

Liberty Victoria

Alleged Police Discrimination against Particular Ethnic Groups

Research Memorandum

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I. INTRODUCTION

Allegations of ethnoracial discrimination by Victorian police towards individuals are often spoken about, but are not widely reported. The research memorandum summarises key texts that deal with allegations of police mistreatment within Victoria to uncover what written information already exists. The report outlines particular ethnocultural groups being discriminated against, the forms of discrimination that are reported, the response of the Victoria police to these allegations and the impact it has on the community.

The report summarises key findings and provides a brief summary on each reference, categorising them according to the ethnocultural group the text discusses. References that deal with other ethno cultural groups, or that discuss the issue of police discrimination in a broader context, are categorised under a general heading.

II. ABBREVIATIONS

CGD	City of Greater Dandenong
CMV	City of Mooney Valley
ESD Police	Ethical Standards Department of the Victorian
FKCLC	Flemington Kensington Legal Centre
OPI	Office of Police Integrity

III. PURPOSE

The purpose of the research memorandum is to identify key resources that deal with allegations of discrimination by Victorian police against particular ethnic groups, outline how the text deals with reports of police discrimination and explain the response by the police and the community to these allegations.

IV. SUMMARY OF FINDINGS

1. Particular ethnocultural groups being discriminated against

The texts primarily deal with cases of police discrimination against young people of African descent that reside within the CMV and the CGD. Research has also been undertaken about discrimination by police authorities against the Koori community in rural Victoria. Some texts also highlight that people from various CALD communities are victims of police discrimination, including people of Afghani, Iraqi, Cook Islands, Turkish and Greek origin (see City of Mooney Valley, *Creating a Better City for Young People*, 2006; SEAAC, Submission to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) African Young People Research Project, 2008). However, these cases are only dealt with in brief and individual accounts are rarely recorded. It is likely that the majority of research has been conducted in the CMV and in the CGD because advocates who have pursued the issue of police discrimination work for community organisations that reside within these two municipalities.

2. Key author

Tamar Hopkins, the principal solicitor of the FKCLC is the primary author who addresses problems of police discrimination. Hopkins has consistently worked with people who have faced police mistreatment. The high number of reported incidences has lead the FKCLC to lodge a number of complaints to the OPI and ESD on behalf of its clients. Hopkins strongly advocates for change to the culture of the Victorian police force, lobbies for the introduction of an independent police complaints procedure and works hard to raise awareness of the issue within the broader community. As a result, Hopkins has written articles, reports and a thesis on police discrimination and the Victorian police complaints procedure. Hopkins is also regularly quoted in reports, submissions and newspaper articles that deal with allegations of police discrimination. Tamar Hopkins can be contacted on 9376 4355 or 0400 990 663.

3. Nature of evidence

According to written documentation, the number of complaints lodged with the OPI about discrimination by Victorian police are scarce in comparison to the number of unofficial reported incidences of police mistreatment. A number of unofficial reports are discussed in an informal setting with community workers, at community meetings, or with friends and family. Therefore, most texts rely on surveys, community consultations and interviews as their source of evidence to claim that police discrimination does occur.

4. Nature of discrimination

Most texts identify that victims have suffered from similar forms of discrimination by police, even if the individual experiences are different. Hopkins clearly categorises

the nature of police discrimination into two headings; discrimination that arises when police interact with young people in a public space, and the use of excessive force by police (Hopkins, 'Complaints against police behaviour in Flemington Victoria, 2006', 2007).

a. Discrimination that arises when police interact with young people in a public space

Racial Profiling

A number of texts identify that young people of particular ethnoracial backgrounds have been stopped and interrogated by police without provocation. A number of individuals reported being stopped numerous times a day and being singled out for questioning amongst a group of caucasians.

Restrictions on freedom of movement

A common complaint from young people is that police demand that they leave a public place they are occupying without justification. Reports include being asked to remove themselves from a public place where friends are, being asked to 'move on' from a particular area and having a curfew imposed by police.

Harassment and unlawful threats

The most commonly reported cases of discrimination are where policemen harass, intimidate or threaten young people of ethnoracial origin. Complaints include allegations of racist taunts by policemen, or the use of offensive language by policemen. Individuals have also reported that policemen have used intimidation tactics to unlawfully exert their power over the victim, and have even responded aggressively when the victim tries to assert his or her legal rights.

Other forms of discrimination through interaction with police

Individuals have also reported that their house has been searched without a warrant, their private property has been confiscated without a reasonable explanation and they have not received the same level of assistance from police as their fellow caucasian neighbours or friends.

b. Excessive use of force by police

Various texts give examples where policemen have engaged in an act of unlawful assault against a civilian. Examples include the excessive use of force during a confrontation with a civilian, the excessive use of force during arrest and the excessive use of force whilst the person is detained. Key cases include the case of Corrina Horvath and Murubak Mousa.

For further examples on specific cases of police discrimination, please refer to the summaries below.

5. Response of Victorian police to allegations of police discrimination

a. Local Police

Texts suggest that the Flemington police have identified that allegations of police discrimination has contributed to the tension between their officers and the youth in the area and have taken steps to try and address the issue. Hopkins outlines that the Sargent of the Flemington police centre has taken steps to change policing practices that could potentially lead to discrimination. For example, the Sargent ensures that detained young people can call a lawyer in privacy so that they can be more informed of their legal rights before answering any questions. However, key texts stress that further changes need to be made to internal policing practices.

Members of the Flemington police have introduced community development programs to try and strengthen relations with young people of African descent, and involve them in the community. However, reports suggest that these programs have been relatively ineffective in achieving their aim. Simons and Hopkins indicate that the tension between the Flemington police and the African youth is evident because the young people do not trust the police. Both stress that whilst incidences of police abuse continue in the community and the local police force do not appear to be tackling the issue, mistrust and tense relations will persist. For more information, see City of Moonee Valley, *Creating a Better City for Young People: The needs of young people living in Flemington, North Melbourne, Kensington and Ascot Vale, 2006*; Hopkins Tamar, 'Complaints against police behaviour in Flemington Victoria, 2006', 2007; Simons Margaret, 'A cry in the night', year unknown; Berman Gabrielle, 'Institutional Racism in Victoria: Always and Everywhere a Different Phenomena', date unknown.

The SEAAC submission indicates that at the time of writing, the local police in the CGD adopted a hard line police tactic to try and deal with problems of ethnic violence between community members. As a consequence, some police behaviour constituted discrimination towards young people from CALD communities. The report suggests that the CGD police have made no attempts to deal with allegations of police discrimination, choosing instead to ignore the behaviour, or try to justify their actions. For more information, see Southern Ethnic Advisory & Advocacy Council, *Submission to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) African Young People Research Project, 2008*. For more information in relation to police discrimination in the CGD, please contact Shane Risdale from Springvale Legal Service on 9562 3144. Shane is currently interviewing members of the community about their experiences of police discrimination, and the report will be released in early 2010.

There is little information about the response of the local police in areas where there have been allegations of police discrimination towards members of the Koori community.

b. Victorian Police

Most texts that make recommendations about how to tackle police discrimination stress that problems of police mistreatment will persist unless systematic change is

endorsed and pursued by key officials within the police force. Some texts have labelled certain members of the police force as racist, and argued that their actions reflect the cultural attitude of the force. Recommendations on how to address this include the implementation of lengthier training sessions about police responsibilities under the *Victorian Human Rights Charter 2008*, more interactive courses that educate police officers about the nature and impact of discrimination, as well as training sessions to learn more about the various cultures of the people they are policing. A key recommendation is for the Victorian police to adopt a no tolerance policy against members of the police force whose discriminatory acts are confirmed. A few sources commend the Victorian police force on its implementation of policies that aim to address cases of police discrimination, as well as accommodating for people from CALD communities. However, the fact that reports as recent as 2009 include recommendations to address police discrimination suggest that they are yet to be implemented at a state level. For more information see City of Moonee Valley, *Creating a Better City for Young People: The needs of young people living in Flemington, North Melbourne, Kensington and Ascot Vale, 2006*; Forrest J, and Dunn K, *More than tolerance: Embracing Diversity for Health, 2007*; Hopkins Tamar, 'Complaints against police behaviour in Flemington Victoria, 2006', 2007; Letter from Tamar Hopkins to Chief Commissioner Nixon, 10 December 2007; Berman Gabrielle, 'Institutional Racism in Victoria: Always and Everywhere a Different Phenomena', year unknown; Flemington and Kensington Community Legal Centre (FKCLC), 'Police Accountability Project', Federation of Community Legal Centres, Victoria, http://www.communitylaw.org.au/flemingtonkensington/cb_pages/policeaccountability1.php.

c. Bodies within the Victorian police complaints procedure system

A number of texts criticise the Victorian police complaints procedure system. Key concerns include the lack of independence, accountability and quality of investigations conducted by the OPI and ESD. A number of clear, specific recommendations have been made, but again, there is no suggestion that they have been endorsed. For more information see Hopkins Tamar, *An effective system of investigating complaints against police, 2009*; Ethical Standards Department, Victoria Police Indigenous Issues Unit, *Koori Complaints Project Final Report 2006-2008, 2008*; Letter from Tamar Hopkins to Chief Commissioner Nixon, 10 December 2007.

6. Response of the community to allegations of police discrimination

There is a common consensus amongst most texts that cases of police discrimination impact the victim and the community at large. Individuals who are victims of police mistreatment express feelings of insecurity, betrayal, fear and mistrust in the police force. Members of the CMV and the CGD community who have not directly experienced police discrimination explain that the community is still affected by police mistreatment. The texts highlight that these communities doubt the integrity of the police force, feel frustrated with the system and have lost trust in the ability of the force to protect them. Some resources also suggest that the small number of people lodge complaints with the OPI because previous community experience with the complaints procedure has produced little success.

For more information see City of Moonee Valley, *Creating a Better City for Young People: The needs of young people living in Flemington, North Melbourne, Kensington and Ascot Vale, 2006*; Hopkins Tamar, 'Complaints against police behaviour in Flemington Victoria, 2006', 2007; Simons Margaret, 'A cry in the night', year unknown; Ethical Standards Department, Victoria Police Indigenous Issues Unit, *Koori Complaints Project Final Report 2006-2008, 2008*.

V.POLICE MISTREATMENT OF PEOPLE OF AFRICAN ORIGIN IN THE CITY OF MOONEY VALLEY

1. City of Moonee Valley, *Creating a Better City for Young People: The needs of young people living in Flemington, North Melbourne, Kensington and Ascot Vale, report prepared by Anna Duff, Victoria, 2006.*

a. What is the aim of the text?

The aim of the report is to identify whether young people in the City of Moonee Valley feel connected with their community. The report quickly outlines that young people do not feel like they belong to the community and gives reasons as to why these feelings arise. A key concern identified by the report is that interviewees do not feel safe living in the Flemington and Moonee Valley area. Furthermore, the report outlines that those interviewed identified confrontations with police as one of the two key issues that threatened their sense of security.

For the purposes of the report, nearly 100 people from CALD communities aged between 11 and 20 were interviewed. Half of the participants are of African background. Whilst the other half consisted of young people of Afghani, Turkish, Chinese, Vietnamese and Greek descent, most quotes included in the report are from young people of African origin.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

The report raises concerns about police harassment and discrimination against young people from CALD communities. The report identifies that police have discriminated against young people by restricting their use of public spaces and in turn their right to free movement. The report also records experiences of racial profiling, assault and even repeated bashings. The report gives firsthand accounts of interviewees, by recording their answers to questions that deal directly with police mistreatment. The report was compiled by a group of youth workers, so the content focuses on the experiences of individuals, which provides a unique perspective into the nature of the discrimination and the reaction of the individual.

c. How does the text portray the response of the Victorian police?

The report only briefly touches on how the Victorian police have worked in collaboration with other community organisations to provide community based programs geared towards involving African youth with their community. The report briefly outlines that community organisations and the police force have worked in

collaboration to recognise the rights of young people in the community, as well as pursue complaints of police discrimination. The report outlines that Youth Services, in conjunction with the Flemington Kensington Community Legal Centre (FKCLC) has assisted ten people lodge complaints to the Office of Police Integrity (OPI). Also, the report explains how Youth Services, FKCLC, the Victoria Police Southern Region and Debny Park Secondary College are working together to implement better support services for its younger community. However, there is little analysis about the effectiveness of these programs or the success of the complaints.

d. *How does the text represent the response of the community?*

The report concludes that the reason many interviewees did not feel connected to their broader community was a result of their lack of security, inadequate community facilities and limited faith in the police. This led to a negative portrayal of their community and negative outlook on their ability to shape the future of their community.

2. **Hopkins Tamar, 'Complaints against police behaviour in Flemington Victoria, 2006', *Alternative Law Journal*, vol 32, no 1, 2007.**

a. *What is the aim of the text?*

The aim of the article is to provide a summary of FKCLC's submission to ESD's 'Ethical Standards Health Check' of the Flemington police station.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

Hopkins categorises the complaints FKCLC has heard into two broad categories:

➤ Police interaction with young people in public spaces

Eg use of racist language, excessive number of searches, negatively reacting when a young person asserts their legal rights

➤ Excessive use of force

Eg unlawful assaults, unnecessary force used whilst the person is under arrest or arresting someone when another reasonable alternative is available.

Hopkins explains these forms of discrimination in more depth in her article.

c. *How does the text portray the response of the Victorian police?*

Hopkins outlines that the Flemington police have made small changes to internal policing practices to address issues of police discrimination. For example, Hopkins highlights that the new Senior Sergeant at the Flemington police station ensures that

young people have a private space to call a lawyer whilst in detention, so that they discuss any concerns of mistreatment with a lawyer. Furthermore, the same Sargent does not automatically arrest a young person if another form of punishment can be exercised.

However, Hopkins argues that the problem of police discrimination will persist unless major changes are made to the racist and hard line tactics endorsed by some Victorian police members. Hopkins suggests that the most effective way to deal with this issue is to tackle the internal structures of the Victorian police force and to further educate policemen. A key recommendation is to host training sessions about a policeman's responsibilities to others under the Victorian Human Rights Charter, as well as providing further education about the varied cultural backgrounds of the people they are policing.

d. How does the text represent the response or the reaction of the community?

Hopkins highlights that the persistent confrontation with police means that some people fear police. This is evident in cases where people refuse to give evidence as a witness, or pursue legal redress for their own suffering because they fear the ramifications. Hopkins outlines that the broader community is aware of cases of police discrimination and are also affected by cases of police discrimination. As a result, the community has lost faith in police integrity.

3. Farouque Farah, 'Accord threatened as refugees struggle with police', *The Age*, Melbourne, November 30 2007.

a. What is the aim of the text?

The article discusses the breakdown in communication between the youth in the CMV area and the local police.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

The article primarily reports on the incident between police and Mubarak Mousa on November 28 2007. Mubarak Mousa came into contact with local police late at night after finishing his work shift. Whilst the actual events are unclear, the conflict resulted in Mr Mousa receiving severe injuries from the hands of police. Furthermore, claims were made that he and three other youths were inappropriately detained.

c. How does the text portray the response of the Victorian police?

The article paints the community more favourably than the Victorian police. Whilst the article outlines that the Victorian police are subject to harassment and taunting from youths within the area, the rest of the article indicates that allegations of police discrimination could be justified.

d. How does the text represent the response of the community?

The article includes quotes from Dr Berhan Ahmed and Tamar Hopkins, explaining that overpolicing and police prejudice increase the tension between the local police and the youth in the area. This indicates that the community is dissatisfied with the current policing practices in the CMV.

4. Simons Margaret, 'A cry in the night', Griffith Review, year unknown.

a. What is the aim of the text?

Simons explains the complex relationship between the local police and the people that live within the Flemington area, focusing on the events that unfolded on November 28 2007. Simons explores the social reasons that underpin the relationship and reports on the different perspectives people had on the same issue.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

Simons discusses how the police conflict with Murabak Mussa on 28 November 2007 aroused strong dissent from the local community and brought the African community together to try and tackle the problem of police discrimination. Simons draws on the experiences of police mistreatment of Murabak Mussa, Ahmed Dini and other members of the community.

Simons portrayal of the Flemington police are more favourable than most other texts, as she explains in detail that the police are subject to insults, threats and cases of stone throwing from African youths. Simons quotes Inspector Nigel Howard, who stresses that the local police are working hard to facilitate communication with the African community and wish to reduce cases of discrimination. Simons also focuses on the role the media plays in creating a negative portrayal of the young people involved in the outbreak, and suggests that it fuelled the the hard tactic approach taken by police in the aftermath of the incident.

c. How does the text portray the response of the Victorian police?

Simons outlines that the Flemington police have introduced community development programs to try and strengthen relations with young African residents. These programs include Ozkick sessions, homework sessions and an all expenses paid trip to climb the Kokoda trail. However, Simons suggests these programs do not necessarily alleviate tense relations, indicating that these programs do not stop the fact that African youths feel like they are exposed to everyday police discrimination.

d. How does the text represent the response of the community?

Simons highlights that the community was dissatisfied with the high number of reported allegations of police discrimination. Simons reports that the community sought an apology from the police for the incident that occurred on November 28 2007. Furthermore, the community expressed a need for policemen to improve the way they treat young people in the community.

5. **Flemington and Kensington Community Legal Centre (FKCLC), `Police Accountability Project`, Federation of Community Legal Centres, Victoria, http://www.communitylaw.org.au/flemingtonkensington/cb_pages/policeaccountability1.php accessed 1 December 2009.**

a. What is the aim of the text?

The website outlines that the Police Accountability Project aims to inform victims of their rights against police and advise where they can seek assistance if they find themselves in a troubling situation with the police. The project also assists victims with lodging a complaint against a policeman who has mistreated them. The project operates as an educative tool for the broader community, in its attempt to raise awareness about the problem of police discrimination to facilitate change in the operation of the Victorian police complaint system and within the culture of the police force.

The website also lists information about the `National Police Accountability Network`, to encourage people to join the network of solicitors, barristers and community workers that advocate against police discrimination.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

To set the context of the issue, the website provides a brief overview about the nature and number of complaints that the FKCLC has received about police mistreatment. The website also provides links to resources that address concerns about police discrimination in detail.

c. How does the text portray the response of the Victorian police?

The website does not go into detail about the response of the police, but it does list a number of recommendations to address the issue of police discrimination. These recommendations can be accessed from the following link:
http://www.communitylaw.org.au/flemingtonkensington/cb_pages/racialprofiling.php.

d. How does the text represent the response of the community?

NA

6. **Flemington Kensington Community Legal Centre, *Flemington Kensington***

Community Legal Centre Annual Report 2007-2008, Melbourne, 2008,
http://www.communitylaw.org.au/flemingtonkensington/cb_pages/images/fkcl_cannualreport0708.pdf, accessed 2 December 2009.

a. What is the aim of the text?

The annual report provides an overview of FKCLC's activities, projects and developments over the past year.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

In her report, titled, 'Police Accountability and Justice Project', Tamar Hopkins briefly discusses the difficulty civilians face when trying to seek compensation for police mistreatment. Hopkins refers to the case of Corinna Horvath to support her argument. Ms Horvath was severely injured after police assaulted her when they raided her home in 1997. The report outlines that Horvath's limited success in Victorian courts has led her to lodge a complaint against the state with the UNHRC.

c. How does the text portray the response of the Victorian police?

Hopkins outlines that the Victorian police system and the Victorian courts have failed to adequately deal with Ms Horvath's case of police mistreatment. For instance, Hopkins explains that the Victorian police force has failed to discipline the policemen responsible for the assault against Corinna Horvath. Also, the State of Victoria has chosen to defend its position in civil proceedings, rather than compensate Horvath for her suffering.

d. How does the text represent the response of the community?

NA

7. **Letter from Tamar Hopkins to Chief Commissioner Nixon, 10 December 2007,**
http://www.communitylaw.org.au/flemingtonkensington/cb_pages/images/Letter%20to%20VicPol%20Dec07.pdf, accessed at 1 December 2009.

a. What is the aim of the text?

The aim of the letter is to encourage the Victorian police to take greater measure to address problems of police discrimination within its own internal structures and policies.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

Hopkins argues that allegations of police discrimination are frequent and consistent. Hopkins supports her argument by reporting on the number of complaints lodged by FKCLC to the OPI and the severe nature of the reports lodged.

c. How does the text portray the response of the Victorian police?

Hopkins stresses that some members of the Victorian police force continue to deny, justify or ignore evidence of police discrimination that occur in the Flemington area. Hopkins suggests that problems of police discrimination are linked with the racially prejudiced attitudes of policemen. An as example, Hopkins refers to Inspector Nigel Howard's comments after racist flyers were circulated in the area, condemning the African community. Rather than attacking the people responsible for circulating the flyers, Inspector Howard criticised the African youth community for their alleged 'gang' behaviour.

Hopkins also outlines that the FKCLC has been dissatisfied with the response from the OPI in relation to certain cases. Hopkins states that some complaints were dismissed or were not properly investigated. Hopkins also recommends policies that the Victorian police force can implement to try and deter its officers from committing discriminatory acts. The document does not include a response from the Chief Commissioner.

d. How does the text represent the response of the community?

Hopkins indicates that the Flemington community is concerned about the issue, as evident by the high number of attendees at community conferences that addressed the problem of police mistreatment.

8. **Letter from Tamar Hopkins to Chief Commissioner Nixon, 28 February 2008, http://www.communitylaw.org.au/flemingtonkensington/cb_pages/images/Letter%20to%20the%20Chief%20Commissioner%20on%20Video%20Recording.pdf, accessed at 20 September 2009.**

a. What is the aim of the text?

The aim of the letter is to encourage the Chief Commissioner to implement video cameras in interview rooms. Hopkins contends that cameras are necessary in interview rooms so that if a person experiences police mistreatment whilst they are being interviewed, they have access to recorded evidence.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

Hopkins outlines that seven people have lodged complaints of being mistreated by police whilst they were being interviewed. However, the lack of video evidence makes it difficult to pursue legal redress for the harm experienced. Hopkins also outlines that FKCLC has received reports on mistreatment experienced whilst people were riding in the back of a police divvy van. Hopkins does not state that these cases of discrimination have been experienced by a particular ethnic group, but given the area she works in, it is likely that these reports have been lodged by people of African origin who live in the Flemington Kensington area.

c. How does the text portray the response of the Victorian police?

Steve Frost responded to Tamar Hopkin's letter on behalf of the Chief Commissioner, and his reply provides a brief insight into the response of the Victorian police in regard to this issue. Mr Frost outlines that the Victorian Police is in the process of implementing improved audio visual equipment in police interview rooms, to capture video footage whilst the interview is in progress. The nature of Mr Frost's reply suggests that the Victorian police have a genuine interest in including technology to capture video footage in Victorian police stations, but their reasons for doing so many not be necessarily motivated by the number of allegations of discrimination.

d. *How does the text represent the response of the community?*

NA

VI. POLICE MISTREATMENT OF PEOPLE OF AFRICAN ORIGIN IN THE CITY OF GREATER DANDENONG AREA

1. Southern Ethnic Advisory & Advocacy Council, *Submission to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) African Young People Research Project, 2008.*

http://www.communitylaw.org.au/flemingtonkensington/cb_pages/images/VEOHRC%20African%20Young%20People%20Research%20Project%20Submission.pdf accessed 13 September 2009.

a. *What is the aim of the text?*

The aim of SEAAC's submission to the VEOHRC 'Africa Young People Research Project' is to highlight that a high number of Sudanese youth who live in the CGD are complaining to SEAAC about experiencing police mistreatment. SEAAC argue that these reports represent a broader issue of police discrimination within Victoria against people of African origin and in turn, violate their human rights.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

SEAAC provide a summary about the nature of discrimination reported, but provide little statistical information. The submission focuses on the response of the CGD police force in the aftermath of Liep Gony's death to draw general conclusions about policing practices in the CGD. In September 2009, Liep Gony, a 19 year old Sudanese man, was beaten to death by non African people at Noble Park Station. The event sparked outcry from the community. SEAAC reports that it lead to a dramatic increase in tough policing strategies against people of Sudanese descent. SEAAC also discuss how police policies were influenced by negative media coverage and the hostile attitude the Caucasian community members showed towards Sudanese young people.

c. *How does the text portray the response of the Victorian police?*

SEAAC stress that CGD police intensified over policing tactics towards young members of the Sudanese community, fearing that they would seek revenge for Liep's death. SEAAC highlights that CGD police focused on deterring groups of Sudanese youth from congregating in public spaces. To achieve this goal, the police acted discriminately by racially profiling African people, harassed youths without justification and restricted their personal freedom by demanding that they leave particular public spaces. SEAAC states that these tactics were unnecessary and further hindered relations between the Sudanese community and the CGD police force.

Also, SEAAC states that from the perspective of a youth organisation, the CGD police force have been arrogant in their approach to dealing with the Sudanese youth, have not been open to cooperation and do not properly implement community policing practices that are promoted by the Victorian Police Force.

d. How does the text represent the response of the community?

According to SEAAC, the young African community perceives the CGD police force as ineffective, untrustworthy and as a source of harm. Young Sudanese people reported to SEAAC that they felt that they are being discriminated by police and feel intimidated by police. SEAAC reports that those who have sought redress for police discrimination from the OPI have been unsuccessful and are left feeling frustrated with the system.

VII. POLICE MISTREATMENT OF PEOPLE FROM THE KOORI COMMUNITY IN RURAL VICTORIA

1. Ethical Standards Department, Victoria Police Indigenous Issues Unit, Koori Complaints Project Final Report 2006-2008, Department of Justice, Victoria, 2008, <https://senate.aph.gov.au/submissions/comittees/viewdocument.aspx?id=bdd a1e6c-3a08-4dad-9add-239a48f84442> accessed at 1 December 2009.

a. What is the aim of the text?

The aim of the report is to encourage the implementation of a more effective and user friendly complaints system for allegations of police discrimination. ESd argue that reforms are necessary to make it easier for a complaint to be successfully submitted, raise awareness about complaints procedures within the Koori community and restore faith in formal complaints procedures within the Koori community.

To achieve its aim, the report provides analytical and statistical information about allegations of police mistreatment, identifies errors in the complaints process and makes recommendations about how to change the process to favour

complainants.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

The report states that between 1991 to 2006, 103 Koori individuals lodged a complaint about police discrimination, with almost 40% of complaints relating to assaults, racist taunts, abuse, unreasonable use of capsicum spray or failure to provide medical assistance by police.

The report also outlines the differential treatment experienced by non Koori individuals in comparison to Koori individuals. The report states that non Koori community members complained of mild police misbehaviour and did not experience the same level of overpolicing that the Koori community did.

The report highlights that complaints have only been lodged in relation to a few members of the police force, but concede that the lack of faith Koori community members have in the complaints procedure means that some cases of police mistreatment are likely to be unreported.

c. How does the text portray the response of the Victorian police?

The report focuses on a number of flaws in the police complaints process and portrays the organisations involved with the complaints procedure as unresponsive. According to the authors, the failure of these organisations to adopt recommendations leads to further discriminatory police practices. Some of the flaws outlined by the report include:

- a bias in the investigation process can arise, when the Ethical Standards Department refers a complaint back to the local police, and a direct line manager can become responsible for investigating an allegation made against one of his junior officers;
- the reliance on evidentiary proof to substantiate an allegation;
- the frequency of incorrect categorisation of police mistreatment (eg where a serious assault was categorised as a 'minor misconduct').

d. How does the text represent the response of the community?

The report indicates that the lack of success of previous complaints means that Koori individuals have little faith in the complaints procedure system. The report states that the Indigenous population believed that lodging a complaint was 'futile or counter intuitive' and suggests that this may be the reason for the low level of official complaints.

The report contends that it is necessary to rebuild the Koori community's confidence in the complaints procedure, so that more cases can be recorded and can be referred to in order to lobby for improvements within the complaints procedure

system, as well as general policing practices towards Indigenous communities.

VIII. TEXTS THAT DEAL WITH POLICE DISCRIMINATION IN A GENERAL MANNER

1. Hopkins Tamar, *An effective system of investigating complaints against police*, thesis, Monash University, 2009.
<https://senate.aph.gov.au/submissions/comitees/viewdocument.aspx?id=5dcd1c75-b0a4-41b8-9b9b-db2135284608> accessed 1 December 2009.

a. *What is the aim of the text?*

The paper contends that Victoria's police complaints procedure does not comply with its obligations under the *Victorian Charter of Human Rights 2008* and does not meet the five standards that should underpin an effective police complaints procedure, which were identified by the European Rapporteur. The author substantiates her claim by comparing Victoria's police complaints procedure against procedures in the US, Canada, UK and Northern Ireland.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

Hopkins gives examples of negative experiences FKCLC clients have had with the OPI and ESD. For instance, Hopkins lists a number of different cases of discrimination that one would ordinarily classify as police misconduct, and then outlines that the OPI classified all of the cases as unsubstantiated cases. She then compares their experiences with examples from other jurisdictions and analyses the different approach taken by various legal entities.

c. *How does the text portray the response of the Victorian police?*

Hopkins argues that the Victorian police complaints procedure adopts practices that undermine a fair, impartial investigation into complaints and in turn, breach Victoria's obligations under the *Victorian Human Rights Charter 2008* and its responsibilities under UN conventions. Some of these breaches arise because:

- investigations are not comprehensive,
- investigations are undertaken by internal police bodies,
- the OPI is reluctant to properly classify serious misconduct by police,
- the OPI only investigates a small portion of complaints that are lodged. For example, in 2008, the OPI Annual Report explains that only 3% of complaints were investigated,
- the OPI does not have a prompt reporting process, and

- the OPI only minimally involves the victim in the investigation process.

d. *How does the text represent the response of the community?*

NA

2. Tippet Garry, 'UN to hear of Victorian woman's brutal bashing', *The Age*, August 31 2008.

a. *What is the aim of the text?*

The article contends that the Victorian State Government should accept responsibility for the assault, unlawful arrest and false imprisonment committed by Victorian police officers against Corinna Horvath in 1996 (NB Tamar Hopkins reports in the FKCLC Annual Report that the incident occurred in 1997).

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

The article explains the legal process that Corinna Horvath has undertaken to try and seek compensation from Victorian police. The author outlines how Horvath had to be admitted to hospital for five days after police barged into her apartment, assaulted her and falsely imprisoned her.

At the first instance, Mrs Horvath was successful and was awarded \$315,000 in compensation. However, the Court of Appeal set aside the judgment, stating that under the Police Regulations Act, the state cannot be vicariously liable when officers act unreasonably beyond police procedures. Horvath's failure to achieve justice through the Victorian state system has encouraged her to lodge an appeal to the UNHRC.

c. *How does the text portray the response of the Victorian police?*

The author portrays the Victorian Police Department and the state of Victoria as institutions that are unwilling to accept responsibility for cases of police discrimination, and in turn, accept the discriminatory behaviour. The author outlines that the Victorian State Government has tried to avoid responsibility and will not pay Horvath any form of compensation. Furthermore, the Victorian police have not taken disciplinary measures against the policemen responsible for the unlawful behaviour.

d. *How does the text represent the response of the community?*

The community's response is captured by Ms Horvath's statement. Ms Horvath states that the State's persistence to avoid responsibility and its failure to deal appropriately with the incriminating officers sends the message to the community that police discrimination is acceptable and that there are limited avenues for legal redress for those who experience police discrimination.

3. **Carter Jason, Chew Alice & Kurec Ben, *Submission to consultation on how best to protect the human rights and freedoms of Australians*, date unknown, [http://www.humanrightsconsultation.gov.au/www/nhrcc/RWPAttach.nsf/VAP/\(3273BD3F76A7A5DEDAE36942A54D7D90\)~Alice_Chew_AGWW-7NS526.doc/\\$file/Alice_Chew_AGWW-7NS526.doc](http://www.humanrightsconsultation.gov.au/www/nhrcc/RWPAttach.nsf/VAP/(3273BD3F76A7A5DEDAE36942A54D7D90)~Alice_Chew_AGWW-7NS526.doc/$file/Alice_Chew_AGWW-7NS526.doc) accessed 13 September 2009.**

a. *What is the aim of the text?*

The aim of the submission to the National Human Rights Consultation is to propose that Australia should introduce a National Charter of Human Rights. To support their claim, the authors focus on the experiences of four young men of African descent who have suffered from police discrimination, loosely arguing that the violation of their human rights justifies the need to implement a National Charter to safeguard against these forms of discrimination.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

The submission gives examples of the following forms of discrimination:

- Being unreasonably threatened by a police officer,
- Being commanded to leave a public space, even though the young males were not committing an unlawful act or engaging in any reckless behaviour,
- Being searched inside their home without justification,
- Police confiscating private property without a sufficient explanation,
- Not receiving adequate assistance from police in a time of need, and
- Being subject to frequent random searches without justification.

c. *How does the text portray the response of the Victorian police?*

NA

d. *How does the text represent the response or the reaction of the community?*

The submission highlights the response of two interviewees in regard to their own experiences of discrimination. The authors outline that the young man in case study one feels that he and his friends are unjustifiably harassed by police and he lives in fear of being arrested by police within his community. The young man in case study two believes that greater communication is required between the local young people and the police. He stresses that before police try to address problems of police discrimination, they should consult with locals who have lived through the experience.

4. **Gabrielle Berman, 'Institutional Racism in Victoria: Always and Everywhere a Different Phenomena', University of Melbourne, date unknown, publisher unknown, http://www.communitylaw.org.au/flemingtonkensington/cb_pages/images/Institutional%20Racism%20in%20Victoria%20Paper%20International%20Racism.doc, accessed at 1 December 2009.**

a. *What is the aim of the text?*

The aim of the thesis is to explain allegations of police discrimination within a social framework, arguing that ethnoracial discrimination is the result of complex factors that underlie institutions and environmental settings.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

The author briefly refers to specific cases of police discrimination and relies on external sources to support her contention. The author primarily undertakes an analysis as to why policemen commit acts of ethnoracial discrimination, what influences hinder a reform in behaviour and what changes have been successful in other jurisdictions.

How does the text portray the response of the Victorian police?

Berman is positive about the Victorian police department's multilingual program and the implementation of the OPI. Berman states that the Victorian police force has improved the accessibility of its services and complaints procedures to CALD communities by hiring multilingual staff. However, Berman highlights that there is a disparity between the programs that have been implemented to favour different ethnocultural groups and the conduct of police in everyday policing practices. Berman argues that the nature of a policeman's work increases anxious and defensive responses towards others. When coupled with the influences of the culture of the Victorian police force, some policemen act in discriminatory ways. According to Berman, discriminatory police behaviour can be explained through an understanding of structural racism.

How does the text represent the response of the community?

NA

5. **Australian Broadcasting Corporation. 'Corruption Inc.', *Four Corners*, 14 June 2004, <http://www.abc.net.au/4corners/content/2004/s1131829.ht> accessed 12 August 2009.**

a. *What is the aim of the text?*

The aim of the interview is to report on corruption within the Australian police force,

particularly in the context of drugs law enforcement.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

The transcript briefly outlines the intimidating tactics adopted by a member of the the Austalian police force against an Asian woman who lives in the Chinatown area. However, the report only briefly quotes the woman in a reenactment and does not provide any further analysis.

c. How does the text portray the response of the Victorian police?

NA

d. How does the text represent the response or the reaction of the community?

NA

6. Silvester John, 'Police use of capsicum spray soars', *The Age*, Melbourne, March 3 2008.

a. What is the aim of the text?

The aim of the article is to report on the increased use of capsicum spray by police and explain how it has reduced the number of physical injuries and improved methods of law enforcement.

b. In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?

The article draws limited reference to the possibility that the use of capsicum spray could be used in a discriminatory manner. The article quotes Hopkins, who states that capsicum spray has been unjustifiably used a weapon or a form of additional punishment towards civilians. The report also includes Hopkins' belief that the use of capsicum spray in a discriminatory manner is underreported.

c. How does the text portray the response of the Victorian police?

The author reports that the increased use of capsicum spray has lead to a decrease in the use of batons, which has in turn reduced the number of physical injuries suffered by police and civilians. The author positively portrays the use of capsicum spray by extensively quoting acting Superintendent Craig Walsh.

d. How does the text represent the response of the community?

NA

7. **Forrest J, and Dunn K, *More than tolerance: Embracing Diversity for Health*, report prepared for Victoria Health, Melbourne, 2007, http://www.vichealth.vic.gov.au/~/_/media/ResourceCentre/PublicationsandResources/Mental%20health/MoreThanTolerance/More_Tolerance_Media_%20summary.aspx, accessed 1 December 2009.**

a. *What is the aim of the text?*

The aim of the report is to raise awareness about the links between discrimination and health issues for newly arrived migrants, so as to inform VicHealth about the problems that arise, and suggest strategies that can be implemented to address issues of discrimination.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

The report only discusses cases of police discrimination in a general and brief context. Forrest and Dunn outlined that 19% of people surveyed reported that they experienced discrimination by police, but the authors do not analyse the data further.

The report primarily focuses on cases of ethnoracial discrimination by civilians towards newly arrived migrants.

c. *How does the text portray the response of the Victorian police?*

This topic is not covered in the report, but the report does make suggestions about how law enforcement agencies can advocate against discrimination and uphold anti discrimination policies to address problems of discrimination.

d. *How does the text represent the response of the community?*

Forrest and Dunn discuss the individual experiences of migrants who have suffered discrimination and outline how it has impacted on their mental health.

8. **CopWatch Melbourne, 'Welcome to Melbourne's Cop Watch', Melbourne Cop Watch Program, Victoria, <http://melbournecopwatch.org/> at 1 December 2009.**

a. *What is the aim of the text?*

The aim of the website is to raise awareness about the rights an individual can exercise rights if he or she is mistreated by police.

b. *In what way does the text explain, discuss or analyse allegations of police mistreatment against particular ethnic groups?*

The website highlights the mistreatment individuals have experienced through

involvement with police. The website also raises concerns about the police's role of engaging in community welfare programs and the disempowering effect this has on communities. However, the website does not contain a high level of information or links to other resources, and I could not access the discussion forum.

c. How does the text portray the response of the Victorian police?

NA

d. How does the text represent the response of the community?

NA

IX. REPORTS CITED BUT NOT SUMMARISED

The following reports were previously included in the bibliography but were not summarised, because upon closer examination, the content about police discrimination was so minimal that it would not be worth referring to in light of the other references available.

1. Fraser Katie, *Out of Africa and Into Court: the Legal Problems of Refugees*, research report prepared for the Footscray Community Legal Centre, Melbourne 2009.
2. Human Rights and Equal Opportunity Commission, *Report to the Department of Immigration and Citizenship on the Unlocking Doors Project*, Canberra, 2007, http://www.hreoc.gov.au/racial_discrimination/unlocking_doors/index.html, accessed 1 December 2009.
3. National Human Rights Network of the National Association of Community Legal Centres, *Australian Non-governmental Organisations Submission to the Committee on the Elimination of Racial Discrimination*, Canberra, 2005, <http://info.humanrights.curtin.edu.au/local/docs/NGOExecSumm2005.pdf>, accessed 1 December 2009.
4. Letter from Catherine Gale, President of the Law Institute of Victoria, to The Hon. Simon Sheller AO QC, Chair of the Security Legislation Review Committee, 15 March 2006.