

SUBMISSION OF SENIOR SERGEANT WELLS OF DERBY POLICE TO THE EDUCATION AND HEALTH STANDING COMMITTEE

Inquiry into the Adequacy and Appropriateness of Prevention and Treatment Services for Alcohol and Illicit Drug Problems in Western Australia

I am a Senior Sergeant and the Officer in Charge of the Derby Police Station since January 2008. I have previously been the Officer in Charge of the Kiara and Leederville Police Stations. I have had previous country postings at Roebourne Police Station and Geraldton Detectives.

The Derby Police Station staff comprises a Senior Sergeant (OIC), 2 x Sergeants (Supervisors), 12.5 sworn Constable positions and 1 x Customer Service Officer.

There are also 2 x Detective Staff stationed at Derby who service the Derby and Fitzroy Crossing Police Districts.

The Derby Police District comprises approximately 80,000 square kilometres and extends roughly halfway to Broome, halfway to Fitzroy Crossing and 300 kilometres up the Gibb River Road.

Derby townsite has a population of approximately 4,500 consisting roughly 50% indigenous and 50% non-indigenous plus a substantial number of indigenous persons who prefer to be in town instead of on outlying communities during the wet season or are part of normal transient movements of indigenous persons around Kimberley towns.

The major aboriginal communities located within the Derby Police District are Looma, Pandanus Park, Mowanjum, Imintji and Kupungurri. Ngallagunda and Dodnun communities are located further up the Gibb River Road in the Wyndham Police District however these communities are policed from Derby due to the distance from Wyndham and the commonality of the persons to those in Derby.

Most of our crime is committed by indigenous persons with the vast majority of the property related offences of stealing, steal motor vehicle and burglary committed by juveniles predominantly late at night or in the early hours of the morning after police have ceased duty.

The majority of assault complaints are of a domestic violence nature and usually excessive liquor consumption is a factor for either or both the victim and offender.

It is common for significant numbers of indigenous persons to remain in Derby after a major event like a funeral and often come under notice for antisocial behaviour and domestic violence offences.

LIQUOR OUTLETS & RESTRICTIONS

Derby has 3 hotels of which only 2 sell takeaway liquor and there are also 2 liquor stores both of which are situated adjacent to supermarkets.

There is also a sporting club which has negligible impact on liquor issues in Derby.

Apart from the generic liquor sales restrictions across the Kimberley, there are also restrictions in Derby pursuant to Section 64 of the Liquor Control Act as follows:

- No licensed premise can sell takeaway liquor before mid-day on any day.
- Hotels can only sell liquor for consumption on their premises before mid-day if it is served ancillary to a meal.
- No full strength beer can be sold after 8pm.
- No external promotion of beer of higher than 3.5% alcohol is permitted.

In addition to restrictions under Section 64 of the Liquor Control Act it is sometimes necessary to request further restrictions either pursuant to the powers under Section 114 or voluntarily through the liquor accord/close working relationship. These restrictions can become necessary when there are increases in persons in Derby usually for a specific event e.g. funerals.

It is common to have a funeral for an indigenous person in Derby which attracts mourners from all parts of the Kimberley and sometimes Pilbara regions. It is also common for substantial numbers of the persons from out of town to remain in Derby for lengthy periods after the funeral.

Unfortunately some mourners and locals seem to use funerals as a reason to drink to excess under the guise of “sorry drinks”. Increased antisocial behaviour and domestic violence usually follows.

Whenever there is a funeral for an indigenous person or a significant event in town I necessarily conduct a risk assessment of the increased policing need and believe the following examples are noteworthy:

Over 25 & 26th June 2010 there were 4 indigenous funerals conducted over 2 days and necessarily arranged for 2 extra staff from Halls Creek and 2 from Broome to come to Derby to assist me which was an expensive exercise. Further I exercised my powers under Section 114 of the Liquor Control Act stipulating no sales of full strength beer, spirits or premixed cans e.g UDL type for both days and imposed restrictions of takeaway sales limited to either 1 carton of low strength beer or 1 carton/block of mid-strength beer or 1 bottle of wine per person per day. Although I received support from the licensees this was unpopular with consumers.

Even with the restrictions in place, my staff arrested 26 persons over the 2 days with a substantial number around an open wake at the Civic Centre with the following break-up of charges 19 street drinking, 3 obstruct police, 1 assault, 1 disorderly conduct, 1 no authority to drive and 1 breach of bail. Without the liquor restrictions being imposed it is the opinion of all police the numbers of arrests and charges preferred would have been substantially higher. Additionally a greater amount of antisocial behaviour and domestic violence would have been expected.

On 2nd July 2010 an alcohol and smoke free family event in the form of a mardi gras and band festival night was held at the town oval. The event in 2009 was the inaugural event of this nature and both organisers and police were overwhelmed by the adverse behaviour of liquor affected persons outside the event. For 2010 I organised extra police both from Derby and from Broome to assist and around the vicinity of the main gates to the event there were 10 persons apprehended as drunk detainees, 23 arrests for the following charges 13 street/reserve drinking, 7 disorderly conduct, 1 possession cannabis, 3 possession smoking implement, 1 escape legal custody and 2 breach move on notice. In addition 2 persons were summonsed for street drinking and 7 liquor infringements issued for street/reserve drinking. The only incidents inside the event were from persons who had smuggled in liquor or had it passed through the fence to

them. Due to 2 consecutive years of this type of behaviour it is likely this family event may have to be changed considerably or cancelled. All the offending parties for the above event were indigenous.

It is ironical the following day the Derby Cup race meeting was held at the nearby racetrack and attended by approximately 1500 persons with a licensed bar operating from mid-day until 11pm during the races, two-up and a live band. Police only affected 1 arrest of an Australian Chinese male for refuse to leave licensed premises.

I am disappointed that persons who recognise there is a liquor problem with our indigenous community and wish to be seen as supporting them, still appear content to indirectly condone their behaviour e.g. last week I was approached by a supporter of an aboriginal corporation and advised she wished to conduct a fundraiser for the corporation. The organiser had already booked a venue and organised for indigenous country and rock bands to perform. Promotional posters show “BYO bring only a few” however when I queried this figure the organiser readily stated that if an attendee arrived with a block (30 cans) of full strength beer by himself, he would still be admitted. The event organiser stated she wished my advice in respect of the conduct of the event and I simply stated that since she was putting together the causal factors for probable anti-social behaviour and violence the event should be alcohol free. The organiser clearly did not like this advice and whilst conceding “alcoholics would be attending” and “there will be fights” she still intended to conduct the event as BYO because “without liquor nobody would come”. I am still working through legal options to minimise the impact of this intended event.

Whilst I am mindful it is desirable to limit the number of indigenous persons in the judicial system, it is my experience there is still a need to arrest persons for offences like street drinking on occasions when there is no other viable option. To ensure the orderly conduct of Derby and allow businesses and residents to go freely about their business it is necessary for police to adopt a firm but fair approach which is often no tolerance.

It is not unusual for groups of indigenous persons to purchase liquor, usually full strength Emu Export cans and then consume the beer at diverse public locations. I do not have enough staff to attend repeated complaints re their behaviour so it is necessary to take timely affirmative action.

When I commenced at Derby in 2008 it was not unusual for there to be large numbers of indigenous persons drinking in groups in public places and resulted in frequent complaints concerning their behaviour. The 2 local Shire rangers were spending 2- 3 hours several days per week providing a physical presence in town parks/reserves preventing persons bringing liquor onto or drinking in them. I have promoted the ethos through my staff to all Derby residents the only places in the Derby townsite to drink liquor are at home or in licensed premises.

Primarily this is policed through the issuance of liquor infringements however their effectiveness is questionable as persons receiving them are often liquor affected and argumentative. Additionally there is little deterrent in the infringement as persons not paying them are not pursued.

Because most persons drinking are already liquor affected, consideration of proceeding by summons is not practical as it is usual for the offence to continue and the issuance of move on notices is not effective as it does not solve the problem, it simply moves it somewhere else with the persons still in possession of their liquor and the causal factor for more anti-social behaviour or potential violence. I do not have the staff or time to have repeated dealings with the same persons for their continuing antisocial behaviour.

Arrest usually results in the following:

- The offender is removed from the area subject of complaint
- They are processed at the Derby Lock-up and usually not released until completely sober
- They usually receive a meal whilst in custody
- Their liquor is able to be seized as an exhibit and its forfeiture requested in court under the Liquor Control Act

It is my perception and the feedback from both community and business leaders that Derby has never been better in relation to far lesser complaints of unruly behaviour of individuals or groups drinking in public places. Currently there is no need for the Shire rangers to provide any presence on any day of the week to prevent persons with liquor entering onto parks/reserves.

After liquor stores open at mid-day is now more common to see indigenous persons sitting on blocks of beer awaiting taxis usually to go to a private address.

It is the experience of Derby Police the support for liquor affected persons in Derby is limited.

There is a community bus operated under the NUMBUD scheme which is ostensibly for the conveyance of liquor affected persons however its availability during its advertised times 6 – 10pm Monday – Friday is questionable. It is the perception of Derby staff it should be available later particularly up until midnight when the hotels cease trading. It is the Police experience the service is seldom available when called by Police on behalf of persons on the contact telephone number supplied and this results in large numbers of persons left waiting for it. It is not uncommon for my staff to convey liquor affected adults (male & female), children and even prams in the back of the Police van to areas in Derby and Mowanjum Aboriginal Community because they are left waiting at the designated NUMBUD stop in Ashley Street and cannot afford a taxi.

It is the experience of Derby Police that although there is a cooperative approach with the Sobering Up Shelter staff, they have only been capable of receiving about 40% of drunk detainees apprehended by police either due to being closed or already at capacity. Those unable to be accommodated at the shelter are either conveyed to a possible private residence or lodged at the Derby Lock-up.

None of the aboriginal communities in the Derby Police District have sought to have restrictions under Section 175 of the Liquor Control Act.

Mowanjum Community is in an awkward location 10 kilometres from Derby and the adverse effect of the read availability of liquor. Similar to parts of Derby the Mowanjum Community has a problem with wide spread incidence of liquor in the community and its consumption at most times of the day. The community does have bylaws which make it an offence to bring liquor onto or consume it in the community however the bylaws are weak as they do not provide any powers to seize liquor or request its forfeiture in any court proceedings. At face value the Mowanjum Council appear united and strong when it comes to acknowledging what is best for the community however some are reluctant to become involved if there is any action which may be unpopular or involve their relations. Despite encouragement they have done little towards requesting Sect 175 restrictions. The chairperson and his brother are strong in their actions at Mowanjum and to show support

for them, Derby Police provide patrols at optimum times to deter the liquor related offences under their bylaws however the enforcement is undermined as there can be Council members in the company of the persons committing the offences. Since the increased police patrols there has been a noticeable improvement in the incidence of drinking at Mowanjum which is important because with the drinking comes the anti-social behaviour, domestic violence and excessive noise all of which are causal factors for children being unable to sleep. With minimal sleep the children are too tired to attend breakfast or pre-school sporting programs and school next day or if they do attend are too tired to absorb anything.

INTERAGENCY

Whilst we have a good working relationship with the Derby DCP office, they are not readily available after hours when we must communicate with Crisis Care to try and seek local assistance. The assistance requested after hours must be far greater than just welfare concerns for the staff to be considered for recall and the office appears under resourced. I have been informed that even if they did come back to duty and take a child into care, they have no where to place the child in Derby.

Derby Police have an excellent working relationship with the Emergency Department of Derby Hospital and the Royal Flying Doctor with a joint co-operative approach.

Additionally I am a member of the Derby Health Advisory Committee which enables a more strategic level approach if necessary.

Derby Police are also a lead agency in the Kimberley Regional Domestic Violence Coordination meetings in Derby.

When I commenced at Derby in January 2008 the Jayida Burru Abuse and Violence Prevention Forum was meeting in Derby and although it had been well regarded in the past, its operations were stymied through no further funding which had previously enabled the employment of a case worker.

The Aboriginal Justices Agreement forum commenced and because it was well funded and its charter appeared to include the role of the Jayida Burru forum, it took over the role to prevent duplication. I am still a member of the Aboriginal Justices Agreement forum however in over 2 years, apart from meetings I have not seen anything tangible other than the installation of

speed bumps and conduct of a community bar-b-cue in one of the lower socio-economic areas commonly referred to as the Back Streets.