

14 May 2013

Victoria Police Community Consultation
Victoria Police Centre G.P.O Box 913
Melbourne, VIC 3001

Dear Sir / Madam,

Letter of endorsement of the responses by Smart Justice for Young People (SJFYP) and the Centre for Multicultural Youth (CMY) to the Victoria Police Community Consultation

The Youth Affairs Council of Victoria (YACVic) is the peak body and leading policy advocate on young people's issues in Victoria. Our vision is for a Victorian community that values and provides opportunity, participation, justice and equity for all young people. We welcome this opportunity to write a letter of endorsement of the submissions by Smart Justice for Young People (SJFYP) and the Centre for Multicultural Youth (CMY) to the Victoria Police Community Consultation into Field Contact Policy and Cross Cultural Training.

YACVic is member of the SJFYP coalition and was involved in the development of SJFYP's submission. We write this letter endorsing the messages and recommendations contained in the submissions by both SJFYP and CMY.

While we note that the consultation relates specifically to issues of cross-cultural training, we first briefly wish to highlight the need for improved interactions between police officers and young people more broadly. This should involve **strengthened youth-specific training by Victoria Police**, with greater focus on police interactions with young people in crisis or young people experiencing vulnerability, such as homeless young people or those with mental health difficulties. A key part of this youth-specific training should involve the development of greater cultural competency of all police officers in order to improve their interactions with young people from culturally and linguistically diverse backgrounds (CALD).

In developing this improved training, it would be highly beneficial for Victoria Police to work in close collaboration with:

- **Victorian peak bodies**
- **generalist and specialist youth sector organisations**
- **the Smart Justice for Young People coalition**
- **community legal centres, and**
- **young people.**

YACVic's Youth Reference Group (YRG) recently conducted research with a total of 243 young Victorians about their experiences with and perceptions of Victorian law enforcement officers. Their final report, "*Cop That*": *Bridging the Gap between Young People and Law Enforcement Officers*, is included as an **appendix** to this letter. We support the YRG's recommendations aimed at strengthening interactions between Victorian young people and police.

YACVic endorses the submissions by SJFYP and CMY in full. In this letter, we specifically wish to highlight a number of key points and recommendations made by both.

Recommendations YACVic wishes to specifically highlight

- That **Victoria Police** 'introduce a *Youth Protocol*, implement a *Racial Profiling Policy* in consultation with community groups and the VEOHRC, and implement training on these new introductions;

That the **Victorian Government** 'introduce non-discrimination clauses into legislation regulating police powers as well as clauses prohibiting racial profiling.' (Recommendation 1 of SJFYP)

Despite the cultural diversity of Victoria's population,¹ people from culturally and linguistic backgrounds (CALD) continue to encounter instances of overt racism as well as implicit biases or stereotypes due to their cultural background. Researchers studying implicit biases have found that individuals may 'possess attitudes, stereotypes, and prejudices in the absence of intention, awareness, deliberation, or effort.'² Though individuals may not intend to do so, implicit biases about ethnicity can influence the perceptions and actions of all individuals.³ **This is a community-wide issue, which must be acknowledged and addressed in all settings in which it occurs, including within Victoria Police.**

With regard to the police, research has found repeatedly that individuals of diverse cultural backgrounds are 'disproportionately stopped, searched and arrested' relative to their population.⁴ **As SJFYP noted in its submission, an analysis of data from the Victoria Police's LEAP database has indicated that racial profiling exists within Victoria Police.**⁵ In Professor Ian Gordon's analysis of Victoria Police data regarding interactions between young men and police in Flemington or North Melbourne during 2005 to 2008,⁶ Professor Gordon found that the 'average number of offences' for the

¹ Australian Bureau of Statistics, 'Population and People', *National Regional Profile, Victoria, 2007-2011*.

² Jost, J. et al. 2009, 'The existence of implicit bias is beyond reasonable doubt: A refutation of ideological and methodological objections and executive summary of ten studies that no manager should ignore,' *Research in Organisational Behaviour*, vol. 29, pp. 39-69, p. 42-43.

³ Fridell, L. (2008). Racially Biased Policing: The Law Enforcement Response to the Implicit Black-Crime Association. In Lynch, Michael, Patterson, E, and Childs, K (eds.) *Racial Divide: Racial and Ethnic Bias in the Criminal Justice System*. Monsey NY: Criminal Justice Press. 39-59, p. 42; Jost, J. et al. 2009, 'The existence of implicit bias is beyond reasonable doubt: A refutation of ideological and methodological objections and executive summary of ten studies that no manager should ignore,' *Research in Organisational Behaviour*, vol. 29, pp. 39-69, p. 42.

⁴ Warren, P and Tomaskovic-Devey, D 2009, 'Racial profiling and searches: Did the politics of racial profiling change police behaviour?', *Criminology & Public Policy*, vol. 8, no. 2, pp. 343-369, p. 344.

⁵ Smart Justice for Young People 2013, *Smart Justice for Young People's Response to the Victoria Police Community Consultation*, 31 July, pp. 1-40, p. 10.

⁶ Ian Gordon 2012, *Statistical commentary on Federal Court of Australia*, Proceeding No. VID 969 of 2010.

specified young men of African backgrounds was 'significantly lower' (7.8 offences) than for the young men of other ethnic backgrounds (12.3 offences).⁷ However, the young men of ethnic backgrounds other than African were '8.5 times more likely *not* to be the subject of a field contact' than the African young men.⁸

This significant disparity underlies the importance of strategies addressing the issue of racial profiling by Victoria Police, especially in relation to CALD young people. As SJFYP asserted, the introduction of a *Youth Protocol*, as well as implementation of a *Racial Profiling Policy* and training would assist to ensure that the treatment by police officers of young people is 'respectful and appropriate' at all times when police stop and question young people in Victoria.⁹

- That **Victoria Police**: 'Provide written reasons for move-on directions, and eliminate the practice of "drive-outs"'. (Recommendation 3 of SJFYP)
- That **Victoria Police**: 'require police officers to provide clear verbal explanations of field contacts, and a written 'field contact receipt' setting out details of the field contact'. (Recommendation 6 of SJFYP)

As SJFYP discussed in their submission, CALD young people have reported being told to move-on without being provided with a 'legitimate reason'.¹⁰ This breaches young people's rights to access public spaces and can contribute to a sense of alienation or negatively impact young people's sense of safety when in public. YACVic has previously raised concerns that the broad and discretionary nature of move-on powers has meant that they are 'open to abuse based on age, race or other misconceived stereotypes'.¹¹ The provision of written reasons for move-on directions, as well as written field contact receipts would help ensure that decisions by police officers are not based on implicit biases or stereotypes.

In addition, in their submission CMY noted that young people attending their 2013 youth state-wide forum called for greater accountability on the part of the police.¹² As SJFYP submitted, the introduction of requirements that police officers provide written reasons for any directions to move-on and issue written field contact receipts would introduce greater accountability and transparency in relation to these police powers.¹³

- That **Victoria Police**: 'engage in dialogue with young people from CALD backgrounds, explain to CALD communities why reports of crimes may not be pursued and take firm action where racist behaviour has been reported & proven'. (Recommendation 10 of SJFYP)

⁷ See *Summary of Professor Gordon's and Dr Henstridge's First Reports*, Daniel Haile-Michael & Ors v Nick Konstantinidis & Ors VID 969 of 2010.

⁸ *Ibid.*

⁹ Smart Justice for Young People 2013, *Smart Justice for Young People's Response to the Victoria Police Community Consultation*, 31 July, pp. 1-40, p. 12.

¹⁰ *Ibid.* 14.

¹¹ Peninsula Community Legal Centre, Youthlaw and YACVic 2009, *Submission – Proposed amendments to General Local Law 2003 No. 7*, pp. 1-23, p. 11; see also YACVic 2009, *Summary Offences and Control of Weapons Act Amendment Bill*, pp. 1-3, p. 2.

¹² CMY 2013, *CMY's submission to the Victoria Police Community Consultation*, pp. 1-17, p. 12.

¹³ Smart Justice for Young People 2013, *Smart Justice for Young People's Response to the Victoria Police Community Consultation*, 31 July, pp. 1-40, p. 14 and 18.

As CMY noted in their submission, young people attending their 2013 youth state-wide forum 'identified that racism was a significant issue experienced in a range of diverse contexts including when dealing with the police'.¹⁴ Discriminatory practices by police can result in young people feeling isolated and excluded from their communities, as well as anxious or stressed when in public spaces. SJFYP also noted that young people may be less willing to assist the police in their investigations or turn to the police if they have been a victim of crime.¹⁵ The engagement by Victoria Police in meaningful dialogues with young people from culturally diverse backgrounds would help strengthen relationships between police, culturally diverse communities and young people from CALD backgrounds. In their submission, CMY highlighted that they would 'support Victoria Police efforts to facilitate a safe and meaningful dialogue with young people about their direct experiences with police and/or PSOs'.¹⁶ These dialogues are particularly important in relation to young people from CALD backgrounds who feel they have been unfairly targeted or who have experienced or witnessed discrimination or racial profiling by the police.

- That **Victoria Police**: 'Review the Academy's current *Policing and Multicultural Communities* module & introduce and embed interactive stereotyping exercises to help recruits identify personal biases about people from CALD backgrounds'. (Recommendation 12 of SJFYP)

As discussed above, individuals may hold implicit biases based on ethnicity and act on these biases without holding an intention to discriminate.¹⁷ Embedding interactive stereotyping exercises that assist recruits identify personal biases they may hold would help recruits understand how stereotypes or implicit biases may influence their police work in relation to culturally diverse communities.

YACVic also supports CMY's framework for the development of greater cultural competence as something that should be incorporated within Victoria Police. CMY's framework involves the following elements:

- *'developing cultural awareness – such as why we think the way we do [and] what cultural biases or influences we hold*
- *enhancing cross cultural communication skills – including verbal, non-verbal, written and visual communication, and*
- *building knowledge that leads to better understanding of one's community.*¹⁸

As CMY submitted, their framework provides a 'foundation for developing training specific to the needs of Victoria Police'.¹⁹

However, as CMY also discussed, there is a need for 're-prioritization of organisational goals' within Victoria Police 'driven by the leadership group'.²⁰ Addressing racial

¹⁴ CMY 2013, *CMY's submission to the Victoria Police Community Consultation*, pp. 1-17, p. 11.

¹⁵ Smart Justice for Young People 2013, *Smart Justice for Young People's Response to the Victoria Police Community Consultation*, 31 July, pp. 1-40, p. 24.

¹⁶ CMY 2013, *CMY's submission to the Victoria Police Community Consultation*, pp. 1-17, p. 10.

¹⁷ Jost, J. et al. 2009, 'The existence of implicit bias is beyond reasonable doubt: A refutation of ideological and methodological objections and executive summary of ten studies that no manager should ignore,' *Research in Organisational Behaviour*, vol. 29, pp. 39-69, p. 42-43.

¹⁸ CMY 2013, *CMY's submission to the Victoria Police Community Consultation*, pp. 1-17, p. 14.

¹⁹ *Ibid* 14.

²⁰ *Ibid* 14.

profiling and increasing cultural competency within Victoria Police (as in all institutions/settings) requires a strong commitment to cultural change by those in leadership roles.

- That **Victoria Police**: 'Review, strengthen and develop youth-specific training, including allocating more time to recruit training, explaining risk and protective factors in greater detail, youth-specific communication and engagement techniques and implementing the Coroner's recommendation from the Tyler Cassidy Inquest to incorporate a youth-specific component into *Operational Safety and Tactics Training*'. (Recommendation 13 of SJFYP)

As discussed earlier in this letter, there is a need for improved youth-specific training in Victoria Police, which should be developed in close collaboration between Victoria Police and Victorian peak bodies, generalist and specialist youth sector organisations, the Smart Justice for Young People coalition, community legal centres and young people themselves.

Thank you for the opportunity to submit this letter of endorsement of the submissions by CMY and Smart Justice for Young People to the Victoria Police Community Consultation. We are happy to provide further information in relation to any of these issues should that be of assistance. Please do not hesitate to contact Jen Rose, Manager of Policy and Projects on 9267 3799.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Ferrari', with a horizontal line underneath.

Georgie Ferrari
CEO