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Winnunga News

OCTOBER - NOVEMBER 2016

CEO Update

This edition of the Winnunga Newsletter is dedicated to Steven Freeman, his mother Narelle King, and her family.

"So Much Sadness In Our Lives" is the name of the report delivered by Mr Phillip Moss following the independent inquiry he conducted into the treatment and care of Steven Freeman while in custody at the AMC.

Phillip Moss is to be commended for the thoroughness of his inquiry and the sensitivity and respect he displayed throughout the inquiry to Steven's mother Narelle King and family.

As distressing and confronting as the report is in outlining the systemic and wholesale failings in the way in which Steven was cared for and treated by the ACT Government and Justice System, it is hoped that Narelle and her family will now, after being kept in the dark and ignored for so long, be able to begin the painful process of grieving for Steven.

The Moss Report does not, of course, deal with the circumstances of Steven's death. That is a matter which will be the subject of a separate inquiry by the Coroner's Court. That inquiry is scheduled to commence in the new year.



Winnunga CEO Julie Tongs and Narelle King

Do it with us, not to us

CEO Update (Cont'd)

'...Mr Moss proposed that the changes that he has recommended ought to be implemented in Steven's name.'

It is also true that the Moss report was unable to answer a number of other questions most notably in relation to the savage beating which Steven suffered on the day he was detained in the AMC. Questions remain about the nature and quality of the police investigation into the bashing, the reasons for the bashing and the identity of the perpetrators.

Phillip Moss makes a number of recommendations designed to address the major failings he uncovered in the ACT Corrections system. He said that if the recommendations are implemented they should lead to changes that will prevent a recurrence of Steven Freeman's experience in the AMC.

In this light Mr Moss proposed that the changes that he has recommended ought to be implemented in Steven's name. It is an absolute tragedy that Steven Freeman died in the AMC. Any reading of the report "So Much Sadness in Our Lives" leads to the conclusion that he should not have died. While I fully support Mr Moss's suggestion that the implementation of his report be done in memory of Steven, there is much more that needs to be done before it can be said that Steven Freeman has received the justice he is entitled to and which his mother and family are seeking.



Julie Tongs OAM, CEO



Steven Freeman

At the request of Steven's mother we use Steven's name throughout this newsletter

Do it with us, not to us

“An internal investigation by the police, an internal investigation by Corrections is not sufficient and does not satisfy the international legal standard, nor does it satisfy public confidence.”

An Independent Inquiry

Following the bashing of Steven Freeman on 28 April 2015 Winnunga’s CEO Julie Tongs called on the Minister for Corrections, Mr Shane Rattenbury, to establish an independent inquiry into the bashing and the treatment of Steven Freeman at the AMC.

At the time Julie Tongs said:

“the public has a right to know what happened, and an independent inquiry will provide much needed answers to Mr Freeman’s family.

There are many unanswered questions. How is it that three hours after a healthy young man was placed into custody, he found himself severely beaten and in an induced coma. Mr Freeman’s family, the Aboriginal community and the broader ACT community should be told the full facts of what happened. An independent inquiry will do just that.

A police investigation is not enough. We also need an investigation that is independent, transparent and one that will examine the systemic failures. It is in the public interest that when things go tragically wrong like this, that the Government is publicly held to account.”

Julie Tongs was supported in her call for an independent inquiry by the Human Rights Law Centre.

Senior Lawyer Ruth Barson said:

“The UN is clear that where a prisoner’s human rights might have been violated, investigations must be prompt, thorough and effective, and they must be conducted by an independent and impartial body.”

Hugh de Krester CEO of the Centre said:

“An internal investigation by the police, an internal investigation by Corrections is not sufficient and does not satisfy the international legal standard, nor does it satisfy public confidence.”

The request for an independent inquiry was refused by Minister Rattenbury.

Julie Tongs continued, however, repeatedly to demand an independent inquiry and was reported again in the Canberra Times on 27 October 2015 of doing so.

In response to that particular Canberra Times article Minister Rattenbury wrote to Julie Tongs. Among other things he said:

“I note that the Canberra Times article reiterated your earlier comments regarding the requirement for an independent investigation into the assault on Mr Freeman. I am satisfied that the ACT Policing criminal investigation meets the requirements for an independent investigation into this matter. The position is supported by legal advice.”

“Confidential briefings have been offered to you by staff from my Office, however, I am advised you have declined this offer. I understand that you may feel any such briefing could compromise your ongoing advocacy on behalf of Mr Freeman and his family...”

An Independent Inquiry (cont'd)

“Separate to the investigation by ACT Policing ACT Corrective Services has undertaken a rigorous internal incident review of the assault, including Mr Freeman’s admission to the AMC, placement in accommodation area and staff response to the incident.”

“I have received several written and verbal briefings on this internal review and, from the information available to me I am satisfied with the conduct and professionalism exhibited by ACT Corrective Services staff in managing this unfortunate incident.”

“Claims that the Government, under the auspices of ACT Corrective Services, was complicit in some way that cannot be substantiated are damaging to the relationship between ACT Corrective Services and the Aboriginal and Torres Strait Islander community.”

“Confidential briefings have been offered to you by staff from my Office, however, I am advised you have declined this offer. I understand that you may feel any such briefing could compromise your ongoing advocacy on behalf of Mr Freeman and his family...I would welcome an opportunity to meet to discuss your discontent but also to ensure that the important relationship between the criminal justice system and the Aboriginal and Torres Strait Islander community is not irreparably damaged.”

In light of the subsequent death of Steven Freeman while in the care and custody of ACT Corrective Services, for which Mr Rattenbury remains responsible; the failure of the ACT Policing investigation (which the Minister equated to an independent inquiry) to come to any conclusion or to be published, not even in response to an FOI request; and the criticisms made by Phillip Moss in the independent inquiry he conducted after the Minister finally agreed to an inquiry following Steven Freeman’s death, of the systemic and serious failings of ACT Policing and ACT Corrective Services - one hopes that the Minister may have reflected on the basis of the confidence he expressed in the ACT Police investigation and the AMC internal review.

As for the damage which has undoubtedly been done to the “important relationship between the criminal justice system and the Aboriginal and Torres Strait Islander community” that should be a matter for reflection by not only the Minister but all components of the ACT Justice System”.



Fact: Independent is defined as ‘free from outside control; not subject to another’s authority’ (dictionary.com)

Do it with us, not to us

The Role of ACT Policing

“the lack of a comprehensive approach to information sharing between ACT Policing and ACT Corrective Services was a factor in Steven Freeman’s assault in April 2015.”

When ACT Policing interviewed Steven Freeman on 27 April 2015 following his arrest he advised he was unable to recall events due to his use of illicit drugs and alcohol. The Moss Inquiry concluded that he may have been exhausted at the time. Narelle King advised Mr Moss that Steven had not slept for some time prior to his arrest because of his illicit drug and alcohol use. She said he may not have slept for up to 12 days.

The responsibility for Steven’s custody was transferred to ACT Corrective Services on 28 April after he appeared in Court and was remanded in custody.

The inquiry noted that Steven would most likely have been under the influence of drugs at the time of the transfer.

The Police record of the interview with Steven referred to his recent illicit drug and alcohol use however ACT Policing did not provide this information to ACT Corrective Services until 15 March 2016, almost a year after his admission to the AMC.

Accordingly, information which ACT Policing had which would have been important for ensuring appropriate assessment and treatment of Steven Freeman on arrival at the AMC was lost.

Phillip Moss formally concluded that “a placement at AMC based on detoxification and rehabilitation would have been more appropriate” than that which he received which was to a sentenced prisoners unit without any reference to drug counselling, rehabilitation or treatment. He was also not seen by a doctor on induction.

Phillip Moss further concluded that “the lack of a comprehensive approach to information sharing between ACT Policing and ACT Corrective Services was a factor in Steven Freeman’s assault in April 2015.”



Fact: ACT Policing website states:

Our core values of integrity, commitment, excellence, accountability, fairness, respect and trust represent our principles and standards (www.police.act.gov.au)

Do it with us, not to us

“...multiple failings across a number of ACT Government agencies. Many of these could be attributed to slackness, complacency, non-existent systems, poor leadership and supervision, a lack of training and even incompetence’.

Why?

In his report Phillip Moss uncovered multiple failings across a number of ACT Government agencies. Many of these could be attributed to slackness, complacency, non-existent systems, poor leadership and supervision, a lack of training and even incompetence.

There are, however, other decisions, actions or outcomes revealed in the report that are not so readily categorised and which are beyond understanding.

What, for example, could have motivated the decisions and behaviour at the heart of the following two paragraphs from the Report?

“12.12.14 Narelle King told the inquiry that upon hearing of Steven Freeman’s death, she sought to be with her son at the AMC but this request was refused. The Inquiry notes that this refusal remains a cause of sorrow for Narelle King.

12.12.15 Steven Freeman was pronounced dead at 11.11am. Narelle King asked the inquiry when Steven Freeman’s body was removed from his cell on the day of his death. The Inquiry notes that it was at 4.43pm. Narelle King told the Inquiry she remains distressed that her son lay alone for this period in his cell”.

Bail Hearings

On being discharged from The Canberra Hospital after the bashing, Steven Freeman sought bail. Steven’s mother, Narelle King gave evidence of her concerns for Steven’s safety. In her evidence she said, among other things: “I’m very fearful for my son’s safety because I know he’s not going to be walking out of there.” ACT Policing contradicted Narelle King, advising the Court that the AMC was the “safest place” for Steven.

Steven Freeman’s ALS solicitor, Dean Rutherford repeated the concerns expressed by Narelle King. Magistrate Lorraine Walker denied bail and remanded Steven to the AMC. The prosecution recommended that Steven Freeman be marked as a prisoner at risk because of the bashing and evidence of threats of self-harm. The recommendation was not accepted and Steven was not marked as a prisoner at risk.

At separate bail hearings before Magistrate Dingwall following an application for review of the decision to deny bail, Steven’s ALS solicitor Michael Lalor advised the Court that Steven Freeman could not be safely kept in the AMC. The AMC contradicted Michael Lalor saying that “Steven Freeman was in the safest place he could be”.

Michael Lalor also argued that Steven Freeman should not be returned to the AMC because he would not receive proper medical treatment for the injuries he received as a result of the bashing.

Magistrate Dingwall sought and received assurances from the AMC and ACT Health that all of Steven Freeman’s health needs could be met in the AMC and denied bail. It is clear from the Moss Report that the assurances Magistrate Dingwall relied upon were not fulfilled.

Health Care

Phillip Moss reported extensively on the nature and quality of the health care which Steven Freeman received following his return to the AMC after being denied bail by Magistrate Dingwall.

The following is a brief summary of what Phillip Moss reported.

“12.2.19 According to clinical records, Steven Freeman was not seen personally after 20 May 2015 by a Justice Health Services medical officer.”

In other words between the period commencing 12 days after his return from The Canberra Hospital where he had been taken with horrendous head injuries until his death 12 months later Steven Freeman was not seen by a doctor.

“12.3.9 The AMC did not assess Steven Freeman for any affect to his cognitive functions following his head injury. It is unknown if Steven Freeman suffered any cognitive impairment after his head injury. Assessing whether Steven Freeman suffered any long term impact from his head injury and trauma did not feature in management of him at the AMC.”

“12.2.35 The Inquiry notes there is information that Steven Freeman was suffering symptoms which may have been related to his head injury, namely headaches and disrupted sleep.’

“12.2.36 The Inquiry concludes that the monitoring of Steven Freeman following his head injury was not adequate.”

‘...the monitoring of Steven Freeman following his head injury was not adequate.’

Steven Freeman’s Dental Care in the

On 1 January 2016, Steven Freeman requested a dental appointment indicating that he was in such pain that he was unable to eat or sleep due to the pain.

ACT Health advised Phillip Moss that appointment requests are prioritised according to need. Steven was scheduled an appointment for 8 April 2016, fourteen weeks after seeking assistance, but the appointment was cancelled due to the dentist going on leave.

The appointment was re-scheduled for 30 May 2016, five months after Steven Freeman had advised he could not eat or sleep because of tooth pain, therefore, Steven Freeman was not seen by a dentist before his death.

Mr Moss concluded in his report that a five month delay in these circumstances “indicates a deficiency in the provision of dental care”.

Winnunga believes it constitutes cruelty and a flagrant disregard for the health and welfare of Steven Freeman.

Fact: ‘The Canberra Social Plan 2011 re-affirms the ACT Government’s commitment to the people of Canberra. It is based on the themes of connection, belonging and collaboration’ (www.cmd.act.gov.au/policystrategic/socialplan)

Do it with us, not to us

"No person, Aboriginal or otherwise, should be treated this way by the justice system."

ACT jail death: Victim's mum warned justice officials her son's life was in danger

Canberra Times, 12 November 2016

The grieving mother of Indigenous inmate Steven Freeman, who died in prison in May, says she intends to pursue the inadequate treatment of her son "to the fullest possible extent".

Narelle King said she warned ACT justice officials her son's life was in danger during a court hearing about a year before he died.

Ms King was responding to the independent inquiry, released on Thursday, by former integrity commissioner Philip Moss. The inquiry found wide-ranging failures of the ACT's justice system, involving corrections, police and health authorities.

A coronial inquest to determine how Mr Freeman died is set to begin in December.

"Once the inquest hearing ends, my grief and pain over my boy's death will not," Ms King said.

"No person, Aboriginal or otherwise, should be treated this way by the justice system."

Ms King said she held grave fears for her son after the near-fatal bashing at the prison, which took place within hours of Mr Freeman's arrival. He was on remand at the time on charges of disqualified and drink driving, and possessing an offensive weapon, but was lumped with sentenced prisoners.

Ms King recalled the "haunting image" of her son being brought into the courtroom after being in hospital, in a gown "loosely tied at the back showing his nudity except for his underpants".

"It was so demeaning and I was so worried seeing the blank look on his face as we tried to convince the magistrate that his life was in danger," she said.

A year later, he was found dead in his cell.

The independent inquiry exposed failures that Ms King said she had long suspected but had been kept in the dark about.

She highlighted the lack of CCTV footage of her son's cell at the Alexander Maconochie Centre at the time of the bashing, and the shortcomings by ACT Policing in dealing with the investigation.

"My son was never the same after that bashing," Ms King said.

Fact: Case management at the AMC is based on a model of Throughcare which aims to ensure seamless service provision for prisoners (www.cmd.act.gov.au/policystrategic/throughcare)

Do it with us, not to us

Mr Freeman did not receive adequate follow-up medical checks after he returned to prison from hospital. He did not have his cognitive functioning assessed, despite fears he may have suffered a permanent brain injury.

ACT jail death: Victim's mum warned justice officials her son's life was in danger (cont'd)

"The inquiry has confirmed my suspicions that the monitoring of Steven after his head injury was not adequate. The report states that no one at the AMC even assessed Steven to see if he had impaired function."

The report revealed Mr Freeman did not receive adequate follow-up medical checks after he returned to prison from hospital. He did not have his cognitive functioning assessed, despite fears he may have suffered a permanent brain injury.

Ms King said she was still coming to terms with the loss of her son, and this Christmas would be difficult for the family.

"To think that this Christmas I won't be laying presents under the tree for my son, Steven, will make his loss seem more real," she said.



Narelle King is in grief over the death of her son Steven Freeman, who died in custody at the Alexander Maconochie Centre earlier this year. Photo: Rohan Thomson

Fact: ACT Corrective Services delivers adult correctional services which encourage and promote the rehabilitation, re-integration and throughcare of offenders. We also provide safe, humane and secure management of offenders and detainees (www.cs.act.gov.au/page/view/931)

Do it with us, not to us

“...The Inquiry concludes that the claim so commonly made about the AMC being human rights compliant cannot be made in good faith.”

The Emperor with no Clothes

Phillip Moss has bluntly outed the nakedness of the claim that the AMC is a human rights compliant prison.

“12.8.19 The Inquiry concludes that the claim so commonly made about the AMC being human rights compliant cannot be made in good faith.”

For so many people in the Canberra community who had such great hope for the vision espoused by the ACT Government when the AMC was planned and built, this unarguable conclusion so baldly delivered, is a crushing disappointment.

Random and Targeted Drug Testing

Steven Freeman was subjected to four drug tests during his incarceration. Three of the tests in October 2015, November 2015 and May 2016 were negative. The Report notes, however, that in January 2016, “after having achieved a form of self-rehabilitation by not using drugs for seven months in custody, Steven Freeman recorded a positive result”.

Phillip Moss reports that Steven Freeman was punished for this breach through the loss of privileges. The current punitive approach to a positive drug test in the AMC was introduced by the current Minister Shane Rattenbury in 2015. Phillip Moss notes that one of the possible consequences of the punitive regime introduced by the Minister is that a detainee in the AMC who fails a drug test may be precluded from rehabilitation programs.

Phillip Moss accordingly made the following findings:

“12.4.11 The Inquiry concludes that the solely punitive response to Steven Freeman under the 2015 ACTCS Drug Testing Policy was inappropriate.

12.4.12 The Inquiry concludes also that a more appropriate response would have included therapeutic treatment, which would have assessed Steven Freeman, in order to understand the reason(s) for the renewed drug use, including a consideration of whether that drug use was a form of “self-medication” for one reason or another.”

It is for instance noted at paragraph 12.2.39 that Steven Freeman had advised in January 2016, immediately before the failed drug test, that he was in such pain from tooth ache that he could not eat or sleep. He was nevertheless told that the earliest dental appointment he could have was over three months later on April 8. The appointment was cancelled by prison authorities when the dentist went on leave and had not been rescheduled before Steven’s death on 27 May. Who can say if Steven’s drug use in January 2016 was nothing more than a desperate attempt to gain relief from unbearable dental issues which the AMC had ignored.

Fact: Human rights’ are defined by section 3 of the AHRC Act as the rights and freedoms contained in specific international instruments that are scheduled to, or declared under, the AHRC Act.

Alexander Maconochie deserves a nobler legacy than a broken prison

Canberra Times, 13 November 2016

If there was to be an Australian prison in which no Aboriginal died in custody, Canberra's should have been it. Former chief minister Jon Stanhope, who championed the unpopular idea of building the jail, was intent on making it a place where the troubled and the broken would be given every chance, and support, to turn their lives around.

Mr Stanhope named the prison after 19th-century reformer Alexander Maconochie, an iconoclast from our colonial past who deserves greater recognition. At a time convicts were treated with sickening brutality and regularly died as a result, Lieutenant Maconochie offered them incentives to work, taught them to read and inspired them to live good lives. By effectively eliminating recidivism among Britain's "worst" criminals, he changed world thinking on incarceration.

In its eight years, Canberra's prison, which bears Lieutenant Maconochie's name, has fallen far short of the lofty goals Mr Stanhope set for it. The death of Aboriginal detainee Steven Freeman..., not long after he was bashed brutally, and almost fatally, while inside the centre, is just one failing among many. The most obvious failure is the widespread drug use inside the jail and the resulting high levels of hepatitis C among prisoners. The most serious failure, however, given Mr Stanhope's hopes for what was to be the world's first human-rights-focused prison, is the apparent collapse of its rehabilitation efforts.

The findings of Philip Moss's independent report on [Steven] Freeman's treatment, released last week, were limited due to the pending coronial inquiry. But they suggest that oversights in [Steven] Freeman's care, and perhaps his death, were preventable. Mr Moss noted: "Rather than the originally intended 30 hours per week, detainees [said] they would have up to one to two hours of programs, education or employment a week ... The lack of a structured day inevitably leads to boredom, which invites the possibility and added risk of detainees using illegal drugs."



If there was to be an Australian prison in which no Aboriginal died in custody, Canberra's should have been it.

Alexander Maconochie deserves a nobler legacy than a broken prison (cont'd)

"It is clear that the original vision for the [Alexander Maconochie Centre] as the most human-rights-compliant, rehabilitation-focussed prison in the world has not been achieved."

Mr Stanhope's disappointment is plain. He told Mr Moss's inquiry: "It is clear that the original vision for the [Alexander Maconochie Centre] as the most human-rights-compliant, rehabilitation-focussed prison in the world has not been achieved." He specifically added: "I believe the failure to provide clean needles to drug users detained at the [prison] is unacceptable and indefensible."

Prisons everywhere pose policymakers with enormously difficult quandaries. It's entirely unsurprising that Canberra's jail, whatever hopes Mr Stanhope held for it, suffers from problems common to most prisons, such as drug use, violence and, in all likelihood, some malfeasance on the part of staff.

Yet [Steven] Freeman's death warrants a thorough reaction; a genuine attempt by the government to better protect detainees and to restore the lost focus on helping them play a useful role in the community. This response must include fixing the problem posed by dirty, infected needles, which has contributed to alarming levels of disease within the prison population. And it must lead to a prosecution of those who bashed [Steven] Freeman yet, inconceivably, remain undetected and unpunished.

If the government can't deal with these issues, it should rename the prison; Lieutenant Maconochie deserves a nobler legacy.



Alexander Maconochie

The Royal Commission into Aboriginal Deaths in Custody recommended that “Corrective Services in conjunction with Aboriginal health services should review the provision of health services to Aboriginal prisoners in correctional institutions...”

Health care for Aboriginal and Torres Strait Islander detainees in the AMC

At the heart of the myriad criticisms included in the Moss Report is that the health care which Steven Freeman was provided by the AMC, from the day he was admitted until his tragic death thirteen months later, was totally inadequate.

Phillip Moss noted at paragraph 12.2.48 of his report that; “The Royal Commission into Aboriginal Deaths in Custody recommended that “Corrective Services in conjunction with Aboriginal health services should review the provision of health services to Aboriginal prisoners in correctional institutions and have regard to, and report upon [a range of issues]”. These issues included the involvement of Aboriginal health services in the provision of general and mental health care to Aboriginal prisoners.

Julie Tongs in a submission which she made on behalf of Winnunga AHS to the Moss Inquiry advised that Winnunga AHS, in the spirit of the Royal Commission recommendations about the involvement of Aboriginal health services in the provision of health care in prisons had commissioned two reports, in 2007 and 2011, about providing holistic health services to Aboriginal and Torres Strait Islander detainees in the AMC. ACT Corrective Services had to date not, however, acted on the findings of either report. In her submissions to the Inquiry Julie Tongs provided it with an updated version of its proposed “Winnunga-AMC collaborative-health care model”, which proposes a holistic model of care for detainees at the AMC. This model of care is designed to integrate the social and emotional wellbeing of detainees with clinical services. The model has a focus on psychosocial rehabilitation and includes Winnunga AHS providing the substantive core service delivery and programs to Aboriginal clients during business hours Monday to Friday.

Phillip Moss has acknowledged that the evidence and experience demands that the holistic model of care employed by Winnunga AHS should be available to Aboriginal and Torres Strait Islander detainees. He summarised his findings on this issue in the following paragraphs:

12.2.60 The Inquiry concludes also that a significant role for Winnunga Nimmityjah Aboriginal Health Service is necessary, given the need to enhance the care available to Indigenous detainees in the AMC. The present limited involvement of Aboriginal –led health services in an institution with a detainee population of twenty five per cent Aboriginal and Torres Strait Islander people is not acceptable.

12.2.61 In light of the RCIADIC recommendations, the inquiry concludes further that ACTCS and ACT Health work with Winnunga Nimmityjah Aboriginal Health Service to fund and embed

Health care for Aboriginal and Torres Strait Islander detainees in the AMC (cont'd)

“That Winnunga Nimmityjah Aboriginal Health Service be integrated into the provision of health care at the AMC, in order to introduce its holistic model of care to Indigenous detainees.”

its holistic health model for Aboriginal and Torres Strait Islander clients. There are several benefits to this approach, including enhanced throughcare for detainees leaving the AMC.

In furtherance of these formal conclusions Phillip Moss recommended:

Recommendation 5 “That Winnunga Nimmityjah Aboriginal Health Service be integrated into the provision of health care at the AMC, in order to introduce its holistic model of care to Indigenous detainees.”

Julie Tongs is urging the ACT Government to implement this and all other recommendations from the Moss Report without delay, amendment or equivocation. Julie is writing to the Minister for Corrections Shane Rattenbury to seek his assurance that the equivocation in his media release accompanying the release of the Moss Report around this fundamentally important recommendation is not reflective of the Government’s understanding of recommendation 5. In his media release the Minister said;

“The Government is committed to improving the health care services provided to detainees and as part of our response, we will be looking closely at how we provide Aboriginal and Torres Strait Islander detainees with culturally sensitive and appropriate care and a choice of seeking health care from Indigenous workers”.

With respect this statement of the Minister bears no relationship to the extensive discussion within the Moss Report around the issue of how best to meet the health care needs of Indigenous detainees or to Recommendation 5 which provides explicitly for Winnunga AHS to be engaged to provide its holistic approach to health care for Indigenous detainees at the AMC.



Opinion/The Phillip Moss Report

Failure upon failure as a young man dies

City News, November 16, 2016

Jon Stanhope

THE Philip Moss Report, "So Much Sadness in Our Lives", into the operations of the Alexander Maconochie Centre does not make for pretty reading.

It chronicles the care (in most instances, its absence) and treatment (at times gratuitously or unconsciously cruel) of one inmate, Steven Freeman, a young Aboriginal man born and raised in Canberra.

The report covers the time from his arrest on April 27, 2015, and his vicious bashing at the AMC one day later until his tragic death while still languishing in custody, on remand, over one year later on May 27.

It is a chronicle of failure upon failure of the ACT Justice and Health systems.

It is also, at a deeper level, a vignette of the tragic consequences of the continuing impact of the racism, discrimination and disempowerment endured by Aboriginal and Torres Strait Islander people in Canberra.

While the report focuses on serious failings within the ACT government, it also exposes our collective failure as a community and as a society. Society, which is all of us, clearly failed Steven Freeman.

Philip Moss provides a deeply touching account of Steven Freeman's early life and the challenges he faced. His diagnosis with ADHD at the age of six and the death of a much-loved sister from a heroin overdose when he was 12. The death of his sister coincided with his first contact with the criminal justice system. Steven did not complete year 8 at school and was, by that time, drinking alcohol. He later turned to drugs. What is left unsaid is the response or reaction to Steven's circumstances at that time from ACT government agencies and publicly funded community services.

The fear is that the cavalier, if not negligent, approach to Steven Freeman's care and treatment following his arrest and incarceration in April 2015 is emblematic of the care and treatment that he had received from ACT authorities all his life.

A true appreciation of the extent of the failings identified by Philip Moss can only be obtained from reading the full report. I will relate just one episode of the serial bungling identified.

The bungling, in fact, started on the day of arrest when ACT Policing failed to record or to pass on to ACT Corrective Services information obtained from Steven Freeman following his

"It is a chronicle of failure upon failure of the ACT Justice and Health systems".

Opinion/The Phillip Moss Report

Failure upon failure as a young man dies (cont'd)

“Within hours of his admission to AMC, Steven was severely beaten, almost to the point of death, and taken to Canberra Hospital where he was placed in an induced coma for four days”.

interview by police about the level of his alcohol, ice and other drug use. The inquiry made a formal finding that this failing “was a factor in Steven Freeman’s assault”.

However, during his induction interview at the AMC by Justice Health Services Steven did again reveal the extent of his drug use and his addiction to ice. He advised that his ice habit was costing him about \$300 a day. Despite this admission, no ice withdrawal assessment was made, no care plan was developed in the event he would likely experience withdrawal issues, he was not referred for drug counselling or seen by a doctor.

Justice Health, like ACT Policing, also failed to pass the information about Steven’s ice use and addiction to ACT Corrections.

Within hours of his admission to AMC, Steven was severely beaten, almost to the point of death, and taken to Canberra Hospital where he was placed in an induced coma for four days.

However, Canberra Hospital was also not advised that Steven Freeman was addicted to ice and at no time during the nine days of his admission were the implications of his drug use considered in his treatment including following an incident on May 6 when Steven exhibited high levels of agitation and aggression, symptomatic of withdrawal from ice. The response of the AMC and the Canberra Hospital to this incident was to handcuff Steven to his bed.



Steven Freeman...our collective failure as a community and as a society, which is all of us, clearly failed him

Opinion/The Phillip Moss Report

Failure upon failure as a young man dies (cont'd)

“Narelle King told the inquiry that, upon hearing of Steven Freeman’s death, she sought to be with her son at the AMC but this request was refused”.

At no time in the 13 months that Steven Freeman was in the AMC was he offered rehabilitation or assistance or counselling or treatment for his drug use. On the evidence to be gleaned from the report, Steven Freeman, while in the care of the ACT government, was forced to withdraw “cold turkey” from ice and alcohol (and possibly other drugs) with no medical or other assistance.

Philip Moss did not inquire into the causes of Steven Freeman’s death. That is a question that is subject to a coronial inquest. However, it is impossible to not think that the consequences of the failings and shortcomings identified by the Moss inquiry in relation to almost every aspect of Steven Freeman’s care and treatment should not be the subject of consideration by the coroner.

Philip Moss concluded his report with the following two observations: “Narelle King told the inquiry that, upon hearing of Steven Freeman’s death, she sought to be with her son at the AMC but this request was refused. The inquiry notes that this refusal remains a cause of sorrow for Narelle King.

“Steven Freeman was pronounced dead at 11.11am. Narelle King asked the inquiry when Steven Freeman’s body was removed from his cell on the day of his death. The inquiry notes that it was at 4.43pm. Narelle King told the inquiry she remains distressed that her son lay alone for this period in his cell.”

Jon Stanhope was Chief Minister from 2001 to 2011 and represented Ginninderra for the Labor Party from 1998. He is the only chief minister to have governed with a majority in the Assembly.



Jon Stanhope

The Phillip Moss Report “So Much Sadness in our Lives” an Independent Inquiry into the Treatment in Custody of Steven Freeman can be downloaded at:

http://cdn.justice.act.gov.au/resources/uploads/JACS/Reviews/submissions/Treatment_in_Custody/Report_of_Independent_Inquiry.pdf