

Australia: Video reveals agonising death of Aboriginal woman in custody

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On August 4, 2014, at Port Hedland in northwestern Australia, Julieka Dhu, a 22-year-old Aboriginal woman, died of a preventable illness while in police custody for unpaid fines of \$3,622.34. Dhu had been imprisoned on August 2 for four days to “cut out” her fines, after calling police to report she was a victim of domestic violence.

Her fines had accumulated over years, primarily due to previous clashes with the police, including a skirmish with a policewoman (“assaulting a police officer”) when she was just 18.

Under pressure from Dhu’s family and supporters, the Western Australia (WA) state coroner, Ros Fogliani, released on December 16 some video footage of Dhu’s last moments in the South Hedland police station.

The video, which has been widely shared, shows Dhu’s collapse in her cell due to illness. An officer enters and pulls at her arm. When she does not get up, he lets go and allows her to drop, her head lolling off the bed. The officer then pulls her arm again and pushes her onto the bed. Finally, he then pulls her up by her arms and drags her from the bed.

Outside her cell, another officer grabs Dhu’s feet and she is carried to a police van. Her body is completely limp, and she appears barely conscious throughout.

Fogliani had refused to release the footage on the basis that it had “the real potential to re-traumatise and distress the family,” despite the family repeatedly demanding it be released to the public. The lawyer for Dhu’s father, Kevin Banks-Smith, said the family thought exposing the last hours of her life was “the most powerful and effective way they can honour [her] memory.”

The coronial inquiry found that Dhu died of staphylococcal septicaemia and pneumonia, an

infection that spread widely throughout her body but was easily preventable with antibiotics. She was also suffering from a fractured rib and osteomyelitis, a bone infection.

In the police cell, Dhu had complained of chest pain and was twice taken to Hedland Health Campus, a small regional hospital. But she was discharged back into police custody without necessary tests or a chest x-ray, on the basis she had “behavioural issues.” She died on a third visit.

According to the evidence, police officers asserted that Dhu was faking her injuries and told medical staff she only started complaining when she found out she would have to spend four days in custody.

Fogliani described the police behaviour as “unprofessional and inhumane” but did not recommend any charges against the officers. WA Police Commissioner Karl O’Callaghan said 11 officers had “breached procedures but there’s been no criminality identified.” He said four officers had been “sanctioned” internally but did not say what measures, if any, would be taken against them.

WA Premier Colin Barnett essentially blamed Dhu for her own death, saying: “While that should never have happened, and I don’t excuse it, there were difficult situations the police were facing then. A lot of aggression and the like.”

Such official responses, effectively ensuring legal immunity for the police, are typical. There is a growing number of deaths, of both Aboriginal and non-Aboriginal people, in police custody or prison. This year marks the 25th anniversary of the Royal Commission into Aboriginal Deaths in Custody, which was launched by the Hawke Labor government to head off a groundswell of opposition to the deaths of 99 Aboriginal prisoners between 1980 and 1989.

As intended by the Labor government, the royal commission was a whitewash—it did not lead to the conviction of a single officer. Instead the commission issued recommendations primarily aimed at integrating a layer of Aboriginal leaders into the state and police force as advisors. These measures, such as the establishment of Aboriginal Justice Advisory Committees, have only led to an increase in deaths in custody.

According to the Australian Bureau of Statistics (ABS), 10 Aboriginal people died in custody in 1991, when the royal commission report was released. It quickly peaked to 22 deaths in 1995 and only dropped to 9 in 2007 before rising to 13 in 2008, the last year ABS figures are available.

Although racism undoubtedly plays a role in the cruel treatment of indigenous people by the police, there is a high rate of deaths for all prisoners, Aboriginal and non-Aboriginal alike. There were 57 non-indigenous people killed in police custody in 1991, spiking to a record 90 deaths in 1997 and remaining high, with 73 killed in 2008. In fact, the ABS states there is no difference in the rates of death for Aboriginal and non-Aboriginal prisoners, but that a disproportionately high number of Aboriginal people are detained by police.

These statistics, barely ever reported in the media, point to the underlying class issues. Indigenous people are more likely to be imprisoned, and die, because they are among the poorest and most vulnerable members of the working class.

Dhu's plight illustrates this reality. She was far from alone in being jailed for being unable to pay fines.

Since tougher conditions for fine-defaulters were introduced in 2009, the number of people in WA jails for fine-defaulting has increased sixfold. Last year, one in three women sent to jail was there for unpaid fines. For all Aboriginal prisoners, the figure was one in six.

The number of fines issued in WA courts increased by 30.8 percent from 349,511 in 2010-11 to 457,295 in 2014-15. The total fines issued annually rose 45 percent, from \$76.8 million to \$111.3 million.

According to an April 2016 report by the WA Inspector of Custodial Services, 7,026 people were jailed for the non-payment of fines between 2006-07 and 2014-15, averaging 11 people in jail on any one day. Non-Aboriginal young men made up just over 20 percent of the total, with non-Aboriginal men as a

whole making up 48 percent.

These statistics provide only a limited indication of the social distress, including rising joblessness, inequality and cuts to essential social services, that is driving the increasing rates of imprisonment for non-payment of fines.

The repressive “law and order” response of successive governments, such as imprisonment for fine-defaulting, harsher bail laws and mandatory prison terms for minor offences, is boosting the powers of the police, and the entire state apparatus, to deal with rising political and social unrest as economic conditions deteriorate (see: “Millions of Australians living in recession”).



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