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Abstract | The ‘Stories that Matter’ project aims to build a better understanding of how Aboriginal and Torres Strait Islander people’s experiences with the criminal legal system are different, using yarning sessions with Indigenous people with lived experience and service providers working in this field in Western Australia. Our findings confirm the lasting impacts of colonisation and intergenerational trauma, which create the conditions that lead Indigenous people into engagement with the criminal legal system. Findings also demonstrate ongoing systemic bias and discrimination throughout the criminal legal system, undermining the trust of Indigenous people. The project delivers a strong and shared message that penal reform is only possible by, and with, Indigenous people and shows the need for government agencies and researchers to support and contribute to Indigenous self-determination.

Stories that matter: Aboriginal and Torres Strait Islander people’s experiences of the Western Australian criminal legal system

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Introduction

This paper reports on Aboriginal and Torres Strait Islander people’s lived experiences of the criminal legal system (CLS) in Western Australia. According to the latest data from the Australian Bureau of Statistics (2024), the ratio of Indigenous to non-Indigenous age standardised imprisonment rates has risen to the highest level on record, with Aboriginal and Torres Strait Islander adults being 17.5 times more likely to be incarcerated than non-Indigenous Australians. The ‘Stories that Matter’ project was built on the principle that Indigenous people are the experts on their lives. Penal reform needs to be led by Indigenous ways of knowing, being and doing.

In this paper, we first summarise leading scholarship in this field, prioritising Indigenous and collaborative research, then turn to the experiences and stories that were shared with us in 31 interviews with people with experience of the CLS and service providers working in this field. In the discussion and conclusion, we emphasise the need for self-determination but also consider learnings for future research.

Social determinants of Indigenous overincarceration

Over the years, numerous academic articles and government reports have investigated Indigenous over-representation in the CLS (see, for example, Royal Commission into Aboriginal Deaths in Custody 1991). Much of this evidence was brought together by the Australian Law Reform Commission (ALRC), in its 2017 *Pathways to justice* report. The ALRC identified several social determinants of incarceration for Aboriginal and Torres Strait Islander people, including poor education and employment, health and disability, housing and homelessness, child removal and youth justice. Each of these factors is inherently linked with colonisation and intergenerational, individual and collective trauma, which continue to impact on Indigenous people's psychological, emotional, physical and social wellbeing. The inextricable and intertwined nature of these factors contributed to individuals' and communities' interactions with the CLS. Based on the analysis of linked administrative data in New South Wales, McCausland and Baldry (2023) found that, the more of these determinants a person experiences, the more likely they are to be incarcerated.

Systemic bias throughout the criminal legal system

Australian police have a history of racial bias, surveillance, stereotyping, targeting and harassment of Indigenous people (Cunneen 2020; Joy 2023; O'Brien 2021). Porter and Hannan have explained that the role of the Australian police in 'genocide and implementing policies built on institutional racism is widely recognised' (2023: 87; references omitted). The combination of wide discretionary powers and systemic bias has led to overpolicing, resulting in violence and abuse of Indigenous people. There continue to be instances of police brutality and excessive use of force against Indigenous people by Australia's state and territory police (Cunneen & Tauri 2019). Indigenous people are also more likely than non-Indigenous to be issued warrants and cautions and are more likely to be met with aggression when interacting with police (O'Brien 2021). Senior police in Victoria, Western Australia and the Northern Territory have apologised for the racism and discrimination within their respective agencies and the impacts of this on Indigenous people (see, for example, Henriques-Gomes 2018; Northern Territory Police, Fire and Emergency Services 2024; Ore 2023). Nevertheless, these practices persist across Australia (Piccione 2025).

There is an overall increase in the use of remand, because of stricter bail legislation, which impacts more on Indigenous people (Bartels 2019). Indigenous people experience more frequent bail refusal because of irregular employment, previous convictions and a lack of secure accommodation, as well as a record of previous bail breaches (Snowball, Roth & Weatherburn 2010; Weatherburn & Snowball 2012). Further, if they are granted bail, they have a higher prevalence of breaches and revocation of bail. This can be due to cultural obligations and responsibilities, remoteness, their offending and remand history and social, economic and cultural disadvantage, and it results in (re)imprisonment (ALRC 2017; Bartels 2019; Sanderson, Mazerolle & Anderson-Bond 2011).

Quantitative evidence pointing to systemic bias in sentencing, all other factors but the criminal behaviour being identical, is numerous—but disparate, depending on the jurisdiction and court level (for an overview, see Lockwood, Hart & Stewart 2015). However, this may be due to an inadequate understanding of the complexity of issues such as intergenerational trauma. Judges in South Australia have recognised that trauma is present in Aboriginal defendants' lives, but they did not always recognise the link to offending behaviour, resulting in a lack of consideration of such trauma in sentencing (McLachlan 2022). Hopkins et al.'s (2023) analysis of all Supreme Court cases involving an Indigenous defendant in the Australian Capital Territory over a 10-year period also revealed a prevailing silence about cultural issues and an absence of strengths-based perspectives. Heenan, Bond and Lockwood (2024) analysed judicial sentencing transcripts to explore the ways judicial officers refer to customary law and cultural evidence when sentencing Indigenous people for domestic violence offences in the Northern Territory Supreme Court. This study found that, when Indigenous cultural factors were identified, the impacts on sentencing were absent, superficial or applied in a way that removed cultural meaning.

The data analysed by the ALRC (2017) demonstrated that Indigenous people are more likely than non-Indigenous people to receive a prison sentence, and less likely to receive a community-based sanction. The data also show that Indigenous people tend to serve shorter sentences, which are particularly damaging because they have all the criminogenic effects of imprisonment without providing access to prison programs.

Further, it has been demonstrated that Indigenous people often do not apply for, or receive, parole, either because they believe it is unlikely to be granted or because they prefer to walk free at the end of their sentence without the risk of parole revocation (Beaufils, Cunneen & Russell 2021; Tubex, Rynne & Blagg 2020). The ALRC (2017) also found that standard parole conditions can pose issues for Aboriginal and Torres Strait Islander people, especially where they conflict with cultural obligations or prevent reconnection with family and community. Indigenous people testified that getting parole and returning to the community was terrifying, including because of feelings of shame, anxiety or fear, particularly about the need to start a new routine, being recognised in the community and being exposed to peers who were still engaging in drug and alcohol use or offending behaviour (Beaufils, Cunneen & Russell 2021). Abbott et al. (2018) identified the need to incorporate Aboriginal and Torres Strait Islander people in the planning and delivery of post-release programs, including those associated with parole, to ensure that the programs appropriately consider the needs of Aboriginal and Torres Strait Islander people.

The incarceration of Indigenous people leaves them disconnected from communities and away from family, reducing their ability to access cultural support and services (Tubex, Rynne & Blagg 2020). Research has found that the needs of Indigenous people have gone unmet, with few programs designed to meet their release needs (eg Abbott et al. 2018) and a clear need for more culturally appropriate support on release (Beaufils, Cunneen & Russell 2021). Researchers consider that the current approach contributes to subsequent reoffending (Anthony et al. 2021; Shepherd, Ogloff & Thomas 2016).

Further, there are the intergenerational effects of parental incarceration. Roettger, Lockwood and Dennison's research (2019) points to the need to work with Indigenous people, reduce incarceration levels, minimise trauma from separation, implement parenting skills initiatives and provide wraparound services.

The over-representation of Indigenous youth in the CLS is especially problematic, because this perpetuates a cycle of disadvantage and recidivism. Concerningly, 63 percent of 10- to 17-year-olds in detention are Indigenous youth (Australian Institute of Health and Welfare 2023). Indigenous youth are more likely to be placed under supervision while unsentenced (O'Brien 2021). Many Indigenous youth (especially males) have had early contact with the CLS, which acts as a facilitator of future offending (Cunneen, Goldson & Russell 2016). The treatment of youth in detention is so inadequate and poor that it results in human rights violations (Boffa & Mackay 2025), with reports of physical abuse, inadequate facilities, extreme solitary confinement and a lack of rehabilitative programs for detainees. This treatment is only exacerbated by slow government responses (Cunneen, Goldson & Russell 2016). Indigenous young people's involvement in the CLS also needs to be considered in the context of concurrent over-representation in child 'protection', which has also been the subject of extensive critique (see, for example, Beaufile 2024; Davis 2019).

The result is that Indigenous people have higher recidivism rates (76% of those in prison had prior imprisonment) than non-Indigenous people (51%; Australian Bureau of Statistics 2024). This is due to the factors set out above, as well as the lack of diversionary options and throughcare support in the transition back to society (ALRC 2017; Tubex 2021).

The present research

Within academia, there is growing awareness that the way we currently seek solutions to Indigenous involvement in the CLS risks the continuation of colonisation—if we start from Western perspectives, values and approaches. Increasingly, research acknowledges the need to listen to Aboriginal and Torres Strait Islander voices.

The present research aims to build on this emerging discourse by listening to the stories of Indigenous people in the community and reflecting on their experiences of the CLS. It aims to build a better understanding of what is driving Indigenous over-representation in the CLS and thus contribute to achieving Target 10 in the *National Agreement on Closing the Gap* (2024).

Methodology

We invited the active participation of Aboriginal and Torres Strait Islander organisations as research partners. We sought to engage with their staff and clients through individual and group yarning sessions. Yarning is increasingly accepted as a culturally safe research method with First Nations communities (Bessarab & Ng'andu 2010; Geia, Hayes & Usher 2013). This approach privileges Indigenous experiences, stories, histories and priorities to contribute to a deeper understanding of what led to their CLS involvement.

Our approach was steered by the guidelines on ethical research in this area, especially the Australian Institute of Aboriginal and Torres Strait Islander Studies (2020) *Code of Ethics for Aboriginal and Torres Strait Islander Research*. The project has ethics approval from the University of Western Australia (2022/ET000268).

Before the interviews, the principal researchers in each jurisdiction informed participants about the purpose of the ‘Stories that Matter’ project. If they expressed interest in participating, we explained the research approach and use. Participants were given the participant information form and asked to sign the consent form. Participants were offered a \$50 voucher, as appreciation for their time and effort.

We conducted 31 interviews in Western Australia (see Table 1 for demographics). Participants were spread over the metropolitan area and regions. To recruit participants in the metropolitan and Peel area, we collaborated with Wungening Aboriginal Corporation. We also contacted local Aboriginal communities, who provided us with local knowledge and contacts. We involved Elders and women’s groups. In the regions, we were supported by the After Prison Network (2024) agencies in the Southwest, Great Southern, Mid-West, Pilbara and Kimberley.

Despite the generous support of the service providers (SPs) and community members, recruitment was challenging. There was limited interest in participating in research, and research fatigue was apparent. We therefore needed to be creative and to adjust our approach to the local situation and practices. We went beyond having participants invited by their caseworkers to attend an interview at the office. We accompanied SPs during place-based check-ups: we visited people in their homes, at temporary accommodation or in a café, at free barbecues or walk-in breakfasts for people experiencing homelessness and at community gatherings involving Elders and Aboriginal women’s groups. At the time of the planned consultation sessions to validate our interpretation of the findings, we reached out to our participants as much as possible, but several of them could not be contacted. They had moved or changed phone numbers, were no longer under supervision or had returned to prison; others did not respond to our invitation. Fieldwork took place between December 2022 and November 2023.

Table 1: Participant demographics (n=31)

	<i>n</i>	%
Staff	14	45
Clients	17	55
Indigenous	27	87
Non-Indigenous	4	13
Male	11	35
Female	20	65

During the interviews, we invited people to share their experience with the CLS, from the early stages of contact with police, through the sentencing process (including any non-custodial outcomes), during imprisonment and post release. The questions were intentionally broad, functioning as a narrative topic list for the discussions rather than a set interview format (see Tubex et al. 2026). Interviews were recorded, with the participants' informed consent, and professionally transcribed. Transcriptions were thematically analysed using NVivo software. The full report (see Tubex et al. 2026) also includes data from interviews in Victoria ($n=1$) and the Australian Capital Territory ($n=4$).

Results

The findings reflect the participants' unique stories and experiences with the CLS. This section is mainly led by quotes, because only Indigenous voices can truly express these insights. As the number of participants is limited, they are identified as a person with lived experience (LE) or as an SP, although we note that many of the SPs also had lived experience through close relatives dealing with the CLS. Unless otherwise stated, the quotes presented are from Indigenous participants.

Drivers of contact with the criminal legal system

Colonisation, stolen generations and intergenerational trauma

Asking our participants about their first experiences with the CLS almost immediately led the conversation into stories of ongoing colonisation and discrimination and feelings of being overpowered, disrespected and treated unfairly. People shared their views on how the stolen generations, the loss of land, culture and language and removal of children created intergenerational traumas, with long-term and deep-seated consequences for Indigenous people, families and communities:

SP2: Look I think a lot of this is way back in early days with the stolen generation, the loss of culture, the loss of language, displacement, all of that and you've also then, out of that, got your transgenerational trauma, intergenerational trauma.

Some participants who had been taken away from their parents and grew up in white families testified about how this affected them; being disconnected from their culture created feelings of being lost or not belonging:

LE6: Yeah, or even from this day on, like, for myself personally I didn't know nothing about our culture. We'd been brought up the white way; brainwashed, you know. I'm just trying to work out my family history and I'm just working out, like, yeah ... our ancestors alone in the bush, we'd be deadly.

We also heard how this outplacement often came with maltreatment and abuse, which is sometimes referred to as 'historical' but was very much in the present in the stories that were shared:

LE4: It started when I was a kid and I run off the rails. I was burning—like when I was a child, I was setting fire to shops in [town] and everything, man. Because I was molested and I was—and you couldn't tell nobody because what happened is, if I'd tell he was going to kill my mum, dad, my sisters and my bubba. So I couldn't tell.

The impacts of child removal during the stolen generations are well documented and proven to be devastating, and they include subsequent involvement in the CLS (ALRC 2017; Weatherburn et al. 2024). These effects are ongoing, and we are now facing at least the third generation of people who grew up with trauma and disruption of almost everything that gave them identity and grounding. This imposed cycle of dysfunction is ongoing, with Aboriginal and Torres Strait Islander children over 10 times more likely than non-Indigenous children to be on protection orders (Australian Government 2024).

Violence and substance abuse

The stories of Indigenous people we listened to often illustrated how they were growing up in environments where violence and substance abuse were prevalent:

SP2: I don't know of any Aboriginal family that didn't end up—that didn't have violence in their family, because there probably are people that didn't have violence, but I'll tell you, there was a huge amount, where violence was a part of your life, and you grew up with violence.

For many who observed and experienced this, the loss of culture and positive role models lie at the heart of these behaviours:

SP4: It starts at a very young age. I've worked with kids that are, like, eight years old and they get in trouble with police every day and it's—yeah, and that's sort of where it all starts for me. Seeing it at that very young age. Yeah, like I think it's hard, because a lot of the kids that do get in trouble and that's where it does start, it's because they don't have that person that can lead them in the right direction and—yeah, that pathway just keeps going down and down and down and before you know it, they're ... either in a prison or even worse.

Mental health problems

Several participants referred to mental health problems, which were often related to their situations of violence and abuse. While they are cycling through the system, ongoing trauma remains undisclosed (out of shame), untreated or treated badly, resulting in suicidal thoughts for some:

SP2: there are a lot of undisclosed mental health issues. People don't disclose it because they're ashamed or, you know ... 'If I tell them that, they'll put me in a looney bin and lock me up.' So I think also there's a lot of people that have got mental health issues and other issues in jails that probably really shouldn't be in jail.

Interactions with the criminal legal system

Systemic racism

Early interactions with the CLS were part of growing up for many participants, and their experiences were mostly negative. Participants reported on discriminatory practices throughout the CLS to an extent that probably few non-Indigenous people can recount, and they explained how that undermined Indigenous people's trust in the system:

LE9: I think the thing to start off with is the fact that being an Aboriginal [person] growing up in Broome was so totally different to how it is down here. Like how I feel you can't walk into a shop without having everyone staring at you thinking you're going to steal or do something really. So it gets to the point where you get rebellious against things. You come to the point of you don't care about the law, because you're already being, I don't know how to say it, but feeling that pressure just for the colour of our skin, really.

Interactions with the police

A lot of experiences were related to confrontations with police. The difficult relationship with the police has historical roots that are being reinforced by contemporary incidents:

LE8: I think our community was mainly rocked or shocked by the shooting of the young Aboriginal girl up in [town], that was like a, whoa, big eye opener. Since that happened and stuff and then ... we've had quite a few deaths in custody over ... maybe 30 years, yeah and younger women too as well, it's not no longer the men are being found dead in custody.

Participants gave examples of police brutality, racist comments and the targeting of Indigenous people, often from a very young age:

LE12: I've had police officers call me racist names and they just pick on me. I'm walking home, a 15-year-old kid and a 21-year-old man and you're walking home and you get a fucking—get searched. I haven't even done anything, but because the way I grew up, I'm like, what have I done now? But I haven't done anything.

Several mothers testified about how their children, especially young Aboriginal boys, are harassed by police:

LE6: I mean, you've seen my kids, what they go through. They're getting stood over with weapons, like in America. Why would you want to do that?

On several occasions, there were references to Aboriginal women being mistreated by police in cases of family and domestic violence, because of negative stereotypes associated with violence in Indigenous communities. A non-Indigenous service provider stated:

SP7: I did ring the police on a number of occasions, expressing my concerns. But when it came to this particular individual, because of her past history involving DV [domestic violence], the police were just really not caring. It was actually quite shocking, to hear their responses. It was like, 'Oh, it's just so-and-so. This is part of her life.'

Courts and sentencing

Participants shared with us the barriers and challenges in the court and other sentencing proceedings they experienced. Several participants referred to occasions where they felt unheard and did not think they got a fair go during the sentencing process:

LE14: Some listen to me. Yeah. When I was going through the system, the judges give me a go. Was always there for me. But sometimes, the lawyer's out to put you in jail too. They think that's good for you, that's what you need for now. But it's not what you need. That's how they think we should be, think—no it's not.

According to some of the participants, Aboriginality is often categorised as an additional 'risk factor' which comes into play during sentencing and continues during imprisonment:

SP6: It's also what the magistrates use, as well. When they get to court, again, being Aboriginal will up that risk factor for you, so you're more likely to get more time. Being Aboriginal is automatically—it ups your risk category. When you do your treatment assessment, that's still the same ... Based on my answers, which is a very honest reflection of my life, I was Category C, which is one off maximum security. So it's medium, but it's one off maximum security and the only thing ... that increased my risk factor was that I ticked that I was Aboriginal.

Prison

Several participants reflected on prison as being part of their life, starting with detention at a young age and transferring from the juvenile into the adult system:

LE5: I've been in prison every year, nearly every year for nearly 20, 30 years ... I've only been out for about four birthdays and my eldest daughter, she's been with me in jail, in [prison], when she was a baby.

As a result of the cycles of imprisonment, people become institutionalised, and being in prison becomes the norm, a safe place where one's basic needs are provided for:

LE14: I grew up with my parents but ... from 11 to 18, I was in and out of the system, Banksia and Rangeview, like justice system. Then, throughout the years, I just got adapted to it ... and it's just what was there. That was the cycle I was in. It was a cycle ... So I go back to the system, and the system, they're there to help, do their job. The system, I benefited a lot out of it, I would get what I could out of the system as well, education-wise.

Regardless, being in prison was mainly referred to as a crime school for young people who offend:

LE4: Of course you're going to get—go and reoffend and go straight back to jail, because that's all you know and it's so easy in there. It's not punishment. You don't learn nothing. You just learn more violence or how to crack a safe open or whatever—you know what I mean—or how to get away with the crimes a lot easier. That's all you learn.

There were testimonies of mistreatment of Aboriginal people in prison by officers, both in adult and juvenile justice. Moreover, people thought that they had no defence, because they were not believed and were powerless:

LE14: Violence, because a lot of screws do a lot of things in the justice system, and intimidate the other people. They bash a lot of prisoners, they flog us, and it's not recognised, and we don't have a voice. Because it happened to me, and it's not nice. It's not nice at all. But there's nothing you can do, and if you survive it, you survive it, if you don't, you don't.

Pre-release programs

Participants mentioned the lack of culturally appropriate pre-release programs in prison, meaning that their needs were not addressed. One non-Aboriginal staff member described the lack of programs addressing substance use:

SP7: Access to programs for prisoners is terrible in [region], so a lot of the guys, especially a lot of the Indigenous guys, have serious substance use, a long history of substance use. There's no rehab here and they can't get any counselling for it, while they're in prison, so these guys are already set up to fail, as soon as they go in. They can't address their issues while they're in there.

Parole

Several participants confirmed the issues identified by the ALRC (2017) in relation to parole. Parole conditions were considered too burdensome and the chances of failing too high:

LE12: Twenty-five percent will get out on parole. It's kind of sad, because you've got to—you got parole for a reason: to get out and try and be good. You know why they don't want to do parole? For the same thing that we just spoke about. Because they're going to get out, they're going to be put on all these things and they're going to get locked up anyway.

Transition and life after release

As a result of all the experiences described above, participants often thought that the system was letting them down, that there was very little for them to return to, and that they had immense obstacles to overcome with limited support except their families, who were not well equipped to take on that task:

LE2: Basically, the prisoners are dumped on family, absolutely just dumped. Why do you think they fall down, and they're locked up before you know it? There's homelessness there. There're the three strikes [with public housing in WA], you overcrowd and you make a noise, you whatever, you're out, you're out on the street. You can't live with extended family anymore, there's financial, there's social, there's pandemic stuff and all of that.

There was strong emphasis on the need for throughcare: preparing people for release and providing hands-on support for their return to the community. The sort of support participants referred to was more like mentoring, a ‘buddy’ who is available 24/7:

SP2: I’ve said, ‘Look, when you get out, you need to try and find a really good mentor or an Elder or someone who’s going to, if you make a decision or a bad decision, try to stop that’—but ... I think when it’s in there, it’s all easy. When people are getting out, it’s all too hard. ‘I’ve got to make decisions. I’ve got to report to Centrelink. I’ve got to report to my job network. I’ve got to find a job. I’ve got to look at where are we going to live’ ... You need to have somebody that’s going to be able to put you on the straight and narrow ... not be your friend ...

Without these support systems, surviving on the outside can be too hard, leaving people with little prospect of a satisfactory life:

LE4: I’ve been out eight years. I got out 2016 and I’ve been out since then. I’ve had too much dramas out here. I just want to go back, you know? I could be at home in there, compared to out here man ...

Challenges after release

Accommodation

Research clearly demonstrates the importance of housing in establishing a crime-free life (for a recent review, see Doyle et al. 2024). However, housing was the most pressing topic that emerged during discussion of common needs after release. Waiting lists for public housing are enormous, and while in prison people risk dropping off the waiting list and having to start over again after release. One person we spoke with described his situation:

LE4: I’ve waited over 19 years for a Homeswest [place]—and that’s the other thing. Before we go to jail, we’ve got houses, right? But when we get out of jail, we’ve got to live on the streets, man, and survive on the streets. I lived on the streets four years and it’s bloody hard. No wonder all these blokes getting out of jail and revolving door go ‘bang, bang, bang, bang, bang, bang, bang’, because there’s no houses. Wake up, Australian Government!

Employment

Participants made similar comments about the chances of finding employment in a very competitive environment:

LE2: I’ll speak for my children who are adults now, it’s so hard to watch them walk out into the community, they are homeless, they are penniless, and they go to Centrelink and they get a pittance of a first payment and how is that going to last them until they get on Centrelink and until they find a job, which at this point is so competitive. You’ve got interest rates and you’ve got a lot of families doing it hard, and you’re competing against professional people, you’re competing against straight people, it’s so hard, it’s just so hard.

Desistance

Several participants who had been to prison expressed the desire for desistance from criminal behaviour. They described reaching a stage in life when they wanted to exit the prison cycle, 'having had enough' or getting 'tired' of prison. Age and children are a key source of motivation here:

LE14: I think the last two sentences made me open my eyes, like, 'Fuck, I can't do it no more, I'm going to turn 30.' My kids, and me, and getting older. I can't do it no more, man, fuck, you know, stupid jail, man. I could get old, and I can't do it, and just making choices, making choices too. If you don't make the right choices, you're going to go backwards.

One staff participant explained how they were an example of desistance to their siblings:

SP4: I think it's—I'm sort of the stepping stone for all of them to realise that you don't have to be on that same pathway I guess. So yeah, my younger siblings, they see what I do now and it's good because I didn't have to see that with my older siblings.

Areas for improvement

Cultural awareness among non-Indigenous people

There was a general view that non-Indigenous staff lack knowledge and understanding about dealing with Indigenous people. There is also a lack of acknowledgment of the underlying structural factors driving a high number of Indigenous people into the CLS. Reinforcing the need for an Indigenous-led response, one person said:

LE19: My co-facilitator was a blue-eyed blonde, she was good at her job, she was good at what she'd done, but perhaps better suited to white people rather than Aboriginal people. There's no cultural aspect from her and that's not her fault. That's through lack of education, like it is with everyone.

However, the dominant theme was that change should be led by Aboriginal people, for Aboriginal people, with respect for different gender roles and responsibilities and Country-related cultural relevance:

LE17: You put a black fella in a therapeutic rehab, you got to do rehab different because, one, it's a different language you've got to use in this program ... And I reckon, for cultural reasons, they should have more Indigenous people delivering it. Let us deliver a program to our people. Let's write our own program that's going to mean something, that's going to change the way we live.

Self-determination

Many of the Indigenous people we spoke with felt that they are still subject to control by the colonial state. Past practices are replicated in current policies and legislation, which continue to undermine Indigenous people's rights to self-determination and rights to take control of their own affairs:

SP3: We are still under the management of the dominant culture, the colonial state, we still are, in every aspect. If we are, you go and try to bring about change. The power imbalance needs to change, we have to have self-determination, in the care of our children, in the care of people. Yeah, a rights-based approach has to be applied in everything, because our rights for a long time have not been acknowledged and respected.

The importance of family and a strengths-based approach

There was a strong and shared feeling across the interviews that the cornerstone of any change is stable families. However, this was sometimes difficult to achieve, because parental figures or role models are often not around for children who are growing up:

SP2: So a lot of these young kids, they didn't have role models, they didn't have Elders who could discipline them, who could tell them right from wrong. They were also couch-surfing because of domestic abuse, drug and alcohol issues, sexual violence, a lot of that. I found a lot of children, younger ones, were roaming the streets and getting into trouble roaming the streets, because it's safer to be out on the streets and not be home.

Involvement of Indigenous people

A very strong call was the need for more Indigenous people working or being involved in the CLS, because they can fulfil roles non-Indigenous people will never be able to:

LE18: Because I'm a blackfella, I'm able to do that. That's what I think our young boys need. They need the role models and mentors going in and talking to them, just sit round yarning, have a cup of tea and really talk and say, 'How you going, love?'

Building on the above issue, alienation from culture felt like a challenge, particularly for young people. Therefore, reconnection was seen as an important step on the way to desistance and a life free of violence and abuse.

Discussion and conclusion

In the 'Stories that Matter' project, we sought to share the experiences that Aboriginal and Torres Strait Islander people had entrusted to us. These stories are possibly not surprising. The underlying causes of Indigenous over-representation in, and experiences in, the CLS have been discussed extensively, including in several reports ranging from that of the Royal Commission into Aboriginal Deaths in Custody in 1991 to the ALRC in 2017. Yet there remains a lack of evidence of progress towards implementing the recommendations of such reports (Cubillo 2021). Nevertheless, the lived experience of those who are subject to the CLS and those who work with them in daily practice are less heard and are therefore an important contribution to this scholarship.

At all levels throughout the CLS, people talked about being let down, maltreated, misunderstood and disrespected. Racism emerged from a lack of understanding and cultural awareness, but also from indifference and easy targeting. Engagement with, and belief in, the imposed Western 'justice' system was thus low—it is something to endure. Alternatives to imprisonment are lacking, and prison programs are unavailable or not culturally appropriate. The result is that the determinants of incarceration remain unaddressed. For many of our participants, there was little that was promising to go back to after interactions with the CLS. The service providers we talked with were also very aware of their limitations in offering support. For those who identified as Indigenous, the situation was particularly delicate, because the difficulties they faced related to their communities, families and close relatives.

However, our participants also provided stories of strength and ongoing resilience. There was a strong and shared message that the healing of Indigenous people can only happen with and through Indigenous people, highlighting the need for self-determination. This need for self-determination also extends to the field of research. Looking to the future, we recognise the need for change in how research exploring the experiences of Aboriginal and Torres Strait Islander people in the CLS is conducted. We acknowledge the need for research that is empowering, supportive and community-led, collaborative and geared towards facilitating resilience.

Community-led and collaborative approaches are not new; this approach exists in Aboriginal-controlled community organisations in health, education and cultural practice. The same principle should be applied to crime and justice issues for Indigenous people. Indigenous researchers are doing collaborative work with communities that should be used as the foundation for research addressing Indigenous experiences in the CLS. Reeve et al. (2024), McCausland, McEntyre and Baldry (2017), Beaufile, Cunneen and Russell (2021) and Heenan, Bond and Lockwood (2024) have highlighted the need for justice responses to be guided by community engagement and cultural practice and driven by Indigenous input. Crucially, Indigenous people come from different backgrounds and different communities, and the diversity of Indigenous people and their circumstances in the CLS should be addressed in ways that reflect diverse needs. Furthering research in collaboration with Indigenous people, or autonomous research that develops from grassroots organisations with experience involving police, courts and prisons, will be necessary for just practice.

In the spirit of self-determination, Aboriginal and Torres Strait Islander peoples should be empowered, to the point where they are leading the storytelling process. To get there, there must be meaningful recognition of the challenges faced and a shared commitment to addressing these challenges in practice. For non-Indigenous researchers, a key goal is thus to support Aboriginal and Torres Strait Islander people and communities, to a point where non-Indigenous researchers are not needed for this process, and the stories and solutions come directly from the people affected.

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