



MEDIA STATEMENT

8th June 2016

Tragic Death of 'Baby Charlie' : CCC Report

The death of 10 month old Charles Derschow Mullaley, 'Baby Charlie', in March 2013 is a tragedy that shocked the nation, and left his family and community heartbroken. Coupled with this heartache, is the knowledge that family members were not afforded the urgent and committed response and respect that they deserved from members of WA's police force. Disturbingly, there are many parallels between their treatment, and other tragic cases involving Aboriginal people, in more recent times, that of the late Ms. Dhu.

The Aboriginal Legal Service of WA (ALSWA) has worked alongside the family of Baby Charlie since his death, and on their behalf, lodged a complaint about their treatment with the Corruption and Crime Commission (CCC). This Report (*attached*) was tabled in Parliament on 21st April 2016, and stated in part:

- *Critically, there were a number of points where vital information was not sought, obtained, recorded or passed on by police officers both in Broome and at the Police Operations Centre in Perth. Decisions regarding action to be taken were made without regard to key pieces of information which meant that the search for Charlie did not begin in earnest until several hours after his disappearance was reported.”(Paragraph 9)*
- *“Failures by individual officers on the night ... contributed to a delayed and ineffective response”. (Paragraph 11)*
- *Sometime before 10.37 pm WA Police were in possession of information that Ms Mullaley had been assaulted and was left naked. Why this information was not provided by the initial attending officers to all officers dealing with Ms Mullaley is unknown. (Paragraphs 35-36)*
- *Little effort was made to locate Bell and charge him with assaulting Ms Mullaley.” (Paragraph 42)*
- *“The police officers “failed to deal with Ms Mullaley as the victim of an assault.....”
“They failed to establish who assaulted her. Their failures later impacted on the actions of police who attended subsequently. Those officers did not have an opportunity to hear witness accounts or attempt to or speak to Ms Mullaley and instead dealt with the Mullaleys only in terms of their behaviour towards police. This failure had an ongoing effect on the police reaction to Mr Mullaley's later concerns about Bell taking Charlie.” (Paragraphs 43-44)*

ALSWA Civil/Human Rights Unit Managing Solicitor Paul Gazia is alarmed at the generalisations and stereotypical views displayed by some police officers, in the handling of this sensitive case.

“This is a clear case of the police dismissing cries for help from extremely vulnerable people, due to their own preconceptions” said Mr. Gazia. He is also concerned that members of the Broome police force *should* have followed WA Police policy relating to a Missing Person, however, decided *not* to take the complaint seriously.

The Mission of the WA Police is to *‘enhance the quality of life and well-being of all people in Western Australia by contributing to making our State a safe and secure place’*. “With that in mind, it’s unacceptable that we still see frequent negative stereotyping of Aboriginal people, which continues to have a huge impact upon the safety of those Aboriginal people, who also deserve to be protected” said Mr. Gazia.

“A clear example of this is when Shift Supervisor Sergeant Darren Connor alleged that Mr Mullaley, baby Charlie’s grandfather, smelt of alcohol and appeared to be heavily affected by liquor or drugs. Another stereotype. Mr. Mullaley has not drunk alcohol for thirty years” said Mr. Gazia, pleased that a Managerial Notice was served on Sgt Connor after police found that he failed to provide reasonable leadership to staff in this matter.

ALSWA CEO Dennis Eggington said that systemic racism was still rife throughout the country. “It’s extremely sad that in this day and age, our people are not afforded the same human rights as our non-Indigenous counterparts. The suffering that this family has had to endure is beyond imagination. Their strength has got them through an ordeal which no family should ever have to face. I am pleased that the CCC Report has been concluded, however, remain deeply saddened in the knowledge that nothing can ever bring back ‘Baby Charlie’ to those who loved him most” said Mr. Eggington.

ALSWA Media Enquiries to ALSWA Media Officer Jodi Hoffmann

jhoffmann@als.org.au