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## Diversion programs for Indigenous women

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This paper presents a brief overview of the key diversion programs for Indigenous women currently in operation in Australia, with reference to relevant developments in New Zealand and Canada. It was prepared against the background of recent research on Indigenous women's offending patterns and their over-representation in the criminal justice system (see Bartels 2010), which included the following key findings:

- analysis of data from New South Wales, the Northern Territory and South Australia indicated that Indigenous women are between nine and 16 times more likely to offend than their non-Indigenous counterparts; this is a much greater over-representation than for men (8–10 times more likely);
- Indigenous women generally serve shorter sentences than their non-Indigenous counterparts, which suggests that Indigenous women are being imprisoned for more minor offences, especially public order offences; and
- Indigenous women are more likely than non-Indigenous women to be on remand.

According to the most recent data by the Australian Bureau of Statistics (ABS 2010), there were, on average, 663 full-time adult female Indigenous prisoners in Australia in the June 2010 quarter, comprising 30 percent of the full-time adult female prison population. By way of comparison, there were 6,984 adult male Indigenous prisoners, comprising 26 percent of the adult male prison population. Although the numbers of Indigenous women in prison are clearly much smaller than for their male counterparts, they are over-represented to a greater extent. The imprisonment rate for adult Indigenous women was 394 per 100,000, having risen by 14 percent from 346 in 2006, compared with 25 for the general adult female population. The rates for the Indigenous male and general male populations in the June 2010 quarter were 4,337 and 321 respectively (ABS 2010). Indigenous women are therefore 16 times more likely to be imprisoned than the general adult female population, compared with 14 times for Indigenous men.

It appears that very little has been written—and indeed done—on diversion in relation to Indigenous status and women; most of the literature focuses on one aspect or the other. For example, an examination published by the Australian Institute of Criminology (AIC) on the impact of pre-court diversion in the Northern Territory on juvenile offending provided a breakdown by gender and Indigenous status, but no breakdown on the basis of both (Cunningham 2007). In addition, where such programs exist, there is little evidence of their effectiveness and a lack of comprehensive independent evaluation. More must be done, therefore, to disseminate information about the programs currently in place and wherever possible, to evaluate such programs. Notwithstanding the

dearth of evaluative evidence demonstrating the efficacy of the diversion programs, the emerging evidence base, coupled with the overwhelming—and steadily rising—over-representation of Indigenous women in the prison population indicates there is a need for further development and funding of programs that can assist in diverting more Indigenous women from the prison system specifically and the criminal justice system more generally.

## Policy statements relating to the diversion of Indigenous women

Several jurisdictions have developed Indigenous justice policies which refer to the specific needs of Indigenous women and/or acknowledge the need for diversionary programs targeted at such women (eg NSW Aboriginal Justice Advisory Council 2003; NSW Department of Aboriginal Affairs 2003; Victorian Department of Justice 2006). By way of example, the Victorian Aboriginal Justice Agreement—Phase 2 recognised the following factors as relevant to Indigenous women:

- women's role as primary parent—criminal justice sanctions are likely to have more disruptive consequences and crime prevention responses need to take family and maternal responsibilities into account;
- women's greater degree of financial dependence upon their partners—this leaves them more vulnerable to victimisation. Interventions need to mitigate this risk;
- high rates of family violence experienced by Indigenous women—research indicates a clear relationship between being a victim of crime and perpetrating crime. Indigenous women are also over-represented as victims of crime;
- Indigenous women's experience of discrimination on basis of ethnicity and gender—their experience and perception of discrimination and gender needs to be considered in the formulation of crime prevention responses; and
- the disadvantage status of Indigenous women based on all key indicators—this population group has greater needs than most other groups, requiring 'more intensive and multi-dimensional services if there is to be an impact on their over-representation' (Victorian Department of Justice 2006: 19).

In addition, the National Indigenous Law and Justice Framework 2009–2015 (Standing Committee of Attorneys-General Working Group on Indigenous Justice 2010: 10) notes that

[a]ccess to and use of rehabilitative, preventative, and diversionary responses to criminal behaviour

provide vital opportunities to break the offending cycle. To be most effective, these responses should be gender specific and culturally relevant.

While such policies and statements are important in reinforcing the need for special attention to be given to Indigenous women, the specific provisions of such policies are not considered further in this paper; it focuses instead on the practical application of such policies, in the form of examples of diversion programs.

## Examples of diversion programs for Indigenous women

It was proposed in the Second National Indigenous Justice Forum November 2006 background paper, *Diversion: A Model for Reducing Indigenous Criminal Justice Over-representation* (Victorian Department of Justice & Jones cited in Australian Human Rights Commission 2008) that there are five points for diverting Indigenous people from the criminal justice system, namely:

- prior to first contact with the police (eg through primary prevention programs that reduce risk factors and increase protection, such as cultural strengthening activities);
- during contact with law enforcement (eg police cautioning instead of arrest; referral to appropriate community services);
- during court processing (eg bail support programs with relevant service linkages, such as Koori Court/ Circle Sentencing processes);
- after sentencing (eg community-based sentences with special conditions as an alternative to prison, offender rehabilitation programs in prisons and the community); and
- pre- and post-release (eg integrated pre-release transition and post-release support programs, including linkages to housing, health, employment and other essential services).

Examples of programs at each of these points are presented here, although it is acknowledged that not all of them are designed specifically for Indigenous women. Nor is there much information from which these programs can be critically evaluated.

### Prior to contact with police

There are a number of programs in place around Australia which seek to promote protective factors by improving health and education. Two examples, as cited by the Aboriginal and Torres Strait Islander Social Justice Commission (ATSISJC), which operated in Bunbury, Western Australia, were Strong Sisters, an

activity group for eight to 15 year old girls to increase their self-esteem and pride and the Young Mums group, which provided parenting support and education for young women in a safe, culturally appropriate environment. Both of these programs were part of the Aboriginal Healing Project, which was run through the Women's Health Policy and Project Unit of the Western Australian Department of Health from 2006 to 2008. By the end of 2007, over 500 women had participated in various projects and according to survey data, around 90 percent of participants felt the programs had taught them ways to self-nurture, protect their children and increase their safety (see ATSISJC 2007). Unfortunately, however, the funding for these projects was not renewed (D Cox personal communication 4 June 2010), highlighting the need for recurrent funding and program continuity.

The following programs are further examples relating to women who have some stated nexus with the criminal justice system.

### Family and Community Healing Program (SA)

The Family and Community Healing Program involves interrelated group activities for Indigenous women, men and youth built around community engagement. The focus of the program is to equip people with the skills for effective communication and conflict resolution. The program was formally evaluated in 2007–08 using participatory action research. Strengths of the program include an evidence-based design that recognised that Indigenous programs face significant challenges to effective implementation, such as suitable sectoral partnerships, inter-agency coordination, staff training and skills, funding, community politics, program elements which are predominantly reactive rather than proactive, staff safety concerns and staff 'burn out' (Kowanko et al. 2009). Other strengths were a holistic approach, which addressed social, cultural, spiritual, emotional and physical dimensions of wellbeing of the individual in the context of family and community, a clinical focus (including adult and child health assessment), peer support, mentoring and Indigenous cultural focus (Kowanko et al. 2009). Some of the findings from the evaluation were:

- clients reported increased self esteem, confidence and cultural connection. They also stated that the program equipped them with the skills and knowledge to move from a life of violence and to a journey of healing; and
- clients gained communication and conflict resolution skills through participation in the program, which enabled them to address the reasons for, and consequences of, family violence (see SCRGSP 2009).

It should be noted that this program was only funded for two years and no longer receives funding (C McGowan personal communication 20 August 2010).

### Healthy Lifestyles Program (Vic)

The Victorian Healthy Lifestyles Program came about because Aboriginal footballers and netballers, together with the local Koori community, created a local football and netball club. The club's major objective is to strengthen the spiritual and emotional wellbeing of its people, promote recreation and enhance public understanding of, and reconciliation with, Aboriginal culture. The club is a vehicle for addressing fundamental social issues, including health and employment, through the spirit of the sport. The Healthy Lifestyles Program promotes holistic health using local facilities and programs and sport as a vehicle to convey health messages. It also deals with youth issues, leadership and personal development, men's health, women's health, substance abuse, cultural awareness and fitness performance (Smith 2007).

### He Waka Tapu Wraparound program (New Zealand)

The He Waka Tapu Wraparound Program in New Zealand, which is supported by New Zealand Police, is a program for 12–16 year old female offenders of Maori or Pacifica descent who have a history of perpetrating violence and abuse. The aims of the program are to:

- improve life outcomes for youth accepted into the program by improving behaviour and attitudes;
- improve education outcomes for youth accepted into the program;
- improve coordination across agencies when dealing with youth (and their families); and
- reduce the rate of violent and general reoffending and/or the level of seriousness of offending by program participants.

Although an evaluation of 23 young Maori females who participated in the program between October 2004 and August 2005 did not demonstrate a reduction in offending and seriousness of offending, there were improvements with reintegration and access to education (Makwana 2007).

### Winnunga Centre (ACT)

A recent report by ACTCOSS and the Aboriginal Justice Centre (2008) on prevention, diversion and rehabilitation in Indigenous justice nominated a number of strategies currently in place in the Australian Capital Territory which seek to prevent Indigenous people from coming into contact with the criminal justice system. Of these, the only one that explicitly related to the needs of Indigenous women was the

Aboriginal Midwifery Access Program which provides antenatal and postnatal support to Indigenous mothers run by Winnunga Nimmityjah Aboriginal Health Service. Evaluation of the program found a high level of acceptance from the community, with improved access and earlier presentation for antenatal care and improved management of gestational diabetes (SCRGSP 2009). One of the program organisers advised that although the emphasis of the program is about health promotion, it also involves assisting families with any justice issues, for example, getting to community corrections appointments (D Howroyd personal communication 1 June 2010). Other services provided by Winnunga Nimmityjah include the Dental Health Program, Dual Diagnosis Program and Mental Health Service (ACTCOSS and the Aboriginal Justice Centre 2008).

### Yiriman Youth Project (Western Australia)

The Yiriman Youth Project is a project for young Aboriginal men and women. Yiriman activities incorporate back-to-country trips and projects that focus on youth at risk. The Yiriman Youth Project's main focus is building confidence through culture and working alongside young men and women aged between 14–30 years. The project was initiated by Aboriginal elders who were concerned that some of their young people had no jobs and no future and developed ideas about ways they could stop substance misuse, self-harm and suicide in their communities. The project promotes life skills and sustainable livelihoods through youth leadership, land management and community development. The various activities have reportedly been successful in getting youth out of urban areas and away from substance abuse and back onto traditional country (ATSISJC 2008).

### Law enforcement

There are a number of police diversion programs in place which are available to the general population, including Indigenous females (see AIHW 2008; Joudo 2008; Payne, Kwiatkowski & Wundersitz 2008). In 2008, the AIC published a report on criminal outcomes for police drug diversion programs (Payne, Kwiatkowski & Wundersitz 2008), which outlined the key demographic characteristics of the sample of diverted offenders (mostly in cannabis diversion schemes) in each jurisdiction.

Table 1 sets out participants' Indigenous status by gender and jurisdiction. As can be seen, the diversion of Indigenous females was particularly high for Western Australia, Tasmania and the Northern Territory as a proportion of all females diverted (19–27%). In all jurisdictions except the Northern Territory and Australian Capital Territory, Indigenous females



	n	Male		Female	
		% Indigenous	% non-Indigenous	% Indigenous	% non-Indigenous
NSW	11,020	6.6	93.4	12.3	87.7
Vic	1,278	0.8	99.2	1.9	98.1
Qld	470	7.4	92.6	7.5	92.5
SA	3,249	8.3	91.8	14.1	85.9
WA	1,244	8.7	91.3	18.6	81.4
Tas	195	11.3	88.7	21.1	79.0
NT	125	33.7	66.3	27.0	73.0
ACT	174	1.5	98.5	0.0	100.0

Source: Payne, Kwiatkowski & Wundersitz 2008

comprised a higher proportion of females diverted than did Indigenous males in their respective cohorts (see also O'Brien 2008 for data on South Australia). By way of comparison, the Overcoming Indigenous Disadvantage report (SCRGSP 2009) indicated that in the Northern Territory, a greater proportion of juvenile Indigenous females were diverted than males.

Allard et al. (2010) examined what processes were used to respond to offending by Indigenous and non-Indigenous young people and whether there was disparity based on Indigenous status; their findings indicated the following key differences in outcomes:

- a smaller proportion of Indigenous than non-Indigenous females who had had contact with the juvenile justice system had at least one caution (77% vs 89%);
- Indigenous females who were cautioned were more likely to be cautioned a greater number of times than non-Indigenous females. Conversely, a larger proportion of Indigenous females who had had contact with the criminal justice system had at least one finalised court appearance, compared with non-Indigenous females (49% vs 21%); and
- Indigenous females who had had a finalised court appearance had a larger number of finalised court appearances than non-Indigenous females.

## Court processing

In this section, information is presented on Indigenous women's participation in various court diversionary processes. This discussion does not purport to represent all diversionary processes in which such women participate; for example, in 2008, the South Australian Office of Crime Statistics and Research (OCSAR) reported that four Indigenous women had participated in the Port Lincoln Aboriginal Conference Pilot (Marshall 2008). Recent evaluations by OCSAR also indicate that Indigenous females accounted for seven out of 207 participants in the Court Assessment and Referral Drug Scheme (CARDS), compared with 18 males (ie 3% and 9% respectively; Harkin, Fletcher

& O'Brien 2007), while they accounted for one percent of all participants in the first three years of the South Australian Drug Court; Indigenous males comprised six percent of all participants (Skrzypiec 2006). These data should be interpreted in the context of the information about Indigenous women's involvement in the criminal justice system more generally, as set out in the beginning of this paper.

Overall, there is a dearth of information on Indigenous women's participation in diversion programs designed for Indigenous offenders, such as Indigenous sentencing courts. There is also little information on their participation in more generic diversion programs designed for the entire criminal justice community.

## Indigenous sentencing courts

The first Indigenous sentencing court, the Nunga Court in South Australia, was established in 1999. Currently, all Australian jurisdictions except Tasmania have some form of Indigenous sentencing court (see Marchetti 2009). However, there has been very little written about the needs of Indigenous women who appear before such courts; it appears no research has specifically focused on this issue (E Marchetti personal communication 7 June 2010).

According to information obtained on the ACT Ngambra Circle Sentencing Court (Madden 2007), between its commencement in May 2004 and September 2007, the cases of 32 offenders had been completed. Of these, five (16%) had been female; two were removed from the process due to unresolved drug addiction and one subsequently went to prison. By contrast, a recent study on the NSW Circle Sentencing Court indicated that women accounted for a much higher proportion of participants, at 40 out of 153 participants (26%).

Between January 2007 and December 2008, there were 166 adult females and 127 juvenile females who participated in the Queensland Murri Court, with females accounting for 26 percent of participants in the Youth Murri Court and 18 percent in the Adult

Murri Court. The proportion of females appearing before the Queensland Murri Courts was highest among those aged 10–16 (26%) and 31–35 (23%) years. Juvenile females (10–16 years at time of referral) accounted for 39 percent of all female referrals to Murri Court, compared with 29 percent for males (Morgan & Louis 2010). The evaluation provides a rare opportunity to understand the female participants, including information about their family and financial circumstances, substance abuse and health and wellbeing. The report also notes that in one location where the court operates, Mount Isa, Men's and Women's Groups are actively involved in the court process and there is a focus on integrating more traditional aspects of Indigenous culture and providing therapeutic support to offenders prior to sentencing.

### MERIT (NSW)/QMERIT (Queensland)

In addition to specific Indigenous sentencing courts, several jurisdictions have court diversion programs that are available to all offenders. The following information on the schemes currently operating in New South Wales and Queensland give a snapshot overview of their relevance to Indigenous women.

The NSW MERIT program is a court-based pre-sentence diversion scheme which aims to intervene in the cycle of drug use and crime. There have been a number of publications about the program which provide descriptive data on Indigenous women's participation in the program, namely:

- Indigenous females make up a higher proportion of MERIT referrals than non-Indigenous females (27% vs 20%); the figures for males were 73 and 80 percent respectively (Cain 2006);
- between July 2000 and October 2004, Indigenous females made up 4.5 percent of all participants; Indigenous males and non-Indigenous females made up 12 and 17 percent respectively (Cain 2006);
- 56 percent of Indigenous female participants had previously served time in prison, compared with 45 percent of non-Indigenous females (Cain 2006);

- while significantly more female non-Aboriginal women referred were accepted into MERIT, significantly fewer Aboriginal women referred were accepted (Cain 2006);
- female participants were more likely than men to identify as Indigenous (22% vs 13%; Martire & Larney 2009a); and
- one-third of Indigenous participants were female, compared with 19 percent of non-Aboriginal participants (Martire & Larney 2009b).

Unfortunately, a recent review on whether the program was meeting the needs of Indigenous participants (NSW Audit Office 2009) did not specifically consider issues relating to Indigenous women.

The Queensland QMERIT program is very similar to NSW MERIT and currently operates in two Magistrates Courts. Recent advice from the Queensland Department of Justice indicates that as at 26 May 2010, there had been only 11 Indigenous female referrals out of 1,125 (10%; compared with 22 males; 20%). It was suggested that for one of the locations, this low participation might be due to the fact that there is a Murri Court in operation nearby, while the other court does not seem to receive a high number of Indigenous offenders (S O'Neill personal communication 3 June 2010). Table 2 provides further information on Indigenous women's participation in QMERIT.

### After sentencing

Several examples of programs offered to Indigenous women in custody or on community corrections orders are detailed in this section. It should also be noted that there are programs such as the Kowhiritanga program offered by the New Zealand Department of Corrections (2010: np) which are 'designed to be responsive to Maori women'. There are also several programs, under the heading of Tikanga Maori programs, which use Maori philosophy, values, knowledge and practices to emphasise the relationship of the individual with their social and cultural environment. There is no information on women's participation in such programs.

**Table 2** Indigenous women's participation in QMERIT

	Indigenous females (n)	Indigenous females (%)	Total
Referrals	11	9.8	1,125
Eligibles	8	1.4	583
Current	1	2.1	48
Pending	2	22.2	9
Graduated	3	1.2	244
Complete not graduated	2	3.2	62
Breached	2	1.3	150
Withdrew	0	0.0	79
Ineligible	1	1.8	542

Source: Queensland Department of Justice unreported data 2010

## Balund-a (NSW)

Balund-a provides a residential diversionary program in northern New South Wales (Corrective Services NSW 2010). It commenced referrals of male offenders in June 2008 and female offenders in October 2009 (J Webber personal communication 25 Aug 2010). A working cattle farm on 700 hectares (Eastley 2009), it is a 'non-correctional centre residential facility' housing 'offender residents' (NSWDCS 2008: 4). The facility provides intervention programs for up to 55 men and women aged 18–35 years as a 'second chance' for those who might otherwise have gone to prison. There are no walls and residents participate in programs aimed at reducing reoffending. It was developed in consultation with the NSW Chief Magistrate's Office, together with local magistrates, and staff work with Indigenous Elders to provide cultural programs. The program aims to:

- target issues related to offending, such as anger management and family violence;
- deliver activities that boost educational and vocational skills;
- recognise and restore participants' cultural links with the land; and
- undertake activities that utilise the natural resources of the land (NSWDCS 2008).

It is suggested that by promoting community and personal responsibility and focusing on cultural education, the program gives residents respect, knowledge, pride and dignity in their culture. Offenders enter the program as a condition of a bail undertaking under s 11 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) and are subject to a two week assessment. If considered suitable, they enter the program for a minimum of six months. After completing the program, a pre-sentence report is prepared advising of the offender's progress and they return to court for sentencing (Judicial Officers Bulletin 2010).

There is no publicly available data about outcomes from this program but the program is currently the subject of an internal evaluation by Corrective Services NSW (J Webber personal communication 25 Aug 2010).

## Breaking the Cycle (Western Australia)

Although not specifically designed as a diversion program, the Breaking the Cycle art program at Bandyup Women's Prison specifically targeted Indigenous urban women (see Bartels & Gaffney forthcoming). The program was designed and delivered by Indigenous women in a culturally appropriate manner, in line with best practice (Goulding 2006). In so doing, it was acknowledged that Indigenous women tend not to access mainstream post-release support or education, while many justice-

based and non-government organisation re-entry programs are not specifically designed to address the needs of Indigenous women (Goulding 2006). In her evaluation of the program, Goulding (2006) found that it had been positively received by prison staff and participants. At the time of the report, only one woman had been released, so recidivism data and any potential impact of the program in this regard were unfortunately not available. Nevertheless, Goulding (2006) concluded that the program was a successful project in terms of retaining high attendance rates and enthusiasm among a disadvantaged socioeconomic and cultural group that traditionally does not seek out educational training within the prison environment.

In addition, consistent with best practice, the program was designed to enhance notions of self-determination and foster empowerment rather than dependency, emphasise strengths rather than deficiencies, foster family and community involvement, raise social competencies, develop marketable work skills, provide training opportunities and qualifications, establish relationships with mentors and emphasise the significance of Indigenous culture (Goulding 2006).

## Female Group/Female Relapse Prevention (Western Australia)

Female Group is a female offender program run at the Boronia Pre-release Centre for Women in Western Australia that aims to explore substance abuse issues and associated life problems. The program runs over 25 hours and although it is not Aboriginal-specific, the program is modified when dealing with Indigenous offenders. In 2003–04, Indigenous women accounted for 94 percent of participants and 88 percent of completions (Morgan & Motteram 2004). The Female Relapse Prevention program is a similar program which is also run at Bandyup Women's Prison in Western Australia. In 2003–04, Indigenous women accounted for 21 percent of participants and 83 percent of completions.

## Karrka Kirnti Aboriginal Women's Program (NSW)

The Karrka Kirnti Aboriginal Women's Program is a cultural camp for staff and female inmates operated by the NSW Department of Corrective Services in Brewarrina. The program runs for seven days and is highly structured. Some of the issues discussed during the program are colonial and post-colonial injustices, assimilation, stolen generations, racism, dreamtime myths and legends, and land rights and native title (Maurer 2004). The program also involves participants finding bush tucker food and every night they sit around the camp fire and talk about their feeling and what they learnt during the day. Maurer (2004: 27) did not cite any data but suggested the program had

succeeded in reducing reoffending for a number of Aboriginal women who have participated. It has given them the opportunity to reunite themselves with cultural beliefs and encouraged them to be proud of who they are.

### Koori Cognitive Skills Program (Victoria)

The Koori Cognitive Skills Program (CSP), which was adapted for women, was designed to help Koori prisoners strengthen their cognitive skills to reduce their risk of reoffending. The program is based on a mainstream program and consists of 30 two hour sessions. An independent evaluation of the program found that, overall, it seemed that the women were better than the men at applying the skills they were learning to real-life situations in their personal lives, although it was suggested that this might have been a location difference rather than a gender difference. The evaluation also found that a high level of skills acquisition was demonstrated, averaging 77 percent after 15 sessions and 100 percent at the twenty-ninth session. Some of the skills participants demonstrated included identifying and defining problems, anticipating consequences, making decisions, and self-management and conflict resolution. It was acknowledged, however, that the sample size was very small (n=5). In addition, the ratings were subjective and retrospectively recorded (Atkinson & Jones 2005).

### Okimaw Ohci Healing Lodge (Canada)

The Okimaw Ohci Healing Lodge (OOHL) is a 30 bed treatment centre for Canadian Indigenous women. It was opened in 1995, with the aim of assisting reintegration of offenders and decreasing recidivism through healing. Once admitted, each woman is assigned a case management team that works to create an individual Corrections Plan and Personal Healing Journey Plan, which delineates what she needs emotionally, physically and spiritually to heal. The women also engage in aspects of independent living by cooking, doing laundry, cleaning house and doing outdoor maintenance chores. The programs at OOHL help the women gain skills and begin the healing process. Services include education and vocational training, family programs, onsite programs for mothers and children, onsite day care, outdoor programs and Aboriginal-specific programs, such as language and teaching studies (CSC 2010). Follow-up studies on OOHL residents conducted by CSC 'have shown that the recidivism rate of offenders who were admitted to Okimaw Ohci Healing Lodge is low' (CSC 2010: np). As a result of the perceived success of OOHL, other healing lodges have been established in Canada. As noted in report by the ATSIJSJ, the lesson learned from OOHL is that 'when a culturally sensitive approach to working with offenders is

adopted, it has a beneficial impact, to both the prisoner and the community at large' (ATSIJSJ 2004: 62).

### Rekindling the Spirit (NSW)

The Rekindling the Spirit Program is an Indigenous owned and run initiative based at Lismore that provides a holistic healing service to Indigenous communities, families and individuals who have family violence and substance abuse issues, with an emphasis on behavioural change. Many of the participants are offenders, for whom participation in the program is a condition of their court order, but others have been referred by child protection services or refer themselves, so the program could also be regarded as a diversion option for women earlier in the criminal justice system or not involved in the system.

The usual program length for each client is 12 weeks, although it is often recommended that they stay on longer. The services provided for women and families include:

- women's group and retreat or camp;
- counselling, including couples counselling;
- crisis response;
- Aboriginal Alcoholics Anonymous; and
- advocacy and support (ATSIJSJ 2007).

Data analysed by the NSW Department of Corrective Services show that 97 percent of men and women who completed the program had not returned to custody after two years of completing the program, but unfortunately no further gender breakdown was provided (ATSIJSJ 2007).

### Rumbalara Women's Mentoring Program (Victoria)

The Rumbalara Women's Mentoring Program was established in 2002 as a pilot initiative to intervene in the cycle of reoffending by Indigenous women. The program provides women undertaking community-based orders (CBOs), including parole, with mentoring and support by Indigenous Elders and Respected Persons. The aims of the program include assisting Aboriginal women on CBOs to complete their orders successfully and ensuring the mentoring program provides a planned response to Aboriginal women on CBOs (Smith 2007).

A preliminary evaluation (Atkinson & Kerr 2003) found that strengths of the program included the positive approach and feedback of the project officer and mentors, as well as program participants. In addition, the Koori Court magistrate and the Aboriginal Justice Officer said they found the program valuable as a support mechanism. Limitations of the program included staff training and administrative issues and problems with its location, as well as a perceived lack



of organisation (Atkinson & Kerr 2003). The evaluation found the program budget had been effectively managed and that evidence of a reduction in offending for some of the participants represented savings to the community. Atkinson and Kerr (2003) concluded that the program was a valuable and supportive service, and that mentoring provided a meaningful level of intervention that was instrumental in reducing recidivism and diverting Koori women from the criminal justice system.

By 2005, of the 27 women who had taken part in the program, 19 had successfully completed the program, while a further five were still completing CBOs with the assistance of the program. These outcomes compared positively with a breach rate of 29 percent for CBOs generally in Victoria (SCRGSP 2007).

### **Spirit of a Warrior (Canada)**

The Spirit of a Warrior Program is a violence prevention program for Aboriginal women offenders in Canada. The program is based on cognitive-behavioural theory that targets attitudes, beliefs and behaviours related to violence and anger. The healing component of the program helps women explore their acts of violence and understand intergenerational issues of violence. Through the use of culturally sensitive intervention strategies, it aims to help women develop appropriate and healthy alternatives to violence (Bell & Flight 2006). An evaluation found that participants demonstrated significant improvements in the mental, emotional, physical and spiritual elements of healing. Interview results also reinforced these quantitative findings with all the facilitators reporting changes in participants' healing and the large majority of participants reporting changes in all four elements. Overall, Bell and Flight (2006: np) concluded that the preliminary evaluation results were extremely positive and encouraging, arguing that the 'results provide further evidence that correctional programs must be responsive to both gender and culture'.

### **Walking Together Program (NSW)**

In 2007–08, NSWDCS developed a specific domestic violence program for Indigenous women; known as the Walking Together Program, it emphasises protecting children and the need to speak out against violence. Participants are supervised by Community Offender Services at the Probation and Parole Service in Newtown and Redfern in Sydney. The program provides a 16 session intervention for Aboriginal female perpetrators of family violence, including strategies for reporting violence against children; and a 15 session intervention to assist offenders to control alcohol consumption related to violent and non-violent offending (ATSISJC 2007). Between October 2005 and February 2008, 51 women graduated from the program (Australian Prison Project 2010a).

## **Pre- and post-release**

The National Indigenous Drug and Alcohol Committee (2009: 10) recently commented on the need for programs and mainstream services that are inclusive of family, pregnant women and women with children which embrace Indigenous cultural specificity and ways to re-integrate into families and communities upon release from prison.

The following provide some examples of pre- and post-release programs for Indigenous women leaving custody.

### **Aboriginal Women with Dependent Children Leaving Prison Program (NSW)**

In November 2009, New South Wales announced a pilot project to provide greater support to Indigenous women with dependent children leaving prison. The Aboriginal Women with Dependent Children Leaving Prison Program will provide local accommodation to the women and their children for 12 months following their release from custody, as well as intensive support from Indigenous caseworkers regarding employment, counselling and drug and/or alcohol rehabilitation services. The caseworkers will also work with the children to provide necessary support (Burney 2009). The program is already operational and is funded for two years. It is managed by two Indigenous caseworkers, with a consultant engaged to conduct an evaluation throughout the program's progression. All participants in the program will be required to commit to a case plan/case management model with the Indigenous case managers (T French personal communication 9 March 2010).

### **Karinga Women's Release and Diversion Hostel (South Australia)**

In 2004, the South Australian Department of Correctional for Correctional Services established the Karinga Women's Release and Diversion Hostel, which reportedly provides culturally appropriate, safe, stable, transitional and supported accommodation for Indigenous women (Australian Prison Project 2010b). Karinga can accommodate 11 women and residents are supported by the department's case managers and community agency support workers to settle into community living, access long-term accommodation and benefit from life skills programs and services. Referrals to Karinga come from courts, prisons, community corrections and community support organisations. The aim of the hostel is to provide stable, transitional accommodation that will support Indigenous women while they are seeking longer-term or permanent accommodation. Residents can either be completing a custodial sentence, serving a home detention or community order or have a case pending before the courts. Women can also be referred

to Karinga if they have completed their sentence in full and are in need of post-release accommodation and support. Children may also be accommodated, although it is preferred that children older than toddler age are accommodated in alternative care, except in emergency situations (ATSISJC 2004). The occupancy of Karinga was 72 in 2006–07 and 59 in 2007–08 (Aboriginal Hostels Limited 2008).

### Konnect (Victoria)

The Konnect program run by Jesuit Social Services in Victoria provides pre-release assessment and planning and post-release support to Aboriginal men and women. Support is based on holistic, culturally competent best practice and is provided predominantly on an outreach basis with a community focus. The program also aims to build the capacity of mainstream organisations through strong links to Aboriginal organisations to better meet the needs of Aboriginal men and women exiting prisons (Jesuit Social Services 2010).

### Yulawirri Nurai (NSW)

Another NSWDCS initiative, located on the Central Coast, the Yulawirri Nurai program was established in 1996, based on the OOH model discussed above (ATSISJC 2004). It was established as a place of healing for women affected by the criminal justice system (ATSISJC 2004), with the purpose of providing support and assistance to Aboriginal people in New South Wales with accommodation, employment and education, legal and training needs before, during and after their release from prison, with a post-release officer responsible for supporting Aboriginal women leaving prison (ACTCOSS and the Aboriginal Justice Centre 2008).

The post-release worker aims to develop a supportive relationship with women during their incarceration (prior to release) in order to establish an understanding of the woman's individual needs. The service also continues to provide support to women well after they have completed their orders (see ACTCOSS and the Aboriginal Justice Centre 2008).

## Conclusion

In this paper, an overview is presented of examples of Australian, New Zealand and Canadian diversion programs available for Indigenous women throughout all stages of the criminal justice system, from pre-contact with police to post-release services. As was shown, there is a relative paucity of programs and reliable information of the effectiveness of such programs. Indeed, Professor Chris Cunneen advised recently that 'there is nothing specific that I am aware of in relation to diversion for Indigenous females' (C Cunneen personal communication 30 May 2010). Likewise, it was recently noted in *The Age* newspaper

that 'Indigenous young women are grossly overrepresented in the numbers of young women inside...Yet there are no diversion programs appropriate to their needs' (George 2010; np).

A recent review of good practice in women's corrections (Bartels & Gaffney forthcoming) highlighted that corrections systems tend to be organised around the needs of male prisoners, with special provisions for women being 'added on' (Coyle 2009: vii). Due to the relatively small, albeit growing, size of the Indigenous women's population in corrections and the criminal justice system generally, it is vital to ensure that programs do not merely replicate male-oriented or non-Indigenous-oriented initiatives but are both gender-sensitive and culturally appropriate.

Even where there is reference to the existence of diversionary programs designed for Indigenous women, details are scarce. A recent review of Indigenous-specific alcohol and other drug interventions (Gray et al. 2010) noted that there were few community-based or residential treatment projects addressing the needs of women. In their overview of services provided nationally, however, Gray et al. (2010) did not provide any details of such projects. For example, it was noted that there were 53 prevention projects in operation, three of which were specifically targeted at females, while one out of 60 projects for adolescents were targeted at adolescent females, but there were no further details about the projects.

The failure to develop and/or research programs for Indigenous women is not uniquely Australian, with Tolmie and Brookbanks (2007: 303) noting in the New Zealand offender data context that the

statistics are not broken down by gender. Thus, Maori women's experiences disappear in this data into the separate categories 'women' and 'Maori' but are unlikely to be typical of either.

Their observation follows on from a report by the New Zealand Law Commission (1999: 103) which asserted that:

Māori women are, and will remain, vulnerable so long as there is a failure in justice sector policies to acknowledge Māori cultural values...The risk in failing to recognise Māori cultural values is that the needs of Māori women may be seen as being no different from those of non-Māori women or Māori men.

More is likewise required to ensure that the experiences of Australian Indigenous women do not remain invisible and their vulnerability thereby perpetuated. Accordingly, the programs discussed in this paper should be further evaluated in order to determine their effectiveness. In addition, efforts should be made to continue to fund and promote promising initiatives to minimise Indigenous women's involvement in the criminal justice system.

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