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IN THE MATTER OF THE YOORROOK JUSTICE COMMISSION

Opening Comments of the Chief Commissioner of Police Shane Patton APM

I, SHANE ANDREW PATTON, Chief Commissioner of Victoria Police, thank the Yoorrook Justice Commission for the opportunity to make these opening comments before my statement is formally received by the Commission and I am asked questions in relation to it.

1. I would like to firstly acknowledge the Traditional Owners of Country across Victoria and pay my respects to their Elders past, present and future. I recognise and embrace the fact that Aboriginal people are connected to the oldest, continuous history.
2. I use the term Aboriginal to respectfully refer to Aboriginal and Torres Strait Islander people. I do this to ensure consistency with the terminology used in existing Victoria Police policies, documents, forums and positions and because I understand it is the preference of the Aboriginal Justice Caucus. My use of this term is not intended to deny the right of Aboriginal people to determine the way in which they are referred.
3. I appear before you today in full uniform as a mark of respect for the Commission. I also wear this uniform with pride. Pride in being part of a profession that is dedicated to keeping the community safe, supporting people in their time of need, and holding offenders to account. Pride in the skills and dedication that police bring to a broad range of duties. And pride in the colleagues who have served Victoria Police over the last 170 years.
4. However, I know this uniform means something very different to many people in the Aboriginal community. Through my reading and my conversations with Aboriginal staff and other members of the Aboriginal community, I understand that this uniform can be a symbol of fear. I am aware of lived experience evidence given to this Commission that illustrates that fear of police. When recently speaking with an Aboriginal employee with lived experience of the impact of police actions, they expressed it powerfully as 'You wear your uniform with pride, yet to us, we are scared of it because of what has happened in the past and what might happen in the future.' As Chief Commissioner of Victoria Police, I am deeply and truly sorry for this impact.
5. My aim and that of Victoria Police, every day, is to work for a safer community. I acknowledge that, since the establishment of Victoria Police in 1853, our understanding of what 'safety' means for all members of the community has evolved considerably. I have been a member of Victoria Police since 1978 and have held the position of Chief Commissioner since 27 June 2020. I know that the standards to which Victoria Police is held to account, and community expectations, have also changed over time, and rightly so.
6. I know Victoria Police has caused harm in the past and unfortunately continues to do so in the present. As an organisation, we continue to make necessary changes and improvements and it is a firm requirement of mine that we will continue to strive to do

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better. More specifically, it is a key priority of my tenure as Chief Commissioner to build greater trust and stronger relationships between Aboriginal people and Victoria Police.

7. I recognise that there are still real and significant obstacles to this occurring. I consider it is necessary and appropriate to face up to and accept responsibility for the times when Victoria Police has failed, and done wrong.
8. As Chief Commissioner, and on behalf of Victoria Police, I formally and unreservedly apologise for police actions that have caused or contributed to the trauma experienced by so many Aboriginal families in our jurisdiction.
9. Victoria Police was historically one of several agencies with legislated responsibilities for the management and movement of Aboriginal Victorians. From 1864 to 1992, police had the power to remove 'neglected' children.¹ The Board for the Protection of Aborigines also had legislative power to remove 'neglected' or 'unprotected' Aboriginal children from 1871,² and broad powers to remove any Aboriginal child from 1890 until 1957.³ Although poorly documented, it is indisputable that Victoria Police assisted the Board, with devastating consequences for Aboriginal families. The responsibility for determining when a child was 'neglected' or 'unprotected' was shared across several agencies, including Victoria Police.⁴
10. I cannot begin to imagine the profound distress that the forcible separation of children from their families would have caused and that continues to be felt.
11. Victoria Police has searched for evidence of the extent of police involvement in the Stolen Generations in Victoria Police records held at the Victoria Police Archive Services Centre and the Public Records Office Victoria. Progress has been slow due to fragmented record-keeping, document disposal, illegible handwriting, relevant documents that do not record Aboriginality, and lack of recording of 'informal' child removal arrangements. I recognise that inadequate and incomplete record keeping frustrates the very reasonable desire that Aboriginal people today have for a full and frank account of police actions over the past 170 years.
12. As has been documented in the whole of Victorian Government submission to the Commission, the role of police extended beyond the criminal justice system to include acting as the enforcers of legislation and regulations, policing behaviour, controlling

¹ See, for example, *Neglected and Criminal Children's Act 1864 (Vic)* s 14 authorising police officers to apprehend without warrant any child under 15 years that the police officer viewed as 'neglected'.

² See *Aborigines Protection Act 1869 (Vic)* s 2(v): from 1871 the Board had power to remove children as per Regulation 13.

³ For example, through the *Aborigines Act 1890 (Vic)*, the Board was able to send children who were not orphans but who were deemed 'neglected' to the care of the Department for Neglected Children.

⁴ See, for example, *Neglected and Criminal Children's Act 1864 (Vic)* (n 1) s 14.

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access to rations and conducting population surveys.⁵ 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.

13. 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. For all this I genuinely, and formally, apologise, as Chief Commissioner and on behalf of Victoria Police. I am sincerely sorry that this has occurred to Aboriginal people. It should not have happened.
14. I cannot undo past actions and decisions of Victoria Police. What I can, and will, do is ensure that we proactively review our policies and processes with Community to address systemic racism, unconscious bias or unequal use of discretionary power in outcomes. I know this must happen expeditiously.
15. I will also harness the dedication, duty and sense of community service of Victoria Police to make sure that we continue to work in partnership with Aboriginal people and communities to support self-determination and *improve* outcomes – concrete outcomes, not just promises and good intentions.
16. We will know we have achieved true partnership when every Aboriginal person feels confident to look to this uniform for services and support, and better yet – when more and more Aboriginal people want to wear it.
17. Thank you. I now appear before you to answer any questions.

SHANE ANDREW PATTON APM

Chief Commissioner of Victoria Police

⁵ *Victorian Government Submissions to the Yoorrok Justice Commission, Response to Issues Paper 1: Call for Submissions on Systemic Injustice in the Criminal Justice System, 17 March 2023, [28].*