

Email submission received (Anon) on 1 June 2007

## NAME NOT FOR PUBLICATION

I am a non-Indigenous resident of Brisbane and a member of Amnesty International, with an interest in issues of criminal justice. My submission is informed by discussions with members of the local Indigenous community and other Indigenous communities, comments related to me made by magistrates who visit remote Indigenous communities on circuit, my own personal contact with and experiences with police officers in the context of the policing of Indigenous communities, and my reading of relevant documents such as the reports of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), Amnesty International's 1997 report on Aboriginal Deaths in Custody ( <http://web.amnesty.org/library/index/engasa120041997> ), the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, the Aboriginal and Torres Strait Islander Women's Task Force on Violence report, and the Coroner's Report into the death of Mulrunji.

### 1. SCOPE OF THIS INQUIRY

This inquiry should have covered policing of urban Indigenous communities, as well as regional and remote communities. There are a lot of problems with the poicing of urban communities too, and many problems are common to the policing of all Indigenous communities.

### 2. RCIADIC

The recommendations of the Royal Commission, handed down 16 years ago, should be implemented.

### 3. GENERAL COMMENTS

It would make sense that policing Indigenous communities should be about providing support to and taking direction from Indigenous elders and other community leaders - women and men - who are working to end violence and get justice. It seems to be largely the other way around at the moment, and that needs to be turned on its head. At the very least, police need to work with community justice groups and other similar local Indigenous liaison bodies. There are many community justice groups up and running already, but they are an untapped resource. Those people have the solutions and the knowledge of what works, all they need is to be given the power - be it funding, or in this case the support of the police - to implement them, rather than having their authority undermined by the police. It would need to be real power, not something tokenistic; that comment also applies to the role Indigenous Police Liaison Officers.

Part of this would be having regular meetings, perhaps monthly, of the police with the community liaison body, which it would be mandatory for all police officers to attend.

### 4. MONITORING OF INDIGENOUS PEOPLE IN POLICE CUSTODY

This should definitely be done by community justice groups and similar Indigenous bodies wherever possible.

## 5. CROSS-CULTURAL TRAINING

All currently serving officers, and all police officers in training, should receive cross-cultural training. This training should cover the history, and wherever possible include training specific to the local area, so that police officers know where the people they are dealing with are coming from. While there are police officers who exemplify protect-and-serve, there are also those who are racist because they are ignorant and don't have a clue about the recent history and ongoing situation of Indigenous people, which makes them dangerous to Indigenous people in their relative position of power.

## 6. INTERPRETERS

Relating to remote communities specifically - many Indigenous people in these areas don't speak English as their first language, and aren't able to fully understand and fluently communicate in English. This means they cannot adequately communicate with police (including over health matters), instruct a lawyer, follow court proceedings, understand the charges against them or the terms of any good-behaviour bond under which they are placed - with which they are hence unable to comply. Magistrates who visit these communities on circuit see the same people come before them again and again, and while there are more reasons for this than language barriers, the latter is definitely part of the problem.

People whose first language isn't English - and perhaps this should also be considered for those who speak a dialect of English other than that used in the courts - must be provided with interpreters as a matter of course. That they are currently not is a clear violation of Article 14(3)(f) of the International Covenant on Civil and Political Rights, which Australia has signed and ratified, and which provides that defendants have the right to the free assistance of an interpreter if they cannot understand or speak the language used in a court.

## 7. INVESTIGATIONS OF ALLEGATIONS AGAINST POLICE

These should be prompt, thorough and impartial. They should not be conducted by police from the same service as the accused.

## 8. REPORTING-BACK MECHANISMS

Measurable objectives and definite time-frames need to be set for the improvement of policing of Indigenous communities, and monitoring and reporting-back mechanisms on the achievement of objectives, to ensure that action is taken and the recommendations of inquiries such as the RCIADIC and this one are not ignored.

Thank you for your consideration of my submission.