Victoria to have oversight and input into the ongoing functioning of the Wulgunggo Ngalu Learning Place (Clear Horizon Consulting 2013).

A reference group comprising local Elders supported the delivery of the Youth Housing and Reintegration Service in one location with a higher Aboriginal and Torres Strait Islander population than other program locations. The program aimed to assist young people transitioning to the community after serving time in custody in Queensland and program staff sought guidance on program delivery and the local cultural context through engaging with the Elders on the reference group (Skattebol, Nethery and D'aegher 2013).[21]

4.1.3. Challenges and considerations for implementing strategies to support Aboriginal and Torres Strait Islander ownership, engagement and oversight

The literature reviewed for this project identified a number of issues experienced in the implementation of strategies that aimed to foster Aboriginal and Torres Strait Islander community ownership, engagement and oversight. These challenges and considerations were connected to community characteristics and the program environment and highlight the need for flexible and adaptive practice. Examples of these challenges and considerations are provided below.

- A commitment to genuine community consultation and co-design may require long project timeframes due to the need to accommodate the dynamics of Aboriginal and Torres Strait Islander communities. For example, the design and implementation of the Mornington Island Restorative Justice Project in Queensland took longer than planned for a number of reasons, including the need to consult with all family groups rather than prominent community members only; the time required to develop trusting relationships to enable meaningful discussions; the presence of sceptical community attitudes as well as sensitivity around discussing the topic of conflict; the self–reported diminished authority of Elders impacting their ability to provide leadership in guiding community peacemaking; and the need to support a community–wide understanding and endorsement of the consultation process (Colmar Brunton 2014, p. 14).

- Further to consultation taking longer than expected, constrained program timeframes and/or resources were also noted in the literature as impacting the ability to embed meaningful Aboriginal and Torres Strait Islander community consultation during program design and implementation. This was identified as an issue impacting the program design of Queensland's Youth Boot Camp program, where the ability to undertake extensive consultation was impeded by restrictions on Youth Justice staff travel, and tight timeframes prescribed for program delivery (KPMG 2015).[22] As a result, Aboriginal and Torres Strait Islander stakeholders cited they did not feel there had been adequate opportunities for involvement of the Aboriginal and Torres Strait Islander community in the program design phase, despite an active interest to be involved in supporting program delivery and the high prevalence of program participants that identified as being Aboriginal and Torres Strait Islander (KPMG 2015). Evaluations of the Northern Territory Community Courts, a sentencing court aiming to support community involvement in sentencing, found that the expansion of the program – from three pilot sites to ten sites – was rushed and poorly planned with insufficient resources allocated for local community engagement to inform the design and implementation of additional court locations. Further, there were no formal mechanisms established to provide for ongoing community engagement to review the courts model and implementation over time (CIRCA 2013a; Suggit 2012). The importance of genuine consultation to support Aboriginal and Torres Strait Islander ownership of programs was highlighted by Blagg et al. (2018, p. 57) in their research report *Innovative models in addressing violence against Indigenous women*. They stated that:

  > Currently, Indigenous women tend to "drift" in and out of mainstream consultation processes and initiatives designed to reduce levels of domestic violence. They do not fully embrace these

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[21] The service was also delivered to young people transitioning from care and/or a child safety order.
[22] A mainstream Youth Boot Camp program comprised three Early Intervention Youth Boot Camps and one Sentenced Youth Boot Camp.

initiatives because they do not "own" them; such initiatives do not speak for them, or to them. They feel that their involvement is tokenistic and designed to tick the box marked "Indigenous consultation", and what emerges from them [consultation processes] pushes their own lived experiences to the sidelines.

- Incorporating the views of the Aboriginal and Torres Strait Islander community into program design may result in program fidelity issues for programs delivered across multiple locations, which in turn may impact intended program outcomes. For example, incorporating the views of community Elders on the most appropriate delivery model for the former Queensland Murri Court resulted in a traditional court layout (Elders sit at the bench with the magistrate) in Rockhampton and Townsville rather than a non-hierarchical layout (where all parties sit around a table) intended to support a less adversarial court experience. It was the Elders' view in these two locations that retaining the traditional layout reinforced the seriousness of the matter and encouraged acknowledgment by the offender of the authority of the court and the magistrate (Morgan and Louis 2010).

Summary points for the principle: *Support Aboriginal and Torres Strait Islander ownership, engagement and oversight*

Learnings from the literature suggested that programs that genuinely engage with and develop respectful relationships with Aboriginal and Torres Strait Islander peoples and communities may be more effective in designing and implementing programs that align with the priorities and needs of the Aboriginal and Torres Strait Islander community.

Strategies used to support Aboriginal and Torres Strait Islander ownership, engagement and oversight included:

- building relationships with Aboriginal and Torres Strait Islander community throughout program delivery
- establishing program governance or reference groups with Aboriginal and Torres Strait Islander representation.

Potential challenges and considerations for implementation of this wise practice principle included:

- genuine community engagement and relationship building may require long timeframes to accommodate community dynamics
- participation of Aboriginal and Torres Strait Islander people in consultation and oversight processes may not always result in genuine opportunities for engagement and input
- balancing program fidelity with the needs and priorities of the local Aboriginal and Torres Strait Islander community
- constraints regarding resources and/or timeframes may impact opportunities for meaningful engagement.

4.2. Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

Strategies used to value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity included the incorporation of traditional Aboriginal and Torres Strait Islander authority into program implementation, as well as building capability through the employment and ongoing professional development of Aboriginal and Torres Strait Islander program staff. Examples of these strategies are provided in more detail below.

4.2.1. Incorporating traditional authority into program implementation

A key strategy used to value, respect and strengthen Aboriginal and Torres Strait Islander authority evident in the literature was involving Elders and Respected Persons in program implementation as program support staff or program facilitators. Accountability to the cultural authority of Elders and Respected Persons was found to support program delivery through having a positive impact on participant engagement, as identified in evaluations of Indigenous sentencing courts. For example, a participant of the County Koori Court in Victoria, a sentencing court aiming to ensure greater participation of the Aboriginal and Torres Strait Islander community in the sentencing process, described the personal impact of the use of shaming by Elders during sentencing (Dawkins et al. 2011, p. 34):[23]

> Pretty much it showed me that the family cared for me, like they are willing to stand up and tell me off in front of strangers ... in a court house. And in front of the Judge, and you know the Judge looks at it and thinks 'Oh yeah, this is sweet, this kid you know takes something from this Court, and I won't see him here again'. I don't want to go back there. I haven't been to Court since...

Similarly, a participant of the Nowra Circle Sentencing Court in New South Wales, another Indigenous sentencing court, described how respect for the cultural authority of Elders had an impact on their experience of the Indigenous sentencing court process, as cited in Daly and Proietti-Scifoni (2011, p. 18):

> When I went in there, I was nervous. I was thinking 'Oh, it should go all right because it's the Elders doing the damage and not the Judge', and I thought whatever outcome, whatever they say, I'm going to do it because I grew up listening to Elders and that, and not being stubborn.

Involving the authority of Elders in program implementation to support participant engagement was also evident in custodial programs where Elders played a principal role in delivery of Aboriginal and Torres Strait Islander-specific programs. For example, a participant described the personal impact of participating in the Babiin-Miyagang program, a parenting program for incarcerated fathers in New South Wales, which was facilitated by an Elder (Rossiter et al. 2017, p. 20-21):[24]

> I heard that there was an Aboriginal Elder and knowing that I could get something from the programme [I signed up]. I was curious about what I can learn. As Kooris [Aboriginal people] we do have a lot of respect for our Elders, do actually listen and take in a lot. That's something that's ingrained in us … The reason I like the course is that the person who is running the course is helping us understand. He is an Elder Aboriginal person. Whether we choose to listen or not is up to the individual … Him coming here helping us, I feel it's building my confidence as a father. There's a bit of light at the end of the tunnel. I can relate a lot to the things he is teaching me.

It was also suggested in the literature that the involvement of local Elders and Respected Persons in delivering criminal justice programs supported strengthening of their cultural authority among the broader Aboriginal and Torres Strait Islander community, as well as supporting the broader capacity of Aboriginal and Torres Strait Islander communities to have ownership of programs. For example, the involvement of Elders and Respected Persons in Indigenous sentencing courts was suggested by one Aboriginal and Torres Strait Islander court

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[23] Shaming is a process in which offenders are helped to build themselves into better people through reinforcing their accountability to Elders and their culture (Marchetti 2014).

[24] While the Babiin-Miyagang program is intended for Aboriginal men, it is open to attendance by non-Indigenous men, particularly those caring for Aboriginal children.

worker to strengthen their cultural authority in the community and support the community capacity (Marchetti 2014, p. 360-61):

> [B]ecause there has been with Aboriginal culture such a loss of identity, a loss of culture, having the elders being a part of that sentencing or being a part of the [Indigenous sentencing court] reinstates our elders back in the community and puts that position back in there to show that in [our cultural] way our elders always played an important role. Somewhere down the line that has been lost because of our European contact or colonisation. So [Indigenous sentencing courts] then again have that – what do they call it – community capacity building potential where we can do something like that and give the elders back their – not so much their power or status – but give them back their position of where they sit in our communities or where they sit within our culture and they are pivotal to the [Indigenous sentencing courts] and they are also pivotal to our communities. That's what it is – it is reinstating our elders back into the community and saying that they are important people in our communities.

The cultural authority of Elders and Respected Persons in the community was also found to be strengthened through their role as Local Commissioners in the FRC (KPMG 2010b). Local Commissioners supported conferencing processes in a variety of ways, including helping people feel at ease, providing translations, communicating in a culturally appropriate way, providing contextual information about the participant in the conference, using local knowledge to validate or challenge the information provided by participants, and encouraging participants to interact with the FRC in a positive way (KPMG 2010b). An implementation review of the FRC found that some stakeholders thought that the involvement of Elders and Respected Persons as Local Commissioners (and the decision-making powers involved in this role) contributed to their authority in the community being strengthened and legitimised. One Local Commissioner described the change they had observed in their community since the introduction of the FRC (KPMG 2010b, p. 90):

> People come to us for advice and help more now that we are Local Commissioners; they come and talk and ask us for advice. We have more influence in the community, and we can particularly influence people in our families.

Similarly, in the Mornington Island Restorative Justice Project in Queensland, the community peacemaking role undertaken by Elders to support project delivery was found to support the restoration of respect for their leadership and authority among some community members (Colmar Brunton 2014). In the Remote Justices of the Peace (Magistrates Court) Program delivered across remote locations in Queensland, the capacity of communities to address low level offending was built through supporting Elders and Respected Persons in each location to convene a community court that could hear certain minor offences where the defendant pleads guilty in the absence of a magistrate.[25] The ability for Elders and Respected Persons to hear local matters was found to engender greater community ownership and responsibility for addressing local law and order–related problems (Cunneen et al. 2010).

4.2.2.   Building on Aboriginal and Torres Strait Islander capability through employment and professional development

Strategies used to build on Aboriginal and Torres Strait Islander capability included offering local employment opportunities through Aboriginal and Torres Strait Islander-identified positions and providing professional development opportunities for Aboriginal and Torres Strait Islander people involved in program delivery through either formal training or 'on the job' learning.

Providing local employment opportunities through Aboriginal and Torres Strait Islander-identified positions was a strategy used by the Queensland Indigenous Alcohol Diversion Program, a program targeted at Aboriginal and Torres Strait Islander defendants charged with offences where alcohol was a factor (Success Works 2010). The recruitment by Queensland Health of local Aboriginal and Torres Strait Islander health workers and case management staff in each location was found to improve the program's accessibility for participants and support skill development among Aboriginal and Torres Strait Islander staff regarding supporting people with alcohol-related issues (Success Works 2010). The evaluation of this program also noted that involving local

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[25] Including offending relating to local alcohol restriction laws.

Aboriginal and Torres Strait Islander staff in the delivery of the program contributed to the cultural competence of non–Indigenous program staff (Success Works 2010).

Providing ongoing professional development opportunities for Aboriginal and Torres Strait Islander people supporting program delivery was a strategy particularly used in programs involving Elders or Respected Persons. For example, Elders supporting the delivery of the Northern Territory Community Courts received legal education training to assist them prepare for their role in court. This training included information on the functioning of the legal system, sentencing and Community Court processes, as well as role-plays to support Elders feel more comfortable during the court process (CIRCA 2013a). Similarly, 'on the job' learning was noted to contribute to the skills and confidence of Elders involved with the sentencing process in Victoria's County Koori Court, as described by a program stakeholder (Dawkins et al. 2011, p. 35):

> I kind of see them growing more comfortable with the process as time goes by. I think one of the challenges initially was the Elders building their confidence in speaking and knowing the right things to say. But … the more they watch, or participate in the Koori Court, they develop those skills.

Training of Elders was also found to be an important feature of Aboriginal sentencing courts and conferences in South Australia (CIRCA 2013a). In addition to 'on the job' learning, training was also provided to Elders by Aboriginal Justice Officers to support Elders' understanding of court penalties, court outcomes, the criminal justice system, the role of Aboriginal Justice Officers, the role of the Elders, and magistrate expectations (CIRCA 2013a).[26]

Building Aboriginal and Torres Strait Islander capability through professional development opportunities may also include training of community members who are program stakeholders. For example, program staff involved with the Men's Behaviour Change Program, a program addressing family and domestic violence in Alice Springs, connected with the local Tangentyere Women's Committee to run training sessions about domestic and family violence.[27] A secondary aim of these training sessions was for program staff to learn from the women and incorporate their experiences and perspectives into the program content. This was said to contribute to the cultural appropriateness of the program (Putt, Holder and Shaw 2017).

4.2.3. Challenges and considerations for implementing strategies to value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

A number of issues impacting the ways in which valuing, respecting and strengthening Aboriginal and Torres Strait Islander authority and capacity could be operationalised was evident in the literature reviewed. These challenges and considerations were connected to participant and community characteristics and the program environment and highlight the need for flexible and adaptive practice. Examples of these challenges and considerations are provided below.

- The degree to which participants feel connected with their own culture may influence how they engage with the cultural authority of Elders and Respected Persons. As noted in an evaluation of the Children's Koori Court in Victoria, an Indigenous sentencing court for young offenders, 'Elders should not assume that defendants either know what is meant by "culture" or what some of the major aspects of Aboriginal culture entail' (Borowski 2011, p. 1129).

- Some participants may not acknowledge the authority of Elders or Respected Persons involved in program delivery if they are from a different community or family and kinship group. In the evaluation of the former Queensland Murri Court, some participants believed that the Elders did not have authority over them because they were from a different community, thereby limiting the Elders' ability to influence their behaviour (Morgan and Louis 2010).[28] Similarly, in the implementation review of the FRC, it was noted that having Local Commissioners from a different clan group to the participant may have a negative impact on

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[26] Aboriginal Justice Officers are employed with the Courts Administration Authority and contribute to the Aboriginal community's understanding of court processes and the criminal justice system.

[27] This Men's Behaviour Change Program accepted referrals for Aboriginal and Torres Strait Islander men and non-Indigenous men.

[28] However, Elders involved in the evaluation suggested that this did not have a major impact on the effectiveness of the court and was often a result of a participant's unwillingness to take responsibility for their actions (Morgan and Louis 2010).

acknowledgement of cultural authority. Indeed, one participant noted that they felt uncomfortable going to a conference as the Local Commissioner (Elder) was from a different clan group whom they could not discuss their personal business with, and even felt that they should not be in the same room with them (KPMG 2010b).

- The involvement of Elders and Respected Persons in program delivery may engender perceptions of bias among some program participants. For example, a few participants of the County Koori Court in Victoria expressed perceptions of bias against them by Elders involved in the court process. These perceptions were thought to be the result of 'community or family politics, be informed by rumours on the 'Koori grapevine', or represent personal grievances' (Dawkins et al. 2011, p. 26). However, it was noted that such comments were made in relation to cases where the accused received a custodial sentence and were thought to be reflections of dissatisfaction with the sentence rather than the court itself (Dawkins et al. 2011).

- The participation of Elders and Respected Persons in program delivery can result in negative consequences for those involved, especially among those involved in binding decision-making. This was evident among Local Commissioners involved in the FRC who noted that some community members might resent the decisions made during conferences and experienced aggression and threats from clients as well as more subtle censure from other community members (KPMG 2010b). Similarly, in the evaluation of the Remote Justices of the Peace (Magistrates Court) Program it was noted that some small communities may have divisions along family lines. Subsequently, some Justices of the Peace reported experiencing hostility from people in their respective communities, along with some court participants being openly abusive towards them in court (Cunneen et al. 2010).

- Confidentiality and potential conflicts of interest were concerns raised in the literature regarding the suitability of engaging local people to support program delivery in smaller Aboriginal and Torres Strait Islander communities. For example, although the community surveyed during the evaluation of the Mornington Island Restorative Justice Project generally felt that conference proceedings facilitated by trained community members were confidential, fair and impartial, the difficulty of keeping matters confidential in a small island community where everyone is more or less related was acknowledged (Colmar Brunton 2014). Similarly, a participant in a FRC conference cited concerns about Local Commissioners divulging what was discussed in a conference to others in the community, suggesting that they would like the option to discuss their needs with facilitators from outside of the community (KPMG 2010b). In the delivery of the Remote Justices of the Peace (Magistrates Court) Program in Queensland, the only available Justice of the Peace was at times from the same family or kinship group as the participant due to the insufficient number of trained staff in some communities. In such instances, the community would have to wait until the visiting circuit court to ensure there were no perceptions of bias (Cunneen et al. 2010).

- There can be variation in the capacity and capability of local Aboriginal and Torres Strait Islander communities to support the delivery of programs. The literature examined indicated that the existing responsibilities placed on Elders and Respected Persons regarding community initiatives and other commitments could mean that they were extremely busy, leading to varying availability and/or suitability to engage with program implementation. This was highlighted as a challenge in the evaluation of the Koori Offender Support and Mentoring Program, which found difficulties in establishing a network of key community members who could act as mentors across the program's various locations (CIRCA 2013b). Similarly, in the evaluation of Youth Justice Conferencing, a restorative justice program in Queensland, it was noted that along with challenges regarding limited availability of local community Elders to be involved with conferences due to existing commitments, program staff were also mindful of over-reliance on, or over-burdening the same people (CIRCA 2013a).

- Balancing consistency in training guidelines for Aboriginal and Torres Strait Islander staff, with being responsive to local capacity and skills requirements of staff across program locations, was a challenge noted in the evaluation of the Dthina Yuwali Aboriginal alcohol and other drug program for Aboriginal young offenders in New South Wales. The evaluation suggested that, although Elders and respected community members generally felt adequately prepared to facilitate program content, opportunities for
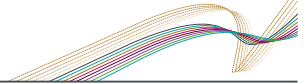
greater standardisation of briefing and training existed to enhance the knowledge and skills of program staff across all locations (CIRCA 2013b).

- Programs may have limited resources to develop the skills of non–trained community members so that they are equipped to perform program roles. In the evaluation of the Remote Justices of the Peace (Magistrates Court) Program, significant challenges were noted in the recruitment and retention of Aboriginal and Torres Strait Islander Justices of the Peace. This included a lack of resources available to provide sufficiently frequent training sessions, adequate ongoing support, and to update training materials. This was suggested as contributing to a lack of available Justices of the Peace in some communities (Cunneen et al. 2010).

- A lack of commitment to providing genuine opportunities to support Aboriginal and Torres Strait Islander cultural authority in program design and delivery may result in limited involvement of Elders and Respected Persons. In the evaluation of the reintegration–focused Aboriginal Reconnect Program in Tasmania, an Elder from the Tasmanian Aboriginal community expressed that they felt their involvement in a cultural advisor role was not fully realised (CIRCA 2013b). It was suggested that this was because cultural advisors did not have the opportunity to be involved in the planning of program activities which limited their ability to impart their knowledge throughout the program design and implementation process (CIRCA 2013b).

- Considerations regarding the remuneration of Elders was a recurring theme across the literature. In the evaluation of the pilot Youth Koori Court, a sentencing court for young Aboriginal and Torres Strait Islander offenders in Parramatta in New South Wales, it was noted that Elders were not financially compensated for their involvement. It was suggested that this might send the wrong message to the community regarding the value of their input, given the cultural expertise of Elders and the apparent disparity between themselves and other (mostly non-Indigenous) professionals who are paid to participate in hearings (Williams et al. 2018).

- Eligibility criteria for the selection of Elders and Respected Persons may inhibit their ability to be involved in program implementation. This was suggested in the evaluation of Queensland's Remote Justices of the Peace (Magistrates Court) Program (Cunneen et al. 2010) where it was found that potential candidates for a Justice of the Peace (Magistrates Court) role were excluded due to past criminal convictions, many of which were minor and occurred many years ago. The authors recommended that the eligibility criteria for a Justice of the Peace (Magistrates Court), particularly applicants in remote communities, should be reviewed to ensure they are not overly prohibitive and exclude otherwise respected and capable community members from delivering programs (Cunneen et al. 2010).

Summary points for the principle: *Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity*

Learnings from the literature suggested that programs which seek to genuinely involve Elders and Respected Persons and provide opportunities for capability building may be more effective in achieving greater program engagement by participants and increase the capacity of the Aboriginal and Torres Strait Islander community to inform, guide and lead effective programs.

Strategies used to value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity included:

- incorporating the traditional authority of Elders and Respected Persons into program implementation
- building Aboriginal and Torres Strait Islander capability through employment and ongoing professional development.

Challenges and considerations for implementation of this wise practice principle included:

- balancing cultural authority in program delivery with the need for impartiality and confidentiality, particularly in small communities
- variation in recognition and respect for cultural authority of Elders and Respected Persons
- availability, capability and suitability of Aboriginal and Torres Strait Islander people to contribute to program delivery (including Elders and Respected Persons)
- program resourcing for adequate and appropriate training to support Aboriginal and Torres Strait Islander people in program delivery, as well as remuneration for their involvement.

4.3.   Commit to cultural competence

The literature suggested that programs could be delivered by non-Indigenous staff if they had the right mix of skills and appropriate cultural competence. Strategies used to support culturally competent program design and implementation included:

- providing cultural competency training for people involved in program delivery
- building partnerships with culturally competent organisations to support program delivery
- seeking guidance from cultural advisors in program design and implementation.

The following discussion provides examples of these strategies in practice.

4.3.1.   Providing cultural competency training for people involved in program delivery

A commitment to culturally competent program design and implementation was demonstrated through the provision of cultural competency training to non-Indigenous people supporting program delivery. For example, providing cultural competency training was a strategy used by the Dthina Yuwali Aboriginal alcohol and other drug program in New South Wales. Non–Indigenous Juvenile Justice staff supporting delivery of the program received training on the unique issues and stressors faced by young Aboriginal offenders, and the central and supporting role that community and culture can play in supporting improved outcomes (CIRCA 2013b). Cultural awareness training was also used in delivery of the DECCA Program in Western Australia, with training provided to the program project officer and Department of Corrective Services support staff (CIRCA 2013b).

Conversely, a lack of cultural awareness or competency training was noted as an issue in some of the literature reviewed. For example, research into continuity of care for Aboriginal prisoners in Victoria by the Victorian Aboriginal Community Controlled Health Organisation found that no prison health service had provided cultural awareness training to its workers (Halacas and Adams 2015). Some prison health services consulted in the study acknowledged that a lack of cultural understanding could result in a lack of trust and inhibit communication and understanding between Aboriginal prisoners and prison health workers (Halacas and Adams 2015).

The need for cultural competence training to support the delivery of Indigenous sentencing courts was noted in the evaluation of the former Queensland Murri Court, which found that there was a lack of training for some magistrates on Aboriginal and Torres Strait Islander culture and how to deal with local community dynamics (Morgan and Louis 2010).

4.3.2.   Building partnerships with culturally competent organisations to support program delivery

The culturally competent implementation of programs was also supported by establishing partnerships with culturally competent organisations to deliver programs, with these organisations often being Aboriginal and Torres Strait Islander organisations or service providers. This was especially the case for programs aiming to implement a coordinated multi-agency response to addressing factors associated with offending. For example, in the delivery of the mainstream Alcohol Mandatory Treatment Program, a multi–location harm reduction program for people with alcohol misuse problems in contact with police in the Northern Territory, service providers tried to make treatment services culturally relevant and safe for participants through partnering with local Aboriginal organisations in each program location to deliver services (PricewaterhouseCoopers 2017).[29] Similarly, the Aboriginal Youth Health Access Workshop Program for young Aboriginal men in detention in New South Wales was co-delivered with a local Aboriginal health service, a suggestion made by the Aboriginal youth detainees consulted during program design (Whitton and Indig 2012). Aimed at improving access to community health services upon release from custody, co-delivery of the program with an Indigenous service provider supported culturally relevant delivery that considered Aboriginal understandings of health related to

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[29] Although this was a mainstream program, there were a number of factors identified in the evaluation which meant that the vast majority of program participants were Aboriginal and Torres Strait Islander.

the interconnection between physical health, psychological health, social health and spiritual health (Whitton and Indig 2012).

When reviewing responses to violence against Aboriginal and Torres Strait Islander women, Blagg et al. (2018) suggested that Aboriginal and Torres Strait Islander organisations can 'bridge the gap' between Aboriginal and Torres Strait Islander and mainstream worlds. In Victoria, local Aboriginal organisations across several locations were contracted by the Department of Justice to deliver the Local Justice Worker Program, which included liaising with justice agencies and service providers to coordinate the best possible outcomes for clients. In the evaluation, it was suggested that local community organisations are 'well placed to deliver the programs as they understand the unique circumstances faced by Aboriginal offenders' (CIRCA 2013b p. 90).

Additionally, commissioning service providers with demonstrated cultural competence was another strategy used to ensure culturally competent program delivery. For example, service providers wanting to be involved in the delivery of the ReBoot Intensive Intervention Trial, a mainstream program for young people at risk of reoffending in Adelaide in South Australia, needed to demonstrate knowledge and experience of working with Aboriginal and Torres Strait Islander young people as part of the tendering process (Lyneham et al. 2018).

4.3.3.   Seeking guidance from cultural advisors in program design and implementation

The involvement of cultural advisors was another strategy used to support culturally competent program design and implementation. The role of cultural advisor was either fulfilled by a member of the local community or a person considered to have the appropriate level of cultural competence relevant to the program context and delivery environment. For example, the Men's Behaviour Change Program in Alice Springs engaged a cultural advisor at the program design stage to support adaptation of the program model to the local cultural context (Putt, Holder and Shaw 2017). This was seen to be important, as while the program manager and group facilitator recruited to deliver the program had experience in culturally specific family and domestic violence programs in Victoria, they did not have experience specific to the local cultural context. The chosen cultural advisor had experience in the family domestic violence sector, as well as experience working in Alice Springs, and was found by the evaluation to have played an invaluable role in the development of locally relevant program procedures and content (Putt, Holder and Shaw 2017). At the time of the evaluation, the program was planning to engage a second cultural advisor to support program delivery (Putt, Holder and Shaw 2017).

The importance of a cultural advisor role in supporting culturally competent program delivery by people unfamiliar with the community was cited by an Aboriginal stakeholder interviewed for a research project (Baldry et al. 2015, p. 128):

> My experience of people coming through that have had cultural education sessions, is that it's really not adequate for working in communities. My belief is that for a non-Aboriginal person, to be working effectively in an Aboriginal community, you need to be employing someone to be your cultural mentor and supervisor.

However, the experience of the Cross Borders Indigenous Family Violence Program delivered to Aboriginal men in small and very remote Aboriginal communities across central Australia suggests that having culturally competent staff is also important for programs that engage local cultural advisors. The implementation of this behaviour change program for men experiencing problems with domestic and family violence was led by non-Indigenous facilitators, often with the support of local community brokers to assist with understanding and engagement by participants in the program content. Participant feedback identified that while there was generally positive engagement and satisfaction with the facilitators, several participants felt that not all program facilitators had a good knowledge of Aboriginal culture (Willis and Holcombe 2014).

4.3.4.   Challenges and considerations for implementing strategies to support a commitment to cultural competence

A number of issues impacting the degree to which a commitment to cultural competence in program delivery could be realised was evident in the literature reviewed. These challenges and considerations were connected

to participant characteristics and the program environment and highlight the need for flexible and adaptive practice. Examples of these challenges and considerations are provided below.

- Some programs may require more specialised cultural competency training than others depending on the characteristics of program participants. For example, a research report highlighted that cultural competency training inclusive of discussion on Aboriginal and Torres Strait Islander understandings of mental health and cognitive impairment was particularly crucial for staff of non-Indigenous organisations working with Aboriginal and Torres Strait Islander peoples with mental and cognitive disabilities (Baldry et al. 2015).

- Programs delivered across multiple locations may require cultural competency training specific to each local community. This was apparent in comments made by research participants who suggested that cultural competency training for non-Indigenous staff simply transplanted from another community context may not provide sufficient understandings of the local community and culture (Baldry et al. 2015).

- A commitment to cultural competence may vary among people involved in program delivery. For example, in the evaluation of the former Murri Court in Queensland, stakeholders and Elders suggested that the increasing involvement of magistrates who had not been involved in establishing the courts, and who may have limited experience working in Aboriginal and Torres Strait Islander communities, had sometimes led to culturally inappropriate court interactions. This resulted in occasions where Elders asked to leave the court due to being uncomfortable and concerned with how a magistrate was conducting proceedings (Morgan and Louis 2010).

- A commitment to cultural competence may also vary across the broader organisation responsible for the program which can impact the program's effectiveness. For example, the evaluation of the DECCA program in Western Australia found that beyond the cultural awareness training provided to program staff, prison–wide cultural awareness training was planned but never implemented. A lack of broader cultural awareness was noted by program participants who spoke of hostile and negative interactions with some prison staff which did not align with supportive ethos of the DECCA program (CIRCA 2013b).

Summary points for the principle: *Commit to cultural competence*

Learnings from the literature suggested that programs delivered with a commitment to cultural competence may be more effective in delivering culturally sensitive programs that consider the needs of Aboriginal and Torres Strait Islander peoples and respond to the local cultural context.

Strategies used to support a commitment to cultural competence included:

- providing cultural competency training for non-Indigenous people supporting program delivery

- building partnerships with culturally competent organisations to support program delivery

- seeking guidance from cultural advisors in program design and implementation.

Challenges and considerations for implementation of this wise practice principle included:

- implementing cultural competency training that takes the characteristics of participants and local contexts into consideration

- differences in commitment to cultural competence among people involved in program delivery

- variations in organisational commitment to cultural competency training.

4.4.   Provide culturally sensitive program delivery

The literature reviewed highlighted the importance of the program delivery approach being culturally sensitive to promote encounters for Aboriginal and Torres Strait Islander participants that are culturally safe. Strategies used to support
culturally sensitive program delivery included:

- facilitating cultural connection and expression
- supporting a culturally welcoming program experience
- incorporating opportunities for peer emotional support
- adapting program content and communication
- involving Aboriginal and Torres Strait Islander people in program implementation
- acknowledging impacts of colonisation and participant experiences of grief and victimisation.

4.4.1.   Facilitating cultural connection and expression

Program delivery that facilitated cultural connection and expression was seen to support the social and emotional wellbeing of Aboriginal and Torres Strait Islander participants. Social and emotional wellbeing for Aboriginal and Torres Strait Islander peoples is associated with a strong Aboriginal and Torres Strait Islander identity and is underpinned by a relationship with land, sea, culture, spirituality, ancestry, family and community (Dudgeon et al. 2014; National Aboriginal and Torres Strait Islander Leadership in Mental Health 2015; Queensland Mental Health Commission 2016).[30] Strategies to facilitate cultural connection and expression included enabling opportunities for connection to land, country and cultural heritage, incorporating cultural activities into program implementation, and supporting the development of family and community connections.

Enabling connection to land, country and cultural heritage was evident in Aboriginal and Torres Strait Islander-specific programs that incorporated wilderness therapy, opportunities to be on country and/or visits to cultural heritage sites. For example, the Aboriginal Reconnect Program delivered in Tasmania focused on preparing Aboriginal male minimum-security prisoners for reintegration (pre and post-release), with a focus on using Aboriginal culture, outdoor recreational facilities and wilderness therapy to support improved health and wellbeing (CIRCA 2013b). The program involved two three-day camps on Aboriginal land, including visits to culturally significant sites. Program facilitators and prison staff observed the outdoor program environment to be more culturally comfortable for participants, enabling participants to open up and discuss personal issues (CIRCA 2013b). Enabling access to culturally significant sites was viewed as creating an environment that celebrated cultural identity by facilitating a connection among participants with land, culture and heritage. This was noted to be particularly important for participants who appeared to be less connected to their culture (CIRCA 2013b).

Similarly, the Dthina Yuwali Aboriginal alcohol and other drug program in New South Wales was delivered in a wilderness camp rather than a community setting at one of the program sites.[31] While this approach required greater time, cost and logistics to implement, stakeholders observed that delivery of the program through a wilderness camp setting aided group cohesion, enhanced opportunities for cultural learning practices (such as learning circles and storytelling) and facilitated engagement in traditional practices such as fishing (CIRCA 2013b). The program delivery of Our Men Our Healing included taking participants on country for day trips where they could participate in traditional practices such as fishing and collecting timber for spear making and hunting. Program stakeholders believed there was a strong relationship between cultural connection and healing for Our Men Our Healing program participants (Healing Foundation 2015, p. 49):

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[30] The cultural and geographical diversity of Aboriginal and Torres Strait Islander peoples means that conceptions of social and emotional wellbeing may differ between Aboriginal and Torres Strait Islander peoples and their communities (for example, see Yap and Yu 2016).

[31] The program model included delivery in both custodial and community settings.

> The culture trips are good for the men to get away from distractions and negative influences in town so they can relax and feel connected, learn about country and culture and it's healing for their spirits …

Connection to land, country and cultural heritage was also supported by programs delivered in facilities located on spiritual land. For example, the Orana Haven Drug and Alcohol Rehabilitation Centre in regional New South Wales provided a voluntary residential rehabilitation program for Aboriginal people leaving prison, based on a healing model of care involving immersion in culture and country.[32] Pertinent to this was the location of the facility on land to which the local Aboriginal people had a strong connection (Munro, Shakeshaft and Clifford 2017). The model of care recognised that healing was not just about the wellbeing of the individual, but also the wellbeing of the community (Munro, Shakeshaft and Clifford 2017). As suggested by the authors of the research that informed the model (Munro, Shakeshaft and Clifford 2017, p. 6):

> There are a number of activities that operationalise the centrality of *healing through culture and country*, and that are unique to Aboriginal services: the way clients and staff talk to each other; the perception of family; the emphasis on country/mob/where you come from; the value of role-modelling positive behaviour; and the lived experience from Aboriginal Elders or senior staff.

A similar emphasis on spending time on spiritual land underpinned the choice of location for the Wulgunggo Ngalu Learning Place. The residential facility was established in the South Gippsland region of Victoria on Aboriginal land belonging to the Gunai Kurnai people. The facility was designed by an Aboriginal person using cultural symbolism informed by the local cultural context of the region (Clear Horizon Consulting 2013). The building design incorporated the shapes and colours of the blue wren, an animal symbolically important to the Gunai Kurnai people, and the artwork and statues used in the facility grounds display totem animals and local dreaming stories. The use of cultural symbolism was described by participants as creating a peaceful environment, and evaluators observed that it also supported a sense of cultural pride among participants. The importance of the facility having a connection to the local Aboriginal people and their land was noted by a program stakeholder (Clear Horizon Consulting 2013, p. 19):

> The beauty of Wulgunggo Ngalu, it's on country of Gunai/Kurnai. They've got Gunai/Kurnai people that work there [Elders] who can talk on local culture … Wulgunggo Ngalu gives them [participants] that sort of taste of cultural identity.

Incorporating cultural activities into program implementation to support participant engagement, cultural pride and self-esteem was a strategy evident in Indigenous-specific programs. For example, as part of the Aboriginal Reconnect Program in Tasmania, community advisors from the local Aboriginal community worked with participants to build a traditional Tasmanian Aboriginal bark canoe, a project which was also of significance to the local Aboriginal community (CIRCA 2013b). Cultural painting, craft and music activities were incorporated into both the Koori Cognitive Skills Program and Aboriginal Cultural Immersion Program delivered to incarcerated Aboriginal people in Victoria to support participants to connect or reconnect with their cultural identity (CIRCA 2013b). Stakeholders of the Koori Cognitive Skills Program described these activities as having a positive impact on participant self-respect (CIRCA 2013b).

Cultural activities were also incorporated into delivery of programs with a rehabilitation or treatment focus. For example, painting and storytelling were encouraged as part of treatment for Aboriginal and Torres Strait Islander participants of the harm–reduction Alcohol Mandatory Treatment Program in the Northern Territory (PricewaterhouseCoopers 2017). Building connection to culture through cultural activities, supported by Elder involvement, was also a key feature of the Helping Hand and Linking Youth diversion program delivered to young Aboriginal people at risk of reoffending in a regional New South Wales town (Social Ventures Australia 2014). The cultural activities were observed to increase self-esteem of the participants, as described by one Elder involved in delivering the program (Social Ventures Australia 2014, p. 36):

> Once they get [to the Linking Together Centre] they get fired up to do a bit more stuff… they are happier too, they talk to you and ask what you are doing up at the centre … When I did didgeridoo making and painting with the boys they had pride in what they did … we did a show with the

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[32] While the facility was also open to attendance by non-Indigenous participants, most participants were Aboriginal.

> didgeridoos down town and they got very excited … It was great to see the boys out and about, and wanting to do more stuff …

Enabling connection to family and community was a strategy evident for Aboriginal and Torres Strait Islander participants of programs run at residential facilities. For example, the Darwin and Alice Springs residential treatment services supporting delivery of the Alcohol Mandatory Treatment Program in the Northern Territory approved leave for participants to return to their home communities if they had cultural responsibilities or Sorry Business to attend to, and also transported participants to visit family members (for example, in hospital or prison) (PricewaterhouseCoopers 2017). Proactively supporting participants to (re)connect with their families and communities was a priority for the residential treatment service providers, who found it had a positive impact on participants' social functioning and stability (PricewaterhouseCoopers 2017). Similarly, the Supervised Community Accommodation program for young people leaving detention in Townsville in Queensland enabled Aboriginal and Torres Strait Islander participants to leave the accommodation for a short period to visit family or return to country (Skattebol, Nethery and D'aegher 2013). During this time, the person's bedroom was kept for them, signifying to the young Aboriginal and Torres Strait Islander person that development of their family and spiritual connections was important and respected as part of their overall wellbeing (Skattebol, Nethery and D'aegher 2013).

Other programs supported connection to family through encouraging family members to be involved in a support role for program participants. For example, family members played an important role in supporting participants in Indigenous sentencing courts such as the Children's Koori Court in Victoria (Borowski 2011), the Country Koori Court in Victoria (Dawkins et al. 2011), Aboriginal sentencing courts and conferences in South Australia (CIRCA 2013a) and the former Queensland Murri Court (Morgan and Louis 2010). Involvement of family members and supporting family connections was also important in youth diversion programs, such as the Tiwi Islands Youth Diversion and Development Unit in the Northern Territory, the Family Inclusion Project in New South Wales (Nisbet, Graham and Newell 2011), and the Woorabinda Early Intervention Panel Coordination Service in Queensland (Stewart et al. 2014).

The Koori Offender Support and Mentoring Program delivered in selected communities across Victoria sought to support participants' connection with the Aboriginal community more broadly through providing culturally meaningful work for people completing their community corrections orders. For example, one worksite enabled participants to support the refurbishment of a disused hall into a facility used by the Aboriginal community for traditional cultural activities, while another worksite supported the rebuilding and refurbishment of a sacred and culturally significant site so that it could be used for community functions (CIRCA 2013b). The opportunity to undertake mandated community work on worksites that contributed to positive outcomes for the local Aboriginal community, while also working alongside Elders to complete the work, contributed to a greater level of cultural support experienced by participants and a sense of pride in giving back to the community (CIRCA 2013b).

4.4.2. Supporting a culturally welcoming program experience

Strategies used to support a culturally welcoming program experience included using Aboriginal and Torres Strait Islander language to name programs or facilities, using cultural artefacts in the delivery setting, utilising community spaces considered culturally safe, consideration of cultural protocols in program interactions, and using seating arrangements that reduce power imbalances between program staff and participants.

Using the local Aboriginal and Torres Strait Islander language in referring to program names or program facilities was an approach used to support identification with and ownership of the program by participants. For example, the Wulgunggo Ngalu Learning Place is named in the Gunai Kurnai language from South Gippsland and means 'which way together' (Clear Horizon Consulting 2013). The name of the Babiin-Miyagang fathering program means 'dad' and 'family' in the Wiradjuri language from central western New South Wales (Rossiter et al. 2017). The name of the Dthina Yuwali Aboriginal alcohol and other drug program means 'tracking footprints' in the Kamilaroi/Gamilaraay language from northern New South Wales and southern Queensland (CIRCA 2013b).

Use of cultural artefacts in the delivery setting was commonly used by Indigenous sentencing courts to create a more welcoming and inclusive environment for Aboriginal and Torres Strait Islander peoples. For example,

the adornment of court rooms with artefacts such as flags, artwork, posters and/or community plaques was observed in the Cairns Indigenous Alcohol Diversion Program Court in Queensland (Success Works 2010), the former Queensland Murri Court (Morgan and Louis 2010), the pilot Youth Koori Court in Parramatta in New South Wales (Williams et al. 2018), and the Nunga Courts in South Australia (CIRCA 2013a). Use of cultural artefacts within the delivery setting was also evident in Aboriginal and Torres Strait Islander–specific correctional centre programs. For example, the delivery of the Koori Cognitive Skills Program in Victoria was supported through the display of Aboriginal and Torres Strait Islander flags in each session (CIRCA 2013b).

Utilising community spaces considered culturally safe for Aboriginal and Torres Strait Islander participants was a strategy implemented in different ways depending on the program format. For example, the community consultation process informing the design of the Our Men Our Healing program referred to above identified a lack of appropriate community space to support a men's healing program in the Wurrumiyanga community of the Tiwi Islands. To address this need, a Men's Shed was established through a partnership with the Remote Jobs and Community Program. The Men's Shed provided a safe and controlled setting where men only could come together, away from external influences (e.g. alcohol, conflict situations), and seek support from one another through discussion around anger management, trauma and being a strong man (Healing Foundation 2015). The importance of the men in the community having their own space to come together was described by one of the participants (Healing Foundation 2015, p. 27):

> It's our place and we came up with the rules ourselves. It is important to have this place where the men can go and relax and stop the volcano erupting.

Another example of how culturally safe community spaces were used to support program delivery is demonstrated through the DECCA program in Western Australia. This program focused on preparing minimum-security prisoners for reintegration through the provision of skills training. Off-site vocational training activities were undertaken on land owned by the local Aboriginal corporation, a result of the strong strategic relationship between the prison and the corporation (CIRCA 2013b). The isolated location of the training facility and its proximity to Aboriginal lore grounds was noted by program stakeholders as important for creating a safe environment for Aboriginal people to engage in the program (CIRCA 2013b).

Consideration of cultural protocols in program interactions was another way in which culturally welcoming program spaces were created. In the delivery of the Dthina Yuwali Aboriginal alcohol and other drug program in New South Wales, cultural protocols around gender were considered by facilitators through being aware that some topics could only be discussed by a facilitator of the same gender, which on occasion required a facilitator of the opposite gender to leave the room (CIRCA 2013b). This program also used a message stick to facilitate the establishment of group rules for communication, centring on respect and listening in a culturally appropriate way, and incorporated cultural protocols around acknowledgment of country by Elders (CIRCA 2013b).

Cultural protocols relating to family and skin groups were also an important consideration in supporting program interactions depending on context. For example, in the delivery of the Northern Territory Community Courts, the selection process for Elders to support the court process took into consideration family groups and skin groups to ensure, where possible, that cultural protocols were accommodated (CIRCA 2013a). The Tiwi Youth Diversion Unit in the Northern Territory also placed a priority on ensuring it had the right mix of program staff to allow for cultural protocols around personal interaction with respect to gender and skin groups. While funding was only available for one youth worker (male) to support delivery of this program, the program employed a female youth worker through the Community Development Employment Projects (CDEP)[33] scheme so that it was able to tailor its services more effectively for Tiwi youth, as described by one of the program coordinators (Stewart et al. 2014, p. 46):

> They work as a team. Between them they cover the four Skin Groups. So who [the male youth worker] can't talk to [the female CDEP worker] can.

Seating arrangements that reduce power imbalances between program staff and participants was a strategy specifically used within Indigenous sentencing courts whereby court participants, Elders and magistrates sit

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[33] The CDEP scheme provided funds to help Aboriginal and Torres Strait Islander communities in rural and remote Australia provide employment, skills development, and various essential and desirable municipal services.

around the same table (or tables next to each other) at eye level. This compares with mainstream court settings where the magistrate sits above other court actors. Non–adversarial seating arrangements were noted as a feature in selected locations of the former Queensland Murri Court (Morgan and Louis 2010), the Northern Territory Community Courts (Suggit 2012), the New South Wales pilot Youth Koori Court in Parramatta (Williams et al. 2018), the Children's Koori Court (Borowski 2011) and County Koori Court (Dawkins et al. 2011) in Victoria, and in some Aboriginal Sentencing Courts in South Australia (CIRCA 2013a). This strategy created a less intimidating environment and encouraged greater communication in Indigenous sentencing courts, as noted by a participant of the County Koori Court in Victoria (Dawkins et al. 2011, p. 45):

> When they are sitting around the table, you don't feel like you are getting looked down by the Judge, because you are all sitting around the table and having eye contact, eye level, across the table, not in the high thing and looking straight down at you ... That is important because Judge is willing to show you respect too, you have to be respectful of the Judge if he does that, if he is sitting down at table. You don't see that in normal court. ... You are talking like normal people and solving problems and if you have a disagreement, you are talking like normal people, solving the problems.

4.4.3. Incorporating opportunities for peer emotional support

Incorporating opportunities to experience peer emotional support was a common strategy used by Aboriginal and Torres Strait Islander-specific programs to facilitate healing, learning and self-disclosure among participants. Programs facilitated opportunities for peer emotional support through using yarning circles[34] and gendered spaces, such as men's and women's groups, generally fostered through the support of an Aboriginal and Torres Strait Islander facilitator (often an Elder).

Yarning circles were used as a delivery approach in the Brothers Inside and Babiin-Miyagang fathering programs in New South Wales. In both programs, the yarning circles were facilitated by Aboriginal men. The Brothers Inside facilitator noted that the participants enjoyed the group learning environment and yarning had a positive effect on their program engagement by creating a relaxed and comfortable environment where the men could discuss topics openly, safely and without judgement, including their thoughts, lived experiences and emotions (Hammond 2011). The positive experience of having the opportunity to spend time yarning with other Aboriginal men was described by a participant of the Brothers Inside program (Hammond 2011, p. 377):

> I found it very interesting speaking amongst other Brothers that are in the same position as me, in gaol away from our kids. I really like talking about our role as Dads and our strengths – strengths that I didn't even know I had.

The Wulgunggo Ngalu Learning Place in Victoria used weekly men's circles between staff and participants around a purpose-built fire pit to encourage sharing and discussion of experiences and issues. A past participant of the Wulgunggo Ngalu Learning Place provided insight into the importance of coming together with fellow participants to foster peer learning and sharing (Clear Horizon Consulting 2013, p. 24):

> Young black men these days, we've all run off the tracks, but if we can all meet up at places like [WNLP] and share all our different experiences, we all learn from each other and each other's mistakes. … A lot of people hold [it all] inside and don't really tell anyone but when men get together like that we all share our stories, it's a stress reliever. … You all get to know one another and share your experience and where you are from and that, it was good … it was like we were all brothers.

The Marapai Ngartathati Murri Women's Group and Yurru Ngartathati Men's Group, delivered as part of a gender–specific bail program in Mount Isa in Queensland, used yarning circles to facilitate emotional support and sharing of stories, experiences and issues between older and longer-term clients and younger or newer clients (O'Hara 2013). Facilitation of the groups by Elders was described by an Aboriginal program staff member as an important feature of the program, as it reflected traditional Aboriginal culture where people discussed problems with their Elders and received support (O'Hara 2013). Interviews with participants

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[34] Yarning circles are '… a process used by Aboriginal people for thousands of years to discuss issues in an inclusive and collaborative manner' (Blagg et al. 2018)

indicated that the yarning circles were received positively, with participants looking forward to attending the groups and enjoying the opportunity to come together and share their problems, as described by a participant of the Yurru Ngartathati Men's Group (O'Hara 2013, p. 41):

> When I first came to the Men's Group, I was at a loss, you know, like didn't know what to expect but after the first couple of sessions, like the first session and then the second session, you get to know everybody and, you know, once you sort of bring all that – relieve all that bloody weight that you're carrying all the problem, and you start talking to them and they – you know, they don't judge you, doubt you. They sit in there, they're to help …

The self-disclosure by participants that sometimes occurred through using yarning circles was able to assist with the identification of factors contributing to offending behaviour and the facilitation of referrals to support services. For example, an Elder involved in the delivery of the Women's Yarning Circles bail support program for Queensland's Murri Court observed (Radke 2018, p. 54):

> It gave the defendants an opportunity to talk to people and Elders that were on their side. Basically, they could open up, ask questions and after a little while, they eventually open up quite a lot. Some of them really purged a lot of information that had been held back or withheld for a long time because they had compassionate ears that were listening and through that process, it helps to find out what their needs might be and how you can assist, appropriately, with things that they might need. But a very good opportunity for bonding and [a] good opportunity to share culture, and experiences, and services.

Sharing in food and drink was used by some programs to help create an informal atmosphere conducive for yarning and discussion between facilitators and participants. For example, the Brothers Inside fathering program in New South Wales provided biscuits and sweets to program participants. The program's Aboriginal facilitator observed that while such a gesture may seem small, it helped support development of positive relationships between the facilitator and participants by demonstrating to the participants that they were valued (Hammond 2011). A similar approach was used in the Women's Yarning Circles bail program in Queensland where tea, coffee, juice, cakes, fruit and sandwiches were offered during yarning circles between Elders and participants, with Elders providing the leftovers to participants to take home with them (Radke 2018).

4.4.4. Adapting program content and communication

Culturally sensitive program content was supported by adapting program subject matter and communication to aid comprehension, relevance and accessibility for Aboriginal and Torres Strait Islander peoples. This was done through creating more culturally relatable content and modifying program content and delivery to address variation in English proficiency among Aboriginal and Torres Strait Islander peoples.

Ensuring program materials were culturally relatable to participants was an important feature of the Brothers Inside fathering program in New South Wales, which focused on using program materials relevant to the identities of program participants as Aboriginal men and Aboriginal fathers. The program facilitator observed that the use of positive imagery of Aboriginal fathers in program posters and DVDs was received positively by participants and that these resources supported participant discussion (Hammond 2011).

Program materials were also adapted to account for variations in English literacy proficiency which involved modifying program materials to be more visual or expressing materials in local Aboriginal and Torres Strait Islander languages. Underpinning such adaptations is an appreciation of the diversity of languages and cultural backgrounds of Aboriginal and Torres Strait Islander peoples, as well as recognition that English may not always be the first language of Aboriginal and Torres Strait Islander people, particularly Aboriginal and Torres Strait Islander people living in more remote areas.[35]

The Aboriginal Youth Health Access Workshop Program in New South Wales modified program materials by using picture–based story cards to engage participants in the program content (Whitton and Indig 2012).

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[35] For example, data from the ABS Census of Population and Housing 2016 shows that Aboriginal and Torres Strait Islander people living in Very Remote Australia were far less likely than those living in Major Cities to speak English at home, and much more likely to speak an Australian Indigenous language at home (ABS 2019b).

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Focus groups held with young Aboriginal men in custody informed this design adaptation to support accessibility of the content for the intended participant group, who were identified as having a lower level of English literacy proficiency. Participant feedback suggested the picture–based story cards was an aspect of the program participants particularly liked (Whitton and Indig 2012).

Adapting program materials to be accessible in local languages was used by the harm reduction Alcohol Mandatory Treatment Program in the Northern Territory (PricewaterhouseCoopers 2017). The program developed 'talking posters' in the major local Aboriginal languages which were displayed at each assessment centre to enable Aboriginal participants to access information about the assessment process in their own language (PricewaterhouseCoopers 2017). These talking posters were interactive tools that enabled people to access audio in their own language through pressing a button.

Programs also adapted to variations in English literacy proficiency by enabling program delivery in local language, through either the involvement of interpreters or Aboriginal and Torres Strait Islander people in program delivery. For example, the use of interpreters was used in the Alcohol Mandatory Treatment Program (PricewaterhouseCoopers 2017) and was a feature of Indigenous sentencing courts in South Australia and the Northern Territory Community Courts (CIRCA 2013a). Program delivery in local language was supported in the Aggression Replacement Training program for youth offenders in Queensland, where program delivery in Far North Queensland was done in the Creole language with the support of an Aboriginal and Torres Strait Islander co-facilitator (Stewart et al. 2014). Program delivery in local language was also a feature of the FRC in Queensland, with Local Commissioners sometimes delivering conferencing in local language (KPMG 2010b) and the Queensland Remote Justices of the Peace (Magistrates Court) Program where program delivery was supported by local Aboriginal and Torres Strait Islander people (Cunneen et al. 2010). The benefits of using local language to engage with participants was noted by a Justice of the Peace involved in the Remote Justices of the Peace (Magistrates Court) Program (Cunneen et al. 2010, p. 46):

> Some people don't understand English. I talk language so that people can understand … I can guide them in court. I ask them if they will plead guilty, and if they want to plead guilty I can tell them how to say it. It's the same for sly grogging. I tell them not to lie when they say they didn't do it because I know. I do it in language and then they tell me everything! Speaking language to them is good.

The modification of language used in court was another way in which criminal justice interventions adapted to lower English literacy proficiency among participants. For example, the evaluation of the South Australian Aboriginal courts and conferences noted that Aboriginal defendants came from a variety of communities and language groups and may have encountered difficulty comprehending court proceedings in English (CIRCA 2013a). To address this, it was found that magistrates had made a dedicated effort to use less formal language to aid comprehension among court participants (CIRCA 2013a). The adjustment of expression used in court for Aboriginal and Torres Strait Islander participants was also described by a program stakeholder in relation to the regional delivery of the Intervention Response Model implemented in South Australia to address family and domestic violence offending (Migliore et al. 2014, p. 20):

> There was one where one of the conditions [of the order] was that the defendant was to not get cranky with the protected person… that was the language for not hitting. So they [the Magistrate] described it when the defendant assaulted the protected person that the defendant was cranky, rather than saying do not assault … it's a much more accessible way of doing it and probably [gives the defendant] a better chance of upholding the order.

4.4.5. Involving Aboriginal and Torres Strait Islander people in program implementation

A common feature of criminal justice programs involving Aboriginal and Torres Strait Islander participants was the inclusion of Aboriginal and Torres Strait Islander people in program delivery. As highlighted earlier, the involvement of Aboriginal and Torres Strait Islander people was found to support Aboriginal and Torres Strait Islander ownership and engagement during program design and enable traditional authority, cultural competency and Aboriginal and Torres Strait Islander oversight in program implementation. Involving Aboriginal and Torres Strait Islander people in program implementation is a recurring feature in the successful
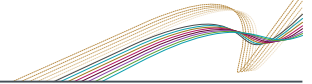
implementation of the other strategies discussed in this section for supporting culturally sensitive program delivery.

Aboriginal and Torres Strait Islander people took on various roles in program delivery across the programs discussed in the literature, including as lead facilitators, co-facilitators, support staff, liaison officers, participant mentors, and guest speakers. The benefits of involving Aboriginal and Torres Strait Islander people in program implementation were discussed in the literature and included building trust among participants, connecting participants to culture and community, exposing participants to positive role models, promoting participant engagement and facilitating the comprehension of program content.

The cultural support provided to participants by involving Aboriginal and Torres Strait Islander people in program delivery was associated with building feelings of trust and empathy among Aboriginal and Torres Strait Islander participants. For example, Aboriginal counsellors, Elders and Respected Persons from the Tasmanian Aboriginal community provided a cultural support role in the delivery of the wilderness camps in the Aboriginal Reconnect Program in Tasmania (CIRCA 2013b). The involvement of the local Aboriginal community was found to be important in building trust among program participants (CIRCA 2013b). The facilitation of the Aboriginal and Torres Strait Islander healing Marumali Program in Victorian correctional centres by an Aboriginal Elder (who had also designed the program) was found to support the building of relationships with participants based on trust, mutual respect and a shared learning experience (CIRCA 2013b). Aboriginal and Torres Strait Islander male program staff supporting delivery of the Supervised Community Accommodation program in Townsville in Queensland were also found to play an important cultural support and mentoring role in program delivery (Skattebol, Nethery and D'aegher 2013).

The cultural support role provided by Elder involvement in programs was also suggested to support connection to culture. For example, in the Dthina Yuwali Aboriginal alcohol and other drug program in New South Wales, the involvement of Elders in program delivery (including providing welcome to and acknowledgement of country and sometimes facilitating learning circles) was found to play an important role in reaffirming participants cultural heritage and understanding of their position within the wider Aboriginal community through Elders' knowledge of family connections (CIRCA 2013b). Reaffirmation of a participant's cultural heritage was also an important role played by Elders supporting the delivery of the Youth Koori Court in Parramatta in New South Wales (Williams et al. 2018).

The involvement of Aboriginal and Torres Strait Islander people in program implementation could also support culturally sensitive and context–appropriate program delivery by non-Indigenous people involved in program delivery. For example, in the Northern Territory's Community Courts, delivered across multiple locations, community representatives (namely Elders) played an important role in supporting the magistrate by providing insight into aspects of the offence and how the offending behaviour had breached the community code of conduct (Suggit 2012). One magistrate noted their appreciation of Elders and Respected Persons and the insight they provided, as views on particular offences may vary across regional and remote communities and it was important to understand these differences in order to deliver a meaningful sentence (Suggit 2012). The important role of Elders and Respected Persons in contextualising Aboriginal and Torres Strait Islander offending and improving the courts' understanding of culturally appropriate responses was also noted in the evaluation of Queensland's former Murri Court (Morgan and Louis 2010).

Involving Aboriginal and Torres Strait Islander people in program delivery also provided participants with the opportunity to engage with Aboriginal and Torres Strait Islander role models from different walks of life. The delivery of the Aboriginal Cultural Immersion Program for Aboriginal offenders in Victoria was supported by Aboriginal guest speakers, including community Elders, artists, musicians and sportspeople (CIRCA 2013b). The involvement of Aboriginal community members was noted to heighten participant engagement in the program, with community members positively viewed by participants as role models (CIRCA 2013b). For example, the opportunity for Aboriginal offenders completing their community corrections orders to work alongside Elders as part of the Koori Offender Support and Mentoring Program delivered in Victoria was found to facilitate connection to positive role models and exposure to cultural support (CIRCA 2013b).

The literature highlighted the possible benefits of Aboriginal and Torres Strait Islander people involved with program delivery having similar lived experiences to program participants. This was noted by an Aboriginal

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and Torres Strait Islander prisoner interviewed for a research project (Queensland Corrective Services 2010, p. 57):

> Core programs are usually facilitated by people who have never been in jail or in the predicament [described in] the program…It's hard to listen to a facilitator who is running a course by the textbook, not experience.

The Kunga Stopping Violence Program for incarcerated Aboriginal women in Alice Springs in the Northern Territory employed past program participants as mentors to support participants during and after the program (Carnes 2015). Their role involved providing important transitional support through guidance on making positive choices and responding to violence. It was suggested that the mentors' intimate knowledge and experience of the issues faced by the participants meant they were sought out for practical and emotional support. A similar approach was used by the DECCA Program in Western Australia, where past Aboriginal participants who had successfully gone on to secure paid employment in the mining sector provided mentorship to program participants (CIRCA 2013b). The Aboriginal Elder facilitating the Brothers Inside fathering program in New South Wales also emphasised the importance of sharing with participants his lived experience as an Aboriginal man and Aboriginal father, which was observed to create a more equal environment for shared learning and the building of trustful relationships (Hammond 2011).

The inclusion of Aboriginal and Torres Strait Islander people in program delivery was seen to support program engagement and the comprehension and interpretation of program content by program participants. For example, Indigenous Conference Support Officers (ICSOs) supported the delivery of Youth Justice Conferencing in Queensland by providing advice and information regarding cultural issues and factors relevant to conference proceedings and outcomes for Aboriginal and Torres Strait Islander young people (CIRCA 2013a). ICSOs also encouraged local Elders and respected community representatives to be involved with the conferencing process (CIRCA 2013a). The inclusion of ICSO positions in the program model were found to support culturally respectful and responsive program engagement with the community (CIRCA 2013a). Aboriginal and Torres Strait Islander people assisted with the delivery of Aggression Replacement Training in Queensland at some program locations by interpreting the content and delivery approach of the program so that it was more relevant to the lived experiences of Aboriginal and Torres Strait Islander participants. This type of support was described by one program facilitator (Stewart et al. 2014, p. 86):

> With this particular content the Murri trainer uses a lot of storytelling, talks about people they know, keeps it relevant to situations/circumstances the [Indigenous] youth might have experienced. Need to do this to help make the connections, to see that the content is relevant.

4.4.6. Acknowledging impacts of colonisation and participant experiences of grief and victimisation

Culturally sensitive program delivery that recognised participants may have ongoing experiences of trauma, grief and victimisation was demonstrated through understanding the impacts of colonisation, understanding the history of Aboriginal and Torres Strait Islander peoples with the criminal justice system, and acknowledging the unique experiences of Aboriginal and Torres Strait Islander women.

Understanding the sociohistorical significance of colonisation and its relationship with Aboriginal and Torres Strait Islander involvement in offending behaviour was an important consideration raised in the literature (Andrews et al. 2018; Baldry et al. 2015; Skattebol, Nethery and D'aegher 2013). For example, during interviews with facilitators involved in various programs across Australia that addressed Aboriginal and Torres Strait Islander men's use of violence against women, a recurring theme was the importance of challenging the myth that family violence was a traditional part of community life, as suggested by one interviewee (Andrews et al. 2018, p. 7):

> It's not our way. It never was our way. We've inherited this with our loss of our tradition, loss of our laws, we've lost that ability to deal with family violence. So to me family violence is something that we've inherited and family violence is something that we have to work and develop strategies to work better with.

Contextualising family violence within historical trauma, as a result of colonisation, was suggested to be important in identifying pathways towards healing. However, it was also suggested by the facilitators interviewed that it was important that contextualising violent behaviour was not confused with excusing violent behaviour, ensuring a balance is met between challenging participants and providing support (Andrews et al. 2018).

Acknowledging the history between Aboriginal and Torres Strait Islander peoples and the criminal justice system underpinned the design and establishment of Indigenous sentencing courts. Community involvement in Indigenous sentencing courts, particularly the involvement of Elders and Respected Persons, aimed to improve mutual understanding and respect to support improved relationships between Aboriginal and Torres Strait Islander peoples and the criminal justice system. As suggested by an Elder involved in the Youth Koori Court in Parramatta in New South Wales (Williams et al. 2018, p. 93):

> Too often our young people grow up with a negative view of the legal system and see it as being against Aboriginal and Torres Strait Islander People. This program helps them to create their own story and experience with it and this helps them change their stereotype views of the legal system which has become so engrained in their minds and they have no confidence in it. This program gives them HOPE and they can then change and develop a new narrative with respect to the legal system and correctional service.

The Mornington Island Restorative Justice Project in Queensland supported community perceptions of police legitimacy by using mediation to address any community grievances with the police (Colmar Brunton 2014). Mediation meetings contributed to clearing up instances of miscommunication between the police and community members and sometimes led to acknowledgement and an apology from the police that a situation could have been handled better (Colmar Brunton 2014). Other positive outcomes noted as a result of the implementation of the mediation model was a reduction in police use of force and violence against the police (Colmar Brunton 2014).
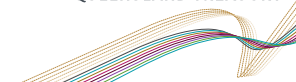
Acknowledging the unique experiences of Aboriginal and Torres Strait Islander women was a central feature of the Kunga Stopping Violence Program in Alice Springs in the Northern Territory. This program sought to address women's experiences of violence and sexual abuse in a holistic and culturally appropriate manner, with the program facilitators having knowledge and skills in addressing histories of abuse, violence and intergenerational trauma, as well as a cultural understanding of wellbeing and trauma (Carnes 2015). The three-part program focused on 'Anger Violence Boundaries Safety', 'Loss Grief and Trauma', and 'Re-creating the circle of wellbeing'. It was suggested that the participants enjoyed gaining a deeper understanding of the various factors that contributed to their offending and engaging in a healing approach to address these factors (Carnes 2015).

4.4.7. Challenges and considerations for implementing strategies to provide culturally sensitive program delivery

A number of issues impacting the ways in which culturally sensitive program delivery could be operationalised was evident in the literature reviewed. These challenges and considerations were connected to participant and community characteristics as well as the program environment and highlight the need for flexible and adaptive practice. Examples of these challenges and considerations are provided below. Some of the challenges and considerations relevant to involving Aboriginal and Torres Strait Islander people in program implementation have been highlighted earlier in this chapter's discussion on the <u>Value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity principle</u>.

- The literature noted that participants may vary in the degree to which they feel connected with their culture which may affect how they respond to cultural elements of programs. For example, in the evaluation of the Wulgunggo Ngalu Learning Place in Victoria, it was found that the cultural connection needs of participants were very individual and personal, with different cultural programs and activities appealing to different participants (Clear Horizon Consulting 2013). Similarly, the evaluation of the Aboriginal Cultural Immersion Program also found that participants varied in their levels of understanding in relation to Aboriginal history and culture (CIRCA 2013b).

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- The availability of an appropriate community space to deliver programs may vary. For example, the evaluation of the community–based Our Men Our Healing diversion program found that, after a community space previously dedicated for men in the community of Maningrida became repurposed for use by other groups, there was an observed drop in program engagement by the men (Healing Foundation 2015). The importance of program participants having their own community space was noted by a program facilitator (Healing Foundation 2015, p. 39):

  It's not easy to run a men's healing program with no venue. We need that space back or a men's shed otherwise the men won't come. If you had your own place then heaps of men would come.

- The cultural safety of community facilities used to support program delivery may not have been considered in the program design stage. For example, the evaluation of the harm reduction Alcohol Mandatory Treatment Program delivered in the Northern Territory found that the retrofitting of a pre–existing community facility for residential treatment in one location was problematic as this facility had previously operated as a prison. As such, the residential treatment facility was considered not culturally safe as some participants knew people who had died at the facility and could feel the spirit of the deceased (PricewaterhouseCoopers 2017).

- The delivery settings of service providers responsible for implementing elements of a program may not incorporate considerations of cultural safety. For example, the evaluation of the multi–location Queensland Indigenous Alcohol Diversion Program, found that a service provider's shared waiting area for health treatment in one location was considered unwelcoming for Aboriginal and Torres Strait Islander peoples (Success Works 2010) as it did not display cultural artefacts and did not provide for a confidential experience (Success Works 2010).

- The varying commitment to providing culturally sensitive program settings was noted as an issue impeding program fidelity in the delivery of some programs. For example, in the evaluation of Aboriginal sentencing courts and conferences in South Australia, it was noted that the use of non–hierarchical seating arrangements was dependent on individual magistrates and their engagement and support of culturally appropriate environments (CIRCA 2013a).

- The location of programs may create logistical challenges regarding the ability for family members to be involved in playing a support role for participants. For example, the isolated location of the Wulgunggo Ngalu Learning Place was found to inhibit family members travelling to the facility to support program participants (Clear Horizon Consulting 2013).

- The availability of interpreters may impact the ability to adapt program delivery to support participant comprehension. In the evaluation of the Northern Territory Community Courts it was suggested that, despite a commitment to the use of interpreters, local interpreters were not always available (CIRCA 2013a). Similarly, in the evaluation of the Alcohol Mandatory Treatment Program in the Northern Territory, it was noted that the interpreter service did not always have interpreters available due to high demand and stretched resources which impacted ability to deliver treatment services to participants (PricewaterhouseCoopers 2017).

- The presenting needs of participants may impact understanding of program processes and content. For example, the evaluation of the Alcohol Mandatory Treatment Program found that cognitive impairment, among other reasons, contributed to potential misunderstanding of the treatment process by some participants, impacting their ability to fully engage in the program. This meant that the use of interpreters was not always a successful strategy to improving comprehension among Aboriginal and Torres Strait Islander participants of this program (PricewaterhouseCoopers 2017).

- Program resources may impact the ability of programs to be delivered in a format that supports participant comprehension. For example, in the evaluation of the Northern Territory Community Courts it was suggested that efforts to support conversational approaches, which provide more time for the offending behaviour to be discussed and contextualised, were impeded by the high level of case work that needed to be processed through the court (CIRCA 2013a). Further, funding for the courts did not consider the extra time required from other court actors such as defence lawyers and police prosecutors (Suggit 2012). A similar issue was noted in the evaluation of Aboriginal sentencing courts and conferences in South Australia, whereby high caseloads impeded the amount of time Elders were able to dedicate to considering

pre-sentence reports, as well as time constraints limiting engagement with meaningful relational dialogue during court proceedings (CIRCA 2013a).

- Time constraints may impact the extent to which resources can be used towards adapting program materials. For example, it was noted that although participants of the Kunga Stopping Violence Program in Alice Springs did not have English as a first language and/or low levels of literacy, program timeframes (the program began four days after the contract was finalised) inhibited the adaptation of some program materials into more accessible language (Carnes 2015). Subsequently, program staff were required to work through the content with each participant to ensure understanding, however, misunderstandings of the content were suggested to remain a challenge (Carnes 2015).

- Ability to adhere to cultural protocols around gender in program delivery may be impacted by the availability of male and female program staff. For example, the evaluation of the Youth Justice Conferencing in Queensland identified concerns regarding lack of gender matching between ICSOs and conference participants, with this being a particular issue in remote areas where most ICSOs were females and most conference participants were male (CIRCA 2013a). Similarly, in the delivery of the Woorabinda Early Intervention Panel Coordination Service in Queensland, program support roles were at times only able to be filled by male staff, which was noted to have negative impact on the level of engagement of female participants (Stewart et al. 2014).

- Facilitating cultural protocols around family and kinship groups that meet the needs of participants from diverse cultural backgrounds may present a challenge. For example, the evaluation of the Dthina Yuwali Aboriginal alcohol and other drug program in New South Wales noted the challenge of identifying Elders or Respected Persons to support program delivery who represented the range of communities from which participants came (CIRCA 2013b). However, the evaluation of the former Queensland Murri Court noted it was unrealistic to ensure Elders involved in the court represented all the communities that participants came from (Morgan and Louis 2010). Further, in the evaluation of the Wulgunggo Ngalu Learning Place, some participants noted that engaging with Elders from different cultural backgrounds enabled the opportunity to learn about other cultures in Victoria (Clear Horizon Consulting 2013).

Summary points for the principle: *Providing culturally sensitive program delivery*

Learnings from the literature suggested that programs which incorporated strategies to support culturally sensitive program delivery for Aboriginal and Torres Strait Islander peoples may support feelings of security, inclusivity and respect among participants and promote positive social connections and a greater willingness to engage with the program.

Strategies used to provide culturally sensitive program delivery included:

- facilitating cultural connection and expression
- supporting a culturally welcoming program experience
- incorporating opportunities for peer emotional support
- adapting program content and communication
- involving Aboriginal and Torres Strait Islander people in program implementation
- acknowledging impacts of colonisation and participant experiences of grief and victimisation.

Challenges and considerations for implementation of this wise practice principle included:

- potential impact of presenting needs on participant understanding of program content
- cultural diversity and variation in connection to culture among participants
- availability of culturally safe community spaces and service provider spaces for program delivery
- degree to which involving family in program delivery is practicable
- possible influence of resource and time constraints, and differences in commitment to cultural competence, on ability to provide a culturally welcoming program experience and adapt program content and communication
- possible influence of issues relating to confidentiality and conflict of interest when seeking to engage local persons to support program delivery in smaller Aboriginal and Torres Strait Islander communities.

5.0 Discussion

This project sought to inform the design and implementation of effective criminal justice programs for Aboriginal and Torres Strait Islander peoples by drawing on learnings from a systematic search of relevant research and evaluation literature. A narrative synthesis of the literature reviewed resulted in the identification of four interconnected wise practice principles. These were:

- support Aboriginal and Torres Strait Islander ownership, engagement and oversight

- value, respect and strengthen Aboriginal and Torres Strait Islander authority and capacity

- commit to cultural competence

- provide culturally sensitive program delivery.

These interrelated principles were practised through a range of strategies underpinned by the development of genuine, collaborative relationships with Aboriginal and Torres Strait Islander peoples and communities, and the use of a flexible approach to program design and implementation that also considered place-based delivery where applicable. The literature also highlighted the importance of factoring in appropriate resources (time especially) to enable the successful implementation of wise practice principles and strategies.

The project was not able to show 'what works to reduce Aboriginal and Torres Strait Islander reoffending in what circumstances' due to the limitations of available literature. Nevertheless, it did identify learnings to assist with design and delivery of criminal justice programs for Aboriginal and Torres Strait Islander peoples in ways that better support Aboriginal and Torres Strait Islander participation and engagement and enhance the capability and capacity of Aboriginal and Torres Strait Islander communities. These short-term outcomes are considered highly relevant to the achievement of longer-term outcomes, such as reduced Aboriginal and Torres Strait Islander offending and reduced overrepresentation in the criminal justice system. However, further research and evaluation work is required to understand the exact relationships between short and long-term outcomes.

The synthesis of learnings available in the literature enabled the incorporation of program staff, stakeholder and participant knowledge, including those identifying as Aboriginal and Torres Strait Islander, into these research findings. This is pertinent given current academic and public policy discussions recognising the need for a greater inclusion of Aboriginal and Torres Strait Islander voice in research and evaluation work relating to criminal justice programs for Aboriginal and Torres Strait Islander peoples (Productivity Commission 2019).[36] The project also demonstrated that further involvement of Aboriginal and Torres Strait Islander people in criminological research and evaluation, both as participants and practitioners, is possible.

The project's focus on the design and delivery of tertiary criminal justice programs means that it did not consider the broader policy and operational environments in which they exist. For example, the project did not explore the use of justice reinvestment as a way to frame investment in criminal justice interventions. This type of approach involves the redirection of resources from incarceration to prevention, rehabilitation and support and was recommended by the ALRC (2018) in its inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples.[37] Furthermore, the nature of the project's research approach to identifying literature means that the research findings are not based on all possible knowledge and learnings relating to wise practice. It is also acknowledged that some programs are not evaluated at all, others are subject to program outcome evaluations only without discussion of effective design and implementation, and some evaluations are not available in the public domain.

Knowledge gaps in the research and evaluation work reviewed were also identified by the project. For example, while the literature highlighted the importance of including Aboriginal and Torres Strait Islander

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[36] This includes developing a greater understanding of what program success looks like and what is important to measure from an Aboriginal and Torres Strait Islander perspective (ANROWS 2018; Marchetti 2017).

[37] Dawes and Davidson have identified a framework for developing justice reinvestment plans for crime prevention and offender rehabilitation in Australia's remote Indigenous communities. Their approach is underpinned by a 'hybrid design, informed by a crime analysis, action research, narrative data analysis and a culturally informed Indigenous research paradigm', and posits that justice reinvestment can be implemented in a way that 'empowers Indigenous peoples to identify the causes of crime based on place-based solutions' (Dawes and Davidson 2019, p. 520).

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people in program design and delivery, there was a notable lack of information on how to best support Aboriginal and Torres Strait Islander persons involved in this work. This is significant given some of the challenges described in the project's research findings, such as the conflict that can arise for Aboriginal and Torres Strait Islander practitioners when managing professional and community obligations, and the overreliance on particular Elders and Respected Persons to support consultation activities. Also, while the literature referred to the importance of throughcare and aftercare in the design and delivery of programs, little information was available on how this was achieved in practice.[38]

No programs in the literature reviewed had been specifically designed for Torres Strait Islander peoples.[39] Torres Strait Islander peoples and communities have a unique and diverse cultural identity separate from Aboriginal mainland cultures, as well as significantly different histories and ways of being (ALRC 2017). Understanding the needs of Torres Strait Islander people in contact with the criminal justice system and how these may differ from Aboriginal people has also been identified as a significant gap in the criminological literature more broadly (Scott and Morton 2018).

Similarly, wise practice principles for the design and delivery of criminal justice programs for Aboriginal and Torres Strait Islander women did not emerge through the project's narrative synthesis of relevant literature. This reflects the fact that most criminal justice programs are designed for male offenders. Other literature has increasingly recognised the importance of understanding and responding to the unique needs of Aboriginal and Torres Strait Islander women (ALRC 2017). For example, the ALRC (2017) has suggested that understandings of offending behaviour by Aboriginal and Torres Strait Islander women should be contextualised within their unique lived experiences of intergenerational trauma, including family and sexual violence, child removal, mental illness and disability, and poverty (see also Anti-Discrimination Commission Queensland 2019). Further, recognising and addressing the needs of Aboriginal and Torres Strait Islander mothers in contact with the criminal justice system has also been highlighted (Baldry and McCausland 2009; Heffernan et al. 2015; Sullivan et al. 2019; Wilson et al. 2017).

The wise practice principles identified by the project resonate and build upon those identified in other research and recent government directions. In particular, the importance of recognising Aboriginal and Torres Strait Islander voice aligns with the Queensland Government's commitment to locally led decision–making to develop a Path to Treaty through the co-design and implementation of the Local Thriving Communities reform (Queensland Government 2019b). The importance of self-determination for Aboriginal and Torres Strait Islander peoples and communities was recently enshrined in the *Human Rights Act (Qld) 2019*.

It is anticipated that consideration of wise practice principles (along with evidence-based practice for criminal justice programs in general) by those responsible for program design, delivery and evaluation, will support better outcomes for Aboriginal and Torres Strait Islander people in contact with the criminal justice system. Addressing identified knowledge gaps will also contribute to the evidence base required to support the implementation of effective programs.

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[38] The criminological literature has identified ongoing and appropriate reintegration support as being particularly important for Aboriginal and Torres Strait Islander peoples in light of their often complex needs and the potentially difficult circumstances that they may be returning to (ALRC 2017; Baldry and McCausland 2009; Sofronoff 2016; Willis and Moore 2008).

[39] Those who identify as Torres Strait Islander only or Aboriginal and Torres Strait Islander.

6.0   Conclusion

Effective criminal justice programs supported by the involvement of Aboriginal and Torres Strait Islander people throughout design and delivery are critical to efforts to reduce Aboriginal and Torres Strait Islander overrepresentation in the criminal justice system. The design and implementation of effective programs for Aboriginal and Torres Strait Islander peoples requires an evidence base built on an understanding of not only 'what works' in achieving outcomes, but also the characteristics that make programs work, how these may differ across program contexts, and factors that may impact program delivery.

Using a wise practice perspective that recognises the diversity of Aboriginal and Torres Strait Islander peoples and their communities, the varied needs and lived experiences of Aboriginal and Torres Strait Islander people in contact with the criminal justice system, and the complex and evolving environments in which programs for Aboriginal and Torres Strait Islander peoples are delivered, this project has synthesised the extant research and evaluation literature into principles that support effective design and implementation of criminal justice programs for Aboriginal and Torres Strait Islander peoples. In highlighting the strategies used across diverse programs to support implementation of these principles, and the challenges encountered in their implementation, this project has contributed to the translation of research and evaluation knowledge into policy and practice. However, gaps in the wise practice evidence base remain and the knowledge and experiences of Aboriginal and Torres Strait Islander peoples is critical to supporting better outcomes for Aboriginal and Torres Strait Islander Queenslanders in contact with the criminal justice system.

7.0   Acronyms

ABS	Australian Bureau of Statistics
AIC	Australian Institute of Criminology
AIHW	Australian Institute of Health and Welfare
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AJF	Aboriginal Justice Forum
ALRC	Australian Law Reform Commission
ANROWS	Australia's National Research Organisation for Women's Safety Limited
CDEP	Community Development Employment Projects
CIRCA	Cultural and Indigenous Research Centre Australia
FASD	fetal alcohol spectrum disorder
FRC	Family Responsibilities Commission
ICSO	Indigenous Conference Support Officers
PTSD	post-traumatic stress disorder
QGSO	Queensland Government Statistician's Office
QPC	Queensland Productivity Commission
QPS	Queensland Police Service
QCS	Queensland Corrective Services
QSAC	Queensland Sentencing Advisory Council
RAJACs	Regional Aboriginal Justice Advisory Committees
SMS	Maryland Scientific Methods Scale

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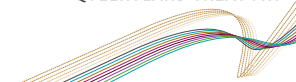
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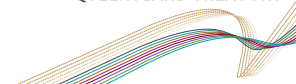
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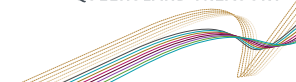
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9.0   Appendices

Appendix 1: What is a criminal justice program?

For the purpose of this research project, a criminal justice program refers to any program delivered at any point after a person has come in contact with the criminal justice system as an offender (see figure below), and includes:

* diversionary programs aimed at preventing people from continuing on in the formal criminal justice system
* offence-specific programs targeted at addressing offending behaviour
* programs aimed at supporting the broader rehabilitative and reintegration needs of people in contact with the criminal justice system, including therapeutic, educational, vocational, behavioural, health and wellbeing, life skills, cultural and recreational programs.

This project sought to draw on learnings from research and evaluation work related to the delivery of criminal justice programs in Australia only, including programs delivered by various levels of government or non-government organisations. Learnings from both mainstream criminal justice programs delivered to Aboriginal and Torres Strait Islander peoples and criminal justice programs designed for Aboriginal and Torres Strait Islander peoples only are included in the scope of the wise practice research project.

While the importance of universal and targeted prevention programs in contributing to a reduction in the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system is recognised (for example, see AIC 2012; Higgins and Davis 2014), these programs were designated as out of scope for this project due to resource constraints.[40]

Criminal justice programs in scope for this project
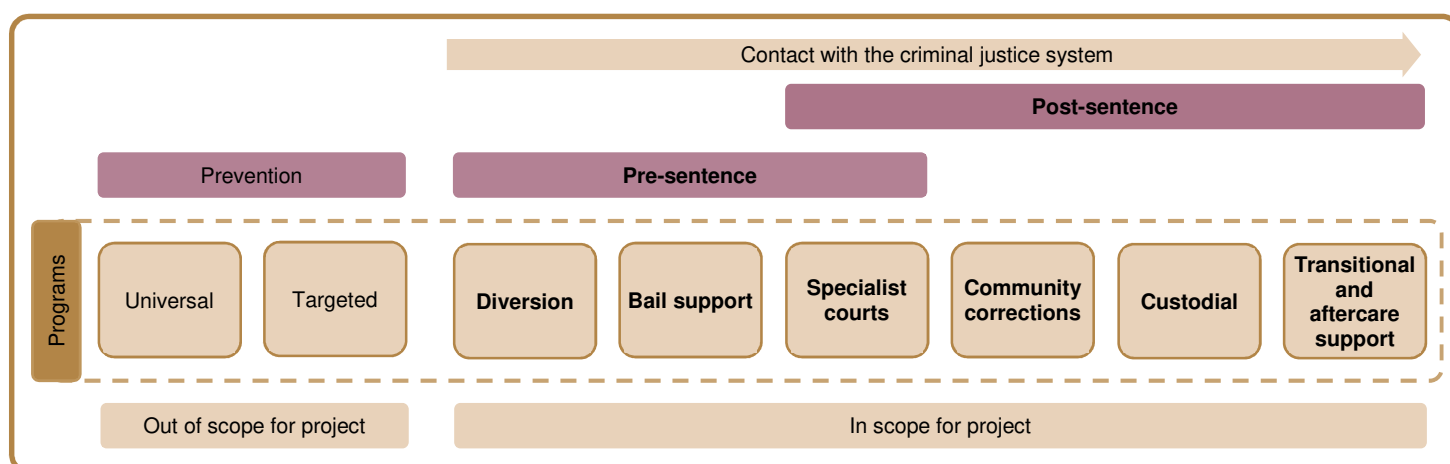
Note: The above diagram is not intended to provide a definitive model of the layout of the criminal justice system, which is complex, non-linear and varies across jurisdictions.

Source: QGSO

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[40] Universal prevention programs are those programs which seek to strengthen institutions that support civil society or address the broader physical or social environment that may lead to crime, while targeted prevention programs are those which are targeted at high risk settings, groups or individuals which are at risk of being involved in criminal activity (AIC 2012).

Appendix 2: Information collection and analysis

Search strategy

The search strategy used to identify relevant published literature for this project was twofold:

- a systematic search of the Informit and Proquest Central academic databases
- a scan of selected knowledge exchange platforms, research agency websites and government websites relating to criminal justice and/or Aboriginal and Torres Strait Islander affairs in Australia.

This search approach was used to promote objectivity by ensuring that all relevant literature was considered by the project. It also ensured that the project's research findings are based on a broad evidence base comprising both scholarly and grey literature.

Systematic academic database search

The choice of academic databases was constrained to those databases freely accessible through Queensland Government Research and Information Library, with the final selection of databases guided by advice from library staff based on consideration of the research questions.

The search terms used to identify relevant literature in the academic databases were formulated to align with the population group, the subject matter, and the program location. The *population group* was Aboriginal and Torres Strait Islander peoples, the *subject matter* was research and evaluation records relating to the design and implementation of criminal justice programs, and the *program location* was criminal justice programs delivered in Australia.

To ensure the robustness and completeness of the database search strategy, the proposed search terms were initially subjected to review by multiple people within the research team. They were also trialled with both databases to gauge their usefulness in identifying literature relevant to the research questions and to ensure the search strategy was tailored to each database's search functionality.

A search syntax example of the search terms used is provided below.

Indigenous OR Aboriginal* OR "First Nations" OR "First Peoples" OR Torres Strait Islander*

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crim* OR offend* OR reoffend* OR perpetrat* OR recidivis* OR desistance OR prison* OR custod* OR correction* OR court* OR detention OR youth OR young OR juvenile OR justice OR incarcerat* OR imprison*

intervention* OR program* OR initiative* OR pilot* OR policy OR policies OR project* OR treatment OR trial OR therapeutic

best OR emerging OR promising OR innovative OR good OR wise OR success* OR effective* OR efficacy OR "what works" OR practice OR principles OR evidence OR model OR issues OR challenges OR design* OR evaluat*

Australia* OR "New South Wales" OR Victoria* OR Queensland OR "South Australia*" OR "Northern Territory" OR "Australian Capital Territory" OR "Western Australia*" OR "Tasmania"

Search criteria applied included limiting results to records published between 1 January 2010 and 31 August 2018 and records published in English.

The database search was undertaken by a single researcher. In total, 251 records were identified in the search of the Proquest Central database, and 118 records were identified in the search of the Informit database. All records identified in the database search were imported into EndNote.

Website scan

In recognition that a large amount of relevant research and evaluation literature is published on the world wide web, a manual scan of publications on the websites of Australian research agencies, knowledge exchange platforms, and government departments with a focus on criminal justice and/or Aboriginal and Torres Strait Islander affairs in Australia was undertaken. A primary list of websites to scan was formulated by the research team and continually reviewed throughout the search process to ensure a comprehensive search was undertaken.

The primary list of websites included: AIC, AIHW, Australian Institute of Family Studies, Department of the Prime Minister and Cabinet, Australian Department of Social Services, Indigenous Justice Clearinghouse, Closing the Gap Clearinghouse, Australian Indigenous Health Infonet, ANROWS, and the websites of state, territory and federal crime research agencies and criminal justice agencies.

A supplementary scan of the websites of the Analysis and Policy Observatory and the Australian Evaluation Society was also undertaken, as well as the websites of selected university research bodies with a focus on criminal justice and/or Aboriginal and Torres Strait Islander affairs in Australia.

Due to the manual nature of the approach used for the website scan, eligibility screening of potentially relevant records against inclusion criteria (see below) occurred concurrently throughout the search process. The website scan was shared between two researchers for time efficiency. All records identified in the website scan were imported into EndNote.

Eligibility screening

A manual eligibility screening process was undertaken to determine if the literature identified through the search strategy met the project's inclusion criteria. First, the title and abstract of each record (i.e. document) identified during the search strategy was reviewed using the inclusion criteria specified below. The screening process progressed to a full-text review if there remained uncertainty after the initial review of title and abstract.

The inclusion criteria were that the record:

- be unique (not a duplicate)
- be an eligible record type[41]
- be in English
- be published between 1 January 2010 and 31 August 2018[42]
- refer to criminal justice program/s (in line with the definition presented in Appendix 1)
- refer to criminal justice program/s delivered in Australia
- refer to criminal justice program/s that had Aboriginal and Torres Strait Islander participants
- contain primary qualitative research relating to the design and/or implementation of criminal justice program/s for Aboriginal and Torres Strait Islander participants.[43]

A record was excluded if the answer to any one of the inclusion criteria was unequivocally 'no'. The inclusion of the final criterion listed above meant that records which contained research and evaluation studies using more rigorous scientific methods (for example, randomised control trials) were often not considered eligible for the project since they rarely provided detailed information on the program design or implementation issues that could influence program outcomes for Aboriginal and Torres Strait Islander people.

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[41] Eligible records for this project were scholarly journal articles and selected grey literature (research reports and evaluation reports) which presented results from primary research. Parliamentary publications, reports prepared by government audit agencies and Commissions of Inquiry (or similar) were excluded. Summary/review documents were also excluded.

[42] This date range was selected to ensure the research findings were based on contemporary research and evaluation literature, noting that the studies and research referred to in some records may pre-date 2010.

[43] For example, if a record looked at program outcomes only (e.g. reoffending) without discussing characteristics of why or why not the program was found to be effective for Indigenous people, it would be classified as out of scope.

The eligibility screening process was shared between the two researchers who implemented the search strategy, with any uncertainty discussed between them, or if necessary among the wider research team, until agreement was reached. On occasion, this required the two researchers to independently screen a record's full text to determine relevance to the project. This thorough screening process ensured that a consistent interpretation of the inclusion criteria was applied.

Literature identified as in scope

At the completion of the eligibility screening there were 59 records identified as in scope for the project, comprising 15 scholarly records and 44 grey literature records.

A total of 73 research and evaluation studies were discussed across these in-scope records.[44] These included research and evaluation studies relating to specific programs, as well as research studies relating more broadly to the delivery of criminal justice programs for Aboriginal and Torres Strait Islander peoples. A full list of the 73 research and evaluation studies discussed in the in-scope records, with selected summary information, is provided in a table at the end of this Appendix.

Of the 58 individual programs discussed in the in-scope literature:

- 42 were open to participation by both males and females, 13 were specifically for males, and three were specifically for females
- 11 were open to participation by both adults and young people, 25 were for adults only, and 22 were specifically for young people
- 34 were Aboriginal and Torres Strait Islander-specific programs and 24 were mainstream programs.

Information extraction

Information from in-scope records was extracted in relation to a standardised framework summarised in the figure below. The information extraction framework was developed by the research team with the intention of capturing as much detailed information as possible to support an in-depth understanding of:

- program context, focus and implementation (and program outcomes, if an outcome evaluation)
- research/evaluation design and scope
- characteristics of program design and delivery contributing to appropriateness and effectiveness of programs for Aboriginal and Torres Strait Islander peoples
- characteristics of program design and delivery contributing to inappropriate or ineffective programs for Aboriginal and Torres Strait Islander peoples
- considerations and challenges that may impact program implementation and transferability across different program contexts
- the quality and coverage of the research and evaluation literature, including methodological quality, degree of inclusion of Aboriginal and Torres Strait Islander people in the research process, and overarching limitations and gaps.

The information extraction process was divided between three researchers to support the timely completion of this task. Information relevant to the extraction framework was recorded in Excel, with a drop-down menu of codes used where applicable to facilitate efficiency and consistency of information extraction. Where records contained information on more than one program or research and evaluation study, information extraction was undertaken separately for each program or study. Any uncertainty that was encountered in the information extraction process was discussed and resolved between the three researchers or referred to another colleague if further advice was required.

Substantial time was invested by the research team in the project planning stage to develop the information extraction framework so that it was easy to use, comprehensive and coherent. The refinement of the

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[44] Some records discussed multiple research or evaluation studies.

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framework was supported by a trial information extraction process, whereby each team member independently extracted information from a small sample of records before the results were jointly discussed. This process also promoted a shared understanding across the research team of the intent and scope of the information extraction process, reducing the risk for researcher error and/or bias in interpretation and application.

Information extraction framework

Record Information
- Record title: Free text
- Record type: List
- Publication year: List
- Author/s: Free text
- Potential case study: List
- Needs of Aboriginal and Torres Strait Islander offenders discussed: List

Program context
- Program name: Free text
- Jurisdiction: List
- Operational dates: Free text
- Location specifics: Free text
- Setting: List
- Type: List
- Mandated or voluntary: List
- Nature of Indigenous focus: List
- Delivery approach: Free text
- Delivery agency: Free text

Indigenous input into program
- Design process: List
- Implementation: List

Program focus
- Participant gender: List
- Participant type: List
- Participant Aboriginal and Torres Strait Islander status: List
- Risk/protective factors targeted: Free text
- Other participant information (optional): Free text

Program outcomes
- Brief description of intended outcomes: Free text
- Research findings on outcomes: Free text
- Evidence of program fidelity? List

Research design
- Source of evidence: List
- Methodology: List
- Methodology gaps and limitations: Free text
- SMS rating: List
- Year research undertaken: List

Findings relevant to research questions
- Principles for effective and appropriate design process for Aboriginal and Torres Strait Islander peoples: Free text
- Principles for effective and appropriate design elements for Aboriginal and Torres Strait Islander peoples: Free text
- Principles for effective and appropriate implementation for Aboriginal and Torres Strait Islander peoples: Free text
- Factors contributing to inappropriate and/or ineffective programs for Aboriginal and Torres Strait Islander peoples: Free text
- Environment-related factors that may facilitate or hinder adaptation to other contexts: Free text

Indigenous input into research
- Source of research data (program implementer): List
- Source of research data (program participant): List
- Source of research data (stakeholder): List
- Data collection/interpretation/reporting: List

Source: QGSO

Narrative synthesis

A narrative synthesis approach was used to synthesise information collected through the information extraction process into wise practice principles. Narrative synthesis enables synthesis of information from studies with disparate research focus, data collection methods, analytical methods and research paradigms (Dowling et al. 2018; Marchetti 2017). It also enables the identification of major findings, important nuances, points of tension, and emergent themes (Ousey and Kubrin 2018). As such, a narrative synthesis approach was considered an appropriate fit for the project, which comprised a review of diverse research and evaluation literature grounded in varying research aims, methodologies and methods.

The narrative synthesis process firstly involved each researcher independently developing descriptive themes based on their information extraction, with a focus on program characteristics that contributed to the effectiveness of criminal justice programs for Aboriginal and Torres Strait Islander peoples; how these characteristics may differ across different program contexts; and challenges and considerations that may impact the delivery of effective programs for Aboriginal and Torres Strait Islander peoples. The research team then collaboratively developed a final list of descriptive themes based on extensive discussion and revisiting interpretation of the extracted information as required. During this process, all extracted information was treated equally and not quantified in any way to indicate 'strength of evidence', but rather analysed as a whole to find recurring themes for analysis.

The final list of agreed descriptive themes was then jointly reviewed to identify interconnections to support the creation of shared analytical themes. This process was supported by ongoing discussion between the researchers regarding the project's underlying research approach and whether all learnings from the literature reviewed had been accurately captured. The resultant analytical themes guided the identification of the wise practice principles discussed in the research findings (Chapter 4).

The results of the narrative synthesis process were presented in a draft analytical framework and feedback was sought from colleagues in QGSO as well as through consultation with selected Queensland Government stakeholder agencies involved in the delivery of services to Aboriginal and Torres Strait Islander peoples. The purpose of this consultation was to understand if the thematic interpretation of the research and evaluation information was broadly consistent with the experiences of these stakeholders. Feedback received from these stakeholders has been incorporated into this report.

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Information on included research and evaluation studies

Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Allard, T., Rayment-McHugh, S., Smith, D., Smallbone, S., and McKillop, N.	Responding to youth sexual offending: a field-based practice model that "closes the gap" on sexual recidivism among Indigenous and non-Indigenous males	2016	Scholarly: Journal article	Griffith Youth Forensic Service	Youth	Both	Mainstream	Qld	Level 2	Research evaluating the impact of program treatment on young people who have committed serious sexual offences.
Andrews, S., Gallant, D., Humphreys, C.,Ellis, D., Bamblett, A., Briggs, R., and Harrison, W.	Holistic programme developments and responses to Aboriginal men who use violence against women	2018	Scholarly: Journal article	N/A	Adult	Male	Indigenous	Australia	Level 0	Research involving interviews with facilitators of Aboriginal men's healing, fathering and family violence programs to inform a conceptual model of working with Aboriginal men.
Atelier Learning Solutions Pty Ltd.	Final Report on the Evaluation of the Youth Connections-Specialised Services Program	2012	Grey: Evaluation report	Youth Connections-Specialised Services program	Youth	Both	Mainstream	SA	Level 0	Evaluation of a holistic case management program for youth at risk of, engaged in, or transitioning out of contact with the youth justice system.
Baldry, E., McCausland, R., Dowse, L., and McEntyre, E.	A predictable and preventable path: Aboriginal people with mental and cognitive disabilities in the criminal justice system	2015	Grey: Research report	N/A	Adult	Both	Indigenous	NT, NSW	Level 1	Research examining the complex needs of Indigenous people with a disability in the criminal justice system.
Blagg, H., and Tulich, T.	Diversionary pathways for Aboriginal youth with fetal alcohol spectrum disorder	2018	Scholarly: Research report	N/A	Youth	Both	Indigenous	WA	Level 0	Research to inform the development of diversionary strategies for young Aboriginal people with fetal alcohol spectrum disorder.

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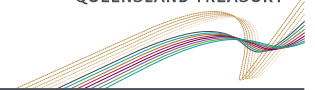| Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Blagg, H., Williams, E., Cummings, E., Hovane, V., Torres, M., and Nangala, K.	Innovative models in addressing violence against Indigenous women: Final report	2018	Grey: Research report	Marninwarntikura Fitzroy Women's Resource Centre, Darwin Aboriginal and Islander Women's Shelter and Barambah Child Care Agency	Both	Both	Indigenous	WA, NT, Qld	Level 0	Research examining the perspectives of Aboriginal people working within the family violence space or have had experience of family violence. Explores the various ways family violence may be addressed in remote communities.
Bond, C., Holder, R., Jeffries, S., and Fleming, C.	Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport (Summary and Final Reports)	2017	Grey: Evaluation report	Specialist Domestic and Family Violence Court	Adult	Both	Mainstream	Qld	Level 2	Evaluation of a trial of a domestic and family violence specialist court.
Borowski, A.	Indigenous participation in sentencing young offenders: Findings from an evaluation of the Children's Koori Court of Victoria	2010	Scholarly: Journal article	Children's Koori Court	Youth	Both	Indigenous	Vic	Level 1	Review of findings from an evaluation of the Children's Koori Court for young Aboriginal offenders.
Borowski, A.	In Courtroom 7 – The Children's Koori Court at work: Findings From an Evaluation	2011	Scholarly: Journal article	Children's Koori Court	Youth	Both	Indigenous	Vic	Level 0	Review of findings from an evaluation of the Children's Koori Court for young Aboriginal offenders.
Carnes, R.	Applying a We Al-Li Educaring Framework to Address Histories of Violence with Aboriginal Women	2015	Grey: Evaluation report	Kunga Stopping Violence Program	Adult	Female	Indigenous	NT	Level 0	Evaluation of a targeted program to provide holistic mentoring support to incarcerated and released Aboriginal women.
CIRCA	Youth on Track Social Outcomes Evaluation: Final Report	2017	Grey: Evaluation report	Youth on Track	Youth	Both	Mainstream	NSW	Level 1	Evaluation of a case work program for targeted individuals to address risks factors associated with offending through support services and education.

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Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Dthina Yuwali Aboriginal alcohol and other drug program	Youth	Both	Indigenous	NSW	Level 1	Evaluation of an alcohol and other drug program targeting young Indigenous offenders to address their criminogenic needs through education and behavioural change model.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Aboriginal Cultural Immersion Program	Adult	Both	Indigenous	Vic	Level 1	Evaluation of a cultural immersion program targeting Aboriginal prisoners to build on their cultural connections and identity to reduce reoffending behaviour.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Marumali Program	Adult	Both	Indigenous	Vic	Level 1	Evaluation of a holistic healing program to address issues related to cultural trauma and loss for Indigenous prisoners.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Koori Cognitive Skills Program	Adult	Both	Indigenous	Vic	Level 1	Evaluation of a cognitive behavioural program targeting Indigenous prisoners to improve individual problem-solving skills.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Aboriginal Reconnect Program	Adult	Male	Indigenous	Tas	Level 0	Evaluation of a wilderness camp program targeting Indigenous male prisoners to develop their identity and culture.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Roebourne DECCA Program	Adult	Both	Mainstream	WA	Level 0	Evaluation of an education and training program targeting prisoners to improve their employment skills and work readiness through various courses.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Local Justice Worker Program	Adult	Both	Indigenous	Vic	Level 0	Evaluation of a casework program using the local Aboriginal community and justice services to help Aboriginal offenders complete their orders.

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Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project B: Offender Support and Reintegration	2013	Grey: Evaluation report	Koori Offender Support and Mentoring Program	Adult	Both	Indigenous	Vic	Level 0	Evaluation of a casework support program using community input from Elders and Respected Persons to assist Aboriginal offenders complete their Community Corrections Orders. Includes identifying and establishing culturally appropriate worksites.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project A: Aboriginal and Torres Strait Islander Sentencing Courts and Conferences	2013	Grey: Evaluation report	Aboriginal sentencing courts and conferences	Both	Both	Indigenous	SA	Level 2	Evaluation of Aboriginal sentencing courts and conferences in South Australia. Involves Elders and/or Respected Persons, family members, support persons and support services. Aims to provide a more culturally appropriate sentencing process.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project A: Aboriginal and Torres Strait Islander Sentencing Courts and Conferences	2013	Grey: Evaluation report	Youth Justice Conferencing	Youth	Both	Mainstream	Qld	Level 0	Evaluation of an alternative to court for young people who admit to, or are found guilty of, offending. Involves young people, victims of crime, families and community members who discuss the offending behaviour and decide how the harm done should be repaired.
CIRCA in collaboration with Anne Markiewicz and Associates	Evaluation of Indigenous Justice Programs Project A: Aboriginal and Torres Strait Islander Sentencing Courts and Conferences	2013	Grey: Evaluation report	Community Courts	Both	Both	Mainstream	NT	Level 2	Evaluation of a sentencing court which engages the offender, victim, families and community members in the court process. It aims to be a less formal process which is more meaningful and culturally relevant.
Clear Horizon Consulting	Wulgunggo Ngalu Learning Place Final Evaluation Report	2013	Grey: Evaluation report	Wulgunggo Ngalu Learning Place	Adult	Male	Indigenous	Vic	Level 0	Evaluation of a residential rehabilitation program targeted at Koori male offenders on community corrections orders to address holistic needs.
Colmar Brunton	Mornington Island Restorative Justice Project Evaluation: Final Report	2014	Grey: Evaluation report	Mornington Island Restorative Justice Project	Both	Both	Indigenous	Qld	Level 1	Evaluation of a community development initiative which aimed to build community capacity to address conflict in the community without the involvement of external agencies such as the police or courts.

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Queensland Government Statistician's Office

Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Cunneen, C., Allison, F., Loban, H., Luke, G., and Munro, K.	Evaluation of the Remote JP Magistrates Court Program	2010	Grey: Evaluation report	Queensland Remote Justices of the Peace (Magistrates Court) Program	Both	Both	Indigenous	Qld	Level 1	Evaluation of a program that provides for Indigenous Justices of the Peace to convene a Magistrates Court, in the absence of a Magistrate, to hear and determine charges for specified offences.
Daly, K., and Proietti-Scifoni, G.	The Elders know… the white man don't know': Offenders' views of the Nowra Circle Court	2011	Scholarly: Journal article	Nowra Circle Court	Adult	Both	Indigenous	NSW	Level 0	Evaluation of a sentencing court involving Elder input about the negative impact of the offence to the offender, victim and their community.
Dawkins, Z., Brookes, M., Middlin, K., and Crossley, P.	County Koori Court: Final evaluation report	2011	Grey: Evaluation report	County Koori Court	Adult	Both	Indigenous	Vic	Level 1	Evaluation of a sentencing court process which provides for greater participation of the Aboriginal community through the involvement of Elders or Respected Persons and others such as the Koori Court officer.
Department of Correctional Services (Northern Territory Government)	Early Intervention Youth Boot Camp, Pilot Program 2013, Evaluation Report	2013	Grey: Evaluation report	Operation Flinders Foundation pilot program	Youth	Male	Mainstream	NT	Level 0	Evaluation of a program delivered in natural environment targeting young people at-risk of entering the youth justice system.
Department of Correctional Services (Northern Territory Government)	Early Intervention Youth Boot Camp, Pilot Program 2013, Evaluation Report	2013	Grey: Evaluation report	Tangentyere Council pilot program	Youth	Male	Indigenous	NT	Level 0	Evaluation of a program delivered in natural environment targeting young people at-risk of entering the youth justice system.

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Queensland Government Statistician's Office

Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Department of Families, Housing, Community Services and Indigenous Affairs (Australian Government)	Cape York Welfare Reform: Evaluation	2012	Grey: Evaluation report	Cape York Welfare Reform	Both	Both	Mainstream	Qld	Level 2	Evaluation of welfare reform initiatives which aimed to address the deterioration of social and economic conditions in selected Cape York communities. This included establishing the Family Responsibilities Commission which people may be referred to if convicted of an offence.
Department of Health and Human Services (Victorian Government)	Western District good practice case study: Community Based Koori Youth Justice initiatives in the Warrnambool and Glenelg areas	2015	Grey: Research report	Koori Youth Justice Program	Youth	Both	Indigenous	Vic	Level 0	Research involving interviews and program observations to identify elements of good practice.
Freiberg, A., Payne, J., Gelb, K., Morgan, A., and Makkai, T.	Queensland Drug and Specialist Courts Review: Final Report	2016	Grey: Review report	Queensland Drug Court and specialist courts	All	Both	Mainstream	Qld	Level 0	Review to inform development of options for the reinstatement of the drug court and a framework for specialist courts and court programs.
Griffiths, A., Zmudzki, F., and Bates, S.	Evaluation of ACT Extended Throughcare Pilot Program Final Report	2017	Grey: Evaluation report	Extended Throughcare Program	Adult	Both	Mainstream	ACT	Level 3	Evaluation of a voluntary case management program to provide after imprisonment support and referrals to service providers.
Halacas, C., and Adams, K.	Keeping our mob healthy in and out of prison - exploring prison health in Victoria to improve quality, culturally appropriate health care for Aboriginal people	2015	Grey: Research report	N/A	Adult	Both	Mainstream	Vic	Level 0	Research exploring the relationships between Aboriginal Community Controlled Health Organisations and the health outcomes of Victorian Aboriginal prisoners.
Hammond, C.	Brothers Inside: Fathering workshops with Aboriginal prisoners	2011	Scholarly: Journal article	Brothers Inside	Adult	Male	Indigenous	NSW	Level 0	Article examining a targeted program to provide family and parenting education to incarcerated Aboriginal males.

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Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Healing Foundation	Our men, our healing evaluation report	2015	Grey: Evaluation report	Our Men Our Healing	Both	Male	Indigenous	NT	Level 0	Evaluation of a program which aims to support and empower Aboriginal men through cultural, educational and therapeutic healing activities.
Hughes, C., Shanahan, M., Ritter, A., McDonald, D., and Gray-Weale, F.	Evaluation of the Australian Capital Territory Drug Diversion Programs	2013	Grey: Evaluation report	ACT Drug Diversion Programs	All	Both	Mainstream	ACT	Level 0	Evaluation of targeted programs to divert drug offenders away from the criminal justice system and into rehabilitative treatment and education pathways, to reduce reoffending.
KPMG	Evaluation of the Community Justice Group Program, Final Report, 2010	2010	Grey: Evaluation report	Community Justice Group (CJG) Program	Both	Both	Indigenous	Qld	Level 0	Evaluation of the CJG program which involves community members providing a wide range of initiatives to support Indigenous people in contact with the justice system, and contribute to the cultural sensitivity of the justice system.
KPMG	Implementation Review of the Family Responsibilities Commission: Final Report	2010	Grey: Evaluation report	Family Responsibilities Commission	Both	Both	Mainstream	Qld	Level 2	Evaluation of a conferencing program that involves respected community members as local commissioners who meet with welfare recipients who have failed to uphold social norms and related obligations around caring for children, sending them to school, abiding by the law, or abiding by public housing tenancy agreements. Clients may be referred to support services and also may be subject to welfare income management.
KPMG	Final Report for the Evaluation of Queensland's Youth Boot Camps	2015	Grey: Evaluation report	Early Intervention Youth Boot Camp (EIYBC)	Youth	Both	Mainstream	QLD	Level 2	Evaluation of a group program targeting at-risk individuals to provide postitive activities and address antisocial behaviours. Includes camp component.

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Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
KPMG	Final Report for the Evaluation of Queensland's Youth Boot Camps	2015	Grey: Evaluation report	Sentenced Youth Boot Camps (SYBC)	Youth	Both	Mainstream	Qld	Level 2	Evaluation of a group diversion program targeting at-risk individuals to provide positive activities and address antisocial behaviours. Includes camp component.
Lyneham, S., Voce, I., Fuller, G., and Boxall, H. (AIC)	Evaluation of the ReBoot Intensive Intervention Trial: Final report	2017	Grey: Evaluation report	ReBoot Intensive Intervention Trial	Youth	Both	Mainstream	SA	Level 1	Evaluation of a casework support program targeting youth offenders to reduce offending by improving their pro-social, community, education and employment engagements. Includes mentoring.
Marchetti, E.	Delivering Justice in Indigenous Sentencing Courts: What This Means for Judicial Officers, Elders, Community Representatives, and Indigenous Court Workers	2014	Scholarly: Journal article	Indigenous sentencing courts	Adult	Both	Indigenous	NSW, Qld, ACT	Level 0	Research examining sentencing courts for Indigenous offenders which involves Elders and the community to better understand and address offending behaviour.
Marchetti, E., and Daly, K.	Indigenous Partner Violence, Indigenous Sentencing Courts, and Pathways to Desistance	2016	Scholarly: Journal article	Indigenous sentencing courts	Adult	Both	Indigenous	NSW, Qld	Level 0	Research examining sentencing courts for Indigenous offenders which involves Elders and the community to better understand and address offending behaviour.
Migliore, C., Ziersch, E., Marshall, J., and Aird, E.	Intervention Orders and the Intervention Response Model: Evaluation Report 2 (Process Evaluation)	2014	Grey: Evaluation report	Intervention Response Model.	Adult	Male	Mainstream	SA	Level 0	Evaluation of a multi-agency response model to address domestic and family violence.
Morgan, A., & Louis, E.	Evaluation of the Queensland Murri Court: Final report	2010	Grey: Evaluation report	Queensland Murri Court	Both	Both	Indigenous	Qld	Level 3	Evaluation of a sentencing court which provides opportunities for the involvement of Elders and Respected Persons, the offender's family, Indigenous community organisations and Community Justice Groups in the sentencing of Indigenous offenders.
Munro, A., Shakeshaft, A., and Clifford, A.	The development of a healing model of care for an Indigenous drug and alcohol residential rehabilitation service: a community-based participatory research approach.	2017	Scholarly: Journal article	Healing Model of Care	Adult	Male	Indigenous	NSW	Level 0	Research to inform a model of care for a targeted rehabilitation program for Aboriginal offenders with identified substance misuse problems. Addresses health, social and cultural needs.

Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Nisbet, I. A., Graham, A., and Newell, S.	Working together to reduce youth recidivism: exploring the potential of a 'Wraparound' Interagency Service Model	2011	Grey: Evaluation report	Family Inclusion Project	Youth	Male	Mainstream	NSW	Level 2	Evaluation of a 'wraparound' service which coordinates services for young people involved in the youth justice system, with a particular focus on involving family in informing the casework approach.
O'Hara, R.	Evaluation of the Marapai Ngartathati Murri Women's Group and Yurru Ngartathati Men's Group - Indigenous Justice Program	2013	Grey: Evaluation report	Marapai Ngartathati Murri Women's Group and Yurru Ngartathati Men's Group	Adult	Both	Indigenous	Qld	Level 0	Evaluation of a diversionary rehabilitative bail program which incorporates case management, Murri Men's and Women's Groups, and referral to other community services and bush healing.
Pricewaterhouse Coopers Indigenous Consulting	Evaluation of the Alcohol Mandatory Treatment Program	2017	Grey: Evaluation report	Alcohol Mandatory Treatment Program	Adult	Both	Mainstream	NT	Level 3	Evaluation of a diversionary rehabilitation program targeted at people who have multiple alcohol related contacts with police to address health and social needs.
Putt, J., Holder, R., and Shaw, G.	Alice Springs Integrated Response to Family and Domestic Violence project: Final evaluation report	2017	Grey: Evaluation report	Men's Behaviour Change Program: Marra'ka Mbarintja	Adult	Both	Mainstream	NT	Level 0	Evaluation of a psycho-educational behavioural change program for men who use violence.
Queensland Corrective Services	Rehabilitative needs and treatment of Indigenous offenders in Queensland	2010	Grey: Research report	N/A	Adult	Both	Indigenous	Qld	Level 1	Research exploring the rehabilitative and treatment needs of Indigenous offenders.
Queensland Courts	Murri Court reinstatement: Feedback report	2015	Grey: Research report	Murri Court	Both	Both	Indigenous	Qld	Level 0	Research to support the development of a Murri Court model.
Queensland Police Service	Queensland Indigenous Alcohol Diversion Program (QIADP) Recidivism Study	2010	Grey: Research report	Queensland Indigenous Alcohol Diversion Program	Adult	Both	Indigenous	Qld	Level 2	Research into a pre-sentence bail-based court diversion program for Indigenous defendants charged with offences where alcohol is a factor.

Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Radke, A.	Women's Yarning Circles: A gender-specific bail program in one Southeast Queensland Indigenous sentencing court, Australia	2018	Scholarly: Journal article	Women's Yarning Circles	Adult	Female	Indigenous	Qld	Level 0	Article examining a bail program provided to Indigenous women involving yarning circles with Community Justice Group members of the same gender to facilitate the sharing of experiences, culture, and access to services.
Ransom, S.	Evaluation of the 6-month Drug Treatment Program	2012	Grey: Evaluation report	6-month Drug Treatment Program	Both	Both	Mainstream	SA	Level 1	Evaluation of a diversionary drug-treatment program targeting offenders with drug use and/or mental health problems to reduce reoffending and improve social functioning.
Raymond, I., and Lappin, S.	Northern Territory Early Intervention Youth Boot Camp Program	2015	Grey: Review report	Intensive wilderness program	Youth	Both	Mainstream	NT	Level 2	Review of a group rehabilitation program targeting at-risk individuals to provide positive activities and address antisocial behaviours. Includes camp component.
Rossiter, C., Power, T., Fowler, C., Jackson, D., Roche, M., and Sawson, A.	"Learning to become a better man": Insights from a fathering programme for incarcerated Indigenous men	2017	Scholarly: Journal article	Babiin-Miyagang programme	Adult	Male	Indigenous	NSW	Level 0	Article examining a rehabilitative parenting program targeting incarcerated Indigenous fathers and facilitated by male Elders.
Senior, K., Ivory, W., Chenhall, R., Nagel, T., Lloyd, R., and McMahon, R.	Developing successful diversionary schemes for youth from remote Aboriginal communities	2012	Grey: Research report	Youth Diversion Scheme in the Wadeye community	Youth	Male	Indigenous	NT	Level 1	Research examining the Wadeye community experience of youth antisocial (gang) activity to inform youth diversion strategies.
Shaw, G., Ray, T., and McFarland, B.	The Outstation Model of Rehabilitation as Practiced in Central Australia: The Case for Its Recognition and Acceptance	2011	Scholarly: Journal article	Ilpura remote outstation rehabilitation program	Youth	Both	Mainstream	NT	Level 0	Article examining a mentoring program targeted at young people with substance misuse problems. Participant holistic cultural needs met through positive activities.

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Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Skattebol, J., Nethery, D., and D'aegher, L.	Evaluation of the Youth Housing and Reintegration Service, After Care and Supervised Community Accommodation initiatives Final Report	2013	Grey: Evaluation report	Supervised Community Accommodation	Youth	Male	Mainstream	Qld	Level 1	Evaluation of a casework program targeting young males transitioning from the Cleveland Youth Detention Centre with aims to support their housing needs and heal family relationships to reduce their offending.
Skattebol, J., Nethery, D., and D'aegher, L.	Evaluation of the Youth Housing and Reintegration Service, After Care and Supervised Community Accommodation initiatives Final Report	2013	Grey: Evaluation report	Youth Housing and Reintegration Service	Youth	Both	Mainstream	Qld	Level 1	Evaluation of a holistic casework support program to assist youth in the juvenile justice or child safety system gain stable accommodation and develop skills for independent living.
Social Ventures Australia	Helping hand and linking youth: Forecast social return on investment - Full Report September 2014	2014	Grey: Evaluation report	The Helping Hand and Linking Youth program	Youth	Both	Indigenous	NSW	Level 1	Evaluation of a targeted case management program to prevent youth incarceration or reincarceration, through the provision of holistic support and positive activities.
Social Ventures Australia	Youth Prevention and Diversion Circular Head Aboriginal Corporation: Forecast social return on investment - full report	2014	Grey: Evaluation report	Youth Prevention and Diversion Program	Youth	Both	Indigenous	Tas	Level 0	Evaluation of a targeted case management program to prevent youth incarceration or reincarceration, through the provision of holistic support and positive activities.
Stewart, J., Hedwards, B., Richards, K., Willis, M., and Higgins, D.	Indigenous Youth Justice Programs Evaluation	2014	Grey: Evaluation report	Tiwi Islands Youth Diversion and Development Unit	Youth	Both	Indigenous	NT	Level 1	Evaluation of a diversion program targeting mainly first-time youth offenders which involves youth justice conferences.
Stewart, J., Hedwards, B., Richards, K., Willis, M., and Higgins, D.	Indigenous Youth Justice Programs Evaluation	2014	Grey: Evaluation report	Woorabinda Early Intervention Panel Coordination Service	Youth	Both	Indigenous	Qld	Level 1	Evaluation of a program that provides care and support for Indigenous young offenders and their families through a cross-agency panel which coordinates case management and referral to support services.
Stewart, J., Hedwards, B., Richards, K., Willis, M., and Higgins, D.	Indigenous Youth Justice Programs Evaluation	2014	Grey: Evaluation report	Aggression Replacement Training	Youth	Both	Mainstream	Qld	Level 1	Evaluation of a rehabilitative cognitive-behavioural group program targeting youths to help them control anger and develop pro-social skills.

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Author/s	Record title	Year published	Record type	Name of program (if relevant)	Target group			Jurisdiction	SMS rating	Description
					Age stage	Gender	Population			
Success Works	Queensland Indigenous Alcohol Diversion Program Final Summative Evaluation Report	2010	Grey: Evaluation report	Queensland Indigenous Alcohol Diversion Program	Adult	Both	Indigenous	Qld	Level 2	Evaluation of a pre-sentence bail-based court diversion program for Indigenous defendants charged with offences where alcohol is a factor.
Suggit, D.	Joining Forces: A partnership approach to effective justice - community-driven social controls working side by side with the Magistracy of the Northern Territory	2012	Grey: Review report	Program: Community Courts	Both	Both	Mainstream	NT	Level 2	Review of a sentencing court which engages the offender, victim, families and community members in the court process. It aims to be a less formal process which is more meaningful and culturally relevant.
Trotter, C., Baidawi, S., and Evans, P.	Good practice in Community-based Supervision of Aboriginal Youth Offenders	2014	Scholarly: Journal article	N/A	Youth	Both	Indigenous	NSW	Level 0	Research involving focus groups with youth justice staff to identify elements of good practice in the supervision of Aboriginal youth justice clients.
Whitton, N., and Indig, D.	Improving Aboriginal Juvenile Detainee's Access to Community Health Services	2012	Scholarly: Journal article	Aboriginal Youth Health Access Workshop Program	Youth	Male	Indigenous	NSW	Level 1	Research the development and delivery of a health program targeting Aboriginal youth offenders that involved educational workshops to build on their health knowledge and access to health services.
Williams, M., Tait, D., Crabtree, L., and Meher, M.	Youth Koori Court: Review of Parramatta Pilot Project	2018	Grey: Review report	Youth Koori Court	Youth	Both	Indigenous	NSW	Level 1	Review of pilot sentencing court which uses a deferred sentence model to provide a young person with an opportunity to access support services and address their offending behaviour.
Willis, M., and Holcombe, S.	Evaluation of the Cross Borders Indigenous Family Violence Program	2014	Grey: Evaluation report	Cross Borders Indigenous Family Violence Program	Adult	Male	Indigenous	SA, WA, NT	Level 1	Evaluation of a rehabilitation program targeting Aboriginal male offenders who have problems with family or spousal violence. Group sessions address family, social, individual and cultural needs.

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Appendix 3: Using the Maryland Scientific Methods Scale to assess scientific rigour

The results of applying the Maryland Scientific Methods Scale (SMS) to assess the quality of the research and evaluation studies included in the project's narrative synthesis of literature are described below.

The SMS is used to rank evaluation studies on their strength of evidence regarding cause and effect according to their research design (Day, Francisco and Jones 2013). The original SMS comprised a five-point scale of Level 1 to Level 5, with higher rankings associated with a greater control of outside variables which may be causing the observed relationship between a program and its outcomes; Level 5 is considered to be the strongest evidence for determining program effects (Farrington et al. 2003; Sherman et al. 1998).

Our assessment used an adapted six-point scale so that studies with a purely qualitative research design could be assigned as Level 0. This scale has been used by Day, Francisco and Jones (2013) and is replicated in the table below.

Adapted Maryland Scientific Methods Scale

| Rating	Description	Detail
Level 0	Qualitative study.	Study that uses interviews, focus groups or other qualitative methods
Level 1	Correlation study with no comparison group.	Study looking at the correlation between a program and an outcome measure at a point in time or one using a single, post-treatment survey of those who have received treatment. Analysis of administrative data to identify factors correlated to reunification and re-entry.
Level 2	Study in which a temporal sequence between the program and the recidivism outcome is clearly observed (pre-post study), or the presence of a comparison group without demonstrated comparability to the treatment group.	Study where the comparability of the comparison groups is seriously compromised and no attempt has been made to control for this; that is, pre-post only study; or study where the only comparison is between completers and non- (or partial) completers of a particular treatment.
Level 3	A comparison between two or more comparable units of analysis, one with and one without the program (no random assignment to groups).	A comparison between two or more comparable units of analysis, one with and one without the program.
Level 4	Comparison between multiple units with and without the program or using comparison groups that evidence only minor differences.	Study in which it has been clearly demonstrated that, before the intervention, there is very little difference between comparison groups.
Level 5	Random assignment and analysis of comparable units to program and comparison groups. Differences between groups are not greater than expected by chance. Units for random assignment match units for analysis.	Study in which subjects are randomly assigned to groups. The strongest such study will also attempt to 'hide' the group assignments from those involved in the research.

Source: Day, Francisco and Jones (2013)

Applying the adapted Maryland Scientific Methods Scale

The assessment of the research and evaluation studies according to the adapted SMS was based on the highest rating of methods used in each study, acknowledging that all studies from the in-scope literature eligible for this project involved some component of qualitative research.

Of the 73 research and evaluation studies discussed in the in-scope literature, 34 included qualitative methods only (Level 0), 23 included a correlation study with no comparison group (Level 1), 13 included a pre and post-study (Level 2) and three included a comparison between comparable units of analysis (Level 3) (summarised in the figure below). There were no research and evaluation studies which were assessed at Level 4 or Level 5 on the SMS.

Assessment of methodological quality using the adapted Maryland Scientific Methods Scale

SMS rating				
34	23	13	3	Total n=73 studies
Level 0	Level 1	Level 2	Level 3	
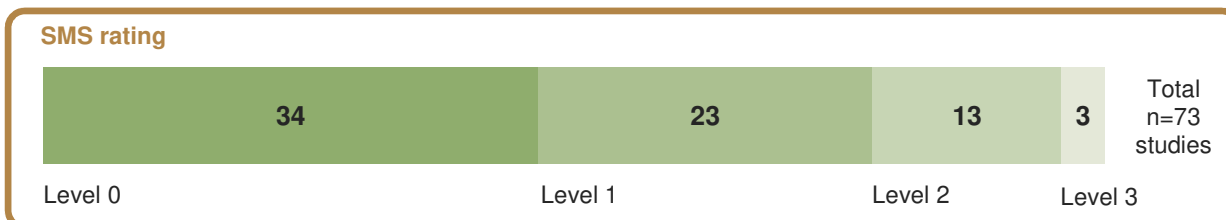
Source: QGSO assessment of information presented in the in-scope literature.

It is important to note that these findings do not represent an assessment of the methodological quality of all research and evaluation literature on criminal justice programs involving Aboriginal and Torres Strait Islander people. Rather, they reflect the type of literature considered eligible for this project according to the project scope and research approach – this literature included studies not designed to measure program outcomes.

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