



Royal Commission into Aboriginal Deaths in Custody Recommendation

225. Police policy development units

That Police Services should consider setting up policy and development units within their structures to deal with developing policies and programs that relate to Aboriginal people. Each such unit should be headed by a competent Aboriginal person, not necessarily a police officer, and should seek to encourage Aboriginal employment within the Unit. Each unit should have full access to senior management of the service and report directly to the Commissioner or his or her delegate.¹

Background²	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised the need for stronger relationships between police and Aboriginal communities. It reviewed several initiatives, including two from Victoria that informed Recommendation 225.</p> <p><u>Victorian Aboriginal Police Liaison Committee</u></p> <p>Established in 1983, the Committee was created to strengthen understanding and address issues between police and Aboriginal communities. It grew from equal Aboriginal and police representation to a broader membership reflecting regional areas, including the Victorian Aboriginal Legal Service (VALS) and Victorian Aboriginal Community Services Association Limited (VACSAL).</p> <p>Co-chaired by an Aboriginal and a police representative, the Committee focused on improving communication, developing policy, supporting liaison work, and promoting initiatives such as cross-cultural training and Aboriginal recruitment into policing, with regular statewide meetings supported by government funding.</p> <p><u>Aboriginal Liaison Unit</u></p> <p>Victoria Police operated an Aboriginal Liaison Unit with two staff, including Ken Saunders (a respected Aboriginal community member and former VALS employee), who supported community engagement and police training. Aboriginal liaison officers also maintained strong relationships with Aboriginal communities, supported by a protocol requiring police to notify VALS of any Aboriginal arrest through the Missing Persons Bureau.</p>
Intent	To ensure Aboriginal perspectives are reflected in police policies and programs that affect Aboriginal communities.
Responsibility	The Commonwealth Government and all state and territory governments.
Key contacts	Victoria Police.

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 4, 123 ('RCIADIC').

² Ibid vol 4, [29.4.25]-[29.4.31].

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Key action taken

<p>2005 Review³</p>	<p>Victoria Police assessed Recommendation 225 as partially implemented noting that their Aboriginal Advisory Unit had four positions, two of which were held by Aboriginal people.</p> <p>Victoria Police</p> <p>Victoria Police set up the Aboriginal Advisory Unit in response to this recommendation to provide high-level advice, with direct access to senior leadership and a focus on employing Aboriginal staff and overseeing the Aboriginal Community Liaison Officer (ACLO) program.</p> <p>While Aboriginal representation existed within the Unit, it was not consistent across all roles at the time of the Review. Following a restructure, five additional police officers were allocated to better support regional police on Aboriginal matters and improve overall engagement.</p> <p>Review Team</p> <p>The Review Team strongly encouraged Victoria Police to pursue the employment and retention of Aboriginal people in the Aboriginal Advisory Unit and to appoint an Aboriginal manager.</p>
<p>2018 Review⁴</p>	<p>Recommendation 225 was assessed as partially implemented by the Commonwealth Government and fully implemented by the Victorian Government.</p> <p>Commonwealth Government</p> <p>Deloitte noted progress made to develop an Aboriginal and Torres Strait Islander Employment Strategy for the Australian Federal Police.</p> <p>Victorian Government</p> <p>Deloitte referred to the establishment of several forums where Aboriginal individuals could discuss policies and programs relating to policing issues.</p>
<p>Since then</p>	<p>Victoria Police⁵</p> <p>In 2023, Victoria Police assessed Recommendation 225 as mostly implemented noting the roles of the Aboriginal Community Portfolio, and the Victoria Police Aboriginal Portfolio Reference Group. At the time of assessment, a Victoria Police First Nations Committee was being established with the aim of furthering consideration and reflection of Aboriginal perspectives in police policy.</p>

Evidence of impact

<p>Authorising documents</p>	<p>None identified.</p>
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³ 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, 388, 390-1 ('2005 Review').

⁴ 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) 450-1 ('2018 Review').

⁵ 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) 97.

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<p>Outputs</p>	<p>The Aboriginal Community Portfolio sits within the Capability Department which is responsible for creating Victoria Police policy. The Aboriginal Community Portfolio Manager and Senior Policy Advisor are both designated positions occupied by Aboriginal people who are not sworn officers.</p>
<p>Outcomes</p>	<p>Although the Aboriginal Community Portfolio Manager is involved in the establishment of programs for Aboriginal people and provides culturally relevant advice on policies, the portfolio ‘does not typically establish new policies.’ For this reason, the status of this recommendation was assessed as ‘mostly implemented’ by Victoria Police.</p> <p>The Aboriginal Community Portfolio works closely with Recruitment and Executive Command. There are 22 designated Aboriginal positions across Victoria Police.</p> <p>The Victoria Police Aboriginal Portfolio Reference Group (APRG) provides advice to Victoria Police on the formulation of policy and practice guidance. One of the co-chairs of the APRG is an Assistant Commissioner, the other is the co-chair of the Aboriginal Justice Caucus. Several Elders and respected persons are represented on the APRG as are Regional Aboriginal Justice Advisory Committees and Aboriginal organisations like the Victorian Aboriginal Legal Service and Koorie Youth Council.</p>
<p>Community views</p>	<p>Yoorrook for Justice⁶</p> <p><i>The Royal Commission into Aboriginal Deaths in Custody laid bare the link between systemic racism and the over-representation of Aboriginal people in the criminal justice system. Thirty years since they concluded that ‘far too much police intervention in the lives of Aboriginal people throughout Australia has been arbitrary, discriminatory, racist and violent’, little seems to have changed.</i></p> <p><i>In 2023 Aboriginal people are still grossly over-represented in Victoria’s police cells, remand centres and prisons. Aboriginal people continue to suffer inexcusable harm in these places, including deaths in custody. Given the long history of often violent and racist policing since invasion, it is not surprising that Aboriginal people have a deep and ongoing mistrust of police.</i></p> <p><i>Yoorrook acknowledges the important apologies made by the Chief Commissioner of Police, and the Attorney-General for past and ongoing harms inflicted by police and the criminal justice system on Aboriginal people. Urgent action must follow these apologies to render them meaningful. Yoorrook also acknowledges Victoria Police has sought to improve its operations over recent years. However, the predominant message heard by Yoorrook from Aboriginal people was that these efforts have not changed policing enough to turn around the mistrust Aboriginal people have in Victoria Police.</i></p>

⁶ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems* (Report, August 2023) 252 (‘Yoorrook for Justice’).

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Related recommendations

Pathways to Justice⁷

Recommendation 14-1

Commonwealth, state and territory governments should review police procedures and practices so that the law is enforced fairly, equally and without discrimination with respect to Aboriginal and Torres Strait Islander peoples.

2005 Review⁸

Recommendation 62

That Victoria Police:

- (a) detail the succession management plan for the Aboriginal Advisory Unit
- (b) make a commitment to the employment of Aboriginal persons, both sworn and unsworn, throughout Victoria Police
- (c) provide a report to the Aboriginal Justice Forum on (a)-(b).

That the Victorian Government continue to implement and monitor Recommendation 225 through any monitoring process established as a consequence of this Review.

Assessment summary⁹

The intent of Recommendation 225 was to ensure that Aboriginal perspectives are reflected in police policies and programs that affect Aboriginal communities.

Actions taken align with the intent of Recommendation 225. The Aboriginal Community Portfolio, part of the Victoria Police Capability Department, advises on policies and the establishment of programs related to Aboriginal people. However, staff within this portfolio do not typically establish new policies. The Portfolio Manager and Senior Policy Advisor positions are occupied by Aboriginal people who are not sworn officers, enhancing the cultural relevance of the advice provided.

Evidence of outcomes is reflected in the Aboriginal Community Portfolio's involvement in policy advisory roles and the establishment of the Victoria Police Aboriginal Portfolio Reference Group (APRG). The APRG, co-chaired by an Assistant Commissioner and one of our Aboriginal Justice Caucus chairpersons, provides a process for increasing consideration of Aboriginal perspectives in Victoria Police policy formulation.

The ongoing relevance of Recommendation 225 is evident, as there is still a need to ensure Aboriginal perspectives are integrated into all relevant police policies, including updates to the Victoria Police Manual. This is crucial for the effective implementation of Recommendation 225 and the improvement of Aboriginal justice outcomes. Most importantly, where police policies are devised with Aboriginal input, they need to be implemented as intended by Victoria Police members to close the gap between policy and practice and reduce harms to our people, families and communities.

⁷ Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017) ('Pathways to Justice').

⁸ *2005 Review*, vol 1, 449.

⁹ Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 2 August 2023) ('*Working Group Meeting (2 August 2023)*'); Meeting with Aboriginal Justice Caucus (Project Team, In person, 20 September 2023) ('*Aboriginal Justice Caucus Meeting (20 September 2023)*').

Assessment of Recommendation 225

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

3

(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

2

(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

3

(Score out of 3)

Potential actions for further work

Support the establishment of Victoria Police First Nations Committee

Further consider and reflect Aboriginal perspectives in police policy.

Implement actions from the Chief Commissioner's Statement of Commitment related to Aboriginal involvement in policy development:

- Develop a process for including an assessment of potential impacts on Aboriginal communities in submissions or advice to government.
- Include impact on Aboriginal people as a component of Victoria Police Policy Impact Assessments and the Human Rights Risk Assessments.
- Specify the Aboriginal community as a community within the Neighbourhood Policing model.
- Review policies in the Victoria Police Manual that may disproportionately affect Aboriginal people.

Moderate 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)			Rec 225
	Moderate (3-4)			
	Low (0-2)			

Bibliography

Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 2 August 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)

Australian Law Reform Commission, *Pathways to Justice: An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report No 133, December 2017)

Meeting with Caucus, Aboriginal Justice (Project Team, In person, 20 September 2023)

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)

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

Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems* (Report, August 2023)