Contemporary Comment

Why Diversity May Not Mend Adversity — An Australian Commentary on Multicultural Affirmative Action Strategies in Law Enforcement

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Abstract

As Australia becomes progressively more diverse, there are repeated calls for the Australian police service to mirror the multicultural complexion of society. These concerns have often culminated in affirmative action policies in other Western nations, some of which endeavour to artificially increase the numbers of minorities in law enforcement organisations. Though well intentioned, the ideas that underpin such policies often overlook the various reasons for minimal minority interest in a policing career. They also incorrectly assume that an increase in police diversity will automatically purge discrimination from the service and enhance community relations. This comment contends that a structurally accountable and regulated police service, combined with recruiting practices aimed at employing service-oriented, non-discriminatory officers regardless of ethnicity, engenders an inclusive, accepting and transparent police culture capable of dealing effectively with ethnically diverse populations.

Keywords: policing – affirmative action – police diversity – multiculturalism – positive discrimination – law enforcement – Australia police

Introduction

Over the past year, affirmative action recruitment schemes in the United Kingdom ('UK') have been proposed in order to recruit greater numbers of minority police officers. The strategy intends to recruit one ethnic minority officer for every white officer in an effort to combat a history of institutionalised racism (Camber 2014). Such proposals are permitted under the 2010 Equality Act (HM Government 2010) Historical inquiries into policing cultures in the United Kingdom and Australia have often discovered monocultures characterised by insularity, prejudice and exclusionary recruitment methods that inhibited

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diversity (Fitzgerald 1989; Macpherson 1999). As such, affirmative action-based policies seek to redress past discrimination by increasing employment opportunities for underrepresented groups. This can take a variety of forms from including initiatives that bolster equal opportunity to disproportionately hiring minority applicants from specific backgrounds. For example, the implementation of gender equity strategies saw a sharp increase in the number of Australian female police between 1996 and 2006 (see Irving 2009; Prenzler and Hayes 2000; Prenzler and Drew 2013). The increase was largely stimulated by the removal of discriminatory barriers. Alternatively, such strategies can also encompass positive discrimination policies, whereby underrepresented groups are preferred to other groups at admission. This comment discusses the latter approach and its role in effecting greater cultural diversity in modern police services.

Given that Western societies are increasingly multicultural, it is often argued that police service personnel should mirror the diversity of the population. However, the assumption that a culturally representative service will lead to greater public consent or even provide an equally useful service to every section of society lacks empirical evidence. Although motivated by noble intent, preferential hiring policies often overlook the broader structural and organisational issues responsible for problematic practices such as police discrimination. Positive discrimination policies also carry inherent presumptions about the desires, beliefs and abilities of potential minority recruits. Removing obstacles to equal opportunity and purging systemic prejudice from police organisations is fundamental in moving forward. However, the targeted recruitment of minority officers to engineer a representative police service is not necessarily a panacea to improved community policing or lowering operational racism. The misconceptions and unsupported assertions that underpin positive discrimination strategies are discussed below.

Explanations for disproportionate representation

The academic literature readily identifies two key explanations for the dearth of minorities joining law enforcement organisations. These include 'perceived racism within the service' and frustration with the aggressive policing of minority communities. Several accounts of racism directed at minority police by their colleagues have been well documented in the UK and Australia (Cashmore 2001; Dillon 1999; Holdaway and Barron 1997; Kamira 1999). Australia's former most senior Aboriginal police officer, Collin Dillon, expressed that he encountered 'the dreaded spectre of racism' from the day he entered the police force in 1965 until his departure in 2001 (Dillon 2000). Minority police officers have often felt pressured to deliberately suppress their ethnic identity in order to conform to a homogenous policing culture rigidly fashioned by Caucasian precepts. This phenomenon ultimately defeats the purpose of injecting ethnic diversity into the service in the first place. Additionally, the difficulty of integration is then deemed to be compounded by regular reports of managerial indifference to recurrent episodes of casual racism.

Previous findings illustrate minority resentment for Australian police due to their perceived heavy-handed tactics, stereotypical profiling and antagonistic behaviour in multicultural communities (Collins et al 2000; Findlay, Odgers and Yeo 1994; New South Wales Parliament Legislative Council 2001). Evidence over the past decade has shown that minority civilians often have poor interactions and experiences with police (Bowling, Parmar and Phillips 2003; Cherney and Chui 2008; Flemington & Kensington Community Centre 2011; Smith and Reside 2009). Results of a 2010 inquiry into police harassment in Flemington, Victoria, discovered that African Australians were significantly more likely to

be stopped and searched by police than other ethnic groups (VID 969 2010). Research from the State of New South Wales also describes the targeting of Asian and Middle Eastern youth by police (Sivasubramanian and Goodman-Delahunty 2008). In the UK, the 1999 Macpherson Inquiry determined the Metropolitan Police Service to be institutionally racist after reviewing its investigation efforts into the racist murder of a black teenager in London (Macpherson 1999).

The historical conflictual relationship between Aboriginal Australians and the police service is well documented. Australian police oversaw the punitive post-colonial protectionist regulation of Aboriginal people, which included enforced deculturalisation, dispossession from traditional lands and child removal that continued well into the 20th century. This historical criminalisation of Aboriginal people has led to a deep intergenerational mistrust of police for many Aboriginal people. This relationship remains problematic today, as evidenced by the high numbers of Aboriginal people who are processed through the justice system for offences that rest entirely on police discretion, and the troubling number of Aboriginal deaths in custody. These examples demonstrate both a history of discriminatory policing and an organisational inability to deal with racism. However, this may not wholly explain the multifarious reasons for a lack of minority enrolment in police services.

Alternative explanations for disproportionate representations

Minority groups in Australia embody a plethora of diverse ethnic groups who have vastly divergent migration and integration experiences. While perceived prejudice may deter some individuals from a career with the police, it is unlikely to explain the various motives and circumstances that shape this disinclination. Moreover, mistrust in police may be prompted by a legacy of mistreatment by law enforcement officials in a migrant's country of origin, rather than by experiences in their adopted country (Dixon and Maher 2002). Reasons for a minority disinterest in a policing career may also overlap considerably with the reasons held by the Caucasian majority. Policing can be a hazardous occupation physically and mentally and includes the frequent management of distressing situations and the regulation of hostile and unpredictable citizens. Additionally, the rigours of the job are possibly compounded through irregular working hours and modest wages. Also, minority disinterest in joining the force may not be a function of resentment for police, but rather a stronger attraction to other professions. Many people from non-English speaking backgrounds have now entered the tertiary and quaternary sectors in Australia, many withstanding discrimination in the process. Moreover, some minority groups may assign a low status to a policing career and encourage their family members to consider higher status university-oriented professions. Given these interpretations, it is important to acknowledge that the employment choices of minority individuals may not be influenced by either perceived racism or even antagonism towards the police service, but rather alternative preferences shaped by individual interests, prestige, family pressure or work-related wellbeing and safety.

Minority police assumptions

A common theme that emerges from the literature is that a cosmopolitan service will through some means alleviate prejudicial policing and enhance relationships with the wider community. This is based on the assumption that a service devoid of minorities will not

have the capacity to meet the needs of minorities in the communities. Aside from unclear anecdotal evidence, these claims are largely unsubstantiated. For example, it is undetermined if minority police, who may or may not be equipped with specialist cultural knowledge, will use this expertise positively, negatively or otherwise. Previous research on minority officers in Australia, New Zealand and the UK discovered that their presence did not provoke extra operational benefits (Crime and Misconduct Commission 2009; Holdaway 1996; Queensland Police Service 2006). Other research has found that even when bilingual officers share a language with minority members of the community, they may not exercise this ability appropriately (Cashmore 2001). It would be jejune to presuppose that minority officers are not susceptible to prejudice, misogyny and partiality to the same degree as their Caucasian counterparts.

Internally, minority groups are not all congruous and agreeable entities that share mutual customs or religious practices. A police officer who shares the same minority background as particular members of a community may be viewed by those people as equally an outsider as an officer from another ethnic background, due to within-culture dissimilarities or potential sectarian conflict. Additionally, reports have underscored the invidious position of many minority police who are often maligned and ostracised by their own ethnic community for joining the service (Avery 1981; Kamira 1999; Rowe 2004). Furthermore, officers from non-English speaking backgrounds may not have a desire to work within their own ethnic community, preferring to seek career advancement by applying for various positions in the service.

Organisational barriers to diversity

The idea that a recruitment blitz of minority personnel will combat racism may be short-sighted, particularly in organisations embodying longstanding structural dysfunction. Several Australian state police services have undergone a number of structural reforms over the past 30 years in an attempt to eliminate police cultures characterised by conformity, exclusivity, male hegemony, physicality, misconduct, systemic corruption, and a resistance to change. Efforts to promote transparency and accountability have achieved some degree of success despite institutional and political constraints. One development is a greater intolerance for racist behaviour and managerial indifference to racism, which was virtually pathological. Ongoing cultural awareness training is now an essential part of Australian police education and there have been several contemporary examples of racist behaviour exposed and reprimanded, in some cases leading to expulsion from the force. This brand of internal regulation in Australian state police services had been largely foreign prior to 2000 though has greatly improved over the past decade, particularly in Victoria.

Sustained persistence in upholding organisational accountability is required to ensure that discrimination — overt and/or covert — is eradicated (Berman 2008). A failure to adhere to these standards impedes efforts to improve police diversity including affirmative action policies. If an ethnically representative police service is to materialise, the right organisational framework and culture needs to be in place, irrespective of any proposed recruitment strategies.

The way forward

In his principles of law enforcement, Robert Peel wrote:

> The police seek and preserve public favor, not by catering to public opinion, but by constantly demonstrating absolutely impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; by ready offering of individual service and friendship to all members of society without regard to their race or social standing (Mayhall Barker and Hunter 1995:297).

This immutable philosophy is as relevant today as it was when Peel established the London Metropolitan Police Force in 1829. However, these ideals are not automatically realised through aggressive recruiting policies designed to advance minority groups into the service. Nor can these ideals flourish when undertaken in a negative organisational culture historically entrenched in secrecy and malpractice. As police services continue to develop and refashion their organisational practices, as well as their internal culture and external image, recruitment strategies must reflect this progression. This involves attracting and recruiting the 'right' people. Rigorous screening processes at the recruitment level must isolate those of strong intellect with robust interpersonal skills who sustain fair-mindedness in an increasingly complex and diverse society.

Australian research has found that procedural justice is a key component for minority groups in cooperating with police (Murphy and Cherney 2010). Recruits with these abilities, regardless of their ethnic background, are essential in cultivating strong police/community relations and minimising discrimination within the service. If the 'right' recruits are solely deemed to be those who are from a particular minority group, then unintended consequences may be the result. Minority officers may be subject to insensitive de-legitimisation by other officers based on the perception that they were not recruited on merit alone. This could also alienate minority officers who were hired through affirmative action strategies and demoralise existing minority officers who were recruited through standard procedures. The threat of marginalisation is potentially increased for minorities in light of current direct entry policies in the United Kingdom that thrust new police recruits into high-ranking positions. The real or perceived notion of the inadequately trained, administratively fast-tracked minority officer is likely to breed resentment, disharmony and, paradoxically, deleterious racial stereotypes. Moreover, if affirmative action initiatives do not succeed, there is also the potential risk of minorities collectively being held responsible for their failure.

Conclusion

The over-policing of Australian Aboriginal people and minority groups by the police service is well documented. It is also acknowledged that racism exists within the service and that biased hiring practices have transpired. Despite these occurrences, the dearth of minorities in the Australian police service may not be entirely attributable to perceived racism as suggested in the literature. There are numerous cultural and linguistically diverse populations in Australia with varying norms, traditions and law enforcement experiences. Their reasons for not enlisting in the police service are infinite and potentially mirror those of the Caucasian majority. Nonetheless, it is accepted that past and ongoing discriminatory experiences at the hands of law enforcement agencies may shape decisions on whether or not to join the police service for some individuals. But attempting to address inequity by engaging in further inequity is unlikely to be a constructive solution. In addition, few

policies, recruitment oriented or otherwise, will prosper if a service is characterised by organisational dysfunction.

The greater presence of minority officers is a laudable objective, although it should not be unnaturally coerced or accompanied with weighty expectations of functional progress. Politically selecting minority police officers based on their ethnic background does not necessitate an efficacious service, nor does it eradicate misconduct. A responsive police service would be enabled if certain conditions were met. First, the service must collectively value transparency, accountability and equal opportunity. Second, the service must endeavour to screen for and select applicants with service-oriented and unprejudiced working personalities, regardless of their ethnic make-up. A service that comprises a healthy organisational culture which embraces officers who strive to impartially serve a multicultural society is in a stronger position to receive broader community legitimacy and support. Within this framework, greater police diversity may eventuate piecemeal as Australia's demographic landscape evolves. If this aspiration is not fulfilled in the near future, we must accept that many individuals, irrespective of their ethnic backgrounds may not wish to pursue a career in law enforcement, and so we must make a sustained effort to recruit the 'right' available people to serve our communities.

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