

Racialised Policing: from Ferguson to Flemington

By Alessandra Di Natale

As the community and legislature response to police shootings in the United States continues to grow, so too does the chorus of voices investigating racial profiling and policing here in Australia. The Castan Centre's recent public forum, *Racialised policing: from Ferguson to Flemington* delved into the parallels between the American and Australian experiences, and the specific issues plaguing policing on a domestic level.

Associate Professor Bronwyn Naylor, a Castan Centre Deputy Director, acted as Chair and on the impressive panel of speakers were Anthony Kelly, Executive Officer of Flemington Kensington Community Legal Centre (FKCLC), Daniel Haile-Michael and Maki Issa, lead applicants in a Federal Court race discrimination case against Victoria Police, Charandev Singh, a human rights advocate, and Dr Claire Spivakovsky, a Monash University Criminology Lecturer.

Anthony Kelly began by honing in on the similarities and differences between Australian and American experiences of racialised policing, explaining that the policing of non-white populations is 'chillingly consistent' in the Western world in terms of over-policing and greater use of force. Noting that FKCLC has long looked to the experiences of communities abroad, Kelly focused on evaluating Victoria Police's 'Equality is not the same' action plan, now in its second year, which introduced anti-racial profiling training and a pilot of providing receipts to those stopped by police.

Unfortunately, it became clear that the implementation and monitoring of the receipt trial is severely lacking. Data collection has been hampered by technical delays, and so it is increasingly difficult to provide an accurate picture of who it is that is being stopped by the police, and how often. Despite new anti-racial profiling policies, FKCLC's African-Australian clients are still reporting being stopped by the police multiple times.

To truly begin targeting racialised policing, Kelly advocated for independent reviews of Victoria Police and legislative change, in the form of an anti-racial profiling act that provides for a complaints process, data collection for police stops and the amendment of the Police Code.

Ten years on from their first experience of racialised policing and two years since their Federal Court race discrimination case, Daniel Haile-Michael and Maki Issa presented the preliminary findings of their Peer Advocacy Outreach Program, conducted alongside FKCLC. The Program involved Haile-Michael and Issa speaking to young males and service providers across Melbourne, both to find out more about their experienced with racialised policing, and to support them in addressing it.

Sadly, they reported that 'not much has changed,' and that young African-Australian men continue to be targeted by police and suffer a sense of not belonging, isolation and powerlessness as a result. Problems accessing legal assistance, lack of awareness of rights and police powers and disillusionment with the complaints process were cited as major issues for these young men. Service providers were often unsure of what racial profiling actually is, and were in need of greater legal education and knowledge of specialist services to refer their clients to. The final report is currently in progress.

Charandev Singh approached the forum with a focus on racialised punishment and sentiments of anti-blackness, providing a slightly different insight into the issue. Singh touched on colonisation and how it has shaped models of policing when it comes to people of colour. Of particular concern is the severe overrepresentation of Indigenous peoples in the prison population, with Singh noting that



Event host Bronwyn Naylor kicks off the evening

there has been far too much investment in incarceration rather than addressing underlying social justice issues. Indeed, Singh advocates for policies to place greater emphasis on the fact that broader questions of social justice are inextricably intertwined to policing. The Australian Indigenous community was also recognised for its 'enduring resistance to anti-black violence.'

In order to 'offer a framework' to address the issue of racialised policing, Dr Claire Spivakovsky addressed both sides of the argument. On one side is the notion that the overrepresentation of certain communities in the criminal justice system is due to a system riddled with bias, and on the other is the idea that it is because members of these communities simply commit more crimes. Dr Spivakovsky pointed out that adhering strictly to one side often 'closes off conversations' and limits the capacity to address the issues, and it is more important to open up the dialogue in order to promote change.

Understanding and addressing racialised policing requires exploring each complex layer. At one level, people enter the justice system when they commit or are suspected of committing a crime. However, how they end up in the system is a separate issue. For example, police attention and move-on powers can be disproportionately focused on Indigenous people, even when they are doing nothing wrong. A sense of police mistrust is responsible for this bias and is a contributing factor to overrepresentation in the criminal justice system. When combined with the trend towards harsher punitive responses, it is Indigenous people who are most likely to suffer from longer and repeated incarceration.

Dr Spivakovsky calls for a targeted approach that recognises the differences between different societal groups, moves beyond the 'binary of arguments' and understands the interweaving layers of this racialised policing.

The panel was then available for questions from an audience eager to gain further insight and wisdom. Maki Issa's response to a question is particularly notable for its reminder that the roots of the problem suffered by the African community are embedded in the historical discrimination of Indigenous peoples. There is a connection between these two struggles and Issa stated that 'without Aboriginal people having the rights they deserve, the African community will suffer the same fate.' This is a poignant reminder of the role that social justice and equality play across every field of life, including racialised policing.

A video of this event is available on our [YouTube page](#).