

National Police Custody Survey

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National Police Custody Survey August 1995
by Carlos Carcach & David McDonald, 1997

**National
Police Custody
Survey
August 1995**

Carlos Carcach and David McDonald



AUSTRALIAN INSTITUTE OF CRIMINOLOGY

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Published by the Australian Institute of Criminology
74 Leichhardt Street
Griffith ACT 2603

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National Police Custody Survey August 1995

ISSN 1326-6004
ISBN 0 642 24038 8

Printed by Better Printing, Queanbeyan

Acknowledgments

The authors are most grateful to all Australian police services for their cooperation and assistance in providing the data which forms the basis of this publication.

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Foreword

Australian policing has gone through a process of change during the 1990s, and the challenges posed by these changes involve continuously reviewing roles and practices. Contemporaneous police management focuses on outcomes and processes in identifying, understanding and resolving problems.

The Royal Commission into Aboriginal Deaths in Custody has been an important part of this process of change. Because of the high proportion of Aboriginal and Torres Strait Islander deaths in custody that occurred in police custody at the time of its operation, the Commission addressed the attitudes and behaviours of individual police officers, and the organisations within which they performed their duties.

A first national survey on police custody was conducted in 1988. This survey provided valuable information to support the work of the Royal Commission and formed the basis of further research into deaths in custody.

The Royal Commission saw a need for the survey to be repeated periodically to provide the data to analyse trends in the field of police custody. As a result, a second survey was conducted in 1992 by the Australian Institute of Criminology. This report presents findings from the Third National Police Custody Survey conducted by the Australian Institute of Criminology in cooperation with the police services, in August 1995.

The survey provides information on a number of key aspects of the criminal justice system that is valuable not only to meet its original objectives relating to the work of the Royal Commission, but also to improve our knowledge of the relationship between citizens and the police. Who are the persons taken into police custody and for what reasons, how long are these persons held in police custody, what are the outcomes of the process? All of these are important issues for which there is an urgent need of statistical data. In this sense, the survey can be seen as one of the tools for efficient management of the Australian Police Services.

Adam Graycar
Director,
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June 1997

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Executive Summary

Background

The Third National Police Custody Survey (NPCS) was conducted in August 1995 as a cooperative undertaking of the Australian Institute of Criminology (AIC) and each of Australia's police services. It is part of an ongoing program of research into patterns and trends in police custody, nationally, undertaken as recommended by the Royal Commission into Aboriginal Deaths in Custody and agreed to by all governments. The first survey was conducted by the Royal Commission in 1988 and the second by the AIC in 1992.

The survey was conducted during the period 1 August to 31 August 1995. It covered every occasion upon which a person was taken into police custody and physically lodged in a police cell, for any period of time, at any location in Australia, during the month of August 1995. It also covered people who were in police custody at the commencement of the survey.

Number of incidents and individuals

A total of 22 060 occasions of custody, as defined above, occurred during the month. Queensland had by far the largest number (5793) followed by Victoria (3758) Western Australia (3519), New South Wales (3498), South Australia (3209), the Northern Territory (1668), Tasmania (362) and the Australian Capital Territory (253). The total number of incidents of custody of Aboriginal people and Torres Strait Islanders was 6686, with Western Australia having the highest number (1853), followed by Queensland (1727), the Northern Territory (1328), South Australia (804), New South Wales (717), Victoria (173), the Australian Capital Territory (43) and Tasmania (41). The total of 22 060 occasions of custody covered 18 779 separate individuals: 5513

Indigenous and 13 266 non-Indigenous people.

The 22 060 occasions of custody reported for August 1995 is 14 per cent lower than the 1992 survey figure of 25 654 and 23 per cent lower than the 1988 figure of 28 566. The percentage reduction between 1992 and 1995 was substantially greater among non-Aboriginal than among Aboriginal people: -17.6 and -7.3 respectively.

Aboriginal people continue to be heavily over-represented in police custody, compared with non-Aboriginal people. The Aboriginal custody rate during the month (based upon the number of occasions of custody rather than the number of separate individuals involved) was 3133 per 100 000 aged 10 years or older, whereas the corresponding non-Aboriginal rate was 101 per 100 000. This means that the Aboriginal custody rate was 31 times that of the non-Aboriginal rate, a level marginally higher than that observed in 1992 (28.8) and 1988 (28.6). The highest level of over-representation in 1995 was in Western Australia where the Aboriginal rate was 49 times that of the non-Aboriginal rate.

Gender and age

Males made up 87 per cent of the incidents of custody. Although only 10 per cent of the non-Aboriginal detentions were of females, almost 19 per cent of the Aboriginal detentions were of females. Almost half (46%) of the female detentions were Aboriginal women.

The people held in the police cells were generally young, with a mean age of 28 years and a median (the point above and below which half the cases fell) of 25. There were virtually no differences between the average ages of Aboriginal people in custody and non-Aboriginal people. However, the ages of Aboriginal people in custody were less

dispersed about the mean than those of their non-Aboriginal counterparts.

When entered police custody

The incidents of custody were distributed throughout the week but peaked on Thursday and Friday evenings. These peaks were particularly high following the days on which social security payments were made. Large numbers of people were admitted to the police cells in the mornings (9.00 am to 12 noon) and in the evenings, presumably being predominantly people on the way to or from court in the mornings and apprehended for offences or public drunkenness in the evenings. Aboriginal people were more likely to be admitted in the evenings, non-Aboriginal people in the mornings.

Reasons for custody

In over half of the occasions of custody (52%), the person was apprehended and held in the cells without an arrest warrant; in 26 per cent of the cases the people were in custody on a warrant; and 9 per cent were held in protective custody for public drunkenness, where this is not an offence (NSW, WA, SA, NT and ACT). The proportion of detentions without warrant was higher among the Aboriginal detainees than the non-Aboriginal, as was the proportion held in protective custody.

The offence categories reported as the most frequent reasons for custody, nationally, were break & enter/fraud/theft (16% of incidents); public drunkenness in Victoria, Queensland and Tasmania (13%), jurisdictions where such behaviour remains an offence; and justice procedures (10%). While this overall pattern was observed in the non-Aboriginal custody population, among Aboriginal people the three most frequent offence categories were break & enter/fraud/theft, followed by offences against good order other than public drunkenness, and, thirdly, public drunkenness.

It is clear that public drunkenness impacts heavily on the work of the police

services and is a prominent reason for people being held in police lockups. When combining the cases of people in custody for this behaviour in the jurisdictions both where it is not an offence and where it is, it is found that 21 per cent of the total number of custody occasions were for public drunkenness alone. The proportion was 15 per cent of the non-Aboriginal detentions and 31 per cent of the Aboriginal detentions.

Reasons for release/transfer

In some 42 per cent of the cases detainees were released from custody having been granted bail, with an additional 36 per cent being transferred to court, prison or another police lockup. In 9 per cent of the cases people were released after a period of protective custody for public drunkenness; some 2.4 per cent had served a sentence in police custody.

Length of time in custody

On the whole, the periods of time that people spent in the police cells were brief. The total median and mean lengths were 4.3 hours and 19.1 hours respectively. The large difference between median and mean is due to the highly skewed distribution of the times spent in police cells: a very small proportion were detained for long periods. No significant difference was found between the median lengths of detention of Aboriginal and non-Aboriginal people overall. However, when we look only at the 21 per cent of the cases in custody for public drunkenness, the median period among Aboriginal detainees was 6.2 hours compared with 4.1 hours for non-Aboriginal detainees. The means were 8.5 and 6.1 hours, respectively.

Repeat detentions

Some people were recorded as having been placed into the police cells more than once over the survey month. Some of these would have been people arrested more than once for discrete offences while others would have been people moving

between different parts of the criminal justice system, for example, from prison to court via a police lockup. Overall, 87.6 per cent of the distinct individuals identified in the survey experienced only one occasion of custody during the month, 9.4 per cent two occasions and 3 per cent more than two. The repeating rate of Aboriginal people was somewhat higher than that of non-Aboriginal people, with 5.9 per cent of the former having been admitted to the lockups more than once in the month compared with only 1 per cent of the latter.

Conclusion

The Third National Police Custody Survey is a fine example of research undertaken cooperatively by the Australian Institute of Criminology and Australia's police services. It provides national information which can assist police managers to better understand the activities of their organisations and apply this understanding to strategic planning and resource allocation. It is also useful as a tool for monitoring and evaluating the results of implementing key recommendations of the Royal Commission, such as those dealing with arrest being the sanction of last resort in dealing with offenders and alternatives to custody for intoxicated people.

The 1995 survey has shown that achievements have been attained over the 1992-95 period in reducing the number of people held in police lockups. The police services are to be commended for this. It is unfortunate, however, that most of the change has come from a reduction in the number of non-Aboriginal people held in the cells, with the percentage reduction in Aboriginal custodies being less than half that of non-Aboriginal custodies. This means that more needs to be done in policing street offences to minimise arrest and detention.

The heavy impact of alcohol on day-to-day policing, as revealed by the survey, is also important, with one in five (21%) of the people detained in

Australia's police cells being there because the person was found intoxicated in a public place. These detentions could have been precipitated either by the person's behaviour or the need for protective custody, or both. While the proportion of all detentions that were for drunkenness among non-Aboriginal people has remained unchanged since 1992 at 15 per cent, the proportion of Aboriginal detentions due to public drunkenness has fallen from 42 per cent to 31 per cent. Clearly this latter figure is still far too high but the direction and amount of change is pleasing.

Many explanations exist for the heavy over-representation of Aboriginal people in custody in Australia. As pointed out by the Royal Commission into Aboriginal Deaths in Custody, these both include underlying social conditions such as poverty; and the ways in which the criminal justice systems operate. Many of the Royal Commission's recommendations for change in patterns of policing still need to be fully implemented.

The Australian Institute of Criminology will produce a separate publication examining, in more detail, the trends observed in this survey program since 1988. It is expected that the Fourth National Police Custody Survey will be conducted in 1998.

1



The 1995 National Police Custody Survey: Description and Methodology

Background

Australian policing in the 1990s has been characterised as a time of crisis and change (Chappell & Wilson 1996). Increasingly Australia's police services are responding to such perceptions by reviewing their roles and modes of practice. The influence of new managerial styles is seen in an increasing focus on defining the core business of the police services and concentrating resources in those areas; focusing on outcomes rather than inputs and processes; and focusing on identifying, understanding and resolving problems rather than on traditional patterns of law enforcement and maintenance of good order.

The Royal Commission into Aboriginal Deaths in Custody has been part of this process of change (RCIADIC 1991). With two-thirds of the Aboriginal and Torres Strait Islander deaths in custody investigated by the Royal Commission having occurred in police custody (rather than in prison or juvenile correctional facilities), the Royal Commission placed a spotlight on the attitudes and behaviour of individual police officers and, importantly, upon the organisations and cultures within which they operated. The six years since the Royal Commission reported has been a time of change: the police services have all been required to respond to the many recommendations of the Royal

Commission aimed at modernising Australian policing, reducing the overrepresentation of Aboriginal people and Torres Strait Islanders in the criminal justice system and minimising the number of deaths in police custody.

Outstanding successes have been seen in some of these areas but limited movement towards the stated goals in others (McDonald 1996). When the Royal Commission commenced its work, it quickly became apparent that the most basic questions about Aboriginal deaths in police custody (what is the death rate? and how does it relate to the rate for nonAboriginal people?) could not be answered from existing information sources. This was because none of Australia's police services had available information on the number of people in police custody, let alone the demographics of this population, information on why they were there, how long they stayed, and so on. To remedy this situation, in its final *National Report* the Royal Commission recommended (and all governments agreed):

that relevant Ministers report annually to their State and Territory Parliaments as to the numbers of persons held in police, prison and juvenile centre custody with statistical details (Recommendation 47).

As an interim measure, until the police services established data systems to enable this to become reality, the Royal Commission's Criminology Unit conducted the first National Police Custody Survey in August 1988 as a cooperative venture with the eight police services (Biles & McDonald 1992). It provided data which showed, for the first time, the huge numbers of people passing through the police cells, the massive over-representation of Aboriginal people and Torres Strait Islanders in the police custodial population and the prominence of public drunkenness as a reason for detention. Data on the amount of time people spent in police custody nationally formed the basis of further research into patterns of deaths in police custody (Thomson & McDonald 1993).

The Royal Commission saw a need for the survey to be repeated periodically, recognising that it would be some time before police data systems would be capable of producing useful national data (particularly trend data) on people in police custody. Accordingly, it recommended that a survey similar to the 1988 National Police Custody Survey:

be conducted at regular intervals of, say, two to five years, with the aim of systematically monitoring and evaluating the degree to which needed improvements in legislation, attitudes, policies and procedures that affect police custody are implemented (Recommendation 43).

It went on to recommend that the Australian Institute of Criminology conduct the surveys as a cooperative venture with the police services. The Second National Police Custody Survey took place in August 1992 (McDonald 1993). This report presents the findings from the Third National Police Custody Survey which the Institute, along with the police services, conducted in August 1995.

scope and Coverage

The Third National Police Custody Survey covered every occasion upon which a person was taken into police custody and physically lodged in a police cell, at any location in Australia, during the month of August 1995. It also covered people who were in police custody at the commencement of the survey.

objectives of the Survey

The purpose of the survey was to obtain information on the extent and nature of police custody in Australia in 1995, and to enable comparisons to be made with the previous surveys so as to be able to observe trends. In doing so, the survey program collects data which have been found useful in evaluating the implementation of some key recommendations of the Royal Commission into Aboriginal Deaths in Custody (*see*, for example Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner 1996; Cunneen & McDonald 1997).

Methodology

The survey was conducted during the period 1 August to 31 August 1995. Data were collected by police officers at the station level by completing a separate data collection form for each occasion of custody. An occasion of custody was defined as any occasion on which a person was taken into police custody and actually lodged in a police cell, for any period of time, anywhere in Australia during the survey period. As noted above, it also covered people already in the cells at the commencement of the survey. This means that the survey did not cover all people arrested, as only a proportion of such people are placed in the cells. It included not only offenders and alleged offenders, but also people held in the cells for protective custody, typically when apprehended without arrest for public drunkenness in the five Australian States and Territories where

public drunkenness is not an offence. A senior officer of each police service was appointed by the respective Police Commissioner to be responsible for the conduct of the survey within his or her jurisdiction. This officer established mechanisms to maximise the completeness and accuracy of the data collected at station level.

The completed data collection forms were collated centrally by each police service, checked for completeness, and forwarded to the Australian Institute of Criminology for coding, data entry, editing, tabulation, analysis and report preparation.

sample size

Data were collected on 22 060 different occurrences of police custody during the reference period. The distribution of cases by State is shown in Table 1.

I Variables Included In the Survey

For each State and Territory, the survey collected data on the following variables:

- o name of the police station or watchhouse
- o postcode of the police station or watchhouse
- name of detainee (surname and forename)
- age
- gender
- aboriginality
- date and time when the person was lodged in cells
- * reason for being lodged in cells
- most serious offence
- date and time when the person was released from cells
- Whether or not the person was still in police cells at the end of the survey period
- o reason for release from police cells

Data Problems

Missing data for most of the variables was a major problem with this survey. In 1260 out of the 22 060 recorded incidents, data on Aboriginality, gender and age was missing. As a result, only the cases with complete information on Aboriginality, gender and age were considered for estimation, to arrive at a final sample size of 20 800 incidents of police custody. The distribution of these incidents by State and Territory together with the percentage of cases with missing data for the referred variables are shown in Table 2.

Table 2 shows that nationally, 5.7 per cent of the total custody incidents were excluded due to problems with missing values for Aboriginality, gender and age. The largest percentage of custody incidents with missing values for the referred variables occurred for the Australian Capital Territory (39.5%) followed by New South Wales (11.1%). The lowest sample losses due to missing data were recorded for South Australia (1.4%), Western Australia (1.5%) and Tasmania (1.9%). The remaining jurisdictions had sample losses close to the national average.

The survey estimates were adjusted to account for missing data on

Aboriginality, gender and age by incorporating a weight into each record in the survey file.

The weighting procedure ensured that the survey estimates conformed to the State and Territory distribution of the original 22 060 cases. Details of the weighting procedure are provided in the *Technical Appendix* (see p.50) which also includes a discussion on the methodology used to produce the survey estimates. The appendix contains a table which enables users to assess the degree of precision of the estimates given in the body of the report.

National Police Custody Survey.- August 1995

Table 1: Distribution of Occurrences of Police Custody by
State/Territory
National Police Custody Survey August 1995

State/Territory	Occurrences of Police Custody	
	Number	%
New South Wales	3498	15.9
Victoria	3758	17.0
Queensland	5793	26.3
Western Australia	3519	16.0
South Australia	3209	14.5
Tasmania	362	1.6
Northern Territory	1668	7.6
Australian Capital Territory	253	1.1
Australia	22060	100.0

Table 2: Final Sample Size and Percentage of Cases Excluded Due to Missing Data on
Aboriginality, Gender and Age National Police Custody Survey August 1995

	Cases with Complete State/Territory	% of Cases Excluded due to Missing Data Problems
New South Wales	3111	11.1
Victoria	3535	5.9
Queensland	5446	5.9
Western Australia	3464	1.6
South Australia	3163	1.4
Tasmania	355	1.9
Northern Territory	1573	5.7
Australian Capital Territory	153	39.5
Australia	20800	5.7

2



Characteristics of Persons Involved in Incidents of Police Custody

Incidents of Police Custody - Jurisdiction and Aboriginality

Table 3 shows the distribution of the number of incidents of police custody according to the State and Territory of incident and whether the persons were of Aboriginal or Torres Strait Islander descent; or not.

The largest number of incidents during the reference period was reported for Queensland, followed by Victoria, New South Wales and Western Australia in that order.

Table 3 also shows the percentage of incidents involving Aboriginal people and Torres Strait Islanders. For Australia, 31 per cent of custody incidents involved persons of Aboriginal or Torres Strait Islander descent. Table 3 shows that the largest percentage of Aboriginal/Torres Strait Islander incidents was recorded in the Northern Territory (79.6%) followed by Western Australia (52.7%). Queensland, South Australia and New South Wales recorded Indigenous detentions exceeding 20 per cent. In all the other jurisdictions, Indigenous detentions as a percentage of total incidents represented less than 20 per cent (*see* Figure 1).

The 22 060 occasions of custody reported for August 1995 is 14 per cent lower than the 1992 survey figure of 25 654 and 23 per cent lower than the 1988 figure of 28 566. The percentage reduction between 1992 and 1995 was substantially greater among non-Aboriginal than among Aboriginal people: -17.6 and -7.3 respectively.

Distinct Persons Taken into Police Custody

It was of interest to know the number and percentage of distinct persons taken into police custody, as the same person could have been in detention on more than one occasion. Table 4 shows the distribution of persons taken into police custody by State and Aboriginality.¹

For Australia, distinct Indigenous persons taken into police custody at least once during August 1995 represented 29.1 per cent of all the persons held in custody. The largest percentage of distinct Indigenous persons was recorded for the Northern Territory (77.9%) followed by Western Australia (47.2%). Queensland, South Australia and New South Wales recorded distinct Indigenous detainees exceeding 20 per cent. In all the other jurisdictions, distinct Indigenous persons as a percentage of total distinct persons taken into police custody represented less than 20 per cent.

¹ The number of times each person was taken into police custody was computed by using the name of the detainees within each jurisdiction. This process identified records with different names for the detainees. It should be borne in mind that repeat detentions experienced by a particular individual may or may not be related to a particular criminal incident. For instance, a person may have been detained on Friday, released on bail on Saturday and taken into custody on Monday for court appearance. This person would record 2 incidents of custody, though they are part of a same legal process. On the other hand, a person could be detained twice in the month for totally unrelated reasons. More detailed analysis of this issue is deferred to the section on frequency of police custody.

National Police Custody Survey: August 1995

Figure 1: Incidents of Police Custody Involving Aboriginal people and Torres Strait Islanders as a percentage of Total Incidents of Police Custody
National Police Custody Survey August 1995

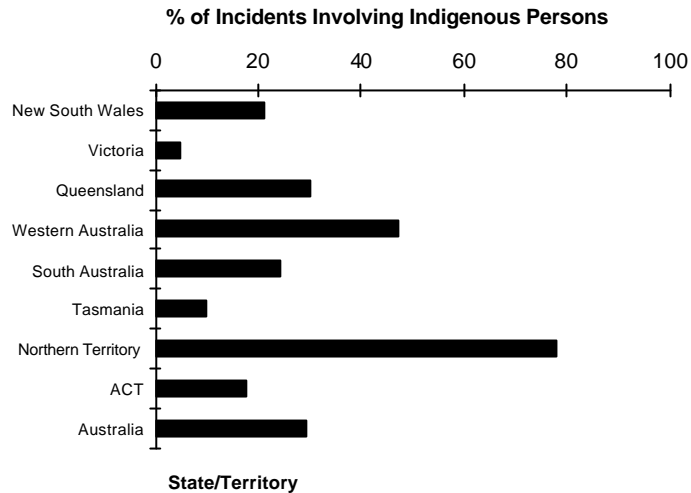


Table 3: Number of Incidents of Police Custody by State and Aboriginality,
National Police Custody Survey August 1995

State/Territory	Aboriginal		TSI		Other		Total	
	Number	%	Number	%	Number	%	Number	%
New South Wales	717	20.5	16	0.5	2 765	79.0	3 498	100.0
Victoria	173	4.6	6	0.2	3 578	95.2	3 758	100.0
Queensland	1 727	29.8	142	2.5	3 924	67.7	5 793	100.0
Western Australia	1 853	52.7	4	0.1	1 662	47.2	3 519	100.0
South Australia	804	25.0	3	0.1	2 402	74.9	3 209	100.0
Tasmania	41	11.3	3	0.8	318	87.9	362	100.0
Northern Territory	1 328	79.6	6	0.4	334	20.0	1 668	100.0
ACT	43	17.0	n.a.	n.a.	210	83.0	253	100.0
Australia	6 686	30.3	181	0.8	15 193	68.9	22 060	100.0

n.a. No cases were reported.

Table 4: Distinct Persons Taken into Police Custody by State and Aboriginality,
National Police Custody Survey August 1995

State/Territory	Aboriginal/ TSI		Other		Total	
	Number	%	Number	%	Number	%
New South Wales	626	21.3	2321	78.7	2 947	100.0
Victoria	158	4.9	3054	95.1	3 212	100.0
Queensland	1 543	30.0	3596	70.0	5 139	100.0
Western Australia	1 337	47.2	1496	52.8	2 833	100.0
South Australia	632	24.1	1987	75.9	2 619	100.0
Tasmania	31	9.7	286	90.3	317	100.0
Northern Territory	1 143	77.9	324	22.1	1 467	100.0
ACT	43	17.6	202	82.4	245	100.0
Australia	5 513	29.4	13 266	70.6	18 779	100.0

Figure 2 displays the percentage of distinct Indigenous persons held in police custody for Australia, the States and Territories.

Over-representation of Aboriginal people and Torres Strait Islanders in Police Custody

Data from the National Police Custody Survey have been used to compare the involvement of Indigenous and non-Indigenous Australians with police. The left side panel of Table 5 shows incident-based custody rates for Aboriginal people and Torres Strait Islanders, non-Indigenous people, and the ratio of Indigenous incident-based custody rates to non-indigenous rates; for Australia, the States and Territories. The right hand side panel shows person-based custody rates. Rates were computed on the basis of the total population aged 10 years and over.

Person-based custody rates are more adequate to assess over-representation than their incident-based counterparts as they relate quantities measured in the same units (that is persons taken into police custody to total relevant population). The figures in Table 5 show that Aboriginal people and Torres Strait Islanders continued to be held in custody at higher rates than other Australians. Examination of the over-representation ratios in the right side panel of Table 5 shows that for Australia, Aboriginal people and Torres Strait Islanders were 28 times more likely to have been taken into police custody than non-Indigenous persons. Excluding the ACT², the largest over-representation ratio was observed for Western Australia (37.4), followed by South Australia (29.8), New South Wales (23.9) and Queensland (19.9). Tasmania recorded the lowest ratio (5.7) followed by the Northern Territory (10.8) and Victoria (14.4). Figure 3 displays the ratios of Aboriginal over-representation.

The ratios of Aboriginal over-representation published in the reports from the two previous police custody surveys

were computed from incident-based custody rates (*see* Biles & McDonald 1992, and McDonald 1993). Therefore, comparisons of over-representation ratios obtained from the 1995 survey with previous surveys has to be made in terms of the ratios shown in the left side panel of Table 5.

Table 6 and Figures 4a and 4b show police custody incidents involving Aboriginal people and Torres Strait Islanders as a percentage of total police custody incidents and over-representation ratios (computed from incident-based custody rates) for the National Police Custody Surveys conducted in 1988, 1992 and 1995.

The percentage of occasions of custody involving Aboriginal people and Torres Strait Islanders seems to have increased over the seven year period from 1988 to 1995, nationally and in all the States and Territories, with the exception of Western Australia where the percentage of incidents of police custody involving Indigenous people seems to have remained stable.

August 1995 had five weekends as compared to four weekends for the same months in 1988 and 1992. The possibility for this extra weekend having an effect on the custody rates for 1995 was examined. If this had been the case, custody rates for 1995 would have been affected by inclusion of figures for either the first or the last weekend of the month. Separate sets of custody rates and over-representation ratios were computed after excluding each of these 2 weekends. No significant differences between these two sets of rates and those in Table 6 were detected which indicated the absence of any effect due to the fact that August 1995 had five weekends.

² Custody rates for the ACT should be interpreted with caution as they are based on small numbers of incidents and distinct persons.

Figure 2: Distinct Indigenous Persons Taken into Police Custody as a percentage of All Distinct Persons Taken into Police Custody, National Police Custody Survey August 1995

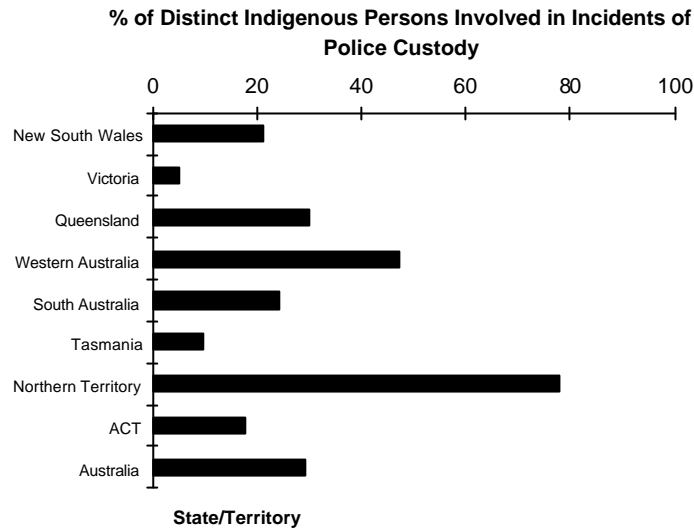


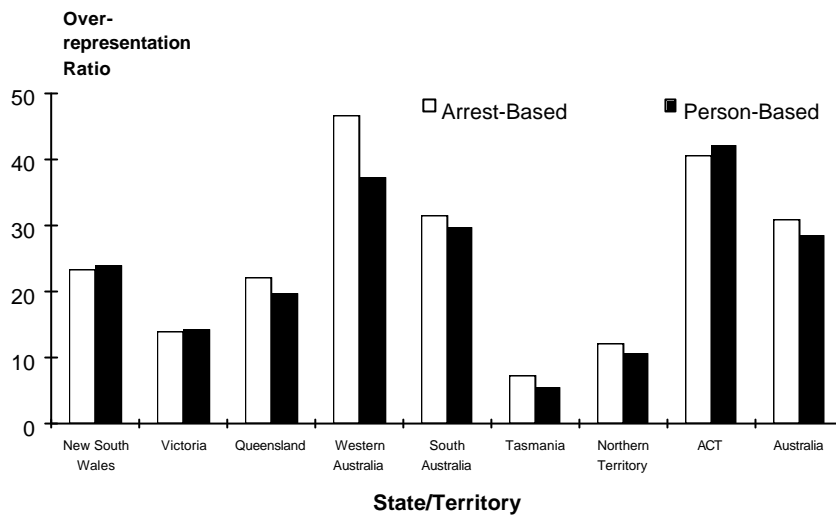
Table 5: Numbers of Incidents of Police Custody and Persons Involved per 100 000 Population Aged 10 Years and Over National Police Custody Survey August 1995

State/Territory	Incident-Based Custody Rates ^(a)			Distinct-Person-Based Custody Rates ^(b)		
	Indigenous	Other	Over-representation	Indigenous	Other	Over-representation
New South Wales	1 266.1	53.9	23.5	1 081.6	45.3	23.9
Victoria	1 306.1	93.4	14.0	1 151.5	79.7	14.4
Queensland	3 243.6	146.9	22.1	2 677.2	134.6	19.9
Western Australia	5 505.9	117.7	46.8	3 963.7	105.9	37.4
South Australia	6 028.1	191.3	31.5	4 723.9	158.2	29.8
Tasmania	591.9	80.6	7.3	412.9	72.3	5.7
Northern Territory	3 932.7	320.6	12.3	3 370.0	311.4	10.8
ACT	3 343.2	82.3	40.6	3 343.2	79.1	42.3
Australia	3 133.0	100.9	31.0	2 515.5	88.1	28.5

(a) Number of incidents of police custody per 100 000 population aged 10 years and over.

(b) Number of different persons taken into police custody per 100 000 population aged 10 years and over.

**Figure 3: Ratio of Indigenous Custody Rates to Non-Indigenous Custody Rates
National Police Custody Survey August 1995**



**Table 6: Police Custody Incidents Involving Aboriginal people and Torres Strait Islanders as a percentage of Total Police Custody Incidents and Ratios of Aboriginal Over-representation. August 1988, 1992 and 1995
National Police Custody Survey August 1995**

State/Territory	1988 ^(a)		1992 ^(b)		1995	
	% Ab'l/ TSI	Over-representation ^(c)	% Ab'l/ TSI	Over-representation ^(c)	% Ab'l/ TSI	Over-representation ^(c)
New South Wales	14.3	15	16.2	16	21.0	23.5
Victoria	4.1	13	3.8	10	4.8	14.0
Queensland	28.8	17	23.5	13	32.3	22.1
Western Australia	54.2	43	57.3	52	52.8	46.8
South Australia	21.8	26	19.5	21	25.1	31.5
Tasmania	7.5	5	5.4	3	12.1	7.3
NT	76.3	11	80.0	14	80.0	12.3
ACT	5.0	11	2.7	4	17.0	40.6
Australia	28.6	27	28.8	26	31.1	31.0

Notes: (a) McDonald, D. (1992).

(b) McDonald, D. (1993).

(c) Ratio of Aboriginal/TSI rate to the rate for others.

Figure 4b shows that Aboriginal over-representation has increased in all jurisdictions but Western Australia between 1988 and 1995. Nevertheless this State continued to have the highest of the over-representation ratios (above 40 times).

Gender and Age of Persons Involved in Incidents of Police Custody

Table 7 shows that most of the incidents of police custody involved males (87.4 per cent). Among Aboriginal people and Torres Strait Islanders, males were involved in 81.4 per cent of custody incidents; whereas among others the percentage of incidents involving males was 90.1. Almost half (46 per cent) of the females detained were Aboriginal or Torres Strait Islanders.

Indigenous women were 58 times as likely to have been involved in a custody incident as their non-Indigenous counterparts (*see* Table 8).

Figure 5 displays the percentage distribution of custody incidents according to the gender of persons involved for Aboriginal people/Torres Strait Islanders and non-Indigenous Australians.

Data in Table 7 can be used to compute incident-based custody rates by gender and Aboriginality, from which representation ratios can be obtained. Indigenous incident-based rates were 5115 for males and 1161 for females. These rates were 28 and 58 times those for non-Indigenous males and females respectively (*see* Table 8).

Figure 4a: Incidents of Police Custody Involving Indigenous People as a percentage of Total Incidents of Police Custody, 1988, 1992 and 1995
National Police Custody Survey August 1995

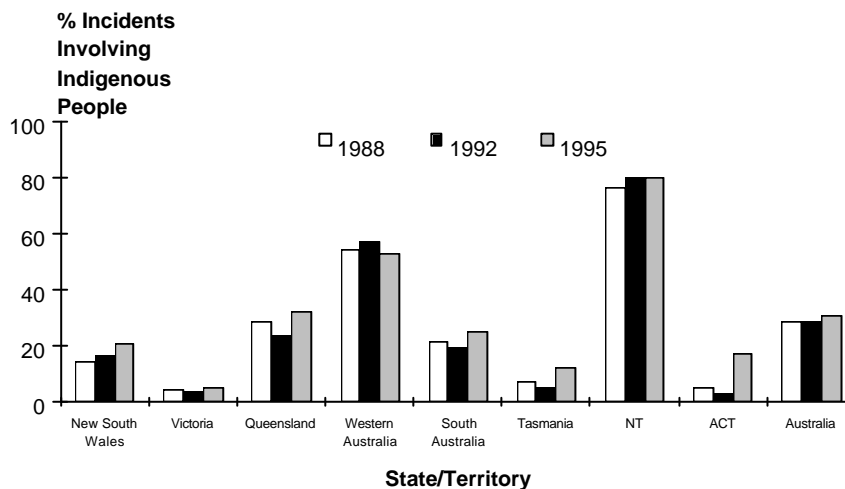


Figure 4b: Ratio of Incident-Based Custody Rates of Indigenous People to Incident-Based Custody Rates for Others
National Police Custody Survey 1995

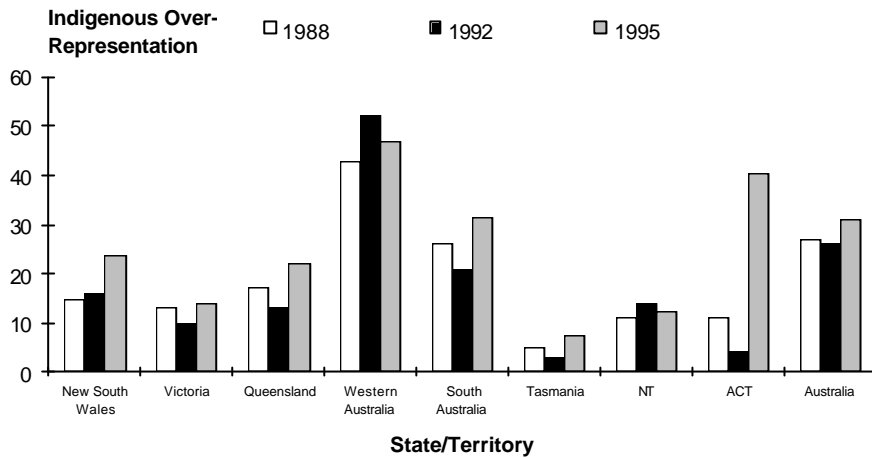


Table 7: Incidents of Police Custody
Gender and Aboriginality of Persons Involved
National Police Custody Survey August 1995

Gender	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
Male	5 591	81.4	13 683	90.1	19 274	87.4
Female	1 275	18.6	1 509	9.9	2 784	12.6
Total^(a)	6 867	100.0	15 193	100.0	22 060	100.0

(a) Includes two occasions of custody where gender was not stated.

Figure 5: Percentage of Incidents of Police Custody
Gender of Persons Involved and Aboriginality
National Police Custody Survey 1995

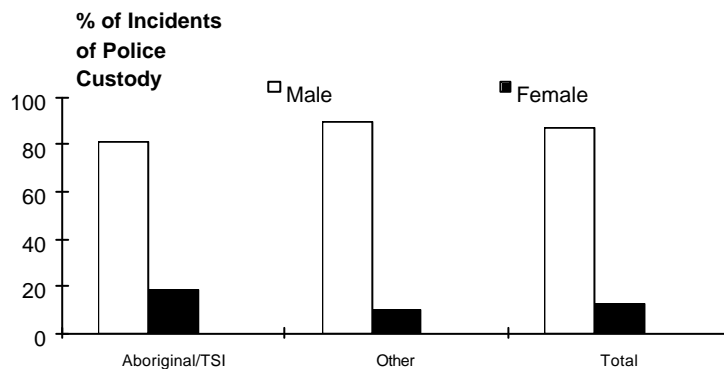


Table 9 and Figure 6 show the distribution of police custody incidents according to the age of the persons involved and Aboriginality.

Incident-based custody rates and representation ratios were computed for each of the age groups. They are shown in Table 10.

Table 10 shows that custody rates for non-Indigenous people peaked at ages in the 17-19 years band and then started to decline; however, for Aboriginal people and Torres Strait Islanders the highest rate was observed for ages in the 20-24 years band (see Figure 6).

Over-representation ratios did not follow the same age pattern as custody rates which suggests a major intensity of contacts between Indigenous people and the police as age increases. While Aboriginal people and

Torres Strait Islanders were more likely to be involved in an incident than their non-Indigenous counterparts, the U-shaped age/over-representation relationship suggests that as non-Indigenous people become older, their rates of contact with the police decrease faster than among Indigenous people.

Overall, the people held in the police cells were generally young, with a mean age of 28 years and a median (the point above and below which half the cases fell) of 25. There were virtually no differences between the average ages of Aboriginal people in custody and non-Aboriginal people. However, the ages of Aboriginal people in custody were less dispersed about the mean than those of their non-Aboriginal counterparts.

Table 8: Incident-Based Custody Rates and Representation Ratios by Gender of Persons Involved
National Police Custody Survey August 1995

Gender	Aboriginal/TSI	Other	Total	Over-Representation
Male	5 114.7	183.4	254.7	28
Female	1 160.6	19.9	36.1	58
Total	3 133.0	100.9	144.4	31

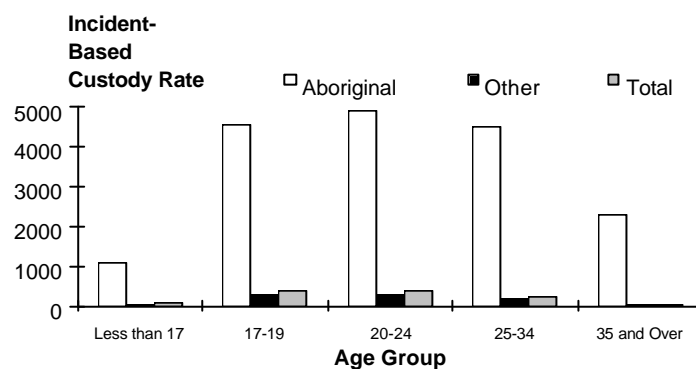
Table 9: Distribution of Incidents of Police Custody According to the Age of the Persons Involved and Aboriginality
National Police Custody Survey August 1995

Age (Years)	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
Less than 17	524	7.6	611	4.0	1 135	5.1
17-19	843	12.3	2 282	15.0	3 125	14.2
20-24	1 549	22.6	4 266	28.1	5 815	26.4
25-34	2 312	33.6	4 777	31.4	7 089	32.1
35 and Over	1 639	23.9	3 256	21.4	4 895	22.2
Total	6 867	100.0	15 193	100.0	22 060	100.0

**Table 10: Incident-Based Custody Rates and Aboriginal Over-Representation
Age of Persons Involved
National Police Custody Survey August 1995**

Age (Years)	Aboriginal/TSI	Other	Total	Over-Representation
Less than 17	1 117.0	35.1	63.6	32
17-19	4 546.4	304.7	407.2	15
20-24	4 909.5	299.8	399.8	16
25-34	4 496.9	172.8	250.8	26
35 and Over	2 315.9	38.9	58.0	59
Total	3 133.0	100.9	144.4	31

**Figure 6: Incident-Based Custody Rates
Age of Persons Involved and Aboriginality
National Police Custody Survey August 1995**



3



Characteristics of Incidents of Police Custody

Day of the Week Incidents of Police Custody Occurred

Occurrences of custody were distributed throughout the week, with the highest numbers on Thursday and Friday, a more salient pattern among incidents of police custody involving Aboriginal people or Torres Strait Islanders (*see* Table 11 and Figure 7).

The percentage of incidents involving non-Indigenous people was higher than the percentage involving Indigenous people on Sunday and Monday. On the other hand, the percentage of custody occasions involving Aboriginal people was significantly higher on Thursday and Friday. No significant differences were observed for the remaining days of the week. A test for the equality of the distributions confirmed that the temporal behaviour of custody incidents involving Indigenous people was significantly different from those involving others.¹

The weekly pattern of custodies described above was examined throughout the month according to whether or not the custody took place in a state or territory where drunkenness is an offence; and the Aboriginality of people involved (*see* Figures 8 and 9). Note the different daily patterns of custody according to Aboriginality for the jurisdictions where drunkenness is not an offence (*ie* Figure 8) and those where drunkenness is an offence (*ie* Figure 9). 'Pension days', that is the days on which the Department of Social Security and other

agencies pay pensions and benefits, were Thursday, 10 August and Thursday, 24 August.

Figure 8 shows that in the jurisdictions where drunkenness is not an offence, peaks occurred in the days following 'pension days' for both Aboriginal people and non-Aboriginal people, with no major differences between the percentage of daily incidents for the two groups.

Figure 9 shows that in the jurisdictions where drunkenness is an offence, incidents of custody concentrated during the days following 'pension days' for both Aboriginal people and non-Aboriginal people; however the peaks for incidents involving Aboriginal people were higher than for incidents occurring to non-Aboriginal people.

Time of the Day Incidents of Police Custody Occurred

Table 12 and Figure 10 show the distribution of custody incidents according to the time of the day when they occurred and the Aboriginality of the persons involved. Peaks were observed in the 9.00-11.59 am period and in the evenings; the former possibly being due to larger numbers of people being taken into police cells on the way to the court, and the latter with increases in the frequency of street offences, including public drunkenness.

¹ The test statistic was assessed at 274.5 which when compared to the value of the Chi-Squared distribution on 7 degrees of freedom of 17.5 resulted significant at the 1% level.

This pattern is more heavily influenced by the time of occurrence of incidents of police custody involving non-Indigenous people. In fact, the data show that the distribution of occasions of custody involving Aboriginal people/Torres Strait Islanders was different from non-Indigenous people.

Incidents of Police Custody involving Aboriginal people or Torres Strait Islanders concentrated in the afternoon and evening hours (that is from 3:00 pm to midnight); whereas occasions of custody involving non-

Indigenous people concentrated in the hours between midnight and noon.

Nationally about 1 out of 5 incidents occurred between 9:00 and 11:59 am, which is the time of the day when most court appearances take place. Note that occasions of custody for non-Aboriginal people were 33 per cent more likely to occur in the 9:00-11:59 am period than for Aboriginal people; a result that suggests that incidents of custody involving non-Aboriginal people are more likely to go to the courts; whereas Aboriginal people may have been more likely to be apprehended for minor offences and then released.

Table 11: Distribution of Incidents of Police Custody
Day of the Week of Occurrence and Aboriginality of Persons Involved
National Police Custody Survey August 1996

Day of the Week	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
Monday	688	10.0	1 973	13.0	2 661	12.1
Tuesday	954	13.9	2 194	14.4	3 148	14.3
Wednesday	1 112	16.2	2 363	15.6	3 475	15.8
Thursday	1 410	20.5	2 514	16.5	3 924	17.8
Friday	1 311	19.1	2 348	15.5	3 659	16.6
Saturday	949	13.8	2 069	13.6	3 018	13.7
Sunday	441	6.4	1 724	11.3	2 165	9.8
Not Stated	2	0.0	8	0.0	10	0.0
Total	6 867	100.0	15 193	100.0	22 060	100.0

Figure 7: Distribution of Incidents of Police Custody
According to Day of the Week of Occurrence, by Aboriginality
National Police Custody Survey August 1995

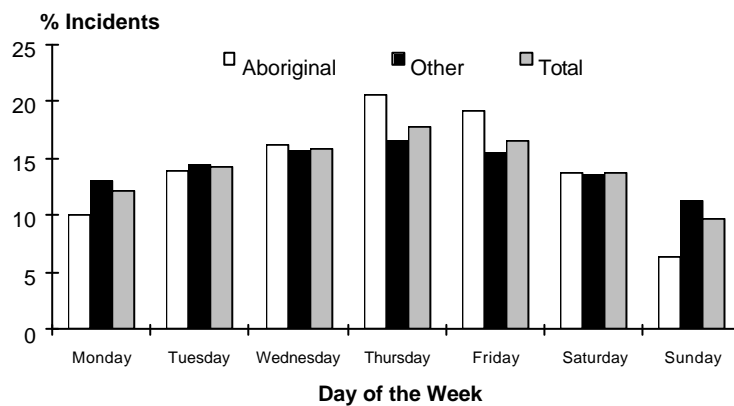
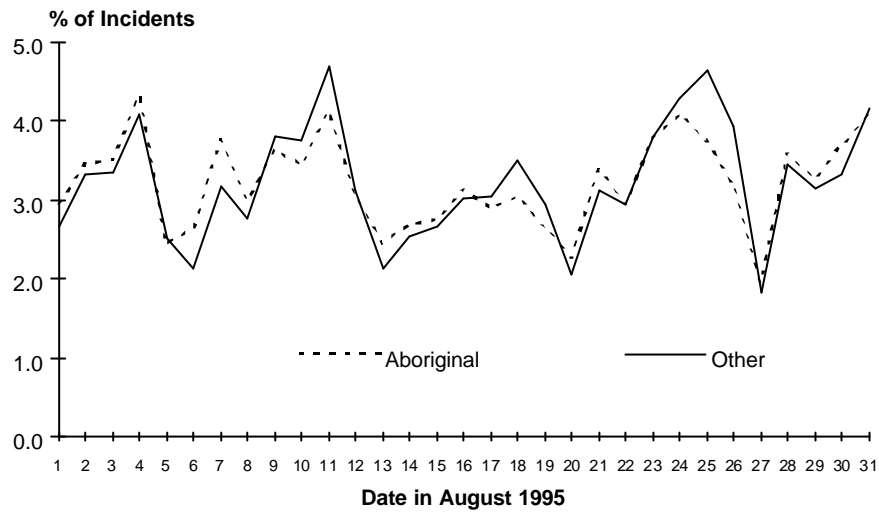
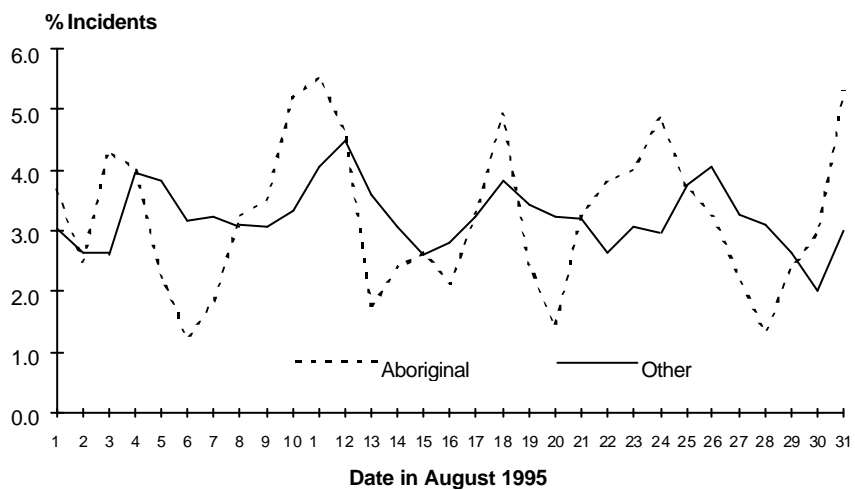


Figure 8: *Percentage of Incidents of Police Custody According to Date Admitted to Cells and Aboriginality States/Territories where Drunkenness is NOT an Offence ^(a)*
 National Police Custody Survey August 1995



(a) New South Wales, Western Australia, South Australia, Northern Territory and ACT

Figure 9: *Percentage of Incidents of Police Custody According to Date Admitted to Cells and Aboriginality States/Territories where Drunkenness is an Offence ^(a)*
 National Police Custody Survey August 1995



(a) Victoria, Queensland and Tasmania

Table 12: Distribution of Incidents of Police Custody
Time of the Day of Occurrence and Aboriginality of Persons Involved
 National Police Custody Survey August 1995

Time of the Day	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
Midnight - 5:59	847	12.3	3 652	24.0	4 500	20.4
6:00 - 8:59	248	3.6	983	6.5	1 231	5.6
9:00 - 11:59	1 074	15.6	3 157	20.8	4 230	19.2
12:00 - 14:59	926	13.5	1 828	12.0	2 755	12.5
15:00 - 17:59	1 237	18.0	1 794	11.8	3 031	13.7
18:00 - 20:59	1 370	19.9	1 751	11.5	3 121	14.1
21:00 - 23:59	1 165	17.0	2 027	13.3	3 192	14.5
Total	6 867	100.0	15 193	100.0	22 060	100.0

Figure 10: Distribution of Incidents of Police Custody
According to Time of the Day of Occurrence, by Aboriginality
 National Police Custody Survey August 1995

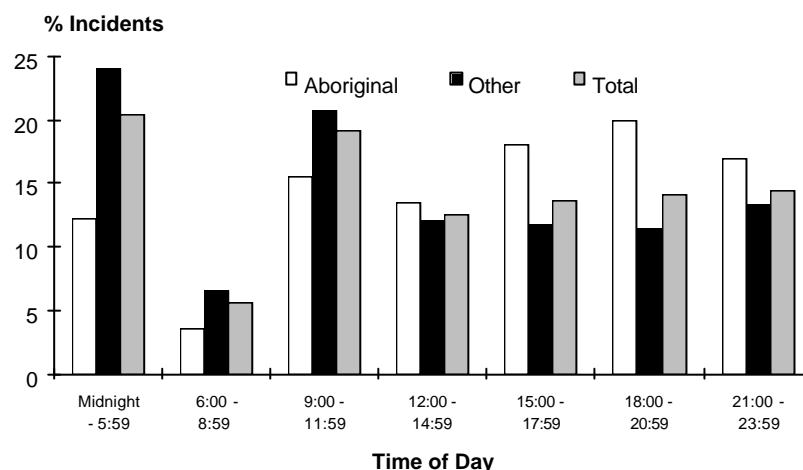


Figure 11: New South Wales
Distribution of Incidents of Police Custody
According to Time of the Day of Occurrence, by Aboriginality
 National Police Custody Survey August 1995

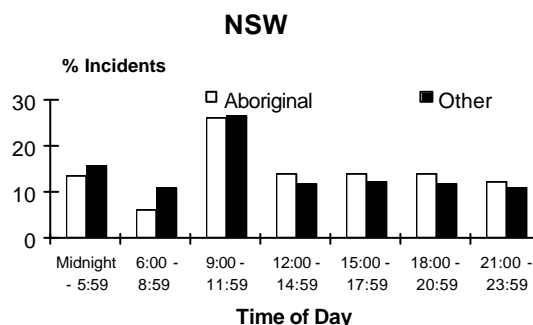


Figure 12: Victoria
*Distribution of Incidents of Police Custody
 According to Time of the Day of Occurrence, by Aboriginality
 National Police Custody Survey August 1995*

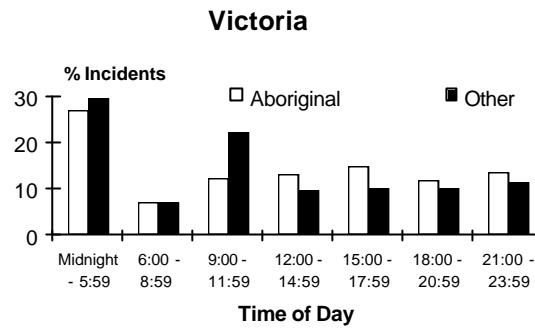


Figure 13: Queensland
*Distribution of Incidents of Police Custody
 According to Time of the Day of Occurrence, by Aboriginality
 National Police Custody Survey August 1995*

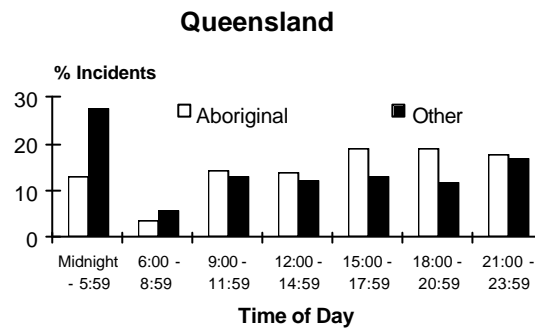


Figure 14: Western Australia
*Distribution of Incidents of Police Custody
 According to Time of the Day of Occurrence, by Aboriginality
 National Police Custody Survey August 1995*

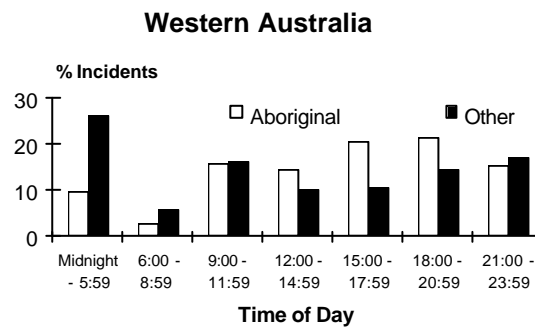


Figure 15: South Australia
Distribution of Incidents of Police Custody
According to Time of the Day of Occurrence, by Aboriginality
National Police Custody Survey August 1995

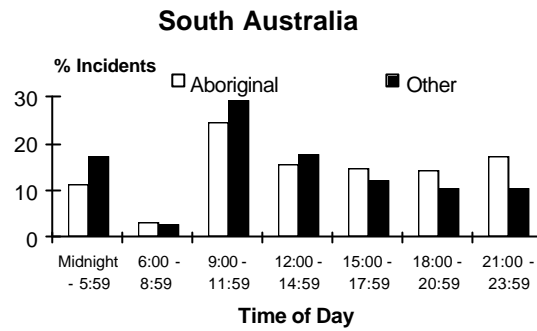


Figure 16: Tasmania
Distribution of Incidents of Police Custody
According to Time of the Day of Occurrence, by Aboriginality
National Police Custody Survey August 1995

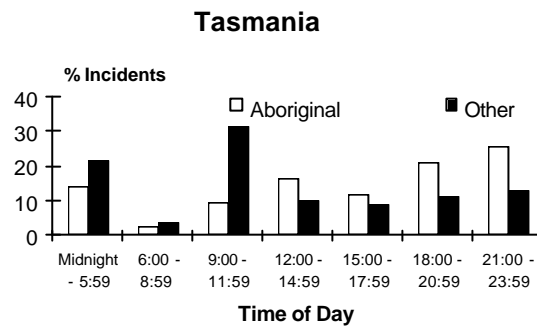


Figure 17: Northern Territory
Distribution of Incidents of Police Custody
According to Time of the Day of Occurrence by Aboriginality
National Police Custody Survey August 1995

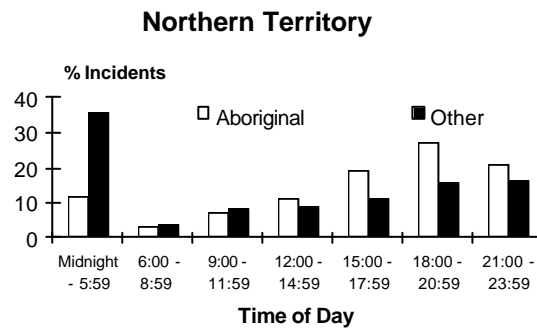


Figure 18: Australian Capital Territory
Distribution of Incidents of Police Custody
According to Time of the Day of Occurrence by Aboriginality
 National Police Custody Survey August 1995

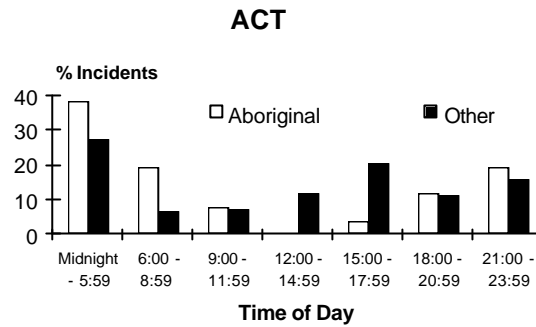
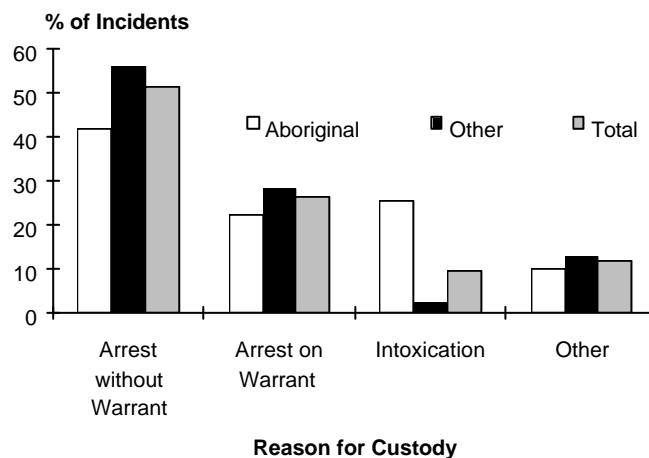


Table 13: Distribution of Incidents of Police Custody
Reason for Custody and Aboriginality of Persons Involved
 National Police Custody Survey August 1995

Reason for Custody	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
Arrest without Warrant	2 882	42.0	8 473	55.8	11 355	51.5
Arrest on Warrant	1 529	22.3	4 306	28.3	5 835	26.5
Intoxication ^(a)	1 738	25.3	312	2.1	2 050	9.3
Other	679	9.9	1 929	12.7	2 608	11.8
Not Stated	39	0.6	173	1.1	212	1.0
Total	6 867	100.0	15 193	100.0	22 060	100.0

(a) People detained for public drunkenness in the following jurisdictions where drunkenness is not an offence: New South Wales, Western Australia, South Australia, Northern Territory and ACT.

Figure 19: Distribution of Incidents of Police Custody
According to Reason for Custody and Aboriginality
 National Police Custody Survey August 1995



One in 5 incidents of police custody occurred between midnight and 5 in the morning; with those involving non-Aboriginal people being twice as likely to occur during this period as incidents involving Indigenous people. 1 in 2 incidents involving Aboriginal people, and a little below 1 in 3 cases involving non-Aboriginal people occurred between 3 p.m. and midnight.

The national overview in Figure 10 may be concealing major differences between jurisdictions. Figures 11 to 18 show the percentage of incidents, by Aboriginality, of persons involved for each of the States and Territories. New South Wales, South Australia and Tasmania had the largest percentage of incidents involving both Aboriginal people and non-Aboriginal people occurring between 9.00 and 11.59 am (*see* Figures 11, 15 and 16); while in Victoria and the ACT the largest concentration of incidents occurred between midnight and 5 in the morning (*see* Figures 12 and 18).

In Queensland, Western Australia and the Northern Territory, the largest percentage of detentions involving non-Aboriginal people was observed during the hours between midnight and five in the morning; while incidents involving Aboriginal people concentrated between 6 pm and 9 pm (*see* Figures 13, 14 and 17).

Reasons for Custody

The reasons given for people being taken into police custody and held in police cells were classified as arrests without warrant, arrests under the authority of a warrant, protective custody for people found intoxicated

in public in the States and Territories where drunkenness is not an offence, and a residual category “other”.

Table 13 and Figure 19 show the distribution of incidents of police custody according to reason for custody and the Aboriginality of persons involved. Over half the incidents were arrests without warrants, followed by arrests on warrant which represented about one-quarter of all the incidents of custody during the reference period.

One in four incidents involving Aboriginal people were due to protective custody owing to public drunkenness in the jurisdictions where this is not an offence (*see* note to Table 13) compared with one in 50 among non-Aboriginal people.

Custody incidents classified as arrests (with and without warrant) were less likely to involve Indigenous people; a result that suggests that Indigenous people tended to be involved in less serious incidents than their non-Indigenous counterparts.

The distribution of reasons for custody was not homogenous across States and Territories. In Victoria, Queensland and Tasmania, incidents involving Aboriginal people were more likely to be arrests without a warrant than those involving non-Aboriginal people (*see* Figures 21, 22 and 25) below. In New South Wales, South Australia and the ACT, incidents involving Aboriginal people were more likely to be arrests on warrant than those for non-Aboriginal people (*see* Figures 20, 24 and 27). The distribution of custody incidents in Western Australia and the Northern Territory was similar to that in Figure 19 (*see* Figures 23 and 26).

Figure 20: New South Wales
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality*
 National Police Custody Survey August 1995

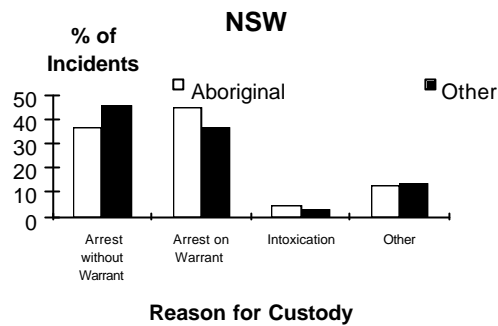


Figure 21: Victoria
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality*
 National Police Custody Survey August 1995

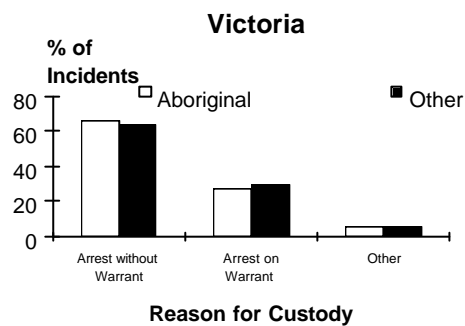


Figure 22: Queensland
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality*
 National Police Custody Survey August 1995

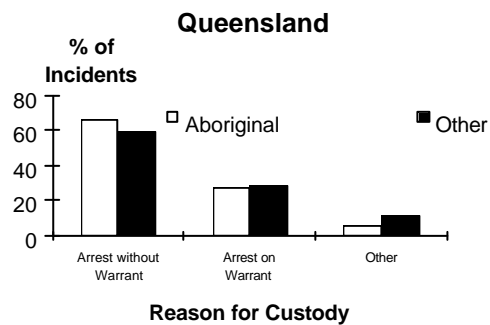


Figure 23: Western Australia
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality
 National Police Custody Survey August 1995*

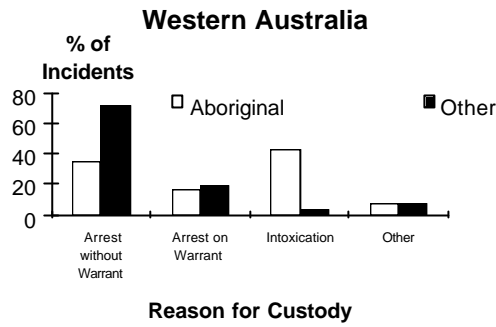


Figure 24: South Australia
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality
 National Police Custody Survey August 1995*

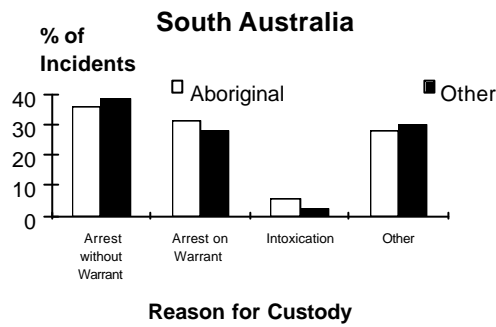


Figure 25: Tasmania
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality
 National Police Custody Survey August 1995*

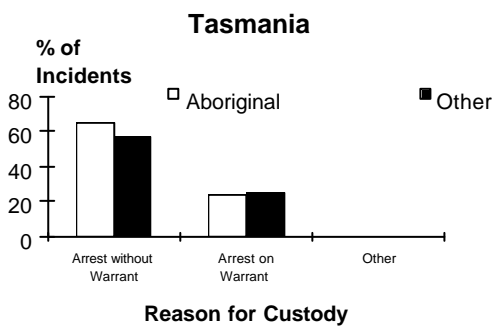


Figure 26: Northern Territory
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality
 National Police Custody Survey August 1995*

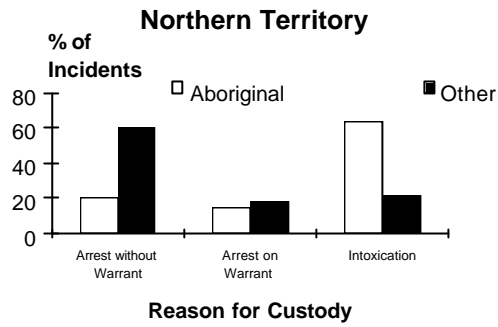
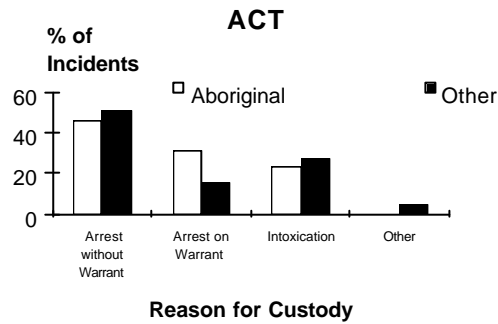


Figure 27: Australian Capital Territory
*Distribution of Incidents of Police Custody
 According to Reason for Custody and Aboriginality
 National Police Custody Survey August 1995*



Offences

Table 14 provides details on the most serious offence associated with each occasion of custody, according to Aboriginality. The last row in this Table includes the 2050 cases where people were apprehended due to public drunkenness in New South Wales, Western Australia, South Australia, Northern Territory and ACT where such behaviour is not an offence; however they were not included in the calculation of percentages. Apart from those incidents where the most serious offence was not stated, the two offence categories recording more cases were break & enter/fraud/theft (16 per cent of incidents) and public drunkenness (12.7 per cent of incidents). These offences were followed in frequency by justice procedures² (9.7 per cent of incidents), assault (7.8 per cent of incidents), good order offences other than public drunkenness³ (7.3 per cent of incidents), and drink driving (6.4 per cent of incidents).

The figures indicate that there were differences between the distribution of offences for incidents involving Aboriginal people and Torres Strait Islanders and incidents involving non-Indigenous persons. Figure 28 displays the distribution of custody incidents by offence and Aboriginality of persons involved.

Among incidents involving Aboriginal people and Torres Strait Islanders, the largest number of cases was observed for break & enter/fraud/theft (14.6%) followed by good order offences other than public drunkenness (13.8%), public drunkenness (11.6%), assault

(11.5%), justice procedures (10.4%), and drink driving (4.4%).

Occasions of custody involving non-Indigenous persons had the largest frequency of cases for break & enter/fraud/theft (16.4%) followed by public drunkenness (13.1%), justice procedures (9.5%), drink driving (7.0%), drugs (6.7%), assault (6.6%) and other good order offences (5.1%).

Offences were further regrouped into the following categories: *Against the person* (homicide, assault, sexual offences, other offences against the person and robbery); *against property* (break & enter/fraud/theft and property damage); *against the good order* (justice procedures, public drunkenness and other good order offences); *drugs and other offences* (drink driving, other traffic offences and other offences). Figure 29 displays the distribution of incidents according to these new offence groups, by Aboriginality of persons involved. The graph shows that in about one-third of incidents, the most serious offence for which persons were held in police custody was in the group of good order offences. Good order offences were the reason for custody in over one out of three incidents involving Indigenous people and in one in four of those involving non-Indigenous persons.

Table 15 shows that of all the incidents where the person involved was in custody for a good order offence, the percentage involving Aboriginal people or Torres Strait Islanders detained for justice procedures or public drunkenness was actually smaller than for non-Indigenous people. Incidents involving Aboriginal persons were more likely to be related to good order offences other than public drunkenness (*see* Figure 30).

Going back to Table 14, the second largest frequency was observed for property offences (18.2%). The percentage of non-Indigenous incidents for this type of offence (18.6%) was a little over

² The subdivision "offences against justice procedures" of the Australian National Classification of Offences (ANCO) includes breach of court orders, contempt of court, pervert course of justice, perjury, breach of community service orders, escape from custody, fail to report by periodic detainees, resist or hinder police, conspiracy (offence unspecified), and other against justice procedures.

³ Includes offences against government security, unlawful possession/use of weapons, and other offences against good order but excludes offences involving drunkenness.

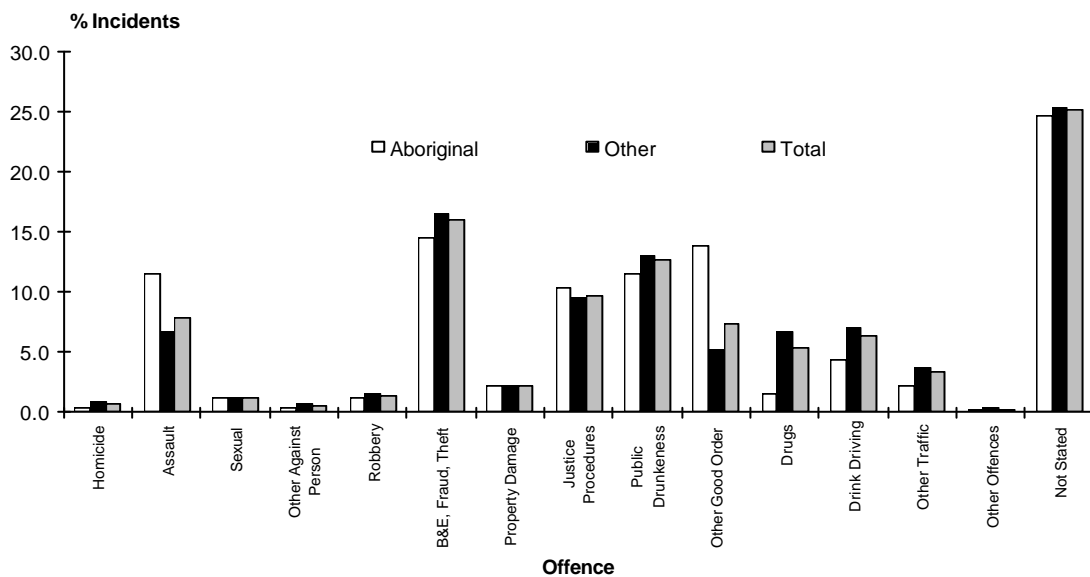
the corresponding percentage for those involving Aboriginal people or Torres Strait Islanders (16.8%).

The third largest frequency was reported offences against the person (11.6%). Among the occasions of custody involving Aboriginal people or Torres Strait Islanders, 14.5% were in custody for an offence against the person. The percentage for non-Indigenous persons was 10.6%. The major contribution to this difference came from incidents where the offence was assault; 78.9% of all the incidents involving Aboriginal or Torres Strait Islanders for offences against the person were assaults. On the other hand, 62.3% of all the incidents involving non-Aboriginal people in custody for an offence against the person were assaults (*see* Figure 31).

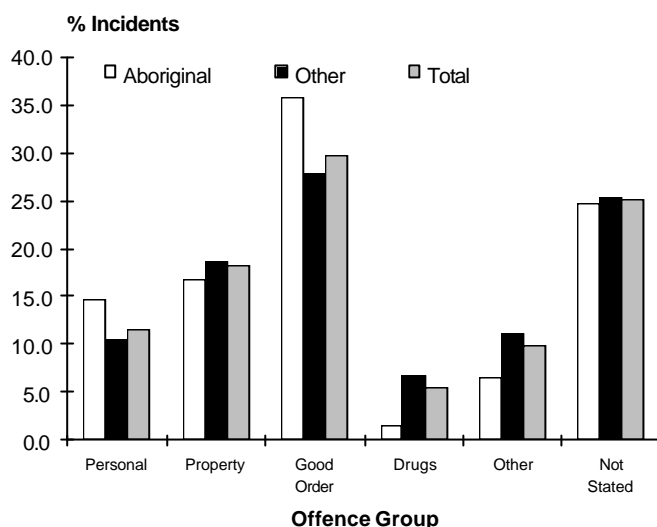
Figure 29 also shows that while occasions of custody for drug offences represented 6.7% of the incidents involving non-Indigenous people, they represented only 1.6% of the incidents occurring to Aboriginal people or Torres Strait Islanders. Note that occasions of custody involving non-Aboriginal people were more likely to be for offences such as drink driving and other traffic offences (*see* Figure 28).

These results suggest that there were differences in the pattern of custody between incidents involving Indigenous Australians and those involving others, especially for offences against the person, good order offences and drug related offences.

Figure 28: *Distribution of Incidents of Police Custody According to Most Serious Offence, by Aboriginality National Police Custody Survey August 1995*



**Figure 29: Distribution of Incidents of Police Custody
Most Serious Offence Group, by Aboriginality
National Police Custody Survey August 1995**



**Table 14: Distribution
of Incidents of Police Custody
Most Serious Offence and Aboriginality of Persons Involved
National Police Custody Survey August 1995**

Reason for Custody	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
Homicide	16	0.3	114	0.8	130	0.6
Assault	588	11.5	980	6.6	1 568	7.8
Sexual Offences	64	1.2	170	1.1	234	1.2
Other Offences Against the Person	15	0.3	92	0.6	107	0.5
Robbery	63	1.2	217	1.5	280	1.4
Break & Enter, Fraud, Theft	747	14.6	2446	16.4	3 193	16.0
Property Damage	116	2.3	327	2.2	443	2.2
Justice Procedures ^(a)	532	10.4	1414	9.5	1 946	9.7
Public Drunkenness	593	11.6	1946	13.1	2 539	12.7
Other Good Order Offences ^(b)	708	13.8	760	5.1	1 468	7.3
Drugs	80	1.6	997	6.7	1 077	5.4
Drink Driving	226	4.4	1 048	7.0	1 274	6.4
Other Traffic Offences	108	2.1	556	3.7	664	3.3
Other Offences	5	0.1	48	0.3	53	0.3
Not Stated	1 270	24.8	3 765	25.3	5 035	25.2
Not Applicable ^(c)	1 736	--	313	--	2 049	--
Total	6 867	100.0	15 193	100.0	22 060	100.0

(a) See footnote 2

(b) See footnote 3

(c) Includes custody incidents only for the following States and Territories where drunkenness is not an offence: New South Wales, Western Australia, South Australia, Northern Territory and ACT. *These incidents were not considered in the calculation of percentages.*

Table 15: Distribution of Incidents of Police Custody for Offences Against Good Order
Most Serious Offence and Aboriginality of Persons Involved
National Police Custody Survey August 1995

	Aboriginal		Other		Total	
	Number	%	Number	%	Number	%
Justice Procedures	532	29.0	1 414	34.3	1 946	32.7
Public Drunkenness	593	32.4	1 946	47.2	2 539	42.7
Other Good Order	708	38.6	760	18.4	1 468	24.7
Total	1 833	100.0	4 120	100.0	5 953	100.0

Figure 30: Distribution of Incidents of Police Custody
for Good Order Offences, by Aboriginality
National Police Custody Survey August 1995

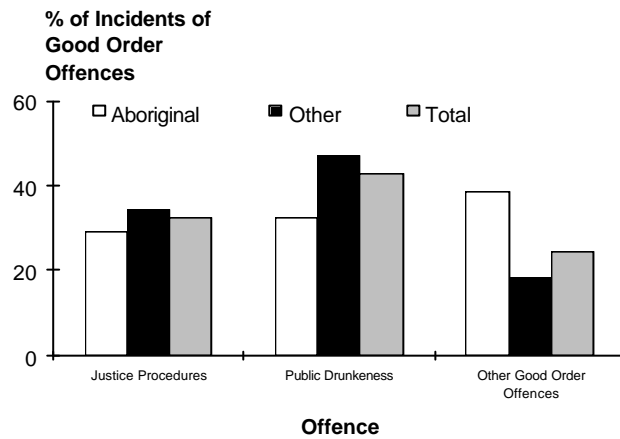
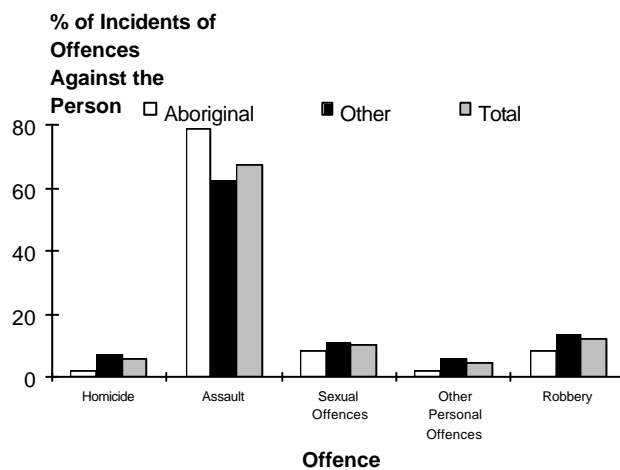


Figure 31: Distribution of Incidents of Police Custody Charged with a Personal Offence
Most Serious Offence and Aboriginality
National Police Custody Survey August 1995



The chance of Aboriginal persons being in custody for offences such as assault, justice procedures, and offences against the good order other than public drunkenness, was greater than for their non-Indigenous counterparts.

It is important to bear in mind that custody incidents for public drunkenness were recorded only for the three States where this is an offence (that is Victoria, Queensland and Tasmania). For the remaining jurisdictions, persons admitted to police cells due to public drunkenness were not charged with an offence and are shown in Table 14 as “not applicable”.

Public Drunkenness and Police Custody

Data on reason for custody and offence demonstrated the substantial contribution made by cases of public drunkenness to the police cell population during the survey period. Table 16 shows nationally a total of 4572 cases of public drunkenness leading to custody; that is over 1 out of 5 incidents. This includes both protective custody in the five jurisdictions which have decriminalised public drunkenness, and the offence of public drunkenness in the other three States. Among Aboriginal people, 33.8 per cent of all custody incidents were for public drunkenness; whereas among non-Aboriginal people these incidents represented 14.8 per cent of all occasions of custody.

Table 16 also shows the disparities between jurisdictions regarding the contribution made by the detention of Aboriginal people for drunkenness to the total police custody population. The larger contributions were observed for Western Australia and the Northern Territory where incidents involving Aboriginal people represented respectively 94.4 and 92.3 per cent of all public drunkenness incidents; followed by Queensland (46.1 per cent), South Australia (41.7 per cent), New South Wales (32.4 per cent), Tasmania (20.7 per cent) and the ACT (15.2 per cent). The lowest contribution was recorded by Victoria with 5.6 per cent of the public drunkenness detentions involving Aboriginal people (*see* Figure 32).

Offences by Age of Involved Persons

It is well known that different population groups differ in their rates of involvement with the criminal justice system. Two factors affecting such a differential pattern are gender and age. The literature suggests that gender-age groups differ in the offences they commit. For instance, there is evidence that young females tend to have higher custody rates for (acquisitive) property offences than their older counterparts; and that their custody rates for violent crime have increased over the years. Young males, on the other hand, tend to experience higher custody rates for violent crimes than the rest of the population (*see* Mukherjee 1997 forthcoming).

Table 17 shows the distribution of custody rates according to gender, age and Aboriginality of persons involved for each type of offence. The figures and subsequent graphs suggest similarities in patterns of offending for some offences in terms of the Aboriginality, gender and age of the persons involved in the incidents recorded by the survey. Custody rates for Aboriginal people are much higher than for non-Aboriginal people across all the offences considered; especially Aboriginal males.

Assault

The custody rate for Aboriginal males increased with age to peak at some age in the 25 to 34 years band, after which it decreased. Among Aboriginal females the custody rate reached a maximum at ages between 17 and 19 years. Non-Aboriginal males had the highest custody rate for ages in the 20 to 24 years range (*see* Figure 33).

The figures and subsequent graphs suggest similarities in patterns of offending for some offences in terms of the Aboriginality, gender and age of the persons involved in the incidents recorded by the survey. Custody rates for Aboriginal people are much higher

than for non-Aboriginal people across all the offences considered; especially Aboriginal males.

Property Crime

Custody rates for break and enter, fraud and theft reached a maximum at ages between 17 and 19 years for incidents involving Aboriginal people and non-Aboriginal people of both sexes. Among Aboriginal males, the rate of incarceration showed a sharp decline for persons aged 20 years and over. Though much lower, custody rates for non-Aboriginal males mirrored the pattern of their Aboriginal counterparts. It is interesting to observe that among Aboriginal females, custody rates for incidents involving persons aged between 17 and 19 years were similar for the age groups 20-24 and 25-34, to show a decline for ages over 34 years (*see* Figure 34).

Public Drunkenness

Custody rates for public drunkenness (which is an offence in Victoria, Queensland and Tasmania only) for Aboriginal people were generally higher than among non-Aboriginal people; with the exception of incidents involving persons aged 19 years or less for whom non-Aboriginal males had higher rates than Aboriginal females (*see* Figure 35).

In incidents involving Aboriginal people and Torres Strait Islanders, custody rates reached a maximum at some age between 20 and 24 years. However, the behaviour of the rates for ages over 24 years was different for males and females. While rates for Aboriginal males consistently declined, those for females remained at the same level until some age in the 25 to 34 year band, after which they declined.

Rates of incarceration among non-Aboriginal males followed the same pattern as their Aboriginal counterparts, however they were much lower.

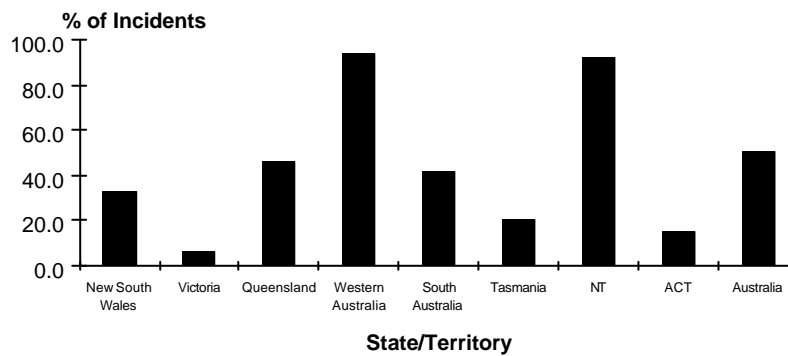
Good Order Offences

For all the age groups, Aboriginal people were more likely to be held in custody for good order offences other than public drunkenness than non-Aboriginal people. The highest relative frequency of detentions for "other good order offences" occurred for Aboriginal males of any age group with the maximum at ages between 17 and 19 years. The second highest rate was observed for Aboriginal females among whom the maximum rate occurred at ages in the 25 to 34 year band. Custody rates for non-Aboriginal males followed the same pattern as those for Aboriginal males, although their magnitudes were much smaller (*see* Figure 36).

**Table 16: Incidents of Police Custody Related to Public Drunkenness
Jurisdiction and Aboriginality
National Police Custody Survey August 1995**

	Aboriginal		Other		Total	
	Number	%	Number	%	Number	%
New South Wales	36	32.4	75	67.6	111	100.0
Victoria	77	5.6	1 308	94.4	1 385	100.0
Queensland	490	46.1	574	53.9	1 064	100.0
Western Australia	792	94.4	47	5.6	839	100.0
South Australia	45	41.7	63	58.3	108	100.0
Tasmania	15	20.5	58	79.5	73	100.0
NT	855	92.3	71	7.7	926	100.0
ACT	10	15.2	56	84.8	66	100.0
Australia	2 320	50.7	2 252	49.3	4 572	100.0
Total Incidents (all reasons for custody)	6 867		15 193		22 060	
Public Drunkenness Incidents as a percentage of Total Incidents	33.8		14.8		20.7	

**Figure 32: Detentions for Public Drunkenness Involving Aboriginal people and Torres Strait Islanders as a Percentage of All Public Drunkenness Detentions
Australia, States and Territories
National Police Custody Survey August 1995**



National Police Custody Survey: August 1995

**Table 17: Custody Rates per 100 000 Population Aged 10 Years and Over
Most Serious Offence, Aboriginality, Gender and Age of Persons Involved
National Police Custody Survey August 1995
(A) Incidents of Police Custody Involving Indigenous People**

Offence	AGE GROUP					Total
	Less than 17	17 to 19	20 to 24	25 to 34	35&Over	
Males						
Assault	102.9	558.0	776.3	848.3	254.2	332.5
B&E,Fraud,Theft	732.7	1 566.7	987.4	391.2	88.7	402.7
Justice Procedures	189.3	676.0	739.0	553.9	218.7	291.8
Drunkenness	12.3	579.5	658.3	515.2	496.5	304.3
Other Good Order	94.7	858.5	751.4	689.5	378.3	347.6
Drugs	24.7	75.1	93.2	108.5	23.6	42.0
Other Personal ^(a)	61.7	289.7	211.1	182.1	38.4	89.2
Other Offences ^(b)	82.3	515.1	652.1	592.7	233.5	265.6
Not Stated	424.0	1 792.0	1 838.2	1 460.4	508.4	731.2
TOTAL	1 724.6	6 910.6	6 706.8	5 341.9	2 240.3	2 806.9
Females						
Assault	51.9	146.1	123.0	109.4	29.8	55.0
B&E,Fraud,Theft	134.2	179.9	168.3	144.5	56.9	86.7
Justice Procedures	26.0	146.1	90.6	117.2	65.0	57.6
Drunkenness	8.7	45.0	187.7	187.5	124.5	85.4
Other Good Order	60.6	157.4	239.5	253.9	130.0	117.9
Drugs	8.7	11.2	45.3	11.7	5.4	9.9
Other Personal ^(a)	17.3	11.2	45.3	15.6	5.4	11.9
Other Offences ^(b)	8.7	89.9	64.7	58.6	46.0	34.4
Not Stated	64.9	224.8	252.5	222.7	65.0	102.6
TOTAL	380.9	1011.8	1 217.0	1 121.2	527.9	561.5
Persons						
Assault	78.1	356.9	456.4	480.4	137.1	194.4
B&E,Fraud,Theft	440.9	889.4	586.4	268.4	72.1	245.5
Justice Procedures	109.7	417.3	421.5	336.5	138.5	175.3
Drunkenness	10.5	318.4	427.9	352.1	302.4	195.4
Other Good Order	78.1	516.1	500.8	472.6	248.7	233.3
Drugs	16.9	43.9	69.7	60.3	14.1	26.0
Other Personal ^(a)	40.1	153.7	129.9	99.2	21.2	50.7
Other Offences ^(b)	46.4	307.5	364.5	326.8	135.6	150.6
Not Stated	249.0	1 026.7	1 061.8	844.1	276.9	418.4
TOTAL	1 069.7	4 029.9	4 018.9	3 240.4	1 346.6	1 689.6

Table 17 (Continued)
 (B) Incidents of Police Custody Involving non-Indigenous People

Offence	AGE GROUP					Total
	Less than 17	17 to 19	20 to 24	25 to 34	35&Over	
Males						
Assault	3.2	31.5	35.4	21.2	4.7	10.2
B&E,Fraud,Theft	22.3	116.7	80.8	40.0	7.3	24.0
Justice Procedures	5.2	45.1	42.8	31.3	7.3	14.5
Drunkeness	1.4	87.9	74.7	37.2	9.8	20.7
Other Good Order	3.5	35.1	29.4	14.8	2.7	7.9
Drugs	1.4	36.9	33.7	21.3	4.6	10.1
Other Personal ^(a)	2.5	14.4	16.6	12.9	4.4	6.4
Other Offences ^(b)	4.4	58.2	76.0	39.0	10.8	20.6
Not Stated	15.7	103.3	139.1	82.2	18.0	39.2
TOTAL	59.4	529.2	528.4	299.9	69.6	153.6
Females						
Assault	1.1	3.8	4.3	1.7	0.3	1.0
B&E,Fraud,Theft	3.0	15.4	12.7	9.1	1.3	4.0
Justice Procedures	1.1	4.3	6.7	3.5	0.6	1.7
Drunkeness	0.2	5.4	5.0	3.6	0.7	1.5
Other Good Order	0.4	1.6	2.9	1.6	0.3	0.7
Drugs	0.5	4.3	4.6	3.0	0.4	1.2
Other Personal ^(a)	0.2	1.6	0.9	1.3	0.1	0.4
Other Offences ^(b)	0.6	4.3	8.0	4.3	1.1	2.1
Not Stated	2.1	8.6	10.5	9.7	2.0	3.9
TOTAL	9.2	49.4	55.6	37.7	6.8	16.6
Persons						
Assault	2.1	18.0	20.1	11.4	2.4	5.6
B&E,Fraud,Theft	12.9	67.3	47.4	24.6	4.3	14.0
Justice Procedures	3.2	25.3	25.1	17.4	3.9	8.0
Drunkeness	0.8	47.7	40.5	20.4	5.1	11.1
Other Good Order	2.0	18.8	16.4	8.2	1.5	4.3
Drugs	0.9	21.0	19.4	12.1	2.5	5.7
Other Personal ^(a)	1.4	8.2	8.9	7.1	2.2	3.4
Other Offences ^(b)	2.5	32.0	42.6	21.7	5.8	11.3
Not Stated	9.1	57.2	75.9	46.0	9.8	21.5
TOTAL	35.0	295.5	296.3	169.0	37.4	84.9

Table 17 (Continued)
(C) All Incidents of Police Custody

Offence	AGE GROUP					Total
	Less than 17	17 to 19	20 to 24	25 to 34	35&Over	
Males						
Assault	5.8	43.8	51.5	36.3	6.8	15.8
B&E,Fraud,Theft	41.2	150.5	100.5	46.4	8.0	30.5
Justice Procedures	10.1	59.9	58.0	40.9	9.0	19.2
Drunkness	1.6	99.4	87.4	45.9	13.8	25.6
Other Good Order	5.9	54.3	45.1	27.1	5.8	13.8
Drugs	2.0	37.8	35.0	22.9	4.8	10.7
Other Personal ^(a)	4.1	20.8	20.8	16.0	4.7	7.8
Other Offences ^(b)	6.5	68.9	88.5	49.1	12.7	24.8
Not Stated	26.5	142.7	176.1	107.4	22.1	51.1
TOTAL	103.8	678.2	662.9	391.9	87.5	199.2
Females						
Assault	2.4	7.1	6.9	3.6	0.5	1.9
B&E,Fraud,Theft	6.5	19.2	16.1	11.5	1.8	5.4
Justice Procedures	1.7	7.6	8.5	5.6	1.2	2.6
Drunkness	0.5	6.3	9.0	6.9	1.7	3.0
Other Good Order	2.0	5.3	8.0	6.2	1.5	2.7
Drugs	0.7	4.5	5.5	3.1	0.4	1.4
Other Personal ^(a)	0.7	1.8	1.8	1.6	0.1	0.6
Other Offences ^(b)	0.8	6.3	9.2	5.3	1.5	2.6
Not Stated	3.8	13.7	15.7	13.5	2.5	5.5
TOTAL	19.1	72.0	80.7	57.4	11.3	25.8
Persons						
Assault	4.2	25.9	29.6	20.0	3.6	8.8
B&E,Fraud,Theft	24.3	86.6	59.1	29.0	4.8	17.9
Justice Procedures	6.0	34.4	33.7	23.2	5.0	10.9
Drunkness	1.1	54.1	48.9	26.5	7.6	14.2
Other Good Order	4.0	30.4	26.9	16.6	3.5	8.2
Drugs	1.4	21.6	20.5	13.0	2.5	6.0
Other Personal ^(a)	2.4	11.6	11.5	8.8	2.4	4.2
Other Offences ^(b)	3.7	38.4	49.6	27.2	6.9	13.7
Not Stated	15.5	79.9	97.3	60.5	12.0	28.2
TOTAL	62.6	382.9	377.1	224.8	48.3	112.2

(a) Includes homicide, sexual assault, others against the person and robbery

(b) Property damage, drink driving, other traffic offences and other offences.

Figure 33: *Incidents of Police Custody for Assault
Aboriginality, Gender and Age, Rate per 100 000 Relevant Population,
National Police Custody Survey August 1995*

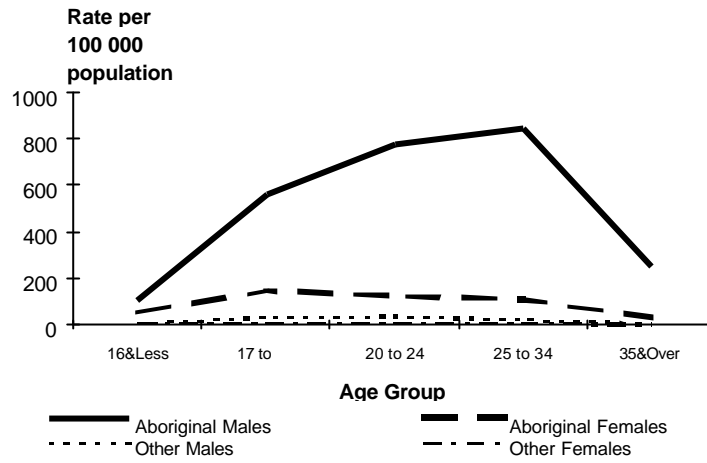


Figure 34: *Incidents of Police Custody for Break & Enter, Fraud or Theft
Aboriginality, Gender and Age, Rate per 100 000 Relevant Population,
National Police Custody Survey August 1995*

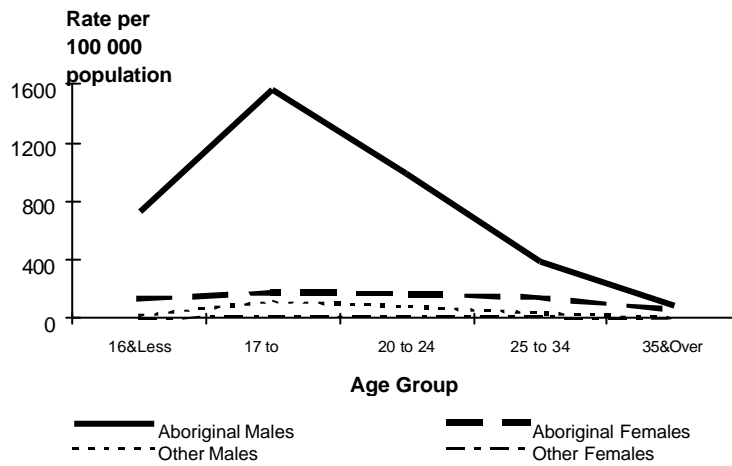


Figure 35: *Incidents of Police Custody for Public Drunkenness
Aboriginality, Gender and Age, Rate per 100 000 Relevant Population,
National Police Custody Survey August 1995*

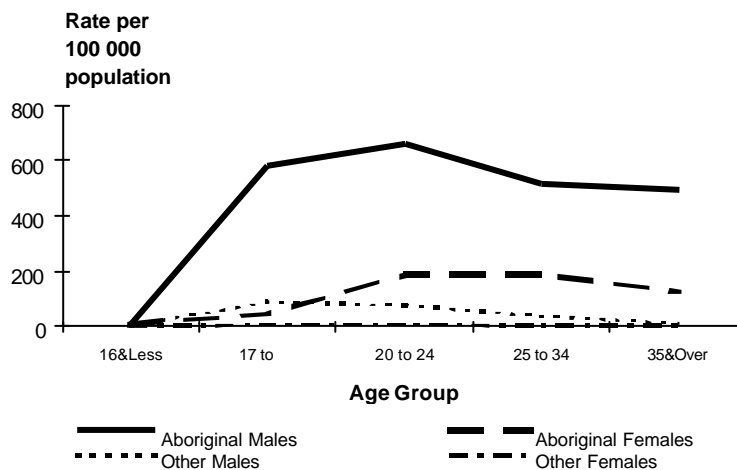


Figure 36: Incidents of Police Custody for Good Order Offences other than Drunkenness
Aboriginality, Gender and Age, Rate per 100 000 Relevant Population,
National Police Custody Survey August 1995

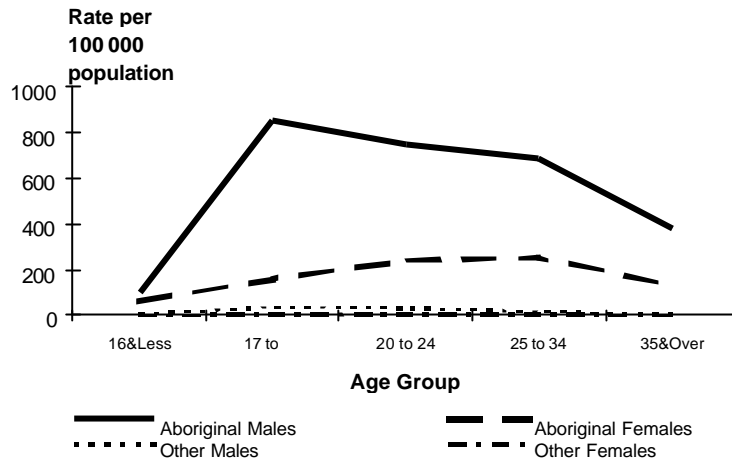
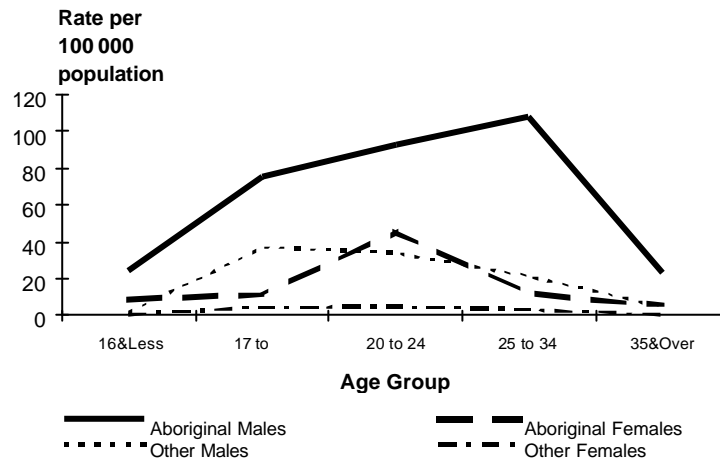


Figure 37: Incidents of Police Custody for Drug Related Offences
Aboriginality, Gender and Age, Rate per 100 000 Relevant Population
National Police Custody Survey August 1995



Drug Offences

Rates of detention for drug offences were highest for Aboriginal males and peaked at ages in the 25 to 34 year band. Among non-Aboriginal males, custody rates reached a maximum at ages between 17 and 19 years, and then declined.

Incidents of custody involving Aboriginal females peaked at ages in the 20 to 24 year group, when they surpassed the rate for non-Aboriginal males. The rate of detention for Aboriginal females aged 25-34 years was lower than for non-Aboriginal males, and for ages over 34 years they reached similar values (see figure 37.)

The previous analysis identified differences among Aboriginal people and non-Aboriginal people with regard to the sex-age-offending relationship. Aboriginal people had higher custody rates than non-Aboriginal people. Over-representation ratios computed from the figures in Table 17 indicate that across all offences and age groups, Aboriginal males were between 9 times (16 years and less for drunkenness) and 142 times (35 years and over for other good order offences) more likely to have been locked up in police cells than their non-Indigenous counterparts. Aboriginal females were between 3 times (17-19 years for drug related offences) and 372 times (35 years and over for good order offences) more likely to have been taken into custody than their non-Aboriginal counterparts.

Public Drunkenness, Aboriginality and Gender

Assessment of the impact that public drunkenness has on police custody was an important issue. We have already mentioned that 20.7 per cent of all the incidents of custody recorded during the survey period were for public drunkenness (see Table 16). Whether or not the pattern of occurrence for this kind of incident is affected by the gender-Aboriginality composition of people involved is relevant to better understand detentions for public drunkenness. Lack of data prevented a detailed analysis by jurisdiction. However, it was possible to classify the States and Territories into two

groups according to whether or not public drunkenness is an offence. Table 18 and Figure 38 show incidents of police custody for public drunkenness as a percentage of all the occasions of custody, within each gender, by Aboriginality group, and whether or not the incident occurred in a jurisdiction where drunkenness is an offence.

The proportions underlying the figures in Table 18 can be thought of as probabilities that an occasion of custody for public drunkenness occurred in a jurisdiction where public drunkenness is an offence, after controlling for Aboriginality and gender of persons involved. Therefore it is possible to compute odds of arrest for public drunkenness occurring in a jurisdiction where it is an offence and where it is not; and from them to compute a measure of relative risk based on the odds ratio. An odds ratio greater than one is interpreted as that the incident of public drunkenness was more likely to occur in a jurisdiction where this behaviour is an offence; a ratio less than one means that the incident was more likely to occur in a jurisdiction where public drunkenness is not an offence.

Table 18 shows that in general, occasions of custody for public drunkenness were about 70 per cent more likely to occur in jurisdictions where this is an offence than in the other jurisdictions. Incidents of public drunkenness involving Aboriginal people were 30 per cent less likely to occur in the jurisdictions where public drunkenness is an offence; while those involving non-Indigenous people in custody for public drunkenness were 8.2 times more likely to have occurred in a jurisdiction where this behaviour is decriminalised.

Overall, incidents of drunkenness involving females were 20 per cent less likely to have occurred in States and Territories where drunkenness is an offence. On the other hand incidents

involving males were 90 per cent more likely to occur in States and Territories where drunkenness is an offence.

Incidents of police custody for public drunkenness involving Indigenous males were 30 per cent less likely to occur in jurisdictions where this is an offence.

Incidents for drunkenness involving Aboriginal females were 40 per cent less likely to have occurred in the jurisdictions where this behaviour is an offence.

These results highlight the disproportionate exposure of Aboriginal people to protective custody for public drunkenness in those jurisdictions where this is not an offence. For the other jurisdictions, the survey did not collect data to determine what proportion of the occasions of custody for good order offences other than public drunkenness were alcohol related; so our estimates can be considered as conservative for the true proportion of public drunkenness incidents. Nevertheless the data show that Aboriginal people in Victoria, Queensland and Tasmania were at increased risk of being in custody for public drunkenness than their non-Aboriginal counterparts. Although estimates for women must be treated with some caution due to the relatively small number of cases, they seem to indicate that detention for public drunkenness is a serious problem, in particular among Aboriginal women.

Reasons for Release

The reasons leading to the conclusion of police custody were classified as:

- transfer to court, prison, another place of police custody, etc;
- release on bail;
- release following a period of protective custody for being intoxicated in public in the jurisdictions where public drunkenness is not an offence;
- release having served a sentence in police custody or having paid a fine; and
- other reasons.

Table 19 and Figure 39 show the distribution of incidents of police custody according to the reason for their conclusion and the Aboriginality of persons involved. Most of the custody incidents ended up with the persons involved being granted bail (42.2 per cent) or being transferred to another part of the criminal justice system (35.9 per cent). In about 1 in 10 incidents of custody, the persons involved left police cells due to completion of an intoxication detention. In only 2.5 per cent of the incidents the persons involved had served a sentence.

Table 19 shows that Aboriginal people or Torres Strait Islanders involved in incidents of police custody were less likely to leave the cells after being granted bail or transferred to another part of the system than other persons. While in 1 out of 4 custody incidents involving Aboriginal or Torres Strait Islanders the persons had completed a period of custody for public drunkenness; only 1 in 50 non-Aboriginal incidents reported the same reason for release.

Reasons for Release and Offences

Analysis of reasons for release and the offences which resulted in people being taken into police custody is important to gain an insight into the treatment given to cases and their further flow through other parts of the criminal justice system. Data are especially useful to assess the use of bail as opposed to detention until court appearance for specific offences. It is very likely for the most serious offences to result in multiple occasions of custody, as people move around within the system.

Table 20 shows the percentage distribution of incidents according to most serious offence and the reason for release from police cells within each group defined by the Aboriginality of the persons involved. Table 20 also includes the category "public drunkenness (*not an offence*)" to account for incidents of custody owing to intoxication in the jurisdictions where public drunkenness is not an offence.

Table 18: Incidents of Police Custody for Public Drunkenness as a Percentage of Total Incidents

Aboriginality, Gender and Whether or not the Incident Occurred in a State/Territory where Public Drunkenness is an Offence
National Police Custody Survey August 1995

	Aboriginal/TSI			Other			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Drunkenness an Offence ^(a)	26.5 (0.36)	34.2 (0.52)	27.8 (0.38)	25.6 (0.34)	17.7 (0.22)	24.8 (0.33)	25.7 (0.34)	23.1 (0.30)	25.4 (0.34)
Drunkenness not an Offence ^(b)	33.9 (0.51)	47.1 (0.89)	36.4 (0.57)	4.1 (0.04)	5.8 (0.06)	4.2 (0.04)	15.1 (0.18)	28.3 (0.39)	16.9 (0.20)
Total	31.4	43.3	33.8	15.2	11.7	14.8	19.9	26.2	20.7
Odds Ratio ^(c)	0.7	0.6	0.7	8.5	3.7	8.2	1.9	0.8	1.7

Note: Odds of custody for public drunkenness are in brackets. As an example, the odds of an Aboriginal person being arrested for public drunkenness in a jurisdiction where this behaviour is an offence (0.38) are calculated as 27.8 divided by 100 minus 27.8. For the same group the odds of arrest for public drunkenness in a jurisdiction where it is not an offence (0.57) are calculated as 36.4 divided by 100 minus 36.4.

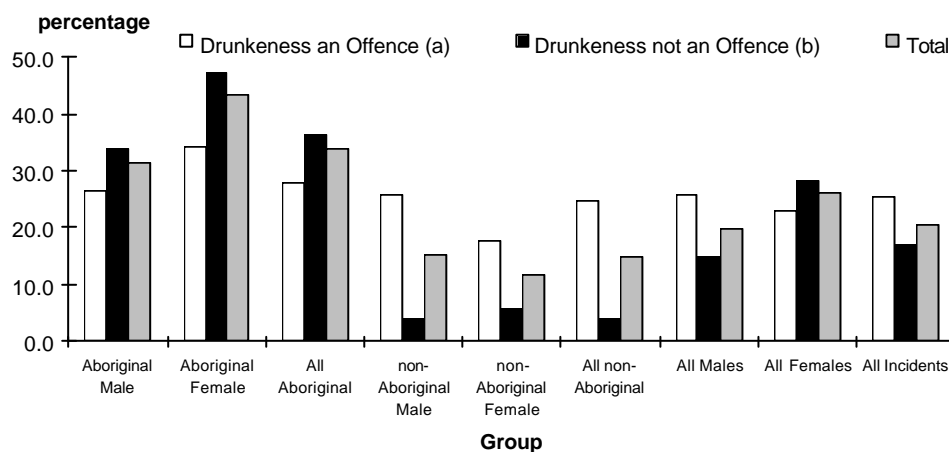
(a) Victoria, Queensland and Tasmania

(b) New South Wales, Western Australia, South Australia, Northern Territory and Australian Capital Territory

(c) Computed as the ratio of the odds for jurisdictions where public drunkenness is not an offence to the odds for the other jurisdictions. As an example, for Aboriginal people the odds ratio of 0.7 was obtained from the division of 0.38 and 0.57.

Figure 38: Occasions of Police Custody for Public Drunkenness as a Percentage of Total Incidents

Aboriginality, Gender and Whether or not the Incident Occurred in a State/Territory where Public Drunkenness is an Offence
National Police Custody Survey August 1995



(a) Victoria, Queensland and Tasmania

(b) New South Wales, Western Australia, South Australia, Northern Territory and ACT

Table 19: Distribution of Incidents of Police Custody
Reason for Release from Police Cells and Aboriginality of Persons Involved
National Police Custody Survey August 1995

Reason for Release	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
To Court, Prison, etc	2 070	30.1	5 709	37.6	7 779	35.3
Bail	2 277	33.2	6 993	46.0	9 269	42.0
Intoxication Detention Completed	1 712	24.9	313	2.1	2 025	9.2
Sentence Served	172	2.5	368	2.4	540	2.4
Other Reasons	360	5.2	1 270	8.4	1 631	7.4
Still in Custody at end of Survey	202	2.9	366	2.4	568	2.6
Not Stated	74	1.1	174	1.1	248	1.1
Total	6 867	100.0	15 193	100.0	22 060	100.0

Figure 39: Distribution of Incidents of Police Custody
According to Reason for Release from Police Cells, by Aboriginality
National Police Custody Survey August 1995

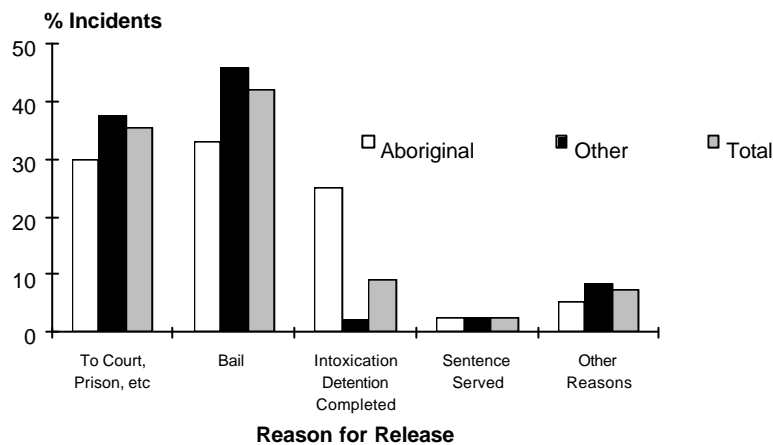


Table 20 shows that in 44.5 per cent of all the incidents where persons were in custody for assault, the reason for release was transfer to court, prison or another place of police custody; and in 45.5 per cent of incidents the persons were granted bail. There was no significant difference between detentions for assault that terminated due to transfer to court, prison or another place of police custody regarding the Aboriginality of the persons involved. On the other hand, Aboriginal people in custody for assault were more likely to be granted a bail than non-Aboriginal people (see Figure 40).

In about one out of two custody incidents in charges of break & enter, fraud or theft, the person was held in custody waiting to appear in court; whereas bail was

granted in about two in five of these incidents. The figures do not give evidence of differences between Aboriginal people and other Australians in this regard.

When custody was for the offence of justice procedures, the most likely outcome was for them to be held in custody until their appearance in court, or their transfer to another part of the criminal justice system (47.9 per cent of these incidents ended up in the courts as opposed to 35.5 per cent where bail was granted). Data followed similar patterns when incidents were classified according to the Aboriginality of the persons involved. However, Aboriginal people were slightly more likely to be

sent to another part of the criminal justice system (52.2 per cent) than their non-Aboriginal counterparts (46.3 per cent).

About 9 in 10 of the incidents where the persons involved were in custody for public drunkenness resulted in bail being granted; with no differences being observed according to Aboriginality (note that this result applies only to Victoria, Queensland and Tasmania, where public drunkenness is an offence).

In almost all of the alcohol related incidents of custody occurring in jurisdictions where public drunkenness is not an offence (that is people were in protective custody), the reason for release was completion of protective custody. The very small percentages for other reasons for release in Table 20 were due to data collection errors.

Three out of 4 cases of custody for good order offences other than public drunkenness were granted bail; whereas only 1 in 6 were transferred to another part of the system; a trend that held for both Aboriginal and non-Aboriginal incidents.

In one-third of the custodies for drug offences the persons involved were transferred to another part of the criminal justice system; and in over half of these incidents bail was granted (*see* Figure 41).

In about 7 out of 10 occasions of custody for offences against the person other than assault, people were sent to court, prison or another place of police custody; whereas in about 2 in 10 bail was granted. When the persons involved in this kind of incident were Aboriginal or Torres Strait Islanders, a transfer to another part of the criminal justice system occurred in 77 per cent of the cases, surpassing the percentage for non-Aboriginal incidents (67 per cent).

The results in this section show that overall, 36 per cent of the occasions of police custody were terminated because the persons involved were transferred to another part of the criminal justice system (that is court, prison or another place of police custody). Persons were released on bail in 42 per cent of the occasions. There were no significant differences between incidents involving Aboriginal people and

non-Aboriginal people with respect to the reasons for release; the only exception being offences against the person other than assault (that is homicide, sex offences and other against the person) where incidents involving Aboriginal people were less likely to be concluded due to grant of bail than those for non-Aboriginal people.

Length of Time in Custody

Table 21 shows average time spent in police cells classified by Aboriginality of persons involved in the survey incidents and the most serious offence leading to custody. Table 21 presents the median, defined as the length of time spent in police custody below which half of the incidents fell, and the mean (or arithmetical average).

On the whole, the periods of time that people spent in the police cells were brief. The total median and mean lengths were 4.3 hours and 19.1 hours respectively. The large difference between median and mean length of custody is due to the highly skewed distribution of the times spent in police cells. In other words, a small proportion of the detainees were in custody for relatively long periods, which suggests that any inference about length data should be based on the median. Detailed analysis showed that there were no significant differences between the median times of detention of Aboriginal people and other Australians.

Length of Detention and Drunkenness

Previous sections have highlighted the contribution made by detentions for public drunkenness to the total occasions of custody recorded during August 1995. The results have shown that Aboriginal people have higher rates of confinement due to drunkenness than non-Aboriginal people.

Analysis of alcohol related police custody cases would not be complete without looking at length of detention.

This section examines length of detention for incidents where persons were taken into custody due to public drunkenness, in the jurisdictions where it is not an offence; and where persons were charged with public drunkenness, in the remaining jurisdictions.

Table 22 shows the median and mean length of all the alcohol related incidents according to Aboriginality. This table indicates that Aboriginal people in custody for public drunken-

ness spent longer periods in police cells than their non-Aboriginal counterparts; as confirmed by significance tests for the median and mean in both groups. It is also interesting to note that the median length of detention for incidents of public drunkenness was longer than the whole median length of detention, for both Aboriginal people and non-Aboriginal people (*see* last row of Table 21); a result that highlights not only the destructive impact on Australian society of alcohol misuse, but its involvement in the workload of the police forces, especially among the Aboriginal population.

Figure 40: *Percentage of Incidents of Police Custody for Assault Reason for Release from Police Cells and Aboriginality National Police Custody Survey August 1995*

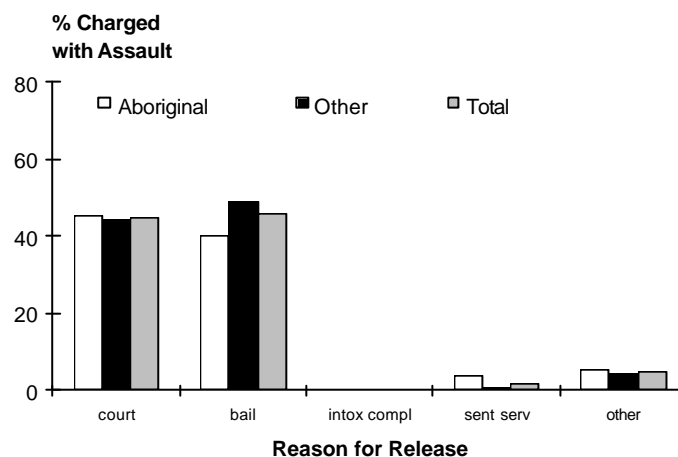
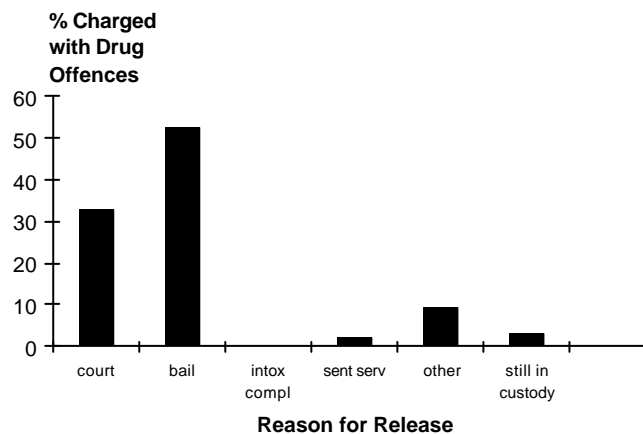


Figure 41: *Percentage of Incidents of Police Custody for Drug Offences Reason for Release from Police Cells National Police Custody Survey August 1995*



**Table 20: Percentage of Incidents of Police Custody
Most Serious Offence and Reason for Release from Police Cells
By Aboriginality of Persons Involved, National Police Custody Survey August 1995**

Offence	To Court, Prison, etc	Bail	Intoxication Custody Completed	Sentence Served	Other	Still in Police Cells	Total
	Incidents of Police Custody Involving Aboriginal and Torres Strait Islanders						
	%	%	%	%	%	%	%
Assault	45.3	40.2	0.0	3.8	5.5	5.2	100.0
B&E,Fraud,Theft	48.5	42.8	0.1	2.3	4.4	1.9	100.0
Justice Procedures	52.2	29.4	0.0	4.2	8.6	5.6	100.0
Drunkenness ^(a)	2.0	92.6	0.5	2.5	1.2	1.3	100.0
Drunkenness (<i>not an offence</i>) ^(b)	0.6	0.1	97.3	0.0	0.3	1.6	100.0
Other Good Order	14.0	74.7	0.2	3.3	4.9	2.9	100.0
Drugs	37.8	44.9	0.0	2.7	12.0	2.7	100.0
Other Personal ^(c)	77.4	19.8	0.0	0.0	1.4	1.4	100.0
Other Offences ^(d)	26.3	56.3	0.0	2.8	11.5	3.2	100.0
Not Stated	64.0	13.7	1.1	4.6	11.4	5.2	100.0
TOTAL	30.8	33.3	24.9	2.5	5.3	3.1	100.0
	Incidents of Police Custody Involving Persons from Other Backgrounds						
Assault	44.0	48.7	0.0	0.8	4.4	2.2	100.0
B&E,Fraud,Theft	48.4	41.7	0.0	1.3	5.8	2.7	100.0
Justice Procedures	46.3	37.8	0.1	3.5	9.6	2.7	100.0
Drunkenness ^(a)	1.3	92.3	0.1	4.1	1.4	0.8	100.0
Drunkenness (<i>not an offence</i>) ^(b)	1.0	1.0	92.5	0.0	4.1	1.4	100.0
Other Good Order	14.3	75.3	0.0	2.1	7.2	1.1	100.0
Drugs	32.6	53.2	0.0	2.0	9.1	3.0	100.0
Other Personal ^(c)	67.1	24.7	0.0	0.4	4.3	3.6	100.0
Other Offences ^(d)	17.2	68.2	0.0	1.7	10.8	2.1	100.0
Not Stated	62.3	16.0	0.1	3.5	14.5	3.7	100.0
TOTAL	38.3	46.3	2.0	2.5	8.5	2.5	100.0
	All Incidents of Police Custody						
Assault	44.5	45.05	0.0	1.9	4.8	3.3	100.0
B&E,Fraud,Theft	48.5	41.9	0.1	1.6	5.5	2.5	100.0
Justice Procedures	47.9	35.5	0.1	3.7	9.3	3.5	100.0
Drunkenness ^(a)	1.5	92.4	0.1	3.7	1.4	0.9	100.0
Drunkenness (<i>not an offence</i>) ^(b)	0.7	0.3	96.6		0.9	1.6	100.0
Other Good Order	14.1	75.0	0.1	2.7	6.1	2.0	100.0
Drugs	33.0	52.6	0.0	2.1	9.4	3.0	100.0
Other Personal ^(c)	69.2	23.7	0.0	0.3	3.7	3.1	100.0
Other Offences ^(d)	18.9	65.9	0.0	1.9	10.9	2.3	100.0
Not Stated	62.7	15.4	0.4	3.8	13.7	4.1	100.0
TOTAL	35.9	42.2	9.1	2.5	7.5	2.7	100.0

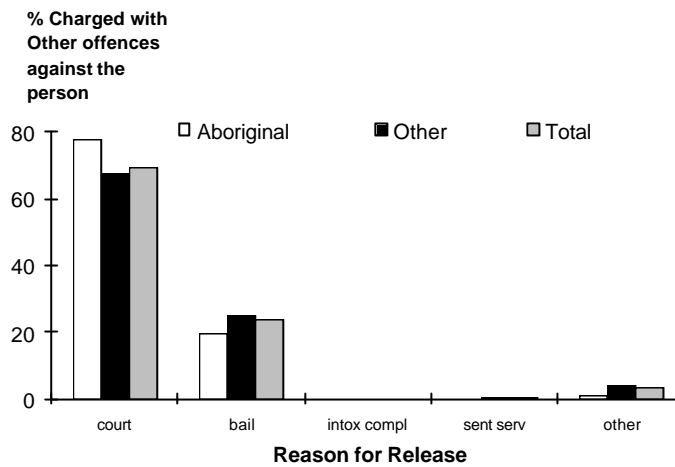
(a) Includes custody incidents in the following States and Territories where public drunkenness is not an offence: New South Wales, Western Australia, South Australia, Northern Territory, and ACT.

(b) Includes custody incidents in the following States and Territories where public drunkenness is an offence: Victoria, Queensland and Tasmania.

(c) Includes homicide, sexual assault, other offences against the person and robbery.

(d) Property damage, drink driving, other traffic offences and other offences.

Figure 42: Percentage of Incidents of Police Custody for Other Offences Against the Person^(a)
Reason for Release from Police Cells and Aboriginality
National Police Custody Survey August 1995



(a) Homicide, Sex Offences, Robbery and Other Against the Person

Table 21: Length of Incidents of Police Custody Most Serious Offence and Aboriginality of Persons Involved
National Police Custody Survey August 1995

	Median Time in Custody (hours)			Mean Time in Custody (hours)		
	Aboriginal	Other	Total	Aboriginal	Other	Total
	Homicide	4.4	8.0	8.0	33.7	20.6
Assault	6.6	4.6	5.4	32.4	14.9	21.4
Sexual Offences	9.1	7.1	7.2	29.4	34.5	33.0
Other Offences Against the Person	11.3	9.8	10.7	34.8	29.9	30.6
Robbery	7.1	7.1	7.1	18.6	25.5	22.4
Break&Enter, Fraud, Theft	5.2	4.8	4.9	24.1	19.1	20.3
Property Damage	5.0	3.9	4.2	27.3	14.2	17.8
Justice Procedures	8.6	5.5	6.4	37.3	21.8	26.0
Public Drunkenness ^(a)	4.2	4.1	4.1	7.0	6.0	6.2
Other Good Order Offences	5.2	2.4	3.9	13.7	7.6	10.5
Drugs	4.4	3.0	3.1	24.6	15.7	16.3
Drink Driving	5.1	1.1	1.3	21.7	8.8	11.0
Other Traffic Offences	7.2	2.2	2.8	38.8	19.7	22.8
Not Stated	7.2	5.2	5.7	36.8	21.4	25.2
Total	5.4	4.2	4.3	26.4	16.5	19.1

(a) Incidents of public drunkenness in the jurisdictions where this is an offence (ie Victoria Queensland and Tasmania)

Table 22: Length of Detention for Public Drunkenness, by Aboriginality ^(a)
National Police Custody Survey August 1995

	Aboriginal	Other	Total
Median Time in Custody (hours)	6.2 (0.46)	4.1 (0.45)	4.8 (0.32)
Mean Time in Custody (hours)	8.5 (0.37)	6.1 (0.36)	7.3 (0.26)

(a) Standard Error of Median and Mean are in brackets.

4



Characteristics of Distinct Persons Taken into Police Custody

Gender, Age and Aboriginality

There were 18 782 distinct persons taken into police custody during the survey period; which amounts to an average of 606 persons a day. Table 23 and Figures 43 and 44 show the distribution of these persons by gender, age and Aboriginality.

Table 23 shows that the proportion of Aboriginal people and Torres Strait Islanders with ages below 17 years involved in an incident of police custody was almost twice as for non-Indigenous persons with the same ages. On the other hand, the proportion of Indigenous persons aged between 17 and 24 years involved in an incident was only 82 per cent that for their non-Indigenous counterparts. For people aged 25 years and over, there were no practical differences in the proportions of Aboriginal people and non-Aboriginal people taken into police cells.

Among Aboriginal people or Torres Strait Islanders, the proportion of young males (that is aged 24 years or less) taken into police custody was larger than the proportion observed for their female counterparts. On the other hand, for persons aged 25 years and over, the proportion of females experiencing at least one incident of police custody tended to be larger than for males.

Among non-Aboriginal persons, the proportion of males aged 19 years or less was larger than for females. For persons aged 20-24 years and 35 years and over experiencing incidents of custody, there were no differences between the

proportions observed for males and females. Finally, the proportion of females aged 25 to 34 years taken into police custody was larger than for their male counterparts.

Frequency of Police Custody

Frequency of police custody refers to the number of different times a particular person was taken into police custody and held in the police cells during the survey period. A person may have been taken into police custody more than once because he/she was involved in several different instances of offensive behaviour. However, the same incident might generate several occasions of police custody as it could involve for example, a number of transfers between prison and a police lockup. Table 24 shows the distribution of the number of distinct persons according to the number of times taken into police custody. 87.6 per cent of distinct persons experienced only one incident of police custody; 9.4 per cent experienced two incidents; and 2 per cent were taken into police custody on three occasions. Only 1 per cent of the persons were held in police cells in more than three occasions (*see* Figure 45).

Table 24 shows that Aboriginal people and Torres Strait Islanders experienced incidents of police custody at a slightly higher frequency than other persons, as they were more likely to have multiple incidents than others.

Table 23: Distinct Persons Taken into Police Custody
Aboriginality, Gender and Age
 National Police Custody Survey August 1995

	Aboriginal/TSI			Others			All Distinct Persons		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Number									
Less than 17	345	76	421	443	73	516	788	149	937
17-19	588	102	690	1 846	162	2 008	2 434	264	2 698
20-24	1 080	204	1 284	3 391	363	3 754	4 471	567	5 038
25-34	1 495	371	1 866	3 682	462	4 144	5 177	832	6 010
35&Over	963	89	1 252	2 563	281	2 844	3 526	570	4 098
Total	4 471	1 042	5 513	11 925	1 341	13 266	16 396	2 383	18 779
Percentage									
Less than 17	7.7	7.3	7.6	3.7	5.4	3.9	4.8	6.3	5.0
17-19	13.2	9.8	12.5	15.5	12.1	15.1	14.8	11.1	14.4
20-24	24.2	19.5	23.3	28.4	27.1	28.3	27.3	23.8	26.8
25-34	33.4	35.5	33.8	30.9	34.5	31.2	31.6	34.9	32.0
35&Over	21.5	27.9	22.7	21.5	21.0	21.4	21.5	24.0	21.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Figure 43: Age Distribution of Distinct Aboriginal Persons
Taken into Police Custody By Gender
 National Police Custody Survey August 1995

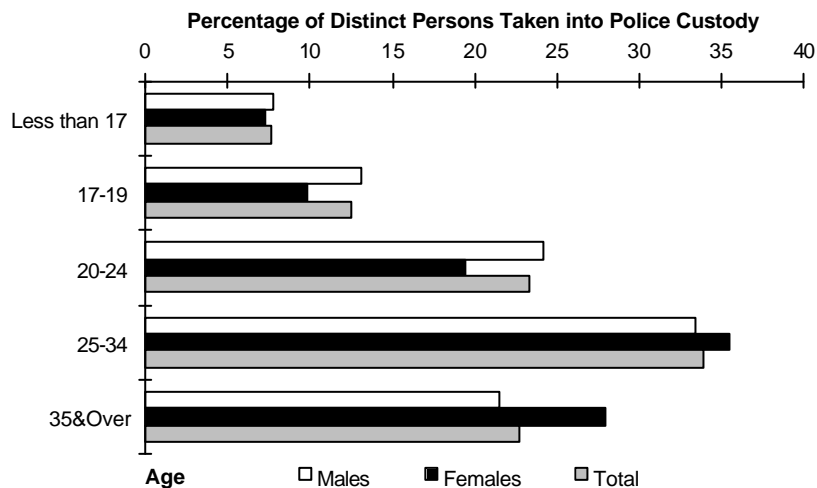


Figure 44: Age Distribution of Distinct non-Aboriginal Persons Taken into Police Custody By Gender
National Police Custody Survey August 1995

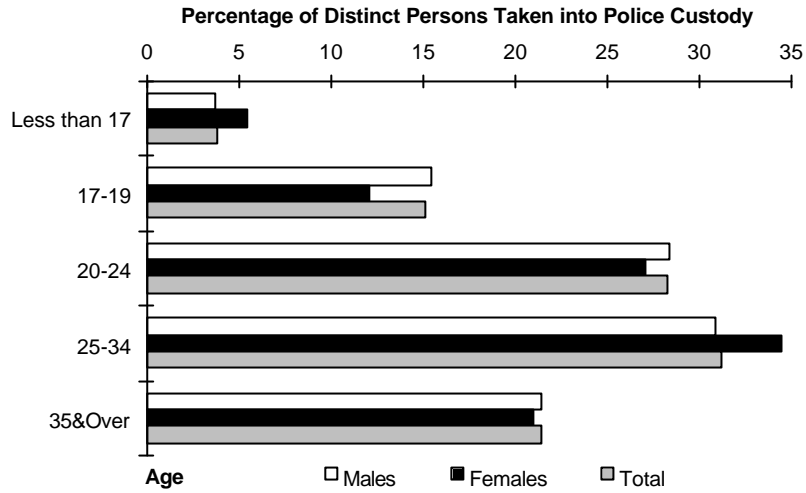
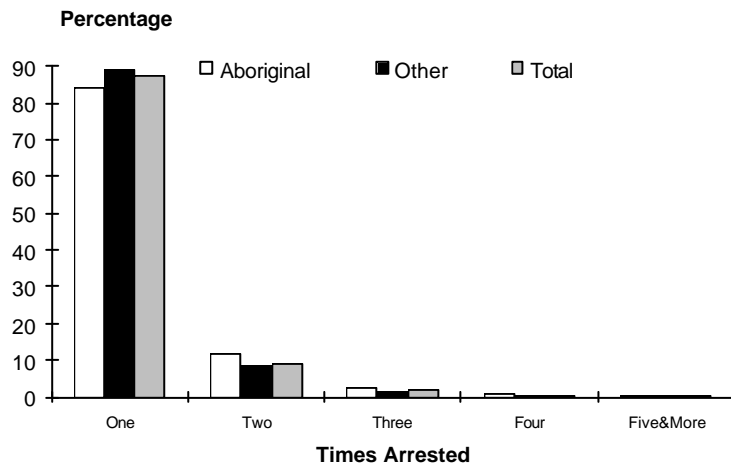


Table 24: Number of Distinct Persons
Number of Times Taken into Police Custody and Aboriginality
National Police Custody Survey August 1995

	Aboriginal/TSI		Other		Total	
	Number	%	Number	%	Number	%
One	4 635	84.1	11 811	89.0	16 446	87.5
Two	646	11.7	1 128	8.5	1 774	9.5
Three	141	2.6	230	1.7	371	2.0
Four	62	1.1	67	0.5	129	0.7
Five&More	30	0.5	32	0.2	62	0.3
Total	5 514	100.0	13 268	100.0	18 782	100.0

Figure 45: Percentage of Distinct Persons
Number of Times Taken into Police Custody and Aboriginality
National Police Custody Survey August 1995



5



Conclusion

The Third National Police Custody Survey is a useful example of research undertaken cooperatively by the Australian Institute of Criminology and Australia's police services. It provides national information not available from any other source—information which can assist police managers to better understand the activities of their organisations and apply this understanding to strategic planning and resource allocation.

The survey program, flowing from recommendations of the Royal Commission into Aboriginal Deaths in Custody, is also useful as a tool for monitoring and evaluating the results of implementing key recommendations of the Royal Commission. Of particular importance in this context are Recommendation 87 which states that “all Police Services should adopt and apply the principle of arrest being the sanction of last resort in dealing with offenders” and Recommendations 79-81 concerned with decriminalising public drunkenness and providing a full range of services (such as sobering-up shelters) for the care of people found intoxicated in public places, rather than having them placed in police lockups.

The 1995 survey has shown that achievements have been attained over the 1992-95 period in reducing the number of people held in police lockups. The police services are to be commended for this. It is unfortunate, however, that most of the change has come from a reduction in the number of non-Aboriginal people held in the cells, with the percentage reduction in Aboriginal custodies being less than half that of non-Aboriginal custodies. This means that more needs to be done in policing street offences to minimise arrest and detention,

on the spot bail being more readily available in suitable cases, and more action by governments to ensure the full implementation of the Royal Commission's recommendations on providing alternatives for custody for intoxicated people.

The heavy impact of alcohol on day-to-day policing, as revealed by the survey, is also important, with one in five (21%) of the people detained in Australia's police cells being there simply because the person was found intoxicated in a public place. Unfortunately this proportion is similar to that observed three years earlier (23% in 1992). While the proportion of all detentions for drunkenness among non-Aboriginal people has remained unchanged since 1992 at 15 per cent, the proportion of Aboriginal detentions for public drunkenness has fallen from 42 per cent to 31 per cent. Clearly this latter figure is still far too high but the direction and amount of change is encouraging.

It is expected that the Fourth National Police Custody Survey will be conducted in 1998 unless all police services have in place by then information systems which can produce comparable data on the extent and patterns of police custody, as recommended by the Royal Commission into Aboriginal Deaths in Custody. When that occurs the National Police Custody Survey program will no longer be needed. On a shorter time frame, the Australian Institute of Criminology will produce a separate publication examining, in more detail, the trends observed in this survey program to date, looking closely at the results of the 1988, 1992 and 1995 National Police Custody Surveys.

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Technical Appendix

Methodology and Weighting Procedures

- The Third National Police Custody Survey covered every occasion upon which a person was taken into police custody and physically lodged in a police cell, at any location in Australia, during the month of August 1995. It also covered people who were in police custody at the commencement of the survey.
- The purpose of the survey was to obtain information on the extent and nature of police custody in Australia in 1995, and to enable comparisons to be made with the previous surveys so as to be able to observe trends. In doing so, the survey program collects data which have been found useful in evaluating the implementation of some key recommendations of the Royal Commission into Aboriginal Deaths in Custody.
- The survey was conducted during the period 1 August to 31 August 1995. Data were collected by police officers at the station level by completing a separate data collection form for each occasion of custody. An occasion of custody was defined as any occasion on which a person was taken into police custody and actually lodged in a police cell, for any period of time, anywhere in Australia during the survey period. As noted above, it also covered people already in the cells at the commencement of the survey. This means that the survey did not cover *all* people arrested, as only a proportion of such people are placed in the cells. It included not only offenders and alleged offenders, but also people held in the cells for protective custody, typically when apprehended without arrest for public drunkenness in the five Australian States and Territories where public drunkenness is not an offence. A senior officer of each police service as appointed by his or her Commissioner to be responsible for the conduct of the survey within his or her jurisdiction. This officer established mechanisms to maximise the completeness and accuracy of the data collected at station level.
- The completed data collection forms were collated centrally by each police service, checked for completeness, and forwarded to the Australian Institute of Criminology for coding, data entry, editing, tabulation, analysis and report preparation.
- Data was collected on 22 060 different occurrences of police custody during the reference period. The distribution of cases by State is shown in Table 1 of the main report.
- Missing data for most of the variables was a major problem with this survey. In 1260 out of the 22 060 recorded incidents, data on Aboriginality, gender and age was missing. As a result, only the cases with complete information on Aboriginality, gender and age were considered for estimation, to arrive at a final sample size of 20 800 incidents of police custody. The distribution of these incidents by State and Territory together with the percentage of cases with missing data for the referred variables are shown in Table 2 of the main report.
- Figures in Table 2 (*see* main report) show that nationally, 5.7 per cent of the total custody incidents were excluded due to problems with missing values for Aboriginality, gender and age. The largest percentage of custody incidents with missing values for the referred variables occurred for the Australian Capital Territory (39.5%) followed by New South Wales (11.1%) and South Australia (9.8%). The

- lowest sample loss due to missing data was recorded for Western Australia (1.5%). The remaining jurisdictions had sample losses close to the national average.
- The survey estimates were adjusted to account for missing data on Aboriginality, gender and age by incorporating a weight to each record in the survey file. The weighting procedure ensured that the survey estimates conformed to the State and Territory distribution of the original 22 060 cases.
- Although the survey was designed as a census of all the incidents of police custody occurring during August 1995, there was no way to verify whether all of them were effectively recorded by police stations; therefore, to some extent it might be possible for the survey estimates to have been affected by undercoverage.
- Exclusion of cases due to missing data would cause the survey estimates to be biased. One way to remove this bias is by applying a weight to each record in the final sample in such a way that the survey estimates of numbers of incidents of police custody conform to the State and Territory distribution of the original 22 060 cases. The weight for the *i*-th record in the final sample was computed according to the following expression:

$$w_{si} = N_s / (N_s - M_s) \quad (1)$$

where,

w_{si} = weight for the *i*-th police custody incident in the *s*-th state or territory

N_s = total number of police custody incidents recorded in the *s*-th state or territory

M_s = number of incidents in the *s*-th state or territory with missing data for Aboriginality, gender and age.

Estimation

- It was assumed that missing values for Aboriginality, gender and age occurred at random within each State and Territory; and that occurrences of missing values for these variables were independent across jurisdictions.
- The estimation problem was approached as one for a stratified sample, with strata given by the States and Territories. The final sample of 20 800 incidents with complete data on Aboriginality, gender and age was assumed to have been randomly selected from the total number of 22,060 incidents within each stratum (state or territory). In addition, independence across strata was assumed.
- Assuming a stratified sample enabled computation of standard errors for the survey estimates, reliability of survey estimates was measured in terms of the Relative Standard Error which is defined as hundred times the ratio of the standard error of the estimate to the value of the estimate. If we let y' denote an estimate for the population total Y , and $se(y')$ to denote its standard error, the Relative Standard Error (*rse*) is given by the expression:

$$rse(y') = 100 se(y') / y' \quad (1)$$

Standard errors can be computed from the previous expression as $se(y') = y' \times rse(y')/100$.

- Given the characteristics of the survey, standard errors do not reflect sampling variability but the impact that missing values on Aboriginality, gender and age have on the quality of the estimates.

Estimation Formulae

Notation

s	=	state (stratum indicative)
i	=	incident recorded within a state
c	=	classification indicative (eg sex by age group)
N	=	total number of incidents of police custody in the survey
n	=	number of incidents of police custody with no missing values for Aboriginality, sex and age
Y	=	population total
R	=	population ratio
P	=	population percent
w	=	sample weight = N/n
y'	=	estimate of total
r	=	estimate of a ratio
p	=	estimate of a percent

Estimation of Totals and Percentages of Incidents

Define the indicator variable y_{sic} equal to 1 if the i -th incident in the s -th state or territory belongs to class c (for example Aboriginal people or non-Aboriginal people); and zero otherwise.

Within the s -th State or Territory, an estimate of P_{sc} , the proportion of incidents in class c , is given by

$$p_{sc} = \sum_{i \in sc} w_{si} y_{sic} / N_s = y'_{sc} / N_s \quad (2)$$

and an estimate of the population total in category c , Y_c , is given by

$$y'_c = N p_{sc} \quad (3)$$

The variance of the estimate of total is estimated as

$$\text{var}(y'_c) = \sum_s N_s^2 (1 - n_s/N_s) s_s^2 / n_s, \quad (4)$$

where,

$$s_s^2 = \sum_{i \in sc} (y_{sic} - y_{sc})^2 / (n_s - 1) \quad (4a)$$

and the variance of the estimate of the percentage is estimated as

$$\text{var}(p_c) = \sum_s (1 - n_s/N_s) s_s^2 / n_s \quad (5)$$

The above expression for the variance of an estimate of percentage is applicable only when the denominator is known, as it would be the case when we want to produce estimates of the percentage of incidents involving Aboriginal people in each State and Territory.

There are situations when the denominator is itself an estimate, as for the percentage of Aboriginal incidents involving females. In this case, the total number of incidents involving Aboriginal people must be estimated from the data. The estimate of percentage is given by the following expression:

$$p_c = 100r_c = 100y_c' / x_c' \quad (6)$$

where x_c' is an estimate of total for the denominator. In the example, y_c' would represent an estimate of the number of incidents involving Aboriginal females, whereas x_c' would represent an estimate of the total number of incidents involving Aboriginal people. The variance is estimated according to the following expression:

$$\text{var}(p_c) = \sum_s (1/x_c'^2)(1 - n_s/N_s) s_s^2 / n_s \quad (7)$$

where,

$$s_s^2 = \sum_{i \in sc} (y_{sic} - rx_{sc})^2 / (n_s - 1) \quad (7a)$$

Standard Errors of Survey Estimates

In order to assist users with drawing inferences from the survey estimates, Table A1 shows the standard errors and relative standard errors for estimates of several sizes.

Estimates of Numbers of Incidents of Police Custody and Numbers of Distinct Persons

Standard errors for estimates not shown in the tables can be obtained by linear interpolation. For example, Table 9 in the main report shows that 524 incidents of police custody involved Aboriginal persons aged below 17 years. In order to obtain the standard error (*se*) for an estimate of this size, we first calculate its relative standard error (*rse*). From Table A1, the *se* would be between 240.3 and 269.3 which corresponds to an *rse* between 44.9% and 48.1%. After interpolation, the standard error of this estimate would be 248.0, which is equivalent to a relative standard error of 47.3%.

Standard errors of rates and percentages

Estimates of rates and percentages are formed from the ratio of two quantities. When the quantity in the *denominator is not an estimate*, an approximate standard error for a percentage or rate, is obtained from the *rse* of the estimate corresponding to the numerator according to the following expression:

$$\text{Rate} \times \text{rse}(\text{numerator})$$

For example, Table 3 in the main report shows that 30.3 per cent of all the incidents of police custody involved Aboriginal persons. This estimate was formed by dividing the 6686 incidents involving Aboriginal persons by the total number of occasions of custody in the survey (ie. 22 060), and then multiplying by 100. The total number of incidents of police custody during August 1995 was known (that is it was not estimated from the survey). The *rse* of the estimate of the numerator is 10.6, which results in a standard error of $30.3 \times 10.6 = 3.2$ per hundred for the percentage.

When the quantity in *the denominator of the rate or percent is an estimate*, the *rse* of a ratio or percentage is approximated from the following expression:

$$\text{rse}(y'/x') = \sqrt{[\text{rse}(y')]^2 - [\text{rse}(x')]^2}$$

Table 9 in the main report shows that in 33.6 per cent of incidents of police custody involving Aboriginal people and Torres Strait Islanders, the person's age was between 25 and 34 years. This estimate was formed from the ratio of the estimated number of incidents involving Aboriginal people and Torres Strait Islanders in the 25-34 years age group (2312) to the estimated number of incidents of custody involving Aboriginal people and Torres Strait Islanders (6867). Using the figures in Table A1, the *rse* of the numerator is 21.8 and the *rse* of the denominator is 10.4. The *rse* of the estimate of percentage is given by $\sqrt{[21.8]^2 - [10.4]^2} = 19.1$, which corresponds to a standard error of 6.4 per hundred.

**Table A1: Standard Errors and Relative Standard Errors
of Estimates of Numbers of Incidents and Numbers of Distinct Persons
National Police Custody Survey August 1995**

Estimate	Standard Error	Relative Standard Error %
453	226.5	50.0
500	240.3	48.1
600	269.3	44.9
700	294.8	42.1
800	317.5	39.7
900	337.8	37.5
1 000	356.2	35.6
1 100	372.9	33.9
1 200	388.3	32.4
1 300	402.4	31.0
1 400	415.5	29.7
1 500	427.6	28.5
1 600	438.9	27.4
1 700	449.5	26.4
1 800	459.5	25.5
1 900	468.8	24.7
2 000	477.7	23.9
2 500	515.6	20.6
3 000	546.0	18.2
3 500	571.5	16.3
4 000	593.7	14.8
5 000	632.0	12.6
6 000	666.1	11.1
10 000	808.4	8.1
15 000	1 141.8	7.6
20 000	1 433.4	7.2