

# **BLACK DEATHS IN CUSTODY**

## **JUSTICE NOW!**

*A campaign to stop the deaths in custody of Aborigines and Torres Strait Islanders.*

### **The Royal Commission into Aboriginal Deaths in Custody**

On 10 August 1987, Prime Minister Bob Hawke announced the formation of a Royal Commission to investigate the causes of deaths of Aboriginal people while held in State and Territory jails. It was established in response to a growing public concern that deaths in custody of Aboriginal people were too common and poorly explained.

The Commission examined the 99 deaths in custody in each State and Territory which occurred between 1 January 1980 and 31 May 1989, and the actions taken in respect of each death. The Commission's terms of reference enabled it to take account of social, cultural and legal factors which may have had a bearing on the deaths under investigation.

The Royal Commission produced a number of reports, including individual reports for each death investigated. The final report, signed on 15 April 1991, made 339 recommendations, mainly concerned with procedures for persons in custody, liaison with Aboriginal groups, police education and improved accessibility to information. Many of the reports are at <http://www.austlii.edu.au/au/other/IndigLRes/raciadic/>.

### **Too Many Black Deaths**

The Deaths in Custody campaign is not about statistics; it's about real people, Aboriginal and Torres Strait Islander people who have died in watch houses and jails.

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#### **John Pat**

On the night of September 28, 1983, in Roeburne, W.A., five off-duty police arrived at the Victoria Hotel after a social night of drinking at a local golf club. One of the officers verbally abused an Aboriginal man waiting to be served at the bar. This man, Ashley James, was followed out of the hotel where one of the policemen knocked him to the ground. James retaliated and an all out fight began with the off-duty police. People who tried to help him or rescue him became involved.

One such rescuer was 16 year old John Pat. He was trying to pull Ashley James away from the fight. As he did so, a policeman walked up to him and punched him in the mouth. A witness testified that John Pat "fell back and didn't get up. I heard his head hit the road". The fight was over after fifteen minutes when police reinforcements arrived with a van. Despite his concussed and senseless condition witnesses stated that John Pat was picked up by the hair and kicked in the face. They also testified that they saw a policeman kick him. Residents who live nearby, and prisoners, testified that police systematically beat six others including the unconscious John Pat.

Dr John Hinton, a forensic pathologist, found that Pat had died of head injuries which caused a brain haemorrhage. He had received 10 blows to the head; and half a dozen bruises above his right ear. His lips were cracked and there were scratches on his face. Apart from the head injuries, Pat had two broken ribs and a tear in the aorta, the major blood vessel leading from the heart.

After his death, John Pat's body was washed before the police scientific photographers took pictures. His body's position was changed.

During the inquest, Detective Sergeant Scott admitted under cross-examination that it appears Roeburne Police had deliberately falsified the police records. A trial followed, but none of the police officers involved were convicted.

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## Mulrunji

Mulrunji was a 36 year old resident of Palm Island. He had been visiting his newborn niece on the morning of 19 November 2004. While in the street, he was arrested for public nuisance by Sen Sgt Chris Hurley. He was taken back to the police station where he was placed in one of the two cells at the station. Within an hour of being locked up, he was found dead in the cell. An autopsy revealed that Mulrunji had sustained four broken ribs, a ruptured liver and spleen.

After a riot on Palm Island and several controversial inquiries, Sen Sgt Hurley was eventually put on trial for Mulrunji's death, but he was acquitted in 2007.

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### Things Are Getting Worse!

In the 20 years since the Royal Commission's Report, things have not improved:

- Very few of the Royal Commission's recommendations have been fully implemented
- Almost 400 Indigenous people have died in custody
- Indigenous imprisonment rates have risen sharply so that Indigenous adults are 14 times more likely to be imprisoned than non-Indigenous adults and Indigenous juveniles are 23 times more likely to be in detention than non-Indigenous juveniles

### What You Can Do

- Let others in your church, school and workplace know about the on-going scandal of black deaths in custody
- Invite Indigenous speakers to come to your church or school to talk about black deaths in custody
- Contact your local State and Federal MPs and Senators and ask them to take action to address the rising Indigenous imprisonment rates and on-going deaths in custody
- Ask your MPs to push for an audit of Government implementation of the Royal Commission's recommendations and the deaths in custody which have occurred in the last two decades
- Urge your MP to support the establishment of a fully funded National Deaths in Custody Watch Committee
- Participate in the fortnightly Deaths in Custody Campaign meetings (Contact the Murri Ministry Team or the CJPC for more details).

### Contact Us

If you would like to know more or want to get involved, please contact:

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