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## **Aboriginal deaths in custody: It's getting worse not better, says brother of man who died at Darwin watch house**

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Twenty-five years on from the Aboriginal deaths in custody inquiry, and a year on from a man's death in the Darwin watch house, questions are being asked as to whether the situation is getting better.

But the NT Police commissioner says his force is working hard to keep people safe. Three hours after he was arrested under the Northern Territory's "paperless arrest" laws for drinking alcohol in a park in Darwin's CBD, 59-year-old Kwementyaye Langdon was found dead in the Darwin watch house.

He had received an "on the spot" fine for his public drinking and was placed in a police cell under protective custody.

In CCTV footage of the health assessment undertaken at the watch house, which was played during the inquest into his death, Mr Langdon said to police: "Where's my doctor?"

In his findings, NT coroner Greg Cavanagh said Mr Langdon should not have been there and savaged the paperless arrest laws.

"This sick, middle aged Aboriginal man was treated like a criminal, incarcerated like a criminal, and died in a police cell built for criminals," he said. Mr Cavanagh's recommendations that the paperless arrest laws be scrapped were rejected by NT Attorney-General John Elferink.

A 2015 challenge to the laws failed in the High Court.

Mr Langdon's relative, Rex Granites, said he believed the law targeted Aboriginal Australians.

"Paperless arrests is especially for our people," Mr Granites said. "He wasn't doing no harm to anybody. He was drunk."

Mr Granites said there was little evidence of the 339 recommendations made by the Royal Commission into Aboriginal Deaths in Custody in the lives of the people he knows.

"I've not seen no change in our people being in custody," he said.

We are working to improve, NT Police chief says

Northern Territory Police Commissioner Reece Kershaw said "the less time the better" Aboriginal people spend in custody.

He said many Aboriginal people taken in were seriously unwell.

"I think over 85 per cent of them have some sort of major health risk," he said.

Commissioner Kershaw told the ABC police were careful to assess the health of those arrested and taken into custody to determine risk levels.

"When they come in we have a new, very comprehensive health assessment form which our police officers process and then we sit down with the nurse and we make a decision whether or not that person is fit for custody.

"But as you would imagine, a lot of these people are not well, and are chronic alcoholics and have all kinds of diseases and ill health."

Commissioner Kershaw said on occasions, police would take people to the hospital "but it does also depend on their demeanour at the time".

"If you're violent and aggressive you're probably not fit to be sent to the hospital unless there's a real medical emergency," he said.

"So we do rely on those health professionals to give us that advice.

He said "the less time that they spend in our custody the better, but often that's not available so we do weigh up those options".

"It's something we're really focusing on to make sure we have the right systems and processes in place to look after them," Commissioner Kershaw said.

'Culture of mass incarceration'

Jonathon Hunyor, principal legal officer at the North Australian Aboriginal Justice Agency (NAAJA), said the country has not come very far in addressing the problem in 25 years.

"The fundamental lesson from the royal commission was that Aboriginal people die in custody too often simply because they're in custody too often," Mr Hunyor said.

The Darwin-based lawyer said there appears to be little will to change.

"In the Northern Territory we have a culture of mass incarceration where we seem to think that locking more and more people up is the way to try to solve difficult social problems. History tells us that it doesn't work."

Professor Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner from 2004 to 2010, said he was "alarmed" by the increase in Aboriginal incarceration rates.

"Particularly when you start to analyse why people are put into prison and too often it's for crimes that are really misdemeanours in many ways - the non-payment of fines, the non-processing of community service orders, traffic offences, alcohol offences," Professor Calma said.

"They're issues that need to be addressed but is the prison system the way to address them?"

"We risk losing generations and generations of our people who get normalised into thinking that prison is a place that's where they belong."

'A shame, a disgrace, a cancer on society'

Darwin barrister John Lawrence said the royal commission was an important chapter in Australia's history.

"They called upon every expert that was relevant to look at the big picture, which was: why on earth were there so many Aboriginal people in jail?"

"They were able to make 339 recommendations to try and address what was considered a shame, a disgrace, a cancer on Australian society," he said.

"Twenty-five years later we commemorate it ... and what we discover in this chapter is that we haven't improved one iota."

Mr Granites said despite all the talk, the situation for his people had not improved.

"It's got worse and worse. Locking them up. More and more people are being locked up. Every and each day."