

## WPS DEVELOPMENTAL NOTE #35

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**Topic:           The Victorian Police Service - A clash of beliefs or just trying to keep the neighbourhood clean?**

Recently the WPS came under fire from the Cobram and Shepparton Police Service, the Rumbalara Aboriginal Cooperative in Shepparton and, I suspect, more than one bureaucrat within DEWR. Their criticism is about our practice of not sending troublemakers back home. These are not the only critics of this practice; I have received complaints from a number of Indigenous leaders from Cape York Peninsula; “*The Scheme is good*”, they say, “*but you should send those troublemakers back home*”.

What these critics fail to understand is that this practice of not sending troublesome participants back home is underpinned by a system of beliefs - a set of principles - about how best to work with young people. These principles were developed out of years of practice. They are based on common-sense and what works. This criticism, if allowed to go unchallenged, could cause considerable harm to the WPS - hence the necessity for this note.

The reason I do not send troublesome participants back home is because I practice the principle of reciprocity. The norm of reciprocity (the principle of give-and-take) is universal and grounded in the natural order of things. When applied by the WPS, it means that we will provide assistance to participants on the condition that they fulfil certain requirements. If they failed to fulfil these requirements our assistance will be withdrawn, or part thereof.

Reciprocity is an essential plank of the practice of the WPS, whereby young people learn to move from dependency to a state of self-reliance and taking responsibility for their own decision-making. Participants are rarely cut off from the scheme. Their mistake and our withdrawal of part of the service is an important learning tool. The application of reciprocity is tailored to participants according to their unique circumstances, age and competencies. They always have the option to join the scheme again after they have re-evaluating their behaviours and show genuine willingness to change. Associated with this principle is the view that any judgement about a participant’s capacity to fulfil their side of the bargain must be based on their actual capability, not their race.

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Before I discuss these matters in detail, I must first talk about the actual incident that caused all the fuss, and to clear up some misconceptions. The best way to explain what happened is to quote from the daily journal of our itinerant group supervisor, Chris Lawrence. He was introduced in WPS Developmental Note #33. I have broken

up his notes into paragraphs or sections so that I can add some additional background information and to make comment on this sorry story as it unfolded.

Chris: *“This attack from one worker to another was premeditated, brutal and life threatening. I believe if I was not on hand to stop the attacker that a life would have been taken that night. The 18 year old began by doing a home invasion for the purposes of a criminal act. Once inside the van then later outside the van the perpetrator savagely and without provocation brutally began to beat up the victim. The victim ran to me for safety. The perpetrator pushed his way inside my van following the victim where the fight continued. The victim was covered in blood screaming for help. It was one of the most horrible things I have ever witnessed. The perpetrator then focused his violence towards me until I was forced to render that person to a no threat to me or the victim situation.”*

The background to this attack was that participant #38, aged 24 and participant #39, aged 18 were required to share the same caravan. On payday participant #39 immediately spent all his wages on alcohol and put no money aside for his rent or food. Instead, he went and helped himself to the food belonging to participant #38 and expected that we would pay his rent. This went on for nearly two weeks. During this time, we began to realise that participant #39 had a real attitude problem. He would boast about how he would stand over people in his own community and was always drinking and fighting. I got the impression that many people in his home community were afraid of him - and for good reason. He had a twisted sense of moral reasoning, little respect for authority, fearless, and a highly experienced street fighter.

Chris: *“Two acts of damage to property. Two acts of serious assault. Threatening violent behaviour in a public place, to name a few offences that were committed that night. A total of 4 people made 000 calls to the local police. One by me, one by an elderly man across from me. Two by the girls camped by my van in tents. They were screaming in horror. It took several minutes for two police to arrive. I explained the situation and, by then, the perpetrator was back on his feet threatening myself, the victim, plus the police. Back-up was called for by the police.”*

What followed, was an absolute disgrace, and illustrates the nature of the deep-seated attitudinal problems that I and other must deal with on a regular basis from a number of service providers.

Chris: *“One of the senior officers said “I bet he is usually a good kid isn’t he?” “We see this all of the time. You would see this as serious but really it’s not”. “From our experience, tomorrow night all of you would have made up and I bet you will all be on the grog again laughing about this”. “You really would not want us to put serious charges against him that will stick to him for the rest of his life”.*

It would appear that the senior officer mistook Chris for an Aboriginal on account of his Mediterranean skin. The officer was suggesting that this was some sort of

domestic dispute where everyone will be back on the grog soon enough, including our group supervisor, and then everything will be fine. Not only is this sort of talk highly offensive, it also exposes the negative perception that many police officers have of Aboriginal people and how this negative perception often interferes with their duty. They perceive violence between Aboriginals as something less serious than violence between non-Aboriginal people. This clearly was not a domestic violence situation. But from this, readers could imagine what happens when these police are confronted with a real domestic violence situation and, in particular, domestic violence within Aboriginal families. Many years ago, I worked with the Victorian police and women and children of domestic violence in the Wangaratta – Benalla region of Victoria and I find it quite sad that after all these years the attitude of the police has not changed one little bit. Furthermore, I am certain this senior officer had not a scrap of genuine concern for the possible consequence serious charges would have on this young man's future. What is more likely is that he was looking for a way in which to avoid the special procedures and the large amount of administration work that accompanies such a charge.

Chris: *“The Police went on and on doing what I refer to as a “number on me” until I put a stop to it. I said, “This man is violent. He has damaged the property that belongs to my company. He has seriously assaulted this man here. Look at the victim, not at me, and take a close look at his injuries. If you leave this offender he will re-offend”. At that moment the offender lunged at the victim until the Police officer got in front of him. ... The offender was locked in the back of the wagon and while the Police obtained my mobile number the offender began to bare-footedly kick at the inside walls of the wagon. At 8 am that morning, I was phoned by the Shepparton Police station. They said, “He is allowed to come home now, would you like to pick him up”. I said, “No – he has committed a serious assault against an innocent man. He has damaged property belonging to my company. I therefore refuse him entry to our caravans except to remove his private property.”*

This sort of behaviour, that is, ringing up the victims telling them the perpetrator is ready to be released and come and get him, was common place nearly 20 years ago. Imagine, if you can, the horrible position this places less powerful members of society and real victims of domestic violence – usually women and children. The WPS on the other hand is not staffed by powerless people. We are not accustomed to rolling over to the commands of young thugs or dim-witted police officers not wanting to do their duty.

Chris: *“At 10 am the following morning the Shepparton Koorie Night Patrol brought the offender back to the caravan park and came directly to see me. They said, “Look Chris we were all young once. We all made mistakes, as Elders its’ our job to forgive our young people and set them straight again.” The speaker went on to blame the grog and “our people should never be allowed to drink grog – you should know that Chris. What do you say ay, give the young bloke another go?” ... I repeated his offences and I repeated that he was not allowed to stay in the caravan park and my company's caravans. ...I*

*was told they [Koorie Night Patrol] could do nothing for the offender ... The patrol took the offender to the outskirts of town and dumped him off."*

It was interesting to see the Shepparton Koorie Night Patrol trying to take the moral high ground by portraying themselves as all-caring and all-forgiving. This, of course, is just rhetorical nonsense. I also have a real problem with these people calling themselves "Elders", but I will leave this issue for another day. If these gentlemen say it is the job of Elders to forgive, I say it is the job of Elders to provide law-and-order and the protection of the innocent. It is about teaching people to take responsibility for their actions. How, I ask, do they intend to "set them straight again"? The truth is that they have no answer. If they did have an answer, there would be no Aboriginal crime in Shepparton and no need for the Koorie Night Patrol. In my debriefing of participant #38, he said to me "*I am the victim here but Police and the Night Patrol have been treating me like the perpetrator, you should have seen the way they looked at me.*"

In regard to alcohol, the issue is not about whether or not Aboriginal people should be allowed to drink. It is about attitudes. It is about law and order. It is about teaching people to take responsibility for their actions. The best way I know how to do this is for them to experience the consequences of their actions subject, of course, to circumstances, age and competency of the person involved. This was one of the things I was conveying in my paper titled: 'A Return to the Real World Economy' written on September 2004. In that paper I said, "... *we were warned. In 1974, a social worker named John Tomlinson gave notice, "The institutionalisation of so many people in the welfare-rehabilitative style rather than the engaging of people in the producer-consumer struggle of the wider society has the effect of mortgaging future generations"*. By 'welfare-rehabilitative style', Tomlinson was referring to the disengagement of Aboriginal people from the real economy and the practice of trying to rescue them from the consequences of their action.

Chris: "*The offender returned after a few hours. He had only one agenda on his mind and that was to return to his van. He was told that he had the choice of camping on the riverbank or travel to his sister in Melbourne. At first he wanted to camp by the river with other campers, but when he was taken to the camping ground he changed his mind and then asked to be taken to the bus stop which he was. He had sufficient money for the fair to Melbourne. As I dropped him off, the offender called me back and in complete calmness and composure he said "Chris, you ever look into my eyes again I will turn on you. ... I will come to you in the dark and turn on you. I will turn on the other fella too in the dark."*

On my instruction, Chris reported this threat to the Cobram police. But instead of the police officer receiving his complaint, the officer tried to turn the situation around and asked Chris to explain his role in last night's incident, in particular, his action of defending himself and protecting the victim. The officer's message was clear. To use Chris's words, "they were trying to do a number on him".

Chris: *“The police officer finished with, “You could sort this out with one phone call. Call your company up and arrange for his flight back”. I asked well what about the damage to our property and the assault. I was blatantly told, “No assault took place here last night. No assault, not as far as I am concerned”. The offender was charged with being drunk in a public place only.*

*That night, the offender used his money for the bus fare to purchase alcohol and then went on a violent rampage against public property.”*

I think it's worth point out that at this stage I had not dismissed participant #39 from the scheme. He was banned from the Cobram caravan park by the owner-manager and I had banned him from entering our caravans. I was well within my right to expel this young man from the scheme, but at this point-in-time there was no need. The ban on him entering our caravans was sufficient. At no stage was this 18 year old left homeless. He was fortunate in having a local friend who allowed him to reside at his home in Cobram on his condition that he does not stay there during the day. Meanwhile, we had an agreement with participant #39 that we will provide him with transport to and from his home and place of employment when he stops his drinking and stops his violence and threats of violence.

Some days later, I was contacted by an officer from the Cairns office of DEWR. She told me that a complaint had been made by the Victorian Justice Department (ie. Cobram and Shepparton Police) about our refusal to send this young man back home. The allegation went something like, “a boy” was “left abandoned” and forced “to live out of garbage cans”. I had also heard that Rumbalara Aboriginal Cooperative of Shepparton, the auspicing organisation of the Koorie Night Patrol, in an effort to try and portray themselves as “caring” and “compassionate”, flew the “boy” back home. Strange how the real victim, participant #38, got nothing but their foul looks. And no mention will ever be made of all the people soon to be on the receiving end of this young man's thuggery back home. This eagerness to support perpetrators over victim appears to be common place these days. It was not that long ago when the Thursday Island Justice Group would send fish, crayfish, mud crabs, dugong and turtle meat down to prisoners at Lotus Glen. And what did their victims get? Nothing. When a violent prisoner is flown out of Aurukun, big mobs of people often gather at the airport to see him off and wish him well. Who visits his victim to wish her a speedy recovery? Nobody. This also reminds me of the recent Northern Territory case of a 55 year old Aboriginal man raping his 14 year old promised bride and was given only one-month jail term. Here again is the suggestion that the rape of an Aboriginal child is seen as less serious than the rape of a non-Aboriginal child, if the rape is done by an Aboriginal man claiming some sort of traditional right. Fortunately the Court of Appeal stepped in and put a stop to this nonsense.

The conduct of the officer from DEWR in regard to this sorry tale was no better. Upon receiving the complaint from the Cobram and Shepparton Police Service she immediately rushed to their side by claiming that I was in breach of our funding agreement by failing to provide adequate support and supervision to those under 18 years. The officer in question had no idea of participant #39's age and presumed, or was told, that he was under 18 years. She had no idea of the harm caused by this

person, no idea of our supervisor-supervisee ratio, no idea of our referral processes, no idea of our rules and conditions agreement, no idea of our assessment processes and framework, no idea of the beliefs and practices, had never read any of my Developmental Notes, and no idea of our success ratio. When told that we were getting a 50% success ratio, her only comment was to express concern for the other 50% who, in her mind, were now vagrants stranded somewhere in South Australia and Victoria forced to survive on welfare. This woman could not get her head around the fact that every participant who left the WPS prematurely has returned home without too much difficulty. The WPS is built on the fact that distance is relative and defined by perception. It seems that some people struggle to understand this. DEWR is now carrying out a desk-top audit on the WPS participants which will confirm the fact that no participants have been left stranded anywhere in South Australia or Victoria. There are of course a number of very good senior people in DEWR who are making a strong and genuine effort to help us make the WPS work, and we greatly value their support, but like all organisations, you get those who pre-judge situations incorrectly and come out with all guns blazing.

Finally, I must add that this complaint by the Cobram and Shepparton Police Service is not exactly on the level. Like an onion, you can peel off this outer official layer to reveal a motivation that has nothing to do with ideology and everything to do with trying to avoid responsibility and a bit of extra work. In the heat of the moment, the Cobram police sergeant said to Chris: *“I have no intention of mincing words with you. I know your not stupid because my Police continually leave you empty handed. You brought that boy here from a remote area. He fucked up, you don’t want him, neither do we.”* The message is clear; the police do not want any young Aboriginal from Cape York causing trouble in their beautiful town. Officially, of course, they bandied about statements like “failing to fulfil our duty of care” and “abandonment”, which they know are highly evocative words and, when taken out of context, will give a false impression of what is really going on here.

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Returning now to the issue of reciprocity, it needs to be understood that the WPS is not one of those munificent, all-embracing, all-providing, and all-forgiving welfare programs. The scheme is grounded in a belief drawn from historical and present day realities. At the heart of this belief are the principles of reciprocity and taking responsibility for the consequences of their actions. All of us have on occasions not fully utilised our potential, but there are some amongst us who insist on making the least possible effort with everything. They are willing to settle for a life of dependency and subsistence. Some, like participant #39, choose to intimidate, even bludgeon others into handing over their food, money and possessions, rather than going out and earning these things for themselves. Our message is clear, if participants fail to fulfil their side of the bargain to behave in a responsible law-abiding manner our services will be withdrawn, or part thereof. And we will not waste our time on fruitless discussions about these people being victims deserving our eternal sympathy and forgiveness.

Furthermore, there is no contradiction or tension between the WPS's desire to help, and that help being offered on condition. There is, however, a contradiction when you have a benevolent all-forgiving service provider also believing that individuals should be self-reliant and take personal responsibility for their own lives. The more effective these service providers are at giving and forgiving the more they undermine and erode self-reliance and people's willingness or ability to take responsibility for their own behaviour and their own lives.

This is particularly so for Aboriginal people on Cape York who have become highly dependent on welfare services. Noel Pearson has identified passive welfare dependency to have caused considerable harm to Aboriginal people and their communities.

*“...[I]n the passive welfare economy – because it necessarily involves being shielded from the harsh realities of the real economy – responsibility and reciprocity are not demanded in the transaction and relationships of society. In fact participants in the passive welfare economy are excused from undertaking to carry out acts of responsibility and from engaging in acts of reciprocity. If you do not swim, the government will supply a cheap floatation device. Or you can hold onto others in the community who are swimming. The passive welfare economy tells us it is okay to abandon responsibility and reciprocity (Our Right to Take Responsibility, 2000, p.85).”*

Why is it, you may ask, are Aboriginal people shielded from the harsh realities of the real economy or excused from undertaking acts of responsibility? I think the answer to this question lies in the way in which Aboriginal people are perceived by the wider community and in particular by the helping profession. In social work literature, for example, you will often see Aboriginals described as “vulnerable” or as people with “special needs”. In practice, this often translates into Aboriginal people being treated more like incompetent children needing protection and special consideration rather than like responsible adults. And little children are rightly shielded from the harsh realities of the real economy and excused from undertaking acts of responsibility.

This is what occurred with participant #39. He was infantilised by the Cobram and Shepparton Police Services and the Rumbalara Aboriginal Cooperative on the basis of his race and probably his place of birth. He was denied the opportunity of learning what happens when he makes bad choices and breaches normal law and order obligations. He was even allowed to escape the normal application of the rule of law to a violent assault. While this sort of racial discrimination may have roots in good intentions, it has created an environment, which draws young people into attitudes of passive welfare dependency. It doesn't allow them to learn how their own actions can influence their life path. It also explains how well meaning attitudes can unconsciously foster a patronising and disempowering environment and limit the emergence of normal social law and order.

Ironically it is the continued application of “special considerations” for Aboriginal people that reinforces the strength of the debilitating passivity and welfare dependency characteristics of dysfunctional societies.

This case highlights the importance for all the agencies to understand the different philosophy behind the WPS and to change their habitual modes of expectations about Indigenous people. While history should be taken into account, there is also an urgent need for all agencies to rethink their conscious and unconscious patterns of behaviours that contribute to the problem, instead of alleviating it.

12 February 2006