

Part 5

Conclusions and recommendations

REDUCING CRIME AND VIOLENCE IN QUEENSLAND'S INDIGENOUS COMMUNITIES

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

1. Improving relations between police and Queensland Indigenous communities
2. Reducing Indigenous overrepresentation in police custody, and thereby further substantially reducing the risks associated with such custody
3. Optimising the use of resources allocated to the criminal justice system.

In Queensland's Indigenous communities it appears that crime and violence have spiralled upward over the past three decades, and the high rates have remained impervious to the vast amount of government effort aimed at reducing them. In our consultations with communities, we heard the same clear message from community members desperate for support as has been reiterated over a succession of previous reports — 'we just want the violence to stop'.

In seeking to address this, we have identified six principles that we believe are fundamental to any efforts to reduce crime and violence in these communities. Each is associated with a recommendation, and a number of actions that have been suggested throughout the report.

One could say that much of the way forward that we are recommending has been proposed before. However, implementing the principles we propose will require not only sustained effort and commitment but bold action, particularly in terms of governments revisiting their relationship with Indigenous communities. This issue overarches all of the six principles and our recommendations, so we consider it first.

Government is limited: communities themselves must act

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

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

We have identified areas in which we say police can do better, but we also say that police alone can only go a small way to solving the problems confronting these communities. We have highlighted actions that we believe should be taken by other Queensland Government agencies (notably ATSI, the Department of Communities, the Department of Justice and Attorney-General, Queensland Corrective Services, other criminal justice agencies, Queensland Health and the Department of Education and Training). However, even in an ideal world of seamless government coordination, where the QPS is well supported by all other services and areas of government, success will continue to depend most heavily on changing the behaviour of individuals, parents and families at the community level. The police and the government are

limited, for example, in what they can do to provide a nurturing and loving home for a child, or to provide Indigenous children with a home life that values and supports school-based education and, later, employment.

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

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

Six principles for reducing crime and violence

1. Improve and maintain a focus on crime prevention

Since the time of the Royal Commission into Aboriginal Deaths in Custody there has been a great deal of focus within governments on reducing the overrepresentation of Indigenous people in the criminal justice system, particularly in custody. A long period of criminal justice policy, and Indigenous affairs policy more generally, has failed spectacularly in achieving this fundamental goal.

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

Similarly, many of the Queensland Government's commitments to developing 'partnerships' and 'whole-of-government' responses to reduce the overrepresentation of Indigenous Queenslanders in the criminal justice system, or to create safer Indigenous communities, have provided little or no detail of the strategies for preventing crime and violence that are expected to fulfil such commitments. Alternatively, the proposed strategies are 'doomed to fail' as they do not target factors that may lead to involvement in crime and violence but instead are focused on improving aspects of the operations of the criminal justice system itself, which are likely to have only a marginal crime prevention effect, if any.

In terms of preventing crime and violence, an improved framework is needed to focus on the following:

- Eliminating confusion between strategies that can reasonably be expected to have a substantial crime prevention effect, and those that are largely directed to providing a fair and accessible justice system for Indigenous Queenslanders. (Where strategies are intended to do both, this should be clearly articulated so the appropriateness and effectiveness of the strategies employed to achieve these goals can be properly assessed.) In particular, a more discerning approach in Queensland's Indigenous communities needs to be taken to the continuing calls for more 'diversion' to solve the problem of Indigenous overrepresentation.

- Ensuring an equitable distribution of resources for crime and violence prevention strategies. This would include a distribution driven to a greater extent by level of risk (which is high in Queensland's Indigenous communities) rather than the sheer volume of offending (which may be high in larger urban and regional centres).³⁷⁵
- Ensuring that resources are allocated to a mixture of crime prevention strategies:
 - outside the criminal justice system; these must include strategies focused on early intervention, such as parenting programs, home visiting services and school-based programs, as well as social marketing campaigns
 - within the criminal justice system, to maximise its effectiveness in preventing crime; for example, improving the availability and effectiveness of youth justice conferencing, community-based supervision, treatment and rehabilitation, and support for reintegration of offenders.
- Improving the balance between resourcing the criminal justice system (which is largely at the 'back end' of the continuum) and resourcing a range of crime and violence prevention strategies and programs. For example, the government could agree that any new funding for the 'back end' of the criminal justice system should be balanced by funding for crime prevention initiatives, including those treatment services and support programs within the system that show potential for crime prevention. Similarly, if more circuit courts are needed to respond to demands for Childrens Court hearings because of a high level of juvenile offending, the resources should not be provided without an analysis of:
 - the juvenile justice services available in the community to support diversion, sentencing and supervision and treatment of juveniles
 - the crime prevention programs operating, or needed, outside the criminal justice system in that community to deal with the juvenile crime problem.
- Engaging the community in a problem-oriented and partnership approach to solving the crime problems in their own community.

Recommendation 1

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

- **abandoning the overreliance on strategies unlikely to exert a substantial crime prevention effect as the key means through which Indigenous overrepresentation in the criminal justice system is tackled; for example:**
 - **Murri Court processes may have other important outcomes, but they are unlikely to greatly reduce crime or violence**
 - **simply increasing police diversion from the criminal justice system in these communities is also unlikely to have a substantial impact on crime**
- **developing an appropriate mix of crime prevention strategies based on existing evidence about what might work to prevent crime:**
 - **outside of the criminal justice system; these must include strategies focused on early intervention, such as parenting programs, home visiting services and school-based programs, as well as social marketing campaigns**

³⁷⁵ Such a targeted approach is taken, for example, in the Justice Reinvestment Strategy that is being adopted in some states of the United States (see <www.justicereinvestment.org/strategy>). Such an approach has also been recommended here as worthy of consideration in confronting the criminal justice problems faced by Indigenous people (Calma 2009).

- **within the criminal justice system to maximise its potential crime prevention effect; for example, improving the availability and effectiveness of youth justice conferencing, community-based supervision, treatment and rehabilitation, and support for reintegration of offenders. More effort and resources should be directed at those likely to be at the highest ‘risk’ of offending in these communities — that is, existing repeat offenders — and developing interventions for these offenders that focus on providing supervision, treatment and other support at sufficient levels of intensity that they work to prevent crime.**

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

Crime prevention anywhere is to a large extent dependent on community ownership, support and involvement. Because local Indigenous people, families, community councils and other non-government Indigenous organisations must be at the centre of achieving real change, we recommend that, to reduce crime and violence, real local authority must be developed and enhanced in Queensland’s Indigenous communities.³⁷⁶

Many members of these communities have been said to be characterised by their ‘passivity’, ‘lack of will’, ‘lack of engagement’ or as afflicted by the ‘tragedy of tolerance’ (Sutton 2009, p. 77; see also Alcohol and Drugs Working Group 2002). Dramatic efforts and innovations must be made to allow local authority to flourish so that problems of crime and violence can be truly tackled at the local level.

Local councils provide one possible source of such local authority, and they have a role to play. However, our inquiry heard that currently many, if not all, local councils were very much against the Alcohol Management Plans and were focused on trying to have them relaxed or removed so that alcohol could be re-introduced. We also saw during our consultations that at least some local councils rejected the evidence available about the scale of alcohol-related violence in their communities. Incentives must be put in place to ensure that local councils are playing a leadership role in their communities to bring about a change in behaviour and a reduction in alcohol-related violence and other harm. Government policy in this area must require local councils to show leadership and take responsibility in this matter.

Other forms of local authority that have real potential to provide leadership for action to reduce crime and violence are the community justice groups, local JP Magistrates Courts, local people in policing roles, and local ‘law and order’ by-laws. Where they exist, local women’s groups, mothers’ groups, men’s groups or Elders may also play an important role.

While government policy has espoused for some time the need to support local justice elements to play a key role alongside the conventional criminal justice system in these communities, such a model has been only weakly implemented. Individual government departments have wavered in terms of their support for elements of the model for which they are responsible — as appears to be the case in relation to local ‘law and order’ by-laws — while other departments have tried to expand and develop aspects of such a model for which they are responsible, such as JAG’s efforts in relation to JP Magistrates Courts. However, the criminal justice system cannot operate as an effective ‘system’ in Queensland’s Indigenous communities, or elsewhere, without a commitment from individual agencies to work together to achieve the model.

³⁷⁶ The FRC model appears to hold some promise in this regard. Feedback received by this inquiry indicated that local commissioners sitting on the FRC were ‘standing taller’ in their communities. If the evaluation shows the FRC to be successful, elements of this model could be used to improve other existing models such as the JP Magistrates Courts and community justice groups.

Because real local authority on these issues is a vital ingredient of success, we recommend that the Queensland Government provide a clear and a sustained commitment across all relevant government agencies to a criminal justice ‘system’ that supports the development of local authority and includes local justice components to deal with crime and violence. The particular configuration of local justice elements appropriate for each community must be determined by the community itself, with the community justice groups to play a key role in this decision-making process (see below).

In addition, the Queensland Government must also be prepared to support such local justice mechanisms to develop their authority — for example, by giving them powers so that they can exert a real influence on crime and violence in their communities. A succession of state governments has lacked either the imagination or the tenacity to allow the potential of local justice initiatives — including community justice groups, JP Magistrates Courts and local ‘law and order’ by-laws — to be realised. Generally these initiatives have been watered down to an extent where the costs of such initiatives run the risk of outweighing the benefits — certainly this is true in terms of their potential to really reduce crime. For example:

- **Community justice groups.** We have noted that although the possible range of roles and functions of these groups is very broad, they appear increasingly directed to providing a court support role — most frequently providing submissions to the court on sentencing of offenders.

We have also noted the positive development of providing increased support for community justice groups in terms of some capacity building to conduct mediations and negotiations. This is an area that could possibly yield real returns in crime prevention.

We have suggested that a re-think about community justice groups should consider implementing previous suggestions that these groups should be:

- given some real powers and the capacity to influence people’s behaviour — for example, through the power to compel attendance at a mediation or dispute resolution, or at a positive parenting or alcohol treatment program
 - allowed to play a key role with local councils in promulgating ‘law and order’ by-laws so they are setting the standards of behaviour acceptable in their communities.
- **Local ‘law and order’ by-laws.** We have noted the considerable uncertainty about the future of local ‘law and order’ by-laws in the communities, and that historically communities have found it difficult to promulgate them as desired. Yet local ‘law and order’ by-laws have the potential to enhance local authority to deal with problems, including the community’s approach to responding to drinking, drinking during pregnancy, truancy, gambling, inadequate parental care of children, noisy parties at night and perhaps exploitation of women and old people for money. We have seen some examples of this potential being realised, such as in Kowanyama, where by-laws in relation to truancy have been enforced as an alternative to the unworkable state laws.

Nor should the imposition of a fine be the limit of sanctions available for breach of a community ‘law and order’ by-law — a wider range of incentives and disincentives should be available. The results of the FRC evaluation should be closely examined to see whether options including the ability to make an income management order, and the ability to compel a child’s parents or carers to attend a positive parenting program or an alcohol treatment program, could be made available for these breaches.

- **Local JP Magistrates Courts.** These courts could benefit from implementing aspects of the case management approach of the FRC. Again, rather than imposing a fine for a by-law offence (truancy, for example), these courts could negotiate with a parent or carer, or compel that person, to receive positive parenting training.

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

Recommendation 2

That there be a clear and sustained commitment to supporting and developing effective forms of local authority in Queensland’s Indigenous communities to respond to crime, violence and related issues. This must include:

- **clear and sustained support for a model for criminal justice system services that includes local justice components of local people in policing roles, local laws, local courts and community justice groups**
- **allowing the flexibility for communities themselves, with community justice groups to play a key deciding role, to determine what combination of local justice mechanisms will operate in their community**
- **a greater willingness to allow local justice initiatives to develop their roles or have the powers necessary to change the standards of behaviour in their communities — for example, being able to promote changes in individual behaviour through systems of incentives and disincentives.**

Because of the potential benefits, a commitment to making such a model work must be sustained in the face of the challenges that will inevitably arise and the risks that will be attached.

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

Past governments have placed insufficient focus on making sure the numerous high-level policy frameworks make a real difference on the ground in communities. If the right nexus is to be developed between individuals, families and leaders in communities on one hand, and governments, policy and funding on the other, local-level planning must play a crucial role. Some real control must be given to communities to influence the shape of the crime and violence reduction strategies that may work for them.

We have suggested that the community be involved in discussing and developing:

- strategies to help improve relations with police (see Chapter 7)
- some policing priorities and strategies³⁷⁷ (see Chapter 9); for example, police and community members might want to jointly develop strategies regarding truancy, gambling, drinking while pregnant, and noise at night
- the mix of strategies to be used to tackle the crime problem in each community — including crime prevention strategies both inside and outside the criminal justice system (see Chapters 15 and 16)
- the details of the local justice components that are to form a part of the criminal justice system as it is to operate in a particular community (see Chapter 17)
- the commitment of personnel and resources by the community, government and non-government organisations.

We have suggested that such planning ought to be included in a crime prevention and criminal justice component within the Local Implementation Plans (LIPs), which are currently the primary vehicle for place-based planning to occur between communities and the state and federal governments.

³⁷⁷ Of course there will always be policing priorities that cannot be subject to community negotiation.

We do not underestimate the challenges in such a planning exercise. Similar attempts to develop community-specific plans have had a tortured history (see Chapter 2). However, we have concluded that robust and carefully executed local-level planning is an unavoidable and necessary tool if crime and violence are to be reduced in Queensland's Indigenous communities.

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

How can this local-level planning be effectively conducted?

It is essential that community-specific planning is designed to ensure that communities do not get bogged down in further rounds of negotiation and consultation with government, for which there are likely to be justifiably high levels of community disdain. For example:

- Such planning may need to proceed on the basis of one issue, or a small number, and may need to proceed one community at a time, or in a small number.
- A local-level plan may never be able to be reflected in a perfect single, complete document — it may need to be developed as a series of parts.
- The aim should not be to reach whole-of-community agreement on how crime and violence issues should be handled (which will be impossible to achieve); community justice groups should have the authority to give final approval for implementation of strategies identified in the plan, provided that a certain level of community consultation has been carried out.³⁷⁸

In addition, before beginning the local-level planning exercise, governments need to have developed clear positions about what is negotiable:

- for example, what, how and by whom crime prevention strategies are to be implemented

and what is not:

- no relaxation of alcohol restrictions until there is clear evidence of a reduction in alcohol-related harm.

At the core of crime prevention strategies discussed in such a local-level planning exercise must be improving the lives of children. All plans must include:

- strategies for increasing positive parenting
- strategies to reduce truancy and promote the value of education.

We do not believe that a real dialogue or decision-making process between community members can be effectively led by someone from government on a 'fly-in, fly-out' basis (unless such people had pre-existing well-established relationships in the community). When there is a rapid transition of bureaucrats, developing the relationships needed for a meaningful exchange is an insurmountable obstacle.

Large meetings are often not an effective way to engage with Indigenous communities, at least until much of the groundwork has been done. For them to be an effective communication and decision-making tool, someone with established relationships and good knowledge of the workings of the community will usually have spent time on the ground with individuals or small family groups and done a significant amount of preparation — to give people background information, exchange information and develop a picture of what may be the consensus on an issue — before any large meeting is conducted.

378 As in native title 'authorisation' processes, such approval may have to be subject to certain requirements to ensure that the proposals have at least been discussed broadly within the community and that people's views have been heard and taken into account.

It is our strong view that the local-level discussions necessary for developing strategies for local implementation should be led by people living locally, or by people who have had long-term experience with the community involved. Planning does not have to be led by government employees and it may often be better if it is not. In Cape York communities, planning could be led by the CYIPL, Cape York Partnerships or Apunipima, who have previously conducted similar exercises effectively. Employing those with a long history of association with particular communities and a great deal of expertise in conducting consultations relevant to developing native title agreements — for example, anthropologists such as David Martin and Peter Sutton in Aurukun — should also be considered as the cost–benefit relationship is likely to vastly favour their involvement.³⁷⁹

We also believe that local police could play a significant role in discussion and capacity building for local-level planning related to issues of crime, justice, policing strategies and crime prevention. Local police could be conducting consultations relevant to the development of local-level plans with individuals and families as they go about their work. This partnership approach is consistent with the problem-oriented and partnership policing philosophy that we have suggested must be central to QPS operational policing in Queensland’s Indigenous communities.

Another important aspect of such a planning exercise is to build community capacity in relation to crime prevention and other criminal justice matters. Although the members of the local community have a considerable role to play, they cannot be expected to understand all their problems and instinctively know the answers. So, despite our recognition of the importance of community ownership and involvement, it would be unreasonable to expect them to fight their way out of the problems without outside help (Sutton & Hazlehurst 1996, p. 435). A helpful process could involve some initial conversations, then capacity-building workshops, then further consultations.

Capacity-building exercises should involve, wherever possible, the ‘heavyweights’ in the area, be it parenting programs, a nurse home visiting program or social marketing. Again, such is the seriousness of the problems being confronted and so great are the existing costs to government that, if successful, the costs of bringing in such people would be easily recouped. Some capacity building may be provided by government where it is appropriate (for example, if information needs to be presented to a community about the patterns of crime and violence), but generally it should be delivered by those with real expertise in the subject.

ATSI should play a coordinating role. It is ATSI that must ensure accountability of the planning process and then facilitate across government (and outside government) the development and implementation of support for the strategies identified. ATSI must then continue to play a role in ensuring accountability to the plan. The local-level planning must influence the allocation of resources, and funding should flow to develop and implement the strategies identified in the plan. Funding may also be needed to evaluate the success of strategies (see further discussion in Principle 5).

Without effective local-level planning — and accountability imposed at that level — it is likely that the situation we have seen in the past will recur, where too much focus and energy across government is directed at high-level policy frameworks, with little effort directed to ensuring that effective strategies and actions are developed on the ground.

379 These people could be funded through pooled resources from all the agencies, or with money that is held by various departments against positions that are unfilled from time to time.

Recommendation 3

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

- **Local-level planning should not be led by bureaucrats on a fly-in fly-out basis conducting a series of planning meetings — people living locally or with strong local associations and with skills in conducting robust community consultations should be employed to develop particular aspects of the plan. Local police should assist.**
- **Local planning processes must build community capacity to understand the range of potential solutions to reducing crime and violence based on the evidence about what works and which we have outlined in this report.**
- **Real control must be ceded to communities to develop, adapt or invent strategies to meet local needs and circumstances.**
- **Government must be responsive to this planning in terms of allocating funds. Local-level plans must be ongoing and the focus on them must be sustained over time; they should provide an accountability mechanism.**

4. Support local police to play a key supporting role

We have taken some pains to emphasise that police cannot be expected to solve many of the problems confronting Queensland's Indigenous communities on their own, although they do have a key role to play. Police have been in the difficult position of working in communities experiencing a rapid breakdown in social order and a vacuum of authority since the end of the mission period. In addition, they have received some mixed messages about policing in these communities, particularly in relation to public order policing. We have shown that public order offending often involves violence or threats of violence and it is simplistic to characterise the high levels of public order offences in these communities as being a result of 'overpolicing' of minor and trivial matters.

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

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

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

Recommendation 4

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

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

- **send a clear and consistent message to Indigenous communities and its officers that the QPS takes the priority of improving relations with Queensland's Indigenous communities to be of utmost importance**
- **support local police and community members (particularly members of the community justice groups) in identifying strategies in the local-level plan including:**
 - **strategies to improve relations**
 - **local crime priorities and strategies to respond**
- **ensure that, in addition to law enforcement, problem-solving and partnership approaches are a central driving philosophy of all policing in these communities**
- **implement strategies to support the development of special knowledge and skills for those involved in policing Indigenous communities, including through strategies such as:**
 - **developing mentoring programs for those working in these communities so that officers can have direct access to the knowledge and experience of some of the 'legends' or well-respected police officers with experience working in Queensland's Indigenous communities**
 - **convening regular workshops or conferences for officers working in Indigenous communities**
- **develop and implement a model, which improves on the QATSIP model, for local people in Queensland's Indigenous communities to play an active role in law enforcement and other policing activities in their own communities.**

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

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

There is universal agreement that the quality of evaluation evidence of crime prevention programs in Australia generally must be improved (see Cunneen 2001a, p. 19, 2001b, p. 1; Farrington & Welsh 2007, p. 154; National Crime Prevention 1999; Memmott et al. 2001, p. 77; Weatherburn 2004, pp. 37 & 42–3). For example, Memmott et al.'s (2001) identification of violence prevention programs in Indigenous communities notes that only six of 53 programs they document which had operated in Aboriginal communities received any 'reasonable evaluation in documented form' (p. 77). Many of the Australian evaluations of crime prevention programs and strategies do not seek to determine the impact on crime or the rate and frequency of re-offending.³⁸⁰

However, we also acknowledge that the role of rigorous independent evaluations has its limits. For example:

- It may stifle innovation. Over-reliance on the evidence of 'what works' may prevent the flexibility required to identify and solve crime prevention problems (Cherney & Sutton 2007).
- Evaluations themselves can be extremely costly, particularly if they are long term and methodologically rigorous. For example, there is a cost-benefit relationship in terms of whether the time, effort and money spent on evaluation could have been better spent on the initiative itself (Sarre 2000, p. 321).

Currently Queensland has no standing facility for evaluating the effects of government programs and policies on rates of re-offending.³⁸¹ Nor does Queensland have a crime prevention unit equipped with the resources and authority to influence the development of policy and programs as is needed, or to broker agreements with the private sector on matters affecting crime.³⁸² Queensland's Indigenous communities are likely to have suffered as a result.

Greater efforts to evaluate the effectiveness of programs and strategies in Queensland's Indigenous communities are warranted by the following facts:

- the crime problem in these communities is substantial and continuing (see Chapters 4 and 5)
- a large amount of government effort and resources has been, and is being, devoted to trying to improve Indigenous disadvantage, including a considerable focus in the area of criminal justice since the time of the Royal Commission (Chapter 2)
- much of the research available on which we could begin to form an evidence-based approach is overseas research and the conclusions are untested in Queensland's Indigenous communities (see Chapters 15 and 16).

It is important, therefore, that strategic decisions are made about where to invest in rigorous independent evaluations. If, for example, a decision was made to implement home visiting services to support mothers and families from birth through the earliest stages of a child's life in all Queensland's Indigenous communities, it would be very important to conduct an evaluation of such a key initiative with substantial crime prevention potential. If similar programs were to be implemented in Cape York, departing from those nurse-based home visiting programs that have been shown through research to be effective (for example, by instead using appropriately trained Aboriginal health workers), the importance of rigorous evaluation is further increased. In the longer term it can only be assumed that strong evaluations will lead to improved outcomes and cost savings.

380 That is, many Australian crime prevention evaluations are process evaluations only.

381 It should also be noted that public access to crime and criminal justice data is poor in Queensland in comparison with NSW, for example, where there is free electronic access for the public to a range of information on police recorded crime at the level of local government areas (Weatherburn 2004, pp. 39 & 41). Such open access arguably encourages improved community capacity, university research and greater innovation.

382 Crime Prevention within the QPS is not resourced to perform such a role.

Governments have an important role to play in supporting the continuing development of our knowledge about ‘what works’ in terms of strategies that effectively reduce crime and violence and other dysfunction in Indigenous communities. The Queensland Government has two key roles in this respect:

- continuing to develop the understanding of the dimensions of crime and violence problems at the individual community level, a task that government has begun with the provision of Quarterly Reports³⁸³
- ensuring that funding for research and evaluation in this area supports research and evaluation that relates directly to the question of ‘what works’ to reduce crime and violence.

Recommendation 5

That the Queensland Government refocus its approach to criminal justice policy to build a more rational evidence-based response to crime. (The failure to make inroads in reducing Indigenous overrepresentation is due to the failure of governments to have such an approach). In particular, the Queensland Government must enhance its capacity to learn from rigorous evaluations of the effects of government programs and policies on rates of re-offending and must ensure that it supports research that relates directly to the question of ‘what works’ to reduce crime and violence.

6. Be prepared to innovate

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

Practical examples: alcohol restrictions and the Welfare Reform Trial

The imposition of alcohol restrictions and the Cape York Welfare Reform Trial are very significant innovations that seek to tackle the underlying causes of crime. While these innovations are controversial and impinge on the rights of people living in Queensland’s Indigenous communities, such an imposition can be justified if we accept that the utmost priority must be placed on improving the conditions and care provided to children born in these communities and other victims of crime. The situation must not be allowed to deteriorate further.

Given the overwhelming evidence regarding the devastating role played by alcohol in crime and violence in these communities, communities and councils must take responsibility for reducing alcohol-related harms within their communities. In the meantime, police must continue to do the important and unpopular task of enforcing alcohol restrictions, including preventing the supply of sly grog and home brew. The Queensland Government must continue to confront the community leadership in these communities — particularly local councils — with the reality that, unless they can embrace responsibility in this area and show improvements in terms of a reduction of alcohol-related harms, restrictions on the supply of alcohol will not be relaxed.

383 It should be noted that, though we applaud the publication of the Quarterly Reports, in terms of crime and violence no conclusions should be drawn from fluctuations shown in the data on a quarterly basis. As we have shown in Chapter 4, violent offences in these communities do show substantial fluctuations over time. It may be worth the Queensland Government considered providing less frequent but more comprehensive reports (for example, it may be useful to consider including information on the number of juveniles and adults incarcerated from these communities).

Just as it cannot be the only strategy relied on, restricting the supply of alcohol in these communities cannot be a permanent or long-term solution. Government policies should encourage councils to take responsibility in this area and build community support for different behaviours. For example, government could do this by developing policy that gives incentives to local councils, and that provides for the graduated re-introduction of alcohol, depending on improved results being achieved and maintained.³⁸⁴

The evaluation of the Welfare Reform Trial and the Family Responsibilities Commission will add to the evidence about effective approaches for dealing with crime, violence and other dysfunction in these communities. Although the Queensland Government has indicated that funds will not be provided to expand the Welfare Reform model into other communities, pre-existing structures such as the JP Magistrates Court and community justice groups may be able to be adapted in order to improve their operations by incorporating elements of the Family Responsibilities Commission model, if they are shown to be effective.

Further innovations of the kind already developed by the Cape York Institute for Policy and Leadership, for example, are to be encouraged and appropriately evaluated. Given the track record of the CYIPL so far, we suggest that there would be great value in bringing together the CYIPL, others with intimate knowledge of Queensland's Indigenous communities, and those with expertise relevant to the task of crime and violence prevention. For example, such expertise may include:

- Professor Don Weatherburn, Director of the NSW Bureau of Crime Statistics and Research
- Professor Ross Homel, Foundation Professor of Criminology and Criminal Justice at Griffith University, and Director of that university's Strategic Research Program in the Social and Behavioural Sciences
- Professor Matt Sanders, Director, and Dr Karen Turner, Deputy Director, Parenting and Family Support Centre, University of Queensland
- Associate Professor Peter Sutton, Senior Research Fellow at the University of Adelaide (Earth and Environmental Sciences) and the South Australian Museum
- Dr David Martin, Visiting Fellow, Centre for Aboriginal Economic Policy Research, Australian National University.³⁸⁵

Governments should support such a network to develop innovative responses to crime and violence issues confronting Queensland's Indigenous communities and then to work with governments to trial such innovations.

Recommendation 6

Governments should encourage substantial innovations to respond to the particular circumstances of Queensland's Indigenous communities that may have a crime prevention effect; to continue to do 'more of the same' when what we have been doing has not been working, is not an option. Further innovations of the kind already developed by the Cape York Institute of Policy and Leadership are to be encouraged and appropriately evaluated.

³⁸⁴ Such a scheme has been proposed to the Queensland Government by Noel Pearson and the CYIPL (pers. comm., September 2009).

³⁸⁵ This list is indicative only (we have referred to key people whose work we have relied on in this report). There are many other individuals who could also be included. Specific consideration should be given to involving other Indigenous people such as Professor Marcia Langton, Chair of Indigenous Studies, University of Melbourne.

A final word from the communities

In closing we would like to highlight the comment made to us during the course of the inquiry by an Elder at Aurukun. She stated in the context of relations with police that:

‘In the past, things were [too often] bad with police. We want to go forward, we don’t want to go back.’

This comment embodies the spirit in which we hope the Queensland Government and the QPS will receive this report — one of working together and improving on past approaches. Now is the time to make changes that will make a difference in Queensland’s Indigenous communities.