

Response to Inquiry into Policing in Indigenous Communities.

Sister's Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system in Queensland, and to address gaps in services available to them. We work alongside women in prison in determining the best way to fulfil these roles.

Sisters Inside does advocate for women held in police custody and in watch houses but the majority of our activities regard women who are already in prison (whether convicted or on remand).

Sisters Inside believes that it is important for Aboriginal and Islander communities in Queensland to speak with their own voices and that it is the voices of Aboriginal people that have the most authority when speaking of issues of policing in Aboriginal communities. That said Sisters Inside does deal extensively with the results of policing practice in Aboriginal communities – those results being significant numbers of Aboriginal women in prison.

Custody is intrinsically unsafe

It is the firmly held belief of Sisters Inside that custody of any kind should be the absolute last resort under any circumstances. Merely being in prison increases the risk of death or injury to the incarcerated. Once people are placed in custody there are a number of dangers that come into play that simply do not exist if people are not in custody. People in custody lack the ability to care for their own safety. The safety of prisoners is almost entirely in the hands of those that imprison them. Sisters Inside therefore concludes that the safety of the community would be best served by making every possible effort to keep people from being placed in custody.

Breakdown of Trust

There has been a significant breakdown in trust between Aboriginal communities and the Queensland Police Force. To say that there has been a breakdown actually implies that there was some trust there in the first place, however to say this would probably be an error. Aboriginal communities have never trusted the police force from the point of colonisation onwards. In history the police were simply a branch of those who conquered this land. In more recent times the police have been responsible for the imprisonment of Aboriginal people. Regardless of whether one believes that imprisonment is an appropriate response to the social and economic problems that beset Aboriginal communities it must be allowed that in almost all cases it is the specific actions of the police that lead to the imprisonment of

Aboriginal people. Even if we were to assume (and it would be a very dangerous assumption) that the police only carry out their duties within the specific confines of the law and with the intent to ultimately benefit Aboriginal people it would still be the police who are responsible for the arrest and detention of Aboriginal people. And Aboriginal people naturally resent being arrested and imprisoned.

Poverty and Disadvantage

Generations of Aboriginal people have lived in poverty. White Queenslanders today often inherit some wealth or real estate when their parents or grandparents die. But Aboriginal parents and grandparents have no wealth or real estate to leave their children—it has been stolen from them by successive governments. So instead of inheriting land and wealth as white people often do, Aborigines instead inherit generations worth of anger and pain. Aboriginal people's grandparents or great-grandparents were often killed. Aboriginal parents and grandparents were stolen, and missionised. Aboriginal people grew up in a racist society, and some of them were stolen and missionised. There is a history of overwhelming anger and pain for Aboriginal people and many now use drugs and alcohol to cope with that anger and pain.

A few Aboriginal people have survived in better shape than others. Some now own their own homes, or have medium or high incomes. But the average income of an Aboriginal person in Queensland is at least a hundred dollars a week less than white Queenslanders.

Unemployment among Aboriginal people is around 20%, which is double the White people rate (Kennedy, B. 2001). And that figure doesn't include all the Aboriginal people on CDEP—work for the dole—which is about 13% of the working Aboriginal population. If you count those on CDEP together with the unemployed, around one third of adult Aboriginal people don't have real jobs. Then you have to add in the mums and dads in jail, on single parent benefit or sickness benefit—the real Aboriginal unemployment rate is probably closer to 50% or 60%, especially in remote areas. That means a lot more mouths depending on those who do have jobs—and a lot less cash to go around.

Living in poverty is not just about yearly income. Living in poverty means growing up and **never expecting** to have a reasonable job, or to own your own home, or to live without struggling and fighting to pay bills or buy food. It means believing that bad treatment is normal – that Aboriginal people are somehow not allowed or expected to have decent lives.

“Did we know we were poor? Oh, yeah! We never had any luxuries, you know, never any birthday presents, or school lunches or that.”

When Aboriginal children grow up in poverty around chronically underemployed adults, they have few role models that encourage them to succeed at school, to develop an effective work ethic, or to believe that wealth can come from legal activities. For some Aboriginal children, school is seen as difficult, boring and irrelevant, as there are few jobs for them after school anyway.

“School...it’s tough. If I didn’t have the mates I’ve got I wouldn’t have gotten through it... You’d just ditch it.

Koori teenager, 16

When you live in a culture of poverty, underemployment, violence, and drug and alcohol abuse, the temptation to turn to crime and drugs can be overwhelming. The sad truth is that many Murries don’t even realise that there is an alternative. They know no other way of life, or else regard having a paid job and a decent house as something only possible for white Queenslanders. Until a few short decades ago, this was in fact the truth.

“Things was real hard for a while when my kids were small. We was living under my sister’s house for a while, but then things came good and we got some mattresses. It was a lot easier then.”

Koori woman fruit-picker, 54, Brisbane

“It’s a pretty good place for Murries, hey?”

Proud Murri student, 22, on renting a basic flat.

Aboriginal people have always worked hard in the past as stockmen, domestic servants, factory workers and so on, but we usually didn’t get paid for our labour. The ‘normal’ connection between hard work, and a decent standard of living, still isn’t made by some Murri people. High unemployment means a lot of Aboriginal people are living on Centrelink benefits or off crime. It also often means boredom, and low self-esteem. All three factors feed into a drug using, criminal lifestyle. Violence is a very big problem in some communities, with domestic violence and sexual abuse of adults and children very common. This is another important factor leading to drug abuse. When women and kids and men are raped, or bashed, or both—sometimes frequently—who can blame them for choosing to use drugs as a survival mechanism?

“Nothing. (pause)... I just got raped again last night.”

Murri woman, NQ, when asked what was wrong,
quoted in Atkinson, J., 1991

When there seems no alternative to living a life of poverty, violence and drug abuse, some young Aboriginal people can see turning to crime for income, survival and thrills as “normal”.

All Murries know that previous Queensland governments were responsible for the theft of Aboriginal lands. All Murries know of, or are descendents of, people who were murdered by whites in earlier generations. Many Murries in their thirties and forties today were removed from their parents, just for being Indigenous. All Aboriginal people know that their relatives, or their friends' relatives, were imprisoned on missions, and usually brutalised by police and pastoralists and others. Many living Murri people endured this treatment themselves.

“There’s a woman getting around in the Brisbane community today, a Murri woman and she’s got a scar on her cheek the size of a fifty cent piece. She got it when they sent her out from the mission to do domestic work. The white woman, she wasn’t happy with her cleaning, and so she got some steel wool and said ‘here, I’ll show you how to use it’. She scrubbed that girl’s face with steel wool and she’s got the scar to this day. Awful.”

Jackie Huggins, Indigenous Academic

“When you went to school and all the kids had to hold hands, I had to have a stick. The white kids would hold hands, but when they got to me they’d hold the stick instead, because they wouldn’t hold my ‘dirty’ black hand.”

Murri woman, 48

Aboriginal culture is saturated with the knowledge of what has happened to Aboriginal people at the hands of white people. As a result, some of Murries live with a mixture of fear, dislike and mistrust of white society. This means that when a young Queensland Aborigine stands in the dock accused of, for example, stealing, he or she knows she has broken the law of white Australia. He or she also knows, though, that white people have in the past stolen Aboriginal land, murdered Aboriginal people, and raped Aboriginal women and children at will. He or she knows that usually nobody paid for these white crimes against black humanity.

The young Murri in the dock more than likely has parents or grandparents who grew up hungry, brutalised and working for no pay on a mission or a reserve. He or she knows that nobody has paid for this white crime against their black family, or called it by its proper

name—slavery. The young Murri more than likely has had at least one mother, father or grandparent taken off their family by a government determined to wipe out Aboriginal people. He or she knows that nobody has paid for this attempt at genocide on the Aboriginal people.

The young Murri knows that for most of Australia's history, there has been one law for blacks, and another law for whites. For many young Aboriginal people, the white justice system is seen as a joke, but not a very funny one.

When the law is seen as favouring one group—whites—and constantly discriminating against another—blacks—the force of the law is weakened. Murries break the white man's law because of poverty, but also because we often regard it as a bad and hypocritical law. "Why should we keep laws that we know white people have broken and got away with?" young people ask. "Why shouldn't we steal off people who live on our stolen land?" some Aborigines say. It is difficult for Elders to convince these young people to turn the other cheek, and live law-abiding lives when they face injustice at every turn.

Remote Communities

Sisters Inside regularly comes into contact with Aboriginal women from remote communities. Women from remote communities who have come into sufficient contact with the criminal justice system to be jailed are usually from backgrounds of significant disadvantage. Remote communities are often desperately poor and the effects of poverty are felt particularly by women. In addition to poverty many Aboriginal women are trapped in extremely violent situations. The confluence of dispossession, poverty and violence in remote communities has led to criminalisation of numbers of Aboriginal women.

Prison Numbers

Approximately 30% of the women's prison population consists of Aboriginal women. The total Aboriginal population in Queensland is 3%. It is clear from these numbers that the combined effects of poverty, dispossession, racism and sexism have had significant negative effects on the lives of many Aboriginal women in Queensland.

Violence and the 'Trifecta'

When in prison Aboriginal women are often labelled violent. The authorities seem to just assume that Aboriginal women are violent. A possible explanation might exist in the tendency of Aboriginal women to be imprisoned for the "trifecta" (drunk and disorderly, abusive language and resisting arrest) which is technically a crime of violence. This is clearly

a policing issue in the first place. Arresting people for the “trifecta” is often a discretionary act of behalf of the police. There is no reason that issues of public drunkenness should not be dealt with by diversionary programs and the like. The arrest and later imprisonment of Aboriginal women for this offence is simply unnecessary and leads to significant criminalisation of Aboriginal women.

Closed Circuit Television (CCTV)

The installation of CCTV in police stations may be a mixed blessing in Aboriginal communities. CCTV will hopefully function to provide easier monitoring in understaffed areas and will allow quicker response to emergencies. It should also function to prevent wrongdoing by the police because all of their activities are being recorded and it seems that this is one of the aims of introducing it. However, CCTV will only work this way if it actually turned on – apparently a problem with keeping it turned on has occurred in a number of police stations. It will only work if the equipment actually does “work” because breakdowns in equipment particularly in rural and remote communities are often not repaired with any level of speed. And it will only work if the recordings taken by the CCTV are actually kept. This is a double edged sword because often people who have been held in police stations would not wish to have video recordings of this available and yet if they are mistreated such recordings must be available. Furthermore, it is very obvious that the destruction of evidence in a case of police misconduct in a remote community would be very easy because usually the officers accused are also those who are in charge of the evidence. This is part of the longstanding social and philosophical problem of how to police the police.

Issues of Practicality and Hygiene

In many communities it takes significant time for magistrates to hear simple cases. This can result in Aboriginal people being locked held in police custody for weeks on end. Police custody in general lacks even the basic amenities provided in prison. This means that while in police custody people have limited access to basic hygiene such as showers. Even if there is a shower, soap and shampoo may not be available. For women the lack of tampons and/or sanitary pads can be a significant problem. And of course there is the lack of access to clean clothes or laundry facilities. Not only do these cause distress and health risk to those in police custody they are also likely to cause prejudice when the incarcerated person appears before the magistrate. This is not to say the magistrates are prejudiced merely that there is likely to be subconscious opinions formed because of the lack of basic hygiene that has been no fault of the individual.

Monitoring by Community Groups

Sisters Inside would be very much in favour of the use of community justice groups to monitor the conditions of incarcerated people. We believe that this would be effective for both people in police custody and people in prison. To some extent it is not the fault of the police themselves that they are unable to monitor people in custody effectively. Western law and practice essentially divides the police force from all communities that they police and creates a system of "us and them". The police are unable to monitor effectively because they are incapable of seeing prisoners as anything other than "them". The addition of outside community justice groups to monitoring the condition of prisoners in police custody would remove from the police a responsibility that they are not able to effectively bear. The monitoring would ensure that not only are the prisoners kept safe from harm by themselves or others but would also ensure that the outside community did not have to become anxious about the well-being of its incarcerated members.

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