



Tanya Day: Remember her Name

Issued April 2019

Tanya Day, aged 55, was a proud Yorta Yorta woma, respected community member and mother of five. She died in custody on 5 December 2017, after being taken off a train headed to Melbourne from Echuca, and was arrested by the police in Castlemaine for being intoxicated. A V/Line worker decided she needed to be removed from the train and called Castlemaine police who arrested her for public drunkenness.



Ms Day was placed in a cell at the Castlemaine police station for her to sober up. She fell several times and hit her head during this time in the cell. By the end of the day, she had sustained an injury to her brain that led to her death in hospital seventeen days later.

The injury she sustained while in police custody should never have happened. It was the result of a litany of failures, beginning with the failure of successive Victorian governments to fully implement the recommendations of the 1991 Royal Commission Into Aboriginal Deaths In Custody.

Only Queensland and Victoria have kept public drunkenness as a criminal offence, 18 years after the Royal Commission Into Aboriginal Deaths In Custody recommended that public drunkenness no longer be a criminal offence. The Royal Commission into Aboriginal Deaths in Custody between 1987 – 1991 found that this offence disproportionately affects First Peoples. It recommended strongly against First Peoples being taken into police custody for the purpose of “sobering-up”.

The Victorian Parliamentary Drugs and Crime Prevention Committee conducted an inquiry into “public drunkenness” which in completed in June 2001 and it recommended that public drunkenness be decriminalised, along with the establishment of adequate non-custodial places for people to be taken while they recovered from their intoxication.

The 2005 Victorian Government review of the Victorian implementation of the recommendations from the Royal Commission into Aboriginal Deaths in Custody found Victorian First Peoples experienced unnecessarily high rates of arrest for public drunkenness. Recommendation 54 of the 2005 review stated:

That the Victorian Government:

- (a) Proceed as a matter of urgency, to abolish the offence of public drunkenness;*
- (b) Establish appropriately resourced Aboriginal run Sobering-Up Centres, which operate twenty-four hours, seven days a week.*

The 2017 report by the Victorian Ombudsman into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system reported that Victorian has a low number of residential rehabilitation places for alcohol and drug problems compared to other states and long wait times to access such services. Such services help reduce instances of public drunkenness.

Aunty Tanya Day should never have been in a police cell. Her family have been deprived of their mother, grandmother, sister and aunty, and the Aboriginal community has lost a respected advocate, who herself was supporting families of people who had died in custody.

Tanya Day's family is calling on Premier Daniel Andrews and Attorney General Jill Hennessy to end deaths in custody by changing the law in Victoria.

The coroner investigating her death, Caitlin English, said she intended to recommend to the Victorian Attorney-General that the law be changed. "I am planning on making a recommendation

as part of my recommendations and findings to abolish the crime of public drunkenness," she has publicly stated.

"We don't want to see another family go through what we have and I don't want to see any more grandkids grieving for their nan, because that's heartbreaking", Tanya's daughter Apryl told the media.

Other Indigenous people who have died in the custody of police include Uncle Arthur Moffatt, aged 51, who boarded a train in Gippsland and was kicked off the train after he missed his stop. Later he was arrested for public drunkenness. However, he was not drunk, but was experiencing hypoglycaemia due to diabetes and poor nutrition and died after his arrest in a police cell in Warragul on 11 June 1987. Another indigenous person, Aunty Daphne Armstrong, was arrested for public drunkenness in Brisbane in 1992. She later died from a heart attack whilst in police custody. She was not drunk, but was in need of medical assistance.

Tanya Day's own uncle, Harrison Day, died in police custody in 1982 after he suffered an epileptic fit in an Echuca police cell. He had been arrested for an unpaid \$10 fine for public drunkenness. These cases show the need to decriminalise public drunkenness and implement community based solutions to assist people over alcohol and drug problems. Community based health solutions are an alternative to police responses to health issues.

Ms Day was an active campaigner against Aboriginal deaths in custody and offered her support to several people in her community. Her uncle's case, Harrison Day, was examined in the Royal Commission.

Uniting Church Positions

The Synod of Victoria and Tasmania has committed itself to:

Following Christ, walking together as First and Second Peoples, seeking community, compassion and justice for all creation.

This means that where possible the Synod will seek to act in solidarity for Australia's First Peoples in their struggle for justice.

What you can do

Write polite and respectful letters to:

The Hon Daniel Andrews

The Premier of Victoria
Level 1, 1 Treasury Place,
East Melbourne VIC 3002

The Hon Jill Hennessy

Attorney General
Level 26, 121 Exhibition Street
Melbourne VIC 3000

Salutation: Dear Premier

Salutation: Dear Minister

Points to make in your letters:

- Express deep concern Tanya Day was severely injured while in police custody leading to her preventable death.
- Ask that the Victorian Government change the law so that public drunkenness is decriminalised, as recommended by the 1991 Royal Commission into Aboriginal Deaths in Custody.
- Ask that community based health solutions be properly funded as an alternative.

You can also sign an online petition on this issue at <https://actionnetwork.org/petitions/end-aboriginal-deaths-in-custody>