

## Ms Dhu footage: Colin Barnett says police were in a 'difficult situation'

WA premier describes footage of Indigenous woman being mistreated in a police lock-up as 'very confronting' before defending the officers involved



Western Australian premier Colin Barnett and corrections minister Joe Francis, in front of a rally outside parliament house after being confronted by Ms Dhu's mother, Della Roe in October 2014. Photograph: Marziya Mohammedali

By Calla Wahlquist  
Sunday 18 December 2016

Colin Barnett says police officers shown on a video dragging Indigenous woman Ms Dhu were in a “difficult situation” because police were “facing a lot of aggression” at the time.

Footage of the 22-year-old Yamatji woman being dragged from her cell just over an hour before she died was publicly released on Friday, along with coronial findings that said the actions of police were “unprofessional and inhumane”.

Dhu, whose full name is not used for cultural reasons, was arrested for unpaid fines on 2 August 2014 at Port Hedland in north-west Western Australia and died two days

later of an overwhelming staphylococcal septicemia. Her illness was undetected at two separate hospital visits, with doctors ascribing her symptoms to “behavioural issues”, and through 45 hours in custody, with most police officers telling a coronial inquest they thought she was “faking it”.

Barnett told reporters in Perth on Sunday that he had seen “some” of the footage shown at the inquest, the released portions of which come to almost two hours, and thought it was “very confronting”.

He continued: “But can I also say, while that should never have happened, and I don’t excuse it, you know ... there was a difficult situation that the police were facing then, a lot of aggression, and the like.

“So I don’t excuse or condone what happened but I also think we need to have some acknowledgement of the reality of the situation the police officers face.”

Barnett did not respond when asked by reporters if he was suggesting Dhu had been aggressive.

Dhu was not described as aggressive or angry by any of the 17 police officers who gave evidence at the four-week inquest, and state coroner Ros Fogliani – in her 168-page findings – dismissed any suggestion that she had behaved in an aggressive manner.

When her behaviour was remarked upon she was described as polite and compliant, other than the frustration some police said they felt at her frequent requests for medical attention.

Barnett promised Dhu’s mother at a protest in October 2014 that he would work to reduce the number of Indigenous people who were both in custody and died in custody, and in 2015 he visited the cell at the South Hedland police station with Della and Carol Roe, Dhu’s mother and grandmother, to lay a wreath.

Asked if he would adopt Fogliani’s 11 recommendations from the inquest, which included calling an immediate halt to the practice of sending people to jail for fines, Barnett said the number of people jailed for fines had already halved since 2010.

Those figures, however, are drawn from a May report by the Office of the Inspector of Custodial Services, quoted by Fogliani in her findings, which does not include figures for people like Dhu who were jailed for fines in police lock-ups.

Assistant commissioner Duane Bell told the inquest in March that the police custody system did not allow them to extract those figures.

Barnett said he would seek advice from the attorney general before commenting on whether he would adopt Fogliani’s recommendations.

Speaking outside court on Friday, Carol Roe said if Barnett did not implement the recommendations in full he should step down.

“The premier needs to step up, or get another job where he can put somebody there who can do the blooming work,” she told Guardian Australia.

“Step down, premier, if you can’t do it, put someone there who can do the work. Or stand up for Aboriginal people.”

Barnett said he was meeting his promise to Dhu’s family and “a range of measures had been put in place” to reduce the likelihood a person would be jailed for fines, and Indigenous imprisonment rates more generally.

“But again, can I say, it’s not easy to get sent to prison, we’re talking about serious offences that led to that,” he said. “So it’s not just simply saying we’re not going to put people in prison. If someone commits a very serious crime, a very violent domestic violence act, that’s where they’ll go.”

Dhu’s fines, which totalled \$3,622 when court fees and other costs were included, were for what Fogliani called “low-level offending” committed between 2009 and 2011, when she was a teenager.

They were a disorderly behaviour charge for swearing in public, an obstruction charge for waving her finger in a police officer’s face and not moving away from him when asked, and a charge of assaulting a police officer for kicking an officer when handcuffed for obstruction.

Police did arrest her partner, Dion Ruffin, for domestic violence offences on the night they also arrested Dhu. He was never charged with being violent toward her, but the inquest found he was abusive and had caused the broken rib which later developed into a fatal infection.