

PRISONS — BANDYUP — INMATE FATALITIES

4556. Ms M.M. Quirk to the Minister for Corrective Services:

- (1) I refer to Question on Notice No. 4166 asked in the Legislative Assembly on 24 June 2015 and in particular questions 4 and 5, to which you responded that the WA Police advise the public of a death in custody and ask if you would provide the wording of the policy announcing to the public when a death in custody occurs, detailing which department and which official is responsible for these announcements?
- (2) Has this policy been updated in the last year, and if so, provide the date it was updated and the previous policy wording?
- (3) The Department of Corrective Services released statements from Commissioner McMahon on a death in custody on 17 February 2015, and a death in custody at Casuarina Prison on 23 October 2014. In both statements the Commissioner states the Department of Corrective Services has a duty of care toward prisoners. Can you please advise why the Commissioner has released statements on these occasions?
- (4) Has the Department of Corrective Services conducted its own investigation into the death in custody at Bandyup on 15 June 2015?
- (5) I note that the Department of Corrective Services did not release a statement about the death of Ms Dhu in police custody on 4 August 2014. Can the Minister please advise why the Department did not release a statement on this occasion?
- (6) Has the Department of Corrective Services released a statement about the death in custody at Casuarina Prison in August 2015? If so, please table this statement. If not, can you please explain why?
- (7) Has the Department of Corrective Services released a statement about the death in custody at Lockridge at the end of August? If so, please table this statement. If not, can you please explain why?
- (8) With respect to deaths in custody including prisons, lock-ups and police operations:
  - (a) how many deaths have occurred in WA since the beginning of June 2015 (please give dates each death occurred); and
  - (b) how many of these deaths are Aboriginal people?

**Mr J.M. Francis replied:**

The Department of Corrective Services (the Department) advises:

- (1) Neither WA Police nor the Department is obliged by legislation to release a statement on the occasion of a death in custody. There is an MOU between the Police and the Department which says that *an initial statement be released by DCS stating there has been a death in custody, and that death will now be investigated by WAPOL and referred to the Coroner*. More recent practice by the Department has been not to release an initial statement, and respond to media queries, if any. The Department and WAPOL are currently reviewing the MOU.
- (2) No.
- (3) The 'statements' referred to were confirmations to media enquiries that were directed to the Department's Strategic Communications directorate.
- (4) An investigation into this death is currently being conducted.
- (5) Please refer to answer of Question 1.
- (6) No media query about this death was received.
- (7) No. This is not a matter for the Department of Corrective Services.
- (8)
  - (a) Five deaths have occurred in Western Australian prisons custody since 1 June 2015 (to 17 September 2015). Dates of death are 15 June 2015, 3 August 2015, 5 August 2015, 19 August 2015 and 8 September 2015.
  - (b) Two.