

AUSTRALIAN DEATHS IN CUSTODY

No. 7 Australian Deaths in Custody 1993

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Recent reports by the Commonwealth Government and some of the State Governments detailing action taken in the year to 30 June 1993 to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody have highlighted the continuing tragedy of deaths in custody. The Commonwealth report includes a chapter prepared by the Australian Institute of Criminology on trends in Aboriginal and Torres Strait Islander deaths in custody and incarceration.

This issue of Deaths in Custody Australia updates that information as it covers the period to 31 December 1993. It is of grave concern that the number of custodial deaths throughout Australia has increased, compared with the previous year. The fact that the increase was almost entirely among non-Aboriginal people in prison highlights the need for all States and Territories to take every step possible to implement fully the recommendations of the Royal Commission, in particular, that imprisonment be used only in the last resort, and that great efforts be made to ensure the well-being of those people who are imprisoned.

The police services of Australia are to be commended for the fact that, in 1993, no indigenous deaths were reported in police lockups anywhere in Australia, and the total number of deaths in all forms of police custody is the lowest reported in any calendar year since 1989.

Grant Wardlaw
Acting Director

INTRODUCTION

This paper presents information on the deaths which occurred in police and prison custody throughout Australia during the twelve months to 31 December 1993, as well as summary data on the whole period since 1980. The purpose of this paper is to provide policy makers, the managers of custodial facilities and the public with information which will enable them to remain aware of trends in custodial deaths, both nationally and at the State/Territory level. In doing so, the Australian Institute of Criminology (AIC) is implementing Recommendation 41 of the Royal Commission into Aboriginal Deaths in Custody which addressed the need for the monitoring, on an ongoing basis, of Australian deaths in custody.

Details on the methodology used in this project were included in the first paper in this series and will not be repeated here. In brief, however, each of Australia's eight police services, corrections authorities and juvenile justice or juvenile welfare authorities was asked to provide information, in a standard format, on all deaths in custody which occurred within their area of responsibility during the year to 31 December 1993. Information on deaths was also obtained from other sources, including media reports and community organisations; these were checked against the custodial authorities' lists. In addition, each State Coroner or equivalent was asked to review

SUMMARY

During the twelve months to 31 December 1993, 74 deaths in custody have been reported as occurring in Australia. Forty-eight of these deaths, or 65 per cent, occurred in prison custody while 25 deaths, or 34 per cent of all cases, occurred in police custody. One death was reported to have occurred in the custody of the juvenile welfare authorities during 1993. All but three of those who died were males. As in previous years, Aboriginal people were over-represented in the numbers of custodial deaths compared with the number of Aboriginal people in the community. Eight indigenous people (all of whom were Aboriginal) died in custody in 1993. This represents 11 per cent of the deaths although Aboriginal people make up just 1 per cent of the Australian population.

The ages of those who died ranged from 16 to 73 years, averaging 34 years (although the median was slightly less at 31 years). Thirty-one (or 42 per cent) of the deaths were reported to have been self-inflicted. The most frequent manner of death for both Aboriginal and non-Aboriginal people was hanging (25 deaths), followed in frequency by deaths from illness (20 cases) and injury (9 cases), with smaller numbers accounted for by other causes. In three cases (or 4 per cent), the cause of death was unknown at the time of writing.

With regard to the offences which resulted in the deceased detainees being in custody, the five most serious offences (namely homicide, assault, sex offences, robbery and other offences against the person) accounted for thirty-six (or 49 per cent) of the cases. Thirty-two (43 per cent) of the people who died were serving a sentence of imprisonment at the time of death and 22 (30 per cent) were being held on remand. The 20 remaining cases (27 per cent) had also not been convicted of any offence but died while police were attempting to detain them (15 cases), while being escorted by police to a psychiatric facility under the provision of mental health legislation (three cases), while in protective custody for drunkenness where drunkenness is not an offence (one case) or while being detained but considered unfit to plead to the offence committed on the grounds of insanity (one case).

The number of custodial deaths in the 1993 calendar year (n=74) is substantially higher than the total number reported in any of the previous five years. This increase has occurred entirely among non-Aboriginal people. Indeed, the number of deaths of Aboriginal people during the year, while remaining at the same level as the previous year, was fewer than any other year since 1984. Furthermore, no Aboriginal people were reported to have died in police lockups during the year, although two died in other forms of police custody and six in prison.

custodial authorities' lists. In addition, each State Coroner or equivalent was asked to review the lists and check them for completeness. At the time of writing, the results of coronial inquests had been received on just three of the 74 cases for 1993; the findings of those inquests have been used to confirm and supplement information received from the custodial authorities. The information on trends presented towards the end of this paper updates that provided in earlier issues in this series. It incorporates new information on custodial deaths.

Although the present report covers the 1993 calendar year, the Australian Institute of Criminology will continue to publish reports covering both the calendar and the financial years. The usefulness of having reports covering both periods is illustrated by the AIC's contribution to the report, *Implementation of Commonwealth Government Responses to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody: First Annual Report 1992-93*. That report, prepared by the Commonwealth Government for tabling in the Commonwealth and the State/Territory parliaments, incorporates a summary of the information published in the previous monograph, *Deaths in Custody Australia*, Number 6.

WHAT IS A DEATH IN CUSTODY?

Consistency in definitions and counting rules is especially important in this type of project which aims to provide information on trends. The AIC's deaths in custody monitoring program has adopted the definition of a "death in custody" which was recommended for this purpose by the Royal Commission into Aboriginal Deaths in Custody and which has been agreed to by all governments. In Recommendations 6 and 41 the Royal Commission expressed the view that the definition of a death in custody:

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 (Royal Commission into Aboriginal Deaths in Custody 1991, p. 190).

TABLE 1
Deaths in Custody, 1993

Jurisdiction, Aboriginality and Custodial Authority

<i>Jurisdiction</i>	<i>Police</i>			<i>Prison</i>			<i>Juvenile</i>			<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
NSW	-	9	9	3	19	22	-	-	-	3	28	31
Vic.	-	9	9	2	6	8	-	1	1	2	16	18
Qld	-	1	1	1	7	8	-	-	-	1	8	9
WA	-	-	-	-	3	3	-	-	-	-	3	3
SA	-	4	4	-	6	6	-	-	-	-	10	10
Tas.	1	-	1	-	1	1	-	-	-	1	1	2
NT	1	-	1	-	-	-	-	-	-	1	-	1
ACT	-	-	-	-	-	-	-	-	-	-	-	-
Aust.	2	23	25	6	42	48	-	1	1	8	66	74

The fourth paper in this series (McDonald & Howlett 1993) discussed the complexities involved in defining a custodial death for the purposes of this monitoring program and post-death investigations. In summary, it was pointed out that the definition quoted above is broader than that used in the past by some custodial authorities (but, importantly, not by the Royal Commission with regard to the Aboriginal deaths which it investigated). Prior to 1990, some custodial authorities (particularly the police services) took the view that a "death in custody" was limited to a death which occurred in a lockup, prison, juvenile detention centre, etc., or in a hospital after an inmate was transferred there direct from such a facility. Deaths which occurred in other forms of police custody (for example in a community setting), and deaths occurring while police or prison authorities were attempting to detain a person (for example in a pursuit), were often not categorised and dealt with as custodial deaths.

The definitional issues have been discussed with the police services. On the basis that all Australian governments have accepted the definition of a "death in custody" as recommended by the Royal Commission, all police services are now reporting deaths which meet this definition, except for the Queensland Police Service. As at 31 December 1993, that agency had not determined how to interpret and therefore implement the definition.

To assist readers in understanding trends in custodial deaths, we have differentiated the lockup/prison/hospital deaths which always have been considered to be deaths in custody (see Table 11(b)) from those which now fall within the definition recommended by the Royal Commission but which may not have done so prior to 1990 (see Table 11(c)). The total number of deaths covered in this report, taking into account the post-Royal Commission definition of a "death in custody", are detailed in Table 11(a). This differentiation is particularly significant in interpreting police custody deaths. Tables 11(a), (b) and (c) are discussed more fully towards the end of this report.

THE INCIDENCE OF DEATHS IN CUSTODY

Deaths in Custody Reported to the AIC

Seventy-four people are reported to have died in custody in Australia between 1 January and 31 December 1993: 25 (34 per cent) died in police custody; 48 (65 per cent) were in prison custody; one individual died while in the custody of juvenile welfare authorities during 1993. As in previous years, Aboriginal people are over-represented in the number of custodial deaths. Eight Aboriginal people died in custody during 1993. This represents 11 per cent of all custodial deaths during this time period whereas Aboriginal people comprise only 1 per cent of the Australian population. The incidence of Aboriginal and non-Aboriginal death appeared to be similar between different forms of custody. While two Aboriginal people died in police custody, six died in prison custody. Correspondingly, 23 non-Aboriginal people (35 per cent of all the non-Aboriginal cases) died in police custody compared to 42 deaths (64 per cent of all non-Aboriginal cases) in prison custody and one in juvenile detention. Table 1 provides details on the number of custodial deaths by State/Territory and Aboriginality for the 1993 period.

It will be observed from Table 1 that New South Wales, Australia's most populous State, experienced the largest portion of the 1993 deaths in custody, 31 (42 per cent) out of the total of 74. Twenty-two of the deaths in this State occurred in prison custody with the remaining nine occurring in police custody. Three of the eight Aboriginal deaths occurred in New South Wales. Victoria, the second most populous State, recorded almost a quarter of the 1993 deaths in custody, 18 (24 per cent) out of the total of 74. Nine of the Victorian deaths occurred in police custody and the only death to occur in juvenile detention was in this jurisdiction. Of the eight deaths which occurred in prison custody in Victoria, two were Aboriginal people.

South Australia had the next highest number of deaths in custody with ten, six of which occurred in prison custody. None of the deaths in South Australia that were reported to the Australian Institute of Criminology were of Aboriginal people. Queensland (where the Police Service was apparently using a narrower definition of a custodial death than the other police services) recorded nine custodial deaths for the year, one of which was an Aboriginal person. Three deaths of non-Aboriginal people occurred in prison custody in Western Australia, whilst in Tasmania, two deaths occurred, one in prison and one in police custody. The Northern Territory recorded one death of an Aboriginal person in police custody. During 1993, the Australian Capital Territory was the only jurisdiction in Australia to record no deaths in custody.

Deaths not yet Reported to the AIC

While the majority of the police and prison authorities unfailingly report deaths in custody to the Australian Institute of Criminology very quickly, there is sometimes a delay in the time between the death occurring and the Institute receiving the information. In 1993, six additional deaths came to the attention of the Institute that might fall within the definition of a "death in custody" as described above, but for which information has not been received from the appropriate authorities. In just one of these instances the delay was due to the decision of the Institute to await the results of a coronial inquest before deciding whether or not to include the case in the 1993 data set. In the remaining five cases, information concerning the circumstance of the deaths has not yet been provided by the police and prison authorities. This report, therefore, does not include any of the six cases. Thus, brief descriptions of these deaths are provided below.

- In Queensland, a man is reported to have died of multiple injuries after a police pursuit ended in a car crash. The man who died was a passenger in the car.
- In Queensland, a motorcyclist is reported to have died after crashing his motorbike when fleeing from police who had attempted to detain him for a breath test.
- In Queensland, a man died after shooting himself in a siege with police.
- In Queensland, an Aboriginal man died after being arrested by police. This particular death led to an inquiry by the Queensland Criminal Justice Commission as a result of the outrage expressed by the man's family and the Aboriginal community. The Commission reported recently that the man had died of the Stokes-Adams condition which had led to a heart attack while the man was in transit to the police station in the rear of a police van. No fault was found in the behaviour and actions of the police personnel involved in the arrest.
- In Tasmania, a man died after shooting himself in the presence of police. The police had been called to attempt to prevent the man from taking his own life.

TABLE 2
Deaths in Custody, 1993
Circumstances of Death, Aboriginality and Custodial Authority, 1993

Circumstances ^(a)	Police			Prison			Juvenile			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
Institution	1	7	8	6	42	48	-	1	1	7	50	57
Detaining	1	14	15	-	-	-	-	-	-	1	14	15
Escorting	-	2	2	-	-	-	-	-	-	-	2	2
Total	2	23	25	6	42	48	-	1	1	8	66	74

(a) See text for definitions

- In New South Wales, a man died after he was found hanging in a prison cell.

In summary, four of these six cases took place in Queensland, one in Tasmania and one in New South Wales. Just one of the deaths occurred in prison custody. All of the deaths involved males and one was an Aboriginal person.

The importance of these cases is paramount. While this paper reports on the 74 deaths reported to the AIC and which fall within the definition of a death in custody, there may have been as many as 80 deaths in custody during 1993. While further information on deaths in custody during the period covered by this report will be up-dated in subsequent reports in the series, detailed analyses of the circumstances of the deaths will not be repeated. While the omission of these deaths from the report is in part a result of the Queensland Police Service failing to reach a decision regarding the definition of a "death in custody", the importance of providing information as quickly as possible to the AIC cannot be overstated if under-reporting of the frequency of deaths in custody is to be avoided and dissemination of the circumstances in which they occur is to be achieved.

THE CIRCUMSTANCES OF DEATHS IN CUSTODY

As already noted, the definition of a "death in custody" as established by the Royal Commission into Aboriginal Deaths in Custody is quite broad. The 74 deaths which occurred during 1993 are summarised in Table 2 using the following three categories:

- deaths in **institutions** (for example prisons, police lockups and juvenile detention centres), or during transfer to or from an institution (for example in a police vehicle), or in hospital following transfer from an institution;
- deaths which occurred while police or prison officers were in the process of **detaining** the person; and,
- deaths which occurred while police were in the process of **escorting** those detained under State or Territory mental health legislation to a psychiatric institution.

Fifty-seven of the 74 deaths (77 per cent) occurred in an institutional place of custody as defined above. (It is of special significance that only eight out of the 25 deaths occurring in police custody took place in an institutional setting.) A further 15 of the 74 deaths (20 per cent) took place while police were in the process of detaining, or attempting to detain, the individuals concerned. In addition, two deaths (3 per cent) occurred while police were in the process of escorting individuals to a mental health facility.¹

¹ Although 3 people in police custody were escorted to a mental health facility, one was also in custody for a crime and was, as a result, being escorted from a police lock-up to a psychiatric hospital. Accordingly, this death is categorised as a death occurring during transfer to an institution.

TABLE 3(a)

Police and Prison Custody and Juvenile Detention Death Rates, 1993
Denominator: Aboriginal, Non-Aboriginal and Total 15 yrs+ Populations Respectively

<i>Aboriginality</i>	<i>Population 1991 census^(a)</i>	<i>Persons 15 yrs⁺(a)</i>	<i>Deaths in custody 1993</i>	<i>Deaths per 100,000 population 15 years⁺</i>
Aboriginal ^(b)	265,465	159,710	8	5.01
Non-Aboriginal ^(c)	16,584,875	12,925,947	66	0.51
Total	16,850,340	13,085,657	74	0.57

(a) Source: Derived from Australian Bureau of Statistics, *1991 Census Matrix Software*, Cat. No. 2714.0, ABS, Canberra, 1993.

(b) Includes Torres Strait Islanders.

(c) Includes "not stated".

TABLE 3(b)

Prison Custody Death Rates, 1993
Denominator: Aboriginal, Non-Aboriginal and Total 15 yrs+ Populations Respectively

<i>Aboriginality</i>	<i>Population 1991 census^(a)</i>	<i>Persons 15 yrs⁺(a)</i>	<i>Deaths in custody 1993</i>	<i>Deaths per 100,000 population 15 years⁺</i>
Aboriginal ^(b)	265,465	159,710	6	3.76
Non-Aboriginal ^(c)	16,584,875	12,925,947	42	0.32
Total	16,850,340	13,085,657	48	0.37

(a) Source: Derived from Australian Bureau of Statistics, *1991 Census Matrix Software*, Cat. No. 2714.0, ABS, Canberra, 1993.

(b) Includes Torres Strait Islanders.

(c) Includes "not stated".

TABLE 3(c)

Police Custody Death Rates, 1993
Denominator: Aboriginal, Non-Aboriginal and Total 15 yrs+ Populations Respectively

<i>Aboriginality</i>	<i>Population 1991 census^(a)</i>	<i>Persons 15 yrs⁺(a)</i>	<i>Deaths in custody 1993</i>	<i>Deaths per 100,000 population 15 years⁺</i>
Aboriginal ^(b)	265,465	159,710	2	1.25
Non-Aboriginal ^(c)	16,584,875	12,925,947	23	0.18
Total	16,850,340	13,085,657	25	0.19

(a) Source: Derived from Australian Bureau of Statistics, *1991 Census Matrix Software*, Cat. No. 2714.0, ABS, Canberra, 1993.

(b) Includes Torres Strait Islanders.

(c) Includes "not stated".

of the 74 deaths (20 per cent) took place while police were in the process of detaining, or attempting to detain, the individuals concerned. In addition, two deaths (3 per cent) occurred while police were in the process of escorting individuals to a mental health facility.²

Of the police custody deaths (n=15) that took place while police officers were in the process of detaining, or attempting to detain, the individuals concerned, three of the deaths were self-inflicted (all three individuals shot themselves) and a further four individuals were shot by the police. Six people died as a result of motor vehicle crashes during police pursuits. In the remaining two cases, one person died of drug toxicity after a struggle with police and another drowned while being pursued by police. This breakdown of police custody deaths should be borne in mind in interpreting the information set out in this paper.

² Although 3 people in police custody were escorted to a mental health facility, one was also in custody for a crime and was, as a result, being escorted from a police lockup to a psychiatric hospital. Accordingly, this death is categorised as a death occurring during transfer to an institution.

Of the eight Aboriginal deaths, six occurred in prison, one was shot by police while they were attempting to detain him and one person (a female) died in the rear of a police vehicle en route to a sobering-up shelter, apparently as a result of a blood clot on the lung. No Aboriginal deaths occurred in police lockups anywhere in Australia during the year.

Death Rates

The rates of custodial deaths may be expressed in terms of:

- i. the ratio of the number of deaths to the number of people in the community; or
- ii. the ratio of the number of deaths to the number of people in custody.³

Commencing with the first of these approaches, the 1993 crude death rate for all forms of custody combined was 0.44 per 100,000 of the total Australian population (or, alternatively, for every 227,707 people in Australia, one person died in custody during 1993). When we consider only the population aged 15 years and above, to enhance comparability with the age structure of the custodial population, the death rate is slightly higher at 0.57 per 100,000, as observed from Table 3(a).

The release of final data from the 1991 Census of Population and Housing enables comparisons to be made between the rates of custodial deaths of Aboriginal people and non-Aboriginal people. Details are presented in Table 3(a). It will be observed that, although only 11 per cent of the deaths were among Aboriginal people, the fact that they comprise approximately 1 per cent of the adult population means that their adult (15 years and above) crude death rate was twelve times that of non-Aboriginal people.⁴

In relation to the different forms of custody, for the 1993 period the adult (15 years and above) crude death rate for *prison* custody, as shown in Table 3(b), was 0.37 per 100,000 of the Australian population. The adult crude death rate for Aboriginal people in prison was 3.76 per 100,000 of the Australian Aboriginal population, whereas the death rate for non-Aboriginal people in prison was 0.32 per 100,000 of the Australian non-Aboriginal population. Therefore, during the period covered by this report, the relative risk of prison custody death for adult Aboriginal prisoners (compared with non-Aboriginal prisoners) was 11.75 (that is 3.76 divided by 0.32). In other words, the risk of death of Aboriginal people in prison during this time was almost twelve times that experienced by non-Aboriginal prisoners.

Turning now to *police* custody death rates, a similar pattern is observed, as demonstrated in Table 3(c). The adult crude death rate for all types of police custody for 1993 was 0.19 per 100,000 of the Australian population. The adult crude death rate for Aboriginal people in all circumstances of police custody was 1.25 per 100,000 of the Australian Aboriginal population, whereas the death rate for non-Aboriginal people in police custody was 0.18 per 100,000 of the Australian non-Aboriginal population. Therefore, the relative risk of death in all circumstances of police custody for adult Aboriginal people (compared with non-Aboriginal people) was 6.94 (that is 1.25 divided by 0.18). In other words, the risk of death of Aboriginal people in all forms of police custody during this time was almost seven times that experienced by non-Aboriginal people.

However, as stated in (ii) above, it is also useful to express the rates of deaths in custody in terms of the number of deaths compared to the number of people in custody. Applying this approach, the crude death rate for prison custody during 1993 was 3.09 per 1,000 of the prison population, as observed in Table 4(a). In terms of Aboriginality, the crude death rate for Aboriginal prisoners was 2.70 per 1,000 prisoners, whereas the death rate for non-Aboriginal prisoners was 3.15 per 1,000 of the prison population. Therefore the relative risk of death in prison custody for Aboriginal people (compared with non-Aboriginal people) was 0.86 (that is 2.70 divided by 3.15). This means that the risk of death of non-Aboriginal prisoners was a little higher than that of Aboriginal prisoners when their death rates are expressed in this manner. This finding reflects the relatively low number of deaths (n=6) of Aboriginal people in prison custody during 1993. It should be recalled, however, that this relatively low risk of Aboriginal prison deaths is in contrast to the corresponding relative risk of 11.75 where the numbers of Aboriginal and non-Aboriginal prison deaths are compared with the relative sizes of the Aboriginal and non-Aboriginal populations in the community at large. The difference between these two estimates of risk is explained by the continuing over-representation of Aboriginal people in the prison population. This is portrayed in Figures 2(a) and (b).

³ See Technical Note at the end of this report for details on the calculation of death rates.

⁴ This odds ratio figure of approximately 12 is based on the ratio of Aboriginal deaths (11 divided by 89) divided by the ratio of Aboriginal people in the population (1 divided by 99). A similar pattern is observed when age standardised rates are used.

TABLE 4(a)
Prison Custody Death Rates, 1993
Denominator: Aboriginal, Non-Aboriginal and Total Prison Populations Respectively

<i>Aboriginality</i>	<i>Prison population^(a)</i>	<i>Deaths in custody 1993</i>	<i>Deaths per 1,000 prison population</i>
Aboriginal ^(b)	2,223	6	2.70
Non-Aboriginal ^(c)	13,336	42	3.15
Total	15,559	48	3.09

(a) Based on National Prison Census 30 June 1992, *Australian Prisoners 1992*, Australian Institute of Criminology, John Walker.

(b) Includes Torres Strait Islanders.

(c) Includes "not stated".

TABLE 4(b)
Police Custody Death Rates, 1993
Denominator: Aboriginal, Non-Aboriginal and Total Police Lockup Populations Respectively

<i>Aboriginality</i>	<i>Police lockup population^(a)</i>	<i>Deaths in custody 1993</i>	<i>Deaths per 1,000 police custody population</i>
Aboriginal ^(b)	217	1	4.61
Non-Aboriginal ^(c)	438	7	15.98
Total	655	8	12.21

(a) Source: National Police Custody Survey 1992 (unpub. data), Australian Institute of Criminology, David McDonald. (See Technical Note, pp. 17-18 of this paper)

(b) Includes Torres Strait Islanders.

(c) Includes "not stated".

The pattern is similar in terms of police custody death rates. The crude death rate for police custody during 1993 was 12.21 per 1,000 of the police custody population (for explanation of police lockup death rates, see Technical Note, pp. 17-18 of this paper). The crude death rate for Aboriginal people in police custody during 1993 was 4.61 per 1,000 of the police custody population. The crude death rate for non-Aboriginal people in police lockups during this time was 15.98 per 1,000 of the police custody population (see Table 4(b)). Therefore, the relative risk of death in police custody for Aboriginal people (compared with non-Aboriginal people) was 0.29 (that is 4.61 divided by 15.98). This means that the risk of death of non-Aboriginal people in police custody was more than three times that of Aboriginal detainees when their death rates are expressed in this manner. Once again, this finding reflects the relatively low number of deaths (n=1) of Aboriginal people in institution-based police custody during 1993. Furthermore, the difference between this estimate of risk and the corresponding estimate of risk when the numbers of Aboriginal and non-Aboriginal police custody deaths are compared with the sizes of their relative populations in the community at large (that is 6.94), is also explained by the continuing over-representation of Aboriginal people in police custody.

In summary, then, the death rates and levels of risk of death in both police and prison custody in 1993 revealed that the risk of death in custody for Aboriginal people was greater than for non-Aboriginal people, but this difference was a reflection of the over-representation of Aboriginal people in all types of custody and not a reflection of a greater risk of death itself. Thus, in order to fully address the issue of Aboriginal deaths in custody, it will be necessary to address the related issue of Aboriginal arrest and incarceration. While it seems reasonable to assume that if the incarceration rates of Aboriginal and non-Aboriginal people were similar, the risks of dying while in custody would be comparable between the two groups, it must not be forgotten that the rate of deaths in custody in Australia has risen substantially over the twelve month period covered by this report.

DEMOGRAPHIC CHARACTERISTICS

Gender

The majority (n=71 or 96 per cent) of people who died in custody during 1993 were male. As noted above, eight Aboriginal people died in custody during this time period. Of the three women who died, one was an Aboriginal person. Two of these individuals died of natural causes while in police custody while the third was found hanging in a prison washroom.

Age

As in previous years, the people who died in custody during 1993 were young. Their ages ranged from 16 to 73 years, with a mean age of 34 years and a median (the point above and below which half of the cases fell) of 31 years. There were no significant age differences between the Aboriginal people who died in custody and the non-Aboriginal people, although the former had a mean age of 29 years compared to the mean age of 35 years of the latter.⁵

Table 5 shows the age distributions of the indigenous and non-indigenous people who died in police and prison custody during 1993. Differences exist in the mean ages of the people who died in the two different custodial environments. The mean age at death of the people who died in prison custody was significantly different from the mean age at death of those who died in police custody (37 years compared with 29 years respectively; this is significant when $p < 0.05$). The mean age at death of Aboriginal people in police custody was only slightly younger than that of non-Aboriginal people (28 years compared with 29 years respectively) but in prison custody, the mean age for Aboriginal people was 30 years compared with 38 years for non-Aboriginal people (however, this difference is not statistically significant).

Nine of the deaths in custody that occurred during 1993 were of people aged 19 years or younger. This involved one juvenile detention death of a 16-year-old who died by hanging; police custody deaths of two 16-year-olds, one of whom was shot by police while the other died in a motor vehicle crash during a police pursuit; a police custody death of a 17-year-old who died in a motorcycle crash after attempting to evade police; one police custody and two prison custody deaths of 18-year-olds, the first of whom died as a result of injuries received after a police pursuit ended in a motor vehicle crash while the other two died of hanging; and two police custody deaths of 19-year-olds, one of whom died in a motor vehicle crash after a police pursuit while the other shot himself during a siege. In summary, therefore, of the nine teenagers to have died in custody in 1993, six died in police custody (two-thirds of whom died as a result of motor vehicle crash injuries obtained after police pursuits) while two died in prison custody (both as a result of hanging) and one died in juvenile detention (also as a result of hanging).

⁵ There are differing age distributions of these two groups in the community but not in the custodial populations. Thus, the mean ages at death of Aboriginal and non-Aboriginal people, as we might expect, reflected the age distributions of their respective custodial populations but not their total populations in the community.

Manner of Death

TABLE 6
Deaths in Custody, 1993
Manner of Death, Aboriginality and Custodial Authority

<i>Manner</i>	<i>Police Non-Ab'l</i>			<i>Prison Non-Ab'l</i>			<i>Juvenile Non-Ab'l</i>			<i>Total Non-Ab'l</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Ab'l</i>	
Hanging	-	4	4	2	18	20	-	1	1	2	23	25
Natural causes	1	1	2	3	15	18	-	-	-	4	16	20
Gunshot	1	6	7	-	-	-	-	-	-	1	6	7
Head injury	-	2	2	-	1	1	-	-	-	-	3	3
Other trauma/ multiple injuries	-	5	5	-	1	1	-	-	-	-	6	6
Drugs/alcohol	-	3	3	-	5	5	-	-	-	-	8	8
Other	-	2	2	-	-	-	-	-	-	-	2	2
Not known	-	-	-	1	2	3	-	-	-	1	2	3
Total	2	23	25	6	42	48	-	1	1	8	66	74

TABLE 5
Deaths in Custody, 1993
Age Group, Aboriginality and Custodial Authority

<i>Age group</i>	<i>Police Non-Ab'l</i>			<i>Prison Non-Ab'l</i>			<i>Juvenile Non-Ab'l</i>			<i>Total Non-Ab'l</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Ab'l</i>	
<15	-	-	-	-	-	-	-	-	-	-	-	-
15-19	1	5	6	-	2	2	-	1	1	1	8	9
20-24	-	4	4	3	2	5	-	-	-	3	6	9
25-29	-	6	6	-	8	8	-	-	-	-	14	14
30-34	-	2	2	2	12	14	-	-	-	2	14	16
35-39	-	1	1	-	2	2	-	-	-	-	3	3
40-44	1	1	2	-	4	4	-	-	-	1	5	6
45-49	-	4	4	1	3	4	-	-	-	1	7	8
50-54	-	-	-	-	3	3	-	-	-	-	3	3
55-59	-	-	-	-	1	1	-	-	-	-	1	1
60-64	-	-	-	-	3	3	-	-	-	-	3	3
65+	-	-	-	-	2	2	-	-	-	-	2	2
Total	2	23	25	6	42	48	-	1	1	8	66	74

Information on the cause and manner of death is derived from custodial authorities and coroners. Due to the lengthy period of time that often elapses between a death occurring and the handing down of the findings by the coroner, the data presented in this section are based on coroners' findings in just three of the 74 cases. Subsequent reports in this series will update this information if coroners' findings on the cause and manner of particular deaths differ from those reported by the custodial authorities. The manner of death for those who died in custody in Australia during 1993 is summarised in Table 6.

Hanging was the most frequent manner of death, accounting for 25 (or 34 per cent) of the deaths overall. Almost half of the prison deaths were by hanging (n=20 or 42 per cent), as were 16 per cent (n=4) of the police custody deaths. The only juvenile detention death was also caused by hanging. Natural causes was the next most frequent category, with 20 deaths, the majority of which occurred in prison custody (90 per cent). These categories were followed in frequency by drug/alcohol-related deaths (n=8), deaths caused by gunshot (n=7), deaths caused by injury other than head injury (n=6), and deaths caused by head injury (n=3). Furthermore, one person died by drowning and one by burns received in a cell fire. At the time of writing, the manner of death had not been determined in three cases.

Of the 20 deaths from natural causes (that is illness), five resulted from heart disease, three from cancer, three from complications associated with epilepsy, three from respiratory problems, one from an infectious disease (Hepatitis "B") and one from multiple causes (the type of illness resulting in death is undetermined as yet in the 4 remaining cases).

TABLE 7
Deaths in Custody, 1993
Most Serious Offence Leading to Custody, Aboriginality and Custodial Authority

Offence	Police			Prison			Juvenile			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
Homicide	-	2	2	2	10	12	-	-	-	2	12	14
Assault	1	2	3	-	5	5	-	-	-	1	7	8
Sex offences	-	-	-	-	5	5	-	-	-	-	5	5
Robbery	-	2	2	1	5	6	-	-	-	1	7	8
Other offences against the person	-	1	1	-	-	-	-	-	-	-	1	1
Break, enter & steal	-	3	3	1	5	6	-	-	-	1	8	9
Fraud	-	-	-	-	1	1	-	-	-	-	1	1
Motor vehicle theft	-	3	3	-	-	-	-	1	1	-	4	4
Other theft	-	1	1	-	1	1	-	-	-	-	2	2
Property damage	-	1	1	-	-	-	-	-	-	-	1	1
Justice procedures	-	-	-	-	2	2	-	-	-	-	2	2
Drunkenness	-	1	1	-	-	-	-	-	-	-	1	1
Other against good order	-	1	1	-	2	2	-	-	-	-	3	3
Possess and/or use drugs	-	1	1	-	1	1	-	-	-	-	2	2
Deal or traffic in drugs	-	-	-	-	1	1	-	-	-	-	1	1
Other drug offences	-	-	-	-	-	-	-	-	-	-	-	-
Drink driving	-	-	-	-	-	-	-	-	-	-	-	-
Other traffic offences	-	2	2	-	2	2	-	-	-	-	4	4
Other offences	-	-	-	-	-	-	-	-	-	-	-	-
Not known	-	1	1	2	2	4	-	-	-	2	3	5
No offence involved	1(a)	2(b)	3	-	-	-	-	-	-	1	2	3
Total	2	23	25	6	42	48	-	1	1	8	66	74

(a) Refers to a person taken into protective custody for drunkenness where drunkenness is not an offence.

(b) Refers to two people being escorted by police to psychiatric institutions under mental health legislation but having committed no offence.

illness resulting in death is undetermined as yet in the four remaining cases).

Finally, it is noted that 31 (or 42 per cent) of the 74 deaths were self-inflicted. The majority of these deaths (n=25) were by hanging, as discussed above. In terms of custodial authority, nine of the self-inflicted deaths occurred in police custody, 21 occurred in prison, and one occurred in juvenile detention. The nine self-inflicted police custody deaths comprised three by gunshot, four by hanging, and two from drug overdoses that were regarded by the police authorities concerned to have been non-accidental. Twenty of the 21 self-inflicted prison custody deaths were hangings while the other was the result of a man deliberately setting fire to his cell. In relation to Aboriginality, 29 of the 31 self-inflicted custodial deaths were of non-indigenous people. Two Aboriginal people died in prison custody by means of self-inflicted hanging.

CUSTODY

This section provides information on the custodial status of people who died in custody in Australia during 1993. Data are provided on the offences that led to the final period of custody of these people, their legal status at the time of death and the reason for people being held in police custody rather than released on bail is also considered.

Offence

Information is available on the most serious offence associated with people being in custody. It should be noted that the legal status of these people varied. In many cases they had not been convicted of the offences (for example, where held on remand awaiting a court hearing), and in some instances people 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).

From Table 7 it will be observed that the highest number of custodial deaths occurred among people whose most serious offence was homicide. Fourteen (19 per cent) of the 74 deaths were in this category: two occurring in police custody and 12 in prison. After homicide, the next most common offence type was break, enter and steal with nine deaths (12 per cent). Overall, however, the five most serious categories of offences, namely homicide, assault, sex offences, robbery and other offences against the person, accounted for 49 per cent (n=36) of the cases. (All but four of these were non-Aboriginal cases.) As expected, most of the people held in relation to such serious offences were in prison (n=28). Also, many (n=16) of the deaths of people in custody for these serious offences were self-inflicted.

TABLE 8
Deaths in Custody, 1993
Legal Status, Aboriginality and Custodial Authority

Legal status	Police			Prison			Juvenile			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
Sentenced ^(a)	-	1	1	3	28	31	-	-	-	3	29	32
Remand ^(b)	-	5	5	3	13	16	-	1	1	3	19	22
Unfit to plead	-	-	-	-	1	1	-	-	-	-	1	1
Escorting	-	3	3	-	-	-	-	-	-	-	3	3
Protective custody ^(c)	1	-	1	-	-	-	-	-	-	1	-	1
Other	1	14	15	-	-	-	-	-	-	1	14	15
Total	2	23	25	6	42	48	-	1	1	8	66	74

(a) Includes "under sentence: no appeal current" and "under sentence: awaiting determination of any appeal (verdict or sentence)".

(b) "Unconvicted: awaiting court hearing/trial extradition".

(c) Protective custody for drunkenness where not an offence.

A total of 16 (or 22 per cent) of the people who died in custody during 1993 were detained for the property offences of break, enter and steal, fraud, motor vehicle theft and other theft. Three deaths occurred among people who were held in relation to drug offences and two among people who were in custody due to offences against justice procedures (namely, failing to appear on a bail undertaking, in one case, and contravening a domestic violence order, in the other). Three further deaths occurred among people who were held for offences against good order other than drunkenness, while four were detained for traffic offences, one was held for property damage and one was being held on a charge of drunkenness in the State of Queensland where this is still an offence. In five cases, the offence for which the individuals were being held was unknown at the time of writing. In three cases, the individuals concerned were being detained despite having committed no crime. One of these was being held by police in protective custody for drunkenness in the Northern Territory, where drunkenness is no longer an offence, while the other two in South Australia were being escorted by police to a psychiatric facility under Section 18 of the *Mental Health Act 1977* (SA).

Legal Status

Table 8 shows the legal status of the people who died in custody during 1993. It will be observed that a substantial number of the cases (n=32 or 43 per cent) had been sentenced to a period of imprisonment at the time of their death: one was held in police custody and 31 in prison. Another 22 people (or 30 per cent) were on remand at the time of their death: all of these people were unconvicted, being held in custody awaiting trial. The 15 deaths in the legal status category "other" comprised those who died during the process of police attempting to detain them (only one of whom was Aboriginal).

time of death: all of these people were unconvicted, being held in custody awaiting trial. The 15 deaths in the legal status category "other" comprised those who died during the process of police attempting to detain them (only one of whom was Aboriginal).

Information on the legal status of the people who died in prison custody is important: both Australian and overseas research has demonstrated an over-representation of custodial deaths among remandees compared with sentenced prisoners (Biles & McDonald 1992; Liebling 1992). It should be noted that, during 1993, 16 (or one-third) of the people who died in prison were held on remand. This proportion is very high when compared with the prison population as a whole where, during 1992 (the last complete calendar year for which figures are available), 11.9 per cent of the prison population was held on remand (Australian Institute of Criminology, unpublished data). This produces a measure of relative risk (an odds ratio) of 3.7. In other words, the proportion of deaths among this group of prisoners is more than three-and-a-half times what one would expect from their proportion in the prison population.

Bail

Of the 25 deaths in police custody during 1993, there were only five cases where it would have been possible for police officers to have released the person on bail. Bail was not applicable in the other cases. They covered a variety of circumstances, such as people in custody where no offence was involved (for example, protective custody), or where the person died prior to being charged with an offence (for example, in transit to a police station or during the process of being detained).

In three of the five cases where bail could have been used, the police did not have power to release the people on bail as they were in police custody by order of a court, two as remandees and one as a sentenced prisoner. In one other case where bail was available, the detainee was reported by police to have been too intoxicated to be released. As previously mentioned, this death occurred in Queensland where public drunkenness remains an offence. Police officers reported that bail was denied to the fifth person to whom it could otherwise have been granted because she had previously re-offended while on bail.

TRENDS 1980 TO 1993

This section presents information on the trends in custodial deaths during the period 1 January 1980 to 31 December 1993. The figures for the period 1980 to the end of 1989 are based on data received by the Royal Commission into Aboriginal Deaths in Custody's Criminology Unit directly from the custodial authorities.⁵ It is likely that the definition of a death in custody used over this period varied both between the jurisdictions and over time. For this reason, in reviewing trends, one should not place too much emphasis on small variations in numbers of cases.

The National Deaths in Custody Monitoring and Research Unit has sought to apply the new and expanded Royal Commission definition of a custodial death, detailed earlier, to all cases which have occurred since 1 January 1990. However, it is possible that the completeness of reporting of the deaths which occur in places other than institutions is improving, even over the period since 1990. In particular, as discussed below, the increase in deaths in police custody could reflect, in part, more complete reporting.

Table 9 and Figures 4 and 5 set out details on the number of custodial deaths reported for each calendar year from 1980 to 1993. Table 10 shows the number of deaths in custody reported for each financial year from 1980-81 to 1992-93.⁶ Since this report covers the year to 31 December 1993, the following discussion focuses on calendar years. Financial year information will be updated in the next monitoring report in this series.

It will be noted that the number of deaths each year was relatively low in the period 1980 to 1986. The substantial increase in Aboriginal deaths in 1987 (which was accompanied by an increase of similar magnitude in non-Aboriginal deaths) was the stimulus for the appointment of the Royal Commission into Aboriginal Deaths in Custody. Following this extreme year, the number of custodial deaths over the next 5 years (1988 to 1992) remained high, relative to pre-1987 figures, with an average of 64 deaths per year. In 1993, there has been another substantial increase in the number of custodial deaths to 74. In addition, it must be remembered that there were a further six deaths known to have occurred in 1993 and which are

⁵ While the data set from which these figures were derived contains all the cases reported to the Royal Commission's Criminology Unit, it is possible that it is not a *complete* list of all 1980 to 1989 deaths in custody. Thus, the figures presented here may slightly underestimate the number of deaths to have occurred during that period.

⁶ Both Tables 9 and 10 differ slightly from the comparable tables presented in the previous report, *Deaths in Custody Australia*, No. 6. This is because information on new cases and alterations to other cases (as a result of recently obtained coronial findings) have been added to the data sets of previous years.

TABLE 9

Year of Death, Custodial Authority and Aboriginality, 1980 to 1993

Year	Police			Prison			Juvenile Detention			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1980	5	7	12	5	25	30	1	-	1	11	32	43
1981	3	12	15	1	27	28	1	-	1	5	39	44
1982	4	15	19	4	21	25	-	-	-	8	36	44
1983	6	10	16	5	26	31	-	1	1	11	37	48
1984	3	12	15	4	27	31	-	-	-	7	39	46
1985	6	16	22	4	22	26	-	-	-	10	38	48
1986	8	13	21	1	16	17	-	1	1	9	30	39
1987	15	26	41	5	48	53	-	1	1	20	75	95
1988	7	14	21	6	36	42	1	-	1	14	50	64
1989	10	11	21	3	37	40	-	1	1	13	49	62
1990	6	24	30	6	25	31	1	1	2	13	50	63
1991	4	22	26	8	31	39	-	-	-	12	53	65
1992	6	22	28	2	34	36	-	-	-	8	56	64
1993	2	23	25	6	42	48	-	1	1	8	66	74
Total	85	227	312	60	417	477	4	6	10	149	650	799

believed to fall within the definition of a "death in custody" as described at the beginning of this report. However, as the Deaths in Custody Monitoring Unit has not received the relevant information on these deaths at the time of writing, it is not possible to include them in this report.

TABLE 10

Year of Death, Custodial Authority and Aboriginality, 1980-81 to 1992-93

Year	Police			Prison			Juvenile Detention			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1980-81	7	5	12	2	26	28	1	-	1	10	31	41
1981-82	2	13	15	3	26	29	-	-	-	5	39	44
1982-83	5	17	22	4	21	25	-	-	-	9	38	47
1983-84	3	11	14	2	30	32	-	1	1	5	42	47
1984-85	8	15	23	5	22	27	-	-	-	13	37	50
1985-86	5	12	17	4	16	20	-	-	-	9	28	37
1986-87	15	24	39	2	34	36	-	1	1	17	59	76
1987-88	6	15	21	4	40	44	1	1	2	11	56	67
1988-89	10	17	27	5	31	36	-	-	-	15	48	63
1989-90	9	16	25	9	43	52	1	1	2	19	60	79
1990-91	4	20	24	5	29	34	-	1	1	9	50	59
1991-92	6	20	26	4	28	32	-	-	-	10	48	58
1992-93	2	30	32	4	38	42	-	-	-	6	68	74
Total	82	215	297	53	384	437	3	5	8	138	604	742

Table 11(a) shows the deaths that occurred in *all custodial circumstances* from 1990 to 1993. Thus, this table incorporates all cases covered by the post-Royal Commission definition of a "death in custody" since 1990. It will be observed from this table that the 74 deaths which were reported for the year covered by this report is a 16 per cent increase on the previous year when 64 custodial deaths occurred. Whilst the number of deaths of Aboriginal people remained the same during this time (n=8 in both 1992 and 1993), the number of deaths of non-Aboriginal people in all forms of custody increased by 18 per cent. However, as mentioned previously, it is possible that this increase is in part contributed to by more complete reporting of the deaths which occurred in places other than institutions.

Table 11(b) provides information on custodial deaths that occurred in *institutions only* (police lockups, prisons, juvenile detention centres, or during transfer to or from such institutions and in hospitals following transfer from such facilities) from 1990 to 1993. Thus, this table incorporates only those cases that would have been covered by the earlier definition of a "death in custody". This table shows an increase of 24 per cent in the number of deaths reported in 1993 (n=57) over the number of deaths reported for 1992 (n=46). Noticeably, this increase occurred pre-

dominantly among non-Aboriginal people in prison custody. Indeed, during this time, the overall number of deaths in or on transfer to or from police lockups has actually declined from 12 in 1992 to eight in 1993. Furthermore, fewer deaths of Aboriginal people were reported as occurring in police custody during the 1993 year than in any of the previous 3 years, and no Aboriginal people died in police lockups during 1993.

Table 11(c) provides information on custodial deaths that occurred in *non-institutional settings* (places other than police lockups, prisons, juvenile detention centres, or during transfer to or from such institutions and in hospitals following transfer from such facilities—for example, in the community) from 1990 to 1993. Thus, this table incorporates those cases that have been included in the definition of a "death in custody" since the post-Royal Commission definition came into effect from 1990 but which may be broader than the definition used earlier. This table shows a decrease of just 6 per cent between the 18 deaths reported in 1992 and the 17 deaths reported in 1993. While most of these deaths took place in police custody, which is to be expected given that the Royal Commission definition of a "death in custody" is more relevant for deaths occurring in circumstances involving the police, it is noticeable that the decrease in overall deaths is a result of the decrease in Aboriginal deaths. On the contrary, however, non-Aboriginal deaths in police custody in non-institutional settings have steadily increased since 1990.

ABORIGINAL DEATHS SINCE THE ROYAL COMMISSION

In terms of monitoring the impact of the work of the Royal Commission into Aboriginal Deaths in Custody, it is important to consider the number of custodial deaths that have occurred since 31 May 1989, the cut-off date for the Aboriginal deaths investigated by the Royal Commission. Between that date and 31 December 1993, 50 Aboriginal people and 260 non-indigenous people, a total of 310, have been reported as having died in police custody, prison custody and juvenile detention in Australia. In relation to the impact that the Royal Commission's work has had on Aboriginal deaths in custody, this represents an average of 10.9 deaths of Aboriginal people per annum, compared with 10.5 per annum during the period covered by the Royal Commission. Nevertheless, it is noticeable that the number of deaths in custody of Aboriginal people over the last 2 years is substantially lower than during the previous 5 years.

TABLE 11(a)

***Australian Deaths in Custody 1990 to 1993, Aboriginality and Custodial Authority
Deaths in all custodial circumstances***

Year	Police			Prison			Juvenile detention			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1990	6	24	30	6	25	31	1	1	2	13	50	63
1991	4	22	26	8	31	39	-	-	-	12	53	65
1992	6	22	28	2	34	36	-	-	-	8	56	64
1993	2	23	25	6	42	48	-	1	1	8	66	74

TABLE 11(b)

***Australian Deaths in Custody 1990 to 1993, Aboriginality and Custodial Authority
Deaths in institutional settings only^(a)***

Year	Police			Prison			Juvenile detention			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1990	2	17	19	6	25	31	-	1	1	8	43	51
1991	2	11	13	8	31	39	-	-	-	10	42	52
1992	3	9	12	2	32	34	-	-	-	5	41	46
1993	1	7	8	6	42	48	-	1	1	7	50	57

(a) Deaths in police lockups, prisons, juvenile detention centres, or during transfer to or from such institutions and in hospitals following transfer from such facilities.

TABLE 11(c)

**Australian Deaths in Custody 1990 to 1993, Aboriginality and Custodial Authority
Deaths in non-institutional settings only^(a)**

Year	Police Non-			Prison Non-			Juvenile detention Non-			Total		Grand Total
	Ab'l	Ab'l	Total	Ab'l	Ab'l	Total	Ab'l	Ab'l	Total	Ab'l	Ab'l	
1990	4	7	11	-	-	-	1	-	1	5	7	12
1991	2	11	13	-	-	-	-	-	-	2	11	13
1992	3	13	16	-	2	2	-	-	-	3	15	18
1993	1	16	17	-	-	-	-	-	-	1	16	17

(a) Deaths other than those in police lockups, prisons, juvenile detention centres, or during transfer to or from such institutions and in hospitals following transfer from such facilities (eg. in a community setting while police or prison authorities were attempting to detain a person).

However, it is important to note that the total number of indigenous and non-indigenous people who died in custody during 1993 is the highest figure recorded in Australia in 6 years. This would appear to suggest that the recommendations of the Royal Commission are either not being fully implemented or, when they are, are not operating effectively. In order to significantly reduce the number of deaths in custody, there is clearly a need for strong action by all governments to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody and to evaluate their effects on the frequency of Aboriginal and non-Aboriginal people alike dying whilst in custody.

TECHNICAL NOTE: DEATH RATES AND THEIR COMPARISONS

This paper, along with some of the earlier papers in this series, presents death rates for various populations. The purpose of this technical note is to explain the sources of these rates and their uses. (For a fuller discussion of these topics, see Biles & McDonald 1992, pp. 417-52.)

A rate is "a measure of the frequency of a phenomenon, . . . of the frequency with which an event occurs in a defined population" (Last 1988, p. 111). The use of rates is essential when one wishes to compare different populations. In this research paper we have presented police and prison custody death rates for both Aboriginal and non-Aboriginal people, using both the custodial populations and the relevant sections of the total Australian population as the denominators.

Prison Death Rates

In calculating prison death rates for 1993, we have used as the denominators the number of prisoners enumerated in the 30 June 1992 National Prison Census (Walker 1993). This approach assumes that the number of prisoners and the composition of the prison population at census night is a good estimate of the prison population over a full year, which is a reasonably valid assumption. Using the prison census data in this manner parallels the approach used in the general community for calculating death rates and, since the National Prison Census has been conducted since 1982, facilitates the calculation of trends. The 1992 prison census data are used as the best available estimate of the national prison population in 1993 as the 1993 prison census data are not yet available.

Police Custody Death Rates

Similar data are not available to describe the police custody population. The only national source of such data is the National Police Custody Survey program implemented by the Australian Institute of Criminology in conjunction with all police services. (The first survey was conducted by the Royal Commission into Aboriginal Deaths in Custody covering people taken into police custody and actually lodged in police cells during the month of August 1988. The second survey (conducted by the Australian Institute of Criminology) took the same approach, covering August 1992 admissions to the cells (see McDonald 1993).

Data from the August 1992 survey have been used to develop estimates of the police custody population in the following manner. The survey shows that 25,654 occasions of custody occurred during the month (including people already in the cells at the commencement of the month). The mean length of time in custody was 18.6 hours, giving a total of 653 person/years of exposure in a twelve-month period. Using this approach, it is estimated that Aboriginal people had 217 person/years of exposure and non-Aboriginal people 438 person/years of exposure in a twelve-month period. (The small difference between the total number of person/years and the sum of the Aboriginal/non-Aboriginal figures is explained by rounding.) These figures have been used as the denominators in the calculation of police custody death rates, with the numerators being the number of deaths in police cells, en route to or from the cells or in a medical facility to which the people had been transferred from a police station.

The denominators described here are different from those used in previous papers in this series. The approach now used is superior in that it allows more direct comparisons to be made between police and prison custody death rates and facilitates the introduction of the concept of the total custodial population.

Measures of Relative Risk

Two measures have been used to compare the risk of custodial death experienced by various populations, especial Aboriginal people in custody compared with non-Aboriginal people in custody. In this context, "risk" is the probability that a certain event will occur (Last 1988, p. 115). The measures used are rate ratios and odds ratios. The rate ratios are simply the ratio of two rates. Where actual rates are not available, the odds ratio is sometimes used. This estimate of relative risk is the ratio of two odds, for example, the odds of a prisoner being Aboriginal compared with the odds of a person in the community being Aboriginal.

Age Standardisation

When one compares the death rates of different populations, a comparison of crude rates can give a false picture if the populations being compared have different age distributions. Age standardisation (or the use of age adjusted rates) is a technique used to allow for these differing age distributions. It will be noted, however, that crude death rates are used in this paper. This is because standardised rates have nointuitive meaning (they are statistical artefacts designed for the comparison of populations) and, perhaps more importantly, the crude and standardised rates are very similar, especially when one takes into account the confidence intervals around the point estimates. This reflects the fact that the age distributions of Aboriginal and non-Aboriginal people in custody are similar, although the Aboriginal and non-Aboriginal populations in the community at large have vastly different age distributions.

REFERENCES

Biles, D. & McDonald, D. (eds) 1992, *Deaths in Custody, Australia 1980-1989*, Australian Institute of Criminology, Canberra.

Last, J. (ed.) 1988, *A Dictionary of Epidemiology*, 2nd edn, Oxford UP, Oxford.

Liebling, A. 1992, *Suicides in Prison*, Routledge, London.

McDonald, D. 1993, *National Police Custody Survey 1992: Preliminary Report*, Deaths in Custody Australia, No. 2, Australian Institute of Criminology, Canberra.

McDonald, D. & Howlett, C. 1993, *Australian Deaths in Custody 1992*, Deaths in Custody Australia, No. 4, Australian Institute of Criminology, Canberra.

Royal Commission into Aboriginal Deaths in Custody 1991, *National Report*, Vol. I, (Commissioner Elliott Johnston), AGPS, Canberra.

Royal Commission Government Response Monitoring Unit, Aboriginal and Torres Strait Islander Commission 1994, *Implementation of Commonwealth Government Responses to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody: First Annual Report 1992-93*, ATSIC, Canberra.

Walker, J. 1993, *Australian Prisoners 1992*, Australian Institute of Criminology, Canberra.

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