
Report shows prisoner David Dungay died after being held face-down and sedated

Reporter: Lexi Metherell
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MARK COLVIN: The ABC has obtained a copy of a damning New South Wales Health Department report into the death and custody of a 26-year-old Indigenous man.

David Dungay died after riot officers restrained and tranquilized him, even though he told them he couldn't breathe.

He was a patient in the mental health unit of Sydney's Long Bay jail at the time of his death, just days after Christmas last year. He stopped breathing after prison officers from the riot squad held him face-down on a mattress, while nurses administered a powerful sedative.

The Health Department report into the matter details a series of failings, including that no-one checked his vital signs before the injection.

Speaking for the first time to the ABC, David Dungay's family have described his death as murder and say it must be properly investigated, with someone held accountable.

Lexi Metherell reports

LEXI METHERELL: David Dungay died in Long Bay jail more than eight months ago. His mother is still stunned that her son's refusal to obey orders to stop eating a packet of biscuits sparked the events which culminated in his death.

He had diabetes and Leetona Dungay thinks he was probably just trying to manage his blood sugar levels.

LEETONA DUNGAY: I can't believe that he was just stuffing his mouth just because he's hungry. He was stuffing his mouth with a biscuit to keep alive - at which they came in and attacked him and took that off him and made him drop into a low.

LEXI METHERELL: According to a Health Department report, he became increasingly aggressive over the directive to stop eating. Corrective Services staff called in several officers from the Corrective Services Immediate Action Team to move him to a cell with a camera, where he could be monitored.

According to an autopsy report, Dungay, who had chronic schizophrenia, became combative and he was restrained face-down on a mattress, while a powerful sedative was administered.

Shortly after, his face turned purple and he stopped breathing.

LEETONA DUNGAY: Straight-out murder. They murdered my son.

They've got to be accountable for it: each one of them individuals that was involved that day.

LEXI METHERELL: Not long after his death, Corrective Services NSW released a statement saying police were not treating the death as suspicious. In a statement today, the department says preliminary indications suggest there was no criminal negligence.

Post-mortem examinations so far are yet to ascertain a cause of death.

The former clinical director of the NSW Department of Forensic Medicine, Sydney University Professor Johan Duflo, says he did not die of natural causes.

JOHAN DUFLOU: Well, an unnatural death is any death where there has been involvement by some external agency or force. In this case, conditions that we'd have to consider is: restraint of the patient; there's certainly the problem of excited delirium, which needs to be considered.

There's the problem of him potentially having aspirated vomit during the process of him being restrained; and then there's the medication that he was on, including the medication that he was given to calm him down.

LEXI METHERELL: In its analysis of the event, the Health Department report says policies were not followed during the tranquillisation of Mr Dungay.

His airway, breathing and circulation or vital signs were not checked as required before the sedative was administered. It says records of the incident were not completed by all staff involved and it has also questioned the subordination of medical staff to Corrective Services staff in the hospital.

The family's lawyer, George Newhouse, says Mr Dungay's death raises a number of issues that need addressing.

GEORGE NEWHOUSE: Aboriginal people have an extremely high rate of diabetes. The management of diabetes in the prison system seems to be problematic. David's case is possibly an example of that and how it could lead to death.

Now, I believe and the family believe that the treatment of Aboriginal people in prisons and their health needs is a critical issue in investigating his death.

LEXI METHERELL: How would you describe the analysis done by the Health Department?

GEORGE NEWHOUSE: Look, I really don't want to critique a particular document at this stage. The matter will be coming before the coroner.

But suffice it to say: the interaction between health workers and prison guards in critical, life-threatening situations is one that the family hopes will be addressed by the coroner.

It's really not appropriate for me to discuss details now, but it is important that this issue be addressed.

LEXI METHERELL: The New South Wales Corrections Minister, David Elliott, has declined the request for interview, saying the matter is still before the coroner, who is yet to determine the cause and circumstances surrounding Mr Dungay's death.

An inquest date is yet to be announced.

David Dungay spent nearly eight years in jail and his family says he was weeks away from release on parole at the time of his death.

His mother, Leetona, recalls her last phone call with her son, the morning of his death:

LEETONA DUNGAY: And I said, "Well, son, you only got - you ain't got long to go. You got to keep looking in that mirror. You smile, look out there with a smile at everyone." He said, "Mum," he said, "You still smell the same." And I said, "Yes, you still smell the same: sweet." And I said, "You'll be out soon."

And that was the last words I had with my son.

MARK COLVIN: Leetona Dungay, the mother of David Dungay, who died in custody late last year, ending Lexi Metherell's report.