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Aboriginal Community Patrols in Australia: Self-policing, Self-determination and Security

Harry Blagg & Giuletta Valuri

This article emerges from research conducted across Australia on Aboriginal self-policing initiatives, generically referred to as “Community Patrols”, “Aboriginal Patrols” or “Night Patrols”. The study was intended to produce a national profile of Patrols, and similar services, around Australia. Our research reveals that Aboriginal people are actively engaged in a diversity of self-policing practices in urban, rural and remote communities across Australia. These policing practices differ markedly from those offered by the mainstream police and the private security sector in a number of crucial respects: the most obvious being that they are largely staffed by volunteers, operate without an arsenal of formal powers, and do not offer a commodified security service. Aboriginal Community Patrols are local initiatives by Aboriginal people evolved to intervene in situations where Indigenous people are at risk of enmeshment in the criminal justice system, or where they face multiple hazards associated with community disorder, alcohol, drugs and violence. Recent theorizing on the nature of contemporary policing, stressing some of the benefits of becoming linked to local security networks, provides a useful conceptual space for exploring the potential role of Indigenous self-policing, providing that principles of self determination are not sacrificed in the process.

Keywords: Self-policing; Governance; Self-determination

Introduction

Recent debate in the area of policing and security has been strongly marked by the recognition that a fundamental—and probably irreversible—shift has taken place in the ways policing is delivered under conditions of neo-liberalism. This paradigmatic shift includes changes in the way policing as a range of activities and practices is imagined, planned and implemented, along with the kinds of agencies involved in

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the process. The transformation of security involves new “configurations” and “networks” of public and private interests (Law Commission of Canada, 2002). Of particular interest to those concerned with strategies for empowering the truly disadvantaged and marginalized, are the various linked debates underway in post-colonial societies regarding the potential for alternative forms of governance linked to “local capacity policing” (Wood & Font, 2003; Leach, 2003; Shearing, 1994; Johnston & Shearing, 2003). These debates have specific resonance for the situation of Australia’s Indigenous people, who are increasingly demanding the kinds of security policing in their communities taken for granted by the wider community.

This article emerges from innovative research conducted across Australia on Aboriginal self-policing initiatives, generically referred to as “Community Patrols”, “Aboriginal Patrols” or “Night Patrols”. The study was intended to produce a national profile of Patrols, and similar services, around Australia.¹ Before examining the research findings, we will briefly touch on a number of relevant background issues that have shaped the debate on Aboriginal Community Patrols. For reasons of brevity, most of the references to Patrols will be restricted to Western Australia and the Northern Territory, regions with the most Patrols, and also where rates of over-representation of Indigenous people in the criminal justice system has traditionally been high.²

The 1989 Royal Commission into Aboriginal Deaths in Custody and After

Indigenous Australians are amongst the most imprisoned people in the world. Moreover, they are dramatically over-represented as victims of homicides, assaults and family violence. They suffer from a twin problem of being highly visible and over-policed in some instances, particularly in the commodified public realm, while remaining invisible and under-policed in others, particularly in their own communities and homes. It has been “the Aboriginal problem”, rather than “Aboriginal people’s problems”, that have been the source of disquiet for authorities. As a consequence, Aboriginal people tend not to see the police and other related organizations as “service providers”.³

The Royal Commission into Aboriginal Deaths in Custody was established in 1989, following a decade or so of pressure from Aboriginal people, concerned, in particular, about the treatment of Indigenous people by the police. The Commission examined the circumstances surrounding the deaths of 99 Aboriginal people in various forms of custody—finding that 63 had occurred in police custody. The Commission also explored what it termed the “underlying issues”: the mix of social, cultural, economic, legal and historical factors underpinning the individual deaths. The Commission concluded that Aboriginal people did not die in custody at a greater rate than non-Aboriginal people, the fundamental problem lay in the massive over-representation of Aboriginal people in the system in the first place (Johnston, 1991: I: 6). This finding led the Commission to examine the various mechanisms through which Indigenous people became over-represented, with a particular focus on policing.

The reform agenda in the aftermath of the Royal Commission into Aboriginal Deaths in Custody has been dominated by strategies aimed at transforming Aboriginal/police relations by making policing more accountable and transparent, eliminating discriminatory practices, enhancing the procedural and human rights of suspects, and increasing levels of Aboriginal recruitment into the existing police service, either as fully designated officers or as police auxiliaries (Johnson, 1991: V). The strengths and weaknesses of these various strategies have received considerable critical attention (Harding et al., 1995; Hazlehurst, 1987; Cunneen & McDonald, 1996; Cunneen, 2001; Broadhurst, 1997; Jennett, 2001).

Less attention has been paid by Australian criminologists and policymakers, however, to the phenomenon of *self-policing* by Aboriginal communities as an alternative to, or in partnership with, these reform strategies. This, in our view, is a significant omission. Our research reveals that Aboriginal people are actively engaged in a diversity of self-policing practices in urban, rural and remote communities across Australia. These policing practices differ markedly from those offered by the mainstream police and the private security sector in a number of crucial respects: the most obvious being they are largely staffed by volunteers, operate without an arsenal of formal powers and do not offer a commodified security service.

Aboriginal Community Patrols are, essentially, local policing initiatives by Aboriginal people, evolved to intervene in situations where Indigenous people are at risk of enmeshment in the criminal justice system or where they face multiple hazards associated with community disorder, alcohol, drugs and violence. We are employing the term “policing” here, therefore, in the sense employed by Bayley and Shearing (1996: 592), where it describes strategies of “anticipatory regulation and amelioration” rather than simply reactive strategies. There are instances of similar kinds of local self-policing initiatives emerging among some Indigenous communities in South America, particularly in situations where Indigenous people have been unable to attract consistent and adequate forms of policing by state authorities (Leach, 2003), and also in post-apartheid South Africa (Shearing, 2001).

Security Governance and Self-determination

There are clear parallels between Community Patrols and new forms of local security networking emerging in mainstream Australia and overseas. What Johnston and Shearing (2003) refer to as “security governance” is no longer the sole preserve of the state, but has devolved to a diverse ensemble of organizations. While acknowledging that the cards are largely stacked against the poor and marginalized as far as the purchase of security is concerned, Johnston and Shearing (2003: 144; see also Shearing, 1994; Bayley & Shearing, 1996) maintain that strategies need to be developed to enable those on the margins to access the market for security.

This approach could offer significant advantages to Aboriginal people, who may gain from becoming involved in what Johnston and Shearing (2003) call devolved, or “nodal”, forms of security governance, where they are empowered to provide some of their own policing and peace-making services in partnerships with a range

of government and non-government organizations. There are, however, dangers of piecemeal co-optation and colonization by more powerful agencies in such arrangements. Many Australian Aboriginal communities, besides lacking even the most basic infrastructure, have been systematically stripped of political and civic capacity through decades of colonial intervention designed either to eliminate or assimilate Aboriginal Australia. Any strategies that involve partnering Indigenous self-policing initiatives with new security networks must also guarantee the organizational and cultural integrity of these Indigenous initiatives.

One way of doing so is to encourage and support locally managed Aboriginal community justice organizations, operating on principles of self-determination and self-management. Instead of operating in isolation, Indigenous self-policing initiatives would negotiate entry to nodal governance arrangements from a position of relative strength as part of a locally controlled Indigenous justice organization. One recent inquiry into issues underpinning communal violence and endemic alcohol abuse in communities on the Cape York Peninsula strongly advocated the creation of autonomous local justice groups, what the author calls “pods of justice” (Fitzgerald, 2001: 113) on the Cape, to be responsible for controlling local liquor licenses, setting policing goals and strategies, establishing diversionary options for offenders, running community-based alternatives to custody and designing family violence prevention strategies. These “pods of justice” would be “distinct in form and function, autonomous but contributing to a federal whole” (Fitzgerald, 2001: 113).

Fitzgerald’s image of decentralized, relatively autonomous “pods” is finding expression in an emerging framework of Aboriginal justice initiatives. Included in these new practices are developments such as Community Justice Groups in Queensland and New South Wales, Law and Justice Strategies on remote communities in the Northern Territory, Aboriginal Justice Councils in New South Wales and South Australia, and a network of Regional Aboriginal Justice Councils in Victoria. What distinguishes these initiatives from previous interventions is the degree to which they actively empower Indigenous people to provide justice and related services within their communities, *rather than simply seeking to reform the practices of non-Indigenous agencies*. As we will demonstrate, Aboriginal self-policing forms a vital part of this new framework.

A recent review of Night Patrols in the Northern Territory by the Tangentyere Remote Area Night Patrol, for example, found a diversity of activities typical of Aboriginal Patrols:

Night Patrols perform a huge range of functions, according to the needs of their communities and the resources they have available. They act as a nexus to connect people and services such as clinics, courts, Police, community government councils, and family. They mediate disputes, remove people from danger, keep the peace at events such as sports carnivals, are consulted by agencies such as courts for input into sentencing, and play a crucial role in the development of community justice groups. (Walker & Forrester, 2002: 2)

The positioning of Aboriginal self-policing at the heart of community-based strategies in this manner, we suggest, takes their role beyond “pluralization” and the

“police extended family” (Johnston, 2003) and situates them firmly within processes of Indigenous self-determination.

Aboriginal Domain and the “Third Space”

Cunneen (2001: 196), for example, maintains that Community Patrols form part of a developing Indigenous “social space underpinned by a principle of self-determination for Indigenous people”. This evolving “social space”, or “third space”, includes what Rowse (2002) refers to as the “Indigenous sector”. This sector has institutions that are neither public nor private, in the Eurocentric sense, but represent a “third thing”, created from the “interaction—sometimes, but not always frictional—of government and the Indigenous domain” (Rowse, 2002: 23). Among other things, this “third thing” or “space” provides a degree of choice for Indigenous people, expanding their capacity to construct solutions that may involve interaction with state-auspiced sites of governance, while not being subordinated to them. They act as points of resistance to non-Indigenous forms of governance in some instances, while providing a conduit between Indigenous domain and the non-Indigenous sector in others.

Patrols are an excellent example of this “third space” in reality. Walker and Forrester (2002: 3) describe them working in the “uneasy space between Aboriginal domain and ‘white-fella’ society”. They offer alternatives and expand choice for Aboriginal people, who frequently have negative experiences of both the “public” police and the alternative “private” security industry (Aboriginal Justice Council, 1999). Tyler (1995: 137) identifies a “unique kind of ambiguity” in the status of Patrols in the Northern Territory due to the fact they may be trained by government agencies, funded and supported by a mix of public and private interests, but, at the same time, remain rooted in, and accountable to, Aboriginal community organizations. Tyler suggests that it is this “embeddedness” in Aboriginal structures, not the links with the “formal power” of government and non-Aboriginal law that gives Patrols their authority to deal with Indigenous people. He notes that giving Patrols “formal” policing powers may be at the cost of dis-embedding them from Indigenous forms of authority and weakening their legitimacy to speak on behalf of, and operate within, the Indigenous domain (Tyler, 1995). Operating in this way is a delicate task and Aboriginal self-policing initiatives often walk a fine line between two, seemingly incommensurable, socio-legal narratives (Blagg & Ferrante, 1996).

Indigenous Self-policing: Origins and Developments

There is no clear starting point for Aboriginal self-policing initiatives in the postcolonial era.⁴ A review of customary law (Australian Law Reform Commission, 1986) noted the existence of a number of local self-policing initiatives, mainly in remote areas of the Northern Territory, Western Australia and South Australia, with features common to current Community Patrols. It was not until the 1991 Royal Commission into Aboriginal Deaths in Custody that the work of Patrols was given

any prominence. The Commission commended the Julalikari Night Patrol at Tenant Creek in the Northern Territory as a positive example of “voluntary community policing”.

Julalikari Patrol emerged because of Aboriginal people’s “dissatisfaction with policing in their communities” (Langton, 1991: 439) and because no government security agencies were intervening to halt “the escalating violence, trauma and deaths in the town-camps” (Curtis, 1992: 2). Curtis (1992: 5) firmly refutes suggestions (largely made by the police) that Julalikari existed to “assist the police remove intoxicated people from the streets” instead, he argues the purpose of the Patrol was to resolve, or head off, disputes before they became un-manageable. These conflicting definitions of the roles and purposes of Patrols (between police and Aboriginal communities) surfaced continuously in the Night Patrol research project.

The 1991 Royal Commission into Aboriginal Deaths in Custody recommended that the Julalikari model be considered for use in other communities as a means both of improving Aboriginal/police relations and achieving “substantially lower crime rates” (Johnston, 1991: V: Recommendation 220). Influenced by Julalikari, Community Patrols of various kinds were instigated across Australia. In Western Australia, for example, the Kullari Street Patrol was established in Broome (West Kimberly) in 1992, followed quickly by 12 others between 1993 and 1995 (Blagg & Ferrante, 1996), while, in the Northern Territory, upwards of 50 Patrols were, notionally, in existence by the late 1990s (Higgins, 1997).

Researching Community Patrols: Aims and Methodology

The Night Patrols research involved a review of the relevant national and international literature; consultations with appropriate government and non-government agencies; site visits to a sample of Aboriginal Patrols in urban, rural and remote settings; and a survey of schemes across Australia. The survey was intended to collect basic information on matters such as funding, working routines, target groups and other relevant information.

A brief, user-friendly, survey was distributed to approximately 110 agencies in urban, rural and remote locations across Australia. Replies were received from 63 projects contacted: 20 from the Northern Territory; 19 from Western Australia; 9 from Queensland; 6 from New South Wales; 5 from South Australia; 4 from South Australia. The data from the survey was triangulated with a number of in-depth site visits to urban, rural and remote locations in Western Australia and the Northern Territory in order to interview Patrol workers, their auspicing agencies and key stakeholders (such as police, crime prevention bodies and Aboriginal community groups), supplemented by site visits in Queensland, New South Wales and South Australia. The fieldwork took place over four months in Australia’s dry season in 2000/2001.

On the basis of the of these discussions and through a review of the existing literature, it was concluded that the Northern Territory and Queensland survey returns, in particular, markedly underestimate the actual number of schemes in

some form of operation (in the Northern Territory by as much as half).⁵ We estimated that an excess of 100 schemes currently operated a service similar to a Community Patrol, had recently operated one, or were in the process of establishing one. The questionnaire invited narrative input from Community Patrols, which yielded some richly detailed commentary: this narrative, read alongside other qualitative material from the site visits, animated the research process and provided a wealth of baseline information on the activities of Patrols and the belief systems of those who run them.

The Main Focus of Patrols

Patrols were asked to identify their main focus (e.g., drugs, alcohol, solvent abuse, truancy, graffiti, anti-social behaviour and family violence). Alcohol emerged as the single biggest issue—almost 90 per cent of Patrols reporting that they dealt mainly with the problem, closely followed by anti-social behaviour, family violence and drugs. When broken down by State and Territory the data reveals some variation. Alcohol is the main issue in most States and the Northern Territory; the exceptions being New South Wales, where anti-social behaviour is the main focus of Patrols, and Victoria where alcohol and anti-social behaviour have equal weight. New South Wales gave alcohol the same importance as drugs, while solvent abuse was a significant focus in Queensland, South Australia and Victoria. Family violence was a major issue for Patrols in the Northern Territory, South Australia and Western Australia. During our consultations, we quickly realized that omitting “petrol sniffing” from the survey was a serious error. Respondents from Central Australia (encapsulating the south and southwest of the Northern Territory, the eastern desert regions of Western Australia and north of South Australia) stressed that the problem was endemic and seriously destabilizing, while Patrols in remote “out-back” communities, such as Yuendumu, Warburton and Wiluna, deal largely with the problem.

Main Target Groups

The vast majority of Patrols (over 95 per cent) deal mainly with Aboriginal and Torres Strait Islander (ATSI) people. Just over half of clients are male—although the gender difference is only slight with just over 58 per cent of schemes focusing on men and 55 per cent on women.⁶ There was a significant spread of age groups contacted. Youths (aged 13–18) and young adults (aged 18–25) feature prominently in Patrol work. New South Wales tends to deal almost exclusively with the youth population—reflecting the orientation of programmes in New South Wales towards youth anti-social behaviour, while they are also a main issue in Victoria and Queensland. Perhaps surprisingly, children under 12 were a focus of just over 33 per cent of Patrols: 50 per cent of New South Wales projects dealt with them, as did 60

per cent of South Australian and 35 per cent of West Australian schemes. Few schemes deal mainly with the 26+ age group; the Northern Territory has the highest number of schemes targeting this age group, generally because they deal with alcohol on remote communities as their main issue.

Funding for Patrols

The funding basis for Patrols varies considerably across states and territories. There tends to be a patchwork of, usually short-term, funding provided by State and Territory governments, the Aboriginal and Torres Strait Islander Commission and local government. Patrols in some localities, such as the Northern Territory and South Australia, have been recipients of resources from state health budgets due to the strong focus on alcohol prevention in Patrol work. In New South Wales, the state government's Crime Prevention Unit has increasingly taken over the funding of youth-crime-focused Aboriginal Community Patrols. Patrols in Western Australia have been funded by the Department of Indigenous Affairs (DIA) since the early 1990s. Very few workers on Patrols are waged. A form of "work for the dole" scheme, provided by the Aboriginal and Torres Strait Islander Commission, provides the chief means of payment—averaging around A\$350 per fortnight, for potentially dangerous work that may continue well into the night, usually on weekends.

The availability of government funding is a clear influence on the direction of some self-policing strategies. Moral panics about youth crime and disorder in New South Wales in the late 1990s, for example, saw the emergence of strategies linking funding for Aboriginal Patrols in rural towns such as Kempsey, Ballina and Moree to the implementation of legislation (the Children (Protection and Parental Responsibility) Act 1997) designed to remove "at risk" youth from the street and the Nyoongar Patrol in Perth Western Australia has had elements of funding tied to involvement in strategies designed to limit the numbers of young Aboriginal people on the streets.

It would be a gross over-simplification, however, to assume that strategies directed at policing Indigenous youth were simply being imposed from above in an unmediated fashion. Indigenous organizations running youth-focused Patrols in New South Wales and Nyoongar Patrol in Perth, while sensitive to dangers of co-option, were themselves deeply concerned about the risk-taking behaviour of Aboriginal children and young people: behaviours that included prostitution, hard drug use, involvement in street crime, heavy consumption of alcohol and the abuse of solvents and petrol. Schemes such as the Redfern Street Beat, a youth-focused Aboriginal Patrol providing a safe transportation service for young Aboriginal people in central Sydney, emerged because of concerns by Redfern residents about youth at risk. Organizations like Street Beat and Perth's Nyoongar Patrol see their role in terms of diversion from unnecessary contact with the police, while also referring young people and their families to appropriate services.

Why Community Patrols are Established

A diversity of issues prompted the emergence of Night Patrols, encompassing problems related to both “over-policing” and “under-policing”. The main stimulus noted by Patrols in Western Australia was provided by the recommendations of the Royal Commission into Aboriginal Deaths in Custody, especially those recommendations dealing with over-representation in, and diversion from, the criminal justice system. In most instances, a diversity of community concerns about substance abuse and anti-social behaviour by young people, family violence and high rates of incarceration have driven the emergence of Patrols. Also listed were a desire to reduce contact between Aboriginal people and the police by offering an alternative to lock-ups for the intoxicated, and generally acting as a “buffer” between Aboriginal people and police. A significant number of schemes were established because there was literally no one else policing the Aboriginal community, in much the same way as Julalikari Night Patrol, mentioned in an earlier section, had been established in the Northern Territory. For example, the Women’s Night Patrol working on the remote community of Yuendumu in the Central Desert area of the Northern Territory—a community plagued by family violence, alcohol abuse and petrol-sniffing—set up the Patrol because the men were all drinkers and the young people were dying from petrol sniffing.⁷ We found variations on this theme across northern and central Australia.

Contacts and Core Business

On a busy shift, a Patrol may deal with 50 or more people, although the average is in the lower 40 range. The Northern Territory deals with the smallest numbers, reflecting the size of the remote communities with which the Night Patrols deal. The South Australian and Western Australian schemes tend to deal with the highest numbers on a busy night. On a normal night, half of the Patrols will deal with less than 20 people, with a further 38 per cent dealing with between 20 and 50 people. However, our discussions with Patrol workers during site visits tended to qualify our findings from the survey, and led us to believe that they under-estimated the degree of contact Patrols were having with Aboriginal clients. This was because Patrollers were not always reporting and recording many contacts—for example, where contact that did not lead to a service being accepted, or where a potentially troublesome situation was averted by the arrival of the Community Patrol. Restricted literacy skills among some Patrollers often meant that only relatively “serious” encounters, involving some kind of referral on or involvement of another agency such as the police or an ambulance, merited recording.⁸

Patrols tended to define their core work around activities such as transportation for people at risk, either by or taking them home or to a safe place. In the Northern Territory, for example, taking women to the Safe House was frequently mentioned, along with intervening with petrol sniffers and deterring illicit “grog” (alcohol) runners from entering communities, solving family problems “Yapa way” (meaning

according to Aboriginal rules of dispute resolution) and referral to services such as crisis accommodation, counseling and treatment programmes.

Police and Other Agency Relations

Not surprisingly, Community Patrols deal with the police more than any other agency. However, depending on the particular orientation of the Patrol, a diversity of other agencies will also be routinely contacted, including local hospitals and other health and mental health facilities, children and family welfare services, justice agencies (including community-based corrections and juvenile justice), crime prevention bodies, aged care facilities, drug and alcohol services, local councils, schools, sobering up facilities, women's refuges and safe houses, counseling services, legal services, and both State and Commonwealth departments of Indigenous affairs. This range of contacts confirms Walker and Forrester's (2002) observation, noted in an earlier section, that Community Patrols often operate as a "nexus" connecting Indigenous people with a diversity of services.

Police views about the roles and value of Community Patrols has altered considerably since their inception in the late 1980s from outright skepticism (tinged with scarcely veiled contempt) in the early years, through to general, if occasionally grudging, acceptance and respect today. The process mirrors some features of police views about private security policing that evolved from lofty disdain to increasing symbiosis (Johnston, 2003). Blagg and Ferante (1996) found the police response to Patrols in Western Australia to be generally supportive, while insistent that these initiatives needed firm control by the police. A number of Patrols established in the early 1990s were managed by police officers or Aboriginal Police Aides, with Patrol vehicles being housed at police stations. Concerns were expressed by some Aboriginal organizations that the police were dictating the working practices of Patrols and pressing them into service as police auxiliaries (Aboriginal Justice Council, 1999). The Numbud Patrol in the West Kimberley town of Derby reported to us that the police sergeant felt he had the authority to periodically "confiscate" the Patrol bus in an attempt to dictate the working routines of the Patrol.

A number of Patrols in Western Australia, such as Kullari (Broome), Yamatji (Geraldton), Wongatha Wonganara (Laverton) and Wunngagutu (Kalgoorlie), were established with close support from the local police, but were increasingly distanced from them—most described this as an evolutionary change, reflecting a greater commitment to working from within community structures. Concerns were expressed that they were being perceived by Aboriginal clients as "enforcers" rather than "enablers", as one Aboriginal leader linked to Yamatji Patrol expressed it. This shift was reflected in the kinds of training some Patrols were increasingly requesting. All the Patrols mentioned above, as well as Noongar Patrol in Perth, initially received training from firms specializing in training private security guards, but shifted to companies specializing in mediation and conflict resolution.

The survey indicated that most Patrols have been able to form reasonably effective working relationships with the police. While Patrols are concerned with diverting

Aboriginal people away from contact with the police, this is not always feasible or appropriate. Patrols reported that they do call in the police in situations where mediation and persuasion, or the cultural authority of the Patrol, is insufficient to cool out a volatile situation or where clients become violent and unmanageable (this might occur when attempting to transport an intoxicated person to a sobering up facility). Patrols deal with the consequences of under-policing as well the problems created by over-policing in Aboriginal communities. As noted in our introduction, while there is an excess of police control in public space, there is a clear security deficit within Aboriginal communities themselves. Aboriginal Patrols attempt to both reduce excessive contact in the public realm (“acting as a buffer”) and compensate for the deficit in the Aboriginal community. However, there may be instances where the intervention of legal force is actually required. Aboriginal Patrols might encourage police intervention when it come to arresting drug dealers, pimps and others involved in the sexual exploitation of children, and putting a stop to family violence situations that have “got out of hand”, “sly grogging” (transporting and selling alcohol in “dry” communities) and the sale of petrol to children.

We asked Patrols how often the police responded to such requests for assistance. Just over 15 per cent of respondents reported that the police very often respond, and almost 35 per cent reported that they often respond. On the other hand, around 29 per cent said that the police responded only sometimes, while the remainder said that they hardly ever, or never, responded. Around half of the schemes, therefore, had reasonably positive responses when contacting police. In relation to the question of self-determination, such relationships create a number of questions. Does the fact that a Patrol feels it needs to call in police mean that the self-determination principle is undermined? Can it be construed as failure? Or, does it suggest a model of self-determination where Indigenous people do not simply sever all relationships with state agencies but attempt, instead, to reconfigure and redefine the form and content of this relationship in ways that expand their options and give them greater control?

Who Works on Patrols?

There are significant variations in the age, gender and cultural characteristics of Patrols. Given this spread, we will confine ourselves to picking out some key points. The numbers working on Patrols varies enormously: from 2 people working out of the Roebourne sobering up shelter in the Pilbara region of Western Australia to 18–20 person operations in the Metropolitan areas such as Perth, Darwin and Brisbane.

Aboriginal women are well represented as Patrol workers and, in most cases, their numbers were on a par with men, or outnumbered them, in sharp contrast to police work, which is still largely viewed as “men’s work”. Women have often been at the forefront of initiatives to establish Patrols in their communities and Women’s Patrols are found in the Northern Territory and Queensland, while a Patrol of older women (known as the “Granny Patrol”) has been established in Walgett, New South

Wales. Perhaps as a consequence, Patrols tend to work through consensus and persuasion rather than force, and fulfil a preventive/caring role rather than a reactive/controlling one. Patrollers have not nurtured those elements of a masculine culture historically associated with the police and private security organizations or attempted to mimic them in their dress and presentation, which tends to be casual with only a distinctive shirt or T-shirt displaying their particular emblem.

There may also be sensitivities regarding Aboriginal men and women's domains at play in some regions—particularly those still practicing traditional forms of customary law, which may involve strict “avoidance” principles prohibiting physical, or even eye, contact between certain men and women. As we have noted, women as well as men are handled and transported by Patrols, a gender balance may help to avoid problems of inappropriate gender contact. The spread of ages of Patrollers is quite marked, ranging from 18 years of age through to somewhere in the 60s. Once again, this reflects the diverse nature of the work of community Patrols. The majority of those working on Aboriginal Patrols are in the 30–40 age group.

Cultural Authority and Elders

The overwhelming majority of Patrols we contacted believed that it was crucial that they work through appropriate Aboriginal “cultural protocols” when dealing with Indigenous clients. It would be advantageous, for example, to have representatives from different “language”, “skin”,⁹ family or clan groups living in a particular area involved in Patrol work. The majority of Patrols have workers from a range of grouping. In Western Australia, for example, the Nyoongar Patrol (Perth) has Nyoongar, Yamatji and Wongi people working for them, reflecting the spread of Indigenous people who reside there or visit relatives (Nyoongar also attempts to have different Noongar family groups represented on its Patrols), while Marrala Patrol has representatives from the five language groups in the Fitzroy Valley (Gooniyandi, Walmajjari, Bunaba, Wangkajunga, Ngingua) represented on the Patrol bus. Numbud has attempted to have all eight language groups in its catchment area involved (although it accepts that this has not always been possible) and Halls Creek has Jaru, Kija and Gunian peoples represented.

To remain “embedded” in a local community may require that Aboriginal Elders (men and women) actively “authorize” the work of the Patrol. Community Elders become involved in Patrols in a number of different ways. In some instances, they actively participate in Patrols; more commonly, however, they endorse the Patrol's work through participation on management committees, councils and other bodies. Elders have been called in to settle and cool out aggressive men when Patrols become involved in family violence situations (Blagg, 2002).

Establishment Practices and the “Cycle of Failure”

Patrols were also asked about the barriers to effective working in their locality. Most

reported barriers in issues such as funding, lack of training and problems with community support. In the Northern Territory, while schemes such as Julalikari (Tennant Creek) and Tangentyere (Alice Springs) have been managed to run a relatively uninterrupted service since the early 1990s, the vast majority of Patrols, often in small remote communities with little infrastructure, struggle to survive. What Ryan (2001: 2) refers to as the “cycle of failure” haunts initiatives in some remote areas, a phenomenon also documented in some self-policing initiatives in Western Australia on remote communities (Aboriginal Justice Council, 1997). The cycle of failure is largely a consequence of “poor establishment practices”, including inadequate community consultations and planning, and a lack of appropriate outside support for initiatives by government agencies (Ryan, 2001; see also Mosey, 1994). Ryan (2001: 2) also blames the breakdown of “traditional social management and control structures under the impact of social change” as well as “alcohol related issues” and intergenerational and interfamilial conflicts.

The extent of the cycle of failure is evident in a review by Higgins (1997), who found that out of a pool of 53 Night Patrols officially deemed to be functional, only half were actually operating. On the other hand, Higgins’ general conclusions were that the functioning initiatives enjoyed “universal support” in their communities and that their “authority” and “power” were linked to the observation of “cultural protocols”. The general conclusion was that government needed to nurture and support Night Patrols while “avoiding the impulse to ‘fix things up’”, or impose “undue controls” (Higgins, 1997: 45).

We contacted a number of schemes where the Patrol had collapsed. A Night Patrol at Utopia community in Central Australia failed “because (the) vehicle was abused and written off” and “Patrollers were drinking on the job”, according to a source on the community. A Patrol at Mutitjulu (Northern Territory) failed because:

[N]o one has the strength to do it. ... There is room for a Patrol, lots of grog, some violence and half a dozen hard-core (petrol) sniffers. There was an excellent ACPO (Aboriginal Community Police Officer) who did great work for a couple of years, then one day he just took off his uniform and joined the drinkers, he’s now in jail. (Community Worker, Mutitjulu)

To break the cycle of failure, Ryan (2001: 5) recommends a “phased process of support” for remote communities wanting to establish Patrols, designed to assist the community in assessing its preparedness (culturally and structurally) for the Patrol and then to assist them in setting up community support structures and operational support mechanisms. These principles have informed a number of successful “Law and Justice” initiatives in communities in the Northern Territory (such as Lajamnu and Ali Curong) where Women’s Night Patrols and Safe Houses work with traditional “elders” committees and a community “Law and Order” council to police “dry community” policies and prevent family violence. No “quick fix”, the strategies may take up to two years to mature.

Conclusion

Night Patrols operate without “police powers”, meaning those special powers vested in the public police to stop, question, detain and/or arrest people. This is not to say that Patrols do not carry out policing activities. Broadly, we can describe them as providing non-coercive community intervention, or order maintenance, services designed to prevent or stop harm and maintain community peace, security and safety. Patrols carry out a form of community-based policing, but they should not be confused with the police or private security. The service they offer is generally geared towards assisting a target group of people in need or at risk, and offering them some kind of service rather than non-voluntary exclusion (in the case of private security) or processing through the criminal justice system (in the case of the police). The broader shifts taking place in the nature of policing, away from state monopolization towards the pluralization of policing, provides a useful conceptual space for exploring the potential role of Indigenous self-policing.

More research is required to evaluate the impact of Aboriginal Patrols on the arrest rates of Indigenous people on a local level and on problems such as alcohol abuse and family violence. Some, admittedly “soft”, evidence from the Night Patrol research indicates local success in these areas, conditional upon strong community backing, support from relevant agencies, a secure funding base, sound management and appropriate forms of training. An overview of the kind provided in this article inevitably glosses over issues requiring deeper examination of the kind only feasible when carried out on a local level, where all the subtle nuances of time and place can be rendered in fine detail. Preferably, there would be a number of such studies comparing Aboriginal self-policing and security governance across urban, rural and remote Australia. Research on Indigenous self-policing awaits this kind of variegated analysis. Also, as researchers with a commitment to Indigenous empowerment, we may well be in danger of romanticizing community-based self-governance and minimizing the tendencies towards fragmentation, internal conflict and crisis.

The community capacity building model set out by Ryan and colleagues in remote areas of the Northern Territory, referred to earlier in this piece, stipulates the need for good establishment practices and construction of consensus before a Patrol is established. The approach has been successful on communities such as Ali Curong, Yuendumu and Lajamanu because it is inclusive of all the community—it has particularly empowered women—and all factions are represented on their “Law and Order” committees. The alternative has often been to allow the men in the strongest families to take over the Patrol, misappropriate any resources attached to it (particularly the Patrol vehicle) and, on occasion, use the Patrol to enforce their own ideas of law and order.

Notwithstanding the very real challenges confronting Indigenous self-policing initiatives, it remains clear that many Aboriginal Australians see value in developing forms of self-policing—providing that such initiatives remain sensitive to their unique cultural practices and are capable of intervening in ways that resolve problems without recourse to the heavy hand of the criminal justice system.

Notes

- [1] The research (An Overview of Night Patrols in Australia) was funded by National Crime Prevention, an Australian Federal Government initiative, and the Aboriginal and Torres Strait Islander Commission (ATSIC). Considerable thanks are owing to Aboriginal organizations across Australia who participated in the process. Special acknowledgement is due to Anna Ferrante, Donella Raye, Kate George and Natalie St. John for their support. We also wish to thank Ben Bowling and the anonymous reviewers for their valuable comments and suggestions.
- [2] For a full discussion of Patrol services in other Australian states, see Blagg and Valuri (2003).
- [3] This is particularly apparent when Indigenous people are, themselves, victims of crime. For example, while Aboriginal women are probably the most victimized section of Australian society—roughly 45 times more likely than non-Aboriginal women to be victims of domestic violence (Ferrante et al., 1996)—they are less likely than non-Indigenous women to report matters to the police (Blagg, 2002).
- [4] It is likely that some form of community Patrolling had been going on since the early days of colonization, when tribal elders would walk around Aboriginal camps to ensure peace, security and safety (Walker, J. in *Remote Area Night Patrol News Letter*, 2001).
- [5] Higgins (1997), for example, counted over 50 Patrols in the Northern Territory, only half of which were actually operative during their study.
- [6] This is another detail separating Night Patrol work from the official policing. The overwhelming majority of contacts with police are by men. In Western Australia, for example, annually around 80 per cent of police apprehensions are of males (Ferrante et al., 2000: 44).
- [7] For a vivid and informative account of the work of these courageous women, see the video *Munga Wardingki Patu* (Remote Area Night Patrol, 2001), available from the Tangentyere Council Remote Area Night Patrol Unit, Alice Springs, Northern Territory.
- [8] This issue is being resolved in some areas of the Northern Territory by equipping Patrollers with Incident Report sheets using pictorial representations that are then circled or marked by the Patrollers.
- [9] “Skin” groupings are highly complex mechanisms for determining relations between the sexes in traditional Indigenous society, they still operate in rural and remote locations.

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