



**Summary expert report commissioned by
the Independent Commission of Inquiry into
Queensland Police Service responses to
family and domestic violence**

Prepared by the Institute for Collaborative Race Research

29 July 2022

About ICRR

The Institute for Collaborative Race Research is led by scholars with extensive expertise in the ways that structural and political dynamics can impact judicial and other forms of official decision making. We research how race, racism, colonialism and Aboriginal sovereignty intersect in the areas of justice, health, social policy and media. ICRR expert researchers are:

- Professor Chelsea Watego (Munanjahli and South Sea Islander and a leading researcher in race, racism and Indigenous health humanities)
- Dr David Singh (expert in the sociology of race with experience working in government policy and scrutinising policing in the UK)
- Kevin Yow Yeh (Wakka Wakka and South Sea Islander man who has experience in the operation of racism in the social work system and is researching ways to best support First Nations peoples seeking justice and compensation from racial discrimination)
- Dr Elizabeth Strakosch (with expertise in the operation of the Australian public policy system and its links to colonial dynamics and Aboriginal sovereignty)
- Dr Alissa Macoun (with expertise in the public discourses which shape policy and official decision making in the area of Aboriginal affairs).
- Anna Cerreto (ICRR Research and Communications Manager, with experience advocating for systemic legal reform)

ICRR makes extensive contributions to public inquiries, coronial inquests and strategy development processes. Our submissions to this Inquiry and the QLD Women's Safety and Justice Taskforce¹ are particularly relevant to the Commission, as they concern the criminalisation of coercive control and QPS conduct toward Aboriginal women.² ICRR has also contributed to the development of the Australian Human Rights Commission's National Anti-Racism Strategy which concerned police and state violence.³ We have previously prepared reports for the Queensland Sentencing Advisory Council which examined the nature of the relationship between the Queensland Police Service and Aboriginal

¹ Written collaboratively with Sisters Inside

² Sisters Inside and ICRR (2022) '[Let's Stop It At the Start' Defunding QPS as violent perpetrators, submission to the Commission of Inquiry into QPS Responses to Family and Domestic Violence](#) (PDF online); Sisters Inside and the Institute for Collaborative Race Research (2021) 'State as Abuser: Coercive Control in the Colony. Joint submission from Sisters Inside and the Institute for Collaborative Race Research on Discussion Paper 1 of the Women's Safety and Justice Taskforce', Women's Safety and Justice Taskforce, (PDF online); Sisters Inside and the Institute for Collaborative Race Research (2021) 'It's time to talk about race, colonialism...and abolition. Joint Submission from Sisters Inside and the Institute for Collaborative Race Research on Discussion Paper 2 of the Women's Safety and Justice Taskforce: Women and girls' experience of the criminal justice system – Proposed focus areas.' Women's Safety and Justice Taskforce, (PDF online) https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0005/692663/wsjt-submission-dp2-sisters-inside-and-institute-for-collaborative-race-research.pdf; Chelsea Watego, Alissa Macoun, David Singh and Elizabeth Strakosch, 'Carceral feminism and coercive control, when Indigenous women are not seen as ideal victims, witnesses or women', The Conversation, (online, 25 May, 2021) <https://theconversation.com/carceral-feminism-and-coercive-control-when-indigenous-women-arent-seen-as-ideal-victims-witnesses-or-women-161091>

³ ICRR and Sisters Inside (2022) '[We Demand A Ceasefire: Responding to Australia's Anti-Racism Framework](#)' (PDF online)

and Torres Strait Islander peoples.⁴ Our Directors have also been commissioned by The Lowitja Institute (Australia's national institute for Aboriginal and Torres Strait Islander Health Research) to provide a scoping paper that explains how race and racism operate within the Australian Health system. Directors Watego and Singh were also commissioned by the NSW Coroner's office to provide an expert report into the health needs of Aboriginal peoples in custody. We have attached a list of relevant publications and reports which demonstrate the research team's expertise at Appendix A.

Introduction

The Commission of inquiry into Queensland Police Service (QPS) responses to domestic and family violence asked the Institute for Collaborative Race Research to provide a specialist report addressing the following questions:

1. What are the continuing effects of colonisation on First Nations people, including over representation in the justice system?
2. How do the effects of colonisation impact on the experiences of domestic and family violence for First Nations people, and the ways in which First Nations people are policed regarding domestic and family violence?
3. What are the broad concerns/ issues with the current police response to domestic and family violence involving First Nations people?
4. What are the impacts of police responses on First Nations people?
5. What would a culturally appropriate/safe/respectful/intelligent police response to domestic and family violence look like?
6. Can addressing/ focusing on police responses without addressing other continuing effects of colonisation on First Nations people adequately address domestic and family violence for First Nations people?
7. What is required to adequately and holistically address continuing effects of colonisation, including whether a community led justice reinvestment type model could work?

This summary report outlines our responses to all seven questions.

Our Approach

ICRR is a group of expert scholars who, individually and in collaboration, undertake research relating to race, racism, colonisation, Indigenous sovereignty and state approaches to Indigenous issues (health, legal and policy responses). In our joint work, we use a collaborative methodology in which all directors contribute their expertise via intensive discussions, collectively reviewing existing research and joint drafting of reports. This report therefore represents the joint opinion of all listed authors. ICRR also distils our expertise into publicly accessible statements, including submissions and advocacy. However, this report is based on our research work and therefore constitutes our considered expert responses to the questions posed by the Commission.

ICRR's methodology explores if and how intersecting racial and gender stereotypes, and long-standing colonial and racialised political relationships, operate to feed assumptions and shape systems at a deep level, in ways that affect institutional cultures, policing behaviours, investigative models, approaches to treatment of individuals and the production of racial and gendered violence.

⁴ ICRR (2020) '[Not a One-Way Street: Understanding the Overrepresentation of Aboriginal and Torres Strait Islander People on Charges of Assaults Against Public Officers](#)': report prepared for the Queensland Sentencing Advisory Council.

This means that our answers to the Commission's questions often go beyond the specific contemporary issue of QPS responses to DFV to consider the violent colonial history of policing in Queensland. This history directly shapes our present and assists in understanding the hostile relationship between First Nations communities and the QPS and other state agencies. The Commission itself, as concerned as it is with DFV, is not divorced from this violent history, from which it derives its current mandate. To counter the weight of history we centre the experiences and sovereignty of First Nations communities. From their perspectives, the state and the QPS look quite different to the ways they are understood in mainstream discussion and by most within them. ICRR therefore brings our expertise to bear to seek to shift the existing terms of reference in relation to DFV and First Nations communities – moving away from the standard focus on Indigenous disadvantage/dysfunction to make visible the structurally violent and deeply racialised relationship between Indigenous people and state agencies in this place.

In order to identify some of the deeper structural issues shaping police actions in relation to domestic and family violence and First Nations communities, we have grouped the questions into three sections. In each section we answer the questions together rather than individually. These sections are as follows: Section 1- Issues Relating to Colonisation and the Criminal Legal System (questions 1 and 2); Section 2- Issues Relating to Policing and First Nations Peoples (questions 3 and 4); Section 3- Pathways Beyond Justice Reinvestment (questions 5, 6 and 7).

This report is a summary report, submitted pending the completion of the full report on 18 August 2022. In this summary, we give short answers to the questions posed by the Commission. Our positions are based on our combined scholarly expertise on justice, health, policy and policing for First Nations people, including specific expertise relating to the impacts of gendered and racial stereotypes of First Nations women. These positions will not be revised in the final report, but instead elaborated further, with detailed explanations and relevant data.

The following sections therefore contains a brief statement of our position, some preliminary justifications for this position, and a list of research and scholarly sources we will draw upon in the final report.

Findings

We make the following overall finding:

In relation to Aboriginal and Torres Strait Islander women, girls and gender diverse people, the QPS are perpetrators rather than protectors. They directly and indirectly enact racial and gendered violence and are therefore not a potential solution to the current domestic and family violence (DFV) crisis. They must be defunded and deauthorised in relation to this issue.

This reality is the product of the structural relationship between police and First Nations people in Queensland, in which police have been key agents of colonisation and enforcers of racial order. They continue to be complicit in the particularly violent experiences of Aboriginal and Torres Strait Islander women, including in the long history of settler sexual violence and predation. In Queensland, the QPS does not police Indigenous and racialised communities through consent but through control. Their relationship with Aboriginal and Torres Strait Islander women, girls and gender diverse people is particularly coercive, hierarchical and racially violent.

Without fundamentally confronting this violent relationship, attempts to retrain, diversify, culture-shift or 'feminise' policing will only legitimise and therefore intensify police violence.

This overall finding is based on the analysis provided in the three sections below. In these sections we find that:

1. Both standard and ‘progressive’ state responses to DFV in Indigenous communities reproduce racialised assumptions about Indigenous dysfunction and criminality. These racist assumptions are a core enabler of ongoing colonisation (*Section 1: Issues Relating to Colonisation and the Criminal Legal System*).
2. Brutal police responses to Indigenous victims of DFV are the product of intersecting racial and gendered stereotypes. They create a uniquely violent reality for Black women, girls and gender diverse people in this place (*Section 2: Issues Relating to Policing and First Nations Peoples*).
3. The Australian state mobilises both care and control when dispossessing First Nations people. The health, child removal, social work and education systems in Australia are also sites of racial violence. Therefore, moving resources amongst different state agencies through ‘justice reinvestment’ does not constitute a transformative approach to DFV for First Nations peoples (*Section 3: Pathways Beyond Justice Reinvestment*).

Ultimately, we contest the basic assumption that Black suffering always requires white state intervention. The basic logic of colonisation, and the core issue in both caring and controlling state processes, is the belief that more settler state ‘order’ will solve the problems of Indigenous ‘disorder’. Even when animated by apparent concern for the Black victim, the state’s solution is always the extension of its own powers – the very powers that precipitated harm. We urge the Commission to reflect on this fundamentally violent dynamic, and to refuse its part in continuing to extend police authority in the name of better caring for and controlling Indigenous lives.

Section 1: Issues Relating to Colonisation and the Criminal Legal System

Both standard and ‘progressive’ state responses to DFV in Indigenous communities reproduce racialised assumptions about Indigenous dysfunction and criminality.

DFV is primarily understood as a problem *within* Indigenous communities, even if it is seen as shaped by a broader experience of ‘disadvantage’ produced by colonisation. This framing of Indigenous people as responsible for their own suffering, and as more likely to engage in violent and criminal behaviour, is an unbroken, intensive form of racialised stereotyping that has been consistent since first occupation. It has always and continues to justify colonisation, the racialised production of harm and dispossession in this place. Most significantly, it serves to erase the settler perpetrators of this harm.

Instead, the experience of DFV must be located as part of the broader structure of violence which bears down upon Indigenous people. In the present day, this violence is not generated within Indigenous communities (as in the common preoccupation with ‘Black on Black’ violence) but is produced and sustained by the state in its everyday interactions with Indigenous people.

In the Australian settler colonial context, the state racialises Indigenous people as so inferior, savage and violent that they are politically non-existent and can be legitimately dispossessed. It continues to act towards Indigenous people in the two interlocking registers of violent control (police, criminal legal system, settler vigilantes etc) and violent care (protection policies, missions, child removal, social policy, healthcare). Both are responses to alleged Indigenous dysfunction and the perceived need for white authority in Indigenous lives. Police have traditionally been one of the primary coercive arms of

the state involved in violent control. However, making them ‘more caring’ through culture change efforts will only move them from one register of racial violence to another.

Section 2: Issues Relating to Policing and First Nations Peoples

Brutal police responses to Indigenous victims of DFV are the product of intersecting racial and gendered stereotypes. They create a uniquely violent reality for Black women, girls and gender diverse people in this place (*Section 2: Issues Relating to Policing and First Nations Peoples*).

These women are positioned as unworthy of full victimhood, as sexually violable and as perpetrators rather than victims of violence. This means they bear the brunt of police violence, and of other forms of violence which police ignore or validate. The QPS has been involved in directly perpetrating and in legitimising mass sexual violence against Aboriginal women. Current ‘cultural issues’ in the QPS are in fact the product of police’s normal role in Queensland – a role unchanged since their establishment as ‘Queensland Native Mounted Police’ in 1849. They are not the due to individual failures or a lack of understanding.

The result is a **culture of fear** for Indigenous women, girls and gender diverse people, and a **culture of impunity** for those perpetrating violence against them. These cultures produce the distressing realities of DFV harms in First Nations communities, and only fundamentally shifting the structures that produce them will change DFV rates.

Section 3: Pathways Beyond Justice Reinvestment

As noted above, the Australian state mobilises both care and control when dispossessing and delegitimising First Nations people. The health, child removal, policy and education systems in Australia are also sites of racial violence and colonial control.

Therefore, moving resources amongst different state agencies through ‘justice reinvestment’ does not constitute a transformative approach to DFV for First Nations peoples. Rather, this constitutes a form of ‘creative accounting’ where the state redistributes racial violence among different agencies in ways that seem more palatable and benevolent.

Justice reinvestment continues implicitly locate the cause of DFV violence within Black communities. While it may aim to allow those communities greater control over how they ‘solve their own problems’, it erases the fact that the state is ‘perpetrator zero’ in the violence experienced by Indigenous communities. While more successful justice reinvestment programs are designed and controlled by communities, they do not address the fundamental problem of harm by state agencies, so are set up to fail. No matter how well-designed, programs such as restorative justice circles in communities can not address the violence of the state.

The QPS, in particular, is responsible for criminalising Indigenous peoples and creating the culture of impunity that facilitates the current distressing rates of DFV. Transformative justice and abolitionist pathways more accurately identify the causes of and solutions to this violence.

Ultimately, the core issue in both caring and controlling state processes is the belief that more state ‘order’ will solve the problems of Indigenous ‘disorder’. More oversight, surveillance, training, information, statistics, laws, police powers, women officers, Indigenous liaisons, welfare quarantining – in short, more and better state authority – is always seen as the solution to harm experienced by Indigenous people. As noted above, the state generally positions Indigenous peoples as responsible for their own suffering. Even when the state identifies its own part in causing harm, its solution is still

the extension of the very powers that precipitated harm. There is never a questioning of the value of intrusive state ordering of Indigenous lives.

We refer the Commission to the recent history of the Metropolitan Police Service of London, UK, the largest police force in the world. It is often regarded as ‘best practice’ in relation to community policing, having long engaged in anti-racism and gender-based training and reform process. Yet it has recently been rocked by a series of scandals showing the extent of ongoing violent racism and sexism, including an incident where police officers photographed the bodies of two murdered black women and shared these on a social media group. The Commission will note parallels to social media based racism and sexism issues in the QPS. The lesson – you cannot ‘retrain’ or culture shift police out of racism in a context in which they are central to enforcing racial order. In Australia, the QPS is much more directly and recently involved in mass murder, dispossession, forced child removals and assault. Any attempts to soften policing through retraining, women’s police stations, justice reinvestment within the state or codes of conduct will only legitimise the function of police in perpetrating violence towards First Nations communities.

The issue is the fundamental role of police in Australia’s settler colonial society. Until this can be changed, and a form of policing based on consent rather than coercion be developed, it is far better that police are defunded and deauthorised. They only increased racial and gendered violence for First Nations communities.

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Appendix A: Expertise of ICRR

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