



Royal Commission into Aboriginal Deaths in Custody Recommendation

88. Policing for Aboriginal community

That Police Services in their ongoing review of the allocation of resources should closely examine, in collaboration with Aboriginal organisations, whether there is a sufficient emphasis on community policing. In the course of that process of review, they should, in negotiation with appropriate Aboriginal organisations and people, consider whether:

- a) There is over-policing or inappropriate policing of Aboriginal people in any city or regional centre or country town;
- b) The policing provided to more remote communities is adequate and appropriate to meet the needs of those communities and, in particular, to meet the needs of women in those communities; and
- c) There is sufficient emphasis on crime prevention and liaison work and training directed to such work.¹

Background²	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) highlighted both over-policing and under-policing of Aboriginal communities as serious, systemic issues. It found that increased police presence—often driven by non-Aboriginal political pressures—was linked to higher arrest rates of Aboriginal people, especially in areas with high police-to-population ratios. In contrast, predominantly Aboriginal communities with fewer police often had lower arrest rates. At the same time, under-policing was also a major concern, particularly for Aboriginal women, children, and remote communities. These groups often lacked timely police support, even in serious cases.</p> <p>The Commission stressed that police resources, when used constructively, could have positive outcomes through initiatives like liaison roles, training, and police aide programs. It also noted Aboriginal communities that had successfully implemented alternative policing models that significantly reduced detention rates.</p>
Intent	Police work with Aboriginal organisations to consider whether there is sufficient emphasis on community policing and ensure police resources are used in ways that meet the needs of Aboriginal communities, particularly women, children and those living in more remote areas.
Responsibility	The Commonwealth and all state and territory governments.
Key contacts	Victoria Police.
Key action taken	
2005 Review³	Victoria Police assessed Recommendation 88 as fully implemented .

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 3, 43 ('RCIADIC').

² Ibid vol 3, 30-42.

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 6, 386 ('2005 Review').

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	<p>Victoria Police noted several initiatives that demonstrated the allocation of police resources to support Aboriginal communities including Police Aboriginal Liaison Officers (PALOs), involvement with Aboriginal Community Justice Panels, the Victoria Police Aboriginal Advisory Policy Reference Group, Local Safety Committees, Police Community Consultative Committees and other forums across the regions.</p>
2018 Review⁴	<p>Deloitte assessed Recommendation 88 as being mostly implemented in Victoria. Victoria Police engaged with Aboriginal communities through committees established to implement the Aboriginal Justice Agreements (AJAs) and liaison officers. Following a review of resources to enhance proactive policing, four more Aboriginal Community Liaison Officer (ACLO) positions were funded in 2017, bringing the total number to 13 at that time.</p> <p>A review of ‘over-policing or inappropriate policing of Aboriginal people in any city or regional centre or country town’ had not been completed.</p>
Since then	<p>Victoria Police⁵</p> <p>In 2023, Victoria Police assessed Recommendation 88 as fully implemented noting: Victoria Police is proactively supporting community policing approaches that support crime prevention initiatives and link victims with culturally relevant support services. Within the Keeping You Safe, Victoria Police Strategy 2023-2028, there is a commitment to current and future work, including collaboration with Aboriginal organisations, that drives and guides better justice outcomes for Aboriginal people and aims to reduce over-representation in the criminal legal system.</p> <p>Part (a)</p> <p>Victoria Police partners with Aboriginal organisations and communities to combat over-policing or inappropriate policing through the following community policing mechanisms:</p> <p><u>Aboriginal Justice Forum</u></p> <p>The Aboriginal Justice Forums (AJFs) bring together the most senior representatives of the Victorian Aboriginal community and government departments as the peak coordinating body responsible for overseeing the development, implementation and direction of the AJA. The AJF demands significant transparency, accountability for implementation, collaborative action and a high level of commitment from its members to deliver AJA initiatives.</p> <p>The AJF meets to promote accountability, support community participation and engagement and provide 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 or a delegate from Victoria Police participates in these forums.</p>

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) 175-176 ('2018 Review').

⁵ David Jones and Tyler McRae, 'Victoria Police Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody' (Tranche One).

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Aboriginal Justice Agreements

The Victorian AJA 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. Phases 3 and 4 of the AJA had a focus on supporting community policing approaches to increase positive community-based activities between Aboriginal communities and police.

Aboriginal Youth Cautioning Program

The Aboriginal Youth Cautioning Program 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.

Part (b)

The mechanisms outlined under part (a) apply to remote communities in addition to regional and metropolitan areas. In addition, the Police and Aboriginal Community Protocols Against Family Violence (PACPAFV) especially relate to Aboriginal women.

Police and Aboriginal Community Protocols Against Family Violence

These protocols aim to build positive relationships between Aboriginal communities and Victoria Police to strengthen the police response to incidents of family violence. The longer-term goal is to reduce both the number of family violence incidents, and the rates of families experiencing repeated incidents of family violence. The protocols also aim to ensure an improved, holistic response to all parties, namely Affected Family Members (AFMs) including children, and respondents.

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

Part (c)

Victoria Police is committed to liaison work and crime prevention through these programs:

Aboriginal Community Liaison Officer

The 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.

The ACLOs play a pivotal liaison role for Victoria Police and Aboriginal communities. Victoria Police have an ACLO workforce of 17 located in regional and metropolitan areas across the state including these locations: Bairnsdale, Morwell, Warrnambool, Shepparton, Echuca, Swan Hill, Mildura, Wodonga, Geelong, Ballarat, Footscray, Knox, Dandenong, Mernda, Preston and Bendigo.

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In 2022, Priority and Safer Communities Division (PSCD) commenced a review of the ACLO role (VPS3G-3) to define how the position has evolved since its inception in 2005-06. In December 2022, Workplace Relations Division of Human Resources Command engaged an external consultant to undertake an independent review, including consultations with ACLOs, local police management, and representatives from the community nominated by the ACLOs. In 2023, Workplace Relations Division advised it was determined that the work value of the ACLO role meets the descriptors at the VPSG-4.1 level.

In March 2023, Victoria Police announced funding had also been approved for a Bendigo ACLO position. PSCD was to work with the Western Region to commence advertising the position. Further to this, a Richmond ACLO position was also approved in June 2023.

Police Aboriginal Liaison Officers

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

- Develop and maintain an understanding of Aboriginal communities within the local area and maintain current knowledge of relevant legislation, policies and procedures.
- Promote trust and understanding through a liaison role between the local Aboriginal community and police.
- Establish effective communication between police, local Aboriginal communities and other relevant government and non-government agencies.
- Establish and maintain a positive partnership and culturally safe environment at their local station for Aboriginal communities to communicate and interact with police members to resolve issues.
- Promote awareness of the PALO role within Aboriginal communities.

Evidence of impact

Authorising documents

Keeping You Safe, Victoria Police Strategy 2023-2028⁶

Keeping You Safe commits to work that drives better justice outcomes for Aboriginal people and reduces over-representation in the criminal legal system, including collaboration with Aboriginal organisations.

Chief Commissioner's Statement of Commitment 2023⁷

Victoria Police committed to transforming its systems and processes in line with the former Chief Commissioner's promise and apology to the Aboriginal community before the Yoorrook

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

⁷ Shane Patton, Victoria Police, *Chief Commissioner's Statement of Commitment* (Statement, 11 March 2024) ('Chief Commissioner's Statement of Commitment').

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Justice Commission. Several of the 79 actions outlined in that Statement of Commitment are relevant to the implementation of Recommendation 88, including:

- 5. Analyse individual, community and trend data differentiating by Aboriginal and non-Aboriginal status to identify risks of systemic racism (i.e., disproportionate and unjustified outcomes of systems, policies and processes).*
- 10. Seek advice from the Advisory Policy Reference Group on how Victoria Police develop a workable model for giving effect to self-determination and identifies and addresses unconscious bias and unequal use of police discretion.*
- 11. Introduce regular reporting to Executive Command on Aboriginal-specific issues, including Regional Aboriginal Justice Advisory Committees' issues of note, AJF discussions, ACLO and PALO advice.*
- 31. Increase the number of ACLO positions across the state.*
- 32. Finalise the level of the position to reflect the importance and the expanded responsibilities of the role.*
- 33. Create a Senior Aboriginal Programs Coordinator position to support the Aboriginal Community Liaison Officer and the Police Aboriginal Liaison Officer networks.*
- 44. Expand the Aboriginal Youth Cautioning Program capacity and uptake by young people.*
- 46. Support the Youth Crime Prevention Program and Early Intervention Project. Evaluate and enhance the effectiveness of the Aboriginal Youth Cautioning Program.*
- 54. Coordinate, support and review the statewide implementation of local Police and Aboriginal Community Protocols Against Family Violence with the Aboriginal community.*

The statement also commits Victoria Police to implement all police recommendations from the RCIADIC including completing the review of recommendations with the Aboriginal Justice Caucus and developing timelines and accountabilities for implementing the outstanding recommendations.

Outputs

Part (a)

Victoria Police participation in the Aboriginal Justice Forum and Regional Aboriginal Justice Advisory Committees (RAJACs) under the Aboriginal Justice Agreement, and establishment of the Aboriginal Portfolio Reference Group.

Part (b)

Implementation, review and expansion of Police and Aboriginal Community Protocols Against Family Violence especially as they relate to Aboriginal women and children.

Part (c)

Review of the Aboriginal Community Liaison Officer (ACLO) role increased remuneration for the role. Increased number of ACLOs.

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Review of Police Aboriginal Liaison Officer (PALO) recruitment process with the Aboriginal Justice Caucus and a revised onboarding process for PALOs. Several hundred police members have taken on the PALO portfolio across Victoria.

The Aboriginal Youth Cautioning Program operates in a growing number of locations across the state and assists young people in engaging with culturally relevant support to address the factors underlying their contact with police.

Outcomes

There has been little collaboration with Aboriginal communities or organisations in decisions about allocation of police resources. However, through the implementation of commitments made under the Aboriginal Justice Agreement, and the former Chief Commissioner’s Statement of Commitment, Victoria Police have continued to:

- Engage, discuss and examine community policing approaches with Aboriginal organisations and communities through local, regional and statewide Aboriginal justice committees.
- Increase numbers of Aboriginal Community Liaison Officers and Police Aboriginal Liaison Officers across the state to strengthen relationships and build trust between communities and police.
- Support prevention and early intervention approaches in a growing number of locations across the state through Police and Aboriginal Community Protocols Against Family Violence and Aboriginal Youth Cautioning Panels.

The impact of these efforts on Aboriginal communities across the state, varies by location, existing relationships between communities and police, and the people involved in these initiatives.

Community views

Victorian Aboriginal Legal Service⁸

One of the most high-profile perpetrators of violence in the criminal legal system is Victoria Police, which continues to operate with minimal oversight and accountability.

Related recommendations

Yoorrook for Justice⁹

Recommendation 2

The Victorian Government must give full effect to the right of Aboriginal people to self-determination in the Victorian criminal justice system as it relates to Aboriginal people.

This includes negotiating through the Treaty process, including through potential interim agreements, the transfer of decision-making power, authority, control and resources in that system to Aboriginal people. Transferring or creating decision-making power includes but is not limited to:

- a) system design

⁸ Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems, *Yoorrook Justice Commission* (Report, August 2023) 270 ('Yoorrook for Justice').

⁹ Ibid.

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- b) obtaining and allocating resources
- c) powers of, and appointments to bodies or institutions, and
- d) accountability and oversight functions including new Aboriginal-led bodies, oversight processes or complaints pathways

Recommendation 8

The Victorian Government must:

- a) work with Aboriginal organisations to develop a consistent definition of early help, early intervention and prevention that aligns with the perspectives of Aboriginal people. This definition should be adopted across the Victorian Government.
- b) enshrine prevention and early help/intervention as a guiding principle in the Children, Youth and Families Act and take all necessary steps to implement this principle in the administration of the Act.
- c) as an immediate action, substantially increase investment in ACCO prevention and early help/intervention services to keep Aboriginal children out of the child protection system and to prevent their involvement from escalating when it does occur, and review the governance model for implementing target 12 of the Closing the Gap Agreement, with a view to broadening the responsibility to achieve this target beyond the Department of Families, Fairness and Housing.

Our Youth Our Way¹⁰

Recommendation 6

That the Aboriginal Youth Justice Strategy prioritise early intervention and prevention strategies and justice reinvestment programs led by the Aboriginal community.

Assessment summary¹¹

Recommendation 88 intended for police to work with Aboriginal organisations to consider whether there is sufficient emphasis on community policing and ensure police resources are used in ways that meet the needs of Aboriginal communities, particularly women, children and those living in more remote areas.

Actions taken partially align with the intent of this recommendation but there has been little involvement of Aboriginal communities or organisations in decisions about allocation of police resources.

Police don't tell us when they have resources that they can access, whether it's with the protocols against family violence, youth cautioning or whatever it is. The resources part is non-existent, they just don't do that. (John Gorton, Chairperson, Grampians RAJAC)

In response to part (a) of the recommendation, Victoria Police partners with Aboriginal organisations and communities to combat over-policing or inappropriate policing through the Aboriginal Justice Agreement, Aboriginal Justice Forums and Regional Aboriginal Justice Advisory Committees (RAJACs), and the Aboriginal Youth Cautioning Program. In addition to these initiatives, Victoria Police highlighted the relevance of the Police

¹⁰ Commission for Children and Young People (Vic), *Our Way: Inquiry into the Over-Representation of Aboriginal Children and Young People in the Victorian Youth Justice System Our Youth* (Report, June 2021) ('*Our Youth, Our Way*').

¹¹ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 15 May 2024) ('*Working Group Meeting (15 May 2024)*'); Meeting with Aboriginal Justice Caucus (Vic) (Project Team, In person, 17 July 2024) ('*AJC Meeting (17 July 2024)*').

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and Aboriginal Community Protocols Against Family Violence (PACPAFV) to Aboriginal women and noted that all applied to communities in regional and metropolitan areas as per part (b) of Recommendation 88.

For part (c) Victoria Police reiterated their commitment to liaison work and crime prevention through the Aboriginal Community Liaison Officer and Police Aboriginal Liaison Officer programs. There was some evidence of these actions contributing to the desired outcomes, but implementation varied by region and depended on the personnel involved with implementation.

For our area, the intent is there. I don't know overall what it looks like because Aboriginal Youth Cautioning Panels don't work everywhere, but they are working in some places. It's similar with proactive policing, because some officers do it well and some officers don't do it at all. The intent is there, it's the execution part that lacks. (John Gorton, Chairperson, Grampians RAJAC)

Recommendation 88 remains entirely relevant and further effort to implement it through greater emphasis on community involvement in resource allocation, decision-making and crime prevention has the potential to enable greater Aboriginal self-determination and reduce incarceration.

Assessment of Recommendation 88

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

Aboriginal involvement in resource allocation

Engage Aboriginal organisations and communities in development of budget proposals and discussions around allocation of police resources. Enable greater Aboriginal decision-making where Aboriginal individuals, families or communities are likely to be affected.

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 88
	Low (0-2)			

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