

# *Self-policing and community safety: the work of Aboriginal Community Patrols in Australia*

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## **Introduction**

Aboriginal people across Australia are playing an increasing role in policing their own communities. Aboriginal Community Patrols (also known as Night Patrols, Street Patrols, Bare Foot Patrols or Mobile Assistance Patrols, depending on locality) are, essentially, Aboriginal community initiatives. Through these initiatives local Aboriginal people self-police their localities, either by vehicle or on foot, to prevent crime and anti-social behavior and/or offer a safe transportation service to a place of safety for those at risk (Blagg & Valuri 2003a).<sup>1</sup> Established initially as 'Night Patrols' on remote communities across the Northern Territory, Aboriginal Patrols now operate in a diversity of remote, rural and urban areas of Australia. A number of urban-based Patrols, in particular, are increasingly partnering with a diverse mix of government and non-government organizations in local 'security networks' (Blagg & Valuri 2003a, 2003b). Criminologists familiar with recent research on 'plural policing' and on the dispersal of regulatory mechanisms under conditions of late-modernity (Johnston & Shearing 2003), will not be surprised to learn of these developments, nor that these policing initiatives have been created in unison with a host of related community justice mechanisms

On deeper examination, criminologists may find that some of their conceptual instruments, pre-packaged in the Euro-American criminological tool-kit, may be less useful in interrogating the meanings of these Indigenous initiatives in their totality. Driving these initiatives, we suggest, lie a number of dynamics, some of which do fit into the currently configured crime control 'box'. Others, which are deeply rooted in the unique collective experiences of Australia's Indigenous people, require a more nuanced and variegated analysis, combining criminological insights with a sensitivity to questions of post-colonial empowerment.

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## Diversified policing and community justice

International practice is leaning toward a mix of public and private security to deal with citizen's concerns about public space, specific 'hot spots' and 'hot times'. Increasingly, it has been accepted that *the police* no longer possess a monopoly on *policing* (Shearing 2001). The new regulatory environment is home to a plurality of organizations — some public, some private — offering forms of policing adapted to the specific needs of particular localities — e.g. shopping malls, central business districts, residential or 'gated' communities, public transport, etc. The contours of the new environment has been exhaustively plotted and defined (Bayley & Shearing 2001; Shearing & Stenning 1981; Shearing 1994; Johnson & Shearing 2003; Rigakos 2003).

A recent inquiry in Canada describes the process:

This new era of policing is one in which policing services are provided by a complex network of overlapping public and private policing bodies. Clearly, public police are the primary service providers, *but they no longer have a monopoly on the provision of policing services* (Law Commission of Canada 2002:3 emphasis added).

It is possible to identify three definitive strands in the current policing environment, each with its particular logic. Firstly, the public police still largely (though no longer exclusively) respond to pressures on, and from within, the state to tackle issues related to 'crime fighting' and 'law and order'. Secondly, commercial forms of policing, which tend to be involved in order maintenance around consumption. Thirdly, an emerging tier of policing, driven by demands from within specific constituencies for forms of policing sensitive to the social welfare needs of those groups. Community Patrols fall into the last category.

A number of Community Patrols in urban areas have become players in new regulatory networks, offering what we might call 'local Aboriginal knowledge'. There are, however, ongoing dangers of powerful non-Indigenous agencies appropriating Indigenous 'local knowledge' to supplement and extend existing policing mechanisms of control. A process said by critics to have occurred in relation to Indigenous forms of dispute resolution, which have been appropriated by powerful state agencies, such as the police, in ways that have actively reinforced — indeed deepened — levels of Indigenous over-representation in the criminal justice system (Blagg 2001; Aboriginal Social Justice Commissioner 2001).<sup>2</sup>

Recently, a prominent Australian criminologist has identified a major transformation in the form and content of security policing in Australia, involving a weakening of the state's monopoly on security and an increasing role for an array of 'external institutions' (Grabosky 2001:225). Grabosky, however, does not identify Indigenous *self-policing* as an active part of this process. Grabosky (drawing on exploratory work by Chantrell (1997)) does briefly touch on the work of the North Queensland Aboriginal Community Justice Groups, noting their involvement in reinforcing 'informal institutions of social control' (Grabosky 2001:226) and a 'kids and cops' program that involves recruiting Indigenous children as 'honorary local police to assist the police constable in evening patrols' (Grabosky 2001:226). Deeper examination of the work of Aboriginal Community Justice Groups in Queensland, however, reveals considerable involvement in self-policing, *independently of the police*, in the form of what Aboriginal Community Patrols called Bare Foot Patrols in some parts of Far North Queensland.

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2 Examples of this form of cultural appropriation include various police-led juvenile diversionary conferencing schemes, beginning with the Wagga Wagga scheme in rural New South Wales in the early 1990s, which selectively appropriated elements of Indigenous dispute resolution along side John Braithwaite's (1989) 'reintegrative shaming' thesis, the latter presumed to be faithful to mechanisms existing in traditional societies (see Blagg 1997; Daley 2001; Cunneen 1997).

There are clear parallels between Community Patrols and new order maintenance services in other societies. The Dutch *Stadswacht* schemes and Neighborhood and Street Warden Schemes in Britain, focus on enhancing the 'livability' of cities through non-coercive forms of social regulation (Hauber et al. 1996; Crawford 1998; Jacobson & Saville 1999; Stockdale et al. 2001; Johnston 2003). The latter representing but one of a number of forms of 'reassurance policing' (Crawford & Lister 2003) currently operating in the UK, incorporating a range of commercial, municipal and citizen led initiatives (Johnston 2003; Johnston & Shearing 2003).

In other respects, Community Patrols share common features with Citizen's Patrols identified by Leach (2003) in situations as diverse as post-colonial South Africa, Peru, Canada and Ghana, where 'autonomous groups of citizens' have voluntarily banded together to patrol communities, in the face of reduced police services and increasing rates of crime. Patrols in these radically diverse settings share a 'conviction that greater security will be gained for their communities by taking the issue into their own hands' (Leach 2003:1).

### **Community partnership initiatives: after the Royal Commission into Aboriginal Deaths in Custody**

Aboriginal Community Patrols sprang up across Australia during the early 1990s following the 1991 *Royal Commission into Aboriginal Deaths in Custody*, which highlighted a number of successful Aboriginal Night Patrol initiatives in the Northern Territory — particularly the Julalikari Night Patrol in Tennant Creek (Johnston 1991; see also Langton 1992; Curtis 1992). Night Patrols, and initiatives such as community-based corrections, were having a positive role in increasing the involvement of Aboriginal communities in the management of justice issues and 'reducing rates of criminalisation' (Tyler 1995:128). They were supported by government and the police, anxious to foster a 'new image', founded on 'community partnership' (Tyler 1995:133)

Blagg and Valuri (2003a) identify over 100 self-policing initiatives operative in 2001/2002 (this figure is probably an under-estimate with the tally being closer to 130)<sup>3</sup>. They found that there was no single model of an Aboriginal Patrol in existence. Rather there was a multiplicity of projects that operated some kind of patrol services extending from the classic, small-scale Night Patrol in remote regions, through to sophisticated Community Patrols operating in urban areas. Some involved in what Memmott and Fantin (2001) call a limited 'night watch' role, and others attempted to add value through referral-on services and case work. For example, the remote Gunungu Patrol in the Northern Territory patrols 'outside the pub, street lamps where gambling is in process' and the Yuendumu Women's Patrol, patrol 'wherever petrol sniffers congregate, after discos, anywhere women are hurt'. These patrols, operating with the voluntary support of a small group of people, are in sharp contrast with patrols such as Nyoongar Patrols in Perth and CASS in Brisbane (both discussed below) that have a large pool of workers and operate across a diversity of urban sites.

Underpinning these diverse initiatives, we suggest, is a commitment to working through consensus and intervening in a culturally appropriate way to divert Indigenous people from a diversity of potential hazards and conflicts.

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3 This guess-timate of 130 schemes is based on field work visits, particularly to areas such as the Northern Territory where schemes tend to be highly localised, it was only through meeting local people that we learned of some schemes. The work of Higgins and Associates (1997) confirmed the view that official assessments markedly underestimate the actual number of Patrols operating on remote communities.

The role played by patrols varies considerably, depending on how they are funded, the kinds of issues generating their development, and which agencies share an interest in their work. In some regions of Australia, such as North Queensland, patrols developed out of the work of Community Justice Groups, Aboriginal community initiatives involved in local diversionary work, violence prevention and other related activities. Some of the Women's Night Patrols in the Northern Territory were established by senior women on remote communities, such as Yuendumu, Ali Curung and Lajamanu, in response to high rates of alcohol consumption, petrol sniffing, 'fighting and humbugging' on these communities (Remote Area Night Patrol 2001), and the lack of leadership by senior men, who were often among the drinkers (Blagg & Valuri 2003a; see also Walker & Forrester 2002; Mosey 1994; Langton 1992).

In the case of Yuendumu, the women also led in the creation of an 'out-station' program for petrol sniffers at Mount Theo, while the Women's Night Patrols in Ali Curung and Lajamanu have been at the hub of evolving 'Law and Justice' strategies, involving Women's Safe Houses, Law and Justice Committees, alcohol-related harm minimisation strategies and a series of memoranda of understanding with a diversity of justice and welfare agencies on children's protection, youth services and family violence prevention (Ryan 2001; Ryan & Antoun 2001). The three communities have recently created an umbrella organisation, the Kurduju Committee, to combine their Law and Justice strategies.<sup>4</sup>

Not all initiatives in the Northern Territory have been as successful. They are haunted by what Ryan (2001) refers to as the 'cycle of failure' — a consequence of poor planning and establishment processes, community fragmentation and conflict (Ryan 2001; see also Mosey 1994). Higgins and Associates (1997) found that out of a pool of 53 Night Patrols officially deemed to be functional in the Northern Territory, only half were actually operating. On the other hand, the report's 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).

## Violence prevention and crisis intervention

Recent work on violence prevention in Indigenous communities identifies the positive role played by Aboriginal Patrols in reducing violent incidents. Research by Memmott and associates (2000), in rural and remote regions of Australia, found a focus on:

intervention, mediation and dispute resolution between people in conflict, and the removal of potentially violent persons from public or private social environments (Memmott et al. 2000:67).

The report argued that patrols, 'have great potential to build cooperation and mutual respect and support with local police', concluding that, 'Night Patrols are a tried and proven program type' (Memmott et al. 2000:67–68). Similarly, Cunneen suggests that Aboriginal Patrols, alongside Community Justice Groups, represent the 'major and longest running crime prevention programs in Indigenous communities' (Cunneen 2001:50). Moreover, Cunneen maintains that local evaluations of patrol programs have been 'positive', showing reduced levels of juvenile offending (including criminal damage, motor vehicle theft and street offences), reduced fear of crime, and reductions in drug and alcohol related problems (Cunneen 2001:50).

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4 See <[http://www.nt.gov.au/justice/docs/lawmake/commuity\\_sentencing\\_discpp.pdf](http://www.nt.gov.au/justice/docs/lawmake/commuity_sentencing_discpp.pdf)>.

The Cape York Justice Study (Fitzgerald 2001) envisages Community Patrols, along with community controlled diversionary programs and crime prevention initiatives, contributing to a new 'sub-contract' with Indigenous communities, which would involve 'central government deferring to local institutions to organize local life to the greatest extent possible' (Fitzgerald 2002:13). Patrols would function as elements of what he terms 'pods of justice' — where authority is increasingly 'devolved to Aboriginal communities' (Fitzgerald 2002:113). Research in Western Australia found Community Patrols involved in interventions related to family violence — either in partnership with, or as an alternative to, the formal police (Aboriginal Justice Council of Western Australia 1999; Blagg 2000). A recent inquiry into child abuse and family violence in Western Australian Aboriginal communities found Patrols to be a vital cog in the process of 'coordination and capacity building', and that Aboriginal people view them as 'essential to the operation of their communities' (Gordon et al. 2002:199). While an inquiry into the delivery of justice-related services in the remote Kimberley region of Western Australia found considerable support for the work of Aboriginal Patrols (Department of Justice 2003). A perspective endorsed by Dodson, who regards Patrols as important elements in the fight against violence in Indigenous communities (Dodson 2003).

## Developments and diversity

In Western Australia (where there are currently 20 Community Patrols) there has been a strong focus on diversion from contact with the criminal justice system and on tackling locally defined problems, often related to alcohol and substance abuse. The state's peak Aboriginal advisory body described their role as 'diverting Aboriginal people from police custody by picking them up and taking them to a "safe place"', with each patrol focussing, 'on the main issues and social problems encountered by their community, i.e. solvent abuse (sniffing), alcohol use, truancy and hanging out late at night' (Aboriginal Justice Council of Western Australia 1999:67).

The success of the Western Australian Community Patrols in diverting Indigenous people from contact with the system has been identified in local research. Patrols in remote towns such as Derby, Fitzroy Crossing and Wiluna, for example, have been effective in reducing the rate of detention in police lock-ups for alcohol related issues — lock-up statistics revealed 33%, 30% and 36% respective reductions, between 1994–96 (Aboriginal Justice Advisory Council 1999:68). Patrols in Halls Creek and Kununurra were found to be assisting intoxicated persons to sobering up shelters and providing support to women and children 'at risk' (National Drug Research Institute 2000:4). While an evaluation of the Mirriwoong Patrol, in the remote East Kimberley region of Western Australia, found a 'dramatic reduction in detentions in police lock-ups, from 1336 arrests in 1995 to 188 in 1996' attributable to the Patrol, working with the sobering up shelter and the police (Sputore et al. 1998). There was also a 'strong perception' locally that the Patrol had an impact on 'anti-social behaviour' (Sputore et al. 1998:53).

Blagg and Valuri (2003a) found that the vast majority of Patrols in Western Australia emerged in response to Aboriginal community concerns about alcohol abuse and high rates of contact between Aboriginal people and the police. In contrast, Community Patrols in New South Wales emerged principally in relation to a range of issues associated with young people and crime. Youth Patrols, known generically as 'Street Beat' programs, were initiated in Balina, Moree and Kempsey, and were specifically linked to the 1997 *Children (Parental Responsibility) Act*, designed to enhance police powers to remove children deemed at risk from public places. The Patrols, staffed by a mix of local Aboriginal

volunteers and youth workers, encouraged young people to move away from potential trouble spots and avoid contact with the police, and possible detention under the laws. While there has been considerable disquiet about the legislation and the opportunities it affords for the targeting of young people, particularly Aboriginal youth, in public (Aboriginal Justice Advisory Council of New South Wales 1999), there has been general support for most of the Street Beat Patrols, in relation to their broader diversionary work and their capacity to link with highly marginal youths, vulnerable to enmeshment in the criminal justice system, hard drug use and sexual exploitation (Aboriginal Justice Advisory Council of New South Wales 1999; Blagg & Valuri 2003a; Russell 1999; Standing Committee on Law and Justice, Parliament of New South Wales 1999).

Currently, 11 of the 15 Community Patrols in New South Wales are resourced through the State's crime prevention strategy and deal principally with anti-social behaviour and crime prevention (Attorney General's Department, Crime Prevention Division 2003). The Aboriginal Justice Advisory Council of New South Wales has given full backing to Patrols (Aboriginal Justice Advisory Council of New South Wales 2002). Other developments include the various Koori Night Patrols established in the late 1990s in rural Victoria. A youth focused Patrol in the town of Shepparton, for example, was established as part of the state's Aboriginal Justice Agreement, designed to enhance Indigenous participation across a diversity of justice related issues (Department of Justice, Victoria 2002).

### **Policing: in whose interests?**

The policing of Aboriginal people has frequently been about close surveillance in, and outright denial of access to, public space. It is not inconceivable, therefore, that the same 'exclusionary logic', will shape the expectations of police, local government, business, resident and other partners in local security networks where initiatives affecting Aboriginal people are concerned. In urban areas, a key site of conflict between Indigenous Community Patrols and other members of new security networks, lies in the ongoing *commodification and privatization of places of traditional significance to Indigenous people*, whose continued demands for access becomes criminalised, with the Aboriginal Community Patrol expected to participate in the exclusionary process.

Community Patrols may see their role in terms of approaching clients to offer a service, mediating in conflicts and ensuring fundamental health and safety. Practices may, or may not, involve removing the client from a public space (any removal would, in any case, require the consent of the client and would generally be carried out in their interests). Other groups involved in the network may view the role of the Patrol strictly in terms of enforcement, where the priority, indeed the sole aim, is to remove the 'Aboriginal problem' from a public space. In this model, an *Indigenous agency is directed towards achieving traditional 'policing' goals, associated with cleansing public space of Indigenous people*. This is, by no means, an inevitable outcome; other models of cooperation in crime prevention networks promise to deliver a 'win/win' outcome, in which the tasks of ensuring the safety of Indigenous people deliver a broader 'public good' in terms of reduced incivilities and anti-social behavior.

The key issue here is whose definitions of the role of Community Patrols takes precedence. Our research indicates that Patrols operate best when they remain culturally embedded in Indigenous communities, respect local cultural protocols and operate from within Aboriginal terms of reference. The logical outcome of this is an approach to the management of Indigenous people in public space focused on risk minimization rather than exclusion and a preference for attempting to resolve disputes according to what Ryan and Antoun (2001) describe as Aboriginal forms of dispute resolution.

## Itinerancy, 'homelessness' and law and order

Similarly, Memmott and Fantin (2001) illustrate the dangers of Indigenous Patrols being forced into a 'para-policing' role in their study of policies in Darwin which were aimed at removing itinerant Aborigines, known as 'Long Grassers', off the street as part of a 'law and order' strategy. The Darwin and Palmerstone Aboriginal Night Patrol has been given the task of removing them and Memmott and Fantin compare the Patrol unfavourably with the Julalikari 'model' which they describe as the 'reference point' for a successful Night Patrol. At the core of the Julalikari model, they suggest, is a commitment to 'strengthening community processes and facilitating dispute resolution' through culturally appropriate methods and patterns of authority. The authority must rise out of Aboriginal culture and not be 'the product of an external agenda (such as the Police or Government)' (Memmott & Fantin 2001:74–5).

They go on to recommend that the Patrol adopt a pro-active, harm reduction strategy, including a commitment to, 'broader community-based objectives ... than "night-watch"' and be involved in 'education, case management, community capacity building, liaison with other agencies, referral and coordination with DCC (community services) and Police Patrol' (Memmott & Fantin 2001:78). Two key themes emerge here that have vital relevance to the work of Patrols across Australia. Firstly, the requirement not to place Patrols in an enforcement role — they are not 'para police'. Secondly, the need to think outside of a box, not fixing Patrols in a 'night watchman' role, and realise the potential inherent in Patrols to act as facilitators of services.

Another relevant theme emerging from the 'Long Grassers' report is the relevance of the very notion of 'homelessness' to Indigenous people, who may not make a self-reference as homeless, particularly where they have a long standing cultural attachment to a place and see the place as 'home'. 'Homeless' people, by definition, have no attachment to a place, cannot stake a claim to belonging and tend to be only targeted by agencies intent on moving them on. Indigenous people, on the other hand, may have a *long term attachment to a place*, even when this is not presented in the trappings of residence, and tend not to self-refer as homeless: referring to themselves as 'parkies', 'goomies', 'long grassers', 'river campers' (Memmott & Fantin 2001:24), or 'rough sleepers' and 'beachies' (Blagg & Valuri 2003c), depending on the locality.

An innovative project in Brisbane developed to meet the needs of itinerant Indigenous women at risk of being arrested, moved on by the police and a host of security guards, as well as subject to ongoing violence in inner-city Brisbane (see Coleman 2002), adds value to an already existing Patrol service, the Community Access Support Service (CASS). CASS provides an outreach service to Aboriginal people in Brisbane — mainly women — monitors the safety of vulnerable people in public places, offers assistance and transport (or pays bus/train fares), maintains a client data-base and undertakes individual and systemic advocacy (Blagg & Valuri 2003a). According to Coleman (2002), CASS directly empowers Indigenous women who live out, or rough, in public space and links them with a 'healing framework'. Rather than dealing with their homelessness as *the problem*, work with these women acknowledges that, 'in these spaces, they (are) part of a community...and accepted as part of that community' (Coleman 2002:8).

Encouraging Patrols to act as enforcers and exclude what non-Indigenous agencies consider to be 'itinerant' and 'homeless' people from public space (such as Fortitude Valley, Darwin streets, or Northbridge) does not solve the problem. Such exclusionary strategies are only successful in removing Aboriginal people in the short term and

ultimately fail because they fail to take into account Aboriginal attachment to place, which is not transient and contingent, but is strongly held and deeply embedded (Coleman 2002; Memmott & Fentin 2001).

Two case studies from Western Australia reveal both the risks and potential for Aboriginal Community Patrols involved in local strategies.<sup>5</sup>

## **Competing expectations: two case studies from Western Australia**

### ***(1) The Nyoongar Patrol in the Northbridge area of Perth***

Nyoongar Patrol started out because of concerns within the Aboriginal community about a host of issues linked to Aboriginal people at risk in the Northbridge area of Perth. This included concerns about anti-social behaviour by young people, but there was also considerable concern about young Aboriginal people in Northbridge becoming vulnerable to drugs, violence and involvement in the sex industry; as well as concerns about older 'rough sleepers', and other itinerant Indigenous people, becoming dangerously intoxicated and subjected to violence and/or being arrested by the police. As with other forms of Indigenous itinerancy, Aboriginal women are over-represented and are frequently targets of sexual and other forms of violence and many are escaping family violence (Blagg & Valuri 2003c; Coleman 2002).

Nyoongar operates a foot patrol in the Northbridge area and works closely with the police Juvenile Aid Group and community services to identify Indigenous people at risk in the area, and also operates a safe transportation service which takes young people without transport home. Nyoongar has representatives of the various Nyoongar family groups on the Patrol, ensuring there are usually pre-existing relationships between Patrollers and the client group. Patrollers quickly identify people at risk, and those likely to be a risk to others. The close relationships also ensure that Patrollers get to know where the hot-spots and hot-times are likely to be and can head off trouble before things get out of hand.

Overwhelmingly, the media and political focus on Northbridge has been on only one dimension of the Northbridge issue — the Aboriginal juvenile crime 'problem'. Northbridge, and adjacent areas such as Perth Railway Station, have become synonymous with Aboriginal youth crime and disorder. The Aboriginal community was placed under a spotlight for an inability to control and discipline its young people. Northbridge has been tagged as a 'landscape of fear' and patronage of its café's and restaurants has declined. Local retailers blame Aboriginal people but the broader realities are more complex. Women, in particular, are turned off by Northbridge's increasing air of sleaze (it is home to a number of sex shops and brothels), its reputation as a haunt for drug users, panics about 'drink-spiking', well publicised feuds between rival 'Asian' gangs, and the number of aggressive drunken (non-Indigenous) youths spilling out of the bars and clubs in the area.

In keeping with present trends in networked security, a number of multi-agency committees were formed, including a host of government agencies, local stakeholders,

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5 The case studies are derived from field work undertaken for the two reports, *An Overview of Night Patrols in Australia* (Blagg & Valuri 2003a) and *Evaluating Community Patrols in Western Australia* (Blagg & Valuri 2003c). The field work in Fitzroy Crossing was undertaken in three stages, during the dry seasons of 2001/2002, the Northbridge case studies were undertaken over a 2 year period, from 2001 to 2002. Both involved interviews with key participants, patrollers, police, Indigenous Affairs, ATSIC, Indigenous community organisations, sitting in on local networking groups (such as the Northbridge Priority Project Steering Group, an inter-agency liaison group) and going out with the Patrols.

Indigenous peak bodies and community based organisations. Nyoongar Patrol became actively involved with a number of linked forums on Northbridge 'issues'. A State Government inquiry into the future of Northbridge (Busch 2002:17) was supportive of the Nyoongar Patrols' role of 'providing culturally based early intervention and mediation on the streets of Northbridge'. So too was a visiting inquiry from Victoria (Parliament of Victoria Drugs and Crime Prevention Committee 2001).

However the Northbridge Retailers Association, the Perth City Council and the state's peak crime prevention body (Safer WA) had other ambitions for Nyoongar — solving the 'problem' of Aboriginal youth by removing them from the streets and, hopefully, luring nervous punters back to enjoy uninhibited *al fresco* dining. Nyoongar has consistently refused to fulfil this role and the disappointed retailers concluded that it had 'failed' (at a task it never set itself). Nyoongar sees itself as existing to do more than simply meet the interests of the Northbridge business community. Business people want Nyoongar to be publicly funded security officers and execute a night time curfew for Aboriginal youth in Northbridge, while Nyoongar themselves see their role as providing a 'support service'. In April 2003, under pressure from retailers, the state government announced a 'curfew' for Aboriginal youth in Northbridge, to be implemented by the police, using existing powers under s138B of the *Child Welfare Act*, to clear the streets.<sup>6</sup> This instrumentality has been employed a number of times during moral panics about Indigenous youth in the area (Blagg & Wilkie 1995)

For Nyoongar, the cost of membership of the local security network was steep. It has had to conduct a continuous struggle to retain its integrity as an agency working for Aboriginal people, rather than simply another instrument of social exclusion.

## **(2) Marrala Patrol: diversion and customary law**

The second case study also focuses on differences between local security networks and Indigenous organisations, this time involving issues related to Aboriginal Customary Law and its influence on the work of one Aboriginal Community Patrol. The Marrala Patrol has operated in the remote town of Fitzroy Crossing in the East Kimberley region of Western Australia since the mid 1990s. Fitzroy Crossing is over 90% Aboriginal and is linked by culture and language to a number of small Indigenous communities along the Fitzroy Valley. Like many towns of its kind, it is beset with problems linked to alcohol abuse. The communities in and adjacent to the town have had a long history of conflict with the police who, locals believe, are racist and insensitive to Aboriginal cultural issues.

Marrala was established chiefly to provide a safe transportation service back to the Aboriginal communities from the Crossing Inn (Fitzroy's 'Aboriginal' pub). Aboriginal people were being detained in large numbers by the police or, even more problematically, were being killed and injured on the roads while intoxicated. Marrala has elders from the 5 language groups in the area on the Patrol vehicle, each deals with its own language group and, crucially, has knowledge of the complex 'skin' relationships which proscribe social and physical contact between certain individuals of the 'wrong skin'. These elders sanction and give 'cultural authority' to the work of the Patrol. Their *local Aboriginal knowledge* underpins its operation.

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6 The West Australian ran a series of articles on the proposed curfew, and the Northbridge 'problem' from late May 2003, in lead up to the curfew announcement, see 12/6/2003; the ABC ran a number of stories on reactions to the curfew, <<http://www.abc.net.au/perth/stories/s833642.htm>>; so too did Perth's *Sunday Times*, see 'Curfew Bites', 3/7/2003.

In 1998 a new sobering-up-shelter was established in Fitzroy by the Western Australia Drug Abuse Strategy Office (WADASO), as part of an unfolding process established after the 1991 *Royal Commission into Aboriginal Deaths in Custody* to divert Aboriginal people from police detention and, hence, reduce the possibility of deaths in custody. The problem was that neither WADASO nor the police had followed appropriate cultural protocols and sat down with Aboriginal elders and the Marrala Patrol to agree on who would be responsible for taking intoxicated people to the facility. In many parts of WA, and other states, Patrols work out of, or in close partnership with, sobering up facilities (Blagg & Valuri 2003c). Not surprisingly, there was a powerful common-sense in play among the agencies that the task of the Patrol, indeed its *core function*, was to service the sobering up shelter.

Fitzroy, however, has its own cultural peculiarities, which make this difficult. The patrol does not believe it is its responsibility to take drunken people to the shelter, arguing that they would require the consent of an Aboriginal person before they could transport them, and that those sober enough to consent would tend to want to go home rather than spend the night in the 'spin dryer'. When they come across someone too intoxicated to consent, they call the police to take them to the sobering up shelter. Should they move someone without consent and that person dies later in the shelter, the Patroller would, *under Aboriginal law*, be held responsible and would become the target of a 'pay back', such as a spearing or 'flogging'.

Local Aboriginal people insist that the police and WADASO have ridden rough-shod over Aboriginal law and culture, while, for their part police and WADASO believe they are simply implementing a diversionary strategy. Moreover, there was a clear danger of the expensive sobering-up shelter becoming a 'white elephant' (no pun intended), as Aboriginal people avoided using the facility. Marrala rarely transported Aboriginal people to the shelter (at most 1 or 2 each shift). Vigorous lobbying of government by the police and WADASO led to Marrala — a Patrol well embedded in the local community and with an exemplary record in terms of reducing the incarceration of Indigenous people — being defunded in 2003 and attempts made to establish a new Patrol, run by the police, with the explicit function of taking drunks to the shelter.

The two brief case studies reveal, in differing ways, how co-option occurs. In the case of Nyoongar in Perth, a moral panic about Aboriginal youth on the streets of Northbridge generated demands for a curfew and tough action by the authorities. The competency of the Patrol was increasingly judged in relation to the numbers of Indigenous youth on the street, rather than according to the health and safety of vulnerable Indigenous people using the area. In the case of Marrala Patrol, more complex issues (which can only be touched on briefly here) emerge. While Nyoongar operates in a liminal environment, including both Indigenous and non-Indigenous social space, Marrala operates within an overwhelmingly Indigenous 'domain'.<sup>7</sup> Remaining embedded within this domain means operating within Aboriginal law, with all its attendant proscription, penalties and forms of censure. The demands of this law dramatically disrupted the logic underpinning liberal post-RCIADIC reforms involving diversion to sober-up facilities, where this involved the Patrol in prohibited forms of inter-personal contact. Worse still, under forms of Aboriginal law operating in the Fitzroy area, a Patrol worker may be held responsible for the death of an inebriated person they transported to the shelter without that person's consent, even if the death was in no way related to the negligence of the Patrol.

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7 Meaning an environment in which the dominant languages, patterns of social relationships and value systems are Aboriginal (see Rowse 1992; Cunneen 2001)

## Concluding comments: crime prevention and community justice

Community Patrols represent a distinct form of policing, as they fit neither in the public police nor private security. The public police act with the authority of the law and as its agents, while private security agencies tend to act as agents of business. Community Patrols, on the other hand, operate in the interests of a particular community or constituency. As such they represent a radically different alternative to both state and private paradigms of policing

There are dangers, however, of Indigenous initiatives being co-opted as subordinate instrumentalities of new security 'networks' — meeting the security needs of non-Indigenous interests, rather than the needs of Indigenous people. Patrols can be vulnerable to being colonized, appropriated and co-opted as junior partners by more powerful agencies, business and government. Their position 'at the bottom of the foot-chain' (as one senior police officer in Perth eloquently expressed it in relation to Nyoongar Patrol) makes them vulnerable to appropriation.

While not uncovering any extremes of vigilante justice and violence found by Leach (2003) in her study of community self-policing, studies have unearthed some hostility between the Patrol and young people. The kin-ship links between some Patrollers and young Aboriginal people sometimes increased tensions due to a strict 'guardianship' relationship, which frequently over-rode the Patrol's principle of only working through consensus, leading sometimes to a 'heavy-handed approach' (Sputore et al. 1998:57). There were also some criticisms by youth advocates in Perth about Nyoongar Patrol's surveillance role over Aboriginal youth (Blagg & Valuri 2003c). These issues aside (and certainly in these examples, critical comments were more than balanced by positive accounts by youth workers and advocates for the diversionary and social support work of these Patrols) Patrols have received considerable support from within the Aboriginal community.

Further work is required to determine their effectiveness in increasing Indigenous people's safety and security. Careful attention also needs to be paid to ensuring Patrols remain autonomous Indigenous initiatives working in partnership with non-Indigenous agencies, rather than simply new instruments of traditional forms of exclusionary policing.

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