

Eric Whittaker's death in custody leads to 'conflicting stories': family

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Angry family members grieving for an Indigenous father who died in custody have marched on Parliament, accusing authorities of telling divergent stories and shackling him while on life support.

Eric Whittaker, 35, was held on remand in Parklea prison late last month before he sustained head injuries.



Diane Whittaker (centre) is comforted by Daisy Fernando (right). Both are aunts of Eric Whittaker who died in custody. Photo: Kate Geraghty

According to his family, Corrective Services NSW said he had fallen in a yard, whereas police said it was in an office.

The Kamilaroi man, a father of five from Walgett in the state's west, died in hospital on July 4 when his life support was turned off.



A crowd of people protesting the death in custody of Eric Whittaker make their way towards NSW Parliament House. Photo: Kate Geraghty

A police spokeswoman said while the cause of death was unknown, it was not believed to be suspicious.

Relatives, however, claim authorities failed in their duty of care.

"We've been statistics in this country for too long," Auntie Diane Whittaker said. "This has to stop."

A group of roughly 50 people marched along Sydney's Macquarie Street from Hyde Park to Parliament House at noon on Wednesday, chanting "they say accident, we say murder".

The march was in fact planned before Mr Whittaker's death: to commemorate Rebecca Maher, an Indigenous woman who died in a police cell in Maitland, north of Newcastle, last year.

Ms Whittaker said her nephew was a "good-hearted boy, a kind boy", who was not violent but had struggled with drug addiction.

A great aunt, Daisy Fernando, said "we want to know the truth, and nothing but the truth".

The family said they were distressed by the treatment of Mr Whittaker after his injuries and pressured in conversations about organ donation.

Even though he was on life support he remained shackled to his bed "like a mongrel dog", "like he was nothing", Ms Fernando said.

One relative took a picture of the scene on her phone. The family said they were told to delete the picture by Corrective Services guards but refused.

A spokesman for Corrective Services has expressed "deep sympathy" to Mr Whittaker's family and said an investigation into his death was underway. But he would not comment further on the case as it had been referred to the coroner for an inquest.

"The NSW government is investing \$237 million in programs to reduce reoffending and promote successful reintegration into the community," Corrective Services Minister David Elliott said.

Mr Elliott said his agency was tackling the over-representation of Aboriginal people in the criminal justice system through diversionary and trade skills programs.

The Justice Department's 2015-2016 annual report showed two Indigenous people had died "apparent unnatural deaths" in custody in the five years prior, compared to 24 non-Indigenous deaths.

In June last year, a quarter of NSW prisoners were Indigenous.

A funeral for Mr Whittaker will be held in Walgett on Friday morning.