



## Victorian Aboriginal Legal Service Co-operative Ltd.

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**The Victorian Aboriginal Legal Service Co-operative Limited's response to the Public Sector Standards Commissioner (PSSC) review of the effectiveness of Victoria's integrity and anti-corruption system.**

The Victorian Aboriginal Legal Service Co-operative Limited (VALS) welcomes the opportunity to participate in the Public Sector Standards Commissioner (PSSC) review of the effectiveness of Victoria's integrity and anti-corruption system. VALS wishes to put forward concerns as they apply to the experience of members of the Aboriginal and Torres Strait Islander community who come into contact with the powers and functions of Victoria's integrity and anti-corruption system, specifically of the Victoria Police. This will be done through offering research and case study material.

Apparent to VALS through the experiences of our clients, as well as research undertaken by VALS and others, the relationship between Victoria Police and the Aboriginal and Torres Strait Islander community is in many cases fractured, ineffective, regressive and in need of ongoing commitment to rectification. The systems for addressing the concerns of police misconduct for Aboriginal and Torres Strait Islander people, among other Victorian communities, are considered similarly.

*Australian law enforcement integrity agencies tend to focus their efforts on large-scale corruption to the exclusion of human rights breaches. When police accept a bribe or deal in drugs they engage in misconduct. These are not, however, human rights breaches. A singular focus on corruption ignores the real and daily abuses experienced by everyday people and in particular, marginalised groups (Hopkins 2009:15).*

It has long been maintained that anti-corruption campaigns cannot succeed without attaining and maintaining public support<sup>1</sup> which is something that Victoria Police and Government does not possess, particularly within the Aboriginal and Torres Strait Islander community as well as other minority and marginalised groups. It is therefore imperative that the experience of minority and marginalised groups is voiced with regard to Victoria's integrity and anti-corruption system as it operates daily, on the ground, and in the lives of individuals.

VALS agrees with Hopkins (2009) that primary attention of police complaint bodies should be given to prevention, detection, and punishment of human rights violations. In light of the fact that the majority of investigations of police assault complaints made by the Aboriginal and Torres Strait Islander population are undertaken by the local police line manager (45.3% between 1999-2000 per the Koori Complaints Project 2008), VALS feels there is great potential for human rights violations due to the inherent conflict of interest, lack of accountability, integrity, transparency, scrutiny and decreased public trust present in such a situation.

Police represent a first point of contact, commonly referred to as "gatekeepers", to the systems of protection of the community and criminal justice and a relationship of trust between the public and

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<sup>1</sup> McCusker R (2006) 'Review of anti-corruption strategies' *Australian Institute of Criminology Technical and Background Paper No.23*: pp. 1-75

police is critical to the effectiveness of law enforcement. Mutual trust does not exist at present between some members of the police and Aboriginal and Torres Strait Islander community.

A window on how the Police-Koori relationship operates was provided by a report titled *Kooris and Jungais* (2000). The VALS commissioned report summarised interviews of Police and Kooris in an attempt to identify the attitudes that each group had about each other. Four main themes, where perceptions vary between the two groups, are highlighted in this report, such as:

- Police generally have very little understanding or appreciation of the historical role of the police in dealing with Aboriginal and Torres Strait Islander people.
- Kooris perceive high contact levels with police as in part due to unfair police practices and the effects of colonialism while police perceive high crime rates to be due to Koori behavioural problems and poor family structure.
- Kooris are frustrated at the alleged level of violence against them.
- Kooris perceive over-policing in the context of racism while police believe that they use their powers fairly.

#### Koori Complaints Project 2006-2008

The Koori Complaints Project 2006-2008 Final Report (Ethical Standards Department, Victoria Police, Indigenous Issues Unit, Department of Justice) noted that police members complained about by Koori people represent only a small proportion of the Victoria Police Force (approximately 11,000) with a total of 195 members over 15 years. It was also noted that a small number of police officers feature repeatedly in the complaints but the remainder appear once only.

The police officers that attracted repeat complaints from Koori people tended to have similar allegations made against them. This is again consistent with the literature that suggests that a low number of police members engage in higher-risk behaviour.

While the Office of Police Integrity (OPI) investigates a very small number of allegations that generally involve high-level corruption matters, the Ethical Standards Department (ESD) investigates the majority of serious misconduct complaints and the large number of remaining complaints are referred back to the local police for action. Therefore the situation can arise where the direct line manager is required to investigate a complaint made against their own staff.

ESD recommends that criminal investigations should not be undertaken by a line manager, however the data indicates that this recommendation is not being followed. The project team for this project collected data involving 64 complaints of assault by a police officer on an Aboriginal or Torres Strait Islander person between 1991-2000 in order to demonstrate where these serious misconduct allegations are being investigated. Almost half were handled by the direct line manager (see below).

Investigator	Number	Percentage %
Ethical Standards Department	19	29.7
Local police line manager	29	45.3
Other regional manager (not line manager)	16	25.0
Ombudsman (Police Complaints)	0	0

Table 1: Complaint files 1991-2000 - Assault by Victoria Police Officers by investigation<sup>2</sup>

Low public confidence in the transparency of a system when a police officer investigates a colleague was raised constantly during the Koori Complaints Project 2006-2008 project by community stakeholders. The Project outlined the absence of a mechanism to capture Koori complaint or police satisfaction levels in the Victoria Police complaint system.

One measure available is the ‘substantiation’ rate of complaints. The term ‘substantiated’ refers to *that from the perspective of the police* (and in some cases the Office of Police Integrity) the weight of evidence supports the complainant’s version of events. The Project revealed that only 1.2% of the most serious and most common type of complaints – assault by police – were ‘substantiated’ as a consequence of a police investigation.

*This means that as an educated guess, the very large majority, almost all Aboriginal people who complain about this type of behaviour received an ‘unsubstantiated’ or ‘unfounded’ result and this situation was certainly borne out by the file review of Koori complaints. The “unsubstantiated” outcome therefore is interpreted by complainants as tantamount to being called a liar, reinforced the perceptions of helplessness, eroded their confidence in the system and together with strong complainant perceptions of retribution after they make a complaint, created a very effective disincentive to ever complain again. Anecdotally this was stressed to the project team by Koori people and is supported by the empirical data clearly demonstrating the very low levels of return customers.<sup>3</sup>*

The general trend in Victoria towards increased community and independent oversight of all government services including policing activities is occurring through other means such as the Charter of Human Rights and Responsibilities (2006) and Victims’ Charter (Through the *Victims’ Charter Act 2006*). These new processes are already providing environmental pressure on the police complaints system for greater transparency and accountability.<sup>4</sup>

Now that Victoria has a Charter, Victoria Police have status as a public authority with responsibility to implement the Charter and have publically announced a commitment to the upholding of the rights found in the Charter. It is the job of the OPI to make sure that Victoria Police are observing the Charter.

<sup>2</sup> Adapted from Ethical Standards Department, Victoria Police Indigenous Issues Unit, Department of Justice (2008) op cit, at p. 22.

<sup>3</sup> Ethical Standards Department, Victoria Police Indigenous Issues Unit, Department of Justice 2008, op cit, p. 23.

<sup>4</sup> Ibid

VALS agrees with the Australian Law Reform Commission<sup>5</sup> that to ask the police to investigate complaints against their own places them in a hopeless conflict of interest position. Police investigators, whether consciously or otherwise, will tend to be sceptical of complainants and will be “softer” on the police concerned. The Aboriginal and Torres Strait Islander community has no faith in police investigating police. This lack of faith within the Koori community clearly evident in the Victorian Implementation Review of the Recommendations from the Royal Commission into Deaths in Custody which provides, inter alia:

*ESD don't even take your complaints seriously. ESD is Police investigating Police! Police are not interested in resolving complaints. All they want to do is break your spirit.*<sup>6</sup>

### Case studies

#### ***Case Study 1 : 15 year old intellectually disabled male***

A 15 year old intellectually disabled boy in the Bendigo area advised his youth justice worker and a VALS' solicitor that he made admissions to a detective following being slapped around the ears and told “don't lie” when he denied the allegations put to him. There was a complaint lodged with the Office of Police Integrity (OPI) and it was deemed serious enough to be investigated.

The client was in custody in relation to other matters and whilst having a conference at the Bendigo police station, the client and the VALS solicitor were both approached by an investigating officer for an interview in relation to the complaint. The investigating officer said that he believed there was some intimidation by the detective but not the extent alleged and that because of the evidentiary problems with no independent witnesses, it would not be taken any further. The VALS solicitor involved stated that:

*One of the most troubling things about the handling of the complaint was that the investigating officer was familiar with the client and his extensive criminal history, and therefore the discussion of the complaint was interspersed with questions such as 'why do you continue to do these things'? I tried to isolate the discussion to the complaint only as I believed it inappropriate to attack someone for their criminal history in such a forum. The process is totally flawed, complaints should not be handled by officers from the station that the investigated officer is located.*

#### ***Case Study 2: Adult male***

An Aboriginal male complained about police conduct in 2004 to the Victoria Ombudsman. The alleged stolen car the man was driving was immobilised by police, thus disarming the electronic components of the car. Police forced their way into the car by amongst other things breaking the glass window and pulling the male out of the car and tackling him to the ground. The man claims that he was hit with batons, punched, kicked and slammed head-first into a car. Witnesses

<sup>5</sup> 1995 per Hopkins T (2009) *An Effective System for Investigating Complaints Against Police: A study of human rights compliance in police complaint models in the US, Canada, UK, Northern Ireland and Australia*. Melbourne: Victoria Law Foundation

<sup>6</sup> Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2005) Vol 1:422 in Victoria Police & Department of Justice (2008) p. 24.

likened it to the 1991 bashing of Rodney King by Los Angeles police; one said it was “20 times worse.”<sup>7</sup>

The Ombudsman did not find in favour of the complainant and instead found that the behaviour of police was justified and within the law. However, a confidential settlement was reached as an outcome of mediation in the face of a pending County Court lawsuit.

### ***Case Study 3: TJ Hickey***

At 11:15 on the 14 February 2004, TJ Hickey (“Mr. Hickey”), a 17 year old Aboriginal youth was impaled on a metal fence at Phillip St, Redfern, in NSW Australia, during a police operation. At 1:20am on 15 February 2004, Mr. Hickey died at the Prince of Wales Hospital.

The initial investigation into Mr. Hickey’s death was conducted by Detective Senior Sergeant Robert Dickson, Detective Senior Constable Michael Kyneur and Detective Senior Constable Craig Bradley. All three investigators were members of the Leichhardt Local Area Command.<sup>8</sup> Leichhardt Local Area Command is located in a Police Station within the NSW Police force and adjacent to the Redfern Police Station and the Redfern Local Area Command. At the time of the incident both stations were under the command of Deputy Commissioner Waites as well as the NSW Commissioner for Police.

The subsequent coronial investigation and inquiry into Mr. Hickey’s death was reliant on the initial police investigation of Mr. Hickey’s death. It was the police that<sup>9</sup>:

- interviewed witnesses and were charged with the collection of forensic evidence;
- decided the contents of the brief, controlled the exhibits and the autopsy material;
- decided which experts would be engaged to assess the forensic evidence and which evidence should be forensically assessed;
- decided who would be treated as a suspect and the questions that would be asked;
- decided the breadth of the issues to be explored in their investigation, including the extent of organisational and policy failure within the police.

From the outset, it was the police investigating themselves. While the inquest itself was heard by a Coroner (a non-police officer) his inquiry was wholly informed by the adequacy, breadth and direction of the police investigation. On 17 August 2004, following the inquest into Mr. Hickey’s death, the NSW State Coroner John Abernathy concluded that police actions did not contribute to his death.<sup>10</sup>

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<sup>7</sup> Wilkinson G (2008) ‘Police pay injured “Rodney King” man, *Herald Sun*, 22 August 2008  
[www.news.com.au/heraldsun/story/0,21985,24221234-2862,00.html](http://www.news.com.au/heraldsun/story/0,21985,24221234-2862,00.html)

<sup>8</sup> Inquest Brief Cover letter dated 19 March 2004

<sup>9</sup> Per E G Hickey (2010) draft Individual Communication to the United Nations Human Rights Committee.

<sup>10</sup> Inquest Findings p 25

#### ***Case Study 4: Mr Paul Wayne Carter***

Patterns of ongoing mistreatment by police when dealing with members of the Aboriginal and Torres Strait Islander community, and the failure to seek accountability and remedy in such instances, is starkly highlighted through the Inquest into the death of the late Mr Carter. Mr Carter was an Aboriginal man who was left by police on the Sturt Highway near the Mildura airport almost three years ago. He was subsequently struck by a heavy transport vehicle and died. While the Coroner ruled that Mr Carter's death was suicide, the conduct of police and the management of affairs following Mr. Carter's death are indicative of massive failings.

Mr Carter was an Aboriginal man with a cognitive impairment, and both a mental illness and substance abuse history. He died just after midnight on August 7, 2006. On post mortem toxicological examination, he was found to have a blood alcohol content of 0.17 and traces of the active ingredient of cannabis.<sup>11</sup>

Mr Carter was the subject of a complaint of disturbance at her home and two police vans attended. Mr Carter travelled away from the residence in the van driven by C/ Ritchie with S/C Hoyle. The Coroner, Her Honour Judge Coate, made findings including (but not limited to) the following:<sup>12</sup>

- On the balance of probabilities when Mr Carter left the residence with four police members in uniform, Paul would have believed on reasonable grounds that he had to leave with the police and was in their “custody” at that point. He was therefore in police custody up until he was left on the Stuart Highway.<sup>13</sup>
- Paul was in the “care” of the police once they transported him from Ontario Ave in the sense that they were still required to make decisions about him consistent with his welfare.<sup>14</sup>
- S/C Hoyle and C/ Ritchie knew:
  - Paul was a vulnerable Aboriginal man who was an alcoholic and whose brother had died that day;
  - Paul was unpredictable and erratic with a low intellect;
  - his girlfriend had ended their relationship that night;
  - Paul bore the visible physical scars of self mutilation;
  - Paul had a long and detailed criminal history with Victoria Police;
  - S/C Hoyle knew that Paul was on bail on serious criminal charges involving volatile, irrational behaviour only weeks earlier;
  - that the location where Paul was delivered was a dark stretch of open highway that had no footpaths and is an interstate trucking route and was approximately 13 kilometres from his father's home; and
  - that he was dressed in relatively dark clothing.<sup>15</sup>

<sup>11</sup> State Coroner Victoria, delivered 13 May 2009, Mildura Court, p.1.

<sup>12</sup> Please note the findings noted are paraphrased, but done strictly and reflect the exact information found in the footnoted sources.

<sup>13</sup> State Coroner Victoria (2009) paragraph 158, p. 32.

<sup>14</sup> State Coroner Victoria (2009) paragraph 161, p. 32.

<sup>15</sup> State Coroner Victoria (2009) paragraph 241 (a)-(j), p. 49.

S/C Hoyle and C/ Ritchie were the first two police to arrive at the scene after Mr Carter was struck and killed. This raises questions about whether or not the scene was appropriately secured to preserve evidence and whether or not the officers involved should have been allowed to be at the scene engaged in the securing of it and communicating with each other. The Coroner expressed this was highly undesirable but reasonable in the circumstances.

What was found as ‘not an acceptable explanation in these circumstances’ was the communication between S/C Hoyle and S/C Giles (member of second van attending initial residential dispute) via mobile phone at this critical time instead of communicating via the radio.<sup>16</sup>

*The higher need to be served in these circumstances...was to ensure that any necessary communication between the two of them for the purposes of securing or controlling the accident scene be over the radio and therefore in public and recorded and that there be no other communication, and definitely not by mobile phone.*<sup>17</sup>

As stated by Coroner Coate, the ongoing concern when police investigate police is that there will always remain a perception that the investigation may be less rigorous as a result of potential sympathy for a colleague. Also the taking of statements from S/C Hoyle and C/ Ritchie was not audio or video recorded and they were not interviewed using the standard procedure for suspects for indictable criminal offences. This does not address the need for absolute transparency and scrupulous documentation.<sup>18</sup>

The Coronial Inquest revealed many problems around treatment by police, complaints against police and police investigating police. In terms of police/Aboriginal and Torres Strait Islander relations in Mildura, the Coroner stated that the evidence generally produced disparate views. While the Inquest touched upon this wider issue, it was not done so in any thorough or systemic way. There was, however, general evidence in statements and oral evidence<sup>19</sup> that complaints made by Aboriginal people about police conduct were a pointless exercise. Further, the Coroner found evidence that Aboriginal people feared retribution from the police for complaints made about their conduct.<sup>20</sup>

Evidence from two individuals provided Mr Carter’s history of being assaulted by the police over the last five to six years. He had made one such complaint two weeks before he died. Mr Carter had never followed through with such a complaint.

#### ***Case Study 5: Chris Gordon***

Chris Gordon, other members of the community and Victoria Police were involved in an incident occurred on New Year's Eve in which a 16-year-old boy was sprayed with OC Spray and at least four police were injured. The incident started after police arrested Aboriginal man

<sup>16</sup> It was submitted by Council on behalf of S/C Hoyle that it was preferable to communicate this way to avoid open communications over the radio, capable of being heard by a “scanner” or to “clog up” the radio and deprive others of being able to use the radio at this time.

<sup>17</sup> State Coroner Victoria (2009) paragraph 102, p. 21.

<sup>18</sup> State Coroner Victoria (2009) p. 23

<sup>19</sup> of Barry Stewart, Sid Clarke and Andrew Jackomos.

<sup>20</sup> This evidence was not specifically directed towards police in Mildura.

Chris Gordon, 23, for having an open beer can in a dry area on the Lakes Entrance foreshore.

A spokesman has said police had since worked to repair the relationship with several Aboriginal and Torres Strait Islander families in the area. 'Police spent a week working with the Aboriginal Community Liaison Officer developing strategy to improve relations with the local aboriginal community,' he said. 'This resulted in police members - including a police woman who was injured in the affray - horse riding with some of the youths involved.' But other police members said the relationship between police and local Aborigines was at an all-time low. 'They just aren't treated like everyone else. It hasn't been this bad for a long while,' said one officer who asked not to be named.

### Reform Police Complaint Procedures

VALS support Hopkins' (2009:6-11) recommendations that include, but are not limited to, the following:

#### *Independence*

- Investigations of allegations of misconduct, criminality and human rights abuses must be conducted by an agency that is not only institutionally independent of police but also practically, culturally and politically independent. This means that the use of former police officers should be minimal if at all. If they are used they must come from forces outside the one under investigation.
- The agency must operate with a healthy scepticism of police accounts concerning misconduct. It must be complainant centred and complainant oriented.
- The agency must be protected from political and police union interference through separate enabling legislation and regulations as well as independent reporting to Parliament. Its key positions must be long-term appointments. A parliamentary committee must be established to assist with improving its functions and to provide oversight to the agency.
- The agency must be properly and securely funded so that it does not need to rely on seconded police for any of its functions.
- The agency must be adequately empowered to perform its tasks in the face of police resistance so that it does not need to rely on maintaining good will with police to do its task.
- The agency must be staffed by people who reflect the community; it must contain young people, working class people, people from ethnic, religious, Indigenous, disabled and gay lesbian queer identified and trans-gendered communities and maintain a gender balance.

#### *Adequacy of Investigation*

- Police suspects and witnesses must be separated and interviewed immediately for both criminal and administrative purposes or no later than 24 hours after notification of the details of a complaint. Refusal to participate in an administrative interview must be grounds for dismissal.
- Enforceable timelines for investigations are critical.

- Civilian investigation should commence immediately and must thoroughly and effectively collect and preserve the evidence at a scene of a police involved death, near death or serious injury. The reporting by police of these incidents to the civilian body must be mandated. Civilian investigation must commence as soon as they are notified of complaints that reveal an allegation that could lead to criminal or disciplinary outcomes.
- In cases where a person has died in custody, independent civilian investigators should investigate and prepare the coroners brief.
- Properly trained doctors must be free and available to assess pain and injuries at all police stations, prisons, detention centres, when complainants contact the complaint body and when they contact solicitors/advocates. It must be clearly obvious to people in custody that the doctors they are seeing are independent and not “working for the police.”
- CCTV should be placed in all police stations and cars and data from these should be removed immediately along with all data recording systems (such as taser data, c/s spray, weapons/bullet logs, use of force forms, weapons used, log books etc).
- Complaints should be determined on the balance of probabilities at a hearing.
- At the conclusion of the investigation, an investigation report explaining, in full and thorough detail the reasons for the decision should be given to the complainant any advocates involved. The reasons must contain an analysis of the law that applies to the facts and any force that was used.
- Mediations should only be considered where on the face of the complaint, no facts leading to discipline or criminal charges are evidenced. Both complainant and police must agree to mediation in these situations.
- Allegations of ill-treatment should be resolved in a public hearing. Where a pattern or practice of abuse is alleged, a full public inquiry capable of not only establishing individual fault, but inquiring into institutional cultures, underlying causes and systemic failures is required.
- The decision following investigation should be open to administrative review and subsequent to this judicial review. If the complainant is considering administrative or judicial review, the entire investigation evidence and reports should be made available to them to assist them with their appeal.

#### *Public Scrutiny*

- Weekly or fortnightly analysis from the police complaint agency and accountability experts and human rights bodies should be publicly reported describing current trends in complaints. Disciplinary action, civil litigation and prosecutions against police should all be regularly reported.
- Complaint data and outcomes as well as trends should be reported in full on the investigation body websites and its annual reports.

### *Involvement of the Victim/ Effective Participation*

- Complaint bodies must provide outreach and support for people in vulnerable groups such as sex workers, drug users, homeless people, women, young people, Muslim, refugee and migrant communities, prisoners and queer communities (including multilingual support).
- Civilian investigators must attend prisons, police stations, holding cells, immigration detention centres/ border areas and rural communities where police work and provide contact numbers and record complaints in these facilities and regions. Civilian investigators must be active in pursuing evidence and must be mobile.
- Complainants need to be protected once they have lodged a complaint through the provision of special visas, removal from places where they are being harassed (including in prisons) to safe places. Legislation should be in place making it an offence to victimise a complainant, including laying false charges. Other forms of protection, such as that provided to whistle-blowers should be available.
- Charges laid after a complaint is made must be scrutinised for possible police misconduct in and of themselves.
- Complainants should be entitled to full and frank reasons for the decision on their complaint as well as a full copy of the investigation report and the evidence on which the decision was made. The release of this information should be subject only to the harm test, which concerns protection of the identity of vulnerable witnesses. Transparency is the hallmark of accountable decision-making. No generalised Public Interest Immunity should be attached to complaint documents.
- Civilian investigators should treat complainants with the same care as all victims of alleged crime should be treated. It must be understood that their experience could have been highly traumatic and that it may be hard to discuss. Particular care must be taken with interviewing young people, people from non-English speaking backgrounds, people from religious, ethnic minorities, Aboriginal and Torres Strait Islander people, people with disabilities, trans-gendered people, sex workers. At all times advocates (like a lawyer) and support persons (such as youth workers) should be permitted to be in attendance.
- Complainants should be provided with a lawyer paid for by the State.
- Complainants should be able to choose not to have their complaint investigated. However this decision should not be because they have not been adequately resourced or have been intimidated.
- There should be established a Police Complaint Civil and Disciplinary Proceedings List at the Magistrates' or County Court. Magistrates or Judges hearing these matters could be provided with the power to:
  - a) judicially determine complaints on the balance of probabilities,
  - b) award compensation to victims and
  - c) make prosecutorial recommendations to the DPP,

- d) demote and dismiss police from employment, (including police who refuse to testify<sup>21</sup>); and
- e) recommend policy and procedural changes within Victoria Police.

Additionally, the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints against the Police (European Commission of Human Rights) similarly identifies that effective investigation is a state initiated investigation that is:

- a) Independent;
- b) Adequate and capable of resulting in discipline and prosecution of perpetrators;
- c) Prompt;
- d) Transparent and open to public scrutiny; and
- e) Involves and protects the victim of the alleged abuse.<sup>22</sup>

### Conclusion

In this submission VALS put forward concerns about the experience of members of the Aboriginal and Torres Strait Islander and Koori community who come into contact with Victoria's integrity and anti-corruption system. The research and case studies offered identified the following worrying trends:

- A fractured relationship between members of the Aboriginal and Torres Strait Islander Peoples and Victoria Police leading to complaints about police conduct.
- The initiation and handling of such complaints is limited by:
  - a focus on large-scale corruption to the exclusion of human rights breaches. This situation is appalling in light of Victoria Police responsibilities as a public authority under the Charter of Human Rights and Responsibilities Act (2006); and
  - human rights breaches being primarily dealt with internally by police which does not foster public support, but instead reinforces a genuine mistrust of the 'system' which Aboriginal and Torres Strait Islander peoples harbour in light of history being repeated in their eyes. This trend is painted in a grim picture in the Koori Complaints Project 2006-2008.

The individuals mentioned in the case studies that raise the question of whether Aboriginal and Torres Strait Islander Peoples experience equality before the law, and the broader Aboriginal and Torres Strait Islander community, deserve better than the above trends. VALS calls for the independent investigation of complaints about human rights abuses at the hands of Victoria Police. VALS agrees with the recommendations of Hopkins (2009) that flow on from this central recommendation of independence of a complaint mechanism.

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<sup>21</sup> Police must give evidence under compulsion through this process, but their evidence should not be admissible in criminal proceedings.

<sup>22</sup><https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1492390&SecMode=1&DocId=1376740&Usage=2> at p. 3 [accessed 26 March 2010].

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