



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mrs Giulia Jones MLA (Chair), Ms Bec Cody MLA (Deputy Chair), Mr Deepak-Raj Gupta MLA

Evaluation of Current ACT Policing

Submission 12
ACTCOSS

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Mr Andrew Snedden
Committee Secretary
Standing Committee on Justice and Community Safety
ACT Legislative Assembly

Via email: LACommitteeJCS@parliament.act.gov.au

Dear Standing Committee on Justice and Community Safety

Inquiry in the form of an evaluation of current ACT Policing arrangements.

I am writing to you regarding the recent Inquiry in the form of an evaluation of current ACT Policing arrangements.

Due to our role in the bushfire response, the ACT Council of Social Service (ACTCOSS) was not able to make a submission to this inquiry. However, we have been prompted to make a brief submission through this letter by the recent inquiry hearings and the vibrant public discussions taking place about the overrepresentation of Aboriginal and / or Torres Strait Islander people in Australia's prisons and justice system.

We also note that the Standing Committee has not heard from many community organisations who were also dealing with the bushfire response when the Committee sought submissions. Before the Committee reports back in August 2020, we urge the Committee to seek input from a broader section of the community including community service organisations.

COVID-19

ACTCOSS understands that during the COVID-19 pandemic, the ACT has had no infringement notices issued by ACT Policing. We commend ACT Policing on its engagement with the community during this time. When COVID-19 restrictions were first introduced, ACTCOSS and our member Alcohol, Tobacco and Other Drugs Association ACT (ATODA) met with Deputy Chief Police Officer – Response & Capability and Community Safety, Superintendent Jason Kennedy PSM. At this meeting we noted our position that COVID-19 requires a strong public health and community engagement response, rather than a focus on fines and punitive measures. We appreciated the openness and frankness of our discussions with Superintendent Kennedy.

Beyond COVID-19: Reducing over-policing

ACTCOSS would like to see ACT Policing extend a community engagement and non-punitive approach to policing beyond COVID-19.

As part of this, ACTCOSS would also like to see a commitment from ACT Policing to recognise and engage with the issue of over-policing of marginalised and disadvantaged population groups. Over-policing leads to disproportionate targeting of particular communities including:

- People on low incomes and facing disadvantage including homelessness
- Aboriginal and/or Torres Strait Islander people
- Culturally and linguistically diverse people
- Sex workers; and
- People with disability, particularly psycho-social, cognitive and intellectual disability.

ACT Policing have an important role to play in reducing Aboriginal and/or Torres Strait Islander incarceration. Given the national conversation on the injustice faced by Aboriginal and / or Torres Strait Islander people, ACT Policing need to better understand how its policing can reinforce and contribute to systemic racism and injustice.

As highlighted by the Public Interest Advocacy Centre (PIAC), the high rate of incarceration of Aboriginal and / or Torres Strait Islander People can only be reduced by challenging decisions made at every step of the justice system. This includes decisions by ACT Policing on who they target; who they stop and search; who they offer warnings, cautions and other diversions away from courts.

More broadly, police officers need to develop deeper understandings of Canberra's Aboriginal and / or Torres Strait Islander Peoples. Actively engaging with Aboriginal community-controlled organisations such as Gulan Gulwan, Winnunga Nimmityjah, Yeddung Mura and ACTCOSS's Gulanga Program, an Aboriginal culture awareness program, would be a useful first step.

More work in this area by ACT Policing, and the explicit recognition of its role in justice reinvestment, also aligns with the ACT Government's commitment to building communities not prisons.

Diversity and inclusion

According to the 2016 Census data, nearly one third of Canberrans were born overseas with many speaking a language other than English at home. Appropriate support and resourcing are required to improve the

diversity of ACT Policing at all levels of the organisation. A workforce that reflects Australia's cultural and linguistically diverse society leads to increased levels of organisational cultural competency. The Federation of Ethnic Communities' Councils of Australia's [Cultural Competence in Australia Guide](#) would be a valuable reference document for ACT Policing.

As highlighted by the evidence from Advocacy for Inclusion and Speaking Out for Autism Spectrum Disorder (SO_fASD) ACT Policing must further improve its training to ensure that its officers are competent, respectful and responsive in dealing with the needs and rights of people with disability. For example, the ACT Government has recently presented the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020. This bill will introduce new criminal offences relating to the abuse of vulnerable people. Legislation like this will only be successful if ACT Policing have the trust of the people it seeks to protect and are skilled in supporting individuals coming forward to report abuse. This may include, for example, a police officer knowing that there is an alternative method of reporting abuse, through the ACT Human Rights Commission, in cases where an individual seeks redress and protection but does not wish to see a family member prosecuted. These are complex issues that ACT Policing must continue to engage with. In doing so, ACT Policing can identify gaps in its capacity and improve its ability to serve vulnerable communities.

To build trust in ACT Policing and to ensure all Canberrans are receiving equality in the actions taken and services provided by ACT Policing, it is essential that data on interactions with vulnerable community groups is collected and made publicly available. At present, there is a paucity of data on these interactions.

Other issues

We also urge ACT Policing to build on their work to ensure policing is responsive to domestic, family and sexual violence, and other gender-based violence. Improvements have been made in this area as a result of many decades of advocacy by academics, the community sector and women's organisations and advocates. However, women and children still do not receive the protection they need to be safe and feel safe.

Over the last few years, several areas of the community sector and ACT Government have recognised the value of trauma-informed practice, and the capacity of service delivery to traumatise clients, or reinforce trauma, without specific training on trauma-informed service delivery. ACTCOSS highly recommends that in improving its responses to gender-based violence, ACT Policing invest in comprehensive trauma-informed training

for police officers. We note that ACT Policing could look to the trauma-informed model that Victim Support ACT uses in working with clients.

In addition, ACT Policing must continue to examine gaps in its responsiveness to racially motivated crimes and violence against people who identify as LGBTIQ+.

Through our conversations with ACT Policing and ACTCOSS members we have identified that there are existing programs that ACT Policing should build on. Programs such as PACER are highly valued by ACTCOSS members working in the mental health, and we are encouraged by the reported community engagement by ACT Policing's senior officers.

Overall, we encourage ACT Policing to build upon these examples of good practice and to use this moment of public discussion on racial justice and policing to be proactive about how ACT Policing can approach its responsibilities to better protect communities who are at-risk of negative and unnecessary engagement with the justice system.

ACTCOSS would be happy to assist further with engaging the community in this Inquiry. If you would like to discuss this further, or anything else included in this letter, please contact me at CEO@actcoss.org.au

Yours sincerely,

Dr Emma Campbell

Chief Executive Officer

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30 June 2020