



AFP

AUSTRALIAN FEDERAL POLICE



Senate Legal and
Constitutional Affairs
References Committee
Inquiry into Missing and
Murdered First Nations
Women and Children

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Submission by the
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Introduction

The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the Legal and Constitutional Affairs References Committee inquiry into missing and murdered First Nations women and children.

In the law enforcement context, state and territory governments are primarily responsible for law and justice responses to family, domestic and sexual violence, missing persons and murders. The AFP's submission covers our national and ACT Policing roles and responsibilities in relation to missing and murdered First Nations women and children. The AFP submission also highlights our policies and initiatives to promote the full and unhindered participation of First Nations people in the AFP workforce and provide culturally aware policing services to the Australian community.

The AFP is committed to growing a high performing, innovative and future-focused policing agency that holds the confidence of our community, government and partners. The AFP continues to build public awareness and encourage community engagement to ensure we reflect the interests of the community we represent and serve.

ACT Policing Perspective

From a policing perspective, a missing person is anyone who is reported missing to police, whose whereabouts are unknown, and where there are fears for the safety or concern for the welfare of that person. ACT Policing does not hold any long term missing persons cases for First Nations women and/or children.

Management of Missing Persons cases

ACT Policing members are required to complete a Missing Person Reported case note entry on the AFP's Police Realtime Online Management Information System (PROMIS) for every missing person. This report includes a field for whether the missing person identifies as First Nations. The case note entry is intended for operational purposes only to assist with locating the missing person. ACT Policing missing persons investigations follow the *Better Practice Guide on ACT Policing Missing Persons* ('the Better Practice Guide'). The Better Practice Guide provides practical guidance and procedural framework for investigating missing persons. It also provides clear direction to AFP Appointees at each stage of a missing person case, including a risk assessment matrix; responses that align with nationally agreed protocols; and information on what capabilities are available. Finally, the Better Practice Guide provides guidance on procedures for managing remains of potentially First Nations persons.

ACT Policing Missing Persons Team

The ACT Policing Missing Persons Team reviews all ACT Policing missing person investigations and provides intelligence support to members of ACT Policing undertaking missing persons investigations. The team also undertakes intelligence enquiries on behalf of the Missing Persons Units of domestic and international law enforcement agencies.

The ACT Policing Missing Persons Team utilises the Australian Criminal Intelligence Commission's (ACIC) National Missing Persons and Victims System (NMPVS), which is based on the INTERPOL disaster victim identification ante-mortem and post-mortem form. The NMPVS's primary purpose is to match missing person case details with demographic, physical, medical and dental data of unidentified human remains.

First Nations Liaison Officers

Having sought and received cultural advice, ACT Policing has re-named the long-established Aboriginal Liaison Officer capability to the First Nations Liaison Officer (FNLO) capability. ACT Policing employs two FNLOs and one First Nations Senior Liaison Officer (FNSLO). ACT Policing's First Nations Senior Liaison Officer was established in August 2022 for the purpose of:

- Strengthening existing strategic and agency-to-agency level relationships,
- Identifying and establishing new relationships, and
- Supporting the FNLO to focus on community-level engagement activities.

Through its FNLOs, ACT Policing is well-placed to identify families at risk, engage with and gain trust of community, and refer members of the community to relevant and culturally appropriate support services and programs.

The FNLOs have previously delivered 'Cultural Connections' training to ACT Policing members. In March 2021, the Commonwealth Ombudsman and ACT Ombudsman issued a report on its own motion investigation into *ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community*. Recommendation seven of the Ombudsman's report recommended ACT Policing develop a strategy to support the

development, delivery and ongoing evaluation of cultural training. As a result, ACT Policing will be establishing a new stand-alone program that is specific and relevant to the First Nations community in the ACT region. This requires co-design with community and in that regard, ACT Policing will shortly be seeking tenders with a view to developing the program in first half of 2023 for delivery to commence in the second half of 2023.

ACT Policing has encouraged its FNLOs to establish a Community-of-Practice for FNLO-like functions in other ACT and Commonwealth Government agencies in order to encourage and facilitate the exchange of ideas, programs and the professional development of its members around the function. The Community-of-Practice is in a formative stage; however, it has the potential to contribute across matters of policy, practice and procedure.

Family and Domestic Violence

ACT Policing recognises that women and children are disproportionately impacted by domestic and family violence. ACT Policing works with relevant support services to prevent family violence incidents and ensure that victim survivors are supported and protected. ACT Policing remains a primary stakeholder in the Family Violence Intervention Program (FVIP) and a member of the Domestic Violence Prevention Council (DVPC); the peak body advising the ACT Attorney-General on family and domestic violence issues. ACT Policing has a strong focus on improving the existing approach to family violence in our community, acknowledging it is a difficult issue and requires an approach broader than law enforcement.

The Secondary Response Model provides a formalised framework for inter-agency responses to family violence between the ACT Policing Family Violence Unit, Domestic Violence Crisis Service (DVCS) and Youth Protection Service (CYPS). Improvements to the Secondary Response include the introduction of an opt-in opportunity for victim survivors of family violence to meet directly with Police officers in the Family Violence Unit. This provides a relaxed, informal opportunity for police to build positive relationships and explain the judicial process to survivors of family violence, including First Nations people.

Ombudsman investigation into ACT Policing's administrative framework with the ACT Aboriginal and Torres Strait Islander community

In March 2021, the Commonwealth Ombudsman and ACT Ombudsman issued a report on its investigation into ACT Policing's administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community. In relation to the Ombudsman's nine recommendations:

- Recommendation 2, which relates to Standard Operating Procedures, is expected to be completed by the end of 2022;
- Recommendation 4, which relates to performance measures, was noted;
- Recommendation 7 relates to cultural training, and the training program is expected to commence at the beginning of the 2023-2024 financial year; and
- The remaining six recommendations are expected to be completed by the end of 2023.

ACT Policing has established a Working Group to progress the recommendations. Chaired by the ACT Policing Superintendent of the Family Violence and Vulnerable Persons portfolio, the Working Group comprises representatives from across ACT Policing and the AFP's First Nations Unit.

ACT Policing has drafted tenders for procurement allowing engagement with service providers through the Commonwealth Indigenous Procurement Policy (IPP) in order to ensure the recommendations, including the development of a cultural training program, are appropriately implemented through a program management approach involving co-design.

In September 2022, ACT Policing met with the Ombudsman to provide an update on implementation of the Ombudsman's recommendations, specifically reforming the Working Group, the method of implementing the recommendations via a culturally competent and connected third-party arrangement and the impact of this approach on timelines for completion of the recommendations.

National Missing Persons Coordination Centre

Established in 2006, the National Missing Persons Coordination Centre (NMPCC), which sits within the Specialist Protective Command in the AFP, provides national coordination in response to missing persons in Australia, and complements the investigative role of state and territory police.

Police Consultative Group on Missing Persons

The NMPCC chairs the Police Consultative Group on Missing Persons (PCGMP), a bi-annual meeting which brings together the AFP and all state and territory Missing Persons Units (or equivalent).

The aim of the PCGMP is to develop, maintain, and review national policy and procedures in relation to missing persons in Australia. For example, in November 2020, the PCGMP received a presentation from the Department of Social Services (DSS) on a project relating to missing and murdered Aboriginal and Torres Strait Islander Women. DSS provided a brief background into the development of the project and sought PCGMP views around how to improve information sharing.

The PCGMP also provides a national forum to deal with issues and trends specific to missing persons, and to ensure a consistent approach and response from police and search agencies across the country.

Minimum Dataset

It is difficult to determine accurate figures of missing First Nations women and children due to data collection inconsistencies across state and territory jurisdictions. Part of the recommendations in the 2017 Australian Institute of Criminology (AIC) Research report '*Missing persons: Who is at risk?*' relates to data quality and reporting in relation to missing persons in Australia. The report commissioned by the NMPCC, recommends the development of a Missing Persons Minimum Dataset which has since been developed by the NMPCC in conjunction with the PCGMP and AIC (**attachment A**).

As a result of the outcomes of this report, the PCGMP agreed to a minimum dataset for recording missing persons. The dataset includes demographic information such as Indigenous status. As a result of this agreement, all jurisdictions have made positive progress in the amount of, and consistency in, data collected.

The AFP, through the NMPCC has been compiling this enhanced data to present a national picture of available information.

Through the PCGMP, all parties continue to collaborate on improving the data collected regarding missing indigenous women and children to better inform decision making.

Long term missing persons

When a person has been missing for more than three months, they are classified as a 'long-term missing person'. At the three-month mark, state and territory police seek permission from the family to provide the NMPCC with the profile information (and a recent photo) for inclusion on the Public Register of Long Term Missing Persons.

First Nations Unit

In 2021, the AFP Commissioner established the AFP First Nations Unit to promote full and unhindered Aboriginal and Torres Strait Islander participation in the AFP workforce and inform the provision of culturally aware policing services to the Australian community. The First Nations Unit is underpinned by the 'partner and innovate' operating model and informed by the views and experiences of our AFP members. This model also relies on continuous consultation and collaboration, particularly with our First Nations community. The First Nations Unit partners with business areas, regional commands and other stakeholders to support and enhance the delivery of First Nations initiatives. The First Nations Unit works across all areas of the AFP, including ACT Policing, to improve outcomes for First Nations people and all Australians.

The First Nations Unit has three main priorities:

1. Embedding cultural awareness – ensuring culture is visible and valued as part of the AFP's everyday business.
2. Strengthening cultural competence – delivering impactful training, education and awareness to support culturally competent policing services to the Australian community; and
3. Supporting First Nations members – informing culturally appropriate recruitment, professional development and retention initiatives for new and existing First Nations members.

The First Nations Unit consulted with Reconciliation Australia to deliver the 2022-24 iteration of the AFP's Innovate Reconciliation Action Plan. Launched in May 2022, during National Reconciliation Week, this Plan reaffirms AFP's commitment to reconciliation in Australia and details two clear organisational priorities:

1. Ongoing workforce support for appointees in their reconciliation journey and recognition of the unique and valuable contributions made by our First Nations members.
2. Increased positive community engagement with enhanced delivery of culturally competent policing to First Nations peoples and communities.

The First Nations Unit liaises regularly with counterparts from other state and territory policing jurisdictions (and international counterparts) to ensure a national discussion on improving First Nations outcomes in the judicial system.

AFP Staffing

The AFP is committed to fostering a positive culture where all our employees feel safe, respected, engaged and connected, and ensuring the AFP is reflective of the community it serves. As of May 2022, 188 AFP members identified as First Nations, representing 2.5% of the AFP's workforce. The AFP will soon launch a new Diversity and Inclusion Strategy which sets a revised target of 3% representation of First Nations peoples in our workforce by 2028 and increased representation in the AFP Senior Executive Service by 2028, and is reflective of the Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy.

The AFP uses the Australia New Zealand Policing Advisory Agency (ANZPAA) Anti-Racism and Cultural Diversity Principles, AFP's new Innovate Reconciliation Plan and the National Agreement on Closing the Gap to guide efforts in supporting better outcomes for First Nations peoples.

The AFP has progressed work on establishing a First Nations Advisory Board to support strategic decision-making, enhance organisational understanding and capability, and accelerate outcomes for First Nations people. The AFP is also focused on First Nations employment strategies and increasing First Nations representation in our sworn workforce through new pathways including through the Indigenous Police Recruitment Our Way Delivery (IPROWD) Program. This will provide the AFP with genuine engagement, and a direct pipeline of First Nations candidates for Police and Protective Service Officer Recruit courses.

Malunggang Indigenous Officers Network

The Malunggang Indigenous Officers Network (MION) is a First Nations support network that provides an opportunity for First Nations staff to come together, share experiences within the organisation and provide advice and support. MION currently has approximately 130 members and the AFP's First Nations agenda is championed by two Assistant Commissioners, representing both AFP National and ACT Policing.

Directions Program

The AFP Directions Program, which began in 2012, is a dedicated 12-month entry-level pathway program specifically designed for First Nations people. The Program places participants into unsworn roles and includes workplace rotations and fit for purpose professional development. The Directions Program is a successful initiative that contributes to the AFP's Reconciliation Action Plan commitments and Closing the Gap targets around employment and educational outcomes.

Indigenous Police Recruitment Our Way Delivery Program (IPROWD)

The AFP collaborated with NSW Police Force (NSWPF) and NSW TAFE to co-fund and deliver the IPROWD Program. IPROWD is a bespoke pre-employment program specifically for First Nations peoples interested in a career with law enforcement. Approximately 60 students will participate in IPROWD courses this financial year, with the aim to take up employment with either the AFP or NSW Police Force. This creates an additional employment pathway into the AFP for First Nations Peoples, and a targeted initiative towards sworn roles, supporting our objective to reflect the diverse communities we serve.

National Agreement on Closing the Gap

AFP is working with the National Indigenous Australians Agency and the Attorney-General's Department on implementing the recommendations in the National Agreement on Closing the Gap Report, particularly the Justice Policy Partnership. This will enable the AFP to be closely

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linked to those policy agencies developing initiatives and action plans to address the justice targets, and provide insight from a law enforcement perspective.

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ACCCE and Northern Territory initiatives

Operation PLEACH

In 2007, the Northern Territory Police and AFP commenced a partnership under Operation PLEACH as part of the Northern Territory Emergency Response to address child abuse in the NT. The Northern Territory Emergency Response was announced following the release of the 'Little Children are Sacred' report by the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. Operation PLEACH was designed to build a relationship of trust with Indigenous communities.

Northern Territory Child Abuse Taskforce (NTCAT)

The NTCAT, comprising members from the AFP, Northern Territory Police and the Northern Territory Department of Children and Families was established following the Northern Territory Emergency Response. NTCAT engagement focused on remote Indigenous communities in the Northern Territory.

In June 2020, Nous Group independent review found that AFP efforts should be directed to online child sexual exploitation through the Joint Anti Child Exploitation Team (JACET) model, including intelligence analysis of crime trends and hot spots, and through prevention engagement initiatives for the NT, focusing on remote communities. Following the review, AFP support has shifted its focus to providing intelligence support, with investigative support provided through the NT JACET.

Operation SOTERIA

In February 2021, the AFP established Operation SOTERIA to undertake an environment scan into child abuse and online child safety issues in remote Indigenous communities. This environment scan used both qualitative and quantitative analysis, including deployments to communities to engage with stakeholders. The Operation SOTERIA team consisted of members from AFP Child Protection Operations, Intelligence, Online Child Safety Team and the NTCAT. Deployments occurred in Lajamanu, Maningrida and Boroloola, with the team engaging with police, schools, youth organisations, government and non-government organisations. Key findings from OP SOTERIA included:

- Technology use was prevalent and consistent with the broader community.
- Significant under reporting of child sexual abuse and exploitation.
- Limited education provided on the appropriate use of technology, sexual health and consent.
- Self-produced child sexual exploitation material shared among young people was common.
- Children are being exposed to sexual behaviours within their homes due to overcrowding.
- Alcohol and substance abuse are common issues identified amongst the selected communities.

National Strategy to Prevent and Respond to Child Sexual Abuse

Under the National Strategy to Prevent and Respond to Child Sexual Abuse (National Strategy), the AFP has received \$3.9 million to enhance child protection investigations in the Northern Territory (First Commonwealth Action Plan, Measure 23). This will directly increase investigation resources into the NT JACET to expand the focus of the multi-agency approach in recognition of the increasing connections between online and in-person offending against children.

The AFP's enhanced presence in the Northern Territory includes investigative, prevention and intelligence officers to work with stakeholders to:

- Investigate online child sexual exploitation;
- Enhance outreach and community engagement; and
- Develop online safety education programs.

The future AFP commitment to child protection in the Northern Territory will be one Sergeant, three JACET Investigators, one Prevention Officer and one Intelligence Officer.

Conclusion

The AFP continues to work closely with our partners across the Commonwealth, States and Territories to eliminate all forms of violence experienced by First Nations women and children. We are committed to having a workforce that is reflective of the community we serve, and members that are well-supported to engage with members of the community in a culturally sensitive way. There is more work to be done, and the AFP acknowledges that our partnerships and close engagement with the First Nations community are critical to success in this space.