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REPORT TO THE LEGISLATIVE ASSEMBLY

Pursuant to section 46B of the *Coroners Act 1993*

In the matter of the Coroner's Findings regarding the death of
Ishmael Nalaiyir Nangarid

Pursuant to section 46B of the *Coroners Act 1993*, I provide this Report on the findings in the report of Local Court Judge Greg Cavanagh, Territory Coroner, dated 17 July 2020, regarding the death of Ishmael Nalaiyir Nangarid (the Deceased) (Attachment A refers).

The Report includes the response from the Chief Executive Officer (CEO) of the Department of the Attorney-General and Justice (Attachment B refers).

The Deceased, a 51 year old Aboriginal man, died at 6:03 am on 5 December 2018 in the Intensive Care Unit at Royal Darwin Hospital. The cause of death was multiple organ failure due to Influenza A pneumonia, in the context of chronic kidney disease, chronic obstructive pulmonary disease, ischaemic heart disease and myasthenia gravis. The Deceased was a prisoner in the custody of the Commissioner of Correctional Services.

Comments of the Territory Coroner

While no formal recommendations were made with respect to the death of the Deceased, at paragraphs 36 to 39 of the Coronial Findings, the Territory Coroner made the following comments:

36. My Office sought from the Department of Corrections their policies, procedures and directions relating to the use of force while escorting prisoners at the hospital. My Office was provided with the Standard Operating Procedure 'Prisoner In-Patient' and the Directive 2.2.8 'Escorts'. Neither of those documents was of assistance.
37. During the course of the inquest Deputy Superintendent Mark Kruit provided evidence. He thought the instruction was in another Directive, 2.2.4 Use of Force, Control and Restraint. However, that document only addresses the subject by omission. That is, such a circumstance is not listed as one in which force can be used.
38. There are obviously circumstances were [sic] force can and should be used by Corrections Officers when escorting patients. One of those was

seen when the Officer removed the knife from the deceased. However, it is difficult to envisage circumstances requiring the use of force where the prisoner is simply refusing medical treatment and is entitled to do so.

39. I encourage the Commissioner of Corrections to provide a specific direction relating to escorts as to the limits of their powers in such situations.'

Response to Territory Coroner's comments

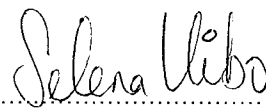
A copy of the Coronial Findings was provided to the CEO of the Department of the Attorney-General and Justice (responsible for Northern Territory Correctional Services) on 28 July 2020 in accordance with section 46A(1) of the *Coroners Act 1993*.

A written response dated 18 November 2020 from the CEO of the Department of the Attorney-General and Justice was prepared, as required by section 46B(1) of the *Coroners Act 1993*, advising as follows:

- Directive 2.8.1, Prisoner In-Patients, has been amended to include the following direction:
 - 7.8 When attending to the prisoner, hospital staff are to be accompanied by a correctional officer at all times. Correctional officers must not intervene with any use of force if a prisoner refuses treatment, except on request by the medical practitioner, as outlined in the Use of Force manual (refer directive 2.2.4).

I am satisfied that Northern Territory Correctional Services, through the Department of the Attorney-General and Justice, has considered the comments of the Territory Coroner and has taken the necessary steps with respect to those comments.

DATE: 26/11/2020



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SELENA UIBO