

## RESPONSE

### The Not So Easy, Simple Solution

*Debbie Kilroy and Tabitha Lean*

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#### ABOUT THE AUTHORS

*Debbie Kilroy* was first criminalized at the age of 13, and spent over two decades in and out of children's and women's prisons. Driven to end the criminalization and imprisonment of girls and women, Debbie established Sisters Inside, as well as her law firm, Kilroy & Callaghan Lawyers. An unapologetic abolitionist, Debbie's activism work centres on dismantling the Prison Industrial Complex, and all forms of carceral control and exile. With a firm belief that there should be "nothing about us without us", Debbie established the National Network of Incarcerated and Formerly Incarcerated Women and Girls to centre the voices, experiences and aspirations of criminalized and imprisoned women and girls to change the face of justice in the place they call Australia.

*Tabitha Lean* (or as her ancestors know her, Budhin Mingaan) is a Gunditjmarra woman who was born and raised on Kurna yerta. Having spent almost two years in Adelaide Women's Prison and a total of 18 months on Home Detention before and after the jail experience, she argues that the criminal punishment system is a brutal and often deadly colonial frontier for her people. Now committed to working towards total abolition of the prison industrial complex, Tabitha believes that until we abolish the system and redefine community, health, safety and justice her people will not be safe. Tabitha is a storyteller, poet, abolition activist and links to her writing can be found here: <https://www.therevolutionware.com/published-work>

*Warning: This piece contains the names of deceased Aboriginal persons – used with permission from their loved ones.*

#### ARTICLE

The intention of this paper is to share some words we spoke in power together to the New South Wales Parliamentary Select Committee for the Deaths in Custody inquiry. This was yet another inquiry to examine and pontificate the very same issue that Aboriginal people have been protesting

for decades – that Blak lives do indeed matter. Yet, despite the existence of very simple solutions, parliaments, politicians, media, and many members of the academy and the community like to convolute and complicate efforts to enact them. It is in this convolution that whole industries have grown and developed around Blak people. People are literally making a living off Blak suffering, Blak misery and Blak deaths. Yet as we write this, our hearts are heavy, our spirits weak, as yet another Blak man's life has been taken by the carceral system. In fact, not one man, but two. And we know that our grief, and the collective grief of all Blak families, pales in significance to the men's own families, who have been thrust onto the frontlines, and commence their long and arduous journey to seek answers, truth, and justice – knowing that justice will likely never come but must be sought anyway.

We hold space in our heart and in our grief for the mother of sweet baby Aiden. Aiden was the little baby who died during childbirth while his mother was in custody. His death is not counted formally as a death in custody, but we argue that it must. Aiden was as much a victim of the carceral state as his mother was. And his little life deserves justice. We must all know and remember his name.

It is in our grief that we write these words. We write this as women who have been inside, women who have suffered at the hands of the carceral state, and who continue to suffer from the omnipresence of the carceral state that is a daily and forever reality for those of us who have been criminalized. And perhaps most importantly, we write these words as unashamed abolitionists. How could we be anything but abolitionists having seen what we have seen? And how could you not listen to us, knowing we have been there and most of you have not?

However, in writing this piece, we are reminded that nothing we write here has not been said before by generations of Aboriginal people. Almost three decades ago, the Royal Commission into Aboriginal Deaths in Custody (1991) concluded that Aboriginal people in Australia were the most incarcerated group of First Nations people in the world. We know this intimately because we have been inside. We have seen our neighbours in the next cell, and nearly all of them are Blak. However, it is worth noting that while the Royal Commission into Aboriginal Deaths in Custody was a watershed document, it was, more accurately, a part of a continuum of Aboriginal community discourse that had sought – since the violent

invasion of the colonized lands known as Australia – to reduce Aboriginal contact with the colonial criminal punishment system.

Yet, here we sit again, writing to you all, asking you to ponder what can be done to address the human rights issue of Aboriginal people being killed in custody. We sit here knowing that the Royal Commission collected 200 shelf metres of evidence, produced five volumes, and made a comprehensive 339 recommendations. We know that the work was expansive and expensive. And we know that all these records, by nature of them being compiled during a Royal Commission, are held by the Commonwealth. The Government has literally had a blueprint of answers to this so-called conundrum since 1991. Yet, people continue to be killed while policy makers, legislators, and the media keep throwing their hands up in the air in a show of ‘faux’ confusion about what is the (supernatural) cause of Blak deaths in custody. Really, what is killing mob?<sup>1</sup>

The system: the giant carceral beast which chews us up and spits us out, only to snag us again and pull us into its great big jaws of death, and crunch and gnaw on our bones, until there is nothing left of us, but dust and memories. That is what is killing mob – your colonial system of so-called justice, order, safety and morality. The very same justice that is metered out in your name, in a so-called effort to keep you safe from people like us.

Well, despite the answers having already been recorded and compiled in neat volumes for all to access, maybe it is us that have the answers. Maybe it is us, the ones you have decided are delinquent, marked as deviant and sequestered away, exiled from the ones we love, that can liberate you all from the carceral bond you grip so tightly. Because the answers will always be found at the margins – a place we have both dwelled since we were first criminalized. A place, quite frankly, full of amazing people with brilliant minds, with strength and solidarity, and who speak unbridled truth in ways that only the criminalized can.

We know that to stop Blak people being killed in custody we must stop locking people up. We must stop caging our kids, stop chasing us down, stop exiling us, stop brutalizing us, just stop killing us.

Quite simple really.

Just stop locking us up.

But we figure our simple solution is not that easy if you are one of the lucky ones who are comfortable with the status quo. The continuation of this place they call Australia relies on the enslaving and incarcerating of Blak bodies to ensure its existence. In the making and sustaining of a nation, colonization must abuse Blak minds, Blak bodies, Blak lands, and Blak waters. It must lock Blak fullas out of housing markets, job markets and labour markets. If it did not, Australia –as the illegitimate nation state that it is – would cease to exist. This brand of colonialism, and indeed racial capitalism, requires police and prisons, judges and lawyers, teachers, and child “protection” workers. They are a very deliberate part of the arsenal of the settler colonial war machine, whereby the criminal punishment system contributes in a real way to maintaining the economic and social hierarchy in this country. They all form a crucial element to progressing and maintaining the colonial project through the consistent and persistent subjugation of Aboriginal people. The infrastructure of the prison industrial complex – those entire overlapping interests of State and industry that employ policing, surveillance, imprisonment, and punishment – are just a means of controlling Blak fullas and furthering the colony. The tentacles of the prison industrial complex are literally everywhere. It is a parasitic beast that flicks mob off like fleas from a mongrel dog’s back.

That is why despite the answers being simple, they are not actually simple for any of you. They are not simple for the legislators who profit from colonialism. They are not simple for those paid to conduct Royal Commissions. They are not simple for the media who sell content based on vilifying and sensationalizing criminal cases. They are not simple for the criminologists who use their science to justify the will of the colonizer. They are not simple for anyone profiting from any aspect of the prison industrial complex. They are not simple for them because they put their own existence (and livelihoods) in jeopardy.

So, what is left of this very simple but colonially complex problem?

What is left is grief. Blak grief. Grandmothers, mothers, sisters, and aunties are left to grieve the loss of their sons and daughters to every kind of colonial frontier that exists in this country. Whole communities are left to grieve their lands, caves, trees, and waters which are being raped, pillaged, and destroyed – all in the name of progress. Blak families weep for their

stolen children. Blak children weep for their mothers and fathers. So much grief. And all of it Blak.

When people ask us what we can do to stop Blak deaths in custody, we say abolish prisons and policing, abolish out of home “care” to prison pipelines, abolish exile, abolish punishment, abolish the state and the capitalist ruling class – abolish the whole damned thing. We are not proposing any reformist strategies disguised as softer options that ultimately expand the reach of the carceral State. We are not suggesting to you to cut the corners off a violent system designed to break Blak backs.

Our submission to you is simple: abolish the fucking lot and just stop locking us up. Let us breathe, let us live, and stop wasting all this time and money on more inquiries and commissions. There is no acceptable number of Blak deaths and there is no acceptable number of Blak people in custody. If you are not working on decarceration strategies, real liberatory strategies that abolish the entire carceral state, then you are all part of the problem. You are complicit in a system that kills us and kill us it does.

## ENDNOTES

- <sup>1</sup> The term ‘mob’ is a colloquial term identifying a group of Aboriginal people associated with a particular place or country.

## REFERENCES

Royal Commission into Aboriginal Deaths in Custody (1991) *Regional Report of Inquiry into Underlying Issues in Western Australia*, Canberra: AGPS.