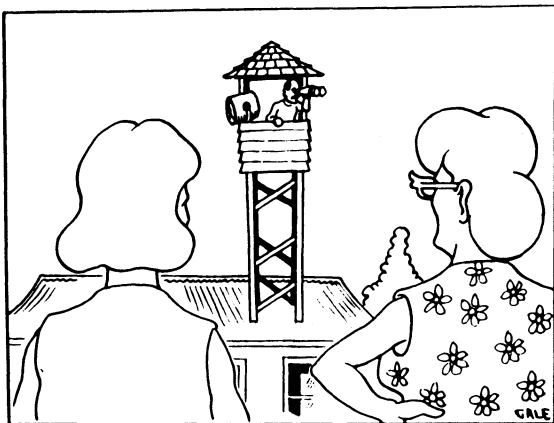# Talking to 'the law'

Darren Palmer

Crime prevention – public safety or neither?

"Your Harold certainly seems to have got right into the spirit of this crime prevention and Neighbourhood Watch program."

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In recent times Australia, like so many other Western democracies, has taken up the associated concepts of crime prevention, community policing and community safety, with some verve. In particular, in Victoria's case the 1988 State election, involving heavy 'law and order' electioneering, was something of a crossroad about how the State would proceed in criminal justice policy. At the very least, the 1988 election cemented crime prevention as a policy issue that must be addressed by any government or would-be government. The question is, how is it currently being addressed and what, if anything, do the current policies and practices foreshadow?

The recently elected (October 1992) Liberal/National Coalition, which had much to say about law and order but little to say about crime prevention in the election campaign, has recently restructured the organisational framework underpinning crime prevention in Victoria. This article seeks to move beyond a simple descriptive chronology of events and provide a critical overview of recent developments and of the struggles concerning the differences in the approaches to crime prevention and public safety. Additional comments are made suggesting ways in which we can gain the most benefit for the community, as opposed to the particular institutional gains, in the current policy reform process. At its simplest, I wish to argue that there is a fundamental clash between the two key structures currently in operation in Victorian crime prevention – Safer Communities and Police Community Consultative Committees (PCCCs).

The first PCCC began in late 1989, at a time when the Labor Government was committed to another crime prevention strategy called the Good Neighbourhood Program. The PCCCs essentially displaced the Good Neighbourhood local committees when the Government introduced a new crime prevention initiative called Vicsafe[1] in 1991. Under Vicsafe, the PCCCs have been promoted as the key local structure in what has been portrayed as a fundamental shift in the way we tackle crime, in particular involving a partnership between government, state agencies and the community.

The Safer Communities Projects were pilot projects implemented in 1992, based on community development principles and funded for up to one year. While the PCCCs do not have any limits placed on their longevity, in the next few months the Safer Communities pilot projects will draw to a close.

Further, in the August 1993, restructuring of crime prevention in Victoria, the Victorian Community Council Against Violence was given three task forces, one being the Community Safety Task Force. This task force aims to develop a safer community strategy and has called for submissions. With the closure of the pilot projects and the attempts to develop a safer community strategy, we are still left to decide, at all levels of organisation, whether Safer Communities was a worthwhile initiative (and if so in what way) and whether Safer Communities should be the way forward when compared to the alternatives of community policing and community crime prevention under the umbrella of PCCCs.

The rise of crime prevention in Victoria

Crime prevention as an activity of government, police and other organisations is certainly not a product only of the 1980s. At the very least, policing has always had some component of preventing crime. However, what is new is the concentrated and explicit discussion of crime prevention as a concept and the development of crime prevention policy, particularly since the 1988 state election campaign.[2]

In the heated environment of a State election in 1988 the concept of crime prevention was foisted into the limelight of 'law and order' politics. Under fairly intense pressure from the conservatives (the Liberal/National Coalition) and from the Victoria Police to do something about what was portrayed as the intractable and ever-increasing 'crime problem', the incumbent Labor Party launched its criminal justice policies, policies which had as their platform a 'new approach' to crime – crime prevention.[3] The conservatives were keen to move down the path of more police powers, more police, more police resources and a 'tougher' sentencing regime. But they did not ignore crime prevention as to do so would, at the very least, have left them silent on the ever-growing community policing schemes such as Neighbourhood Watch, other Watches, and the police push into the schools – activities which the police were very keen to continue and to expand.

The Conservatives committed themselves to aiding the police to further expand these initiatives. However, the Liberal Party *Law and Order Policy* (1987) clearly saw these initiatives in terms of the more traditional expansion of police and policing. The policy stated that the

Liberal Party will vigorously support the development and activities of the Neighbourhood Watch program by increasing police strength and equipment.

The Labor Party was not silent on the above issues and moved towards granting the police many of the powers they demanded (holding back on the general power to demand name and address and placing some limits on fingerprinting and body samples) and agreed to increase police numbers. While the Minister for Police, Mal Sandon, was arguing that the Labor Government had 'done more to extend police powers of investigation than any other State government this century' he also argued that, in contradistinction to the conservatives, Labor recognised that 'there is more to improving community security than simply increasing police powers'.[4] Since coming to power in 1982, Labor had increased police numbers by 1720 (an increase of 21%), increased public servant support by 40%, increased the police operating budget by 177% (43% in real terms) and increased capital works on policing by 408% (162% in real terms). It seems that it took Labor some time and a very significant amount of money before they felt able to resist whatever pressures there were for continued emphasis on policing.

Having outlined Labor's significant budgetary commitment to and broader 'resourcing' of the police, Minister Sandon went on to argue that

the government's paramount duty is to protect the safety of the community and the best way to protect people from crime is to stop them becoming victims – to prevent crime.

The Labor Party had committed itself to move beyond community policing towards embracing the emerging concept of crime prevention. It made a commitment to implement a $1 million community crime prevention initiative – the Good Neighbourhood Program – largely based on the French Bonnemaison program, with its emphasis on local service initiatives and delivery and, in particular, the involvement of local government in partnerships with various segments of the community. By 1992 the funding had increased to $1.8 million.

Before examining the current struggles over how crime prevention is to be organised and is to operate under the new Coalition government, it is necessary to outline briefly the implementation and features of the initiatives under consideration – the Good Neighbourhood Program, the Police Community Consultative Committees, and the Safer Communities.

The Good Neighbourhood Program

Having won the 1988 election, the Labor Government moved to structure its crime prevention initiative. Initial pilot projects were developed under a community-based strategy called the Good Neighbourhood Program (GNP). The GNP was promoted as a partnership model, involving local committees with wide representation sitting down and identifying the local crime problems, developing localised responses and ensuring that there was full liaison and co-operation between the different players, including representation from government and non-government organisations, the police, the private sector and 'identified groups at risk'. The local committees were under the immediate oversight of the local Municipal Councils who were able to apply for a 'seeding grant' of $5000 from the Ministry of Police and Emergency Services to fund the formation of local GNP committees, analysis of a local crime profile and the completion of a crime prevention strategy plan.[5] For example, the inner-city local councils of Collingwood and Fitzroy completed their own 'Crime Surveys', the former through a hired consultant group and the latter through the Council Youth Worker.

The stated aims of the GNP were to prevent and reduce crime through 'local knowledge about the nature and causes of crime'; 'improved integration of groups at risk of offending'; encouragement of young people at risk of offending to take responsibility in crime prevention activities'; 'identification and resourcing pilot projects' (based on education and training, employment, cultural/recreational pursuits, and community activities); and 'the establishment of local multi-agency networks for co-ordinating and addressing key issues in crime prevention'.

At the same times as the GNP and its local committees expanded throughout 1990 and 1991 a new structure materialised – the Police-Community Consultative Committee.

Police Community Consultative Committees

Formal structures for police-community consultation had been emerging throughout the 1980s under various 'one-off' initiatives developed under general community policing and, after 1988, sometimes in connection with the GNP. The first PCCC was established in Geelong in late 1989 and became the model for future PCCCs. The Chief Commissioner of Victoria Police, Mr Kel Glare, had been arguing for some time that there needed to be a more integrated approach to crime control and crime prevention – a partnership against crime. Obviously (at least in the Chief Commissioners view), the GNP was not addressing these concerns despite the GNP documentation clearly being in line with what the Chief Commissioner was now proposing.

In December 1990, a meeting between Victoria Police and the Ministry for Police and Emergency Services resulted in establishing a working party and 'framework for action'.[6]

By mid 1991, Police Minister Sandon was able to report that the GNP had been 'established in over 50 local communities'. However, only a few months later, in August 1991, a major conference was organised by the Ministry and Victoria Police in which a new anti-crime strategy – Vicsafe – was launched by the Premier Joan Kirner. Vicsafe included the introduction of another structure, the Public Safety and Anti-Crime Council (PSACC), which was a high-level, 20-member Council including the Premier, key Ministers, the Chief Commissioner of Police and representatives from other major organisations such as business, local government, church, media and 'the community sector'. In turn, the PSACC was to be advised and supported by an Inter-Departmental Committee of key ministries and departments and the Chief Commissioner of Police.

Given what appeared to be a significant investment in resources into developing the Vicsafe strategy and PSACC, it was fairly clear that the GNP would at the very least have to struggle for survival. We need to keep in mind that one of the key driving forces to all of this activity occurring under the banner of crime prevention was to ensure an effective integrated approach. But the GNP committees were likely to include the very same people who would be involved in the PCCCs being promoted under Vicsafe. It is not unreasonable to suggest that Vicsafe could only mean the beginning of the end of the GNP. Further, it must be remembered that Labor had started the crime prevention initiatives by providing $1 million in the first year of the GNP, growing to $1.8 million by the time Vicsafe was introduced. What was not clear was how this money would now be allocated. In time it became clear that the PCCCs were to become the local overseers of this money, filtering applications for local funding. The GNP committees were initially expected to stimulate local ideas and prioritise these before forwarding them into the Ministry for final decisions. The local committees were given a checklist to use to assess and evaluate the applications prior to making recommendations.

Vicsafe placed PCCCs in the key position in the new crime prevention strategy. However, it should be made clear that, indeed, this was never made clear! GNP committees were up and running and included the involvement of local police. But now the PCCCs, established under the direction and control of the Police District (metropolitan) or Divisional (rural) Commanders were, if not explicitly, to take on the GNP committees.

In summary, Labor had launched the Good Neighbourhood Program in the 1988 State election. Having won the election, the GNP was then implemented, and GNP local committees were established around the State. By 1991, without making it explicit, the Government had agreed to shift the emphasis of community crime prevention away from the Good Neighbourhood Program and into the hands of the Police through Police-Community Consultative Committees.

Safer communities

Safer Communities is a pilot project funded by the PSACC and under the auspices of the Ministry of Ethnic, Municipal and Community Affairs. In 1991-92 this project received $264,000, making it the second largest single item in the PSACC budget.[7] The Safer Communities projects aim to assist the whole community in determining real and perceived safety issues by building networks and strategies in a specific locality. PSACC had established a sub-committee to oversee the Safer Communities Project. A working party with representatives form the Office of Local Government, Victoria Police, the Department of Premier and Cabinet, Vicsafe, the Victorian Community Council Against Violence and all the Safer Communities workers has met monthly since July 1992 as a central reporting mechanism for the eight projects (Box Hill, Dandenong, Footscray, Richmond, Preston, Bendigo, City of Melbourne and Footscray). A limited evaluation process was established and implemented half way through the projects. A final evaluation is planned to be conducted through local government, though whether this will eventuate given the most recent restructuring is unclear.

With the change of government in October 1992, the PSACC was abandoned, leaving the various programs under its control without a co-ordinating authority. In August 1993, State Cabinet approved the establishment of three task forces: Victims of Crime; Women and Violence; and Community Safety under the direction of the Community Council Against Violence. The Safer Communities Projects have not been involved in the proposal, despite the experience of the project workers and despite the fact that part of the aims of the Safer Communities Projects was to explore the statewide applicability of the projects.

In fact, the change of Government has resulted in each of the players in crime prevention trying to consolidate and/or create their role, particularly given the general fiscal tightening in Victoria, although crime prevention has escaped the budgetary cutbacks. This, in turn, has created increasing fragmentation between organisations that should be (and claim to be) taking a co-ordinated approach, and has, at least for the moment, made a farce of the term 'integrated anti-crime strategy'. The value and impact of the Safer Communities Projects is yet to be determined. However, they are in danger of being ignored because they were initiated by Labor and because each organisation involved in crime prevention wants to run its' own race. Further, the organisations involved may attempt to claim the work of the Safer Communities as their own, when, in fact, it is becoming increasingly apparent that the key contribution that the various organisations could have made, and should have made – integrated co-ordination – is precisely what is not occurring. The result is that the workers themselves have been increasingly left to carry out their work with little assistance from the co-ordinating group.

To add to the confusion, the Coalition has introduced an Inter-Departmental Committee on Public Safety and Crime Prevention (IDCPSC), chaired by the Chief Commissioner of Police, which may take up the role of overall co-ordination. In any case the IDCPSC represents a significantly lessened role for community representatives as its membership consists of heads of government departments and agencies. In part, this committee will be advised by a Vicsafe Community Safety Forum, again chaired by the Chief Commissioner of Police, with membership drawn from 34 PCCC representatives. This may include some non-police input.

Crime prevention in the 1990s

The election victory of the conservatives has many implications for crime prevention. In more general terms, the

Coalition has clearly signalled a law and order approach to crime, encompassing greater resourcing (financial and legal) of police and a harsher sentencing regime. In more specific terms, the Coalition has abandoned the PSACC. While the funds committed by PSACC for the 1992-93 financial year have to be honoured, there are some doubts about how projects which were previously responsible to PSACC are now to be accountable for their activities. It would appear that the auspicing agencies will now have to play a greater role in overseeing the projects. However, it is equally likely that the PCCCs will continue to enhance their role in crime prevention and will ultimately become the key local structure through which all local crime prevention initiatives will have to report. The release in August of a re-worked Vicsafe indicates that the PCCCs are the key local structure, feeding into the new Vicsafe Community Safety Forum which, in turn, advises the IDCPSC which is responsible for operational matters concerning crime prevention.

It may come as some surprise that, in an era when co-ordination, integration and the avoidance of overlap and duplication have been key driving forces (at least in the supporting rhetoric) we have witnessed in Victoria a significant overlap in the various projects and programs involved in crime prevention and very little integration. The future may hold a promise of more integration and less overlap, but the price appears to be that the PCCCs will be the mechanism making these promises. We are then left to decide whether we like the PCCC mechanism. In a time of many promises of community empowerment – and a greater say for 'the community' in what happens in their neighbourhood – the outcomes thus far in the area of crime prevention suggest that an agency which is very much removed from the community and which the community has very little control over – Victoria Police – is now uniquely placed to shape the debates, the policies, projects and practices of crime prevention. A note of caution to those who suggest that 'this is as it should be'. The police are a professional organisation with their own organisational interests which help to shape the practices of policing. In recent years the policy emphasis has been a mixture of advocating more police, more powers, and more money being put into policing, as well as introducing community policing and police-community liaison initiatives. But the dual policy orientations cannot be neatly separated. Ultimately, community liaison must be concerned about the operational matters of policing – what police do, and when and how they do it. If not, all that will result is that there will be regular meetings of police and some community representatives across the State nodding their heads in unison.

Conclusion

Like the Good Neighbourhood Program before it, it would seem that unless significant pressure is applied in the right places at the right times, Victoria will be left with a community crime prevention program which at the very least is heavily influenced by police concerns and police views. Of course, this is not to deny that the police have a role to play in crime prevention. But what is occurring is change by stealth and a change which is serious in its implications for the future of the crime prevention agenda.

The PCCCs and the umbrella PSACC involved limited community input in their development. More recently, under the Coalition's abandonment of the PSACC and replacement

of it with the IDCPSC it seems unlikely that a progressive crime prevention program will emerge in which the communities in our society actively shape policy and programs. However, given that the GNP, Safer Communities and various other crime prevention initiatives have, at the very least, provided some people with a taste of being involved and a sense of how things work, we might see a new resistance to police-controlled initiatives and a push towards rethinking crime prevention more in line with community development. What is needed in the immediate term is for people who are in some way involved in the PCCCs, GNP committees and others interested in crime prevention to start asking questions about the whole process of formulating crime prevention strategies and initiatives. At the same time, as ordinary citizens we should be sure that we know what these committees are doing, who serves on them, what issues they are addressing and how they plan to make a contribution to a society with less crime, less fear and a greater sense of control over our local areas, including control over the state institutions (such as the police) that practise in our communities.

The Victorian Community Council Against Violence Safer Community Task Force and the attempt to develop a safer community strategy offers some hope of a less fragmented approach to crime prevention by shifting the emphasis away from specific crimes and policing and one-off program initiatives and by broadening the focus to be inclusive of the various behaviours and activities causing injury and fear in communities, such as in the workplace, home and streets. To be effective, this strategy must ultimately make inroads into the operational freedom of government agencies, including the police. However, while there continues to exist a 'dual track' process, with the VCCAV on the one side with its task forces, given an advisory role, and the PCCCs on the other feeding into Vicsafe and the IDCPSC on operational matters, we still seem to be left with a choice between community safety and police-community crime prevention.

This is not to suggest that the two are irreconcilable as, at the very least, safer communities will have to (and want to) engage the police and, conversely, the PCCCs require community involvement. But it does seem a little repetitious given that Victoria did have numerous GNP committees around the State which included some involvement of the police. These committees were virtually overrun by the introduction of PCCCs without any clear indications being given as to why this was necessary from a policy perspective. Nonetheless, the Safer Communities program is going to have to engage the PCCCs at the local level. The hope must be that the PCCCs spell out more clearly what it is precisely that they are doing, and that the documentation shows a clear impact of the strategy for creating a safer community.

Currently, the PCCCs offer the possibility of improved relations between the public and the police and some preventative programs, which usually focus on youth crime. Safer Communities offers a much broader vision, certainly well beyond youth crime, and even beyond crime itself. Herein lies the fundamental clash between the two structures, as Safer Communities does not use crime (and its prevention) as the organising concept. PCCCs, on the other hand, do focus on crime, as well as the institutional imperative of better relations with the community. While the relationship between the two structures is yet to be worked out in practice, what is clear is that the PCCCs are to be the key local

structure and the key determinant of how funds are to be expended at the local level. As very little is known about how the PCCCs operate and what they do, and the Safer Communities strategy is still under public comment, we can only hope that the movement is away from public relations and advocating more controls over marginal groups and towards addressing the broad array of factors that make our communities less safe.

References

1. Vicsafe was a consultant-produced name and logo given to the 'new' crime prevention initiative launched in August 1991. It was hailed as an 'integrated anti-crime strategy' and included a Public Safety and Anti-Crime Council (PSACC) chaired by the Premier.

2. For instance, see Beyer L., 'Community Policing in Victoria: Past Lessons - A Model for the Future', Unpublished MA Thesis, Dept of Criminology, University of Melbourne, 1991. Beyer discusses the introduction in 1969 of the crime Prevention Bureau in the Victoria Police and the Police Community Involvement Program (1981) and various other developments in the 1980s. However, Beyer is arguing for problem-oriented policing, embracing community policing, dropping the image of the police as crime-fighters and not viewing the community as simply a resource to help fight crime. What is unclear is whether community policing is a part of crime prevention or whether crime prevention is a part of community policing (p.103).

3. For examples of the electioneering and its effects in Victoria see Corns, Christopher, 'Claiming the Victim Territory: The Politics of Law and Order', (1990) 8 *Law in Context*; and White, Rob and Richards, Chris, 'Police Unions and Police Powers', (1992) 4(2) *Current Issues in Criminal Justice*; see McNamara, L., 'Retrieving the Law and Order Issue from the Right: Alternative Strategies and Community Crime Prevention', (1992) 10(1) *Law in Context* (on NSW); and O'Connor, I., 'Spare the Rod? New laws, old visions', (1993) 18(1) *Alt.LJ* (on recent developments in Queensland).

4. The Hon. M. Sandon, MP, *Hansard*, Legislative Assembly, 20 September 1990.

5. See 'Crime Prevention Program Good Neighbourhood Projects', Guidelines - October 1990, Ministry of Police and Emergency Services, pp.3-6.

6. For instance see 'Local Approaches to Crime Prevention', Proceedings of a seminar held in St. Kilda, 8 June, 1991.

7. The largest single item is the Victorian Football Association 'Care for Kids' program ($300,000). Interestingly, the Good Neighbourhood Program received the third largest amount at $222,724, making it rather surprising that the 'Issues Paper' that launched PSACC hardly mentions either the GNP or Safer Cities/Safer Communities. See PSACC Priorities: 1992/93, undated

LETTER

Dear Editor,

I would like to briefly comment on the question posed in the conclusion of Andrew Palmer's article 'Confessions in the High Court' (1993) 18(5) *Alt.LJ*. He asks whether the High Court's recent approach to confessional evidence will have any effect on police conduct. While it is true that the High Court in contemporary cases such as *Williams*, *Pollard* and *Foster*, has been prepared to exclude confessional material when they have been obtained by police in dubious circumstances, readers should not be too optimistic about the effects of these High Court pronouncements on the reality of everyday police practice.

This reality is that a large part of the criminal justice system consists of an administrative process whereby the pattern of interrogation and guilty pleas is a matter of routine; where even if people are aware of their 'rights' while in custody, they also know that any perceived challenge to police authority may only makes matters worse; and few police practices are ever subject to the supervision of any Court of Appeal, let alone the High Court.

David Dixon, in a paper presented at the ANZ Criminology Conference, Sydney, 1993, entitled 'The Legal (Non)Regulation of Custodial Interrogation in NSW', showed that the experience in NSW following the *Williams* decision was that both the police and the lower NSW courts either ignored the decision, or were able to circumnavigate it. Furthermore, he is not very optimistic about the effects of *Foster*: 'the opportunity for a clear, comprehensive statement about the relationship between voluntariness and the exclusionary discretions is missed. In its place, we are given comments which are restricted by a criterion of relevance to the specific case' (at p.17). A more preferable approach by the High Court would have been to develop a blanket exclusionary rule in respect of all unlawfully obtained evidence, as the US Supreme Court did (*Mapp v Ohio* (1961) 367 US 643), together with an extension of this exclusion to 'the fruit of the poisonous tree' i.e. to evidence which is later gained as a result of an initially unlawful act by the police. Such an approach would have been superior to the vaguer notion of 'fair trial' that the High Court has utilised.

However, ultimately even such an approach would be of only limited potential. Given the power of the police to resist reforms to the law in this area which may make it more certain, their power to influence decision making, and the passionate law and order rhetoric which dominates questions relating to civil liberties today, I suspect that the real answer to the problems do not lie with the law. Rather, the answers lie in strategies involving greater political accountability of the police force, and a more professional, educated police force. Until this occurs, I am afraid that all the glorious pronouncements of the High Court will not have any noticeable effect on police conduct.

Sam Garkawe
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