Policing in Redfern: Histories and Continuities

Thalia Anthony

Dr Thalia Anthony, Associate Professor in Law at the University of Technology Sydney. The author thanks her anonymous peer-reviewers for their feedback.
Introduction

Redfern is a microcosm of many colonial and postcolonial frontiers across Australia. Colonial violence in the early nineteenth century was met with resistance by the Gadigal people and other clans of the Eora nation. State violence and Aboriginal struggle cast long shadows over Aboriginal experiences in Redfern. The wounds of injustice that lie open, especially in recent decades from policing, continue to be a focal point for local Aboriginal people and organisations. A flashpoint for the injustice in Redfern is the death of Aboriginal teenager TJ Hickey in a police chase in 2004 and the lack of subsequent accountability. This article traces the fraught history of discriminatory policing in Redfern and the ongoing plight for justice.

Aboriginal Rights and Black Power in the 1960s and 1970s

From the early twentieth century, Aboriginal people began to relocate to Redfern due to a variety of push and pull factors. On the one hand, Aboriginal people came to Redfern in the 1920s to work at the Eveleigh Railway Workshops and then in the local factories. From the 1950s, Redfern offered relatively good educational and political opportunities, including building a proud Aboriginal community and an escape from impoverished and conservative regional towns that were kept under tight surveillance by the Welfare Board. On the other hand, Aboriginal people were forced from regional towns, often on Country, because of a policy in the 1960s to move Aboriginal families to urban areas by funding housing and services in places such as Redfern at the expense of regional areas. The Welfare Board threatened Aboriginal people with eviction if they did not relocate. By 1970, the Aboriginal population of Redfern had grown to over 35 000. This would have made Redfern the most concentrated Aboriginal population in the country. Given that today 13 000 people live in Redfern (only two per cent of whom are Aboriginal), Aboriginal people in the 1960s and 1970s experienced severe overcrowding.

In the 1970s, the Redfern Aboriginal community became instrumental in the nationwide struggle for Aboriginal rights and self-determination. Its radicalism, according to activist Gary Foley, meant it became a crucial link the Australia’s ‘Black Power’ movement that was focused on realising rights through direct action. From this movement, key Aboriginal-owned services spawned, including the Aboriginal Legal Service (ALS) in 1970 and the Aboriginal Medical Service in 1971. The establishment of the ALS in Redfern was a response to harassment by police who were ‘unnerved’ by the ‘explosion’ in Redfern’s Aboriginal population, and discrimination in the legal

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1. The Gadigal clan was significantly diminished as a result of a small pox epidemic introduced by colonial settlers between 1789 and 1790. The few survivors were forced to move into surrounding areas. The introduction of small pox has been characterised as a deliberate act of biological warfare against Gadigal and other local Aboriginal people: Christopher Warren, ‘Smallpox at Sydney Cove – Who, When, Why?’ (2014) 38 Journal of Australian Studies 68, 68.


4. National Report, above n 2, chs 15, 26. In addition, the granting of citizenship rights to Aboriginal and Torres Strait Islander people in the 1960s enabled relocation to Redfern, including by Queensland Aboriginal (Murr) people: see T Attajarusit et al, Pre and Post Colonial Redfern: A Social History, University of Sydney, 2 <http://faculty.arch.usyd.edu.au/web/current/topic/1/Attajanusit+Burdon+Burgess+Boyle(T1)/prepost%20colonial.pdf>.


9. Ibid.

10. Around this time, Redfern also became home to the Aboriginal Children’s Service, the Aboriginal Community Housing Cooperative, the Indigenous Radio Station and the National Black Theatre.
system. The ALS staff themselves were targeted by police, with over half of them arrested in 1975.

A significant moment in the history of Aboriginal self-determination was the purchase of ‘The Block’ between Eveleigh, Caroline, Louis and Vine Streets for Aboriginal residents in Redfern. The purchase of the first set of houses in The Block was made by the Aboriginal Housing Company (‘AHC’) in 1973, and the remaining houses were acquired by the AHC over the following two decades – the first housing collective in Australia – with a view to providing a communal housing arrangement run by Aboriginal people. The Block, however, became the epicentre for racist policing at Redfern.

Police Harassment from the 1960s

Following the decline of the protectionist era when Aboriginal people were detained on missions and government settlements, the 1960s and 1970s saw policing of Aboriginal people in towns and cities across Australia take on a new intensity. In Redfern Aboriginal people faced discriminatory and violent over-policing. Police would call out ‘coon, boong and Abo’ to Aboriginal people from their vehicles and then drive off. Aboriginal people who lived in Redfern describe racist policing as intrinsic to the community’s history and the ongoing tensions.

Tiga Bayles’ experience of Redfern in the 1980s was of ‘police brutality’ taking place ‘almost every day’. Cecil Bowden described that the biggest problem on The Block was the police who constantly provoked trouble. Lyall Munro Jnr, who was involved in the early years of the ALS, recalls frequent incidents with police where ‘guns were drawn and we were shot at and pistol whipped’. The police were an agent for the enforcement of white standards and discriminated against Aboriginal young people. 35 years later, in 2018, Lyall Munro spoke about the injustice of the death of his nephew Patrick Fisher during a raid by Redfern police. In this edition, Juanita Sherwood speaks to havoc that policing wreaked on the lives of Aboriginal women in Redfern.

Aboriginal residents of Redfern commonly had minor charges trumped up by the police to justify arrests. Police would mostly lay charges for public order offences, such as swearing and drinking in public. Trumped up charges included ‘the trifecta’: offensive language (‘unseemly words’), resist arrest and assault police. In the 1970s and 1980s, police vans would camp outside Redfern hotels, such as the Empress.
Hotel, after 10pm – the ‘unofficial Aboriginal curfew’ imposed by Redfern Police. The police would then ‘round up’ Aboriginal people emerging from the hotels and indiscriminately arrest them under the Intoxicated Persons Act. Chicka Dixson recalls that being ‘black in Redfern’ means ‘you’re taking a chance’ being on the street after 10pm. Gary Foley likened the line-up of up to 35 police vehicles to a ‘taxi rank’, from which the police would emerge to ‘beat the shit out of everyone inside [the Empress], arbitrarily arrest anyone who objected, and … drive off and lock people up on trumped up charges’. On one occasion in 1983, assaults resulted in one pregnant woman miscarrying her unborn child and another woman having her teeth knocked out as a result of alleged police bashings after leaving the Clifton Hotel.

The racist culture of Redfern Police received broad public attention when it was portrayed in the 1991 documentary Cop It Sweet, which filmed the deliberate pursuit of Aboriginal people in police vehicles and arrests for swearing (while using the same language themselves). It was also detailed in the National Inquiry into Racist Violence on Aboriginal-Police Relations in Redfern and the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) Final Report. They identified Redfern Police’s targeting of Aboriginal youth, including the bashing of Aboriginal children in Victoria Park in 1971 and the discharging of pistols at the NAIDOC Week sports carnival in Alexandria Park in 1989. RCIADIC documented that Redfern Police Station had ‘two big boards’ with photos of ‘nearly all the kids in Redfern and grown-ups’. It quoted an Aboriginal resident of Redfern:

[The photo boards are] put there for the trainee police to come into Redfern and sort out these kids and they really harass them ... You know the police harassment there is unbelievable and we’re going to have more of our kids die if they don’t get off their backs.

The Tactical Response Group periodically conducted raids on homes in Redfern in the 1980s and 1990s. The RCIADIC noted that the use of this paramilitary special police unit involved provocative interventions into Aboriginal peoples’ units over several years. In 1989, 50 police from the Tactical Response Group charged batons at approximately 50 Aboriginal youth in Eveleigh Street. During the confrontation a young Shane Phillips was referred to as a ‘little black cunt’ by a riot officer. Twenty-five years later, TJ Hickey was killed in a police chase and the riot squad was mobilised to put down a protest. This did not mark a turning point in relations between police and Aboriginal people, but a crystallisation.

Culmination of Police Harassment in 2004: TJ Hickey

On the morning of 14 February 2017, seventeen-year-old Kamilaroi boy TJ Hickey was impaled on the spikes of a fence consequent to a chase by Redfern police in two vans on Renwick Street, Redfern. TJ died at...
Sydney Children’s Hospital in the early hours of 15 February. There was evidence by civilian witnesses and an Aboriginal Community Liaison Officer (ACLO) that the police ‘rammed’ into TJ’s bike.\(^{40}\) TJ’s family and many in the Redfern Aboriginal community maintain that the police killed TJ.\(^{41}\) He was terrified of the Redfern police due to an earlier chase where five officers beat TJ, according to his mother, Gail Hickey.\(^{42}\)

The treatment of TJ following this incident was highly suspicious. Rather than immediately call for medical assistance, the police who attended TJ called for police back-up.\(^{43}\) They handled TJ’s body rather than waiting for medical staff to move him, as required by police procedures.\(^{44}\) Redfern Police did not contact the Aboriginal Community Liaison Officers, which is also required by police procedures.\(^{45}\) The police failed to conduct a proper and timely investigation, taking over a week to commence it.\(^{46}\) After TJ was impaled, the police returned to Redfern Station to write their statements, rather than being separated as required by protocols,\(^{47}\) enabling them to collude when making their account. The Superintendent then made alterations to their statements.\(^{48}\) These acts breached police procedures as recognised by the NSW Coroner.\(^{49}\) During the coronial, police consistently failed to answer questions and the Senior Constable at the centre of the allegations refused to give evidence. The coroner accepted the police version of events over contradictory witness evidence. Ultimately, the coroner found that TJ Hickey died during ‘police operations’ and did not apportion blame.\(^{50}\)

The late Ray Jackson who founded the Redfern-based Indigenous Social Justice Association,\(^{51}\) an organisation that advocates for justice for Aboriginal deaths in custody, highlights the problems when police ‘investigate their own’.\(^{52}\) He said that the brief of evidence excluded bystander, paramedic, ACLO, Aboriginal detective and rescue police witness testimony, and withheld TJ’s bike from the evidence before the coroner.\(^{53}\) He referred to the cleansing of evidence through ‘steam-cleaning’ the crime scene soon after TJ’s passing and repairing the five police vehicles involved.\(^{54}\) Each year since TJ’s passing, there has been a rally at Redfern that calls for justice for TJ. On its 10\(^{th}\) anniversary, Redfern Police Commander Luke Freudenstein publicly criticised the rally.\(^{55}\)

The Redfern Clash

On the evening of 15 February 2004, Aboriginal people gathered in Redfern to mourn TJ’s passing and express anger with the police’s involvement in TJ’s death. Over


\(^{41}\) Kennedy, Pelly and Totaro, above n 38, 1. There is currently a petition calling for a Parliamentary inquiry into the events leading to TJ’s death and a review of the coronial inquiry. See petition at <https://www.facebook.com/photo.php?fbid=1950056885059732&set=gm.2-4342033901680&type=3&theater&ifg=1>.


\(^{45}\) Ibid 152.

\(^{46}\) NSW State Coroner John Abernathy above, n 38, 87.

\(^{47}\) Ibid 87.

\(^{48}\) Ibid 74.


\(^{50}\) NSW State Coroner John Abernathy, above n 38, 89.

\(^{51}\) Jackson was formerly involved in the Aboriginal Deaths in Custody Watch Committee, and when this was disbanded by the government, he, with others, set up the Indigenous Social Justice Association (ISJA).


\(^{53}\) Ibid.

\(^{54}\) Ibid.

six hours, this became a clash between the gathering and the police that resulted in violence and injuries for the police and the protesters.56 It has become widely known as the 'Redfern Riot'. However, some describe the incident as incited by the police who had acted violently towards members of the community.57 In other words, Aboriginal people saw the riot as pre-empted by the police who had been inflicting force on Aboriginal residents of Redfern for many years.

In the aftermath of the confrontation, the Police initiated Strike Force Coburn to investigate its causes. The report of the Strike Force laid blame at the hands of the Aboriginal gathering and ignored the underlying dynamics of discriminatory policing in Redfern. The Strike Force criticised the protesters who had 'a perception of Police involvement in the death of a youth the previous day', without addressing why this perception existed.58 Like the mainstream media, the report characterises the event as a product of a disorderly and irrational Aboriginal group.59 The report recommended a punitive response, which the NSW Government delivered through the establishment of a 29-member Target Action Group ('TAG') team, enhanced focus from Dog Squad in Redfern, riot training for police recruits and a new police station.60 Punishment was also directed to fourteen Aboriginal people who were identified for their involvement in the clash.

The Scales of Injustice: Arrests for Protesters

Despite the long and ongoing wait for disciplinary action for the police responsible for TJ’s death,61 there was a quick punitive response to those involved in the confrontation with police following TJ’s death. The Aboriginal community were more broadly punished through police drug squad raids which resulted in many more charges, especially against Aboriginal young people.62

The major reported cases were the prosecutions of TJ’s aunt, Marilyn Cargill and TJ’s cousin, Raymond Carr. Redfern Local Court refused Marilyn Cargill’s bail application to attend TJ’s funeral, on the grounds that she made threats to the police that were serious offences.63 Marilyn regarded TJ Hickey as a son.64 She was ultimately convicted and sentenced to one year’s imprisonment; the District Court held that TJ’s death was not a relevant mitigating factor.65 Raymond Carr was the deemed ‘ringleader’ of the ‘riot’ and charged with riot, affray and maliciously damaging a police car.66 Carr told the Local Court in Sydney that he threw bottles – the criminal conduct in question – because ‘he was angry at the death of Thomas Hickey’.67 He was imprisoned for one year because of the seriousness of smashing a police vehicle window and threatening to throw pavers at police, and his evidence of the grief caused from TJ’s loss was overshadowed by penal considerations.68

64 R v Cargill (Unreported, District Court of New South Wales, 6 January 2005).
67 Ibid.
The Aftermath: ‘Bulldoze The Block’

In the immediate aftermath of the violent encounter between police and Aboriginal people in Redfern on 15 February 2004, politicians called for The Block to be bulldozed. Although the events in mid-February were a catalyst for such proposals, in reality they were part of a broader political and economic drive to ‘clean up’ Redfern by dispersing Aboriginal people. The Block was described by Shaw as a ‘failed (urban) Aboriginal self-determination’. This paved the way for its demolition in 2010 to give way to gentrification and profits for developers in a climate of rising house prices in Redfern. Ray Jackson referred to the loss of The Block as a ‘nightmare for Aboriginal people with an historic connection to the block’. At present, plans to develop a 16-storey tower on The Block are underway with only a small fraction of units touted for Aboriginal people.

Contemporary Policing of Aboriginal People in Redfern

Some recent reports on Redfern suggest that policing has improved. It is difficult to determine whether Aboriginal peoples’ experiences of Redfern Police have improved given that most of the Aboriginal population have been forced out of Redfern, with only 284 remaining. Nonetheless, research by Vicki Sentas on the Suspect Target Management Program reveals the continued disproportionate targeting of Aboriginal youth by Redfern Police. There is also ongoing dissatisfaction with the resistance of the recent Police Commander Luke Freudenstein to erect a plaque at the site where TJ was impaled that remembers him and acknowledges his death during a police chase.

The continuity in the heavy-handed practices of Redfern Police was brought into sharp relief earlier this year when Patrick Fisher, a 31-year-old Waka Waka man and father of three, died in a police raid. Like TJ, Patrick was attempting to escape the police, who were pursuing him over two outstanding warrants for minor charges. He feared police attacks and had been subject to violence by Redfern Police in the past. He fell from the 13th floor of an apartment block on 7 February, almost 14 years after TJ’s death in custody.

Following Patrick’s passing, a gathering was held to call for justice and to hold a smoking ceremony. The Indigenous Social Justice Association continued to be at the forefront of supporting and advocating for Patrick’s family and highlighting the ongoing injustices inflicted by Redfern Police. Its current President, Ken Canning, asked why Redfern Police had to chase Patrick rather than wait for him to

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Footnotes:

69. Jackson, above n 51.
come out to arrest him. He reasoned that it is a ‘case of Redfern police flexing their muscles to show that they are in control’.\(^81\) Ken regards this as an example of the police terrorising Aboriginal people and explaining why ‘we will try and escape’. He states that police who assault Aboriginal people ‘are getting away with impunity’. He points to the fact that Botany Police are going to investigate Redfern Police over the death, which precludes any independent scrutiny because ‘[i] t’s mate on mate’.\(^82\)

**Conclusion – Redfern Resistance**

Despite police violence against Aboriginal people, Redfern continues to be a place where Aboriginal people gather to struggle against injustice and support the families affected by deaths in custody. The Indigenous Social Justice Association, which grew out of the Aboriginal Deaths in Custody Watch Committee, is one bastion of resistance in Redfern and a mechanism for police accountability. They continue to rally in Redfern for families affected by injustice, particularly T’J’s. There are other Aboriginal advocacy services in the area – such as Mudgin-Gal Aboriginal women’s organisation,\(^83\) and Inside Out Aboriginal Justice Consulting,\(^84\) that strengthen Aboriginal women and young peoples’ capacity to participate in improving justice outcomes. The resistance has been a response to the circumstances at Redfern – both the policing and the resilience of Aboriginal people and supporters in the community.\(^85\) Attempts to push Aboriginal people out of Redfern and to develop The Block for profit have not been able to quash the past and present struggles for Aboriginal justice that continue to live and breathe in Redfern.

\(^81\) Ibid.

\(^82\) Ibid.

