

# DISCOS *and* DRAG RACING

David Baker

## *Victorian initiatives in the policing of youth.*

A healthy liberal democracy welcomes discourse and debate. It is essential that controversial and contentious issues can be aired. Two articles in the *Alternative Law Journal* of June 1993 by Danny Sandor and Rob White raise issues of public concern. Both articles are emotive in nomenclature ('The Thickening Blue Wedge' and 'Police Vidiots') and both need some scrutiny.<sup>1</sup> Both articles point to certain abuses of power: such abuses should never be condoned; they should be exposed for what they are.

### The Sandor article

Sandor does present a forceful case against the Wagga Wagga diversion scheme model of the family group conference and the pressures that may exist to incite young people to acquiesce to an allegation of guilt in order to avoid the stigma of court processing. Direct confrontation between offender and victim could be as traumatic as the original crime to both. Possible effects on the victim need to be seriously considered. In Victoria last year, Gareth Boreham reported that both inside and outside the police force there has been disquiet and opposition to a Wagga-type scheme (*Age*, 20.11.92). It is not a greater empowerment of police that is at issue. In 1992 in Victoria, 127 young people were sentenced to juvenile detention centres; 81% less than those sent to youth training centres in 1980.

Like Danny Sandor, I would welcome better information resources, funding services and procedural reforms to aid crime victims. I too agree that much attention should focus on both 'the situational conditions which provoke offending behaviour' and the provision of adequate service support.<sup>2</sup> The debate concerning the increase or otherwise of police powers should focus on the specific nature of any such changes. As Sandor argues, the rhetoric of the victim discourse should not be used as a fulcrum for increased powers. In fact, it is pertinent to note the tenor of the Victoria Police in 'Operation Reassurance', an attempt to allay fears and enhance safety and security in the face of the spate of murders in the Frankston area in 1993.

Danny Sandor cites the 'over-representation of young males in both the categories of offenders and victims in surveys of reported violence'.<sup>3</sup> In a proactive, educational mode, police, as well as other involved agencies, have a role to play in this regard. Sandor assumes that the vulnerability of young people makes 'them an easy mark for over-policing and the fabrication of crime waves'. Is Sandor implying that police deliberately target young people? The very title of an article by criminologists Stephen James and Ken Polk, 'Policing Youth: Themes and Directions' states this viewpoint directly by assuming police targeting of youth.<sup>4</sup> By no means are all youth in conflict with police. Sandor argues that current economic circumstances are increasing the need and potential for young people to commit income-generating crime.

Again, let's not assume that this relates to all young people. Certainly problems face young people in our community; awareness and assistance are needed in many cases. I would contend that the majority of young people these days are pre-occupied with their peers, schooling, work-orientation, sports and concerns for the future. Rather than assuming that all encounters between police and youth are confrontational, consider a broader spectrum of police encounters with the young.

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Rather than suggesting a deliberate targeting of youth, we should analyse the reasons why some young people attract police attention: it is not their youth but the behaviour of some young people; a minority of youth who may be troublesome. Senior Sergeant Terry O'Connell, co-ordinator of the Wagga Wagga effective cautioning system, has stated: 'And the key to our process is dealing with the offending behaviour and not whether a kid is a good or bad kid' (*Weekend Australian*, 23.5.92., p.3).

Unfortunately, economic times are nurturing increases in the ranks of that minority. With limited resources, it is inevitable that police will target potential trouble spots and look for cues of potential criminal and disruptive behaviour.

Recently, more police have been rostered on afternoon and evening shifts in the central business district of Melbourne. Reports of thuggery, drunkenness and smashed windows in central Melbourne have led to a call from police, city nightclub owners and the Liquor Licensing Commission for a Melbourne City Council ban on alcohol consumption in city streets. The facts that, in 1992, there were 19 rapes, almost 2500 car thefts, 4000 property thefts from cars, and 1100 assaults in the CBD highlight the necessity of police targeting perceived trouble spots (*Age*, 4.8.93, pp.1-2).

As to the 'fabrication of crime waves', if such things are merely fabrications, the media should be our key concern. Certainly in Victoria, the *Herald-Sun* regularly portrays 'crime-wave' front-page headlines. Such 'Law and Order' reports should be analysed for their accuracy, reliability and sources. For decades, both print and electronic media have capitalised on crime stories and fears of the public.<sup>5</sup> Crime prevention and detection is a significant business today, whether we be criminologists, police, lawyers, welfare workers, crime reporters, private security employees or correction officers.

Sandor refers to the cutting of funding to youth support services. The maintenance of the police budget is a separate issue. Both, however, should be discussed in terms of the needs of the community. A budget cut that may have repercussions on the resources of both youth support services and police is the closure/merger of about 200 government schools in Victoria in the past 12 months. The policy of the Directorate of School Education towards larger schools may further strain youth workers and police when we consider that cities like New York and Philadelphia, due to increases in violence, thefts and vandalism, are now returning to the notion of smaller schools as being more harmonious and less threatening to children. An instance is the closure in late 1992 of the Ardoch-Windsor Secondary College's program for homeless youth and the unsuccessful transplantation of about 100 youth to the large Prahran Secondary College, a failure acknowledged by the Principal of Prahran Secondary College. Attempts by the Ardoch Youth Foundation to gain premises to establish a school to meet the special educational, welfare and social needs of homeless and disadvantaged students have been refused by the Minister of Education, Don Hayward. Only about 30-35 of the students are still attending school (*Age*, 11.8.93 and 12.8.93).

## Police initiatives in Victoria

To balance the picture, we should consider and encourage some of the positive initiatives taken by police in attempts to improve relationships with young people. In 1984, the Neesham Committee of Inquiry requested the Research Section of the Ministry of Police and Emergency Services to obtain the views of a sample of Victorian High School students.<sup>6</sup> A survey questionnaire was designed and administered to 1025 students in Years 10, 11 and 12 at eight city/suburban and nine country high schools. The subsequent report concluded that 'almost six in ten of the students hold, to a certain degree, a negative perception of police'. The students expressed an even lower respect for their local police. Male students, especially those of European or Asian origin, had generally a lower respect than females. The highest priority suggested by students to improve relationships was that police should become more involved with schools. The report concluded that there was 'room for police to improve their relationships with High School students generally, at the local level of contact, and with particular sub-groups'.

The Victoria Police have certainly recognised the need to develop better understanding and relations with youth. The Police Schools Involvement Program (PSIP) is the front-runner in this field. In times of media hype about crime waves, it is quite significant that the police hierarchy has allocated at present 83 School Resource Officers – full-time police officers to work in Victorian schools. Almost 800 schools are involved; the focus is on Years 5 and 6 levels of primary schools (though not exclusively). Rather than targeting young people on the fringes of society, the program seeks to cater for students from all backgrounds and dispositions. The demand from schools to become part of the program is overwhelming (150 schools on the waiting list).

The program was framed as a crime prevention strategy to ameliorate rising crime rates, drug and alcohol abuse by children and the alienation of the police from the community. The program, designed by the Victoria Police with the assistance of Health and Education Departments, attempts to provide a balanced approach to the issues of good citizenship, the consequences of crime, and rights, rules and responsibilities. The intent is to help young people to make informed choices about their lives. Police officer, Lorraine Beyer, claims that the 'aim is to develop a better relationship and understanding between young people and police. The long-term aim is to reduce the incidence of juvenile involvement in criminal activity.'

The PSIP is possibly the largest commitment by a police department to any educational program in schools. Evaluation of such a scheme as PSIP must be long term; but anecdotal evidence to date from school communities and the police involved is most encouraging.

The initial recruit training course at the Police Academy has been extended by a week to provide the opportunity for recruits to experience life on *neutral ground* with some homeless/street/disadvantaged/underprivileged youth. This initiative, instigated by the police training section (and possibly its most innovative idea to date), is called the 'Integrated, Experiential Learning' module, or probably to be more commonly known as 'High Challenge'. It comes under the auspices of Vicsafe, aided by some government funding and possibly some corporate sponsorship.

'High Challenge' attempts to break down barriers between some police and some youth; it hopes to destroy mythical stereotypes. The pilot program in February comprised approximately 20 recruits and ten underprivileged youth on a three-day activity in a rural setting west of Melbourne. Senior Constable David Arundale, co-ordinator of the project, and social worker Peter Weame (Elwood/St Kilda area) screened and selected the youth.

'High Challenge' is very much a group enterprise which relies on the development of communication and trust between the group members. All participants have to rely on their own resources as they tackle orienteering, bush walks and other outdoor activities. After a day, it becomes difficult to differentiate between recruits and the other youth. According to the co-ordinator, David Arundale, 'everyone gets something positive out of it' – youth, police and the community can benefit from such an exercise.

The program aims to develop understanding, trust and lateral thinking among all participants. If these youth are facing danger in the future, hopefully they will feel safe about approaching police. An additional support network is put in place for these youth. A cynic might perceive police manipulation in such a scheme; this would seem a rather naive viewpoint as these young people are streetwise and astute.

Another policing initiative, the result of police having identified a youth-police relationship problem, involved the production of a video with some of the local Flemington-Kensington youth. Young people from the area scripted and acted the presentation, 'Listen to Me', which has become part of an educational package for schools and police. The schooner, Alma Doepel, sails about seven times a year with a crew including two police and some sponsored, underprivileged youth. Blue Light Discos, run by police volunteers, have operated for years; 47 are still conducted in Victoria. Has anyone attempted to assess their worth to the community?

Derby Hill Blue Light Youth Camp provides diverse activities for youth including bike riding, walks, mine tours and exploration. In August this year, an experimental scheme called 'Street Legal' has been established by Victoria Police, Health and Community Services, youth workers and the RACV in an attempt to divert recidivist youth aged 15-17 prone to vehicle theft and offences. Young offenders will be encouraged to rebuild wrecked cars, renovate cars and race against police on a speedway. The Victoria Police, increasingly aware of the need to improve relationships with young people, are in the process of establishing a Youth Advisory Unit which will comprise a full-time staff of about six police members. In times of media headlines of 'crime waves', such commitments by a police department are significant.

### Genuine initiatives or social control?

The cry may arise that these initiatives (for that is what they are) are another form of what Danny Sandor calls 'the thickening blue wedge'; another form of police empowerment; another form of so-called police social engineering and manipulation. How does one answer this criticism? Is it not true that many of us are in the business of imparting social values and controls – be we teachers, criminologists, police, parents? None of the above-mentioned initiatives are forced on young people. The essential objective is to establish better understanding and communication between police and young people. Surely this is a commendable goal. If a young person is helped to think laterally, clarify his/her values and understand the accompanying rights and responsibilities, surely such involvement must benefit the individual and the populace in general.

The community, including concerned academics, need to be aware of and give credit for such positive endeavours. No one is denying that there are tensions between some police and some young people. Someone must take the first step to address the problem areas. The police are the first line of contact and entry for many young people to the criminal justice system; it is inevitable that police will have dealings with youth on the street.<sup>8</sup> Positive endeavours to improve relationships and perceptions should be encouraged. Should our complaint be that these initiatives have been too slow to emerge, rather than that they are some form of social control?

Both criminologists and police agree that youth crime is a serious problem in our society. Two years ago, Professor Ken Polk, University of Melbourne, warned that Australia could expect a rise in juvenile crime as more unemployed young people turned to theft and burglary to survive. Polk argued that the real causes of the problem were the recession and the lack of economic and social supports for young people (*Age*, 13.8.91). A year ago, former Chief Commissioner Kel Glare acknowledged:

Victoria has a problem of high crime rates and crime is the prerogative of the young, particularly of young males . . . There is also compelling evidence that youth unemployment is a major factor in crime.

Glare further lamented the emergence of 'an ever-expanding underclass of young people, without jobs and without hope'. He implored police to develop greater sensitivity and a 'generally less confrontationist way' of dealing with young people.<sup>9</sup> If policing is letting some youth down, so much more so is our society. An August 1990 report of the Australian Institute of Criminology claimed that juvenile crime cost the nation \$1.5 billion a year. The report also identified the stereotype of the potential offender: ' . . . below average IQ, one or both parents or a sibling having been convicted of a crime, discordant home environments and low income family backgrounds' (*Age*, 29.8.90, p.15). Elsewhere, Danny Sandor has argued that police should concentrate on serious adult crimes rather than pushing young people into the public role of 'criminal' (*Age*, 26.3.92, p.13). In fact, police are now endeavouring to use some of their time and resources to help some young people from slipping into the public role of 'criminal'.

### The White article

The White article, emotively entitled 'Police Vidiots', concerns the Western Australian Detheridge case. It is not my intention to debate whether or not Sergeant Smith should have been reinstated into the force. Just as police need to be careful not to stereotype youth by the actions of an individual or group, so also academics need to be wary of stereotyping police by the actions of one or a group. White's article raises the perennial problem of police accountability: who should police the police? The article questions the appropriate role of a police union in a case such as the Detheridge one. White's contention that the media tend to be rather more protective of police interests than some other social groups is certainly debatable and one that would be questioned by many police.

### Conclusion

Although both articles contain much that is indisputable, a balance needs to be considered and police awareness and subsequent positive initiatives in dealing with young people should be acknowledged and recorded.

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pensation for the pain and suffering which occurred between 1974 and 1987. There would, in any case, be difficulties in proving the pain and suffering experienced during the time of repression of memory.

If we argue that the pain and suffering arises at the time of the assaults, we may limit the compensation entitlement for pain and suffering to the statutory maximum available in 1981 – \$3000. If this approach is adopted, in effect, Sharon would not be compensated for the years of pain and suffering which have ensued since 1981. There is no doubt that the pain and suffering experienced on the revival of memory is different from the pain and suffering experienced while the memory of the assaults remained repressed.

The full impact of sexual assault is not acknowledged by criminal injuries compensation legislation. Compensation for pain and suffering arising from sexual assault is limited because the compensation payable is tied to the date of injury. The difficulty with compensation, where there are prescribed statutory maximums belies the longevity of the impact of childhood sexual assault.

In addition to arguments about when the pain and suffering

can be said to accrue in childhood sexual assault cases, we also intend to seek compensation for each criminal act. The evidence already led before the AAT will be relied on. We may, in addition, lead further evidence of other assaults which Sharon has remembered during the course of these proceedings. It is unlikely that this matter will be listed for hearing until 1994.

For Sharon, the process of remembering the assaults, counselling and recovery continues. The impact of the legal process, particularly given the length of time this appeal process has taken, has placed an enormous strain on Sharon. This has highlighted the lack of funded counselling services, which provide long-term counselling, available to sexual assault survivors. We wish to acknowledge Sharon's courage and strength in pursuing this process.

## Reference

1. AAT decision: 4 December 1991; Supreme Court of Victoria decision: 10 December 1992; High Court of Australia consent orders: 9 September 1993.
2. Lamm, Jocelyn, 'Easing Access to the Courts for Incest Victims: Towards an Equitable Application of the Delay Discovery Rule', (1991) 100 *Yale LJ* 2187 at 2194-5.

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7. *Chu Kheng Lim v The Minister for Immigration, Local Government and Ethnic Affairs* 1992 (110) ALR 97. It is at least noteworthy that the court found the most offensive section – 54R – to be invalid. The court also noted that up until the passage of the new legislation, most of the boat people had been held illegally. For a more detailed discussion of this decision, see Crock, M., 'Climbing Jacob's Ladder: the High Court and the Administrative Detention of Asylum Seekers in Australia', (1993) 15 *Syd LR* 338.
8. *Van Alphen v The Netherlands* (UN Human Rights Committee Communication No. 305/1988), paragraph 5.8.
9. Conclusion No. 44, 'Detention of Refugees and Asylum Seekers' 1986, Executive Committee of the UNHCR. See also letter of UNHCR (signed by Ghassan Arnaout, Director, Division of Refugee Law and Doctrine) to Philip Rudge, Secretary of the European Consultation on Refugees and Exiles (8 January 1987), reproduced in *Asylum Law and Practice in Europe and North America: A Comparative Analysis*, Coll. G. and Bhabha, J. (eds), Federal Publications Inc., Washington, 1992.
10. See Coll and Bhabha, above, particularly the chapters by Lex Takkenberg (on the European countries) and Arthur C. Helton (on Canada and the USA).
11. More serious cases of denial of legal assistance have occurred with other boats. Some of the Vietnamese from the boat 'George' asked for lawyers on their arrival and were told that their cases were 'different', and that they did not need lawyers; and in January 1992, lawyers in Darwin were specifically refused access to see some Chinese from the boat 'Isabella' (Source: author's personal conversations with boat people and lawyers). The worst example may have been the 113 Chinese from the boat 'Norwich', which landed on Christmas Island in late October 1992. These people were summarily turned around by immigration officials and sent back to China. No independent legal advice was made available to ascertain if they were seeking refugee status, and the Australian public was asked to accept the assurances of the Immigration Department that they were merely misguided people who thought they would be allowed to enter Australia to find jobs (see *Canberra Times*, 8.11.92, 'Boat People Sent Home').
12. Those readers who wish to follow up the detention issue will be assisted by a major new text which is due to be published in December: Crock, Mary (ed.), *Protection or Punishment: The Detention of Asylum-Seekers in Australia*, The Federation Press, Sydney, 1993.

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1. Sandor, Danny, 'The Thickening Blue Wedge', (1993) 18(3) *Alternative Law Journal*, pp.104-8; White, Rob, 'Police Idiots', (1993) 18(3) *Alternative Law Journal*, pp.109-12.
2. Sandor, above, p.105.
3. Sandor, above, p.105.
4. James, S. and Polk, K., 'Policing Youth: Themes and Directions', in D. Chappell and P. Wilson (eds), *Australian Policing: Contemporary Issues*, Butterworths, Sydney, 1989, pp.41-62.
5. This point is well illustrated in Grabosky, P. and Wilson, P., *Journalism and Justice: How Crime is Reported*, Sydney, 1989, at pp.24,127,130; Sarre, R., 'Reporting Crime', (1992) 17(4) *Alternative Law Journal*, pp.183-6.
6. *Policing in Victoria: The opinions of Victorian High School students*. A study undertaken for the Committee of Inquiry into the Victoria Police Force, Research Section, Ministry of Police and Emergency Services, Government Printer, Melbourne, November 1984, sections 6.4,6.5,8.3, and 11.
7. Beyer, Lorraine, *Community Policing: Lessons from Victoria*, Australian Institute of Criminology, 1993, p.15.
8. Moore, David, 'Measuring Police Productivity' in P. Moir and H. Eijkman (eds), *Policing Australia: Old Issues, New Perspectives*, Macmillan, Melbourne, 1992, p.56. Moore calls police 'the gatekeepers of the criminal justice system'. He explains: 'The question of who would be put into the system and who kept out has since been determined largely by police discretion except where serious offences were involved'.
9. *Police Life*, July/August 1992, p.3.