Speaking Notes:

Risk, Race and the Challenge of Inclusive Policing webinar

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Introduction

Thanks very much Rebecca. First I'd like to acknowledge that I'm coming to you today from the unceded lands of the Ngarigo people in the Snowy Mountains where I am fortunate to live. I would like to express my respect to their elders past, present and emerging.

I also want to thank Rebecca and the Monash Migration and Inclusion Centre for providing this platform in their excellent webinar series and acknowledge the many people who have worked hard behind the scenes to make this happen.

Today I won't be using slides as I want to speak to you directly and convey as faithfully as I can the accounts that participants in this study entrusted to me, using their own words whenever possible.

Belonging

In the early stages of this study I approached a local organisation, hoping they could connect me with overseas-born young people to discuss their experiences with police. My aim was to explore the relationship between policing and belonging. They assured me that Dandenong was very different from other parts of Melbourne. I would only unearth positive stories because there were lots of successful proactive programs there, and some difficulties that had arisen in the past had been sorted out.

That was all well and good - but as I began conducting focus groups with young people from Pasifika and South Sudanese Australian backgrounds, interviewing members of the parental generations, and speaking with front-line youth workers - a very different picture emerged.

These young people did identify interactions they judged to be positive where police had listened to them, had explained their actions, been friendly, courteous or understanding, particularly where there had been some wrongdoing on their part. And a few stories emerged where individual officers had really gone the extra mile.

But these positive accounts were eclipsed by more numerous reports about unexplained stops, intrusive questioning, racial vilification and assaults.

While stopping and questioning young people may seem routine for police, it was clear that these interactions had a major emotional impact. Young people reported feeling upset, shocked, traumatised, furious, anxious, unsafe and frightened. Others said they'd felt alienated, outcast, misunderstood, not heard, humiliated, powerless and discriminated against due to the treatment they had received.

These feelings were the antithesis of how young people from other communities in an earlier phase of the study had talked about what belonging felt like to them. As one young person explained: 'My interactions

with police have mainly been bad, so when I get mistreated and not taken seriously - it makes you feel like you don't belong.'

Particularly worrying were instances where young people said that negative encounters had made them realise that they had a bad image in the community, were not seen as trustworthy, or were thought to be a threat to others. Some people listening might see the possible effects of labelling theory there.

Ghassan Hage has used the term 'governmental belonging' to describe instances where individuals assume the right to determine who should 'feel at home' in a nation or community, or even just a public space. Any member of the public can style themselves as an arbiter of belonging in this way.

This statement by a young person from my study is an explicit example of police assuming this role: 'You guys are aliens. You don't belong here … That's how police end up treating us'.

But any instance where young people felt they were being singled out for adverse attention, could be experienced as an example of governmental belonging.

One young person said: 'Why would [police] come and talk to you out of all the people around. They come straight to you. It makes me feel like shit'.

And an older South Sudanese Australian explained: 'If the police do listen to you then that means they value you as a human or as a citizen, and when they don't it's like they're telling you "You're not one of us"'.

Police can also contribute to what has been called the 'politics of belonging' when their actions convey to others that certain groups present a generalised threat.

A Pasifika youth worker said that when police moved on young people from his community for no good reason – quote: 'There are people that are there in that space who are witnessing all of this … you can imagine what type of conclusions people are drawing.'

It's important to acknowledge that interactions with police are just one part of a much larger arena of the politics of belonging, which fuels public demand for police intervention in relation to certain groups. This young person said: 'It's more from society, from the news and social media, pointing out Africans and Sudanese etcetera. It makes you feel like you don't belong.'

Risk

In order to understand the context for these experiences, my last step was to interview some police members about local practices. I want to acknowledge Victoria Police for providing this access.

I heard about a lot of proactive programs designed to address youth offending, but considering these in any detail was beyond the scope of this study. The aspect of police practice that resonated most immediately with the reported experiences of these community members on the streets, in their cars and sometimes in their homes, was the risk-based approach that underpinned the policing of young people.

Intelligence-led or risk-based policing is the pre-eminent mode of policing around the world today. It is technology-enabled and provides a powerful tool for targeting police resources towards people and places considered to be high risk.

These methods have won some support from scholars and activists in specific contexts, for example policing intimate partner violence. But, a recent review of the Suspect Targeting Management Plan used by NSW Police concluded that risk-based methods should not be used at all in relation to young people.

The Victorian system classifies certain young people who have been in conflict with the law as either 'youth network offenders' – abbreviated to YNOs - or 'core youth network offenders', based primarily on age and the number and type of previous offences.

I was told: 'We can run that tool now and it will tell us - like the kid might be 15 - it tells how many crimes he is going to commit before he is 21 based on that, and it is a 95% accuracy. It has been tested.'

A wider range of data, including family violence and missing persons reports, and field contacts, is used in a separate predictive tool to identify young people considered 'at risk' of future offending. As one officer explained: 'So they might not have committed a crime but they have been checked at midnight a couple of times, out with other kids.'

I was told that YNOs, particularly core YNOs, were likely to receive intensive monitoring and policing responses, while 'at risk' young people would be referred for 'early intervention' support aimed at preventing their entry into the criminal justice system.

While I was doing this research I attended a seminar featuring visiting members of the National Network of Safe Communities. They had worked for decades with gang members in New York City and advocated very strongly for the targeting of support and services to the most serious young offenders, while ensuring that more peripherally involved young people had as little police contact as possible.

This contrasted with the paradigm used in Victoria, where the most prolific young offenders are met with surveillance and enforcement rather than support. The closest approximation to the New York model that I saw during my study was the alcohol diversion program, where young people who had amassed often thousands of dollars in unpaid fines received support instead of imprisonment. This program was run with very limited resourcing and a heavy reliance on both community and police volunteers.

The goal of my study was not to evaluate any of these programs, but rather to examine interactions between police and young people in public places. The patterns of police encounters reported by community members aligned remarkably closely with how you might expect risk-based systems to play out on the ground.

Without knowing the specifics of the risk-based system used by police, some youth workers observed that police placed young people in rigid categories of 'cleanskin' or 'criminal' and that intensive policing of the latter often undermined efforts young people were making to change their lives.

Young people in my study who had been in conflict with the law reported being forever judged by their past, trapped in a cycle they couldn't escape, where police were constantly trying to pin something on them – these are all young people's own words - and facing the prospect of being 'in the system forever'.

At the other end of the risk spectrum, young people who had not been in conflict with the law still reported being stopped and asked - "What's your name? Where have you been?" "How old are you?" 'Where are you going?" – in an apparent effort to map young people's identities and friendship networks.

A local police officer explained: 'Without information, there would be no way of predicting which youth are at the greatest risk of entering the criminal justice system … sometimes that needs some form of intrusive discussions with them, in relation to gathering information.' Again, this is at odds with the approach recommended by the New York research group.

In the context of street policing – and to be clear, I'm not referring here to organised proactive programs which I didn't look into - it seems that the original conception of community engagement that had its heyday in the 1980s has undergone quite a transformation.

The original idea – possibly never fully realised – of friendly foot patrols, for example, engaging in brief, non-conflictual interactions in public places in order to build trust, has been repurposed within a risk-based framework into a system of intrusive field contacts aimed at gathering instant community intelligence that often undermines, rather than builds trust.

Put another way, while old-style community engagement was intended to help community members get to know police, so they would have the confidence to seek out police services when needed; community engagement serving a risk-based agenda is mainly about police getting to know community members – or at least some of them - whether they like it or not.

Race

This brings us to the question of how race plays out both in these risk-based systems and more broadly in the experiences reported by community members.

Just as they sometimes identified officers who were particularly understanding, young people also cited individuals who were prone to hostile and openly racist behaviour – and here's a warning to mute your volume now if you do not want to hear serious examples of racial vilification.

One young man named a detective who would 'chase' him around, hurling racist abuse and threatening to 'make your life a living hell'. Another described being handcuffed, punched then told 'I'd hate to be your fucking colour, I'd hate to fucking be black.' And a youth worker told me that the young people she supported were often called 'black cunts' by certain local police.

Beyond these examples of individual racism, we know that racialized understandings of 'how policing is done' can become embedded in routine practices, without either direct instructions or deliberate rewards for targeting certain groups.

In the absence of explanations for being stopped, young people attributed their experiences to this kind of systemic racism. A young South Sudanese Australian said: 'I don't know why police are stopping me, just for being a black person'. And a young Pasifika person said: 'If I'm seen by the cops, I know I'll be looked at in a certain way … they stereotype people'.

Although no statistics were produced from this study to 'prove' – in inverted commas - that young people from these backgrounds are being stopped disproportionately in the south east, there were numerous reports of being singled out within groups on the basis of skin colour, in ways that suggested these practices had become routine.

One young person explained: 'They are doing their jobs; we understand that. But we get picked due to the colour of our skins. They looked bored. They don't care about the white or Asian who is doing the same thing. They come straight to the black person'.

Although some Pasifika youths also reported high levels of police intervention, including excessive use of force, it was widely believed that an informal hierarchy was in operation, with young South Sudanese Australians at the 'top', in inverted commas. One experienced Pasifika youth worker explained: 'The Australian kids get walked past. [The police] go straight to the Sudanese, and then they just move them on and start harassing them.'

She went on to give a particular example: 'And then they went to our [Pasifika] kids. I said, "No leave them alone … You can have the white ones." But they didn't go near them. They just walked around them and carried on.'

It is important to understand underlying, systemic drivers since efforts to reduce racialized targeting through individual measures alone, such as training, often fail spectacularly to change organisational practice. So, how might the risk-based systems I've described contribute to race-based targeting?

Police in Dandenong were adamant that race is not a factor used directly in any of their predictive models. But we are starting to understand that data driven systems can both 'hardwire' and also amplify pre-existing, customary practices.

A review by Open Society of data-driven systems used by European police concluded: 'The belief in the independence and objectivity of predictive policing programmes will send law enforcement officers to monitor and detect crimes in the same already over-policed communities'.

Indeed, the review of risk-based policing in NSW I mentioned earlier found that Aboriginal youths as young as 10 were over-represented in that system.

Also, the demand for data to drive predictive tools may itself contribute to more intense police intervention for certain groups, even where the intention may not be punitive. This is the nature of systemic practices.

A local officer said this about the predictive tool used to identify 'at risk' young people: 'The system is really good for the WASP kind of background of youth. It's not for the new and emerging youth within the community, because there's an under-reporting of family violence, under-reporting of missing youth, so we're looking to see how often those youth are being checked on the street with YNOs.'

A community worker from a Pasifika background acknowledged this connection between street stops and data gathering, saying: 'The police don't give a reason why they are accusing them. It's so that the police can check and put it in their system'.

Community responses - challenges

The young people in this study said they dealt with unwanted police encounters by resisting police intervention, by trying to defuse potential conflict, or, more commonly, by trying to avoid any contact at all. One young person said: 'It would be better if the police just stuck to the issues and didn't ask personal questions. I don't want to talk to them. I just want to go on my way.'

But avoidance strategies themselves could be a source of protracted anxiety. A Pasifika youth worker lamented that young people in their community were being taught to 'tip toe around everywhere when they should be able to do what they want'. A young South Sudanese Australian concluded: 'it is the police who have the problem with the wrong approach, not the young people'.

And yet even young people who had experienced serious mistreatment appeared to accept the police role in law enforcement, often prefacing their comments with phrases like 'police have a job to do'. But they also had a clear idea of what was and was not legitimate. 'Their job is to arrest you, interview you, and charge you, right? They don't need to assault you, swear at you, pepper spray you.'

These sentiments were not restricted to younger generations. One evening I visited a basketball stadium where South Sudanese Australian mothers literally ran to me when they heard I was there to record young people's experiences with police. This is a rare experience in research for people to actually want to speak with you.

All of them had stories about things that had happened to their children, or themselves, or someone they knew. The fear they expressed that their children would be physically harmed or criminalised by being provoked or falsely accused by police was palpable.

There was a pervasive sense that nothing could be done to change police, that no-one cared, and that if you went to try to talk with police that made things worse. So they tried to protect their children by advising them not to go out, and by being with them when they could.

None of the participants – young or old – had any faith in a complaints system that was run by police themselves. A grassroots community worker summed up the sense of desperation in her South Sudanese Australian community: 'So police should be the one to be there for you. And then imagine if the police themselves are your worry. They are your fear'.

Challenge of Inclusion

I've used the term Inclusion in my title, partly because that is the primary concern of the Monash Migration and Inclusion Centre. But also because this concept is closely aligned with belonging, the central theme of my research. People feel they belong when they receive messages of inclusion - perhaps acceptance is a better word for some people - which can come from many sources, including the police.

So is the idea of inclusive policing code for some kind of all-encompassing police presence? Not at all. But what would policing that enhances social inclusion look like? Taking my cue from what these community members told me, it was first and foremost about equality of treatment.

Rather than seeking to banish police from their lives altogether, people I spoke with had a clear expectation that when they needed help from police they should be taken seriously and treated as if their lives mattered. Equal protection and consideration from police was equated, by older participants in particular, with their entitlement as citizens. Some younger people made similar points as well.

Where there was a legitimate reason for police intervention, for example because of offending, young people in this study valued being treated in a way that aligns with the tenets of procedural justice, although they didn't use that term of course. They also expected, quite reasonably, not to have crimes committed

against them by police that would undoubtedly go unpunished – another aspect of their current lack of equality under the law.

Finally, where there was no valid or lawful reason for intervention, all community members involved in this study wanted to go about their daily lives without fear of police intrusion, as I'm sure applies to everyone listening. This was equally so for young people with histories of past offending. Ongoing police intervention when they were trying to make changes in their lives often set them back, and conveyed a message of perpetual non-belonging.

In my view, mitigating the exclusionary practices I have described requires action at multiple levels, from above and below. Our panel reflects that spread, to the extent that we could manage today.

As long as police exist as a powerful institution in society, an accessible, credible and wholly independent mechanism is needed to monitor use of those powers. Victorians are still waiting on the government response to a Parliamentary Inquiry which recommended exactly that in 2018.

Existing accountability mechanisms are not trusted and will not be used by the most heavily policed sections of the community. Therefore - contrary to what senior police often say – complaints are not currently a source of meaningful feedback to them.

If policing is to be responsive to all sectors of communities, effective feedback from below is also essential, about the community impacts of policing practices and what affected groups think should be done to improve things. In order to build these capacities, I'm starting to see that resources need to be channelled directly to communities, rather than solely through police-led programs.

One participant in my study said, in apparent despair: 'People don't see what's happening here'. Research of the type I have outlined today can illuminate what is happening from the perspective of one section of the community at a particular point in time.

My research in no way represents the sum total of policing in the south east in all its complexity, and neither is it a substitute for ongoing and safe channels of communication so the voices of heavily policed communities can be heard.

But rather than being dismissed as overly critical, or as a reputational threat – as has been conveyed to me – this type of information should be treated by police as invaluable community feedback, as an opportunity they would not otherwise have to see how certain practices are playing out on the ground.

A quite mainstream view within policing scholarship – not even a radical one - is that the police role is to 'uphold a particular social order'. This means that the level of inequality and exclusion in a society or community will be reflected and reproduced through policing. This raises wider and fundamental questions about the implications of our current neo-liberal order for policing and social inclusion.

In my view, young people should not need to be labelled as a potential risk to others in order to receive the services they need. And the ready recourse to increased police powers and more policing – whether reactive or proactive – is rarely the solution for social problems. This is the neo-liberal paradigm within which policing operates at present, and which has delivered a kind of security perhaps, for the majority, while denying a sense of secure belonging to others.

I met a remarkable South Sudanese Australian woman in the course of my study who worked tirelessly for her community, including on policing issues. I want to finish with some of her words.

'When we come here we think we belong here. We are citizens here, not just come and go back. But not anymore because of the crisis created by media and government. The government should treat us as their own people. But they give authority to police more than us … We are good people. We take care of this country. If this country accommodate us well we need to do something good.'
Thank you for listening.