



## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> days of October 2006 and the 18<sup>th</sup> day of December 2006, by the Coroner's Court of the said State, constituted of Elizabeth Ann Sheppard, Coroner, into the death of Julia Marie Baylis.*

*The said Court finds that Julia Marie Baylis aged 30 years, late of 5 Hornet Crescent, Elizabeth East, South Australia died at the Royal Adelaide Hospital, North Terrace, Adelaide, South Australia on the 4<sup>th</sup> day of May 2004 as a result of bronchopneumonia complicating anoxic encephalopathy due to neck compression due to hanging. The said Court finds that the circumstances of her death were as follows:*

### **1. Reason for Inquest**

- 1.1. The incident which led to the death of Julia Marie Baylis occurred when she was in the cells at the Elizabeth Police Station following her arrest on the evening of 10 April 2004. Within approximately ninety minutes of being brought into custody, Ms Baylis was found collapsed with a shoelace tied around her neck, attached to wire mesh in the female exercise yard of the Elizabeth Cells. Attempts at resuscitation were only partly successful and Ms Baylis died in the Intensive Care Unit of the Royal Adelaide Hospital on 4 May 2004.
- 1.2. Because the cause of death arose while Ms Baylis was being 'detained' following her arrest, in accordance with Section 3 and Section 21(1) of the Coroners Act 2003, the death is regarded as a 'death in custody'. Consequently an Inquest is mandatory.

## **2. Events leading to arrest**

- 2.1. At 6:16pm on 10 April 2004 police were contacted by a woman who requested 'help ... please quick' and then hung up. The call was traced to a phone number linked with the name Julie Baylis at 5 Hornet Crescent, Elizabeth East<sup>1</sup>. Police communications staff recorded a 'low' priority allocation and entered a description of the job as a 'potentially violent disturbance'<sup>2</sup>. Ten minutes later at 6:26pm, a duress alarm from 5 Hornet Crescent was activated and relayed to the police communications centre<sup>3</sup>.
- 2.2. A tasking was radioed to police patrols in the Elizabeth area. Constable Terence Patterson and Probationary Constable Tanya Leonard were travelling in a police cage car and agreed to deal with the matter as soon as they had returned to the Elizabeth Police Station with evening meals for prisoners in the cells.
- 2.3. Officer Patterson commenced training as a police officer in January 2000 aged 31 years. He had previous experience in the armed forces. After a few months as a Probationary Constable at Hindley Street Police Station and then the Elizabeth Police Station, he was posted to Elizabeth as a Constable in February 2002. By April 2004 he was 35 years old and had two years and four months experience as a Constable with Elizabeth Patrols<sup>4</sup>. Whilst some might regard Officer Patterson as relatively inexperienced, I accept that police receive more intense experience at Elizabeth than in many other areas<sup>5</sup>.
- 2.4. In April 2004, Probationary Constable Leonard was 26 years old. After completing her training at the Police Academy, Leonard had about 18 months experience at the Elizabeth Police Station, mainly on patrol, following a five week period in the cell complex as a cell guard<sup>6</sup>.
- 2.5. At about 6:30pm on 10 April 2004, whilst en route to 5 Hornet Crescent, Patterson and Leonard were approached by a male on the road. They could see that he had a fresh blood stained wound to his chest, about 7 or 8 centimetres long. He gave the name William Johnson and claimed that a female at 5 Hornet Crescent, Elizabeth East

---

<sup>1</sup> Exhibit C33u

<sup>2</sup> Exhibits C33u and C33y

<sup>3</sup> Exhibit C33v

<sup>4</sup> Exhibit C70a, Attachment 5

<sup>5</sup> Transcript, page 467

<sup>6</sup> Exhibit C67b

had cut him with a fish filleting knife following an argument<sup>7</sup>. This information was conveyed to police communications<sup>8</sup>.

- 2.6. According to Patterson and Leonard, Mr Johnson repeatedly refused to name the female, but stated that he wanted her removed from the house. He mentioned that she was from New South Wales. He claimed that she had damaged property at the house and had tipped his motorcycle over, damaging it. He refused to provide a written statement.
- 2.7. An ambulance called to the scene by police conveyed a reluctant Mr Johnson to the Lyell McEwin hospital where his wound was dealt with by way of butterfly strips before he was released later that evening. The ambulance officers had advised Mr Johnson that the wound may require sutures. It appears that once the wound had been cleaned up, a decision was made that it did not require sutures.
- 2.8. Patterson had thought that Mr Johnson's wound was serious. Even though the type of wound resembled that of a slash or graze, Patterson, somewhat surprisingly regarded it as a 'stabbing'<sup>9</sup>. One can readily understand how Johnson's chest wound seemed more serious to the police and ambulance officers than it turned out to be.
- 2.9. At about the same time that police first came across Mr Johnson, Ms Baylis made another '000' call to police communications, this time using her mobile phone. She gave the name 'Julia' and asked for police to come because William Johnson was hurting her. The operator told her that police had already been despatched and Ms Baylis said that she did not know where he was and she was 'scared' because she thought he was listening to her. She was asked to go out onto the porch with the light on so that the patrols could see her. As a result of information received by police communications from Patterson, Ms Baylis was asked if she had a knife in her possession. She told the operator that she only had her mobile phone. The operator continued to reassure her that the police were on their way until they arrived at about 6:45pm<sup>10</sup>.
- 2.10. Probationary Constable Somma Donnelly and Constable Jason Bray attended 5 Hornet Crescent ahead of the other two officers. They had information that a

---

<sup>7</sup> Exhibits C67a and C68

<sup>8</sup> Exhibit C33u

<sup>9</sup> Transcript, page 215

<sup>10</sup> Exhibit C33z

female at that address may have a knife. When questioned, Ms Baylis gave the name Marie Markett and denied having a knife in her possession. When one of the officers put gloves on and said that they wanted to search her, Ms Baylis became angry and abusive and ran into the house. The police finally persuaded her to speak to them through the door at which time she was crying. She agreed to empty her track suit pant pockets to demonstrate that they were empty. Officer Donnelly established from her that there had been a fight with her partner William Johnson, during which he punched and kicked her and she threw a mug at him, causing the chest laceration. Bray and Donnelly conveyed this information to police operations by radio at about 6:46pm including the fact that there was no knife involved<sup>11</sup>.

- 2.11. While Donnelly and Bray were speaking to Ms Baylis, she was clutching her chest, which she conceded was painful<sup>12</sup>. She told Donnelly that Mr Johnson had been violent to her in the past. Whilst this information was significant, it is unclear whether it was passed on to Patterson and Leonard who subsequently arrested her.
- 2.12. When Patterson and Leonard arrived at 5 Hornet Crescent at about 6:50pm, they saw Donnelly speaking with Ms Baylis on the front porch. Bray relayed information to Patterson and Leonard to the effect that the female gave the name Marie Markett and that she was involved in a physical dispute with her male partner, during which she cut him to the chest with a broken coffee mug.
- 2.13. When Patterson asked for her name, Ms Baylis repeated the name of Marie Markett. This was an alias which Ms Baylis had used previously. It seems that even though police communications had information linking the female to the name Julie Baylis, this information was not conveyed to police at the scene. According to Patterson, Ms Baylis smelled strongly of alcohol and was slurring her speech. Patterson noted that she had a small laceration to her head which had bled into her hair. When questioned about it, Ms Baylis said she could not remember how it had occurred. A second ambulance arrived with officers who assessed her injury and advised her to come with them to the hospital for examination. Ms Baylis refused this advice but agreed to see a general practitioner in the morning. Ms Baylis was said to be

---

<sup>11</sup> Exhibits C7a, C8a and C33u

<sup>12</sup> Exhibit C8a

distressed when she explained that if she went to hospital, she would have nowhere to go once she was released<sup>13</sup>.

- 2.14. When Patterson and Leonard entered the premises at 5 Hornet Crescent, they saw blood stains which they presumed had come from Mr Johnson's wound. There were signs of a disturbance, including several holes in the plaster walls and a broken coffee mug. No knife was located in the house which might have been relevant to the incident<sup>14</sup>.
- 2.15. Whilst there was a suggestion that police had information that a fight had occurred in the rear of the property, neither officer gained access to the rear yard to investigate the matter any further.

### **3. Decision to arrest Ms Baylis**

- 3.1. The evidence establishes that Patterson contacted his superior, Sergeant Richard Murphy to discuss the matter with him and was advised to arrest Ms Baylis for the offence of assault occasioning actual bodily harm<sup>15</sup>. In evidence, Patterson was unable to recall discussing the decision to arrest Ms Baylis with Sergeant Murphy, but conceded that he may have done so<sup>16</sup>.
- 3.2. Patterson explained that his decision to arrest Ms Baylis was because of the seriousness of the suspected offence and because in domestic violence cases, where a complainant is uncooperative, police are required to take the offending seriously<sup>17</sup>. This strategy is said to enable the imposition of bail conditions designed to minimise the risk of a repetition of the offending, at least in the short term. Whilst I accept the merit in this policy, there will often be occasions where special care must be taken to establish who the principal offender really is before proceeding to arrest.
- 3.3. Another reason cited by Patterson for arresting Ms Baylis was that she had no identification on her and without it, police could not ensure her attendance in Court over the matter. There is no evidence that Ms Baylis was asked to provide supporting identification, which presumably was available inside the house if anyone had thought of it. I say more about the decision taken to arrest Ms Baylis shortly.

---

<sup>13</sup> Exhibit C8a

<sup>14</sup> Transcript, page 75

<sup>15</sup> Exhibit C15a

<sup>16</sup> Transcript, page 222

<sup>17</sup> Exhibit C33au and Transcript, page 246

- 3.4. As soon as Ms Baylis was arrested, Leonard took possession of her mobile phone and tobacco and conducted a safety search, patting down Ms Baylis' clothing, with nothing being located. Whilst the Elizabeth Local Standing Orders provided that an arresting officer should conduct a complete and efficient search and take from the prisoner any article which could 'cause harm to himself or others', the evidence indicates that police did not usually remove items such as jewellery, shoelaces or drawstrings when a prisoner is first arrested<sup>18</sup>. The Standing Orders reflected the Police Regulations on this topic which specified that items of potential self-harm be removed in a search 'immediately after a prisoner is accepted into custody at a police station'<sup>19</sup>. The General Orders gave a discretion to arresting police concerning searching a prisoner at the scene. These orders required that officers ensure that prisoners are delivered safely to the station<sup>20</sup>.
- 3.5. When arrested, Ms Baylis was wearing sneakers with laces, track pants and a shoestring singlet top. She was handcuffed to the rear and placed into the police cage car. The decision to handcuff was said to be done for the protection of the arresting police because Ms Baylis had thrown her arms up when she was told she was under arrest. I appreciate that this type of decision would need to be made swiftly and that on reflection, it may now appear to have been harsh.

#### **4. Arrival at Elizabeth Police Complex**

- 4.1. At about 7:13pm, Ms Baylis arrived at the Elizabeth Police Station cell complex, where she was placed into one of two small rooms designed originally as rooms where prisoners would be able to speak to visitors through a panel in a dividing wall. The evidence establishes that these rooms have been and continue to be used as holding cells for arrested persons before they are charged. They are said to be used in this fashion because the occupants of both rooms can be observed conveniently by the arresting officers through clear perspex walls. When placed in these rooms, arresting officers have a direct view of their prisoner when working in the office, unless the prisoner crouches below the perspex or sits on the floor. The rooms have a single stool, no toilet or water facilities and no intercom device<sup>21</sup>.

---

<sup>18</sup> Exhibit C33am

<sup>19</sup> Exhibit C33ao, Section 67 Police Regulations

<sup>20</sup> Exhibit C33an

<sup>21</sup> Exhibit C67f

- 4.2. Once placed into this tiny room, the handcuffs were removed from Ms Baylis and Patterson and Leonard started preparing the paperwork and computer checks necessary before the charging process. They also made preparations for a video recorded interview and a buccal swab for DNA testing. Leonard undertook a check on the South Australian Police Incident Management System (PIMS) which did not reveal any record in the name Marie Markett. A check of this South Australian database under the name Julia Baylis would have revealed that she was recorded as a 'victim' in an earlier complaint<sup>22</sup>. Leonard was also required to prepared the offender identification module which provides photographic images and any warnings including known risk of self-harming activities. Other tasks undertaken included the completion of an apprehension report and a prisoner screening form to alert the Cell Sergeant to information regarding the prisoner's welfare and risk of self-harm. Much of the work required access to a computer and was time consuming. The time taken to perform these duties also placed pressure on the 'holding cell facilities'<sup>23</sup>.
- 4.3. The Elizabeth Cell complex was very busy this evening because of the number of prisoners arrested over the Easter long weekend. An extra cell guard was called in to provide assistance. One of the cell guards on duty was a Probationary Constable who had not worked there before and needed to be instructed by the Acting Cell Sergeant Turner<sup>24</sup>. Acting Sergeant Turner was inexperienced as the officer in charge of the cells, but he did have some significant experience as a country police officer and twelve years experience as a police officer overall<sup>25</sup>. The Elizabeth Standing Orders required that Acting Sergeant Turner ensure that arresting officers keep their prisoners under 'close observation' and prevent disposing of property before being searched<sup>26</sup>.
- 4.4. According to Patterson, Ms Baylis appeared confused when he placed her in the visitor room and when explaining what was about to occur, he had to repeat himself. Ms Baylis complained that she wanted to get out of the cells and when Patterson closed the door, she kicked it. Ms Baylis was heard shouting loudly. No one took much notice, because staff often heard this type of behaviour in the cells<sup>27</sup>. She banged on the door and called out repeatedly that she wanted to go to the toilet. After checking with Acting Sergeant Turner, Leonard took Ms Baylis to the unoccupied

---

<sup>22</sup> Transcript, page 495

<sup>23</sup> Exhibits C70, C33p, C33q and C33r

<sup>24</sup> Exhibit C10a

<sup>25</sup> Transcript, page 468

<sup>26</sup> Exhibit C33am

<sup>27</sup> Exhibit C9a

juvenile section of the cells which had toilet facilities. When Leonard remained nearby with the cell door ajar, Ms Baylis became abusive and complained that she was not prepared to use the toilet in those circumstances. She was taken back to the visitor room. Ms Baylis again kicked the door as Leonard was closing it.

- 4.5. Ms Baylis remained agitated and was yelling out so much that, in consultation with Acting Sergeant Turner, Leonard spoke to her about being placed in a padded cell if she did not calm down. Whilst Acting Sergeant Turner had no recollection of being consulted about this episode when he gave evidence, he acknowledged that it may have occurred<sup>28</sup>. According to Leonard, whose evidence I accept, Ms Baylis became more abusive, daring the officer to put her into the padded cell<sup>29</sup>. Having regard to the General and Local Orders about the use of padded cells, it appears that it was contrary to those orders for Acting Sergeant Turner to authorise a discussion with Ms Baylis about placing her in a padded cell, in effect as a threat to punish her anti-social and disruptive behaviour. Acting Sergeant Turner conceded that this would not have been justification for using the padded cell unless there was a need to protect Ms Baylis from hurting herself, for example, if she was bashing her head against the perspex<sup>30</sup>. There is no evidence that she was engaging in this type of behaviour. I have no doubt that it would take special skill to be able to handle some abusive prisoners coming into custody in these circumstances. It seems that the conversation between Leonard and Ms Baylis about the padded cell was counter-productive in any event.
- 4.6. When Constable Patterson told Ms Baylis he was ready to interview her, she asked if she could have a cigarette first. The only place where this could occur was in one of the two small exercise enclosures, encased with wire meshing. Because Ms Baylis had yet to be charged and thoroughly searched, this was not an area where she would normally be placed.
- 4.7. In consultation with Acting Sergeant Turner, a decision was taken to allow Ms Baylis to smoke in the male exercise yard because there were no other prisoners there at the time. Ms Baylis was still in possession of her own clothing, shoes and jewellery which posed a potential risk of self-harm. All officers who gave evidence on this topic stated that as of April 2004, the more thorough search only took place under

---

<sup>28</sup> Transcript, page 359

<sup>29</sup> Exhibit C67b

<sup>30</sup> Transcript, page 360

video surveillance at the charge counter during the charging process and not before. I accept Acting Sergeant Turner's evidence that he had no recollection of being consulted about placement of Ms Baylis in the yard. He acknowledged that it may have occurred. He conceded that he became aware that Ms Baylis had been taken out to the yard to have a cigarette. He explained in evidence that he had no objection as long as one of the arresting officers remained to supervise her<sup>31</sup>. Because Acting Sergeant Turner was not in the same policing team as Leonard and Patterson, he claimed that he was unfamiliar with their level of experience or competence. He emphasised that he was busy at this time and trusted Patterson to know that Ms Baylis should be under constant observation when in the yard, because that was 'the custom' followed at Elizabeth<sup>32</sup>.

- 4.8. At about 7:38pm Ms Baylis was taken to the male exercise yard with her tobacco. Either Leonard or Patterson lit her cigarette and left her secured in the yard<sup>33</sup>. I consider that the decision to permit Ms Baylis a cigarette was made with good intent and was a thoughtful gesture in the circumstances. But by placing Ms Baylis there and leaving her alone, she was no longer within direct view of either Patterson or Leonard. The only way of observing Ms Baylis was via a CCTV monitor in the staff office and the quality of the image on the monitor was poor.
- 4.9. I accept that neither arresting officer considered Ms Baylis to be a person at risk of self-harm, but the evidence indicates that neither officer had appropriate insight into the general risks of self-harming activity of persons taken into custody. The reason for this may be partly a question of training. Patterson explained in evidence that because Ms Baylis did not say that she might attempt to harm herself and did not seem to fit the typical high suicide risk profile, he did not regard her as at risk of self-harm<sup>34</sup>.
- 4.10. After so many deaths in custody which have been the subject of a major Royal Commission, numerous Inquiries and Coronial Inquests, one would expect that all police would be aware that persons brought into custody are at particular risk of self-harm, especially when they are intoxicated and upset.

---

<sup>31</sup> Transcript, pages 361, 369 and 371

<sup>32</sup> Transcript, pages 365, 366 and 372

<sup>33</sup> Transcript, page 92

<sup>34</sup> Transcript, page 273

- 4.11. Constable Patterson appeared to focus principally on keeping Ms Baylis calm enough to co-operate with the interview process, the DNA sampling procedure and the charging process. The evidence suggests that the opportunity to smoke and have some fresh air and space in the male exercise yard did have a calming effect on Ms Baylis.
- 4.12. At approximately 7:45pm, Patterson retrieved Ms Baylis from the yard and brought her to the interview room where a video-taped interview was conducted. When Ms Baylis exercised her right to have a solicitor present, Patterson indicated that he would stop the interview to enable arrangements to be made. Because Ms Baylis was concerned that this would delay her release from custody, she agreed to press on. Patterson had concerns about whether the interview should continue, given her state of intoxication, but he proceeded in a sensitive fashion and Ms Baylis responded by co-operating with the process.
- 4.13. During the interview which lasted fourteen minutes, Ms Baylis asserted that her friend Mark Maynard had assaulted her after they had argued over her consumption of wine from a cask. She added that while they were outside, he allegedly hit her and she reacted by tipping over his motorcycle. Ms Baylis summarised what occurred next as follows:
- ‘I don’t ...but I did not damage it. And then he, I went back inside and he, that’s ...started throwing me into the walls and, things, and, he threw a coffee cup at me and that’s when I, I think I picked up the broken piece and threw it back at him, and he was facing front on and or sort of half side on and it just grazed him as it went past.’<sup>35</sup>
- 4.14. Ms Baylis emphasised that when she threw the cup, she was defending herself. She explained that she had activated the duress button at 5 Hornet Crescent for assistance and tried to call the police, but Maynard cut the phone line. She claimed that he was kicking and hitting her in the head and that her forehead and jaw now ached as a result. Ms Baylis explained that they were both from New South Wales and that Maynard had kept her confined to the house.
- 4.15. Towards the end of the interview, another officer entered the room and passed a note to Patterson with the name Julie Baylis, supplied by Mr Johnson during a phone call to the police station. The note no longer exists and it is not known what spelling was recorded in the note. Patterson explained that he decided not to deal with the

---

<sup>35</sup> Exhibit C33ai

possibility that his prisoner may have given a false name until further checks were made, including fingerprint checks which would occur after Ms Baylis was charged.

- 4.16. By the end of the interview, Ms Baylis appeared physically unwell. She was clutching her abdomen and complained that she felt dizzy and ‘fuzzy’. Whilst waiting to have the DNA procedure, Ms Baylis looked as if she was about to vomit. She managed to hold on but emphasised that she wanted to get out of the cells.
- 4.17. Constable Patterson has since stated that he told Ms Baylis that he would not be opposing her release on bail<sup>36</sup>. This comment was not recorded during the interview process nor during the recorded DNA procedure. I accept that Patterson did advise Ms Baylis of his attitude to bail probably after completion of the recorded DNA procedure. Given her physical condition at the time and level of confusion and intoxication, one could have no confidence that Ms Baylis was reassured by this intimation.

## **5. Placement in female exercise yard**

- 5.1. At the completion of the DNA procedure, Patterson decided to allow Ms Baylis to be placed in the unoccupied female exercise yard so that she could use the toilet there and smoke again before she was taken to the charge counter for the charging process. Patterson was said to be encouraged by the uneventful period earlier in the male exercise yard to believe that Ms Baylis could be placed in an exercise yard again, even though she had not yet been thoroughly searched. Both exercise yards were enclosed with wire mesh, a material identified as posing a potential hanging risk during a Cell Safety Audit in October 2003 sponsored by Assistant Commissioner Graeme Barton for the South Australian Police. The following recommendation was documented in a Report as follows:

‘Local policy recognise the structural risk found in exercise yards and staff assess those risks when planning a prisoners custody and in the frequency of physical inspection that is undertaken’.<sup>37</sup>

- 5.2. Presumably, Patterson and Leonard were unaware of the risks and did not know that an Aboriginal prisoner had hung himself in a police cell in Ceduna in 1992 using a

---

<sup>36</sup> Exhibit C68 and Transcript, page 258

<sup>37</sup> Exhibit C33ar, page 12

shoe lace attached to wire meshing of the type in existence in the exercise yard where Ms Baylis had been placed<sup>38</sup>.

- 5.3. Leonard obtained the assistance of one of the cell guards to unlock the female exercise yard and Ms Baylis was placed there at about 8:20pm. I find that Acting Sergeant Turner was made aware of the decision to place Ms Baylis in the female yard and did not voice any opposition to it. Patterson walked to the exercise yard at 8:22pm and saw Ms Baylis there before leaving her to complete his pre-charging tasks.
- 5.4. From 8:23pm, Ms Baylis remained alone, out of direct vision of Patterson and Leonard for the following 16 minutes. The female yard was visible via a monitor in the office, but the image was of poor quality and was compromised further by a blind spot behind a privacy toilet wall.
- 5.5. During this time, Leonard completed the pre-charging computer checks and paper work. No warnings were identified in computer checks for Marie Markett or Julia Baylis, although there is no reliable evidence to establish what spelling was used for the latter name. Leonard claimed that she filled out the prisoner screening form in consultation with Patterson and Acting Sergeant Turner, who states that he was unable to recall this. The screening form addresses whether the prisoner has given any indication that she may be a person at risk. Leonard acknowledged that she crossed the 'no' box on that question of her own accord because she did not believe that her prisoner was a person at risk<sup>39</sup>. She also crossed the 'no' box which asked if the prisoner appeared 'despondent', but crossed the 'yes' box in response to the question about whether the prisoner appeared 'irrational'<sup>40</sup>.
- 5.6. Leonard stated that she believed that while Ms Baylis was in the female yard, she would be monitored by the Cell Sergeant. Whilst she claims that she looked at the monitor during this period, she was unable to say what she observed if anything. She was unable to recall the quality of the image but assumed that it covered the whole area<sup>41</sup>. Leonard explained that she was unable to stay in the exercise yard with Ms Baylis because she needed to complete tasks which could not be done from that

---

<sup>38</sup> Transcript, page 526

<sup>39</sup> Transcript, page 54

<sup>40</sup> Exhibit C33r

<sup>41</sup> Exhibit C67b, Transcript, pages 104 and 107)

location<sup>42</sup>. Patterson was unable to say with any confidence whether he looked at Ms Baylis via the monitor during this period<sup>43</sup>.

- 5.7. Patterson suggested to Acting Sergeant Turner that they should commence the charging process before Ms Baylis was brought to the counter because she was unwell. It was also intended to make the process go more smoothly<sup>44</sup>. Acting Sergeant Turner claimed that he had no recollection of being informed that the prisoner was unwell<sup>45</sup>. Tragically, during those crucial five minutes when Patterson and Leonard stood at the charge counter while Patterson was giving Acting Sergeant Turner an outline of the arrest and other information relevant to the charging process, Ms Baylis had removed a shoe lace from her shoe, secured one end through wire mesh in the blind spot behind the privacy wall and tied the other end around her neck. If the officers had looked at the monitor and noticed that she was not in view, at least that fact might have prompted them to attend the yard immediately. It appears that during this period, there was no particular reason why Leonard needed to remain at the charge counter while her prisoner was unattended and unobserved. Whilst I accept that Acting Sergeant Turner was busy recording what Patterson was telling him during this time, it should have been obvious to him that both arresting officers were standing in front of him at the charge counter and that therefore the prisoner, was not under constant observation<sup>46</sup>.

## **6. Discovery of Ms Baylis in a collapsed state**

- 6.1. When Leonard was sent to retrieve Ms Baylis from the exercise yard, she called out to her, but heard no response. She entered the yard at 8:39pm and found Ms Baylis sitting on the ground, legs outstretched and head slumped forward. Leonard repeatedly called out to her, but kept her distance, fearing that Ms Baylis might have been 'faking it'. Leonard did not think to call for assistance via the intercom in the yard, nor did she use her radio handset. Instead, she re-secured the yard and returned to the charge counter, to obtain assistance from Patterson.
- 6.2. When Patterson approached Ms Baylis at 8:40pm, he assumed that she had collapsed from the effects of alcohol consumption. Ms Baylis was not breathing. He checked

---

<sup>42</sup> Transcript, page 103

<sup>43</sup> Transcript, page 263

<sup>44</sup> Exhibit C68

<sup>45</sup> Transcript, page 374

<sup>46</sup> Transcript, page 112

for a pulse and was unable to locate one, then he noticed the cord running up the wire mesh wall from her neck.

- 6.3. Leonard ran back to the charge counter to raise the alarm yelling for some scissors. She was unaware that a Hoffman Knife, designed for cutting ligatures was kept in the office<sup>47</sup>. Meanwhile Patterson had cut the ligature with his Swiss army knife and commenced cardio-pulmonary resuscitation. Other officers quickly joined him and provided assistance until after about four minutes, Patterson was able to detect a pulse. Expired air ventilation through a Laerdal mask was continued by Senior Constable John Simper until the ambulance crew arrived at about 8:48pm. I acknowledge the commendable efforts of Constable Patterson and Senior Constable Simper in performing cardio pulmonary resuscitation upon Ms Baylis until ambulance officers arrived. Ms Baylis was taken to the Royal Adelaide Hospital, via the Lyell McEwin Hospital and remained in the Intensive Care Unit, unconscious, for the following three weeks on life support.
- 6.4. Following consultation between family and the treating medical practitioners, life support was withdrawn and Ms Baylis was certified deceased at 12:10 pm on 4 May 2004<sup>48</sup>.

## 7. **Post-mortem examination**

- 7.1. A post-mortem examination was conducted by Dr John Gilbert, Forensic Pathologist of the Forensic Science Centre on 5 May 2004. Dr Gilbert's findings are detailed in a report received into evidence<sup>49</sup>. Dr Gilbert noted several areas of bruising, greenish in colour, to areas including the forehead, the scalp, right breast, thigh, upper shin and ankle. There is a suggestion that another bruise over the anterolateral aspect of the right mid forearm resulted from medical treatment. I consider that the remaining bruising may be consistent with injuries sustained during an altercation with Mr Johnson before Ms Baylis was arrested on 10 April 2004.
- 7.2. According to Dr Gilbert, the cause of death was 'bronchopneumonia complicating anoxic encephalopathy due to neck compression, due to hanging'. I accept the observations noted and opinions expressed in Dr Gilbert's report. Having viewed

---

<sup>47</sup> Exhibit C67b

<sup>48</sup> Exhibit C2a

<sup>49</sup> Exhibit C3

some poor quality video footage of Ms Baylis in the female exercise yard before disappearing behind the privacy wall, I am satisfied that Ms Baylis attached the ligature to her neck without assistance from any other person<sup>50</sup>.

## **8. Blood alcohol level**

A sample of blood taken from Ms Baylis by staff at the Lyell McEwin Hospital in the brief period that she remained there was later analysed and revealed a blood alcohol level of 0.15%<sup>51</sup>.

## **9. Available information concerning potential risk of self-harm**

- 9.1. There was information available from interstate police records for Marie Markett and Julia Baylis which would have alerted South Australian Police that Ms Baylis had attempted self-harm when taken into custody previously.
- 9.2. Information subsequently obtained by facsimile at 11:06pm on the evening of 10 May 2004 indicate that records were available from New South Wales which warned that Ms Baylis was a risk of self-harm by cutting with jewellery following an incident in which she was arrested for shoplifting. Whilst in custody she was said to be abusive and aggressive with mood swings, featuring crying, punching and kicking the perspex in the dock. Before being released on bail, Ms Baylis was said to have cut herself with her ring<sup>52</sup>.
- 9.3. Queensland records suggested that Ms Baylis had previously attempted to commit suicide by cutting her wrists several times and warned that she 'may be violent and will spit on police.'
- 9.4. Clearly, this type of information should be available to arresting officers and Cell Sergeants at the earliest possible time following detention of prisoners within the cells. I accept the evidence from Patterson and Leonard that they would have been much more vigilant, had they received this information in a timely fashion.
- 9.5. The database known as NEPI/CRIMTRAC has information including whether the person has an interstate criminal record. It indicates whether there are warnings, but to access details, the officer has to contact the interstate police to find out what type of

---

<sup>50</sup> Exhibits C59a, C59b and C59c

<sup>51</sup> Exhibit C3a and C75

<sup>52</sup> Exhibit C33af

warning applies. Access to the system is by way of a password which changes every 6 weeks. According to Senior Sergeant Davey, Cell Sergeant at Elizabeth, the password system has proven impractical for operational officers who therefore do not use it<sup>53</sup>. Neither Patterson nor Leonard had access to the system on 10 April 2004<sup>54</sup>.

- 9.6. I have been advised that the system now operating enables all officers to seek assistance from the 'records response' unit which will conduct checks on the officer's behalf 24 hours a day<sup>55</sup>. It is now a requirement that these checks are conducted<sup>56</sup>. In my view, these checks should be undertaken as soon as a prisoner is brought into the cell complex. If this had been done on 10 April 2004, it is likely that Ms Baylis would have been supervised much more closely.
- 9.7. The evidence indicates that a nationwide tracking programme called Minimum Nation-wide Person Profile (MNPP) is being developed in consultation with all Australian police jurisdictions, however, progress is said to be relatively slow due to the complexity of agreements and security concerns<sup>57</sup>. When it is available it will provide access to relevant warnings nationwide, alerting officers to self-harming risks of prisoners.
- 9.8. I endorse comments made in a report by Inspector Steven Kameniar that because police have the responsibility for the welfare of prisoners, they should have access to the best available information to assist them in carrying out their responsibilities. Where relevant warnings are discovered, the information should be conveyed directly to the Cell Sergeant so that special precautions may be taken<sup>58</sup>.

## **10. Supervision of prisoners before charging in the Elizabeth Cells**

- 10.1. One of the major issues arising out of the death of Ms Baylis is the lack of supervision while she was in the exercise yards.
- 10.2. The general police orders stipulated that the responsibility for the welfare of prisoners in the cell complex rested with the Sergeant in charge at the time. The evidence establishes that the practice operating at Elizabeth required arresting police officers to

---

<sup>53</sup> Exhibit C16c

<sup>54</sup> Exhibit C70

<sup>55</sup> Transcript, page 555

<sup>56</sup> Transcript, page 524

<sup>57</sup> Transcript, page 553

<sup>58</sup> Exhibit C70

take responsibility for the welfare of prisoners until after the charge process. If prisoners were denied bail and were kept in custody after charging, the cell guards took over from the arresting officers.

- 10.3. A reminder of this requirement was said to be conveyed by email on 6 February 2004 from Senior Sergeant John Davey to officers in the local Elizabeth Service area as follows:

‘A reminder to all members in respect of prisoners that are brought into the cell area. An incident occurred overnight where we could have been severely embarrassed because a prisoner who had not been charged had been left in a cell without any knowledge of the cell staff.

Just to clarify the situation. If you arrest or convey a prisoner to the Elizabeth Cells, the prisoner is your responsibility until they have been charged when they become the responsibility of the cell staff. There are no exceptions to this rule. Do not expect the cell staff to look after the prisoner. No prisoner is to be left unattended in the cell complex’.<sup>59</sup>

- 10.4. Senior Sergeant Davey was the officer in charge of the Elizabeth Police Station and the Elizabeth Cell complex when he disseminated the email. In evidence, Leonard claimed that she had no recollection of reading the email, but if she had been aware of it, she would have interpreted it to mean that the prisoner should be viewed at all times either directly through the perspex windows of the visitor cells or via the CCTV monitors, even where a prisoner is housed in the exercise yard<sup>60</sup>.
- 10.5. Leonard explained that in her view, it is impractical to maintain this type of constant observation, given the number of tasks that patrol officers are required to undertake before charging, bearing in mind that the computer terminal commonly used by patrol officers is the one where the operator has no view of the monitors<sup>61</sup>. As a consequence of this tragic event, Leonard indicated that when she is now responsible for a prisoner in custody before charging, she no longer shares the tasks with the arresting officer and devotes her entire time to observation of her prisoner<sup>62</sup>.
- 10.6. Constable Patterson acknowledged that he read the email shortly after it was sent. According to Patterson, he understood that the incident which led to the email concerned an occasion when patrol officers had taken a prisoner to the cells and left

---

<sup>59</sup> Exhibit C33al

<sup>60</sup> Exhibits C67b and C67d and Transcript, page 120

<sup>61</sup> Transcript, page 120

<sup>62</sup> Transcript, page 135

the station before the prisoner had been charged. In that context, he believed that the email simply emphasised that this was unacceptable and that what was required of patrol officers was that they look after their prisoner in the cell complex until the charging process. According to Patterson, it would be impractical to maintain an immediate physical proximity to their prisoner, even with two officers sharing the tasks, because of time pressures<sup>63</sup>.

- 10.7. Senior Sergeant Davey explained in evidence that his email was intended to reinforce the pre-existing expectation that arresting officers were to have their prisoners under continual observation<sup>64</sup>. Senior Sergeant Davey emphasised that when Ms Baylis was placed in the exercise yard, Patterson or Leonard should have remained with her. He did not regard monitoring Ms Baylis via the monitor from the office as a suitable substitute.
- 10.8. Acting Sergeant Turner gave evidence about his interpretation of the email, confirming that given by Senior Sergeant Davey. He elaborated by saying that it was a reminder of the established practice that the arresting officer needed to keep ‘close visual contact’<sup>65</sup>. I consider that the wording in the email was ambiguous and could not be relied upon as a specific instruction that arresting officers were required to maintain continual close visual contact of their prisoners until the charging process was completed.
- 10.9. The email was said to reflect the Standing Orders for the Elizabeth Cells which had been in existence since 1994. A hard copy folder of these Orders comprising 314 pages was housed in the Cell Sergeant’s office<sup>66</sup>.
- 10.10. The Standing Orders dealt with the topic as part of a general responsibility of the Station Sergeant as follows:
- ‘he will ensure the arresting/searching member/s shall keep a prisoner under close observation and prevent him from disposing of property prior to being searched’<sup>67</sup>
- 10.11. The Standing Orders are said to have complimented the General Orders, also kept in hard copy form in the office. Police are required to familiarise themselves with all of

---

<sup>63</sup> Transcript, pages 276 and 285

<sup>64</sup> Transcript, page 457

<sup>65</sup> Transcript, page 367

<sup>66</sup> Exhibits C16a and C16b

<sup>67</sup> Exhibit C33am

these Orders<sup>68</sup>. Whilst I have not examined the General Orders said to be in operation in April 2004, it is accepted that they were silent on the specific topic concerning the degree of observation required of prisoners by the arresting officers before charging<sup>69</sup>.

10.12. I find that whilst there was a ‘custom’ or practice of prisoner supervision at Elizabeth in April 2004, in accordance with Senior Sergeant Davey’s description, it was not clearly documented anywhere. I also find that Leonard and Patterson were unaware of the practice.

## **11. Changes to the previous system regarding searching and supervision of prisoners**

11.1. After the incident concerning Ms Baylis, a policy statement was issued to officers in the Elizabeth Local Service Area on 14 May 2004, regarding care and custody of prisoners in which Acting Chief Inspector Steward Dodd instructed that all prisoners were to be thoroughly searched before being placed in any cell including a holding cell, regardless of whether they had been formally charged<sup>70</sup>.

11.2. A revised General Order, dated August 2004, now clarifies the issue of searching and supervision of prisoners as follows:

‘An ordinary search of the prisoner is conducted prior to lodging the prisoner into the holding cell/holding area and items normally removed from prisoners when charged (including, shoelaces, lengths of cord, belts, illegal substances, medication, cigarettes, jewellery and articles capable of assisting in self-harm) are removed from the prisoner and secured until the charging process is complete’.

‘A close, continuous physical presence and observation is maintained until such time as the OIC accepts custody of the prisoner.’<sup>71</sup>

11.3. According to Assistant Commissioner Gary Burns, this wording means that the patrol officer must remain in the “very near vicinity with a good view of that prisoner and being able to, .....physically have input if something occurs.”<sup>72</sup>

11.4. Senior Sergeant Davey emphasised that since the searching process now takes place as soon as prisoners are brought into the cell complex, patrol officers are still required to keep prisoners under constant visual supervision<sup>73</sup>.

---

<sup>68</sup> Exhibit C73

<sup>69</sup> Exhibit C70

<sup>70</sup> Exhibits C24b, C74

<sup>71</sup> Exhibit C74g

<sup>72</sup> Transcript, page 546

<sup>73</sup> Transcript, page 476

## 12. **Revised Standing Orders for prisoner management**

According to Assistant Commissioner Burns, The Elizabeth Cell Standing Orders were audited in July 2006, to ensure compliance with the revised General Orders. In August 2006, a document entitled ‘Prisoner Management and Cell Complex Standing Orders’ was published for the Elizabeth Police Station<sup>74</sup>. Having reviewed this 75 page document, I am satisfied that it represents a significant improvement in setting out what is expected of arresting officers concerning searching and supervision of prisoners and does appear to be consistent with the wording used in the new General Orders on these topics. It remains to be seen whether police officers will familiarise themselves with the details of the document.

## 13. **Induction process for police officers at Elizabeth**

The evidence establishes that induction for police working in the Elizabeth cells was done verbally and has been shared amongst about 20 officers who have differing levels of experience and knowledge<sup>75</sup>. I find that the induction process for Leonard and Patterson was inadequate. Senior Sergeant Davey explained that the induction process for police officers at Elizabeth has now been revised, utilising the model from the Adelaide Watch-House<sup>76</sup>. According to Senior Sergeant Davey, the new system has demonstrated an improvement in knowledge of those undertaking it<sup>77</sup>. The existing staffing of the cells relies heavily on 6 week rotations of Probationary Constables. In this situation, there will be an on-going need to ensure that proper training is undertaken and that these members are properly supervised. I consider that part of that training should include alerting these members to the various ways in which a prisoner may engage in acts of self-harm<sup>78</sup>.

## 14. **Supplementary training for all operational police officers**

- 14.1. According to Assistant Commissioner Burns and Inspector Kameniar, operational officers are now required to undertake a yearly one day training course referred to as Incident Management Operational Safety Training (IMOST). This course includes ‘prisoner management’ as one of the topics covered. Assistant Commissioner Burns

<sup>74</sup> Exhibits C74b, page 24, C74j and Transcript, page 547

<sup>75</sup> Transcript, page 471

<sup>76</sup> Transcript, page 466

<sup>77</sup> Exhibit C74d and Transcript, pages 473 and 556

<sup>78</sup> Transcript, page 475

explained that the training, devised by the Police Academy, is conducted by Senior Sergeants. There is said to be a proposal to provide education coaching for these senior officers in the interests of consistency<sup>79</sup>. If officers fail to undertake the yearly training, they may be taken away from operational duties. I endorse the efforts made to improve and maintain the level of training for all police officers who have responsibility for prisoners<sup>80</sup>.

- 14.2. I also endorse the efforts of senior police working on the 'Custody Safety Project' which is said to be due for completion in May 2007<sup>81</sup>.

**15. Camera surveillance in the Elizabeth Cells**

- 15.1. The equipment in the Elizabeth Cells is an outdated black and white multiplex system which is defective in many respects. The cluttered monitors displaying the various images within the cells are positioned in a cramped area in the office at a height which makes them awkward to view when seated and impossible to view if the arresting officer is working at a computer around the corner, adjacent the visitor's rooms. There have also been chronic problems with the audio recording of activities at the charge counter.
- 15.2. Notwithstanding that an investigation into the quality of the image observed from the female exercise yard, suggested that movement was clearly visible, having seen it for myself, I respectfully disagree<sup>82</sup>. I am advised that a new improved system is due for installation within 12 months or so on a priority 2 basis after completion of upgrades at Christies Beach and Holden Hill Police Stations<sup>83</sup>.
- 15.3. I note that the privacy wall has now been tapered to reduce the blind spot on the image captured from the surveillance camera, although it remains a potential hazard.
- 15.4. The wire mesh continues to pose a potential risk and should be regarded as such whenever these exercise yards are occupied.

---

<sup>79</sup> Transcript, page 560

<sup>80</sup> Exhibit C73

<sup>81</sup> Exhibit C73

<sup>82</sup> Exhibit C60

<sup>83</sup> Exhibit C74j

**16. Was arrest the appropriate course of action?**

16.1. Whilst I accept that the arrest of Ms Baylis may be regarded as a 'lawful arrest', the question arises whether there was any other reasonable option in the circumstances.

16.2. Sergeant Richard Murphy was interviewed by Inspector Steve Kameniar during the Commissioner's inquiry into this matter in November 2005. When asked whether he advised Patterson to request the assistance of Crime Scene police officers after advising Patterson that he should arrest Ms Baylis, he said 'no' and gave the following explanation:

'It's probably my decision again, in so far as this is a relatively routine job for a patrol at Elizabeth and sometimes we can get several of these a week and more than one in a night. ....I considered that the prospects of conviction were nil and that the long term result of this would have been that it would have been handled by Domestic Violence with counselling and resolved through normal domestic violence channels. I did not think it was a necessary resource to use in the circumstances as I considered the prospects of finding out what had happened and long term prospects of conviction were nil'.<sup>84</sup>

16.3. Having reflected upon this candid response from Sergeant Murphy, I urge senior police to reconsider whether the 'arrest first and sort it all out later' approach is appropriate for these types of events. Whilst I appreciate that the immediate concern is often to remove one of the parties involved from the scene, it would be prudent to have alternative strategies available to police other than simply to 'arrest' a suspect. If an injury appears serious initially, and is used as the major reason to arrest a suspect, efforts should be made as soon as possible to clarify the status of the injury where that injured person has been taken to hospital.

**17. The recorded interview**

17.1. Because Patterson and Leonard did not have a video or audio recorder at the scene, Patterson considered that he needed to bring Ms Baylis back to the police station to be interviewed. This seems to have contributed to his decision to arrest Ms Baylis swiftly and to stop any further discussion at the scene about what had happened<sup>85</sup>.

17.2. Sergeant Murphy expressed the view that an interview should not have been conducted with Ms Baylis whilst she was intoxicated. The evidence does not enable

---

<sup>84</sup> Exhibit C15b

<sup>85</sup> Transcript, page 499

me to conclude that Sergeant Murphy conveyed this view to Patterson. Patterson made the decision to conduct a recorded interview in accordance with his interpretation of the requirements of section 74D of the Summary Offences Act 1953, non-compliance with which risks rejection of evidence of a suspect's remarks in any future criminal trial for an indictable offence<sup>86</sup>. Given the strict interpretation given to these provisions in a number of decisions of Criminal Courts in this State, it is not surprising that operational police are now very mindful of their obligations in this regard to the point perhaps where they are distracted by them, sometimes to the detriment of competing considerations.

- 17.3. If Sergeant Murphy's prediction of how the charge against Ms Baylis would ultimately have been dealt with is correct, then the question of admissibility of the recorded interview becomes irrelevant. The only useful purpose it could have served, would have been if what was said in the interview was taken into account in determining the charge, or deciding whether Ms Baylis should be charged at all. By reference to the handwritten summary entered in the charge book concerning the allegations against Ms Baylis, I find that it would not have been taken into account for either purpose<sup>87</sup>.
- 17.4. I find that the recorded interview together with the DNA sampling process, served as a major distraction to Leonard and Patterson. Their preoccupation with these activities seems to have exacerbated their failure to appreciate that Ms Baylis might harm herself.

**18. The final act of hanging**

One can only speculate about what finally motivated Ms Baylis to attempt to hang herself in the female exercise yard shortly after the completion of the interview. No doubt Ms Baylis regarded herself as a victim to some extent. She was the person who had called for police assistance. Given her state of intoxication, her judgment was probably impaired. She had sufficient time to reflect on her predicament, realising that her version of events was unlikely to influence whether she would be charged. Assuming that Ms Baylis understood that Constable Patterson would not oppose her bail, Ms Baylis had expressed her fear that she did not know anyone to contact to help her and she had nowhere else to stay. She had given police a false name which she

---

<sup>86</sup> Section 74E of the Summary Offences Act 1953

<sup>87</sup> Exhibit C33p

was yet to be confronted about and this may have complicated her release on bail after fingerprint checks were conducted. Because Ms Baylis had not yet been thoroughly searched and potentially hazardous items taken from her, I find that there was ample reason to regard Ms Baylis as a person who needed to be under constant observation, quite apart from any customary police practice or police orders. I am satisfied that the changes introduced after this tragic event will serve to minimise this type of event in future.

## **19. Recommendations**

19.1. In accordance with the provisions of section 25(2) of the Coroner's Act 2003, the following recommendations are made in anticipation that they might prevent or reduce the likelihood of or recurrence of an event, similar to the events, the subject of this Inquest.

19.1.1. That the Government continue to do what is necessary to facilitate access by operational police officers to the National database Person Profile system to enable checks to be conducted concerning a prisoner's potential risk of self-harm.

19.1.2. That the holding cell facilities at the Elizabeth Cell Complex be upgraded to provide toilet and water facilities, together with more appropriate seating and emergency intercom devices. The facilities should incorporate a measure of privacy which is consistent with the requirement to maintain adequate supervision.

*Key Words: Death in Custody; Hanging*

*In witness whereof the said Coroner has hereunto set and subscribed her hand and*

*Seal the 18<sup>th</sup> day of December, 2006.*

---

*Coroner*