



## COVER SHEET

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**Engaging Indigenous Communities:  
towards a policy framework for  
indigenous community justice programs**

Professor Neal Ryan  
School of Management, Queensland University of Technology

Professor Brian Head  
Centre for Ethics, Law, Justice and Governance, Griffith University

Dr Robyn Keast  
School of Management, Queensland University of Technology

Associate Professor Kerry Brown  
School of Management, Queensland University of Technology

## **INTRODUCTION**

Processes for community consultation and community engagement in public policy development, and program delivery, have become increasingly common and diverse. The purposes and operational features of consultation and engagement may differ widely across policy and program fields. In particular, this paper considers a policy field in which community involvement is more intensive and ongoing than in some other policy fields.

A special category of community engagement has emerged in some areas of social policy where previous (more conventional) attempts to resolve complex inter-related issues through regulatory controls have been unsuccessful. Several countries have attempted to introduce new 'community-based' approaches to address the impacts of social disadvantage and associated 'anti-social' behaviours that attract the attention of the criminal justice system. The new strategies are evident in programs to involve the 'community' in moving to take broader responsibility for social development and harm minimization. The role of government is to provide a high level of support and assistance

within a framework that allows local communities to increase their capacity for self-management of some program elements. This approach has been applied at a micro level in case-management, such as mechanisms to support and strengthen the capacity of families to cope with multiple problems. At a meso level, this approach has been applied to rebuilding the capacity of small neighbourhoods and localities to deal with the downward pressures of poverty, lack of skills, unemployment and crime (Reddel & Woolcock 2004).

Even more ambitiously, the model has recently been applied to addressing the special circumstances faced by indigenous peoples. In terms of social, economic and cultural domination, indigenous peoples have faced histories of disadvantage that are more complex, yet less visible, than the circumstances of other 'ethnic' groups. There have been several unsuccessful policy approaches over many decades to address these issues, along with many 'solutions' that gave priority to a particular policy instrument or domain (e.g. health, education, housing, employment, political representation, alcohol and drugs management). Each such partial approach has led decision-makers back to the interconnectedness of the problems, and the need for indigenous communities to be better supported and empowered to tackle issues in a holistic way that strengthens indigenous self-management. The sorry history of indigenous encounters with the criminal justice system provides a useful case study in policy innovation and experimentation, directed towards finding more holistic solutions, and where indigenous communities are not just 'consulted' but can begin to take a more substantial steering role in program design and implementation.

The focus of this paper is to identify the rationale and the main features of current models of community justice, and their particular application to indigenous communities, relating this discussion to the broader literature on the importance of community involvement in

tackling complex social issues. The paper then develops a framework for describing and assessing justice administration interventions, with the objective of uncovering some of the common practices and principles that might be used to develop a broader community justice policy framework in indigenous communities. The focus is on Australia, but parallels are also drawn with the experience in other countries.

Community justice has emerged as a major recent theme in the criminal justice system, as societies grapple with problems of high crime rates, recidivism and the social characteristics of offenders from particular ethnic or neighbourhood groups. Considering the high rates of incarceration of indigenous groups in Australia and elsewhere, it is not surprising that initiatives in community justice have had particular resonance for indigenous communities.

The problems experienced by indigenous Australians in their encounters with the criminal justice system have been well documented and widely discussed, and include a lack of attention to basic social justice issues, overrepresentation in the criminal justice system and a paternalistic approach to crime control programs and interventions (Hogg 2001; Edney 2002; Short 2003). The report of the Australian Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991) gave rise to over 300 major recommendations as to necessary improvements and guidance towards best practice. These recommended actions have been the basis for ongoing reporting by government agencies and have been the basis for policy changes and new initiatives in the areas of crime prevention and rehabilitation.

However, despite increased knowledge and action, indigenous people continue to be over-represented in the criminal justice system and underrepresented in terms of their direct involvement in program and intervention design and delivery. This phenomenon is not just

confined to Australia but affects indigenous people in many other countries including Canada (Roberts and Melchers 2003), New Zealand (Auckland Uniservices 1999), and the United States (Cohen 1985; Poupart 2002).

## **BACKGROUND : CRIMINOLOGY RESEARCH**

It was not until the 1960s and 1970s that the first comprehensive research and evaluation efforts were directed toward identifying ‘what works’ in reducing (indigenous) offending behaviour. By and large, this initial research concluded pessimistically that ‘nothing works’ (Martinson 1974). Later research, based on more rigorous designs and meta-analyses, challenged these views with evidence that properly targeted interventions could have positive impacts on trends in offending (Gendreau and Ross 1979, 1981). Faced with this new evidence, even Martinson, the major upholder of the pessimistic view, amended his position to conclude that some things do work under certain conditions (Martinson 1979). Gendreau and Ross (1981: 43) summarized the new findings:

There are no cure alls in corrections. Programs that ‘work’ with some offenders may fail or even have deleterious effects with any other offenders. Treatment outcome seems to depend not only on the nature of the program but also on the characteristics of the client, and the therapist and the quality of their relationship. It also depends on the setting in which it is provided and the nature of the post treatment environment. It all seems to depend on who does what to whom, where, when and for how long.

During the 1990s, international research concentrated on identifying the components of ‘good intervention’, so that effort was directed to locating the key elements of success in reducing recidivism (Andrews, Bonta and Hoge 1990; Lipsey 1992a, 1992b; Lab and Whitehead 1990; Ross and Fabiano 1985). In particular the work of Gendreau and Andrews (1990), Gendreau and Ross (1987), Lösel (1993, 1995), McGuire (1995) and others highlighted a number of ‘good practice principles’ that should underpin the design and delivery of program and services for offenders.

The inclusion of these factors has been consistently found to be key elements of successful service delivery for both juvenile and adult offenders across jurisdictions. This research identified the following principles:

- there was a need to address offending behaviour as well as supporting welfare needs,
- program integrity was paramount, as was the involvement of trained and committed staff and supportive institutions;
- program intervention must have appropriate design and content and be comprehensive, intensive and individualized as well as family and community focused and client inclusive;
- programs need to be intensive and with a behavioural focus. (Gendreau and Andrews 1990; Gendreau 1996)

However, despite the advancing knowledge and application of these principles, which provided a powerful and useful framework for working with offenders, the number of people involved as cases for the criminal justice system continued to increase, with indigenous people disproportionately represented in prison populations (Howells *et al.*, 2000; Miers 2001; Johnson 2003). It was argued that this failure arose primarily from the

fact that mainstream interventions were not responsive to the needs and aspirations of indigenous people (Hazelhurst 1985; Melton, 1999; Clear and Karp 2000). Limited attendance to the social justice needs of these groups was also frequently cited as the primary contributing factor (Native Counselling Services Alberta 1990; Dodson 1993; Aboriginal and Torres Strait Islander Social Justice Commission 2002; Behrendt 2003).

In Australia, the report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991) was instrumental in changing the focus of the debate on indigenous criminology from one of pathology and paternalism to a social justice perspective:

Social justice means being entitled to the same rights and services as other citizens. These rights have been difficult to achieve for Aboriginal and Torres Strait Islander people **because of a history or government [????]** and colonial racism. Non-Aboriginal Australia has developed on the racist assumption of an ingrained sense of superiority – that it knows best what is good for Aboriginal people.

The traditional development and design of programs based on adversarial justice, linear thinking, strict adherence to assigned methods and regimented implementation does not transfer well to practice within an indigenous context. Such a view is widely endorsed by indigenous people in Australia and New Zealand. Indeed, debate in New Zealand relating to the rehabilitation of Maori offenders (New Zealand Ministry of Justice 2004) illustrates the potential for clashes of culture and ideology in ill-considered (ritual) combination of western rehabilitation principles with indigenous culture and values. The Auckland Uniservices report (1999) on Maori correctional programs actively rejected the imposition

of the western model on the grounds that it failed to recognise the 'Maori world view'. Similar to O'Malley (1996) it contends that the western model of corrections is 'positivistic' and fails to capture the inherent complexity of indigenous life. While such a position remains open to debate (Hazelhurst 1994; Hodgson and Heckbert 1999), it clearly reveals the failure of the western system to adequately engage and partner with indigenous communities to produce any sense of 'ownership' and control of programs.

In these countries, the growing calls for change arising from research findings and practice review provided the impetus to enable a shift from mainstream notions of criminality and punishment to models characterized by community justice.

### **COMMUNITY JUSTICE MODEL**

In exercising conventional formal control, mainstream justice systems have acted as a negative force impacting on indigenous community strength and cohesion. It is widely recognized that the historical experience of contact with missions and reserve administration and mainstream legal practices has led to a disruption and undermining of customary law in most indigenous communities (O'Malley 1996). Despite this disruption, there remain strong claims that elder authority and culturally based/embedded practices can and are being used to make a significant difference to community administration of law and order and social control (ATSIC 1999). New ways of thinking about indigenous community justice incorporate customary law and solutions emerging from the community into revised approaches and practices for prevention and for offender treatment.

The community justice model encourages self-growth and community healing:

Under community justice, offender accountability for crime remains a vital element, but it is set in the context of repairing the damage to both victims and the community. Embracing the idea of the community is a profound shift because it changes the focus of justice from what is to be done about the offender to what is to be done about the places in which they reside and work. (Clear and Karp 2000: 22)

Community justice relies on a shift from the adversarial offender-centric approach to one that acknowledges that offending is a community issue and as such requires a collective response. It is underpinned by two interrelated notions that are deeply embedded in indigenous culture – problem-solving together with a community orientation (O'Connor 1997; Halzelhurst 1994). Under this model, the community is at the forefront of problem-solving and of mediating the reintegration and reparation of the offender. However, the state still retains ultimate responsibility while allowing the community the ability to respond flexibly in a culturally appropriate manner at the local level.

Community justice therefore brings together three major intervention themes:

- restorative justice,
- prevention and early intervention, and
- community strengthening and self-determination.

*Restorative justice* is a term or concept that refers to the emergence of a range of informal justice practices designed to require offenders to take responsibility for their unlawful activity and to meet the needs of victims and communities for redress (Miers 2001; Braithwaite 1992a, 1992b; Roche 2003). In this way it seeks to begin to restore the

relationship between offenders, victims and communities (Bazemore 1998; Bazemore and Umbreit 1994; Brown and Polk 1996). Restorative justice emphasizes the repair of harm resulting from the crime, including harm to relationships both between individuals and within the community (Wundersitz 1997; O'Connor 1997; Strang 2001; Schmid 2003). It may have particular value in repairing the harm endemic in unequal societies (Daly 2000).

The intention of *prevention and early intervention* initiatives is to prevent those persons who have not already begun to offend from entering the criminal justice system. The concept of crime prevention derives largely from the public health model of disease prevention. That is, analysts endeavour to develop broad preventative behaviours and processes in the community rather than react to criminal activities (Lab 1992). The advocates of social crime prevention strategies emphasize principles of social justice and the potential for interventions to prevent the escalating social/human and economic costs of crime (National Crime Prevention Strategy 1999). Much of the focus is on youth and juvenile justice, as well as broader social and educational strategies (Bazemore 2001, White 2003).

The third element of the community justice model is the belief that *communities should be self-determining* and responsive to their own particular issues and situations (White 2004). That is, communities should be an integral part of the decision-making process and represent a legitimate authority in the community justice system.

This is a view that appears to be widely endorsed by the indigenous communities not only in Australia but also in New Zealand (Auckland Uniservices 1999); Canada (Makela 1998; La Prairie 1999a, 1999b; Buller 2001; Haslip 2002; Nielsen 2003); and the USA (Archambeault 2003; Poupart 2002; Reed 1990; Wilkins and Pichotte 2003).

Jonas (1999) sees the self-determination principle as the most relevant to programs in corrections:

In relation to the correctional systems of Australia it [the self-determination principle] is about moving from correctional programs designed for Indigenous people, to programs designed and informed by Indigenous people (Jonas 1999: 6).

The following section provides some empirical understanding of the way that models of community justice have been applied to indigenous communities in Australia. These cases provide a means of testing the components of community justice that might be common to a broader policy framework.

## **CASE STUDIES IN COMMUNITY JUSTICE**

Following from the development of the conceptual models of community justice, a suite of initiatives has emerged and has been operationalized across a range of settings and jurisdictions. While underpinned by similar assumptions, the form and structure of these initiatives vary widely according to the particular needs of communities, the imperatives of government and the legal, social and economic drivers and the selection of intervention vehicles to redress systemic problems.

### *Community Strengthening Models*

The first group of initiatives revolves around utilizing the notion of community and associated communal ties and norms as a basis for establishing culturally appropriate

sanctions and pro-social reinforcements. In this context, community is considered a key location for indigenous problem-solving and social control (Blackman and Clarke 1991; Wakeling *et al.*, 2001). Initiatives that involve whole-of-community are premised on capturing and reinforcing community ideals. These community-centric models put the focus on the community as the legitimate site of intervention and draw on participation, inclusion and self-determination as guiding principles and ideals. Building on and intertwined with these ideals have emerged initiatives such as community policing, community courts (Marchetti and Daly 2004; Harris 2004), circle sentencing (Potas *et al.*, 2003; Aboriginal Justice Advisory Council 2000), community conferencing (Cunneen 1997a), outstations and Local Justice Initiatives. We will outline examples in three of these areas below.

### *Community Policing*

Previous models of policing, based on the adversarial approach, have tended to isolate police from the community and hindered crime control efforts (Blagg, 1995; Wakeling *et al.*, 2001). There has also been identified a growing need for more pro-active rather than reactive methods of policing (Hazelhurst 1985; Wakeling *et al.*, 2001). Community policing programs or, as Blagg (1997: 47) has termed, “indigenous self-policing”, are efforts to improve relations between police and the community and jointly sponsor preventative action. In this way, community policing seeks to relocate police back within the fabric of the community. Under this model, police services can work with communities to prevent problems from occurring, or when they do, to respond more appropriately (Clear and Karp 2000; Community Policing Consortium, n.d.).

In the Australian context, some interesting examples of indigenous self-policing have been introduced in Western Australia, Queensland and the Northern Territory. Although

community policing has had a predominantly youth focus (Hazelhurst 1985), it has been pointed out by Blagg (1995: 1) that the “ further north one travels, the less is the focus on youth and the greater the emphasis on adult behaviour”.

Where self-policing has emerged, it has been pursued as much for a range of perceived social problems, such as solvent abuse (sniffing), alcohol abuse, truancy and loitering, as for criminal behaviour. As exemplars of this model, Harding (1997) cites the Narrogin street patrol program that takes home young people found on the streets after 9.30 pm and the Mirriwong patrol in Kununurra that checks on the subsequent school attendance of those young people taken home on the previous the night. Using data collected over three years on Western Australian self-policing initiatives Harding (1997) highlights the positive impacts of this approach.

### *Night Patrols*

Night patrols are one of the programs that operate under the indigenous policing mode, though with meagre resources (RCIADIC 1991: vol 4, ch 29.2). Night patrols have reduced juvenile crime rates, enhanced public perceptions of safety, minimised harm associated with alcohol misuse and encouraged Aboriginal leadership, as outlined in the example from the Northern Territory in the Table below.

<b>Julalikari Night Patrol</b>	
Intervention focus	Community strengthening and prevention/early intervention (diversion)
Programmatic Components	<ul style="list-style-type: none"> <li>• Community meetings to shame offenders the day after the patrol</li> <li>• Establishment of community rules about successful</li> </ul>

	behaviour <ul style="list-style-type: none"> <li>• Sobering up shelters operating in conjunction with patrol</li> </ul>
Outcomes	<ul style="list-style-type: none"> <li>• Protective custody figures halved in 2 years and alcohol related crime reduced by 43 %</li> </ul>
Learning/s Limitations	<ul style="list-style-type: none"> <li>• Problems associated with night patrols include the low level of funding (e.g. in NSW the funding notionally provided for 4 patrols was barely enough to fund one)</li> </ul>
Source	Cunneen 1997b

**[not sure which Cunneen article you mean...there are two in the References, 1997a and 1997b; I've read the first, so it's possibly the second one, but this is the one I couldn't get from the website which says not available...; website ref should be dropped?]**

This type of initiative, although clearly of benefit, is not without its problems, particularly with respect to gaining resources – both human and material – to operate effectively (Cunneen 1997b). On this, Blagg (1995: 87) noted that “the majority of patrols have so far led only a hand-to-mouth existence”. He goes on to identify other success inhibitors including “... a real danger that, given the present high ‘burn-out’ rate and the consequent high turnover rate of patrollers, some areas may quickly exhaust the available pool of Aboriginal volunteers”.

Another concern is the potential for the night patrols to become too closely linked to the formal justice system and lose their primary prevention emphasis. That is, they run the risk of becoming another level of formal intervention and net-widening for the mainstream system (Cohen 1985).

### *Outstations/Homelands*

During the 1970s and continuing to the present time, many Aboriginal people began using their traditional homelands as alternative venues to escape the pressures of life in townships. At these homelands or 'outstations', attention is focused on cultural activities, following a more traditional life style and the strengthening of personal and family relations (Turgeon 1999; RCIADIC 1991: vol 2, ch 19). A key feature of the homeland or outstation movement is the absence of alcohol (Martin 2002), that is, the communities are 'dry'. The combination of culture, tradition, isolation and the absence of alcohol provided the potential for extended purposes of outstations to include diversionary or alternative sentencing options, including alternative custodial sentences.

In this way, outstations became another important initiative that some local communities could use to help overcome crime in their area. For this purpose Local Justice Groups are empowered to recommend to the court the imposition of 'outstation orders'. Such orders provide for the offender to remain out of the community at an outstation under a supervised diversionary program of activity as an alternative to prison or to comply with a community-based option. In many cases the Justice Group Coordinator or another approved member is appointed as an Honorary Community Correctional Officer in order to fulfil the supervision requirement.

Although not formally evaluated other than from a health perspective (e.g. McDermott *et al.*, 1998), outstations have a strong intuitive appeal as correctional interventions and are widely viewed as positive, community-based diversion options or as alternatives to custody. In this context they are considered a means for removing young people and others from the influences and circumstances in the community that may lead

to offending or re-offending. Further, they provide an opportunity for elders and community members to conduct intensive cultural, recreational and educational and in some locations employment training. The additional advantage of outstations is that, although removed from society, they nevertheless enable members to stay close to their family.

In the early 2000s, the Queensland Department of Corrective Services managed, under contract, four Community Correctional Centres in the north of the state as diversion from secure custody options for Aboriginal and Torres Strait Islander prisoners (Ringrose 2001). However, two of these centres have been closed due to difficulties in securing a consistent client base and the associated high costs of contracted placement arrangements. The perception by prisoners that these facilities are more restrictive than prisons has been attributed to poor rate of 'take-up' of the community placement/outstation option (Turgeon 1999).

The pressures that managing the service contract of outstations as well as attending to many other issues relating to community management, including health, housing and other social problems were also identified as contributing to the lack of 'take-up' for this initiative. In view of this Turgeon (1999) identified the need for government, through the department of Corrective Services, to work with communities to support and build their capacity to adequately run such facilities to the standard required by the department.

### *Community Justice Groups*

Since the early 1990s and the increased emphasis placed on securing new modes of governance and local justice brought about by the Royal Commission report and the Report of the Queensland Legislative Review Committee in 1991, there have been several

initiatives in community justice in indigenous communities in Queensland. Some initial examples include the establishment of the Aboriginal Law Council at Aurukun, which was empowered to regulate alcohol use within the Aurukun community, and the establishment of an Elders Justice Network across Cape York, which aimed to promote culture and healing programs in North Queensland correctional facilities. Of these early initiatives however, it has been the community justice groups that have gone on to provide the cornerstone of indigenous justice in Queensland and have themselves been the initiator of other interventions (Bimrose and Adams 1995; Blagg and Valuri 2004; Limerick 2002).

The Queensland community justice group concept and early models at Kowanyama (Chantrill 1997), Pormpuraaw and Palm Island, emerged from the community consultations undertaken by the Yalga-binbi Institute for Community Development, sponsored by the Queensland Corrective Services Commission to explore the opportunities for local justice administration in the Cape York communities. The general principles guiding the consultation strategy were influenced by the Blackman and Clarke (1991) study of Aboriginal attitudes to Corrective Services practices in Far North Queensland in which the authors/consultants advocated the principles of community participation and local knowledge of law and justice issues. Thus, the preventative framework would need to draw on local Aboriginal conceptions of authority and behaviour control as a viable approach for local justice administration (Queensland Corrective Services Commission 1990-1992; Keast 1990; Chantrill 1999).

In response to these findings the Corrective Services Commission funded the establishment of Community Justice Groups at Kowanyama and Palm Island and later, in 1995, a similar initiative was established at Pormpuraaw. The aim of the model is to provide Aboriginal people with a mechanism for dealing with problems of justice and social control consistent

with Aboriginal law and customary practices as well as utilizing aspects of the Anglo-Australian legal system. The Justice groups have no statutory authority. Instead, kinship position and personal respect provide the basis on which authority is derived. Traditional structures and cultural principles are used to develop and apply community specific systems of justice and social control. The Community Justice groups were involved in a wide range of activities including family-related dispute settlement, crime prevention and community development projects, providing information to the judiciary, community corrections boards and other government decision-making bodies. In line with the broad community justice ideal, the scope and direction of these activities were determined by the membership of the groups.

The community justice groups had an almost immediate impact on the communities with early reviews and evaluations very positive, finding that they had reduced family disputes, reduced level of violence in communities, increased community self-esteem and contributed significantly to a reduction in crime and breaches of correctional orders, particularly for juvenile offenders (Bimrose and Adams 1995; Chantrill 1999). Other positive outcomes attributed to the model include more effective government service delivery and savings in time and money. Perceived negative outcomes include: harsher punishments, potential drain on community resources; acting without statutory authority and a lack of indemnity for members. In recognition of the innovation and effectiveness of the Community Justice Group Program, it won the silver medal at the 1994 National Crime Prevention Award (Community Initiatives Stream).

<b>Community Justice Groups</b>	
Intervention focus	Principally community-strengthening, but contains elements of restorative justice and prevention/early intervention
Programmatic Components	<ul style="list-style-type: none"> <li>▪ Strong community development</li> <li>▪ Self-governance/self-determination</li> <li>▪ Community strengthening</li> <li>▪ Community capacity</li> </ul> <p>Family-related dispute settlement, crime prevention and community development projects, providing information to the judiciary, community corrections boards and other government decision-making bodies.</p>
Outcomes	<ul style="list-style-type: none"> <li>• Reduced offending (stealing, receiving)</li> <li>• Reduction in juvenile crime rate and court appearances</li> <li>• Reduction in breaches of community correctional orders</li> <li>• Diversion of young people from the criminal justice system,</li> <li>• sanctioning anti-social behaviour, resolving family disputes and reducing the level of personal and property crime in these remote communities. Police statistics supported many of these findings.</li> </ul>
Learnings	<ul style="list-style-type: none"> <li>• Takes time to establish</li> <li>• Adequate resourcing</li> <li>• Capacity building both for community and government</li> </ul>

	<ul style="list-style-type: none"> <li>• Responsibilities can overload members</li> <li>• Legitimacy and commitment must be apparent and ongoing</li> <li>• Community planning essential</li> </ul>
Source	Chantrill (1999); Bimrose and Adams (1995); Aboriginal and Torres Strait Islander Social Justice Commissioner, 2003.

### *Local Justice Initiatives*

In view of the apparent success of the community justice group model, the Queensland government made funding available from 1996 through the Local Justice Initiatives Program administered by the Aboriginal and Torres Strait Islander portfolio. The goal of the Local Justice Initiatives Program (consistent with RCIADIC recommendations), operated through the Department of Aboriginal and Torres Strait Islander Policy Development (DATSIPD), is to reduce Aboriginal and Islander over-representation in the criminal justice system in Queensland. Through the program, indigenous communities and organizations are allocated funding to develop strategies at the local level suitable to their particular needs. The program aims to be flexible and encourages the development of innovative community-based diversionary and interventionist alternatives to arrest, custody and recidivism, with particular emphasis on addressing underlying issues relating to offending and anti-social behaviour.

The community justice groups and the local justice initiatives have continued to be a core element of this program and are widely considered to have had significant success in indigenous communities throughout Queensland. As Kristiansen and Irving (2001) note of the Coen Local Justice Group and presumably of others: “The Community Justice Group Framework is an example of a community structure wholly developed and sustained by

community membership and participation, specifically focused on restoring cultural strength to the criminal justice processes taking place in the community”.

Chantrill (1999) notes, however, that key aspects of the pioneering community justice groups (Palm Island, Kowanyama and Pormpuraaw), namely the strong community development and planning endowed by the involvement of the Yalga-binbi Institute for Community Development, may not be present in the Local Justice Initiatives. He goes on to point out that the program guidelines for the Local Justice Initiatives program do not contain a statement of an approach to community planning and facilitation along the lines of that employed at the pilot communities by the Yalga-binbi Institute.

More recent reviews and evaluations have been undertaken in relation to the Local Justice Initiatives, however these remain internal departmental documents and therefore unavailable for external review and analysis. The Queensland Department of Aboriginal and Torres Strait Islander Policy Development has commenced a review of current Local Justice Initiatives with a view to providing insights into efficacy of these initiatives. However, the latter review is primarily at the level of cost/benefit analysis of program inputs and service provision and does not examine causal linkages between the program and offending outcomes. This area remains an empirically untested component of the initiatives and points to the need to develop more sophisticated and rigorous evaluation processes and measures.

## **CONCLUSIONS**

This analysis of Queensland examples, in the wider context of indigenous community-based approaches, suggests the following elements as core requirements for greater success

in indigenous correctional rehabilitation and reduction in initial offending and re-offending:

- community-centric self-determination;
- cultural specific and community specific;
- social justice and equality;
- holistic and integrated whole-of-government and community;
- involvement of indigenous people in design, delivery;
- program design should be relatively intensive and flexible; and
- empowerment of local communities to identify their own problems and develop appropriate responses.

Overall, it has been found that there are two significant sites in which the justice system interacts with indigenous people – the community itself and correctional settings. These establish the key targets for prevention and intervention strategies. The central focus has shifted from adversarial, paternalistic, and court-based systems of justice to a greater emphasis on community justice. Policy prescriptions for this community justice approach centre on establishing mechanisms for self-determination, community empowerment, cultural match and a genuine partnership approach to problem identification and resolution.

In the correctional environment, indigenous intervention requirements have been found to require a rehabilitation focus that shares some basic similarities with the needs of non-indigenous offenders. However, the evidence suggests that as well as a standard requirement for highly structured programs that are based on a strong program logic, clear theoretical assumptions and program integrity (Gendreau 1996), there is also a need to seek cultural match, that is, practice-based examples reflecting indigenous life experiences

couched in indigenous language; and the use of indigenous designers and instructors. The nurturing and maintenance of strong linkages to the community has also been found to be a critical success factor (Howells et al., 2000). Correctional programs that are successful are not conducted in isolation from community involvement, but build strong links to the community and draw on the support, guidance and expertise of this group (Antiss 2003).

The findings from this survey of programs in the community justice arena demonstrate that the critical success factors for effective interventions centre on tailored programs to meet their needs. This is most likely to happen where indigenous communities have been given the power and authority to design, implement and administer these programs according to cultural and community requirements. The other key issue is adequate funding with a long-term perspective. Research may be required to assess the effectiveness of community-based approaches where the relevant 'community' for indigenous people is dispersed or poorly resourced for undertaking the supportive tasks envisaged by the programs.

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