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Victims of Crime NT

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This paper is based on research on research on prevention, crisis intervention and treatment in Aboriginal Family Violence ([www.ncp.gov.au](http://www.ncp.gov.au) & [www.ofw.facs.gov.au](http://www.ofw.facs.gov.au))

Research on Aboriginal Night Patrols ([www.ncp.gov.au](http://www.ncp.gov.au))

Work as Research Director of the Western Australian Law Reform Commission of WA's *Aboriginal Customary Law* Project (2001-5) . ([www.lrc.justice.wa.gov.au](http://www.lrc.justice.wa.gov.au))

Most victim services are only activated once an offence has taken place.

I want to suggest that, while such services are an essential element of any modern response to victimisation, we need to focus on the factors which drive high levels of victimisation in the Aboriginal community and work to reduce the risks of becoming a victim.

Agencies have an important role to play.

However, it is only through strengthening community structures that real reduction in rates of victimisation will occur. It is unfashionable just now in the NT to talk up Aboriginal law and culture! Influential voices are calling for the wholesale dismantling of what law and culture remain - Aboriginal culture has been defined as the problem, and there are calls for more law and order policing. Aboriginal people deserve as high a level of security as anyone else. What is at issue is how this is achieved. I do not believe it can be achieved without:

- genuine partnership with Aboriginal law and culture
- nurturing Aboriginal community justice mechanisms
- developing culturally appropriate prevention programs

### **What Does the Research Say?**

Research has consistently found that the risks of being a victim of violence are much higher for the young, the poor and Aboriginal women. There is a clear link between what criminologists call 'hyper-marginalisation' – groups who suffer extreme forms of alienation from mainstream structures - and likelihood and seriousness of victimization.

A groundbreaking study by colleagues at the CRC (Ferrante et al, 1996) found that the risk of domestic violence is not spread equally throughout the population. Some groups suffer much higher rates and are more vulnerable than others of being victims of crime. Official statistics, usually based upon cases reported to the police, rarely reveal the true extent of victimisation within vulnerable groups because these are least likely to report.

The study revealed that rates of domestic violence amongst Aboriginal women were staggering. Although these women make up only about 3% of the adult female population in WA, they accounted for half of all the domestic violence incidents reported to the police in 1994. Based on police figures, *Aboriginal women are more than 45 times more likely than non-Aboriginal women to be a victim of domestic violence.*

We also know that intimate homicide is twice as likely than any other kind (eg by a stranger) and that victimisation generally is more likely to be by family

No wonder Aboriginal people talk about family violence as the main issue in their communities.

Aboriginality is a clear risk factor in becoming a victim. Aboriginal people are also likely to be victims because they are disadvantaged in other ways. The Ferrante et al study found that women in lower socio-economic areas were more likely to be the victims of domestic violence than those from more affluent areas. Women from rural and remote areas were also more likely to be victims:

- Economic disadvantage is a key variable in likelihood of victimisation.

- Distance from urban centres increases the likelihood of violence.
- However, rural and remote locations are less likely to have adequate resources to deal with problems

The study points to three areas of particular need in the fight against domestic violence:

1. Better information on the extent and distribution of domestic and family violence.
2. Interventions need to be carefully designed and managed.
3. Intervention strategies need to be informed by a proper understanding of the dynamics of violence in marginalised groups. They need to be tailored to meet the needs of specific localities.

It is also clear that high levels of victimization reflect deeply embedded structural factors. There is no quick fix solution. However, we continue to place enormous faith in ‘one off’ programs delivered on the whole by agencies that have no roots in the communities they service, and in the capacity of what is – from an Aboriginal perspective – a wholly alien system of justice, to resolve the problems

It is doubtful of new strategies around an increased police presence and more police powers will do much to resolve the problem if these simply increase already unacceptable levels of over-representation in prison.

Aboriginal law and culture have taken a hammering in recent months in the NT. However, our work in WA suggests that it is only through partnership with law and culture that the roots causes of extreme violence can be addressed.

### **The criminal justice system**

The system has not dealt well with Aboriginal victims because of:

- An incapacity to see Aboriginal people as victims rather than stereotyped offenders
- Myths about Aboriginal culture that ‘normalize’ violence
- The attitudes and behavior of, and lack of empathy by, key professionals in the system, particularly at the point of first contact

- Systemic Racism: whether deliberately or unwittingly, our processes and procedures remain stubbornly ethnocentric and frequently – if unintentionally - discriminate against Aboriginal people
- Issues related to language and meaning – the system fails to hear, listen and validate the experiences of Aboriginal victims
- Lack of investment in appropriate forms of victim support and counseling
- Lack of strategies to build capacity within Aboriginal communities
- Lack of understanding about the dynamics of violence in Aboriginal communities
- Unwillingness to work in partnership with Aboriginal communities
- Suspicions within Aboriginal communities. Themselves, about the motives and intentions of powerful agencies

There is a need for new strategies on:

- Policing
- Crisis Intervention
- Prevention
- Treatment

Research shows that Aboriginal victims are more likely to be:

1. repeat victims
2. multiply victimised

Aboriginal people are more likely to be in situations of ‘multiple and compound crisis’. Meaning that they may be a victim of crime while having to contend with a host of daily crises: poor housing/homelessness, employment, alcohol, family conflict, prison, children, poverty, ill health, loss and bereavement, mental health.

***Some key research findings include:***

- Family violence is a major concern for Indigenous people; eclipsing issues such as property crime - the obsession of white society (Homel, Lincoln and Herd:1999, 192).
- rates of interpersonal violence in Australian Aboriginal communities are

significantly higher than in non-Aboriginal communities;

- derogatory and racist stereotypes of Australian Aboriginal women & other victims of violence still continue to normalise abusive behaviour towards them;
- Aboriginal victims of violence did not always receive equitable and timely support from front line agencies and courts;
- there is a dearth of appropriately structured and funded community based prevention, intervention and treatment programs capable of mobilising and engaging Aboriginal communities in the struggle against violence;

### **Earning Victim status**

Aboriginal women may not fit in dominant stereotypes of a domestic violence victim or ‘battered wife’

They sometimes find it difficult to earn the status of victim – they might be considered to be responsible as well as the offender.

An Aboriginal Family violence situation may flare up in public, on drinking grounds, in pubs. Aboriginal victims may not appear to be docile and passive (like ‘real’ victims on the tele ads).

Victimisation also begins early. Prevention needs to be tailored to the realities of Indigenous life.

### **A Family Violence Approach**

Aboriginal women and Aboriginal people generally want the violence to stop. That can’t be stated often enough. But there is still a profound suspicion of gadiya methods which tend to only increase the numbers of Aboriginal men in prisons and, ultimately, fuels the cycle of violence.

How do Aboriginal communities themselves define family violence?

There may be no one-fits-all definition. It shifts in relation to local circumstances, particular histories. It generally includes issues related to violence against women and children but it may contain other issues – feuds, jealous fights, neglect of obligations around children and kin, alcohol fuelled violence; humbugging of elderly relatives for food and money.

*If you are being abused in any of the following ways: family fighting, jealousy, physical abuse, emotional blackmail, racial or cultural abuse or have problems caused by too much alcohol, drugs or gambling, this is FAMILY VIOLENCE'*

Kimberley Women.

Note here the references to drugs and gambling and also to racial and cultural abuse. Note also the reference to jealousy,

Rarely is family violence discussed without reference to the violence of colonisation, the multiple layers of disadvantage, the theft of children.

A key difference between the family violence approach and a domestic violence approach is that the former tends to support initiatives that work with men.

Customary Law

- Communities, particularly in remote areas, want to see formal recognition given to Aboriginal law.
- They also wanted to see Aboriginal values and principles incorporated into the non-Aboriginal justice system.

■ [www.lrc.justice.wa.gov.au](http://www.lrc.justice.wa.gov.au)

One long running initiative in Derby WA – a violence prevention program – works with young men and young women on issues such as *jealousing*, it has separate men and women's spaces, there is a multi-agency committee including: the police (who currently hold the chair), justice, welfare, drug and alcohol agencies, but also has strong community groups, such as the sober up shelter, the Numbud Aboriginal Patrol, the women's resource centre.

We have to be more imaginative and add value to organisations that Aboriginal organisations have faith in. Why not situate a victims support service in a sober up shelter or on a Community Patrol?

And we have to work within Aboriginal structures:

Crime prevention programmes most suited to Aboriginal contexts are those providing a holistic framework, as Cunneen observes in relation to family violence prevention:

The common themes in evaluations of family violence programmes include the need for holistic approaches, the utilisation of community development models which emphasize self-determination and community ownership, the provision of culturally sensitive treatment which respects traditional law and customs and involves existing structures of authority such as elders, including women (Cunneen, 2001, 9).

What Do Night Patrols Do?

- provide a mechanism for ensuring social order, preventing violent situations and protecting the vulnerable;
- divert intoxicated people away from contact with criminal justice system;
- provide transport home for young people and/or refer to support services;
- work with sobering up shelters, safe houses and women's refuges;
- provide safe transport, intervention to prevent alcohol related disorder on communities.

Research in the Northern Territory found:

“Night Patrols perform a huge range of functions, according to the needs of their communities and the resources they have available. They act as a nexus to connect people and services such as clinics, courts, Police, community government councils, and family. They mediate disputes, remove people from danger, keep the peace at events such as sports carnivals, are consulted by agencies such as courts for input into sentencing, and play a crucial role in the development of community justice groups” (Walker and Forrester, 2002, 2.

- In WA each of the Patrols receives a minimum of \$50,000 from the state government.
- This is the necessary minimum
- Patrols in Victoria and NSW also well resourced.

### *Self Determination and Devolution*

Self-determination does not necessarily imply complete independence, indeed such a process could be devastating for communities: it speaks, instead, to Aboriginal aspirations for a renewed social contract between Aboriginal and non-Aboriginal Australia. One prominent commentators suggests that:

[S]elf-determination does not necessarily entail secession or the creation of separate states but can be articulated through the *restructuring and renewal* of existing relations between Indigenous organizations and Government to create arrangements to reflect and support a diversity of Indigenous circumstances. (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2002, 2. Italics added).









