
Indigenous incarceration: a year of shame

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Brutal images of Aboriginal women and children being mistreated in custody are a defining feature of 2016. From Dylan Voller and the young detainees of Don Dale to Ms Dhu, Australians have been forced to reckon with the cruel reality of Australia's over-imprisonment crisis.

We can no longer plead ignorance about the risks associated with locking people up. Hooded and shackled, handcuffed and hosed down, dismissed or dragged lifeless across the floor, we cannot pretend this is the unpalatable stuff of places far away.

This year also marks the 25th anniversary of the Royal Commission into Aboriginal Deaths in Custody - a nationwide inquiry that was sparked by the brutal police bashing and subsequent death of John Pat.

The royal commission provided Australia with recommendations and a road map for reducing Aboriginal peoples' over-imprisonment and the attendant risks of mistreatment and deaths in custody. But Aboriginal peoples' imprisonment rates are today seven times higher than they were at the time of the inquiry.

All Australian states and territories have untenable over-imprisonment rates. No jurisdiction has fully implemented the recommendations of the royal commission. Indeed, no jurisdiction has implemented recommendation No. 1: to create an oversight mechanism to monitor implementation.

It is no coincidence that the cases of Dylan Voller and Ms Dhu occurred in the Northern Territory and Western Australia: the two jurisdictions that continue to have the highest Aboriginal over-imprisonment rates in the country.

The NT government has still not made sweeping changes to its youth justice system, or made a show of good faith by committing to implement the NT royal commission's recommendations. Likewise, WA's Premier Barnett will not publicly commit to implementing the Coroner's 11 reasonable recommendations, made last week, including stopping locking people up for unpaid fines and implementing a custody notification system.

Custody notification systems require police to contact the Aboriginal Legal Service whenever an Aboriginal person is taken into police custody - a key recommendation of the Royal Commission into Aboriginal Deaths in Custody. We know from evidence that they are effective in reducing deaths in custody.

But for them to work, systems must be resourced and protocols must be constantly reviewed before they fail. Before a young Aboriginal woman, like Ms Maher, tragically dies alone in a NSW police cell - as happened less than six months ago.

If we are to heed anything from the shocking cases of Dylan Voller, Ms Dhu and more recently Ms Maher, it is that we should never tolerate governments being callous with liberty.

The looming question for us is how to ensure these tragic cases and the circumstances behind them are not repeated. According to the Coroner in Ms Dhu's inquest, we need a "seismic shift". A period of active implementation of evidence-based policies. A deep commitment to Aboriginal and Torres Strait Islander people having a genuine say in their own lives and the decisions that affect them. 2017 should be the year that we take our first real steps on the path towards this well overdue change in direction.

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