RESTORING ORDER

Crime prevention, policing and local justice in Queensland's Indigenous communities

November 2009

CRIME AND
MISCONDUCT
COMMISSION

QUEENSLAND

CMC vision:

To be a powerful agent for protecting Queenslanders from major crime and promoting a trustworthy public sector.

CMC mission:

To combat crime and improve public sector integrity.

We wish to advise Indigenous readers that this publication contains references to the names of deceased persons. Where appropriate, we have sought permission from relatives to use the names.

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QUEENSLAND

The Honourable Cameron Dick MP
Attorney-General and Minister for Industrial Relations
Level 18
State Law Building
50 Ann Street
BRISBANE QLD 4000

The Honourable Reginald Mickel MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Mr Paul Hoolihan MP
Chairman
Parliamentary Crime and Misconduct Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sirs

In accordance with section 69 of the *Crime and Misconduct Act 2001*, the Crime and
Misconduct Commission hereby furnishes to each of you its report *Restoring order: crime
prevention, policing and local justice in Queensland's Indigenous communities*.
The Commission has adopted the report.

Yours faithfully

ROBERT NEEDHAM
Chairperson

FOREWORD

It has been both a good time and a difficult time for the CMC to consider the issues associated with policing, crime and justice in Queensland's Indigenous communities.

The period of our inquiry has been one of immense change in the Australian Government and Queensland Government policy approaches in Indigenous affairs generally. It has been, quite literally, difficult to keep up. We have been very conscious throughout this inquiry of the number of previous reports in this area, the amount of government effort and resources already devoted to these problems, and the number of initiatives announced in recent years.

Our inquiry was timely in that it is almost 20 years on from the landmark Royal Commission into Aboriginal Deaths in Custody. We are pleased to be able to say that police practices have clearly changed for the better, particularly in terms of care for Indigenous people in watch-house detention.

Nonetheless, the relationship between police and Queensland's Indigenous communities remains delicately balanced. The crime and violence problems in these communities are well known, and police are often operating at the 'pointy end' of conflict and interpersonal violence between members of these communities. The police role in these situations is both difficult and crucially important — if it is performed poorly the police in these communities can actually make problems worse rather than better. We have seen what happens when tensions are seriously inflamed and that a wide range of events can trigger a crisis in relations with police.

Policing in our Indigenous communities must continue to improve. We must take further steps forward if crime and violence problems in these communities are to be addressed and Indigenous overrepresentation in the criminal justice system reduced.

In undertaking this inquiry, it would have been fruitless for us to have taken a narrow view and to have looked at policing issues in isolation from the underlying problems which become the concerns of police. Police alone can never solve the problems facing Queensland's Indigenous communities. Our report will show that success in this area — restoration of order and a better life for Indigenous people — will depend on striking the right balance between research, policy and innovation; between government responsibility and community action; between police law enforcement and other crime prevention strategies.

After the time and effort the CMC has invested in this task, we believe that we have an obligation to come back and see if progress is indeed being made. We have proposed that we carry out a limited review in 2011 and a more comprehensive review in 2013.

We have set out in this inquiry to assist in the development of evidence-based policy. However, even after careful consideration of the issues, it is clear that knowledge alone does not hold the promise of a miracle cure — there are no easy answers or we would not be in the position of producing another report after so many that have come before. But, while difficult, the task before communities, police and governments should not be seen as overwhelming or overcomplicated. It is my firm view that the task that lies ahead is achievable.

Robert Needham
Chairperson

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ACKNOWLEDGMENTS

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The project manager for the inquiry was Mark Pathe and he conducted the initial consultations together with other project team members Dennis Budz, Daniel Abednego, Cheryal Kyle, Lisa Florence, Trudi Broderick and David Jones.

LIST OF ABBREVIATIONS

ABS	Australian Bureau of Statistics
ACPO	Aboriginal Community Police Officer (NT)
AIC	Australian Institute of Criminology
AIHW	Australian Institute of Health and Welfare
AMP	Alcohol Management Plan
ANCO	Australian National Classification of Offences
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSILS	Aboriginal and Torres Strait Islander Legal Services
ATSIP	Aboriginal and Torres Strait Islander Partnerships (now ATSIS)
ATSIS	Aboriginal and Torres Strait Islander Services
CAP	Competency Acquisition Program (a QPS training program)
CAPE	Community Activity Programs through Education
CAU	Cultural Advisory Unit (QPS)
CCLO	Cross Cultural Liaison Officer
CCTV	closed-circuit television
CDEP	Community Development Employment Projects
CDMA	code division multiple access
CJC	Criminal Justice Commission
CJGs	community justice groups
CMC	Crime and Misconduct Commission
COAG	Council of Australian Governments
CRISP	Crime Reporting Information System for Police
CYIPL	Cape York Institute for Policy and Leadership
DATSIP	Department of Aboriginal and Torres Strait Islander Policy (now ATSIS)
DATSIPD	Department of Aboriginal and Torres Strait Islander Policy and Development (now ATSIS)
DICMU	Deaths in Custody Monitoring Unit
DOC	Department of Communities
DOGIT	Deed of Grant in Trust
FAE	fetal alcohol effects
FAS	fetal alcohol syndrome
FASD	fetal alcohol spectrum disorder
FRC	Family Responsibilities Commission
HREOC	Human Rights and Equal Opportunity Commission
ICOs	intensive correction orders
ICPCGs	Indigenous Community Policing Consultative Groups
IPPC	Indigenous Policing Partnership Command (proposed QPS command)
JAG	Department of Justice and Attorney-General
JEP	Justice Entry Program
JP	Justice of the Peace

LAQ	Legal Aid Queensland
LIPA	Local Indigenous Partnership Agreement
LIPs	Local Implementation Plans
MCMC	Meeting Challenges, Making Choices
NPA	Northern Peninsula Area
ODPP	Office of the Director of Public Prosecutions
OIC	officer-in-charge
OPM	Operational Procedures Manual (QPS)
OPR	Operational Performance Review (QPS)
PCYC	Police–Citizens Youth Club
PLO	Police Liaison Officer
POP	problem-oriented policing
POPP	Problem-Oriented and Partnership Policing (QPS framework)
PQ	Partnerships Queensland
PSRT	Public Safety Response Team
QATSIP	Queensland Aboriginal and Torres Strait Islander Police
QCMP	Queensland Community Mentoring Program (Department of Education)
QCS	Queensland Corrective Services
QPRIME	Queensland Police Records and Information Management Exchange
QPS	Queensland Police Service
QUAILSS	Queensland Aboriginal and Islander Legal Services Secretariat
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
SAPol	South Australia Police
SARA	Scanning Analysis Response Assessment
SCRGSP	Steering Committee for the Review of Government Service Provision
SERT	Specialist Emergency Response Team
SPER	State Penalties Enforcement Register
SRAs	Shared Responsibility Agreements
TSRA	Torres Strait Regional Authority

SUMMARY

Part 1: Background

This part of the report provides the background picture for examination of our three terms of reference.

The inquiry: terms of reference and scope

There were two catalysts for our Inquiry. The first was the aftermath of events that followed the death of Cameron Doomadgee (Mulrunji) in the police watch-house on Palm Island, the riots and the other controversy that has followed. The second was the rioting against police that occurred in Aurukun in January 2007 after allegations were made by a man that he had been assaulted by police during his detention in the watch-house.

In the wake of those events, in February 2007 the Government of Queensland asked the Crime and Misconduct Commission to examine issues relating to policing in Queensland's Indigenous communities and make recommendations with respect to three terms of reference:

1. Possible changes to existing police policy and procedure that would result in improved relations between the Queensland Police Service (QPS) and Queensland's Indigenous communities.

2. Current practices relating to detention in police custody in remote communities, including the monitoring of detainees in watch-houses and other police facilities in Queensland's Indigenous communities and the possible involvement of community justice groups or other civilians in the monitoring of detainees.

3. The optimal use of existing and future state resources available to deliver criminal justice services in Queensland's Indigenous communities.

We were also asked to have particular regard to the report of the Royal Commission into Aboriginal Deaths in Custody, the recommendations of the Acting State Coroner, Christine Clements in the Mulrunji inquest, and the practical circumstances of policing Queensland's Indigenous communities.

The scope of our Inquiry was therefore very broad, particularly in terms of dealing with our first and third terms of reference.

Not all of Queensland's Indigenous communities were included within our terms of reference, although for convenience we have used the phrase 'Queensland's Indigenous communities' throughout this report to describe those communities within the scope of our inquiry.

These communities historically had their own local councils and in the past have been referred to as 'DOGIT' communities in reference to the system of land title 'Deed of Grant in Trust' that applied to most of Queensland's former missions or reserve communities where Indigenous local councils were established. They include 17 Aboriginal communities and 18 communities in the Torres Strait Islands, as well as the two Torres Strait Islander communities of Seisia and Bamaga which are located on the mainland in the Northern Peninsula Area of Cape York.

Other predominantly Indigenous communities in Queensland such as Mossman Gorge, Coen, Laura and Normanton were not within our terms of reference although many of the issues highlighted in this report will be of relevance to those places also.

Consultations and other evidence

In conducting our inquiry, we have sought to give fairly comprehensive consideration to the difficult issues relating to policing, crime and the criminal justice system in Queensland's Indigenous communities. In particular, we have tried to listen carefully to the views provided through our community consultations and consultations with police. Although the views expressed to the inquiry were by no means uniform, clear and consistent themes did emerge across stakeholder groups, not just within them. For example, police and Indigenous people often raised the same key issues, such as concern about the high levels of alcohol-related violence and the need for the communities themselves to be centrally engaged in developing and implementing solutions to their problems. These key issues were raised again and again across different communities and from different cross-sections of the populations.

We also made efforts to inform our arguments and recommendations through evidence in so far as it is possible, including through analysis of relevant data relating to Queensland's Indigenous communities and consideration of other research.

20 years of Indigenous policy and initiatives: a lot of effort but little improvement

This inquiry is another in a long line of reviews and reports looking at issues affecting Indigenous communities. There can be no doubt that enormous sums of money, and a huge amount of bureaucratic effort, have been devoted to addressing Indigenous disadvantage over the past 20 years, including in the area of crime and justice. There have quite literally been thousands of recommendations already made to governments regarding how to deal with the problems faced by Indigenous people. Many of the reviews and reports are critical of the failure to implement those that have gone before.

Key reports about policing, crime and justice issues include most importantly the *National report: Royal Commission into Aboriginal Deaths in Custody* (Johnston 1991). The Royal Commission into Aboriginal Deaths in Custody remains a very powerful influence on issues of criminal justice and policing for Indigenous people. Its legacy includes criminal justice reforms such as increasing diversion of people away from the criminal justice system and greater safety for watch-house detainees. Nevertheless, over 18 years after the Royal Commission, its most fundamental aim of bringing about a reduction of Indigenous overrepresentation in custody has not yet been achieved. This is probably the result of both the poor performance of governments in properly implementing its recommendations, and the fact that the Royal Commission's legacy in terms of government policy and programs has been a focus on criminal justice system reforms. The subsequent development of government policy and programs reflects a great (and, in our view, misplaced) faith in the ability of certain criminal justice system initiatives to reduce Indigenous overrepresentation in the criminal justice system.

Since the Royal Commission, the *Aboriginal and Torres Strait Islander Women's Task Force on Violence* report and the *Cape York Justice Study* report (Fitzgerald 2001) have led to an increased recognition of Indigenous people as victims of crime rather than just offenders. There has also been a growing recognition that, to reduce Indigenous overrepresentation in the criminal justice system, more emphasis needs to be placed on improving community safety and developing community-based crime prevention and early intervention strategies that address the underlying causes of crime, particularly alcohol. The most substantial reform introduced by the Queensland Government's response to the Cape York Justice Study — and one that does seek to address underlying causes of crime — was the implementation of Alcohol Management Plans to first restrict the availability of alcohol in 19 Indigenous communities, and later to close the canteens and taverns in these communities and to make them 'as dry as possible'.

Broad lessons from past approaches

While there has not been an obvious sense of progress from the frenetic level of government activity over the last two decades, some lessons can be learnt, and improvements in a number of areas can be identified.

First, there has rightly been increasing recognition that effective partnerships and whole-of-government coordination are essential for success. Despite this, partnerships and whole-of-government coordination remain more of a goal than a reality. Various efforts show that governments continue to struggle to engage effectively with Indigenous people and communities; and that government action is still often characterised by a 'silo' mentality. Government workers are often frustrated by the lack of community response to what, to Indigenous eyes, is a veritable 'revolving door' of government programs, initiatives and workers' 'fly-in, fly-out' approaches to these communities. The lesson that must be learnt is that partnerships and whole-of-government coordination are difficult; simply 'announcing it', 'does not make it so'.

Second, monitoring and performance measurement frameworks across Indigenous affairs have been improved; in particular, the Queensland Government's Quarterly Reports, which provide data at an individual community level for many of Queensland's Indigenous communities, are a powerful tool for informing policy and program development.

Third, despite obvious government effort at the policy formation and monitoring levels, it remains difficult to translate high-level policy into on-the-ground action and results. The development of local-level or subject-specific action plans to translate overarching policy into strategies for achieving on-the-ground results has rarely been achieved and we have not found any examples where the implementation of such local-level plans has been sustained. The lesson to be learnt is that governments must improve and sustain their approaches to planning with communities at the local level. Funding for strategies to be implemented in communities must also be provided more reliably over the longer term, rather than on a one-off or non-recurrent basis.

Fourth, the development of effective crime prevention strategies has often been treated by governments as a policy 'add on' and crime prevention has received less attention than other aspects of criminal justice system reform. This may reflect the fact that crime prevention is a poorly understood and complex area that necessarily requires a high degree of community engagement and sustained support from government, both of which are very difficult to achieve.

Fifth, in the past there has been a tendency for many reports and policy responses to have a homogenising effect. The Royal Commission, for example, considered criminal justice issues for Aboriginal people across Australia, and indeed these are issues of national importance. However, the danger in such an approach is that the solutions proposed to the complex crime and justice problems facing Indigenous people may overlook the fact that they must be tailored to the needs and capacities of people in particular places. It is important, for example, to draw a distinction between the problems and the approaches needed in urban and regional areas, and those of more remote Indigenous communities.

Our inquiry required us to focus on the distinct circumstances of Queensland's remote and other discrete Indigenous communities and to closely examine the policing and criminal justice issues specific to them.

Queensland's Indigenous communities: unique circumstances

These are small, mostly artificially created, 'communities', ranging in size from about 200 people to 2000 people. There are 17 Aboriginal communities, with a total population of about 14 800 people and there are 20 Torres Strait Islander communities with a population of about 8500. The Indigenous population profile in Queensland is quite distinct from that of the non-Indigenous population in that it has a far greater proportion of young people and is a rapidly growing population. The communities are mostly in remote or very remote locations, and many are inaccessible for varying periods during the wet season.

Queensland's Indigenous communities are unique for reasons related to their size, remoteness and history. Their strengths include their Indigenous culture and, for some, their geographical setting and surrounding environment. However, the scale of the challenges they face is undeniable, affecting both locals and those who come to work and live in the communities. The defining characteristics of these communities include:

- community governance and social control are often plagued by factional fighting, particularly along lines determined by family or clan membership

- although a small number of individuals are extremely active and provide leadership across a range of areas, community involvement and engagement in decision-making is generally low

- though they have a limited on-the-ground presence, federal and state governments play a far greater role in governance and social control in these communities than is usually the case elsewhere; the influence of effective local authority is often limited

- there is limited infrastructure and community-based service provision:

  - though there are some community-based education, health and police services, other services are largely provided on a 'fly-in, fly-out' basis

  - limited accommodation causes overcrowding and provides an obstacle to service provision

- the cost of living is very high

- opportunities for employment are very limited (and largely dominated by non-Indigenous people); most community members are welfare dependent.

Despite these ongoing challenges, Queensland's Indigenous communities have seen gradual improvements over time in terms of their access to regional centres and elsewhere, and the quality and availability of basic services have improved. However, it appears that community involvement in providing basic services to their own community has declined in the last 30 years.

Crime patterns in Queensland's Indigenous communities

Sadly, these Indigenous communities are also well known for their high levels of crime and violence. Indigenous communities are now frequently referred to as 'dysfunctional'; those with close connections to the communities have described them as in 'dire straits', and in 'crisis'. This 'descent into dysfunction', whereby 'once liveable and vibrant' communities have become 'disaster zones', has occurred rapidly but only recently in many Cape York communities (that is, within the last three decades). Conversely, communities further south, such as Palm Island, had well-established reputations for high levels of violence and crime predating Cape York communities by some decades (Sutton 2009, p. 3).

A large, entrenched and widespread crime problem

Using various sources of data, we have shown that:

- the rates of crime in all of Queensland's Indigenous communities are much higher than the state average; this is especially true for offences against the person (that is, violent offences) and for 'other' offences (including 'good order' or public order offences)

- there is no Indigenous community that does not have a substantial violence problem

- Aurukun, Mornington Island and Woorabinda have the highest level of offending; the Torres Strait Islands have the lowest level, yet this is still substantially higher than statewide rates

- high rates of offending in Indigenous communities have been consistent since at least 1995

- there has been no clear reduction in offence rates following the introduction of the Alcohol Management Plans.

Our analysis shows that these high levels of offending are not the result of 'overpolicing'. There are very high rates of serious offences such as homicide and grievous bodily harm and such offences are unlikely to be affected by police discretion or targeted police activities. In relation to the high rates of good order offences, we argue there is evidence to suggest that this is not the result of a general pattern of overpolicing of 'trivial' public disorder incidents such as offensive language or drunkenness alone. Rather we point to evidence that suggests the high levels of good order offences reflect the fact that police frequently respond to alcohol-related violence or threats of violence through the use of these charges.

We also present evidence that in Indigenous communities:

- Most offences against the person are committed by males (80%); this is consistent with statewide data.

- Most victims of offences against the person are females, especially young females; this appears to be more extreme in the Indigenous communities than across the state.

- A particularly high proportion of offences against property are committed by juveniles, especially within the 10–14 year age group; this is a substantially different profile from that shown for such offences across the state.

- A substantial proportion of offenders in Indigenous communities are repeat offenders. Our analysis of QPS watch-house data shows that a substantial proportion of individuals (unique offenders) were admitted to the watch-house more than once in the two-year period in each of the four locations reviewed. These results are consistent with what we heard during consultations and other research.

- Offending is widespread in these communities. The Western Cape York watch-house data provided evidence that the number of individuals (unique offenders) admitted to the watch-house over the two-year period represents about a quarter of the individuals in the communities of Pormpuraaw and Kowanyama, and about 44 per cent of the individuals in the community of Aurukun.

The impact of this level and pattern of crime in small communities such as these is devastating; doubtless it exacts a traumatic toll on all families and individuals within them.

It is our view that, in the face of such human cost, there must be continuing effort directed at understanding the differences between particular Indigenous communities in terms of their patterns of crime and violence; such an effort has begun in the presentation of community-level offence data in the Queensland Government's Quarterly Reports. Developing more accurate community-specific pictures of the crime patterns will allow better tailored, more targeted responses.

The underlying causes of crime

In order to prevent crime, we must understand its underlying causes. High quality criminological research has identified risk factors for delinquency and later criminal offending existing at the individual, family and environmental level:

- important individual risk factors that predict offending are low intelligence and attainment, personality and temperament, empathy and impulsiveness; high intelligence might be a protective factor

- the strongest family factor that predicts offending is usually criminal or antisocial parents, but large family size, poor parental supervision, parental conflict and disrupted families are also important predictors; good parental supervision is one of the best protective factors

- the strongest factors that predict offending at the environmental level are low socioeconomic status household, association with delinquent friends, attending high-delinquency-rate schools, and living in deprived areas; one of the best environmental protective factors is high academic focus in schools.

Recent empirical research has also shown that for Indigenous people high-risk alcohol consumption is the strongest correlate for violent victimisation, and for arrest, and that it remains so in the presence of controls for a range of other factors.

Although the causes of crime are complex, there is an obvious concentration of risk factors for involvement in crime, including those that tend to be associated with persistent offending, in Queensland's Indigenous communities.

It appears that community life has been badly affected by the 'lost generations' — that is, intergenerational effects have accumulated in families in these communities as the result of past policies of forced removals, alcohol dependence, excessive sickness and premature death, and the frequency with which people go to prison or into juvenile detention. Perhaps these adverse effects are felt most keenly in the area of parenting. Some aspects of traditional culture may also contribute to the high level of violence.

Knowledge about early risk factors for delinquency and later criminal offending indicates that, without successful interventions, the crime problem in Queensland's Indigenous communities may get worse in the future.

Conventional and local elements to respond to crime and violence

Queensland's Indigenous communities are currently equipped to respond to crime and violence through:

- the conventional criminal justice system (including QPS officers)
- local justice initiatives
- other services that sit outside the criminal justice system but are closely connected to it and that also try to deal with manifestations of the violence and dysfunction of Indigenous communities (for example, child protection services).

QPS officers

The QPS has been a central presence in many Queensland Indigenous communities across generations. Local police are very much at the front line of the response to crime and violence in these communities and it was clear from our consultations with police that they often felt alone and dismayed because of the lack of other services available to support them in their role.

For some time the QPS has been focused on increasing its permanent presence across Queensland's Indigenous communities:

- There are now sworn officers permanently in all of the Indigenous communities located on the mainland (with the exception of Napranum and Old Mapoon which are served by Weipa police), on Palm Island and on Mornington Island.
- However, most Torres Strait Islands communities remain without a permanent sworn police presence. In the Torres Strait, sworn police are located only on Thursday Island and the adjacent Horn Island.

There are more than 120 sworn police officers working in these communities. Police-to-population ratios in Queensland's Indigenous communities can be generally described as high and these ratios have increased over time. Despite the increases, some communities themselves continue to request further increases in police numbers.

Although substantial increases to QPS officer numbers in these locations have been announced and funded in recent years, often these positions are difficult to fill.

Other conventional criminal justice system services

As well as policing services, the conventional criminal justice 'system' typically includes youth justice services, courts, prosecution services, legal services, corrective services, and services provided by other support agencies.

Many of these conventional criminal justice services are provided on a limited, or 'fly-in, fly-out', basis in Queensland's Indigenous communities. For example:

- youth justice services are limited; youth justice conferencing is provided about six-monthly on a 'fly-in, fly-out' basis
- community-based corrective services, to provide supervision of community-based orders and community rehabilitation programs, have also been very limited; permanent probation and parole officers have been provided only in recent years in Doomadgee, Mornington Island, Normanton, Thursday Island, Weipa and Aurukun; permanent reporting offices exist in Woorabinda and on Palm Island.

Local justice components

Partly in order to fill the gaps in criminal justice service delivery in these locations, and to increase community ownership of and involvement in justice issues, a number of local community justice initiatives also operate in many of Queensland's Indigenous communities. For example:

- all communities have established a community justice group to perform a range of criminal justice related functions
- some communities also have local 'law and order' by-laws to deal with a limited number of crime and disorder issues
- some communities have established local JP Magistrates Courts to provide locally convened courts to promptly deal with by-law offences and other relatively less serious offences
- many communities have employed local people in policing roles; community members have been employed by councils as community police or by the QPS as Queensland Aboriginal and Torres Strait Islander Police (QATSIP), who have a role enforcing by-laws.

Other services

Other services that are key to responding to crime and violence in Indigenous communities include child protection services, alcohol and other treatment services and, in the four Welfare Reform Trial communities, the services provided as part of the trial, including through the operation of the Family Responsibilities Commission (FRC).

Child safety officers are generally not permanently present on the ground in Queensland's Indigenous communities. Such services continue to be provided mostly on a 'fly-in, fly-out' basis. The Queensland Government provides substantial funding to 'safe house' facilities that have been developed, or are developing, in Queensland's Indigenous communities to provide shelter for women and children affected by family violence.

Notwithstanding the introduction of alcohol restrictions in Indigenous communities since 2002, only very recently has there been substantial government funds allocated and a commitment made on the part of the Queensland Government to provide alcohol treatment services on the ground. In many communities this is yet to become a reality.

The Family Responsibilities Commission, though in many respects having similar goals to the criminal justice system and local justice initiatives, provides a radically different process — one focused on conferencing and case management, through which it attempts to restore social norms, particularly in regard to people's prime responsibility to nurture, protect and educate their children and those in their care.

Part 2: Term of reference 1: police–Indigenous relations

Our first term of reference requires us to consider relations with police in Queensland's Indigenous communities and to suggest ways in which they might be improved.

Understanding relations

People in all these communities clearly recognise the important role police play in enhancing community safety, as well as the importance of improving police–community relations to ensure effective policing.

The relationship between police and Queensland's Indigenous communities is highly variable, depending on place, time, recent events and the particular police officers involved. Generally, however, it could be described as fragile, tense and volatile. Such a description should come as no surprise to any Australian with awareness of events in our colonial history, or indeed of contemporary police-related events involving Indigenous people. Many members of Queensland's Indigenous communities continue to be distrustful and suspicious of police, and often carry an expectation that Indigenous people will be treated unjustly and violently by police.

Such is the state of the relationship that even apparently small misunderstandings or miscommunication may result in a crisis of confidence and trust in the police, and perhaps even lead to riotous behaviour. The risk of a major event, such as a death in police custody, triggering such a crisis in relations is magnified.

However, strong relations are possible; the inquiry heard that individual QPS officers have achieved this in a number of communities. The challenge for the QPS is to develop an organisational approach to improving relations with Queensland's Indigenous communities that will have a real effect on the way policing is carried out by all officers in these communities, regardless of the individual attributes of these officers. It is our firm belief that the 'tone must be set at the top' in this regard; in particular, it is vital that all OIC positions in Queensland's Indigenous communities be held by officers who can provide strong leadership in this area.

Sustained effort needed

Building relations based on trust and confidence between police and Indigenous communities is worthy of priority. The development of such relations should be a more important focus for the QPS and for the communities themselves. For example, in South Australia and the Northern Territory (jurisdictions with comparable Indigenous communities), the leaders within those police services, including at the Commissioner level, are personally and actively engaged with Indigenous communities and periodically visit them in order to improve relations. In Queensland, in contrast, the Police Commissioner has been a regular visitor to both Mornington Island and Wujal Wujal, for which he has been the nominated Queensland Government Champion, but high-level visits to the large number of Queensland's Indigenous communities are generally rare.

Mulrunji's death and subsequent events

Although such things are impossible to measure accurately, it is possible that the death of Mulrunji and its ongoing fallout have left what was already a sensitive relationship between police and Queensland's Indigenous communities in a more flammable state. Past events cannot be changed, but we do have choices about how we deal with the past as we move into the future. On Palm Island, despite the passage of almost five years, the justice processes associated with the death of Mulrunji are continuing and tensions remain. In so far as it is possible, the Queensland Government must give high priority to finalising all outstanding litigation and other proceedings regarding this matter. After all outstanding litigation has been finalised, perhaps the community, the Queensland Government and the police need to consider taking specific steps to repair some of the damage caused to relations. We cannot, however, dictate what these steps should be.

Causes of tension: overpolicing, underpolicing and high crime rates

Although there are many causes of tension in relations between Indigenous communities and police in Queensland's Indigenous communities, the notion that a large contribution is made by overpolicing, or policing that is perceived to be discriminatory, unfair or unduly oppressive, has been influential. At least since the Royal Commission, this notion forms the basis for much of the government's policy aiming to deal with Indigenous overrepresentation in the criminal justice system and to improve relations with police.

Undeniably incidents of overpolicing, when they do occur, have the potential to seriously inflame tensions. Public order policing, including the policing of alcohol restrictions in these communities, will remain one key area in which overpolicing may occur. Overall patterns of crime and arrest may have less impact on perceptions of overpolicing, and on relations, than a single highly publicised incident. For example, in the very high-profile case of Mulrunji, the fact that he was arrested for the most minor kind of public nuisance behaviour — offensive language only — may understandably lead people to believe that these communities are overpoliced, and to resent police.

However, we believe that the picture that emerges in Queensland's Indigenous communities from our inquiry appears to be substantially different from the general pattern noted at the time of the Royal Commission. In light of the strong community support for more policing rather than less, we cannot say that these communities are generally overpoliced (that is, community views frequently expressed concern about underpolicing). Community consultations strongly suggested to our inquiry that the policing response to alcohol-related violent and threatening behaviour is thought to be both necessary and desirable by most people in the communities.

The communities themselves were clearly and consistently focused on the desire for safe and peaceful communities; their message was one of wanting to see police being more responsive and doing more in order to enhance the safety of their communities. This is consistent with a history of concern being raised about an inadequate policing response being provided to the serious problems of crime and violence experienced in Queensland's Indigenous communities.

There is little evidence to allow us to test community perceptions of an inadequate police response. For example, there are no readily available data to indicate the frequency and timeliness of the police response to calls for assistance, and the appropriateness of this response in the circumstances. Despite these difficulties, the very fact that the perception is so widespread and is a key factor affecting relations would seem to suggest that action is warranted.

Ultimately, the tension in relations in these communities may be less a result of the nature and extent of policing itself, and more the result of the fact that these are high-crime communities and high levels of crime generate much of the 'heat' in relations with police.

It is our view that the most significant thing that can be done in the long term to improve relations with police, and to reduce Indigenous overrepresentation in the criminal justice system, is to reduce crime. Achieving this will require significant change; a much better focus on crime prevention is needed from police, other criminal justice system agencies, and other agencies more broadly, in the development of policy approaches. Indigenous people, organisations and communities must be central in this process.

How can 'more' policing be provided in a way that improves relations and reduces crime?

Communities' desire for police to do 'more' rather than less policing, to make their communities safer and more peaceful, should not be interpreted as a green light for heavy-handed policing. The challenge for police is to provide 'more' policing in a way that is unlikely to increase tensions, damage relationships with the communities or perhaps even lead to more crime. Weatherburn (2006, p. 29) describes it in this way:

> The immediate challenge when dealing with high crime communities (especially in the wake of a riot), then, is to find ways of pursuing what are known to be effective policing strategies without engaging in policing that is provocative, discriminatory or unduly oppressive.

Noel Pearson (2007, pp. 2–3) articulated a similar argument in the wake of the death of Mulrunji and the riot on Palm Island:

> Contrary to what might be assumed to be a conclusion from the Palm Island case, policing needs to be more, not less, active. But it must be a policing that is owned and identified with by Indigenous people who want to restore order and peace to their communities. It must be a policing that has as its objective the restoration of social norms.

What might such policing look like?

Strategies to enhance policing in Queensland's Indigenous communities

We believe that consideration of the research evidence, together with information we obtained during consultations, points to the vital importance of QPS officers conceiving of their role in policing in Queensland's Indigenous communities broadly — to include more than mere law enforcement. Though catching criminals and putting them before the courts will remain the predominant crime prevention strategy for police, the modern police officer has skills that extend well beyond a narrow focus on law enforcement. If crime is to be reduced in Queensland's Indigenous communities, police (who generally have the largest on-the-ground government presence) must play an important role. We suggest that the following strategies have potential to make a positive contribution.

Community policing

The community policing philosophy has provided an important influence on the QPS approach to improving relations between police and Indigenous communities, particularly since the Royal Commission. It appears, however, that currently there is less explicit emphasis on community policing than there has been in the past. This may result from the research evidence that many community policing strategies have little crime prevention value, although many may improve citizens' perceptions of police and reduce fear of crime. Strategies that focus on promoting police legitimacy, however, may help to reduce crime.

What we heard Queensland's Indigenous communities asking for was very much a 'community policing' approach; they desired an improved quantity and quality of contact between police and community members in efforts to reduce crime. It is our view that the evidence from research and from consultations points to the need for the QPS to revisit two principles, in particular, that are central to the philosophy of community policing: enhancing community involvement in policing, and promoting police legitimacy through a new focus on perceptions of fairness and procedural justice.

Enhancing community involvement

We identified at least three areas of mismatch between community views or expectations and those of the police: crime priorities; availability and responsiveness; and informal interaction with police. It is suggested that having greater community involvement in policing could help to close the gap in each of these areas.

1. **Policing and crime priorities**: Police priorities were criticised at the majority of our meetings in the communities. Police were often said to place too low a priority on problems that are important to the community, instead focusing on responding to serious crime after it occurs and enforcing alcohol and traffic laws. It is a concern that, for example, noisy parties and the associated problems were consistently identified by communities to be a major problem but were not identified as such by any police.

   Consistent with this, we found little evidence of community involvement in policing at the fundamental level of discussing and agreeing on crime priorities or policing strategies. In particular, we found little evidence of local justice agreements or community safety plans or suchlike, despite various recommendations and commitments of governments made along these lines. During our initial consultations, we also frequently heard from people who were frustrated at not being able to access any official information about the level of crime in their own community, although this has now been rectified in many communities by the quarterly reports published by the Queensland Government.

2. **Availability and responsiveness of police**: We found that the perceived lack of adequate police availability and responsiveness contributes to a lack of trust and confidence in police in Queensland's Indigenous communities. We have observed that, although some real problems no doubt exist, such as in the outer islands of the Torres Strait where there is no permanent police presence, there are also issues that may be about unrealistic community expectations, or lack of communication from police, that contribute to the perceptions of a problem in this area and that could be easily resolved.

3. **Informal interaction**: We found that people were very keen for police to be involved in community life. Community members emphasised the importance of having opportunities to interact with police officers informally, although many perceived that police had withdrawn from community involvement in recent times. People told us that they wanted police to come to community events, to play sport and work with young people, to support community programs, and especially to be seen walking around town and talking to people. The message to police was: be visible around town and be approachable; people are very keen to know their local officers.

Focusing on fairness

There is evidence to suggest that an improved focus on fairness may not only assist relations but also have a crime prevention effect. Consultation with communities indicated that people's perceptions of whether or not policing activities are 'fair' have important effects on police–community relations. People commonly indicated that fairness involved knowing what to expect, seeing the law enforced equally, being treated with respect, and having officers who 'relate well' to Indigenous people. The existence and policing of Alcohol Management Plans were often associated with complaints about fairness and procedural justice.

Problem-solving and partnership policing

Problem-solving and partnership policing represents a shift away from standard, reactive policing activities towards police closely examining the underlying causes of crime problems in order to develop strategies (with others) to reduce them. Research indicates that such problem-oriented policing approaches can modestly but significantly reduce a range of different crimes, particularly when police departments are committed to this style of policing and focus on a particular type of crime.

The QPS has adopted a formal problem-solving and partnership approach, called Problem-Oriented and Partnership Policing (POPP), since 1999. In Queensland's Indigenous communities, a number of successful POPP projects have previously been developed, such as the QPS Indigenous Driver Licensing Program to tackle the problem of unlicensed driving. However, with the exception of a number of OICs who maintain a strong focus on problem-solving and partnership approaches in dealing with many problems, we found little evidence of problem-solving and partnership philosophies being seen as central to QPS service delivery in Queensland's Indigenous communities.

The communities themselves consistently and clearly articulated to us their need for more proactive policing. A number of local police officers were also keen to be more proactive, but noted that high workloads, limited staff numbers and efforts to enforce alcohol restrictions prevented them from doing so.

It is our view that the problem-solving and partnership philosophy should be a core policy strategy in Queensland's Indigenous communities.

Patrolling

Police patrols may be conducted randomly (non-directed patrols) or targeted at high-crime times or places (directed patrols). Although research indicates that non-directed patrols do not prevent crime, there is strong evidence to suggest that directed patrols do. There are some concerns, however, that increasing the visibility or level of activity of police can lower community trust and confidence in police if it is perceived to be aggressive.

We heard criticisms that police in Queensland's Indigenous communities are either only seen driving around town or rarely seen at all. It was clear that people want police to have a visible presence around the community to reassure people and deter antisocial behaviour. However, a number of constraints on patrolling were explained by police, including high workloads, the unattractiveness of foot patrols in comparison with vehicle patrols, concerns about safety on foot patrols, and the limited ability of officers to work overtime shifts.

We conclude that a greater emphasis should be put on patrolling in Queensland's Indigenous communities in a way that can build community confidence in police and improve relations.

Sport and recreation programs

Having police provide sport and recreation programs for young people — particularly those engaged in, or at risk of, delinquency — has often been said to promote young people's positive development and prevent crime. In Queensland's Indigenous communities, sport and recreation programs for young people have been a popular strategy for preventing youth crime. Current initiatives in a number of communities include Police-Citizens Youth Clubs (PCYCs), and its variation, the Community Activity Programs through Education (CAPE) program. The QPS has stated its support for the expansion of these programs where possible.

Despite the paucity of evidence demonstrating the crime prevention effectiveness of such programs, we would encourage the QPS to stay involved in sport and recreational activities in Queensland's Indigenous communities. PCYCs, in some communities at least, are effectively engaging with the community, have built positive relations and provide some programs that go beyond sport and recreation and have potential for crime prevention. On Mornington Island the PCYC is a focal point for community activity and appears to have become the primary site for community capacity building and community development work. It is important that these efforts are supported and sustained beyond the involvement of particular individuals who have worked hard to get these programs up and running.

Policing domestic violence

There is limited evidence about effective police strategies to prevent forms of violence. For domestic violence in particular, research suggests that arrest may have positive effects for deterring employed offenders, but may increase re-offending among unemployed offenders or those in disadvantaged neighbourhoods. Experiences overseas indicate that having police focus on repeat victimisation and provide a tiered approach to increasing the intensity of police interventions (addressing issues of both victim safety and offender motivation) may be the most effective way for police to prevent future episodes of domestic violence.

Indigenous people in policing roles in Queensland's Indigenous communities — let's make it work

One of the most frequently suggested solutions to the difficult relationship that exists between Indigenous communities and police is to increase the level of Indigenous people in policing roles, including as sworn police officers within the QPS.

The QPS needs Indigenous people in policing roles in order to:

- develop community capacity, ownership and involvement in dealing with problems of crime and disorder
- assist non-Indigenous officers to operate in these culturally unique settings
- help supplement otherwise inadequate levels of mainstream policing services, as it does in the outer islands of the Torres Strait.

Having Indigenous people in policing roles is not a simple solution to the problems associated with policing Indigenous communities; it is no miracle cure for poor relations between police and the community, nor is it a cure for high crime rates. Experience, community views, research and other reports all point to the inherent difficulties associated with being an Indigenous person in a policing role in one's own community, including feelings of marginalisation from both the community and the police service. (These difficulties seem less apparent in the Torres Strait Islands, with its history of self-policing.)

There have been several decades of uncertainty about the best model for Indigenous people to make a contribution in policing roles in Queensland's Indigenous communities. Two additional models to that of Indigenous sworn police, that are unique to Indigenous communities, have enabled Indigenous people to perform policing roles in their own communities:

1. Community police, who have been employed by local councils since the 1970s in many of Queensland's Indigenous communities
2. Queensland Aboriginal and Torres Strait Islander Police (QATSIP), a pilot program implemented by the QPS from 1999 in a small number of communities.

Both models have given Indigenous people limited policing powers to enable them to carry out some enforcement activities in addition to a range of other functions, such as liaison between the QPS and community members.

Many difficulties have been identified over a long period in relation to community police in particular and the capacity of local councils to support a policing function. In 2006, the Queensland Government announced that it would change to a standard service delivery model throughout the state, including Queensland's Indigenous communities in which:

- community police and QATSIP are to be phased out
- policing services are to be delivered by sworn police and QPS-employed Police Liaison Officers (PLOs).

Very little rationale for this change to a standard service delivery model was provided. It has not been a smooth change and Queensland's Indigenous communities remain in various states of 'transition' to the standard service delivery model. PLOs, who have no formal policing powers, have thus become the third model by which local Indigenous people may play a role in policing their own communities.

It is possible that, given the right people, support and level of commitment from the QPS, any of the models — including the community police, QATSIP and PLO models — can make a contribution of fundamental importance in Queensland's Indigenous communities. For example, despite the challenges we saw highly committed and skilled individuals who were making the community police and the QATSIP models work. Equally, however, with the wrong people, inadequate support or lack of commitment from the QPS, any of the models can be not just a failure but actually detrimental to good relations.

On the other hand it cannot be said that all the models — community police, QATSIP and PLOs — are equal. Some are clearly more problematic than others.

Indigenous sworn officers

Having local people play a significant role in policing their own communities in roles as sworn police in Indigenous communities is a worthy goal and one that should remain.

Despite the success of the QPS Justice Entry Program (JEP) in increasing Indigenous recruitment generally in Queensland, Indigenous sworn police in Queensland's Indigenous communities remain a rarity. The QPS entry requirements (including the requirements relating to past criminal convictions), the reluctance to leave the community (even temporarily for training), the complications involved in policing one's own community and the pull of other places and opportunities for those who are capable and willing to undertake this training, will remain barriers to increasing the numbers of Indigenous sworn police in these communities. Building any substantial number of Indigenous officers in these communities remains a long-term proposition.

Strategies that the QPS could implement to recruit Indigenous sworn police from Queensland's Indigenous communities in the longer term include:

- serving Indigenous police officers mentoring new recruits, or possible recruits while they are still at school
- having special intake blocks of Indigenous people, which could help create better support for the recruitment and retention of Indigenous sworn officers; such intakes would not have to be limited to Indigenous recruits but would simply include Indigenous recruits in sufficient numbers for there to be some degree of mutual support.

Community police untenable

We agree with many other reports that have suggested that the fundamental weakness of the community police scheme is that they are not part of the QPS but must rely on the QPS for effective training and supervision. This fundamental weakness justifies their replacement with a better model. Community police should not be relied on to do difficult and dangerous work without proper training and support. In places where community police continue to operate with some success, such as in Aurukun, they should be supported until such time as there is a viable alternative to which the community police can be transitioned.

PLOs are not ideal in these communities

It is our view that the role of PLOs in Queensland's Indigenous communities is also greatly compromised for a number of reasons. The key problem is that their lack of powers means they have little in terms of a sense of control or ownership of policing issues in their communities. They tend to fall into the invidious position of acting as a 'snitch' — that is, someone whose primary role it is to help police identify offenders. Being dressed in full police uniform further contributes to the difficult standing they have in the community, as it sends a clear message that, although they are not police and have no powers, they are on the police 'side'.

PLOs are easily marginalised from the police service and from the community, and PLOs themselves can become a flashpoint for tensions rather than a bridge between the two 'sides'. Indigenous people need a real stake in dealing with the crime and disorder problems in their own communities, including in policing them. PLOs are not the best vehicle for achieving this goal. It was a model of PLOs working with sworn police (that is, the standard service delivery model) that was in place on Palm Island and was a factor involved in Mulrunji's death.

It should be noted that the use of PLOs in association with the operation of PCYCs or other sport and recreation programs may provide a notable exception to our general comments regarding the role. The use of PLOs in association with the PCYC program, for example, does not involve the PLOs wearing police uniform and in this context they have a role that is clearly defined in the eyes of the community as being focused on crime prevention and community development.

QATSIP — the most promising model in Queensland

Although there are certainly difficulties associated with the QATSIP model, in Queensland it has been the most successful of all the efforts to include local Indigenous people from Queensland's Indigenous communities in policing roles.

The QATSIP model seems to have enjoyed generally high levels of support from local QPS officers, Indigenous communities and QATSIP officers themselves. Although the QATSIP model is not without its challenges, QATSIP officers have achieved a commendable degree of respect and credibility with communities and police. This appears to have arisen in large part as a result of having QPS backing (including training and supervision) and some powers to act.

To say that the QATSIP model is the most successful model we have seen in Queensland is not, however, to say that it is the best possible model. Weaknesses include that QATSIP can only enforce by-laws, they receive limited on-the-job training, and they have problematic status within the QPS (they are classed as 'other employees', along with cleaners and the like).

In contrast to the situation in Queensland, from information we received during consultations it appears that police services in South Australia and the Northern Territory have given strong support and a long-term commitment to models whereby Aboriginal people have been given limited police powers, and in some areas they have also carried accoutrements (see Johnston 1991, vol. 4, p. 160). The schemes in these jurisdictions have been operating for a long time and, though problems have arisen, they have been managed, as indeed they must be with any other aspect of police service.

Some of the reluctance to commit to the broad implementation of the QATSIP model in Queensland in the past has been said to be due to costs. It is our belief that such an argument is too short-sighted: if QATSIP can be effective at reducing crime or reducing the need for fully sworn QPS officers, in the longer term such a model would lead to substantial savings.

It is our view that the QPS should commit to developing a model for local Indigenous people to play a real part in policing their own communities in Queensland's Indigenous communities. The QATSIP model should provide a starting point, but it should be redeveloped and this redevelopment should be informed by the Northern Territory and South Australian schemes. Indigenous people performing this policing role in Queensland's Indigenous communities must:

- be provided with adequate powers to ensure they can act in ways to make a difference and to win the respect of their communities

- not be limited to enforcement of by-laws — even if only because 'law and order' by-laws do not exist in all communities

- be appropriately trained and supported, including by local police.

Because of the number of people in Queensland's Indigenous communities who would otherwise be excluded from taking up such positions, prior criminal convictions should not act as an automatic bar to performing the role. Consideration should be given on a case-by-case basis as to whether the risks involved in appointing an individual with a prior criminal conviction can be justified.

Community patrols

Finally, we want to sound a note of caution in relation to the Queensland and Australian Governments' increasing willingness to fund and perhaps even to rely on community patrols. Community patrols may appear to be a relatively cheap and simple solution to providing local people with a real stake in dealing with the crime and disorder problems within their own communities. However, care must be taken to ensure that problems that have previously been identified in relation to community patrols, and the other models for involving Indigenous people in policing roles, do not plague these newly funded, locally based initiatives. Threats to the effectiveness and sustainability of community patrols include short-term funding, limited training, poor understanding and conceptualisation of the role, and a low level of integration with the QPS.

There has been little evaluation conducted of community patrols, although feedback suggests that they are generally positively regarded by communities themselves. However most police who have had firsthand experience in Indigenous communities of community patrols being funded appear unconvinced of their value.

QPS must step up its support to police officers in Indigenous communities

Being a police officer in these communities is a difficult and complex role; however, for the right officers with the right level of support from the QPS and their community, it can also be a very rewarding one. The success of policing depends on having the right people in policing jobs in these communities.

Challenges for the QPS in this respect involve officers' recruitment into, retention in and repatriation out of Queensland's Indigenous communities, the need for specialised training, and the need for appropriate recognition and value to be placed on service within these communities. What has concerned us is that, despite the QPS's efforts in terms of incentives, cultural training and other organisational support, there appears to be a strong and continuing perception that, within the QPS, service in Queensland's Indigenous communities is not valued as it should be.

The importance of keeping policing positions filled in these communities cannot be overstated. The problem of attracting and retaining officers to work in Queensland's Indigenous communities is not one that is going to go away, but rather is one that may get worse. Few police officers choose to build a career from experience in policing Indigenous communities; indeed there is arguably not enough encouragement from the QPS for them to do so.

It was very clear to our inquiry that the development of personal relationships with police officers is highly valued in these communities — people strongly believe that this is essential for developing trust and confidence in police. The practice of six-monthly rotations of police in and out of the communities, for example, does not allow communities time to get to know their officers, and does not allow those officers to become part of community life; therefore it should be seen only as a short-term solution to problems of recruitment and retention.

At the same time, the QPS is required to balance the fact that, for most officers, working in any particular community long term or even making a career working in a number of them (without intervening periods served elsewhere) is not feasible, and for many communities it may not be ideal in terms of ensuring that high-quality policing services are provided. For many officers, a period of service in these communities of between 18 months and three years, with short breaks, may provide the ideal balance between being there long enough to build the relationships and skills that really allow them to make a positive contribution to policing, and other factors working against longer terms of service.

Incentives

In considering incentives, it appears that the increased financial incentives and the upgrading of many OIC positions in these communities to the rank of Senior Sergeant have generally helped to alleviate recruitment and retention difficulties faced in these locations.

The lack of suitable accommodation continues to be a disincentive to officers working in some communities. For example, the problems for the QPS at Woorabinda are particularly acute and the problems at Palm Island also need rectification.

Cultural training

Cultural training must be compulsory for all officers serving in Queensland's Indigenous communities. The community-specific induction packages that have been implemented by the QPS since the death of Mulrunji should be only the first step in an ongoing education process.

There are a number of strategies that the QPS must develop to provide a focus on the continued development of cultural competence for its officers serving in these communities.

These strategies will need to vary from community to community as there is no 'one size fits all' approach. Both communities and local police must have a say in what is the appropriate formulation of ongoing cultural training for police in any given local context.

Although we believe that the QPS must support ongoing cultural training for police in Queensland's Indigenous communities, we also agree with the view expressed by many officers that the best learning is not provided through workshops or written materials but rather happens on the job, usually with the benefit of learning from an experienced OIC. It is this kind of cultural training that we want to see the QPS devise strategies to support and promote. In particular, we are keen to see the QPS institutionally capture the knowledge and experience of those who have successfully worked in these communities. For example, the QPS could:

- convene regular opportunities — say, on an annual basis — for officers working in Indigenous communities across Queensland to be brought together to exchange ideas about the challenges they face and the possible solutions
- formalise a mentoring program for officers, involving some of the 'legends' and other experienced, well-regarded officers.

It will be most important to have such strategies in place, especially for those serving as OICs in these communities for the first time. In such a situation an experienced OIC might act as mentor and for a period could provide a fortnightly telephone debriefing session for the officer; the mentoring officer might also visit that officer on several occasions in their first six months of service and 'ride along' with the officer while they perform their duties, to provide feedback and advice.

A mentoring scheme could also involve local community members as mentors. Nominated local people could be identified as persons with whom an officer is to have regular conversations about policing and community issues, providing an opportunity for the officer to learn as the relationship develops. In some communities there may be a single community person who could act as a mentor to police officers (this person may be a PLO, a councillor, a community justice group member or another person), while in other communities it may be necessary to have a small number of people.

Although the strategies we have outlined above have the potential to enhance the induction program for officers newly arrived in an Indigenous community, we also believe that the induction of new officers should include a minimum requirement that all officers are introduced to key members of the community, including members of the local council. In addition, it would be beneficial if some communities trialled and evaluated a program of door-to-door introductions of new officers as part of their local induction process, as there is some research evidence suggesting that such a strategy may have a crime prevention effect.

The QPS has conducted little, if any, rigorous evaluation of its cultural training programs. Nor have individual officers been encouraged to focus on the development of cultural competence through developing assessment criteria. It may be that the QPS could use the expertise of officers who have worked effectively in Queensland's Indigenous communities, and others, to assist in developing such tools for its officers and the organisation.

Other organisational support

It is our view that the QPS human resources support provided to OICs and their District Officers could be improved — in particular, by establishing an internal recruitment unit or program focused on identifying suitable officers and recruiting them to Indigenous communities.

High-level QPS leadership to drive the change in policing Indigenous communities

The QPS already makes substantial efforts in terms of improving relations and crime prevention in many of Queensland's Indigenous communities. It is our view, however, that these efforts must be improved.

We outline a number of reasons for our view that the current QPS structure which provides internal support to the area of Indigenous policing — the Cultural Advisory Unit — will be unable to provide the level of leadership needed to drive the types of change we have suggested (despite the undisputed dedication of individual officers within the CAU). We recommend that a new structure should be created within the QPS to provide support to Indigenous policing (this new structure should replace that part of the CAU which currently provides services in relation to Indigenous policing).

A new QPS structure: the Indigenous Policing Partnership Command

We recommend the creation of an Indigenous Policing Partnership Command (IPPC), led by an officer of the rank of Assistant Commissioner. This new structure should not be seen as an end in itself — rather we see that it must drive the large amount of change needed to improve relations in, and improve the policing of, Queensland's Indigenous communities.

We believe that the command would allow the QPS to better position itself to contribute to, and take advantage of, current whole-of-government efforts to overcome Indigenous disadvantage in Queensland. We believe that the police have more to offer in this respect than is currently expected of them. Police are not only on the ground in numbers in these communities (unlike most other agencies), but they also have a real stake in resolving community problems which will otherwise often arrive 'on their doorstep' for law enforcement action. The IPPC would allow the QPS to become a more effective partner in whole-of-government approaches by developing networks, identifying opportunities for partnerships and helping to seek funding in line with a strategic focus on crime prevention.

Such a command would also be well positioned to tackle the range of internal issues that must be addressed within the QPS to improve Indigenous policing. Such issues include those relating to attracting and supporting staff to work in these communities. The creation of the command would send a clear message that the QPS values and supports the role of police in Indigenous communities. The new structure can also facilitate the development and sharing of specialist 'know-how': the knowledge, experience, skills and networks that enable officers to operate effectively.

Most importantly, we believe that through a variety of mechanisms the IPPC would be able to influence and develop the implementation of a style of policing in Queensland's Indigenous communities that is more heavily focused on:

• maximising the crime prevention outcomes of policing work

• problem identification and solving, and evaluation

• partnering (including with the community and in order to build community capacity).

Although there will be costs involved in the restructuring needed for the creation of the IPPC, and in the implementation of our other recommendations, there can be no doubt that efforts that are effective in reducing the size of the crime problem in these communities will in the long term result in large savings — in both financial and human terms.

Part 3: Term of reference 2: detention in police custody

Our second term of reference required us to deal with issues relating to the detention of people in police custody in Queensland's Indigenous communities. We were required to consider 'current practices relating to detention in police custody, including the monitoring of detainees in watch-houses and other police facilities' in Queensland's Indigenous communities and 'the possible involvement of community justice groups or other civilians in the monitoring of detainees'.

Patterns of detention in police watch-house custody

Since the Royal Commission highlighted the overrepresentation of Indigenous people in police custody and the associated risks, a range of measures have been put in place to encourage police to limit police watch-house custody as much as possible. However, despite such measures, statewide data do not indicate any clear downward trend in such detention across Queensland.

Although there has been a focus on watch-house issues in law, policy and policing over a number of years, it remains difficult to obtain information on the patterns of detention in watch-houses other than at a statewide level. To determine the patterns of detention in watchouses in Queensland's Indigenous communities we drew heavily on data we extracted from the watch-house registers of four Western Cape York watch-houses — Aurukun, Kowanyama, Pormpuraaw and Weipa.

Alternatives to arrest and detention in the watch-house

Our analysis of QPS crime report data for the four Western Cape York locations shows that police are quite frequently using notices to appear as an alternative to arrest and detention of offenders in the watch-house. Cautions are being used to a lesser extent, but of most concern is that youth justice conferences or community conferences are very rarely used. The limited use of youth justice conferences may simply reflect their lack of immediate availability, as they have been conducted only every six months or so. There is evidence to suggest that this is one diversionary option that has some potential to have a crime prevention effect, so the use of conferences, in particular, as a diversion strategy should be encouraged wherever appropriate.

Reasons for admission

We considered the offence types that most frequently led to admission to the watch-house in the four Western Cape York locations. We found:

- Pormpuraaw watch-house had the highest proportion of detainees held for violent offences (or offences against the person) and this was the most frequent reason for the detention of people at Pormpuraaw.

- Unusually, in Aurukun and Weipa, watch-house admissions were most frequently associated with property offences; this can be explained by the high number of juveniles in these communities committing property offences as a group.

- Public order offending accounts for a high proportion of admissions into watch-house custody in all locations. However, it should not be assumed that these mostly involve minor or trivial behaviours. Rather, the evidence considered by our inquiry suggests that these offences are often applied by police to respond to violence or threats of violence.

- Consistent with what we were told by local police officers, the data we considered suggest that public drunkenness alone now very rarely forms the basis of a person's detention in police custody. Rather, drunkenness associated with other offending behaviour, such as violence or threats of violence, seems to be the more usual scenario that results in detention in custody for good order type offences.

- Across all of the locations we examined, breaches of justice processes, most notably failure to appear in court, were common offences leading to detention in police watch-houses. In Kowanyama and Pormpuraaw, watch-house admissions were often associated with breaches of domestic violence orders.

The area of offending leading to watch-house detention that is of greatest concern to us — in that a number of such detentions may be 'avoidable' — is breach of justice process offences, in particular the large number of admissions to the watch-house that result from failure to appear in court. In such cases, police are likely to have only limited discretion to respond other than by arrest of the offender. Police and community justice groups may be able to play a greater role in trying to reduce the number of offences of failure to appear in court, and thereby avoid a substantial number of watch-house admissions.

Juveniles

Our consideration of the data on the detention of juveniles shows that juveniles were very rarely detained in the watch-houses in Pormpuraaw and Kowanyama. On the other hand, they were frequently held in police custody in Aurukun and Weipa, reflecting high rates of property offending and re-offending and high numbers of property offenders.

Times of admissions

We found that there were predictable patterns for admissions to the watch-houses, which tend to be concentrated on certain weekdays (the particular weekdays in each location appear to be influenced by court days and perhaps police rostering); admissions were most frequent in the mornings, peaking between about 9 am and 11 am, and then in the late afternoon to early evening. It appears that the pattern of admissions mostly reflects when police were on shift and were dealing with matters that had been brought to their attention, rather than when offending mostly occurs.

Length of detention

Of the four watch-houses we examined in detail, we found that, overall, few detainees were detained for very long, except at Weipa. A substantial proportion of detainees were held in the watch-house for less than four hours and the vast majority were held for less than 24 hours. Although, in general, juveniles were rarely held overnight, it was common in Weipa. The different pattern at Weipa is likely to be as a result of that location often acting as a service centre for court for other communities, so that offenders are transferred to Weipa for court, and problems with flight availability may result in a longer stay.

Release from the watch-house

We found that most of those detained in police custody in the Western Cape York watch-houses are bailed or otherwise released into the community, rather than transferred out of the community in police custody (to remand or court). For the less serious offences such as public nuisance, it was very rare for detainees not to be released into the community. Those transferred out of these communities in police custody had most often been charged with serious assault or property offences (recidivist offenders), or had been detained for breaching justice processes.

A different pattern for watch-house detention from that at the time of the Royal Commission

We conclude on the basis of our examination of data in relation to four Western Cape York locations that the evidence suggests substantial differences from the patterns identified at the time of the Royal Commission.

In particular:

- We did not see data suggesting that police in Queensland's Indigenous communities are generally overusing arrest; alternatives to arrest, particularly notices to appear, were used quite frequently by police.

- We did not see any evidence of people being detained in police custody for failure to pay fines.

- We did not see a high proportion of watch-house detentions resulting from public drunkenness alone; rather we see evidence suggesting that, although a high proportion of detentions involve public-order-type offending, often this relates to violence and threats of violence.
- We saw clear evidence of police taking steps to limit the duration of detention in watch-houses in these communities.

This information, together with the pattern of high crime levels and high proportion of recidivist offenders, suggests that police in Queensland's Indigenous communities may well be approaching the limits of the capacity of diversionary and other strategies to further limit the detention of people in watch-houses.

Although the focus on diversion and other strategies to limit the detention of offenders in the watch-house is to be continued and encouraged, again our conclusions strongly suggest that an increased focus on crime prevention must form a central part of any further efforts to reduce the overrepresentation of Indigenous people in police custody in Queensland's Indigenous communities.

Custodial health and safety

The responsibility of the QPS and police officers to care for those they detain is an onerous one. A death in custody is the ultimate risk, but many other risks arising from detention must also be managed.

The number of deaths occurring in police watch-house cells has decreased dramatically in Queensland since the Royal Commission, but all such deaths remain tragic events that warrant the closest scrutiny. The decrease in deaths has been accompanied by improvements in watch-house facilities and improvements in the standard of care provided to detainees after the Royal Commission's recommendations.

We considered custodial health and safety in three key areas:

1. Watch-house facilities, including the replacement and upgrading of facilities since the Royal Commission and the transfer of prisoners from watch-houses in Indigenous communities.
2. Care of detainees by police, including conducting appropriate assessments and inspections of prisoners, the use of electronic surveillance, and the use of resuscitation and first aid.
3. Community involvement, including contact visits by family and friends, cell visitor schemes and the potential for community involvement to increase the accountability of police or provide supervision to police prisoners in the watch-house.

Watch-house facilities must remain a priority

In response to concerns raised by the Royal Commission, police services have given a great deal of attention to improving the standard of watch-house facilities. Nevertheless, issues relating to the standard of watch-house facilities have continued to arise, with a number of coronial inquests into deaths in police custody recommending further improvements.

We saw that the standard of watch-house facilities varied considerably in the Indigenous communities we visited — for example, a number of complaints and concerns were raised in relation to the watch-houses at Lockhart River, Murgon, Kowanyama and Pormpuraaw. A number of people also raised concerns about the limited watch-house facilities in the Torres Strait Islands.

The QPS has a continuous program of regular inspection of watch-house facilities in place, and other internal audits are carried out from time to time. Considerable sums of money have also been spent on the continuous program of replacement and upgrading of watch-house facilities. The provision of safe watch-house facilities, although expensive, remains an important priority if we are to ensure the safety of prisoners in police custody in Queensland.

Care of detainees by police may improve through auditing and recording

Although police officers should not be expected to make a diagnosis of a prisoner's medical condition, they have an ongoing duty to assess prisoners in order to make decisions about whether a prisoner needs professional medical attention, special supervision or transfer to an appropriate facility.

As a result of the Royal Commission, health assessment forms were introduced for each prisoner in order to help police determine whether medical attention is required and assess a prisoner's level of risk when they are making appropriate detention and supervision arrangements. Subsequent to the Mulrunji inquest, a new series of checklists has been introduced for conducting health assessments.

Another key aspect of the care provided to detainees is the physical inspection and checking of prisoners. Again, improvements in this area have been made since the Royal Commission, but existing evidence from a number of deaths in custody shows a level of non-compliance with the OPM requirements for regular physical inspections of every prisoner.

Since our inquiry was announced, the electronic surveillance systems in watch-houses in Queensland's Indigenous communities have been upgraded to ensure digital CCTV coverage of all cells and public areas. There are limits to the effectiveness of electronic surveillance systems in ensuring that prisoners are safe. CCTV provides no information about prisoner safety when that person is motionless and only limited information when the person is non-verbal.

Although electronic surveillance systems are no substitute for inspections, they do provide a tool by which audits can be conducted to ensure that inspections of prisoners are made in accordance with QPS policies and procedures. Given the high risks associated with caring for people in watch-house custody, and the history of coronial inquests revealing a level of non-compliance with the policies, the QPS should take advantage of the new technology to conduct regular audits of the inspection regimes in Queensland's Indigenous community watch-houses.

Some police officers we spoke to during our consultations admitted that prisoners are occasionally left unsupervised when other operational demands arise. We recognise that, in practice, justifiable circumstances may arise from time to time in remote communities. However, we also consider that these circumstances should be documented and that there should be close and careful monitoring of the circumstances that give rise to a prisoner being left unattended. Aside from the accountability this process provides, the information has clear implications for QPS assessment of staffing needs in Queensland's Indigenous communities.

Another option for the QPS to consider, in terms of its potential both to reduce the need for detainees to be left unattended and to improve the overall standard of care provided to detainees by police, would be to make an officer (or a watch-house assistant) from another place available in some locations on those days that are predictably busy days in the watch-house, such as court days.

Community involvement by encouraging 'care and comfort' visits

Community involvement in the watch-house can have important benefits for prisoner health and safety. It can provide moral support for prisoners, improve communication between police and prisoners, and increase the levels of trust and confidence that the community has in the police. Currently where visitation is provided by family and friends, or through cell visitor schemes, it is principally focused on providing 'care and comfort'. It is our view that this focus is appropriate.

The 'training' needed by such visitors is minimal. It should be enough to give visitors a clear understanding of their role and for them to be made aware of the vital importance of providing police with any information they obtain from a prisoner that is relevant to police making an accurate health assessment.

Given the possible benefits to prisoners of contact visits providing 'care and comfort' from family and friends, and the positive effects this can have on police and community relations, police in Queensland's Indigenous communities should continue to do all they can to facilitate such contact visits, where appropriate.

Cell visitor schemes in Queensland's Indigenous communities are currently mostly informal, rather ad hoc and possibly unsustainable. The success of such schemes is subject to there being adequate commitment and time available on the part of local police to coordinate and supervise visits, and commitment by community members to undertake such visits. We agree with the QPS that such schemes are a desirable complement to the careful supervision of prisoners and that, like family visits, they can enhance the transparency of the police detention process. Given the volatility generated by alleged watch-house problems in many communities, this enhanced transparency can only help to improve relations between the community and the police.

Although we support such schemes, it is our view that the workload for organising and implementing such a scheme should not fall upon the OIC of the police stations in these communities. Rather, someone within the community should be a point of contact for the police and that person should be responsible for contacting willing community members and organising cell visits when necessary. Our proposal is that the community justice group coordinator and/or members be responsible for coordinating the cell visitor scheme in those places where there is community support for such a scheme. However, recognising the heavy workload that these groups already face, we propose in Part 4 of this report that:

- the role and functions of community justice groups be reviewed
- the presence of various local justice initiatives in each community and the responsibilities of police, councils, justice groups and community members be included in a community-specific local justice agreement.

Viable options for community involvement in supervising detainees are very limited

Given the risks involved in supervising and monitoring prisoners in watch-houses, especially those prisoners with health problems, the difficulties that have been encountered in ensuring that police themselves are adequately trained to properly care for prisoners, and the difficulties in sustaining a cell visitor scheme in many of these communities, it is our view that the effort required to implement and sustain a system of civilian monitoring of prisoners would outweigh any benefit unless these community members are employed and appropriately trained by the QPS:

- as full-time civilian watch-house assistants, as exist in some other locations in Queensland
- in Indigenous policing roles, so that they could regularly play a part in watch-house supervision and in circumstances of operational necessity could perform this role in the absence of QPS police officers.

Such strategies are only worth pursuing in those communities where watch-house workloads warrant it.

Part 4: Term of reference 3: optimising the use of resources

Our third term of reference required us to consider the question of what should be done to ensure the optimal use of existing and future resources in delivering criminal justice services in Queensland's Indigenous communities.

Crime and violence prevention outside the criminal justice system

We have outlined our view that in order to improve relations between Indigenous people and police, and in order to reduce Indigenous overrepresentation in the criminal justice system, we must make serious inroads into reducing the levels of crime and violence in Queensland's Indigenous communities. Only by doing so will we be able to optimise the use of criminal justice resources, which will otherwise continue to be draining and in increasing demand.

Efforts to date, both outside and within the criminal justice system, to prevent crime and violence in the communities have let Indigenous people down.

The causes of crime are complex, shaped greatly by the interrelationship of a large number of factors that the criminal justice system does not control (for example, the prevalence of inadequate parenting, and the level of poverty and unemployment), and the greatest influence over these factors can be had through other means. A mix of strategies to prevent crime and violence is needed.

In order to determine how our approach to crime prevention strategies outside the criminal justice system can be strengthened, we brought together:

- research evidence about the crime prevention effect of various intervention strategies and programs outside the criminal justice system, including developmental or early intervention strategies, and media and social marketing campaigns
- information about existing strategies and programs in Queensland's Indigenous communities.

The value of early intervention: stemming the flow of offenders to the system

Some early intervention programs have been shown to have a very substantial crime prevention effect, far greater than other interventions that may be provided later in life when offending has commenced.

It is tragic that, despite previous recommendations, greater efforts have not been made to urgently address the need to provide support and advice to Indigenous families, parents and carers within Queensland's Indigenous communities (see Aboriginal and Torres Strait Islander Women's Task Force on Violence 1999, pp. 156 & 258; see also HREOC 1997; Zubrick et al. 2005, pp. 571–5), given what is known about:

- Indigenous overrepresentation in the criminal justice system
- the disruption to Indigenous parenting and families that has been caused:
  – by processes of colonisation, including the past policies that caused the removal of many children from their Aboriginal parents, and the proof available about the intergenerational effects of such removal
  – by sickness and premature death, and
  – by the large number of Indigenous people, including parents and carers, in prison, and
- the link between inadequate parenting and involvement in crime.

Although more should have been done sooner, there are some positive steps occurring in Queensland on which we can build — in terms of parenting programs and home visiting services for parents and carers of babies and young children, for example. The Welfare Reform Trial initiative, and particularly the case management approach taken by the FRC and the associated programs and services, also provides an important step in four communities to address the underlying causes of crime and to rebuild social norms.

We also argue that more use, and more creative use, of social marketing campaigns in Queensland's Indigenous communities could be useful in reducing crime. Campaigns may relate to issues such as:

- the inappropriateness of violence as a means of resolving disputes
- non-violent parenting and modelling non-violent behaviours
- school attendance and performance.

To date, Cape York Partnerships and the CYIPL have proven to be effective in developing innovations and partnerships in this area. Their example illustrates that government should not be in the front line of developing innovative crime and violence prevention strategies and partnerships with Indigenous communities, but rather government can have a useful role as a supporting partner for Indigenous organisations, which are better connected at the regional and local levels. This is likely to be especially true for programs that include a component of advice and support to parents; there is a clear danger that the provision of advice and support to Indigenous parents and families could be imposed by governments in a paternalistic or ethnocentric manner that would doom any effort to failure from the outset.

This being said, the Queensland Government, especially through ATSIS, needs to develop a stronger understanding of and focus on what the evidence can tell us about what might work in terms of preventing crime and violence.

We see a key part of the Queensland Government's role as being to support and facilitate the development of a range of partnerships in this area. Importantly, efforts should include:

- engaging the expertise available in the university sector, such as that at Griffith University regarding developmental approaches to crime prevention, and at the University of Queensland regarding parenting programs
- recognising and encouraging the contribution of the private sector (both 'not for profit' and 'for profit' agencies), such as the examples we have seen in the work of Cape York Partnerships, the Cape York Institute for Policy and Leadership (CYIPL) and corporate bodies such as the Macquarie Group and Rio Tinto Ltd
- capacity building in Indigenous communities to develop a better understanding of the evidence regarding parenting practices and outcomes later in life, for example.

Successful efforts made in this regard, which for our purposes are focused on achieving important outcomes in preventing crime and violence, will also help government to achieve other commitments made under the Council of Australian Governments (COAG) *Closing the Gap* targets for Indigenous people and the National Partnership Agreement Between the Commonwealth of Australia and the State and Territory Governments Regarding Indigenous Early Childhood Development (2008) (Australian Government 2009; COAG 2008).

Crime and violence prevention within the criminal justice system

Although the criminal justice system is at the 'back end' of the crime prevention continuum, it also plays an important (if inherently more limited) crime prevention role which must be further developed if we are to optimally use resources.

The crime prevention role of the criminal justice system can be said to lie at the 'hardest' end of the problem — many of those most deeply involved in the criminal justice system are individuals who face multiple and complex challenges such as addictions, mental impairment, developmental deficits, poor education, and long-term unemployment. Providing effective interventions to change the trajectories of such individuals after they have begun offending is certainly possible, but difficult. The criminal justice system is an important way of intervening in the lives of offenders and preventing further crimes being committed; this is particularly important in terms of dealing with chronic or persistent offenders, who we know account for a large proportion of offences.

Unfortunately, our understanding of the evidence for the crime prevention potential of aspects of the criminal justice system remains underdeveloped and is often confused in government policy. In the past, for example, many policies and practices that were said to be focused on reducing Indigenous overrepresentation in the criminal justice system were policies and practices that were likely to have little if any crime prevention effect. We think it is unlikely that a substantial reduction in overrepresentation of those from Queensland's Indigenous communities will be brought about by increased use of strategies that provide 'diversion from' custody or the criminal justice system alone, or through the expanded use of Murri Courts, as responding to the underlying causes of crime is not the focus of such strategies.

It must be said, however, that increasing the use of 'diversion from' custody or the criminal justice system is not only justifiable, but to be encouraged, throughout Queensland on grounds other than those relating to crime prevention. For example, 'diversion from' strategies are likely to be very effective in reducing the number of people in custody and reducing the risks associated with keeping people in custody; they may also be the most cost-effective response for many offenders. We must also remember that research on offender trajectories generally suggests that most people desist from offending quickly anyway, without the need for interventions based on treatment and support.

What we are saying is that in Queensland's Indigenous communities, where offending behaviour is common, often violent and relatively widespread, strategies that only 'divert from' custody or the criminal justice system are unlikely to provide any meaningful contribution to reducing Indigenous overrepresentation. In these communities we need to develop a greater level of understanding about what particular types of diversionary strategies can be reasonably expected to achieve, especially in terms of their potential for crime prevention.

Murri Courts also serve other important ends and are to be encouraged, but they should not be relied on to reduce Indigenous overrepresentation in the criminal justice system in Queensland's Indigenous communities.

Increasing the availability of intensive interventions for serious, repeat and persistent offenders from Queensland's Indigenous communities is likely to be money well spent in the sense that it is these offenders who account for a disproportionate amount of crime, and for whom the likelihood of re-offending is the highest.

The rule that the criminal justice system needs to provide treatment and support in order to reasonably expect to exert a crime prevention effect does not apply, however, to the process of conferencing (and perhaps some other restorative justice processes). The research evidence suggests that conferencing does have potential for preventing crime. Further, restorative justice processes may have particular resonance in Queensland's Indigenous communities for the following reasons:

- because of the prominent role played by family and kinship matters in many disputes
- because such processes can help to rebuild local authority by having local people as central to the issues to be resolved.

Because of this potential for crime prevention, the greater use of conferencing and other restorative processes involving local people in the resolution of disputes in Queensland's Indigenous communities should be developed and supported.

Unlocking the potential of local justice components

Local justice initiatives have been important in Queensland's Indigenous communities for a range of reasons:

- because it is the members of Indigenous communities themselves who are best placed to plan and implement effective strategies to deal with their crime and justice problems

- as a strategy designed to reduce the overrepresentation of Indigenous people in the criminal justice system, particularly in custody

- to increase the scope for culture or local knowledge to be taken into account in justice processes

- to fill gaps in criminal justice service delivery in Queensland's Indigenous communities (Chantrill 1998; Cunneen, Collings & Ralph 2005; Fitzgerald 2001; Limerick 2002; O'Connor 2008).

However, local justice components of the criminal justice system in Queensland's Indigenous communities continue to face challenges despite numerous recommendations and commitments made for improvements over the years. Although efforts have recently been made to improve the functioning and sustainability of these local justice initiatives, problems continue to be apparent, especially in terms of the need for better resourcing and training to support these initiatives (see Cunneen, Collings & Ralph 2005; Loban 2006; O'Connor 2008).

Local justice initiatives have suffered from the lack of rigorous scrutiny given to assessing their effectiveness to date. The key task before them — to make an effective contribution to reducing crime and violence in their communities — is no easy one. Timely evaluations will help to ensure that resources can be allocated to effectively deal with these problems, and will also inform the development of innovative ways to go forward.

- A great deal of reliance appears to have been placed on community justice groups, largely on the basis of an early interim review which could only show that they had potential to make a contribution to crime prevention and the delivery of fair and accessible criminal justice services in Queensland's Indigenous communities. Although the department of Justice and Attorney-General (JAG) has been making efforts to improve the training and support provided to community justice groups in recent years, these groups continue to wrestle with problems of sustainability, capacity and their role. Given the nature of the crime problems confronting these communities and the longstanding gaps in service delivery, it is not surprising that the community justice groups, as they are currently conceived, continue to struggle to cope with the often competing demands that have been made on them.

- Little close examination has been made of the operation of JP Magistrates Courts and their evaluation is well overdue.

- There is a great deal of confusion and uncertainty about the role and future of 'law and order' by-laws, particularly since the decision was made to phase out community police and abolish QATSIP; this adds to the difficulties of ensuring that the JP Magistrates Courts are operating optimally.

We believe there must be a renewed commitment by all agencies and the community to support a model in which local justice initiatives play a role. There must also be a re-think regarding the future development of local justice initiatives. In particular, we believe, there needs to be a greater willingness to innovate to give these local justice components some real prospect of influencing the behaviour of community members. If this is not to be the case, then governments must take a far more realistic view, for example, of the extent to which local justice elements can contribute to the important task of reducing crime, violence and Indigenous overrepresentation in the criminal justice system.

Local justice components as a whole need to be revisited and supported to have a role in setting the standards of social behaviour — perhaps a partial role in enforcement, taking action to stop situations of offending and conflict from becoming larger problems, dealing with young offenders, mediating in local disputes and resolving conflicts.

We recognise also that there is no 'one size fits all' approach possible to implementation of local justice initiatives to meet the needs of Queensland's Indigenous communities. It is our suggestion that, at a local level, planning needs to take place with communities to ensure that an appropriate level of agreement and clarity exists in relation to the operation of local justice elements of the criminal justice system in each Indigenous community.

Resourcing a fair and accessible criminal justice system

Even if crime is successfully reduced, it will not be eliminated. For those who proceed through the criminal justice system from Queensland's Indigenous communities, we also must ensure that justice is served — that is, that resources are provided to ensure a fair and accessible criminal justice system.

Although there is widespread recognition of the desirability of taking justice to the communities, and there have been increasing efforts to do so, there remain considerable problems encountered in delivering criminal justice services to these communities. Although the 'Aurukun nine' rape case may be an extreme example, it is clear from our consultations and research that many of the problems seen in this case (including high workload of the courts and limited time, lack of interpreters and lack of victim impact statements) are widespread and not limited to the District Court circuits or to only one community.

A number of improvements have been, and are being, made to the delivery of justice services in Queensland's Indigenous communities and there has been an increase in resources devoted to the criminal justice system, especially over the past few years. However, there is still considerable progress to be made, especially in the following areas:

- continuing to monitor the demands on the circuit courts to ensure that justice is delivered in a timely manner, and identifying and pursuing strategies to improve the effective use of circuit time (for example, making use of videoconferencing where appropriate to minimise the time taken on circuits)

- ensuring that there is close liaison between the courts, the prosecution, other legal services and services such as interpreters to ensure that all parties have the capacity to participate effectively in the delivery of justice to these communities. That is, there is work to be done to ensure that the elements of the 'system' are operating in a way that ensures that all parties in the system are able to complement the work of other elements. We have demonstrated that at the moment this balance is not present, and that there is a significant mismatch between some elements.

There are areas that could benefit from increased resources, but we are reluctant to argue for an increase in the money spent at the 'back end' of the process — namely the criminal justice system — when the evidence so clearly shows that money spent at the 'front end' or early stages is more effective.

The challenge is to find an appropriate balance for the expenditure of criminal justice resources that provides an effective criminal justice system linked with effective local justice initiatives and counterbalanced by appropriate resources directed toward crime prevention, both within and outside the criminal justice system.

Part 5: Conclusions and recommendations

Throughout our report we have argued that the task of reducing crime and violence in Queensland's Indigenous communities is central to each of our three terms of reference. That is, reducing crime and violence in these communities is vital to the task of:

- improving relations between police and Queensland Indigenous communities
- reducing Indigenous overrepresentation in police custody, and thereby further substantially reducing the risks associated with such custody
- optimising the use of resources allocated to the criminal justice system.

In Queensland's Indigenous communities it appears that the high rates of crime and violence have spiralled upward over the past three decades, and at least since 1995 the high rates of crime and violence have remained impervious to the vast amount of government effort said to be directed at reducing them, or reducing Indigenous overrepresentation in custody. In our consultations, we heard the same clear message from community members desperate for support that has been noted in previous reports — 'we just want the violence to stop'.

Recent years have seen a very significant shift in government policy regarding Queensland's Indigenous communities. In the establishing of the Welfare Reform Trial and the Family Responsibilities Commission in selected Cape York communities, the Queensland Government has demonstrated a willingness to trial innovative approaches and impose strong controls and accountability mechanisms in respect to issues such as alcohol that have well-established links with crime and violence in communities. In terms of dealing with crime and violence in these communities, this radical change in policy must continue.

Government is limited: communities themselves must act

At the same time it is essential to recognise the limitations of government. Although we have highlighted throughout this report areas in which action is required from the Queensland Government, we have also taken some pains to emphasise the limits to what government itself can achieve.

We have identified areas in which we say police can do better, but we also say that police alone can only go a small way to solving the problems confronting these communities. We have highlighted actions that we believe should be taken by other Queensland Government agencies (notably ATSIS, the Department of Communities, the Department of Justice and Attorney-General, Queensland Corrective Services, other criminal justice agencies, Queensland Health and the Department of Education and Training). However, even in an ideal world of seamless government coordination, where the QPS is well supported by all other services and areas of government, success will continue to depend most heavily on changing the behaviour of individuals, parents and families at the community level. The police and the government are limited, for example, in what they can do to provide a nurturing and loving home for a child, or to provide Indigenous children with a home life that values and supports school-based education and, later, employment.

The will of individuals, parents and families in Queensland's Indigenous communities to change must also be ignited. This will not happen through more consultations and negotiations conducted by bureaucrats and others from outside the communities, more government announcements of policy frameworks, or more targets being set for reducing Indigenous disadvantage. Rather, there is a huge role to be played by community leaders and Indigenous organisations at the community and regional level (such as local councils, community justice groups, men's groups, women's groups, Elders and — in Cape York — the Cape York Institute for Policy and Leadership, Cape York Partnerships and the Apunipima Cape York Health Council). Individuals, parents and families must be motivated to change aspects of their behaviour, their values and, indeed, aspects of their culture such as the use of violence as an appropriate means of resolving conflict.

Government should see its role as providing vital funding support and capacity building. It must also provide communities themselves the appropriate 'space' — the powers, responsibilities and accountability mechanisms — to allow them to develop appropriate responses to their situation. Indigenous communities for their part must step up to the challenge so that real change can occur.

We have identified the following six principles to guide the relationship between government and people in Queensland's Indigenous communities.

1. Improve and maintain a focus on crime prevention

With the exception of the introduction of alcohol reforms and the Welfare Reform Trial and its Family Responsibilities Commission, there has been little or no sustained effort to reduce the level of crime and violence in these communities through implementing an appropriate range of strategies designed to tackle the underlying causes of crime. Too much faith has been put in the notion that tinkering with the criminal justice system will produce positive results. Such faith must be abandoned.

Given the many high-level commitments to preventive action that have been made already, government must focus more on supporting the development of appropriate strategies for on-the-ground implementation in communities.

2. Make a clear and sustained commitment across government for a criminal justice 'system' that incorporates local justice components

Crime prevention anywhere depends to a large extent on community ownership, support and involvement. Because local Indigenous people, families, community councils and other non-government Indigenous organisations must be at the centre of efforts to achieve genuine change, we recommend that real local authority must be developed and enhanced in Queensland's Indigenous communities.

Many members of these communities have been said to be characterised by their 'passivity', 'lack of will', 'lack of engagement' or as afflicted by the 'tragedy of tolerance' (Sutton 2009, p. 77). Dramatic efforts and innovations must be made to allow local authority to flourish so that problems of crime and violence can be truly tackled at the local level.

Local justice components must be given greater scope by government to be innovative and creative, and allowed to use a range of incentives and disincentives to motivate individuals, parents and families in their communities to change their behaviours, values and even, to some extent, their culture. Such a task should not be attempted by government itself. Local justice components need to be afforded real power and authority to do this work.

3. Ensure that crime prevention and the criminal justice system response to crime and violence in these communities is guided by strong local-level planning

Past governments have placed insufficient focus on making sure that the many high-level policy frameworks are translated into effective strategies and actions at the local level. If this is to happen, local-level planning must play a crucial role. Some real control must be given to communities to influence the shape of the crime and violence reduction strategies that may work for them.

For example, we have suggested that the community be involved in discussing and developing strategies to help improve relations with police (see Chapter 7), and as well as considering the mix of strategies to tackle the crime problem in each community. Police and community might want to jointly develop priorities and strategies regarding issues such as truancy, gambling, drinking while pregnant, and noise at night. Such planning should be included in a crime prevention and criminal justice component within the Local Implementation Plans (LIPs), which are currently the primary vehicle for place-based planning to occur between communities and the state and federal governments.

Local-level discussions necessary for developing strategies for local implementation should usually be led by people living locally, or by people with long-term experience with the community involved. We also believe that local police could play a significant role in discussion and capacity building for local-level planning related to issues of crime, justice, policing strategies and crime prevention. ATSIS should play a coordinating and accountability role.

Until effective local-level planning has been achieved, a moratorium should perhaps be placed on developing or announcing any further high-level state-based or national policy frameworks in this area, and attention should instead be directed to the local-level exercises.

4. Support local police to play a key supporting role

Police have been in the difficult position of working in communities experiencing a rapid breakdown in social order and a vacuum of authority since the end of the mission period. In addition, they have received some mixed messages about policing in these communities, particularly in relation to public order policing. We have shown that public order offending often involves violence or threats of violence and it is simplistic to characterise the high levels of public order offences in these communities as being a result of 'overpolicing' of minor and trivial matters.

The police have demonstrated their capacity to reform and change since the time of the Royal Commission into Aboriginal Deaths in Custody. Although they are certainly not all above reproach, the general picture to emerge from our inquiry is that police have made substantial changes in many important areas. It is time now to integrate the available evidence and experience in relation to policing and to develop a range of other strategies, rather than continuing to simplistically insist, for example, that increasing diversion will substantially reduce Indigenous overrepresentation in the criminal justice system and in incarceration.

Much is happening across government in relation to the issues being confronted in Queensland's Indigenous communities, and we believe that the police can play a greater role. Police must be key players in whole-of-government crime and violence prevention efforts because they:

- are 'on the ground' and provide a key government presence in most of Queensland's Indigenous communities
- sit at the juncture between early intervention and the criminal justice system, acting as the first gatekeepers to the criminal justice system
- deal with the crime problems at a day-to-day level and therefore have a lot at stake when it comes to reducing the crime problems in these locations
- already have within their 'toolkit' the formal POPP framework, within which they can take a problem-solving approach and develop the partnerships necessary.

5. Conduct rigorous and timely evaluations of key initiatives and appropriate monitoring and reporting

As is stated by Weatherburn (2004), what is needed is a criminal justice system and crime prevention policies that are not driven by emotion and supposition, but are a rational and systematic response based on what might work to prevent crime. Increasingly it is recognised that we need 'evidence-based' criminal justice and crime prevention policy built on evaluative research on the effectiveness or possible effectiveness of respective programs or strategies. To this end, carefully selected and targeted independent evaluations, conducted in a rigorous and timely way, can provide vital information to government and communities.

Currently Queensland has no standing facility for evaluating the effects of government programs and policies on rates of re-offending. Nor does Queensland have a crime prevention unit equipped with the resources and authority to influence the development of policy and programs as is needed, or to broker agreements with the private sector on matters affecting crime. Queensland's Indigenous communities are likely to have suffered as a result.

Greater efforts to evaluate the effectiveness of programs and strategies in Queensland's Indigenous communities are warranted. Governments have an important role to play in supporting the continuing development of our knowledge about 'what works' in terms of strategies that effectively reduce crime and violence and other dysfunction in Indigenous communities. The Queensland Government has two key roles in this respect:

- continuing to develop an understanding of the dimensions of crime and violence problems at the individual community level, a task that government has begun with the provision of quarterly reports

- ensuring that funding for research and evaluation in this area supports research and evaluation that relates directly to the question of 'what works' to reduce crime and violence.

6. Be prepared to innovate

Innovation must be encouraged — the staggering size of past failures in this area calls for bold thinking. To continue to do 'more of the same' will only see the situation deteriorate further. Although innovation will carry with it risks and controversy, it may not make the situation worse (which will surely happen if we continue with the old approaches), and it may lead to some positive results. It is important that significant innovations are properly evaluated.

Recommendations and actions

Each of the principles we have identified above is associated with a recommendation and a number of action items that have been identified throughout the report. Our six recommendations provide the 'big picture' for the 51 action items that we identify. Implementing these recommendations will require sustained effort, bold action and in some cases the allocation of further resources.

The following table brings together the six recommendations and the 51 actions. The recommendations have been built on the action items so there is some degree of overlap. We have grouped the action items that appear throughout the report under the recommendation to which they are most closely related in the order in which they appear in the text. We have numbered the actions as they appear in this summary.

It must be noted that some actions could have been placed under several recommendations, for example, some actions relate to crime prevention, local planning and improved policing and relations. Indeed each of the recommendations is closely connected to our key goal of crime prevention and in a sense they all could have been labelled as such.

Crime prevention

Recommendation 1

That the Queensland Government's focus on effective crime prevention in Queensland's Indigenous communities should be greatly increased and improved including by:

- abandoning the over reliance on strategies unlikely to exert a substantial crime prevention effect as the key means through which Indigenous overrepresentation in the criminal justice system is tackled; for example:
    - Murri Court processes may have other important outcomes, but they are unlikely to greatly reduce crime or violence
    - simply increasing police diversion from the criminal justice system in these communities is also unlikely to have a substantial impact on crime
- developing an appropriate mix of crime prevention strategies based on existing evidence about what might work to prevent crime:
    - outside of the criminal justice system; these must include strategies focused on early intervention, such as parenting programs, home visiting services and school-based programs, as well as social marketing campaigns
    - within the criminal justice system to maximise its potential crime prevention effect; for example, improving the availability and effectiveness of youth justice conferencing, community-based supervision, treatment and rehabilitation, and support for reintegration of offenders. More effort and resources should be directed at those likely to be at the highest 'risk' of offending in these communities — that is, existing repeat offenders — and developing interventions for these offenders that focus on providing supervision, treatment and other support at sufficient levels of intensity that they work to prevent crime.

Actions

1. That the focus on effective crime prevention in Queensland's Indigenous communities should be greatly increased and improved.

    (see Chapter 8)

2. That police be encouraged to make increased use of community conferencing as a way of proceeding against juvenile offenders. We have noted elsewhere that the Department of Communities should expand the availability of conferencing.

    (see Chapter 13)

3. That a greater preventive focus on failure to appear in court, and other breach of justice process offences where appropriate, be developed by police and community justice groups. In those communities with high levels of justice process offences, such strategies should be incorporated into the crime prevention and criminal justice component of local plans.

    (see Chapter 13)

4. That:
    - The Queensland Government and ATSIS ensure that an appropriate mix of crime prevention strategies outside the criminal justice system is implemented in each of Queensland's Indigenous communities, with a particular focus on the implementation of evidence-based early intervention strategies.
    - Along with its role in coordinating government, ATSIS assist where necessary in facilitating the development of partnerships with communities, community organisations, the private sector, universities and others to ensure that the best expertise is applied to the problems.

    (see Chapter 15)

5. Support to parents and carers in Queensland's Indigenous communities should include nurse home visits for new mothers and carers, based on the Professor Olds model. Similar home visiting services that depart substantially from the model shown to be effective elsewhere must be rigorously evaluated so that we can build a body of evidence about what is effective in these communities.

    (see Chapter 15

6. That parents, families and carers in Queensland's Indigenous communities should have increased exposure to programs that provide support and skills for parenting, such as the Triple P — Positive Parenting Program.

    (see Chapter 15)

Recommendation 1	**Actions**
	7. The pre-Prep program in Queensland's Indigenous communities should be reviewed and efforts should be made to incorporate aspects of the effective Perry Preschool program, including the weekly home visits to parents to provide advice on parenting and practical and emotional support. (see Chapter 15)
	8. Efforts should be made to engage the private and university sectors in developing and offering school and community-based programs to provide incentives for school attendance and achievement, and disincentives also. The success enjoyed in a relatively short space of time by Cape York Partnerships and the Cape York Institute for Policy and Leadership in forming partnerships in this area should provide a positive model. (see Chapter 15)
	9. More use, and more creative use, of social marketing campaigns in Queensland's Indigenous communities could work to reduce crime. Campaigns may relate to issues such as: • the inappropriateness of violence as a means to resolve disputes • non-violent parenting and modelling non-violent behaviours • school attendance and performance. The Queensland Government should engage the expertise of advertising agencies, public health professionals and the university sector to develop and trial such a campaign with appropriate community involvement. (see Chapter 15)
	10. That the Queensland Government (especially ATSIS, the Department of Justice and Attorney-General, Youth Justice Services (Department of Communities) and Queensland Corrective Services (Department of Community Safety)), ensure that the criminal justice system in Queensland's Indigenous communities is organised to exert the strongest possible crime prevention effect based on the existing evidence about what works to prevent crime. (see Chapter 16)
	11. That, as a matter of priority, the Department of Communities and Queensland Corrective Services continue to increase the allocation of resources to improve: • community-based support, supervision and treatment programs for offenders in Queensland's Indigenous communities • programs within prisons and detention centres to provide treatment and intervention for offenders from Queensland's Indigenous communities. (see Chapter 16)

I

Crime prevention (continued)

Recommendation 1	Actions
	12. That the Queensland Government provide greater support to restorative justice services in Queensland's Indigenous communities: • That the Department of Communities urgently provide a sustained and sustainable youth justice conferencing program able to provide timely diversion to a process that addresses offending within a restorative justice framework. • That the Department of Justice and Attorney-General continue to support the trial and evaluation of community-based mediation and dispute resolution processes in Queensland's Indigenous communities. (see Chapter 16)
	13. The Queensland Government must ensure that the future allocations of criminal justice resources are appropriately balanced with resources allocated to prevent crime, both within the criminal justice system and outside of it. (see Chapter 18)

Local authority

Recommendation 2	Actions
That there be a clear and sustained commitment to supporting and developing effective forms of local authority in Queensland's Indigenous communities to respond to crime, violence and related issues. This must include: • clear and sustained support for a model for criminal justice system services that includes local justice components of local people in policing roles, local laws, local courts and community justice groups • allowing the flexibility for communities themselves, with community justice groups to play a key deciding role, to determine what combination of local justice mechanisms will operate in their community • a greater willingness to allow local justice initiatives to develop their roles or have the powers necessary to change the standards of behaviour in their communities — for example, being able to promote changes in individual behaviour through systems of incentives and disincentives. Because of the potential benefits, a commitment to making such a model work must be sustained in the face of the challenges that will inevitably arise and the risks that will be attached.	14. Recruiting Indigenous sworn police from Queensland's Indigenous communities should be a specific focus of the QPS's Indigenous recruitment strategies and programs. Targets should be set for recruitment of Indigenous sworn police from Queensland's Indigenous communities; to be realistic they need to be relatively long term. Block intakes for a number of Indigenous recruits, allowing them to support one another during training, should be considered. (see Chapter 10) 15. The Queensland Government and the QPS should commit to supporting a model, which improves on the QATSIP model, for local people in Queensland's Indigenous communities to be appropriately trained and supervised so that they can play an active role in law enforcement and other policing activities in their own communities. The officers should be employed, trained and supported by the QPS. This role: • should not be limited to the enforcement of by-laws • need not automatically exclude all potential applicants who are local people with prior criminal convictions • should be seen as of particular importance in the Torres Strait Islands, where it can be an important supplement to the policing services otherwise provided by the QPS. Training for local Indigenous people to perform these roles should be designed specifically with Indigenous learning styles in mind. (see Chapter 10)

Local authority (continued)

Recommendation 2

Actions

16. That the Queensland Government commit to an agreed model for the delivery of a cohesive criminal justice 'system' in Queensland's Indigenous communities, and that this model should include local justice elements such as local laws, local Indigenous police and local courts.

(see Chapter 17)

17. The Department of Justice and Attorney-General must conduct the much overdue evaluation of the JP Magistrates Courts that has been proposed on numerous occasions. This evaluation of the JP Magistrates Courts must be designed in a way that will allow JP Magistrates Courts to be considered as one possible element in a local justice system. Among other things the evaluation should:
    - compare the operations of the courts in those communities that have local 'law and order' by-laws, and/or local Indigenous police (community police or QATSIP), with the operations of courts in those that do not
    - assess the extent to which the JP Magistrates Courts can reduce the demands on the circuit courts
    - consider how the capacity of JP Magistrates Courts might be enhanced to deal creatively and responsively with local problems.

(see Chapter 17)

18. That the Department of Justice and Attorney-General, with the support of the other departments for which the statutory community justice groups perform functions, undertake a review of the various roles and functions of those community justice groups (that is, those in Queensland's Indigenous communities) to determine how they can most effectively contribute to the delivery of crime prevention and criminal justice services in each community. The review should also examine:
    - how to deal with conflicts of interest between the various roles and functions of community justice groups
    - the extent to which community justice group members should be paid
    - the extent to which other agencies can, or should, contribute to funding and capacity building for the groups.

(see Chapter 17)

19. That the Department of Infrastructure and Planning and ATSIS conduct the review of local 'law and order' by-laws in conjunction with, rather than in isolation from, the evaluation of the JP Magistrates Courts. The review should be premised on the notion that local justice components have the potential to make an important contribution to dealing with the crime and violence problems in Queensland's Indigenous communities, but that we may need to be more innovative in our approach if this potential is to be realised.

(see Chapter 17)

Local-level planning

Recommendation 3

That local-level planning and the development of strategies to be implemented at the local level to reduce crime and violence should be a priority placed ahead of any further high-level or overarching policy frameworks. This could be a crime prevention and criminal justice (including policing) component of the current Local Implementation Plans (LIPs).

- Local-level planning should not be led by bureaucrats on a fly-in fly-out basis conducting a series of planning meetings — people living locally or with strong local associations and with skills in conducting robust community consultations should be employed to develop particular aspects of the plan. Local police should assist.

- Local planning processes must build community capacity to understand the range of potential solutions to reducing crime and violence based on the evidence about what works and which we have outlined in this report.

- Real control must be ceded to communities to develop, adapt or invent strategies to meet local needs and circumstances.

- Government must be responsive to this planning in terms of allocating funds. Local-level plans must be ongoing and the focus on them must be sustained over time; they should provide an accountability mechanism.

Actions

20. Strategies agreed by particular communities and their police to help improve relations must be documented in local-level plans so that progress is monitored and publicly reported.

(see Chapter 7)

21. In accordance with good community policing practice, each of Queensland's Indigenous communities and their local police must discuss and agree on a number of crime priorities and policing strategies on a regular basis — at the very least, whenever any new OIC is appointed. These priorities and strategies must be documented in local-level plans:

- crime data at the community level (including 'law and order' by-law offence data where relevant), as well as evidence about the effectiveness of various policing strategies, should form the basis of these regular discussions between local police, other relevant Queensland Government agencies and members of Queensland's Indigenous communities; such discussions must build community capacity in this regard

- the discussion and agreement of crime priorities and strategies in the local plans should inform the allocation of policing resources by the QPS to particular communities.

(see Chapter 9)

22. That specific issues to be addressed within the crime prevention and criminal justice component of the local-level plans should include:

- the agreed model for the operation of the criminal justice system in each Indigenous community

- the extent to which local justice initiatives such as the community justice groups, the local 'law and order' by-laws and the local JP Magistrates Courts will play a role in the delivery of justice services

- the role of the community justice group in each community, including its capacity to provide dispute resolution services, advise courts on sentencing, assist in the supervision of offenders in the community and so on, and the circumstances in which it can do so

- how offenders should be dealt with — for example, the circumstances in which offenders should be charged with by-law offences and taken before the local courts, and those in which they will be proceeded against for criminal offences before the mainstream courts.

(see Chapter 17)

Improved policing and relations

Recommendation 4

That the QPS create a new structure, an Indigenous Partnership Policing Command (IPPC) to be led by a person at the rank of Assistant Commissioner, to support the implementation of improvements in the policing of Indigenous communities.

The role of the IPPC will be to address both issues internal to the QPS (such as recruitment, training and other support) and those that are external (relating to the need for a whole-of-government approach to improve outcomes in Queensland's Indigenous communities). In particular, the IPPC must:

- send a clear and consistent message to Indigenous communities and its officers that the QPS takes the priority of improving relations with Queensland's Indigenous communities to be of utmost importance

- support local police and community members (particularly members of the community justice groups) in identifying strategies in the local-level plan including:
    - strategies to improve relations
    - local crime priorities and strategies to respond

- ensure that, in addition to law enforcement, problem-solving and partnership approaches are a central driving philosophy of all policing in these communities

- implement strategies to support the development of special knowledge and skills for those involved in policing Indigenous communities, including through strategies such as:
    - developing mentoring programs for those working in these communities so that officers can have direct access to the knowledge and experience of some of the 'legends' or well-respected police officers with experience working in Queensland's Indigenous communities
    - convening regular workshops or conferences for officers working in Indigenous communities

- develop and implement a model, which improves on the QATSIP model, for local people in Queensland's Indigenous communities to play an active role in law enforcement and other policing activities in their own communities.

Actions

23. Improving police relations with Queensland's Indigenous communities must be an ongoing priority:
    - the QPS needs to send a clear and constant message to Indigenous communities and to its officers that it takes the priority of improving relations very seriously
    - the QPS must recognise that the issue of relations in these communities cannot be approached on the same basis as it is in other parts of Queensland
    - the members of the QPS Senior Executive (that is, at the rank of Commissioner and Assistant Commissioner) must personally champion this priority across all of Queensland's Indigenous communities — for example, through periodic visits to talk with local police and community leaders about relations.

    (see Chapter 7)

24. Indigenous councils and other community leaders must consider that it is their responsibility to assist in building the community's relationships with police.

    (see Chapter 7)

25. That, in so far as it is possible, the Queensland Government give high priority to the finalisation of all outstanding litigation relating to the Palm Island matter; the goal should be to have all outstanding matters settled by the sixth anniversary of Mulrunji's death, in November 2010. After the litigation is finalised, the Queensland Government, the QPS and the Palm Island community should consider what specific steps can be taken to help move forward on Palm Island.

    (see Chapter 7)

26. That the QPS clearly communicate to police working in Queensland's Indigenous communities:
    - the need to be keenly aware of the dangers to relations associated with incidents of overpolicing
    - that violence or threats of violence may frequently warrant police intervention and police can appropriately exercise their discretion as to whether such behaviour can or should be charged as a public order offence or some other more serious criminal charge
    - that the greatest risks in relation to public order offences attach to the policing of those behaviours that are at the most minor end of the spectrum — for example, offensive language only, especially where this language is directed at police.

    That the QPS undertake ongoing monitoring of these aspects and encourage officers to use their skills to 'de-escalate' public order situations, particularly those at the most minor end of the spectrum.

    (see Chapter 8)

Recommendation 4	Actions
	27. In accordance with good community policing practice, the QPS should take steps to address the concerns about inadequate police availability and response by, for example:
	• remaining in touch with views of local police and communities about whether the level of police services is adequate, especially in the wake of the decision to phase out community police and QATSIP (see Chapter 10)
	• ensuring that every police station has regular and well-advertised opening hours
	• educating community members about call diversion, about the importance of not hanging up when a call is diverted and about how a communications centre operator will assess whether it is necessary to call local police out to assist
	• providing a program of regular cultural education and training to QPS communications centre operators about Queensland's Indigenous communities; this training should include training about the difficulties involved for callers from these areas in having their calls diverted, and the importance of carefully communicating and assessing these calls, as well as practical information such as community maps, and common family names and pronunciations for some communities where traditional names remain common (for example, Aurukun, Pormpuraaw and the Torres Strait Islands) (see also Chapter 11 regarding cultural training).
	(see Chapter 9)
	28. In accordance with providing good community policing, that the QPS devise measures or incentives that encourage officers in Queensland's Indigenous communities to participate in community life; a clear message needs to be sent from the service that this is an important aspect of policing in a small community. For example, one option may be for the QPS to encourage participation in sport and recreation activities by supporting officers to participate in such activities during work time rather than in their own time, or by supporting them in obtaining a coaching qualification.
	That the Indigenous local councils, community justice groups and community members actively seek to engage with police and issue invitations to, or advise them of, community events and activities.
	(see Chapter 9)

Recommendation 4	Actions
	29 That the QPS ensure that police are focused on the importance of improving perceptions of fairness and police legitimacy in Queensland's Indigenous communities, particularly in relation to ensuring that procedural fairness is done, and is seen to be done, wherever possible. There is obvious scope for specific programs to be developed in relation to traffic offences, alcohol restrictions and relatively minor public order offences. Options include local police committing to: • programs that follow the Educate, Implement and Enforce approach described above • a program that focuses on providing offenders, whenever possible, with an opportunity to meet with the OIC, who could explain the program, outline why they have been arrested, give them a chance to express their views, listen respectfully to them and answer any questions (see, for example, Sherman & Eck 2002, p. 315). (see Chapter 9)
	30. That the Queensland Government and the QPS require OICs in Queensland's Indigenous communities to make greater efforts to match rostering to those times when crimes are most likely to be committed. That regular targeted patrols that are brief in their average duration and unpredictable should form a standard part of police practice in these communities. These patrols should be used wherever possible with problem-specific tactics (such as POPP). Patrols should be seen as a key opportunity for increasing community engagement. (see Chapter 9)
	31. As part of its improved focus on crime prevention, that the QPS promote problem-solving and partnership approaches to policing as a central philosophy for effective policing in Queensland's Indigenous communities. This should include, but not be limited to, POPP projects. The QPS should consider: • increasing its support for evaluating problem-oriented and partnership strategies and devising methods to share knowledge across the service about effective strategies to inform other locations or contexts • publicly reporting on problem-solving and partnership approaches and their effectiveness, perhaps in the Queensland Government's quarterly reports on key indicators (see Appendix 2 (June 2008)). (see Chapter 9)

Recommendation 4	Actions
	32. That:
	• Police continue to build on their previous involvement in providing sport and recreation programs in Queensland's Indigenous communities, as these have largely been seen as positive initiatives, are well received by community members and provide an important site for problem-solving, effective community engagement and capacity building. The Mornington Island PCYC provides an excellent example of such a model.
	• Given the ability of the QPS to reliably sustain sport and recreation services in Queensland's Indigenous communities, greater support should be provided to the QPS to expand and develop its services along these lines. The Queensland Government and the Department of Communities (which now includes Sport and Recreation Services) should provide such support to the QPS.
	• Given their long history, their cost and the lack of available evidence for the crime prevention effectiveness of initiatives such as PCYCs, greater effort should be made to evaluate these programs in Queensland's Indigenous communities.
	(see Chapter 9)
	33. Given the scale of violence problems in Queensland's Indigenous communities, the QPS should consider implementing and evaluating a project based on a tiered approach to reducing repeat victimisation of domestic violence. Such a project could be negotiated and agreed with the community through the Negotiation Table and local planning process.
	(see Chapter 9)
	34. The practice of six-monthly rotations should be seen by the QPS as a short-term stop-gap solution to recruitment and retention problems. A longer-term package of strategies must be developed that will better meet the expectations of communities that officers stay long enough for them to get to know them and to be able to make a valuable contribution to policing of the community.
	(see Chapter 11)
	35. That the Queensland Government continue to give high priority to the improvement of QPS accommodation in Queensland's Indigenous communities. In particular, the ongoing problems at Woorabinda must be immediately resolved.
	(see Chapter 11)
	36. That the QPS review the need for security compounds with a view to removing, wherever possible, high barbed-wire fencing and replacing it with other less intrusive security measures, so as to reduce the perception of police officers being isolated, defensive and unengaged with the community.
	(see Chapter 11)

Recommendation 4	Actions
	37. Cultural training must be compulsory for all officers serving in Queensland's Indigenous communities. The development of cultural competency should be seen as a key ongoing professional development priority of officers working in Queensland's Indigenous communities, particularly for those who may wish to pursue a specialist interest in this area. Strategies to provide this ongoing support may need to be developed on a community-by-community basis, working with the community concerned and the local police.
	(see Chapter 11)
	38. The QPS should implement strategies to support the development of policing Indigenous communities as an area of policing requiring some special knowledge and skills, including by:
	• convening an annual conference or workshop for officers interested in policing Indigenous communities
	• implementing a mentoring program for those police developing special expertise in policing Indigenous communities (especially those serving for the first time as OICs), involving some of the 'legends' or well-respected police officers with experience working in Queensland's Indigenous communities
	• encouraging local community members to be involved in mentoring police officers in each community.
	(see Chapter 11)
	39. That the QPS introduce:
	• as a minimum requirement, that part of the induction of all new officers to a community must include an introduction to key members of the community, including members of the local council and the community justice group
	• in some communities, a trial of door-to-door introductions of new officers as part of the community's local induction process.
	The community has supporting obligations in this regard. Where a request has not already been made by police for introductions of new officers, local councils and community justice groups must extend an invitation to police to come and introduce themselves. Where they exist, local community members acting as mentors could facilitate introductions to key members of the community.
	(see Chapter 11)

Recommendation 4	Actions
	40. Given that there is very little known about what is effective in cultural training, and the importance of the issue, it is our view that future QPS efforts in this regard should be rigorously evaluated. However, building our understanding of the effectiveness of cultural training is a major task that should not be left to the QPS alone but should be a Queensland Government-wide endeavour. As part of such a project, the assessment of officers on the development of their cultural competence should be considered. In the meantime, minimum assessment criteria could be developed, including measures such as if the officer has: 1. Established a good working relationship with the local Indigenous people in policing roles (such as PLOs) 2. Met and established working relationships with the local council 3. Acquired some understanding of who the key people are to talk to in relation to matters affecting particular families. (see Chapter 11)
	41. That the QPS establish an internal selection unit or program focused on recruiting officers suitable to work in Queensland's Indigenous communities and providing assistance to resettle them there. (see Chapter 11)
	42. That the QPS create a new structure dedicated to the issues relating to Indigenous policing. This new structure, the Indigenous Policing Partnership Command, is to be led by a person at the rank of Assistant Commissioner. Its role will be to address the issues we have identified throughout this report — both those internal to the QPS and those that are external and relate to the need for whole-of-government action to improve Indigenous outcomes. The development and operational detail of the command should be undertaken by the QPS, with assistance from the CMC as required, as discussed above. (see Chapter 12)
	43. That the QPS conduct a program of regular audits of police inspections of prisoners in cells by means of digital CCTV footage in order to determine the frequency of inspections being carried out in person, and the frequency with which verbal response is sought from those prisoners who are awake. (see Chapter 14)
	44. That the QPS introduce a requirement that all incidents of a detainee being left unattended in a watch-house must be recorded and audited by the QPS. (see Chapter 14)

Improved policing and relations (continued)

Recommendation 4	Actions
	45. That the review of the roles and functions of community justice groups proposed in Chapter 17 specifically consider the extent to which the community justice group coordinator and/or members can contribute to the provision of a sustainable cell visitor scheme in each of Queensland's Indigenous communities.
	(see Chapter 14)
	46. That the viable options for involving community members in the supervision of watch-houses in Queensland's Indigenous communities are:
	• in some stations where the watch-house workloads warrant it, employing local community members as civilian watch-house assistants on a permanent basis
	• training Indigenous people in policing roles to perform a watch-house assistant role in Queensland's Indigenous communities; it is then possible that they could provide supervision to prisoners in the absence of police where such absence is a matter of operational necessity.
	(see Chapter 14)

Evidence-based policy and evaluation

Recommendation 5	Actions
That the Queensland Government refocus its approach to criminal justice policy to build a more rational evidence-based response to crime. (The failure to make inroads in reducing Indigenous overrepresentation is due to the failure of governments to have such an approach.) In particular, the Queensland Government must enhance its capacity to learn from rigorous evaluations of the effects of government programs and policies on rates of re-offending and must ensure that it supports research that relates directly to the question of 'what works' to reduce crime and violence.	47. In 2011, the CMC will review how effectively police stations in these communities are using, managing and supporting Indigenous people in policing roles. The results should be publicly reported and should be reported back to the communities themselves.
	(see Chapter 10)
	48. That the rigorous evaluation of local justice initiatives in order to better inform their development should receive greater priority than has been the case in the past. The evaluations should be premised on the notion that local justice components have the potential to make an important contribution to dealing with the crime and violence problems in Queensland's Indigenous communities, but that we may need to be more innovative in our approach if this potential is to be realised.
	(see Chapter 17)
	49. The crime prevention and criminal justice (including policing) component of the local plans will be independently audited at the local level by the CMC in 2013 (in a way similar to the audits of local-level policing plans for Indigenous communities that have been conducted by the NSW Ombudsman (NSW Ombudsman 2005)); the audits should assess whether police are pursuing strategies that could reasonably be expected to maximise their crime prevention effect and to police in a way that is likely to improve relations.
	(Chapter 9)

Innovation

Recommendation 6	Actions
Governments should encourage substantial innovations to respond to the particular circumstances of Queensland's Indigenous communities that may have a crime prevention effect; to continue to do 'more of the same' when what we have been doing has not been working, is not an option. Further innovations of the kind already developed by the Cape York Institute of Policy and Leadership (CYIPL), are to be encouraged and appropriately evaluated.	50. That the Queensland Government facilitate partnerships and provide support to them, to encourage innovation in the area of the development and implementation of crime prevention strategies for implementation on the ground in communities. Local and regional organisations such as Cape York Partnerships, CYIPL and the Apunipima Cape York Health Council, should be supported to develop innovations and partnerships in this area. (see Chapter 15) 51. That the Queensland Government facilitate the development of partnerships, and provide support to them, to encourage innovations making local justice components more effective. (see Chapter 17))

NOTES TO READERS

This report is large and we understand that it will not necessarily be read from start to finish. However each part of the report can stand alone — although there are close links between them — and to some extent this is also the case with each chapter.

The report includes several types of materials, which will have interest and value for different readerships:

- We direct readers with an interest in policy particularly to Chapter 2 and Appendix 2, which together provide a comprehensive survey and analysis of previous policy in Indigenous issues and the lessons learned.

- Police officers, trainers and community workers may find Chapters 7 and 8 the most immediately accessible, highlighting the experiences and comments of those who have served in Queensland's Indigenous communities.

- Those with an interest in research regarding policing strategies and the effectiveness of crime prevention strategies are particularly directed to Chapters 9, 15 and 16.

- Indigenous people and others interested in the involvement of local Indigenous people in policing and other forms of local authority will be keenly interested in Chapters 10 and 17.

Because of the range of material, and of likely audiences, individual readers may wish to first survey the report as a whole through the contents, summary and overview (see below), to identify the material and starting points that will be most relevant to them.

Overview of the report

Our report is in five parts:

Part 1 provides general information relevant to the inquiry. It includes information on:
- the events that triggered the inquiry and how we conducted it (Chapter 1)
- 20 years of reports and policy initiatives attempting to remedy problems of policing, crime and justice in Indigenous communities (Chapter 2)
- the general characteristics of Queensland's Indigenous communities, including their locations and the available infrastructure and services (Chapter 3)
- the patterns of crime in Queensland's Indigenous communities (Chapter 4)
- research evidence on the underlying causes of crime (Chapter 5)
- policing and other services available to respond to crime and other closely related issues of dysfunction in Queensland's Indigenous communities (Chapter 6).

Part 2 provides our response to the inquiry's first term of reference about how to improve relations between police and members of Queensland's Indigenous communities. This part includes an examination of:
- relations between community members and police and the historical context in which they must be understood (Chapter 7)
- a discussion of the respective contributions that 'overpolicing', 'underpolicing' and high crime levels make to the tension in these relations (Chapter 8)
- how the Queensland Police Service (QPS) can provide 'more' policing in a way that will not further damage relations but improve them (Chapter 9)
- the important but difficult contribution of Indigenous people in policing roles (Chapter 10)

- the preparation and support provided by the QPS to police in Queensland's Indigenous communities in terms of cultural competence, recruitment, accommodation and incentives (Chapter 11)
- our proposal for a new structure within the QPS to focus on improving Indigenous policing (Chapter 12).

Part 3 provides our response to the second term of reference about detention in police custody in Queensland's Indigenous communities. We consider:

- how often Indigenous people are detained in police custody in Queensland's Indigenous communities and for what reasons are they detained (Chapter 13)
- custodial health and safety issues, including the supervision and management of police prisoners (Chapter 14).

Part 4 responds to our third term of reference, focusing on how resources might be allocated for more effective crime prevention. We examine:

- crime prevention outside the criminal justice system (Chapter 15)
- crime prevention within the criminal justice system (Chapter 16)
- the unrealised potential of local justice initiatives (Chapter 17)
- how to provide resources to ensure a fair and accessible criminal justice system in Queensland's Indigenous communities (Chapter 18).

Part 5 states our conclusions and recommendations on how to reduce crime and violence in Queensland's Indigenous communities. In Chapter 19 we:

- outline what is needed for the underlying causes of crime and violence to be tackled effectively
- put forward six principles for reducing crime and violence, each of which is associated with a key recommendation and a number of action items identified throughout the body of this report.