

## **Part 2:**

### ***Improving relations with police***

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This part of the report responds to our first term of reference and deals with improving relations between the police and people in Queensland's Indigenous communities.

In Chapter 7 we describe relations between Indigenous communities and police. It is our view that the relationship is variable, but that it can generally be characterised as fragile, tense and highly volatile. These relations must be understood in terms of the history of events, including Australia's colonial history, events preceding and including the Royal Commission into Aboriginal Deaths in Custody, and the more recent death of Mulrunji and its aftermath.

In Chapter 8 we consider the main causes of tension and conflict in the relationship between police and Indigenous communities, including the respective contributions of overpolicing, underpolicing and high crime. We also outline the strong views put forward by members of Queensland's Indigenous communities that what is needed is more active and responsive policing, not less policing.

In Chapter 9 we consider policing strategies and how 'more' policing can be provided in these communities without further inflaming tensions or damaging relations, but in a way that can actually help to improve relations.

Chapter 10 considers the vital but difficult part to be played by Indigenous people in policing roles. One of the solutions often proposed to improve relations between the police and Indigenous communities is to increase the number of Indigenous police or otherwise increase Indigenous involvement in policing. This chapter considers the efforts that have been made in Queensland to use Indigenous community police, QATSIP officers and PLOs as a way of giving Indigenous people opportunities to be directly involved in delivering policing services.

Chapter 11 looks at what can be done to improve relations in terms of the level of support provided by the QPS to officers in these communities; it considers issues of recruitment and retention, cultural training of police serving in Queensland's Indigenous communities and QPS organisational structures to provide support.

Chapter 12 provides a detailed discussion of our proposed new structure within the QPS, the Indigenous Partnership Policing Command, to provide a high-level and dedicated focus on improving Indigenous policing.

## UNDERSTANDING RELATIONS

**We describe relations between police and Queensland’s Indigenous communities as tense, fragile and highly volatile. Such a description should come as no surprise to any Australian with an awareness of events in our colonial history, or indeed of contemporary police-related events involving Indigenous people.**

**In this chapter we consider:**

- **why good relations are important in Queensland’s Indigenous communities**
- **how relations were described to our inquiry by members of Queensland’s Indigenous communities and police**
- **the context of historical events within which the lack of trust and confidence in the relationship between police and Indigenous communities must be understood.**

### Why are good relations important?

There are many reasons for the importance of positive relationships between police and Indigenous communities.

Though it would be unrealistic to expect ‘universal love of the police’, particularly from ‘those at the sharp end of police practices’, effective policing depends very much on an adequate degree of community support (Reiner 2000, p. 49). In the absence of public confidence, people may be less willing to report offences, provide information necessary for investigations, or cooperate with other requests made by police. Poor relations with police can also reduce the legitimacy of the law and the criminal justice system itself, which may ultimately lead to more offending behaviour.

Without effective policing, it can be argued that Queensland’s Indigenous communities will not have the level of stability necessary for achieving improved outcomes in a wide range of other areas of Indigenous disadvantage such as education, health and employment.

During our consultations with Indigenous communities, we heard much acknowledgment of the importance of good relations with police. People across communities recognised two main things:

1. That police play an important part in achieving a safe community and that people generally want the police
2. That good relationships with police are essential for effective policing and that the relationships should be improved.

Although most police recognised the central importance of strong relations for effective policing, one officer-in-charge stated his belief at the opposite extreme: ‘You don’t need a relationship with the community to police here. I’m about law enforcement.’

## How can relations be described?

At the outset we must acknowledge that any generalisations about the relationship between police and those living in Queensland's Indigenous communities cannot provide a completely accurate picture of relations. Relations between police and Indigenous communities are highly variable from place to place and from time to time, and are particularly dependent on the individual speaker and the officers that any individual speaker has in mind.<sup>118</sup>

Our inquiry heard a range of views from Queensland's Indigenous communities about relationships with police. In some of our community meetings the relationship was described as 'quite good', while in others the relationship was described as 'pretty poor' or 'bad'. For example, in one community people commented: 'there are two officers ... they don't treat people right, we don't want them here'. At another location one older woman described the police as 'our guardian angels really, just like the Flying Doctor Service'.

That being said, relations between police and Queensland's Indigenous communities can be generally described as 'tense' or 'fragile'; they demonstrate a level of volatility not found in most other places.<sup>119 120</sup> In general, it can be said that community members did not have high levels of trust and confidence in their police; in particular, the lack of confidence in police was related to people's beliefs about the inability of police to protect them from crime and violence.

Most police working in Queensland's Indigenous communities clearly had positive intentions. It was often stated they were there because they wanted to 'help' or to 'make a difference'. One OIC said that he had made his decision to work in a community based on the fact that 'there are just so many problems here that I thought I must be able to help to fix some'.

Some police referred to the difficulties involved in working in these high-crime communities and admitted that relations could be strained. At the time of our initial consultations, relations in some communities, especially Doomadgee and Aurukun, were described as particularly volatile. During more recent consultations, we heard the situation at Woorabinda described as a 'tinder box' and at Mornington Island, police stated their perception that for many members of the community 'we're the enemy'.

Some officers were 'tired' of the problems they confronted in these communities and of continually dealing with the same offenders without seeing any improvements. One OIC said that after a while it feels as though 'every job is the same as the last, we're always dealing with alcohol fuelled violence'. One District Inspector advised that he saw young officers arrive at communities 'all keen and full of good intentions', only to ultimately 'have their hearts broken'

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118 This view is consistent with the description of relations between police and Indigenous communities in Queensland provided in previous reports (see Aboriginal and Torres Strait Islander Women's Task Force 1999, pp. 226–32; Fitzgerald 2001, p. 179).

119 This is consistent with results from the CMC's 2008 public attitudes survey, which revealed differences in perceptions of and experiences with the police between Aboriginal and/or Torres Strait Islanders and non-Indigenous respondents. For example, Indigenous respondents:

- generally reported having more negative perceptions of police and believing that the police generally or mostly behave badly
- were also less likely to report having had a satisfactory experience with a police officer, yet were significantly more likely to report having had an unsatisfactory experience with an officer, or knowing of someone who had
- reported less confidence that complaints made against police would be properly investigated.

The majority of survey respondents in 2008, regardless of Indigenous status, perceived that Aboriginal and Torres Strait Islanders are treated differently from 'white' Australians by police in Queensland (CMC 2009).

120 Complaints received about police by the CMC and the QPS also provide a measure of relations between Queensland's Indigenous communities and police. We found that about 20 per cent of all Indigenous complaints made against police since 2004 are from Queensland's Indigenous communities. Given the difficulties that Indigenous people in these communities may have making a complaint against police, this proportion of complaints from Indigenous communities indicates that the relationship with police in these communities is fraught.

after regularly experiencing abuse, violence and allegations of misconduct. Another Senior Sergeant described his plans to leave the community he had been in for a number of years, saying 'people ... [here] have done their dash with me now'.

Police in some communities indicated that they did not feel well supported by the local Indigenous council. The relationship between police and councils was particularly difficult in those places where some councillors are known or suspected to be involved in illegal activities, or where they are heavy drinkers or known to be opponents of the AMPs that police are required to enforce. Some police said they were aware that certain individuals would try to inflame others over even innocuous policing incidents, to incite tensions and undermine the standing of the police. One District Inspector also described the tension that had arisen after a councillor had been charged with a minor breach of the AMP (a bottle of wine had been found at the councillor's home). The councillor had no previous convictions and had been a supporter of the police. Police had discreetly tried to give an assurance that they had not lost respect for the councillor over the matter. However, at our meeting with the council, that councillor clearly remained upset with the police.

We specifically asked local police if they felt safe living and working in the Indigenous communities. Despite the reputation of many of the communities for violence, every officer claimed to feel safe. One officer said that she much preferred working on Palm Island to the Gold Coast, as she had experienced far less violence directed at her on Palm. However, like other officers we spoke to, she went on to describe an assault she had suffered in the community. At one community, police produced concrete blocks and metal bars that had been used in recent assaults against police while they were searching for home brew. The incidents described to us did not result in the officers we spoke with receiving serious injuries, though from the stories they told it seems they were fortunate not to do so. The point being made by police was that, although the violence against police may be no worse than in some other places, it is certainly still part of the job.

A small number of officers qualified their claim of feeling safe by saying that they would be very wary out in the community at certain times or places, or that they would never respond alone to calls for service from certain households. They noted a tendency for particular people, described by police and others as 'very angry young men', to throw rocks at police vehicles or to vigorously resist arrest.<sup>121</sup> One police officer described the dangers of working at night in such isolated locations, in complete darkness, with no 'backup' available, and confronting suspects who may have extensive histories of violent behaviour.

Some police noted that the anger and violence directed at them were not in any way 'personal'. They observed that offenders who have fought against and assaulted police will often come back the next day or when sober and apologise for their behaviour.

## Good relations are possible: policing 'legends'

Importantly, Indigenous people in almost every community named individual officers, both currently serving and from past years, who were highly regarded.<sup>122</sup> Local police and others we spoke with also named the same officers. Some referred to them as the 'legends'.

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121 As described in Chapter 4, we examined QPS offence data over a 12-year period to 2006 to determine the number of assaults against police in the Indigenous communities (including those recorded as assaults where the victim was a police officer and 'assault police' incidents). We found that on average about 5 per cent of all assaults involved a police officer victim (the range was from 3% to 8% across the communities). This does not appear to be excessively high, given the high rate of assaults generally in the communities and the high number of police per population, but we have no comparison data for other locations.

122 This is consistent with other reports which described the overall relationship with police as a concern but which also acknowledged that, on a one-on-one basis, some strong relationships existed between individual officers and members of Indigenous communities (see, for example, Aboriginal and Torres Strait Islander Women's Task Force on Violence 1999, pp. 226–32; Fitzgerald 2001, p. 179).

These officers, largely because of their attributes as individuals, employed a firm but fair style of policing that engendered confidence, trust and respect. Officers who people believed were not respectful, were authoritarian in their manner, or were 'too rough with us' were also mentioned to us, with some referred to as 'bullmen' (there were both males and females).

The OIC of the police station in one of Queensland's Indigenous communities is clearly very much the key in terms of community relations; it is the OIC to whom less experienced officers and community members look for leadership, and who sets the tone and style of policing in a community. Notably, almost all the serving OICs we discussed across the communities were held in high regard. In one community, police described the influence of the OIC on behaviour of community members. They stated that during those periods when the OIC was away from the community, such as when he is on holidays, it was noticeable that some people in the community would 'play up'.

## History of events provides important context

### Australia's colonial history

The fragile, tense and highly volatile relations between police and Queensland's Indigenous communities must be understood within a historical perspective. As Professor Chris Cunneen (2001a, p. 13) states: 'It has become generally accepted that police forces in Australia have provided a consistent and generally oppressive point of contact between Indigenous people and colonial society'. Historically, police were involved in armed conflict with the Indigenous population during the early period of colonisation and then for over a century police acted to administer the government's policies of 'protection', which included ensuring compliance with child removal policies and regulating Indigenous movement. This history continues to affect contemporary relations (detailed descriptions of this history can be found elsewhere — see, for example, Cunneen 2001a; Finnane 1994; Johnston 1991).

### Contemporary history of relations

Events in the more recent past also must inform our understanding of relations between police and Queensland's Indigenous communities. The Royal Commission into Aboriginal Deaths in Custody was conducted because Aboriginal people's level of anger toward, and fear and suspicion of, police regarding deaths in custody that had occurred had built to very high levels. The report stated that the extent to which Aboriginal people 'regard the police as enemies' at that time was illustrated by the fact that:

When a series of Aboriginal hangings occurred in police cells, there were large numbers of Aboriginal people who could and did readily draw the conclusion that police were simply killing Aboriginal people. (Johnston 1991, vol. 2, p. 207)

The Royal Commission described the attitude of Aboriginal people to police as one of widespread 'hostility' and 'antipathy'. It stated that 'very often police are the visible and obvious target for Aboriginal frustrations' (Johnston 1991, vol. 2, pp. 195 & 207). The results of a survey of police in Queensland conducted by the Royal Commission indicated that police themselves agreed relations were not good and that things needed to change (Johnston 1991, vol. 2, p. 216).

The Royal Commission did not establish that any of the Aboriginal deaths in custody it investigated were due to deliberate violence or brutality by police officers; rather it found that the high number of Aboriginal deaths in custody were a direct result of the high number of Aboriginal people in custody. However, the Royal Commission argued that relations between Aboriginal people and police were a key factor in determining the number of Aboriginal people in custody (Johnston 1991, vol. 2, p. 194) (see the further discussion of arguments about overpolicing in Chapter 8).

At about the same time the National Inquiry into Racist Violence provided extensive documentation of Indigenous complaints of violence against criminal justice agencies, including police, in all states and territories. The report found that the relations between Aboriginal people and police were 'at a critical point' due to the 'widespread involvement of police in acts of racist violence, intimidation and harassment' (HREOC 1991, p. 1).

In Queensland, reports since the time of the Royal Commission have continued to describe relations between police and Indigenous communities as highly problematic. For example:

- the report of the Aboriginal and Torres Strait Islander Women's Task Force on Violence stated that the relationship between Indigenous communities and police needed to be improved; it described 'continuing hostility, mistrust, suspicion and fear between communities and Queensland police'(1999, pp. 226–32)
- Fitzgerald's *Cape York Justice Study report* (2001, p. 179) noted the pervading sense of distrust and alienation that members of Indigenous communities feel in relation to the criminal justice system as a whole, and police in particular.

Since the Royal Commission, other Aboriginal deaths in police custody, including in Queensland, have continued to see Aboriginal people direct suspicion and anger at the police. In 1993 Daniel Yock, an 18-year-old Aboriginal youth, was picked up by police for disorderly behaviour in West End and was dead on arrival at the Brisbane City Watch-house. The following day, Aboriginal people brawled with police outside police headquarters (see CJC 1994). In NSW in 2004, the death of an 18-year-old Aboriginal youth, Thomas James Hickey from injuries sustained during police operations sparked rioting against the police in Redfern in Sydney (NSW Police 2004).

Like those events that triggered the Royal Commission over 20 years ago, the events that triggered this inquiry (see Chapter 1) also show that many Indigenous people in Queensland's Indigenous communities have a continuing mistrust of the criminal justice system generally, especially police, and that many carry an expectation that Indigenous people will be treated unjustly and violently by police. For example, Queensland courts have found that, during the days that preceded the Palm Island riot, there was 'expectation, anticipation and suspicion in some parts of the Island community that improper conduct by police might have been involved'. In this context, a public meeting at which it was suggested that the 'official' view might be that the death of Mulrunji was an accident triggered the riot (see *R v. Poynter, Norman & Parker; ex parte A-G (Qld)* [2006] QCA 517 at [62]; see also *R v. Wotton* [2007] QDC 181 at [8]; *Clumpoint v. Director of Public Prosecutions (Qld)* [2005] QCA 043).

Although the riot on Palm Island may have resulted in part from the fragile pre-existing state of relations with police, the death of Mulrunji, and its aftermath, had a serious impact on relations in the short term and arguably also in the long term.

### **Mulrunji's death and subsequent events**

The death of Mulrunji and its aftermath did very obvious damage to relations between police and the Palm Island community in the short term:

- In January 2006, a report commissioned by the Queensland Government soon after the death of Mulrunji and the riot that followed on Palm Island argued that the relationship between the community and the police there had effectively broken down. The report stated; 'Recent events have led to the development of a "siege mentality" ' (McDougall 2006, p. viii). This statement may have been true of both police and the community at the time.
- About six months after the death of Mulrunji and the riot on Palm Island, police commented that relations were still 'uneasy' on the Island and that the period since the riot had been marred by regular violence directed at police or police property, such as windows of police vehicles being smashed or rocks being thrown at officers (see *Clumpoint v. Director of Public Prosecutions (Qld)* [2005] QCA 043).

Although the damage to relations has been felt most acutely on Palm Island and by those directly involved in the events, there has also been an ongoing broader impact leading to increased levels of antagonism, mistrust and frustration between Indigenous Queenslanders and police, as we describe below.

### **Impact on police involved**

Police involved in the riot described it as the most difficult and terrifying situation they had ever been in. The victim impact statements provided by police to the court indicated that during the riot officers feared their own deaths were imminent, and they did what they could to make contact with and say farewell to loved ones. The video evidence suggests that the possibility of police discharging firearms, even with the purpose of killing, was very real (see *R v. Poynter, Norman & Parker; ex parte A-G (Qld)* [2006] QCA 517 at [29]). One victim impact statement from a police officer involved says:

... I know this may sound overdramatic, given that I didn't end up firing a single shot, however the fact that I made a cold, logical decision to fire into a large crowd if necessary with obvious consequences has caused me much angst since. I often reflect on how much bigger this whole sorry Palm Island saga would have been if that lock had given away and we had ended up firing on the crowd, killing God knows how many people ... (*R v. Poynter, Norman & Parker; ex parte A-G (Qld)* [2006] QCA 517 at [29])

In the same case, the following victim impact statement made by one police officer was described as reflecting a 'common theme' for the police involved:

I think the whole incident has left me with an overall feeling that I don't care what happens with Palm Island or its people and this I feel has diminished my humanity a little. (*R v. Poynter, Norman & Parker; ex parte A-G (Qld)* [2006] QCA 517 at [29])<sup>123</sup>

District Court Judge Shanahan, in sentencing Lex Wotton, a leader of the riot on Palm Island, also commented:

The telling feature of the impact [on police] has been their changed attitude to Indigenous people. Whilst many were dedicated and involved in endeavours to improve relations with Indigenous people, much of that has been overcome as a result of what they were subjected to on that day. (*R. v. Lex Patrick Wotton (Qld)* [2008] DC Transcript, Townsville, 7 November, p. 11)

### **Impact on community members involved**

The events surrounding Mulrunji's death and the subsequent riot have also had a deep impact on members of the Palm Island community. For example, the events have exacted a tragic human toll there; at least three suicides took place of individuals close to the events as the subsequent legal processes unfolded — the suicides of Mulrunji's son, another relative and his cellmate in the watch-house (see ABC news 2006a; Donaghy 2007).

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123 Similarly we heard during our consultations that young police at Aurukun were shocked and dismayed when some people they had regarded as friends had 'turned on them' during the riot there. It was suggested that this was having a continuing impact at the time of our initial consultations. It has also been noted in relation to other riots that such events can seriously affect police morale. In other similar situations where riots have occurred, police have reported feeling 'really let down ... We like to think we are friends to the community, not enemies. But some people down there treat us like an occupying force' (cited in Weatherburn 2006, p. 26).

Court cases have also revealed the trauma caused to members of the community by the police response to the riot. One case describes this police response as the ‘overwhelming use of State force to reassert police authority over the community’ (*R v. Wotton* [2007] QDC 181 per Nase DCJ). Another case describes the circumstances of the arrest of a rioter, in the days after the riot when a state of calm had been restored, as an ‘an alarming and terrifying experience’:

... Twenty-four police officers attended the house. They included 13 members of the Special Emergency Response Team (SERT), members of the Public Safety Response Team (PSRT), and Detective Sergeant Robinson, the officer in charge of the Palm Island CIB. The SERT officers were armed with automatic machine guns and wore black clothing, gloves and balaclavas with goggles. They made forced entry to the house through an upstairs locked door ... From the bathroom Sergeant Robinson could hear the shower running. The bathroom door was locked. Entry to the room was forced by SERT officers who, with Sergeant Robinson, entered the room. The shower curtain may have been ripped off its rail ...

SERT officers effected the arrest. Guns were probably pointed at [the offender] and he was told in no uncertain and in forceful terms to put his hands up. He was handcuffed behind his back. At some stage he was allowed to put a pair of shorts on ... (*R v. Poynter* [2006] QDC 019 per Wall DCJ at p. 2)

Another Palm Island man, David Bulsey, who was filmed trying to stop the riot, was similarly arrested and charged in the days after the riot. A number of police officers with guns forced entry to his home when he and his heavily pregnant wife and six children were in bed; his forceful arrest was witnessed by the family and he was removed from the island and put in prison. Although Bulsey was granted bail a fortnight later, he was unable to return to the island and his family until the charges were dismissed many months later (ABC news 2005a, 2005b). He and his wife are now seeking damages for the trauma caused to him and his family by his ordeal (Chilcott 2008). A number of other Palm Island residents are also seeking compensation from the Queensland Government in relation to the events that followed the death of Mulrunji.

### **Impact on the broader community**

Mulrunji’s death and the subsequent events have been played out very publicly.<sup>124</sup> Every step along the way — each of the justice system processes — has attracted controversy and debate. This is true, for example, of:

- the investigation of Mulrunji’s death
- Acting State Coroner Clements’s Finding of Inquest
- the decision to not prosecute and then the decision to prosecute Senior Sergeant Hurley
- the successful appeal to the District Court by Senior Sergeant Hurley, and then the appeal to the Court of Appeal made by Mulrunji’s family and the Palm Island Council, in relation to the findings of Acting State Coroner Clements that Hurley’s actions caused the death of Mulrunji (see Chapter 1 for further details).

Both the police and Indigenous people have publicly expressed support for their ‘side’ in the controversy. For example, both police and Indigenous supporters have organised or planned rallies, protests and marches.

There were controversial aspects of the police response to the events as they unfolded:

- The Police Commissioner continued to defend the actions of police on Palm Island even after strong criticism was expressed about the police conduct of the investigation of Mulrunji’s death — for example, in the Acting Coroner’s Finding of Inquest (see Koch & Parnell 2005, p. 7; Walker 2006, p. 4).

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<sup>124</sup> Several books have now been published about the controversy (see, for example, Waters 2008; Hooper 2008).

- For a period of time, many police officers wore blue armbands with Hurley's police number on them; these armbands were sold by the police union to encourage officers to show their support for Hurley and to raise funds for his legal defence. The Townsville Correctional Centre banned centre staff, police and visitors from wearing the armbands because of concerns they could be 'offensive' and could 'cause trouble', but QPS officers were otherwise free to wear these armbands, even while on duty in Indigenous communities (see Musgrove 2007, p. 25; ABC news 2007a).
- The Police Commissioner awarded medals for bravery to police on the eve of the sentencing of one of the ringleaders of the riot. Two of the officers awarded medals were those criticised for their actions in conducting the investigation of Mulrunji's death. In these circumstances many people thought the timing of awards was insensitive and inflammatory; some thought that there were some locals whose actions in trying to put out fires and calm the tensions were equally worthy of recognition (see Michael 2008; ABC news 2008a, 2008b).

The outpouring of support for Senior Sergeant Hurley from fellow officers was very strong; many officers felt personally offended at Hurley's treatment by the justice system. For example, police were widely reported as being 'angry and incensed' over the decision ultimately made to lay charges against him. Police union executive officer Sergeant Mick Gerrard was reported as saying that every police officer in the state was 'living in fear' after the decision (*Gold Coast Bulletin* 2007, p. 4). The then police union vice-president, Denis Fitzpatrick, said: 'Basically the whole police service feels that this sort of incident could happen to them on any given day, and they want to get in and help' (Flatley 2007, p. 6; see also Wilkinson 2007, p. 3).

On the Indigenous 'side':

- after Lex Wotton, a leader of the riot at Palm Island, was sentenced to seven years jail for his role, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, stated that it was a 'sad day' for Indigenous people that a sentence such as this had been handed down and that 'Indigenous people are being forced into a situation where they have to react to get attention' (ABC news 2008c; see also Pearson 2006c)
- others have claimed that Lex Wotton is a 'political prisoner' and have campaigned for his release (see, for example, <<http://freelexwotton.blogspot.com/>>)
- the Palm Island Mayor, Alf Lacey, caused the then Queensland Government Police Minister, the Hon. Judy Spence, to cancel a trip to Palm Island when he stated that she 'was not welcome on Palm Island' because the police involved in the riot were to be awarded medals (ABC news 2008d).

It has frequently and publicly been stated that aspects of the case demonstrate that police and the legal system cannot be trusted. For example, Professor Gracelyn Smallwood has repeatedly called for a Fitzgerald-type inquiry into alleged corruption in the Queensland police force and a Royal Commission into the death of Mulrunji (ABC news 2007b). Professor Paul Wilson, a criminologist at Bond University, and Mike Reynolds, then Member for Townsville, have also called for a Royal Commission (ABC news 2008e). Noel Pearson stated, at the time of the Director of Public Prosecutions' original decision not to prosecute Hurley, that it was 'driving Indigenous people to the depths of despair'; others have claimed that it showed 'there's a different value of a white life and a black life in the state of Queensland' (cited in ABC news online 2006). Palm Island leaders have continued to call for 'unanswered questions' regarding the case to be dealt with (cited in ABC news 2008e). The level of mistrust and cynicism about police conduct in the Indigenous population has risen to such an extent that the *National Indigenous Times* in late 2008 published an editorial describing what it perceived to be the injustices associated with the case. It included the following 'old Queensland joke that seems to have plenty of relevance today':

Q: Hey, Jimmy, did you see that Billy Smith died?

A: Died? I didn't even know he'd been arrested. (Graham 2008)

Ultimately it appears likely that the death of Mulrunji and subsequent events have had a seriously divisive and corrosive effect on relations. The events have polarised views about police relations with Indigenous communities, and this is true well beyond the individual officers who were present when the rioting occurred and the affected community members. Like the Royal Commission into Aboriginal Deaths in Custody, these events have become a landmark in their own right in terms of Indigenous affairs in this country, but unlike the Royal Commission, to date, they carry little in terms of a message of hope.

Although they have been many, and taken a long time, the justice processes associated with the death of Mulrunji have not had a reconciling effect; a great deal of trauma and ‘unfinished business’ still remain and this is likely to contribute to the ongoing buildup of frustration and anger if it is left unresolved. The Queensland Premier, the Hon. Anna Bligh, has acknowledged that, although the matter has been through numerous legal processes and been the subject of extensive legal consideration, ‘it has been a traumatic process for all involved’ (cited in ABC news 2008g). Our limited consultations undertaken in 2009 to finalise this report indicated that relations on Palm Island were thought by police at least to have ‘settled down’ and the current OIC was said to have had a calming influence. Despite this seeming improvement, it is our view that the police and the community on Palm Island will need to make a dedicated effort to heal wounds and build bridges into the future. We cannot, however, dictate to police or the community how such a process should unfold.

### **A wide range of events have inflamed tensions**

Any consideration of events in Queensland’s Indigenous communities will show that a wide range of police-related events have from time to time seriously inflamed tensions with communities. The events at Aurukun that also led to our inquiry provide an example in which a riot against police was triggered by a far less serious set of circumstances than a death in custody (see Chapter 1 for details of these events).<sup>125</sup> It has also been publicly reported that the following circumstances have all led to rioting and posed a serious threat to relations with police in particular communities:

- policing of a domestic disturbance at Aurukun in February 2009, which led to a group of people gathering outside the police station and officers being flown in to assist from Cairns (ABC news 2009b)
- the introduction of alcohol restrictions on Mornington Island in 2003 (Townsend 2003)
- ‘boredom’ and parental neglect in Woorabinda in 2006, said to be the cause of a riot that involved up to 40 young people; during the riot a police vehicle and the police station were attacked (ABC news 2006b).

We saw firsthand during our consultations that the relationship with police in Queensland’s Indigenous communities can quickly change and that sometimes even seemingly minor or day-to-day events can be sufficient to inflame serious tensions. For example, we conducted a general community meeting in Doomadgee that was attended by a large number of people, some of whom were clearly very angry about a range of incidents, several involving local police.<sup>126</sup> One recent incident in particular was raised, with claims that ‘this is going to be another death in custody!’. We describe the community complaints about this incident and the police version of events in the accompanying text box.

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125 This also reflects experience overseas, which shows that ‘police conduct’ often forms the precipitating event in riots (see Sherman 1983; Weatherburn 2006).

126 We learnt that tensions were high in the community at the time over several matters, including native title issues, alcohol restrictions and the prospect of welfare reforms and Commonwealth intervention, as well as police activities such as child safety investigations, enforcement of alcohol restrictions and arrest incidents.

### **The custody incident at Doomadgee**

The incident raised at our general community meeting in Doomadgee was the arrest of a local man several days before our visit. We were told that police had gone to a house and arrested the man for no reason and without a warrant. The incident had been filmed by residents of the house and the video was posted on the internet to publicise the 'injustice'. At the community meeting, claims were made that the man would die in custody. It was not clear if anyone present had actually viewed the video, but several people became very agitated and then told us of their concerns about police activities generally. The matters of concern ranged from arrests of people for charges such as breaching alcohol restrictions and causing a public nuisance, to a police officer swearing when he found that the post office was closed. Some of those present also demanded to know why police were not charged with offences by the CMC (this primarily related to a complaint matter previously investigated by the QPS and monitored by the CMC).

After the community meeting, senior police described their version of the arrest incident to us. A warrant had been issued for the arrest of a man after a breach of parole. On learning of the man's location, three police officers attended a house and arrested the man. The officers were aware they were being filmed. Police later learned that the video-recording had been posted on the internet.

The day after the community meeting, an inquiry team member met with a Queensland Corrective Services officer. When asked about the incident, the corrections officer confirmed that a warrant for breach of parole had been issued. We were later able to view the video on the internet. The video shows police arriving by vehicle at the front of a property. Officers can be heard advising the man and others present that they had a warrant to arrest him and return him to prison for breaching parole. The three officers present were heckled and jostled throughout the incident, causing two officers to trip down steps, but the officers did not react other than to advise the residents that they would be charged for obstructing police.

This incident shows that, where there is mistrust or suspicion (which may arise for a variety of reasons, including the history of police interactions with Indigenous people), the detention of a person in police custody can become a 'flashpoint', exciting strong emotions and intense hostility.

Our view that past police-related events occurring in Queensland's Indigenous communities show that a wide range of circumstances can trigger a crisis in relations, or seriously damage them, is consistent with Professor Don Weatherburn's (2006) review of events that trigger the most extreme breakdown in relations with police, in that they have led to riotous behaviour. He concludes:

There does not seem to be any discernible pattern to events that trigger riots in crime-prone neighbourhoods. The flashpoint may be a serious miscarriage of justice, such as the acquittal in Los Angeles of a number of white police officers involved in the brutal bashing of Rodney King. What outsiders might view as innocent events, however, can also spark a serious riot. The riot in Macquarie Fields was sparked by the death of two young men fleeing from police in a stolen car. The Redfern riot was sparked by the death of TJ Hickey while being followed by police. The riot in Walgett in February 1997 was sparked by police attempts to arrest two women engaged in a fight outside of a local pub ... The more interesting question for policy, then, is not what sparks the riot but what causes a build up in anger, resentment and frustration in a local community or a significant section of it. (p. 23)

As suggested by Weatherburn, the interesting policy question is not so much to consider in detail what events trigger an immediate crisis in relations with police, but to understand what contributes to the buildup of anger, resentment and frustration in a community and how policing can be conducted in such a way as to minimise these effects.

## Summary and conclusions: sustained effort needed

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 a relationship that is fragile, tense and volatile. Many members of Queensland’s Indigenous communities continue to be distrustful and suspicious of police, and may often carry an expectation that Indigenous people will be treated unjustly and violently by police.

The relationship between Indigenous communities and police is lacking in trust and confidence to such an extent 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; we know 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 on the ground 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 are held by officers who can provide strong leadership in this area.

Building relations based on trust and confidence between police and Indigenous communities is worthy of priority. The development of positive relations with police in Queensland’s Indigenous communities 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 was been the nominated Queensland Government Champion,<sup>127</sup> but high-level visits to the large number of Queensland’s Indigenous communities are otherwise generally rare — see Appendix 2, which describes the Queensland Government’s Champions initiative (April 2002).

### ➔ Action

**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.

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<sup>127</sup> In July 2009 new Government Champions were announced. The Commissioner of Police is now Champion for the Torres Strait Islands and the Assistant Commissioner Far Northern Region is now the Champion for Wujal Wujal. We are aware from consultations that the Assistant Commissioner Far Northern Region has on a number of occasions spent time while in that role in other Indigenous communities in his region.

## ➔ Action

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

## ➔ Action

**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.**

While these suggestions are broad, we go on in this report to describe particular strategies that will help to achieve this overarching goal of improved relations.

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. In the aftermath of the death of Mulrunji, the risk of a major event in the future, such as a death in police custody, triggering a crisis in relations is likely to have increased.

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 on foot regarding this matter. After all outstanding litigation has been finalised, it may be that 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.

## ➔ Action

**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.**

In this chapter we have focused on understanding the state of relations between the police and people in Queensland's Indigenous communities. We turn now to consider various arguments about the underlying causes of the tension that exists in these relations.

## OVERPOLICING, UNDERPOLICING AND HIGH CRIME

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 to deal with Indigenous overrepresentation in the criminal justice system and to improve relations with police (see Chapter 2).

In contrast, in Queensland's Indigenous communities there has also been a history of concern being raised about inadequate policing services and the policing response being provided to the serious problems of crime and violence experienced in these communities.

It has also been suggested that 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.

This chapter provides a description of the arguments about the respective effects of overpolicing, underpolicing and high crime on relations. It then describes the community views put to our inquiry, which express a general desire for police to provide more policing rather than less, but which also caution against heavy-handed policing.

### Overpolicing

The notion that tensions may be largely the result of the extent and nature of policing itself typically suggests that tensions rise as a result of overpolicing — that is, what is perceived as discriminatory, unfair or unduly oppressive policing. (In Chapter 4 we have already touched on the notion of overpolicing in so far as it is relevant to interpreting how 'real' the high levels of reported crime in Queensland's Indigenous communities are.)

Overpolicing of Indigenous communities is said to involve:

- a large police presence (relative to the population size)
- the use of strategies such as constant patrolling and intense surveillance to police the highly visible 'social and cultural' behaviour of Indigenous people that occurs in public places — that is, the enforcement of often minor public order offences
- the frequent use of specialist police to control these communities (such as tactical response groups).

Police are therefore said to intervene too frequently in the lives of Indigenous people and to have a criminalising effect (Cunneen 2001a, 2006, 2007a; HREOC 2001).<sup>128</sup>

<sup>128</sup> Arguments about overpolicing often draw little distinction between those communities where the Indigenous population forms the vast majority of the population, such as Queensland's Indigenous communities, and those Indigenous communities that form part of urban and regional centres and country towns (see, for example, Cunneen 2001a). It is perhaps the case that the arguments about overpolicing have greater applicability in the latter areas; we have not explored this question in this inquiry.

The exercise of police discretion in public order policing lies very much at the heart of the argument about overpolicing. We have already referred in Chapter 4 to the research evidence showing that Aboriginal people are highly overrepresented for offences that rest heavily on the exercise of police discretion, such as offensive language and behaviour offences and other 'police offences'<sup>129</sup> such as resist, obstruct, assault police (see Cunneen & Robb 1987; Jochelson 1997, Johnston 1991, vol. 2, pp. 200–202; CMC 2008). Research also shows that Indigenous people more frequently have other discretionary police decisions made against them, such as the decision whether or not to caution or charge an offender (see Cunneen, Collings & Ralph 2005).<sup>130</sup>

The Royal Commission argued that Indigenous people were overpoliced. It suggested that:

- relations between Aboriginal people and police were a key factor in determining the number of Aboriginal people in custody (Johnston 1991, vol. 2, p. 194)
- a great deal of police intervention in the lives of Aboriginal people is not in response to 'serious crimes' or 'harmful conduct' but results from alcohol-related street offences (Johnston 1991, vol. 2, p. 194)
- many of these offences would not occur, or would not be noticed, were it not for the adoption of particular policing policies that concentrate police numbers in certain areas and concentrate police effort on the scrutiny of Aboriginal people (Johnston 1991, vol. 2, p. 200)
- most conflict with Aboriginal people arises from police endeavours to enforce 'street offences' and this 'seeks to impose on Aboriginal people the views of European culture about the appropriate use of public space' (Johnston 1991, vol. 1, p. 199)
- Aboriginal notions about appropriate behaviour in public space include the kinds of behaviour likely to bring them into strife with the police — socialising and drinking in the open, lingering outside shops, sitting on the ground in the street, fighting and loud disputation;<sup>131</sup> non-Indigenous laws transform these legitimate behaviours into non-legitimate and deviant behaviour (Johnston 1991, vol. 1, pp. 199–200).

If the arguments about overpolicing are accepted, it follows that the relationship between police and Indigenous people can be characterised as one of resentment and provocation that can spill over into open confrontation. At the extreme, within this framework of overpolicing, police can be seen as an 'army of occupation', Aboriginal people can be seen as 'political prisoners' and offending can be likened to 'acts of resistance' against non-Indigenous institutions and authorities (see Cunneen 2001a, pp. 4, 42–3).

The answer suggested by the Royal Commission focuses on raising the threshold for police intervention in the lives of Indigenous people, particularly in relation to public order offences. It said that drunken behaviour on the street should not lead to arrest but rather there should be a range of alternative responses put in place, including that police should respond with tolerance and through negotiation (p. 201) (see also Aboriginal and Torres Strait Islander Women's Task Force on Violence 1999, pp. 97, 218 & 220; Fitzgerald 2001, p. 152).

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129 It is often suggested that public order offences such as offensive language and behaviour offences, or those associated with public drunkenness, are also 'police offences' — that is, they are otherwise victimless crimes (see, for example, Cunneen 2001a, p. 29). However, other research shows that public nuisance offences, for example, are often not 'police offences' in the sense that police are frequently asked by members of the public to take some action (see CMC 2008).

130 However, it can be debated to what extent this involves police discrimination or rather reflects the distinct patterns of Indigenous offending, including higher rates of re-offending, non-compliance with community-based sanctions and other 'offences against justice processes' such as breach of bail and failure to appear in court (Weatherburn & Fitzgerald 2006; see also Broadhurst 2002).

131 Marcia Langton's (1988) article 'Medicine square', for example, provides evidence that in traditional Aboriginal society controlled violence and loud disputation in public may well be appropriate, even preferred, methods for resolving disputes. However, the Royal Commission acknowledges that, because of the increase in 'uncontrolled violence' associated with new factors such as alcohol, arguments that violent behaviour is justified or condoned by Aboriginal people in their own culture should be approached with a great deal of caution (Johnston 1991, vol. 2, p. 203).

A number of submissions to our inquiry made reference to the arguments about overpolicing and suggested that changes were needed in the nature and extent of policing in order to rectify this problem (submissions of ATSILS (Qld Sth), p. 5; JCU Law School, p. 11; Levitt Robinson Solicitors, p. 1).

## Underpolicing

Another argument — one that has perhaps received less attention — is that tensions may be largely the result of the extent and nature of policing itself, but because of underpolicing rather than overpolicing. Underpolicing may be characterised by, for example, a chronically poor or unhelpful response to calls for police assistance.

There has been a history in Queensland of criticism from the Indigenous communities themselves about the inadequate provision of policing services to Indigenous communities and, in particular, of police failure to respond to serious violence, especially that committed against Indigenous women.<sup>132</sup> For example:

- the report of the Aboriginal and Torres Strait Islander Women’s Task Force on Violence stated that many women were concerned that police were ignoring their calls for help and this was seen as increasing their risk of serious harm (1999, pp. 226–32)
- the Cape York Justice Study reported that ‘the most common criticism of police was that they did not adequately deal with serious offenders’, especially regarding family violence and especially where incidents occur after hours (Fitzgerald 2001, p. 180).<sup>133</sup>

The inadequate level of policing services provided in the past, at least in some Indigenous communities, was highlighted in a coronial inquest into a death that occurred in a community police van (Barnes 2005), and the QPS has acknowledged the significant challenges involved in providing an adequate level of policing services in the Torres Strait Islands (see submission of the QPS, p. 2).

It follows that, if there is a lack of an adequate policing service or policing response, or if there are perceptions of such, community people may feel they are being treated like ‘second-class citizens’ by police.

## High crime

An alternative explanation is that tensions with police may largely be a direct consequence of policing high-crime communities, because of:

- the high levels of interaction with police, particularly at the ‘sharp end’ of police practices
- a high level of fear or anger about crime in such locations, and heavy reliance on police, perhaps even an overreliance
- widespread anxiety about the possibility of being arrested, detained and possibly imprisoned for involvement in crime (see Weatherburn 2006, p. 24).

As stated by Professor Don Weatherburn, in high-crime communities it may be the case that relations with police can only be substantially or sustainably improved by addressing the crime problem that generates the ‘heat’ (Weatherburn 2006; see also Weatherburn, Fitzgerald & Hua 2003).

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132 The Royal Commission also noted that in remote Indigenous communities there was a question about ‘whether the policing provided is adequate and appropriate to meet the needs of those communities, and in particular, to meet the needs of women in those communities’ (recommendation 88, Johnston 1991, vol. 3, p. 43).

133 The report notes Cunneen’s arguments that police inaction must be considered in the historical context of colonial relations, where Aboriginal women have been subjected to violence and sexually exploited. However, it also notes that police consulted indicated their willingness to target family violence.

## **A clear message: Queensland's Indigenous communities want 'more' policing, not less**

As discussed in Chapter 6, Queensland's Indigenous communities have a high ratio of allocated police numbers to population (and we have noted that in some cases the communities themselves continue to request more police). As discussed in Chapter 4, Queensland's Indigenous communities also have high rates of 'other' offences and these rates are driven by the high rates of good order or public order offences.

However, for people we met in Queensland's Indigenous communities, the dominant concern was about inadequate and unresponsive police services rather than about overpolicing and incarceration rates. As one man put it when the meeting was asked if the community experienced overpolicing: 'those bleeding hearts down south say there is overrepresentation of Indigenous people in the justice system so it must be overpolicing, but you tell them that we say it is underpolicing, there is not enough policing in our community!'

A strong view expressed during our consultations was that most people would like to see police doing more, not less. People wanted a more responsive policing service in a range of ways; for example, people often said they wanted more police, for police to be available when needed, and a faster police response to calls for service. People also often complained that they wanted more punitive approaches — that is, they often wanted more done about crime and safety, including enforcement, and arrest and detention of offenders.

The primary motivation for community members' desires for more policing, not less, was that overwhelmingly people believed that their communities currently were not safe and peaceful. People in Queensland's Indigenous communities consistently and frequently raised their concerns about crime levels, public order and safety issues. This was the key theme from the community consultations. There was a general feeling that the whole approach to tackling crime and order problems should be improved.

Across Queensland's Indigenous communities, people's very high levels of concern about high crime levels and safety issues often translate into a heavy reliance on police — and sometimes their expectations of police are too high. For example, many people expected local police stations to operate on a 24-hour basis and for local police to always be available to respond to their calls, regardless of the circumstances.

## **An important caveat to this message: the dangers of overpolicing are real**

The message to our inquiry from Queensland's Indigenous communities was a desire for 'more' policing rather than less, and for policing services to be more responsive in a range of ways. However, there was an important caveat provided to this view about the problem being one of underpolicing, not overpolicing: communities were insistent that policing must be carried out in a particular style if it is to succeed and not in a way that would exacerbate tensions.

We heard at many of our meetings that people were resentful of certain policing strategies that have featured in the overpolicing arguments, such as the deployment of regional tactical crime squads<sup>134</sup> in their communities — known locally as 'blue blitzes' (see Chapter 9 for further discussion of tactical crime squads). The policing of AMPs is also seen, by sections of each community at least (those who are pro-alcohol and anti-restrictions), as a form of overpolicing in that it involves a discriminatory form of police harassment (see the further discussion in Chapter 9 of policing alcohol restrictions).

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134 Tactical crime squads are units formed to focus on particular local crime problems within the region. Numbers of officers in these roles have increased as successive state governments have allocated funding for new squads throughout Queensland. (These squads should not be confused with tactical response groups such as SERT and PSRT which deal with sieges and other major incidents or events).

Other than general concerns relating to the use of tactical crime squads and policing of the AMPs, perception of overpolicing appeared to relate to specific incidents rather than a suggestion that police were guilty of overpolicing the communities in general. The arrest of Mulrunji, discussed in the accompanying text box, provides a universally known example of what was arguably an incident of overpolicing, which had tragic and devastating consequences, but which does not accurately reflect a general pattern of policing. Nonetheless, this single highly publicised arrest, which ultimately led to a death in custody, is likely to have a far greater impact on relations than overall patterns of arrest.

#### **The arrest of Mulrunji**

It is well known that Mulrunji's arrest was for the least serious kind of public order incident — that is, for offensive language only. He is frequently described as having 'gone for a song' or for 'just swearing at a policeman' (Hooper 2008; Waters 2008).

Previous research conducted by the CMC (2008) suggests that arrests such as that of Mulrunji for minor public nuisance behaviour involving only offensive language are not common — that is, the Mulrunji arrest is not representative of 'usual' arrests for public nuisance in Queensland, and arrests for offensive language only are relatively rare. In Chapter 4 of this report we presented other evidence that also indicates that public order charges in Queensland's Indigenous communities are not mainly used for such minor behaviours, but are most frequently used to respond to violence or threats of violence.

## **Summary and conclusions: high crime largely generates tensions**

In the face of the strong community views provided to the inquiry that expressed the desire for more policing rather than less, we cannot say that these communities are generally overpoliced. The communities themselves clearly and consistently were focused on the desire for safe and peaceful communities, and their message was one of wanting to see police being more responsive and doing more rather than less, in order to enhance the safety of their communities.

Consistent with the concerns of community members, evidence presented in Chapter 4 shows that Queensland's Indigenous communities have a serious, entrenched and very real crime problem. Also consistent with community views is the discussion of public order offences we presented in Chapter 4, suggesting that these charges frequently result from police responding to alcohol-related violence or threats of violence, rather than police responding to 'harmless' drunken behaviour. Community consultations strongly suggested to our inquiry that the policing response to such violent and threatening behaviour is thought to be both necessary and desirable by most people in the communities themselves.<sup>135</sup>

It is our conclusion that the picture that emerges in Queensland's Indigenous communities appears to be substantially different from the general pattern noted at the time of the Royal Commission. Importantly, community views about the problem being primarily one of underpolicing rather than overpolicing were closely linked to concerns about the high levels of crime and community safety in Queensland's Indigenous communities.

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135 Even at the time of the Royal Commission it is possible to identify some acknowledgment that a proportion of public order matters were in fact police responding to 'drunken fighting' and violence that were matters of community concern (rather than what was otherwise characterised throughout the report as 'harmless' behaviour and the imposition of non-Indigenous laws and values by police) (Johnston 1991, vol. 2, pp. 196–7). The Cape York Justice Study also noted that some Indigenous people had indicated that they were concerned about drunk and disorderly behaviour — screaming, swearing and fighting occurring in the street — and that they expected such people to be removed by police (Fitzgerald 2001, p. 180).

There is little evidence to allow us to test community perceptions of the 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.<sup>136</sup> 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, even if such action is primarily aimed at changing perceptions. We consider this matter further in Chapter 9.

Ultimately, 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. We continue to develop this discussion about crime prevention throughout the remainder of this report.

## ➔ Action

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

Although this suggestion is broad, other actions throughout this report describe particular strategies that will help to achieve this overarching goal (see, for example, Part 4).

Though it is our conclusion that the greatest improvement of relations in the long term will be brought about by reducing crime levels in these communities, this should not be taken to mean that there are no steps that can be taken now to improve relationships between police and Indigenous communities. Indeed we think it is imperative that a range of things that can be done are done immediately.

There is little doubt that 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, the fact that, in the very high-profile case of Mulrunji, 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, despite the fact that arrests for these types of minor public nuisance offences are relatively rare.

## ➔ Action

**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**

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<sup>136</sup> It is not easy to ascertain from QPS data systems how many calls for service were received in each location over a given period, the nature of the calls (emergency and so on), whether the call was answered locally or diverted, the number of calls discontinued, or the nature and time frame of the police responses. Also we would not be able to identify instances where callers from Indigenous communities discontinued the call.

- 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.

The challenge for police is to provide more policing in a way that is unlikely to increase tensions, damage relations and perhaps even lead to more crime, but rather that will increase trust and confidence in police and reduce crime (see Chapter 9).

## HOW CAN 'MORE' POLICING BE PROVIDED IN A WAY THAT IMPROVES RELATIONS?

In Chapter 8 it was our conclusion that the most important thing that can be done in the long term to improve relations with police in Queensland's Indigenous communities is to reduce crime. We also noted that the people in Indigenous communities we consulted were overwhelmingly more concerned about perceived underpolicing and lack of police responsiveness than about overpolicing and incarceration rates. A key message given by members of Indigenous communities was one of wanting police to do 'more' rather than less policing, to make their communities safer and more peaceful. This message, however, 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 police and 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 riots 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.

This chapter therefore seeks to answer two key questions:

1. What can police do to effectively control crime? That is, what strategies are known to be effective?<sup>137</sup>
2. How should they go about policing so as not to damage relations, but to improve them?

137 It is difficult to scientifically test the crime prevention impact of police practices. Sherman and Eck (2002, p. 301) note that there is a great deal of natural variation in police practices and that control over police practices is difficult for police administrators under normal conditions, let alone under experimental protocols. Measuring the many dimensions of police activity, from effort to manners, is expensive and often inaccurate. They state that 'only a handful of studies have managed to produce strong scientific evidence ... But the accumulated evidence of the more numerous weaker studies can also provide some insights on policing for crime prevention' (p. 301). It should be noted at the outset that much of the available research evidence comes from overseas and was conducted in places that are very different from Queensland's Indigenous communities. It cannot be assumed that the results of such studies would be replicated here. Nonetheless, we must consider the best available evidence of what might work to prevent crime if we are to inform policing strategies in a rational and systematic way.

**In this chapter we consider some of the major policing strategies most relevant to policing in Queensland's Indigenous communities. These are:**

- **community policing**
- **problem-oriented and partnership policing**
- **patrolling**
- **arrests**
- **sport and recreation programs.**

**We consider the research evidence for the effectiveness of each of these strategies (particularly in relation to their crime prevention effectiveness) and we consider how they might be implemented in the light of what we were told during our consultations with communities and police.**

## **Community policing**

### **What is community policing?**

Although there is no single definition or model of 'community policing', it describes a particular style of police engagement with the community that views public cooperation as essential to successful crime control; it seeks to improve the quantity and the quality of contact between police and citizens in order to reduce crime (Sherman & Eck 2002, p. 296). Community policing provides an umbrella for many strategies

... encouraging the public to become partners with the police in controlling and preventing crime. It does this by demonstrating to the public that police are prepared to respond to their security concerns, value their advice, and will act in a fair, honest and impartial manner. In exchange, police ask the public to assist them by providing information about crime, criminals and circumstances that create crime, and by contributing their time, resources, and moral support for crime prevention programs. (Bayley 2005, p. 3)

Common strategies associated with the notion of community policing include neighbourhood watch programs, foot patrols and enhancing the exchange of information between police and the public through 'shopfront' stations, door-to-door visits, newsletters and community meetings.

### **Is community policing effective?**

The wide range of strategies under the community policing umbrella make it impossible to evaluate the effectiveness of community policing as a general approach (Skogan & Frydl 2004). Nevertheless, research suggests that the individual strategies that make up community policing are generally ineffective in reducing crime and disorder; there are, however, some important exceptions.

#### **Strategies to enhance the exchange of information**

Specifically, there is little evidence that neighbourhood watch programs, foot patrols and many tactics designed to enhance the exchange of information between the police and the public (including 'shopfront' stations, newsletters and community meetings) reduce crime and disorder problems. For example, overseas evaluations of police 'shopfronts' (which are often requested by communities), staffed during business hours by a mix of sworn police, paid civilians and unpaid volunteers, consistently show no impact on crime. Similarly, the CMC's evaluation of police 'shopfronts' in Queensland indicated that they had no effect on overall rates of reported crime or shoppers' and retailers' feelings of safety, though they did increase visibility and awareness of police (Mazerolle et al. 2003). Sherman and Eck (2002, p. 317) conclude: 'While there are some positive citizen evaluations associated with storefronts, the problem of staffing the offices once they are open may counterbalance any non-crime benefit.'

### **Door-to-door visits**

In contrast, one community policing practice aimed at enhancing the exchange of information — that of door-to-door visits during the daytime by police — has been shown to often be effective in reducing crime.

When this strategy has been tested in the United States, such visits have sought information (such as about who is carrying guns) or have provided it (such as burglary reduction tips or advice on how to deal with domestic violence), or have simply introduced local police to local residents to make policing more personal. Sherman and Eck (2002) report that four out of seven tests of such practices show ‘modestly strong evidence of substantial crime prevention’. The prevention effects were primarily for car break-ins and other major property crime. However, they also report that the benefits of the program were highly concentrated among white middle-class homeowners, with virtually no benefit for Asian, Hispanic and African-American minorities living in the target area — they conclude therefore that door-to-door visits might be ineffective as a general prevention strategy (Sherman & Eck 2002, p. 317; Skogan & Frydl 2004).

One of the door-to-door experiments, which was conducted in the United States in the context of a major scandal about police beating to death a Mexican immigrant, found that fear of police was reduced after door-to-door visits by police (Wycoff et al. 1985, cited in Sherman & Eck 2002, p. 318).

### **Neighbourhood beat policing**

Beat policing is a specific community policing strategy ‘designed to make an individual police officer responsible for the community’s policing needs in a defined geographical area (the beat)’ (Mazerolle et al. 2003, p. 1). Two main models of beat policing are the police ‘shopfronts’ (discussed above) and neighbourhood police beats, which involve a police officer living and working within the beat. Key features of neighbourhood beat policing are:

- the use of proactive, problem-oriented policing activities designed to target the causes of specific crime and disorder problems in the community
- a focus on developing strong relationships with the community, having personal interactions with community members, and increasing community involvement in crime prevention and other policing activities
- an emphasis on effective responses to calls for service
- a focus on patrols.

Importantly, there is some evidence to suggest that neighbourhood beats are effective at reducing crime and disorder problems. For example, the CMC’s evaluation of beat policing in Queensland showed that there were generally lower rates of reported crime in neighbourhood beats, as well as reductions in the long term in calls for service and chronic repeat calls for service (Mazerolle et al. 2003). Neighbourhood beats were also strongly supported by residents within the beat, and helped to increase knowledge and awareness of policing activities among community members. They were not, however, found to have any impact on citizens’ satisfaction with policing, perceived crime and disorder problems, sense of personal safety, or willingness to report crime (Mazerolle et al. 2003).

### **Strategies aimed at enhancing police legitimacy**

In contrast to the evidence generally about policing practices focused on enhancing the exchange of information, there is research suggesting that community policing strategies aimed at improving police legitimacy are effective in preventing crime (Sherman & Eck 2002, p. 318). A particularly important factor that influences police legitimacy is the perception of procedural fairness — for example, whether people perceive that they were treated in a fair way, whether

they think they were treated with respect and dignity, and whether they believe concern was shown for their views and arguments about the incident (see Hinds & Murphy 2007; see also Mastrofski 1999).<sup>138</sup>

This body of research suggests that increasing police legitimacy in the eyes of community members may encourage compliance with the law and subsequently reduce crime.

For example:

- research has shown strong correlations between perceptions of police legitimacy and self-reported willingness to comply with the law (Tyler 1990; Tyler & Huo 2002)
- a re-analysis of the Milwaukee Domestic Violence Experiment found that repeat domestic violence was lowest among arrestees who thought police had treated them respectfully; a powerful preventive effect on recidivism was associated with police taking the time to listen to the offender's side of the story (Paternoster et al. 1997, cited in Sherman & Eck 2002, p. 318).

It has also been suggested that the effects of an arrest for a minor offence may permanently lower police legitimacy, both for the arrested person and for their social network of family and friends. Arrest in such situations may be perceived as arbitrary or procedurally unfair, may make arrestees more defiant and may be associated with a high official recidivism rate (see Sherman & Eck 2002, pp. 310 & 315) (see below for further discussion of the research evidence on the effectiveness of arrest).

Research also suggests that police officers can increase police legitimacy by increasing the perceived fairness of the processes they use to make decisions and exercise authority:

- A recent Australian study shows that people who believe police use procedural fairness — that is, a fair process when they exercise their authority — are more likely to view police as legitimate and in turn are more likely to be satisfied with police services (Hinds & Murphy 2007; see also Bradford et al. 2009).
- Preliminary results of a randomised experiment with community accountability conferences, used by the Australian Federal Police in Canberra as an alternative to prosecuting juveniles, show that this police-officer-led process greatly increased respect for police and perceptions of justice, regardless of the outcomes (Strang 1996, cited in Sherman & Eck 2002, p. 318).

These studies indicate that the process rather than the outcome is frequently what matters most to people in their dealings with the police. As Skogan states in relation to police contact with victims:

Police are judged by what physicians might call their 'bedside manner'. Factors like how willing they are to listen to people's stories and show concern for their plight are very important, as are their politeness, helpfulness and fairness. (2006, p. 104; see also Mastrofski 1999).

### **Effectiveness in reducing fear of crime**

Finally, there is also some evidence that the increased accessibility and visibility of police brought about by community policing strategies may have a positive impact on fear of crime. The Police Foundation (cited in Skogan & Frydl 2004), for example, found that greater direct contact between the police and the community often reduced residents' fear of crime and concerns about neighbourhood crime problems. Again, however, these positive effects may not apply equally to all groups — Brown and Wycoff (1987, cited in Skogan & Frydl 2004) found that community contact patrols and community stations did not reduce fear of crime

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138 Other factors, such as how well police control criminal behaviour, or provide a credible risk of detection and sanction for those who break the law, may also contribute to police legitimacy, but research shows these to be less influential than questions of procedural fairness (Hinds & Murphy 2007).

among African-Americans. An American Committee to Review Research on Police Policy and Practices considered this research and concluded that community policing activities that increase citizens' contact and involvement with police show promise in reducing fear of crime (see Skogan & Frydl 2004). It should be noted, however, that there is evidence suggesting that Neighbourhood Watch increases fear of crime (see Skogan 1990, cited in Sherman & Eck 2002, p. 317).

### **So what can community policing offer to policing Queensland's Indigenous communities?**

To summarise, the evidence regarding the effectiveness of community policing strategies suggests:

- while they may be popular with citizens, and often are found to improve citizens' perceptions of police, most community policing strategies that focus only on increasing the flow of information between police and citizens do not appear to be effective in reducing crime; door-to-door visits are the exception
- strategies focused on improving police legitimacy, or public confidence in the fairness of police, help to prevent crime
- some, but not all, community policing strategies show promise in reducing fear of crime.

Despite the limited crime prevention value of some strategies associated with community policing, evidence shows that the notion of community policing can still provide valuable insights to inform the policing of Queensland's Indigenous communities, in terms of both improving relations and reducing crime. Research on the effectiveness of community policing provides evidence of what many Indigenous people in Queensland have been saying for a long time — that the way police exercise their authority is crucial (see Graham 1993). Of most relevance to Queensland's Indigenous communities are these two points:

- The evidence shows that community policing strategies can be effective in improving relations and promoting positive perceptions of police.
- In terms of producing a crime prevention effect, the evidence underscores the importance of policing in a fair way, treating people with respect, and showing concern for the views of offenders about the incident.

### **How has community policing been applied in Queensland's Indigenous communities?**

The QPS for some years now has recognised that developing strategies for policing Indigenous communities involves unique challenges and that in order to enhance relations 'a high degree of community consultation and involvement is required' (QPS 1994, p. 13).<sup>139</sup> Although it does not form a specific component of police academy training in Queensland, since the early 1990s the community policing philosophy has been an important influence on the QPS approach to improving the connection between police and Queensland's Indigenous communities and allowing greater community involvement in identifying and dealing with crime problems.

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139 The QPS's *Review of Policing on Remote Aboriginal and Torres Strait Islander Communities* (1994) considered aspects of community policing, including the role of Indigenous community police (see Chapter 10 for further discussion of Indigenous people in policing roles) and increasing the involvement of communities in solving law and order problems (QPS 1994).

There are a number of major catalysts that encouraged a shift toward community policing in Queensland's Indigenous communities over the last few decades:

- the Fitzgerald Inquiry (1989) recommendation that community policing become the primary policing strategy in Queensland<sup>140</sup>
- the Royal Commission into Aboriginal Deaths in Custody recommendations that police services should increase their focus on community policing to provide Indigenous people with 'a real say at the local level in how their community is policed' (see recommendations 88, 214, 215 and 220, Johnston 1991, vol. 4, pp. 80 & 85)
- the recommendation of the 'Bingham review' of the Queensland Police Service that community policing 'be clearly articulated as a basic philosophy of the QPS' (Bingham 1996, p. 198).<sup>141</sup>

The QPS has publicly reported that it has 'implemented' the community policing philosophy in response to the recommendations of the Royal Commission. The establishment of new structures, such as new units and positions within the QPS, and the creation of community consultative committees,<sup>142</sup> have been central to the QPS's implementation of community policing (DICMU 2001, pp. 436 & 461; 2002, vol. 2, pp. 420 & 451; see also Tyler & Jeans 1992). OIC position descriptions in Queensland's Indigenous communities do not include specific requirements in relation to community policing, although there is a reference to the need to be able to 'establish and maintain effective communication with all stakeholders', for example.

Others, however, have claimed that 'the evidence does not suggest that community policing has been successfully implemented in Indigenous communities' (Mazerolle, Marchetti & Lindsay 2003, p. 93). Although the QPS continues to emphasise in its strategic documents the importance of being preventive and working in partnerships, it does appear that there is now less explicit emphasis on the notion of community policing than previously (see, for example, QPS 2008b). There are a number of possible reasons for this:

- the underlying community policing philosophy may simply have become part of how the QPS does its business
- the community policing philosophy may have fallen out of favour with the QPS
- the influence of community policing may have waned because of the research evidence (outlined above) showing that in general community policing is ineffective in reducing crime.

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140 This referred to shifting the focus from traditional reactive policing activities to more proactive strategies, developing a strong partnership between the public and the police, and involving the community in crime prevention. The Fitzgerald Inquiry emphasised the need for the police to deliver flexible services tailored to the needs of specific communities, as well as the development of community-based crime prevention programs. The inquiry also suggested that community crime committees be established to assist with achieving these goals; it was proposed that these committees would help to enlist community support for police activities, identify community needs and communicate them to police, and encourage information sharing between the community and the police. The inquiry noted that, in Aboriginal communities, police staff with special cultural and language skills would be needed to ensure the community's acceptance of and cooperation with community policing.

141 This report noted the importance of the police using local communities to proactively identify and address community problems and involving the community in preventing crime. The use of beat policing (where appropriate) was especially emphasised.

142 The QPS established 13 Community Consultative Committees in response to the recommendations of the Royal Commission. They have since been disbanded and a more recent initiative is the creation of about 18 Indigenous Community Policing Consultative Groups (ICPCGs) across Queensland. However, these initiatives are of little relevance to the Indigenous communities dealt with in this report; of these communities, only Palm Island has an ICPCG.

Whether it is referred to as ‘community policing’ or not is not important in our view. However, what we heard from community members during our consultations emphasises the need for the QPS to revisit two principles that are central to the philosophy of community policing:

1. Enhancing community involvement in policing and being more responsive to community concerns in a range of ways
2. Promoting police legitimacy through a new focus on improving perceptions of fairness and procedural justice.

## **Enhancing community involvement in policing**

We have identified the following key areas in which enhancing community involvement in policing may help to close a gap that exists between the police and community views:

- crime priorities
- availability and responsiveness of police
- informal interaction with police.

### **Crime priorities**

Police priorities were criticised at the majority of our meetings in communities. People generally believed that the police focus is on responding to serious crime after it occurs, and enforcing alcohol and traffic laws. Police were often said to place too low a priority on other problems that are important to the community.

During our initial consultations we asked people to nominate the main crime problems in their community. The following three priorities were identified:

1. People were typically most concerned about violence. The high level of violence, including ‘violence, domestic violence, fighting and assaults’, was consistently the first ‘crime problem’ identified at our meetings. The topic of violence usually generated considerable discussion, often leading to the raising of issues such as lack of police responsiveness, inadequacies of the criminal justice system, and the policing of alcohol restrictions (see the further discussion of these matters below). A number of people who attended our community meetings, mostly women, bore the physical scars of the violence they were talking about; this is not a common sight in other parts of Queensland.
2. Noisy parties and ‘loud music’ were also consistently identified as a problem in the Indigenous communities we visited.<sup>143</sup> The parties were said to often go on for days and were seen as a problem not only because the continual loud noise upsets other people in the community but also because of the behaviours associated with them — the drinking, fighting and assaults, and drink driving — and the effects on the children living in the ‘party houses’ or nearby. We were told that the children are at risk of violence or abuse, they are unable to sleep, they may have to stay away from the house, they roam around at night, and they either do not go to school or they cannot stay awake in class.

We observed noisy parties occurring at two communities while we visited. At one of our community meetings the music from a nearby house was played so loudly that it could be heard across the whole town. We were told that it had been playing continuously for several days and nights. At another community, Elders voiced their concerns about a noisy party that had started before the weekend and was still going on during our meeting on the Monday. Referring to the effects on people living in the vicinity, an Elder said: ‘Them kids get no sleep, how they gonna be at school?’ The same Elder also claimed that the party was run by a known sex offender trying to entice children to his ‘disco’.

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<sup>143</sup> More recent consultations indicated that further alcohol restrictions had made a difference. People commented that their community was now ‘quiet’.

3. Other problems almost always nominated were property damage and theft. Young people, or more particularly a proportion of young people, were identified as the usual perpetrators of property damage and theft. We were told at several meetings that 'it's always the same families, it's always the same kids' and that the behaviour of these children and young people was linked with the problems of truancy from school, 'party houses' and poor parenting.

People described their disappointment about vandalism and property damage. They referred to the cost of repairs, which was said to frequently prohibit repairs being made. Vandalism was said to have caused the closure of community facilities such as sports centres and disruption to local businesses such as the community store. We were told that the people who worked to build or support those facilities and services felt deflated and defeated when this happened. One woman summed up the feelings expressed when she said 'It is just so disheartening.'<sup>144</sup>

It is noteworthy that child sexual abuse did not emerge as one of the main crime problems nominated. This was the case despite the considerable media attention being paid to this subject at the time of our visits (associated with the Australian Government intervention in the Northern Territory in a response to the *Little children are sacred* report (Wild & Anderson 2007)). The concerns raised about the neglect or safety of children at 'party houses' were the only references made to child abuse. This may reflect people's reluctance to raise the problem in a public forum with us, as the matter was raised in telephone submissions we received from people living in the communities and in written submissions (submission of a number of individuals who were QATSIP officers, p. 5).

Some community members were worried that the police focused too much on policing alcohol restrictions (see below) at the expense of other priorities or activities. This concern was usually related to the issue of police responsiveness to calls for assistance — the message was that the police will not come when called, but that they are able to spend a lot of time chasing people about grog. (The efforts of police to enforce alcohol restrictions are motivated by the desire to reduce alcohol abuse and the related violence, but some people in communities either did not make that connection or rejected it.)

Our inquiry also asked local police to identify the main crime problems in their communities. The responses of police OICs across all stations were very consistent; they identified the following three priorities:

- first, alcohol-related offences, including offences related to the AMPs and other alcohol-related family violence and assaults — note that, as a matter of Queensland Government policy, police in Queensland's Indigenous communities are required to give high priority to the policing of alcohol restrictions (Queensland Government 2008)
- then youth-related offences, specifically vandalism, theft and substance abuse
- finally, traffic offences.

Child sexual abuse and neglect were sometimes nominated, but notably only by police at locations where detectives were stationed (such as at Murgon, Palm Island, Weipa, Thursday Island and Mornington Island/Doomadgee). Such detectives are trained in child protection investigations and have a focus on child abuse.

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144 The main crime problems nominated during our consultations in Queensland's Indigenous communities, including violence and noisy parties, are different from those identified by Queenslanders generally in other research. For example, respondents to the ABS's 2005 Crime and Safety Survey were asked to indicate the problems they perceived in their neighbourhood, and Queensland respondents most commonly identified dangerous and/or noisy driving (41.7%), followed by housebreakings, burglaries and thefts from homes (29.4%), and vandalism, graffiti and property damage (18.8%). Problems such as noisy parties and violence were well down the list for Queenslanders generally (ABS 2005).

### **Effects on community relations of police involvement in dealing with child abuse and neglect**

Some police were frustrated that, because of the absence of authorised child safety officers in many of the communities, the local police were sometimes the ones left to go into homes and remove children when a substantiated child abuse order had been made. They asked: 'How are we meant to develop good relations and be part of the community when we have to do that?'

All police confirmed that they did have a strong focus on enforcing alcohol restrictions and that these activities have added substantially to police workloads, and to tensions between communities and the police in recent years (see the further discussion of the effect on relations below).

The amount of time and effort spent by police in enforcing AMPs varied from community to community, depending on factors such as the inherent enforceability of an AMP in a particular location, the extent of the alcohol abuse and violence problem, the level of police resources available, and the availability of intelligence about 'grog running'.<sup>145</sup> The inherent enforceability of a community's AMP depends largely on factors of geography, such as the number of roads in and out of the community and the distance to available alcohol outside the AMP. For example, in 2009 we heard:

- Many communities are adjacent to long stretches of coastline, presenting a formidable challenge to effective prevention of grog running. Indeed in some areas, such as Palm Island, where grog runs are frequently conducted by boat, police expressed concern that they have had to conduct a growing number of search and rescue operations and they are worried that lives may one day be lost.
- Many communities have several roads and tracks providing access options for grog runners, making effective enforcement of the AMP both very difficult and time consuming.
- Where there is only one road in and out of the community, police have been able to employ strategies that greatly reduce the amount of police time that has to be devoted to catching grog runners.
- On Mornington Island, where it might be thought that the alcohol restrictions could be relatively easily enforced as grog can only be brought into this remote community by boat or by plane, policing 'home brewing' activity has become a major focus for police. Large quantities of home brew can be easily made by fermenting everyday items of food and drink available at the local store.

Although both local police and community members typically nominated violent crime as the most significant problem, no police nominated the 'noisy party' problem. This may be because police did not perceive noisy parties to be significant, or because they did not see responding to this as 'police work' but rather the responsibility of the local council.

It is a concern that 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 discrepancy in the identification of priorities, we found little evidence of community members having input into setting police priorities and little evidence of an ongoing dialogue

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<sup>145</sup> During our initial consultations in 2007, many police told us about their frustrations relating to policing the alcohol restrictions, including the fact that the AMPs were difficult to police for a range of practical and legal reasons. For example, at this time there were 'loopholes' that could be exploited in terms of restrictions not applying to some roads in some communities and not applying to home brewing. Police also complained that they had limited powers to search people for liquor without a warrant (see also the submission of the QPS, p. 10). Our more recent consultations indicated that the further alcohol reforms, which included a number of legislative changes introduced in 2008 in relation to these matters, had largely resolved these problems for police.

between police and community members about police priorities or policing strategies to deal with particular problems. The apparently strong relationship between OICs and community justice groups in some communities perhaps provided the exception, although only in a few cases.<sup>146</sup>

Specifically, we found little evidence of local justice agreements or community safety plans or similar, despite various recommendations and commitments of governments made along these lines (see Fitzgerald 2001, p. 181; Queensland Government 2002; see also recommendation 215, Johnston 1991, vol. 4, p. 85).<sup>147</sup> As we described in Chapter 2, the former Queensland Government Coordination Office — Indigenous Service Delivery had been negotiating Local Indigenous Partnership Agreements (LIPAs), but the three agreements negotiated before this strategy was abandoned did not have any strong focus on policing, crime and justice issues. The new process — now led by Aboriginal and Torres Strait Islander Services (ATSIS) within the DOC — is the negotiation of Local Implementation Plans (LIPs).

We also heard during our consultations about the lack of access to any official information on the level of crime in the communities. Some people said that they had tried to obtain crime figures from the QPS but were told that it was not available or that such information could only be provided by the Commissioner of Police. This situation has now been alleviated for many communities by the decision of the Queensland Government to publish data on reported offences against the person by community from June 2008, in the *Quarterly report on key indicators in Queensland's discrete Indigenous communities*<sup>148</sup> (Queensland Government 2008b, 2008c, 2008d, 2009a, 2009b). The fact that until so recently people had no access to information about crime in their own communities (and that it continues to be limited) is a sad indictment of the state of the QPS's and the Queensland Government's 'partnership' with Indigenous communities over many years to address crime.

### **Availability and responsiveness of police**

The need for more community involvement is also illustrated by the concerns that were expressed to us about the availability and responsiveness of police.

In Chapter 8 we observed that the adequacy of policing, especially in relation to the availability and responsiveness of police after hours, was a matter of real concern that affected the communities' confidence in police. During our consultations, community members told us that police were often not available when needed, did not attend after a call was made for assistance (especially late at night), and took too long to arrive after being called, came the following day or did not come at all. At several of our meetings in communities we asked people: 'If there was one thing that the inquiry could change, what would you want it to be?' The answer most frequently given was: 'That the police would come when we call.'

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146 The QPS submission (p. 12) refers to its establishment of consultative structures to facilitate Indigenous people's involvement in policing 'designed to develop genuine partnerships between police by providing local forums to discuss matters of concern'. The QPS states that the effectiveness and sustainability of ICPCGs have been variable and that 'more consistent community involvement is necessary, and there is a need to develop the capacity of community members to provide enhanced support'. However, the submission does not state that, as noted earlier, only one of Queensland's Indigenous communities has an ICPCG — Palm Island.

147 In Britain, legislation has been introduced requiring police to have greater levels of consultation with local communities and making police responsible for producing local-level plans. Additional legislation in Britain requires police to work in conjunction with other agencies, including local authorities, in 'community safety partnerships' to address crime prevention and community safety. A key dimension of community safety partnerships is to audit the local communities to establish priorities for future work (see Rowe 2004, p. 127).

148 The phrase 'discrete Indigenous communities' is used by the Queensland Government to include all the communities within our terms of reference (see Chapter 1), except for those in the Torres Strait Islands. It also includes the Indigenous communities of Mossman Gorge and Laura, which are not included in our terms of reference.

Many of the matters for which it was claimed police did not respond could be categorised as public order incidents — noisy parties, aggressive or threatening behaviour, drunk drivers ‘hooning’, and juveniles causing a nuisance or damaging property. Also mentioned were incidents such as people stealing vehicles or breaking into buildings or compounds. Some people agreed that often such incidents simply end without much consequence or are resolved in other ways. However, many people related stories of such incidents escalating to serious and even fatal outcomes, and these people made the point that police intervention might have averted serious results.

As an example, at meetings in the Northern Peninsula Area we were told about instances where the police response was considered to be deficient. One such incident reportedly involved a drunk driver recklessly driving around the town one evening. We heard that the police were called, the call was diverted to Cairns and the caller was told that police would not be dispatched. Later, the car hit and killed a person. Those at the meeting strongly made the point that police intervention might have saved a life. We did not attempt to verify this story, but it highlighted that incidents in Indigenous communities can have unique features which increase risk. We found that drunk drivers ‘hooning’ can raise fears and ignite anger, especially as many people in Indigenous communities, often children, congregate outdoors in the evenings, exposing them to risk from reckless driving. It seems plausible that police communications centre operators, abiding by standard criteria for incident seriousness, may fail to recognise that such incidents could be more serious in Indigenous communities.

At almost all our meetings, frustration and annoyance were expressed about the practice of calls for assistance to the local police being diverted to the regional or district police communications centre. We heard frequently that when community members telephone the police they want to talk to a local police officer and not ‘someone in Cairns’.<sup>149</sup> People said that when they realise their call has been switched to a larger centre they usually hang up. One council CEO stated that people often came to him after a call was diverted to get him to call the OIC personally, or said that in such situations people go to the police station and houses to try to find an officer.

We heard that people disliked call diversion for the following reasons:

- mostly people were concerned that someone far away, such as in Cairns, would not treat their call as important or would not recognise the urgency or seriousness of the call
- people expected that, as a result of calls being diverted, no police would be sent or they would get a delayed response (whenever people were told that police would come the next day or that local police would be advised of the call the next day, it clearly reinforced that perception)
- some people felt that if a call was answered elsewhere then that person would lack the local community knowledge necessary to respond appropriately — that is, they would not know the caller, their family or their community, or recognise locations or addresses
- a few people felt they had or would have difficulty making themselves understood (because of their English language abilities or their accents).

Another aspect of police availability that was also of some concern was the opening hours of police stations. Unlike in larger communities, where the initial contact by members of the public with police is almost always by telephone, in Queensland’s Indigenous communities it is common for people to go to their local police station to speak to an officer in person. If the station is unattended, it is not unusual for community members to seek out the officer at home, although the fenced ‘compound’ of police station and police houses or units in some communities makes this difficult.

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<sup>149</sup> The other relevant regional or district centres to which calls may be diverted are Murgon/Gympie, Rockhampton, Townsville and Mt Isa.

As described in Chapter 6, stations in these communities are generally not open for standard office hours. On our visits we noted that some stations had regular opening hours posted on the front door, even if for only one day per week for a two-officer station. Others, however, gave no indication of when the station would be open — the door was simply locked. Stations may need to be closed when police numbers are low and when operational requirements take police out of the station to conduct investigations or follow up on crime reports, for example. Only about half of the police stations have dedicated administration or front-counter staff employed at the station, allowing the station to remain open at such times to deal with basic inquiries.

Many community members across Queensland's Indigenous communities forcefully and frequently expressed their views that local police should be available at all times. Sometimes it was clear that the community expectations in this regard were not reasonable, such as at the two-officer stations. For example, we heard that people were worried that their police station was often closed even during daytime hours. When this matter was discussed further, people usually acknowledged that the station could not always be open to the public, especially where local police officer numbers are small.

On the other hand, there are obviously very real concerns about police availability and responsiveness. In the outer islands of the Torres Strait these concerns were most extreme because of the lack of any permanent police presence. Community members told us that police from Thursday Island will respond to the most serious offences, but because of the geography the best they can usually do is arrive the next day. We did hear examples of other types of less serious matters where follow-up happens months later.

Police across the communities were generally aware of the criticisms about availability of police, response to calls, diversion of calls and opening hours of stations. Police clearly have a sense of what people want but generally feel that community expectations in this regard are not realistic. Many officers-in-charge commented that community members expect a 24-hour service regardless of how many officers are stationed in the community. It is not possible for these stations to have police on duty around the clock and OICs did not believe it necessary (despite the high crime levels). Police also pointed to the fact that the practice with respect to call diversion is consistent statewide and is not unique to remote communities.<sup>150</sup> However, remote communities are unique in that local police cannot be quickly supplemented or reinforced by officers from an adjoining division.

A senior police officer in a regional office told us that sometimes community members contact police over trivial matters and related the story of a man who banged on the door of the OIC's residence in an agitated state late at night because the softdrink vending machine near the entrance to the police station had malfunctioned, taking his coin without dispensing a drink. Other police told us that it was common for the telephone company to disconnect phone services because of unpaid bills but allow continued access to the 000 service for use in emergencies. People then use the 000 number for non-emergency calls.

However, more recent consultations in 2009 indicated that at least in some communities police felt that greater alcohol restrictions had 'changed the landscape of policing'. Some officers admitted that, before their community went 'dry', they would sometimes be unable to attend to serious violent matters because of the demand on their services. For example, officers stated that previously there might have been several incidents happening at once and they might have had to 'let a stabbing go' because they did not have the resources to attend — but now, because things are 'quiet', they 'get to everything'.

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150 We are aware from consultations that the QPS plans in the future to transition to one call centre to receive calls statewide (see also Spence 2007b). Some other jurisdictions in Australia currently operate with one call centre only.

Given that the ratios of allocated police to population in these communities are already high and that numbers have already been increased in many communities in recent years, we do not believe that further increasing police numbers in Queensland's Indigenous communities beyond the current allocations should be the automatic or immediate response to the concerns raised across the communities. There are real concerns, however, in the outer Torres Strait Islands, where there is no permanent police presence, and elsewhere it is also important that numbers are maintained at adequate levels (see Chapter 11).

What is most urgently needed across Queensland's Indigenous communities, and what is required on an ongoing basis, is careful consideration of how police in these communities are going about the task of policing (see the further discussion throughout Part 2 and Part 4 on the need for a problem-solving and partnership approach to policing to be central in these communities). We believe this to be particularly important in the light of what we have been told in 2009, that in some communities where the police say the AMP is having an impact, and where police may be finding things to be now relatively 'quiet', there is a risk that with the increased numbers of police and a continuing focus on law enforcement (particularly of the AMP) overpolicing and a deterioration in relations could be the result.

Steps must also be taken to improve the community members' and police officers' understanding of the issues surrounding police availability and responsiveness.

### **Informal interaction**

Informal interaction with police is the final area in which it was indicated that a gap needed to be bridged between community expectation and the delivery of policing services.

We found that people were very keen for police to be 'involved in the community', both on-duty and off-duty; community members stressed the importance of having opportunities to interact with police informally. Many people expressed the desire to form a personal relationship with officers and complained that too often community members only see the police when they are enforcing the law and in conflict situations. One mayor summed it up this way: 'We never see the police until they jump out from behind that bush.'

We heard repeatedly that people want the police to come to community events, to help with sport for young people, to support community programs, and especially to talk to people, socialise and be seen often walking around the town. As a member of a community justice group put it: 'We want them to mingle with the mob.'

We heard fairly consistently that people perceived police to have withdrawn from their community in the period before our initial consultations in 2007. People commonly mentioned, for example:

- the decline in the Adopt a Cop scheme<sup>151</sup> across communities; numerous times we were told 'we used to have Adopt a Cop here' and it seemed that the scheme had strong community support
- that Blue Light discos and involvement in youth sport had declined or ended.

One young person at our public meeting in Doomadgee said: 'Can you tell me why the police won't play football with me any more?'

In another community we were told that the community was keenly aware of the officers having something of a 'fortress mentality'. It was said that the officers did not mix at all in the community but rather that they worked only with each other, they lived and socialised within the police compound, and when necessary they moved around the community with each other (for example, it was said they only went to the community store to do their shopping in pairs).

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151 The Adopt a Cop program has existed in Queensland since 1985. Under the program a police officer works with the local school to build a better relationship between the service and students.

This behaviour was described as sending a clear message to the community that police were 'scared' of the community.

On the other hand, OICs generally said they make efforts to be known in the community and participate in community life. For example, most mentioned that they attend various meetings on a regular basis. However, several times we were told that attendance at meetings can become a time-consuming and onerous task as there are 'so many', but that OICs see it as part of their role to participate as often as possible. One officer, in response to our feedback that community members had been critical of the participation in community groups by the OIC, rejected the criticism. She offered to show us the OIC's diary and said 'he is always going to meetings'.

During our consultations, the following possible reasons were put forward for a perceived decline in police involvement in community life before our visits:

- a growing attitude that involvement with the community or community policing was seen only as a 'sideshow' to 'real' policing, which is about law enforcement and arresting and prosecuting offenders; it was said that some officers saw their service in these communities 'as a great way to get pinches', or to 'get their stats up' for dealing with serious offences
- several senior officers acknowledged that younger officers tended to be less involved in community activities than previously; some put this down to the 'Generation X/Y effect', with young officers having different interests from those of earlier generations and being less inclined to become involved in community activities. For example, young officers were said to spend a lot of their free time in their rooms on their personal computers. Possible reasons for their lack of engagement are:
  - the six-month rotation of junior officers into and out of these communities (see Chapter 11 for further discussion)
  - that police workloads have increased, especially with the advent of alcohol restrictions
  - that it may be a repercussion of Mulrunji's death and the riots at Palm Island and Aurukun.

We have already said that these are small and sensitive communities and policing should be adapted accordingly. When we travelled to South Australia and Northern Territory, we were told that police were encouraged to increase their level of informal interaction with Indigenous communities by, for example, encouraging them to have a sports coaching qualification in order to work in these locations. It is our view that police in these communities should see such involvement in the community as part of providing good policing services. It should be expected that such activities may occur sometimes in the officer's own time, but also that this is considered part of their job when on duty. Reinforcing the need for officers to be actively engaged in community life, and the value placed on this kind of service, would help to send the right message to all QPS officers working in Queensland's Indigenous communities.

### **Enhancing perceptions of fairness**

During consultations the importance of people's perceptions of what is 'fair' policing was obvious. We often heard that people were satisfied if police were 'firm but fair'. It was commonly indicated that people want to know what to expect from their police; sometimes this was described as a desire for greater consistency or a desire for police who are willing to explain what they are doing — why they are taking action against offenders.

We saw that the same problem — for example, that of unlicensed driving and traffic offences — could be policed in very different ways with very different effects on relationships, depending on whether community members knew what to expect and whether they perceived that the strategies used were fair. See the further discussion in the accompanying text box.

### **Fairness and unlicensed driving offences**

When we visited one particular community, it was clear that a lot of tension had been generated by the number of people who had been charged for unlicensed driving. The focus of police in this community was apparently one of strict law enforcement; that is, they conceived their role as being principally about charging lawbreakers with offences. Yet community members explained to us that there were many factors in Indigenous communities (including the remote locations, the low incomes, the low number of private vehicles and limited literacy skills) that they felt police were not taking into account.

On the other hand, one former OIC, who had an excellent reputation across a number of communities and was highly regarded for his fairness, described to us the Educate, Implement and Enforce or 'EIE' approach. He gave driver licences as an example:

1. First educate the community about the law or acceptable standards regarding an issue. For example, educate young people about the fact that they must have a licence if they want to drive and about the risks associated with unlicensed driving.
2. Then assist the community to implement what must be done to achieve compliance with the law — for example, by setting aside and publicising days when licence testing is done and by reminding specific individuals to attend.
3. Then enforce the law. As the final phase, police are to check that drivers have licences and charge those without them.

Other aspects of fairness were also highlighted by community members:

- It is important for police to be seen to enforce the law equally, with 'no favouritism', 'white or black', being 'even-handed'.
- There is a desire to be 'treated with respect'. 'We don't like police who talk down to us' was a sentiment very widely expressed across the Indigenous communities.
- People want police officers who 'relate well' with Indigenous people — that is, officers who are 'prepared to listen', who are 'interested in people' or who are empathetic.

### **Policing of alcohol restrictions**

As we have mentioned in earlier chapters, since 2002 the Queensland Government has introduced AMPs to restrict the type and quantity of alcohol available in all Queensland's Indigenous communities, except for those in the Torres Strait Islands. Since late 2008 these restrictions have been further tightened to make these communities as dry as possible — see also Appendix 2 (July 2008) for details.

The QPS is largely responsible for taking enforcement action against breaches of the alcohol restrictions and has been required to make this a priority in all communities where there is an AMP. Accordingly, officers conduct targeted operational activities such as interception of vehicles, vessels and aircraft and random breath testing (submission of the QPS, p. 10).

The policing of alcohol restrictions clearly generates a great deal of tension in the relationship between police and these communities. In one community, police commented that it is their policing of the alcohol restrictions that creates most hostility towards them. Police at this location generally agreed with one officer who claimed 'we can go in and remove children with less anger and hostility being directed at us than when we take the grog ... It's when we take the grog that people get really angry. That grog means everything to them. It means more than their children.'

Perceptions of fairness are a major issue in relation to the policing of alcohol restrictions. In large part this reflects the general controversy surrounding the implementation of alcohol restrictions under the AMPs. Most, if not all, communities are divided to some extent over the question of whether alcohol restrictions should be retained or abolished. In the most recent local council elections held in Indigenous communities in 2008, many of those councillors elected campaigned on the basis of their opposition to alcohol restrictions.

Issues of legitimacy and fairness were raised with us by many members of Queensland's Indigenous communities. For example:

- Those opposed to the AMPs complained that it is a racist law which criminalises people for doing something that is legal for people elsewhere.<sup>152</sup>
- The process for the development and implementation of AMPs was widely criticised because it was 'imposed on us without consultation' or 'the government did not listen to our ideas'. This criticism was consistent whether people supported the restrictions or not.<sup>153</sup>
- Many people were critical of the focus of the AMPs on enforcement and supply reduction only. At the time of our initial community consultations, the state government was yet to announce its plans to provide substantial funding for an alcohol demand reduction strategy in these communities (Queensland Government 2008a, 2008f); however, our consultations in 2009 indicated that, even after funds for such services had been allocated, their implementation on the ground in many communities was not yet a reality.
- Many people who weren't troublemakers and had never been in trouble with the police before were said to have been charged with breaches of the alcohol restrictions.
- A number of people felt that the 'large fines are unfair'; some people told the inquiry that they could not or would not pay the fines they had been given, as they equated to two or three (CDEP) pay packets.<sup>154</sup>

Many people also complained more specifically about the 'fairness' of policing of the alcohol restrictions:

- It is thought that Indigenous community members are being treated differently; 'only Indigenous people ever seem to get policed'.
- People in the Cape said that 'blue blitzes' were common, where the Tactical Crime Squad from Cairns conducts vehicle 'stop and searches' around a community to search for alcohol; people complained about the frequency and manner of the 'stop and searches', saying 'we all feel like criminals'.
- Personal searches for alcohol conducted by police at airstrips and jetties to search arriving passengers and their luggage for alcohol were said to be intrusive and disrespectful; it was a commonly expressed view that 'only Indigenous people get searched'. People complained that police were sometimes rude, rifled through possessions or tipped possessions out of bags, and conducted 'pat-down' personal searches or even strip searches. Police methods were contrasted with those of Quarantine staff at Cairns Airport, who were said to be polite and respectful (see also ABC news 2009c).
- It is suspected that police are having parties and drinking seized alcohol rather than destroying it. Several people claimed that they knew the police were doing this, as they had heard from others who had seen it occurring or had seen empty bottles discarded as rubbish — though nobody claimed to have seen this behaviour firsthand.

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152 There is currently a case before the Queensland Court of Appeal that seeks to challenge the legality of a conviction under the alcohol restrictions on the basis that they are racist because they were imposed on Aboriginal communities and not the rest of the state. In 2007, Florence Morton was arrested trying to bring two bottles of whisky onto Palm Island. She was convicted in the Townsville Magistrates Court and she lost a further appeal in the District Court (see *Morton v. Queensland Police Service* [2009] QDC 233 Durward SC DCJ 19/06/2009; see the submissions made in the District Court by the Human Rights and Equal Opportunity Commission available on the HREOC website, <[www.hreoc.gov.au/legal/submissions\\_court/intervention/2008/20081003\\_alcohol\\_palm.html](http://www.hreoc.gov.au/legal/submissions_court/intervention/2008/20081003_alcohol_palm.html)>).

153 Some consultation was undertaken by government with community justice groups and it may have avoided broad consultation as agreement would not have been forthcoming. Pearson has described this aspect somewhat differently; rather than criticising a lack of consultation, he refers to the introduction of AMPs as a 'lost opportunity' for the government to build community support for limiting alcohol supply.

154 Penalties for breaching the alcohol restrictions are imposed under s. 168B of the *Liquor Act 1992*. It provides maximum penalties for a single offence of up to 375 penalty units (currently \$37 500) or for a third or later offence of up to 750 penalty units (currently \$75 000 or 18 months imprisonment). The average fine amount imposed for a breach of the alcohol restrictions is far less than these maximum amounts (see O'Connor 2008).

In relation to searches, police generally said that Indigenous people were not specifically targeted and that everyone entering an AMP area could be the subject of searches.<sup>155</sup> Indeed, there have been a number of high-profile cases of non-Indigenous people being searched and charged with breaches of the alcohol restrictions, notably:

- police action taken in relation to a bottle of wine on board a government jet on which the then Queensland Minister for Indigenous Policy, Liddy Clark, and her staff were travelling, at Lockhart River in 2004 (CMC 2004b)
- police searching luggage at the airport on Mornington Island, which resulted in the prosecution of the then CEO of the Mornington Island Council for a breach of alcohol restrictions in 2007 (see ABC news 2007c).

On the other hand, some police noted that they had limited resources, so of course they did target certain individuals suspected of involvement in grog running or who had been caught in the past. Police noted that searching was necessary as some people went to great lengths to hide alcohol; for example, one officer stated that he had found a bottle of spirits secreted within a package of meat.

When we questioned police, we found that the methods they used to destroy or dispose of seized alcohol varied. Some of these methods would go a lot further in improving the perception of fairness than others (see the accompanying text box).

#### **Disposal of seized alcohol**

At some locations, deliberate strategies had been put in place in order to improve perceptions. These included:

- alcohol being disposed of in the presence of a council environmental health officer, community police officer or senior community member
- alcohol being disposed of in public view at the same location and at about the same time of day.

In contrast, police at some locations said that they simply disposed of alcohol in the yard of the police compound, which was often out of public view. (An officer previously at Palm Island joked about how a patch of ground near the police station must be very alcohol-sodden.)

Although police were often aware of the community perceptions about fairness that we have described, they did not generally consider these to be a 'big issue'. It is our view that police and community relations would benefit from an improved focus on the importance of enhancing perceptions of fairness in the way policing of alcohol restrictions is carried out.

## **Patrolling**

In addition to being one strategy that may form part of a community policing approach as described above, patrolling is a standard policing strategy that can be carried out in a number of ways, including:

- non-directed or random patrols (that is, patrols not specifically focused on crime risks)
- directed preventive patrols focused on high-crime places, times or areas
- foot patrols (which are promoted in the community policing approach discussed above).

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155 The inquiry team was searched on a small number of occasions during our consultations. On those occasions all passengers, Indigenous and non-Indigenous, were searched, and police were polite but thorough.

## Is patrolling effective?

For non-directed patrols the research evidence — famously including the Kansas City Patrol Experiment — is not considered to be high quality.<sup>156</sup> Sherman & Eck (2002, p. 307) conclude that, regardless, ‘there is little evidence that changing the number of officers patrolling beats has a consistent and measurable impact on crime’.

For directed patrols the research evidence is scientifically stronger and shows that concentrating police patrolling at places where and times when crime is likely to occur can be effective in reducing crime (see Sherman & Eck 2002, pp. 308–10; see also Weatherburn 2004, pp. 95–6). For example, the Minneapolis Hot Spots Patrol Experiment shows a very strong relationship between the length of each police patrol presence (which involved uniformed police in marked police vehicles) and the amount of time the hot spot was free from crime after the police left the scene. The longer the police stayed, the longer the time until the first crime or disorderly act after they left. This relationship held for each additional minute of police presence from 1 to 15 minutes, after which it began to reverse. This suggests that the optimum length of a police patrol visit to a hot spot for the purpose of deterring crime is about 15 minutes (see Sherman & Eck 2002, p. 309; McGarrell et al. 2001; Sherman 1990, 1996).

Other research evidence suggests that focusing directed patrols on high-crime areas is productive, but that it can be made even more so by having officers use tactics that are problem specific — for example, by using patrols to enforce truancy and curfew violations (see Sherman & Eck 2002, pp. 309–10; see the further discussion of Problem-Oriented and Partnership Policing (POPP) below).

This evidence suggests that increasing the visibility or the level of activity of police in crime-prone areas might be an effective and efficient way of reducing crime. It is in this way that police play a crucial role in limiting the opportunities and incentives for involvement in crime (Weatherburn 2004, pp. 71, 81–4).<sup>157</sup> This kind of strategy is likely to be particularly effective in reducing transient offending.

There are a number of well-documented impediments to police being able to mobilise their resources so that police surveillance and enforcement capacity peaks at the time and locations when crime rates peak – for example, shift structures and overtime budgets that limit the capacity of police to patrol late at night. For this reason, Sherman and Weisburd (1995; see also Weatherburn 2004, p. 97) have argued that patrolling with limited police resources might be made most effective by keeping patrol times unpredictable in terms of timing and duration, but keeping the average length of the patrol presence in a location short.

A recent study by Bradford et al. (2009) indicated that not only can patrolling be an effective crime reduction strategy, but citizens’ perceptions of police effectiveness, fairness and community engagement may actually be improved when they perceive high levels of police visibility, as assessed by their reported frequency of foot, bicycle and/or vehicle patrols. Conversely, it has been argued that increasing the visibility or level of police activity through patrols or crackdowns can all too easily destroy community trust and confidence in police and can lead to counterproductive effects. In relation to crackdowns, for example, Weatherburn (2004, p. 97) states:

Communities that have long felt the brunt of aggressive or intensive policing are not likely to react well to a further intensification in policing, particularly where the target of the crackdown is seen (even if incorrectly) to be an identifiable racial or ethnic group (Dixon 1988). Ill-conceived or poorly executed crackdowns can reduce the level of

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156 That is, these studies have not accurately measured the number of hours of patrolling actually delivered and therefore are unable to distinguish failures of implementation from failures of impact.

157 See, for example, McGarrell et al. (2001) and Sherman (1990); the results of these more recent studies can be compared with those of the well known (and heavily criticised) Kansas City Patrol Experiment which led to widespread pessimism about the capacity of police patrolling to reduce crime (cited in Weatherburn 2004, p. 95).

cooperation police receive from the community in dealing with crime ... careful judgement is required, therefore, in deciding when, where and how to conduct a crackdown intended to deal with a crime problem.

## How are Queensland's Indigenous communities patrolled?

Our inquiry frequently heard criticisms either that the police are only seen in their vehicles driving around town, or that they are rarely seen at all. Many people said that officers are never seen walking around. This may seem to be a relatively minor concern, but in several communities people left us in no doubt about the strength of their feelings on this point. People want police to have a visible presence around the community as reassurance that police are active and as a deterrent to antisocial behaviour.

Police explained to us that constraints on the time available for patrolling include high workloads and the demands of doing the 'paperwork'. Further, in relation to foot patrols, it is likely that in most communities the difficult seasonal climatic conditions of high temperatures, humidity and monsoonal rain make an air-conditioned office, or a vehicle, a more attractive work environment. Police agreed that, for the most part, they conduct patrols by motor vehicle and that it is relatively rare for police to patrol on foot.<sup>158</sup> In a few communities, some police also advised that they would not feel safe walking around the town after dark, particularly as police in their vehicles are sometimes targeted by stone-throwing youths. A PLO told us that the police would 'never, ever walk around' the community — 'you'll never get them to do it'.

On the other hand, one OIC emphasised the importance of police 'showing people that we will actively police the place'. He said that being seen patrolling around the community, particularly in the company of his community police officers, helps to maintain community confidence in police and lets the offenders know that police will not be sitting back in the police station ignoring what they are up to. Another senior officer with a strong crime prevention focus described the importance of foot patrols; he said that when the tavern was open it was important to walk through it early in the evening, before any trouble began, to talk with people. This officer had recently begun patrolling the community on pushbike together with a local PLO. These patrols were conducted without any police accoutrements (handcuffs, gun, capsicum spray or taser) other than 'a piece of PVC pipe to fend off the dogs', and the patrols were said to be 'a great way to engage people'.

We saw one example of vehicle patrolling being conducted to maximise the level of interaction and community engagement; it was good for relations and possibly for crime reduction also (see the accompanying text box).

### Vehicle patrolling

One OIC showed us that it is possible to drive around the community on duty in a way that maximises interaction with people. He took us on a tour of the town in the early evening, and driving with the windows down he frequently stopped to talk to people. Mostly he spoke about work-related matters; for example, he reminded a young man not to drive while his licence was suspended and encouraged him to later do the heavy vehicle driver training in which he had previously enrolled so that he might qualify for a job in the mining industry. With others, the Sergeant just engaged in small-talk.

A large number of people of all ages acknowledged him with a wave or a shout of his nickname as we passed. In our experience, such behaviour by community members is quite uncommon and provides an indication of the respect community members have for this highly regarded officer.

158 In coastal communities such as Pormpuraaw and Thursday Island, police also conduct periodic patrols by boat.

In Queensland's Indigenous communities, police are constrained in their capacity to conduct patrols effectively by the way officers are rostered for duty (as described in Chapter 6) and limited overtime budgets. At most stations, officers are working a fixed pattern of day shifts and afternoon or evening shifts towards the end of the week (there are some exceptions such as Thursday Island, where police work a night shift to the early hours at the end of the week and on weekends). Day shifts are typically fairly busy and are characterised by following up calls from the night before, and taking crime reports and statements (again, this situation is typical of many areas of the state). At other times, officers are on call-out and are paid a substantial overtime loading for working in those hours. The ability of officers to work overtime shifts is limited by the overtime budget and their need to rest. Officers view overtime as part of their salary package and a reward for working in these communities. These arrangements allow only a limited capacity for patrolling at the times when crimes are most likely to be committed — that is, in the evenings, early at night and on weekends.

### **A need for greater emphasis on patrolling**

For two reasons we believe that a greater emphasis should be put on patrolling in Queensland's Indigenous communities:

- there is high-quality research evidence that directed patrols in high-crime areas are productive and that they may be made even more so by having officers use tactics that are problem specific; other research suggests that patrolling may also improve relations
- as discussed above, there is a clear concern in Queensland's Indigenous communities about whether the level of policing provides an adequate response to the high crime levels in these communities — patrolling and increasing the visible presence of police in this way may build community confidence in police and improve relations.

## **Arrests**

Like patrolling, arrest practices can be focused or not focused on crime risk factors. Reactive arrests are in response to specific citizen complaints. Proactive arrests concentrate police resources on a narrow range of high-risk targets such as chronic serious offenders, robbery suspects, and high-risk places and times for drink-driving.

### **Are arrests effective?**

The research evidence in this area demonstrates the complexity of police effects on crime, and of measuring them:

- Research generally indicates that there is no general deterrent effect of arrest — higher arrest rates in a city for a particular type of crime are typically not associated with lower levels of offending (Sherman 1996).
- Several studies indicate that there is no individual deterrent effect of arrest on juvenile offenders (Huizinga & Esbensen 1992, cited in Sherman 1996; Klein 1986, cited in Sherman 1996; Smith & Gartin 1989, cited in Sherman 1996). In fact, juveniles who are arrested are generally *more* likely to re-offend after their arrest than juveniles who are not arrested. However, Smith and Gartin found a deterrent effect of arrest if it was for the juvenile's first offence.
- There is strong research evidence that arrest increases repeat offending among unemployed suspects, while reducing it in employed suspects.
  - Some research suggests that this effect is even more powerful in neighbourhoods of concentrated unemployment and single-parent households, regardless of individual employment status (Marciniak 1994, cited in Sherman 1996; see also Sherman & Eck 2002, p. 310).

- This pattern appears to explain the different results regarding whether arresting domestic violence offenders deters them from further offending. Some studies show reduced re-offending after arrest, while others show increased re-offending (see Sherman 1996 for an overview). These seemingly conflicting results appear to arise from the different effects that arrest has on different types of offenders — specifically, arrest appears to decrease recidivism among employed offenders, but increase recidivism among unemployed offenders (Berk et al. 1992, cited in Sherman 1996; Pate & Hamilton 1992, cited in Sherman 1996; Sherman et al. 1992, cited in Sherman 1996).
- The evidence about proactive arrests suggests:
  - that police proactively targeting persistent offenders for arrest and successful prosecution shows promise<sup>159</sup> in terms of exerting downward pressure on crime (see Weatherburn 2004, p. 94)
  - that proactive arrests may be effective in preventing crime when they are directed at repeat offenders, or when used to reduce drink-driving injuries and fatalities. There is weak evidence that they can reduce violent crime, and conflicting (but generally negative) evidence that they can reduce drug sales.
- There is evidence that, at least for offences that involve a degree of planning, such as drink-driving and fraud, people are less willing to engage in offences if they perceive their chances of apprehension to be high — but a key question is whether police can increase clear-up rates in ways that signal a substantial increase in the risk of apprehension (Weatherburn 2004, p. 89). There are a large number of studies that show the close relationship between the perceived risk of apprehension and people’s self-reported degree of willingness to engage in crime (cited in Weatherburn 2004, p. 117).<sup>160</sup>

## How is arrest used in Queensland’s Indigenous communities?

We saw that arrests in Queensland Indigenous communities were largely reactive. The accompanying text box provides further information on the impact of arrests carried out by tactical crime squads.

### Arrest tactics in Queensland’s Indigenous communities

*‘Blue blitzes’: the use of tactical crime squads*

Tactical crime squads are units formed to focus on particular local crime problems within the region and are used on a regular basis, at least in the QPS Far Northern Region, to bolster policing in Indigenous communities. From the QPS watch-house registers we examined (see Part 3 for further information obtained from the registers) we could see these squads were used on a ‘fly-in, fly-out’ basis to execute warrants and arrest suspects, often just prior to the local sitting dates of the Magistrates Court circuit. Local police and community members told us that the squads are also involved in operations focusing on enforcing alcohol restrictions and traffic offences.

Many community members made their resentment of the squads very clear. Complaints typically referred to their ‘rudeness’, excessive force and ‘disrespect’. Many people felt the squads had a negative impact on relations and the QPS must consider this carefully when they are deployed in these communities.

Continued next page >

159 That is, studies exist that may show mixed results, or not be of sufficiently high quality, so no claim can be made that such strategies are ‘effective’.

160 Although there is evidence of this close connection, such survey research designed to identify factors that influence compliance with the law also finds that most people are inhibited from crime by their sense of personal morality rather than the threat of being apprehended and prosecuted (cited in Weatherburn 2004, p. 117).

Continued from previous page >

#### *Other methods*

When we travelled to the Northern Territory, an officer told us that it was once a practice of police in remote communities to conduct a 'sweep' of the town in the early evening to arrest any likely 'troublemakers' in order to prevent any later escalation in violence. In our initial consultations at Kowanyama we heard of a somewhat similar tactic being used, where police, community police and community justice group members would patrol the community in the evenings and if necessary make arrests, often for by-law offences. Apparently this activity was unpopular with some sections of the community, whereas others saw it as important to limit the violence occurring at night.

Whether such tactics are effective or unduly oppressive is arguable, but police and community members themselves must try various strategies in order to try to reduce crime and violence in these communities.

We give further detailed consideration to the use of arrest in Part 3, which is about issues of detention in police custody. In Part 4 we also consider the research evidence regarding the crime prevention effectiveness of diversionary strategies that provide alternatives to arrest. It is our conclusion that there does not appear to be a great deal of scope for the further reduction of arrests generally in Queensland's Indigenous communities.

## **Problem-oriented and partnership policing**

Problem-oriented policing (POP) is a strategy that has developed since the 1970s which seeks to shift the emphasis away from 'incident-driven' policing (that is, police relying solely on providing a law enforcement<sup>161</sup> reaction to incidents as they occur) towards examining the main problems that cause these crime and disorder incidents, in order to develop strategies to prevent them. Problem-oriented policing importantly recognises that:

- police deal with a range of community problems, many of which are not strictly criminal in nature
- arrest and prosecution alone — the traditional functions of the criminal justice system — do not always effectively resolve problems
- giving the police officers, who have great insight into community problems, the discretion to design solutions is extremely valuable in solving the problems
- police can use a variety of methods to redress recurrent problems
- the community values police involvement in non-criminal problems and recognises the contribution the police can make to solving these problems.

The strategy emphasises research and analysis, crime prevention and the engagement of public and private organisations in the reduction of community problems. Problem-oriented policing focuses on identifying characteristics that are common to incidents, analysing their underlying causes and sources, developing responses and solutions to these root causes, and evaluating the outcomes of these responses.

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161 Law enforcement focuses on strategies such as random patrolling, rapid response, arrest and follow-up criminal investigations.

The problem-solving approach necessarily involves a heavy emphasis on partnerships, as it recognises that police alone cannot tackle many of the underlying causes of crime. Once a problem is identified, officers are expected to work closely with community members to develop a solution that can include a wide range of alternatives focusing on the offender, the community, the environment, outside agencies, or the need for some kind of mediation. Solutions are expected to be tailor-made for the problems identified, so a high degree of importance is placed on creativity and discretion (Goldstein 1979, 1990; see also Centre for Problem Oriented Policing at <[www.popcenter.org/](http://www.popcenter.org/)>).

### **Is problem-oriented policing effective?**

Weisburd et al. (2008) systematically reviewed ten control group studies that had evaluated the effectiveness of a POP program based on the SARA (Scanning Analysis Response Assessment) model. It found that POP:

- modestly but significantly reduced crime and disorder
- was particularly effective when the police department was fully committed to the program, when officers involved in POP were given manageable workloads, and when specific problems (such as vandalism) were targeted rather than total crime (Weisburd et al. 2008).

There was great diversity among the studies in terms of the crime and disorder problems addressed and the responses that were implemented. Problems included public drinking, vandalism, violent crime, drug markets, repeat calls for service, and high rates of re-arrest among probationers, while responses ranged from proactive patrols, aggressive order maintenance, foot patrols, situational crime prevention techniques (such as target hardening and improved lighting) and involving the community in crime prevention efforts. Forty-five other evaluations considered also generally indicated that POP reduced crime and disorder, although these studies were less rigorous (that is, they measured outcomes before and after the POP program, but did not involve a control group) (Weisburd et al. 2008).

Despite these positive findings, some caution needs to be exercised in generalising from these findings, given the small number of high-quality evaluations and the great diversity in the POP programs (Weisburd et al. 2008).

### **How have problem-solving approaches been used in Queensland's Indigenous communities?**

The QPS has implemented a formal problem-solving framework, Problem-Oriented and Partnership Policing (POPP), since 1999 (QPS 2003a; see also QPS 2008b). The QPS promotes problem-solving and partnership policing in a number of ways. These include:

- By encouraging the development of POPP projects, for which officers can make an application to attract funding support.
- The Office of the Commissioner administers a central budget of \$275 000 and distributes this funding throughout Queensland to support local problem solving initiatives. All such projects that receive funding must include some evaluation component (QPS correspondence to the CMC dated 3 September 2009)
- OIC position descriptions in Queensland's Indigenous communities include a selection criteria requiring that applicants be able to demonstrate they can apply problem-solving and proactive approaches.
- The QPS's Operational Performance Review (OPR) process is based on the principles of problem-solving and intelligence-led policing. The OPR is said to 'focus operational police on identifying, analysing and responding to and assessing crime and disorder problems in the community' (QPS correspondence to the CMC dated 3 September 2009).
- The current QPS Strategic Plan continues to emphasise preventive and partnership approaches.

However, it is our view that the POPP approach is largely confined to project-based activity and it has yet to be embraced by the QPS as a core philosophical approach to policing activity.

The QPS Indigenous Driver Licensing Program provides a notable example of a successful POPP project in Queensland's Indigenous communities. After the problem of unlicensed driving in Queensland's Indigenous communities was raised in some detail in the Cape York Justice Study (2001, pp. 131–6), there was an increased problem-oriented and partnership approach to dealing with it. From 1998 to 2006 the QPS conducted the Indigenous Driver Licensing Program for remote areas. The program responded to the fact that in many cases learning difficulties and inaccessibility of opportunities for licensing were leading to Indigenous people driving unlicensed. Over 4000 people in Queensland's Indigenous communities obtained their driver's licence through the program. The QPS states that as a result of the program there was increased access to employment opportunities and fewer people were incarcerated for licence-related offences. The program has now transitioned to Queensland Transport (submission of the QPS, p. 8; see also Cunneen, Collings & Ralph 2005, pp. 117–18).

We found that communities consistently and clearly articulated their need for more proactive policing. A view commonly put to us in consultations with communities was that the police were too reactive. People commented that police 'only come out if it is something really serious', sometimes when it is too late, often the following day. People said that police often do not respond until after someone has already been badly hurt or killed. Community justice group members in one community advised that they had taken this concern up with the QPS on many occasions (including with the Commissioner of Police), but the response was always that police are busy following up after serious incidents, making inquiries and doing the paperwork. One community justice group member described police priorities thus: 'it is always: serious offence, then do the paperwork, serious offence, then the paperwork ...'.

Police themselves told us they were principally operating in a reactive mode; that is, mostly police are busy responding to calls for service — usually a reported serious crime. A much smaller proportion of police work can be described as proactive or preventive in nature. The following factors were described by police as contributing to their principally reactive focus:

- police have high workloads arising from high rates of crime and disorder problems
- at the time of our initial consultations, some of the police stations did not have a permanent OIC and some locations were operating well under the then-allocated number of officers
- efforts to enforce alcohol restrictions (which are arguably preventive in respect of violent crime) also took up considerable police time in several locations.

During our initial consultations in 2007 a number of police said to us that they would like to be more proactive and were looking forward to the increase in police numbers that had been announced, which they believed would assist. At this time few OICs were able to point to organised preventive or problem-oriented projects or programs, or even to informal proactive policing activities. When asked about preventive policing, most police mentioned alcohol management or involvement in sporting or other activities with young people. There were a small number of OICs who were notable exceptions: placing a great deal of emphasis on prevention and problem-solving, they were informally applying a POPP-type approach to much of their work.

Our final consultations with police conducted in 2009 suggest that the increased numbers of police in many communities had not resulted in general in a shift toward more proactive problem-solving strategies. The increased numbers of officers are apparently largely absorbed in incident-based law enforcement activity, particularly enforcement of the AMPs. Again there were a small number of OICs who provide striking exceptions and for whom problem-solving and partnership approaches are central to what they see to be effective policing in these communities.

### **A problem-solving approach: glow-sticks at Aurukun**

One OIC appeared to approach policing issues wherever possible in a problem-solving and partnership oriented way. One example he gave was of trouble that had arisen with young people in Aurukun using hand-held lasers in a dangerous way. This created a possible hazard for air traffic; the Royal Flying Doctor Service, for example, was threatening to refuse to land at the local airstrip because of the threat posed by the lasers.

One option would have been to try to catch and prosecute these young offenders for the offence of 'endangering the safe use of a vehicle by directing a beam of light from a laser', which carries a maximum penalty of two years jail. Rather than take this law enforcement approach, the OIC was able to use funds raised from the police station's vending machine to buy glow-sticks. He invited young people to come in and exchange their lasers for the glow-sticks. He said this strategy had an unforeseen benefit also — the kids decorated their bikes with the glow-sticks and thereby solved the ongoing problem of them being unable to be easily seen by drivers when they were riding around the community on the roads at night.

It is our view that, because the effectiveness of problem-solving and partnership strategies is supported by research and they have been used effectively in Queensland Indigenous communities previously, not only should the QPS encourage greater use of POPP projects, but the problem-solving and partnership philosophy ought to be seen as being at the very core of policing in all Queensland's Indigenous communities.

## **Sport and recreation programs**

For many years police have been involved in providing sport and recreation programs for young people in order to promote young people's positive development. The QPS has been involved in the operation of one such program, Police–Citizens Youth Clubs (PCYCs), for over 60 years in Queensland and it is well known.<sup>162</sup>

### **Are sport and recreation programs effective?**

It is often argued that sporting programs for delinquent and at-risk juveniles can have important crime prevention effects. For example:

- Cameron and MacDougall (2000) assert that there is 'encouraging' evidence that engaging youths in sport and physical activity can help to reduce crime, at least when such programs are carefully planned, are tailored to specific needs, are offered within a supportive social context and are offered in combination with other crime prevention strategies.
- Morris et al. (2003) suggest that sport and physical activity programs, by facilitating juveniles' personal and social development, can result in improved behaviour.
- In Indigenous communities, Tatz (1994, 1995, cited in Cameron & MacDougall 2000) has argued that sports carnivals organised by local communities have been successful in reducing drug and alcohol use, petrol sniffing and rates of juvenile offending in the short term.

During consultations, we heard that it is strongly believed by people in communities, by police, and by others in government, that sport and recreation programs do have an important crime prevention effect in these communities. Anecdotal evidence was provided in support of such claims.

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162 PCYCs are supported by a partnership of agencies including the QPS, the Queensland Police Citizens Youth Welfare Association and Sport and Recreation Services within the Department of Communities (previously Department of Local Government, Sport and Recreation).

Unfortunately, despite these claims, police recreation activities with juveniles and community-based sporting programs have been subjected to very few rigorous evaluations (Sherman & Eck 2002, p. 322). We are aware of no such evaluation that has been carried out in Queensland's Indigenous communities. Although particular programs elsewhere have been found to have other important positive effects,<sup>163</sup> there is very little empirical evidence that sport and physical activity programs in general reduce or prevent offending among young people (Smith & Waddington 2004). This is not to say that such programs are definitely ineffective — particularly in the unique circumstances of Indigenous communities where boredom and lack of appropriate supervision are often said to be associated with young peoples' offending behaviour — but there is a risk of relying on these initiatives to prevent crime when there is little research evidence to support their effectiveness.

More rigorous and systematic evaluations are needed to identify whether or not sporting programs for juveniles successfully prevent crime and, if so, under what circumstances and in conjunction with what other strategies.

### **How have sport and recreation programs been applied in Queensland's Indigenous communities?**

Sport and recreation programs for young people have been a popular strategy proposed to address youth crime in Queensland's Indigenous communities. For example:

- The Royal Commission (recommendations 62, 210, 236–238) suggested the need for sport and recreation opportunities to combat boredom, which can lead to involvement in juvenile crime. These recommendations led to the establishment of the Local Indigenous Recreation Officers Program operating in a number of Queensland's Indigenous communities. The Cape York Justice Study noted that this program was to be wound up in 2001 (after it had received one three-year funding cycle) and that the program suffered from many unfilled positions, and lack of recurrent funding, training and support (Fitzgerald 2001, p. 128).
- The *Cape York Justice Study report* (2001, p. 129) described the potential for sport and recreation activities throughout Cape York communities as 'largely untapped'. It included recommendations that the government commit to funding sport and recreation initiatives in each community (to be negotiated with each community and agreed in local-level justice agreements), possibly including recurrent funding for local Indigenous sport and recreation officers. It also recommended that the QPS develop PCYCs in all Indigenous communities.

In the late 1990s, with funds obtained from the Australian Government, the QPS implemented a community policing initiative, the Youth Drug and Alcohol Diversion Project, in Indigenous communities. The program provided \$2000 grants on application for projects to be run in individual communities, including camping trips, sporting trips, regular sporting activities and cultural activities. An evaluation was published in August 1998. Fitzgerald states that the evaluation did 'not give police adequate opportunity to establish the success of their programs clearly' but that project officers reported their perceptions of 'improved attitudes of young people, greater respect from community members toward police, and better understanding amongst police of issues facing young people' (Fitzgerald 2001, p. 128).

In Queensland's Indigenous communities, sport and recreation programs provided by the QPS are said to be an 'important link' between the QPS and young people of the community, and in some communities they have been established as a 'diversionary strategy' in response to youth crime problems (submission of the QPS, p. 6). Currently in Queensland's Indigenous communities the QPS operates the following sport and recreation programs:

- PCYCs in Palm Island, Mornington Island and Yarrabah. Proposals for the development of a PCYC at Doomadgee are currently under discussion. Existing PCYCs provide important facilities to these communities and are the site of many programs run by the PCYC or in

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163 For example, the West Yorkshire Sports Counselling Scheme and the Leyton Orient Community Sports Programme in London (see Smith & Waddington 2004).

partnership with other agencies. For example, the Yarrabah PCYC has been said by the QPS to attract 200–300 children per night (QPS 2003b). Generally a police officer acts as manager of a PCYC and in these communities PLOs play a key role in operation of these clubs.

- The QPS has also developed a variation of the PCYC concept, called the Community Activity Programs through Education (CAPE) program, which has been developed since 2004 and is provided in Napranum, Wujal Wujal and Hope Vale. There are plans to expand the program across Cape York (submission of the QPS, p. 7) and funding has been allocated to support this expansion. The CAPE program was developed because PCYCs were operating in only three of Queensland's Indigenous communities and they are expensive to establish. The QPS has stated that it cannot support PCYCs in all Cape York communities (QPS submission, p. 7). The CAPE program provides training to Indigenous Sport and Recreation Officers, using existing community facilities. The QPS submission (p. 7) states that it 'provides a PLO and Senior Sergeant as Coordinator and the PCYC provides support through its resources and management model'.
- A Cherbourg Police and Community Youth Project manages the Cherbourg Recreation facility. The project provides police supervision of events and activities, with community assistance, on Thursday and Friday nights and during school holidays. This project is said to be the first step in establishing a PCYC in Cherbourg (submission of the QPS, p. 7).<sup>164</sup>

Each of these programs provides more than sport and recreation activities — they all involve the QPS in providing children in Indigenous communities with food, care, access to resources, a safe environment and the opportunity to participate in social as well as developmental activities.

The PCYC and CAPE programs are a reliable provider of sporting and recreation programs, and a wide range of other programs, for young people in Queensland's Indigenous communities. Whereas other programs are often not sustained, PCYCs have had success in this regard. The QPS submission (p. 7) states: 'Anecdotal evidence also suggests that funding bodies may take confidence in providing financial support for programs and initiatives in Indigenous communities that are linked with PCYCs' (submission of the QPS, p. 7).

The QPS not only provides organisational stability and an ongoing presence in Queensland's Indigenous communities to ensure that programs continue, but also has had success in ensuring that facilities are maintained and not damaged or destroyed. A common complaint made otherwise with respect to expensive sporting facilities and equipment — such as pools and playgrounds — is that they are quickly damaged and destroyed in Queensland's Indigenous communities. For example, at the time of our initial consultations in Aurukun, organised sports activities had ceased, and the government-funded swimming pool and indoor gymnasium and courts had closed — all had been extensively vandalised. We also heard that the pool in Woorabinda has more recently suffered a similar fate to that in Aurukun.

Sport and recreation programs such as PCYCs and the CAPE program appear likely to have some positive results for the young people involved. Although the CAPE program provides a cheaper alternative to PCYCs, the involvement of police officers in that program will be limited, so its value for improving relations between young people and police may also be limited.

It is our view that there are strong reasons that sport and recreation services in Indigenous communities should be continued and sustained. The QPS has stated that it supports the expansion of PCYCs, CAPE programs or similar programs in other Indigenous communities 'dependent on resourcing and support' (submission of the QPS, p. 7). The QPS certainly has the capacity to ensure that such programs are provided with dependability.

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164 The QPS submission (p. 7) claims that the project has had promising results in reducing juvenile crime, substance abuse and truancy.

However, there are real questions about whether sport and recreation programs should be the responsibility of the police under the guise of crime prevention. The crime prevention effectiveness of such programs is unproven. Although they may have the capacity to enhance relations, these programs are increasingly operated by the QPS in such a way as to minimise the drain on police staff resources; therefore they may not substantially increase contact between young people and operational police, and may have limited potential to improve relations with those officers.

Ideally, sport and recreation programs of the type currently provided by the QPS in Queensland's Indigenous communities would be provided by the community members themselves or by community-based providers. Given the history, however, of such efforts in the past 'falling over' within a short period, and given minimal non-recurrent government funding for such community-based programs, we cannot recommend that sport and recreation programs be transferred from the QPS to the community or community-based providers — to do so would be too likely to lead to the result that in the not too distant future the provision of such sport and recreation programs in Queensland's Indigenous communities would falter. Further, we saw that in some communities, at least, the PCYC was the key point of community engagement and activity. On Mornington Island, for example, the PCYC appeared to be the primary site for community development activities, undertaken in the name of crime prevention. Its operations are described in the accompanying text box.

#### **The Mornington Island PCYC**

In addition to the support provided to the Mornington Island PCYC through the QPS, this PCYC receives funding from a variety of sources, including Oxfam Australia and the Queensland Government's Department of Communities. The PCYC is involved in delivering a wide range of community development activities in addition to sport and recreation programs:

- A 'breakfast club', which provides breakfast before school to young people (the Sergeant in charge of the Mornington Island PCYC informed us that between 20 and 70 young people usually attend for breakfast and that 10 381 breakfasts were served in 2008 through the program). This program also incorporates a 'breathe, blow, cough' activity for all children involved in PCYC programs to help clear Eustachian tubes and prevent otitis media (a form of ear infection).
- Programs to improve school attendance. For example, transport to school is provided in the PCYC bus and the PLOs also run a program where they talk to and offer assistance to the families whose children most frequently do not attend school.
- An after-school program that includes sport, arts and crafts, and cultural workshops run by a PLO.
- A dinner program.
- Evening activities until about 9 pm, such as touch football.
- A 'street to sleep program', which uses the PCYC bus to drive around at night and pick up children so that they can fall asleep on the bus and then be taken home to bed.
- Assistance to keep families in touch with young people away at boarding school (for example, by providing 'Skype' facilities).
- School holiday programs, including in 2008 an intensive '10 days of Christmas program' to provide community activities such as sporting competitions, discos and films from early evening until midnight over the Christmas to New Year period (a period historically characterised by high violence).

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The PCYC programs are focused on problem-solving and opportunity reduction, but they also have a substantial capacity-building component.

The activities of the PCYC are extensive, and there is no doubt they provide a great deal of the kind of support to young people on the island that would normally be provided by parents and families. This makes the capacity-building component of the PCYC operations vital and the Sergeant in charge of the PCYC seemed well aware of this. His goal is to always work toward more community involvement and responsibility for the programs provided, and to ensure that community development and capacity building through skills transfer are always taking place. Programs being delivered through the PCYC were designed to encourage young people and other community members to develop skills — for example, the breakfast and dinner programs involve education and skill development in cooking and nutrition.

It was suggested that some programs were now emerging from the 'ground up' through the PCYC, such as a young mothers' playgroup.

In such circumstances, where the PCYC appears to have achieved a fairly rare level of community engagement and participation, sustaining this effort is particularly important (as long as capacity-building strategies are also continued).

We heard strong community support for the continuing police involvement in sport and recreation activities generally. Several officers endorsed statements along the lines of 'I'd rather chase kids around a footy field for an hour than chase them around town all night.'

For the reasons we have outlined relating to the unique circumstances of Queensland's Indigenous communities, despite the paucity of empirical evidence demonstrating the crime prevention effectiveness of sport and recreation programs, we would encourage police to stay involved as a means of linking and engaging with communities, building positive relationships, and maintaining a site for problem-solving and partnership approaches to operate, and potentially for community capacity building and community development work to be done. Further, in the unique circumstances of Indigenous communities — in which boredom and poor supervision of children and young people is frequently said to be a contributing factor in offending behaviour, and the need for community capacity building is so crucial — it may be that sport and recreation programs can pay an important role in crime prevention.

## **Are there policing strategies that effectively reduce violent crime?**

Unfortunately, there is limited evidence about effective police strategies to combat violence. For example, there is no clear evidence about how police can prevent murders (see Sherman & Eck 2002, p. 314). However, there are several common ways police may respond to domestic violence. For many of these responses, there is little empirical evidence that they effectively deter offenders and prevent future episodes of violence:

- As discussed above, research indicates that, although the use of arrest may reduce re-offending among employed offenders, the use of arrest may actually increase re-offending among unemployed offenders (for an overview, see Schmidt & Sherman 1996; Sherman 1996). Research by Marciniak (1994, cited in Sherman 1996) has suggested that arrest will lead to increased re-offending if the offender lives in a neighbourhood dominated by unemployed and single-parent households, regardless of an individual offender's own circumstances.

- There is also little empirical evidence for the effectiveness of second responder programs.<sup>165</sup> In a systematic review of 10 control group evaluations, Davis, Weisburd and Taylor (2008) found that second responder programs had no effect on the likelihood of further violence against the victim, although they did increase victims' confidence in the police and the likelihood that they would seek police assistance.

One policing program that has had some success is a three-tiered approach used to reduce repeat victimisation in Killingbeck (Leeds) in the United Kingdom (Hanmer, Griffiths & Jerwood 1999). The model used in Killingbeck involves increasingly intense police interventions for each subsequent incident they attend. The police response focuses equally on protecting the victim and deterring the offender.<sup>166</sup> Results from the program indicate that it has been effective in increasing reporting rates, reducing repeat attendances, increasing the time between attendances, and reducing the number of chronic repeat offenders (Hanmer & Griffiths 2000; Hanmer, Griffiths & Jerwood 1999). Encouraging preliminary results were also reported for a similar program in South Australia (Millbank, Riches & Prior 2000).

Focusing on the development of responses to repeat victimisation may therefore be an effective police response to domestic violence. This has previously been recognised by the CMC, which recommended in 2005 that the QPS implement a structured, case management approach to deal with chronic repeat calls for service to domestic violence incidents. The CMC recommended that such an approach should, at the least, focus on:

- using a problem-solving approach to identify families that produce repeat calls for service, analyse the causes of the problem and develop strategies to solve them
- recording all information relevant to the family's history
- allocating a case management officer
- working in partnership with other agencies to develop and provide effective responses
- regular monitoring and reviewing (CMC 2005).

The Cape York Justice Study (2001) also noted that the Leeds project could provide strategies worth trying in Queensland's Indigenous communities. We found no evidence that this has occurred.

There is also evidence suggesting that the 'Duluth Model' for domestic violence intervention may be successful in offering greater victim protection and reducing repeat acts of violence in many different communities. Key features of this model are:

- a coordinated community response
- mandatory arrest for primary aggressors
- the use of court-ordered 'batterers' treatment' and education programs
- swift, consistent consequences (jail or return to the program) for non-compliance with conditions of probation, court orders or program violations such as missing sessions and further acts of violence (see website information at <[www.theduluthmodel.org/research.php](http://www.theduluthmodel.org/research.php)>).

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165 These programs typically involve a police officer and victim advocate conducting follow-up visits to households soon after domestic violence complaints. Victims are usually provided with information about support services and legal options, and assisted where necessary to develop a safety plan, obtain a restraining order and arrange shelter.

166 Victim-focused responses include providing information, community constable visits, cocoon watches (where relatives, neighbours and other agencies contact the police if further incidents occur), and panic buttons. Offender-focused responses include official warnings and police watches, where twice-weekly police patrols are conducted in the vicinity of the incident for a period of six weeks (see Hanmer, Griffiths & Jerwood 1999 for more information).

Such approaches may be more effective in terms of enhancing victims' safety, as well as more efficient in terms of better managing the use of police resources. Much more research is needed, however, to draw confident conclusions about the effectiveness of such responses and their applicability to different communities.

## **Summary and conclusions: strategies to enhance policing in Queensland's Indigenous communities**

The challenge for the QPS is to provide 'more' policing to Queensland's Indigenous communities in a way that:

- maximises the crime prevention effect of police action
- improves rather than damages police–community relations.

This chapter has highlighted a number of policing strategies that may help the QPS to achieve these goals. 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. 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 crime prevention role. There are several policing strategies that have been shown through research to have crime prevention potential or to be effective in reducing crime.

Catching criminals and putting them before the courts will remain the predominant crime prevention strategy for police. However, the modern police officer has skills that extend well beyond a narrow focus on law enforcement. In particular, police have two key frameworks — that of community policing and that of problem-solving and partnership policing — through which we believe they can play a larger crime prevention role, and do so in a way that improves relations.

### **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 into Aboriginal Deaths in Custody. It appears, however, that there is currently 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.

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:

1. Enhancing community involvement in policing, including in relation to:
  - policing and crime priorities
  - issues of availability and responsiveness of police
  - issues of informal interaction with police
2. Promoting police legitimacy through a new focus on perceptions of fairness and procedural justice.

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.

## 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.

It is our belief that in Queensland's Indigenous communities the QPS should make better use of existing forums and processes to provide opportunities for community involvement in policing. The Negotiation Tables and the LIPs process would seem to be the best vehicles to use for this purpose.<sup>167</sup>

### *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 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 quarterly reports published by the Queensland Government.

## ➔ Action

**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.**

Our discussion in Chapter 19 is also relevant to the implementation of this action. There we provide some consideration of how such a discussion with members of Queensland's Indigenous communities could be conducted to ascertain an appropriate level of agreement about a number of policing priorities and strategies as we have suggested.

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<sup>167</sup> In some places community members said they were excluded, or felt excluded from these processes.

## ➔ Action

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.

### *Availability and responsiveness of police*

We found in Chapter 8 that the perceived lack of adequate police availability and responsiveness clearly contributes to a lack of trust and confidence in police in Queensland's Indigenous communities. In this chapter 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.

## ➔ Action

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).

### *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 want 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.

## ➔ Action

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.

## Focusing on fairness

In addition to evidence suggesting that there is value in enhancing community involvement in policing, 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.

## ➔ Action

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).

## 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.

## ➔ Action

**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.**

## Arrests

Arrests can either be made in response to specific complaints (reactive arrests) or be directed at a small number of high-risk targets such as chronic serious offenders or high-risk times for drink driving (proactive arrests). Research suggests that reactive arrests generally have no general or individual deterrent effects, and may actually increase the likelihood of re-offending among juveniles and unemployed domestic violence offenders. In contrast, it appears that proactive arrests can prevent crime when targeted at repeat and persistent offenders. Other evidence also indicates that people are less likely to commit an offence when they perceive that there is a high chance of being apprehended.

Part 3 of this report provides detailed consideration of the issues surrounding the use of arrest and alternatives to arrest in Queensland's Indigenous communities.

## 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.

The QPS has adopted a formal problem-solving and partnership approach, called Problem-Oriented and Partnership Policing, 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, noting that high workloads, limited staff numbers and efforts to enforce alcohol restrictions currently prevented them from doing so.

## ➔ Action

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)).

## 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. Although anecdotal information suggests that some programs have in fact had important positive effects, a lack of empirical research prevents firm conclusions being made about whether or not sport and physical activity programs in general reduce or prevent juvenile crime.

In Queensland's Indigenous communities, sport and recreation programs for young people have been a popular strategy for preventing youth crime. Current initiatives include PCYCs and the CAPE program, and 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 sport and recreation 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 go beyond the provision of sport and recreation programs to provide a range of programs with some crime prevention potential. On Mornington Island the PCYC is a focal point for community activity and it 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.

## ➔ Action

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.

## **Policing strategies for violent crime**

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. There is also little evidence for the effectiveness of second responder programs. Experiences in the United Kingdom indicate that having police focus on repeat victimisation, and providing 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.

### **➡ Action**

**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.**

## INDIGENOUS POLICE

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 (see, for example, Aboriginal and Torres Strait Islander Women's Task Force on Violence 1999, pp. 232, 260–1; Johnston 1991, vol. 4; QPS 2006b, 2008b; McDougall 2006, p. 40). Although the QPS has had some success in increasing the number of Indigenous sworn police across Queensland as a whole, this has not happened to the same extent in Queensland's Indigenous communities, where Indigenous sworn police remain a rarity.

Two additional roles, unique to Indigenous communities, have been created in Queensland to enable Indigenous people to perform policing roles other than as sworn police. Both roles give 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. These two roles are:

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 in 1999 in a small number of communities.

In response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody, since 1992 the QPS has also employed Indigenous civilians in the role of Police Liaison Officers (PLOs), mostly in regional and metropolitan areas (DICMU 2000). PLOs do not have any police powers to undertake enforcement activities but focus on liaison and relationship building.<sup>168</sup>

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. In particular, many difficulties have been identified over this long period in relation to community police 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 for 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 PLOs.

Very little rationale for this change to a standard service delivery model was provided with the announcement which states:

The QPS is committed to the progressive replacement of the current Community Policing model, (funded by a combination of council funds and CDEP funds), and the QPS funded QATSIP scheme, with a combination of sworn QPS officers and QPS Indigenous Police Liaison Officers. This combination will ensure Indigenous communities are provided with a professional policing service comparable to that provided in non-Indigenous communities (Queensland Government 2006a, p. 27).

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<sup>168</sup> PLOs are not unique to Indigenous communities. They also operate in urban areas and include people from other ethnic backgrounds.

**It has not been a smooth change and Queensland's Indigenous communities remain in various states of 'transition' to the standard service delivery model.**

**This chapter examines the issues about Indigenous people in policing roles in Queensland and considers these questions:**

- 1. Why is it important to have Indigenous people in policing roles?**
- 2. Why are these roles inherently difficult for Indigenous people?**
- 3. What are the details of the three distinct roles of Indigenous sworn police, community police and QATSIP? What was our inquiry told about each?**
- 4. What models are used in other jurisdictions?**
- 5. What other forms of 'policing' — such as community patrols and security services — operate in these communities?**
- 6. Can the standard service delivery model work in Queensland's Indigenous communities?**

**We make recommendations that will help Indigenous people to effectively perform policing roles in Queensland's Indigenous communities.**

## **Indigenous people in policing roles: why is this important in Indigenous communities?**

Having Indigenous people in policing roles has the potential to improve relations between police and Indigenous communities. A variety of reasons have been given for the importance to relations of having Indigenous people in policing roles in their own communities. These include:

- to strengthen police legitimacy, because of the fundamental importance of police services in any community reflecting the composition of the community (Johnston 1991, vol. 4, p. 151); the recruitment of Indigenous police to a level that reflects the population of an area in a sense places a numerical value on the more abstract notion of 'policing by consent'
- to strengthen the internal social controls within Indigenous communities that have been severely disrupted since colonisation; it has been suggested, for example, that Indigenous police can provide good role models for Indigenous young people (NSW Ombudsman 2005; QPS 2003a)
- for reasons of self-management, self-determination and cultural appropriateness (see Blagg 2008; QPS 2003a)
- because it is integral to a community policing framework (see Weber 2007; Johnston 1991, vols. 3 & 4, pp. 43 & 117; QPS 2003a, 2006b)
- to increase the diversion of Indigenous people from custody and reduce their overrepresentation in the criminal justice system (Blagg 2008; Cunneen 2007a, 2007b).

There are also practical benefits, which may in turn lead to improved relations:

- In the past particularly, but still today in some communities, Indigenous people in policing roles have been needed to supplement otherwise inadequate levels of policing services provided by the QPS (QPS 1994; see also Barnes 2005; Blagg 2008).
- Indigenous people in policing roles can provide vital assistance in overcoming language and cultural barriers. In some communities especially, without Indigenous people in policing roles working to help other police to understand the society in which they are operating, non-Indigenous police would find their jobs impossible. Equally, Indigenous people in policing roles may provide essential interpretative services in some communities so that offenders have an understanding of charges and the legal process.

- Indigenous officers may be able to win the trust and confidence of their ‘own’ communities. Securing the cooperation of members of Indigenous communities in this way may mean that victims will more readily report crimes, intelligence and information will be offered more frequently, and witnesses will be more likely to be forthcoming.

## An inherently difficult role

We stated in Chapter 7 that relations between police and Indigenous communities can only be understood in a historical perspective and this is true also with respect to the relationship between Aboriginal communities and Indigenous people in policing roles. The Royal Commission described the great strain placed on Indigenous people in policing roles, and Elliot Johnston stated: ‘We are encumbered with the baggage of history in this area as in so many others, but in this area the load is heavy’ (Johnston 1991, vol. 4, p. 160).

Indigenous people have performed a variety of policing roles in Indigenous communities from colonisation to the present. For example, during our colonial past, Aboriginal people worked in ‘native police’ forces and as police trackers. In Queensland, native police had a well-deserved reputation for violence against Aboriginal people and were involved in the ‘dispersal’ of Aboriginal populations (Finnane 1987; Reynolds 1996; see also QPS 1994). Those who performed the roles of native police or trackers are sometimes seen as having betrayed their own people and culture. This history contributes to the complex relationship that Indigenous people in policing roles have with Indigenous communities today.

Experience in Australia suggests that Indigenous people in policing roles often feel isolated from their communities, who may regard them with suspicion and resentment.<sup>169</sup> It has been regularly noted, for example, that Indigenous people in policing roles are often derogatorily referred to by other Indigenous people as ‘coconuts’ (black on the outside, white on the inside) or ‘Jacky Jackys’ (see Johnston 1991, vol. 4, p. 160; QPS 1994, p. 92; see also NSW Standing Committee on Social Issues 2004, pp. 19–20).<sup>170</sup>

Only limited research has been conducted in Australia into the experience of serving Indigenous officers, but it shows that retention rates are low and that Indigenous people often:

- feel marginalised from their ‘own’ communities and from the service
- report experiencing institutional racism — that is, they feel that police services continue to reinforce systemic attitudes, values and beliefs that cause officers to be unconsciously and unintentionally discriminatory despite efforts to reform (Kamira 2001; see also NSW Ombudsman 2005, p. 10).

Because of the inherent difficulties faced by Indigenous people in policing roles, the Royal Commission noted that it could not recommend for or against any particular model but instead suggested that different models should be explored and efforts should be understood within a framework that considers them to be experimental, tentative, not likely to be always successful, and liable to be misunderstood. It was noted that adjustments would need to be made in the light of experience, and what seems to work best in particular communities should be applied (Johnston 1991, vol. 4, p. 160).

The situation in the Torres Strait Islands, because of their different history from other Indigenous communities in Queensland and their different culture, is distinct. Indigenous people in policing roles in the Torres Strait Islands face many challenges, but generally it is thought that being an Indigenous person in a policing role is less problematic there.

<sup>169</sup> In Britain, where efforts have been made in recent years to increase the number of minority ethnic police in order to improve relations with these communities, it has similarly been noted that those recruited often come to experience a process of isolation from their own communities (see, for example, Rowe 2004).

<sup>170</sup> We were also told this in our consultations by a number of Indigenous people acting in policing roles (see below).

We were told by local police and others in the Torres Strait Islands that they have ‘a proud history of self-policing’ (see QPS 2006b, p. 28; see also Loban 2006; submission of Torres Strait Islands community police, p. 1).

## **Current policing service delivery models in Queensland’s Indigenous communities**

At the time of our consultations, the service delivery model for policing varied considerably across the Indigenous communities. At different locations there were:

- sworn QPS police only (for example, Hope Vale)
- sworn police and Indigenous community police (for example, Aurukun)
- sworn police and QATSIP (for example, Yarrabah)
- sworn police, PLOs and community police (for example, Cherbourg, where the PLOs are attached to nearby Murgon police division)
- sworn police and PLOs (for example, Thursday Island, Horn Island, Palm Island, Mornington Island)
- QATSIP only (for example, Badu Island)
- community police only (for example, outer islands of the Torres Strait other than Badu).

In some locations there was also either a community security service or a community or night patrol in operation, in effect supplementing the policing service (see the further discussion below regarding other forms of policing).

### **The standard service delivery model**

The QPS has described the situation outlined above, in which Indigenous people are involved with a mix of powers, duties, roles and responsibilities, as ‘problematic’ (QPS 2006b, p. 24). In late 2006 the Queensland Government announced that it would move to a standard model of policing service delivery in its response to the evaluation by Cunneen, Collings and Ralph (2005) of the Aboriginal and Torres Strait Islander Justice Agreement (Queensland Government 2006a). This standardised model for policing service delivery is to comprise sworn police officers, supported by PLOs only; community police and QATSIP officers are to be phased out. The need for increased Indigenous representation within the new model has been acknowledged by the QPS, particularly the ‘ultimate goal of employing more Indigenous people as fully sworn police officers’ (QPS 2006b, p. 24; see also QPS 2008b).

The government’s announcement of the move to a standard service delivery model for policing in Indigenous communities has been explained in terms of the need ‘to ensure quality’ and provide ‘comparable’ service delivery across Queensland (Queensland Government 2006a). The QPS submission (p. 4) states that underpinning the government’s decision is the ‘philosophy that Indigenous communities should be provided with the same level of policing as in non-Indigenous communities’.

The model of policing services being provided by sworn officers and PLOs represents a major departure from relatively longstanding policy and practice in Queensland’s Indigenous communities and is contrary to the recommendations of previous reports, including the evaluation of the Justice Agreement, which expressed support for the QATSIP scheme in particular (see Fitzgerald 2001; Cunneen, Collings & Ralph 2005; QPS 2003a). It is, however, consistent with a broader trend towards ‘mainstreaming’ the delivery of services to Indigenous people (see QPS 2006b, p. 24).<sup>171</sup>

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171 The inconsistency between this policy approach and the agreed model for criminal justice service delivery in Queensland’s Indigenous communities is discussed in more detail in Part 4.

A QPS report subsequent to the announcement of the move to the model of sworn police and PLOs acknowledges that 'a separate approach may be required when identifying options and implementing a preferred model for policing in Torres Strait Islander communities' (QPS 2006b, p. 4).

The outcomes of the announcement have been poorly managed; in some areas the 'transition' has caused significant disruption and turmoil in the delivery of policing services that could have been avoided. There is little doubt that this confusion has been added to by the Australian Government's changes regarding the administration of CDEP in these communities. Responsibility for local administration of CDEP in many communities has been removed from the councils and there has been a reduction in the scope of services council are able to provide; in many cases this has contributed to councils hastily terminating their community policing function. For example, when we visited Napranum, Injinoo, Doomadgee and Lockhart River, the councils in these communities had recently terminated the employment of their community police,<sup>172</sup> but community police continued in the communities of Cherbourg, Kowanyama, Pormpuraaw, Aurukun and Bamaga, and in 13 of the Torres Strait Islands.

During our consultations we heard from:

- some police that the decision had created a lot of confusion in the communities; one senior officer stated 'no-one knew what was happening ... how it was handled was appalling'
- community members that 'everyone was kept in the dark' as there was no consultation on the change.

Immediately after the government's announcement, the QPS offered QATSIP officers at Yarrabah and Woorabinda employment as PLOs; however, according to senior police, within days of the government's announcement all five QATSIP officers serving at Woorabinda resigned. Subsequent to our consultations in Yarrabah, the QATSIP scheme there was to be concluded in mid-2008. However, our final consultations conducted in 2009 indicated that a number of QATSIP continue to be employed by the QPS at Yarrabah and that these QATSIP did not want to become PLOs. At Badu, however, the QPS has decided that it will continue the QATSIP scheme until such time as there is a permanent QPS presence established there (submission of the QPS, p. 5). This may take some years and may depend entirely on increased funding becoming available to support it.

Despite the announcement of the move to a standard service delivery model in Queensland, the reality is that Indigenous people continue to perform a variety of policing roles in Indigenous communities, including as sworn police, PLOs, community police and QATSIP. The key distinctions between these roles are:

- whether they have a law enforcement role in addition to other roles such as liaison
- the extent to which they are integrated into the QPS.

## **Indigenous sworn police**

The QPS has had some success in recruiting and retaining Indigenous people as sworn police. One notable example is Indigenous police officer Col Dillon, who had a long and influential career within the QPS for over 35 years from the 1960s, achieving the rank of Inspector. On his retirement from the QPS in 2000, he acknowledged that he had experienced the difficulties associated with the role that we have highlighted above, and indicated his view that the QPS still had much work to do to eliminate institutional racism (ABC 2000).

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<sup>172</sup> Administration of the CDEP scheme at Napranum and Injinoo had transferred to a private agency, and the resulting conversion of council jobs to fewer, full-time positions had forced councils to rationalise their services. Some councillors told us that they believed that providing policing services was the responsibility of the state government, not local government. They were also, however, very critical of the responsiveness of state policing services.

Since around 1996, the QPS has developed strategies to recruit, train and retain Indigenous people (see QPS 2002). For example, since 1997 the QPS has run a traineeship program (called the Justice Entry Program or JEP) that provides a bridging program to help Indigenous people to qualify as police recruits. The QPS also has an Indigenous Career Development Coordinator who travels to communities and provides information and advice for direct entry into the QPS. The aim of the QPS from 1996 has been to increase the number and proportion of Indigenous officers to a proportion about equal to the proportion of Indigenous Queenslanders (see QPS 2002, QPS 2005b).<sup>173</sup>

Attempts to recruit and retain more Indigenous police have had some success:

- Since 2003, 69 Indigenous people have completed the JEP and 51 of these have completed the further QPS training for recruits and gone on to be inducted into the Queensland Police Service (QPS 2008b; personal communication, QPS, 29 July 2009).
- As at July 2009, there were 196 sworn Indigenous police officers in Queensland (personal communication, QPS officer, 30 July 2009; see also submission of the QPS, p. 11).<sup>174</sup>

Notwithstanding this degree of success, Indigenous people account for less than 2 per cent of sworn police officers, despite accounting for over 3 per cent of Queensland's population (QPS 2008b), and they account for a far greater proportion of offenders against whom police take action (see Chapter 4 for details).

Recruiting Indigenous officers seems to have had little impact on policing in Queensland's Indigenous communities. At the time of our broad community consultations, there were very few Indigenous sworn police officers based in, or undertaking operational duties in, Queensland's Indigenous communities. The exception was at Thursday Island and Bamaga, where Indigenous officers we spoke to told us that they had been born and raised in the local or nearby Torres Strait Island communities. Indeed, it appears that very few Indigenous sworn officers have ever served in operational roles in Queensland's Indigenous communities.

Although not in operational roles, at the time of our broad consultations Indigenous sworn police at the rank of Sergeant were working in the role of Cross Cultural Liaison Officers (CCLOs) in the Far Northern Region and Mt Isa District. CCLOs are usually based at regional headquarters. The Torres Strait Islands, however, have had a locally based CCLO (an experienced Sergeant with a Torres Strait Island background). The CCLO role is to provide their regions with advice and support on Indigenous and other cross-cultural matters. They are to work closely with PLOs, developing and maintaining effective relations with Indigenous and multicultural communities and helping in local problem-solving or acting as troubleshooters after incidents.

Barriers to recruiting Indigenous officers have been identified in a number of previous reports. These barriers are potentially greater for recruits from Queensland's Indigenous communities than from elsewhere. They include educational and social disadvantage, failure to meet integrity requirements because of past criminal convictions, reluctance to leave the community to undertake training, and fear and perceptions of racism (see NSW Ombudsman 2005; Cunneen 2007b).

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173 The QPS has also aimed to increase the level of other Indigenous staff members, including Police Liaison Officers, to around 4 per cent (QPS 2002, 2005b).

174 A further 125 Indigenous people at that time were other QPS staff members, including PLOs (personal communication, QPS officer, 29 July 2009; see also submission of the QPS, p. 11).

There is research suggesting also that it is simplistic to assume that Indigenous recruits will want to police in Indigenous communities, or that they can appropriately be deployed in any Indigenous community. Kamira (2001) observed that some Indigenous recruits felt marginalised if sent to work in an Indigenous community because first and foremost they were recruited as police. Kamira also states that there is a:

... misguided belief that Indigenous people are one happy harmonious society. One police officer in Queensland was sent from the academy to a country town because he was Indigenous. The local community could not identify with him because they thought he was a Torres Strait Islander and the white community could not identify with him because he was black. The result was that he was so unhappy and lonely he resigned.

Finally, it cannot be assumed that the cultural identity of Indigenous police is the overriding factor shaping relations with the community. Researchers have suggested that other officer characteristics such as age, gender, educational background, religion and attitude are likely to play a role. The influence of police culture, too, may transcend that of cultural identity or any other aspect of the identity of individual officers (see Rowe 2004). For example, it has been argued that there is evidence to suggest that:

- in the United States, black police officers are as likely as their white colleagues to hold negative perceptions about those sections of the black community who receive most frequent police attention (Sherman 1983)
- the values and tactics of policing employed by black and Asian officers overseas are little different from those of whites (Holdaway 1996)
- simply recruiting Maori officers into the mainstream police service in New Zealand did not result in changes to policing methods (cited in QPS 2006b).

It may be that there is a 'critical mass' of a significant number of Indigenous officers of all ranks and roles that would make a difference, especially if they come to occupy relatively powerful positions.

### **What was our inquiry told about Indigenous sworn police?**

A number of submissions suggested that the number and proportion of Indigenous sworn officers should be increased (submissions of Queensland Health, p. 2; Queensland Corrective Services, p. 2; Levitt Robinson Solicitors, p. 4; individual submission, Lafsky, p. 1; LAQ, p. 5; ATSILS (Qld Sth), p. 7). For example, one solicitor stated that the number should be increased

to the point where there are 100% Indigenous Police forces, drawn from DOGIT and Torres Strait Island communities ... while Black Police will be enforcing the laws of the broader community, it is expected that they will do so from a position of greater empathy and understanding ... (Submission of Levitt Robinson Solicitors, p. 4)

During our consultations we were told that Indigenous police officers should be encouraged to work in Indigenous communities. We also heard enthusiasm for having Indigenous officers at senior levels, such as in OIC positions in the communities. In the Torres Strait Islands the desire to have local people as sworn police was particularly strong (see also Loban 2006).

However, we were also given information about practical difficulties associated with recruiting people from the communities to be trained as QPS officers to serve in their own communities. During our consultations, for example, the QATSIP at Badu explained that transitioning to sworn QPS officers would be difficult for them. They acknowledged the potential of the JEP initiative to aid the transition, but were concerned about the literacy skills required for policing, noting that 'we [Torres Strait Islanders] are more practical [than academic] people'. Another concern was the inevitability of having to move away from their community should they become sworn police, as there is no police station at Badu or nearby islands. For example, even the temporary move to undertake training at the QPS Academy was a concern, because of the likelihood that some of them would lose their home to other family members moving in and laying claim to the residence.

One Indigenous officer serving in one of Queensland's regional centres told us that he had been approached on occasions to work in Queensland's Indigenous communities. He expressed some frustration at this, and explained that he did not want to work in the communities.

## Community police

Since the late 1970s, many Indigenous communities in Queensland have relied to various degrees on the delivery of policing services supplemented by community police who are not employees of the QPS (see QPS 1994). Community police are employees of the local Indigenous council under legislation specific to the Indigenous communities. Generally they have been employed using council funds and Commonwealth funds through the Community Development Employment Project (CDEP) (that is, a 'work for the dole' scheme). They are employed primarily to 'maintain peace and public order' and were part of the Queensland Parliament's desire to promote self-management in the former reserve communities (QLA (Katter) 1984).<sup>175</sup>

### Role

The community police enforce local council 'law and order' by-laws in their communities with powers conferred on them under by-laws.<sup>176</sup> Most, but not all, Indigenous communities have enacted by-laws. By-laws vary from community to community, but many have 'law and order' by-laws that mirror areas of the criminal law in dealing with property offences, offences against the person, public nuisance and good order offences. Some by-laws also deal with truancy, child neglect and alcohol offences. The extent to which by-laws are enforced and used instead of, or in addition to, mainstream criminal law varies across the communities and through time (see Chapter 17 for relevant data). In some communities, community police and QATSIP officers actively enforce the by-laws and these charges are often dealt with in the local JP Magistrates Courts. This system has provided a mechanism in some communities for offences of a relatively minor nature<sup>177</sup> to be dealt with by local people at the local level.

Community police may perform a variety of other roles in addition to enforcement of the by-laws, but this is highly variable across communities and through time. For example, the inquest into the death of a Hope Vale man in a community police van found that the community police in Hope Vale at the time<sup>178</sup> were performing the following roles:

- frontline crime prevention
- a first response in times of emergency
- intelligence gathering
- locating witnesses and suspects
- disseminating information about law enforcement and public safety matters
- developing cultural awareness in new sworn police officers and acting as sources of information on local sensitivities and relationships (Barnes 2005, pp. 13–14).

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175 The relevant legislative provisions are now contained in the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

176 Community police can also be authorised by police to act in relation to certain offences under the *Liquor Act 1992*, such as possession of liquor in a restricted area, and can be authorised under the *Police Powers and Responsibilities Act 2000* to exercise powers in relation to noise complaints and relating to vehicles (including powers to stop, search, inspect and seize for the purpose of enforcing liquor offences).

177 Although by-law offences can accurately be described as relatively minor matters in comparison with serious criminal offences, it should not be assumed that they are trivial matters. Often the relatively minor and the more serious offences involve similar behaviours, and it is the outcomes that distinguish the more serious offences (see Chapters 4 and 17 for discussion of the nature of many 'law and order' by-law offences).

178 In contrast to the more recent situation, there was no permanent QPS presence in Hope Vale at this stage (see Barnes 2005).

Under the by-laws, community police have the power to arrest and can lawfully use reasonable force<sup>179</sup> in the performance of their functions, but they do not carry weapons (such as a firearm or capsicum spray).<sup>180</sup>

Although the community police are recruited and managed by local councils as council employees, the local QPS has responsibility for supervising them.<sup>181</sup> For some time the QPS has also provided training to community police, using its own existing resources and receiving some additional support to undertake this task (QPS 1994, p. 29; Barnes 2005; Cunneen, Collings & Ralph 2005). The QPS's own reports, however, describe the training provided as 'minimal' and 'sporadic' and have admitted that, because of the high turnover of community police, not all are trained (QPS 1994, 2006b).

The number of community police employed in Queensland's Indigenous communities has fluctuated from time to time and from place to place.<sup>182</sup> At the time of our broad community consultations (May–October 2007), there were about 25 community police working in Aboriginal communities and about 60 working in Torres Strait Island communities. As described above, at this time the Indigenous councils at Napranum, Injinoo, Doomadgee and Lockhart River<sup>183</sup> had recently terminated the employment of their community police after the Queensland Government's announcement that they were to be phased out.<sup>184</sup> Community police continued to operate at Cherbourg, Kowanyama, Pormpuraaw, Aurukun and Bamaga and in 13 of the Torres Strait Islands. Some councils employed several community police, others few. At the time of publication of our report we are aware that some councils, for example at Aurukun, have obtained funding from other sources to continue employing their community police.

We are not aware of any community police transitioning to sworn police since the announcement that community police are to be phased out, nor are we aware of any community police officers who have transitioned to become PLOs.

### **What's been said previously?**

A large number of reports over a long period have been critical of the model of community police service delivery. The problem that is consistently identified is the capacity of local councils to manage this policing function. Related problems of inadequate resourcing, training and supervision have also plagued the community police scheme (Aboriginal and Torres Strait Islander Women's Task Force on Violence 1999; Barnes 2005; Beacroft 1987; Cunneen, Collings & Ralph 2005; Fitzgerald 2001; HREOC 1997; Pearson 2007, p. 3; Powder & Law 1987; QPS 1994, 1998, 2006b; Johnston 1991, vol. 4, pp.156–9).<sup>185</sup> A number of reports have

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179 See the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

180 The Police Commissioner may authorise community police to carry and use weapons, and they may be able to carry and use a baton or handcuffs with 'reasonable excuse' (s. 13 *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*). However, no such authorisation has been made in practice.

181 See s. 30(5) of the *Local Government (Aboriginal Lands) Act 1978* and s. 13(4) of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

182 Indeed, it has previously been noted that it is difficult to accurately gauge how many community police are employed at any particular time in Queensland (QPS 2006b). In 2005, for example, all but four of the 35 Indigenous councils had arrangements in place for the employment of community police and in 1994 there were up to 120 community police employed (Barnes 2005; QPS 1994).

183 One community policeman, a man with about 15 years of service in the role, remained employed at Lockhart River.

184 Changes to CDEP funding arrangements also influenced this decision of these councils.

185 The State Coroner's report on the death of a Hope Vale man while being transported by community police to the Cooktown watch-house in 2005 provides a through documentation of much of this 'tortured' history of criticism of the model of community police service delivery and the recommendations for improvement (see Barnes 2005). We have not reproduced those details again here. The evaluation by Cunneen, Collings & Ralph (2005) of the Justice Agreement also reproduces this information.

also highlighted problems of the capacity or suitability of community police officers; for example, it has been said to be inappropriate that some community police have criminal records (see QPS 1994, 2006b).

The inadequate level of supervision, training and resources provided to community police has been directly implicated in relation to two deaths in custody in Queensland since the Royal Commission (see Barnes 2005; see also Cunneen 2001a, p. 220). The inquest findings of the State Coroner in relation to one of those deaths concluded that, despite the long history of problems being identified and solutions proposed, community police in Queensland 'continue to be used for the most difficult, dangerous, or unsavoury tasks without training, without resources, on the cheap as a pretend alternative to a genuine police service' (Barnes 2005, p. 21; see also Cunneen, Collings & Ralph 2005, p. 174; Johnston 1991, vol. 4, p. 159).

Despite the problems that have been consistently identified (including by QPS reports), it has also been acknowledged (including by members of the QPS) that the role played by community police has been 'essential', 'invaluable' and 'vital' across Far North Queensland, especially where there has been no permanent presence of sworn police (see Barnes 2005, pp. 13–14). A survey of QPS officers conducted at the time of the Royal Commission also revealed that 77 per cent of officers who had worked with community police felt they made their job easier (Johnston 1991, vol. 4, p. 152).

Because of the problems identified, it has frequently been suggested that the role of community police should be 'transferred' to the QPS in order to overcome the difficulties associated with adequately resourcing, training and supervising community police (QPS 1994, 1998; Barnes 2005; Cunneen, Collings & Ralph 2005; Fitzgerald 2001). The QPS has objected to such proposals on various grounds, including the additional costs said to be associated with such a strategy and the unsuitability of some community police as employees of the QPS because of their criminal histories (QPS 1994, 2006b).

### **What was our inquiry told about community police?**

Several submissions suggested that community police should be wound up and that councils should not be in the business of having to provide policing services (submissions of Queensland Corrective Services, p. 2; Local Government, Planning, Sport and Recreation, p. 1; Torres Strait Islands community police, p. 2). Some submissions also noted the need for better resources, training, support and powers (submissions of a magistrate, p. 7; individual submission, name withheld, p. 5). One submission from the Cherbourg community noted that community police work hard, sometimes even around the clock (individual submission, name withheld, p. 1).

During consultations we heard that the community police continued to suffer from the frequently documented problems outlined above, but we also heard of a great deal of variability in how these problems affect community police. For example:

- At the time of our visits, community police in Cape York had not received any training from the QPS for over 18 months because of funding and staffing problems. The exception was in the Torres Strait Islands, where the locally based QPS Cultural Liaison Officer, an experienced Sergeant with a Torres Strait Island background, was able to continue and even expand the community police training, despite having no specific budget for that purpose or a travel budget to allow him to visit the island communities.<sup>186</sup>
- In some cases we saw that the QPS OICs would direct, supervise, roster and discipline community police, while in other communities it was clear that they had far less control and contact.
- Some community police were equipped with new vehicles and wore neat uniforms, but others appeared to be far less well supported.

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186 The officer devised a 'cluster' approach to delivering training, bringing together community police from surrounding islands to one island in each island group. This allowed the training to continue on a regular basis.

- Some community police complained about poor pay and conditions, lack of job security, limited career prospects, the night hours worked, and other problems such as the lack of a mobile phone for contacting police or allowing community members to call them.
- In some communities, we were told that many people had little respect for the community police and some community police appeared stressed and anxious. One was almost in tears when he spoke to us about the tensions associated with the role. In other places the morale of community police appeared reasonably high.

Typically, community police appeared to be busy at their work; at Aurukun, for example, we saw them constantly meeting and speaking to people, moving around the town and speaking to the state police on radios. Likewise, at Lockhart River the one remaining officer, a local man with around 15 years experience in the role, appeared to be very active around the community.

When we spoke to local state police, community justice groups and the regional QPS Cultural Liaison Officers about the community police, we had an overall positive response. At Aurukun, the service provided by community police seemed to be particularly highly regarded and valued by the police, the council and others. However, many difficulties facing community police were acknowledged throughout our consultations — for example, the problems of low pay, poor employment conditions, limited training, high turnover, the serious criminal histories of some community police, the pressures of traditional obligations and the expectations of councillors, who are their employers.

Though all the usual difficulties noted above were certainly acknowledged in the Torres Strait Islands too, community police there were also said to have difficulty dealing with the serious criminal behaviour of Papuan visitors in some places. There was a widespread belief that some Papuans are involved in the smuggling of drugs and guns through the Torres Strait. At our meeting with the outer island community justice groups, concerns were expressed about the capacity of the community police to deal with these problems and about their safety. Outer island community justice group members said, for example, ‘our brothers are at risk in that job’. As we have noted above, in the Torres Strait Islands there appeared to be particular pride in the long history of Islanders in policing roles — including as community police. For example, we were alerted to the fact that at Badu there had been two generations of the same family who had served as community police (and members of the current generation were serving as QATSIP). Other people made comments such as ‘we’ve had a hundred years of policing our own’.

Members of community justice groups at Napranum and Doomadgee, where community policing had recently been terminated, expressed their fears of increased offending in the absence of community police. We were told by community justice groups and others that the community police carried out basic crime prevention activities, especially during the late evening and night hours when the state police were off duty. This work involves moving people on, taking children home if they are out late at night, calming people in confrontations, contacting police if violence occurs and recording their observations for later reporting to police. We were told by Elders that the community police also ‘just watched over us’ to make sure they were safe.

The mayor, deputy mayor and CEO at Injinoo advised us that, immediately after the council terminated the employment of community police, Injinoo experienced an upsurge in offending and antisocial behaviour, mostly by children. This continued for a period of three months before the council decided to allocate scarce funds to re-employ the former community police as security officers. At our meeting with the council, a non-Indigenous staff member said: ‘We didn’t really know what the community police did until we went without them, then we found out.’ He went on to describe the importance of the efforts of community police in early intervention or, as he put it, ‘nipping things in the bud’ before criminal behaviour occurred or worsened.

Local police told us that community police are ‘very valuable’, ‘essential’, with one OIC stating that ‘we couldn’t do it without them’. Officers said that community police play a key role as advisers, cultural guides and interpreters, and their local knowledge is considered by officers in some communities to be vital to successful policing in those locations, including the ability to locate people such as Elders, traditional owners, witnesses and suspects, and the provision of information in a wide range of contexts. Some police also had community police assist with the supervision of prisoners in the watch-house — for example, to act as a witness when police were dealing with an aggressive prisoner, or to watch over a prisoner when officers had to attend an incident in the community (see Part 3, ‘Detention in police custody’).

Some police officers emphasised the importance of working closely with community police, saying:

- ‘you get back what you put in’
- ‘just having a community police officer in the car with you gains respect for both police and community police’
- ‘their efforts at local problem-solving should be encouraged’
- ‘you must be flexible, recognising and making reasonable allowances when traditional obligations, for example, may impinge on the ability of a community police officer to carry out a task’.

One OIC, who was clearly dedicated to and skilled at developing good relations with his community, noted that he sometimes actively encouraged the council to appoint as community police particular individuals with serious criminal records. He saw this as an opportunity both to keep close tabs on that person and to provide rehabilitation by developing skills and giving them meaningful employment.

In contrast to local police and others on the ground in the communities, some senior police and others in key roles in the Queensland Government suggested that community police primarily do liaison and are little different from PLOs. For example, one QPS staff member asserted that ‘99 per cent of what the community police do is liaison’.

### **In sum**

Community police in the past have often filled, and in many communities continue to fill, a gap and to provide policing services that improve community safety and perceptions of safety. There is no doubt that there have been some good community police. If their work is well integrated with the work of the local state police, and the right people are in the roles, the community police can, and have, provided an important service to the QPS and to the community. We saw that this was happening at Arukun and other locations on some of our visits there.

However, the scheme is fundamentally weak in that community police are a service provided by councils rather than by the QPS; the community police rely heavily on the QPS for adequate training, supervision and integration with state policing services. For too long community police have been used as a cheap supplement to other policing services in Queensland’s Indigenous communities. The fundamental weaknesses of the scheme have contributed to its lack of credibility with and respect from police and the community.

## **Queensland Aboriginal and Torres Strait Islander Police (QATSIP)**

In response to the criticisms of the community police model and recommendations that this policing function of local councils should be transferred to the QPS (see QPS 1994), the QPS commenced the QATSIP trial in 1999 (QPS 2001). In contrast to the situation with community police, a great deal of effort has been devoted to the conception and development of the QATSIP scheme.

## Role

Like the role of community police, the QATSIP role is focused on the enforcement of local council by-laws. QATSIP officers may also undertake some additional policing functions<sup>187</sup> and can exercise specific police powers delegated by an accompanying officer or OIC, but this does not extend to arrest powers, for example. QATSIP officers have status within the QPS as 'special constables'.<sup>188</sup> In the trial communities, QATSIP officers were granted powers under by-laws to arrest offenders for by-law breaches and, as with community police, QATSIP officers had the power to use reasonable force in exercising these powers.<sup>189</sup> They have generally carried no accoutrements but the need for providing accoutrements to QATSIP has been debated, with some arguing strongly that they should be provided (see QPS 2003a, pp. 11–12). In 2003, QATSIP officers were trained in the use of handcuffs and batons, but this is said to have been for information only and they were not issued with these accoutrements (QPS 2003b; personal communication, QPS officer, September 2009). The QPS is responsible for the recruitment, initial and ongoing training and supervision of QATSIP (submission of QPS, p. 3).

The QATSIP role was developed to include a specific focus on proactive policing activities, including regular patrolling, and a focus on helping young people to stay out of the criminal justice system (QPS 2003a). The QATSIP scheme was also developed from the outset to be integrated with broader initiatives to strengthen local community justice mechanisms. For example, the scheme was developed to be heavily interdependent with the Indigenous JP program and the establishment of local JP Magistrates Courts to hear the by-law charges enforced by QATSIP (QPS 2003a) (see Chapter 17 for further discussion).

QATSIP were located at Woorabinda (initially 4 officers, later 5), Yarrabah (7 officers) and Badu Island (initially 4 officers, later 5) and replaced community police in these locations. As we described above, subsequent to the government's announcement of the move to a standard model for service delivery and the phasing out of QATSIP, the QATSIP at Woorabinda immediately resigned and the QATSIP at Yarrabah lost their jobs in mid-2008.

We are aware that a small number of QATSIP transitioned to positions in the QPS. One QATSIP officer from Yarrabah and 2 Badu QATSIP undertook the Justice Entry Program.

## What's been said previously?

The QATSIP model has received a great deal more support than that of community police. For example, while noting some problems, both the Cape York Justice Study (Fitzgerald 2001) and the evaluation of Queensland's Aboriginal and Torres Strait Islander Justice Agreement (Cunneen, Collings & Ralph 2005) recommended that the QATSIP program be expanded to replace community police in all Queensland's Indigenous communities. Cunneen, Collings and Ralph stated that the QATSIP model was successful and was supported by stakeholders (pp. 185–7).<sup>190</sup> They noted that the cost of the scheme was about \$1 million (p. 185).

A QPS evaluation of the QATSIP scheme similarly concluded that it was successful and generally enjoyed high levels of support (QPS 2001, 2003a). The QPS evaluation recommended that the scheme should be made permanent and that there was potential for it to be extended to other communities. The Badu Island QATSIP model, where there is no permanent police presence, was said to be successful and to have significantly benefited the

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187 As conferred by the Commissioner's Instrument of Appointment pursuant to s. 5.16(1) of the *Police Service Administration Act 1990*.

188 Pursuant to s. 5.16 of the *Police Service Administration Act 1990*.

189 See the *Community Services (Aborigines) Act 1984* and the *Community Services (Torres Strait) Act 1984* (now repealed) In addition, QATSIP had certain powers of investigation under the *Indigenous Communities Liquor Licensees Act 2002* regarding enforcement of the *Liquor Act 1992*.

190 As stated above, it was in response to the recommendation that the QATSIP scheme should replace community police made in the evaluation of the Justice Agreement by Cunneen, Collings and Ralph (2005) that the Queensland Government announced its decision to phase out QATSIP and move to a model of sworn police and PLOs.

community. However, the evaluation stated that implementation in other communities without co-located police would be 'highly problematic, primarily due to the difficulties of remote supervision and mentoring' (QPS 2003a, p. 2). Although the evaluation found that the number of by-law charges laid by QATSIP officers was not necessarily high, the report suggests that QATSIP officers had more respect and credibility than community police, in part because they had the 'backing of the QPS' (QPS 2003a, pp. 12 & 23). QATSIP officers were seen as more professional and reliable, and better trained and supervised. A number of former community police officers who were now QATSIP officers agreed that they were more effective in their new roles (QPS 2003a).

Issues identified in the various reports include:

- difficulties associated with the perceived uncertain future of the scheme in the eyes of the Queensland Government, including in relation to recruitment and morale of QATSIP officers
- tensions about whether QATSIP officers needed greater powers in order to deal with problems such as family violence
- concerns about the safety of QATSIP officers in communities where violent incidents are common
- difficulties in dealing with family and kinship relationships (Fitzgerald 2001; Cunneen, Collings & Ralph 2005; QPS 2003a).

The QPS evaluation identified a range of 'success factors' needed for the QATSIP scheme to be expanded into other communities, including:

- infrastructure such as office space and equipment
- an operational community justice system, including functional by-laws and local courts to hear the charges
- commitment from the top down (that is, support from the highest levels of the QPS and other stakeholders, such as the local council)
- a high level of community involvement
- integration of the QATSIP officers into the local police team (through partnerships, mutual support and close supervision)
- commitment of sufficient resources to support success (that is, structured training and appropriate equipment); the expansion of the scheme, it was said, would involve 'considerable expense' (QPS 2003a).

Despite the QPS evaluation suggesting that the trial project had been a success and should be expanded, the QPS concluded that no Indigenous community had the 'success factors' identified as necessary precursors for expansion (QPS 2003a). A QPS report to the Law and Justice CEO Committee (2006b) also provided a negative assessment of the scope for the expansion of QATSIP. It stated that there was a need for substantial legislative change to support the program and to address 'anomalies surrounding QATSIP roles, responsibilities, and law enforcement powers' (pp. 3 & 27). It also reiterated the findings of the earlier QPS report (2003a), which concluded that none of Queensland's Indigenous communities had the necessary 'success factors'.

### **What was our inquiry told about QATSIP?**

Several submissions expressed support for the QATSIP program or suggested that it should be extended (submissions of Queensland Health, p. 2; a magistrate, p. 2; Torres Strait Regional Authority (TSRA), p. 1; a number of individuals who were QATSIP officers, p. 1; Torres Strait

Islands community police, p. 2). Some submissions also noted issues in relation to training and resourcing,<sup>191</sup> and the need for better transitioning to sworn police (a number of individuals who were QATSIP officers, pp. 2 & 5; TSRA, p. 1; Torres Strait Islands community police, p. 2).

During consultations we heard a great deal of positive comment about QATSIP officers, although it was also noted that there were areas that could be improved.

QATSIP officers were positive about their role. They believed that they worked well with police, advising us that they 'felt appreciated'. The QATSIP at Badu Island explained to us how they worked:

- They emphasised their ability to take a 'cultural approach' to incidents or problems — for example, they focus on de-escalating violent behaviour by using a combination of respect and authority as appropriate: 'We might talk as an uncle to a young man, but talk as a nephew to a senior man.' The QATSIP agreed that crime levels on Badu are relatively low, but believed that their efforts have contributed substantially. They claimed that 'Badu was a wild place' before the QATSIP scheme began and that there is potential for more trouble than that which occurs.<sup>192</sup>
- They said that 'people won't step over the line with us' because they respect the authority of the QATSIP officers. It emerged from their further explanations that the authority derives from their status as QPS officers with powers and their performance in the role. They said: 'What we tell the offender is going to happen, is going to happen.' (They also acknowledged, however, that there are times when they need to call police at Horn Island or Thursday Island to seek advice.)
- They said that having powers is very important, even if they seldom use them. For example, the QATSIP told us that, on some occasions when they had confronted an uncooperative person, they had 'bluffed' their way through the incident, relying on the ignorance of the person about the limits of QATSIP powers. They said that without powers 'it puts you in a very hard spot' because people would know that they are without any authority.

The Badu QATSIP admitted that the constraints on them arising from their limited training and powers could be a problem in some situations. They believe that they are capable of having increased powers, including the power of arrest, and access to the associated police accoutrements such as handcuffs. They stressed that their training would first need to be improved and expanded. The QATSIP explained that there could be difficulties for them in situations where they were faced with an uncontrollable offender, particularly as they had no defensive weapons. One such offender, who was armed with a harpoon, had threatened and harassed one of the QATSIP over several days and the QATSIP had been unable to resolve the situation.

Although the QATSIP on Badu mentioned individual officers they felt had supported them and who 'spoke up for us', QATSIP officers in general were less positive about the level of support received from the QPS. They commented that:

- The QATSIP Development Officer, who is responsible for their training and development, is based in Cairns and rarely visited the communities.<sup>193</sup>
- One QATSIP officer had been in the role for two years but was yet to be officially made a Special Constable.

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191 For example, the submission of QATSIP officers on Badu suggested that they needed a secure place to detain offenders and a permanent police presence on Badu to provide support (QATSIP officers, Badu Island, p. 2).

192 We tried to obtain recorded offence levels at Badu before 2000, but the QPS advised that offence data over the longer term for locations within the Thursday Island police division were not reliable (pers. comm., QPS Statistical Services, December 2007).

193 The QATSIP Development Officer advised that he had a very limited travel budget and had rarely been able to go to the Torres Strait since the scheme began.

- Aspects of their employment conditions, such as their eligibility for locality allowance, needed improvement. They stated that their efforts to have such issues addressed through approaches to the QPS and the police union had not been successful.
- The QATSIP vehicle was in a dilapidated state and we were told it was two years overdue for replacement.<sup>194</sup> The QATSIP also had no boat, which is essential equipment in the Torres Strait to allow officers to police local water traffic, travel to adjoining island communities or help with searches. The QATSIP said: ‘Appearances are very important in the Torres Strait. If it looks like your agency really supports you, you get more respect.’

Although the overall impression was one of pride in the success of QATSIP at Badu, some councillors and community members there had concerns about QATSIP: their lack of powers, the perceived poor support by the QPS, the need for better training, and the hours of duty (the QATSIP work according to rosters determined by the Horn Island police, so they normally do day shifts and only some evenings, and as a result do not deal with incidents occurring in the evenings, such as noisy parties).

Sworn officer colleagues working with QATSIP officers were also generally positive about the advantages of working with them and supported the model. They cited benefits such as the assistance provided to police, particularly in executing warrants and finding people, as well their efforts in defusing incidents and improving community safety. Some also mentioned the advantages of QATSIP being employed by the QPS, such as independence from the local council, better training and resources than the community police, and higher integrity and discipline standards.

Senior police we spoke with are wary of the risks associated with expanding the powers of QATSIP to include, for example, the authority to use force and arrest and detain people, especially where the QATSIP are not directly supervised and have no suitable detention facility. One senior officer, while supporting the QATSIP concept, noted that QATSIP are less willing to assist police in some matters — for example, when they have family members involved and in relation to crimes of a sexual nature. When we queried the QATSIP about the family obligations aspect, the QATSIP denied it is a problem and stated that ‘we treat everyone the same’.<sup>195</sup>

One officer whose role was associated with the scheme was notable in that he expressed little support for the QATSIP model and suggested it was not a success. He stated that ‘QATSIP officers don’t really do police work’. He also stated that QATSIP are expected to perform the role of sworn police without adequate training, and that the expense involved in properly training QATSIP would outweigh any benefit. He stated that the QPS should be focused on delivering policing services ‘equitably’ rather than ‘trying to accommodate particular communities or interest groups’.

It was also suggested to us by a senior government official that the QATSIP scheme does not provide value for money — for example, that the Badu QATSIP cost \$350 000 per annum but ‘they make no arrests’ and ‘there is no crime reported’.

At the time of our consultation visits to locations without QATSIP, we found that councillors, community justice group members and others were aware of the QATSIP program, particularly in communities in northern Cape York. A positive view of the QATSIP appeared to have been passed on by word of mouth, with people at several of our meetings declaring that they would like QATSIP in their communities. Particular mention was made of the influence of the Badu

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194 The condition of the QATSIP vehicle at Badu was in stark contrast to the vehicles used by the Aboriginal Community Police Officers (ACPOs) in the NT. In the two NT Aboriginal communities we visited, each of the two ACPOs had his own fully equipped and well-maintained 4WD vehicle, and their supervising officer also had a vehicle. As part of the ACPO scheme, local communities supply the ACPO vehicles.

195 There were, however, sufficient numbers of QATSIP officers to overcome the problem of family obligations.

QATSIP on local children and on promoting high standards of behaviour. Those who knew that the government had decided to terminate the QATSIP program typically expressed disappointment and even bitterness at the decision, stating 'when we get something for our people that works, it gets taken away'.

We heard from some police and community members that after the QATSIP at Woorabinda resigned there was an outbreak of crime in the community, with juveniles involved in property crime and disorderly behaviour and adults in grog running (this was similar to the situation described at Injinoo after the termination of community policing there, as outlined above). The situation became critical and was reported in the national media at the time (see ABC news 2006b, 2006c, 2007d).<sup>196</sup>

### **In sum**

A great deal of effort has gone into the carefully conceived QATSIP scheme, and it has been the subject of a sound evaluation conducted by the QPS (see QPS 2001, 2003a). There is far stronger stakeholder support for the QATSIP scheme than for community police. Generally, QATSIP officers have achieved a commendable degree of credibility with communities and police; in large part this appears to be due to the fact that they have the 'backing of the QPS' and have some powers to act. The government and the QPS appear to have been reluctant to transfer the community police into the QATSIP scheme more broadly, largely because of the cost.

### **Police Liaison Officers (PLOs)**

The PLO scheme began operating in Queensland in 1992 in response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody (see, for example, recommendation 229, Johnston 1991, vol. 4, p. 152).

### **Role**

PLOs are civilian personnel employed by the QPS to act as a bridge between local police and the community. The role of PLOs is one of community engagement and liaison, to establish and maintain positive rapport between the community and the QPS (submission of the QPS, p. 3). Their role also includes crime prevention, linking people to support services and involvement in programs. It does not include any role in law enforcement, arrest or acting as first response to an incident.

PLOs do not carry accoutrements or have 'use of force' powers beyond that of an ordinary citizen. On occasion they may be required to help police with additional tasks (submission of the QPS, p. 3). For example, they may be used to locate and help police identify people in the community.

Despite their lack of powers, PLOs wear the same uniform as sworn police. However, this is somewhat contradictory to the specification in the QPS description of the role and functions of a PLO that PLOs are not to be deployed in performing duties 'that could lead to an expectation or perception they are a police officer' (see Cunneen, Collings & Ralph 2005, p. 176).

As the 'standard' model of sworn police working with PLOs has existed in only a few Indigenous communities until recently, evidence that it is effective in such places is currently limited. PLOs are now employed by the QPS in Yarrabah, Woorabinda, Palm Island, Horn Island and Thursday Island. There are also two PLOs in Cooktown who provide services to Wujal Wujal and Hope Vale, and two in Murgon to provide services to Cherbourg. The PCYC program in Mornington Island, Yarrabah and Palm Island also each employ two PLOs in a PCYC role only.

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<sup>196</sup> Senior police in the region told us that they did not believe that the situation arose directly from the loss of the QATSIP, but that the reduction of QPS staff from ten officers (including the five QATSIP) to five sworn officers had made a difference.

### What's been said previously?

The evaluation by Cunneen, Collings and Ralph (2005) of the Justice Agreement appeared positive, stating that there had been an improvement in the training and professionalism of PLOs. It also noted that the improvement in training has been of assistance in transitioning some PLOs to sworn officers. Cunneen (2007b) more recently described Police Liaison Officers as the 'least promising' of models to increase Indigenous involvement in policing, primarily because of problems of perceived legitimacy.

The QPS, however, views the PLO scheme rather uncritically. For example, QPS reports tend to overlook possible challenges faced by the scheme. The QPS submission (p. 4) makes no reference to any challenges facing the scheme in these communities but states that 'PLOs have contributed substantially to positive relationships between the QPS and communities'. Another QPS report (2006b, p. 15) makes little reference to any of the challenges confronting the scheme, but simply states:

the PLO scheme has been running successfully for over 10 years and continues to receive favourable comment from a number of forums concerning the program's contribution to enhancing relationships between the QPS and communities.

The NSW Ombudsman's (2005) audit of the implementation of the NSW Police Aboriginal Strategic Direction 2003–2006 provides some independent consideration of the scheme as it operates in that state. It found that a police liaison officer doing their job with the support of colleagues and the community 'is an invaluable resource'. But it also acknowledges that the role is a difficult one and states that 'too often their police colleagues and their own community treat them as if they are working solely in the interests of the other side in the police–community divide'. The audit reveals that the community, for example, often saw the liaison officers' role as one of 'police informant' or 'taxi service'. It also identifies the following challenges in relation to the PLO scheme:

- difficulty in recruiting and retaining suitable candidates because of inadequate education and disadvantage, and because of the inherent difficulties of the position
- lack of adequate support and training
- lack of integration of the role with the work of other police
- a large degree of inconsistency in how liaison officers are used by police and a lack of understanding of some police as to how PLOs can be used to assist operational policing
- lack of development opportunities for PLOs (NSW Ombudsman 2005, pp. 13–16).

In Queensland, similar problems can also be identified. For example, the Aboriginal and Torres Strait Islander Women's Task Force on Violence noted in its report that PLOs lack suitable career development opportunities (1999, p. 263).

The death of Mulrunji in the Palm Island watch-house provides powerful evidence of the problems facing PLOs in Queensland. The policing model in operation at the time on Palm Island was that of sworn police working with PLOs (which is now the government's 'standard model' for the delivery of policing services across Queensland, including the Indigenous communities). It was comments made by Mulrunji to a PLO, challenging why he would assist police against his own people, that led to Senior Sergeant Hurley arresting Mulrunji and that ultimately resulted in his death in the watch-house (Clements 2006). The Acting State Coroner's findings in the Mulrunji inquest say that, in relation to the PLO involved in the incident, his:

role was menial and without authority or apparent respect from either his own community or the Senior Officer in Charge on the island ... The reality was that Police Liaison Officer Bengaroo was isolated from the police service and his own community both of whom, I have no doubt, he was trying to serve. However, torn between the two in an impossible role, he was emasculated and powerless to exert influence on the unfolding tragedy. (Clements 2006, p. 5)

McDougall (2006, p. 40), in his report commissioned by the state government in the aftermath of the Palm Island incident, refers to the QPS policy of employing liaison officers (PLOs) as a failure. Weber (2007) also considers the PLO scheme in the light of events on Palm Island. She notes that:

- PLOs are 'subordinate' to sworn police and have little capacity to influence decisions by sworn officers
- the result is 'an unenviable combination of responsibility (or culpability) in the absence of effective power'
- by virtue of wearing a police uniform alone, PLOs 'will always be suspect wherever police are believed to act against community interest'
- appointing more PLOs without other measures to improve relations is likely to lead to them becoming potential flashpoints for tensions, rather than mediators (p. 239).

### **What was our inquiry told about PLOs?**

A large number of submissions to our inquiry suggested that the role of PLOs should be enhanced (Department of Child Safety, p. 2; Department of Communities, p. 20; Queensland Health, p. 2; individual submission, Villaflor, p. 6; individual submission, name withheld, p. 1; Levitt Robinson Solicitors, p. 4; ATSILS (Qld Sth), p. 7; JCU Law School, pp. 15 & 19–20).

Suggestions for improvement included:

- that PLOs should be given sufficient powers to actually police (submissions of Department of Communities, p. 20; Queensland Health, p. 2; a magistrate, p. 2; JCU Law School, pp. 15 & 20); ATSILS said that, as things are, the standing of PLOs is effectively reduced to 'that of a powerless spectator' (p. 7)
- that steps need to be taken to reduce the stigma attaching to PLOs and increase their respect by police and communities; submissions noted that sometimes PLOs are treated with 'disdain' (ATSILS (Qld Sth), p. 7), or as 'Jacky-Jackys' and the 'meat in the sandwich' (JCU Law School, pp. 15 & 20)
- that their training and remuneration should be improved (submission of a magistrate pp. 1–2) and that there be better transitioning to sworn officers (individual submission, Lucienne, p. 1).

During our consultations with the Indigenous communities and the regional centres, we found that there was limited support for implementing the PLO scheme in the communities, particularly as a replacement for community police or QATSIP officers. The majority view in our meetings with community members was that PLOs would not be effective in their community. People commented that PLOs 'won't work here'. Comments about PLOs included:

- 'they're gammon police'
- 'we can see him in Cairns, he is only a uniform'
- a PLO is 'just an actor in a blue shirt', 'a Jacky Jacky' or 'tittle tattle'.

An experienced former PLO further articulated the concerns raised by community members. He told us that 'there is a stigma attached to being a PLO'. PLOs 'get stressed' by Indigenous people 'abusing and sledging' them. He said 'this is the biggest thing, the verbal abuse'; it is 'like a stake in your heart' as PLOs cannot respond to the abuse. Another problem he described was: 'PLOs tell people something, but often the sworn police officers come along and something else happens'; this leads people to think 'why talk to a PLO when I can talk to a police officer?'

The former PLO also stated that as part of their role PLOs are required to, in effect, be a 'first response' at incidents as they are sent in by sworn police to locate and identify people or to try to de-escalate the situation. He commented that this 'doesn't work out' as PLOs are seen as 'tittle-tats'.

The former PLO went on to say that ‘Police Headquarters think PLOs have a useful role’, but his view was that many operational-level police officers ‘think that PLOs are useless’. He said that PLOs were often told by police officers that ‘you do nothing’, so PLOs ‘cop it from both sides’ — community members and police.

The comments of PLOs currently working in Indigenous communities tended to align with those of the former PLO. One said that many police officers ‘ignored’ PLOs, and that PLOs ‘did not feel welcome’ in the QPS. He said that police ‘don’t really trust PLOs’. Another PLO told us that he believed the community does not respect PLOs, but he also noted that the community had not respected the community police either.

On the other hand, people at a small number of Cape York communities saw benefits in local police working with PLOs, to improve communication and understanding. The PLOs at Torres Strait Island locations were more positive about their role than those elsewhere, and they seemed to generally feel accepted by police. However, community members in these locations raised a concern that PLOs are routinely sent into dangerous situations by police, which puts them at risk of harm.

The views of police on the suitability of the PLO role to the Indigenous communities were mixed. Some police in the communities expressed doubts about their value or that local people would accept PLOs, but others supported the employment of PLOs in Indigenous communities. At one station we were told ‘we don’t need PLOs here, they just get a hard time’. A senior officer stated: ‘PLOs are great in schools and following up matters with families, but when they go to homes with alcohol and violence problems they are embarrassed as they have no powers and people know it.’

Police officers recognised possible difficulties in recruiting suitable applicants, such as a probable lack of willing applicants, and the small number of community members without criminal records. PLO obligations to family members within the community (‘we’d need more than one’) and the wearing of QPS uniforms by PLOs were also raised as problems by police.

Police confirmed that PLOs may, in effect, be placed in a ‘first response’ situation to make an assessment and try to calm things down before police approach people, because sometimes the presence of police inflames tensions. Indeed, some police appear to assess a PLO’s worth by their perceived willingness to ‘watch our backs’ and help police in conflict situations. For example, one police officer stated that the local PLO ‘is good, he’s not afraid, he’ll back us up’.

Aurukun councillors seemed to assume that, if PLOs were recruited to work in that community, they would come from outside Aurukun, given the problem of traditional obligations. This was a concern to them because, as one councillor put it, ‘we wouldn’t know that fellow’, which acknowledged not only unfamiliarity but also lack of belonging, local knowledge and fluency in local languages.

The Badu QATSIP, two of whom were previously PLOs, believed that the QATSIP role is a ‘better stepping stone to becoming a sworn police officer’ than the PLO role. They explained that ‘QATSIP is a model where you are actually doing the policing job, as opposed to not doing it in a PLO role’. The Badu QATSIP said that the QATSIP at Woorabinda had resigned because they did not want to become PLOs.<sup>197</sup> At Yarrabah the QATSIP thought that going back to PLOs was a backward step, as it was removing their authority.

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<sup>197</sup> One of the former Woorabinda QATSIP confirmed this, but also advised that the QATSIP had resigned immediately to pursue alternative employment opportunities.

## What are other jurisdictions doing?

In contrast to what has been suggested elsewhere (see, for example, QPS 2006b, p. 24), we found strong levels of commitment in the police services in both South Australia and the Northern Territory to continuing to support their long-running special models for involving Indigenous people in policing roles.<sup>198</sup>

In both the NT and SA schemes, the Indigenous officers are police constables who undertake law enforcement and crime prevention duties as well as liaison between non-Aboriginal police and Aboriginal people. Under both schemes, the Indigenous officers work alongside sworn officers in urban areas and in remote communities. In those remote locations without sworn police, the Indigenous officers are the only permanent police presence.

In contrast to the situation in Queensland, Aboriginal Community Police Officers (ACPOs) in the NT receive a formal qualification and are full members of the NT Police and the police union. South Australian Community Constables have a special sworn status.

Although ACPOs in the NT are full members of the NT Police and are employed and trained by the police service, the community also makes a contribution by providing an office, housing and a vehicle. This is an important feature of the scheme as this partnership helps ensure community commitment and ownership.

In the NT, training for ACPOs is tailored to suit Indigenous learning styles. For example, there is an emphasis on learning through doing and on practical instruction rather than 'book learning'. (However, it should be noted that an eligibility requirement for ACPO applicants relates to written English skills.)

In both the NT and SA, Indigenous people in these roles have been given powers to police state and territory laws, and the schemes therefore do not revolve around enforcement of by-laws. They commence initially with limited powers but can qualify over time for increased powers and responsibilities. SA Community Constables working alongside sworn police have powers and carry the same accoutrements.

The NT Police Service has recently implemented a program to train and develop ACPOs to become fully qualified sworn police.<sup>199</sup> For example, it has instituted block intakes of ACPOs to help them to transition to sworn officer status. The effort being put into transitioning ACPOs in the NT to sworn officers does not mean, however, that the ACPO scheme is being wound back; to maintain ACPO numbers in the communities, the NT Police Service is actively 'backfilling' the ACPO positions vacated by officers moving to sworn status.

Although not the case in SA, in the NT prior criminal convictions of applicants for ACPO positions, as well as any other information concerning an applicant's integrity, are assessed on a case-by-case basis, according to established guidelines, in order to determine an applicant's suitability for the position.

The SA Community Constable scheme in the remote Aboriginal communities presents a number of challenges that need ongoing management by South Australia Police (SAPol), such as managing the conflicts of interest arising in policing a small community that includes relatives. Senior SAPol officers advised us that SAPol is finding it difficult to retain Community Constables over the long term in remote locations and to recruit suitable replacement officers,

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198 In Western Australia, however, the police service has decided to terminate the Aboriginal liaison officer and Aboriginal community police schemes. We were advised that the position of the WA Police is that 'all WA police are competent to police anywhere in the State'. It should be noted, however, that WA is investing substantial amounts of money in 'multi-function justice centres' in remote communities in response to the recommendations of the Gordon Inquiry about violence and child abuse in Aboriginal communities (Gordon, Hallahan & Henry 2002; Government of Western Australia 2002).

199 It was explained to us that part of the reason for these efforts is the commitment of all NT Government agencies to meet equal employment opportunity targets (28% of the population of the NT is Indigenous).

given the small populations and unique characteristics of those communities.<sup>200</sup> SAPol has run television advertising in the past to encourage recruitment of Community Constables. We were advised that SAPol is also introducing part-time female liaison officers in remote communities, not as a replacement for Community Constables, but as part of a family violence program.

Both the SA and the NT schemes predated the QPS's QATSIP trial by many years. These schemes continue to provide valuable lessons for the QPS, including that there are Indigenous people, even in remote Indigenous communities, with the capacity to successfully exercise police powers and carry accoutrements. The foundations for the long-term sustainability, and the high degree of commitment within the police services and the communities, enjoyed by these schemes in their respective jurisdictions appear to derive from:

- the requirement for a tangible commitment to be made by the communities themselves
- involvement of Elders and community members in the selection process
- the significant commitment made by the police services to the training and development of these Indigenous police, including the integration of Aboriginal learning styles into the training through a great deal of on-the-job training and reinforcement by supervisors
- adequate resourcing, ongoing specialised support, ongoing trouble-shooting and a willingness to overcome difficulties
- recognition and respect for Indigenous knowledge and skills.

## Other forms of 'policing'

As in other jurisdictions, the Queensland Government appears in recent years to be increasingly inclined to provide support to community or night patrols performed by local people (see Queensland Government 2008f).<sup>201</sup> Employing local people to provide security services has also been increasingly relied on in some communities to maintain law and order. These trends may have been reinforced by the government's decision to move to the standard policing service delivery model in Queensland, comprising sworn police and PLOs. For example, during our consultation visits the community justice groups at Napranum and Doomadgee lamented the termination of community police by the local councils and:<sup>202</sup>

- had funded a private Indigenous-owned security firm at Napranum<sup>203</sup>
- had obtained government funding for a night patrol at Doomadgee.<sup>204</sup>

## Community or night patrols

Community patrols, also known as night patrols, are foot and vehicle patrols conducted by Indigenous community members, typically independent of the police. The patrols focus on improving community safety and intervening in situations where Indigenous people are 'at risk' of becoming involved with police and the criminal justice system.

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200 Similar problems have been noted more formally by SAPol in the past. For example, a submission to the Coroner in the inquest into the death of Kunmanara Thompson indicated that SAPol tended to have 'great difficulty' in recruiting Community Constables to certain areas because of the difficulty of the job and the perceived unattractiveness of such a career (Bristow 2004, cited in the *Anangu Lands Paper Tracker* 2008). The submission also noted the difficulties associated with the small pool from which SAPol is able to draw Community Constables, particularly as many people nominated for the position by the communities have criminal histories and are therefore unacceptable (Bristow 2004, cited in the *Anangu Lands Paper Tracker* 2008).

201 This may follow the trend at the federal level.

202 The community justice group at Lockhart River had yet to hear that the then vacant community police positions would not be filled and that the council proposed to terminate the employment of the remaining community police officer.

203 The security service operating at Napranum had provided accredited training to several local people and was conducting security patrols at night in and around the community, until the community justice group could no longer afford the service.

204 At the time of our visit to Doomadgee, the night patrol was yet to commence operation.

They often deal with problems of community disorder, domestic violence, alcohol, drugs and young people (Blagg 2008; Blagg & Valuri 2003, 2004). In addition to intervening and mediating in relation to such matters, members of these patrols may be involved in connecting people with services, providing safe transportation and advising the courts on sentences (Blagg & Valuri 2003, p. 8).

Such patrols carry out a form of community-based policing. They operate without police powers to stop, question and arrest people, and instead operate on a consensus and mediation model. Blagg and Valuri (2003, p. 59) claim that 'patrollers are not police and research shows most do not want policing powers'. Their powers are the same as those of any other citizen and the emphasis is on 'negotiation and working from a position of moral authority rather than imposing formal powers' (Blagg & Valuri 2003, p. 12). They operate with cultural authority and knowledge from being in direct relationships with those they are dealing with (although, as with the other Indigenous policing roles described above, this strength can also cause difficulties in communities where strong factions and families exist).

Community patrols have been most strongly associated with Northern Territory communities and patrollers are often women. Some patrols use professional youth workers, some include Elders, others have Elders to consult, some are primarily run by women patrollers, some are run by volunteers, while others have had all paid workers (Blagg & Valuri 2003, 2004).

Blagg and Valuri (2003) have provided the key analysis of community patrols in Australia. They state that, despite there being some long-running community patrol schemes, there is a lack of rigorous evaluation of their effectiveness in Australia. They noted, however, that client feedback and anecdotal evidence tend to show that such patrols are positively regarded (p. 13).<sup>205 206</sup> Blagg and Valuri conclude that patrols provide an 'invaluable service' to the communities they serve (p. 61). Blagg (2008) suggests they have the potential to decrease the number of people detained, improve relations with the police, and boost the sense of security and public confidence.

### Problems

Ryan (2001, cited in Blagg & Valuri 2003, p. 16) has highlighted that 'A cycle of failure with Aboriginal community night patrols is extremely common.' Community patrols face a range of problems:

- The level of resources provided is a key factor. Often community patrols have difficulty obtaining adequate and consistent resources and funding to appropriately train, pay and support workers. This has been identified as a problem in Queensland in the past (Blagg & Valuri 2003, pp. 38 & 47; see also Blagg 2008, p. 123).
- There may be lack of recognition and acceptance by police and government of the need for local authority to underpin the work of local patrols, they may be susceptible to too much government interference and control, and they may face conflicting expectations from government and community about the role and purpose of patrols (Blagg & Valuri 2003, p. 33).
- Experience shows that, without a clear community commitment and widespread support, resourcing a patrol can cause conflict. This is said to be particularly so in relation to vehicles, which can be appropriated for the wrong purposes if there is no clear agreement in the community about their appropriate use (Blagg & Valuri 2003, p. 38).

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205 In contrast, the study of violence in Indigenous communities by Memmott et al. (2001, p. 68) describes community patrols as a 'tried and proven' program.

206 They recommend longitudinal local evaluations to determine the impact of patrols on crime and safety problems. They suggest that the key index of crime and safety should not be primarily dependent on fluctuations in crimes reported to the police. They propose that a range of local indices established through victimisation surveys, rates of alcohol consumption, lockup statistics, road accidents, rates of family violence, and school attendance may provide better indicators of the work of patrols (Blagg & Valuri 2003).

- Some community patrols have also experienced opposition from within the Indigenous community, revolving around the use of force and coercion, and reflecting ‘dissonance between ... individual rights ... and the collective rights of Aboriginal people to police their own’ (Blagg 2008, p. 111; see also Blagg & Valuri 2003, p. 59).
- Patrols sometimes perform a ‘street sweeping’ function by simply moving young people on rather than actually providing a service (Blagg & Valuri 2003, p. 59).

### **In Queensland**

Community patrols exist in Queensland but are not common or necessarily sustained over a long period. For example, there have been community patrol initiatives linked to community justice groups and funded through small government grants in Kowanyama, Palm Island, Yarrabah and Mornington Island (Blagg & Valuri 2003, p. 7).

At the time of our inquiry:

- The Palm Island Men’s Group had state government funding for a night patrol.
- As we have noted above, at Doomadgee after the termination of community policing, the community justice group began a night patrol, funded from Commonwealth and state government sources.
- Funding for a night patrol was provided to the community justice group on Mornington Island.
- On Thursday Island, the ‘Kuki Patrol’ provides a street patrol service focused on community safety and crime prevention. Patrol staff members are Indigenous and receive training locally, sponsored by the local council. We were advised that patrol staff wages are supplemented by CDEP funds. The Kuki Patrol uses marked vehicles, with its latest vehicle funded by the Torres Strait Regional Authority. The number of staff and vehicles was expanded in 2007 (*Torres News* 2006).<sup>207</sup>

Some police were fairly dismissive of the value of community patrols as they have been implemented in Queensland’s Indigenous communities. In particular, police commented that there was ‘no accountability’ to ensure that an appropriate or sustained service was provided with funds allocated for community patrols. It was the view of some officers that such money was often wasted as no real service, or a very short-lived one of a poor standard, was provided.

It is our view that while community patrols may sometimes demonstrate important efforts to reassert local authority, particularly as a short-term response to a particular issue or an increase in problems for example, they can also often suffer from many of the ‘worst’ factors afflicting models for local people in policing roles in that they tend to be poorly resourced, trained and otherwise supported.

### **Security services**

Although to some extent the distinction between community patrols and private security might be blurred, depending on the nature and extent of Indigenous involvement and the methods of operation of the security service, there seems to be increasing reliance, in some communities at least, on private security firms to deal with problems of community safety.

For example, when employment of the community police was terminated at Napranum, the community justice group used its funds to pay for a private security service that was Indigenous-owned and largely staffed by local Indigenous people, who were trained by the company to qualify for industry certification. However, the community justice group could not afford to sustain the company’s services and the council declined to pay for the service

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207 In practice the Kuki Patrol merges elements of both a community patrol and a security service as it also provides security services on a commercial basis to local businesses, private households and special events.

because of lack of funds. The security service appeared to have some support from community members, especially as about 20 local people received training, qualifications and casual employment in Napranum and around Weipa. There also appeared to be some attraction to the 'self-policing' aspect, given that after the demise of the local community police there was no longer any Indigenous role in policing. One Indigenous woman from Weipa, who was employed by the service, told us forthrightly that the security service 'is the best f\*\*\*g thing to happen around here!'.

The police at Weipa were more ambivalent about the short-lived service, noting that the company had a brief history and no established reputation. The relationship between security staff and police appeared to have tensions, with security staff criticising police for perceived inconsistent support, particularly for failing to respond to their calls when security patrols encountered juveniles committing property offences during the night. Police, on the other hand, claimed that the security patrol lacked the capacity to resolve incidents themselves, relying on the police to attend.

## **Difficulties with the standard model for police service delivery**

The Queensland Government's policy of developing 'place-based' solutions to the difficulties facing Queensland's Indigenous communities recognises that Queensland's Indigenous communities are not standard communities with the usual problems to be confronted; it recognises their unique histories and cultures, that each community has distinct needs and capacities, and that these communities confront disadvantage on an enormous scale (see Chapters 4 and 5). The fragility and volatility of relations with police in these places are also unique. An approach that simply asserts that these communities should be policed in the same way as any other community in Queensland and offers only one standard service delivery model, even if it is couched in terms of 'equality' of service delivery, seems at odds with the notion of local solutions for local problems.

The notion of policing services being able to be delivered in Indigenous communities through a standard model of sworn police and PLOs is administratively attractive, perhaps. The situation in the outer islands of the Torres Strait, at the very least, demands that community police or QATSIP (or some similar role distinct from sworn police or PLOs) will remain a necessity for a substantial length of time, if not permanently. The QPS submission (p. 5) advises that it is not possible to provide a permanent state police presence on all the Torres Strait islands, but that it will deliver the standard service delivery model through a 'geographical cluster' approach, with policing facilities on three islands (Badu, Saibai and Yorke Islands). The submission provides no timetable for these plans, but senior police told us that the Badu police station is likely to be constructed first, possibly within two to three years, because of the 'problematic' presence of the QATSIP and the larger population of Badu and nearby islands.

The relatively high crime rates in the region and unique historical and cultural factors, including the high degree of success and pride associated with 'self-policing' in the Torres Strait, warrant a different approach being taken. The capacity of Indigenous people to undertake policing roles in the Torres Strait Islands should continue to be utilised and further developed.

In addition to being somewhat at odds with the notion of 'place-based' solutions, the Queensland Government's announcement of the move to a standardised service delivery model appears poorly conceived and poorly integrated with other aspects of criminal justice system policy and service delivery.

For example, it is at odds with the longstanding policy approach that has supported the development of local justice mechanisms such as community justice groups, 'law and order' by-laws and JP Magistrates Courts. Without community police or QATSIP, the sustainability of 'law and order' by-laws or JP Magistrates Courts would appear to be seriously jeopardised (see Chapter 17 for further discussion).

It also appears that the move to the standardised service delivery model was announced with such little regard for or understanding of the role performed to date by community police and QATSIP that there are no adequate plans for filling the gaps left by the phasing out of community police and QATSIP. For example:

- It seems that the community police and QATSIP officers in some communities provided the key policing presence in the evening and at nights, when most crime is occurring, and when state police are, it seems, unwilling or unable to work (see Chapter 9). The experience in Woorabinda and Injinoo after the QATSIP officers and community police finished at those locations, where it was said there was then a rise in offending, would also suggest that these Indigenous people played a significant role in dealing with crime problems in their communities, and that this role comprised more than just liaison.
- No adequate plans have been laid out to detail how the transition will be dealt with in the outer Torres Strait Islands, where QATSIP and community police continue to be relied on.

Although the cost has not directly been cited as a reason in support of the government's announcement of the move to a standard service delivery model, it has been cited several times previously by the QPS as a reason that the community police function should not be transferred to the QPS, or as a reason to refuse expansion of the QATSIP scheme (see QPS 2003a, 2003b). Such claims should be carefully considered in the light of the feedback we were given about the immediate impact of the loss of QATSIP and community police in Woorabinda and Injinoo respectively. While the QPS claims that the issues are not related, the phasing out of QATSIP in Woorabinda and the transition to a model of sworn police and PLOs has seen the policing presence in Woorabinda change from 5 sworn police and 5 QATSIP officers to 10 sworn police and 3 PLOs, a far more expensive arrangement (QPS correspondence to the CMC, dated 3 September 2009).

Although the standard service delivery model has been described in terms of 'equality' for all, it effectively excludes Indigenous people from an active role in law enforcement in their communities by preventing them from undertaking any law enforcement role or policing powers. It denies Indigenous people developmental opportunities in any law enforcement role that may assist them to become sworn police. In this sense it is a policy of exclusion rather than of inclusion (as in the NT and SA).

## **Summary and conclusions: Indigenous people in policing roles — let's make it work**

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.

Having Indigenous people in policing roles can also help to 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, however, 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 your own community, including feelings of marginalisation from both the community and the police service. (These difficulties seem less apparent in the Torres Straits Islands, with its history of self-policing.)

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 in particular communities, 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. It is our view that there are some clear principles that should determine the roles of Indigenous people in policing their communities in order to maximise the contribution they could make to the safety of their communities.

### **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. There are very real challenges to achieving the recruitment and retention necessary for Indigenous sworn police to reach the number needed to reflect the communities they are policing, or the level of Indigenous representation in the criminal justice system.

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 Queensland's Indigenous communities remains a long term proposition.

While the QPS has taken some strong steps to improve the recruitment of Indigenous people generally across Queensland, and the JEP program appears to be a success in this regard, recruiting of Indigenous sworn police from Queensland's Indigenous communities remains rare. The research of the NSW Ombudsman (2005) identifies strategies being used to increase recruitment are worthy of consideration for use:

- serving Indigenous police officers mentoring possible recruits while they are still at school
- serving Indigenous police officers mentoring new recruits
- having special intake blocks of Indigenous people, which could help create better support for the recruitment and retention of Indigenous sworn officers (see also Johnston 1991, vol. 4, p. 152); 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.

Such strategies may assist the QPS to recruit Indigenous sworn police from Queensland's Indigenous communities in the longer term.

### **➡ Action**

**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.**

## **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 continued to 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 continue to 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. 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 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 they have a role that is clearly defined in the eyes of the community as being focused on crime prevention and community development (see Chapter 9 for further details of the involvement of PLOs in the PCYC and CAPE programs in Indigenous communities).

## **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. The QATSIP model has weaknesses not present in the NT or SA schemes. Such 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).

Some of the reluctance to commit to such a model 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.

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.

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 NT and SA 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 (see Chapters 6 and 17 for details)
- 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.

#### ➡ Action

**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.

#### ➡ Action

**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.**

This review will be similar to that conducted as part of the NSW Ombudsman's local-level audit. Part of that audit considered the role of Indigenous people in policing roles at the local level (see NSW Ombudsman 2005).

## **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. In Queensland's Indigenous communities, most police who have had firsthand experience of community patrols being funded appear unconvinced of their value.

### **➔ Action**

**That careful consideration must be given to provision of further funding to community patrols by the Queensland and Australian Governments for Queensland's Indigenous communities. The decision to provide such funds should be informed by, and seek to avoid, the common problems that have plagued community patrols and other models by which local people have been put into policing roles in their communities.**

## QPS SUPPORT TO POLICE IN INDIGENOUS COMMUNITIES

We have already documented many reasons for Queensland's Indigenous communities not being easy places to live in or to work in, and for them having a sizeable and apparently entrenched crime problem (see Chapters 3 and 4). We have also previously referred to some of the difficulties the QPS has in keeping positions in these communities filled (see Chapter 6). 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 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.

In this chapter we focus on the challenge to the QPS of keeping officer positions filled in Queensland's Indigenous communities. In Chapter 7 we noted that individual officers — including a number of 'legends' — have made a successful career from the skills developed working in these communities. These officers were able to develop strong relationships across a number of communities. The challenge for the QPS is to develop an organisational approach to support and encourage the development of such success stories, and to encourage all officers to perform better in Indigenous communities, rather than simply attributing the success of the 'legends' to their unique personal characteristics.

We discuss three aspects of support provided by the QPS to officers working in Queensland's Indigenous communities and make suggestions that may help to recruit and retain officers:

1. Incentives, including financial incentives and accommodation for police in Indigenous communities
2. Cultural training for police serving in Queensland's Indigenous communities, to provide preparation and ongoing support
3. Other organisational support that is currently provided on a regional basis (through regional HQ) and the Cultural Advisory Unit.

## Staffing: keeping numbers up

### Recruitment and retention difficulties

#### The nature and size of the problem

As we noted in Chapter 6, the Queensland Government has for some time sought to increase the police presence in Queensland's Indigenous communities, but filling all of the allocated positions in these communities, and retaining police in these positions, is difficult. To some extent this difficulty reflects:

- QPS-wide recruitment and retention problems
- that the QPS faces the same well-known difficulties as do other services — such as health and education — in attracting and retaining people to work in regional, rural and remote locations.

In our consultations the QPS has acknowledged that there are a number of Queensland's Indigenous communities for which, from time to time at least, it is particularly difficult to attract and retain officers. A lot, however, rests on the appointment of good OICs. OICs appear to quickly develop a reputation within the service and the appointment of a good OIC, even to an otherwise 'unpopular' community, can make a substantial difference in attracting other officers to that location.

During our initial consultation visits in 2007, police in some of Queensland's Indigenous communities were operating with a substantial number of positions vacant, including a number of OIC positions that were vacant or were being filled on a temporary basis:

- when we visited Bamaga there was an acting OIC and only three of six staff
- at Aurukun on our first visit there was an acting OIC and only three of eight staff; we were told that within the last 12 months the best position that police numbers had reached was when seven positions were filled
- at Kowanyama only four of eight positions were filled and we were told that the best they had in the last 12 months was six positions filled
- at Woorabinda all five sworn officers were present, but five QATSIP positions had not been replaced (see Chapter 10)
- the OICs at Horn Island and Lockhart River were about to leave and their replacements were yet to be determined and would not arrive for several weeks.

The issue of police recruitment and retention was at the forefront of community concerns about police in many locations. For example:

- Many community members were very critical of the QPS for not maintaining staffing at the full complement, as this was said to reduce the capacity of police to respond to incidents and provide other policing services. In Aurukun, for example, community members themselves have drawn a direct connection between the number of police and levels of crime:
  - the Aurukun community justice group commented about the police staffing situation at Aurukun at the time of our first visit, saying that 'the QPS has really let us down since the riot'
  - the Aurukun Shire Council recently called for more permanent police, claiming that crime and violence decrease when police numbers in the community increase (see Barry 2009a, 2009b).
- Community members also frequently expressed concern that outgoing OICs are not replaced for weeks or months (though the QPS has Sergeants available who can act in place of the OICs for at least some of the interim period). This was a concern as the OIC is seen as being so central to the success or otherwise of local police.

Local police were equally clear about the importance of maintaining police numbers at appropriate levels. For example, one very experienced OIC commented that maintaining numbers ‘is absolutely essential’ in Queensland’s Indigenous communities, although he also commented that senior officers who had not served in such locations did not appear to appreciate this ‘imperative’.

In our discussions with members of the QPS involved in managing recruitment and retention matters for Queensland’s Indigenous communities, the staffing situation was referred to as being in a ‘crisis’ in 2007. Comments included that:

- ‘we can’t fill the vacancies that we have now, never mind the announced increases to allocated police numbers’<sup>208</sup>
- there is a ‘small gene pool’ of officers suitable for these communities
- many applications for these locations are uncontested — that is, there is only one applicant for the advertised position
- one Senior Constable position in a community was advertised twelve times before the position could be filled
- it is most important (and difficult) to attract experienced officers at the Senior Constable level and above, rather than more First Year Constables or other junior officers.

At an individual officer level, it was clear to us that there was some great dedication to trying to deal with the staffing difficulties arising in Queensland’s Indigenous communities. For example, the District Inspector responsible for the QPS Cape York District (which includes most of the Indigenous communities in the Cape and all those in the Torres Strait) in the Far Northern Region advised us at the public forum conducted by the inquiry that, despite the fact that he has a Senior Sergeant to assist him, he spent about 60 per cent of his time on staffing matters, mostly recruiting officers to work in Indigenous communities. He also advised that he ‘felt guilty’ taking officers away from operational teams in Cairns and depleting their numbers, to fill vacancies in the Cape communities. One local OIC also described spending a substantial portion of time trying to recruit officers.

Our consultations undertaken with police in 2009 indicated that recruitment and retention of officers to work in Queensland’s Indigenous communities remains an ongoing challenge. The crisis situation that we saw in 2007 appeared to have been alleviated, however, by a number of factors:

- an increased focus from the QPS on recruitment and retention, including a focus on filling the increased number of allocated officer positions announced for many communities in 2007 (see Chapter 6)
- the impact of the upgrading of OIC positions in many of these communities from Sergeant to Senior Sergeant (see Chapter 6), which has made the OIC positions a far more attractive option for those seeking a promotion, provided they are prepared to commit to two years service in these communities
- increased financial incentives provided to many officers in these locations from 2008.

This appears to have resulted in a cycle of relatively stable staffing in many communities, as officers have been appointed for periods of two years. However, in many communities this cycle is now drawing to a close as officers have served their two-year tenure and are looking for positions elsewhere.

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208 As described in Chapter 3, the Queensland Government has increased the number of allocated police officer positions in Queensland’s Indigenous communities over a number of years, most recently in 2007. As also noted in Chapter 3, despite the government’s efforts to increase police numbers, some communities continue to request further increases.

'Repatriation' of officers from these communities to positions in other locations also raises some problems. Some officers expressed concern that service in an Indigenous community was not valued within the QPS and did not help in obtaining positions elsewhere. Some officers stated that they became 'de-skilled' in these roles, but others commented that the level of responsibility and the level and seriousness of the crime problem in these locations left them well placed for applying for promotions elsewhere.

Many concerns were raised with us about the 'transition' period in communities as this cycle draws to a close. Officers commented that the QPS does not handle these transitions well, particularly in relation to the departure of an OIC and the arrival of a replacement. To avoid a period of 'surplus', OIC positions are not advertised until the incumbent has been successful in an application for a position elsewhere. This means that handover periods between OICs are very rare and there is little, or no, opportunity for a departing OIC to pass on knowledge, skills and contacts developed in their time in the community.

### **Why is it difficult to attract and retain the 'right' officers in these locations?**

There are many possible reasons for the reluctance of officers to work in Indigenous communities. For example:

- Lifestyle factors and issues relating to the remoteness of the communities and the lack of services, as described in Chapter 3. For example:
  - Consultations with local police highlighted their sense of social isolation in these communities as an important factor. Officers and their families tend to socialise mainly with one another, or with other non-Indigenous workers such as teachers and nurses in the community.<sup>209</sup> One very experienced OIC told us that having a social life with community members was complicated for police because they are the police, but also because of cultural differences and the fact that police are only transient members of the community. We were told that this social isolation can sometimes lead to problems affecting the work environment. One OIC complained that one of his most demanding responsibilities was maintaining harmony among his officers, who were 'living in each other's pockets'.
  - We were told that, as the average age of new recruits had increased in recent years, many are already married and some have children. This was thought to often preclude such recruits from coming to remote communities, given the problems with police accommodation configurations (for example, barracks where married quarters are needed) and the disruption to schooling of children.
  - Some officers expressed concern about the stress and disadvantage that living in these communities puts on partners and children. Although we did hear of some police officer families who had adapted successfully to community life, we also heard about:
    - concerns that children were receiving substandard education, or that officers were having to bear the cost of sending children away to boarding school
    - families of police officers deciding to leave the community to live in the closest regional city, because of the advantages for family life.
  - Alcohol restrictions, which apply to all those living in the communities, were said by some police to adversely affect their social life and the amenity of living in Queensland's Indigenous communities.
- We also heard that negative experiences or views of a small number of officers in particular communities, or about OICs, could quickly have a very damaging effect on recruitment as they circulated on the QPS grapevine.

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209 As discussed in Chapter 9, many community people were critical of the police for not socialising more with community members.

- The high rates of crime, the entrenched, multi-layered problems that we have described in Part 1 of this report, and the volatility of relations described in Chapter 7 may also add to the difficulties in recruiting and retaining police. As we described in Chapter 7, a number of experienced officers made comments that these aspects had a ‘tiring’ effect over time.
- Cultural differences, which affect people in both subtle and substantial ways, may cause some police to prefer to work elsewhere or may mean that working in an Indigenous community is only seen as a short-term proposition.

Many of the factors listed above are, to a large extent, out of the QPS’s control. However, we also gained a strong impression from our consultations that the lack of organisational support provided by the QPS to its officers serving in Queensland’s Indigenous communities was a very real factor that reduces the capacity to attract and retain officers.

For example, we are aware that, since the time we conducted our consultations for the inquiry, the QPS has lost a number of those officers who had made working in these communities their career and who were very highly regarded by the communities they worked with and by other officers. Included in this number were two of the ‘legends’ we referred to in Chapter 7 (that is, long-serving officers who were so highly regarded by Indigenous communities that they had achieved ‘iconic’ status). Both of these officers left to take up positions with the Australian Federal Police, which they said provided greater opportunity for promotion than was available within the QPS as Indigenous policing specialists; both also mentioned feeling ‘fed up’ with the lack of support from the QPS provided to those working in remote locations. It is aspects of this QPS support to police in Indigenous communities that the QPS can improve.

### **What is the current QPS approach to recruitment and retention?**

The QPS currently has a mixture of ‘tenured’ and ‘short rotation’ positions in Indigenous communities:

- *Tenured*: As a general rule, because the QPS values police gaining experience in a range of settings, it does not believe that officers should stay in any particular location for an extended length of time and applies a system of ‘tenure’ to all positions and locations. Since the Fitzgerald Commission, the QPS has generally introduced shorter periods of tenure in order to lessen the risk of corruption. Typically, tenure periods of three years (minimum) to five years (maximum) apply to most positions. However, the period of tenure for most Indigenous communities is two to three years. In some cases, officers choose to stay longer, but that is relatively uncommon.
- *Short rotation*: In addition to tenured positions in these communities, junior officers are often ‘rotated’ into communities to ensure that there are sufficient resources to meet the community’s demand for policing services. Typically, officers are rotated into an Indigenous community for two to three periods of six months each.

Short rotations provide a relatively ‘cheap’ solution to the staffing problems in Queensland’s Indigenous communities as the QPS is not required to pay officers on these rotations relocation costs or the usual allowances associated with working in these locations in a tenured capacity or in a relief capacity (see below). This means, however, that there is little scope for such rotations to be extended even where the officer requests such an extension, because of the extra costs that would be incurred by the QPS if officers stayed in a community beyond a particular length of time.

The inquiry was advised by senior police that most police stations in these Indigenous communities are designed to be ‘self-relieving’ — that is, police numbers are meant to be such that existing resources can adequately ‘cover’ for temporary short-term absences.

### **What can be done to improve the situation?**

We found that there are a number of competing demands regarding the appropriate length of tenure for positions in Queensland's Indigenous communities.

On the one hand, Indigenous people in these communities like to get to know officers personally and this takes some time, so community members want valued officers to stay for a lengthy period.

Police officers also admitted that there is a very steep learning curve for about the first six months in these communities — they stated that it takes about that long to get a 'handle' on the job and community issues. However, most officers believed that service in positions in these communities should generally be time limited. Officers raised concerns that if they stayed too long in an Indigenous community they might:

- begin to 'normalise' a level of violence that they would not accept if policing in other locations; one officer gave the example of a recent experience in which he had 'shocked himself' as he felt 'bad' taking action against a man for domestic violence against his wife in circumstances that the officer thought she, and the community generally, would accept 'warranted' the man's violence
- begin to de-skill, meaning that they would not be getting exposure to new challenges; a number of officers also mentioned the difficulty in attending courses and other training from remote postings.

Generally officers suggested that the length of period of service in Queensland's Indigenous communities should be between 18 months and three years, depending on the community. We did find that there are officers who are able to live and serve in a particular community for many years without any apparent adverse effects on their policing or their career aspirations, but these officers appeared to be the exception rather than the norm.

Although the six-monthly rotation of police officers into these communities is currently necessary to maintain police numbers, it is a practice that is far from ideal and it should not be seen as a long-term solution. Rather than continuing to rely on short-term rotations, in the long term the QPS must implement a range of strategies to make policing in Indigenous communities a more attractive choice for officers. To achieve this broad goal, strategies are needed in three areas:

1. Incentives (including accommodation)
2. Cultural training for police
3. Other organisational support.

## **Incentives**

To overcome the perceived disadvantages and hardships associated with these locations, the QPS provides a number of incentives to encourage officers to work in Indigenous communities. For some time, as part of their employment conditions, sworn officers serving in these communities have received benefits that may include:

- free accommodation provided by the QPS
- a locality allowance of up to \$352 per fortnight, depending on the community<sup>210</sup>
- an operational shift allowance in lieu of overtime, on-call, shift work, weekend duty, public holidays and leave loading
- an additional five days recreation leave per year
- an annual return airfare (member and family) from the community to a designated centre (such as Cairns).

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<sup>210</sup> The QPS currently uses a method to 'rank' or 'scale' the communities so that officers receive greater compensation in those communities that are the most remote etc.

During our initial consultation in 2007 we heard from police and others that QPS incentives were considered insufficient and ineffective in attracting and retaining police to work in Queensland's Indigenous communities. They said that:

- The incentives did not necessarily compare favourably with those for policing positions in less difficult locations. For example, one officer stated that a Beat Officer in Nerang could also get the benefit of living in a police residence and would receive a similar operational shift allowance to officers working in Lockhart River, yet the officer in Nerang is only a short distance away from the Gold Coast or Brisbane, whereas the officer in Lockhart River is much more remote. Other officers queried why officers in places of considerable remoteness, such as Kowanyama, Doomadgee and Aurukun, should receive much the same incentives as those in Yarrabah or Cherbourg, which are much less remote.
- The incentives compared unfavourably with those provided by other agencies. For example, we were told that some other agencies provide their staff with more trips out of the communities per year than the QPS does. As well as trips to regional centres, some agencies ensure that staff can have 'long weekends' out of the community, in places such as Weipa. A contrast was also drawn with the Australian Federal Police, who were said to more effectively use a mix of incentive strategies to attract police to places such as East Timor. These were said to include substantial financial incentives, promotional opportunities and recognition of a hardship posting that is taken into account during an officer's reassignment at the conclusion of the tour of duty.

Police suggested that improvements could be made to ensure that there was a package of incentives available which work to make Queensland's Indigenous communities more attractive to police. Ideas included:

- Greater financial incentives should be provided, such as:
  - a revision of the locality allowances to provide fairer ranking of Indigenous communities, allocating weightings to locations based on criteria such as remoteness and the services available; this would better address the problem of some communities being more difficult for attracting and retaining staff than others; in this way, for example, officers in remote locations such as Lockhart River, Doomadgee, Mornington Island, Kowanyama and Aurukun could receive more than those in locations close to regional centres, such as Cherbourg and Yarrabah
  - assistance for those police officers with families to send their children to boarding school
  - internet and pay television connection repayment
  - tax concessions for those working in remote areas (of course, personal income taxation is a Commonwealth responsibility).
- More short breaks away from the community should be provided. Officers are given an annual trip to a regional centre and, for many, this will be a trip to Cairns.<sup>211</sup>
- Opportunities for development and promotion should flow from service in Queensland's Indigenous communities.

During our consultations, several community members expressed some concerns about increased incentives, as they did not want police officers to come to their community 'for the money' — either for the promotion in rank or for financial locality incentives.

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211 In addition, some officers suggested that holiday accommodation in Cairns at the QPS-owned motel facility could be provided as an incentive to many officers serving in Queensland's Indigenous communities. Some officers said that the annual trip to Cairns was expensive despite the free flights, because of the costs associated with accommodation. On the other hand, some officers said that the last thing they would want to do on their break is stay in QPS accommodation; they said they had always found good-value accommodation to be fairly easily available.

Since the time of our initial consultations, some new incentives have been announced:

- A new Indigenous communities 'area allowance' of \$10000 (paid fortnightly) came into effect from 1 July 2008 and applies to Aurukun, Bamaga, Kowanyama, Lockhart River, Pormpuraaw, Yarrabah, Doomadgee, Mornington Island, Palm Island, Woorabinda, Cherbourg, Wujal Wujal and Hopevale.<sup>212</sup>
- A further new incentive scheme began on 1 January 2009 to provide incentive payments of between \$2000 and \$5000 to officers at locations including Horn Island, Weipa and Thursday Island (this scheme does not apply to the other Indigenous communities listed above) (Spence 2008a).

Our consultations in 2009 indicated that these new financial initiatives had apparently hit the mark. Officers reported that they felt they were financially 'well rewarded' for their service in Indigenous communities. However, an ongoing concern was that service in Indigenous communities was not properly valued in other ways within the QPS; this was said to be a 'cultural issue' within the QPS.

The QPS must ensure that there continue to be real incentives — financial and otherwise — for officers to serve in these places, particularly in those locations where it is most difficult to keep positions filled. These incentives must outweigh those provided to officers in far less isolated locations and must effectively compensate for the many difficulties police and their families may encounter living and working in Indigenous communities.

## Accommodation

As we have stated, police officers working in Indigenous communities are provided with accommodation as part of their employment conditions. Currently, the QPS owns and administers nearly 50 residential properties in Queensland's Indigenous communities.

In recent years, governments at every level have made substantial efforts to improve the standard and adequacy of housing, including for police, in Indigenous communities. In 2007 the Queensland Government and the Australian Government allocated \$15 million for new police housing in seven communities:

- Mornington Island: 2 houses, 1 × 3-bed duplex and 1 × studio quadplex
- Hope Vale: 1 × 3-bed duplex
- Aurukun: 1 house and 1 triplex
- Woorabinda: 3 houses and 1 triplex
- Lockhart River: 1 × 3-bed duplex
- Pormpuraaw: 1 × 3-bed duplex
- Doomadgee: 1 house and 1 × 4 studio quadplex (Bligh 2007).<sup>213</sup>

The Queensland Government's former Government Coordination Office — Indigenous Service Delivery and now ATSISS have made the coordination of solutions to accommodation problems for service providers one of their priorities (see Indigenous Government Coordination Office 2009).

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212 This area allowance was introduced as part of the improved conditions negotiated by police in the latest enterprise bargaining agreement, the Queensland Police Service Certified Agreement 5-2007, known as 'EB5', which was certified by the Queensland Industrial Relations Commission on 19 December 2007. Although the allowance is available to all police working in the communities cited above, certain conditions apply to rotational and relieving staff that affect their eligibility for the allowance (such as the length of time spent in the community).

213 In March 2009 the Australian Government announced that \$5.5 billion would be allocated over 10 years to deal with housing problems in 26 large Indigenous communities across the country, including some in Queensland. Which communities are to be included, and whether this money includes any further funds for police accommodation, has not yet been announced (it may focus on provision of housing for community members) (ABC news 2009d).

Despite these efforts, providing and maintaining adequate housing in Queensland's Indigenous communities for those working in the communities continue to present an enormous challenge; it has been described by the Queensland Government as 'one of the major impediments' to service delivery (Indigenous Government Coordination Office 2009). Difficulties include:

- land title issues and negotiating access to land
- lack of skilled construction workers and tradespeople, especially electricians and plumbers, to build and maintain housing
- difficulty gaining access to some communities at certain times of the year (such as during the wet season)
- the high cost of building and maintenance in remote communities.<sup>214</sup>

During our consultations, both police and community members at several locations continued to identify matters of concern relating to police accommodation within the communities. Accommodation standards were generally described by police as being poor, 'substandard' or even 'deplorable'. Local police described various shortcomings with police accommodation, including the age and standard of housing, maintenance problems and accommodation configurations that are inappropriate and inflexible. For example, we heard that:

- there are too many single-officer quarters and not enough family housing in some locations (for example, Palm Island has a lack of suitable family accommodation)
- one OIC said that he had to live in the windowless station storeroom for two months after arrival at his new posting
- aspects of the accommodation make policing more difficult; for example, at Lockhart River police described the challenges they faced stopping grog running when the lack of an enclosed carport meant that everyone in the community knew when officers were at home and when they were out on patrol; 'when they see the police car at the station, that is when the party starts'
- repairs requiring tradespeople often take some time to organise; for example, we were told of an officer and his family who had no hot water for weeks because of the limited availability of plumbers.

At Woorabinda, the situation is currently appalling. As we stated in Chapter 6, community officers have been living for over 12 months in shipping containers while the QPS and the Queensland Government have been waiting for agreement from the local council about where new accommodation for officers can be located.

It is our view that efforts to improve the standard of QPS accommodation in Queensland's Indigenous communities must continue so that accommodation problems do not act as a disincentive for many officers. In particular, the ongoing issues in Woorabinda must be immediately resolved. Concerns expressed by police about the practical difficulties associated with having no lockup garage should be considered in future designing of police accommodation.

Local community members also had complaints about police accommodation. In these communities, police stations and police housing are often located within secure 'compounds' or 'barracks' surrounded by high barbed-wire fences. (Police facilities at Yarrabah are within such a secure compound, for example, whereas at other communities, such as at Lockhart River, they are not.) In some places people saw these fenced compounds as evidence of a 'siege mentality' within the QPS. Many people said they wanted the police to live in homes 'with us in the community', not in a separate compound. (It should be noted that in some

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214 For example, we were told in the Far Northern Region that building police residences in Indigenous communities typically costs \$500 000 and takes about six months for construction to be completed. We were informed that there was at least \$2 million of repairs to QPS property in this region outstanding at the time of our consultations.

communities other public facilities are similarly protected and in some locations, such as at Aurukun, many community homes also have high wire security fences.)

Although there is a need for adequate security, other — more subtle — security measures could be put in place to ensure officer safety, and fencing could be redesigned to provide privacy but to look less like a penal institution. The removal of the compound fences would have some symbolic value in enhancing relations. It is our view that the QPS should review the need for security compounds with a view to removing, wherever possible, high barbed-wire fencing so as to reduce the perception of police officers being isolated, defensive and unengaged with the community.

## Police vehicles

The allocation of police vehicles may be inadequate in many Indigenous communities, where the police face challenges of grog running, parties, limited mechanical support and large areas to police. During our initial consultations in Bamaga we saw a situation arise in which police officers were required to use their own private vehicle as the police vehicle had already been deployed to respond to another incident.

The limited availability of police vehicles can create operational difficulties for police. For example, we were told that community members can often easily detect the location and activities of the police and how likely it is they may be apprehended for offending behaviour, by considering the location of the police vehicle at any one time. This is particularly the case where the police vehicles could be easily seen when parked at the station.

## Cultural training for police

Over the last 20 years, police services across Australia have committed themselves to the development and implementation of training to improve the cultural ‘awareness’ of police working with Indigenous people. Commonly this has resulted in ‘cultural awareness’ or ‘cultural appreciation’ training being provided to new recruits training at police academies.

### Why is cultural training important?

Regardless of our background, we are all culturally programmed throughout our life — we learn ways of communicating and ways of seeing the world through our culture. Therefore cross-cultural encounters can, by their very nature, be difficult. Cultural training assumes that knowledge can help us in cross-cultural encounters and that we are not born with the ability to interact successfully across cultures — rather, that such an ability is learnt.

Cultural training for police is important for many reasons. It has the potential to be a key to building successful relationships. At its core, cross-cultural training can lead to more effective cross-cultural communication through:

- helping to avoid cultural misunderstandings, stereotyping and ethnocentrism
- reducing the incidence of ‘culture shock’ for police and their families.

In the area of policing, law, crime and justice, there is much at stake in cross-cultural encounters — breakdowns in communication can lead to injustice (see *R v. Kina* Unreported, CA No. 221 of 1993 (29 November 1993) Fitzgerald P, Davies & McPherson JJA, Brisbane).<sup>215</sup>

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215 In this case, an Aboriginal woman’s conviction for the murder of her de facto husband was overturned on the basis that the miscommunication between her and her legal representatives was such that there had been a miscarriage of justice.

In Queensland's Indigenous communities it is impossible to police effectively without some knowledge of the complex cultures and social relationships within a community. In Aurukun, for example, there will be a steep learning curve for any outsider in order to understand the complexities of Wik and Wik Way society; having some understanding of kinship structures and relations between groups is a necessity for working successfully in this community. Several police, both Indigenous and non-Indigenous, told us of instances where they used their knowledge of local culture to overcome or avoid problems.

We met one remarkable officer who had learnt to understand and be understood in Wik Mungkan at Aurukun. We also heard that community members in various places appreciated police officers who would learn and use words in the local language. Such learning is obviously a long-term endeavour; for new officers such a strategy would be highly risky and they would be well advised to rely on the generally superior cross-cultural communication skills of local community members.

There is now a great deal of good-quality information available on aspects of culture in Queensland's Indigenous communities, including information on language and communication matters centrally relevant to policing. Much of this information is now referred to in the guidance materials prepared for judicial officers (see Eades 1992; JAG & Aboriginal and Torres Strait Policy and Development 2000; Supreme Court of Queensland 2005). For example, there is a great deal of information about the following aspects of communication that may arise in speaking with an 'Aboriginal English' speaker:<sup>216</sup>

- The effectiveness of indirect rather than direct questioning and the importance of non-verbal communication.
- The danger of 'gratuitous concurrence' — the tendency of some Aboriginal people to agree with a proposition or question when it is put to them, regardless of whether they truly agree with that proposition or question. They may not even have understood the proposition or question that has been put. Some Aboriginal people may be likely to 'gratuitously concur' with a proposition put to them by a non-Aboriginal person, especially when that person is (or appears to be) in a position of authority.
- The avoidance of direct eye contact, which, for an Aboriginal person, may demonstrate politeness and respect for persons of authority such as police, court officers, magistrates or judges. Direct eye contact may be interpreted as rudeness, lack of respect or even aggression. However, in non-Aboriginal society, direct eye contact is usually perceived as a sign of confidence, honesty and politeness and the avoidance of eye contact may be interpreted as sign of dishonesty, insecurity, or lack of interest or respect.

Because so many aspects of Aboriginal and Torres Strait Islander cultures that may be relevant to policing are peculiar to a particular place, cultural learning is heavily dependent on local context. During our consultations we heard of several examples of localised cultural expectations, and of instances where the apparent ignorance of police of these led to police being accused by community members of having 'bad manners'.

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216 Aboriginal English can be distinguished from 'standard English'. The term refers to the various varieties of the English language used by Indigenous Australians. These varieties, which developed differently in different parts of Australia, vary along a continuum, from forms close to standard English to more non-standard forms. The furthest extent of this is Kriol, which is regarded by linguists as a language distinct from English.

## Nature and size of the problem

During our community consultations it was obvious that the issue of cultural training to provide preparation and ongoing support to police is one of great importance to Indigenous Queenslanders. Community people were always very keen for police to have an understanding of local culture; it was a point made at almost every meeting we held. Indigenous community members said they did not like inexperienced officers or officers who were poorly prepared for working in their community.

However, few police we spoke with during our initial consultations in 2007 had received any cultural training or local community induction. One OIC said that police officers are generally poorly informed about what it is like to work in remote Aboriginal communities; he said 'people have no idea — they come out here thinking that they will be cooked in a pot or something'. Another referred to the 'culture shock' experienced by officers on arriving at the community, saying 'they spend the first month going around with their jaw dragging on the ground'. One OIC commented to us that he did not believe any cultural training was necessary as he said 'there is no culture left here'.

As we described above, in order to keep police officer positions in these communities filled, the QPS has adopted a policy whereby junior officers are rotated into the communities on a six-monthly basis. In practice this means that these junior officers are not receiving any cultural training (other than that provided at the police academy) and also that they have very little time to become familiar with local people, traditions and customs, and kinship structures.<sup>217</sup>

## Previous reports

The QPS, and Queensland Government service providers generally, have struggled over several decades to provide adequate cultural training to those working with Indigenous people. The following reports have identified the need for improvements:

- The Royal Commission into Aboriginal Deaths in Custody (Johnston 1991) recommended that:
  - Such training should be developed in negotiation with local Aboriginal communities and organisations and, where possible, be given by Aboriginal providers (recommendation 210).
  - For police, a substantial component of recruit and in-service training should be about interaction between police and Aboriginal people, including 'practical advice as to the conduct which is appropriate'. Training should also include social and historical factors that explain the nature of Aboriginal and non-Aboriginal relations in society today (recommendation 228).<sup>218</sup>
- The Bingham review of the QPS suggested that cross-cultural training for police officers needed to be experiential and ongoing (Bingham 1996).
- The report of the Aboriginal and Torres Strait Islander Women's Task Force on Violence (1999, pp. 228 & 261) noted that officers must be properly prepared for working with Indigenous people, including through cultural awareness training at the local level.
- The Cape York Justice Study (2001) was critical of the fact that there was only one training unit about Indigenous people for serving officers available in the QPS Competency Acquisition Program (CAP). The study, however, described as 'positive' the DATSIP-funded Kowanyama trial that involved police camping for two weeks with residents before commencing duties. The report recommended that the QPS provide experiential training based on the Kowanyama trial for all officers who are to serve in Indigenous communities.

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217 One OIC also noted that it was common for the rotation officers to not have completed other training required for remote postings, such as small-boat operation skills.

218 In 2007, a report tabled in the Queensland Parliament stated that the government considered that it had implemented recommendation 228 regarding training for police but that recommendation 210 required further action (Queensland Government 2007c).

- The Queensland Government committed to improving cultural awareness training of all justice agency employees as one of the ‘supporting outcome’ areas nominated in the Aboriginal and Torres Strait Islander Justice Agreement (Queensland Government 2001).
- The evaluation of the Justice Agreement by Cunneen, Collings and Ralph (2005, pp. 114–15) states that the QPS had indicated that three stages of cultural awareness training for the QPS were ‘being developed’ but had not yet been approved or implemented. It should be noted that the evaluation considered the progress made by all justice agencies, and found that the QPS model was ‘the most developed’ in comparison with the models of other agencies (p. 115).
- Evidence to the coronial inquest into the death of Mulrunji suggests that no training was given to police working in Indigenous communities other than what they were provided by the police academy at the recruit training stage. The self-directed CAP training units were available to the serving officers, but were not compulsory and had not been completed by those who gave evidence. Evidence to the inquest suggested that any local induction provided to new police was likely to be ad hoc and might or might not include any information on, for example, the role of PLOs, how local conditions might affect policing or how public order offences might be dealt with. The coroner’s comments included that all officers working in Indigenous communities should receive experiential training based on the Kowanyama trial, as recommended by the Cape York Justice Study (Clements 2006). In response, the government has stated that it ‘supported’ this coronial comment (Queensland Government 2006c).
- A report commissioned by the Queensland Government after the death of Mulrunji and subsequent events on Palm Island recommended that experiential training going beyond the basic cultural awareness training currently offered should be introduced (see recommendation 29, McDougall 2006, p. 41).

This long list tells us that, despite QPS efforts to date, there are continued calls for the cultural training of police to be improved and, in particular, for more ‘experiential’ or on-the-ground guided learning.

### **What is the current approach to cultural training?**

The QPS provides the following forms of cross-cultural training about Indigenous culture and people:

- a. Training to police recruits at the academy; part of this training is delivered by Indigenous training providers.
- b. In-service training provided through three self-directed training units in the QPS Competency Acquisition Program (CAP) on Aboriginal and Torres Strait Islander Peoples in Australian Society. These three units form part of a large number of non-compulsory self-directed learning modules available to all QPS personnel; a certain number of CAP units must be completed in order to qualify for incremental pay increases. The in-service cultural appreciation training is not compulsory for any officer. It provides three CAP units covering the following topics:
  1. Race relations
    - race, prejudice, ethnocentrism and you
    - racism
    - a historical perspective to 1860
    - separation and segregation from 1860
    - land rights
    - why should you oppose racism?
    - terminology and aspects of communication
    - implications for you as a police officer

2. Government and the law
  - contact — a clash of systems
  - impact of legislation
  - the Australian Law Reform Commission
  - the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)
  - land rights: *Mabo v. Queensland* and other decisions
  - reconciliation
  - government response to social issues
3. Social issues
  - identity
  - health
  - alcohol, substance abuse and violence
  - the political scene
  - the future.
- c. Community-specific induction packages, which have been introduced subsequent to the Mulrunji inquest (which revealed a complete lack of local preparation provided to officers serving at the time in the Palm Island community). These packages have been developed in consultation with each of the communities concerned (see submission of the QPS, p. 9). At 9 February 2009, the QPS had developed packages for 14 individual Queensland Indigenous communities and an additional package for the communities in the Northern Peninsula Area. The packages state that they have been developed in response to the various reports that have recommended community-specific training.

Each package includes details such as the names of council members, the community services available and brief information on topics such as the history of the community, its people, cultural practices and communication techniques. The packages provide good introductory material about the communities and include useful guidance on the importance of building relationships and getting involved in community life. The packages may include, for example, some reference to the avoidance relationships, traditions and sensitivities associated with deaths, traditional places and concepts of time.

The Palm Island package was developed as a pilot and had been implemented when we conducted our initial consultations; it was disappointing that several officers at Palm Island said when we visited that the local induction in reality meant they ‘were just pointed at the package’.

We were informed during consultations that the QPS’s Cultural Advisory Unit has been largely responsible for the development of cultural training for police, particularly the local induction training that has been ‘under development’ for many years (see also the submission of the QPS, p. 9). We were told that historically the development of these materials had faced barriers — including several project managers, no discrete budget, no project plan, no timeline — and that those working on developing the training were unable to travel to the communities in order to develop it. Although similar training courses exist and have been used by other agencies for some time, it does not appear that the QPS could easily take advantage of these to adapt them to suit the needs of police.

The difficulties and the delays experienced by the QPS in implementing the community-specific cultural training may reflect, in part, that:

- at least historically the QPS has not attached as much value to this type of training as is warranted
- cross-cultural training is not ‘easy’; it is a challenging and relatively new area for police training, and there may be some uncertainty about how to effectively prepare and support officers in Queensland’s Indigenous communities.

After several decades of this problem being highlighted for the QPS and a long struggle to develop a solution, the training materials as they stand subsequent to the Mulrunji inquest are sound, in so far as they go. It is a concern, however, that:

- there continues to be a total reliance on self-directed training, and there is no organisational encouragement and support for any locally based experiential training involving the local community (the need for which has been a consistent message to the QPS over a number of years); involving locals in such training is necessary not only to transfer necessary cultural knowledge, but also to highlight any historical events or issues with police that are significant to local people and that may affect relations
- there is no organisational encouragement and support for a continuing and ongoing cultural learning process (other than the self-directed learning provided through the CAP units)
- there is little emphasis on problems of communication (on the importance of observing, of listening carefully to learn), and the kinds of issues highlighted in the work of Dianna Eades, for example (see Eades 1992; JAG & Aboriginal and Torres Strait Policy and Development 2000; Supreme Court of Queensland 2005).

It should be noted that other jurisdictions appear to have made more concerted efforts than have been made by the QPS. In contrast, for example, SAPol provides all staff with cultural competence training.

Before we can consider, in our conclusions below, how the QPS might further improve its approach to cultural training, we must also consider the evidence about the effectiveness of cultural training generally.

### **Does cultural training work?**

Although there has been little or no evaluation of cultural training for police in Australia, the emphasis in Australia since the 1990s on the need for cultural training for police has been mirrored in overseas jurisdictions such as Canada and Britain, in relation to the policing of First Nations peoples and ethnic minorities respectively. Unfortunately, the overseas evaluations of discrete educational initiatives and workshops have not been promising. Such evaluations tend to show that, though there may be some effective exchange of information, such training has little effect on the quality of policing or police attitudes or practices (see Rowe 2004).

For example, in Britain the racist murder of Stephen Lawrence in 1993 in London, the bungled police investigation that followed, and the subsequent inquiry and handing down of the MacPherson Report brought into sharp relief the issue of police relations with ethnic communities. In the post-Lawrence period there was extensive effort put into the delivery and evaluation of training programs for police in 'community and race relations' or 'policing diversity'. A three-year evaluation of these training programs conducted by the Home Office considered the impact of these programs in terms of the ongoing working practices of those who attended. In broad terms it was found that there was a general failure to transfer the training to the workplace and that more needed to be done to ensure that such programs were embedded into police work (Rowe 2004, p. 16).

In the field of psychology there appears to be a more developed understanding of what works to improve the cultural competence of those providing clinical services. This research shows that the development of guidelines for increasing the cultural competence of clinical psychologists can increase service utilisation and promotes beneficial outcomes for Indigenous clients (Vicary 2002; Dana 2000). A Cultural Competence Continuum for practitioners in this field has been developed to increase their level of competence in working with minority populations. This continuum has been used to design training programs and improve the self-awareness of clinicians regarding their strengths and deficits in working with minority populations. The continuum has been validated for use with services and practitioners providing counselling for Indigenous people in Western Australia (see Cross et al. 1989; Westerman 2003).

## How can the QPS further improve its cultural training?

Despite relatively recent improvements, such as the introduction of community-specific training materials subsequent to the Mulrunji inquest, it is our belief that the QPS must still do more to support the cultural training provided to officers in Indigenous communities, particularly for those officers who may wish to specialise in Indigenous policing. Further strategies, such as those highlighted below, would complement the non-compulsory self-directed training packages currently available to all officers.

It is our belief that the QPS's approach to cultural training for its officers should be shaped by the understanding that:

- culture is a complex whole and cultural training will not be effective when it simply reduces a culture to a list of Indigenous cultural traits ('Aboriginal people do this or that ...'); this is true at the local level and more broadly
- the QPS must promote the value of engaging with Indigenous people and with their local worlds; and of listening, observing and being able to communicate.

Cultural 'awareness', 'appreciation' or 'competency'<sup>219</sup> is therefore a process that continually evolves; cultural competence is an ideal to strive towards, rather than having a fixed end point or a point at which an individual achieves some level of technical mastery (that is, it cannot be considered 'done' when a training package has been completed). For this reason, the QPS should provide ongoing support to officers in Queensland's Indigenous communities to encourage the continued development of cultural competence.

There are various strategies that the QPS must develop to encourage the ongoing development of cultural competence. There may not, however, be a 'one size fits all' approach as the strategies may need to vary from community to community. For example:

- it was our observation that successful policing in these communities can be done in a variety of different ways, or might need to be done differently in some communities compared with others
- in some communities there may be cultural training programs already developed at a local level for service delivery staff belonging to other agencies; the QPS may be able to tap into those to meet part of its training needs.

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.

During our consultations, some of the police who were well respected and experienced in working with Queensland's Indigenous communities said that they were sceptical about whether cultural training could provide the skills necessary to be a successful officer in an Indigenous community. At least to some extent, these views seem to be supported by the research evidence regarding discrete educational units or workshops that we have referred to above.

Many officers stated that the best learning happens when you have the right police officer with the right attitude learning on the job — this was said to usually involve informal 'mentoring' by an experienced officer-in-charge. A number of officers were open about the enormous positive learning experience they had of 'coming up under' one of the so-called legends of Indigenous policing. The current usefulness of such informal mentoring is limited by the fact that it leaves much up to chance. As a priority, the QPS needs to better institutionalise the use of the accumulated wisdom of its most experienced and respected officers in these communities.

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219 Although the QPS refers to its training now as 'cultural appreciation' training rather than 'cultural awareness' training, it is not clear that this distinction is significant. In other comparable contexts, such as in the health field, international aid work and peace-keeping, the focus for some time has been on 'cultural competence' rather than 'awareness' or 'appreciation'. In addition to cultural 'awareness', the notion of cultural competence includes emphasis on the need for cultural 'knowledge', 'attitudes' and 'skills'. However, sometimes these terms are used interchangeably. We believe that the change that needs to be made in the QPS's approach to cultural training is not one that primarily involves a change in terminology.

Despite the paucity of evaluation evidence for the effectiveness of cultural training, given the importance of relations and the large role that good communication can play in developing stronger relations, cultural training should certainly continue to be developed and improved in Queensland. We also need an improved focus on learning about what works. The issues related to cultural training are not unique to police, and such an effort to develop and improving our understanding of the effectiveness of cultural training is a major task that should be a Queensland Government-wide endeavour.

Cultural training should be provided not just to all recruits, those who volunteer for it and those serving in Indigenous communities. Given the proportion of Indigenous people against whom police action is taken in Queensland (see Chapter 4), it should be broadly implemented across the service. In particular, staff in the QPS communications centres who receive calls diverted from Queensland's Indigenous communities should receive such training.

## Other organisational support

### The need for a focused recruitment program or unit

We heard during our consultations that QPS human resources assistance in filling vacancies is limited to advertising vacancies and providing support during the selection and appointment process. The human resources assistance currently provided does not extend to any active 'recruitment' of officers to help fill vacancies. (Hence some officers described spending a lot of their time ringing around in an attempt to recruit officers.) Several officers said that a 'proper' recruiting program to identify suitable candidates within the QPS and encourage them to apply for positions in Queensland's Indigenous communities would be helpful.

We are aware that the NT Police, for example, have an 'internal recruiting unit' devoted to recruiting staff for Indigenous communities. This unit identifies suitable candidates, and promotes locations and opportunities. Though the NT Police still have difficulties in filling positions, such an initiative in Queensland has potential to assist and would at least relieve the District Officers and some OICs of a great deal of the work they do in this regard.

It is our view that, despite the considerable efforts of some individual officers, the current level of support provided by the QPS to the area of recruitment for Indigenous communities is not adequate. Establishing an internal recruitment unit or program focused on identifying suitable officers and recruiting them to Indigenous communities could assist.

### The Cultural Advisory Unit

The Cultural Advisory Unit (CAU) was established within the QPS after the Royal Commission to provide for a statewide coordination of programs, policy and procedures relating to Indigenous and cultural diversity issues. The unit also provides advice to members of the service and the community on Aboriginal, Torres Strait Islander and cultural diversity matters. The unit similarly provides advice regarding other ethnic and cultural groups.

The CAU is located within the Office of the Commissioner and is staffed by a mix of police officers and staff members, including Indigenous staff.

The CAU was the subject of a review by the QPS in 2008. The unit's effectiveness has been limited by:

- its lack of travel budget; officers from the CAU are based in Brisbane and have been largely unable to visit the Cape, the Gulf or the Torres Strait Islands (a senior officer in Cairns asked us 'who are they?' to make the point that the CAU had rarely visited)
- its lack of a strong operational role, other than providing training and support for PLOs; this lack of any strong operational focus has been said by some to have weakened the potency of its strategic advice.

It is our view that, though some similar issues may arise in policing other cultural groups, the issues involved in Indigenous policing are unique. The high crime rates in Queensland's Indigenous communities, the degree of Indigenous overrepresentation in the criminal justice system and the difficult history of relations between Indigenous people and police all convincingly point to the need for a well-resourced support branch within the QPS, focused entirely on Indigenous issues and not those of other cultural groups.

It is also our view that a new Indigenous policing support branch should be devised, one with the capacity to have operational influence on the ground in addition to providing whole-of-service policy and training advice.

## Summary and conclusions: QPS must step up its efforts

In previous chapters we have concluded that the size of the crime problem is a key factor contributing to the tension that exists between police and Indigenous people, and that the most effective way to improve relations is to reduce the level of crime in these communities. Crime prevention therefore must become the priority — policing in Queensland's Indigenous communities should be more about crime prevention and less about pure 'law enforcement'.

The focus on crime prevention has a number of implications for the QPS:

- it requires a particular style of community policing that is grounded in problem-solving and partnerships
- the success of this style of policing depends on having the right people in policing jobs in these communities
- this raises issues of 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.

In this chapter we have considered the substantial and ongoing recruitment and retention difficulties faced by the QPS in relation to getting the right officers to serve in Queensland's Indigenous communities.

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, 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 (see Chapter 9); 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 relationships and skills that really allow them to make a positive contribution to policing, and other factors working against longer terms of service.

### ➡ Action

**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.**

In order to determine what action the QPS might take to improve matters in relation to the recruitment and retention of officers in Queensland's Indigenous communities, we have considered the three key areas of QPS support to officers in these areas:

1. Incentives provided to encourage officers to serve in Queensland's Indigenous communities (including financial incentives and accommodation)
2. Cultural training for QPS staff, especially those in operational roles in these communities
3. Other organisational support, including QPS human resources assistance and the Cultural Advisory Unit.

What has concerned us most is that, despite the QPS efforts in these areas, 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.

## **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.

### **➔ Action**

**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.**

### **➔ Action**

**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.**

## **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.

## ➔ Action

**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.**

Although we believe that the QPS must support ongoing cultural training for those policing 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 it 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.

In some communities, mentoring by an experienced officer from outside may not be necessary as there may be a serving OIC with the necessary local experience. In other communities, however, there may be an officer now based elsewhere who has extensive experience that can be drawn on.

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.

## ➔ Action

**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.

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 (see Chapter 9 for a further description of this evidence for the crime prevention effectiveness of such a strategy).

## ➔ Action

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.

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 their own cultural competence through the development of 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,<sup>220</sup> to assist in the development of such tools for its officers and the organisation.

## ➔ Action

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.

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220 Such as Dr Tracey Westerman, who has developed and implemented cultural competence assessment tools for some police officers, psychologists and mental health workers working in Indigenous communities in other jurisdictions.

Assessment measures applied to officers' performance in this regard must be subject to an overarching 'reasonableness' criteria. For example, relations with a council may be very hostile because police have taken action in relation to fraud, corruption or abuse of power; in such circumstances it could not reasonably be expected that officers would have 'established working relationships'.

### **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 that is focused on identifying suitable officers and recruiting them to Indigenous communities.

#### **➔ Action**

**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.**

It is our view that the QPS needs a dedicated strategic and operational focus on policing Indigenous communities in order to ensure that officers who work in Queensland's Indigenous communities are appropriately valued and supported for this service; we believe that this, in turn, can help to achieve greater success in this area of policing.

We have outlined 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 — is currently unable to perform this role adequately (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 and that this new structure should replace that part of the CAU which currently provides services in relation to Indigenous policing.

We believe that the creation of this new structure will send a clear message that the QPS values and supports the role of police in Indigenous communities, and that 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. In order to flesh out the details of this recommendation and provide details of the role of this new structure, we draw not only on reasons set out in this chapter, but also on those set out elsewhere in this report. For that reason the following chapter provides discussion and further details of this proposed new QPS structure.

## A NEW QPS STRUCTURE: THE INDIGENOUS POLICING PARTNERSHIP COMMAND

Throughout Part 2 we have suggested numerous improvements to QPS practices, policies and procedures that are designed to improve relations between police and Queensland's Indigenous communities. It is our conclusion that the size of the crime problem is a key factor contributing to the tension that exists between police and Indigenous people, and the most effective way to improve relations in the long term is to reduce the level of crime in these 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 — both internal problems within the QPS and significant external challenges must be addressed if we are to see the improvements that we suggest realised.

Taken together, the improvements we suggest indicate that a substantial change must occur in the approach to policing Queensland's Indigenous communities — and it is our belief that different structural arrangements within the QPS are needed to underpin the work that must be done to achieve this substantial change. We recommend the creation of an Indigenous Policing Partnership Command (IPPC), led by an officer of the rank of Assistant Commissioner. In this chapter we explain the rationale for recommending such a major structural change within the QPS, drawing together many of the factors that we have highlighted throughout the report so far.

### What internal and external challenges must be faced by the QPS to achieve a new approach to policing Queensland's Indigenous communities?

The size of the problems — both internal and external to the QPS — to be overcome if we hope to be effective in improving policing of Queensland's Indigenous communities should not be underestimated.

The problems external to the QPS are those described in Part 1 of this report, relating to the size of the crime problem in Queensland's Indigenous communities and the great difficulty in achieving the degree of joint action with communities and across government (or governments) necessary for an effective response. We provide further discussion of these challenges in achieving a coordinated response to crime prevention and criminal justice matters in Part 4, but certainly one of these challenges is to closely align the QPS within the broader state government and Australian Government strategic approaches to improving life in Queensland's Indigenous communities (such as the *Closing the Gap* initiative).

The problems internal to the QPS we have canvassed throughout Part 2 of this report in considering how to improve community relations with police. We have stated that improving the policing of Queensland's Indigenous communities must involve the QPS:

- sending a clear and constant message to Indigenous communities and its officers that it takes the priority of improving relations seriously
- greatly increasing and improving the focus on effective crime prevention
- providing more policing in a way that is unlikely to increase tensions, damage relations and even lead to more crime, but rather will increase trust and confidence in police and reduce crime

- revisiting important aspects of community policing
- promoting problem-solving and partnership approaches to policing as a central driving philosophy for effective policing in Queensland's Indigenous communities
- committing to having local Indigenous people properly trained and supported within a new model, to be involved in policing their own communities
- providing greater support for recruitment to, retention in and repatriation out of Queensland's Indigenous communities
- supporting the ongoing development of officers' cultural competence
- valuing service in these communities more fully.

Bringing about the degree of change we see as being necessary to meet these internal and external challenges will require considerable effort at various levels within the QPS: in local communities, within the QPS regions, within Headquarters and across the service as a whole. Resources will also be needed to support the changes that must occur. However, we urge that a longer-term vision be taken to the resourcing issue, as there can be no doubt that achieving effective crime prevention in Queensland's Indigenous communities will lead to savings in the future.<sup>221</sup>

It is our view that the scale of the challenges to be faced by the QPS in Indigenous policing in general, and the policing of Queensland's Indigenous communities in particular, is such that a well-resourced support branch within the QPS, dedicated to Indigenous issues alone and led by an officer of the highest possible rank, is necessary.

## The proposed Indigenous Policing Partnership Command (IPPC)

The IPPC will play the key role in ensuring that policing services of the appropriate style are provided to Queensland's Indigenous communities in particular, but also in Indigenous policing in general throughout the state. It will also provide the dedicated high-level leadership that we believe is necessary to bring about a substantial change and play a key role in attracting and supporting officers to serve in Queensland's Indigenous communities, including by developing the skills needed for success in this area.

### The policing style

We have described how, to a large degree, the policing style employed in Queensland's Indigenous communities at the moment depends on the personal attributes and approach of individual officers, particularly the OIC in any location. Though we did find examples of OICs who were focused on crime prevention and using problem-solving approaches, we also found that there were OICs who saw their role far more narrowly, as being focused exclusively on law enforcement.

A key role of the IPPC must be to drive changes within the QPS to ensure that the policing style and philosophy that are central to all Queensland's Indigenous communities are characterised by:

- a core focus on crime prevention
- problem identification and solving, and evaluation
- partnerships — with other government and non-government agencies, and with the community

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221 Although we cannot put a dollar amount on the QPS investment in this area, there is no doubt that a substantial proportion of police time, effort and other resources is devoted to issues relating to policing Queensland's Indigenous communities (for example, consider the police resources and other government resources devoted to the as-yet-unresolved Mulrunji case), and also to Indigenous policing issues in general. We believe that our recommendations have the potential to enhance the efficiency and effectiveness of the use of QPS resources devoted to Indigenous policing.

- a return to some of the lessons that can be learnt from community policing
- creativity, flexibility and adaptability to the specific features of each community
- building community capacity.

The IPPC will be able to provide specialised support services to improve the implementation of this style of policing across all Queensland's Indigenous communities (including research, policy and evaluation specialists, along with operational specialists). The IPPC will need to build strong relationships with regional and operational staff in order to be able to provide timely, well-founded advice and assistance and facilitate knowledge sharing for police working across these communities; this two-way flow of information will contribute to building a repository of 'best-practice' knowledge and experience to disseminate across the QPS. In this way the IPPC will provide a whole-of-service policy and advisory role.

The IPPC will be able to play a key role in assisting OICs and ATSI in the development of the crime prevention and criminal justice (including policing) component of the Local Implementation Plans. The IPPC should also be responsible for ensuring appropriate linkages between these plans and the QPS regional action plans falling under the QPS Aboriginal and Torres Strait Islander Strategic Direction.

### **Dedicated high-level leadership**

It is our view that having an Assistant Commissioner heading the IPPC can provide the dedicated high-level leadership that is necessary to bring about the improvements we recommend for the policing of Indigenous communities. Having such a command will provide greater recognition that policing Indigenous communities is a key area of responsibility for the QPS, and that Indigenous policing must respond differently to the unique history, experience and needs of Indigenous people and communities.

At the moment, responsibility for policing Indigenous communities ultimately rests with the Commissioner of Police, the two Deputy Commissioners and the Assistant Commissioner of each QPS region in which there are Indigenous communities (that is, with the Assistant Commissioners of four QPS regions). Although there are sound reasons for the existence of this strong regional structure and chain of command — for example, it provides a clear line of responsibility within a geographical region for all officers delivering operational policing services — it also has some disadvantages.

For example, this model means that responsibility for improving policing outcomes in Queensland's Indigenous communities is diffused rather than concentrated.

On one hand, while it could be said that the Assistant Commissioners are responsible for improving policing outcomes for those communities within their region, no single Assistant Commissioner is responsible, for example, for tackling problems commonly arising across Indigenous communities in different regions, or for sharing knowledge across the regions about innovations or successes in one region that might be able to be adapted for communities in another.<sup>222</sup> Indeed, in some senses it could be argued that operational policing services to Queensland's Indigenous communities are delivered by eight regional police services across Queensland, rather than by a single service.

On the other hand, although the Commissioner of Police and the Deputy Commissioner, Regional Operations could be said to be ultimately responsible for policing outcomes in all Indigenous communities and for ensuring that any whole-of-service issues arising are addressed, Indigenous policing matters compete for their attention along with an enormous range of other matters, and the potency of the leadership that they can provide is therefore diluted.

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<sup>222</sup> This role may fall to the Commissioner or the Deputy Commissioner of the regions, as they may pick up issues that affect more than one region — for example, through the Operational Performance Review processes that are regularly conducted for each region.

The current structure of the QPS also limits the ability of the highest-ranking officers to directly engage with Queensland's Indigenous communities and support operational police. We have described in Chapter 7 how the Commissioner of Police makes regular visits to only a small number of Indigenous communities and that he does this as part of his role as a Queensland Government Champion for particular communities. Although the limited number of visits is perhaps understandable given the demands of the role and the large number of communities, it remains the case that high-level visits from the QPS to Queensland's Indigenous communities are otherwise rare.<sup>223</sup> Given the high level of crime, disorder and policing problems being faced in Queensland's Indigenous communities, it is our view that an increased level of engagement at the local level from the highest levels of the QPS is warranted — both to engage with the community and to support operational police.

It is our view that having an Assistant Commissioner heading this command will provide:

- increased capacity for very senior-level officers of the QPS to be seen in these communities, engaging directly with the Indigenous people and local-level service providers
- designated ownership of the 'problem' within the QPS and clear responsibility for improving outcomes
- high-level attention within the QPS devoted exclusively to the issues associated with Indigenous policing, including in Queensland's Indigenous communities
- high-level leadership and a 'seat at the table' in the QPS Executive; this means, for example, that the Assistant Commissioner of the IPPC can provide a focus on Indigenous issues at the Assistant Commissioners meetings and the Senior Executive Conference.

The Operational Performance Review (OPR) process will be one key mechanism through which the IPPC achieves accountability for delivering policing services in the style outlined, and for the sharing of specialist 'know-how' across regions. The IPPC will need to work with the OPR unit to ensure that each of the regional OPRs that are regularly conducted provide consideration of Indigenous policing issues, including in relation to any Indigenous communities within the region. A themed OPR should also be conducted annually on policing Indigenous communities; this should be an important event (along with the annual conference recommended in Chapter 11) for ensuring accountability for delivery of policing services in Queensland's Indigenous communities in the style we have described, and also for facilitating the sharing of knowledge across QPS regions.

## **Attracting and supporting officers**

In order to attract and retain the right officers to work in Queensland's Indigenous communities, the IPPC will work with QPS human resources, the regions, the police academy and local police in the communities to develop a program that encourages service-wide discussion of the challenges and the possible benefits of working within Queensland's Indigenous communities. For example, OICs or other officers experienced in these communities could take part in a program of visits to the police academy, and/or to stations in regional headquarters, to talk about their experiences. Such discussions could aim to highlight that policing in Indigenous communities can provide an opportunity to:

- experience living in an Indigenous community and gain an understanding of Indigenous society unavailable to most other Australians
- focus on and be creative in the areas of crime prevention, problem-solving and partnerships
- play a key role in partnering across governments and with other agencies, and in this way develop, to a greater degree than is usual for a police officer, skills in cross-agency coordination and liaison and perhaps even policy development and implementation

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<sup>223</sup> We have previously noted in Chapter 7 that the Assistant Commissioner for the Far Northern QPS Region has also recently been appointed as Queensland Government Champion for Wujal Wujal, and we are aware from consultations that he has made an effort to spend time on a number of occasions in other communities in his region.

- develop 'good policing' skills and enhanced qualifications that would be valuable for policing carried out anywhere else in Queensland, or in other jurisdictions (including federally and even internationally in places such as the Solomon Islands and East Timor)
- enjoy the fishing, camping and four-wheel-driving opportunities in many of these locations.

In addition to attracting officers to work in Queensland's Indigenous communities, the IPPC will be responsible for developing strategies to deal with the problems we have discussed in Chapter 11 regarding the repatriation of officers once their period of service in an Indigenous community has come to an end, and also periods of staffing transitions in these communities, particularly with respect to OICs.

The IPPC will also be responsible for improving the level of support and ongoing cultural training for Indigenous policing, including by:

- organising annual forums for the OICs and other officers involved in policing Queensland's Indigenous communities, so that they can meet, discuss issues and resolve problems
- developing mentoring programs and other ways of supporting development of cultural competence in an ongoing way
- managing the programs through which local Indigenous people play a role in policing their own communities.

### **Partnering in whole-of-government approaches**

We have outlined in Part 1 of this report the considerable effort at both the state and federal levels devoted to overcoming problems of Indigenous disadvantage, including problems relating to violence and the overrepresentation of Indigenous people in the criminal justice system. The creation of a dedicated IPPC led by an Assistant Commissioner recognises the key role that the QPS can play, in partnership with communities and other agencies, in facilitating solutions to community problems. We believe that the police potentially have more to offer in this respect than is currently expected of them. There are several reasons for this, including that:

- the QPS has a relatively stable on-the-ground presence of a large number of officers in many of these communities; in a large number of communities the police have a more sizeable on-the-ground presence than any other agency
- the police have a real stake in resolving community problems, as these problems are otherwise likely to arrive 'on their doorstep' for law enforcement resolution.

The role of the IPPC will include actively developing networks, identifying opportunities for partnerships and helping to seek funding for projects and programs in line with a strategic focus on crime prevention.

Currently, there is no single point of contact within the QPS, other than the Commissioner of Police, with responsibility for dealing with Indigenous policing matters. It is our view that the creation of an Assistant Commissioner responsible for the IPPC will be of great importance in assisting current efforts to provide a whole-of-government coordinated response to problems of Indigenous disadvantage. The new Assistant Commissioner will be well placed to act as:

- the central point for across-government and cross-government partnerships and liaison with police, including a key role as a partner of ATSIIS (formerly the Government Coordination Office) (see Part 4 for further discussion)
- a champion for Indigenous issues across the police service and across government(s).

For example, we envisage that the Assistant Commissioner of the IPPC will attend the Negotiation Table meetings (which provide the main site of interaction with each individual community regarding its partnership with governments) with the relevant regional Assistant Commissioner. In this way the Assistant Commissioner of the IPPC can ensure that issues emerging in any region can be linked with whole-of-service and whole-of-government strategies and initiatives, but also that, where issues are emerging in a number of regions, an appropriate response can be coordinated across the police service and government(s).

We have already stated that the task of achieving joint action to deal with problems of Indigenous disadvantage is not easy. The IPPC can ensure that the QPS is effectively linked into partnerships at multiple levels, including:

- at the local level and the regional level — for example, between OICs, District Officers and existing mechanisms for coordination such as the Regional Managers Coordination Network<sup>224</sup>
- at the highest levels of government.

### **Developing the IPPC further**

There are many complex matters that will need to be carefully thought through in developing the IPPC, including development of the staffing model for the command. We acknowledge that operationalising the model we have described above will necessitate detailed development and costing, as the QPS is a large and complex organisation, and the tasks to be performed by the command are also complex and challenging.

For example, we recognise that the IPPC will need to develop and maintain close links with the QPS regions in order to assist them to develop policing strategies for each community that focus on problem-solving and partnerships. As well, the IPPC will need to establish close working links with the regions to share knowledge across the service and to inform its policy, training and advisory role. Positive and productive relationships with the regions will also be essential for developing a positive view of the IPPC and for facilitating the transfer or promotion of people into and out of the IPPC.

We are also aware that competing demands exist in terms of where the IPPC should be located within the QPS. We are conscious of the need to provide a strong regional presence to facilitate the cross-fertilisation between the operational policing and the research, policy, strategic and advisory roles of the IPPC. We are also conscious of the need to overcome a perception that the IPPC will become Brisbane-centric and thus removed from, and possibly irrelevant to, the reality of policing Indigenous communities. These considerations would suggest that the command be located in a city such as Cairns or Townsville, which are the centres of the regions with the greatest number of Indigenous communities.

However, we are also conscious of the important role that the IPPC will play in a whole-of-service and whole-of-government sense. To play a serious role in driving the changes across the service, the Assistant Commissioner needs to have access to the centre of power in the QPS, which is in Brisbane. Similarly, in order to build the partnership with ATSI, the Assistant Commissioner will need to work closely with the Deputy Director-General, Department of Communities, who heads ATSI (the Department of Communities now also includes Sport and Recreation Services and Child Safety Services), and with the Directors-General of the other service delivery agencies (particularly the Departments of Education, Health, Community Safety (Corrections and Justice). These people are all located in Brisbane.

On balance, it is our view that the IPPC should be located in Brisbane to assist in driving the whole-of-government and whole-of-service processes, but that it be sufficiently resourced to allow the Assistant Commissioner and other senior staff to travel regularly to the regions (including, at the invitation of the regions, travelling to the Indigenous communities).

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224 This is a regular meeting of Regional Managers from a range of state government organisations to deal with cross-agency matters in each region.

The QPS is itself best placed to develop the detailed blueprint for the operation of the IPPC. We suggest that an Acting Assistant Commissioner be appointed to work closely with the Police Commissioner and with the Deputy Director-General, ATSIIS (see the further discussion in Part 4) to develop the model.<sup>225</sup> The CMC will be happy to provide assistance during this period.

## **Summary and conclusions: high-level QPS leadership to drive the change in policing Indigenous communities**

In this chapter we have argued that a new Indigenous Policing Partnership Command should be created within the QPS. This new structure should not be seen as an end in itself — rather we see that it must drive the large amount of change that would result from implementation of the actions we have identified throughout Part 2 to improve relations in, and improve the policing of, Queensland's Indigenous communities. As a package, these suggestions for change require a major amount of work to be undertaken within the QPS and it is our belief that a dedicated command, led by an Assistant Commissioner, would provide the level of leadership necessary to achieve the changes needed.

Such a command would 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. We believe that it would also 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. 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 the other actions included in Part 2, which aim to improve relations with police in Queensland's Indigenous communities, 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.

### **➔ Action**

**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.**

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<sup>225</sup> This is similar to the approach that was taken to the QPRIME project within the QPS. It is also in line with the recent decision to create a dedicated high-level position within the Department of Education, an Assistant Director-General, Indigenous Education and Training, to focus on achieving the targets set under the Closing the Gap initiative.