

Reporting Black Lives Matters

Deaths in custody journalism in Australia

Abstract: George Floyd's death at the knee of USA police sparked protests and renewed reporting of Indigenous deaths in custody in Australia. As the 30th anniversary of the release of the final report of the Australian Royal Commission into Aboriginal Deaths in Custody approaches, it is timely to update Wendy Bacon's 2005 research on deaths in custody journalism. While most deaths in custody continue to pass in judicial and media silence, this article, written from a white journalism academic's perspective, includes instances of in-depth reporting since 2005, journalism that meets the Royal Commission's observation that journalism can contribute to justice for Aboriginal people when it places deaths in custody in their social and moral contexts. It also includes mini-case study of the news coverage of Mr Ward's 2008 death, which demonstrates the relationship between governmental or judicial processes and announcements and patterns of coverage. It also notes the effect that First Nations journalists are having on the prevalence, perspectives and depth of deaths in custody journalism. Information and resources are provided for journalists and journalism students to more effectively report Indigenous deaths in custody, include Indigenous voices in their stories, and to better understand trauma and take care of themselves, their sources and their communities.

Keywords: Australia, Black Lives Matter, deaths in custody, deaths in custody journalism, deaths in custody reporting resources, Indigenous, investigative journalism, Mr Ward, Royal Commission into Aboriginal Deaths in Custody

BONITA MASON

University of South Australia, Adelaide

'Oh shit, she's dead.'

THESE were the words spoken when a prison clinic nurse eventually entered the cell of an Indigenous prisoner and found her lifeless. Janet Beetson, 30, who had become sicker and weaker over five days, was admitted to the medical annexe of Mulawa Women's Prison the night before she died.

She took a week to die of treatable infective heart disease in the western Sydney prison in June 1994.

June 1994 is a long time ago on the calendar, but not long enough for effective policy, or governmental and institutional action, to alter the conditions that result in Australian Indigenous people dying preventable deaths in custody. Not long enough to hear.

George Floyd, 46, has become a household name in the United States and globally. Many of us have grieved with his family and community, and have recognised the injustice in the conditions that led to his death at the hands of police officers—the one who knelt on his neck for almost nine minutes and, importantly, the others who stood by.

According to international online activist organisation Avaaz (Baillie, 2020), during those final minutes of his life, George Floyd said: ‘I didn’t do nothing serious, man’; repeated a variation of ‘I can’t breathe’ seven times; said ‘Please’, ‘Please somebody’, ‘Please man’ 13 times; ‘Mamma’ twice; ‘I’m through’ twice, and ‘They’re gonna kill me’ three times. He asked for water and, more than three-quarters of the way through his ordeal, said, ‘Don’t kill me’. His final words were, ‘Please, I can’t breathe’.

George Floyd fell silent, the pleas stopped, and he died. The police officers could not hear him, any more than they could heed the onlookers and witnesses pleading with them to get off his neck so he could breathe, so he could live.

Black Lives Matter protests erupted across the US, and buildings burned. African Americans, Indigenous peoples and their supporters have had enough of living with racism (Jones, 2020): the discrimination, disproportionate and lethal force, and the everyday possibility that the consequences of racism could be fatal. As in the US, in Australia these deaths and a multitude of humiliations happen, and have done since the date of settlement.

The catch-cries ‘Black Lives Matter’ and ‘I can’t breathe’ ring out through the face masks, worn against COVID-19, at the Adelaide Black Lives Matter rally on 6 June 2020. Dughutti man David Dungay, 26, who died, also calling for breath in late-2015, has a strong presence at the rally. The Long Bay jail prison guards in his case, as hard of hearing as the Minneapolis police officers who killed George Floyd, dismissed his repeated cries of ‘I can’t breathe’ as they held him face down on a prison cell bed. One of the poorly trained guards repeatedly tells David that he can breathe (AAP, 2018): ‘If you can talk, you can breathe,’ he says. David screams, says he can’t, begins panting. ‘If you’re talking, you’re breathing,’ the guard repeats, like he wants to win an argument. Fewer than 50 seconds later, David Dungay’s heart stops beating.

The Adelaide rally attracts up to 6000 protestors and supporters (Wedding, 2020). It is one of many around Australia which, together, attract tens of thousands of people. It feels like change, but is it?

The story has been at or near the top of the news bulletin for weeks, an unusual prominence for a story concerning Indigenous people. By now most of us have heard of the Royal Commission into Aboriginal Deaths in Custody. We know that we are approaching 30 years, and 450 Indigenous deaths in custody, since the Royal Commission reported in 1991. We are hearing the names of David Dungay and others who have died in custody, like Tanya Day and Ms Dhu. We are thinking about and protesting these continuing deaths in numbers we never have before. We are talking about the increasing Indigenous imprisonment rates—the highest imprisonment rates in the world (Anthony, 2017)—with renewed vigour.

We are also reminded that no one has ever been convicted of any crime for any of these deaths or for any of the 99 deaths investigated by the Royal Commission, the lives lost in police or prison custody between 1980 and 1989. Some of us have reported a widely repeated belief that no-one has ever been charged, but this is not true—a reminder not to run with what is in the air and seems right without checking.

Five police officers were charged with manslaughter and acquitted in the case of 16-year-old John Pat, who died of his injuries after contact with police in Roebourne in 1983. Senior Sergeant Chris Hurley was also charged with manslaughter for the death of Mulrunji Doomadgee on Palm Island in 2004, also acquitted. The only person to serve jail time over this death was Palm Island community leader Lex Wotton, who was convicted for inciting a riot when Palm Island protestors set fire to the police station where Doomadgee died.

Apart from these instances—until the recent murder charges against two police officers: one who shot Kumanjai Walker, 19, at his home in Yuendumu (Vivian & Roberts, 2019); the other who shot Joyce Oates, 29, outside her Geraldton home (Wahlquist, 2020)—there has been judicial silence.

This judicial silence has too often been matched by media silence. In her podcast *Black Witness, White Witness*, Darumbal and South Sea Islander journalist Amy McQuire (2020a) refers to an Australian apathy in response to police and prison brutality, and to deaths in custody. She says we do not repeat the name of the person who has died until their name is burned into the national consciousness (like George Floyd's); that, 'When Aboriginal people die in custody there is a national silence'. In 2005, investigative journalist and academic Wendy Bacon described the lack of deaths in custody reporting as an 'ethical failure' (p. 17). On the importance of this, she wrote: 'If the mainstream media fails to report on events which discriminate against or disadvantage particular groups, these groups will find it difficult to have their claims recognised, let alone acted upon' (2005, p. 19).

For now, journalists and the media have again taken up the story, as some journalists did in the 1980s, in the lead-up to the hard-won establishment of the Royal Commission, and in the wake of the release of the Royal Commission's 1991 report.

This article updates Bacon's (2005) research into deaths in custody reporting from 1995 to 2005, and surveys key instances of deaths in custody reporting since. Just as knowing something of the consequences of colonisation for Australia's first peoples is important for understanding the present-day circumstances of racism and inequality, knowing something about journalism's record on deaths in custody reporting may help journalists to counter the silences. This article therefore offers a resource for academics, students and journalists who want to understand more about deaths in custody reporting in Australia; and to tell stories about such deaths, the systems and circumstances that led (and continue to lead) to the often preventable deaths, and the effects on the families of people who die in custody, on their communities, and on all of us. It is offered by a white Australian journalism academic who first researched and wrote on Aboriginal deaths in custody in 1995, has worked in the Kimberley region of Western Australia and elsewhere with Indigenous organisations, and co-developed a collaborative Aboriginal Community Engagement cross-disciplinary and journalism project with local Indigenous community groups on Whadjuk country (the Perth area)—and who continues to work to understand what it means to be a white person in settler Australia.

Deaths in custody journalism—a recent history

This brief history begins in the 1980s, the time leading up to the Hawke Federal Government's 1987 announcement of a royal commission to inquire into Aboriginal deaths in custody. It begins with freelance journalist Jan Mayman's reporting on the death of John Pat, a Roebourne teenager from the north-west of Western Australia. Mayman, an independent journalist from Western Australia, was a significant media 'protagonist' (Johnston, 1991) in the lead-up to the establishment of the Royal Commission. Mayman's stories on John Pat's death in police custody, published in Melbourne's *The Age* newspaper, helped to put Aboriginal deaths in custody on the media agenda.

Mayman's stories described conditions—physical and relational—in the north-west WA town of Roebourne, and the state and mood of a colonised and displaced people who had lost one of their young men in violent and traumatic circumstances. It provided a clear picture of some of the effects of racism and inequality on a town and a people. 'A town with two names and two laws' (Mayman, 1983, p. 11) won Mayman Australia's top journalism award in 1984, the Gold Walkley. Bacon describes Mayman's reporting as a 'significant media breakthrough' (2005, p. 23) in the coverage of Aboriginal deaths in custody in the pre-Royal Commission period. In Royal Commissioner Elliott Johnston's words, her work placed John Pat's death in its 'broader social and moral context' (1991, 12.6.2).

Despite the recognition for journalistic excellence, Mayman has spoken of

the difficulty as a freelance journalist of getting her stories published before John Pat's death. She also noted that then *Age* editor Michael Smith trusted her as a journalist, and that his support was critical. Without it, in the form of airfares and assistance with other reporting-associated costs, she would not have been able to tell the John Pat stories (personal communications, September 16, 2010; November 25, 2012). Her position as a freelance journalist and the moral and financial support from the editor allowed her to produce award-winning work.

At the time of Mayman's *Age* stories, Aboriginal people and their supporters had been calling for an end to the high rates of Indigenous imprisonment (Cunneen & McDonald, 1997) and were protesting the consequently high numbers of Aboriginal people dying in prison or police custody. After the five police officers associated with John Pat's death were acquitted of manslaughter (King, 1990, p. 2), Aboriginal activists formed the Committee to Defend Black Rights. This group mounted a national campaign to raise community awareness about the numbers of Aboriginal people dying in police lock-ups and prison cells and to call for a royal commission (Bacon, et al., 1995, p. 20). The mainstream media took up the story, including an ABC TV *Four Corners* programme presented by David Marr (1985). Mayman also worked on the programme. This deaths in custody story won a Walkley award in 1986.

Then, over a six-week period in 1987, seven young Aboriginal men died in custody. Calls for a royal commission intensified and Aboriginal people addressed the United Nations in Geneva. The Australian government was still resisting the calls to appoint a royal commission. In response, the Committee to Defend Black Rights began planning a campaign to expose Australia's human rights record to the world during the following year's bicentennial celebrations (Bacon 2005, p. 23). In October 1987, the Australian government announced it would open a royal commission into Aboriginal deaths in custody (Bacon, et al., 1995, p. 20).

As Royal Commissioner Johnston noted, media reporting had contributed to the possibility of improved justice for Aboriginal people.

By its coverage of the issues, from the death of John Pat to that of Lloyd Boney, by placing them in their broader social and moral context, and by its presentation of the campaign of the Committee to Defend Black Rights, the media has acted as one of the protagonists in the process of achieving greater justice for Aboriginal people that is the goal of this Commission. (1991, pp. 184-5)

The Royal Commission's Final Report was signed by Commissioner Elliott Johnston on 15 April 1991 (Nagle & Summerrell, 2002). The release of the Royal Commission's report was a black-lives-just-might-matter moment in Australia. Here was 'the most comprehensive review of the needs and opportunities for change ever produced' (Cunneen & McDonald, 1997). It was a far-

reaching blueprint for reducing inequality and disadvantage, including reduced deaths in custody and apprehension and imprisonment rates, and for recasting relationships between Indigenous and non-Indigenous Australians through a reconciliation process (see Korff, 2020).

The kind of reporting described by Johnston—that which placed the stories and issues in their broader contexts—greeted the release of the Royal Commission’s final report. It was another important moment in deaths in custody journalism. As Wendy Bacon writes: ‘Few Australian Royal Commissions have attracted stronger, more passionate media attention than the 1991 Final Report of the Royal Commission into Aboriginal Deaths in Custody’ (2005, p. 20). The nature of this media coverage was important.

The coverage was a symbolic victory for the groups that had fought to have the issue of Aboriginal deaths in custody placed on the national political agenda. The prominence and visual presentation of the reports, appeals to ‘nation’ and the collective conscience, and explicit labelling of the conditions of Aboriginal Australians as oppressive and discriminatory combined to convey a powerful message ... that the nation was moving forward systematically to correct past wrongs. (Bacon, 2005, p. 20-1)

Indigenous points of view were heard as part of the stories, and Aboriginal deaths in custody became an important story in the sense that it was worth sustained coverage. But this kind of reporting soon fell away. In Western Australia, for example: ‘Between May [in 1991, when the royal commission’s report was released] and August, Aboriginal news moved, for the most part, from being a series of issues to do with human welfare, social reform and social justice to being a matter of public safety, social panic and penal “justice”’ (Mickler & McHoul 1998, p. 136). A reversion to law and community order themes, an enduring default in Indigenous affairs journalism (Kerr & Cox, 2013), helped to create the conditions for the enactment of the harshest juvenile justice legislation in Australia (Mickler, 1992, p. 44), where juvenile offenders faced more severe sentences than adults for the same crimes (Wilkie, cited in Mickler & McHoul, 1998, p. 122).

Across Australia, Indigenous imprisonment rates and deaths in custody tolls continued to rise. In Sydney, the late Wiradjuri human rights and deaths in custody campaigner Ray Jackson spoke of a trio of charges known as the ‘trifecta’ (see Anthony, 2013, p. 50), or the ‘ham, cheese and tomato’—offensive language, resisting arrest and assaulting a police officer (personal communication, c1995)—scooping ever more young Indigenous people into the criminal justice system. But, as *The Sydney Morning Herald* said at the time, ‘the story was over’ (quoted in Bacon, 2005, p. 28).

In 1993, Barbie McKee, in an Australian Centre for Independent Journalism

Voices project, wrote that two years after the Royal Commission reported, the recommendations were absent from the media, that: ‘The salient and urgent message seems to have moved from the realm of social justice into a bureaucratic, legal and administrative roundabout’ (McKee, quoted in Bacon, 2005, p. 28). The story, when it appeared at all, became about government implementation of the Royal Commission’s recommendations in response to periodic monitoring reports from the Australian Institute of Criminology.

The year Janet Beetson died in Mulawa, 1994, was a record year for the number of Indigenous people who died in Australian prisons, higher than in any year examined by the Royal Commission. This was three years after the commission made its 339 recommendations, 179 of which concerned the criminal justice and coronial systems (Dodson 1996a, p. ix), including the duty of care owed to detained persons; and after \$400 million had been allocated for a five-year programme of implementation (Bacon, et al., 1995, p. 19). The following year, even more people died in Australian prisons, many of them because of ill health (Mason, 2006, p. 5). Fourteen Indigenous people died in prison or police custody in 1994. In 1995, of 22 Indigenous deaths in custody, 18 occurred in prison (Lyneham, et al., 2010, pp. 12, 35).

In response to regular deaths in custody monitoring reports produced by the Australian Institute of Criminology, governments routinely announced their implementation of the Royal Commission’s recommendations. But, instead of interrogating those claims in the face of the record and still-increasing levels of deaths in custody, corporate media journalists routinely reported these government claims as if they were true (Bacon & Mason, 1995).

Over 12-months, three women died in Mulawa women’s prison. Prisoners had been writing to *The Sydney Morning Herald* for three months, complaining about conditions in the jail, including the inadequate health services and Janet Beetson’s preventable death. Journalist Paola Totaro wrote the story, reporting the prisoners’ complaints as allegations that she referred to the NSW Ombudsman. The Ombudsman investigated and produced a report that was published after the 1997 publication in *HQ* of the story about Janet Beetson’s death (Mason, 1997). This story reported what happened to Janet from the perspective of her family, and the prisoners and prison officers who were trying to get her treatment and keep her safe. It also won two national journalism awards, including a Walkley. Janet Beetson’s family were happy with the story, and Mulawa prisoners wrote to the magazine saying they felt it told the truth about their circumstances and what happened to Janet. But in terms of government policy and action—effective implementation of the Royal Commission’s recommendations—it caused hardly a ripple.

Bacon’s 2005 review of the Australian media coverage of deaths in custody concluded that between 1996 and 2005: ‘Most Australians ... received almost

no information about deaths in custody since the Royal Commission' (Bacon, 2005, p. 31). There were specific instances of in-depth reporting, including the Janet Beetson story, a *Four Corners* programme (about the death of Eddie Russell), several *7.30 Report* stories and a *Message Stick* programme (paying tribute to the mother of Eddie Murray). These rare stories about an individual person who died, or of someone, Lelia Murray, who sought justice for people who had died in custody, were linked to the Royal Commission and the implementation, or not, of its recommendations, but: 'They appeared to have little or no impact on the daily news agenda' (Bacon, 2005, p. 32).

Australian writer Chloe Hooper records something similar in her 2008 book about 36-year-old Gangalidda-Wanyi man Mulrunji Doomadgee's 2004 death in custody on Palm Island. As she waited at the airport on the first morning of the inquest into Doomadgee's death, and small aeroplanes brought lawyers and journalists to Palm Island, she asked an Aboriginal man who was waiting to fly out what he thought would happen. His reply: 'The same as usual: nothing' (2008, p. 88). Hooper also won a Walkley award for one of two 2006 stories in *The Monthly* about Mulrunji Doomadgee's death.

Senior journalist for *The Australian* Tony Koch's reporting was also important in keeping Doomadgee's story in the public eye (Waller, 2013), and in providing an independent perspective on what became a big story when Palm Island locals did something that a predominantly white, mainstream media in Australia and the US refer to as rioting. As the journalists flew in, Koch made sure he was not going to be captured by the local version of authoritative, official sources. While other journalists were embedded with police (Hooper, 2008), Koch told a Federal Court hearing, 'he and a photographer flew to the island on a helicopter so they would not be met by police and could stay with a well-respected local family' (AAP, 2015). He protected the independence of his journalism from any attempts at influence or pressure from police.

A short case study: the death in custody of Mr Ward

While most deaths in custody pass in silence, every now and then a particular Indigenous death in custody breaks through. Along with some of the names already mentioned, the death of 46-year-old elder Ian Ward (commonly known as 'Mr Ward') is a clear example. He died of heat stroke in a metal cell in the back of a prisoner transport van while being transported 360km through the Western Australian desert in searing heat.

Mr Ward, a respected Ngaanyatjarra community leader, was arrested for drink-driving in Laverton on Australia Day, 2008. He was detained in custody by an untrained Justice of the Peace who did not know what the JP handbook said about bail (Hope, 2009, pp. 50-52), and was transported the four hours west to Kalgoorlie the next day, as the temperature outside reached 42 degrees. Mr Ward

was locked inside the cell (or pod) behind the cabin of the prisoner transport van; its air-conditioning was not working, there was no air ventilation, and its interior surface reached 56 degrees. He collapsed onto the metal floor, received a large burn on his abdomen that removed his skin, and arrived in Kalgoorlie dead (Hope, 2009).

Mr Ward's appalling and needless death attracted what was still unusual attention for a death in custody. The manner of his death, his inhumane treatment, the apparent systemic failures, the privatisation of prison services and strong findings by the WA Coroner combined to make Mr Ward's death not only an outrage of institutional racism but newsworthy. The Coroner (Hope, 2009, p. 123) hearing the case said in his inquest findings:

A question which is raised by the case is how a society which would like to think of itself as being civilised, could allow a human being to be transported in such circumstances.

A further question arises as to how a government department, in this case the Department of Corrective Services, could have ever allowed such a situation to arise, particularly when that department owned the prisoner transportation fleet including the vehicle in question.

It has not been possible at this inquest to find adequate responses to these questions.

A Factiva news database search across selected print and online publications yielded 101 stories related to Mr Ward's death between 30 January 2008 and 1 July 2015. These stories were concentrated around particular events and official processes. From Mr Ward's death until the coronial inquest began in March 2009, a scant five news stories touched on the circumstances of the death, a police investigation, and calls to overhaul prisoner transport (three in the *West Australian*, two in *The Australian*).

The 2009 inquest, and related rallies by the family and community activists, prompted more coverage (41 stories: 35 in the *West Australian*, three in Perth's *Sunday Times*, and one each in *The Australian*, the *Sydney Morning Herald*, and the *Age*). Following the June 2009 release of the coroner's findings, Liz Jackson presented a *Four Corners* programme that provided an in-depth look at who Mr Ward was, what happened to him and who and/or what were responsible.

A relatively high number of stories continued in 2010, as the second anniversary of Mr Ward's death passed, and the WA Government delayed making an ex-gratia compensation payment to the family. Other deaths in custody and protests were reported, as was the belated inquiry into the prisoner transport system and its continuing faults.

In June, the Director of Public Prosecutions announced that there would be no prosecutions over Mr Ward's death, and in July the WA Government made

a \$3.2 million payment to the family. The state occupational health and safety agency, WorkSafe, then began an inquiry into Mr Ward's death. Stories continued to appear, mostly in the *West Australian* (27 of 34 stories in 2010), including in response to family and activist statements, and the WA Government's planned updating of the prisoner transport fleet.

The stories continued in 2011 because WorkSafe announced charges against Corrective Services, G4S (the private prisoner transport company) and the two guards (Department of Commerce, 2011), all of whom eventually pleaded guilty. These events accounted for most of the year's stories: eight in the *West Australian*, and one each in *The Australian*, *Adelaide Advertiser* and *the Northern Territory News*. An additional four stories (three in the *West Australian*, one in *The Australian*) were about the renewal of the prisoner transport contract.

A further four stories in 2011 (three in the *West Australian*, one in *The Australian*) covered matters relating to justice, and the October filing of a writ by Mr Ward's family. Nothing further turned up until August 2014 (a short feature on a novel which touched on Mr Ward's death). The final story appeared in mid-2015 about an out-of-court settlement reached between the family and G4S. Both stories appeared in the *West Australian*. There has been nothing in any of the publications captured by the Factiva search since.

These tallies do not include news stories that may have appeared through the ABC or SBS websites and broadcast channels, commercial broadcasters, or community media (see Forde & Anderson, 2015), but they do give an indication of the frequency of Mr Ward-related stories, the mostly process-focussed events that prompted them, and the patterns of coverage.

2011

2011 was the 20th anniversary of the Royal Commission into Aboriginal Deaths in Custody's final report, and more in-depth stories appeared: about deaths in custody, the Royal Commission, the lack of implementation of its recommendations—especially around Indigenous people's contact with the criminal justice system and increasing imprisonment rates—and the consequences of that lack of implementation.

An ABC *Law Report* by Erica Vowles highlighted the January 2011 death at the Kalgoorlie Police Station of Mr Phillips, who had assault wounds, disabilities and was in ill-health. As in the Janet Beetson case, a fellow prisoner called for an officer to help Phillips and seek medical treatment. Vowles asks Phillips's sister, Adele Phillips, if she and her family thought things had improved over the previous 20 years. "No. Not yet. Not at all. We've seen no changes, but we want to ... bring changes to the system, you know. We don't want another death in custody out here again" (2011). The programme discussed the problem of the increasing Indigenous incarceration rates, in the face of the central Royal Commission

finding that Indigenous people die in custody in high numbers because they are in custody in high numbers.

Another 20th anniversary media report, by Jane Hammond writing in *The West Australian*, returned to the 1983 death of John Pat in the Roebourne lock-up. After an encounter with the five police officers later acquitted for manslaughter, he had head injuries, a torn aorta and two broken ribs (Grabosky, 1989). Hammond's (2011) story highlights examples of deaths in custody that could have been avoided had the Royal Commission's recommendations been implemented, such as those concerning arrest as a last resort for minor offences. Her story also focused on Indigenous imprisonment rates as critical to the incidence of deaths in custody.

A further notable example of anniversary coverage was freelance journalist and Australian Centre for Independent Journalism associate Inga Ting's series of 11 in-depth stories in *Crikey*. Her stories asked why, 20 years on, 'inmates are still dying as a result of the same practices the Commission sought to eliminate' (2011). Ting covered the death of a prisoner who, like Janet Beetson, died because no one checked her medical files. She covered the deaths of inmates who committed suicide within days of being assessed as no longer at risk; and of those who hanged themselves in so-called 'safe', monitored prison cells. She chronicled the kind of carelessness, negligence, bureaucratic incompetence and policy failures that led to Janet Beetson's death 17 years earlier. And she raised the serious questions and concerns expressed by coroners about 'the integrity, accountability and independence of death in custody investigations' (Ting, 2011).

Since 2011

Imprisonment rates continued to rise, deaths in custody continued to occur and most continued to pass unnoticed, but another WA case, again sharing many similarities with Janet Beetson's case 20 years earlier, made the headlines. In August 2014, Ms Dhu, a 22-year-old Yamatji woman, was arrested and detained in a South Hedland lock-up for unpaid fines. She died two days later, and after two hospital visits, of septicaemia from broken ribs. Her treatment at the hands of police was found to be 'unprofessional and inhumane' by the WA Coroner (Fogliani, 2015). She was also failed by the health workers in the north-west town, except during the third hospital visit when she went into cardiac arrest and nurses and doctors worked for almost an hour in an attempt to resuscitate her. Her death and the possibility of justice for her was kept on the agenda by the WA First Nations Deaths in Custody Watch Committee working with Ms Dhu's family, in particular her grandmother Carole Roe and her uncle Shaun Harris. But while the protest rallies were consistent, they were small.

By the time of Ms Dhu's death, an Australian edition of *The Guardian* had arrived online. This publication, and journalist Calla Wahlquist who consistently reported from the 2015/2016 inquest into Ms Dhu's death, has made a difference

to deaths-in-custody reporting. *The Guardian* consistently documents and reports on deaths in custody, including through *Deaths Inside* (2020), a data base of Indigenous deaths in custody since 2008. This innovative social justice journalism project won a Walkley Award.

Is this a moment of change?

It took an event in the US to spark the Indigenous lives matter response in Australia. A recent analysis of a survey of 11,099 people (Shirodkar, 2019) found 75 percent of Australians have ‘an implicit or unconscious bias against Indigenous Australians’ (p. 25). This bias is in our colonial history, our institutions and systems, our media and our relationships with each other.

As journalists, we can and must report the chain of events that have led to yet another black death at the hands of the state. We can report the facts—Indigenous adult and youth apprehension and imprisonment rates, Indigenous youth and adult suicide rates, coronial inquest findings. We can interview witnesses, family members, and representatives, police and prison officers, experts and report what they and other commentators say about the facts, consequences and causes of those deaths. With more time and perhaps resources, we can investigate and discern the patterns that emerge from the repeated deaths, the similar facts and common factors (Davidson, 2020), the same systemic failures, the ongoing evidence of institutional racism. We can describe and record these things for history, and this is vital work.

Through our journalism we can also help to humanise the person who died, perhaps bring some comfort to the family—from being heard and included in the realm of things that matter.

But how do we understand and explain the deafness, the lack of response to the pleas of Indigenous people, exemplified in the 2017 dismissal of the Uluru Statement from the Heart? At the height of protest and community debate about how police treat Indigenous people, a Sydney police officer is filmed knocking an unresisting Indigenous teenager off his feet and planting him face down on the ground. How do we explain this, and the fact that our journalism, for death after death, coronial inquest after coronial inquest, achieves so little of the change in systems, institutions and policies that would help to prevent the state from failing to care for and killing so many Indigenous people?

I can’t know what the Mulawa prison nurse meant by, ‘Oh shit, she’s dead’, when she entered Janet Beetson’s cell in 1994, but I doubt at that moment she was thinking about Janet’s humanity and her loss to her loved ones. It was more likely an institutionally conditioned defensive response to a mess, an embarrassment and, as one of the witnesses said at Janet’s inquest, something to be kept in-house, covered up. We should listen to the calls for truth telling (Jenkins, 2020), by Mick Dodson and others, as a way to dismantle white privilege and the

discrimination and domination of Australia's first peoples. Such listening provides an opportunity for journalists to improve our understanding and our reporting.

Amy McQuire, writing from a first nations' perspective for *The Guardian* and *The Saturday Paper* (formerly for *Tracker* and *New Matilda*), is among Indigenous journalists also changing the deaths in custody reporting landscape. During the Black Lives Matter protests, she wrote (2020b) about emerging news of the death of a 40-year-old Indigenous man in a WA prison. She noted that few details had emerged about his death, and that 'the absence of information has led to an absence of attention, even with the eyes of the country keenly on the issue of black deaths in custody'. A lack of information seems to be less of an impediment to reporting in other areas of journalism. In political reporting, information vacuums are swiftly translated into endless speculation when a parliamentary leadership spill could be on. A story with few facts, just the drip of backgrounding, can go on for weeks. Imagine some of that tenacity and persistence, the repeated questioning, finding its way into reporting on justice for Indigenous people.

As journalists, we can keep asking questions, even when information is withheld by authorities and report that if nothing else.

More suggestions and resources

Another suggestion comes from the *Saturday Paper*'s Osman Faruqi (2020), to not be distracted from questions about imprisonment rates, injustice and premature and unnecessary deaths by debates about statues and 'cancel culture'. We can also be alert to our political leaders' language and what it says about their priorities. When do leaders use vague, emotionless language and when do they take care to be specific? Journalist Sean Kelly draws (2020) the contrast between the PM talking about deaths in custody—'the problems we have in this area' and 'these issues'—and, when talking about a death from coronavirus, 'the absolute agony of not being able to say goodbye to a loved one'.

Many non-Indigenous journalists and journalism students do not tell stories concerning Indigenous people because they do not know where to start and are worried they will cause further harm or offence (Mason, et al., 2016). Don't be. In my experience, Indigenous people are used to well-meaning white people making mistakes. Be yourself, show respect and listen. Include Indigenous people as sources in stories on a range of topics. There are too few specialist Indigenous affairs journalists in Australia, but those we do have know that taking time to build trust and relationships with Indigenous people is critical (Waller, 2013).

Some Indigenous people prefer to be contacted through their organisations, such as cultural and art centres, health services, land councils and land and sea ranger services, and justice and prisoner groups. There are many Indigenous media organisations all over Australia, all a good source of story ideas, content and contacts.

Keep your independence from authorities who are adept at obscuring the facts, until you already have a solid idea of what the story is from the people affected.

All of us can listen to and take the lead from Indigenous journalists, for whom this ‘story’ is personal, but who often also struggle to be heard. Yorta Yorta and Dja Dja Wurrung journalist Bridget Brennan was among journalists and others suggesting to the ABC’s *Insiders* programme that it include an Indigenous voice, especially when discussing the concerns of Indigenous people. Brennan appeared on the programme on 14 June 2020. Follow her, Amy McQuire, IndigenousX, Stan Grant and others on Twitter.

There are also positive stories to be told (Thomson, et al, 2016), such as the one on *Background Briefing* (Brennan, et al, 2020) about a justice reinvestment, Indigenous community-police program in Bourke, NSW, which reduced juvenile arrests and imprisonment from about 50 young people per year to three or four.

There are Indigenous reporting and filming protocols and guides, such as the ABC’s (<https://edpols.abc.net.au/guidance/abc-indigenous-content/>) and SBS’s (http://media.sbs.com.au/home/upload_media/site_20_rand_1000072370_the_greater_perspective_sbs.pdf). There is NITV (<https://www.sbs.com.au/nitv/>).

Final thoughts

More broadly, at a time when we need to look more deeply at what it means to be human—what we hear, recognise and prioritise; how we think and act—the Australian government announces it will cost a lot more to study the humanities. Journalism, a humanities subject, is a set of relationships, whether for the scoop or with our sources. As we look more deeply, to tell deaths in custody stories as completely as possible, journalists need better relationships with Indigenous people and sources, but also with philosophers, sociologists and other humanities graduates who can help us look more deeply into our own souls, our possibilities, and our limitations and blind spots. They can help us seek and tell a fuller truth.

Reporting on deaths in custody, and much of the discrimination and trauma that touches Indigenous lives, can be distressing. Take care of yourselves (<https://dartcenter.org/content/self-care-tips-for-news-media-personnel-exposed-to-traumatic-events>), and your sources and communities (<https://dartcenter.org/> – see other resources). Imagine how this could be for an Indigenous journalist for whom this is personal, ‘a matter of life or death’ (Dodson, 1996b).

Former ABC journalist and Muruwari/Gomeri man Allan Clarke (2020) says he spent most of his time as a journalist reporting stories concerning Indigenous people, and most of them seeking justice. Last year, he stepped away after a break-down.

To be honest, I just couldn't keep reporting on all the injustice levelled at my community and that's because I am also part of that community and these things are happening to my family.

The final blow came at the end of reporting for six years on the unsolved murder of Gomeri teenager Mark Haines. The exhaustion of trying to get some justice for Mark's family and trying to convince the public, as well as the police, that his life mattered ate away at me until I had nothing left to give.

He says it is not just the justice system that devastates Indigenous people:

Our media are also complicit, they pander to the mentality that I am lesser; that my people are somehow lesser. White journalists who step off the ledge to dip their toes into the raging pool of racial turmoil can produce award-winning work and win kudos from 'woke' colleagues. But in the end, they go home. My mob pay the price. Our pain and suffering is often their career gain. Rarely are deaths in custody presented in context; rarely is our culture presented in context; rarely is our history presented in context.

I have been one of those journalists dipping my feet 'into the raging pool of racial turmoil', and have won kudos for it, as have some of the journalists mentioned in this article. But, like the journalism that helped create the conditions for the Royal Commission into Aboriginal Deaths in Custody, we can present individual deaths in custody in context, present the hundreds of First Nations cultures and histories in context and in as much of their fullness as we are capable.

During this Black Lives Matter moment, fuller, more contextual journalism—much of it from Indigenous journalists—has been appearing, and stories concerning Indigenous people have been more regular and higher in news and current affairs programmes, at least for our national broadcaster. But, for how long will this 'story' maintain its currency and prominence? Until Indigenous imprisonment rates become proportional to population levels and preventable deaths in custody no longer occur?

On the 20th anniversary of the handing down of the Royal Commission into Aboriginal Deaths in Custody's report, Hammond reported the words of Mavis Pat, John Pat's still-grieving mother. In her statement to the Royal Commission Mavis Pat said: 'I don't know what's going to come out of the royal commission but I hope it makes everything alright for Aboriginal people' (cited in Hammond, 2011, p. 52).

Next year marks 30 years since the Royal Commission released its report and Australia pledged to reduce deaths in custody and the social, economic and judicial conditions that lead to them. But, as Allan Clarke concluded in his 2020 article, the story so far is much the same:

Australia, we can do better and we must do better.

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Bonita Mason is a senior lecturer in journalism and professional writing, in UniSA Creative at the University of South Australia. She has worked with national, regional and local Indigenous organisations in Australia, and her research advocates critically reflexive journalism research and practice.

Bonita.Mason@unisa.edu.au