



National Disability
Research Partnership

Barriers Within Bars

NDRP Research Report | May 2026



About the artwork

Connection to *Barriers Within Bars*

These artworks were **not created as part of the *Barriers Within Bars* research project.** They come from Professor Gilroy's wider program of research with Aboriginal people, people with disability and their families.

They are included with this report with permission and support from John, the authors of the report and the University of Sydney who hold and care for the artworks, because they speak powerfully to some of the wider systemic issues that provide context for the research: the intersection of disability and Aboriginality, incarceration, institutional responses, service-system gaps and the need for appropriate disability support.

Artworks reproduced with permission of Professor John Gilroy and the University of Sydney.

About the artwork

The artworks included with this report are by Professor John Gilroy, a Yuin man from the NSW South Coast and Professor of Indigenous Health and Disability at the University of Sydney.

Professor Gilroy has worked in disability and ageing research and community development with Aboriginal communities, governments and non-government organisations for more than 20 years. His research has included work in remote, rural and metropolitan communities across Australia and has been undertaken in partnership with Aboriginal health and medical services, disability service providers, people with disability and families.

His artwork draws on what he has heard and learned through this body of research, using visual storytelling to communicate experiences of disability, systems, services and the NDIS.

***Incarceration of Disability and Aboriginality* (cover)**

This work reflects the disproportionate incarceration of Aboriginal people with disability and the consequences when criminal justice, disability, health and housing systems do not provide appropriate support.

It highlights experiences of people whose disability may not be recognised or adequately supported, including people with brain injury and foetal alcohol spectrum disorder and the barriers created when disability supports do not connect effectively with other systems.

The work also reflects accounts from people with disability who have described prison systems as punishing the person rather than responding to their disability, health and support needs.

Artwork and words: Professor John Gilroy

***I am Running in Circles and Trapped in a Maze* (page 13)**

This work reflects experiences shared by parents and families navigating disability service systems and the NDIS.

Professor Gilroy's research heard from families who described feeling as though they were continually running in circles or trapped in a maze while seeking support. Some described reaching out repeatedly for assistance without finding anyone able or willing to help, with significant consequences for children with disability and their families.

Artwork and words: Professor John Gilroy

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National Disability
Research Partnership



Partner and organisation

AccessAble Braille Enterprises

Disclaimer

This publication represents the views of the authors and does not necessarily reflect the views of the National Disability Research Partnership (NDRP) or the Australian Government.

Use of AI tools

AI tools were used in the preparation of this report to support **literature synthesis, drafting, editing, and accessibility formatting**. All content was reviewed, refined, and approved by the research team, with final decisions made by Indigenous researchers and co-researchers with disability.

Contributors and acknowledgements

We acknowledge the **Traditional Custodians of the lands** on which this research was conducted, and we pay deep respect to **Elders past and present**. We recognise the strength, resilience and sovereignty of Aboriginal and Torres Strait Islander peoples, and honour the knowledge systems that continue to guide this work.

We acknowledge and thank the **co-researchers with disability** whose leadership, insight and lived experience shaped every stage of this project. Their guidance ensured that the research remained grounded in community priorities, cultural authority, and disability-led ways of knowing.

We express our deep gratitude to the **people who participated in the focus groups**, who generously shared their lived experience stories, insights, and expertise. Their courage, honesty, and trust form the heart of this work. We honour the knowledge they carry and the experiences they chose to share to support change.

We acknowledge the many **people working at the grassroots level** with Indigenous people with disability across the Australian prison system including community workers, disability advocates, legal services, health staff, and frontline justice workers. Their daily efforts to support safety, dignity, and cultural connection informed and strengthened this research.

We acknowledge **AccessAble Braille Enterprises**, led by Dr Aunty Roslyn Sackley, for their collaboration, cultural guidance, and ongoing support. Their expertise in accessibility and alternative formats strengthened the inclusiveness and reach of this work.

We also acknowledge the significant contribution of **Eyayu Kasseye Bayu**, Research Assistant, whose careful coordination, literature support, and commitment to culturally safe and disability-inclusive research processes strengthened the quality and integrity of this project.

We acknowledge the contributions of our **partner organisations**, advisory groups, cultural advisors, Elders, interpreters, and research assistants who supported engagement, analysis, and culturally safe decision making throughout the project.

Content notes

This report talks about topics that may be upsetting for some people.

It may include information about:

- safety, harm, or violence
- discrimination or unfair treatment
- personal or lived experiences

We have tried to present this information in a respectful and accessible way.

If reading this report raises concerns or causes distress, support is available:

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- **Beyond Blue** – 1300 22 4636
- **1800RESPECT** – 1800 737 732
- **13YARN** – 13 92 76 (13YARN)

You can contact these services for free, confidential support at any time.

Definitions, concepts and acronyms

ABI Acquired Brain Injury. A cognitive impairment caused by illness, trauma or other events after birth.

ABS Australian Bureau of Statistics. National statistical agency responsible for population, justice and health data.

AIHW Australian Institute of Health and Welfare. National agency reporting on health, welfare and justice outcomes.

ALRC Australian Law Reform Commission. Federal body that reviews and recommends reforms to Australian laws.

Bail A legal process that allows a person to remain in the community while awaiting trial, often with conditions.

CJS Criminal Justice System. Includes policing, courts, corrections, youth justice and parole.

Cognitive disability A disability that affects thinking, memory, learning, communication or decision making.

Colonisation The ongoing political, social and cultural systems imposed on Aboriginal and Torres Strait Islander peoples that continue to shape inequality.

Communication access The ability of a person to receive, understand and express information in ways that meet their communication needs.

Cultural safety An environment where Indigenous people feel respected, heard and able to maintain cultural identity without discrimination.

Disability Defined broadly in this project to include cognitive disability, psychosocial disability, hearing loss, vision impairment, physical impairment, chronic health conditions and mental health challenges.

Disability identification Processes used to recognise disability within justice, health and correctional systems.

DV Domestic violence. Violence, abuse or coercive control within family or intimate relationships.

Executive functioning Cognitive skills that support planning, decision making, impulse control and problem solving.

Forensic setting A secure health or justice environment where people are detained for assessment or treatment.

Human rights Rights recognised under international law, including safety, health, communication, liberty and freedom from cruel treatment.

Incarceration Detention in a prison, youth justice centre or forensic facility.

Indigenous Used in this report to refer to Aboriginal and Torres Strait Islander peoples.

Intersectionality A framework recognising that people experience overlapping forms of disadvantage such as racism, ableism, gendered inequality and poverty.

NDIS National Disability Insurance Scheme. Provides disability supports for eligible Australians but is suspended when a person enters custody.

Neurocognitive disability Disability affecting brain function, including ABI, FASD, dementia and some developmental conditions.

NSW New South Wales.

Psychosocial disability Disability arising from mental health conditions that affect daily functioning, communication or participation.

PwDs Persons with Disabilities.

PWCD People with cognitive disability.

Remand Detention of a person in custody while awaiting trial or sentencing.

Social determinants of health Social and economic factors such as housing, income, education and trauma that influence health and wellbeing.

Structural inequality Systemic barriers created by institutions, policies and social systems that disadvantage certain groups.

Trauma informed practice Approaches that recognise the impact of trauma and prioritise safety, choice and empowerment.

UNCRPD United Nations Convention on the Rights of Persons with Disabilities.

YPWCD Young people with cognitive disabilities.

Executive Summary

Barriers Within Bars is a national, Indigenous disability led project developed by the BlakAbility team in the Faculty of Arts at the University of Melbourne, in partnership with AccessAble Braille Enterprises, a First Nations disability-led organisation.

Together, these teams bring cultural authority, lived experience and disability expertise to the work. The project examines what is happening to Aboriginal and Torres Strait Islander people with disability in Australian prisons. It was funded as a seed grant through the National Disability Research Partnership in 2024 to begin a wider national conversation and to bring together what is already known about this issue. The project responds to growing concern that Indigenous people with disability are entering and moving through the criminal justice system in ways that reflect systemic failure, not individual circumstances.

Indigenous people with disability experience some of the most significant and preventable forms of injustice in Australia. Their experiences are shaped by the combined effects of racism, ableism, trauma, poverty, gendered inequality and the ongoing impacts of colonisation. These forces influence who is policed, who is refused bail, who is placed on remand, how people are treated in custody and what supports are available when they return to community. The evidence shows that disability is often unrecognised, misunderstood or punished, and that prison environments are not designed to meet the needs of people with disability. For Indigenous people, these failures are intensified by cultural disconnection, communication barriers and the absence of culturally safe services.

This project matters because it brings visibility to a group that has been largely overlooked in national research and policy. While there is substantial work on Indigenous incarceration and growing work on disability in the justice system, very few studies examine the intersection of the two. This gap has left advocates, families, community organisations and policymakers without the evidence they need to understand what is happening and what must change.

The research team and how representation shaped the work

The project was led by Indigenous researchers with disability, supported by AccessAble Braille Enterprises and a research assistant with lived experience of disability. This leadership structure shaped every stage of the work. It ensured that cultural authority, disability knowledge and lived experience guided the research questions, the interpretation of evidence and the way findings were communicated.

The co-design process brought together Indigenous people with disability, former prisoners, family members, community workers, legal advocates and frontline staff. Their insights shaped the direction of the evidence synthesis, identified gaps in the literature and ensured that the project remained grounded in lived experience. Accessibility was embedded throughout the project, including Easy English materials, alternative formats and the production of Braille versions of key documents.

Key findings

The evidence shows that Indigenous people with disability face significant and preventable barriers before, during and after imprisonment. Key findings include:

- Disability is often unrecognised or misinterpreted, leading to criminalisation rather than support.
- Prison environments are not designed to meet the needs of people with cognitive, psychosocial or physical disability.
- Remand is used extensively, with many Indigenous people held for long periods without conviction.
- Bail laws and procedures do not account for cultural obligations, disability related needs or housing instability.
- Mental health needs are high, yet access to culturally safe and trauma informed care is limited.
- Communication barriers affect safety, participation, decision making and access to justice.
- Family contact is restricted by administrative rules, distance, cost and inconsistent visitation policies.
- Disability supports such as the National Disability Insurance Scheme are withdrawn in custody, disrupting continuity of care.
- Reintegration supports are fragmented, with many people leaving custody without stable housing, health care or disability supports.
- Children and young people with disability are at particular risk, including being held in watch houses or placed in adult forensic settings.
- Many people develop or worsen psychosocial disability during incarceration due to isolation, violence, trauma and lack of support.

These findings reflect systemic failure rather than individual behaviour. They show that the justice system is not meeting its duty of care to Indigenous people with disability and that current practices undermine safety, rights, autonomy and wellbeing.

Major gaps in evidence

The evidence synthesis identified significant gaps that limit national understanding and action. These include:

- Very few studies examine the intersection of Indigeneity and disability in prison settings.
- Limited data on the prevalence of disability among Indigenous prisoners.
- Limited research on the experiences of Indigenous people with cognitive disability, psychosocial disability or acquired brain injury.
- Very little evidence on the experiences of Indigenous women with disability in custody.
- Limited research on the impact of remand, bail refusal and court processes on people with disability.
- Very little research on communication access, including the needs of Deaf, hard of hearing or non speaking Indigenous people.
- Limited evidence on the long term effects of incarceration on disability, mental health and wellbeing.
- Very little research on what works, including culturally grounded, community led programs that support safety and reintegration.
- No national repository of research on Indigenous people with disability in prison settings, making evidence difficult to find and use.

These gaps reflect structural issues, including fragmented research, inconsistent data collection and limited investment in Indigenous disability led research.

Implications for policy and practice

The findings have significant implications for policymakers, practitioners and service providers across justice, disability, health and community sectors. Key implications include:

- Disability identification processes must be improved across policing, courts, corrections and reintegration services.
- Prison health care must be culturally safe, trauma informed and responsive to disability.
- Bail laws and remand practices must be reformed to reduce unnecessary detention and account for disability related needs.
- Communication access must be treated as a human right, with interpreters, support workers and accessible materials available at all stages.
- Disability supports must not be withdrawn in custody, and continuity of care must be guaranteed.
- Reintegration supports must be strengthened, including housing, mental health care, disability supports and cultural connection.
- Children and young people with disability must not be held in unsafe environments such as watch houses or adult forensic units.
- Community controlled organisations must be resourced to lead culturally grounded programs that support healing, connection and reintegration.
- Policymakers must engage directly with Indigenous people with disability to understand barriers and identify solutions.

Recommendations for future research

This seed funded project has highlighted the need for a larger, national study that is Indigenous led, disability led and grounded in lived experience. Priority areas for future research include:

- A national study engaging directly with Indigenous people with disability in custody and post release in every state and territory.
- Research into pathways into the justice system, including child protection, foster care, early exclusion from education and policing practices.
- Research on the experiences of Indigenous women with disability in custody.
- Research on communication access, including the needs of Deaf and hard of hearing Indigenous people.
- Evaluation of culturally grounded, community led programs that support safety, healing and reintegration.

- Mapping of political and policy barriers that prevent implementation of pre-existing recommendations.
- Development of a national repository of research on Indigenous people with disability in prison settings.
- Research that identifies practical measures that can be implemented quickly to improve safety and wellbeing.

This Executive Summary reflects the central message of the project. Indigenous people with disability deserve safety, dignity, cultural connection and the right to be supported rather than punished for their disability. Achieving this requires structural reform, sustained investment and a commitment to Indigenous disability leadership at every stage.

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Background



Aboriginal and Torres Strait Islander people with disability continue to face significant and preventable injustice within the Australian criminal justice system. Their experiences are shaped by the combined effects of racism, ableism, sexism, poverty, trauma, ongoing colonialism and structural exclusion.

Barriers within Bars has emerged from the BlakAbility team in the Faculty of Arts at the University of Melbourne. Led by Associate Professor Sheelagh Daniels Mayes, an Indigenous scholar with disability whose work centres on intersectionality, the BlakAbility team has been examining how undiagnosed and unsupported disability affects the success of Indigenous students and staff within the higher education sector. Findings from this ARC funded project reveal deep structural barriers at the intersection of racism and ableism within universities. These insights have drawn the team's attention to other Australian institutions, including the criminal justice system, where similar patterns of

unrecognised disability and institutional harm appear to be occurring for Indigenous people with disability.

This project was initiated through NDRP seed funding, in collaboration with AccessAble Braille Enterprises, to begin a wider national conversation about what is happening to Indigenous people with disability in Australian prisons. The work is grounded in a partnership between the University of Melbourne and AccessAble Braille Enterprises, led by Dr Aunty Roslyn Sackley. AccessAble Braille brings essential cultural authority, lived experience and disability expertise to the project, ensuring that accessibility, equity and community benefit are embedded from the outset. This partnership reflects a shared commitment to producing research that is practical, usable and accessible, including through alternative formats such as Braille.

The project was driven by a concern that Indigenous people with disability are interacting with the criminal justice system in contexts where disability is often unrecognised, misunderstood or unsupported. For the purpose of this research, disability is understood broadly, in line with the BlakAbility

philosophy, to include cognitive disability, psychosocial disability, hearing loss, vision impairment, physical impairment, chronic health conditions and mental health challenges. These forms of disability have a profound impact on how Indigenous people with disability come into contact with policing, legal processes, detention and institutional environments, raising important questions about how disability is interpreted, understood and responded to within the criminal justice system. In particular, concerns have been raised about whether behaviours associated with disability are being misread, unsupported or treated punitively, and how these interpretations may be shaped by cultural identity, gender, age, regional and remote contexts and communication access needs.

These concerns highlighted the need to examine what existing evidence could already tell us about Indigenous incarceration and disability, noting that the available research had been fragmented across separate bodies of work. Much of the literature focused either on Indigeneity or on disability, with very few studies examining the intersection of both. This fragmentation has left a significant gap in understanding the experiences of Indigenous people with disability in custodial settings, and in providing the targeted, validated evidence required by advocates, policymakers and community organisations. An evidence synthesis was therefore needed to bring together what is known, identify what remains unclear and guide the direction of future investigations. To the extent possible within this initial seed grant, the project also sought to begin this conversation through a series of interviews and focus groups, creating space for Indigenous people with disability and those who support them to articulate the questions, concerns and priorities that should shape future research.

The issues addressed in this project align closely with the Safety priority of Australia's Disability Strategy 2021–2031, which aims to ensure that people with disability are safe from violence, abuse, neglect and exploitation. The project also aligns with the rights affirmed in the United Nations Convention on the Rights of Persons with Disabilities, including the rights to liberty and security, health, communication, access to justice and freedom from cruel or degrading treatment. Understanding the experiences of Indigenous people with disability in custody is essential to assessing how these rights are being upheld or compromised.

The relevance of this work extends across safety, inclusion, autonomy, communication, participation and wellbeing. Indigenous people with disability often encounter environments and systems that limit their ability to communicate, make decisions, participate in programs, maintain cultural connections and access appropriate supports. These experiences are impacted by structural and system issues, including the withdrawal of disability supports such as the National Disability Insurance Scheme once a person enters custody, culturally unsafe healthcare, punitive bail laws, inaccessible court processes, housing instability and early exclusion from education.

A co-design approach was essential to ensure that the synthesis reflects community priorities, cultural knowledge and lived experience. The project brings together Indigenous people with disability, family members, community workers, solicitors and researchers. Their contributions shape the framing and direction of the project and ensure that the work remains grounded in lived experience, culturally safe and capable of informing future research, advocacy and policy reform.

Project Aims, Co-Design and Methodological Approach

Aims of the evidence synthesis

The evidence synthesis aims to build a consolidated understanding of what is currently known about the experiences of Aboriginal and Torres Strait Islander people with disability in Australian prisons. The project responds to concerns that existing research is fragmented, with studies tending to focus either on Indigeneity or on disability, and very few examining their intersection. The synthesis mapped academic and grey literature, identifying gaps, and began a national conversation through interviews and focus groups, within the scope of this initial seed grant, to understand the systemic, social and cultural barriers experienced by this cohort.

The project also aimed to integrate insights from people with lived experience, families, carers, support workers and professionals to ensure that the questions guiding future research reflect community priorities and lived realities.

Research Questions

In this initial seed funded stage, the project deliberately cast the net wide by beginning with a broad set of research questions, which were then refined through the co-design process into the core guiding questions about the biggest problems faced by Indigenous prisoners with disability, how well systems meet cultural and disability needs, what evidence gaps stakeholders identify as most important, and whether emerging themes align with lived experience or require further clarification. Through both the literature review and the interviews and focus groups, the project addressed the full set of research questions outlined in items 1 to 7.



- 1.** What systemic, social and cultural barriers do Aboriginal and Torres Strait Islander people with disability encounter during incarceration in Australian prisons?
- 2.** How do families, community advocates and post release support workers understand and respond to the challenges experienced by this cohort during custody and transition back to community life?
- 3.** What knowledge currently exists across academic, community-led and grey literature about the intersection of Indigeneity, disability and incarceration?
- 4.** What ethical, cultural and methodological considerations are necessary to ensure future research reflects the lived experience and priorities of Aboriginal people with disability?
- 5.** What supports are available to Indigenous people with disability before, during and after imprisonment, and what supports are missing or difficult to access?
- 6.** What helps people rebuild their lives after release, and what barriers impede reintegration?
- 7.** What concerns exist about how disability is recognised, understood or responded to within the criminal justice system?

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The project also aimed to integrate insights from people with lived experience, families, carers, support workers and professionals to ensure that the questions guiding future research reflect community priorities and lived realities.

Alignment with the NDRP Research Agenda – Safety Theme

The project aligns closely with the NDRP Safety theme, which prioritises research that strengthens the safety, rights and protection of people with disability. The project examined systemic failures in disability identification, culturally safe assessment, and post release support, and highlighted concerns about neglect, abuse and punitive responses to disability in custodial settings .

The project's alignment with the Safety theme is demonstrated through its focus on:

- Violence, abuse, neglect and exploitation experienced by Indigenous people with disability in prisons
- Access to justice, including how disability is recognised or misrecognised in policing, courts and detention
- Culturally safe and disability responsive systems

- Communication access, autonomy and participation, which is identified as central to understanding what helps or hinders people before, during and after custody
- Post release safety and reintegration, including what supports are available and what is missing

The project's Indigenous-led, trauma-informed, culturally governed design also aligns with the NDRP's emphasis on safety through culturally safe research practice, as reflected in the project team's commitment to Indigenous values, community governance and trauma-informed facilitation

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The project aligns closely with the NDRP Safety theme, which prioritises research that strengthens the safety, rights and protection of people with disability.

Key definitions and language choices

The project uses clear, plain English definitions and terminology that reflect a disability-led, culturally safe and identity-affirming approach outlined in the Plain Language Statement. Throughout the project, the team uses terms such as *Aboriginal and Torres Strait Islander people with disability* and *Indigenous people with disability*, consistent with the language used in participant materials and aligned with the project's commitment to respectful, strengths based and culturally grounded communication. For the purpose of this research, disability is defined broadly, in line with the BlakAbility philosophy to include cognitive disability, psychosocial disability, hearing loss, vision impairment, physical impairment, chronic health conditions and mental health challenges.

Where the literature contains outdated, harmful or ableist terminology, these terms are retained only when necessary for accuracy and are clearly contextualised as language used in the original source. The research team does not adopt such terminology in its own analysis or reporting. This approach reflects the project's commitment to cultural safety, trauma-informed practice and respect for the lived experience of Indigenous people with disability, as outlined in the ethics application and the Plain Language Statement.

The project ensured that all definitions, explanations and participant materials were accessible and inclusive. Alternative formats were provided wherever needed, including Easy English versions of the

Plain Language Statement and this report, and the literature review is being produced in Braille for participants and community groups who require it. This reflects the project's commitment to accessibility, equity and community benefit, consistent with the project's emphasis on culturally safe and disability-inclusive research practice.

The conceptual foundations of the synthesis are guided by the ethical and cultural frameworks including the National Statement on *Ethical Conduct in Human Research*, *Ethical Conduct in Research with Aboriginal and Torres Strait Islander Peoples and Communities*, and *Keeping Research on Track II*. These frameworks emphasise Indigenous ways of knowing, being and doing, community benefit, cultural authority and the centrality of lived experience. They also guided the project's use of identity-affirming language, its trauma-informed approach to interviews and focus groups, and its commitment to ensuring that definitions and terminology reflect the priorities and perspectives of Indigenous people with disability.

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For the purpose of this research, disability is defined broadly... to include cognitive disability, psychosocial disability, hearing loss, vision impairment, physical impairment, chronic health conditions and mental health challenges.

Co-design approach

Overview of the Co-design Approach

The project was proposed, governed and led by Indigenous people with disability, and all researchers working on the project also had lived experience of disability. This leadership structure shaped the project from the outset and ensured that co-design was embedded throughout the work rather than added as a separate activity. As described in the ethics application and Plain Language Statement, the purpose of this seed grant was to begin a national conversation and to listen carefully to the experiences of Aboriginal and Torres Strait Islander people with disability who had spent time in prison, as well as the families, carers, support workers and professionals who support them. The project was intentionally exploratory, designed to understand what is happening at the intersection of Indigeneity and disability in the Australian prison system and to identify the questions that should guide future research.

Co-design occurred through a series of focus groups, individual interviews and ongoing dialogue with participants. These activities were used to identify key issues, refine research questions, validate emerging themes and ensure that the direction of the project reflected lived experience and community priorities.

Co-design Stages, Processes and Outputs

Stage 1: Exploring the Big Issues and Shaping Lines of Enquiry

The first co-design session brought together professionals, former prisoners, family members and carers. Participants were invited to identify the biggest problems encountered by Indigenous prisoners with disability, the supports that were missing or difficult to access and how well systems met cultural and disability needs. This session generated the initial set of concerns and priority areas that shaped the early direction of the evidence review.

A key example of how this session shaped the project occurred when a participant with lived experience described the distress caused by being denied family visits while on remand due to internal prison rules. This account raised immediate questions about whether visitation restrictions were a localised issue or a broader systemic concern. The research team used this insight to guide the literature review, examining visitation policies across Australian jurisdictions. This process confirmed that visitation procedures create significant barriers for families. This example illustrates how the first co-design session directly influenced the evidence-mapping process and ensured that the literature review was grounded in lived experience.

Stage 2: Sharpening the Questions

The second co-design session focused on refining the research questions and testing the early themes that had emerged from the first focus group. At this session, the research team presented the issues identified in Stage 1 and invited participants to reflect on what mattered most, what was missing and what questions should guide the next phase of enquiry.

A strong message emerged from researchers, advocates and organisations working with Indigenous prisoners. Several participants expressed frustration that more research was not what was most urgently needed. They noted that major inquiries, including the Royal Commission into Aboriginal Deaths in Custody (1991) and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023), had already produced clear recommendations. The concern raised was not a lack of evidence but a lack of action, and that policy makers were not listening to the findings that already existed. Participants emphasised the need for advocacy, communication and accessible evidence that could be used by communities, families and frontline workers.

This feedback significantly shaped the project's direction. It prompted the research team to reconsider the purpose of the evidence synthesis and to focus on producing findings that could be easily accessed and used by non academics. It also led the team to return to the literature to confirm whether there was indeed limited work at the intersection of Indigeneity and disability.

This mapping process validated that the existing evidence base was fragmented and that very few studies examined this intersection directly.

Participants also encouraged the team to think beyond the prison system. They highlighted that the experiences of Indigenous people with disability are shaped by the entire justice system, from first contact with police through to courts, detention, release and community based supports. This insight broadened the project's thinking about future research directions and reinforced the need for a national picture of what is working, particularly programs and approaches developed through an Indigenous lens. Participants stressed the importance of ensuring that these examples of good practice are communicated clearly to policy makers.

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Stage 3: Checking the Findings

The third co-design session focused on validating the themes emerging from the evidence review and ensuring that the synthesis reflected lived experience. Participants were invited to consider whether the preliminary findings aligned with what they had seen or lived, whether anything was unclear or missing and what should be prioritised next.

Participants confirmed that the themes identified in the literature review reflected their experiences, particularly the increasing number of Aboriginal and Torres Strait Islander people on remand, the lengthening of remand periods and the cultural inappropriateness of bail processes for Indigenous people with disability. They highlighted that disability and cognitive impairment increase the likelihood of bail refusal, and that remand periods often exceed eventual sentences. These concerns were supported by examples shared in the session, including the high proportion of Indigenous children on remand in youth detention and the growing number of adults held on remand for extended periods.

Participants also raised concerns about the lack of disability recognition and support within prisons and forensic settings. They described situations where people were unable to access specialists, where requests for medical care were ignored and where people left custody with psychosocial disabilities that had developed or worsened during incarceration. These accounts reinforced the need for the evidence synthesis to address disability identification, access to services and the impact of incarceration on mental health.

The session also highlighted the significant risks faced by Indigenous people with disability in custody, including bullying, excessive use of force and unsafe conditions. Participants described overcrowding, children being held in watch houses for long periods and children with disability being placed in adult forensic facilities. These accounts reinforced the need for the synthesis to address safety, cultural capability and the broader conditions of detention.

A strong message was repeated throughout the session: the problem is not a lack of research but a lack of implementation. Participants pointed to major inquiries, including the Royal Commission into Aboriginal Deaths in Custody (1991) and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023), noting that both had produced clear recommendations that had not been acted upon. They emphasised that the priority should be advocacy, communication and ensuring that existing evidence is accessible to communities and policy makers.

Participants supported the project's aim of bringing together academic literature, grey literature and lived experience into one report that could be used to influence government and support community advocacy. They also encouraged the team to consider the entire justice system, including policing, courts, detention, release and community based programs, rather than focusing solely on prisons. Participants stressed the importance of identifying what is working in community, particularly Indigenous-led restorative justice programs, and ensuring that these examples are communicated clearly to policy makers.

This final stage of co-design ensured that the evidence synthesis remained grounded in community priorities, that interpretations were culturally informed and that the project stayed aligned with the purpose of the seed grant: to begin a national conversation and to listen carefully to what Indigenous people with disability and those who support them identify as most important.

Individual Interviews

Two individual interviews were conducted as part of the co-design process. These interviews provided detailed insights from frontline legal and advocacy organisations working directly with Aboriginal and Torres Strait Islander people with disability who have contact with the criminal justice system. The interviews offered depth and specificity that complemented the focus group findings and helped shape the direction of the evidence synthesis.

Interview with an Aboriginal and Torres Strait Islander Legal Service from QLD

The interview with a representative from an Aboriginal and Torres Strait Islander Legal Service highlighted several systemic concerns affecting Indigenous people with disability in custody. Key issues included:

- Invisible disabilities such as acquired brain injury, Foetal Alcohol Spectrum Disorder, hearing loss and cognitive impairment often go unrecognised and are misinterpreted as behavioural problems.
- Disability identification tools are culturally inappropriate and rely heavily on self reporting.
- Culturally safe healthcare is largely absent in prisons, with delays in medical care, unexplained changes to medication and failures to respond to requests for help.
- Bullying and harm within prisons are significant risks, particularly for people with disability.
- Overcrowding and unsafe conditions, including prisons operating well beyond capacity and children being held in watch houses for extended periods.
- Barriers to family contact, including delays in approving phone lists and restrictions on visitors with prior convictions.
- Criminalisation of disability, where disability-related behaviours result in punitive responses.
- Underfunding of Aboriginal community controlled organisations, limiting their ability to provide culturally safe advocacy and support.

The organisation emphasised that many of these issues have been documented repeatedly in coronial inquests, inspectorate reports and Royal Commissions. The core problem identified was not a lack of evidence but a lack of implementation.

Interview with a Victorian Aboriginal Legal Service

The interview with a representative from a Victorian Aboriginal Legal Service provided detailed insights into the experiences of Indigenous people with disability navigating the justice system. Key issues included:

- Increased remand rates following changes to bail legislation, including cases where people were remanded for minor offences such as shoplifting or low level property damage.
- Extended periods in custody for people with disability, including individuals with serious mental health conditions who spent months in prison for minor offences before charges were withdrawn or overturned.
- Difficulty accessing interpreters, particularly for deaf clients, resulting in denial of procedural fairness.
- High workloads and limited resources within Aboriginal legal services, especially in regional areas.
- Complexity of cases involving disability, including clients with acquired brain injury, intellectual disability and serious mental health conditions.
- Barriers to accessing disability supports such as the NDIS or mental health services, both in custody and in the community.
- Over representation of Indigenous people in custody and the impact of colonisation, formal equality and systemic discrimination on bail decisions and sentencing outcomes.
- Need for restorative justice approaches, including circle sentencing and culturally grounded alternatives to incarceration.

- Importance of Aboriginal community controlled organisations and the need for sustained funding to support culturally appropriate services.

The organisation emphasised that incarceration is a Western construct that does not align with Indigenous cultural practices and that meaningful reform requires listening to community and strengthening Indigenous-led justice responses.

How Lived Experience Shaped Decisions

Lived experience was the foundation of this project and the primary source of authority guiding every decision. The work was led by Indigenous people with disability, and this leadership shaped how the research was conducted, how evidence was interpreted and how priorities were set. The project did not begin with a fixed agenda. Instead, it began with listening, and the direction of the research shifted in response to what people shared. This approach ensured that the knowledge, concerns and aspirations of Indigenous people with disability were the drivers of the project.

The BlakAbility team's longstanding commitment to accessibility and cultural safety shaped the entire research environment. Participation was designed around the needs of individuals rather than expecting individuals to adapt to the research. People could contribute in the ways that worked best for them, whether through group discussions, one-on-one conversations, phone calls, Zoom sessions or written reflections.

Materials were provided in Easy English, alternative formats and screen-reader-friendly versions, and the literature review is being produced in Braille. Support workers, interpreters, digital access support and flexible scheduling were offered as needed. Sessions were trauma-informed, with space for breaks, pauses and support people.

Cultural safety was equally central. Indigenous leadership ensured that cultural protocols were respected, that communication was grounded in relational accountability and that participants could speak in their own ways and on their own terms. The project recognised the diversity of cultural identities and experiences, including First Nations, CALD and LGBTQIA+ perspectives, and created space for these to be expressed without judgement or pressure. Decision-making processes were collective and reflective, guided by Indigenous ways of knowing, being and doing. At each stage, the team checked that interpretations were culturally safe, that findings aligned with lived experience and that the work honoured the communities it sought to serve.

This intersection of cultural safety and disability access is the heart of the Barriers within Bars project. The team recognised that Indigenous people with disability experience compounding forms of marginalisation, and that research must respond to this intersection rather than treat Indigeneity and disability as separate categories. This understanding shaped the project's purpose: to begin a national conversation about what is happening at this intersection, to identify the barriers that people face and to map the gaps in knowledge, policy and practice.

Reflecting on the process, the co-design approach worked because it centred lived experience, respected cultural authority and prioritised accessibility. The project adapted in response to what participants shared, including shifting lines of enquiry, broadening the scope beyond prisons to the entire justice system and focusing on advocacy rather than generating more research for its own sake. Challenges included the acquiring of ethics approval, the emotional weight of the stories shared, the complexity of navigating multiple systems and the limitations of a seed-grant timeframe. These challenges reinforced the need for future work to be longer, deeper and more resourced, with expanded community governance and sustained accessibility supports.

Overall, lived experience directed this project. The decisions made throughout the research were grounded in the voices, priorities and authority of Indigenous people with disability, and the project's outcomes reflect their leadership, their knowledge and their vision for, and commitment to, change.

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Methodology Overview

The methodological structure of this project followed established evidence-synthesis conventions while embedding disability-led, culturally safe and inclusive practices. The research was conducted under the University of Melbourne Human Research Ethics Committee approval **2023-25657-36179-5**, which governed both arms of the project:

1. a rapid evidence assessment of published and grey literature, and
2. a series of focus groups and individual conversations with people with lived experience, families, carers, community organisations, legal services and frontline workers.

This dual arm design ensured that the project drew on academic evidence, community knowledge and lived experience, with each informing the other.

How Evidence Was Located, Selected and Interpreted

Evidence was located through structured searches of academic databases, government repositories, organisational reports, policy documents and grey literature sources.

The team mapped **177 studies**, of which **18** directly examined the intersection of Indigeneity, disability and incarceration. This confirmed a significant evidence gap and validated the need for a synthesis that brought together fragmented knowledge across disciplines and sectors.

Interpretation of evidence was disability-led and culturally grounded. Indigenous researchers with disability guided the reading, coding and thematic analysis, ensuring that interpretations aligned with lived experience and avoided deficit framings or ableist assumptions present in some literature.

Inclusion of Literature, Community Knowledge and Lived Experience

The project treated lived experience as evidence in its own right. Focus groups and individual interviews were included as equal sources of knowledge. Community knowledge was incorporated through:

- three co-design focus groups
- individual interviews with representatives from Aboriginal and Torres Strait Islander Legal Services and Victorian Aboriginal Legal Services
- insights from Elders, families and people with lived experience of incarceration and disability
- contributions from community organisations, throughcare programs, disability advocates and legal services

This triangulation ensured that the synthesis reflected both what is known in the literature and what is known in community.

Relationship to Inclusive and Disability Led Evidence Review Practice

The methodology was grounded in disability-led practice, consistent with the BlakAbility team's principles and the Faculty of Arts' commitment to accessibility. This shaped the entire project.

Accessibility practices included:

- Easy English versions of participant materials where needed
- alternative formats, including Braille production of this report and the literature review
- screen-reader friendly documents
- flexible participation options (Zoom, phone, in-person, mobile interviews)
- trauma-informed facilitation
- support workers, interpreters and digital access support
- participant-determined pacing and session length

These practices ensured meaningful participation for people with disability and upheld the project's commitment to inclusion.

How Methodological Decisions Were Informed by Co-design, Accessibility and Cultural Guidance

Co-design shaped methodological decisions throughout the project. Research questions were refined after the first focus group, and the literature review was redirected in response to issues raised by participants, such as visitation restrictions, remand practices and the criminalisation of disability. The strong message from participants that **“the problem is not a lack of research but a lack of implementation”** shifted the project's emphasis toward producing accessible, advocacy-ready findings.

Cultural guidance was embedded through Indigenous leadership, adherence to Indigenous research ethics frameworks and respect for cultural protocols. This ensured that the methodology aligned with Indigenous ways of knowing, being and doing, and that the research was accountable to community expectations.

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Cultural guidance was embedded through Indigenous leadership, adherence to Indigenous research ethics frameworks and respect for cultural protocols.

Search Strategy

Databases and Literature Sources

Searches were conducted across:

- academic databases (e.g., Scopus, Web of Science, ProQuest, Informit)
- government repositories (ABS, AIHW, state justice departments)
- Royal Commission reports
- organisational publications (ATSILS, VALS, NAAJA, CRC, VACRO, FPDN, NACCHO)
- grey literature (policy papers, inspectorate reports, coronial findings, advocacy submissions)

Time Period

The review focused on literature published **from 2020 to 2026**, consistent with the ethics protocol and the project's aim to capture contemporary policy and practice conditions.

Search Terms (summarised)

Search terms combined concepts relating to:

- Indigeneity (Aboriginal, Torres Strait Islander, First Nations)
- disability (cognitive impairment, psychosocial disability, ABI, FASD, hearing loss, vision impairment, chronic health conditions)
- justice system (prison, remand, bail, detention, corrections, forensic, youth justice)
- intersectionality (Indigenous disability, criminalisation of disability, cultural safety, accessibility)

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Search terms combined concepts relating to Indigeneity, disability, justice system and intersectionality.

Inclusion and Exclusion Criteria

Inclusion Criteria

- **Disability types:** cognitive disability, psychosocial disability, acquired brain injury, FASD, hearing loss, vision impairment, physical disability, chronic health conditions
- **Age groups:** adults and young people
- **Community groups:** Aboriginal and Torres Strait Islander people with disability
- **Settings:** prisons, youth detention, forensic settings, policing, courts, community based justice programs
- **Evidence types:** qualitative studies, quantitative studies, mixed methods studies, reviews, policy documents, government reports, advocacy submissions, inspectorate reports, coronial findings

Exclusion Criteria

- studies not involving Indigenous people
- studies not involving disability
- studies unrelated to justice settings
- international studies without relevance to Australian policy or practice
- opinion pieces without evidence or analysis

Common study types were excluded when they lacked relevance to the intersection of Indigeneity, disability and justice, or when they reproduced harmful or deficit framings without critical analysis.

Screening and Appraisal

- **Number of reviewers:** Two reviewers screened and appraised studies.
- **Conflict resolution:** Disagreements were resolved through discussion with the Indigenous disability-led research team.
- **Tools used:** Instead of using a formal critical-appraisal tool, the project used a disability-led, culturally guided interpretive review process supported by AI assisted document management. As acknowledged at the beginning of this report, AI was used to assist with organising references, summarising large volumes of material and supporting the rapid review process. All interpretive decisions, screening judgements and inclusion/exclusion assessments were made by the Indigenous disability-led research team, ensuring that cultural safety, accessibility and lived-experience authority guided the appraisal of evidence.
- **Role of lived experience reviewers:** Indigenous researchers with disability reviewed interpretations for cultural safety, relevance and alignment with lived experience.

Data Extraction and Synthesis

Data extraction followed a structured and transparent process consistent with rapid evidence assessment practice and aligned with the thematic structure of the final literature review. The synthesis process was guided by the three overarching themes:

1. Challenges and Barriers for Indigenous Prisoners (health, remand, legal processes, mental health, human rights, structural barriers)

2. Lived Experiences and Compounding Challenges for Indigenous Prisoners with Disability (complex health needs, neurocognitive disability, trauma, gendered inequality, education, technology, reintegration)

3. Systemic, Social and Cultural Barriers (institutional discrimination, bail and court processes, visitor policies, administrative systems, racism, access to support)

These themes emerged through iterative reading, coding and discussion within the Indigenous disability-led research team. The structure of the review therefore reflects both the patterns identified in the literature and the priorities raised through co-design.

Lived experience insights were integrated throughout the synthesis. These insights were used to:

- validate themes emerging from the literature
- identify gaps where lived experience highlighted issues absent from published research
- challenge assumptions or framings that were culturally unsafe or inconsistent with community knowledge
- redirect lines of enquiry, such as the investigation of visitation policies following participant accounts
- ensure interpretations were culturally grounded and disability-led

This interpretive process was central to the project's methodology. It ensured that the synthesis critically examined published studies through the lens of Indigenous disability leadership, cultural safety and lived experience authority.

The final synthesis therefore reflects a combined evidence base: published research, grey literature, reflecting knowledge shared by community and individuals with lived experience. It is organised around the structural, experiential and systemic barriers identified across these sources, providing a coherent and intersectional account of the “barriers within bars” that shape the lives of Aboriginal and Torres Strait Islander people with disability in the criminal justice system.

Ethical and Cultural Considerations

The project adhered to the University of Melbourne ethics protocol and Indigenous research ethics frameworks. Ethical considerations included:

- trauma-informed engagement
- participant choice and control
- culturally safe communication
- confidentiality and data security
- avoidance of harmful or deficit framings

Cultural safety was ensured through Indigenous leadership, respect for cultural protocols and recognition of diverse identities including CALD and LGBTQIA+ participants.

Accessibility was embedded throughout, including alternative formats, Easy English, Braille, interpreters, support workers, digital access support and flexible participation options.

Limitations of the Review

- **Evidence gaps:** Only 18 studies directly examined the intersection of Indigeneity, disability and incarceration.
- **Quality limitations:** Many studies lacked methodological detail or cultural safety considerations.
- **Structural limits:** Very little Australian data on disability identification, remand practices or forensic disability pathways.
- **Access barriers:** Many prison staff could not participate due to state based ethics restrictions.

- **Time and budget constraints:** As a seed funded project, the review was necessarily rapid and exploratory.

The difficulty of engaging with prisons became a methodological finding in itself, highlighting systemic barriers to transparency and accountability.

Characteristics of Included Studies

- **Number of studies:** 177 mapped; 18 included at the intersection
- **Country distribution:** Predominantly Australian
- **Disability groups represented:** cognitive disability, psychosocial disability, ABI, FASD, hearing loss, vision impairment, chronic health conditions
- **Settings:** prisons, youth detention, forensic settings, policing, courts, community justice programs
- **Types of evidence:** qualitative studies, quantitative studies, mixed-methods studies, reviews, policy documents, coronial findings, inspectorate reports
- **Quality overview:** Evidence was uneven, with strong qualitative insights but limited quantitative data and inconsistent disability identification practices.

State of Knowledge Review

Overview

What is broadly known

Across the Australian evidence base, there is strong and consistent knowledge that Aboriginal and Torres Strait Islander people with disability experience disproportionate and preventable harm within the criminal justice system. The literature demonstrates that:

- Indigenous people are significantly overrepresented in prisons, with rates continuing to rise across adult and youth systems.
- People with disability, (particularly cognitive disability, psychosocial disability, acquired brain injury, FASD, hearing loss and vision impairment), are also overrepresented at every stage of the justice system.
- The intersection of Indigeneity and disability produces compounded disadvantage shaped by colonisation, racism, ableism, poverty, trauma, and systemic exclusion.

- Custodial environments are not designed to identify or support disability and often exacerbate existing impairments.
- Remand practices, restrictive bail laws and lengthy court delays disproportionately affect Indigenous people with disability.
- Prison health systems are culturally unsafe, under resourced and inconsistent across jurisdictions.
- Disability is frequently unrecognised, misdiagnosed or treated punitively.
- Reintegration supports are fragmented, with significant barriers to NDIS access, housing, mental health care and continuity of support.

These patterns are not incidental. They reflect structural conditions embedded across policing, courts, corrections, health, disability services, child protection and housing systems.

What systems are involved

The evidence shows that multiple systems intersect to shape the experiences of Indigenous people with disability in custody:

- **Criminal justice system:** policing, bail, remand, sentencing, corrections, parole
- **Health systems:** prison health, mental health, disability assessment, medication management
- **NDIS and disability support systems:** access, planning, transition, withdrawal of supports in custody
- **Child protection and youth justice:** early system contact, over surveillance, institutionalisation
- **Housing and homelessness systems:** instability before and after custody
- **Education and employment systems:** early exclusion, limited access to learning supports
- **Community-controlled organisations:** cultural support, advocacy, throughcare
- **Legal assistance and advocacy systems:** ATSILS, VALS, NAAJA, community legal centres

These systems often operate in silos, creating gaps, duplication and barriers that disproportionately affect Indigenous people with disability.

High level evidence map

The literature review mapped **177 studies**, of which:

- **60** focused on Indigenous people in the justice system
- **66** focused on disability in justice settings
- **18** examined the *intersection* of Indigeneity, disability and incarceration

The evidence clusters around the three themes used in the literature review:

1. Challenges and Barriers for Indigenous Prisoners (health, remand, legal processes, mental health, human rights, structural barriers)

2. Lived Experiences and Compounding Challenges for Indigenous Prisoners with Disability (complex health needs, neurocognitive disability, trauma, gendered inequality, education, technology, reintegration)

3. Systemic, Social and Cultural Barriers (institutional discrimination, bail and court processes, visitor policies, administrative systems, racism, access to support)

This mapping demonstrates that while there is substantial research on Indigenous incarceration and on disability in justice settings, the intersection of both identity markers remains critically under-examined.

Strengths and Limitations of the Evidence Base

Strengths

- Strong qualitative evidence describing lived experiences of incarceration, trauma, racism and systemic exclusion.
- Robust data on overrepresentation, remand rates, deaths in custody and health disparities.
- Clear documentation of systemic failures in disability identification, prison healthcare and culturally safe practice.
- Consistent findings across Royal Commissions, coronial inquests, inspectorate reports and advocacy submissions.
- Alignment between lived experience accounts and the structural patterns identified in the literature.

Who is missing

The evidence base has major gaps regarding:

- Indigenous people with **invisible disabilities** (ABI, FASD, psychosocial disability, hearing loss).
- Indigenous women with disability.
- LGBTQIA+ Indigenous people with disability.
- People in forensic disability units, secure care or compulsory treatment settings.
- People in regional and remote prisons and youth detention centres.
- People with disability who cannot self report or whose disability is unrecognised.
- People whose experiences are restricted by state based ethics barriers that prevent participation in research.

Under researched areas

- Disability identification and assessment processes in custody.
- Cultural safety in prison healthcare and disability support.
- Experiences of people on remand with disability.
- Impacts of restrictive visitation policies on families and cultural connection.
- Disability-specific pathways through policing, bail and sentencing.
- Reintegration outcomes for Indigenous people with disability.
- Youth with disability in detention, particularly those under 14.
- The effects of overcrowding, solitary confinement and watch house detention on disability.

Structural ableism in the evidence base

The literature frequently:

- treats disability as a deficit rather than a social or cultural identity
- relies on diagnostic categories that exclude people without formal assessments
- assumes individual responsibility for behaviours linked to disability
- frames disability as risk rather than unmet need
- overlooks cultural understandings of disability within Indigenous communities
- privileges visible or easily measurable impairments
- fails to consider the disabling effects of incarceration itself

These limitations reinforce systemic invisibility and under recognition of Indigenous disability.

Conflicting findings

Some areas show inconsistent or incomplete evidence:

- Whether prison improves or worsens access to healthcare (varies by state and facility).
- The extent to which disability is identified at reception screening.
- The effectiveness of prison based NDIS transition programs.
- The impact of cultural programs on wellbeing and recidivism (limited evaluation data).
- Whether remand is used as a de facto disability support mechanism (conflicting interpretations).

Areas with almost no data

- Disability prevalence among Indigenous prisoners (no national dataset).
- Experiences of Indigenous people with disability in private prisons.
- Impacts of solitary confinement on people with cognitive disability.
- Disability specific deaths in custody.
- Experiences of interpreters, support workers and disability advocates in prisons.
- Longitudinal outcomes after release for Indigenous people with disability.
- The role of cultural connection as a protective factor in custody.

Summary of Key Findings

High level synthesis

- Indigenous people with disability experience compounded and intersectional disadvantage across all stages of the justice system.
- Prison systems are not designed to identify, support or accommodate disability.
- Remand practices disproportionately harm Indigenous people with disability and often exceed eventual sentences.
- Prison healthcare is inconsistent, culturally unsafe and often inaccessible, particularly for people with cognitive or psychosocial disability.
- Disability is frequently unrecognised, misdiagnosed or untreated, leading to punitive responses rather than support.
- Family contact and cultural connection are disrupted by restrictive visitation policies, administrative delays and geographic distance.
- Reintegration supports are fragmented, with significant barriers to NDIS access, housing, mental health care and continuity of support.
- Structural racism and structural ableism operate simultaneously, producing systemic human rights concerns.
- Evidence at the intersection of Indigeneity, disability and incarceration is extremely limited, with only 18 studies directly addressing it.

- Lived experience accounts reveal issues not captured in the literature, including bullying, excessive force, inaccessible complaint pathways and fear of retribution.
- Barriers to research participation, (particularly state based ethics restrictions), mirror the barriers Indigenous people with disability face inside the system.

What is known

- Indigenous people with disability are overrepresented in custody.
- Disability increases vulnerability to arrest, bail refusal, remand and punitive responses.
- Prison systems lack culturally safe and disability-inclusive practices.
- Structural determinants (poverty, trauma, housing instability) shape pathways into custody.
- Custodial environments exacerbate disability and mental health conditions.
- Reintegration systems are fragmented and often fail to meet disability needs.
- Systemic racism and ableism emerging out of colonisation underpin these inequities.
- The evidence base is fragmented and incomplete.

What is unknown

Despite the breadth of literature reviewed and the insights shared through co-design, several critical areas remain unknown or undocumented. These gaps reflect deeper structural issues, including the invisibility of Indigenous disability within justice systems, inconsistent data collection, and the barriers that prevent people in custody from participating in research.

The most significant unknowns include:

- **The true prevalence of disability among Indigenous prisoners.** No national dataset captures disability status in custody, and prison based screening processes rely heavily on self reporting, which systematically under identifies cognitive, psychosocial and sensory disabilities.
- **How many Indigenous people with disability have been incarcerated because behaviours associated with their disability were misinterpreted as offending.** There is no national mechanism to track when disability-related behaviours (such as communication differences, sensory overload, impulsivity, confusion, or distress) are treated as criminal conduct. Lived experience accounts and legal practitioner interviews suggest this is common, but the scale is unknown.
- **The discrepancy between pathways for Indigenous and non Indigenous people with disability at the point of police contact.** There is no data on how often Indigenous people with disability are taken to hospital or mental health services compared to being charged and taken into custody. Evidence from legal services indicates that non Indigenous people are more likely to be diverted into health systems, while Indigenous people with disability are more likely to be criminalised – but this has never been systematically measured.
- **How many people have unrecognised or undiagnosed impairments.** Many Indigenous people with disability enter custody without formal diagnoses due to the Indigenous perspective of disability, barriers in education, health and disability systems. The number of people whose disability remains unidentified throughout their incarceration is unknown.

- **The long term outcomes of Indigenous people with disability after release.** There is no longitudinal research tracking health, housing, safety, disability support access, or recidivism outcomes for this cohort.
- **The effectiveness of disability-specific or culturally grounded programs in custody.** Very few programs have been evaluated, and almost none have been evaluated specifically for Indigenous people with disability.
- **How disability interacts with policing practices, bail decisions and sentencing.** There is no systematic data on how disability influences police discretion, bail refusal, remand decisions, or sentencing outcomes for Indigenous people.
- **The experiences of Indigenous people with disability in private prisons, forensic units and secure care.** These environments are largely absent from the literature, despite their growing role in the justice system.
- **The impact of prison conditions (e.g., solitary confinement, overcrowding, watch house detention) on disability progression.** There is no research examining how incarceration exacerbates cognitive, psychosocial or sensory disabilities.
- **How cultural safety and disability access can be operationalised in custodial settings.** While the need is well-documented, there is no evidence base describing what culturally safe, disability inclusive practice looks like inside prisons.
- **How state based ethics restrictions limit transparency and accountability.** The difficulty of engaging with people inside prisons due to departmental approval processes, ethics barriers and institutional gatekeeping means that many experiences remain undocumented.

Insights and Learnings from this Project for Future Co-design

Leading and Learning

What worked well

This project demonstrated the power of Indigenous disability-led leadership. The BlakAbility team's governance ensured that cultural authority, lived experience and disability expertise informed every decision. Several approaches proved particularly effective:

- **Deep listening and responsiveness**
The project began with broad questions and allowed participants to refine and redirect the work. This ensured that the synthesis reflected lived realities rather than academic assumptions.
- **Accessibility as a foundation, not an add on** Easy English materials, alternative formats, screen-reader-friendly documents, flexible participation options, trauma-informed facilitation and the production of Braille materials ensured that people could participate safely and meaningfully.
- **Cultural safety and Indigenous governance** Cultural protocols, relational accountability and Indigenous ways of knowing guided engagement. Participants were able to speak in their own ways, at their own pace, and with cultural authority.

- **Collaborative decision-making**

The research team worked collectively, drawing on the strengths of each member. Decisions were made through discussion, reflection and cultural guidance, ensuring that interpretations were grounded, ethical and culturally safe.

- **Integration of lived experience into analysis** Lived experience was treated as evidence. Participants validated themes, identified gaps, challenged assumptions and shaped the direction of the synthesis.

What was challenging and what we would improve

The project also encountered significant challenges, many of which reflect the broader structural barriers faced by Indigenous people with disability in the justice system.

- **Barriers to participation from people inside prisons** Despite extensive outreach to more than 120 organisations, many individuals working within prisons were unable to participate due to state based ethics restrictions, institutional policies or departmental approval requirements. This limited direct engagement with people currently in custody.
- **Fragmented and inconsistent approval processes** Each state and territory has its own ethics and approval pathways. Navigating these systems required significant time and persistence, often with little clarity about who could authorise participation and therefore was not successful within the timeline of the project.
- **Emotional weight of the material** Participants shared experiences involving trauma, violence, neglect, racism and systemic harm. Holding these stories with care required trauma-informed practice,

cultural guidance and ongoing reflection within the research team.

- **Time and resource constraints** As a seed funded project, the timeframe was short relative to the scale and complexity of the issue. The team had to prioritise breadth over depth.
- **Accessibility barriers within institutions** Some organisations lacked the capacity to engage due to staffing shortages, high workloads or limited digital access. These barriers mirrored the systemic issues identified in the research itself.

If the project were to run again, improvements would include:

- securing multi jurisdictional ethics approvals at the outset
- allocating more time for relationship-building with correctional systems
- expanding the advisory group to include more Elders and disability advocates
- increasing resourcing for accessibility supports and alternative formats
- building a larger national network of community-controlled partners

Partnerships: what helped and what got in the way

Strong, respectful partnerships were enabled by:

- Indigenous leadership and cultural authority
- longstanding relationships between the BlakAbility team and community organisations
- transparent communication and shared decision making

- the involvement of AccessAble Braille Enterprises
- the trust placed in the team by participants

Challenges included:

- institutional gatekeeping, particularly within corrections
- inconsistent communication pathways across states and territories
- limited capacity among frontline workers
- the need to navigate multiple ethics and approval systems

Despite these challenges, partnerships remained strong because the project was grounded in respect, cultural safety and shared purpose.

Key lessons learned

The most important insights the team is taking forward include:

- **Lived experience must lead, not inform.** When Indigenous people with disability lead the work, the research is more accurate, ethical and relevant.
- **Accessibility and cultural safety are inseparable.** One cannot exist without the other.
- **Systems barriers to research participation mirror the barriers inside prisons.** The difficulty of accessing voices from within custody is itself a finding about transparency, accountability and institutional control.
- **Evidence gaps are structural.** The absence of data reflects systemic neglect, under investment and the invisibility of Indigenous disability within justice systems.

- **Co-design requires time, trust and flexibility.** It cannot be rushed or forced into rigid timelines.
- **Community wants action, not more research for its own sake.** Participants emphasised that the problem is not a lack of evidence but a lack of implementation.

What surprised the team:

- the extent of remand related harm
- the number of children with disability held in watch houses
- the degree of fear around making complaints due to retribution
- the lack of disability identification processes in prisons
- the scale of administrative barriers to family contact

What other teams should know:

- Co-design with Indigenous people with disability requires cultural governance, trauma-informed practice and genuine power-sharing.
- Accessibility must be planned, resourced and embedded, not retrofitted.
- Institutional systems will resist scrutiny; persistence and cultural authority are essential.
- Lived experience will reveal issues that the literature does not capture.

Implications and Recommendations

Implications for Practitioners and Service Providers

Workers across systems need to understand that:

- Indigenous people with disability experience compounded disadvantage influenced by racism, ableism, trauma and systemic exclusion.
- Disability-related behaviours are often misinterpreted as offending, leading to criminalisation rather than support.
- Cultural safety and disability access must be embedded in everyday practice, not treated as specialist add-ons.
- Communication access is essential for safety, participation and informed decision making.
- Family, community and cultural connection are protective factors that must be supported, not restricted.

Practice changes needed include:

- adopting trauma-informed, culturally grounded and disability-affirming approaches
- improving disability identification and screening processes
- ensuring access to interpreters, support workers and communication aids
- strengthening partnerships with Aboriginal community-controlled organisations
- embedding lived experience leadership in program design and delivery

Communication and accessibility implications:

- all materials must be available in Easy English, alternative formats and screen-reader-friendly versions
- practitioners must check for understanding and adapt communication to individual needs

Co-design and lived experience leadership should inform practice by:

- involving Indigenous people with disability in service design, evaluation and governance
- ensuring that programs reflect community priorities and cultural knowledge
- embedding accountability mechanisms that respond to lived experience feedback

Implications for Policymakers

System-level reforms are needed to:

- reduce reliance on remand and reform bail laws that disproportionately harm Indigenous people with disability
- improve disability identification, assessment and support across policing, courts and corrections
- ensure culturally safe healthcare and disability confidence in custody
- strengthen reintegration supports, including housing, NDIS access and mental health care
- remove state based ethics barriers that prevent transparency and accountability

Areas requiring urgent investment:

- Indigenous-led disability support programs
- culturally grounded mental health services
- community-controlled throughcare and reintegration programs

- early intervention supports for children and young people
- alternatives to custody, including diversion and restorative justice

Alignment with national priorities:

- **Australia's Disability Strategy:** safety, autonomy, communication, participation
- **NDIS Review:** interface reform, justice pathways, culturally safe access
- **Disability Royal Commission:** ending segregation, improving safety, strengthening rights
- **NDIS Commission priorities:** safeguarding, quality, cultural safety

Structural barriers needing change:

- the withdrawal of NDIS supports in custody
- punitive bail laws
- inaccessible court processes
- fragmented reintegration systems
- institutional racism and ableism across justice systems

Recommendations for Future Research

Priority evidence gaps include:

- the prevalence of disability among Indigenous prisoners
- how many people are incarcerated due to disability-related behaviours
- the discrepancy between health diversion for non Indigenous people and criminalisation for Indigenous people
- long term outcomes after release
- the impact of prison conditions on disability progression

- culturally grounded models of disability support in custody

Intersectional, disability-led research needs:

- Indigenous disability leadership at all stages
- Trauma-informed, culturally governed methodologies
- research that centres lived experience as evidence

Cultural and community-led research needs:

- face-to-face engagement in every state and territory
- mapping “easy wins” that can improve outcomes quickly
- identifying political and policy barriers to reform
- documenting effective community-led programs

Opportunities for NDRP investment:

- a national study engaging directly with Indigenous people with disability in custody and post release
- a national repository of research on Indigenous people with disability in prison settings
- research into pathways *into* the justice system, including child protection, foster care and early exclusion
- evaluation of culturally grounded, community-led programs
- development of national standards for cultural safety and disability access in custody

Discussion

Contribution to the Disability Research Field

This project makes a significant contribution to the disability research field by bringing visibility to a cohort that has been largely absent from national research agendas: Aboriginal and Torres Strait Islander people with disability in Australian prisons. While substantial research exists on Indigenous incarceration (e.g., Australian Bureau of Statistics, 2024, 2025; Weatherburn et al., 2024) and on disability in justice settings (Dodd et al., 2024; Doyle et al., 2022), very few studies examine their intersection. The literature review confirmed that only 18 of 177 mapped studies directly addressed this intersection, demonstrating a profound evidence gap.

By synthesising fragmented research and integrating lived experience, this study provides a clearer understanding of how disability, Indigeneity, colonisation and systemic inequality interact to shape pathways into custody, experiences within prison, and outcomes after release. It also highlights the structural conditions, such as the withdrawal of Medicare, PBS and NDIS supports in custody (Sotiri & Schetzer, 2024), punitive bail laws (Knudsen & Roth, 2023), and culturally unsafe prison healthcare (AIHW, 2023), that disproportionately harm Indigenous people with disability.

The study also contributes methodologically. It demonstrates how disability-led, culturally governed evidence synthesis can challenge deficit framings, identify structural ableism in the literature, and elevate community knowledge as a legitimate and essential form of evidence. This approach aligns with calls for decolonising research practices (Daniels Mayes, 2023; Puszka et al., 2022) and strengthens the field's capacity to produce research that is ethical, culturally safe and grounded in lived experience.

Alignment with Disability Leadership Principles

The project was led by Indigenous people with disability, consistent with disability leadership principles that emphasise autonomy, authority, and lived experience as central to knowledge production. This aligns with the values articulated in the Disability Royal Commission (Commonwealth of Australia, 2023) and Australia's Disability Strategy, which highlight the importance of disability-led research in strengthening safety, rights and inclusion.

The BlakAbility team's leadership ensured that:

- lived experience informed the research questions
- cultural authority guided interpretation
- accessibility was embedded from the outset
- harmful or ableist language in the literature was contextualised and not reproduced
- the synthesis remained accountable to community priorities

This approach also aligns with Indigenous research ethics frameworks (AIATSIS, 2020), which emphasise community benefit, cultural governance, relational accountability and Indigenous ways of knowing, being and doing.

Safety, Rights, Autonomy and Inclusion Analysis

The evidence demonstrates that the safety and rights of Indigenous people with disability are compromised at every stage of the justice system. Research shows that:

- prison environments exacerbate disability and mental health conditions (Marr et al., 2025; Perdacher et al., 2022)

- disability-related behaviours are often misinterpreted as offending (Trofimovs et al., 2021)
- Indigenous people are more likely to be criminalised than diverted to health care (Centre for Innovative Justice, 2024)
- cultural safety is largely absent in custodial settings (Centre for Innovative Justice, 2023)
- restrictive visitation policies undermine family connection and cultural identity (AIHW, 2024a)
- remand periods often exceed eventual sentences (ABS, 2025)
- deaths in custody continue to reflect systemic failures in care (Chang et al., 2025)

These findings raise significant concerns regarding:

- rights to health and healthcare
- rights to liberty and security
- rights to culturally safe services
- rights to communication and participation
- freedom from cruel, inhuman or degrading treatment

The project highlights that safety cannot be understood solely as protection from violence or abuse. For Indigenous people with disability, safety is inseparable from cultural connection, communication access, autonomy, and the ability to participate meaningfully in decisions that affect their lives.

Summary and Conclusion

Central Messages

- Indigenous people with disability experience compounded and intersectional disadvantage across all stages of the justice system.
- Disability is frequently unrecognised, misdiagnosed or treated punitively, leading to criminalisation rather than support.
- Prison systems are not designed to identify or accommodate disability, and often exacerbate existing impairments.
- Remand practices disproportionately harm Indigenous people with disability and often exceed eventual sentences.
- Prison healthcare is inconsistent, culturally unsafe and under resourced, particularly for people with cognitive or psychosocial disability.
- Family contact and cultural connection are disrupted by restrictive visitation policies, administrative barriers and incarceration of Indigenous people with disability long distances away from their family and community.
- Reintegration supports are fragmented, with significant barriers to NDIS access, housing, mental health care and continuity of support.
- Evidence at the intersection of Indigeneity, disability and incarceration is extremely limited, with only 18 studies directly addressing it.
- Lived experience reveals issues not captured in the literature, including bullying, excessive force, inaccessible complaint pathways and fear of retribution.
- Barriers to research participation mirror the barriers Indigenous people with disability face inside the system.

What Needs to Happen Next

- A national, Indigenous disability-led study engaging directly with people in custody and post release in every state and territory.
- A national repository of research on Indigenous people with disability in prison settings to prevent duplication and support accessible advocacy.
- System-level reforms to bail, remand, disability identification, prison healthcare, NDIS access, and reintegration supports.
- Investment in community-led, culturally grounded programs that strengthen cultural connection, healing and reintegration.
- Research into pathways into the justice system, including child protection, out-of-home care, early exclusion from education, and policing practices.
- Evaluation of effective community-led programs and identification of “easy wins” that can improve outcomes quickly.
- Direct engagement with policy makers and politicians to identify political barriers and opportunities for reform.

Why Disability Led Evidence Matters

Disability-led evidence is essential because:

- it reveals issues that institutional data does not capture
- it challenges deficit framings and structural ableism
- it ensures that research reflects lived realities rather than system assumptions
- it strengthens cultural safety, accessibility and ethical practice
- it produces findings that are relevant, actionable and grounded in community priorities
- it supports advocacy that is informed, strategic and accountable

Ultimately, disability-led evidence is a matter of justice, rights and self determination. For Indigenous people with disability, it is essential to ensuring that research contributes to safety, healing and systemic change rather than reinforcing the structures that cause harm.

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For Indigenous people with disability, disability-led evidence is essential to ensuring that research contributes to safety, healing and systemic change rather than reinforcing the structures that cause harm.

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The National Disability Research Partnership (NDRP) works to strengthen disability research in Australia by funding research by and with people with disability, building research capability, and mobilising evidence into policy and practice.

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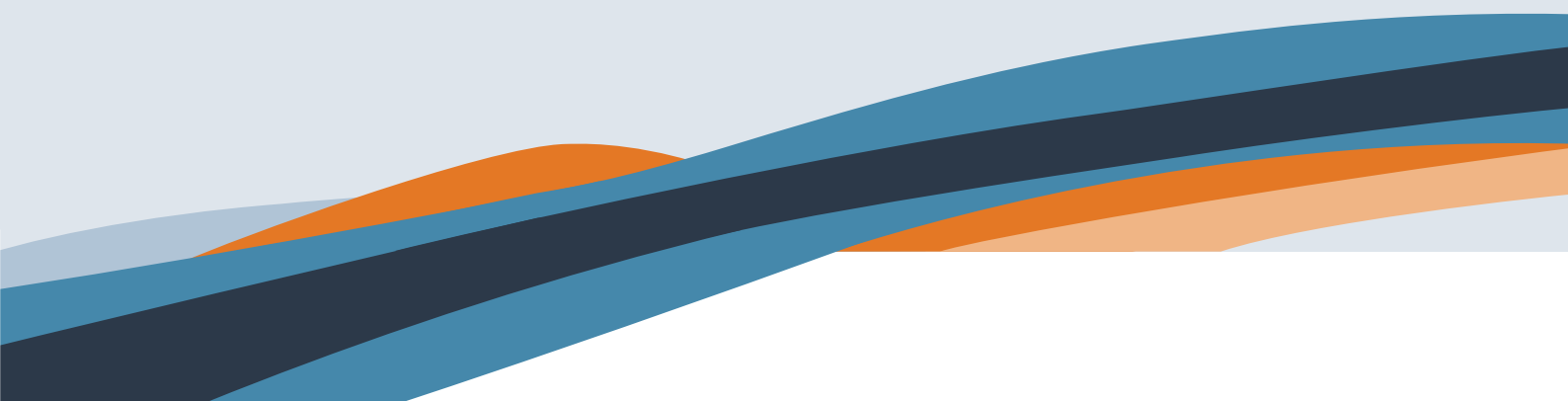
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The NDRP acknowledges the traditional custodians of Country throughout Australia. The peoples on whose land we live and work have lived on and cared for Country for thousands of generations, and has never been ceded. We pay our respects to them and their cultures, and to Elders past and present.





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