CSV Initiatives in Response to Recommendations of the Royal Commission into Aboriginal Deaths in Custody

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Many recommendations of the Interim Report of the Royal Commission into Aboriginal Deaths in Custody related generally to policies, practices and law about care and supervision of young people in prison and Youth Training Centres.

This paper outlines action Community Services Victoria (CSV) has taken in response to recommendations of the Royal Commission. CSV’s responses are based upon our belief that the measures will prevent deaths by suicide.

The Royal Commission focused many of its interim recommendations on the management practices and suitability of cells used for detention. However, measures undertaken by CSV are not just targeted at our Youth Training Centres. Complementary initiatives targeted at community programs have been started. Strategically, community based initiatives promise substantial levels of prevention.

The initiatives of CSV are designed to prevent Aboriginal deaths, and particularly suicide, in custody. However, the initiatives may also prevent non-Aboriginal deaths in custody.

Statistical Context—Aboriginal and Non-Aboriginal Deaths in Custody

Research was undertaken into both Aboriginal and non-Aboriginal deaths in custody by the Royal Commission. Findings of the research are important elements of the framework within which CSV initiatives have been undertaken because:

- the relevance of the CSV’s actions can be judged;
the cost of the actions can be weighted against benefits; and

the priority of future initiatives may be calculated.

Proportion of Aboriginal and Non-Aboriginal Deaths in Custody

It has been discovered that:

- In relation to their representation in the Australian population, Aboriginal people died in custody at a rate more than 20 times the rate of non-Aboriginal people.

- Aboriginals comprised 20 per cent of deaths in custody, but are less than 1.2 per cent of the Australian population aged 15 years and above.

- The number (proportion) of Aboriginal and non-Aboriginal deaths in custody is approximately equal to their relative proportions in police and prison.

A survey (Goldney & Reser 1989) found 29 per cent of persons in police custody were Aboriginals and that 32 per cent of deaths in police custody were of Aboriginals. Similarly, a prison census found Aboriginal people were 15 per cent of the prisoners and the proportion of Aboriginal deaths in custody was 13 per cent (Goldney & Reser 1989).

The 'alarming high Aboriginal death rate is explained almost entirely by the over-representation of Aboriginal people in custody' (Biles et al. 1989).

Aboriginal and Non-Aboriginal Suicides

It may not surprise the community that the most common cause of death (46 per cent) in custody is by suicide. However, it would probably surprise many in the community to learn more non-Aboriginal deaths in custody (49 per cent) were reported as suicide compared with Aboriginal people (34 per cent) (Biles et al. 1989).

Number of Aboriginal and Non-Aboriginal Deaths in Police Cells and Prisons

The Royal Commission found:

- . . . those Aboriginals who die in custody are much more likely to die in police custody . . . 37 per cent (35/94) of Aboriginals died in prison custody while 63 per cent (59/94) of Aboriginals died in police custody.

In direct contrast to Aboriginal deaths, 67 per cent of non-Aboriginals died in prison while 33 per cent died in police custody (Biles et al. 1989). These facts support strategies to reduce use of police cells. Decriminalisation of public drunkenness and the alternative use of sobering up centres are obviously aimed at reducing use of police cells.

Deaths of Young People in Custody

The Royal Commission highlighted teenage Aboriginal and non-Aboriginal deaths in custody.
Tragically, over 10 per cent (that is, 11/103) of Aboriginal deaths in custody were teenagers at the time of death. (The Royal Commission, *Royal Commission Into Aboriginal Deaths in Custody, Interim Report*, 1988).

38 out of 462 deaths in custody were Aboriginal and non-Aboriginal young people up to 19 years of age (Biles et al. 1989).

Proportions of deaths for Aboriginal and non-Aboriginal people is similar in all age groups except the 16 to 19 years age group. Seven per cent of all non-Aboriginal deaths occur in the 16 to 19 age group but 11 per cent of all Aboriginal deaths occur in the 16 to 19 age group.

These facts require special measures be taken for both Aboriginal and non-Aboriginal young people to prevent suicide.

**Young Aboriginals in Victoria's Youth Training Centres (YTCs)**

Measures to prevent suicide in CSV's Youth Training Centres are partly in response to over-representation of young Aboriginals in its YTCs. Aboriginals, in comparison to non-Aboriginals, are significantly over-represented in Victoria's YTCs. At 30 June 1989, young Aboriginals represented 9 per cent of CSV's YTC population, yet only comprised 0.3 per cent of Victoria's population. The special vulnerability of young Aboriginals as evidenced by their over-representation requires special protective and preventive measures.

**Suicides and Attempted Suicides in Youth Training Centres**

No Aboriginal and one non-Aboriginal death from suicide has occurred in Victoria's YTCs in the last fifteen years. One Aboriginal death occurred throughout Australia in institutions described by the Royal Commission as a Youth Training Centre in the nine-year period 1980-88 (*Royal Commission into Aboriginal Deaths in Custody, Interim Report*, 1988). These deaths by suicide in YTCs are numerically few but tragic. Custodial deaths are failures of our community to protect our young people.

A recent exploratory study discovered the number and type of reported attempts to commit suicide within CSV's YTCs (Keenan 1990). The study identified nineteen suicide attempts in a period of just over two years (January 1988 to March 1990). Methods of attempted suicide included attempts by hanging, cutting, poisoning, self-bashing and electrocution.

Factors which possibly contributed to the young person's suicide attempt included:

- poor personal emotional state;
- poor social adjustment;
- experience of recent loss; and
- previous identified suicide attempts.

The study highlights the need for staff to be careful and caring in supervising young people. Further, removal of hanging points from YTC cells must proceed urgently.

The Royal Commission investigated and reported on actual deaths in custody. However, attempted suicides are probably just as informative in pointing to changes required in practices and facilities to prevent suicide.
CSV Initiatives in Response to the Recommendations of the Royal Commission

Modifications to CSV YTC Cells and Equipment

The Royal Commission recommended:

Governments in all jurisdictions should ensure that all police cells are surveyed and that measures be taken, where necessary, to screen hanging points and to replace equipment or materials which are not suicide resistant (Royal Commission into Aboriginal Deaths in Custody, Interim Report, 1988).

In response, CSV requested the Ministry of Housing and Construction to carry out a survey of all cells in Turana, Winlaton, Langi Kal Kal and Malmsbury YTCs and also Baltara Reception Centre.

The McInnes Project Management Group was commissioned to undertake such a survey and to identify:

- potential hanging points;
- other possible suicide risks;
- minimum treatment for immediate implementation and more extensive treatment for subsequent implementation;
- the need for alarms and/or intercoms; and
- cost estimates.

Cells or bedrooms were surveyed and other areas (day areas, toilet and shower recess) were not assessed as high risk areas. Detainees are generally supervised and not locked in these other areas alone. The report stated major suicide risks in cells could result from ten causes listed below:

- hanging
- slashing
- fire
- electrocution
- drug overdose
- poisoning
- choking
- head banging
- solvent abuse (petrol, glue)
- asphyxiation (plastic bag). (McInnes unpub.)

The possibility of suicides from hanging, slashing, fire or electrocution could be reduced by modifications to cell design and construction. Suicide from drug overdose, poisoning, choking and head banging were assessed as being dependant upon adequacy of staff supervision and monitoring of what is taken into cells at night.

Each YTC was rated in terms of the relative risk of suicide posed by the cells and their equipment.

In response to the survey, CSV is undertaking the following modifications to its cells and cell equipment:

- removal of all horizontal bar grills from the insides of all cells or external bars where they could pose a risk;
- progressive removal of existing bedroom windows and frames and replacing them with specially made windows in high impact polycarbonate;
- installation of earth leakage circuit breakers to switchboards in sections;
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- replacement of mattresses with fire retardant mattresses;
- fixing moveable steel beds to the floor;
- removal of steel 'hanging rails' from wardrobes and replacing them with light timber rails which will break under the weight of a small boy;
- installation of an effective smoke detection system;
- installation of an alarm/intercom system in isolation cells;
- installation of fire escape doors at particular Youth Training Centres.

The modifications to CSV cells are being undertaken progressively and will provide a safer environment for all youth.

The measures outlined above refer to existing YTC cells. In three years time (1993) rebuilding of Turana, Victoria's largest YTC, will be completed. Four units providing secure bedroom accommodation for fifteen trainees in each unit are now being constructed.

New cells at Turana will meet cell design requirements recommended by research completed on behalf of the Royal Commission (Reser 1989). The cells will include alarms and intercoms. Space in bedrooms to allow some flexibility in personal activities, privacy and some personal control of bedroom facilities will be provided. However, the cell design will ensure residents' safety and security.

In addition to cell design, the Royal Commission pointed out inadequacies in police and prison officers' training. The Royal Commission focused on staff training to perform duties involving safe management of persons in custody (Royal Commission Into Aboriginal Deaths in Custody, Interim Report, 1988).

Staff Training

The new package of staff training in response to the recommendations of the Royal Commission is a key element to prevent suicide in our YTCs.

Implementing the training programs has required:

- creating training programs in both First Aid and Staff Instructions;
- adapting training programs used by other agencies in Safe Restraint, Prevention of Seriously Disruptive Incidents and Aboriginal History and Culture.

Consultation with key Aboriginal community and government agencies has been undertaken in development and conduct of programs.

Training is provided in four distinct areas:

First Aid, resuscitation techniques and related health protection training:

The Interim Report of the Royal Commission recommended (Recommendations 14, 28, 29) staff receive training in:
- first aid;
- resuscitation techniques, use of resuscitation equipment and refresher courses;
- recognition of symptoms of head injuries and major illnesses;
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In response to these recommendations all institutional youth and child care staff receive training in a three-day first aid course. The course was developed by the Australian Red Cross Society in conjunction with CSV's Staff Development Branch. It equips staff to respond competently to life threatening situations and to prevent more effectively death by suicide.

Safe restraint, self-defence techniques and prevention of 'seriously disruptive incidents'

The Royal Commission recommended (Recommendations 30, 31) restraint methods such as 'choke holds' or 'head locks' must not be used. In addition, it recommended training in restraint techniques and use of restraint equipment (Royal Commission into Aboriginal Deaths in Custody, Interim Report, 1988).

CSV has now implemented a new training program directed at preventing 'seriously disruptive incidents'. The training is to develop positive staff/young person relationships and skills in identifying and responding positively to angry, depressed, violent or self-destructive behaviour. Techniques of self-defence, safe restraint and protection of other young people are undertaken.

Prevention of suicide is linked to this training by careful staff supervision and support of young trainees.

Aboriginal history and culture

The Royal Commission recommended staff training in '. . . understanding and appreciation of Aboriginal history, culture and social behaviour and . . . abilities to effectively communicate and work with Aboriginal people'.

Reducing the alienation, isolation and vulnerability of young Aboriginals in YTCs is essential, and the staff training program in Aboriginal history and culture emphasises sensitivity and respect of Aboriginal culture.

CSV instructions for safe management of Aboriginals admitted to CSV's YTCs

Instructions for safe management of Aboriginals admitted to CSV's YTCs were issued prior to the Royal Commission's Interim Report. A substantial number of the Royal Commission recommendations were designed to establish safe management practices in police and prison cells.

CSV instructions have been amended to comply with the Royal Commission recommendations.

Features of the instruction include:
- non-admission if hospital treatment indicated;
- contacts with parents, Aboriginal Legal Services/alternative community representative and Aboriginal Youth Support Unit;
- intensive (15 minute) monitoring for the first 24 hours;
- detailed recording of behaviour/mood during intensive monitoring;
- placement in shared bedroom;
- limits on use of isolation;
- immediate medical attention for trainees not conscious or where doubt exists about their condition;
- medication practices;
• restraint practices;
• regional CSV staff contacts to begin/follow up case planning/management issues.

Staff are trained how to apply the instructions. Training in relation to the instructions includes material on prevention of youth suicide. Four elements of a suicide prevention program required by juvenile institutions as described by Rowan are included (Rowan 1989). These are:
• identification by trained intake worker of mental health and medical matters;
• training in signs of potential suicide;
• constant/intensive monitoring and use of shared accommodation;
• targeted referral of specific young people to Mental Health Specialist for assessment and treatment.

In addition, material from the Department of Family and Community Services NSW is used as a valuable staff training resource. Advice is given about:
• the frequency of adolescent suicide;
• 'myths' and 'facts' about suicidal behaviour; and
• critical warning behaviour of potentially suicidal young people.

CSV Instructions and Staff Obligation to Take Care

The importance of the instructions to ensure safe management of young people in our YTCs is based on an obligation to protect persons in custody.

The need for state agencies to take measures to reduce custodial deaths has been considered by Temby (1989). Temby asserted that one of the keys to reducing Aboriginal deaths is to allow coroners to specify how particular staff have failed in performing their duties. State coroners are not able to identify whether a person was negligent and can only identify whether a person contributed to another person's death.

Clarification of staff responsibilities is also being reinforced by staff training to ensure a positive approach to implementing the instructions.

Training YTC supervisors/managers

CSV believes 'staff attitude' is a crucial factor in preventing youth suicides. Therefore, CSV has implemented specialised training for supervisors in our YTCs to support 'front line' staff. Supervisors receive training in the four subject areas described above but emphasis is given to their management responsibilities.

Present and future staff training

At present, CSV is training approximately 250 staff in all components of the training program outlined. In future, training will primarily occur as pre-employment training requirements of tertiary curriculum and mandatory components of CSV Induction courses.

Additional medical equipment/nursing coverage

In accordance with Royal Commission recommendations, additional medical equipment and nursing coverage has been provided in our YTCs. Additional funds have been used to provide:
• manual and automatic resuscitation equipment for all YTCs;
• an ambulance for a more remote YTC; and
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- additional nursing coverage.

These measures complement existing YTC medical facilities and staffing.

**General CSV Justice System Initiatives**

The *Interim Report* has stimulated CSV to take steps to prevent youth suicide by measures outside our YTC walls. Initiatives to reduce the number of young Aboriginals in our YTCs through diversion programs are being implemented.

**Statistical information—young Aboriginal offenders**

CSV is collecting statistics on the numbers of young Aboriginals on community based court orders and in YTCs. The statistics identify regions that feed the over-representation of young Aboriginals in our YTCs. New and additional measures of support will be considered to ensure reduced use of our YTCs. Targets will be established to stimulate more effective community support.

**Rural youth support program**

CSV's specialist rural youth support program, which commenced in July 1990, is a significant potential catalyst for change in support for Aboriginal young people. A primary role of the program is to reduce over-representation of Aboriginals in our YTCs.

**Community Justice Panels**

CSV is supporting development of Aboriginal Community Justice Panels (CJPs) throughout Victoria and particularly regions with significant Aboriginal populations. Community Justice Panels are composed of members of the local Aboriginal community willing to work as volunteers with criminal justice agencies (Attorney-General (courts), Police, Office of Corrections (Adult Corrections) and CSV).

Important ways in which the Community Justice Panels can work with CSV have been identified. In particular, involvement in pre-sentence court reports or other court advice, supervision of court orders and support for parolees (pre and post release) could reduce numbers of Aboriginals in YTCs.

CSV has provided training, developed regional instructions to link CSV with Community Justice Panels, program documents and promoted CJPs.

**Conclusion**

CSV has initiated a range of measures in response to the Royal Commission into Aboriginal Deaths in Custody. Research undertaken on behalf of the Royal Commission revealed a larger proportion of young Aboriginals aged 16 to 19 years died in custody than non-Aboriginals of the same age. Ten per cent of Aboriginal deaths in custody were teenagers at the time of death. While a tragic and significant number of Aboriginal and non-Aboriginal deaths in custody do occur, few of the deaths occur in YTCs, though young Aboriginals are over-represented in them.

CSV's actions in implementing a range of initiatives seek to ensure we fulfil our duty of care. The special measures to prevent suicide respond to the special vulnerability of young Aboriginals. Young non-Aboriginals are also at risk and CSV measures also respond to their vulnerability.
CSV's approach to the prevention of youth suicide includes action to support Aboriginal communities. Through establishing community support and supporting the caring role of our staff, CSV initiatives offer the potential to prevent suicide by young people both in custody and while on court orders in the community.

References


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