



# Deaths in Custody Watch Committee (WA) Inc.

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## **NOT GETTING BETTER: ABORIGINAL DEATHS IN CUSTODY ON THE INCREASE**

### **JOHN PAT MEMORIAL DAY COMMEMORATES ALL DEATHS IN CUSTODY**

ABORIGINAL DEATHS IN CUSTODY in Western Australia have increased in the last year, the Deaths in Custody Watch Committee notes in the lead-up to John Pat Memorial Day on 28 September.

“We know of at least seven deaths in custody that have occurred since last year’s John Pat Memorial Day,” said Marc Newhouse, chair of DICWC, adding that the number would be higher once all deaths during police operations were included. “Four of these deaths were of Aboriginal people.”

Newhouse also noted that five of the seven deaths in custody had occurred in the last four months.

Speakers on the memorial day include the Reverend Sealin Garlett, members of the Watch Committee and Shaun Harris, uncle of Ms Dhu, who died in a lock-up in Port Hedland last August.

The memorial will remember not only John Pat, but all those who have died in custody. The Watch Committee is also calling for an immediate reduction in the number of women imprisoned at overcrowded Bandyup Women’s Prison, and for a movement of decarceration in response to the increasing rates of imprisonment in WA.

“Last October the premier pledged to reduce Aboriginal incarceration in our state, yet no action has been taken,” Newhouse said. “Instead we have seen the passing of further mandatory sentencing laws and plans to build yet more prisons in WA.”

John Pat was just 16 years old when he died in custody on 28 September 1983 at Roebourne police station. He was beaten to death by five drunk off-duty police officers. The outcry over his death led to the Royal Commission into Aboriginal Deaths in Custody. The majority of its 339 recommendations remain unimplemented or abandoned. Since the Royal Commission there have been more deaths in custody than recommendations.

**Date:** Monday 28 September

**Time:** 12–1pm

**Venue:** The John Pat Memorial, outside Fremantle Prison, Fairburn St, Fremantle

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## Glossary

**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 **prison custody** are those deaths that occur in prison or youth justice facilities. This includes the deaths that occur during transfer to or from these custody settings, or in medical facilities following transfer from adult and youth detention centres (RCIADIC 1991).

Deaths in **police custody** comprise deaths in institutional settings (e.g. police stations or lock-ups, police vehicles, hospitals, during transfer to or from such institutions, or following transfer from an institution) and deaths in police operations.

**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.

**Royal Commission into Aboriginal Deaths in Custody:** Following public outcry over the death of 16-year-old John Pat in a police lock-up in Roebourne in 1983, a Royal Commission to investigate Aboriginal deaths in custody between 1980 and 1989 was established. Its report in 1991 made 339 recommendations.

## 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%**

Between 1 July 2011 and 30 June 2013, there were 144 deaths in custody in Australia, including 95 in police or prison custody (excluding police operations).

Western Australia recorded 17 deaths in this period: 7 in 2011–12 (including 2 Indigenous people) and 10 in 2012–13 (including 2 Indigenous people).

Of the 2,463 deaths in custody nationally since 1979–80, 470 were Indigenous people (19%).

## Sources

A. Baker and T. Cussen, *Deaths in custody in Australia: National Deaths in Custody Program 2011–12 and 2012–13*, AIC Monitoring Report 26, Australian Institute of Criminology, Canberra, 2015.

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.