



Brotherhood
of St Laurence

Working for an Australia free of poverty

Addressing issues of policing refugee and migrant communities in Melbourne

Submission to Victoria Police

Brotherhood of St Laurence
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1 The Brotherhood of St Laurence and its area of refugees, immigration and multiculturalism

The Brotherhood of St Laurence (BSL) is an independent non-government welfare organisation with strong community links that has been working to reduce poverty in Australia since the 1930s. Based in Melbourne, but with a national profile on matters of disadvantage, the BSL continues to influence in achieving its vision of an Australia free of poverty. The BSL's service activity, research capability, policy development and principles of advocacy are geared to influence social policy and support social change in ways that genuinely achieve the full social and economic inclusion of all in the broader community. It is this perspective that the BSL brings to the work it does with refugees, immigration and multiculturalism (RIM).

As part of our philosophy of social inclusion, the BSL aims to strengthen the capacity of new and emerging communities to become active participants in the social and economic life of Australia. Many of the BSL's settlement services have been pioneered by the Ecumenical Migration Centre (EMC), which has been at the forefront of work with new arrivals, as well as longer-settled disadvantaged groups, since 1956. Today, the EMC and the African Australian Community Centre (AACC) lead the Brotherhood's work in the area of refugees, immigration and multiculturalism. Both centres continue to work with new and emerging communities to build their capacity in the transition to settlement in Australia. Relevant areas of work include service development and casework in family counselling and youth services, community development, demonstration projects, and research and publications. We specialise in developing service models that work for the genuine inclusion of refugee and migrant communities in the social, economic and cultural life of the wider Australian society by building bridges into mainstream services and improving access to existing community resources and opportunities.

2 Our submission

The BSL welcomes the opportunity to participate in the Victoria Police *Field Contact Policy and Cross Cultural Training Community Consultation*. Through our specialist refugee and settlement centres, the BSL actively works at reversing the difficult circumstances of recent humanitarian entrants in Australia to ensure their full access and participation in Australian society. This submission draws particularly on the experience of the staff and clients of the AACC in Footscray, which is a major hub for African communities in the Western suburbs.

3 Addressing key issues

The BSL acknowledges that Victoria Police has taken important steps to build cross-cultural awareness among members of the police force and that it continues to grapple with understanding the diverse communities it seeks to serve.

In spite of these efforts we have been concerned by the issues that were raised by members of the African community about being unfairly targeted by field officers, and led six men to bring a case against Victoria Police in 2010. Community members claimed that they were routinely harassed and stopped by field officers. One of the plaintiffs, Mako Isse, explained that he was 'stopped almost every second day for just riding the train or walking through the streets of Flemington' (Donovan 2013). This sense of injustice was supported by a study undertaken by

Professor Ian Gordon of the University of Melbourne, commissioned by the plaintiffs, which found that African men in the Flemington and North Melbourne area were 2.5 times more likely to have their interactions recorded by police than the rest of the population. Yet, according to Professor Gordon's analysis of the police database, African men in the area committed significantly less crime than men from other of other ethnicities—a finding which the Human Rights Law Centre (2013) indicates conflicted with a recent report by Victoria Police (see ABC News 2012).

We appreciate that subsequent to Victoria Police settling the case out of court, they agreed to conduct an inquiry into the two following issues, both to acknowledge that these were matters of concern and to demonstrate their commitment to improving their practice in:

- how police deal with what they call 'field contacts'—when they stop someone in public and ask them what they are doing; and
- multicultural training within Victoria Police (Donovan 2013).

We hope that our submission will contribute to the development of understanding to ensure greater cultural responsiveness to multicultural communities.

3.1 Field contact procedures

Based on feedback from our client interactions, police need to be trained in more culturally appropriate ways of dealing with different migrant communities, in particular with the African community. A common issue in such situations is the failure of Africans to look officers in the eye. Because eye contact is important in Western societies, an African's failure to make eye contact can be regarded as disrespectful, antagonistic or hostile, and lead to heightened suspicion on the part of the questioning officer. This often leads to a more detailed interrogation, with the encounter recorded as a field contact, where the individual's particulars are taken. However, this is an unfortunate misunderstanding. Within many African communities—and for the Sudanese in particular—not making eye contact is actually a sign of respect, particularly for an elder. This misunderstanding has been widely reported in educational settings in the United States and should be brought to the attention of field officers that engage with African communities (Luster et al. 2009).

It may also be useful for police officers to learn about more culturally specific ways of interacting with African communities. For example, within the Sudanese community the greeting in Arabic 'Salaam alaikum' (Peace be upon you) is not confined to Sudanese Muslims, but rather is a general greeting that is used and understood by all. If police officers became confident in recognising and distinguishing between different nationalities, they would be able to begin a field contact inquiry in this manner, which might serve to put the individual being questioned at ease and help to build rapport. Further, trust could also be fostered by the officers providing their own details to the individual being questioned. This could be done by issuing a receipt with the officer's details. The 2010 UK *PACE Code* provides a best practice example in this regard:

If the record is made at the time, the person who has been searched or who is in charge of the vehicle that has been searched must be asked if they want a copy and if they do, they must be given immediately, either:

- a copy of the record, or
- a receipt which explains how they can obtain a copy of the full record or access to an electronic copy of the record (UK Government 2011).

The issuing of such receipts enables civilians to follow up field contacts, particularly if they feel aggrieved, and introduces a level of accountability for officers.

Additionally, any complaints that result from the receipting scheme should be investigated by an independent body, so as to avoid any conflicts of interest. Such accountability and transparency will work toward improving public confidence in Victoria Police and reducing the anxiety and stress felt by refugee and migrant communities during field contact encounters. Further, in accordance with the recent *Stop and think again* report by the UK Equality and Human Rights Commission (2013), the data records of these encounters should also be collected and reviewed by independent bodies. This would allow dispassionate reporting of any racial profiling that may be taking place, and help to curb such bias in the future.

3.2 Multicultural/cross-cultural training

Cross-cultural training is not just about developing a competence, rather it is also about utilising this competence to be responsive. This requires awareness about the situation from which many refugees are seeking asylum. Refugees have often fled from civil strife and left behind family members. Studies are finding that the trauma of war and family separation takes such a significant toll on refugees that many suffer from high levels of stress and some from post-traumatic stress disorder (see, for example, Heeren et al. 2012). This applies particularly to people within two years of resettlement and/or those asylum seekers still on temporary visas. One such study by Schweitzer et al. (2006) on the Sudanese in Australia notes that they suffered ‘extreme hardships’ prior to resettlement here, on account of continuous civil war following Sudan’s independence from Britain in 1956. Further, all of the participants in their study had suffered from a traumatic event (see Table 1 below) and were vulnerable to psychological ailments such as anxiety, depression and somatisation.

Table 1: Reported exposure to migration trauma

Traumatic categories	Personally experienced		Family experienced	
	Count	%	Count	%
Forced separation from family members	54	85.7	47	74.6
Murder of family or friend	43	68.3	43	68.3
Lack of food and water	37	58.7	42	66.7
Lack of shelter	36	57.1	39	61.9
Combat situation	24	38.1	29	46
Being close to death	19	30.2	21	33.3
Imprisonment/detention	17	27	35	55.6
Forced isolation from others	14	22.2	16	25.4
Torture	13	20.6	30	47.6
Ill health without access to medical care	12	19	38	60.3
Unnatural death of family or friend	11	17.5	16	25.4
Murder of stranger(s)	11	17.5	26	41.3
Brain washing	10	15.9	10	15.9
Lost or kidnapped	8	12.7	14	22.2
Serious injury	8	12.7	28	44.4
Rape or sexual abuse	7	11.1	15	23.8

Source: Table 3 from Schweitzer et al. (2006) Trauma, post-migration living difficulties, and social support as predictors of psychological adjustment in resettled Sudanese refugees, *Australian and New Zealand Journal of Psychiatry*, vol. 40, no. 2, p. 183.

Such mental health issues born of either pre-migration or post-migration trauma could be exacerbated by an approach from the police and the risk should be mitigated by trying to build rapport through appropriate greetings and understanding mannerisms as outlined above.

A related issue for humanitarian entrants is a general mistrust of authority due to the experiences in the country of origin. This is particularly true of the African community, as noted by Sergeant Karl Grundgeiger from Queensland Police: 'Many African refugees are reluctant to approach police officers because of negative experiences they have had in their homeland. There's a general mistrust or fear of police' (quoted by Doust 2006). It is essential that field officers take this into consideration when judging a community member's behaviour, as in many cases it is simply a survival tactic, developed due to negative experiences in their country of origin.

We commend Victoria Police for initiating cross-cultural training for its staff and recognise that it is trying to grapple with understanding the diversity of the communities it seeks to serve. However, we are concerned that some cross-cultural training materials have not been subjected to appropriate checking for accuracy by members of the communities described and may serve to reinforce negative stereotypes rather than to enhance understanding.

BSL has obtained a copy of cross-cultural training material carrying Victoria Police logos, which was an attachment to the recent Court submission made by the young people pursuing legal action with Flemington-Kensington Community Legal Centre (FKCLC) (Appendix 1). We recognise that practices may have changed since this presentation was delivered to Dandenong staff a few years ago.

We acknowledge that this PowerPoint presentation very sensitively handles some matters and covers the aforementioned issues to give officers a sense of people's backgrounds to ensure they can behave in a culturally appropriate manner. We also acknowledge that some additional caveats and information may have been provided during the presentation itself, for example indicating that some of the statements are generalisations, not necessarily true of all African communities. However, we are concerned about some of the negative stereotypes. For instance, it is not made clear that the examples below may relate more to practices in a person's homeland rather than practices in Australia:

The men may marry more than one wife (4 is not unusual) and do not normally perform household duties e.g. cooking, cleaning etc.

Women are responsible for household duties and are usually married off after 14 yrs old.

A number of slides are distinctly oppositional and prejudicial towards the African community. For example, the lack of eye contact is regarded as 'suspicious behaviour' and it is asserted in three separate slides that African people most likely have a predisposition to hating police as authority figures. We recognise that given past histories, this may be the case for some, but a nuanced approach is required to recognise that it may not be the case for all. To avoid entrenching such attitudes, it is important to move away from an 'us' against 'them' approach illustrated in the following statements:

[T]hey may have already have a perceived, strong dislike of YOU!

That despite not even knowing you, they may hate you

In future, it is imperative that cross-cultural training for Victoria Police is delivered by people with appropriate expertise and that the information is verified by relevant community groups. Community organisations which provide such cross-cultural training often engage a focus group of community leaders, and/or local African organisations (e.g. African Communities Foundation Australia) to provide feedback as well as to share any local intelligence. Good cross-cultural training content has often been passed through the filter of this endorsement to ensure it is current and not just based on information obtained from the internet or generalised from individual encounters. This can minimise errors and misunderstandings and enhance the credibility of the information.

Cross-cultural training beyond the classroom

The cited PowerPoint presentation highlights how easy it is for training to produce and reaffirm stereotypes rather than increase cultural understanding. It is also vital to recognise that cross-cultural training should not just be delivered on an ad-hoc basis, or simply confined to a classroom. It can also take the form of, and be complemented and reinforced by, community engagement.

Given Victoria's multicultural population—just over 1 in 4 Victorians (26%) reported birthplaces outside Australia at the 2011 Census—cross-cultural training needs both to be mandatory and to be reinforced by positive exposure and contact with diverse communities. In the past, funds have been made available for community capacity building activities. These have taken the form of camps, where police officers have built trust with young people, and community events where they have also actively participated and that engagement is well known. These activities provide opportunities for the police to engage in a non-law enforcement role, establish relationships with both community leaders and members in a social atmosphere, and demonstrate their support for communities maintaining and celebrating their culture in Australia. In some community projects, police officers have also volunteered their time in an off-duty capacity. The case study on the following page describes how officers at Northcote and surrounding stations became coaches for a refugee youth basketball program.

The BSL would be pleased to see these positive examples set the standard for cross-cultural engagement for the police force as a whole. Providing recognition of this leadership role and its impact on building community relationships would be a powerful message to send to police officers that this is an important aspect of their role. Indeed, such engagement is also more powerful, meaningful and effective than one-off cross cultural training.

Case study: Bridging the gaps with basketball

In 2003, Spectrum Migrant Resource Centre set up basketball teams involving refugee and disadvantaged youth in the Banyule area. The program involved a diversity of cultures including Koori, Tongan, Samoan, Vietnamese, Sudanese, Somali and Anglo-Australian young people.

Local police officers in their off-duty time acted as coaches, but more importantly as mentors, for the young people. Community members also volunteered as coaches and scorers. Refugee young people in the northern suburbs benefited in so many ways from this partnership of community organisations and members. In particular, mentoring for the young people from off-duty police officers helped to break down negative perceptions of the police force and to improve relationships between the young people and the officers. The off-duty police officers also gained a greater understanding of these kids and their situation. This ensured a better relationship should they come into contact with these young people through law enforcement.

“The program has also developed respect, leadership, teamwork, sportsmanship and general life coping skills within the young target group, mainly through interaction with police officers adopting a mentoring approach ... I have assisted in the recruitment of basketball coaches for the new teams and out of the five teams we have established, four of the coaches are serving police officers. Two of the coaches are from local police stations and this has greatly assisted in developing better relations between police and ‘Horn of Africa’ communities in the West Heidelberg area.’

Sgt Michael Wells, volunteer coach



Players and supporters with their coach, Sgt Michael Wells, after an away game at Balwyn High School on the road to a Grand Final appearance during the summer season of 2003–04

4 Summary of our recommendations

This submission focuses on key issues and concerns in the *Field Contact Policy and Cross Cultural Training Community Consultation* issued by Victoria Police in June 2013. Our recommendations below draw on the Brotherhood of St Laurence's learning from our ongoing work with refugee, asylum seeker and migrant communities, across Melbourne:

1. Follow the best practice example of the United Kingdom in issuing receipts relating to all field contact encounters, to increase both transparency and accountability for officers.
2. Both complaints and data records of field contacts should be collected and reviewed by an independent body to avoid potential conflict of interest.
3. Training in culturally specific conversation and interpersonal relationship management should include topics such as:
 - Deepen understanding that avoiding eye contact may be a sign of respect, not necessarily a cause for suspicion.
 - Engage in simple methods of establishing a more positive dialogue with refugee community members, e.g. prefacing conversations with a culturally appropriate greeting
4. Cross-cultural training should be
 - a. mandatory for all police officers
 - b. delivered by a suitably qualified person
 - c. designed and developed in consultation with community leaders and then vetted by a focus group of community leaders or relevant community organisations (e.g. African Communities Foundation Australia).
5. Complement cross-cultural training with rapport-building activities (e.g. outreach and ongoing community engagement activities) to assist in building trust.

References

- ABC News 2012, *Police concerned by African Youth crime data*, ABC, , <<http://www.abc.net.au/news/2012-08-20/african-youth-crime-concerns/4210720>> (accessed 29 July 2013)
- Donovan, S 2013, *Victoria Police settles racial profiling case*, ABC News, 18 February, <<http://www.abc.net.au/news/2013-02-18/police-agree-to-new-procedures-to-combat-racism/4524770>> (accessed 29 July 2013).
- Doust, P 2006, 'Officer helps make refugees feel right at home', *Police Bulletin*, no. 303, pp. 32–3, <http://www.police.qld.gov.au/Resources/Internet/services/reportsPublications/documents/Bulletin_303_p32-33.pdf>(accessed 30 July 2013).
- Heeren, M, Mueller, J, Ehlert, U, Schnyder, U, Copiery, N & Maier, T 2012, 'Mental health of asylum seekers: a cross-sectional study of psychiatric disorders', *BMC Psychiatry*, vol. 12, pp. 114–21.
- Human Rights Law Centre 2013, 'Victoria Police to commence public review following racial discrimination court settlement', 22 February, <<http://www.hrlc.org.au/victoria-police-to-commence-public-review-following-racial-discrimination-court-settlement>> (accessed 29 July 2013).
- Luster, T, Saltarelli, AJ, Rana, M, Qin, DB, Bates, L, Burdick, K & Baird, D 2009, 'The experiences of Sudanese unaccompanied minors in foster care', *Journal of Family Psychology*, vol. 23, no. 3, pp. 386–95.
- Schweitzer, R, Melville, F, Steel, Z & Lacherez, P 2006, 'Trauma, post-migration living difficulties, and social support as predictors of psychological adjustment in resettled Sudanese refugees' *Australian and New Zealand Journal of Psychiatry*, vol. 40, no. 2, pp. 179–87.
- Tadesse, S, Hoot, J & Watson-Thompson, O 2009, 'Exploring the special needs of African refugee children in U.S. schools', *Childhood Education*, vol. 85, no. 6, pp. 352–6.

UK Equality and Human Rights Commission 2013, *Stop and think again*,
<http://www.equalityhumanrights.com/uploaded_files/raceinbritain/stop_and_think_again.pdf> (accessed 5 August 2013).

UK Government 2011, *UK Police and Criminal Evidence Act 1984, Code A, Code of Practice for Exercise by: Police Officers of Statutory Powers of Stop and Search [and by] Police Officers and Police Staff Requirements to Record Public Encounters*,
<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117594/pace-code-a-2011.pdf> (accessed 31 July 2013).

Appendix

Please contact EMC for the details of the cited Victoria Police PowerPoint presentation