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22 December 2009

The Hon Bob Debus MP
Committee Chair
House of Representatives Standing Committee on
Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600

Dear Mr. Debus and members

**POLICE FEDERATION OF AUSTRALIA SUBMISSION:
INDIGENOUS JUVENILES AND YOUNG ADULTS IN THE
CRIMINAL JUSTICE SYSTEM**

The Police Federation of Australia (PFA) representing Australia's 53,000 police officers is pleased to take up the invitation to present for the Committee's consideration our views and proposals to improve the outcomes for Indigenous young people in the criminal justice system.

Our submission is attached. We have focused largely on the situation in regional and remote Indigenous communities and towns around Australia where we believe the greatest improvements are needed to give young Indigenous people a fair start in life and 'Close the Gap on Indigenous disadvantage'.

We would be pleased to appear before your Committee to expand on our views.

Yours sincerely

Vince Kelly
President

Attachment

POLICE FEDERATION OF AUSTRALIA SUBMISSION TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS:

INQUIRY INTO INDIGENOUS JUVENILES AND YOUNG ADULTS IN THE CRIMINAL JUSTICE SYSTEM

INTRODUCTION

The facts and figures about crime and imprisonment of Indigenous young people are now well known. Two recent reports by the Australian Institute of Criminology (AIC) present convincing statistics from every mainland jurisdiction on the appalling state of crime and violence among and by Indigenous young people:

- *Juveniles' contact with the criminal justice system in Australia* by Kelly Richards; and
- *Juveniles in detention in Australia, 1981-2007* by Natalie Taylor.

Indigenous 10 to 17-year-olds are 28 times more likely to be in detention than non-Indigenous young people. Arrest, charge and conviction rates are also higher among Indigenous youth. Diversion rates to other forms of counseling, treatment or punishment than imprisonment are significantly lower for Indigenous youth than for other young people.

As the first of those reports says, 'Indigenous people have disproportionate contact with the criminal justice system, as both victims and offenders'¹. 'Indigenous children were five times as likely to be the subjects of child protection substantiations (i.e. abuse or neglect) as other children'². 'Indigenous juveniles were overrepresented among juveniles in both community- and detention-based supervision. Slightly more than half (53%) of all juveniles in detention on an average day were Indigenous, as were 39% of juveniles under community supervision... (and) a higher proportion of Indigenous juveniles (31%) than non-Indigenous juveniles (19%) (under supervision) were aged 10 to 14 years.'³

These facts result, in large part, from the serious level of crime and violence in Aboriginal communities across Australia where many communities are in a state of dysfunction. Serious alcohol and substance abuse is evident and doubtless is a contributing factor.

People in these communities lack the usual social norms and behaviors of mainstream communities. They lack adequate housing, education, health services and employment opportunities that every other Australian community

¹ AIC Reports, Monitoring Reports 07, page iii.

² Ibid page xiv.

³ Ibid page xv.

expects and has. School attendance is compulsory, but this is not enforced. Until the 2007 to 2009 increase in policing in some areas such as the Northern Territory as part of the NT Emergency Response, many communities lacked even rudimentary police services to maintain a semblance of law and order.

We believe the situation has drastically worsened since the mid-1970s when many remote Indigenous communities were relatively vibrant places with local activity, services, enterprises and hope. The deterioration, particularly as it affects young people, must be reversed.

WHAT KIND OF POLICING DO INDIGENOUS COMMUNITIES WANT?

Indigenous communities need more police, not less. This is not simply the view of the PFA representing police nation-wide – it is the view of the people in Indigenous communities most recently reported in *Restoring Order: Crime prevention, policing and local justice in Queensland's Indigenous communities*.⁴

One of the key conclusions of that report is that 'Queensland's Indigenous communities want more policing, not less'; they would like to see:

- police doing more, not less;
- a more responsive policing service;
- police to be available when needed;
- a faster police response to calls for service;
- more done about crime and safety, including enforcement, and arrest and detention of offenders⁵.

This is not just a Queensland view. Reports from the most recent consultations in the second half of 2009⁶ regarding the NT Emergency Response demonstrate quite clearly and firmly that Indigenous communities, just like communities everywhere else in Australia, want safe and secure communities where crime and lawlessness are not rife and features of everyday life. They value their police services as a vital part of making their communities safe.

The consultation records the positive effects of the additional policing resources as a result of the NTER and the need for more police or for improved policing. Common views reported⁷ were:

⁴ Report of the Queensland Crime and Misconduct Commission, November 2009.

⁵ Ibid, page 101.

⁶ See *Report on the Northern Territory Emergency Response Redesign Consultations*, Commonwealth of Australia, 2009

⁷ Ibid, page 57.

- Kids here are really happy with the police.
- The community needs more police... The police from [the other community] are good though, it has made a difference.
- All are more than happy with having a THEMIS⁸ police post in the community.
- The police are doing a good job.
- There were several positive comments about the presence of THEMIS stations in communities.

In summary, Indigenous communities need and want effective local policing in order to have safe communities.

Recommendation:

- 1. The PFA recommends that the need for more police in Australia's Indigenous communities be acknowledged and a commitment made to boost police numbers for an extended period of say 10 years.**

THE PFA'S VIEW OF POLICING NEEDS IN INDIGENOUS COMMUNITIES

The PFA is not surprised at the views of Indigenous people. They reflect the view we have put since the the NT Emergency Response began in 2007. We said in August 2007:

'The PFA welcomes the new concerted approach to addressing the serious dysfunction wide-spread in Australia's Aboriginal communities and the recognition that law and order is a basic pre-requisite to healthy, safe and functioning communities. Inadequate community policing and law enforcement, together with lack of individual responsibility, have allowed child sexual abuse, alcohol and drug abuse and violence to undermine Aboriginal communities over decades.

First, we would like to make three overarching comments about policing in remote Aboriginal communities.

Law and order needs to be addressed by a coordinated multi-agency response. Mainstream agencies (Health, Education, Welfare, Housing, Planning and Infrastructure, etc) need to be committed to providing their statutory and other services to the remote communities. Services need to be provided in a whole-of-government coordinated manner,

⁸ THEMIS is the NT Government's NT Police operational response to the National Taskforce against Child Abuse in Indigenous Communities.

with police officers in each community supported by, for example, a health worker, education officer (teacher), and community facilitator who can provide dispute resolution, cultural empowerment, and facilitation services. In turn, the police officers can provide a secure environment for these other government officials.

Dedicated police services in each community allow for trusting relationships to be formed, a consistent policing approach to law and order issues, and provide community stability in which other government agencies can safely provide services.

Evidence suggests the best way to police remote Aboriginal communities is to have a permanent police presence within the communities.

The PFA is convinced that the Australian community appreciates that law and order and community safety are fundamental to the successful functioning of society and to family and community well-being. Aboriginal communities need to be provided with the same essentials to function effectively in the future.⁹

We stand by those views and are convinced that effective policing in remote Indigenous communities can only be carried out by experienced police permanently stationed and living 24/7 in the communities. Where the Territory or State Government and community do not have the financial resources to adequately fund these and other people-intensive services (like sufficient teachers, health and mental health workers) we are of the view that the Australian Government should supplement the finances of the Territory or State Government so that it can do so.

This is far preferable and more effective than having police from the Australian Federal Police, the Australian Crime Commission or other States, depleting the resources of those police forces and agencies, seconded on a short-term basis into communities with which they are not familiar.

Improved police resources in Indigenous communities would enable the local police to provide a more effective service and focus their efforts on Indigenous juveniles and young adults, beginning to address the high levels of crime, violence and alcohol and substance abuse that are at the heart of the serious level of offending by Indigenous youth.

To sum up, the PFA view was that Indigenous communities were entitled to the same level of policing services as all other Australian communities. In light of the evidence from the last two years experience, and the latest Australian Institute of Criminology statistical evidence, we would modify that view slightly and say that Indigenous communities need relatively more policing

⁹ PFA submission, 9 August 2007, to the Senate Standing Committee on Legal and Constitutional Affairs.

services than comparable non-Indigenous communities – and more policing not less, and permanent police on the ground for extended periods.

The key feature of permanent police in communities is that trusting relationships between officers and members of the community, including especially with Indigenous young people, are usually developed. This enables police to be particularly influential amongst young people.

We also think that the local police stationed in Indigenous communities 24/7 on a full-time permanent basis should have **the central coordinating role** in relation to the other service providers and agencies (nurses and medical, teachers, housing personnel, correctional and legal services providers). The police are often the only service providers stationed in the communities on a permanent basis. As well as providing the coordination point with the various government service providers, the police should also be the coordination point with responsible and respected Indigenous people in the communities.

The Northern Territory Police have an Indigenous Policing Unit which is targeting an increase in Indigenous sworn police, particularly constables and above. We think there is scope to broaden this approach to each police force so that there are Indigenous police serving in more Indigenous communities.

Recommendation:

- 2. The PFA recommends that the model of policing in remote Indigenous communities be of local police stationed in communities on a 24/7 full-time, permanent basis and playing a central coordinating role in service provision to the communities.**
- 3. The PFA recommends that all jurisdictions endeavour to increase the number of Indigenous sworn police officers in their service.**

BUT WHAT KIND OF POLICING IS NEEDED?


The PFA believes that community policing should be the foundation of policing in Indigenous communities. But dealing with offenders and offences, upholding the laws such as motor vehicle and alcohol restrictions, and addressing problems of violence and drug and alcohol abuse is not enough.

In addition, the PFA believes that police in individual communities should also have **the central role in crime prevention**. Police in every Indigenous community should be funded on a continuing basis to deliver a crime prevention program through projects that sit alongside mainstream community policing. The projects would be organized and run by the local police in conjunction with community members and respected leaders and other service providers who are able to be involved. A wide variety of activities suiting the needs of the particular community would be possible.

Some such projects are currently run on a volunteer basis by police, e.g. bike repair and reconstruction, sporting competitions, swimming pool activities. In appropriate cases, participation could be contingent on the children attending school regularly. [Each jurisdiction's education system should be responsible for enforcing compulsory school attendance because without an adequate education, Indigenous children are sentenced to a lifetime of disadvantage.]

Our vision of a built-in, guaranteed program of crime prevention run by the local police officer in every Indigenous community is vastly different to the way crime prevention currently operates in Australia. We currently have an occasional program of grant-based crime prevention activity open to anyone who wishes to apply for funds for an ad hoc activity, as distinct from an on-going activity. It is very much 'hit and miss' as the AIC's evaluation of the former government's Community Crime Prevention Program probably shows (the evaluation report has not been released).

The latest version of such a program is the Australian Government's FAHCSIA call for Indigenous Program Funding Submissions for the 2010 to 2011 Financial Year advertised on 12 December 2009. The total funds that are available under the five programs advertised are not known. Each is funded by a particular department or agency.



Australian Government
**Department of Families,
 Housing, Community Services
 and Indigenous Affairs**

Indigenous Program Funding Submissions

2010-2011 Financial Year

The Australian Government is calling for funding submissions from organisations to work with Aboriginal and Torres Strait Islander people in the 2010-2011 financial year to deliver outcomes under the following programs:

- Indigenous Women's Program
- Public Awareness Program
- Indigenous Sport and Recreation Program
- Prevention, Diversion, Rehabilitation and Restorative Justice Program
- Family Violence Prevention Legal Services Program.

Organisations that are committed to working in partnership with government and Aboriginal and Torres Strait Islander people, and want to make a difference in the community, should apply. Applications can be submitted from 12 December 2009.

Eligible organisations are encouraged to apply online. To access Electronic Submissions Online (eSub) visit www.indigenous.gov.au including links to program guidelines.

Alternatively, contact your local Indigenous Coordination Centre (ICC) phone 1800 979 098 with the exception of Whitsunday 1800 089 148, Kalgoorlie 1800 393 357 and Kununurra 1800 393 346.

Submission deadline
 Funding submissions for all Programs except the Public Awareness Program (PAP) must be lodged online or at your nearest ICC by 5 pm, **Friday 26th February 2010**. Applications for PAP funding may be submitted throughout the year through ICCs. This includes funding for NAIDOC activities.

www.fahcsia.gov.au

12.12.09 TCT.

Three relevant programs under this banner are:

- Prevention, Diversion, Rehabilitation and Restorative Justice Program (now called Indigenous Justice Program);
- Family Violence Prevention Legal Services Program; and
- Indigenous Sport and Recreation Program.

The first two of these programs are funded and run by the Attorney-General's Department. (The Attorney-General's Department's generic Community Crime Prevention Program seems to have expired and no further funds are available for that program.) The sports program is funded by the Department of Health and Aging.

These three programs could theoretically be accessed by police in each Indigenous community around Australia to run schemes providing valuable activities, skills, personal development and self-esteem to Indigenous juveniles and, in a preventative manner, steer them from crime, violence and alcohol and substance abuse. This would involve every police station applying for a grant under one or more of the programs, and competing with anyone else applying for a grant. That kind of bureaucratic approach is unrealistic, counter-productive and simply does not work.

A more direct approach, providing program funds to each jurisdiction for crime prevention initiatives straight to police forces and police stations, would be much more likely to see the services delivered in communities, and more likely to achieve a crime prevention outcome – led by officers who know the kinds of crime problems that need to be addressed and can organize suitable solutions. If this approach was embedded in our system, police could reliably plan and deliver an effective crime prevention program on a continuous basis, not a 'stop-start' basis (a very successful bicycle construction project involving young Indigenous people recently came to a halt when funding expired).

This is the approach to crime prevention which the Queensland Crime and Misconduct Commission proposed in its most recent report.

A move to this model of crime prevention would require a re-shaping of some of the existing juvenile crime/justice type programs targeting Indigenous young people and communities into a single program and a simplified accountability and audit process for police operating the proposed program.

Recommendation

- 4. The PFA recommends that the Australian Government, possibly jointly with States and Territories, fund a program of Crime Prevention in Indigenous Communities to be run and delivered by local police in each community in liaison with interested community groups, respected leaders and other service providers.**

POLICE SERVICE LEADERSHIP AND SUPPORT

Police serving in regional and remote Indigenous communities face challenging and arduous circumstances often in very isolated locations. Those circumstances demand special skills, training, and support systems.

It is vital that those police serving in regional and remote Indigenous communities are strongly backed, supported, mentored and funded by their

superiors in the State and territory police forces and police services, including at senior executive levels.

The Queensland CMC considered this question of how to achieve high-level support, resourcing and funding and proposed a separate Indigenous Communities Policing Command. However, we envisage the police serving in Indigenous communities, including the Indigenous sworn police, being incorporated into the normal operational structure of the police force and being the direct responsibility of a member of the Executive Leadership Group accountable to the Commissioner and the Minister. That Executive member would be able to ensure that police serving in Indigenous communities receive the support, skills, training and funding they need to achieve the policing goals, including crime prevention, and style of policing required.

Recommendation

- 5. The PFA recommends that the Committee propose that police forces/services put responsibility for Indigenous community policing clearly with each Police Force's Executive Leadership Group in order to ensure prominent and on-going support to police working in Indigenous communities.**

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