

Analysis of the case on mr. morrison death prison law

[Law](#), [Court](#)



This case study is about an inquest which was heard in the Adelaide Magistrate court on 29th of August. An inquest is a court hearing that sees the state Coroner gather information regarding the cause and circumstance of death, and assist in making recommendations in which may prevent similar deaths occurring in the future. However, an inquest is not a trial rather an investigation. The State Coroner needs to believe the cause of death is a matter of substantial public importance. According to the Coroners Act 2003 the inquest into Mr Morrison death has to be investigated into as his death occurred while in custody. The Coroner's Court is not bound by laws of evidence and is not too legalistic. Its main focus is to make recommendations to relevant authorities that may see a change to laws or practice in order to prevent similar deaths occurring in the future. This paper will be an analysis of the case including a synopsis, information regarding the relevant legislations and the court's ruling and further discuss the social work roles which would be applicable, the social justice and ethical issues which are relevant to this case.

Case synopsis

Wayne Fella Morrison a Wiradjuri man was placed into custody on the 20th of September 2016 and later died on the 26th of September 2016 following an altercation at South Australia's Yatala Labor prison. He was restrained, pinned on the ground and placed in a transport van where he became unconscious and only removed three minutes after discovering him in this state (reference). It is unsure what occurred in the van as there is no CCTV footage and the eight-prison staff who accompanied him declining to give statements. The inquest into the matter is to establish what really occurred

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leading to Mr Morrison's death. Was it due to subjected undue force, incorrect procedure or an over populated prison leading to the violent altercation. The inquest commenced on the 28th of August and ran for five weeks. The inquest must be conducted as Mr Morrison died in custody, to really discover what occurred. The inquest will discover what occurred and what changes need to be enforced in the future to ensure similar deaths don't occur. Furthermore, in the completion of the inquest it would bring the Morrison Family closure. Identification Mr Morrison was arrested on the 20th of September 2016 for Aggravated Serious Criminal Trespass, Aggravated Assault Causing Harm and Common Assault. Later on, the 26th of September he was pronounced dead in the intensive care unit at the Royal Adelaide Hospital. Mr Morrison would have faced three charges under the Criminal Law Consolidation act of 1935 for Aggravated Assault causing harm under section 5AA and or section 20 (4). Additionally, he would also face charges for common assault under division 7 section 20 (3). Subsequently, he would be charged with Aggravated Serious Criminal Trespassing under part 6A section 168 (Criminal Law consolidation act, 1935). Previously to these alleged charges Mr Morrison had no prior convictions.

Intervention

It was understood Mr Morrison was to appear for bail via video link on the morning of Friday, September 2016 but failed to appear due to the altercation. Mr Morrison was facing some serious charges, in this case it would be likely that bail would be rejected and seen him faced with jail time instead. It is evident that if he was to face charges for aggravated assault he

was looking at an imprisonment of at least four years. Additionally, for his offence of common assault he could face two years imprisonment. Furthermore, for his act of serious criminal trespassing he could see himself charged with the minimum of three years imprisonment. So, in summary his total maximum sentence could have seen him charged with nine years of imprisonment. The judge however may take on board Mr Morrison had no prior convictions lowering his sentence. Furthermore, the matter may have seen Mr Morrison face the Nunga Court based in Port Adelaide, if he chose to plead guilty to the offences. This Court allows the opportunity for Aboriginal court users to have their voice heard in a culturally appropriate manner, with family and support persons encouraged to attend and speak directly to the court. Which helps the judge or magistrate consider the background of the offender when sentencing. Additionally, the Aboriginal Sentencing Conferences are legislated under section 9C of the Criminal Law Act 1988.

Human service worker role

As a social worker in an inquest your role is to provide counselling, information and support via telephone or in person. The services we would provide include initial grief and crisis counselling during the time immediately following the death of a loved one, counselling at the key point of death, assistance to view the body of deceased, provision of specific information about the coronial process, help preparing for inquest, information about support groups, referrals to longer term counselling and other resources. As a social worker, it is important that we hold a strong belief that clients have a right to be heard or if an injustice of their human

rights is occurring to assist. It is important for us to have a good understanding of social justice, human rights, issue of power imbalance, engaging with the client and community support in achieving a better outcome. Throughout this difficult time for the family the social worker we would begin working from a grief and loss perspective to help family members improve their coping mechanisms and psychological outcome, in relation to depression, suicide and sudden and traumatic death. When doing this it is important we adhere by section 5. 1. 2 in the code of ethics being culturally competent, safe and sensitive in the way we practice. This is really important in regard to working with the Aboriginal community as we recognise and challenge racism and all forms of oppression experienced by the family and work from an anti-racist and anti-oppressive practice. It was noted that, Mr Morrison sister Ms Rule had shown to be experiencing grief and trauma due to the event, and cut her hair off as part of the process of grieving. She stated, ' in terms of Aboriginal grieving processes they're not just that we forget our family members and we out them in the ground and that's it'. So, it is an important aspect that the social worker is able to understand the grieving and loss rituals the aboriginal community follow and respect them'. In many cases, we will encounter clients with a history of trauma. However, it is highly seen when working with an Aboriginal client or community we recognise the early adversity's in the client's life. It is important that we approach this situation from a trauma-informed approach while viewing presenting problems as maladaptive coping mechanisms. Trauma-informed social work incorporates safety, trust, collaboration, choice and empowerment to avoid inadvertently repeating the trauma.

Following on from this it was also noted that in Aboriginal cultural the body is normally presented in an open casket for remembrance. However, due to the way Mr Morrison looked the family decided to have a cremation instead. This has changed a ritual that was sentimental to the Aboriginal community and something that could have been avoided. Subsequently, working from an empowerment and advocacy outlook is extremely important. When we empower and advocate we help give people a chance to achieve a greater understanding of change in their lives while helping clients overcome barriers and to make decisions and actions over their own lives. Some social work skills that are vital when working with clients include: non-judgemental attitude, empathy, engagement, working in partnership with clients, assessment skills, being cultural competent, communication skills and management skills. Building on from empathy, it happens throughout your whole interaction with the client. For example, at the beginning we focus on relationship building, middle phase focus upon consolidating the relationship and strengthening trust and the end see us forming links with support networks to allow the work to end. Furthermore, some main perspectives a social worker should ensure all practice is anti-discriminatory, anti-oppressive, anti-racist and come from a feminist approach. As the social worker in this situation, we will be assessing needs and developing and monitoring service plan that have legal and human service components. For instance, we may refer family members to a legal centre for assistance in regard to the Coronel inquest, ensuring the legal advice given in accordance with safety, social and emotional needs of the family members.

Additionally, counselling family members, and supporting parents and siblings throughout the course of the investigation. When supporting the family, the worker will reassure, explain, interpret and counsel but refrain from giving legal advice (Kennedy, Richards and Leiman, 2012). Whilst being alert to legal issues and aware of the potential for the law to be complexed and restrain human right, whilst demonstrating anti-oppressive practice and anti-discrimination practice.

Social justice and ethical issues

Many social justice and ethical issues can be accessed in the case of Mr Morrisons inquest. His Human rights were breached while in custody in which the correctional department should have been following. Human rights underpin social work practice as we Advocate for human rights, we become part of the solution and reach for a better outcome. Human rights are rights inherent to all human beings these rights are protected by law and no one shall be subjectively deprived of his or her life. However, in Mr Morrisons case it is evident he was deprived of his life in accordance to article three, five and seven. Article three saw his right to life liberty and security stripped away from him. Additionally, Article five sees, he should not have been subjected to torture or to cruelty, inhuman or degrading treatment or punishment. This is evident when he was inflicted with harsh treatment when the guards entered his cell where twelve men onto one. It was also noted that Mr Crocker a counsel assisting the court, told the court that experts concluded Mr Morrison suffered a heart attack and multi-organ failure. Including psychological and physical stress due to initial aggression and

subsequent restraint in the way he was transported and due to the spit mask. Furthermore, Article seven, sees everyone to be equal before the law and entitled without discrimination to equal protection (UN General Assembly, 1948). This has failed and he has died while in custody. Mr Rule said, ' Being in jail you expect your loved one to be cared for as it's the states responsibility, people don't go to prison to come out dead'.

Another social justice issue was the duty to protect a life and prevent death of a human this was not adhered to at Yalta Labor prison resulting in the death of Mr Morrison. On entering Yatala Prison his ethnicity was not recorded correctly as Aboriginal, therefore he did not receive support from the Aboriginal liaison officer. This is questionable, as the Aboriginal Liaison officer received an email regarding Mr Morrisons ethnic background the day before he arrived at Yalta. Furthermore, a social justice issue that can be raised in this situation it was evident that Mr Morrisons Mental state depreciated while in castration but he did not receive psychological assistance, despite attempted suicides in the past, this seemed to be put aside rather than addressed (Evidence heard in court). As Social Workers, we adhere to the code of ethics set out by the Australian Associate of Social Work. While practicing with the three-core values Respect for Persons, Social Justice and Professionalism. We stand to ensure we advocate for human rights as we promote policies, practice and social conditions that uphold the human rights to ensure access, equality, participation and legal protecting for all in accordance to section 5. 1. 3. When in the court system it is important we recognise the lack of resources and respect shown the

offenders and family members. So as social workers, we would adhere to the AASW code of ethics section 5. 1. 1 respect for human dignity and worth we will respect our clients and seek to preserve and promote their dignity, individuality, rights and responsibly. Additionally, when working with the family it is important we are following the AASW code of ethics section 5. 1. 2 cultural competent, safe and sensitive practice. We should obtain knowledge and understanding of the family's racial and cultural affiliations, identities, values, beliefs and customs so we can work affectively with the family throughout the inquest and ensure all practice is culturally appropriate especially in regard to the indigenous community.

Conclusion

It is clear there were many procedures that need to be addressed in the correction system to ensure this incident doesn't occur once again ending another life and affecting another family. As social workers, it is important our work is anti-discriminatory, anti-oppressive and anti-racist, while following the three core values of social work. Additionally, it is important we address the role of a social worker, the social justice issues and ethics to assist all clients to our best ability. Especially throughout the court system which lacks resources and is a discriminating setting that uses oppressive practices.