

Case Report

Are prisons safe? Death due to depression while in custody: a case report

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ABSTRACT

Prisoners are not born but made. Custodial deaths were becoming crunch to the mistreated police control for so many decades. A 32-year-old male was found dead inside prison because of depression that he was prisoned. On examination, there was ligature mark over neck that was suicidal in nature. Proper care of the prisoners, motivation inside the prison, maintaining surprise visits by higher officials, and closed monitoring by CCTV may prevent these type of suicidal behaviours inside the prison. The present case gives the idea for the police personnel to motivate and monitor the prisoners to prevent suicidal behaviour.

Keywords: Custodial death, Autopsy, Prisoner, Suicide, Prevention

INTRODUCTION

Criminals are made not born. As per the Oxford dictionary "custody" means protective care or guardianship of someone or something. In the legal phrasing, Custody is defined as any point in time when a person's freedom of movement has been denied by law enforcement agencies, such as during transport before booking, or during an arrest, prosecution, sentencing, and correctional confinement.¹

In developing countries like India, Custodial deaths are the hovering issue on human rights violation when seen all over the world. Accusations of police misdemeanours, media speculation and passionate community grief were coupled with sudden and unanticipated deaths in custody. Because of the law enforcement misdemeanours there is a need of systematic and vigilant examination by the forensic pathologist to provide certain facts with respect to cause of death.²

The word "torture" means the infliction of intense pain to the body or mind to punish, to extract a confession or information, or to obtain sadistic pleasure. A person or suspect who determined by Law enforcement agents is a person whose freedom is directly controlled or limited.³ In actual fact: torture is a deliberate infliction of pain (physical or mental) for a purpose desired by the perpetrator. To the victim of torture, it results in the violation of the dignity inherent in his humanity.⁴

All custodial deaths are to be testified within 24 hours and autopsy is to be conducted by a panel of doctors and the same should be videographed. A Report from 2001-02 to 2006-07 by NHRC showed an upturn in custodial deaths all over India.⁵

This paper is to bounce some attentiveness to the law enforcement agencies in executing proper safety measures to the prisoners in preventing suicides.

CASE REPORT

A dead body of a 32-year male prisoner was brought for an autopsy. As per the investigating officer, deceased was a prisoner and arrested for a cognizable offence. Next day after arrest, found with partial hanging to the bar of his prison with loin cloth (lungi). The body was directly brought dead for autopsy.

Autopsy findings

On external examination there was a ligature mark, present over neck below the level of the thyroid cartilage, passes obliquely upwards and backwards towards the right side, and obliquely upwards and backwards towards the left side of the neck. Lividity was stock and glove type. It was situated 2.5 cm below right angle of mandible, 8cm above manubrium and 2.5 cm below the left angle of the mandible. It is absent on the posterior neck. It is brown, dry and parchment like.

Contusions of size 14 cm x 10 cm with 0.5 cm deep over the left back of abdomen and 4 cm x 3 cm with 0.25 cm deep, over the right side back of abdomen at the L2 level. Both were reddish blue collared (Figure 1). Abrasions of 1 cm x 1 cm and 1.5 cm x 0.7 cm noted over the right back of abdomen and left buttock.



Figure 1: Contusions over back of abdomen.

Internally, on opening the ligature mark, there was whitish glistening under the ligature mark mentioned above. Thyroid cartilage was intact. Examination of hyoid bone revealed a fracture on the left greater horn at its outer one third and inner two-thirds junction with surrounding effusion of blood (Figure 2). Examination of peritoneal cavity revealed evidence of some blunt force injury to the abdominal wall. There was a contusion of 7cm x 3cm present on the inner aspect of right 11th and 12th ribs along the paravertebral line and it was reddish colour. Another contusion of size 9 cm x 5 cm over 11th, 12th rib on the left side along the posterior axillary and paravertebral lines with reddish colour. Other visceral organs were congested. Lungs and brain were edematous. Routine viscera sent for analysis was negative for any poisons, alcohol and drugs. Nail scrapings from fingers of both hands and glass slides (04 in number) with cellophane lifted tape from the ligature mark doesn't

reveal any blood, tissue or foreign body. Histopathology of lungs revealed pulmonary edema; the heart was within normal limits and there was no narrowing of coronaries. Stomach wall and small intestine, liver, kidneys were all shown normal architecture. By altogether it was concluded that the cause of death was owing to asphyxia due to hanging and the manner was suicidal.

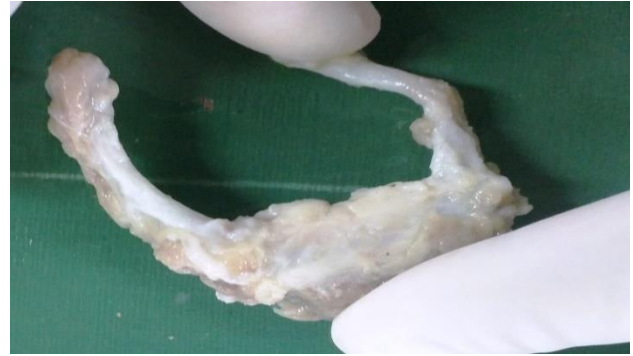


Figure 2: Fracture of left horn of hyoid bone.

DISCUSSION

If a suicide occurs in a prison, it not only has a bearing on the other prisoners but also to the prisoner's staff, relatives and of course to their family members. It is understood that failure to create a safe environment inside the prison is the main cause for these deaths.⁸ As per the NCRB publication, during the year 2014, the number of complaints testified against police personnel's was 47,714, out of which 2601 cases were registered, and 44 police personnel were convicted. Maximum number of complaints was reported from Delhi (24.9%, 11902 out of 47,714) followed by Madhya Pradesh (22.8) and Maharashtra 13.7% (6,528 complaints) and Chhattisgarh 6.5% (3,105 complaints). 108 cases of Human Rights Violation by Police were reported out of which 33 were charge-sheeted.⁹ A study in Ontario showed 41% natural deaths in custody and in California the same natural deaths was 62% of the custodial deaths.^{10,11}

Midst custodial deaths, the deaths in prison outstripped the death in police custody. The death in prison was natural in almost 85% cases and unnatural in 15% cases. Lion's share suicides in the custodial death noted in the police cell.¹² In Australia, almost 50% of all prison deaths were as a result of inmate suicide with hanging as the most common method.¹³ Suicide is documented as the foremost cause of death in prison in Canada, and in Britain by dint of hanging as the most common method. Likewise, Suicide in prison is much more common than suicide in the communal.^{14,15} However, both England and the United States reports have noted the relative uncommonness of suicide in exceptional security hospitals

Bansal YS studied 90 cases and reported that males were more commonly involved 95% and females 5%. The

majority of them 63% from the Punjab, followed by Haryana (27%), Chandigarh (7%), Uttar Pradesh (2%) and Himachal Pradesh (1%). 89% of deaths are due to natural causes and 11% lone accounts for unnatural, which are mostly suicidal.¹⁵

In our case, he was arrested for chain snatching and kept into custody. The injuries noted over the back of abdomen signposts that he was tortured after his arrest. Because of the torture made by the police personnel he might have got depressed and committed suicide with lungi in the prison. If the prison doesn't have suspension points or repeated visits by higher officials or monitoring with CCTV etc. may well have prevented the death of the prisoner.

In India, police lock-ups are solely managed by the police personnel and such incidents are only possible by their actions. Nobody can make anyone's life monochrome since every life is smeared by God. Thomas Alva Edison said that "I will not say that I failed 1000 times, I will say that I discovered there are 1000 ways that can cause failure." This is to boost the morale for those who are travelling in such a way to end human rights violations.

CONCLUSION

When a person is under arrest, it point towards that his right is taken away by the law. It is the duty of the law personnel in taking care of these people. There is a high chance of depression in the prisoners who are far from the relatives. To avoid, the police personnel should watch the prisoners half an hourly or one hourly and organize some surprise visits by some higher officials periodically. Moreover these surprise visits may prevent the illegal and intentional acts made by the police personnel. Some modern technology like CCTV cameras can be installed to solve the problem. To reduce the mortality, there is a need to chart and implement the already laid down strict guidelines. There is a need to provoke the prisoners to prevent the suicide behaviour.

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