

Aboriginal people with disabilities get caught in a spiral of over-policing

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Police have become the default frontline response to Aboriginal people with mental and cognitive disabilities. In the absence of culturally responsive and therapeutic community-based support, regular police contact from a young age sets this group up for a lifetime of “management” by the criminal justice system.

We visited Aboriginal communities in regional and remote New South Wales and the Northern Territory as part of the Indigenous Australians with Mental Health Disorders and Cognitive Disability in the Criminal Justice System project. We found that police are often the first and only service to show up to a crisis involving Aboriginal people with mental and cognitive disabilities.

But people told us that police often don’t recognise that someone has an intellectual disability or brain injury due to their lack of training in this area. They often assume Aboriginal people are drunk or having a drug-induced mental health episode. This means police don’t respond appropriately, and an interaction can escalate quickly and badly.

Our study shows Aboriginal people with mental and cognitive disabilities have frequent contact with police from a younger age than non-Aboriginal people with disabilities. Their age of first contact with police was 3.4 years younger than the non-Aboriginal people in our study.

Aboriginal people in our study had a higher rate of contact with police than non-Aboriginal people, both as a victim and an offender. This was the case for women in particular. Many Aboriginal people told us they felt poorly treated and targeted by police.

Aboriginal people with mental and cognitive disabilities can have long histories of offending, often as a result of behaviour connected with their disability. Common among Aboriginal people in our study, for instance, were charges for offences such as offensive language or behaviour, resisting or hindering a police officer, or breaching bail conditions.

People told us that these histories then become used to justify police “hyper-surveillance” of Aboriginal people with mental and cognitive disabilities. Even when they are the victims, police often view this group as offenders. One Aboriginal health worker told us:

When they do start out in the jail system and they get themselves a record, nothing is ever in the past. So how can you get help, do the right thing, get your life on track when as soon as the police see them they start harassing them?

Aboriginal people see this kind of negative over-policing as evidence of systemic racism. They highlight the stark contrast between high levels of funding for police in their towns and a lack of funding for Aboriginal community-based mental health and disability services.

One remote NSW town we visited has a long history of poor relations between police and the Aboriginal community. Its population is 2300 people, about 1000 of whom are Aboriginal. There are more than 40 police already based in the town. And the police station has recently had a \$16 million upgrade and its police cells expanded to hold more people.

Elders told us that there had been no prior liaison with the local Aboriginal community about this upgrade. Earlier this year, they wrote to the then-NSW attorney-general and justice minister about this. They raised the lack of mental health services and growing numbers of Aboriginal people in the criminal justice system with mental and cognitive disabilities – women in particular – as a matter of great concern to the Elders, families and the community. They're still waiting for a response.

The way police approach Aboriginal people with mental and cognitive disabilities needs to change, one disability worker told us:

We had two particular young coppers, straight out of the academy, full of their own importance and new-found power, who used to badger and stalk my client [who has an intellectual disability] ... They went slowly slowly past him, then sped around the block, then slowly slowly passed him, then sped around the block, five times. To the point that he got so frustrated he picked up a handful of rocks and threw it at them and told them to piss off. So they then pulled in to arrest him for throwing rocks, then they pushed him against the paddy-wagon that hard that they made the dint in the paddy-wagon, and were going to charge him with [malicious damage].

Many Aboriginal people with mental and cognitive disabilities have violent interactions with police. One Aboriginal community member told us:

She was off her medication at that time too, pregnant, and she was confronted by the police and she became irrational in that situation. I don't think the police over here have learnt how to deal with people with mental illness appropriately. So she became irate, they then dragged her into the police station and took her down in the foyer because, well, their excuse was the way she was acting.

We also heard examples of police officers trying to assist young Aboriginal people with mental and cognitive disabilities to get support from human services. But a dire lack of culturally responsive, therapeutic community-based options means that police become default “care managers” and start to manage this group as offenders from a young age.

Greater understanding, accountability and community-police collaboration is urgently needed to build more positive approaches and alternatives to supporting Aboriginal people with mental and cognitive disabilities in their communities.

This is the third in a series of articles by this research team.