

Haile Michael & Ors v Konstantinidis, the Chief Commissioner of Victoria Police, the State of Victoria & Ors – Federal Court proceeding number VID 969 of 2010

Introduction

The parties to this Federal Court proceeding have today resolved to settle the proceeding. The applicants and Victoria Police recognise that the allegations raised are more appropriate to be resolved by means other than adversarial litigation.

Summary of allegations made in the proceeding

The applicants in this proceeding (Daniel Haile-Michael, Jibril God, Shuab Ali, Maki Issa, Hakim Hassan and Magnus Kaba) are all young African-Australian men.

They alleged that during the period 2005 to 2009, while they were living in Flemington and North Melbourne, Victoria Police officers racially discriminated against them by stopping and questioning them, on the basis of their race, rather than for legitimate policing reasons. They alleged that they were stopped and questioned in circumstances where a non-black or non-African member of the community would not have been stopped and questioned, or would have been less likely to have been stopped and questioned by police.

They also made allegations against police officers about assaults, excessive use of force and an assault in detention, which they said occurred on the basis of their race and therefore amounted to racial discrimination and racially offensive behaviour and were unlawful under the *Racial Discrimination Act 1975* (Cth).

The applicants claimed that one reason these things occurred was the existence of a practice of racial profiling within Victoria Police. They said that racial profiling occurs when law enforcement decisions are made on the basis of the race or ethnicity of a person, rather than on the basis of a legitimate policing reason.

Victoria Police and the individual respondents deny the allegations. They say that the applicants were stopped and questioned by police not because of their race or colour, but for legitimate policing reasons. They say, and it is specifically denied by the applicants, that included in those reasons were the investigation of crime, the apprehension of offenders and responding to public requests for assistance. Victoria Police and the individual respondents deny that any member of Victoria Police assaulted or used excessive force on any applicant.

Acknowledgement

Victoria Police and the individual police officer respondents acknowledge that any policing involving discrimination on the basis of race is unacceptable.

Victoria Police review of policies and training

In April 2006, Victoria Police commissioned a review of relations between police and the Horn of Africa Community in Flemington, following the receipt by Victoria Police and the Office of Police Integrity of a significant number of complaints by members of the Australian-African community of racial discrimination.

In June 2006, Victoria Police produced a report from that review and recognised the need to implement certain strategies and programmes to meet the recommendations contained in the report.

Subsequent to the report and the implementation of some of the recommendations made in the report, further complaints of racial discrimination by members of Victoria Police were made by members of the Australian-African community.

By 1 June 2013, Victoria Police will invite community comment on the following two matters, and will then undertake an examination of those matters:

1. The policy of Victoria Police on field contacts, including the collection of data concerning field contacts; and

2. Cross-cultural training provided within Victoria Police.

By 31 December 2013, Victoria Police will publish a report on the results of that examination and will announce what action will be taken in response to the report.

Use of documents made for the purpose of the proceeding

The parties have agreed to allow each other to use some of the documents prepared for use in this proceeding without the restrictions usually attaching to documents prepared for court. Appropriate redactions have been made to ensure privacy. The parties have agreed, in respect of those documents, to invite the court to release them from the usual undertakings that attach to the use of court documentation.