

Submission
No 46

**INQUIRY INTO HIGH LEVEL OF FIRST NATIONS
PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF
DEATHS IN CUSTODY**

Name: Name suppressed

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Partially
Confidential

As a non Indigenous nurse, but a close friend of many First Nations People of Australia (FNPOA), I will attest to the witnessed un-necessary profiling and targeting of FNPOA on our streets. I have been with FNPOA who were friends when we have been suddenly stopped by at least five NSW police officers, actual firearms drawn. Proper pistols! I was separated from the others, told to lay down with my face away while the police searched, harassed and accused the others of having committed some crime. They were physically searched while laying on the ground all the while while we were being screamed at, being called "C****" and told "shut your mouths C****", "don't look up", "keep your faces on the ground". "Shut your mouths C****" I honestly did feared for our lives, even though at no stage was I questioned about anything. We had all been together for the last three hours, yet these guys were being accused of something which was supposed to have just happened. I know they were roughed around by the police, I could hear it. If I looked up or questioned or protested I was told again Shut your mouth C**** with a pistol - not a 'taser' - pointed at me. None of these police knew me but eventually I was told to get up and walk away. "Walk away and you will be all right". I walked till I found a corner and ran around the block to approach from a different area to observe out of sight. The police knocked the guys around and then just got in their vehicles and left the guys lying on the road. When I went to them they were ok but there was no way they would go and report it and would not let me report it. They did not want to become even more targeted. As we walked I continued to shake with trauma inside. I had been threatened, violated and for the first time actually understood the experiences I had been told by mates. I mean I had experienced some of that fear. If the committee thinks this sort of pathetic targeting was a one off, then shame for not listening to what FNPOA have been trying to highlight for decades! I see the same sort of harassment occurring to this day to First Nations Children. They grow up learning to run from the police - not because they have done something wrong - they run because the sight of police means they may be stopped, questioned, searched, verbally abused and ridiculed in public.

The NSW Police Commissioner has not too long ago made the comment that people fearing the police was not a bad thing. That is so, so wrong! It creates a space where the police can become nothing more than bullies with authority. It creates a space where police can do what they want - I have had police - when I questioned their actions, tell me "We can do what we want, look on the internet... police can do what they want" Verbatim!

There must be a genuine effort from the top. The NSW Minister for Police and Emergency Services, the NSW Police Commissioner must stop the practice of ' profiling' (acting upon stereotypes) and make genuine efforts to have the states police treat each and every FNPOA with respect. That is what is missing - genuine respect understanding and empathy of the status FNPOA have within Australia. I genuinely have treated many people from overseas who have commented to me "Australians don't respect the Aborigines the way us people from overseas do" and words to that effect.

Children should not grow up knowing they will be hassled by the police, accused by the police, chased by the police. An innocent kid out of fear runs from the police, jumps a fence and is 'caught' can finish up on what charges? Seriously there are a number of charges and this puts the kid on a police 'record'. It all as as simply as that! There are police who are genuinely interested in justice for and the welfare of FNPOA, but still there are far too many others who aren't. Too many times I have walked into a store and watched my friends being followed, placed under surveillance by security. I've even been with children and had security ask them to leave the store because the kids were dancing rudely to the cameras. Why act like 'that' at the cameras? "...because we know they are watching 'us' when we come in!" Where does it start and when will it end? While they are watching and following, grabbing FNPOA, they are missing so much more. Skewing the facts and stacking the data.

I'd like this on record!

I put an Aboriginal flag sticker on the back of my car. Instantly I was being pulled up by the police. Depending on the day, I could be pulled over up to five times in a single day. Accompanied by a

surprised look, the first question would be "who's car is this?" They thought they were going to pull up an Aboriginal. Sometimes they'd even say "are you sure this is your car?" A look at my licence and off I'd go. Hardly ever even a 'random breath test'. Unrelenting and unnecessary and I knew it was only because of the Aboriginal flag sticker on the back of my car. This sudden and 'unexpected' attention eventually drove me crazy and I took the sticker off. Now, I maybe get stopped only once every four months if I drive into an actual Roadside Breath Testing Station.

It was just so blatant!!! This more than anything proved to me just how much FNPOA were being selectively targeted. I do actually encourage anyone who does not believe that FNPOA are targeted by the police and security to put an Aboriginal flag sticker on their vehicle. Let the harassment begin.

This is all such a serious a situation.

Indigenous communities, whether they be inner city, suburban, rural or remote do wholeheartedly know the assistance they need. They do understand the issues that affect them and know the services or support they require. True consultation with community in the drivers seat is what is needed. Drop the fear and allow FNPOA true control and use of the resources as they see fit. 'I' do not see 'jobs' as the solution. I see that there should be unlimited funding and resources to allow FNPOA to receive training in their community in the 'streams' that they see fit. Without fail, any FNPOA - youth, adult and of course elder - that has spoken to me of their aspirations has always said "I want to help my people". There is no lack of desire to deal with issues, whether that be education, health, the law, unemployment, housing, sexuality and yes politics. This business of 'trying to keep them under control' & "we know what is best" is so wrong and causing told, documented and untold damage.

The calls for a truly independent body or a body with equal representation of FNPOA, to investigate, report on, make recommendations to government and refer for charges where necessary regarding a black death in custody is an inalienable fact!

Police are not the body to investigate police and quite possibly not to investigate any black death in custody. It is not beyond reason that this task should actually lay with Indigenous people. There is no shortage of people who would nominate for entry into this field for training, experience, employment and the expertise to fully and impartially investigate. The notion that non indigenous people can be impartial but Indigenous people cannot is absurd.

I also believe that the illegality of Cannabis is a major contributing factor in the harassment of FNPOA. Across the world there is increasing acceptance of the evidence and increasing legal use of Cannabis as a therapeutic plant. This plant aids with the symptoms and treatment of PTSD, epilepsy, autism and many other conditions. The Australian Therapeutic Goods Administration is cruelly holding things up. The A.C.T. has shown what can be done with a level of common sense, empathy and good will. N.S.W. could act in a similar manner. The wheel does not have to be constantly reinvented. It is grossly under reported that many FNPOA individuals are suffering immense levels of PTSD. The counsellors, the psychologists, the therapists are not available. The doctors are ill equipped. Too many times I have seen doctors prescribe 'sleeping' tablets in lieu of actual investigation or therapy. Imagine constantly having the feeling of being hounded or 'hunted'. Tight knit and also extended families, entire communities... Never out of grieving. Grieving because of death (aged, suicide, health related, accident, death in custody), grieving because of imprisonment, grieving because a child has been removed and placed in 'child protection', grieving because of youth detention... grieving because another good person has gone. It has opened my eyes that I see that FNPOA are rarely ever out of a state of grieving. Cannabis laws give police the power to stop and search, even if someone is legally going about their business. The truth is many people (myself included) find cannabis a balancing substance. It is such a shame that the simple use of it can be a reason for contact with the law. It is not the use of the plant which does the damage, it is the fear of

being caught with it (which can lead to secretive, abusive and antisocial, overuse and possible misuse), or of actually being caught with it. Being caught with it is another way the person goes on the books. Now in many parts of the world cannabis is being understood and re legalised. Convictions for it's use are being expunged and adults allowed to use cannabis get on with their lives. In New South Wales and Australia (excluding the Australian Capital Territory) it is still used as a way to criminalise FNPOA, indeed any Australian.

We - society - can do better than persisting with outdated and unjust legislation which continues to negatively impact on minority or vulnerable groups.

The age of criminal responsibility is too low, it can be raised. It is ridiculous that NSW politicians are not willing to see how the 'current age' is impacting FNPOA. Given the 'targeting' or 'profiling', this should be obvious! I see that a parliament that continues to condone enforcement (entrapment) and 'correction' above meaningful family and community support and prevention is a sad misrepresentation of the desire of the actual people truly affected.

Above Australia - or maybe more fitting - below, in the earth is a 'web' that connects each and every FNPOA to each other. 'We' don't see it but when 'we' are caught up in it 'we' are bound to act. The way we have been acting is wrong, very wrong.

I was a manager, in a white city for a major retailer. I realised that people, not money for shareholders was what mattered to me, so I went nursing. I worked also in pathology services and worked as a drug and alcohol nurse in an Indigenous residential alcohol rehabilitation service. 25 years of nursing and I am dismayed, broken at the friends who have died, at the families who have been damaged, and a country that says it cares but will not listen. It doesn't hear what FNPOA have been pleading for.

I have not provided structured answers, that is not my privilege, but I do hope that the this committee is able to understand that the voices of FNPOA that you are hearing, are telling you that they are tired of being ignored when it comes to meaningful responses and solutions to the issues which are hobbling them. This group of people are really being taken advantage of and NSW Police must stop acting in the past role of 'Protector of Aborigines'. FNPOA are among the most, fun loving, inquisitive, intuitive yet patient people I have ever met. They are also the most generous of spirit and the strongest people I have ever met. They deserve to be the major players in their own fate. The enforcement and justice systems in this country and state have been set up to police FNPOA and as such is failing all. It would be of benefit, a start if every person elected as a member to parliament was compelled to take cultural awareness activities with and related to FNPOA within their electorate. That all ministers would see themselves as a minister for Indigenous affairs. To know the people, hear the issues and truly represent FNPOA in parliament.

Apologies for spelling and grammar errors