

The Impact of Crime Prevention
on
Aboriginal Communities

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EXECUTIVE SUMMARY

Crime and Victimisation

The picture of crime among Indigenous people is not complete. However, the available data can be summarised as follows.

Offending

- Indigenous people in prison are most over-represented in offences involving violence, public order, motor vehicle offences and property damage
- A significant proportion of Aboriginal people received into prison are there for defaulting on a fine. This suggests that many Indigenous people are going through the prison system for relatively minor offences where a fine was imposed in the first instance.
- Indigenous people tend to come before the courts for more serious property offences including break and entering, and stealing motor vehicles, compared to non-Indigenous people
- Indigenous people are also significantly over-represented before the courts for public order offences and offences involving violence

Sanctioning

- Indigenous people are over-represented in the prison systems of all Australian jurisdictions
- The Indigenous imprisonment rate has increased during the 1990s and in some States more quickly than the overall imprisonment rate
- Indigenous prisoners are usually serving on average shorter sentences than non-Indigenous prisoners
- Indigenous prisoners are more likely to have previously served a prison sentence than non-Indigenous prisoners
- Indigenous children and young people are over-represented in all areas of the juvenile justice system, although in general they are less likely to receive diversionary options than non-Indigenous young people

Victimisation

- Indigenous people are at higher risk of violence
- Indigenous communities experience greater economic and social disadvantage

There are also areas of offending behaviour, victimisation and the behaviour of criminal justice agencies where our knowledge is incomplete. For example, we do not have consistent and cross-jurisdictional information on

- the rates at which Indigenous people are proceeded against by police compared to non-Indigenous suspects
- statistics on offences for Indigenous people are only available for some jurisdictions
- statistics on court outcomes for Indigenous people are only available for some jurisdictions
- patterns of repeat victimisation and repeat offending among Indigenous people
- the number, type and rate of unreported crimes among Indigenous communities and changes over time in reporting rates,. Although there is limited information of domestic violence
- the extent of correlation between rates of different crimes and indicators of social disadvantage at the local area level for Indigenous communities.

Evaluation of Crime Prevention Programs

There is widespread agreement about the importance of evaluation for crime prevention in Aboriginal communities. However, the evaluation of crime prevention initiatives in Aboriginal communities is a difficult issue, and defining what we mean by evaluation is not as simple as may first appear.

Two approaches to evaluation include 'impact evaluation' and 'process evaluation'. While not ignoring impact evaluation, 'process evaluation' is particularly important for Aboriginal communities because the effect of crime prevention strategies may be strong in the area of developing a community's self-confidence and ability to deal with social issues like crime.

In addition there are specific problems in evaluating crime prevention programs in Aboriginal communities, including lack of data on effectiveness, a tendency to describe 'successful' programs without stating the criteria for success, lack of information about funding and the transient nature of many programs and a lack of clarity about goals of particular programs.

However, there are some common points in relation to evaluation which emerge from a range of discussions. These include the importance of ownership of the evaluation by the community, data collection should be compatible with Indigenous experience, and the purpose of the evaluation should be to assist communities to work towards positive change.

Major Programs: Night Patrols and Justice Groups

The major and longest running crime prevention programs in Indigenous communities have been night patrols and various types of justice groups. Night patrols and justice groups are also one of the few types of initiatives that have been evaluated at a more systematic level. Generally the evaluations have been very positive.

Evaluations of night patrols indicate they can achieve

- A reduction in juvenile crime rates on the nights the patrol operates, including for offences such as malicious damage, motor vehicle theft and street offences
- An enhancement of perceptions of safety
- Minimisation of harm associated with drug and alcohol misuse
- An encouragement of Aboriginal leadership, community management and self-determination
- An encouragement of partnerships and cultural understanding between Indigenous and non-Indigenous communities

Evaluations of justice groups indicate they can

- Achieve a reduction in juvenile offending and school truancy
- Achieve a reduction in family and community disputes and violence
- Increase the more effective use of police and judicial discretion
- Increase community self-esteem and empowerment
- Provide better support for offender reintegration
- Generate cost-savings for criminal justice agencies

Drug and Alcohol and Family Violence: Successful Programs

Two major areas where crime prevention programs have been focussed are on drug and alcohol and family violence issues. There have been many programs developed to deal with these problems and as a result there has been some evaluation of the results. In relation to drug and alcohol programs there appears to be consensus that culturally appropriate and community-based programs which utilise multiple modes of intervention and involve the family in treatment are most successful.

The common themes in evaluations of family violence programs include the need for holistic approaches, the utilisation of community development models which emphasise self-determination and community ownership, the provision of culturally sensitive treatment which respects traditional law and customs and involves existing structures of authority such as elders, including women.

The key findings from preliminary research on successful anti-violence programs aimed at Indigenous men includes:

- A structured program should be delivered to groups within an empowering and innovative learning framework that combines cognitive, behavioural and re-socialisation approaches.

- Programs for offenders should not be based on models of support or therapy, but must have results that focus on complete behavioural and attitudinal changes in the offenders.
- Program topics for Indigenous offenders need to be culturally sensitive. Program topics were developed to include information on the cultural context of Indigenous family violence, change motivators relevant to Indigenous offenders and an exploration of Aboriginal spiritual healing.
- Programs should have the flexibility to be undertaken in a range of settings for Indigenous groups and be facilitated by elders within Indigenous communities.
- Education sessions should be included for offenders on the problems of excessive alcohol consumption.
- Offering support to children exposed to domestic violence is a crucial component of the program.

There has also been discussion of successful strategies for juvenile diversion which are relevant to crime prevention programs. In addition to covering common features mentioned above, the other issues which emerge include the need for developing self-esteem and avoiding stigmatisation and the need to develop skills in education and training.

Other Areas of Promising Crime Prevention Initiatives

An important aspect of Indigenous responses to the mainstream criminal justice system has been to seek modification of existing court processes. These modifications can take a number of forms including the use of mediation to allow for more culturally appropriate processes, the use of Indigenous advisers or justices of the peace to provide assistance in the sentencing process, the use of conferencing and sentencing circles, through to the use of Indigenous operated residential alternatives to prison.

There is also a wide variety of crime prevention programs that involve community-based intervention, assistance and supervision. These include education, employment and training programs, youth centres and outreach programs, schemes for mentoring and supervision within the community.

Diversity of Approach

Indigenous crime prevention strategies currently incorporate many different approaches including situational crime prevention (such as night patrols), social crime prevention (such as cultural and other programs for 'at risk' youth), community-based prevention (such as law and justice groups) and tertiary crime prevention (such as Aboriginal courts).

This report identifies the need for diverse strategies. It may simply not be possible to prescribe the definitive components for effective crime prevention programs, if one is also serious about community development, community ownership and Indigenous self-determination. Having said that, there are obviously programs which appear particularly effective and this may well result from the principles on which they are based rather than simply the content of the program per se.

In summary, the key characteristics shared by Indigenous programs that seek to effectively address crime prevention issues can be reduced to the following propositions:

- holistic approach incorporating different strategies
- involvement of significant others such as family and community elders
- self-determination
- culturally appropriate programs and staff.

Crime and Victimization: New Zealand, USA and Canada

The evidence from Canada, New Zealand and the USA shows a disproportionate impact of crime in Aboriginal communities both in terms of offending and imprisonment levels and in relation to victimisation.

For example, criminal justice data show that Māori are over-represented at every stage of the criminal justice system: they are 3.3 times more likely to be apprehended for a criminal offence than non-Māori. Māori made up 14 per cent of the general population and 51 per cent of the prison population.

While forming only 3% of the general Canadian population, Aboriginal offenders make up 17% of the federal penitentiary inmates. In Manitoba, Saskatchewan and Alberta, Aboriginal people make up more than 60% of the inmate population in some penitentiaries. In Saskatchewan, for example, Aboriginal people are incarcerated at a rate of 35 times higher than the mainstream population.

Lessons from New Zealand, USA and Canada

In New Zealand there are a number of crime prevention programs for Māori which have been positively evaluated including the Te Whānau Āwhina (Community Managed Restorative Justice Program) and the Māori Community Initiatives for Youth. In addition there are two significant reports which are useful for Indigenous crime prevention issues. One is the *Report on Combating and Preventing Māori Crime* (Doone 2000) which reviewed crime prevention programs and develops a good practice guide to reduce Māori offending. The second is the report *Rapua Te Huarahi Tika – Searching for Solutions, A Review of Research about Effective Interventions for Reducing Offending by Indigenous and Ethnic Minority Youth* by Singh and White (2000) which identifies crime prevention and other initiatives specifically aimed at Indigenous and minority youth.

In the USA there is widespread Federal funding for crime prevention programs covering areas such as initiatives in crime prevention for Native American youth, violence against women programs, tribal strategies against violence and drug and alcohol programs. A particularly useful report is *Promising Practices and Strategies to Reduce Alcohol and Substance Abuse among American Indians and Alaska Natives* (OJP 2000). Another report on crime prevention strategies in Native American communities which is helpful is the Bureau of Justice Assistance (1997) report *Revitalizing Communities: Innovative State and Local Programs*.

In Canada there are a number of Federal schemes which support crime prevention initiatives among Aboriginal and First Nations Canadians. The Safer Communities Initiative, administered by the National Crime Prevention Centre, funds many community-base Indigenous crime prevention programs throughout Canada. The Department of Justice's Aboriginal Justice Strategy is also involved in supporting community-based justice programs. Healing Centres or Lodges have been an important strategy in dealing with offenders and those 'at risk'. An innovative approach by Corrections has been to contract these Centres to provide alternative residential facilities to mainstream prison.

CHAPTER 1

UNDERSTANDING CRIME PREVENTION IN INDIGENOUS COMMUNITIES

1.1 Introduction

This research reviews current literature on crime prevention policies and programs which have a focus on crimes committed by or against Aboriginal people. In particular, practical crime prevention measures to reduce crimes of violence and property are considered. Also included in this research are specific programs which have been developed to reduce Indigenous contact with the criminal justice system.

To place crime prevention in the specific context of Indigenous issues, the research also analyses the nature of crimes in Indigenous communities which are unreported or under-reported and which are not proceeded with to prosecution. There is also discussion of whether there are differences between rural and urban Indigenous communities in relation to crime problems. A further focus of the research has been the level of Indigenous participation and control in the development, implementation and evaluation of crime prevention initiatives.

This review takes a broad look at what might constitute crime prevention and does not confine itself to only those measures which fall within programs defined as 'crime prevention' by Government agencies. As Sherman (1997) noted many agencies and programs contribute to crime prevention although their core business activity may not be formally associated with crime prevention at all. Such a broad view is particularly important in relation to Indigenous people because many of the programs which have started in communities have arisen from practical grassroots concerns with developing measures to deal with crime and offending behaviour in the face of the apparent failure of mainstream justice mechanisms. Many of the local initiatives have also developed within a framework of increasing demands for self-determination.

The research analyses both Australian and international experiences in relation to Indigenous crime prevention, with particular attention to New Zealand, Canada and the United States. In the last decade there has been an enormous regeneration of community initiatives to deal with issues facing Indigenous people. For example, a recent report on violence in Australian Indigenous communities identified 130 anti-violence programs that had been implemented, were being implemented, or were planned for implementation in Aboriginal communities. Programs were identified in all States, with the largest numbers in New South Wales (30), Queensland (29), Western Australia (25), Northern Territory (18) and Victoria (17). The frequency more or less reflected the distribution of Indigenous people across Australia (Memmott et al 2001:3).

In many respects, these programs are a practical demonstration of the potential success of Indigenous self-determination. Both the failure of existing crime control to operate effectively in Aboriginal communities, and the over-representation of Indigenous people in the criminal justice system, have been important and powerful arguments for greater Indigenous control over crime control policy. Beyond these policy reasons for self-determination, there is the more fundamental claim that Indigenous people have the *right* to exercise authority in areas of law and justice. Such a claim obviously impacts on the development and operation of crime prevention programs.

This report attempts to be relatively comprehensive in relation to Indigenous crime prevention programs in Australia, although given their number, insecure funding and often transient nature there will be inevitable gaps. It should also be noted that there are significant limitations in the documentation and evaluation of many programs. In relation to programs outside of Australia, this report deals more broadly with the nature of Indigenous crime prevention in New Zealand, Canada and the United States, rather than attempting to describe the totality of Indigenous crime prevention programs.

1.1.1 Key Policy, Strategies and Funding Agencies of Relevance to Aboriginal Crime Prevention

Although Indigenous crime prevention programs may be developed at the local level, they are also inevitably dependent upon funding through a range of Government sources. All States, Territories and the Commonwealth Government have, over the last few years, adopted crime prevention strategies. In many cases these strategies pay particular attention to the issues of Indigenous people. The figure below refers to the major crime prevention committees, secretariats, and strategies which have some relevance to Indigenous crime prevention.

FIGURE 1 CRIME PREVENTION BY JURISDICTION

Commonwealth

National Crime Prevention
National Anti-Crime Strategy
Crime Prevention Branch, Attorney-Generals' Department
Partnerships Against Domestic Violence, Office of the Status of Women
National Indigenous Family Violence Grants Program

ACT

Crime Prevention and Safety Committee (ACT Community Safety Strategy)
Department of Justice and Community Safety
Crime Prevention Unit
Community Safety Plans

Northern Territory

NTsafe Co-ordination Committee
Local Crime Prevention Committees
(NTsafe - Northern Territory Crime Prevention Strategy)

Victoria

Community Safety and Crime Prevention Board (VicSafe – Community Safety and Crime Prevention Strategy)
Department of Justice
Crime Prevention and Safety Unit

Tasmania

Crime Prevention and Community Safety Council
Secretariat in Department of Police and Public Safety
Tasmanian Crime Prevention Strategy

Queensland

Queensland Crime Prevention Strategy
Community Renewal Program
Department of Aboriginal and Torres Strait Islander Policy Development (DATSIPD)
Local Justice Initiatives Program
Diversion from Custody Program

Western Australia

Department of Justice
Justice Co-ordinating Council (State Crime Prevention Strategy)
Community Funding Program Western Australian Crime Prevention Strategy – SAFER WA
Action Plan 'To Address the Cycle of Aboriginal Offending'

South Australia

Attorney-General's Department
Crime Prevention Unit
South Australian Crime Prevention Strategy

New South Wales

Attorney General's Department
Crime Prevention Division
Safer Communities Development Fund Grants
Safer Communities Development Projects
Local Crime Prevention Plans

The extent to which the above policies and funding schemes specifically provide for Indigenous programs varies considerably. For example, the Tasmanian Crime Prevention and Community Safety Directory refers to 44 crime prevention projects in Tasmania. There are no projects listed specifically dealing with Aboriginal issues and only one (Project Hahn) refers to Aboriginal people among the target groups.

1.2 What is Crime Prevention? Some Conceptual Issues

1.2.1 Definitional Issues

The concept of crime prevention can be understood as a preventive approach to crime distinguishable from law enforcement and criminal justice approaches. Governments tend to use the term crime prevention for their promotion of multi-agency, situational and social strategies and 'partnerships' against crime (Hughes 1998:3).

Crime prevention emphasises that crime reduction can be achieved separate from punishment and law enforcement. Indeed the reduction of crime can be considered as a separate objective from the punishment of offenders. Hughes (1998:9) notes that there is 'no clear conceptual consensus as to what the boundaries of crime prevention are although there is an important settlement about "crime" as the object of prevention discourses'.

A popular working definition of crime prevention is the 'total of all private initiatives and state policies, other than the enforcement of criminal law, aimed at the reduction of damage caused by acts defined as criminal by the state' (Hughes 1998:19). However, it should be noted that many discussions and definitions of crime prevention do include law enforcement within their ambit.

The literature on crime prevention makes numerous definitional distinctions around the nature of crime prevention strategies. Perhaps the most common are the distinctions between situational crime prevention, social crime prevention, community crime prevention and tertiary crime prevention.

Situational crime prevention rests on making crimes harder to commit; increasing the risks of being caught and decreasing the rewards for offenders. Within the (medical) epidemiological models of crime prevention, situational crime prevention is often referred to as *primary crime prevention*: the reduction of criminal opportunities.

The focus is on preventing crime through opportunity reduction. Offences rather than offenders are the focus of this approach and the reasons why people offend are not addressed. Situational crime prevention includes

- Improving physical security and safety
- Environmental design and management
- Preventive policing

Examples of this approach include installing locks, burglar alarms, sensor lights and video camera surveillance in public places to reduce opportunities for crime. Other examples of making offences harder to commit might include neighbourhood watch, women's shelters and safe houses.

Social crime prevention (or *secondary crime prevention*) focuses on changing people before they commit offences, that is, the prevention of criminality. This approach relies on changing social environments and the motivations of offenders, such as youth clubs, activity-based projects, etc to deter (potential) offenders from future offending.

Social intervention strategies can deal with the absence of incentives to be law abiding and can aim at creating a stake in conforming. Social crime prevention is concerned with reducing the 'risk' factors associated with crime and increasing the 'protective' factors associated with preventing crime. Preventing criminal potential through targeting risk and protective factors in individuals can also be referred to as developmental prevention (Tonry and Farrington 1995).

Sutton and Hazlehurst (1996) note the diversity of projects attracting the label of social crime prevention. They divide social prevention into a number of sub-categories including

- Early Childhood or Developmental Prevention: addressing the underlying causes of crime and focus on 'at risk' groups or individuals. These strategies aim to prevent the development of criminal potential in individuals, particularly the young, through improved parenting, improved school performance, reduction of child abuse and neglect, and non-violent conflict management techniques.
- Institutional Crime Prevention: in this approach crime prevention is aimed at reshaping institutions. Therefore, schools should be encouraged to place at least an equal emphasis on assisting young people to avoid becoming marginalised, on helping them to pick up practical skills, and on bridging the gap between education and work.
- Preventative Diversion programs for 'at risk' groups: in these programs young people who have already failed to respond to classroom teaching or personal counselling may be more responsive to learning through practical experience.
- Media and other publicity aimed at changing social values: media and other publicity campaigns have been used extensively by State and Federal Governments, for example, to try and change male attitudes towards the use of coercion and violence. The success of anti-smoking, 'Life. Be in it', and other media campaigns would seem to indicate that broad social values can be changed.

Community-based prevention. Elements of both situational and social crime prevention can be incorporated in this approach, using a whole of community approach to preventing crime rather than individual measures. There are three parts to community crime prevention: community organisation, community defence and community development.

Community development approaches are perhaps the most effective and the most difficult to implement because they require a motivated community which will need support over the longer term. The approach requires changing social conditions which influence offending. These approaches are premised on the idea that the best way to tackle crime problems in a disintegrating neighbourhood is to empower local people to regenerate their community.

Tertiary crime prevention is aimed at changing a person’s behaviour after a crime has been committed. It is concerned with shortening criminal careers or reducing the seriousness of offending through, for example, the treatment of known offenders.

These programs might include perpetrators’ programs, alcoholics anonymous, detoxification programs, community service orders, restorative justice initiatives, employment and training support for offenders.

As will become evident in this report, Indigenous crime prevention strategies currently incorporate situational crime prevention, social crime prevention, community-based prevention and tertiary crime prevention.

1.2.2 Indigenous-Specific Risk and Protective Factors

There is considerable literature on the 'developmental' pathways towards crime, substance abuse and other social problems. A major report on risk and protective factors was commissioned by the National Crime Prevention Office (Homel et al 1999). The research reviewed the international literature, and identified and collected detailed information on a sample of 46 early intervention programs in Australia.

The key finding of the research is that the likelihood of an individual becoming involved in criminal activity and/or substance abuse is influenced by the existence of risk and protective factors in their family, school and community environments. Child abuse and neglect are of particular significance. Risk factors include family violence and disharmony, poor supervision and monitoring of children, and social or cultural discrimination. Protective factors include social skills, a sense of belonging and a positive school environment. These factors can operate cumulatively.

Homel et al (1999) have considered some of the risk and protective factors which might be specific to Indigenous people in Australia.

FIGURE 2
Risk and Protective Factors Specific to Indigenous People

Risk Factors	Protective Factors
Forced removals	Cultural Resilience
Dependence	Personal Controls
Institutionalised racism	Family Controls
Cultural factors	
Alcohol	

Source: Homel et al (1999:185-191).

Further research in this area has important implications for the development of specifically Indigenous crime prevention programs. Given the specific historical and contemporary impacts of colonial policies such as, for example, the forced relocation of communities and the impact of the

Stolen Generations, we can expect that a range of specific risk factors will impact on Indigenous peoples.

1.3 Some Types of Indigenous Crime Prevention Strategies and Programs

It is not possible to be exhaustive of all the possibilities when it comes to crime prevention in Indigenous communities. There are many levels at which crime prevention can operate - either within or without the formal criminal justice system. There are also many different potential 'targets' in terms of offences, offenders, victims and so on. Some ways of thinking about how to classify crime prevention programs for Indigenous people would include addressing questions such as, Who is the focus of the program? Is it the victim? The offender? The community?

Another question might be, Who has responsibility for the program? Is it driven by the community or has it been developed externally by other agencies? There are questions which relate to the type of offence. Is the program attempting to control and prevent particular types of offences such as family violence, property theft, anti-social behaviour? Or is the program more general in its application? Finally, at what stage does intervention occur?

In addition, there are many possibilities about the types of programs and activities which might be labelled as crime prevention strategies. The following chapters of this report discuss the nature of crime prevention in more detail. For the present, however, it is worth outlining some of the key policies and strategies which can be found in Indigenous communities throughout Australia at present.

FIGURE 3
SOME TYPES OF CRIME PREVENTION PROGRAMS IN INDIGENOUS COMMUNITIES

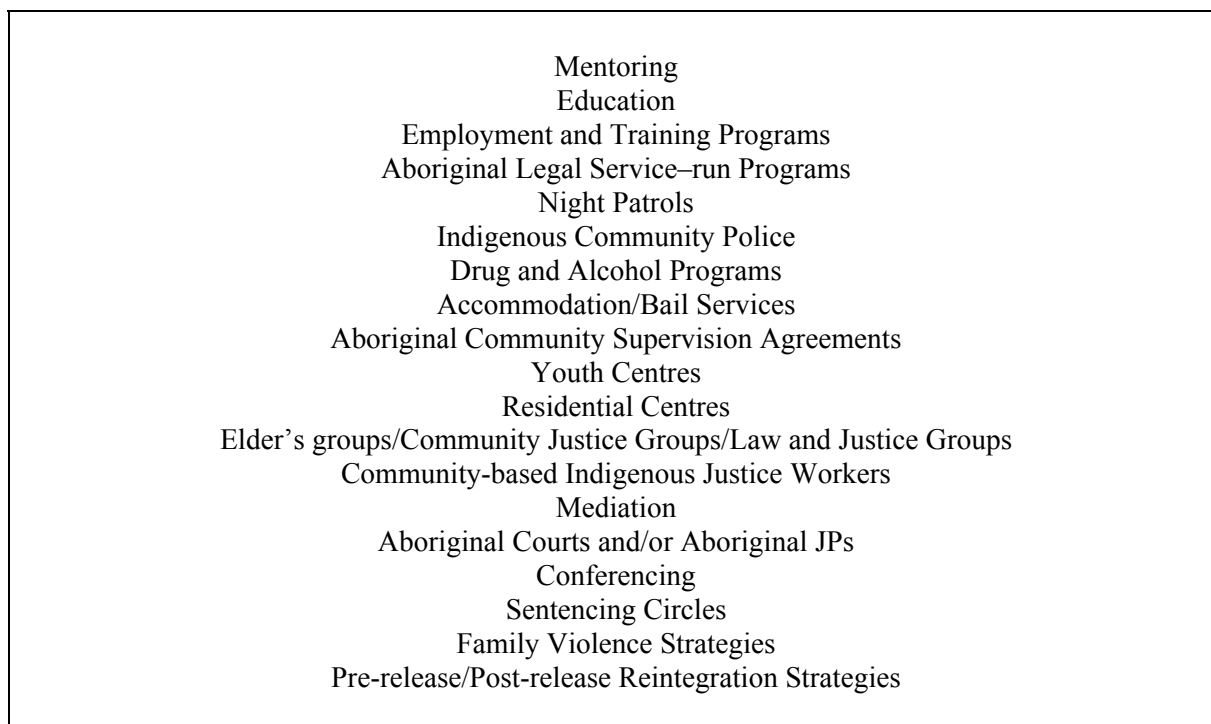


Figure 3 is not necessarily exhaustive, but it does indicate the major areas in which Indigenous crime prevention strategies operate. Another classification has been provided in a report on violence in Indigenous communities. The report examined violence programs nationally and derived the following nine categories of program types:

- support programs (counselling, advocacy)
- strengthening identity programs (sport, education, arts, cultural activities, group therapy)
- behavioural reform programs (men’s and women’s groups)
- policing programs (night patrols, wardens)
- shelter/protection programs (refuges, sobering-up shelters)
- justice programs (community justice groups)
- mediation programs (dispute resolution)
- education programs (tertiary courses, miscellaneous courses, media awareness)
- composite programs (comprising elements from all programs) (Memmott et al 2001:3).

Although developed specifically with anti-violence crime prevention programs in mind, this categorisation is useful for thinking about crime prevention in Aboriginal communities more generally. One further categorisation which is helpful, and which did not form part of the above study, is programs designed to deal with drug and alcohol abuse.

1.4 Evaluation Issues

The evaluation of crime prevention initiatives in Aboriginal communities is a vexed issue, and it is worth flagging some of the key points at the outset of this report. There is widespread agreement about the importance of evaluation for crime prevention in Aboriginal communities (Hazlehurst 1990). However, defining what we mean by evaluation is an important issue and one that is not as simple as may first appear.

Sherman and colleagues (1997) established a scale (1-5) by which program evaluations might be assessed. The scale basically follows a ‘scientific’ framework with an experimental designed

evaluation at the highest level and a simple correlation between the crime prevention program and a measure of crime risk at the lowest end of the scale. Yet such an approach to crime prevention does not allow for unforeseen effects particularly in relation to capacity-building within Indigenous communities.

Of relevance to this discussion, is the point made by O'Malley, who argues that the impact of economic rationalism has been to subject a range of social activities to audit and evaluation construed within a narrow framework, particularly through cost-benefit analysis. O'Malley notes the debate between criminologists who argue for 'process evaluation' (the value of the intrinsic processes in the program) compared to those who stress 'impact evaluation' (the measurable benefits of crime prevention policies such as decreases in offending or the costs of offending) (O'Malley 1997:267-269). It will be argued that 'process evaluation' is important for Aboriginal communities because the effect of crime prevention strategies may be particularly strong in the area of developing a community's self-confidence and ability to deal with social issues like crime.

Pease (cited in Hughes 1998:19) cautions against the attempt to identify universality in the techniques of prevention. His argument is that when we look at crime we are in fact looking at a series of events only joined by their proscription by the criminal law. Such an argument has consequences for the search for universal 'truths' about effective crime prevention. According to Bennett (1996) the evidence suggests that the recipients of crime prevention at various levels (i.e. individuals, situations, communities) are heterogeneous and complex. This means that strategies found to be effective with respect to one situation or community may not necessarily be effective in all others.

In addition, there have been specific problems in evaluating crime prevention programs in Aboriginal communities. These include

- The lack of data on effectiveness
- A tendency to describe 'successful' programs without stating the criteria for success
- Lack of information about funding and the transient nature of many programs
- A lack of clarity about what might constitute a 'crime prevention program' (ie at its broadest virtually any Government or community-based policy or program can be viewed within a context of crime prevention).

The complexities of these problems cannot be reduced to simple questions about 'what works' and 'what doesn't'. Certainly one of the problems which is apparent in the discussion of crime prevention initiatives is the lack of evaluation of programs. Memmott et al (2001) noted in their review of Indigenous violence programs that there was a widespread lack of evaluation of programs reported in the literature and in the program profiles which they received. Only six programs of 53 which were profiled 'had received some reasonable evaluation that was in documented form' (Memmott et al 2001:77).

The Memmott et al (2001) study makes some very salient points in relation to the deficiencies in the literature on violence programs. Basically they argue that there is little discussion on what might be the failings and difficulties which programs face. The researchers summarise from their own experience some of these problems.

- Lack of clear thinking on what forms of violence are being targeted by specific programs. Better focus would assist in more effective design of program methods.
- Lack of suitable sectoral partnerships for program delivery and lack of co-ordination at the local level.
- Lack of training and skills amongst program staff.
- Lack of funding or insufficient funding.
- Unethical community politics interfering with program execution.
- Programs not necessarily directly targeted at the worst forms of violence in a community.

- Programs being predominantly reactive and not balanced with proactive components to reduce incidents of violence.
- Lack of co-ordination or fragmentation between State and Commonwealth goals and programs.
- Violence intervention staff themselves become threatened and/or assaulted by violence perpetrators.
- Over-stress ('burn out') amongst program staff through regularly dealing (both during and out of work hours) with the constant stress inducing occurrences of violence in the community (Memmott et al 2001: 77).

The authors conclude that there is a need to examine these and other reasons that may undermine the success of programs when carrying out the evaluations of programs. In other words, the evaluation needs to be broad enough to pick-up these factors which may be beyond the initial control of the program, but will limit its effectiveness.

The evaluation of the *Rural Crisis Intervention Partnerships Projects* in Broken Hill and Menindee has noted a number of key factors in regard to evaluating Indigenous projects including:

- ownership of the evaluation should be in the hands of the local project and community;
- the primary purpose of evaluation should be to assist communities to work towards positive change;
- data collection should be compatible with Indigenous experience (story telling and use of oral experience);
- verification of data should be in the hands of the local community;
- the style of presentation should be in the hands of the local workers and community as much as possible (Partnerships Against Violence 2001:14).

As will be seen in Chapter Four, these evaluation issues have been mirrored in discussions in the Northern Territory concerning the impact of law and justice groups.

The question of evaluation also raises a further issue of the relationship between crime prevention and broader Aboriginal claims such as self-determination. Do we see crime prevention as simply about social engineering or is it potentially democratising? Can crime prevention be seen within the context of opening-up existing criminal justice structures towards greater Indigenous community control?

1.5 Best Practice and Indigenous Crime Prevention

A recent report noted that most literature dealing specifically with anti-violence programs 'highlights the complexity of the issues and the lack of any ready quick-fix solutions. Ways of presenting information vary according to the method of study, the community in which the study was completed, the type of violence being analysed and the agency or professional discipline from which the research originated' (Memmott 2001:6). These are fair points that need to be kept in mind when considering issues of evaluation and best practice. Generally the lack of evaluation, the discontinuities in funding and the sheer diversity of community-based approaches makes the development of 'best practice' approaches difficult.

However, it should be acknowledged that many Aboriginal crime prevention programs have been successful. Since the early 1990s the Australian Institute of Criminology has been conducting Violence Prevention Awards. Each year Aboriginal crime prevention projects have won various awards (see www.aic.gov.au/avpa/2000.html). Over the last five years the following projects have won awards:

- Ngadrii Ngalli Way (Family Support Project) Inc (New South Wales) (2000)
- Rekindling the Spirit (New South Wales) (2000)
- Aboriginal and Torres Strait Islander Family Consultant Program (Northern Territory) (2000)
- Educational videos and booklets *Who's The Loser* and *Big Shame* (New South Wales) (2000)

- Many Rivers Violence Prevention Unit (New South Wales) (2000)
- The Northern Territory Court-Mandated and Court-Referred Program for Offenders of Domestic Violence (Northern Territory) (2000)
- Tjilpi Tjutaku Bush Camp (South Australia) (1999)
- Tangentyere Council Night Patrol (Northern Territory) (1999)
- Video and workshops *Lets Not Blame* (Western Australia) (1999)
- Reclaiming our Future (South Australia) (1999)
- The Northern Territory Government Aboriginal Law and Justice Strategy (Northern Territory) (1998)
- Yarrabah Family Life Promotion (Queensland) (1997)
- Streetsport (Western Australia) (1997)
- Northern Territory Government Aboriginal Family Violence Strategy (1997)
- Geraldton Aboriginal Yamatji Patrol (Western Australia) (1997)
- Special Constable Scheme - Oombulgurri (Western Australia) (1997)
- Ngali Ngali Mittji Family Violence Working Party (Northern Territory) (1996)
- Co-ordinator Displaced Persons (Queensland) (1996)
- We Al-li (Queensland) (1996)
- Walgett Aboriginal Night Patrol (New South Wales) (1996)
- The Dandenong Aboriginal Community Justice Panel (Victoria) (1996).

The various types of programs listed above show the diversity of crime prevention in Aboriginal communities. Two areas of particular concern have been drug and alcohol and family violence issues. There have been many programs developed to deal with these problems and consequently, there has been some evaluation of the results.

1.5.1 Best Practice Models in Relation to Drug and Alcohol Services

Gray et al (2000) reviewed treatment, health promotion education, acute interventions and supply reduction interventions for reducing excessive consumption of alcohol, and related harm, among Indigenous people. They found few systematic evaluations, but were able to draw the following conclusions:

- The impact of most interventions had been limited. The poor outcomes were attributed, in the main, to inadequate resourcing, staff expertise and program support.
- One intervention that did appear promising, particularly as a diversion intervention, was sobering up shelters. Sobering up shelters were described as acceptable to the community and to police, providing a more dignified, cost-effective alternative to police lock ups.
- Community-based field workers and after care were described as ‘essential’ to residential treatment programs.
- Any single intervention cannot solve a community’s alcohol problem, particularly in light of the ‘political and economic inequalities stemming from colonialism and dispossession’. They concluded that ‘there is a need to redress the fundamental inequalities faced by Aboriginal people’.

Hunter et al (1999) produced national recommendations for the clinical management of alcohol-related problems in Indigenous primary care settings. Some points worth noting are:

- there are problems with adopting treatment guidelines that have not been tested with Aboriginal people. Local knowledge and clinical judgement are required to interpret the applicability of guidelines to Aboriginal people and communities.

- Respectfulness and flexibility were recommended for effective intervention. Confrontation was not recommended, as it is culturally inappropriate and can reinforce the person's sense of loss of control.
- Pros and cons of residential treatment:
 - Pros: can provide time out for the dependent person and a period of sobriety for decision-making as well as providing time out for the family and community.
 - Cons: increased costs, failure to generate more appropriate community based services and reinforcing helplessness in the community.

Brady (1998) discusses the appropriateness of different types of alcohol interventions for Indigenous people and notes that

- Harm reduction strategies such as night patrols and sobering up shelters were seen as being within the Aboriginal culture of looking after each other.
- The idea of 'tough love', in which families are asked to not support drinkers (for example, by giving money) so they are not supporting their drinking, is difficult for Aboriginal people as helping each other is part of Aboriginal culture.
- 'Going bush' is a way many Aboriginal people deal with drinking where this is an option for remote communities.

Spooner (2001:11) has reviewed various evaluations and concluded that positive outcomes for recidivism and drug and alcohol treatment have been associated with

- community-based programs run by private providers compared with large custodial institutions
- involving family in treatment
- high levels of intensity and duration
- multiple modes of intervention
- a high level of structure.

She also found that the evidence does not support the use of boot camps for juvenile offenders.

The key principles which were identified include the following.

Principles for diversion strategies and treatment services:

- Culturally appropriate
- Developmentally appropriate
- Meaningful (not tokenistic) involvement of Aboriginal people
- Involvement of family and community
- Community based, where possible.

Principles for treatment services:

- Multi-modal
- Address multiple risk and protective factors
- intervention commensurate with drug use behaviour. That is, brief intervention when drug use does not constitute a PSUD¹; intense and long term interventions for PSUD.

Principles for diversion strategies:

- increasing sanctions and intensity of treatment with increasing offending history and PSUD

¹ Psychoactive substance use disorders (PSUD) is substance use that meets DSM-IV-Revised criteria for substance abuse or dependence.

- mechanisms for preventing net widening
- mechanisms for monitoring the use of discretion
- restorative justice principles
- acknowledgment and incorporation of previous reviews in this area, particularly the Royal Commission into Aboriginal Deaths in Custody and the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.

1.5.2 Successful Community Response to Family Violence

Commonly reported issues of concern across Indigenous communities that must be addressed in responding to family violence were:

- loss of land, marginalisation and dispossession
- the erosion of traditional extended family kinship structures, changes in traditional gender roles, and erosion of Aboriginal law;
- racism;
- the effects of institutionalisation and removal policies;
- alcohol and drug misuse;
- poverty and unemployment; and
- lack of support services in some areas (Partnerships Against Violence 2000:6; Blagg 2000a).

In July 1999, a round-table discussion on Indigenous family violence was convened by the then Minister for Aboriginal and Torres Strait Islander Affairs, John Herron. Arising from this meeting was a statement of *Principles for the Provision of Community-based Indigenous Family Violence Programs* (Herron 1999). Many of those principles have been picked-up in later publications of the Partnerships Against Domestic Violence literature. However, it is worth noting that a key focus of the principles was the need for programs to take a holistic approach to dealing with family violence and to ensure community ownership of the models used and the planning and implementation process. In other words, local processes of self-determination for program development was seen as essential.

The evaluation of the *Rural Crisis Intervention Partnerships Projects* in Broken Hill and Menindee identified the following best practice elements:

- the need to build on the skills of people in the local community;
- a clear belief that any form of violence is unacceptable;
- protocols and guidelines for effective service delivery are needed, across agency boundaries;
- sound appropriate training is essential for workers, backed up by effective support;
- the safety of victims of violence is the key priority;
- projects need to recognise and validate the importance of community healing;
- there needs to be a recognition of the importance of a family approach to dealing with violence in communities;
- solutions need to be found which do not require women to leave their communities;
- inter-agency collaboration is a crucial element; and
- a broad based reference group of key stakeholders is vital (Partnerships Against Violence 2000:6).

The common themes to emerge from the literature, project findings and consultation responses in successful features of a community response are those that:

- have an understanding of the complex social and psychological factors related to various forms of violence in Indigenous communities;
- are holistic, encompassing initiatives directed at health, drug and alcohol misuse and linked to community and family healing;
- are based on community development models emphasising self-determination and community ownership, as shown in night patrols initiated by Indigenous women;

- have their roots in the community and respond to context of local needs;
- provide a safe environment for respite for potential perpetrators such as sobering up centres and for victims (such as safe houses);
- have a community focus on providing culturally sensitive treatment to those who use violence;
- use a multidisciplinary approach;
- respect traditional law and customs;
- employ local people where possible;
- focus on partnerships and collaborative approaches between agencies such as local councils, community groups, police and other criminal justice personnel;
- provide crisis care and practical support;
- involve Community Justice Groups, emphasising the authority of elders, including women;
- add value to existing structures where possible (Partnerships Against Violence 2000:6; Partnerships Against Violence 2000:4).

1.5.3 Factors Associated with Successful Diversionary Strategies

There is a body of literature that has considered successful diversionary strategies with Indigenous people. Most of this has looked at juveniles, primarily because that is where the greatest administrative and legal potential for diversion usually occurs.

Ken Buttrum (1997) a former director-general of the New South Wales Department of Juvenile Justice has identified some of the key components of effective and successful programs for young offenders. These have been modified below to relate specifically to Indigenous young people, and also include factors identified in research on Indigenous youth and adults by Cunneen and McDonald (1999) and Keys Young (1999).

Successful programs:

- assist offenders to accept, rather than avoid, responsibility for their own behaviour
- focus on helping clients to resolve problems identified as contributing to their offending behaviour
- assist young people to develop practical alternative ways of coping with stressors
- involve, wherever possible, the young people's families and communities in working on the issues likely to reduce re-offending
- emphasise Aboriginal heritage, culture and law
- focus on remediating educational deficits in the basic skills to raise social competence
- help young people to develop market place work skills which can lead to further training opportunities, qualifications and real jobs
- assist in establishing and strengthening relationships with significant others who can become mentors and role models
- involve young people in the empowering experiences of assessing their own needs, building self-esteem and planning and monitoring their agreed case plans.

While these factors were specifically developed in relation to Indigenous young people, they have some general applicability to Indigenous adults.

1.5.4 Factors Associated with Successful Program Administration

In their evaluation of the ATSIC Young Offenders Diversionary Programs, Keys Young identified a number of factors associated with successful approaches to diversionary programs (Keys Young

1999). Although these factors were specifically developed in relation to diversionary programs, they have some overlap with crime prevention. The factors included:

- Having defined aims and objectives.
- Having the flexibility to alter aspects of the program as required.
- Having a broad perspective on what is considered 'diversionary', as defined by need.
- Employing a casework approach.
- Limiting numbers according to capacity, thereby avoiding the perennial problem of 'spreading yourself too thin'.
- Availability of a range of activities (eg casework, education, cultural, social and sports activities).
- Developing good links with education/ training institutions eg TAFE.
- Ensuring the program is genuinely youth-oriented eg by listening to young people, giving them the opportunity of providing input into the program, and advocating for them as required.
- At the same time, however, setting out clear rules and boundaries for the clients.
- Support from the community and mainstream service providers.
- Having effective, reliable and well-documented referral systems.
- Having suitable, trained staff who have well developed *community or service development* skills - experience in working with young people or in the juvenile justice system alone is not enough.
- Physical accessibility/location.
- Having the active support of the host organisation, which has good links to the community and clearly articulated roles and responsibilities in relation to day-to-day management of the program.

1.5.5 Principles Underlying Program Development

We can move from these general characteristics of good practice to thinking more clearly about the principles underlying program development for Indigenous people and communities.

In analysing best practice there are Australian and international conventions and agreements which can provide guidance. These include international treaties such as the Convention on the Rights of the Child; and the Draft Declaration on the Rights of Indigenous Peoples. Within Australia there is the Council of Australian Governments' (COAG) *National Commitment to Improved Outcomes in Program and Service Delivery for Aboriginal Peoples and Torres Strait Islanders*. Cunneen and McDonald have proposed a set of principles underlying effective diversionary programs. The principles are divided into three categories:

Principles underlying recognition of Indigenous rights:

- Open negotiation with Indigenous communities and their organisations by government.
- Recognition and respect for Indigenous peoples and their cultures and recognition of their distinct sovereignty.
- Self-determination - relinquishment by government and their departments of their assumed right to make decisions for Indigenous peoples.

Principles underlying program implementation:

- Effectiveness – a focus on program or project effectiveness leads to questions about how realistic the proposed program really is.
- Equity – programs should have an explicit goal of enhancing equity between individuals and groups.
- Balancing individual and group focuses – citizenship is a concept emphasising collective, as well as individual rights and responsibilities.
- Avoiding stigmatisation.

Principles underlying successful process:

- Secure funding.
- Recognizing community limitations.
- Understanding the parameters of program evaluation (Cunneen & McDonald 1999:3).

These principles can provide a useful framework for thinking about the developing relationship between government and Aboriginal communities on specific crime prevention strategies and programs.

1.6 Crime Prevention, Self-determination and Empowerment

There are three key themes in the literature on Indigenous diversion, rehabilitation and crime prevention. These are the central importance of programs that enhance self-determination, that are holistic in their approach and that result in empowerment rather than dependency.

Much of the literature discusses the relationship between Indigenous self-determination and the development of effective crime prevention strategies. For example, McCaskill completed a longitudinal study of Canadian Indigenous offending patterns and found that the impetus towards political and economic self-management had led to a decrease in criminal activity in those communities he studied (cited in Hazlehurst 1990:123).

In her discussion on crime prevention for Aboriginal communities, Hazlehurst found that community-based crime prevention has to do primarily with autonomy – ‘with winning back control over our own lives and with creating healthier and happier environments... The community-based approach has, at its heart, the ideal of self-determination. If we have ownership of programs we have control of our destiny’ (1990:63).

More recently, Hazlehurst noted the following:

It is doubtful whether significant improvement of the lot of Indigenous Australians will be achieved without real commitment to self-determination at the grass roots and regional levels... For governments and departments, the issue has come down to this: are we prepared to conduct our business with Indigenous organisations, community groups, and urban collectives in a sufficiently supportive and co-operative spirit as to make this partnership possible (1997:124)?

O'Malley (1997) has also discussed the relationship between the 'local' and the state. Most crime prevention initiatives come from the state, although this is less true in Aboriginal communities where there are genuine community-based initiatives. The relationship between the community and the state throws up a set of questions of particular relevance to Indigenous people.

- How do we negotiate expertise? State officials usually claim expertise and may be unwilling to recognise Indigenous competence to deal with issues.
- How do we resolve questions of authority and control? Who exercises authority over the crime prevention program? Do the program or funding guidelines restrict the development of the crime prevention program in directions and paths which communities wish to follow?

A further issue of relevance to the relationship between self-determination, autonomy and crime prevention is the conceptual definition of crime prevention. Hughes notes that crime prevention is a 'chameleon concept' (1998:13). Crime prevention rests on the view that it is possible to predict an outcome and possible to intervene in the process to change a predicted outcome. In other words, it assumes that we agree on, and can identify the causes of crime; and we can know and agree on the policy responses that will prevent crime. Such an argument has importance in thinking about how Indigenous communities may understand, define and prioritise their responses to crime. Even in areas where there is a large common ground of concern between Indigenous and non-Indigenous policy-makers such as the issue of domestic violence, there can be important definitional differences about the nature of the problem between mainstream service providers and Indigenous communities.

The New South Wales Standing Committee on Law and Justice (2000) report on *Crime Prevention Through Social Support* placed the issue of self-determination at the centre of crime prevention for Aboriginal communities.

The committee believes that the starting point of effective crime prevention must be to give greater control over decision-making and methods of prevention to the Aboriginal communities themselves. Solutions imposed from outside are likely to at best further disempower already disadvantaged communities, and at worst lead to increases in crime as anger and alienation increases (Standing Committee on Law and Justice 2000:38-39).

The report quoted the observations of Professor Ross Homel who stated that 'the only evidence I see of real success in the reduction of violence and the improvement of conditions in Aboriginal communities anywhere in this country is where local people have genuinely taken some control over their situation' (Standing Committee on Law and Justice 2000:38). The Committee cited a number of examples of the successful intersection between self-determination and Aboriginal crime prevention, including crime prevention strategies in West Dubbo and the Streatbeat project in Ballina. A report on Preventing Violence (Homel et al 1999) commissioned by the New South Wales Crime Prevention Division also found that the programs reported as being most successful are designed and controlled predominantly by Aboriginal people themselves.

According to the Standing Committee on Law and Justice, an important part of self-determination in crime prevention needs to involve strengthening rather than undermining those with positions of authority in Aboriginal communities: elders, leaders of Aboriginal organisations, parents and older family members. Examples cited of how the authority of elders or other leaders can be enhanced is to:

- include them in the formal police cautioning process for young offenders, as well as in community youth conferencing;
- involving them in decisions about interventions in families where there are claims of neglect or family violence; and
- developing a protocol for the Elders or other leadership to be consulted in matters affecting the town (Standing Committee on Law and Justice 2000:42).

In Queensland a crime prevention manual for Aboriginal communities entitled *Yaldilda* has been developed by the Department of Aboriginal and Torres Strait Islander Policy Development and Crime Prevention Queensland (DATSIPD 2001). It provides information on planning, implementing

and evaluating crime prevention programs. The manual starts from the premise that successful crime prevention strategies are developed and owned at the local level.

In a similar vein, the New South Wales Standing Committee on Law and Justice recognised the importance of self-determination and reconciliation in the context of crime prevention. Recommendation 5 of the report called for [New South Wales] Council on Crime Prevention to:

encourage greater control by Aboriginal communities over decision making and methods of crime prevention in programs which affect them directly. To further this aim the committee recommends the Council request all agencies funding crime prevention programs in areas with significant Aboriginal populations review the level of Aboriginal participation in the development and implementation of the programs. In particular, agencies should be requested to consider:

- whether Aboriginal communities were consulted initially in the development of the program and whether they continue to be consulted regarding its outcomes
- whether local Aboriginals support the program, and if not for what reasons
- whether the programs are able to make constructive use of or co-operate with authority figures within the Aboriginal community, such as Elders, leaders of Aboriginal organisations or parents
- whether local Aboriginals are employed in the implementation of the programs

This approach should also be used for development of any new crime prevention programs (Standing Committee on Law and Justice 2000:43).

Further the Committee recognised the importance of the relationship between reconciliation and crime prevention. The Committee 'believes that signing some form of apology, commitment or statement of reconciliation is a very important starting point for a co-operative relationship in crime prevention planning between local government and Aboriginal communities within their area' (2000:45).

1.7 The Role of Aboriginal Justice Agreements in Crime Prevention

Finally, it is worth considering the role of Aboriginal Justice Agreements in facilitating crime prevention strategies and programs in Indigenous communities. In 1997 two related national meetings were held in Canberra. The first was an Indigenous Summit when Indigenous people from Aboriginal Justice Advisory Committees throughout Australia, ATSIC and other key Indigenous organisations including the Aboriginal Legal Services met to discuss the outcomes of the Royal Commission into Aboriginal Deaths in Custody and the continuing issue of deaths in custody and high incarceration rates.

The Indigenous Summit recommended the development of Justice Agreements for each State and Territory as a way of improving the delivery of justice programs. It was recommended that Commonwealth, State and Territory Governments develop bilateral agreements on justice issues, and they negotiate with Aboriginal Justice Advisory Committees and other relevant Aboriginal organisations in the development of the agreements. It was recommended that the framework provided by the National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal and Torres Strait Islander People be utilised in the development of the Justice Agreements. The National Commitment had placed a strong emphasis on developing a framework which respected Indigenous self-determination.

The second meeting was the Ministerial Summit on Indigenous Deaths in Custody held in Canberra in July 1997. At this summit some twenty Commonwealth, State and Territory ministers met with Indigenous representatives from ATSIC, the Aboriginal and Torres Strait Islander Social Justice Commission and Aboriginal Justice Advisory Committees. The Summit resolved to develop multi-lateral agreements (Justice Agreements) between Government and Indigenous peoples. The Northern Territory was the only Government which refused to sign the Outcomes Statement from the meeting (Ministerial Summit on Indigenous Deaths in Custody 1997; Cunneen 2001).

Four years later a number of States in Australia have developed Justice Agreements, including Queensland, Victoria and Western Australia. Given that a central aim of the Justice Agreements is the reduction in the over-representation of Indigenous people in the criminal justice system, it is appropriate to make reference to the Agreements in the context of crime prevention. It should be noted however, that in general the Agreements only make passing reference to the issue of crime prevention.

1.7.1 Queensland

The Queensland Aboriginal and Torres Strait Islander Justice Agreement has the long term aim of reducing contact of Aboriginal and Torres Strait Islander people with the criminal justice system. An outcome has been set to reduce by 50 per cent the rate of Indigenous incarceration in Queensland by 2011. Five strategic directions have been identified and, of these, two relate directly to crime prevention:

- Building community capacities. Strengthening communities by eliminating the conditions which lead to crime and cultivating positive attitudes in terms of respect for the law and socially acceptable behaviour.
- Building individual capacities. Strengthening individuals, especially those at risk and those who have already come into contact with the law, by providing them with the necessary support and helping them cope successfully with the demands of the criminal justice system.

The Queensland Justice Agreement was developed in conjunction with a broader whole-of-government and community partnership process which can be found in the *Ten Year Partnership* document. The *Ten Year Partnership* is a Queensland Government proposal to improve Indigenous standards of living over the next ten years. The partnership has eight priority areas which include justice issues and family violence.

1.7.2 Victoria

The Victorian Aboriginal Justice Agreement has the aim of reducing Indigenous over-representation in the criminal justice system by improving accessibility, utilisation and effectiveness of justice-related programs and services in partnership with the Aboriginal community. Principle 9 of the Agreement is that signatories to the Agreement will

focus on early intervention and primary crime prevention to reduce the over-representation of Aboriginal children and youth in the criminal justice system (*Victorian Aboriginal Justice Agreement: 26*).

The Statewide Action Plan of the Justice Agreement notes in strategic objective 5.3 the need to integrate crime prevention strategies with formal linkages between AJACs and crime prevention teams established under the *Safer Cities and Shires Program* (*Victorian Aboriginal Justice Agreement: 44*).

1.7.3 Western Australia

The Western Australian *Aboriginal Justice Plan* has the priority outcome of reducing Aboriginal over-representation in all levels of the justice system. Five key areas are identified: juvenile justice; policing; standards of custodial care; diversionary strategies and addressing the underlying issues that contribute to over-representation.

The Justice Plan has developed an evidence-based framework which identifies the strategies most likely to reduce over-representation in the criminal justice system. The framework developed in the Plan is based on crime prevention research including

- International studies of crime prevention program evaluations
- Local area research in Western Australia
- National studies
- Aboriginal specific research in Western Australia
- Aboriginal crime prevention programs in Western Australia (Aboriginal Justice Council 2000:7).

1.8 Conclusion

Indigenous crime prevention strategies currently incorporate many different approaches including situational crime prevention (eg night patrols), social crime prevention (eg cultural and other programs for 'at risk' youth), community-based prevention (eg law and justice groups) and tertiary crime prevention (eg Aboriginal courts).

There is widespread agreement about the importance of evaluation for crime prevention in Aboriginal communities. However, the evaluation of crime prevention initiatives in Aboriginal communities is a vexed issue, and defining what we mean by evaluation is not as simple as may first appear.

Two approaches to evaluation include 'impact evaluation' and 'process evaluation'. While not ignoring impact evaluation, 'process evaluation' is particularly important for Aboriginal communities because the effect of crime prevention strategies may be strong in the area of developing a community's self-confidence and ability to deal with social issues like crime.

In addition, there are specific problems in evaluating crime prevention programs in Aboriginal communities, including lack of data on effectiveness, a tendency to describe 'successful' programs without stating the criteria for success, lack of information about funding and the transient nature of many programs and a lack of clarity about goals of particular programs.

However, there are some common points in relation to evaluation which emerge from a range of discussions. These include the importance of ownership of the evaluation by the community, data collection should be compatible with Indigenous experience, and the purpose of the evaluation should be to assist communities to work towards positive change.

Two major areas of development in crime prevention programs have been focussed on drug and alcohol and family violence issues. There have been many programs developed to deal with these problems and as a result there has been some evaluation of the results. In relation to drug and alcohol programs there appears to be consensus that culturally appropriate and community-based programs which utilise multiple modes of intervention and involve the family in treatment are most successful.

The common themes in evaluations of family violence programs include the need for holistic approaches, the utilisation of community development models which emphasise self determination and community ownership, the provision of culturally sensitive treatment which respects traditional law and customs and involves existing structures of authority such as elders, including women.

There has also been discussion of successful strategies for juvenile diversion which are relevant to crime prevention programs. In addition to covering common features mentioned above, the additional issues which emerge include the need for developing self-esteem and avoiding stigmatisation and the need to develop skills in education and training.

In summary, the key characteristics shared by Indigenous programs that seek to effectively address crime prevention issues can be reduced to the following propositions:

- holistic approach incorporating different strategies

- involvement of significant others such as family and community elders
- self-determination
- culturally appropriate programs and staff.

The discussion in this chapter identifies the need for diverse strategies. It may simply not be possible to prescribe the definitive components for effective crime prevention programs, if one is also serious about community development, community ownership and Indigenous self-determination. Having said that, there are obviously programs which appear particularly effective and this may well result from the principles on which they are based rather than simply the content of the program per se.

CHAPTER 2

CRIME LEVELS IN INDIGENOUS COMMUNITIES

Crime in Indigenous communities in Australia is a serious issue. As the following statistics demonstrate Indigenous people experience significantly higher levels of violence as victims, witnesses and perpetrators than the non-Indigenous population.

2.1 The Incidence of Crime and Victimization

In recent years there has been a particular concentration on the level of violent crime in Aboriginal and Torres Strait Islander communities in Australia. Perhaps the most comprehensive report in regard to this issue is *Violence in Aboriginal Communities* (Memmott et al 2001). The literature notes the many types of violence which can impact on Aboriginal communities including physical, psychological and economic abuse. Physical abuse can take various forms from homicide, sexual assault, spouse assault to child abuse and can involve families, relatives and inter-group fighting. Suicide and self-injury also need to be considered when discussing violence. More detailed discussion on these types of violence can be found in Memmott (2001).

2.1.1 Definitions of Domestic and Family Violence

Indigenous people do not believe that the term 'domestic' violence adequately describes the nature of violence within their families and communities. There is a preference for the term 'family' violence. Family violence, as defined in the Aboriginal and Torres Strait Islander Commission report *Tjunparni: Family Violence in Indigenous Australia*, are the behaviours and experiences of 'beating of a wife or other family members, homicide, suicide and other self-inflicted injury, rape, child abuse and child sexual abuse... When we talk of family violence we need to remember that we are not talking about serious physical injury alone but also verbal harassment, psychological and emotional abuse, and economic deprivation, which although as devastating are even more difficult to quantify than physical abuse' (quoted in Partnerships Against Domestic Violence 2001: 1).

A recent comprehensive report on violence in Indigenous communities summarised the nature of family violence as:

- family violence may involve all types of relatives. The victim and the perpetrator often have a kinship relation
- the perpetrator of violence may be an individual or a group
- the victim of violence may also be an individual or a group
- the term 'family' means 'extended family' which also covers a kinship network of discrete, intermarried, descent groups
- the 'community' may be remote, rural or urban based; its residents may live in one location or be more dispersed, but nevertheless interact and behave as a social network
- the acts of violence may constitute physical, psychological, emotional, social, economic and/or sexual abuse
- some of the acts of violence are ongoing over a long period of time, one of the most prevalent examples being spousal (or domestic) violence (Memmott et al 2001:34).

Most of the recent literature on violence in Aboriginal communities deals with family violence, and it is often taken to be synonymous with violence more generally. Perhaps it is also worth considering whether useful distinctions can be made between family violence and, for example, inter-group violence, cyclic violence and 'dysfunctional community syndrome'. For a discussion of these categories, see Memmott et al (2001:34-54).

2.1.2 The Incidence of Crime

Specific data on the incidence of crime in Indigenous communities is more difficult to find. The Queensland Criminal Justice Commission has been developing statistics on rates of reported crime by police divisions. Some of this material specifically on the rate of crimes against the person can be found in Memmott (2001). This data shows that between 1994–95 and 1996–97 the divisions in the State with the highest reported crime rates are located in Aboriginal communities, or areas with substantial Indigenous populations (such as Camooweal and Burketown). Communities such as Cairns, Mareeba, Townsville, Rockhampton and Gympie also have relatively high rates. In the outer urban areas of Brisbane, the divisions with the highest rates are Ipswich, Inala and Logan Central. The four places with the worst incidence of violent crime in Queensland are Indigenous communities which all have a history of being mission centres (Aurukun, Doomadgee, Kowanyama and Mornington Island) (Memmott et al 2001:14)

In New South Wales there is data available by area on various reported crimes. The top ten Local Government Areas in the country, in terms of their assault rate were Central Darling, Bourke, Brewarrina, Walgett, Junee, Coonamble, Moree Plains, Guyra, Wentworth and Lachlan. In these LGAs the percentage of assault incidents which were recorded by police as alcohol-related were around forty per cent. In general these are LGAs with significant Indigenous populations. The top ten Local Government Areas in the Sydney metropolitan area, in terms of their assault rate, were Sydney, South Sydney, Campbelltown, Blacktown, Botany Bay, Marrickville, Parramatta, Penrith, Leichhardt and Wyong. In these LGAs the percentage of assault incidents which were recorded by police as alcohol-related were around 18 per cent (Briscoe and Donnelly 2001). Most of the city LGAs referred to above have significant Indigenous populations.

The New South Wales Bureau of Crime Statistics and Research also reports on murder, sexual assault, robbery, break and enter, motor vehicle theft and other offences by New South Wales regions (Doak 2000). Many of the regions with higher proportions of Aboriginal people, such as the north west of the State, have higher reported incidents of crime although this is not a uniform phenomenon for all offence categories.

2.1.3 Homicide and Violence

There is national data available on homicide rates by Aboriginality. This shows that Indigenous people are 8.1 times more likely to be victims of homicide than non-Indigenous people (Mouzos 2000).

Other research shows that violence as a cause of hospitalisation for young people between the ages of 15 and 24 is at a rate 2.7 higher for Indigenous males than non-Indigenous males, and 15 times higher for Indigenous women than non-Indigenous women (Australian Institute of Health and Welfare 1999).

A 1995 survey showed that 13 per cent of Indigenous people reported being physically attacked or threatened in the preceding 12 months, with 66 per cent reporting more than one attack or threat (Australian Bureau of Statistics 1995).

Research in Aboriginal communities also indicates a relationship between domestic violence and drug and alcohol abuse, with between 70 and 90 per cent of all assaults being committed while under the influence of alcohol or drugs (Partnerships Against Domestic Violence 2001:6). In some communities violence is said to affect up to 90 per cent of Indigenous families (Queensland Domestic Violence Taskforce 1988:256).

2.1.4 Indigenous Women and Family Violence

Based on Western Australian police reports, Aboriginal women are 10.7 times more likely to be victims of violent crime than non-Aboriginal women (Harding et al 1995:22). Further analysis of the police reports by age revealed extraordinarily high victimisation rates for Aboriginal women in the 20 to 24 year age group. One in ten women in this age group had a reported offence of violence committed against her in a twelvemonth period (Harding et al 1995:23).

A nine year study of homicide and Indigenous women between 1989 and 1998 showed that the rate of homicide for Indigenous women was 11.7 compared to a non-Indigenous rate of 1.1. Thus Indigenous women were more than 10 times more likely to be a victim of homicide than other women in Australia (Mouzos 1999).

Indigenous women were also more likely to be killed by an intimate partner than non-Indigenous women (75 per cent for Indigenous women compared to 54 per cent for non-Indigenous women). Conversely, very few Indigenous women were killed by strangers (1.5 per cent of Indigenous women compared to 17.2 per cent of non-Indigenous women) (Mouzos 1999). Approximately 95 per cent of Indigenous women killed, were killed by Indigenous men (Mouzos 1999).

Data from Western Australia showed that Aboriginal women are 45 times more likely than non-Aboriginal women to be a victim of domestic violence (Ferrante, Morgan, Indermaur and Harding 1996). South Australian research suggests that rates are likely to be between 7 and 16 times higher among Aboriginal people than non-Aboriginal people (Partnerships Against Violence 2001: 2).

Western Australian data also shows a much greater proportion of serious assaults are spousal assaults in Aboriginal communities: 39.5 per cent in Indigenous communities compared to 7.5 per cent in non-Aboriginal communities. The incidence of violence directed to family members was also higher: 17.2% of serious assaults in Aboriginal communities compared to 4.4 per cent in non-Aboriginal communities.

Witnessing parental domestic violence has a significant effect on young people's attitudes and experiences. Around 45% of Indigenous people considered that family violence was a common problem (Australian Bureau of Statistics 1995).

Indigenous children and young people also experience higher rates of abuse and neglect than non-Indigenous children (Australian Institute of Health and Welfare 2000), although this finding is also the subject of controversy over identification and definitional issues (National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families 1997).

2.1.5 Unreported Crime: Family Violence

Much of the violence against Indigenous women is not reported and does not lead to police intervention. In Queensland, Atkinson (1990) estimated that 88 per cent of rape and assault cases in Aboriginal communities are unreported. On Palm Island, Barber, Punt and Albers (1988: 96) noted that 'assault and rape are the two most under-reported crimes on the Island and that it can take something as extreme as pack rape before a woman will complain'. Similarly, the National Aboriginal and Torres Strait Islander Survey in Western Australia revealed that Indigenous women were less likely to report crimes of violence than non-Indigenous women (Harding et al 1995:18). A recent national report again highlighted the problem of under-reporting of violence (Memmott 2001:7).

A number of State and Federal reports have highlighted the problematic relationship between Indigenous women and the criminal justice system (Australian Law Reform Commission 1994; Malcolm 1994; Criminal Justice Commission 1996). The problems have been summarised as

- lack of cultural sensitivity and awareness of family violence issues

- failure to provide appropriate and accurate advice
- lack of access to Aboriginal and Torres Strait Islander legal services, and
- lack of appropriate services for remote communities (Partnerships Against Domestic Violence 2000: 1).

The research indicates that there are specific reasons why Aboriginal people in general, and Aboriginal women in particular do not report offences to police (see also Cunneen 2001).

2.2 The Impact of the Criminal Justice System: Offenders

The need to consider crime prevention programs is *particularly* important for Indigenous people because of their over-representation in the juvenile justice and criminal justice systems.

Firstly, effective crime prevention has the ability to reduce the over-representation of Indigenous young people and adults in detention centres and prison - which is perhaps the most visible problem of the relationship between Indigenous people and the criminal justice system.

The national data shows the level of over-representation between 1993 and 2000 of Indigenous youth has worsened. In 1993 Indigenous young people comprised 30.9% of children detained and were 13.6 times over-represented in the detention population. At the end of 2000 Indigenous youth comprised 40.5% of the detention population and were 15.5 times over-represented in detention centres nationally (*Persons in Juvenile Corrective Institutions 1993-2000*, Australian Institute of Criminology, Canberra).

The situation in relation to adult Indigenous imprisonment is no better.

TABLE 1
Indigenous Imprisonment in Australia. Comparative Rates

Year	Indigenous Prisoners	Indigenous Rate per 100,000 of Imprisonable Age	General Rate per 100,000 of Imprisonable Age
1988	1809	1233.9	100.4
1989	1825	1204.7	103.5
1990	2041	1308.4	112.2
1991	2166	1122.1	116
1992	2223	1112.9	118.3
1993	2416	1183.0	119.2
1994	2800	1340.8	125.5
1995	2985	1399.2	127.3
1996	3273	1517.7	130.9
1997	3580	1572.2	134.9
1998	3750	1557.9	139.2
2000	4095	1727.4	147.7

Source: Australian Institute of Criminology, *Australian Corrections: the Imprisonment of Indigenous People*, Canberra, 1999; Australian Bureau of Statistics 2000; no national data available for 1999 on Aboriginality.

Table 1 shows the size of the Indigenous prisoner population in Australia and the rate per 100,000 of the population. The data confirm the increase in the size of the population and the failure to achieve reduced rates of imprisonment as recommended by the Royal Commission into Aboriginal Deaths in Custody.

Imprisonment levels rose for everyone in Australia during the 1990s, but for Indigenous people the increase was on top of an already astronomically high rate. Indeed the increase in the rate of Indigenous imprisonment between 1988 and 2000 (493) alone is more than three times the total rate of non-Indigenous imprisonment in 2000 (147).

Secondly, contact with the criminal justice system plays such an extensive and potentially destructive role for many Indigenous people. For example, more than 20% of the Indigenous population reported having been arrested (including being detained by police for public drunkenness) in the five years prior to 1995 (Australian Bureau of Statistics 1995).

The recent Western Australian Aboriginal Justice Plan (Aboriginal Justice Council 2000: 2) noted that on any given day in Western Australia:

- 6 per cent of all Aboriginal men are in prison
- 6 per cent of all Aboriginal men are on community supervision orders
- 0.5 per cent of all Aboriginal women are in prison
- 2 per cent of all Aboriginal women are on community supervision orders
- 9 per cent of young Aboriginal people aged between 10 and 17 years are under community supervision
- 1.5 per cent of all Aboriginal youth are in detention
- About 50 per cent of the prison population is made up of Aboriginal people.

Thirdly, there is the issue of discriminatory treatment of Indigenous people within the criminal justice system. For example, research on the treatment of Aboriginal children at various stages of the criminal justice process found that compared with non-Aboriginal children Aboriginal children:

- were less likely to receive a caution from police (even first offenders)
- were more likely to be charged rather than given a diversionary option
- had a higher likelihood of being refused bail
- were more likely to receive a sentence at the more severe end of the scale
- were more likely to be sent to an institution.

For a summary of these issues see the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1997: Chapter 24). There is continued concern over the discretionary powers of police officers which may lead to differential responses to Indigenous versus non-Indigenous offenders. As well as the greater likelihood that police will arrest Indigenous people, there are major concerns about the 'over-policing' of Indigenous people. Effective crime prevention programs have the potential of reducing contact with criminal justice agencies.

2.3 The Types of Offences Committed by Indigenous People

Over recent years, the Australian Institute of Criminology has prepared data for ATSIC on offending rates² by Aboriginal and non-Aboriginal people (ATSIC 1995; ATSIC 1997). Indigenous people are over-represented in virtually all offence categories. The most recent information shows that Indigenous people in prison are most over-represented in offences involving violence, public order, motor vehicle offences and property damage (ATSIC 1997:68). Some 40 per cent of people gaoled in Australia for assaults are Indigenous. However, there is also an array of less serious matters which lead to Indigenous imprisonment. Nearly one in three people imprisoned for public order offences are Indigenous, and one in four people gaoled for car licence and registration offences are Indigenous (ATSIC 1997:67).

² Rates per 100,000 of the respective populations, 'offending' based on prison census data.

A significant limitation of the above information is that it is based on prison census figures, which tend to over-emphasise longer term prisoners and underestimate prisoners serving short sentences. National information is not available for prison receptions. However, a study commissioned by the Royal Commission into Aboriginal Deaths in Custody on gaol receptions showed that the level of over-representation of Aboriginal people was higher than census data figures would indicate. Nearly 40 per cent of all Aboriginal people received into prison nationally over a one month period were there for defaulting on a fine. This suggests that many more Indigenous people are going through the prison system for presumably more minor offences where the court imposed a penalty of a fine in the first instance (see Cunneen 2001, Chapter 2).

The police and courts do not routinely provide information on whether apprehended individuals and defendants are Indigenous or not. Those studies which have considered police charges and court appearances by Aboriginal people have tended to be specific studies which have analysed data and determined the number of defendants who are Aboriginal, although some jurisdictions like Western Australia and New South Wales are now routinely providing such information (Aboriginal Affairs Department and Crime Research Centre 1995, New South Wales Bureau of Crime Statistics and Research 1998).

There are complexities in analysing different offending patterns. Indigenous people are over-represented for most offences before the courts, however there are significant variations between different offence categories. For example, Indigenous people are less likely to be significantly over-represented in offences for fraud and drugs. Generally, Indigenous people come before the courts for more serious property offences including break and entering, and stealing motor vehicles, whereas non-Indigenous people have a greater proportion of more minor property offences such as shoplifting and larceny (Gale et al 1990:46; Luke and Cunneen 1995:11; Luke and Cunneen 1998:13).

Another area of significant difference is the large proportion of Indigenous people who come before the courts on matters of violence. Research in Western Australia, South Australia, New South Wales and Northern Territory has noted that the level of over-representation is among the greatest for this category of offences. For example, in the Northern Territory in 1996, 79 per cent of serious assault matters involved Indigenous people (Luke and Cunneen 1998:33). While the level of serious assaults is a matter of significant concern, research has also suggested that it is the less serious forms of assault for which Indigenous offenders are most over-represented (Gale et al 1990:48; Luke and Cunneen 1995:12; Luke and Cunneen 1998:12).

There are significant differences between Indigenous and non-Indigenous people in relation to court appearances for public order offences. In New South Wales, Indigenous young people appeared in court at more than *ten times* the rate of non-Indigenous youth for these offences (Luke and Cunneen 1995:11). In the Northern Territory, 72 per cent of court appearances for public order offences involved Indigenous people (Luke and Cunneen 1998:33). Information on police arrests also shows the prevalence of public order offences. In Western Australia, 45 per cent of all arrests for public order offences involved Indigenous people. This was the offence category with the largest proportion of Aboriginal people (Harding et al 1995:43).

2.4 Conclusion

The picture of crime among Indigenous people is not complete. However the available data can be summarised as follows.

2.4.1 Offending

- Indigenous people in prison are most over-represented in offences involving violence, public order, motor vehicle offences and property damage
- A significant proportion of Aboriginal people received into prison are there for defaulting on a fine. This suggests that many Indigenous people are going through the prison system for relatively minor offences where a fine is imposed in the first instance
- Indigenous people tend to come before the courts for more serious property offences including break and entering, and stealing motor vehicles, compared to non-Indigenous people
- Indigenous people are also significantly over-represented in public order offences and offences involving violence

2.4.2 Sanctioning

- Indigenous people are over-represented in the prison systems of all Australian jurisdictions.
- The Indigenous imprisonment rate has increased during the 1990s and in some States more quickly than the overall imprisonment rate (eg Queensland)
- Indigenous prisoners are usually serving on average shorter sentences than non-Indigenous prisoners
- Indigenous prisoners are more likely to have previously served a prison sentence than non-Indigenous prisoners
- Indigenous children and young people are over-represented in all areas of the juvenile justice system, although in general they were less likely to receive diversionary options than non-Indigenous young people

2.4.3 Victimisation

- Indigenous people are at higher risk of violence
- Indigenous communities experience greater economic and social disadvantage

2.4.4 Areas of Limited Knowledge

There are also areas of offending behaviour, victimisation and the behaviour of criminal justice agencies where our knowledge is less well informed. For example, we do not know

- the rates at which Indigenous people are proceeded against by police compared to non-Indigenous suspects
- statistics on offences for Indigenous people are only available for some jurisdictions
- statistics on court outcomes for Indigenous people are only available for some jurisdictions
- patterns of repeat victimisation and repeat offending among Indigenous people
- the number, type and rate of unreported crimes among Indigenous communities and changes over time in reporting rates.
- the extent of correlation between rates of different crimes and indicators of social disadvantage at the local area level for Indigenous communities (Premier's Department 1999b:23).

However, what is certain from the available evidence is that the incidence of crime victimisation and contact with the criminal justice system is high for Indigenous people. Areas of particular concern relate to property offences, violence and public order.

CHAPTER 3

MAJOR CRIME PREVENTION PROGRAMS IN ABORIGINAL COMMUNITIES: COMMUNITY POLICE, NIGHT PATROLS AND JUSTICE GROUPS

The purpose of this chapter is to consider the major areas in which crime prevention programs have developed in Indigenous communities. In particular, the use of night patrols and various justice groups has emerged as a major initiative in Aboriginal communities throughout Australia over the last decade. Night patrols and justice groups are also one of the few types of initiatives that have been evaluated at a more systematic level. These evaluations have arisen at least partly because the programs have become relatively permanent fixtures on the landscape of Aboriginal community-based organisations. Generally the evaluations have been very positive.

3.1 Indigenous Community Police

There is a long history of the use of Indigenous community police on former reserves across Australia. In general, the community police exercise powers conferred on them through legislation which enables community councils to pass by-laws for the maintenance of peace and good order. Community police exercise their jurisdiction within the local by-laws and usually exercise their powers subject to the direction and control of the State police.

There appears to be a general move to transfer the control of community police or wardens away from community councils to the State police. While there are no doubt advantages in relation to training and employment conditions, it is also likely that Aboriginal community police will become less accountable to local councils and more directly under the control of the state police.

3.1.1 Western Australia Wardens Scheme

The Western Australia Wardens Schemes operate under the Aboriginal Communities Act 1979 which permits a level of local government and a means of enforcing good order in Indigenous communities (Ministerial Council on the Administration of Justice 2001). In 2000, the Aboriginal Wardens Scheme was transferred to the Western Australia Police Service. Wardens Schemes operate from Bidyadanga, Jigalong, Looma, the Dampier Peninsular and Oombulgurri.

Aboriginal community police have been utilised in Queensland on Aboriginal and Torres Strait Islander communities for many years. Recently, funding has been provided for a pilot program in three communities (Badu Island, Woorabinda and Yarrabah) to transfer the responsibility for community police functions to the Queensland Police Service (DATSIPD 2001:51).

3.2 Night Patrols / Street Patrols

Night patrols operate extensively in Western Australia, Northern Territory and New South Wales. Other states, including Victoria, also have limited night patrols usually operating as part of other services. Night patrols work in different ways depending on a range of factors including demographic/ geographic (urban, rural and remote); legislation in place to facilitate community governance; the local relationship with police; and so forth. Most night patrols operate through the work of volunteers, some have a paid co-ordinator, some rely on CDEP funds. Sources of funds for vehicles and co-ordinators include police services, community services, corrective services, Aboriginal affairs and crime prevention funding.

Different night patrols also may have different client groups and different target offences or behaviour: young people, drug/petrol users, intoxicated persons, anti-social behaviour, domestic violence and so on.

Night patrols may also be linked in with other Indigenous-operated programs such as community warden schemes, sobering-up shelters, community justice groups, law and justice groups and so forth.

3.2.1 Western Australia

In Western Australia Aboriginal community patrols were established in the early 1990s. Patrols have utilised local community networks and organisations to prevent self-harm and anti-social behaviour. In Western Australia the key functions have been

- Operating foot and/or vehicle patrols
- Removing under-age drinkers from licensed premises
- Intervening in situations of anti-social behaviour or domestic violence
- Operating truancy patrols
- Providing mediation
- Working to reduce the contact between Indigenous people and the criminal justice system
- Working with police and sobering-up centres to manage public intoxication.

In 2000/2001 the Western Australian Government funded 19 patrols around the state for \$850,000. Research indicates that police lock-up rates are lower where street patrols are in operation.

Co-ordination with other services such as sobering-up facilities, safe houses and drug and alcohol services is important (Ministerial Council on the Administration of Justice, 2001).

For example, the Geraldton Aboriginal Yamatji Patrol provides a community based approach to target anti-social behaviour throughout the community. SaferWa claims that Aboriginal patrols have helped contribute to a reduction in arrest rates and admission to lock-ups by as much as 50% in some areas (SaferWa 2001).

A different approach to night patrols in Western Australia has been the Noongar Patrol in Perth, and is operated by the Aboriginal Advancement Council. It operates in the central business and entertainment areas of Perth and has a day patrol and a night patrol. The patrol receives sponsorship from the City of Perth and from some local businesses. This funding has led to some problems in relation to the perception of the patrol as being 'security officers' with the function of removing Aboriginal people from public places. The patrollers receive security officer training.

Another night patrol project in Western Australia utilising security training has been the Gosnells Community Justice Program (Hearn 2000). The program developed as a partnership between the Unity of the First People of Australia (UFPA), Chubb Protective Services and the Koomaal Aboriginal Corporation. Chubb provided a training program for Community Officers in community training and security operations. Eleven of the original 15 trainees completed the 12 month course. According to an evaluation, the outcomes included a decline in anti-social behaviour and improved community relations (Hearn 2000).

3.2.2 Northern Territory

Julalikari Council Night Patrol

The night patrol has been operating since 1985 and was set up at the request of concerned elders. It still operates successfully and has been run exclusively by the community. It operates mainly through the work of volunteers who patrol the town between 4pm and 4 am. There are a number of important features of the Julalikari model.

- The volunteer community elders have been mainly women.
- A community meeting is called the day after the patrol to admonish the offender and mediate any disputes.
- An important function of the community meetings has been the establishment of community rules about acceptable and unacceptable behaviour and the role of the community in responding to unacceptable behaviour.
- There is a sobering-up shelter which can operate in conjunction with the night patrol.

Evidence suggests success in decreasing alcohol-related harm, reductions in police custodies and enhancement of the sense of community. Data from the early 1990s showed that 30 per cent of people placed in the sobering-up centre had arrived via the night patrol. Police reported that protective custody figures were halved in two years, and alcohol-related crime was reduced by 43 per cent (Grabosky and James 1995:6).

In 1992 the night patrol was the major winner of an inaugural Australian Violence Prevention Award. The project shows the value and success of community-initiated and managed solutions to crime problems. According to the Australian Institute of Criminology, 'the results of the patrols... have shown that... programs which prevent uncontrolled alcohol consumption can result in significant reductions in street and venue violence and may have an effect on domestic violence' (Grabosky and James 1995:7).

The Tangentyere Council Night Patrol

The night patrol is a community based night patrol that patrols places known for their violence. It provides logistical support for the local drying out shelter, women's shelter, hospital, youth emergency accommodation services, alcohol rehabilitation project and police. The Night Patrol is on call from 5pm to midnight every night except Sunday.

Remote Area Night Patrol

The Tangentyre Council in Alice Springs auspices the Remote Area Night Patrol (RANP), which assists night patrols in the southern Northern Territory region. RANP is funded by Territory Health Services.

3.2.3 New South Wales Crime Prevention Division-funded Night Patrols

In 1998 the Crime Prevention Division, the Department of Aboriginal Affairs, the New South Wales Police Service, the Department of Juvenile Justice and the Department of Community Services funded four Aboriginal night patrols in Kempsey, Forster, Narrandera and Dareton for \$15,500 each for a period of twelve months. The involvement of Indigenous people in the night patrols is on a voluntary basis. These four night patrols have had a focus on supporting young people to move from 'at risk' situations.

The night patrols involve the co-ordination of local volunteers who pick up people at risk and transport them to a safe place. Such work can refer to

- Transporting or escorting people who are affected by drugs or alcohol from a public place to a safe place;
- Transporting or escorting young people who are in public places at night to their homes or a safe place; or
- Providing young people who are in public places at night with street-based youth services (Centre for Peace and Conflict Studies 2000:1).

Some of the night patrols were also interested in expanding their activities to include cultural camps for young people, and to involve young people in sport and recreational opportunities. It is also noteworthy that three of the four night patrols utilised Indigenous and non-Indigenous volunteers.

An evaluation of the night patrols indicates that they can achieve

- A reduction in juvenile crime rates on the nights the patrol operates, including for offences such as malicious damage, motor vehicle theft and street offences
- An enhancement of perceptions of safety
- Minimisation of harm associated with drug and alcohol misuse
- Encouragement of Aboriginal leadership, community management and self-determination
- Encouragement of partnerships and cultural understanding between Indigenous and non-Indigenous communities (Lui and Blanchard 2001:18-20).

Some of the problems identified include the low level of funding which has been described as piecemeal (Lui and Blanchard 2001:19). It has been suggested that the entire funding for the four night patrols in New South Wales was barely enough to fund one patrol (which was estimated at a minimum of \$70,000 per annum). They also noted that a co-ordinator should be funded if the community chooses to have one.

The evaluation made 10 recommendations which include giving night patrols the resources to operate as part of a community safety strategy; the patrols should be supported by state policy and agency funding; agencies should be represented on an advisory committee; the administration of the funds should be through a project co-ordinator in the Attorney-General's Department; voluntary participation should continue but with appropriate training and support (Centre for Peace and Conflict Studies 2000:53-57). The evaluation project also produced a *Guidelines for Establishing a Night Patrol*.

3.2.4 Street Beats

The Ballina Street Beat is funded from the Safer Communities Development Fund. It is part of the Ballina Youth Service and operates in a close relationship with the Ballina police. In the first quarter of 1999 the patrol had 749 contacts with young people in Ballina. More than two thirds were under the age of 16 years (AJAC 1999). The project has been evaluated (Waters 2000). Among the recommendations were the need for better staff and volunteer training, the employment of an Aboriginal worker, and expanding the contact with young people in contexts and environments other than the street.

The Wagga Wagga Street Beat is a New South Wales Police initiative with the aim of providing a mobile Safety House and Safety Net for young people identified as at risk. The police supervise the operations and provide vehicles, equipment and support (Centre for Peace and Conflict Studies 2000:9).

The Redfern Street Beat is funded by the New South Wales Police (\$46,000 per annum). The aim of the patrol is to provide Aboriginal young people under the age of 18 years who are on the street late at night with information and referrals to relevant agencies and to return them to their homes (Centre for Peace and Conflict Studies 2000:8).

3.2.5 Other New South Wales Night Patrols

A number of other night patrols are operating in New South Wales. There is only limited information available. They include the following.

- Armidale Street Patrol
- Brewarrina Night Patrol, funded by Department of Corrective Services
- Bourke Night Patrol, bus operated by the Police Aboriginal Community Liaison Officers
- Moree Night Patrol, operated by Mirray Birray Youth Service
- Nowra (Shoalhaven) Night Patrol intermittently operated by volunteers using CDEP bus. Now receiving funding through the Crime Prevention Division
- Walgett Night Patrol funded by New South Wales Police Service (\$62,000 per annum) and operating since 1995
- Wilcannia Night Patrol funded by New South Wales Police Service and operating intermittently (Centre for Peace and Conflict Studies 2000:7-9).

3.2.6 Community Justice Panels (Victoria)

Community Justice Panels (CJPs) exist in 17 locations throughout Victoria and are staffed by over 100 volunteers who are rostered on-call to provide a 24 hour service. Panel members attend police stations when Aboriginal people are arrested and may assist in taking that person to a sobering-up centre or other service. Panel members also provide support when individuals are held in police custody, and may also provide advice when the court is considering a sentence.

Locations of the CJPs include Ballarat, Bendigo, Echuca, Geelong, Horsham, Lake Tyers, Mildura, Morwell, Orbost, Robinvale, Shepparton, Swan Hill, Heywood, Warrnambool, and Dandenong. Around half of the CJPs are associated with local Aboriginal Co-operatives. There is no CJP in the Melbourne metropolitan area.

The Community Justice Panels receive a small operational budget from Victoria Police (approximately \$350,000) to cover travel, accommodation and out-of-pocket expenses. Some CJPs have accessed other funding sources to provide for additional services such as camps. The budget expenditure, and membership of the panel, are not determined by the police. A manager and a field officer are employed in police headquarters to co-ordinate the CJP program.

The volunteers who work for the CJPs have a range of skills including welfare workers, drug and alcohol workers and youth workers.

Evidence to the Drugs and Crime Prevention Committee (2001:112) suggests that although the CJPs are effective they need to be considered in connection with complementary strategies such as night patrols. Furthermore, there have been questions raised about the level of funding provided to the CJPs and the pressures placed on volunteers.

Finally some Indigenous drug and alcohol workers told the Drugs and Crime Prevention Committee (2001:113) that police do not always follow the protocols which require them to contact the CJP or sobering-up centre and the Aboriginal Legal Services when an Aboriginal person is detained.

3.3 Justice Groups: Community Justice Groups (Queensland)

Organised groups or panels of Indigenous people who meet around law and justice issues have a number of names and a variety of functions. These groups have been particularly important in Queensland, the Northern Territory and Western Australia. Perhaps the most extensively documented and evaluated program has been Kowanyama Justice Group in Queensland. In 1993 pilot projects were commenced in Kowanyama, Pormpuraaw and Palm Island. Each community

planned a justice group structure appropriate to the particular community and each justice group identified issues of importance. The following discussion centres on the best known community justice group - the Kowanyama Justice Group (KJG).

The KJG was established in 1994, in response to increasing calls by Aboriginal communities for local autonomy and self-management in matters concerning law, order and justice. It is run by a community-elected group of elders (usually including three men and three women elected by the three main groups in Kowanyama: the Kokobera, Kokomenjena and the Kunjen). Consultations between the KJG and the local Aboriginal community, local Aboriginal organisations and key personnel from the non-Indigenous organisations ensure that KJG deals with key social, cultural and legal concerns. The KJG became a registered corporation in June 2000 which has increased its autonomy at the local as well as regional level.

3.3.1 The aims of the Kowanyama Justice Group (KJG)

- help the Kowanyama community deal more effectively with its problems of social control
- address the issues of law and order in a way that the community understands to be right and in accordance with its own customs, laws and understandings about justice
- consult with magistrates about punishments and sanctions considered appropriate by Kowanyama people
- recommend, and if appropriate, carry out certain kinds of community punishments for offenders
- take action to prevent law and order problems in the community
- work closely with Council to put appropriate by-laws in place and help Council make Kowanyama a more peaceful place
- hear social justice complaints from the community
- provide recommendations to government departments on justice matters
- identify social and justice issues in the community
- gain recognition from the government and judiciary for the role of the justice group
- provide avenues for consultation with the community about justice issues by government and the judiciary
- be fair, just and impartial when carrying out its roles
- provide advice to the Children's Court and the Department of Family Services about juvenile justice matters
- provide advice and assistance to the Kowanyama Community Development Officer (Justice) in setting up programs and supervising offenders.

It is clear from the aims shown above that the KJG has undertaken a broad role in identifying law and justice, and wider social problems, as well as directly providing advice to magistrates and being involved in the administration of punishment and supervision of orders.

3.3.2 Achievements of the Kowanyama Justice Group (KJG)

Various sources have reported on the impacts of the Justice Group.

- Most markedly, a dramatic decline in juvenile offences in the community was reported, including in the first year of operation a dramatic decline in the number of young people arrested and brought before the Children's Court. These lower levels also appeared to be sustained over a longer period of time.

- The main areas of success were seen to be in dealing with juveniles, intervening in family and community disputes before they escalated and in working collaboratively with Council to improve opportunities and quality of life within the community.
- Other reported impacts were better articulation between the community and formal justice agencies, in particular with Community Corrections and Police and demonstrated success at reconciling traditional and state conceptions of law.
- The truancy rate in the Kowanyama community has diminished dramatically (from 75 to 15 in two weeks). Petrol sniffing has been eliminated from the community.
- KJG acknowledges difficulty in dealing with issues involving babies and children and recommends mediation with the whole extended family before considering any other action.
- The community can say whether or not matters should be referred to police and the community's wishes are adhered to. The community can also approach the KJG for guidance and/or punishment options.
- The whole KJG operation runs smoothly on the level of respect and trust given and received by and within all sections of the community, Indigenous and non-Indigenous alike.

For further information on the nature of the KJG and evaluations of its effectiveness, see Urbis Keys Young 2001; Gant and Grabosky 2000; DATSIPD 1999; Chantrill 1998; Cunneen and McDonald 1997; Bimrose and Adams 1995.

3.3.3 Community Justice Groups Across Queensland

According to a Queensland Government Discussion Paper, since 1993, the situation in the pilot communities (Kowanyama and Palm Island) has improved dramatically, with juvenile court appearances falling by two thirds, and reductions in a number of offences.

The process of community members coming together to tackle justice issues has had a positive effect on the self-esteem of members of these communities, and is a further step towards their empowerment and self-determination.

Since funding became available under the Local Justice Initiatives Program in 1996, more than thirty Community Justice Groups have been established in Indigenous communities across Queensland, including a number in urban and semi-rural communities (Premier's Department 1999: 32).

In May 1999 the Department of Aboriginal and Torres Strait Islander Policy and Development released an Interim Assessment of the Community Justice Groups (DATSIPD 1999). The Interim Assessment considered community justice groups in Kowanyama, Hope Vale, Mossman, Charter's Towers and Mackay. The purpose of the assessment was to assess the effectiveness to date, and potential effectiveness of community justice groups in meeting the goal of reducing Indigenous people's contact with the criminal justice system. In addition, the assessment also considered the cost-effectiveness of community justice groups by identifying some of the savings generated by the community justice groups for Government agencies (DATSIPD 1999: 5).

3.3.4 Assessment Findings

The Interim Assessment found that community justice groups were 'developing innovative and successful strategies for tackling community justice issues by working within the formal justice system and within the community itself' (DATSIPD 1999: 6). Besides working with justice agencies, the community justice groups had developed highly effective activities in addressing

social and community issues without the direct involvement of the justice system. Thus the Interim Assessment found that there were two broad spheres of community justice group activity:

- Strategies involving the justice system
- Strategies involving the underlying causes of crime and grassroots, community strategies for dealing with these issues

The Interim Assessment concluded that, 'despite their infancy, community justice groups are already achieving notable successes in various areas of community concern, according to their local priorities and their particular skills' (DATSIPD 1999: 10).

3.3.5 Working with the Formal Justice System

In relation to working with the justice system, the following effective strategies were identified by the Interim Assessment.

- Encouraging police to exercise their discretion not to charge an individual but to refer them to the community justice group to be dealt with through customary law
- Assisting in the granting of bail, supervising bail conditions to ensure compliance, organising accommodation, generally ensuring that bail is granted, that it can be met and that it is not breached
- Working to maximise use of community-based orders as an alternative to prison by providing local programs, and working to ensure that offenders do not breach orders
- Developing programs and initiatives on community outstations for use as diversionary options, including traditional skills and work skills, self-esteem and cultural programs
- Visiting prison to support offenders and conduct cultural activities
- Supporting parolees (DATSIPD 1999:7).

3.3.6 Crime Prevention Strategies

The Interim Assessment found many examples of successful grassroots crime prevention strategies. One area of concern common to community justice groups was the high level of juvenile crime. Programs were developed which sought to address some of the underlying causes including lack of recreational opportunities, lack of employment opportunities, poor parental supervision, loss of culture and identity, poor relations with police and wider non-Indigenous community. Successful strategies included the following.

- Organising basketball tournaments at night, organising football tours or camping trips as incentives for good behaviour
- Running camps/outstation programs for cultural knowledge, increasing self-esteem and life skills
- Attacking problems of low school attendance
- Conducting night patrols
- Counselling and mentoring young people on a day-to-day basis (DATSIPD 1999:8).

Community justice groups also developed measures in relation to alcohol and substance abuse and domestic violence. These strategies included:

- Elders publicly shaming adults who gave alcohol to children
- Educative and counselling programs to address domestic violence and alcohol abuse
- Community justice groups banning individuals from the canteen in response to alcohol abuse problems
- Sending juveniles to outstations to address petrol and glue sniffing addictions (DATSIPD 1999:8).

Community justice groups also made use of mediation between individuals and between family groups. Mediation assisted in reducing community tensions.

3.3.7 Assessment of Effectiveness

The Interim Assessment acknowledged that it was limited in measuring effectiveness quantitatively by the relatively short period of time the community justice groups have been operating. However, a number of indicators proved useful including reductions in juvenile court appearances, reported offences, drops in break and enter offences and motor vehicle theft in some communities, and so on. Further detail on quantitative indicators of success can be found in the report (DATSIPD 1999:67-73).

The improvement in justice indicators appears to be greater in relation to property offences than offences against the person. The report suggests that this is because offences against the person are more likely to be alcohol-related, and the community justice groups have found that alcohol abuse is more difficult to address (DATSIPD 1999:10).

3.3.8 Cost Savings Generated by the Community Justice Groups

The average cost to fund a community justice group is between \$40,000 and \$50,000 per annum. The Interim Assessment found that 'it is highly likely that the efforts of the community justice groups generate at least this amount in savings to other agencies of government' (DATSIPD1999:9). Evidence of reduced numbers of adult and juvenile court appearances are likely to have significant cost saving benefits to police, courts and juvenile and adult corrections, particularly given current incarceration costs of around \$50,000 for an adult and \$80,000 for a juvenile.

Further analysis of cost saving estimates to justice and other agencies can be found in the Interim Assessment report (DATSIPD1999:76-78).

3.3.9 The Importance of Culture and Self-Determination for Effectiveness

The Interim Assessment found that 'a strong theme in the activities of community justice groups is a desire to strengthen language, culture and customary law in their communities in order to restore a sense of cultural identity and high self-esteem' (DATSIPD 1999:9).

One of the 'spin offs' identified by the Interim Assessment was the heightened sense of empowerment and self-worth gained within the community through the successful tackling of some of the issues affecting the community. The community justice groups also fulfilled an important role as a de facto representative body for the communities when conducting affairs with outside agencies.

3.4 Justice Groups: Law and Justice Groups (Northern Territory)

The Aboriginal Law and Justice Strategy was implemented in Ali Curung in 1996 and with a Law and Order Plan implemented in 1997. The strategy was later extended to the Lajamanu community

and its law and justice plan was implemented in 2000. Planning workshops have also been held at Borroloola, Port Keats, Yuendumu and Numbulwar.

The Strategy as designed by Government aimed to provide a comprehensive, whole-of-government approach to the development of Aboriginal law and justice initiatives at the Territory, regional and community levels. The strategy has three main focuses.

- Establishing consultative and participatory decision-making arrangements at various levels
- Developing policy for priority and emerging issues
- Developing community law and justice plans

The purpose of the community law and justice plans varies between communities, but generally they aim to:

- Increase Aboriginal people's participation in the law and justice process through an appropriate local structure using local organisations
- Encourage greater responsibility and accountability by Aboriginal people in law and justice matters
- Reduce the level of family and community violence and ultimately the rate of Aboriginal incarceration
- Assist in developing mechanisms which allow for the use of Aboriginal dispute resolution
- Provide a framework for community organisations such as the tribal Council and law and justice committee to make decisions at the community level and within the justice system
- Formalise arrangements between Government agencies and community organisations in respect of law and justice resources and responses (Office of Aboriginal Development 2001:5-6).

Communities are developing specific strategies to meet the general objectives set by the law and justice plans. For example, in Ali Curung there are a range of strategies including the integrated use of night patrols; a safe house; a three-tiered approach to resolving disputes involving families, community and elders; diversionary programs including pre-court conferencing and a law and order committee.

The Ali Curung and Lajumanu Law and Justice Plans are endorsed by the CEOs of the relevant Government agencies, the regional chairperson of ATSIC and the participating community organisations. The report by the Office of Aboriginal Development (2001) contains copies of the Lajumanu Law and Justice Plan.

It is also worth considering the importance of specific women's organisations within the context of the Northern Territory law and justice groups. For example, the Strong Women's Group in Wadeye (Port Keats) is directly involved in a range of crime prevention activities including the protection of community facilities (such as the Community Health Clinic) and the development of programs. Some of these activities have received crime prevention funding from NTSafe.

3.4.1 Evaluation and Outcomes

The Office of Aboriginal Development report (2001) notes that statistical indicators show a downward trend in a number of law and justice areas in Ali Curung. Importantly, the report notes that it is difficult to collect accurate information on community wellbeing, and that there are often significant differences between official statistics and the anecdotal or qualitative data provided by

community-based organisations. OAD has been actively engaged in developing a practical and workable model of collecting information to measure community wellbeing.

3.5 Local Crime Prevention Plans (New South Wales)

One of the three objectives of the *Children (Protection and Parental Responsibility) Act 1997* is the creation of local crime prevention plans (LCPPs). The LCPPs are established on the initiative of local government councils. Local councils must engage in adequate consultation with young people and the Aboriginal community if they wish to apply to the Attorney General to have a LCPP approved as a Safer Community Compact (SCC). Having an approved SCC enables local councils to attract financial assistance. Questions have been raised about the effectiveness of the proposed consultative processes (Douglas and Bohill 2000).

In two communities, Aboriginal night patrols have been included in the local council's SCC.

3.6 Indigenous Young People and Public Space

Many of the projects discussed in this section deal with the use of public space by Indigenous young people. In this context, it worth noting the report to the National Crime Prevention Office on the issue of public space and young people.

The research involved an overview of relevant legislation, policy and literature, a review of Australian public space projects, and interviews with Indigenous young people, rural young people, adults who use or work in public space environments, and planning authorities, designers, architects and developers.

The interviews with Indigenous young people's use of public space revealed that most young people felt safest when they were in a group. Indigenous young women commented on being harassed by men. Rural non-Indigenous youth appeared to prefer more organised activities, mostly sport, than Indigenous youth. Indigenous youth tended to hang out in large, often single sex groups, comprising family and friends across a wide age range. Indigenous youth had considerable experience of racism and were more inclined to express negative views of authority figures.

Indigenous adults in the NT stressed the need to have elders and Indigenous mentors to work with Indigenous youth (NCP 2000).

3.7 Conclusion

The major and longest running crime prevention programs in Indigenous communities have been night patrols and various types of justice groups. Night patrols and justice groups are also one of the few types of initiatives that have been evaluated at a more systematic level. Generally the evaluations have been very positive.

Evaluations of night patrols indicate they can achieve

- A reduction in juvenile crime rates on the nights the patrol operates, including for offences such as malicious damage, motor vehicle theft and street offences
- An enhancement of perceptions of safety
- Minimisation of harm associated with drug and alcohol misuse
- An encouragement of Aboriginal leadership, community management and self-determination
- An encouragement of partnerships and cultural understanding between Indigenous and non-Indigenous communities

Evaluations of justice groups indicate they can

- Achieve a reduction in juvenile offending and school truanting
- Achieve a reduction in family and community disputes and violence
- Increase the more effective use of police and judicial discretion

- Increase community self-esteem and empowerment
- Provide better support for offender re-integration
- Generate cost-savings for criminal justice agencies

CHAPTER 4

CRIME PREVENTION PROGRAMS AIMED AT CRIMES OF VIOLENCE IN ABORIGINAL COMMUNITIES

The problem of family violence was noted in earlier discussions about the nature of crime and victimisation in Indigenous communities. As a result of increasing attention to the issue over the last decade Indigenous communities have developed, and Governments have supported many local crime prevention initiatives to address family violence.

This chapter discusses Government funding initiatives and then provides an overview of local Indigenous-run services.

4.1 The Commonwealth Partnerships Against Domestic Violence

The Federal Government has a range of policies designed to address violence in Indigenous communities. They include a \$2.3 billion funding package in 2000-01 for Indigenous specific activities, particularly in the priority areas of health, housing, education and employment; and family and community support programs, including early intervention strategies to address suicide, homelessness, and illicit drug abuse. According to the Government, improving outcomes in these areas will influence the underlying issues that affect levels of violence (Senator Vanstone, Media Release, 30 January 2001). Perhaps the two areas most directly related to crime prevention are the national Indigenous family violence grants program under the Government's Partnerships Against Domestic Violence initiative; and the funding under the Government's National Crime Prevention program for youth festivals, mentoring, night patrols and research on Aboriginal children's health and wellbeing.

The *Partnerships Against Domestic Violence* is a Commonwealth initiative with States and Territories and the community to prevent domestic violence. The work of the program is co-ordinated by a Commonwealth/State/Territory taskforce. The secretariat is located within the Office of the Status of Women. Some \$25 million has been provided over four years to 2003 with four areas of priority: community education; work with perpetrators; Indigenous family violence; and children at risk.

Some \$6 million has been allocated over four years specifically for support to community projects to reduce the level of family violence in Indigenous communities. 'The overall objective of the Indigenous Family Violence Grants Project is to provide practical and flexible support for grassroots projects and to trial new approaches to reduce family violence in Aboriginal and Torres Strait Islander communities' (Partnerships Against Domestic Violence: 2). Last year (2000), 30 Indigenous organisations from across Australia received funding of \$2.2 million for 31 projects addressing family violence. These projects fall within various separate 'initiatives' some of which cover multiple projects (Partnerships Against Domestic Violence, 2000; Partnerships Against Domestic Violence, 2001). The 15 initiatives are outlined below.

- *Domestic Violence Rural and Remote Initiative* (Commonwealth Department of Family and Community Services)

Five existing services operate in: Huon (Tasmania), Derby (Western Australia), Coober Pedy (South Australia), the Pitjantjatjara lands of Central Australia (Northern Territory/South Australia/Western Australia) and an integrated Northern Territory project which has outlets in Darwin, Katherine, Tennant Creek and Alice Springs. Twenty new services approved under this initiative to date are in the following regions/townships: Northern Territory (information/early intervention service for young Indigenous women in a remote community); South Australia (Kangaroo Island and a rural website); New South Wales (Orana Far West; Riverina-Murray); Tasmania (NW Tasmania);

Western Australia (Balgo, Oombulgurri, Jigalong, Beagle Bay, Looma and Kalumbaru); Queensland (Townsville, Kowanyama, Lockhart River, Palm Island, Yarrabah, Hopevale, Pormpuraaw, Arukuun and the Torres Strait Islands).

- *Indigenous Family Relationships Pilot Projects* (Commonwealth Department of Family and Community Services)

These projects are designed to deliver counselling, relationship education and intervention services to Indigenous communities around Australia. Projects are being conducted by Anglicare, WA; Family Life Mov't., NSW; Centacare, Townsville; Newcastle Family Support; Adelaide Central Mission; and Anglicare, SA.

- *Family Violence Advocacy Project* (ATSIC)

ATSIC has established family violence advocacy projects: Apunipima Health Council, Cairns; Bega Garbarrungu Health Service, Kalgoorlie. These projects aim to facilitate and assist agencies to develop and implement appropriate strategies to address family violence in Indigenous communities, with the eventual aim of developing and implementing a best practice model of service delivery which may be replicated in other areas of Australia.

- *Training for Agencies Working with Indigenous Women* (ATSIC)

Far North Indigenous Consortium for Social and Emotional Health, Cairns; Top End Women's Legal Service.

- *Koori Family Strengthening* (Department of Human Services, Victoria)
- *Rural Crisis Intervention Partnerships Projects* (New South Wales Attorney-Generals Department) Broken Hill and Menindee.
- *Models of Intervention at the Point of Crisis in Aboriginal Family Violence* (Western Australia) Crime Research Centre.
- *Resources for Aboriginal Communities—Young People's Resource* (South Australia) Port Youth Theatre Workshop.
- *Torres Strait Islander Domestic Violence Community Education/Training Strategy* (Queensland Department Families, Youth and Community Care).
- *Pilot Counselling Program for Aboriginal Men Responsible for Family Violence* (WA) Perth metropolitan area; and Pilbara.
- *Pilot Court-Mandated and Court-Referred Program for Offenders of Domestic and Aboriginal Family Violence* (NT) Delivered through Northern Territory Correctional Services.
- *Community Awareness Activities for Indigenous and NESB Communities* (National Project: OSW).
- *Attitudes to Domestic and Family Violence in the Diverse Australian Community*. Report by *Cultural Perspectives* for OSW.
- *Domestic Violence Prevention* (Western Australia) National Crime Prevention. Crime Research Centre, Northam & Derby ('associated' project).
- *Violence in Indigenous Communities* (Queensland) Aboriginal Environment Research Centre, University of Queensland.

4.2 States and Territories

In Western Australia the Aboriginal Family Violence Strategy is being developed, informed by the 'Crisis Intervention in Aboriginal Family Violence' research by the Crime Research Centre (Blagg 2001).

In Queensland, following the release of the Aboriginal and Torres Strait Islander Women's Task Force on Violence Report (1999), the key priorities of the Queensland Domestic Violence Council are Indigenous family violence, non-spousal violence, elder abuse and domestic abuse of people with a disability. The Queensland Government response to the Task Force outlines a number of projects (DATSIPD 2000).

Other states have projects operating through the 'Domestic Violence Rural and Remote Initiatives' programs (see below).

4.3 Family Violence Projects

4.3.1 Models of Intervention at the Point of Crisis in Aboriginal Family Violence

This project has been undertaken by the Crime Research Centre, Western Australia. The report presents a comprehensive review of relevant policy, practice and academic literature and a number of policy recommendations based on good practice interventions currently in place in Australia, the United Kingdom and Canada. The recommendations point to the need to take account of existing community structures, organisations and practices. The underlying principle is that, wherever possible, intervention should aim to divert Aboriginal offenders from unnecessary contact with the justice system. Emphasis needs to be placed instead on developing pathways to family and community healing. Crisis intervention strategies should work within the context of Indigenous culture and beliefs.

The project found that notions of family violence and domestic violence represent different models of understanding and responding to the issue. According to the WA project, with a family violence model among Indigenous communities there is:

- a rejection of 'criminalisation' as the sole strategy to deal with family violence;
- less reliance on an explicitly feminist analysis and explanation of violence within intimate relationships;
- a greater stress on the impact of colonialism, trauma, family dysfunction and alcoholism as critical to address in family violence;
- a view which sees male violence less as an expression of patriarchal power than as a compensation for lack of status, esteem and value;
- a greater stress on the impact of family violence on the family as a whole, rather than just on women and children;
- an emphasis on a range of potential perpetrators, rather than just husbands, including sons, grandsons and other male kin (Partnerships Against Violence 2000:3).

4.3.2 Domestic Violence Rural and Remote Initiatives

Through *Partnerships Against Violence* the Commonwealth Department of Family and Community Services has funded a range of services in all States and Territories, focusing on rural and remote initiatives in relation to domestic violence. The following information is taken from *Partnerships Against Violence* (2001:7-9) and *National Crime Prevention* (2001).

Atunya Wiru Minyma Uwankaraku, 'Good Protection for All Women' Cross Border Project, Western Australia, Northern Territory, South Australia

Funded by the Commonwealth Department of Health and Aged Care, this domestic violence prevention service operates in remote communities on the cross borders of three states. The project was developed by the Ngaanyatjarra Pitjantjatara Yankunytjatjara Women's Council, and is regarded as a model of best practice in family violence prevention. It supports women who experience domestic violence to develop strategies that seek family and community support. Training workshops on domestic violence and sexual assault were done to improve awareness among Aboriginal and non-Aboriginal workers of the difficulties faced by Aboriginal women (National Crime Prevention 2001:2).

New South Wales Riverina Murray Area

This project will target the Aboriginal communities of Balranald and Wentworth Shires. The project aims to develop an education package to raise awareness about the nature of domestic violence and how to relate in non-violent ways amongst young Aboriginal people, through the local school system. There will also be educational material about family violence for the general community, detailing responses to acts of violence, how to deal with perpetrators and the options that exist for men and women in violent situations.

New South Wales Orana Far West

A package of service options will be developed in Orana Far West. Twenty four hour telephone access through a domestic violence hotline; increasing and formalising already established women's networks; consolidation of linkages to existing service providers; use of brokerage funds to purchase such services as transport and safe crisis accommodation; co-ordination via the employment of one Aboriginal and one non-Aboriginal worker.

Queensland

Funding is being used to enhance existing SAAP-funded services, focusing on the provision of office equipment, staff training, service development and external evaluation. The services funded are as follows:

- North Queensland Domestic Violence Resource Service, Townsville;
- Lena Passi Domestic Violence Outreach Service;
- Kowanyama Aboriginal Community Council (Women's Group);
- Hopevale Aboriginal Community Council (Women's Shelter);
- Pormpur Paanth Aboriginal Corporation (Women's Shelter);
- MaÁathan Women's Shelter Aboriginal Corporation;
- Yarrabah Aboriginal Corporation for Women (Women's Shelter);
- Lockhart River Aboriginal Council; and
- Kootana Women's Centre, Palm Island.

Western Australia

Six services have been funded which have both a preventative focus and crisis response, and aim to build on existing services and networks. The services target, in order of priority: women and children experiencing violence, communities and families, and family members responsible for violence. They will provide specific service options as well as community education, and information on family violence. The services are based at the following locations:

- Balgo Community, south of Halls Creek (linking in with the development of a Community Safe House);
- Beagle Bay Community (two and a half hours drive from Broome);
- Kalumburu Community (far north Kimberley);
- Jigalong Community (190km north east of Newman – linking in with the development of a Community Safe House);
- Looma Community (two and a half hours drive from Derby); and
- Oombulgurri Community (15 minutes flight time from Wyndham).

South Australia

South Australia has developed a project on Kangaroo Island, based on the identification of the locational disadvantage experienced by women and children escaping domestic violence and family abuse. No domestic violence services are available on the Island. The new service will provide a direct case management function as well as a preventative role through training, community education and awareness of the issues of domestic violence in the community.

Tasmania

A project in the north and north west of Tasmania will see workers based in Launceston and Devonport, providing a support and information service for families escaping domestic violence.

Northern Territory

The Northern Territory Initiative aims to educate young women in rural and remote communities about issues of domestic violence and sexual assault.

4.3.3 Indigenous Family Relationships Services

Six pilot projects around Australia have been developing approaches to assist Indigenous families to build healthier family relationships.

Talking Women's Business— Anglicare WA

Women in the Kununurra area of Western Australia have developed a project aimed at breaking the cycle of family violence. The project aims to provide continuity and ongoing support for women attending the refuge. The concept became Talking Women's Business, in which residents meet weekly to discuss the issues relevant to them. A fundamental principle of the project is empowerment of women (Partnerships Against Violence 2001:10). *Talking Women's Business* utilises a series of strategies, including:

- flexibility in group membership, program structure, content and meeting times;
- organising transport and access to childcare;
- discussion with the group about what works;
- extensive use of group participation exercises and innovative teaching resources;
- avoiding exercises that use written work;
- using craft to build group cohesion, self-esteem and mutual respect;
- teaching a skill or conducting a self-esteem exercise at every meeting;
- meeting participants on their own terms while modelling respectful behaviour; and
- drawing on Indigenous culture and wisdom (Partnerships Against Violence 2001:11).

Newcastle Family Support Service

This project operates in collaboration with the Warlga Ngurra Aboriginal Women's and Children's Refuge. Over 20 families have now been involved with the project since its inception. In addition to providing family support services to Indigenous families, the project has developed connections with other mainstream agencies (Partnerships Against Violence 2001:12).

Indigerelate Lismore — Bugalma Byhin 'Safe Healing Place'

Two year funding was provided to Interrelate, to establish a service named 'Indigerelate'. Indigerelate 'yarners' offer other Indigenous people and families the opportunity of working on personal Indigenous issues with professional Indigenous workers in a safe environment. Clients can feel free to talk in community 'lingo', creating a comfortable and honest space. These factors make a significant difference to Indigenous clients who are generally too afraid to access mainstream health services. The service has operated on a model of one male and one female worker, providing cultural safety (Partnerships Against Violence 2001:12-13).

Aboriginal and Torres Strait Islander Counsellor Training Program, Anglicare/Top End - Resolve
A training program for Aboriginal and Torres Strait Islander workers was jointly designed by Anglicare's Senior Family Counsellor, and the Aboriginal Family Skills Worker. The aim was to

undertake a culturally appropriate family counsellor-training course for a range of professionals working with Aboriginal and Torres Strait Islander families. The course consisted of 12 sessions, combining information on systems theory, the family structural and emotional system, issues for Aboriginal communities and families, and presentation of case studies with a group supervision context (Partnerships Against Violence 2001:13).

Indigenous Families Project — Nunkunwarrin Yunti; Adelaide Central Mission; Centre of Personal Education

Several initiatives emerged from a collaboration of three agencies:

- *Family Support*, complementing existing counselling services provided by Nunkunwarrin Yunti. This service assisted families to access services, provided volunteers for further support and generally aimed to empower Indigenous families.
- Extension of the Adelaide Central Mission (ACM) 'Good Beginnings' parenting program to Aboriginal families.
- Indigenous Relationship Education at the Centre for Personal Education (COPE). The aim was to develop a pool of Indigenous educators to provide community relationship education services for COPE (Partnerships Against Violence 2001:13-14).

Centacare Townsville; Townsville Aboriginal and Islander Health Service

This project was designed to engage more Indigenous families in Centacare's Family Skills Training program. Although the project and partnership started from a strong base, a series of difficulties prevented it from becoming fully established (Partnerships Against Violence 2001:14).

4.3.4 Family Violence Advocacy Project —ATSIC

Apunipima Cape York Health Council is funded by ATSIC under *Partnerships* to undertake the Family Violence Advocacy Project. The aim of the project is to develop a model of 'best practice' service provider responses to family violence. The model adopted has a three-pronged approach that involves working with regional Cairns-based service providers; community women; and Cape York community service providers. Among other strategies, the approach has involved 'Healing Our Families' workshops conducted in communities and, as a follow-up to the community workshops, a meeting between community service providers and community women (Building Bridges) is organised and facilitated by the Team. This meeting is to encourage interaction between community women and service providers as well as develop co-ordinated protocols for the service providers (Partnerships Against Violence 2001:15-16).

4.3.5 Rural Crisis Intervention Partnerships Projects (New South Wales Attorney General's Department) Broken Hill and Menindee.

The two projects are designed to develop best practice interventions in rural and remote communities. Two project officers are employed in each of the communities. Aims of the projects are to:

- provide crisis intervention and support to victims of domestic violence;
- build and maintain partnerships between local services;
- provide outreach to women and children who may not access local services;
- develop and publish a model of best practice for rural domestic violence crisis intervention;
- identify possible strategies for continued implementation of the model of best practice (Partnerships Against Violence 2001:14).

4.3.6 *Walking into Doors*

The *Partnerships Against Domestic Violence* has funded the *Walking into Doors* campaign for \$300,000. The campaign features Archie Roach and Ruby Hunter. The campaign aims to:

- Promote community discussion about family violence and its effects
- Identify and promote community approaches to non-violence
- Promote community discussion on measures to prevent domestic violence
- Increase knowledge about sources of assistance for individuals and families experiencing domestic violence.

Initially the campaign will involve a series of ten forums in Mount Isa, Cherbourg, Darwin, Alice Springs, Port Augusta, Perth, Broome, Mildura, Sydney, and Lightning Ridge.

4.3.7 *We Al-li (Queensland)*

This project provides a series of educational/therapeutic programs for workers and for victims and perpetrators of age, gender, race or class violence. The workshops enable individuals to own violent experiences and behaviours, to become aware of the many forms of violence in our society, and to be empowered to change their own victim/victimising behaviours. Many people who have been involved in workshops have moved beyond victim/victimising behaviours. The Central Queensland University is presently negotiating with Bookoola Research Pty Ltd, the organisation responsible for this project, to run the programs in Indigenous Therapies. The project received an Australian Institute of Criminology Crime Prevention Award in 1996.

4.3.8 *Mabourah Dubay (New South Wales)*

Mabourah Dubay is the Aboriginal Women's Advisory Council to the Northern Rivers Community Legal Centre. The Advisory Council is an outcome of the Mabourah Dubay project. The project involved informal focus groups with Indigenous women on their legal problems and ability to access legal information and assistance.

The Advisory Council has also produced an educational video on domestic violence and sexual assault for young Aboriginal women called *Sharon's Story* (Australia Domestic and Family Violence Clearinghouse Newsletter No 3, July 2000).

4.3.9 *Strengthening the Heart (Western Australia)*

The program is run by the Burdiya Aboriginal Corporation. The program aims to strengthen existing community and family relationships. The project plans to provide an information, referral and advocacy service for members with multiple issues; mentor and strengthen the capacity of Indigenous leaders; assist the facilitation of family and children healing groups; and start resolving issues involved in each family in the community (Partnerships Against Violence 2001b:3).

4.3.10 *Ceduna Community Family Violence Project (South Australia)*

The project aim is to assist community members to meet, identify key issues, and develop a project plan to address family violence in the community. The project team will facilitate community involvement in four community meetings to identify factors contributing to and strategies to address family violence (Partnerships Against Violence 2001b:2).

4.3.11 *Strong Families, Strong Culture, Strong Community (Western Australia)*

The project operated by Burringurrah Community Aboriginal Corporation aims to develop grass roots solutions to community issues, particularly family violence. The project will establish a community resource centre and train staff to assist education and awareness campaigns and be a

referral point for services; assist the community to establish local strategies for addressing the psychological abuse of children witnessing violence, and the effects of drug and alcohol abuse; and train 'Aunties' in counselling and mediation to provide immediate safety for children (Partnerships Against Violence 2001b:4).

4.3.12 Coffs Harbour Indigenous Family Violence Program (New South Wales)

The project operated by the Coffs Harbour Aboriginal Family Community Care Centre aims to decrease the incidence of family violence by raising consciousness about issues associated with it, and to provide case managed support to families where there is violence or the risk of it. The Centre will employ staff to consult with community educators and the community, and to identify urgent and at risk families. They will create an action plan of programs which include policies on prevention and intervention; more culturally appropriate case support programs for families; and communication campaigns about services available (Partnerships Against Violence 2001b:6).

4.3.13 Building A Better Community – Meekatharra (Western Australia)

The Geraldton Regional Domestic Violence project aims to facilitate the community in choosing a mix of strategies from available health promotion and community development models and to implement these in the community. Strategies are also likely to include social controls and community law (Partnerships Against Violence 2001b:7).

4.3.14 Family Support Workers (South Australia)

The Goretta Aboriginal Corporation project aims to develop culturally appropriate support services and early intervention and prevention strategies through community consultation and partnerships with service providers. The project will run consultations and education workshops about family violence, act as an information, advocacy and referral service, and assist service providers to provide culturally appropriate services (Partnerships Against Violence 2001b:8).

4.3.15 Promoting Life for Indigenous Young People Living With Family and Community Violence in the Kimberly Region of Western Australia

The project operated by Jarlmadangah Burru Aboriginal Corporation aims to assist youth to develop life skills and knowledge to help them handle events and crises and reduce risk-taking behaviour associated with family violence. Youth will develop technical competencies in a range of practical activities, linking them to vocational and educational providers and to employers. Supporting this will be community cultural trips to widen participants' experience of their history, geography, and their relationship to land, family and culture (Partnerships Against Violence 2001b:11).

4.3.16 Family Education as Family Healing: Education Workshop for the Whole Family (Queensland)

Gumbi Gumbi Aboriginal and Torres Strait Islander Corporation project aims to co-ordinate a program of educational, cultural, spiritual and emotional healing activities to support behaviour change while clients are undergoing (sometimes mandated) programs for substance misuse. The existence of such a program will encourage local courts to mandate offenders to program attendance in Halo House (Partnerships Against Violence 2001b:10).

4.3.17 Strong Culture, Strong Families (Western Australia)

The Kapululangu Aboriginal Women's Association project is aimed at revitalising cultural practices and principles to challenge and overcome family violence. The project activities include a series of camps on traditional bush and cultural experiences including medicine and food gathering; programs on substance abuse; programs for young women, young mothers and young families; activities aimed at children and the community including banners, murals, music and sports programs;

training Aboriginal health workers, teachers, wardens and parents in counselling and support skills (Partnerships Against Violence 2001b:13).

4.3.18 Family and Domestic Violence Prevention and Intervention Program (Queensland)

The Krurungal Aboriginal & Torres Strait Islanders' Corporation for Welfare, Resource and Housing project aims to rehabilitate perpetrators of family violence and to educate, reconcile and heal the family unit through an intervention-prevention program. The project involves identifying factors contributing to violence, identifying families which may benefit from culturally appropriate intervention; family counselling camps; workshops which include counselling; awareness programs for members of the Stolen Generations; and producing relevant resources (Partnerships Against Violence 2001b:12).

4.3.19 Aboriginal Cultural Family Mediation Project (Northern Territory)

The Miwatj Health Aboriginal Corporation project aims to identify a culturally appropriate method of intervening in family violence, as a practical alternative to current legal responses such as restraining orders, refuges and gaol. The project will employ an elder to consult with other elders to identify traditional approaches, leading to the selection of an intervention model. Local Aboriginal people will be employed as family mediators to implement the model in three communities (Partnerships Against Violence 2001b:15).

4.3.20 Mee Wee Domestic Violence Program (South Australia)

The Mee Wee Community Coalition project aims to develop an education and awareness strategy, and early and/or crisis intervention strategies. The strategies will prioritise the safety and security of women in their homes, emphasise Aboriginal cultural alternatives, and identify and strengthen positive role models (Partnerships Against Violence 2001b:14).

4.3.21 Children's Drop in Centre (Western Australia)

The Ngaringga Ngurra Aboriginal Corporation project aims to establish a youth drop in centre to teach positive ways to use time and to provide a safe place for young people. It is intended that a teenage counselling service and a self-discovery service will be run through the centre in the future (Partnerships Against Violence 2001b:17).

4.3.22 Family Violence – Service Assessment Project (Queensland)

The Murrigunyah Aboriginal and Torres Strait Islanders' Corporation for Women project aims to develop, trial and assess a prevention and intervention strategy that incorporates culturally adapted mainstream service models (Partnerships Against Violence 2001b:16).

4.3.23 Cultural Training on Family Violence (Western Australia)

The Yamatji Murni Wangga Aboriginal Corporation project aims to deliver a training package on culturally appropriate service provision to mainstream service providers. A training package ('Wrong Way' — Understanding and Responding to Aboriginal Family Violence') will assist service providers to deal with Indigenous family violence issues and Indigenous people in a more culturally appropriate manner (Partnerships Against Violence 2001b:19).

4.3.24 Nunga's Child Play (South Australia)

Nunga MiMinar is an Aboriginal women's service providing crisis accommodation, outreach support and an information and referral service. The therapeutic program 'Child's Play' (for mothers and children having attachment difficulties due to family violence) will be culturally adapted and run in a number of locations (Partnerships Against Violence 2001b:19).

4.3.25 National Family Violence and Child Abuse Community Awareness and Prevention Campaign (Australia)

The Secretariat of National Aboriginal & Islander Child Care project aims to improve the awareness of Indigenous communities and their leaders of the prevalence, impact and appropriate responses to family violence, and to assist community service workers with training guides. The project will develop a Community Workers Guide for distribution to key Indigenous families, children, health and legal services. It will also provide copies of the Community Leaders Information Guide on family violence to Indigenous child care agencies and Multifunction Aboriginal Children's Services (Partnerships Against Violence 2001b:21).

4.3.26 Safety in Families (Queensland)

The Sandgate Indigenous Community Network project aims to identify, through community development strategies to address family violence, and to test some of the strategies. The project will increase the information available on family violence issues and other culturally appropriate models and will stimulate the community development of appropriate strategies (Partnerships Against Violence 2001b:20).

4.3.27 The Remote Area Night Patrol Support (Northern Territory)

The Remote Area Night Patrol (RANP) project aims to assist patrols with training, resourcing, networking, planning and accountability. The project will develop an incident report that is appropriate to the particular community; set standards of incident and other reporting; gather data into a database on the most effective means of providing the service; assist in regional planning; and develop learning resources for accredited training modules (Partnerships Against Violence 2001b:25).

4.3.28 Tiwi Family Violence Prevention Project

The Tiwi Health Board project aims to provide support and direction to the community and community-based organisations to address family violence in a holistic and sustainable manner. The project will co-ordinate a community awareness campaign; deliver 12 training and educational workshops to relevant Tiwi Islands service workers to develop violence support and case management skills; establish a leadership, training and healing program to develop skills for a steering committee to advise and co-ordinate family violence services; and establish a responsibility group for men who want to change their behaviour (Partnerships Against Violence 2001b:24).

4.3.29 Kunta Wia (No Shame) (South Australia)

Weena Mooga Gu Guaba project aims to work with 12 to 17 year old students known to have violence in their family background in order to strengthen their self-identity, cultural identity and life skills. The project will be implemented through the Ceduna Area School and will include involvement of role models; teaching life skills and personal hygiene; developing self-esteem and self-respect; camps to experiment with the learnt skills (Partnerships Against Violence 2001b:27).

4.3.30 Hear Me Now (Victoria)

The Victorian Aboriginal Community Services Association in collaboration with the Children's Protection Society project aims to work with three to four communities with pre-existing support structures to identify new ways or models for keeping Indigenous children and families safe. The project will run campaigns to increase awareness of the extent and nature of family violence; enhance usage of existing services; and increase knowledge of how to identify abuse and neglect and to protect children (Partnerships Against Violence 2001b:26).

4.3.31 Yawarra Meamei— Safe Families Project (New South Wales)

The Yawarra Meamei project aims to provide education and training to members so they can act as peer educators and mentors. The project will undertake an audit of existing knowledge and skills to identify training needs, and design and implement a program to meet these educational needs; strengthen interagency networks and deliver a culturally appropriate education program to wider community (Partnerships Against Violence 2001b:29).

4.3.32 Prevent Family Violence Program (Victoria)

The Winda Mara Aboriginal Corporation project aims to raise awareness of family violence and available support services, and to encourage substance free activities for youth and families through workshops targeting different age groups and genders. The project will encourage young people to organise substance free activities for themselves, and develop substance free family events. The project will also design a protocol for emergency child care after a family violence incident (Partnerships Against Violence 2001b:28).

4.3.33 Booklets on Family Violence (Western Australia)

The Yorgum Aboriginal Corporation project aims to publish two booklets to challenge myths about violence and to promote healing the causes of violence. The booklets will be developed in consultation with the community and will emphasise a healing approach, particularly introducing counselling as a method of healing and change (Partnerships Against Violence 2001b:31).

4.4 Anti-Violence Projects Aimed Primarily at Men

4.4.1 The Pilot Court-Mandated and Court-Referred Program for Offenders of Domestic and Aboriginal Family Violence.

This program was developed by the NT Office of Women's Policy and implemented by NT Correctional Services. It has involved the production of a best practice program guide. The program guide is accompanied by a background paper that informs program development, and provides a theoretical base.

The program is based on a behaviour change model and is conducted over 26 weeks with 2 1/2 hour sessions. The program model:

- reinforces the criminal nature of the violence to the offender and the community;
- enforces the attendance of offenders in programs;
- exposes offenders to different attitudes and ways of behaving;
- offers support to survivors and child witnesses.

The court-mandated offender program works from the premise that offenders are unlikely to self-refer, and an offender's consent is not required prior to the making of an offender program order. The development of the program guide was informed by consultation with Indigenous men and women, service providers, and review of existing research.

Key findings from this preliminary research includes:

- A structured program should be delivered to groups within an empowering and innovative learning framework that combines cognitive, behavioural and re-socialisation approaches.
- Programs for offenders should not be based on models of support or therapy, but must have results that focus on complete behavioural and attitudinal changes in the offenders.
- Program topics for Indigenous offenders need to be culturally sensitive. Program topics were developed to include information on the cultural context of Indigenous family violence, change motivators relevant to Indigenous offenders and an exploration of Aboriginal spiritual healing.
- Programs should have the flexibility to be undertaken in a range of settings for Indigenous groups and be facilitated by elders within Indigenous communities.
- Education sessions should be included for offenders on the problems of excessive alcohol consumption.
- Offering support to children exposed to domestic violence is a crucial component of the program.

Offering optional individual and group support sessions, safety planning and referrals for an offender's partner in conjunction with the offender's participation is also important (Castillon and Manners 1999; Partnerships Against Violence 2000:4; Partnerships Against Violence 2000b:2-3).

4.4.2 The Countrymen Program (Queensland)

The Cairns and District Regional Indigenous Men's Group aims to assist men to accept their roles and responsibilities by spiritual and holistic healing, and through learning life management skills like education, employment and health. The project is aimed at pre- and post- release perpetrators of family violence (Partnerships Against Violence 2001b:5).

4.4.3 Respect Project (New South Wales)

The Respect Project is centred around the question: What will it take to get the men of Eden to join with the women to help stop violence within the family?

The Gudu Wondjer Aboriginal Corporation (Eden) project aims to engage men in finding family violence solutions by running workshops and camps to raise awareness and promote healing. A mentor program will help link males to resources in the community and into active participation in family violence reduction program development (Partnerships Against Violence 2001b:9).

A local elder has been employed part-time to hold a series of talks and consultations with Aboriginal men; to provide educational workshops for men on issues around family violence; to organise camps for men to discuss family violence; and to involve men in finding solutions.

4.4.4 Indigenous Men's Psychological Health (Western Australia)

The Yorgum Aboriginal Corporation project aims to provide counselling for a small group of men, and to train them in family counselling techniques so they can share their experiences with male kin and Yorgum clients. The project will use a multi-model psychotherapy approach to healing and counselling; the men will use the skills and knowledge developed to talk to and support their extended family, particularly men, as well as self-referred or mandated perpetrators; the men's experiences of the healing group will be documented in a healing journal (Partnerships Against Violence 2001b:30).

4.4.5 Indigenous Young Fathers' Support Group (Queensland)

The Young Fathers' Support Group has been operating since March 1999. The project was primarily established to provide support for young Indigenous fathers to assist them in supporting their partners and to be a positive role model for their children and community. The target group is 16 to

25 years of age. Objectives of the program include the education of young fathers about the physical, emotional, spiritual and cultural needs of children, and to provide understanding of the need for bonding, and of the parenting role (Jia, undated).

4.4.6 Ending Family Violence Program (Queensland)

This project involves the development and implementation of a culturally appropriate family violence prevention program with a therapeutic focus for Aboriginal and Torres Strait Islander offenders who are in custody in Queensland prisons (DATSIPD 2000:6).

4.4.7 Wadja Warriors (Queensland)

The Wadja Warriors are the local football team for Woorabinda. At the start of the football season players were told they would be dropped from the team if they committed any acts of violence against women. The policy has been enforced and two players were suspended. Other initiatives associated with the Wadja Warriors have been education and awareness programs; an outstation for families experiencing problems; and the establishment of men's groups. Evidence suggests a drop in domestic violence in Woorabinda, and the team has been credited with this outcome because of the positive role model (DATSIPD 2000: 13-14). Breaches of domestic violence orders fell by two thirds in 2000, indicating a major reduction in violence against women and children (DATSIPD 2001: 39).

4.4.8 Report on Pilot Counselling programs for Mandated and non-Mandated Indigenous Men - Research and Program Development (Western Australia)

This research was commissioned by the Domestic Violence Prevention Unit (Western Australia) and funded under the *Partnerships Against Domestic Violence* initiative. It discusses issues underpinning the provision of programs for Indigenous men and outlines model structures and processes that would enable the development of counselling programs (Blagg 2001).

The research shows an emerging network of projects across Australia attempting to engage Indigenous men in anti-violence work and develop a distinctively Indigenous approach to the issue through:

- projects aimed at inter-generational issues such as father-son relationships and mentoring of Aboriginal youth by elder figures;
- projects aimed at supporting young Aboriginal fathers;
- the creation of men's 'meeting places';
- establishing domestic and family violence outreach services targeted at men;
- organising men's healing camps and/or healing journeys;
- formulating local violence prevention strategies aimed at Indigenous youths (Blagg 2001:4).

Blagg notes that initiatives in the area of men's programs are very much in their infancy. 'Few are sufficiently established, for clear lessons to be learned about program delivery and, particularly, outcomes. This makes it difficult to be prescriptive about "good practice" models, let alone make claims about "what works"' (2001:4).

4.5 Anti-Violence Projects Aimed Primarily at Children and Young People

4.5.1 Working with adolescents to prevent domestic violence: Indigenous rural model (NCP Report No. 8)

This report was commissioned by the National Crime Prevention Office. The report focuses on working with Indigenous adolescents to prevent family violence. It draws attention to the following specifically Indigenous issues and concerns.

- The need for an Indigenous definition of family violence: any definition of 'family' must be sensitive to Indigenous notions of family which can encapsulate a diverse range of reciprocal ties of obligation and mutual support.
- Family based violence represents a significant proportion of all violence within Indigenous communities so it is essential that strategies are implemented which focus on the issue and which also involve families in the process.
- Indigenous children and adolescents are at greater risk of becoming involved in violence, alcohol use, sexual activity, sexual violence and crime at an early age.
- There are few violence prevention programs designed specifically for Indigenous young people.
- Strategies need to be responsive to the uneven spread of human and capital infrastructure in rural and remote areas; the large number of vulnerable youth and their families in Indigenous communities; and the stresses placed on Indigenous youth as they attempt to balance traditional practices with non-Indigenous values and institutions.
- It is difficult to transport projects designed for non-Indigenous communities to Indigenous communities and they often fail to mobilise Indigenous people. There is evidence that projects work best when they are run by Indigenous people.
- Models of intervention should be flexible enough to accommodate vastly differing regional and cultural contexts. Significant local variations in Indigenous culture need to be incorporated into specific action plans.
- The specific dynamics of Indigenous family and kinship structures need to have a central place in any strategy focused on Indigenous youth. This includes recognising the influence of networks of 'significant others', and not just parents, on aspects of child socialisation (NCP 2000).

4.5.2 Koori Justice Program (New South Wales)

Funded by the NSW Government and established in 1997, the program works with predominantly Aboriginal students from a Sydney high school. The program helps young Aboriginal people deal with difficult and challenging circumstances and increase their resistance to peer pressure to stop them becoming involved in anti-social behaviour. The program involves narrative therapy workshops after which the participants pass on skills to final year students in primary school (National Crime Prevention 2001: 3). In addition to the workshops there were also camps.

The project involved a collaborative effort on the part of a number of agencies including South Sydney Youth Services, the Settlement, Matraville School, and the Fact Tree Youth Service.

4.5.3 Ngadrii Ngalli Way (Family Support Project) Inc (New South Wales)

The project provides culturally appropriate support to vulnerable Aboriginal families; empowers the Aboriginal community to develop strategies for parenting, home-making and financial management skills to provide positive and non-violent family environments for the growth and development of children; works toward minimising the need for formal intervention by DOCS through empowering families to prevent violence and abuse and gives service priority to families whose children have been identified as being "at risk" of child abuse or neglect.

4.5.4 The Port Youth Theatre Workshop (Yitpi —Fun with Feelings)

This project involved two programs. *Warritti one* involved the production of a series of workshop resources for Indigenous children including four booklets: 'feeling happy', 'feeling sad', 'feeling scared', and 'feeling angry'.

Due to the success of *Warritti one*, a second workshop was facilitated, which involved teaching children how to deal with conflict. Conflict resolution methods were taught through puppet-making, working together to create puppet plays and role plays to act out emotions.

The final outcome of the workshops was the production of a video, facilitator's workbook and booklet to form a resource kit. Approximately 1,000 kits have now been distributed nationally (Partnerships Against Violence 2000:4).

4.5.5 Yarrabah Crisis Intervention Committee - Youth Suicide (Queensland)

The Family Promotion project and the Crisis Intervention Committee were established as a result of the high number of suicides which had occurred at Yarrabah. Family Life Promotion officers were employed and a range of activities have been developed to assist individuals and families. There is a halfway house for emergency accommodation and for young people in crisis. The suicide rate in Yarrabah has been reduced since the project was established (DATSIPD 2001:43).

CHAPTER 5

CRIME PREVENTION PROGRAMS AND SENTENCING ALTERNATIVES IN ABORIGINAL COMMUNITIES

An important aspect of Indigenous responses to the mainstream criminal justice system has been to seek modification of existing court processes. These modifications can take a number of forms including the use of mediation to allow for more culturally appropriate processes, the use of Indigenous advisers or justices of the peace to provide assistance in the sentencing process, or the use of conferencing and sentencing circles, through Indigenous operated residential alternatives to prison.

5.1 Mediation

5.1.1 Aboriginal and Torres Strait Islander Mediation Outreach Service (Queensland)

The mediation outreach service is operated by the Queensland Department of Justice and Attorney-General. It provides training in conflict management and mediation to enable remote communities to establish their own community-based dispute resolution mechanisms. These mechanisms aim to resolve disputes before they escalate into criminal offences or more serious problems (Premier's Department, Queensland 1999:49).

5.1.2 An Alternative Dispute Resolution Service (Western Australia)

The service provides a range of culturally appropriate dispute resolution and training services to assist Aboriginal people in resolving conflict or disputes without violence. It is intended to expand the service to regional Western Australia over the next four years (Ministerial Council on the Administration of Justice 2001).

5.2 Sentencing Courts (Aboriginal Courts; Drug Courts; Aboriginal JPs)

5.2.1 Koorie Court Initiative (Victoria)

A proposal is being developed by the Legal Policy and Court Services Division in the Department of Justice, in co-ordination with the Aboriginal Justice Forum in Victoria, to establish that State's first Aboriginal court. Broadly the proposal will allow elders and the magistrate to decide on culturally sensitive punishments for young offenders. While the final proposal itself is yet to be developed it is expected that the Koorie Courts will involve an elder sitting on the bench with a magistrate. The elder will provide advice to the magistrate on the offender to be sentenced (rather than on the sentence itself). Offenders could receive customary punishments or community service orders as an alternative to prison. The proposal is in response to community concern about the apparent high number of young repeat offenders.

Other aspects of the Koorie Court will involve the development of a Community Code of Conduct, the employment of Koorie Justice workers connected to the Koorie Court and a Koorie Justice Panel.

The types of matters to be dealt with by the Koorie Court will involve summary offences and possibly summary/indictable offences which are dealt with summarily. Offences will cover a wide range including property and some violence offences.

5.2.2 Nunga Court (Port Adelaide and Other Locations)

In June 1999, the Port Adelaide Magistrates Court commenced an Aboriginal Court Day, which is called the Nunga Court by the local community. Nunga Court is a specific day designated to

sentence Aboriginal offenders who have plead guilty to an offence. The Court setting is different to the traditional sittings, with the magistrate sitting at eye level with the offender, rather than on the bench. Beside the magistrate sits an Aboriginal justice officer, or a senior Aboriginal person who gives advice about cultural and community issues. The offender may have a relative present at the sitting, with the offender, his/her relative and the offender's lawyer sitting at the bar table. The magistrate may ask questions of the offender, the victim (if present) and members of the family and community in assisting with sentencing options.

In establishing the Nunga Court the aims were to

- Better co-ordinate and consolidate Aboriginal justice resources allowing for stronger representation, more culturally appropriate support and better outcomes for Aboriginal defendants
- Improve community ownership of the court process
- Increase completion of community service orders, reduce recidivism and break the cycle of Aboriginal offending (AJIDC 1999:9).

In December 1999, the Port Adelaide Courts employed Aboriginal Justice Officers to offer assistance in understanding and complying with non-custodial sentencing options. Responsibilities of the Aboriginal Justice Officers include educating the Aboriginal community as to the operations of the court and the criminal justice system; offering assistance to Aboriginal people with bail obligations and judicial outcomes; and fostering a relationship between the Aboriginal community (to advise on Aboriginal issues and cultural awareness) and the court.

The Nunga Court has increased the rate of attendance by Aboriginal people (80%) as compared to attendance in other courts (less than 50%). The Nunga Court has now commenced in Murray Bridge and in Port Augusta. See **Error! Bookmark not defined.** and Moss (2000).

5.2.3 Indigenous Justice of the Peace (Western Australia)

The Broome magistrate has been conducting hearings in remote communities in the north west of the state, with an Aboriginal elder appointed as a JP sitting on the bench with the magistrate. The sentencing outcome is discussed with the JP before being handed down.

5.2.4 Justice of the Peace Training (Aboriginal and Torres Strait Islander Communities)

This training program is operated by the Queensland Department of Justice and Attorney-General. It has resulted in the appointment of 122 JPs in 38 Aboriginal and Torres Strait Islander communities. It is expected that this program will result in a greater level and better acceptance of the legal process and quicker responses to offences (Premier's Department, Queensland 1999: 49). Community courts are currently operating in Bamaga, Thursday Island, Woorabinda, Yarrabah, Wujal Wujal, Hope Vale and Kowanyama (DATSIPD 2001:49).

5.2.5 Sentencing Advice (Queensland)

Amendments to the Queensland *Penalties and Sentences Act 1992*, the *Juvenile Justice Act 1992* and the *Children's Court Act 1992* enable elders and community justice groups to formally assist judges and magistrates when sentencing Indigenous people.

5.2.6 Drug Courts/Alcohol Courts

The Drug Court concept was introduced in the USA in the late 1980s. Drug courts have been established in New South Wales, South Australia and Queensland over recent years. In general, eligibility is restricted to adults who have committed a drug-related offence, are likely to receive a term of imprisonment, plead guilty to the offence, and agree to comply with the case management

plan developed for them. US research suggests that the Drug Courts are reducing recidivism related to drug abuse.

In May 2000, the Drug Court commenced in South Australia as a pilot 2-year program. The Court has recognised that there is a great number of Aboriginal people using illicit drugs, and as a result an Aboriginal justice officer has been employed by the Courts to devote half of their time to Drug Court clients. There is also an Aboriginal case manager who is employed to make certain that the needs of Aboriginal clients are met. An Aboriginal Treatment and Support Options Group and various Aboriginal agencies see that the Aboriginal offenders gain the specific accommodation, detoxification and support that they require. There is a house attached to the Drug Court operated by the Aboriginal Prisoner Offenders Support Service (APOSS).

There has been some suggestion that the Drug Court has not been successful with Aboriginal people who prefer the more culturally sensitive Nunga Court. However, the Drug Court has as one of its principles a healing program established for Aboriginal clients. According to literature supplied by the Drug Court, the program was designed by Aboriginal people for Aboriginal people, to assist clients coming through the Drug Court in accessing the relevant services for the particular needs of individual clients, and also to provide the internal healing aspect of the program. Its overall goal is to develop and energise a person's cultural identity and sense of belonging.

In New South Wales, in addition to the adult Drug Court, there is also a pilot Youth Drug Court operating in Western Sydney. According to early anecdotal evidence, a large proportion of young people before the court have been Indigenous. Indeed the majority of young women before the court were Indigenous.

A new proposal is the possible development of an 'Alcohol Court' which is being investigated in Queensland. The Alcohol Court would operate along similar lines to the Drug Court with individuals who are facing a sentence of imprisonment arising from alcohol-related offences being sentenced to a treatment program. Such treatment could involve an Indigenous-operated residential program.

5.3 Juvenile Conferencing: Australia and Beyond

Most Australian jurisdictions have some form of youth /family conferencing. Conferencing also exists in parts of Canada, the USA and New Zealand.

In most Australian states conferencing is one part of an integrated, hierarchical legislated scheme of responses to juvenile offending which include police warnings and court. The young offender/s, the victims and their families and support people are brought together to talk about the incident and how justice for all parties may be achieved and family and community harmony restored.

For example, in New South Wales since the beginning of the Young Offenders Act (1997) there have been about 5,000 referrals to conferences and about 20% of these have been Aboriginal young offenders. The conference itself has a standard procedure and the Conference Convenor uses a set script. During the first part of the conference, the young offender tells the story of what happened and the victim talks about how they have been affected by the incident and is asked what they would like the young person to do to repair some of the damage they have caused. The young person and his/her family are then given some time alone to decide on an appropriate outcome plan. The proposal is then discussed by the meeting and the agreement is written into the outcome plan. Both the young person and the victim must agree to the outcome plan, which includes arrangements for monitoring and providing support to the young person. The conference finishes with refreshments and the signing of the outcome plan.

There are a number of issues which arise in considering the usefulness of family group conferencing or juvenile conferencing programs for Indigenous young people.

- There have been questions about the level of consultation with Indigenous people and Indigenous organisations in the establishment and operation of conferencing programs (Cunneen 1997, Blagg 1997, Kelly and Oxley 1999).
- There is the problem of referral: who makes decisions about referring a young person to a conference? How important is a prior record in determining whether a young person is eligible for a conference? What offences are included and excluded from the conferencing program?
- The general rule appears to be that the greater police control of the referral process the less likely Indigenous young people will benefit from the program and the less likely will be the opportunity for Aboriginal communities to have a direct role in the decision-making processes around the conference.
- There may also be issues arise as to the cultural appropriateness of the conference format, the level of participation and satisfaction of Aboriginal people in the conference process, and the likelihood of successful completion of conference plans (sources: Cunneen 1997; Urbis Keys Young 2001; Strang 2001; see also www.aic.gov.au).

Some of these issues are being addressed. For example, in Western Australia amendments are proposed to the *Young Offenders Act 1994* to enable wardens and elders in Aboriginal communities to operate juvenile justice teams. Strang has summarised some of the concerns and attempted remedies.

Bargen [Director, Youth Conferencing New South Wales] addressed this subject from an operational point of view. In reviewing the first year of operation of the NSW program in 1999 she observed: ‘...disappointingly, but perhaps not surprisingly, the Act is not yet working as it should in Indigenous communities. Cautioning rates and conference referral numbers for Indigenous children and young people remain low in many parts of the state. It is not always possible for an administrator to appoint an Aboriginal convenor in all appropriate cases. Many Indigenous people are still not aware of the existence of the Act nor of the part they can play in its operation nor of its potential to reduce the entry of significant numbers of Aboriginal children into the juvenile justice and ultimately adult criminal justice systems’. Wundersitz in her South Australian evaluation also observed that conferences did not appear to be working as well for Aboriginal cases, with around 12 percent of Aboriginal youths failing to appear for conferences. However, she noted that steps had been taken to address some of their special needs: wherever possible an Aboriginal conference convenor was assigned to the case and, rather than attempting contact by phone, these convenors preferred to visit Aboriginal youth and their families at home. Wundersitz suggested that ‘This face to face contact is important in breaking down some of the mistrust which Aboriginal people often feel towards the criminal justice system, and it makes it easier for the co-ordinator to identify who, of the extended kin network, needs to be invited to the conference’ (Strang 2001).

A recent discussion paper by the New South Wales Attorney General's Department (2001) has outlined the benefits and limitations of conferencing as follows.

Benefits

- Potential to reduce rates of imprisonment and the social costs associated with imprisonment
- Ability to deal with the specific needs of offenders: as a process, conferencing is flexible and holistic
- Participation by offenders in the process
- The ability to provide a greater range of alternatives to gaol: conferencing encourages a broader range of solutions and increases the ability to address specific problems unique to each case.

- Values the place and role of victims in the process. Studies of conferencing in New South Wales and New Zealand have shown high levels of victim satisfaction as a result of meeting their various needs, including those for information and compensation.
- Includes the community and family in the process.
- Impact on community confidence in the justice process. The experience of conferences suggests that in terms of outcomes, actual victims are no more punitive than non-victims. The direct involvement of victims in a process of determining appropriate outcomes for adult offenders may also assist in ameliorating public opinion about what are suitable penalties and go some way towards reducing the fear of crime.
- Encourage broader community participation.

Limitations

- Recidivism: the available data on the impact of restorative programs is tentative. International studies involve only a small number of offenders and have short-term periods of follow up. New Zealand data on the re-offending rates of young people is also limited. While 35% of a sample group had remained conviction free for over four years, there is only limited data available for comparisons with the rates achieved under traditional processes.
- Net-widening: while there is only anecdotal evidence, there are concerns that police and the judiciary are referring matters to conferencing that should be dealt with by less formal, intensive forms of intervention (such as warnings and cautions). There is also the possibility that conferencing might result in more complex and severe outcomes than would otherwise have been imposed by the court.
- Public support: restorative processes which give priority to the needs of individual victims and offenders may result in a failure to meet wider public expectations of the criminal justice system.
- Limited participation: conferences are usually limited to those having a direct interest in the matter.
- Impact on the criminal justice system: most conferencing programs operate either as an add-on to the formal criminal justice system or parallel to it (New South Wales Attorney General's Department 2001:32-35).

There is a proposal in New South Wales to extend youth conferencing to adult offenders on a pilot basis. The adult conferencing program will operate in relation to non-violent drug-related offences (New South Wales Attorney General's Department 2001).

5.4 Sentencing circles

Sentencing circles (or circle sentencing) originated in Canada based on Aboriginal dispute resolution mechanisms. One of the key differences between sentencing circles and conferences is that circles allow for input beyond the victim and offender to include more directly community representatives. Sentencing circles have been operating in parts of Canada for a decade. There has been a proposal by New South Wales AJAC to pilot such a program in that State.

The procedures for circle courts may differ in limited ways from community to community, although the usual process is that participants are welcomed to the circle by community elders and the judicial officer, each person then introduces themselves and explains why they are there. The facts of the case are presented to the circle by the prosecutor and the defence is then allowed to comment. The discussion that follows in the circle focuses on:

- extent of similar crimes in the community,
- underlying causes of such crime,
- an analysis of what life was like in the community before the increase in crime,
- the impact of these crimes on community and family life,
- impact of these crimes on victims,
- what can be done in the community to prevent this type of behaviour,

- what must be done to heal the victim,
- what must be done to heal the offender,
- what will constitute the sentence plan,
- who will be responsible for carrying out the sentence plan,
- who will support the offender to ensure that the sentence plan is completed,
- what support can be provided for the victim.

Source: New South Wales AJAC (2000).

5.4.1 Benefits of Circle Sentencing

The literature shows that circle courts have demonstrated a number of benefits. The New South Wales AJAC has summarised these benefits in a recent discussion paper.

- Breaks down the traditional dominance of legal professionals and hierarchies of traditional courtrooms; all participants are able to fully participate and to speak for themselves.
- Legal jargon is removed from the court; the language of the community becomes the language of the court.
- The court receives information about the whole community, the background to the offenders, the impact of the offence on the victim, and the problems experienced by the local community. This information is received to a level rarely available through written pre-sentence reports.
- As members of the community play a significant role the potential for racial bias in the court and in the sentence is significantly reduced or removed. This greatly assists in removing the barriers between the court and the community.
- The input of the community in determining the sentence greatly improves the potential for workable solutions and promotes the sharing of responsibility between the community and the criminal justice system. The Circle Court attempts to address the causes of criminal behaviour and to implement broader solutions to the issues raised, actively involving the community in solving its own problems.
- Fosters a greater sense of equality between participants and encourages their participation. The physical separation of the traditional courtroom setting is completely done away with and there are no defined rules or legal rituals.
- Enhances and improves the level of information available. Traditional courts often rely heavily on second or third hand information, also very little is known about the offender before the court. This situation is often made worse when their legal representative may only have a few hours or days to gather information. Very little is known about the underlying factors of criminal behaviour and the context of the community and society where the offence occurred. The circle court aims to actively overcome these difficulties.
- Encourages a broader range of solutions and increases the ability for the court to address the specific problems unique to each case. Each circle court consists of different participants and different circumstances, thereby each sentence can be unique to that case.
- The circle court allows the community to be collectively responsible for determining the outcome. The shared responsibility is carried beyond the determination of the sentence and into the implementation of it. The success or failure of the sentence becomes the concern of all the participants and not the offender alone.
- Circle courts encourage the offender to participate. Most offenders participate very little if at all in the regular sentencing process. In traditional court settings the offender participation is

limited to advising their lawyers or addressing the court when asked. Circle courts actively encourage the participation of the offender and those who know him or her best.

- Circle courts actively involve the victims of crime. Often victims get lost in the traditional court process. Circle courts allow the offender to get a full perspective of the effects of their actions on the victim; the offender is directly confronted with the hurt experienced by the victim.
- As circle courts involve participation of the offender's own community and family, they are punished by their own community and family. This can mean that the sentence and the process is seen as more relevant and taken more seriously by the offender. Circle courts extend the focus of the criminal justice system from the narrow perspective of the offender's actions in relation to the state onto the broader consequences for their community. This means that it can look beyond the individual criminal act and examine ways of preventing similar behaviour in the same community. The current criminal justice system focuses on a response to criminal behaviour rather than the prevention of it. Through the circle court the community can learn the different factors leading to criminal behaviour and develop strategies to address them.
- Circle courts allow the values of Indigenous people and the structure of the western justice system to be merged. While still operating in the setting of a court, circle courts allow for greater community participation and are able to incorporate the values and culture of the local community (New South Wales AJAC 2000).

There is a planned trial of circle sentencing at Nowra in New South Wales for young adult offenders convicted of non-violent offences.

5.5 Pre-release/Post-release Reintegration Strategies

There are also programs in Chapter 4 which are relevant to this section. Basically the strategies described in this section seek to achieve crime prevention through effectively facilitating the reintegration of offenders into the community.

5.5.1 Prison to Work Transition Program (Western Australia)

The program is a partnership between Government and the private sector in the Pilbara region with the aims to

- Increase the rate at which recently released prisoners successfully reintegrate into the community
- Assist recently released prisoners to gain and sustain employment
- Reduce the rate of recidivism.

These aims are to be achieved through placing offenders in full-time jobs, traineeships or apprenticeships, developing employment skills and raising awareness among local industry of the difficulties Aboriginal offenders have in obtaining employment. Stakeholders include Chambers of Commerce, TAFE, local industry and the Ministry of Justice (Ministerial Council on the Administration of Justice 2001).

5.5.2 Yulawirri Women's Post Release Project (New South Wales)

Based on the New South Wales mid-north coast, the Yulawirri Nurai Indigenous Association was established in 1996 to provide support and assistance to Indigenous men, women and juveniles before and after incarceration with employment, education, training and housing needs.

The Aboriginal Women's Project Support Program was developed to provide post-release support specifically for Indigenous women (Ministerial Council on the Administration of Justice 2001).

5.5.3 Aboriginal Pre and Post Release Program (New South Wales)

The Aboriginal Pre and Post Release Program (APPR) aims to reduce re-offending by addressing the individual needs of Indigenous offenders during court, custodial and post-release stages. Eleven APPR officers are situated throughout the state (Ministerial Council on the Administration of Justice 2001).

5.5.4 'Rekindling the Spirit' Program (Lismore)

The program operates from the Lismore Probation and Parole Office. The focus is a holistic approach to the problems of Aboriginal families who have male family members who are clients of the Probation and Parole Service or DOCS. Specific attention is given to issues of domestic violence, drug and alcohol abuse and child abuse or neglect.

The project commenced with a group of Lismore Aboriginal men facing issues of violence which they needed to address. Greg Telford, a local Aboriginal man uses an 'eclectic model' of strategies to effect behavioural changes in Aboriginal men who commit family violence. The services aim to empower the men to take responsibility for changing their own violent behaviour and the effect it has on their families.

The program has won a Silver Medal at the Premier's Public Sector Awards 1999, and an award and Certificate of Merit at the Australian Violence Prevention Awards 2000, and a CAPAM Certificate of Achievement 2000.

5.6 Indigenous-Operated Residential Centres

Aboriginal-run residential centres for young people and adults on orders are an option used in a number of places. The longest running examples are Petford Training Farm (for young people) in Queensland; Warrakoo (for Aboriginal adults) servicing Victorian Koories; and Lake Jasper (for young people) in Western Australia.

5.6.1 Lake Jasper Project (Western Australia)

The Lake Jasper Project provides a residential program for up to nine Aboriginal young people who are experiencing dysfunction, are offending or at-risk of offending, serious truants or those not successful in existing alternative education programs. Many of the young people have serious drug or substance abuse problems. The service aims to meet the personal, social and cultural needs of participants with the aim of building self-esteem, developing social skills, cultural awareness and increasing readiness for further education and/or employment. The project is located on a rural property between the townships of Nannup and Busselton, some 150km south-east of Perth.

The aim of the project is to provide integrated learning and support strategies in order to

- improve life skills and health and reduce destructive behaviour
- strengthen a sense of worth, and recognise individual capacities and identity as Noongars
- enable the boys to relate effectively to family

- improve basic educational competencies through culturally appropriate methods
- enable them to function effectively in the community
- assist the transition to mainstream education or employment and training options (source: Urbis Keys Young 2001).

A series of common problems have faced all Aboriginal residential programs. These problems have centred around inadequate and insecure funding; the perceived lack of legitimacy of the programs by relevant Government departments; and departmental attempts to exercise stronger control over the nature of programs

5.6.2 Warrakoo Station: Koori Life Skills, Farm and Rehabilitation (Victoria)

Warrakoo was purchased by the Mildura Aboriginal Co-operative in 1994 and has taken Aboriginal male offenders remanded there by the Courts since that time. The property was purchased with the view to develop an appropriate training program for Koori offenders, to divert them from the prison system or the future risk of a prison sentence and to provide cultural awareness programs, particularly for young Koories.

The program has a range of rehabilitation strategies in a drug and alcohol free environment. Offenders are placed there as a condition of bail. Those who successfully complete a period of residence at Warrakoo are returned to the court for sentencing, at which time their progress at Warrakoo is taken into account (*Victorian Aboriginal Justice Agreement: 37*).

Applicants must be accepted by the Co-operative's assessment team. The program can accommodate approximately 8 people at any one time. In late 1995 Len Brear, who had been the magistrate at Mildura and remanded a number of offenders to Warrakoo, wrote a short paper outlining the program. He noted that during the 18 months of operation at that time, 32 offenders had commenced the program with only three or four failing to complete it.³

Warrakoo has been funded on an ad hoc basis. There appears to have been no systematic evaluation of the program.

5.6.3 Clarke Island (Tasmania)

The program on Clarke Island is operated by the Tasmanian Aboriginal Centre (TAC). It takes primarily, but not exclusively, juveniles. It has been operating since 1999 and has young people aged between 16 and 20 years. Some young people have been transferred from Ashley Juvenile Detention Centre, some young people have gone to Clarke Island from the streets who had previous contact with the police and courts and were at risk of imprisonment. Others have been under sentence of imprisonment from the courts.

The focus of training on the island is on Aboriginal culture, history and tradition (Mansell 2000:57-59).

5.6.4 Gwandalan Community Correctional Centre (Brisbane).

The Gwandalan Community Correctional Centre was opened in Brisbane in 1990 as part of an agreement between the Minister for Justice and Correctional Services and a private Aboriginal company, the Brisbane Tribal Council Ltd. Operated primarily as a halfway house, the centre provided accommodation for 25 offenders (both Aboriginal and non-Aboriginal). A range of rehabilitation programs were offered to assist offenders adjust back into family and community. The centre was closed down three years later amidst allegations of corruption and large-scale misuse of public monies by the Brisbane Tribal Council Ltd. Hazlehurst (1997: 113) notes that the experience

³ Magistrate Len Brear, 'The Warrakoo Pre-Sentence and Sentencing Option' 31 October 1995.

indicated the need to develop the necessary Aboriginal managerial expertise, and the machinery to ensure proper accountability.

5.6.5 Blackboy Outstation Woorabinda (Queensland)

Blackboy Outstation is a residential facility for young people which focuses on education, prevention and support. It is capable of housing six boys and six girls. The outstation takes referrals from the courts as part of a person's court order, and from the community. The program takes young people 'at risk' as well as those convicted of an offence.

Young people with issues of offending behaviour, substance abuse, truancy and family problems are considered for the outstation.

The outstation is working with the Education Department to develop an alternative education program which can be delivered at the outstation. Skills which are taught include farm skills, horsemanship, and traditional cultural activities including dance. Elders regularly visit the outstation (DATSIPD 2001: 62).

CHAPTER 6

EDUCATION, DRUG AND ALCOHOL, SUPPORT AND COMMUNITY SUPERVISION PROGRAMS IN ABORIGINAL COMMUNITIES

There is a wide variety of crime prevention programs that involve community-based intervention, assistance and supervision. These include education, employment and training programs, youth centres and outreach programs, schemes for mentoring and supervision within the community. Also included in this section are programs and interventions related to drug and alcohol issues.

6.1 Education, Counselling, Early Intervention

The links between truancy, substance abuse and crime are well established in the crime prevention literature. There are many projects which attempt to deal with these issues. The New South Wales Law and Justice Committee noted in its report on crime prevention some of the common problems such as truancy, poor school attendance, discipline problems and acts of vandalism directed towards schools. 'When the committee then met with representatives of the Aboriginal community the other side of the picture was given: lack of consideration of Aboriginal culture, labelling of all Aboriginal children as potential problems' (Standing Committee on Law and Justice 2000:49).

In one town the committee visited, a survey had found over 300 children absent on a particular day from a total population of only 900 students. When the survey group contacted parents, they found more than half were absent with their parent's permission. The committee

were not surprised at the level of parental co-operation with the absenteeism. Many Aboriginal parents had experienced school as a place where they were either victimised or ignored, where they failed academically and where the curriculum made no connection with their own culture and in fact denigrated it while learning "white history". They felt no great desire to put their own children through the same hostile experience (Standing Committee on Law and Justice 2000:49).

In New South Wales partnerships have been established between the NSW government and the Aboriginal Education Consultative Group (AECG) which has led to major successes in schools in Brewarrina, Forster and Bourke. There is no difference in literacy and truancy rates between the Aboriginal and non-Aboriginal students at Bourke Public School: literacy rates are above the state average and school attendance, at 90%, only just below average (Standing Committee on Law and Justice 2000:50).

6.1.1 *Healing for Harmony Project* (Mt Isa)

This project is a culturally inclusive youth crime prevention initiative using a restorative justice philosophy and alternative education programs. The program offers youth a 'culturally enriched alternative program which emphasises healing and learning through personal development, and skill training' (Hall and Marshall 1998: 3).

The project is co-ordinated by the Puttatama Aboriginal Corporation and is a co-operative, collaborative effort involving Government and community organisations. Puttatama with Departments of Education, Health, Police, Corrective Services and Families, Youth and Community Care co-operated to provide a program for 94 'at risk' young people. Seventy nine returned to the school environment, with no participants in the project re-offending within the first twelve months of the project.

The project acknowledges that Indigenous students are being suspended or excluded from school because of the lack of knowledge of contributing factors to issues affecting student's lives including

impact of colonial policies such as removal; health issues; housing issues, poverty; criminal justice system intervention; racism; employment and education (Hall and Marshall 1998: 4).

The program examines identity and place; relationships; motivation; student retention; employment and careers; shelter and drug education. The project has a 'multiple' approach which focuses on a range of risk and protective factors to divert 'at risk' young people from the criminal justice system.

6.1.2 Project Hahn (Tasmania)

Project Hahn has had over 1,500 young people through the wilderness-based program since 1983. The project operates a range of wilderness-based programs focusing on the needs of personal growth through challenge and adventure. The program utilises activities such as abseiling, rock climbing, canoeing, caving and bushwalking.

The aim of the project is counselling in wilderness areas to enhance young people's ability to develop social skills and personal qualities required for living and working in a complex society.

Target groups are unemployed youth, school and college students, Justice Department referrals, Aboriginal youth, drug and alcohol dependent referrals and young people at risk.

6.1.3 Coffs Harbour Aboriginal Family Community Care Centre: Cultural and Heritage Education Camping Trips (New South Wales)

This project aimed to reduce the level of crime in the local community by providing young Koori people with knowledge of their own culture and support services through a series of educational programs, cultural sessions and recreational activities. The activities would also help young people learn about Aboriginal culture from their elders and Aboriginal community role models. Activities have included camping excursions (Shepherdson 1999:8).

6.1.4 Bolloway Community Services Aboriginal Corporation: Employment of an Aboriginal Community Liaison Officer (New South Wales)

The Bolloway Community Services Aboriginal Corporation negotiated to establish an Aboriginal Juvenile Cultural Revival Centre. The aim of the Centre was to address the educational, vocational, cultural and social difficulties faced by young Aboriginal people who are at risk of offending or who have already had minor involvement with the juvenile justice system. The Eurobodalla Shire Council refused a development application to establish the Cultural Revival Centre. However, an Aboriginal Community Liaison Officer was employed to develop preventative workshops with Aboriginal and juvenile services in the Eurobodalla Shire (Shepherdson 1999:20).

6.1.5 South Sydney Youth Services: Koori Justice Program (New South Wales)

The project involves a series of narrative therapy workshops for Aboriginal young people who are at risk of offending or are offending because of family dysfunction due primarily to death within the family. The project aims to:

- explore issues of grief and loss to enable healing to commence;
- empower young people and their families to act on issues of injustice;
- promote Aboriginal culture and tradition;
- unite parents and their children;
- explore the historical impact injustices have had on the community; and
- reduce the level of risk-taking among young Aboriginal people (Shepherdson 1999:22).

6.1.6 The Bert Williams Program (Victoria)

The Bert Williams program has been operating since the early 1990s. The objectives of the program are

- To involve Koori and non-Koori organisations in supporting young Koori people who are deemed at risk
- To promote non-offending lifestyles and positive relationships with school, community and family through providing role models and community activities
- To provide intensive, needs oriented support to young people
- To empower young people to understand their responsibilities relating to risk behaviour.

The services which are provided include advocacy and referral; liaison with police, courts and juvenile justice centres; outreach; literacy and numeracy programs and mentors (Bambllett 1999).

6.1.7 Cycle of Aboriginal (Juvenile) Offending Action Plan (Western Australia)

The purpose of this project is to improve the quality of life, health and well being of Aboriginal people by enabling the Aboriginal community to develop and implement a co-ordinated strategy of primary prevention initiatives to improve quality of life, health, wellbeing of Aboriginal people at risk of offending. The results claimed from the project include ongoing reduction in crime and reduced participation of Aboriginal youth in all levels of the justice system. Locations: Geraldton and Midland (SaferWa 2001).

6.1.8 Aboriginal Urban Services - Koombah Jenn (Western Australia)

The purpose of this project is to work with Aboriginal youth to improve literacy/numeracy, self-esteem, personal skills and reduce anti-social behaviour and offending. The project provides culturally relevant personal development activities for Aboriginal youth (Koombah Jenn Kadadjiny Program) and direct support to the Ministry of Justice Juvenile Justice Team at Wangara by working closely with young Aboriginal offenders, their parents and families. Location: Girrawheen (SaferWa 2001).

6.1.9 Aboriginal Education Programs and the Bay of Isles Aboriginal Corporation Student at Risk Program (Western Australia)

The purpose of the program is to improve Aboriginal student attendance, engagement and academic outcomes. A project co-ordinator acts as a mentor to the Aboriginal students and their families. This involves monitoring the attendance, behaviour and academic achievement of students, and providing counselling and collaboration with relevant agencies. Evaluation has shown improved behaviour and attendance of the targeted students. District: Wheatbelt (SaferWa 2001).

The Bay of Isles Aboriginal Corporation Student at Risk Program (Goldfields-Esperance) aims to reduce truancy levels by working with government agencies, parents/caregivers and families of program participants to increase their attendance at school. The program introduces participants to a wide range of recreational activities and provides alcohol and substance abuse information sessions and other personal development activities. It physically transports clients to school (SaferWa 2001).

6.1.10 Education/Drug and Alcohol Camps (Western Australia)

A number of organisations are conducting camps to reduce Aboriginal offending, truancy and drug and alcohol abuse. These include 'Better Tracks' and 'Breakaway' camps in the Goldfields-Esperance region and the Midland Aboriginal Action Group (SaferWa 2001).

6.1.11 'I Am Koori Too' Yarrowarra Aboriginal Corporation (New South Wales)

This is an early intervention program for 'at risk' children under the age of 10. It involves regular camps of 5 days duration during school holidays. The project aims to break the cycle of offending by developing positive relationships and addressing the unmet needs of the children. It is supported by a New South Wales Crime Prevention Division grant.

6.2 Employment and Training Programs

There is not the space in this report to discuss the relationship between unemployment and crime. However, a number of studies have indicated important links. Walker and McDonald (1995) found that Aboriginal people who were unemployed had imprisonment rates 20 times higher than Aboriginal people who were employed. Another study by Hunter and Borland (1999) found that having been arrested is found to significantly reduce the probability of Indigenous employment by 18.2 per cent and 13.1 per cent for males and females respectively. According to the authors, promoting diversion options should be a priority for governments keen to break the nexus between Indigenous unemployment and crime.

An important crime prevention strategy is for Aboriginal organisations to be involved in providing employment and training programs for Aboriginal young people who are on court orders or who may be at risk of offending. Below are several examples.

6.2.1 KEMP Program

The KEMP (Kempsey Education and Motivation Program) is funded by the Department of Juvenile Justice and operated by Digay Centre of Excellence in Aboriginal Education in the Kempsey area. The agency is part of Kempsey TAFE. The KEMP Program provides juvenile justice clients with culturally appropriate education, training and work-based learning opportunities (Standing Committee on Law and Justice 2000:57-58).

6.2.2 PST Program

The PST (The Pre-Employment Skills Training and Mentor Support) Program is a program that provides pre-employment and living skills to juvenile justice clients. The PST has been established in recognition of the relationship between the protective quality of active and meaningful participation by young people in education, training and/or employment, and both substance abuse and further offending. The aim of the PST is to increase the employment prospects of Department of Juvenile Justice clients on community supervision orders by linking these clients with providers of employment, education and training services (New South Wales Department of Juvenile Justice 2001).

6.2.3 Gwydir Valley Cotton Growers' Association Aboriginal Employment Strategy

This scheme is aimed at Aboriginal employment promotion in the cotton industry in Moree. In 1995 the Federal Department of Education, Employment and Training (DEET) agreed to contribute \$50,000 to develop a strategy. Following the completion of this strategy and an agreement between the Association and DEET (then DEETYA), the strategy began in early 1997 with the employment of an Aboriginal person as manager.

The goals of the program are:

- To identify Aboriginal people who are looking for employment and facilitate further training where necessary
- Identify Aboriginal youth coming through the school system and help encourage career paths and facilitate employment
- Identify employment opportunities for Aboriginal people in cotton and associated industries

- Provide mentor support for Aboriginal people employed in the cotton industry and local business
- Promote Aboriginal culture and help change people's perception of Aboriginal employment.

The Association has expanded from being an employer of Aboriginal persons in its own industry to a placement agency for other businesses. The Association also worked with Woolworths to ensure that when a new store opens in Moree, 25-30 of the positions will go to Aboriginal people selected by the program. By mid-1999 75 people had been successfully employed through the scheme in a variety of jobs ranging from manual labour through to cotton classers and laboratory work. The ages have ranged from 14-55, although the focus is on young people with intensive work done through the schools (Standing Committee on Law and Justice 2000:56-57).

6.2.4 The YETI program (Queensland)

The YETI program refers to the Youth Employment and Training Initiative. The program was aimed at the leadership of a local gang in Mackay who were involved in property theft and damage. The aim was to provide opportunities for the key leaders of the gang to give-up crime for employment.

The leadership was a group of eight to ten males aged between 17 and 20 years of age who were mostly Aboriginal and Torres Strait Islander. They had a common history of school failure and truancy, unemployment, drug and alcohol abuse and previous criminal record. Eight of the gang leaders were invited to join the project, of which seven agreed to sign a contract to participate. Six of the seven gained work through the project. Five have continued in employment after the project. Only one of the seven returned to crime. The eighth person who refused to join went to prison (DATSIPD 2001:66).

6.3 Drug and Alcohol Programs

Gray (2000), Brady (1992, 1999) and Gracey (1998) have discussed alcohol and other drug use by Aboriginal people. While Aboriginal health has improved over the past two decades, 'the use of addictive drugs, including the sniffing of petrol, glue and other volatile substances, is cause for serious concern for the future health and well-being of Aboriginal youth and their families.' Solvent use by young Aboriginal people, particularly in remote communities, has been identified as a significant problem for users and for communities. In summary, there are indications of greater drug use among Aboriginal youth than non-Aboriginal youth, with particular pockets of problems, including petrol-sniffing in some rural communities, suggesting the need for community approaches in some instances (Spooner 2001). The Gray et al (2000) review of interventions for reducing excessive consumption of alcohol, and related harm, among Indigenous people is summarised in Chapter One of this report.

6.3.1 Alcohol Restrictions – Halls Creek, Western Australia

Community-backed restrictions were imposed on trading hours for take-away alcohol in Halls Creek, the Kimberley region, Western Australia. In 1990/91 the per capita alcohol consumption in Halls Creek was almost 20 litres, nearly twice the national level, resulting in a number of severe alcohol-related problems, including crime. Since the restrictions were put in place in late 1991 there have been decreased levels of alcohol-related presentations to hospital, reduced alcohol-related crime, and generally improved conditions in the community (National Crime Prevention 2001: 3).

6.3.2 'Beat the Grog' Tennant Creek

The Beat the Grog Committee includes police, Julalikari Council, BRADAAG, Anyinginyi Congress and some of the town's licensed outlets.

A key strategy developed by the group was 'Thirsty Thursday' which controlled liquor purchasing on days when social security cheques were available (Drugs and Crime Prevention Committee 2001:198-200).

The 'Beat the Grog' program was evaluated by Gray et al (2000). The evaluation found that over the two years following the introduction of the restrictions there was

- A 19.4 per cent decline in annual per capita alcohol consumption
- A decline in hospital admissions for acute alcohol-related diagnostic related groups
- A decline in police custodies and the proportion of offences committed on a Thursday.

The researchers concluded that 'the restrictions were effective in reducing alcohol consumption and acute related harm and had the support of the majority of people in Tennant Creek' (Gray et al 2000:39).

6.3.3 Lockhart River Substance Abuse Project

This project targets substance abuse and associated self-harm which involved approximately 30 young people involved in petrol sniffing. The strategy involves the Community Council, the Community Justice Group, the women's group, police, the health clinic and the school.

The strategies include reducing the supply though making access more difficult, the use of the police to pick-up intoxicated children, and the provision of positive alternatives through the establishment of a Kid's Club and other activities.

The project has been successful in reducing petrol sniffing and increasing school attendance (DATSIPD 2001:40).

6.3.4 The Liquor Licensing Project (Queensland)

Another approach to controlling alcohol consumption has been the creation of six liquor licensing positions for Aboriginal and Torres Strait Islander people in remote communities. These officers will assist in the control of the sly grog trade which otherwise undermines the controls on alcohol imposed by community councils (DATSIPD 2001: 49).

6.4 Indigenous Operated Youth Centres and Outreach Programs

Aboriginal Youth Centres can provide young Aboriginal people with opportunities for participation in educational, personal development and recreational programs and employment options and placements. The target group is usually young Aboriginal people between the ages of 10 and 18 years who are subject to a supervised court order; at risk of committing offences; chronic truants and school refusers; and without parental or family support and supervision.

The Western Australia Ministry of Justice funds non-government agencies through the purchasing of services that provide preventative programs for Aboriginal young people. These include Geraldton Streetwork Aboriginal Corporation, Halls Creek Youth Service, and Belmont Family Support Service (Ministerial Council on the Administration of Justice 2001: 38).

Halls Creek Youth Service (Western Australia) provides a youth support program catering for recreational, social and personal development. According to SaferWa (2001) the centre's operation

is a focal point in the town for many young Aboriginal people and without which offending and anti-social behaviour would rise. Its preventative role is significant.

Other youth services may concentrate on street work. The Geraldton Streetwork Aboriginal Corporation provides a street presence where young people congregate as well as centre activities and supervision of young people on orders (SaferWa 2001). The Belmont Family Support Service provides counselling, advice, referral, educational and vocational support to young people who are offending or at risk of offending.

The Juvenile Action Group in Albany and Katanning aim to reduce the number of 'at-risk' youth in the community through a specialised multi-agency team (Police Officer, Youth Worker and an Aboriginal person) patrol the streets after hours to assist 'at-risk' youth. The team engage young people in a casual and non-confrontational manner to exchange information and provide advice followed up by responses appropriate to individual needs and referrals to appropriate agencies (SaferWa 2001).

The Purfleet Youth Centre in New South Wales is a purpose built facility funded jointly by ATSIC and the New South Wales Department of Juvenile Justice. The Centre aims to provide Aboriginal young people in the area with opportunities for participation in education, personal development, recreational programs, employment options and placements.

6.5 Bail Accommodation Services

The development of Aboriginal-run bail hostels has been utilised as a way of potentially reducing the number of Indigenous young people held in remand. Some examples are Aranda House in Alice Springs, Banana Well in the Kimberley and Ja-Biah Bail Hostel in Sydney.

The Ja-Biah Bail Support Service at Mt Druitt (Sydney) commenced operation in February 1997 and provides an alternative accommodation option for magistrates when considering the granting of bail. The service targets Aboriginal young offenders who would otherwise be held on remand in a juvenile justice centre due to a lack of accommodation.

Ja-Biah is supervised 24 hours and offers clients a range of services, including cultural awareness, access to education and living skills, and assistance in addressing their offending behaviour.

The bail hostel aims to reduce the number of Aboriginal young people held on remand in juvenile justice centres. The young people who attend Ja-Biah are encouraged into non-offending lifestyles through education and personal skills development (Urbis Keys Young 2001).

The Banana Well facility in the Kimberleys in Western Australia is a supervised bail program managed by Aboriginal elders.

Some arguments against bail hostels have been raised mainly because the existence of a bail hostel may encourage magistrates to impose unnecessarily restrictive bail conditions. On the positive side the hostels allow for bail supervision of Indigenous people within an Indigenous environment.

6.6 Aboriginal Mentor Programs

6.6.1 Juvenile Programs

Mentoring programs are premised on the belief that positive developmental relationships with adults will assist young people to stop offending. Mentors are utilised to act as role models where young people may lack a positive relationship with a significant adult. Aboriginal community members are recruited, trained and matched with clients to provide the mentor support. Mentors are usually paid on an hourly basis by the relevant department. Mentoring programs exist in New South Wales, Western Australia and South Australia.

In New South Wales the aims of the program are to:

- provide assistance and support to Aboriginal juvenile offenders;
- assist young Aboriginal offenders to successfully re-integrate into their community by encouraging community members to participate in the provision of culturally appropriate services to young Aboriginal people;
- encourage the active participation of local communities in the support of Aboriginal offenders through the community networking of mentors;
- empower Aboriginal communities through their involvement in the rehabilitation process of young Aboriginal people; and
- improve the provision of departmental services to Aboriginal juvenile offenders (source: New South Wales Department of Juvenile Justice Strategic Plan).

6.6.2 Young Adult Programs

In Western Australia the Aboriginal Family Supervision Program provides Aboriginal mentors for Aboriginal offenders aged between 16 and 21 years. Mentors provide assistance to the case manager supervising offenders in the community. It is a pilot scheme designed to help young Aboriginal offenders complete their court orders with the support of their families.

The program uses Aboriginal mentors to help young offenders and their families. A juvenile justice officer or a community corrections officer (case officer) can suggest the use of an Aboriginal mentor to a young person and their parents or guardians when preparing a case management plan. The Aboriginal co-ordinator of the program arranges a mentor who is acceptable to the young person, their family and the case officer. The mentor can be a family member.

The mentor might help the young person with their studies, drawing up a study/school or training plan and ensuring it is followed; providing practical help with visits to Social Security or Centrelink; providing emotional support when dealing with personal problems and addictions; and organising worthwhile recreation and sporting activities (See <http://www.justice.wa.gov.au/division/offend/8.htm>).

The New South Wales Probation and Parole Service is piloting an adult mentor program in Boggabilla and Toomelah. The program involves the employment of a respected community person to supervise, support and mentor young adult Indigenous offenders in the community.

6.6.3 Family Violence

Mentoring is also being used as a crime prevention strategy in relation to domestic violence and family violence programs (see Chapter 4).

6.7 Community Supervision Programs

6.7.1 Aboriginal Legal Service–run programs

An unusual approach has been for Aboriginal Legal Services to develop diversionary/crime prevention strategies. In New South Wales, the Young Offenders Program (YOP program) was established in 1996 by the South Coast Aboriginal Legal Service. The program has the position of a Co-ordinator. A young Aboriginal man from the local community also works with the program as a trainee.

According to program documents the program has the following objectives:

- to reduce the level of contact young Aboriginal people have with the legal system and minimise the number of Koori youth charged with criminal offences;

- to provide diversionary programs and sentencing alternatives;
- to link young people with basic education, employment and job skills programs.

The service offers individual case management. The aim of the case management is to help young people avoid criminal activity where possible, and then help them negotiate the legal system if they do get involved. In addition, a core initiative in the last funding period was the development of a specific activity program for the target group provided through TAFE and incorporating a wide range of local service providers, including the police and the judiciary (Keys Young 1999).

The Many Rivers Violence Prevention Unit in the Aboriginal Legal Service of the same name provides support; legal advice; court support; referrals to other services (eg Family Support, Housing, Community Health, Drug and Alcohol Counselling etc); assists clients with compensation claims; provides family mediation where appropriate; conducts community education programs; and provides after hours telephone support for Aboriginal families who experience family/domestic violence.

6.7.2 Koori Justice Worker Program

An interesting approach to diversionary programs for Indigenous young people has been the Victorian Koori Justice Program (VKJP). The key strategy used is culturally specific casework by a Koori Justice Worker with offenders who are on juvenile justice orders. The eight VKJP projects have been designed to engage and resource Aboriginal communities to:

- develop Aboriginal community involvement in advocacy for and the supervision of young Kooris on community based orders;
- help prevent Aboriginal youths from offending (prevention) and re-offending, and to minimise the need for serious justice intervention (diversion);
- support young Kooris to re-establish their place and goals in their community on release from custodial orders;
- strengthen links between Aboriginal communities, the Juvenile Justice Program and other relevant services;
- further develop or advise on relevant community support strategies for young Kooris.

The model is widely regarded as promoting more appropriate and more effective practices in responding to the needs of Koori youth in the Victorian juvenile justice system. The model is described and acknowledged in the *Bringing Them Home Report*.

The program is innovative in terms of Victorian juvenile justice programs, by placing some emphasis on front-end diversion rather than solely tertiary intervention.

According to DHS, the operation of the program over the last eight years has been the main reason for the significant reduction in the over-representation of Aboriginal youth placed on custodial orders. Data from the Australian Institute of Criminology shows that between March 1993 and June 1994, following the period when most of the VKJP programs were implemented (1992/1993), there was a 61% reduction in the rate of Aboriginal young people aged 10-17 years in Victorian juvenile justice institutions (Urbis Keys Young 2001).

The program is currently being evaluated and reviewed by DHS.

6.7.3 Youth Crime Prevention Program Woorabinda (Queensland)

Woorabinda Aboriginal Council has been developing a youth crime prevention program which involves the establishment of a Council of Young People. A number of programs have been established which are gender specific and cover issues such as self-esteem, rural skills training, etc (DATSIPD 2001:70).

6.7.4 Wardang Island Young Offenders' Rehabilitation Program (South Australia)

An alternative to custody operated at an Aboriginal-owned facility, focusing on Aboriginal culture and preparation for entry into the workforce.

6.8 Aboriginal Community Supervision Agreements

In Western Australia 40 Aboriginal communities in the Kimberley and Eastern Goldfields have contractual arrangements so that communities can supervise adult offenders on community-based orders. Legislative amendments are being sought to allow the inclusion of juvenile offenders (Ministerial Council on the Administration of Justice 2001).

In the past very little use was made of community-based sentencing options in remote country areas of Western Australia. In January 1993, a form of contractual agreement with Aboriginal offenders was introduced under which participating Aboriginal communities manage the supervision of offenders resident in those communities. The Community Supervision Agreement provides the framework for the supervision of offenders in participating communities.

Rates of payment to the community are subject to negotiation and are set out in a Schedule to the Agreement. There is considerable flexibility in how the payments are structured according to what best meets the needs of the case.

According to commentators the Community Supervision Agreement scheme has had a number of important effects. These include the following.

- Empowering Aboriginal communities because it hands back responsibility for much of the key decision making to the communities themselves and develops their confidence to tackle problems of offending locally.
- It offers a mechanism whereby supervised bail can become a more feasible option in remote areas. This has the valuable potential to reduce the rate at which Aboriginal defendants in remote areas are held in custodial remand.
- It has dramatically improved the rate at which Aboriginal people successfully complete some orders. In the Kimberley region of Western Australia, where the largest single number of Community Supervision Agreements operate, the home detention program has a success rate exceeding 80%. Although there is still a long way to go to make community supervision more accessible and meaningful to Aboriginal offenders, even the modest successes recorded could not have been achieved without a culturally appropriate and regionally specific process.

For more detail see Parriman and Daley (1999).

6.9 Homelessness

Homelessness is often associated with public order offences, in part because homeless people are under more direct and constant scrutiny than people with access to private spaces. Examples of crime prevention programs dealing with the issue of Indigenous homelessness include the following.

6.9.1 Co-ordinator Displaced Persons (Queensland)

The project looks at addressing the problem of displaced and homeless people, and identifying social issues which impact on them. The majority of these people originate from remote Aboriginal or Torres Strait Island communities and have little affiliation with other groups in Cairns. Escape from problems in home communities, medical reasons, court appearances, search for employment and change of lifestyle are some of the reasons these 'park people' come to Cairns. The project has

obtained a commitment from key government departments, agencies and community groups in the Cairns community, and action plans have been put in place to address the different aspects of the problem. The project was a winner of an Australian Institute of Criminology Crime Prevention Award in 1996.

6.9.2 Aboriginal Communities Facility (Western Australia)

The Aboriginal Communities Facility project seeks to establish a facility for Aboriginal people in Kalgoorlie-Boulder with basic essential services such as power, water, toilets, shelter and firewood. The project will also initiate a public education campaign and improved street signage to advise against illegal camping and street drinking. Co-ordinated by the City of Kalgoorlie-Boulder, the district Police office, Aboriginal Affairs Department and ATSIC, this initiative is expected to reduce arrests of itinerant Aboriginal people in Kalgoorlie-Boulder and to provide a safe sheltered environment to the fringe dweller population.

CHAPTER 7

MÄORI CRIME PREVENTION IN NEW ZEALAND

Criminal justice data shows that Māori are over-represented at every stage of the criminal justice system. In 1998 they were 3.3 times more likely to be apprehended for a criminal offence than non-Māori. They were more likely to be prosecuted, more likely to be convicted, and more likely to be sentenced to imprisonment. The result was that Māori made up 14 per cent of the general population and 51 per cent of the prison population. Evidence suggests the gaps are widening, not narrowing (Doone 2000:8).

The 1996 New Zealand National Survey of Crime Victims showed that both Māori and Pacific peoples were more likely to be victims of violent offending than New Zealand Europeans. Māori reported higher rates of victimisation for assaults, threats, indecent and sexual assaults.

7.1 The Crime Prevention Unit and Safer Community Councils

The major Government initiatives in relation to crime prevention operate through the Crime Prevention Unit which is within the Ministry of Justice. The Unit was established in 1993 and works with communities to promote and fund crime prevention. The concept of local solutions to local problems underpins the Unit's work and it achieves this through a network of 65 Safer Community Councils.

As noted above, a key strategy in crime prevention is the Safer Community Councils program. Of the 65 Councils, six are sponsored by Iwi or Māori organisations and another two specifically work with Pacific Island groups. The Councils are established under the sponsorship of a territorial local authority or Iwi or Pacific Island authority.

The purpose of a Council is to co-ordinate community crime prevention programs. The Council's specific functions are

- Complete a community safety profile
- Select and appoint a co-ordinator
- Prepare a crime prevention plan
- Implement the objectives of the plan; and be responsible and accountable in meeting those objectives
- Provide administrative support to the Council's co-ordinator (www.justice.gov.nz/cpu/intro/crime.html).

7.2 Māori Focussed Crime Prevention Projects

7.2.1 Police Pilot Crime Prevention Projects

In 1997, as part of a crime prevention budget package, 14 police-sponsored programs targeting 'Youth at Risk' of offending or re-offending were funded. The Police were the primary agency delivering the programs, which were multi-agency and community-based in their approach. The programs involved a co-ordinated effort across three main areas: the family, the school and the community. Some included a mentoring component where adult mentors were matched with at-risk youth.

The programs were designed to significantly reduce and if possible eliminate the underlying problems facing a family, which in turn were leading to the under achieving, anti-social or criminal behaviour of the young person. A wide range of services was provided for both the individual and their family. These included anti-truancy, remedial education, anger management, drug and alcohol

rehabilitation, employment, one-on-one counselling, and cultural, sport and other recreation programs (Doone 2000:37).

Consistent with criminal justice trends, most participants were Māori (53%) and male (78%). In some programs, more than 90% of participants were Māori (Doone 2000:37).

Many programs featured components specifically targeted at Māori, including tikanga, te reo and Māori arts and crafts. However, they were not consistent features of the Māori programs. Rather, when program staff saw the need for a specific Māori focus for a participant, a response to that need was found either within the program or the wider community (Doone 2000:37).

According to Doone (2000:38) the programs were methodically evaluated against pre-set criteria and the results were very encouraging. The most significant finding relates to offending pre- and post- program involvement. Averaging across all programs there was a 78 per cent decrease in the number of offences/incidents committed by the young people in the program. Some programs have reported a decrease of over 90 per cent. The number of young people offending also dropped from 150 to 83. The most common types of offences committed by participants were burglary and theft and these decreased by 70% and 57% respectively post-program involvement. There is also evidence that offending after referral to a program was for less serious offences.

7.2.2 Crime Prevention Programs Designed For Māori

There are a number of crime prevention programs with a specific focus on Māori.

Te Whānau Āwhina (Community Managed Restorative Justice Program). Hoani Waititi Marae in Waitakere

The program is based on the principles of restorative justice and the Waitakere District Court refers persons charged with an offence to the program. The key elements of Te Whānau Āwhina are:

- it is a culturally based program for Māori based on a Marae;
- a panel is convened to hear a case;
- acknowledgment of offending is required;
- the offender is confronted with the consequences of the offending for themselves and the victims;
- the presence of the victim is encouraged but is not a regular feature. The program has noted reluctance by non-Māori victims to attend panel hearings in a Marae setting;
- the focus is on restoring the offender and recompense to the victim and the community;
- a plan is agreed to in order to achieve these objectives and includes a significant Māori cultural component on the Marae;
- the plans can be extensive and include reparation to the victim, community work and skills development;
- provided the program agreed to by Te Whānau Āwhina is satisfactorily completed, no conviction is entered (Doone 2000:40-41).

Te Whānau Āwhina has been evaluated and found to be successful and cost effective. The evaluation found that reconviction rates after 12 months for those undertaking the program were 33 per cent compared with 47 per cent for a control group (a reduction in reconviction of 30 per cent); the re-offending which did occur was less serious than prior offending.

Based on comparisons of costs of conventional court processing and sentences, the evaluation identified cost savings of \$193,000 across 68 cases - a saving of \$2,838 per case. Cost savings in respect of reduced offending and victimisation post this evaluation have not been included in this analysis (Doone 2000:41).

The evaluation noted that

- the cultural components of the program are a significant if not the key success factor. The Marae environment is very conducive to influencing participants to change attitudes and behaviours as well as learning new skills and gaining a sense of their identity and history;
- Te Whānau Āwhina has significant potential to be expanded and/or replicated and take on more cases with similar potential for success.

Te Whānau Āwhina was one of three similar projects (the other two being Project Turnaround based in Timaru, and Project Second Chance in Rotorua). Project Turnaround was nominated for and won a category of the inaugural International Community Justice Awards in London in 2000. The New Zealand Government has funded a further seven programs in the 2000-2001 budget, several of which are based on Māori values and principles (Doone 2000:41).

7.2.3 Māori Community Initiatives For Youth At Risk

The 1997 crime prevention initiatives also included programs designed specifically for Māori youth. The programs have a specific cultural component and are designed to provide rangatahi with a sense of whanaungatanga and Māoritanga. Key activities are outdoor experiences, mentoring, building self-esteem, education, life skills, tikanga, personal development and whānau support. Rangatahi are removed from opportunities for using alcohol, cigarettes and other drugs as well as removing them from risk situations and opportunities to commit offences. Peer support and ongoing mentor support also feature (Doone 2000:41-42).

The schemes have been evaluated. Key achievements include:

- high rates of participant retention, during and beyond program duration;
- assisting 90-95% of rangatahi to cease offending (or at least from coming to the notice of the Police) for the duration of the project;
- increased school attendance and enhanced school performance and appreciation of education for 90% of rangatahi;
- not all programs measured reductions in offending. Two did achieve spectacular results, with more than 90% cessation of offending during program participation. Follow-up analysis will be required to assess the sustainability of this (Doone 2000:42).

7.3 The 'Preventing Māori Crime' Report

The *Report on Combating and Preventing Māori Crime* focused on crime prevention rather than enforcement and concentrated on the 'middle' and 'upper' group of offenders with a high risk of becoming serious recidivist offenders. Offender programs for the most serious recidivists, early intervention programs, enforcement and sentencing practices were excluded from the study (Doone 2000:8). The report developed recommendations on practical courses of action to reduce Māori crime and to improve the responsiveness of criminal justice agencies.

Some of the major findings and conclusions of the report are discussed below.

7.3.1 Addressing Māori Crime

The report approaches Māori crime from three perspectives. First, it supports as a medium to long-term strategy (5-10 years) an approach which will reduce Māori crime and victimisation by providing better protection against key risk factors contributing to crime. Secondly, the report supports the view that criminal justice agencies need to be more responsive to Māori culture and values and that such responsiveness will improve the effectiveness of current and developing strategies and services in reducing crime and victimisation over the medium term (3-5 years).

Thirdly, the report supports significant expansion of successful crime prevention projects to achieve reductions in Māori crime over the short and medium term (1-5 years) (Doone 2000:9).

The main risk factors identified in the report are

- having few social ties (being low in popularity and engaging in few social activities);
- mixing with antisocial peers;
- having family problems, particularly poor parental monitoring of children and negative parent-child relationships;
- experiencing barriers to treatment, whether low motivation to change or practical problems;
- showing poor self-management, including impulsive behaviour, poor thinking skills and/or poor social/interpersonal skills;
- showing aggressiveness (both verbal and physical, against people and objects);
- performing and attending poorly at school, lacking positive involvement in and feelings about school;
- lacking vocational skills and a job (for older offenders);
- demonstrating anti-social attitudes that are supportive of crime, theft, drug taking, violence, truancy and unemployment;
- abusing drugs and alcohol;
- living in a neighbourhood that is poor, disorganised, with high rates of crime and violence, in overcrowded and/or frequently changing living conditions;
- lacking cultural pride and positive cultural identity (Doone 2000:10).

7.3.2 The Need For An Integrated Approach Across The Sectors

The report found some progress in developing a holistic and co-ordinated approach, but that there was still significant fragmentation. The report outlines a strategic framework for preventing Māori crime which includes an integrated framework strategy to guide crime prevention.

7.3.3 A Good Practice Guide to Reduce Māori Offending

The report discusses Māori Responsiveness Strategies which have been developed by some justice agencies, in particular Police and Corrections. It outlines the need for a consistent Māori Responsiveness Strategy across justice sectors.

The report also notes that the use of Māori cultural values is successful in crime prevention programs because of the following:

- builds cultural knowledge, self-image and pride as Māori;
- creates a sense of identity, belonging and confidence;
- improves retention in programs;
- breaks down barriers to learning and gives a sense of achievement;
- enhances willingness to learn other skills;
- builds positive attitudes towards program providers, whānau and wider society (Doone 2000:44).

The project reviewed the operation of over 20 crime prevention programs which have been running for 2-3 years. To date, program evaluation has been reasonably systematic, but could be more uniform and more comprehensive. However, the evaluation data from all of these programs is broadly consistent: it shows that programs do reduce the risk factors associated with criminality. The reduction in offending after these programs ranges from 35 per cent to 94 per cent (Doone 2000:10).

On the basis of reviewing Māori crime prevention programs the report recommends a good practice guide with the following elements.

- programs based on Māori cultural values, beliefs and principles;
- small groups (10-20 young people and their whānau);
- intensive interaction (10-20 hours or more a week - based on needs assessment);
- high priority to ensuring the wider whānau environment is supportive and not dysfunctional;
- flexible duration (3 months-2 years) or more if demonstrated need;
- community-based;
- a wide range of interventions as appropriate;
- systematic evaluation (Doone 2000:11).

The draft Good Practice Guide is shown over the page.

DRAFT GOOD PRACTICE GUIDE FOR PROGRAMS TO REDUCE MÄORI CRIME

Targets	Program Design	Program Delivery	Resources	Evaluation & Target Results
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<ol style="list-style-type: none"> 1. Age 8+ 2. High risk factors <ul style="list-style-type: none"> ◆ few social ties ◆ antisocial peers ◆ poor whānau attachment ◆ treatment barriers ◆ poor thinking ◆ aggressiveness ◆ antisocial attitudes ◆ school failure ◆ poor job skills ◆ alcohol & drugs ◆ high crime neighbourhood ◆ cultural alienation 3. High risk of offending or re-offending 4. Not the most serious recidivists with special needs 5. Māori 6. Proactive targeting 7. Screening instrument needed 8. 10-20 young people & whānau at one time 	<ol style="list-style-type: none"> 1. Tailored to risk factors 2. Intensive interaction with young people (10-20 hours+ / week) 3. Wide range of interventions <ul style="list-style-type: none"> ◆ working with whānau ◆ school or alternative education ◆ skills training ◆ positive interaction & communication ◆ based on Māori values and culture ◆ activity based - busy away from negative peers / whānau / alcohol / drugs ◆ mentors / role models ◆ whānau involvement, agreement & support ◆ structured boundaries & accountability ◆ specialist programs dealing with <ul style="list-style-type: none"> • anger management • alcohol / drugs • violence / sexual abuse 4. Flexible time - as long as needed (3 months+) 	<ol style="list-style-type: none"> 1. Community-based <ul style="list-style-type: none"> ◆ community & government (local & national) resources 2. Focused on building protective factors against criminality (refer Appendix C) 3. 4 full-time staff <ul style="list-style-type: none"> ◆ team leader ◆ 2x community / youth workers ◆ administrative support 4. Supplemented by Government services (Police, CYFS, Health, Education) 5. Screening / assessment 6. Individual program based on need for participant & whānau 7. Agreement with whānau & young persons 8. Use community volunteers but financial support for intensive involvement essential 9. Tight monitoring & control 10. Positive reinforcement (wellness model) 11. Case management approach 12. Staff training & quality monitoring 	<ol style="list-style-type: none"> 1. Salaries \$150,000-\$180,000 2. Contract support \$50,000-\$70,000 3. Program costs \$50,000-\$80,000 4. Training, administration & evaluation \$20,000-\$30,000 5. Other operating - <ul style="list-style-type: none"> ◆ leases ◆ vehicles ◆ equipment <p style="text-align: center;">Total \$300,000-\$400,000 approximately. Tender process recommended</p>	<ol style="list-style-type: none"> 1. Improved education, attendance & results 2. Improved mental health / sense of well-being 3. Improved self-esteem / confidence 4. Improved life skills 5. Improved cultural skills / attachment 6. Retention in program 7. Reduce / eliminate drug & alcohol dependency 8. Improved anger management 9. Teamwork & co-operation 10. Improved whānau environment / attachment 11. Involvement in alternatives to antisocial activities 12. Improved relationships with others 13. Reduced offending during & post program
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Source: Doone (2000: 54).

7.4 Research on Reducing Indigenous Youth Crime

In June 2000 the New Zealand Ministry of Youth Affairs published a major review of research on reducing offending by Indigenous and ethnic minority youth (Singh and White 2000).

The aims of the review were to:

- identify the types of interventions that may reduce re-offending for Indigenous and ethnic minority youth, and the types of strategies that are less effective
- identify the key elements of successful interventions which help to foster change
- identify the positive and negative impacts of different interventions and consider whether these are likely to affect offence rates indirectly (Singh and White 2000:9).

The findings of the research indicate the following:

- There is a lack of research that systematically evaluates the effectiveness of programs developed for specific cultures. Much theoretical and attitudinal information exists, but material which focuses upon behavioural change and re-offending outcome measures is rare
- Existing information suggests that the types of intervention which may be most effective for Indigenous and ethnic minority groups include social and cognitive skills training, family training, cultural initiatives, family group conferences, multi-systemic therapy, rehabilitation programs, peer retreats and community initiatives in many forms
- Other possibilities such as outdoor activities, mentoring, healing circles, restorative justice and vocational skills / work placement may have potential. But current knowledge is not sufficient to make inferences about the overall success of these initiatives
- Interventions which seem to be less effective at reducing offending include boot camps, shock incarceration, curfews, strengthening Police-youth relationships and programs which are based on the implementation of rigid correctional models
- There are several characteristics which 'effective' programs for Indigenous and ethnic minority youth share. Four key components are:
 - a holistic approach incorporating different strategies
 - involvement of significant others such as family and community
 - staff who are sensitive, culturally appropriate, and with whom youth identify
 - incorporation and emphasis of cultural material.
- Other important characteristics of these effective interventions are similar to the success factors identified for mainstream programs. These include:
 - identification and targeting of high risk groups, families, and youth
 - including families, schools, neighbourhoods and peer groups in initiatives
 - co-ordination of services
 - individual adult support of at-risk youth
 - early intervention strategies
 - educational enhancement
 - enhancement of learned behaviours and social, cognitive and life skills
 - use of high quality sensitive staff who are well trained and supported
 - frequent and sustained interventions which include follow up work.

- There is some evidence to suggest that for Māori, whanau involvement may be an important component of effective strategies. Successful programs for Māori also tend to be provided by people who have mana (status) and with whom young people can identify. They are likely to offer positive reinforcement and acceptance and acknowledge the importance of identity, cultural knowledge and history. Effective programs also tend to address practical academic, employment, financial management and stability needs and teach young people about the contemporary relevance of Māori values. Initiatives based upon 'Māori ways' of doing things are gaining support, but there has been little monitoring of the long-term effectiveness of these strategies.

- The literature on interventions for Pacific peoples is extremely sparse. This is an area in need of additional research. However, it has been suggested that successful strategies recognise the identity conflicts of New Zealand born Pacific youth, and are staffed by workers who recognise the difficulties young Pacific people face. They often emphasise family involvement and collective support networks. Successful strategies also tend to deliver information through interactive group processes rather than lecture formats, and involve facilitator modelling of desired behaviours. The appropriateness of separate programs for men, women and different age groups has also been suggested. However, with Pacific peoples it is important to emphasise that each culture has its own characteristics, protocols and beliefs. Therefore the features of successful programs may vary depending upon which Pacific nation is the target group (Singh and White 2000:9-10).

Importantly, the authors note that in interpreting these findings, the limitations of research in this area must be considered. Studies tend to be cross-sectional, small scale, and focus on descriptions of programs, attitudes, and opinions. To understand which components of interventions are most worthwhile, there is a need for advanced research in this area. An appreciation of problems with the definition and measurement of effectiveness is also needed (Singh and White 2000:10).

7.5 Family Violence Issues

Māori and Pacific peoples are significantly over-represented as victims and perpetrators of family violence, and are less likely to report family violence or to access existing services. In 1995, Te Puni Kokiri contracted the Hamilton Abuse Intervention Project to undertake research on the nature of violence within Māori families. The research was published as *Māori Family Violence in Aotearoa*. Four elements were described as being required for effective interventions:

- Māori whanau, hapu and iwi are involved in developing solutions;
- victims are protected and supported;
- abusers are held accountable and responsible for their actions; and
- government agencies work collaboratively with Maori.

Te Puni Kokiri has been involved with the evaluation of six Māori family violence prevention programs. Despite regional, audience and funding differences, the programs which worked best tended to:

- have Māori concepts and kawa incorporated,
- focus specifically upon family violence,
- provide tangible resources,
- focus on potential solutions and places to seek help, and
- include some form of follow-up work.

Some of the early recommendations include the following:

The link between traditional Māori concepts and values and the prevention of whānau violence be examined in more depth in order to ascertain more fully the characteristics of Māori approaches and the best practices by which these can be applied.

It is recommended that more realistic objectives are set for pilot programs of this nature - including the development of a long-term strategy for program initiatives and monitoring. Small localised programs can not be expected to have significant impacts upon rates of family violence over comparatively short time spans. A long-term strategy of initiatives and monitoring will need to be developed if there is a serious desire to address, reduce and prevent family violence in Māori homes (Leahy 1999).

CHAPTER 8

NATIVE AMERICAN CRIME PREVENTION IN THE USA

Crime prevention programs for native Americans need to be understood within the historical recognition of Indian sovereignty and the maintenance of tribal jurisdiction over certain offences on Indian country. Government funding for crime prevention programs over the last decade has developed within the parameters of the *Indian Self-Determination Act (1994)* and President Clinton's Executive Order that all Departments of the Executive must interact with Tribal Governments on a Government-to-Government basis (Luna 1999).

Because 'recognised' Indigenous tribes exercise authority over criminal justice matters for offences falling below the level of serious indictable matters, there is an extensive system of tribal police, courts and prisons within each Native American jurisdiction. Some of these jurisdictions exercise authority over significant populations. The Navajo nation has for example over 200,000 people within their jurisdiction. Thus the notion of an Indigenous crime prevention strategy also needs to be contextualised within the political framework of Indian sovereignty.

Evidence shows that Native Americans have very high crime victimisation and criminalisation levels. A study by the Bureau of Justice Statistics found that American Indians are the victims of violent crimes at more than twice the rate of all U.S. residents. The research also found that

- Almost four in 10 American Indians held in local jails had been charged with a public order offence - most commonly driving while intoxicated.
- The American Indian arrest rate for youth violence was about the same as that for white youths.
- On any given day an estimated one in 25 American Indians 18 years old and older is under the jurisdiction of the nation's criminal justice system. This is 2.4 times the rate for whites and 9.3 times the per capita rate for Asians but about half the rate for blacks.
- The number of American Indians per capita confined in state and federal prisons is about 38 percent above the national average. The rate of confinement in local jails is estimated to be nearly 4 times the national average (Greenfeld and Smith 1999).

8.1 Office of Justice Programs (OJP)

The Office of Justice Programs (OJP), within the U.S. Department of Justice, has the functions of developing the nation's capacity to prevent and control crime, improving the criminal and juvenile justice systems, increasing knowledge about crime and related issues, and assisting crime victims. The bureaus within the OJP are the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

The OJP also includes the following offices: Violence Against Women Office, the Executive Office for Weed and Seed, the Corrections Program Office, the Drug Courts Program Office, the Office for State and Local Domestic Preparedness Support, the Office of the Police Corps and Law Enforcement Education.

All of these bureaus and offices have a potential impact on crime prevention programs in native American nations. Services provided to American Indian and Alaskan Native tribes are contextualised within the enhancement of tribal sovereignty, as outlined in the Department of

Justice Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes (OJP 1997:1).

OJP's American Indian and Alaska Native (AI/AN) Affairs Office, co-ordinates AI/AN-related programs across the bureaus and program offices and serves as an information resource centre on American Indigenous criminal justice interests.

The OJP administers several large grant programs that provide funding to Indian tribes and tribal organizations to tackle issues of law enforcement, domestic violence, child abuse, juvenile justice, and victim services. Some of those programs which are directly linked to issues of crime prevention include the following:

- Since 1987, the Office for Victims of Crime has focused discretionary funds on improving services for victims of crime on Indian reservations through its Victim Assistance in Indian Country program. As of January 1997, \$5,438,640 has been expended on this program.
- Since 1995, the STOP Violence Against Indian Women discretionary grant program has made a total of \$12.04 million available for Indian organizations to enhance the tribal justice system response to domestic violence and improve services to Indian women in abusive situations.
- The Executive Office for Weed and Seed set aside \$600,000 of its fiscal year 1996 discretionary funds for pilot projects in Indian Country, aimed at weeding out crime and seeding economic development and healthy communities.
- The Drug Courts Program Office supports the development of drug courts in Indian Country as a promising alternative method in dealing with non-violent drug offenders.
- In conjunction with the National Crime Prevention Council, the Bureau of Justice Assistance publishes educational materials targeting areas of concern for Native American Youth.
- The Office for Victims of Crime provides discretionary grants to tribes to improve the investigation, prosecution, and handling of child sexual abuse cases through the Children's Justice Act grant program for Native Americans.
- Other programs support community services, such as Boys & Girls Clubs in Indian communities and Court Appointed Special Advocates for Indian children in abuse cases.
- To maximize the effectiveness of these programs, a variety of culturally appropriate training and technical assistance opportunities are available to Indian tribes and tribal organizations.
- The BJA funds such programs as Tribal Strategies Against Violence, a tribal-federal partnership that empowers tribal communities through the development and implementation of a comprehensive reservation-wide strategy to reduce crime, violence, and substance abuse.
- The National Institute of Justice publishes studies on the effectiveness of OJP's programs in Indian Country and research into the causes of crime and violence (OJP 1997:1-2).

8.2 Initiatives in Crime Prevention for Native American Youth

8.2.1. The Office of Juvenile Justice and Delinquency Prevention's Tribal Youth Program

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is part of the OJP. Since 1999, the OJJDP's Tribal Youth Program (TYP) has funded tribal programs, training and technical

assistance, and research and evaluation projects to help improve juvenile justice systems and delinquency prevention efforts among federally recognised American Indian tribes.

OJJDP's tribal youth research activities are designed to provide empirical evidence about juvenile justice and delinquency prevention policies and practices and their impact on tribal youth. OJJDP adheres to three principles that serve as the foundation of these research and evaluation activities. These principles require that research and evaluation projects for tribal youth provide practical results that are locally relevant; include local community members in the decision-making and implementation of the projects; and acknowledge and respect local customs, traditions, values, and history (Fung and Wyrick 2001).

The TYP is engaged in a number of projects. It provides funds directly to tribal communities to develop programs for the prevention and control of juvenile delinquency. Some examples include the following:

- The Michigan Public Health Institute (MPHI) in Okemos, in partnership with the Native American Institute at Michigan State University in Lansing, is helping five tribes evaluate the programs they have developed with their TYP funds.
- The College of Menominee Nation in Keshena, Wisconsin, is working with Menominee organizations to develop, demonstrate, and evaluate a culturally appropriate, community-based, family-centred approach to juvenile justice and delinquency prevention. Researchers are developing a needs assessment, an evaluation design, and a delinquency prevention and juvenile justice improvement guide for other tribal groups. The project focuses on integrating health and social services and helping the Menominee Nation and other tribal organizations institutionalise this integration process (Fung and Wyrick 2001).

8.2.2 Boys and Girls Clubs of America

The Bureau of Justice Assistance (OJP) funds Boys & Girls Clubs of America (BGCA) in public housing and communities where there is a great concentration of poverty, crime, and violence. In 1997 funding was available for Indian tribes to establish 10 new clubs and continue funding of 20 existing clubs (OJP 1997:11).

8.2.3 More Adventures With Scruff in Indian Country

In conjunction with the National Crime Prevention Council (NCPC), the Bureau of Justice Assistance developed a new McGruff/Scruff violence and drug prevention comic/activity book targeted at Native American youth. In the course of producing the publication, BJA and NCPC surveyed more than a hundred individuals representing tribal law enforcement, social service providers, spiritual leaders, educators, elected officials, and Indian children (OJP 1997: 12).

8.3 Violence Against Women Programs

8.3.1 OJP Sponsored Programs

The STOP Violence Against Women Program (STOP Program) encourages development and implementation of effective law enforcement and prosecution strategies to combat violent crimes against women and supports the development and enhancement of victim services in cases involving violent crimes against women. The *Violence Against Women Act (1994)* specifies that 4 per cent of the amount appropriated each year for the STOP Violence Against Women Formula Grant Program be available for grants to tribal governments.

In 1996, 15 tribal governments and organizations had received a total of \$188,657 in STOP formula grants. There is a discretionary grant program designed to encourage Indian governments to develop and implement innovative and effective approaches to address violence against Indian women. In 1994/1995, 14 tribal governments were awarded discretionary grants. In 1995/1996 a total of 66 grants were awarded to organizations representing 72 Alaskan villages, 8 pueblos, 28 reservations, and 1 rancheria.

More recent information by Luna (1999) indicates that more than 160 American Indian nations had been funded under the STOP program. According to Luna, funding and program assistance has strengthened Indian tribal governments' legal and financial capacity to develop programs to deal with family violence issues. Luna was involved in an evaluation of STOP funded programs in 1995/96. Due to confidentiality provisions of specific tribal programs, only summary information is available. Luna notes that although the programs vary widely, the majority are run by Indigenous women (1999:9).

The Rural Domestic Violence and Child Victimization Enforcement Program encourages rural communities to implement co-operative projects among criminal justice personnel, victim advocacy groups, and other related parties to co-ordinate the community's response to issues of domestic and child abuse. Projects include investigation and prosecution of incidents of domestic violence and child abuse, provision of treatment and counselling to victims, and establishment of co-operative efforts with the community to develop education and prevention strategies. By 1997, four tribal governments and one tribal organization have received funding (OJP 1997:8-9).

8.3.2 Mending the Sacred Hoop

Mending the Sacred Hoop is a Native American program whose mission is to assist Native Sovereign Nations to improve their response to Indian women who are victimized by domestic violence and sexual assault and to restore safety and integrity to them.

8.3.3 Native American Domestic Violence-Related Websites

The End Violence Against American Indian, Alaskan Native, and First Nations Women website is designed to address violence in the lives of American Indian, Alaskan Native, and First Nations women. While all groups of women are victims of violence, this page focuses on the unique issues and circumstances faced by native women survivors.

8.4 Tribal Strategies Against Violence Program (TSAV)

This tribal-federal partnership is designed to empower tribal communities through the development and implementation of a comprehensive reservation-wide strategy to reduce crime, violence, and substance abuse. The primary focus of this discretionary grant program is the formation of a centralized planning team, which includes tribal service providers (i.e. law enforcement, prosecution, social services, education, etc.), spiritual leaders, business, and residents, including

youth. The teams will direct their attention to both building and/or enhancing local partnerships and developing strategies as they relate to community policing and prosecution, domestic abuse, juvenile delinquency, and prevention education (OJP 1997:10-11).

Funding is made available from the Bureau of Justice Assistance (OJP).

8.5 National Institute of Justice

The National Institute of Justice (NIJ) is the research and development agency of DOJ. It was established to prevent and reduce crime and to improve the criminal justice system by sponsoring research projects and development programs, developing new technologies to fight crime, evaluating the effectiveness of criminal justice programs, and identifying and recommending programs that have been successful or are promising. The NIJ has funded a number of projects relevant to understanding crime prevention for Indian tribes.

8.5.1 Policing on American Indian Reservations

This project provides for Indian tribes to examine and assess the effectiveness of policing strategies and determine how tribes and private and public agencies concerned with the welfare of American Indian communities might apply the findings.

8.5.2 Understanding Partner Violence in Native American Women

This project was developed in the context of reports which suggested that the rates of partner violence against Native American women were 13 times the national average. This project will survey women of several Plains Indian tribes to determine the prevalence of partner violence. The study will address cultural beliefs and the possible contribution of substance abuse to domestic violence.

8.5.3 Impact Evaluation of STOP Grant Programs for Reducing Violence Against Women Among Indian Tribes

The purpose of this project is to evaluate the impact of the STOP Violence Against Indian Women Discretionary Grant Program. The study is intended to develop a basic understanding of the cultural and legal context of reducing violence against women among Indian tribes, evaluate the impact of tribal programs aimed at reducing violence against women in terms of effectiveness and identify program elements that require adjustment or modification, and make recommendations for improving existing programs and developing effective new programs for tribes to reduce violence against women.

8.5.4 Evaluation of the Tribal Strategies Against Violence Program (TSAV)

The evaluation of the TSAV program will focus on the development and implementation of comprehensive tribal crime control and prevention strategies. It will document the TSAV process, detailing how TSAV approaches to crime control and prevention have evolved; how sites have implemented comprehensive strategies; and how differences in physical environment, service delivery, breadth and depth of participation in planning activities, and government structure have affected development and prevention strategies. The evaluation will also assess interim outcomes, such as whether the partnerships are in place and working and establish indicators for longer term effects on the community and youth (OJP 1997:14-15).

8.6 'Weed and Seed' Program

The goal of the Weed and Seed Program is to 'weed out' violent crime, drug dealers, and gang activity from targeted neighbourhoods and 'seed' the community with social and economic revitalization efforts. The four basic elements of the program are enhancement of law enforcement, community policing, prevention/intervention/ treatment, and neighbourhood restoration.

A number of Indian tribes are developing Weed and Seed programs. Funding for two pilot projects in Indian Country - the Laguna Pueblo, New Mexico and Northern Cheyenne, Montana -was initiated in 1996 (OJP 1997:8).

8.7 Drug Courts Program

The Drug Courts Program Office (OJP) provides grants to support drug court development, implementation, and improvement efforts at state, local, and tribal levels. In 1994/1995, OJP awarded four grants to Indian tribes totalling \$118,615 within the Drug Courts Program. New drug court grantees participate in training workshops that include a visit to an existing drug court and meetings to develop plans for implementing a drug court. Training workshops have been specifically conducted for Indian tribal grantees (OJP 1997:6-7).

8.8 Best Practice Examples in the Area of Drug and Alcohol

Native American tribes have also been using various sources of federal and state funding to develop treatment and other programs related to drug and alcohol abuse. Many tribes have developed tribal drug courts and strategies to reduce drug and alcohol abuse using resources from the Department of Justice, the Indian Health Service and the Bureau of Indian Affairs. There has been some evaluation of best practice strategies in relation to drug and alcohol services among Native Americans and these are discussed below.

In August 2000 the OJP released a report on 'Promising Practices and Strategies to Reduce Alcohol and Substance Abuse among American Indians and Alaska Natives' (OJP 2000). The report identified nine different programs, some of which are directly related to the consideration of residential diversionary programs.

8.8.1 The Poarch Creek Drug Court

The Poarch Creek Drug Court is a specialised court set up to handle cases involving alcohol and other drug offenders through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives. One of the most important features is that the Drug Court is a community program developed to respond more effectively to drug and alcohol problems in the community. The primary target population is adults who are arrested or charged with non-violent, drug- or alcohol-related crimes.

The Poarch Creek Drug Court utilises a holistic philosophy including several important components that address the physical, mental, emotional and spiritual aspects of an offender's life. It is a structured twelve month program that involves participants in individual counselling, group therapy sessions, educational and awareness activities, and community involvement activities (OJP 2000: 1-4).

8.8.2 The Na'nizhoozhi Center, Inc. (NCI)

The Na'nizhoozhi Center (a Navajo term meaning "bridge") is a non-profit corporation whose goal is to reduce the harm caused by substance abuse by addressing causal factors and promoting healthy behaviour. NCI clients are 95 per cent American Indian, mostly from nearby reservations including the Navajo Nation, and the Zuni, Acoma, and Laguna Pueblos. NCI employs primarily American Indian staff and cultural resources from these tribes to work with clients recovering from

addiction. NCI works with both the clients and their families to promote wellness, self-sufficiency and empowerment by incorporating tribal traditions and philosophies.

One of the most important features is its view that clients and staff are relatives as defined by the Nahasdlii (clan system) philosophies. These intertribal philosophies provide the foundation for the cultural and ceremonial aspects utilised by the Center.

We are attempting to develop a new paradigm, very different from the disease and education models. Problem drinking is a complex psycho/social/economic problem. We are attempting to provide problem drinkers with a culturally empowered and dignified alternative to drinking. We are also very firm about public intoxication. If you drink irresponsibly in Gallup, you will be picked up and brought to NCI (Quoted in OJP 2000: 23).

The Center is a minimum security, no-fee facility with 150 beds. Services include assessments, detoxification care, intensive therapy, DWI [driving while intoxicated] treatment, outpatient aftercare services and a home-visiting program. NCI also features a residential treatment program for DWI offenders. Eighty percent of NCI clients are court-ordered, protective custody placements by tribal, city or county law enforcement. Family members may also admit individuals involuntarily.

8.8.3 The Southeast Alaska Regional Health Consortium (SEARHC)

The Southeast Alaska Regional Health Consortium (SEARHC) is the only tribally operated treatment centre that provides culturally relevant services to Alaska Natives. The SEARHC mission is to provide culturally relevant residential treatment for clients to significantly improve their lifestyles.

SEARHC has three residential treatment programs: focused youth intervention, adult intervention and a specialized women's program.

- *Ravens Way (Focused Youth Intervention):* The Raven's Way Program is a six week residential program for adolescents between the ages of 13 and 18 who have problems with alcohol and/or drug abuse.
- *Gunaanasti Bill Brady Healing Center (Adult Intervention):* The Bill Brady Healing Center (BBHC) is a five week intensive residential program for adults with alcohol and/or drug problems. A holistic model that combines biological, psychological, social and internal spiritual elements is used for treatment.
- *Deilee Hit or Safe Harbor House:* Deilee Hit Safe Harbor House is an eight week intensive residential program for women with alcohol and/or drug abuse or dependency problems. It is specifically targeted at pregnant women or women with children who may not be able to enter into treatment because of childcare needs. The process is the same as the BBHC, with additional programming for developing strong parenting skills, addressing specific women's issues and support for completing or continuing their education (OJP 2000: 31-34).

8.8.4 The Zuni Recovery Center

This centre provides holistic services to the many different segments of the community that are affected by substance abuse. The Center has three primary programs: 1) a comprehensive day treatment program; 2) a DWI school; and 3) an underage drinking initiative. Although these programs focus on different populations, they share the same core mission of reducing the

prevalence and incidence of chemical dependency by helping clients to address the issues underlying their dependency and to embrace healthier lifestyles (OJP 2000: 27-29).

8.9 Some Best Practice Examples of Community Crime Prevention

The Bureau of Justice Assistance released a report in 1997 which documented 24 evaluated community-based crime prevention programs, some of which were in Native American communities (BJA 1997).

8.9.1 Gila River Indian Reservation -The O'Otham Oidak Farm Project and the Vechij Himdag Alternative School for Delinquent Youth

The Gila River Indian Community, occupied by the Pima and Maricopa peoples, is located in south central Arizona. The reservation has a population of 10,000, with approximately one-fourth between the ages of 10 and 18. Data from 1992 reflect 310 juvenile arrests, representing 17 percent of the community's teenage population. All of these youth were detained within the confines of the Juvenile Detention and Rehabilitation Center. The data revealed that most chronic offenders were representative of approximately 30 dysfunctional families who could be identified as "families in need of care." Often abused and neglected, by adolescence these youth are acting out their anger through alcoholism and other destructive behaviours. They are frequently rejected by the community, feared by elders, and targeted in the schools as troublemakers, contributing to a history of school failure.

The goal of the centre's programs is to rehabilitate young people by reconnecting them with the essential values of their heritage, while linking them with the critical knowledge and skills needed to be successful in today's complex world. The O'Otham Oidak (Fields of the People) Farm Project and the Vechij Himdag (New Way) Alternative School are two vehicles designed to meet the specific needs of the target population. The Vechij Himdag Alternative School has reduced recidivism from 84 percent to 14 percent among the students it serves.

8.9.2 Adolescence Cognitive Healing Program, Colorado

The Southern Ute Tribe has limited resources and treatment options available to deal with problematic Indian youth. Substance abuse by Indian youth residing on the Southern Ute Indian reservation continues to be an area of great concern. In the absence of a highly structured environment such as detention, the Indian youth who are adjudicated as delinquents often demonstrate no inclination to modify their behaviour or to address the underlying issues resulting in court involvement.

The Adolescence Cognitive Healing Program reduces the need to detain Indian youth and provides benefits to the Southern Ute Indian Tribe by reducing the number of adults requiring incarceration in the future through the stopping of negative behaviour during youth. The goal of this program is to provide Indian youth with cognitive skills and programs that help reduce or eliminate the need for detention. The program is administered through the tribal court and serves nine Indian youth at a time. The program offers counselling, artistic endeavours, traditional sessions, and educational field trips. The program measures its success based on the following indicators: (1) a comparative study based on the behavioural changes in the program participants, (2) recidivism rates, (3) number of traditional skills taught to youth, (4) evaluations of artistic projects, (5) number of youth diverted from adjudication, (6) tribal council feedback, and (7) number of youth successfully completing the program.

8.9.3 Confederated Salish and Kootenai Tribal Court Community Service Program, Montana

There are approximately 6,000 tribal members and Indians from other tribes residing on the Flathead Indian Reservation. The Tribal Court processes approximately 480 criminal and traffic cases each year. Prior to the establishment of the Community Service Program, alternative sentences for community service were not centrally co-ordinated. Consequently, the Tribal Court used community service sparingly. This led to more incarcerations. The goals of the Community Service Program are to place individuals at work sites; ensure community service hours are completed in a timely manner; report to the referring agency the successful or unsuccessful completion of assigned hours; track the individuals to ensure compliance, attendance, and attitude; and provide other educational and job opportunities to community service participants.

8.9.4 Jicarilla Apache Tribe Domestic Violence Program, New Mexico

Domestic violence is a significant problem among New Mexico's Jicarilla Apache Tribe. The Jicarilla Apaches' Tribal Domestic Violence Code defines domestic violence as all forms of familial violence including spouse abuse, child abuse, elder abuse, and abuse between individuals who may not have been married but have a child together. The main goal of the Domestic Violence Program is to establish an integrated, comprehensive, community-based service delivery system sensitive to the cultural needs of the community. This system encompasses direct and support services that are family focused and community centred to enhance family functioning and reduce incidents of family violence.

The Jicarilla Apache Tribe administers the Domestic Violence Program through the Jicarilla Mental Health and Social Services Department. The Department provides prevention services at primary, secondary, and tertiary levels. Besides the Domestic Violence Program, the Department operates parenting programs; a peer assistance and leadership program for youth in grades 9 through 12; foetal alcohol syndrome/foetal alcohol effect home-based services and primary prevention programs; a suicide prevention program; medical social services; and a child abuse prevention program.

CHAPTER 9

INDIGENOUS CRIME PREVENTION IN CANADA

Various federal, provincial and territory governments have an impact on the development of crime prevention programs in Aboriginal communities in Canada. At the federal level, these include the Solicitor General, the Department of Justice, the National Crime Prevention Centre, Correctional Services of Canada and the Royal Canadian Mounted Police (RCMP).

The evidence shows a disproportionate impact of crime in Aboriginal communities both in terms of offending and imprisonment levels and in relation to victimisation. While forming only 3% of the general Canadian population, Aboriginal offenders make up 17% of the federal penitentiary inmates. The situation is even worse in some provincial institutions. While Aboriginal people are over-represented in federal corrections nationally, the numbers reach critical levels in Manitoba, Saskatchewan and Alberta, where Aboriginal people make up more than 60% of the inmate population in some penitentiaries. In Saskatchewan, for example, Aboriginal people are incarcerated at a rate 35 times higher than the mainstream population.

Evidence on victimisation is also alarming. In the area of family violence, several provincial and regional studies have found the following:

A 1989 study by the Ontario Native Women's Association found that 8 out of 10 Aboriginal women in Ontario had personally experienced family violence. Of those women, 87 % had been injured physically and 57 % had been sexually abused.

In some northern Aboriginal communities, it is believed that between 75% and 90% of women are battered. One study found that 40% of children in these communities had been physically abused by a family member (see Green 1996).

9.1 The National Strategy on Community Safety and Crime Prevention

The Safer Communities Initiative, administered by the National Crime Prevention Centre (NCPC), was launched in June 1998 as part of the Government of Canada's National Strategy on Community Safety and Crime Prevention. The National Strategy is aimed at developing community-based responses to crime, with a particular emphasis on children and youth, Aboriginal people, and women. The Government of Canada has committed \$32 million annually to assist communities across Canada to develop programs and partnerships that will help prevent crime. The Safer Communities Initiative is comprised of four funding programs:

- the Crime Prevention Investment Fund,
- the Crime Prevention Partnership Program,
- the Community Mobilization Program, and
- the Business Action Program on Crime Prevention.

The following sections list the Aboriginal crime prevention initiatives which are funded under these various programs. They demonstrate the diversity of crime prevention programs which operate within Aboriginal communities and Aboriginal community organisations. The list is not comprehensive as it is not always clear from the available information whether a crime prevention project relates to an Indigenous community or organisation. Those which have been included in the following list are ones that can be identified as being an Indigenous initiative.

9.1.1 Prince Edward Island Crime Prevention Initiatives

The Native Council of Prince Edward Island in Charlottetown has received \$18,000 for its Crime Prevention Youth Camp 2000. The camp for Aboriginal Youth aged 10-18, provided presentations, ceremonies, talking circles, and dancing and drumming. Youth were also given the opportunity to meet with members of the Justice system, which promoted links between the youth, provincial Aboriginal organizations, and the justice community.

http://www.canada.justice.gc.ca/en/news/nr/2001/doc_26348.html

9.1.2 Ontario Crime Prevention Initiatives: Community Mobilisation Program

The Aboriginal People of Wabigoon have received \$47,700 for their Needs Assessment project. The project is seeking input from the community on its crime prevention goals, and will develop a reputable crime prevention program in response to community input.

Atlohsa Native Family Healing Services in London has received \$50,000 for its Helping Native Youth Build Healthy Futures project which will support the positive growth of Aboriginal students and provide a proactive environment in which students can develop and contribute to the well-being of their peers. Traditional teachings and healing methods will be incorporated into the program to create a stronger understanding of cultural identity and to help participants cope with today's society. Guidance, support and preventive measures will be offered to encourage discussions on issues of concern and to promote healthy lifestyles.

Lovesick Lake Native Women's Association in Buckhorn has received \$47,800 for its Teaching our Youth project. This will provide recreational and social outlets to the youth of the area who presently do not have access to such activities. Young people will learn valuable traditional skills from seniors and seniors will receive assistance from the youth in chores such as raking, cutting their lawns, etc. Workshops will also be organized on crime prevention, family violence, life skills and aboriginal crafts.

Nbisiing Education Centre in North Bay has received \$21,020 for its Train the Trainer Project – 'Walking the Path'. This is an award-winning strategy developed for the youth of Nipissing First Nation by a core group of service providers, including police, teachers and social workers. The project will develop resources and material to support a partnership approach in delivering 'Walking the Path' to other Aboriginal communities. The program incorporates principles of healthy self-development and promotes self-worth and respect for others through healing circles, cultural teachings, role models and community awareness.

Red Sky Métis Independent Nation in Thunder Bay has received \$50,000 for its Red Sky Restorative Justice project. The goal is to introduce and promote the concept of family and group conferencing to interested parties in the region of North Western Ontario. This concept originates with aboriginal justice systems and has been documented in several jurisdictions in and outside Canada. Data will also be collected from district school boards to determine the number of disciplinary actions that have resulted in the expulsion or suspension of students from schools to assess local needs.

Six Nations Polytechnic in Oshweken has received \$5,000 for its Community Assessment Project. Two structured workshops along with surveys will serve as tools to capture data on various types of crimes, forms of abuse and for developing short and long-term crime prevention strategies. The goal is to increase public awareness of community crime prevention and examine various types of crime as they affect Aboriginal women and youth.

Spirit of the People in Scarborough received \$30,000 to organize its Aboriginal At Risk & Ex-offenders Camp. This camp utilized the traditions, values and beliefs of First Nations people as a

way of breaking the cycle of violence, criminal activity and incarceration. The camp also incorporated strategies learned from research and deliberations.

Youth Canada Association (YouCAN!) in Ottawa received \$30,000 to support its R2K: Resolve It: The Second National Youth Conference on Peacebuilding and Conflict Resolution. The project provided opportunities for about thirty youth from Aboriginal and visible minority communities from across Ontario to attend a three-day conference in Cornwall. The conference gave youth and youth-serving agencies the opportunity to network, share best practices and develop action plans in the area of youth conflict resolution. It also empowered youth peacemakers and encouraged them to take responsibility for dealing positively with conflict and work together to build peaceful communities.

http://www.canada.justice.gc.ca/en/news/nr/2001/doc_26324.html

9.1.3 Ontario Crime Prevention Initiatives: Partnership Program

The Aboriginal Nurses' Association in Ottawa has received \$40,000 for its Culturally-Sensitive Plan to Support Community-Based Crime Prevention Activities in Aboriginal Communities. The project will develop a comprehensive, collaborative action plan that addresses Aboriginal violence and crime through using community-based solutions. The Aboriginal Nurses' Association of Canada will team up with the Royal Canadian Mounted Police to develop this project.

The Métis National Council of Women has received \$40,260 for Mitouni Kywawmashtayw, The Silence is Deep: Violence Against Métis Women Phase III. The Council will develop a training manual and video, a result of recommendations that arose from earlier research, which will be used to educate Métis communities about the issue of violence against women and their children. These two vehicles will be implemented extensively within Métis communities to educate and protect families. The materials will be shared with other Aboriginal and non-Aboriginal community groups as well.

The Ottawa Police Service received \$40,000 for its Evaluation Tool Kit for Canadian Police Services. A tool kit was developed for Canadian police services and community groups working with police to be used as a reference in assessing their crime prevention and community policing initiatives. The Kit was a result of research into current evaluation techniques, the development of effective performance indicators, and determining relevant information. The material was then compiled into a format that is easy to understand, and can be self-administered by police and community groups.

The Ottawa Police Service has also received \$61,662 for Evaluation Tool Kit – Phase II – Pilot project. This phase will assess the application of the Evaluation Tool Kit as an effective evaluation tool to assist crime prevention practitioners. Participation will involve 11 pilot sites across the country which represent a mix of urban, rural, Aboriginal, police and citizen driven sites. The evaluation process, which the Kit promotes, is based on a straightforward and simple approach that calls on basic analytical skills.

http://www.canada.justice.gc.ca/en/news/nr/2001/doc_26326.html

9.1.4 Northern Ontario Crime Prevention Initiatives

Nishnawbe-Aski Nation/Nishnawbe Aski Legal Services Corporation in Thunder Bay, have received \$50,000 for their Training the Trainers initiative. The main objective is to broaden knowledge on sexual abuse issues in Aboriginal communities by offering extensive training sessions to front line workers on the issue and the use of alternative justice.

http://canada.justice.gc.ca/en/news/nr/2000/doc_25305.html

9.1.5 New Brunswick Crime Prevention Initiatives

Native Education Research Team/Fredericton High School has received \$5,000 for its Empowerment Strategy to Strengthen Aboriginal Youths' High School Retention Rates in Two Communities. The team is made up of Aboriginal community members and professionals who are working with Aboriginal youth. The aim is to establish and strengthen partnerships among students, counsellors, teachers, administrators, and native community leaders.

http://canada.justice.gc.ca/en/news/nr/2000/doc_25425.html

9.1.6 Nova Scotia Crime Prevention Initiatives

Canada World Youth in Halifax has received \$12,500 for its Rural Youth Education Project (RYEP). The project consists of workshops intended to increase awareness and build youth capacity to address social justice issues such as racism, sustainable development, multiculturalism, homophobia, human rights and aboriginal issues.

The Pyramid Training Crime Prevention Association in Dartmouth has received \$49,000 to support their project First Nations Safer Streets & Woods Program. This project will train and educate Aboriginal youth at-risk on the proper usage of all terrain vehicles and watercraft. This will work to reduce injury, property damage, and community fear that results from accidents caused by young, untrained and irresponsible operators of such vehicles.

The Spirit of the Eagle's Feather in Shubenacadie has received \$50,000 to support their project Battling Domestic Violence. This project will reduce the incidents of family violence in Aboriginal communities and build community capacity by training community members to become instructors/facilitators on dealing with family violence, including violence against women.

http://www.canada.justice.gc.ca/en/news/nr/2001/doc_26162.html

9.1.7 Manitoba Crime Prevention Initiatives

Thompson Boys and Girls Club has received \$43,000 for its Sports Access Project. By developing a system that will help low-income families access sports registration fees, equipment, coaching and transportation to practice and games, this project will assist over 200, mostly aboriginal, children and youth to access existing sports programs including hockey, baseball, soccer, gymnastics and sports camps. Regular involvement in these activities will help improve the children's self-image and diminish their alienation from the larger community.

http://www.canada.justice.gc.ca/en/news/nr/2001/doc_26146.html

9.1.8 Yukon Crime Prevention Initiatives: Investment Fund

The Healthy Families Program. The Kwanlin Dun community is a remote Aboriginal community with a heavy demand placed on existing resources and services. Under the Crime Prevention Investment Fund, the NCPC will provide \$519,970 over three years, from December 1998 to December 2001, to the Kwanlin Dun Health Centre, to help fund the Kwanlin Dun First Nations Healthy Families Program. This program will help pre-school children and families in Kwanlin Dun by providing health, education and social services. Children who have witnessed violence in

their homes, or whose parents are adult offenders, will be referred to the program by police and corrections officials. Families participating in the program will receive culturally appropriate support, information and skills to reduce child abuse, neglect and domestic violence — all factors that may increase a child's risk of becoming involved in criminal activity.

An independent evaluator will assess the impact of the Kwanlin Dun First Nations Healthy Families Program. The information gained from this evaluation will advance Canadian research and experience on the benefits of early intervention with Aboriginal children in remote, northern locations.

Through the Investment Fund, the NCPC is also supporting similar Healthy Families initiatives in Charlottetown, Prince Edward Island and Edmonton, Alberta. Together, the projects represent an opportunity to test a model of early childhood intervention that has been designed to reduce the factors that can contribute to future criminal behaviour, and to determine its applicability in other communities.

9.1.9 Yukon Crime Prevention Initiatives: Mobilizing Communities to Prevent Crime

The Government of Canada is also supporting three Community Mobilization Programs in the Yukon. The Victoria Faulkner Women's Centre in Whitehorse will receive \$29,640 in support of its Women's Advocate Project. This project involves making a women's advocate available to help women obtain information on the programs, services and legal options available to them.

Funding of \$23,000 will be awarded to Crime Prevention Yukon for its Supporting Community Development project, which will help communities develop crime prevention and community safety strategies. The project will also provide grants for crime prevention activities throughout the Yukon to enable groups to continue to focus on early intervention and support for families, children, and youth.

Finally, the Community Mobilization Fund will award \$10,000 to F.H. Collins Secondary School for the F.H. Collins Secondary School Conflict Resolution Program. The objectives of this youth-driven project are to: decrease violence, both verbal and physical, within the school environment; provide students and teachers with an alternative to resolving conflicts, in addition to the counselling already provided in the school; and transmit conflict resolution and anger management skills to other community members.

<http://canada.justice.gc.ca/en/news/nr/1998/yukprobck.html>

9.1.10 Saskatchewan Crime Prevention Initiatives

Under the Community Mobilization Program, the NCPC will provide almost \$820,000 for 41 crime prevention projects in Saskatchewan. Many of these crime prevention projects involve First Nation peoples including:

Ahtahkakoop First Nation (Shell Lake) Ahtahkakoop Crime Prevention Agency, \$10,000

Beardy's & Okamasis First Nation (Duck Lake) Beardy's & Okamasis Returning to Our Cultural Heritage, \$21,370

Carry the Kettle First Nations (Sintaluta) Community Healing Through Crime Prevention, \$28,419

Eastern Region II - Métis Nation of Saskatchewan (Archerwill) Community Justice and Health Conference, \$20,000

James Smith Cree Nation (Melfort) Community Wellness Program, \$25,000

Kahkewistahaw First Nation Health Committee (Broadview) Kahkewistahaw Crime Prevention Project, \$10,000

Lloydminster Native Friendship Centre, High Risk Kids Workshop, \$8,975

Métis Family and Community Justice Services (Buffalo Narrows) Store Front Schooling, \$25,000

Meadow Lake Tribal Council (Saskatoon) Elders & Youth Justice Assembly, \$25,000

Métis Heritage-Melfort District Corporation (Melfort) Empowering Our Communities, \$30,000

Nipawin Métis Local #134 Nipawin Aboriginal Youth Project, \$10,000

The Prince Albert Grand Council 12 Nations Crime Prevention Plan, \$49,600

Saskatoon Tribal Council Youth Conference: "Choices - The Future is Yours", \$14,800

Shoal Lake Cree Nation (Pakwaw Lake) Wacihk Youth Centre \$17,500

Touchwood File Hills Qu'Appelle Tribal Council (Fort Qu'Appelle) 1st Annual First Nations Restorative Justice Conference - 1999, \$25,000

<http://canada.justice.gc.ca/en/news/nr/1999/saskbg.html>

9.1.11 Alberta Crime Prevention Initiatives

The Calgary Native Friendship Society will receive \$15,000 for the development of its Training and Education Centre, which will help urban Aboriginal youth obtain their high school diplomas. By providing a safe, secure and motivational environment, students can improve in their studies through the use of computers, Internet access, mentors, advisers and councillors as well as referral services.

The City of Calgary Community and Social Development Department will receive \$50,000 for Removing Barriers - A Listening Circle. Using a community development approach, the project will engage Aboriginal communities and service providers in assessing both the needs and opportunities implicit in a listening summit. A creative series of consultations will help map a cross-sectoral blueprint for improving how mainstream services can assist Aboriginal people in the urban environment and help the community begin to make the necessary changes.

<http://canada.justice.gc.ca/en/news/nr/1999/calg070499bck.html>

9.1.12 Vancouver Area and Shuswap Region Crime Prevention Initiatives

B.C. Parents in Crisis Society in Vancouver will receive \$50,000 for the Aboriginal Rainbow Parent Circles project. Partnerships will be formed with First Nations Communities in the Lower Mainland to reduce parent isolation, provide social support, present traditional parenting skills and provide access to other resources.

<http://canada.justice.gc.ca/en/news/nr/1999/BCFRYbck1305.html>

9.1.13 Quebec Crime Prevention Programs

Vidéo Femmes of Quebec City received \$25,000 to develop and distribute a video documentary and an accompanying guide on conjugal violence against women. De l'ombre à la lumière ... un phare [from shade to light ... a beacon] will allow three women who, with the assistance of support groups, are now embarked on a process of healing from the victimization to which they were subject: a young Quebecker in her twenties, an Aboriginal woman and an immigrant who have resolved no longer to live in a situation where power is abused. The testimony of these women and the promotion of their successful emergence from the cycle of violence will highlight the positive effects of people's taking charge of their own destiny.

<http://canada.justice.gc.ca/en/news/nr/1999/mtlbck.html>

9.1.14 British Columbia Crime Prevention Programs

B.C. Association of Aboriginal Friendship Centres in Saanichton was awarded \$35,000 to bring together Aboriginal youth from all over the province through the Youth Making a World of Difference: The BC Aboriginal Youth Conference. The aim is to increase awareness amongst Aboriginal youth about the impact of crime and the need for innovative strategies. Some issues that will be addressed at this conference will be sexually exploited youth, gang violence and hate crime.

http://canada.justice.gc.ca/en/news/nr/1999/doc_23715.html

9.1.15 British Columbia Crime Prevention Initiatives: Community Mobilization Program

The Arrows to Freedom Cultural Healing Society in Burnaby has received \$15,000 for its Community Council to Determine Needs for Service. The project will conduct a needs assessment in the Burnaby community with specific attention paid to the Aboriginal population. A series of consultations will take place to determine how culturally-sensitive services can be integrated in the area.

The Gitksan Child and Family Services Society in Hazelton has received \$46,800 for its program Cultural Decompression. The project will assist troubled youth in dealing with the complexities of society by helping them re-discover and explore their cultural background. The program will build self-worth and create pride and confidence among Aboriginal youth.

The Kinsmen Club/Campbell River Chapter has received \$50,000 for its project Building a Safe Community. This is a mentoring program that is being developed for Aboriginal and at-risk youth, following efforts of the Kinsmen Club, making youth aware of all the tools and resources available to them.

The Mental Health Evaluation and Community Consultation Unit (UBC) in Vancouver has received \$5,000 for its Suicide Prevention Conference 2000. Issues discussed included: prevention, clinical interventions and treatment issues, Aboriginal communities, cultural issues, bereavement, and survivors.

The Northern Family Health Society in Prince George has received \$49,174 for its project Developing Prenatal Community Response to Violence Against Women. The project will assist in developing a community-based initiative for early intervention to violence against women. This initiative will support implementation of community solutions that respond to crimes of violence against women as they affect children, youth, women and Aboriginal women.

Odd Squad Productions Society in Vancouver has received \$13,350 for its Aboriginal Youth project. The group will conduct a needs assessment and, based on the results, produce a video depicting the issues that Aboriginal youth face. The information gathered will yield an educational documentary that will be shared with community stakeholders.

Rainbow Productions Society in Penticton has received \$10,000 for its project Filming of the Transformation of Elvis Goodrunner and Musings in Purgatory. Two plays will be videotaped for future broadcast on Aboriginal Peoples Television Network and in rural settings. Both plays are targeted to youth and address issues specific to the Native community.

The Tsilqhot'in National Government in Williams Lake has received \$10,000 for its Aboriginal Crime Prevention Symposium 2000. The symposium will allow First Nations and Inuit people from across Canada to share knowledge and experiences with other Aboriginal groups working on crime prevention initiatives within their communities.

http://canada.justice.gc.ca/en/news/nr/2001/doc_26048.html

9.1.16 British Columbia Crime Prevention Initiatives: Business Action Program

The British Columbia/Yukon Society of Transition Houses in Vancouver received \$10,000 for its 1999 Conference on Children Exposed to Domestic Violence. The international forum on October 27-29, 1999, aimed to bridge the gap between current academic research and applied practice. The conference raised the visibility of the issue and impact of children witnessing violence in their homes, and showcased British Columbia's non-profit sector's contribution to ending the cycle of violence against women and children. Particular focuses of the conference were on Aboriginal people, minority and special needs groups, children at risk and juvenile justice.

http://canada.justice.gc.ca/en/news/nr/2001/doc_26050.html

Le C.H.R.G. Gespapegiag Communication Safety, in Gespapegiag, will receive \$50,000 for its program Take a Stand against Crime by Introducing New Ideas and Programs to the Youth of Today through Media. Through this program, 18 young people aged 13 to 23 in this Aboriginal community will learn about radio station management, with the co-operation of the local radio station, and broadcasting programs on the problem of crime. Open-line shows will also be on the agenda, to allow for discussions of topics such as the effects of drugs, alcohol abuse, staying in school and crime prevention.

<http://canada.justice.gc.ca/en/news/nr/1999/qcbck.html>

9.2 The Aboriginal Justice Strategy: The Department of Justice

The Aboriginal Justice Strategy is comprised of three components: community-based justice programs that are cost shared with provincial and territory governments; the Aboriginal Justice Learning Network (AJLN); and self-government negotiations in the area of justice. The objectives of the strategy are to:

- Support Aboriginal communities take a greater responsibility for the administration of justice
- Help reduce crime and incarceration rates in communities that administer the justice programs, and
- Improve Canada's justice system to make it more responsive to the justice needs and aspirations of Aboriginal people.

The Aboriginal Justice Strategy (AJS) supports four types of alternative justice activities through the community-based justice programs:

- Diversion or alternative measures
- Community sentencing circles
- Mediation and arbitration in family and civil cases
- Justice of the peace or tribal courts.

AJS programs have been managed by First Nations and Tribal Councils, community groups, urban Aboriginal coalitions, and other non-profit organisations.

9.2.1. The Aboriginal Justice Learning Network (AJLN)

The Aboriginal Justice Learning Network (AJLN) is a broad-based voluntary network of representatives of the conventional justice system and Aboriginal communities. The AJLN was set up in 1996 and given the mandate to:

- act as a vehicle of communication between the current justice system and Aboriginal communities;
- help ensure that Aboriginal women participate as full partners during both the negotiation and implementation of community justice programs;
- train enforcement officers, prosecutors, judges and members of Aboriginal communities in the objectives, values and mechanics of the approaches to justice in the agreements; and
- help participating communities and the current justice system implement community-based justice programs, with a focus on ensuring that the new approaches are fully integrated into the day-to-day operation of the principal justice system.

The AJLN is managed through the National Co-ordinator's Office in the Department of Justice in Ottawa. The Co-ordinator's Office offers resources such as publications and videos, provides funding to support innovative Aboriginal justice initiatives, and helps in organising and publicising important events in the field.

The AJLN has three basic roles.

- To act as a link that enables groups from across Canada to share ideas and information and to stay informed about developments in the field. These might include local or regional programs, conferences, new publications, court decisions or new legislation.
- To offer free resources, publications, and videos on aspects of Aboriginal justice, community programs and similar initiatives.
- To provide funding and other support for projects that offer creative solutions to the various issues related to Aboriginal community justice.

9.2.2 Examples of AJLN Funded Projects

The AJLN supports a range of project proposals, including skills-based training and information sharing. The following are some examples of projects funded under the scheme:

- St. Leonard's Society of Canada. A two-day conference on restorative justice (sentencing circles) held in North Vancouver.
- Council of Yukon First Nations. Two meetings of community justice committee members.

- Yellowhead Tribal Community Corrections Society. A two-day workshop for youths, parents, and police on gang issues and community safety.
- Femmes Autochtones du Québec: A two-day meeting of women involved in victim services and justice in the Montreal Indigenous Bar Association and Canadian Bar Association.
- A three-day conference in Toronto on the report of the Royal Commission on Aboriginal Peoples.
- Big Cove, New Brunswick. Two-day justice information sharing session (organized and partly funded by AJLN).
- Native Counselling Services of Alberta. Development of a promotional video for its Alternative Dispute Resolution Training Program.
- Nishnawbe-Aski Nation. A two-day conference on health and justice in Thunder Bay.
- Uquajjigiatit Justice Committee. A four-day workshop on team building for new and existing community justice committee members in Cape Dorset Nunavut.

<http://canada.justice.gc.ca/en/ps/ajln/fin.html>

9.3 Correctional Services of Canada

The Correctional Services of Canada (CSC) develops policies, programs and services for Aboriginal offenders, with the help of a National Aboriginal Advisory Committee whose membership is drawn from across the country. A unit of Aboriginal issues specialists operates at CSC's national headquarters, with counterparts in the three regions that account for the larger Aboriginal offender populations.

In addition to developing an Aboriginal alternative to the core standard programs, CSC is implementing a statutory provision that enables the Solicitor General to enter into agreements with Aboriginal communities and organizations for the provision of correctional services, including custody, where appropriate. There is a very broadly defined opportunity for CSC to involve Aboriginal communities more significantly in the management of offenders' sentences. It is anticipated that the agreements will result in the provision of a more effective response to the needs of Aboriginal offenders. In this regard, the provision of services by Aboriginal communities can be seen in the light of developing crime prevention strategies.

The law that governs the way federal corrections is managed makes some very specific provisions to involve Aboriginal communities in the correctional process. Two sections of the *Corrections and Conditional Release Act (CCRA)* provide communities with the opportunity to be active partners in the care and custody of offenders.

Section 81 of the legislation requires that:

(1) The Minister, or a person authorized by the Minister, may enter into an agreement with an Aboriginal community for the provision of correctional services to Aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.

(2) Notwithstanding subsection (1), an agreement entered into under that sub-section may provide for the provision of services to a non-Aboriginal offender.

(3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an Aboriginal offender to the care and custody of an Aboriginal community, with the consent of the Aboriginal offender and of the Aboriginal community.

Section 81 supports a wide spectrum of custodial or service delivery arrangements for the care and custody of Aboriginal inmates. It contemplates that an offender could be transferred at any time in his or her sentence, specifically from the date of sentencing to the date of warrant expiry, and can

include supervision of offenders on conditional release (day parole, full parole, or statutory release).

Services that can be provided under the provisions of Section 81 fall into the following categories:

- Transfer of an individual Aboriginal offender to an Aboriginal community under a Section 81 Custody Agreement.
- The operation of an urban or rural-based facility designed for Aboriginal offenders, involving the transfer of more than one offender (e.g. halfway houses, healing lodge, etc.).
- Community parole supervision or operations of parole services offered in the Aboriginal community, or in an urban centre.
- The provision and delivery of correctional services within federal institutions or community parole offices (Wilson 1999:2-3).

Section 84 of the *CCRA* makes provision for the following:

Where an inmate who is applying for parole has expressed an interest in being released to an Aboriginal community, the Service shall, if the inmate consents, give the Aboriginal community:

- a) adequate notice of the inmate's parole application; and
- b) an opportunity to propose a plan for the inmate's release to, and integration into, the Aboriginal community.

Section 84 encourages the participation of Aboriginal communities in the release planning process by requiring the Correctional Services of Canada (CSC) to consult with the community and seek their input.

If the offender agrees, Aboriginal communities may be approached very early in the sentence to determine if there is interest in proposing a release plan. This will happen even if a release is not forecasted for two or three years. Early release planning will result in a better co-ordination of efforts and a better chance of a successful release. Communities are welcome, and are encouraged, to become aware of the efforts being taken by the offender while incarcerated. This can provide encouragement to the offender and, at the same time, promote the expectations the community may have of the offender's behaviour both while incarcerated and upon eventual release (Wilson 1999:3)

The CSC has recently released a report on 'Enhancing the Role of Aboriginal Communities in Federal Corrections' (Wilson, 1999). The report notes that the trend towards Aboriginal peoples developing community corrections models, and working with CSC, is gaining momentum. Aboriginal communities are increasingly coming forward with initiatives to take over the care and custody of their peoples and offer services that are more consistent with community-based, culturally-specific methods of healing and balance. Aboriginal communities are indicating that they can do a better job at healing Aboriginal offenders than the prison system will. Aboriginal peoples are finding correctional methods in communities that are very different from mainstream corrections. These new approaches incorporate concepts such as healing, reconciliation, spirituality, respect, accountability, balance and restoration.

9.4 Community Healing

The approach taken by Indigenous people in Canada is frequently referred to as 'community healing'. According to Hazlehurst (1997) there has been a collaborative process between Indigenous organisations and Government which has relied upon

innovative Native programming, and by fee-for-service contractual arrangements which have allowed Native organisations to develop and administer a significant proportion of Native service delivery... Canadian Indigenous organisations have demonstrated that, given adequate government support, Native-run programs for social and cultural recovery can have a major impact in the reduction of the crime and violence (Hazlehurst 1997: 118).

9.4.1. Native Counselling Services of Alberta (NCSA)

The Native Counselling Services of Alberta (NCSA) is an example of a large Indigenous organisation providing a range of services for Aboriginal people on a contractual basis with government.

The NCSA has a staff of 150 in a province-wide organisation which offers a range of community programs. It has an annual budget in excess of \$6 million.

The mission of the NCSA is

To contribute to the holistic development of the Aboriginal individual, family and community by working in partnerships to provide culturally sensitive programs and services and by promoting the fair and equitable treatment of Aboriginal people (quoted in Adkins 1995:105).

The NCSA is dedicated to three main objectives:

- To lower the Native incarceration rate
- To gain fair and equitable treatment for Native people in the criminal justice system
- To assist Native communities and individuals achieve their full potential.

The NCSA runs some 25 programs and services including

- Criminal, Family and Young Offender Courtwork
- Family Support Prevention Programs
- Elder Crisis Intervention Program
- Family Life Improvement Program (FLIP)
- Federal Liaison Program (Prisons)
- Elders Program (Prison)
- Westcastle Minimum Security Forestry Camp
- Stan Daniels Centre
- Adult and Young Offender Probation Supervision
- Parole Program
- Fine Option Supervision
- Young Offender Open Custody Group Homes
- Youth Programs
- Community Sentencing Panels
- Community Workshops
- Addictions Program.

The NCSA's Family Life Improvement Program (FLIP) has had some influence in Australia with Aboriginal people from South Australia and the Northern Territory visiting the NCSA and seeing

the program in action. FLIP is conducted in a support-group setting. Through the process of group discussion, storytelling, role-playing and personal sharing, FLIP assists people to explore issues of family and social relationships, drugs and alcohol, the emotional growth of children, positive opportunities for personal development, and how to access public information and resources (Hazlehurst 1997: 118-119).

Participants develop their skills in parenting, self-esteem building, interpersonal communication, self-help and finding information, locating positive life opportunities, respect, consideration and caring for others, constructive use of leisure time and dealing with government agencies (Hazlehurst 1997: 118-119). Native youth crime prevention programs combine education with recreation and esteem-building activities. At workshops parents and young people are invited to discuss family life, alcohol addiction, and other problems which they share.

9.4.2 Poundmaker's Lodge

According to Hazlehurst (1997), one of the best North American examples of a Native-run alcohol treatment program for Native people is the Poundmaker's Lodge, located on the outskirts of Edmonton, Alberta. Since its beginnings in 1973, the centre has treated and trained thousands of Native people in substance abuse prevention. Poundmaker's Lodge incorporates Native traditions into its healing programs. Native spiritual activities are seen to be powerful deterrents to addiction. The 30-day treatment program for adults combines techniques of individual and group counselling, meditation, prayer and cultural participation, healthy lifestyle training, arts and crafts, and recreation and social activities. The sweat lodge plays a particularly important role in the personal purification and spiritual strengthening of participants (Hazlehurst 1997: 119-120).

9.5 Residential Programs Operated by Indigenous People

9.5.1 The Native Counselling Services of Alberta (NCSA)

The Native Counselling Services of Alberta (NCSA) is one of the longest running and largest providers of Indigenous services by an Indigenous organisation. It has funding on a fee-for-service contractual basis. It has operated a number of institutions.

- The Stan Daniels Centre (formerly Grierson Community Correctional Centre)
- Kockee Mena Young Offender Open Custody Group Home
- Sam Laboucan Young Offender Open Custody Facility
- Westcastle Minimum Security Forestry Camp

As noted above it is also involved in the probation supervision of adult and young offenders, fine-option supervision and a parole program. Funding for these services has been provided jointly by the provincial and federal governments, on a fee-for-service basis to the management of NCSA (Hazlehurst 1997: 111-113).

In 1988 NCSA began operating the Stan Daniels Centre in Edmonton. This large complex, comprising four buildings, was the first privately operated correctional facility in Canada. Stan Daniels is a minimum-security pre-release centre for a maximum of 64 adult Indigenous offenders. The mandate of the Centre is to provide adequate community support to a selection of federal and provincial Indigenous offenders conditionally released to the Edmonton area. The Centre aims to enhance reintegration of Indigenous offenders into the community. This includes help in developing skills for economic and personal independence, job readiness, drug and alcohol resistance, literacy and maths, and healthy living. There is also a strong emphasis upon cultural programming, Native spirituality, and elder counselling for inmates. According to Centre workers, the transformative effect of their programs upon the character and future horizons of Indigenous inmates has won for them the respect and keen support of Canadian correctional authorities. Funding for the Centre and its programs has been provided jointly by the Alberta Solicitor General, Social Services and Community Health, the Department of Justice, the federal Solicitor General, the Alberta Law Foundation, and various other government sources (Hazlehurst 1997: 112).

The Kockee Mena Young Offender Open Custody Group Home and the Sam Laboucan Young Offender Open Custody Facility have been operating since the late 1980s. Both centres focus on preparing Native young offenders for independent community living. A major component of the program is Native cultural traditions taught by Elders (Adkins 1995:111).

9.5.2 Other Healing Lodges

In 1994, CSC began discussions with the Saskatchewan Ministry of Justice and the Prince Albert Grand Council (P.A.G.C.) for the shared accommodation of a 30-bed Healing Lodge facility on the Wahpeton First Nation, for Aboriginal offenders. The P.A.G.C. built the facility and it also opened in 1997. The Lodge operates under 2 agreements, one with the province of Saskatchewan for 25 beds and one with CSC for 5 beds.

In February 2000 CSC began transferring federal Aboriginal offenders to the O-Chi-Chak-O-Sipi First Nation, near Dauphin, Manitoba. This 24-bed facility was built and is being operated by the First Nation, under an agreement similar to Prince Albert Grand Council.

9.6 Indigenous Residential Programs Operated by Corrective Services

Two healing lodges have recently been opened by CSC as special institutions for lower-security Aboriginal offenders. Pê Sâkâstêw Centre is a 60-bed facility for male offenders located in Hobbema, Alberta. A women's centre, Okimaw Ohci Healing Lodge, is located in Cypress Hills, Nekaneet First Nation. The lodges are based on Aboriginal ethics, values and principles, while maintaining the statutory mandate of the CSC. They were planned in full partnership with the Aboriginal community. The majority of staff, including the wardens, are Aboriginal. A body of Aboriginal community members monitors the lodges' operations and provides advice on further development. Inmates and staff are reported to be enthusiastic about the lodges; evaluations, to date, have been very positive. Further information about the evaluations was not located.

9.6.1 Aboriginal Women's Healing Centre

The Okimaw Ohci Healing Lodge is a 30-bed treatment facility for Canadian Indigenous women operated by Correctional Services of Canada under the mandate of the *CCRA* with Indigenous staff. Rehabilitation of offenders utilises traditional healing practices, based on healing through Indigenous teachings and culture. The Lodge was developed in accordance with a recommendation of a Canadian Task Force Report into Federally Sentenced Women.

The Report of the Task Force found that women were at a disadvantage in comparison with men because of:

- the geographical dislocation of many female inmates from their families, cultures and communities due to the limited availability of provincial facilities for women;
- the security over-classification of these women and the associated lack of significant opportunity for movement to other institutions or lower security facilities; and
- the lack of appropriate women-centred programs, services and assessment tools. See 'Federally Sentenced Women Initiative: Okimaw Ohci Healing Lodge', www.csc-scc.gc.ca/crd/fsw/fsw30/fsw30e02.htm.

The Task Force noted that Indigenous women are doubly disadvantaged, beginning with the fact that they make up less than 3% of Canada's female population but represent approximately 15% of women under federal sentence. They have experienced higher rates of physical and sexual abuse than non-Indigenous female offenders. Substance abuse, mainly alcohol, is another primary factor involved in their offence history and is much more pervasive than in the non-Indigenous population.

The main recommendation of the Task Force was that the Prison for Women be closed and that four regional facilities and one Healing Lodge (for Indigenous offenders) be built. It was recommended that the concept of the Healing Lodge be developed by the Correctional Services of Canada in full partnership with Indigenous communities and, more particularly, Indigenous women. It is worth drawing attention, at this point, to the Correctional Services of Canada's practice of consulting with Indigenous organisations on programs for Indigenous inmates and the establishment, for many years now, of a National Aboriginal Advisory Committee comprised of representatives from the major Aboriginal organisations involved in corrections.

The Healing Lodge was completed in 1995, with full participation, from conception to implementation, of Indigenous people. The central emphasis of the healing program is on survival of physical and sexual abuse, and freedom from substance abuse, through reconnection with Canadian Aboriginal culture in its broadest sense. See Canada, *Creating Choices: The Federally Sentenced Women's Task Force Report (1990)*; 'Federally Sentenced Women Initiative: Okimaw Ohci Healing Lodge', www.csc-scc.gc.ca/crd/fsw/fsw30/fsw30e02.htm.

The program has been considered by the Indigenous Services Unit of New South Wales Corrective Services with the view of developing a similar initiative for Aboriginal women in New South Wales. The New South Wales Law Reform Commission 'believes that it could be enormously effective in rehabilitating offenders, and in reducing recidivism. The Commission endorses steps to implement a facility along the lines of the Healing Lodge. Similarly, Baldry has recommended the development of small, residential centres strategically placed around the State, and run by Aboriginal women, with drug rehabilitation, strong personal support, and living skills and health programs (New South Wales Law Reform Commission 2000).

The New South Wales Law Society has also supported the creation of a residential rehabilitation facility, offering a holistic program for Aboriginal women to which they could be diverted from full-time custody (New South Wales Law Reform Commission 2000).

9.6.2 The Pê Sâkâstêw Centre

Pê Sâkâstêw Centre, meaning 'New Beginnings' opened in August of 1997. It is located near Hobbema, Alberta on the Samson Cree First Nation, just south of Edmonton. It is a 60-bed, federally owned Centre housing 40 inmates and 20 day parolees. The Centre was designed by architects in consultation with the values and suggestions of Samson Cree Elders and symbolises the Aboriginal world view. The facility and the programs are the result of a joint initiative between CSC and the Samson Cree Nation. The community participated in the design and construction of the facility and continue to support the provision of programs and Elder's services.

9.6.3 Elbow Lake Healing Village

The previous Elbow Lake minimum institution located near the Chehalis First Nation in British Columbia is now Elbow Lake Healing Village. Operational plans are in place to re-design the institution to reflect the Aboriginal culture. Consultations with nearby Aboriginal groups for staffing and programming are also underway.

9.6.4 Waseskun Healing Centre

The Healing Lodge approach has also been used in halfway houses that CSC supports, including what is now called the 'Waseskun Healing Centre' located in the foothills of the Laurentian mountain range, approximately an hour from Montreal. Waseskun Healing Centre has services in French and English and provides intensive residential therapy for men and women referred from Aboriginal communities and from prisons and federal penitentiaries.

9.6.5 Evaluations

The CSC recently conducted a follow-up of the 412 Aboriginal offenders admitted to the Ochimaw Ohci Healing Lodge, the Pê Sâkâstêw Centre and the Elbow Lake Healing Village since opening. The results showed that

- 286 or 69.4% have completed the program (others are still resident in the program)
- Of those completing, 16 or 6% had been returned to federal custody for committing a new offence while on conditional release.
- In contrast, the national federal recidivism rate was 11% in 1997-98 (for full parole and statutory release).

According to the CSC, this means that the relatively low federal recidivism rates among Aboriginal Healing Lodge participants are an early indication of having made a positive impact. It

also means that CSC is encountering some success in its mandate to safely and successfully reintegrate offenders.

9.7 Circle Sentencing

Circle sentencing started in the Yukon Territory in 1992 with the co-operation of Judge Barry Stuart and a number of First Nation communities. The practice has since been adopted by criminal courts and Indigenous communities in many parts of Canada, but most particularly in the Yukon and Saskatchewan (McNamara 2000).

In a recent article on the circle sentencing, McNamara raises a number of issues which have emerged around the process over the last decade in Canada.

- Rather than debate about the origin, authenticity and historical relationship between circle sentencing and Aboriginal communities, the key questions are acceptance, compatibility and community ownership of the process
- Community capacity, willingness and preparedness to participate in the process are critical
- Questions of eligibility criteria and guidelines for operation need to be worked out. In some areas this has developed through the First Nations; in other parts of Canada, judges have taken a more active role through appellate court judgements
- Circle sentencing also needs to be considered within the context of the Canadian Criminal Code which requires sentencers to have particular attention to the circumstances of Aboriginal offenders (McNamara 2000:5-9).

Further issues surrounding circle sentencing and its possible application to Australia are discussed in Chapter Five.

9.8 Family Violence Issues

Canadian Aboriginal perspectives on family violence recognise the need for a broad definition which includes spiritual abuse and the negative effects of colonization. Aboriginal approaches to violence prevention and treatment tend to focus on healing, wellness and seeking balance and harmony among individuals, family and community (Green 1996).

LaRocque (1993) provides a discussion of family violence as it affects Aboriginal women, teenagers, and children, with a particular focus on sexual violence. She analyses the roots of family violence and the isolation of Aboriginal women and proposes strategies to eliminate abuse and achieve justice. McTimoney (1993) presents a framework for understanding and responding to family violence in Aboriginal communities. He describes a spiritual model of recovery which connects individuals, communities and the environment, and gives examples of how this approach can be applied to strategies for healing, such as mobilizing community participation, prevention activities, public education, etc.

9.8.1. Family Violence Projects

There are many other Aboriginal communities that have developed programs and community-based responses to the problem of family violence. Education and awareness programs have often led to the development of treatment, programs and other services for victims, offenders, families and communities. Green (1996:3) offers the following examples.

Native Child and Family Services of Toronto offers a Sexual Abuse Treatment Program which combines Native healing with contemporary social work practice. An evaluation of the program concluded that the women and children who participated were able to develop a stronger sense of themselves as Native people and that this was a positive path toward healing and recovery from the effects of their abuse.

The Mid-Island Tribal Council on Vancouver Island, British Columbia represents several bands in small rural communities, in the area around Chemainus, British Columbia. It has developed a perspective that defines family violence as a community problem, not just an individual or family problem. The Council established a Family Development Program to integrate and link existing services to families and to respond to community needs. The program was designed to address the issue of family violence as well as facilitate healing among its victims in a culturally appropriate way.

The Mi'kmaq First Nation Communities of Nova Scotia have developed programs to address family violence with the goal of encouraging women and children who experience violence to develop and practise a peaceful and healthful lifestyle. They operate a shelter for women and children, and provide outreach services for men, a crisis telephone service, group and individual counselling and community education for Aboriginal people in Nova Scotia.

Hart (1997) has reviewed 15 projects funded under the federal government's Family Violence Initiative (1991-96). These projects were conceived, developed and carried out by Aboriginal people. The report describes the significance and accomplishments of the projects in the areas of public awareness and education, professional education and collaboration, service development and networking.

One of the main findings of the review was the need to build services that are culturally appropriate to the people who are being served. Hart discusses the various aspects of cultural appropriateness and their impact on project design. In particular she identified the following.

- The need to value Aboriginal tradition and culture
- The need for recognition of the importance of ritual and ceremony
- The need to value the wisdom of those Elders who understand the dynamics of family violence, and a recognition of their role as important carriers of knowledge
- The need for a strong sense of community and shared responsibility
- An emphasis on connectedness (that is, to the land, the family, extended family, clan, family of spouse) - resulting in a view of the individual in context
- An objective of restoring balance
- The placement of value on nurturing and mutually respectful relationships
- An honouring of the central place of women
- An acceptance of and respect for the client as a whole person
- A sense of equality between service provider and service recipient
- A central attitude of caring (Hart 1997)

According to Green (1996:4), solutions to family violence in Aboriginal communities must acknowledge that the roots of the problem are deep and have a long history. 'The loss of Aboriginal culture and tradition rendered many Aboriginal people, both men and women, powerless and dependent. Acknowledging the root of the problem will empower individuals, families and communities to address the issue'.

Furthermore solutions must be holistic, and they must be community-driven. 'This means that decisions have to be made by and within the community, however that community is defined. A generic model will not work in the diversity of Aboriginal communities' (Green 1996:4).

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CANADA

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www.sgc.gc.ca/epub/abo/e199326/e199326.htm

Native Law Centre, University of Saskatchewan, www.usask.ca/nativelaw/

National Clearinghouse on Family Violence www.hc-sc.gc.ca/hppb/familyviolence/family.htm

Centre for Restorative Justice <http://www.sfu.ca/crj/>

The Centre for Restorative Justice at Simon Fraser University provides a focal point for faculty, students and members of the community to explore a broad range of restorative justice issues. The Centre maintains facilities, materials, services, personnel and other resources dedicated to the study, teaching and practice of restorative justice.

USA

www.preventingcrime.org/

American Indian and Alaskan Native Affairs Desk www.ojp.usdoj.gov/aian

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New Zealand

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