

FROM P51

1991 there were 71 deaths nationally. In 1997 instead of going down, it shot up to 122, with 25 Aboriginal deaths in custody. Ten years later it was 85, with 19 Aboriginal deaths, but we now have 78 deaths a year on average. In 2008, there were 86 deaths in custody.

"I believe 2010 will prove to have been a record year for Aboriginal deaths in custody in WA. We are the only State in Australia with more Aboriginal deaths in custody than non-Aboriginal deaths.

"That is one of the most disturbing things for me about the WA justice system, police and prisons. We have three times the national average of Aboriginal deaths in custody — that is pretty criminal."

He said in private prisons the death rate was three times higher, with 4.5 deaths per 1000 prisoners in private prisons and 1.3 per 1000 prisoners in government facilities.

"If we don't call (the Senate inquiry) then we can rest assured that by 2020 we will have another 1000 deaths in custody. And for every death in custody there are 100 people maltreated, there is self-harm, suicides, depression, mental illness, breakdowns and the enshrining of criminality."

In the past 18 months there has been one Aboriginal death in custody in Australia every month and for every Aboriginal death there have been eight to 10 non-Aboriginal deaths.

The figures translate to one death in custody in Australia every five days.

Inspector of Custodial Services in WA, Neil Morgan, said one in 20 Aboriginal males in WA would spend tonight in custody. The rate of incarceration was the highest



Sadness and anger: About 300 mourners attended the funeral of John Pat in Roebourne in 1983.



I hope the royal commission makes everything all right for Aboriginal people

Mavis Pat in the 1980s

in the nation. Mr Morgan said until incarceration rates for Aboriginal people were reduced, the death rate in custody would not go down.

His comments were echoed by long-time Aboriginal rights advocate and former Liberal minister for Aboriginal Affairs Fred Chaney, who said there was vivid evidence to show there were still instances of abuse of Aboriginal people in custody, such as the multiple tasering of 41-year-old Kevin Spratt in the Perth Watchhouse.

"The rate of imprisonment of Aboriginal people in Western Australia remains horrendous and needs to be addressed," Mr

Chaney said. "Imprisonment should be a last resort."

In 1991 the Australian prison population was 15,000.

That figure has doubled to 30,000.

Mr Georgatos said any examination of deaths in custody needed to look at all deaths, as the same entrenched disadvantage faced by Aboriginal people that led them to the prison system also affected socially disadvantaged sectors of other groups.

"We need to look at Aboriginal deaths in custody, but we also need to look at the causes for the other 82 per cent of the deaths in custody," Mr Georgatos said.

Ms Pat said in her statement to the royal commission: "I don't know what's going to come out of the royal commission but I hope it makes everything all right for Aboriginal people."

Later she told commissioners: "I'm sick of the royal commission, it's taking a long time. I wish it to be over. I wish something to happen soon."

Two decades after the release of the findings, and nearly 30 years since the death of her son, Mavis Pat is still waiting for change.

AGENDA

Grief with few answers

CASE STUDY 1

Bill Hayward is still baffled by the circumstances of his nephew's death in the Perth Watchhouse 13 months ago.

Deon Woods, a 33-year-old father of six was an insulin dependent diabetic and had been seen by staff at Royal Perth Hospital twice in the hours leading up to his collapse in a police cell.

Mr Woods was arrested for breaching a violence restraining order and a little over 24 hours later he was dead.

His family are still waiting for answers. They feel frustrated at the time taken to examine the sequence of events surrounding the death.

"No one deserves to die like this," Mr Hayward said. "Deon's was a needless death. It shouldn't have happened."

Mr Woods' death in custody is the second to strike the family of Mr Hayward. Another relative, Paul Farmer, committed suicide in the Albany Regional Prison in 1984 by cutting his throat with a razor blade.

His death was one of 99 examined by the royal commission into Aboriginal Deaths in Custody.

Mr Hayward said little had changed for families like his in the two decades since the release of the royal commission's findings.

CASE STUDY 2

In January this year, Mr Phillips became another statistic in WA's Aboriginal deaths in custody rate.

The 51-year-old disabled elder, whose first name cannot be published for cultural reasons, died in the Kalgoorlie lock-up after suffering an apparent fit.

A video showing the frail man being bashed and kicked by a 17-year-old youth was discovered on YouTube by members of his family in the days after his death.

The sickening attack shows the disabled man falling to the ground as the youth repeatedly punches and kicks him.

Mr Phillip's sister Adele Phillips said she believed the attack happened in the days before Mr Phillips died and could have been responsible for her brother's fit.

Mr Phillips is seen in the video wearing the same clothes he died in and trying desperately to keep the blows away from his head.

"I'd never seem him fit in all his life," Ms Phillips said.

"We want justice, we want this young fella prosecuted."

"If that had been a young Aboriginal fella he would be in jail now, he would have been charged with murder."

She said police should have taken Mr Phillips to hospital rather than arrest him.

"We want answers. We want justice. This should not have happened," she said.

"My brother was a happy person. He got along with a lot of people. I want to know what took the police so long to get to him when he was fitting."

Mr Phillips was known around Kalgoorlie as an affable drunk, a harmless but tragic figure.

He had lost a hand and toes in an accident with acid and walked with a slow shuffle.

In the hours before his death he had been arrested for assault and for failing to heed a move-on notice.

Mr Phillip's life ended on the floor of the police cell as his cell mate hammered desperately on the door for help that came too late.

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