Police racism has recently hurtled across our TV screens in full glowing colour. It was accompanied by much wailing and gnashing of teeth. But what is to be done about the police and their attitudes? Chris Cunneen investigates.

Police racism has recently been treated to some breathtaking examples of overt police racism in the public sphere. The amateur video of NSW police officers with their faces darkened, portraying with levity the deaths of David Gundy and Lloyd Boney caused revulsion amongst many Australians across the nation.

The ABC documentary Cop it Sweet showed Redfern police openly referring to Aboriginal people as "coons", self-consciously using Aboriginality as a reason for suspicion and questioning, and at the same time arresting Aboriginal people for using language identical to that frequently employed by the police officers themselves. Meanwhile complaints of police violence, harassment and intimidation against Aboriginal youth and adults continued to be heard from the outstations and communities in the Northern Territory to the streets of Sydney's Glebe and Ultimo.

These events have unfolded against the backdrop of the findings of several official reports and inquiries. The Royal Commission into Aboriginal Deaths in Custody concluded in 1991 with 339 recommendations, many of which were directed at reforming police practices. The Human Rights and Equal Opportunity Commission's National Inquiry into Racist Violence, also completed in 1991, found that racist violence against Aboriginal and Torres Strait Islander people was nation-wide and severe, and that Aboriginal/police relations had reached a critical point due to widespread police involvement in acts of racist violence. Several of the 67 recommendations were aimed at reforming the police.

Other reports have continued to surface. A study released in March 1992 by Sydney University's Institute of Criminology found that the number of Aboriginal people imprisoned nationally had actually risen by 25% during the four year period of the Royal Commission. Another report issued at the same time by the International Commission of Jurists found that in north west New South Wales:
The criminal justice system is of doubtful relevance to the Aboriginal community... what was observed was a series of small communities which were heavily policed and in which street offences were the subject of arrest and prosecution even in circumstances where no useful purpose could be served by intervention of the criminal process.

Finally the US State Department in its 1991 report on human rights in Australia found that there was "credible evidence that Aboriginals and Torres Strait Islanders in custody are frequently mistreated."

Before attempting to answer the question of what can be done to change the situation of police racism, it is worth exploring the nature of that racism. It is evident that the way in which racism is conceptualised will influence the types of policy interventions which are formulated to deal with it. It is stated often enough that the police simply reflect the racist attitudes prevalent in society generally, but how useful is such a blanket approach in developing anti-racist strategies? Similarly, the move to screen racist police may be ineffective if the strongest factors in determining police racism are the institutional processes of police work and a range of police subcultural values.

A useful starting point in attempting to unravel the dynamics of police racism has been suggested by John Lea in his work on racism among British police. Lea suggests that a classification of the types of racism can be obtained through combining two polarities: direct and indirect racism, and institutional and individual racism. Direct racism refers to practices or policies which are overtly and consciously racist in their intent and application; indirect racism refers to practices or policies which, while not racist in their intent, are racist in their effects. The polarity between individual and institutional racism refers to where the action originates.

There are many examples which could be drawn of these different facets of police racism. For instance, many of the incidents related by Aboriginal and Torres Strait Islander...
people to the National Inquiry into Racist Violence were simple examples of direct individual racism by police officers. Over 80% of young Aboriginal people who were interviewed in New South Wales, Queensland and Western Australia complained of violence and verbal racist abuse by police officers. There were also many examples of direct institutional racism by police forces. The use of the NSW Tactical Response Group to raid 10 houses in Eveleigh Street, Redfern in 1990 was an example of direct institutional racism because “race” was used to guide fundamental policy decisions in relation to the use of specialist police squads. For this reason the National Inquiry found the raid to be a significant act of racist violence.

It is also not difficult to draw attention to indirect forms of individual and institutional racism in policing. In particular the practical application of existing legislation may constitute indirect racism. The NSW Summary Offences Act, which reintroduced the offence of offensive language with a potential three month gaol sentence, does not, in its drafting, mention Aboriginal people. Yet clearly in its application it has a far greater impact upon Aboriginal people.

The legislation legitimises racist policing. It does this in its potential application to behaviour in public places and through its broad and discretionary definition of what may constitute an offence. The recent report by the International Commission of Jurists, referred to above, draws attention to street drinking legislation which may well constitute indirect discrimination because of its application to areas where large numbers of Aboriginal people live. Similarly the Royal Commission into Aboriginal Deaths in Custody noted that

In some places the laws which police officers have been directed to enforce have been based on unfair and racist assumptions that Aboriginal people, by their very presence in a community, offend non-Aboriginal codes of conduct.

So where do we attack racism by the police? At the individual level? The institutional level? And which is more important to eradicate, direct or indirect racism?

It seems apparent that considerable public debate has been focused on the level of direct racism by individuals. Various policies and recommendations have been designed to counteract this level of racism. Recommendations made by the Royal Commission include a proposal to screen police recruits for racism, to improve police training to include an understanding Aboriginal issues, and an increased employment of Aboriginal people as police officers. Where cases of individual racism are identified it is recommended that the conduct be dealt with as a serious breach of discipline.

In his discussion of the British police Lea has referred to these arguments as centring around a ‘bad apple’ approach. The theory is that it is only normal that the police force, like any other public body, will contain its fair share of racist individuals. An implication of this argument is that there is nothing specific about the nature of police work or the broader functions of policing as a state institution which might develop or sustain particular types of racist activity. Such a position of course draws attention away from the issue that the institution itself may be racist. Furthermore a fundamentally conservative implication of this approach is that the police as an institution cannot be held responsible for the actions of some of its members.

This type of argument was paramount after the release of the ABC documentary Cop it Sweet. Senior police officers and the police association warned against “scapegoating” a few individuals, preferring to rely on the argument that “society” was racist and these officers simply reflected the wider social values. The logic of this argument was then used to justify taking no disciplinary action against the individuals involved in the use of racist abuse. The failure to take action was contrary to recommendation 60 of the Royal Commission and recommendation 24 of the National Inquiry into Racist Violence. The message from this incident seemed to be that despite a certain level of moral indignation and approbation, police officers could behave in an overtly racist manner without the fear of disciplinary action.

Other approaches which tend to individualise the problem of police racism concentrate on the “personality” or social characteristics of individuals attracted to the police force. The policy implications which flow from such an approach tend to rely on more socially diversified recruitment practices and improved training in “race awareness” or “community relations”.

What are the general social characteristics of police officers? An analysis of 1981 Census data showed the typical police officer to be a young male born in Australia who had left school at 14-16 years of age. More than nine out of ten police officers were male and most were likely to be married. Police women tended to be younger and unmarried. The age of police officers was considerably younger than the general workforce, and they tended to be far more culturally homogeneous. Some 86.5% of police were born in Australia. For 94% of these, their parents were also born in Australia. Of the 13.5% of officers born overseas, some 9.3% were born in the U.K. or Ireland. In the past decade EEO strategies may have made some dent on the age, gender and cultural homogeneity of the police, although comprehensive and contemporary national analysis is lacking.

There have been some moves to increase the entry of Aboriginal, Torres Strait Islander and non-English speaking background people into the police forces as fully qualified officers. However the commitment varies across jurisdictions. For instance at the time of the Inquiry into Racist Violence neither the Australian Federal police nor the Tasmanian police had any program to actively recruit Aboriginal people or people from non-English speaking backgrounds.

It is also worth noting that recommendations concerning the increased employment of Aboriginal people have been
reiterated by a number of Federal and State Inquiries and Commissions over the last 15 years including the Laverton Royal Commission (WA), the Commonwealth House of Representatives Standing Committee on Aboriginal Affairs Report on Aboriginal Legal Aid, the Australian Law Reform Commission’s Report on the Recognition of Aboriginal Customary Law, the Human Rights Commission’s Racist Violence Report and the Royal Commission into Aboriginal Deaths in Custody.

Recommendations have been made by the Royal Commission into Aboriginal Deaths in Custody and the Human Rights Commission proposing changes to procedures in the training, selection and promotion of police officers. The Human Rights Commission noted that the extent of training in “community relations” varies across jurisdictions. For instance, in comparison to other States, NSW recruits receive relatively extensive training. By contrast new recruits in Western Australia receive their training in Aboriginal issues in a single day.

It is difficult to judge the overall impact of training; one day seminars may simply constitute public relations exercises and have no impact on day-to-day policing practices. The NSW experience suggests that the impact of more extensive training may be either negligible or slow in producing any tangible effects.

Another and related way of conceptualising police racism is to see such racism as developing in the occupational culture through the nature of police work itself. According to this view racism develops out of the nature of interaction between the police, Aboriginal people and other “ethnic minorities”. A policy implication of this approach is the development of a panoply of community liaison schemes. Both the Human Rights Commission and the Royal Commission into Aboriginal Deaths in Custody reviewed various aspects of community relations strategies, some of which involved liaison schemes and others which could more properly be considered as community justice mechanisms. The Human Rights Commission noted that in a number of States there were substantial criticisms by Aboriginal people of some liaison schemes. Indeed there were a number of cases of police violence where Aboriginal police aides had been present during the alleged assaults.

The most positive responses were associated with the Victorian Community Justice Panels and various community policing schemes by Aboriginal people in the Northern Territory. Clearly a major criterion for deciding the value of any liaison or community based scheme must be the extent of Aboriginal control over the scheme. Otherwise such schemes could be dismissed as simply constituting part of the indigenisation of social control. There is a point of view which argues that the recruitment of indigenous people to enforce the laws of the colonial state masks the coercive nature of the state, relies essentially on a model of integration into colonial legal relations, and is likely to impede the processes of self-determination.

The final way of conceptualising police racism which I wish to consider concerns institutional racism by the state. An emphasis on state racism draws attention to the direct and indirect institutional practices of the police as a state apparatus. Such an approach would need to consider the historical functions of police in enforcing the legal relations of a colonial society, the contemporary work practices of the police, and the nature of legislation which is enforced.

Again both the Royal Commission and the Human Rights Commission paid some attention to the institutional level of policing. Consideration was also given to the nature of over-policing in Aboriginal communities. Both inquiries draw attention to the way in which Aboriginal people had in many areas of Australia come to be defined as a “law and order problem” and the way such definitions had legitimised extraordinary police responses. Finally, both inquiries considered the historical function of police in controlling Aboriginal resistance to colonisation. One of the main benefits of considering police racism at this broad level is to focus on the colonial nature of the Australian state and to generate discussion on the issue of self-determination and sovereignty.

‘New recruits in WA receive their training in Aboriginal issues in a single day.’

On the one hand there is no simple way to change the processes of police racism effectively. The extensive nature of recommendations from the Royal Commission into Aboriginal Deaths in Custody and the Human Rights Commission’s National Inquiry into Racist Violence reflect the diversity of possible approaches with their attempts to promote structural change as well as focusing on issues such as screening, selection, training and promotion. On the other hand the most straightforward approach, in theory at least, to eliminating police racism would be to remove the police from being in a position of control over Aboriginal people; in other words to make police racism irrelevant to Aboriginal people.

Ultimately discussions must return to the fundamental questions of self-determination and recognition of sovereignty. Many non-indigenous Australians have still to recognize the fact that indigenous people have a right to self-determination. The exercise of such self-determination may well mean the right to control indigenous justice systems. Certainly the evidence so far is that the most effective and humane justice mechanisms applied to Aboriginal people are those that are under direct community control and involve self-policing. This is not to say that other forms of reforming police racism should not be supported. It is simply to recognize that they must be contingent on the recognition of self-determination as the first principle.

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