

Medicolegal Aspects of Death in Custody

ESSAY

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Abstract

The occurrence of death in the custody raises public interest and emotions that require careful handling and investigations. Death in Custody can be resulted from many causes. Deaths from natural causes can occur at almost any time during the arrest and detention period and it's more common in old prisoners. Acute alcohol or drugs intoxication and accidental trauma are most likely to cause death in the post-arrest and early detention phases. Suicide in custody is more common in younger age groups especially in the first week of detention. Physical abuse of human rights may progress to death. Also torture may lead to post-traumatic stress disorder that is associated with suicidal behavior. Death may be resulted from using the restraint methods (e.g., electrical device and pepper spray). Also death during restraint may be resulted from positional or traumatic asphyxia and from excited delirium. So any case of death in custody should be investigated as homicidal death that includes scene examination, a meticulous autopsy with collection of trace evidence and complete toxicological screening. Prisoner's rights are defined in either national codes or declarations. Any breach of these rights that result in custodial deaths was overviewed in scope of worldwide published statistics.

Key words: Death in custody – Restraint death.

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List of abbreviations

AIDS	Acquired immunodeficiency syndrome
BAC	Blood alcohol concentration
CEW	Conducted electrical weapons
CN	2-chloroacetophenone
CNS	Central Nervous System
CS	<i>o</i> -chlorobenzylidene malononitrile
EDS	Excited delirium syndrome
EOHR	Egyptian Organization For Human Rights
GC	Gas chromatography
GC-MS	Gas chromatography mass spectrometry
ICD	In custody death
LVNR	Lateral vascular neck restraint
OC	Oleoresin capsicum
PTSD	Post-traumatic stress disorder
UN	United Nations
US	United States

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INTRODUCTION & AIM OF WORK

Introduction & Aim of work

The term "*Death in custody*" is used in general to refer to deaths whilst individuals are being held in, or are transit to or from, the police station whilst being investigated or held prior to court proceedings. The broad principles can be applied to deaths in all types of custody including deaths in long-term detention such as in prison (Payne-James & Carter, 2005).

In considering any death associated with detention by officials of any state, caused by whatever means, each state will define, according to its own legal system, the situations that are categorized as being in custody. The worldwide variations in these definitions have caused, and continue to cause, considerable confusion in any discussion of this subject. The definitions of death in custody are therefore wide, and any definition will have to cover a multitude of variable factors, in various circumstances and with a variety of individuals (Shepherd, 2005).

Police involvement with an individual can also include those who are being pursued by the police either on foot or by vehicle, those who have been stopped and are being questioned outside the environment of a police station, and those who have become unwell through natural causes while in contact with or in the custody of the police. A death in police custody, therefore, initiates a public inquiry into the adequacy, appropriateness, and safety of any established policies and procedures (Wetli & Natarajan, 2005).

It is important to distinguish between the different types of custodial deaths because deaths that are related to direct police actions (acts of commission) seem to cause the greatest concern to the family, public, and

press. It is also important to remember that police involvement in the detention of individuals extends beyond direct physical contact and includes a duty of care to that individual, and lack of care may be termed (acts of omission). Lack of police action or care has also been responsible for deaths in custody (Ross, 1996 and Shepherd, 2005).

Although the majority of cases will be due to or somehow related to a natural process, others are the consequence of varying forms of violence or asphyxiation. Deaths that occur while being restrained by police are often due to a combination of factors and require a detailed case investigation (Dolinak, et al, 2005)

So the occurrence of death in the custody raises public interest and emotions that require careful handling and investigations. There is often an immediate complaint of ill-treatment by the relatives or the media. A meticulous autopsy is a necessary part of the investigation needed to dispel- or sometime confirm- allegations that an act of commission or omission on the part of the custodians has led to, or contributed to, the death (Saukko & Knight, 2004).

Aim of work:

In this work we will try to evaluate the medicolegal aspects of death in custody in view of standards of human rights. And we will focus in particular on the role of forensic pathologist in the investigation of these cases.

CHAPTER 1:
Classification of Deaths in
Custody

Classification of Deaths in Custody

There are many classifications of deaths in custody;

Some make a distinction between police-action and police-custody deaths. Police action deaths are those that occur as a result of the actions of the police before the person is taken into custody. Police-custody deaths are those that occur when a person is in police custody but are not due to injuries caused by the police before custody (Babita, 2003)

According to the phases of the custodial process

In an attempt to adding some clarity to the situation, it is possible to state that whatever the national definition of *in Custody* is used, numerous phases of the custodial process can be identified, and the types of deaths that occur during these phases can be analyzed. These phases include:

- (1) Prearrest phase: Death in this phase must be attributed to the presence of police officers at the scene.
- (2) Arrest phase: In this phase violent deaths can occur by using restraint techniques or during the transportation to the police station.
- (3) Detention phase.
- (4) Interview period.
- (5) Charge phase (Shepherd, 2005).