

Healing and Rehabilitation Delivers Justice Without Bars

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Acknowledgement of Traditional Owners

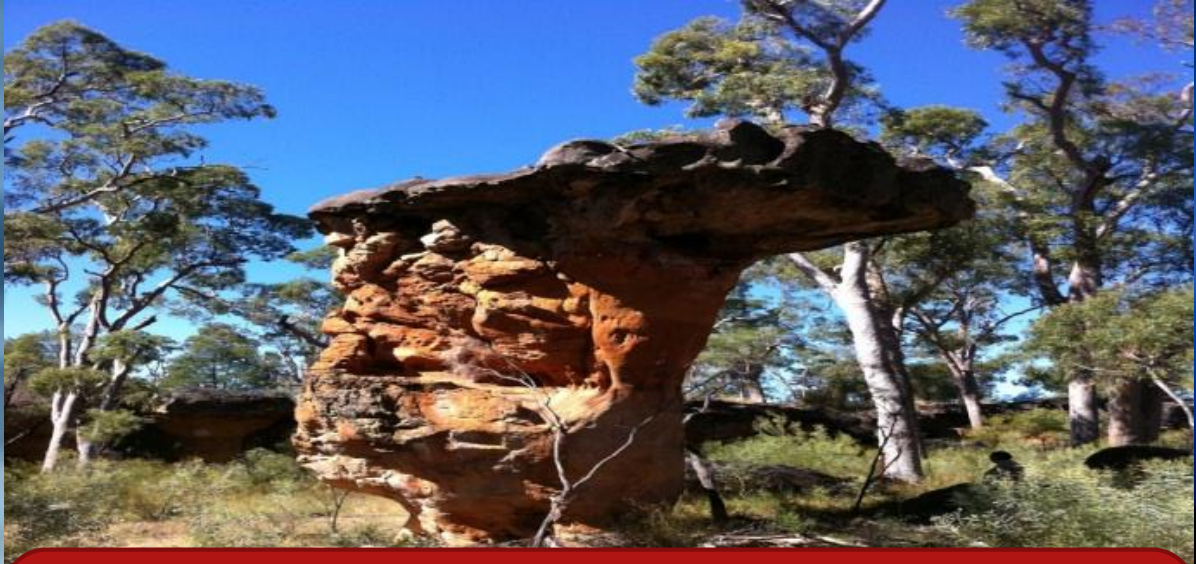
I respectfully acknowledge the Turrabul and Yuggera People,
the Traditional Custodians of this country where we live and work.

I pay my respects to Elders past, present and emerging.



I support the HJCS model because it strengthens Aboriginal communities and helps our people to take charge of their own destiny.

- Keelen Mailman
Chair, Bidjara Traditional Owners and
2016 Australian Mother of the Year



**'Lost City', Mt. Tabor Station
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Mick Gooda
Eminent First Nations Leader

Jackie Huggins, Debbie Kilroy and I support the HJCs model. It empowers First Nations people to build stronger families & communities & reduces imprisonment



Keith Hamburger AM
Chair Holistic Justice & Community Services Pty Ltd

Debbie Kilroy OAM
Sisters Inside



Dr Jackie Huggins AM
FAHA Co Chair
National Congress of Australia's First Peoples

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We all know three things:

1. **First Nations children are grossly over represented in the child protection and juvenile justice systems as are First Nations adults in prisons;**
2. **Most of these young people and adults come from deprived, poverty-stricken circumstances, are suffering inter-generational trauma and trauma from neglect and abuse; and**
3. **This is a human tragedy of immense proportions that IMPRISONMENT OF CHILDREN AND ADULTS WILL NOT SOLVE.**

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QLD's adult prison population increased by 90% 2006 – 2016 and is still rising. Many of these offenders were once abused and neglected children.

Current statistics of abused and neglected children show that a tsunami of adult offending will be unleashed on the Qld community over the next decade.

This dreadful social and economic crisis of immense proportions **REQUIRES POLICY CHANGE NOW** so First Nations and other disadvantaged families, communities, government, non-government agencies and professionals can deliver an operational holistic response to deal with it.

WE MUST ACT NOW TO INTRODUCE A BETTER WAY



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Jails have a PUBLIC SAFETY benefit but they mostly FAIL TO DETER CRIME AND REHABILITATE PEOPLE – note recidivism rates – because there is systemic failure across the criminal justice and social systems that:

- ❑ Disempowers First Nation and lower socio-economic communities from dealing with their circumstances;
- ❑ Is blind to cultural imperatives; and
- ❑ Entrenches non – holistic responses to social breakdown and crime.

PEOPLE WHO WORK IN JAILS, MAGISTRATES AND POLICE, FAMILIES AND COMMUNITIES AND EMINENT FIRST NATION PEOPLE ACROSS AUSTRALIA KNOW THIS.

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The systemic failures just referred to include:

- ❑ 30% of prison cells occupied by people past their parole date or breached parole, many for technical reasons (over 2,000 cells);
- ❑ Many remand prisoners held in secure custody due to lack of 24/7 supervised community custody options with therapeutic programs for Courts to utilise in lieu of imprisonment;
- ❑ Lack of 24/7 supervised community custody option with therapeutic programs for short term offenders for Courts to utilise in lieu of imprisonment – creates a very costly '*churn*' factor in and impedes rehabilitation;
- ❑ Culturally inappropriate approach to First Peoples offending; and
- ❑ Unacceptably high recidivism rates, particularly for First Nations people.

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Working with Keelen Mailman and the Bidjara people we have a plan for a First Nations owned holistic approach to overcome these systemic failures that will:

- ❑ In the first 3 years will result in 1,000 less First Nations offenders in the prisons daily state, reduce recidivism and make communities safer;
- ❑ Create jobs for First Nations people in rural towns and *on country* to assist in breaking the poverty cycle, thus strengthening families and communities;
- ❑ Create large savings for the QLD's budget (reduce cells and operational costs);
- ❑ Reduce school truancy and reduce juvenile crime; and
- ❑ Make sustainable use of Traditional Lands across Qld – economic independence.

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Most offenders come from disadvantaged families and communities and will return there on release from detention.

Despite best efforts of juvenile detention & adult corrections to rehabilitate and train & best efforts of offenders to change behaviour, all this can be thwarted when they return to the same social and economic circumstances.

Therefore, work with offenders must be supported by work with their families and communities to address disadvantage and the causes of offending, and to build social capital to support offenders to make pro-social choices and maintain a crime-free lifestyle – a HOLISTIC RESPONSE.

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A Holistic response cannot be delivered through the current silos of the criminal justice and human service delivery systems.

It must be led from the community up  within a top down  policy framework that legitimises a community based operational  approach.

That is, people in First Nations and lower socio economic communities are empowered and rewarded to lead a holistic suite of services to strengthen families, protect and nurture children, supervise and rehabilitate offenders and create enterprise to provide jobs to sustain the community - all within a culturally appropriate framework.

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How a holistic approach functions:

Empowering people and communities to respond to social dysfunction and crime requires:

- ❑ Capacity building & governance support – DON'T SET THEM UP TO FAIL;
- ❑ Devolving critical service delivery responsibility to community enterprises owned and staffed by local people under fee for service partnerships with government to deliver culturally appropriate holistic responses; and
- ❑ Profits from these enterprises being reinvested into social infrastructure in the community – JUSTICE REINVESTMENT;



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Desired outcomes:

- ❑ Enhanced self-efficacy in communities;
- ❑ Jobs in communities;
- ❑ Stronger families;
- ❑ Reduced poverty;
- ❑ Women & children safer with improved education outcomes;
- ❑ Reduced crime;
- ❑ Reduced incarceration; and
- ❑ Massive savings in government expenditure.

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Critical support elements:

□ Mentors (enablers):

To assist with IP, governance, strategising, training, facilitation & networking with government, business and wider community;

Reference: *Empowered Communities: Empowered Peoples DESIGN REPORT, Wunan Foundation Inc. 2015*



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Critical support elements - continued:

A COMMUNITY DEVELOPMENT MODEL founded in:

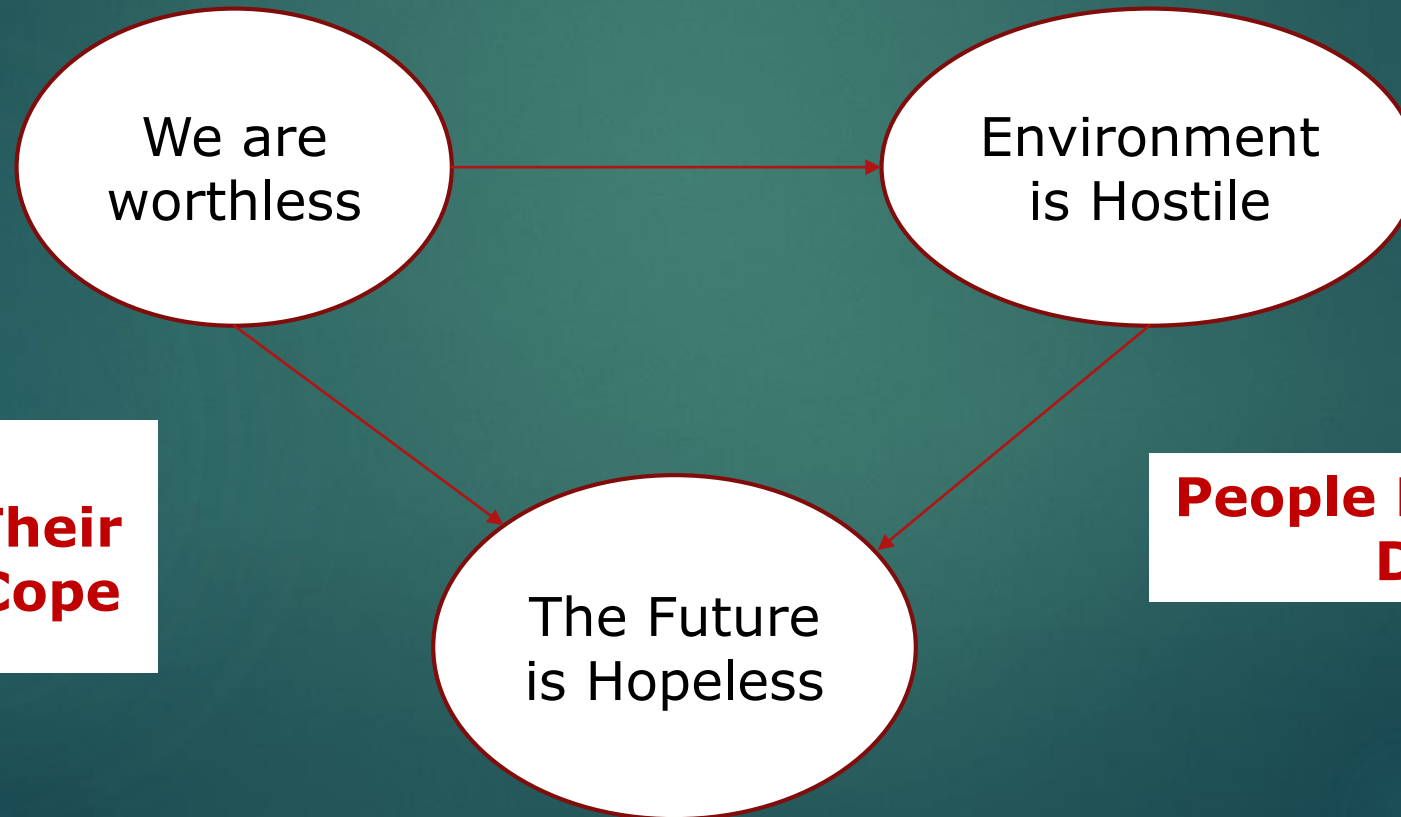
- ❑ **A Guiding Coalition of COMMUNITY CHAMPIONS; and**
- ❑ **COGNITIVE CHANGE interventions in a critical mass of residents to strengthen optimism and self – efficacy (FAST Track);**



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Critical support elements - continued:

Experience in working in communities that are depressed or in crisis in the UK & Australia is that a critical mass of residents feel:



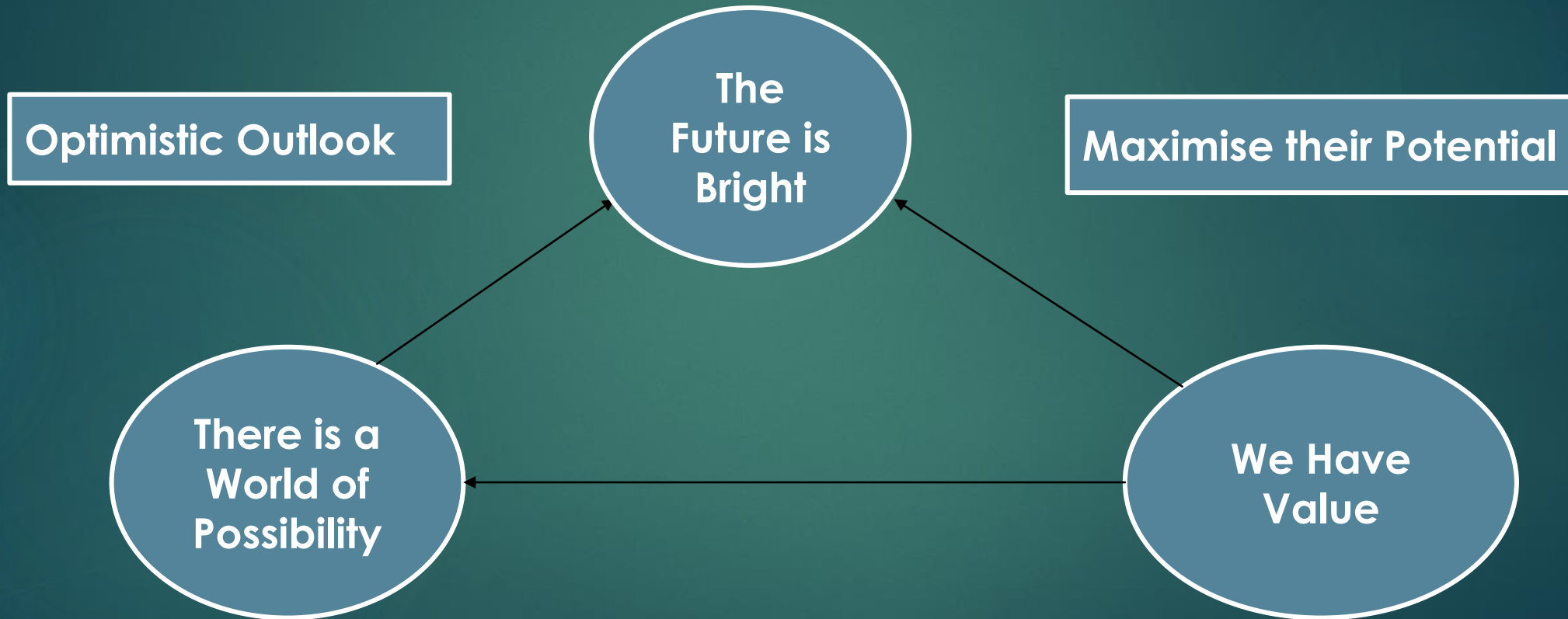
**People
Minimise Their
Ability to Cope**

**People Maximise the
Danger**

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Critical support elements - continued:

Alternatively in healthy communities a critical mass of Residents feel:



Critical support elements - continued:

A **BUSINESS PLAN** reflecting good local culture, values & aspirations to provide for Community owned **NOT FOR PROFIT** enterprises e.g. a network across QLD of *CHILD and FAMILY COMMUNITY HUBS (HUBS)* to lead and coordinate delivery of:

- ❑ Family Support and Strengthening Services;
- ❑ Education Services;
- ❑ Justice Services; and
- ❑ Other Services.

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The HUBS' Other Services:

- ❑ Housing Services;
- ❑ Aged Care;
- ❑ Rural Industries; and
- ❑ Tourism

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Business Plans for Community Hubs will be developed by First Nation people in Co-design with government and other stakeholders

The HUBS will be a vehicle for planning of activities across sectors, for parents, children and community members to plan, develop and be part of activities that are local, friendly welcoming, non-judgemental and engaging.

Available evidence confirms the benefits and positive outcomes from the HUBS integrated approach.

REFERENCES: *Setting the hubs humming, Brotherhood of St Laurance and Report of the NT Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007* and evidence for community hubs is found in local and international research and practice.



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The Co-design process will:

- ❑ Ensure understanding of the empowerment model and the change in role for existing providers to being either **CAPACITY BUILDERS** or **PARTNERS** with First Nations enterprises - **NO MORE DOING TO AND FOR!**
- ❑ Establish KPI's for the holistic response to family and community needs;
- ❑ Develop and cost the operational responses for the HUBS' business plan; and
- ❑ Establish fee for service partnerships with government and NGO's with associated governance requirements.

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The HUB's Business Model can be funded via:

- ❑ Fee for service partnerships with government where the HUB can deliver services more cost effectively than government e.g. Justice Services;
- ❑ Existing funding streams e.g. Special Assistance Schools;
- ❑ Re-designing arrangements with existing providers e.g. Family Strengthening, Housing, Aged Care Services; and
- ❑ Self generated revenue from enterprise e.g. Rural Industries and Tourism.

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Some data relating to HUB'S proposed Justice Services:

- ❑ QLD corrections cost per prisoner > \$330 per day and Juvenile Justice \$800 - \$1,500 per detainee per day;
- ❑ HUB's costs will be lower with reduced recidivism, less crime, stronger families and communities and huge reduction in Corrections and Juvenile Justice forward estimates costs for more cells;

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Key elements in our model:

- ❑ Divert offenders from Courts, who otherwise would have gone to prison, to 24/7 supervised Healing and Rehabilitation facilities operated by Community HUBS;
- ❑ They will be diverted via a Probation Order with a residency clause and include a follow up period of community mentoring - takes the short term offender churn factor out of prisons;
- ❑ Cultural healing programs for First Nation offenders;
- ❑ Criminogenic programs linked to family and community strengthening programs, including Special Assistance Schools;
- ❑ Training for employment

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Key elements in our model - continued:

- ❑ Accommodation model for adult and juvenile supervised community custody options is founded in small numbers in each facility, allows for individual personalised rehabilitation responses;
- ❑ There would be a significant number of facilities on Traditional Lands and in urban areas. No need for large prison precincts in the future – **SMALL HIGH SECURITY PRISONS FOR DANGEROUS LONG TERM OFFENDERS WOULD REPLACE EXISTING FAILED LARGE HIGH SECURITY PRISON COMPLEXES;**
- ❑ Role of Community Corrections would be enhanced to include a significant role in Capacity Building of First Nations people who will mentor offenders in the community;

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Key elements in our model - continued:

- An achievable target of 1,000 less First Nations adult prisoners in prison each day (say 4,000 less each year) over next 3 years and Juvenile Detention Centres (jails) ABOLISHED - replaced by 24/7 supervised cottage accommodation run as therapeutic communities;

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Key elements in our model - continued:

What is fundamental to the model is that:

People in First Nations and lower socio economic communities are empowered and rewarded to lead a holistic suite of services to strengthen families, protect and nurture children, supervise and rehabilitate offenders and create enterprise to provide jobs to sustain the community - all within a culturally appropriate framework;

NO MORE DOING THINGS TO AND FOR PEOPLE IN THESE CIRCUMSTANCES – PEOPLE IN GOVERNMENT, NGO'S, PEOPLE IN THIS ROOM WILL BE CAPACITY BUILDERS TO EMPOWER THEM, CREATE SELF EFFICACY TO STRENGTHEN THEIR OWN FAMILIES AND COMMUNITIES.

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Our approach draws on experience from:

- ❑ Northern Europe - world's lowest imprisonment rates - restorative justice model;
- ❑ First Nations Justice Reinvestment initiative, *Maranguka (caring for others)*, in Bourke - achieving wonderful outcomes;
- ❑ QLD Corrective Services experience during the 1990's - community custody options that reduced prisoner numbers and closed a high security prison; and
- ❑ Is in line with the Qld Productivity Commission's *reform proposal* in its 2017 SUMMARY REPORT - Service delivery in remote and discrete Aboriginal and Torres Strait Islander Communities; and
- ❑ Evidence for Child and Family Community hubs in local and international research and local practice.

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- ❑ Texas model- *right on crime* - overall crime rate reduced by 31 percent, putting it at levels that have not been seen since 1967. In that time, has closed eight prisons and lowered the incarceration rate.
- ❑ Justice Reinvestment in Cherbourg – Report on Initial Community Consultation, Fiona Allison April 2018.
- ❑ The approach creates jobs and infrastructure for First Nations people in delivering services to their communities in regional QLD which in itself contributes to family and community strengthening.

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In terms of a next step, what we wish to see is:

Understanding across the wider community that current approaches to crime, sentencing and imprisonment are not working - there is urgent need for a **BETTER WAY**.

Community understanding needs to be translated into government support for an enhanced policy framework legitimising a community based and empowered operational approach – as covered in this presentation.

There needs to be wide community consultation - in this contentious *law and order* area government must bring the community with it in proposing significant change.

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We suggest that the community consultation process should follow the methodology of the **QPC** in releasing issues papers, inviting submissions, hosting forums and developing options for government consideration.

Concurrent with community consultation, the business case for the Bidjara Pilot project should be finalised for Cabinet consideration so that in the event of positive outcomes from consultation it can be progressed quickly; and

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If community consultation is favourable, develop a Business Case for Cabinet consideration, to achieve over 3 years:

- ❑ A reduction of 1,000 First Nations people in the adult daily prison state with these people accommodated in 24/7 supervised Healing and Rehabilitation facilities; and
- ❑ Replacement of all existing Juvenile Detention facilities by a network of *Child and Family Community Hubs* across QLD with 24/7 supervised therapeutic community custody options and holistic community services as covered in this presentation.

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To Oversee the community consultation process and development of the business cases for the Bidjara Pilot Project and the 3 year plan to reduce prison daily states by 1,000 people and replace Juvenile Detention facilities:

Immediately establish a highly credible Steering Committee, Chaired by an eminent legal person (perhaps a retired Supreme Court Justice), that includes some eminent First Nations leaders, senior government officers, an eminent Health Professional and a Griffith University representative.

The Steering Committee would be supported by a small Task Force involving some government and non-government personnel.

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THANK YOU FOR THE OPORTUNITY TO PRESENT

QUESTIONS AND DISCUSSION

