



Upholding our rights

LGBTIQA+ attitudes towards and experiences of policing in Victoria

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Research summary

The Victorian Pride Lobby is a community-based advocacy group that works towards equality, social justice, and advancing human rights for lesbian, gay, bisexual and same sex attracted Victorians. We work constructively, cooperatively and respectfully with transgender, intersex, asexual and other organisations that support our organisation's mission and vision.

This timely analysis of the voice and views of over 1,500 lesbian, gay, bisexual, trans and gender diverse, intersex, queer and asexual (LGBTIQA+) Victorians presents new data related to the LGBTIQA+ community's experiences of, and attitudes towards, police and policing in the state of Victoria. The findings indicate there is a long way to go for the police to gain the LGBTIQA+ community's trust and that, for this to happen, there is a need for both attitudinal and systemic change. To that end, this report also includes a number of recommendations for change, with the aim of improving reporting experiences and general encounters and ending poor treatment of our community.

The Victorian Pride Lobby's work in this space aims to provide a thorough and nuanced understanding of what Victorian LGBTIQA+ people are feeling about police and policing, and what changes would make them feel safer, heard and respected.

Acknowledgment of Country

The Victorian Pride Lobby acknowledges the traditional custodians of the unceded land on which we work and campaign. We recognise the continuing sovereignty of Aboriginal people across the land known as Victoria. We pay our respects to Elders past and present and acknowledge that sovereignty was never ceded and that this was and always will be Aboriginal land.

Content warning

The Victorian Pride Lobby understands that content presented in this report may be challenging for some readers and encourages anyone needing support to contact Switchboard Victoria on 1800 184 527 or via Qlife's webchat.

Thanks

We extend our sincere thanks and gratitude to the more than 1,500 people who completed our Police Attitudes Survey, many of whom shared deeply personal experiences. All the information received has been treated with the utmost respect and strictest confidence.

The Lobby extends its thanks to those who assisted with writing the report, including Kate Phillips, Brock Mason, Danielle Walt, and Prashant Bhatia.

Executive Summary

The Victorian Pride Lobby invited members of the LGBTIQA+ community to complete its Police Attitudes Survey to better understand the community's attitudes toward, and experiences of police and policing in the state. This report seeks to provide a voice to the LGBTIQA+ community and convey their recommendations for change.

Overwhelmingly, survey responses indicate that LGBTIQA+ community members do not feel fairly treated or understood by, and do not trust, Victoria Police.

Victoria Police is guided by its motto 'uphold the right' and its legislative obligation to 'serve the Victorian community and uphold the law'.¹ Its personnel are entrusted to defend citizens' rights to live in a safe, secure and orderly society. Police are conferred considerable powers to facilitate this role, including those to question, detain, search and use force against individuals. This report details the detrimental impact of police actions that infringe – rather than uphold – the rights of Victoria's LGBTIQA+ community.

The LGBTIQA+ community's attitudes towards, and experiences of, police transcend state and national borders. It is notable that this survey was undertaken during the global Black Lives Matter movement, which shone a light on policing techniques that are rooted in bias and prejudice, manifesting as discriminatory profiling, harassment, over-policing and violence. Victorian LGBTIQA+ community members have experienced several high profile, and fraught, incidents with police in recent years, along with a history of harmful policing of our communities. This was reflected in then Chief Commissioner Graham Ashton's historic apology to our communities in 2019 for Victoria Police causing 'unacceptable harm' in the enforcement of now repealed discriminatory laws. In 2021, the historic legacy of experiencing discrimination and violence at the hands of police still looms large for LGBTIQA+ people and – as this new dataset presents – is still a reality for many. These factors present a formidable, but not insurmountable, obstacle to improving the relationship between the police and LGBTIQA+ people.

Any lack of trust between police and LGBTIQA+ community members has harmful and far-reaching consequences. LGBTIQA+ people are often discouraged from reporting victimisation due to anticipated negative outcomes. This is particularly problematic as the LGBTIQA+ community experience higher levels of victimisation, especially in regard to sex work, mental illness, homelessness and substance abuse. Victims sometimes fear they may not be taken seriously or will be treated prejudicially. The effects of harm caused by discriminatory or violent interactions with police can therefore extend beyond the event itself; they can cause a reticence to report and thus deny or delay justice for LGBTIQA+ community members.

Introduction

The LGBTIQA+ community's relationship with police is complex. Members of our communities - and particularly those with intersecting identities, such as First Nations people, youth, trans and gender diverse people, people with cognitive and intellectual disabilities, people of colour, sex workers, and illicit drug users, among others - experience negative interactions with law enforcement or are concerned about how they will be treated by law enforcement, particularly when police are exercising their powers to search, arrest, and detain. We have also seen during the COVID-19 pandemic that uncertainty about the operation of new laws and police powers, and fear of unfair treatment, are adding to the stress and anxiety experienced by LGBTIQA+ people.²

¹ *Victoria Police Act 2013* s 8.

² Equality Australia, *COVID-19 and Australian LGBTIQ+ Communities*, 9, available at <https://equalityaustralia.org.au/covid-report/>

The results of the Victorian Pride Lobby's Police Attitudes Survey indicate the LGBTIQ+ community's sentiment toward police is one of distrust and even hostility, coupled with an overwhelming sense that police treat certain groups unfairly. For some, these sentiments have been informed by personal experiences or interactions with the police; for everyone, they have been informed by the experiences of others in the LGBTIQ+ community - whether partners, friends or from media reports. The results of the Victorian Pride Lobby's Police Attitudes Survey indicate the LGBTIQ+ community's sentiment toward police is one of distrust and even hostility, coupled with an overwhelming sense that police treat certain groups unfairly. For some, these sentiments have been informed by personal experiences or interactions with the police; for most, they have been informed by the experiences of others in the LGBTIQ+ community - whether partners, friends or from media reports.

In recognition of this fractured history, over the past two or so decades Victoria Police have introduced a range of methods aiming to connect with the LGBTIQ+ community and build trust; founding the Victoria Police LGBTI Portfolio Reference Group, establishing LGBTIQ Liaison Officers (LLOs), participating in Pride March for the first time in 2003, and developing an LGBTI Inclusion Strategy and Action Plan. However, 2019 saw four apologies by Victoria Police to the LGBTIQ+ community,³ indicating there is still a long way to go in integrating LGBTIQ+ inclusion across Victoria Police.

With the development of a new LGBTI Inclusion Strategy and Action Plan underway, and given the recent events that led to apologies from Victoria Police to the Victorian LGBTIQ+ community, the Lobby decided to undertake this survey as a means to gain a more thorough and nuanced understanding of LGBTIQ+ attitudes toward, and experiences of, police and policing in the state at this particular moment in time, alongside capturing the community's recommendations for change.

This report presents the findings from analysing this unique dataset, which is the largest ever online survey of LGBTIQ+ Victorians on the topic of police and policing.

Methodology

Data for this report was gathered through the Lobby's *Police Attitudes Survey*, conducted online in August 2020.

Throughout August 2020, the survey was shared with and by key LGBTIQ+ organisations across the state to achieve representation from a large cross-section of the community. These groups include: Equality Australia, Midsumma, Rural Rainbows, Mallee Pride, WayOut Wodonga, Rainbows in Schools, Melbourne Queer Film Festival, Rainbow Connections Mornington Peninsula, Trans and Gender Diverse Bendigo and Beyond, Australian Catholic University Melbourne LGBTIQ+ Society, Liberal Pride Victoria, Reason Victoria, Queer Greens Victoria, Rainbow Labor, Goulburn Valley Pride, Switchboard Victoria, Sex Work Law Reform Victoria, and others.

The survey was also shared widely on social media in an attempt to engage as diverse an audience as possible. The survey was open from 6 August 2020 to 28 August 2020.

In total, 1,514 people completed the survey. Those who identified they did not live in Victoria (76) or were not part of the LGBTIQ+ community (47) were excluded from the final data analysis.

As such, the data analysis presented in this report captures the experiences and views of 1,403 LGBTIQ+ people from Victoria who completed the survey.

The survey was divided into four sections:

³ Dean Arcuri, 'Victoria Police LGBTI Reference Group Celebrates 20 Years', The Star Observer (online at 19 September 2019), available at <https://www.starobserver.com.au/news/national-news/victoria-news/victoria-police-lgbti-reference-group-celebrates-20-years/187025>

1. Demographic information
2. General attitudes toward police
3. Police and the LGBTIQA+ community
4. Personal experiences with Victoria Police

The final section of the survey was optional, meaning participants completed 35 questions to finish the core survey and a further 11 questions if they opted to talk about personal experiences.

Participants took on average 4 minutes and 52 seconds to complete the survey, which demonstrates a high level of engagement. Further, over one third of participants (527) voluntarily chose to leave their contact details to provide further information about their experience, and over half of participants (682) provided further comments that detailed their personal experience with Victoria Police through the optional final section.

Context and limitations

The LGBTIQA+ community has been referred to as a non-clustered, hard-to-reach and 'hidden population'.⁴ This renders traditional sampling methods inappropriate, justifying the use of convenience or venue-based sampling methods.⁵ Such sampling methods are only acceptable if times and places are identified where the study population would be 'reasonably expected to gather'.⁶ This has led to multiple studies sampling directly from festivals, pride events and nightclubs. In the context of the Lobby, more members of our 'hidden community' could be reached through an online survey.⁷

Online surveys are an invaluable way to study 'hard to reach' minority populations.⁸ Further, given that many LGBTIQA+ individuals have been subject to pervasive discrimination and can be mistrusting of data privacy, scholars recognise that online surveys are more likely to elicit authentic responses.⁹ Indeed, while recognising that it is not possible to know how accurate or truthful respondents are in answering the questions of an online survey, the strong engagement in the Police Attitudes Survey, and the ability to follow up with those who left their contact details, provides a high level of confidence in the integrity of the responses presented in this report.

It should be noted that this survey was conducted during a period of time where discussions about police and policing were considerably more frequent than usual. The Black Lives Matter movement's demand of defunding the police, while United States-focused, had global mainstream coverage throughout this period¹⁰, which subsequently translated to similar Australian demands and a focus on Aboriginal deaths in custody.

⁴ Lisa M. Dario et al, 'Assessing LGBT People's Perceptions of Police Legitimacy' (2019) 67(7) Journal of Homosexuality 885, 895 (available at <https://doi.org/10.1080/00918369.2018.1560127>)

⁵ Farzana B. Muhib et al, 'A Venue-Based Method for Sampling Hard-to-Reach Populations' (2001) 116(1) Public Health 216 (available at <https://doi.org/10.1093/phr/116.S1.216>).

⁶ Dario et al (above n 4) pg 895.

⁷ Toby Miles-Johnson and Yurong Wang, "'Hidden identities": perceptions of sexual identity in Beijing' (2017) 69 The British Journal of Sociology 323 (available at <https://doi.org/10.1111/1468-4446.12279>).

⁸ Toby Miles-Johnson, 'Perceptions of group value : how Australian transgender people view policing', Policing And Society, 26(6), 605-626 at 609 (available at <https://doi.org/10.1080/10439463.2014.996563>)

⁹ Miles-Johnson (above n 7) 609.

¹⁰ BBC News, 'March on Washington: Thousands gather at historic civil rights march' (28 August 2020), available at <https://www.bbc.com/news/world-us-canada-53949460>

This study purposefully aimed to capture the experiences and sentiments of LGBTIQ+ Victorians towards the police and policing following a number of high profile incidents involving the LGBTIQ+ community. This may have contributed to the high volume of survey responses; it may also have had the effect of enabling people to speak more freely about their views and experiences, but it should also be noted it is possible this dataset includes views amplified by the moment in time in which it was undertaken.

There is a growing body of literature that has found that historically marginalised groups have negative perceptions of the criminal justice system.¹¹ These identities can overlap and intersect with LGBTIQ+ identities, raising the need to control for extraneous variables. Perceptions held by participants may be a product of intersecting demographic identities, most notably race or ethnicity. To account for the effect of alternative identities, researchers can control variables of race, ethnicity and age.¹² This would enable researchers to examine whether certain identities report more negative attitudes than others.¹³ To control for variables, in future surveys the Lobby will continue to collect data on age, ethnicity and homelessness, all of which have been shown to impact on attitudes towards police.¹⁴ This will assist in establishing a stronger relationship between LGBTIQ+ identity and police confidence levels, while recognising the intersecting and compounding effects of multiple identities and experiences.

Who did we hear from?

Gender: 36.92% of respondents were women, 32.93% men, 23.88% non-binary, 2.71% preferred not to say, and 3.56% identified as 'other (self-described).'

Transgender: 25.94% of participants were transgender, 68.35% were not, and 5.70% chose not to say.

Variation of sex characteristics: 0.93% of respondents were born with a variation of sex characteristics, 95.58% were not, and 3.49% preferred not to say.

Sexuality: 28.80% of respondents were bisexual, 24.66% gay, 14.90% queer, 13.76% lesbian, 6.84% described their sexuality in another way, 5.27% were pansexual, 3.92% asexual, and 1.21% preferred not to say.

Age: 1.14% of participants were under 18, 28.65% were aged 18-24, 46.76% of participants were aged 25-34, 14.04% were aged 35-44, 5.49% were aged 45-54, 2.71% were aged 55-64, 1.21% were 65+.

Housing situation: The overwhelming majority of respondents were living in stable housing at the time of completing the survey (96.08%), whilst the remainder of respondents were experiencing homelessness in the form of couch surfing or housing instability.

Cultural background: Respondents were able to self-identify their cultural background. The survey captured the views of a diverse range of respondents who have faced intersectional and compounding experiences of discrimination, including Aboriginal and Torres Strait Islander people.

¹¹ Angela Dwyer and Matthew J. Ball. “‘You’d Just Cop Flak From Every Other Dickhead Under the Sun’: Navigating the Tensions of (In)Visibility and Hypervisibility in LGBTI Police Liaison Programs in Three Australian States.” *Journal of Contemporary Criminal Justice* 36, no. 2 (May 2020): 274–92. (available online at <https://doi.org/10.1177/1043986219894420>)

¹² Dario et al (above n 4) pg 895.

¹³ Dario et al (above n 4) pg 895.

¹⁴ Dario et al (above n 4) pg 895.

Overview

Understanding

- 4 in 5 LGBTIQ+ Victorians do not think the police understand the issues that impact them.
- 3 in 4 do not think the police make an effort to understand the issues facing different groups with whom they come into contact.

Trust

- 2 in 3 LGBTIQ+ Victorians do not think the police are generally helpful and supportive.
- 3 in 4 do not think the police can be trusted to use their powers reasonably.
- 1 in 2 do not trust the police with their personal information.

Fairness

- 9 in 10 LGBTIQ+ Victorians think the police treat certain groups unfairly, with 2 in 3 believing LGBTIQ+ people are treated unfairly.
- 4 in 5 believe the police abuse their powers, and that they harass or intimidate some groups without cause.
- 3 in 5 believe the police show an inherent lack of respect toward LGBTIQ+ people.

Summary

A summary of selected statements from the Survey can be found below.

Statement	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
<i>Police are generally helpful and supportive</i>	3.56%	16.82%	17.89%	33.86%	27.87%
<i>Police generally can be trusted to use their powers reasonably</i>	2.21%	10.76%	8.91%	26.80%	51.32%
<i>Police treat certain groups unfairly</i>	75.20%	17.75%	1.71%	2.63%	2.71%
<i>Police generally make an effort to understand issues of different groups they come into contact</i>	2.00%	7.56%	14.96%	33.36%	42.12%
<i>Police abuse their powers in their interactions with the public</i>	41.34%	37.13%	12.54%	6.63%	2.35%
<i>Police harass or intimidate some groups without cause</i>	59.80%	26.80%	6.06%	5.06%	2.28%
<i>Police treat LGBTIQ+ people with fairness when they have contact with them</i>	2.00%	9.47%	22.74%	35.50%	30.29%
<i>Police are respectful of LGBTIQ+ people</i>	2.42%	11.55%	22.95%	37.49%	25.59%

<i>I would be comfortable disclosing my sexual orientation, sex characteristics, or gender to a police officer</i>	4.70%	12.26%	7.41%	24.52%	51.10%
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LGBTIQA+ attitudes towards the police

Over four in 10 (**42.06%**) LGBTIQA+ Victorians surveyed would like to be able to ask for police assistance when they need it. The findings presented in the following section demonstrate, however, that there is significant concern about how they will be treated, based on their perceptions of whether police are understanding of LGBTIQA+ issues, trustworthy and fair. This has subsequently also affected their willingness to make contact with or interact with the police.

Attitudes matter; indeed, public confidence is widely considered the cornerstone of cooperation with police.¹⁵ For an ordinary citizen, police represent the face of the criminal justice system.¹⁶ Contact with an officer constitutes a ‘teachable moment’ that is imbued with the power to shape one’s perception of police legitimacy.¹⁷ Police actions that are discriminatory or unjust, whether directly or indirectly experienced, have been shown to erode an individual’s confidence in police, diminishing the likelihood that they will voluntarily cooperate with law enforcement in the future.¹⁸

Given the police rely on public perceptions of legitimacy to fulfil their duties, low levels of confidence can undermine their ability to maintain order, prevent crime and ensure public safety.¹⁹ To this end, Victoria Police acknowledge that their relationship with the LGBTIQA+ community has not always been one of trust, as noted in the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) report, *Proud, Visible, Safe: Responding to workplace harm experienced by LGBTI employees in Victoria Police*.²⁰ As the then-VEOHRC Commissioner outlined, “Victoria’s LGBTI community lives with the memories and lasting impacts of discriminatory and homophobic policing practices.”²¹

Overwhelmingly, the Survey found a high level of distrust by LGBTIQA+ communities toward the police and policing. There is also a strong perception that the police do not treat everyone fairly or equally, and there are high levels of concern about the abuse of police powers. Attitudes also matter because they translate into actions. For instance, three quarters of Victorian LGBTIQA+ individuals who responded to this survey (**76%**) do not feel safe or comfortable disclosing their sexual orientation, sex characteristics, or gender identity to a police officer. This perception of a lack of safety is mirrored by the choices individuals make when they do

¹⁵ Toby Miles-Johnson. “*LGBTI Variations in Crime Reporting: How Sexual Identity Influences Decisions to Call the Cops.*” SAGE Open, (April 2013) page 687 (available online at <https://doi.org/10.1177/2158244013490707>).

¹⁶ Amanda Geller and Jeffrey Fagan. “*Police Contact and the Legal Socialization of Urban Teens.*” RSF: The Russell Sage Foundation Journal of the Social Sciences 5, no. 1 (2019) pg 29 (available online at <https://doi.org/10.7758/rsf.2019.5.1.02>)

¹⁷ Fagan and Geller (above n 16) page 29.

¹⁸ Jason Sunshine & Tom Tyler (2003). “*The Role of Procedural Justice in Shaping Public Support for Policing.*” Law & Society Review 37, pg 513-548. (available online at <https://doi.org/10.1111/1540-5893.3703002>)

¹⁹ Tyler, T. R. (1990). *Why people obey the law*. Yale University Press.

²⁰ Victorian Equal Opportunity & Human Rights Commission, *Proud, Visible, Safe: Responding to Workplace Harm Experienced by LGBTI Employees in Victoria Police* (May 2019), available at https://www.humanrights.vic.gov.au/static/ffa678eb2c463534eb48e347d146b77c/Resource-Report-Proud_Visible_Safe-Victoria_Police-2019.pdf

²¹ Victorian Equal Opportunity & Human Rights Commission (above n 20) pg 4.

have contact with the police, with three in five respondents (**61.53%**) choosing to not disclose this information.

RECOMMENDATION 01: That Victoria Police seek opportunities to build trusting relationships through collaboration with LGBTIQ+ community, including by ensuring that there is a diverse representation of community voices on the Victoria Police LGBTI Portfolio Reference Group and other relevant Reference Groups.

LGBTIQ+ Victorians' experiences of the police

The section in the Survey that elicited data on direct personal experiences was optional and only open to those who reported having direct contact with the police. Of note is that this applied to the vast majority of respondents, with **86.39% (1,212)** having had contact with police in their lifetime. Half of this contact was within the last two years, while others indicated that it was within the last five years (**27.83%**), last ten years (**14.33%**) or longer than ten years ago (**7.95%**).

When asked to consider the most significant contact they had had with police, there were a variety of answers ranging widely.

Those who had contact with police rated their experience poorly. When asked to indicate on a scale of 1 (very poor) to 5 (very good), the weighted average of 270 respondents was 1.88.

We further analysed the sentiment related to these experiences in order to gain understanding of the tone of respondents' interactions. **47.20%** of respondents who made contact with police said that the officer was disrespectful, in contrast to **31.08%** who said the officer was respectful. Additionally, **53.93%** of those who had contact with the police reported that the officer was hostile or aggressive. When asked if the police officer was homophobic or transphobic, **43.07%** agreed that the officer was homophobic or transphobic, with **43.82%** neither agreeing or disagreeing.

RECOMMENDATION 02: That Victoria Police review and assess current feedback and complaints mechanisms and implement a practice of LGBTIQ Liaisons Officers following up or checking in on LGBTIQ+ people who have had contact with police.

RECOMMENDATION 03: That Victoria Police make its currently optional LGBTI Awareness and Allies training sessions compulsory, starting with managers and then expanding to the whole workforce, and ensure that the training: (a) is facilitated by LGBTIQ+ community groups who are paid for their expertise to improve understandings of community sentiments and expectations; (b) includes trans and gender diverse modules as well as education that deepens understanding of all identities within our community.

The impact of individual experiences on collective perceptions

It is important to note the link between attitudes and direct experiences. The Survey results presented in this report are based on respondents' personal experiences with police, accounts from family and friends, witnessing police actions at LGBTIQ+ events, and hearing about police in the media. Perceptions and vicarious experiences are an important aspect of community attitudes, regardless of individual interactions.

People often draw on vicariously obtained information to evaluate the police generally, in addition to using this information to interpret their specific experiences if or when they come into contact with an officer.²²

For minority groups in particular, the collective experience is part of the individual experience and vice versa. It is important to understand that one anti-LGBTIQA+ direct experience can often affect the perceptions of the police by the LGBTIQA+ community as a whole.

In 2019, Victoria Police raided the Hares and Hyenas queer bookstore and its upstairs apartment in Fitzroy, in what police claimed to be the pursuit of a suspect in a carjacking and home invasion. The raid was conducted at about 2:00am on Saturday the 11th of May. One of the owners of the shop, Crusader Hillis, wrote about the events the next day:

"The police broke in through our garage as they thought that an armed member of a 'Lebanese' gang was inside. At no stage did they identify themselves as police. They just stormed into a dark room shining torches and it was impossible to identify them as police. Nik Dimopoulos, thinking that it was an anti-gay home invasion rushed out the door, downstairs and on to the street where he was forcefully detained." ²³

During the arrest, Mr Dimopoulos received multiple fractures to his arm when it was pulled from his shoulder socket by police officers.²⁴ Following the event, the Police Association of Victoria's Secretary Wayne Gatt told the media he was "proud" of the police officers involved in the raid, despite the fact that Assistant Commissioner Luke Cornelius had said he was "appalled" by the extent of Mr Dimopoulos's injuries and had apologised on behalf of Victoria Police, saying "it's very clear to us that police stuffed this one up." ²⁵

The Independent Broad-Based Anti-corruption Commission (IBAC) investigated the raid in an investigation entitled Operation Lynd, ultimately finding that the force used by police was "not disproportionate to the officers' objective of arresting Mr Dimopoulos." ²⁶ However, IBAC did find that Mr Dimopoulos's human rights were impacted, stating that "the officers involved in the incident did not, as the Charter of Human Rights and Responsibilities obliges them, advise him of the reason for his arrest, make him aware of his rights, or officially release him from custody." ²⁷ IBAC's findings were criticised by the victim himself, his lawyers and Equality Australia,²⁸ with Mr Dimopoulos' lawyer Jeremy King commenting that it was "legally contradictory, it's galling and it sets a dangerous precedent for policing in Victoria. For IBAC to come out here and say that this is a lawful arrest is, at law, deeply flawed. I would say it's not a lawful arrest and therefore any force used after that is not lawful either."²⁹

²² Dario et al (above n 4) pg 897.

²³ Crusader Hillis, Facebook (11 May 2019) <https://www.facebook.com/crusaderhillis/posts/10158347345774392> (archive available at <https://imgur.com/a/onhggqi>).

²⁴ Damian McIver, 'Melbourne police break man's arm in mistaken arrest at Fitzroy's Hares & Hyenas bookshop', ABC News (online at 12 May 2019), available at <https://www.abc.net.au/news/2019-05-12/melbourne-police-break-mans-arm-hares-and-hyenas-fitzroy-raid/11105106>

²⁵ ABC News, 'Police union head "proud" of officers involved in botched Fitzroy raid' (online at 16 May 2019), available at <https://www.abc.net.au/news/2019-05-16/police-union-head-proud-of-officers-involved-in-fitzroy-raid/11119004>.

²⁶ IBAC Victoria, Outcome of IBAC's investigation into the conduct of Victoria Police officers at the Hares & Hyenas bookstore in Fitzroy in May 2019 (6 April 2020), available at <https://www.ibac.vic.gov.au/media-releases/article/outcome-of-ibac-s-investigation-into-the-conduct-of-victoria-police-officers-at-the-hares-hyenas-bookstore-in-fitzroy-in-may-2019>.

²⁷ IBAC Victoria (above n 26).

²⁸ Equality Australia, IBAC's investigation into the conduct of Victoria Police Officers at the Hares & Hyenas Bookstore (16 April 2020), available at <https://equalityaustralia.org.au/ibac-release/>.

²⁹ ABC News, 'IBAC clears police of using excessive force during botched raid that broke man's arm in Fitzroy apartment' (16 April 2020), available at <https://www.abc.net.au/news/2020-04-16/ibac-police-break-mans-arm-fitzroy-hares-and-hyenas-raid/12153142>

When survey respondents were asked to quantify on a scale of 1 to 5 how much this incident had eroded their trust in Victoria Police, the weighted average was 4.18, which indicates that a large amount of trust had been eroded. Further, **63.01%** answered 'yes' when asked if the Hares and Hyenas raid changed their perception of police as overly aggressive.

Such events can have a significant impact on the LGBTIQ+ community. In this instance, over half of LGBTIQ+ individuals (**58.23%**) indicated that they have been deterred from seeking police help since the incident.

One survey respondent noted:

"I think it's safe to say that the IBAC report on Hares & Hyenas has only made the community less trusting and more positive of corruption. We're all still hurting. It's also really important to remember that whilst I myself haven't had horrific experiences, the community in general has trauma [sic] and seeing cops at events can be a trigger."

An even more recent incident appears to have further damaged LGBTIQ+ individuals' trust in the police, as indicated by survey respondents. In May 2020, former North Melbourne football coach Dani Laidley was taken into custody at St Kilda Police Station. Laidley, a trans woman, was unknowingly photographed using a police officer's mobile device while being processed and interviewed for an arrest, and a further picture was taken of a screen showing her booking photograph. These pictures were then shared by a Senior Constable in a WhatsApp group with other officers and civilians. Officers used disparaging transphobic language to describe the photos of Ms Laidley.³⁰ The photos were then leaked to the press and social media and published broadly, much to the distress of Ms Laidley and her family.

This incident was referred to IBAC,³¹ and Victoria Police conducted a seven month internal investigation which resulted in 39 officers and seven public servants facing internal disciplinary action, while a further 224 employees of Victoria Police were cleared of any criminal action or internal misconduct.³² In April 2021 it was announced that, as part of the disciplinary process arising from this investigation, six police officers would have to individually pay up to \$3,000 each to Ms Laidley in compensation and undertake a course on respect through the Victorian Equal Opportunity and Human Rights Commission, as well as being placed on a 12-month good behaviour bond. Three officers are facing criminal charges over the unauthorised disclosure of information; their cases remain before the courts.³³ Ms Laidley is pursuing legal action against Victoria Police, alleging that the officers breached the duty of care owed to her while she was in custody, and that they failed to care for her physical and psychological safety by releasing the images.³⁴

This incident had a demonstrable impact on the Victorian LGBTIQ+ community. On a scale of 1 to 5 (where 1 was not at all and 5 was a large amount) in assessing the extent to which the St Kilda Police Station privacy breach eroded survey respondents' trust in police, the weighted average was 3.99. This again translated to action, with over half (**53.96%**) having been deterred from seeking police help since the breach. Most dramatically, the overwhelming majority (**91.80%**) agreed that the event made them feel that police officers lack awareness about trans and gender diverse people. The following qualitative responses were also recorded:

³⁰ David Estcourt and Cameron Houston, 'Laidley sues police over leaking of photos, alleges officers acted with malice', The Age (online at 4 May 2021), available at <https://www.theage.com.au/national/victoria/laidley-sues-police-over-leaking-of-photos-alleges-officers-acted-with-malice-20210504-p57otc.html>

³¹ IBAC Victoria, *IBAC independently overseeing Victoria Police investigation into serious privacy breach* (8 May 2020), available at <https://www.ibac.vic.gov.au/media-releases/article/ibac-independently-overseeing-victoria-police-investigation-into-serious-privacy-breach>

³² Cameron Houston, 'Officer charged, dozens disciplined over alleged leak of Dani Laidley image', The Age (online at 2 December 2020), available at <https://www.theage.com.au/national/victoria/officer-charged-dozens-disciplined-over-alleged-leak-of-dani-laidley-image-20201202-p56jxi.html>

³³ Houston (above n 32).

³⁴ Estcourt and Houston (above n 30).

"I thought relations with the LGBTQI+ community were pretty good, but they show how far police culture has to go. [...] As a Trans. person, the St Kilda incident was particularly distressing."

"The problem with vic pol is the inconsistent behaviour of individual officers. There are always a few good and/or friendly ones, but they are in the minority and get drowned out by a bad culture where varying degrees of racism and transphobia is normalised."

"As a white man I trust the treatment I will receive from police. As a gay man I am reasonably confident of police officers being respectful. As a transgender person I am personally unsure of treatment I may receive."

RECOMMENDATION 04: That the Police Association of Victoria apologise for comments made surrounding Operation Lynd.

RECOMMENDATION 05: That the Department of Justice and Community Safety, as part of its systemic review of Victoria's police oversight system, consider the principle that as far as is possible Victoria Police should not investigate allegations of police misconduct themselves and that such allegations should be independently investigated by IBAC.

RECOMMENDATION 06: That the Victorian Government fund a permanent community-controlled LGBTIQA+ legal service and increase ongoing funding to community legal services providing LGBTIQA+ specific clinics.

RECOMMENDATION 07: That the Victorian Government consider establishing and resourcing a custody notification service as part of a broader LGBTIQA+ Justice and Corrections Policy, such that when a person comes into custody and self-identifies as part of the LGBTIQA+ community an automatic notification be sent to LGBTIQA+ legal centre/s and or LGBTIQA+ legal advocacy organisations.

RECOMMENDATION 08: That Victoria Police institute mandatory data recording and reporting around prejudice-motivated crime, including mandatory flagging and questioning of incidents directed against LGBTIQA+ victims to identify any prejudice motivation and template sentencing submissions to deal with prejudice-motivated crime

RECOMMENDATION 09: That Victoria Police host an annual community roundtable at a community venue to enable community organisations to provide leaders feedback on the experiences of the LGBTIQA+ community in a meaningful way. That is, with the aim of correcting harms and to build dialogue.

Police engagement with the LGBTIQA+ community

Victoria Police first marched in uniform in the Midsumma Pride March in 2003 and, since that time, many members of the LGBTIQA+ community have engaged in an ongoing conversation about whether or not police officers should march in uniform as part of this LGBTIQA+ community event.

In part, the call to move away from police marching in uniform has been in response to ongoing issues of police violence and instances of anti-LGBTIQA+ prejudice, as well as calls from First Nations people for

allies to reconsider how police are involved in community events due to the retraumatising effect that seeing the police can have on First Nations members of the community who have lost loved ones in custody.³⁵

The reconsideration of the role of police at Pride is an international phenomenon. In 2018, the Auckland Pride Board made the decision to ban police in uniform from attending the 2019 parade.³⁶ Similarly, Pride Toronto voted to ban police floats and stalls from all parades in 2017, then again in 2019 after reconsideration was put to members.³⁷ Police officers have also been barred from marching in uniform in a number of US states including Minneapolis³⁸ and Wisconsin³⁹. Notably, in 2021, New York City Pride banned police contingents from their pride march and related events, and is also “taking steps” to reduce police presence overall, citing a long period of community consultation and conversations with key stakeholders and community justice organisations.⁴⁰

Closer to home, Brisbane Pride organisers released a statement in September 2021 requesting that the Queensland Police Service not wear uniforms the annual Rally and March planned for the following month, saying “there exists a long-term distrust of the Queensland Police Service amongst members of our community.”⁴¹ The committee attributed the distrust to historical homophobia, abuse, police brutality and unsafe behaviours, and that “despite an apology from the Queensland Parliament for historic wrongs, the Queensland Police Service is yet to acknowledge or apologise for these past acts. We also remain concerned about what we perceive as escalating levels of homophobia.”⁴² The committee also referred to an investigation earlier this year into sexist, racist and homophobic social media posts made by serving police officers.⁴³

In all of these cases, there has been heated debate on this issue. That is why we sought to understand LGBTIQ+ Victorians' views on this issue.

From the results of our survey, three quarters of LGBTIQ+ Victorians (**75.27%**) believe that Victoria Police should not march in uniform at Pride March. For participants that identified as trans and gender diverse, the figure was higher (**89.24%**). Comments received included the following:

³⁵ Madee Clark, ‘Decolonising the queer movement in Australia: We need solidarity, not pink washing’, NITV (3 March 2016), available at <https://www.sbs.com.au/nitv/article/2016/03/03/decolonising-queer-movement-australia-we-need-solidarity-not-pink-washing>

³⁶ Zane Small, “*Giant backwards step*”: *Auckland Pride Parade bans cops in uniform*, News Hub (online at 9 November 2018), available at <https://www.newshub.co.nz/home/new-zealand/2018/11/giant-backwards-step-auckland-pride-parade-bans-cops-in-uniform.html>

³⁷ CBC News, ‘*Pride Toronto members vote no to allowing police to march in annual parade*’ (online at 22 January 2019), available at <https://www.cbc.ca/news/canada/toronto/pride-toronto-members-vote-no-to-allowing-police-to-march-in-annual-parade-1.4988642>

³⁸ Nick Woltman, ‘*Minneapolis police will not be allowed to march in Pride parade in uniform*’, Twin Cities (online at 22 May 2018), available at <https://www.twincities.com/2018/05/22/minneapolis-police-told-not-to-march-in-twin-cities-pride-parade-in-uniform/>

³⁹ Shelly K Mesch, “*Law enforcement agencies won't march at Madison Pride Parade, organizers say*” (13 August 2018), available online at https://madison.com/wsj/news/local/crime/law-enforcement-agencies-wont-march-at-madison-pride-parade-organizers-say/article_15c97e85-f892-5f9a-b7c9-a876ae7be29f.html

⁴⁰ NYC Pride, ‘*NYC Pride announces new policies to address police presence and “Pride Gives Back” community grants for 2021*’ (15 May 2021), available at <https://nyc-pride.s3.amazonaws.com/Press+Release+2021-05-15+-+NYC+Pride+-+Police+Presence.pdf>

⁴¹ *Statement from Brisbane Pride Inc Regarding the Queensland Police Service*, 24 August 2021, https://brisbanepride.org.au/about/statement_qps/

⁴² Brisbane Pride (above n 41)

⁴³ Jordan Hirst, “*Qld police investigating officers’ racist, homophobic comments*” <https://qnews.com.au/queensland-police-investigates-officers-alleged-racism-and-homophobia/>

"I don't mind a police presence but all should wear tokens of rainbow allyship and I do not believe they should be able to march in uniform."

"A few years ago a young trans woman was violently arrested right before Pride march in St Kilda for writing on the sidewalk in chalk - not illegal in any way. The police have shown time and time again they are actively transphobic and homophobic, and seeing them march does active damage to our community - many friends are unable to attend their own Pride march because they suffer PTSD from police violence. If there are LGBT police who wish to march, they can march like the rest of us - representing their community, not representing their job."

"No amount of LGBTI liaison officers will overcome this for so long as Victoria Police are a systemically racist, power-abusing and brutalising institution. Until Midsumma bans the Police from Pride March, or at least establishes a public accountability mechanism whereby the Police are entitled to march only if they demonstrate continued improvement in performance in relation to treatment of LGBTIQ people, I will not attend Pride March."

Overwhelmingly, four in five (80.26%) expressed that they did not feel safe when there is a large police presence at LGBTIQA+ community events. Respondents indicated that this belief has been informed not just by personal experiences, but by instances of police violence in the wider community, and the desire to protect themselves and other community members from further interactions with the police where possible.

We also understand that some, including LGBTIQA+ Victoria Police officers and allies, have positive attitudes towards police marching in uniform and see it as a sign of progress. However, it is important to acknowledge the concerns of the community around a uniformed police presence at pride events and take appropriate action to address these concerns.

In terms of a broader police presence at LGBTIQA+ community events (e.g. for security, traffic management or crowd control purposes), only 14.33% of LGBTIQA+ Victorians support Victoria Police having a presence at Pride March, with 7 in 10 (72.77%) indicating they would prefer Community Safety Officers (not police or police-affiliated persons) acting in a marshalling capacity, as opposed to Victoria Police officers.

It should be noted that at the 2020 Pride March and Midsumma Carnival, Victoria Police recorded no arrests. Given the low arrest numbers, and the above findings from this survey, the Lobby suggests serious that consideration be given to community events, such as Midsumma, being supervised and managed by Community Safety Officers or marshals instead of Victoria Police. This would acknowledge the need to further repair trust and understanding with the police, recognise the protest roots of pride marches generally, and also establish a sense of safety in autonomy for an event run by and for the LGBTIQA+ community.

In May 2021, on the basis of this survey's results and ongoing feedback from the community, the Lobby joined a wider community call for no uniformed officers to march at Pride. The Lobby chose to sign an open letter ⁴⁴ written by the community group Pride in Protest ⁴⁵, the primary objective of which was to draw attention to community desire to not have uniformed officers march at the Midsumma Pride March. We understand that there are differing views in the community on this issue and present the findings of this survey to enable further community discussions.

RECOMMENDATION 10: That Victoria Police march in plain clothes at the Midsumma Pride March.

RECOMMENDATION 11: That Midsumma Festival consults with community stakeholders and LGBTIQA+ organisations to understand community sentiment around police presence and other forms of safety keeping at festival events.

⁴⁴ Pride in Protest, "Open Letter from the LGBTQIA+ Community Regarding Police at Melbourne Pride" <https://prideinprotest.medium.com/open-letter-from-the-lgbtqia-community-regarding-police-at-melbourne-pride-3dde5f1afee>

⁴⁵ Shibu Thomas, 'Calls for Ban on Police at Melbourne's Midsumma Pride March', The Star Observer (online at 18 May 2021), available at <https://www.starobserver.com.au/news/203081/203081>.

RECOMMENDATION 12: That LGBTIQ+ community events use Community Safety Officers wherever possible as an alternative to police presence.

RECOMMENDATION 13: That the Victorian Government provides funding for LGBTIQ+ community-based models of safety, support and crime prevention in the 2022/23 State Budget.

LGBTIQ Liaison Officers (LLOs)

In 2000, LGBTIQ Liaison Officers (GLLOs, now known as LLOs) were introduced to Victoria Police to act as an intermediary between the police and the LGBTIQ+ community. There are currently two full-time LLOs and over 420 portfolio LLOs. Portfolio LLOs have their LLO duties secondarily, and additionally, to their operational roles. LLOs are designed “to provide a contact point for LGBTIQ community members and provide advice, assistance and recommendations to Victoria Police on the policing needs of LGBTIQ people.”⁴⁶ LGBTIQ+ officers and allies are eligible to apply to become a LLO three months following graduation from the Police Academy. To become a LLO, officers undertake one day of training as well as online LGBTI Awareness Training, have regular developmental training, and are mentored by a regional full-time LLO.

There is an opportunity for Victoria Police to improve the support, training, and efficacy of LLOs across the state, particularly through additional training to support LLOs with community engagement.

When asked if contact was made with LLOs during their interaction with police, **75.84%** of respondents either did not know what LLOs and their role were, or were not made aware of LLOs and their role, and a further **17.29%** were aware of LLOs but did not know what their role was. Some respondents had positive experiences with LLOs, however others indicated they were denied access to LLOs when requested, or experienced adverse treatment by a LLO:

*“... When I called [the police station] to request a meeting with their GLLO, the officer who answered the phone flatly refused to transfer me, saying it was not a police matter. I repeatedly said I would like to hear that from the GLLO, and was repeatedly refused, and ultimately hung up the phone in exasperation. As a result, that crime was never formally reported or recorded and the perpetrator faced no consequences, all because some ***** cop didn't want to transfer me through to the GLLO.”*

“I am a white transgender woman and I feel unsafe and uncomfortable with the way police, sometimes cisgender GLOs [sic], have looked down on me and made me feel small and ridiculed.”

It is particularly concerning that within Victoria Police there is a very recent history of homophobic harassment against their own LGBTIQ+ staff. The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) recently found that many LGBTIQ+ officers had experienced discrimination at the hands of mid-ranking senior officers, but the hierarchical nature of the organisation meant that discrimination went unchecked.⁴⁷ The then VEOHRC Commissioner Kristen Hilton, said that “homophobia, transphobia and a hyper-masculine and heteronormative culture continue to drive workplace harm behaviours against some LGBTI employees. There are also significant barriers to reporting LGBTI-related workplace harm, including low confidence and trust in formal reporting pathways.”⁴⁸ The VEOHRC report contained numerous documented instances of this harassment, including a concerning example of homophobic comments from officers as backlash to the then Chief Commissioner Graham Ashton supporting marriage equality in 2017.⁴⁹

⁴⁶ Victoria Police, *LGBTIQ liaison officers*, available at <https://www.police.vic.gov.au/LGBTIQ-liaison-officers>.

⁴⁷ Victorian Equal Opportunity & Human Rights Commission (above n 20).

⁴⁸ Victorian Equal Opportunity & Human Rights Commission (above n 20).

⁴⁹ Victorian Equal Opportunity & Human Rights Commission (above n 20).

Former Commissioner Hilton remarked that such homophobic attitudes in the police force were a continuing relic of enforcing homophobic laws and contributed to ongoing distrust from the broader LGBTIQ+ community.⁵⁰

RECOMMENDATION 14: That Victoria Police expand the network of LLOs statewide with a full-time position based in each region.

RECOMMENDATION 15: That Victoria Police ensure that there is annual training provided to every LLO by an LGBTIQ+ organisation to build contemporary understanding of current LGBTIQ+ community issues.

RECOMMENDATION 16: That Victoria Police adopt continual professional development training around prejudice-motivated crime for LLOs and available to all staff.

Conclusion

The results of this survey provide the opportunity for the reimagining of how Victoria Police can build trust, demonstrate respect and integrate LGBTIQ+ inclusion in their work.

Clearly conversations need to be had, particularly about Victoria Police's presence at LGBTIQ+ community events and the role of LLOs in building trust between LGBTIQ+ communities and Victoria Police. These are important conversations to ensure that policing is fair and equitable for all.

⁵⁰ Victorian Equal Opportunity & Human Rights Commission (above n 20).