

**SUBMISSION OF THE FEDERATION OF COMMUNITY  
LEGAL CENTRES (VIC.) INC**

**TO THE REVIEW OF THE DELIVERY OF POLICING  
SERVICES**

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**July 2005**

**This submission was prepared by members of the Police Issues Working Group in consultation with individual member centres, on behalf of the Federation of Community Legal Centres (Vic).**

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## **The Federation of Community Legal Centres**

The Federation of Community Legal Centres Vic. Inc ('the Federation') is the peak body for forty-nine Community Legal Centres across Victoria, including both generalist and specialist centres. Community Legal Centres provide free legal advice, information, assistance, representation and community legal education to more than 60,000 Victorians each year. We also work on strategic research, casework, policy development and social and law reform activities.

Community Legal Centres have expertise in working with excluded and disadvantaged communities and people from culturally and linguistically diverse backgrounds. We operate within a community development framework. We provide a bridge between disadvantaged and marginalised communities and the justice system. We work with the communities of which we are a part. We listen, we learn, and we provide the infrastructure necessary for our communities' knowledge and experiences to be heard.

The Federation, as a peak body, facilitates collaboration across a diverse membership. Workers and volunteers throughout Victoria come together through working groups and other formal and informal networks to exchange ideas and strategise for change.

The day-to-day work of Community Legal Centres reflects a 30-year commitment to social justice, human rights, equity, democracy and community participation.

The Police Issues Working Group is a long-standing working group of the Federation. Over the years it has been a keen observer of certain aspects of police activity related to impacts on civil liberties, inappropriate police behavior, accountability, and systemic issues generally.

## **Introduction**

At the outset, the Federation wishes to note the significant developments that have occurred in policing in Victoria over recent years such as the new *Code of Practice: For the Investigation of Family Violence* (2004). We commend many of these initiatives. Wherever possible our member centres and their staff have worked collaboratively with Victoria Police in seeking to deliver better outcomes for our community.

Given the dynamic nature of our community, the process of reflection and adaptation within Victoria Police is vital. Without this Victoria Police are at risk of losing their relevance and legitimacy in the eyes of the community. This *Review of the Delivery of Police Services to the Victorian Community* provides an opportunity for this reflection and adaptation. We hope that this is the first of many opportunities for community input into an ongoing review of police services.

The Federation believe that the service delivery model for Victoria Police needs to accord with fundamental human rights principles contained in the relevant international instruments. These include but are not limited to articles 9 and 21 of the International Covenant on Civil and Political Rights in relation to liberty, security and arrest and the right of peaceful assembly and article 16 of the Convention Against Torture in relation to acts of cruel, inhuman or degrading treatment or punishment committed by a public official.

The Federation believes that a service model for Victoria Police should deliver:

- Sworn and unsworn officers with highly developed personal and professional skills;
- Best practice Occupational Health and Safety policies and procedures which deal with officers physical, mental and emotional well being;
- Good laws to enforce;
- Good relations with citizens and visitors to the state of Victoria;
- Transparent and accountable policies, operations and procedures including an independent bureau of crime statistics and an independent police complaints mechanism;
- Adequate and appropriate allocations of resources; and
- Political independence.

The following submission follows the format of the schematic overview of the Five Level Service Delivery Model Framework and focus group questions.

## **Range of Services Victoria Police Delivers**

**Questions: What are the core types of services that Victoria Police should deliver? What current services do you believe Victoria Police delivers that it should not? What services do Victoria Police not deliver that it should?**

With the implementation of local area policing and the growth of community policing over a number of years the range of services delivered by police has diversified enormously. Models of policing which have focussed on purely law and order objectives are limited in their capacity to prevent crime. The broad push for community policing and crime prevention strategies has in our view delivered a positive range of services and outcomes. We continue to support the demilitarisation of the Victorian police force and greater development of the community policing model.

While there are direct benefits arising from the diversification of police services and an expanded community policing role, the Federation supports the establishment of boundaries to limit the growth of these services into civil society. Whilst it remains a matter of debate about what the limits should be, expansion of police services should not directly or indirectly result in the diversion of funds or services from community and welfare agencies, government and non-government, into police programs. Nor should limits inhibit collaborative endeavours with community organisations, which allow a cross fertilisation of thinking, expertise and increased understanding and sensitivity to the issues involved, that can directly assist the police. We support further discussion with a range of interested parties and relevant stakeholders about respective roles to work towards a consensus about which programs should best be run by community and welfare services and which by Victoria Police.

The Federation believes Victoria Police should not receive, investigate and report on complaints concerning the police and corruption. This function should be administered by an independent Criminal Justice Commission to ensure transparency and openness related to complaints, special reports and investigations related to systemic issues

The Federation believes Victoria Police should not be responsible for the maintenance of Criminal statistics. This should be done by a Statistical Unit, independent of Police and Government, that monitors crime statistics, investigates prison demographics and the causes of crime, and provides this information to the community and independent advice to government. Such a unit needs to work collaboratively with Victoria Police to achieve these outcomes.

The Federation believes Victoria Police needs to improve the way it responds to incidents and confrontations in order to reduce the number of fatal and other shootings in Victoria. Such improved responses should be obtained through training and without resort to violence and the need for stun guns and other

weaponry. Furthermore we do not believe that expanded police powers are necessary to achieve better law enforcement outcomes. Instead we support the introduction of adequate safeguards to protect the community from arbitrary police searches and the overuse of search-and-strip search powers.

We believe that police should not intervene nor be given expanded powers to intervene to disperse public demonstrations, nor should methods of crowd control cause long-lasting or significant pain to community members. Police should uphold the democratic right of the community to free speech, freedom of movement and freedom of protest.

## **Organisation of Services**

### **Question: Are there issues with how Victoria Police prioritises and manages the services delivered to the community?**

Our experience of resource priorities is that we are often confronted with the phenomenon of either over-policing or under-policing. For example, over-policing of particularly vulnerable and disadvantaged members of our community such as young people and the visibly drug-affected or homeless and under-policing of incidents of family violence.

### **Question: Are there issues with the way Victoria Police is structured that inhibits its ability to meet community needs?**

The Federation believes that Victoria Police should outsource to an independent organisation all functions associated with investigating and dealing with complaints against the police. Systemic issues identified and complained about by CLCs and the general community over the years would be best dealt with by an organisation, which is independent and separate from the police themselves. While this may or may not improve outcomes of investigations it would send the very clear message that there is an independent body overseeing police activity.

### **Question: Are there benefits in the way Victoria Police is structured that currently works well in meeting community needs?**

There are many areas where the police are focussing their work which has brought a new dimension of activity to their traditional work. The operation of PACMAC enables direct contact with a range of ethnic communities, that helps maintain harmony and a better understanding across cultural boundaries. Similar work in the area of young people, women, family violence and with the gay and lesbian community assists in understanding complex issues and working towards better solutions.

## Resources

### **Question: Do you have any ideas on how Victoria Police could do policing better?**

To outsiders Victoria Police resources, both physical and human, seem enormous, particularly the allocation for the counter terrorist unit. The per capita level of funding far outstrips funding in other areas of the justice system. We fail to understand the limits and appropriateness of funding allocations and the returns on this funding. As outlined above, we cannot understand the prioritisation of these resources which appear to target particularly marginalised and disadvantaged communities. Better allocation of existing resources could improve how Victoria Police polices and alleviate community concerns about policing.

While relations are often built up with police at a local or central level, the very nature of transfers and movement within the force leads to a perpetual cycle of re-establishing local community linkages. This is understandable in terms of professional development and rostering but does lead to a degree of frustration, especially when good relationships have been established that have resulted in positive outcomes for the community, and there is no handover to staff taking over a portfolio area. An example of this is the head of the Indigenous Unit of Victoria Police who has recently taken six months leave and has not been replaced. This is particularly disappointing given the high rates of indigenous contact with Victoria Police and the particular disadvantage faced by our indigenous community.

Our member centres acting for clients in criminal prosecutions report frustrations dealing with Police Informants who seemingly are never contactable, for a range of reasons.

## Linkages

### **Question: Could Victoria Police change the types of relationships it has with external agencies or the community to improve service delivery? What does not work with current relationships between Victoria Police and external agencies or the community?**

As has been outlined, the Federation believes that linkages and strategic partnerships are essential if Victoria Police is to retain its legitimacy and remain a relevant organisation to the community. It is important that Victoria Police welcomes a diversity of opinion about the service it provides, and accepts and responds to criticisms, which frustrate and are of concern to the community.

For example, the Federation has and will continue to be outspoken about the need to improve police accountability and the police complaints process. In the

past, many of our concerns have been actively disregarded, trivialized or simply rejected. However in the passage of time this issue has subsequently gone on to create enormous public damage to Victoria Police's image. If such criticisms were taken on board and carefully considered the outcome would be better for both Victoria Police and the wider community.

### **Performance**

**Question: Are you happy with the processes by which Victoria Police currently delivers its services to the community?**

The Federation strongly supports greater public accountability for how the police service performs its service to the community. This should be through independent accountability mechanisms for performing statutory functions and complaints. There are also a myriad of ways to improve the way and level of information released by police about their performance. We believe that the community has the right to know information about police complaints include the number of police complaints each year, the nature of the complaint, and how these have been dealt with. We also have the right to know other information including how much money has been paid as a result of civil litigation against police and the ethnic or gender diversity in the force.

As outlined above, the Federation believes Victoria Police should not be responsible for the maintenance of Criminal statistics. This should be done by a Statistical Unit, independent of Police and Government, that monitors crime statistics, investigates prison demographics and the causes of crime, and provides this information to the community and independent advice to government.