

Confronting Distrust: The Case of Redfern

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“Law enforcement agencies should be professional, effectively managed, vigilant against corruption and misconduct and publicly accountable”.¹

Realities on the Ground

On the night of February 15, 2004, the inner city suburb of Redfern in Sydney, Australia, collapsed into a riot, with violent clashes between the police and Aboriginal protesters. For nine hours, Aboriginal youth faced off against police called in from all corners of Sydney, pelting officers with bricks, petrol bombs and lumps of concrete. The riot erupted after news of 17-year-old Thomas “TJ” Hickey’s death spread across the neighbourhood. Thomas Junior, or TJ as he was affectionately called, succumbed to injuries sustained when he crashed his bicycle and landed on the blunt metal spokes of a fence. The riots were sparked by the community’s belief that TJ crashed his bike while being chased by the police – a claim the police repeatedly refute.

TJ set out to buy chips and cigarettes on the same morning that the local Redfern police were searching for a bag snatcher, who they consistently insist was not TJ. It appears that TJ saw the police and the police also noticed him while they were on patrol. TJ’s uncle, Roy Hickey, revealed that he saw a boy speeding along on his bike across Philip Street when he was driving a community health bus along the same street. The next thing he saw was a police van stop in the park behind the fence, though he maintains that he did not see any officers in hot pursuit. Mr. Hickey left his bus to investigate when he saw about six officers bending over a boy on the ground and discovered that the boy was TJ. He was on his back on the fence, impaled through the chest and neck. By 1 am on Sunday, doctors pronounced TJ dead.

In the aftermath of the riots, Bob Carr, the Premier of New South Wales (the state in which Sydney is located), pledged that the state government would launch inquiries into TJ’s death, to verify how he died and whether there was any police responsibility. Three different government bodies were delegated the task of carrying out an inquiry – the state Coroner, the police service and the state Ombudsman. On August 17, John Abernathy, the state Coroner, cleared the police of any responsibility in TJ’s death, even though he pointed out that a police car did follow TJ before he fell on the fence. In fact, Mr. Abernathy described TJ’s death as a “freak accident”, absolving the police of any responsibility.²

While it is encouraging that the state government immediately sprung into action and that it was found that the police were not responsible for TJ’s death, meaningful reconciliation between the police and the community in Redfern involves issues more profound than the resolution of this single incident. In spite of the outcome of the Coroner’s inquiry, it is undeniable that for such a reaction as this violent riot to occur, the Aboriginal community of Redfern, and most particularly the youth, have no belief in the impartiality of their local police.

The police have made attempts to reach out to the community through mentoring programmes, which had previously been seen as a success. Police officers who had been involved in these programmes have commented on their disillusionment in seeing individuals they had mentored being active participants in the rioting. Despite this setback, such programmes

¹ Goldsmith, Andrew “Better Policing, More Human Rights: Lessons from Civilian Oversight”, in Mendes et al (ed.), *Democratic Policing and Accountability*, Aldershot, pg. 33

² “Police not responsible for TJ’s death: coroner”, *Sydney Morning Herald*, August 17, 2004

must continue if there is hope of building understanding and a cooperative relationship in the future. These efforts must also be augmented by greater sensitivity and awareness of indigenous concerns, not just by police officers but also by the entire government apparatus. Going from this point of view alone, it becomes clear that police reform in New South Wales, while admirable on many fronts, has failed to keep historical legacies and multicultural concerns sharply in view.

The Face of Police Accountability in NSW

This deep level of community distrust of the police in Redfern is far removed from the larger context of police reform in New South Wales. The innovative mechanisms to strengthen police accountability that have been implanted in New South Wales have made the state police a beacon of good practice. Yet, a community living in Sydney has no faith in its own police. The anger in Redfern points to sorely neglected areas of police reform, and the extent to which a community has been damaged in its own neighbourhood because of this neglect.

The state of New South Wales has tackled police reform with vehemence, particularly by cementing accountability mechanisms within the functioning of the state police service. Following public outcry in the mid 1990s about a sweeping rot of the state police force, the state government as well as police responded diligently – a royal commission of inquiry was formed, the police was scrutinized from all quarters, and a staunchly independent oversight system was put in place to permanently guard against even a hint of serious police misconduct.

As a result, the combined offices of the Police Integrity Commission (PIC) and the Ombudsman maintain a steady check on the behaviour, responsiveness and impartiality of the NSW Police Service, through a combination of vigilant monitoring and extensive investigation into any instance of wrongdoing on the part of the police. Established by the *Police Integrity*

Commission Act 1996, the PIC is vested with formidable independent investigative capacity and is empowered to conduct investigations entirely on its own initiative with or without a complaint by a citizen or police officer. So far, the Police Integrity Commission maintains possibly the best track record in the country for securing convictions of erring police officers. Its latest annual report names nineteen former officers who were prosecuted last year for varied offences from supplying heroin, cocaine and cannabis to accepting bribes. They received jail sentences of up to seven years.

The New South Wales experiment provides a home-grown example of good practice for the rest of the country. Recent allegations of serious police misconduct in the state of Victoria have led officials to look to NSW as a model of an effective anti-corruption body, and certain quarters are clamouring the state government to replicate the Integrity Commission in their state.

The Future

The police have their work cut out for them in Redfern, which is a high crime area. Yet the challenge of policing a multicultural society is precisely to balance the demands of maintaining law and order while respecting indigenous and minority communities. Hopefully, the inquiry being done by the police will not only address operational concerns, but also tackle the deeper social factors that fuelled the anger that spilt over with such disastrous consequences on the streets of Redfern. The Redfern police must use the experience of the riots to build a true sense of trust with the community, and to do its best to set an example in improving race relations. This can be done through sustained dialogue with the elders, collecting community input in terms of how Redfern should be policed, closer interaction with the youth, and bringing more experienced officers to Redfern. It is up to the police, in partnership with other community actors, to ensure that the community's anger disappears and that violent riots truly become things of the past. ■