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# nobody listens

the experience of contact  
between young people and police



Produced by the Youth Justice Coalition of NSW,  
the Western Sydney Juvenile Justice Interest Group and the  
Youth Action and Policy Association (NSW)

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# NOBODY LISTENS

## The experience of contact between young people and police

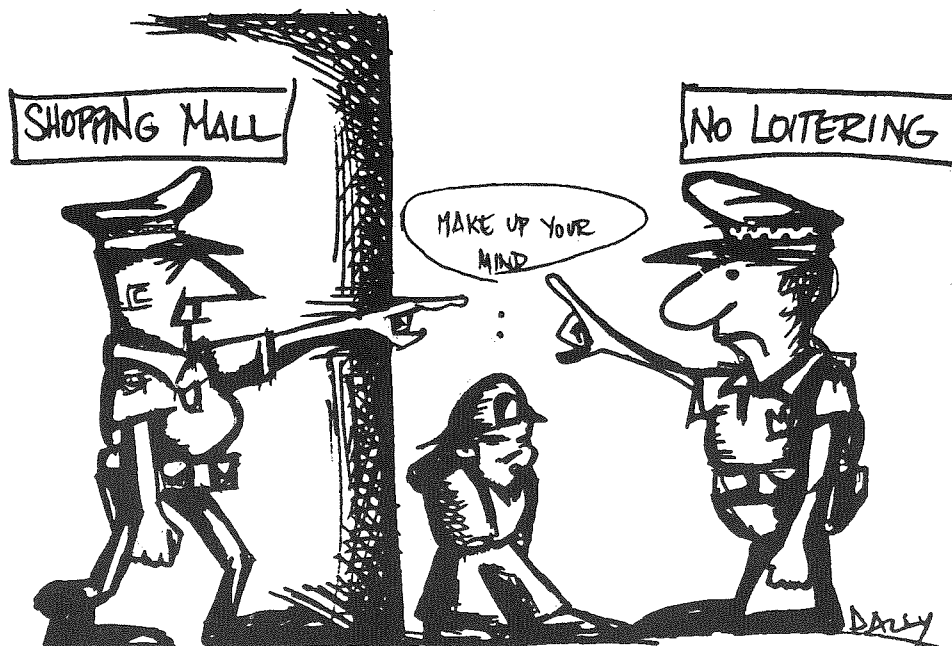
A report of the Youth Justice Coalition, the Western Sydney Juvenile Justice Interest Group, and the Youth Action and Policy Association (NSW).

### • Primary Objective:

The Government is committed:

- to ensuring young people are treated justly and that their rights and responsibilities should be recognised and reinforced.
- to ensuring the young person's right to **privacy, protection, support** and participation at all stages of the criminal justice process. 9

NSW Government Youth Policy Statement [emphasis added]



# ACKNOWLEDGMENTS

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## SUMMARY

*Nobody Listens* presents and discusses young people's experiences of contact with police. It is based on stories of police contact from one hundred and forty-one young people, aged 12 to 18, who participated in the study on which this report is based. These young people, one-third of whom were young women, were a mixed bunch, describing themselves as Australian (61 per cent), Asian (12 per cent), Indigenous (8.5 per cent), Pacific Islander (8.5 per cent), Southern European (2.8 per cent), Middle Eastern (2.1 per cent) and 'other' (5.1 per cent).

The report highlights growing concerns by the Youth Justice Coalition (YJC), the Western Sydney Juvenile Justice Interest Group (WSJJIG), and the Youth Action and Policy Association (YAPA) about the nature, frequency and results of police contact with young people in NSW.

The researchers conducted a survey of these young people in a range of geographical and physical settings across NSW. The results of their research indicate that police contact with many young people is vigorous to the point of harassment. More disturbing still, young people considered that the nature of police behaviour towards them was unfair and intrusive, because the contacts they reported generally involved verbal abuse, were regularly physically violent, and sometimes resulted in serious injury and sexual abuse by police.

For the young people in our survey police effort was far more likely to be targeted at those from Asian, Aboriginal and Pacific Islander backgrounds. For these young people, police contact often amounts to public harassment. Police are zealous to the point of breaching Australia's international human rights obligations. Such treatment of young people would be considered as psychologically and physically abusive if perpetrated by any other servants of the state. The stories from many of the young people in this survey about their treatment while in police hands would be a cause for outrage if they were in the hands of youth workers, teachers, nurses or others who work closely with young people. Why should invasive, violent, racist and abusive behaviour by police be considered to be legitimate or acceptable? Police should not be immune to the standards of behaviour expected of others who have high levels of contact with young people.

The survey results do not show that all police practice contains these elements. Rather, this report allows one group of young people to paint a picture of their interaction with police.

The groups commissioning this research have come to expect that the rate of police contact with young people will be high compared to rates of police contact with other sections of the community. Young people's lack of private space, public visibility and occupation of public space all contribute to high levels of police contact. However, the extent to which police use intimidation, violence, search (especially strip search) in public places, and the disproportionate level of attention directed by police at particular groups of young people, are neither acceptable nor valid examples of good police practice.

The rates at which the young people from Asian, Aboriginal and Pacific Islander backgrounds in our survey were contacted, searched, questioned, fingerprinted and detained by police indicate unacceptably high levels of both institutional and individual racism.

Young people in our survey from Asian backgrounds were nearly twice as likely to be searched, four times more likely to be arrested and three times more likely to be injured during their contact with police than the young people describing themselves as from an Australian background.

One example, illustrated by Case Study One, is that the young people in our survey from a background other than English were far more likely to be searched, arrested and injured than the young people describing themselves as from an Australian background.

### **CASE STUDY I**

*A 15 year old boy, of other than English background, was on the train with two friends. The police approached the boys and took their names, questioned them and searched their things. When the police were searching them they verbally abused the boys by swearing at them, and then one boy on the back of the head with a police baton. The boys were searched on the train and were made to remove their shirts, pants, and hats. The police found a water pistol!*

## **SURVEY INDICATORS**

### **Contact**

Nearly half of our respondents were unemployed; about the same number were students. Almost three-quarters lived in a house or flat; but about one-fifth were living in refuges. A few lived on the street.

The police themselves initiated the contact with almost all of our respondents. Although generally reluctant to give a reason for the approach of the police, less than one-quarter of the young people acknowledged that they thought they were doing something illegal at the time.

Contact commonly occurred on weekdays at night, or in the early morning. The young people were most often in groups at the time they were approached by the police; some were on their own.

The point of contact with police was usually in a public place. The young people encountered police on streets, in malls, car parks, shopping centres and parks or while using public transport or on the road in cars. Some were approached at home.

In summary, our young people were highly likely to come into contact with police because of the nature of the physical space they occupy for a large proportion of their day. Apart from the home, this is the same space as that routinely patrolled by police — the streets, malls, car parks and shopping centres.



## **CASE STUDY 2**

A 14-year-old boy was sitting with 2 friends at a shopping centre. He was sitting on his friend's skateboard. A police car pulled up, his two friends ran away and two police approached him. One police officer asked the boy to show him the skateboard. The officer claimed it was stolen; the boy said it belonged to his friend. At this point, another person some distance away yelled at the police 'Coppers suck'. The policeman then said to the boy that if he went and got the person yelling that they would give him back his skateboard. The boy refused. The police officer again accused the boy of having stolen the skateboard and the officer banged the skateboard and threw it on the ground, stepped on the board again and handed it back to the boy. Later that day the police told one of the boy's friends to tell the boy that if he didn't go home in 5 minutes that they would get him for vagrancy.

### **Upon contact**

Following contact by the police, a variety of things happened to the young people responding to the survey.

A little under three-quarters of them were questioned. Over half had their names taken. Well over half were searched. A third were arrested, slightly less than a third were cautioned. Just over a quarter were charged.

The striking feature of this breakdown is the high incidence of searches. We discuss the searches in more detail in the full report. Most of the young people who were searched were subject to more than merely having to empty their pockets or their bags. They often had to remove some of their clothes. Fifteen were required to remove all of their clothes.

The most common location in which police conducted searches of these young people was a public place. The police frequently required the young person to take off trousers, shoes and shirts.

Injuries were sustained by far too many of these young people. The injuries ranged in severity from broken bones and internal injuries to muscle tears and a serious spinal injury.

Not surprisingly, most thought that their treatment by police was unfair!

Overall the pattern is of police using excessive measures in their dealings with these young people. The level of injuries sustained implies a level of violence which is unacceptable in single cases and yet is apparently commonplace in the experience of young people.

### CASE STUDY 3

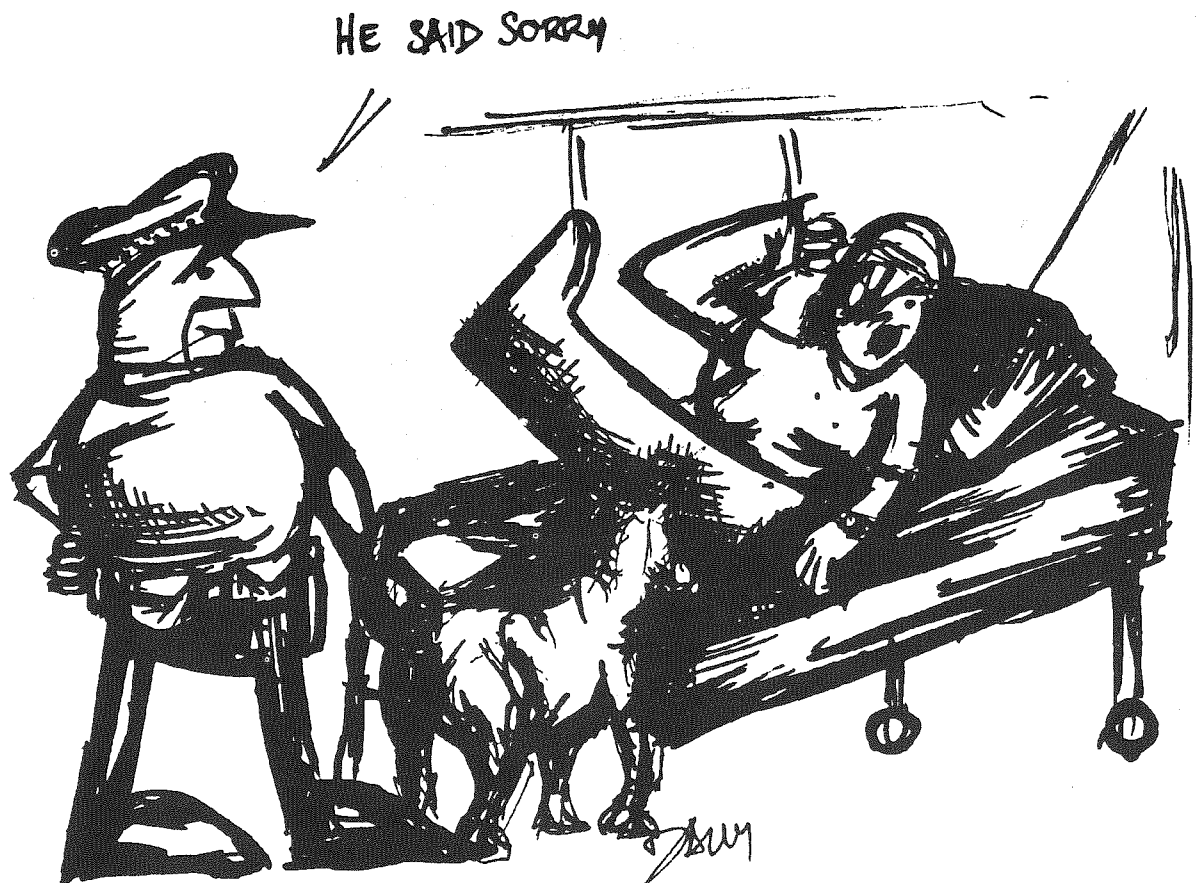
A young woman and a friend were walking home from the local shop when they were questioned by police who asked, 'Where are you buggers coming from?' and 'Did you break into ....?' After answering the questions the two friends continued on their way. Around the corner they were again questioned by more police. They explained their previous questioning.

Still on their way home but now in a park they were held in the gaze of a police spotlight and ordered to stand still. The young woman stood still and saw two objects thrown towards her; then she saw a figure with a dog on a leash and then a dog was savaging her leg. She screamed to police to get the dog off. The dog let go but then renewed its attack. The dog was finally pulled away from her, ripping out a large piece of her leg. She could not feel her leg from the knee down.

One police officer treated her leg while the other questioned her.

She was taken to a hospital for treatment and her mother was informed about the incident.

The injury required surgery.



## After contact

While many young people experienced their treatment by police as unfair, only ten made official complaints. Of course, many complained about what had happened, but mainly to their friends, parents, teachers or someone else. This is an indicator of both lack of knowledge of and trust in official complaint mechanisms by young people, and a lack of understanding about their rights or the courses of action open to them when they are treated badly by police.

We have already stated that the results of the survey indicate racial bias by police. Primarily racial bias affected those from non-Anglo backgrounds, specifically Asian, Pacific Island and Indigenous young people. This suggests discrimination by police towards anybody who looks different. The bias may well extend to other groups not represented in the survey results.

Both young men and young women were subject to discrimination on the grounds of race.

Many young women, from all backgrounds, complained of police violence toward them. One pregnant young woman was pushed to the ground, handcuffed, and held down with a foot in her back after being chased by police as a passenger in a stolen car. She was then taken to the police station and strip searched.

Other disturbing incidents were reported, particularly by young women from Asian backgrounds. These young women reported being body searched more frequently than any other group. Many complained about the invasiveness of anal and vaginal strip searches.

## Conclusion

Clearly the police treatment of the young people in our survey is totally inconsistent with the goals of community policing. Given the types of offending behaviour often associated with young people, the levels of violence, abuse, search and surveillance experienced by these young people in their contact with police are excessive. These excesses are exacerbated for young people who are visibly different.

### **CASE STUDY 4**

A 15-year-old boy was going fishing at 4:00 am when the police approached him. The police said there was a break and enter in the area so they took his name, questioned, searched, arrested, and charged him. The police strip searched him in the street, looking for evidence of a break and enter. They did find a small amount of marijuana. This find resulted in his arrest and charge. At the police station he was fingerprinted and photographed. The police also made constant verbally abusive statements about his race.

Our results could be said to be generally consistent with the findings of other reports that young men are more likely to receive heavy handling by police than young women (see, eg, Alder *et al*, 1992; Alder and White, eds, 1994). However, while many young men and some young women reported 'heavy handling', none reported searches as invasive as those in the stories from the Asian young women. To date, there is little reliable research on relations between Asian young women and police. We hope our findings will stimulate further, careful investigation of these relations.



## KEY FINDINGS

### Search (see appendix B, tables 1 and 4)

*Young people from an other than English background are far more likely to be searched than young people describing themselves as from an Australian background.*

> About half of the young people describing themselves as from an Australian background were searched upon contact with police compared with almost all those from an Asian background, and three-quarters of those describing themselves as Pacific Islanders.

*Young people are far more likely to be searched when in the company of others describing themselves as from other than an Australian background.*

> Young people in groups describing themselves as Australian experienced search in a little under half of their contacts with police, compared with the 85 per cent of those who were in groups describing themselves as from other than Australian background who were searched. The latter group were far more likely to be made to remove clothing as part of a police search. Only 15 per cent of those describing themselves as Australian were subject to searches during which they were asked to remove some or all of their clothes, whereas more than half of those describing themselves as from an other than Australian background were asked to remove clothes or were strip searched.

### Arrest (see appendix B, tables 2 and 6)

*Young people from an other than English background are far more likely to be arrested than young people describing themselves as from an Australian background.*

> Of the young people describing themselves as Australian a little under one-fifth were arrested. In stark contrast, over two-thirds of those describing themselves as from an Asian background, one-third of the Indigenous Australians and half of those from a Pacific Island background were arrested. The relative immunity from arrest of those describing themselves as Australians diminished when they were in groups composed largely of those identified as from other backgrounds.

## **Injury (see appendix B, tables 3 and 7)**

*Young people from an other than English background are far more likely to be injured in the course of their contact with police than young people describing themselves as from an Australian background.*

> Young people describing themselves as from an Australian background sustained injuries in just over one-tenth of reported contacts. This figure should be set against the one-third of the young people from an Asian background, two-fifths of the young Indigenous Australians and one-quarter of those from a Pacific Island background who were injured at the time of contact with police.

*Young people are far more likely to be injured during contact with police if they are in groups describing themselves as from an other than Australian background.*

> Young people who were part of a group describing themselves as Australian sustained injuries in about one-tenth of contacts. Those in groups describing themselves as other than Australian sustained injuries in almost half of the contacts described in the survey.

## **Complaints**

*Young people are unlikely to complain about mistreatment by police.*

> The young people were far more likely to complain to unofficial sources than to official ones after perceived mistreatment by police. They were far more likely to complain to people they already knew and trusted, primarily friends and parents.

# **FULL REPORT**

## INTRODUCTION

Since the Youth Justice Coalition released *Kids in Justice* in 1990, the focus of debate in juvenile justice has been on the structures, laws, policies and processes for young people within the juvenile justice system. This has been important and has had some positive outcomes for young people and the organisation of juvenile justice in New South Wales. However, the findings in a variety of reports and inquiries since 1990 compel us to revisit the issue of the nature of relations between police and young people in this state.

*Nobody Listens* is the result of research on this issue commissioned by the New South Wales Youth Justice Coalition (YJC) and The Western Sydney Juvenile Justice Interest Group (WSJJIG). The report was compiled with the assistance of the Youth Action and Policy Association (YAPA). These groups are made up of youth workers, lawyers, academics and others with an interest in and personal experience of juvenile justice issues.

Social work students on placement at Kingsford Legal Centre supervised by members of the YJC designed the research instrument and conducted the research. One hundred and forty-nine young people from 10 metropolitan and 7 regional centres reported on their experiences of contact with the police.

We do not pretend to present a comprehensive picture of contact between young people and police. Our report focuses on the point of entry of young people into the criminal justice system, that is, their contact with police. We present a snapshot of this contact as experienced and perceived by the young people participating in the research. We also analyse complaints against police by young people in our survey.

The purpose of the research was to help raise community awareness about the issue of police treatment of young people in an attempt to contribute to the understanding of policing generally and the nature of police contact with young people specifically. Contact by young people with police is seen by the YJC and WSJJIG as of key importance because of the role of police as the first point of contact with the legal system.

*Nobody Listens* is a continuation of the work begun in *Kids in Justice*. It is an exercise monitoring the 'blue print' laid down in that report in 1990.



## **Aims**

1. To develop a profile of contact between young people and police
2. To create an understanding of the circumstances and characteristics of the young people responding to the survey, and of their attitudes towards police and police procedures.

## **Objectives**

1. To gather information about the nature of contact between young people and police;
2. To attempt to understand young people's perception of their contact with the police.
3. To respond to concerns in the community, and by YJC and WSJIG, about stories of contact between young people and police; and
4. To investigate the clarity and understanding of, and adherence to, police rules;
5. To investigate the use of formal complaints mechanisms by young people;
6. To investigate young people's knowledge of their rights.

## METHODOLOGY

*Nobody Listens* is based on the results of survey forms distributed to youth agencies for completion by young people who used their services or resources. These agencies consisted of Refuges and Accommodation Services, Streetworker Facilities, Community Centres, Legal Centres and Youth Centres.

A pilot survey was developed and distributed by The Youth Action and Policy Association (YAPA) in Western Sydney. The questionnaires were available in youth agencies for completion from 25 April 1993 to 28 May 1993. Those who completed the survey were asked to report incidents that occurred between April 1990 and March 1993. Various difficulties were identified from the pilot and some questions were adapted in the final survey (see *Appendix A*) to increase the rate of response and to obtain more accurate information.

Amended questionnaires were distributed between 9 August 1993 and 13 August 1993. Returned questionnaires were accepted until 1 October 1993. The young people were required to record details of all contacts with the police since the beginning of 1993. A total of 149 questionnaires were returned by the cut off date from the following areas in New South Wales:

### Sydney Metropolitan Areas

Cabramatta	Macquarie Fields
Campbelltown	Manly
Cronulla	Marrickville
Engadine	Minto
Kingsford	North Sydney

### Regional New South Wales

Bathurst	Singleton
Bowral	Shoalhaven
Dubbo	Wollongong
Newcastle	

## Subjects and sampling

The law in NSW defines those under 18 as children. Legislation and Police Regulations and Instructions lay down specific guidelines for the role of police in dealing with children. The research population therefore consists of those young people under 18 who have come into contact with agencies that are providing services wholly or partially directed towards young people.

The report is based on evidence from a sample of these young people which establishes the characteristics of their experience with the police. We recognise that this sample is not representative of *all* contact between young people and police. Rather, this research provides a qualitative 'snap shot' of some young people's experiences of contact with police. The responses indicate that mistreatment by police was identified by these young people as a major component of that contact.

## Instruments

The research instrument was an anonymous questionnaire with an emphasis on simplicity, accessibility and confidentiality. The need for confidentiality of participants was essential to gain knowledge about different types of contact. The guarantee of confidentiality ensured that the participants did not feel the pressure of possible reprisals. The anonymity of the questionnaire does not threaten the validity or reliability of the results. This method of creating a safe reporting environment through anonymity is a method frequently employed in research, including investigative research by the police, for example in 'Operation Noah'.

Those agencies who were contacted to distribute the questionnaires to the young people who utilised their service, provided liaison and facilitation with the young people. This served two purposes. Firstly, participants felt more comfortable with a person with whom they had a prior non-threatening relationship. Secondly, workers were able to locate and assist individuals unable to complete the questionnaire on their own, for a variety of reasons, including illiteracy.

One section of the questionnaire referred to general demography and included such questions as, when and where was the contact, who were you with, and what were you doing at the time of contact with police? The other sections gathered qualitative data, asking the participants to comment on what happened when they were approached, searched, arrested and so on.

This report is deliberately not about individual cases of mistreatment by specific police officers, stations, or districts, but is about general trends and issues which arose in the experiences of contact between these young people and police. The case studies we have included highlight the most obvious issues revealed by the responses — mistreatment, unnecessary and invasive searches, and unacceptable instances of violent and assaultive behaviour by police towards young people.

## PREVIOUS RESEARCH

The obligation of Australian Governments to develop laws consistent with young people's human rights has been an issue in the youth sector for some time. The United Nations *Convention on the Rights of the Child* was ratified by Australia in December 1990. The *Convention* lists internationally recognised human rights standards applicable to young people under the age of 18. The *Convention* and the *Standard Minimum Rules for the Administration of Juvenile Justice* (the *Beijing Rules*) insist that the legal and human rights of the child include the child's right:

- to have his/her rights to privacy respected at all times; and
- to be informed promptly and directly of the charges against him/her.

Article 40 Part 2b of the *Convention* recognises the right of every child who comes into contact with the law 'to be treated in a manner consistent with the promotion of the child's sense of dignity and worth'. According to the National Children's and Youth Law Centre, there have been only limited attempts by the Commonwealth and State governments to legislate to give effect to the rights contained in the *Convention* (NCYLC, 1993: 3ff). A 1993 report by the National Children's Bureau focused attention on the lack of protection of children's rights as a structural and enduring problem in police questioning. This report pointed to systematic breaches by police of Article Five of the *Convention* and of the *Beijing Rules* in relation to notification of parents or guardians upon apprehension of young people (Brewer and Swain, 1993: 42-3).

A wealth of previous research refers to obligations and current practice in this area. The following sections of our report summarise the key findings on and recommendations about the policing of young people contained in some of this research.

### ***Kids in Justice***

The *Kids in Justice* Report (Youth Justice Project, 1990), commissioned by the YJC, provided an impetus for change in the NSW juvenile justice system and in the policing of young people. The relevant key findings of this report were that:

1. there were high and unjustifiable levels of abuse of young people by the police;
2. the relationship between young people and the police was dominated by fear and an imbalance of power; and
3. there was a need to improve police training and procedure in dealing with young people.

*Kids in Justice* made 233 recommendations about the juvenile justice system; on territory and equity, families, rights and responsibilities, police, non-custodial options, and detention centres. The recommendations concerning the police highlighted the need for greater attention to be given to the methods of policing young people. The Report recommended a range of programmes to train, manage and mon-



itor police and the way in which police and young people come into contact. The purpose of these recommendations was to stress that a major effort is required to prevent escalating patterns of hostility, leading to multiple charges (offensive language, resist arrest, assault police) unrelated to the initial reasons for contact.

A key element of 'community policing' is that police should be adequately trained in the skills needed to deal with young people, providing a service whilst protecting young people's rights.

'Community policing' must involve the community and police should be trained to be sympathetic to the situation of young people rather than carrying out the letter of the law in an intimidatory and over-zealous fashion. The alternative seems to be the current confusion between community policing and policing the community.

A key recommendation of *Kids in Justice* was the establishment of ongoing systems for the monitoring of police contact with young people.

Monitoring was also strongly supported by the 1992 and 1993 National Conferences of Community Legal Centres and by the 1992 Australian Institute of Criminology National Conference on Juvenile Justice. Plenary sessions at these conferences called for the establishment of a national database of information concerning the treatment of young people by police. The Victorian Federation of Community Legal Centres (1993) also questioned the reasons for the lack of information in this area.

## National Youth Affairs Research Scheme

*Kids In Justice* highlighted the lack of youth specific police training. In 1992 the National Youth Affairs Research Scheme commissioned a study of relations between police and young people in Queensland, Victoria, Tasmania and Western Australia. This study found that only 14 per cent of police officers had been involved in specific training in the area of policing young people or dealing with young people at risk, and that only 23 per cent had done some in-service training in this area. In stark contrast 77 per cent of the officers surveyed had received no specific training in policing young people (Alder *et al*, 1992). These findings highlight the generally poor record in most Australian states in equipping police to deal adequately, let alone respectfully, with young people.

## The Green Paper: Future Directions for Juvenile Justice in NSW

In early 1992 the New South Wales Government commissioned the Juvenile Justice Advisory Council to produce a Green Paper on Juvenile Justice entitled *Future Directions for Juvenile Justice in NSW* (Juvenile Justice Advisory Council of NSW, 1993). The Green Paper drew together findings from a range of reports including *Kids In Justice*, and the report of the New South Wales Legislative Council Standing Committee on Social Issues on juvenile justice (1992). The Green Paper was also concerned about police training in New South Wales.

The Green Paper focused attention on Aboriginal issues in juvenile justice. It pointed out that Aboriginal young people were subject to much higher arrest rates than other groups of young people, but received fewer cautions, summonses, and court attendance notices. It recognised that Aboriginal young people were over policed and therefore over represented in the criminal justice system.

In addition, the Green Paper identified the absence of resources and training around issues relating to young people from migrant backgrounds, young women, Aboriginal young people and rural young people. It recommended that alternative methods to arrest be developed, and that Juvenile Justice become a core topic within all levels of police training.

### **Victorian Federation of Community Legal Centres**

In May 1993 the Victorian Federation of Community Legal Centres released a report (Victorian Federation of Community Legal Centre, 1993) which highlighted the growing concerns about police mistreatment of young people. The researchers investigated general mistreatment by the police in Victoria. They found that the most frequently reported forms of abuse were physical and verbal. Only 20 per cent of participants were told about their right to complain. While 40 per cent of participants had formally complained, 58 per cent had not even reported the incident. The recommendations from this report included; the need to review the accountability of the police in Victoria, to monitor police powers and to establish an independent, impartial complaints mechanism.

The Police Service of Victoria released a 22-page media response to the Federation's report. They expressed concerns over the validity of the research and called for the defunding of the organisations involved. The police were also concerned about many of the recommendations, specifically recommendations 3 and 4 which expressed a need to closely examine and monitor existing police powers, claiming that they had made adequate changes to the complaints procedure, and that an independent body was unnecessary.

Despite the reaction of the Victorian Police to the report, the Victorian Council of Civil Liberties (VCCL) supported the findings and continued to advocate for an independent Statutory Authority to investigate complaints against the police, 'so the community may have confidence in the Police Force' (Alan Goldberg, President VCCL, *The Age* 7 June 1993).

### **Other reports**

Other recent reports have confirmed the general problems in the policing of young people identified above. The Queensland Youth Advocacy Centre found in two studies of young people that 'police mistreatment and harassment of young people are commonplace in some situations expected by young people. Young people take for granted the police abuse of power as a given factor of their interaction' (1993: 22).

The 1992-93 NSW Ombudsman's *Annual Report* commented on the misuse of police powers, particularly the over-use of the power of arrest in contravention of Police Service Regulations (1993: 40). The Report noted the growing number of complaints by members of the public against police and discussed a number of incidents which reflected on racist attitudes within the Police Service, despite the introduction of an Ethnic Affairs Policy Statement (1993: 45-6).

Aboriginal and Islander young people particularly complain of racial harassment by police. A 1990 report by Chris Cunneen for the Human Rights and Equal Opportunity Commission based on interviews with 171 Aboriginal young people in detention centres in Queensland, New South Wales and Western Australia found alarmingly high levels of police violence towards these young people (Cunneen, 1990).

Finally, a national survey of young people by the Australian Youth Foundation found a high incidence of complaints by young people about police harassment, and that fear of police violence was an oppression most keenly felt by young Aborigines and those known to have a 'record'. This survey also revealed that young people believed that complaints about police treatment of them were 'useless', and that contact with police should be avoided wherever possible. (Daniel and Cornwall, 1993: 2,3).

## Conclusion

We now have clear evidence from every Australian state and territory that many police engage in unacceptably violent behaviour in their dealings with young people, and that many police do not respect the rights of young people to be treated fairly and with dignity.

In the next chapter we set out in detail the findings from our research. Unfortunately, our findings confirmed our fears that, despite the calls in all these reports for better police training and better police accountability, mistreatment and violence continue to characterise relations between police and young people in NSW.

## FINDINGS

Of the 141 young people (median age 16 for both males and females) who responded to the survey questionnaire, over one-third (55) were female. Only 9 of these young women and 15 of the young male respondents considered they had been treated fairly by the police. What happened in the interactions with police experienced by over four-fifths of all of these young people that resulted in such negative perceptions of police contact for so many? Were the perceptions of girls formed on the basis of different experiences from those of the boys? Are race and cultural background significant factors here for girls or boys or both? If so, how? The methodology employed in this research and the nature of the questions asked, does not allow us to draw absolute conclusions. Nevertheless, the responses do provide a rich source of anecdotal evidence which, for the most part, reiterates the findings of other more extensive and more statistically reliable research outlined in the previous chapter.

The findings of this research are presented in four sections:

1. The characteristics of those surveyed
2. The characteristics of the police contact
3. The characteristics of the incident
4. The details of the incident

The results were also cross tabulated to give a breakdown for cultural background and to compare any differences between those describing themselves as from an Australian and those describing themselves as from an other than Australian Background. These tables appear in Appendix B.



## CHARACTERISTICS OF THOSE SURVEYED

The following section provides details about the participants' gender, cultural background, language, age, employment status, and residence.

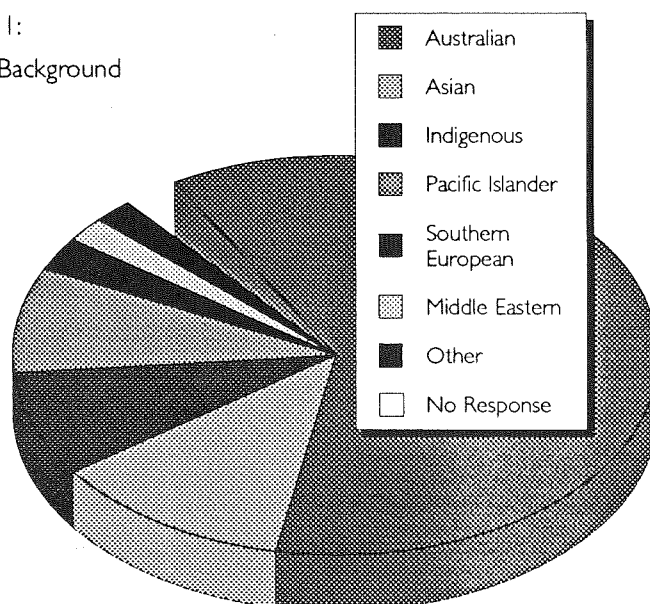
### Gender

Of the 141 participants 60.7 per cent were young men.

### Cultural Background

A majority of participants (61.4 per cent) identified themselves as being from an Australian cultural background. 12.1 per cent were Asian; Indigenous and Pacific Islander were 8.5 per cent each; Southern European 2.8 per cent; and Middle Eastern and 'Other' 2 per cent. 2.8 per cent did not respond to this question.

Diagram 1:  
Cultural Background

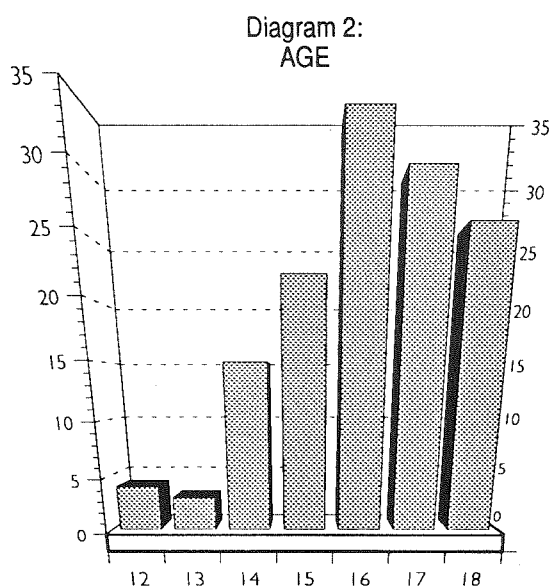


### Language

The majority of the participants (80.7 per cent) identified English as their first language. Another language was identified by 17.8 per cent. Five did not respond to this question.

## Age

Most respondents were aged between 14 and 18 years. The median age was 16. Only 7 were aged 12 or 13.



## Employment Status

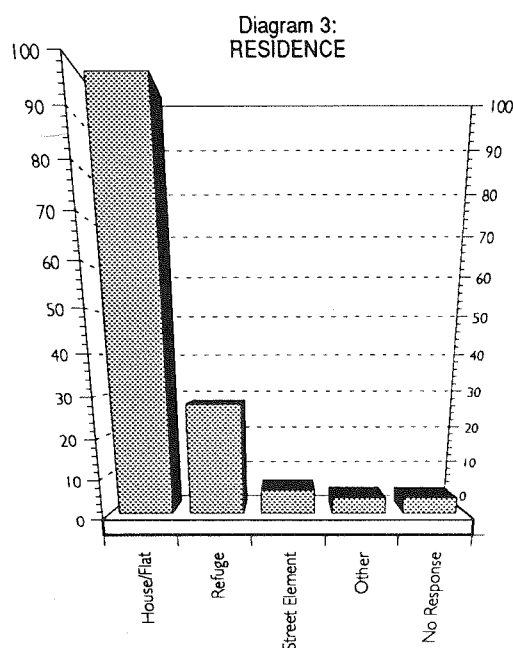
Most participants were either studying (42.8 per cent) or unemployed (42.1 per cent). Few (13.5 per cent) were working. Three did not respond to this question.

## Residence

Ninety-nine participants (70.7 per cent) lived in a house or flat. Twenty-eight (20 per cent) lived in a refuge and 6 on the street. Eight did not specify where they lived (see Diagram 3).

## Summary

Young males, aged 16, of Australian cultural background, English speaking, studying, and living in a house or flat are the most typical respondents to our survey. Nonetheless there are significant numbers of Indigenous and Pacific Islander young people, young women, and young people who are unemployed or live in refuges.



## CHARACTERISTICS OF POLICE CONTACT

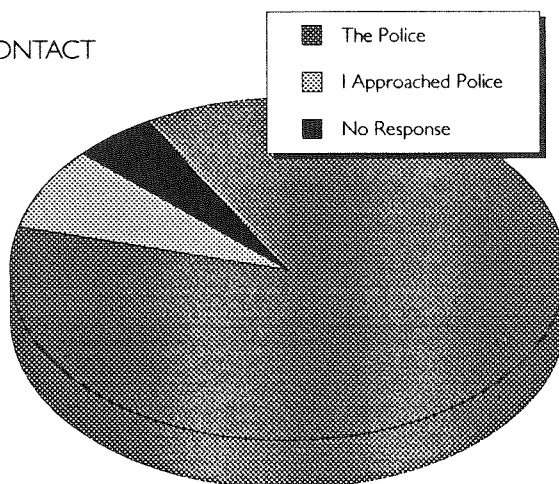
### Age of police

About half of the young people (47 per cent) thought that the police officers with whom they had contact were over twenty-five. Twenty-nine percent of the young people thought that the police were under twenty-five. In 19 per cent of the responses, the young people thought that the police officers involved were either under and over twenty-five. Five percent did not respond to this question. We sought this information because previous reports have stated that the age of police was a significant factor in the nature of the treatment received by young people. No significant differences were found in our survey using this indicator.

### Who approached whom?

Over 90 per cent of respondents were approached by the police. Only 8 (5 per cent) initiated their contact with the police. Five did not respond.

Diagram 4:  
INITIATION OF CONTACT

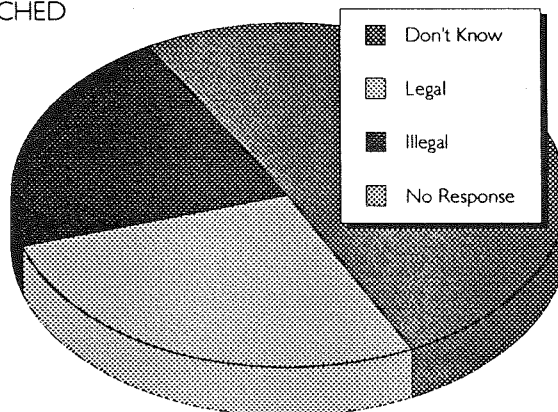


### Reason approached

This question was coded as to whether the participant believed that they were doing something illegal that may have prompted the police to approach them.

Over half (51 per cent) of our respondents did not answer this question. Of those who did, slightly more (27.6 per cent) considered that they were doing nothing illegal when the police approached them than the 21.4 per cent who acknowledged they were doing something illegal.

Diagram 5:  
REASON APPROACHED

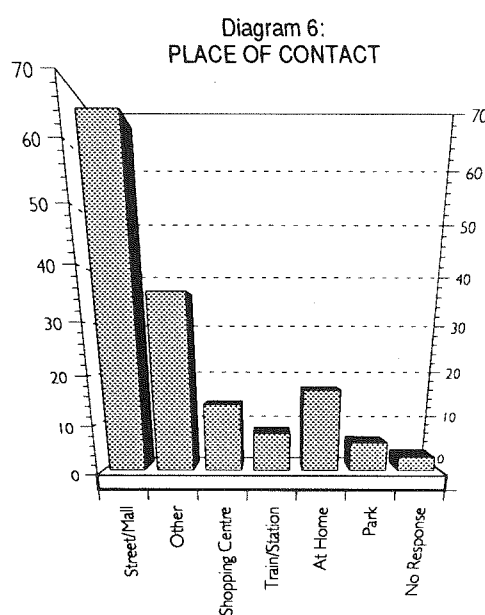


## CHARACTERISTICS OF THE INCIDENT

This section describes the incident in terms of time, place, and group characteristics.

### Point of contact

Almost half (46 per cent) of respondents were in a street or mall when they came into contact with the police. Thirty-six young people were in places other than those specified in the questionnaire. The majority of these were in car parks. Some (11 per cent) were in a house when approached by the police. Nine percent were approached in shopping centres, six per cent on trains or at a station and four per cent were approached in a park. Twenty-eight people said that they were in a car when the police approached. Eleven of these 28 were driving the car. Three did not respond to this question.



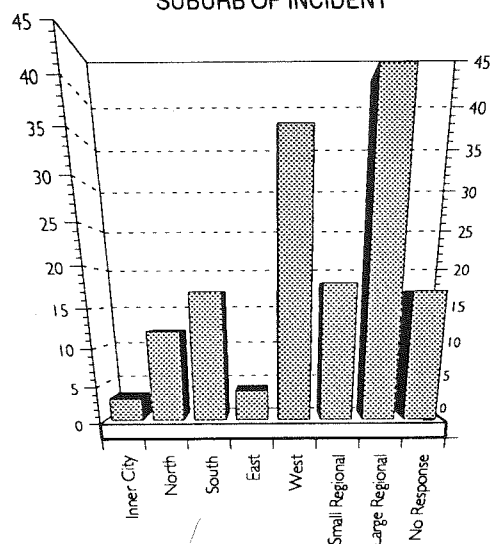
### Suburb of incident (optional)

This question was optional to protect the concerns about confidentiality and anonymity raised by the young people in the pilot. The responses were coded into major urban areas. 'Large' and 'small' 'regional' were coded for population; large regional included Newcastle, Wollongong, Dubbo and Bathurst; small regional included Singleton, Shoalhaven and Bowral.

Even though the question was optional, only 17 young people did not respond. Most respondents came from large regional centres (28 per cent) or Western Sydney (24 per cent). Small regional was

also well represented with 18 responses (12 per cent), followed by Southern Sydney (11 per cent), Northern Sydney (8 per cent), Eastern Sydney (3 per cent) and Inner City (2 per cent).

Diagram 7:  
SUBURB OF INCIDENT



### Time of day

Thirty-three young people had contact with the police in the morning. Many of these responses were in the very early morning, that is 1:00 am or 2:00 am. Eighty-three young people had contact with the police in the evening. Twenty-five young people did not respond to this question.

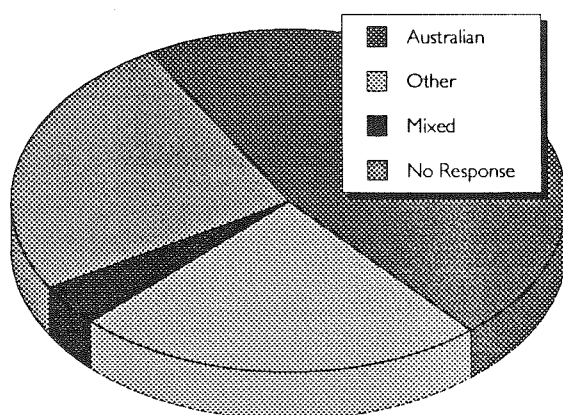
### Day of week

Fifty-seven per cent had contact with the police on weekdays. Twenty-one per cent had contact with the police on weekends. Thirty young people did not respond to this question.

### Group characteristics

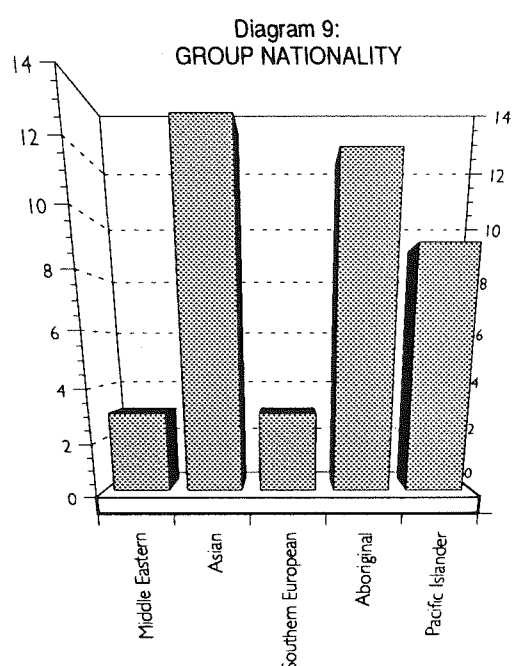
Eighty-three young people were with other people when they had contact with the police. Forty-six of these young people were with one or two other people and 37 were with three or more. Thirty-one young people were alone at the time of contact with the police. Twenty-seven did not respond to this question.

Almost half (47 per cent) of those who were with other people were with people from Australian backgrounds. Thirty-four (24 per cent) said that they were with people from another background and 6 people were with people from both Australian and non-Australian backgrounds.



Thirteen of the young people who were with people of other backgrounds were with people from Asian backgrounds. Other young people were in groups with people from Aboriginal backgrounds (12), Pacific Islander backgrounds (9), Middle Eastern backgrounds (3) and Southern European backgrounds (3).

Diagram 9 shows that, apart from groups from an Australian background, the group with the greatest contact with police is that from an Asian background, followed by groups of Aboriginal and Pacific Islander young people. This is consistent with research indicating that young people who are visibly different will be subject to high levels of police contact (see Cunneen, 1994; Chan, 1994).





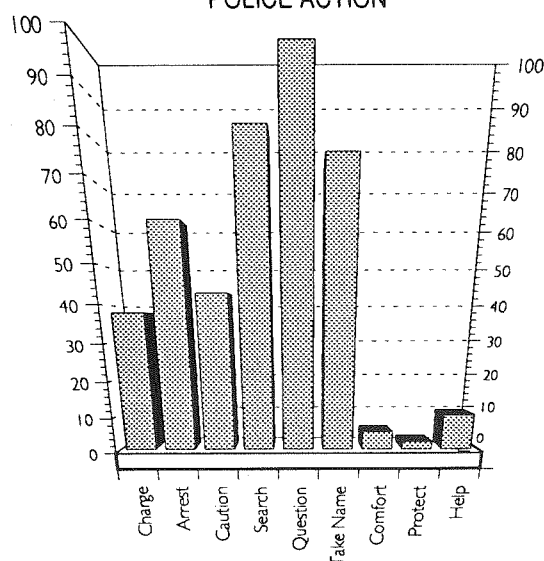
## DETAILS OF THE INCIDENT

This section documents the details of the young people who were searched, arrested, went to the police station, complained, or were injured, and how they perceived their treatment.

### Initial Contact with the police

When the respondents came into contact with the police most (99) were questioned, had their name taken (76), or were searched (82). Many were also arrested (61), cautioned (43) and charged (8). Only 10 young people identified the police as helping, only 5 as comforting and only 2 as protecting them.

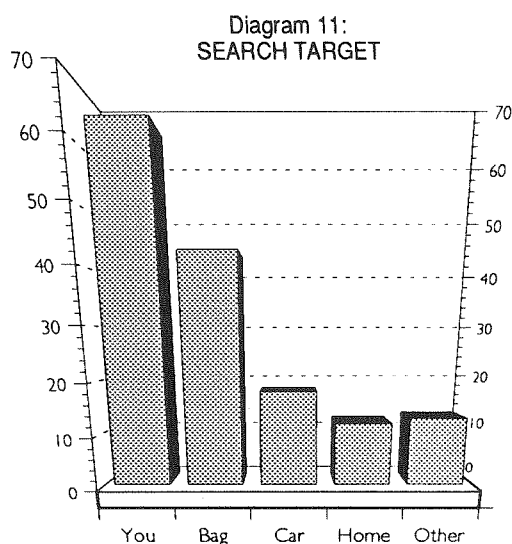
Diagram 10:  
POLICE ACTION



### Search

Eighty-two young people (58 per cent) said they were searched in some way. Of the young people who were searched most (64) were personally searched (that is, they were asked to remove some or all of their clothes). Others had bags (43), cars (18), or homes (12) searched. Thirteen said that other parts of their property were searched.

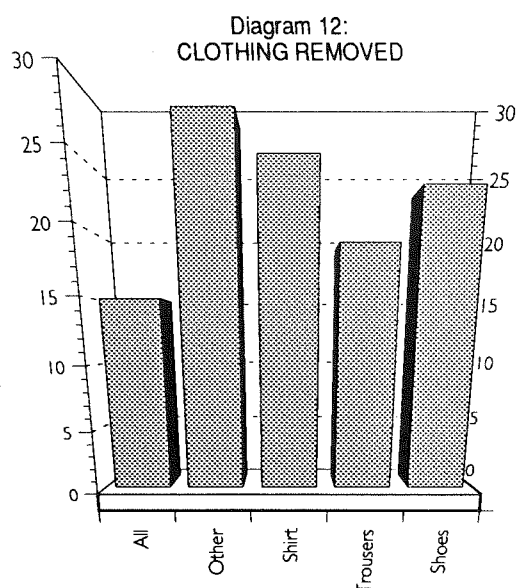
Forty-eight of the young people searched were given a reason for the search. Thirty-three said the police had not given them a reason. Police commonly said they were searching for drugs (21), followed by stolen property (13) or something else (15).



Most young people (50) were searched in public. Only 8 were searched in private; 19 were searched in a police station.

When young people were asked to remove clothing, most (28) had to remove clothing other than that specified in the questionnaire. Twenty-five young people were required to remove their shirts, 23 their shoes and 19 their trousers. Fifteen were required to remove all their clothing in the search.

The police found something illegal in only 17 searches.

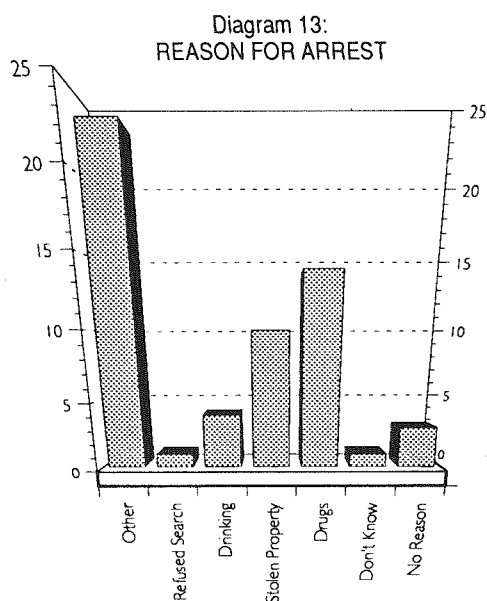


## Arrests

Sixty-one young people were arrested when they had contact with the police. Of these 14 were arrested for drugs and 10 for stolen property. Twenty-three of the reasons for arrest were too complicated

to categorise. Four young people were arrested for drinking and one for refusing a search. Three were not given a reason for the arrest. One did not know the reason.

A large number of those arrested were fingerprinted (49), photographed (44), or handcuffed (30). Thirty were told what was going on. Only 19 recognised that they were told their rights when arrested. While this may not be the actual number of the young people who were in fact told their rights, it is important that only 19 remembered being told.



### At the police station

Eighty-nine young people went to a police station at some time for various reasons. Most (45) were at the police station to be questioned or for some other reason (45), or to be cautioned (25). A substantial number (11) went to the police station to report something. One went to the police station to make a complaint.

The young people were asked how they were treated at the police station. An overwhelming number (51) responded that they were treated rudely. A large number were threatened (29), and hit / kicked (24). Only 13 said they were treated with respect when they went to a police station, although 27 thought they had been treated 'fairly'.

Diagram 14:  
ACTION AT ARREST

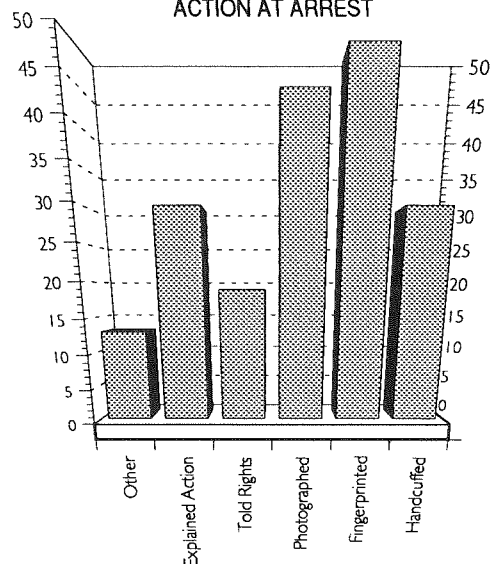
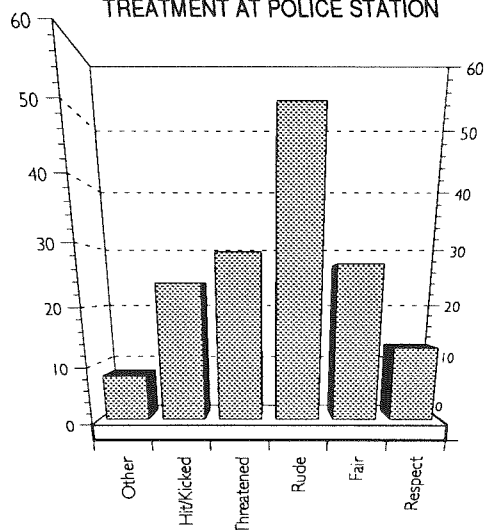


Diagram 15:  
TREATMENT AT POLICE STATION



## Injuries

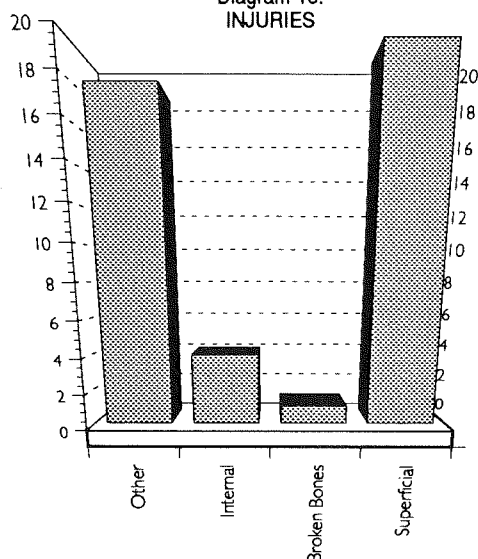
Twenty-three young people said they had sustained injuries during their contact with the police.

The responses to this question were coded into four categories:

- (i) Superficial injuries including such things as bruising, cuts and scratches;
- (ii) Broken bones including fractures, cracks and breaks;
- (iii) Internal injuries including muscle tears, leg needing an operation, and serious back injury;
- (iv) Other injuries including psychological injuries, unspecified injuries and other minor problems.

Twenty young people sustained superficial injuries, 1 young person had broken bones, 4 young people suffered internal injuries, and 18 young people sustained other injuries.

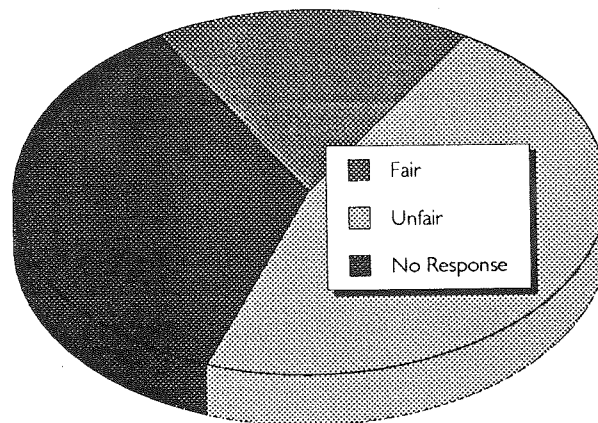
Diagram 16:  
INJURIES



## Overall treatment by police

Twenty-four young people considered that their treatment by the police was fair. Sixty-seven said that their treatment by police was unfair.

Diagram 17:  
PERCEPTION OF  
TREATMENT



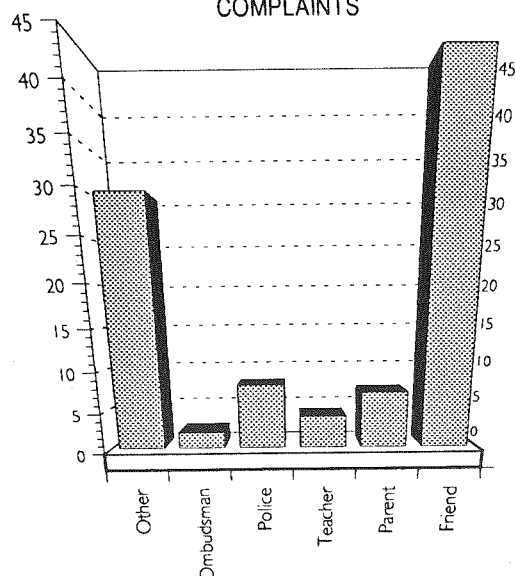
## Complaints

Sixty-nine young people complained about their treatment by the police.

However, the majority complained to non-official sources. These included friends (44), parents (7), teachers (4) or someone else (30). Very few young people complained to official sources. Of those who did, 8 complained to the police and 2 to the Ombudsman.

Seventy-two young people did not respond to this question. The findings in this section suggest that many of these 72 had valid reasons for lodging an official complaint.

Diagram 18:  
COMPLAINTS

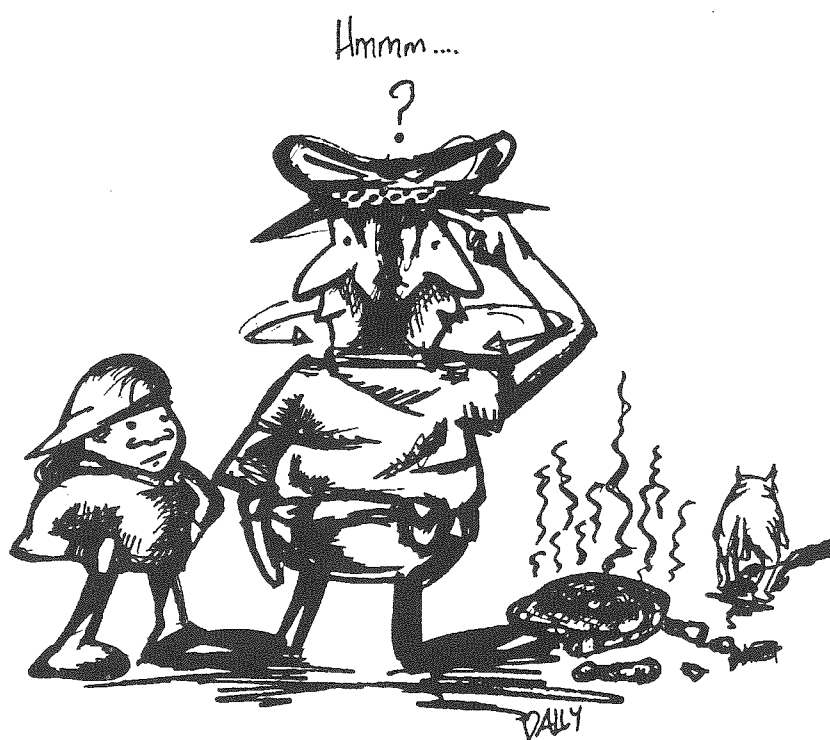


## DISCUSSION

### Policing of public space

Some characteristics of the actual contact between young people and police were presented in section three of the research findings. These results suggest that the most likely contact points were streets, shopping malls or car parks. The most frequent times of contact were in the late afternoon or evening, particularly on weekdays. Contact was more likely to occur on weekdays than weekends (see page 24). Young people were three times more likely to be approached by police when in the company of others than when alone, that is, young people in groups were more vulnerable to police intervention than were individual young people. Where young people congregate in groups, they are often thought to present a threat to public safety. Police response (often influenced by politicians' 'law and order' campaigns) to such perceived threats has sometimes been to engage in 'street cleaning'.

'Street cleaning' is a well established part of policing and is related to both the age and the ethnicity of those who are policed in this way. One such crackdown in Redfern was even called 'Operation Hoover'. The widespread use of the Summary Offences Act in this process has been well documented, particularly the use of charges for offensive language (see, for example, Youth Justice Project, 1990: 231-237). The police presence in this context is seen by many as a symbolic representation of the control of public space and of young people (see for example White, 1990: 138), a necessary presence even in the absence of a significant incidence of actual crime committed in these locations. This survey



confirms the results of many other surveys: most arrests result from the negative interaction between police and young people which often follows the initial contact.

The lack of 'a space of their own' for many young people is exacerbated by factors such as high unemployment and lack of resources with which to engage in many of the activities provided by the private sector. Streets and shopping malls therefore become, for some, the focus of recreation, and for others a place to live because of their homelessness and the limited availability of crisis or medium term accommodation. The uncoordinated actions of agencies from the welfare and justice arms of the State, both relying on legislative powers, are particularly significant factors in creating a cycle of continuing contact with the legal system (see, for example, Burdekin, 1989). Homeless young people are often the most vulnerable of all to this cycle of welfare and police intervention. It is sometimes claimed (see, for example, Alder et al, 1992; Daniel and Cornwall, 1993) that those policing young people are predominantly young people themselves. Our responses neither confirm nor deny these claims (see page 21). However, these claims support a further claim that where young police are involved, the problem of vulnerability to police harassment for 'street kids' may be magnified.

### **Racial / ethnic differences in policing**

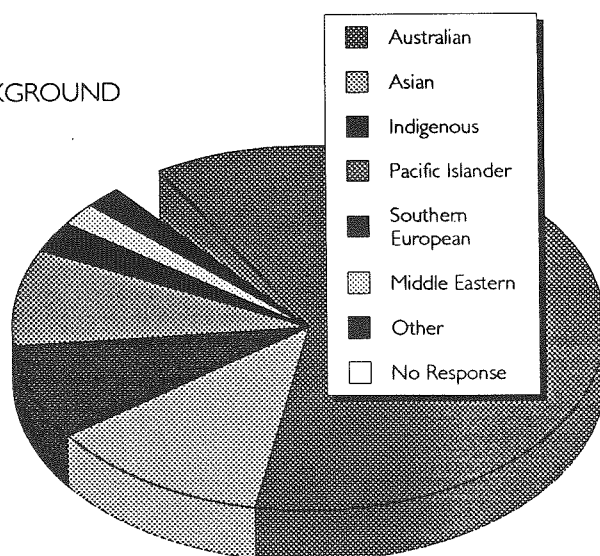
The policing of marginalised young people is often said to be reflective of general strategies of social control towards this group (Gale et al, 1990: 86; Chan, 1994: 194-196). The concept of 'differential policing' based on dimensions of class, race and gender is also a familiar theme (White and Alder, 1994). A number of police actions were examined in the survey in relation to differential policing, including the use of arrest rather than cautioning or court attendance notices, police use of violence or other intimidation against young people, and the policing of public space in which certain groups are particularly visible. Once police instigate contact with young people what follows is often determined by the reactions of young people to the police action. Legislation covering offences in public places (for example, the Summary Offences Act) is applied by police on a discretionary basis after these actions and reactions. Whilst differential policing is most frequently discussed in relation to Aboriginal young people, our survey found the practice to be significant and widespread for young people from other than English backgrounds (OTEB).

The factors which contribute to the particular vulnerability of young people from other than English backgrounds to police intervention have only recently begun to be explored (see, for example, Chan, 1994). Our survey results confirm the relevance of the following factors in any consideration of the differential policing of young OTEB people:

- Young people congregate in groups in public areas for many reasons, including support and companionship. Young people from other than English backgrounds are particularly visible because of their language, clothes and skin colour. This extra visibility combines with a fear of youth gangs (fuelled by periodic media stories) and ethnic stereotypes. Consequently, these young people are likely to



Diagram 19:  
CULTURAL BACKGROUND



be approached and questioned by police for no valid reason. In these situations the police may believe that they are simply reflecting community concern and responding to pressure to do something about 'ethnic gangs'.

- For young people from many ethnic backgrounds, particularly those whose families have fled authoritarian regimes, the police are seen as symbols of a repressive state and not to be trusted. This may lead to a hostile or evasive response by young people to police contact, which in turn fuels increased harassment by the police (see Chan, 1994: 191-192).
- Young people from other than English backgrounds have limited access to information about their rights and the rules which should govern interaction between police and young people. Police are not trained in dealing with young people generally (see Previous Research), and OTEB young people in particular. This lack of training contributes towards the escalation of conflict between 'ethnic' young people and the police.

The survey asked respondents to identify their cultural background (see Diagram 19). About 17 per cent of the young people in our survey said they were from an other than Australian background. Even with such small numbers of OTEB young people, the very high incidence of police mistreatment when OTEB young people were in the company of other OTEB youth (see Appendix B, tables 4-8) indicates that these young people have been subject to differential policing. It is clear, therefore, that police need to take seriously their stated commitment to the implementation of an Ethnic Affairs Policy Statement, and to Strategy Two of the (draft) NSW Police Service Policy Statement concerning professional training for police in dealing with young people from different cultural backgrounds. These steps are crucial to combat the level of racism apparent towards OTEB, as well as Aboriginal, young people in our survey.

The handling of complaints about police treatment by these young people also needs to be examined carefully (see Chan, 1994: 195-196). However, as Chan suggests:

*The most important change required is not that the police suddenly become friendly and more tolerant towards ethnic youth, although that may be a start, but that police, as professional law enforcement workers, have genuine regard for the due processes of the law (Chan, 1994: 192, emphasis in original).*

## **The policing of gender**

Generally the results of our survey support the evidence found in other reports (for example, Daniel and Cornwall, 1993; Alder et al, 1992; White and Alder, 1994) that young men are more likely to experience rough treatment from the police than young women. However our responses also point to worrying issues in police treatment of some young women. The reports by young women from Asian backgrounds of excessive, repeated and invasive strip searching are particularly disturbing.

Our report confirms Christine Alder's conclusions that:

*the complexity of the issues involved in police decision making makes it difficult to determine ... the ways in which that decision making is informed by gender ... [A] young woman's class, race, age and demeanour are some of the factors that have an effect on the way her behaviour is responded to (Alder, 1994: 171).*

Clearly for the young women in our survey, race, perhaps intersecting with age and class, was a significant factor in police decision making.

## **Complaints against police**

It is clear that for a variety of reasons, such as visibility in public space, and the 'common sense' view that young people will transgress, young people will frequently come into contact with police. However, our responses indicate that the nature of this contact requires further investigation. There were many instances in which police were overly suspicious or vigilant to the point of harassment. We expect that police will police young people. But the manner of their investigations and their use of intimidating and potentially abusive tactics raise important questions about the meaning of 'community policing' for young people, some of which we considered in the previous sections.

In this section we consider the other side to this coin: the general reluctance of young people to report instances of mistreatment.

Our responses suggest that whilst almost three times as many young people thought that their treatment by the police was unfair as those who thought their treatment fair, and that 23 received injuries in the course of their contact with the police, only eight made formal complaints to the police and two to the Ombudsman. In contrast, 51 young people complained to their friends or parents (see page 30).

This finding is in accord with the results of the 1993 survey by the Victorian Federation of Legal Centres (VFCLC) in which only 38 per cent of the respondents had officially reported incidents of mistreatment. Those not reporting such mistreatment cited their reasons as fear of reprisal, lack of knowledge or a belief that nothing would be achieved (Victorian Federation of Community Legal Centres, 1993: 78).

The Office of the Ombudsman is the primary external mechanism for complaints against the police. Few young people use this mechanism. This may be because of a lack of knowledge about the existence and/or role of the Office, although other factors have been found to be relevant. In 1992, the NSW Upper House Committee on Social Issues took evidence from a range of sources, including the Office of the Ombudsman, young people, solicitors and social workers, on the question of young people's knowledge of, access to and use of the Office of the Ombudsman as a forum for complaint about police treatment. While the Committee found, consistent with the claims of the VFCLC and others, that young people may not be utilising the Ombudsman's office because they are unaware of its existence, they also found that young people do not use the Office because they fear retaliation if they do lodge a complaint, or 'are often deterred from lodging a complaint because of the lengthy time that it can take for the findings to be delivered' (Standing Committee on Social Issues, 1992: 196).

The 1993 Annual Report of the NSW Ombudsman (1993: 64) recognises the need for accountability of police to an external authority, in tandem with internal accountability throughout the police service. Unfortunately, mere recognition is not sufficient. The report reveals that *less than one-fifth* of complaints received by the Ombudsman in 1992-1993 actually resulted in an investigation (614 out of 3,796). Of those complaints not investigated in 1992-1993, fifty per cent were declined at the outset (1993: 66). These figures suggest that the resources of the Ombudsman's office are woefully inadequate to meet existing demands from all sections of the population. The complaints of young people have little prospect of an adequate official hearing in this context.

Young people from as far afield as Bendigo and Cairns who participated in the Australian Youth Foundation's study repeatedly claimed that it was useless to complain about police behaviour — because 'nobody listens' (Daniel and Cornwall, 1993: 18). Perhaps this is a realistic assessment, given the present paucity of the Ombudsman's resources and responses.

Case studies 5 and 6 illustrate the lack of knowledge about, or unwillingness to make, formal complaints, prevalent among young people:

### **CASE STUDY 5**

*A 16 year old male was watching football on television at a friend's house one Friday night at about 8:00 pm when the police came to the house. The police decided to strip search them for no apparent reason and found nothing. The boys were charged with resisting arrest, offensive language and assault. The young man received superficial injuries including bruises and cuts and was bleeding. No official complaint was made in relation to this mistreatment.*

### **CASE STUDY 6**

A 16 year old male of other than English background, was approached by the police in a Coles Supermarket because they were suspicious that he had stolen something. The police asked to search him, but he refused. He was arrested. When he refused to be searched, the police handcuffed him and took him to the station where they fingerprinted and photographed him. There, the police threatened him, treated him aggressively and physically assaulted him. This assault resulted in bruised ribs. The police search found nothing. This young man complained only to a friend.

The following recommendations were made in *Kids in Justice* in 1990. They have yet to be implemented:

- the appointment of a Children's Ombudsman or Deputy Ombudsman (Children) and the establishment of a separate unit to deal with complaints by young people;
- the creation of the position of Youth Liaison Officer in the Ombudsman's Office; and
- the introduction of measures to reduce the time taken in dealing with complaints to one more appropriate to young people's sense of timing.

An effective independent complaints mechanism is crucial in providing young people with protection and redress in a system where, as a group, they are most at risk of intimidation, harassment and physical abuse.

At the risk of labouring the point, we reiterate that this is particularly true for young people from disadvantaged backgrounds in the light of statements such as those of Vinson that:

*Perhaps part of the explanation of the socioeconomic crime connection lies in the social conditioning of those whose unenviable job it is to track down offenders. Areas of concentration of the unemployed and poor apparently loom as a productive starting point (1992: 5).*

The Department of Community Services recently established an appeals and complaints mechanism for its welfare services, yet young people in the juvenile justice system, once a part of that Department, still have few responsive avenues for complaint. The seriousness and range of complaints against police and the fact that young people are reluctant to make complaints suggest that, first, police themselves need to take complaints seriously and to respond to complaints sensitively and openly. Secondly, there must be a 'viable, well resourced and independent complaints system' (Hall, 1994: 238), such as that already (at least in theory) available in the services offered by the Ombudsman. In order to facilitate access to and ready use by young people we repeat the calls in *Kids in Justice* for the establishment of a position of youth commissioner, attached to the Ombudsman's office. One of the responsibilities of

the person appointed to this position would be to ensure that the services offered by the Office are accessible and well publicised amongst all young people. We support Hall's argument that any complaints procedure should contain 'a mechanism which encourages and facilitates community feedback generally, rather than accepting only individual complaints, [and] a component that investigates matters pertaining to a particular officer, station or type of incident in terms of its wider social context' (Hall, 1994: 238).

## CONCLUSION

*Nobody Listens* adds to the many reports from all over Australia which reveal the abuse of the rights of young people by police and demand that police actions be constantly monitored to ensure that children's rights are respected. The response from the New South Wales Police Service has been the development of a draft New South Wales Police Service Youth Policy (9 August 1993), which incorporates the following statement:

*They (young people) have the right to be treated fairly and with dignity. Mutual respect and understanding should underpin the relationship between young people and the police (NSW [Draft] Police Service Youth Policy Statement 1993)*

This policy statement covers areas of concern addressed in previous and current research, listed in the mission statements of the NSW Police Service:

- ✧ young people are among the least powerful in society;
- ✧ victims have rights; and
- ✧ police need to have the skills to communicate the policy to the community.

*(The Goals of the NSW Police Service, 9th August 1993)*

At the policy level, we understand that police are aware of the need to develop better relations with young people and to ensure the rights of young people are protected. Policy and awareness at managerial levels still need to filter down to street level to achieve this goal.

The abuses and deficiencies that have been raised by this and other studies, as well as growing concerns in the youth sector, have led to this research. We have identified areas of concern about police procedures, such as incidents of violence, the negative perception of police treatment of young people, especially of young people from other than English speaking backgrounds, the lack of knowledge of rights and use of formal complaints mechanisms, and the general over policing of young people particularly in 'public space'. We have examined the gap between police procedures, outlined in their own policy and the implementation of that policy, and the actual practice of policing young people.

There is nothing terribly new in this report. When added to the findings of previous research, our study merely confirms that the behaviour of too many police towards too many young people routinely breaches even the minimum standards of behaviour required of public officials. The standards set in international human rights instruments to which Australia is a party seemingly have no importance in the context of the relations between many police and young people.

So we know the problems. The difficulty is to find ways to address them. Policy statements seem to have little bearing on the everyday practice of policing young people. Calls for better training may well

be heeded but, once on the streets, the lessons learned in training are subverted by the dominant local culture which determines acceptable behaviour by young officers at patrol level.

Policy statements urgently require translation into practice. We therefore, together with many previous reports, call for better accountability by police — to their superiors, to young people, to the wider community, and to the government.

Our survey suggests that calls for better advocacy for young people should also be heeded. Complaint mechanisms should be widely publicised among young people. The office of the Ombudsman must be provided with more resources to handle complaints by young people in ways that are appropriate to young people's sense of timing, justice and fairness.

Unless the policy statements of both the Police Service and the New South Wales Government are translated into practice, Australia's expressed commitment to ensuring the rights of young people, evidenced by the signing of the *Convention on the Rights of the Child* in 1990, will remain as empty rhetoric.



## RECOMMENDATIONS

This report calls for:

1. The implementation of the recommendations of the *Kids in Justice Report*, in particular:
  - a) the publication of a Policy on Policing Young People. The policy should be further developed through a process of consultation with police, young people and youth, welfare and legal workers at local, regional and state levels. (Recommendations 105, 106).
  - b) The implementation of a comprehensive range of mechanisms to provide for accountability in the policing of young people (Recommendation 112).
  - c) The establishment of a better resourced, more accessible independent complaints mechanism such as a Children's Ombudsman (Recommendation 45).
2. The development of a comprehensive program of legal advocacy for young people.
3. Compliance with Australia's obligations under the United Nation *Convention on the Rights of the Child* and the International Covenant on Civil and Political Rights.
4. Priority be given to consolidating the positions of Police Youth Liaison Officer in every patrol, and these positions be managed by a joint community/police committee. Police in these positions must:
  - a) be responsible for the development of youth/police relationships in the local area;
  - b) be closely linked with young people's groups, and youth and community services; and
  - c) help coordinate (in conjunction with a committee drawn from the whole community, including young people who have regular contact with police) the training of police in youth issues.

## **APPENDIXES**

## APPENDIX A: The Questionnaire

### Contact between young people and police

We are asking you for this information so that we can find out how police are treating young people. We will use the information we collect from young people all around NSW to lobby the NSW government to make changes to how police deal with young people. Your name will not be given out to anyone.

#### When you had contact with the police ...

Where were you?

- ☐ in the street or mall
- ☐ shopping centre
- ☐ train or station
- ☐ park
- ☐ at home
- ☐ somewhere else .....

Were you in a car ..... yes / no

Were you driving the car..... yes / no

When did it happen

It happened at about ..... am / pm  
on ..... / ..... / 93

Who were you with

- ☐ I was alone
- ☐ I was with ..... other people,  
and they were mainly ..... nationality

What were you doing?

#### Who approached who?

- ☐ the police approached me
- ☐ I approached to police

Why ...

Did the police

- ☐ help you
- ☐ protect you
- ☐ comfort you
- ☐ take your name
- ☐ question you
- ☐ search you or your things
- ☐ caution you
- ☐ arrest you
- ☐ charge you

What else did they do?

#### If you were searched

What was searched?

- ☐ yourself / your clothes
- ☐ your bag
- ☐ the car you were in
- ☐ your home

What reason did the police give for the search?

.....  
Where were you when you were searched?

.....  
What clothing did you take off?

.....  
What did the police find?

### If you went to the police station ...

Why did you go there?

- ☐ to report something
- ☐ to make a complaint
- ☐ to be questioned
- ☐ to be cautioned
- ☐ I was under arrest

Why else ...

### If you were arrested

What reason did the police give for arresting you?

.....

Were you

- ☐ handcuffed
- ☐ fingerprinted
- ☐ photographed
- ☐ threatened
- ☐ hit
- ☐ treated OK
- ☐ treated well

Did you get injured ..... yes / no

What injuries?

.....

What else happened ...

### If you went to court

What contact did you have with the police at court ...

### Have you made any official complaint about the police?

Who have you complained to, and what did you complain about ...

### About you

- ☐ Female
- ☐ Male

Age .....

What is your cultural background?

.....

What is your first language?

.....

Where do you normally live?

- ☐ in a house or flat
- ☐ in a refuge
- ☐ on the street
- ☐ somewhere else .....

At the moment are you

- ☐ working
- ☐ studying
- ☐ unemployed

*Thank you for your help.*

### Youth worker declaration

I ..... (youth worker's name) of .....

(organisation) declare that I have accurately recorded this information as told to be by

..... (use whatever name identifies this young person to you)

Signed: ..... Date: .....

## APPENDIX B

The following tables indicate some of the more significant dimensions of differential policing based on common types of police actions towards young people.

Tables 1-3 use the self-identified cultural background of the respondent as a basis for comparison.

### 1. Search

	Aust.	Indig.	Asian	South Europe	Middle East	Pacific Islander	Other	No Resp.	Total
YES	42	6	16	3	2	8	2	2	81
NO	6	6	1	1	1	4	1	2	60
TOTAL	12	12	17	4	3	12	3	4	141

### 2. Arrest

	Aust.	Indig.	Asian	South Europe	Middle East	Pacific Islander	Other	No Resp.	Total
YES	13	3	11	1	0	6	2	0	36
NO	73	9	6	3	3	6	1	4	105
TOTAL	86	12	17	4	3	12	3	4	141

### 3. Injury

	Aust.	Indig.	Asian	South Europe	Middle East	Pacific Islander	Other	No Resp.	Total
YES	10	5	5	10	0	3	0	0	36
NO	76	7	12	4	3	9	3	4	105
TOTAL	86	12	17	4	3	12	3	4	141

Tables 4-7 indicate the reported actions of police towards young people in groups according to the main background of the group as identified by the young people.

#### 4. Search

	Aust.	Other	Mixed	No Resp.	Total
YES	31	29	4	18	82
NO	36	5	2	17	60
TOTAL	67	34	6	35	142

The results in this instance are significant to a 99.9 per cent level of confidence given the sample size and parameters ( $p=.0019$ ).

#### 5. Removal of any clothing

	Aust.	Other	Mixed	No Resp.	Total
YES	9	19	1	7	36
NO	58	15	5	28	106
TOTAL	67	34	6	35	142

The difference between 'Australian' and 'Other' is significant at the 99.9 per cent level of confidence ( $p=0.0001$ ).

#### 6. Arrest

	Aust.	Other	Mixed	No Resp.	Total
YES	27	21	2	11	61
NO	40	13	4	23	80
TOTAL	67	34	6	34	141

nobody listens

## 7. Injuries

	Aust.	Other	Mixed	No Resp.	Total
YES	6	11	2	4	23
NO	61	23	4	30	118
TOTAL	67	34	6	34	141

## 8. Perception of police treatment

	Aust.	Indig.	Asian	South Europe	Middle East	Pacific Islander	Other	No Resp.	Total
Fair	19	2	1	0	1	0	0	1	24
Unfair	40	6	12	3	1	3	1	1	67
No Resp.	27	4	4	1	1	9	2	2	50
TOTAL	86	12	17	4	3	12	3	4	141

## BIBLIOGRAPHY

Alder, C (1994), 'The Policing of Young Women', in White, R and Alder, C (eds), *The Police and Young People in Australia*, Cambridge University Press, Melbourne

Alder, C, O'Connor, I, Warner, K and White, R (1992), *Perceptions of the treatment of juveniles in the legal system*, National Clearinghouse for Youth Studies, Hobart

Brewer, G and Swain, P (1993), *Where Rights are Wronged: a critique of Australia's compliance with the United Nations Convention on the Rights of the Child*, National Children's Bureau of Australia, Melbourne

Burdekin, B (1989), *Our Homeless Children*, Report of the National Inquiry into Homeless Children by the Human Rights and Equal Opportunity Commission, Australian Government Publishing Service, Canberra

Chan, J (1994), 'Policing Youth in "Ethnic" Communities: Is Community Policing the Answer?', in White, R and Alder, C (eds), *The Police and Young People in Australia*, Cambridge University Press, Melbourne

Cunneen, C (1988), *An evaluation of the juvenile cautioning system in NSW*, in Proceedings of the Institute of Criminology No 75, Sydney

Cunneen, C (1990), *A study of Aboriginal juveniles and police violence*, Human Rights and Equal Opportunity Commission, Sydney

Daniel, A and Cornwall, J (1993), *A Lost Generation?* Australian Youth Foundation, Sydney

Gale, F, Naffine, N and Wundersitz, J (1993), *Juvenile Justice: debating the issues*, Allen & Unwin, Sydney

Hall, S (1994), 'Reform and Change: An Agenda for the 1990s', in White, R and Alder, C (eds), *The Police and Young People in Australia*, Cambridge University Press, Melbourne

Juvenile Justice Advisory Council of NSW (1993), *Green Paper Future Directions for Juvenile Justice in NSW*

National Children's and Youth Law Centre (1993), 'Unconventional Behaviour', 1 (1) *Rights Now!* 3-4

NSW Ombudsman (1993), *Annual Report 1992-1993*, Sydney



Standing Committee on Social Issues (1992), Parliament of New South Wales Legislative Council Standing Committee on Social Issues, Report No 4, *Juvenile Justice in New South Wales*

Victorian Federation of Community Legal Centres (1993), *Report into Mistreatment by Police*, VFCLC, Melbourne

Vinson, T (1992), Comment to Institute of Criminology Seminar, *Crime and Social Disadvantage*, Sydney, 15 April

White, R (1990), *No Space of their own: Young people and social control in Australia*, Cambridge University Press, Melbourne

White, R and Alder, C (eds) (1994), *The Police and Young People in Australia*, Cambridge University Press, Melbourne

Youth Advocacy Centre (1993), *Juvenile Justice: Rhetoric or Reality?* Youth Advocacy Centre, Brisbane

Youth Justice Project (1990), *Kids in Justice: a blueprint for the 90s*, Youth Justice Coalition and Law Foundation, Sydney

# NOTES

