

Indigenous Women and the Police in Victoria: Patterns of offending and victimisation in the 1990s

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Introduction

On the 15th of April 1991 the Royal Commission into Aboriginal Deaths in Custody (RCADIC) presented its final report, which made no specific recommendations in relation to Indigenous women. This deficiency of the RCADIC, which had investigated eleven deaths in custody of Indigenous women, has been well commented upon and criticised since (see Brooks 1996:267; Payne 1993:67; Paxman 1993:153; Mackay & Smallacombe 1996:17). The virtual silence of the RCADIC on Indigenous women is consistent with what Cunneen and Kerley (1995:71) have called the 'profound silence surrounding the issue of Aboriginal and Torres Strait Islander women in the Australian criminal justice system'. The extraordinary rates of arrest and imprisonment experienced by Indigenous men and male juveniles in this country have dominated both policy debate and the research agenda (see Gardiner 2001a). However, there is now a small, but growing body of evidence to show that the criminal justice system is failing Indigenous women as profoundly as it is failing Indigenous men. This evidence shows that Indigenous women are disadvantaged, by race and by gender, at virtually every stage and level of the criminal justice process; a disadvantage compounded by the roles of Indigenous women as the partners, mothers and sisters of Indigenous men who are incarcerated (Payne 1990:9). As Brooks (1996:273) points out: 'In combination, the stigmas of gender and race virtually guarantee Aboriginal and Torres Strait Islander women the lowest place at law.'

This article sets out to describe and analyse some of the missing pieces in the disturbing jigsaw that is Indigenous women's contact with the criminal justice system in Australia. The focus is Victoria, a state that is often ignored in discussions of this issue, either in relation to Indigenous men or women. The study investigates Indigenous women's contact with the first line of the criminal justice system - the Victoria Police - and provides key data and analysis of the processing of Indigenous women by the police in the 1990s. It examines the processing of Indigenous women as alleged offenders and as the victims of reported crimes, and shows that Indigenous women are over-represented in relation to non-Indigenous women in a host of crime categories for offences, and as the victims of violent crime.

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Sources, Definitions and Methods

This analysis is based on the most recent census data (Australian Bureau of Statistics (ABS) 1998; ABS 1997) and data obtained from the Victoria Police Law Enforcement Assistance Program (LEAP). The LEAP system allows for temporal comparisons between Indigenous and non-Indigenous alleged offenders, and victims of crime, over a broad range of offence classes and categories, across different age groups and by gender. Victoria Police condense over 1,500 offences into 23 offence categories, grouped into three general classes: Crime against the person; Crime against property; and Other crime (see Victoria Police 1997:12). Both penalty notices and traffic offences are not included within the LEAP system. It is important to note that arrests for drunkenness of Aborigines are also not recorded on the LEAP system, but are recorded on a separate database.¹

The current study reviews the data obtained covering the period of 1993/94 to 1996/97 (inclusive), and focuses on the following areas: Indigenous women alleged offenders processed in each year; arrest rates and over-representation ratios for 1993/94 and 1996/97²; processings of Indigenous women as victims of reported crime in each year; and rates of victimisation and over-representation ratios for 1993/94 and 1996/97. All definitions follow those employed by Victoria Police.³

According to Victoria Police (1997:6), the term alleged offenders 'refers to persons who have allegedly committed a criminal offence and have been processed for that offence by either arrest, summons, caution or warrant of apprehension'. Offenders are counted for each occasion they are processed within the one year, but only for the most serious offence on each occasion. Victoria Police (1997:6) counting procedures for victims of crime classify victims as being 'persons, businesses, statutes or other', meaning that the classification is dependent on the nature of the offence. Here of course statistics pertain only to persons as victims of crime. Victims are counted for each occasion they are victimised within the one year.

Indigenous Women: Patterns of Offending

Indigenous women (adult and juvenile) constituted just under 20 per cent of all Indigenous offenders processed in Victoria in the period 1993/94 to 1996/97. The actual number of processings of Indigenous women by Victoria Police fell by three per cent over this period (a decrease from 561 in 1993/94 to 544 in 1996/97), in comparison with an 8.2 per cent increase for non-Indigenous female alleged offenders (see Tables 1 & 2).

¹ Arrests of Indigenous people in Victoria for drunkenness are currently averaging in the vicinity of 1,000 arrests per year, with approximately fifteen per cent of the total being arrests of Indigenous women (see Gardiner & Mackay 1998; Gardiner 2001b:83-87).

² 'Arrest' rates refer to the recorded number of alleged offenders processed of both Indigenous and non-Indigenous people in Victoria per 1,000 population of, respectively, Indigenous and non-Indigenous populations, based on data produced from the 1996 Census. The same process is carried out for victims of crime. A ratio of over-representation was calculated by dividing the arrest rate (alleged offenders processed) per 1,000 population for Indigenous people by the rate of arrest (alleged offenders processed) per 1,000 population for non-Indigenous people. The same process is carried out to establish over-representation ratios for victims of crime.

³ In the period, the racial appearance of any offender or victim was 'based on the subjective assessment of the attending police' (Victoria Police 1997:7). Since November 1997 Police have been instructed to ask interviewees; 'Are you of Aboriginal or Torres Strait Islander descent?' Also in the period, juveniles were defined by the Victoria Police as 'persons under 17 years of age at the time of reporting being victimised or processed for allegedly committing criminal offences' (Victoria Police 1997:7).

As Table 1 shows, the decrease in total numbers processed in 1996/97, came on the back of sharp increases in 1994/95 and 1995/96, which peaked at 815 offenders processed. Other summary offences have had a significant influence on this trend, rising from 96 to 135 in 1994/95, with a further rise to 168 in 1995/96, before dropping back to 78 in the following year. Changes in theft (shopsteal) offences have also influenced outcomes, as have fluctuations in deception. Results for the major crime categories were as follows:

- 'crime against the person' increased by 25.3 per cent for Indigenous female alleged offenders (up from 95 to 119);
- 'crime against property' decreased by 4.6 per cent (down from 327 to 312); and,
- 'other crime' fell by 18.7 per cent (from 139 to 113).

For Indigenous women 'crime against property' was the most heavily represented of the three major crime categories; a pattern consistent with the figures pertaining to Indigenous males (see Gardiner 2001b:17-34). The most common offence types processed overall for Indigenous women were: assault (indictable and summary); theft (shopsteal and other); deception; and other summary. These offence types accounted for over 60 per cent of processing incidents involving Indigenous female offenders in the period. However, while charges for assault can clearly represent a serious offence, the overwhelming body of offences processed for Indigenous women were for relatively minor offences. The most common offences of all were those contained within other summary offences, which totalled 477 processings over the period, the highest number for any offence type. Most of these processings relate to public order offences, or so-called 'street offences', such as indecent language and offensive behaviour. This pattern of arrest for Indigenous women mirrors their experience in other jurisdictions: i.e. Indigenous women are most commonly processed by police for minor crimes against public order, and for offences related to economic necessity (Payne 1993:66; Paxman 1993:155; Brooks 1996:273; Cunneen & Kerley 1995:76-77; NSW Law Reform Commission 2000:187-188).

As Mackay and Smallacombe (1996:19) point out, there are significant differences in the patterns of offending between Indigenous and non-Indigenous women offenders. Indigenous women offenders are much more likely to be processed for 'crime against the person' than non-Indigenous women. In this survey, just over 17 per cent of the total of Indigenous women offenders processed between 1993/94 and 1996/97 were processed for crimes against the person, compared to only 7.9 per cent of non-Indigenous women offenders (see Tables 1 and 2). This stands in contrast to 'crime against property', which accounted for 57.1 per cent of the total of Indigenous women offenders processed compared to 71 per cent of processings involving non-Indigenous women. Almost 26 per cent of Indigenous female offenders were processed for 'other crime' over the period, compared with 21 per cent of non-Indigenous women.

Within the broad crime categories there are three individual offences that demonstrate significantly divergent results. For the whole period, for Indigenous women assault (indictable) constituted 6.3 per cent of all offences processed, compared to just 2.3 per cent for non-Indigenous women. Assault (summary) represented 9.5 per cent of all offences for Indigenous women, while only 4.6 of the total for non-Indigenous women. Other summary offences accounted for 18.2 per cent of Indigenous processings, compared to 11.9 per cent of non-Indigenous processings. In other words, both 'street offences' and assaults played a bigger part, in proportional terms, in the processing of Indigenous female offenders than they did for non-Indigenous female offenders.

By contrast, while the property offence of theft (shopsteal) was one of the most common offences processed for Indigenous women (15.6 per cent of the total), non-Indigenous offenders were much more likely to be processed for this offence type, which accounted for 28.2 per cent of the total for non-Indigenous women over the entire period.

Table 1: Numbers & percentage change Indigenous female alleged offenders, 1993/94 – 1996/97

Crime Category & Class	1993/94	1994/95	1995/96	1996/97	% change ^a
Homicide	1	1	0	0	-100.0
Rape	0	0	0	0	N/A ^b
Sex Offences	0	0	1	1	N/A
Robbery	5	6	8	8	60.0
Assault (Indictable)	41	26	58	40	-2.4
Assault (Summary)	47	61	71	70	48.9
Abduction/Kidnap	1	0	0	0	-100.0
<i>Crime Against the Person</i>	95	94	138	119	25.3
Arson	2	1	0	1	-50.0
Criminal Damage	15	13	16	43	186.7
Burglary (Agg)	0	3	1	2	N/A
Burglary (Res)	20	37	41	19	-5.0
Burglary (Other)	17	15	13	20	17.6
Deception	87	140	46	18	-79.3
Handle Stolen Goods	25	38	43	30	20.0
Theft from M/Car	14	24	22	15	7.1
Theft (Shopsteal)	84	90	127	107	27.4
Theft of M/Car	22	31	32	20	-9.1
Theft (Bicycle)	2	1	2	0	-100.0
Theft (Other)	39	34	87	37	-5.1
<i>Crime Against Property</i>	327	427	430	312	-4.6
Drugs (Cult/Man/Traf)	10	10	18	6	-40.0
Drugs (Poss/Use)	31	22	51	22	-29.0
Other Indictable	2	10	10	7	250.0
Other Summary	96	135	168	78	-18.8
<i>Other Crime</i>	139	177	247	113	-18.7
<i>TOTAL</i>	561	698	815	544	-3.0

a. Percentage change, 1993/94 to 1996/97.

b. N/A indicates no computation due to zero entry in base year.

Table 2: Numbers & percentage change non-Indigenous female alleged offenders, 1993/94 – 1996/97

Crime Category & Class	1993/94	1994/95	1995/96	1996/97	% change ^a
Homicide	25	16	15	28	12.0
Rape	13	12	6	12	-7.7
Sex Offences	45	34	102	46	2.2
Robbery	84	127	122	177	110.7
Assault (Indictable)	467	587	605	739	58.2
Assault (Summary)	929	1200	1277	1392	49.8
Abduction/Kidnap	19	24	15	24	26.3
<i>Crime Against the Person</i>	1582	2000	2142	2418	52.8
Arson	26	57	57	63	142.3
Criminal Damage	254	289	429	747	194.1
Burglary (Agg)	8	14	26	30	275.0
Burglary (Res)	637	624	773	918	44.1
Burglary (Other)	499	467	542	464	-7.0
Deception	3886	5159	4224	4605	18.5
Handle Stolen Goods	1093	1192	1265	987	-9.7
Theft from M/Car	273	279	331	322	17.9
Theft (Shopsteal)	7805	7299	7192	6691	-14.3
Theft of M/Car	579	490	662	572	-1.2
Theft (Bicycle)	17	33	33	34	100.0
Theft (Other)	2659	2855	2835	2842	6.9
<i>Crime Against Property</i>	17736	18758	18369	18275	3.0
Drugs (Cult/Man/Traf)	569	689	728	686	20.6
Drugs (Poss/Use)	1442	1557	1608	1355	-6.0
Other Indictable	137	201	212	215	56.9
Other Summary	2411	3515	3393	2890	19.9
<i>Other Crime</i>	4559	5962	5941	5146	12.9
TOTAL	23877	26720	26452	25839	8.2

a. Percentage change, 1993/94 to 1996/97.

Juvenile Offenders

While there was an 11.3 per cent decrease in the number of Indigenous adult female alleged offenders processed by Victoria Police over the period (from 432 in 1993/94 to 383 in 1996/97), Table 3 indicates there was a dramatic increase in the processings of juveniles. Between 1993/94 and 1996/97 the number of Indigenous female juvenile offenders processed by Victoria Police increased by 28.8 per cent (from 125 in 1993/94 to 161 in 1996/97), compared to a mere 0.4 per cent increase for non-Indigenous female juveniles (see Gardiner 2001b:111). Juvenile numbers thus rose as a proportion of the total of Indigenous female offenders processed over the period, from 22 per cent of the total in 1993/94 to 30 per cent in 1996/97, (i.e. from 125 in 561, to 161 in 544).

As Table 3 shows, within the major crime categories the total number of Indigenous juvenile female offenders processed were as follows:

- 'crime against the person' increased by 10 per cent between 1993/94 and 1996/97, (from 20 to 22);
- there was a 59 per cent increase in the major crime category 'crime against property' (78 to 124); and
- a decrease of 44.4 per cent occurred in 'other crime' (from 27 to 15).

In terms of patterns of offending, 'crime against the person' constituted almost 16 per cent of the total of Indigenous female juvenile offenders processed, compared to just 8.5 per cent of the total for non-Indigenous female juveniles. For 'crime against property', 64 per cent of Indigenous female juvenile offenders were processed in this category, compared to 76 per cent of non-Indigenous female juveniles. In 'other crime', 20 per cent of Indigenous female juvenile processings were in this category, compared to 16 per cent of processings involving non-Indigenous female juveniles.

In relation to individual offences, Indigenous female juvenile offenders were also more likely to be processed for assault (indictable) (5.8 per cent of the total), compared with non-Indigenous juveniles (2.1 per cent); for assault (summary) (8.8 per cent of the total compared to 5 per cent); and for other summary offences (17 per cent of the total compared to 12.2 per cent of the total for non-Indigenous juvenile offenders). Clearly, the pattern of difference in offending between Indigenous and non-Indigenous women is also reflected in the juvenile years, with proportionately more assaults and 'street offence' processings occurring amongst young Indigenous women, than with their non-Indigenous counterparts.

This finding is also consistent with the correlation between juvenile and adult offending identified by the RCADIC over ten years ago, and the Commission's connection between the early construction of criminal histories and high rates of future adult imprisonment (RCADIC 1991a:vol 2, 275-82). The rise of almost 30 per cent in the number of Indigenous young women and girls being processed for offences is therefore a matter of great concern, and raises serious questions in relation to the conduct of policing in Victoria.

Table 3: Numbers & percentage change juvenile Indigenous female alleged offenders, 1993/94 – 1996/97

Crime Category & Class	1993/94	1994/95	1995/96	1996/97	% change ^a
Homicide	0	0	0	0	N/A ^b
Rape	0	0	0	0	N/A
Sex Offences	0	0	1	0	N/A
Robbery	0	2	3	2	N/A
Assault (Indictable)	8	8	14	8	0.0
Assault (Summary)	12	16	17	12	0.0
Abduction/Kidnap	0	0	0	0	N/A
<i>Crime Against the Person</i>	20	26	35	22	10.0
Arson	1	1	0	0	-100.0
Criminal Damage	4	2	2	11	175.0
Burglary (Agg)	0	0	1	0	N/A
Burglary (Res)	3	6	15	13	333.3
Burglary (Other)	4	3	6	13	225.0
Deception	4	29	2	0	-100.0
Handle Stolen Goods	2	6	7	5	150.0
Theft from M/Car	1	3	1	6	500.0
Theft (Shopsteal)	40	35	42	52	30.0
Theft of M/Car	5	12	4	5	0.0
Theft (Bicycle)	0	0	1	0	N/A
Theft (Other)	14	7	29	19	35.7
<i>Crime Against Property</i>	78	104	110	124	59.0
Drugs (Cult/Man/Traf)	0	3	0	0	N/A
Drugs (Poss/Use)	4	1	6	3	-25.0
Other Indictable	0	0	2	1	N/A
Other Summary	23	42	35	11	-52.2
<i>Other Crime</i>	27	46	43	15	-44.4
TOTAL	125	176	188	161	28.8

a. Percentage change, 1993/94 to 1996/97.

b. N/A indicates no computation due to zero entry in base year.

Arrest Rates and Over-representation

In 1996/97 Indigenous women (adult and juvenile) were 4.2 times more likely to be processed for an offence than their non-Indigenous counterparts in Victoria (see Table 4). This represents a decline in over-representation from the year 1993/94, when the over-representation factor was 4.9 (see Gardiner 2001b:125). The rate of arrest (alleged offenders processed) for Indigenous women also declined in the period, from 52 per 1,000 of Indigenous female population in 1993/94 to 47 per 1,000 in 1996/97. The rate of arrest for non-Indigenous women per 1,000 of population in the same period rose from 10.6 per 1,000 to 11.2 per 1,000 of the non-Indigenous female population. In the major crime categories results were as follows:

- In 'crime against the person', the arrest rate rose from 8.9 per 1,000 to 10.4 per 1,000, and over-represented by a factor of 9.9 in 1996/97;
- 'crime against property' fell from 30.5 per 1,000 to 27.2 per 1,000 with an over-representation factor of 3.4 in 1996/97;
- 'other crime' fell from 13 per 1,000 to just under 10 per 1,000 with an over-representation factor of 4.4 in 1996/97.

The main driver behind the overall reduction in over-representation has been the significant decrease in the rate of arrest for Indigenous adult women, which fell from a total of 68 per 1,000 of population in 1993/94 to 57 per 1,000 in 1996/97. At the same time, the non-Indigenous adult female rate rose from 10.8 to 11.6 per 1,000. In terms of over-representation there was therefore a significant reduction, from a factor of 6.3 to that of 4.9 in 1996/97. However, while this result represents a significant and welcome improvement, it needs to be viewed with some caution. As mentioned above, arrests in some categories for Indigenous women dropped remarkably, and against the trend, in 1996/97, with a direct flow on to rates of arrest. Indigenous women (adult and juvenile) in Victoria in 1996/97 were almost 11 times more likely to be processed for assault (indictable) offences than non-Indigenous women; 10 times more likely to be processed for assault (summary) offences; and almost five and a half times more likely to be processed for other summary offences.

**Table 4: Rates of arrest per 1000 population
(female, all age groups), 1996/97**

Crime Category and Class	Indigenous	non-Indigenous	Over- representation
Rape	0.00	0.01	0.0
Sex Offences	0.09	0.02	4.4
Robbery	0.70	0.08	9.1
Assault (Indictable)	3.49	0.32	10.9
Assault (Summary)	6.11	0.61	10.1
Abduction/Kidnap	0.00	0.01	0.0
<i>Crime Against the Person</i>	<i>10.39</i>	<i>1.05</i>	<i>9.9</i>
Arson	0.09	0.03	3.2
Criminal Damage	3.76	0.33	11.5
Burglary (Agg)	0.17	0.01	13.4
Burglary (Res)	1.66	0.40	4.2
Burglary (Other)	1.75	0.20	8.6
Deception	1.57	2.01	0.8
Handle Stolen Goods	2.62	0.43	6.1
Theft from M/Car	1.31	0.14	9.3
Theft (Shopsteal)	9.35	2.91	3.2
Theft of M/Car	1.75	0.25	7.0
Theft (Bicycle)	0.00	0.01	0.0
Theft (Other)	3.23	1.24	2.6
<i>Crime Against Property</i>	<i>27.25</i>	<i>7.96</i>	<i>3.4</i>
Drugs (Cult/Man/Traf)	0.52	0.30	1.8
Drugs (Poss/Use)	1.92	0.59	3.3
Other Indictable	0.61	0.09	6.5
Other Summary	6.81	1.26	5.4
<i>Other Crime</i>	<i>9.87</i>	<i>2.24</i>	<i>4.4</i>
<i>TOTAL</i>	<i>47.52</i>	<i>11.25</i>	<i>4.2</i>

Juvenile Arrest Rates

In contrast to adults, there was a significant rise in the rate of arrest for Indigenous juveniles, which rose from 28 per 1,000 of Indigenous female juvenile population in 1993/94 to 34 per 1,000 in 1996/97 (see Table 5). The rate of arrest for non-Indigenous juveniles was unchanged in the same period. In terms of over-representation, the ratio thus worsened. In 1996/97 Indigenous female juveniles were 3.5 times more likely to be processed for an offence than non-Indigenous female juveniles, up from 2.9 in 1993/94 (see Gardiner 2001b:129). In the major crime categories:

- 'crime against the person' rose marginally between 1993/94 and 1996/97, from 4.5 per 1,000 to 4.6 per 1,000, and over-represented by 5.1 in 1996/97;
- 'crime against property' rose from 18 per 1,000 to 26 per 1,000 and over-represented by a factor of 3.6 in 1996/97;
- in 'other crime' the rate halved from 6 per 1,000 to 3 per 1,000 and over-represented by a factor of 2.1 in 1996/97.

Indigenous female juveniles in Victoria in 1996/97 were six and a half times more likely to be processed for assault (indictable) offences than non-Indigenous juveniles; over 5 times more likely to be processed for assault (summary) offences; and twice as likely to be processed for other summary offences. Although in general terms the rates of arrest for Indigenous female juveniles are lower than the rates for Indigenous adults (male and female) and male juveniles (Gardiner 2001b), they are very high in comparison to their non-Indigenous cohort group; the worsening over-representation ratio for young Indigenous girls and women over this period is therefore a matter of great concern.

**Table 5: Rates of arrest per 1000 population
(female juveniles), 1996/97**

Crime Category and Class	Indigenous	non-Indigenous	Over- representation
Sex Offences	0.00	0.01	0.0
Robbery	0.42	0.14	2.9
Assault (Indictable)	1.69	0.26	6.6
Assault (Summary)	2.54	0.48	5.2
Abduction/Kidnap	0.00	0.01	0.0
<i>Crime Against the Person</i>	4.65	0.91	5.1
Arson	0.00	0.04	0.0
Criminal Damage	2.33	0.47	4.9
Burglary (Agg)	0.00	0.00	0.0
Burglary (Res)	2.75	0.45	6.1
Burglary (Other)	2.75	0.28	10.0
Deception	0.00	0.39	0.0
Handle Stolen Goods	1.06	0.24	4.5
Theft from M/Car	1.27	0.15	8.2
Theft (Shopsteal)	11.00	3.94	2.8
Theft of M/Car	1.06	0.46	2.3
Theft (Bicycle)	0.00	0.03	0.0
Theft (Other)	4.02	0.79	5.1
<i>Crime Against Property</i>	26.23	7.23	3.6
Drugs (Cult/Man/Traf)	0.00	0.09	0.0
Drugs (Poss/Use)	0.63	0.30	2.1
Other Indictable	0.21	0.07	3.1
Other Summary	2.33	1.09	2.1
<i>Other Crime</i>	3.17	1.54	2.1
<i>TOTAL</i>	34.05	9.68	3.5

Other Summary Offences

The high level of offence processings of Indigenous women raises questions concerning the character and the extent of the policing of Indigenous women in Victoria, and the nature of police interventions, and is particularly pertinent to transgressions of the *Summary Offences Act 1966* (Victoria). As Mackay and Munro (1996) have previously established, Indigenous people in Victoria are highly susceptible to charges under this Act, with extremely high over-representation levels for offences relating to indecent language, offensive behaviour, and the associated offences of hindering police, and resisting arrest. This is a pattern repeated around Australia (see Cunneen & Libesman 1995:84-100).

As we have seen, Indigenous women are almost five and a half times more likely to be processed for other summary offences than non-Indigenous women, and with processings nearing a total of 500 for the period, this offence type accounts for the single most common of all offence types processed. Can it actually be the case that Indigenous women in Victoria are more prone to public demonstrations of offensive language and 'bad' behaviour than their non-Indigenous counterparts? And, perhaps more to the point, to whom would such demonstrations be offensive? Or is it more likely, as other studies have argued, that the policing of Indigenous women is qualitatively different (Cunneen & Kerley 1995:76-79; Mackay & Smallacombe 1996; Paxman 1993:156): That it is police interventions with Indigenous women which actually create situations which lead to arrests for public disorder being made? In other words, police intervention itself can be viewed as the initiating factor in the construction of a criminal event; an event in which the offended 'public' is none other than the police themselves.

Paxman (1993:156) argues that the visibility of young Indigenous women and girls on the street makes them a target for police keen to make arrests for public order offences, while Cunneen (2001:166) emphasizes that police are in effect regulating public space in a way that criminalizes its use by Indigenous women. The processing of Indigenous women in Victoria for public order offences highlights the extraordinary powers of discretion held by police, and the continuing role that racial selectivity can play in modern policing. But police discretion is not limited to the targeting of potential offender groups; it also plays a role in relation to the actual processing of individual alleged offenders. The data on the methods of processing of Indigenous juveniles in Victoria is, in this respect, highly revealing.

In processing Indigenous juveniles for other summary offences police are able to proceed by way of arrest, caution, summons or 'other'. (Unfortunately the method of processing data do not discriminate between male and female juveniles, but it nevertheless supports the trend identified above). The data reveal a distinct imbalance in the manner in which these methods of processing are applied to Indigenous and non-Indigenous juveniles. In 1996/97, 36.1 per cent of Indigenous juvenile offenders processed for other summary offences were actually arrested, compared with only 15.4 per cent of non-Indigenous juveniles. In the same year, only 4.6 per cent of Indigenous juvenile offenders processed for other summary offences were cautioned, compared to 35.6 per cent of non-Indigenous offenders, seven times the rate of caution for Indigenous juveniles. (The figures for summons and 'other' methods were approximately the same for both groups). As we have seen, these offences are predictably in the category of minor offences, and it is difficult to see how such an imbalance can occur on the basis of the offences alone, notwithstanding the role that repeat offenders may play within the data.⁴ Such processing clearly runs

4 A matter that pertains, however, to non-Indigenous juveniles as well. See Gardiner 2001b:51-58.

counter to both the spirit and the explicit directive contained in recommendation 239 of the RCADIC, which made it clear that the cautioning of juveniles should take precedence over other forms of processing such as arrest (RCADIC, 1991a:84-85). To put it simply, too many young Indigenous women and girls in Victoria are being arrested for minor offences when they should be cautioned, and the cumulative effect of this culture of arrest is clearly reflected in the data on arrests and the over-representation for arrests of Indigenous adult women.

Indigenous Women: Victims of Reported Crime

The second major form of contact Indigenous women have with the criminal justice system is as the 'victims' of crime. Recent media reports, and research have highlighted the high levels of serious crime and domestic violence experienced by Indigenous women (e.g. Jackson 2001; Mouzos 2001). However, Indigenous women have been historically reluctant to report crimes to the police, for reasons grounded in fear and distrust of a force that was viewed as the punitive edge of colonialism. Australian police forces were centrally involved in the removal of Indigenous children, a policy that attacked the fabric of Indigenous family life, and one which was aimed deliberately at women and girls (Cunneen 1994:130-132; Payne 1993:69; Cunneen & Kerley 1995:74-75,85). Indigenous women have also experienced violence and abuse at the hands of police force members, and an associated level of dismissiveness by police in pursuing their complaints of crime (Paxman 1993:154; Cunneen 2001:160-165; Bolger 1991; Atkinson 1990:6). The reluctance of Indigenous women to report crime is therefore understandable, and it is reasonable to assume that police data on reported crime for Indigenous women victims represents an under-reportage (see Cunneen & Kerley 1995:86), although the exact extent of this under-reportage in Victoria is unknown.

Despite these factors, the statistics that emerge on reported crime for Indigenous women between 1993/94 and 1996/97 reveal a distinct pattern of difference in the types of crimes reported by Indigenous and non-Indigenous women. As Table 6 shows, the number of Indigenous women victim reports processed by police rose by 23.4 per cent over the period, compared to a rise for non-Indigenous women of 10.9 per cent (see Table 7). Over the whole period, almost 46 per cent of reported female Indigenous victims were victims of 'crime against the person', compared with just under 12 per cent of non-Indigenous female victims. Forty-three per cent of Indigenous women victims were processed for 'crime against property', while almost 80 per cent of non-Indigenous women victims were in this category. 'Other crime' reports were more even, with 11 per cent of Indigenous victims reported in this category, and eight and a half per cent for non-Indigenous women.

Table 6: Numbers & percentage change Indigenous female victims, 1993/94 – 1996/97

Crime Category and Class	1993/94	1994/95	1995/96	1996/97	% change ^a
Homicide	0	1	2	0	N/A ^b
Rape	11	14	6	10	-9.1
Sex Offences	12	24	14	27	125.0
Robbery	1	0	0	2	100.0
Assault (Indictable)	43	48	53	47	9.3
Assault (Summary)	45	45	40	51	13.3
Abduction/Kidnap	4	1	3	1	-75.0
<i>Crime Against the Person</i>	116	133	118	138	19.0
Arson	3	2	0	1	-66.7
Criminal Damage	15	6	15	46	206.7
Burglary (Agg)	1	0	1	1	0.0
Burglary (Res)	24	38	49	47	95.8
Burglary (Other)	3	2	0	3	0.0
Deception	0	1	0	4	N/A
Handle Stolen Goods	0	0	0	0	N/A
Theft from M/Car	10	5	12	18	80.0
Theft (Shopsteal)	0	0	0	0	N/A
Theft of M/Car	7	14	13	18	157.1
Theft (Bicycle)	2	5	12	7	250.0
Theft (Other)	21	22	25	20	-4.8
<i>Crime Against Property</i>	86	95	127	165	91.9
Drugs (Cult/Man/Traf)	0	0	0	0	N/A
Drugs (Poss/Use)	0	0	0	0	N/A
Other Indictable	0	1	0	0	N/A
Other Summary	46	29	42	3	-93.5
<i>Other Crime</i>	46	30	42	3	-93.5
TOTAL	248	258	287	306	23.4

a. Percentage change, 1993/94 to 1996/97.

b. N/A indicates no computation due to zero entry in base year.

Table 7: Numbers & percentage change non-Indigenous female victims, 1993/94 – 1996/97

Crime Category and Class	1993/94	1994/95	1995/96	1996/97	% change^a
Homicide	57	50	44	51	-10.5
Rape	783	770	756	830	6.0
Sex Offences	3290	3361	3111	2628	-20.1
Robbery	445	445	493	729	63.8
Assault (Indictable)	1831	2110	2230	2409	31.6
Assault (Summary)	2975	3385	3428	3665	23.2
Abduction/Kidnap	174	167	143	189	8.6
<i>Crime Against the Person</i>	9555	10288	10205	10501	9.9
Arson	513	636	765	897	74.9
Criminal Damage	2118	2561	3175	11041	421.3
Burglary (Agg)	77	66	65	60	-22.1
Burglary (Res)	16864	15219	16865	18634	10.5
Burglary (Other)	2075	1662	1565	1456	-29.8
Deception	769	784	790	907	17.9
Handle Stolen Goods	0	0	0	0	N/A ^b
Theft from M/Car	15330	14599	15846	15516	1.2
Theft (Shopsteal)	114	87	98	76	-33.3
Theft of M/Car	8756	8247	9130	9609	9.7
Theft (Bicycle)	2487	2130	2246	2450	-1.5
Theft (Other)	16215	15791	17288	19738	21.7
<i>Crime Against Property</i>	65318	61782	67833	80384	23.1
Drugs (Cult/Man/Traf)	0	0	0	0	N/A
Drugs (Poss/Use)	0	0	0	0	N/A
Other Indictable	40	117	313	447	1017.5
Other Summary	9130	9037	8605	1881	-79.4
<i>Other Crime</i>	9170	9154	8918	2328	-74.6

a. Percentage change, 1993/94 to 1996/97.

b. N/A indicates no computation due to zero entry in base year.

In relation to rates of victimisation, Table 8 shows that the rate for Indigenous women in 1996/97 was 26.7 per 1,000 Indigenous female population, compared to a rate for non-Indigenous women of 40.6 per 1,000. Indigenous women were therefore overall under-represented as victims of reported crime by a factor of 0.7, (which was virtually unchanged from the figure in 1993/94, when Indigenous women were under-represented by a factor of 0.6). However, within the 'crime against person' category, Indigenous women were 2.6 times more likely to report being the victim of a crime than non-Indigenous women. For individual offence classes, Indigenous women were almost four times more likely to report being the victim of assault (indictable); almost three times more likely to report being the victim of assault (summary); two and a half times more likely to report being the victim of rape, and twice as likely to report being the victim of sex offences. Indigenous women were under-represented for all property crime, except as the victims of burglary (aggravated) for which offence they were over 3 times more likely to report being the victim than non-Indigenous women in 1996/97. As Mackay and Smallacombe (1996:20) suggest, this is an offence type which could very well be counted in 'crime against the person'.

What this necessarily limited data tells us is that Indigenous women in Victoria are much more likely than non-Indigenous women to report as the victims of violent crime, and much less likely to report as the victims of property crime. While the levels of reported violent crime suffered by Indigenous women appear to be lower in Victoria than in other jurisdictions (see Payne 1993:68-9; Cunneen & Kerley 1995:86-88; Ferrante et al 1996: 34-5), the situation in Victoria does raise serious questions concerning criminal justice processes in this state. Do Indigenous women in Victoria continue to be disinclined to report crime to the police? How willing, and how efficiently do police pursue reports of crime by Indigenous women, particularly in the context of domestic violence? Is the criminal justice system in Victoria providing adequate protection for Indigenous women in violent situations, or are these issues following the traditional path of silence surrounding Indigenous women and criminal justice (see Cunneen & Kerley 1995:86-88)?

Connecting Offending and Victimisation

It has been claimed that the high levels of imprisonment of Indigenous women on assault charges may be linked to Indigenous women's experience of high levels of domestic violence (NSW Law Reform Commission 2000:190-191). This link has yet to be firmly established, (see Cunneen & Kerley 1995:82), but since imprisonment rates are broadly (but not exclusively) related to rates of arrest, it follows that an offending pattern of crime against the person may also be linked to high levels of victimisation for crimes against the person. It should be stressed that the above data on Indigenous women's offending patterns, and victimisation, can provide no direct correlation between domestic violence and assaults. However, this Victorian data does provide, for the first time, indirect evidence to support work carried out in other jurisdictions. Indigenous women in Victoria are highly over-represented for crimes against the person; more than 10 times more likely to be arrested for assault offences than non-Indigenous women. At the same time, they are clearly over-represented as the victims of reported crimes against the person; Indigenous women are more than twice as likely to report being the victims of sex offences and rape, and three to four times more likely to report being the victims of assaults. There is clearly a need for further research in this area.

**Table 8: Rates of victimisation per 1000 population
(female, all age groups), 1996/97**

Crime Category and Class	Indigenous	non-Indigenous	Over- representation
Homicide	0.00	0.02	0.0
Rape	0.87	0.36	2.4
Sex Offences	2.36	1.14	2.1
Robbery	0.17	0.32	0.6
Assault (Indictable)	4.11	1.05	3.9
Assault (Summary)	4.45	1.60	2.8
Abduction/Kidnap	0.09	0.08	1.1
<i>Crime Against the Person</i>	<i>12.05</i>	<i>4.57</i>	<i>2.6</i>
Arson	0.09	0.39	0.2
Criminal Damage	4.02	4.81	0.8
Burglary (Agg)	0.09	0.03	3.3
Burglary (Res)	4.11	8.12	0.5
Burglary (Other)	0.26	0.63	0.4
Deception	0.35	0.40	0.9
Handle Stolen Goods	0.00	0.00	N/A ^a
Theft from M/Car	1.57	6.76	0.2
Theft (Shopsteal)	0.00	0.03	0.0
Theft of M/Car	1.57	4.19	0.4
Theft (Bicycle)	0.61	1.07	0.6
Theft (Other)	1.75	8.60	0.2
<i>Crime Against Property</i>	<i>14.41</i>	<i>35.01</i>	<i>0.4</i>
Drugs (Cult/Man/Traf)	0.00	0.00	N/A
Drugs (Poss/Use)	0.00	0.00	N/A
Other Indictable	0.00	0.19	0.0
Other Summary	0.26	0.82	0.3
<i>Other Crime</i>	<i>0.26</i>	<i>1.01</i>	<i>0.3</i>
<i>TOTAL</i>	<i>26.73</i>	<i>40.60</i>	<i>0.7</i>

a. N/A Indicates no computation due to zero entries.

Summary and Conclusions

In historical terms, police forces in colonial Australia were a source of oppression, disorder and mayhem in relation to Indigenous communities across the country. As the recent work of Cunneen (2001) amply demonstrates, policing in Australia has had, and continues to have, a profound impact on Indigenous life on a host of levels. In this context, the policing of Indigenous communities can be viewed not as an essentially law and order issue, but as a traditionally punitive process: a process which has encompassed often violent and draconian interventions in daily life, the removal of children, forced re-locations, containment and confinement, constant surveillance and patrols [see Human Rights and Equal Opportunity Commission (HREOC) 1991, 1997; Cunneen 2001:46-75; Sackett 1993; Cunneen & Libesman 1995:29-67]. It is important to remember that it was the policy of successive Australian governments to eradicate Indigenous culture, and that police forces have played a central part in each stage of this history (Tatz 1999; Reynolds 2001). Recognised by white authorities as the centre of Indigenous family life, Indigenous women were principal targets of this policy framework, and of police practices. As the *Bringing Them Home* (HREOC 1997) report so aptly shows, Indigenous women retain keen and bitter memories of this period, and the role of the police.

Indigenous women's contemporary experience of the police, and the criminal justice system in general, occurs in three ways; as the offenders of crimes, as the victims of crimes, and as the family, partners, and friends of Indigenous men in custody (see Payne 1993). The high incidence of Indigenous male imprisonment has meant a disproportionate burden of responsibility has fallen on Indigenous women as both carers and providers for their families. Other studies have shown that Indigenous men in Victoria have very high rates of arrest and custody (Gardiner 2001a), and that this burden of responsibility for family is also shared by Indigenous women in Victoria. This study shows that the experience of Indigenous women in Victoria in relation to offending and victimisation also broadly mirrors that of Indigenous women in other jurisdictions.

In terms of offending, Indigenous women are heavily over-represented for processing as alleged offenders for a host of criminal offences in Victoria: They are almost 10 times more likely than non-Indigenous women to be processed for 'crime against the person'; just under three and a half times more likely than non-Indigenous women to be processed for 'crime against property'; and, four and a half times more likely to be processed for 'other crime'. Both Indigenous adult women and juveniles share a pattern of offending, with proportionately more assaults and 'street offence' processings occurring amongst Indigenous women, than with their non-Indigenous counterparts. Processings for breaches under other summary offences are a matter of real concern: Indigenous women are almost five and a half times more likely to be processed than non-Indigenous women for these offences, and this offence type was the most common of all offence types processed. Statistics for other summary offence processings indicate a continuing high level of police intervention in the daily public life of Indigenous women, and a disproportionate tendency on the part of police to process Indigenous offenders by way of arrest rather than caution. This policing practice represents a serious divergence from key recommendations of the RCADIC aimed at reducing the overall level of Indigenous contact with the criminal justice system. The key data on Indigenous female juveniles is also a matter of concern, with a significant increase of almost 30 per cent in the number of processings from 1993/94 to 1996/97, and an over-representation factor in all classes of offence in 1996/97 of three and a half. Both adult and juvenile Indigenous women are being processed too frequently for minor offences.

In relation to victimisation, Indigenous women are overall under-represented as the victims of reported crime, a fact that stems from a much lower incidence of reported property crime amongst Indigenous women. However, in terms of reported 'crime against the person' Indigenous women were over two and a half times more likely to report being a victim than non-Indigenous women: Indigenous women were almost four times more likely to be the victim of assault (indictable); almost three times more likely to report being the victim of assault (summary); two and a half times more likely to report being the victim of rape, and twice as likely to report being the victim of sex offences. In other words, Indigenous women are much more likely than non-Indigenous women to be the victims of violent crime, and less likely to report as the victims of property crime. These statistics need to be viewed in the context of a widespread reluctance on the part of Indigenous women to report crimes to the police, although as noted the degree of under-reportage in Victoria is not known.

These statistics paint an incomplete, yet disturbing, portrait of Indigenous women's experience of criminal justice in Victoria. Clearly there remain serious deficiencies in a system which has by and large ignored that experience, or indeed, has even bothered to acknowledge that problems exist. Indigenous women appear to be suffering as a result of racial selectivity in policing, and by virtue of their position as women – what one author has referred to as the 'double jeopardy' of race and gender faced by all Indigenous women in their contact with the criminal justice system (Brooks 1996:270). At the micro-level, there is an urgent need for a review of police practices and protocols in relation to the policing of public spaces; a clear need for further cross-cultural training of police officers, which takes into account gender biases as well as issues of racism; and a clear need for improved resources in the delivery of legal services in representing Indigenous women. On a broader level, the position of Indigenous women in Victoria will continue to be influenced and affected by the unraveling of Australia's colonial structures and ideologies, and the ongoing contestation regarding Indigenous sovereignty; matters that run to the heart of Australian law and the delivery of justice.

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