



WHAT CAN BE DONE?

1. Self-Determination

Self-determination is key to improving the human rights and wellbeing of Aboriginal people with mental and cognitive disability in the criminal justice system. Aboriginal leaders, workers, service champions and community members aspire to be self-determining in the care of the most vulnerable people in their communities. The capacity in Aboriginal communities needs to be fostered, and Aboriginal-led knowledge and solutions appropriately supported and resourced.

2. Person-Centred Support

Person-centred support that puts Aboriginal people with mental and cognitive disabilities at the centre of their care and that's appropriate to their culture and context is essential. People should be supported to make decisions about their own needs and recovery. It requires services to be engaged and build a relationship with an Aboriginal person with disability and the people who are important to them, and to respect their dignity, strengths and human rights.

3. Holistic and Flexible Approach

A determined holistic approach is needed to providing services to Aboriginal people with complex support needs, so they do not end up in the criminal justice system. Services that work across sectors (e.g. housing, disability, mental health) and are flexible and culturally informed in their delivery of programs have better outcomes for Aboriginal people.

4. Integrated Services

Government and non-government services need to work in a more integrated way to improve referral, information sharing and case management. Justice, Corrections and Human Services departments and non-government services should take a collaborative approach to program pathways for Aboriginal people with disabilities who need support across their sectors.

5. Education

Better education and information on Aboriginal people with disability is needed for police, teachers, education support workers, lawyers, magistrates, health, corrections, disability and community service providers to help them understand and work with Aboriginal people with cognitive impairment, mental health disorders and complex support needs. Aboriginal communities, families and carers need information and resources provided in a culturally informed and meaningful way.



ABORIGINAL PEOPLE WITH DISABILITY IN THE CRIMINAL JUSTICE SYSTEM

There is a lack of understanding, services and support for Aboriginal people with mental and cognitive disability. This can lead to frequent and harmful contact with police, courts and time in prison.

"When you look at someone who is not diagnosed it's not just that person who is impacted. It's the person at the centre, but there are all these little dots around the person that when they do have an episode, it sends ripple effects through the whole family."

"We are getting lots of fellas with this type of cognitive behavior issues, and they've only got to walk down the street and if the police see them they are going to pull over."

MENTAL DISABILITY

Mental health disorders include depression, schizophrenia, anxiety, personality disorders and psychosis. People can experience mental health disorders for a short time or throughout their lives, but they can be helped by appropriate treatment, medication and support.

COGNITIVE DISABILITY

Cognitive impairment includes intellectual disability, acquired brain injury, dementia and foetal alcohol spectrum disorder (FASD). It is an ongoing impairment in comprehension, reason, judgment, learning or memory. Cognitive impairment is an ongoing and permanent condition.



IAMHDCD Project: This resource has been put together by the IAMHDCD project team at UNSW after speaking with Aboriginal people with mental and cognitive disability and their families and communities, police and service providers. <https://www.mhdcd.unsw.edu.au/>



ISSUES:

People don't understand what cognitive disability is

Families and communities don't have enough information about what different cognitive impairments are - for example, intellectual disability (from birth) or acquired brain injury (head trauma that causes permanent damage) - and how they affect people. Cognitive disability is often confused with mental health disorders.

Police, teachers, lawyers, magistrates and others may also not have enough knowledge about cognitive disability, and see it as 'just bad behaviour'. Without proper diagnosis and support, many Aboriginal people with cognitive impairment end up in the criminal justice system.

"He has an intellectual disability, and it's only just been identified in jail. Vision problems, hearing problems, and on top of that his intellectual disability. His disability has never been identified, because his issues have always just been blamed on his behaviour."

In some regional and remote areas there is no way to access specialist services to provide help and support which can make things worse for Aboriginal people in those communities.



There are high levels of stress, loss, grief and trauma in Aboriginal communities

Aboriginal communities are under a great deal of stress from loss, grief, trauma and socio-economic disadvantage. This comes from generations of Aboriginal people experiencing racism, dispossession, forcible removal of children, poor education, overcrowded housing, a lack of appropriate health care, early loss of family and community members, over-policing, and high rates of incarceration. It has a big impact on the health and wellbeing of many Aboriginal people.

"The families are under so much stress, there is no stability in the home environment from over-crowding."

"People will say: 'Oh they just smoke all the drugs and that's the problem', but don't think about all of the things that might make someone want to smoke all those drugs."

Many Aboriginal people in the criminal justice system have 'complex support needs'

Communities are overwhelmed with the kind of support needed by people who experience mental and cognitive disability as well as drug and alcohol dependency. Different diagnoses and disorders can become meshed together and masked by each other, which is sometimes called 'complex support needs'. It is difficult for Aboriginal people with complex support needs to get appropriate help, because services often focus on only one area – like mental health, or disability, or drug and alcohol dependency – and also because of racism.

"They don't know or understand him, everyone just thinks that he's a 'drunk Abo', and that's how he will get treated, but he isn't. He may sometimes be under the influence of cannabis, but he has a mental illness and intellectual disability."



We need better support for Aboriginal people with mental and cognitive disability in the community

Aboriginal people with mental and cognitive disability who have been in prison can feel isolated and disconnected from family, often face discrimination and have no access to appropriate community-based care options. They are more likely to have early and regular contact with police.

"[The attention from police] becomes constant, and if you can imagine you have a cognitive impairment what would happen. They can't handle it, and they become aggressive. And the police have their style, which is stand-over style, and then you are arrested. If you are on parole, then you're gone."

"We need to identify the problem before it gets to an emergency state, recognising the early stages before crisis point. That's most of the stuff we deal with, the crisis stuff, where they show up at the door late at night".

There are very few alternatives to prison for Aboriginal people with mental and cognitive disability and a lack of appropriate programs in prison or post-release, meaning return to prison is very likely.