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A youth curfew: A retrospective view of the rise, fall and legacy of the Northbridge Policy

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Introduction

Youth curfews have been rejected in the academic literature both because they violate parents' or young people's rights (White, 1996, Chen, 1997) and because they are ineffective as a crime prevention measure (Reynolds et al., 2000, Adams, 2007, Wilson et al., 2016, Fried, 2001). These arguments have not been influential with policy makers, however, and the Northbridge youth curfew operated for almost nine years between June 2003 and February 2012. Curfew contexts and implementation differences complicate comparisons (Wilson et al., 2016). This article uses a case study to document context and implementation arrangements and to examine what can be learnt from the Northbridge curfew in Perth, including how it came about, how it operated, what it achieved, and the reasons for its demise. The article also analyses the legacy of the Northbridge curfew in terms of discourse about young people and legitimisation of subsequent practices in youth policing that place blanket restriction on young people.

Overview of curfews

Curfews have a long history and have been applied for various purposes including political repression (Brass, 2006), to control the use of public spaces by particular sub-populations (Amsden, 2008, White, 1990), and for public safety (Miller, 2015). Curfews curtail democratic rights such as freedom of movement and political liberties (Brown, 2000). Curfews are only justifiable in democratic societies in extreme circumstances when it can be demonstrated that overriding benefits result from the proposed restrictions of rights (Brass, 2006). Arguments to justify the Northbridge curfew claimed that a curfew would protect young people from harm, and also protect adults from harms caused by young people (Cooper et al., 2014). This paper will examine whether these claims can be substantiated in practice, whether a youth curfew was a proportionate response and whether there were unintended consequences, beneficial or otherwise. There is insufficient space here to explore more general questions about parents' rights vs. state rights (Chen, 1997) or to discuss questions about youth rights (Brown, 2000) concepts of childhood and maturity (O'Neil, 2002), which, whilst important, are not the focus of this article.

Curfews can be universal, selective, or universal but discriminatory against particular sub-populations. The Northbridge curfew is an example of a selective curfew that is also discriminatory against various youth sub-populations. Selective curfews apply only to some sections of the population, for example, youth-based curfews, or some racial groups. In the United States youth curfews have been more ubiquitous than elsewhere Chen (1997). Chen contends that youth curfews have been used cyclically as a populist and inexpensive measure by governments that want to appear to respond to public fear of youth crime and youth disorder (Chen, 1997). Over the past twenty-five years, youth curfews have been imposed in

several jurisdictions, especially in the USA (Chen, 1997, 'Youth Curfew Violates Equal-Protection Rights', 2004, Reynolds et al., 2000, Kline, 2012, O'Neil, 2002, Grossman, 2014, Moscovitz et al., 2000, McDowall et al., 2000).

Other historical examples of selective curfews were the Aboriginal curfews that were once common across Australian cities and towns. Race-based curfews prevented all Indigenous people from entering towns, cities or specified places and usually applied after dark (Nugent, 2008, South West Aboriginal Land and Sea Council, 2015). In Western Australia, the first Indigenous curfew was enacted in 1840, eleven years after the British assumed colonial sovereignty over Western Australia (South West Aboriginal Land and Sea Council, 2015). Aboriginal people had been excluded from Northbridge during the colonial and post-colonial period. The Aboriginal curfews only finally disappeared across the state when the 1975 Commonwealth Racial Discrimination Act made race-based restrictions illegal (Rayner, 2003). Targeted race-based curfews were a legacy of colonial origins and are still found in some post-colonial countries (Brass, 2006). In Australia, the recency of Aboriginal curfews, combined with transport links which had made Northbridge a popular Indigenous meeting area, made the issue of a youth curfew in Northbridge a particular sensitive for Aboriginal young people and their families.

In a democratic society there is a *prima facie* expectation that laws should provide equal protection to all. Selective curfew legislation potentially violates this requirement (White and Wyn, 2004). In addition, curfews differentially affect particular sections of the population (Brass, 2006), because of differential material circumstances or habitual patterns of recreation. The street is a place of recreation for poor and working class young people, who are also likely to be reliant on public transport (O'Neil, 2002). Curfews that apply only to pedestrians and those socialising in public space have a substantial impact on poorer Americans and Australians but little impact upon middle class Americans (or Australians) who have the ability and preference to pay for leisure activities in private venues, and to use private transport for night-time travel. In the USA, O'Neil (2002) argues that because poor and working class people are more likely to be people of colour, curfew legislation is inherently racist and does not meet the criteria for equal protection because it tends to criminalise poor and black people disproportionately. The Northbridge curfew also provides an example of a curfew that has differential effects on different youth sub-populations. The research reported in this article will assess whether the claim can be substantiated that the way the curfew applied offers sufficient benefits to young people (and/or others) that outweighed the restrictions and the indirect consequences of unequal protection.

Finally, breaches of curfews can lead to qualitatively different consequences. Consequences may include an administrative action (such as welfare intervention), a criminal sanction (such as prosecution), or an extra-legal response (such as shooting). In the USA, many youth curfews discussed in the literature have legal consequences for parents or young people, and they can be taken to court and fined. In Australia and elsewhere (Walsh, 1999) the consequences are administrative, and a breach of curfew is treated as a welfare issue. Whilst this may seem more benign, Bessant (2013) (Bessant, 2013) cautions that as part of the

liberal-welfarist tradition, administrative processes were used to enact the forced removal of Indigenous children from their parents, 'for their own good'. From a rights perspective, a disadvantage of administrative processes is that there is often less effective recourse to challenge administrative decisions. One purpose of this research project was to examine the sufficiency and appropriateness of the administrative responses as practiced under the Northbridge curfew.

Research approach

The research presented here was undertaken as part of a larger funded project to evaluate different approaches to youth night patrols. The research took a case study approach. The 'case' or bounded system was the Northbridge Policy Project (NPP), (2003–2012), including the Northbridge Policy, which provided the legal framework for the project. The research made use of data from multiple sources as is usual in case study research (Creswell, 2013, Yin, 2014). The underlying assumption behind this approach is that a case study can enable a more nuanced and holistic understanding of phenomena (Creswell, 2013). This outcome, however, depends upon careful cross-comparison of different types of data from multiple sources and perspectives. This facilitates triangulation, and enables researchers to capture both complexity and contradictions, and to present different perspectives on how programs work and their strengths and limitations.

For this project, we conducted interviews with stakeholders who represented organisations with an interest in the Northbridge Policy. This included policy makers, representatives of organisations who implemented the Northbridge policy (Northbridge Policy Project partners), representatives of business groups in Northbridge, and representatives of youth work organisations that operated in Northbridge but were not part of the Northbridge Policy Project. We requested interviews with families and young people who had used the Northbridge Policy Project services, but were told none were willing to participate. We also analysed quantitative data provided by the Northbridge Policy Project (NPP), by the Public Transport Authority (PTA) in Western Australia, and police data about reported incidents in Northbridge from the police research unit in WA. Previous evaluations and other public documents provided a further source of information. The case study presented here is derived from a synthesis of this data, which is presented more fully in (Cooper et al., 2014). The research was approved and overseen by the Edith Cowan University Human Ethics Research Committee. Data was analysed for the whole period (2003–2012), but the description of the day-to-day working of the project relates to the period 2010–2012.

The Northbridge Policy

Northbridge is the main night-time entertainment district and a social gathering place for Indigenous people, including young people. The Northbridge Policy legislation was implemented in 2003 and restricts children's and young people's access to Northbridge in

Perth, Western Australia. A welfare approach would be taken, unless the child or young person had committed a criminal offence. This meant that no criminal penalty would be applied to a young person or their family if they were found in breach of the curfew.

The stated purposes of the Northbridge Policy were improved child protection and prevention of harm; prevention of crime and nuisance by children and young people; and improvement of the Northbridge precinct. The Northbridge Policy applies to two categories of children and young people (Office of Crime Prevention, 2006b):

Category 1: ‘Children not under the immediate care of a parent or a responsible adult who are vulnerable by their age in an adult entertainment precinct at night. These are:

- Primary school age children, that is children 12 years of age and under, in the Northbridge precinct during the hours of darkness.
- Young people 13 to 15 years of age in the Northbridge precinct after 10.00 pm.’

Category 2: ‘Children and young people who by their anti-social, offending or health compromising behaviour are at risk to themselves and to others. These are:

- Any children or young people misbehaving, engaging in violence, intimidation, provoking aggression or other offensive behaviours.
- Any children or young people, visibly affected by or engaging in substance abuse (e.g. alcohol, cannabis, solvents and other substances).
- Any children or young people soliciting or begging.’

The Northbridge Policy was intended to apply to ‘children and young people who are physically or morally vulnerable or engaging in anti-social, offending or health compromising behaviour’ (Office of Crime Prevention, 2006b) but not to apply to ‘those children and young people who have legitimate reasons for being in Northbridge, to go to or from employment, are resident in Northbridge, or are under the immediate care of a parent or a responsible adult’ (Office of Crime Prevention, 2006b).

The Northbridge Policy and associated Northbridge Policy Project (NPP) were controversial when first proposed, and were opposed by youth organisations (Koch, 2003), Indigenous organisations (Carson, 2003), rights organisations (Outcare, n.d., Rayner, 2003) and police organisations (Armstrong, 2003). By contrast, the legislation was strongly supported in the print media and had overwhelming public support (MacArthur, 2007).

Factors that shaped the Northbridge Policy

The Northbridge Policy was shaped by both overt and covert concerns. The main overt concerns were child protection; public nuisance; perceptions of public safety; and concern about urban decline. The less visible covert purposes of the policy were to improve collaboration between government departments, especially the police and the department responsible for child welfare (variously DFCS DCS, DCP), and concern to clarify the child welfare legislation.

Concerns about child protection arose because of the visible presence of drugs, alcohol, and street prostitution, (Office of Crime Prevention, 2006a) and because large numbers of young people gathered there. In 2003, between January and March 2003, before the policy was implemented, the Juvenile Aid Group (the specialist police team responsible for inner city child welfare) apprehended over 450 children and young people under the provisions of the Child Welfare Act 1947. This raised concerns that welfare organisations were not acting to prevent harm. A purpose of the Northbridge Policy was that the NPP should provide proactive services that would prevent harm to children and young people as well as responding to immediate risk and protection needs.

Concerns about public nuisance and perceived decline in safety, as well as urban decline in Northbridge also shaped the policy, especially the provisions under Category 2 of the legislation. The Busch report (2002) found that Northbridge was perceived by the public and local businesses to have become more dangerous in recent years. Businesses owners expressed concerned customers would move to other nearby inner-city entertainment districts that were perceived to be safer. The Busch report recommended an integrated approach to crime prevention and community safety to address these concerns, both real and perceived.

Behind the scenes, the Northbridge Policy was shaped by concerns about inter-departmental collaboration. According to participants, the Northbridge Policy was intended to address issues raised by the Gordon Inquiry (Gordon et al., 2002). The Gordon Inquiry had strongly criticised the systemic failure of multiple government departments in Western Australia to collaborate when working with Indigenous young people and their families. According to one interviewee an important purpose of the Northbridge Policy was to ensure that the relevant government departments 'acknowledge their responsibilities for the long-term welfare of those children' (*interviewee, government agency*) and act appropriately.

The Gordon Inquiry had examined the circumstances surrounding the death of a 15 year old Aboriginal girl who had committed suicide in 1999. She had previously reported to various government departments, including police, child protection and the youth justice, that she had been assaulted and sexual abused. All of these departments had documented serious concerns for the young woman, including poverty, pregnancy and substance abuse, and nineteen organisations were involved with the young woman and her family, but no department took a lead role in coordinating assistance to her or her family. The report concluded that communications between agencies were poor, and lines of responsibility between agencies were unclear. The Gordon Inquiry made specific recommendations about how services to Aboriginal young people and their families could be improved, including through better government inter-department collaboration and information sharing about child welfare issues and support. In response to the Gordon Inquiry, the Government released a policy document (Government of Western Australia, 2002) where they accepted the need for better communication and coordination when multiple agencies work with the same family, and accepted that highly mobile young people are especially vulnerable and need better support services, and the NPP was intended to integrate such services in the inner city. .

A second less visible concern was to clarify the meaning and application of child welfare legislation. Section 138B of the Child Welfare Act 1947 (WA), required the Police and others to apprehend children and young people who were ‘at risk of physical and moral danger or were misbehaving and return them to their usual place of residence’ (Office of Crime Prevention, 2004). Enforcement of this legislation required judgement about what constituted physical and moral danger or misbehaviour. The Northbridge Policy was intended to provide guidance to police on the application this section of the Act in relation to Northbridge (Office of Crime Prevention, 2006a, Office of Crime Prevention, 2004). The Northbridge Policy legislation specifically ‘targets children and young people, not under the supervision of a parent or adult, when there is a risk to their well-being because of the nature of the place where they are found or the behaviours they are exhibiting’ (Office of Crime Prevention, 2006b). Lack of adult supervision and the nature of the location are explicitly identified as factors that make a child or young person vulnerable, even when the conduct of the young person does not contribute to risk. This was subsequently explicitly incorporated into the amended child welfare legislation in the Children and Community Services Act 2004 (WA)(Government of Western Australia, 2004) under Section 41, which:

‘Authorises a police officer (or authorised officer) to move an unsupervised child to a safe place, if that officer reasonably believes that there is a “risk to the well-being of the child because of the nature of the place where the child is found, the behaviour or vulnerability of the child at that place or any other circumstance”.’.

The language of the Children and Community Services Act 2004 (WA)(Government of Western Australia, 2004) aligns with the interpretations of child welfare found in the Northbridge Policy and the language of child welfare/ protection has changed from ‘physical and moral danger and misbehaviour’ to a more inclusive, net-widening, concept of ‘risk to well-being’.

In summary, there were at least six purposes of the legislation and project:

1. Reactive prevention of immediate harm to children and young people found in Northbridge
2. Proactive prevention of youth harm, youth crime, youth nuisance and disorder, to supplement reactive intervention by police, and in the long-term, reduce the need for reactive responses
3. Improvement of government inter-departmental communication and collaboration on child protection
4. Clarification of the meaning of the Child Welfare Act in the context of Northbridge
5. Reduction of youth crime and nuisance in Northbridge
6. Improvement of perceptions of public safety in Northbridge

The remit of the Northbridge Policy Project was to achieve these purposes.

The Northbridge Policy Project

Prior to the NPP, child welfare in public places had been primarily the responsibility of the police. This legislation changed the balance of power (and responsibility) between the police department and the social welfare department. The Northbridge Policy Project (NPP) was established to implement six purposes of the Northbridge Policy. The project operated from June 2003 until February 2012. According to NPP records, in the first six months, large numbers of young people were apprehended, most were Aboriginal (88%) and more girls (66%) were apprehended than boys; 13% of apprehensions were of children aged 12 years old or younger; 66% of apprehensions were of young people aged 13–15 years; and 21% of young people apprehended were aged 16–17 years. After six months, the numbers steadily declined and have continued to decline (Cooper et al., 2014).

The first evaluation concluded the NPP had been successful (Office of Crime Prevention, 2004) on the basis of reductions in numbers of young people apprehended. A second evaluation (Office of Crime Prevention, 2006), concluded that the policy had achieved significant outcomes including improved community confidence, and had reduced the number of unsupervised young people on the streets of Northbridge late at night. However, both evaluations mentioned on-going difficulties with inter-agency collaboration, including concerns about poor communication, different interpretations of the meaning of the Northbridge policy (especially terms like ‘responsible adult’ and ‘misbehaviour’), disagreements about which agency was responsible for transporting young people who had been apprehended, and concerns about transport inefficiencies. The 2006 evaluation also suggested the geographical boundaries of the project should be reconsidered, the operational hours should be extended to include Wednesday nights, and that case management processes should be improved for young people who repeatedly ignored the curfew. Finally the report recommended that WA Police officers should be permanently assigned to the Juvenile Aid Group (JAG) team, instead of being rotated according to standard police staffing practices, which meant frequent staff changes.

A new manager of the NPP was appointed in 2008 and in response to this evaluation, prioritised inter-agency collaboration, improvement of processes for case management and efficiencies in transport arrangements. The main inter-agency difficulties arose from reluctance of the police and social work departments to share information with each other. Operational difficulties arose if any of the police officers were assigned to other duties, as sometimes happened. According to one participant, there were also difficulties with social work follow-up prior to 2007, because social workers from other districts failed to follow up families of children and young people apprehended in Northbridge.

The manager reviewed the priorities of the project and decided to prioritise Category 1 (child protection, young people under 16 years old), and to cease giving priority to Category 2 (public order/anti-social behaviour/ crime prevention, young people aged 16–17 years). This decision meant that staff no longer had to interpret what was meant by ‘misbehaviour’ and could focus resources on child protection rather than offending or anti-social conduct. In

2008, this was possible because the public order outcomes were perceived to have been achieved. A consequence of this decision was that the juvenile justice outreach workers (Killara) had a lesser role in the project.

Northbridge Policy Project partners (2010-2012)

The concept of inter-agency collaboration became central to the NPP (Cooper et al., 2016). In 2010, there were three core agencies, and several other partner agencies. The core agencies were the Department for Child Protection (DCP), the Western Australia Police (WAPOL) and Mission Australia.

The DCP had various roles in the project: they provided project management; they referred some families for on-going mandated social work case management where this was judged necessary; and, they liaised with the district offices to ensure follow-up occurred. Outreach Workers managed by the senior social worker patrolled Northbridge on foot, made contact with children or young people who were subject to the Northbridge Policy. The role of the outreach workers was to educate young people and divert them away from the more formal apprehension processes. An emergency social work team, (Crisis Care), assessed all young people who were apprehended and made decisions about whether it was safe to return the child or young person to their home. If the home was judged unsafe, Crisis Care found alternative accommodation, and arranged transport. Crisis Care staff collated all child protection information about young people who were apprehended.

The Western Australian Police were involved in the project through the Juvenile Aid Group (JAG). JAG was a special unit within the WA Police formed in 1991 to work with children and young people, and eventually disbanded in 2013. The rationale for the formation of the JAG team was to create a specialist team who could collaborate with other agencies to prevent or delay entry of children and young people into the justice system (Browne, 2000). The role of JAG within the project was to apprehend children and young people who were in breach of the curfew, to search them for drugs and weapons, to gain information about criminal offences, and to check their identity.

Mission Australia, a non-government organisation, had three roles in the project. Firstly, they provided an alternative to police custody for young people who had been processed by JAG and Crisis Care and were awaiting transport. If young people did not agree to this, or if they were arrested for an offence, they were held in police custody. Secondly, Mission Australia provided voluntary case work support to families of young people apprehended, sometimes in collaboration with social workers from the Department for Child Protection (Commonwealth of Australia, 2010, Mission Australia, n.d., Department of Child Protection, 2012)

Thirdly, Mission Australia operated the 'On-TRACK' program to provide a preventative 'brief intervention service' to young people who had been apprehended under the Northbridge Policy.

Other NPP partners included the Department of Corrective Services, Killara Youth Justice, the Nyoongar Patrol Outreach Service, the Public Transport Authority, the Department of

Education Western Australia and the Department of Sport and Recreation (Department of Child Protection, 2012). The Department of Corrective Services provided a youth crime prevention and diversion service (Killara). Their role was to provide outreach support services to young people and their families who have had contact with the police or law, and sometimes to provide transport home (Department for Corrective Services, 2010). Killara became less involved in the project post-2008, after the project priorities changed.

The Nyoongar Patrol Outreach Service, a community-based service, was funded to operate an Indigenous night patrol across the Perth metropolitan area ‘to provide early interventions to Indigenous people frequenting public spaces in various locations around the city’. The principle target groups were Indigenous people of all ages, either from Perth or from remote areas, who were at risk of contact with the criminal justice system because of welfare or other issues (NPS, 2011). Their role in the project was to provide transport for Indigenous young people, and to liaise with Indigenous families. The Public Transport Authority (PTA) operates a security team of Transit Officers who are responsible for security and safety on Perth trains. The role of the PTA security was to share information with the project and to facilitate transport of young people by train and bus. The Department of Education (Western Australia) Attendance Unit was linked to initiatives such as the Student Tracking System and the ‘Students Whereabouts Unknown’ list and they checked whether young people who were apprehended in Northbridge are enrolled in school, and whether they attended. The Department of Sport and Recreation, in conjunction with other organisations, provided diversionary activities in localities and suburbs outside the city centre to discourage children and young people from coming to Northbridge.

Influences shaping practices of the Northbridge Policy Project

Several antecedent projects influenced the way the NPP operated. The NPP incorporated aspects of the Hillarys Youth Project Enquiry (HYPE) outreach model which had been developed to manage large groups of young people in public spaces. The HYPE model had been trialled in 1998–1999 as a diversionary response to behaviour by young people that was perceived as risky or a threat to public order (AIC, 2002, Stirling Council, 2001). In the HYPE project, the Department of Family and Children’s Services (the social work department) had been the lead agency and partial funder in partnership with local government and local businesses (Jarvis, 2003, Stirling Council, 2001). The HYPE project was established in response to perceived problems similar to those identified in the Northbridge Policy – large gatherings of several hundred young people aged 12–16 years, under-age drinking, public order concerns, prostitution for alcohol, and drugs usage by young people (AIC, 2002, Stirling Council, 2001). The role of the outreach workers was to divert young people away from actions that might place them at risk, might be deemed anti-social, or might lead to police intervention (Stirling Council, 2001). The HYPE teams collaborated with police and security, and if young people did not respond to diversion, police and security intervened. The HYPE approach had been transferred from its original location at a marina entertainment precinct (Jarvis, 2003) to several other locations, especially shopping

malls. The first manager of the NPP previously had a prominent role in the HYPE project (pers. comm.), and the NPP project adopted key elements of the HYPE model, especially the management structure and the use of outreach workers to divert large groups of young people as a first stage intervention.

The Northbridge Policy Project also built upon pre-existing inter-agency collaboration in Northbridge and the Perth City Centre. A precursor to the Northbridge Policy project was the Inner City Youth Partnership (ICYP), established in the 1990s, which included JAG, the state social work department, Crisis Care (the emergency social work team), the education department, Killara, and non-government service providers, including Nyoongar Patrol System Inc. and Mission Australia's On-Track Program (Browne, 2000). This group also formed links with other services that could provide family support, and drug and alcohol counselling and crisis accommodation.

How the project operated

There were four main changes brought about by the Northbridge Policy with change the way the Northbridge Policy Project functioned compared with the precursor projects. Firstly, an explicit youth curfew was instituted. Secondly, management of the project passed from the police to the social work department. Thirdly, the social work department took a much greater role, including the support of an additional outreach team, and active liaison about case management. Fourthly, the geographical boundaries of the project were explicitly restricted to Northbridge.

Between 2010 and 2012, the NPP operated three nights per week, on Thursday, Friday and Saturday nights between 8pm and 2am. On the remaining days the specific provisions of the Northbridge curfew were not enforced. Project staff from various agencies took different roles. Before 10pm most staff were involved in outreach and engagement where the aim was to build rapport with young people, educate them about the Northbridge policy and the consequences if they ignored the curfew, to encourage positive peer pressure and risk reduction, and to encourage them to go home. Where necessary, the team provided young people with transport vouchers to enable them to use public transport to leave Northbridge before the curfew. If children under 13 years old were found after nightfall without supervision of a responsible adult, they were apprehended by police and proceeded to Phase 2. After 10pm, young people under 16 years old without a responsible adult might be apprehended and proceed to Phase 2. In Phase 2, young people were first processed by the police to check their identity and searched for weapons, drugs or stolen property. After this, the young person would be assessed by social workers to ascertain their circumstances, whether they had an existing social work record with the department and to find a safe place for the young person to be taken. After processing, most young people were held in the lounge area of the centre, which was staffed by Mission Australia workers, until either their parents collected them or transport could be arranged to take them home. Most young people (over 80%), were transported home and no further follow-up was deemed necessary. The process is summarised in Table 1.

[Insert Table 1 here]

The phases presented in Table 1 reflect changes made during the course of the project. A manual *Young People in Northbridge Policy* (Office of Crime Prevention, 2004) outlined how judgements about risk of harm and offending should be made. According to the manual:

- Phase 1: **Diversion** ‘Children and young people considered to be at **low risk** will be advised to leave the area.’
- Phase 2: **Apprehension or arrest**
 - ‘Children and young people considered to be at **medium to high risk** of physical or moral danger or who are misbehaving will be assisted from the streets, assessed and linked to a safe place and to safe people.’ [apprehension]
 - Or, ‘Children and young people who are **offending** will be liable to police action and dealt with in accordance with prevailing laws.’ [arrest]
- Phase 3: **Follow-up** to determine which services needed to engage further with young people and their families
- Phase 4: **Debrief**, agency learning and sharing of perspectives and concerns

Evaluation of the NPP

The evaluation found the NPP was well-resourced and well-organised. Funding was recurrent and most staff had permanent employment contracts. The project had developed excellent staff training, support, mentoring and professional development systems, and maintained comprehensive records of all apprehensions and how they were followed-up. The formal agreements and informal negotiations between agencies and departments had greatly improved collaboration between partners.

On the positive side, the achievement of functional inter-departmental collaboration was no mean feat. The agreements described in the project manual *Young People in Northbridge Policy* (Office of Crime Prevention, 2004) clarified responsibilities and processes, and developed procedures for conflict avoidance and resolution and safeguards for information-sharing. It took nearly three years to gain formal agreement from all departments. These agreements provided an appropriate response to the recommendations of the Gordon Inquiry. Although these agreements were made in the context of the Northbridge Policy curfew legislation, they could have been negotiated on the basis of the Children and Community Services Act 2004 (WA) under Section 41, which facilitates action to apprehend children and young people at risk of harm but does not mandate a curfew.

Also positive was the process developed for reactive crisis protection of children and young people found in Northbridge late at night. The service offered a supportive environment to

children and young people and provided a better alternative to holding children and young people in police custody pending arrangements for transport home or to a place of safety. The NPP had effective systems of crisis support for young people under 16 years old who were found in Northbridge on the nights and hours that the project operated. There were good systems to check that the young person was returned to a safe place and to find alternative accommodation when no safe place could be found. The project meant that young people were not held in police lock-ups, and were held in a youth friendly environment. For young people under 16 years old who were found in Northbridge, there was good evidence that they received age-appropriate support and care if they were apprehended. Although this process was implemented in the context of the Northbridge Policy, it could have been implemented in the context of the Children and Community Services Act 2004 (WA) under Section 41 without the curfew.

Stakeholders interviewed perceived that crime committed by young people in Northbridge had decreased, and their perceptions were consistent with WA Police crime incident report data and with NPP data on apprehensions. However, the picture from the crime incident report data is complicated because young adults have always been more likely than juveniles to be charged with criminal offences in Northbridge, and because police crime statistics do not always record minor offences that have been dealt with informally. Stakeholders reported they perceived that public safety had increased in Northbridge. It is difficult to determine the effects of the curfew legislation on perceptions of public safety, because there is little correlation between public perceptions of safety and objective measures of safety (like the frequency of assaults). In addition, several other changes in Northbridge over the life of the project, from planning, landscaping and gentrification, to policing, security cameras, and liquor licencing, have all had potential to change public perceptions of safety. In addition, this begs the question raised by Amsden (2008) about the legitimacy of achieving comfortable and sanitised public spaces by excluding people who are not considered suitable aesthetic. It is however, plausible to accept curfew legislation may have contributed to perceptions of safety for some people.

We interviewed several participants whose role was to provide proactive programs to parents and young people through the NNP. All stated that it was very difficult to engage families in the programs offered, and very few families voluntarily participated. Some stakeholders claimed family support processes were effective with those who took them up, and this is reported in a document produced by the project (Department of Child Protection, 2012). Others were more sceptical and were not convinced of the effectiveness of proactive programs provided. We did not have access to any data that might corroborate claims of effectiveness and did not have access to interview anyone who had benefited from these programs.

In terms of the intended Northbridge Policy purposes, the NPP had potentially contributed to achievement of four of the six intended policy outcomes. At first sight, this seems like a good outcome that might potentially justify the curfew arrangements.

[Insert Table 2 here]

Closer inspection, and analysis of how the curfew functioned in practice, presents a less positive picture. Evidence gathered from the NPP records confirmed that decreasing numbers of young people were apprehended in Northbridge. Our analysis confirmed that the most likely explanation for this was that fewer young people were coming to Northbridge on days the curfew operated. Previous evaluations made the assumption that if young people stopped coming to Northbridge, they would be in a safer location. Our evaluation questions that assumption. Based upon analysis of multiple participant interviews, data provided by the Public Transport Authority, the youth crime data provided by WA Police, and the demographic changes within NPP data, we concluded the main effect of the curfew was displacement of significant numbers of young people from Northbridge to other locations. At the time of data collection in 2011–2012, several participants indicated in interviews that large numbers of young people, including many Indigenous young people whose family groups previously came to Northbridge, now gathered in a secluded area near Burswood station, adjacent to the casino. This displacement was acknowledged by one participant in this statement.

‘One of the oldest Policeman’s tools in his toolbox was always, "if you can’t solve crime you’ll displace it somewhere else"’ (*interviewee, Police*).

Some participants believed the alternative location was more risky than Northbridge because of the lack of support services and lack of surveillance.

The greatest achievement of the project was improvement of inter-departmental (Bessant, 2013)collaboration, which seemed to have made real systemic changes that addressed the concerns of the Gordon Inquiry and meant that Indigenous young people who were apprehended were less likely to fall between the cracks. This is something that many government departments struggle with, and the processes used by this project could be beneficially applied in other contexts. The other achievement was to create a safety-net for children and young people in Northbridge and a youth-friendly environment to avoid them being held in police custody. It should be noted, however, that the curfew was not an essential element of either of these achievements.

The end of the Northbridge Policy Project

The Northbridge Policy Project ended abruptly and unexpectedly. It came as an administrative decision announced in mid-2011 and implemented in early 2012. A decision had been made to outsource the management of the project, as a part of a process to rationalise the youth programmes funded by DCP, the social work department. This decision to outsource services formed part of the neo-liberal agenda for new public management. Tenders were invited for the management of the project, and Mission Australia was

successful. The outreach team managed by DCP was disbanded and the functions of the team were assumed by Mission Australia.

The legacy of the Northbridge Policy Project

The demise of the project had several consequences. Some participants accurately predicted the diminution of collaborative between government departments. As one of the interviewees stated, non-government organisations cannot hold government departments to account and ensure they fulfil their responsibilities and duties, especially if they rely on the same departments for funding.

‘An NGO can't say to education, for instance, "Why isn't this kid going to school? You've got to do something about it." The schools will say, "Well, keep your nose out of our business," whereas the Department and the Director-General can get on the phone and say to their counterparts in education, "This is not good enough. You've got to do something about it.".... A government agency has got to be pivotal to driving it' (*interviewee, government employee*)

This assessment proved accurate, at least for the period immediately after the transition. The collaborative agreements, that took three years to ratify, became irrelevant overnight. Although formal leadership was held by Mission Australia, in terms of power, the police department resumed its more dominant role, and collaboration declined. For practical purposes the project shared many similarities with the arrangement that had existed before the Northbridge Policy.

A legacy of the NPP was the legitimisation of curfews for young people, in Perth and in other parts of Australia. In late 2011, the police commenced Operation Safe Place, a three month project in the summer of 2011–2012 (Short, 2012). This project replicated some of the practices of the Northbridge Policy Project but was more restrictive of young people. Key differences were that the operation was police-led rather than led by the social work department, and was implemented across the Perth Metropolitan area. No additional legislation was required because police already had sufficient powers under the Children and Community Services Act 2004 (WA). Without any additional legislation, police were empowered to apprehend any young person under 18 years old (not just those under 16 years old), who was without adult supervision ‘after dark’ (which is about 8pm in summertime in Perth). That is, it applied to **all** young people after 8pm anywhere in Perth in contrast to young people under 16 years old after 10pm in Northbridge under the Northbridge policy. This constituted a considerable net-widening when compared with the Northbridge policy. Unlike the implementation of the Northbridge policy, opposition to this ‘administrative interpretation’ was muted. The implementation of the curfew also had an ongoing legacy in its influence over policy discussions in Perth where water cannon were proposed (Weber, 2005), in other parts of Australia, for example, the policy statement by Nigel Scullion, federal

minister for Indigenous affairs (Karvelas, 2014, p. 1), in Queensland (The Cairns Post, 2009, p. 2) also in South Australia.

Discussion

The circumstances that surrounded the policy development of the Northbridge Policy had all the features of a moral panic, as described by Cohen (1972). According to Cohen, a 'moral panic' is 'A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests' (p. 9). In the first stage of a moral panic, the scale of supposed problem is exaggerated in the media, so that readers and listeners believe that it is something that will have an immediate, severe and detrimental effect on their own lives unless something is done. In relation to the origins of the Northbridge Policy, this is well documented by MacArthur (2007). A hallmark of the first stage of a social panic is that the mass media presents particular groups of people in a stylised and stereotypical way. Individuals are described negatively, and negative stereotypes are recycled to present a "folk devil" that the public will rally against. Historically, young people have been the targets of moral panics, and, in Australia, Indigenous people have been recurrent targets of 'moral panics', resulting in legislation that targets and restricts both groups.

Media descriptions of the folk devil reinforce and emphasise the differences between the objects of the moral panic and 'ordinary people'. Indigenous young people were presented in highly stereotypical ways as a threat to everyday life, for example at the time of the Northbridge Policy a highly publicised incident when a young person stole food from an al-fresco diner's plate. The discourse used served political purposes and enabled the government to appear to be both tough on crime and strong on child protection, both populist causes (MacArthur, 2007).

Cohen (1972) cautioned there are sometimes long-term effects of a moral panic that can change social policy and the legal framework, and even change the way that members of society see themselves. The usual responses to a moral panic are harsher and more repressive laws, and reductions in freedom and legal protections for the whole population. The Northbridge Policy provides a good example of this process in action. The Northbridge Policy was legislated even though it could have been instituted purely administratively (MacArthur, 2007). The most impressive achievement of the Northbridge Policy Project was effective coordination of multiple government agencies, but this could have been achieved without a youth curfew, simply by building upon the previous Inner-City Youth Partnership, and making the changes to organisation and leadership. If this had occurred, it may also have been easier to enter into constructive partnership with other youth organisations that were alienated from the project because of the curfew and the way political debate had demonised young people.

In the final stage of a moral panic, according to Cohen, the phenomenon either disappears, or becomes less visible, but continues 'beneath the radar'; or, worsens and becomes more visible. In this instance, the phenomena have become less visible in Northbridge, but have

continued 'beneath the radar' in other locations. Cohen noted that a moral panic may be quickly forgotten, or may leave a legacy of repressive policy and legal changes, and that repressive legal responses may amplify the problem as more people are criminalised and become alienated, and tolerance is reduced. In this case, the Northbridge Policy left a legacy of public acceptance of youth curfews and the erroneous belief that they provided an effective response. Acceptance of these fallacies has led to acceptance of youth policing practices that places blanket restrictions on young peoples' activities supposedly 'for their own good' and has contributed to a discourse that infantilises all young people under 18 years old, irrespective of their individual conduct, maturity and competence.

Conclusion

The case study illustrated some interesting, some surprising, and perhaps some mundane findings. The legislation brought some benefits. Temporarily, the balance of power and responsibility between the police department and the social welfare department changed. This occurred because the NPP was managed by the social welfare department with the police and others as partners. This change meant that young people detained because of welfare concerns were no longer held by the police (unless they had committed an arrestable offence). Briefly, through good leadership, this arrangement also enabled much greater collaboration between various government departments and non-government organisation.

Less positively, the Northbridge Policy and youth curfew achieved many of its purposes primarily through displacement of young people to other locations. A major effect of the curfew was to 'move the problem'. This outcome disproportionately affected Indigenous young people. Because these locations were also risky, this did not make young people safer overall. The coercion inherent in the curfew also undermined the proactive elements of the NPP, and especially the willingness of families to engage with support services. The reinterpretation of the Child Welfare Act (1947) by the Northbridge Policy placed the focus on the nature of the place, and on what other people might do the young person, rather than the conduct of the young person themselves. From a rights perspective this is a concern because it represents an attempt to prevent victimisation by restricting the freedoms of the potential victim, who must modify their activities and conduct. This approach is open to objection that it places undue responsibility on the potential victim rather than potential offenders. This line of argument has been resisted in the context of other offences, most notably rape.

We concluded therefore, that the benefits of the Northbridge curfew did not justify the restrictions on rights imposed under the policy. Further we concluded that the youth curfew was an unhelpful and unnecessary component of the Northbridge Policy because the beneficial outcomes of the NPP could have been achieved without the curfew legislation, and the curfew inhibited important aspects of the program. Perhaps the most concerning aspect of the Northbridge Policy is its legacy that has unnecessarily legitimised ineffective and coercive approaches to concerns about young people's welfare and youth crime. The media representation unnecessarily demonised young people, and led to a lasting public acceptance

of even more repressive (and ultimately ineffective) policy approaches to youth crime prevention and child protection.

The most surprising and paradoxical finding is that the end of the Northbridge Policy project occurred as a by-product of neo-liberal public management ideology rather than out of concern for either policy effectiveness, or for young people rights.

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