



Royal Commission into Aboriginal Deaths in Custody Recommendation

60. Police eliminate violent treatment and racist abuse

That Police Services take all possible steps to eliminate:

- a) Violent or rough treatment or verbal abuse of Aboriginal persons including women and young people, by police officers; and
- b) The use of racist or offensive language, or the use of racist or derogatory comments in log books and other documents, by police officers.
- c) When such conduct is found to have occurred, it should be treated as a serious breach of discipline.¹

Background²	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised that the relationship between Aboriginal people and police must be understood within historical and social contexts marked by entrenched racism and systemic subordination. Recommendation 60 highlights that discriminatory, arbitrary, and violent policing remains part of the lived experience for many Aboriginal people. The Commission noted that Aboriginal participants frequently identified interactions with police as a primary source of injustice and prejudice. The RCIADIC Final Report also addressed the impact of police culture, referencing findings such as those in the Fitzgerald Report, which pointed to an “unwritten code” that discouraged police accountability. This culture contributed to a widespread sense of powerlessness among Aboriginal people seeking redress for police misconduct. Both overt and institutional racism were documented, including verbal and physical abuse, harassment, disrespect toward grieving families, and the demeaning treatment of Aboriginal women. The Commission called for police to lead efforts in breaking this cycle of abuse, rather than perpetuating it.
Intent	Transform police practices to eliminate racism, ensure accountability, and rebuild trust with Aboriginal communities.
Responsibility	The Commonwealth and all state and territory governments.
Key contacts	Victoria Police.
Key action taken	
2005 Review³	Victoria Police assessed Recommendation 60 as fully implemented and advised that violent or rough treatment of any offender was not tolerated, neither was the use of racial or derogatory comments. Any instances were treated as a serious breach of discipline with allegations strenuously investigated.

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 2, 223 ('RCIADIC').

² Ibid vol 2, 193-223 [12.3.17].

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 6, 389 ('2005 Review').

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<p>2018 Review⁴</p>	<p>Commonwealth Government</p> <p>Deloitte assessed Recommendation 60 as being fully implemented by the Commonwealth Government through their requirements for Australian Federal Police officers.</p> <p>Victorian Government</p> <p>Deloitte concluded that Recommendation 60 was fully implemented in Victoria through police regulations and the provision of cultural sensitivity training for police.</p>
<p>Since then</p>	<p>Victoria Police⁵</p> <p>In 2023 Victoria Police assessed Recommendation 60 as fully Implemented noting that they address violent treatment, discrimination, and ethical conduct through various policies in the Victoria Police Manual (VPM). Updates under the Discipline Transformation Project will explicitly classify racist, offensive, or derogatory language as a breach of discipline. Such conduct is already subject to action under the Code of Conduct.</p> <p>Complaint handling has also been restructured, with a new three-tier classification system introduced in 2022 to guide appropriate disciplinary or performance responses. Racist or derogatory behaviour is recognised as a human rights breach and treated seriously under these frameworks.</p>

Evidence of impact

<p>Authorising documents⁶</p>	<p><i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>⁷</p> <p>Victoria Police Manual</p> <p>The Victoria Police Manual is issued under the authority of the Chief Commissioner in s.60, <i>Victoria Police Act 2013</i>.⁸ Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use the Code of Conduct – Professional and Ethical Standards to inform the decisions they make to support compliance.</p> <p>Other relevant Victoria Police policies and guidelines include:</p> <ul style="list-style-type: none"> • Responsibilities of managers/supervisors in VPM workplace standards and management • Reporting misconduct and corruption – obligation to report • Operational safety and the use of force - operational response principles • Reporting use of force
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⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 123 ('2018 Review').

⁵ Victoria Police, *Victoria Police Manual - Policy Rules - Professional and Ethical Standards* (Internal Policy, rev ed, January 2024, ('VPM - Professional and Ethical Standards')).

⁶ Ibid.

⁷ *Charter of Human Rights and Responsibilities Act 2006 (Vic)* ('Charter').

⁸ *Victoria Police Act 2013 (Vic)* ('Victoria Police Act').

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Victoria Police Chief Commissioner's Statement of Commitment⁹

Former Chief Commissioner Shane Patton gave evidence at the Yoorrook Justice Commission and issued a formal and unreserved apology to the Aboriginal community on behalf of Victoria Police for the police actions that have caused or contributed to the trauma experienced by so many Aboriginal families in Victoria.

He committed to ensuring that real change flows from the apology and is doing so through a Statement of Commitment. That commits Victoria Police to delivering 79 actions by the end of 2025 in relation to:

- Monitoring and accountability
- Cultural competence and human rights capability
- Human rights and cultural rights compliance

Relevantly, he stated:

While I know that the overwhelming proportion of our workforce is not racist, the persistent and consistent poor outcomes for Aboriginal people is undeniable. This has compelled us to examine where unconscious bias, and the inequitable use of discretion or unfair systems are adversely impacting Aboriginal people and contributing to systemic racism.

As the Chief Commissioner of Victoria Police, it is my role to ensure that real change flows from my apology. I accept this challenge, confident in the capabilities, commitment and professionalism of my workforce to bring about transformational change. We will continue to work with the Aboriginal community in the spirit of collaboration and self-determination, to reduce over-representation of Aboriginal people in the criminal justice system. This is reinforced in The Victoria Police Keeping You Safe Strategy 2023-2028.

This Statement of Commitment is the roadmap that will ensure we continue to deliver change by partnering and building trust with Aboriginal community members and organisations realising better outcomes for the Aboriginal community.

Outputs

None identified.

Outcomes

Public reports of Victoria Police using violent treatment or racist abuse¹⁰

The following headlines are from incidents occurring between 2015 and 2023 in Victoria.

⁹ Shane Patton, Victoria Police, *Chief Commissioner's Statement of Commitment* (Statement, 11 March 2024) ('Chief Commissioner's Statement of Commitment').

¹⁰ Dechlan Brennan, 'Yoorrook Justice Commission Hears "Horrorific" Testimony of Police Raid on Aboriginal Family's Home', *National Indigenous Times* (online, 29 May 2023) <<https://nit.com.au/29-05-2023/6140/yoorrook-justice-commission-hears-horrific-testimony-of-police-raid-on-aboriginal-familys-home>>; Madeline Hayman-Reber, 'Aboriginal teenager 'traumatised' after assault by Victoria Police', *NITV News* (online, 22 January 2019) <<https://www.sbs.com.au/nitv/article/aboriginal-teenager-traumatised-after-assault-by-victoria-police/jt9ybtfmt>>; Nick McKenzie, 'Drunk, Disorderly – and Slammed Head-First into a Cell Door', *The Age* (online, 4 April 2008) <<https://www.theage.com.au/national/victoria/drunk-disorderly-and-slammed-head-first-into-a-cell-door-20180327-p4z6kg.html>>; Rhiannon Tuffield, 'Victorian man suffers collapsed lung and broken ribs in Shepparton police cell', *ABC News* (online, 12 June 2020) <<https://www.abc.net.au/news/2020-06-12/victorian-man-suffers-broken-ribs-detained-in-shepparton-cell/12350326>>; Jarred Cross, 'Noongar man reaches settlement with Victoria police over police brutality case', *National Indigenous Times* (online, 4 July 2023) <<https://nit.com.au/04-07-2023/6647/noongar-man-settles-with-vic-police-over-police-brutality-case>>.

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Victorian man suffers collapsed lung and broken ribs in Shepparton police cell

ABC Goulburn Murray / By Rhiannon Tuffield
Posted Fri 12 Jun 2020 at 6:01pm, updated Fri 12 Jun 2020 at 6:28pm



Yoorrook Justice Commission hears "horrific" testimony of police raid on Aboriginal family's home



Tommy Lovett's mother Doreen and uncle Darren speak to the media on the steps of parliament in Melbourne. Source: AAP

Justice

Aboriginal teenager 'traumatised' after assault by Victoria Police

The innocent teenager was thrown into a fence and handcuffed in a violent case of mistaken identity.

NEWS

Korey Penny pictured in 2020 with his damaged bike. Image: Justin McManus (The Age).

Korey Penny, a Noongar man who alleged he was subjected to police brutality and a racial slur from police officers, has settled a legal case with Victoria Police out of court after previously unseen body-worn camera footage emerged ahead of trial.

The footage strengthened Mr Penny's claims of what occurred during his arrest while he travelled to work in Melbourne's inner-city suburb of Southbank in 2020, according to The Age.

In court documents, Mr Penny, 34, claimed he was tackled off his bicycle and called a "black c***" by officers during his arrest for failing to use a bike light while on his commute at the Metro Tunnel building site at around 5pm in September 2020.

Drunk, disorderly – and slammed head-first into a cell door

WARNING: DISTRESSING FOOTAGE. He was arrested when a night at the pub got out of hand. But back at the lockup, it was police who dealt him a knockout blow.

Nick McKenzie
14, 2018

Yoorrook Justice Commission¹¹

The Yoorrook Justice Commission heard several accounts of unjustified, disproportionate and unreasonable use of police powers against Aboriginal people. The Minister for Police agreed that racial profiling of Aboriginal people continues and accepted that many police are abusive to Aboriginal people. The Chief Commissioner of Police also acknowledged that:

Frequent, intrusive and detrimental contact between police and Aboriginal communities, families and individuals has been a pattern for 170 years, the effects of which continue to be felt today ... as a result of systemic racism, racist attitudes and discriminatory actions of police have gone undetected, unchecked, unpunished or without appropriate sanctions and have caused significant harm across generations of Aboriginal families.

¹¹ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems* (Report, August 2023) 253-6 ('Yoorrook for Justice').

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Community views

Yoorrook Justice Commission¹²

The Yoorrook Justice Commission heard from several witnesses who described their experiences of violence and racist abuse at the hands of police. The Commission heard several accounts of unjustified, disproportionate and unreasonable use of police powers against Aboriginal people. The Victorian Aboriginal Legal Service explained to Yoorrook how this occurs in Victoria:

*Racism is particularly prevalent in Victoria Police, manifesting in denial of Aboriginality, over-policing of Aboriginal Communities, over-representation of Aboriginal people in police custody, arresting Aboriginal children and young people rather than issuing a summons, use of force and explicit racial abuse against Aboriginal people.*¹³

Our Youth, Our Way¹⁴

Perspectives of young people gathered during the Inquiry detail violent and racist treatment by police:

It was hard. Every time they saw me on the street, they'd search me and tell me they don't want me in their town. – Cadell, 17

He yelled at me, dragged me out and slammed me on the ground, stung me and threw me in a cell for 3 days without talking to me. I got a broken jaw and the police said that they didn't know my jaw was broken for 3 days. – Karrwin, 20

When I was 16 they bashed me and put me in hospital. They put me in a neck brace. They lied to the judge, saying they didn't do anything. – Jamie, 18

Police should talk to us with respect. Don't hate us. Some of them just yell at us. They don't think of it as doing wrong, they're thinking of it as fun. – Pearl, 19

After my interview where I did a no comment interview, they don't like that. I asked to speak to my lawyer before I made a statement. He said yeah, I can do it, but he didn't want to. He chucked me the phone and slammed the door. – Leroy, 14

The worst thing was probably this one police officer who jumped up and picked me up and like he slammed me – it happened so quick – he put his knee into my back. I was like 14. He was just crunching it and crunching it and he was full standing on my head with one foot, putting all his weight on it, and it was all in public. – Karrwin, 20

After that, he strangled me in the interview room because I was going off. He just grabbed me by the throat and slammed me down because I was being a smart ass. The other officer was telling him to calm down. He picked me up after he put the handcuffs on me and smacked my head against the elevator door. – Kevin, 16

[A police] dog bit me. I got 22 stitches in the leg, split my face open. I was in hospital for two days. I didn't get interviewed or nothing. They dropped all the charges. – Drew, 19

¹² Ibid.

¹³ Victorian Aboriginal Legal Service, *Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System* (Submission, November 2022) ('Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System').

¹⁴ Commission for Children and Young People (Vic), *Our Way: Inquiry into the Over-Representation of Aboriginal Children and Young People in the Victorian Youth Justice System Our Youth* (Report, June 2021) 33-4, 423, 429, 432-3 ('Our Youth, Our Way').

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Some of them, recently when they were chasing me, they were saying, 'I'll catch you one day, you little black dog.' They said to my brother, 'Fuck this little cunt, this little black dog.' – Otis, 14

All four cops tackled me, put my head in the mud. I had mud all over my face. They said they had the right to arrest me for giving a false name. They handcuffed me to the fence, got in my face, asked my nasho [nationality]. They said, 'How would you like it if I called you "Abo"?' – Corei, 17

I went into an interview room and said I couldn't remember what had happened. I said, 'No comment' and they paused the video, took a phone book and smashed me across the head. Then they pressed play, and asked me again, and I said, 'No comment.' So they pressed pause again, hit me again... Police need to stop bashing young people. – Malkar, 19

Related recommendations

Yoorrook for Justice¹⁵

Recommendation 27

The Victorian Government must establish and adequately resource a new independent police oversight authority, headed by a statutory officer who has not been a police officer, to:

- a) investigate and determine all complaints about police (except for minor customer service matters)
- b) investigate and report on all police contact deaths and serious incidents
- c) conduct independent monitoring of and reporting on police custody and detention
- d) on its own motion, monitor, audit, systemically review and report on the exercise of police powers and interactions with the public including customer service matters
- e) undertake own motion, public interest investigations, and
- f) publish reports in the public interest.

The new authority must:

- g) have powers to arrest, search property and compel the production of information including from Victoria Police, and
- h) include a dedicated division for complaints from First Peoples that is under First Peoples leadership.

2005 Review¹⁶

Recommendation 59

That Victoria Police:

- a) monitor the operation of and compliance with its disciplinary policies and procedures in respect of racist behaviours by members
- b) expand cross-cultural awareness training at both the Academy and local levels, with appropriate input and participation from the Aboriginal community

¹⁵ Yoorrook for Justice 279.

¹⁶ 2005 Review, vol 6, 448.

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- c) introduce a cultural awareness competence certification process for all officers serving in areas of significant Aboriginal population
- d) provide a report to the Aboriginal Justice Forum on (a)-(c).

That the Victorian Government continue to implement and monitor Recommendation 60 and Recommendation 134 (relating to humane and courteous interaction with detainees) through any monitoring process established as a consequence of this Review.

Assessment summary¹⁷

Recommendation 60 aimed to ensure that Victoria Police employees uphold the highest professional and ethical standards, treating all individuals with dignity and respect, and making lawful, impartial, and transparent decisions, especially in their interactions with Aboriginal people and other minority groups.

While some actions taken align with the intent of Recommendation 60, significant issues remain.

There are far too many examples of police brutality, use of force against Aboriginal people, and racist policing practices for the Aboriginal community to believe these incidents are the exception rather than the rule. (Aboriginal Justice Caucus, Submission to Yoorrook Justice Commission)

The Victoria Police Manual outlines comprehensive ethical standards, clearly defines responsibilities for managers and supervisors, and outlines mandatory procedures for reporting misconduct. It includes a Code of Ethics, human rights protections, principles of non-discrimination, operational safety guidelines, use-of-force protocols, and anti-racial profiling policies. Managers and supervisors are explicitly tasked with fostering a professional and ethical workplace, supporting staff, and ensuring compliance with these standards. There are also mechanisms to collect and analyse data on the use of force.

The Victoria Police Manual represents a significant output, documenting policies and procedures that set expectations for ethical conduct, observance of human rights, and non-discriminatory practices. However, the manual primarily reflects policy rather than demonstrated outcomes in practice.

It's just a very, very, very small step... They've got ethical standards and policy and everything, but does it impact down to the actual police force on the ground? No. From what we're hearing and what we're seeing, we know it's not. (Merle Miller, Representative, Victorian Aboriginal Education Association Inc.)

There are significant gaps between police policy and practice... There needs to be a significant amount of anti-racism work done to address police treatment of Aboriginal women. When researching the misidentification of Aboriginal women by police we found from their 2020 data that 80% of Aboriginal women who were named as respondents in family violence police reports had previously been recorded as an affected family member. . . We know that perpetrators are weaponizing the system against Aboriginal women and we continue to see frequent examples of Aboriginal women being characterised as violent by police. (Samantha Smith, Representative, Djirra)

We are greatly concerned about the findings from the Our Youth, Our Way inquiry, which revealed persistent gaps in the implementation and adherence to these standards. Testimonies from Aboriginal young people recount incidents of excessive force, racial discrimination, and police misconduct—including physical assaults,

¹⁷ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 30 July 2023) ('Working Group Meeting (30 July 2023)'); Meeting with Aboriginal Justice Caucus (Vic) (Project Team, In Person, 21 August 2024) ('AJC Meeting (21 August 2024)').

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racial slurs, and mistreatment during arrests and detentions. These experiences, alongside our own experiences working with the justice system, indicate that the intent of Recommendation 60 has not yet been fully realised.

I don't know a young person that I've worked with in custody that hasn't reported an experience of abuse through the arrest process, even those under the age of 14. In terms of the complaints, very few proceeded to formal complaints. . . The IBAC report shows how many Aboriginal community have reported complaints that haven't been actioned or substantiated. (Bonnie Dukakis, Executive Officer, Koorie Youth Council)

Recommendation 60 remains highly relevant, as ongoing negative encounters between Aboriginal young people and Victoria Police underscore an urgent need for stronger enforcement of ethical standards, enhanced cultural competency training, and robust accountability mechanisms. Only by implementing these measures can the principles outlined in the Victoria Police Manual be truly upheld in all community interactions. Accordingly, advancing this work is an absolute priority for us.

Assessment of Recommendation 60

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

1

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

1

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

3

(Score out of 3)

Potential actions for further work

Anti-racism initiatives

There must be a sustained and comprehensive commitment to anti-racism within Victoria Police, including targeted programs to eliminate discriminatory practices and foster cultural awareness and respect across all levels of the organisation.

Enforcement of consequences

It is essential to ensure that breaches of discipline, especially those involving racist or unethical behaviour, result in meaningful and transparent consequences. Precise accountability mechanisms must be consistently applied to maintain public trust and uphold professional standards.

Implement relevant actions from the Chief Commissioner's Statement of Commitment 2023-25.

Independent police oversight (*Recommendation 27, Yoorrook for Justice*)

The Victorian Government must establish and adequately resource a new independent police oversight authority, headed by a statutory officer who has not been a police officer, to:

- investigate and determine all complaints about police (except for minor customer service matters)
- investigate and report on all police contact deaths and serious incidents
- conduct independent monitoring of and reporting on police custody and detention
- on its own motion, monitor, audit, systemically review and report on the exercise of police powers and interactions with the public including customer service matters
- undertake own motion, public interest investigations, and
- publish reports in the public interest.

The new authority must:

- have powers to arrest, search property and compel the production of information including from Victoria Police, and
- include a dedicated division for complaints from First Peoples that is under First Peoples leadership.

High priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)			
	Low (0-2)			Rec 60

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