



**Queensland Police Service**

**Submission to the  
Crime and Misconduct Commission  
Inquiry into  
Policing in Indigenous Communities**

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## INTRODUCTION

1. On 1 February 2007 the Crime and Misconduct Commission (CMC) received a referral from the Attorney-General and Minister for Justice for Queensland relating to various issues concerning policing in Indigenous communities.
2. The CMC commenced an inquiry into these issues and released an issues paper seeking submissions from interested people and organisations.
3. In his letter dated 15 May 2007, CMC Chairperson Mr Robert Needham invited the Queensland Police Service (QPS) to make a submission to the Inquiry.
4. As part of the consultation process, the CMC also visited discrete Indigenous communities and interviewed more than forty QPS members including those currently working in communities.
5. The QPS is pleased to provide this document as its submission to the inquiry. The document directly addresses the questions stated in the CMC's Issues paper 'Inquiry into Policing in Indigenous communities' (April 2007).

## CONTEXT

6. Queensland's Indigenous population is the second largest in Australia and projected growth rates are high. The median age of Aboriginal and Torres Strait Islander populations is 20 years and children aged under 15 account for a large proportion of those populations.
7. There are 17 discrete Aboriginal communities on the mainland and two located on Palm and Mornington Islands. The majority are located in Cape York Peninsula and the Gulf Region. Palm Island is the largest community with a population exceeding 2,000 people.
8. There are 20 communities spread across the Torres Strait and 2 located on the mainland. The Torres Strait includes over 130 islands in an area spanning 42,000 square kilometres. The population of Torres Strait Islander communities is approximately 8900, with individual community populations ranging from 92 to 2600 people on Thursday Island.
9. Indigenous Australians are over-represented in the criminal justice system as offenders and as victims. The population has disproportionate levels of child abuse<sup>i</sup>, and family violence.<sup>ii</sup> These are among a number of factors contributing to Indigenous suicide, which is twice the rate of the Queensland population.<sup>iii iv</sup>
10. Policing is undertaken by an arrangement of state police officers, Police Liaison Officers (PLOs), Queensland Aboriginal and Torres Strait Islander Police (QATSIP) and Community Police Officers (CPOs).
11. Since the 1993 *Review of Policing in Remote Aboriginal and Torres Strait Islander Communities*, the QPS has made significant progress in providing a permanent police presence in most Aboriginal communities. The majority of Torres Strait Islander communities however remain without a permanent police presence.

**A. WHAT IS THE RELATIONSHIP BETWEEN THE POLICE AND PEOPLE IN REMOTE INDIGENOUS COMMUNITIES?**

12. Of all Government agencies, police can claim to have been the most central figures in many Queensland Indigenous communities across generations. For too long policing has been seen to be the solution to all problems within these communities. However, the issues faced by Indigenous communities cannot be managed by the QPS and communities alone.

**B. HOW ARE POLICING SERVICES CURRENTLY DELIVERED IN INDIGENOUS COMMUNITIES?**

**C. WHAT CHANGES SHOULD BE MADE TO IMPROVE THE DELIVERY OF POLICING SERVICES TO THE REMOTE INDIGENOUS COMMUNITIES?**

**Police Numbers**

13. Currently, a total of 120 state police positions are allocated to Indigenous communities. The police to population ratios in those communities, with the exception of Hope Vale, are better than the Queensland ratio which is currently estimated at 1:435.
14. Palm Island, Mornington Island, Woorabinda and Yarrabah are the only Aboriginal communities where state police officers are supported by QATSIP or PLOs. In the Torres Strait, state police officers are supported by PLOs on Thursday and Horn Islands. Badu Island is serviced only by QATSIP under the supervision of state police based on Horn Island.

**Queensland Aboriginal and Torres Strait Islander Police**

15. The QATSIP were created in response to the 1994 *Review of Policing on Remote Aboriginal and Torres Strait Islander Communities* that recommended the QPS take over responsibility for the function of Aboriginal and Torres Strait Islander Community Policing. In 1999 the Queensland Government approved the transfer of the Community Police function from Community Councils to the QPS and the implementation of QATSIP on trial basis at Woorabinda, Yarrabah and Badu Island.
16. The role of QATSIP is to enforce local laws and by-laws, but they also perform limited state policing functions. They are not equipped with accoutrements and have no legislated use of force powers. The QATSIP scheme is managed and coordinated by the QPS. This includes recruitment, initial and ongoing training and on the job supervision. Currently, there is a total of 11 QATSIP. Five (5) are stationed at Badu Island and six (6) at Yarrabah.

**Police Liaison Officers**

17. The PLO scheme was introduced formally from 1992 as part of the QPS response to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) recommendations. The program was originally trialled in the Torres Strait Islands and Townsville. The role of PLOs is to establish and maintain a positive rapport between Indigenous and multicultural communities and the QPS. Their major function is liaison and as such, they do not carry accoutrements or have use of force powers. However, on occasions they may assist state police with additional tasks.

18. There are currently 144 PLO positions throughout the State and approximately 17 are allocated to discrete Indigenous communities including Horn Island, Thursday Island, Yarrabah, Mornington Island, Palm Island and Woorabinda. The majority of PLOs are Aboriginal and Torres Strait Islander people. The number of PLO positions has increased steadily in recognition of their valuable liaison role between communities and police.
19. The legislative and policy framework governing the training, management and coordination of the PLO program is similar to that of QATSIP. PLOs have contributed substantially to positive relationships between the QPS and communities.

### **Community Police Officers**

20. Community Police Officers are employed by local councils to enforce community laws and by-laws. They do not carry accoutrements and are limited in their ability to perform functions normally associated with state police. However, CPOs do possess additional powers mainly relating to liquor and noise related matters and have legislated use of force powers. The employment, training, management and administration of CPOs is the responsibility of local councils. CPO selection is not stringent and generally, they lack training and discipline and turn-over is high. It is difficult to determine the exact number of CPOs at any given time, however, there are approximately 77 full-time and 21 part-time CPOs employed across Indigenous communities.

### **Model for future policing in Aboriginal and Torres Strait Islander communities**

21. Recently the Queensland Government endorsed a model for future policing in all Aboriginal and Torres Strait Islander communities. The model will involve progressive replacement of QATSIP and CPOs with state police officers and PLOs. Underpinning the Government's decision to move to a state police/PLO model is a philosophy that Indigenous communities should be provided with the same level of policing as in non-Indigenous communities.
22. To support the Government-endorsed model the QPS will provide 29 more state police positions in Indigenous communities (refer Table A) and around 40 PLO positions in the next 3–5 years. The staff increases will be contingent on funding and the establishment of supporting infrastructure (land, stations, detention facilities, accommodation). The Federal Government has agreed to provide \$12 million of the total \$15 million funding for the construction of new police houses in Woorabinda, Hopevale, Lockhart River, Pormpuraaw and Aurukun. The Queensland will provide the remaining \$3 million.
23. The QPS will also upgrade the Officer-in-Charge positions at Aurukun, Bamaga, Kowanyama, Yarrabah and Woorabinda to Senior Sergeant:
24. The QPS also proposes to enhance the 24 hour response capability for Cherbourg by allocating 3 of the 29 additional state police positions to the neighbouring Murgon police station. A further 5 state police positions on top of the 29 new positions will be allocated to Cooktown (2) and Weipa (3).
25. Existing QATSIP employment contracts have been renewed from 1 July 2007 to 30 June 2008. Where existing QATSIP in Woorabinda and Yarrabah vacate their positions before 30 June 2008, their positions will be replaced by PLO

positions. By 1 July 2008, QATSIP in Woorabinda and Yarrabah, will have been offered the opportunity to transition into an equivalently remunerated PLO position at the same location. As at 1 July 2008, all QATSIP positions, with the exception of those on Badu Island, will be abolished.

26. QATSIP positions on Badu Island will remain in place until a state police presence is established there. When a state police presence has been established on Badu Island, QATSIP officers will be offered the opportunity to transition into an equivalently remunerated PLO position at the same location. Four (4) of the five (5) QATSIP stationed at Badu Island have recently applied for entry to the QPS Justice Entry Program with a view to graduating to future employment as state police officers.
27. Community police will remain in place, administered by a department other than the QPS, until state police can be implemented at satisfactory levels such that there is no longer a need for community police. The QPS will work with the responsible department to plan and implement the withdrawal of community police and the legislation and administrative practices that provide for their employment.
28. Due to its geographical nature, it will not be possible to provide a permanent state police presence on all of the islands within the Torres Strait. However, the Torres Strait islands can be divided into 5 major geographical cluster groups which create the possibility of delivering services more widely. In order to give effect to the Government-endorsed policing model, the QPS has sought Federal Government funding to establish police facilities on Badu, Saibai and Yorke islands. The QPS considers that a state police and PLO presence on these islands, in addition to the current police presence, would give broad geographical coverage to the five major cluster groups.
29. Queensland Government has also funded the acquisition and ongoing operation of an aircraft based on Horn Island. This aircraft will allow police to respond quickly to incidents occurring anywhere in the Torres Strait, as well as providing a significant search and rescue capability. The QPS proposes to operate the aircraft on routes within the Eastern, Central and Western Island clusters. The aircraft may also be used by a range of Government agencies to provide a platform for a more integrated and effective whole-of-government approach to servicing the Torres Strait.

**Table A**

Location	Current Approved Strength	Proposed	Increase
<b>Far Northern Police Region</b>			
Aurukun	8	10	2
Bamaga	6	10	4
Hopevale	2	4	2
Kowanyama	8	10	2
Lockhart River	2	4	2
Pormpuraaw	2	4	2
Yarrabah	8	10	2
Wujul-Wujal	2	2	0
<b>Northern Police Region</b>			
Mornington	6	10	4
Doomadgee	9	10	1
<b>Central Police Region</b>			
Woorabinda	5	10	5
<b>North Coast Police Region</b>			
Cherbourg	7	7	0
Murgon	19	22	3
<b>Total:</b>			<b>29</b>

**Police-Citizens Youth Clubs**

30. Police-Citizens Youth Clubs (PCYCs) now operate in Yarrabah, Mornington Island and Palm Island communities. Six PLO positions were created to assist in managing those clubs. The mission of PCYCs is to develop youth by encouraging participation in recreational, sporting, cultural and welfare programs. PCYCs provide an important link between the Police Service and young people of the community.
31. The Yarrabah PCYC opened as a youth diversionary strategy in response to increases in youth suicide and juvenile crime and was redeveloped in 2006. The club boasts a modern kitchen, a designated youth room and children's area with the latest games machines and televisions. The club operates a movie night and community disco and offers a healthy eating programme through both After School Care and Outside School hours care. Activities currently undertaken at the club include basketball, arts and crafts, volleyball, cultural dance awareness, touch football and midnight basketball. Members of the Taipans National Basketball League and Marlins Queensland Basketball League teams visit the club and run basketball coaching and games. The club also conducts Community engagement days, where over 500 families attend and participate in club activities which culminate.
32. The Mornington Island PCYC offers a breakfast program in partnership with NGOs, which attracts numerous children per day. During the day the local school uses the club for activities. The PCYC then operates in partnership with the community Primary After School Sports (PASS) program. The club also

offers evening movies and recently a night street service for transporting youth has commenced operation. Additional office space will soon be provided for two government funded youth workers and funding has been approved to build a kitchen in the club to deliver meals programs.

33. Palm Island PCYC offers a diverse range of programs. Between 500 and 600 children attend the sports program per week, 40 children attend outside school hours care per day and 20 youth attend the club as part of a youth activities program run by the Youth Development Officer 3-4 times a week. In addition to the outside school hours care the club operates a PASS program between 4-7pm. A Youth Café is offered one evening a week. The club conducts a Youth Graffiti project in partnership with the Youth Justice Service and a Community Radio Program has been operating since January, 2007. 'Beat the Streets' drumming circles have commenced and a 'Youth in Tune' Program is under way with the aim of creating a music band. The club also manages the Community and School Bus Service. A Family Activities Coordinator has recently been employed and is arranging various events such as family barbecues, mother's groups and school dances. A Sport and Recreation Officer runs various sporting activities.
34. The PCYC 'Community Activity Programs through Education' Project was developed from research conducted on the PCYCs at Mornington and Palm Islands. Underpinning the Project is the acknowledgment that the PCYC and the QPS cannot support Centres in all Cape York Indigenous Communities. A partnership was formed between the Far Northern Police Region and the PCYC to provide services into Cape York communities. The initiative provides training to Indigenous Sport and Recreation Officers using existing community facilities with the aim of providing services to young people. The QPS provides PLOs and a Senior Sergeant as Coordinator and the PCYC provides support through its resources and management model. It is a cost effective alternative to establishing PCYCs on indigenous communities. The Project is presently operating in Wujal Wujal, Hopevale and Napranum. The aim is to expand the program into communities across the Cape operating on a central 'hub' model.
35. In North Coast Police Region police are involved in the Cherbourg Police and Community Youth Project which includes management of the Cherbourg Youth Recreation facility. The project is designed to divert local youth from personal and property crime and social disorder. The Cherbourg Youth Recreation facility offers police supervised events and activities regularly on Thursday and Friday nights and during school holiday periods. Community members also assist in running and supervising events and activities. The project has had promising results to date reducing juvenile crime, substance abuse and truancy. The Cherbourg Youth Recreation facility is seen as the first step to establishing a PCYC in Cherbourg.
36. The Yarrabah, Mornington Island and Palm Island PCYCs and the CAPE Program provide children with food, care, access to resources, a safe environment and the opportunity to participate in social as well as developmental activities. Anecdotal evidence also suggests that funding bodies may take confidence in providing financial support for programs and initiative in Indigenous communities that are linked with PCYCs. The QPS supports the expansion of PCYCs, CAPE Programs or similar programs in other Indigenous communities dependent on resourcing and support.



## **Community-Police Initiatives**

37. The Homelands Partnerships is a joint QPS and Department of Aboriginal and Torres Strait Islander Policy initiative in Cairns to address homelessness within the Indigenous community and associated social and economic issues. The initiative aims to return homeless people to their local community and link them to support agencies such as health services. Through assistance, such as discounted airfares, many homeless people have returned to their communities. Partnerships include all levels of government, non-government organisations and private companies for example, Queensland Health, Centrelink, OzCare, Life Line, Community Councils and Justice Groups and the Cairns City Council. The initiative realized a significant reduction in homelessness and won an excellence in public sector management award in the 2005 Premier's Awards. The QPS suggests the expansion of the Homelands Partnership to other relevant centres.
38. From 1998 to 2006 the QPS conducted an Indigenous Driver's Licensing Program for remote areas. The program was designed around an acknowledgement that in many cases learning difficulties and isolation may result in Indigenous people being unable to obtain their driver's licences. On completion of the program in August 2005, over 4000 people in remote and isolated communities have benefited through the issue and renewal of driver's licences. The Program had broader impacts such as increasing access to employment opportunities and assisted in reducing the number of people incarcerated for license related offences. The Program has since transitioned to Queensland Transport. The QPS will continue to support Indigenous Driver's Licensing Program through participation in the Whole-of-Government Coordination Steering Group.

## **Aboriginal and Torres Strait Islander Police Review and Reference Group**

39. The Aboriginal and Torres Strait Islander Police Review and Reference Group was formed in 2004 through an amalgamation of the preceding Aboriginal and Torres Strait Islander Police Reference Group and Indigenous and Police Service Review Panel. The Police Review and Reference Group meets monthly and includes representatives from Aboriginal and Torres Strait Islander Policy of the Dept of Communities, Brisbane City Council, Department of Justice and Attorney-General, Department of Corrections, Liquor Licensing Division, Brisbane Aboriginal and Torres Strait Islander Legal Service, Queensland Anti-Discrimination Commission and the Queensland Police Service. The Group provides Indigenous perspectives and input to QPS policy development and advises the Commissioner on matters of concern and recommends appropriate action.

## **Cultural Advisory Unit**

40. In 1994 the QPS established a Cultural Advisory Unit within the Office of the Commissioner. The Unit is staffed by six QPS police officers and three Indigenous non-sworn officers including a Policy Liaison Officer, Senior Project officer and an Advisor soon to be based in Cairns. The mission of the Unit is to promote and maintain effective relationships between members of the QPS and multicultural and Indigenous communities. Staff provide advisory and consultancy services to QPS personnel in relation to incidents and concerns, selection panels and cultural awareness training.

## **Cultural Appreciation Project**

41. The Cultural Advisory Unit is also managing a Cultural Appreciation Project to develop and implement culturally appropriate in-service training to members of the Service. The project aims to provide all members of the Service with a structured appreciation of Aboriginal and Torres Strait Islander culture which will enhance their interaction with members of these communities through a greater understanding of their culture. A reduction in complaints against police should eventuate as appreciation of cultures strengthens.
42. State-wide implementation is taking place in stages. The Competency Acquisition Programme learning units dealing with Indigenous specific content were reviewed in 2006 and in excess of 3600 of these training resources have been completed by members. The critical element of the project is the community specific on-the-job training packages. The training is on the particular circumstances of a community, its needs and expectations. Regional, district and community specific training packages are being developed with the content being refined through consultation with Aboriginal and Torres Strait Islander communities and other stakeholders. Palm Island community specific training commenced mid 2006. The QPS has prioritised the development of community specific training packages for Aurukun, Mornington Island, Woorabinda and Cherbourg. Where relevant, training will also be developed for specialist police such as Child Protection and Investigation Units to assist their service delivery for Aboriginal and/or Torres Strait Islander people.

## **Cross Cultural Liaison Officers**

43. To compliment the Cultural Advisory Unit the QPS established a State-wide network of 31 Cross Cultural Liaison Officer positions. These are police officers whose role is to improve relations between the QPS and indigenous/ethnic communities and to assist other police in understanding the issues affecting those communities. In part, the role addresses potential problems and difficulties before they escalate. Through active liaison issues and concerns are more readily resolved. Cross Cultural Liaison Officers work closely with PLOs to achieve these outcomes.

## **Child Protection**

44. The QPS participates in a number of initiatives to address child sexual abuse in Indigenous communities. The QPS is involved in the implementation of Suspected Child Abuse and Neglect teams which service Indigenous communities. Child Protection and Investigation Units or Criminal Investigation Branches based at Thursday Island, Cairns, Weipa and Cooktown and Mount Isa service child protection needs in Cape York communities. Officers are actively involved with Queensland Health officials to identify child victims of abuse. They also conduct initiatives such as delivering protective behaviours training for councils, schools, child care centres, hospitals and community police in communities.
45. On Thursday Island the Child Protection and Investigation Unit shares a facility with a case manager from the Department of Child Safety. Personnel share a good working relationship and where required the Child Protection and Investigation Unit can call on the case manager for assistance in urgent situations. At Doomadgee, Department of Child Safety officers are encouraged

to use the Doomadgee police station office and are provided with assistance in transporting officers and clients.

46. Cherbourg, Woorabinda and Yarrabah are serviced by Child Protection and Investigation Units or Criminal Investigation Branches at Murgon, Rockhampton and Cairns respectively. Criminal Investigation Branch officers are stationed at Palm Island and the community is also serviced by the Townsville Child Protection and Investigation Unit.
47. The QPS is also working across government to address child protection within Indigenous Communities through the Child Safety Directors' Network.
48. In June 2007, as an initiative of the National Intelligence Task Force into Child Abuse and Violence in Indigenous Communities, the QPS commenced capturing data and reporting on incidents of violence and abuse involving children in identified Queensland Indigenous communities. That information is uploaded onto the Australian Criminal Intelligence Database.
49. The QPS will continue to provide services for the protection of children in Indigenous communities with the appropriate support from related government agencies and the community in this regard.

### **Substance Misuse Strategies**

50. Since 2002, Alcohol Management Plans have operated in 19 Indigenous communities under the Queensland Government *Meeting Challenges, Making Choices* initiative. The Plans were developed by consultation between the Government and Community Justice Groups and they regulate the type and quantity of liquor that can be brought into communities and/or declare all or parts of a community a restricted area or a dry place.
51. The Alcohol Management Plans have been reviewed by the Department of Aboriginal and Torres Strait Islander Policy. The reviews indicate mixed success with no significant improvement in any community. However, there is general agreement of some overall reduction in the severity of serious assaults and in the number of people and degree of violence on the streets at night.
52. The QPS is represented on the Alcohol Management Plan Steering Committee and the Partnerships Queensland Alcohol and Other Substances Task Force. The purpose of the Task Force is to improve the integration, co-ordination and delivery of policies, services and programs across government leading to a reduction in the level of harm being experienced from alcohol and other substance use in communities.
53. QPS involvement with the Plans generally focuses on enforcement of regulations through various operational activities such as intercepting vehicles, vessels and aircraft and conducting random breath testing. Issues that appear to frustrate the enforcement and effectiveness of Alcohol Management Plans include an inability to declare some public roads as restricted areas, the sly grog trade, liquor stockpiling in private premises, home brewing and limited police powers to search people for liquor without a warrant. The QPS has made recommendation in respect to these issues and continues to undertake enforcement action in support of the Plans.

54. The QPS Drug and Alcohol Coordination Unit has delivered training for police in rural and remote communities located in the Cairns, Rockhampton and Mount Isa Police Districts including Woorabinda and Mornington Island, with a view to providing skills to develop strategies to address substance abuse in communities. The Unit provides support for police to address substance abuse and also provides initial and ongoing training to PLOs.
55. The use of alcohol and other substances will continue to have a significant detrimental impact on Aboriginal and Torres Strait Islander communities. However, the QPS believes that a greater emphasis on developing proactive measures to reduce the trade of illegal substances combined with effective substance demand reduction strategies in communities is necessary.

### **Indigenous Employees**

56. Through various programs, schemes and funds the QPS continues to assist Aboriginal and Torres Strait Islander people to gain skills and employment. These programs are articulated in the Aboriginal and Torres Strait Islander Recruitment and Career Development Strategy. The Queensland Government set a target of 2.4% for Aboriginal and Torres Strait Islander employment across the public sector and at all salary levels by the end of the year 2010. Currently, there are 325 QPS members who self identify as Aboriginal and/or Torres Strait Islander representing 2.21% of the QPS membership. Of this number, 182 are employed as police officers and 143 are staff members.
57. Initiatives such as the PLO scheme and the Justice Entry Program (JEP) provide specific employment opportunities. The JEP is a traineeship for Aboriginal and Torres Strait Islander people that provides the necessary education qualifications for entry into the police recruit training program. Participants are employed as Trainees whilst undertaking the program and after successful completion are provided direct entry to the recruit training program. On completion of the recruit training program they are inducted into the QPS as a Constable of police. The nationally accredited Certificate IV in Justice qualification obtained through the JEP also enables the individual to compete for employment in a variety of justice related fields. Certificate level courses and other training programs are also available for the development of Aboriginal and Torres Strait Islander employees.
58. Since 2003 55 people have completed the JEP and graduated with the Certificate IV in Justice. Of that number 32 people have graduated from police recruit program and been sworn in as Constables while others have obtained employment with other Government agencies. Another 14 people are presently undertaking the police recruit program and are due for induction in December 2007 and January 2008.
59. The QPS has committed to increasing the number of PLO positions and will continue to offer the JEP. Further support from communities and agencies in the identification and recruitment of suitable applicants would be of assistance.

### **D. HOW CAN THE COMMUNITY HELP THE POLICE TO DELIVER POLICING SERVICES TO THE COMMUNITY?**

60. The QPS acknowledges that police involvement with councils, community justice groups and in community activities is a key to building productive

relations and partnerships. Indigenous Community-Police Consultative Groups (ICPCGs) and the PCYCs at Yarrabah, Palm Island and Mornington Island are examples of productive ground level police-community partnerships.

### **Indigenous Community-Police Consultative Groups**

61. About 18 Indigenous ICPCGs have been established throughout Queensland by the QPS. ICPCGs are designed to develop genuine partnerships between police by providing local forums to discuss matters of mutual concern. The ICPCGs provide scope for participants to present and receive information that assists in problem solving activities. Unfortunately, the effectiveness and sustainability of ICPCGs has been variable. To improve the efficacy of ICPCGs more consistent community involvement is necessary, and there is a need to develop the capacity of community members to provide enhanced support.
62. The QPS also actively supports community driven initiatives such as the Cherbourg Critical Incident Women's Group and Cherbourg Men's Group. Local police attend group meetings and where appropriate support projects. Doing so assists in breaking down barriers and creating trust and mutually beneficial relations. Many other examples which reflect positively on police-community relations and partnerships are provided in the preceding paragraphs.
63. The need to build capacity in Indigenous communities cannot be overstated. Capacity and effective leadership are inextricably linked and vital for supporting initiatives and programs. For example, the diversion of drunken people or children from family violence situations to a place of safety such as a care centre or the home of a relative or friend requires the presence of a suitable environment and competent carer. Unfortunately, in the experience of police, this cannot be assured in many Indigenous communities. The Safe Haven project in Cherbourg is one example of a place of safety for young 'at risk' youth which is managed successfully by the local community. However, there is a lack of such functional facilities in most other communities.
64. Building the capacity of people to more effectively support such initiatives is fundamental to improving law and order in most communities. The QPS maintains that the permanent and integrated presence of key government agencies in Indigenous communities is a significant factor for success for capacity building.

### **E. WHAT IS THE MOST CULTURALLY APPROPRIATE, TIMELY AND EFFECTIVE WAY TO RESOLVE COMPLAINTS AGAINST POLICE BY INDIGENOUS COMMUNITY MEMBERS?**

65. Data on complaints made against police by people identifying as Aboriginal or Torres Strait Islander from July 2004 to July 2007 indicates that complaints are decreasing as a trend.
66. The QPS Internal Investigation Branch assigns priority to complaints made by Indigenous people and adopts a consultative approach to managing and investigating such complaints. Where appropriate, the Cultural Advisory Unit provides advice and assistance in relation to complaints involving Aboriginal and Torres Strait Islander people. Also, on many occasions, complaints

initiated by Indigenous people are directly referred by the Crime and Misconduct Commission.

67. The QPS Ethical Standards Command has recently submitted a proposal to review the current QPS complaint management system in respect of indigenous complaints. The QPS is also providing consultation to the Crime and Misconduct Commission in respect to the complaint assessment process.
68. The *Crime and Misconduct Act 2001* has recently been amended to enable the more efficient assessment of complaints which includes a specific reference to complaints made by Indigenous people where the victim was in police custody. The amendments were brought about through consultation with the QPS.
69. The QPS will continue to assign priority to complaints made by Indigenous people and will maintain a consultative approach to managing and investigating such complaints. The QPS supports efforts made to improve the management and assessment of complaints made against police by Indigenous people.

**F. DOES THE CURRENT AND PLANNED LEVEL OF SURVEILLANCE AND MONITORING OF PEOPLE IN DETENTION PROVIDE A SAFE AND ACCOUNTABLE CUSTODY ENVIRONMENT?**

70. Perhaps the most significant national response to this issue in recent times has been the Royal Commission into Aboriginal Deaths in Custody. The Royal Commission was established in response to a growing public concern that deaths in custody of Aboriginal people were too common. All but six 'on-going' recommendations have been implemented by the QPS and there have been significant improvements in the standard of care and a reduced number of Aboriginal deaths in police custody.
71. In September 2006, Ms Christine Clements, Deputy State Coroner, delivered her findings into the death of Mulrunji Doomadgee. The findings included forty recommendations and comments on matters including arrest and policing, diversionary centres and community patrols and supervision of individuals in custody. The QPS established a Steering Committee to give effect to the Coroner's recommendations and comments that the Government agreed to implement.
72. On 6 February 2007 the Government provided a commitment to upgrade CCTV equipment in public space and watch-house areas in police facilities at all Deed of Grant in Trust (DOGIT) communities within 12 months. It also committed to upgrading the facilities at Aurukun, Palm Island and Woorabinda immediately. The Police Commissioner established a Working Group including CMC, Police Union and Department of Public Works representatives to conduct an audit of all existing surveillance system in these facilities. The audit of CCTV equipment in all DOGIT police facilities has been completed and the procurement of replacement equipment has commenced. Installation of CCTV equipment in Aurukun, Palm Island and Woorabinda stations will be finalised in July 2007. It is anticipated that replacement equipment will be installed prior to the Government's February 2008 commitment.
73. The Cell Visitor Scheme is a QPS-Community partnership designed to provide support to people in custody in smaller centres where diversionary centres such as Murri Watch are not available. The Scheme is largely aimed at the

Aboriginal and Torres Strait Islander communities, but can assist people from all backgrounds as appropriate.

74. The basis for the scheme is that community members volunteer their services to visit people in police custody to provide comfort, support and advice. The volunteers also assist watch-house staff by providing liaison with detainees. There are a number of limitations on the Scheme however it has proved effective in assisting police and detainees to make custody less stressful. The Scheme has been in place for some time and has been utilised successfully in some areas. A training package is available to police regions. The QPS believes that improved community support for the Cell Visitor Scheme would assist both police and detainees involved in the custody process.

**G. WHAT ARE THE ISSUES IN REGARD TO POLICE DETENTION IN THE TORRES STRAIT ISLANDS, GIVEN THAT THERE IS ONLY ONE WATCH-HOUSE IN THE TORRES STRAIT?**

75. Watch-houses in the Torres Strait are located at the Thursday Island and Horn Island police stations. The Thursday Island watch-house comprises 9 cells, 2 exercise yards, 2 showers and 2 decommissioned padded cells currently used for storage. The Horn Island watch-house comprises 2 cells only. Both watch-houses have video-monitoring facilities.
76. The watch-houses are generally used to hold detainees for short periods. Detainees from Horn Island are regularly transported by police boat or ferry to Thursday Island watch-house which is a trip of approximately 20 minutes. Where it is necessary for detainees to spend longer periods in custody or more appropriate facilities (e.g. juveniles) they are transported to Cairns by QPS Air Wing or commercial flight.
77. Travel times from Thursday Island by water vessel to the outer Islands range from 2.5 hours to 11 hours and in many cases return trips are not possible in one day which creates additional salary and travel related costs.
78. Therefore, the central issue pertaining to police detention in the Torres Strait is the limited means of transporting prisoners within the Torres Strait and to Cairns.
79. The QPS Cairns Air Wing provides a service to the Torres Strait 2 weeks per month. The service involves two separate operations to support the Torres Strait, Cooktown and Badu court sessions. The flight time to relocate the aircraft from Cairns to the Torres Strait is approximately 6 hours. Whilst in the Torres Strait the air service operates within the area as required based out of Horn Island. It also operates from Cairns on an as needs basis outside of these times.
80. The Queensland Government has funded the acquisition and ongoing operation of an aircraft based permanently on Horn Island. This aircraft will allow police to transport detainees to appropriate detention facilities more easily and quickly. The current implementation schedule will see the aircraft commence operations in the 2008-2009 financial year.

## H. WHAT CAN BE DONE TO KEEP PEOPLE OUT OF CUSTODY?

### Murri Courts

81. The QPS plays an important role in the daily operation of the Murri Courts throughout Queensland. The Murri Court is a Queensland Magistrates Court which deals with sentencing Indigenous offenders. The Murri Court takes into account cultural issues by providing a forum where Aboriginal and Torres Strait Islander people have input into the sentencing process. The Murri Court handles only Aboriginal and Torres Strait Islander people who plead guilty to an offence and both the prosecution and offender consent to the matter being dealt with in the Murri Court. The offence must be one which falls within the jurisdiction of the Magistrates Courts of Queensland.
82. Presently, Murri Courts operate in Brisbane, Cleveland, Caboolture, Rockhampton, Townsville, Mount Isa, Cherbourg and Ipswich. Murri Courts have had some success in diverting offenders from periods of incarceration. Each court is serviced by QPS prosecutors who are drawn from existing regional prosecution corps staffing models. To contribute more effectively in this forum QPS prosecutors and legal representatives would generally benefit from greater awareness of cultural issues that arise in these courts. The QPS supports the operation and expansion of Murri Courts and recognises the need for more Indigenous court support officers to assist the court.

### Mediation

83. One of the functions of the Department of Justice and Attorney-General is to provide a means of settling disputes before they go to court. The Dispute Resolution Branch has centres throughout the State, where trained justice mediators bring the parties in a dispute together so that they can talk over their differences and reach a suitable settlement. Unlike the legal and criminal justice system, mediation compliments traditional ways of settling disputes in Aboriginal and Torres Strait Islander communities. Aboriginal and Torres Strait Islander people have shown a keen interest in mediation.
84. Mediation operates as a court diversionary option enabling Indigenous communities to keep ownership of disputes, to use elements of customary law and practice, and to find solutions that are in keeping with cultural values. The effect on the community can be very empowering. The QPS supports the concept of justice mediation as provided by the Department of Justice and Attorney-General and supports its expansion within remote Indigenous communities. The QPS also feels that a system of direct referral of minor offences by QPS officers is worthy of examination by the CMC.

### Intervention and Diversion Initiatives

85. The QPS believes that minor offences committed by young Indigenous offenders are best dealt with through the juvenile caution process. The process allows for prompt finalisation of minor matters for young offenders by specialist trained police. The process addresses the offending behaviour while fresh, provides early opportunity for police assisted rehabilitation and diverts young people from the court system and possible detention. But, in order to be eligible for a juvenile caution pursuant to the *Juvenile Justice Act 1992*, a young person must make full admissions to the alleged offence.



86. Literature produced and dispersed by the Aboriginal & Torres Strait Islander Legal Service (ATSILS) in the form of a business card encourages young people to not speak to police. Whilst it is recognised that the information being delivered to young people essentially explains their statutory right to silence, it potentially discourages the use of the effective diversionary process. In addition, when young offenders have been charged with minor offences, Courts have been reluctant to refer matters back to police for a caution and often young offenders are simply 'reprimanded' by the Courts in accordance with the *Juvenile Justice Act*.
87. The QPS is of the view that police-managed cautions contemporaneous to the commission of minor offences is a preferable course of action when dealing with Indigenous juvenile offenders.
88. Project U-Turn is a 10 week diversionary program for 15-20 year old recidivist car theft offenders and those deemed 'at risk' of offending. The Program provides participants with hands-on mechanical training, case management and post-course support. It seeks to break the cycle of re-offending through providing personal support and avenues to further training and/or employment. The program aims to reduce the rate of motor vehicle theft by young people; prevent recidivism and chronic career offending by young people; address anti social behaviour; address life issues of participants and link participants to a comprehensive network of support; and assist young people to maximise their potential so that they can offer a positive contribution to society.
89. U-Turn graduates have decreased their motor vehicle theft offences and achieved reduction for both driving and 'other' offences. QPS involvement as the key state support agency has been integral to the success of the project. The QPS believes that expanding similar programs, not limited to motor vehicle theft, within Indigenous communities is worthy of consideration by the CMC.
90. The Queensland Indigenous Alcohol Diversion Program is to commence in July 2007 for a pilot period of 3 years in Cairns, Townsville and Rockhampton outreaching to an Indigenous community. The primary goal of the Program is to break the alcohol-crime cycle by involving eligible Indigenous people in treatment and case management programs to reduce Indigenous over-representation in the criminal justice system. The criminal justice stream of the Program will operate as a bail-based diversionary program. To determine eligibility for the program a criteria and a list of exclusionary offences or circumstances are being developed by the Legal Model Sub-Committee which primarily includes Justice and Attorney-General and QPS representatives.
91. The proposed model is expected to create an additional burden on Police Prosecutors at the trial sites. The QPS has provided funding of up to \$250,000 for the first year of operation for employment of three temporary Senior Prosecutor positions and support in Cairns, Townsville and Rockhampton.
92. The QPS believes there is a need for greater emphasis on and further examination of diversion and intervention programs particularly for Indigenous juvenile offenders in relation to property crime.

## Bail

93. In July 2006, the Standing Committee of Attorneys-General was asked to report to the Council of Australian Governments on the extent to which bail provisions take particular account of potential impacts on victims and witnesses in remote communities and to recommend any changes required. As a result, the Australian Government undertook to review bail conditions in relation to Commonwealth offences, and invited States and Territories to review their respective legislation. The aim of the review is to ensure police and judicial officers give primacy to any risks to victims and witnesses when determining issues of bail. The Department of Justice and Attorney-General requested QPS input into this review, including recommendations for amendments to the bail legislation.
94. In remote communities, police officers are aware a bailed accused is likely to come into contact with their victim and there may be unique cultural and family stressors placed on victims and complainants. Although section 119B of the Queensland *Criminal Code* provides offences for interfering with witnesses in judicial proceedings, the potential for further offending and the need to preserve the safety of the victim weigh heavily on a police officer's decision to grant bail.
95. The QPS suggests an amendment to require a court or authorised police officer to give primacy to the safety of victims and witnesses when considering bail. The QPS proposes including offences against section 119B *Criminal Code Act 1899* within section 16(3) of the *Bail Act 1980*. This would have the effect of requiring an accused charged with intimidating a witness to show that they are not an unacceptable risk for bail.

## CONCLUSION

96. Queensland police have attained a high level of professionalism in dealing effectively with Indigenous communities throughout Queensland. While there is no doubt scope for further improvement, it is important to recognise the QPS is only one part of any potential solution. It is important other government and non-government agencies and the community act together to achieve improvement.

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