

NAKED CITY



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Dilemma on where to draw the line

If defunding police means funding real solutions, let's talk about it.

Just the other day, with a small ceremony (and appropriate social distancing), Victoria's new police centre was opened in Spencer Street.

It is 39 floors, will house 2500 staff and the windows at the upper level are reinforced to withstand the coming and goings of a fleet of new helicopters.

In the foyer of the purpose-built complex will be displays and murals to celebrate Victoria Police's history, which means it will simultaneously be state of the art and house art of the state.

It is part of an unprecedented investment in law and order with more police, more equipment, more jails, more arrests and more prisoners (COVID-19 created a short-term dip in offences but they have bounced back).

Police used some of their new protective gear to stand before thousands of demonstrators who massed to give a local (and peaceful) voice to the international Black Lives Matter movement.

What sparked the outrage was the wicked, almost inexplicable death of George Floyd under the knee of a Minneapolis police officer who was employed to protect, not kill, its citizens.

Not only were our demonstrators protesting about Floyd and countless similar US cases, but the way our law enforcement and criminal justice systems treat the Indigenous and broader black communities.

Yet just a couple of years ago, our community outrage centred on claims those very systems failed to protect us from African gangs, allegedly responsible for home invasions and car-jackings that left us, according to Home Affairs Minister Peter Dutton, too frightened to go to restaurants.

Just recently, County Court judge Liz Gaynor made headlines when she gave two (Pacific Islander) offenders a withering burst while jailing them for a vicious assault on drug boss Tony Mokbel (himself a member of an ethnic minority). This is the same judge who was bagged when she gave a young man of Sudanese descent, with no previous criminal record, a second chance after he was charged over two robberies. (For the record, she jailed a second offender who did have a criminal record.)

This was how it was reported: "A violent teen thug linked to the Apex crime gang has avoided jail despite committing two terrifying jewellery heists just 90 minutes apart."

The "violent teen thug" has completed his studies, is employed and has not reoffended.

Gaynor was right and her critics wrong, although we in the media rarely admit mistakes because those who own the ink usually refuse to blink.

The rate of Indigenous incarceration is a scandal. In Victoria, Aboriginal and Torres Strait Islander people make up



less than 1 per cent of the community but represent more than 10 per cent of prisoners. If things don't change, we will have 400 more Indigenous Australians in Victorian prisons by the end of 2023.

Let's face it: We love locking people up. In 1977, we had 38 prisoners per 100,000 people; in 2018, it had tripled to 119 per 100,000.

We have tightened bail, restricted parole, narrowed judicial discretion, built prisons, introduced new offences and ridiculed judges who refuse to put offenders in the stocks for littering.

Many of the protesters concentrate on the sharp end – when people of colour come into the criminal justice system, rather than why they do in the first place.

There have been attempts to make the system more just. Indigenous men and women are afforded special representation during interviews and many cases are dealt with by the Koori Court, which enlists elders to help administer justice.

But the tough-on-crime approach has a disproportionate impact on the Indigenous because plans to catch the sharks also net minnows. Since July 2014, prison numbers have jumped by more than 1000. Aboriginal and Torres Strait Islander people make up more than 20 per cent of that increase.

Violent people who are a danger to others go to jail, no matter what their colour, but it is those on the fringes – street offenders, small-time repeat thieves and those with mental health issues – who pose the challenge.

There have been 437 Aboriginal deaths in custody since the 1991 royal commission examined 99 cases. (The commission found glaring inadequacies but no death was due to unlawful actions by police or prison officers.)

On November 9 last year, Constable Zachary Rolfe shot dead 19-year-old Indigenous man Kumanjaya Walker 300 kilometres from Alice Springs, sparking "Justice for Walker" protests nationwide. Within four days, Constable

Rolfe was charged with murder (senior police deny they moved quickly to avoid a violent community backlash). The accused's lawyers have told the court Walker stabbed Rolfe and was attempting to stab Rolfe's police partner when he was shot. The bodycam footage from both police will be pivotal.

In 1995, two police were called to a noisy party in Wodonga. They were confronted by Helen Merkle, a drunk, angry, irrational woman who attacked them with two knives. Merkle, a Papua New Guinea national, was shot dead by a policewoman.

Protesters march in response to the death of Kumanjaya Walker; and (below) Constable Zachary Rolfe.
Photo: AAP

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Eleven months later, a coroner found the shooting justified, describing Merkle as "a walking time bomb ready to explode and kill someone". The officer fired not because the offender was black but because she was about to be stabbed.

The day after the officer was cleared, her daughter, 6, went out to play and found the words "Coon Killer" daubed



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on the lawn and front fence of their Albury home. The woman eventually quit policing and moved interstate.

Back to the US for a moment. In the 1990s, zero-tolerance policing became popular in big cities such as New York, and after the terrorist attacks of September 11, 2001, police forces were rearmed with ex-military equipment.

This – coupled with the US gun obsession, a disproportionate level of black-on-black violence and police training that relies on taking immediate control – has turned street cops in some urban pockets from protectors to occupiers.

Chicago is a city of 2.7 million people (Melbourne is about 5 million). Last weekend, there were about 70 shootings, 10 of them fatal, with victims including a three-year-old boy and a 13-year-old girl. Most were black. So far this year, there have been more than 1300 shootings. On May 31, there were 18 murders – one every 80 minutes.

The death of George Floyd has sparked calls to defund police. While that sounds nuts, in such a violent world it is not without merit.

We are not talking about a withdrawal that leaves anarchy (we shouldn't get too smug about US looting – the same thing happened in Melbourne during the 1923 police strike).

Police are forced to deal with social problems that simply don't have law-enforcement solutions. They are dealing with someone with mental-health issues every 12 minutes.

More than 20 years ago, we closed many of our long-term mental-health institutions, leaving police to deal with the consequences. The abuse of ice, a massive increase in alcohol-fuelled violence and a spike in homelessness are issues where police are usually the first called. In each case, they can only deal with the symptom, not the disease.

If defunding police means diverting money to deal with the causes, it should be explored. While there are rude, bigoted, violent and bent cops, the majority want to protect the public, lock up the baddies, help people in private crisis and public emergencies, then go home without being bashed, shot or accused of being racists.

More than five years ago, then chief commissioner Ken Lay said just getting tough on crime and recruiting more cops was not the answer: "We can't arrest our way out of our problems."

There simply was no political or community appetite for such a debate.

In 2015, there were 17,000 sworn and unsworn police in Victoria, now there are 21,000. In the next two years, thousands more will march from the academy onto the streets.

Lay commissioned a research paper on likely trends that accurately predicted an increase in reporting sexual abuse of children; a spike in child pornography and an increase in crime committed by those suffering from mental illness, alcohol and drug abuse.

The challenge for our new chief commissioner, Shane Patton, will be to use the extra police to re-embrace traditional community policing, rather than following the broken US paramilitary model.