



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 214. Involve Aboriginal groups in community policing

*The emphasis on the concept of community policing by Police Services in Australia is supported and greater emphasis should be placed on the involvement of Aboriginal communities, organisations and groups in devising appropriate procedures for the sensitive policing of public and private locations where it is known that substantial numbers of Aboriginal people gather or live.<sup>1</sup>*

<b>Background<sup>2</sup></b>	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) stressed that the involvement of Aboriginal groups was essential to design effective schemes and protocols between police and Aboriginal communities. The report noted the importance of police recognising their accountability to the local community.</p> <p>A strong independent base for the Aboriginal community, in the form of community-controlled organisations, was a prerequisite for accountability and effective social control at the community level. Aboriginal organisations operated as independent representatives of Aboriginal interests, with whom police could negotiate, and as advocates, apply pressure on police to engage in negotiation and ongoing liaison. In turn, it was noted, Aboriginal community-controlled organisations required legislative and administrative support from governments to be able to play these roles effectively.</p>
<b>Intent</b>	Involve Aboriginal groups in the design of sensitive, effective, strategies for policing communities where large numbers of Aboriginal people gather or live.
<b>Responsibility</b>	The Commonwealth Government and all state and territory governments.
<b>Key contacts</b>	Victoria Police.
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	<p>Victoria Police assessed Recommendation 214 as <b>fully implemented</b>.</p> <p><b>Victoria Police</b></p> <p>Victoria Police advised that four key areas of focus in The Way Ahead Victoria Police Strategic Plan 2003-2008, were intelligent, confident, partnership and community policing. The Aboriginal Affairs Unit worked in close consultation with members of the Victoria Police Aboriginal Portfolio Reference Group and community to update the Aboriginal Strategic Plan which was launched in August 2004. A supporting implementation plan was due to be released by December 2004.</p>

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 4, 85 ('RCIADIC').

<sup>2</sup> Ibid vol 4, 83-85.

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 386-387 ('2005 Review').

## 214. Involve Aboriginal groups in community policing

	<p>Victoria Police noted initiatives undertaken by Aboriginal Community Justice Panels to build relationships between police and members of Aboriginal communities: cross cultural training and video production; two-day leadership and self-esteem forum with Ron Barassi; youth cultural outings and High Challenge camps; youth camp to Portsea; school holiday program for Aboriginal children from Lake Tyers; tours of the Police Academy with Aboriginal children from regional communities; and the Murray River Marathon team the brought together Aboriginal young people with representatives from Victoria Police, Aboriginal Community Justice Panels and Regional Aboriginal Justice Advisory Committees.</p> <p>With respect to Local Priority Policing practice on the ground, examples were provided by Victoria Police in its response to Recommendation 88. Police Aboriginal Liaison Officers worked closely with Aboriginal Community Justice Panels and reported to the Aboriginal Affairs Unit and Local Priority Policing Inspector via the chain of command.</p>
<b>2018 Review<sup>4</sup></b>	<p>Deloitte concluded that assessed Recommendation 214 was <b>fully implemented</b> in Victoria through the development of community policing forums. Victoria established an Aboriginal Justice Forum in 2000 with senior members of police and Aboriginal communities. Additionally, nine Regional Aboriginal Justice Advisory Committees were established under the Aboriginal Justice Agreements.</p> <p>Aboriginal Community Justice Panels supplemented the role of community policing in Victoria. These panels promoted better understanding, interaction and cooperation between police and Aboriginal communities.</p>
<b>Since then</b>	<p><b>Victoria Police<sup>5</sup></b></p> <p>In 2023 Victoria Police assessed recommendation 214 as <b>mostly implemented</b> in Victoria, noting:</p> <p>Victoria Police is proactively supporting community policing approaches that support crime prevention initiatives and link victims with culturally relevant support services.</p> <p>Within the ‘Keeping You Safe, Victoria Police Strategy 2023-2028’, there is a commitment to current and future work that drives better justice outcomes for Aboriginal people and reduces overrepresentation, including collaboration with Aboriginal organisations.</p> <p>However, the status of this recommendation has been recorded as ‘mostly implemented’, as these initiatives do not specifically involve Aboriginal communities, organisations and groups in devising appropriate procedures for the sensitive policing of public and private locations where it is known that substantial numbers of Aboriginal people gather or live.</p> <p>Victoria Police partner with Aboriginal organisations and communities through several community policing mechanisms:</p>

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 434-436 ('2018 Review').

<sup>5</sup> David Jones and Tyler McRae, 'Victoria Police Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody' (Response to AJC Request, Tranche Two).

## 214. Involve Aboriginal groups in community policing

### Aboriginal Justice Agreements

The Victorian Aboriginal Justice Agreement is a formal partnership between the Victorian Government and the Aboriginal community to improve justice outcomes by addressing Aboriginal over-representation and improving family and community safety. Aboriginal Justice Agreements Phases 3 and 4 have a particular focus on supporting community policing approaches to increase positive community-based activities between Aboriginal communities and police.

### Aboriginal Justice Forum

The Aboriginal Justice Forums (AJF) bring together the most senior representatives of the Victorian Aboriginal community and Justice, and government departments as the peak coordinating body responsible for overseeing the development, implementation and direction of the Victorian Aboriginal Justice Agreement. The AJF demands significant transparency, levels of accountability and implementation, collaborative action and a high level of commitment from the members to work toward the importance of the Victorian Aboriginal Justice Agreement deliverables.

The AJF meets to promote accountability, support community participation and engagement and provide a momentum to progress policies and initiatives. These meetings are held over two days, alternating between metropolitan and regional locations and include open community forums. The Chief Commissioner of Police and/or Delegate participate at these forums.

### Aboriginal Youth Cautioning Program

The AYCP is an enhanced police cautioning program that allows young people to connect with Aboriginal elders and support services in their local area. This assists young people in engaging with culturally relevant support to address the factors underlying their contact with police. The program draws upon local Aboriginal culture, knowledge, and community to ensure a tailored response for young people contacting police. The program incorporates the principles of Aboriginal self-determination, early intervention, and harm reduction.

A caution is a formal alternative to being charged. It is given by police and means that a person will not go to court for their alleged offence and will not record a criminal conviction.

### Police and Aboriginal Community Protocols Against Family Violence

The Police and Aboriginal Community Protocols Against Family Violence (PACPAFV) aim to build positive relationships between Victorian Aboriginal communities and Victoria Police to strengthen the police response to incidents of family violence in Aboriginal communities with the longer-term goal of reducing both the number of family violence incidents, and the rates of families experiencing repeated incidents of family violence. The Protocols are also aimed at a holistic, improved response to all parties namely Affected Family Members (AFM's) including children, and Respondents.

Locally developed protocols guide police, at the time of a family incident, to identify whether the AFMs or Respondents identify as Aboriginal and, if so, to offer them the choice of referral to Aboriginal support services or non-Aboriginal support services according to their preferences.

## 214. Involve Aboriginal groups in community policing

### Aboriginal Community Liaison Officers

The Aboriginal Community Liaison Officer (ACLO) Program was implemented in 2005 to address Recommendation 231 of the RCIADIC, to strengthen relationships and facilitate communication between Victoria Police and Aboriginal people across the State.

Aboriginal Community Liaison Officers play a pivotal liaison role for Victoria Police and the Aboriginal community. Victoria Police currently have an ACLO workforce of 16, located in regional and metropolitan areas state-wide. (Further information on the ACLO Program is provided in response to Recommendation 231).

### Police Aboriginal Liaison Officers

Victoria Police have a Police Aboriginal Liaison Officers (PALO) program which has just undergone a full review with consultation and endorsement of the Aboriginal Justice Caucus. Regional Aboriginal Justice Advisory Committees (RAJAC) endorsed the onboarding process for PALOs. There is a mechanism for RAJACs to consider police members who wish to become PALOs. PALOs are considered to have extensive knowledge and expertise in community networking, community development and liaison, which is the basis for their work with police and communities. Duties relevant to Recommendation 214 include:

- promote trust and understanding through liaison between the Aboriginal community and police
- establish effective communication between police, local Aboriginal communities and other relevant government and non-government agencies
- support the development and implementation of appropriate training programs to assist police with understanding and responding to Aboriginal communities
- contribute to the development and implementation of appropriate strategies to improve service delivery to Aboriginal communities and police
- provide support, advise and assist in developing prevention strategies to address local issues impacting on Aboriginal communities

### Neighbourhood Policing

NHP is a policing and engagement model which standardises Victoria Police community crime prevention efforts to improve public safety at a local level. Through community engagement safety issues are identified. Government and non-government work together to design and deliver solutions to improve community safety. The conceptual framework of NHP involves a four-stage process whereby Victoria Police listen to community concerns, identify, and understand the problem, decide on the most appropriate course of action and respond accordingly.

NHP is a place-based initiative, which is delivered in each Police Service Area (PSA). The Local Area Commander (LAC) is ultimately responsible for implementation and ongoing delivery of NHP. When addressing community concerns, NHP encourages collaboration across government and community organisations including Aboriginal community groups. It aims to build community trust and confidence with Victoria Police by:

- Being highly visible and accessible

## 214. Involve Aboriginal groups in community policing

- Prioritising collaboration with community and partner agencies
- Developing effective responses that meet local needs
- Strengthening Victoria Police's focus on crime prevention
- Adopting a problem-solving approach to community safety issues

Community concerns can be raised through the Community Issues Register used to capture, track, and report on Victoria Police's response to community issues. Police are tasked to specifically address these issues or work with community safety partner organisations when issues are more complex. Victoria Police do this by forming a Local Safety Committee in each Police Service Area together with community groups, government, and business stakeholders. Each committee will develop a Local Safety Plan based on the concerns its community has raised and deliver prevention focused strategies to address safety concerns through both policing and non-policing activity.

### Evidence of impact

#### Authorising documents

##### **Keeping You Safe 2023-2028<sup>6</sup>**

Outlines Victoria Police's five-year strategy to deliver their vision for a community in which:

- everyone is safe and feels safe
- those affected by crime feel supported
- those who break the law are held to account
- police work with the community and partners to prevent crime, reduce harm and build a better, safer Victoria.

Strategic partnerships are key to implementation of the strategy, with Victoria Police noting their commitment to working with the Aboriginal community.

#### Outputs

None identified.

#### Outcomes

##### **Community Policing in Australia<sup>7</sup>**

The Australian Institute of Criminology's examination of Community Policing in Australia found widespread support among Australian police services for joint efforts between their organisations and communities. These collaborations aim to build beneficial relationships between police and community members to provide 'more robust and sustainable solutions to problems of crime and disorder'.

In the context of Aboriginal communities in Australia, community policing efforts are intended to increase trust between the community and police and improve responsiveness to justice issues faced by communities (geographically and/or culturally defined). As such, community policing is one way 'policing agencies can more appropriately deal with the issue of cultural

<sup>6</sup> Victoria Police, *Keeping You Safe: Victoria Police Strategy 2023–2028* (Strategy, 2023) ('Keeping You Safe: Victoria Police Strategy 2023–2028').

<sup>7</sup> Judy Putt, Australian Institute of Criminology, *Community policing in Australia* (AIC Reports Research and Public Policy Series, 2010) 50, 111 ('Community policing in Australia').

## 214. Involve Aboriginal groups in community policing

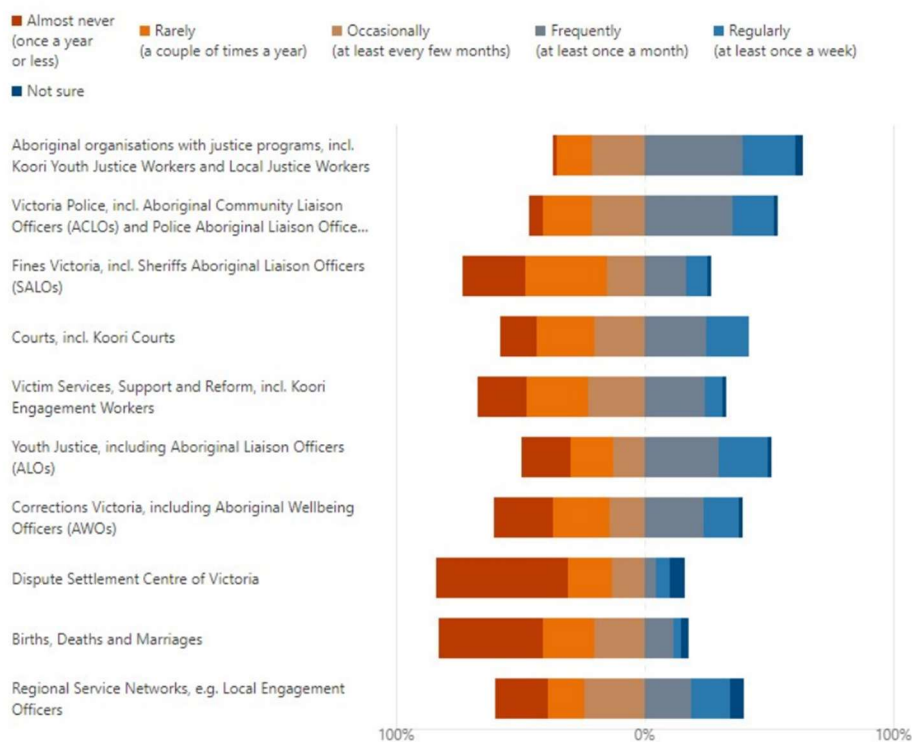
difference'. These issues are heightened in countries like Australia where Aboriginal incarceration rates are much higher than other groups in the general population.

### Aboriginal Justice Agreement Partnership Survey<sup>8</sup>

These results show that RAJAC and Local Aboriginal Justice Action Committees (LAJACs) members frequently interact with a range of stakeholders. Collaboration and service integration are central to the purpose of these committees, and their varied interactions with other agencies.

Respondents indicated that they most frequently worked with Aboriginal organisations with justice programs, and Victoria Police in the past 12 months.

### Frequency of RAJACs/LAJACs members working with justice-specific stakeholders in the past 12 months (n=76)



### Community views

### Nerita Waight, Victorian Aboriginal Legal Service<sup>9</sup>

*Self-determination is the only thing that will lead to real change and improve the lives of our people. That means giving us the authority and resources to make decisions about the things that impact our lives, not sitting us down at a table and then ignoring what we have to say.*

<sup>8</sup> Koori Justice Unit, Department of Justice and Community Safety (Vic), *Aboriginal Justice Agreement Partnership Survey* (2021) ('Aboriginal Justice Agreement Partnership Survey').

<sup>9</sup> Victorian Aboriginal Legal Service, 'Closing the Gap Not Making a Difference in Child Protection and the Criminal Legal System' (Media Release 7 February 2024) <<https://www.vals.org.au/closing-the-gap-not-making-a-difference-in-child-protection-and-the-criminal-legal-system/>>.

## 214. Involve Aboriginal groups in community policing

### Related recommendations

None identified.

### Assessment summary<sup>10</sup>

The RCIADIC found that the involvement of Aboriginal groups was essential to design effective schemes and protocols between police and Aboriginal communities. Recommendation 214 was intended to increase the involvement of Aboriginal groups in the design of sensitive, effective, strategies for policing communities where large numbers of Aboriginal people gather or live.

Within the 'Keeping You Safe, Victoria Police Strategy 2023-2028', there is a commitment to current and future work that drives and guides better justice outcomes for Aboriginal people and reduces overrepresentation, including collaboration with Aboriginal organisations. Victoria Police work with Aboriginal groups at the state-wide level through the Aboriginal Justice Forum and Victoria Police Aboriginal Portfolio Reference Group, regionally through Regional Aboriginal Justice Advisory Committees (RAJACs), and locally through Local Aboriginal Justice Action Committees, Aboriginal Community Liaison Officers (ACLOs), Aboriginal Community Justice Panels, and Police Aboriginal Liaison Officers (PALOs).

Location-specific initiatives to promote engagement between police and the Aboriginal community also exist such as the Northern Metropolitan Police Aboriginal Consultative Committee (NPACC).

*In the North there is the ongoing relationship with Police via the NPACC which is inclusive of the Aboriginal community.* (Troy Austin, Executive Officer, Northern Metropolitan RAJAC)

Action taken partially aligns with the intent of Recommendation 214, however implementation is not consistent across the regions, with initiatives not working well, or not at all in some regions. While there is Victoria Police commitment and action towards involving Aboriginal groups in community policing, the effectiveness of these collaborations is best assessed by Aboriginal groups involved in them.

*In the Eastern Metro region there has been a great response from Victoria Police to Lotjpadhan.* (Lawrence Moser, Chairperson, Eastern Metropolitan RAJAC)

*Police, including ACLOs and PALOs don't always reach out proactively to RAJACs regarding police programs and procedures.* (Bobby Nicholls, Chairperson, Hume RAJAC)

Some evidence actions contributed to outcomes. Sometimes, in some places, police engagement with Aboriginal groups has resulted in good outcomes for our community, but it is often the case that police are not pro-active about involving our local and regional organisations or the quality of engagement depends on individual police officers and varies over time.

*There's a pattern of police making contact with RAJACs at or around the time of Aboriginal Justice Forums and then going quiet in between times.* (Bobby Nicholls, Chairperson, Hume RAJAC)

Recommendation 214 remains entirely relevant. It is essential that Aboriginal voices are heard and reflected in the design of effective community policing strategies that are appropriate.

<sup>10</sup>Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 31 October 2023) ('Working Group Meeting (31 October 2023)'); Meeting with Aboriginal Justice Caucus (Project Team, In Person, 13 December 2023) ('Aboriginal Justice Caucus Meeting (13 December 2023)').

## 214. Involve Aboriginal groups in community policing

Further investment of resources and effort toward full implementation of recommendation 214 has some potential to progress the outcomes identified, noting there needs to be more consistent and effective implementation of existing processes and approaches rather than further investment in new ideas.

### Assessment of Recommendation 214

**Is the intent of the recommendation accurately described?**

Yes  No

**Does the action taken align with the intent of the recommendation?**

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

2

(Score out of 3)

**Is there evidence of the desired impact or outcome/s?**

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

2

(Score out of 3)

**How relevant is the recommendation in the current context?**

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

**Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?**

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

2

(Score out of 3)

### Potential actions for further work

No actions identified.

## High priority for further work

### Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)			Rec 214
	Low (0-2)			

## Bibliography

Meeting with Aboriginal Justice Caucus (Project Team, In Person, 13 December 2023)

Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 31 October 2023)

Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005)

Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018)

Jones, David and Tyler McRae, Victoria Police 'Victoria Police Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody' (Response to AJC Request Tranche Two, 2023)

Koori Justice Unit, Department of Justice and Community Safety (Vic), *Aboriginal Justice Agreement Partnership Survey*, 2021)

Putt, Judy, Australian Institute of Criminology, *Community policing in Australia* (AIC Reports Research and Public Policy Series, 2010)

*Royal Commission into Aboriginal Deaths in Custody* (Final Report, 1991)

Victoria Police, *Keeping You Safe: Victoria Police Strategy 2023-2028* (Strategy, 2023)

Victorian Aboriginal Legal Service, 'Closing the Gap Not Making a Difference in Child Protection and the Criminal Legal System' (Media Release 7 February 2024) <<https://www.vals.org.au/closing-the-gap-not-making-a-difference-in-child-protection-and-the-criminal-legal-system/>>