

OPEN LETTER CALLING FOR PROSECUTIONS FOR DEATH IN PRISON OF DAVID DUNGAY JR AND INDEPENDENT INVESTIGATIONS FOR OTHER FIRST NATIONS DEATHS IN CUSTODY

To the Premier of NSW, The Hon Gladys Berejiklian MP, and Attorney General of NSW, The Hon Mark Speakman SC MP:

David Dungay Jr was a proud Dunghutti man who tragically died at Long Bay Prison on 29 December 2015.

Dungay Jr was 26 years old. He was a diabetic. He needed health care. He was a sportsman, a poet and an uncle. He was a patient in a hospital, even if it was in Long Bay Prison. He did his time and was meant to be coming home to his family in the weeks after his death.

On the day that he died, Dungay Jr was alone in his cell, eating rice crackers. Some of the nurses were concerned about Dungay Jr's high blood sugar. Prison guards told Dungay Jr to stop eating his biscuits. When he didn't, a guard called the Immediate Action Team and they responded with overwhelming force. Following an inquest into Dungay Jr's death, the Coroner found that it was neither necessary nor appropriate for Dungay Jr to be moved at all.

The images of what happened to Dungay Jr have been viewed all over the world: he was held down by prison guards while being sedated, crying out 12 times "I can't breathe". His pleas were ignored while he was dying. His family cannot forget the guards dismissing David's panicked pleas. We've seen deaths like this too many times in Australia without accountability.

Dungay Jr's death was unwarranted and pointless. He died over a packet of rice crackers. He had so much life to live and should be alive today.

No one has been held accountable for Dungay Jr's death.

According to one of Australia's most respected criminal lawyers, Phillip Boulten SC, there is ample evidence for the Director of Public Prosecutions to consider prosecutions for the death of Dungay Jr.

Workplace health and safety barrister, Linda Barnes, says that there are grounds for SafeWork NSW to prosecute.

But the NSW Office of the Director of Public Prosecutions and SafeWork NSW have declined to investigate Dungay Jr's death.

There have been 440 First Nations deaths in custody since the Royal Commission into Aboriginal Deaths in Custody. This number continues to increase yet no one is ever answerable for those deaths.

Over 110,000 people have signed a petition demanding accountability for Dungay Jr's death.

We call on the NSW Government to ensure the matter is properly investigated and prosecuted.

We call on the NSW Parliament to establish an independent, First Nations-led body to investigate First Nations deaths in custody.

We call for accountability for the death of David Dungay Jr and all First Nations deaths in custody in Australia.