

Issues paper

Inquiry into Policing in Indigenous Communities

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

April 2007



Relations between the police and Indigenous people have had a troubled history, in Queensland and throughout Australia. Some of these problems persist. The Queensland Government has now asked the Crime and Misconduct Commission to conduct an independent inquiry into some issues relating to policing in Indigenous communities.

The CMC's Inquiry into Policing in Indigenous Communities will include public submissions and hearings. Afterwards, the CMC will issue a public report containing recommendations.

HOW THE INQUIRY CAME ABOUT

In the past there have been numerous government responses to issues arising from the contact between Aboriginal and Torres Strait Islander people and the police. The most important of the responses, at a national level, was the Royal Commission into Aboriginal Deaths in Custody. In addition to this landmark inquiry, there have been several other initiatives focusing on Indigenous people and the criminal justice system (e.g. the Queensland Aboriginal and Torres Strait Islander Justice Agreement and the Cape York Justice Strategy).

The Queensland Police Service has introduced a range of measures with the specific aim of improving police services to Indigenous people, such as cultural appreciation training for police recruits, the Police Liaison Officers (PLOs) scheme, and justice entry and education programs for Indigenous people who want to become police officers.

Incidents that led to the inquiry

Death in custody at Palm Island

At Palm Island on the morning of 19 November 2004 a local Aboriginal man, Mulrunji Doomadgee, was arrested by police and died soon after in the police watch-house. Concerns about the cause of his death later led to a riot in which the police station and other buildings were destroyed or substantially damaged.

Many things have happened since Mulrunji's death — including the investigations of the death and the riot; the inquest into the death by the Deputy Coroner; the decision by the Director of Public Prosecutions not to lay charges against a police officer in relation to the death; public protests by Indigenous people and others about the decision of the Director of Public Prosecutions; a review of the evidence by Sir Laurence Street; the decision by the Attorney-General to lay charges against a police officer; and protest meetings held by the police unions.

Alleged police assault at Aurukun

At Aurukun on 9 January 2007 there was a riot after a local Aboriginal man alleged that police had assaulted him in the watch-house. The CMC investigated the allegation but made no adverse findings against any police officer in relation to the alleged assault.

The Queensland Government's response

The State Government's response to the recommendations in the Deputy Coroner's report on the Mulrunji Inquest was tabled in parliament by the Premier in November 2006.

Afterwards the State Government asked the CMC to examine policing in remote Aboriginal and Torres Strait Islander communities, and specifically to consider:

- possible changes to police policies and procedures that would improve relations between the police and people in these remote communities
- police practices regarding detention in police custody, including the monitoring of people in watch-houses and whether community justice groups or others could do this monitoring
- the best use of State Government resources in delivering criminal justice services in these remote communities.

The government has asked the CMC to report on the findings of the inquiry and provide practical recommendations for change.

Since announcing the inquiry, the Premier has agreed to provide more police officers in Kowanyama, Bamaga and Aurukun, and to install closed-circuit digital recording equipment in the custodial areas of police stations in Aboriginal communities within 12 months.

The Premier also announced that the Commissioner of Police will conduct an audit, with police union representation, of all existing surveillance facilities in watch-houses, and determine priorities for upgrading facilities across Queensland. The Commissioner of Police will also consider staffing numbers in Aboriginal communities, and will discuss with the police union priorities for deploying additional staff.

The CMC project team will closely monitor these developments.

WHAT THE INQUIRY WILL EXAMINE

The inquiry, which has already begun, will pose the following questions:

- a What is the relationship between the police and people in remote Indigenous communities?**

We will seek an understanding of the particular characteristics of remote Indigenous communities

that influence policing. We will examine relations between police and the communities, and consider what factors have shaped relations. We would like views and information on:

- » historical and other factors that have shaped police–community relations
- » contemporary issues that affect relations
- » whether relations have changed for the better or worse, and why
- » whether relations differ between communities and, if so, why.

b How are policing services currently delivered in Indigenous communities?

We will assess the current provision of policing services, and the challenges that the police face in providing them. We will seek to learn about community expectations of policing services and whether these are consistent within communities. We would like views and information on:

- » the level of demand for policing services
- » the level of policing services currently provided
- » policing methods and priorities
- » constraints on the delivery of policing services
- » the assistance given to local police by the council and community.

c What changes should be made to improve the delivery of policing services to the remote Indigenous communities?

We will consider the relevant policing policies and approaches that have been previously recommended, and determine which have been implemented and which have not. We will seek information about the features of policing services that are seen to be effective and desirable, and we will consider how best to implement and sustain proposed improvements. We would like views and information on:

- » policing initiatives in Indigenous communities that appear to be effective
- » the characteristics of effective policing and police officers
- » Indigenous people in police and related roles such as Police Liaison Officers
- » recruitment and training of police officers to serve in remote Indigenous communities
- » potential improvements to the way the police operate in remote Indigenous communities
- » the appropriate policing model for individual Indigenous communities
- » the policies and practices of other agencies that have an impact on the delivery of policing services.

d How can the community help the police to deliver policing services to the community?

We will look at community initiatives that help police to achieve safe and peaceful communities, and assess the evidence of their effectiveness. We will also look at the sustainability of these

initiatives, including the support that the police provide. We would like views and information on:

- » the conditions for community involvement in assisting the police
- » community-based initiatives that appear to be effective
- » the capacity of communities to effectively implement these initiatives.

e What is the most culturally appropriate, timely and effective way to resolve complaints against police by Indigenous community members?

We will seek views about the complaints process and consider ideas for possible improvements. We would like views on:

- » the accessibility of the complaints process
- » access to information about the progress and outcome of complaints
- » the effectiveness of police dealing with complaints against police
- » the efficacy of using a range of options to deal with complaints, including investigation and mediation.

f Does the current and planned level of surveillance and monitoring of people in detention provide a safe and accountable custody environment?

We will consider police custody policy and practices, and detention facilities — and in particular surveillance cameras. We will consider ‘cell watch’ initiatives and seek views as to whether people from the community could have a role in monitoring people in custody. We would like views and information on:

- » police detention policies, practices and facilities
- » the advantages and limitations of surveillance technology, such as CCTV monitoring and recording
- » the issues associated with civilian monitoring of people in custody.

g What are the issues in regard to police detention in the Torres Strait Islands, given that there is only one watch-house in the Torres Strait?

h What can be done to keep people out of custody?

We will consider whether more use can be made of alternatives to arrest or detention for lesser offences. We would like views and information on:

- » the use of arrest or alternatives to arrest, and of detention or diversion from detention, and changes in these over time
- » the scope for increased use of alternatives to arrest
- » the scope for increased use of bail and diversionary options
- » the capacity of communities to sustain diversionary options.

HOW YOU CAN HAVE YOUR SAY

To ensure that we are fully informed, and have the opportunity to consider all views, we invite you to provide submissions. The CMC's final report may refer to specific information presented in submissions demonstrating how you, your organisation or your community feel about these issues.

There is no set format for written submissions. You may wish to write a letter or a substantial report, and you may attach appendixes and other supporting documents. You may write or type your submission. You may post or email it.

Although submissions are usually made in writing, this is not essential. They may be made by telephone or face-to-face if you wish.

Please ensure that your name, address and telephone numbers are included with your submission, and keep a copy of your submission. Your submission may be displayed on the CMC website <www.cmc.qld.gov.au> unless you want it to be confidential (see 'Will my submission be confidential?' opposite).

Post your submission to:

CMC Inquiry into Policing in Indigenous Communities
GPO Box 3123
Brisbane Qld 4001

or email it to:

indigenouspolicing@cmc.qld.gov.au

or fax it to:

07 3360 6333

Or you can telephone (free of charge from outside Brisbane) on:

1800 061 611

(Please tell the person who answers the phone that you are calling about the Inquiry into Policing in Indigenous Communities.)

Queries can be directed to the **Research and Prevention Unit** of the Crime and Misconduct Commission on **07 3360 6248**.

Deadline for all submissions is **Friday 1 June 2007**.



FREQUENTLY ASKED QUESTIONS

Is the inquiry independent?

Yes, the inquiry will be completely independent. The manner in which it will be conducted will be determined by the CMC alone.

How can I contribute to the inquiry?

The CMC intends to consult a broad range of stakeholders. It also intends to rely on a number of different consultation methods including, for example, calling for public submissions, holding meetings with interested parties, soliciting submissions from key stakeholder organisations, and holding public hearings.

Will someone be coming to my community to talk to me?

In April and May 2007, a CMC team will visit Aboriginal and Torres Strait Islander communities throughout Queensland to meet with councils, community justice groups, community members, local police and others. In regional cities, such as Cairns, Townsville, Rockhampton and Mount Isa, the CMC team will also meet senior police, the legal services, government agencies including Aboriginal and Torres Strait Islander Partnerships (ATSIP), and other stakeholders.

Who can make a submission?

Any organisation, community member, government agency, police officer, public servant or member of the public can make a submission to the inquiry, and is encouraged to do so. We invite submissions by email or letter. We have a freecall telephone number (**1800 061 611**) for submissions to the inquiry.

Your submission should address the matters listed under the heading 'What the inquiry will examine' in this issues paper.

Will my submission be confidential?

Your submission may be displayed on the CMC website <www.cmc.qld.gov.au>. If you do not want your submission displayed on the website, please mark it 'NOT FOR DISPLAY'. If you are willing to have your submission displayed, but do not want your name shown, please mark your submission 'NAME NOT FOR PUBLICATION'.

Who can attend the public hearings?

Key stakeholder representatives will be invited to attend and make submissions. The public can attend the hearings.

Can I make a complaint against police?

The inquiry will not be dealing with individual complaints against police officers. However, if you wish to make a complaint you may do so. Contact the CMC if the matter is serious, or, for a less serious matter, contact a police station to make the complaint.

The CMC can be contacted by phone on **3360 6060** (Brisbane area) or **1800 061 611** (free of charge from outside Brisbane).