



**Western Australia Police Service**

## **Strategic Policy on Police and Aboriginal People**

*A strategic approach to working with Aboriginal<sup>1</sup> people in providing equitable and accessible policing services*

## **Policy Statement and Rationale**

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<sup>1</sup> Consistent with the Aboriginal Justice Agreement, the term 'Aboriginal people' used in this Policy is used to refer to Aboriginal and Torres Strait Islander people, where appropriate.

## **I. Introduction**

A focus on delivering appropriate services to the community has resulted in the development of strategic policies in the three key areas of services to youth, services to Aboriginal people and our approach to family and domestic violence. This is consistent with the Strategic Plan of the Police Service, which identified services to youth and Aboriginal people as priority areas. Family and domestic violence was also identified as a strategic issue. This document presents a strategic policy providing a corporate position on services to, and the relationship with, Aboriginal people.

There are linkages between the three policy statements on a number of levels that emphasise the reality that the Police Service does provide a disproportionate level of services to certain socio-demographic groups. The suite of these three strategic policies identifies issues that impact particularly on young people and Aboriginal people, who also represent the largest proportion of victims of crime and offenders in Western Australia.

The policy statement itself is a concise expression of the intent of the agency, its commitment to dealing with the specific issues covered by the policy and an indication of the strategic direction. The policy statement can stand alone in the strategic sense, but the accompanying framework does provide the fullest expression of how and why the policy came to be and how the agency expects it to guide agency planning and practices.

The policy development includes extensive research and consultation within and external to the Police Service to ensure that the policy is informed by facts and perceptions.

This policy is aimed at clarifying the role of the Police Service and stating the commitment of the agency to ensure that Aboriginal people receive a comprehensive and consistent policing service. It is clear that several aspects of the service provided to Aboriginal people have been less than satisfactory for a number of reasons. It is also clear that the relationship with Aboriginal people has suffered from historical legacies that include the police role in enforcing laws, carrying out government policy and the resulting difficulty in building trust between Police and Aboriginal people.

This short policy statement will provide the context within which a range of specific policy issues will be addressed in the application of the policy and in implementation planning. These issues include:

- Service delivery model
- Complaints management
- Customary law

There are a number of drivers, both strategic and environmental that have contributed to the focus of the policy. In addition to the strategic direction of the Police Service, there have been Government directions and major inquiries and review reports that have provided both obligations and guidance for the development of the policy. These include:

- Statement of Commitment for a New and Just Relationship between the Government of Western Australia and Indigenous Western Australians
- Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (The Gordon Inquiry)
- Better Planning: Better Services. A Strategic Planning Framework for the Western Australian Public Sector
- Putting People First, the Government's Response to the Gordon Inquiry Report
- Policing Remote/Discrete Communities in Western Australia (Galton–Fenzi Report)
- Ngaanyatjarra Law and Justice Submission to the Western Australian Attorney General
- Hames Report (Report of the Chief Executive Working Party on Essential Services to Aboriginal Communities)
- Aboriginal Justice Agreement
- State Sustainability Strategy

These drivers collectively emphasise key issues that have informed the Policy Statement. Firstly, that all citizens of Western Australia are entitled to an equitable level and quality of police protection and services. Secondly, that the key for police in working with Aboriginal people is the relationships formed at individual and community level. These relationships must develop through engagement with Aboriginal people and through partnership in planning and service delivery. Historically these have not always been done well, however there is good work being done to address these issues and the Policy Statement is part of the on-going commitment to continue that work.

The framework for the Policy Statement developed around four core themes:

- **Rights** – recognition in practice that citizenship rights are inclusive of Aboriginal people, and that they are entitled to an equitable level and quality of protection and services
- **Respect** – recognition that respect for individual people and their needs builds respect for policing in return
- **Relationship** – policing is basically a people business, and building trust, cooperation and partnerships are integral to all aspects of policing and crime prevention
- **Responsibility** – the Police Service taking responsibility for its practices and for engaging with and working collaboratively with the community and other agencies and for meeting its responsibilities under the Aboriginal Justice Agreement.

## II. The Policy Statement

### **Strategic Policy on Police and Aboriginal People**

It is the fundamental right of all Australians to live in a safe and secure environment. Upholding this right is a core function of the Western Australia Police Service, which will honour this obligation by protecting and serving all Western Australians. The Police Service acknowledges that historically there have been areas of inequity in the protection and services provided to Aboriginal people. The primary focus of the Police Service is the provision of equitable and accessible policing services and to do this while fostering a beneficial relationship with the people who are the first inhabitants of this State.

The Police Service commits to working with Aboriginal people to build strong and trusted partnerships that comprehensively address local needs. The Police Service acknowledges that its past relationship with Aboriginal people has suffered from a legacy of harsh policy and enforcement practices, and commits to building and maintaining a new relationship with Aboriginal people based on mutual respect and a commitment to the principles of justice.

The Police Service acknowledges that great diversity exists amongst Aboriginal people and communities and recognises individual and local needs. Police will respect local cultural traditions where the practice of those traditions is within the law and does not put the safety of individuals at risk.

The Police Service takes responsibility for its part in engaging with Aboriginal people in the delivery of services. The Police Service will work in partnership with Aboriginal people to develop strategies that increase safety and security. The Police Service commits to collaborative efforts with other agencies and service providers to support the development of safe, strong and sustainable communities.

The Police Service as an equal opportunity employer recognises the value of, and promotes, a diverse workforce. By attracting and retaining Aboriginal people, the Police Service creates an agency that is better equipped to meet the needs of the community.

### III. Policy Rationale

1. ***“It is the fundamental right of all Australians to live in a safe and secure environment. Upholding this right is a core function of the Western Australia Police Service, which will honour this obligation by protecting and serving all Western Australians.”***

A safe and secure environment is a fundamental expectation of all Australians. This requires that all citizens have access to policing services where their needs will be dealt with promptly, appropriately, impartially and compassionately.

Safety and security are preconditions that need to be in place so that communities can progress towards more sustainable futures. In this sense the Police Service has a critical role to play in ensuring these necessary preconditions exist within communities across the State. This is particularly relevant to many urban, rural and remote communities where there is an increasing awareness by both community members and Government of the need for greater stability and safety.

2. ***“The Police Service acknowledges that historically there have been areas of inequity in the protection and services provided to Aboriginal people.”***

All citizens are entitled to the protection of the law and the provision of services by the government. In the past, circumstances have resulted in Aboriginal people not being accorded their full rights of access for a variety of reasons, including racism<sup>2</sup>, remoteness, discriminatory government policy and legislation and at times a reluctance by police officers to enact their role.<sup>3</sup> This is the result of a lack of understanding of Aboriginal culture, misunderstanding of the purpose of self-determination and more recently a reluctance to become involved in complex “Aboriginal problems”. The Police Service is committed to ensuring that Aboriginal people receive equitable access to services along with all other people in Western Australia. This document specifically “includes” Aboriginal people as a part of “all Western Australians” in acknowledgement of the gap in services that has been experienced by many Aboriginal people.

Aboriginal leaders have been speaking out against violence in their communities,<sup>4 5 6</sup> and about the responsibility that both Aboriginal people and police have in addressing

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<sup>2</sup> Page 56. Gordon, S. 2002. *Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*. Government of Western Australia.

<sup>3</sup> Galton-Fenzi, K., 2002. *Policing Remote/Discrete Communities In Western Australia*. Internal Report, WA Police Service. Perth, WA.

<sup>4</sup> Shire of Ngaanyatjaraku and the Warburton Community Incorporated (2002) *Discussion paper on a range of law, order and justice issues that affect the Shire of Ngaanyatjaraku and their electors*. Submission to the Western Australian Attorney General (unpublished).

<sup>5</sup> Pearson, N. 2001. *On The Human Right To Misery, Mass Incarceration And Early Death*. Dr Charles Perkins Memorial Oration; The University of Sydney 25 October 2001

violence. This has been a nationwide theme and has coincided with inquiries, reports and initiatives by governments and communities in various States.

**3. *“The primary focus of the Police Service is the provision of equitable and accessible policing services and to do this while fostering a beneficial relationship with the people who are the first inhabitants of this State.”***

The relationship with Aboriginal people must be based on respect and trust. Initially that respect should be based on nothing more than the fact that police can be counted on to deliver appropriate, impartial, prompt, consistent, courteous and compassionate service to individuals.

For people in remote communities, services do suffer some limitations as a result of the realities of distance, however the Police Service is implementing significant improvements to the permanent positioning of police in remote areas that will ensure a more consistent police service to these communities and contribute to a safer environment.

### **Equitable Services**

Western Australia is a diverse community, which requires a policing service able to respond to the needs of that diversity. With respect to the first inhabitants of this country, factors such as dispossession and marginalisation, living in discrete communities and remote locations, the influence of cultural laws and traditions and widespread social and family breakdown create special policing needs for Aboriginal people. Whilst these particular needs are recognised, it would be inappropriate to attempt to provide too generic an approach. Instead, community consultation must be a fundamental building block in the provision of a quality policing response tailored to the local environment.

Aboriginal people have a right to expect equitable policing services, and indeed many communities have been calling for these services for some time.<sup>7 8</sup> The strength that exists in many Aboriginal communities has led to initiatives, both social and economic that indicate an improvement in sustainability for these communities. The support of police in providing safety and security is vital in underpinning and supporting this development.

### **Accessible Services**

A range of issues can hamper access to services, including practical aspects such as distance, poor telecommunications and lack of other support infrastructures. Customer

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<sup>6</sup> Dodson, M, 2003. *Violence Dysfunction Aboriginality* National Press Club, 11 June 2003.

<sup>7</sup> Shire of Ngaanyatjarraku and the Warburton Community Incorporated (2002) *Discussion paper on a range of law, order and justice issues that affect the Shire of Ngaanyatjarraku and their electors*. Submission to the Western Australian Attorney General (unpublished).

<sup>8</sup> Dodson, M, 2003. *Violence Dysfunction Aboriginality* National Press Club, 11 June 2003.

service aspects, such as courtesy, professionalism and cultural appropriateness can also enhance the accessibility of policing services.

In metropolitan areas and regional centres, where the telecommunications infrastructure does exist, access to policing services by Aboriginal people can still be restricted. There can be reluctance by individuals to contact police directly for a number of reasons, including lack of trust, a fear of retribution, a sense of shame<sup>9</sup>, historically poor relationships between police and Aboriginal people and lack of access to Aboriginal and women police officers<sup>10</sup>.

Some Aboriginal people have remained in or are now living in remote locations throughout Western Australia and some essential services have been set up to meet their needs. Mainstream policing services have often not been established as rapidly as some government services and many communities have only had access via long-range Police patrols out of regional centres. This has often resulted in a disjointed, irregular service based on the availability of patrol staff, rather than community or individual needs.<sup>11</sup> This is not a satisfactory level of service when compared to the services available to people where police have a continuous presence within the community. Ready communication between the victim and the officers investigating the case is often necessary for a satisfactory outcome for the victim. When this communication is hampered by the difficulties in providing long-range services the result can be unsatisfactory, leading to a loss of faith in the police and the justice system generally.

Such a situation does not adequately meet the safety and security needs of Aboriginal people in these communities and is inconsistent with the level of service expected by and provided to the wider community. Aboriginal people in Western Australia are entitled to be provided with a level of service that is equitable with the services provided across the State. The Police Service strives to be responsive to the individual needs of all citizens of the state and contribute to the maintenance of safety and security of all citizens, regardless of location.

While the physical presence of a permanent local police station staffed by mainstream police officers will significantly increase the perception of safety in a community, it is recognised that the police officers must themselves not become a barrier to public access. An unwelcoming attitude, rudeness or a failure to respond appropriately to complaints will result in reluctance by community members to seek out police. A quality policing service involves treating everyone with respect and courtesy and dealing with public complaints sensitively and appropriately. Aboriginal clients in particular need police officers to be culturally sensitive and aware of local traditions so they carry out their role without causing offence or embarrassment.

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<sup>9</sup> Dodson, M. 2003. *Violence Dysfunction Aboriginality* National Press Club, 11 June 2003.

<sup>10</sup> Galton-Fenzi, K., 2002. *Policing Remote/Discrete Communities In Western Australia*. Internal Report, WA Police Service. Perth, WA.

<sup>11</sup> *ibid.*

4. ***“The Police Service commits to working with Aboriginal people to build strong and trusted partnerships that comprehensively address local needs. The Police Service acknowledges that its past relationship with Aboriginal people has suffered from a legacy of harsh policy and enforcement practices, and commits to building and maintaining a new relationship with Aboriginal people based on mutual respect and a commitment to the principles of justice.”***

“The history of the colonisation of Australia has resulted in marginalisation, dispossession, loss of land and traditional culture, and the forced removal of children which has led to ongoing trauma within Aboriginal communities. These underlying factors are coupled with extreme social disadvantage including poverty, racism, passive welfare, drug, alcohol and substance abuse.”<sup>12</sup>

This and past interventions by government, have led to wide spread distrust of government agencies by Aboriginal people. The role of Police in implementing such government policies, which Aboriginal people experienced negatively in most instances contributes to the lingering legacy of distrust and in some cases hostility towards police.

Whilst recognising the impact of the past on current attitudes, the Police Service aims to overcome longstanding distrust through the creation of a new relationship with Aboriginal people. This relationship cannot be based on the commitment that the Police Service makes in this document alone – it must be supported by actions in dealing fairly and openly with Aboriginal people. It must also be based in the provision of a consistent service where intentions are communicated clearly to individuals and the community. Providing equitable support and services to all Western Australians is consistent with the agency’s stated values of Honesty, Respect, Fairness, Empathy, Openness and Accountability.

### **Cultural Respect**

The Police Service provides an essential service to the Western Australian community, and is committed to acknowledging and respecting the Aboriginal cultures that exist within Western Australia. The Police Service acknowledges the diversity of social customs and values that form Aboriginal culture and is committed to ensuring that officers develop an appreciation and respect for the differences in the customs and values of Aboriginal people in their district.

An understanding of the diversity of Aboriginal people is essential for all government employees, including police officers. The Police Service is committed to the development of locally specific inter-agency cultural sensitivity training that can be delivered to all service providers. This training will have the involvement of local Aboriginal community members and include information that is relevant to the way in which services will be provided.

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<sup>12</sup> Page xxiii, Gordon, S. 2002. *Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*. Government of Western Australia.

### **Communication with police**

An issue of concern that emerged from the Gordon Inquiry was that real and perceived barriers exist for Aboriginal people to make complaints against police. It is important to establish a relationship with Aboriginal people that in its fullness, allows them to report adversely against the Police Service when appropriate, as well as to provide positive feedback. Accountability and trust are essential ingredients in this relationship.

Increasing trust and confidence in police will also remove barriers to Aboriginal people coming forward to report acts of crime, particularly in areas of family and domestic violence, child abuse and inter-family conflict, and to assist police in the efforts to maintain a safe and secure environment.

### **5. *“The Police Service acknowledges that great diversity exists amongst Aboriginal people and communities and recognises individual and local needs.”***

Across the State there is a diverse range of cultures and it is important to recognise the local cultural differences and not consider Aboriginal people as a homogenous group.

As with any community, suburban, country or remote, local customs and traditions evolve that make each community unique. Acknowledging and understanding the local customs and traditions is essential for police officers tasked with responsibility for fostering a safer and more secure environment.

There are some cultural factors that actually inhibit the effectiveness of police officers. A strong sense of shame experienced by victims of abuse or violence results in unwillingness to report crimes. Fear of retribution (payback), especially where reporting an offence leads to the offender being incarcerated further reduces the likelihood of violence being reported. By being aware of local traditions and customs, police can establish a relationship based on mutual respect and trust and then work with Aboriginal people in an effort to respond effectively to victims and offenders. It is important to note that violence and abuse are not part of Aboriginal culture<sup>13 14</sup> and fostering an environment where there is respect for local traditions and customs will enhance community safety and security and reduce crime.

### **6. *“Police will respect local cultural traditions where the practice of those traditions is within the law and does not put the safety of individuals at risk.”***

Many Aboriginal people identify with their proud history, culture and heritage, that provides the basis of their daily life. There are also a number of Aboriginal people within Western Australia who regard their understanding of customary law as applicable and binding and who desire to preserve the application of that cultural law,

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<sup>13</sup> Gordon, S. 2002. *Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*. Government of Western Australia.

<sup>14</sup> Dodson, M. 2003. *Violence Dysfunction Aboriginality* National Press Club, 11 June 2003.

including the violent aspects (e.g. payback). The violent aspects of customary law are inconsistent with Western Australian social justice and criminal law. They also contravene international justice and human rights charters to which Australia is a signatory. The Police Service will pursue charges relating to the carrying out of the violent aspects of customary law and will also support witnesses and protect them from retribution.

There are positive aspects of customary law that do not contravene the law and do not place the safety of individuals at risk. These aspects can be extremely beneficial to Aboriginal people and in helping to preserve the social structure of Aboriginal communities<sup>15</sup>. It is important that police identify and respect these aspects, and that they seek advice from the local custodians of customary law on how best to demonstrate this respect.

**7. *“The Police Service takes responsibility for its part in engaging with Aboriginal people in the delivery of services.”***

As well as improving accessibility to services, the Police Service is also committed to improving the relationship with Aboriginal people with the intention of reducing the level of distrust, improving communication and encouraging the reporting of offences and the agency has committed to this through the implementation of the Government’s response to the Gordon Inquiry and the Aboriginal Justice Agreement.

Engagement through living and working with the community is the most effective mechanism in creating open dialogue and initiating discussion of the issues impacting upon Aboriginal people. This will build stronger links between members of the Police Service and Aboriginal people and become foundation of stronger positive relationships between police and Aboriginal people.

**8. *“The Police Service will work in partnership with Aboriginal people to develop strategies that increase safety and security.”***

There is a tolerance of violence within some Aboriginal communities that has arisen from long familiarity with violence and its cost<sup>16</sup>. Police play a critical role in communicating and demonstrating that violence will not be tolerated and that perpetrators of violence will be apprehended and placed before the justice system.

Police have the fundamental role of dealing with the offending behaviour and enhancing the safety of individuals as well as a role collaborating with other government, non-government and local government agencies to ensure a coordinated approach to ensuring safety and security<sup>17</sup>. While the factors underlying offending may be addressed

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<sup>15</sup> Dodson, M. 2003. *Violence Dysfunction Aboriginality* National Press Club, 11 June 2003.

<sup>16</sup> *ibid.*

<sup>17</sup> Gordon, S. 2002. *Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*. Government of Western Australia.

cooperatively across government, the immediate response is essentially the responsibility of police.

**9. *“The Police Service commits to collaborative efforts with other agencies and service providers to support the development of safe, strong and sustainable communities.”***

The Police Service is committed to the development of local structures that promote cross-agency cooperation and coordination of service delivery. Collaboration with other government, non-government and local government agencies ensures a coordinated approach is provided that should meet the needs of the community. This will enable the provision of the environment required for necessary capacity building in order to achieve sustainability of Aboriginal communities in Western Australia<sup>18</sup>.

**10. *“The Police Service as an equal opportunity employer recognises the value of, and promotes, a diverse workforce. By attracting and retaining Aboriginal people, the Police Service creates an agency that is better equipped to meet the needs of the community.”***

Increasing the diversity of the workforce brings significant benefits that include a wider range of knowledge and skills, breaking down negative aspects of corporate culture and improved communication with, and understanding of, the diverse people of Western Australia. Aboriginal people have a long history of serving the community through their work as members of the Police Service and this contribution has enriched the organisation, even though at times the degree to which the agency has benefited from employing Aboriginal people has not been fully acknowledged.

The Police Service is committed to employing Aboriginal people to bring to the agency the knowledge and skills required to provide an effective service to the people of Western Australia.

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<sup>18</sup> Gordon, S. 2002. *Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*. Government of Western Australia.

## IV. Context and Linkages

This policy has been developed in an environment in which Western Australian and Commonwealth Government commitments, policies and initiatives exist, and it is consistent with the principles outlined in those documents.

The following significant documents contributed to the direction and language of the policy:

- **The Statement of Commitment to a New and Just Relationship 2001** - An agreement between the Government of Western Australia and Aboriginal people in Western Australia to work together in partnership to build a new and just relationship. The Statement contains a set of principles and a process for parties to negotiate a State-wide framework to facilitate agreements at the local and regional levels. The partnership framework seeks to establish separate agreements in justice, health, housing, essential services, native title and other issues that impact on Aboriginal people in Western Australia.
- **The Aboriginal Justice Agreement 2004** - The Western Australian Aboriginal Justice Agreement (Agreement) is a partnership framework jointly developed by the Department of Justice, the Department of Indigenous Affairs, the Department for Community Development, the Western Australian Police Service, the Aboriginal and Torres Strait Islander Commission, the Aboriginal and Torres Strait Islander Service and the Aboriginal Legal Service of Western Australia. The aim of this Agreement is to provide a framework for improving justice-related outcomes for Aboriginal people of Western Australia.

The development of strategic policy in the Police Service has also included policies on areas that relate to services to Aboriginal people. These policies include:

- **The WAPS Strategic Policy, Family and Domestic Violence** - It is the intent of this policy to publicly articulate the position of the Police Service in responding to family and domestic violence. It also allows WAPS to express its commitment to the prosecution of family and domestic violence perpetrators and the protection of victims of this offence. The Police Service acknowledges that it is essential to communicate its intent to victims that they will be supported, and to perpetrators that they will be prosecuted. Family and domestic violence is a particularly significant problem within the Aboriginal community where crisis levels are complicated by social breakdown, lack of access to services and distrust towards the Police Service.
- **WAPS Strategic Policy, Youth** - The Strategic Plan sets the direction for clarifying the role of the Police Service in many aspects of community safety. It was clear that there was a shift required toward providing more of an influencing role in community safety rather than attempting to continue to be all things to all people. This recognises that the focus of direct policing services is at the 'hard end' of community safety, where the legally mandated role for police is clear and the agency has both the powers and expertise to do this well. Through this policy the Police Service is seeking to ensure that the services and resources

directed at youth achieve the best possible outcomes by prioritising activities so that they target those youth most in need of police services.

## Policy Influences

