ABORIGINAL JUSTICE ISSUES II

June 14 - 17 1994, Townsville QLD

PROBLEM SOLVING IN ABORIGINAL COMMUNITIES THROUGH EFFECTIVE STRUCTURAL CHANGE

C. J. MCLACHLAN

Assistant Commissioner
Director - Special Agencies
New South Wales Police Service
"...PROBLEM SOLVING IN ABORIGINAL COMMUNITIES THROUGH EFFECTIVE STRUCTURAL CHANGE..."

A paper presented to the
ABORIGINAL JUSTICE ISSUES II CONFERENCE
TOWNSVILLE, QUEENSLAND
14-17 JUNE, 1994.

Mr C. J. McLachlan,
Assistant Commissioner
Director - Special Agencies
New South Wales Police Service

and assisted by:

Mr D. McKenzie
Constable First Class
B. Ec, Grad Dip PSM
Community Safety Development Branch
New South Wales Police Service
WHAT FUTURE FOR WILCANNIA?

"...Unemployment, alcohol, vandalism and violence are the problems. But what are the solutions for this outback town. Two women are pushing a baby carriage under the low, full moon which lights up the ghost town of Wilcannia. At the corner of Reid and Myers Streets, the epicentre of what is left of Wilcannia, drunks mumble and stumble outside the Club Hotel, the town's last functioning pub.

Hundreds of people often crowd the streets after pub closes on these cheque days, which are staggered over the course of a fortnight. Nobody wants to see people sitting up in the middle of the park getting drunk. You will find that 90 per cent of Wilcannia - whatever their colour - agrees that alcohol plays too big a part in the community. The previous week, about 150 Aborigines had blocked the main street outside the hotel after fights had broken out in the crowd. Police said most were drunk and had thrown rocks and bottles at police. Nine people were charged with street offences and are due to appear in the local court.

This latest eruption followed a riot involving 50 Aborigines outside the local hall after a rugby league presentation attended by about 300 people. Every single business in Wilcannia is up for sale but there are no buyers, unemployment among Aborigines is well over 90 per cent; travellers are too scared to stop for fuel, let alone play tourist; alcoholism is rampant and petrol sniffing among young Aborigines has returned.

There are bars on the windows of the few remaining shops open for business during the day and boards across the derelict buildings. The present law and order crackdown is pointless in itself because it can only temporarily cover up a cultural and social problem. In one incident some kids had bailed up an 80 year old wheel chair bound pensioner with own gun. The next night children tried to break into cars parked at the Wilcannia Motel. You see a lot of parents with small kids in prams outside the pub doors.

We've got to get out there and talk to people. But the Aborigines themselves have got to understand they've got roles to play in this as well. We can't just keep locking them up...

Introduction

The main theme of this presentation is 'Changing Police Aboriginal Relations'. New South Wales (NSW) is playing an important part in achieving this.

This paper provides a status report on the policing structures implemented in NSW to improve police Aboriginal relations. It explores the application of a range of strategies to impact on the broad spectrum of problems facing police and Aboriginal people.

Aboriginal people are one of the most economically, socially and politically disadvantaged groups in Australia.

There are many contributing factors such as health, housing, employment, social justice, education, land rights, cultural heritage, language access and equity which have contributed to the over representation of Aboriginal people in the criminal justice system.

Non Aboriginal Australia must remember that colonisation and the subsequent dispossession of land and dispersal of family groups had a dramatic and devastating impact on all aspects of Aboriginal life in Australia. This impact is still being felt by Aboriginal people today.

The historical relationship between police and Aboriginal people has sometimes been a painful one. It is an unfortunate reality that Aboriginal people will continue to come into contact with police who have the responsibility of enforcing the law.

However more importantly, it is essential to focus not so much on the past but what is being done today and about the needs of the future.

Following screening of the ABC 'Cop It Sweet' documentary on national television some two years ago, the NSW Police Service Commissioner, Mr Tony Lauer made a public commitment to improve police Aboriginal relations in NSW.

A number of strategic areas were identified for improved performance by the Police Service following consultation with external Aboriginal agencies, Police Service Aboriginal employees and senior police. These include:

- Aboriginal Employment;
- Education and Training;
- Communication, and
- Local Patrol Operational Initiatives (Refer to Attachment Two).
I. **Aboriginal Employment:**

In 1980, the NSW Police Service established the Aboriginal Liaison Unit as an operational section involving both police officers and Aboriginal people. With implementation of regionalisation in 1987, the liaison unit evolved to the establishment of the position of Aboriginal Client Consultant, and Aboriginal Region Co-Ordinator to make policing services more available to the community.

In recognising that Aboriginal people are disadvantaged and that in term of employment, have a significantly higher unemployment rate, changes have been made to recruitment policy and procedures to meet the needs of Aboriginal people.

This change is highlighted by the Royal Commission into Aboriginal Deaths in Custody, which indicated the need to recruit police officers from the Aboriginal community. NSW have reinforced recommendations from the Royal Commission by establishing positions for an Aboriginal Client Consultant, Aboriginal Region Co-Ordinators, Aboriginal Community Liaison Officers and a range of other administrative officer positions.

The Service has taken a leading role in actively recruiting Aboriginal people to pursue careers. In this respect invaluable assistance has been provided by the Department of Employment, Education and Training (DEET).

Considerable sums have been directly allocated to employment of Aboriginal people annually. This year alone the NSW Police Service will spend an estimated $6.7 million on the employment of Aboriginal people.

The most striking feature of the Service employment structure is its decentralised mode to ensure consistency with the delivery of policing services to the community by local patrols. This structure consists of the:

i. Aboriginal Client Consultant (1);

ii. Aboriginal Region Co-Ordinators (4);

iii. Aboriginal Community Liaison Officers (42), and

vi. Aboriginal Police Officers (147).

In addition there is an Aboriginal Employment Co-Ordinator (Grade 7/8), Aboriginal Lecturer - NSW Police Academy and twenty four administrative officers located throughout the state. Further details about the structure are contained in Appendix One.

The Aboriginal Client Consultants mission is to conduct research, provide information and promote the development of programs and policies for the Police Service to further positive interaction with Aboriginal people.
Principal duties of the position include advice to the Commissioner, Minister and senior executives on Aboriginal issues, identification of special needs of Aboriginal people and their communities for effective delivery of police services, through consultation with Aboriginal people and organisations, represent the Police Service on various committees, at conferences and meetings on issues concerning Aboriginal people and liaison with external organisations and agencies for the development of relevant and appropriate policies.

The basic function of the Aboriginal Region Co-Ordinator is to co-ordinate programs and activities with Aboriginal Community Liaison Officers to improve relations between police and Aboriginals at local patrols. Co-Ordinators provide experience when dealing with disputes between Aboriginals and police, Aboriginals and members of the community in general or between Aboriginal factions or family groups. The position requires the development and maintenance of rapport with Aboriginal community leaders through the four policing regions of NSW. It also supports the Region Commander and facilitate community based policing.

There are 147 Aboriginal operational police officers in NSW supported by 42 Aboriginal Community Liaison Officers (ACLO’s). ACLO’s act as the community’s representative at local police stations. ACLO’s are there to assist Aboriginal people who have come into contact with police. Where necessary they explain legal rights, liaise with other government departments on behalf of Aboriginal people, and generally foster mutual understanding between the Police Service and Aboriginal communities.

ii. Education and Training:

Phase two of our approach to effecting change in the Police Service involved the implementation of education and training systems to provide programs and services that meet the needs of police officers, Aboriginal employees and Aboriginal communities.

This process has been demonstrated through a number of innovative education and training activities including the:

- Tertiary Preparation Course (TPC) for Aboriginal student entry into the NSW Police Academy;
- Training courses for patrol commanders, supervisors, managers and police recruits, and
- Cultural awareness workshops.

The Police Service together with the Aboriginal Education Unit of the NSW TAFE Commission has worked to establish the Tertiary Preparation Course (TPC) for Aboriginal students who wish to enter the NSW Police Academy in Goulburn.
The Unit and Academy have had a great deal of success by giving Aboriginal students the educational qualifications to allow them to apply for entry into the Police Academy.

There are now former TPC students working as trainee police officer in stations throughout NSW, another group are currently enrolled at the Academy and a further group are completing their TPC this year. Applications for the Tertiary Preparation Course and some current participating students are not limited to NSW and have come from Queensland and the Northern Territory.

In reference to training courses for patrol commanders, supervisors, managers and police recruits, the Recommendations of the Royal Commission into Aboriginal Deaths in Custody stated that:

"...all personnel of Police, Prison and Social Welfare or other departments whose work will bring them into contact with Aboriginal people should received appropriate training or re-training. The training should ensure that staff have an understanding and appreciation of Aboriginal history, culture and social behaviour and the abilities to effectively communicate and co-operate with Aboriginal people..."

Training courses for police recruits, patrol commanders and supervisors provide education on a range of Aboriginal issues. For example, the Police Recruit Education Program has as a requirement, the study of social and historical issues affecting Aboriginal people in society generally. To this effect, a full-time Aboriginal lecturer has been employed at the NSW Police Academy.

To complement career development and recruitment strategies, the Police Service conducts an Aboriginal issues session within patrol commander courses and management programs, to:

- Provide managers, commanders and supervisors with an awareness of problems faced by Aboriginal people in the community and Police Service;
- Help to explain the rationale for having special employment programs for Aboriginal people;
- Increase acceptance and successful implementation of Aboriginal employment programs, and
- Assist in breaking down the systemic patterns of discrimination which exist at the 'grass roots' level.

The third major initiative in the education and training program involves the implementation of cultural awareness workshops for operational police at patrols with significant Aboriginal communities.

The statewide program, whilst now completed, was conducted to improve police awareness and sensitivity to Aboriginal cultural issues.
iii. Communication

The third major phase of change involved the establishment of formal communication forums through the Police Aboriginal Council, local patrol consultative committees and ensuring awareness of and input to local Aboriginal co-ordinating committees.

Aboriginal people have for too long been isolated from a process of regular formal communication with police.

In recognition of this issue, the Commissioner hosted a Police Aboriginal forum in Sydney in October 1992 and invited Aboriginal leaders from a variety of organisations and communities throughout the state. These included representatives from Aboriginal Land Councils, Aboriginal Legal Services, Domestic Violence organisations, Aboriginal and Torres Strait Islander Commission, the Office of Aboriginal Affairs and Housing Co-Operatives.

Through workshops, participants at the forum identified key issues and conducted problem solving exercises to develop solutions to these issues. There were two major outcomes from the forum.

First, the preparation of a formal Police Aboriginal Policy Document which was launched publicly at Parliament House by the Minister for Police and Emergency Services.

Second, the election of twelve Aboriginal community members as part of the proposed Police Aboriginal Council.

The focus of the Council is to provide a regular forum for Aboriginal people and police to come together and closely examine issues that have, and will continue to have, a significant impact on Aboriginal people. The Aboriginal Council has allowed Aboriginal people and police personnel to chart a course together which will lead us to a better understanding of each others culture. In shaping a new beginning, trust and respect have come to the fore as essential principles.

Despite reservations about the Council by police and Aboriginal people, it is a reality and is widely recognised as having an important role to play in police Aboriginal relations. The commitment of the Commissioner and Senior Police Executive reinforces this process.

Further to the Council meetings being held every 3 months, the Commissioner has conducted the meetings in country locations using Aboriginal facilities. It is interesting to explore the infrastructural arrangements of the Council. For example:

- The Council meets every three months;
- Meetings are held in each police region on a rotational basis;
Meetings are held in country and metropolitan locations;

Aboriginal facilities are used for meeting venues, this has important symbolic value. For example:

i. October 1993 meeting was held at the Dubbo Regional Aboriginal Land Council.

ii. February 1994 meeting was held at the Aboriginal Youth Accommodation Centre, Cessnock.

Local Aboriginal organisations and leaders are invited to attend the meeting and meet with the Commissioner and senior police executives.

These simple procedures generate numerous benefits. It demonstrates the Commissioner's commitment to the Council and illustrates the police willingness to sit down and talk with Aboriginal people, provides local publicity for Police Aboriginal initiatives and provides access for local Aboriginal leaders to the NSW Police Service hierarchy.

The overall aim of the Police Aboriginal Council is to provide advice to the NSW Police Service on the delivery of a fair, just and equitable service to all Aboriginal people. To identify and advise on issues which contribute to the involvement of Aboriginal people in the criminal justice system, both as victims of crime and offenders and to provide option on how best to deal with those issues.

The Council's principles of operation are as follows:

• To provide expert advice to the Commissioner on Aboriginal matters that concern Aboriginal community members within their region.

• To advise on the responsible implementation of the Policy Statement and the Aboriginal Strategic Plan.

• To advise on the relationship between Aboriginal people and Police and to supply information on sensitive areas that may impact on the relationship.

• To monitor the evaluation of the NSW Police Service Aboriginal Strategic Plan and consider any changes suggested by Aboriginal people and/or the Police.

• To promote the positive partnership formed between Police and Aboriginal people.

As a result of the Council's operation, the Police Aboriginal Strategic Plan was prepared to provide a clearly defined direction for the future. Specific performance indicators were developed and endorsed by Council members for regular monitoring and status reports to the Council.
The guiding principles of the Strategic Plan include:

1. Police recognise that their discretion to act in a variety of way is central to the relationship Aboriginal people have with police and the criminal justice system.

2. Police, working within the statement of values, will provide a services which is appropriate to the needs of Aboriginal people.

3. The Police Services demonstrates a commitment to change behaviour and understanding through he provision of a range of education programs for items employees which focus on:
   - the historical and contemporary context of police and Aboriginal relations;
   - communication with Aboriginal people, and
   - negotiation with the Aboriginal community to resolve problems, and
   - the need for Aboriginal people to be informed of the roles and responsibilities of the NSW police service.

4. The reduction of violence, crime and fear through mutual problems solving between police Aboriginals at the local level.

5. Police recognise their obligations and duty of care for all people detained in custody.

Whilst the focus of the plan is to reduce the number of Aboriginal people entering the criminal justice system either as victims of crime or as offenders, five key result areas have been developed to help achieve this focus. The key result areas include:

**Improving Police use of Police Discretion** - When dealing with Aboriginal people who come under notice, police will in using their discretion, act in an humane, ethical and accountable fashion.

**Provision of Appropriate Services** - Members of Aboriginal communities are entitled to the full range of policing services which are appropriate to their needs are consistent with services provided to the wider community.

**Education and Training** - The Police Service recognises the importance of police possessing a sound education and understanding of Aboriginal issues. The Service is also concerned to ensure that all police have the necessary skills to interact with Aboriginal people in a responsible and sensitive manner.
Communication - Establish effective channels of communication so that police and Aboriginal people can develop a better understanding of each other.

Safety in Custody - The provision of a safe and secure environment which meets community expectations and confidence for all persons detained in police custody and for police to recognise the duty of care owed to all people detained.

Conclusions

Police need to know that it is appropriate, and indeed, necessary to work in partnership and solve problems. The complexities involved in changing both police and Aboriginal perspective are enormous. Old and new values and beliefs confront each other within individuals and as well as the environment in which you work and live.

New initiatives may be aspired too or even held but implementation of these is often incongruent with behaviours of individual officers or individual Aboriginal people. The task is difficult. The potential outcomes will profoundly affect the direction and development of future policing policy and practices in Aboriginal communities.
Bibliography


Appendix One

NSW POLICE SERVICE ABORIGINAL OPERATIONAL STRUCTURE

Aboriginal Client Consultant (Grade 9/10)

Four Aboriginal Region Co-Ordinators (Grade 7/8)

North Region
North West Region
South Region
South West Region

Forty Two Aboriginal Community Liaison Officers

<table>
<thead>
<tr>
<th>North</th>
<th>North West</th>
<th>South</th>
<th>South West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffs Harbour</td>
<td>Boggabilla</td>
<td>Batemans Bay</td>
<td>Dareton</td>
</tr>
<tr>
<td>Kempsey</td>
<td>Bourke</td>
<td>Malabar</td>
<td>Griffith</td>
</tr>
<tr>
<td>Lismore</td>
<td>Brewarrina</td>
<td>Nowra</td>
<td>Narrandera</td>
</tr>
<tr>
<td>Macksville</td>
<td>Dubbo</td>
<td>Redfern</td>
<td>Wilcannia</td>
</tr>
<tr>
<td>Taree</td>
<td>Moree</td>
<td></td>
<td>Campbelltown</td>
</tr>
<tr>
<td></td>
<td>Mt Druitt</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Orange</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tamworth</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Walgett</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wellington</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lake Cargelligo</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Appendix Two

**SCHEDULE OF SELECTED NSW POLICE ABORIGINAL INITIATIVES - 1993/94**

<table>
<thead>
<tr>
<th>PROJECT/INITIATIVE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewarrina 'Adopt A Cop Youth Program'.</td>
<td>Police Aboriginal youth program established in Bourke Patrol - Brewarrina Sector to reduce youth involvement in stealing, shoplifting, break and enters by identifying youths at risk and providing alternative activities for youth through the Police Aboriginal Co-Ordinating Committee.</td>
</tr>
<tr>
<td>Network Meetings With Aboriginal Organisations by local Patrol Commanders.</td>
<td>Conduct monthly meetings with legal services, ATSIC, Land Councils etc representatives etc to solve local problems and initiate new programs.</td>
</tr>
<tr>
<td>Aboriginal Alternative Life Skills Program. Latje Latje.</td>
<td>Program to establish alternatives to custody under control of Aboriginal Organisations. Commenced in the Dareton area.</td>
</tr>
<tr>
<td>Youth Liaison Workshops and Camps.</td>
<td>Conducted in conjunction with Aboriginal youths to discuss and find solutions to local problems and provide alternative activities for youths at risk. Conducted throughout the state, eg: Redfern, Moree, Brewarrina.</td>
</tr>
<tr>
<td>Aboriginal Sport.</td>
<td>Police teams organise and participate in sporting events with the Aboriginal community. eg: Hamilton police commenced a six team Aboriginal police youth touch football competition for young males from 12 - 24.</td>
</tr>
<tr>
<td>Child Abuse and Domestic Violence Workshops.</td>
<td>Aboriginal womens groups work with local police representatives to conduct awareness workshops on child abuse and domestic violence.</td>
</tr>
<tr>
<td>Community Aid Panels.</td>
<td>Court diversion scheme established for Aboriginal youth offenders to reduce the potential for young people being detained in custody.</td>
</tr>
<tr>
<td>Taree Domestic Violence Project.</td>
<td>Project established by the Police Service, local Aboriginal service providers and Aboriginal people to improve advice and referral information to Aboriginal victims of domestic violence.</td>
</tr>
</tbody>
</table>