



JESUIT SOCIAL SERVICES SUBMISSION

**Victoria Police Community Consultation – Field Contact Policy and
Cross Cultural Training**

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Introduction

Jesuit Social Services welcomes the opportunity to contribute to the community consultation into the *Victoria Police Field Contact Policy and Cross Cultural Training*. We commend Victoria Police for its commitment to meeting community expectations in the provision of its services.

Jesuit Social Services has over 35 years experience working with disadvantaged and socially excluded people and communities throughout Victoria. This includes people involved in the criminal justice system; young people with mental illness or drug and alcohol issues; members of refugee and migrant communities; people disengaged from mainstream education and training; and public housing communities in inner Melbourne. The experience of these people and communities, and our work with them, form the basis for this submission.

Many of the people and communities we work with have come into contact with police. Although the current consultation has arisen out of allegations concerning discrimination on the basis of race, it is important to emphasise the diverse nature of police interactions with the community. Police come into contact with people who experience a wide range of issues such as homelessness; mental illness, drug and alcohol use issues; or unstable and violent family environments. These people come from diverse cultural and linguistic backgrounds, and their ages vary.

The *Victoria Police Field Contact Policy and Cross Cultural Training* are key elements that influence how police interact with the community. As the Chief Commissioner noted in his foreword to the Consultation Paper, these interactions involve the use of powers granted to police by the community. Consequently, there are expectations regarding the reasonable use of these powers, and also that members of Victoria Police will go about their duties in a professional manner and treat members of the community with fairness, impartiality, and professionalism.

Jesuit Social Services' response focuses on how Victoria Police can best work with the community in order to meet the expectations outlined above. In doing so, we focus on:

- The need for police to interact in a positive way with the community. We outline instances of positive community practice by individuals and units within Victoria Police and some barriers to making this practice more widespread. Positive community policing can influence the approach taken to Field Contacts and Public Contacts, and lead to improved practice in these areas.
- The need for organisational capacity within Victoria Police that enables positive engagement throughout the community by police. Cross cultural training and a wider process of professional development are important components of this.
- We also acknowledge that the size of Victoria Police and scope of its powers creates a risk that powers may be abused by individuals within the organisation. Accordingly, police activity should be transparent and accountable. All police practices and operating models should be evidence based.

Before focusing on these aspects of the current consultation, we will briefly outline our recommendations and describe who we are and what we do.

Summary of recommendations

Recommendation 1: *Public Contact* practices, *Field Contacts* and *Cross Cultural Training* should form elements of a wider approach focusing on positive community policing rather than being understood solely as surveillance and information gathering practices.

Recommendation 2: Good practice in community policing, including in the use of Public Contacts and Field Contacts, should be recognised and built on through:

- Formal structures and initiatives for partnership with communities in which police operate;
- Additional initiatives to enhance communication between police and the communities where they work; and
- An enabling environment for good practice including resources and training (see recommendation 6 for more detail).

Recommendation 3: Victoria Police Field Contact policy should include a requirement that, when initiated, a clear explanation of the scope of the field contact powers and reasons for their use be given to members of the community.

Recommendation 4: Current cross cultural training efforts should be expanded upon and include a focus on developing the skills, understanding, and empathy of members of Victoria Police so that they can be culturally competent in their work throughout the community.

Recommendation 5: Cross cultural training should be part of efforts to build a culturally competent organisation through governance structures and processes, internal and external communications, ongoing staff development processes, and the delivery of services.

Recommendation 6: Cultural competency and the capability to undertake community policing should be reinforced by developing strong relationships between Victoria Police and different cultural communities. This should include provision of resources/time to participate in networks and development initiatives throughout the community.

Recommendation 7: Objective criteria for reasonable grounds for suspicion should be developed. These should be modelled on the UK *Code A of the Police and Criminal Evidence Act 1984* which limits the focus on personal factors as the basis for initiating contact.

Recommendation 8: Jesuit Social Services supports calls to introduce a Youth Protocol within Victoria police that explicitly recognises and values the role of public space as a meeting place for young people.

Recommendation 9: Members of public subjected to Field Contact should be issued with a carbon receipt containing details recorded during field contact. Details that are recorded should be expanded to include:

- The gender and ethnicity of person who is stopped,
- gender and ethnicity of officer using the power,
- details of what was found if a person is searched,

- whether any arrest followed as a direct result of *Field Contact* or search,
- the grounds for stop and search and including an outline of how the grounds for reasonable suspicion have been satisfied.

Recommendation 10: LEAP data on field contacts should be published on a regular basis and an internal mechanism to review excessive or disproportionate use of these procedures should be developed.

Recommendation 11: Procedural clarification is required of circumstances where LEAP records of field contacts can be deemed invalid, inaccurate or unsubstantiated and are removed from LEAP.

Who we are and what we do

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

Jesuit Social Services works where the need is greatest and where it has the capacity, experience and skills to make the most difference. Jesuit Social Services values every person and seeks to engage with them in a respectful way, that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

We do this by intervening directly to address disadvantage and by influencing hearts and minds for social change. We strengthen and build respectful, constructive relationships for:

- Effective services - by partnering with people most in need and those who support them to address disadvantage
- Education - by providing access to life-long learning and development
- Capacity building - by refining and evaluating our practice, and sharing and partnering for greater impact
- Advocacy - by building awareness of injustice and advocating for social change based on grounded experience and research

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment

Currently our direct services and volunteer programs are located in Victoria, New South Wales and Northern Territory.

Services include:

- **Brosnan Support Services:** supporting young people and adults in the justice system, and assisting them to make a successful transition from custody back into the community. Within the suite of services are Perry House, Dillon House and Youth Justice Community Support Services.
- **Jesuit Community College:** increasing opportunities for people constrained by social and economic disadvantage to participate in education, work and community life and reach their full potential.
- **Community Programs:** working with migrant communities, including the African Australian and Vietnamese communities, to promote positive experiences of settlement and social inclusion.
- **Community development:** delivering social enterprise and other activities in the area of Mount Druitt, Western Sydney.
- **Connexions:** delivering intensive support and counselling for young people with co-occurring mental health, substance and alcohol misuse problems.
- **Artful Dodgers Studios:** providing pathways to education, training and employment for young people with multiple and complex needs associated with mental health, substance abuse and homelessness.
- **Support After Suicide:** supporting people bereaved by suicide, including children and young people.
- **Community Detention Services:** delivering case management support to asylum seekers, including unaccompanied minors, in community detention.
- **The Outdoor Experience:** offering an alternative treatment service through a range of outdoor intervention programs for young people aged 15 – 25 years, who have or have had issues with alcohol and/or other drugs.

Policy, advocacy and research are advanced through our Policy Unit, coordinating across all program and major interest areas of Jesuit Social Services.

Response to Community Consultation Questions:

Positive Community Policing

Questions Addressed:

2. What do you think police or PSOs should say to someone when they have stopped them to record a field contact?

8. Have you had a positive experience with police and/or PSO's? What made it positive?

9. Have you had a negative experience with police and/or PSO's? What made it negative?

13. What can police and PSOs do to reassure community members when being stopped by police officers or PSOs?

20. In what ways could Victoria Police better engage with the communities you identify with?

Community policing provides a framework for positive police engagement with the community. At the same time, it can help police to better understand and meet the expectations of the communities in which they work. There are some issues surrounding the precise definition and aims of community policing but, typically, the approach goes beyond policing as a response to crime and instead uses elements of problem solving, community engagement, partnerships, and localised decision making (Fleming, 2010).

Jesuit Social Services has seen constructive outcomes from community policing initiatives we have been involved in, which are outlined in more detail below. We believe that this approach should inform policy and practice in relation to Public Contact, Field Contact, and Cross Cultural Training. In particular, efforts should be made to enable and promote positive interactions between police and community. Professional development, including cross cultural training, will play a role in building the capacity for this approach to be put into practice; it will be explored later in this submission. The present section outlines how positive community policing can play a role in more effectively meeting the challenges of working in diverse modern communities. Ultimately, a more effective approach to meeting these challenges is likely to have a positive impact upon overall levels of community safety.

Challenges and community expectations

In the course of their day to day duties, Victoria Police come into contact with a wide cross section of the community. This includes people with mental illness, with recent research showing that over one third of police officers come into contact with between 3 and 10 people demonstrating symptoms of mental illness each week (Godfredson, Thomas, Ogloff, & Luebbers, 2011). From our work and research into the criminal justice system, Jesuit Social Services understands other issues police often confront in the community. For instance:

- 55% of people who come into contact with the criminal justice have drug and alcohol issues related to their offending;
- 43% of male and 33% of female prisoners have acquired brain injuries; and
- 87% of women prisoners are the victims of sexual, emotional or physical abuse.

Often these problems overlap (50% of the Victorian prison population has two or more characteristics of disadvantage) and are entrenched in particular communities with 2.5% of Victoria's most disadvantaged postcodes accounting for 25% of prison admissions (Vinson, 2007). In addition to these, wider cultural issues in Victoria's Aboriginal community and other ethnic communities must also be understood and taken into account by police in their day to day work.

There is a legitimate expectation throughout the community that police will respond appropriately in all situations where they come into contact with the public, even in the challenging circumstances outlined above. The costs of an inappropriate response can be high. For example, past failures to appropriately respond to family violence often resulted in further victimisation and harm (Waterman & McCormack, 2013). Later on in this submission we will explore how Victoria Police successfully undertook reforms to improve its response to this issue. Inappropriate police practice in engaging with the public, including through Field Contacts and Searches, can lead to feelings of harassment, stigma, and ultimately a breakdown in relationships between police and communities. Past instances of this in Australia have been chronicled in regards to the Aboriginal Community,¹ migrant communities in New South Wales (Larsen & Joudo, 2010), and the experiences of young people from African and South Pacific Islander Communities in Melbourne (Grossman & Sharples, 2010).

It can also be argued that inappropriate responses are inefficient and may ultimately undermine the wider safety of the community. This draws on evidence from the United States showing that positive interactions between police and community improves compliance with police directives and the law (Telep & Weisburd, 2012). In terms of efficiency, recent analysis of stop and search practices in the United Kingdom has found that that this activity is not being directed to crime hotspots where it is more likely to be effective (Telep & Weisburd, 2012). Instead, in many instances police are targeting areas with higher rates of residents from minority backgrounds (Chainey & MacDonald, 2012). More detailed analysis is required in Victoria to determine any such outcomes of our own policing practices. This must be supported by more effective data collection and publication (explored below). What is clear is that effective police practice in engaging with the community, including through *Public Contacts* and *Field Contacts*, can contribute to a safer community. Examples of effective practice will be explored in the next section.

Promising practices

There is some history of community policing initiatives Victoria. Specific recent initiatives include Community Liaison Officers, Ethnic Community Liaison Officers, the ROPES Program, and Youth Justice Community Group Conferencing. Jesuit Social Services has been involved in many of these initiatives and we have seen instances where good practice has led to better outcomes for the community. Our community programs have worked closely with Community Liaison Officers in order to facilitate activities that bring police and vulnerable members of the community together in respectful and constructive ways. This has included workshops involving members of a school community in St Albans and local police and Victoria Police participation in Youth Justice Group Conferences.

¹ This was documented in the reports of the Reports of the Royal Commission into Aboriginal Deaths in Custody

In its work supporting highly vulnerable people in the criminal justice system, Jesuit Social Services has built ongoing working relationships with individual police officers and units. Perry House, a residential program run by Jesuit Social Services, provides accommodation for young people with intellectual disabilities who are involved in the justice system. Over several years, workers from the program have built and maintained strong relationships with officers from the Reservoir Police Station. Police have been provided with information about the program and guidance on how to respond to the issues that young people on the program often present with. On occasions where young people from Perry House have come into contact with police from this station, ongoing dialogue between police and program staff have meant that young people were dealt with respectfully and in a manner which met their often complex needs. Police have also liaised with our justice workers in Box Hill when engaging with participants of Jesuit Social Services programs. For instance, when police have conducted welfare checks on participants, workers from Jesuit Social Services have provided briefings and remained on call to de-escalate any situations that might arise from these interactions.

The community policing initiatives we have been involved in have promoted community safety and have also diverted vulnerable young people from unnecessary involvement in the criminal justice system. Importantly, we have observed how these initiatives have promoted better understanding and trust between police and vulnerable members of the community. They have also provided a means through which to build productive working relationships between police and community stakeholders, such as Jesuit Social Services, and to address commonly identified issues. At present, there is a lack of rigorous evidence to demonstrate the impact of community policing on reducing crime and disorder (Fleming, 2010) (Telep & Weisburd, 2012). However, there is evidence that this approach can strengthen relationships and understanding between police and vulnerable communities and also lead to higher levels of community satisfaction with police (Bartkowiak-Theron & Corbo Crehan, 2010).

Barriers

The promising examples of practice, outlined above, demonstrate the range of impacts that community policing can have. Through our involvement in these initiatives, we have identified some of the barriers to widespread and more effective community involvement. Often initiatives of the sort outlined above are contingent on the goodwill and motivation of individual police officers and members of the community. Where there is turnover of these individuals, it can be a challenge to sustain productive working relationships. This is not a new problem, with high turnover of police in the Richmond area identified as a challenge to building positive relationships in research conducted by Jesuit Social Services in 1999 (Hickman, 2000).

Good proactive community based practice can also be undermined by organisational barriers. In our partnerships with Victoria Police, we have observed inconsistent levels of understanding and support for some community initiatives. In the most problematic of these situations, local police units have been engaging proactively with at risk young people who were congregating in open spaces in the Western Suburbs of Melbourne. At the same time, other non-local units who were unaware of the community policing initiative, adopted a more aggressive approach to dealing with the same group of young people when they were in public spaces. This inconsistency sent mixed messages to the community and undermined the community focused approach. Similar problems

have been identified in research on community policing which has identified organisational, cultural and personnel issues as barriers to positive community engagement (Fleming, 2010). Later in this submission we will consider how the capacity for community based practice can be built and sustained.

As noted previously, community policing offers one means through which to overcome the social distance between police and the communities that they serve (Mazerolle 2001). It is necessary to consider both sides of the social divide when thinking about positive community policing. One element that influences this divide on the side of the community is a lack of understanding of the role of police. Often, members of the community remain unaware of the positive work being done by police due to a lack of communication about this work. In St Albans, Jesuit Social Services has been working with young people to provide information on the role of police and the rights and responsibilities of young people. This initiative has been supported by Victoria Police. Participants have reported that it has helped promote understanding and better relationships between them and police.

Importantly, promoting community understanding through community policing can improve the effectiveness of law enforcement activities. In the United States, police targeting of crime hot spots has been accompanied by community engagement focused on explaining police tactics. This has enhanced relationships between police and members of the community where the policing is taking place (Telep & Weisburd, 2012). Similarly, in the United Kingdom, consultations looking at good practice in the use of stop and search powers have found that the use of these powers is more likely to be supported when accompanied by adequate explanations as to why they are being used (Association of Chief Police Officers, 2006). These examples demonstrate the need for a clear explanation to be provided by police when they using *Field Contact* powers. While a level of flexibility should be encouraged, some key things that could be addressed in an explanation are:

- An outline of what a field contact is and why police use them, noting it is not an arrest or search;
- The reasons for initiating field contact. If 'reasonable suspicion' is the basis, police officer should be able to explain the basis for reasonable suspicion; and
- An explanation of what will happen to details that have been recorded and how they might be used.

Recommendation 1: *Public Contact* practices, *Field Contacts* and *Cross Cultural Training* should form elements of a wider approach focusing on positive community policing rather than being understood solely as surveillance and information gathering practices.

Recommendation 2: Good practice in community policing, including in the use of Public Contacts and Field Contacts, should be recognised and built on through:

- Formal structures and initiatives for partnership with communities in which police operate;
- Additional initiatives to enhance communication between police and the communities where they work; and

- An enabling environment for good practice including resources and training (see recommendation 6 for more detail).

Recommendation 3: Victoria Police Field Contact policy should include a requirement that, when initiated, a clear explanation of the scope of the field contact powers and reasons for their use be given to members of the community.

Capacity Building and Professional Development

Questions Addressed:

16. What information do you think should be included in police and PSO training to ensure that interaction with community members is respectful and culturally appropriate?

17. What are the key messages police and PSO's should take away from cross cultural training?

18. How does Victoria Police know that training is working?

19. How does Victoria Police make sure what is known and taught about the community remains up to date?

Building organisational capacity

The approach to community policing outlined in the previous section will only succeed if supported by organisational capacity, culture, and a skilled workforce. In terms of organisational capacity, two barriers that we have identified in our work with Victoria Police have been changing personnel and inconsistent practice across the organisation. These are problems that many partnerships have to deal with. Their impacts can be minimised through formal structures and accountability mechanisms that enable partnership as well as awareness raising initiatives.

The work done by Victoria Police in relation to the Integrated Family Violence reforms provides an example of how organisational barriers to change can be overcome. This includes identified barriers such as fragmentation and inconsistency (Waterman & McCormack, 2013). Over the past decade a clearly articulated approach has been followed in order to overcome these barriers. This has included clear accountability processes in responding to family violence incidents and Police participation in interagency networks and governance structures at both a regional and state-wide level. This approach has had whole of government endorsement and been reaffirmed by public comments by Victoria Police leadership. It has also been endorsed through formal processes including the Victoria Police Strategic Plan, the Strategy to Reduce Violence Against Women and Children, and the Code of Practice for the Investigation of Family Violence.

As a whole, the approach taken to family violence demonstrates how clear accountabilities, formal partnership structures and awareness raising initiatives have overcome the organisational barriers that hindered the response to family violence. It has also fostered a culture of collaboration across the community (Waterman & McCormack, 2013). This cultural change has been supported by professional development and training initiatives (Victoria Police, 2009). The family violence strategy and outcomes provide a compelling template for police-community partnerships to tackle a range of social issues at the legal/criminal interface. This may relate equally to police relationships and law enforcement with respect to different cultural groups, homeless people, young people and more.

Professional development and cultural competency

A skilled and competent workforce is a crucial factor to the success of any organisation. We are aware of initiatives in Victoria Police to build skills of its workforce through the *Introduction to Contemporary Policing Course* as well as through initiatives at a local level across the organisation. From our own experience Jesuit Social Services has seen how important workforce development is for organisations working with vulnerable people. In order to best meet the needs of our clients, and build relationships that promote their capabilities, our staff and partners need to have the appropriate knowledge and skills.

Jesuit Social Services' *Strong Bonds* project focused on developing the cultural competency of youth workers. This project developed training and resources for youth workers to build their skills to work with young people with complex needs and their families. In terms of cultural competency, the definition used in the *Strong Bonds* project is:

'The ability to identify and challenge one's own cultural assumptions, values and beliefs. It is about developing empathy and connected knowledge, the ability to see the world through another's eyes, or at the very least, to recognise that others may view the world through different cultural lenses' (Stewart, 2006).

This definition emphasises the skills, understanding, and empathy of participants as opposed to basic knowledge about different cultures. Following this approach, some key skills and capabilities that workers need to be equipped with are:

- being aware of their own cultural background, values and beliefs and how these impact on their interactions with others;
- being aware and able to accept cultural differences;
- recognising cultural differences in communication;
- recognising how cultural beliefs and practices influence the behaviours, practices and interactions of different people; and
- being aware of the limited value of stereotyping individuals. This may require information to dispel myths and, in a criminal justice context, might include statistics on criminal justice involvement of different communities.

In order to build these skills, Jesuit Social Services has commissioned the Centre for Culture, Ethnicity and Health to deliver workshops focusing on cross cultural communication and wider organisational cultural competency.

Cultural competency, like other skills and capabilities, can be developed through training. However, training in and of itself is unlikely to build a culturally competent organisation. Instead it needs to be linked to wider efforts focusing on embedding cultural competence into governance structures and processes, internal and external communications, staff development processes, and the delivery of services (Centre for Culture, Ethnicity, and Health, 2012). For Jesuit Social Services this has involved a process of creating staff working groups, reviewing our policies and procedures, changing management practices in relation to management, human resources, and staff development. At a national level, there are promising examples of organisations making efforts to become more culturally competent, particularly in relation to Aboriginal and Torres Strait Islander Peoples. The Department of Juvenile Justice in New South Wales has recently developed and begun implementing

an Aboriginal and Torres Strait Islander Cultural Respect Framework. This framework aims to promote cultural competency throughout the internal structures of that organisation as well as in the services that it delivers.

Many of the measures outlined above are ongoing and need to be reinforced over time, particularly training which should be complemented by ongoing supervision and further development opportunities. Jesuit Social Services welcomes the training provided to Victoria Police recruits on a wide range of competencies that will be required in their work in the community. Our colleagues from the Smart Justice for Young People Network have observed this training and reported back favourably on a great deal of the content. However, in order to be truly effective, one-off training requires consolidation and further development. This is the case for cultural competency, and also the competencies and knowledge needed to support effective community policing such as engagement with Aboriginal communities and young people, and responding effectively to mental health, drug and alcohol, and homelessness issues. Research into Victorian Police Officers' approaches to people with mental illness has come to similar conclusions and identified the need for an ongoing and multi-modal learning approach in this area. This research noted that steps were being taken to implement a training model (Godfredson, Thomas, Ogloff, & Luebbbers, 2011).

The involvement of Victoria Police in our program with school students in St Albans provides an example of a development opportunity in both cultural competency and community involvement. The need for this program arose from the negative perceptions of Police held by school community members from African Australian communities. It brought these young people and members of Victoria Police together to discuss the issues they faced in an open and respectful manner. Young people were provided with the opportunity to better understand the role and work of police and, significantly, local police were able to hear from young people about the issues that they faced and their perspectives on life in the community. Key elements to the success of this program included an open and honest discussion influenced by strengths based practice, interactive activities, the provision of resources and opportunities for follow up, and ongoing engagement. Our experience in participating in community education with less experienced police facilitators has been less positive and there have been instances where we have observed a reluctance to hear anything other than positive feedback.

Recommendation 4: Current cross cultural training efforts should be expanded upon and include a focus on developing the skills, understanding, and empathy of members of Victoria Police so that they can be culturally competent in their work throughout the community.

Recommendation 5: Cross cultural training should be part of efforts to build a culturally competent organisation through governance structures and processes, internal and external communications, ongoing staff development processes, and the delivery of services.

Recommendation 6: Cultural competency and the capability to undertake community policing should be reinforced by developing strong relationships between Victoria Police and different cultural communities. This should include provision of resources/time to participate in networks and development initiatives throughout the community.

Transparency and Accountability

Questions Addressed:

1. What sort of behaviour do you think should be considered as suspicious enough to warrant a Field Contact Report?
2. What do you think police or PSO's should say to someone when they have stopped them to record a field contact?
3. What information do you think is reasonable for police or PSOs to record when filling out a Field Contact Report?
4. What type of information, if any, do you think Victoria Police should be required to publicly report on for local communities with regard to Field Contact Reports?

Transparency and accountability are key factors that underpin the integrity of police action. In the course of their everyday contacts with community members, including *Public Contacts and Field Contacts*, there are expectations that police will behave in a fair and respectful manner. In instances where these standards aren't met, there is an expectation that police should be held to account through complaints and oversight mechanisms. The need for transparency and accountability is more acute for more intrusive forms of contact such as *Field Contacts* or searches. There are two aspects to transparency and accountability. The first is the actual point of contact between police and the affected community member, and how this interaction takes place. The second is the recording and documenting of the contact on the Law Enforcement Assistance Program (LEAP) database. Expectations are heightened where these contacts do not relate to criminal charges but become part of a police profile of the affected person within LEAP that affects patterns of individual or community interaction with the justice system.

Measures to promote transparency and accountability will ensure that practice remains within the confines of the law, Victoria Police policies and procedures, and wider community expectations of reasonable conduct. From our practice experience we believe that for the most part police powers are exercised in an acceptable manner. However, evidence from research (Smith & Reside, 2010) and the *Daniel Haile-Michael & Ors vs Nick Konstantinidis & Ors* legal proceedings demonstrate that there are instances where these powers have been misused. In light of this, we believe that transparency and accountability of *Field Contact* procedures should be strengthened. Good practice in *Field Contacts* has the potential to complement wider initiatives to engage with the community outlined in previous parts of this submission. Enhanced transparency and accountability may impose some minor administrative requirements on operational police. However, this trade off is justified in order to eliminate unnecessary use, or the perception of abuse, of these powers.

Field contacts – Reasonable grounds for suspicion

Within the Victoria Police Field Contacts policy, the circumstance where Field Contact appear most likely to be initiated is where someone is 'found in circumstances reasonably believed to be suspicious'. The Victoria Police Manual provides some details of what amounts to reasonable

grounds for suspicion through its field contact reporting requirements. These require police Field Contact reports to:

- qualify reasons for suspicion;
- provide details of relationships to time, place, circumstances and crime instances rather than generalisations; and
- notes that people must be located in areas with high incidences of crime to be suspicious (eg an area of gang activity).

Despite these reporting requirements, the actual criteria for police to initiate Field Contact remain broad and uncertain. This increases the risks of it being applied in an inconsistent manner, and potentially in circumstances not directly linked to the investigation of a particular offence. This appears to have been the case in some circumstances, with evidence submitted in *Daniel Haile-Michael & Ors vs Nick Konstantinidis & Ors* showing significant use of phrases ‘no reasons’, ‘move on’, ‘negative attitude’ in field contact reports.

For these reasons, we believe that the Victoria Police Manual must provide a clearer articulation of what amounts to reasonable grounds for suspicion. A more comprehensive approach to outlining these types of situations has been implemented in the UK. There, *Code A of the Police and Criminal Evidence Act 1984* retains police discretion to initiate stop and searches, but also provides clearer criteria for reasonable grounds for suspicion. These include:

- Reasonable suspicion can never be supported on the basis of personal factors, generalisations, or stereotypes such as age, appearance, ethnicity;
- Police must rely on intelligence or information about, or some specific behaviour of, the person concerned; and
- In the absence of a description of a suspect, physical appearance or prior conviction cannot be used as grounds for stop and search.

These criteria provide a clearer indication of the circumstances in which contacts and searches can be initiated. Importantly, it mitigates against the bias of targeting people on the basis of appearance or ethnicity unless clearly linked to a description of an alleged offender.

Recommendation 7: Objective criteria for reasonable grounds for suspicion should be developed. These should be modelled on the UK *Code A of the Police and Criminal Evidence Act 1984* which limits the focus on personal factors as the basis for initiating contact.

Field Contacts – Young people’s use of public space

Research has demonstrated the important role that public spaces and their use plays in the social and cultural development of young people. In particular, significant social encounters and development takes place outside of the home (Passon, Levi, & Del Rio, 2008), often in public spaces (Faulkner, 1999). This is evident in Victoria, where focus group research involving young people from Sudanese and Pacific Islander communities found that young people from both communities reported using public spaces including public transport hubs and shopping centres as places to ‘hang out’ (Grossman & Sharples, 2010). Young people have a legitimate right to use public space in a responsible manner. Being present in a public space should not, in itself, provide reasonable grounds

for suspicion and lead to the initiation of Field Contact. We are aware that other colleagues in the community sector are calling for the development of a youth protocol for Victoria Police. Jesuit Social Services believes that any such protocol, as well as Field Contact policy and procedures, should make it clear that young peoples use of public space is valued and does not, in of itself, constitute reasonable grounds for suspicion.

Recommendation 8: Jesuit Social Services supports calls to introduce a Youth Protocol within Victoria police that explicitly recognises and values the role of public space as a meeting place for young people.

Individual Transparency

Individual and systemic transparency is required in order to ensure there is a sufficient level of accountability in police Field Contact practices. At an individual level, a promising example of transparency in the United Kingdom is the requirement that Police provide receipts to people subject to stop and searches. This receipt can be used to access the written records of the search. There is merit in considering a requirement that police officers provide people subject to Field Contact with some form of receipt outlining the information collected in a Field Contact Report. This could be done using carbon copies of existing information collected by Police.

It is also important to consider what information should be collected. A standard that has been adopted in the United Kingdom under the *Next Steps* project², requires information to be recorded so that if given to a third party it would satisfy them that reasonable grounds for stop and search existed (Equality and Human Rights Commission, 2013). As noted previously, the Victoria Police Manual outlines information that should be included in a Field Contact report. Drawing on the model used in *Next Steps*, additional information that should also be collected includes:

- the gender and ethnicity of person who is stopped;
- gender and ethnicity of officer using the power;
- details of what was found if a person is searched;
- whether any arrest followed as a direct result of stop and search; and
- the grounds for stop and search and including an outline of how the grounds for reasonable suspicion have been satisfied.

In order to make this process as efficient as possible, and to aid in analysing data stored on LEAP, it may be possible to collect the information through 'tick box' categories. Receipting of Field Contacts will enhance accountability by providing people who are subjected to this practice with information on why they are apprehended which could also be used if they choose to lodge a complaint. It is also likely to place an onus on officers in the field to clearly think about the reasons why they might initiate a field contact.

Recommendation 9: Members of public subjected to Field Contact should be issued with a carbon receipt containing details recorded during field contact. Details that are recorded should be expanded to include:

- The gender and ethnicity of person who is stopped,

² Project that aims to limit unnecessary use of stop and searches

- gender and ethnicity of officer using the power,
- details of what was found if a person is searched,
- whether any arrest followed as a direct result of *Field Contact* or search,
- the grounds for stop and search and including an outline of how the grounds for reasonable suspicion have been satisfied.

Systemic level transparency and LEAP records

On a systemic level, collecting additional information will allow for patterns in field contacts to be identified in published LEAP data. This approach has been utilised by local areas participating in *Next Steps* in the United Kingdom, some of which have published this data. Police forces have also implemented internal processes to identify issues arising from their data. In Leicestershire, for example, an officer within the local police force was appointed to examine patterns of prolific users of stops and searches over a six month period (Equality and Human Rights Commission, 2013). Where officers with excessive and disproportionate use of these procedures were identified, they were asked to account for their stop and search practice. Victoria Police should consider how LEAP data on field contacts is made publicly available and also develop internal processes to respond to inappropriate use of field contacts if it emerges in local or individual level data.

Two further issues concerning LEAP data relate to its accuracy and how it is used once recorded. As noted in the Victoria Police Manual, this information is used by police to provide intelligence that is drawn on in undertaking investigations or attending incidents. The Community Consultation Paper noted that where the data is invalid, inaccurate or unsubstantiated, it is deleted from LEAP. However, the Victoria Police Manual does not outline circumstances or procedures to delete reports where collection was deemed invalid. Transparency and clarification is required about what constitutes these grounds and the circumstances through which field contact information can be removed from LEAP.

Recommendation 10: LEAP data on field contacts should be published on a regular basis and an internal mechanism to review excessive or disproportionate use of these procedures should be developed.

Recommendation 11: Procedural clarification is required of circumstances where LEAP records of field contacts can be deemed invalid, inaccurate or unsubstantiated and are removed from LEAP.

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