



# Victoria Police Community Consultation on Cross Cultural Training and Field Contact Policy

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July 2013



## Introduction

AMES values its relationship with Victoria Police and is appreciative of being able to work with police on a number of initiatives. We at AMES also understand the difficult work police officers and their managers undertake in often stressful and extreme circumstances with competing priorities and interests; and we are grateful for the assistance police officers render our staff from time to time.

AMES is pleased to be able to contribute a submission to Victoria Police's review of its cross-cultural practices. In compiling this review we have raised several issues around how police could improve their dealings with people from culturally diverse backgrounds. Some of the issues raised stem from incidents and observations of police shortcomings that are the exception rather than the norm. Other issues raised stem from situations or circumstances that are not of Victoria Police's making. We recognise that the vast majority of serving police officers are striving to do the best job they can and where we raise issues of concern we have tried to provide positive responses or solution options.

AMES has had a long term relationship with the Police and Community Multicultural Advisory Committee (PACMAC) and the Multicultural Liaison Officer (MLO) Program in particular. MLOs frequently visit AMES centres, talk to clients, assist and support clients in interactions with police, and provide a positive face to policing for new arrivals. MLOs provide information to new arrivals to build knowledge of laws and regulations, and mutual rights and responsibilities. There have been many instances when new arrivals have not realised that an issue may be subject to police or legal intervention. Road safety laws, family law and consumer laws are such examples. MLOs are an effective strategy to promote and support harmonious relationships between police and on arrival communities.

## Background

AMES is the leading provider of humanitarian settlement, education, training and employment services to refugees, asylum seekers and newly arrived migrants in Victoria. A statutory authority of the Victorian Government, the organisation manages a range of federal and state government contracts including Humanitarian Settlement Services (HSS), the Adult Migrant English program (AMEP), General Services and Distance Learning programs; and Job Services Australia (JSA). AMES has built a range of partnerships with universities, TAFEs, migrant resource centres, health professionals, real estate and community organisations. The four economic and social determinants of Health and Wellbeing, Education, Employment and Safety and Security are what AMES focuses on to deliver its vision of *"full participation for all in a cohesive and diverse society"*.

More than 40,000 people from culturally diverse backgrounds were helped by AMES in 2012 and 5,000 people were helped to settle in Victoria – up 57 per cent from 2010. More than 16,000 migrants and refugees received English language tuition from AMES.

AMES has a network of 2,300 volunteers and around 1000 paid staff, who collectively speak more than 90 languages. More than 40 per cent of AMES' staff was born overseas.

## Context

AMES is the primary settlement agency for refugees and asylum seekers in Victoria. Many of our clients have come from situations of displacement caused by war, civil strife, violent ethnic or religious rivalries, repressive regimes or natural disaster.

Many of them have suffered personal trauma or grief or have lived for long periods under difficult circumstances. They may have spent time in prison, been tortured, spent years in refugee camps or made dangerous journeys in fleeing their homelands.

Many of our clients who have left behind repressive regimes have an inbuilt mistrust and fear of government, civilian authorities and people in uniform generally.

*"I was teaching a group of new arrivals several years ago including people from Chile, El Salvador, Vietnam and Russia.*

*I took them for a walk through the city to orient them to points of interest, transport, the market and so on. During our walk up Lonsdale St we could hear a demonstration coming along Swanston St. The demonstration was loud and quite large and was accompanied by police, including many mounted police who were stopping traffic to allow the demonstration to move along, etc.*

*The students were terrified and refused to go any closer. As I tried to explain that in Melbourne, if you want to hold a demonstration, you contact the police and they can assist in specific ways, I realised how bizarre this sounded to people who had come from places where police meant military police and where demonstrators were shot or beaten.*

*They had no concept of how this could be possible and their experiences at home told them not to trust. It's a big leap of faith to just forget all that and trust the police in a foreign country - Australia."*

**An AMES teacher...**

Victoria is a multicultural community and migration policy will continue to attract settlement from a range of cultures and backgrounds.

The issues around frequency of interaction with culturally and linguistically diverse (CALD) people will not abate in the foreseeable future and Victoria Police's interface with individuals from CALD backgrounds is likely to intensify and increase.

Non-refugee transnational migration is at its highest levels since the years after WWII.

Also, there are now 45 million displaced persons worldwide and 10.5 million designated refugees – the highest figure for 14 years - according to the United Nations Human Rights Commission. More than 3000 people each day are fleeing the current Syrian crisis. Australia now accepts 20,000 refugees a year following a recent increase in intake levels. A quarter of these are settled in Victoria.

Latest UNHCR data:

<http://www.unhcr.org/516285b89.html>

## Evidence base

This submission is based on interviews and focus groups with AMES staff and clients who have had recent dealings with police. We asked about the nature of interactions with police, positive outcomes, shortcomings and we asked for suggestions on how the interactions could be more productive.

Much of the published research into emerging communities' interaction with the justice system has found that there is limited understanding of Australian laws among new arrivals and that language and cultural divides between emerging communities and civilian officials can lead to misunderstandings and the escalation of difficult or tense situations.

There is also evidence that relationships between different emerging communities can become strained and mistrustful because of a range of cultural and socio-economic factors. There is also evidence of perceptions in some communities that they are being targeted or subject to intensive surveillance by police.

At AMES, it is our experience that refugees and asylum seekers are much more likely to be the victims than the perpetrators of crime. Information collected by this agency shows there have been more than a dozen assaults on asylum seekers over the past three months. There have also been ten incidents of theft or robbery and at least three home invasions committed against recently arrived refugees.

Research links:

<http://www.humanrights.gov.au/our-own-words-african-australians-review-human-rights-and-social-inclusion-issues-2010#engaging>

<http://www.smh.com.au/federal-politics/political-news/few-asylum-seekers-charged-with-crime-20130228-2f98h.html>

<http://www.theaustralian.com.au/national-affairs/immigration/attacks-on-asylum-seekers-rising/story-fn9hm1gu-1226673972232>

[http://www.communitylaw.org.au/flemingtonkensington/cb\\_pages/racialprofiling.php](http://www.communitylaw.org.au/flemingtonkensington/cb_pages/racialprofiling.php)

[http://www.footscrayclc.org.au/images/stories/docs/Prevention\\_is\\_Better\\_Than\\_Cure.pdf](http://www.footscrayclc.org.au/images/stories/docs/Prevention_is_Better_Than_Cure.pdf)

## Issues and response

AMES has identified several issues in relation to its clients' interaction with members of Victoria Police. Not all of these issues are of Victoria Police's making but any moves toward remedying them might provide positive outcomes in the long term.

### 1. Lack of cultural understanding

Limited understanding of cultural drivers can cause issues between police and recently arrived refugees or asylum seekers, especially in the cases of people who have histories of trauma. From our experience, many police are unaware of cultural sensitivities or the political or historical backgrounds of the communities among our client base.

Often police are reluctant to respond to request for help or to deal with them expeditiously because they find dealing with people from CALD backgrounds time consuming and troublesome.

*"Sunshine, Footscray and Werribee police station have over the years been reluctant to assist our clients accessing interpreters, on two occasions in the team leader role, I accompanied clients for domestic violence issues and police refused to do an interim order for the client and suggested we go to the Magistrate's Court to do that application instead.*

*Also, when it came to taking down the client's details they seemed frustrated that the client's name was not an easy name to spell, and on both occasions it was only after I got frustrated and asked to speak to the sergeant in charge that their attitude changed and were more accommodating."*

**An AMES settlement worker...**

*"I had an experience where I escorted an African colleague to the police station and the police officer asked if I was the colleague's case manager and could she speak English. The colleague was fluent in English and was a lawyer in her home country. I felt this assumption was terribly insulting to my colleague and exposed ignorance on behalf of that constable."*

**An AMES settlement team leader...**

Sometimes when police do respond to these difficult situations they can exacerbate them rather than calm them down. An aggressive response to a person in distress who is threatening actions that might amount to self-harm or a breach of the law can often result in a worse outcome than would a more reasoned and passive approach.

*“The client continually repeated that he wanted to be arrested and taken away by the Police. One of the police officers asked the client if he wanted to “punch on”. The Manager of Asylum Seekers Programs asked the interpreter not to translate that statement as it would only antagonise the client. The manager told the police officer that it was a very unhelpful statement to make towards a client who is highly vulnerable and in distress. The client was a wrestler in Iran and has had issues in the past of controlling his rage. This was explained to the police officers before this statement was made. The team worked with the client to try and calm him down. The police officers agreed that they would arrest the client under the Mental Health Act. They hand cuffed him and took him to Royal Melbourne Hospital for mental health assessment. Prior to doing this though one of the officers asked the client if ‘he would like what happened the last time to happen again’. The last time the client was arrested he was tasered by police so that they could cuff him. Again, the team advised the police officer that was not helping in terms of trying to calm the client down.”*  
**Asylum Seeker Program Manager...**

Another point raised repeatedly was police questioning clients about visas. Some clients are very anxious about matters relating to their visas because they are yet to be processed by the immigration system and have their status determined. These questions can cause them anxiety and distress.

### **Solution options**

More cultural training and a more patient or passive approach in difficult or tense situations were the key recommendations raised by AMES staff and clients.

Overall, police members would benefit from being better informed about the backgrounds of newly arrived groups of refugees or asylum seekers, the consultations revealed.

A greater focus on community liaison and significant contact with community elders was also raised as a positive option to improve relations between police and emerging communities.

One suggestion was that police appoint and access advisors from communities with substantial refugee and asylum seeker populations.

Training or broad information provided to police on the system of refugee and asylum seeker visas was also raised by staff and clients.

Another suggestion was a systematic approach to recruit more police members from emerging communities. AMES has offered support and training for people from CALD backgrounds seeking to become Protective Services Officers and has also offered training to people wanting join Victoria Police.

## **2. Language barriers**

We have seen many incidents where police have been reluctant to respond to requests for help from our clients because of language divides. As a result of this some clients have become less willing to approach police because they don't believe they will get a hearing.

Difficulty in accessing interpreters also has been a recurring theme in consultations with staff and clients.

### **Solution options**

A more patient and accommodating approach from officers in the community and increased access to interpreters might remedy these issues as well as improve relationships and understanding between police and emerging communities.

### 3. Underreporting by victims of crime

Many of our clients say they are reluctant to report crimes against themselves because they fear it may affect their visa applications or because they have a deep-seated mistrust of police and civilian authorities gained from experience in their home countries.

More information and resources about Australia's laws, the rule of law and the separation of the powers provided to emerging communities and new arrivals might encourage CALD victims of crime to come forward.

*"My client was attacked and robbed by a group of men. He was hit on the head with an iron bar and had money and documents stolen. The client was taken to hospital where he received treatment for his injuries over three days. He was reluctant to report the incident to police because he feared it might affect his application for a protection visa."*

**An AMES Case Manager...**

### 4. Inbuilt mistrust of police and civilian authorities because of lived experience

Many newly arrived refugees and asylum seekers are deeply fearful and untrusting of police and civilian authorities. In many parts of the world police are the instruments of government repression and summary punishment.

For example, some minority ethnic groups from Burma (Myanmar), such as the Karen and Chin – both of whom make up significant refugee communities in Victoria - have been the target of government-backed violence and intimidation for more than 30 years. As a result they have a profound fear of officialdom and the police and military in particular.

*"The incident involved a young asylum seeker who had been detained by Police because he didn't have an identity document stating his address after being found not to have a valid Myki ticket. The client in this case had a history of severe torture and trauma during time he spent incarcerated in Iran. The client called me very distressed, angry and unclear of what he was being detained for. He was resisting the police due to his history and perception of the situation. As my client's distress and anger increased, the police responded by trying to control the situation. I explained to him with the assistance of a community guide that he was not in any serious trouble and that he was being held by police until his identity and address could be confirmed. This situation in my opinion was very close to escalating into a serious incident."*

**An AMES Case Manager...**

*"When you see a policeman on the street it makes you feel nervous and not safe. When you see a policeman in my country you try to get out of the way. "*

**A refugee recently arrived from Iran...**

## Solution options

More readily available information about the role of the police in Australia and education programs about the rule of law and the rights and responsibilities of citizens might give people from culturally diverse communities more confidence in the police and their mission.

Also, greater awareness on the part of police that many asylum seekers have histories involving torture, trauma or summary imprisonment carried out by the authorities in their home countries could produce better outcomes.

### 5. Limited awareness of laws and rights and responsibilities

It is clear that many of our clients have very low levels of understanding of Australia's legal system and its laws. This lack of knowledge means that refugees and asylum seekers can find themselves involved in legal issues - leaving them feeling anxious, confused and excluded. Many of our clients have broken minor laws without knowing they had done so.

*"The client is from a non-English speaking background. He was unaware he had breached public transportation rules or that he had been travelling without a valid ticket on the train. The client was confused and anxious about the penalty he received."*

**An AMES case management report...**

*"A client was called in to a police station for a formal interview regarding serious allegations. The client and I had 24 hours' notice of this interview and we were unclear of the nature of the alleged charges. During a conversation between the detective sergeant assigned to this interview and myself, I asked the detective whether my client required legal representation and whether we could delay the interview for this representation to be provided. The detective at this time informed me that my client would be unable to receive legal representation for the interview. I sought legal representation for my client anyway and while we could not receive representation in person from a lawyer for this interview, we did receive important advice from a legal representative. In this case I had to request an interpreter be provided for my client as the detective was prepared to proceed with this interview without one. Upon reflection I perceive that the advice provided by this detective and the lack of an interpreter was unhelpful and would have created a situation where my client would not have understood his rights or what allegations were being made against him."*

**An AMES Case Manager...**

New arrivals from many parts of the world do not understand that in Australia, you can't bend the rules. In many developing countries knowing someone in the right place or being able to pay bribes or bestow favours to achieve outcomes is commonplace and looked upon as a normal practice.

Many of our clients, especially those from troubled societies, expect to be able to use similar ploys to achieve outcomes in Australia.

## **Solution options**

The consultations identified a need to build legal 'literacy' in emerging communities through the provision of more information regarding their rights and responsibilities, including in community language, and more face to face contact by police and legal practitioners with community leaders and key stakeholders.

Sound practice models already exist across Australia, including community policing awareness programs.

Extending these programs and providing translated material about the law was identified as a priority by many of our staff and clients.

## **6. Perception of being targeted or over policed**

There are perceptions in some communities that they are being targeted or subject to intensive surveillance by police.

We also detected a view that there exists entrenched stereotypes among police – often reinforced by the media – that people from culturally diverse background and especially newly arrived groups belong to gangs or are more prone to criminal activity.

Similarly, there is mistrust of police by members of emerging communities because many have come from countries where the legal systems or police are corrupt.

## **Solutions options**

A repeated suggestion to counter these perceptions was for Victoria Police to have clear, transparent and publicly declared policies on issues such as racial profiling and stop and search procedures.

## **7. Family violence and child protection**

Family violence is perceived as a growing concern in many emerging communities. The changing roles and dynamics of gender after settlement in Australia has the potential to contribute to family violence. There was also a view that the legal mechanisms that deal with family violence in Australia do not include a definition of 'family' that is appropriate to emerging communities.

Some respondents said a fear of police and legal agencies and a lack of knowledge about rights and the law exacerbated situations of family violence.

There is a low level of knowledge among emerging communities, and particularly newly arrived refugees and asylum seekers, about Australia's child protection system, laws that protect children and of the legal rights of young people.

## **Solution options**

One suggestion was that community organisations should play a greater role in preventing family violence and identifying vulnerable children. Another was that police and officials dealing with incidents of alleged family violence develop culturally sensitive approaches and recognise possible pre-arrival experience, including torture and trauma, and its impact.

## **Conclusions and recommendations**

### **1. Education and information**

Many staff and clients suggested the provision of more information in relevant languages about the role of police; Australian law and the workings of the justice system were needed. Several consultations stressed the need for refugees and asylum seekers to be aware of their legal rights.

Many of AMES programs provide opportunities for police to provide information and education on the work of the police, critical areas of law and how members of emerging communities can obtain help.

### **2. Training**

The consultations revealed a view that police should receive more training in cross-cultural interaction and briefings on the social and cultural characteristics common to emerging communities.

Participants said there was a need to improve training and education for police and justice system workers. A recurring theme was the need to build understanding about the pre-arrival experiences of people coming to Australia as refugees or asylum seekers, especially those subjected to torture or trauma, as well as the need for police to appreciate the key differences between different emerging communities.

A repeated suggestion was the provision of culturally specific briefings for officers likely to come into contact with particular newly-arrived refugee/asylum seeker groups, particularly those who may have suffered trauma, who have negative experiences of police in their homelands or who have lived in societies where the rule of law does not exist.

### **3. Community liaison strategies**

A recurring theme of the consultations was for police to continue to build relationships with refugee and asylum seeker communities and especially with the elders or leaders of those communities. Outreach strategies targeting young people through sport or art were regarded as positive ways of improving relationships and understanding of the role of police.

AMES has close contact with many emerging communities and could put police in touch with leaders and community guides who would be able to provide cross cultural information and advice to police.

Police Multicultural Liaison Officers provide information to new arrivals to build knowledge of laws and regulations, and mutual rights and responsibilities. They are an effective strategy to promote and support harmonious relationships between police and emerging communities. Building on this success and extending the program could achieve even better outcomes.

#### 4. Countering negative media stereotypes

Concern about the way mainstream media perpetuated negative stereotypes and perceptions of emerging communities is a recurring theme in the consultations and interviews.

It was seen as a barrier to acceptance and integration with the broader Australian community, as well as a driver of incidents of abuse against new arrivals.

*“We come from terrible places and think this will be somewhere to call home, and all I hear now in the newspapers is that we are criminals and that we are gangs and we should go home.”*

**An Afghan asylum seeker...**

It might be helpful if Victoria Police members were encouraged not to contribute to these stereotypes by making ill-considered, subjective comments to media outlets.

#### 5. A focus on best practice

Gathering information about initiatives that have worked well and understanding the success factors could help in implementing improved cross-cultural practices. Victoria Police already has many members and staff who understand the issues around engaging with diversity, as is apparent in the testimonials below, and leveraging this expertise as examples of best practice might also produce positive outcomes.

*“My client reported being attacked and robbed by three men at a railway station. He reports he had little strength and it took him some time to contact people for help, he found a taxi driver nearby who refused to help him. After a period of time passed and some of his strength had regained he called a friend who came directly to the station, this friend called the police who then arrived and arranged for an ambulance.*

*In this incident I found the police to be really helpful, timely, flexible and supportive. The client also reported he was satisfied with the help the police provided and found them to be very responsive. As I understand as this case was connected with a string of cases it may have had some extra input from the get go rather than being a sole incident.*

**An AMES refugee case manager...**

*With regards to my client’s case, the investigating officer was extremely helpful. He made sure the client’s picture was removed from the Crime stoppers Board at the earliest and also the results of the investigations were sent out much earlier than expected as we had explained to him the psychological impact the false allegations had on the client. He even called me to inform that the results of the investigation were sent to the client and requested me to explain it to him.*

**An AMES case manager...**

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