



Deaths In Custody Watch Committee (WA) Inc.

MEDIA RELEASE – For Immediate Release Friday 28 November 2014

COMMUNITY SPEAK-OUT IN PERTH OVER DEATHS IN CUSTODY

Premier has not followed through on promises made to Ms Dhu's family

A community meeting is being held on Saturday 6 December in Perth for members of the community to talk about issues and voice concerns related to the recent deaths in custody in Western Australia.

There is a widespread feeling of fear among the relatives of people in prison or being taken into police custody, especially in light of the death of Ms Dhu in the South Hedland lock-up in August and Mr Wallam at Casuarina prison in October. In particular, there is deep concern that people with mental health issues or other complex needs are being taken into an environment where they cannot be adequately cared for.

Chair of the Deaths In Custody Watch Committee WA Marc Newhouse said, "We have received numerous calls from people who are afraid their loved ones in prison are in danger of being harmed."

The committee and the family of Ms Dhu have not yet received a response from Premier Barnett to their repeated requests for a meeting, despite the premier's assurances at the National Day of Action rally on 23 October that he would do his best to keep the family up to date with the investigation into Ms Dhu's death. Barnett's office has ignored an invitation to meet with the family in Port Hedland.

In addition to an independent inquiry into South Hedland police and Hedland Health Campus, the Dhu and Roe families are calling for an end to imprisonment for non-payment of fines; a 24-hour mandatory custody notification service; 24-hour medical coverage at all lock-ups; independent oversight of all lock-ups in the state; and justice reinvestment into communities, not prisons.

Community Meeting details

Saturday 6 December, 12:30pm for a 1pm start

City West Lotteries House, 2 Delhi Street, West Perth

All media enquiries: Marc Newhouse

Phone: 0415 074 602

Email: newbone71@gmail.com

www.deathsincustody.org.au

Glossary

Coroner: Pursuant to s 25(2) of the *Coroners Act 1996* (WA) ('Coroners Act'), the Coroner is permitted to comment on any matter connected with a death including 'public health or safety or the administration of justice'. Pursuant to s 25(3), the Coroner 'must comment on the quality of the

supervision, treatment and care of a person while in that care'. The Coroner cannot decide that any person has committed an offence or determine any question of civil liability – that is for other courts.

Coronial inquest: a public hearing into a death conducted by a coroner.

Custody notification service: a telephone advice and wellbeing-check service to notify legal services when an Indigenous person is taken into custody. This program was introduced in New South Wales in 2000 as part of the implementation of recommendation 224 of the Royal Commission into Aboriginal Deaths in Custody. Under the CNS system the police *must* contact the Aboriginal Legal Service (ALS) whenever they detain an Indigenous person and give that person an opportunity to talk to a qualified lawyer. The person is advised about their rights in custody and legal situation and will be asked if they are OK. The ALS lawyer can talk to the police on behalf of the person and also contact family and friends. This service is regarded as a critical lifeline in NSW and has been highly successful in preventing deaths in police custody.

Death in custody: The Royal Commission (RCIADIC 1991) established the following definition that has been used since 1992 as the official definition to monitor Australian deaths in custody.

- a. The death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile;
- b. The death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care while in such custody or detention;
- c. The death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and
- d. The death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention.

Deaths in Custody Watch Committee WA: The committee's aim is to monitor and work to ensure the effective implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Decarceration: An active process that sees incarceration as a socially harmful and ineffective means of addressing social problems. It stresses the need to build communities, not prisons: by strengthening social and cultural institutions that foster individual and community wellbeing, the number of people being jailed will diminish.

Justice reinvestment: The practice of diverting funding away from prisons and into community programs with the aim of reducing the number of people being put in prison.

Statistics and figures

Indigenous people as a percentage of the population: Nationally: **2.5%** In WA: **3.8%**

Indigenous people as a percentage of people in custody: Nationally: **26.1%** In WA: **38.5%**

Indigenous women as a percentage of all women in custody: Nationally: **29.3%** In WA: **51.5%**

Total number of people imprisoned for fine default in WA in 2013: 1358

Number of Aboriginal people imprisoned for fine default: 590

Number of women imprisoned for fine default: 358

Number of Aboriginal women imprisoned for fine default: 223

Sources

L. Bartels, *Indigenous women's offending patterns: a literature review*, Research and Public Policy Series No. 107, Australian Institute of Criminology, Canberra, 2010.

Community Development and Justice Standing Committee, *In safe custody: inquiry into custodial arrangements in police lock-ups*, Report 2, Parliament of Western Australia, Perth, 2013.

M. Lyneham and A. Chan, *Deaths in custody in Australia to 30 June 2011*, Australian Institute of Criminology, Canberra, 2013.

P. Papalia, 'Locking in poverty: how Western Australia drives the poor, women and Aboriginal people into prison', WA Labor Discussion Paper, Perth, 2014.