

AUSTRALIAN DEATHS IN CUSTODY

No. 5 Deaths of Young People in Police and Prison Custody and Juvenile Detention, 1980-1992

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Although every death in custody is a matter of concern, the deaths of children and young adults are particularly disturbing. This research paper, the fifth in the Deaths in Custody, Australia series, provides new information on this topic. Readers may recall that previous reports in this series covered the deaths of detainees in police and corrections establishments and provided case material and statistics concerning deaths in juvenile detention facilities. With the publishing of this report we now have, within the deaths in custody monitoring and research program, full coverage of all custodial deaths, as recommended by the Royal Commission into Aboriginal Deaths in Custody. Such comprehensive information was not previously available, but from now on it will be an integral part of the Institute's activities in informing decision-makers and the public about custodial deaths.

The fact that 74 per cent of the deaths of young people analysed here were self-inflicted highlights the need for the expanded use of alternatives to custody, wherever possible, and of programs within custodial settings to reduce the stress and feelings of helplessness that must underlie many of these premature deaths.

Duncan Chappell
Director

INTRODUCTION

This paper presents statistical information on the deaths of young people in police and prison custody and juvenile detention in Australia between 1980 and 1992. Material on the deaths of young people in custody is already available in general papers on deaths in police and prison custody (see Biles & McDonald 1992; McDonald & Howlett 1992) and a preceding paper in this series which provided detailed information on young people who have died whilst detained as juveniles (Howlett 1993). However, this paper plays an important role in drawing together information on the deaths of young people in these three major custodial environments.¹

Data collected on custodial death by researchers for the Royal Commission into Aboriginal Deaths in Custody and the Australian Institute Of Criminology's Deaths in Custody Monitoring and Research Unit have been utilised. The data collection process by the Deaths in Custody Monitoring and Research Unit was undertaken in several stages. Contact was initially established with each state and territory police, corrections and juvenile welfare/justice authority. The Commissioner of each police service and the Head of each corrections and juvenile welfare/justice department was contacted and advised of the research. In conjunction, contact was established with Coroner's offices in each jurisdiction. This project was fully supported by all departments and senior Coroners, and they each nominated a liaison officer.

¹ Young people may have died in other custodial environments, such as some immigration and psychiatric facilities. Information on any such deaths will be presented in future papers in this series.

SUMMARY

This paper presents statistical information on the deaths of young people in police and prison custody and juvenile detention in Australia between 1980 and 1992. During the thirteen years under review, 93 young people aged less than 21 years have died in custody. This figure represents approximately 13 per cent of the total number of custodial deaths in this time period. Twenty of the young people who have died were Aboriginal: nine in police custody, seven in prison and four in juvenile detention. Five of the young people who have died were female: three in police custody, one in prison and one in juvenile detention.

During the thirteen years under review, New South Wales has had the highest number of deaths of young people in custody: 34 or approximately 37 per cent of the national total. Queensland had the next highest number of custodial deaths of young people at 20, and also the highest number of such deaths of young Aboriginal people: eight, which is 40 per cent of the national total. In terms of legal status, a very high proportion of the young people who died in prison custody were held on remand. Many of those who died in prison custody were detained for offences against the person whilst in police custody, most of the young people who died were held in relation to less serious offences, including five young people whose most serious offence was public drunkenness. The majority of those who died in juvenile detention were held in relation to property offences. The most common manner of death was hanging which resulted in 66 deaths (71 per cent). There has been much fluctuation in the annual number of custodial deaths of young people and no real trend can be discerned.

The existing Royal Commission data set consisted of information on deaths in police and prison custody from 1980 until the end of 1989. In order to update this information, the Deaths in Custody Monitoring and Research Unit requested that the police and corrections liaison officers complete an information collection form on each death that occurred in their jurisdiction during 1990-1992. As the Royal Commission did not collect information on non-Aboriginal deaths in juvenile detention, the juvenile welfare/justice contact people were given a bigger task of providing information on all deaths in their jurisdiction between 1980 and the end of 1992. The information requested on all deaths in custody included: the personal characteristics of the deceased, their custodial and legal status, and the cause and manner of their death. As a supplement to this information, copies of coronial records on all deaths in custody were requested. The details supplied by custodial authorities were thus able to be checked against available coroners' findings.

The Royal Commission into Aboriginal Deaths in Custody recommended, and all governments have agreed, that the standard definition of death in custody, for the purposes of ongoing monitoring:

should include at least the following categories:

- (i) the death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile;*
- (ii) the death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained or by lack of proper care whilst in such custody or detention;*
- (iii) the death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and*
- (iv) the death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention (Aboriginal Deaths in Custody: Overview of the Response by Governments to the Royal Commission 1992).*

Following discussions with senior police, corrections and juvenile welfare/justice personnel it has been agreed by all authorities except the Queensland Police Service that this definition incorporates cases where death occurred at a police lockup, prison or juvenile detention facility, or during and following transfer from such an institution to a hospital; during the process of the person escaping or attempting to escape from police, prison or juvenile detention; and during the process of police officers attempting to detain the person, regardless of whether or not the person was under arrest or the officers intended to arrest the person.² This definition of death in custody is thus quite broad, and should be borne in mind when considering the information presented in this paper.

² The Queensland Police Service is still considering the scope of the definition of a custodial death.

The information on deaths which occurred between 1980 and 1989 was collected by the Royal Commission researchers during the period 1988 to 1990. This exercise of retrospective data collection was reliant upon extant police and prison records. As the definition of death in custody has changed since this time (as recommended by the Royal Commission into Aboriginal Deaths in Custody), it is likely that the criteria used by custodial authorities for providing that information was narrower than that now employed. It is therefore probable that the 1990-1992 data set includes some cases which may not have been considered as 'deaths in custody' by custodial authorities prior to the Royal Commission.

This research focuses upon the custodial deaths of people aged less than 21 years. This age group was selected so that the three custodial populations would be compatible in terms of age for comparative purposes. Young people aged up to 21 years may be held in juvenile detention in some jurisdictions. The remainder of this paper consists of detailed statistical information on the deaths of young people in police and prison custody and juvenile detention.

THE INCIDENCE OF DEATHS OF YOUNG PEOPLE IN CUSTODY

According to information received from police services, corrections departments and juvenile welfare/justice authorities, there have been a total of 93 deaths of young people in custody between 1980 and the end of 1992. This figure represents approximately 13 per cent of the total number of deaths in this time period. Twenty of the young people who have died were Aboriginal: nine in police custody, seven in prison and four in juvenile detention. Five of the young people who have died were female, four non-Aboriginal and one Aboriginal. These deaths of young women involved two 14-year-olds (one police custody and one juvenile detention); one 18-year-old (police custody), and two 20-year-olds (one police custody and one prison custody). Further details on deaths of young people in police and prison custody and juvenile detention are provided in the tables and figures included in this paper.

From Table 1 it will be observed that, over the thirteen-year period, New South Wales has had the highest number of deaths of young people in custody: 34 or approximately 37 per cent of the national total. The majority of these deaths (21) were in prison. New South Wales also reported the highest number of deaths in juvenile detention with four out of the national total of nine. Queensland had the next highest number of custodial deaths of young people at 20, and also the highest number of such deaths of Aboriginal young people, eight, which is 40 per cent of the national total. Victoria reported the next highest number of deaths of young people with 15, all non-Aboriginal young people. Western Australia was the only jurisdiction in which deaths in police custody substantially exceeded those in prison custody: seven compared with three. In South Australia and the Australian Capital Territory the number of deaths of young people was the same in police and prison custody, but South Australia also recorded one death in juvenile detention; there were three deaths in prison custody and none in police custody or juvenile detention in Tasmania; and two custodial deaths of young people were reported in the Northern Territory, one each in police custody and juvenile detention.

TABLE 1
*Jurisdiction, Aboriginality, Deaths of Young People in
Police and Prison Custody and Juvenile Detention, 1980-1992*

<i>Jurisdiction</i>	<i>Police</i>		<i>Prison</i>		<i>Juvenile Detention</i>		<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
NSW	1	8	2	19	1	3	4	30	34
Vic.	-	6	-	7	-	2	-	15	15
Qld	4	3	3	9	1	-	8	12	20
WA	3	4	1	2	-	-	4	6	10
SA	1	2	1	2	1	-	3	4	7
Tas.	-	-	-	3	-	-	-	3	3
NT	-	1	-	-	1	-	1	1	2
ACT	-	1	-	1	-	-	-	2	2
Aust.	9	25	7	43	4	5	20	73	93

Table 2 shows the legal status of the young people who died in custody during the thirteen-year period under review. Bearing in mind the high number for whom the legal status was not known, most of the young people were either held on remand or sentenced to a period of imprisonment at the time of their death. The twelve deaths in the legal status category 'other' involve ten young people in police custody: five who died during the process of police attempting to detain them (two during siege situations, two during police pursuits, and one during a police raid) and five held in police lockups without being charged with an offence (two who were held for questioning/inquiries, two held in protective custody, and one held for cautioning in relation to a juvenile status offence); and two young people who were held in juvenile detention on welfare matters (as wards of the state).

It is of note that 23 or 49 per cent of the young people who died in prison custody whose legal status is known were held on remand. This proportion of 49 per cent is very high when compared with the prison population as a whole where, over the 1982-1992 period, an average of 17 per cent of prisoners aged less than 21 years were remandees (Australian Institute of Criminology, unpublished data). The proportion of deaths among remandees is thus more than twice what one would expect from their proportion in the young prisoner population. This fact is concordant with other Australian research on deaths in custody that suggests that people held on remand are a particularly vulnerable group in terms of custodial death (McDonald & Howlett 1992).

Table 3 presents information on the most serious offence that led to the final period of custody of the young people who have died. It should be noted that the legal status of the young people varied. In many cases they had not been convicted of the offences (for example where held on remand awaiting trial), and in some instances the young person died before being charged or without even being liable to be charged (for example where held in protective custody for public drunkenness in jurisdictions where such behaviour is not an offence).

TABLE 2
Legal Status by Custodial Authority, Deaths of Young People
in Police and Prison Custody and Juvenile Detention, 1980-1992

<i>Legal Status</i>	<i>Police</i>	<i>Prison</i>	<i>Juvenile Detention</i>	<i>Total</i>
Remand	3	23	3	29
Sentenced	-	24	4	28
Other	10	-	2	12
Not known	21	3	-	24
Total	34	50	9	93

Bearing in mind the high number for whom the most serious offence was not known at the time of collation, it will be observed that a total of 32 young people who died in custody were detained for the property offences of 'break and enter', 'motor vehicle theft' and other theft. Another 27 deaths occurred amongst young people detained for the four most serious categories of offences, namely 'homicide', 'assault', 'sexual offences' and 'robbery'. As may be expected, most of the young people held for such serious offences were in prison. Six young people were in custody (four in prison) due to offences against justice procedures, namely 'breach of recognisance', 'breach of bail', 'breach of probation', 'contempt of court' and two cases of 'escape from legal custody' (one from a child welfare institution).

Another five deaths occurred among young people for whom drunkenness was the most

TABLE 3

***Most Serious Offence Leading to Custody, Deaths of Young People
in Police and Prison Custody and Juvenile Detention, 1980-1992***

<i>Most Serious Offence</i>	<i>Police</i>	<i>Prison</i>	<i>Juvenile Detention</i>	<i>Total</i>
Homicide	2	2	-	4
Assault	3	7	2	12
Sex offences	-	2	-	2
Robbery	2	7	-	9
Break and enter	2	11	4	17
Fraud	-	1	-	1
Motor vehicle theft	3	6	1	10
Other theft	1	4	-	5
Property damage	1	1	-	2
Justice procedures	1	4	1	6
Drunkenness*	5	-	-	5
Other good order offences	1	1	-	2
Drug offences	-	1	-	1
Drink driving	1	-	-	1
Other traffic offences	-	1	-	1
Other offences	1	-	1	2
Not known	11	2	-	13
Total	34	50	9	93

* Includes both public drunkenness in the states where it is or was an offence and protective custody owing to intoxication in the other states and territories where public drunkenness has been decriminalised.

serious offence; all were in police custody. Two young people were in custody for causing damage to property, and another two were held in relation to traffic offences. The two deaths in the category 'other offences' involve young people held in relation to juvenile status offences, namely 'under-age drinking' and 'threatening to abscond'.

TABLE 4

***Cause and Manner of Death and Age, Deaths of Young People
in Police and Prison Custody and Juvenile Detention, 1980-1992***

<i>Cause of Death</i>	<i>Age in Completed Years</i>							<i>All Ages</i>
	<i>14 yrs</i>	<i>15 yrs</i>	<i>16 yrs</i>	<i>17 yrs</i>	<i>18 yrs</i>	<i>19 yrs</i>	<i>20 yrs</i>	
Hanging	1	-	3	14	10	22	16	66
Head injury	1	-	-	2	-	-	-	3
Gunshot	-	1	-	-	-	1	2	4
Other external trauma	2	-	-	-	-	-	1	3
Drugs	-	-	-	1	1	3	1	6
Alcohol	-	-	-	-	1	1	1	3
Natural causes	-	-	-	1	3	2	1	7
Not known	-	-	-	-	-	1	-	1
Total	4	1	3	18	15	30	22	93

Table 4 summarises the cause and manner of death of young people in police and prison custody and juvenile detention in the 1980-1992 period. The information presented here is derived from the custodial authorities and in some cases coroners' findings. All but eight of the young people who died were aged 17 to 20 years, most (52) being 19 and 20-year-olds. Most (69 or 74 per cent) of these custodial deaths of young people were self-inflicted. The majority (66 or 96 per cent) of such self-inflicted deaths were hangings. Alcohol and other drug related deaths were the next most common, accounting for a combined total of nine deaths. The next highest number of deaths (seven) were attributed to natural causes, including three cases of heart failure (two of which were associated with epilepsy). Four deaths were the result of gunshot wounds: two self-inflicted during police siege situations, one inflicted by police during a raid on a private dwelling, and one inflicted by a prison guard as the young person attempted to escape from custody. Three deaths were due to head injuries; three deaths resulted from other external trauma (one in the form of injuries sustained in a motor vehicle crash, another due to burns and the other due to stabbing); and the cause and manner of death of one young person at the time of collation was not known.

Table 5 and present details of the number of deaths of young people in police and prison custody and juvenile detention each year for the thirteen years under review. It will be observed that, whilst the trend is generally upward, there has been much fluctuation in the annual number of custodial deaths. The mean annual number of deaths over the full period is seven. The 95 per cent confidence interval for the mean is five to nine. (The 95 per cent confidence interval is the range within which the mean is expected to fall 95 per cent of the time.) The number of deaths falls within this confidence interval for approximately half of the thirteen years: it was a little below the confidence interval in 1980, 1981, 1984 and 1986; slightly above the confidence interval in 1991; and well above the confidence interval in 1987.

TABLE 5

Year of Death, Custodial Authority and Aboriginality, Deaths of Young People in Police and Prison Custody and Juvenile Detention, 1980-1992

<i>Year of Death</i>	<i>Police</i>		<i>Prison</i>		<i>Juvenile Detention</i>		<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
1980	1	-	-	2	1	-	2	2	4
1981	-	1	-	1	1	-	1	2	3
1982	-	3	1	1	-	-	1	4	5
1983	1	2	1	3	-	1	2	6	8
1984	-	1	-	3	-	-	-	4	4
1985	-	2	-	4	-	-	-	6	6
1986	-	1	-	2	-	1	-	4	4
1987	4	1	1	8	-	1	5	10	15
1988	-	3	1	3	1	-	2	6	8
1989	2	-	-	5	-	1	2	6	8
1990	-	3	1	3	1	1	2	7	9
1991	-	6	2	2	-	-	2	8	10
1992	1	2	-	6	-	-	1	8	9
Total	9	25	7	43	4	5	20	73	93

below the confidence interval in 1980, 1981, 1984 and 1986; slightly above the confidence interval in 1991; and well above the confidence interval in 1987. The very high number of deaths in custody in 1987 was the stimulus for the Royal Commission into Aboriginal Deaths in Custody and was discussed in its report (1991, vol.2, pp. 123-30). The annual mean for the twelve-year period excluding the extreme case of 1987 is six deaths, with a 95 per cent confidence interval of five to eight. The number of custodial deaths of young people during the 1990s is therefore relatively high.

The number of deaths of Aboriginal young people in all custodial environments has been quite stable. The average number of Aboriginal deaths each year over the full thirteen-year period is two; it is one when the 1987 extreme is omitted. The thirteen-year mean for non-Aboriginal deaths is six; it is five when 1987 is excluded. Compared with this, the number of deaths in recent years of non-Aboriginal young people is high. In fact the increase in custodial deaths of young people during the 1990s may be seen predominantly as an increase in deaths of non-Aboriginal young people.

This apparent rise in the number of custodial deaths may be related to an increase in the size of the custodial populations. However, information from statistical collections held at the Australian Institute of Criminology reveals the following trends in detention rates of young people:

- data from the National Police Custody Survey which was first conducted during the month of August 1988 and then repeated during August 1992 reveals a decrease of 17 per cent in the number of people aged less than 21 years held in police custody during these months;
- data from the National Prison Census reveals an increase of 14 per cent in the number of people aged less than 21 years held in prison custody between 1982 and 1992; and,
- information collated for the Institute's juvenile detention statistics collection reveals a decrease of 21 per cent in the number of people aged less than 20 years held in juvenile detention between 1982 and 1991.

As discussed at the beginning of this paper, the apparent increase in custodial deaths of young people may also be related to the fact that the definition of custodial death used in the 1990-1992 data collection process was broader than that employed in previous years. In reviewing trends in custodial deaths over the thirteen-year period, the factor of the changed definition must be taken into account. No real trend can therefore be established.

This paper has provided statistical information on the deaths of young people in police and prison custody and juvenile detention between 1980 and 1992. It is hoped that such information on the scope and nature of deaths in custody will be of value to many people, including custodial policy-makers, and will ultimately contribute to minimising the number of such deaths in Australia.

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This is the fifth research paper in the Deaths in Custody, Australia series produced by the Australian Institute of Criminology. It has been compiled by the Institute's Deaths in Custody Monitoring and Research Unit which was established as one of the Commonwealth Government's responses to the Royal Commission into Aboriginal Deaths in Custody.

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