



SAFE SPACES

**A TOOLKIT FOR
DEALING WITH
POLICE/YOUTH
CONFLICT**

Safe Spaces: a toolkit for dealing with police/youth conflict

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Safe Spaces both acts on and develops the recommendations made in the 2010 report by Bec Smith and Shane Reside, *'Boys, you wanna give me some action?' Interventions into Policing of Racialised Communities in Melbourne* (Springvale Monash Legal Service).

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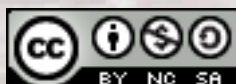
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Introducing Safe Spaces

This toolkit promotes ethical, youth-focussed and rights-based approaches to dealing with young people and policing issues. It is targeted to Victorian community, local government, youth and legal sector workers, but has the potential to be useful for workers in other states.

Safe Spaces seeks to reduce young people's interactions with all aspects of the criminal justice system. To this end we focus on police and policing practices, as contact with the police is often a conduit to the courts and, ultimately, imprisonment.

Our focus is on racialised young people, although the toolkit may also be useful in working with similarly 'othered' groups, such as young people who experience marginalisation due to gender, sexuality or disability. Safe Spaces does not speak directly about experiences of conflict between Indigenous young people and the police. Although these tensions are extremely troubling and warrant further discussion and support, we do not attempt to address those issues here.

Our 2010 research report *'Boys you wanna give me some action?' Interventions into Policing of Racialised Communities in Melbourne* demonstrated that policing has major impacts on the lives of young people, especially those who are marginalised due to race or religion. These impacts primarily arise out of police/youth tension which, in part, occurs when police enforce notions of acceptable use of public space and young people respond.

Our research also revealed that many young people experience deep frustration with community engagement projects that seek information or answers from them but don't result in any meaningful outcomes. This entrenches the real and perceived sense of disenfranchisement that these young people experience.

Safe Spaces draws on formal interviews conducted in 2010 as well as more informal consultations conducted throughout 2011.

Safe Spaces is designed to assist organisations to identify the possibilities for and potential outcomes of interventions into police/youth conflict. We offer suggestions about how to weigh up potential benefits as well as risks so that educated and considered decisions about how to do, or not to do, this kind of work can be made.

Safe Spaces is not designed to provide a solution to complex issues. Rather we hope to stimulate conversations about how the activities of the relevant sectors contribute to the degree of freedom, safety and support that young people experience. Further we hope to provide tools for those working with young people to approach their work in a way that doesn't accidentally further criminalise, alienate or discriminate against young people, or act as a mechanism of social control by reducing their access to or entitlement to enjoy public space, safety and liberty.

Ultimately Safe Spaces seeks:

- A reduction in the negative impacts of policing on young people;
- A closure in the gap between young people's views on the one hand, and public discourse on the other, about policing, public space and safety;
- An increase in understanding of, and support for, vulnerable young people and the issues they face.

Section One outlines the political, social and legislative frameworks in Victoria that contribute to how young people are perceived, represented and treated. This section looks primarily at issues of public space and policing.

Section Two provides a brief description of community policing, explaining various roles within Victoria Police. It also provides some case studies of community policing projects.

Section Three presents some alternative options for intervening in police/youth conflict and provides some tips on what to consider when choosing to engage in the issues.

Section Four provides suggestions for further reading and identifies some useful resources.

SECTION ONE

**THE LAW, PUBLIC
SPACE AND POLICING:**

**PERCEPTIONS AND
TREATMENT OF
YOUNG PEOPLE**

Introduction

The Victorian Coalition Government was elected in 2010 on the back of a tough law and order agenda. Coalition leader Ted Baillieu promised a “comprehensive program to stop the record rising violence which Victoria has suffered over the last decade”,¹ which included 1,600 additional police on the streets,² 940 Protective Services Officers (PSOs) on train stations at night and 100 extra transit police,³ as well as the abolition of suspended sentences⁴ and home detention.⁵

After his election, Baillieu also flagged tougher sentences for all serious offences and statutory minimum sentences for gross acts of violence. While the Government has delayed the introduction of a statutory minimum sentence for young people aged 16-17 for gross acts of violence,⁶ Victoria Police has gone into recruitment overdrive⁷ and the first intake of PSO recruits commenced training in November 2011.⁸

As heavy-handed as the Coalition’s approach to law and order is, it does not differ markedly from the approach of the previous Labor Government as far as young people are concerned. In addition to the anti-hoon driving laws, the Brumby Labor Government introduced the Graffiti Prevention Act in 2007 as well as amendments to the Summary Offences Act and the Control of Weapons Act in 2009, in which the police were given move on powers and sweeping random weapons search powers. Further significant changes were made to the Control of Weapons Act in 2010. All of these laws have targeted young people.

Summaries of the new police powers contained in these Acts can be found on pages 11-13.

Baillieu’s measures will also have a disproportionate impact on young people by virtue of the simple fact that young people tend to make greater use of public spaces, including train stations, as “social, living and cultural spaces”.⁹

Knife Violence: Perception and Reality

The impetus for the introduction of the wide array of laws impacting young people has included the media’s creation and perpetuation of the perception that young people are knife-wielding violent offenders. This isn’t the case.

While knife *carrying* is most commonly done by young people, it does not automatically follow that knife *violence* perpetrated by young people is on the rise. Research shows that young people generally carry knives not in order to commit crime, but to protect themselves.¹⁰

In addition, when adjusted to account for the population increase, police data shows that there was no increase in the number of assaults involving a knife between 1999/00 and 2008/09. When adjusted to account for the population increase the number of robberies involving a knife actually fell by more than six per cent over the same period.¹¹ Both assaults and robberies involving knives continued to fall between 2008/09 and 2009/10.¹²

Impact of Graffiti Laws

The impacts of the Graffiti Prevention Laws on young people were explored at a Monitoring Forum convened by Youthlaw in April 2009.¹³

Youthlaw reported that most young people interviewed had been searched at least once in and around public transport, in skate parks and on main streets. They reported having items which are not graffiti implements confiscated, including sketchpads, artwork, digital cameras, mobile phones and backpacks. They did not always get these items back.¹⁴

The young people interviewed by Youthlaw felt they were being stopped because of the way they looked, what they were wearing or where they were located. “There was an overwhelming sense that this amounted to unfair treatment by the police.”¹⁵ In addition, the laws are leading some young people to engage in dangerous behaviour such as going into drains to graffiti in order to avoid being caught. There have been three graffiti related deaths since the laws were introduced.¹⁶

Impact of Move On Laws and Weapons Search Powers

While there has been no assessment of how Victoria’s move on laws are being applied, research on interstate jurisdictions demonstrates that move on laws disproportionately impact young people.

A NSW Ombudsman’s review undertaken in 1999 showed that 48 per cent of directions to move on were issued to people under the age of 18 and approximately 50 per cent were issued without a valid reason. The NSW Ombudsman’s review also examined the use of weapons search powers which, again, were disproportionately applied to young people.

“The young people interviewed felt they were being stopped because of the way they looked, what they were wearing or where they were located.”

Indeed, NSW police data suggests that many searches are conducted for arbitrary reasons including the time of day when the person was observed, the clothing worn or accessories carried by the person or their location in an area with a high incidence of violent or non-violent crime,¹⁷ as well as for no reason at all.¹⁸ In addition to an “exponential rise in the reporting of ‘unproductive’ searches”,¹⁹ the Ombudsman’s review showed that “people from 15 to 19 years of age are much more likely to be stopped and searched for knives than any other age group”.²⁰ This is despite the fact that “the proportion of productive searches is comparatively low for teenage suspects”.²¹

The Ombudsman suggested that one factor that might explain the disproportionate targeting of young people is the “difference in the way that young people make use of public space, including a propensity to ‘hang out’ in busy commercial precincts or transport interchanges”.²²

Predictive Powers

One of the key problems with the new police powers is that they are predictive; no criminal act needs to be committed before the police intervene.

Intervention is based on assumptions about an individual's or a group's *circumstances* rather than *actions* —assumptions that circumstances such as being in a skate park, being in a group in a public park, being at a train station, or carrying a texta will result in criminal behaviour. These predictive powers effectively criminalise non-criminal behaviour and breach the right to the presumption of innocence.

Breaching Human Rights

The laws also breach a range of other rights contained in Victoria's Charter of Human Rights and Responsibilities.

At the time the legislation was introduced then Minister for Police and Emergency Services, Bob Cameron MP, acknowledged that both the 2009 and 2010 amendments to the Control of Weapons Act were incompatible with the Charter. In particular, the rights to privacy (s.13(a)), to liberty and security (s.21(1)) and to the protection of children (s.17(2)) were breached.²³

“These predictive police powers effectively criminalise non-criminal behaviour and breach the right to the presumption of innocence.”

Although the Minister concluded that the move on amendments to the Summary Offences Act and the Graffiti Prevention Act were not incompatible with the Charter, those laws do impose limitations on a range of young people's rights including the rights to recognition and equality before the law (s.8(3)), freedom of movement (s.12), privacy (s.13(a)), the protection of children and families (s.17(2)) and personal liberty and security (s.21(3)). Whether those limitations are “reasonable”, “justifiable” and “proportionate”, as the Minister asserted, is arguable.²⁴

Young People and Public Space

In his paper *Young People, Community Space and Social Control*, Rob White describes how the conflict over the use of particular urban spaces forms the basis of the relationship between young people and the police, and how police/youth conflict arises out of this contest over young people's use of public space.²⁵ Young people's assertion of their right to occupy public space is perceived as a challenge to police authority and often leads to an escalation of police aggression.²⁶

White argues that the regulation of commercial spaces such as malls, shopping centres, pedestrian strips and streets is particularly problematic. The extended regulation of public space in this way effectively redefines public space as private space and closes it off to those who don't consume. Young people's presence in public space is thereby de-legitimised.²⁷

Dean Wilson, Jen Rose and Emma Colvin reach much the same conclusion in their research into young people's experience of surveillance in public space in Melbourne. They argue that the increased surveillance that has resulted from "the rise of the 'consumer city' and the reconfiguration of public space for the purpose of mass consumption" is designed to encourage consumers to spend time and money in public areas by making them feel safe. The same technology that reassures 'valid' consumers renders "those without adequate resources to participate in this consumer experience, such as young people, people experiencing homelessness, and other socially disadvantaged groups", 'flawed' consumers.²⁹ 'Flawed' consumers constitute a threat or nuisance to 'valid' consumers and, as such, are stigmatised and excluded.³⁰

"Young people are more likely to experience crime than commit it."

For marginalised young people, the impacts of being stigmatised and excluded from public space are particularly acute, for they are "often compelled to spend large amounts of time in public spaces due to [the] absence of other options".³¹

We Do Not Have Youth Problems, We Have Community Problems

Public debates, which precipitate legislative reforms, contribute to young people's sense of not being part of the community that the police exist to 'serve and protect'.

In contrast to dominant discourse, we argue that we do not have 'youth' problems but rather community problems.³² Acknowledging that for the most part young people are not a dangerous or criminal group is an important step to increasing support and understanding, and thereby fostering the safety and security of young people generally.

Participants in Wilson, Rose and Colvin's research expressed "considerable concern about becoming victims of violence in public spaces, particularly on Friday and Saturday evenings".³³ The fear of assault, either with or without weapons, actually led the young people interviewed to avoid particular public spaces, rather than frequent them.³⁴

The research participants' feelings of vulnerability were further exacerbated by being the targets of discriminatory law enforcement initiatives and unjustified stigmatisation as the perpetrators of violence.³⁵

In fact, young people are more likely to experience crime than commit it. Young people aged between 16 and 24 experience higher rates of all types of personal crime than other age groups.³⁶

Youth, community and local government workers need to consistently advocate for young people's place and space in our community.



Graffiti Prevention Act

- A young person can be charged with marking graffiti or marking offensive graffiti;
- A young person can be charged with possessing a graffiti implement if they are carrying anything that can be used to mark graffiti, such as an aerosol paint can or a permanent marker and the police have reasonable suspicion that they intend to graffiti;
- A young person can be charged with possessing a prescribed graffiti implement if they are carrying an aerosol paint can and they are trespassing; they are on the property of a public transport company; or they are on adjacent public property. There is no need for the police to reasonably suspect that the young person intends to graffiti before they can be charged;
- The police can search any person who is 14 years or older who is trespassing, on the property of a public transport company or on adjacent public property and they reasonably suspect that the person is carrying a graffiti implement. The grounds for reasonable suspicion include that the person is in a place that has a lot of graffiti or has been recently marked.³⁷

Summary Offences Act: Move On Provisions

- A young person can be given a direction to move on and stay away from a public place for up to 24 hours if the police reasonably suspect that they are breaching or are likely to breach the peace; that they are endangering or are likely to endanger the safety of another person; or that they are likely to cause injury to another person, damage to property or are otherwise a risk to public safety;
- A direction to move on does not need to be given in writing.³⁸

Control of Weapons Act

- A young person can be charged with possessing, carrying or using a prohibited weapon, a controlled weapon or a dangerous article, and with buying a prohibited or controlled weapon if they are under the age of 18;
- Prohibited weapons include flick knives, concealed knife blades, knuckle dusters and martial arts weapons. Controlled weapons include hunting and fishing knives, pocket knives, kitchen knives and imitation firearms. Dangerous articles are everyday items such as tools or sporting equipment that have been modified or are being carried with the intention of using them for violence;
- The police have the power to declare a public area such as a train station a planned designated area if more than one incident of violence involving weapons has occurred there in the past 12 months or if an event is going to be held there that has a history of violence involving weapons and there is a chance that violence will occur there again. The public must be given seven days notice if an area is being declared a planned designated area;
- The police have the power to declare a public area an unplanned designated area if they believe that violence involving weapons is about to happen and they need to designate the area to stop it. The public do not need to be given any notice if an area is being declared an unplanned designated area;
- In a planned designated area the police can randomly search a person under the age of 18 using a metal detector. If a parent, guardian or independent person is present the police can also conduct a pat-down search and ask the young person to empty their pockets or bag and remove outer clothing;
- In an unplanned designated area the police can search a person under the age of 18 without a parent, guardian or independent person being present if it is not “practicable in the circumstances” for a parent, guardian or independent person to be present.³⁹ In such circumstances, the search of a young person including a strip search can be conducted in the presence of any person of the same sex including another member of the police force.⁴⁰

Protective Services Officers

While police powers were significantly increased under Labor, the Baillieu Government has extended all of the powers available to the police under the Graffiti Prevention Act, the Summary Offences Act and the Control of Weapons Act to the armed PSOs, who will patrol metropolitan trains and train stations.⁴¹

Under the Graffiti Prevention Act, this includes the power to conduct a search of a person 14 years of age or older without a warrant, as well as the power to serve an infringement notice for an offence against the Act.⁴² Under the Summary Offences Act, this includes the power to give a person a direction to move on, as well as the power to serve an infringement notice for an offence against the Act.⁴³ Under the Control of Weapons Act, this includes the power to conduct random searches for weapons in a designated area without a warrant, as well as the power to serve an infringement notice for an offence against the Act.⁴⁴

The PSOs are of particular concern because they will be inexperienced, armed with semi-automatic weapons⁴⁵ and “in position to arrest, remove or impede any offenders or threatening individuals”.⁴⁶ While PSOs will have the same powers as the police, they will not receive the same level of training or on-the-job supervision.⁴⁷

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SECTION TWO

POLICE IN YOUNG PEOPLE'S SPACE

Introduction

Overwhelmingly, individual workers' and organisations' interventions into police/youth conflict — particularly with racialised young people — have contained some element of police involvement. This ranges from one-off meetings or information sessions within a broader program, to full police participation in and control of every aspect of the program. These kinds of responses have been posited as ideal, or at least beneficial, by community workers and the police. They rely on a basic set of assumptions about the causes of police/youth conflict:

- That tension between young people and the police exists due to young people's lack of understanding of the police (either in their professional role or as individuals);
- That the misunderstanding about the role of police by racialised, newly arrived, refugee or migrant young people is 'clouded' by their experiences of authority in their home or other countries;
- That there is sometimes a lack of understanding of the issues facing young people on the part of the police.

Responses that combine the involvement of police, young people and the community sector can be loosely understood as 'community policing' activities. From a police perspective, community policing is about a proactive and preventative approach to issues of crime, public safety and the fear of crime. It attempts to refocus the traditional role of the police from crime investigation to 'community-centred' approaches, and involves high levels of police contact with the community in a range of contexts.⁴⁸

“Community policing programs that involve racialised young people often attribute young people's fear of police to ‘cultural memory’. There is little acknowledgement that these fears are often based in experiences young people have had at the hands of police in Australia.”

The community and local government sectors have been strong advocates for community policing projects, motivated by a genuine hope that this would result in positive outcomes for young people and improve the relationships between the police and the organisations themselves. Young people have participated in these kinds of activities in the hope that it would result in police listening to them and being more responsive to their demands. These demands include:

- An easing of or end to police harassment;
- Police employing conflict de-escalation tactics;
- An end to the practice of persecuting young people who occupy public space;
- A reduction in police violence.

Community workers have been involved in these kinds of activities for similar reasons, including the desire to equip young people with the skills to manage their interactions with the police.

Community policing responses generally involve the roll-out of projects that are designed to foster ‘trust’ and ‘greater understanding’ between communities and police and break down barriers between the two. These responses also often involve an element of rights education to ‘affected’ communities. Generally speaking these types of programs involve sporting activities, camps, creative activities and dialogue or problem-solving groups.

Victoria Police has a number of roles that are at least in part dedicated to community policing activities. These include:

- Multicultural Liaison Officers (based in six Multicultural Liaison Units across metropolitan areas and in Swan Hill);
- New and Emerging Community Liaison Officers (based in over six Police Service Areas across Melbourne);
- Youth Resource Officers (assigned to Local Government Areas);
- Gay and Lesbian Liaison Officers (at various police stations throughout the state).

For further discussion on community policing and its origins please refer to, *‘Boys, you wanna give me some action?’ Interventions into Policing of Racialised Communities in Melbourne.*⁴⁹

The Problems With Community Policing

Despite having emerged in part from the hard work and commitment of community organisations and local governments seeking to positively intervene in negative relations between young people and the police, there have been a number of difficult dimensions to community policing responses. Research has shown that despite the best of intentions, typical responses have not necessarily resulted in increased responsiveness of police to marginalised young people and their concerns.

In fact, community policing activities have sometimes had detrimental impacts on both the young people and workers involved.⁵⁰

The shortcomings of community policing responses can generally be understood to fall within four main categories:

- The problematisation of young people;
- Police control over community policing activities;
- Evidence gathering in the course of community policing work;
- The ‘trickle up’ logic: the expectation that an increased understanding of the issues by some on-the-ground officers will result in changes to the culture of the police force more broadly.

In addition, our research suggests that these community policing projects often fail to acknowledge existing power imbalances between young people and the police, and can contribute to the construction of police as a legitimate part of the community and young people as disengaged outsiders.⁵¹ Furthermore, individual police officers’ participation in community activities does not necessarily result in changes in their behaviour in the course of street policing.⁵² Ultimately, building closer relationships between young people and police often results in the intensification of policing of those young people, rather than the desired decrease of these interactions.⁵³

The Problematisation of Young People

Within community policing projects there is often an emphasis on the education of young people about what constitutes appropriate behaviour in dealing with the police, and what the role of the police is in Australia. This approach assumes that the problem lies in young people not understanding the role of the police. While in some cases this may be true, this assumption minimises other causes of conflict.

Community policing programs that involve racialised young people often attribute young people's fear of police to 'cultural memory'. This may be based on the often false assumption that they grew up in a country outside of Australia, or that their fears are born of community or family narratives about policing in other countries. There is little acknowledgement that these fears are often based in experiences young people have had at the hands of police in Australia.

We are concerned by how young people's behaviours, such as avoiding police contact or hanging out in groups, is posited within this emphasis on education. Again we see the actions of young people are deemed suspicious or indicative of guilt, as opposed to being understood as legitimate responses and protective strategies.

Police Control Over Community Policing Activities

Many young people and workers that we have spoken to have talked about police control over community policing projects. Police control has not necessarily been pre-arranged in these projects, but has nevertheless been an unintended reality. Often, young people's participation in activities has been conditional upon police approval or the participants being considered 'good kids' by the police. This has resulted in the exclusion of particularly vulnerable young people, including those who have challenged police authority.⁵⁴ These young people's negative experiences of policing cannot be found in the evaluations or reports on community policing projects, as these voices are blocked from participation in the first place.

Another problem with police control is the expectation that the young people involved will build ongoing relationships with police, which translates into increased contact with police. This contact is not necessarily voluntary and could be viewed as coercive behaviour on the part of the police and community workers involved.

Evidence Gathering in the Course of Community Policing Work

We have also heard of instances where police have gathered intelligence during the course of community policing activities. This is not surprising given that police are always policing. However, it has come as a rude shock to young people and community workers alike. Young people's refusal to provide intelligence acts as a trigger for suspicion or police aggression in street policing⁵⁵ and can be responded to in the same way within community policing activities. Evidence gathering works to further break down trust between young people, police and workers, especially where there has not been specific information given to young people that this intelligence gathering may occur.

The 'Trickle Up' Logic: Community Policing Fails to Change Police Culture

Some of the support for community policing responses relies on the assumption that by building relationships and an increased level of understanding by police and young people of each other's lives and experiences, their interactions with each other will be improved. However, this relies heavily on the idea that these increased levels of understanding and responsiveness will 'trickle up' in the police force and will have some influence over the police force more broadly.⁵⁶ These changes cannot be guaranteed and there is little evidence that the desired outcome has been achieved.

“Our research suggests that these community policing projects often fail to acknowledge existing power imbalances between young people and the police, and can contribute to the construction of police as a legitimate part of the community and young people as disengaged outsiders.”

Generally it is only operational police that become involved in community policing projects and this involvement is often patchy. Additionally, individual officers have very little power to create cultural change in their own organisation. While these projects may contribute to improvements in the treatment of young people by some police officers, there are real limitations on the potential for change more broadly.

The View From The Ground

Over-Policing of Young People

As outlined in “*Boys, you wanna give me some action? Interventions Into Policing of Racialised Communities in Melbourne*”, over-policing has a massive impact on young people. The report found:

- Young people have been stopped, questioned and photographed by the police for no reason, often several times a day;
- Young people have been subjected to police violence, both in and out of uniform;
- Young people have been forced to accompany the police without being arrested;
- In some cases, young people do not feel supported by community leaders when they are harassed by the police;
- Young people consistently report feeling excluded from public space, which results in increased conflict with the police;
- Young people do not feel safe in public, leading to protective strategies that feed in to media stereotypes;
- Young people are often aware that their rights are being violated, which results in feelings of alienation;
- The police imply the criminality of young people through scrutiny, attention and questioning;
- Media representations of ethnic youths in public space as outsiders creates public paranoia, which in turns legitimises the actions of the police.⁵⁷

The report also found that young people are subject to forms of community policing that have emerged alongside the intensification of explicit, racialised practices of over-policing.

The community policing case studies that follow are drawn from our 2010 research and consultations for Safe Spaces. All case studies have been de-identified to protect the privacy of the parties involved.

Case Study One: The Camp

Youth workers in a Local Government Area were hearing lots of stories from both young people and police about troubles between the two groups, including incidences of ongoing questioning of young people and physical altercations and assaults. The youth work team decided to organise a camp at which both young people and police were present. The camp went for three days and both groups participated in various sporting and creative activities. The idea behind organising the camp was that it provided the opportunity for dialogue, where both groups could put forward their views and experiences and relationships would be strengthened between young people and police, resulting in diminished tensions between the two groups.

What young people said:

- The camp was about bonding the police and the youth ya know and sharing experiences, you know sharing moments that happened, try to see who was in the wrong, how we could change it, how we could make it better. You know, next time how do we do things a better way.
- It was the youth worker's idea.
- It wasn't a good idea, I just thought it was a waste of money.
- Cos you're never gonna make things change over thee days. It's been happening for the last four years you know, you can't make somebody change their whole mind over three days you know?
- Um, it was alright but, I don't think it will change anything.
- Help them out any way you can but always know the cops won't change over a period of time. You have to give it months, years, you know?
- You know and get police officers that are there to help the community, such as [police officer's name], but he is one guy, you know .
- For me [the project] is just helping the community get along with police, you know? It's not about showing how the police treat us you know... But we want people to be on our side, like [the project] is not on our side, it's not an even playing field ya know.
- Yeah, he coulda known me better you know? And maybe like I coulda understand how he's dealing with stuff.
- Yep it [the project] was on our side at the start. It wanted to tackle the police head-on [but] the police, the people they had the most problems with they denied them and said you're not allowed to come to the camp, if you come, the program's off.

What the worker said:

- I do see a lot of effect thus far. I saw some extraordinary interactions taking place between the young people and the police and real listening on both sides and since then the young people have been saying that they understand the police a little bit better and that the police understand them better.
- I think it is its first year. So as good as it is at the moment, but what I would probably change, or look at, is when you do — when you bring the police together again with young people. It's not just in an encapsulated space. On a camp you would probably look at being able to put the police in spaces within the community to help out in other ways or to play a role in that community developing better, and I'm not sure what that is exactly at the moment, but that is what I would look at to make a strategy for.

Case Study Two: The DVD

In response to stories of tension between young people and the police, youth workers in a region worked with a small group of young people in producing a DVD that dramatised some real-life interactions between young people and police and discussed some aspects of the cultures with which young people identified. The DVD, intended as an educational tool for police in the region, was presented to police during in-house training as a way of increasing police understanding of the particular group of young people and thus improving police approaches to that group.

What young people said:

- Just like more training and that, I don't think that will work.
- I reckon the amount of police that were involved in the program... I don't reckon there is nowhere near enough, there is only a small fraction of the police department. I mean it's only a local program.
- Slowly increase the numbers because I mean, there is always the one person in the group who would actually listen and take the message back. If there is a large group then the chance of whatever has been preached to continue going on is far greater than if there is only about four or five.
- Yeah, it kinda helped out.

What the worker said:

- It was an extraordinarily positive exchange that took place, a very deep significant exchange between them because up until then there had been tremendous kind of conflict. I would say I think that that is a very extreme example of the shift in dynamics and the shift in the deepening of understanding of one another and I would say that between all of the young people and the police there were degrees of that shift taking place. It is really impossible to know what the police response will be but that sort of internal process for the young people is already very powerful. I see a change occurring already and I see its potential for a great deal of impact.

Case Study Three: The Weekly Soccer Game

Alongside high levels of 'disengagement' amongst racialised young people in the area, young people reported several incidences of racial profiling by the police to local youth workers. In an attempt to intervene and improve safety and participation for the young people, workers organised a weekly soccer game in which young people participated and the police were often, although not consistently, present.

What young people said:

- Something different [needs to happen]. For the cops to come [to the soccer games], they still, like they have nothing to lose, they're still getting paid so they wouldn't care, they'd come and do it.
- Something different is needed.

What the worker said:

- Some conversations. Nothing much. I can't say there's been this outcome you know, "and we prevented five robberies, three drink driving..." nothing like that. I think the conversation has started... the expectations are sometimes way too high, on both sides.
- I think it's one of the ways to address some of the issues. It probably doesn't address those on-the-street in-the-moment issues much, it probably hasn't got much impact there.
- I think that there are a few programs going on that better set up young people to feel a level of choice when they're dealing with the police. Um, and those programs are young people taking the message out to more young people about how to deal with police and what the expectations are on both sides.

Section Two Endnotes

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49. Smith, B. and Reside, S., Op Cit., p.20.
50. 50 Ibid., pp.10-15 and p.27.
51. Ibid., p.23.
52. Ibid., p.22.
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56. Ibid., p.22.
57. Ibid., pp.10-15 and p.27.

SECTION THREE

CREATING SAFE SPACES

Introduction

Historically, community policing activities have been put forward as the only appropriate community sector facilitated interventions into police/youth conflict. This is despite consistent calls for alternative responses such as:

- Reducing police discretion;
- Increasing police accountability;
- Redistributing material resources to alleviate disadvantage.⁵⁸

We acknowledge community sector workers are subject to very real organisational and funding pressures. However, we know that rates of contact with the police are the primary determinant factor in whether young people go on to experience arrest, court and incarceration.* For this reason the potential impacts of interventions involving the facilitation of contact between young people and police should be carefully considered and alternative responses thoroughly explored.

Options for Responding

Any interventions into police/youth conflict should seek out possibilities for action based upon support for the positive visions young people hold for their own communities, with the ultimate aim of reducing the level of policing that young people experience.

Any community sector response needs to be mindful of young people's views and experiences, as well as acknowledge the underlying power imbalances that contribute to both the tensions between young people and the police, and the continuation or exacerbation of those tensions.

We are especially concerned to ensure that community workers do not push young people into programs that, even unintentionally, operate as a mechanism of social control by attempting to contain their energies, undermining the alternative, unsupervised activities that young people may choose for themselves.⁵⁹

“An important starting point is to ask the affected young people themselves what they would like to see happen.”

In making decisions around responding to police/youth conflict and in supporting young people generally, an understanding of the social and political context of the conflict or issues is paramount. An important starting point is to ask the affected young people themselves what they would like to see happen. These discussions with young people should be effectively supported and facilitated with a range of options being presented.

* There may be exceptions whereby young people are the victims of crime. For further discussion on the under-policing of youth victimisation see White, R. 1997.

Key principles to be mindful of are:

- Youth control over the structure and design;
- Support for young people doing communication and advocacy;
- Young people's right to inhabit public space;
- Public acknowledgement of young people's negative experiences of policing.

With these principles in mind, young people should be supported to generate positive alternative solutions to structural issues that generate police/youth conflict. These could include:

- Campaigns for young people's right to use public space;
- Lobbying for resources for initiatives that reduce violence and feelings of insecurity;
- Funding for community arts and other projects such as music or multimedia pieces;
- Support of young people's pursuit of legal recourse for police misconduct;**
- Supporting individual acts of resistance on the part of young people;
- Alternative media strategies.

In our 2010 research and 2011 consultations, young people put forth the following ideas as to what kinds of responses they'd like to see and how they could be supported:

- Teach us, a lot of the youth, how to deal with certain situations you know? If the police bash you, where to go to, how to make a claim, stuff like that.
- Real conversations about what really happens when young people try to stand up for themselves or question police about being constantly stopped and questioned.
- Young people hanging out in groups is for protection — isn't that what they tell us to do? To be safe? Go with a buddy? But when we're with our friends we're called a gang. I would rather stay at home than walk by myself, we're used to being together. I might go crazy if I don't have someone to talk to me.
- Community events for educating community. I don't know my neighbours. As soon as they see police at my house they think we're bad. Education by young people to the rest of community.
- Youth committees.

** Young people should be made aware of the inadequacies of police complaints systems when making the decision to follow this course of action. The majority of complaints made against police are unsuccessful. For more information regarding police complaints systems in Victoria see Hopkins, T. 2009 and Smith, B. and Reside, S. 2010.

Managing Risk

As we have outlined there are serious risks involved in bringing marginalised young people in to even more contact with the police. The main things to consider are:

- How will this project support and strengthen young people's own sense of agency?
- Is this project likely to cause harm to even one young person?

The following checklist provides useful questions to ask if your organisation is considering facilitating a response to police/youth conflict that involves police participation. Many of the checklist items will also be useful to consider if choosing some other course of action.

In the event that young people themselves feel that some kind of project involving the police is their preferred response, there are a number of things that should be carefully considered before proceeding. They relate to:

- Program design and implementation;
- Safety and rights of participants;
- Subsequent or longer term impacts.

The checklist is designed to ensure that clear guidelines and objectives for joint police/youth activities are developed before facilitating contact between young people and the police, so that young people are not exposed to further contact with the police where that contact may be detrimental to their wellbeing. It is also designed to support young people's determination of when and where community policing activities occur.

“There are serious risks involved in bringing marginalised young people in to even more contact with the police.”

This checklist should be used as a guide only. It is a good idea to discuss, clearly articulate and document these considerations in program planning and development.

Program Design and Implementation:

☐

What is the analysis of existing police/youth relations?

- What is the impetus for the program?
- Has an analysis of the causes and potential solutions to the issues been undertaken?
- This analysis is critical as it inevitably contributes to what programs or responses are developed. Is there evidence of the chosen response being effective?

☐

What are the structural/social/political/environmental factors impacting upon police/youth relations in Australia and in your area?

- Which of these factors is the program seeking to address. How is that articulated in project documentation?

☐

How will impacted young people be involved in the setting up or design of the program?

- Have young people been consulted to gain a sense of the support and responses they seek?
- Will young people be supported to effectively participate in the program, including access to financial support such as being paid for their time, or supplementing travel costs to attend meetings?
- Are there clear decision-making processes whereby young people have genuine input into the project?
- With whom does accountability for the project and its outcomes lie?

☐

How will young people be involved in the implementation of the program?

- How will young people's participation in the roll-out of the program be supported?
- Will the program include a youth steering committee?
- Who exercises decision-making power in program implementation?
- Who gets the final say and what are the available processes for input from other community members?

☐

How will the program incorporate the views and ideas of young people?

- Are there clear decision-making processes and clear procedures around what happens if there are differences of opinion?
- How can the program support meaningful youth input and ensure young people's ideas (including demands for increased police responsiveness) are incorporated?

☐

How can you ensure that the program is informed by the Victorian Charter of Human Rights and Responsibilities and/or the Convention on the Rights of the Child?

- Can you ensure that the recommended activities or program do not impede on young people's rights?
- Can you ensure that the recommended activities or program do not unintentionally cause further harm or negatively impact affected young people?

☐

How will the program address negative policies and/or the individual behaviour of the police?

- What agreements are in place in relation to police participation and behaviour?
- What do young people wish to see happen when negative police behaviour is experienced?
- Has a written protocol been developed?
- Has a code of conduct for workers, police and young people been developed?
- What are the procedures to be used in the event of conflict or a breach of protocol?
- How will the program deal with unintended negative consequences and how can these be avoided?

Safety and Rights of Participants:



Is participation in the program entirely voluntary for young people?

- Voluntary participation is an important component of any program. Young people need to be supported to participate of their own accord and because they genuinely believe there's a chance the program will improve things for themselves and others. A 'no blame, no consequences' opt out for young participants is also important to ensure young people's safe participation.
- The police should not be given the power of veto over who participates in community policing activities and young people should never be 'tricked' into participation in community policing activities under the guise of offering them otherwise unavailable recreational activities.
- Given the disparity in power involved, once police get to know a young person and they have a 'relationship', is that relationship voluntary? What are young people expected to give in return for police 'goodwill'?⁶⁰



How does the program identify, understand and strengthen young people's protective strategies for dealing with police?

- How can the program seek to redefine young people's protective strategies such as hanging out in groups, running away from police or 'talking back' to police and support or validate these strategies?
- Where these strategies are defined as problematic or unhelpful by young people themselves, how can replacement strategies be discussed and developed?
- How can the program enhance existing and provide new protective strategies for young people when in contact with the police?
- How does the program provide options for learning, building community relationships and access to role models and mentors?

☐

Is there a clear agreement with the police that information provided by young people during the program will not be used in subsequent criminal investigations or proceedings?

- Consider asking for this agreement in writing from the police. Be aware that police are always policing; there is no such thing as 'off the record'.
- Options for meaningful, localised community input into local police practices should be pursued.
- Ask for formal undertakings from the police not to use information gained through community policing activities in criminal investigations, as well as a commitment to give formal notice to involved organisations and individuals if they intend to use intelligence gathered in the course of community policing activities.

☐

Are the young people involved in the program fully informed of the risks to privacy and confidentiality?

- Are young people aware that there's no such thing as 'off the record' when speaking with police?
- How can this be discussed in the program in a helpful way?
- Are young people informed of the privacy and confidentiality protocols of the program?

☐

Are the young people involved in the program provided with clear and independent legal information and advice about their rights and responsibilities?

- Do young people have a clear and accurate understanding of the role of the police and their rights in public space?
- How can this education be facilitated in a respectful, independent and relevant way?

☐ ***How will young people be supported by the program in the event of an alleged incident of police violence, abuse or other misconduct?***

- What support structures and processes are in place to deal with incidences of police misconduct?
- How can the program's original aims be redefined in the event of police misconduct?
- How is the project connected to legal support and what are the other options for enhancing community solidarity and support?

Subsequent or longer term impacts:

☐ ***Has the program identified existing local community capacity for safety, social participation, capacity building and social action?***

- What other programs or projects are happening in your area?
- What local community resources and supports could be drawn upon?
- Who are the allies to the program and how can they be used in support of program aims and objectives?

☐ ***In what ways will the program enhance and/or build upon local community capacities for safety, social participation, capacity building and social action?***

- What mechanisms can be developed and implemented to ensure adequate documentation of project developments? How will this information be fed back to stakeholders and the wider community?

The Youth Affairs Council of Victoria's Summary of the Code of Ethical Practice can also be used as a reference point for thinking about what kinds of responses might be most useful.⁶¹ The code acts as a reminder of youth work practice responsibilities, particularly around duty of care, young people as the primary consideration, privacy and confidentiality and social context.

Youth Work Principles

Youth workers will work towards enabling and ensuring:

1. The empowerment of all young people
2. Young people's participation
3. Social justice for young people
4. The safety of young people
5. Respect for young people's human dignity and worth
6. Young people's connectedness to important people in their lives, such as family and community
7. Positive health and wellbeing outcomes for young people
8. The positive transitions and healthy development of young people.

Youth Work Practice Responsibilities

- **Recognition of Indigenous Peoples** - Youth workers recognise that we live on the traditional lands and waters of the Indigenous peoples of Australia. They will be respectful of Indigenous culture recognising that culture and connection to land is a right of Indigenous young people. Youth workers will recognise the importance of culture to Indigenous young people's self-esteem and sense of identity.
- **Boundaries** - The youth work relationship is strictly professional. Professional boundaries intentionally protect both the young person and the worker. Youth workers will maintain the integrity of these limits.
- **Privacy and Confidentiality** - Youth workers respect young people's rights to privacy and confidentiality.
- **Social Context** - Youth workers will recognise the impact of social and structural forces on young people, so that their practice is responsive to young people's experiences and needs and to break down barriers that restrict young people's life opportunities.
- **Duty of Care** - Youth workers will act in the best interests of young people, avoid exposing them to physical, psychological or emotional harm or injury, and always uphold the principle of 'do no harm'.
- **Young People as the Primary Consideration** - The primary consideration and key responsibility of the youth worker is the young people with whom they engage.
- **Anti-Oppressive Practice: Non-Discrimination, Equity and Self-Awareness** - Youth workers will ensure that equality of opportunity is promoted and will enable and encourage young people to respect and celebrate their own and others' cultural backgrounds, identities and choices.
- **Transparency, Honesty and Integrity** - Youth workers will be open and honest with young people, enabling them to access information to make choices and decisions in their lives and in relation to their participation in youth work activities. Youth workers will act with integrity, adhering to the principles and practice responsibilities of their profession.
- **Cooperation and Collaboration** - Youth workers will cooperate and collaborate with others, including families, in order to secure the best possible outcomes for young people.
- **Knowledge, Skills and Self-care** - Youth workers will keep abreast of the information, knowledge and practices needed to meet their obligations to young people.

Section Three Endnotes

58. Smith, B. and Reside, Op Cit., pp.20-21; Blagg, H. and Wilkie, M. 1997, "Young People and Policing in Australia: The Relevance on the UN Convention on the Rights of the Child", *Australian Journal of Human Rights*, Vol.3, No.2.; Hopkins, T. 2009, "Enhancing Human Rights Through Police Accountability", Victorian Law Foundation Fellowship Paper; White, R. 1997.
59. Hall, T., Coffey, A. and Williamson, H. 1999, "Self, Space and Place: Youth identities and citizenship", *British Journal of Sociology of Education*, Vol.20, No.4, p.508.
60. Smith, B. and Reside, S., Op Cit., p.25.
61. Youth Affairs Council of Victoria 2007, "Code of Ethnical Practice – A First Step for the Victorian Youth Sector, www.yacvic.org.au/policy/items/2009/01/256701-upload-00001.pdf.

SECTION FOUR

USEFUL RESOURCES AND FURTHER READING

Useful Resources

Public Spaces for Young People

A guide to creative projects and positive strategies, developed by Rob White, the author and editor of several books on young people, young people and public space, ethnic minority youth, juvenile justice and police-youth relations.

[http://www.crimeprevention.gov.au/agd/www/rwpattach.nsf/viewasattachmentPersonal/%28C99C9C662AE008709B6A1B06BCF8E5CF%29~ncp_PublicSaftey200802.pdf/\\$file/ncp_PublicSaftey200802.pdf](http://www.crimeprevention.gov.au/agd/www/rwpattach.nsf/viewasattachmentPersonal/%28C99C9C662AE008709B6A1B06BCF8E5CF%29~ncp_PublicSaftey200802.pdf/$file/ncp_PublicSaftey200802.pdf)

RISE (Refugees, Survivors and Ex-Detainees)

A not-for-profit incorporated association, which is governed by refugees, asylum seekers and ex-detainees. RISE exists to enable refugees to build new lives by providing advice, engaging in community development, enhancing opportunities and campaigning for refugee rights.

<http://riserefugee.org/>

INCITE! Women of Color Against Violence

An American activist organisation of radical feminists of colour “advancing a movement to end violence against women of colour and our communities through direct action, critical dialogue and grassroots organizing”.

<http://www.incite-national.org/>

Critical Resistance

An American organisation dedicated to opposing the expansion of the prison industrial complex. Critical Resistance’s vision is the creation of genuinely safe, healthy communities that respond to harm without relying on prisons and punishment.

<http://www.criticalresistance.org/>

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