

## **Crime and Misconduct (CMC) inquiry into Policing in Indigenous communities**

The Department of Child Safety is committed to leading, delivering and promoting the effective protection of children and young people who have been harmed or who are at risk of harm. The protection of children and young people relies on there being effective supports and services as well as care environments that are safe and that meet the diverse needs of Indigenous children, young people and families.

As you are aware, the Department of Child Safety is concerned about the significant over representation of Indigenous children and young people in the child protection and criminal justice systems and has demonstrated its commitment to addressing these issues by implementing, within three years, all of the 110 recommendations made by the CMC regarding reforms to child protection in Queensland. The department will continue to explore opportunities to reduce over representation while ensuring children continue to be protected from harm.

The Department of Child Safety through its statutory role to protect children from harm or risk of harm works closely with Indigenous communities. Through this work, the department has identified a number of areas in which existing police policy and procedures may be changed to enhance practice and improve relations with Indigenous communities.

### ***Possible changes to existing police policy and procedure that would result in improved relations between the Queensland Police service and Aboriginal DOGIT communities and Torres Strait Island communities***

#### **Protecting children from further harm by perpetrators.**

- The monitoring of perpetrators of domestic and family violence and repeat offenders returning to the community is a key issue for the Department of Child Safety. Perpetrators of child abuse and neglect are not always charged and there are confidentiality and civil liberty issues at stake. Presence of these perpetrators within the community often further exposes children and families to situations where they are likely to continue to be abused or neglected unless protective action is taken by the department to remove the child from such an environment. The Department of Child Safety considers this to be a key issue and submits that changes to police policy may include strategies to enable police to advise identified Elders or Community Justice Groups (CJG) of the bail conditions applied to perpetrators of harm to children. If community Elders or CJG members become aware of a breach of bail conditions they could then advise the police.

#### **Managing repeat offenders and police response times**

- Delays in arrests or police intervention particularly for perpetrators of family and domestic violence may put the victim in a more dangerous position and may increase risk of harm to children and families. The department acknowledges that due to the geographical isolation of Indigenous communities, police often need to cover significant distances to respond to matters in various communities. This may impact on their capacity to arrest and charge a perpetrator who resides in another town to the police station. Consideration needs to be given to policy that will enable identified people within the community to respond to matters of domestic and family violence and provide support that will secure the safety and well-being of the identified people and children and young people prior to police arrival. This could be explored as part of the Safe Haven project that is managed by the Department of Communities.

#### **Recognition of historical disadvantage and experience of trauma among indigenous people**

- The Department of Child Safety is aware that Indigenous people are often suspicious of the department, police and court systems due to historical disadvantages and trauma experienced in the past. One of the key challenges for policing in Aboriginal and Torres Strait Islander communities is the need for recognition of these issues and their impact on crimes within DOGIT and Torres Strait Islander communities and to develop effective policing strategies to build relations with Indigenous people and reduce the current suspicion of statutory agencies in Indigenous communities. It is understood that police training informs them of the impact of this historical abuse and how it manifests itself in destructive behaviours such as family violence, alcohol and drug abuse and suicide.
- There is a need for recognition of fear that children will be removed from a violent home and not returned and that responses by the police and the legal system need to respond to the violence and reinforce positive community behaviours.

- Furthermore, research shows the significant links between misuse of alcohol and other drugs and family and domestic violence within Aboriginal and Torres Strait Islander communities. These concerns alongside other identified economic, social and health issues including disproportionate levels of Indigenous unemployment and low school attendance rates, contributes to the over representation of Indigenous people in the criminal justice and child protection systems and the increasing difficulties in relations between police, other statutory agencies and the community. The Queensland Government's response to the evaluation of the Justice Agreement authorises a range of strategies by agencies, including police to respond to issues of Indigenous over representation in the justice system.

#### **Coordination of support for Indigenous people in police custody**

- The Department of Child Safety is aware of complex issues impacting on safety and well-being of children and families in Indigenous communities and that this has a tendency to negatively affect the relationship between Indigenous communities and statutory agencies such as the department and police. It is imperative that police policy recognises the complex social, health and economic factors that may impact on offending behaviours and contribute to increasing arrests of Indigenous people. Policy changes may include a requirement for police officers to be involved in planning and coordination of holistic strategies to identify supports required to enhance the safety and well being of Indigenous people during and after contact with the police as this could significantly improve relations with Indigenous people.

#### **Planning with Department of Child Safety**

The department of Child Safety has a close working relationship with Queensland Police Service at a central office level in responding to strategic policy and operational issues. At a local level, there is continual collaboration with police through Suspected Child Abuse and Neglect (SCAN) system, child abuse investigation and other case management processes. The Child Safety Directors' Network also provides a whole-of-government forum in which child protection issues can be responded to including those between police and the department.

#### **Community Engagement**

- The Department of Child Safety has found that through regular consultations and collaborations with Indigenous Elders, local councils, and Indigenous families relevant solutions can be identified to address local issues within the community. Consideration should be given to changes in policy to enhance the capacity of police to participate in community engagement activities and information sharing to educate the community about the functions of police and to seek community involvement to promote safety and well-being of residents. This may require that community specific protocols are developed to facilitate effective police participation and resolution of issues at community levels to improve relations.
- The department is aware of the Queensland Police Service (QPS) effective community engagement through such initiatives as the Police Citizens and Youth Club (PCYC) initiative and suggests further development, implementation and resourcing of similar programs in all of the DOGIT and Torres Strait Islander communities to enhance positive interactions between police and Indigenous people. This may further promote opportunities for development of collaborative strategies to enhance community safety and social well-being.

#### **Role of Community Justice Groups and Police Liaison Officers**

- The Department of Child Safety is aware of the significant contribution of Community Justice Groups (CJG) to the enforcement of law and order through the provision of information and cultural support for Indigenous people going through the court system. The department submits that it may be useful for police policy to further explore the roles and responsibilities of CJG, to identify other possible interface with police to enhance community safety.
- The department is also aware of existing police policy which promotes the appointment of Indigenous Police Liaison Officers to work within Indigenous communities to promote law and order. Employment of Indigenous officers is a positive step and one that may need to be enhanced to enhance relations between police and the community.

### **Community awareness information and training**

- Another key issue that may be addressed through policy changes is the need for regular training and information sharing by the police to clarify legal and police protocols to enhance the capacity of community justice groups to work collaboratively with the police and provide support to maintain law and order in the community. This may be achieved by providing joint police and community justice group community education to raise awareness of the roles and responsibilities of community justice groups including an outline of their role within the community and the interface with police and the court systems. By maintaining regular liaison with the community and justice groups to discuss pertinent issues and identify solutions to resolve complex issues within the community, this may further enhance police-community relations and address issues of conflict of interest. Increasing community education may also be necessary to enhance community knowledge of the roles and responsibilities of Indigenous Police Liaison Officer and further promote relations between the police and the community.

### **Cultural Awareness training and professional development for police officers**

- The Department of Child Safety is aware that QPS has a robust training program for existing officers and new recruits. Ongoing cultural awareness and professional development for police officers is a fundamental tool in improving relations with Indigenous communities. It is essential that cultural awareness training for police is focussed on issues such as understanding of the Clan systems, traditional laws and customs as well as the historical disadvantages experienced by Indigenous people which may be contributing significantly to increased rates of misuse of alcohol and other drugs among indigenous people.
- The Department of Child Safety is aware of QPS's commitment to recruiting Indigenous police officers. The review provides an opportunity for policy changes to promote the recruitment and retention of Indigenous police officers and to provide adequate support for new recruits to be mentored by experienced police officers who have worked within Indigenous communities by co-locating them within Indigenous communities. Policy changes may be necessary to further clarify the roles and responsibilities of Indigenous Police Liaison Officers within the community and to provide regular access to professional development opportunities for Indigenous Police Liaison Officers

***Current practices relating to detention in police custody in remote communities, including the monitoring of detainees in watch-houses and other police facilities in Aboriginal and DOGIT communities and Torres Strait Island communities and the possible involvement of Community Justice Groups or other civilians in the monitoring of detainees.***

### **Involvement of Community Justice Groups**

- Community Justice Groups (CJG) are highly regarded in Indigenous communities and currently perform both advocacy and monitoring roles to promote law and order in the community. In recognition of the important contribution of CJGs in relation to their knowledge of Indigenous cultures and background information about the people, their involvement in monitoring of detainees may improve relations between police and the community. It may be necessary to develop protocols outlining the role of CJG and other relevant Elders in monitoring detainees and to provide information and community education about the involvement /relationship between police and CJGs.

### **Alternatives to police custody**

- In addition, where it has been established that an Indigenous young person has committed a minor crime under the influence of alcohol or other drug use, policy and procedure should include clear guidelines for officers to consider other options to ensure the safety of the young person and promote rehabilitation in a culturally appropriate environment. For example such a person may be taken to a safe house supported by Community Justice Groups, local Elders or Indigenous controlled non- government organisations within the community instead of being remanded in police custody. For example, in considering alternatives to placement of children in foster arrangements with people from other cultures, the Department of Child Safety has recently allocated funding for a facility which includes five houses on a property on the Atherton Tableland for Indigenous children from Cape York who have been abused. The houses will be operated jointly by an Indigenous organisation and Mission Australia and will enable the children to maintain contact with their culture and feel secure in a culturally appropriate environment.
- Police policy may also be enhanced to enable increasing use of alternatives to arrests such as the use of cautioning, and youth conferences and notice to attend and alternatives to custody including conditional bail in Indigenous communities particularly where the offences are not life threatening or placing the person or others at significant risk of harm.
- Transportation of Indigenous people attending courts in regional cities has also been cited as an area that may require some improvement. It has come to the attention of the Department of Child Safety that sometimes Indigenous people are transported from their community to attend court hearings at regional centres but current police policy does not require the police to provide transportation to return the people back to their communities after they have been granted bail by a Magistrate. This matter of concern has been raised at different times in consultation with Community Justice Groups and Indigenous controlled agencies and may need to be addressed as a joint issue with the Department of Justice and Attorney General.