

Cunneen, Chris, Conflict, Politics & Crime: Aboriginal Communities and the Police, Allen & Unwin, 2001. ISBN 1 86448 719 4. \$AUD35.

Having worked in community legal centres for many years I am no stranger to tales of police violence and mistreatment, along with the sometimes indifferent and even callous treatment of crime victims. Working with the families of men shot and killed by police opened my eyes to the way the media and official voices work to deny the humanity of those deemed criminal and outside the moral community.

Australian history demonstrates the way policing both reinforces and mirrors hierarchical social divisions based on race, class and gender. Peter Carey's book, *The True History of the Kelly Gang*, vividly brings to life the 19th century struggle of poor selector families to subsist alongside wealthy squatters, Australia's own landed gentry. Police—or 'the traps' as they were referred to by the selectors—were main players in this struggle maintaining a corrupt and oppressive regime of surveillance, harassment, brutality and imprisonment to keep the rural 'criminal classes' in their place. The unpopularity of police in rural areas secured the hero status of bushrangers like Kelly amongst local people and through the decades. In some respects the policing of poor and marginalised groups echoes the policing of Indigenous people. Kelly historian Ian Jones tells us that one Aboriginal tribe includes Ned Kelly in their dreaming. The Dream stories depict him as 'concerned with freedom, dignity and true justice' because he opposed the police, who Aboriginal people associate with theft of land and destruction of life. And still, as Chris Cunneen's book demonstrates, the experience of Indigenous people with police is qualitatively different from that of other sections of society. The difference derives primarily from 'a colonial process which involved police participation in genocide, and the racialised construction of Indigenous people as inferior' (p128).

Conflict, Politics and Crime: Aboriginal Communities and the Police is an analysis of policing in Indigenous communities from colonisation to contemporary times. Many will be familiar with the arrest and imprisonment statistics which reflect the extraordinary over-representation of Indigenous people in the criminal justice system. Aboriginal and Torres Strait Islander people are 27 times more likely to be in police custody and nearly 16 times more likely to be in prison than non-Indigenous people. Aboriginal juveniles are 25 times more likely to be incarcerated than non-Aboriginal young people and in some jurisdictions Aboriginal women make up 70 per cent of prison receptions. According to Cunneen 'adequate explanation [of these figures] involves analysing interconnecting issues, which include historical and structural conditions of colonisation, social and economic marginalisation and systemic racism, while at the same time considering the impact of specific . . . practices of criminal justice and related agencies' (p25).

It is difficult for non-Indigenous people to comprehend the depth and impact of police intervention in the daily lives of Aboriginal people. Cunneen gives us a window into a world where a blue uniform is regularly associated with harassment, surveillance, racist abuse, violence, imprisonment and even terror, torture and death. Aboriginal people and communities are policed differently and more extensively than non-Indigenous communities. Even seemingly innocuous Indigenous community events can attract unwarranted and violent police intervention. Cunneen recounts friendly community social events including football presentations, birthday parties, and sports carnivals where police intervened without cause and used excessive force indiscriminately against Aboriginal people, including women and children.

The police targeting of Aboriginal people over minor street offences is a major factor in the very high levels of Aboriginal imprisonment. In one Western Australian town, with a population of 250 of whom 200 were indigenous it was found that:

in a seven-month period over 1000 charges were laid against 297 persons (99 per cent of whom were Aboriginal people). Almost 80 per cent of the charges were for street offences. Nearly \$200,000 in fines were imposed on the community during the period. On average there were 23 people in the police cells each day of whom seventeen were there because they could not pay fines . . . the officer in charge was receiving a daily meal allowance of over \$13 per prisoner (although the common fare provided to Aboriginal prisoners was kangaroo meat) . . . [T]he officer in charge was receiving \$96,000 of allowances annually arising directly from the incarceration of Mardu [Indigenous] people (p86).

Cunneen argues convincingly that the process of incarcerating Indigenous people has been 'normalised' to the point that a cell is seen as the natural and almost inevitable place for Aboriginal people. How else to explain the death in custody of Mark Quayle taken by his family to hospital for treatment? He had drunk no alcohol but despite this no treatment was given and hospital staff called police instead. He was then taken into custody unlawfully. Seriously ill he died in a police cell. Mark Quayle's sad death is not an aberration but a story repeated in many other cases of unlawful detention of Aboriginal people and deaths in custody.

Cunneen describes the way Aboriginal women encounter intersecting issues of race and gender in their contacts with police. After complaining of sexual assault an Aboriginal woman referred to as 'D' was placed in a cell after police discovered she had a warrant against her relating to 'failing to appear' for a charge of drinking alcohol in public. While her detention in physical and emotional pain for fifteen hours after the sexual assault is shocking enough the police defence to the complaint that custody was likely to increase her trauma is even more disturbing. A detective maintained that 'by keeping [D] in custody providing her with a safe, clean place to sleep with another female for company, she may have been less likely to have been suicidal' (p175). In other words an Aboriginal victim of sexual assault should have no expectation of being treated with dignity and compassion but should instead be grateful for the generous provision of a prison cell.

Cunneen's book gives space to voices which are usually silenced or marginalised. This is highly significant in the face of staggering official denial of the 'widespread and consistent evidence of police violence and ill-treatment of Indigenous people throughout Australia' (p127). Truth and reconciliation go hand in hand. Acknowledging injustice is a necessary step along the path to healing and creating a context in which justice becomes a possibility. The book, however, moves well beyond the project of simply acknowledging injustice and providing a window to the experience of Aboriginal people. It provides a framework to understand the meaning of policing Indigenous communities, and through this a vision of how justice might be achieved.

Policing, according to Cunneen, is at the 'front end' of a criminal justice system reinforcing power relations which exclude Aboriginal people from political, social and economic participation. During the colonial period police were active in overcoming Aboriginal resistance to dispossession and the enforcement of government policy, including the theft of children and the strict spatial apartheid and social control of the protection era. Up until the referendum in 1967 Aboriginal and Torres Strait Islander people were officially non-citizens and enjoyed no formal legal equality with non-Indigenous citizens of Australia. A presumed racial inferiority underlay the exclusion of Aboriginal people from the rights of citizenship. The contemporary period is referred to by Cunneen as neo-colonial: formal equality is celebrated but Indigenous people are nevertheless redefined as non-citizens because they are constructed and reproduced as criminals. Within this framework the full gamut of police behaviour, including the most brutal and seemingly senseless acts of police violence are given meaning. The use of paramilitary

police, violent home invasions, and beatings are not just the expression of individual pathology or a racist police culture. Terror, violence and the abuse of human rights are, and always have been, part of the Australian colonial process and indeed the colonial process the world over.

Wherever systematic violence exists an ideology exists to justify it, make it seem natural and to blame it on its victims. In Australia 'The constant linking of Indigenous people with criminality and disorder isolates them from the mainstream of the nation, and positions them as an evil social element. It places them in a structural position which provides legitimation for the use of extreme measures of force' (p118). The criminalisation of Indigenous people projects the violence of the colonial process onto its victims and seeks to mask the crime of dispossession. 'The process of criminalisation, the denial of human rights, marginalisation and incarceration ensure that Aboriginal people are maintained as a dispossessed minority, rather than a people with legitimate political claims on the nation state' (p250).

Cunneen is dismissive of official attempts at reform. He notes that despite the millions of dollars spent on the Royal Commission into Aboriginal Deaths in Custody and its many recommendations, deaths in custody continue unabated because the recommendations have been ignored or implemented in a half-hearted manner. Reforms, such as recruitment of Indigenous people within police departments, police policy advisory units, liaison officers and the like are seen as largely tokenistic or examples of what is referred to as 'indigenisation', a process where Indigenous people are brought in to carry out particular functions but are given no input around the priorities and goals of policing or the criminal justice system more generally. Cunneen also points out that the Aboriginal policy statements and strategic plans devised by police services tend to exist more at the level of rhetoric than reality as they are often contradicted by operational policies such as zero tolerance policing.

Cunneen, taking the lead from Aboriginal communities and leaders, give us a vision of a postcolonial future. He argues that Indigenous resistance has created new spaces for the exercise of Indigenous authority in the realm of policing and maintaining social order. Success has been achieved where Aboriginal people themselves have been involved in identifying problems and devising solutions. Indigenous self-determination holds the key to transforming relations between Indigenous and non-Indigenous Australians from neo to postcolonial.

The book convinces the reader that policing Indigenous people is a national crisis every bit as important as, and not unconnected to, the fact that an Indigenous person born today has a life expectancy twenty years shorter than a non-Indigenous person. The trauma and pain of the police role in dispossession, 'protection' and the stolen generation reverberate through the generations. Today's Indigenous people experience this trauma anew in the form of law and order. Cunneen's book is not just important - it is one of national significance. It is a book not only for criminologists, historians and those interested in Indigenous issues but one for all those who want to understand what it means to be Australian and how we can move forward to create a society based on truth and justice.

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REFERENCES

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