

# Inclusion and Diversity in the Police Force

## A Case Study on Institutional Racism and the Institutional Response

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In 1967, Ture (then Carmichael) and Hamilton first coined the phrase 'institutional racism' to describe the idea that racism goes beyond the overt acts of specific individuals, but permeates the systems, structures and institutions of our society.<sup>1</sup>

Using the police in Australia as an example, this essay explores institutional racism and its consequences. It examines Scott et al's assertion that organisations and participants working within institutions 'are not the passive pawns of external events ... but take steps to control, modify and challenge these forces',<sup>2</sup> and argues that the police have an obligation to address institutional racism within their ranks. It then evaluates current initiatives using an adapted form of the Matrix developed by Marrie and Marrie<sup>3</sup> to monitor progress on eliminating institutional racism in public health systems. Following a discussion of themes emerging through the evaluation, it concludes by identifying challenges and opportunities for further research.

### I Racism, the Police and the Communities Impacted

#### A The Police in Australia

In this essay, the 'police' refers to state and territory police, as well as the Australian Federal Police ('AFP').<sup>4</sup> The police are 'uniquely entrusted' with significant powers and discretion to deal with (perceived) threats to the community. In order to perform these functions effectively, the police rely on public trust that they will exercise their powers and functions appropriately, treat people with dignity, and act in the community's best interests.<sup>6</sup>

Police officers are predominantly born in Australia, or in English-speaking countries which 'most closely resemble Australia culturally and historically' (eg the United Kingdom and New Zealand).<sup>7</sup> Only a minority identify as culturally or linguistically diverse.<sup>8</sup>

#### B Individual and Institutional Racism

Racism is an ideology of racial (or ethnoracial — capturing interdependent notions of ethnicity and race)<sup>9</sup> domination, in which one or more (ethno)racial groups is presumed superior to others, and that presumption is used to justify poor treatment or lower social position(s) of other (ethno)racial groups.<sup>10</sup>

Racism manifests itself both at an 'overt' individual level and a 'covert' institutional level.<sup>11</sup> In the context of the police, individual racism is demonstrated through verbal taunts ('waste of space',<sup>12</sup> 'animals',<sup>13</sup> 'go back to China'),<sup>14</sup> messages on stubby holders<sup>15</sup> and social media,<sup>16</sup> and even physical violence.<sup>17</sup> At an institutional level, racism manifests itself in 'unwitting prejudice, ignorance, thoughtlessness and racist stereotyping'<sup>18</sup> within the police's policies, practices, norms and opportunity structures. It even affects the systems and technologies used to



identify suspects, such as facial recognition software.<sup>19</sup> Institutional racism ‘can appear with the face of respectability’;<sup>20</sup> co-existing with decades-old legislation and official codes of conduct which prohibit racial discrimination and mandate equal, fair and respectful treatment.<sup>21</sup>

Institutional racism is informed by colour-blind racial attitudes, characterised by two interlinking beliefs: first, that we live in an inherently just world where everyone is afforded equal opportunities on the basis of merit; second, that skin colour is superficial and irrelevant to assessments of merit or fairness.<sup>22</sup> This belief allows the police to justify stereotyped views and policing methods such as racial profiling and over-surveillance, while maintaining that they are acting on the basis of hard-earned field experience and responding to a person’s behaviour, not the colour of their skin.<sup>23</sup>

### c Over-policed Communities

The impact of police racism is illustrated by the experiences of Aboriginal and Torres Strait Islander peoples,<sup>24</sup> who are:

- a. disproportionately targeted in police activities designed to reduce general offending;<sup>25</sup>
- b. more likely to be arrested and charged for an offence (as opposed to receiving a caution, summons, or intent to summons);<sup>26</sup> and
- c. overrepresented within the adult prison population in every jurisdiction across Australia.<sup>27</sup>

Since 1991, at least 474 Aboriginal and Torres Strait Islander peoples have died in custody,<sup>28</sup> including deaths due to police officers’ ‘unprofessional and inhumane actions’.<sup>29</sup>

Culturally and linguistically diverse (‘CALD’) communities have also reported racialisation and criminalisation by the police.<sup>30</sup> The following report from the experiences of young men of African descent in Victoria provides a helpful insight into their encounters with the police:

Some expressed ... embarrassment ... when stopped and searched publicly. For others ... the way police framed questions ... made them feel like they are being publicly interrogated ... When police approach those of Anglo backgrounds, they genuinely ask questions related to policing ... the questions are open ended — which allows space for an explanation.<sup>31</sup>

This essay refers to Aboriginal and Torres Strait Islander peoples and CALD people (including migrants, refugees, and Australian-born people of colour) jointly as ‘over-policed communities’. In doing so, it acknowledges that diverse cultures and communities in Australia are not homogenous and may have different experiences of the police. It also acknowledges that while these communities may be targeted for police activities, they also tend to experience poor service delivery by the police (eg slower responses or displays of apathy), which is sometimes referred to as ‘under-policing’.<sup>32</sup> This essay adopts the language of David Muir, as quoted in the Macpherson Report: ‘over-policed and under-protected’.<sup>33</sup>

Some scholars have called for police racism to be seen as a public health issue,<sup>34</sup> reflecting the profound impact of police racism on over-policed communities. Police racism often results in excessive use of force and physical injury.<sup>35</sup> The negative criminal justice outcomes that flow from police racism can cause financial strain, stress and poor mental health, and relationship breakdown.<sup>36</sup> It can also cause feelings of shame, anger and increased marginalisation from society.<sup>37</sup> This may contribute to a perception among over-policed communities that the police are ‘good for some people, but not for us’.<sup>38</sup> They may therefore be less likely to seek help from police<sup>39</sup> and less likely to cooperate with,<sup>40</sup> or even behave with outright hostility to,<sup>41</sup> the police.

## II Institutional Responses to an Institutional Problem

### A Responsibility to Take Action

It is beyond the scope of this essay to delve into the scholarship on the moral and ethical ‘wrongness’ of racism, and the obligation to address racism from that perspective.<sup>42</sup> For present purposes, it is noted that — as illustrated above — police racism causes harm to overpoliced communities and prevents them from seeking

help when needed. This is inconsistent with the police's role, which inherently *requires* addressing traditional 'patterns of over suspicion and underprotection',<sup>43</sup> helping those in need of assistance<sup>44</sup> and 'reducing violence, crime and fear'.<sup>45</sup>

In this regard, it is noted that racism is multidimensional and occurs across multiple domains and institutions.<sup>46</sup> The issues experienced by overpoliced communities are not solely attributable to the police, but to structural and historical inequities.<sup>47</sup> Other players in the criminal justice system — including lawmakers, advocates, social workers and the courts — grapple with their own biases.<sup>48</sup> Community perceptions of police may be informed by intergenerational trauma from colonialist laws and policies.<sup>49</sup>

Chan distinguishes between the socio-political context of police work ('field') and the dimensions of 'cultural knowledge' around why, how, and what things are done within the police institution ('habitus').<sup>50</sup> It is submitted that while the police are not necessarily liable for changing the 'field', they should, at a minimum, take steps to challenge and prevent racism in the 'habitus'. The remaining sections of this essay deal with police-initiated organisational policies as a subset of changes to the 'habitus'.

## B Current Efforts to Address Police Racism

Each police force has internal processes to address instances of individual racism, which in some cases has resulted in the expulsion of individual officers for evidence of racism.<sup>51</sup> While this reflects a shift towards greater accountability and intolerance for *overtly* racist behaviour by *individual* police members, there remains a focus on maintaining the innocence of the *institution*.<sup>52</sup>

This essay evaluates the response to police racism from an institutional perspective. The indicators in the following table are adapted from the Matrix, a tool to monitor progress on eliminating institutional racism in public health systems,<sup>53</sup> with additions drawn from literature on organisational strategies to improve police-community relations.<sup>54</sup> A tick denotes that the indicator is met, a cross denotes that the indicator is not met and a question mark indicates insufficient information to make an assessment.

This evaluation is intended to facilitate discussion about how institutional racism can be addressed. Like the Matrix, it is based on publicly available information, allowing for open, transparent review by interested members of the community. The information relied on has been identified to enable verification, clarification and amendment as required.



Indicators		VIC	NSW	QLD	SA	WA	NT	TAS	AFP
1 Public acknowledgment of harm caused by institutional racism		X	X	X	X	✓ <sup>55</sup>	X	X	X
2 Diversity and inclusion explicitly identified as a strategic priority		✓ <sup>56</sup>	✓ <sup>57</sup>	✓ <sup>58</sup>	✓ <sup>59</sup>	X <sup>60</sup>	✓ <sup>61</sup>	✓ <sup>62</sup>	✓ <sup>63</sup>
3 Action plan in place to deliver specific and measurable outcomes	Aboriginal and Torres Strait Islander peoples (eg Reconciliation Action Plans)	✓ <sup>64</sup>	✓ <sup>65</sup>	✓ <sup>66</sup>	✓ <sup>67</sup>	✓ <sup>68</sup>	X	✓ <sup>69</sup>	✓ <sup>70</sup>
	CALD communities	✓ <sup>71</sup>	✓ <sup>72</sup>	✓ <sup>73</sup>	X	X <sup>74</sup>	X <sup>75</sup>	X	X
4 Regular reporting on progress in achieving targets and outcomes		✓ <sup>76</sup>	✓ <sup>77</sup>	✓ <sup>78</sup>	✓ <sup>79</sup>	✓ <sup>80</sup>	✓ <sup>81</sup>	X <sup>82</sup>	X
5 Programs or initiatives in place to improve opportunity structures for over-policed communities	Recruitment	✓ <sup>83</sup>	✓ <sup>84</sup>	✓ <sup>85</sup>	✓ <sup>86</sup>	✓ <sup>87</sup>	X	✓ <sup>88</sup>	✓ <sup>89</sup>
	Support and career development	✓ <sup>90</sup>	✓ <sup>91</sup>	X	X	✓ <sup>92</sup>	X	X	✓ <sup>93</sup>
6 Training provided on working with diversity		✓ <sup>94</sup>	✓ <sup>95</sup>	✓ <sup>96</sup>	✓ <sup>97</sup>	✓ <sup>98</sup>	✓ <sup>99</sup>	✓ <sup>100</sup>	✓ <sup>101</sup>
7 Over-policed communities participate in institutional leadership and governance	as part of internal/external advisory committees	✓ <sup>102</sup>	✓ <sup>103</sup>	✓ <sup>104</sup>	X	✓ <sup>105</sup>	✓ <sup>106</sup>	X	✓ <sup>107</sup>
	as part of executive management	? <sup>108</sup>	? <sup>109</sup>	? <sup>110</sup>	? <sup>111</sup>	? <sup>112</sup>	? <sup>113</sup>	? <sup>114</sup>	? <sup>115</sup>
8 Designated liaison officers and/or departments	For Aboriginal and Torres Strait Islander communities	✓ <sup>116</sup>	✓ <sup>117</sup>	✓ <sup>118</sup>	✓ <sup>119</sup>	✓ <sup>120</sup>	✓ <sup>121</sup>	✓ <sup>122</sup>	✓ <sup>123</sup>
	For CALD communities	X	✓ <sup>124</sup>	✓ <sup>125</sup>	X	X	X	X	X
9 Publicly reported programs and activities for engagement with over-policed communities		X	✓ <sup>126</sup>	✓ <sup>127</sup>	✓ <sup>128</sup>	✓ <sup>129</sup>	✓ <sup>130</sup>	X <sup>131</sup>	✓ <sup>132</sup>
10 Built-in multi-language selection on website or publication of important information in different languages		✓	✓	✓	✓	X	X	X	✓

### c Themes

While almost every police institution has publicly identified diversity and inclusion as a strategic priority, efforts to translate this into action vary in scope and maturity.

#### 1 Acknowledgment of Racism

There is limited acknowledgment of the impact of institutional racism. Only Western Australia Police has expressly apologised to Aboriginal and Torres Strait Islander peoples for ‘past wrongful actions’.<sup>133</sup> Other institutions have offered token apologies<sup>134</sup> or rejected assertions of racism.<sup>135</sup> Policy changes to address institutional racism are generally only made in response to externally-imposed requirements.<sup>136</sup>

#### 2 Recruitment

Most initiatives focus on recruiting officers from over-policed communities. While well-intentioned, they rely on flawed assumptions that:

- a. people from over-policed communities see policing as a desirable career;<sup>137</sup> and
- b. more diverse representation will reduce prejudicial policing, enable ‘pro-active policing partnerships’ and improve police-community relations.<sup>138</sup>

Officers from over-policed communities contribute to diversity within the force as the ‘ethnic other’.<sup>139</sup> They are expected to bridge relations with their communities and educate colleagues about cultural issues,<sup>140</sup> while navigating work in traditionally white institutions<sup>141</sup> and, in some cases, ostracism from their communities for joining the police.<sup>142</sup> More mature initiatives recognise the emotional labour that this



entails, and provide support through internal solidarity networks and support from peers, community leaders, and human resources.<sup>143</sup>

To the extent that officers from over-policed communities enter the force, career development is limited and informed by perceived cultural skills (eg multi-cultural liaison roles)<sup>144</sup> or assessments of leadership potential<sup>145</sup> by senior officers who are (based on the limited statistics available) likely to be white men.<sup>146</sup> Even though police officers from diverse backgrounds are increasing in number (and widely publicised),<sup>147</sup> they remain underrepresented in leadership roles.<sup>148</sup>

Officers with different backgrounds bring fresh perspectives to policing, and research suggests that a representative police force improves community perceptions of the police.<sup>149</sup> However, police officers from over-policed communities are not immune to prejudice,<sup>150</sup> and are not necessarily interested in, or inherently more effective at, policing their own communities.<sup>151</sup> Further, the benefits of diversity can only be realised if individuals from diverse backgrounds are empowered to question existing biases, call out unacceptable behaviour, and make decisions within the force. Otherwise, efforts towards increased representation are 'good for PR ... but ... won't make a scrap of difference to how police work gets done'.<sup>152</sup>

### 3 Community-Based Initiatives

Community-based initiatives reflect the shift towards community policing that characterised police reform in the 1980s and are intended to maximise police-community collaboration to resolve crime.<sup>153</sup> Research suggests that this approach improves community trust<sup>154</sup> and is effective in responding to crime.<sup>155</sup> However, the results show that efforts remain superficial at best. Not all police websites are available in languages other than English. In one instance, a police website directs users to use Google's web translator while explicitly disclaiming responsibility for the effectiveness of Google's translating service.<sup>156</sup>

All police forces have designated Aboriginal and Torres Strait Islander liaison officers; some have equivalent roles for CALD communities. This has been criticised as a band-aid solution, which:

- a. in the context of Aboriginal and Torres Strait Islander peoples, ignores the historical context of colonialism, invasion, and violence at the root of poor Aboriginal-police relations;<sup>157</sup> and
- b. more broadly, allows (white) police officers to defer responsibility for engaging with over-policed communities.<sup>158</sup>

Aboriginal liaison officers have limited statutory powers. As Cunneen points out, liaison officers 'tend to be junior, without authority, clear responsibilities or a specified budget'.<sup>159</sup> Thus, they bear the brunt of community expectations and a 'self-defined sense of responsibility',<sup>160</sup> often working overtime under poor working conditions but with limited ability to effect change.<sup>161</sup> Writing in 1997, Chan cites examples of liaison officers being subject to racism or patronisation within the force, including being excluded from operations.<sup>162</sup> Some efforts have been made to address these issues — for example, Victoria Police now has sworn Police Aboriginal Liaison Officers who perform operational duties alongside their community engagement role. It remains to be seen whether these efforts will empower liaison officers or over-policed communities.

Some police forces have also established advisory committees for over-policed communities. Such committees can be effective mechanisms for community participation in police decision-making, provided they are purposeful, have appropriate governance structures with mechanisms to ensure that the committees comprise a fair representation of community members,<sup>163</sup> and are allocated sufficient time, resources, and institutional support.<sup>164</sup> At this stage, there is insufficient public information about these committees or their impact.

### d Challenges and Opportunities

This essay has argued that every institution has an obligation to address racism in its practice. Using the police as an example, it has evaluated institutional policies intended to challenge and prevent racism, and found that current initiatives achieve little at best, and at worst may perpetuate existing inequalities. Current initiatives may also cause confusion and anxiety for officers who:



- a. do not feel personally involved in past injustices, but are cast as having some responsibility;<sup>165</sup>
- b. feel threatened by the loss of advantages implicit within the existing structure;<sup>166</sup> or
- c. maintain colour-blind racial ideologies and feel that anti-racism principles undermine legitimate policing strategies and tactics.

There remain extensive opportunities for further research. The anti-racism initiatives evaluated in this essay are organisational strategies. There is no mechanism for assessing their application in operational policing,<sup>167</sup> or if they improve the experiences of communities most affected by police racism. Further, the police-initiated institutional policies considered in this essay are only a subset of changes to the 'habitus'. This leaves room for further discussion about how the structural conditions of policing (eg the extent to which police actions can be externally reviewed, or the legal powers and discretions afforded to the police through law) can be changed to achieve sustainable change.

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