

Critical Reflections on the Operation of Aboriginal Night Patrols

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Abstract

Much has been written about Aboriginal night patrols in recent decades; this has typically been ethnographic or evaluative. However, little work has been done to situate night patrols against wider historic trends in criminal justice and theorize their contribution in relation to neoliberal regimes of justice. Drawing on data collected as part of an evaluation of Aboriginal night patrols in New South Wales, this paper develops a critical approach to understanding night patrols. We interrogate the notion of 'community'—central to the philosophy and practice of night patrols—examining the limitations of community forms of justice in challenging dominant understandings of crime and addressing the structural causes of crime.

Keywords

Night patrols, Indigenous, Restorative justice, Community policing, Aboriginal, Rural crime.

Introduction

Indigenous night patrols grew from community development initiatives during the 1990s in central Australia and have evolved and multiplied into a diverse range of patrol types dispersed throughout the nation (Blagg and Valuri 2004; Lawrence 2007). During this time, they have been subject to many pressures—from communities and government—but for advocates their primary role is to improve quality of life in the community development sense for all members of the community, rather than modifying social, environmental, health, economic and crime indicator metrics. As part of this, Indigenous night patrols play a role in the prevention of conflict and violence and reduction of associated harms, especially in remote places (AIHW and AIFS 2013). Contemporary rural and remote Indigenous communities are typified by high levels of cultural and social disintegration. The development of Indigenous night patrols to function in this difficult context and address the specific issues to improve community quality of life can be considered as a distinct 'Southern' contribution to criminology (McCall 1980; Connell 2007), especially because unlike many international examples of 'community policing', they were developed and are largely operational in rural and regional settings (see Nalla and Newman 2013). Moreover, they were a form of community development and justice that developed bottom-up, drawing on Indigenous methods of community support and forms of dispute resolution (see Carrington et al. 2016; Walker and Forrester 2002).

In their earliest form, Indigenous night patrols acted primarily to resolve issues and build community (Mosey 1994). They intervened at critical junctures in events, not as police or an emergency service, but as local people who knew the individuals involved and the context, and could respond by persuasion and mediation, operating via consent as opposed to coercion. Later, as patrols became better funded within a community policing paradigm, the patrols transported people from 'risk'

areas to safer places, typically at night. They were auspiced by local Aboriginal organizations, staffed by volunteers and had considerable flexibility in how and when they worked. The philosophy of successful night patrols was primarily derived from community development and justice principles and early intervention approaches to problem-solving and crime prevention. Night patrols were distinguished from private security and formal policing operations in that they are typically community development focused, 'community-based' operations and were in some cases 'community owned' or 'community-controlled'. Over time this changed in practice, as they spread to varied locations, secured an increasing share of government funding and developed a range of models that emphasized a focus on crime prevention, being a professionalized service, guidelines for practice, formalized governance arrangements, and reporting requirements. Nevertheless, notions of community development with an increasing focus on community policing remain central to the philosophy of patrols.

Although still referred to as emblematic of Indigenous community justice, Indigenous night patrols have become contested and hybrid entities through what has been termed a 'clash of paradigms', which has contrasted community development activities, with state policing and/or Indigenous dispute resolution or crime prevention with non-Indigenous (Turner-Walker 2010). The research on night patrols has included critical reviews (e.g. AIHW and AIFS 2013; Auditor-General 2011; Blagg 2004), in-depth ethnographic-style accounts of patrols such as Turner-Walker (2010) and Walker and Forrester (2002) to accounts emphasizing actuarial performance measurement, underpinning government reviews (Auditor-General 2011; Beacroft et al. 2011). All approaches share an interest in how the patrols work and what makes them effective and pay at least some kind of tribute to the patrols as community 'owned', 'led' or 'based' (Willis 2010; Blagg and Valuri 2004; Blagg 2007). For many, however, the explicit primary *raison d'être* of Indigenous night patrols in community development and improving quality of life in communities has been overlooked and instead reduced to criminological explanation and metrics. As Richards (2014) has observed with regard to restorative justice, community policing has often been presented as monolithic, despite having highly divergent antecedents. This has resulted in an emphasis on documenting and appraising justice practices at the expense of critical scholarship.

Numerous scholars have sought to define the concept of community, to identify the unique, often esoteric characteristics that unite residents to become stronger and work towards achieving common goals and maintaining social order (e.g. Tönnies's (1957) concept of *gemeinschaft*, Granovetter's (1973) 'strong and weak ties' and Putnam's (1993) 'social capital'). Sampson et al. (1997) described the social cohesion among community residents combined with their willingness to intervene for the common good to prevent crime and disorder as 'collective efficacy'. This ability depends upon conditions of mutual trust and shared values among residents.

The celebration of night patrols has rarely accounted for how community conflict or fragmentation may impact on their operation and effectiveness, despite such issues having been highlighted in one of the earliest reviews of night patrols. For example, although there may be a passing reference or note to family and community politics and dissension, most notably as a factor in a patrol's demise or decline, there has been no exploration of the challenge such divisions pose for a 'community' initiative and 'communal' resource. It is as though patrols exist in political and cultural vacuum. Where criticism has been made it has been largely 'administrative' to the extent that it has been concerned with functionality of night patrols and best practice in terms of reducing crime metrics, as opposed to examining the philosophical mooring of night patrols and situating them within a broader theoretical framework of community development and criminal justice.

This chapter develops a critical account of night patrols, which situates their development within the broader field of communitarian models of justice. In doing so, we examine the impact on night patrols on how 'the crime problem' is understood and managed in the context of rural and isolated places. We also examine the capacity of communities to manage social problems and deal effectively with socio-structural precedents and coincidents of crime. The chapter draws on fieldwork undertaken for an evaluation of youth night patrols in New South Wales to provide a critical context to night patrols, examining the challenges of localism and its relation to neoliberal forms of governance (see Cooper et al. 2013).

The Sociopolitical Context of Night Patrols

On 21 June 2007, the Australian Government announced a 'national emergency' response to protect Aboriginal children in the Northern Territory (NT) from sexual abuse and family violence. On 23 June, approximately 600 members of the armed services were deployed to occupy 23 Indigenous communities and town camps in the far North of Australia. At the same time, 'the intervention', as it became known, introduced a range of draconian measures, including abolishing government-funded employment projects, quarantining 50 percent of welfare payments, suspending the Racial Discrimination Act (1975), subjecting children to mandatory health checks and compulsorily acquiring Aboriginal land (Aboriginal & Torres Strait Islander Social Justice Commissioner 2007). The intervention was, on the surface of it, a response to the Little Children are Sacred (2007) report, released on 15 June by the Northern Territory Government.

The government response was criticized in terms of being a top-down intervention, which micromanaged the lives of Indigenous people. Critics claimed the intervention disregarded human rights and was essentially racist (Altman and Russell 2012; Fieldes 2010). In terms of its mission to assist and 'liberate' Indigenous peoples, comparisons were drawn between the Northern Territory and Afghanistan and Iraq. The North of Australia presented as something akin to a failed state. In July 2015 Australian Human Rights Commission president, Gillian Triggs, described the NT intervention as a 'sad chapter, in Australia's history' and a gross 'breach of basic principles of public international law' (Kerin 2015).

The question here is how should the intervention be read in terms of the troubled history of policing Indigenous communities in Australia? Was it some kind of reversal of the welfarist interventions that had become familiar during the 1990s following the Royal Commission into Aboriginal Deaths in Custody (Johnston 1991)? Indeed, was it an indication that the zero-tolerance-type policies and procedures of the new right, which had been tested in urban ghettos of the global North, were being introduced into some of the most remote communities in the world? It is interesting to note that the intervention had occurred at a moment when criminological theorists had begun to denounce criminal justice policies and activities of the right as 'neoliberal'. There was nothing overtly 'neoliberal' about the intervention, with its emphasis on overt state intervention.

Looking back, the intervention was none of these things. At the very moment of the intervention, a major review was being undertaken of a very different approach to Aboriginal policing in Australia. In 2001–2002, Blagg and Valuri (2004) reviewed over 100 self-policing initiatives being undertaken by Indigenous peoples throughout Australia. Similarly, Cunneen (2001) concluded that night patrols represent 'the major and longest running crime prevention programs in Indigenous communities, with evaluation of night patrols indicating reduced levels of fear of crime, offending and associated social problems' (Cunneen 2001: 50). It seems difficult to reconcile the extremes of militaristic intervention with the subtler rhetoric and practices of community policing. And yet, both were being played out, sometimes in the same communities in the far North of Australia. Cunneen (2001),

writing prior to the intervention, had noted a lack of effort to implement restorative or community-based policing in Australian jurisdictions, there instead being signs of an increased paramilitary or tactical approach. And yet, by 2008 Blagg cited 130 patrols operating in Australia, which Porter (2016) suggests to be a conservative figure. What's more, most patrols were situated around the far North of the continent.

In the seminal *The Culture of Control* (2001) David Garland documented a seemingly schizophrenic or contradictory response to crime control in Western nations, such as Britain and the USA, that had emerged following the failure of penal policy during the late twentieth century and access to justice critiques which had emerged simultaneously on the left and the right of the political spectrum during the 1970s. The failure of penal welfarism in an Australian context is stark when considering Indigenous Australians. It is widely acknowledged that Indigenous Australians experience significant levels of disadvantage across a range of social, economic and health indicators (Anderson and Wild 2007; Higgins 2010; Macklin 2011; Ministry of Justice 2010; Cunneen 2007). In 2016, Amnesty International called on Australian state and territory governments to introduce justice targets to reduce the chronic rates of Indigenous incarceration (Amnesty International 2016).

In the context of such failures, two criminologies have emerged in Western societies. The 'criminology of the other' is a hysterical denial of the failure of sovereign state to control crime within its borders. It seeks to reassert the state's power to govern by force of command; in this context, power plays a largely symbolic role. Punishment is an act of sovereign might, an act of punitive force, which exemplifies what absolute power is all about. This response to the penal crisis relies on exclusionary and punitive strategies of crime control. The intervention makes sense in the context of this criminology. In contrast, the criminology of the self views criminal and risk populations as rational actors and utilizes what have been referred to as the 'new criminologies of everyday life', such as crime prevention (Garland 1996). It involves increasing rationalization and commercialization of criminal justice functions, utilizing the agencies and actors of civil society to manage crime. In terms of power, it operates according to what Foucault termed disciplinary power (1991).

A key shift for Garland (2001) in the contemporary management of crime involves the movement from a monopolistic sovereign state towards dispersed and pluralistic strategies of crime control. Community policing, an important aspect of night patrols, is one such strategy. The shift from conventional models of policing can be traced back to the 1987 Royal Commission into Indigenous Deaths in Custody. Following this, the past two decades have seen strenuous efforts by Indigenous groups, the courts, law reform bodies and the police to address the overrepresentation of Indigenous people in Australia's criminal justice system through the adoption of pluralistic strategies which draw on restorative models of justice (AIHW 2012; Allard et al. 2012; Ministry of Justice 2010; Richards 2011; Smith and Weatherburn 2012; Willis 2010; Cunneen 2007).

Many of these programs may be characterized as new criminologies of everyday life to the extent that they are decentred from the state and have a preventative focus. They require a shift from an adversarial offender-centric approach to acknowledging offending as a community issue requiring a collective response. Community justice intervention programs have three elements: restorative justice; prevention, early intervention and community strengthening; and self-determination and engagement (Ryan et al. 2006). New programs include the adoption of community policing, diversionary programs, cross-cultural training and education for police officers, a commitment to improve custodial health and safety and greater Indigenous autonomy concerning justice issues. More Indigenous staff have been employed in courts and prisons, and alternative forms of community-based sentencing have been introduced to address Indigenous disadvantage (Cunneen

2007 ; Mazerolle et al. 2003). Night patrols might be situated as one strategy in this shift towards communitarian forms of justice, with community placed at the forefront of justice initiatives, alongside offenders and victims.

Night Patrols as a Criminology of Everyday Life

The reform challenge of community justice might be characterized as achieving 'governance at a distance' (Rose 1996), that is, to incorporate traditional patterns of behaviour of local Indigenous people into the conventional concepts and procedures of criminal law. The process is confounded by communication and language barriers, the role of kinship, Indigenous customary law, multi-tribal and interclan conflicts, substance abuse and the historical legacy of social discrimination and dispossession (Hogg and Carrington 2006). Addressing Aboriginal injustice must involve rethinking how crime is interpreted and understood, especially in rural and isolated places. Rethinking 'the crime problem' might address aspects of over-policing and allow Aboriginal people to be positioned not only as perpetrators of crime, but also as victims of crime, and might also broaden the way in which crime is defined and policed. On another level, the causes of offending and victimization, deeply structural and highly contextual, need careful consideration.

Mainstream police studies have largely ignored night patrols, as has critical work on private policing in Australia (Blagg 2003). Night patrols have sometimes been considered as a form of community policing. This can be mostly considered as a neoliberal strategy which engages a community in broader responsibility for social development and social sanctions, as well as supporting the adoption of harm minimization strategies and mechanisms (Nalla and Newman 2014). With this model, the role of the community is to provide expert knowledge and to mobilize previously untapped cultural and community resources to develop situational and culturally appropriate responses that will engender change in the community and individuals. There is also adjustment in the role of government from that of expert to that of facilitator and enabler. The objective here is to increase capacity of local communities to self-manage program elements (Ryan et al. 2006). However such policies are based upon the assumption that programs will succeed because a functioning cohesive community exists in all places (Barclay and Donnermeyer 2007).

The 1986 New South Wales (NSW) Law Reform Commission of Australia's review of customary law noted that Aboriginal people want a police presence and a voice on how policing is carried out. This review argued that self-policing provided flexibility to Indigenous communities in how 'troublemakers' are dealt with while taking pressure off limited police resources (Law Reform Commission 1986). Community policing has been found to be sensitive to the social and welfare needs of specific groups in the community. It is also a strategy, which has allowed for the state to extricate itself from the troubled area of Indigenous justice, reverting some responsibilities back to communities. In Australia, it uses 'local Aboriginal knowledge' to create new regulatory networks (Ryan et al. 2006; Turner-Walker 2010). With the support of local police, Indigenous people and their codes of conduct are utilized in problem-solving work (Blagg and Valuri 2004; Office of Crime Prevention 2006; Blagg 2007; Attorney-General 2008; Aboriginal Programs Unit 2010; Auditor-General 2011; Beacroft et al. 2011; Richards et al. 2011).

Night patrols have been criticized on a broader level for problems such as 'net-widening', a process by which the client reach of the criminal justice system is extended by increasing the overall proportion of the population subject to some form of social control (Ryan et al. 2006). This is said to arise from the programs becoming too closely linked with formal systems of intervention and the problems encountered as a result of endemic funding shortages. There is danger of Indigenous community initiatives being co-opted in new security networks, into meeting needs of non-

Indigenous interests or being colonized by powerful agencies of business and government. Here 'local Aboriginal knowledge' is used to create new regulatory networks, as has been seen with some Indigenous dispute resolution programs that have been appropriated by powerful state agencies such as the police (Nolan 1995). The same criticisms have been made with regard to restorative justice interventions among young people in Australia (see Richards 2014).

Their position at the bottom of the service provision chain makes patrols vulnerable to co-option. Partnerships have been questioned where community organizations are seen as junior partners, and information tends to flow one-way (upward) rather than being shared. Some key decisions on the management of night patrols have even been made away from community forums (Blagg 2003). An enforcement model sees the role of patrols as removing the 'Aboriginal crime problem' from public spaces. Here Indigenous agency is used to achieve traditional policing objectives of cleansing public space of Indigenous people.

What is surprising here is that the community, which is prominent in the philosophical grounding of night patrols, is largely invisible in evaluations of the service. Typically night patrols have been offered as an example of the 'decolonization' of Indigenous justice (Porter 2016). The proximity of night patrols to what Garland (1996) refers to as the 'new criminologies of everyday life' is largely ignored, as is the less positive interpretation of such criminologies as a 'neoliberal' strategy of crime control. Night patrols are considered in terms of empowering community as opposed to the net-widening, surveillance, privatization of disputes or responsabilization of communities. In contrast to the type of strategy we see in the NT intervention, night patrols could also be considered as a withdrawal of state responsibility for the management of Aboriginal disadvantage coupled with the maintenance of state control through standardization and quality assurance mechanisms.

The following section draws on fieldwork undertaken for an evaluation of youth night patrols operating as part of the Safe Aboriginal Youth (SAY) programs and referral to support services (Aboriginal Programs Unit 2010; NSW Government 2012). These programs, which commenced in 2009, have been funded to operate for eight hours per week, usually over two nights, with some additional funds provided for supplementary nights during school holidays or to coincide with key community events. Patrols and activity programs operate at priority times identified by local police. Aboriginal community justice groups or other local Aboriginal youth interagencies provide an advisory role for SAY patrols and activity programs (Aboriginal Programs Unit 2010). SAY program funding has been provided to nongovernment organizations for up to four years, subject to compliance with Performance Agreements.

In total, fieldwork was conducted in 11 sites in New South Wales; however, this paper draws on data collected in nine rural sites. Size of communities in the study ranged from 600 to 38,000 and included agricultural, coastal and remote areas. In addition to night patrol management and staff, interviews included members of Aboriginal community justice groups, youth workers, local council staff, Indigenous leaders, police and various government and nongovernment service providers. In total, there were 117 participants interviewed across the nine communities. Of these, 46 were female, 71 male and 57 Indigenous people. Ages ranged from 18 to 75, with most participants aged in their 20s and 30s.

Discussion

The Service

The SAY program targets communities with relatively high proportions of Aboriginal people and high levels of social disadvantage. According to the Australian Bureau of Statistics (ABS) Socio-Economic Index for Areas for regional towns, these communities have some of the highest levels of disadvantage in NSW, with higher levels of unemployment and disability, single-parent families and criminal victimization as compared to state averages accompanied by low levels of household income (ABS 2011). Furthermore, these levels were much higher for Aboriginal residents in comparison to non-Aboriginal residents of these communities. The Indigenous population was also much younger with a higher proportion of children under the age of 14 years. The large- to medium-sized communities could be said to have a high population turnover, but overall a low population growth compared other rural and/or isolated towns of similar size. In some communities, young people aged less than 14 are overrepresented. Some places had high levels of Indigenous in-migration. In one larger town, 57 different Aboriginal groups were represented.

In many cases night patrols in NSW were started by the community, often as foot patrols. In all cases the patrols went through diverse structures with different sponsoring organizations. Initial sponsoring organizations were invariably Indigenous, although few current organizations are. In terms of operation, patrols were variously managed by Police Citizens Youth Club, local government youth services, Indigenous-specific services or bodies and local government. Only one service was managed by an Aboriginal organization, most staff were non-Indigenous though local stakeholders did stress how important it was to have a number of local Aboriginal staff, and the users of the service were a mix of Aboriginal and non-Aboriginal youth.

A mix of female and male children and young people use the night patrol services. In larger communities, 40–50 clients could access the patrol on a busy night. Different programs targeted different age ranges: some from 10 to 16 years, others 12–18 and another 14–17, but services were flexible and occasionally children as young as 7 would be transported. Hours of operation varied significantly across the different communities, with some using fixed schedules and routes, while others providing a more flexible service. Some of the young people were picked up from their homes and transported to an activity center, while others are picked up from the streets and returned to a safe place, which may be the activity center. In addition to transport, programs provided a range of recreation (e.g. midnight basketball), social and learning programs. The provision of food was a key component to the success of the activity program.

Night Patrols and the ‘Crime Problem’

That youth, and in particular Aboriginal youth, were a problem and/or in trouble in the towns we visited almost went without saying. Small populations and high levels of mutual recognition in these places meant the activities of young people were more visible than other groups in the town and more likely to be policed (Cunneen 2007). Being visible, hanging out, late at night, under the influence, loud and disruptive—these were concerns for adults, both Indigenous and non-Indigenous. Night patrol staff concurred with such concerns.

In particular, local residents were concerned with the presence of young people in civic centers ‘hanging around’. The marginalized status of young people was underlined by references to ‘boredom’, ‘nothing to do’, ‘no transport’ and for those most at risk or most disengaged ‘not being safe at home’. Boredom was blamed for many young people gathering in the streets on evenings

and during weekends (Blagg and Valuri 2004). Environmental factors such as heat and crowded dwellings brought young people into public spaces at night. Once on the streets, young people were likely to hang out with other young people. Lack of youth recreational activities or exclusion from 'communal' facilities resulted in what young people describe as 'boredom'. Recreation options that occupy young people in urban areas such as cinemas, major shopping centers and other sport and recreation facilities were limited in the places we visited or were inappropriate to the needs of young people. In some cases, young people were excluded from participating in recreational activities because of age, monetary or social restrictions. Even where young people did have access to these, it involved considerable travel and money. The exclusion has necessitated alternative recreation spaces, which in small towns may not exist. This is not normally the arrangement in more traditional cultures, nor in all Western cultures, where it is normal for adults, young people and children to socialize together in public space.

The use of public spaces, often highly supervised and physically restricted in smaller communities, conflicted with the commercial and service functions of the places we visited. Other research has noted that the use of public space within town centers by young people has been accompanied by efforts to make them invisible through the coercive actions of police and private security companies to move them on (see Smith and Reside 2011; Putt 2011; White 1990). This results in high levels of policing, noncomparable with non-Indigenous populations, and high arrest rates for minor offenses (Hogg and Carrington 2006). Following from this, research has also found that night patrols have produced enhanced public perceptions of safety (Ryan et al. 2006). Our research also suggested that night patrols were broadly considered by those directly responsible for their operation to be an effective form of situational crime prevention and there was a general consensus that they were an effective instrument in controlling the 'crime problem' or social problems identified by communities, this being, namely, juvenile delinquency associated with isolation and lack of mobility by offering a spatial form of crime prevention. For example, they seek to move 'people at risk', in terms of both criminal offending and criminal victimization, from public places to 'safe' places. However, night patrols that focus narrowly on immediate crime prevention and community safety are open to criticism that they do not address the underlying social causes of crime. This noted, they do provide a mechanism to address community safety and may address criminalization by diverting young people from antisocial or criminal activity.

While, on the one hand, those involved with night patrols lauded their effectiveness, there was also a perception among some residents that night patrols only operate as 'booze buses' or free transport that facilitate and normalize antisocial conduct. In the absence of programs that build community capacity, it could be patrols focusing narrowly on immediate crime prevention do nothing to build community efficacy. A broader criticism here was that patrols are providing a 'street sweeping job' and fail to challenge the perception of 'youth as trouble' or address the causes of youth offending. Instead the aim of patrols is to remove the Aboriginal problem from public space. In this way the Indigenous agency, if co-opted, functions to perform traditional policing goals associated with cleansing public space of Indigenous people. The youth night patrols clearly sought to address these concerns, but it is notable that youth have minimal input into their operation or management. Patrols are not led or managed by young people. 'Harm' is defined by self-defined members of the community, not those on its fringes. On whose behalf do they speak?

Addressing the Causes of Crime

Communitarian justice often relies on the ability of people within a community to intervene for the common good to maintain social order and depends upon conditions of mutual trust and solidarity

among residents or 'collective efficacy' (Sampson et al. 1997). Collective efficacy is embedded in structural contexts, and therefore it can be eroded by social change, such as residential instability, ethnic diversity and social and economic disadvantage. Sampson et al. (1997) maintain that the differential ability of communities to maintain effective informal social controls is a major source of variation in crime. Rural criminologists in North and America long argued that collective efficacy produced lower crime rates in rural communities. While this has recently been questioned in research drawn from the experience of the global South, especially the notion that crime rates are necessarily lower in rural areas (Carrington 2007), the broader point that collective efficacy also produces a criminogenic order which facilitates and represses certain varieties of criminal or deviant activity has also been made (Scott and Hogg 2015). On another level, the type of communitarianism idealized in studies of rural crime is not evident in many isolated and rural Aboriginal communities. In such places, communities have been fractured, social disintegration often contributing to actual and perceived crime problems. This ignores the state as a positive force in struggles for justice and much communitarianism avoids analysis of power relations.

Geographic isolation and geographic distances made transportation a huge issue for residents of the towns that we visited. Given the lack or cost of public transport in these places, the addition of a communal vehicle—the bus—can be a considerable asset, especially for some groups within a community. While transport affects all young people living in rural areas, especially the economically disadvantaged, Indigenous people are especially affected as spatial management has formed an important element in their social control. The disruption of Aboriginal cultures and communities had significant spatial dimensions and continues to be so, as Indigenous people have traditionally been segregated from rural towns, despite often being an important element of rural labor forces. During the colonial period and for most of the twentieth century, Aboriginal people were forcibly separated on reserves and missions outside of town boundaries. These were places of isolation, which cultivated dependency. The legacy of this separation has persisted in some of the case study communities in the form of social housing, which is restricted to defined spaces on community margins. Children were particularly vulnerable to victimization in the smaller remote towns that are located on major highways where strangers traverse, where street lighting is minimal.

The above noted lack of transport resources and options are closely linked to youth crime in rural areas. Constraints on access to education, training, work and social life were exacerbated by the lack of public transport in the case study communities, and many young people (including non-Indigenous youth) lacked private transport to access basic services, such as schooling or leisure activities such as sport. Access to transport for young people and limited youth services are key problems and highlighted the utility of a night patrol service. In some towns, the out-migration of families reduced demand on education, health, transport, retail and other services. As a consequence, there was a shortfall in specialist services in relation to drug and alcohol use, psychiatric and psychological assessment and counseling and life skills. There had also been problems in attracting and keeping sufficient numbers of appropriately skilled staff for night patrols. Justice services were largely concentrated in certain regional centers leading to problems in youth access.

A major challenge for patrol workers in most communities is the lack of services available for young people, particularly after hours. In many communities, the night patrol is the only dedicated service for youth that operates at night. Some programs did not tend to refer young people to other services on a regular basis, but in other communities referral of young people to drug and alcohol services and outreach services is common practice. As Richards (2014) has noted, while justice initiatives may hand back some of the responsibility for crime control to communities, this is not

worked in conjunction with an increase in social support services. Given that many community initiatives operate in lower socioeconomic regions and involve Indigenous peoples, the likelihood programs will address the structural precedents of crime are limited.

There were also problems of an overlap of service delivery and a lack of clearly defined functions in the roles of service providers. Our informants felt that some services in their communities can have quite territorial views about 'competing' services and there are issues around confidentiality and the sharing of information. This is because of the practice of tendering for services, which means services 'silo' clients and services to retain their viability and ongoing funding. As a result, there was limited interaction, cohesion or collaboration between services and limited scope for night patrol staff to link clients to other community supports.

A recent evaluation concluded that night patrols could best support increased community safety if there was a 'more coordinated approach to services delivery at the community level' and if each night patrol established 'effective partnerships with other related community support services (such as police, safe houses, sobering up shelters and health clinics) at a local level' (Auditor-General 2011). This conclusion subtly changes the focus of night patrols, away to short-term immediate problem-solving (persuading people to accept transport home to avoid conflict or victimization) towards a more prominent role in an integrated approach to service provision that addresses underlying causes of social problems that reduce community safety (Beacroft et al. 2011).

In small rural towns, the lack of transport made a bus a prized possession. In some communities, the patrol bus is used during the day as an outreach service for a range of Aboriginal services, such as taking people to classes and medical appointments. In these instances, people who were elderly and people with disabilities were cited as using the bus. In other instances, for people who were elderly, the bus would be used to transport adults to recreational activities. This has created confusion as to the function of the buses, and some patrols have experienced problems when refusing access to adults or inebriated people seeking transport home. There was a strong sense that such 'misuse' of the resource should be limited and managed, especially when it had resulted in the discontinuation of funding for the patrol in some instances. Opening up this possibility, however, ran the risk of exacerbating local friction in smaller communities with accusations of 'nepotism', 'gatekeeping' and 'hijacking' and/or in all contexts of 'inappropriate use' by groups and individuals. Concern was expressed about allowing widespread community access to the bus. It was acknowledged that if access is managed well, it can work in a large 'fragmented' regional center, but caution was urged in smaller communities where everyone knows everyone else. A further concern about 'wider access' was that such arrangements can take the ownership and management of the bus out of the hands of the Aboriginal community.

Such misuse is to be considered in the context of Aboriginal kinship relationships. There are shared responsibility agreements between kin groups based on the concept of mutual obligation or 'reciprocity'. Behrendt (2011) defines Aboriginal reciprocity as a social norm that requires those who have resources to share them with those who do not and that those who receive this generosity must provide for and share with others. Therefore, the needs of the community would take precedence over the use of the bus in these towns where there is a lack of transport. This noted, fault lines and fractious relationships also emerged within and between communities. This is not surprising as any close-up knowledge of social life reveals, be it in rural towns or remote places. However, most pertinent were the references to family conflict and local politics within the Aboriginal community, as these impeded program management in some communities. Kinship and 'closeness' are seen as a potentially divisive force that is glossed as local politics, influenced by kinship, Indigenous customary law and multi-tribal and interclan conflicts (Memmott et al. 2006).

These explanations of local politics, however, primarily relate to remote Indigenous communities, where the traditional is more apparent to the non-local eye.

Social debts and credits need to build up over time, which occurred in some locations, primarily among Indigenous residents, but not solely so. Arguably, where there is little in the way of assets held in joint ownership and where individuals have not accumulated much capital or goods, then the power conveyed to enable access to and use of a vehicle takes on a special significance. To key individuals and groups, it has the potential to generate significant service 'debt' and cause disequilibrium in the ongoing balancing of social and political power between individuals and family groupings within a community.

Conclusion

All rural communities differ in size, geographical location including their proximity to urban centers, their social structure and economic base, which can range from agriculture, forestry and fishing, mining to tourism. Even places closely matched in these characteristics differ according to the collective characteristics of the people who live there (Barclay and Donnermeyer 2007). Indigenous communities in rural Australia are usually located on former reserves and missions that were constructed through the colonial process which often resulted in different and sometimes traditionally antagonistic groups being forced to live together. The construction of 'community' took people away from their traditional lands and prevented the use of customary ways of dealing with conflict (such as temporary exile) (Cunneen 2015). Therefore, the term 'community' may not really apply to the complex interrelationships and diverse groups of Indigenous people that exist in rural Australia. Furthermore, Indigenous communities are usually part of a wider non-Indigenous community; and the community as a whole may not be socially cohesive (Cunneen 2015; Barclay and Scott 2013).

Collective efficacy is facilitated by social cohesiveness within a community where there are high levels of mutual trust and cooperation between residents. However these characteristics require time to develop. Communities are not natural set of relations but are constructed on broad terrain of history and politics (Barclay and Scott 2013). In fragmented communities, such as those which were the focus of our evaluation, social bonds between residents are weaker, and this reduces the probability that they will be willing to monitor the behavior of young people or intervene to prevent crime.

The increasing shift in focus to small 'remote' communities in federal public policy has contributed to distorted and asymmetrical depictions of community life that privileges the traditional regions with dense kinship ties and clan affiliations. Too often the rhetoric of community disguises the variegated and fragmented postcolonial situations of Indigenous people and romanticizes pan-Aboriginal identity in a manner that conceals differences. Turner-Walker (2010), for example, uses the term 'settlement' as opposed to community to highlight how colonization mixed peoples together who would not otherwise have resided in geographic proximity and would likely have avoided social contact. Morgan notes that very few Aboriginal people now live in circumstances where they are completely immersed in Indigenous kinship ties to the exclusion of all others. Thus it seems fair to conclude that understanding localized power relations and contestation cannot be anchored to essentialist views of what it is to be Aboriginal or symbolic representations of Aboriginal communal life, even if they have currency as rhetoric at a local and national level. Communities are not natural set of relations or processes, but are constructed on broad terrain of history and politics, including practices of colonizers, such as the forced relocation of tribal groups.

Power and hierarchical formations pervade all communities, so that there is no such thing as a singular or universal community—no community includes everybody. It is meaningless if it does. Always communities have members and outsiders. This position is rarely acknowledged in the literature on community policing, which struggles to account for community diversity and conflict. In terms of night patrols, the diversity of rural and remote Indigenous communities means they are unlike other Australian communities, particularly in terms of the mixes of families, relationships, responsibilities and territories; therefore night patrol memberships and activities must be designed for the specific circumstances of each community (Turner-Walker 2010). Traditional and cultural value systems must be considered when planning programs. Community participation requires genuine participation and leadership from community members. Often the most disadvantaged and socially disorganized communities struggle to create and sustain the participation and leadership required to pressure government agencies and services to take effective action (Achterstraat 2011). The challenge for the new criminologies of everyday life is to define the role, capacities and limits of communities in theory and practice. Our research would indicate that the capacity of night patrols to achieve their objectives varies according to the sociopolitical context of communities.

There is a romanticization of community self-regulation, with community seen as an antidote to antisocial behavior, as a moral and philosophical source of justice and preferable to privatization and individualism. While rural places have been idylized by criminologists as places of collective efficacy, replete with social capital at a geographic level (Bell 1997, 2006), Indigenous peoples have also been mythologized as representing a more basic form of social organization (Richards 2014). The assumption that a collective and egalitarian ethos exists in many in contemporary Aboriginal communities dangerously oversimplifies and conceals complex social disorganization and structural inequalities that pervades these communities. When considered in terms of geography, unstable communities are sites composed of different identities and interests can be riven with tensions regarding the seemingly authentic and essentialized experiences and roles of leaders in embodying such qualities.

In terms of the structural causes of crime, there is a need to acknowledge the different capacity of regions or groups to regulate conflicts, support victims and offenders and resource reintegration. A neoliberal response to governing crime in rural Australia requires communities to take generic responsibility for certain crime problems, such as youth offending. Meanwhile, it seems only Indigenous people are constructed as belonging to communities which are outside of communities of care (Richards 2014). The notion that youth or Indigenous people constitute a significant part of the crime problem in rural places goes unchallenged. Geographic inequality and spatial concentration of wealth and poverty means some communities are better able to provide community policing initiatives. What might work reasonably successfully in well-integrated communities will be limited in socially fragmented places characterized by deep-set structural inequalities. Local harms weaken a broader response to political domination and oppression. If community justice remains tied merely to crime prevention, no attention will be given to the need for 'transforming communities and building progressive social alliances that might change the conditions under which offending takes place. Community policing remains at best a medium-term, band-aid solution to a problem that would be better addressed from a long-term, whole-of-society perspective, offering a therapeutic response for structural problems.

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Legislation

Racial Discrimination Act 1975 (Cth).

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