



In-custody Deaths: A Commentary on Data Collection

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Abstract

Due in part to the growing concern of in-custody deaths and limited response by corrections officials, in-custody deaths have garnered considerable attention both in Canada and internationally. While preventing all deaths in custody is not possible, there may be opportunities to intervene in order to prevent some of these deaths. Identification of the factors that may contribute to in-custody deaths could assist in the development of interventions to address this issue. This commentary proposes that a national database of in-custody deaths be established in Canada that collects detailed information on all deaths in federal, provincial, and police custody. This database would help to objectively inform custodial policies and practices and allow comparisons with other jurisdictions.

Keywords: In-custody deaths; Suicides; Custody; Causes of death

Commentary

As a result of several recent high profile reports and in-custody deaths, there has been a growing interest in examining in-custody deaths in Canada and internationally [1,2]. Although in-custody deaths due to violent causes or self-inflicted are relatively infrequent compared to deaths due to natural causes (eg: cancer, cardiovascular disease and respiratory-related deaths), they, nevertheless, tend to generate substantial media scrutiny and public malaise. Some deaths that are more likely to result from some form of violence, such as suicide, accidental poisoning (i.e., drug overdose), or homicide, may have, in fact, been preventable [2]. In custodial settings, where people are closely monitored and supervised, and the person is deprived of her/his liberty, by law, the state assumes responsibility for protecting that person's human rights as well as ensuring her/his safety.

Research studies have focused on three types of custody in Canada - federal, provincial, and police custody. Despite the efforts of Antonowicz and Winterdyk [1], Vaughan et al. [3], Gabor [4], MacAlister [5], and Wobeser et al. [6], there is a dearth of research on in-custody deaths in Canada. Data has been primarily examined from the provinces of Ontario and British Columbia while other provinces and territories have not received the same attention. More research needs to be conducted on the factors contributing to in-custody deaths and strategies to address and assess these factors. Along these lines, substance use and mental illness, have been identified as potential contributing/risk factors and have received varying attention in several studies. Unfortunately, unlike the situation in Australia, the United Kingdom, and the United States, there is no national database in Canada that compiles and monitors the circumstances and characteristics of in-custody deaths be they in correctional (i.e., provincial and federal) or police custody. This has dramatically hindered the efforts to develop a better understanding of these deaths and to reduce and prevent these deaths.

In Canada, the Canadian Centre for Justice Statistics (CCJS) collects data on deaths in federal and provincial custody but not on deaths in

police custody. While the CCJS collects some general data on causes of death, it does not provide detailed information on the characteristics and circumstances of decedents. For example, the last available annual report on Canadian deaths in custody covered the four-year period from 2003 to 2006 [7]. The annual report noted that of the 147 deaths in provincial or territorial custody, approximately half (48 %) of the deaths were classified as "Other". This category comprises accidental deaths plus cases where the cause of death could not be determined. Furthermore, out of the 165 deaths in federal custody, 73% of them were included in the "Other" category. In contrast to the "Other" category for provincial and territorial offenders, this category included both accidental deaths and deaths due to overdoses or natural causes. Unfortunately, the categories that include multiple causes of death do not permit a precise breakdown of the specific causes. It is unclear, for example, how many deaths were attributed to natural causes and which natural cause. For both federal offenders and provincial/territorial offenders, no information is collected on: (1) race, age and gender, (2) the role of alcohol and drugs, (3) mental health history, (4) criminal history of deceased, and the (5) current offence/most serious offence. Research has repeatedly shown that these are common risk factors which if known could contribute to identifying at-risk offenders [8].

In response to this gap and in order to be more accountable and transparent, Correctional Service of Canada (CSC) started publishing an Annual Report on Deaths in Federal Custody in 2015 [9]. Their reports provide federal information on cause of death, gender, ethnicity, age, offender security level, sentence length, time served, major offence, etc. Unfortunately, however, Canada still lags behind other countries such as Australia, the United Kingdom, and the United States [10] in collecting detailed national data on the causes and surrounding circumstances of in-custody deaths. In Australia, for example, the National Deaths in Custody Program (NDICP) is responsible for monitoring the extent and nature of deaths in police, prison, and juvenile custody since 1980 [10]. The Australian Institute of Criminology (AIC) has coordinated the NDICP since its establishment. No other country has consistently collected similar or as extensive data over such an extended period of time. Approximately 60 different pieces of information relating to the circumstances and

characteristics of each death are collected through NDICP data-collection forms.

In conclusion, it is proposed that Canada establishes a national database that compiles comprehensive information on the causes and surrounding circumstances of in-custody deaths. Along these lines, efforts need to be undertaken to develop uniform reporting procedures and which include key known risk factors to ensure that data collection is consistent across the country. Without such reliable data, it is impossible to determine if there are any trends or patterns in in-custody deaths. Analysis of these trends and patterns will assist in developing intervention and prevention policies. Establishing a national database will also go a long way to reducing the risk of secondary victimization by the victim.

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