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Western Australia Government should act on prisoner deaths

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Shortly before midnight on Sunday, 31 May 1998, prison officers conducting routine checks found the dead body of 22-year-old Dean Kieran Lauder hanging inside a cell at Canning Vale Prison, near Perth, the state capital of Western Australia. At the time of writing this report, prison officials had not confirmed reports that Dean Lauder was found dead alone in a medical observation cell used for prisoners who need special supervision. While investigating police quickly issued a press statement saying they suspected “no suspicious circumstances”, local media reported that an “inhuman prison regime” may have contributed to his death. In line with current policy, the Minister responsible for prisons refused to comment on Dean Lauder’s death which raises the state’s prison death record to an all-time high level.

The Justice Minister’s silence on the increasing prison death rate heightens concerns about allegations that lack of care, inadequate medical and social welfare services for prisoners and indifferent or harsh treatment have contributed to many of these deaths. The seriousness of the situation is reflected in a January 1998 decision by the State Ombudsman to initiate a major inquiry into prison deaths on which a report is expected to be tabled in Parliament in September 1998.

Record high rate of prisoner deaths

An Amnesty International delegate who visited two of the state’s prisons in March 1998 was told by prison officers and administrators that they share public concerns about the failure of the prison system to prevent recent deaths in custody. A spokesman for the Prison Officers’ Union pointed to stretched resources in prisoner care and inadequate training of prison officers to cope with the 30 to 40 per cent of prisoners in Perth who are identified as “at risk of self-harm”. Three quarters of male prisoners who died during the

past 15 months had been imprisoned at the Casuarina and Canning Vale prison complexes near Perth. Almost half of them had not yet been convicted when they died.

While prisoner numbers have remained stable since 1996, deaths in prisons have increased by 130 per cent. On average, four people died in Western Australian prisons each year since 1980. That number rose to at least 11 in 1997, with another 11 prisoners reported dead in the first five months of 1998. Seven of those who died since January 1998 have been found hanged and are considered to have committed suicide.

Among them was 18-year-old Neil Holt who died at Canning Vale Prison in January after reportedly being bashed by guards, and restrained with chains joining his hands and feet and having a mask placed over his head. The use of physical restraints, although supposed to be a last resort measure, appears to be no exception in prisons where officers face “chronic overcrowding” and a lack of resources that could help reduce tension between prisoners and staff.

On 3 June 1998 a Coroner’s Inquest found that Victorino Bongay Vivas, another young prisoner, probably hanged himself “on or about” 29 July 1996 with a prison sheet from a tree in the grounds of Wooroloo Prison. His threats that he would kill himself had not been taken seriously as he was due for release three weeks later. The inquest report offered no explanation why his decomposed and decapitated body had not been discovered for more than six weeks after he went missing, leaving a suicide note in his cell. The Coroner was critical of prison proceedings which led to the prisoner being severely punished over a minor disciplinary incident.

Government responses

Community organizations claim the Government Minister responsible for prisons consistently rejected calls for a reform of the prison system. Media reports in early June 1998 suggested that the Government believed police and coroners’ investigations into individual deaths provided an adequate response. In April 1998 the Government announced plans to build a new prison outside the state capital in order to relieve some of the pressures on the existing prison system which officials said includes “chronic overcrowding”. Amnesty International is not aware of any official Government announcement of plans to directly address recent deaths in custody. However, the Ministry of Justice has scheduled a media conference on the issue for 5 June 1998.

A senior Ministry of Justice official in charge of prison operations told Amnesty International in early June 1998 that research studies, commissioned before the recent increase in prisoner deaths, identified a wide range of problems in prisoner care, particularly of prisoners at risk of self-harm, and that the Government would consider recommendations for reform from mid-July 1998. No further details were available on these recommendations.

The Ministry’s research suggests that about 30 per cent of all prisoners in Western Australia have at some stage injured or tried to kill themselves, either inside or outside prison. Prison officers interviewed by Amnesty International consider that the prison system is not equipped to address social and drug abuse problems which may be aggravated during imprisonment. Their concerns about deficiencies in officer training and prisoner medical care appear to be confirmed by the Ministry of Justice research,

particularly with regard to drug abuse, the ability of prisoners to handle stress and the use of medical observation cells. These cells have been the subject of severe criticism because they lack any furniture or facilities, and because prisoners placed in them have complained they were used for punishment and isolation rather than protection or close supervision.

Conclusion

Coronial inquests, a 1991 judicial inquiry into deaths in custody, and reports by volunteer organizations including Amnesty International have sufficiently warned the Government about key problems associated with prison deaths.¹ While the factors contributing to such deaths are complex, the rising rate of people who die in Western Australian prisons indicates that these problems have not been effectively addressed. Ten years after a Royal Commission began its inquiry into deaths in custody, a higher rate of prisoners are dying in Western Australia than ever before and anywhere else in Australia, some under circumstances giving rise to concerns on the adequacy of their care.

Standard Government response to prison deaths in Western Australia has been to refuse requests for comment or information pending routine police and coronial investigations. This frequently leaves deceased prisoners' relatives waiting for more than a year before evidence in the hands of the authorities is being made publicly available at a Coroner's Inquest.

The fact that prison officers have rarely been found responsible for a death in custody does not relieve the Government of its obligation to address factors known to the authorities that may well have contributed to the current increase in prisoner deaths, particularly suicides. Amnesty International therefore urges the Western Australia Government not to await the outcome of the Ombudsman inquiry before initiating steps to improve medical care, prison officer training and staffing levels, as well as procedures to ensure effective supervision and humane care of prisoners identified as "at risk".

Supervision of prisoners in special purpose cells should go beyond the actual time spent in these cells and extend to the initial phase of the prisoner's return into mainstream regimes. In addition, supervision should review the degree to which special regimes may in effect be more punishment than rehabilitation or necessary and appropriate security measures. It is in prison officers' interest to ensure that protective measures for individual prisoners do not create new risks.

In line with a recommendation by the 1991 Royal Commission into Aboriginal Deaths in Custody on the independence of prison medical services, Amnesty International believes that the operation and funding of prison medical and welfare services should be shifted from the Ministry of Justice to other competent Government authorities.

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¹ See for example *Australia - Deaths in custody: how many more?*, Amnesty International, June 1997, AI Index ASA 12/04/97.