'You're going to be in the system forever'

Policing, risk and belonging in Greater Dandenong and Casey

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Executive Summary

About this study

This is the second report from a qualitative study conducted in the Greater Dandenong and Casey local government areas, which was designed to examine the relationship between policing and belonging. The first report focused narrowly on community perceptions of belonging (Weber 2018). In this report I shift the focus to the policing practices that help to shape interactions between community members and police.

The study involved extensive networking with youth workers, young people and some adult members from culturally diverse communities over a two-year period from mid-2016 to mid-2018. In total 80 community participants were included in the formal data collection, in which both focus groups and interviews were employed. This report is based on a subset of that material which was collected in four focus groups involving 33 young people from Pasifika and South Sudanese backgrounds, interviews with an additional five young people, and several group interviews totalling 19 adult community members from those communities. The researcher also had discussions with Victoria Police members about their practices, but no material from those interviews is quoted here.

The discussion is organised around three aspects of policing practice that emerged as key themes from the community reports: risk-based policing, community engagement, and individual police conduct. However, the report does not constitute a comprehensive evaluation of any particular practices or programs. Each section includes a brief overview of police practice juxtaposed with accounts from community members, and sometimes youth workers, that relate to those policing practices. While the author includes some analysis and conclusions, the narrative is driven throughout by the voices and concerns of community members.

Key findings

This is a qualitative study that reports verbatim statements from the Pasifika and South Sudanese Australians who participated in the study. While key findings are summarised here, readers can only gain a true appreciation of the nature of the experiences reported by participants by engaging with the material reported in sections 2-4. Selected quotations from community members have been highlighted in large print in offset boxes in those sections in order to facilitate this process for busy readers.

Findings on policing and belonging (from reports 1 and 2)

A sense of belonging for those born outside any given society may be cultivated in a myriad of ways. However, the special status accorded to police as guardians of social order gives them a unique role in this process, of which they may be unaware.

The analysis provided in the first report demonstrated that police actions can influence belonging in three ways. Police effectively engage in the 'governance of belonging' where they discriminate against certain groups by singling them out for adverse attention.

They become actors in the 'politics of belonging' where they convey to wider audiences through their public statements or actions that certain groups present a threat to the general community.

And they can promote individual feelings of 'affective belonging' by extending courtesy, understanding and acceptance; or conversely elicit feelings of non-belonging through hostility or unfair targeting.

Community experiences and risk-based policing (section 2)

A predictive tool is used in the Dandenong area to classify young people who have been in conflict with the law into risk categories of 'youth network offender' or 'core youth network offender', which can lead to ongoing monitoring and surveillance. Other intelligence-led systems being developed in the area identify young people 'at risk' of offending which may result in referrals to sources of support.

Intelligence-led and risk-based tactics like pre-emptive disruption of groups, close monitoring of known offenders, and using police stops to map the networks of young people from emerging communities, all translated into perceptions of unfair targeting by the young people interviewed, with implications both for trust in police and for both individual and collective perceptions of secure belonging.

Breaking up groups, in the absence of an imminent threat of disorder or offending, or where no action was taken against young people from the majority community, could undermine efforts by young people from Pasifika and South Sudanese backgrounds to nurture a sense of belonging both within and beyond their cultural group, and send a message to others that the mere presence of the group is an intrinsic threat.

Close monitoring by police of young people with previous convictions as a crime control measure could hamper efforts to desist from offending and gain acceptance back into the community. Classifying young people into rigid categories, so that they are continually judged by the records their previous interactions have left within police systems, conveyed the message that, no matter what you do, 'you're going to be in the system forever'.

The predictive tools used by Victoria Police may be believed to be neutral with respect to ethnicity or other group markers. However, previous research into risk-based, data-driven and predictive approaches to policing has invariably found that these systems amplify and 'hardwire' pre-existing biases within police data, directing police to the same targets that were already entered into the system (Williams and Kind 2019, Sentas and Pandolfini 2017).

Community engagement, procedural justice and proactive policing (section 3)

There were many points of agreement between community and police participants about the value of non-conflictual community engagement aimed at building trust, and procedural justice principles such as listening, explaining, and respectful interactions.

Community participants who were aware of 'proactive' activities carried out by specialist officers were broadly supportive of these efforts, but young people were sometimes sceptical about the involvement of general duties police at community events where attendance appeared to be grudging or motivated by enforcement-related motives.

Different approaches to 'community engagement' and 'proactive policing' were evident between specialist officers and general duties police, so that trust building activities tended to be 'siloed' in specialist units. 'Engagement' with general duties officers as reported by participants in this study frequently involved more conflictual encounters.

While there has always been a tension between the non-conflictual contact practiced by specialist police working within a Community Policing model, and interactions with the public by general duties police who see their primary role as law enforcement and the maintenance of public order, the findings from this study suggest the information-driven systems underlying risk-based approaches may be systematically redefining the understanding of 'community engagement' as practiced by operational police.

While Community Policing aims to encourage voluntary reporting by members of the public through non-conflictual contact and the gradual building of trust, risk-based policing may generate conflict if associated with intrusive stops and wide-ranging questioning aimed at procuring instant 'community intelligence'.

Put another way, whereas community engagement based on 'pure' Community Policing principles may help community members get to know and trust local police - leaving the decision in their hands about what information they choose to report - engagement that serves an intelligence-led agenda instead aims to build up police knowledge about community members by extracting information that would not otherwise be freely provided.

Risk-based systems based on data analysis tend to render the collection of data about community members routine. This may occur with or without explicit 'tasking' of officers to this purpose, as the seeking of information about young people's associations and intentions comes to be perceived as a routine aspect of police practice.

Street stops aimed at gathering information about young people from emerging communities were experienced as intrusive, discriminatory, and unwarranted. They could also have a net-widening effect, even in the absence of wrongdoing, since repeated contacts leave indelible traces within police systems which may then guide future interactions.

Moreover, using data-driven approaches to identify young people 'at risk' of offending, even where the intention may be to direct them to sources of support, could be inadvertently promoting a racialized form of policing. This is because lower levels of voluntary reporting by emerging communities of some relevant information types may lead to greater reliance on information collected through street stops to fill information gaps.

Although examples of positive engagement with general duties officers were identified in this study, trust-building efforts remain largely 'siloed' within specialist units and negative experiences of operational policing were clearly undermining trust.

Community views on individual police conduct (section 4)

While stopping and questioning young people on the street may seem routine to operational police officers, the experiences reported in this study reflect the significant social and emotional toll of unwanted encounters, and the fear these practices have engendered amongst parents.

These experiences are likely to be even more damaging where the demeanour of individual officers is openly hostile, racist, or violent.

These young people generally preferred to have no contact with operational police officers, but appreciated respectful treatment and good communication when there were legitimate grounds for police intervention.

Some young people in this study appeared to respond with defiance to unwanted stops, while others adopted an attitude of appeasement, taking responsibility themselves for preventing escalation. But the most common response was avoidance of any contact, including avoiding seeking assistance from police.

Some adults and young people recounted experiences of serious misconduct including racial vilification and assault, and expressed fears about the fabrication of evidence. Although this was a qualitative study that could not determine the frequency of these occurrences, the regularity with which these experiences were reported suggests they were impacting significantly on these communities.

Academic research has established that a single negative experience with police can outweigh multiple positive encounters (Skogan 2006). Indeed, despite the investment in proactive and trust-building efforts from

well-regarded specialist officers, high levels of institutional distrust were evident amongst these participants which led to pervasive scepticism about the value of reporting experiences of police misconduct through internal complaints mechanisms.

Contrary to the view often expressed by police managers, that distrust of police amongst migrant communities reflects experiences in their home country, participants in this study who expressed fear and distrust of police were doing so on the basis of their experiences since arrival.

Despite some having repeated negative encounters with police, the young people who participated in this study generally differentiated their views about individual officers from their perceptions about the overall legitimacy of the police as an institution, and there was a widespread desire across age groups for improved relations with, and equal treatment from, police.

Practical implications of research findings

Mitigating the risks of risk-based policing (section 2)

This study was designed to examine the effect of encounters with police on perceptions of belonging. Many experiences reported by community participants that appeared to be related to risk-based policing were found to damage feelings of acceptance and secure belonging. This included being prevented from gathering in groups, being stopped and questioned without reason, and being closely monitored on the basis of past offending. Since a secure sense of belonging in the community is likely to protect against offending, police have a direct interest in promoting these feelings and avoiding tactics which could diminish them. The full ramifications of intelligence-led and risk-based policing methods within communities need to be better understood by police management.

While risk-based approaches are considered effective in certain contexts, such as the policing of family violence, their use in relation to young people has been called into question. A critical evaluation of the Suspect Targeting Management Plan used by NSW Police concluded that predictive methods should not be used at all for young people since they had the effect of authorising unwarranted stops, had a potentially criminalising effect, and made a disproportionate impact on marginalised young people, notably Aboriginal youths (Sentas and Pandolfini 2017). The findings of this research support those conclusions.

In the Dandenong area, youths identified as high risk due to prolific offending are likely to receive heightened police surveillance, while support and resources are directed towards young people considered to be 'at risk'. However, the National Network of Safe Communities[1] concluded, after many years of working with members of violent, organised criminal gangs in New York City, that social support and resources should be focused on the most prolific and seemingly 'hardened' offenders, while limiting police intervention with more peripheral members in order to avoid net-widening.

Rebalancing trust building and operational policing (section 3)

On the basis of these research findings, considerable recalibration is needed to achieve the right balance between law enforcement and the building of trust, in order to maintain cooperation and perceptions of police legitimacy within these communities. Maintaining this balance is a key challenge for any police organisation, and requires close attention to feedback from all sections of affected communities.

While law enforcement and other operational policing contexts will always entail some potential for conflict, and cannot be approached as purely trust-building exercises, promoting procedural justice principles in

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[1] https://nnscommunities.org/who-we-are/mission/#enhance-legitimacy

operational policing—including a preparedness to explain and to listen, and intervening only where there is a lawful basis—could underpin this recalibration. Introducing a receipting system that specifies reasons for street stops could assist with this goal.[2]

The collection of 'community intelligence' through proactive 'engagement' by general duties police and PSOs should not be considered a valid reason for intervening in the lives of young people, or any community member.

While the attitudes and actions of young people may sometimes contribute to conflict, young people who participated in this study showed considerable insight into the nature of these inter-personal encounters and are a valuable resource that could be tapped to better inform policing practice and build mutual respect.

Some participants identified a need for improved training of operational police in areas beyond cultural competence, such as communication, inter-personal dynamics and better understanding of the difficult circumstances faced by many members of emerging communities.

Improving police accountability (section 4)

The repeated reports of racism and mistreatment offered to the researcher by both young people and older research participants, have implications beyond belonging. They raise important questions about police accountability and compliance with their human rights obligations under Victoria's Charter of Human Rights and Responsibilities.[3] Existing local mechanisms cannot be considered to provide meaningful feedback to senior police, since they are not used by the sections of the community that are likely to be the most affected by police misconduct.

Findings from this study support the urgent need to establish a credible and independent body to investigate individual allegations of serious police misconduct. Pending the long-awaited government response to the IBACC Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria[4], culturally appropriate, community-based schemes could be put in place to advise members of emerging communities about the existing options for lodging formal complaints about police, and support them through the process.

Community Consultation Groups could provide a valuable channel for communicating community concerns to local police and working towards solutions. One of these groups has been established to represent South Sudanese communities in the Dandenong area, but as yet there is no equivalent body for community members from Pasifika backgrounds. Over time, peer advocacy programs might be developed by independent organisations, aimed specifically at assisting young people in conflict with police.

Young people from emerging communities who have had significant contact with police, including those who have been involved in offending, often have sound insights into what constitutes 'good' and 'bad' policing. They are therefore a valuable source of learning about how to improve local policing and should be given opportunities, if they wish, to share their experiences and suggestions in safe and productive ways.

Promoting responsive and inclusive policing (section 5)

Despite the many negative experiences reported here, there is considerable scope to improve relations between police and these sectors of the community. In fact, amongst many participants, there was a desperation for positive change and an expectation of equality in police services. This could be tackled, firstly, by challenging

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[2] https://www.police.vic.gov.au/receipting-proof-concept
[3] https://www.humanrightscommission.vic.gov.au/human-rights/the-charter
[4] https://www.parliament.vic.gov.au/publications/fact-sheets/922-ibacc/inquiry-into-the-external-oversight-of-police-corruption-and-misconduct-in-victoria

prevailing perceptions that it is only the behaviour of community members that needs to change, and by being open to community feedback about how their experience of policing might be improved.

This research, including both the findings reported here and in the first report, has established that positive encounters with police can assist in building and maintaining a sense of secure belonging and acceptance. For many adult participants, in particular, equal consideration and protection by police was equated with recognition as full members of society. With police services playing such as crucial role in emerging communities, it would be beneficial if the quality of policing services received were considered a key indicator in the approach to the settlement and inclusion of these groups.[5]

Related areas for future research

This research has investigated policing practice from the perspective of the role it plays in engendering feelings of belonging amongst members of emerging communities. The findings identify the following topics as important areas for future research:

1. More detailed investigation is needed of the modus operandi of risk-based and predictive models used by Victoria Police in relation to 'youth network offenders' and 'at risk' youths - both in order to better understand their role in the street-level encounters reported here, and as a matter of public accountability. This could involve independent examination of the algorithms used, statistical information about the ethnic make-up of the profiles produced, legal analysis about necessary safeguards, and qualitative research with operational officers to understand how these mechanisms translate into practice.
2. This research has identified the potential for negative encounters with police to affect the self-perception of some young people in certain circumstances. Further research using techniques from social psychology or other relevant fields could investigate the long-term impact of negative police encounters on identity formation in young people, possibly with reference to labelling theory or societal reaction theory which predict that early labelling as criminal or deviant can have an enduring criminalizing effect.
3. Perhaps the ultimate statement of non-belonging is the act of deportation from one's country of residence. Intensive policing of the type reported here could potentially lead to increased instances of deportation on character grounds for community members who are not citizens. Future research could investigate whether the use of deportation on character grounds is increasing within these communities, examine the processes leading to those outcomes, or adopt an 'action research' approach assisting community members to obtain the protections of citizenship.
4. Several participants in this study reported actions being taken by schools to prevent students congregating in groups of three or more, which they considered to be directed against young people from their communities. This could be a matter for further enquiry, to establish which schools, if any, have adopted this as formal policy, and identify the motivation and origin for these measures.

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[5] But note that members of Pasifika communities, but virtue of their visa types, do not receive any settlement support after their arrival in Australia, a circumstance that contributes to their marginalisation.

1. Background to this study

1.1 About this report

This is the second report from a qualitative study conducted in the Greater Dandenong and Casey local government areas, which was designed to examine the relationship between experiences of policing and perceptions of belonging amongst overseas born young people. The first report identified several ways in which police encounters, both positive and negative, might influence perceptions of belonging (Weber 2018). This report revisits the data gathered from focus groups and interviews with young people and adults from Pasifika and South Sudanese backgrounds in order to consider community experiences against the backdrop of policing practices.

This report is organised around three main themes relating to policing practice – namely, risk-based policing, community engagement, and individual police conduct however the study is not an evaluation of any particular practices or programs. These themes emerged from the extensive reports given by community members about the experiences with police that had the most impact on them. Each section includes a discussion of aspects of police practice, juxtaposed with accounts from community members, and sometimes youth workers.

As with any qualitative study, it cannot be said with absolute certainty that the accounts of these particular participants reflect the views and experiences of all members of the two communities from which they are drawn – namely Australians of Pasifika and South Sudanese background living in Greater Dandenong and Casey. However, this body of evidence stands as a powerful testimony of experiences that appear to be widely shared. While this phase of the study adopted a purposive sampling technique intended to identify young people and other community members who had experienced some contact with police, no effort was made to weight the sample towards those who had particularly high levels of contact or specific grievances. Focus groups generally contained a mix of young people who had differing levels of police contact.

A full account of the research methodology used in this study is provided in the first report (Weber 2018). The research involved extensive networking with youth workers, young people from refugee and migrant backgrounds, and adult members from the same communities over a two year period from mid-2016 to mid-2018. In total 80 community participants were included in the formal data collection, in which both focus groups and interviews were employed. South Sudanese and Pasifika Australians were quickly identified as the 'emerging communities' most likely to come into contact with police in this part of Melbourne.[6] This report contains only material from participants from those two backgrounds. The data for these communities was collected in four focus groups involving 33 young people, individual or group interviews with an additional five young people, and several group interviews involving 19 adult community members in total. Community participants were asked to recount both positive and negative experiences with police, to discuss their reactions to these encounters (which were analysed in terms of belonging in the first report from this study), and to consider what they or the officers involved could have done differently to improve negative encounters.

This section of the report provides additional background to contextualise the research findings presented in sections two, three and four. In sections two and three the experiences reported by participants are considered with respect to two systemic factors that align with the patterns of interactions observed: namely the use of risk-based approaches in operational policing, and differing styles of community engagement between specialist and generalist officers. There are many other factors that shape encounters between young people

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[6] This is a term in use by Victoria Police. Since both the communities included in this part of the study are classified by police as emerging communities, this term will be used in this report.

and police, including the role of the media, and the attitudes, fears and expectations of the wider community. While acknowledging the importance of these wider dynamics, they are beyond the scope of this study, and the focus in sections two and three remains on police organisational practices. While systemic factors provide the framework for understanding the encounters between police and community members reported here, individual variations between officers were also widely identified. Section four presents findings about encounters with police that go beyond established routines, and sometimes beyond the limits of the law. While the matters reported in sections two and three point to the need for policy reforms and further inquiry, section four raises issues of individual accountability and the urgent need for independent oversight of police in Victoria.

1.2 Previous findings on policing and belonging

While most participants said they had never experienced positive interactions with police, some good experiences were cited in the first report (Weber 2018). These included being treated politely, listened to, and sometimes having discretion exercised in their favour. Reports of negative encounters with police occupied far more time in the focus groups and interviews, primarily in the context of traffic and street stops. These practices were perceived by those without offending histories as information-gathering exercises about their identity or associates, or as 'tests' of their attitudes towards police, with the potential to escalate into trouble; and by those with offending histories as the price of 'being in the system'. One group of African Australian young men felt that police were pervasive in their lives, walked into their homes at will and appeared at social gatherings they attended with friends. Even mothers from South Sudanese backgrounds talked about being followed by police cars while driving in their neighbourhoods or having police arrive in force at their homes.

Some reported encounters constituted individual police misconduct and misuse of power. These accounts were far from isolated and will be considered in greater depth here than was possible in the first report. More commonly, police encounters were experienced as negative due to incivility and unfair treatment. Lack of courtesy, sarcasm, being singled out on racial grounds, not being taken seriously, and being approached aggressively and with disrespect were frequently-discussed themes. The issuing of fines for minor infractions such as public drinking, insignificant or non-existent vehicle defects, and fare evasion were widely seen as petty and inappropriate, and led in some cases to the accrual of enormous debts that could not be paid. Young people also reported being prevented sometimes from entering or leaving train stations when they needed to travel home or elsewhere. These practices were corroborated by parents and youth workers, one of whom described some of the policing in the area as 'vindictive' and aimed at 'humiliation'.

The analysis presented in the first report concluded that police assume a role in the 'governance of belonging' when they select individuals for unwarranted intervention based on their racial or cultural identity, or fail to extend the expected level of courtesy and protection when members of emerging communities seek police assistance. These practices create a conceptual divide between those who are being treated as respected members of the community and those who are not, impacting on perceptions of belonging and, amongst adult participants in particular, of effective citizenship.

In addition, police were found to be actors in the 'politics of belonging' when their actions conveyed to wider audiences that members of specific groups present a generalised threat and are not deserving of the protections accorded to accepted members of the community. This may occur when young people from particular backgrounds are repeatedly singled out for police attention in public places, including in response to calls from the public that may prove to be unwarranted. On the other hand, it was observed that inclusive policing that extends respect, courtesy and understanding to all sections of the community potentially expands the boundaries of belonging, and can be a powerful force at the individual level for 'affective belonging'.

Young people reported a wide range of emotional responses following negative encounters with police which were analysed in terms of 'affective belonging'. The feelings they identified after these encounters are depicted in the adjacent diagram. Some responses, such as feeling 'angry' or 'frustrated' towards police, demonstrate the potential for bad experiences to lead young people to question the legitimacy of police actions. Disturbingly, other reported emotions suggest possible destabilisation of young people's perceptions of where they fit into society, such as feeling 'isolated' and 'misunderstood'; and of their perceived status within that society, such as feeling 'humiliated', 'disrespected' and 'powerless'. Of particular concern are the cases where non-offending young people said that being approached by police made them feel as though they were 'bad' and perceived by others as 'criminal'. The study was not designed to determine the longer-term consequences of these encounters, but these findings suggest that further research into psycho-social theories of identity formation in young people and criminological theories dealing with 'societal reaction' and 'labelling' could be fruitful ways to examine more closely the relationship between police encounters and feelings of belonging.

1.3 Understanding policing practice

Looking more closely at police practice enables us to move from a focus on how individual police behaviour and interpersonal dynamics might affect feelings of belonging, towards understanding the systemic factors affecting relationships between police and members of the public. State police in Australia are large and often unwieldy organisations, with wide-ranging powers and responsibilities that reflect the country's colonial origins (Finnane 1994). In this section I summarise some distinct policing styles that police organisations may adopt in fulfilling a far-reaching mandate to enforce the law and protect the public. Given the size and complexity of state police in Australia, it is likely that most organisations would display some elements of each, either formally as a matter of policy, or informally through everyday practice. These approaches to operational policing vary significantly, not only in their goals and effectiveness, but also in their capacity to either encourage or discourage unwarranted stops, discriminatory policing and misuse of powers that are potentially significant mediators of belonging.

While the term 'community policing' in popular usage is sometimes equated with any policing of a local community it also has a more specific meaning. Within academic scholarship, Community Policing is characterised by an emphasis on non-conflictual contact with the public in order to build trust over time and encourage voluntary reporting of incidents and information to police. While crime reduction is a medium-term aim, the immediate focus of community policing is on increasing perceptions of police legitimacy and preparedness to cooperate with police. This approach has at its core, the obligation of police in democratic countries to police by consent. Community Policing manifests through initiatives such as foot patrols and police youth clubs, which are often carried out by specialist officers, such as multicultural and youth liaison

units. It has often been observed that these specialist roles are 'bolted on' or 'siloed' within police organisations, as they tend to remain confined to specialist sections, where they are liable to be dismissed as 'soft policing' by general duties officers and may therefore have limited impact on day-to-day policing.

Intelligence-led or Data-driven policing is the pre-eminent mode of policing around the developed world today. It is technology-enabled and provides a powerful tool for targeting police resources by analysing crime and other data to identify risky people and places. Its main focus is crime reduction. By combining statistical data analysis techniques with the use of intelligence that was previously confined to criminal investigation, information held by police organisations is transformed into a powerful strategic tool. The associated use of risk categories and predictive modelling has now developed to the extent that aspects of this style of policing are often referred to as Risk-based, Predictive, or Preventive Policing may be aimed at intervening before particular crimes or incidents of disorder occur. The operational tactics associated with risk-based policing include surveillance and monitoring of 'high risk' people and places, and the use of disruption as a pre-emptive measure. Risk-based policing is considered effective in some contexts, but may have adverse implications if applied routinely or unreflectively to everyday policing. One possible negative consequence is that the attachment of risk to particular individuals, groups, and places, rather than to problematic behaviours, can promote discriminatory policing and the rigid application of stereotypes and labels.

Zero Tolerance Policing (ZTP) also focuses on risky places and people but authorises persistent, and often aggressive, targeting of low-level crime and disorder on the rationale that this will reduce serious crime in a particular location. Typical police tactics will include moving 'undesirable' people elsewhere or using law enforcement for even minor infractions. A considerable body of academic research on ZTP in New York City disputes the purported benefits of this approach in effecting long term reductions in serious crime, while noting a significant increase in serious human rights abuses and complaints.

Procedural Justice Policing (PJP) is being actively promoted at present by many policing scholars around the world. This policing style is closely aligned with human rights principles and emphasises respect and fairness in interactions with the public, lawful use of powers, and taking the time to listen and explain. As with Community Policing, the benefits for police are said to be increased legitimacy and cooperation. But this approach differs from Community Policing because it aims to minimise conflict when police are actively enforcing the law. PJP requires all operational officers, not just teams of specialists, to comply with its core principles and be mindful of the way in which they exercise their authority. The concept of 'bounded authority' extends the reach of procedural justice policing, acknowledging the judgements made by individuals about the legitimacy of police actions, based on law, and community expectations.

1.4 The policing context

As of June 2019, Victoria Police had over 15,000 sworn officers in their ranks (VicPol 2019). While many specialist functions are organised centrally, responsibility for day to day policing operations is devolved geographically across four Regions. This research was conducted in Dandenong Division, the third of four Divisions within the Southern Metro Region, encompassing Casey, Cardinia and Greater Dandenong. Fieldwork for this study took place in a more concentrated area stretching from Springvale to Dandenong and Narre Warren, suburbs falling within the Greater Dandenong and Casey local government areas. This area is served by around 350 police officers assisted by additional Protective Services Officers[7] (VicPol 2019). As set out in more detail in the first report, these LGAs are some of the most culturally diverse in Australia (Weber 2018).

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[7] https://www.police.vic.gov.au/pso

Relationships between police and young people from emerging communities have been the subject of previous practitioner-led research and legal advocacy in other parts of Melbourne. Most significant is the 'Haile-Michael' litigation brought under the Commonwealth *Racial Discrimination Act* by the Flemington and Kensington Community Legal Centre (FKCLC) in partnership with Arnold Bloch Leibler. That case, which was decided in the Federal Court in 2013 via a settlement with Victoria Police[8], established that the complainants had been subjected to discriminatory policing through repeated and unjustified street stops. Data provided by an expert witness confirmed that young African people were disproportionately stopped by police in the Flemington area by a factor of 2.5. Although the Haile-Michael case centred on events in the inner north-western suburbs, the repercussions were felt across the metropolitan area, as Victoria Police undertook fundamental revisions to its cultural training and field contact practices with the intention of eradicating both individual racism and 'racial profiling', a systemic practice that had not previously been acknowledged within senior police ranks.[9] Changes were subsequently introduced to the police manual that defined racial profiling as 'making policing decisions that are not based on objective or reasonable justification, but on stereotypical assumptions about race, colour, language, ethnicity, ancestry or religion' and requiring officers to consider the legal basis for street stops.[10]

As part of the conditions of the settlement, Victoria Police commissioned a series of research reports and public consultations (CIRCA 2013, Centre for Cultural Diversity and Wellbeing 2013) that culminated in the Equality is Not the Same Report (Victoria Police 2013). That report committed Victoria Police to a Three Year Action Plan that included establishing community and stakeholder advisory groups, reviewing community engagement and other operational policing policies, implementing training to tackle 'unconscious bias'[11], and instigating a 12 month trial of field contact receipting to enable the monitoring of stop and search practices. This has been followed by a series of annual reports charting progress with both the first (2014-16) and second (2017-19) phases of the organisation's post Haile-Michael strategy.[12] At the same time, the Flemington and Kensington Community Legal Centre has continued to monitor the implementation of the VicPol undertakings through its Police Accountability Project, producing several reports questioning the extent to which changes in policing practice have flowed through to practices on the ground. [13] Two of the Haile-Michael complainants authored a report in 2015 entitled 'The More Things Change The More They Stay the Same', concluding that over-policing of African communities was continuing across several sites, including Dandenong (Haile-Michael & Issa 2015). After a receipting trial was implemented as part of the Three Year Action Plan, the Police Accountability Project produced a further report recommending that Victoria Police should partner with other relevant agencies to implement a co-operative data collection trial and evaluation process, with a view to extending the scheme indefinitely (Hopkins 2016). However, the trial was subsequently discontinued (Victoria Police 2016). The Police Accountability Project has also continued to advocate for an independent police complaints system of the kind adopted in Northern Ireland (Police Accountability Project 2017).

In comparison to the intense focus on the policing of emerging communities in the Flemington and Kensington areas, there have been fewer publications produced in the Dandenong area concerning encounters between police and young people. Pasifika communities have previously been identified as one group experiencing high levels of involvement with the criminal justice system in the Greater Dandenong area. In 2007 the Springvale Monash Legal Service (SMLS) partnered with the South Pacific Foundation of Victoria

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[8] Haile-Michael v Konstantinidis [2012] FCA 108, [2012] FCA 167, [2013] FCA 53.
[9] https://newmatilda.com/2015/01/13/pointy-end-police-racism-ken-lay-retrospective/
[10] https://www.theage.com.au/national/victoria/victoria-police-officially-prohibits-racial-profiling-20150923-gjt6bt.html
[11] For a critique of this highly individualistic concept see http://www.irr.org.uk/news/unravelling-the-concept-of-unconscious-bias/
[12] Available from https://www.police.vic.gov.au/equality-not-same
[13] http://www.policeaccountability.org.au/

to produce a discussion paper on access to justice intended for use by community members (SMLS/South Pacific Foundation of Victoria 2007). The authors reported 'police hostility' towards Pasifika youth which they attributed primarily to stereotypical assumptions and cultural misunderstanding. They commended various community engagement activities implemented by local police but identified a persistent lack of resourcing and the need to consult more closely with the community. Increased recruitment of police from Pasifika backgrounds was one of the key recommendations in relation to policing.

In 2009/2010 the SMLS collaborated with The Fitzroy Legal Service and Western Suburbs Legal Service to produce a research report that included some material from the area covered by the current study (Smith & Reside 2010). The 'Boys, you wanna give me some action?' report documented the experiences of African youths across three Melbourne suburbs, Braybrook, Flemington and Greater Dandenong. This included being treated as outsiders in their communities, being harassed, 'wound up' and treated violently by police, and having little faith in police complaints procedures. While that study did not distinguish between responses from the three different areas, the same range of concerns has been encountered almost 10 years later in the present study. The authors noted that over-policing—including the introduction of new powers to search and move on, and new public order offences that were used disproportionately against culturally diverse groups— had evolved in tandem with the rise of supposedly softer approaches coming under the 'community policing' umbrella.

Youth crime within the Dandenong area came under the spotlight following disruptions at the Moomba Festival in 2016 when the Dandenong-based Apex gang became the focus of intensive media reporting. Subsequently, responsibility for entrenching the idea of an 'African gang' problem in public consciousness has been widely attributed to sections of the populist media[14] and to opportunistic politicians.[15] Notably, senior police were at pains to counteract reports that disproportionately associated young people from Pasifika and South Sudanese Australian communities, in particular, with serious gang-related violence. In fact, Victoria Police were described by one prominent commentator as 'the sanest voice in this African gangs thing'.[16] However, the elevated political and community pressure to 'do something' about 'African gangs' and other youth offending in the area has persisted. This was felt within this community through intensified street level policing, as reported in the first report from this study (Weber 2018). It has also led to the establishment by the Police Commissioner of a high profile African Australian Taskforce to provide a strategic lead to reduce offending by young African Australians, which has an offshoot in the south-eastern region.

During the period in which this research was conducted another significant event took place, which turned attention back onto the way policing across the state was being conducted and overseen. The Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria received many submissions attesting to the continued discriminatory targeting, and violent treatment of Indigenous people and members of ethnically diverse communities in particular, and asserting a widespread lack of trust in the existing complaints-handling procedures.[17] The Inquiry reported in September 2018[18], recommending that a specialist unit be established within the Independent Broad-based Anti-corruption Commission (IBAC)[19] dedicated to investigating serious

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[14] https://theconversation.com/why-the-media-are-to-blame-for-racialising-melbournes-african-gang-problem-100761
[15] https://www.thesaturdaypaper.com.au/opinion/topic/2018/11/24/the-victorian-election-and-the-politics-fear/15429780007185
[16] https://www.theguardian.com/australia-news/2018/mar/19/reporting-on-african-gangs-akin-to-media-terrorism-says-melbourne-campaigner
[17] https://www.parliament.vic.gov.au/publications/fact-sheets/922-ibacc/inquiry-into-the-external-oversight-of-police-corruption-and-misconduct-in-victoria/3802-report
[18] Parliament of Victoria (2018) Inquiry into the oversight of police corruption and misconduct in Victoria, September 2018, Parliament of Victoria, IBACC available at https://www.parliament.vic.gov.au/images/stories/committees/IBACC/report/IBACC_58-06_Text_WEB.pdf
[19] https://www.ibac.vic.gov.au/

police misconduct, and staffed with independent investigative officers. At the time of writing, the state government is yet to respond to the Committee's recommendations and it remains unclear which complaints will be deemed serious enough to be referred to the new body, and which will remain to be dealt with at local level.

2 Community experiences and risk-based policing

Using the reports of young people and other community members about their encounters with police, it is possible to trace the organisational practices that contribute to these experiences. One of these is intelligence-led or risk-based policing. In this section I consider three elements of intelligence-led policing which align closely with the experiences reported by research participants: the categorisation of young people according to their risk of offending, the demand that intelligence-led policing creates for the gathering of information about communities, and the disruption of groups of young people to pre-empt possible crime and disorder.

2.1 Risk-based policing, predictive modelling and the demand for data

Risk-based approaches driven by information technology and the use of algorithms to predict the risk of future offending are being used increasingly by police across Australia and overseas. The operational tactics associated with risk-based policing include surveillance and monitoring of 'high risk' people and places, and the use of disruption as a pre-emptive measure. However, the application of risk-based, and particularly predictive, methods to young people has been more controversial. The increasing reliance on automated risk-based systems has been noted across many areas of governance, including policing (Haggerty & Ericson 2000; O'Malley 2010). These approaches to policing have been considered successful within some contexts, for example in understanding risks to children in family violence situations (e.g. Fitz-Gibbon et al. 2019).

In Australia, the best-documented application of risk-based methods in relation to young people is the Suspect Targeting Management Plan (STMP) operating in New South Wales (Sentas and Paldofini 2017). The STMP uses risk assessment tools to predict the likelihood of offending for children as young as 10. Once placed on the system, the authors found that young people were likely to be subjected to 'oppressive' police interventions including repeated stops and unannounced home visits, even if they had not committed an offence.

Although they are less well documented, pre-emptive and risk-based approaches are also evident within Victoria, particularly in relation to the monitoring of 'youth network offenders', the term used by police to describe the loosely structured groups referred to in the popular vernacular as 'gangs'. In 2018 the Police Minister announced new anti-association powers for Victoria Police which were intended to 'help police identify those at risk of offending' and prevent the recruitment of young people into 'networked offending'.[20] The new powers were expected to make a 'huge difference in disrupting crime' across Victoria by preventing 'clean skins' from being influenced by 'convicted criminals'. The Minister's statement was heavily infused with the language of risk-based policing, which focuses on disruption, prevention, and calculating risks of offending. Victoria Police data systems are used to identify 'youth network offenders', and also to distinguish a smaller group of offenders considered to be particularly high risk. In an interview on Radio 3AW in October 2019 concerning the arrest of 40 young people from the western suburbs and south-east of Melbourne, including Dandenong, Police Commissioner Graham Ashton described their risk-based approach as follows: 'We've got more than 200 of these youth offenders that we're focusing on, that we really regard as core offenders. There's a group that simply don't want to change their behaviour. We will be treating them as the sort of offenders they are'. He added that

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[20] https://www.abc.net.au/news/2018-07-24/changes-to-victorian-anti-association-laws-attacked/10028986

the young people of concern were a mix of Caucasian, African, Pacific Islander and Asian backgrounds.[21] A regional commander indicated that intense surveillance of 'core offenders' was a key tactic for young offenders, saying that '[w]e are breathing down their necks and watching their every criminal move'. [22] Later reports also confirmed that police in the western suburbs had been 'monitoring the most prolific youth offenders'. [23]

Sharing of intelligence using digital information technologies is the foundation for intelligence-led policing. A Regional Commander confirmed in relation to the arrests of young people reported above, that 'detectives from across the state have shared intelligence to identify a priority list of people wanted by police'. However, intelligence-led policing has evolved beyond the sharing of traditional intelligence in relation to particular crimes to include the mass analysis of data built up in police databases from a wide range of sources including past offending, non-criminal police 'contacts', and sometimes data shared from other organisations such a school attendance or social service interventions. Such data enables risk profiles to be developed using algorithms that are believed to predict the likelihood of future offending.

In Victoria, data-driven models to predict youth offending and assign known offenders into risk-categories have been developed in-house by the State Intelligence Division. In fact, Victoria Police were recently reported to be undergoing a wholesale 'digital transformation' involving the integration and upgrading of many operational policing platforms, including intelligence capabilities. [24] More specifically, the Victorian Police Minister announced the development of an 'advanced analytical tool' as early as February 2017, saying it would 'help police close in on terrorists, perpetrators of family violence, organised criminal, *networked youth gangs* and other serious offenders' and to 'better *predict* local crime trends and hotspots'.[25] The systems apply algorithms to identify known 'youth network offenders', a smaller group of 'core' youth network offenders, and also young people at risk of offending. Designated as a YNO, or core YNO would generally be met with a policing response such as increased surveillance, while those identified as at risk of offending might be directed towards support programs.

While they may be extremely powerful tools in targeting police resources and responding effectively to crime, the use of predictive algorithms within criminal justice generates its own risks, particularly in relation to the prediction of future offending. The absence of transparency and the automated nature of decision-making associated with these systems have been associated with lack of accountability.[26] Moreover, these systems also have the effect of reducing the complexity of individual lives to an assigned risk category, so that people are transformed into 'pure information' (Haggerty & Ericson 2000). Critics have also cautioned that, although presented as entirely factual and neutral, '[a]lgorithms, like people, can be subject to bias, either built in – wittingly or otherwise, by those who program them – or learnt by the machines themselves'.[27] The building in of biases, often related to race or ethnic identity, stems from existing patterns of intensive policing of certain groups that are reflected in the source data, and are then 'hard-wired' in to predictive, risk-based systems (Williams and Kind 2019).

A review published by Open Society of data-driven systems used by police in Europe concluded that: 'The belief in the independence and objectivity of data-driven policing solutions and in particular, predictive

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[21] https://www.3aw.com.au/40-kids-charged-as-police-crack-down-on-gangs/

[22] https://www.news.com.au/news/national/victoria-police-swarm-on-victorian-youths-57-arrested-across-state/news-story/d06438ca691e6d859589d4c11b4c57b2

[23] https://www.theage.com.au/national/victoria/parents-beg-police-for-help-as-teen-criminals-recruit-younger-siblings-20200306-p547h5.html

[24] https://www.gigabitmagazine.com/company/victoria-police-undergoing-digital-transformation-make-its-service-more-agile# accessed 25 March 2020

[25] https://www.premier.vic.gov.au/new-hi-tech-intelligence-helps-police-close-in-on-criminals/ accessed 25 March 2020, emphasis added

[26] https://www.thesaturdaypaper.com.au/news/politics/2019/12/07/algorithms-and-prejudice/15756372009195

[27] https://www.thesaturdaypaper.com.au/news/politics/2019/12/07/algorithms-and-prejudice/15756372009195

policing programmes will send law enforcement officers to monitor and detect crimes in the same already over-policed communities' (Williams and Kind 2019, p15). The authors described the potential for racialized policing to become hardwired, codified, and concealed within police and law enforcement technology tools' as 'alarmingly high' (Williams and Kind 2019, p28). Research on the STMP system in NSW concluded, based on data obtained under FOI legislation, that the STMP disproportionately targeted young people from Aboriginal and Torres Strait Islander backgrounds (44% of all recorded 'targets').[28] In the UK, an astonishing 78% of the London Metropolitan Police 'Gangs Matrix' were classified as Black, while only 15% were White reflecting the fact that 'racial bias in the database' had become 'institutionalised in police practice'.[29]

2.2 Cleanskins and criminals: views from the community

While community members may not have a detailed understanding of the risk-based systems used by police, many of the experiences reported by participants in this study related to this policing style and provide insight into how risk-based policing is playing out on the ground. Echoing the language used by the Police Minister, as reported above, youth workers complained of stereotyping of young people by police into rigid categories of 'cleanskins' and 'criminals', although this tended to be understood to be a characteristic of individual police officers. One youth worker attributed this to a wider propensity for 'binary thinking' amongst police, which s/he contrasted with the training youth workers received in contingency and 'grey areas'. Numerous youth workers noted the high levels of monitoring to which young people known to police – and therefore designated as 'criminals' (possibly equating to 'YNOs' or 'core YNOs' in police parlance) were subjected. Moreover, one worker complained that this often interfered with real efforts these young people were making to change the direction of

> **Stereotyping into rigid categories of 'cleanskins' and 'criminals' … often interfered with real efforts young people were making to change the direction of their lives.**

their lives. One example provided to the researcher concerned the arrest of a teenager, including the use of pepper spray, for a minor charge dating from a year prior. The arrest was carried out in front of classmates in a tertiary education course which, according to the youth worker, had been that young man's only experience of success in his life to date. Another example concerned a young person who was attending a supervised outdoor activity near the Dandenong train station, who had tried to travel home by train but had returned in tears because he had been prevented from entering the train station, a practice that was also widely reported by community participants. In both cases, the youth workers felt that an emphasis on law enforcement and disruption in relation to previous offenders was undermining genuine efforts to reduce recidivism, a goal they understood that police also shared.

Young people who had experienced repeated contacts with the police sometimes had their own impressions of how police were directed to monitor them. One young man painted a colourful image of how local police identified their targets each day, that stood in contrast to the detached and technocratic systems associated with risk-based and predictive policing: 'Staff meeting in the morning, they're saying "Apex, Apex, Apex. Going to fuck up all the kids." And then they think every Nigga's Apex bro. Apex doesn't even do crime.' A young man taking part in the same group interview highlighted the police emphasis on networking, saying he had heard that judges and police had 'photos and a whole chart of who associates with who' and that police were 'out for us'. This impression of being constantly monitored also related to the use of visual surveillance technologies.

> When I get arrested, I see inside the police station. I know what's in the police station. I know what they do. They sit at the fucking computers and they watch everything we do in those areas, looking. They've got live cameras and they've got transmitters that send the fucking footage to

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[28] https://theconversation.com/pre-emptive-policing-is-harmful-and-oppressive-and-requires-independent-scrutiny-86206
[29] http://www.irr.org.uk/news/the-met-gangs-matrix-institutional-racism-in-action/

the computer … and they can come and go whenever they want, but they never come when the Sudos are fighting each other. Sudos are like - one of them going to touch someone else - boom, they swarm. Bam, they swarm and just bash us.

Their experience was one of persistent, and spiralling, police intervention which they interpreted both as loss of control over their lives and as a personal vendetta.

Like, once you're known you're known, like you can't do much about it and you continue to get arrested. You're going to get a rep. So, like, the more you get arrested, I guess, the more, like, the more hatred they have against you.

These young people claimed to be trying to change their circumstances. One said: 'We're not crims no more, we don't want to be crims … We're just trying to have fun'. However, they felt that the younger police, in particular, didn't give them a chance: 'They treat you like an everyday criminal, you know what I mean, like an adult'. Another added, 'They don't even know what they're arresting kids for nowadays', creating the impression of a conveyor belt of surveillance and arrest. These young people echoed the claims made by some youth workers that intensive policing was undermining their efforts to change.

> **They try so hard you can't break out of the cycle even though you try.**

Yeah, even though you try to break out of it, they see you're doing good, that you haven't been arrested for a while, they'll look for an old charge to try and pin it on you, like piss ass charges to try and get you. And even though they can't charge you with that charge because it's been too long, they'll charge you with resisting arrest or being smart to the police or something like that … They try so hard so you can't break out of the cycle even though you try.

Focus group participants from Pasifika backgrounds endorsed the experiences of the young men from the group interview, who were all of African origin. They also reported that earlier offending attracted ongoing surveillance. One young man said: 'I feel like they're trying to get me on something, my offending was when I was under 18 and now that I'm 18 I feel they are trying to pin something on me'. Another participant in the same focus group agreed: 'Even if you try and do good, they are trying to judge you on your past from your criminal history.' Participants in this group also talked about being on a 'list' which tainted their interactions even with new officers who didn't know them personally, leaving them feeling besieged:

> **They are trying to judge you on your past.**
>
> **I feel like they are trying to pin something on me.**

PSOs are OK because they are starters and they don't know yet. They just work around the station. The cops let PSOs know who to look out for. There is a list of names at the police station of who to look out to. They make us look bad to the new PSOs and so the PSOs are out after us too.

A South Sudanese Australian parent and grassroots community worker was critical of these police tactics, as experienced within the community. She noted that in Africa 'people don't get police records'. Instead, she said, the justice system just 'solves the problem' then they 'leave people be', whereas in this country, she observed, 'a criminal record goes on forever'. Some young people felt that they had no chance to escape from the mistakes they had made: '[Police are] just pricks, you know what I mean. They're just like "Oh fuck you, you're just a cunt, you're this, this, that. You're going to be in the system forever"'. A mature age community worker who said he'd been involved in offending as a youth, told the researcher how he had struggled to overcome his addictions, completed several degrees, and now devoted himself to helping other young people in conflict with the law. However even he reported being pulled over from time to time due to his past record, and sometimes 'baited' by police officers trying to get a response. He said he was able to handle

> **You can't break out of the cycle even though you try. You're going to be in the system forever.**

himself and avoid trouble, but the story could be different with young people influenced by drugs or alcohol, and lacking the maturity to cope.

Whereas IT-based systems give the appearance of being infallible, several research participants knew of cases of mistaken identity that had occurred with police visiting the wrong home address looking for suspects, possibly after making the wrong identification from a photograph. This example was given by a South Sudanese Australian mother.

> Our young boys, they look the same … Three people that talk to me about that. They said the police came at night time. And when the police come, they say they knock on the door. Police holding the photo, one boy's photo. The other one, he is sure the family say this wasn't. He say, "It's your son there." The boy said, "No, it's not me. I didn't." "And [he] say, "It's you."

A similar incident involved a family travelling together on a train, as recounted by another South Sudanese Australian mother.

> The police came. I think the same issue of wrong identity and straight away they came and arrest the boy … And the mother, she doesn't know English. She was shocked. "What's happening?" And the brother got up and said, "Excuse me, what's wrong?" [Police] said, "We are not after you. We don't talk to you. We are after him." And he said … "Do you even know his name? Do you even know him? … Straight away you are arresting a person without even knowing" … So, he stood up for his brother, and the police – at the end of the day it was a wrong and mistaken identity. They apologise. Imagine if the brother was not there.

> **At the end of the day it was a wrong and mistaken identity. They apologise. Imagine if the brother was not there.**

While it might seem to be both logical and expedient to apply risk-based methods in order to direct law enforcement responses towards the most persistent offenders, while providing support for those 'at risk', there is a comprehensive body of applied research from John Jay College in New York that turns this commonsense view on its head.[30] After years of working with violent offenders including gang members, they advocate meeting individual needs in order to bring about desistance from offending. Rather than focusing services and support programs on 'at risk' youth, these interventions are used for only the most serious and persistent offenders. The group's website notes that 'Our paradigm-shifting violence reduction work has demonstrated conclusively that within communities the overwhelming majority of residents are not dangerous; rather, the small number of chronic violent offenders are also at the most risk of being victimized themselves'.[31] Their emphasis is therefore on promoting a sense of security and freedom from fear as a basis for behaviour change. They strongly recommend that contact with police should be avoided entirely, both for non-offending youths and more peripheral members of gangs or youth networks in order to reduce opportunities for net-widening and criminalisation.

2.3 Pre-emptive disruption in risky places

Along with intensive surveillance, disruption is a regular feature of risk-based policing. Disruption may be directed against individuals or organised groups believed to be planning serious crime. But in relation to everyday policing, it can lead to the disruption of groups of young people using move-on powers merely for congregating in places where crime or disorder is expected to follow. This practice relates to risk-based policing because data analysis may be used to identify risky locations, based on previous offending or incidents of disorder. This may lead to disruption tactics being employed to disperse groups *before* offences occur, motivated

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[30] https://www.jjay.cuny.edu/national-network-safe-communities
[31] https://nnscommunities.org/who-we-are/mission/#first-do-no-harm

by a desire to pre-empt future risks, particularly where requests to take action had been received from other community members.

Experiences of group disruption were widely reported by participants in this study. Both youth workers and community members from South Sudanese and Pasifika communities identified gathering in groups as a cultural value. Some parents in a group interview involving Pasifika adults acknowledged that their children, despite being taught to attend school and respect police, sometimes tried to make themselves 'stand out' by hanging around in groups, then accused police of 'picking on them'. But other participants, whose perspectives were informed by their dual roles as parents and community workers, considered the targeting of groups of young Pasifika people to be a direct affront to their collectivist culture.

> I mean, you know, we're communal people … So, if we'd all be down at the park and sat there and threw blankets down there and kicked balls, the police wouldn't care. But seeing youth or young people … if they're down there doing something cultural or whatever - they're all over them.

Parents from both these communities commented on the increasing practice of preventing young people from gathering in groups of three or more, that was reportedly being applied in schools. One community worker from a Pasifika background said:

> We got called to the school one time and they wanted to talk about our kids … They weren't doing anything, they were just standing in groups. And I asked them what was wrong with that? And he said it was really intimidating. And I said, "To who?" To who? When my kid was talking to them, it was him that was intimidated by our kids.

In the exchange below involving South Sudanese community volunteers, gathering in groups was presented as a cultural practice that was being misinterpreted in their new home because of the pre-occupation with gangs.

> Person 1: It's not our kids. We don't know about gangs.
>
> Person 2: We don't know gangs. In our country we were in groups.
>
> Person 1: Not because they're gangs. Now they say that they are not allowed to walk in three.
>
> Person 3: That's right. Yeah … that's the rule.
>
> Person 2: Yeah. Because as from three upwards you are considered as a gang. From three upwards you get together you are a gang group.
>
> Person 1: Even at school, they say that.
>
> Person 3: Yeah, even around school they are not allowed to be in one group like Sudanese.[32]

Rightly or wrongly, the 'rule' about not gathering in groups of three or more was thought to have originated with police, and may possibly relate to anti-association laws introduced to prevent young people from forming gangs.[33] Regardless of its origins, another research participant, a youth worker from a Pasifika background, questioned the pre-emptive rationale of these disruptive tactics.

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[32] Note that the transcription format does not actually allow particular statements to be attributed to a named participant. Here the statements have been distributed amongst the three participants who took part in that group interview.
[33] https://www.theguardian.com/australia-news/2018/jul/24/victorian-anti-gang-laws-condemned-as-guilt-by-association-for-teenagers

I suppose society as a whole, the public as a whole, is very jumpy when they see youths congregating in one place when they're not supposed to be in certain times. [Not necessarily that they have shoplifted or damaged anything?] Yeah. They don't even have the idea of committing a crime in their mind. They just could be hanging out. They're – like, just to wag school, which is most of the cases.

He thought that the use of move-on powers was reasonable during school hours, although he preferred that police instead exercised their duty of care to take the young people home, which he said did sometimes occur. But Pasifika community workers confirmed that disruption of groups of young people in certain locations was a routine police practice in the area.

> Down at the train station, they used to, you know, mingle there. The minute they get into trouble, they run to us. And the PSOs, whatever they call them, then come and challenge them and tell them 'The minute you leave that group, we're going to get you'. This is happening every time. And I am there every Friday.

Young people who participated in the study were aware that they were perceived by police as a threat, even when merely walking in a group. One young focus group participant from a South Sudanese background explained: 'There are not a lot of girls that play basketball like me, so I go home with boys in a group. And so as a group we get seen as a threat.' A young South Sudanese community leader described having decided to follow a group of five young people from his community – all aged under 15 - when he noticed that police were targeting them.

> The kids were just having a laugh, on school holidays. I got my phone out and tried to record things because the police were so aggressive towards them and I wasn't happy. I told myself to stand back, but I saw the whole thing and I couldn't stand back for my community. This went on for 30 mins, and I went on and asked the kids 'What have you done wrong?'. They hadn't done anything wrong. The police were accusing them of doing things they haven't done. The police have the power because they have a uniform. They are asking them 'Why are you hanging out with other kids'.

For young people already known to police, the experiences of police contact could be even more forceful. One young man said in a group interview 'It's like the cops get told when they start their shift, obviously they get told to get these kids off the street'. He accepted that there was 'stuff going wrong', but objected to this pre-emptive approach, noting that 'two wrongs don't make a right'. Another young interviewee, also from an African background, provided a specific example.

> We would just be kicking it after school or after work in the Pakenham train station where the park is, you know, just where everyone hangs out, and police would rock up and 'Okay, you, you, you, handcuffs now, get in the back'. [And, what do you think they would do after that. Take them to a police station?] Take them to the police station, have an interview or whatever. [Because they were suspected of doing something?] Yeah. [And, in your experience, were their suspicions right?] No.

2.4 Conclusion

Risk-based tactics like pre-emptive breaking up of groups, close monitoring of known offenders, and unjustified police stops all translated into perceptions of unfair targeting by young people interviewed from these communities.

Breaking up non-offending groups, in the absence of an imminent threat of disorder or offending, may undermine genuine efforts by young people to nurture a sense of belonging both within and beyond their cultural group, and send a message that the mere presence of the group is seen as a public threat. This plays into what was referred to as the 'politics of belonging' in the first report from this study (Weber 2018), particularly where groups are ethnically constituted. The perception that certain groups of young people present an intrinsic threat seems to have taken hold to such an extent that some local schools were said to prohibit gatherings of three young people or more in the schoolyard, a measure that was perceived to be directed towards young people from particular emerging communities.

Close monitoring of known offenders effectively entraps them in the information trail their previous interactions have left within police systems. Where young people are making a genuine attempt to desist from offending, intrusive surveillance may work against efforts to gain acceptance back into the community – a key element of belonging – and quite possibly a protective factor against future offending. These practices, where they occur, cast police in an active role in the 'governance of belonging', and convey the message that, no matter what you do, 'you're going to be in the system forever'.

Unwarranted street stops by police also impact on feelings of belonging, by encroaching on personal freedom to enjoy public space, and tend to cast non-offending young people as suspects. Repeated contacts may also have a net-widening effect, leaving enduring traces about these young people within police systems. These records will mark a young person as having frequent police contacts, even in the absence of involvement in criminality, and potentially fuel further risk-based contacts and possible criminalisation.

Furthermore, while the predictive tools used by Victoria Police are considered neutral with respect to ethnicity or other markers risk-based approaches may be inadvertently promoting a racialized form of policing practice, undermining efforts to reduce racial discrimination following the Haile-Michael settlement (see section 1.4). Australian police have always had wide powers to stop and question members of the public, leading to longstanding concerns about the overpolicing of particular communities. But it would not be surprising if the need for information to drive the predictive tools used nowadays in the policing of young people were normalising the use of intrusive stops for information-gathering purposes, with or without specific taskings to this effect. This possibility will be discussed further in section 3.2.

Too rigid an adherence to classifications of 'cleanskins' and 'criminals', or the more specific risk categories of 'YNO', 'core YNO' and 'at risk' youths derived from data-driven predictive systems, assumes that risk is an unchanging attribute of the person over time, potentially limiting the scope for rehabilitation. Evidence from the National Network of Safe Communities derived from many years of working with members of organised criminal gangs in New York, has led to the conclusion that support and resources should be focused on the most prolific and seemingly 'hardened' offenders, while limiting police intervention with more peripheral members in order to avoid net-widening.

3 The different faces of community engagement

In Victoria, community engagement, as practiced by specialist 'proactive' officers, is the policing activity that most closely aligns with the Community Policing model explained in section 1.3. These activities are explicitly directed towards promoting non-conflictual encounters between police and community members with a view to building trust, so are directly relevant to the central concern of this research with inclusion and belonging. It has repeatedly been observed, however, that Community Policing approaches are often 'bolted on' within police organisations, and remain 'siloed' within specialist community liaison units. This section identifies that the important policing task of 'community engagement' may have quite different meanings for specialist and generalist officers.

3.1 Community engagement as trust building

As the most culturally diverse area within Melbourne, Dandenong has a well-established team of specialist officers whose focus is building trust through community engagement and intervening proactively to provide support. A VicPol information sheet links community engagement with the practical goal of 'keeping all Victorians safe' but also identifies consultation and the building of trust as core objectives: 'We can [ensure community safety] by engaging with the Victorian community, by listening to community needs and involving community in our decision making. If we can achieve this, we will build trust in Victoria Police through the development of a personalised approach to policing'.[34]

Local police Divisions invest in community engagement in order to build relationships with local communities, while the Priority Communities Division at Police Headquarters provides overall leadership. For example, it was Priority Communities Division that steered through the organisational response to the Haile-Michael judgement discussed in section 1.4. The priority communities identified by VicPol include Aboriginal and multi-cultural communities, LGBTQI communities, youth, seniors, and communities identified on the basis of disability or mental health. South Sudanese Australians are a designated emerging community in Victoria, having arrived relatively recently primarily as refugees or humanitarian entrants. Perhaps surprisingly, considering their longstanding presence in Australia, people from Pasifika backgrounds also retain this formal classification. This stems from the fact that this community group receive no settlement support on arrival, and are excluded from access many essential services due to the restrictive conditions of their Special Category Visas.

At local level, community engagement, and associated 'proactive' policing spans a wide range of activities including senior officers attending community groups, instigating support programs for young offenders or at-risk youth identified through risk-based methods, and working in partnership with other agencies to reduce crime. There were said to be over 230 youth agencies or programs within Dandenong Division. While general duties police are expected to embed trust-building principles within their everyday activities, the Division has a small number of specialist officers dedicated to this goal. This included a Community Engagement Coordinator, along with a small team of Community Liaison Officers whose task it is to build relationships, identify emerging problems, and assist operational police in dealing sensitively with emerging communities. Since specialist officers, or youth workers working in partnership with police patrols[35], cannot be present at every interaction between community members and general duties police, the success of community

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[34] https://content.police.vic.gov.au/sites/default/files/2019-01/Community-Engagement-Fact-Sheet-2015.pdf#_ga=2.212330268.922876595.1568705625-993132027.1568607073

[35] A scheme of this type was operating in the Dandenong area at the time the study was conducted in partnership with YSAS, the Youth Support and Advocacy Service.

engagement efforts intended to build trust depends largely on the extent to which these principles are mainstreamed across the organisation.

Protective Services Officers (PSOs) work alongside general duties police. Although they are deployed through a separate Transport Division, individual PSOs have some continuity within a particular operational Division. They have far less extensive training than general duties police—starting with 12 weeks of dedicated training at the Police Academy[36]—however they exercise all the powers of fully-sworn police within designated areas surrounding train stations, and are provided with the same local intelligence briefings as fully trained officers. Many reportedly go on to complete full police training. If anything, PSOs might be expected to have more contact with the general public than general duties police, so could be considered to be the front line of Community Policing.

Youth workers and grassroots community volunteers spoke highly of the efforts of specialist police to work in partnership with them to improve communication and the quality of interactions with young people from their communities. Pasifika elders and community workers who participated in a group interview commended the positive efforts made by some local police. One of them reflected: 'I see a lot of police go over and beyond what they're paid to do … I've seen a lot of police officers that pay for things out of their own pocket. So, when we use the word police, I think we've got to be really mindful that there's really awesome guys doing a lot of great work, regardless of their badge.' Another participant agreed, but lamented that 'for every good one is about ten that will give you grief'.

> **I see a lot of police go over and beyond what they're paid to do … I've seen a lot of police officers that pay for things out of their own pocket.**

One grassroots community group assisting young South Sudanese Australians had established community patrols where elders tried to mediate interactions between young people and police, met with police to try to improve communication, and had organised a barbecue that police had attended. One person interviewed from this organisation acknowledged the importance of young people respecting police, in order, she said, to 'have peace'. Still, she claimed that many people from her community distrusted the police, based on their own experiences since moving to Australia (discussed further in section 4). As she put it, 'Police are your fear. Because police doesn't like me.' Relationships of respect and trust were not being maintained, it seemed, beyond the ranks of specialist officers. Her hope was that a newly formed committee operating in the local area would improve relations between police and South Sudanese Australian communities. For her, this was a positive sign that 'These people [the police], they open their eyes now'.

However, not everyone who participated in the research saw that community engagement and trust building were moving in a positive direction. In one focus group involving young men of South Sudanese background, a view was expressed that positive interactions participants had once had with police came to an end once the media onslaught against their community had begun: 'Before the whole African attention in the media, police used to come to the school as part of a reaching out program. We went with them on foot patrol. We played soccer and basketball against them. It was around 2007-8 before everything was in the media'. One young man from a Pasifika background described in a focus group having frequent 'run-ins' with PSOs, who he claimed, 'say stupid things'. One example was being issued with a fine for smoking at a train station when there weren't any 'no smoking' signs, whereas most other PSOs, he had said, would have let him go. Someone else noted the contrast with New Zealand police where the ethic of service to the community was so strong that 'if you break down on the side

> **Police used to come to the school as part of a reaching out program. We went with them on foot patrol. We played soccer and basketball against them. It was around 2007-8 before everything was in the media.**

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[36] https://www.police.vic.gov.au/pso

of the road, they'll pick you up and take you home'. One of the problems was seen to be frequent redeployment of general duties police to different posts so 'you never really get a good, positive relationship'.

Personal relationships could also be important for young people in conflict with the law. One young man reported in an interview having many distressing experiences with police, but still identified by name a straight-talking sergeant who, despite being in a law enforcement role, had treated him with understanding.

> I know one sergeant from Dandenong police station. When I got arrested by him he talks to me and he's like 'Fuck I'm sick of arresting you mate.' … He'll talk to me like that, you know what I mean? He goes 'When are you going to pull your head in? … If you need any help, come to us'. This, this, that. He offers you jobs and he offers, like, ways to help you … like he wants to help you with your offending and how to prevent it from happening.

This operational officer seemed to be putting into practice the kind of approach advocated by specialist community engagement officers, striking a balance between the need to enforce the law and a concern to engage with the young person as a human being. However, in one of the focus groups involving young people from South Sudanese backgrounds, numerous counter examples were provided.

> It's the same police who have worked at the police station for 10 years or more and they still haven't developed good rapport with the young people. They don't look to target root causes of crime and they continue to arrest the same people week after week. The police don't reflect on why they are arresting the same people over and over, particularly young people and don't have the best approach to young people from their positions of authority.

Another comment highlighted the importance of building up an empathetic understanding of the local community, including the enormous difficulties many young people were facing.

> When you know the people you are policing, you will know how to respond to them and understand them better, their cultural background and social status etcetera. This should be known by police before they approach young people. They should work hard to understand why young people behave the way they do. For instance, they may not have a job. A lot of young people of African background don't have a job. The stigma of the APEX gang is preventing people from finding a job … They don't recognise the grief in my life, I don't respond well to police because of this state in my life. Police need to recognise this disadvantage in the community.

When you know the people you are policing, you will know how to respond to them and understand them better … They don't recognise the grief in my life. Police need to recognise this disadvantage in the community.

There was some cynicism within this group about the value of attending special events with police. Participants were sceptical of community engagement efforts by operational police that they considered tokenistic.

> I have been to community events where police have been involved. They honestly don't try to involve themselves, they stand and watch and don't look happy. It's like they are forced to go and they don't want to be there. They should involve themselves.

Young people might also be more inclined to judge police from their behaviour on the street, rather than in these contrived contexts. In one example from a group interview, a young person was dismissive of a friendly approach from a police officer who he said had previously 'bashed' him: 'Like, what the fuck? You bash me and tomorrow you want to go, "hi, how's it going?"'

The key to improved relations, according to these young people, was increased training for general duties police on how to interact effectively with all members of the community.

> They need to go to interpersonal training on these community engagement activities and in their interactions with young people. The way they approach the young people is a problem and it is the police who have the problem with the wrong approach, not the young people.

There was praise amongst the young research participants as well, for specialist police who were said to be 'working in the community' and taking

They need to go to interpersonal training … It is the police who have the problem with the wrong approach, not the young people.

steps to understand the problems being faced by newly settled groups. It was thought that youth workers and community leaders could play a role, but 'protecting the young people' from damaging encounters with police should not be their job.

Pasifika elders and community workers noted that the potential for conflictual encounters was increased by young people from their community, and from South Sudanese Australian backgrounds, being excluded from most indoor activities due to cost, and sometimes through discrimination.

> Where do children go to today? Where do young children go to? Somebody tell me. Everywhere they go, they've got to pay. They can't afford it. When they all get together and go to shopping centres with their friends and you see all these kids standing outside around and they're on their phones, they're just talking.

These circumstances often resulted in police action to disrupt gatherings, as discussed in 2.3. Several community workers acknowledged that police would prefer to have alternative places to take young people, rather than just moving them on, an option that is often associated with a 'proactive' policing approach to crime prevention.

One example is the alcohol diversion program that was established by VicPol youth support officers in partnership with community service providers in 2016. The program began with an informal partnership with local magistrates, sheriffs, the ambulance service, and Monash Health that was said to have come together in a single day. Reportedly some of these individuals had come to the attention of police 1300 times over two years, generally while drinking in public place, and the group as a whole had accrued half a million dollars in fines. With the cooperation of the local magistrate, participants in the diversion program have the possibility after 12 months without coming to the attention of police, of having their fines rescinded, or receiving some alternate penalty. As well as counselling and opportunities to play sport, the program had evolved to include diverse activities such as speaking with families and trying to identify job opportunities. 80% of the participants are African. At the time the research was conducted 85 young men had gone through the program and the list of community partners was growing. Although the project had been awarded several prizes, from both within and beyond Victoria Police, it operated on a minimal and often uncertain budget, relying on volunteers, including out of hours work by the founding police officer.

Securing funding to sustain any proactive program was always a challenge. One youth worker noted that the 'local proactive model' had worked well in the past but claimed it had been 'defunded'. One example of a project that had proven to be unsustainable was the PYLET (Pasifika Youth Leader's Engagement Team) Project. The program had been initiated by the multicultural division of the local proactive unit. At the time there were said to be a lot of disengaged young people and alleged gang activities in the area involving both Pasifika and African youths. Community leaders from both communities partnered with police members from the local Proactive Unit who had visited Sydney to learn about the successful model running with similar communities in Blacktown and Mt Druitt. The program involved joint patrols between police and community leaders at 'hot spots' where young people tended to congregate such as shopping centres, parks and train stations, which sometimes led to crimes or public disturbance. When asked whether he considered

'congregating' to be a problem in and of itself, one youth worker with first-hand knowledge of the scheme said that his assessment on this had often differed from the police, who tended to be influenced by the young person's prior offending:

> I never thought [congregating in public places] to be a problem. I just thought, there's just young people hanging out at a shopping centre like they usually do. But some of the young people, obviously the police have identified and have come in contact with them prior with, sort of, criminal activity and stuff, so those were the same, sort of - it's all the same young people who were hanging out at the shopping centres.

| **Things will get out of hand later on when we're not here, so just to make sure that you're safe, we need to take you home.** |

He described the role of the community volunteers on the patrols as being to 'engage the young people and just to talk to them about public safety and making sure that they're not planning to do anything that's untoward'. He reported that there had been no arrests during his time with the program, but there had been a 'few instances' where young people were intoxicated and had been taken them home in the police van to avoid the chance of trouble: 'We just talked to the young boys and said, 'Look, for your own safety and just - things will get out of hand later on when we're not here, so just to make sure that you're safe, we need to take you home'.

While he explained the purpose of the program to the young people as being for their 'safety'—a reference to the risk of arrest, as well as victimisation by others—it also had a wider community engagement objective. The youth worker explained that on their first night out the young people had simply 'run off when they saw us approach them with the police'. But the teams had developed techniques to gain their trust, after which the young people's behaviour towards the patrol members had become more 'respectful'.

> I think for the Proactive Unit they really built some strong rapport with the young people, so as soon as they turned up there, the people knew who they were straight away so they would say, 'hello' and that. So there wasn't, sort of, a divide to begin with—'Oh, the police' and then defences are up straight away … So, I think that was successful.

However, this research participant noted a distinction between the approach taken by the Proactive Unit members they patrolled with, and the general duties police who might come in contact with the young people later on.

> The Proactive Unit, they have a bit of flexibility when they're working with them and talking to them … I mean, there's a lot of incidents that happen around later on at night, so there wouldn't be so much leniency, I suppose, if they were to do something to commit a crime.

Non-specialist officers, described as the 'more reactive units' were not seen to be entirely supportive of the initiative.

> So the Proactive Unit would meet up with some of the guys coming in on the later shifts … the community safety guys. I sensed that there was a bit of, I don't know, they weren't, sort of, supportive of what the Proactive Unit were doing, you know - how they were a bit more focussed on actually giving up the time to go and talk to the young people.

| **The community safety guys weren't supportive of what the Proactive Unit were doing … how they were a bit more focussed on actually giving up the time to go and talk to the young people.** |

In fact, certain officers had become known to the young people as 'hard core' and treated them 'really bad'. What was needed, according to this informant, was more patience and the capacity to communicate.

I don't know, just a bit more patience I suppose, and actually being able to engage the other person in a conversation. Some of them came across as a bit hostile, so when the situation sort of elevated, got a bit more heated they, sort of … they increased the whole situation, so it built up instead of trying to minimise … de-escalate the situation.

Although there had been 'talk' about cultural competency training to try to influence the way the general patrols interacted with the young people from these communities, in the end it 'really didn't pan out' and the pilot was discontinued after six to eight months, despite an apparently positive evaluation. Questions about financial sustainability had been there from the outset, since the officers from the proactive team were said to have been paying some of the costs themselves.

The 'Boys, you wanna give me some action?' report which examined the experiences of African youths in the western suburbs and Dandenong, warned against intensifying young people's experience of policing through community engagement: 'As many of these programs are justified on the basis of ethnicity, African young people are being exposed to more policing *because they are African*' (Smith and Reside 2010: p3, emphasis in original). In fact, these authors noted that over-policing practices, including the introduction of new powers to search and move on, and new public order offences, had evolved in tandem with the rise of Community Policing, as reflected in police-led, proactive programs. They argued that these ostensibly different tactics were both working to exercise control over marginalised groups, in response to wider community concerns. Even so, they concluded that most young people involved in their research still remained positive about Community Policing activities if they involved genuine opportunities to have their opinions heard. This analysis suggests, although does not make explicit, that tactics such as community engagement, while intended under Community Policing principles to be directed towards the building of trust, can in fact be co-opted to other policing agendas. The next section explores that possibility, focusing on the requirements of intelligence-led and risk-based policing for the collection of community data through street stops.

3.2 Community engagement as data-gathering

One aspect of the data-driven policing systems discussed in section 2.1 is the demand they create for data. While it might be expected that records of criminal allegations and convictions would be fed into these tools, other police-generated data on contacts with police may also be used. Since field contacts are largely police-initiated, this forms the basis for non-offending young people who have merely been stopped and questioned by police to be drawn into these systems, reflecting the capacity for predictive tools to reproduce and 'hard-wire' already-established policing patterns. In the south-east of Melbourne, the focus on youth networked offending might be expected to generate a demand for information about associations between individual youths. Moreover, since emerging communities are known to under-report the type of information that is used to identify youths at risk of offending, such as violence in the home or missing children, this places greater reliance on police-generated information. This may occur with or without explicit 'tasking' of officers to this purpose, as the seeking of information about young people's associations and intentions comes to be perceived as a routine aspect of police practice.

While expected to be courteous, operational officers and PSOs in the Dandenong area are encouraged to interact with, be proactive, and get to know young people from emerging communities as part of their community engagement efforts. Even where these encounters are respectful, repeated stops by police in the absence of offending construct the targets as 'suspect communities'. Brunsen and Miller (2006) found that young African American men who had experienced police-initiated encounters had a sense of themselves as 'symbolic assailants' in police eyes. Quinton (2011) concluded from his observational study at ten research sites in England and Wales that police used 'defined social categories' to generate suspicion, resulting in the

disproportionate targeting of socially marginal groups, even in the absence of predictive tools of the type reported here.

Although it is true that the targeting of particular social groups considerably pre-dates the advent of risk-based and intelligence-led policing (e.g. Cunneen 2006; Liddell et al 2017; Run 2013), it would be reasonable to suspect that a system expressly designed to obtain information could normalise and reinforce these pre-existing tendencies. Indeed, a community worker supporting young people from Pasifika backgrounds confirmed: 'Once the police know who they are and what they are, any type of incident that occurs, the police are around their homes, trying to get them to help. … They need to know their rights. [Police] target these kids'.

Many of the experiences reported by young people who participated in this study also confirm the emphasis placed by police on gathering information about themselves, their movements, and their associations. One young person from a Pasifika background said in a focus group: 'I had a car of a friend who is locked up and I've been pulled over more than six times. When they pull me over, they strip the car and ask a lot of personal questions like "Where are you going?"'. Another participant added: 'Me too, that happened to me'. A focus group comprising young men from a South Sudanese background yielded numerous comments about experiences with unexplained stops:

> **We do get stopped a lot and questioned by police. "Where have you been?" "How old are you?" 'Where are you going?"**

> 'I'm a teenager and I play basketball and we do get stopped a lot and questioned by police. "Where have you been?'. 'How old are you?' 'Where are you going?'".

> 'We get stopped a lot at train stations, after basketball we take trains, we get stopped and questioned by police.'

One interviewee with African heritage, said his experience had been one of intrusive and unwelcome questioning – 'They want to know who you are, where you live, know you are not a trouble maker'.

In many cases these information-seeking stops were considered to be racially targeted. A young man from a South Sudanese background described in an interview how he had been approached by police on his way home from soccer while walking with a 'white friend'. Some officers had approached him, but not his friend. When he asked if he had done something wrong, they said 'No, we are just trying to know you'. He had been questioned about matters he knew nothing about and said he felt he was being 'tested'.

This type of intrusive questioning was not confined to young people. One group of South Sudanese Australian women who were non-drinkers and often drove home together late at night from church, said they were frequently followed by police cars, seemingly in an effort to find out where they lived.

> Many times I go to my house late because, the reason I told you, I drop everyone ... Police follow me but not like, not in front. I arrive at house and they tell me, 'Are you living here? What's your name?' I say, '[name]'. 'Can I have your driver's licence?' I gave them. They say, 'Do you live here?' I said, 'No, not here … I just dropped off this lady. This is her house here. What do you think when I didn't do anything wrong?'

Adult members of these emerging communities also reported similar experiences amongst their own children. One South Sudanese mother said her young adult son had been walking back from gym alone when he was stopped by police and asked why he was walking there. He had explained that he was walking home, but was still asked for ID. He had challenged their authority to do that, and had been upset when he arrived home. Another participant in a group interview comprising adult community members and youth workers from Pasifika backgrounds made a direct connection between the high level of street stops directed towards young

people and the quest for information about their community: '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'.

In Victoria, police are generally empowered to demand an individual's name and address only when they have a reasonable belief he or she has committed, or is about to commit, an offence.[37] However, regardless of jurisdiction, individuals are often asked to provide this information on a supposedly 'voluntary' basis. In their report on the use of the Suspect Targeting Management Plan (STMP) in NSW, Sentas & Pandolfini (2017) observed that a risk-based approach to street policing authorises police interventions on a wide range of pretexts. They argued this 'inadvertently diminishes police understanding of lawful use of powers', by attaching risk to people and places, rather than to unlawful behaviours. The authors recommended that risk-based approaches not be used at all in relation to young people because of the criminalising effects of repeated police contacts and surveillance, and the disproportionate impact on young people from marginalised groups (Sentas & Pandolfini 2017).

Unlike that study, this research has not set out to evaluate the operation of the risk-based approach in Dandenong. However, it became apparent many of the encounters reported by young people and community members relating to intrusive and unexplained stops are consistent with the routinisation of information-gathering that might be expected to arise from such as system. These stops are often experienced as racially targeted, undermining the efforts that have been made across the organisation to respond to the findings of discriminatory policing in the Haile-Michael case (see section 1.4). This outcome could be systemically produced by the tendency to use field contacts to build up information about emerging communities, without racial profiling being deliberately built into the system.

Regardless of the intended use of the data, relying on street stops to build up information about young people from emerging communities is likely to impact on feelings of belonging by casting them as members of 'suspect communities'. In addition, unwarranted information-gathering stops may also have a net-widening effect. Repeated contacts intended either to identify young people in need of 'early intervention' or to map networks of connections between young people, leave enduring traces about these young people within police systems. These records will mark a young person as having frequent police contacts, even in the absence of involvement in criminality, and potentially fuel further contacts, if not criminalisation. South Sudanese mothers interviewed for this study without exception expressed deep-seated fears that their children would find themselves in trouble with the law as a result of these unwanted encounters.

This analysis suggests that information-driven approaches may be redefining the understanding of 'community engagement' as practiced by operational police. In contrast to the long-term goal espoused by the Community Policing philosophy of encouraging *voluntary* reporting by members of the public through non-conflictual contact and the *gradual* building of trust, risk-based policing may invite conflict if associated with *intrusive* stops and wide-ranging questioning aimed at procuring *instant* 'community intelligence'. Put another way, whereas community engagement based on 'pure' Community Policing principles helps community members get to know, and trust, local police, leaving the decision in their hands about what information they choose to report; community engagement that serves a risk-based agenda instead aims to build up police knowledge about community members by extracting information that would not otherwise be freely given. In the first case, in theory at least, power differentials between the police and policed may be somewhat reduced.

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[37] https://www.legalaid.vic.gov.au/find-legal-answers/free-publications-and-resources/police-powers-your-rights-in-victoria
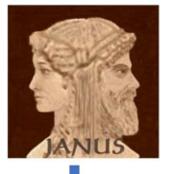
In the second, they are likely to be accentuated. The main features of these two 'faces' of community engagement are depicted in the diagram below.

TWO FACES OF COMMUNITY ENGAGEMENT

Under Community Policing philosophy (specialists) :

Contacts intended to:
- **Help community get to know police**
- **Build trust and legitimacy**
- **Encourage non-conflictual encounters**
- **Promote voluntary reporting in long term**

JANUS

Bounded authority/PJP
Approach only when legally and socially justified, with explanation, respect, fairness and willingness to listen.

Under Intelligence-led Policing logic (GD patrols) :

Contacts intended to:
- **Help police get to know community**
- **Build community intelligence**
- **Permit intrusive encounters**
- **Promote involuntary reporting in short term**

3.3 A third way? Procedural justice and bounded authority

It might be objected that the operational policing context, in which officers are actively engaged in enforcing law and order, is fundamentally different from the context in which specialist 'proactive' officers operate, so that it is not surprising that approaches to community engagement will differ. However, Procedural Justice Policing (PJP), supplemented by the concept of 'bounded authority', may offer a middle ground. Like Community Policing, Procedural Justice Policing is mainly concerned with the quality of interactions between police and members of the public, and the effects of this on trust, cooperation and perceptions of police legitimacy. In contrast with Community Policing, which focuses on non-conflictual situations and is mainly confined, in practice, to specialist officers, PJP comes to the fore in circumstances where police are exercising their coercive powers. While PJP may not be officially adopted by Victoria Police, the basic tenets of procedural justice are broadly in line with the general requirement on police to comply with the Victorian Charter of Human Rights and Responsibilities Act 2006.

A survey of 500 young people from Pasifika and South Sudanese backgrounds conducted by Victoria University researchers in partnership with Victoria Police, found that 'being 'friendlier', 'more respectful',

> **I still got fined. It made a difference that I was treated well.**

and 'listen[ing] to what young people have to say'—all tenets of PJP—were suggested most often as factors that could improve feelings of trust and safety in relation to police (Grossman and Sharples, 2010). Similarly in this research, young people and other community members often noted the importance of being listened to and treated with respect. Where young people identified positive experiences with police, common features were being listened to, having discretion exercised in their favour, and being treated with courtesy. In a 'textbook' procedural justice response, one young person who was satisfied with an interaction with police that had ended in receiving a fine said: 'I still got fined. It made a difference that I was treated well'. Echoing the survey findings mentioned above, a young person in one focus

group said s/he wished police 'would be friendly and not judgemental of us'. When reporting victimisation to police, both young and older community members also identified being listened to and taken seriously by police as sending a powerful message of social acceptance and belonging.

However, many experiences were reported that fell short of these expectations. The belief that her community did not receive the same respect and courtesy extended to more accepted groups, led one South Sudanese Australian woman to conclude that 'police are good for some people, but not for us', a phrase that was incorporated into the title of the first report from this study (Weber 2018). The pervasive concern amongst young people about being treated with disrespect was echoed by some of the South Sudanese Australian parents who participated in this study. One woman related an experience where police had visited her home to speak with her son. She claimed she 'would have said sorry' about her son's behaviour 'if the police officer had spoken better to me', and equated treating people with respect with 'speak[ing] like a leader'. Amongst the adult participants in particular, demanding to be treated with respect was one way of claiming rights and asserting citizenship: 'Police should treat people with more respect. At the end of the day they go home and they are just like us … They need to treat us the way they would want to be treated'.

> **Police should treat people with more respect. At the end of the day they go home and they are just like us … They need to treat us the way they would want to be treated.**

It has been widely reported in previous practitioner research (see section 1.4), and is also confirmed by this study,[38] that young people would prefer not to be approached by police at all when they have done nothing wrong. On the other hand, a qualitative study involving young African American men found that they 'based their complaints on the nature of police treatment, rather than on the fact of their being stopped' (Brunson and Miller 2006: 622). The most disliked practice amongst these young people was the way some police spoke to them–which they found to be aggressive, racist and degrading. An exchange with some young people in a focus group conducted for this study displayed a mix of both these sentiments.

> Researcher: Why were the police interested in coming over?
>
> Young person 1: A few things, my appearance and stuff. I was stopped for other things. The way they are, the way they speak was rough. It's happened to me a few times and I've never liked them after that. They were rude, I don't know how to explain it.
>
> Researcher: Was the worst thing the way they spoke to you, or the way they approached you?
>
> Young person 1: The way they spoke to me. Maybe it would have been better if they were more polite.
>
> Young person 2: When I've been with others, it's been just me they've targeted.
>
> Young person 3: They never have nothing nice to say. Best if they didn't come up at all. Fair enough if we did something wrong, but we didn't.

> **Best if they didn't come up at all. Fair enough if we did something wrong, but we didn't.**

Being treated with respect was widely equated with receiving adequate explanations for police actions. In an interview, a young person who had been involved in offending and had experienced extensive contact with police described an incident in which the police 'should have treated us with a little bit more respect … actually telling us what the real problem was'. Later, when a different

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[38] See further evidence of this in section 4.2

officer had come to the young man's home, he said he had been treated with understanding.

> He was a different officer, he wasn't the officer that was there at the time. He was really, like, really nice you know. He understood where I was coming from. He understood my, basically, my point of view and everything, which was really good. So I liked that police officer. … Yeah, he treated me like a kid that was a bit lost at the time and didn't really know where he fit in, so it was good.

This young person admitted to being involved in a street fighting incident at the Moomba festival in which he also noted a sharp distinction between his treatment at the hands of different officers, possibly from different squads. While the first police he encountered had let him go when he said he was going home and even said 'Thanks for your honesty', the second group he encountered after he had failed to follow that instruction used pepper spray and 'seemed very enforcing'. Although he admitted to some culpability in not cooperating with the original officers, when asked what police could have done better he suggested: 'I reckon not throwing me to the ground, putting the knee in the back, the handcuffs tight and everything. But rather–again–explaining, being more communication wise'. Another participant who had also experienced many contacts with police, cited one instance of being moved on as an example of inappropriate treatment where he was not provided with an explanation.

> While I'm moving, he's saying, "Move, get the fuck out of here, move", and I turn around and I'm going, "Are you okay there? What's wrong with you?" Like, I'm moving but you still want to yell at me, like obviously you want me to turn around, like do something stupid… And they're asking, "We want ID, we're going to need ID". They're talking like it's such a serious fucking thing. But I need to know why I have to give you ID before I give you ID. They go, "No, ID, ID".

As well as being provided with explanations for police actions, being listened to was also a prime concern for both young and older participants. This example from a group interview with South Sudanese Australian mothers shows that they did not have confidence that their children would be listened to when misunderstandings arose.

> Person 1: I was coming from the basketball game with my boys. And I want to buy a drink, and the man inside the petrol station, when he see my boys, he call the police when I'm there. They didn't take anything. And then, when the police come, they say 'What the problem?' And then, at the end, it's nothing. So, if I'm not there, it's a big problem.

> Person 2: They're going to be–they're going to take them. They're going to grab them, beat them, they're going to take them.

> Person 3: Yeah. They did it to some of our cousins already.

> Researcher: And how were the Police with you? Did they listen to you?

> Person 1: They listened … Because I'm there. Because I'm the mother. But if themselves, they will believe what he said.

At the end, it's nothing. So, if I'm not there, it's a big problem.

Similar incidents involving members of the public were also said to occur at the train station when parents were not always there to protect their children: 'If they see like the young, black boy … they hold their bag. They're going to call [the police] straight away and then, sometimes, they take them'. On another occasion, a mother felt that the school had not listened to her concerns about the bullying of her son, which she attributed in part to her difficulty expressing herself in English. The school had advised her to contact the police, which she had done. Although she said she was 'still waiting' for a result, she felt in that case she had been listened

to by police and her concerns taken seriously. In this case it was the process, not the outcome, that mattered most.

Despite many fears about the treatment of their children at the hands of the police, these South Sudanese Australian mothers persevered in their view that young people growing up as citizens in Australia should expect to be treated equally and with respect. Being heard was part of being accepted as a full member of society and seen as an indicator of belonging.

> They're born in this country and they're growing up there, okay? So [the police] have to know that. They have to stop doing that … Someone cannot come and push you, even if you are police. You [police] talk to him. They [young people] are human, they are good. They can hear you in a good way.

The concept of 'bounded authority' has been introduced recently into policing scholarship to supplement the procedural justice approach in recognition that judgements about appropriate and legitimate police behaviour are not only 'a function of *how* legal power is exercised, but also about *when*, *where*, and *what* power is exercised' (Trinckner et al 2018, p281). Community members are understood to expect police powers to be exercised within 'rightful limits' that are not necessarily determined by law, but by 'individual and societal notions about the places, spaces, and things that people feel police have no business being involved in' (Trinckner et al 2018, p281). These social expectations might include being free to walk home from the gym without interference, and not be subject to unwarranted invasions of their homes. The authors concluded that aggressive enforcement of minor crimes was ineffective, but that police should adopt instead an 'alternative model of appropriate policing that emphasizes dignified treatment, impartial decision-making, and mindfulness of the boundaries between police power and personal autonomy' (Trinckner et al 2018, p291).

> **When police come out of the academy they have this attitude: 'I have this power now and I can use it'.**

This requires an understanding of community norms and expectations, which may vary across diverse communities, and acceptance of the lawful limits of police powers. However, instead of emerging from their training with a strong sense of the lawful limits of their powers, one community worker complained that 'When [police] come out of the Academy they have this attitude: "I have this power now and I can use it"'. Another community participant framed this dynamic explicitly in terms of human rights: 'So nobody has rights. They don't have rights in the street. What if the police don't do it right?' The instances reported by research participants in which they considered that individual officers did not 'do it right' are examined further in section four.

Taken together, the principles of Procedural Justice Policing (concerning *how* police interact with members of the public) and bounded authority (concerning *when* and *where* police intervene) provide a guideline for community engagement that is applicable, not just to specialist officers tasked with building trust in emerging communities, but also across operational policing.

3.4 Conclusion

Participants in this study who were aware of proactive activities carried out by specialist officers were generally supportive, but some young people were sceptical about the involvement of general duties police at community events where their attendance appeared to be tokenistic, or driven by enforcement-related motives. Based on the accounts of these research participants, the style of community engagement practiced by proactive units tasked with trust-building is generally not replicated in operational policing contexts. Interactions with operational officers frequently involved more conflictual encounters. With some notable exceptions, the evidence supports the view that non-conflictual community engagement and proactive policing functions are 'siloed' within specialist areas, and that efforts by specialist officers to build community trust are being undermined by more hostile encounters with general duties police. Some research participants showed

considerable insight into the nature of these problems and identified a need for improved training of operational police in communication and inter-personal dynamics. However, some underlying, systemic factors were also found to influence the nature of these interactions.

All police officers and PSOs in the Dandenong area are encouraged to 'engage' with the local community. However, that concept was found to be subject to a range of interpretations, motivations, and community impacts, depending on whether it is driven by Community Policing objectives of building trust, or by the imperatives of Risk-Based Policing, including the use of stops to gather community information. Whereas community engagement based on 'pure' Community Policing principles helps community members get to know, and trust, local police, leaving the decision in their hands about what information they choose to report; community engagement that serves a risk-based agenda instead aims to build up police knowledge about community members by extracting information that would not otherwise be freely given. The emphasis placed by community members on receiving explanations, being listened to, and treated with respect, suggest that procedural justice principles might be valuable in spanning the sharp divide that currently exists between policing practices in these proactive and operational arenas.

4. Community concerns about individual police conduct

The previous sections dealt with systemic processes arising from organisational practices that influence how participants from South Sudanese and Pasifika communities experienced policing in the Dandenong area. This section contains reports by community participants about police encounters that were considered problematic due to the behaviour of individual officers, and also considers the varied responses reported by young people to these experiences. The interactions reported here are infused with human emotion ranging from fear and trauma, to anger and humiliation as a result of unfair or abusive treatment. Failures to adhere to procedural justice principles, discussed in the previous section, are readily apparent. In many cases, they reflect community judgements about the legitimacy of police actions that were discussed in the previous section as 'bounded authority'. Indeed, they could be considered examples of 'unbounded authority' revealing the limits, at present, of police accountability structures.

It is important to acknowledge that certain officers were highly respected and were sometimes identified by name in interviews and focus groups. However, there was a widespread view that individual police differed markedly in their attitudes and actions in ways that had impacted on many of the participants in this study. This is not to say that systemic factors, such as police organisational culture, the modes of deployment of particular operational units, and the wider social context, are irrelevant to understanding even these encounters. Indeed, the influence of systemic factors that have been discussed in previous sections of this report will also be apparent in some of the incidents reported here. But the emphasis in this section is on reported behaviour and the implications for police accountability.

4.1 'Is that the way the police always do?'

Although it is not an inevitable outcome of risk-based approaches, community workers associated place-based policing with both physical aggression, and the excessive issuing of infringement notices, for example in relation to public drinking and transport breaches. This pattern had been addressed to some extent by the alcohol diversionary project discussed in section 3.1, which had helped some young people escape from the burden of thousands of dollars of unpaid fines. However, some youth workers saw the problem as cyclical, with certain officers reportedly 'smashing' an area, as they saw it, in search of promotion. This was said to

generate complaints, after which management would 'pull them back', and sometimes transfer particular officers elsewhere. The fact that these patterns would later reappear, supports the view that underlying structural factors—in this case the identification of 'high risk' places through data-driven techniques—may act as an enabler for over-zealous responses from some operational officers.

Indeed, participants sometimes attributed past occurrences of highly aggressive policing to particular initiatives, such as the Safe Suburbs Taskforce operations that had centred around Noble Park train station. Youth workers who had been involved at the time in advocating for young people described this episode as an example of 'zero tolerance policing'. While there is no suggestion that this brand of aggressive policing was officially sanctioned or encouraged in the Division, one young man from a Pasifika background noted in a focus group the intimidating demeanour of many police officers, especially when they operated in groups.

They come in a group with a lot of weapons. They always have their hand on their gun.

With the cops, you know, you're not going to get the final word, even when you've done nothing wrong. If you get approached by a group of five cops, the four cops will support the fifth cop to maintain that he was right in pulling you over, even if they don't agree and I've done nothing. They come in a group with a lot of weapons. They always have their hand on their gun.

Another focus group participant gave this example of a police encounter he had experienced outside the Dandenong area when he was a young teenager, initiated by a call from the public.

It was around 11 and there were a few of us just mucking around after a basketball game. One of my friends fake passed the ball to me and people around me got upset and called the police on us. There were six cars that came and saw us in basketball gear in the mall. The police surrounded us, and pinned us to the floor. It was excessive and disproportionate. This happened multiple times. We were 13 to 14 years old.

Other aggressive exchanges were thought to be generated by individual officers seeking to assert their authority in order to 'test' young people. One young man of African descent recalled in an interview being stopped by uniformed officers when he entered the Dandenong train station to use the toilet after playing soccer in a nearby park. In accordance with the intelligence-gathering tactics discussed in the section 2, he had been asked, not just about his own conduct, but about a group of young people who were drinking in the park. He was then asked for ID and treated in a way that made him believe the officers were trying to 'find out if [he] would show respect'. He had since been subjected to further stops and believes some officers try to 'get people upset for no reason' as an arbitrary test of their authority. Another young person from a South Sudanese background made a similar point in a focus group:

The police provoke young people into overreacting sometimes … Why would you arrest him? He hasn't committed a crime?

The police provoke young people into overreacting sometimes. I bumped into a police officer who was holding a young person I know with severe mental health issues, who was also very intoxicated at the time. I tried to intervene and encouraged the young person to cooperate with the police. The police said 'The young man has two choices, either he gets into the ambulance or I arrest him' and I intervened to say 'why would you arrest him, he hasn't committed a crime'?

Racially discriminatory policing was widely reported, as reflected also in the many accounts included in the first report from this research. Being 'singled out' by police for differential treatment in a mixed group could convey a powerful message of non-belonging (Weber 2018). Earlier in this report it was suggested that

racially-inflected outcomes can be systematically, and unwittingly, built into risk-based systems, then amplified locally through the emphasis placed on 'getting to know' emerging communities. From the perspective of young people who had experienced police contacts, racialized policing was often considered to be more deliberate. One interviewee claimed that racist targeting was explicitly built in to policing practice:

> As soon as you get arrested, you've got to think about what they say in the staff meeting. "These black kids, blah-blah-blah, they're making a mess", or what not … At the end of the day, they're still going to do that shit to us, doing wrong or not. It's nothing to them.

This focus group participant also believed that targeting African youths was systematically rewarded within the organisation:

> That's the easy way to get up high in their career. I've been here more than 10 years. I have seen recruits who are now sergeants from their work in the African community. "You guys are aliens. You don't belong here." They get privileges. That's how they end up treating us.

> **You guys are aliens. You don't belong here …. That's how they end up treating us.**

South Sudanese participants in one focus group reported that racial stereotyping of those with African appearance in their area was direct and routine. A common sequence was said to be that police would pull them over, assume they were unlicensed or driving under the influence of drugs or alcohol, then ask 'serious questions' which 'make you feel targeted'. Then if the young person became defensive the situation could escalate.

> **They find nothing and they just walk away and feel ashamed, but they don't say why they stopped you.**

According to these accounts, the officers would then ask the individual to step out of their vehicle, and the person could find himself accused of resisting arrest and 'in trouble'. One participant said: 'It happens all the time, I get stopped for no reason. Police just come and hope they can find something wrong with your car, driving without a license etcetera. They find nothing and they just walk away and feel ashamed, but they don't say why they stopped you'. Another young man who was especially quiet and polite during the research interview, described being approached by police and questioned while his white companion was ignored. He said: 'I felt really sad. Was it racist? I just kept it in'.

An experienced Pasifika community worker confirmed that she routinely saw young South Sudanese Australians being singled out by police for treatment she described as 'bullying'.

> The Australian kids get walked past. [The police] go straight to the Sudanese and then they just move them on and start, you know, harassing them … And they're all looking at me. And the security's looking at me. I said, 'Look, I've asked them all to meet me here, we're going to do an expedition.' They've gone 'Oh bullshit'. And when they realise that there was an adult … they were fine with it. And then they went to our [Pasifika] kids. I said, 'No leave them alone, they're coming too. You can have the white ones.' But they didn't go near them. They just walked around them and carried on.

Verbal abuse and racial vilification were also widely reported, including when young people challenged their discriminatory treatment.

> Yeah, one time at Frankston [train station] they go 'No you can't come in.' I go 'What the fuck? Because I'm the only black guy?' I go, 'So only me, out of all these people? Oh good, racist cunt.' And he goes, 'You know what bro, I am racist now get out of here'.

The same young man recounted an experience some years earlier, when he had been abused even when trying to 'do the right thing', after being caught with marijuana at the age of 15. While his friends had run, he had stayed to 'cop the consequences', only to be subjected to 'yelling and swearing'. He concluded, 'I tried to do the right thing and got treated like crap'. Another interviewee who had experienced many negative contacts with police, reported frequent racial vilification and insults. He described this as police 'doing the wrong thing' which 'hurt people'.

> **I tried to do the right thing and got treated like crap.**

> Like, we all like swear now and then, but we can't even stop it, all right? And these guys are going to be like, 'Fucking black cunt', like that's so gay to me. That's childish as fuck, you know. But that's what cops do, call people like a 'dumb cunt'.

Certain officers were considered to be particularly inclined to racist behaviour. One interviewee recounted a detective who used to 'chase us' around calling them 'fucking black cunts' and threatening to 'make your life a living hell'. The most violent example of racist abuse was reported in the same group interview.

> Yeah, like, he whispered to me, like, 'Do the cuffs remind you of when you were back on the boat?' And I go 'Mate, I came on a plane bro, like Emirates' … And I go '*You* came on the boat.' And then he goes 'No fuck this kid' and punches me a few times, two or three times. And then he goes 'Fuck I'd hate to be your fucking colour, I'd hate to fucking be black.' And I'm thinking 'Fuck, I love it mate'. You know, it does nothing to me yeah. You know how dumb he sounds to me, he sounds like a little kid.

In a focus group consisting of young people from Pasifika backgrounds many examples were given where police were judged to have used force beyond what was needed to ensure compliance. One participant pointed out: 'Pepper spray was very unnecessary, I'm just a little girl. It's so painful'. Another participant said 'I think they shouldn't use it at all'. Someone else added 'I've seen people lying on the floor, handcuffed and belly down and still getting sprayed. They might be mouthing off on the ground, but that's excessive'. Another young man said that police had beaten him with their batons even though he was 'too drunk to run' and had told them 'I'm all good I will come with you'.

> **I've seen people lying on the floor, handcuffed and belly down and still getting sprayed.**

One interviewee from an African background, who admitted being involved in street fighting, reported an incident which possibly occurred outside the area, where he was pepper sprayed 'probably seven times', handcuffed too tightly, thrown to the ground, and kneed in the back. A participant in a focus group with young South Sudanese Australians recounted being deliberately assaulted by local police.

> **They opened my lip and I had to go to hospital for two days.**

> I was bashed once by the police at a party. There was a fight happening after the party. I was trying to stop the fight. The police was spraying everyone with pepper spray … They took me somewhere and beat me. I didn't even do anything. I had to run. They would have left me there and bashed me. They opened my lip and I had to go to the hospital for two days.

Another research participant who'd had multiple contacts with police argued that singling out Black people for violent treatment was 'like a power trip' for some officers, and recounted being forcibly held in an extremely painful restraint despite having stopped resisting.

> Researcher: And there were how many police officers at that point?

> **They've all come fucking to go to war.**

Interviewee: I can't even, can't even count … there's like five, six on me and there's about five, six, seven, maybe more. But there's undercover cops, there's the sergeant, there's PSOs, there, all of them. They've all come fucking to go to war.

One young man who reported many instances of mistreatment by police was cynical about the advice given by African parents who believed their children could avoid trouble just by being polite and respectful.

'Just be polite and normal' like that's all you need to do. Like our parents teach us that shit. So what the fuck they got to worry about? Nothing, they don't know. [The police] don't arrest our parents. They know they don't arrest our parents … they've just got us, the first Gen.

One South Sudanese Australian mother said that her son had told her: 'Mum, you don't know what police are like behind your back'. But the South Sudanese Australian mothers who participated in this study did seem to

> **Mum, you don't know what police are like behind your back.**

understand the predicament their children were in. These mothers, when asked to recount their children's experiences with local police, exhibited high levels of fear about their children's safety. They seemed to worry constantly that their children would come to harm at the hands of police, through acts of violence or by being treated unfairly or falsely accused. One mother said her 13 year old daughter had been stopped at a train station for no reason, but another officer had convinced their partner to let her go. Her daughter had been very upset, and complained to her mother of seeing white girls let through, while black children were stopped. This mother said she was now afraid to let her children go out on their own, or attend parties with 'all black people' because police 'might do something'. Another woman noted that it was 'scary' for her children to go to the shops because of discriminatory treatment by security guards. This had led one group of South Sudanese Australian women to form their own volunteer patrol to try to protect young people from their community.

And so, down at the train station, they used to, you know, mingle there. The minute they get into trouble, they run to us, and the PSOs - whatever they call them - then come and challenge them and tell them 'The minute you leave that group, we're going to get you'. This is happening every time. And I am there every Friday.

In some cases, the women's fears were about police malpractice. Young people were said to be afraid to give their correct name and address when questioned because police 'could come back later and say you did things'. Mothers also expressed fears that police might plant evidence on their children, for example by 'putting something in their bag when they search it'. Another South Sudanese mother claimed that police used their recording devices selectively after provoking young people in order to incriminate them: 'They stop the recording and then they try to push our kids … This is what I want to say'. If their children were outside the home, these mothers were always worried, waiting for a knock on the door. One woman recalled how police or PSOs arbitrarily prevented her children from returning home on the train late at night, putting them in an unsafe situation.

I had a call from my son. We just – he was with his old brothers and his sisters. It was around 10 to 11, so they call me and say, 'Mum, can you please come and pick up us from the train station?' And I said, 'Why do I pick you up from the station, like, in Dandenong? I told you guys to train and then I will come, and we will meet in [another] station." And they said, 'The police don't like us to go here.' And I said, 'Why?' They said, 'We don't know.'

Pasifika parents also expressed concern about their young people coming to the adverse attention of police. One community elder recalled a time when parents would try to meet their children at the train station to avoid any problems: 'That was a regular occurrence. So, you know, parents were actually meeting their kids at the train and all the police were there waiting for them … [Do you think that's less now?] No. It's just been transferred to PSOs'.

Other complaints from adult South Sudanese participants concerned the intrusive and disrespectful way that police entered their homes looking to speak with their children. As one youth worker explained: 'We've had parents say when [police] come to check bail and stuff from this area, they're very rude to the parents. They're very brusque. They like burst into little kids' rooms … I understand they have to search the whole house but they're really rude to parents'. One South Sudanese mother said that police go to houses in a 'shock way' that had caused her young children to be 'really scared' and confused:

> This happened once in – I guess it was two months. I have 10 years old and a six years old girl. So, the police come into my house, which they was looking for a white boy ... So, my kids, even my son who was like really crying and he couldn't understand what's going on. And he asked me like, 'Mum, is that the way the police always do?'

These women's concerns were not confined to fears for their children. They too had experienced unwanted attention from police, including women who were actively working to improve the situation of their own community. This woman used her own intimidating experiences with police to understand how easily young people could find themselves in trouble.

> Sometimes they put a light, they're going to see who is in the car exactly. They tell me, 'Open your mouth'. And they look at my eyes. This happened – I'm not lying for this. See? This is serious case because this one I thought, if it was a young boy when it happened …

There was no shortage of these stories, which these women were eager to recount. Another woman described an incident where she was stopped while driving her children to school, but did not accept the reason given by police.

> Then they start the sirens. I stop my car. He's come. He need to give me the [breathalyser]. I did it … They say, 'Do you drink?' My son say, 'No. My mum don't drink anything'. I didn't say anything. Then he said to me … 'Because when you were turning the road, you seem like someone who drink. I just need to tell you please be careful driving because that's why we stop you'. … When he's finished talking he say to me, 'OK. Bye'. I didn't say anything. I didn't say, 'Bye'. I didn't need to talk because I feel sorry. Yeah. He's worried because I didn't do anything.

South Sudanese Australian mothers spontaneously shared a number of disturbing stories about young people from their community who had disappeared, died in unexplained circumstances or they believed had suffered serious injuries or some unexplained psychological damage after being in police custody. One of the women claimed: 'There's a lot of threats [from police]. So you can see the anger of our young ones is a result. People don't see what's happening here'. This group of women also agreed that many young people were suffering severe psychological damage as a result of their interactions with police. The women said they were aware of mental health services being available, but felt they were only useful in a 'normal situation', whereas the circumstances they were describing were anything but.

4.2 Community responses to negative encounters with police

Many of the experiences reported in the previous section could reasonably be cause to lodge a formal complaint against police. An Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria[39] was being conducted by the Independent Broad-based Anti-Corruption Commission (IBAC) Committee during the fieldwork period for this study. Police tend to believe that their internal complaints mechanisms are effective, and that it is important for the organisation to retain this role in-house as it provides valuable feedback to police managers about areas of improvement.[40] However, responses from participants in this study challenge that view, since these community members had little knowledge of, or trust in, this system. Community engagement has also been identified within the organisation as a vehicle for learning from community feedback. A VicPol information sheet explains: 'by engaging effectively with the broader community we are developing the operational moral and social code of our organisation. By engaging effectively with the community, we will hear loudly and clearly when we get things wrong. We will also be given the guidance and advice that will help us improve'.[41]

Youth workers recounted how they had occasionally helped young people lodge complaints about local police, only to find the internal process to be 'useless' or, worse still, 'counterproductive', meaning, presumably, that it had led to more of the police behaviour that had prompted the complaint in the first place. One law firm experienced in handling police misconduct cases, told the IBACC Inquiry that they had stopped recommending that their clients lodge complaints against police for these reasons, leaving costly litigation as the only viable remedy.[42] Local youth workers complained that one very 'provocative' officer who had been the subject of many complaints had simply been moved on, without any feedback or redress for individual complainants.

A participant from a South Sudanese background who engaged closely with police in her volunteer work with her community, noted that police 'have all the right'. She noted that people from her community did not

> **Assaults happen a lot, but we can't go to police – we can't get what we want.**

complain because the system was 'not separate from police' and most people believed that 'nothing will change'. Where people did report their complaints about lack of outcomes or poor service, in her experience this had not helped. In relation to more serious matters, she claimed that 'assaults happen a lot, but we can't go to police–we can't get what we want'. In a group interview with South Sudanese Australian women, another participant expressed her fear about young people getting into trouble under what seemed to be anti-association laws, but said she would not go to police about it.

Participant: Because now all the kids, they are in jail because they are walking like a group, when they going somewhere, someone did something bad, all of them…

Researcher: All of them get in trouble?

Participant: Yes.

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[39] Inquiry into the external oversight of police corruption and misconduct in Victoria
https://www.parliament.vic.gov.au/publications/fact-sheets/922-ibacc/inquiry-into-the-external-oversight-of-police-corruption-and-misconduct-in-victoria
[40] See for example the Victoria Police submission at https://www.parliament.vic.gov.au/publications/fact-sheets/922-ibacc/inquiry-into-the-external-oversight-of-police-corruption-and-misconduct-in-victoria
[41] Victoria Police 'Community engagement – keeping all Victorians safe' available at
https://content.police.vic.gov.au/sites/default/files/2019-01/Community-Engagement-Fact-Sheet-2015.pdf#_ga=2.212330268.922876595.1568705625-993132027.1568607073
[42]
https://www.parliament.vic.gov.au/images/stories/committees/IBACC/Submissions/police_oversight_submissions/Submission_44A_Robinson_Gill_Lawyers.pdf

Researcher: From the police?

Participant: Yeah, yeah. It's why we need help through this. It's why we need to talk.

Researcher: So is that the kind of thing that you have already told police?

Participant: We didn't tell them … Because if you say it, who does it go to, to listen to what you're saying? … I tell you, if you go to talk about that, you make the thing worse.

> **If you go to talk about that, you make the thing worse.**

Researcher: There's not someone there that you can trust in the police station that you can – like someone you know from the community police?

Participant: No. I don't know.

In another group interview with South Sudanese Australian mothers, police violence became an unexpectedly prominent topic. Several of the women had experienced violent treatment of young people first-hand, yet had no idea how to seek help to deal with it.

Participant 1: I have a question. Because I know the police came to the kids in the street, and hitting.

Researcher: No, it's not allowed. That's not allowed. You have seen that?

Participant 1: Yes.

Participant 2: Yes, we saw it, and it was bad.

Participant 1: Even [every?] night in Dandenong.

Participant 3: There's a lot of people.

Participant 1: Always.

> **We're always asking and we're saying Why? Why? Who is going to answer the question?**

Participant 2: We're always asking and we're saying 'Why? Why?' Who is going to answer the question? If we just say why is this happening?

Researcher: So has anybody ever wanted to make a complaint about the police?

Participant 3: Why not?

Researcher: Do you know how to do that?

Participant 1: We would do that as a mother, yes.

Participant 2: No, we don't know how to do it. We don't know how to do it.

Participant 3: But we don't know how to do it.

Participant 1: No.[43]

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[43] Note that the transcription process does not allow individual speakers to be identified reliably. The author has assigned participant numbers to indicate that several interviewees contributed to this discussion, but the particular statements cannot be reliably linked to a specific participant.

Some participants in a group interview with Pasifika parents, many of whom were either voluntary or professional community workers, also decried the lack of avenues available to complain about misuse of police power, saying 'there's nothing you can do'. This sense of helplessness was said to have a detrimental effect within the community, particularly on young people who had no means of redress or support:

> **If something happens to you and you've got nowhere to complain to, you just become defeated.**

If something happens to you and you've got nowhere to complain to, you just become defeated, you know? As I've found, you don't know the law and order, that sort of thing, you become defeated. You think, 'Who can I go to, where do you go?' There's no hope.

A report from the Flemington and Kensington Community Legal Centre Peer Advocacy Project (Haile-Michael & Issa 2015) noted how young people from African backgrounds living in the inner western suburbs had different ideas from their parents about their right to complain about discriminatory treatment.

> Many elders advised us against complaining. They were telling us that Australia wasn't our country and that white people ruled it so there was no point challenging their system. They also were fearful of retribution stating that "the police are untouchables, so why are you being silly?" The fact that some us were born here or had grown up in Australia, our view of the situation was different. For the most part we understood we had the right to stand up for ourselves—this was evident on the streets; our aggressive response to questioning had been welled up from a sense of injustice we felt from the way we were treated. We felt like this was our home, we knew no other place so we didn't see why we should be treated any differently.

However young people participating in this study reported unsatisfactory outcomes from their efforts to lodge complaints. One focus group participant, from a South Sudanese background, disclosed having made a complaint to police. He said 'I went to the police to complain. They didn't do anything'. Another South Sudanese Australian interviewee said he had been 'beat up pretty bad' by police in another part of Melbourne. Youth justice workers had tried to make a complaint on his behalf 'but nothing happened about it to this day ... I didn't hear nothing back from it. Nothing's happened on my behalf'. In a group interview several young men also from South Sudanese backgrounds recounted an incident where they were 'beaten up' and repeatedly 'bashed' by police, who then took steps, they said, to cover up their actions. When asked how they had reacted, one of them noted: 'Can't do shit.

> **Can't do shit. If I go try and complain about it I have to talk to another police officer.**

What can I do about it? If I go try and complain about it I have to talk to another police officer about it, you know what I mean?' One of the group said he had recorded other incidents of violence against his friends, but had had his phone 'smacked out of [his] hand'. These young people were cynical about even attempting to use the police complaints system, especially after this complaint about police violence made by a young woman known to them had back-fired.

> Researcher: Do you know anything about that complaint [she] made?
>
> Participant 1: She just should have stayed out of it to be honest, but then she thought she could save us.

Researcher: What, you think she made a complaint because she thought it would help other people?

Participant 1:   We're smart and we walk away; we laugh at the coppers.

Participant 2:   All she was there trying to say, right, to stop treating us like they were.

Researcher: Right, so you're [saying] that's what got her in trouble?

Participant 1:   She went and, yeah, she went and complained. They laughed at her, at the police station.

Participant 2:   Yes, she's still cut about it till today. She's never been cut about … like she's never cut about things like that. Even we bully her more than that.[44]

> **They laughed at her, at the police station. She's still cut about it till today.**

The reluctance to report serious matters to local police amongst this section of the community challenges the argument that police gain important insights into local community issues through handling complaints against them at a local level. The youth support organisation YSAS had established a reference group several years back involving local police, Youth Justice and the City of Casey to deal with community concerns outside the complaints system, but that had not been sustained. In the absence of a trusted and independent complaints mechanism, and faced with their inability to influence police practice, communities affected by high levels of unwanted police contact have initiated measures themselves to try to avoid trouble in the first place. One group of South Sudanese Australian mothers who set up voluntary street patrols said the main reason for starting the initiative was 'W[w]e need to know exactly who is right. The police right or the kid, they are right?'. She said there were 'too many stops' and that police 'will say bad things to young people then fight'. However, she felt that trying to change police behaviour was impossible and that when she tried to raise matters with police she had found 'They don't care. No-one care'.

> Researcher: So, a while back you were saying, 'Well, things are getting a bit better'. You have seen things get better. Now you're telling me lots of really bad things that are still happening. I think what I understand is that what you have made better is because you have helped the young people in your community change their behaviour a bit, but you haven't been able to change the police?
>
> Participant 1: Yes, yes.
>
> Researcher: Is that what I understand you're saying?
>
> Participant 1: Yes … you can't change the police.
>
> Participant 2: Yeah. No. Nobody change the police.

> **You can't change the police … Nobody change the police.**

Despite this negative prognosis, this participant said their group had built a good relationship with officers on the ground and had been effective in educating them about cultural practices. She thought that cultural stereotypes meant that outsiders, including police, tended to 'get the wrong idea' that the whole group is involved in criminal activity. Their priority, however, was to encourage young people from their community to cooperate with police directives, placing the onus on them to show respect for police in order to prevent trouble. Another program provider working with South Sudanese Australian communities expressed a similar sentiment, saying she advised the young men in her group to 'be polite, not defensive' in interactions with police, because police 'have the upper hand'. One experienced youth worker from a Pasifika background who

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[44] Again, it is difficult to discern from the transcript exactly which participant made which statement.

had worked directly with police offered the following suggestion when asked what change he would like to see in how police interacted with young people.

> I don't know, just a bit more patience I suppose, and actually being able to engage the other person in a conversation. Some of them came across as a bit hostile so when the situation sort of elevated, got a bit more heated … they increased the whole situation, so it built up instead of trying to minimise.

> **[Police] should try to understand you … the way you respect them, the way you respect yourself.**

Young people who took part in interviews and focus groups were asked what police could do, and what they could do themselves, to reduce conflict. One interviewee with African heritage said police should 'try to understand you—the way you respect them, the way you respect yourself'. Another focus group participant said that police should improve their social skills: 'They view themselves as better than you, they need to take more interest and ask how you are'. Another young person suggested 'interpersonal training'. One participant in a Pasifika focus group said: 'I feel like the police are so moody. Some try to build rapport'. Someone else noted: 'If you're rude to anyone, they'll be rude back to you and I don't think I was rude'. Beyond these personal attributes, these young people recognised that assertions of authority often dominated their interactions with police. Focus group members claimed it was mainly 'younger cops and the female cops with the attitude problems', and that 'the older cops are more chilled and will talk to you', while 'the younger ones have got something to prove'. According to some participants in this focus group 'women cops are the worst, because no one takes them seriously, they have more to prove'.

These young people had developed their own methods for staying out of trouble with the police during unwanted encounters. Their tactics fell into three main categories – appeasement, resistance, and avoidance.

Some young people seemed able to take upon themselves the role of de-escalating potential conflict, demonstrating the first tactic of *appeasement*. One young man from a South Sudanese background, who had

> **I showed respect and they liked how I was talking.**

experienced multiple stops, despite having no criminal record, explained that being stopped was OK for him 'because I have to show them how good I am, how I respect myself too. I am living here 13 years and done nothing wrong'. He recounted one incident where he knew he was being tested by police: 'I showed respect and they liked how I was talking', adding that he even said 'Nice to meet you' as the officers were leaving. This young man saw himself as needing to 'show a good image for the community' and hoped that by extending respect to police they would try to understand the wider context, including why some young people might be drinking in public. Asked whether being stopped multiple times had changed how he felt about police he said that it 'makes me respect them more', that he felt more comfortable around them now 'because they know me'. Even so, he admitted that sometimes 'I feel like I don't like talk to them. I respect them but sometimes they ask too many questions'.

One focus group participant said that he was often questioned by police, 'but I'm always kind to them so they let me go'. A young man from a Pasifika background said: 'Some people won't talk to cops, but I don't care. I'll have a laugh with them'. Others also reported making deliberate efforts to 'show respect', 'follow the laws', and exercise restraint, as with this focus group participant from a South Sudanese background: 'I was pulled over by police going to Pakenham. I was so angry. I thought 'Just do what the cops tell you to do, stay quiet'. We were nice to the police person and it did not escalate'. Another person in the same focus group said:

> I believe the response you give to the police should be the same as any response you give to another person. But the police disrespect me. I think it has to do with the numbers of us that the

police responds that way. If I am nice to them they are nice back to me. I'm always polite to the police.

A small number of research participants, however, said they responded to disrespectful treatment by police by becoming more combative. These young people were likely to react to unwanted interventions from police by

> **In the first place we didn't feel like that against them. It's an unnecessary thing and the unnecessary thing won't stop.**

showing *resistance*. In their research, Smith and Reside (2010: 30) noted that some young people 'continue to occupy public space and resist police interference by being uncooperative, for example refusing to give names and addresses'. One young man interviewed for this study who had experienced many negative encounters with police, including racial vilification and violence, placed the blame for their ongoing conflict firmly at the feet of police, saying that they had lost his respect because of their behaviour.

> We don't get taught to fuck around, we don't get taught to be rude, we don't get taught to fight. But as soon as we feel like someone doesn't like us, someone's trying to intentionally cause harm to us, take the piss, physically, mentally, that's just how we turn … In the first place we didn't feel like that against them. We didn't care that they were there. We didn't even care that they were walking past. We didn't even care they existed. True, that's all it is. It's an unnecessary thing and the unnecessary thing won't stop.

Ideally though, he felt that the best way to avoid conflict with police was to avoid contact with them altogether. Given the widespread view that individuals were powerless to change police behaviour, it is not surprising that *avoidance* was the most frequently reported response to negative experiences with police. In a focus group involving young people from Pasifika backgrounds, one young person said it would be better 'If police didn't come to us or talk to us, made no contact with us'. Another said 'I don't want to have contact with them, but they sneak up and follow me'. And another participant identified persistent questioning, as discussed in section 3.2, as the main problem.

> **It would be better if the police just stuck to the issues and did not ask personal questions. I don't want to talk to them. I just want to go on my way.**

> It would be better if the police just stuck to the issues and did not ask personal questions and if you don't want to answer they think you are being rude. They get mad and think you're hiding something if you say no comment. I don't want to talk to them. I just want to go on my way.

Other young people said their approach was to 'walk away' but 'not to run' if they saw police approaching. One participant said he wanted to find out more about police 'in order to understand how to avoid them'. These avoidance strategies also had implications for voluntary contacts with police. One young man said he 'wouldn't even go [to the police] if I had a crime to report. Only if it was serious or to get insurance paperwork'.

Older community members who took part in this study also said they counselled young people from their communities to avoid contact with police, even if it meant curtailing their normal activities. This South Sudanese Australian mother described how she discouraged her son from even walking on the street at night, after a bad experience with police.

> I say, 'Oh, it's what I told you last time. Don't go outside at night. Don't go to the gym. Avoid everything'. He said, 'No. I can go'. I said, 'OK … Now try to pray for yourself because, if something happened tomorrow, I can't help you'.

For young people who had previously offended, avoiding further contact with police was an imperative in order to 'stay out of the system' which continued to monitor them relentlessly. This young man from an African background said he had been able to avoid unwanted contact with police after becoming employed.

> **I didn't want them to look at me and think, "I know who you are, I already know what you've done" and everything like that.**

I didn't want to be like that anymore. I didn't want to have to be looked upon by the police who were, you know, trying to do their job and everything … Every time the police saw me, they'd be like, 'I know who you are. I know your name's [name] or this and that, you know. I know who you are'. Every time, and it would be different police, whether it's from Dandenong, Noble Park, Endeavour Hills, wherever. I didn't want that, I didn't want them to look at me and think, 'I already know who you are, I already know what you've done' and everything like that.

For other young South Sudanese Australian people, escaping their own youthful offending had not been so successful. Echoing some participants from the parental generation, this young man's advice to his younger siblings was to avoid trouble by just staying home: 'I tell my little brother 'You better be at home', simple. [So that's the way to avoid getting caught by police is to stay at home?] Yeah, pretty much, yeah, stay home'.

Researchers who studied the Suspect Targeting Management Plan in NSW also reported that many of the young people subjected to that risk-based system 'felt they couldn't leave the home', which was identified as a significant disruption to normal life.[45] One parent and community worker from a Pasifika background who participated in this study, also objected to the restrictions that young people from his community were subjected to, in order to avoid conflict with police.

> **We're teaching our kids to tiptoe around everywhere, so that they're not going to get into trouble … Our kids should be able to go do what they want to do.**

> Participant: We do [educate young people about police] in our homes. We say to them, 'If you're doing this, this is what's going to happen. This is the consequence'. But we're teaching our kids to tiptoe around everywhere, so that they're not going to get in trouble.

> Researcher: And are you saying that that's how it should be, or it shouldn't be like that?

> Participant: No. No, our kids should be able to go do what they want to do.

4.3 Community perceptions of police

The experiences identified in this study clearly influence the sense of security and belonging of members from these emerging communities, as discussed in the previous report (Weber 2018). But there are also significant implications for community perceptions of the police. Both personal and vicarious experiences are known to influence public perceptions about police legitimacy. US policing scholar Wesley Skogan has established empirically that positive and negative encounters do not contribute equally to measures of public confidence in the police, which he has dubbed the 'asymmetry thesis'. In fact, he estimates that just one negative encounter can outweigh the effect of between four and 14 positive ones (Skogan 2006). Whatever the precise ratio may be, the general point is that hard-won gains in trust due to community engagement efforts can easily be undermined by even a single negative encounter. In Skogan's research, bad experiences included individuals not being told why they were stopped, not being provided with services when called, and

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[45] https://theconversation.com/pre-emptive-policing-is-harmful-and-oppressive-and-requires-independent-scrutiny-86206

experiencing treatment perceived to be unfair, unhelpful, or impolite. These are all experiences that have been widely reported by participants in this study, and certainly do not reflect the most serious incidents.

In contrast to the findings of this research, a comprehensive study of the post-settlement lives of South Sudanese Australian women in Melbourne concluded that these newly-arrived women derived a sense of safety from the belief that police in Australia were reliable and trustworthy (Maher 2018). However, one significant difference between the participants in the two studies is the time spent in this country. The less favourable views of police expressed in this study with more longstanding residents challenges the assumption that distrust of police stems primarily from perceptions of police in countries of origin.

One focus group participant from a South Sudanese background explained: 'For me it's not police, but the laws that help to protect you. The police itself do not always protect you, it's the law'. A young person from a Pasifika background said: 'From my experiences it makes me feel like I can't rely on them to be safe'. After a negative experience reporting a crime at a police station, one South Sudanese Australian mother said she would report further crimes to police, but not at that station. And a young focus group participant said: 'I don't hate them or love them, but I know they're there. If it's something I feel like I can handle, I won't go to the police'.

One grassroots community worker of South Sudanese origin lamented that distrust of police had created high levels of fear and insecurity within her community.

> If you are worried or if you are scared or whatever you are going through, the last thing that you would think is to go to visit police. 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 … This is the problem with our young ones. So the police is a source of fear for them. So they are always in … defensive position because they know the police is there, not for me. Not because they are criminals, not because they are doing something wrong. No. It's just because the police doesn't like me.

The last thing you would think is to go to visit the police … imagine if the police themselves are your worry. They are your fear.

On the other hand, there were strong indications that members of these emerging communities believed they were entitled to receive services from police and expected to be treated as equal citizens. One South Sudanese Australian woman who reported a frightening experience when police came to her home, said she no longer trusted them to protect her family, although she retained the expectation that they should.

> What I know is if you have something like maybe someone try to come and enter your house to do whatever, or you're not feeling safe, you have to call the police. If you call the police and they will come in this way, do you feel safe? Do we feel safe? … So, we need them to treat the people in a good way. We need to feel safe, because it's their job to—like, to look after us and protect us from whatever.

We need to feel safe … it's their job to look after us and protect us.

There is an extensive literature on perceptions of trust, confidence and legitimacy in police which cannot be comprehensively reviewed here. One important insight reported by Jackson and Bradford (2010) is that trust in police can be either 'institutional' or 'encounter-based'. Encounter-based trust operates at an inter-personal level. It is more immediate and changeable than institutional trust, and may be severely affected by a single negative incident that violates an individual's expectation of how they should be treated. Institutional trust relates to public understandings about the role of police in society and involves high-level assessments about organisational behaviour. This distinction corresponds with judgements about legitimacy made at the level of day-to-day interactions—what Martin and Bradford (2019) have labelled 'micro-legitimacy' and 'meso-legitimacy', which refer to the behaviour of individual police, and the role of

police as an institution respectively. A qualitative study on the policing of young African American men concluded that despite many negative experiences which affected perceptions of micro-legitimacy, an underlying acceptance of police institutional legitimacy remained: 'Despite the tensions that existed between them, most young men nonetheless believed that the police had an important role to play in improving their communities, and did occasionally speak positively of officers who treated them with respect or expressed some regard for their well-being' (Brunson and Miller 2006: p636).

While this study has not set out expressly to measure or test these concepts, it was apparent from interviews and focus groups that participants were generally willing and able to distinguish between the actions of particular police, and the value of the police as an organisation. For example, one young man who had experienced intensive policing attributed his bad experiences to the behaviour of individual officers while retaining a belief in the core role of police in society.

> How is the police going to be able to change to help the community – for the community to help them, sort of thing? [So, that's what you'd like to see?] Yeah. Like, at least be as one and accept each other and help each other instead of always being like this and like that, fighting or whatever. But, it all comes down to different people, different personality traits, different mindsets.

At the micro level, the view that 'some cops are mean, some are OK' was widespread. One participant reiterated 'Some are good sometimes. It all depends on the personality of individual police officers'. A focus group participant who had been quite positive in her views about encounters with local police noted: 'I'm vulnerable, I'm in a wheelchair, but if I see an officer there, I feel a bit more protected. But in Frankston if I see an officer there I don't feel safe. Frankston is not a safe place to be in if you have dark skin'. Even the most aggrieved young men who had experienced violence and mistreatment at the hands of police repeatedly prefaced comments with phrases such as 'police have a job to do …' or 'I understand that's just their job'. But, echoing the 'bounded authority' thesis mentioned earlier (Trinckner et al 2018), even the younger research participants could identify when police crossed the boundaries of what they knew to be 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.

> 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 if it's - they can pepper spray you if it's needed, but if you're not being aggressive and trying to hurt anybody there's no need for you to be pepper sprayed.

This young man from a South Sudanese background qualified his negative feelings about police by saying it was 'violent police' (micro-legitimacy) who were despised by himself and his friends, while speaking at other points in the interview about his respect, in general, for the police (meso-legitimacy). He illustrated what was wrong with the way some police used violence through a comparison with a school setting. 'You're a cop. What if teachers were going to have to slap students because they were saying "No, I don't want to fucking do what you told me to do". What? You're going to slap the student? No'. This group of young men, who were interviewed together, demonstrated considerable understanding of both the challenges and the proper limits of the police role.

> Researcher: How could the police have handled the situation that would have been better?

> Participant 1: Tone it down.

> Participant 2: Stop yelling; simple.

Researcher: Do you think they should have come in the first place? You guys were just all - - -

Participant 2: Yeah, of course they should have come, they come for their job, that's what they're meant to do.

Researcher: And how do you think they should do their job when they do it properly?

Participant 1: They've got authority, so don't worry about that. They don't even need to think about that. They don't even, like, need to feel special to have an authority. But it's a hard job anyway, so it's like just 'Do the job man. Like, don't like be excited about being a cop, it's not exciting'.

> **It's a hard job … Just do the job man … don't be excited about being a cop.**

Another young man who had talked about police misuse of force was also prepared to consider the difficulties police faced: 'As soon as we got close, [it] was bang in, pepper spray straight away. It wasn't like, you know, "Back off, back off" ... I mean, there was a big group, obviously the police are trying to do the best as they can to keep everyone at ease'. This group of young men who had reported many instances of violence and racial vilification from police, were nevertheless willing to consider the factors that may have been driving police behaviour, such as misleading commentary from the media.

Questioner: So, do you think a lot of them are racist or do you think they've been affected by all the media stuff? [46]

Participant 1: Media. The media has a lot to do with it.

Participant 2: They're not racist, I know they're not racist.

Participant 1: The media hypes up the situation a lot more than - - -

Questioner: They're calling you black cunts though.

Participant 1: Because they make it sound like the cops aren't doing their job, and then the cops react to that and then they go harder.

> **I thought he was right, so I want to join, to make a difference.**

Several young people from Pasifika backgrounds, despite complaining of mistreatment at the hands of police, still valued the institution enough to want to join. One young man who was studying law said he had decided to train 'to be a cop' the following year, after speaking with a Maori police officer who had suggested 'If you guys don't like the police, join the police and make change'. A young woman who had been challenged by a local police officer who said he was 'sick of people calling us "pigs" and that we're shit at our jobs' said: 'I thought he was right, so I want to join, to make a difference'.

Even the most cynical young people who had experienced illegitimate and sometimes egregious police behaviour, tended to attribute these encounters to either individual or situational factors and were able to articulate how policing should be done. The National Network of Safe Communities at John Jay College in New York makes this strong claim on their website: 'Communities need to see law enforcement, especially the police, as fair, respectful, and on their side. Police should conduct themselves in ways that model their caring and respect for the communities they serve. Where legitimacy goes up, crime goes down'.[47] The quote that was chosen as the title for the first report in this series—'The police are good for some people, but not for us' (Weber 2018)—suggests that, for many people from emerging communities in Dandenong, policing is not

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[46] In this case the questioner is not the researcher, but a youth worker who was sitting in on the interview.
[47] https://nnscommunities.org/who-we-are/mission/#enhance-legitimacy

being experienced as 'fair', 'respectful', or 'on their side'. And yet the expectation remains that the police will perform their legitimate function within society in a way that includes and protects them.

4.4 Conclusion

Participants in this study reported numerous experiences of unwarranted and aggressive street stops, discriminatory targeting for police intervention, racial vilification, and violence. It was acknowledged that individual police behaviour varied, and some officers who treated community members well were mentioned by name. Although the focus in this section of the report was on individual behaviour, it appeared that aggressive policing might be 'enabled' by particular place-based operations or routine risk-based approaches. It is possible that for some officers, designation of particular individuals or places as 'high risk' can translate into an authorization for aggressive tactics.

In addition, it was widely perceived that certain officers routinely provoked young people as a test of their authority, demanding displays of respect, and the provision of information, while not extending respect towards those they were policing. Young people typically viewed this behaviour as reflecting the immaturity of the officers concerned, and a sense of insecurity about their personal authority. Certain officers also displayed overt and direct racism, and sometimes racist violence, that extended far beyond the systemic race discrimination discussed in earlier sections.

Previous research has established that a single negative experience with police can outweigh multiple positive encounters, indicating how easily trust in police can be damaged, particularly within marginalised communities (Skogan 2006). Very high levels of institutional distrust were evident, and there was pervasive scepticism about the value of reporting experiences of police misconduct through internal inquiry mechanisms.

In line with recent policing scholarship about procedural justice and bounded authority, both young and older community members readily articulated normative judgements about the proper limits of police intervention concerning street stops, police demeanour, and use of force. The belief that their community was not receiving the respect and protection from police that was accorded to the rest of the population, was widespread amongst both young and older participants.

Even so, despite having repeated negative experiences with police, the young people who participated in this study generally distinguished their views about individual officers (i.e. micro or encounter-based legitimacy) from their perceptions about the overall legitimacy of the police as an institution (i.e. meso or institutional legitimacy). There was a widespread desire across age groups for improved relations with, and equal treatment from, the police.

5. The importance of inclusive, accountable and responsive policing

There is no one approach to policing that addresses all the diverse expectations on police, and the findings from this qualitative study cannot necessarily be generalised beyond the particular community sectors included. However, the pervasive negative experiences reported by these members of emerging communities call for systemic change to promote *inclusive*, *accountable,* and *responsive* policing that meets the needs of all community members.

Despite the extensive program of cultural training and reform following the Haile-Michael case (see section 1.4), experiences of systemic discrimination, and direct racism persist. The same problems—unwarranted and

intrusive stops, aggressive and hostile treatment, racial vilification and assault—were consistently reported by community members from Pasifika and South Sudanese backgrounds who participated in this study as experiences that impacted negatively on their sense of security and belonging. The persistence of these practices may be due, in part, to a lack of effective measures to monitor the behaviour of individual officers. But it also reflects a failure to appreciate that the underlying drivers of discrimination are often systemic. This research has identified intelligence-led and risk-based policing methods as systemic sources of intrusive and racialized policing. It has also shown that positive encounters with police can play an important role in building and maintaining a sense of secure belonging, acceptance and *inclusion* for people from emerging communities.

Effective complaints handling mechanisms are widely seen as the cornerstone of police *accountability*. The findings from this research strongly support the need to establish an independent body to investigate allegations against police. The Inquiry into the External Oversight of Police Corruption and Misconduct in Victoria concluded on September 4, 2018, having recommended the establishment of an independent section within the Independent Broad-Based Corruption Commission to handle complaints of police corruption and serious misconduct. Although a response from government was required within six months from that date, no response had been tabled at the time of publication. Existing local mechanisms were found to lack credibility amongst sections of the community consulted in this study. This research has also demonstrated that systemic factors, such as the use of intelligence-led techniques to identify risky people and places, can contribute to routine abuses of power. Examples include unwarranted or discriminatory stops aimed at information-gathering, and aggressive tactics within designated locations which may follow from their identification as 'high risk'. A comprehensive approach to accountability would also include mechanisms to monitor these effects without the need for individual complaints to be lodged.

The sheer size of police organisations in Australia means that detailed knowledge is often lacking at managerial level of how policies translate into operational policing, and how police practice is experienced within communities. Although senior police often argue that internal complaints mechanisms provide them with ample community feedback, a lack of faith in police complaints procedures amongst marginalised groups means that many significant problems will not be identified from this source. Moreover, too often, the inward gaze of police occupational culture means that adverse feedback is met with disbelief and denial. It often falls to applied research such as this study to identify and communicate to police systematic evidence about how their activities are being experienced within sections of the community. Achieving more *responsive* policing will require openness to outside sources of information, recognition of the need for change, and a readiness to listen to young people and other community members about their experiences.

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