



Submission to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) African Young People Research Project, March 2008

Introduction: SEAAC

The Southern Ethnic Advisory and Advocacy Council (SEAAC) was established in 1992 to work towards enabling young people from migrant and refugee backgrounds to become active, informed, and skilled participants in society. SEAAC believes that it is also important to work towards changing social structures and community attitudes, in order to achieve a more just and equal society.

SEAAC provides a range of services to young people aged between 12 and 25, from different backgrounds. Services include information provision; casework and referral services; and community education sessions. SEAAC's work is currently divided into three programs: South Sudanese Youth Connections Program; Monash Multicultural Support Program; and Refugee Support and Development Initiative.

SEAAC works extensively with African young people who live in, work in, or regularly visit the City of Greater Dandenong (CGD), working most closely with the South Sudanese community. Although we have extensive regular contact with the elders of the community, most work is young people (12-25 years).

SEAAC workers currently support a range of activities undertaken by South Sudanese youth in the City of Greater Dandenong, through a community development framework, coming into contact with a wide cross section of young people from the community. These activities include: a South Sudanese Basketball Club (New Stars Basketball Association); a South Sudanese theatre group (HOPE theatre); several South Sudanese Youth Associations (Nasir Youth Association, Futuristic Group for Southern Sudanese in Australia, the New Sudan Youth Association, the South Sudanese Youth Action Group); case work; and collaborating with young community leaders to organise and run an annual camp for 50 South Sudanese young people over five days. In the last 2 years SEAAC has employed three South Sudanese young people to undertake its community development work and has hosted a number of young South Sudanese student placements for various time periods and levels of responsibility.

Over the time that SEAAC has been working with the South Sudanese community, our clients have reported many incidents of discrimination to SEAAC workers. As a number of SEAAC workers are themselves African young people, SEAAC staff have suffered and

reported many incidents of discrimination. Due to the nature of the work that SEAAC undertakes in diverse and often unconventional or informal settings, the form that these reports take varies widely. Similarly, how workers have recorded or responded to these reports has varied.

The following submission to the VEOHRC 'African Young People Research Project' is not a comprehensive catalogue of reports of discrimination made by SEAAC clients to the organisation. It provides instead a selection of specific reports of experiences of policing, which we believe point to a more general trend of Police discrimination against Sudanese young people in the CGD.

This submission focuses on Police discrimination for two reasons. Firstly, Police discrimination is unique because, as an arm of the state with a legal monopoly over the use of violence, Police have a particular responsibility to act in a responsible, open and just manner. Secondly, in the course of our work, SEAAC has received a high number of reports of Police misconduct and discrimination; it is consistently ranked as one of the single biggest issues facing the Sudanese young people with whom SEAAC works. SEAAC workers also come into regular contact with Police in a range of consultations and forums, giving us an insight into Police perspectives and practices.

Experiences of Police Discrimination in the City of Greater Dandenong

Young Sudanese people consistently express to SEAAC that one of the single biggest issues facing them is their experience of Policing.¹

A litany of concerns and complaints about police are made by young African people to SEAAC at every given opportunity. Young people commonly report a general feeling that the police treat them unfairly because of their race. The most commonly reported specific complaints are:

- Young people being regularly stopped and questioned by Police in public, sometimes up to several times in a single day.
- Police asking young people to 'move on' without citing a legitimate reason.
- Racist comments being made by Police.
- Young people being searched in public.
- Police refusing to submit their details if young people request them. This request often acts as a trigger for police aggression.
- Police refusing to respect young people's right to silence — beyond submitting name and address. Again young people asserting this right to silence often acts as a trigger for Police aggression.

Together these practices constitute day-to-day police harassment of young Africans in the City of Greater Dandenong. The impact of this kind of day-to-day harassment and over-policing, on the whole community, should not be underestimated. Over-policing in this submission describes the way in which African young people are collectively subject to extensive policing *in ways not experienced by non-minority communities*. Over-policing is discriminatory.² Furthermore, there have been some reports of very serious police harassment, such as unwarranted use of force, explicit racist comments, and other practices that are potentially in contravention of Victoria's *Charter of Human Rights and Responsibilities Act 2006*; the Police code of conduct; and in some instances potentially also constitute a criminal offence.³

The volume of complaints received and the level of concern the issue generates amongst the community suggests that there is systemic police discrimination against young African people in the City of Greater Dandenong.

¹ In consecutive youth forums (2006/07) with a large number of Sudanese participants (>40) aged 12-25, the participants have ranked policing - along with family issues and employment - as in their top three concerns. This has also been consistently reported by a number of young community leaders active in the Sudanese youth associations.

² For a discussion of this conception of over-policing in relation to Indigenous people, see Cunneen, C. (2001) *Conflict, Politics Crime: Aboriginal Communities and the Police*, Allen & Unwin, Sydney

³ Hopkins, T. (2007) *Policing in an Era of Human Rights*, *Alternative Law Journal*, Vol 32:4, December

These experiences do not seem to be unique to young people in CGD. Common complaints received from young people in CGD reflect concerns raised in Melbourne's other 'hot spots', such as the Flemington housing estate.⁴ Furthermore, they reflect reports of Policing that SEAAC has received from members of other communities living in the City of Greater Dandenong.⁵

Police Discrimination Against Young African People: 'Hard Tactics'

Liep Gony, a nineteen-year-old Sudanese man living in the CGD, was beaten to death by a small group of non-African young people near the Noble Park railway station in September 2007.

Liep's death and its aftermath are of particular relevance to this submission, providing an important insight into the overall picture of Policing practices, and how these are experienced by African youths, in the region.

Liep's death and the following flurry of Government, media and police activity was very distressing for the African community. Many young people spoke to SEAAC about feeling as though they were being publicly punished by comments made by the then Federal Minister Kevin Andrews; they also felt that the ensuing media controversy seemed to be blaming them for their friend's death. Furthermore, they felt targeted by the Police response to the tragic event.

The police provided 'mixed messages' regarding both the causes of and Police responses to Liep's death. Police command from the highest levels — including Christine Nixon — and the Multicultural Liaison Unit were at pains to claim that there were no 'race' issues involved in the incident, and that accordingly policing efforts in the area are not, and would not be racially targeted⁶.

At the same time, other senior police stated publicly that officers were dealing with a "tribe mentality" of refugees who came from a "culture of violence" and "boy soldiers" and pledged that police resources would be beefed up to address the violence:

⁴ African Think Tank (2007) *Working with Victoria's African Community*, Media Release, December 3, 2007

⁵ A delegation of leaders from the Cook Islander community expressed similar sentiment to the Sudanese regarding their experience of policing and reported several disturbing incidents of police misconduct to SEAAC, 8/2/08. A further string of reports and concerns about policing has been expressed to SEAAC from members of the Pacific Islander community since August 2007, including a written complaint received on 31/10/07.

⁶ Sen-Det Tony Gentile from Dandenong CIU Quoted in the Herald Sun, 28/9/07; James Waterson, Dandenong MLO quoted in The Age, 28/9/07, 'Police move to quell 'gang war' fears' <http://www.theage.com.au/news/national/police-move-to-quell-gang-war-fears/2007/09/28/1190486520125.html>; James Waterson, quoted in The Age, 27/9/07, 'Bashed teenager in critical condition', <http://www.theage.com.au/news/NATIONAL/Bashed-teenager-in-critical-condition/2007/09/27/1190486431739.html>; Christine Nixon quoted in The Australian, 4/10/2007, 'Police in denial on gangs: Andrews'

We will take a very hard response to the packs of youths in the area with increasing numbers of police. We've got a brawler van with large numbers of police attached to it, which we will concentrate in the Noble Park area and the railway station. We've also got a number of canine units which will also support us.⁷

Some members of the police force went so far as to use the opportunity to actively and publicly criticize the command's 'community policing' attempts:

We've got to get away from the warm and fuzzy style of policing. We've got to get back to a stronger, pro-active type of policing to prevent this behaviour and street offences, particularly street-related crime, from occurring in the first place.⁸

Liep's friends reported at the time that they knew the police increased their presence in the CGD specifically to target them, in response to their friend being killed:

Cos they think, somebody from us got killed, we gonna try and get some revenge or something like that. But I mean, that's not how it is, if we wanted revenge we could've done it straight after what happened but we let the police do what they say is their job. Ya know, but they all down there because that's where they find the Sudanese. Every day, na I tell you, every day you get down by Noble Park, even though you in school uniform or whatever, they ask ID ya know. That's just pissed me off badly.

Several weeks before Liep was killed the Police in the CGD had already planned what could only be described as a racial profiling operation to 'crack down' on African young people congregating in public space. This included increasing patrols to target, search, and 'move on' groups of Sudanese young people anywhere they were found congregating publicly in the CGD. According to one Police officer, when these plans were announced to a youth work network meeting they were met with dismay and a request from youth workers to be informed of when the operation would start. The Police refused to meet the request on the grounds that if youth workers 'got there first' then there would be no arrests, and the Police would not be able to justify their increased use of resources.⁹

Police deliberately harassing young Africans in an explicit attempt to disperse them when they are legitimately occupying public space is a discriminatory practice, and directly contradicts the statements by senior Police about their practices. Young people reported to SEAAC that this practice is of particular concern to them, as they feel that they do not have the same rights to occupy public space as the rest of the community:

What I really hate, the Police, they get calls from the community or residents or whatever, because we like to hang out in a group, ya know just brothers, cousins, and they think that's a gang, when it's not a gang man. Ya know like, they think it's gangs. Why you wearin this, why you wearin that. They say people are worried in the community, because

⁷ Assistant Commissioner Paul Evans in the Herald Sun, 28/9/07, <http://www.news.com.au/heraldsun/story/0,21985,22495010-661,00.html>

⁸ Anonymous Police source quoted in the Herald Sun 28/9/07, <http://www.news.com.au/heraldsun/story/0,21985,22495010-661,00.html>

⁹ A Youth Resource Officer disclosed these events during a Multicultural Youth Action, Policing Sub-Group Meeting, 20/9/07

we walk in so large groups, but why would they be worried when we don't do anything you know?¹⁰

All people have the right by law to use public space without interference from the state.¹¹ Furthermore, the young man quoted above expressed to SEAAC that African young people, rather than being a threat, are particularly vulnerable and need to occupy public space in numbers for personal safety. This perception was justified in their eyes by the death of their personal friend, Liep:

What's up with them when we hang together as a group, you don't call that a gang, you call that a family man, we a family, we cousins. You got walk together man, you walk by yourself you get murdered. Ya know, it's just not good.

They just like to pick out on us. And then they like to call us stuff, like gang, but we not gang, ya know we like to hang around with each other, because if you hang out on your own, like ya know some shit happen, ya know like what happened to my one of my friend (Liep), he was hangin around by himself and they just jumped him and stuff.

[SEAAC Worker] Tell me the story of what happened to your friend. Where was he and what happened?

He [Liep] was in Noble Park and he got jumped for no reason [...] by white boys. Some Aussies.

Before Liep was killed, young people told SEAAC that they were regularly stopped by police in public areas — often several times in a single day — and that they believed the practice to be racially motivated. This concern has been repeatedly expressed over the last several years, and in the time since Liep's death young people perceive that the practice is intensifying.¹² It should be noted that this practice is potentially in violation of the *Charter of Human Rights and Responsibilities Act 2006*¹³. As one young man put it:

When any African walk around Noble Park, the police see that you're African and they pull you over. Can we have your name, can we have your address and all that. And that, that's like arresting us, cos we don't see it happening to other people except for the Africans.

If the police come to us, and try to talk to us, then we gonna think that, ya know, they embarrassing us. Cos we just standing there like the others, but they come to us and take our name, all this, and it makes you feel that, even though you aint done shit.¹⁴

¹⁰ Audio interview between Sudanese young person and SEAAC youth worker conducted in Springvale, 11/10/07

¹¹ Hopkins, T. (2007) *Policing in an Era of Human Rights*, *Alternative Law Journal*, Vol 32:4, December, pp. 226

¹² In consecutive youth forums (2006/07) with a large number of Sudanese participants (>40) aged 12-25, the practice of Police repeatedly detaining young people for questioning in public was reported. The same issue was raised in the 2006 National Sudanese Youth Conference.

¹³ Hopkins, T. (2007) *Policing in an Era of Human Rights*, *Alternative Law Journal*, Vol 32:4, December, pp. 226

¹⁴ Audio interview between Sudanese young person and SEAAC youth worker conducted in Springvale, 11/10/07

Amongst the reports of day-to-day harassment, there are some particularly disturbing reports of Police using force that the young people claim is unwarranted, beyond the powers ascribed to them, and discriminatory. As one young Sudanese person discussed:

See this? (young person shows the SEAAC worker some scars down his arm)

[SEAAC Worker] What happened?

They grab me and they just push me down and shit.

Who?

The Police.

Why?

Because they are racist.¹⁵

These reports of police violence are particularly disturbing. Often, these events appear to be triggered by young people attempting to assert their legal rights. One example of this involves Liep Gony himself and was reported to a SEAAC worker.

You know that guy that was killed [Liep]? One week before he was killed, he had a fight with the Police. He still had injuries from the other week ago.

[SEAAC Worker] Can you tell me about that? What happened to him the week before he died?

The Police came find us sitting in a group, and they say 'we don't want no trouble, get out of here'. We were like next to pizza shop, back in Noble Park. We told them, we waiting for the pizza, then we're gonna get outta here. They didn't get it, they say 'get outta here, only one person will remain'. We say no. They send more back up, even the dogs [...] like four cars, all of them were full. After that even the dogs were helping them too.

Even one of my friends, he was bitten by dogs everywhere. He was the dead brother.

[SEAAC Worker] What happened to Liep that night?

He was beaten up, they bust him everywhere, the dogs bite on his head.

The police they always tell us 'we doing our job', but I don't think they really doing their job when they get frustrated and then they the one that takes their hand on you first. That's not, they supposed to protect us, not to be unfair, ya know, 'your not cooperating' just start beating you up for nothing. Because we just want to know, if they got enough reason for wanting to take our names down, or telling us you can't hang here, or don't walk in a group, then we would understand that, but there's no reason. And when we try

¹⁵ Audio interview between Sudanese young person and SEAAC youth worker conducted in Springvale, 11/10/07

to ask them, then they get frustrated or think we being smart. They think we being smart and that's when things really get out of control.

Police Discrimination Against Young African People: 'Community Policing'

'Community Policing' is now a common part of the landscape in Victoria. It is of particular relevance to this submission as community policing is often advocated as a progressive response to Police discrimination characterised by 'hard tactics', such as that already described. However, as this submission outlines, community policing does not alleviate the system racism and overpolicing of 'hard tactics', and in fact in its present form, contributes to the over-policing of young people.

SEAAC does not wish to discredit the intention and spirit in which this kind of police work is undertaken. However as 'Community Policing' is generally regarded by academics, community groups, and community workers alike as an attempt by police 'to at least be trying' to reform their practices, there is a lack of critical appraisal of these practices and their outcomes.

Community Policing

'Community policing' can be loosely understood as a "philosophy which, when applied to Policing practices, places emphasis on the development of effective working partnerships with the community."¹⁶ Community Policing techniques are designed to refocus the role of police from simply traditional 'crime investigation' to engaging in broad community centered problem solving practices around crime, fear of crime, public safety issues etc. As a proactive 'preventative' approach, Community Policing relies on high visibility of the police, requiring increased police contact with the community in a diverse range of contexts, in addition to the street level encounters associated with law enforcement. The implementation of these practices in Victoria have been uneven, spearheaded by initiatives such as the Multicultural Liaison Unit, and tend to take the form of attempts at building positive relationships within a given community.¹⁷

There is no universally accepted definition of 'Community Policing'; a diverse range of practices are routinely lumped under this broad umbrella. In the CGD community policing initiatives are often organised by the Multicultural Liaison Officers (MLOs) based at the Dandenong Station and the Youth Resource Officers (YROs) posted at various stations around the region. MLOs and YROs typically undertake activities such as organising soccer games, attending popular sporting events, working with groups of African young people to organise relationship building events such as pool competitions, and convening a 'problem solving' council of Sudanese young people. It has also involved greater visibility of MLOs and other police in already heavily policed areas, such as CGD, or housing estates such as Flemington.

¹⁶ Pickering et al (2007) *Counter Terrorism and Culturally Diverse Communities*, ARC Linkage Project, Monash University, pp. 31

¹⁷ Pickering et al (2007) *Counter Terrorism and Culturally Diverse Communities*, ARC Linkage Project, Monash University, pp. 31-33

Specific Concerns

SEAAC has identified a number of particular concerns with the Community Policing that has taken place in the CGD:

- That these practices suffer a very low degree of respect amongst the Police force broadly, and that this lack of respect undermines their efficacy. Several serving officers have on different occasions revealed to SEAAC that the community policing programs fail to gain the respect of the majority of the police force who typically place a low value on the outcomes being sought by the community policing programs, or are of the opinion that the programs are simply 'soft' or 'pointless'¹⁸.
- Community Policing practices do not operate as an alternative to normalized practices of police coercion but rather sits alongside them. Community policing does not take into account experiences of systemic racism. For example, the emphasis on building good relationships with two 'nice' MLOs does not change the fact that young people simultaneously experience routine harassment from the rest of the police force.
- Rather than alleviating tensions and 'democratising' the practice of policing, these practices can result in intensifying the policing of particular communities on the basis of race; young African people have a much higher presence of Police in their lives than other members of the community *because they are African*.
- SEAAC has found that 'at risk' young Africans rarely come into contact with Community Policing programs and activities. Instead it is often high achieving young people that experience these high levels of policing, simply *because of their race*, sometimes with very negative outcomes.¹⁹
- This intensification of policing is realised by the combination of community policing practices occurring alongside 'hard tactics' including intentional dispersal, increased patrols and police numbers, and racial profiling, such as 'cracking down' on particular sections of the community.
- Community policing is often based upon false assumptions that do not take into account systemic social tensions such as class, race and gender. At worst community policing initiatives actively try to diminish the role that these factors play. A blanket approach to increasing 'community engagement' does not consider whether contact with young people is welcomed or not or that it may not be experienced by all African people as positive

¹⁸ More than four on duty members on separate occasions during 2007 made admissions to SEAAC that the community policing programs – such as those run by MLOs and YROs - suffer a very low degree of respect and success from police serving in the City of Greater Dandenong.

¹⁹ For an example of negative outcomes resulting from high achieving young people coming into contact with community policing efforts see: Hopkins, T. (2007) *Policing in an Era of Human Rights*, Alternative Law Journal, Vol 32:4, December, pp. 227-228

- One of the outcomes of intensifying policing on these grounds is that it denies young people's experiences of systemic racism, undermining their attempts at resistance, and the contexts in which conflict with the police occurs.
- Proponents claim that community policing practices primarily concern 'problem solving'. However SEAAC has found that police agenda's and interests are prioritized, over the key concerns of young people. In reality police officers undertaking community work are often privy to intelligence about specific offences. The boundaries between 'problem solving' and 'intelligence gathering' are thus blurred. A direct conflict of interest then arises: does the officer betray the community's trust, or withhold evidence pertaining to a crime?

In short, in their current manifestation, rather than alleviating the social tensions that underlie conflict between young people and the state, these practices have often contributed to the discrimination being faced by young people, while simultaneously closing down the space for young people to resist the discrimination they are experiencing.

Examples

The submission offers two examples that illustrate these specific concerns.

A common reason cited for conflict between young African people and Police is that 'young African people do not understand the role of the Police in Australia', due to 'a lack of awareness and education'²⁰. In SEAAC's experience, the assertion of this 'lack of understanding' is either baseless or massively over-emphasized. Nevertheless it is a common justification for increased police intervention into African communities in the name of 'education'. Furthermore, stipulating that 'misunderstanding' is the cause of conflict actively diminishes the role that systemic racism and class disadvantage plays in social conflict and the ensuing discrimination faced by young people.

SEAAC does not wish to diminish the role that these young people's backgrounds have played in influencing their understanding of the world. Reports to SEAAC however, suggest that in fact young African people typically have a relatively sophisticated understanding of what powers the police have legally proscribed, and what rights they have in regards to those powers. Rather, it seems that they have been very disappointed by the way Police have treated them in Australia, and believe that they would have the support of the broader community if their stories were told:

I mean, I know this is Australia, everybody can be heard. And when they do this, I don't know what they think, they think that we powerless, they think ah they Africans ya know, They don't have as much right as the other people, but its not like that, because if they didn't want us to be a part of this country, then I don't think there would be a point in bringing us out here in the first place ya know.

²⁰ These reasons have been repeatedly cited by social workers (MYAG meetings 5/2/08 and 20/10/07) and by Police (MLOs from Dandenong address Sudanese Youth forum on 11/12/07) and Police officers (MYAG Policing sb-group 20/10/07; MLOs from Dandenong address Sudanese Youth forum on 11/12/07)

That's the problem right there. I wish there could be a way that all of us could say what we got to say. Because a lot of things happen to us and nobody hears about it because we don't have the voice. And they think we trouble makers, just believe everything the Police says. They like 'how come they come take your names, if you didn't do something wrong, they wouldn't take your name'. But all the people don't really understand what goes on. You know we could just finish basketball right now, and then try and walk home, and something could happen there on the way and the parents wouldn't know, and that's why they don't know shit about it.

They like nah, we just doing our job, that's what they always tell us. They think we don't know what part of their job is and what's not. So every time you have the right they just tell you, ah, we doin' our job, and shut up don't be smart arse. You try to make sense, and then you get in trouble, that what really happens

Liep's Funeral

On the night of Liep's funeral a number of his friends were mourning his death in a park. The group was approached by a police officer that was notorious within the group present — and the wider community of young Sudanese people — for racial vilification. One young person described a previous incident with the same officer:

There was this one time we were walking home, because the bus were finished, down in Dandenong North. These police came to us and they talking to us about some resident called them up saying there's been people in the street making noise. Then um, they told us to take our name down, where we live and all that just in case they get a call back again, then they will know who to talk to. Then after that we cooperated, we done everything, give them our names, phone number, address, everything. Then [...] there was one policeman he told me 'stay out of trouble, don't make any more trouble, because you guys are really disturbing the peace in this country' [...] he was like, 'your type is the one disturbing the peace in this country, such a peaceful country'. When I heard that I started cracking at him back, and then he came up to me started grabbing my shirt and choking me.

He always treat people badly, you know, even though you cooperating or not, he always gotta bring all these things at you and piss you off like that. He knows he's the police, he can win. We can't do anything, we just normal people living in the community, and for that he's just using that power just to arrest us, not to do his job properly.

The group was frustrated and distraught. Their close friend had tragically been beaten to death. The police had responded by 'cracking down' on Sudanese young people anywhere they were found congregating in public space — even more than they had already been doing — resulting in these young people being hassled by police whenever they met outside. On top of all this the police had attended Liep's funeral earlier that day, a gesture these young Sudanese found discriminatory, inappropriate and inflammatory, especially given their allegation that Liep's wounds had still not healed from an incident with the Police a week before he was killed:

They came there, I'm sure they already got told by one of the elders in the community that we going be doing it on this day, we want some privacy, so if you can help out and stay away. They told the same thing to the media too but they were there. When they got asked, 'why are you here', they were just like 'we just here to make sure everything is all right'. We were all like 'how is there gonna be any trouble when we mourning ya know?'

'Who can start a fight or whatever when you're crying?' 'And we all there cos it's a sad day?' And they were like, 'we just doing our job.'

You never see them at white people's funerals, so why should they start coming to ours? [...] Its kind of like frustrating. You could just see like five cop cars and they all just standing there, and they were smirking you know? We were all like, what the hell?

It is not clear what happened the night of Liep's funeral when this well-known officer approached the group of Liep's friends and family in the park. Allegedly, the Police officer that approached the group in the park was assaulted. According to one version of events, when he approached the group a few individuals struck him a number of times, before the rest of the group intervened and stopped the assault. The officer was not seriously injured.

Reference Group

In the wake of Liep being killed, the MLOs at the Dandenong station convened a 'reference group' of individuals to work on 'problem solving' with the Police. The Police stated explicitly that this group would not be used for intelligence gathering.²¹ The police also explicitly sought to exclude youth workers from attending the meetings of this group, stating that they wanted to be 'their' group, and if other community organisations wanted to work with Sudanese young people they could set up their 'own' groups²².

After the incident in the park on the night of Liep's funeral, one of the Dandenong MLOs stated that a number of young Sudanese men would not be attending an upcoming Sudanese youth development camp because they were going to be 'picked up' by police. When questioned, the officer responded that one of the young people that was attending the police 'reference group' had put forward names of some young people that had allegedly been involved in the assault. The officer then stated that as a result of this information these young people would probably be in police custody at the time of the camp.

The officer was very positive about this "powerful information" being put forward, and stated that he and police command were working on a media release stating that the Sudanese community had put forward the 'trouble makers' from within their ranks, thereby demonstrating that the rest of the community was in fact 'good'. He stated that it may be difficult to get this information to the police investigating the incident, as it was sensitive and would probably have to be passed on as an anonymous tip-off.²³

SEAAC has identified several concerns with this episode:

- This is a very clear example of the MLO blurring the boundaries between 'problem solving', which could result in alternatives to formally entering the criminal justice system for young people, and intelligence gathering for the purposes of prosecution.

²¹ Youth Network meeting

²² Phone conversation between SEAAC worker and MLO

²³ Youth Network meeting

- It is not clear whether the 'informant' that put forward this information was intending it to be passed on to be used in investigating the incident or not. Regardless, this episode clearly demonstrates the conflict of interest facing serving officers attempting to undertake community work.
- The episode also provides a clear motive for young people not to trust the MLOs and other 'community policing' practices.
- The young people that were in the park that night had particular concerns with an officer who was known to racially vilify African young people. Furthermore, any conflict that night occurred in the context of these young people facing explicit racial profiling by the police, routine harassment, discrimination and some experiences of police misuse of force. It is clearly a possibility that these young people were acting in self-defence, attempting to assert the rights that they are granted under the Victorian Human Rights Charter. The 'community policing' practices, rather than supporting these attempts, instead formed part of a network of police technologies that discriminate against African young people.

Recommendations

Policing practices in the CGD are a combination of 'hard' tactics, such as the 'beefing up' of police presence at train stations in an effort to target African young people on the basis of race, as well as a range of 'soft' tactics associated with community policing techniques such as running a 'reference group' of African young people to aid in 'problem solving'.

As we have outlined, both of these approaches potentially contribute to the Police discrimination against African young people in the CGD. These practices may be in contravention of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Furthermore, the last few years are littered with specific allegations of Police misconduct such as racist remarks, repeated searches without good reason, use of force to illegally 'move on' groups of young people resulting in injury.

These allegations are mirrored by similar claims made by other community groups in the area, and communities living in other parts of Melbourne. In the opinion of SEAAC, this growing evidence amounts to the suggestion that there is widespread Police discrimination and misconduct occurring in Victoria that is either going unreported, or is being inadequately investigated and dealt with.

Furthermore, the widely acknowledged yet officially denied practice of high saturation, zero-tolerance policing of young African people requires urgent discontinuation.

The attempts by police to deal with these issues through their various 'community policing' efforts such as those described above, fail to stand up to scrutiny. Rather than alleviating social tensions and increasing access to justice, these programs tend to intensify the policing of young African people in the CGD, *because they are African*. It is

clear that to meet these objectives, young African people need *less policing*, not more. Furthermore, arbitrary interference from the state is clearly in contravention of the Victorian Human Rights Charter, let alone increased arbitrary interference *on the grounds of race*.

There is a common conception amongst the affected communities that there is currently no effective official channel through which to pursue these issues. Unfortunately, it has been shown by the work done in other areas, particularly in the Flemington area, that these fears are not unfounded. The experience of community organisations supporting young people in trying to pursue complaints through official channels such as the Office of Police Integrity and the Ethical Standards Department has left them frustrated, and calling upon the Government to "initiate a Royal Commission to unearth endemic corruption and misconduct. Further, an independent and well-resourced Anti-Corruption Commission should be established as has occurred in Queensland, New South Wales and Western Australia"²⁴

SEAAC supports these calls, and also calls for funding for justice initiatives to be channeled into community organisations that have the appropriate training and resources to run these kinds of programs.

Furthermore, any interaction between Police and young people contains a clear power imbalance. The lines between informal questioning and 'consultation' are blurred and may have the consequence of self-incrimination for the young person. This must be immediately recognized by the implementation of a policy to prevent any police from 'consulting' young people without an adult advocate present.

It is hoped by SEAAC that concrete action will result from VEOHRC undertaking this study. These issues generally have again and again been reported upon, and it is time for the voices and their meaning to be listened to, and for this to act as a lever for change.

²⁴ Fitzroy Legal Service & Flemington Kensington Community Legal Service (2006) *The Real Story Behind Police Violence*, Media Release, 1/11/07