

ENGAGING FIRST NATIONS AUSTRALIANS IN CORRECTIONAL TREATMENT

The Perspectives of Program Recipients and Facilitators

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Developing and delivering effective rehabilitation programs that meet the specific needs of First Nations people and overcome barriers to engagement has been suggested as a way to address the overrepresentation of First Nations Australians in the correctional system. This project used a critical realist epistemology to understand perceptions of First Nations people participating in rehabilitation programs to contribute to improvements in treatment responsiveness. Semi-structured interviews were conducted with five First Nations people serving community-based orders and five First Nations Program Facilitators. The data were analyzed thematically. Four overarching themes emerged: (a) the importance of culture and colonization, (b) intrinsic motivation to change, (c) communication and language: the role of the First Nations facilitator, and (d) connection: life after jail. These findings highlight the need for cultural healing as a crucial factor for programs aimed at First Nations Australians.

Keywords: responsiveness; rehabilitation programs; corrective services New South Wales; first nations; qualitative

First Nations Australians¹ are grossly overrepresented in the criminal justice system (Weatherburn, 2014). More than three decades after The Royal Commission into Aboriginal Deaths in Custody (Johnston, 1991), imprisonment rates for First Nations Australians continue to climb. First Nations Australians make up about 2.5% of the Australian adult population; however, they account for 29% of the adult prison population (Australian Bureau of Statistics [ABS], 2021). From July 1, 2020 to June 30, 2021, Aboriginal and Torres Strait Islander people in prison increased by 8% (947) to 13,039. The Aboriginal and Torres Strait Islander imprisonment rate increased by 5% from 2,294 to 2,412 people in prison per 100,000 Aboriginal and Torres Strait Islander adult population.

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First Nations people experience higher recidivism rates, with 78% of First Nations Australians in custody having been imprisoned previously, compared with 52% of their non-Indigenous counterparts (ABS, 2021).

A key purpose of the criminal justice system is to rehabilitate individuals and ensure safer communities (Tamatea, 2017). The modern Australian justice system reflects perspectives of criminality from a culturally determined, Western way of thinking, and in this regard, courts and prisons have been said to maintain the status quo by representing only the dominant culture's ideologies (Day, 2003). Living in a colonized nation where most of the population is non-Indigenous places First Nations Australians at a significant disadvantage. Members of First Nations Australian groups have argued that the criminal justice system is not designed to serve and protect them, but rather reinforces systematic inequality (Hovane et al., 2014).

The risk, needs, and responsivity model is a widely accepted and practiced correctional framework (Andrews et al., 1990; Bonta & Andrews, 2007). Psychological research has made significant advances in understanding offending behavior and rehabilitation, including the development of empirical and standardized approaches to the assessment and treatment of people in forensic settings. Risk–need–responsivity principles can guide decision-making in a system where resources are limited (Tamatea, 2017).

The risk principle states that the intensity of treatment should match risk of reoffending, where individuals most likely to reoffend are prioritized for rehabilitation programs (Andrews & Bonta, 2015). The needs principle states that the content and treatment targets of programs should address the known criminogenic needs (antisocial personality pattern, procriminal attitudes, antisocial peers, substance abuse, family/marital relationships, education/employment, and recreational activities; Andrews & Bonta, 2015). Given First Nations Australians have been found to have high risks and needs, they should be well represented in the current programs. Recent research from the Department of Corrective Services showed First Nations people in custody were both less likely to participate in and complete programs (Howard & Lobo, 2020). Although the reasons for this were not clear, it remains the case that attending to risk and need alone is not sufficient to reduce recidivism—sustained engagement of participants is a key factor to successful rehabilitation programs (Carl et al., 2020).

The responsivity principle holds that programs should be designed and delivered in ways that consider participants' individual characteristics. General responsivity in program design uses cognitive social learning methods to change behavior, whereas specific responsivity delivers programs in a way that overcomes any barriers to engagement, such as learning style, motivation, cognitive capacity, or literacy (Andrews & Bonta, 2015). These aspects of responsivity are typically based on research with non-Aboriginal males and do not consider cultural needs relevant to engagement, or the effects of First Nations Australians' histories of suffering and distress in the context of broader historical, social, and cultural contributors to criminalization (Day, 2003; Heffernan et al., 2014).

RESPONSIVITY IN FIRST NATIONS AUSTRALIANS

LEARNING STYLE

Learning style is a responsivity factor particularly relevant to First Nations Australians. Mals et al. (1999) interviewed 14 mostly First Nations human service workers with experience of rehabilitation programs in Western Australia. Respondents emphasized the importance of group discussion over formal didactic instruction; how shame limits self-disclosure

in a group context; and the need to use language, both written and verbal, that reflects the literacy skills of program participants (Willis & Moore, 2008). Ideally, programs should be led by First Nations Australian facilitators, who are able to adapt program content and overcome comprehension difficulties (Mals et al., 1999). The respondents in this study also reported low self-esteem, and a pervasive sense of frustration, anger, and powerlessness stemming from colonialization were characteristic of First Nations Australians in rehabilitation programs (Mals et al., 1999).

MOTIVATION TO CHANGE

Supervision orders for individuals managed in the community often mandate participation in community-based treatment programs (C. R. Jones, 2019). Mandated participation in rehabilitation is associated with poor engagement in treatment and a lack of long-term success (Ryan & Deci, 2008). Behavior change research shows an individual's level of motivation to change is an important indicator of success, and consequently interventions should explore and address readiness to change (Miller & Rollnick, 2002). Factors relevant to selection in treatment programs include readiness to change and motivation levels, ability to set goals, and to work in a group context (Howells et al., 1999). Self-determination theory suggests that autonomy in treatment decisions is important, which is especially relevant for First Nations Australian people in the context of the colonial experience (Ryan & Deci, 2008). Engaging First Nations participants in a treatment program therefore represents a significant challenge to motivation levels and thus responsivity.

ADDITIONAL FACTORS RELEVANT TO FIRST NATIONS AUSTRALIANS

Conventional rehabilitation programs have been argued to be poorly aligned with First Nations Australian norms, values, beliefs, and experiences (Westerman, 2010). Psychological interventions and rehabilitative programs often draw on cognitive behavioral therapy (CBT) and are based, both implicitly and explicitly, on Western theories of socioemotional processing, locating the cause of offending within the individual. They involve introspection, reflection, and internalization of the dominant prosocial norms, which may present a barrier to First Nations Australians, whose cultural emphasis is on collective values and the importance of community, family, and kinship (Hovane et al., 2014; Willis, 2008; Willis & Moore, 2008). Furthermore, CBT-based group programs require sharing of internal thoughts and feelings with peers, which for First Nations Australians can be associated with shaming and punishment (Queensland Corrective Services, 2010).

Moreover, social connectedness and belonging are important psychological needs associated with enhanced well-being and positive affect (Deci & Ryan, 2000). The positive aspects of cultural identity and belonging have been found to be protective against alcohol abuse and police contact and have also been found to reduce violent recidivism (Shepherd et al., 2018). However, First Nations Australians have consistently reported that they do not feel like they belong in Australia (The Public Defenders, 2020). The political, social, and economic inequalities experienced by the First Nations Australian population have strengthened the belief that the process of colonization is ongoing (Day et al., 2003). The forced removal of First Nations Australian children from their families, now known as the Stolen Generation, had many profoundly negative consequences, including criminalization (Weatherburn et al., 2008). A crucial goal of effective therapy is to understand the meaning

of behavior in terms of the social and historical context (Rigazio-DiGilio & Ivey, 1995). As such, rehabilitation programs for First Nations people that fail to consider the harms of colonization and subsequent long-term oppression and provide an opportunity to recover from intergenerational trauma and foster cultural resilience will be unlikely to be effective for First Nations people (Cunneen, 2018; Edwige & Gray, 2021; The Healing Foundation, 2019).

Research emerging from Aotearoa New Zealand and Canada supports the notion that culturally adapted programs can lead to heightened engagement and reduced recidivism. In Aotearoa New Zealand, Nathan et al. (2003) compared a culturally adapted program for men convicted of sexual offenses (*Te Piriti Special Treatment Unit*) to the outcomes of a mainstream program (*Kia Mārama*). It was found that while both programs reduced reoffending, the recidivism rates for Māori men participating in the culturally specific program were lower than for those participating in the mainstream program. At Te Piriti, tikanga (Māori lore and customs) are incorporated into the unit alongside CBT programs. Similarly, a violence risk management program using the Good Lives Model (Ward, 2002) with male Māori individuals was able to change violent attitudes and in turn reduce recidivism for violent crime (Whitehead et al., 2007). In Canada, efforts have also been made to deliver culturally sensitive programs, involving teaching, ceremonies, and contact with Elders, and these are regarded as key features of successful rehabilitation (Correctional Service Canada, 2006; T. Jones et al., 2010).

Although culturally appropriate programs are also being developed and implemented across the Australian correctional jurisdictions (Corrective Services: New South Wales [CSNSW], 2016; Willis & Moore, 2008), it remains the case that most First Nations people in NSW being supervised in the criminal justice system will participate in non-culturally specific programs aimed at general offending, intimate partner violence, violence, and drug and alcohol use (CSNSW, 2016). These programs use psychological principles to address the causes of offending behavior (Howard & Lobo, 2020). Although the importance of working with First Nations Australians is acknowledged by correctional authorities in NSW, the extent to which First Nations Australian individuals engage with these programs is unclear (CSNSW, 2014). At present, little is known about the specific impact and efficacy of the programs for First Nations Australian Program recipients, and the experiences of First Nations people enrolled in the current suite of generalist, non-culturally specific programs.

PRESENT STUDY

Correctional programs based on the RNR model can often prioritize risk and need at the expense of a focus on responsiveness, especially in relation to First Nations peoples. The flexible nature of the programs is a valuable asset in an under-resourced system, yet the programs are based on Western notions of individual responsibility that are not necessarily able to capture the experiences and cultural diversity of First Nations peoples. The research methodology of the current study is not able to evaluate individual programs, rather we seek to explore perceptions of First Nations men participating in rehabilitation programs in NSW about their impact and efficacy. The study also investigated perceptions of First Nations program facilitators involved in program delivery. In doing so, this qualitative study gave voice to First Nations program recipients and program facilitators to explore the following questions:

Research Question 1: What are First Nations Australian Program Recipients and Facilitator's current perceptions of New South Wales current suite of culture nonspecific rehabilitation programs?

Research Question 2: What are First Nations Australian Program Recipients and Facilitator's current perceptions of any different or additional factors outside existing programs that would reduce reoffending for First Nations Australians as compared with non-First Nations Australians?

Research Question 3: What is required of rehabilitation programs to improve treatment responsibility for First Nations Australians in the correctional system?

METHOD

This study was conducted using a critical realist approach, which assumes data reflect something that is real and independent of the researcher, yet still requiring interpretation to understand the underlying construct of interest (Willig, 2021). We were interested in mechanisms of perceptions that cannot be observed and how these cause the events we can observe (Fletcher, 2017). In using a critical realist perspective, we aimed to produce knowledge that captures and reflects as closely as possible the expressed views of First Nations Australians in the corrections system of NSW while acknowledging the inter-subjectivity between the First Nations participants and the non-First Nations researchers. European colonization involved undermining and silencing First Nations voices, beliefs, and culture. The current research therefore required a design that enabled First Nations people's stories and their knowledge to be heard. Most of the important knowledge in First Nations communities is shared through storytelling or "yarning" (Geia et al., 2013). Storytelling from marginalized people also provides a powerful counternarrative to the long-standing privileged perspective of White Australia (Solórzano & Yosso, 2002) and allows First Nations Australians' perceptions to be revealed. As such, the research was designed with culturally sensitive methodologies in mind and guided by a panel of First Nations consultants.

PARTICIPANTS

Criteria for participation were (a) being on a community-based order in NSW (i.e., having been sentenced to supervision in the community by the relevant court), (b) identifying as First Nations Australian, (c) being male, (d) aged 18 years or older, (e) participation in offender services and programs in NSW, (f) no outstanding court matters, (g) no history of sexual offending. In the December quarter of 2022, there were 18,958 Aboriginal and Torres Strait Islander persons serving community-based orders across Australian, with 43% (8,148) in New South Wales (ABS, 2023).

The inclusion criteria were determined in part through discussion with First Nations consultants, and in part by the characteristics of the correctional system in NSW. Our First Nations consultants recommended focusing on males, given the limited scale of the sample and the quite different pathways experienced by male and female First Nations people in the criminal justice system. Men with sexual conviction histories were excluded as they are not eligible for the most common suite of programs under investigation. We also excluded people whose matters were before court on the grounds that it would be inappropriate for the researchers to have information relevant to ongoing proceedings.

Culturally specific programs are not universally available within the suite of programs under investigation in NSW. Where available, they are generally in addition to rather than part of existing rehabilitation programs. As such, our findings do not relate to culturally specific programs. Instead, programs under investigation were culturally nonspecific cognitive-behavioral group programs aimed at reducing reoffending, with some specifically focused on addictions, aggression, and domestic and family violence. It is from these programs that participants were drawn. Furthermore, potential participants were screened by correctional staff for acute mental health and cognitive impairments and were excluded from participation by staff based on the results of this screening to avoid any impact on program engagement from these factors. We also recruited program facilitators who identified as First Nations people and had experience delivering programs to First Nations Australian individuals, in community and/or custody.

The 10 participants in this study consisted of five males serving supervised community-based orders and five program facilitators, one female and four males. The former individuals had also experienced imprisonment, so could comment about both community-based programs and the challenges of release from custody. Participants lived across the Central Western Region in New South Wales. Participants were aged between 26 and 50 ($M = 36$). All participants identified as First Nations people.

MATERIALS

A semi-structured interview schedule was used with follow-up questions where appropriate. The questions asked participants about their story within the criminal justice system, their experiences of and views on rehabilitation programs, and what they perceived as factors important to rehabilitation for First Nations people. Interviews were audio recorded and transcribed. The first author (M.T.) reviewed the transcripts while listening to the audio interview, to ensure the accuracy of the transcription.

DESIGN/PROCEDURE

Ethical approval was obtained from the Aboriginal Health and Medical Research Council of New South Wales (1562/19), Corrective Services NSW (D201099404), and the Charles Sturt University Human Research Ethics Committee (H19303). The research was conducted with close reference to the six core values of conducting ethical research with First Nations people: spirit and integrity, cultural continuity, equity, reciprocity, respect, and responsibility (National Health and Medical Research Council, 2018). The research was designed in consultation with both a male and female First Nations advisor working in the health and welfare sector and independent from the research project. The research questions and overall approach were shaped through these initial discussions. Following analyses, the themes were discussed with further male First Nations advisors prior to finalization by the authors.

The authors acknowledge the privileges associated with being White in Australia, and the corresponding disadvantages experienced by First Nations Australians since colonization (Dudgeon et al., 2020). A process of critical reflection was guided by decolonizing methodologies such as the establishment of relationships to deepen non-First Nations researchers' knowledge and understanding of First Nations participant responses, and overt examination of the cultural subjectivity of the authors. Although conscious and unconscious biases were foregrounded in the researchers' critical interpretations of the data provided by

participants, we acknowledge the limitations inherent in such attempts. The interpretive nature of the critical realist approach was recognized as a potential ongoing colonizing mechanism in its potential for misappropriation of First Nations voices, and as such, the additional procedures of consultation with First Nations advisors were adopted throughout the research process to ensure that psychologically based interpretations of phenomena discussed by participants were consistent with First Nations knowledge.

Participants were interviewed individually by the first author (M.T.) at the community corrections office. The First Nations Australian program facilitators were interviewed in a private room in the administrative building of the jail. Interviews were conducted after obtaining informed consent and lasted between 17 and 47 min.

ANALYSES

Data from the study were analyzed thematically and reflected the theoretical assumptions of the authors (Braun & Clarke, 2019). A theme “captures something important about the data in relation to the research question and represents some level of patterned response or meaning in the data set” (Braun & Clarke, 2006, p. 82). Themes were identified using an iterative approach of reading, discussion, and refinement. We first familiarized ourselves with the data, a process that began with transcription. Once we were familiar with the data, codes were developed, in a process that attempted to capture all relevant information. We next began to search for themes based on this coding, developing a list of candidate themes. We then reviewed and named these themes, refining them to the final four we discuss below. These dominant themes were revised with two male advisors working as community engagement cultural officers for CSNSW, who identified as Wiradjuri and Kamilaroi, respectively. In this process, the lead author (M.T.) described each theme in turn and the consultants considered these from a cultural perspective. In general, there was agreement around the validity of each theme, with some additional details provided by the advisors. A key point made by these advisors was the insufficiency of interventions in the criminal justice system, and the necessity of earlier intervention and education, particularly relating to culture. Other matters raised by our advisors will be included below, where relevant.

FINDINGS AND DISCUSSION

The aim of this study was to explore the perceptions of First Nations people involved in the corrective services system in NSW Australia about rehabilitation programs. We were also interested in exploring factors related to treatment responsivity in First Nations Australians. Four themes were identified in our analyses: the importance of culture and colonialization; intrinsic motivation to change; communication and language: the role of the First Nations Australian facilitator; and connection: life after jail. The themes in this study are consistent with current understandings of the complex and multifaceted nature of First Nations Australians’ overrepresentation in the criminal justice system.

THEME 1: THE IMPORTANCE OF CULTURE AND COLONIZATION

Culture: Culture has been defined as “all the ideas, values, beliefs and shared understandings that together allow members of a society to interact with one another in recognized and accepted customs” (Dudgeon et al., 2014); however, as these authors go on to note, First

Nations Australian people and culture are diverse, and there is no single culture or people (p. 18). In this sense, as argued by Tamatea (2017), culture is about relationships, rather than something that can be defined or measured.

Our participants perceived a profound disconnection from culture as a common experience among First Nations people in general, but particularly among First Nations people involved in the criminal justice system. These perceptions emphasize the need for First Nations offending to be understood in the broader context of discriminatory and oppressive historical events—the assimilation policies that disrupted the culture and traditions of Australia’s First Nations people (R. Jones et al., 2002). The participants described how First Nations people grow up estranged from their culture: “you’re Aboriginal, but you still don’t know anything about your culture, but yet culture is always talked about” (Program Facilitator 5). This reflection underscores the mercurial and subjective nature of the meaning of culture to each of the participants, and limitations in the researchers’ critical realist interpretations of these meanings.

While the role of culture in offending is an under-researched topic (Tamatea, 2017), our participants saw loss of culture as both precipitating and maintaining criminal behavior. One participant recounted his gradual disengagement from cultural practices, which accentuated his involvement with the criminal justice system:

when I was growing up, we used to go chasing kangaroos and emus and stuff like that, go fishing, you know, play touch footy, barbecues, stuff like that . . . just growing up with my uncles . . . as I got older and got into the drugs and [delinquency] and jail I just . . . went away from it. (Program Recipient 2)

Another participant perceived a growing lack of interest, engagement with culture, and respect for Elders that began “when we started living with more White people . . . society has let it happen” (Program Recipient 4). First Nations people are caught in between two worlds, living a marginalized existence in which they are isolated from their own culture, but neither accept nor are accepted by the majority, non-Indigenous culture (Jones, 2001, as cited in Queensland Corrective Services, 2010). The experience of not belonging is integral to the experience of First Nations peoples in Australia. Without belonging, ideas, values, beliefs, and understandings are not shared; interactions with one another can occur in the absence of culturally recognized and accepted customs.

One program recipient agreed culture was the most important aspect of a rehabilitation program for First Nations people, as “it gives them a sense of who they are and where they came from” (Program Recipient 2), again reflecting a sense of belonging. This observation is consistent with research that suggests for First Nations Australian people in custody, cultural engagement is associated with positive mental health and socioeconomic outcomes (Dockery, 2010). Building a strong sense of self and cultural identity brings confidence, purpose, and social support, and the security of a sense of belongingness and cultural engagement has been associated with desistance from criminal offending (Edwige & Gray, 2021; Shepherd et al., 2018). The observations of participants, coupled with the existing literature, highlight the significance of culture in rehabilitation.

There is limited research that addresses best practice specific to the rehabilitation and cultural strengthening of First Nations Australian people in custody. However, participants had clear views about what a culturally effective intervention program might look like, with

one Facilitator (2) advocating for the involvement of Elders, and another (4) emphasizing reconnection to Country. Another (1) told us an existing program could be strengthened if it was

turned . . . into actual cultural lesson that dates back from when man first found Australia. And even before that just sort of do like a timeline or then you can get people to talk about where they come from. (Program Facilitator 1)

Including historical material that could help program participants understand more about their cultural background was also seen as important by another facilitator (Program Facilitator 3).

A further problem with existing programs was that currently conveners of programs that have First Nations participants do not have to be First Nations Australian:

Anything where it says culture then, if you put the word Aboriginal at the start of something, there should probably be an Aboriginal facilitator. But they say you don't really teach them about culture. You're teaching them about them and that you can always say to the inmates, "well you teach me about your culture," but it just doesn't sit right with the inmates . . . or any Aboriginal person really. (Program Facilitator 1)

Program facilitators perceived that that inclusion of effective cultural strengthening programs could have considerable impact on participants' motivation. They emphasized that there is motivation, almost a longing, to reconnect with cultural practices. One program facilitator (1) suggested that this cultural element will deepen participants' engagement with the program, and without it "they tell you what you want to hear, they don't really dig deep." The need for strengthening of culture also related to program facilitators, who reflected on their own knowledge and discussed the importance of regularly practicing culture to bolster confidence in working effectively with their people.

Colonization: Other program recipients also highlighted the role of colonization and its continuing impact on psychosocial functioning. One commented, "Everyone got split up and now the kids didn't know any of the past ways . . . that's what made me feel a little bit lost, you know? Not fitting in, well, feeling something missing" (Program Recipient 5), and another said, "We [were] sort of treated like second class citizens you know. And in some, some places we still are, they look at us different out there. A lot of racism . . . still gets around, but it's just . . . hidden" (Program Recipient 1).

These comments highlight the cumulative effect of historical and intergenerational trauma on the social and emotional well-being of First Nations people. They show the modern-day consequences of being unable to share cultural heritage and ongoing experiences with discrimination. Stress related to these processes of deculturation and racism can restrict the capacity to develop a healthy sense of self (R. Jones et al., 2002). In the absence of a strong sense of self and shared cultural identity, First Nations people are likely to continue to feel a lack of belonging, which can be related to anxiety, loneliness, and anger (Chang et al., 2015; Edwige & Gray, 2021).

There was a clear perception about the intergenerational entrenchment of First Nations Australians in the criminal justice system, where criminalization is normalized, and a life spent in custody seen as commonplace. This was observed by participants: "Like their grandfather has been in jail, their father's been in jail, their uncles, their cousins" (Program

Facilitator 1). The policies that led to the Stolen Generations continued from 1910 until 1970 (Australian Law Reform Commission, 2017), and one participant reminded us that for First Nations Australian communities “it wasn’t that long ago, you know?” (Program Recipient 1). Even with this awareness of the historical injustices experienced by First Nations Australians, this participant suggested that they need to find a way to move on from past traumas: “We just got to learn to . . . we won’t forget what happened, but . . . we’ve got to move on” (Program Recipient 1).

These themes were endorsed by our cultural advisors. These men agreed First Nations people in Australia learn little of their culture. They also reflected on their own level of disconnection from culture growing up, commenting how they could easily have found themselves in the same position as our participants. Cultural strengthening and maintenance is an ongoing developmental process that was perceived to benefit the sense of belonging of all First Nations people. Our findings point to a need to develop programs that assist in healing intergenerational trauma, which strengthens cultural identity and provides connectedness to other First Nations Australian people—responsivity factors essential to the rehabilitation of First Nations People in custody.

THEME 2: INTRINSIC MOTIVATION TO CHANGE

Our participants perceived low motivation to change behavior among First Nations people in custody, which represented a significant barrier to meaningful engagement in programs. Both program recipients and facilitators were of the view interventions can only be effective where individuals engage with behavior change strategies and are active agents in efforts to address criminogenic needs. The dominant discourse concentrated on the individual finding sufficient motivation to change:

Like the community is trying to help, but it’s up to them to help themselves. You can try and help them, but they’re going to go out and do the exact same thing over and over if they don’t want to change. (Program Recipient 3)

A program facilitator agreed, saying “you can bring in all these programs but if they’re not at a stage where they want to change then it’s just a ticking a box” (Program Facilitator 1). This was viewed as a significant barrier to engagement in treatment by many participants. As one program recipient (4) reported, all individuals “had to do the course [and] were only there because they had to be.”

Program facilitators also recognized this dilemma, discussing how they would attempt to motivate people to enter treatment with tangible incentives for program participation, such as payment of fines or support for parole applications. According to one program facilitator, recipients of programs were transparent that their reasons for enrolling in programs related to external factors such as these. In his observation, motivation to change was rarely intrinsic:

If you sit in a room and ask them . . . who here wants to change or what are your reasons for being here. You go around the room, 9 out of the 12 blokes will say, oh like I want to pay my fines off or get my parole. Not that I want to learn or want to change. (Program Facilitator 1)

Given intrinsic motivation is associated with better treatment outcomes (Deci & Ryan, 2000), this is a finding deserving attention by correctional authorities. Program facilitators

reported implementing a range of diverse strategies for building motivation to change once enrolled in a program. These included facilitating neutral discussions to allow program recipients to make individual assessments of their behavior (Program Facilitator 5), conversations about victim impact (Program Facilitator 2), and accounts of successful rehabilitation (Program Facilitator 4). Another common strategy was to involve more senior inmates to increase engagement: “What has worked at times is a good mentor in the room, an older inmate, who shows them it’s okay to be serious and not be cool and actually learn something” (Program Facilitator 5). Guidance from older First Nations inmates can help younger inmates to engage more deeply (Sullivan, 2012).

Some program recipients gave examples of factors that increased motivation to change. For two individuals, being in custody formed their main motivation to change. One commented, “No one really could help me because I was just too thick headed. But what did help me was looking back at it . . . once I was in jail all the time, just reflecting on everything” (Program Recipient 3), while another told us, “I would’ve thought just being locked up in jail itself would be enough . . . being taken away from society and all your freedom” (Program Recipient 4). Family was also cited as a powerful motivator of change: “We sort of gave it up when [my wife] fell pregnant . . . I had something to give it up for as well, makes it a lot easier” (Program Recipient 5). Similarly, another said, “What keeps me going? It’s my daughter. I’ve let her down for so many years already now. And I’ve missed out on six years of her life” (Program Recipient 3). Two other program recipients (1 and 2) reflected on their mothers’ ill health as a driver to remain out of custody. These findings are consistent with research that suggests cultural schemas about fatherhood and maintaining kin relationships are important catalysts for initiating change among First Nations Australian people in custody (Sullivan, 2012).

The current study shows building motivation to change is a vital treatment need. Our first theme related to the importance of culture and its disruption by colonization, and the evidence we presented in relation to that theme suggests it could represent an effective method of engagement, but only if done authentically. In combination with the desire to maintain family relations, and avoid custody, this potentially represents a powerful way of increasing engagement in treatment programs.

THEME 3: COMMUNICATION AND LANGUAGE: THE ROLE OF THE FIRST NATIONS FACILITATOR

The third theme that emerged was that program content needs to be appropriately tailored to the communication and learning style of First Nations people, consistent with the responsivity principle (Bonta & Andrews, 2007). Participants reported literacy problems to be common among First Nations people in custody (Mals et al., 1999; Willis, 2008). It is well-recognized First Nations Australians continue to experience gaps in educational attainment and achievement compared with non-Indigenous counterparts, which is a direct result of the processes of discrimination resulting from colonization (Dudgeon et al., 2014). Participants identified shortcomings in programs that incorporate abstract verbal content and require a more nuanced understanding from the perspective of the dominant culture (Willis, 2008; Willis & Moore, 2008). The program facilitators reported that language and literacy are indeed an important aspect of responsivity:

I don't think the person who wrote them has actually sat down and delivered them to inmates. And understand that the inmates, especially Aboriginal inmates, a lot of them don't finish school, a lot of them don't know how to read and write . . . you're trying to keep their attention for two hours in a classroom. It's not really something they're good at. (Program Facilitator 1)

These literacy problems can also help explain the low motivation and engagement identified in Theme 2. Sensitive interventions by culturally competent facilitators, who are aware of language as a barrier and approach this with compassion and respect may increase the number of First Nations people accessing rehabilitative interventions. This is also consistent with the importance of cultural sensitivity highlighted in our first theme. Program facilitators in our study discussed how they adapt their language and the way they deliver the program based on their shared life experiences as well as broad cultural practices:

If you want them to adapt back into a classroom setting, within a jail then you too have to be willing to adapt on how they going to understand it or discuss it on their language level. (Program Facilitator 2)

Not all program facilitators are able to make these adaptations. One of our participants observed some older non-Indigenous facilitators continue to approach programs from their position of privilege and are unable to change their delivery to ensure participants understand and engage with program content:

The older facilitators generally push back. And when you tell them to . . . get down on [participants'] level and speak how they speak and you build that rapport much faster . . . we are trying to just change their offending behavior rather than needing them to say y-e-s, rather than "yeh". (Program Facilitator 2)

There was another important layer to adapting language, in that it can be used as a vehicle to build trust and rapport: "I'm always adding to programs because if I'm communicating in their language and on their level, I think they trust me more . . . [if] they think I'm talking down to them, it's not going to work" (Program Facilitator 4).

Participants identified many benefits of adapting language. It can demonstrate care, break down barriers, reduce shame, and establish a more equal and respectful relationship. Flexibility in using manualized psychoeducation-based programs is also important, and program content could be improved if delivered in a way that does not depend on literacy skills (Mals et al., 1999). From the perspective of our participants, programs should be:

Just much more practical. Like just showing you more. Instead of like telling you to write stuff, make it more . . . hands on stuff. So that teacher does all the writing on the board, but you explain everything, you know I mean, so they didn't have to take notes or nothing. (Program Recipient 3)

Our consultants also reflected on their position as First Nations men and programs facilitators, with one commenting, "they see us as authority, we betrayed them, [they] see us as government." The current manualized programs can be appropriate if they consider the broad set of cultural foundations and specific learning styles of First Nations people. Integral to this was the ways in which the program facilitator adapted the material to the literacy

levels of the participants. Program recipient participants agreed that First Nations Australian facilitators should be involved in program delivery due to their effective communication, their sensitivity, and shared cultural understanding, which helped meaningful engagement (Mals et al., 1999).

THEME 4: CONNECTION: LIFE AFTER JAIL

The fourth theme we identified was that behavior change programs in isolation were unlikely to change trajectories for First Nations people, who face a greater range of risk factors on their release from custody compared with their non-Indigenous counterparts. This is because First Nations people experience significant levels of social and economic disadvantage, exposure to violence in their social networks, substance abuse, and disconnection (Edwige & Gray, 2021). Program facilitators discussed how First Nations people on release can return to remote communities, where they have family and kin support, but otherwise lack employment opportunities. Like Willis (2008), they felt that efforts to rehabilitate people in custody would often “fall to the wayside” (Program Facilitator 1) once they are released to community.

The participants were clear that rehabilitation for First Nations populations needs to involve careful reintegration planning and community support, targeting criminogenic needs such as unemployment and antisocial connections, and providing the necessary resources and competencies to allow them to lead “better” lives (Ward, 2002). Accommodation, education and employment, ongoing treatment programs, and prosocial networks have been found to be the most important predictors of a successful community transition (Gilbert & Wilson, 2009). Participants perceived more needed to be done to understand how the benefits of a behavior change program could be maintained in the community:

I think it’s more how to survive once they get out. Because a lot of them, they say, it’s all good when we do these programs, but then what do we do when we get out? So . . . they need to be connected to services that can support them. (Program Facilitator 4)

The notion of First Nations people needing help to “survive” demonstrates the isolation they experience when released from custody. This is something our participants recognized:

A lot of it just comes back to support. Like a lot of people, Aboriginals, they find it hard to find themselves once they’ve been released from custody . . . someone that doesn’t know how to read and write, what’s the chances that if they need a house—what’s the chances of them filling in an application for a house. (Program Recipient 3)

This man went on to talk about how in the absence of support, jail can seem more appealing due to the familiarity, stability, and security it offers:

They kept coming in because they got nothing outside of jail. It was a better lifestyle because they [were] fed in there. They get, they don’t have to pay rent . . . they get a TV, everything’s free to them. (Program Recipient 3)

This lack of resources and opportunity in the community makes the deficiencies of current rehabilitation programs more apparent. One program recipient believed resources would be better allocated to skills-based programs that would supply the resources needed to “survive” in the community:

A lot of the programs . . . I think they are a waste of time. There’d be a lot better . . . spent on actually training inmates to have a skill or a work ethic, instead of telling them where they’re going wrong and what they’ve done wrong. (Program Recipient 4)

In our discussion of the importance of culture in Theme 1, we argued First Nations people in the criminal justice system suffer low self-esteem because of cultural disconnection and confusion around identity, purpose, and belonging. Participants perceived more practical programs could help address this:

Give him a skill of some kind to be able to put back into the workforce or anything like that even, or, and once they learn a skill, they’ll feel better within themselves, and strangely enough, probably become a better person. (Program Recipient 4)

It is clear greater integration is required between correctional departments and community-based organizations to provide a meaningful, coordinated, and holistic response to support First Nations people on release from custody. In the Good Lives Model (Ward, 2002), successful reintegration involves allowing the individual to identify the elements of a good life and having the programs and services to meet that need. For one participant this meant,

A big thing with me is, every time I get out, before I relapse, I need people there to help. I find this time around I’ve been getting a lot of help. Like in getting onto the Bupe [Buprenorphine] program or Methadone. I sort of feel a little bit institutionalized [and] it’d be good to . . . have our own place . . . [and then] . . . help us just get a job or something we can do. (Program Recipient 1)

This individual’s criminogenic needs were substance abuse treatment, prosocial supports, employment, and job readiness programs (Bonta & Andrews, 2007). In addition, he had the primary human needs of community reintegration, autonomy, and mastery (Ward, 2002). Our findings suggest current programs and, moreover, postrelease support can lack this holistic worldview.

Participants also thought involving family could improve rehabilitation (Dockery, 2010; Mals et al., 1999). For instance, one participant commented,

Just look at notifying their family members for triggers because it’s better to catch them early before they too far gone. Because at the start, if they only just start to chop back in again . . . their family can notice or identify that they’re doing it and . . . notify them what they’re doing and let them understand that this is where you’re going to spiral. (Program Recipient 3)

Another suggested involving the family and familiarizing them with rehabilitation programs:

I’m thinking more along the lines of have the family . . . sit down and talk . . . have input, be part of the course if they have to. I guess they can’t do that in correctional centers, but probably out here they could. Have their partner with them. (Program Recipient 2)

By contrast, some participants perceived release from custody to be a source of risk and re-exposure to criminogenic environments and peers. It was clear from our findings that rehabilitation for First Nations people is a complex process, where kinship and community relationships are paramount but may simultaneously place them at a greater risk of reoffending. One participant indicated that in the absence of prosocial support, an alternative is to access this support in community:

It probably helped keeping me on the straight and narrow a little bit, a few times, coming in here even, like not for the program, even just for the regular face-to-face [meetings] . . . there was a few times where I needed to say some things to someone that I can't really say to [my wife]. (Program Recipient 5)

The social and cultural context in which offending behavior occurs is of the highest importance. The legacy of colonization has led to many disadvantages for First Nations individuals and communities and created challenging circumstances for the rehabilitation of First Nations people. Greater efforts and resources should be devoted to connecting First Nations Australians to community-based supports prior to release and involving the family and community in the rehabilitation process to increase engagement and responsivity to programs.

CONCLUSION

The current study aimed to explore the perceptions of First Nations Australians involved in the criminal justice system, either as program participants or facilitators, about rehabilitation programs, and the special challenges facing the most globally imprisoned population, First Nations Australians. We also investigated factors related to treatment responsivity, aiming to provide information that could improve practice in this area. We identified four themes. The first described the loss and disconnection from culture experienced by First Nations Australians through the process of colonization, and how this impacted rehabilitation efforts. The second identified motivation and readiness to change as significant barriers faced by First Nations individuals. The third highlighted problems with language and literacy and how these reduce the efficacy of intervention programs in the hands of culturally insensitive facilitators. The final theme highlighted both the challenges and lack of support faced by First Nations people on release from custody.

The over-representation of First Nations Australians in the criminal justice system is an ongoing injustice that has its origins in colonization but has been suggested to be due to a range of factors, including systemic bias in the criminal justice system, differences in offending behavior, unemployment, poverty, education, and racism and prejudice (Weatherburn, 2014). It is clear there is an urgent need to address the legacies of colonialization in Australia, and this cannot be done effectively within the confines of the criminal justice system. Nevertheless, consistent with socioecological models of rehabilitation (Golden & Earp, 2012), we believe there is a place for individual-level treatment, and this can co-exist with a process that addresses the systemic inequities contributing to First Nations over-representation in prison.

Our findings identify key challenges facing correctional authorities in providing rehabilitation services to First Nations Australians. Addressing loss of culture emerged as key to

this, as providing culturally sensitive programs designed and facilitated by other First Nations Australians could provide a way to address lack of motivation to change. It could also help address problems related to the use of culturally inappropriate program material developed for and validated on non-Indigenous populations, which we found provides great challenges for those with lower literacy skills. A final clear finding was that First Nations Australians in prison require support to enable them to avoid potentially criminogenic environments and find employment, housing, and connections to family and kin.

These findings extend understanding of responsivity factors for First Nations people undertaking rehabilitation programs and align with principles of evidence-based practice in psychology, which takes account of the clinician's expertise and the individual characteristics of a person receiving psychological intervention when considering the efficacy of outcomes. Such practice incorporates principles of psychological assessment, case formulation, and therapeutic relationship—all of which would be enhanced by the themes outlined in this study. Facilitator expertise that encompasses cultural sensitivity and identity is consistent with the principles of both specific responsivity and evidence-based practice. Furthermore, attending to factors such as connection to culture and how this impacts motivation, and specific contextual factors that challenge rehabilitation gains and ongoing engagement, would also assist programs to meet both principles. Responsivity is therefore a particularly significant principle for attention in rehabilitation programs for First Nations Australians.

The 10 interviews conducted represent the views of a small and relatively homogeneous group of people who were willing to participate. In seeking depth of experience rather than breadth, the research methodology of this study makes no claim to generalizability and the results should be interpreted in this light. Further research seeking the voice of First Nations people in the criminal justice system is necessary to understand and address the profound inequities they experience.


The interviewer was non-Indigenous, and as a result, participants may have modified aspects of their communication in response. The themes were endorsed by the First Nations Australian reference group, which gives us confidence in thinking they are an accurate reflection of the perceptions of First Nations people involved in the criminal justice system. Nevertheless, the analysis and interpretation of the data are subjective, and the form the analysis takes is very much dependent on researchers' interests (Willig, 2021). In addition, notwithstanding our efforts to consult First Nations people in this research, and to critically reflect on the subjectivity of our position as White researchers, we acknowledge the White lens through which this research was conducted and the bias of a privileged interpretation of the data. We also acknowledge the predominance of traditional psychological theories that informed our interpretations of the data and the potential for misalignment with First Nations concepts of social and emotional well-being.

The overrepresentation of First Nations Australians at all levels of the criminal justice system is a significant injustice that mars Australia's reputation as a social democracy. Exploration in depth with First Nations people in NSW who have firsthand experience of correctional programs suggests that one way to address this is through the development of effective rehabilitation programs that will connect First Nations Australian participants to their culture and be responsive to their individual needs. The responsivity principle is one of the three elements of the widely used RNR model. Our findings suggest a number of ways that current correctional programs can better respond to the unique needs of First Nations Australians. The development of culturally sensitive rehabilitation programs was

described by participants as a matter of the highest priority for correctional authorities in this country. We hope our findings will contribute to future work that will reduce the overrepresentation of First Nations people in the criminal justice system.

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NOTE

1. There are many diverse Aboriginal and Torres Strait Islander groups in Australia, each with their own unique culture, practices, language, beliefs, and knowledge systems. The term First Nations Australians is the current preferred and encompassing term to acknowledge the diversity of Australia's First People. As language is changing and evolving, preferred terms are individual and personal (The Australian Institute of Aboriginal and Torres Strait Islander Studies, 2021). The current article will use "First Nations Australians" where possible.

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