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Australian Institute of Criminology

# Deaths in custody in Australia to 30 June 2011

Twenty years of monitoring by the  
National Deaths in Custody Program  
since the Royal Commission into  
Aboriginal Deaths in Custody

Mathew Lyneham  
Andy Chan

**AIC** Reports  
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Reports **20**



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# Foreword

This report marks the twentieth anniversary of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) and thus, 20 years of monitoring deaths in custody by the Australian Institute of Criminology (AIC). Through the National Deaths in Custody Program (NDICP), the AIC has been monitoring the extent and nature of all deaths that have occurred in prison, juvenile justice and police custody since 1992, with data also collected retrospectively back to 1 January 1980. The purpose of this program is to collect information about deaths in custody, analyse the circumstances of these deaths and report findings regularly to the Australian Government. In handing down their recommendations, the Commissioners emphasised the need for ongoing monitoring of all deaths in custody by the AIC (Recommendations 41 and 46). For this reason, one of the key functions of the NDICP is to serve as a performance and accountability measure for custodial authorities, in that it brings to light details about all deaths occurring in the custody of such authorities. All NDICP reports are publically available.

Overall, the NDICP has collected and analysed data on the following cases that occurred between 1 January 1980 and 30 June 2011:

- 2,319 total deaths in custody across Australia (449 Indigenous deaths; 19%);
- 1,393 deaths in prison custody (238 Indigenous deaths; 17%);
- 903 deaths in police and police custody-related operations (203 Indigenous deaths; 23%);
- 18 deaths in juvenile justice custody (8 Indigenous deaths; 44%); and
- five deaths in other/Australian Government custody (all non-Indigenous deaths).

The data collected in this program are supplied directly to the AIC by police agencies, corrective

services departments and juvenile justice agencies in each jurisdiction. Without their ongoing support and commitment to monitoring deaths in custody, the NDICP could not function. The AIC is grateful for all the time and effort spent by these agencies in providing data and reviewing publications prior to release. Data provided by custodial authorities is supplemented with information obtained through coronial findings, as well as toxicology and autopsy reports. In this way, the NDICP is also greatly assisted by the hard work of State and Deputy State Coroners, police investigators and all their support staff, who together ensure that every death in custody undergoes a thorough investigation. Monitoring deaths in custody in Australia would also not be possible without the contribution from all of these people.

Throughout 2011, the AIC undertook a comprehensive review of the NDICP, which included a focus on data quality, clarifying definitions, improvements to data collection and validation processes, as well as the development of new data on the prevalence of drugs and/or alcohol, and mental illness among those persons dying in custody. To comply with Australian Government reporting practice, the NDICP has moved to reporting on a financial year basis. For a full discussion of the review, see *Appendix A* of this report.

Analysis of data captured by the NDICP over the last 32 years demonstrates that significant improvements have been made to prevent deaths in some areas, but that work should continue in order to reduce other forms of deaths in custody.

First, it is of concern to see that the proportion of Indigenous prisoners has almost doubled over the 20 years since the RCIADIC. In 1991, when the final report was handed down by the RCIADIC, Indigenous people represented one in seven people

in prison (14%; ABS 1998) and one in seven deaths in prison custody (14%; n=5). In 2011, Indigenous people represented just over one in four people in prison (26%; SCRCSP 2012) and one in five deaths (21%; n=12). Therefore, the number of Indigenous people in prison appears to have increased at a faster rate than the number of deaths of Indigenous prisoners.

Since 1979–80, there have been 238 deaths of Indigenous persons in prison custody, representing 17 percent of all deaths to occur in this setting. While the number of Indigenous deaths in recent years is high, the total is lower than would be expected based on the proportion of the prison population that is Indigenous. Available data indicates that since 2001, between one in five and one in four prisoners (20% to 26%) in Australia is an Indigenous person (SCRCSP 2012), while over the same period less than one in every five (19%; n=92) deaths in prison custody was of an Indigenous person. Over the last eight years, the rate of death has been consistently lower among Indigenous prisoners than their non-Indigenous counterparts.

It can be concluded that the headline finding of the RCIADIC that Indigenous persons were no more likely to die in prison custody than non-Indigenous persons remains true today. At the heart of the problem is the over-representation of Indigenous persons at every stage of the criminal justice system. Any efforts to reduce the number of Indigenous deaths in custody must therefore incorporate a focus on reducing the number of Indigenous people who end up in prison.

A second point of concern is the relative age profile of Indigenous deaths in custody when compared with their non-Indigenous counterparts. Almost half of all Indigenous deaths (48%; n=113) in prison custody were of persons aged 25–39 years, compared with less than two in five (38%; n=438) for the equivalent non-Indigenous cohort. For deaths in police custody and custody-related operations, almost two in five (38%; n=78) Indigenous deaths were of young persons under the age of 25 years, compared with just over one in four (27%; n=187) for their non-Indigenous counterparts. Apart from dying at relatively younger ages than non-Indigenous persons, a greater proportion of Indigenous deaths are due to natural causes. For example, 53 percent

(n=127) of Indigenous deaths in prison custody were from serious health problems, such as heart disease, respiratory illness and cancer, whereas the equivalent proportion for non-Indigenous prisoners was 40 percent (n=457). These findings are likely to be a product of the recognised poorer health outcomes and lower life expectancy among Indigenous Australians.

Yet significant improvements have been made in some areas. Over the last decade, there has been a considerable decline in self-inflicted deaths in custody, such as hangings, most particularly among Indigenous prisoners. Between 1989–90 and 1999–2000, there was an annual average of 4.4 Indigenous deaths by hanging in prison; however, from 2000–01 to 2010–11, the annual average dropped to 2.5 hanging deaths per year. That is, during the 1990s, almost half (45%; n=48) of all Indigenous deaths in prison were due to hanging, while since 2000, this proportion has dropped to under one-third (29%; n=28). A marked drop in the proportion of hanging deaths was also found among non-Indigenous prisoners when comparing the 1990s with the decade since 2000. Analysis of the data showed that throughout the 1990s, more than two in five deaths (43%; n=212) of non-Indigenous prisoners were due to hanging; however, since 2000, this proportion has reduced to less than one in three (30%; n=122).

There has also been a marked decline in the number of hanging deaths occurring in police institutional settings, such as cells, watchhouses and police vans, with the number of such deaths recorded in recent years being among the lowest annual totals on record. There has only been one Indigenous death by hanging in a police institutional setting since 2005–06. This overall decline in hanging deaths in custody in recent years is most likely associated with the significant investment made by police and corrective services agencies in redesigning cells, removing hanging points, improved screening for signs of self-harm and better observation regimes for prisoners deemed at risk.

Whereas throughout the 1980s and 1990s, hanging deaths in prison were the most prevalent types of death each year, since 2003–04, deaths resulting from natural causes have now become the most common cause of deaths in custody. This emerging

trend has implications for the provision of health services in custody settings.

With regards to the circumstances in which Indigenous persons died in police custody and custody-related operations since 1989–90, Indigenous persons were more likely to die in accidental circumstances (47%; n=66); the most common manner of death being motor vehicle pursuit-related accidents. Whereas for non-Indigenous persons, 39 percent (n=215) of police custody deaths were accidental. However, the number of self-inflicted deaths for Indigenous and non-Indigenous persons remains an area for further intervention, with 18 percent (n=26) of Indigenous

deaths and 34 percent (n=192) of non-Indigenous deaths in police custody resulting from self-inflicted injuries.

Overall, despite significant increases in Indigenous persons coming into custody, concerted efforts have reduced the rate of self-inflicted injuries and deaths. The challenge that remains is to continue to reduce self-harm matters, while orienting health facilities to cater for the needs of an aging prison population and the concomitant rise in serious illness and disease.

**Adam Tomison**  
**Director**





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Finally, reports such as this are a collaborative effort. The NDICP is assisted by other AIC staff, including Jason Payne, Tracy Cussen, Rick Brown and Adam Tomison.

# Acronyms

<b>ABS</b>	Australian Bureau of Statistics
<b>AIC</b>	Australian Institute of Criminology
<b>AIHW</b>	Australian Institute of Health & Welfare
<b>APMC</b>	Australasian Police Ministers' Council
<b>NDICP</b>	National Deaths in Custody Program
<b>NCIS</b>	National Coronial Information System
<b>NMVTRC</b>	National Motor Vehicle Theft Reduction Council
<b>RCIADIC</b>	Royal Commission into Aboriginal Deaths in Custody



# Executive summary

## Overview of 20 years of monitoring by the National Deaths in Custody Program

This monitoring report represents a significant milestone for the National Deaths in Custody Program (NDICP), in that 2011 marks 20 years since the final report was handed down by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) and therefore also represents 20 years of monitoring deaths in custody by the Australian Institute of Criminology (AIC). In this report, information is presented on deaths that occurred in custody in Australian states and territories between 1 January 1980 and 30 June 2011. Analysis is presented on the nature and circumstances of deaths in crime-related custodial settings—prison, juvenile justice and police custody and police custody-related operations (the latter includes sieges, raids, shootings and motor vehicle pursuits). Trend analysis is also presented from 1979–80 onwards for prison custody and from 1989–90 for police custody and custody-related operations.

Comparisons between these custody settings are limited. While rates of death can be presented for prison custody deaths, at the time of writing it is not possible to calculate rates of death in police custody. This is because there is a lack of reliable data on the total numbers of persons placed into police custody and/or involved in a custody-related operation each year. The AIC is currently working with state and territory police agencies to collect these data as part of the complimentary program to the NDICP—the National Police Custody Survey.

## Key findings for 2008–09 to 2010–11

### *Overview of total deaths in custody*

Over the last three financial years, the total numbers of deaths in custody have remained stable, ranging between 79 and 85 deaths each year. Although total deaths were stable, the distribution of deaths between the three crime-related custodial settings (prison, juvenile justice and police custody) showed greater fluctuation. For example, deaths in prison custody rose, from 43 deaths in 2008–09 to 58 deaths in both 2009–10 and 2010–11. While prison deaths increased, deaths in police custody and custody-related operations declined over the same period, from 36 deaths in 2008–09, to 27 deaths in 2009–10 and 26 in 2010–11. Regarding deaths in juvenile justice custody, there was only one death in 2010–11. Deaths in juvenile justice custody have remained low and occur infrequently.

In 2008–09, there were:

- 79 total deaths in custody (15 Indigenous persons; 19%);
- 43 deaths in prison custody (7 Indigenous persons; 16%);
- 36 deaths in police custody and custody-related operations (8 Indigenous persons; 22%); and
- no deaths in juvenile detention.

In 2009–10, there were:

- 85 total deaths in custody (20 Indigenous persons; 24%);
- 58 deaths in prison custody (14 Indigenous persons; 24%);

- 27 deaths in police custody and custody-related operations (6 Indigenous persons; 22%);
- no deaths in juvenile detention.

In 2010–11, there were:

- 83 total deaths in custody (20 Indigenous persons; 24%);
- 58 deaths in prison custody (12 Indigenous persons; 21%);

- 24 deaths in police custody and custody-related operations (7 Indigenous persons; 29%); and
- one Indigenous death in juvenile detention.

Following a review of the NDICP in 2011, three key indicators of performance were developed in consultation with data providing and Australian Government agencies. These indicators are:

**Table 1** Summary of deaths in custody, 2008–09 to 2010–11

	2008–09		2009–10		2010–11	
	n	%	n	%	n	%
Prison custody—Indigenous	7	16	14	24	12	21
Prison custody—non-Indigenous	36	84	44	76	46	79
Police custody—Indigenous	8	22	6	22	7	29
Police custody—non-Indigenous	28	78	21	78	17	71
Juvenile Justice custody—Indigenous	0	—	0	—	1	100
Juvenile Justice custody—non-Indigenous	0	—	0	—	0	—
Total Indigenous deaths in custody	15	19	20	24	20	24
Total non-Indigenous deaths in custody	64	81	65	76	63	76
<b>Total deaths in custody</b>	<b>79</b>	<b>100</b>	<b>85</b>	<b>100</b>	<b>83</b>	<b>100</b>

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

**Table 2** Key indicators of performance—all deaths, 2008–09<sup>a</sup>

		Police	Prison	Juvenile justice	Other/ Cwth
<b>1</b>	Indigenous	8 (22%)	7 (16%)	0	0
	Non-Indigenous	28 (78%)	36 (84%)	0	0
<b>2</b>	Rate—Indigenous	1:4.5 <sup>b</sup>	0.10 <sup>c</sup>	—	—
	Rate—non-Indigenous	1:1.3 <sup>b</sup>	0.18 <sup>c</sup>	—	—
<b>3a</b>	Main cause—Indigenous	Head injury—(38%; n=3)	Natural—(71%; n=5)	—	—
	Main cause—non-Indigenous	External/multiple trauma—(54%; n=15)	Natural—(58%; n=21)	—	—
<b>3b</b>	Main circumstances—Indigenous	Accidental—(50%; n=4)	Natural—(71%; n=5)	—	—
	Main circumstances—non-Indigenous	Accidental—(54%; n=15)	Natural—(58%; n=21)	—	—

a: Note due to the small numbers of deaths in some categories, small changes in the number of deaths may result in substantial changes in percentages

b: Rate-ratio

c: Rate per 100 prisoners on an average day (SCRCSP 2010)

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

- trends in the number of deaths in prisons, juvenile justice and police custody, and the proportion of total deaths in each setting involving Indigenous persons;
- trends in the rate of death per 100 adult prisoners on an average day and the rate-ratio for

Indigenous and non-Indigenous deaths in police custody and custody-related operations (the rate-ratio is the relative frequency of Indigenous and non-Indigenous deaths, and is calculated by dividing the total number of deaths by the number in each cohort); and

**Table 3** Key indicators of performance—all deaths, 2009–10<sup>a</sup>

		Police	Prison	Juvenile justice	Other/Cwth
<b>1</b>	Indigenous	6 (22%)	14 (24%)	0	0
	Non-Indigenous	21 (78%)	44 (76%)	0	0
<b>2</b>	Rate—Indigenous	1:4.5 <sup>b</sup>	0.19 <sup>c</sup>	—	—
	Rate—non-Indigenous	1:1.3 <sup>b</sup>	0.21 <sup>c</sup>	—	—
<b>3a</b>	Main cause—Indigenous	External/multiple trauma—(33%; n=2)	Natural—(79%; n=11)	—	—
	Main cause—non-Indigenous	Gunshot—(33%; n=7)	Natural—(61%; n=27)	—	—
<b>3b</b>	Main circumstances—Indigenous	Accidental—(67%; n=4)	Natural—(79%; n=11)	—	—
	Main circumstance—non-Indigenous	Accidental—(43%; n=9)	Natural—(61%; n=27)	—	—

a: Note due to the small numbers of deaths in some categories, small changes in the number of deaths may result in substantial changes in percentages

b: Rate-ratio

c: Rate per 100 prisoners on an average day (SCRCSP 2011)

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 4** Key indicators of performance—all deaths, 2010–11<sup>a</sup>

		Police	Prison	Juvenile justice	Other/Cwth
<b>1</b>	Indigenous	7 (29%)	12 (21%)	1 (100%)	0
	Non-Indigenous	17 (71%)	46 (79%)	0	0
<b>2</b>	Rate—Indigenous	1:3.4 <sup>b</sup>	0.16 <sup>c</sup>	0.24 <sup>d</sup>	—
	Rate—non-Indigenous	1:1.4 <sup>b</sup>	0.22 <sup>c</sup>	—	—
<b>3a</b>	Main cause—Indigenous	External/multiple trauma—(57%; n=4)	Natural—(67%; n=8)	Head injury—(100%; n=1)	—
	Main cause—non-Indigenous	Gunshot—(47%; n=8)	Natural—(65%; n=30)	—	—
<b>3b</b>	Main circumstances—Indigenous	Accidental—(57%; n=4)	Natural—(67%; n=8)	Accidental—(100%; n=1)	—
	Main circumstances—non-Indigenous	Self-inflicted and justifiable homicide—(both 29%; n=5)	Natural—(65%; n=30)	—	—

a: Note due to the small numbers of deaths in some categories, small changes in the number of deaths may result in substantial changes in percentages

b: Rate-ratio

c: Rate per 100 prisoners on an average day (SCRCSP 2012)

d: Rate per 100 Indigenous juveniles in detention on an average night (AIHW 2011a)

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

- trends in the causes and circumstances of deaths in all custodial settings.

The beginning of each section of this report also includes these indicators as they relate to the type of custody being analysed. The following three Tables (ie Tables 2–4) provide an overview of the key indicators in each custodial setting over the last three financial years.

## Long-term trends

### *All deaths in custody*

Throughout the 1980s, the number of deaths each year in all forms of custody increased steadily from a low of 21 deaths in 1979–80 to a high of 83 deaths in 1989–90. During the 1990s, the number of deaths in custody continued to increase, reaching a peak in 1997–98 with 109 deaths. Since this peak, there has been a moderate decline in total deaths, reaching a 20 year low in 2005–06 of 54 deaths. However, since this low, the number of deaths has again started to increase. Nevertheless, the total number of deaths in the last few years is lower than the total number of deaths seen in the late 1990s and early 2000s.

### *Prison deaths*

Deaths in prison custody have always been higher in number than deaths in police custody (with the exception of 1985–86 and 2003–04) and as such, they make up a substantial proportion of all deaths. For this reason, trends in prison custody deaths strongly impact on overall trends for deaths in custody.

Over the 19 year period from 1 January 1980 to 30 June 1998, the number of deaths in prison custody fluctuated between a low of 15 deaths in 1979–80 and a high of 81 deaths in 1997–98 but overall, there was an increase in the numbers of deaths occurring each year. After the peak in 1997–98, the number of deaths began to decrease substantially over the following eight years to a 20 year low of 28 deaths in 2005–06. Since this low, the annual number of deaths in prison custody has started to increase again, with the totals recorded in 2009–10 and 2010–11 being at the upper end of the range.

In terms of rates of death, during the 1980s and 1990s, there was considerable fluctuation, with the annual figure ranging between 0.16 and 0.44 deaths per 100 prisoners. Since the late 1990s, the rate of death has declined considerably and has remained stable over the last six years. The rate of death in 2010–11 (0.20 per 100 prisoners), was almost half what it was in the late 1990s.

### *Police custody and custody-related operations deaths*

During the 1980s only deaths in police institutional settings such as cells, watchhouses and police vans, were collected by the NDICP. From 1 January 1990, deaths occurring in custody-related operations, such as sieges, raids and motor vehicle pursuits were included in the monitoring of deaths in police custody. For this reason, trends in deaths in police custody and custody-related operations are best interpreted from 1989–90 onwards. Over the decade from 1989–90 to 1999–2000, the number of deaths in police custody and custody-related operations ranged between 21 and 38 deaths each year, but the overall trend can best be described as stable. In the ensuing decade from 2000–01 to 2010–11, the number of deaths each year has shown greater fluctuation. However, the numbers of deaths recorded in the last two years are at the lower end of historical levels, with 27 deaths in 2009–10 and 24 deaths in 2010–11.

### *Indigenous deaths in custody*

Indigenous deaths in prison custody peaked in the mid to late 1990s and declined consistently each year until a 20 year low of just three deaths in 2005–06. Over the last five years, the number of Indigenous deaths has increased again, with the number recorded in 2009–10 being equal to the highest annual total ever recorded (n=14). However, it should be noted that over the last decade, the proportion of the prison population who are Indigenous has increased by six percent (SCRCSP 2012). Taking this increase in the Indigenous prison population into account, the rate of death among Indigenous prisoners has remained at an all-time low.

The recent rise in the number of Indigenous prison custody deaths is driven by an increasing number of

deaths resulting from natural causes, primarily heart attacks, terminal cancer, cirrhosis of the liver and multiple serious medical conditions. The number of natural cause deaths among Indigenous prisoners recorded in 2009–10 (n=11) was the highest annual total recorded since the NDICP began and the number in 2010–11 (n=8) was the equal second highest.

Deaths in police custody and custody-related operations exhibit a different trend to that seen in prison custody deaths. Following a spike in Indigenous deaths between 2002–03 and 2004–05, annual totals have returned to levels seen in the late 1990s and early 2000s. Since 1989–90, analysis of the data showed that Indigenous persons were more likely to die in a custody-related operation, such as a motor vehicle pursuit or siege, rather than die in an institutional setting such as a police cell or watchhouse. Of the 21 Indigenous deaths in police custody over the last three years, 15 occurred in a custody-related operation; with 9 being deaths in motor vehicle pursuits, one in an ‘other/foot pursuit’, two self-inflicted shootings and one by police shooting. Of the remaining two deaths, one occurred in a police raid and the other in a siege. Whereas throughout the 1990s Indigenous deaths in police custody were more likely to occur in a close contact or institutional setting (situations where the deceased was confined in a particular location like a police cell, or they could be spoken to by police and/or their actions influenced by police conduct, such as escorting or a shooting incident), they are now more prevalent in a custody-related operation where officers do not have close contact, such as a motor vehicle or foot pursuit or a siege.

In 2010–11, one Indigenous death occurred in a juvenile detention centre. Over the last 32 years, there have been 18 deaths in juvenile justice custody, 10 involving non-Indigenous juveniles and eight involving an Indigenous juvenile. Deaths in juvenile justice custody are rare, with only one death recorded in the last five years.

## *Age and sex*

The proportion of deaths of older sentenced prisoners has been increasing considerably in the last few years, with the number of deaths among sentenced prisoners 55 years and older being

the highest ever recorded in 2009–10 (n=20) and the equal second highest in 2010–11 (n=17). This trend is at least partly due to an ageing prisoner population. At the same time, deaths of persons less than 25 years have decreased to some of the lowest annual totals in the history of the NDICP. This decline in deaths among younger prisoners is associated with fewer deaths from self-inflicted injuries. Of the persons dying from self-inflicted injuries between 1979–80 and 1999–2000, 39 percent (n=165) were young prisoners under the age of 25 years. However, since 2000–01, the proportion of such deaths among younger prisoners has declined to just 19 percent (n=33).

Unlike deaths in prison custody, which have been increasing among the older cohort, deaths in police custody and custody-related operations are more likely to involve persons under 39 years of age. Of the 901 police custody deaths where the age of the deceased is known, 71 percent (n=642) involved persons aged 39 years or younger.

With regards to the sex of persons dying in custody, the overwhelming majority of all deaths in custody are of males, which largely reflects the fact that the majority of prisoners in Australia are male. Long-term trends show that for prison custody, 96 percent (n=1,332) of all deaths are of males; for police custody the proportion is 93 percent (n=841) and for juvenile justice custody males comprise 94 percent (n=17) of all deaths.

## *Circumstances of deaths: Cause and manner of death, most serious offence, legal status and location*

### **Natural cause deaths**

One of the most prominent trends to emerge in recent years with regards to cause of death is the increasing number of deaths in prison custody from natural causes, which is linked to the rise in deaths of older sentenced prisoners and the ageing prisoner population. For the best part of two decades from the early 1980s to late 1990s, self-inflicted deaths, such as hanging, were generally the most common cause of deaths in prison each year. However, since 2000, the number of deaths resulting from natural causes has surpassed self-inflicted deaths as the most prevalent type of death in prison custody. The

number of Indigenous natural cause deaths in 2009–10 was the highest ever recorded (n=11) and for non-Indigenous prisoners, 2009–10 was the second highest on record (n=27), with 2010–11 representing the peak in natural cause deaths among this group (n=30).

## **Cause and manner of deaths in police custody and custody-related operations**

Cause of death relates to the medical finding regarding the death, whereas manner of death relates to the circumstances in which the person died. The primary causes of deaths in police custody and custody-related operations are external/multiple trauma, predominantly sustained in motor vehicle pursuit accidents, or from gunshots (either self-inflicted or by police) in the process of officers attempting to make an arrest. Of the 903 total deaths in police custody and custody-related operations between 1979–90 and 2010–11, the cause of death in 26 percent of cases (n=233) was from external/multiple trauma and in 23 percent (n=209) from gunshots (either self-inflicted or by police). This compares with 15 percent (n=138) that were caused by hanging and 15 percent (n=137) due to natural causes.

In relation to the manner (or circumstances) in which deaths occurred in police custody and custody-related operations, overall, 34 percent (n=308) were in accidental circumstances, such as motor vehicle pursuit accidents, followed by deaths that were self-inflicted (34%, n=304), such as those involving people shooting themselves or self-inflicting stab wounds.

## **Nature of offending**

It was found that violent offenders are more likely to die in custody than any other type of offender, with 43 percent (n=955) of all deaths in custody falling into this group. This is not surprising when considering that almost half (46%; ABS 2011b) of all prisoners in Australia are in custody for violent offences. The second most common type of offender to die in custody were those who had committed theft-related offences (25%; n=563), followed by persons who had committed good order offences (such as breaching a domestic violence order or public drunkenness), which comprise 13 percent (n=276) of all deaths.

## **Legal status**

Between 1979–80 and 2010–11, 68 percent (n=942) of all deaths were of sentenced prisoners. Over the 20 years from the early 1980s to early 2000s, the rate of death was generally higher among unsentenced prisoners, however since 2005–06, the rates of death have come close to parity.

This suggests that for 20 years, unsentenced prisoners have been at an increased risk of death, most likely associated with the fact that reception into prison can be a time of great stress and uncertainty for a prisoner. The considerable decline in the rate of death among unsentenced prisoners over the last 20 years has been driven by an increase in the number of unsentenced prisoners in custody, coupled with a reduction in the number of self-inflicted deaths. Over the last 20 years, the proportion of unsentenced prisoners in custody has risen by approximately 12 percent, while the proportion of self-inflicted deaths among this cohort has declined by eight percent.

## **Location of deaths in custody**

With regards to the location where deaths in custody are most likely to occur, deaths in cells are the most prevalent in prison custody (55%; n=725), followed by deaths in a hospital after being transferred from prison (30%; n=394).

Due to the nature of operational policing, it would be expected that more deaths would occur in a public place (39%; n=297) or in a hospital following an incident in a public place (28%; n=209) than all other locations. Of the 87 deaths in all forms of police custody in the last three years of analysis (2008–09 to 2010–11), 39 deaths (45%) occurred in a public place and 20 deaths (23%) occurred in a public hospital, generally following an incident in a public place.

## ***Deaths in police pursuits of motor vehicles***

Since the collection of these data commenced (1 January 1990), there have been 206 deaths in motor vehicle pursuits, with more than three-quarters (79%, n=162) involving non-Indigenous persons. When examining deaths in motor vehicle

pursuits, it was found that 60 percent (n=124) of all deaths were of persons less than 25 years old and 34 percent (n=70) were persons aged 25–39 years. Following a peak in pursuit deaths in 2001–02 (n=19), there was a steady decline over the ensuing six years. However, there was another spike in 2008–09 with 15 deaths, representing the second highest annual total ever recorded. The number of pursuit deaths in the last two years has been in line with historical trends at nine deaths per year.

### *Shooting deaths*

It is important to make the distinction between those shooting deaths that are self-inflicted and those where a person is shot by a police officer or other government official. Since 1989–90, there have

been a total of 199 deaths resulting from a shooting in police custody or custody-related operation. Of these, 105 deaths (53%) resulted from persons being shot by police, 46 percent (n=92) were persons shooting themselves while police officers were attempting to place them under arrest and one shooting death (0.5%) was by a government official. In the remaining case, the coroner was unable to determine who fired the shot that killed the deceased. Since the two peaks in deaths resulting from police shootings in 1993–94 and 1999–2000 (n=9 and n=11 respectively), the annual number of such deaths has been in decline. Over the last three years, 14 out of the 91 total deaths (15%) in all forms of police custody were persons shot by police, with a further 13 deaths (14%) being self-inflicted gunshot deaths.







# Introduction and context

## Origins of monitoring deaths in custody: Indigenous over-representation in the criminal justice system

Every death in custody is a personal tragedy, the impact of which affects not only the family and friends of the deceased but the community as a whole. Deaths in custody differ from all other types of death, because they raise questions about the adequacy of care and supervision afforded to prisoners in a custody setting and the appropriateness of the police response when deaths occur during police operations. As noted by a former NSW State Coroner

[w]hen somebody dies in custody, the shift in responsibility moves away from the individual towards the institution...it is entirely proper that any death in custody, for whatever cause, must be meticulously examined (Waller 1993: 3).

One of the main reasons for the RCIADIC was to investigate claims that the actions of prison and police officers were contributing to the deaths of Indigenous persons in their custody. In particular, the RCIADIC was conducted in 'response to a growing public concern that deaths in custody of Aboriginal

people were too common and public explanations were too evasive to discount the possibility that foul play was a factor in many of them' (RCIADIC 1991: 1.1.2).

Established in 1987, the RCIADIC examined the nature and circumstances surrounding the deaths of 99 Indigenous people that occurred between 1 January 1980 and 31 May 1989. The Commissioners were unable to 'point to a common thread of abuse, neglect or racism' (RCIADIC 1991: 1.1.1) among the deaths and 'did not find that the deaths were the product of deliberate violence or brutality by police or prison officers (RCIADIC 1991: 1.2.2).

Instead, what they found was that

generally, there appeared to be little appreciation of and less dedication to the duty of care owed by custodial authorities and their officers to persons in custody (RCIADIC 1991: 1.2.3).

At the centre of this problem was the issue of Indigenous over-representation at all stages of the criminal justice system. More simply, that the problem of Indigenous deaths in custody arose 'not because Aboriginal people are more likely to die than others in custody...[but that] too many Aboriginal people are in custody too often' (RCIADIC 1991: 1.3.3).

**Table 5** Indigenous over-representation in custody (%)

	Indigenous persons as a percentage of total population <sup>a</sup>	Indigenous persons as a percentage of total juvenile detention population <sup>b</sup>	Indigenous persons as a percentage of total adult prison population <sup>c</sup>
New South Wales	2.3	48.6	22.1
Victoria	0.7	10.8	6.3
Queensland	3.6	52.9	30.0
Western Australia	3.3	68.0	38.5
South Australia	1.9	41.0	23.9
Tasmania	4.0	20.0	12.4
Northern Territory	30.3	96.9	82.3
Australian Capital Territory	1.3	47.6	16.2
Australia	2.5	46.2	26.1

a: ABS 2011b, 2009a

b: AIHW 2011b

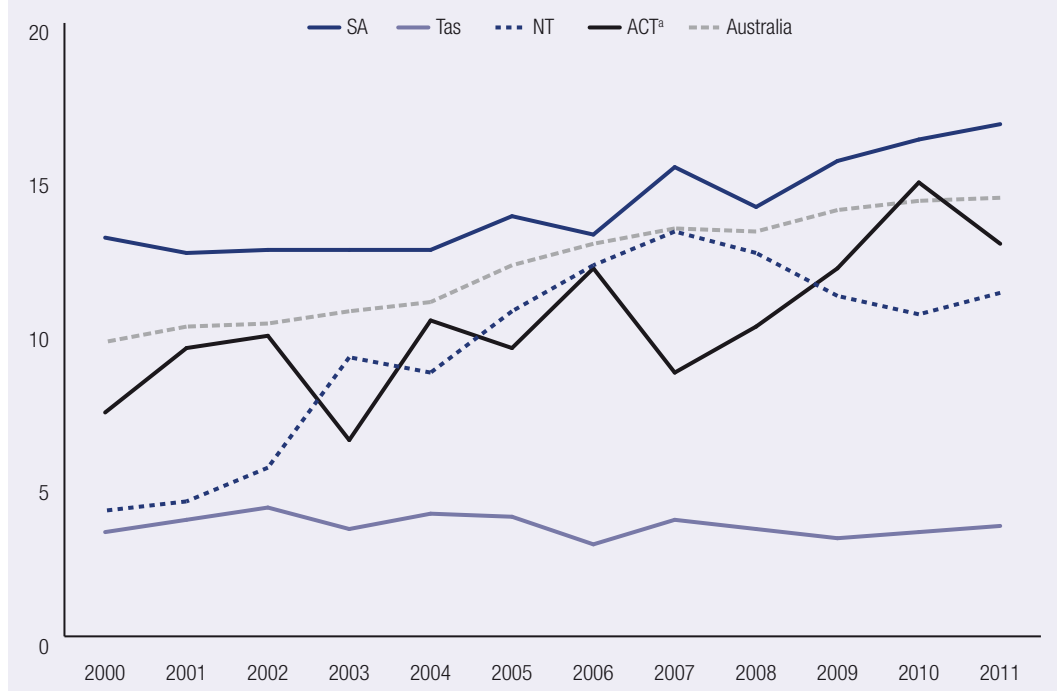
c: SCRCSP 2012

**Figure 1** Ratio of Indigenous to non-Indigenous age standardised rates of imprisonment by year (per 100,000 adult population)

a: Data for New South Wales excludes ACT prisoners held in NSW prisons

Source: ABS 2011b, 2010b

**Figure 2** Ratio of Indigenous to non-Indigenous age standardised rates of imprisonment by year (per 100,000 adult population)



a: Data for the Australian Capital Territory includes ACT prisoners held in New South Wales, as well as ACT prisoners held in the Australian Capital Territory  
Source: ABS 2011b, 2010b

Twenty years have passed since the RCIADIC handed down its 339 recommendations and the problem of Indigenous over-representation in the criminal justice system remains a serious issue (see Figures 1 and 2). It has been observed that 'Indigenous over-representation is the most significant social justice and public policy issue for the Australian and New Zealand criminal justice systems' (Allard 2010: 1).

The size of the problem becomes apparent when looking at the statistics, which show that while Indigenous people comprise 2.5 percent of the total Australian population (ABS 2011b, 2009a), they account for almost half (46.2%) of youths in juvenile detention (AIHW 2011b) and more than one-quarter (26.1%) of the total adult prison population (SCRCSP 2012; see Table 5).

Looking more closely at statistics on imprisonment over the last 11 years in Australia, the data showed that for every jurisdiction except Tasmania, the ratio of Indigenous to non-Indigenous imprisonment has

increased, with some jurisdictions showing a more pronounced rise than others (see Figures 1 and 2). In simple terms, as of 30 June 2011, Indigenous persons were 3.6 times more likely to be imprisoned in Tasmania than their non-Indigenous counterparts and 11 times more likely to be imprisoned in every other jurisdiction. In Western Australia, Indigenous persons were 18.3 times more likely to be imprisoned on 30 June 2011, after peaking at 21.7 times more likely in 2007.

The factors contributing to the over-representation of Indigenous persons in custody have been closely examined (Allard 2010; Allard et al. 2010, 2009; Baker 2001; Cunneen, Luke & Ralph 2006; House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Fitzgerald & Weatherburn 2001; Joudo 2008; LRC WA 2005; Snowball & Weatherburn 2006; VALS 2011; Weatherburn & Holmes 2010). Some of these factors include mental health issues, alcohol, drug and substance misuse, poorer education

and employment outcomes, as well as inadequate housing (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011).

It should be emphasised that agencies such as corrective services departments and juvenile justice agencies are limited in their capability to reduce Indigenous over-representation, in that they are responding to criminal matters after they have occurred. As Cunneen, Luke and Ralph (2006: 10) note 'other arms of government including welfare, education, police and the courts play a significant role' in determining the pathway of Indigenous offenders through the criminal justice system. Efforts to reduce the number of Indigenous persons ending up in prison should therefore be directed further upstream, ideally on community-level initiatives that reduce the likelihood of offending even occurring, but at a minimum, to measures that divert Indigenous offenders out of formal justice processes and into treatment and other support services. It was observed a decade ago that the

greatest leverage for reducing Indigenous imprisonment rates appears to lie in reducing... the rate at which Indigenous persons are arrested, through using alternatives to arrest (Hunter 2001: 1).

Since this research was conducted, significant efforts have been made in developing diversionary alternatives to custody (eg see Allard et al. 2009; Bartels 2010); however, there is mixed evidence about the efficacy and accessibility of this approach.

### *Reducing Indigenous contact with police*

Using NSW police data from the year 2000, Fitzgerald and Weatherburn (2001) found that Indigenous persons were five times more likely than the state average to commit a murder or robbery, seven times more likely to be a break and enter offender, and eight times more likely to be an offender in an incident of grievous bodily harm. It is concluded that the challenge lies in striking the right balance between

bringing immediate relief from crime to Aboriginal people (particularly women and children) without further increasing the already high levels of contact between Indigenous Australians and the criminal justice system (Fitzgerald & Weatherburn 2001: 4).

One strategy that endeavours to strike that balance is the use of police diversion, particularly with regards to young Indigenous alcohol and drug-related offenders (Allard et al. 2010; Joudo 2008). Diversion is intended to redirect young and/or less serious offenders away from formal custody and into conferencing and treatment for the underlying issues contributing to offending, such as substance misuse problems. However, for many young Indigenous offenders, the strict eligibility criteria for diversion, combined with a lack of culturally appropriate services, or a lack of services all together due to the geographic location of many Indigenous communities, can all present as barriers that prevent diversion being offered (Joudo 2008). For example, it has been observed in Queensland that Indigenous young people

were 2.9 times less likely to be cautioned than they were to appear in court, two times less likely to have a police conference than appear in court and 1.5 times less likely to be cautioned than attend a conference for their first contact with the system (Allard et al. 2010: 4).

The unfortunate consequence of the unequal application of diversion for young Indigenous offenders when compared with their non-Indigenous counterparts is that the raft of support and treatment services is not made available to those clients most in need. As noted by the Law Reform Commission of Western Australia:

[E]ven if Aboriginal juveniles are referred to diversionary options at the same rate as non-Aboriginal juveniles it will take a long time for the effects of past discriminatory practices to disappear (LRC WA 2005: 96).

### *Where to from here?*

In trying to overcome the long-lasting effects of past practices, the House of Representatives' Standing Committee on Aboriginal and Torres Strait Islander Affairs recently handed down a report that closely examines Indigenous young people and their contact with the criminal justice system (SCATSIA 2011). What the Committee found was that overcoming the 'legacy of profound distrust towards police' (SCATSIA 2011: 196–197) could be achieved through stronger connections between local police and local Indigenous community leaders.

The overarching conclusion from the abovementioned research is that

[the] principle causal factor of Indigenous over-representation in prison is the generally low status of the Indigenous community in Australia, both in socioeconomic terms and in terms of patterns of discrimination (Walker & McDonald 1995: 6).

That is, until such time as the underlying factors that contribute to the comparative disadvantage experienced by Indigenous Australians are addressed, such as education, employment, housing, health and life opportunities, Indigenous people will continue to be over-represented in the criminal justice system.

From the level of investment made in recent years, it can be concluded that the Australian Government is committed to reducing the comparative disadvantage experienced by Indigenous Australians. Analysis conducted by the Productivity Commission showed that 15 percent (approximately \$3.3b) of all government expenditure on services for Indigenous Australians in 2008–09 was directed to early child development, education and training services (IERSC 2010). Also of note is the expenditure on Indigenous health services, estimated at \$3.8b and initiatives designed to improved economic participation for Indigenous Australians, estimated at \$4.4b in 2008–09 (IERSC 2010a).

In March 2012, the Australian Government announced the further commitment of more than a billion dollars of investment for Indigenous programs across a range of different sectors in the Northern Territory, to be progressively rolled out over the next 10 years (Adlam 2012). More specifically

\$619 million is to be spent on policing remote communities...the money will be spent on 60 extra full-time police officers, four new police stations, more night patrols, legal services and stepping up the war on substance and drug abuse (Adlam 2012: np).

For a close examination of the improvements made to the lives of Indigenous Australians as a result of increased Australian Government investment and commitment to change over the last decade, see the latest Prime Minister's Report on *Closing the Gap* (FaHCSIA 2012). As the report observes 'Closing the Gap will always be a work in progress' (FaHCSIA 2012: 120).

The task of reducing Indigenous over-representation in the criminal justice system is not one for the Australian Government alone. Many states and territories have also developed policies and initiatives that endeavour to contribute to the national *Closing the Gap* targets. One example is the Queensland Government's *Just Futures Strategy 2012–2015*, which was launched in December 2011 and sets out

48 practical actions and improvements to current services...[and] seeks to address the underlying causes of Indigenous over-representation, at every point, in and outside the criminal justice system (DATSIMA 2012).

Due to the fact that deaths in custody are one of a few Indigenous-specific indicators of comparative disadvantage in the criminal justice system, the AIC will continue to work closely with custodial authorities to monitor how the progress of this work impacts on Indigenous over-representation in the justice system and the related issue of deaths in custody of Indigenous Australians.



# National Deaths in Custody Program

Among the concerns expressed by the RCIADIC in 1991 was the scarcity of reliable statistics on Indigenous contact with the criminal justice system. The final report of the RCIADIC (1991) recommended an ongoing program be established to monitor Indigenous and non-Indigenous deaths in prison, police custody and juvenile detention to gauge the impact of the recommendations regarding the rates of death in custody.

The program was to perform the following functions:

- maintain a statistical database relating to deaths in custody of Indigenous and non-Indigenous persons;
- report annually to the Australian Government; and
- negotiate with all custodial agencies with a view to formulating a nationally agreed standard form of statistical input and a standard definition of deaths in custody.

In response, the NDICP was established at the AIC in 1992 and since then, has provided comprehensive and authoritative data on all deaths that occur in custody and custody-related police operations. Although the NDICP began recording information in 1992, data on all custodial deaths between 1980 and 1992 were collected retrospectively, placing the NDICP in the unique position of holding detailed information on custodial deaths in Australia over the past 32 years.

The NDICP examines the circumstances of deaths in prison, police custody and juvenile detention across Australia in each year of reporting and also monitors long-term trends. The purpose of monitoring deaths in custody is to provide accurate, regular information that will contribute to policy and programs that aim to reduce deaths in custody and to increase public understanding of the issues.

The RCIADIC outlined the types of deaths that would require notification to the NDICP (Recommendation 41). They are:

- a death, wherever occurring, of a person who is in prison custody, police custody or detention as a juvenile;
- a death, wherever occurring, of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care, while in such custody or detention;
- a 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
- a death, wherever occurring, of a person attempting to escape from prison, police custody or juvenile detention.

With regards to deaths in police custody-related operations, the NDICP only monitors deaths of

persons who are in the physical custody of police officers, or who are alleged offenders who die in the process of officers attempting to take them into custody. This program does not include deaths of persons who are simply clients of police services or innocent bystanders who have died in the course of a police operation.

## Compiling the National Deaths in Custody Program

The information held in the NDICP database is based on two main data sources:

- NDICP data collection forms completed by all state and territory police services, correctional departments and juvenile justice agencies and sent to the AIC directly whenever a death occurs (including additional information such as offence records and police narratives); and
- coronial records, such as transcripts of proceedings and findings, as well as toxicology and post-mortem reports.

NDICP data collection forms allow information to be recorded on approximately 65 variables relating to the circumstances and characteristics of each death. Australian state and territory police and correctional authorities provide completed data collection reports and all relevant information is then extracted and entered into the NDICP database.

Coronial data used in the NDICP data collection process (including coronial rulings and findings, and toxicology and pathology reports) are accessed through the National Coronial Information System (NCIS) for every jurisdiction. The NCIS was formerly managed by the Monash University National Centre for Coronial Information and is currently based at, and managed by, the Victorian Institute of Forensic Medicine. After submitting an ethics application to the Monash University National Centre for Coronial Information to obtain access to the NCIS for the NDICP, the AIC was granted access in July 2001 on a fee-for-service basis. The AIC has renewed its ethics application every three years since, with copies of all presentations and publications produced by the NDICP provided to the ethics committee.

## Indigenous status

For the purpose of the NDICP, custodial authorities indicate whether the deceased is known to be of Indigenous background and this information is recorded in the database. Upon the handing down of coronial findings, the Indigenous status of each deceased person is cross-checked to ensure accuracy.

Reflecting an ongoing concern regarding the development of an accurate picture of Indigenous representation in the criminal justice system, corrective services agencies have made considerable efforts to reduce the number of people in their custody with unknown Indigenous status. For example, since 2004–05, the proportion of the prison population with unknown Indigenous status has declined from 2.2 percent to just 0.08 percent (ABS 2011b). For an indication of the number of persons in prison custody with unknown Indigenous status see Table E3 at *Appendix E*.

## Definitions

The definitions used to determine whether a case can be deemed a death in custody are derived from the recommendations of the RCIADIC. The definition of a death occurring in police custody is based on a 1994 resolution of the Australasian Police Ministers' Council (APMC; see *Appendix C*). Prior to that, only deaths occurring in police institutional settings (Category 1a) were reported to the NDICP and included in the dataset. The resolution of the APMC allowed the definition to be expanded so that deaths occurring during police operations (Category 1b and Category 2) could be included and distinguished from those in institutional settings. Category 1a deaths have been included in the NDICP since 1980 and police operational deaths (Category 1b and Category 2) have been collected since 1990.

Category 1:

(a) deaths in institutional settings (eg police stations/lockups, police vehicles, etc.; or during transfer to or from such an institution; or in hospitals, etc. following transfer from an institution); and

(b) other deaths in police operations where officers were in close contact with the deceased.

This would include most raids and shootings by police. It would not include most sieges where a perimeter was established around a premises but officers did not have such close contact with the person as to be able to significantly influence or control the person's behaviour. (It is proposed that this category be called 'deaths in custody'.)

#### Category 2:

Other deaths during custody-related police operations. This would cover situations where officers did not have such close contact with the person as to be able to significantly influence or control the person's behaviour. It would include most sieges as described above and most cases where officers were attempting to detain a person, e.g. pursuits. (It is proposed that this category be called 'deaths during custody-related police operations'.) (see *Appendix C*)

## Calculating death rates

The rates of deaths in prison custody presented in this report are calculated as the number of deaths divided by the total prison population multiplied by 100 and are expressed as the rate of deaths per 100 prisoners.

The data for the denominator are drawn from three sources:

- the number of prisoners at midnight on 30 June each year. The prisoner census data was first collected in 1981 and are published in *Prisoners in Australia* by the Australian Bureau of Statistics (ABS) cat. no. 4517.0. In this report, these data are labelled ABS-A (ABS-A 2011–1981);
- the average daily prisoner population. This is calculated from daily counts of prisoners, which are summed and then divided by the number of days in that month to determine the average daily population. These data were first collected in 1998 and are published in *Corrective Services, Australia* by the ABS cat. no. 4512.0. In this report, these data are labelled ABS-B (ABS-B 2011–1998); and
- the average daily number of prisoners, which is published in the Report on Government Services by the Steering Committee for the Review of Commonwealth/State Services (SCRCSP 2012–1997).

The review of the NDICP in 2011 identified that the average daily number of prisoners is the more appropriate denominator rather than a single annual snapshot of the number of prisoners on a particular day. The count of prisoners at 30 June is generally higher than the average daily number, which is caused by a lag in court processing time. During the holiday period from December to January each year, the court system closes down. When the court re-opens, there is a backlog of cases that have to be processed. This leads to a situation where more offenders are sent to prison in the first quarter of each year than at any other time. Given that the prisoner census is conducted at 30 June each year, it captures this new flow of prisoners into the system, but fails to account for all of the prisoners who leave custody throughout the rest of the year. By contrast, the average daily number of prisoners is calculated from regular counts of prisoner numbers throughout the year and therefore more closely reflects the flow of prisoners into and out of the prison system each year. It is for this reason that the average daily numbers are now used in the calculation of rates of death in prison custody.

- The prisoner population data from the ABS prisoner census is used to calculate the rates from 1980 to 1991 because reliable daily average population counts are not available prior to 1992.
- The populations used as the denominator to calculate the various rates of death are provided in *Appendix E* at the back of this report.
- For historical reasons and to enable comparison with previous NDICP reports, a graph showing rates of death using the census count as the denominator has been included in *Appendix D*.

Rates of death in police custody are not presented in this report because there is no reliable data source for:

- the number of people who are placed into police custody each year; and
- the number of people who come into contact with police in custody-related operations.

Further, some variables have missing data where there is unknown information or the AIC is awaiting further detail and as a result, there are differences in the number of cases that contribute to the various analyses. Analyses have been conducted



for the total number of cases for which the relevant information is available.

## *Report content*

This report presents data on deaths in custody collated from all jurisdictions from 1 January 1980 to 30 June 2011 and reports on trends since 1980. The variables presented in this report are:

- Indigenous status;
- age at time of death;
- sex;
- custodial authority at time of death;
- time of incident for motor vehicle pursuit and shooting deaths;
- cause of death, including hanging points and materials used for deaths caused by hanging;
- type of natural cause death for prison custody;
- manner of death;
- mental health status of the deceased;
- toxicology results are presented in aggregate form for deaths in police custody and custody-related operations;
- location of death;
- most serious offence;

- legal status in prison at time of death; and
- reason why the deceased was in police custody at time of death.

Motor vehicle pursuit and shooting deaths are two types of deaths in custody that attract a great deal of media and public interest. In a separate section of this report, the demographics of persons involved in these types of incidents are examined, as are the circumstances surrounding these events.

## *Timing of reporting*

The timing of the release of this report is dependent on many factors including the collection of data from all jurisdictions, and the validation and cross-checking of information with coronial records. The analyses presented in this report also rely on population data from external sources, much of which is not available until several months after the end of the financial year. In order to improve the timeliness of reporting data collected by this program, a number of internal efficiency gains were implemented in 2011 in conjunction with a more streamlined data collection and validation process going forward. It is anticipated that future NDICP monitoring reports will be released approximately six to eight months after the end of each financial year.



# Overview of all deaths in custody

## Overview of all deaths

The NDICP database holds information for 32 financial years from 1979–80 to 2010–11 and contains details relating to 2,319 individual custodial deaths (see Table 6) that include:

- 1,393 deaths in prison custody;
- 903 deaths in police custody and custody-related operations;
- 18 deaths in the custody of juvenile justice agencies; and
- five deaths in the custody of an 'other/Australian Government' agency (which includes deaths in Australian Federal Police custody).

The majority of deaths recorded by the NDICP are of non-Indigenous persons (81%, n=1,870), with Indigenous persons accounting for 19 percent (n=449 of all custodial deaths).

## *Overall trends in deaths in custody by custodial authority*

Over the 32 financial years for which data are available, there have been three distinct trends in the total number of deaths in custody (see Figure 3).

- from the decade 1979–80 to 1989–90, where the total number of deaths in custody increased considerably;
- from 1991–92, the number of deaths started to level out and remained stable over the ensuing period to 1998–99; and
- between 1999–2000 and 2005–06, there was a decline in deaths.

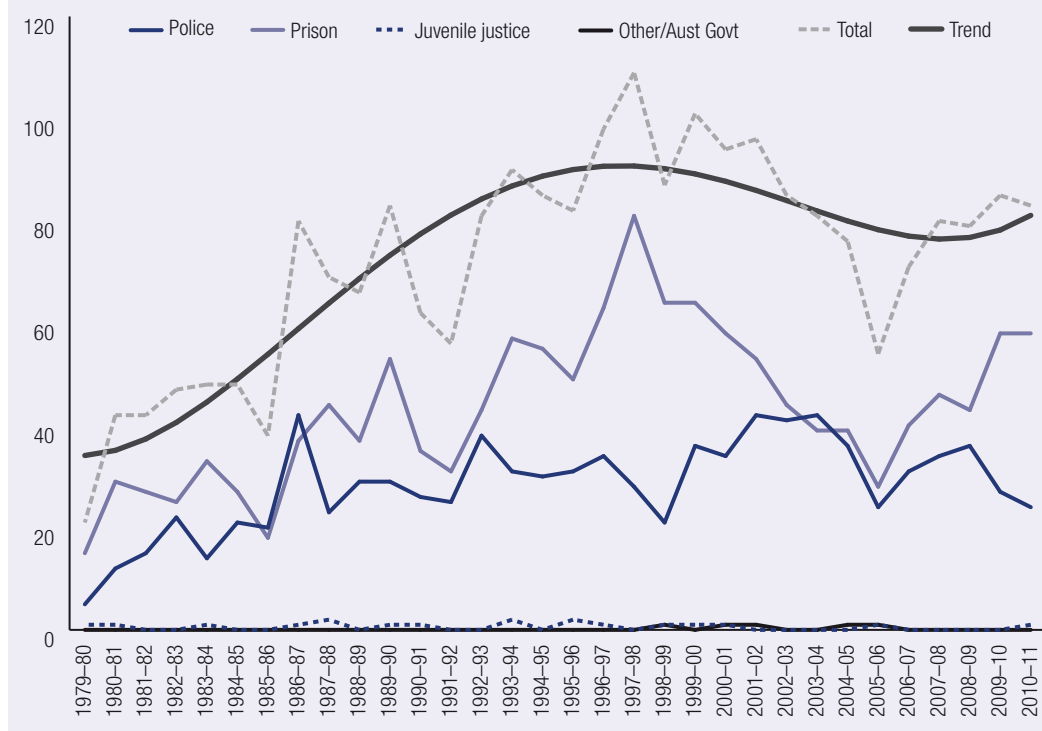
While data after 2005–06 has indicated that deaths in custody are again on the rise, annual totals in recent years remain lower than those seen a decade ago. A fourth order polynomial regression model confirmed this pattern in deaths since 1979–80 (the dotted line in Figure 3 highlights the trend).

**Table 6** Custodial deaths by custodial authority, 1979–80 to 2010–11 (n)

	Prison	Police	Juvenile justice	Other/Australian Government	Total
1979–80	15	5	1	0	21
1980–81	29	12	1	0	42
1981–82	27	15	0	0	42
1982–83	25	22	0	0	47
1983–84	33	14	1	0	48
1984–85	27	21	0	0	48
1985–86	18	20	0	0	38
1986–87	37	42	1	0	80
1987–88	44	23	2	0	69
1988–89	37	29	0	0	66
1989–90	53	29	1	0	83
1990–91	35	26	1	0	62
1991–92	31	25	0	0	56
1992–93	43	38	0	0	81
1993–94	57	31	2	0	90
1994–95	55	30	0	0	85
1995–96	49	31	2	0	82
1996–97	63	34	1	0	98
1997–98	81	28	0	0	109
1998–99	64	21	1	1	87
1999–00	64	36	1	0	101
2000–01	58	34	1	1	94
2001–02	53	42	0	1	96
2002–03	44	41	0	0	85
2003–04	39	42	0	0	81
2004–05	39	36	0	1	76
2005–06	28	24	1	1	54
2006–07	40	31	0	0	71
2007–08	46	34	0	0	80
2008–09	43	36	0	0	79
2009–10	58	27	0	0	85
2010–11	58	24	1	0	83
Total	1,393	913	18	5	2,319

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Figure 3** Trends in deaths in custody by custodial authority and year, 1979–80 to 2010–11 (n)



Note: 'Police' includes deaths in both police custody (Category 1) and during custody-related operations (Category 2). Category 2 deaths have been included since 1 January 1990

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

# Deaths in prison custody

## Key indicators of performance

The NDICP reports on the following three high-level indicators for deaths in prison custody:

- trends in number of deaths in prisons and the proportion of total deaths involving Indigenous prisoners;
- trends in the rate of death per 100 relevant adult prisoners; and
- trends in causes and circumstances of deaths in prison custody.

## 2008–09

A total of 43 deaths occurred in prison custody in Australia in 2008–09. Across the jurisdictions:

- New South Wales recorded 15 deaths;
- Queensland recorded nine deaths;
- Victoria recorded eight deaths;
- South Australia recorded five deaths;
- Western Australia recorded four deaths;
- Tasmania recorded one death;
- Australian Capital Territory recorded one death; and
- no deaths were recorded in the Northern Territory (see Table 7).

**Table 7** Key indicators of performance—prison custody deaths, 2008–09

		Prison
1	Indigenous	7 (16%)
	Non-Indigenous	36 (84%)
2	Rate of death—Indigenous	0.10 <sup>a</sup>
	Rate of death—non-Indigenous	0.18 <sup>a</sup>
3a	Main cause—Indigenous	Natural causes—(71%; n=5)
	Main cause—non-Indigenous	Natural causes—(58%; n=21)
3b	Main circumstances—Indigenous	Natural causes—(71%; n=5)
	Main circumstances—non-Indigenous	Natural causes—(58%; n=21)

a: Rate per 100 prisoners on an average day (SCRCSP 2010)

Source: AIC NDICP 2008–09 [computer file]

## 2009–10

- A total of 58 deaths occurred in prison custody in Australia in 2009–10. Across the jurisdictions: New South Wales recorded 21 deaths;
- Queensland recorded 10 deaths;
- Victoria recorded eight deaths;
- Western Australia recorded eight deaths;
- South Australia recorded five deaths;
- Tasmania recorded three deaths;
- the Northern Territory recorded two deaths; and
- Australian Capital Territory recorded one death (see Table 8).

## 2010–11

- A total of 58 deaths occurred in prison custody in Australia in 2010–11. Across the jurisdictions:
- New South Wales recorded 20 deaths;
  - Queensland recorded 11 deaths;
  - Victoria recorded 10 deaths;
  - the Northern Territory recorded six deaths;
  - Western Australia recorded five deaths;
  - South Australia recorded four deaths;
  - Tasmania recorded two deaths; and
  - no deaths were recorded in the Australian Capital Territory (see Table 9).

**Table 8** Key indicators of performance—prison custody deaths, 2009–10

		Prison
1	Indigenous	14 (24%)
	Non-Indigenous	44 (76%)
2	Rate of death—Indigenous	0.19 <sup>a</sup>
	Rate of death—non-Indigenous	0.21 <sup>a</sup>
3a	Main cause—Indigenous	Natural causes—(79%; n=11)
	Main cause—non-Indigenous	Natural causes—(61%; n=27)
3b	Main circumstances—Indigenous	Natural causes—(79%; n=11)
	Main circumstances—non-Indigenous	Natural causes—(61%; n=27)

a: Rate per 100 prisoners on an average day (SCRCSP 2011)

Source: AIC NDICP 2009–10 [computer file]

**Table 9** Key indicators of performance—prison custody deaths, 2010–11

		Prison
1	Indigenous	12 (21%)
	Non-Indigenous	46 (79%)
2	Rate of death—Indigenous	0.16 <sup>a</sup>
	Rate of death—non-Indigenous	0.22 <sup>a</sup>
3a	Main cause—Indigenous	Natural causes—(67%; n=8)
	Main cause—non-Indigenous	Natural causes—(65%; n=30)
3b	Main circumstances—Indigenous	Natural causes—(67%; n=8)
	Main circumstances—non-Indigenous	Natural causes—(65%; n=30)

a: Rate per 100 prisoners on an average day (SCRCSP 2012)

Source: AIC NDICP 2010–11 [computer file]

Important consideration about prison populations

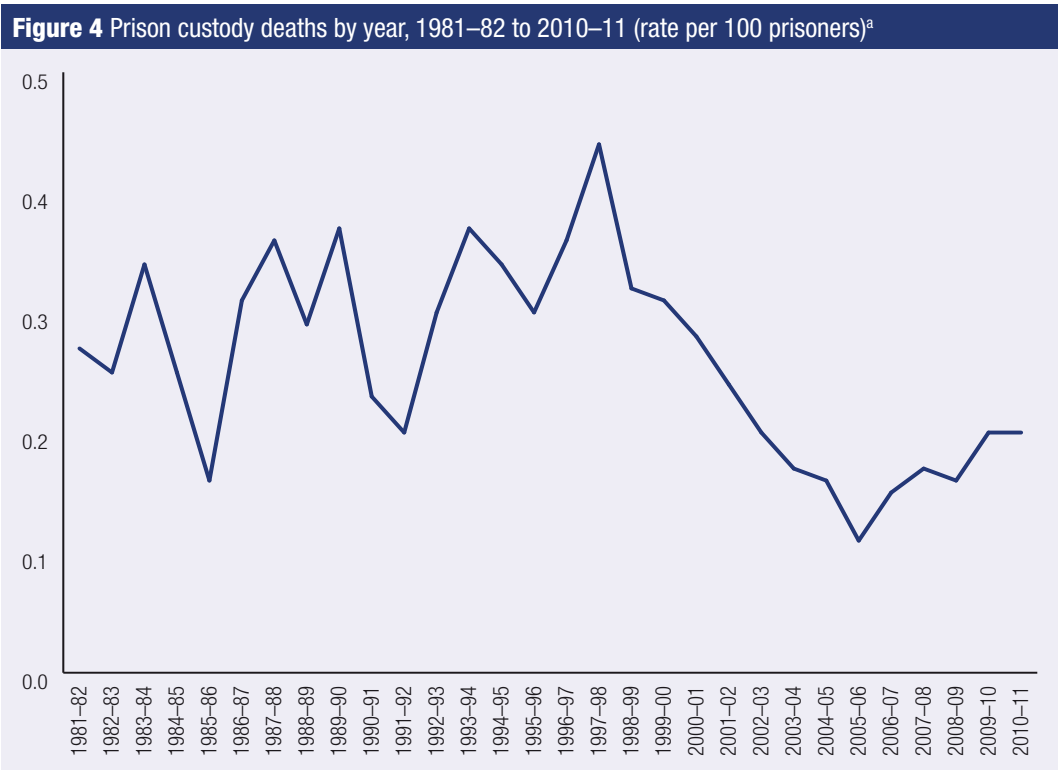
Prison populations differ greatly across the states and territories, which has an impact on the number and distribution of deaths recorded (for trends in the prison population and the distribution between the states and territories, see *Appendix E*). In general terms, those jurisdictions with larger prison populations tend to have higher numbers of deaths in custody. The rates of death in prison relative to each jurisdiction's prison population over the last three financial years are presented in Table 10.

It should also be noted that when a prison custody death occurs in a jurisdiction with a small number of prisoners, such as Tasmania or the Australian Capital Territory, the rate of death can appear to be very high as a function of the smaller population size. For example, although New South Wales has consistently recorded the most number of deaths in

the last three years, it does not have the highest rate of death among all the jurisdictions. Consequently, when interpreting rates of death, it is important to account for the population size as well as the number of deaths.

Trends

A total of 1,393 deaths have been recorded in prison custody across Australia since 1 January 1980. The rate of death fluctuated considerably over almost two decades up to the late 1990s, reaching a peak of 0.44 deaths per 100 prisoners in 1997–98; however, there was an increase during this period (see Figure 4). Following the peak in the late 1990s, there was a decline in the rate of deaths in prison, with the rate in 2005–06 reaching its lowest point since the collection of this data began. Since this all-time low, the rate of death per 100 prisoners has increased slightly.



a: Denominator: see Table E1  
Source: AIC NDICP 1981–82 to 2010–11 [computer file]

**Table 10** Prison custody deaths by Indigenous status, 2008–09 to 2010–11 (rate per 100 prisoners)<sup>a</sup>

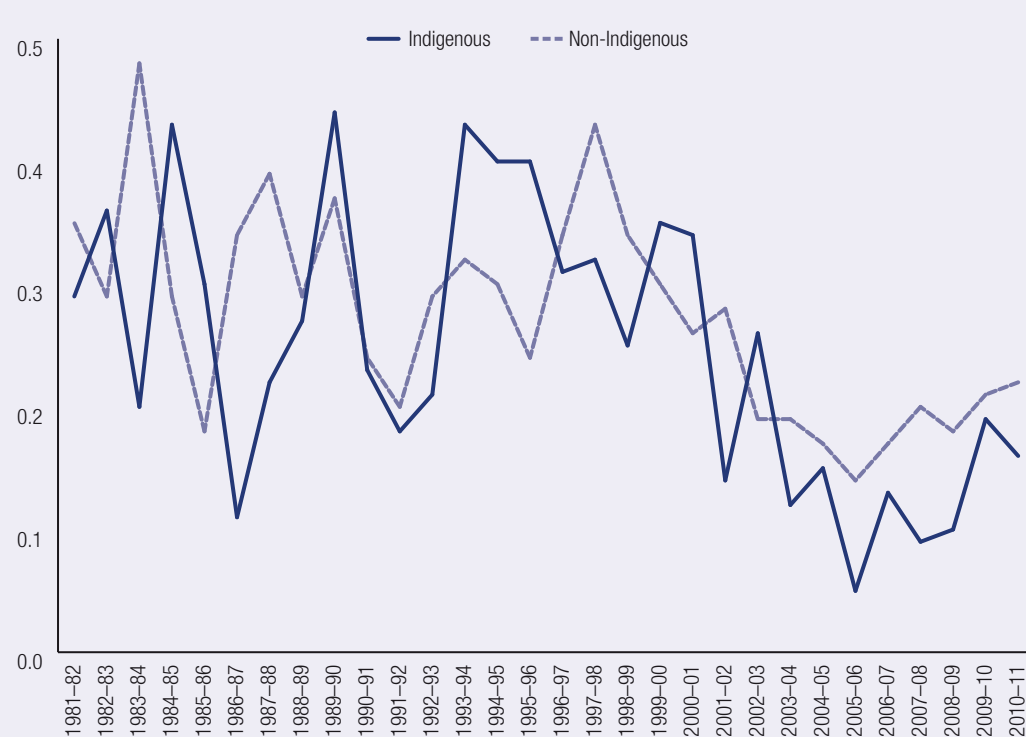
2008–09						
	Indigenous		Non-Indigenous		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	1	0.05	14	0.18	15	0.15
Victoria	0	–	8	0.20	8	0.19
Queensland	2	0.13	7	0.17	9	0.16
Western Australia	3	0.18	1	0.04	4	0.10
South Australia	1	0.23	4	0.27	5	0.26
Tasmania	0	–	1	0.22	1	0.19
Northern Territory	0	–	0	–	0	–
Australian Capital Territory	0	–	1	1.01	1	0.85
Australia	7	0.10	36	0.18	43	0.16
2009–10						
	Indigenous		Non-Indigenous		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	4	0.18	17	0.22	21	0.20
Victoria	1	0.37	7	0.17	8	0.18
Queensland	4	0.24	6	0.15	10	0.18
Western Australia	4	0.21	4	0.14	8	0.17
South Australia	0	–	5	0.33	5	0.25
Tasmania	0	–	3	0.71	3	0.61
Northern Territory	1	0.11	1	0.51	2	0.19
Australian Capital Territory	0	–	1	0.63	1	0.53
Australia	14	0.19	44	0.21	58	0.20
2010–11						
	Indigenous		Non-Indigenous		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	1	0.04	19	0.25	20	0.20
Victoria	1	0.35	9	0.21	10	0.22
Queensland	1	0.06	10	0.26	11	0.20
Western Australia	2	0.11	3	0.11	5	0.11
South Australia	1	0.21	3	0.20	4	0.20
Tasmania	1	1.69	1	0.25	2	0.42
Northern Territory	5	0.52	1	0.48	6	0.51
Australian Capital Territory	0	–	0	–	0	–
Australia	12	0.16	46	0.22	58	0.20

a: Rate per 100 relevant prisoners on an average day (SCRCSP 2012–10)

Source: AIC NDICP 2007–08 to 2010–11 [computer file]



**Figure 5** Prison custody deaths by Indigenous status and year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E3

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

## Demographic characteristics

### Indigenous status

Throughout the 2008–09 to 2010–11 reporting period, 33 of the 159 deaths (21%) in prison custody were of Indigenous prisoners (see Table 10). As has typically been the case in previous years, the rate of death among Indigenous prisoners was lower than the comparative rate for non-Indigenous prisoners across the last three years. The most recent statistics indicate that Indigenous Australians comprise just over a quarter of the national prison population (26%; SCRCSP 2012), whereas Indigenous prisoners represented 21 percent of prison deaths over the same period.

Across the three years, the results were as follows:

- In 2008–09, there were 43 deaths in prison custody, seven of which involved an Indigenous prisoner (16%). The annual rate of death for

Indigenous prisoners was 0.10 per 100 compared with 0.18 for non-Indigenous prisoners.

- In 2009–10, there were 58 deaths in prison custody, 14 of which involved an Indigenous prisoner (24%). The annual rate of death for Indigenous prisoners was 0.19 per 100 compared with 0.21 for non-Indigenous prisoners.
- In 2010–11, there were 58 deaths in prison custody, 12 of which involved an Indigenous prisoner (21%). The annual rate of death for Indigenous prisoners was 0.16 per 100 compared with 0.22 for non-Indigenous prisoners.

### Trends in Indigenous deaths in prison custody

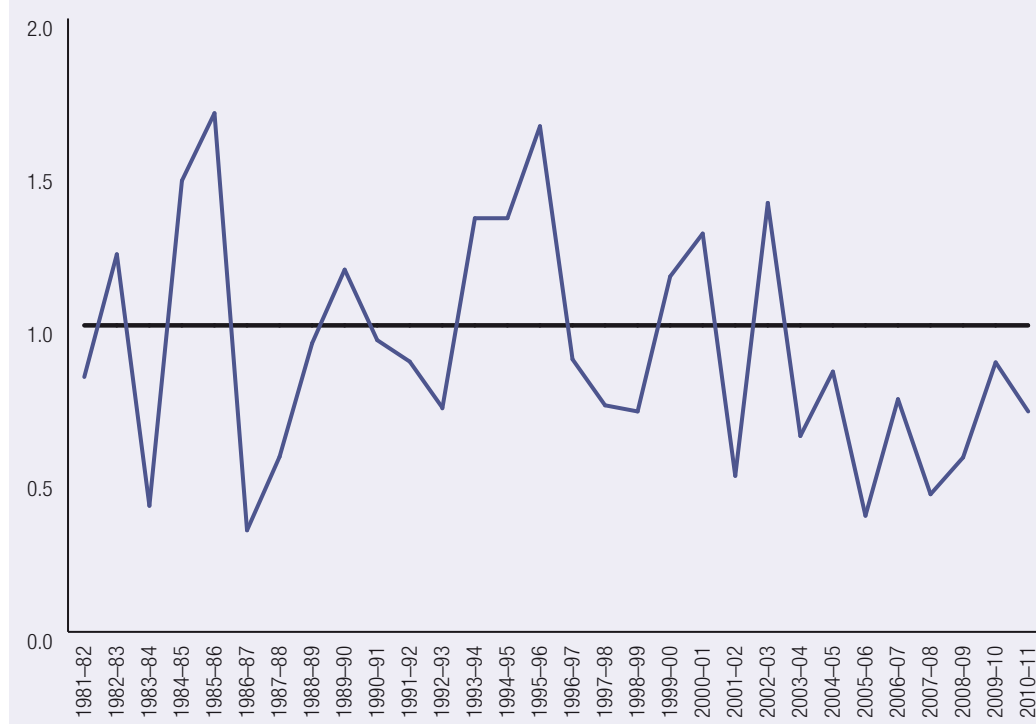
Despite a comparatively lower rate of death among Indigenous prisoners, it is worth noting that the actual number of Indigenous deaths increased in the two most recent years of collection, representing a

**Table 11** Prison custody deaths by Indigenous status and year, 1979–80 to 2011–12 (n)

	Indigenous	Non-Indigenous	Total
1979–80	4	11	15
1980–81	2	27	29
1981–82	3	24	27
1982–83	4	21	25
1983–84	2	31	33
1984–85	5	22	27
1985–86	4	14	18
1986–87	2	35	37
1987–88	4	40	44
1988–89	5	32	37
1989–90	9	44	53
1990–91	5	30	35
1991–92	4	27	31
1992–93	5	38	43
1993–94	12	45	57
1994–95	12	43	55
1995–96	13	36	49
1996–97	11	52	63
1997–98	12	69	81
1998–99	10	54	64
1999–2000	14	50	64
2000–01	14	44	58
2001–02	6	47	53
2002–03	12	32	44
2003–04	6	33	39
2004–05	8	31	39
2005–06	3	25	28
2006–07	8	32	40
2007–08	6	40	46
2008–09	7	36	43
2009–10	14	44	58
2010–11	12	46	58
Total	238	1,155	1,393

Source: AIC NDICP 1979–80 to 2011–12 [computer file]

**Figure 6** Over-representation ratio of Indigenous deaths in custody by year, 1981–82 to 2010–11<sup>a</sup>



a: Denominator: see Table E3

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

departure from the apparent downward trend seen over the last decade (see Table 11 and Figure 5). The number of Indigenous prison custody deaths in 2009–10 was the highest on record—equal with totals in 1999–2000 and 2000–01. However, owing to a commensurate increase in the size of the Indigenous prisoner population, this increase in the number of deaths resulted in only a modest short-term increase in the rate of death since its lowest point in 2005–06. Compared with the long-term trend, the rate of Indigenous death in prison in recent years continues to remain much lower than historical trends.

One of the questions that the NDICP endeavours to answer each year is whether Indigenous prisoners are more likely to die in custody than non-Indigenous prisoners. This question can be answered using the statistical approach known as the *rate-ratio method*. This method compares the rate of death

among Indigenous prisoners with the equivalent rate among non-Indigenous prisoners. Where the ratio is above one, this indicates a point in time when Indigenous prisoners were more likely to die than non-Indigenous prisoners relative to their population size. Conversely, where the ratio is less than one, this is a sign of under-representation.

As shown in Figure 6, between 1981–82 and 2002–03, the rate-ratio fluctuated above and below parity, but since 2003–04, the ratio has been consistently under. That is, analysis of 30 years' worth of data showed that there were 10 points in time when Indigenous persons were overrepresented among deaths in custody and 20 points when they were under-represented. Importantly, for the last eight years in a row, Indigenous prisoners were less likely to die in custody than their non-Indigenous counterparts and at no other point in time, where data has been collected, has this been the case.

**Table 12** Prison custody deaths by sex and year, 2008–09 to 2010–11 (rate per 100 prisoners)<sup>a</sup>

2008–09						
	Male		Female		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	15	0.16	0	–	15	0.15
Victoria	8	0.20	0	–	8	0.19
Queensland	8	0.15	1	0.23	9	0.16
Western Australia	4	0.11	0	–	4	0.10
South Australia	5	0.28	0	–	5	0.26
Tasmania	1	0.21	0	–	1	0.19
Northern Territory	0	–	0	–	0	–
Australian Capital Territory	0	–	1	9.09	1	0.85
Australia	41	0.16	2	0.10	43	0.16
2009–10						
	Male		Female		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	21	0.22	0	–	21	0.20
Victoria	8	0.19	0	–	8	0.18
Queensland	10	0.19	0	–	10	0.18
Western Australia	8	0.18	0	–	8	0.17
South Australia	5	0.27	0	–	5	0.25
Tasmania	3	0.67	0	–	3	0.61
Northern Territory	2	0.19	0	–	2	0.19
Australian Capital Territory	1	0.58	0	–	1	0.53
Australia	58	0.22	0	–	58	0.20
2010–11						
	Male		Female		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	19	0.20	1	0.14	20	0.20
Victoria	10	0.23	0	–	10	0.22
Queensland	10	0.20	1	0.24	11	0.20
Western Australia	4	0.09	1	0.27	5	0.11
South Australia	4	0.22	0	–	4	0.20
Tasmania	2	0.45	0	–	2	0.42
Northern Territory	6	0.54	0	–	6	0.51
Australian Capital Territory	0	–	0	–	0	–
Australia	55	0.21	3	0.15	58	0.20

a: Denominator: see Table E2

Rate per 100 relevant prisoners on an average day (SCRCSP 2012)

Source: AIC NDICP 2007–08 to 2010–11 [computer file]

**Table 13** Prison custody deaths by sex and year, 1979–80 to 2010–11 (n)

	Male	Female	Total
1979–80	15	0	15
1980–81	29	0	29
1981–82	23	4	27
1982–83	24	1	25
1983–84	32	1	33
1984–85	27	0	27
1985–86	16	2	18
1986–87	34	3	37
1987–88	43	1	44
1988–89	36	1	37
1989–90	51	2	53
1990–91	34	1	35
1991–92	30	1	31
1992–93	43	0	43
1993–94	51	6	57
1994–95	54	1	55
1995–96	49	0	49
1996–97	61	2	63
1997–98	78	3	81
1998–99	61	3	64
1999–2000	60	4	64
2000–01	56	2	58
2001–02	49	4	53
2002–03	41	3	44
2003–04	37	2	39
2004–05	35	4	39
2005–06	27	1	28
2006–07	39	1	40
2007–08	43	3	46
2008–09	41	2	43
2009–10	58	0	58
2010–11	55	3	58
Total	1,332	61	1,393

AIC NDICP 1979–80 to 2010–11 [computer file]

## Sex

During the last three financial years of reporting (2008–09 to 2010–11), there were a total of 159 deaths in prison custody, of which 154 were males (97%) and five were females (3%; see Table 12). By jurisdiction, New South Wales, Victoria and Queensland recorded the highest number of deaths in prison. Due to the relatively small number of female prison custody deaths each year, small increases in recorded cases are likely to substantially affect the rate (see Figure 7).

For the three year reporting period, the results were as follows:

- in 2008–09, there were 43 deaths, 41 of which were male prisoners and two were female. The annual rate of death for male prisoners was 0.16 per 100, while the rate of death for female prisoners was 0.10 per 100;
- in 2009–10, there were 58 deaths, all of which were male prisoners. The annual rate of death for these male prisoners was 0.22 per 100; and
- in 2010–11, there were 58 deaths, 55 of which were male prisoners and three were female. The annual rate of death for male prisoners was 0.21 per 100, while the rate of death for female prisoners was 0.15 per 100.

## Trends

Since 1979–80, deaths of males in prison custody have consistently outnumbered female deaths each year (see Table 13). The proportion of deaths in prison custody between the sexes reflects the distribution of Australia's prison population, where 93 percent of prisoners on an average day are male (SCRCSP 2012) and 96 percent of deaths in prison custody are of males. The rate of death for males and females in prison remained relatively low and stable from 1981–82 to 1992–93 (see Figure 7); however, there was a slight increase in the rate of male deaths from 1991–92 to 1997–98, after which the rate declined and has remained stable ever since.

## Age

The median age at death in the period from 2008–09 to 2010–11 was between 42 and 52 years, with the median age at death for non-Indigenous prisoners being generally higher than for Indigenous prisoners (non-Indigenous 42 to 53.5 years *cf* Indigenous 33.5 to 50 years; see Table 14). Of interest is the fact that the median age at death among non-Indigenous prisoners increased by close to 12 years when comparing 2008–09 with 2009–10 (42 years *cf* 53.5 years). This rise was the direct result of more than double the number of deaths of prisoners 55 years and older compared with the previous 12 months. There was also a considerable decrease in the median age of death among Indigenous prisoners in 2010–11 compared with the previous year (33.5 years *cf* 50 years). This substantial drop in median age at death was due to a combination of fewer deaths of Indigenous prisoners aged 40 years and over (9 deaths *cf* 2 deaths), at the same time as the number of deaths of persons aged 39 years or less doubled (10 deaths *cf* 5 deaths) compared with the previous year.

Collectively, in the last three years of reporting, deaths among those aged 55 years and above were the most prevalent (34%; *n*=54), closely followed by prisoners aged 40 to 54 years (32%; *n*=50) and those aged 25 to 39 years (28%; *n*=44). The least number of deaths were recorded among prisoners aged less than 25 years (7%; *n*=11). Disaggregated by jurisdiction, New South Wales, Victoria, Queensland and Western Australia were the only states to record a death of a prisoner less than 25 years of age. Of these 11 deaths of prisoners under the age of 25 years, three were Indigenous persons. Conversely, the Australian Capital Territory was the only jurisdiction not to have recorded a death of a person 55 years or older.

Over the reporting period, the results were as follows:

- in 2008–09, the median age of death among the overall prison population of Australia was 42 (Indigenous 35 years and non-Indigenous 42 years);
- in 2009–10, the median age at death among the prison population was 52 years (Indigenous 50 years and non-Indigenous 53.5 years); and
- in 2010–11, the median age at death among the prison population was 46.5 years (Indigenous 33.5 years and non-Indigenous 51 years).

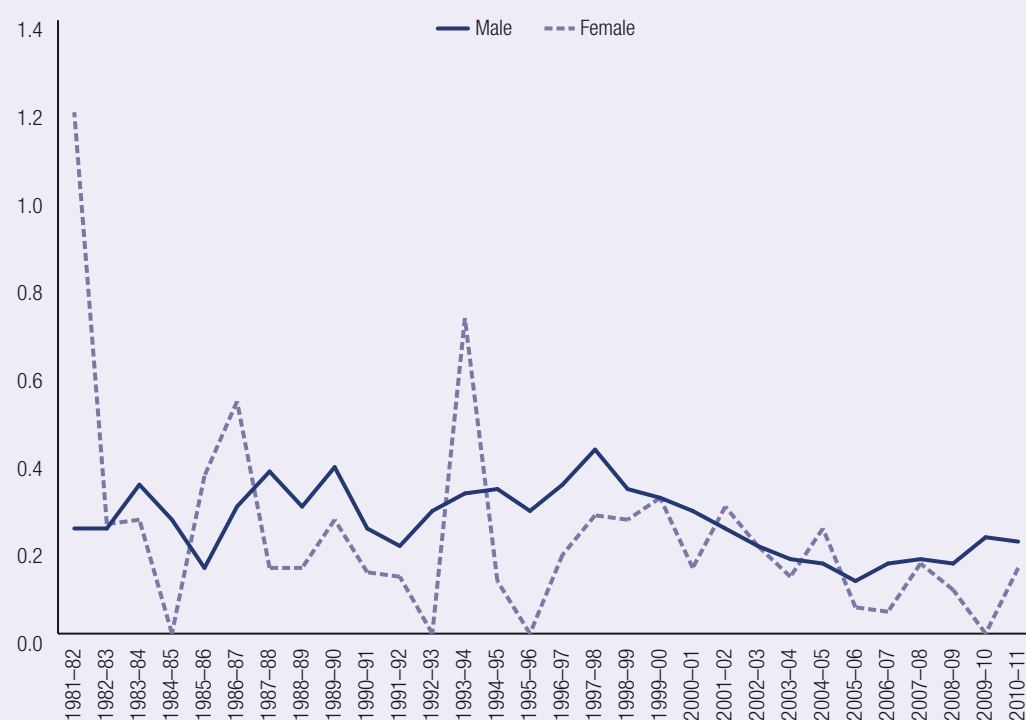
**Table 14** Prison custody deaths by age category and year, 2008–09 to 2010–11 (n)

2008–09							
	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total	Median age at death (yrs)	Mean age of prisoner population <sup>a</sup> (yrs)
New South Wales	1	6	5	3	15	41	34.9
Victoria	0	1	4	3	8	49.5	37.5
Queensland	0	5	3	1	9	36	34.9
Western Australia	0	3	1	0	4	33.5	34.5
South Australia	0	1	2	2	5	53	36.2
Tasmania	0	0	0	1	1	64	35.0
Northern Territory	0	0	0	0	0	–	33.8
Australian Capital Territory	0	0	1	0	1	42	33.5
<b>Totals</b>							
Indigenous	0	4	2	1	7	35	32.1
Non-Indigenous	1	12	14	9	36	42	36.4
All persons	1	16	16	10	43	42	35.3
2009–10							
	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total	Median age at death (yrs)	Mean age of prisoner population <sup>a</sup> (yrs)
New South Wales	2	1	7	11	21	56	35.1
Victoria	0	3	1	4	8	54.5	37.2
Queensland	1	2	3	4	10	53	34.9
Western Australia	2	2	4	0	8	40	34.6
South Australia	0	0	1	4	5	62	37.0
Tasmania	0	1	2	0	3	46	35.1
Northern Territory	0	1	0	1	2	49.5	34.3
Australian Capital Territory	0	0	1	0	1	44	33.7
<b>Totals</b>							
Indigenous	2	3	6	3	14	50	32.0
Non-Indigenous	3	7	13	21	44	53.5	36.6
All persons	5	10	19	24	58	52	35.4
2010–11							
	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total	Median age at death	Mean age of prisoner population <sup>a</sup>
New South Wales	4	5	5	6	20	43	35.4
Victoria	1	1	3	5	10	57.5	37.4
Queensland	0	2	3	6	11	62	34.8
Western Australia	0	3	1	1	5	38	33.1
South Australia	0	2	1	1	4	40	37.3
Tasmania	0	1	0	1	2	50	34.9
Northern Territory	0	4	2	0	6	35.5	34.5
Australian Capital Territory	0	0	0	0	0	–	32.3
<b>Totals</b>							
Indigenous	1	9	2	0	12	33.5	32.1
Non-Indigenous	4	9	13	20	46	51	36.8
All persons	5	18	15	20	58	46.5	35.6

a: ABS 2011b

Source: AIC NDICP 2007–08 to 2010–11 [computer file]

**Figure 7** Prison custody deaths by sex and year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E2

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

## *The ageing of the prisoner population in Australia*

Available data from the ABS indicates that the prison population has been steadily ageing (ABS unpublished data; see Table 15). The ageing of Australia's prisoner population was the focus of a paper produced by Baidawi et al. (2011), where it is observed that over the decade from 2000 to 2010, the number of prisoners aged over 50 years had increased by 37 percent, with those over 65 years increasing by 142 percent (Baidawi et al. 2011). It is concluded that the main driver for this ageing prisoner population is a combination of 'prosecution and sentencing laws and practices—including mandatory minimum sentencing and reduced options for early release...' (Aday et al. cited in Baidawi et al. 2011: 2).

An examination of the deaths in custody data showed that deaths of older prisoners have been increasing in recent years to some of the highest levels ever recorded. The majority of the deaths

of older prisoners were due to natural causes, characterised by serious illnesses such as ischaemic heart disease, cancer and respiratory illness. This emerging trend has significant implications for corrective services agencies and the provision of health care to its ageing prisoner population. A closer examination of cause of death among older prisoners is provided below.

## *Trends*

Since 1979–80, close to one-fifth (19%; n=266) of deaths in prison have been of persons aged 25 years or less, 40 percent (n=551) were persons aged 25 to 39 years, 23 percent (n=314) were persons aged 40 to 54 years and 19 percent (n=262) were aged 55 years and above (see Table 16). For two decades from 1979–80 to 1999–2000, deaths of persons aged less than 25 years generally outnumbered those aged 55 years and over each year. However, since 2000–01, this trend has reversed noticeably, with the number of deaths of



persons 55 years and over being consistently much higher than deaths among prisoners less than 25 years. In the last two financial years (2009–10 and 2010–11), deaths of persons aged 55 years and older have become the most frequent among the age categories. This trend appears indicative of the ageing prisoner population.

Between 1981–82 and 2010–11:

- the death rate for prisoners aged 55 years and over fluctuated greatly but has been consistently higher than all other age groups, with a maximum of 3.0 deaths per 100 prisoners in 1990–91 to a minimum of 0.56 in 2008–09; and
- the rate of death for those prisoners aged less than 55 years has been relatively low and constant over this period, with the exception of persons aged 40–54 years in 1986–87 and 1996–97 (0.5 deaths and 0.6 deaths per 100 respectively). The rate for all other age groups was consistently under 0.5 deaths per 100 relevant prisoners (see Figure 8).

A greater proportion of Indigenous deaths in prison were of younger prisoners when compared with their non-Indigenous counterparts (see Figure 9). Of the Indigenous prisoner deaths, 24 percent (n=58) were aged less than 25 years and almost half were aged 25–39 years (48%, n=113), which is higher than

the equivalent proportions among non-Indigenous prisoner deaths (18%; n=208 were less than 25 years and 38%; n=438 were aged 25–39 years). Conversely, a higher proportion on non-Indigenous prison custody deaths involved persons aged over 55 years (22%; n=249 for non-Indigenous prisoners *cf* 6%; n=13 for Indigenous prisoners)

### Circumstances surrounding deaths in prison custody

The NDICP collects information on both the cause and manner of each death. Cause of death information relates to the precipitating medical cause as reported by the custodial authority and confirmed by the coroner. The manner of death is different from the cause of death, as it refers to the circumstances in which the person died. In some cases, cause and manner of death will correspond. For example, where a person dies as a result of natural causes, their death will be recorded as natural causes for both cause and manner of death. In other cases, cause and manner of death will differ. For example, where a person dies from acute drug toxicity, cause of death will be recorded as drug-related and manner of death will be recorded as either intentionally self-administered or as an accidental overdose.

Table 15 Median age of Australia's prison population by legal status, Indigenous status, sex and year, 1999–2011 (years)								
	Sentenced				Unsentenced			
	Indigenous		Non-Indigenous		Indigenous		Non-Indigenous	
	Male	Female	Male	Female	Male	Female	Male	Female
1999	28.0	28.9	31.4	30.5	26.4	25.8	28.8	28.2
2000	28.6	28.3	31.7	30.6	26.7	24.6	28.9	28.0
2001	29.2	28.0	32.0	31.5	27.2	28.2	29.2	27.9
2002	29.3	28.8	32.5	31.5	27.5	28.6	29.5	30.0
2003	30.0	29.4	33.0	32.5	27.2	28.3	30.3	31.0
2004	30.1	29.6	33.5	33.7	28.3	30.3	31.0	32.1
2005	30.5	31.0	33.9	34.4	28.1	30.1	31.7	33.4
2006	30.9	30.6	34.3	35.5	28.6	30.2	31.5	31.9
2007	31.4	30.4	34.7	35.8	27.9	27.1	31.6	31.4
2008	30.7	30.5	35.2	36.4	28.4	28.4	32.1	33.5
2009	31.1	32.1	35.1	36.2	28.5	29.8	32.2	33.6
2010	31.1	31.8	35.3	37.1	28.4	30.3	32.2	32.3
2011	30.9	32.3	35.6	37.1	29.0	29.8	31.9	34.0

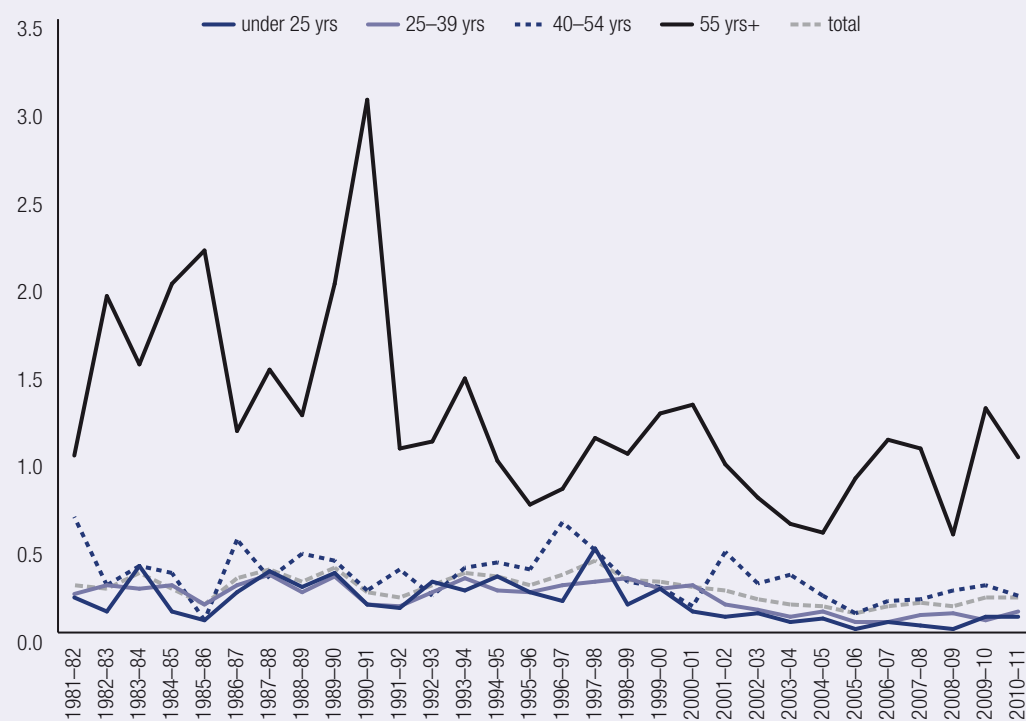
a: ABS unpublished data

**Table 16** Prison custody deaths by age category and year, 1979–80 to 2010–11 (n)

	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total
1979–80	4	4	5	2	15
1980–81	5	14	8	2	29
1981–82	8	10	7	2	27
1982–83	5	13	3	4	25
1983–84	14	12	4	3	33
1984–85	5	14	4	4	27
1985–86	3	9	1	5	18
1986–87	10	16	8	3	37
1987–88	15	20	5	4	44
1988–89	11	15	8	3	37
1989–90	16	23	8	6	53
1990–91	8	12	5	10	35
1991–92	7	12	8	4	31
1992–93	14	19	5	5	43
1993–94	12	27	10	8	57
1994–95	16	21	12	6	55
1995–96	12	21	11	5	49
1996–97	10	26	21	6	63
1997–98	26	30	16	9	81
1998–99	9	35	11	9	64
1999–2000	14	28	10	12	64
2000–01	7	32	6	13	58
2001–02	5	19	19	10	53
2002–03	6	16	13	9	44
2003–04	3	12	16	8	39
2004–05	4	16	11	8	39
2005–06	1	8	6	13	28
2006–07	3	9	11	17	40
2007–08	2	14	12	18	46
2008–09	1	16	16	10	43
2009–10	5	10	19	24	58
2010–11	5	18	15	20	58
Total	266	551	314	262	1,393

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Figure 8** Prison custody deaths by age category and year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E4

Rates calculated per 100 relevant prisoners (ABS-A 2011–1981)

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

## Cause of death

Of the 159 deaths in prison custody recorded over the last three financial years, 157 had information available about the cause of death (see Table 17). Of these 157 cases, the most common cause of death was attributed to a natural cause process (65%;  $n=102$ —Indigenous deaths 73%;  $n=24$ ), followed by deaths resulting from hangings (24%;  $n=38$ ). Of the hanging deaths, seven (18%) involved Indigenous prisoners. There were no Indigenous deaths resulting from a head injury or external/multiple trauma.

Of the prisoners who died from hanging ( $n=38$ ) between 2008–09 and 2010–11:

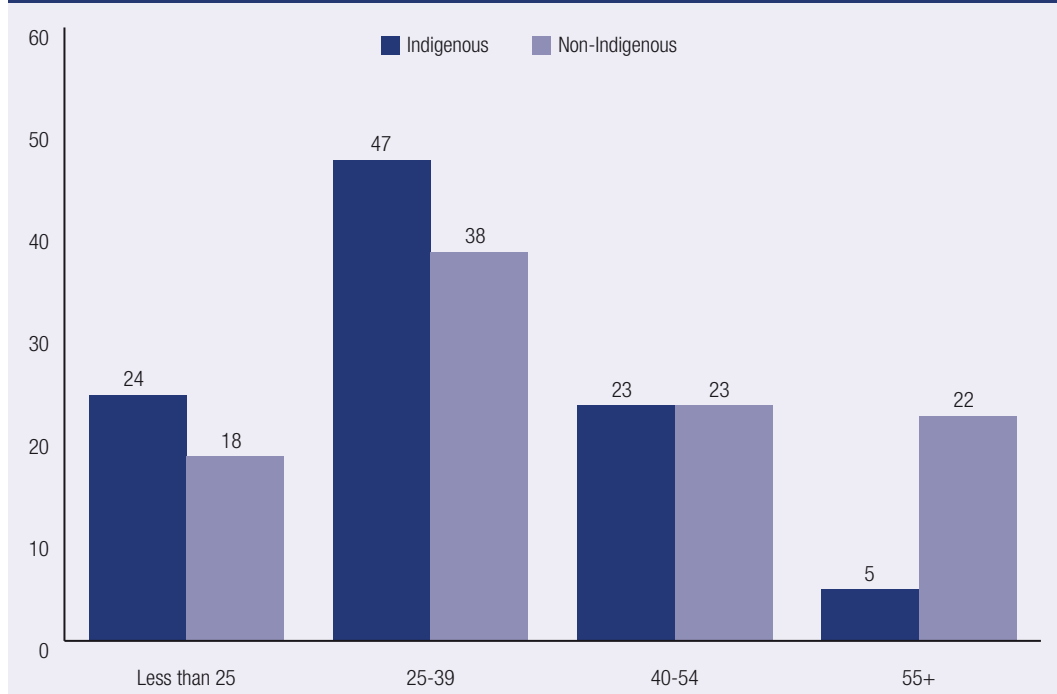
- other fittings in the cell, such as doors or ceiling vents were used in 16 deaths;
- cell bars were used in six deaths;
- shower fixtures were used in six deaths;

- bed bunks were used in four deaths;
- fittings outside of the cell were used in two deaths;
- ‘other’ hanging point was used in one death; and
- the hanging point for the remaining three cases is currently unknown.

## Trends

For more than two decades between 1 January 1980 and 30 June 2000, deaths in prison due to hanging were generally the most frequent cause of death each year. However, from 2000–01 onwards, the number of hanging deaths began to gradually decrease to a 26 year low of six deaths in 2005–06. At the same time as hanging deaths decreased, the numbers of deaths due to a natural cause have gradually increased since 2000–01 and have now become the most common cause of death in prison in recent years (see Table 18, Figures 10 and Figure 11). This finding is consistent with

**Figure 9** Prison custody deaths by age category and Indigenous status, 1979–80 to 2010–11 (%)



the *Trends in Aboriginal and Torres Strait Islander Deaths in Custody and Incarceration Report* (ATSIC 1997), implemented by the Australian Government, which found that since 1996–97, deaths due to natural causes were likely to surpass deaths due to hangings.

Since 1979–80, the annual numbers of deaths due to drug and/or acute alcohol toxicity have been consistently low, with a small increase in the late 1990s, followed by a gradual decline. Similarly, deaths due to external and/or multiple traumas occur infrequently and in some years were non-existent.

Over the last 32 years, just over two in every five (42%; n=584) prison deaths since 1979–80 having been due to natural causes, followed by 38 percent (n=525) that were due to hanging (see Table 18, Figures 10 and 11). Deaths due to drugs and/or alcohol were the third most common cause of death in prison (8%; n=117), followed by deaths due to external/multiple trauma (8%; n=111). Deaths as a result of all other causes occur infrequently.

## Natural causes

Throughout the reporting period, 102 out of the 159 deaths (64%) in prison custody were due to natural causes. Of these, 96 deaths have information available from medical records or autopsy reports about the type of natural cause of death (see Table 19). Available data showed that just over one in three natural cause deaths were due to illnesses of the heart, such as ischaemic heart disease or coronary infarcts (34%; n=33). The second most common natural cause was cancer (28%; n=27). The number of prisoners dying from multiple/other causes, such as the combined effects of cirrhosis of the liver, heart disease and chronic obstructive airways disease in one case, are also worth noting (13%; n=12).

There were some minor differences in the proportion of deaths in each category when comparing Indigenous and non-Indigenous prisoners, in that:

- illnesses of the heart were the most prevalent cause of death, with over one in three deaths falling in this category for both cohorts (33%; n=8 for Indigenous and 35%; n=25 for non-Indigenous);

**Table 17** Prison custody deaths by cause of death and year, 2008–09 to 2010–11 (n)

2008–09							
	Hanging	Natural causes	Head injury	External/multiple trauma	Drugs	Other/multiple causes	Total
New South Wales	5	9	1	0	0	0	15
Victoria	1	5	0	0	1	1	8
Queensland	3	5	0	1	0	0	9
Western Australia	1	2	0	0	1	0	4
South Australia	1	4	0	0	0	0	5
Tasmania	0	1	0	0	0	0	1
Northern Territory	0	0	0	0	0	0	0
Australia Capital Territory	1	0	0	0	0	0	1
Totals							
Indigenous	1	5	0	0	1	0	7
Non-Indigenous	11	21	1	1	1	1	36
All persons	12	26	1	1	2	1	43
2009–10							
	Hanging	Natural causes	Head injury	External/multiple trauma	Drugs	Other/multiple causes	Total
New South Wales	4	15	0	2	0	0	21
Victoria	2	4	0	1	0	1	8
Queensland	2	6	1	0	0	1	10
Western Australia	4	3	0	1	0	0	8
South Australia	0	5	0	0	0	0	5
Tasmania	0	3	0	0	0	0	3
Northern Territory	1	1	0	0	0	0	2
Australia Capital Territory	0	1	0	0	0	0	1
Totals							
Indigenous	3	11	0	0	0	0	14
Non-Indigenous	10	27	1	4	0	2	44
All persons	13	38	1	4	0	2	58
2010–11							
	Hanging	Natural causes	Head injury	External/multiple trauma	Drugs	Other/multiple causes	Total
New South Wales	7	9	1	1	1	0	19
Victoria	1	8	1	0	0	0	10
Queensland	1	8	0	0	0	1	10
Western Australia	1	4	0	0	0	0	5
South Australia	2	2	0	0	0	0	4
Tasmania	0	2	0	0	0	0	2
Northern Territory	1	5	0	0	0	0	6
Australia Capital Territory	0	0	0	0	0	0	0
Totals							
Indigenous	3	8	0	0	0	1	12
Non-Indigenous	10	30	2	1	1	0	44
All persons <sup>a</sup>	13	38	2	1	1	1	56

a: Cause of death in 2 cases is still awaiting determination through a coronial inquest. When this information becomes available, the NDICP database will be updated accordingly

Source: AIC NDICP 2007–08 to 2010–11 [computer file]

- cancer was more prevalent among non-Indigenous prisoners (32%; n=23 cf 17%; n=4); and
- multiple/other causes were more prevalent among Indigenous prisoners (38%; n=9) than their Indigenous counterparts (21%; n=15).

## Trends

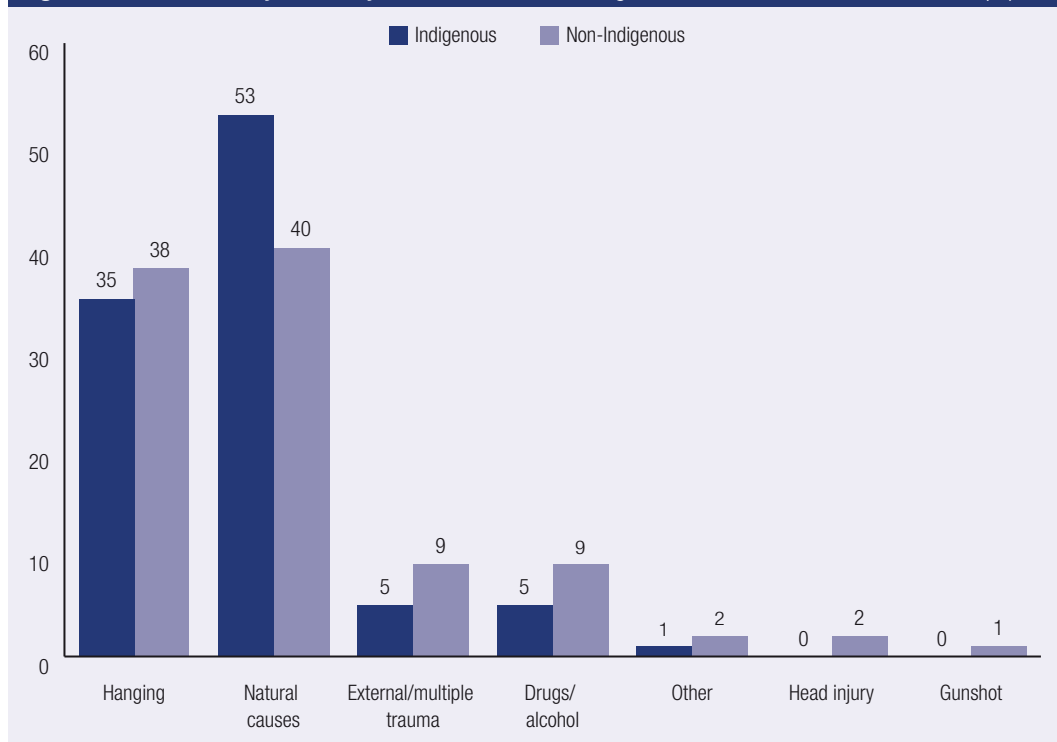
Overall, since 1979–80, deaths from natural causes have exceeded those due to all other causes, reaching an historic high of 38 deaths in each of the last two years of reporting (see Table 18). The frequency of natural deaths only began increasing from 1996–97 and has remained consistently high over the last 15 financial years. Most prominent is the increase in the number of heart-related deaths, particularly over the last decade, reaching a maximum of 17 deaths in 2007–08. Similarly, the number of cancer-related deaths also saw a considerable increase since the latter part of the 1990s, with the number recorded in 2010–11 being the highest on record. It is also worth mentioning that deaths caused by respiratory illnesses comprise almost one in every 10 (9%; n=53) of all natural

cause deaths. The remaining categories of deaths have tended to fluctuate with no discernible trend. Given that natural cause deaths have become the most prevalent in prison custody each year, the NDICP will continue to monitor such deaths closely.

## *Hanging deaths*

The regular collection of data on hanging points and materials used in hanging deaths began in 1989–90; before then, all cases have missing information for these two variables. Specifically, of the total number of hangings since 1979–80 (n=525), information about the hanging point is available in 374 cases (71%) and on the material used in 378 cases (72%). For those cases where information is available, the use of 'other cell fittings' inside cells (such as door handles and vents from the ceiling) have been the most common hanging point (39%; n=145; see Table 21). The second most common hanging point used by prisoners is cell bars (36%; n=133); the use of shower fixtures remains the third most common hanging point (13%; n=47). Other hanging points, such as bed bunks (9%; n=34), fittings outside

**Figure 10** Prison custody deaths by cause of death and Indigenous status, 1979–80 to 2010–11 (%)



**Table 18** Prison custody deaths by cause of death and year, 1979–80 to 2010–11 (n)

	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drugs/alcohol	Other/multiple	Total
1979–80	3	8	1	0	3	0	0	15
1980–81	10	13	1	1	4	0	0	29
1981–82	9	7	0	1	5	2	3	27
1982–83	8	12	0	0	2	3	0	25
1983–84	20	6	0	1	2	3	1	33
1984–85	8	12	0	0	4	2	1	27
1985–86	8	7	0	0	0	2	1	18
1986–87	13	15	2	0	3	4	0	37
1987–88	21	10	0	0	6	5	0	42
1988–89	15	11	1	0	2	5	2	36
1989–90	27	16	0	1	6	2	1	53
1990–91	12	17	1	0	2	1	2	35
1991–92	15	8	2	1	1	4	0	31
1992–93	19	11	1	1	4	5	2	43
1993–94	24	19	0	0	3	10	1	57
1994–95	27	15	0	0	7	6	0	55
1995–96	19	14	1	0	5	10	0	49
1996–97	23	28	1	0	4	7	0	63
1997–98	39	21	0	0	10	11	0	81
1998–99	26	18	0	0	8	12	0	64
1999–2000	29	22	1	0	6	6	0	64
2000–01	25	24	0	0	2	6	1	58
2001–02	21	24	0	1	4	2	1	53
2002–03	19	21	0	0	2	1	1	44
2003–04	14	19	1	0	3	2	0	39
2004–05	13	23	1	0	2	0	0	39
2005–06	6	18	1	0	3	0	0	28
2006–07	8	27	1	0	0	3	1	40
2007–08	6	36	0	0	2	0	2	46
2008–09	12	26	1	0	1	2	1	43
2009–10	13	38	1	0	4	0	2	58
2010–11	13	38	2	0	1	1	1	56
Total <sup>a</sup>	525	584	20	7	111	117	24	1,388

a: 5 cases have been excluded due to missing information about cause of death

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

of the cell (3%; n=11) and 'other' (1%; n=4) were rarely used by prisoners. Overall, since the RCIADIC in 1991, the range of materials used in hangings has not changed considerably. In an analysis of 30 hanging incidents, the Commissioners found that some of the most common possessions used included strips of sheeting or blanket, football socks and belts (RCIADIC 1991). Consistent with these previous trends, bed sheets were consistently

the most commonly used material in hangings by prisoners from 1989–90 to 2010–11 (61%; n=232; see Table 22).

It was also noted by the Commissioners that it is not possible to remove certain material possessions from inmates; rather, it is necessary for cell architects to design out possible hanging points (RCIADIC 1991). As many of the items used by inmates in

**Table 19** Natural cause deaths in prison custody by type of natural cause and year, 2008–09 to 2010–11 (n)

2008–09								
	Heart <sup>a</sup>	Cancer <sup>b</sup>	Stroke <sup>c</sup>	Respiratory <sup>d</sup>	Digestive <sup>e</sup>	Conditions/ diseases <sup>f</sup>	Multiple/ other <sup>g</sup>	Total
New South Wales	3	2	1	0	2	0	1	9
Victoria	0	3	0	0	0	1	1	5
Queensland	2	1	1	0	0	1	0	5
Western Australia	1	0	1	0	0	0	0	2
South Australia	1	1	0	0	0	2	0	4
Tasmania	0	1	0	0	0	0	0	1
Northern Territory	0	0	0	0	0	0	0	0
Australia Capital Territory	0	0	0	0	0	0	0	0
<b>Totals</b>								
Indigenous	2	1	1	0	0	1	0	5
Non-Indigenous	5	7	2	0	2	3	2	21
All persons	7	8	3	0	2	4	2	26
2009–10								
	Heart <sup>a</sup>	Cancer <sup>b</sup>	Stroke <sup>c</sup>	Respiratory <sup>d</sup>	Digestive <sup>e</sup>	Conditions/ diseases <sup>f</sup>	Multiple/ other <sup>g</sup>	Total
New South Wales	10	4	0	0	0	0	1	15
Victoria	2	2	0	0	0	0	1	4
Queensland	1	1	0	0	0	2	2	6
Western Australia	1	0	0	1	0	0	1	3
South Australia	1	1	0	0	0	0	1	3
Tasmania	0	1	0	0	0	0	1	3
Northern Territory	0	0	0	0	0	0	1	1
Australia Capital Territory	1	0	0	0	0	0	0	1
<b>Totals</b>								
Indigenous	4	2	0	1	0	1	3	11
Non-Indigenous	12	7	0	0	0	1	5	25
All persons <sup>h</sup>	16	9	0	1	0	2	8	36



**Table 19** (continued)

2010–11								
	Heart <sup>a</sup>	Cancer <sup>b</sup>	Stroke <sup>c</sup>	Respiratory <sup>d</sup>	Digestive <sup>e</sup>	Conditions/ diseases <sup>f</sup>	Multiple/ other <sup>g</sup>	Total
New South Wales	3	3	1	0	0	0	1	8
Victoria	3	2	0	2	0	0	1	8
Queensland	1	4	0	1	0	0	0	6
Western Australia	1	0	0	0	0	1	1	3
South Australia	0	1	0	1	0	0	0	2
Tasmania	0	0	0	0	0	0	2	2
Northern Territory	2	0	0	0	0	1	2	5
Australia Capital Territory	0	0	0	0	0	0	0	0
<b>Totals</b>								
Indigenous	2	1	0	0	0	1	4	8
Non-Indigenous	8	9	1	4	0	1	3	26
All persons <sup>i</sup>	10	10	1	4	0	2	7	34

a: Includes ischaemic heart disease, coronary atherosclerosis, thrombosis and infarcts

b: Includes all forms of carcinoma

c: Includes cerebrovascular accidents and intracerebral haemorrhages

d: Includes asthma complications, pneumonia, pulmonary fibrosis and chronic obstructive airways disease

e: Includes esophagitis, gastritis and all other conditions effecting the digestive system

f: Includes diabetes, appendicitis, all forms of cirrhosis and any other form of non-infectious disease

g: Multiple/other causes includes persons dying from multiple natural causes, infectious diseases such as hepatitis or HIV/AIDS, epilepsy complications, cases not classifiable elsewhere and cases where the coroner is unable to determine the precise type of medical cause of death and therefore hands down a finding of 'undetermined'

h: 2 cases have been excluded due to missing information about type of natural cause death

i: 4 cases have been excluded due to missing information about type of natural cause death

hangings are essential items, such as sheets, there are therefore additional challenges with regards to prevention planning.

The AIC is currently working with corrective services agencies to undertake some targeted research into the decline in hanging deaths in custody, including an examination of the significant investment made in redesigning cells and removing hanging points. This research will be released in the coming months.

## Manner of death

Manner of death is closely related to cause of death and as a result, the findings may be similar. Manner of death is designed to capture the circumstances in which the person died and may be classed as either *self-inflicted*, *due to natural causes*, *justifiable homicide*, *unlawful homicide*, *accidental* or an *other*

situation. Self-inflicted deaths include cases where the deceased intentionally killed themselves, or where there is insufficient information to determine the intent of the deceased (ie 'Briginshaw' test not met; see *Briginshaw v Briginshaw* HCA 34 (1938) 60 CLR 336 (30 June 1938)). For example, most hangings and deaths resulting from self-inflicted wounds are classified as self-inflicted deaths. Accidental deaths sometimes include deaths that result from acute substance toxicity, but only where the coroner finds the prisoner accidentally overdosed. It is important to note that some alcohol and drug-related deaths are classified as accidental until such time as the coroner determines whether the death was intentional or not; if deemed intentional, the case is reclassified as being a self-inflicted death. Finally, justifiable homicide refers to homicides that occur under circumstances

**Table 20** Natural cause deaths in prison custody by type of natural cause and year, 1979–80 to 2010–11 (n)

	Heart <sup>a</sup>	Cancer <sup>b</sup>	Stroke <sup>c</sup>	Respiratory <sup>d</sup>	Digestive <sup>e</sup>	Conditions/ diseases <sup>f</sup>	Multiple/ other <sup>g</sup>	Total
1979–80	3	2	1	0	0	0	1	7
1980–81	6	1	0	0	1	0	4	12
1981–82	3	0	0	2	0	0	1	6
1982–83	4	0	2	1	0	2	3	12
1983–84	3	0	0	1	0	0	1	5
1984–85	6	1	0	1	1	0	2	11
1985–86	6	0	0	0	0	0	0	6
1986–87	7	0	1	2	0	1	2	13
1987–88	3	0	1	1	1	3	0	9
1988–89	6	1	0	1	0	1	0	9
1989–90	6	2	1	2	0	1	2	14
1990–91	11	1	1	0	0	1	3	17
1991–92	2	1	1	3	1	0	0	8
1992–93	3	4	0	1	0	0	3	11
1993–94	10	3	0	3	0	0	3	19
1994–95	10	1	1	1	0	0	2	15
1995–96	8	0	1	1	0	2	2	14
1996–97	15	1	1	5	0	1	5	28
1997–98	10	4	0	3	0	1	3	21
1998–99	8	4	2	1	0	1	2	18
1999–2000	9	5	1	2	1	1	2	21
2000–01	14	4	0	4	0	1	1	24
2001–02	14	6	0	2	1	0	1	24
2002–03	10	2	2	3	0	0	4	21
2003–04	9	5	0	1	0	1	2	18
2004–05	7	6	3	2	1	2	2	23
2005–06	8	3	2	2	0	2	1	18
2006–07	12	7	0	0	0	2	6	27
2007–08	17	8	2	3	0	0	5	35
2008–09	7	8	3	0	2	4	2	26
2009–10	16	9	0	1	0	2	8	36
2010–11	10	10	1	4	0	2	7	34
Total <sup>h</sup>	263	99	27	53	9	31	80	562

a: Includes ischaemic heart disease, coronary atherosclerosis, thrombosis and infarcts

b: Includes all forms of carcinoma

c: Includes cerebrovascular accidents and intracerebral haemorrhages

d: Includes asthma complications, pneumonia, pulmonary fibrosis and chronic obstructive airways disease

e: Includes esophagitis, gastritis and all other conditions effecting the digestive system

f: Includes diabetes, appendicitis, all forms of cirrhosis and any other form of non-infectious disease

g: Multiple/other causes includes persons dying from multiple natural causes, infectious diseases such as hepatitis or HIV/AIDS, epilepsy complications, cases not classifiable elsewhere and cases where the coroner is unable to determine the precise type of medical cause of death and therefore hands down a finding of 'undetermined'

h: 22 cases have been excluded due to missing information about type of natural cause death

## Box 1 Prisoner health in Australia

There have been a number of studies conducted in Australia over the last decade that examined the health of Australia's prisoners (eg see AIHW 2010; Belcher et al. 2006; Deloitte 2003; Indig et al. 2010).

The most notable study is the Australian Institute of Health and Welfare's *National Prisoner Health Census*, which was a snapshot of prisoner health over a two week period in October and November 2010 (AIHW 2011c). In total, data were collected from '610 prison entrants, almost 6,000 prisoners in custody who visited a clinic, and more than 5,500 prisoners who were taking prescribed medication' (AIHW 2011c: viii). The main findings from that survey were:

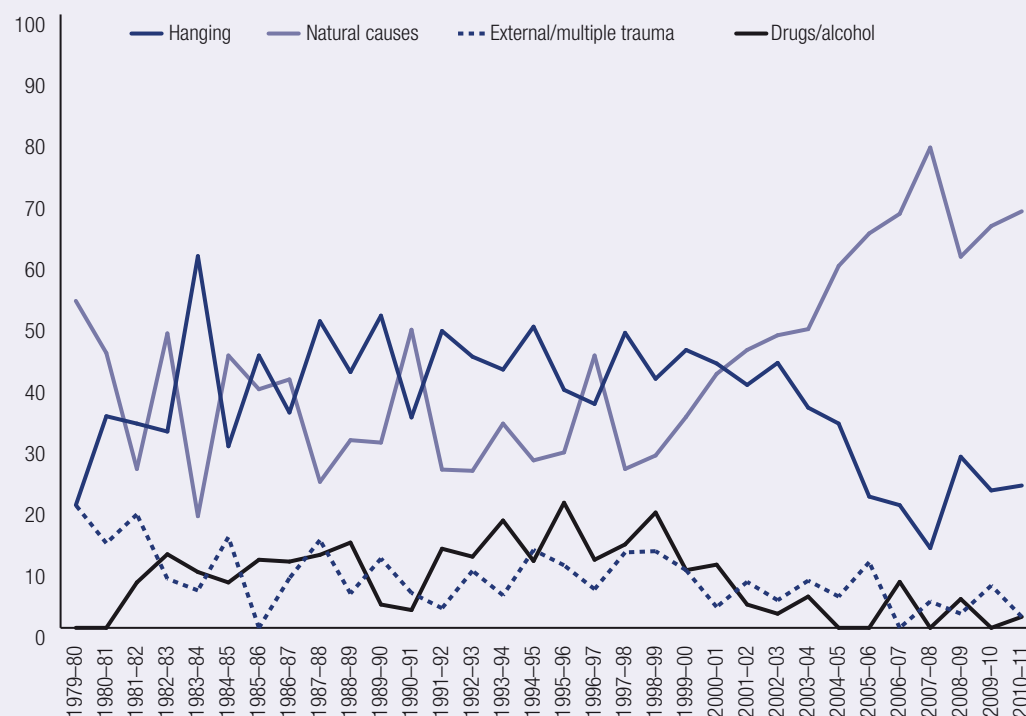
- 31 percent of prison entrants reported at some time being told they had a mental illness;
- 21 percent of prison entrants reported a history of self harm;
- 35 percent of prison entrants tested positive to hepatitis C antibody;
- 26 percent of prison entrants reported having a current chronic condition (asthma 12%, arthritis 8%, cardiovascular disease 5%, diabetes 4% and cancer <1%); and
- 66 percent of prison entrants reported illicit use of drugs in the 12 months prior to their current incarceration (AIHW 2011c).

Corrective services agencies in some jurisdictions also track the health of their prisoners. For example, Justice Health and Forensic Mental Health Network administered health surveys to NSW prisoners in 1996, 2001 and 2009. Using a stratified random sample of all inmates from 30 adult prisons, a total of 996 prisoners participated in the most recent survey (Indig et al. 2010).

The key finding from that survey were:

- 56 percent of respondents were overweight or obese;
- 20 percent had been told by a doctor that they had a heart problem;
- 56 percent of men and 35 percent of women had a history of a head injury resulting in unconsciousness;
- 28 percent of men and 45 percent of women tested positive to hepatitis C antibody;
- 44 percent of respondents indicated daily/near daily use of drugs in the year before prison; and
- 49 percent of respondents indicated they had been assessed or treated by a doctor or psychiatrist for a mental health problem (Indig et al. 2010).

**Figure 11** Prison custody deaths by cause of death and year, 1979–80 to 2010–11 (%)



Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 21** Prison custody hanging deaths by hanging point used and year, 1979–80 to 2010–11 (n)

	Cell bars	Shower fixture	Other cell fitting	Fitting outside cell	Bed bunk	Other	Missing	Total
1979–80	0	0	0	0	0	0	3	3
1980–81	0	0	0	0	0	0	10	10
1981–82	0	0	0	0	0	0	9	9
1982–83	0	0	0	0	0	0	8	8
1983–84	0	0	0	0	0	0	20	20
1984–85	0	0	0	0	0	0	8	8
1985–86	0	0	0	0	0	0	8	8
1986–87	0	0	0	0	0	0	13	13
1987–88	0	0	0	0	0	0	21	21
1988–89	0	0	0	0	0	0	15	15
1989–90	8	0	1	0	0	0	18	27
1990–91	6	0	4	0	0	0	2	12
1991–92	4	1	9	0	0	0	1	15
1992–93	8	1	8	0	1	0	1	19
1993–94	11	4	7	1	1	0	0	24
1994–95	6	5	13	0	3	0	0	27
1995–96	9	0	5	2	1	0	2	19
1996–97	9	0	8	1	1	1	3	23
1997–98	5	10	20	0	3	0	1	39
1998–99	12	1	7	0	2	0	4	26
1999–2000	8	2	12	1	6	0	0	29
2000–01	8	3	8	1	4	0	1	25
2001–02	7	7	4	2	1	0	0	21
2002–03	6	3	9	0	0	1	0	19
2003–04	9	0	2	0	2	1	0	14
2004–05	6	1	5	0	1	0	0	13
2005–06	1	2	2	0	1	0	0	6
2006–07	1	1	3	0	3	0	0	8
2007–08	3	0	2	1	0	0	0	6
2008–09	3	2	4	0	2	1	0	12
2009–10	2	2	6	0	2	0	1	13
2010–11	1	2	6	2	0	0	2	13
Total	133	47	145	11	34	4	151	525

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 22** Prison custody hanging deaths by material used and year, 1979–80 to 2010–11 (n)

	Sheets	Shoelaces	Belt	Other clothing	Rope/cord	Other	Missing	Total
1979–80	0	0	0	0	0	0	3	3
1980–81	0	0	0	0	0	0	10	10
1981–82	0	0	0	0	0	0	9	9
1982–83	0	0	0	0	0	0	8	8
1983–84	0	0	0	0	0	0	20	20
1984–85	0	0	0	0	0	0	8	8
1985–86	0	0	0	0	0	0	8	8
1986–87	0	0	0	0	0	0	13	13
1987–88	0	0	0	0	0	0	21	21
1988–89	0	0	0	0	0	0	15	15
1989–90	6	0	0	1	0	2	18	27
1990–91	6	0	1	0	1	4	0	12
1991–92	8	0	1	1	4	1	0	15
1992–93	9	0	2	2	4	2	0	19
1993–94	17	1	1	4	0	1	0	24
1994–95	17	0	2	2	2	3	1	27
1995–96	13	0	1	1	2	1	1	19
1996–97	11	5	0	3	2	0	2	23
1997–98	22	4	1	1	6	1	4	39
1998–99	15	2	0	1	2	3	3	26
1999–2000	15	6	0	4	4	0	0	29
2000–01	16	2	0	2	1	3	1	25
2001–02	14	1	0	1	2	3	0	21
2002–03	12	4	0	1	1	1	0	19
2003–04	9	2	0	1	1	1	0	14
2004–05	9	0	0	2	1	1	0	13
2005–06	3	0	0	0	1	2	0	6
2006–07	4	0	0	4	0	0	0	8
2007–08	4	0	0	1	1	0	0	6
2008–09	8	0	0	0	3	1	0	12
2009–10	6	1	0	1	3	2	0	13
2010–11	8	0	0	1	1	1	2	13
Total	232	28	9	34	42	33	147	525

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

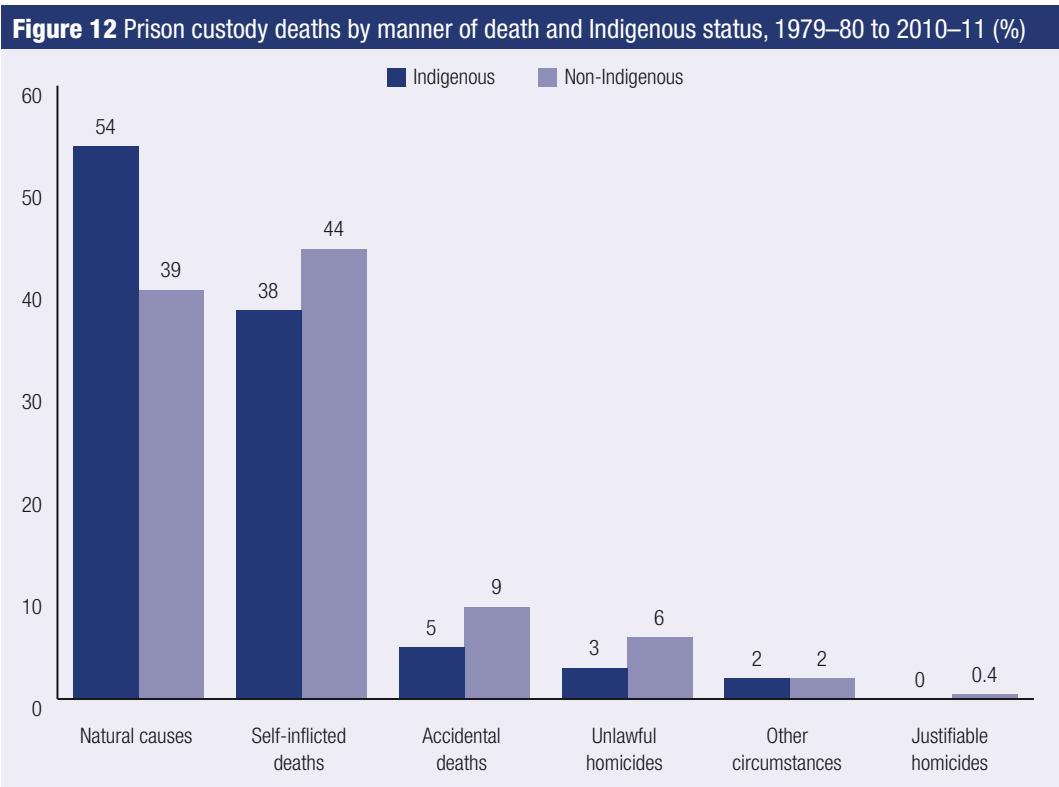
authorised by law, for example, a prison officer acting in self-defence.

Between 2008–09 and 2010–11, there were a total of 157 deaths in prison custody where information was available about the manner of death (see Table 23). Of these, the most prevalent were natural causes (65%; n=102), followed by self-inflicted deaths (29%; n=45).

There were 33 Indigenous deaths over the period, the majority of which occurred as a result of natural causes (73%; n=24), with a further eight deaths being self-inflicted (24%). The only accidental deaths during this period occurred in 2008–09 and in 2010–11, of which one involved an Indigenous prisoner and three involved a non-Indigenous prisoner. All of the unlawful homicides (n=6) over the last three years took place in 2009–10 and in 2010–11, and all involved non-Indigenous prisoners.

For each specific year, the results were as follows:

- in 2008–09, there were 43 deaths, of which 14 were self-inflicted (1 Indigenous and 13 non-Indigenous), 26 were natural causes (6 Indigenous and 20 non-Indigenous) and three were accidental (1 Indigenous and 2 non-Indigenous);
- in 2009–10, there were 58 deaths, of which 16 were self-inflicted (3 Indigenous and 13 non-Indigenous), 38 were natural cause deaths (11 Indigenous and 27 non-Indigenous) and four were unlawful homicides (all non-Indigenous); and
- in 2010–11, there were 56 deaths where information about cause of death is available. Of these, 15 were self-inflicted (4 Indigenous and 11 non-Indigenous), 38 were due to natural causes (8 Indigenous and 30 non-Indigenous), two were unlawful homicides (both non-Indigenous) and there was one accidental death of a non-Indigenous prisoner.



**Table 23** Prison custody deaths by manner of death and year, 2008–09 to 2010–11 (n)

2008–09					
	Self-inflicted	Natural causes	Unlawful homicide	Accident	Total
New South Wales	5	9	0	1	15
Victoria	2	5	0	1	8
Queensland	4	5	0	0	9
Western Australia	1	2	0	1	4
South Australia	1	4	0	0	5
Tasmania	0	1	0	0	1
Northern Territory	0	0	0	0	0
Australian Capital Territory	1	0	0	0	1
<b>Totals</b>					
Indigenous	1	5	0	1	7
Non-Indigenous	13	21	0	2	36
All persons	14	26	0	3	43
2009–10					
	Self-inflicted	Natural causes	Unlawful homicide	Accident	Total
New South Wales	4	15	2	0	21
Victoria	3	4	1	0	8
Queensland	3	6	1	0	10
Western Australia	5	3	0	0	8
South Australia	0	5	0	0	5
Tasmania	0	3	0	0	3
Northern Territory	1	1	0	0	2
Australian Capital Territory	0	1	0	0	1
<b>Total</b>					
Indigenous	3	11	0	0	14
Non-Indigenous	13	27	4	0	44
All persons	16	38	4	0	58
2010–11					
	Self-inflicted	Natural causes	Unlawful homicide	Accident	Total
New South Wales	8	9	1	1	19
Victoria	1	8	1	0	10
Queensland	2	8	0	0	10
Western Australia	1	4	0	0	5
South Australia	2	2	0	0	4
Tasmania	0	2	0	0	2
Northern Territory	1	5	0	0	6
Australian Capital Territory	0	0	0	0	0
<b>Total</b>					
Indigenous	4	8	0	0	12
Non-Indigenous	11	30	2	1	44
All persons <sup>a</sup>	15	38	2	1	56

a: Manner of death is currently under investigation for 2 non-Indigenous prisoners

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 24** Prison custody deaths by manner of death and year, 1979–80 to 2010–11 (n)

	Self-inflicted	Natural causes	Justifiable homicide	Unlawful homicide	Accident	Other	Total
1979–80	6	8	0	0	0	0	14
1980–81	10	13	1	2	1	2	29
1981–82	12	7	0	1	4	3	27
1982–83	11	12	0	0	2	0	25
1983–84	22	6	0	0	2	3	33
1984–85	10	12	0	2	2	1	27
1985–86	9	7	0	0	2	0	18
1986–87	15	15	0	2	3	2	37
1987–88	21	10	0	1	9	1	42
1988–89	16	11	0	2	6	1	36
1989–90	27	16	0	2	5	3	53
1990–91	15	17	0	1	2	0	35
1991–92	15	8	1	1	5	1	31
1992–93	24	11	1	3	4	0	43
1993–94	28	19	0	4	5	1	57
1994–95	27	15	0	6	7	0	55
1995–96	25	14	0	4	6	0	49
1996–97	24	28	0	4	7	0	63
1997–98	42	21	0	8	9	1	81
1998–99	27	18	0	8	11	0	64
1999–2000	32	22	1	3	5	1	64
2000–01	27	24	0	1	6	0	58
2001–02	24	24	1	4	0	0	53
2002–03	21	21	0	1	1	0	44
2003–04	17	19	0	2	1	0	39
2004–05	16	23	0	0	0	0	39
2005–06	9	18	0	1	0	0	28
2006–07	8	27	0	1	4	0	40
2007–08	8	36	0	0	1	1	46
2008–09	14	26	0	0	3	0	43
2009–10	16	38	0	4	0	0	58
2010–11	15	38	0	2	1	0	56
Total <sup>a</sup>	593	584	5	70	114	21	1,387

a: 6 cases have been excluded due to missing data about manner of death

Source: AIC NDICP 1979–80 to 2010–11 [computer file]



## Trends

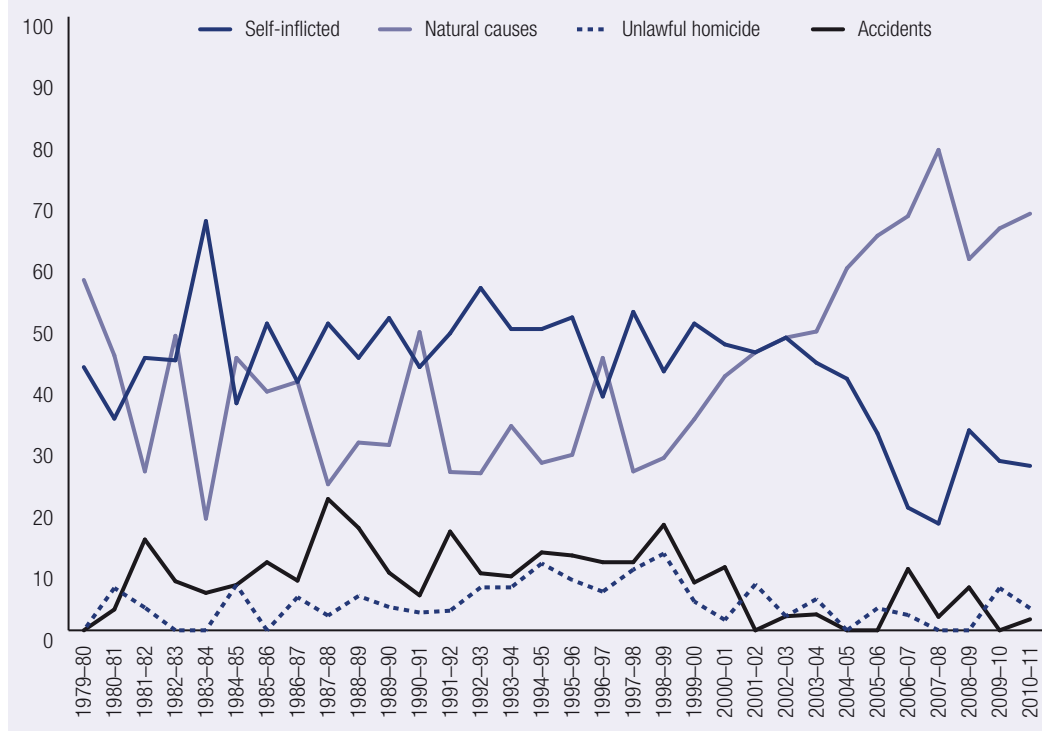
Since 1979–80, 43 percent (n=593) of all deaths in prison custody were self-inflicted, while a further 42 percent (n=584) were due to natural causes (see Table 24 and Figure 12). Over this period:

- self-inflicted deaths and deaths due to natural causes have consistently been the two most frequent circumstances in which prisoners die each year;
- deaths classified as an unlawful homicide, such as a prisoner fatally assaulting another prisoner, were more frequent between 1992–93 and 1999–2000, but have since decreased, with the exception of four cases recorded in 2009–10 and two in 2010–11; and
- natural cause deaths have been increasing markedly in recent years, with the numbers of these deaths in 2009–10 and 2010–11 being the highest recorded.

As a proportion of all deaths recorded since 1979–80, natural causes have been increasing since 1997–98, while accidental and self-inflicted deaths, and those due to unlawful homicide, have decreased since 1999–2000 (see Figure 13).

Despite the decrease in self-inflicted deaths in prison in recent years, the overall number of self-inflicted deaths is slightly higher than for all other circumstances of death. According to a recent study by Fazel et al. (2011), which analysed 861 separate incidents of suicides in a prison setting from across 12 countries, the results showed that prisoners in general have a higher risk towards self-inflicted deaths. In making this conclusion, the authors recommend that more efforts should be focused towards including this group in national suicide prevention strategies.

**Figure 13** Prison custody deaths by manner of death and year, 1979–80 to 2010–11 (%)



Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Mental Illness

There is a growing body of evidence that suggests that mental illness, both diagnosed and undiagnosed, is more prevalent in the criminal justice system than in the general community (AIHW 2011c, 2010; Beyond Bars 2007; Ogloff et al. 2007; Senate Committee on Mental Health 2006). In 2003, the NSW Department of Corrective Services conducted an inmate health survey, which found that

54 percent of women and 39 percent of men in prison have at some point in their lives been diagnosed by a medical doctor as having a 'psychiatric problem' (Butler & Milner cited in Beyond Bars 2007: 1).

This finding is also reflected in more recent research. Using data from the National Prisoner Health Census 2010 (which excluded New South Wales and Victoria), the Australian Institute of Health and Welfare (AIHW) observed that 31 percent (n=192) of the 610 prison entrants surveyed indicated that they had been told they had a mental illness at some stage in their life, with 16 percent (n=97) indicating that they were currently on mental health medication (AIHW 2011b).

During the process of reviewing more than 1,100 historical cases as part of the AIC's review of the NDICP in 2011, information was extracted from coronial findings regarding whether the deceased had a history of mental illness and/or was suffering a mental illness when they died. Findings relating to the prevalence of mental illness and the type of disorders reported among people who died in prison custody between 1989–90 and 2010–11 are presented in Tables 25 and 26. Information is only presented for those cases where it was clearly stated in the coronial finding that the deceased had a mental illness and the specific condition was recorded, and then coded into one of the following 11 categories:

- adjustment disorders;
- anxiety disorders;
- mood disorders;
- personality disorders;
- psychotic disorders;
- sexual disorders;

- somatoform disorders;
- substance disorder;
- developmental disorders;
- intellectual disability; or
- other/unknown/not stated.

These 11 categories were derived from those developed by the World Health Organisation's *International Statistical Classification of Diseases and Related Health Problems, 10th edition*. It should be noted that there is a great deal of missing information in relation to these variables. For all deaths in prison custody between 1989–90 and 2010–11 (n=1,101), there were 299 cases (27%) where the coronial finding indicated that the deceased had a mental illness. For those persons who died in prison custody where the available information did not indicate the presence of a mental health issue, the lack of available information should not be taken as confirmation that the person had no mental health issues. It is possible that individuals had mental health issues but that these issues were not diagnosed and/or were not recorded in the available information. For this reason, these data should be treated as a conservative estimate of the prevalence of mental illness among those persons who died in prison custody. Finally, the assignment of mental illness, disorders or conditions to the 11 categories was made by NDICP research staff based on often limited available information and should also be treated with caution.

Table 25 shows that the prevalence of mental illness each year ranged between seven and 62 percent for Indigenous deaths and between eight and 48 percent for non-Indigenous deaths. Proportions were calculated by dividing the number of persons with a mental illness by the total number of deaths in the cohort each year (ie Indigenous deaths of prisoners with a mental illness divided by the number of Indigenous deaths in prison custody each year). Overall, more than one-quarter (29% for Indigenous and 27% for non-Indigenous) of persons who died in prison custody were reported as suffering from some form of mental illness before their death.

Mood disorders, predominantly depression, were the most prevalent among non-Indigenous persons (42%; n=100), followed by psychotic disorders such

as schizophrenia (20%; n=47) and other/unknown disorders (13%; n=32; see Table 26). For Indigenous prisoner deaths, psychotic disorders were the most prevalent (33%; n=19), closely followed by mood disorders (29%; n=17) and other/unknown mental illnesses (21%; n=12). These data provide a conservative estimate of the prevalence of mental illness, yet mental illness appeared to be a factor in just over one in every four deaths in prison custody. The AIC will continue to work closely with corrective services agencies to monitor this issue.

### *Most serious offence/charge*

- The NDICP collects information on the most serious offence or charge for which the person is held in prison. The offences are grouped into six categories from most to least serious; that is, violent offences, theft-related, drug-related, traffic, good order and other. For the purposes of the NDICP, these groups are defined as:
- *violent offence*—includes homicide, assault, sex offences, other offences against the person and robbery;

**Table 25** Deaths in prison custody of persons with a mental illness by Indigenous status and year (as a proportion of all deaths), 1989–90 to 2010–11 (n)

	Indigenous		Non-Indigenous		Total	
	n	%	n	%	n	%
1989–90	1	11	4	9	5	9
1990–91	2	40	9	30	11	31
1991–92	2	50	7	26	9	29
1992–93	3	60	11	29	14	33
1993–94	1	8	11	24	12	21
1994–95	6	50	14	33	20	36
1995–96	2	15	9	26	11	23
1996–97	2	18	10	19	12	19
1997–98	2	17	16	23	18	22
1998–99	4	40	8	15	12	18
1999–2000	5	36	13	26	18	28
2000–01	7	50	13	29	20	34
2001–02	2	33	14	29	16	30
2002–03	5	42	12	38	17	39
2003–04	1	17	16	48	17	44
2004–05	4	50	14	45	18	46
2005–06	0	0	7	28	7	25
2006–07	5	63	11	34	16	40
2007–08	0	0	15	38	15	33
2008–09	1	14	16	44	17	40
2009–10	1	7	7	16	8	14
2010–11	2	17	4	9	6	10
Total	58	29	241	27	299	27

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

- *theft-related offence*—includes break and enter, other theft, property damage and fraud;
- *drug-related offence*—includes possessing, using, dealing, trafficking and manufacturing/growing drugs;
- *traffic offence*—includes road traffic, driving and license offences;
- *good order offence*—includes justice procedure offences, breaches of sentences (including fine default), public drunkenness, protective custody for intoxication in jurisdictions where public drunkenness is not an offence and other offences against good order (eg prostitution, betting and gambling, disorderly conduct, vagrancy and offensive behaviour); and
- *other*—includes other offences not elsewhere classified or where the most serious offence is unknown.

Over half (59%; n=93) of the 158 deaths in prison custody between 2008–09 and 2010–11 (where offending was known) involved persons who were detained for a violence-related offence (see Table 27). This was followed by those with theft (15%; n=24), 'other' (14%; n=22), drug (7%; n=11), traffic (3%; n=5) and good order offences (2%; n=3). Of the 33 deaths involving Indigenous prisoners, the

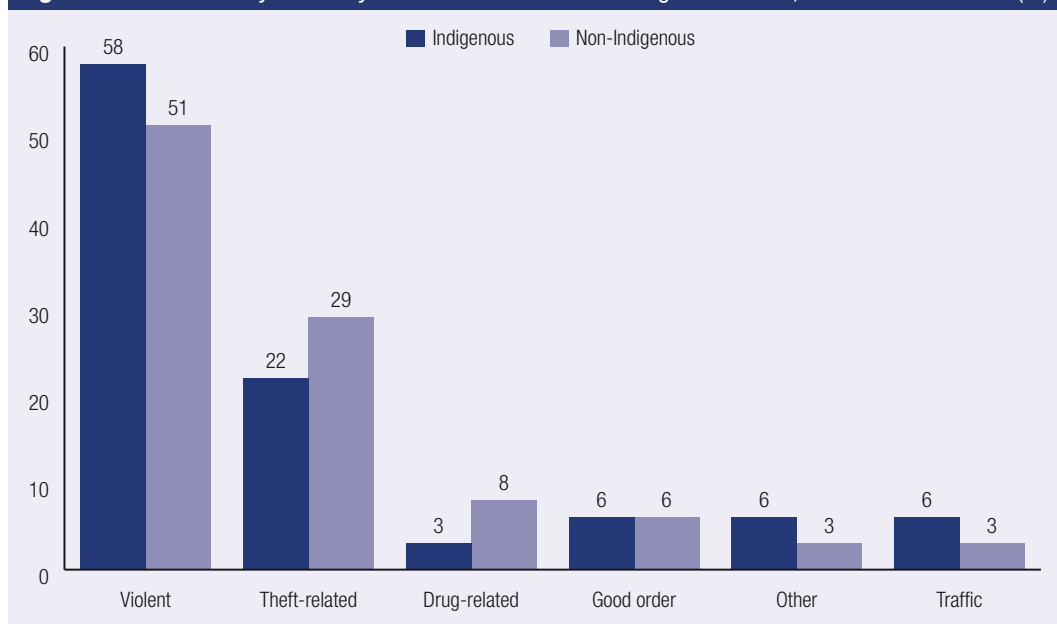
most common offence was violent (58%; n=19), with 'other' offences, such as breaching a domestic violence order or weapons offences, being the second most prevalent (18%; n=6). Throughout the reporting period, there were only three deaths of prisoners who had a most serious offence/charge of a good order-related offence and all were non-Indigenous.

## Trends

Analysis of data collected by the NDICP showed that since 1979–80, just over half (53%; n=722) of the deaths in prison custody involved persons who were imprisoned for a violent offence (see Table 28 and Figure 14). Further, more than one-quarter (28%; n=378) of all deaths were of prisoners who had been imprisoned for theft-related offences. Violent offences have consistently been the most serious offence committed by the deceased prior to incarceration each year since 1993–94.

Overall, the number of deaths of prisoners who have violent offences as their most serious offence has increased considerably, reaching an historical high in 2009–10 (n=39). Conversely, the number of deaths of prisoners with theft-related offences as their most serious offence has remained relatively low over the

**Figure 14** Prison custody deaths by most serious offence and Indigenous status, 1979–80 to 2010–11 (%)



**Table 26** Deaths in prison custody of persons with a known mental illness by type of disorder, Indigenous status and year, 1989–90 to 2010–11 (n)

	Adjustment		Anxiety		Mood		Personality		Psychotic		Sexual		Somatoform		Substance		Developmental		Intellectual disability		Other/unknown		Total	
	I	N	I	N	I	N	I	N	I	N	I	N	I	N	I	N	I	N	I	N	I	N	I	N
1989–90	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	2	1	4
1990–91	0	0	0	1	1	4	0	1	0	0	0	0	0	0	0	1	0	0	0	0	1	2	2	9
1991–92	0	0	0	0	1	4	0	1	0	1	0	0	0	0	0	0	0	0	0	0	1	1	2	7
1992–93	0	1	0	0	1	1	1	2	1	1	0	0	0	0	0	0	0	0	0	0	0	6	3	11
1993–94	0	1	0	0	0	4	0	2	1	3	0	0	0	0	0	0	0	0	1	0	0	0	1	11
1994–95	0	0	0	0	3	6	0	2	2	2	0	0	0	0	0	0	0	0	0	0	1	4	6	14
1995–96	0	0	0	0	0	4	0	0	1	2	0	0	0	0	0	0	0	0	0	0	1	3	2	9
1996–97	0	0	0	1	0	2	0	3	0	1	0	0	0	0	0	0	0	0	1	2	2	2	2	10
1997–98	0	0	0	0	2	9	0	3	0	1	0	0	0	0	0	1	0	0	0	0	0	2	2	16
1998–99	0	0	0	0	0	7	0	0	2	1	0	0	0	0	0	0	1	0	0	0	1	0	4	8
1999–2000	0	0	0	0	0	5	0	1	2	4	0	0	0	0	1	0	0	1	0	0	2	2	5	13
2000–01	0	0	0	0	3	4	0	1	3	1	0	0	0	0	0	5	0	0	0	0	1	2	7	13
2001–02	0	0	0	0	1	7	0	1	1	3	0	0	0	0	0	2	0	0	0	0	0	1	2	14
2002–03	0	1	0	0	1	4	0	2	3	2	0	0	0	0	1	1	0	0	0	0	0	2	5	12
2003–04	0	0	0	3	0	7	0	1	0	3	0	0	0	0	1	2	0	0	0	0	0	0	1	16
2004–05	0	0	0	0	1	5	0	1	0	6	1	0	0	0	1	1	0	0	0	0	1	1	4	14
2005–06	0	0	0	0	0	5	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	7
2006–07	0	0	0	0	2	2	1	0	2	3	0	0	0	0	0	5	0	0	0	0	0	1	5	11
2007–08	0	0	0	2	0	4	0	0	0	4	0	0	1	0	2	2	0	0	1	0	1	0	0	15
2008–09	0	0	0	1	0	8	0	0	0	5	1	0	0	0	0	2	0	0	0	0	0	0	1	16
2009–10	0	0	0	0	0	5	0	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	1	7
2010–11	0	0	0	0	1	2	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	4
Total	0	3	0	8	17	100	2	22	19	47	2	1	0	1	5	23	1	1	0	3	12	32	58	241

Note: I=Indigenous; N=non-Indigenous  
Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table 27** Prison custody deaths by most serious offence and year, 2008–09 to 2010–11 (n)

2008–09							
	Violent	Theft-related	Drug-related	Good order offence	Traffic	Other	Total
New South Wales	5	5	2	1	0	2	15
Victoria	6	2	0	0	0	0	8
Queensland	7	0	1	0	0	1	9
Western Australia	2	1	0	0	0	1	4
South Australia	5	0	0	0	0	0	5
Tasmania	1	0	0	0	0	0	1
Northern Territory	0	0	0	0	0	0	0
Australian Capital Territory	0	0	0	0	0	1	1
<b>Totals</b>							
Indigenous	3	1	2	0	0	1	7
Non-Indigenous	23	7	1	1	0	4	36
All persons	26	8	3	1	0	5	43
2009–10							
	Violent	Theft-related	Drug-related	Good order offence	Traffic	Other	Total
New South Wales	13	2	1	0	2	3	21
Victoria	6	1	0	0	1	0	8
Queensland	7	2	0	0	0	1	10
Western Australia	5	0	0	0	2	1	8
South Australia	4	0	1	0	0	0	5
Tasmania	3	0	0	0	0	0	3
Northern Territory	0	0	1	0	0	1	2
Australian Capital Territory	1	0	0	0	0	0	1
<b>Totals</b>							
Indigenous	9	2	1	0	1	1	14
Non-Indigenous	30	3	2	0	4	5	44
All persons	39	5	3	0	5	6	58

**Table 27** (continued)

	2010–11						Total
	Violent	Theft-related	Drug-related	Good order offence	Traffic	Other	
New South Wales	10	5	2	2	0	1	20
Victoria	5	2	2	0	0	0	9
Queensland	4	2	0	0	0	5	11
Western Australia	3	1	1	0	0	0	5
South Australia	1	1	0	0	0	2	4
Tasmania	0	0	0	0	0	2	2
Northern Territory	5	0	0	0	0	1	6
Australian Capital Territory	0	0	0	0	0	0	0
<b>Totals</b>							
Indigenous	7	1	0	0	0	4	12
Non-Indigenous	21	10	5	2	0	7	45
All persons <sup>a</sup>	28	11	5	2	0	11	57

a: 1 non-Indigenous case was excluded due to missing data about the offence committed

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

last decade. This trend is directly linked to changes in the proportion of prisoners detained for violent and theft-related offences over the last 30 years. Data from the ABS showed that the proportion of prisoners detained for violent offences has increased from 29 percent in 1981–82 to 46 percent in 2010–11 (ABS-A 2011–1981). At the same time, the proportion of those prisoners held on theft-related offences has dropped from 46 percent to 27 percent over the same period (ABS-A 2011–1981).

The rates of death since 1981–82 have generally fluctuated between 0.10 and 0.50 deaths per 100 prisoners (with some minor exceptions) for the four most common types of offence category—violent, theft-related, drug-related and good order offences (see Figure 15). The trends for specific offences show that:

- rates of violent offence deaths have been relatively constant over the years;
- rates of deaths among theft-related offenders fluctuated until the late 1990s, but have since declined; and
- rates of drug-related offence deaths showed some fluctuation until 1997 but have tended to decrease since then.

### *Location of death*

The two most common locations for a death to occur in prison were cells (40%; n=63) followed closely by public hospitals (39%; n=62; see Table 29). However, when comparing the location of deaths across the three years, there was variation in the number of deaths between prison cells and public hospitals, in that in both 2008–09 and 2009–10 there were more deaths in cells, while in 2010–11 more deaths occurred in a public hospital.

The Northern Territory was the only jurisdiction not to have a death in a prison cell. Of the 33 deaths involving Indigenous prisoners, just over half (55%; n=18) died in a public hospital, while more than one in three (36%; n=12) died in a prison cell. The remaining three (9%) Indigenous prisoner deaths occurred in a prison hospital.

Deaths in a custodial setting, such as exercise yard or common area, have been the least common over the last three years, with only five such deaths occurring.

For each year in the reporting period, the results were as follows:

**Table 28** Prison custody deaths by most serious offence and year, 1979–80 to 2010–11 (n)

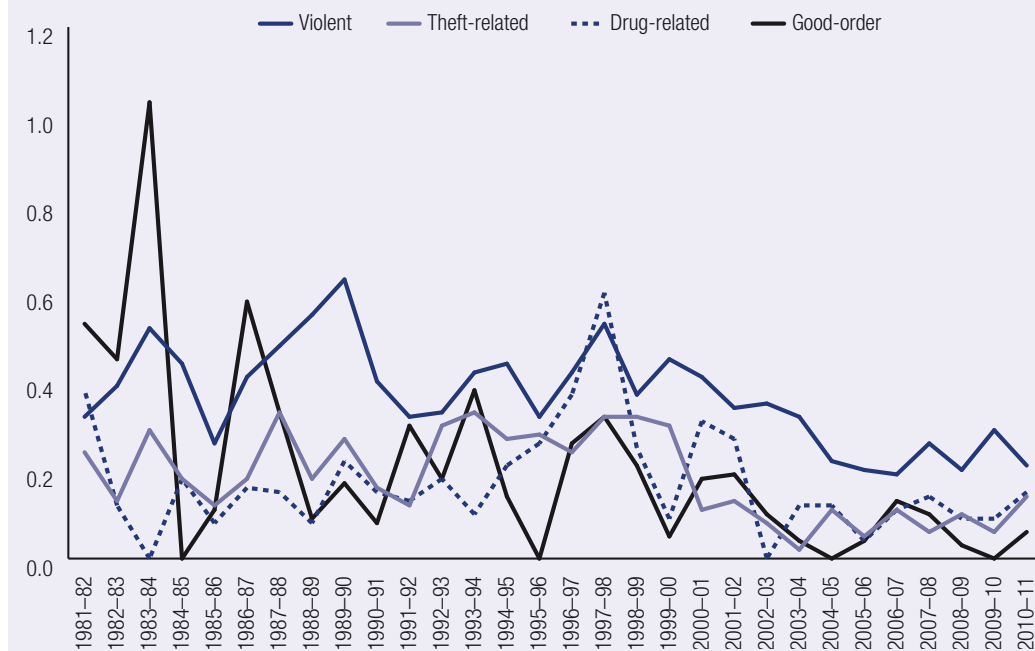
	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1979–80	8	3	1	1	1	1	15
1980–81	10	7	3	2	5	1	28
1981–82	9	11	3	0	3	0	26
1982–83	11	6	1	2	3	1	24
1983–84	14	13	0	0	6	0	33
1984–85	13	9	2	2	0	0	26
1985–86	8	6	1	0	1	0	16
1986–87	14	10	2	1	5	0	32
1987–88	17	18	2	1	3	2	43
1988–89	22	10	1	1	1	1	36
1989–90	28	16	3	0	2	2	51
1990–91	19	10	2	0	1	3	35
1991–92	16	8	2	0	4	1	31
1992–93	18	19	3	0	2	1	43
1993–94	25	22	2	2	5	1	57
1994–95	28	18	4	2	2	1	55
1995–96	21	20	5	2	0	1	49
1996–97	29	18	7	2	4	3	63
1997–98	38	24	11	1	6	0	80
1998–99	27	26	5	1	5	0	64
1999–2000	33	24	2	2	1	2	64
2000–01	33	9	7	2	4	3	58
2001–02	28	11	6	2	4	2	53
2002–03	32	7	0	2	2	1	44
2003–04	30	2	3	1	1	2	39
2004–05	23	9	3	3	0	1	39
2005–06	22	4	1	0	1	0	28
2006–07	22	9	3	2	4	0	40
2007–08	31	5	4	3	3	0	46
2008–09	26	8	3	0	1	5	43
2009–10	39	5	3	5	0	6	58
2010–11	28	11	5	0	2	11	57
Total <sup>a</sup>	722	378	100	42	82	52	1,376

a: 17 cases have been excluded due to missing data about offending

Source: AIC NDICP 1979–80 to 2010–11 [computer file]



**Figure 15** Prison custody deaths by most serious offence and year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E5

Rate per 100 relevant prisoners at 30 June each year (ABS-A 2011–1981)

Note: Cases for which traffic and other offences were recorded as the most serious offence have been excluded due to small numbers

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

**Table 29** Prison custody deaths by location and year, 2008–09 to 2010–11 (n)

	2008–09					Total
	Public hospital	Prison hospital	Cell	Custodial setting	Other	
New South Wales	6	3	6	0	0	15
Victoria	1	4	2	1	0	8
Queensland	3	0	6	0	0	9
Western Australia	2	0	2	0	0	4
South Australia	3	0	2	0	0	5
Tasmania	1	0	0	0	0	1
Northern Territory	0	0	0	0	0	0
Australian Capital Territory	1	0	0	0	0	1
<b>Totals</b>						
Indigenous	4	0	3	0	0	7
Non-Indigenous	13	7	15	1	0	36
All persons	17	7	18	1	0	43

**Table 29** (continued)

2009–10						
	Public hospital	Prison hospital	Cell	Custodial setting	Other	Total
New South Wales	3	8	9	1	0	21
Victoria	2	2	2	1	1	8
Queensland	4	1	3	2	0	10
Western Australia	1	0	7	0	0	8
South Australia	4	0	1	0	0	5
Tasmania	2	0	1	0	0	3
Northern Territory	2	0	0	0	0	2
Australian Capital Territory	0	0	1	0	0	1
<b>Totals</b>						
Indigenous	7	2	5	0	0	14
Non-Indigenous	11	9	19	4	1	44
All persons	18	11	24	4	1	58
2010–11						
	Public hospital	Prison hospital	Cell	Custodial setting	Other	Total
New South Wales	6	3	11	0	0	20
Victoria	3	5	2	0	0	10
Queensland	5	2	4	0	0	11
Western Australia	3	0	2	0	0	5
South Australia	2	0	2	0	0	4
Tasmania	2	0	0	0	0	2
Northern Territory	6	0	0	0	0	6
Australian Capital Territory	0	0	0	0	0	0
<b>Totals</b>						
Indigenous	7	1	4	0	0	12
Non-Indigenous	20	9	17	0	0	46
All persons	27	10	21	0	0	58

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

- of the 43 deaths in 2008–09, 18 (42%) occurred in a prison cell, 17 (40%) occurred in a public hospital, seven (16%) in a prison hospital and one (2%) death in a custodial setting;
- of the 58 deaths in 2009–10, there were 24 (41%) in a prison cell, 18 (31%) in a public hospital, 11 (19%) in a prison hospital, four deaths in a custodial setting and one (2%) in 'other' (which includes ambulances); and
- in 2010–11, there were 58 deaths, of which 27 (47%) occurred in a public hospital, 21 (36%) in a prison cell and 10 (17%) in a prison hospital.

## Trends

Since 1979–80, over half of all prison deaths (55%; n=725) have occurred in a cell (see Table 30). The proportion of deaths occurring in cells is the same for both Indigenous (55%; n=125) and non-Indigenous (55%; n=601) prisoners. In trend terms, the number of prisoner deaths in cells started to rise in the late 1980s, reaching an historical high of 53 deaths in 1997–98, but have gradually decreased since then. Despite being the second most common location of death (30%; n=394), the number of prisoners dying in a public hospital each year has remained generally consistent over the last three decades.

## Legal status of prisoners who died in custody

Of the 159 deaths over the reporting period, 108 (68%) were of sentenced prisoners and 51 (32%) were of unsentenced prisoners (see Table 31). In each year of the reporting period, the rate of death for sentenced prisoners was lower than for unsentenced.

For each year in the reporting period, the results were as follows:

- 25 (58%) of the 43 deaths in 2008–09 were of sentenced prisoners and 18 (42%) were of unsentenced prisoners. A much greater proportion of sentenced Indigenous prisoners died than the equivalent sentenced non-Indigenous prisoners (86%; n=6 cf 53%; n=19);
- there were 58 deaths in prison custody in 2009–10, of which 42 (72%) were sentenced

prisoners and 16 (28%) were unsentenced. Similar to the previous year, although not as pronounced, a greater proportion of sentenced Indigenous prisoners died when compared with non-Indigenous prisoners (79%; n=11 cf 71%; n=31); and

- 41 (71%) of the 58 deaths in 2010–11 were sentenced and 17 (29%) were unsentenced. In line with the previous year, a greater proportion of sentenced Indigenous prisoners died than non-Indigenous prisoners (75%; n=9 cf 70%; n=32).

## Trends

Of the total number of persons who died in prison custody since 1979–80, over two-thirds (68%; n=942) were sentenced. There has been a notable rise in the number of prison custody deaths of sentenced prisoners since 1992–93. The increase among this cohort is closely associated with increasing numbers of overall prisoners in custody, along with increasing numbers of deaths from natural causes. Analysis showed that more than eight out of every 10 natural cause deaths was of a sentenced prisoner (85%; n=492). Also of note was the fact that similar proportions of sentenced Indigenous and non-Indigenous prisoners died from natural causes (86%; n=108 for Indigenous cf 85%; n=384 for non-Indigenous).

Overall, 72 percent of Indigenous prisoners (n=170) and 68 percent of non-Indigenous prisoners (n=772) who died in custody since 1979–80 were sentenced at the time of their death. The remaining 15 deaths had missing information about legal status at time of death. The overall proportion of sentenced prisoners who died each year fluctuated between 60 and 80 percent with some minor exceptions (see Table 32).

Analysis showed that the rate of death among sentenced prisoners has remained quite stable over the last 30 years and has never increased above 0.30 deaths per 100 sentenced prisoners (see Figure 16). Considerable fluctuations can be seen in the rate of death of unsentenced prisoners, particularly over the period from 1981–82 to 1998–99. However, since the year 2000, there has been a marked decline in the rate of death, to levels similar to that seen among sentenced prisoners. This decline in the rate is partly driven by a decline in the proportion of self-inflicted deaths among

**Table 30** Prison custody deaths by location, 1979–80 to 2010–11 (n)

	Public hospital	Prison hospital	Cell	Custodial setting	Private property	Public place	Other custodial setting <sup>a</sup>	Total
1979–80	7	0	5	0	0	0	0	12
1980–81	6	0	14	0	0	0	0	20
1981–82	9	0	5	0	0	0	0	14
1982–83	8	0	13	0	0	0	0	21
1983–84	6	0	23	0	0	0	0	29
1984–85	10	0	10	0	0	0	0	20
1985–86	4	0	9	0	0	0	0	13
1986–87	14	0	15	0	0	0	0	29
1987–88	8	0	26	0	0	0	0	34
1988–89	11	0	20	0	0	0	0	31
1989–90	10	0	31	0	0	0	0	41
1990–91	14	0	21	0	0	0	0	35
1991–92	9	2	18	1	0	1	0	31
1992–93	12	3	26	2	0	0	0	43
1993–94	11	10	34	2	0	0	0	57
1994–95	11	7	33	3	0	0	1	55
1995–96	9	1	34	4	0	0	1	49
1996–97	20	5	32	4	0	1	1	63
1997–98	17	7	53	4	0	0	0	81
1998–99	9	5	41	8	0	0	1	64
1999–2000	14	7	38	5	0	0	0	64
2000–01	18	1	35	2	0	2	0	58
2001–02	18	1	27	6	1	0	0	53
2002–03	13	5	21	4	0	1	0	44
2003–04	10	4	22	2	1	0	0	39
2004–05	17	5	16	1	0	0	0	39
2005–06	7	3	14	4	0	0	0	28
2006–07	14	10	14	2	0	0	0	40
2007–08	16	12	12	5	0	0	1	46
2008–09	17	7	18	1	0	0	0	43
2009–10	18	11	24	4	0	0	1	58
2010–11	27	10	21	0	0	0	0	58
Total <sup>b</sup>	394	116	725	64	2	5	6	1,312

a: Other custodial setting includes 1 death, which occurred in a secure psychiatric hospital

b: 81 cases have been excluded due to missing data

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 31** Prison custody deaths by legal status and year, 2008–09 to 2010–11 (rate per 100 prisoners)<sup>a</sup>

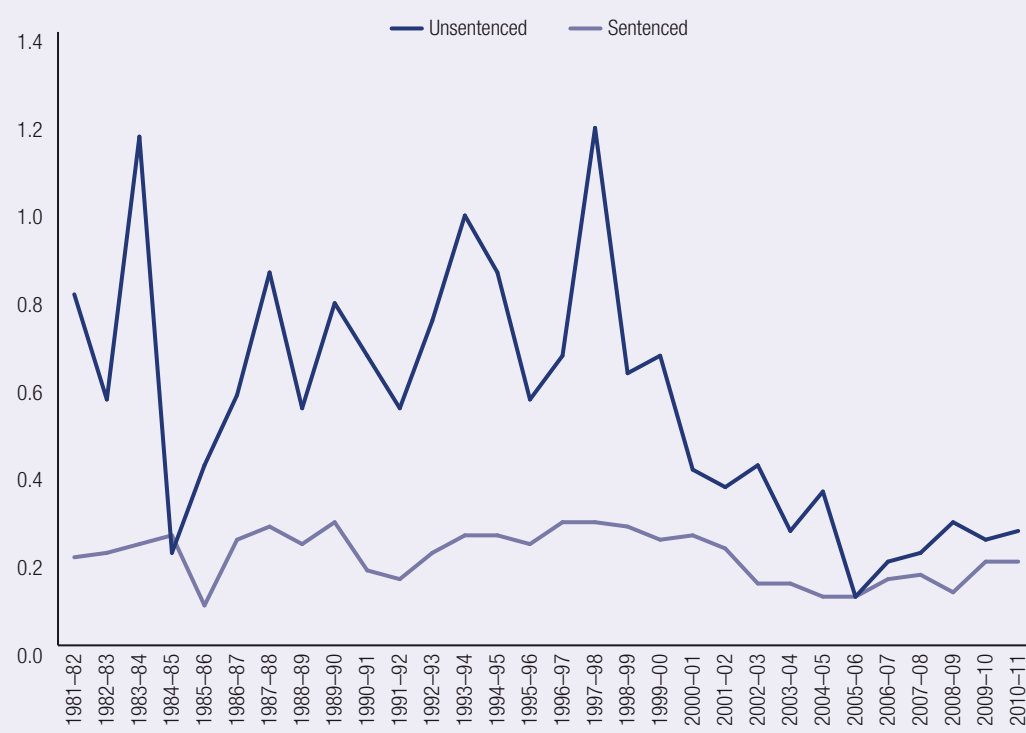
2008–09						
	Sentenced		Unsentenced		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	8	0.11	7	0.27	15	0.15
Victoria	5	0.15	3	0.35	8	0.19
Queensland	4	0.09	5	0.42	9	0.16
Western Australia	3	0.09	1	0.13	4	0.10
South Australia	4	0.31	1	0.15	5	0.26
Tasmania	1	0.24	0	–	1	0.19
Northern Territory	0	–	0	–	0	–
Australian Capital Territory	0	–	1	1.04	1	0.88
Australia	25	0.12	18	0.28	43	0.16
2009–10						
	Sentenced		Unsentenced		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	16	0.21	5	0.18	21	0.20
Victoria	6	0.17	2	0.23	8	0.18
Queensland	7	0.16	3	0.26	10	0.18
Western Australia	4	0.10	4	0.53	8	0.17
South Australia	5	0.39	0	–	5	0.25
Tasmania	3	0.78	0	–	3	0.61
Northern Territory	1	0.12	1	0.41	2	0.19
Australian Capital Territory	0	–	1	1.28	1	0.53
Australia	42	0.19	16	0.24	58	0.20
2010–11						
	Sentenced		Unsentenced		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	14	0.19	6	0.22	20	0.20
Victoria	7	0.19	3	0.35	10	0.22
Queensland	8	0.18	3	0.26	11	0.20
Western Australia	4	0.10	1	0.12	5	0.11
South Australia	2	0.15	2	0.30	4	0.20
Tasmania	2	0.52	0	–	2	0.42
Northern Territory	4	0.45	2	0.73	6	0.52
Australian Capital Territory	0	–	0	–	0	–
Australia	41	0.19	17	0.26	58	0.20

a: Denominator: see Table E6

Rate per 100 relevant prisoners (ABS 2012)

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

**Figure 16** Prison custody deaths by legal status and year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E6

Rate per 100 relevant prisoners (ABS-A 1998–1981 and ABS-B 2011–1999)

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

unsentenced prisoners. Over the decade from 1989–90 to 1999–2000, almost three-quarters of all deaths of unsentenced prisoners were self-inflicted (72%;  $n=139$ ), whereas over the decade from 2000–01 to 2010–11, the proportion of such deaths has dropped to 64 percent ( $n=105$ ). Another factor contributing to the decline is a reduction in deaths of unsentenced prisoners from drug and/or alcohol toxicity between the two decades (9%;  $n=17$  in the decade 1989–90 to 1999–2000 *cf* 3%;  $n=5$  in the decade from 2000–01 to 2010–11).

### *Type of prison in which deaths occurred: Government versus private prisons*

When interpreting the data presented in this section, it is important to note that:

- The prison system in each jurisdiction is designed and managed as a whole to securely and safely accommodate prisoners with a range of risks and needs. Prison systems are planned to meet a range of security requirements and the diverse needs of the total prisoner population.
- The function and security level of each prison is determined centrally by the corrective services agency, taking into account the overall requirements of the system and is not uniformly allocated between the public and private operators.
- Depending on their function in the overall system, some prisons will house more ‘at risk’ prisoners than others, including seriously and terminally ill prisoners accommodated in a medical or hospital unit, which may have an impact on the numbers of deaths that occur at a particular prison or type of prison.

**Table 32** Prison custody deaths by legal status and year, 1979–80 to 2010–11 (n)

	Sentenced	Unsentenced	Total
1979–80	11	4	15
1980–81	20	8	28
1981–82	18	8	26
1982–83	19	6	25
1983–84	20	13	33
1984–85	23	3	26
1985–86	9	6	15
1986–87	25	9	34
1987–88	29	14	43
1988–89	26	9	35
1989–90	35	15	50
1990–91	22	13	35
1991–92	21	10	31
1992–93	29	14	43
1993–94	38	19	57
1994–95	38	17	55
1995–96	36	13	49
1996–97	46	17	63
1997–98	48	33	81
1998–99	45	19	64
1999–2000	41	23	64
2000–01	42	16	58
2001–02	37	16	53
2002–03	25	19	44
2003–04	26	13	39
2004–05	21	18	39
2005–06	22	6	28
2006–07	29	11	40
2007–08	33	13	46
2008–09	25	18	43
2009–10	42	16	58
2010–11	41	17	58
Total <sup>a</sup>	942	436	1,378

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 33** Private prisons in Australia

Privately managed since	Prison	State	Prisoner capacity	Security level
1990–2012	Borallon CC	Queensland	492	High and medium
1992	Arthur Gorrie CC	Queensland	908	Medium and maximum
1993	Junee CC	New South Wales	790	Minimum and medium
1995	Mount Gambier Prison	South Australia	172	Low and medium
1996–2000	Deer Park Metropolitan Women's CC	Victoria	300	Maximum
1997	Port Phillip Prison	Victoria	804	Maximum
1997	Fulham CC	Victoria	820	Minimum and medium
2001	Acacia Prison	Western Australia	995	Medium
2009	Parklea CC	New South Wales	828	Minimum and maximum
2012	Southern Queensland CC	Queensland	300	High and low

Note: CC=correctional centre

- Those prisons that are privately managed have no ability to select which prisoners will be placed in their prisons. Prisoner classification and placement is the responsibility of the corrective services agency centrally.
- Both public and private prisons are subject to the same standards, requirements, internal and external accountability mechanisms, and scrutiny in managing prisons.

The first private prison was established in Australia in January 1990, being a 240 bed medium-security institution for convicted offenders in Borallon, Queensland (Harding 1997). Over the following 11 years, a further seven private prisons came into operation in Australia. In 2009, a ninth prison, Parklea in New South Wales, was privatised and a tenth was opened in Southern Queensland in January 2012.

Information about private prisons across Australia is presented in Table 33, including the year in which they became private, their prisoner capacity and security level.

Available data from the Steering Committee for the Review of Commonwealth/State Service Provision indicated that since 1998–99, the proportion of Australia's prison population held in privately managed prisons ranged from 15 to 19 percent each year (SCRCSP 2012). It is also important to remember that rates of death are likely to fluctuate

more dramatically for private prison deaths owing to the comparatively small number of prisoners and prisoner deaths recorded.

During the last three years, the distribution of deaths between prisons has largely reflected the distribution of the prison population. Given that the majority of prisoners are housed in government prisons, it is not surprising that the majority of deaths occurred in these prisons (81%; n=129), while the remainder took place in private prisons (19%; n=30; see Table 34). For example, in 2010–11, just under one in five prisoners in Australia was held in a private prison (19%; SCRCSP 2012) and one in five (21%; n=12) prison custody deaths occurred in a private prison.

- of the 43 deaths in prison custody in 2008–09, 11 occurred in privately run prisons. The annual rate of death for prisoners held in private prisons was 0.25 per 100, compared with 0.14 for prisoners in government-run facilities;
- in 2009–10, there were 58 deaths in prison custody, with seven (12%) in a private prison. The rate of death for prisoners in private prisons was 0.14 per 100, compared with 0.21 for prisoners in government prisons; and
- in 2010–10, there were 58 deaths in prison custody, with 12 occurring (21%) in a private prison. The annual rate of death for prisoners in private prisons was 0.22 per 100, compared with 0.20 for prisoners in government prisons.



**Table 34** Prison custody deaths by type of prison and year, 2008–09 to 2010–11 (rate per 100 prisoners)<sup>a</sup>

2008–09						
	Private		Government		All prisons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	1	0.13	14	0.15	15	0.15
Victoria	5	0.34	3	0.11	8	0.19
Queensland	4	0.32	5	0.11	9	0.16
Western Australia	0	–	4	0.13	4	0.10
South Australia	1	0.68	4	0.22	5	0.26
Tasmania	0	–	1	0.19	1	0.19
Northern Territory	0	–	0	–	0	0.00
Australian Capital Territory	0	–	1	0.85	1	0.85
Total	11	0.25	32	0.14	43	0.16
2009–10						
	Private		Government		All prisons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	1	0.08	20	0.22	21	0.20
Victoria	3	0.20	5	0.17	8	0.18
Queensland	2	0.15	8	0.19	10	0.18
Western Australia	1	0.10	7	0.18	8	0.17
South Australia	0	–	5	0.28	5	0.25
Tasmania	0	–	3	0.61	3	0.61
Northern Territory	0	–	2	0.19	2	0.19
Australian Capital Territory	0	–	1	0.53	1	0.53
Total	7	0.14	51	0.21	58	0.20
2010–11						
	Private		Government		All prisons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	4	0.27	16	0.19	20	0.20
Victoria	5	0.33	5	0.16	10	0.22
Queensland	3	0.22	8	0.19	11	0.20
Western Australia	0	–	5	0.14	5	0.11
South Australia	0	–	4	0.22	4	0.20
Tasmania	0	–	2	0.42	2	0.42
Northern Territory	0	–	6	0.51	6	0.51
Australian Capital Territory	0	–	0	–	0	–
Total	12	0.22	46	0.20	58	0.20

a: Denominator: see Table E10

Rate per 100 relevant prisoners (SCRCSP 2012)

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Indigenous status

After disaggregating the data by Indigenous status and type of prison, it can be seen that a smaller proportion of deaths in private prisons involve Indigenous prisoners when compared with government prisons (11%;  $n=14$  cf 18%;  $n=244$ , see Table 35).

## Trends

Of the 133 total deaths in private prisons, 68 deaths (51%) were attributed to natural causes, while 42 were due to hanging (32%). Of the remaining 23 deaths, 12 resulted from acute substance toxicity (9%), nine were due to external/multiple trauma (7%) and one was from a head injury (1%); the cause of death is still being investigated in one case.

Of particular interest when comparing deaths in private and government-run prisons is the age at death, in that a greater proportion of deaths in

private prisons were of prisoners aged 40 years or older (58%;  $n=77$  cf 40%;  $n=499$ ). Also of note is the proportion of deaths resulting from self-inflicted injuries, which was slightly lower for privately managed prisons (37%;  $n=49$  cf 43%;  $n=544$ ).

The rates of death have been decreasing over time for both types of facilities; however, the rate of death in private prisons spiked dramatically between 2007–08 and 2008–09 (see Figure 17). On closer examination of the data, it was revealed that this spike in the rate of death in private prisons was the result of a rise in the number of natural cause deaths among non-Indigenous prisoners (14 of the 18 deaths in 2007–08 were natural cause deaths of non-Indigenous prisoners). Overall, of the 68 deaths due to natural causes in private prisons, almost one-third (32%;  $n=22$ ) occurred between 2007–08 and 2008–09.

In the early years of prison privatisation in Australia, there was some concern that the quality of care

**Figure 17** Prison custody deaths by type of prison and year, 1998–99 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E10

Rate per 100 relevant prisoners (SCRCSP 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2002, 2001, 2000, 1999)

Source: AIC NDICP 1998–99 to 2010–11 [computer file]

**Table 35** Prison custody deaths by type of prison, Indigenous status and year, 1979–80 to 2010–11 (n)

	Private		Government		Total	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
1979–80	0	0	4	11	4	11
1980–81	0	0	2	27	2	27
1981–82	0	0	3	24	3	24
1982–83	0	0	4	21	4	21
1983–84	0	0	2	31	2	31
1984–85	0	0	5	22	5	22
1985–86	0	0	4	14	4	14
1986–87	0	0	2	35	2	35
1987–88	0	0	4	40	4	40
1988–89	0	0	5	32	5	32
1989–90	0	0	9	44	9	44
1990–91	0	0	5	30	5	30
1991–92	0	0	4	27	4	27
1992–93	1	2	4	36	5	38
1993–94	1	4	11	41	12	45
1994–95	1	1	11	42	12	43
1995–96	1	4	12	32	13	36
1996–97	0	4	11	48	11	52
1997–98	0	10	12	59	12	69
1998–99	2	8	8	46	10	54
1999–2000	1	4	13	46	14	50
2000–01	1	9	13	35	14	44
2001–02	1	6	5	41	6	47
2002–03	0	5	12	27	12	32
2003–04	0	4	6	29	6	33
2004–05	1	5	7	26	8	31
2005–06	0	5	3	20	3	25
2006–07	0	4	8	28	8	32
2007–08	0	18	6	22	6	40
2008–09	0	11	7	25	7	36
2009–10	3	4	11	40	14	44
2010–11	1	11	11	35	12	46
Total	14	119	224	1,036	238	1,155

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 36** Prison custody deaths by type of prison and year, 1979–80 to 2010–11 (n)

	Private	Government	Total
1979–80	0	15	15
1980–81	0	29	29
1981–82	0	27	27
1982–83	0	25	25
1983–84	0	33	33
1984–85	0	27	27
1985–86	0	18	18
1986–87	0	37	37
1987–88	0	44	44
1988–89	0	37	37
1989–90	0	53	53
1990–91	0	35	35
1991–92	0	31	31
1992–93	3	40	43
1993–94	5	52	57
1994–95	2	53	55
1995–96	5	44	49
1996–97	4	59	63
1997–98	10	71	81
1998–99	10	54	64
1999–2000	5	59	64
2000–01	10	48	58
2001–02	7	46	53
2002–03	5	39	44
2003–04	4	35	39
2004–05	6	33	39
2005–06	5	23	28
2006–07	4	36	40
2007–08	18	28	46
2008–09	11	32	43
2009–10	7	51	58
2010–11	12	46	58
Total	133	1,260	1,393

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

and range of services available in private prisons might be less than that in government-run facilities, based on the rationale that private contractors would be solely concerned with profit maximisation. For example, it was observed at the time that ‘incarceration policies may be driven by a private sector lobby intent on maximising imprisonment levels and thus the opportunity for profitable participation’ (Harding 1992: 3).

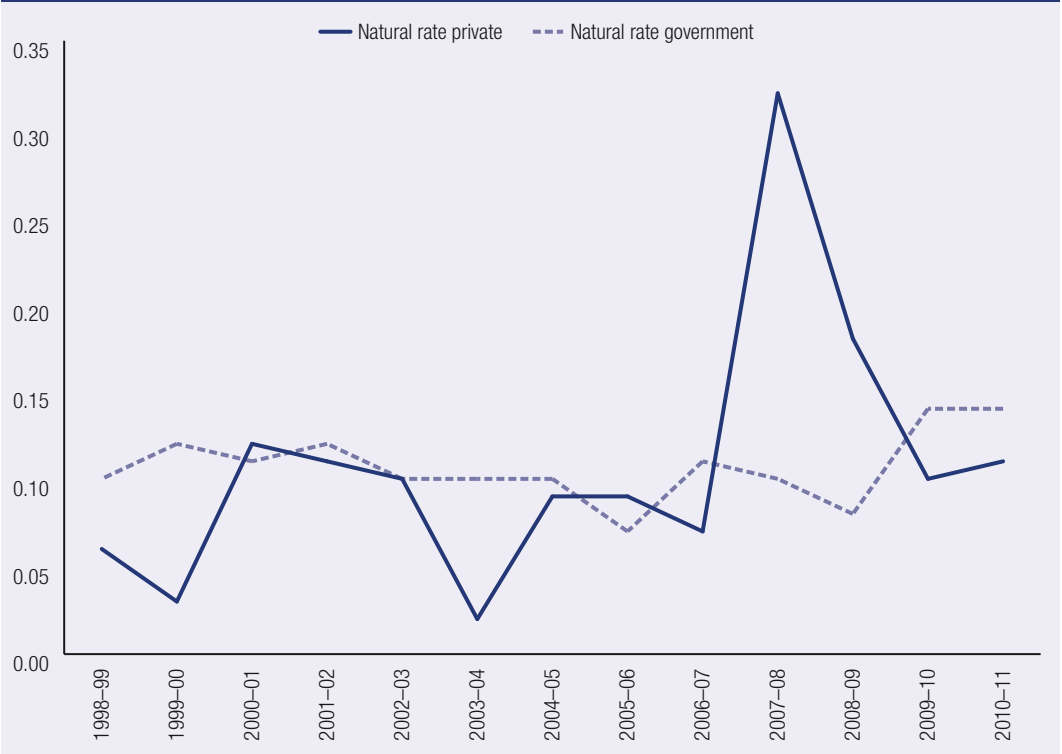
In a follow-up piece six years later, Harding found that with an effective regulatory regime ‘for ensuring that the private operators do what is expected of them’ and effective accountability ‘for ensuring that what is expected of them is clearly, rigorously and equitably spelt out in the management contract’ (Harding 1998: 5), the potential benefits of privatisation outweigh the drawbacks. For a useful discussion of the arguments for and against private prisons, see Roth (2004).

One of the measures that can be used to indicate whether the quality of care and range of services available in private prisons is comparable with that in the government sector is the rate of death. In a report by Biles and Dalton (2001), rates of death in private prisons were compared with those in government-run institutions over the decade from 1990 to 2000. It was found that

the rate of death from all causes in private prisons was 2.77 per 1,000 prisoners per year (CI 2.51–3.03) compared with 3.28 per 1,000 prisoners per year in public prisons (CI 3.19–3.37) (Biles & Dalton 2001: 298).

That is, the rate of death was generally lower in private prisons than in government-run institutions over that decade. Looking now at the period from 1998–99 to 2010–11, it can be seen that this trend has largely continued, with the rate of death in private prisons remaining generally lower than that in

**Figure 18** Natural cause deaths in prison by type of prison and year, 1998–99 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E10  
 Rate per 100 relevant prisoners (SCRCSP 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2002, 2001, 2000, 1999)  
 Source: AIC NDICP 1998–99 to 2010–11 [computer file]

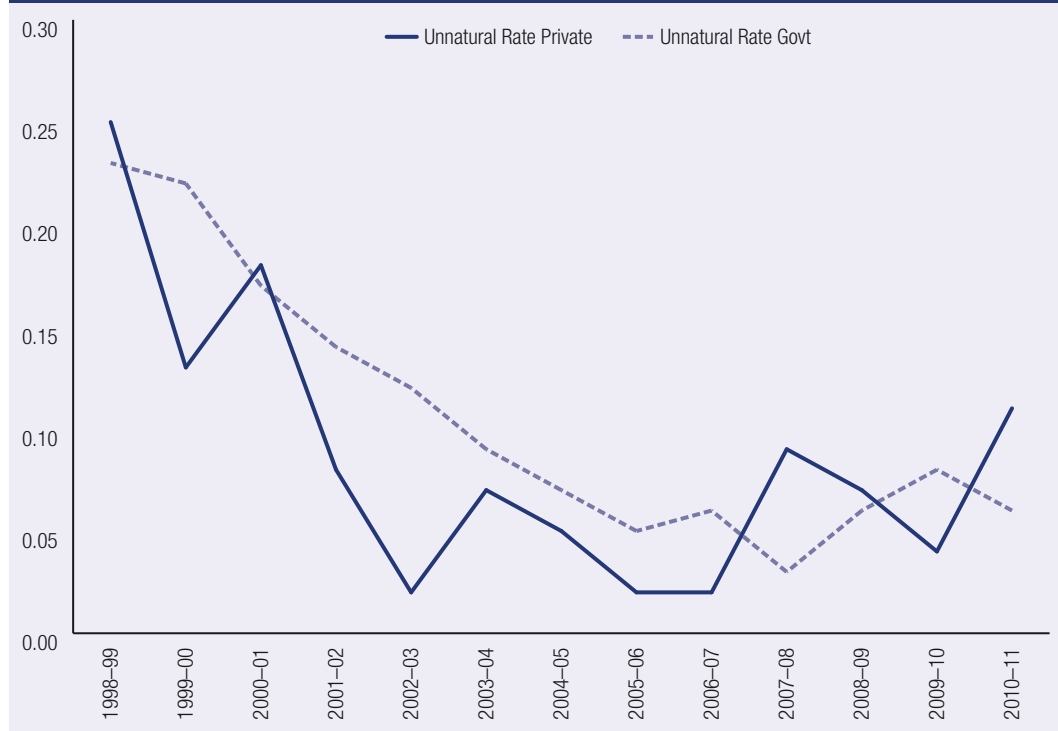
government prisons, with the exception of 2007–08 and 2008–09 (see Figure 17) where there was a dramatic spike in the rate of death and after which both the number and rate of death returned to levels consistent with historical trends.

Looking more closely at the causes of death between government and privately run prisons provides some insight into the factors underpinning the anomalous spike for privately run prisons in 2007–08 and 2008–09. Data presented in Figure 18 shows the rate of death for those prisoners dying from natural causes, while data in Figure 19 shows the rate of death for all other causes of death (ie unnatural deaths), disaggregated by prison type. It is evident that while the rate at which prisoners have died from unnatural causes has remained consistent between both government and privately run prisons, the observed spike in the overall rate of private prison deaths seen in 2007–08 and 2008–09 was driven by a short-term increase in natural cause deaths.

## Summary of deaths in prison custody

Since 1978–80, there have been a total of 1,393 deaths in prison custody across Australia, of which 238 (17%) were Indigenous prisoners and 1,155 were non-Indigenous (83%). Of these 1,393 deaths, males (96%; n=1,332) have consistently outnumbered females (4%; n=61). In terms of age, two in five deaths (40%; n=551) were among those prisoners aged between 25 and 39 years, followed by those aged 40 to 54 years (23%; n=314), those less than 25 years (19%; n=266) and 55 years and above (19%; n=262). Despite having more deaths overall, deaths of persons 25 to 39 years have been in decline over the last decade, while the frequency of deaths involving those between 40 to 54 years and 55 years and older has been increasing.

**Figure 19** Unnatural cause deaths in prison by type of prison and year, 1998–99 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: Denominator: see Table E10

Rate per 100 relevant prisoners (SCRCSP 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2002, 2001, 2000, 1999)

Source: AIC NDICP 1998–99 to 2010–11 [computer file]

The most common cause of death is natural causes (42%; n=584), closely followed by those who died from hangings (38%; n=525). Deaths involving Indigenous persons have followed this overall trend, in that most are due to natural causes (53%; n=127) and hangings (35%; n=84). The most common type of natural cause deaths were heart problems (such as heart attacks and heart disease; 47%; n=263). The overall number of heart-related deaths has also gradually increased, most likely because of the increasing number of deaths of older sentenced prisoners in Australia.

Over the 32 years for which data are available, slightly more prisoners have died from self-inflicted injuries, such as hanging or incise wounds, than in any other situation (43%; n=593). However, due to recent rises in natural cause deaths, the total number of such deaths (42%; n=583) is now very similar to those that are self-inflicted. Unlike the overall trend, Indigenous deaths in prison custody are more likely to occur as a result of a natural cause (53%; n=127) rather than being self-inflicted (38%; n=90). With regards to hanging deaths, prisoners use 'other cell fittings' (39%; n=145), followed by cell bars (36%; n=133) as the preferred hanging

point, with bed sheets (61%; n=232) being the most common material used.

Looking at most serious offences leading to custody, it was shown that over half (53%; n=722) of all prisoner deaths were persons with violent offending histories, followed by those prisoners who had committed theft-related offences (28%; n=378). Similarly, far more violent Indigenous offenders died in custody (58%; n=137) than all other types, with the next most common being offenders with theft-related offences (22%; n=53).

Data from the most recent reporting period (2008–09 to 2010–11) revealed that the rate of death was generally higher among those who were unsentenced (0.24–0.28 per 100) compared with those who were sentenced (0.12–0.19 per 100). Finally, with regards to deaths in private and government-run prisons, the rate of death has dropped for private prisons, after a considerable spike in 2007–08 and 2008–09. The rate is again lower in private prisons than those run by the government; this is influenced by the nature and demographics of the prisoners housed in private and government prisons.

# Deaths in juvenile justice custody

## Key indicators of performance

The NDICP reports on the following three high-level indicators for deaths in juvenile justice custody:

- trends in number of deaths juvenile detention and the proportion of deaths involving Indigenous persons;
- trends in rate-ratio for Indigenous and non-Indigenous deaths in juvenile detention; and
- trends in causes and circumstances of deaths in juvenile detention.

## Introduction

The NDICP collects information about all deaths occurring in juvenile detention, which includes transfer to or from detention, or deaths occurring in hospital involving juveniles that were transferred there from a detention facility.

It is possible in some jurisdictions for a juvenile to be temporarily placed in a detention or secure training facility for welfare reasons, while a more suitable residential arrangement is found. Welfare reasons include the juvenile being at risk of self harm or harm to others, or there may be the need to use a

**Table 37** Key indicators of performance—juvenile justice custody deaths, 2008–09

		Juvenile justice
1	Indigenous	No deaths
	Non-Indigenous	No deaths
2	Rate-ratio—Indigenous	—
	Rate-ratio—non-Indigenous	—
3a	Main cause—Indigenous	—
	Main cause—non-Indigenous	—
3b	Main circumstances—Indigenous	—
	Main circumstances—non-Indigenous	—

Source: AIC NDICP 1979–80–2010–11 [computer file]



**Table 38** Key indicators of performance—juvenile justice custody deaths, 2009–10

		Juvenile justice
1	Indigenous	No deaths
	Non-Indigenous	No deaths
2	Rate–ratio—Indigenous	—
	Rate–ratio—Non-Indigenous	—
3a	Main cause—Indigenous	—
	Main cause—non-Indigenous	—
3b	Main circumstances—Indigenous	—
	Main circumstances—non-Indigenous	—

Source: AIC NDICP 1979–80–2010–11 [computer file]

**Table 39** Key indicators of performance—juvenile justice custody deaths, 2010–11

		Juvenile justice
1	Indigenous	1 (100.0%)
	Non-Indigenous	0
2	Rate—Indigenous	—
	Rate—non-Indigenous	—
3a	Main cause—Indigenous	Head injury—(100%; n=1)
	Main cause—non-Indigenous	—
3b	Main circumstances—Indigenous	Accidental—(100%; n=1)
	Main circumstances—non-Indigenous	—

Source: AIC NDICP 1979–80–2010–11 [computer file]

room in a detention facility or secure training centre as emergency accommodation for a juvenile in the process of being transferred between locations. In the event that a juvenile dies while in a detention or secure training facility for welfare reasons, the death would be reportable to the relevant state coroner and would also fall within the scope of the NDICP.

The NDICP does not capture deaths of juveniles serving a community-based order. Also excluded are deaths of juveniles who are under the guardianship of the state (ie wards of the state) for welfare reasons and who are being cared for by a designated carer or institution. Finally, deaths of children in foster care are also outside the scope of the NDICP.

## Demographic characteristics

### Indigenous status

Since 1979–80, there have been a total of 18 deaths in the custody of a juvenile justice agency (see Table 40). Overall, the number of non-Indigenous deaths in juvenile justice custody (56%; n=10) is slightly higher than the number of Indigenous deaths (44%; n=8). Available data showed that the overall number of Indigenous deaths has never risen above one death per year. It is also of interest to note that for almost 10 years between the late 1980s and the mid 1990s, there were no deaths involving an Indigenous person in juvenile justice custody.

**Table 40** Deaths in juvenile justice custody by Indigenous status and year, 1979–80 to 2010–11 (n)

	Indigenous	Non-Indigenous	Total n
1979–80	1	0	1
1980–81	1	0	1
1981–82	0	0	0
1982–83	0	0	0
1983–84	0	1	1
1984–85	0	0	0
1985–86	0	0	0
1986–87	1	0	1
1987–88	1	1	2
1988–89	0	0	0
1989–90	0	1	1
1990–91	0	1	1
1991–92	0	0	0
1992–93	0	0	0
1993–94	0	2	2
1994–95	0	0	0
1995–96	0	2	2
1996–97	0	1	1
1997–98	0	0	0
1998–99	1	0	1
1999–2000	1	0	1
2000–01	0	1	1
2001–02	0	0	0
2002–03	0	0	0
2003–04	0	0	0
2004–05	0	0	0
2005–06	1	0	1
2006–07	0	0	0
2007–08	0	0	0
2008–09	0	0	0
2009–10	0	0	0
2010–11	1	0	1
Total	8	10	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 41** Deaths in juvenile justice custody by sex and year, 1979–80 to 2010–11 (n)

	Male	Female	Total n
1979–80	0	1	1
1980–81	1	0	1
1981–82	0	0	0
1982–83	0	0	0
1983–84	1	0	1
1984–85	0	0	0
1985–86	0	0	0
1986–87	1	0	1
1987–88	2	0	2
1988–89	0	0	0
1989–90	1	0	1
1990–91	1	0	1
1991–92	0	0	0
1992–93	0	0	0
1993–94	2	0	2
1994–95	0	0	0
1995–96	2	0	2
1996–97	1	0	1
1997–98	0	0	0
1998–99	1	0	1
1999–2000	1	0	1
2000–01	1	0	1
2001–02	0	0	0
2002–03	0	0	0
2003–04	0	0	0
2004–05	0	0	0
2005–06	1	0	1
2006–07	0	0	0
2007–08	0	0	0
2008–09	0	0	0
2009–10	0	0	0
2010–11	1	0	1
Total	17	1	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 42** Deaths in juvenile justice custody by age and year, 1979–80 to 2010–11 (n)

	14 yrs	15 yrs	16 yrs	17 yrs	18 yrs	19 yrs	Total n
1979–80	1	0	0	0	0	0	1
1980–81	0	0	0	1	0	0	1
1981–82	0	0	0	0	0	0	0
1982–83	0	0	0	0	0	0	0
1983–84	0	0	0	0	0	1	1
1984–85	0	0	0	0	0	0	0
1985–86	0	0	0	0	0	0	0
1986–87	0	0	1	0	0	0	1
1987–88	0	0	1	1	0	0	2
1988–89	0	0	0	0	0	0	0
1989–90	0	0	1	0	0	0	1
1990–91	0	0	0	1	0	0	1
1991–92	0	0	0	0	0	0	0
1992–93	0	0	0	0	0	0	0
1993–94	0	0	1	0	1	0	2
1994–95	0	0	0	0	0	0	0
1995–96	0	0	1	1	0	0	2
1996–97	0	0	0	1	0	0	1
1997–98	0	0	0	0	0	0	0
1998–99	0	0	1	0	0	0	1
1999–2000	0	1	0	0	0	0	1
2000–01	0	0	0	0	0	1	1
2001–02	0	0	0	0	0	0	0
2002–03	0	0	0	0	0	0	0
2003–04	0	0	0	0	0	0	0
2004–05	0	0	0	0	0	0	0
2005–06	0	0	0	1	0	0	1
2006–07	0	0	0	0	0	0	0
2007–08	0	0	0	0	0	0	0
2008–09	0	0	0	0	0	0	0
2009–10	0	0	0	0	0	0	0
2010–11	0	0	0	0	1	0	1
Total	1	1	6	6	2	2	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

Sex

A closer examination of the long-term trends (see Table 41) has shown that the number of deaths in juvenile justice custody involving males (94%; n=17) has far exceeded the number of deaths involving females (6%; n=1).

Since 1979–80, almost all Indigenous juvenile deaths in custody were of males (88%; n=7), with only one female Indigenous juvenile death occurring over this period (13%; n=1).

Age

By age, the majority of deaths in juvenile justice custody were of children aged either 16 or 17 years (67%; n=12; see Table 42). In general, the number of deaths involving a juvenile has remained steady, with the overall number of deaths not rising higher than two deaths in a year. Also of interest is the fact that there have not been any deaths in juvenile justice custody involving persons aged 16 years or less since 2000–01.

Since 1979–80, juveniles who died in detention were in the following age categories:

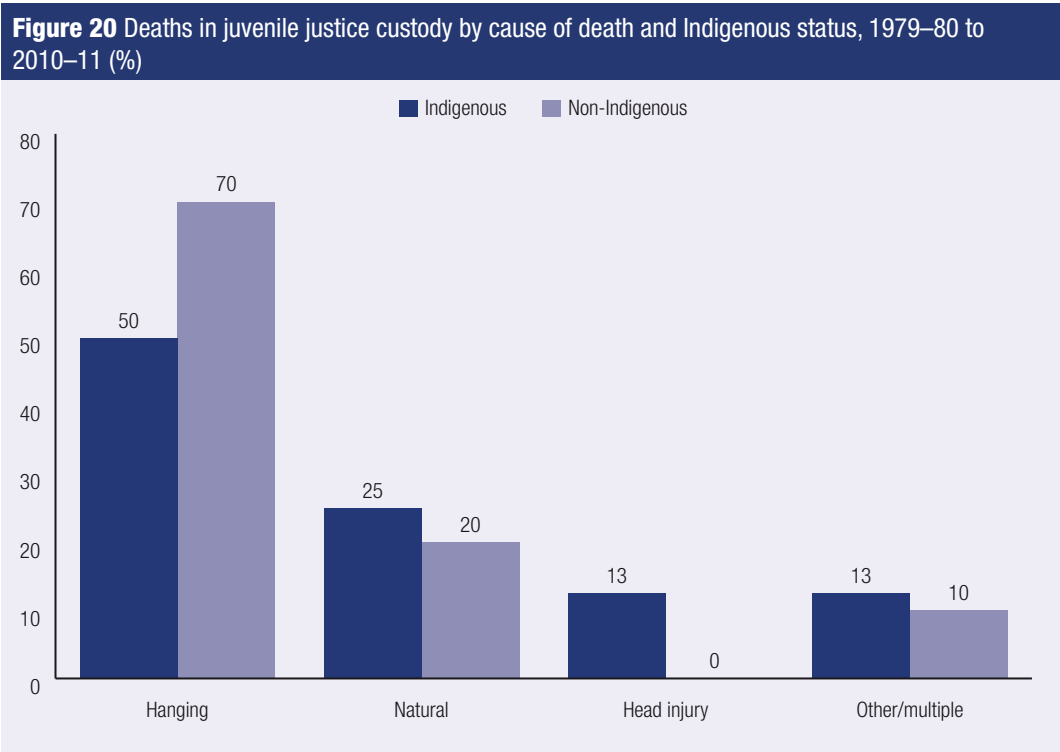
- 14 years (6%; n=1);
- 15 years (6%; n=1);
- 16 years (33%; n=6);
- 17 years (33%; n=6);
- 18 years (11%; n=2); and
- 19 years (11%; n=2).

Circumstances surrounding death

Cause of death

Deaths in juvenile justice custody have been primarily due to hanging (61%; n=11) over the last 32 years (see Table 43), with deaths resulting from a natural cause (22%; n=4) the second most common cause, followed by other/multiple trauma (11%; n=2) and head injury (6%; n=1). All of the hanging deaths occurred between 1986–87 and 1999–2000. Due to the small number of deaths involved, no other discernible change or pattern can be identified.

Since 1979–80, half of the deaths of Indigenous juvenile detainees have been due to hanging (50%; n=40), with a further 26 percent being caused by other/multiple trauma or head injuries (n=2; see



**Table 43** Deaths in juvenile justice custody by cause of death and year, 1979–80 to 2010–11 (n)

	Hanging	Natural causes	Head injury	Drugs	Other/multiple trauma	Total
1979–80	0	0	0	0	1	1
1980–81	0	1	0	0	0	1
1981–82	0	0	0	0	0	0
1982–83	0	0	0	0	0	0
1983–84	0	1	0	0	0	1
1984–85	0	0	0	0	0	0
1985–86	0	0	0	0	0	0
1986–87	1	0	0	0	0	1
1987–88	2	0	0	0	0	2
1988–89	0	0	0	0	0	0
1989–90	1	0	0	0	0	1
1990–91	1	0	0	0	0	1
1991–92	0	0	0	0	0	0
1992–93	0	0	0	0	0	0
1993–94	2	0	0	0	0	2
1994–95	0	0	0	0	0	0
1995–96	1	0	0	0	1	2
1996–97	1	0	0	0	0	1
1997–98	0	0	0	0	0	0
1998–99	1	0	0	0	0	1
1999–2000	1	0	0	0	0	1
2000–01	0	1	0	0	0	1
2001–02	0	0	0	0	0	0
2002–03	0	0	0	0	0	0
2003–04	0	0	0	0	0	0
2004–05	0	0	0	0	0	0
2005–06	0	1	0	0	0	1
2006–07	0	0	0	0	0	0
2007–08	0	0	0	0	0	0
2008–09	0	0	0	0	0	0
2009–10	0	0	0	0	0	0
2010–11	0	0	1	0	0	1
Total	11	4	1	0	2	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 44** Hanging deaths in juvenile justice custody by hanging point and year, 1979–80 to 2010–11 (n)

	Cell bars	Shower fixture	Other cell fitting	Bunk bed	Total
1979–80	0	0	0	0	0
1980–81	0	0	0	0	0
1981–82	0	0	0	0	0
1982–83	0	0	0	0	0
1983–84	0	0	0	0	0
1984–85	0	0	0	0	0
1985–86	0	0	0	0	0
1986–87	1	0	0	0	1
1987–88	0	0	1	0	1
1988–89	0	0	0	0	0
1989–90	0	0	1	0	1
1990–91	0	0	1	0	1
1991–92	0	0	0	0	0
1992–93	0	0	0	0	0
1993–94	0	1	1	0	2
1994–95	0	0	0	0	0
1995–96	1	0	0	0	1
1996–97	0	0	1	0	1
1997–98	0	0	0	0	0
1998–99	0	0	1	0	1
1999–2000	0	0	0	1	1
2000–01	0	0	0	0	0
2001–02	0	0	0	0	0
2002–03	0	0	0	0	0
2003–04	0	0	0	0	0
2004–05	0	0	0	0	0
2005–06	0	0	0	0	0
2006–07	0	0	0	0	0
2007–08	0	0	0	0	0
2008–09	0	0	0	0	0
2009–10	0	0	0	0	0
2010–11	0	0	0	0	0
Total <sup>a</sup>	2	1	6	1	10

a: 1 case has been excluded due to missing information about the hanging point

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 45** Hanging deaths in juvenile justice custody by material used and year, 1979–80 to 2010–11 (n)

	Sheets	Other clothing	Total n
1979–80	0	0	0
1980–81	0	0	0
1981–82	0	0	0
1982–83	0	0	0
1983–84	0	0	0
1984–85	0	0	0
1985–86	0	0	0
1986–87	1	0	1
1987–88	1	0	1
1988–89	0	0	0
1989–90	0	1	1
1990–91	0	1	1
1991–92	0	0	0
1992–93	0	0	0
1993–94	1	1	2
1994–95	0	0	0
1995–96	1	0	1
1996–97	1	0	1
1997–98	0	0	0
1998–99	1	0	1
1999–2000	1	0	1
2000–01	0	0	0
2001–02	0	0	0
2002–03	0	0	0
2003–04	0	0	0
2004–05	0	0	0
2005–06	0	0	0
2006–07	0	0	0
2007–08	0	0	0
2008–09	0	0	0
2009–10	0	0	0
2010–11	0	0	0
Total <sup>a</sup>	7	3	10

a: 1 case has been excluded due to missing information about the material used

Source: AIC NDICP 1979–80 to 2010–11 [computer file]



Figure 20). For deaths of non-Indigenous juvenile detainees, hanging was also the most prevalent cause of death (70%; n=7).

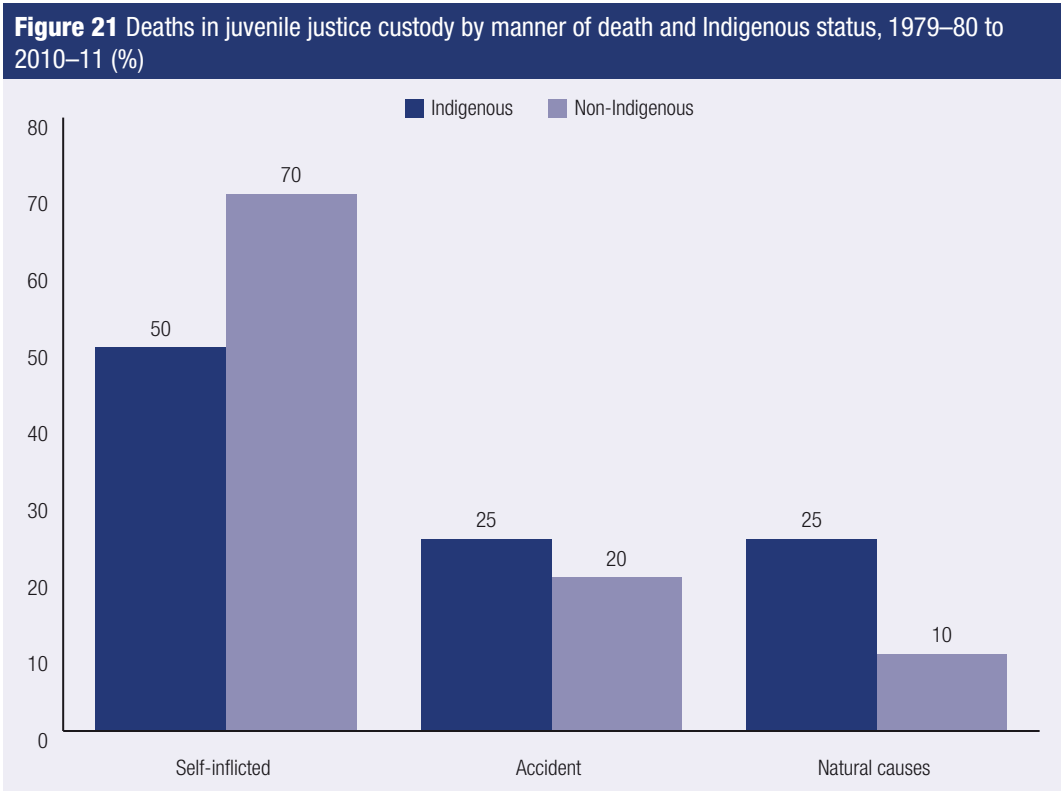
Among the total number of hanging deaths recorded in juvenile justice custody since 1979–80, the use of ‘other cell fittings’ within the detainee’s cell (such as door handles or vents in the ceiling) has been the most commonly used hanging point (60%; n=6; see Table 44). This result was not unexpected, as the use of ‘other cell fittings’ was also the most commonly used hanging point among adults in prison custody. The second most common hanging point was the detainee’s cell bars (20%; n=2), followed by shower fixtures (10%; n=1) or the bunk bed (10%; n=1). Again, similar to the adult deaths in prison, the most commonly used material in the hanging death were bed sheets (70%; n=7) or other pieces of clothing (30%; n=3; see Table 45).

Manner of death

From analysis of the data collected since 1979–80, the majority of deaths in juvenile justice custody

were self-inflicted (61%; n=11; see Table 46 and Figure 21). This was followed by natural cause deaths (22%; n=4) and accidental deaths (17%; n=3). The majority of the self-inflicted deaths occurred between 1987–88 and 1999–2000.

It is important to note that 11 of the 18 juvenile custody deaths since 1979–80 have been self-inflicted and while there have been relatively few deaths in recent years, this finding nevertheless warrants ongoing monitoring. In particular, an analysis of the circumstances surrounding these self-inflicted deaths may help to better identify intervention prevention strategies that could further limit deaths in juvenile justice custody. For example, research from the United States, conducted by the Office of Juvenile Justice and Delinquency Prevention, found that of the 110 suicides examined, 100 percent had occurred within the first four months of incarceration; of these, 40 percent occurred within the first 72 hours (Hayes 2009). Similarly, research in the United Kingdom has shown that approximately 50 percent of suicide-related incidents occurred within the first month of incarceration (Shaw & Turnbull 2009).



**Table 46** Deaths in juvenile justice custody by manner of death and year, 1979–80 to 2010–11 (n)

	Self-inflicted	Natural causes	Accident	Total
1979–80	0	0	1	1
1980–81	0	1	0	1
1981–82	0	0	0	0
1982–83	0	0	0	0
1983–84	0	1	0	1
1984–85	0	0	0	0
1985–86	0	0	0	0
1986–87	1	0	0	1
1987–88	2	0	0	2
1988–89	0	0	0	0
1989–90	1	0	0	1
1990–91	1	0	0	1
1991–92	0	0	0	0
1992–93	0	0	0	0
1993–94	2	0	0	2
1994–95	0	0	0	0
1995–96	1	0	1	2
1996–97	1	0	0	1
1997–98	0	0	0	0
1998–99	1	0	0	1
1999–2000	1	0	0	1
2000–01	0	1	0	1
2001–02	0	0	0	0
2002–03	0	0	0	0
2003–04	0	0	0	0
2004–05	0	0	0	0
2005–06	0	1	0	1
2006–07	0	0	0	0
2007–08	0	0	0	0
2008–09	0	0	0	0
2009–10	0	0	0	0
2010–11	0	0	1	1
Total	11	4	3	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Most serious offence

Table 47 shows that half (50%; n=9) of the juveniles who died in custody were detained due to a theft-related offence. This was followed by 'other' offences (17%; n=3), while violent, good order and drug-related offences (11%; n=2) were equally frequent.

Indigenous juveniles who died in custody were more likely to be detained for a theft-related (38%; n=3) or 'other' offence (38%; n=3) than any other type of offending, whereas non-Indigenous juveniles who died were more likely to have committed theft-related (60%; n=6), followed by violent (20%, n=2) or drug-related offences (20%; n=2; see Figure 22).

## Location of death

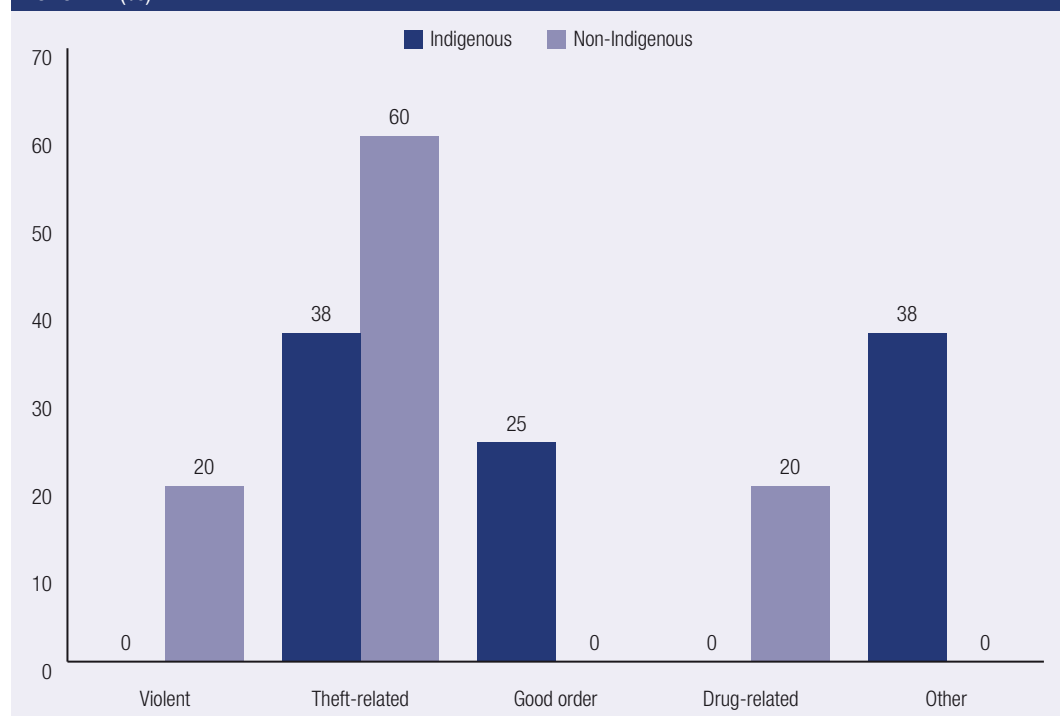
More than half (61%; n=11) of all deaths in juvenile justice custody over the past 32 years occurred in a cell in a detention centre (see Table 48). This was followed by deaths in a public hospital (28%; n=5), 'other' locations (6%; n=1) and public places (6%; n=1). Deaths in an 'other' location include those who died during transit, in court cells, or in an ambulance en route to the hospital.

## Summary of deaths in juvenile detention

There have been 18 deaths of juveniles in the custody of a juvenile justice agency since 1979–80; 10 being non-Indigenous young people. The majority of deaths were of males (94%; n=17) and more than half of all deaths were due to hanging (61%; n=11); however, the last hanging death was recorded in 1999–2000. Juveniles hanging themselves were more likely to use other fittings in the cell (55%; n=6) or their cell bars (18%; n=2) than any other hanging point, with bed sheets the most likely material to be used (64%; n=7). These findings are consistent with those seen in adult prison custody.

Both Indigenous (38%; n=3) and non-Indigenous juveniles (60%; n=6) were more likely to have been detained for a theft-related offence prior to death than any other type of offence. Similar to deaths in adult prisons, more deaths occurred in a detention centre cell than all other locations (61%; n=11).

**Figure 22** Deaths in juvenile justice custody by most serious offence and Indigenous status, 1979–80 to 2010–11 (%)



**Table 47** Deaths in juvenile justice custody by most serious offence and year, 1979–80 to 2010–11 (n)

	Violent	Theft-related	Good order	Drug-related	Other	Total n
1979–80	0	0	0	0	1	1
1980–81	0	0	1	0	0	1
1981–82	0	0	0	0	0	0
1982–83	0	0	0	0	0	0
1983–84	1	0	0	0	0	1
1984–85	0	0	0	0	0	0
1985–86	0	0	0	0	0	0
1986–87	0	1	0	0	0	1
1987–88	0	2	0	0	0	2
1988–89	0	0	0	0	0	0
1989–90	0	1	0	0	0	1
1990–91	0	1	0	0	0	1
1991–92	0	0	0	0	0	0
1992–93	0	0	0	0	0	0
1993–94	0	2	0	0	0	2
1994–95	0	0	0	0	0	0
1995–96	0	1	0	1	0	2
1996–97	1	0	0	0	0	1
1997–98	0	0	0	0	0	0
1998–99	0	0	0	0	1	1
1999–2000	0	1	0	0	0	1
2000–01	0	0	0	0	0	0
2001–02	0	0	0	1	0	1
2002–03	0	0	0	0	0	0
2003–04	0	0	0	0	0	0
2004–05	0	0	0	0	0	0
2005–06	0	0	1	0	0	1
2006–07	0	0	0	0	0	0
2007–08	0	0	0	0	0	0
2008–09	0	0	0	0	0	0
2009–10	0	0	0	0	0	0
2010–11	0	0	0	0	1	1
Total	2	9	2	2	3	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 48** Deaths in juvenile justice custody by location of death and year, 1979–80 to 2010–11 (n)

	Public hospital	Cell	Public place	Other	Total n
1979–80	0	1	0	0	1
1980–81	1	0	0	0	1
1981–82	0	0	0	0	0
1982–83	0	0	0	0	0
1983–84	0	0	0	1	1
1984–85	0	0	0	0	0
1985–86	0	0	0	0	0
1986–87	0	1	0	0	1
1987–88	0	2	0	0	2
1988–89	0	0	0	0	0
1989–90	0	1	0	0	1
1990–91	0	1	0	0	1
1991–92	0	0	0	0	0
1992–93	0	0	0	0	0
1993–94	0	2	0	0	2
1994–95	0	0	0	0	0
1995–96	0	1	1	0	2
1996–97	1	0	0	0	1
1997–98	0	0	0	0	0
1998–99	0	1	0	0	1
1999–2000	1	0	0	0	1
2000–01	1	0	0	0	1
2001–02	0	0	0	0	0
2002–03	0	0	0	0	0
2003–04	0	0	0	0	0
2004–05	0	0	0	0	0
2005–06	1	0	0	0	1
2006–07	0	0	0	0	0
2007–08	0	0	0	0	0
2008–09	0	0	0	0	0
2009–10	0	0	0	0	0
2010–11	0	1	0	0	1
Total	5	11	1	1	18

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

# Deaths in police custody and custody-related operations

## Key indicators of performance

The NDICP reports on the following three high-level indicators for deaths in police custody and custody-related operations:

- trends in number of deaths police custody and custody-related operations, and the proportion of deaths involving Indigenous persons;
- trends in rate-ratio for Indigenous and non-Indigenous deaths in police custody and custody-related operations; and

- trends in causes and circumstances of deaths in police custody and custody-related operations.

## Introduction

The NDICP collects data on deaths occurring in police institutional settings, such as cells, watchhouses or divisional vans, as well as deaths occurring in police custody-related operations, such as motor vehicle pursuits, sieges, raids and shootings. Information relating to deaths in police custody between 1979–80 and 1988–89 were

**Table 49** Key indicators of performance—police custody deaths, 2008–09

		Police
1	Indigenous	8 (22%)
	Non-Indigenous	28 (78%)
2	Rate-ratio—Indigenous	1:4.5
	Rate-ratio—non-Indigenous	1:1.3
3a	Main cause—Indigenous	Head injury—(38%; n=3)
	Main cause—non-Indigenous	External/multiple trauma—(54%; n=15)
3b	Main circumstances—Indigenous	Accidental—(50%; n=4)
	Main circumstances—non-Indigenous	Accidental—(54%; n=15)

Source: AIC NDICP 2008–09 [computer file]

**Table 50** Key indicators of performance—police custody deaths, 2009–10

		Police
1	Indigenous	6 (22%)
	Non-Indigenous	21 (78%)
2	Rate—ratio—Indigenous	1:4.5
	Rate—ratio—non-Indigenous	1:1.3
3a	Main cause—Indigenous	External/multiple trauma—(33%; n=2)
	Main cause—non-Indigenous	Gunshot—(33%; n=7)
3b	Main circumstances—Indigenous	Accidental—(67%; n=4)
	Main circumstances—non-Indigenous	Accidental—(43%; n=9)

Source: AIC NDICP 2009–10 [computer file]

**Table 51** Key indicators of performance—police custody deaths, 2010–11

		Police
1	Indigenous	7 (29%)
	Non-Indigenous	17 (71%)
2	Rate—Indigenous	1:3.4
	Rate—non-Indigenous	1:1.4
3a	Main cause—Indigenous	External/multiple trauma—(57%; n=4)
	Main cause—non-Indigenous	Gunshot—(47%; n=8)
3b	Main circumstances—Indigenous	Accidental—(57%; n=4)
	Main circumstances—non-Indigenous	Self-inflicted, justifiable homicide—(both 29%; n=5)

Source: AIC NDICP 2010–11 [computer file]

collected by the RCIADIC research team. Only deaths occurring in police institutional settings were collected over this period. A decision was made by the APMC in 1994 to expand the definition of a death in police custody to include deaths occurring during custody-related operations (see *Appendix C*). Since 1 January 1990, data have been collected on deaths in custody-related operations. For this reason, long-term trends in police custody deaths are best interpreted from 1989–90 onwards.

To afford greater analysis of the nature and circumstances of deaths occurring in police custody, these deaths are divided into two broad categories—Category 1 deaths (institutional settings, raids, shootings) and Category 2 deaths (sieges, police pursuits and other). These two categories are distinguished by the level of contact or influence that police officers could exert over the deceased. As such, Category 1 deaths are those close-contact

incidents where the deceased could be contained in a precise location, they were unable to take evasive action and/or the deceased could be seen and spoken to. Category 2 deaths are those in which the officers did not have such close contact as to be able to physically control the deceased's behaviour, the deceased was able to take evasive action, or officers were unable to speak with the deceased.

### *Important consideration*

When interpreting the results presented in this section, it is important to remember that policing is a very difficult and dangerous business. Police officers are required to respond to thousands of very challenging situations each year, many involving individuals who are affected by alcohol, drugs, or a combination of both. In some cases, police officers are required to respond to persons suffering from a mental illness, threatening harm to themselves or

**Table 52** Deaths in police custody and custody-related operations by jurisdiction, 2008–09 to 2010–11 (n)

	2008–09	2009–10	2010–11
New South Wales	6	5	5
Victoria	3	6	1
Queensland	8	6	7
Western Australia	8	3	6
South Australia	6	1	2
Tasmania	0	1	2
Northern Territory	5	4	0
Australian Capital Territory	0	1	1
Total	36	27	24

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

other people, or individuals experiencing significant personal crisis. In all of these situations, police officers are required to make split-second decisions in what are often very stressful and sometimes life-threatening situations. In this regard, the former NSW State Coroner John Abernethy made an important observation in one particular inquest

...hindsight is a wonderful thing but none of the actors in this tragic drama that night had the benefit of hindsight. Decisions were made which, with hindsight, might not have been made (Inquest 1887/04, Newcastle Coroners Court, Abernethy J 2006).

It should not be overlooked that there are deaths in police custody and custody-related operations where the officers involved made every possible attempt to prevent the death occurring, but unfortunately were not successful. There are instances where officers have shown exceptional bravery, even risking their lives, in attempting to prevent the death of someone in their custody. There have also been cases where police officers have faced legal action from the deceased's family for not arresting a person threatening self-harm (Freckelton 2008). From all available evidence, it is difficult to conclude that police officers perform their duties with anything but the best intentions.

There were a total of 87 deaths occurring in police custody and custody-related operations over the reporting period, with 36 deaths recorded in 2008–09, 27 deaths in 2009–10 and 24 in the most recent financial year (see Table 52). The number recorded in

2008–09 is at the upper end of annual totals, while totals recorded in both 2009–10 and 2010–11 are in line with levels seen since 1999–2000.

When comparing recorded deaths in police custody across different states and territories, it can be seen that generally, those jurisdictions with the larger populations tend to have higher numbers of deaths in police custody and custody-related operations. However, over the reporting period, Queensland has consistently had the most deaths in police custody and custody-related operations (24%; n=21), despite having a smaller population than New South Wales and Victoria. The proportion of deaths in Queensland over the last three years is also higher when compared with historical proportions over the last 32 years (24% between 2008–09 to 2010–11 *cf* 17% between 1979–80 and 2010–11).

It is encouraging to note that both New South Wales and Victoria (jurisdictions that have traditionally had relatively high numbers of police custody deaths each year) have both experienced a decline in the number of deaths compared with historical totals. Recorded cases in recent years represent some of the lowest historical totals seen in these two jurisdictions.

### *Trends*

The total number of deaths occurring each year since 1979–80 in police custody and custody-related operations (Categories 1 and 2) have fluctuated considerably, ranging from a low of five



**Table 53** Deaths in police custody and custody-related operations, 1979–80 to 2010–11 (n)

	Category 1	Category 2	Categories 1 and 2
1979–80	5	0	5
1980–81	12	0	12
1981–82	15	0	15
1982–83	22	0	22
1983–84	14	0	14
1984–85	20	1	21
1985–86	20	0	20
1986–87	42	0	42
1987–88	23	0	23
1988–89	29	0	29
1989–90	23	6	29
1990–91	24	2	26
1991–92	19	6	25
1992–93	20	18	38
1993–94	19	12	31
1994–95	18	12	30
1995–96	12	19	31
1996–97	13	21	34
1997–98	16	12	28
1998–99	14	7	21
1999–2000	14	22	36
2000–01	11	23	34
2001–02	13	29	42
2002–03	12	29	41
2003–04	11	31	42
2004–05	12	24	36
2005–06	6	18	24
2006–07	13	18	31
2007–08	13	21	34
2008–09	11	25	36
2009–10	11	16	27
2010–11	14	10	24
Total	521	382	903

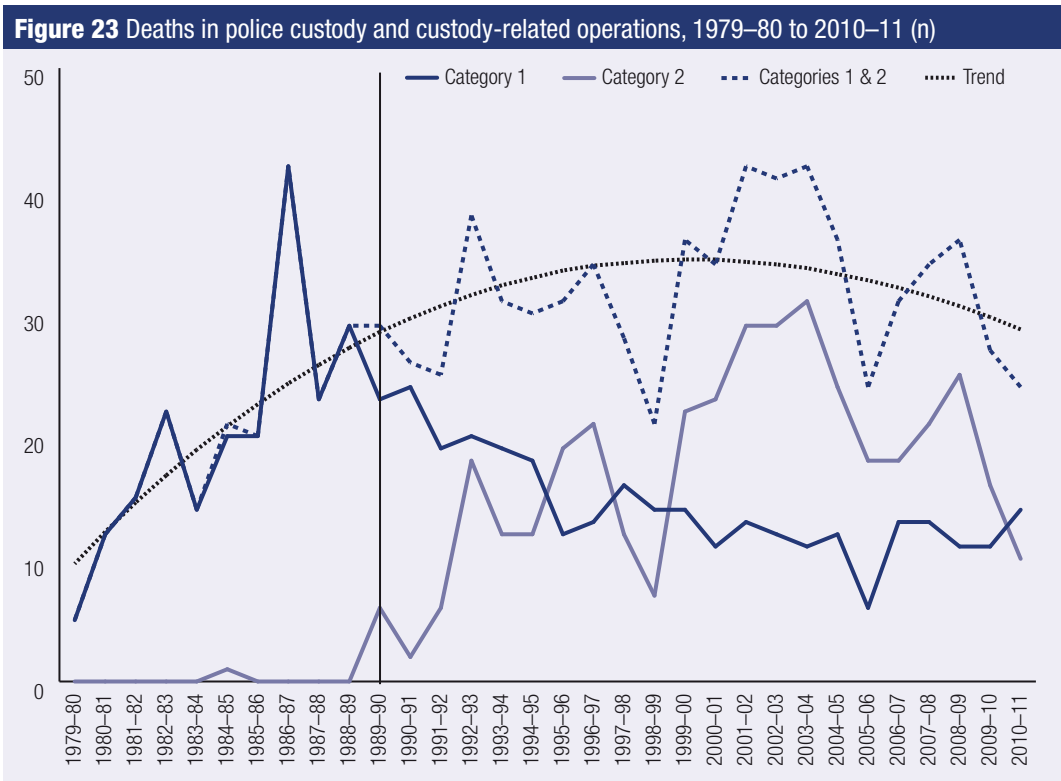
Source: AIC NDICP 1989–90 to 2010–11 [computer file]

deaths in the first year, to a high of 42 deaths in 1986–87, 2001–02 and 2003–04. Following the last peak in 2003–04, there has been a modest decline in police custody deaths.

There is a noticeable difference in the long-term trends between Category 1 and Category 2 deaths since 1979–80. The numbers of deaths in police custody each year since 1979–80, disaggregated by the different categories of police custody deaths, are presented in Table 53. The concerns expressed by the RCIADIC regarding the increasing numbers of deaths in police institutional settings between 1980 and 1987 can be seen in the first column of data. It can be seen that Category 1 deaths (institutional settings, raids, shootings) have declined since 1989–90, while Category 2 deaths (sieges, police pursuits) increased considerably between 1989–90 and 2003–04, but have been consistently in decline ever since (see Figure 23). Overall, Category 2 deaths were more common than Category 1 deaths each year between 1999–2000 and 2009–10, with the

number recorded in 2010–11 possibly representing a return to trends seen in the 1990s. However, the total number of deaths in police custody and custody-related operations has been in decline since 2000–01, a trend that was confirmed using third-order polynomial regression.

Analysis of the data showed that throughout the 1990s, deaths in police custody and custody-related operations were more likely to occur in close-contact settings—situations where the deceased was confined to a particular area and their behaviour could be influenced or controlled by police. Typically, such deaths include those in institutional settings or in close proximity to police, such as in raids or shootings. However, since the late 1990s, there has been a decline in such deaths while at the same time, deaths in situations where police were in the process of detaining the deceased but were not in close contact (such as in motor vehicle pursuits and sieges) have become the more common type of death in police custody.



Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 54** Deaths in police custody and custody-related operations by Indigenous status and jurisdiction, 2008–09 to 2010–11 (n)

2008–09			
	Indigenous	Non-Indigenous	Persons
	n	n	Total n
New South Wales	0	6	6
Victoria	0	3	3
Queensland	1	7	8
Western Australia	1	7	8
South Australia	2	4	6
Tasmania	0	0	0
Northern Territory	4	1	5
Australian Capital Territory	0	0	0
Australia	8	28	36
2009–10			
	Indigenous	Non-Indigenous	Persons
	n	n	Total n
New South Wales	2	3	5
Victoria	0	6	6
Queensland	0	6	6
Western Australia	2	1	3
South Australia	0	1	1
Tasmania	0	1	1
Northern Territory	2	2	4
Australian Capital Territory	0	1	1
Australia	6	21	27
2010–11			
	Indigenous	Non-Indigenous	Persons
	n	n	Total n
New South Wales	1	4	5
Victoria	0	1	1
Queensland	1	6	7
Western Australia	5	1	6
South Australia	0	2	2
Tasmania	0	2	2
Northern Territory	0	0	0
Australian Capital Territory	0	1	1
Australia	7	17	24

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

**Table 55** Deaths in police custody and custody-related operations by Indigenous status and year, 1979–80 to 2010–11 (n)

	Indigenous	Non-Indigenous	Total
1979–80	1	4	5
1980–81	7	5	12
1981–82	2	13	15
1982–83	5	17	22
1983–84	3	11	14
1984–85	8	13	21
1985–86	5	15	20
1986–87	15	27	42
1987–88	6	17	23
1988–89	10	19	29
1989–90	9	20	29
1990–91	3	23	26
1991–92	5	20	25
1992–93	5	33	38
1993–94	3	28	31
1994–95	3	27	30
1995–96	6	25	31
1996–97	8	26	34
1997–98	5	23	28
1998–99	7	14	21
1999–2000	4	32	36
2000–01	7	27	34
2001–02	8	34	42
2002–03	11	30	41
2003–04	10	32	42
2004–05	11	25	36
2005–06	7	17	24
2006–07	3	28	31
2007–08	5	29	34
2008–09	8	28	36
2009–10	6	21	27
2010–11	7	17	24
Total	203	700	903

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Demographic characteristics

### Indigenous status

#### Reporting period: 2008–09 to 2010–11

During the reporting period, just under one in four deaths (24%;  $n=21$ ) in police custody and custody-related operations was of an Indigenous person (see Table 54). Overall, the number of Indigenous deaths in this period showed an increase from the previous three years (2005–06 to 2007–08;  $n=15$ ). Deaths of non-Indigenous persons exhibited a different trend over the reporting period ( $n=66$ ), with annual totals being lower than those recorded in the early part of the decade starting in the year 2000.

Over the last three years, more Indigenous deaths were recorded in Western Australia (38%;  $n=8$ ) than in any other jurisdiction. This finding is consistent with long-term trends, which show that of the 203 total Indigenous deaths in police custody in Australia since 1979–80, almost one in three (30%,  $n=61$ ) occurred in Western Australia. However, it must be noted that Western Australia has a higher proportion of Indigenous Australians than the national proportion (3.3% *cf* 2.5%; ABS 2011b, 2009a).

### Trends

With the exception of 1980–81, non-Indigenous deaths have consistently outnumbered Indigenous deaths each year since 1979–80 (see Table 55); however, the proportion of deaths each year involving Indigenous persons has fluctuated, ranging from between one in three to less than one in 10 (see Figure 24). Note, due to the current absence of a reliable denominator (ie the number of police custody incidents each year), rates of deaths in police custody cannot be calculated.

## Sex

The majority (93%;  $n=841$ ) of all deaths in police custody and custody-related operations involve males and this trend remained consistent over the reporting period, with only one female death being recorded in the last three years (see Table 56). Of the Indigenous deaths in police custody over this period ( $n=21$ ), one involved a female while the rest were males.

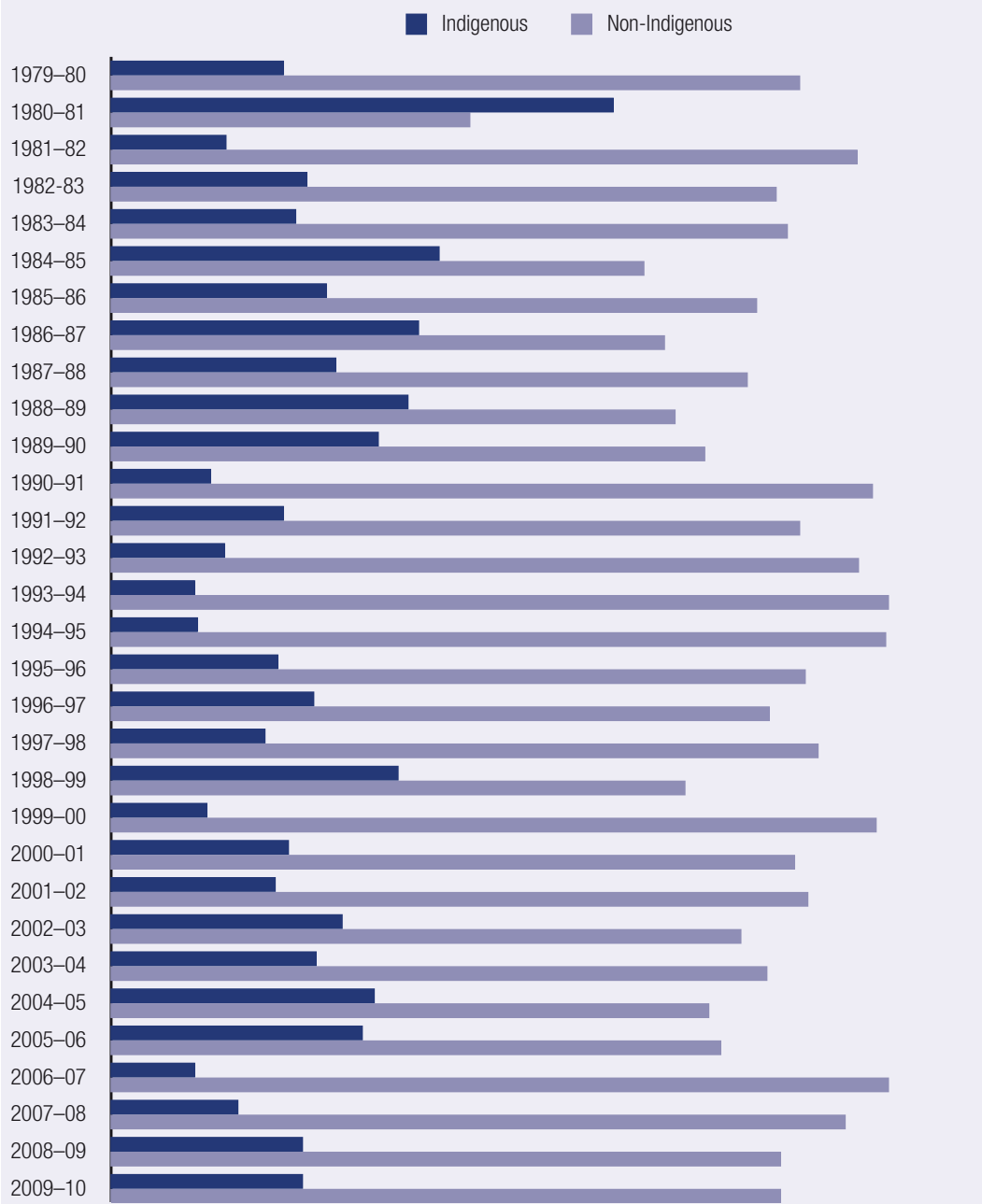
### Trends

Deaths involving males have always been higher in number each year since 1979–80 (see Table 56). Overall, deaths of females have accounted for slightly over one in 14 deaths in police custody and custody-related operations (7%;  $n=62$ ). With the exception of 1988–89 (1 in 6), 1991–92 (1 in 5), 1993–94 (1 in 6) and 2001–02 (1 in 8), the proportion of deaths involving females each year has followed this overall trend.

## Age

More deaths occurred over the reporting period among persons aged 25–36 years than in any other age group (41%;  $n=36$ ). Deaths of persons aged less than 25 years were the second most prevalent (32%;  $n=28$ ), followed by persons aged 40–54 years (18%;  $n=16$ ; see Table 57). The distribution of deaths across the jurisdictions followed this general trend. Over the reporting period, Indigenous persons were found to die at younger ages than their non-Indigenous counterparts, with the biggest difference in age seen in 2009–10 when the median age at death was almost nine years younger than for non-Indigenous persons. Over this period, only three deaths (14%) of an Indigenous person 40 years or older was recorded, compared with 20 deaths (30%) for the equivalent non-Indigenous cohort.

**Figure 24** Deaths in police custody and custody-related operations by Indigenous status and year, 1979–80 to 2010–11 (%)



Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 56** Deaths in police custody and custody-related operations by sex and year, 1979–80 to 2010–11 (n)

	Male	Female	Total
1979–80	5	0	5
1980–81	10	2	12
1981–82	15	0	15
1982–83	19	3	22
1983–84	14	0	14
1984–85	21	0	21
1985–86	19	1	20
1986–87	41	1	42
1987–88	23	0	23
1988–89	24	5	29
1989–90	27	2	29
1990–91	25	1	26
1991–92	20	5	25
1992–93	34	4	38
1993–94	26	5	31
1994–95	28	2	30
1995–96	30	1	31
1996–97	34	0	34
1997–98	25	3	28
1998–99	18	3	21
1999–2000	36	0	36
2000–01	33	1	34
2001–02	37	5	42
2002–03	37	4	41
2003–04	40	2	42
2004–05	33	3	36
2005–06	22	2	24
2006–07	27	4	31
2007–08	32	2	34
2008–09	36	0	36
2009–10	26	1	27
2010–11	24	0	24
Total	841	62	903

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table 57** Deaths in police custody and custody-related operations by age in years, 2008–09 (n)

2008–09						
	Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Median age at death	Total
New South Wales	2	1	3	0	33	6
Victoria	1	0	0	2	55	3
Queensland	3	4	1	0	32.5	8
Western Australia	2	6	0	0	25.5	8
South Australia	3	1	1	1	27	6
Tasmania	0	0	0	0	–	0
Northern Territory	2	3	0	0	28	5
Australian Capital Territory	0	0	0	0	–	0
<b>Totals</b>						
Indigenous	6	2	0	0	23	8
Non-Indigenous	7	13	5	3	28.5	28
All persons	13	15	5	3	26.5	36
2009–10						
	Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Median age at death	Total
New South Wales	2	2	1	0	34	5
Victoria	1	3	2	0	31	6
Queensland	0	2	2	2	41.5	6
Western Australia	1	2	0	0	32	3
South Australia	0	1	0	0	32	1
Tasmania	1	0	0	0	16	1
Northern Territory	3	1	0	0	23.5	4
Australian Capital Territory	1	0	0	0	23	1
<b>Totals</b>						
Indigenous	3	3	0	0	24.5	6
Non-Indigenous	6	8	5	2	33	21
All persons	9	11	5	2	32	27
2010–11						
	Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Median age at death	Total
New South Wales	1	2	1	1	35	5
Victoria	0	1	0	0	31	1
Queensland	1	3	2	1	34	7
Western Australia	3	1	2	0	24.5	6
South Australia	0	2	0	0	33	2
Tasmania	1	0	1	0	33	2
Northern Territory	0	0	0	0	–	0
Australian Capital Territory	0	1	0	0	27	1
<b>Totals</b>						
Indigenous	3	1	3	0	28	7
Non-Indigenous	3	9	3	2	32	17
All persons	6	10	6	2	31.5	24

Source: AIC NDICP 2008–09 to 2010–11 [computer file]



**Table 58** Deaths in police custody and custody-related operations by age in years, 1979–80 to 2010–11 (n)

	Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Total
1979–80	1	3	1	0	5
1980–81	5	0	2	5	12
1981–82	4	4	6	1	15
1982–83	6	7	7	2	22
1983–84	4	3	3	4	14
1984–85	2	8	6	4	20
1985–86	4	10	4	2	20
1986–87	11	16	12	3	42
1987–88	6	9	5	3	23
1988–89	8	19	1	1	29
1989–90	10	10	6	3	29
1990–91	9	14	2	1	26
1991–92	6	10	6	3	25
1992–93	14	9	12	3	38
1993–94	9	13	7	2	31
1994–95	10	11	9	0	30
1995–96	13	10	5	3	31
1996–97	11	14	5	4	34
1997–98	7	16	4	1	28
1998–99	7	10	2	1	20
1999–2000	8	21	6	1	36
2000–01	13	11	7	3	34
2001–02	16	15	9	2	42
2002–03	13	17	9	2	41
2003–04	12	20	9	1	42
2004–05	10	18	7	1	36
2005–06	6	13	4	1	24
2006–07	5	17	7	2	31
2007–08	7	13	12	2	34
2008–09	13	15	5	3	36
2009–10	9	11	5	2	27
2010–11	6	10	6	2	24
Total	265	377	191	68	901

a: 2 cases have been excluded due to missing information about the deceased's age at death

Source: AIC NDICP 1979–90 to 2010–11 [computer file]

## Trends

Deaths recorded over the last three years have remained in line with long-term trends, in that since 1979–80, deaths of persons aged between 25 and 39 years each year have generally exceeded deaths of persons in all other age groups and comprise 42 percent (n=377) of all deaths (see Table 58 and Figure 25). Also of note is the proportion of deaths involving persons aged less than 25 years (29%; n=265). Conversely, deaths of persons aged 55 years and over have remained consistently low each year and represent eight percent (n=68) of all deaths that have occurred since 1979–80.

Of all deaths of Indigenous persons (n=203) in police custody and custody-related operations since 1979–80 (see Figure 25):

- 38 percent (n=78) were aged less than 25 years;
- 39 percent (n=79) were aged between 25 and 39 years;
- 18 percent (n=37) were aged between 40 and 54 years; and
- 4 percent (n=9) were aged 55 years or older.

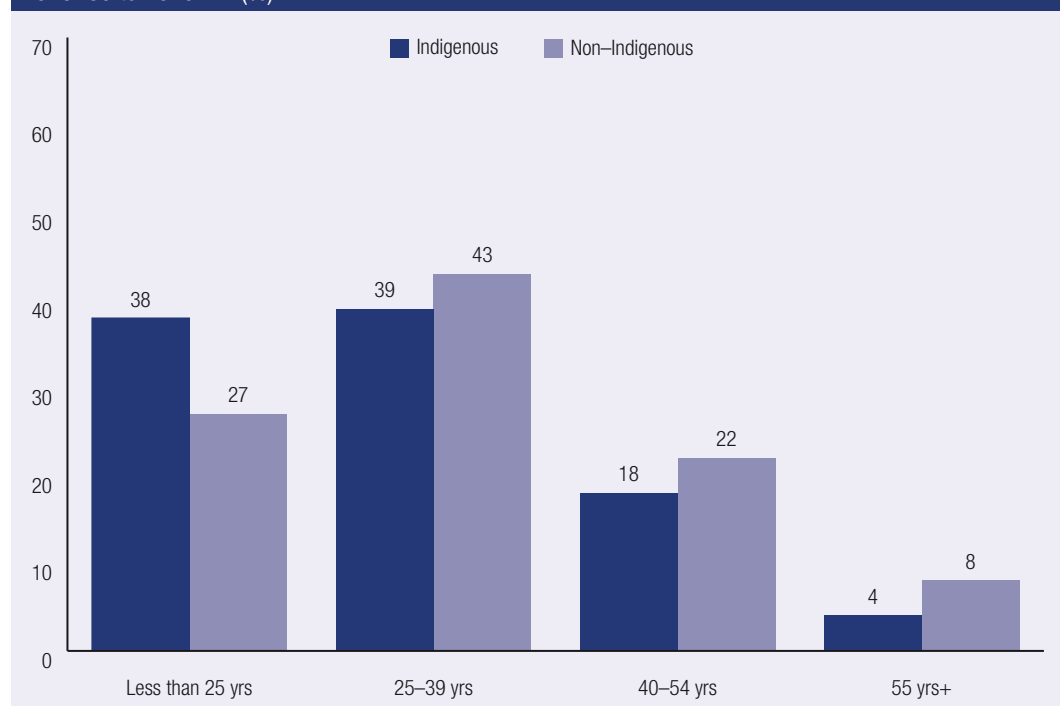
Of all deaths of non-Indigenous persons (n=700) in police custody and custody-related operations since 1979–80 (see Figure 25):

- 27 percent (n=187) were aged less than 25 years;
- 43 percent (n=298) were aged between 25 and 39 years;
- 22 percent (n=154) were aged between 40 and 54 years;
- 8 percent (n=59) were 55 years or older; and
- 0.3 percent (n=2) of non-Indigenous deaths have missing information about age at death.

The data presented here indicate that a greater proportion (38%) of Indigenous deaths in police custody and custody-related operations involve persons aged less than 25 years, compared with their non-Indigenous counterparts (27%). Put simply, Indigenous people who die in police custody or related operations are, on average, younger than their non-Indigenous counterparts.

The fact that greater proportions of Indigenous young people are dying in police custody than young non-Indigenous people is most likely an unfortunate

**Figure 25** Deaths in police custody and custody-related operation by age and Indigenous status, 1979–80 to 2010–11 (%)



product of the increased contact between Indigenous young people and the police, in addition to contact occurring at an earlier age than for non-Indigenous young people. Research from the AIC's Drug Use Monitoring Program has shown that

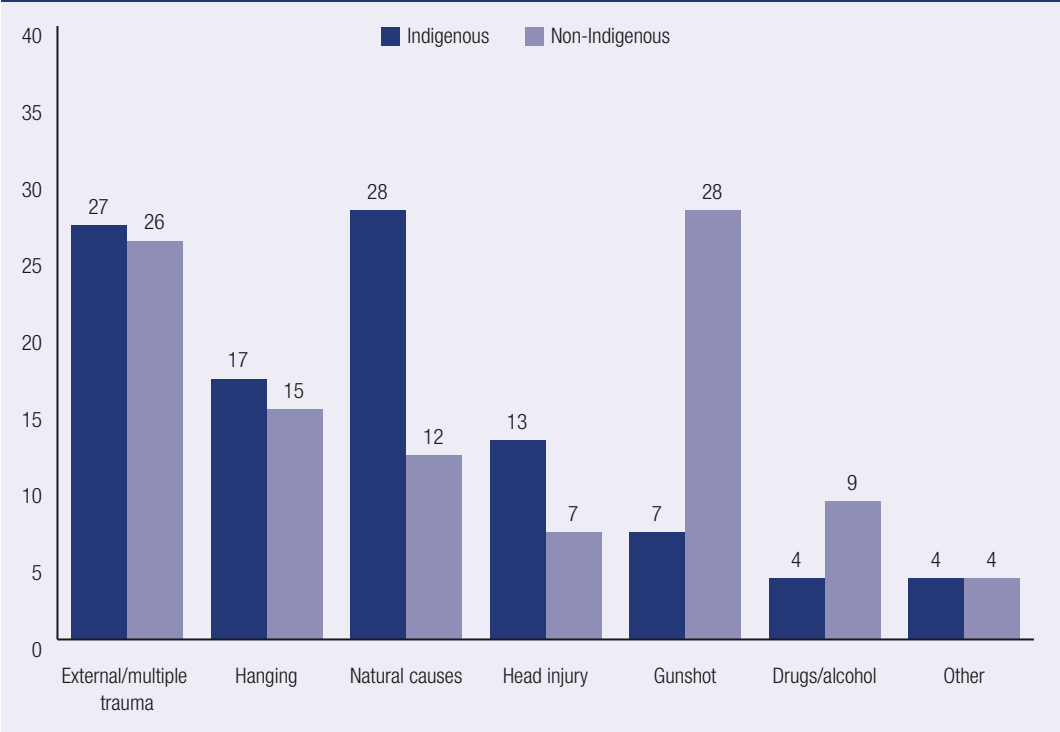
Indigenous male police detainees were, on average, first arrested at a much younger age than non-Indigenous male detainees (14 years compared with 19 years) (Putt, Payne & Milner 2005: 4).

Indigenous people who end up in prison have also been shown to begin regularly offending at younger ages (Makkai & Payne 2003). Of most concern is evidence from a recent study published by the AIC that indicates that once young Indigenous people come into contact with police, they are less likely to be given the diversionary alternatives such as cautions and conferencing that are designed to keep them out of the formal criminal justice system (Allard et al 2010: 4). More specifically, this study found that

Indigenous young people were 2.9 times less likely than non-Indigenous young people to be cautioned compared to going to court, two times less likely to undergo conferencing with police compared to going to court and 1.5 times less likely to be cautioned compared to undergoing police referred conferencing' (Allard et al. 2010: 4).

Finally, a recent AIC report using apprehension data from Western Australia and South Australia Police from 2005 showed that for violent offences, the Indigenous apprehension rate per 1,000 relevant persons over 10 years of age was 22 times (for males) and 17 times higher (for females) respectively when compared with the equivalent rate for the non-Indigenous population (Wundersitz 2010). For a comprehensive overview of Indigenous offending, Dr Troy Allard provides a useful illumination of the statistics and research on this topic (Allard 2010).

**Figure 26** Deaths in police custody and custody-related operation by cause of death and Indigenous status, 1989–90 to 2010–11 (%)



**Table 59** Deaths in police custody and custody-related operations by cause of death, 2008–09 (n)

2008–09								
	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drug-related	Other/multiple	Total
New South Wales	0	1	1	3	1	0	0	6
Victoria	0	0	0	2	1	0	0	3
Queensland	0	0	0	1	6	0	1	8
Western Australia	0	0	1	1	6	0	0	8
South Australia	1	0	0	2	3	0	0	6
Tasmania	0	0	0	0	0	0	0	0
Northern Territory	0	1	2	1	0	1	0	5
Australian Capital Territory	0	0	0	0	0	0	0	0
<b>Totals</b>								
Indigenous	1	1	3	1	2	0	0	8
Non-Indigenous	0	1	1	9	15	1	1	28
All persons	1	2	4	10	17	1	1	36
2009–10								
	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drug-related	Other	Total
New South Wales	0	0	1	4	0	0	0	5
Victoria	1	2	0	1	1	0	1	6
Queensland	0	0	0	2	2	1	1	6
Western Australia	0	1	0	0	2	0	0	3
South Australia	0	0	0	1	0	0	0	1
Tasmania	0	0	1	0	0	0	0	1
Northern Territory	0	0	1	0	2	0	1	4
Australian Capital Territory	0	0	0	0	1	0	0	1
<b>Totals</b>								
Indigenous	0	1	1	1	2	0	1	6
Non-Indigenous	1	2	2	7	6	1	2	21
All persons	1	3	3	8	8	1	3	27
2010–11								
	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drug-related	Other	Total
New South Wales	0	1	0	3	0	1	0	5
Victoria	0	0	0	1	0	0	0	1
Queensland	0	2	0	0	4	0	0	6
Western Australia	0	1	0	1	4	0	0	6
South Australia	0	0	0	2	0	0	0	2
Tasmania	0	0	0	1	1	0	0	2
Northern Territory	0	0	0	0	0	0	0	0
Australian Capital Territory	0	0	0	1	0	0	0	1
<b>Totals</b>								
Indigenous	0	1	0	1	4	0	0	6
Non-Indigenous	0	3	0	8	5	1	0	17
All persons <sup>a</sup>	0	4	0	9	9	1	0	24

a: 1 case has been excluded because the cause of death is still under investigation

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table 60** Deaths in police custody and custody-related operations by cause of death, 1989–90 to 2010–11 (n)

	Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drug/ alcohol toxicity	Other/ multiple	Total
1989–90	7	4	2	2	6	6	2	29
1990–91	5	3	3	8	3	2	2	26
1991–92	4	5	3	6	2	5	0	25
1992–93	6	0	6	11	8	4	3	38
1993–94	2	4	1	16	4	2	2	31
1994–95	0	1	4	11	5	7	2	30
1995–96	2	4	0	11	12	1	1	31
1996–97	2	2	3	15	10	2	0	34
1997–98	3	2	1	7	12	3	0	28
1998–99	2	6	0	2	6	4	1	21
1999–2000	2	2	3	15	13	1	0	36
2000–01	0	4	5	7	13	2	3	34
2001–02	2	4	8	6	18	1	3	42
2002–03	5	3	5	10	17	0	1	41
2003–04	4	4	1	11	16	2	4	42
2004–05	3	2	3	11	15	0	2	36
2005–06	2	3	6	6	5	2	0	24
2006–07	1	4	0	7	14	2	2	30
2007–08	1	7	2	9	13	1	1	34
2008–09	1	2	4	10	17	1	1	36
2009–10	1	3	3	8	8	1	3	27
2010–11	0	4	0	9	9	1	0	23
Total <sup>a</sup>	55	73	63	198	226	50	33	698

a: 2 cases have been excluded due to missing information about cause of death

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Circumstances surrounding death

### Cause of death

The most common cause of death over the reporting period was external/multiple trauma (40%; n=34; see Table 59), with three-quarters (77%; n=26) resulting from motor vehicle pursuit accidents. The second most common cause of death was gunshots (31%; n=27), with 48 percent (n=13) being persons who shot themselves and 52 percent (n=14) being persons shot by police. The most encouraging finding over the reporting period was the very low

number of hanging deaths that occurred in police custody (2%; n=2), which represents a marked decline from historical proportions.

Indigenous deaths in police custody and custody-related operations exhibited a slightly different distribution to that seen for all deaths. While external/multiple trauma was the most prevalent cause of death (40%; n=8). Proportionally, more Indigenous deaths resulted from natural causes (15%; n=3 *cf* 9%; n=6) and head injuries (20%; n=4 *cf* 5%; n=3) when compared with non-Indigenous persons over the same period. Non-Indigenous

persons were more than twice as likely to die from gunshots as Indigenous persons (36%; n=24 *cf* 15%; n=3) over the last three financial years.

## *Trends*

As noted above, information about cause of death is best interpreted from 1989–90 onwards, as this is when data on deaths in police custody-related operations were first included in the NDICP data collection. The findings from the reporting period are in line with historical trends (see Table 60). Since 1989–90, the most common cause of death in police custody and custody-related operations each year has been as a result of external/multiple injuries (32%; n=226) generally sustained in motor vehicle pursuit accidents. Deaths resulting from gunshots (28%; n=198), either self-inflicted or by police, were the second most common cause of death. Over the decade between 1989–90 and 1999–2000, deaths caused by drug and/or acute alcohol toxicity fluctuated between one and seven deaths each year. However, since 1999–2000, these deaths have become infrequent compared with all other causes, ranging between zero and two deaths each year. Deaths as a result of hanging have shown a similar trend, being more frequent in the late 1980s and early 1990s but subsequently declining, with only four such deaths being recorded in the last five years.

## *Hanging deaths: Points and materials used*

Data on hanging points and materials used in hangings in police custody have been collected since 1989–90. Of the 55 hanging deaths since 1989–90, hanging points have included:

- 29 percent (n=16) involving cell bars;
- 16 percent (n=9) involving other fittings in cells (such as vents);
- 15 percent (n=8) involving fittings outside the cell (such as a tree);
- 13 percent (n=7) involving some other hanging point;
- 9 percent (n=5) involving a shower fitting (such as taps or shower rail);
- 6 percent (n=3) occurring in a police van; and

- 13 percent (n=7) have missing information about the hanging point.

Materials used in hangings included:

- 27 percent (n=15) with clothing (other than shoelaces or belts);
- 20 percent (n=11) with a rope/cord;
- 18 percent (n=10) with sheets;
- 11 percent (n=6) with shoelaces;
- 9 percent (n=5) with belts;
- 2 percent (n=1) with some other material; and
- 13 percent (n=7) have missing information about material used in the hanging.

## *Manner of death*

Manner of death is designed to capture the circumstances that led to the death. The most common manner of death in police custody and custody-related operations over the reporting period was accidental (46%; n=40), followed by self-inflicted deaths (24%; n=21) and those classified as justifiable homicides (15%; n=13; see Table 61). By way of explanation, a justifiable homicide refers to a situation where a person is killed in circumstances authorised by law, for example a police officer who, acting to protect life, fatally shoots a person who is threatening or in the process of harming others. Deaths resulting from a natural cause over the reporting period were infrequent, with only one in 10 deaths falling into this category (10%; n=9). Deaths in other circumstances, such as drowning or fire, were the least common over the reporting period, with only two such deaths (2%) being recorded.

## *Trends*

Comparing long-term trends with totals recorded over the reporting period showed a pronounced decline in the proportion of self-inflicted deaths, with 24 percent (n=21) over the reporting period being self-inflicted compared with 31 percent (n=218) since 1989–90. By contrast, while self-inflicted deaths have been in decline, the proportion of deaths in accidental circumstances over the last three financial years was much higher than historical trends. Since 1989–90, 40 percent (n=281) of all deaths were in accidental circumstances, whereas

**Table 61** Deaths in police custody and custody-related operations by manner of death, 2008–09 to 2010–11 (n)

2008–09						
	Self-inflicted	Natural causes	Justifiable homicide	Accident	Other	Total
New South Wales	2	1	1	1	0	5
Victoria	1	0	1	1	0	3
Queensland	2	0	0	6	0	8
Western Australia	2	0	0	5	1	8
South Australia	1	0	2	3	0	6
Tasmania	0	0	0	0	0	0
Northern Territory	1	1	0	3	0	5
Australian Capital Territory	0	0	0	0	0	0
<b>Total</b>						
Indigenous	2	1	0	4	1	8
Non-Indigenous	7	1	4	15	0	27
All persons <sup>a</sup>	9	2	4	19	1	35
2009–10						
	Self-inflicted	Natural causes	Justifiable homicide	Accident	Other	Total
New South Wales	1	0	3	1	0	5
Victoria	2	2	0	2	0	6
Queensland	3	0	0	2	1	6
Western Australia	0	1	0	2	0	3
South Australia	1	0	0	0	0	1
Tasmania	0	0	0	1	0	1
Northern Territory	0	0	0	4	0	4
Australian Capital Territory	0	0	0	1	0	1
<b>Total</b>						
Indigenous	1	1	0	4	0	6
Non-Indigenous	6	2	3	9	1	21
All persons	7	3	3	13	1	27
2010–11						
	Self-inflicted	Natural causes	Justifiable homicide	Accident	Other	Total
New South Wales	1	1	2	1	0	5
Victoria	0	0	1	0	0	1
Queensland	2	2	0	2	0	6
Western Australia	1	1	0	4	0	6
South Australia	1	0	1	0	0	2
Tasmania	0	0	1	1	0	2
Northern Territory	0	0	0	0	0	0
Australian Capital Territory	0	0	1	0	0	1
<b>Total</b>						
Indigenous	0	1	1	4	0	6
Non-Indigenous	5	3	5	4	0	17
All persons <sup>b</sup>	5	4	6	8	0	23

a: The manner of 1 non-Indigenous death is still under investigation

b: The manner of 1 Indigenous death is still under investigation

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

over the reporting period, almost half of all deaths fell into this category (46%; n=40; see Table 62 and Figure 27).

Long-term trends show that deaths determined to be unlawful homicides (ie murder or manslaughter) occur infrequently (2%; n=14), while deaths in other circumstances (2%; n=12) are the least common type of police custody death.

## Mental health

Research has shown that a significant proportion of day-to-day policing involves officers responding to persons suffering mental health problems. Using

a sample (n=44) of Victorian Police officers from St Kilda and South Melbourne police stations, and 13 Crisis Assessment and Treatment Team staff at the Alfred Hospital, a recent study estimated that

approximately 41% of police responded at least weekly to calls involving people with a mental illness, with 21% transporting people for emergency mental health care at least weekly (Hollander et al. 2011: 3).

While this study used a relatively small sample, it does provide some evidence that police officers have regular contact with persons suffering mental health problems.

**Table 62** Deaths in police custody and custody-related operations by manner of death, 1989–90 to 2010–11 (n)

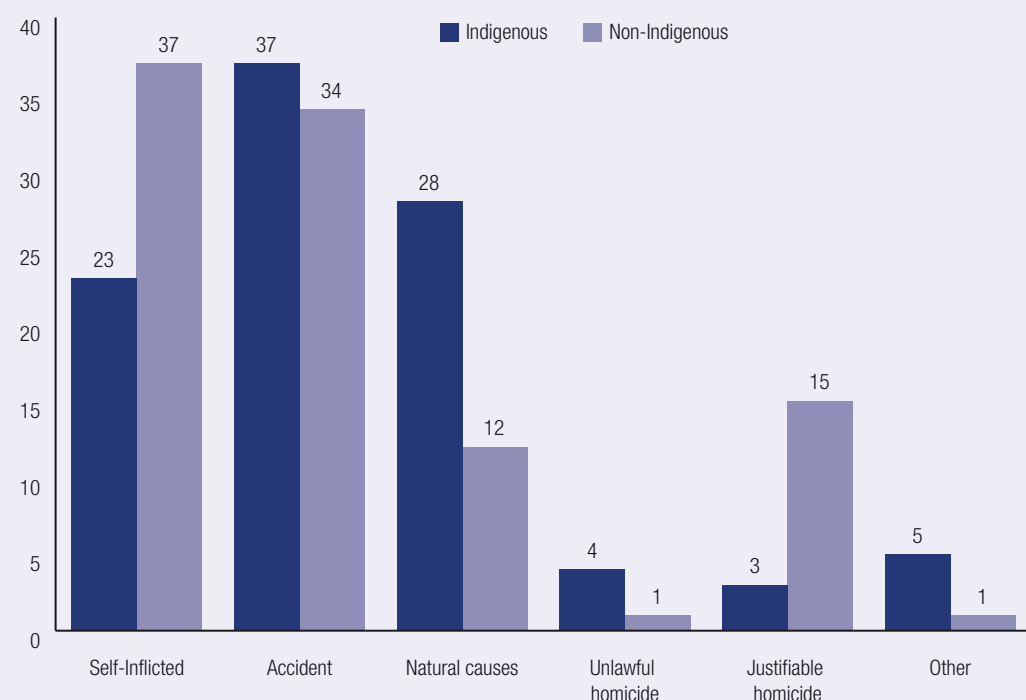
	Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other	Total
1989–90	8	4	1	1	14	1	29
1990–91	9	3	0	3	8	3	26
1991–92	9	5	0	4	7	0	25
1992–93	13	0	1	4	18	2	38
1993–94	11	4	0	9	6	1	31
1994–95	10	1	0	7	12	0	30
1995–96	12	4	0	4	11	0	31
1996–97	12	2	1	7	12	0	34
1997–98	6	2	1	5	14	0	28
1998–99	2	6	0	2	11	0	21
1999–2000	9	2	0	11	12	2	36
2000–01	8	4	1	2	19	0	34
2001–02	13	4	2	2	21	0	42
2002–03	17	3	1	4	15	1	41
2003–04	14	4	0	6	18	0	42
2004–05	12	2	3	6	12	1	36
2005–06	8	3	2	3	8	0	24
2006–07	11	4	0	3	12	0	30
2007–08	13	7	0	3	11	0	34
2008–09	9	2	1	4	19	0	35
2009–10	7	3	0	3	13	1	27
2010–11	5	4	0	6	8	0	23
Total <sup>a</sup>	218	73	14	99	281	12	697

a: 3 cases have been excluded due to missing information about manner of death

Source: AIC NDICP 1989–90 to 2010–11 [computer file]



**Figure 27** Deaths in police custody and custody-related operations by manner of death and Indigenous status, 1989–90 to 2010–11 (%)



It has been observed that changes to the mental health system in Australia in recent years have resulted in more frequent contact between police officers and persons suffering a mental illness. The consequence being, as one study highlights, the ‘deinstitutionalisation of consumers of the mental health system, [such that] police officers have been given increasing responsibility and power’ (Martinez et al. 2005: 21).

Martinez and colleagues (2005: 21) argued that as a consequence there has been an increase in demands on police officers to, in effect, ‘act as social workers, psychologists, caseworkers, customer service officers as well as law enforcers’.

In response to these increasing demands placed on officers, police agencies in all jurisdictions have reviewed and enhanced the training officers receive in responding to persons suffering a mental illness. In addition to theoretical training, officers also receive practical training using common scenarios that will be encountered in day-to-day policing. Some evaluations of the increased mental health

training given to officers have been undertaken. For example, a recent study by Godfredson et al. (2010) examined how Victorian Police officers might respond persons suffering a mental illness. This study found that the factor that had the greatest influence over the approach taken by officers in resolving the matter was the severity of symptoms displayed by the person of interest. It is concluded by this study ‘that officers were adept at selecting outcomes that were appropriate given the mental health needs depicted in the [video]’ (Godfredson et al. 2010: 1399). Therefore, this study provides some indication that efforts by police agencies to better train their officers in how to respond to persons with mental health problems are having a positive effect.

### Mental Illness and deaths in police custody and custody-related operations

The NDICP captures information about the deceased’s mental health and whether they were suffering the symptoms of a mental health disorder at the time they died. Information about mental

health is obtained retrospectively from coronial findings, which in some cases can take years to be handed down. During 2011, more than 1,100 historical coronial findings were reviewed and where a deceased person was indicated as having a mental health problem, or suffering the symptoms of a mental illness immediately prior to death, the type of disorder/illness was recorded in the NDICP database. Tables 63 and 64 present the results of this process. It should be noted that there are a large number of cases where information is missing in relation to these variables.

Further, for those persons who died in police custody and custody-related operations where the available information did not indicate the presence of a mental health issue, the lack of information

should not be taken as confirmation that the person had no mental health issues. It may be the case that information about the deceased's mental health was not included in the coronial finding because it had little or no impact on the circumstances of the death. It is also possible that during this period, other people died in police custody and custody-related operations who had mental health issues but that these issues were not diagnosed and/or were not recorded in the available information. For this reason, findings presented here should be treated as a conservative estimate of the prevalence of mental illness among persons dying in police custody and custody-related operations.

The assignment of mental illness, disorders or conditions was made through judgement by NDICP

**Table 63** Deaths in police custody and custody-related operations of persons with a mental illness by Indigenous status, as a proportion of all deaths by year, 1989–90 to 2010–11 (n)

	Indigenous		Non-Indigenous		Total n	
	n	%	n	%	n	%
1989–90	0	–	1	5	1	3
1990–91	0	–	3	13	3	12
1991–92	2	40	3	15	5	20
1992–93	1	20	7	21	8	21
1993–94	0	–	11	39	11	35
1994–95	2	67	3	11	5	17
1995–96	0	–	6	24	6	19
1996–97	1	13	9	35	10	29
1997–98	1	20	5	22	6	21
1998–99	0	–	2	14	2	10
1999–2000	0	–	8	25	8	22
2000–01	1	14	9	35	10	30
2001–02	3	38	17	50	20	48
2002–03	4	36	10	34	14	35
2003–04	1	10	11	34	12	29
2004–05	3	27	11	44	14	38
2005–06	1	14	7	41	8	33
2006–07	2	67	16	57	17	58
2007–08	2	40	15	52	15	50
2008–09	2	25	9	31	11	30
2009–10	0	–	9	43	9	33
2010–11	0	–	2	11	2	8
Total	26	18	174	31	200	29

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table 64** Deaths in police custody and custody-related operations of persons with a known mental illness by type of disorder and Indigenous status, 1989–90 to 2010–11 (n)

	Adjustment			Anxiety			Mood			Personality			Psychotic			Sexual			Somatoform			Substance			Developmental			Intellectual disability			Other/ unknown			Total		
	I	N		I	N		I	N		I	N		I	N		I	N		I	N		I	N		I	N		I	N		I	N				
1989-90	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1				
1990-91	0	0	0	0	0	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3				
1991-92	0	0	0	1	1	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	3						
1992-93	0	1	1	0	0	2	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	7						
1993-94	0	0	0	0	0	4	0	0	0	0	4	0	0	4	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0	11						
1994-95	0	1	0	0	1	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3						
1995-96	0	0	0	0	0	3	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	1	0	6							
1996-97	0	0	0	1	1	1	1	0	1	0	1	0	5	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	9						
1997-98	0	0	0	0	0	3	0	0	1	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	5							
1998-99	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2							
1999-2000	0	0	0	0	0	2	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	8						
2000-01	0	0	0	0	0	5	0	0	0	0	1	0	1	0	1	0	0	1	1	0	1	0	0	0	0	0	1	1	9							
2001-02	0	0	0	0	0	12	0	0	1	3	0	0	3	0	0	0	0	2	2	0	2	0	0	0	0	0	0	3	17							
2002-03	0	0	0	0	1	5	0	1	2	1	0	0	2	1	0	0	0	1	2	0	0	0	0	0	0	0	1	4	10							
2003-04	0	0	0	0	1	4	0	1	0	4	0	0	4	0	0	0	0	0	2	0	0	0	0	0	0	0	0	1	11							
2004-05	0	0	0	0	2	2	0	0	1	6	0	0	1	6	0	0	0	0	0	0	0	0	0	0	1	0	2	3	11							
2005-06	0	0	0	1	0	3	0	0	0	1	1	0	1	1	0	0	0	0	2	0	0	0	0	0	0	0	0	1	7							
2006-07	0	0	0	0	0	3	0	0	0	0	6	0	0	6	0	0	0	1	5	0	0	1	5	0	0	1	0	2	16							
2007-08	0	0	0	0	1	6	1	0	0	4	0	0	4	0	0	0	0	2	0	0	2	0	0	0	1	0	2	2	15							
2008-09	0	0	0	0	1	4	0	0	0	4	0	0	4	0	0	0	0	1	0	0	1	0	0	0	0	1	0	2	9							
2009-10	0	0	0	0	0	3	0	0	0	0	2	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	2	0	9							
2010-11	0	0	0	0	0	1	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2							
Total	0	2	1	3	9	67	2	5	6	53	0	1	0	1	1	0	1	5	19	0	1	1	2	2	20	26	174									

Note: I=Indigenous; N=non-Indigenous  
Source: AIC NDICP 1989–90 to 2010–11 [computer file]

research staff based on often limited available information. The information presented in Tables 63 and 64 is the best available data to indicate the prevalence of mental health problems among those persons who die in police custody and custody-related operations. For all deaths in police custody and custody-related operations since 1989–90 (n=700), there were 200 cases (29%) where the coronial finding indicated that the deceased was suffering the symptoms of, or had been diagnosed with, a mental illness. Mental illness was found to be more prevalent among non-Indigenous persons dying in police custody than Indigenous persons (31% *cf* 18%).

A mood disorder, primarily depression, was the most common form of mental illness affecting persons dying in police custody and custody-related operations (38%; n=76; see Table 64). This was followed by persons suffering from psychotic disorders such as schizophrenia (30%; n=59). Substance disorders, such as heroin addiction, were found in 12 percent (n=24) of cases, while in 21 deaths (11%), the deceased was reported as suffering from a mental illness; however, insufficient information was available to determine the precise type of disorder.

## *Drugs and alcohol*

Of the 700 deaths recorded over the monitoring period from 1989–90 to 2010–11, information regarding the consumption of alcohol and/or use of drugs was available in 489 deaths (70%; see Table 65). Overall, a total of 391 individuals who died in police custody over this period were found through toxicology screening to have either recently consumed alcohol, used drugs or a combination of both prior to death. There were 98 cases (20%) where the toxicology report showed no presence of drugs and/or alcohol.

It should be noted that it is not possible to determine whether the deceased was intoxicated or impaired by the consumption of substances based on the toxicology results alone. First, the level of consumption is not taken into account in this analysis. Second, it is widely recognised that persons who are regular consumers of alcohol and/or drugs can develop a tolerance to the effects of these substances and therefore require more of the

substance to become intoxicated (eg see Swift, Hall & Teesson 2001; Coffey et al. cited in Ross 2007). Conversely, a person may consume only a small volume of alcohol and/or drugs, but may become intoxicated as a result. Finally, for the most recent years, the decline in annual totals where alcohol or drugs had been consumed is a product of the fact that many toxicology results are not yet available. For these reasons, caution should be taken when interpreting trends.

Among these three categories, alcohol (32%; n=154) was the most commonly recorded intoxicant found in the deceased's system through toxicology reports. This was closely followed by those who were recorded as having used drugs (31%; n=150), while a total of 87 deaths (18%) were of persons with both drugs and alcohol in their system at the time of death. With regards to Indigenous deaths, the most prevalent intoxicant recorded was alcohol (42%; n=43), followed by drugs (28%; n=28) and a combination of both drugs and alcohol (16%; n=16).

## *Trends*

Looking at the long-term trends over the period 1989–90 to 2010–11, analysis of available data showed that for deaths of persons with alcohol in their system, there were two distinct peaks in 1991–92 (n=13) and 2001–02 (n=16), with the totals recorded in all other years ranging between zero and 11. Deaths of non-Indigenous persons with alcohol, drugs, or a combination of both in their system, show more pronounced fluctuations than do deaths of Indigenous persons. A greater proportion of non-Indigenous persons were found to have drugs in their system at death (32%; n=122), rather than just alcohol (29%; n=111), or a combination of drugs and alcohol (18%; n=71). Indigenous persons represent over one in four (28%; n=43) persons with alcohol in their system at the time of death. Also of note is the fact that Indigenous persons were less likely to have only drugs in their system (28%; n=28) compared with only alcohol (42%; n=43). Overall, for those cases where toxicology results are available, eight in 10 deaths (79%; n=387) in police custody and custody-related operations are of persons with some form of intoxicant in their system at the time of death.

**Table 65** Summary of available toxicology results for deaths in police custody and custody-related operations by Indigenous status and year, 1989–90 to 2010–11 (n)

	Alcohol			Drugs			Alcohol and drugs			No alcohol or drugs			Total		
	I	N	Total	I	N	Total	I	N	Total	I	N	Total	I	N	Total
1989–90	0	3	3	0	3	3	1	1	2	2	2	4	3	9	12
1990–91	1	2	3	1	2	3	0	2	2	0	3	3	2	9	11
1991–92	3	10	13	1	3	4	0	0	0	1	7	8	5	20	25
1992–93	1	6	7	3	10	13	0	3	3	1	10	11	5	29	34
1993–94	2	8	10	0	8	8	1	3	4	0	5	5	3	24	27
1994–95	1	5	6	0	8	8	1	3	4	1	5	6	3	21	24
1995–96	3	8	11	0	6	6	2	1	3	0	5	5	5	20	25
1996–97	3	5	8	2	8	10	1	3	4	0	6	6	6	22	28
1997–98	3	6	9	0	3	3	0	5	5	1	1	2	4	15	19
1998–99	1	0	1	0	3	3	0	1	1	2	2	4	3	6	9
1999–2000	0	2	2	0	8	8	0	2	2	1	2	3	1	14	15
2000–01	1	8	9	4	4	8	1	4	5	0	6	6	6	22	28
2001–02	5	11	16	2	7	9	0	1	1	1	8	9	8	27	35
2002–03	2	7	9	3	5	8	1	6	7	3	2	5	9	20	29
2003–04	3	6	9	2	8	10	2	3	5	0	4	4	7	21	28
2004–05	5	5	10	2	8	10	2	3	5	1	2	3	10	18	28
2005–06	2	2	4	2	3	5	2	4	6	0	3	3	6	12	18
2006–07	0	6	6	1	8	9	1	4	5	0	2	2	2	20	22
2007–08	2	3	5	2	5	7	0	9	9	0	2	2	4	19	23
2008–09	3	5	8	0	8	8	1	4	5	0	2	2	4	19	23
2009–10	2	2	4	2	4	6	0	4	4	0	3	3	4	13	17
2010–11	0	1	1	1	0	1	0	5	5	1	1	2	2	7	9
Total	43	111	154	28	122	150	16	71	87	15	83	98	102	387	489

Note: I=Indigenous; N=non-Indigenous

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Most serious offence

The most common offences committed prior to a death in police custody or a custody-related operation over the reporting period was a traffic offence (31%; n=25), or violent offence (31%; n=25). Other offences (14%; n=11), which include weapons offences or breaching a domestic violence order, were the third most prevalent offence type (see Table 66). Drug-related offences were the least common offences prior to custody over the last three financial years (1%; n=1).

Indigenous persons were more likely to have committed a theft-related offence prior to custody (33%; n=6), followed by a good-order offence (22%; n=4). By contrast, traffic offences were more common among those non-Indigenous persons who died (37%; n=23), with violent offences the second most prevalent (35%; n=22).

## Trends

Data recorded over the reporting period shows a departure from long-term trends, in that a greater

**Table 66** Deaths in police custody and custody-related operations by most serious offence, 2008–09 (n)

2008–09							
	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
New South Wales	2	0	0	1	0	2	5
Victoria	1	1	0	1	0	0	3
Queensland	3	0	0	4	0	1	8
Western Australia	0	1	0	4	2	0	7
South Australia	2	1	0	2	0	0	5
Tasmania	0	0	0	0	0	0	0
Northern Territory	1	0	0	0	2	2	5
Australian Capital Territory	0	0	0	0	0	0	0
<b>Totals</b>							
Indigenous	2	1	0	0	2	2	7
Non-Indigenous	7	2	0	12	2	3	26
All persons <sup>a</sup>	9	3	0	12	4	5	33
2009–10							
	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
New South Wales	2	0	0	1	1	1	5
Victoria	3	0	0	1	1	1	6
Queensland	1	0	1	1	0	3	6
Western Australia	0	0	0	1	0	1	2
South Australia	1	0	0	0	0	0	1
Tasmania	0	0	0	1	0	0	1
Northern Territory	0	2	0	1	1	0	4
Australian Capital Territory	0	0	0	1	0	0	1
<b>Totals</b>							
Indigenous	0	2	0	1	1	1	5
Non-Indigenous	7	0	1	6	2	5	21
All persons <sup>b</sup>	7	2	1	7	3	6	26
2010–11							
	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
New South Wales	4	0	0	0	0	0	4
Victoria	1	0	0	0	0	0	1
Queensland	1	0	0	3	1	0	5
Western Australia	1	3	0	1	1	0	6
South Australia	1	0	0	1	0	0	2
Tasmania	0	0	0	1	1	0	2
Northern Territory	0	0	0	0	0	0	0
Australian Capital Territory	1	0	0	0	0	0	1
<b>Totals</b>							
Indigenous	1	3	0	1	1	0	6
Non-Indigenous	8	0	0	5	2	0	15
All persons <sup>c</sup>	9	3	0	6	3	0	21

a: 2 cases have been excluded due to missing data about the offence committed and 1 case has been excluded because no offence was committed

b: 1 case has been excluded due to missing data about the offence committed

c: 3 cases have been excluded due to missing data about the offence committed

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

proportion of traffic-related offenders died in police custody and custody-related operations than has traditionally been the case (31% *cf* 15%; see Table 67). Conversely, a smaller proportion of theft-related offenders died in the reporting period compared with long-term proportions (10% *cf* 22%).

Over the last 22 years for which data are available on offending, persons committing violent and theft-related offences prior to custody have shown the greatest fluctuation. The number of persons dying in custody having committed a violent offence peaked in 1999–00, with 18 such deaths, with subsequent peaks in both 2003–04 and 2005–06 (n=16). Over

the last six years, the number of deaths among violent offenders has remained stable, ranging between seven and nine deaths each year. A similar trend can be seen with theft-related offences, with two distinct peaks in both 1992–93 and 2001–02 (n=16 and n=14 respectively). However, since the second peak, there has been a considerable decline, with numbers recorded in the last six years being at the low end of historical totals.

The other offence categories of good order, drug-related, traffic and other offences have all remained relatively constant over time, with the exception of a few minor spikes among traffic and other related

**Table 67** Deaths in police custody and custody-related operations by most serious offence, 1989–90 to 2010–11 (n)

	Violent	theft-related	Drug-related	Traffic	Good order	Other	Total
1989–90	4	6	0	3	15	1	29
1990–91	7	7	0	0	12	0	26
1991–92	5	2	1	2	11	4	25
1992–93	8	16	2	5	4	3	38
1993–94	14	7	0	3	4	3	31
1994–95	13	7	3	3	3	0	29
1995–96	13	9	0	4	4	1	31
1996–97	14	10	1	1	6	2	34
1997–98	6	6	0	4	9	1	26
1998–99	6	9	0	1	2	2	20
1999–2000	18	10	2	2	3	1	36
2000–01	9	7	0	6	7	5	34
2001–02	8	14	0	7	3	10	42
2002–03	8	8	1	9	4	10	40
2003–04	16	9	1	7	5	3	41
2004–05	16	8	3	5	2	1	35
2005–06	8	3	3	4	3	3	24
2006–07	9	3	1	6	0	8	27
2007–08	9	4	1	7	2	10	33
2008–09	9	3	0	12	4	5	33
2009–10	7	2	1	7	3	6	26
2010–11	9	3	0	6	3	0	21
Total <sup>a, b</sup>	216	153	20	104	109	79	681

a: 13 cases have been excluded due to missing information about the offence committed

b: 6 cases have been excluded because no offence was committed

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

offences, as well as a peak in good order offences during the early years of reporting. Most noteworthy are the recent spikes in the number of deaths of traffic offenders in 2008–09 (n=12) and persons committing other offences in 2007–08 (n=10), which represent the highest totals ever recorded in those categories.

With regards to Indigenous deaths in police custody and custody-related operations since 1989–90, where information is available, the offences leading to custody were distributed as follows (see Figure 28):

- theft-related offences (35%; n=49);
- good order offences (23%; n=33);
- violent offences (21%; n=30);
- other offences (10%; n=14);
- traffic offences (6%; n=9);
- drug-related offences (0.7%; n=1);
- the offence was missing in three cases (2%); and
- no offence was committed in two cases (1%).

There was a different distribution of offences among non-Indigenous deaths in police custody and custody-related operations since 1989–90 (see Figure 28);

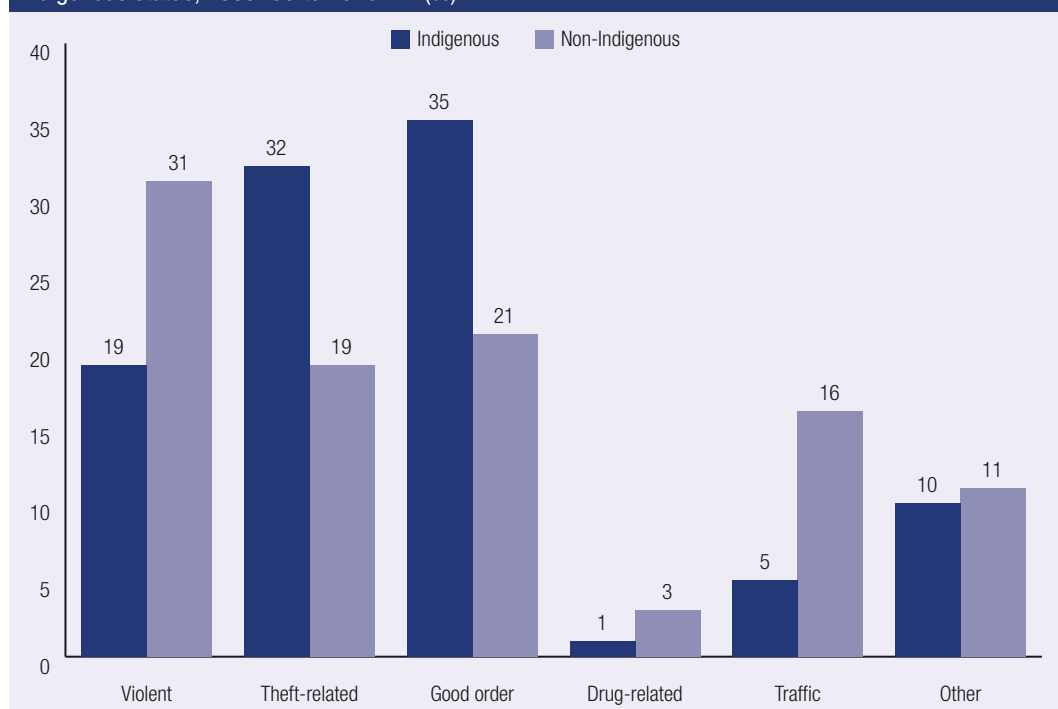
- violent offences (33%; n=186);
- theft-related offences (19%; n=104);
- traffic offences (17%; n=95);
- good order offences (14%; n=76);
- other offences (12%; n=65);
- drug-related offences (3%; n=19);
- the offence was missing in 10 cases (2%); and
- no offence was committed in four cases (1%).

### *Location of death*

Location of death refers to the specific environment at the time of death; that is, the actual place where the death occurred. The different locations include:

- public hospitals, which include cases where a person was transferred to a hospital from other locations and died there;

**Figure 28** Deaths in police custody and custody-related operations by most serious offence and Indigenous status, 1989–90 to 2010–11 (%)





**Table 68** Deaths in police custody and custody-related operations by location of death, 2008–09 to 2010–11 (n)

2008–09							
	Cell	Other custodial setting	Public hospital	Private property	Public place	Other	Total
New South Wales	1	0	0	2	3	0	6
Victoria	0	0	0	0	3	0	3
Queensland	0	0	1	3	4	0	8
Western Australia	0	0	3	0	4	1	8
South Australia	0	0	1	2	3	0	6
Tasmania	0	0	0	0	0	0	0
Northern Territory	1	0	3	0	1	0	5
Australian Capital Territory	0	0	0	0	0	0	0
<b>Totals</b>							
Indigenous	1	0	4	0	3	0	8
Non-Indigenous	1	0	4	7	15	1	28
All persons	2	0	8	7	18	1	36
2009–10							
	Cell	Other custodial setting	Public hospital	Private property	Public place	Other	Total
New South Wales	0	0	3	0	2	0	5
Victoria	1	1	1	1	1	1	6
Queensland	1	0	1	3	1	0	6
Western Australia	0	0	1	0	2	0	3
South Australia	0	0	0	1	0	0	1
Tasmania	0	0	1	0	0	0	1
Northern Territory	0	0	2	0	2	0	4
Australian Capital Territory	0	0	1	0	0	0	1
<b>Totals</b>							
Indigenous	0	0	2	0	4	0	6
Non-Indigenous	2	1	8	5	4	1	21
All persons	2	1	10	5	8	1	27
2010–11							
	Cell	Other custodial setting	Public hospital	Private property	Public place	Other	Total
New South Wales	0	0	0	4	1	0	5
Victoria	0	0	0	0	1	0	1
Queensland	0	0	2	2	3	0	7
Western Australia	1	0	0	1	4	0	6
South Australia	0	0	0	0	2	0	2
Tasmania	0	0	0	1	1	0	2
Northern Territory	0	0	0	0	0	0	0
Australian Capital Territory	0	0	0	0	1	0	1
<b>Totals</b>							
Indigenous	1	0	1	1	4	0	7
Non-Indigenous	0	0	1	7	9	0	17
All person	1	0	2	8	13	0	24

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

**Table 69** Deaths in police custody and custody-related operations by location of death and year, 1989–90 to 2010–11

	Public hospital	Cell	Other custodial setting	Private property	Public place	Other	Total
1989–90	6	11	5	1	6	0	29
1990–91	7	6	4	5	4	0	26
1991–92	11	5	3	3	3	0	25
1992–93	13	3	2	3	15	2	38
1993–94	8	2	2	5	13	1	31
1994–95	7	2	2	5	14	0	30
1995–96	11	3	0	7	8	2	31
1996–97	12	2	2	4	12	2	34
1997–98	7	6	1	3	10	1	28
1998–99	10	3	2	2	3	1	21
1999–2000	8	1	1	9	17	0	36
2000–01	8	5	0	3	18	0	34
2001–02	9	2	2	5	24	0	42
2002–03	7	2	3	4	24	1	41
2003–04	3	4	0	8	27	0	42
2004–05	7	1	3	6	18	1	36
2005–06	5	2	1	4	12	0	24
2006–07	7	2	1	5	15	1	31
2007–08	18	1	0	4	11	0	34
2008–09	8	2	0	7	18	1	36
2009–10	10	2	1	5	8	1	27
2010–11	2	1	0	8	13	0	24
Total	184	68	35	106	293	14	700

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

- cells, which include all types of cells—single, shared or observation;
- custodial settings, which include locations such as interview rooms or police vans;
- private properties, which generally consist of private residences;
- public places, such as streets, ovals and other outdoor general-use areas; and
- other locations, which may include ambulances.

The majority of deaths in police custody and custody-related operations occurred in a public place (45%; n=39), which is to be expected given the fact that the majority of policing occurs in public spaces (see

Table 68). The second most common place for a death to occur was a public hospital (23%; n=20), usually following transfer from an incident in a public place. Just over one in five deaths (23%; n=20) over the reporting period occurred on private property, most commonly the deceased's residence. Deaths occurring in cells (6%; n=5), other locations (2%; n=2) or some other custody setting such as the back of a police van (1%; n=1), were the least common locations for a death to occur.

Over half of the 21 Indigenous deaths in the last three financial years occurred in a public place (52%; n=11), with seven deaths occurring in a public hospital, two in a cell and one on private property.

## Trends

Findings from analysis of data collected over the reporting period are in line with long-term trends, in that more deaths occurred in a public place (45%;  $n=39$  *cf* 42%;  $n=293$ ) than any other location (see Table 69). Since 1989–90, public hospitals (26%;  $n=184$ ) were the second most common location for a death to occur. While deaths in police cells peaked in 1989–90 with 11 deaths, over the ensuing two decades, the number of such deaths has dropped markedly, ranging between one and four deaths each year (with the exception of 1990–91 and 1997–98 when 6 cell deaths occurred). These data suggest that efforts over the last decade by police agencies in redesigning cells, removing hanging points and improving the monitoring of detainees deemed at risk of self-harm are having a positive effect on reducing the number of deaths in these settings.

## Circumstances of custodial episode for deaths in police custody and custody-related operations

The NDICP examines the circumstances of the custodial episode; that is, why the deceased was in custody at the time of death (see Table 69). The four categories into which deaths are classified are:

- *institutional*—deaths in a police cell or watchhouse during the process of being transferred to or from this setting, deaths in a hospital following detainment in a police cell, or deaths occurring in police vans;
- *escaping*—deaths that occur during the process of the person escaping or attempting to escape from police custody;
- *detaining*—deaths occurring during the process of police officers attempting to detain the person, regardless of whether or not the person was under arrest; and
- *other cases*—for example, the death of a person detained under a state Mental Health Act, those occurring in the process of the persons being conveyed via ambulance from a public hospital to a psychiatric institution under ‘police escort’, or any other situation that does not fit into one of the other three categories.

Of the 87 deaths over the last three financial years, more than four in every five (84%;  $n=73$ ) occurred during the process of police officers detaining or attempting to place the deceased under arrest. Deaths in institutional settings, such as police cells and vans, were the second most common type (14%;  $n=12$ ) of custodial episode prior to death.

A similar distribution of deaths can be seen among Indigenous deaths in police custody over the reporting period, in that most deaths occurred during the process of arrest (71%;  $n=15$ ), with just under one in four occurring in an institutional setting (24%;  $n=5$ ). There was one death of an Indigenous person attempting to escape from custody.

## Detainment-related deaths

Due to the fact that the majority (73%;  $n=508$ ) of all deaths in police custody and custody-related operations since 1989–90 occurred in the process of officers detaining or attempting to detain the deceased, these deaths are analysed separately. In such cases, the method of detainment is further classified under one of five categories—motor vehicle pursuit, other pursuit, siege, raid and other/shooting (see Table 71).

Deaths in the process of detaining over the last three financial years were the most common circumstance in which a death in police custody occurred (84%;  $n=73$ ). Of these 73 deaths, those occurring in a motor vehicle pursuit (43%;  $n=31$ ) were more common than those in any other situation (see Table 71). Deaths during sieges, where an offender defends an area against all others, were the second most common type of death occurring in the process of police officers attempting to place someone under arrest (23%;  $n=17$ ).

With regards to the 15 Indigenous deaths in the process of being detained, motor vehicle pursuits were the most common (60%;  $n=9$ ), followed by deaths in other situations, such as escorting or shootings (20%;  $n=3$ ).

## Trends

Deaths occurring in police institutional settings, such as cells and police vans, have been declining since 1989–90, with totals in recent years being some of

**Table 70** Deaths in police custody and custody-related operations by custodial episode, 2008–09 to 2010–11 (n)

2008–09					
	Institutional	Escaping	Detaining	Other	Total
New South Wales	1	0	5	0	6
Victoria	0	0	3	0	3
Queensland	0	0	8	0	8
Western Australia	1	0	7	0	8
South Australia	0	0	6	0	6
Tasmania	0	0	0	0	0
Northern Territory	2	1	2	0	5
Australian Capital Territory	0	0	0	0	0
<b>Totals</b>					
Indigenous	2	1	5	0	8
Non-Indigenous	2	0	26	0	28
All persons	4	1	31	0	36
2009–10					
	Institutional	Escaping	Detaining	Other	Total
New South Wales	0	0	5	0	5
Victoria	3	0	3	0	6
Queensland	1	0	5	0	6
Western Australia	1	0	2	0	3
South Australia	0	0	1	0	1
Tasmania	0	0	1	0	1
Northern Territory	0	0	3	1	4
Australian Capital Territory	0	0	1	0	1
<b>Totals</b>					
Indigenous	1	0	5	0	6
Non-Indigenous	4	0	16	1	21
All persons	5	0	21	1	27
2010–11					
	Institutional	Escaping	Detaining	Other	Total
New South Wales	0	0	5	0	5
Victoria	0	0	1	0	1
Queensland	2	0	5	0	7
Western Australia	1	0	5	0	6
South Australia	0	0	2	0	2
Tasmania	0	0	2	0	2
Northern Territory	0	0	0	0	0
Australian Capital Territory	0	0	1	0	1
<b>Totals</b>					
Indigenous	2	0	5	0	7
Non-Indigenous	1	0	16	0	17
All persons	3	0	21	0	24

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

**Table 71** Deaths in police custody and custody-related operations by method of detainment, 2008–09 to 2010–11 (n)

2008–09						
	Motor vehicle pursuit	Other pursuit	Siege	Raid	Other/shooting	Total
New South Wales	1	1	1	1	1	5
Victoria	1	0	0	1	1	3
Queensland	4	0	2	0	2	8
Western Australia	5	0	0	0	2	7
South Australia	3	0	2	0	1	6
Tasmania	0	0	0	0	0	0
Northern Territory	1	0	0	0	1	2
Australian Capital Territory	0	0	0	0	0	0
<b>Totals</b>						
Indigenous	2	0	0	0	3	5
Non-Indigenous	13	1	5	2	5	26
All persons <sup>a</sup>	15	1	5	2	8	31
2009–10						
	Motor vehicle pursuit	Other pursuit	Siege	Raid	Other/shooting	Total
New South Wales	1	0	2	1	1	5
Victoria	1	0	1	0	1	3
Queensland	1	1	3	0	0	5
Western Australia	2	0	0	0	0	2
South Australia	0	0	1	0	0	1
Tasmania	1	0	0	0	0	1
Northern Territory	2	1	0	0	0	3
Australian Capital Territory	1	0	0	0	0	1
<b>Totals</b>						
Indigenous	3	1	1	0	0	5
Non-Indigenous	6	1	6	1	2	16
All persons <sup>b</sup>	9	2	7	1	2	21
2010–11						
	Motor vehicle pursuit	Other pursuit	Siege	Raid	Other/shooting	Total
New South Wales	0	0	2	3	0	5
Victoria	0	0	0	1	0	1
Queensland	2	0	2	0	1	5
Western Australia	4	0	1	0	0	5
South Australia	0	2	0	0	0	2
Tasmania	1	0	0	0	1	2
Northern Territory	0	0	0	0	0	0
Australian Capital Territory	0	0	0	1	0	1
<b>Totals</b>						
Indigenous	4	0	0	1	0	5
Non-Indigenous	3	2	5	4	2	16
All persons <sup>c</sup>	7	2	5	5	2	21

a: 5 cases for which detaining was not the type of custody have been excluded

b: 6 cases for which detaining was not the type of custody have been excluded

c: 3 deaths for which detaining was not the type of custody have been excluded

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

the lowest ever recorded (see Table 72). At the same time as institutional deaths have been in decline, deaths in the process of detaining have increased, reaching an historical high in 2003–04 (n=35). Deaths in this category account for 73 percent (n=508) of all deaths in police custody and custody-related operations since 1989–90.

Only five deaths have occurred over the last 22 years where an individual was trying to escape after being placed in custody—one in 1996–97 and 2002–03, two in 2004–05 and one in 2008–09. Deaths in the other/marginal category, which encompasses persons detained under mental health legislation, occur infrequently with only two such deaths recorded in the last four financial years.

*Trends in detainment-related deaths*

Deaths during motor vehicle pursuits (41%; n=206) are the most common type of death occurring in the process of the deceased being detained by police officers (see Table 73). Deaths occurring during motor vehicle pursuits are also a type of death requiring careful examination and targeted analysis is presented in the following section of this report. Here, it can be seen that the annual number of pursuit deaths peaked to an historical high in 2001–02 with a total of 19 deaths, after which they began to decline. However, in 2008–09 there was another spike in pursuit deaths (n=15).

Deaths resulting from a shooting, or other type of situation where officers are attempting to detain,

Table 72 Deaths in police custody and custody-related operations by type of custody, 1989–90 to 2010–11 (n)					
	Institution	Escaping	Detaining	Other/marginal	Total
1989–90	20	0	9	0	29
1990–91	16	0	10	0	26
1991–92	13	0	11	1	25
1992–93	11	0	26	1	38
1993–94	8	0	21	2	31
1994–95	7	0	23	0	30
1995–96	7	0	24	0	31
1996–97	5	1	28	0	34
1997–98	10	0	18	0	28
1998–99	9	0	10	2	21
1999–2000	4	0	32	0	36
2000–01	6	0	27	1	34
2001–02	6	0	30	6	42
2002–03	7	1	30	3	41
2003–04	5	2	35	0	42
2004–05	7	0	28	1	36
2005–06	5	0	19	0	24
2006–07	5	0	24	2	31
2007–08	4	0	30	0	34
2008–09	4	1	31	0	37
2009–10	5	0	21	1	27
2010–11	3	0	21	0	24
Total	167	5	508	20	700

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

are the second most common type of death in this category (29%; n=148). Deaths in the process of police officers conducting a raid are the least common type of detainment-related death (5%; n=27).

Most noteworthy when looking at historical trends is the number of deaths occurring during sieges; generally a situation where an offender barricades themselves in a building or defined location and then defends it against police. Throughout the 1990s, these types of deaths did not occur very often; however, over the last 15 years, there has been a moderate increase in such deaths. The annual total number of siege deaths recorded in recent years is at the upper end of historical levels.

Attempting to resolve such situations without the loss of life is a very difficult task for police. In the majority of sieges, the offender is armed with a deadly weapon, such as a firearm or knife. There have been some sieges where police have attempted to negotiate with the offender to produce a peaceful outcome for more than 24 hours, however, the situation has still ended in death. The NDICP will closely monitor deaths in sieges over the next few years to ascertain whether this is an emerging trend for deaths in police custody-related operations, or whether recent rises are an aberration from the relatively stable annual totals seen over the last 22 years.

**Table 73** Deaths in police custody and custody-related operations by method of detainment, 1989–90 to 2010–11 (n)

	Motor vehicle pursuit	Other pursuit	Siege	Raid	Other/shooting	Total
1989–90	5	1	0	0	3	9
1990–91	1	0	1	2	6	10
1991–92	2	2	1	0	6	11
1992–93	10	4	3	0	9	26
1993–94	5	1	4	1	10	21
1994–95	7	2	3	1	10	23
1995–96	9	0	3	1	11	24
1996–97	11	1	7	2	7	28
1997–98	11	1	2	0	4	18
1998–99	5	0	1	0	4	10
1999–2000	12	2	3	5	10	32
2000–01	12	6	6	2	1	27
2001–02	19	2	3	1	5	30
2002–03	15	4	3	1	7	30
2003–04	12	7	7	2	7	35
2004–05	11	4	2	1	10	28
2005–06	10	0	3	0	6	19
2006–07	9	2	4	0	9	24
2007–08	9	5	5	0	11	30
2008–09	15	1	5	2	8	31
2009–10	9	2	7	1	2	21
2010–11	7	2	5	5	2	21
Total	206	49	78	27	148	508

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Summary of deaths in police custody and custody-related operations

Since the definition of a death in police custody was expanded to include those deaths occurring in custody-related operations from 1989–90, the nature and circumstances of deaths in all forms of police custody has changed considerably. Throughout the early 1990s, deaths were more likely to occur in close-contact situations, such as a cell death or shooting. However, since the late 1990s, deaths in motor vehicle pursuits have become the most common type of death in police custody. Since the year 2000, deaths during sieges have also increased, but deaths occurring in motor vehicle pursuits remain the most common type of death each year.

In the reporting period from 2008–09 to 2010–11, the number of deaths decreased from 36 in 2008–09 to 27 deaths in 2009–10 and 24 in 2010–11. Over this three year period, almost one-quarter of all police custody deaths (24%; n=21) occurred in Queensland, with one in five (20%; n=17) occurring in Western Australia. However, while the proportion of all deaths made up by these two jurisdictions has increased, annual totals in recent years are in line with historical trends. The main driver for this proportional increase has been a decline in deaths occurring in both New South Wales (18%; n=16) and Victoria (12%; n=10). For 20 years, these two jurisdictions generally had the highest annual number of police custody deaths. Over the last three financial years, both New South Wales and Victoria have witnessed a considerable decline in deaths in police custody and custody-related operations, with recent annual totals being approximately half the number recorded in previous years.

The frequency of deaths involving Indigenous persons in police custody and custody-related operations has remained stable over the last 22 years, with the exception of a slight increase between 2002–03 and 2004–05. Unlike Indigenous deaths, the number of deaths involving non-Indigenous persons decreased over the reporting period, from 28 in 2008–09, to 21 in 2009–10 to 17 in 2010–11.

Deaths involving males have also remained relatively constant since monitoring began in 1989–90,

with the exception of minor fluctuations in some years. Overall, deaths involving males have always accounted for the vast majority of deaths. Analysis of 22 years of data has also revealed that external/multiple trauma (32%; n=226) is the most common cause of death, closely followed by those who died as a result of a gunshot wound (28%; n=198). With regards to the cause of death among Indigenous persons, similar trends can be seen, in that the most common cause of death was external/multiple trauma (37%; n=52); however, the second most common cause of death was natural causes (21%; n=30). For all deaths, the most infrequent cause was other/multiple causes (5%; n=33), which includes situations such as drowning and fire. The least frequent cause of death among Indigenous persons however, was incidents related to drug and/or acute alcohol toxicity (3%; n=4).

Since 1989–90, deaths are more likely to occur in accidental circumstances (40%; n=281), closely followed by self-inflicted injuries (31%; n=218). The most common manner of death among Indigenous persons was accidental (47%; n=66), followed by those resulting from a natural cause process (21%; n=30).

One of the most interesting findings from analysis of deaths in police custody was that more violent offenders die than any other type of offender (31%; n=216). This was followed by offenders who had committed theft-related offences (22%; n=153) and those who were categorised as either good order (16%; n=109) or traffic offenders (15%; n=104). However, for Indigenous deaths in police custody and custody-related operations, a greater proportion were theft-related offenders (36%; n=49) than any other type of offender. Just over one in five deaths of Indigenous persons in police custody involved offences categorised as being related to good order (24%; n=33) or violence (22%; n=30).

In conclusion, there have been proportionally more deaths in recent years occurring during custody-related operations, typically involving motor vehicle pursuits, shootings and sieges, rather than deaths in the physical custody of police, such as in cells or watchhouses. For this reason, motor vehicle pursuit and police shooting deaths are examined separately in more detail.





# Motor vehicle pursuit and shooting deaths

## Deaths resulting from motor vehicle pursuits and shootings during police operations

Deaths occurring during motor vehicle pursuits or as a result of shootings during a police operation attract a great deal of media and public attention. They often take place in public areas, which means they can impact on other members of the community who are not directly involved (eg where a person being pursued by police in a vehicle may lose control of the car and collide with another car or bystanders). This section presents information on the characteristics and circumstances of deaths of alleged offenders that result from motor vehicle pursuits and police shootings.

### *Important consideration about motor vehicle pursuit deaths*

Deaths that occur in situations where police officers are pursuing an alleged offender in a motor vehicle fall within the scope of the NDICP under point three of the definition handed down by the RCIADIC, in that they are

[a] 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 (RCIADIC 1991: Rec 41 (c) iii).

The focus of the definition is on the person that police officers were attempting to detain. Deaths of persons who were innocent bystanders of a motor vehicle pursuit, such as passengers, pedestrians or other third parties, are outside the scope of the NDICP. These deaths are excluded from analysis and reporting because the deceased was never in custody and officers were not seeking to take them into custody. Moreover, had they survived the accident they would have been free to leave. Deaths of passengers in motor vehicle pursuits are only included if they were involved in the commission of an offence, such as a break and enter or motor vehicle theft, which led to the motor vehicle pursuit.

Another point of clarification is around the specific types of situations that are covered by the words 'attempting to detain'. For the purposes of the NDICP, this has been interpreted to mean any situation where police officers are actively trying to place someone under arrest for breaking the law. This means situations where police officers have witnessed a person break the law, or have evidence to the effect that a crime has been committed and are in the process of trying to place that person under arrest.

There are occasionally deaths that occur in the course of police officers pursuing a motor vehicle where it is not immediately clear if the definition of a death in custody has been met. Some examples include:

Police officers are instructed by central command to terminate the pursuit because the risk of harm to public safety outweighs the benefits of capturing the alleged offender. Officers then slow down, pull to the side of the road and turn off the lights and siren. Nine minutes later they are advised over the radio that an ambulance has been called to attend a motor vehicle accident in their vicinity. It is then discovered that this is the same vehicle that was involved in the earlier pursuit.

Police officers receive a call late at night from a person reporting suspicious activity outside their house. Officers arrive and find a person sitting in their parked car. As they approach the vehicle to speak with the driver, the vehicle accelerates away. They return to their police car and begin heading in the same direction. All officers can see are the taillights of a vehicle several hundred metres ahead. As they continue on, officers come across the vehicle which has crashed into a tree and find the driver has sustained fatal injuries.

In making a determination about whether or not such cases fall within the scope of the definition, the NDICP research staff:

- consult with the police service involved;
- consult with the relevant state or deputy state coroner;
- take into account the time that has elapsed between the pursuit and the accident; and
- consider whether the deceased reasonably believed that police were actively pursuing them.

The decision to include or exclude cases is also guided by the intent of the Royal Commissioners in handing down the definition used by the NDICP, in that the spirit of the program is to make public the circumstances of any death where the actions of officers involved may have, in some way, contributed to the death.

In the first example above, such a death would be excluded because the pursuit was terminated,

officers were no longer attempting to detain that person and sufficient time had elapsed between the termination of the pursuit and the accident such that the driver would reasonably believe that they had eluded police.

In the second example above, while officers were not seeking to detain that person for breaking the law (they were simply endeavouring to speak with the driver about their behaviour), such a case would be included because the deceased could reasonably believe that the police were in pursuit and there was a continuous chain of events that resulted in a fatal accident.

### *Limitations of the data sources*

Police and coronial records (the 2 main data sources for this section) do not always contain complete data on each motor vehicle pursuit or shooting incident. In particular, there is a substantial amount of missing information for three variables—time of incident, duration of pursuit and speeds reached during the pursuit. The NDICP data collection forms sent to police departments do not currently ask for information on these variables, which means information on these three variables can only be obtained from coronial records. Coronial findings are relied on to confirm information from police reports and to complete missing information. However, not all information is reported on, or reported consistently in coronial records across cases. This means that some variables will have only limited information available.

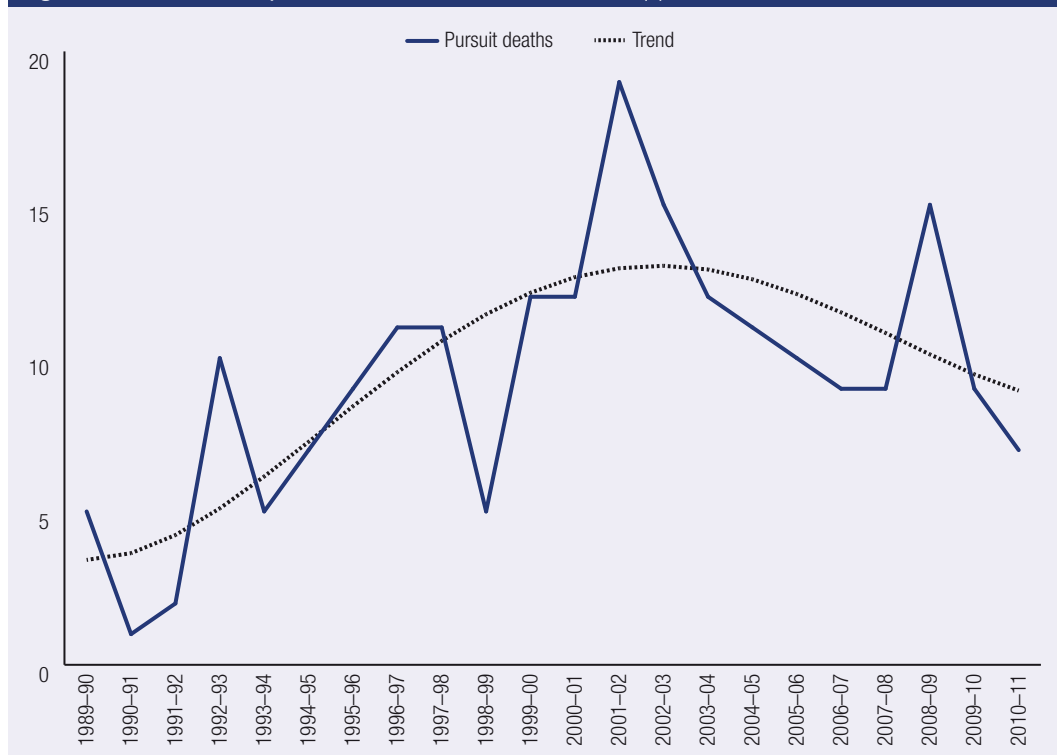
The length of time taken for some coronial findings to become available also means NDICP cases are often updated retrospectively. For the most recent years, some of the variables collected on pursuits and shootings may not yet be available. For example, in Table 78, which presents information on the average speeds reached and average duration of the pursuit, there are 25 cases where the speed reached in the pursuit is missing or unavailable and 39 cases where the length of pursuit is missing. Extensive efforts were made during 2011 to locate these missing data for historical cases. However, if the information is not contained in the coronial finding, then it is almost impossible to obtain.

**Table 74** Deaths in motor vehicle pursuits<sup>a</sup> by jurisdiction, 2008–09 to 2010–11 (n)

	2008–09	2009–10	2010–11
New South Wales	1	1	0
Victoria	1	1	0
Queensland	4	1	2
Western Australia	5	2	4
South Australia	3	0	0
Tasmania	0	1	1
Northern Territory	1	2	0
Australian Capital Territory	0	1	0
Total	15	9	7

a: Deaths of innocent passengers and third parties dying in motor vehicle pursuits are outside the scope of the NDICP

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Figure 29** Motor vehicle pursuit deaths, 1989–90 to 2010–11 (n)

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Motor vehicle pursuit deaths

There were 31 motor vehicle pursuit deaths over the reporting period, which is high relative to historical totals (see Table 74 and Figure 16). Over the last three years, more motor vehicle pursuit deaths occurred in Western Australia (36%; n=11) and Queensland (23%; n=7) than in any other jurisdiction. New South Wales and Victoria recorded a very low number of pursuit fatalities over this period (n=2 and n=2 respectively).

## Trends

Since the collection of these data began in 1989–90, there have been a total of 206 deaths of alleged offenders during motor vehicle pursuits (see Table 74). Using fourth-order polynomial regression, the long-term trend can best be described as curvilinear, in that there was a steady increase over the decade 1989–90 to 1999–2000, a peak in 2001–02 and then a moderate decline over last decade (see Figure 29). It is also important to note that the number recorded in 2008–09 (n=15) is the second highest annual total on record. However, following

**Table 75** Motor vehicle pursuit deaths by Indigenous status and year, 1989–90 to 2010–11 (n)

	Indigenous	Non-Indigenous	Total
1989–90	3	2	5
1990–91	1	0	1
1991–92	0	2	2
1992–93	2	8	10
1993–94	0	5	5
1994–95	0	7	7
1995–96	5	4	9
1996–97	5	6	11
1997–98	0	11	11
1998–99	2	3	5
1999–2000	2	10	12
2000–01	2	10	12
2001–02	2	17	19
2002–03	1	14	15
2003–04	2	10	12
2004–05	3	8	11
2005–06	4	6	10
2006–07	0	9	9
2007–08	1	8	9
2008–09	2	13	15
2009–10	3	6	9
2010–11	4	3	7
Total	44	162	206

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

this second peak, the numbers recorded in the last two years have returned to the lower end of historical totals. Consequently, it is difficult to conclude that pursuit deaths are increasing or whether the number recorded in 2008–09 was simply an aberration from what has otherwise been quite a stable trend in recent years. For this reason, the AIC is currently working with police agencies to conduct some targeted research into motor vehicle pursuit fatalities in Australia. The findings from this research will be released in the coming months.

Since 1989–90, the number of deaths in motor vehicle pursuits for each jurisdiction has been:

- 73 deaths (35%) in New South Wales;
- 42 deaths (20%) in Western Australia;

- 34 deaths (17%) in Victoria;
- 24 deaths (12%) in Queensland;
- 19 deaths (9%) in South Australia;
- 8 deaths (4%) in the Northern Territory;
- 4 deaths (2%) in Tasmania; and
- 2 deaths (1%) in the Australian Capital Territory.

## Demographic characteristics

### Indigenous status

Over the last three financial years, there were nine deaths of Indigenous persons in motor vehicle pursuits and 22 deaths involving non-Indigenous persons (see Table 75). Since 1989–90, Indigenous persons have comprised 21 percent (n=44) of all

**Table 76** Motor vehicle pursuit deaths by sex, 1989–90 to 2010–11 (n)

	Male	Female	Total
1989–90	4	1	5
1990–91	1	0	1
1991–92	2	0	2
1992–93	9	1	10
1993–94	4	1	5
1994–95	7	0	7
1995–96	9	0	9
1996–97	11	0	11
1997–98	11	0	11
1998–99	3	2	5
1999–2000	12	0	12
2000–01	12	0	12
2001–02	18	1	19
2002–03	13	2	15
2003–04	12	0	12
2004–05	10	1	11
2005–06	9	1	10
2006–07	8	1	9
2007–08	8	1	9
2008–09	15	0	15
2009–10	8	1	9
2010–11	7	0	7
Total	193	13	206

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

deaths. The number of Indigenous deaths from pursuits has remained consistently low, ranging between zero and five deaths each year. More pronounced fluctuations can be seen when looking at deaths of non-Indigenous persons from pursuits, which have ranged from zero to 17 deaths each year.

## Sex

The overwhelming majority (94%) of persons dying in motor vehicle pursuits have been male (n=193; see Table 76). Only one female has died during a police motor vehicle pursuit in the last three financial years and there have been a total of 13 female deaths since 1989–90.

## Age

Of greatest concern when examining deaths in motor vehicle pursuits is the relatively young age of those dying (see Table 77). Over the last 22 years, persons aged 24 years or less represent almost two out of every three deaths (60%; n=124). Moreover, persons aged 15–19 years account for one in three (33%; n=68) pursuit deaths, while all persons aged 30 years and over represent just one in four (25%; n=51) deaths occurring in motor vehicle pursuits.

One possible interpretation of the relatively young age profile of persons dying in motor vehicle pursuits is that young inexperienced drivers might be at an increased risk of becoming a fatality during a pursuit. This is particularly important given that the legal age of obtaining a driver's licence (specifically, a

**Table 77** Motor vehicle pursuit deaths by age in years at time of death, 1989–90 to 2010–11 (n)

	Less than 15	15–19	20–24	25–29	30+	Total
1989–90	1	3	0	0	1	5
1990–91	0	1	0	0	0	1
1991–92	0	0	1	0	1	2
1992–93	2	4	2	1	1	10
1993–94	0	0	2	3	0	5
1994–95	0	3	4	0	0	7
1995–96	1	5	2	1	0	9
1996–97	2	6	0	1	2	11
1997–98	0	2	2	2	5	11
1998–99	1	3	0	0	1	5
1999–2000	1	3	2	3	3	12
2000–01	1	5	4	0	2	12
2001–02	2	9	3	2	3	19
2002–03	0	4	3	1	7	15
2003–04	1	2	1	3	5	12
2004–05	0	5	2	2	2	11
2005–06	0	2	2	4	2	10
2006–07	0	1	2	1	5	9
2007–08	1	4	0	1	3	9
2008–09	0	2	5	4	4	15
2009–10	1	2	3	1	2	9
2010–11	0	2	2	1	2	7
Total	14	68	42	31	51	206

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

learner's permit) is 16 years in all jurisdictions (except the Australian Capital Territory, where the legal driving age is 15 years and 9 months).

Of the 124 deaths of persons aged 24 years or less in motor vehicle pursuits, one-quarter (25%; n=31) were aged 16 years or less. The concern here is that one in four deaths of young people in motor vehicle pursuits are either of persons ineligible for a driving licence because they are too young, or they have only a few months experience operating a motor vehicle. Since 1989–90, the following numbers of deaths were recorded across this young age bracket:

- 16 deaths of 19 year olds;
- 22 deaths of 18 year olds;
- 13 deaths of 17 year olds;
- 12 deaths of 16 year olds;
- 4 deaths of 15 year olds;
- 9 deaths of 14 year olds; and
- 6 deaths of children aged 13 years or less.

*Circumstances surrounding motor vehicle pursuit deaths*

**Speed and duration of pursuit**

Of the 206 motor vehicle pursuit deaths in Australia between 1989–90 and 2010–11, information about the speeds reached was available in 178 cases and duration of the pursuit was available for 163 cases. Since 1989–90, the top speeds reached during pursuits have been high across all the jurisdictions. The maximum speeds reached during motor vehicle pursuits ranged from 154km/h in the Northern Territory to 220km/h in Western Australia and Victoria, with pursuit times ranging from a matter of seconds to more than an hour (see Table 78). Where the duration of pursuits was known (n=163), the average duration of fatal pursuits was five minutes and 33 seconds.

Unfortunately, at the time of writing, information was available on both the speeds reached and duration of the pursuit for only 24 of the 31 pursuit deaths that occurred in the last three financial years

Table 78 Speed and duration of motor vehicle pursuits, 1989–90 to 2010–11 <sup>a</sup>						
	Average speed (km/h)	Top speed (km/h)	Average pursuit time (mins: secs)	Pursuit time (mins: secs)		Cases (n)
				Min	Max	
New South Wales	131.7	210	5:39	0:05	50:00	64
Victoria	141.3	220	6:43	0:04	81:00	31
Queensland	127.3	180	5:29	0:09	22:00	19
Western Australia	152.7	220	4:47	0:24	15:00	36
South Australia	123.3	190	5:39	0:15	32:00	16
Tasmania	95.0	160	2:45	2:00	4:00	4
Northern Territory	117.2	154	4:42	1:30	7:00	6
Australian Capital Territory	158.5	167	4:30	1:00	8:00	2
Australia	135.4	220	5:33	0:04	81:00	178

a: Averages were calculated using the total number of cases for which top speed and length of pursuit data were available  
Source: AIC NDICP 1989–90 to 2010–11 [computer file]

(2008–09 to 2010–11). Over this period, the average speed was 131.8km/h and the average duration of the pursuit was three minutes and three seconds.

It should be noted that in most pursuit situations, once speeds reach in excess of 140km/h, it is recommended that the pursuit be scaled back or terminated. Police officers are acutely aware of the risks associated with high-speed pursuits and as part of the pursuit response undertake regular risk assessments in conjunction with the local area commanders. Advice received from police agencies indicated that in almost every situation where the pursuit reaches speeds in excess of 140km/h, the decision is made to terminate the pursuit and this is in line with the Australian Federal Police National Guidelines for terminating pursuits (AFP 2007). Obviously, as a vehicle increases in speed, the reaction time afforded to the driver in

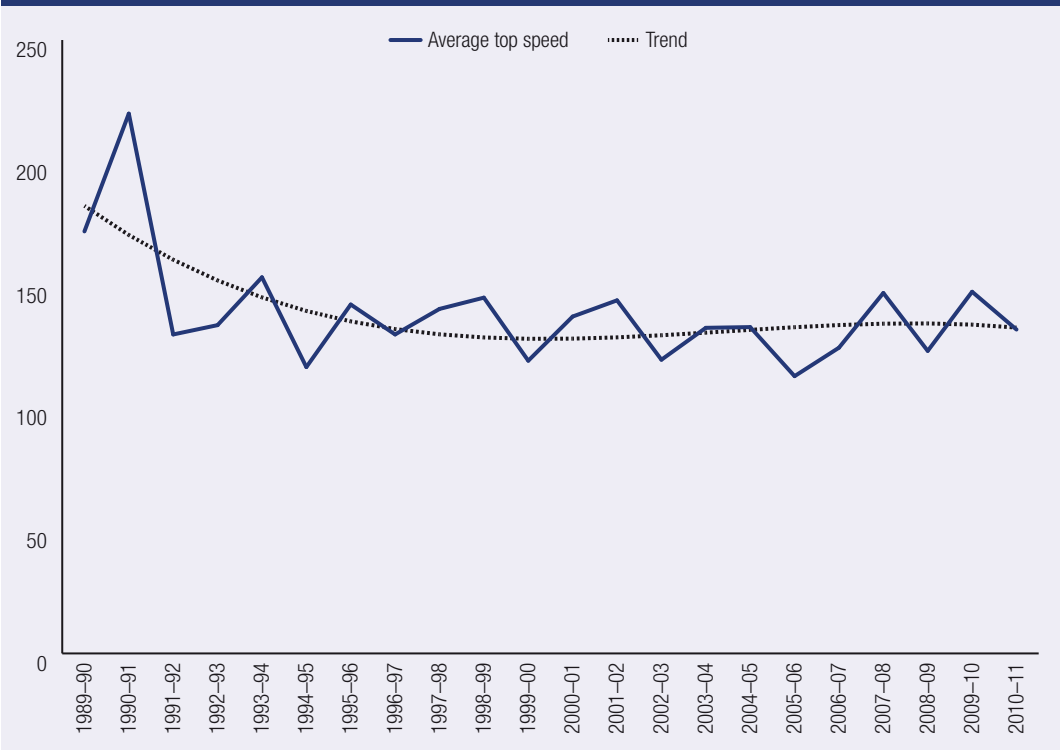
responding to changes in driving conditions is reduced. Therefore, the higher the speed reached in a pursuit the greater the likelihood that an accident will occur.

Figure 30 shows that while the average top speeds reached in pursuits were quite high, they declined over the decade 1989–90 to 1999–2000. Since then, the average pursuit speeds have remained fairly stable. Information about the speeds reached in the seven fatal motor vehicle pursuits in 2010–11 is currently only available in five cases. The missing data will be captured once the coronial findings become available.

*Time of incident*

More motor vehicle pursuit deaths occur in the early hours of the morning between midnight and 4 am

**Figure 30** Average top speed reached in motor vehicle pursuit deaths, 1989–90 to 2010–11 (kilometres per hour)



Source: AIC NDICP 1989–90 to 2010–11 [computer file]



(36%; n=71) than at any other time during the day (see Table 79). The second most common time for a pursuit death to occur is between the hours of 8 pm and midnight (20%; n=40).

## Cause of death

Deaths in motor vehicle pursuits almost always occur as a result of external/multiple injuries (74%; n=152) or head injuries (20%; n=41) sustained by the deceased when their vehicle crashes into another vehicle, or fixture on the side of the road, such as a tree, telegraph pole or sign (see Table 80). Occasionally, a motor vehicle pursuit will end in a standoff between

police officers and the alleged offender, with death resulting from a gunshot—either self-inflicted or by police (4%; n=9). Over the 22 years for which data are available, there have been four deaths (2%) where the cause of death was from something else, such as a drug overdose or drowning.

## Manner of death

Due to the fact that most deaths in motor vehicle pursuits occur as a result of a vehicle accident, the manner of death in most cases is accidental (87%; n=179). Since 2006–07, every death in a motor vehicle pursuit (n=48) except one has resulted from

**Table 79** Motor vehicle pursuit deaths by time of incident, 1989–90 to 2010–11 (n)

	12.00– 4.00 am	4.01– 8.00 am	8.01 am– 12.00 pm	12.01– 4.00 pm	4.01– 8.00 pm	8.01– 11.59 pm	Total
1989–90	4	0	0	0	1	0	5
1990–91	1	0	0	0	0	0	1
1991–92	1	1	0	0	0	0	2
1992–93	1	3	0	2	0	4	10
1993–94	1	2	1	0	0	1	5
1994–95	1	1	0	2	0	2	6
1995–96	1	3	1	1	0	3	9
1996–97	3	3	0	2	1	2	11
1997–98	3	1	1	0	1	3	9
1998–99	3	0	1	0	0	1	5
1999–2000	6	1	0	0	3	2	12
2000–01	3	2	0	2	2	3	12
2001–02	8	0	1	4	1	5	19
2002–03	4	3	1	3	3	1	15
2003–04	4	2	2	0	2	0	10
2004–05	6	1	0	0	0	4	11
2005–06	2	1	3	1	1	1	9
2006–07	4	0	2	0	1	1	8
2007–08	5	1	0	1	2	0	9
2008–09	6	2	0	0	2	5	15
2009–10	3	0	0	2	1	1	7
2010–11	1	0	1	2	1	1	6
Total <sup>a</sup>	71	27	14	22	22	40	196

a: 10 cases have been excluded due to missing time of incident data

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table 80** Motor vehicle pursuit deaths by cause of death, 1989–90 to 2010–11 (n)

	External/multiple trauma	Head injury	Gunshot	Other/drugs	Total
1989–90	4	1	0	0	5
1990–91	1	0	0	0	1
1991–92	1	1	0	0	2
1992–93	7	3	0	0	10
1993–94	3	0	1	1	5
1994–95	4	2	1	0	7
1995–96	9	0	0	0	9
1996–97	6	3	2	0	11
1997–98	9	0	2	0	11
1998–99	5	0	0	0	5
1999–2000	9	2	1	0	12
2000–01	6	4	1	1	12
2001–02	12	7	0	0	19
2002–03	11	3	1	0	15
2003–04	11	0	0	1	12
2004–05	8	3	0	0	11
2005–06	3	6	0	1	10
2006–07	9	0	0	0	9
2007–08	8	1	0	0	9
2008–09	13	2	0	0	15
2009–10	6	3	0	0	9
2010–11	7	0	0	0	7
Total	152	41	9	4	206

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Box 2 Motor vehicle thefts in Australia

Established in 1999 as a national taskforce to bring about reductions in vehicle thefts, the National Motor Vehicle Theft Reduction Council (NMVTRC) also collects statistics on all motor vehicle thefts in Australia, disaggregating data between those that are profit-motivated and those that are for short-term purposes.

In the most recent NMVTRC factsheet published in October 2011, it can be seen that since July 2006, there has been a steady year-on-year decline in the number of passenger and light commercial vehicle thefts for short-term purposes, while profit-motivated thefts over the same period have shown greater fluctuation (NMVTRC 2011).

Moreover, in a paper produced by Weatherburn et al. (2009) from the NSW Bureau of Crime Statistics and Research, the point is made that a relatively small group of offenders commit a disproportionately large number of motor vehicle thefts and that these 'high rate' offenders tend to have a history of prior offending. In particular, the paper finds that

the vast majority of high rate offenders (...63 percent for MVT) were convicted at least once during the two-year observation period...and nearly 27 percent...were convicted two or more times (Weatherburn et al. 2009: 5).

Of all the pursuit deaths where the offence was known (n=201), almost two in five (38%; n=76) involved the theft of a motor vehicle. It can therefore be argued that by continuing to reduce the number of motor vehicle thefts each year, the NMVTRC is also reducing the number of opportunities for offenders to die in motor vehicle theft-related pursuits.

an accident (see Table 81). All other circumstances of death in motor vehicle pursuits occur very infrequently.

### *Most serious offence*

The data presented in this section captures the most serious offence committed by those alleged offenders who died in a motor vehicle pursuit. In the event that the deceased committed multiple offences, all offenders are recorded in the NDICP database but only the most serious is analysed and reported. Offence seriousness is ranked in the order in which they appear in Table 82, from left to right;

categories that are derived from the National Offence Index (ABS 2009b).

For those cases where information is available about the most serious offence since 1989–90, it is interesting to note that 44 percent (n=88) involved traffic offences, such as driving under the influence or dangerous operation of a motor vehicle, followed by theft-related offences (usually the theft of the motor vehicle being pursued; 44%; n=87). Motor vehicle pursuits precipitated by violent, drug-related, good order and other offences occur very infrequently, with the combined total of these categories representing just 12 percent (n=24) of all offences that result in a motor vehicle pursuit death.

**Table 81** Motor vehicle pursuit deaths by manner of death, 1989–90 to 2010–11 (n)

	Accident	Self-inflicted	Unlawful homicide	Justifiable homicide	Other	Total
1989–90	4	0	1	0	0	5
1990–91	1	0	0	0	0	1
1991–92	1	1	0	0	0	2
1992–93	10	0	0	0	0	10
1993–94	4	1	0	0	0	5
1994–95	6	1	0	0	0	7
1995–96	9	0	0	0	0	9
1996–97	8	2	1	0	0	11
1997–98	8	1	1	1	0	11
1998–99	5	0	0	0	0	5
1999–2000	11	0	0	1	0	12
2000–01	11	0	1	0	0	12
2001–02	16	2	1	0	0	19
2002–03	11	4	0	0	0	15
2003–04	11	1	0	0	0	12
2004–05	8	0	3	0	0	11
2005–06	7	0	2	0	1	10
2006–07	9	0	0	0	0	9
2007–08	8	1	0	0	0	9
2008–09	15	0	0	0	0	15
2009–10	9	0	0	0	0	9
2010–11	7	0	0	0	0	7
Total	179	14	10	2	1	206

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table 82** Motor vehicle pursuit deaths by most serious offence, 1989–90 to 2010–11 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1989–90	1	3	0	1	0	0	5
1990–91	0	1	0	0	0	0	1
1991–92	0	0	0	2	0	0	2
1992–93	0	6	1	3	0	0	10
1993–94	1	1	0	3	0	0	5
1994–95	1	2	2	2	0	0	7
1995–96	0	5	0	4	0	0	9
1996–97	2	8	0	1	0	0	11
1997–98	2	4	0	3	0	0	9
1998–99	2	2	0	1	0	0	5
1999–2000	0	8	1	2	1	0	12
2000–01	0	7	0	5	0	0	12
2001–02	0	12	0	7	0	0	19
2002–03	2	6	0	7	0	0	15
2003–04	0	5	0	6	0	0	11
2004–05	0	6	0	3	1	0	10
2005–06	0	3	3	3	1	0	10
2006–07	2	0	0	6	0	0	8
2007–08	0	2	0	6	0	0	8
2008–09	0	2	0	12	0	1	15
2009–10	0	1	0	7	0	0	8
2010–11	0	3	0	4	0	0	7
Total <sup>a</sup>	13	87	7	88	3	1	199

a: 7 cases have been excluded due to missing data about most serious offence

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Location of death

As would be expected due to the nature of motor vehicle pursuits, the majority occur in public places (79%; n=163), followed by public hospitals after an accident (19%; n=40; see Table 83).

government official or security guard, as well as those situations where a person dies due to self-inflicted gunshot wounds in the presence of police. The decision to utilise a firearm in a police operation is not one that is made lightly and as can be seen from the available data, is a decision that is made very infrequently.

## Shooting deaths

Deaths resulting from shootings can be classified as either a Category 1 or 2 death, depending on the circumstances surrounding the shooting. Shooting deaths during police operations include situations where a person dies due to being shot by police,

## Reporting period 2008–09 to 2010–11

Over the reporting period, there were 14 persons shot by police and 13 persons who shot themselves in the presence of police (see Table 84). Deaths across the three years were distributed as follows:

**Table 83** Motor vehicle pursuit deaths by location, 1989–90 to 2010–11 (n)

	Public hospital	Private property	Public place	Other	Total
1989–90	0	0	5	0	5
1990–91	0	0	1	0	1
1991–92	0	0	2	0	2
1992–93	3	0	7	0	10
1993–94	1	0	3	1	5
1994–95	0	0	7	0	7
1995–96	5	1	3	0	9
1996–97	4	0	7	0	11
1997–98	4	0	7	0	11
1998–99	2	0	3	0	5
1999–2000	2	1	9	0	12
2000–01	2	0	10	0	12
2001–02	2	0	17	0	19
2002–03	2	0	13	0	15
2003–04	0	0	12	0	12
2004–05	0	0	11	0	11
2005–06	2	0	8	0	10
2006–07	1	0	8	0	9
2007–08	4	0	5	0	9
2008–09	3	0	12	0	15
2009–10	3	0	6	0	9
2010/11	0	0	7	0	7
Total	40	2	163	1	206

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

- In 2008–09, there were 10 deaths resulting from a gunshot, five involving persons shot by police and five where the deceased shot themselves in the presence of police (see Table 84). Available data showed that no Indigenous persons were shot by police; one Indigenous gunshot death was self-inflicted.
- In 2009–10, the number of shooting deaths dropped slightly from the previous 12 months ( $n=10$  cf  $n=8$ ). There were three persons shot by police in 2009–10 and five deaths resulting from a self-inflicted gunshot. As with the previous year, no Indigenous persons were shot by police; one Indigenous gunshot death was self-inflicted.
- In 2010–11, there was a small increase in the number of persons shot by police, while at the same time, there was a decline in self-inflicted gunshot deaths, resulting in a total number of shooting deaths at levels in line with recorded totals in recent years. One Indigenous person was shot by police in 2010–11, with all other shooting deaths involving non-Indigenous persons.

### Trends

Over the last 22 years, a total of 199 shooting deaths have been recorded in police custody-related operations (see Table 85). The vast majority of all

**Table 84** Police shooting deaths, 2008–09 to 2010–11 (n)

2008–09			
	Shot by police	Shot self	Total
New South Wales	2	1	3
Victoria	1	1	2
Queensland	0	1	1
Western Australia	0	1	1
South Australia	2	0	2
Tasmania	0	0	0
Northern Territory	0	1	1
Australian Capital Territory	0	0	0
<b>Totals</b>			
Indigenous	0	1	1
Non-Indigenous	5	4	9
All persons	5	5	10
2009–10			
	Shot by police	Shot self	Total
New South Wales	3	1	4
Victoria	0	1	1
Queensland	0	2	2
Western Australia	0	0	0
South Australia	0	1	1
Tasmania	0	0	0
Northern Territory	0	0	0
Australian Capital Territory	0	0	0
<b>Totals</b>			
Indigenous	0	1	1
Non-Indigenous	3	4	7
All persons	3	5	8
2010–11			
	Shot by police	Shot self	Total
New South Wales	2	1	3
Victoria	1	0	1
Queensland	0	0	0
Western Australia	0	1	1
South Australia	1	1	2
Tasmania	1	0	1
Northern Territory	0	0	0
Australian Capital Territory	1	0	1
<b>Totals</b>			
Indigenous	1	0	1
Non-Indigenous	5	3	8
All persons	6	3	9

Source: AIC NDICP 2008–09 to 2010–11 [computer file]

shooting deaths (94%; n=186) have involved non-Indigenous persons, with just over half (52%; n=97) of these being persons being shot by police.

More than two in five shooting deaths (46%; n=92) were persons shooting themselves in the presence of police. The relatively large proportion of self-inflicted shooting deaths in police custody-related operations suggests that mental health issues are playing a greater role in the prevalence of these deaths. Analysis of the data on persons shooting themselves showed that 44 percent (n=40) were persons suffering from some form of mental illness

at the time of death. Mental health data for persons shot by police is presented below.

Indigenous persons represent only a very small proportion of persons involved in shootings (7%; n=13; see Table 85). Of all persons shot by police since 1989–90 (n=105), Indigenous persons represent just one in 13 such deaths (8%; n=8; see Figure 31).

Long-term trends show that the number of persons shot by police peaked twice, once in 1993–94 (9 deaths) and again in 1999–2000 (11 deaths). In all other years, the number of persons shot by police

**Table 85** All shooting deaths in police custody and custody-related operations by Indigenous status and year, 1989–90 to 2010–11 (n)

	Shot by police		Shot self		Shot by other official		Total		
	Indigenous	Non-Indig	Indigenous	Non-Indig	Indigenous	Non-Indig	Indigenous	Non-Indig	Total
1989–90	1	1	0	0	0	0	1	1	2
1990–91	0	5	0	3	0	0	0	8	8
1991–92	0	4	0	2	0	0	0	6	6
1992–93	0	4	0	5	0	1	0	10	10
1993–94	1	8	0	7	0	0	1	15	16
1994–95	2	4	0	5	0	0	2	9	11
1995–96	0	4	0	7	0	0	0	11	11
1996–97	0	7	1	7	0	0	1	14	15
1997–98	0	5	0	2	0	0	0	7	7
1998–99	1	1	0	0	0	0	1	1	2
1999–2000	0	11	0	4	0	0	0	15	15
2000–01	1	2	0	4	0	0	1	6	7
2001–02	0	2	1	3	0	0	1	5	6
2002–03	1	4	0	5	0	0	1	9	10
2003–04	0	7	0	5	0	0	0	12	12
2004–05	0	6	0	5	0	0	0	11	11
2005–06	0	3	0	3	0	0	0	6	6
2006–07	0	3	0	4	0	0	0	7	7
2007–08	0	3	1	5	0	0	1	8	9
2008–09	0	5	1	4	0	0	1	9	10
2009–10	0	3	1	4	0	0	1	7	8
2010–11	1	5	0	3	0	0	1	8	9
Total <sup>a</sup>	8	97	5	87	0	1	13	185	198

a: 1 case has been excluded due to missing data

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

has fluctuated between two and seven deaths each year. It can also be seen in Figure 31 that the number of police shootings of Indigenous persons are low and occur infrequently.

### Demographic characteristics

#### Indigenous status

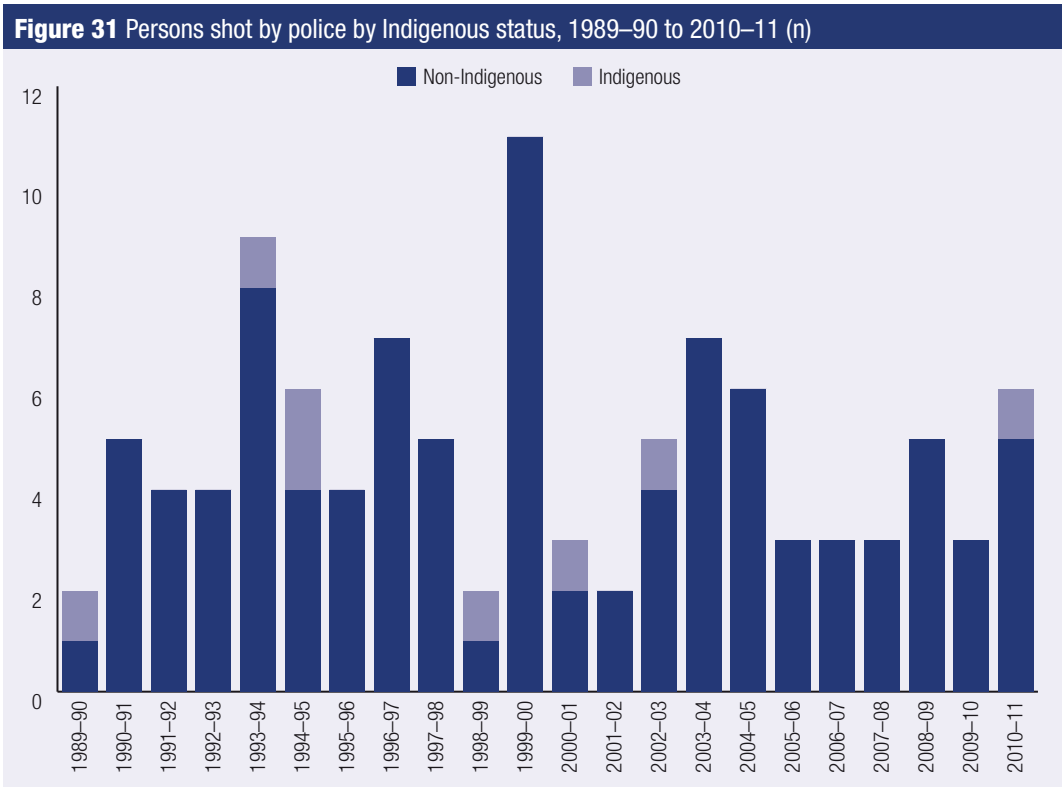
Table 86 presents information on persons shot by police as a proportion of all deaths in police custody each year. Over the last 22 years for which these data have been collected, 15 percent of all deaths in police custody have been persons shot by police. It is important to note that almost three times the proportion of non-Indigenous police custody deaths have been persons shot by police compared with Indigenous persons (17% cf 6%).

#### Sex

As can be seen in Table 87, females are rarely shot by police, with just three percent (n=3) of all persons shot by police being female. Further, the last female to be shot by police was in 1995–96. In all other years, only males have died as a result of a police shooting.

#### Age

Analysis of the data showed that of all persons shot by police since 1989–90 (n=105), almost two out of every three (64%; n=67) were persons aged less than 35 years at the time of death (see Table 88). Persons over 35 years comprise just 36 percent (n=38) of persons shot by police. Despite one recorded case in each of the last three financial years, persons aged 19 years or less are rarely shot by police and such cases remain infrequent.



Source: AIC NDICP 1989–90 to 2010–11 [computer file]



**Table 86** Persons shot by police as a percentage of all deaths in police custody, 1989–90 to 2010–11

	Indigenous persons shot by police		Non-Indigenous persons shot by police		Total persons shot by police		All deaths in police custody
	n	%	n	%	Total n	%	Total n
1989–90	1	11	1	5	2	7	29
1990–91	0	–	5	22	5	19	26
1991–92	0	–	4	20	4	16	25
1992–93	0	–	4	12	4	11	38
1993–94	1	33	8	29	9	29	31
1994–95	2	67	4	15	6	20	30
1995–96	0	–	4	16	4	13	31
1996–97	0	–	7	27	7	21	34
1997–98	0	–	5	22	5	18	28
1998–99	1	14	1	7	2	10	21
1999–2000	0	–	11	34	11	31	36
2000–01	1	14	2	8	3	9	33
2001–02	0	–	2	6	2	5	42
2002–03	1	9	4	13	5	12	41
2003–04	0	–	7	22	7	17	42
2004–05	0	–	6	24	6	17	36
2005–06	0	–	3	19	3	13	23
2006–07	0	–	3	11	3	10	31
2007–08	0	–	3	10	3	9	34
2008–09	0	–	5	17	5	14	37
2009–10	0	–	3	14	3	11	28
2010–11	1	13	5	28	6	23	26
Total	8	6	97	17	105	15	702

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## *Circumstances surrounding shooting deaths*

### Time of incident

Since 1989–90, most police shooting deaths occurred during the late afternoon and early morning (see Table 89). Where information was available, 29 percent (n=30) occurred between 4 pm and 8 pm, 18 percent (n=19) between 8 pm and midnight and 14 percent (n=15) between midnight and 4 am. The most unlikely time for a person to be shot by police was between the hours of 4 am and 8 am, with only eight percent (n=7) of shootings occurring during these hours.

### Manner of death

This section presents information about the circumstances in which people were shot by police. The majority of police shooting deaths (93%; n=98) since 1989–90 were determined to be justifiable homicides (see Table 90). A justifiable homicide is that which occurs under circumstances authorised by law and in such cases, generally no charges against the officers involved are recommended by the Director of Public Prosecutions. Currently, the manner of death in one police shooting is being investigated by the Director of Public Prosecutions in New South Wales. Consequently, this case has been excluded pending the outcome of that investigation.

**Table 87** Persons shot by police by sex, 1989–90 to 2010–11 (n)

	Male	Female	Total
1989–90	2	0	2
1990–91	5	0	5
1991–92	4	0	4
1992–93	4	0	4
1993–94	8	1	9
1994–95	5	1	6
1995–96	3	1	4
1996–97	7	0	7
1997–98	5	0	5
1998–99	2	0	2
1999–2000	11	0	11
2000–01	3	0	3
2001–02	2	0	2
2002–03	5	0	5
2003–04	7	0	7
2004–05	6	0	6
2005–06	3	0	3
2006–07	3	0	3
2007–08	3	0	3
2008–09	5	0	5
2009–10	3	0	3
2010–11	6	0	6
Total	102	3	105

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## *Mental illness*

Of the 105 persons shot by police, information is available in 57 cases about whether the deceased had a mental illness at the time of the shooting. For those persons shot by police where the available information did not indicate the presence of a mental health issue, the lack of information should not be taken as confirmation that the person had no mental health issues. It may be the case that information about the deceased's mental health was not included in the coronial finding because it had little or no impact on the circumstances of the death. It is also possible that during this period, other people were shot by police that had mental health issues but that these issues were not diagnosed and/

or were not recorded in the available information.

For this reason, findings presented here should be treated as a conservative estimate of the prevalence of mental illness among persons shot by police. The assignment of mental illness, disorders or conditions was made through judgement by NDICP research staff based on often limited available information.

Over the last 22 years, 44 persons suffering a mental illness have been shot by police, representing just over two in every five (42%) persons shot by police over this period. Psychotic disorders such as schizophrenia were by far the most prevalent (59%; n=26). According to the US National Institute of Mental Health, persons suffering from schizophrenia

**Table 88** Persons shot by police by age category, 1989–90 to 2010–11 (n)

	19 yrs or less	20–24 yrs	25–29 yrs	30–34 yrs	35–39 yrs	40–44 yrs	45+ yrs	Total
1989–90	0	1	0	0	0	1	0	2
1990–91	0	2	2	1	0	0	0	5
1991–92	0	2	1	0	0	1	0	4
1992–93	0	0	0	0	0	1	3	4
1993–94	2	2	1	1	2	1	0	9
1994–95	0	0	0	2	0	3	1	6
1995–96	0	1	1	0	2	0	0	4
1996–97	0	1	3	1	2	0	0	7
1997–98	0	1	1	3	0	0	0	5
1998–99	1	0	0	0	1	0	0	2
1999–2000	0	0	8	0	1	2	0	11
2000–01	0	1	0	0	1	0	1	3
2001–02	0	1	0	0	0	1	0	2
2002–03	1	1	0	2	0	0	1	5
2003–04	0	0	2	3	0	1	1	7
2004–05	0	0	2	2	1	1	0	6
2005–06	0	1	1	0	1	0	0	3
2006–07	0	0	0	3	0	0	0	3
2007–08	0	0	1	0	0	0	2	3
2008–09	1	1	0	0	0	2	1	5
2009–10	1	0	0	0	1	0	1	3
2010–11	1	1	1	2	0	1	0	6
Total	7	16	24	20	12	15	11	105

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

may believe other people are reading their minds, controlling their thoughts, or plotting to harm them...people with the illness [can become] withdrawn or extremely agitated (NIMH 2012: np).

Responding to situations where a person is suffering the acute symptoms of schizophrenia, such as behaving erratically or debilitated by paranoid delusions, can be a very difficult and dangerous task for police officers.

Available research indicates that persons with schizophrenia may be overrepresented among those persons who have a mental illness and come in contact with police. Although limited Australian

research exists on this topic, other international studies point to the over-representation of people suffering schizophrenia in the criminal justice system. In the United States, for example, a study of 172 individuals with schizophrenia or a schizoaffective disorder found that over three years, 48 percent (n=83) had contact with police; 22 percent of whom (n=37) had had charges filed against them (Brekke et al. 2001).

One possible explanation for the over-representation of people suffering from schizophrenia is their heightened level of involvement in violent or potentially violent activities warranting police intervention. In a Finnish study conducted by Eronen, Tiihonen and Hakola (1996: 1), it was found that

**Table 89** Police shooting deaths by time of incident, 1989–90 to 2010–11 (n)

	12.00– 4.00 am	4.01– 8.00 am	8.01 am– 12.00 pm	12.01– 4.00 pm	4.01– 8.00 pm	8.01– 11.59 pm	Total
1989–90	0	0	1	0	1	0	2
1990–91	3	0	1	0	1	0	5
1991–92	2	1	1	0	0	0	4
1992–93	0	0	0	2	0	2	4
1993–94	0	0	1	3	3	2	9
1994–95	1	0	2	1	1	1	6
1995–96	1	0	1	0	2	0	4
1996–97	3	1	2	0	0	1	7
1997–98	1	1	0	0	2	1	5
1998–99	0	1	0	0	1	0	2
1999–2000	1	1	3	1	4	1	11
2000–01	0	0	0	0	1	2	3
2001–02	0	0	0	0	2	0	2
2002–03	0	0	0	1	2	2	5
2003–04	1	1	1	3	1	0	7
2004–05	0	1	0	1	4	0	6
2005–06	0	0	2	0	0	1	3
2006–07	0	0	2	0	1	0	3
2007–08	0	0	0	0	1	2	3
2008–09	0	0	1	1	2	1	5
2009–10	1	0	1	0	1	0	3
2010–11	1	1	0	0	0	3	5
Total <sup>a</sup>	15	8	19	13	30	19	104

a: 1 case has been excluded due to missing information about the time of shooting

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

the risk of committing a homicide was about 10 times greater for schizophrenia patients and that the risk was further increased for males where schizophrenia coexisted with alcoholism.

From data collected on police shootings in Australia over the last 22 years, it can be seen that more than half of all persons with a mental illness who were shot by police had schizophrenia (59%; n=26; see Table 91) and of these, more than four in five (81%; n=21) were committing violent offences at the time when they were shot. In responding to such incidents, police officers may not know the individual has schizophrenia; all they are presented with is a person committing violent offences and

behaving irrationally. Over the last decade, police officers in every jurisdiction have received special training to identify the symptoms of mental illness, as well as practical training in responding effectively to such incidents. It should also be noted that the overwhelming majority of interactions between police and persons suffering a mental illness end constructively.

### Most serious offence

Since 1989–90, more people have been shot by police following or during the commission of a violence offence than any other type of offending (69%; n=72; see Table 92). The majority of these

**Table 90** Persons shot by police by manner of death, 1989–90 to 2010–11 (n)

	Unlawful homicide	Justifiable homicide	Other	Total
1989–90	0	1	1	2
1990–91	0	3	2	5
1991–92	0	4	0	4
1992–93	0	4	0	4
1993–94	0	9	0	9
1994–95	0	6	0	6
1995–96	0	4	0	4
1996–97	0	7	0	7
1997–98	0	5	0	5
1998–99	0	2	0	2
1999–2000	0	11	0	11
2000–01	0	2	0	3
2001–02	1	2	0	2
2002–03	0	4	1	5
2003–04	0	6	1	7
2004–05	0	6	0	6
2005–06	0	3	0	3
2006–07	0	3	0	3
2007–08	0	3	0	3
2008–09	0	4	0	4
2009–10	0	3	0	3
2010–11	0	6	0	6
Total <sup>a</sup>	1	98	5	104

a: 1 case has been excluded due to the fact that the manner of death is still under investigation

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

violent offences involved homicides, serious assaults or persons with deadly weapons. Of the 14 persons shot by police in the last three financial years, nine had committed or were committing violence offences at the time when they were shot, with the remaining five cases involving a theft-related, good order or other offences, with one case missing information about the offence committed.

### Location of death

Most police shootings occur in public places (45%; n=47) or on private property (35%; n=37; see Table 93) than any other location. Occasionally, persons are shot and then transferred to hospital where they later succumb to the gunshot wound(s) (16%;

n=17). The four deaths in the 'other' category were all deaths occurring in an ambulance en route to the hospital.

## Summary of motor vehicle pursuit and shooting deaths

### *Motor vehicle pursuits*

Since the NDICP began collecting data on motor vehicle pursuit deaths in 1989–90, there have been a total of 206 deaths, of which 44 (21%) involved Indigenous persons and 162 (79%) were of non-

Indigenous persons. Of these 206 deaths, 193 deaths (94%) were of male, while the remaining 13 (6%) were of females. Closer examination of the data also revealed that a third of deaths involved young persons aged between 15 and 19 years (33%; n=68), and one in five involved a person aged 20–24 years (21%; n=42).

Another interesting finding was that of the 178 cases where the speeds involved in the pursuit were known, average motor vehicle pursuit speeds have remained fairly stable, with the average over the whole 22 years being 135.4 km/h. Moreover, where

the duration of pursuits was known (n=163), the average duration of fatal pursuits was five minutes and 33 seconds. As such, a large proportion of pursuit accidents happen within a few minutes after the pursuit commences. Analysis of the time of day when pursuit fatalities occur showed that they most frequently happen between midnight and 4:00 am (36%; n=71).

Most people die from external/multiple trauma (74%; n=152) or head injuries (20%; n=41) sustained during a vehicle accident. In this way, the manner of death is almost always accidental (87%; n=179).

**Table 91** Persons shot by police by type of mental illness and year as a proportion of all persons shot by police, 1989–90 to 2010–11

	Adjustment disorder	Anxiety disorder	Mood disorder	Personality disorder	Psychotic disorder	All other disorders	Total	% of all persons shot by police
1989–90	0	0	0	0	0	0	0	0.0
1990–91	0	0	0	0	1	0	1	20.0
1991–92	0	1	0	1	0	0	2	50.0
1992–93	0	0	0	0	0	0	0	0.0
1993–94	0	0	0	0	3	2	5	55.6
1994–95	1	0	2	1	0	0	4	66.7
1995–96	0	0	0	0	2	0	2	50.0
1996–97	0	0	0	0	3	0	3	42.9
1997–98	0	0	0	0	1	0	1	20.0
1998–99	0	0	0	0	0	0	0	0.0
1999–2000	0	0	1	0	1	1	3	27.3
2000–01	0	0	0	0	0	1	1	33.3
2001–02	0	0	1	0	1	0	2	100.0
2002–03	0	0	1	0	0	1	2	40.0
2003–04	0	0	0	1	4	0	5	71.4
2004–05	0	0	0	0	3	0	3	50.0
2005–06	0	0	0	0	1	0	1	33.3
2006–07	0	0	0	0	2	0	2	66.7
2007–08	0	0	1	0	0	1	2	66.7
2008–09	0	0	0	0	2	0	2	40.0
2009–10	0	0	0	0	1	1	2	66.7
2010–11	0	0	0	0	1	0	1	16.7
Total <sup>a</sup>	1	1	6	3	26	7	44	41.9

a: 48 cases have been omitted due to missing information about whether the deceased had a mental illness and 13 cases have been excluded because the deceased was not recorded in the available information as having a mental illness

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table 92** Persons shot by police by most serious offence, 1989–90 to 2010–11 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1989–90	1	1	0	0	0	0	2
1990–91	4	1	0	0	0	0	5
1991–92	1	1	0	0	1	1	4
1992–93	2	2	0	0	0	0	4
1993–94	6	3	0	0	0	0	9
1994–95	5	0	0	1	0	0	6
1995–96	2	1	0	0	0	1	4
1996–97	4	2	1	0	0	0	7
1997–98	4	0	0	0	0	1	5
1998–99	1	1	0	0	0	0	2
1999–2000	9	2	0	0	0	0	11
2000–01	1	1	0	0	1	0	3
2001–02	2	0	0	0	0	0	2
2002–03	1	1	0	0	1	2	5
2003–04	7	0	0	0	0	0	7
2004–05	6	0	0	0	0	0	6
2005–06	3	0	0	0	0	0	3
2006–07	2	1	0	0	0	0	3
2007–08	2	0	0	0	1	0	3
2008–09	3	1	0	0	0	1	5
2009–10	2	0	0	0	0	1	3
2010–11	4	0	0	0	1	0	5
Total <sup>a</sup>	72	18	1	1	5	7	104

a: 1 case has been omitted due to missing information about the most serious offence

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

Overall, the most common types of offences that led to a motor vehicle pursuit death were traffic-related (44%; n=88) or theft-related offences (44%; n=87). Of the theft-related offences leading to pursuits, 86 percent (n=75) were thefts of motor vehicles, usually the vehicle being pursued. For this reason, if motor vehicle thefts continue to decline in Australia, this may have a positive impact on the number of theft-related pursuit fatalities.

### Shooting deaths

Since 1989–90, there have been 199 deaths resulting from a shooting in police custody or a custody-related operation. In total, more than half

(53%; n=105) were persons shot by police, with just over two in five deaths (46%; n=92) being persons shooting themselves in the presence of police. In the remaining two shooting deaths, one was a non-Indigenous person shot by a government official during an armed robbery and in the other case, the coroner was unable to determine who fired the shot that killed the deceased. Over the last 22 years, there have been 13 shooting deaths involving an Indigenous person, of which eight (62%) were persons shot by police and five (39%) were self-inflicted shootings.

Of the 105 persons shot by police, 102 (97%) were male, while only three (3%) were female. In terms of age, persons shot by police were more likely to be

25 to 34 years (42%; n=44), while the least likely to be shot were those less than 20 years old and those over 49 years (7%; n=7 and 4%; n=4 respectively). Unlike motor vehicle pursuit deaths that are generally precipitated by theft or traffic offences, most police

shootings occurred following a violent offence (69%; n=72). Finally, most police shooting take place in either a public place (45%; n=47) or private property (35%; n=37).

**Table 93** Police shooting deaths by location, 1989–90 to 2010–11 (n)

	Public hospital	Private property	Public place	Other	Total
1989–90	0	1	1	0	2
1990–91	1	3	1	0	5
1991–92	1	2	1	0	4
1992–93	1	0	3	0	4
1993–94	1	3	5	0	9
1994–95	2	2	2	0	6
1995–96	1	2	1	0	4
1996–97	3	0	2	2	7
1997–98	0	2	2	1	5
1998–99	1	1	0	0	2
1999–2000	1	4	6	0	11
2000–01	0	2	1	0	3
2001–02	0	1	1	0	2
2002–03	1	1	2	1	5
2003–04	0	2	5	0	7
2004–05	2	1	3	0	6
2005–06	0	2	1	0	3
2006–07	0	2	1	0	3
2007–08	0	1	2	0	3
2008–09	0	3	2	0	5
2009–10	2	0	1	0	3
2010–11	0	2	4	0	6
Total	17	37	47	4	105

Source: AIC NDICP 1989–90 to 2010–11 [computer file]





# Conclusion

## Overall trends

Over the 32 years for which data have been collected by the NDICP on deaths in custody in Australia, annual totals have exhibited a curvilinear trend, in that throughout the 1980s the number of deaths increased steadily each year, then during the 1990s there was relative stability; since the year 2000, there has been a gradual decline in deaths in custody. While deaths in custody reached a 20 year low of 54 in 2005–06, it is of concern that since this low, the total number of deaths each year has begun to increase to levels at the upper end of the range. Nevertheless, the number of deaths in custody recorded in recent years remains lower than the annual total number of deaths recorded in the late 1990s.

The available data showed that almost one in five deaths in custody (19%; n=449) have been of an Indigenous person, with a smaller proportion of deaths seen in prison custody (17%; n=238) than in police custody and custody-related operations (23%; n=203). Although actual numbers remain low, it is most concerning that more than two in five deaths (44%; n=8) in juvenile justice custody have involved Indigenous young people.

## *Prison custody deaths*

After two decades of substantial fluctuation in terms of rates of death in prison custody between the early 1980s and late 1990s, there was a steady decline to an all-time low of 0.12 deaths per 100 prisoners in 2005–06. Since this low, the rate of death in prison has remained stable, ranging between 0.15 and 0.20 deaths per 100 prisoners.

More substantial fluctuations can be seen when looking at the rates of death between Indigenous and non-Indigenous prisoners; however, the same overall trend can be seen. It is important to note that the rate of death for Indigenous prisoners reached the lowest point since data has been collected in 2005–06.

It is also important to gauge the relative likelihood of death between the two cohorts or, more simply, are Indigenous prisoners more likely to die than their non-Indigenous counterparts? Analysis of the available data showed that there were 10 separate years out of the last 30 when Indigenous prisoners were more likely to die than non-Indigenous prisoners. It is encouraging to note that since the late 1990s, the relative likelihood of death has reduced. For the last eight consecutive years,

Indigenous prisoners were less likely to die in prison than non-Indigenous prisoners. Further, the rate–ratio has reached the lowest levels since the data collection commenced. It can therefore be concluded that the main findings of the RCIADIC 20 years ago remains true today, in that Indigenous persons are no more likely to die in custody than non-Indigenous prisoners, but that at the core of the problem is the over-representation of Indigenous people in prison.

While it is important to place the number of deaths in the context of the number of people in prison, it should not be overlooked that the number of Indigenous deaths in prison custody in recent years has again started to increase, with the number recorded in 2009–10 being the equal highest on record. Furthermore, the majority of Indigenous prisoners are dying at younger ages than their non-Indigenous counterparts and the predominant cause of death is from a natural cause process. This finding is consistent with the available evidence that indicates generally, Indigenous Australians experience much poorer health outcomes and have a lower life expectancy than do non-Indigenous Australians.

### *Police custody and custody-related operations deaths*

In a similar fashion to the long-term trends seen in prison custody deaths, police custody deaths have also exhibited a curvilinear trend. Specifically, from 1989–90 to the peak in 2001–02, the number of deaths increased, after which they began to decline each year, with the number recorded in both 2009–10 and 2010–11 being at the lower end of historical totals.

Examining the two categories of police custody deaths—Category 1 (those in institutional and close contact settings such as raids and shootings) and Category 2 (operational deaths such as sieges and pursuits)—there are pronounced differences in the trends. Category 1 deaths have been steadily declining each year since the late 1980s, reaching the lowest point in history in 2005–06. This finding is indicative of the significant and widespread efforts made by police agencies across Australia to remove hanging points in police cells at the same time as

officers have received training in the management of prisoners deemed at risk of self-harm.

While close contact deaths have been declining, those deaths that occur in situations where police officers are attempting to place someone under arrest, but have limited control over the actions of the suspect (such as a siege or motor vehicle pursuit) have shown an overall increase since the early 1990s. However, following the peak in Category 2 deaths in 2003–04 (n=31), there has been a modest decline in these types of deaths, with fewer Category 2 deaths recorded in 2010–11 than Category 1. The last time this occurred was in 11 years ago in 1998–99.

### *Cause of death and age*

Whereas throughout the period from 1979–80 to 2000–01, deaths in custody were more likely to result from self-inflicted injuries, such as hanging or incise wounds, the number and prevalence of such deaths has reduced considerably over the last decade. At the same time as self-inflicted deaths have been decreasing, deaths resulting from natural causes such as heart disease and cancer have been increasing to the point where almost two out of every three deaths in custody is now from a natural cause. It is also worth noting that deaths from drugs/alcohol each year have reduced to some of the lowest levels since monitoring began.

One of the drivers of this trend in cause of death is associated with age, in that the majority of persons self-inflicting their death throughout the 1980s and 1990s were younger prisoners under the age of 30 years. The decline in self-inflicted deaths over the last decade is most pronounced among this younger cohort. It can also be seen that the increase in natural cause deaths is closely linked to increasing numbers of older sentenced prisoners (55 years and over) dying in prison from serious medical conditions and terminal illnesses. The number of natural cause deaths in 2010–11 was the highest ever recorded, with the number in 2009–10 being the second highest.

Deaths in police custody and custody-related operations are more likely to involve persons under the age of 30 years, compared with persons over 30 years. When comparing Indigenous and

non-Indigenous deaths, analysis of available data showed that Indigenous persons are dying at younger ages in this setting compared with their non-Indigenous counterparts. Overall, Indigenous persons represent just under one in every four (23%; n=203) deaths in police custody since 1979–80.

### *Motor vehicle pursuit deaths*

Over the 22 years for which deaths occurring in motor vehicle pursuits have been monitored, there has been an overall increase in these types of deaths. Looking at long-term trends, it can be seen that there were two distinct peaks, with 19 deaths recorded in 2001–02 and 15 deaths in 2008–09. Deaths in motor vehicle pursuits have become the most common type of death in police custody-related operations. In light of this finding, the AIC is working closely with police agencies to examine motor vehicle pursuits more closely and to identify the types of strategies and initiatives that can be adopted to reduce the risks associated with this dangerous type of operational policing. It should be noted that while the number of pursuit deaths have been increasing, both the average speeds reached

and the average duration of pursuits have remained fairly stable over the last two decades. The NDICP will continue to work closely with police agencies to monitor deaths occurring in motor vehicle pursuits in Australia.

### *Shooting deaths in police custody and custody-related operations*

Shooting deaths can either be self-inflicted or result from police shooting (or other government official); the latter being those that attract the greatest attention and scrutiny. Since 1989–90, there have been a total of 199 persons dying from gunshot wounds, 105 (53%) being persons shot by police, one death (0.5%) was a person shot by a government official and 92 deaths (46%) were persons shot themselves in the presence of police. Of concern when looking at police shootings is the fact that more than two in five (42%; n=44) are young non-Indigenous males under the age of 30 years. Finally, the available data showed that relatively few Indigenous persons have been shot by police, with only eight such deaths (8%) recorded since 1989–90.

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# Appendices

# Appendix A: Review of the National Deaths in Custody Program

## Overview of the review

To mark the twentieth anniversary of the RCIADIC's final report into deaths in custody and the renewed focus on this issue, the AIC undertook a comprehensive review of the NDICP in 2011. In general terms, the purpose of the review was to improve the quality and relevance of the program, as well as to ensure greater transparency and timeliness of reporting going forward.

The review focused on five key elements of this national monitoring program:

- governance;
- framework for monitoring deaths in custody;
- scope of monitoring and definitions;
- data collection and quality; and
- timeliness of reports.

## Governance

The responsibility for maintaining a statistical database and reporting to government on the nature and circumstances of deaths in custody was given to the AIC by the RCIADIC (Recommendations 41 & 46). The AIC is an independent crime and justice research agency within the Australian Government. All publications using data produced by the NDICP are approved for release by the Director of the AIC, after being noted by the relevant Minister (currently the Minister for Home Affairs). Prior to release, all state/territory data-providing agencies are given the opportunity to review and comment on research findings. There are no proposed changes to the governance of the NDICP.

## The framework for monitoring deaths in custody

It was identified during the review that the analytical framework for monitoring deaths in custody was not clearly outlined in NDICP publications. Consequently, through discussions with data providing agencies, as well as the Productivity Commission and ABS, the following three high-level indicators on deaths in custody were agreed upon as the framework for national monitoring:

- trends in the number of deaths in prisons, juvenile justice and police custody, and the proportion of total deaths in each setting involving Indigenous persons;
- trends in the rate of death per 100 adult prisoners on an average day and the rate-ratio for Indigenous and non-Indigenous deaths in police custody, and custody-related operations; and
- trends in the causes and circumstances of deaths in all custodial settings.

This framework supports the NDICP's unique historical role of monitoring the extent and nature of Indigenous deaths in custody each year. Data collected by the NDICP has become one of a few Indigenous-specific indicators of comparative disadvantage in the criminal justice system in Australia. In addition to collecting these data, the NDICP also has a practical role in contributing to the evidence base for the development of policies and programs that endeavour to reduce the number of deaths in custody each year.

## Scope of monitoring and definitions

The NDICP monitors all deaths occurring in the three main criminal justice custodial settings—prison, juvenile justice and police custody. The RCIADIC outlined the types of deaths that would require notification to the NDICP (Recommendation 41). They are:

- a death, wherever occurring, of a person who is in prison custody, police custody or detention as a juvenile;
- a death, wherever occurring, of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care, while in such custody or detention;
- a 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
- a death, wherever occurring, of a person attempting to escape from prison, police custody or juvenile detention.

This definition was applied by the RCIADIC research team in collecting the 99 cases upon which the RCIADIC focused.

In a report prepared by the Aboriginal and Torres Strait Islander Social Justice Commissioner into Indigenous deaths in custody between 1989 and 1996, the Commissioner noted ‘...that the definition of a death in custody has been both problematic and contested’ (OATSISJC 1996: np). During the collection of data for the RCIADIC, the death of David John Gundy illuminated the challenges that can arise when trying to decide whether the deceased was in custody, or in the process of being detained, when they died. This case involved officers from the NSW Special Weapons and Operation Squad who were conducting a raid on a house for the purpose of detaining John Albert Porter, who was the main suspect in the shooting of two police officers three days earlier. The point at issue in this case was whether Mr Gundy was in the custody of NSW police officers at the time when officers raided the house. The coronial inquest into this matter concluded that:

On 27 April, 1989 at 193 Sydenham Road, Marrickville, David John Gundy died of the effects of shot gun wounds to the chest sustained then and there near the doorway to his bedroom, when he took hold of the barrel of a shot gun held by Terry Dawson, a Detective Sergeant of Police acting in the course of his duty and the weapon accidentally discharged (Eatts vs Dawson: G208 of 1990, Federal Court of Australia, Morling, Beaumont, and Gummow, JJ. 23 May 1990).

The Full Bench of the Federal Court of Australia tested the legal boundaries around when someone is in custody and therefore, within the scope for inclusion in the Royal Commission Inquiry. In this regard, the decision in this matter states:

To confine the meaning of ‘custody’ to that state which follows arrest or similar official act, as the first respondents would have it, is, in our opinion, to pay too close a regard to legal forms rather than the substantive character or quality of police activity. One should have thought that the death of an Aboriginal person who died whilst being watched and guarded by police, acting *vi et armis*, was likely to be a proper subject matter for inquiry by the Royal Commissioner (Eatts vs Dawson: G208 of 1990: 48).

Essentially, it was concluded by the Federal Court that a person is deemed to be in custody when they are not free to leave, regardless of whether the individual in question is aware that they are in custody. The decision outlines that:

An arrest may occur when, by words or conduct, a person makes it clear to another that he will, if necessary, use force to prevent the other person from going where he may want to go; it is not essential that the other person have submitted to the display of force. Moreover, an individual may be ‘imprisoned’ without knowing of the restrictions imposed on his liberty whilst, for example, that person is asleep (Eatts vs Dawson: G208 of 1990: 42).

Following this decision by the Federal Court, the APMC met on 26 May 1994 to review the scope for monitoring and reporting of deaths in police custody, and police operations. It was agreed that the scope of the NDICP should include deaths of persons

in the process of being detained or escaping, regardless of whether they were technically in custody or not (see *Appendix C*). These deaths are referred to as deaths in ‘police custody-related operations’ and have been collected since 1 January 1990.

### *Deaths in police custody-related operations—definitional clarification*

There are several key differences between the scope of the NDICP and legislated definitions of deaths in custody for coronial purposes. For example, s 23 of the *NSW Coroner’s Act 2009* outlines the types of deaths in custody that require notification to the NSW Coroner. Deaths occurring in the following circumstances are considered to be deaths under s 23 and are therefore subject to a mandatory coronial inquest:

- Any police operation calculated to apprehend a person(s);
- A police siege or a police shooting;
- A high speed police motor vehicle pursuit;
- An operation to contain or restrain persons;
- An evacuation;
- A traffic control/enforcement;
- A road block;
- Execution of a writ/service of process; and
- Any other circumstance considered applicable by the State Coroner or a Deputy State Coroner (NSW State Coroner’s Office 2011: 3).

In addition, as the current NSW State Coroner Mary Jerram asserts

...the Deputy State Coroners and I have tended to interpret the subsection broadly....so that the adequacy and appropriateness of police response and police behaviour generally will be investigated...(NSW State Coroner’s Office 2011: 3).

It is important to underline the fact that while deaths occurring in all of these circumstances are considered to be deaths in custody under the *NSW Coroner’s Act 2009*, not all of these deaths fall within the scope of the NDICP. The purpose of the NDICP is to collect information about the incidence

and circumstances of deaths of persons who are detained, are in the process of being detained or who are/or have escaped. Therefore, the NDICP only monitors deaths of persons who are in custody or who are alleged offenders. This program does not include deaths of persons who are simply clients of police services or innocent bystanders dying in the course of a police operation.

Consequently, deaths in the following circumstances are not included in the NDICP:

- deaths during operations such as search and rescue, and evacuations, where the deceased was not being detained or in the process of being detained for breaching the law;
- deaths during operations to prevent a suicide, where the purpose was not to detain the deceased due to a breach of the law; for example, police were responding to a concern for welfare notice and were attempting to stop a person jumping from a cliff, but that person was not threatening to harm others and was not otherwise being sought by police (note—if, after the death, it is discovered that the person had committed an offence, these cases are retrospectively included); and
- deaths of persons who were innocent bystanders of a police operation; for example, a pedestrian or passenger who dies as a result of a motor vehicle pursuit and who was not a person the police were seeking to detain (note—if a passenger is involved in the commission of an offence prior to the pursuit commencing, such as an armed robbery or motor vehicle theft, these deaths fall within the scope of NDICP monitoring).

### *Prison custody*

Deaths in prison custody include those of persons in the legal and physical custody of corrective services. This includes the following situations:

- within a prison or other custodial facility administered by corrective services;
- during an attempt to escape from prison or corrective services custody;
- in medical facilities following transfer from prison; and
- any location outside a prison while under escort by corrective services staff.

A death in prison custody also includes prisoners who are in the legal custody of corrective services, but not the physical custody. Such deaths include prisoners on unaccompanied temporary leave or prisoners on day release to attend work.

Deaths in prison custody do not include persons serving community-based orders supervised by community corrections or offenders serving parole orders. These offenders are not in prison custody and the death of such persons is outside the scope of the NDICP.

### *Deaths of recently released prisoners*

During the review, the issue of deaths of recently released prisoners was discussed with correctional services agencies. The particular focus of these discussions was how to treat situations where a prisoner is diagnosed with a terminal illness and is receiving palliative medical care in hospital. For humane reasons and in light of their illness, the prisoner is released on compassionate parole and then subsequently dies in hospital.

The decision to release a prisoner on compassionate parole is made by a parole board, not the custodial authority involved. In some cases, the deceased may be granted compassionate parole only hours before their death. These cases are not deaths in custody, because the deceased has been released from custody and such cases are excluded from monitoring.

Monitoring deaths of prisoners released on compassionate grounds will help provide greater insight into the core policy and operational considerations that are required to adequately respond to the increasing numbers of natural cause deaths in prison seen in recent years.

To that end, the AIC is investigating the possibility of conducting some collaborative research with Dr Stuart Kinner and his team at the Burnet Institute in the future. In 2011, Dr Kinner and his colleagues published an article in the Medical Journal of Australia that estimated the number of deaths among recently released prisoners during the 2007–08 financial year (Kinner et al. 2011).

### *Deaths of offenders in secure psychiatric custody*

It was identified during the review that deaths of persons who break the law, but due to a mental illness are ordered by the court to be detained in a secure psychiatric facility, have not been captured by the NDICP. Similarly, deaths of offenders who are found not fit to plead, or who are transferred from another custody setting, such as police or prison custody, to a secure psychiatric facility have also been omitted. Once a person is transferred to a secure psychiatric facility, the legal custody over that person is also transferred.

These deaths may be within the scope of the NDICP, but over the years they have only been included if the custodial authority (prison or police agencies) still had legal custody over the deceased.

The AIC will engage the relevant state and territory Health Departments to discuss whether it is appropriate for such cases to be included in future NDICP monitoring reports, or whether reporting processes already in place are sufficient.

### *Juvenile justice custody*

Deaths in juvenile justice custody include those deaths that occur in a juvenile detention facility or in any circumstance where a juvenile is under the custodial control of a juvenile justice agency. This includes deaths that occur during transfer to or from detention, or in medical facilities following transfer from detention. This category also includes deaths of juveniles held in a secure training centre or care unit for welfare reasons, as these persons are under the supervision of the relevant authorities and are not free to come and go as they please.

The NDICP does not include deaths of children serving community-based orders, deaths of children in foster care, or any other situation where a child is not under the supervision of a juvenile justice agency. These deaths are investigated and monitored by Child Death Review Committees in each jurisdiction.

## *Deaths in Department of Immigration and Citizenship Custody*

The scope of the NDICP was defined by the RCIADIC, in that it should collect

statistics and other information on Aboriginal and non-Aboriginal deaths in prison, police custody and juvenile detention centres, and related matters, be monitored nationally on an ongoing basis (RCIADIC Rec 41: 1991).

Deaths of persons in the custody of the Department of Immigration and Citizenship, such as in immigration detention centres and other secure custody settings, are currently outside the scope of the NDICP.

The AIC recognises that deaths in immigration detention centres are deaths in custody. Furthermore, it is noted that such deaths are the subject of a mandatory coronial inquest under every State Coroner's Act.

Any extension of the NDICP and how that might be achieved, rests with the AIC Director. However, changing the terms of the monitoring program is not a simple matter, as it relies on both Commonwealth and state government involvement and consent.

At the time of writing, the AIC has engaged in discussions with the Department of Immigration and Citizenship about undertaking research into deaths in immigration custody. Whether such research is undertaken and subsequently leads to an expansion in scope of the NDICP to include deaths of immigration detainees is yet to be determined.

## *Cases not clearly within the scope of the National Deaths in Custody Program*

There are occasionally cases that do not clearly meet the NDICP definition of a death in custody. Such cases are referred to as 'possible deaths in custody'. Historically, such cases have been inconsistently provided by custodial authorities, in that some jurisdictions would report them and others would not. This matter was brought to the attention of custodial authorities during the review and it was concluded that in the future all possible deaths in custody will be reported to the NDICP. However,

these cases are excluded from analysis and reporting until such time as the coronial inquest is complete and a formal finding handed down. Based on the information contained in the coronial finding, discussions with the relevant custodial authority and precedents in the database, a decision is then reached on a case-by-case basis about whether to include or exclude each possible death in custody.

## *Data collection and quality*

### *Collection of data*

The information held in the NDICP database is based on two main data sources:

- state and territory police services, correctional agencies and juvenile justice agencies completing an NDICP case form for each death (see *Appendix B*); and
- coronial records.

The AIC also draws upon media reports as a way of monitoring deaths in custody, using these as a trigger for seeking information about potential deaths in custody from custodial authorities. However, media reports are not relied on to inform the NDICP database.

Coronial records such as transcripts of proceedings, coronial findings, police reports, autopsy, toxicology and post-mortem reports are held in the NCIS, maintained by the Victorian Institute of Forensic Medicine. The information held in the NCIS provides the NDICP with additional information to supplement that which is provided directly from the custodial authority. The NCIS database is also used to validate key data provided by state/territory agencies against coronial findings, particularly the cause and manner of death.

### *Validation of data*

To ensure the information contained in the NDICP database is as accurate as possible, validation of the data is undertaken periodically as coronial findings become available, which in some cases can be some years after a death has occurred. NDICP monitoring reports document any changes to previously reported information resulting from

coronial outcomes, for instance, when the cause of a death is medically determined to be different from that originally reported by the custodial authority. Once a case has been fully validated against a coronial finding it is recorded as such in the NDICP database.

During the 2011 review, the NDICP database was subjected to a comprehensive data validation process. There were two phases to this data validation process, which are discussed below.

Phase one—searching for data

The NDICP research team spent three months collecting every coronial finding available, with a particular focus on the period 1980 to 1999. In addition to coronial findings, annual reports from state/territory coroners and custodial authorities were also consulted.

From phase one of the data validation process, a total of 1,194 cases were located. The NDICP research team then grouped these records by jurisdiction and systematically reviewed each case. Some of the historical records contained more information than others; for example, some only had the name, date of death and whether the deceased was in police, prison or juvenile justice custody. Nevertheless, whatever information was available in these records was cross-checked against information in the NDICP database. Table A1 provides a summary of the time period and number of historical cases in each jurisdiction that were reviewed.

As can be seen in Table A1, the NDICP research team were unable to locate historical records as far back for some jurisdictions as for others. A decision was made not to extend the search to state archives, as this would have taken a substantial amount of time and resources and further delayed the production of this report.

It should also be noted that the NDICP research team were able to locate more records for New South Wales than for any other jurisdiction. This means that the data validation process for New South Wales was more comprehensive than for the other jurisdictions. This should be kept in mind when interpreting the outcome from phase two of the data validation process.

Phase two—cross-checking with the National Coroners Information System database

The second phase of the data validation process involved the AIC engaging the NCIS to cross-check information about each case in the NDICP database against the corresponding record in the NCIS database. The NCIS is a comprehensive national coronial database, holding information about each case that requires notification to a coroner in every jurisdiction from the year 2000 onwards. The aim of this process was to identify cases that were missing from the NDICP database.

To undertake this data cross-checking process, an electronic copy of every case in the NDICP database from 2000 onwards was sent to the NCIS. Using specially designed computer software, each record

Table A1 Data validation—summary of phase one		
State	Years sampled	Cases sampled (n)
New South Wales	16 years (1994–2009)	577
Victoria	14 years (1980–2008)	133
Queensland	14 years (1988–2002)	175
Western Australia	15 years (1991–2005)	168
South Australia	12 years (1989–2001)	73
Tasmania	7 years (1996–2002)	12
Northern Territory	11 years (1999–2009)	44
Australian Capital Territory	8 years (1998–2005)	12
Total		1,194



**Table A2** Data validation—summary of cases added to the NDICP database during phases one and two

Reference number	Year of death	Gender	Indigenous status	Custodial authority	State	Cause of death	Manner of death
1093/05	1984–85	Male	Non-Indigenous	Police	NSW	Missing	Missing
690/94	1994–95	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
1624/94	1994–95	Male	Non-Indigenous	Police	NSW	Head injury	Self-inflicted
896/94	1994–95	Male	Non-Indigenous	Police	NSW	Drugs	Self-inflicted
2067/94	1994–95	Male	Non-Indigenous	Police	NSW	Head injury	Accidental
2544/94	1994–95	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
105/95	1994–95	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
1080/95	1994–95	Male	Non-Indigenous	Police	NSW	Drugs/alcohol	Accidental
1312/95	1995–96	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
1540/95	1995–96	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
1816/95	1995–96	Male	Non-Indigenous	Prison	QLD	Natural causes	Natural causes
46/97	1996–97	Male	Indigenous	Prison	WA	Natural causes	Natural causes
778/97	1996–97	Male	Non-Indigenous	Police	NSW	Gunshot	Justifiable homicide
2022/97	1997–98	Male	Non-Indigenous	Prison	NSW	Natural causes	Natural causes
1354/97	1997–98	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
651/98	1997–98	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
1265/98	1997–98	Male	Non-Indigenous	Prison	NSW	Drugs	Accidental
927/98	1998–99	Female	Non-Indigenous	Prison	WA	Hanging	Self-inflicted
1050/98	1998–99	Male	Non-Indigenous	Other/Cwth	WA	Hanging	Self-inflicted
1096/98	1998–99	Male	Non-Indigenous	Police	WA	External trauma	Accidental
700/99	1998–99	Male	Non-Indigenous	Prison	NSW	Natural causes	Natural causes
3151/01	1998–99	Male	Non-Indigenous	Prison	Qld	Natural causes	Natural causes
4700/01	1999–2000	Female	Non-Indigenous	Prison	Qld	Hanging	Self-inflicted
1304/99	1999–2000	Male	Non-Indigenous	Police	NSW	Head injury	Accidental
4042/01	1999–2000	Male	Non-Indigenous	Prison	Qld	Natural causes	Natural causes
4878/01	2000–01	Male	Non-Indigenous	Prison	Qld	Hanging	Self-inflicted
7017/00	2000–01	Male	Non-Indigenous	Police	WA	Drugs	Accidental
1751/00	2000–01	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
3999/01	2000–01	Male	Non-Indigenous	Prison	Qld	Hanging	Self-inflicted
2093/00	2000–01	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
3642/00	2000–01	Male	Non-Indigenous	Police	Vic	Drugs/alcohol	Accidental
4121/01	2000–01	Male	Indigenous	Prison	Qld	Hanging	Self-inflicted
198/00	2000–01	Male	Indigenous	Police	NT	External trauma	Accidental
1050/00	2000–01	Male	Non-Indigenous	Police	WA	External trauma	Accidental
4243/00	2000–01	Male	Non-Indigenous	Other/Cwth	Vic	Natural causes	Natural causes
63/01	2000–01	Male	Non-Indigenous	Police	Vic	External trauma	Accidental



**Table A2** (continued)

Reference number	Year of death	Gender	Indigenous status	Custodial authority	State	Cause of death	Manner of death
1015/01	2000–01	Male	Non-Indigenous	Police	Vic	External trauma	Self-inflicted
4898/01	2001–02	Male	Indigenous	Prison	Qld	Hanging	Self-inflicted
148/01	2001–02	Female	Indigenous	Police	NT	External trauma	Unlawful homicide
1105/01	2001–02	Male	Non-Indigenous	Police	NSW	External trauma	Self-inflicted
248/03	2001–02	Male	Non-Indigenous	Prison	NSW	External trauma	Unlawful homicide
190/01	2001–02	Female	Indigenous	Police	NT	Head injury	Accidental
193/01	2001–02	Male	Indigenous	Police	NT	Natural causes	Natural causes
1120/01	2001–02	Female	Non-Indigenous	Police	WA	External trauma	Self-inflicted
0286/02	2001–02	Male	Non-Indigenous	Other/Cwth	NSW	Gunshot	Justifiable homicide
184/02	2001–02	Male	Non-Indigenous	Police	WA	Hanging	Self-inflicted
525/02	2001–02	Female	Non-Indigenous	Police	Qld	Natural causes	Natural causes
409/02	2001–02	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
657/02	2002–03	Male	Indigenous	Police	WA	External trauma	Self-inflicted
2584/02	2002–03	Female	Non-Indigenous	Police	Vic	External trauma	Self-inflicted
2754/02	2002–03	Male	Non-Indigenous	Police	Vic	External trauma	Self-inflicted
6041/02	2002–03	Male	Non-Indigenous	Police	WA	Hanging	Self-inflicted
2200/02	2002–03	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
126/03	2002–03	Male	Non-Indigenous	Prison	WA	Hanging	Self-inflicted
39/03	2002–03	Female	Indigenous	Police	NT	External trauma	Unlawful homicide
1940/03	2002–03	Male	Non-Indigenous	Police	Vic	External trauma	Accidental
1450/03	2003–04	Male	Non-Indigenous	Police	NSW	Drugs	Self-inflicted
194/04	2003–04	Male	Non-Indigenous	Police	NSW	Hanging	Self-inflicted
1604/03	2003–04	Male	Indigenous	Police	NSW	Other/multiple	Accidental
8/04	2003–04	Male	Indigenous	Police	NT	Natural causes	Natural causes
7005/04	2003–04	Male	Non-Indigenous	Police	WA	External trauma	Accidental
171/04	2003–04	Male	Non-Indigenous	Police	WA	External trauma	Accidental
4019/04	2003–04	Female	Non-Indigenous	Prison	WA	Hanging	Self-inflicted
1420/04	2003–04	Male	Non-Indigenous	Police	Vic	Other/multiple	Accidental
3482/04	2004–05	Male	Indigenous	Police	SA	Hanging	Self-inflicted
426/05	2004–05	Male	Non-Indigenous	Police	Qld	External trauma	Self-inflicted
724/05	2004–05	Male	Non-Indigenous	Police	SA	Head injury	Accidental
418/05	2004–05	Male	Non-Indigenous	Other/Cwth	Other/Cwth	External trauma	Self-inflicted
1377/05	2004–05	Male	Non-Indigenous	Police	Vic	Gunshot	Self-inflicted
1007/05	2004–05	Male	Indigenous	Police	NSW	Other/multiple	Accidental
526/05	2004–05	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted

**Table A2** (continued)

Reference number	Year of death	Gender	Indigenous status	Custodial authority	State	Cause of death	Manner of death
717/05	2005–06	Male	Non-Indigenous	Police	WA	Head injury	Accidental
1303/05	2005–06	Male	Non-Indigenous	Police	NSW	Drugs	Accidental
1978/05	2005–06	Male	Non-Indigenous	Police	NSW	Drugs	Self-inflicted
307/06	2005–06	Male	Indigenous	Police	Qld	Head injury	Unlawful homicide
56/06	2005–06	Male	Non-Indigenous	Police	ACT	Gunshot	Self-inflicted
644/06	2005–06	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
1766/06	2005–06	Male	Non-Indigenous	Other/Cwth	Qld	Natural causes	Natural causes
603/06	2006–07	Female	Non-Indigenous	Police	WA	Hanging	Self-inflicted
2959/06	2006–07	Male	Indigenous	Police	Vic	External trauma	Accidental
2709/06	2006–07	Male	Non-Indigenous	Police	Qld	External trauma	Accidental
821/06	2006–07	Male	Non-Indigenous	Police	WA	Gunshot	Self-inflicted
1883/06	2006–07	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
1852/06	2006–07	Male	Non-Indigenous	Police	SA	Natural causes	Natural causes
9/07	2006–07	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
11/07	2006–07	Male	Indigenous	Police	NT	Natural causes	Natural causes
717/07	2006–07	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
479/07	2006–07	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
1020/07	2006–07	Male	Non-Indigenous	Police	NSW	Gunshot	Self-inflicted
556/07	2006–07	Male	Non-Indigenous	Police	WA	External trauma	Accidental
3397/07	2007–08	Male	Non-Indigenous	Police	VIC	Head injury	Accidental
180/07	2007–08	Female	Non-Indigenous	Police	NT	Gunshot	Self-inflicted
1027/07	2007–08	Male	Non-Indigenous	Police	WA	Head injury	Accidental
4794/07	2007–08	Male	Non-Indigenous	Police	Vic	External trauma	Self-inflicted
2303/08	2007–08	Male	Non-Indigenous	Police	NSW	External trauma	Accidental
2/08	2007–08	Male	Indigenous	Police	NT	Natural causes	Natural causes
H0127/08	2007–08	Male	Non-Indigenous	Police	Tas	External trauma	Accidental
3169/09	2008–09	Male	Non-Indigenous	Police	NSW	Natural causes	Natural causes
4126/08	2008–09	Male	Non-Indigenous	Police	Qld	External trauma	Accidental
1337/08	2008–09	Male	Non-Indigenous	Police	NSW	Head injury	Accidental
4281/08	2008–09	Male	Non-Indigenous	Prison	Vic	Drugs	Accidental
8430/08	2008–09	Male	Non-Indigenous	Police	Qld	External trauma	Accidental

was matched using a combination of key variables, such as name, age at death, date of death and location. To complement the data matching, the NCIS also undertook extensive keyword searches of their database for missing cases. From these two processes, a list was then developed containing deaths in custody cases that appeared to be missing from the NDICP database. The NDICP research team then reviewed each case on the list and added those that clearly met the definition of a death in custody to the NDICP database. Table A2 provides a list of all the cases that were added to the NDICP database during phases one and two of the data validation process.

### *Summary of cases added to the National Deaths in Custody Program database during the review*

There were a total of 102 cases identified during phase one and phase two of the data validation process that fell within the scope of the NDICP, but that were missing from the database (see Table A2). These 102 missing cases were distributed across the custodial authorities as follows:

- 80 deaths in police custody and custody-related operations;
- 17 deaths in prison custody; and
- 5 deaths in other/Australian Government custody.

With regards to Indigenous status of these missing cases:

- 85 missing cases (83%) were of non-Indigenous persons; and
- 17 missing cases (17%) were of Indigenous persons.

Across the nine jurisdictions (including other/Australian Government), the 102 missing cases were distributed as follows:

- 40 cases from New South Wales;
- 19 cases from Western Australia;
- 15 cases from Queensland;
- 13 cases from Victoria;
- 9 cases from the Northern Territory;
- 3 cases from South Australia;
- 1 case from Tasmania;

- 1 case from the Australian Capital Territory; and
- 1 case from other/Australian Government agencies.

Across the jurisdictions, a total of 25 years' worth of cases were reviewed, resulting in an average of just over four missing cases per year ( $\mu=4.1$  deaths per annum). Over the same period (1985–2008), there was an average of approximately 76 deaths nationally each year ( $\mu=76.0$  total deaths per annum). Consequently, as a proportion of the total number of deaths over this period ( $n=1,899$ ), the NDICP had missed five percent ( $n=102$ ) of cases.

One factor that may have contributed to these cases being missed over the years is inconsistency between the jurisdictions in applying the revised definition of a death in a police custody-related operation as agreed by the APMC in 1994. This is particularly so with regards to deaths occurring in the process of police officers attempting to arrest an alleged offender. There had existed an interpretation of the definition whereby a death was only reportable to the NDICP if officers were in relatively close proximity to the deceased. For example, a motorist drives past police members conducting a speed enforcement operation on a highway in excess of the prescribed speed limit. Police members endeavour to pursue the speeding vehicle to apprehend the suspect and fine them for speeding. Officers proceeding along the highway in the direction where the vehicle was heading and subsequently discover it has crashed into a tree beside the road. On some occasions, it would appear that due to the fact that officers were never in sight of the fleeing vehicle and were unable to reasonably influence the actions of the deceased, some jurisdictions mistakenly believed that these cases were outside the scope of the NDICP. Yet, all deaths occurring in motor vehicle pursuits, where the police are actively seeking to detain the person fleeing for a criminal offence, are reportable to the NDICP regardless of the distance between the person fleeing and the police officers in pursuit. These deaths are covered under point three of the definition of a death in custody handed down by the RCIADIC (Recommendation 41), in that they are:

- a 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.

The need for consistency in applying the agreed definition was highlighted during the review. Going forward, custodial authorities have committed to providing all cases where a person dies in the process of being detained, including cases that do not clearly meet the agreed definitions. All cases that do not clearly fall within the scope of the NDICP are excluded from analysis and reporting, pending the finalisation of the coronial inquest.

### **Accidental or intentional under-reporting of Indigenous deaths**

Further detailed analysis demonstrated that the number of Indigenous deaths in custody that were not reported over the last 25 years was lower than would be expected based on historical proportions. While there may have been some concerns from some sectors of the community that Indigenous deaths in custody were not always being reported, there was no evidence to support the conclusion that Indigenous deaths in custody were intentionally under-reported.

Of the 102 cases that were missed over the last 25 years, the overwhelming majority (83%; n=85) involved non-Indigenous persons, while Indigenous deaths accounted for around one in six missed cases (17%; n=17). Of all the deaths in custody between 1979–80 and 2010–11 (n=2,319), 449 involved Indigenous persons (19%), while 1,870 involved non-Indigenous persons (81%). If there had been intentional, substantial under-reporting of Indigenous deaths in custody, then the proportion of cases missed should be higher than the historical proportion of deaths involving Indigenous persons.

### *Implications of adding these missing cases*

As most of the missing cases involve non-Indigenous persons, the historical proportions of

total deaths involving Indigenous persons were overestimated. As such, historical data presented in previous NDICP reports indicated that the situation was worse than it actually was.

With regards to cause and manner of death, it can be seen in Table A2 that a large proportion of these missing cases were accidental deaths from external trauma, usually occurring in the process of the deceased being detained, such as in motor vehicle pursuits and sieges. There were also a sizeable numbers of deaths that were due to self-inflicted injuries, either gunshot wounds or hanging deaths. The outcome of adding these missing cases is that historical proportions of deaths that are attributable to self-inflicted and accidental causes are now larger than previously reported. In addition, the proportion of deaths occurring in the process of police detaining the deceased is also higher than previously reported.

## **Timeliness of reporting**

The review highlighted the issue of an increasing time lag between the release of NDICP reports and the reporting period analysed. For example, the 2008 report was not released until December 2010—a lag of almost two years. It was agreed with stakeholders during the review that the NDICP needed to catch up on this delay in reporting, in conjunction with reducing the time taken to collect, validate and analyse data in future reports. It was also agreed that the NDICP should move to financial year reporting, to fall in line with both state and Australian Government reporting practices. Consequently, to catch up on the delay in reporting, this NDICP report covers data to 30 June 2011, with all data presented by financial year rather than calendar year. It is anticipated that future NDICP reports will be released roughly six to eight months after the end of the financial year.

# Appendix B: Example of the NDICP data collection form

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AUSTRALIAN INSTITUTE OF CRIMINOLOGY

## DEATHS IN PRISON CUSTODY Year.....

N.B. Please ensure that this form applies to the current year.

		Office use only
<b>Personal Identification:</b>		<input type="text"/> IDN
<b>Name of Deceased:</b>	Surname: _____	
	Other Name(s): _____	
<b>Gender:</b>	Male <input type="checkbox"/> Female <input type="checkbox"/>	<input type="checkbox"/> GEN
<b>Ethnic Background:</b>	Indigenous <input type="checkbox"/>	<input type="checkbox"/> ABL
	Torres Strait Islander <input type="checkbox"/> Other/Non-Indigenous <input type="checkbox"/>	
<b>Date of Birth:</b>	___/___/___	<input type="text"/> AGE
<b>Location of Death:</b>		<input type="checkbox"/> GRP
<b>Place of death:</b> (name of prison, hospital, etc.)		<input type="checkbox"/> LOC
		<input type="checkbox"/> CUS
<b>Place of custody prior to death:</b> (if death occurred elsewhere)		<input type="checkbox"/> ST
		<input type="checkbox"/> ENV
<b>Specific environment at time of death:</b> (e.g. alone in single cell, exercise yard, in van en route to court, emergency ward in a hospital, etc.).		

When Death Occurred:

Date of death:            \_\_\_\_/\_\_\_\_/20\_\_\_\_      Time of death (24 \_\_\_\_\_ hrs  
hour clock):

(If the precise date and time of death are unknown, give date and time when the person was found dead.)

Custodial Circumstances:

Legal status:	Under sentence: no appeal current	<input type="checkbox"/>
	Under sentence: awaiting determination of any appeal (verdict or sentence)	<input type="checkbox"/>
	Detained as unfit to plead, not guilty on grounds of insanity, preventive detention, etc.	<input type="checkbox"/>
	Unconvicted: awaiting court hearing/trial extradition, purging of contempt, etc.	<input type="checkbox"/>
	Convicted but awaiting sentence	<input type="checkbox"/>
	Awaiting deportation	<input type="checkbox"/>
	Unknown	<input type="checkbox"/>

Full details of most serious offence relating to final period of custody or police operation, e.g. theft from dwelling, importing illegal drugs, assault with weapon.

Length of time in custody:

Date of reception:	____/____/____
<hr/>	
If bail was granted, date custody resumed (i.e. date of conviction or sentence commencement)	____/____/____
Estimated earliest date of release.	____/____/20____
Total length of sentence bestowed by the court.	_____

<input type="text"/>	WEE
<input type="text"/>	DAY
<input type="text"/>	MTH
<input type="text"/>	YR
<input type="text"/>	TIM

<input type="checkbox"/>	STA
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<input type="text"/>	MSO
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<input type="text"/>	CAT
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<input type="text"/>	SPE
<input type="text"/>	SCAT
<input type="text"/>	PC

<input type="text"/>	UN1
<input type="text"/>	UN2
<input type="text"/>	LEN
<input type="text"/>	LCAT

Details of Death:

Narrative explaining cause and manner of death:

Please indicate below the apparent **general cause of death**:

Suicide/self-inflicted

Natural causes

Accident

Homicide

Other (please specify)

Was the above cause of death determined by a Coroner?

Yes

No

Please enclose where available (tick if attached):

Coroner's Finding/Report

Post-Mortem Report

Toxicology Report

Criminal record or criminal history

Please provide any further relevant details.

CAU

RESP

NAT

ACC

SHO

DEF

DET

COR

HIV

SUB

PRE

**Contact person for further information:**

Name: \_\_\_\_\_

Position \_\_\_\_\_

Organisation: \_\_\_\_\_

Phone number: (    ) \_\_\_\_\_

Date \_\_\_\_\_

**Completed forms and enquiries should be directed to:**

**National Deaths in Custody Program**  
**Australian Institute of Criminology**  
**GPO BOX 2944**  
**CANBERRA ACT 2601**

**Phone: (02) 62609227**  
**Fax: (02) 62609203**



# Appendix C: Consensus Statement from the APMC from 1994 regarding deaths in police custody-related operations

## APPENDIX

### MONITORING OF DEATHS IN POLICE CUSTODY AND IN RELATED POLICE OPERATIONS

#### CONSENSUS STATEMENT ACCEPTED BY THE AUSTRALASIAN POLICE MINISTERS' COUNCIL, 16 DECEMBER 1994

##### Purpose

The purpose of this paper is to propose modifications to the collaborative undertaking of the Australian Institute of Criminology and all Australian police services regarding the monitoring and reporting on deaths in custody and certain other deaths related to police operations. The proposal remains consistent with Recommendation 41 of the Royal Commission into Aboriginal Deaths in Custody which has been agreed to by all Governments. This paper has been prepared by the National Deaths in Custody Monitoring and Research Program of the Australian Institute of Criminology, following negotiations between the interested parties as mandated by the Australasian Police Ministers' Council at its 26 May 1994 meeting. It sets out the consensus reached by the parties.

##### Background

1. Royal Commission into Aboriginal Deaths in Custody Recommendation 41 indicates what the definition of a 'death in custody' should be for the purpose of national monitoring and also suggests that the Australian Institute of Criminology (the AIC) be responsible for monitoring and reporting on trends. All Governments have agreed to these recommendations. The scope of the monitoring program, as recommended by the Royal Commission:

*... 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 (Recommendation 41).*

2. The scope of the monitoring program as recommended by the Royal Commission is, therefore, quite broad, in fact broader than the terms of reference of the Royal Commission itself. Implementing the recommendation means that three categories of death related to police operations are monitored within the one program: (a) deaths which occur while the person is in the **custody** of police officers; (b) deaths which occur while police are **attempting to detain** a person; and (c) deaths which occur while a person is **escaping from custody**. In other words, it covers the deaths of people in custody and of people in other custody-related police operations. For the purposes of national monitoring, a person is in police custody (category (a) above) if, as a result of police operations, she or he is not free to come and go at will.

3. The AIC has been implementing the RCIADIC Recommendation 41 since April 1992, applying it to the deaths which have occurred since 1 January 1990. All corrections and juvenile justice authorities are implementing the new approach. All police services except for the Queensland Police Service (QPS) are also doing so. To date the QPS has declined to include certain cases which the AIC considers fall within the scope of the definition, pending the resolution of discussions on the interpretation of the Royal Commission's definition of a 'death in custody' and the resulting scope of the national monitoring program.
4. As a result of a meeting of representatives from all police agencies, the Queensland Police Service and the New South Wales Police Service were tasked to jointly develop a paper on concerns with the approach to the monitoring of deaths in police custody being undertaken by the AIC. This paper was circulated to Police Commissioners in the first half of 1994. With the support of all Police Commissioners, the Queensland Minister for Police presented an agenda on the matter to the 26 May 1994 meeting of the Australasian Police Ministers' Council (APMC). Council resolved that the Queensland Police Service and the New South Wales Police Service (NSWPS) should 'enter discussions with the Australian Institute of Criminology and appropriate Aboriginal and Torres Strait Islander groups on the interpretation of 'deaths in custody'. It also resolved that 'a report on these discussions and recommendations for national action' be provided to its next meeting.
5. Pursuant to the APMC resolution, discussions have been conducted on this matter between staff of the Australian Institute of Criminology, the QPS and NSWPS, members of the ATSIC Board of Commissioners, ATSIC officers, NAILSS and the Commonwealth Attorney-General's Department. This paper has been prepared by the AIC to document the agreements reached by the parties.

## PROPOSED MODIFIED APPROACH TO THE MONITORING OF DEATHS IN POLICE CUSTODY AND IN RELATED POLICE OPERATIONS.

1. **The AIC will modify its approach to monitoring deaths in custody and presenting the results of such monitoring** with the aim of enhancing readers' understanding of the circumstances of the deaths and trends in the deaths.
2. **Title of AIC publications**  
 The Royal Commission's definition of a death in custody for the purposes of national monitoring (as it relates to police) covers three different situations:
  - (a) deaths which occur while the person is in the custody of police officers;
  - (b) deaths which occur while police are attempting to detain a person; and
  - (c) deaths which occur while a person is escaping from custody. Referring to all these disparate circumstances as 'deaths in custody' has apparently created erroneous understandings on the part of some sectors of the media and community about the number of deaths that have occurred in police lockups and in other forms of custody where officers have a high degree of control over the person's behaviour.
 Accordingly, the six-monthly publications of the AIC on trends in this area should no longer be titled *Australian Deaths in Custody*. A title which better captures the wide range of cases covered by the agreed Royal Commission recommendation is *Australian Deaths in Custody and in Related Police Operations*. The AIC will use this title in its publications, media releases, etc., so as to improve community understanding of the true scope of the monitoring program. It will do so within the established publications series 'Deaths in Custody, Australia'.
3. **The scope of the monitoring program** will continue to be as recommended by the Royal Commission. In broad terms, it will cover deaths in custody, deaths which occur where police are attempting to detain a person and deaths of people in the process of escaping or attempting to escape from custody. For the purposes of national monitoring a person is in police custody if, as a result of police operations, she or he is not free to come and go at will.  
 The AIC's monitoring program will exclude deaths which occur in police search and rescue operations where the goal of police officers was rescue *per se*, rather than the goal of detaining the deceased for any reason.

Also excluded from the monitoring process will be self-inflicted deaths where the police officers' involvement is limited to attempting to prevent the suicide or to obtain medical attention needed as a result of the suicide attempt. A self-inflicted death will be included in the monitoring process, however, if the police operation had, as one of its goals, the detaining of the person for any reason (other than simply to prevent suicide or to seek medical attention needed as a result of the attempted suicide), as recommended by the Royal Commission into Aboriginal Deaths in Custody.

4. **The AIC's six-monthly monitoring reports will be restructured** to reflect the modifications listed above.

- 4.1 The reports will categorise the deaths which fall within the Royal Commission's four point definition as follows:

**Category 1:** (a) deaths in institutional settings (e.g. police stations/lockups, police vehicles, etc.; or during transfer to or from such an institution; or in hospitals, etc. following transfer from an institution); and (b) other deaths in police operations where officers were in close contact with the deceased. This would include most raids and shootings by police. It would not include most sieges where a perimeter was established around a premises but officers did not have such close contact with the person as to be able to significantly influence or control the person's behaviour. (It is proposed that this category be called 'deaths in custody'.)

**Category 2:** Other deaths during custody-related police operations. This would cover situations where officers did not have such close contact with the person as to be able to significantly influence or control the person's behaviour. It would include most sieges as described above and most cases where officers were attempting to detain a person, e.g. pursuits. (It is proposed that this category be called 'deaths during custody-related police operations'.)

- 4.2 The AIC's monitoring reports will not show a continuous time series of 'deaths in custody' from 1980 to the present, as has been the practice to date, owing to the wider scope of the monitoring process in recent years as recommended by the Royal Commission. Cases prior to 1 January 1990 (the date from which the Royal Commission's definition has been applied) will be shown separately from those since that date and the different scope of the data collections in the two periods will be made clear.
- 4.3 The publications will show the total number of deaths in custody and in related police operations (as described above) which meet the Royal Commission's definition and will also make explicit the number of cases, and trends, in the two categories separately as well as in aggregate terms.
5. **All police services will provide, to the Australian Institute of Criminology, details of all deaths in custody and in other police operations soon after the deaths occur**, on a data collection form which will be redesigned by the AIC to reflect the agreed modifications to the monitoring process set out in this paper. The form will include the information initially available to police, recognising that it may change as a result of subsequent investigations and the coronial process.

Where the categorisation of a particular death is unclear, the AIC and the relevant police service will discuss whether or not the case falls within the scope of the monitoring program as recommended by the Royal Commission and, if it is within scope, the appropriate categorisation, i.e. a 'death in custody' (category 1, above) or a 'death in a custody-related police operations' (category 2, above).

6. **An independent adjudication process will be established to resolve any conflicts which may arise between the AIC and a police service concerning the monitoring process.** In particular, it will adjudicate where the AIC and a police service cannot agree as to whether or not a particular death falls within the scope of the monitoring process or whether it should be categorised as a 'death in custody' (category 1, above) or a 'death in custody-related police operations' (category 2, above). Subject to their agreement, members of the adjudication panel will be the AIC, the relevant police service, the ATSIC Board Member responsible for law and justice matters (or his or her delegate), a representative of the National Aboriginal and Islander Legal Services Secretariat, a representative of the Aboriginal Justice Advisory Committee (or equivalent) for the relevant State or Territory, and a representative of the Australian Bureau of Statistics' National Crime Statistics Unit. The ABS representative would be invited to be panel chairperson. The AIC will meet the reasonable costs of the members of the adjudication panel, other than the police service which will meet its own costs.

7. **The AIC will distribute drafts of its 'deaths in custody and in related police operations' publications to each police service for comment prior to publication.** This will occur on the conditions that (a) police services will provide their comments within the time frame identified by the AIC on any particular occasion; and (b) police agencies will accept that their comments will receive careful consideration but that the AIC, as an Commonwealth statutory authority, reserves the right to accept or not accept any changes to the draft publications which may be suggested by the police services.

This approach will not apply to all AIC and other Commonwealth publications on deaths in custody and related matters. (Exceptions could include, for example, the Commonwealth's reports to Parliament or to international agencies and articles submitted by AIC staff to professional or academic journals.)

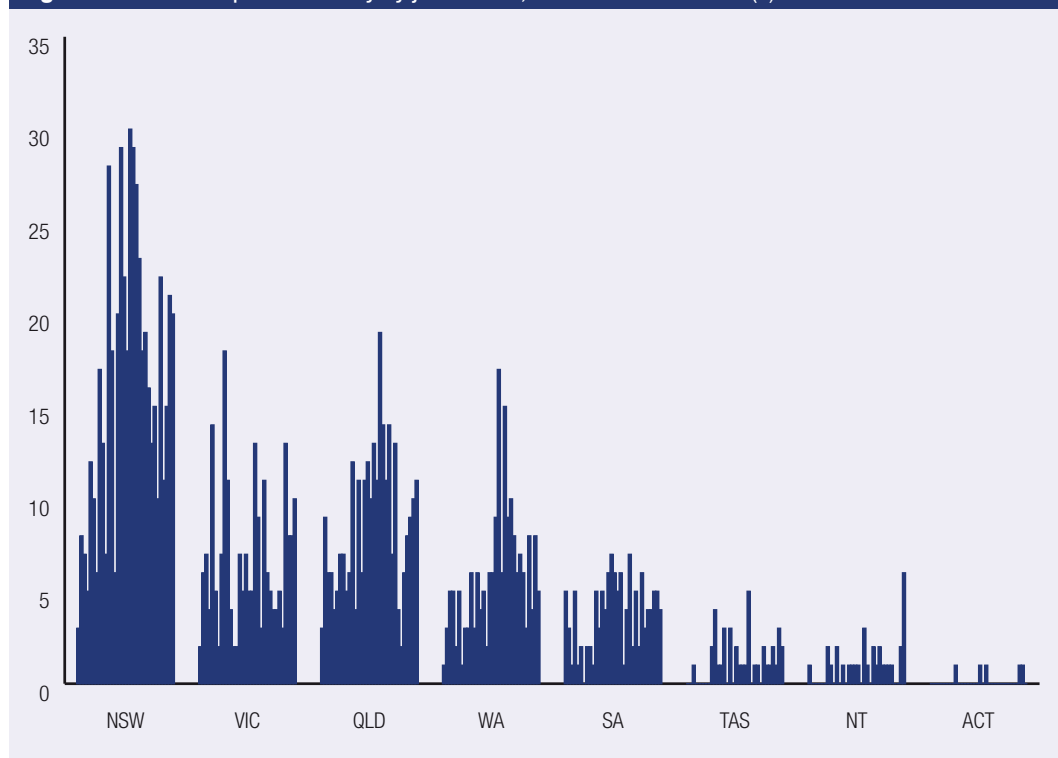
## **Conclusion**

Modifying the monitoring process along these lines will ensure that the implementation of Recommendation 41 of the Royal Commission into Aboriginal Deaths in Custody will occur in a manner which enhances community understanding of deaths in custody and in related police operations and minimises the scope for the media and others to misinterpret the data emanating from the monitoring process.

# Appendix D: Detailed findings from the National Deaths in Custody Program: Number of deaths in police and prison custody

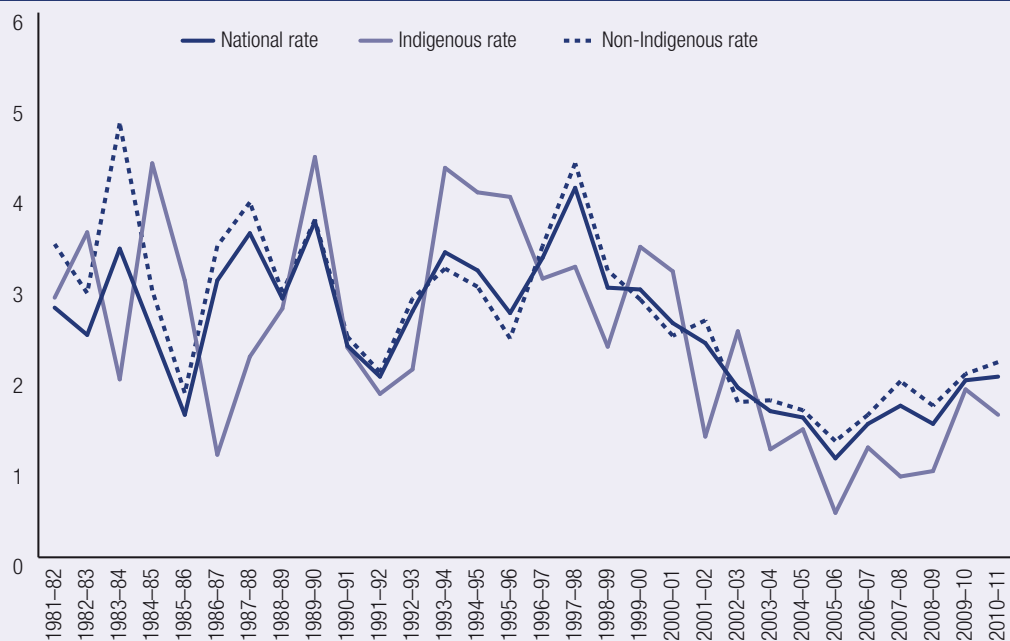
Deaths in prison custody, 1979–80 to 2010–11

**Figure D1** Deaths in prison custody by jurisdiction, 1979–80 to 2010–11 (n)



Source: AIC NDICP 1979–80 to 2010–11 [computer file]

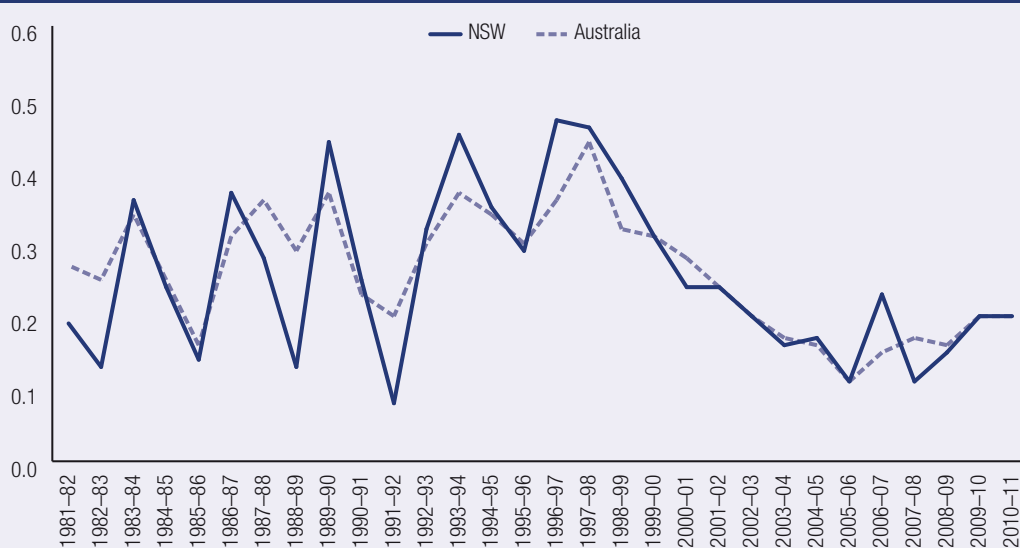
**Figure D2** Rates of death in prison custody by Indigenous status and year, 1981–82 to 2010–11 (rate per 1,000 prisoners)<sup>a</sup>



a: Rates of death calculated per 1,000 relevant prisoners using the denominator ABS-A 2011–1981

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

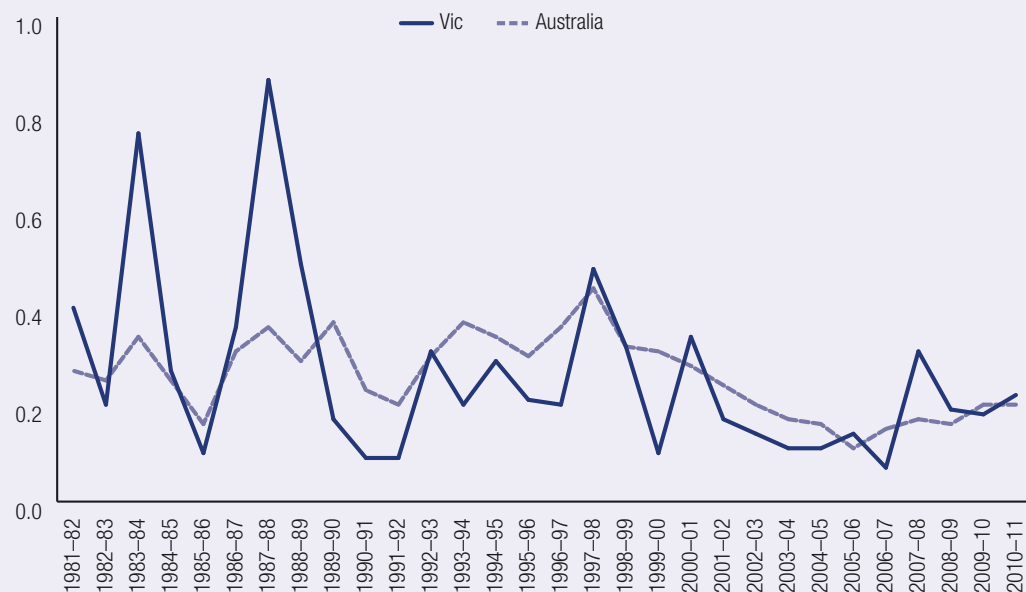
**Figure D3** Rate of death in prison in New South Wales and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

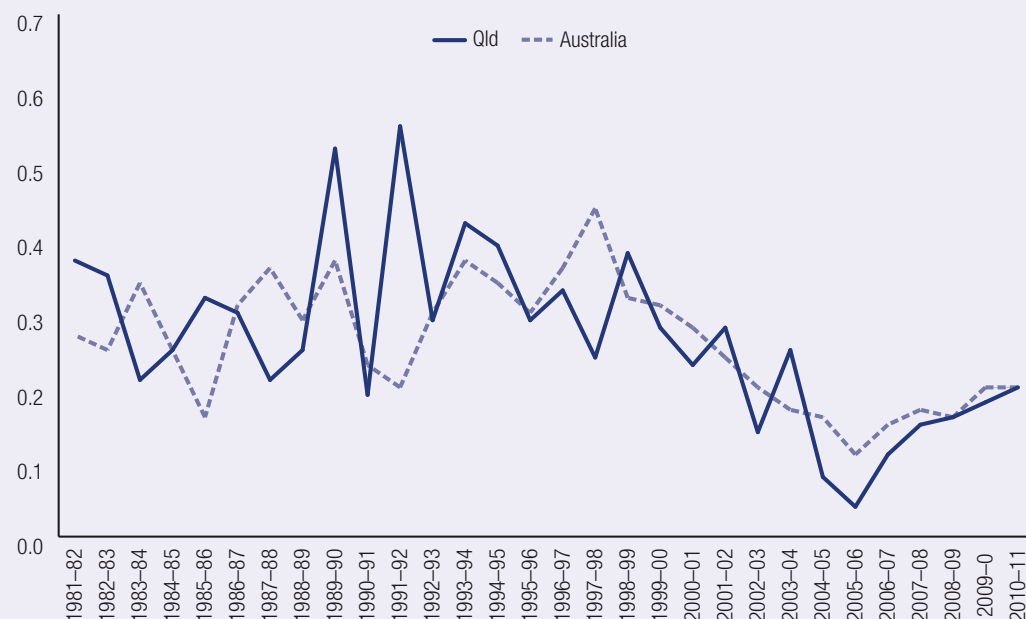
**Figure D4** Rate of death in prison in Victoria and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

**Figure D5** Rate of death in prison in Queensland and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>

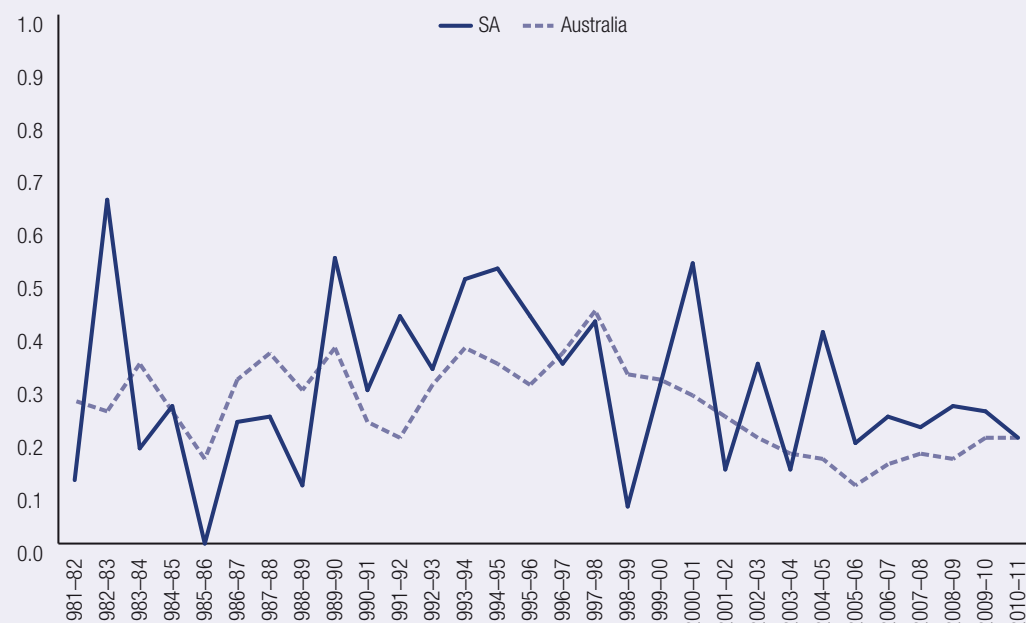


a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1979–80 to 2010–11 [computer file]



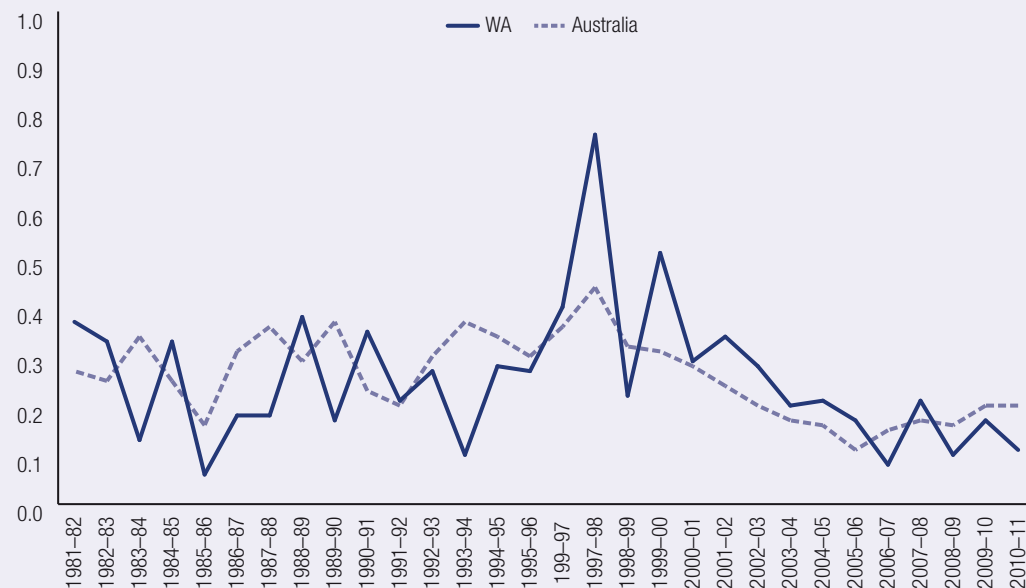
**Figure D6** Rate of death in prison in South Australia and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

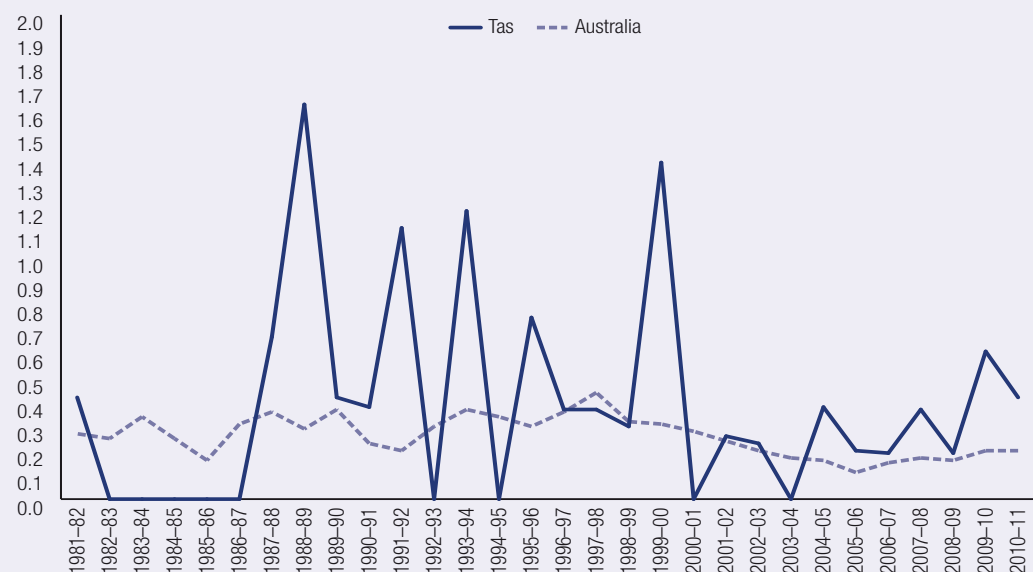
**Figure D7** Rate of death in prison in Western Australia and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

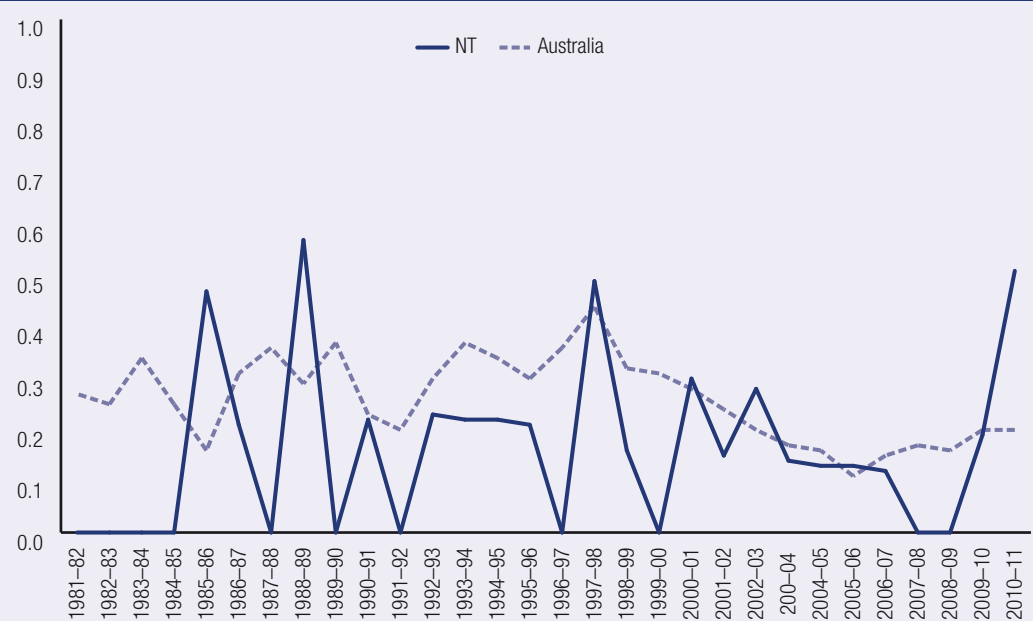
**Figure D8** Rate of death in prison in Tasmania and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

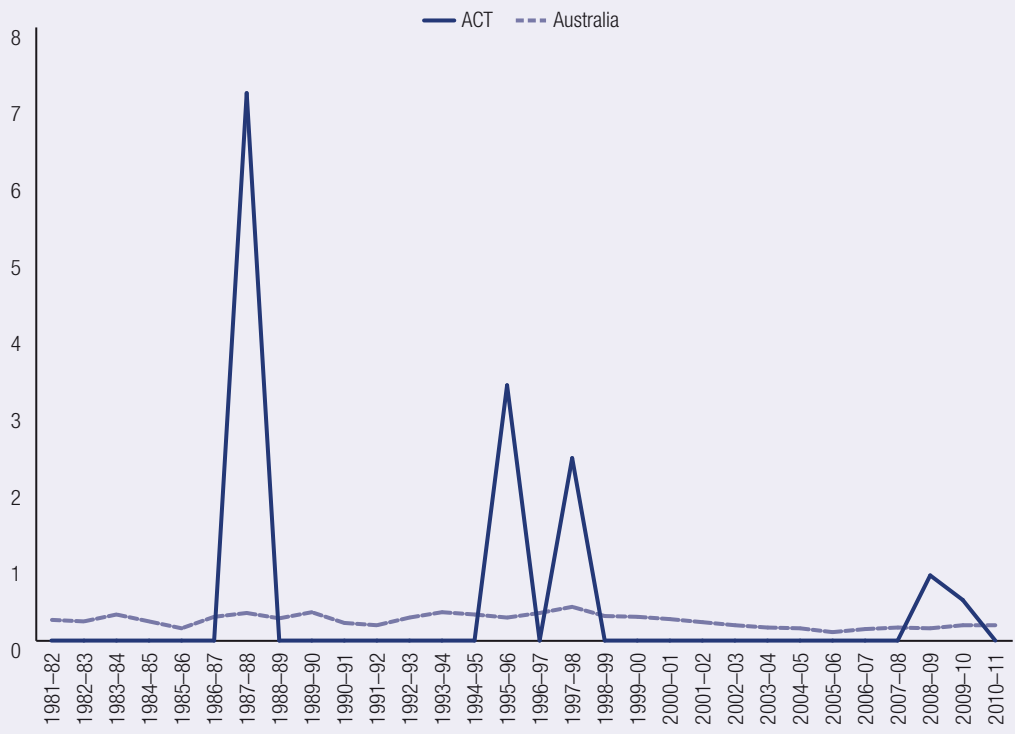
**Figure D9** Rate of death in prison in the Northern Territory and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

**Figure D10** Rate of death in prison in the Australian Capital Territory and Australia by year, 1981–82 to 2010–11 (rate per 100 prisoners)<sup>a</sup>



a: From 1981–82 to 1991–92 the denominator is ABS-A 1992–1981, from 1992–93 to 2010–11 the denominator is SCRCSP 2012–1997

Source: AIC NDICP 1981–82 to 2010–11 [computer file]

**Table D1** Prison custody deaths by jurisdiction and year, 1979–80 to 2010–11 (n)

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
1979–80	3	2	3	1	5	0	1	0	15
1980–81	8	6	9	3	3	0	0	0	29
1981–82	7	7	6	5	1	1	0	0	27
1982–83	5	4	6	5	5	0	0	0	25
1983–84	12	14	4	2	1	0	0	0	33
1984–85	10	5	5	5	2	0	0	0	27
1985–86	6	2	7	1	0	0	2	0	18
1986–87	17	7	7	3	2	0	1	0	37
1987–88	13	18	5	3	2	2	0	1	44
1988–89	7	11	6	6	1	4	2	0	37
1989–90	28	4	12	3	5	1	0	0	53
1990–91	18	2	4	6	3	1	1	0	35
1991–92	6	2	11	4	5	3	0	0	31
1992–93	20	7	6	5	4	0	1	0	43
1993–94	29	5	11	2	6	3	1	0	57
1994–95	22	7	12	6	7	0	1	0	55
1995–96	18	5	10	6	6	2	1	1	49
1996–97	30	5	13	9	5	1	0	0	63
1997–98	29	13	11	17	6	1	3	1	81
1998–99	27	9	19	6	1	1	1	0	64
1999–2000	23	3	14	15	4	5	0	0	64
2000–01	18	11	11	9	7	0	2	0	58
2001–02	19	6	14	10	2	1	1	0	53
2002–03	16	5	7	8	5	1	2	0	44
2003–04	13	4	13	6	2	0	1	0	39
2004–05	15	4	4	7	6	2	1	0	39
2005–06	10	5	2	6	3	1	1	0	28
2006–07	22	3	6	3	4	1	1	0	40
2007–08	11	13	8	8	4	2	0	0	46
2008–09	15	8	9	4	5	1	0	1	43
2009–10	21	8	10	8	5	3	2	1	58
2010–11	20	10	11	5	4	2	6	0	58
Total	518	215	276	187	121	39	32	5	1,393

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Indigenous status

**Table D2** Prison custody deaths by jurisdiction and Indigenous status, 1979–80 to 2010–11

	Indigenous		Non-Indigenous		Total persons (n)
	n	%	n	%	
New South Wales	70	14	448	87	518
Victoria	7	3	208	97	215
Queensland	54	20	222	80	276
Western Australia	61	33	126	67	187
South Australia	20	17	101	84	121
Tasmania	2	5	37	95	39
Northern Territory	24	75	8	25	32
Australian Capital Territory	0	0	5	100	5
Australia	238	17	1,155	83	1,393

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Legal status

**Table D3** Prison custody deaths by jurisdiction, Indigenous status and legal status, 1979–80 to 2010–11 (n)

		Sentenced	Unsentenced	Total
New South Wales	Indigenous	46	24	70
	Non-Indigenous	304	143	447
Victoria	Indigenous	4	3	7
	Non-Indigenous	147	61	208
Queensland	Indigenous	40	13	53
	Non-Indigenous	152	58	210
Western Australia	Indigenous	45	16	61
	Non-Indigenous	82	44	126
South Australia	Indigenous	15	5	20
	Non-Indigenous	59	42	101
Tasmania	Indigenous	2	0	2
	Non-Indigenous	24	12	36
Northern Territory	Indigenous	18	6	24
	Non-Indigenous	4	4	8
Australian Capital Territory	Indigenous	0	0	0
	Non-Indigenous	0	5	5
Totals	Indigenous	170	67	237
	Non-Indigenous	772	369	1,141
	All persons <sup>a</sup>	942	436	1,378

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Sex

**Table D4** Prison custody deaths by jurisdiction and sex, 1979–80 to 2010–11

		%	Total n
New South Wales	Male	96	498
	Female	4	20
Victoria	Male	93	199
	Female	7	16
Queensland	Male	96	265
	Female	4	11
Western Australia	Male	96	179
	Female	4	8
South Australia	Male	96	116
	Female	4	5
Tasmania	Male	100	39
	Female	0	0
Northern Territory	Male	100	32
	Female	0	0
Australian Capital Territory	Male	80	4
	Female	20	1
Totals	Male	96	1,332
	Female	4	61
	All persons	100	1,393

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Age

**Table D5** Median age at death in prison custody by jurisdiction and Indigenous status, 1979–80 to 2010–11 (n)

	Indigenous		Non-Indigenous		Persons	
	n	Median age	n	Median age	Total n	Median age
New South Wales	70	30.5	448	35.5	518	34
Victoria	7	33	208	36	215	36
Queensland	54	35	222	37	276	36.5
Western Australia	61	35	126	34	187	34
South Australia	20	30	101	37	121	35
Tasmania	2	38	37	40	39	40
Northern Territory	24	33.5	8	35.5	32	33.5
Australian Capital Territory	0	0	5	21	5	21
Australia	238	33	1,155	36	1,393	35

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table D6** Age of persons dying in prison custody by jurisdiction, age in years and Indigenous status, 1979–80 to 2010–11 (n)

		Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Total
New South Wales	Indigenous	19	36	11	4	70
	Non-Indigenous	88	166	113	81	448
Victoria	Indigenous	3	1	2	1	7
	Non-Indigenous	33	86	42	47	208
Queensland	Indigenous	14	20	15	5	54
	Non-Indigenous	34	86	45	57	222
Western Australia	Indigenous	11	27	21	2	61
	Non-Indigenous	31	44	23	28	126
South Australia	Indigenous	7	12	1	0	20
	Non-Indigenous	10	43	24	24	101
Tasmania	Indigenous	0	1	1	0	2
	Non-Indigenous	8	10	9	10	37
Northern Territory	Indigenous	4	16	3	1	24
	Non-Indigenous	1	3	2	2	8
Australian Capital Territory	Indigenous	0	0	0	0	0
	Non-Indigenous	3	0	2	0	5
Totals	Indigenous	58	113	54	13	238
	Non-Indigenous	208	438	260	249	1,155
	All persons	266	551	314	262	1,393

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Cause of death

**Table D7** Cause of death in prison custody by jurisdiction and Indigenous status, 1979–80 to 2010–11 (n)

		Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol	Other	Total
NSW	Indigenous	25	31	0	0	9	5	0	70
	Non-Indigenous	171	165	8	2	37	55	7	445
Vic	Indigenous	2	4	0	0	0	1	0	7
	Non-Indigenous	63	85	2	1	28	23	6	208
Qld	Indigenous	24	28	0	0	0	1	1	54
	Non-Indigenous	88	94	4	2	17	14	2	222
WA	Indigenous	18	37	0	1	2	2	1	61
	Non-Indigenous	60	43	1	0	8	8	5	125
SA	Indigenous	9	8	1	0	1	1	0	20
	Non-Indigenous	35	47	4	1	7	5	2	101
Tas	Indigenous	1	1	0	0	0	0	0	2
	Non-Indigenous	17	19	0	0	0	1	0	37
NT	Indigenous	5	18	0	0	0	1	0	24
	Non-Indigenous	4	2	0	0	2	0	0	8
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	3	2	0	0	0	0	0	5
Totals	Indigenous	84	127	1	1	12	11	2	238
	Non-Indigenous	441	457	19	6	99	106	22	1,150
	All persons <sup>a</sup>	525	584	20	7	111	117	24	1,388

a: 5 cases have been excluded due to missing data

Source: AIC NDICP 1979–80 to 2010–11 [computer file]



## Manner of death

**Table D8** Manner of death in prison custody by jurisdiction and Indigenous status, 1979–80 to 2010–11 (n)

		Self– inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other/ unknown	Total
NSW	Indigenous	28	31	5	0	6	0	70
	Non-Indigenous	193	165	32	1	46	8	445
Vic	Indigenous	2	4	0	0	1	0	7
	Non-Indigenous	77	85	11	1	30	4	208
Qld	Indigenous	25	28	0	0	1	0	54
	Non-Indigenous	94	94	17	2	13	1	221
WA	Indigenous	19	37	1	0	1	3	61
	Non-Indigenous	71	43	1	0	9	1	125
SA	Indigenous	10	8	0	0	1	1	20
	Non-Indigenous	42	47	3	1	5	2	100
Tas	Indigenous	1	1	0	0	0	0	2
	Non-Indigenous	17	19	0	0	0	1	37
NT	Indigenous	5	18	0	0	1	0	24
	Non-Indigenous	6	2	0	0	0	0	8
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	3	2	0	0	0	0	5
Totals	Indigenous	90	127	6	0	11	4	238
	Non-Indigenous	503	457	64	5	103	17	1,149
	All persons <sup>a</sup>	593	584	70	5	114	21	1,387

a: 6 cases have been excluded due to missing data

Source: AIC N NDICP 1979–80 to 2010–11 [computer file]

## Most serious offence

**Table D9** Prison custody deaths by jurisdiction, most serious offence and Indigenous status, 1979–80 to 2010–11 (n)

		Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
NSW	Indigenous	38	20	4	3	3	2	70
	Non-Indigenous	194	145	50	8	29	15	441
Vic	Indigenous	4	2	0	0	1	0	7
	Non-Indigenous	111	57	21	2	13	3	207
Qld	Indigenous	33	10	2	2	3	3	53
	Non-Indigenous	115	55	10	14	9	11	214
WA	Indigenous	37	15	0	5	2	2	61
	Non-Indigenous	73	35	6	2	7	3	126
SA	Indigenous	10	3	0	1	4	2	20
	Non-Indigenous	61	22	6	2	8	2	101
Tas	Indigenous	1	0	0	0	0	1	2
	Non-Indigenous	24	8	0	1	1	3	37
NT	Indigenous	14	3	1	2	1	3	24
	Non-Indigenous	4	2	0	0	1	1	8
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	3	1	0	0	0	1	5
Totals	Indigenous	137	53	7	13	14	13	237
	Non-Indigenous	585	325	93	29	68	39	1,139
	All persons <sup>a</sup>	722	378	100	42	82	52	1,376

a: 17 cases have been excluded due to missing data

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

## Location of death

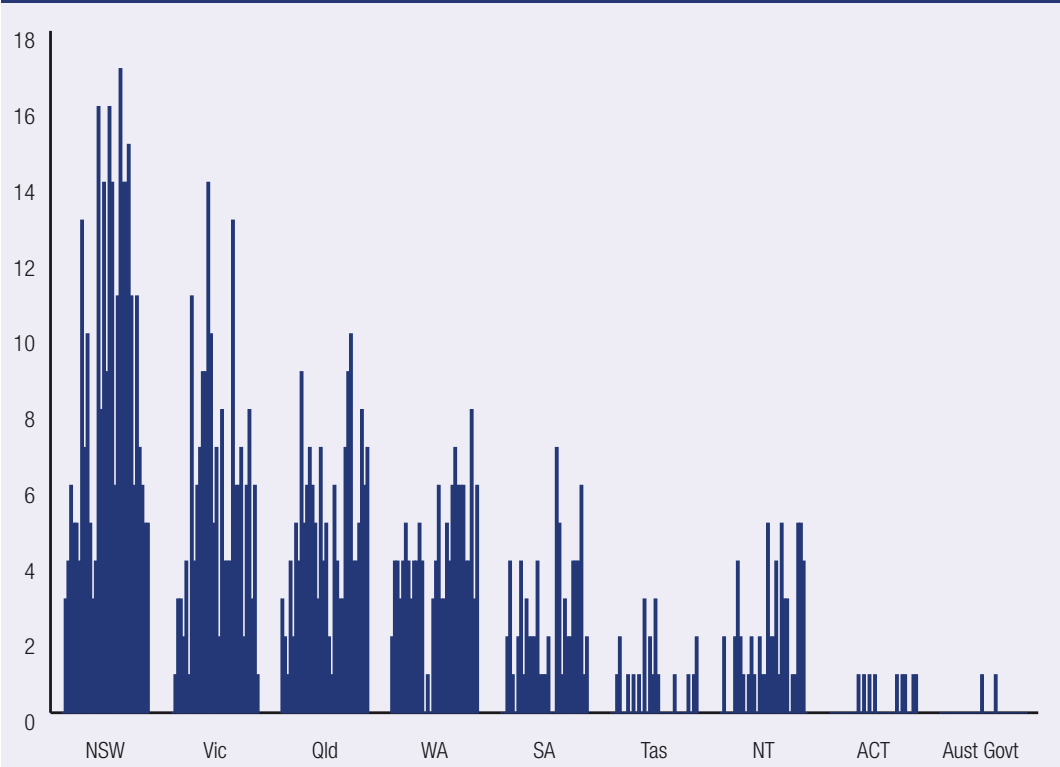
		Public hospital	Prison hospital	Cell	Other custodial setting	Public place	Private property	Other	Total
NSW	Indigenous	23	4	38	4	0	0	1	70
	Non-Indigenous	102	41	261	20	0	1	1	426
Vic	Indigenous	0	2	5	0	0	0	0	7
	Non-Indigenous	42	30	116	7	0	0	2	197
Qld	Indigenous	12	2	32	4	0	0	0	50
	Non-Indigenous	75	18	82	14	1	0	0	190
WA	Indigenous	25	1	28	3	0	0	0	57
	Non-Indigenous	31	4	74	7	4	1	1	122
SA	Indigenous	5	1	13	0	0	0	0	19
	Non-Indigenous	42	4	48	4	0	0	1	99
Tas	Indigenous	1	0	1	0	0	0	0	2
	Non-Indigenous	15	8	13	1	0	0	0	37
NT	Indigenous	14	1	8	0	0	0	0	23
	Non-Indigenous	5	0	3	0	0	0	0	8
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	2	0	3	0	0	0	0	5
Totals	Indigenous	80	11	125	11	0	0	1	228
	Non-Indigenous	314	105	600	53	5	2	5	1,084
	All persons <sup>a</sup>	394	116	725	64	5	2	6	1,312

a: 81 cases have been excluded due to missing data

Source: AIC NDICP 1979–80 to 2010–11 [computer file]

# Deaths in police custody and custody-related operations

**Figure D11** Deaths in police custody and custody-related operations by jurisdiction, 1979–80 to 2010–11 (n)



Source: AIC NDICP 1979–80 to 2010–11 [computer file]

**Table D11** Deaths in police custody and custody-related operations by jurisdiction and year, 1989–80 to 2010–11 (n)

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Cwlth	Total
1989–90	5	7	7	5	2	1	1	1	0	29
1990–91	3	9	6	4	2	0	2	0	0	26
1991–92	4	9	5	0	2	3	1	1	0	25
1992–93	16	14	3	1	4	0	0	0	0	38
1993–94	8	10	7	0	1	2	2	1	0	31
1994–95	14	5	4	3	1	1	1	0	1	30
1995–96	9	7	5	4	1	3	1	1	0	31
1996–97	16	2	2	6	2	1	5	0	0	34
1997–98	14	8	1	3	0	0	2	0	0	28
1998–99	6	4	6	3	0	0	2	0	0	21
1999–2000	11	4	4	5	7	0	4	0	1	36
2000–01	17	4	3	4	5	0	1	0	0	34
2001–02	14	13	3	6	1	0	5	0	0	42
2002–03	14	6	7	7	3	1	3	0	0	41
2003–04	15	6	9	6	2	0	3	1	0	42
2004–05	11	7	10	6	2	0	0	0	0	36
2005–06	6	2	4	6	4	0	1	1	0	24
2006–07	11	6	4	4	4	0	1	1	0	31
2007–08	7	8	5	4	4	1	5	0	0	34
2008–09	6	3	8	8	6	0	5	0	0	36
2009–10	5	6	6	3	1	1	4	1	0	27
2010–11	5	1	7	6	2	2	0	1	0	24
Total	217	141	116	94	56	16	49	9	2	700

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Category 1 and Category 2 deaths

**Table D12** Deaths in police custody and custody-related operations by jurisdiction and category, 1989–90 to 2010–11

		%	Total n
New South Wales	Category 1	31	68
	Category 2	69	149
Victoria	Category 1	60	85
	Category 2	40	56
Queensland	Category 1	57	66
	Category 2	43	50
Western Australia	Category 1	38	36
	Category 2	62	58
South Australia	Category 1	46	26
	Category 2	54	30
Tasmania	Category 1	38	6
	Category 2	63	10
Northern Territory	Category 1	55	27
	Category 2	45	22
Australian Capital Territory	Category 1	33	3
	Category 2	67	6
Australian Government	Category 1	100	2
	Category 2	0	0
Australia	Category 1	46	319
	Category 2	54	381
Total			700

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Indigenous status

**Table D13** Deaths in police custody and custody-related operations by jurisdiction and Indigenous status, 1989–90 to 2010–11

	Indigenous		Non-Indigenous		Persons
	n	%	n	%	Total n
New South Wales	26	12	191	88	217
Victoria	7	5	134	95	141
Queensland	21	18	95	82	116
Western Australia	42	45	52	55	94
South Australia	13	23	43	77	56
Tasmania	2	13	14	88	16
Northern Territory	30	61	19	39	49
Australian Capital Territory	0	0.0	9	100	9
Australian Government	0	0.0	2	100	2
Australia	141	20	559	80	700

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Sex

**Table D14** Deaths in police custody and custody-related operations by jurisdiction and sex, 1989–90 to 2010–11

		%	Total n
New South Wales	Male	96	209
	Female	4	8
Victoria	Male	90	127
	Female	10	14
Queensland	Male	91	105
	Female	9	11
Western Australia	Male	93	87
	Female	7	7
South Australia	Male	93	52
	Female	7	4
Tasmania	Male	100	16
	Female	0	0
Northern Territory	Male	88	43
	Female	12	6
Australian Capital Territory	Male	100	9
	Female	0	0
Australian Government	Male	100	2
	Female	0	0
Totals	Male	93	650
	Female	7	50

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Age

**Table D15** Median age at deaths in police custody and custody-related operations by jurisdiction and Indigenous status, 1989–90 to 2010–11 (n)

	Indigenous		Non-Indigenous		Persons	
	n	Median age (yrs)	n	Median age (yrs)	Total n	Median age (yrs)
New South Wales	26	27.5	191	32	217	31
Victoria	7	33	134	29	141	29
Queensland	21	27	95	36	116	34.5
Western Australia	42	20.5	52	29	94	27
South Australia	13	24	43	29	56	28
Tasmania	2	21.5	14	33.5	16	29.5
Northern Territory	30	33	19	28	49	33
Australian Capital Territory	0	0	9	27	9	27
Australian Government	0	0	2	44.5	2	44.5
Australia	141	27	559	31	700	30

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

**Table D16** Age at death in police custody and custody-related operations by jurisdiction and age category, 1989–90 to 2010–11 (n)

		Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Total
NSW	Indigenous	11	9	5	1	26
	Non-Indigenous	54	82	41	14	191
Vic	Indigenous	0	6	1	0	7
	Non-Indigenous	42	58	25	9	134
Qld	Indigenous	9	7	4	1	21
	Non-Indigenous	15	43	28	9	95
WA	Indigenous	25	12	5	0	42
	Non-Indigenous	13	29	8	1	51
SA	Indigenous	7	4	1	1	13
	Non-Indigenous	15	19	6	3	43
Tas	Indigenous	1	1	0	0	2
	Non-Indigenous	4	4	5	1	14
NT	Indigenous	9	13	8	0	30
	Non-Indigenous	6	7	4	2	19
ACT	Indigenous	0	0	0	0	0
	Non-Indigenous	3	3	3	0	9
Australian Government	Indigenous	0	0	0	0	0
	Non-Indigenous	0	1	0	1	2
Totals <sup>a</sup>	Indigenous	62	52	24	3	142
	Non-Indigenous	152	246	119	40	558
All persons		214	298	143	43	699

a: 1 case has been omitted due to missing data about age at death

Source: AIC NDICP 1989–90 to 2010–11 [computer file]



## Cause of death

**Table D17** Cause of death in police custody and custody-related operations by jurisdiction and Indigenous status, 1989–90 to 2010–11 (n)

		Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol	Other	Total
NSW	Indigenous	2	1	3	4	11	1	4	26
	Non-Indigenous	13	10	11	65	74	14	4	191
Vic	Indigenous	1	1	1	1	2	1	0	7
	Non-Indigenous	12	11	15	48	29	10	8	133
Qld	Indigenous	2	6	3	1	5	1	2	20
	Non-Indigenous	4	12	7	29	24	12	7	95
WA	Indigenous	5	9	6	0	21	1	0	42
	Non-Indigenous	6	1	2	12	25	3	3	52
SA	Indigenous	3	2	1	2	5	0	0	13
	Non-Indigenous	2	5	6	12	13	4	1	43
Tas	Indigenous	0	0	0	2	0	0	0	2
	Non-Indigenous	0	1	2	7	3	0	1	14
NT	Indigenous	2	11	4	3	8	0	2	30
	Non-Indigenous	2	1	2	7	4	2	1	19
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	1	1	0	5	2	0	0	9
Aust Govt	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	0	1	0	2
Totals	Indigenous	15	30	18	13	52	4	8	140
	Non-Indigenous	40	43	45	185	174	46	25	558
	All persons <sup>a</sup>	55	73	63	198	226	50	33	698

a: 2 cases have been excluded due to missing data

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Manner of death

**Table D18** Manner of deaths in police custody and custody-related operations by jurisdiction and Indigenous status, 1989–90 to 2010–11 (n)

		Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other/unknown	Total
NSW	Indigenous	6	1	1	2	16	0	26
	Non-Indigenous	81	10	4	21	73	1	190
Vic	Indigenous	2	1	0	1	3	0	7
	Non-Indigenous	36	11	1	36	47	2	133
Qld	Indigenous	3	6	1	0	8	2	20
	Non-Indigenous	28	12	1	15	37	2	95
WA	Indigenous	6	9	4	0	23	0	42
	Non-Indigenous	18	1	0	6	26	1	52
SA	Indigenous	5	2	0	2	4	0	13
	Non-Indigenous	13	5	0	7	18	0	43
Tas	Indigenous	1	0	0	1	0	0	2
	Non-Indigenous	5	1	0	2	6	0	14
NT	Indigenous	3	11	2	0	12	2	30
	Non-Indigenous	8	1	0	4	4	2	19
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	3	1	0	2	3	0	9
Aust Govt	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	1	0	2
Totals	Indigenous	26	30	8	6	66	4	140
	Non-Indigenous	192	43	6	93	215	8	557
	All persons <sup>a</sup>	218	73	14	99	281	12	697

a: 3 cases have been excluded due to missing data

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Most serious offence

**Table D19** Deaths in police custody and custody-related operations by jurisdiction, most serious offence and Indigenous status, 1989–90 to 2010–11 (n)

		Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
NSW	Indigenous	6	9	1	2	5	2	25
	Non-Indigenous	67	34	9	36	12	28	186
Vic	Indigenous	2	1	0	0	2	1	6
	Non-Indigenous	43	42	3	16	21	7	132
Qld	Indigenous	7	5	0	1	8	0	21
	Non-Indigenous	33	8	6	17	20	8	92
WA	Indigenous	6	23	0	5	5	2	41
	Non-Indigenous	15	7	1	12	6	7	48
SA	Indigenous	4	7	0	0	0	1	12
	Non-Indigenous	13	8	0	8	5	9	43
Tas	Indigenous	1	0	0	0	1	0	2
	Non-Indigenous	4	0	0	4	4	2	14
NT	Indigenous	4	4	0	1	12	8	29
	Non-Indigenous	8	2	0	1	6	2	19
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	3	2	0	1	2	1	9
Aust Govt	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	0	1	2
Totals <sup>a</sup>	Indigenous	30	49	1	9	33	14	136
	Non-Indigenous	186	104	19	95	76	65	545
	All persons <sup>a</sup>	216	153	20	104	109	79	681

a: 19 cases have been excluded due to missing data

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Location

**Table D20** Deaths in police custody and custody-related operations by jurisdiction, location of death and Indigenous status, 1989–90 to 2010–11 (n)

		Public hospital	Cell	Other custodial setting	Private property	Public place	Other	Total
NSW	Indigenous	8	1	1	4	12	0	26
	Non-Indigenous	50	8	4	32	95	2	191
Vic	Indigenous	2	1	1	1	2	0	7
	Non-Indigenous	31	16	13	19	52	3	134
Qld	Indigenous	9	5	2	0	4	1	21
	Non-Indigenous	19	18	4	19	32	3	95
WA	Indigenous	9	7	3	2	21	0	42
	Non-Indigenous	12	1	1	9	27	2	52
SA	Indigenous	6	1	0	2	4	0	13
	Non-Indigenous	10	4	0	8	20	1	43
Tas	Indigenous	1	0	0	0	1	0	2
	Non-Indigenous	5	1	1	5	2	0	14
NT	Indigenous	14	2	1	1	11	1	30
	Non-Indigenous	6	3	1	2	6	1	19
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	0	1	2	4	0	9
Aust Govt	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	0	2	0	0	0	2
Totals	Indigenous	49	17	8	10	55	2	141
	Non-Indigenous	135	51	27	96	238	12	559
	All persons	184	68	35	106	293	14	700

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

## Type of police custody

**Table D21** Deaths in police custody and custody-related operations by jurisdiction and type of custody, 1989–90 to 2010–11

	Institution		Escaping		Detaining		Other		Total n
	%	n	%	n	%	n	%	n	
NSW	16	26	40	2	37	188	5	1	217
Vic	25	42	0	0	19	95	20	4	141
Qld	26	43	20	1	14	69	14	3	116
WA	14	24	0	0	13	67	15	3	94
SA	5	9	0	0	9	44	15	3	56
Tas	2	3	0	0	3	13	0	0	16
NT	10	16	40	2	5	25	30	6	49
ACT	1	2	0	0	1	7	0	0	9
Aust Govt	1	2	0	0	0.0	0	0	0	2
Total	100	167	100	5	100	508	100	20	700

Note: Percentages may not total 100 due to rounding

Source: AIC NDICP 1989–90 to 2010–11 [computer file]

# Appendix E: Populations used as the denominator for calculating rates of death in prison

**Table E1** Prison population by jurisdiction and year, 1981–82 to 2010–11 (n)

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
1981–82	3,719	1,753	1,638	812	1,350	237	312	5	9,826
1982–83	3,733	1,996	1,709	764	1,503	209	265	15	10,196
1983–84	3,354	1,845	1,881	564	1,543	241	248	17	9,693
1984–85	4,115	1,879	1,999	783	1,495	228	334	11	10,844
1985–86	4,230	1,955	2,186	810	1,612	258	429	17	11,497
1986–87	4,551	1,956	2,343	875	1,627	280	467	14	12,113
1987–88	4,691	2,071	2,374	844	1,649	297	381	14	12,321
1988–89	5,261	2,256	2,390	871	1,568	245	351	22	12,964
1989–90	6,366	2,316	2,296	931	1,720	237	415	24	14,305
1990–91	7,103	2,310	2,094	1,042	1,726	265	465	16	15,021
1991–92	7,485	2,277	2,017	1,152	1,893	269	447	19	15,559
1992–93	6,181	2,271	2,070	1,226	1,868	260	434	17	14,327
1993–94	6,422	2,521	2,611	1,211	2,099	253	447	19	15,583
1994–95	6,278	2,456	3,091	1,342	2,125	262	465	19	16,038
1995–96	6,291	2,432	3,462	1,404	2,237	267	467	30	16,590
1996–97	6,323	2,478	3,921	1,475	2,231	272	541	38	17,279
1997–98	6,358	2,692	4,586	1,421	2,255	269	610	42	18,233
1998–99	6,884	2,856	5,044	1,383	2,685	332	624	41	19,849
1999–2000	7,311	3,062	5,061	1,329	2,969	359	614	49	20,753
2000–01	7,531	3,276	4,714	1,321	3,119	370	660	59	21,050
2001–02	7,764	3,446	4,982	1,436	2,922	386	671	65	21,672
2002–03	7,983	3,644	5,067	1,470	2,843	442	715	68	22,232
2003–04	8,367	3,669	5,264	1,469	3,006	457	719	64	23,015
2004–05	8,926	3,596	5,329	1,510	3,372	521	770	69	24,093
2005–06	9,101	3,648	5,449	1,548	3,433	504	791	67	24,541
2006–07	9,468	4,044	5,649	1,686	3,622	534	834	64	25,901
2007–08	9,634	4,177	5,491	1,855	3,802	539	875	82	26,455
2008–09	10,068	4,299	5,629	1,935	4,012	522	1,030	117	27,612
2009–10	10,352	4,492	5,631	1,963	4,759	489	1,081	189	28,956
2010–11	10,094	4,586	5,537	1,987	4,633	474	1,172	228	28,711

Source: Population between 1981–82 and 1991–92 is ABS-A 1992–1981, between 1992–93 and 2010–11 the population is SCRCSP 2012–1997

**Table E2** Prison population by sex and year, 1981–82 to 2010–11 (n)

	Males	Females	Total
1981–82	9,491	335	9,826
1982–83	9,797	399	10,196
1983–84	9,314	380	9,694
1984–85	10,342	502	10,844
1985–86	10,943	554	11,497
1986–87	11,543	570	12,113
1987–88	11,670	651	12,321
1988–89	12,284	680	12,964
1989–90	13,527	778	14,305
1990–91	14,293	728	15,021
1991–92	14,799	760	15,559
1992–93	15,102	764	15,866
1993–94	16,107	837	16,944
1994–95	16,593	835	17,428
1995–96	17,221	972	18,193
1996–97	17,987	1,095	19,082
1997–98	18,778	1,128	19,906
1998–99	18,623	1,157	19,781
1999–2000	19,419	1,289	20,708
2000–01	19,673	1,321	20,993
2001–02	20,061	1,389	21,450
2002–03	20,642	1,475	22,118
2003–04	21,371	1,514	22,885
2004–05	22,427	1,661	24,089
2005–06	22,855	1,677	24,532
2006–07	24,042	1,851	25,893
2007–08	24,575	1,878	26,454
2008–09	25,662	1,971	27,633
2009–10	26,825	2,131	28,956
2010–11	26,651	2,057	28,708

Source: Population between 1981–82 and 1997–98 is ABS-A 1998–1981, from 1998–99 and 2010–11 the population is ABS-B 2011–1999

**Table E3** Prison population by Indigenous status and year, 1981–82 to 2010–11 (n)

	Indigenous	Non-Indigenous	Unknown	Total
1981–82 <sup>a</sup>	1,049	6,951	188	8,188
1982–83 <sup>a</sup>	1,118	7,225	144	8,487
1983–84 <sup>a</sup>	1,018	6,484	311	7,813
1984–85 <sup>a</sup>	1,153	7,472	220	8,845
1985–86 <sup>a</sup>	1,313	7,746	252	9,311
1986–87	1,766	10,201	146	12,113
1987–88	1,809	10,232	280	12,321
1988–89	1,825	10,967	172	12,964
1989–90	2,041	11,819	445	14,305
1990–91	2,166	12,323	532	15,021
1991–92	2,223	13,232	104	15,559
1992–93	2,416	13,322	128	15,866
1993–94 <sup>b</sup>	2,800	14,144	n/a	16,944
1994–95 <sup>b</sup>	2,985	14,443	n/a	17,428
1995–96 <sup>b</sup>	3,273	14,920	n/a	18,193
1996–97	3,580	15,144	358	19,082
1997–98	3,750	15,884	236	19,906
1998–99	4,047	15,803	154	19,850
1999–2000	4,041	16,712	0	20,753
2000–01	4,091	16,678	0	20,769
2001–02	4,239	16,930	0	21,169
2002–03	4,600	17,144	0	21,744
2003–04	4,960	17,564	0	22,524
2004–05	5,474	18,008	506	23,482
2005–06	5,815	18,280	229	24,095
2006–07	6,297	19,207	207	25,504
2007–08	6,505	19,679	248	26,184
2008–09	6,948	20,279	377	27,227
2009–10	7,544	20,750	289	28,293
2010–11	7,507	20,747	24	28,254

a: From 1983 to 1986, Queensland was unable to provide a breakdown by Indigenous Status. The data for these years is for Australia, excluding Queensland

b: From 1994 to 1996, non-Indigenous persons includes persons of unknown Indigenous status

Source: Population between 1981–82 and 1997–98 is ABS-A 1998–1981, between 1998–99 and 2010–11 the population is SCRCSP 2012–1997



<b>Table E4</b> Prison population by age in years, 1981–82 to 2010–11 (n)						
	Less than 25 yrs	25–39 yrs	40–54 yrs	55 yrs+	Unknown	Total
1981–82	3,916	4,647	1,064	199	0	9,826
1982–83	4,021	4,848	1,107	208	12	10,196
1983–84	3,679	4,741	1,062	196	16	9,694
1984–85	4,211	5,244	1,173	201	15	10,844
1985–86	4,154	5,762	1,346	229	6	11,497
1986–87	4,317	6,005	1,522	261	8	12,113
1987–88	4,294	6,053	1,635	266	73	12,321
1988–89	4,271	6,564	1,767	241	121	12,964
1989–90	4,737	7,172	1,952	301	143	14,305
1990–91	4,951	7,658	2,083	329	0	15,021
1991–92	5,000	7,946	2,231	382	0	15,559
1992–93	4,826	8,149	2,428	458	5	15,866
1993–94	5,003	8,656	2,727	550	8	16,944
1994–95	5,024	8,811	2,973	614	6	17,428
1995–96	5,195	9,286	3,031	681	0	18,193
1996–97	5,419	9,612	3,317	728	6	19,082
1997–98	5,471	10,193	3,432	808	2	19,906
1998–99	5,721	11,193	3,737	885	2	21,538
1999–2000	5,659	11,199	3,894	958	4	21,714
2000–01	5,691	11,731	4,003	1,002	31	22,458
2001–02	5,431	11,875	4,147	1,039	0	22,492
2002–03	5,229	12,557	4,597	1,172	0	23,555
2003–04	5,176	12,806	4,888	1,282	19	24,171
2004–05	5,124	13,518	5,305	1,406	0	25,353
2005–06	5,087	13,673	5,548	1,476	0	25,784
2006–07	5,282	14,400	6,001	1,541	0	27,224
2007–08	5,318	14,313	6,276	1,716	0	27,623
2008–09	5,661	15,073	6,784	1,801	0	29,319
2009–10	5,804	15,017	7,002	1,879	0	29,702
2010–11	5,621	14,490	6,991	1,999	0	29,101

Source: ABS-A 2011–1981

**Table E5** Prison population by most serious offence and year, 1981–82 to 2010–11 (n)

	Violence-related <sup>a</sup>	Theft-related <sup>b</sup>	Drug-related <sup>c</sup>	Traffic-related <sup>d</sup>	Good order-related <sup>e</sup>	Other offences <sup>f</sup>	Unknown	Total <sup>g</sup>
1981–82	2,800	4,557	790	947	565	71	96	9,826
1982–83	2,799	4,753	806	1,001	669	78	90	10,196
1983–84	2,718	4,487	855	911	581	126	16	9,694
1984–85	2,941	5,012	1,118	979	729	51	14	10,844
1985–86	3,111	5,117	1,296	977	894	30	72	11,497
1986–87	3,440	5,449	1,258	928	865	154	19	12,113
1987–88	3,532	5,431	1,351	851	913	79	164	12,321
1988–89	3,971	5,490	1,297	729	1,150	267	60	12,964
1989–90	4,417	6,029	1,347	985	1,201	316	10	14,305
1990–91	4,730	6,294	1,364	1,022	1,293	312	6	15,021
1991–92	4,936	6,407	1,518	1,005	1,329	328	36	15,559
1992–93	5,384	6,375	1,704	908	1,113	371	11	15,866
1993–94	5,902	6,759	1,923	837	1,330	157	36	16,944
1994–95	6,305	6,760	1,904	959	1,383	115	2	17,428
1995–96	6,637	7,072	1,895	1,046	1,378	119	46	18,193
1996–97	6,860	7,601	1,896	1,041	1,538	145	1	19,082
1997–98	7,161	7,562	1,836	1,101	1,903	291	52	19,906
1998–99	7,395	8,068	1,987	1,315	2,374	384	15	21,538
1999–2000	7,276	7,988	2,227	1,407	2,175	638	3	21,714
2000–01	7,995	8,454	2,271	924	2,240	574	0	22,458
2001–02	8,169	8,554	2,194	1,005	2,053	513	4	22,492
2002–03	9,029	8,720	2,212	1,089	1,958	546	1	23,555
2003–04	9,366	8,449	2,429	1,125	2,348	453	0	24,170
2004–05	10,369	8,397	2,483	1,284	2,558	262	0	25,353
2005–06	10,921	7,979	2,516	1,382	2,714	268	11	25,791
2006–07	11,624	8,247	2,709	1,418	2,986	213	25	27,222
2007–08	12,042	7,850	2,885	1,411	3,061	359	7	27,615
2008–09	13,135	8,166	3,217	1,414	3,084	276	27	29,319
2009–10	13,563	8,373	3,233	1,172	3,172	154	28	29,695
2010–11	13,284	7,906	3,296	958	3,498	151	13	29,106

a: Homicide, acts intended to cause injury, sexual assault and related offences, dangerous or negligent acts endangering persons, abduction and related offences, and weapons and explosives offences

b: Robbery, extortion and related offences, unlawful entry with intent, theft and related offences, and fraud, deception and related offences

c: Illicit drug offences

d: Road traffic and motor vehicle regulatory offences

e: Public order offences and offences against justice procedures, government security and operations

f: Miscellaneous offences

g: Total—Average annual number of prisoners

Source: ABS-A 2011–1981

**Table E6** Prison population by legal status and year, 1981–82 to 2010–11 (n)

	Unsentenced	Sentenced	Unknown	Total
1981–82	996	8,830	0	9,826
1982–83	1,065	9,131	0	10,196
1983–84	1,117	8,535	42	9,694
1984–85	1,445	9,364	35	10,844
1985–86	1,471	9,984	42	11,497
1986–87	1,574	10,517	22	12,113
1987–88	1,638	10,611	72	12,321
1988–89	1,675	11,269	20	12,964
1989–90	1,913	12,371	21	14,305
1990–91	1,974	13,036	11	15,021
1991–92	1,854	13,705	0	15,559
1992–93	1,883	13,983	0	15,866
1993–94	1,946	14,998	0	16,944
1994–95	1,999	15,429	0	17,428
1995–96	2,306	15,887	0	18,193
1996–97	2,560	16,522	0	19,082
1997–98	2,788	17,118	0	19,906
1998–99	3,043	16,655	0	19,697
1999–2000	3,510	17,115	0	20,624
2000–01	4,033	16,885	0	20,918
2001–02	4,446	16,945	0	21,391
2002–03	4,635	17,411	0	22,047
2003–04	4,915	17,992	0	22,907
2004–05	5,166	18,895	0	24,060
2005–06	5,291	19,196	0	24,487
2006–07	5,909	19,929	0	25,838
2007–08	6,277	20,157	0	26,434
2008–09	6,504	21,072	0	27,575
2009–10	6,590	22,341	0	28,930
2010–11	6,620	22,117	0	28,737

Source: Population between 1981–82 and 1997–98 is ABS-A 1998–1981, between 1998–99 and 2010–11 the population is ABS-B 2011–1999

**Table E7** Average number of sentenced prisoners in Australia by jurisdiction and financial year, 2008–09 to 2010–11 (n)

		NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
2008–09	Sep–08	7,417	3,458	4,336	1,294	3,037	407	730	0	20,679
	Dec–08	7,399	3,490	4,440	1,288	3,210	424	745	0	20,996
	Mar–09	7,366	3,401	4,381	1,271	3,292	401	818	0	20,929
	Jun–09	7,671	3,435	4,560	1,298	3,431	403	814	73	21,685
	Fin year average	7,463	3,446	4,429	1,288	3,243	409	777	73	21,072
2009–10	Sep–09	7,692	3,546	4,475	1,301	3,821	403	798	103	22,138
	Dec–09	7,752	3,613	4,393	1,304	4,045	408	824	103	22,443
	Mar–10	7,547	3,640	4,391	1,267	4,092	359	839	108	22,243
	Jun–10	7,648	3,700	4,534	1,264	4,010	378	875	124	22,535
	Fin year average	7,660	3,625	4,448	1,284	3,992	387	834	110	22,340
2010–11	Sep–10	7,645	3,755	4,441	1,308	3,969	383	852	134	22,487
	Dec–10	7,577	3,780	4,391	1,311	3,820	398	885	137	22,299
	Mar–11	7,251	3,667	4,257	1,326	3,771	369	893	139	21,673
	Jun–11	7,253	3,746	4,380	1,359	3,802	387	935	146	22,008
	Fin year average	7,432	3,737	4,367	1,326	3,841	384	891	139	22,117

Source: ABS 2012

**Table E8** Average number of unsentenced prisoners in Australia by jurisdiction and financial year, 2008–09 to 2010–11 (n)

		NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
2008–09	Sep–08	2,523	827	1,227	668	791	113	214	92	6,456
	Dec–08	2,532	869	1,151	640	739	104	228	107	6,370
	Mar–09	2,727	813	1,162	654	688	107	279	112	6,543
	Jun–09	2,714	877	1,170	677	746	123	271	71	6,649
	Fin year average	2,624	847	1,178	660	741	112	248	96	6,505
2009–10	Sep–09	2,707	844	1,137	691	710	112	240	59	6,500
	Dec–09	2,596	891	1,139	660	727	99	243	72	6,427
	Mar–10	2,737	836	1,204	658	736	92	259	87	6,609
	Jun–10	2,778	861	1,215	715	829	99	238	92	6,826
	Fin year average	2,705	858	1,174	681	751	101	245	78	6,591
2010–11	Sep–10	2,591	812	1,160	676	765	108	245	79	6,437
	Dec–10	2,524	828	1,164	662	752	93	254	81	6,357
	Mar–11	2,755	847	1,170	673	825	84	283	93	6,730
	Jun–11	2,865	896	1,190	647	862	90	314	93	6,956
	Fin year average	2,684	846	1,171	665	801	94	274	87	6,620

Source: ABS 2012

**Table E9** Average number of prisoners in Australia by jurisdiction and financial year, 2008–09 to 2010–11 (n)

		NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
2008–09	Sep–08	9,940	4,286	5,563	1,962	3,828	519	944	92	27,135
	Dec–08	9,931	4,359	5,591	1,927	3,949	527	973	107	27,365
	Mar–09	10,092	4,214	5,543	1,925	3,980	508	1,097	112	27,472
	Jun–09	10,385	4,312	5,730	1,975	4,177	526	1,085	144	28,334
	Fin year average	10,087	4,293	5,607	1,947	3,984	520	1,025	114	27,577
2009–10	Sep–09	10,399	4,390	5,611	1,992	4,531	516	1,038	162	28,638
	Dec–09	10,348	4,504	5,532	1,964	4,772	506	1,067	176	28,870
	Mar–10	10,284	4,476	5,594	1,926	4,828	451	1,098	195	28,852
	Jun–10	10,426	4,561	5,749	1,980	4,839	477	1,113	216	29,361
	Fin year average	10,364	4,483	5,622	1,966	4,743	488	1,079	187	28,930
2010–11	Sep–10	10,235	4,567	5,601	1,984	4,734	491	1,097	213	28,924
	Dec–10	10,100	4,608	5,555	1,973	4,572	491	1,139	218	28,656
	Mar–11	10,006	4,514	5,428	1,999	4,596	453	1,175	232	28,404
	Jun–11	10,118	4,641	5,570	2,005	4,664	477	1,250	238	28,964
	Fin year average	10,115	4,583	5,539	1,990	4,642	478	1,165	225	28,737

Source: ABS 2012

**Table E10** Private prison population in Australia by jurisdiction and year, 1998–99 to 2010–11 (n)

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Aust
1998–99	589	1,306	1,177	103	–	–	–	–	3,175
1999–2000	591	1,396	1,097	104	–	–	–	–	3,188
2000–01	590	1,366	1,200	102	7	–	–	–	3,265
2001–02	563	1,404	1,159	104	400	–	–	–	3,630
2002–03	720	1,445	1,210	106	690	–	–	–	4,171
2003–04	726	1,481	1,248	107	719	–	–	–	4,281
2004–05	730	1,473	1,263	107	729	–	–	–	4,303
2005–06	724	1,523	1,304	109	725	–	–	–	4,385
2006–07	756	1,461	1,294	116	768	–	–	–	4,395
2007–08	769	1,426	1,284	139	779	–	–	–	4,398
2008–09	779	1,457	1,243	147	823	–	–	–	4,449
2009–10	1,241	1,507	1,317	156	954	–	–	–	5,175
2010–11	1,496	1,530	1,340	162	991	–	–	–	5,520

Source: SCRCSP 2012–1998

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