

THREE VIEWPOINTS OF THE SAME ISSUES
30th April 2007

1. Complaint to Human Rights Commission over hospital assaults

By Hannah Henderson of NZPA

PORIRUA

A Wellington lawyer is laying a complaint with the Human Rights Commission over the way police treated recent allegations of assault on patients in a secure mental health unit.

The complaint follows the sacking of three staff members from the Haumietiketike secure unit in Porirua Hospital, north of Wellington, in relation to two separate alleged assaults on patients.

Barrister Michael Bott said police acted in a discriminatory way by holding off investigations until the unit had completed its own internal inquiries.

"When someone who is in the community is assaulted, say in a supermarket for example, the police don't stand back whilst New World or Countdown goes ahead and undertakes their own internal investigations, they get in straight away and they proceed to investigate before they decide to prosecute," he told NZPA.

"In this case here, from what I've seen in the reports, it appears that the police are standing back allowing an internal inquiry to unfold before in essence these intellectually disabled people have their complaint taken seriously by the police," he said.

"So what there appears to be is two standards in terms of the way in which police take these complaints, and I think that's improper and it's discriminatory."

Wellington police acting spokeswoman Toni Barlow said police were investigating one complaint laid on behalf of a Haumietiketike patient on March 6 and wouldn't comment while it was underway.

In relation to a second alleged incident Ms Barlow said a formal complaint had not been laid with police.

"Police have been told that CCDHB (Capital and Coast District Health Board) are conducting their own internal investigation in relation to this allegation," Ms Barlow said.

She said police were not called to the second alleged incident but became aware of it several days later.

A formal complaint was needed before an investigation could be launched, she said.

Mr Bott said he was in the process of drafting a formal, written complaint to the Human Rights Commission. The next step would be an inquiry by the commission.

"Hopefully we then get a finding after they receive both points of view."

It was revealed this month three people have been sacked from the Haumietiketike unit following assault complaints.

CCDHB director of forensic, rehabilitation and intellectual disability services **Nigel Fairley** said that in February two staff members at the unit "allegedly" assaulted a male patient.

"Those staff were immediately suspended. An internal review of the incident was conducted, and as a result the two staff members were dismissed."

Last week it was revealed a third staff member had been sacked from the unit following an assault complaint from an intellectually disabled patient.

DHB communications manager Michael Tull said the alleged incident occurred at Easter and police were notified.

The staff member was immediately suspended and after an internal investigation was dismissed.

Ministry of Health chief advisor for disability services **Lester Mundell** has denied there was a pattern of abuse present in the unit.

"A number of incidents will occur with a population of people like this. Those are properly documented and the more serious ones are brought to our attention," he said.

EXTRACT ENDS



NIGEL FAIRLEY



NZ Police logo



LESTER MUNDELL

This document is a compendium of three r

2. Silencing the Lambs

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There are places in New Zealand where the protection of the law does not reach. The police are unable or unwilling to involve. The media have little interest. Outside protection agencies are ineffective or unwilling to assist. Government ministries and ministers don't want to know what is happening or they might have to do something to solve the problem.

One such place is a secure unit for intellectually disabled people in the Capital. In this place those detained are subject to emotional and physical abuse, sometimes broken bones and at others punches to the head. They are frightened to speak; their compliance is forced.

Complaints usually do not reach the outside world and on the few occasions when one does the response is to hush it up. The disabled who complain get pressured internally. Those outside that try to help are intimidated or their connection with the detainees severed.

Very recently a staff member punched one disabled man in the head. A second disabled person saw the bloody result of the assault and told his own advocate. The advocate asked the police to intervene but was told that they could not since the victim or a witness had to go to the police station to make a complaint. Because detainees are not allowed to leave the secure unit without escort no complaint could be laid.

The witnesses' advocate got the story written down and passed it on to Michael Bott, a Wellington lawyer, who took it to the police. Meanwhile the secure unit manager rang and threatened the person who had written down the statement. A lawyer was brought in to help a senior staff member induce the disabled witness to change his mind.

About the time that the assault took place a television programme was screening the story of the abuse of Lake Alice residents. The culture of silence that permitted those earlier abuses is still at work.

ENDS

3. Guantanamo Bay Here In Godzone!

By Asta Osborne

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Disability Advocate



Written: May 8th, 2007

The prompt for this story to be told are the telling words of one of the detainee's "I'm sick of the violence mate"! The reason it needs to be told is a human need; a need to talk of one of humankind's concern. Washing our hands of those detained due to disability means to side with those who hold all the power, not to be neutral.

This detainee reported a violent assault on another detainee by staff within a secure unit for disabled people. Staff threatened him, saying that if he kept talking he would be given an injection. He is now banned from speaking with his advocates and supporters. He has had an order that he be drugged if it is felt necessary. In the last few days it is believed that his communication has suddenly deteriorated due to his being drugged. He has no voice; no one to listen - and this is his story.

He is a caring, thoughtful and happy individual who can make you smile and forget about a hectic day. He has always displayed a great deal of compassion for the protection of vulnerable members of society. In times that abuse was reported in the media, he spoke of the need to adopt and implement the necessary safeguards, such as advocacy for those who fall victim to violence within New Zealand. Now he himself has fallen victim to a system that would rather strip him of his dignity and of all his rights than admit that there is a systemic problem.

Those in power have turned back the clocks by fostering draconian measures that make a mockery of the New Zealand Disability Strategy and all those who believe it means something. He has no rights because he cannot access them.

Silencing and sacrificing the well-being of even one individual detained due to disability flies in the face of progress and the very sanctity of human life.

Lester Mundell, Ministry of Health official, reported (in the NZ Media) that detainees in this unit are there due to their criminal and/or disordered behaviour, and that some make up things and lie. Why then have there been a number of reported incidents such as broken bones? And why has someone been dismissed for assaulting a client? We have a service shutting its doors to those who merely seek to ensure the well-being and life giving opportunities be afforded to those inside.

In fact the individual I speak of, once lived in the community but suffered abuse whilst in the care of a disability service provider. He would usually be the first to tell you, because he'd been reassured and told that institutions help to keep people safe. He felt unsafe living in the community due to no fault of his own. He wasn't protected then and he isn't now. He thought that living in an institution would mean he couldn't be abused again. He was frightened of the reports of abuse in the media, but felt it was out there and he was safe behind locked doors away from it. He knows what a joke is and the difference between truth and a lie - and he doesn't lie. To suggest he is a liar is nonsensical when a staff person has been sacked because they violently assaulted a client.

Other attacks have occurred to clients, but it seems there is an endless supply of sand if one wishes to bury one's head. Or offer some news grabbing distraction that creates the opportunity to turn a blind eye to the suffering of those who desperately need someone to care, someone to notice, and someone to act morally.

The culture created by a lack of transparency in dealing with abuse has allowed the same fear and prejudice as that governing Guantanamo Bay, and thus the environment exists right here in Godzone right now!

There is a Bill presently going through Parliament that will protect and prohibit abuse of children. What is there to protect disabled individuals who frequently are exposed to physical and emotional violence?

Those who are pushing the Bill forward are seen as heroes. My friend, the detainee in Haumietiketike Secure Unit, views that abuse is wrong has made him into a political prisoner who is being punished for speaking out.

If we ignore those disabled and vulnerable we are never going to achieve advancement for what use is Kiwi ingenuity and technological gain, if the intrinsic value of humanity no longer exists.

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