

## Deaths in custody: lessons not learned

By Bill Rowlings, Civil Liberties Australia CEO



Statistics published by reputable research organisations mask many deaths in custody, particularly Indigenous deaths, according to the President of the Indigenous Social Justice Association, Ray Jackson (pictured).

“There are many deaths we’re aware of that don’t seem to be counted in the official statistics,” he said. “That’s one problem, but the big one is that no-one seems to be learning the lessons of why people are dying in custody...because police and prison health authorities don’t give them any respect. They don’t treat them as people,” he said.

“For a start, there’s the death of Veronica Baxter by hanging in the metropolitan remand and reception jail at Silverwater, NSW, in March 2009. Paris, as she was also known, was a transwoman arrested in a police drug sting and held in the Surry Hills police centre cells for five days. She was then transferred to Silverwater, a male jail, and placed in a cell by herself. As a transwoman, she could have elected to go to a jail of her identified sexuality, such as Mulawa women's jail, which is also in the suburb of Silverwater, like next door.

“But Paris was kept at the male jail. She arrived there on a Friday evening from Surry Hills...and was found hanging on Monday morning. A police/corrective services investigation found that she had hanged herself and there were no suspicious circumstances.

“We wrote letters, created petitions, and asked many questions which led to the strong conclusion that Paris had become suicidal because she had been denied hormonal medication while locked up in the police and in the male jail.

“We tried to seek justice for Paris with help from the Jumbunna unit at the University of Technology, Sydney, and resident lawyer Craig Longman. But we ran into a brick wall eventually when the family decided not to sign the consent forms which would have allowed us to take the case further.

“Some friends and supporters of Paris still want to continue to pursue the justice health authorities because we believe they did not supply Paris with her hormonal medication for a week or more, and that this lack of medical care led directly to her suicide. We’re still investigating other avenues of proceeding her case,” he said.

Mr Jackson said there were many instances around Australia with dubious outcomes. And no-one was learning from them. In Alice Springs, police repeat the same mistakes year after year, and Aboriginal people are dying year after year.

“One that the authorities would consider closed is still significant to ISJA and others. Terrance Daniel Briscoe, a 28-year-old Anmatyerre Aboriginal man died in the Alice

Springs Police lockup in January 2013 after being taken into custody for public drunkenness.

“His family were told by NT Police about 6:30am on 5 January that Mr Briscoe had been arrested for public drunkenness and taken into the care of Alice Springs police where he suffered a heart attack and died. The police told the family that, while in their care, Mr Briscoe had fallen over and sustained a head injury before being locked away. A while later a police officer noted that Mr Briscoe had ceased breathing and emergency CPR was initiated but he was unable to be resuscitated,” Mr Jackson said.

### **Newspaper reveals details**

“A newspaper reported that Mr Briscoe was found dead in the cell at 2am but the family were not informed until four-and-a-half hours later. Why the delay? The coroner Greg Cavanagh was scathing of what appeared to be police actions and lack of actions that resulted in Mr Briscoe dying, yet there were no recommendations to pursue whether the NT police had breached their duty of care to Mr Briscoe or whether the police had assaulted him. Why not?

“*The Australian* reported that NT police admitted they hadn’t introduced better prisoner management after a similar death four years earlier. Coroner Cavanagh was told aspects of Cedric Trigger's death in 2009 were similar to Mr Briscoe's in January 2013. Assistant Commissioner Mark Payne even apologised to the coroner in an affidavit for not making changes promised at Mr Trigger's inquest. He also admitted police failed in their duty of care to Mr Briscoe the night he died.

“Mr Trigger, who was only 34, died alone in a cell at the Alice Springs watch house from a head injury sustained just before he was taken into custody. Police apparently dragged him into his cell without undertaking a risk assessment, mistaking his lack of capacity for drunkenness,” he said.

“The Briscoe case was the same. Mr Briscoe was very drunk, but was dragged and carried in the watch house, without his condition being properly assessed. There was poor supervision by junior officers, the coroner was told. All 10 police officers who dealt with Mr Briscoe on the night have been cautioned, but none demoted or dismissed. There’s apparently event CCTV footage of police dragging and ‘slinging’ Mr Briscoe across the reception room before dropping him, bleeding from his head, face down on his cell mattress, according to what the coroner was told.”

Mr Jackson said many cases around Australia were remarkably similar, whether it was an Aboriginal or a non-Aboriginal involved.

“In Queensland coroner Christine Clements found against Senior Sergeant Chris Hurley over the death of Mulrunji Doomadgee on Palm Island in November 2004. In NSW coroner Mary Jerram found against five of the police involved in the attack on Brazilian Roberto Laudisio Curti on 18 March 2012 that led to his death.

“It seems to the ISJA that there is there a very clear pattern forming here,” he said.

“In the NT case, the police were not charged and the NT Attorney-General believed no case could be made against them. ISJA disagreed and we wrote several letters to the NT government pointing that NT law allowed for the police to be charged...but the government

disagreed. Our lawyer friend Danny Taylor and ISJA will continue to question the legalities of the decisions in this case: the fight for justice continues.”

Mr Jackson said that another NT death in custody that continues to worry his organisation involved the strange case of the death of Mr Peter Clarke, an Arabana man.

“Mr Clarke was serving a sentence in the Alice Springs jail. He was due for parole on 26 March 2012 but became very sick in jail. But he was not transferred to Alice Springs hospital until some time later on Monday 19 March. There, he was immediately put into an induced coma and placed into the intensive care unit, shackled to the bed, where he died without regaining consciousness on 3 April.

“The authorities at first claimed that his was not a recognised death in custody because, officially, he had been paroled before he died. This total falsehood – he was in a coma and could not sign the parole forms – was turned around by a spirited campaign by the family: Mr Clarke is now a recognised death in custody under the NT coroners act.

“An inquest will be held in October, 2013. The ISJA will be most interested to see the outcome. I hope for once that the coroner takes into account the glaring similarities between all these cases that are being swept under the carpet individually when, in truth, they reveal a dreadful pattern of death,” Mr Jackson said.

ENDS

*Note: The NT Government has promised (in a media release in April 2013) that Darwin, Katherine and Alice Springs police watch houses will get an extra \$1.2m for improved nursing services. The government claims more nurses employed in watch houses will mean people are better and more quickly assessed, when brought in, as to whether they should be in jail, or in hospital.*

Mr Jackson’s organisation can be reached at: [www.isja.org.au](http://www.isja.org.au)

**CLA** Civil Liberties Australia  
Box 7438 Fisher ACT Australia  
Email: [secretary \[at\] cla.asn.au](mailto:secretary[at]cla.asn.au)  
Web: [www.cla.asn.au](http://www.cla.asn.au)