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Abstract | Shooting deaths in police custody (including police and self-inflicted shootings) account for 30 percent of all deaths in police custody. This paper uses National Deaths in Custody Program data and coronial records to examine the circumstances of these deaths between 2006–07 and 2016–17.

Shooting deaths in police custody were most likely to involve non-Indigenous men. Most decedents were in the process of being detained for a violent offence, were in possession of a weapon and had a history of mental illness. Almost half had used alcohol and/or drugs shortly before their deaths.

Shooting deaths in police custody

Laura Doherty and Samantha Bricknell

Introduction

Police and self-inflicted shooting deaths account for 30 percent of all deaths occurring in police custody since 1991–92. Gunshot wounds are the second most common cause of death among individuals in police custody, second only to external or multiple trauma (33 percent of all deaths). When police shootings or self-inflicted shootings in police custody occur, they are subject to intense media, public and legal attention.

Previous AIC research on police shootings found that decedents were likely to have consumed alcohol and/or drugs shortly prior to their deaths (Dalton 1998b) and that mental illness was a precipitating factor in 37 (Dalton 1998b) to 42 percent (AIC 2013) of deaths. A history of mental illness was further observed in more than two-thirds of decedents who shot themselves in police custody (Dalton 1998a). Finally, 85 percent of decedents were armed with a weapon at the time of the incident (AIC 2013).

The present study updates existing data on shooting deaths in police custody. It further examines and compares with previous data the circumstances of these deaths over the decade from 2006–07 to 2016–17.

Definition of a death in custody

The definition of a death in custody is derived from the final report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), which outlined the types of deaths that would require notification to the National Deaths in Custody Program (NDICP) (recommendation 41, RCIADIC 1991).

They are:

- a death, wherever occurring, of a person who is in prison custody, police custody or youth detention;
- a death, wherever occurring, of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care, while in such custody or detention;
- a death, wherever occurring, of a person who dies, or is fatally injured, in the process of police or prison officers attempting to detain that person; or
- a death, wherever occurring, of a person attempting to escape from prison, police custody or youth detention.

Shooting deaths are included if they occurred while the decedent was in police custody, while police were attempting to detain the decedent, or where the decedent had attempted to escape police custody.

Shooting deaths include situations in which police shot an individual (police shootings), an individual intentionally or unintentionally shot themselves in the presence of police during or after the commission of a crime (self-inflicted shootings), or an individual was shot by another person in the above circumstances.

Methodology

Data used in this study were obtained from the NDICP database. The information contained in the NDICP database comes from two main data sources: data provided by state and territory police services and corrections departments, and coronial records including post-mortem reports, toxicology reports and transcripts of coronial inquests. Coronial records are accessed through the National Coronial Information System. For more information regarding the NDICP and data collection methods, see Gannoni and Bricknell (2019).

NDICP data were extracted for the financial years 2006–07 to 2016–17. Earlier data from 1991–92 were extracted to examine trends across time. For cases that met the criteria for a shooting death in police custody, coronial records were used to determine contextual factors associated with each death, including the presence of alcohol and/or drugs, diagnosed and undiagnosed mental illnesses and the presence of a weapon. Toxicology reports were used to determine whether or not licit or illicit substances were consumed prior to death in 59 cases (72%). Where these data were unavailable, post-mortem reports (13%, $n=11$) or coronial findings (6%, $n=5$) were used. Toxicology data were unavailable from any data source in seven cases (9%). Coronial findings (82%, $n=67$) and police incident reports (16%, $n=13$) were used to determine whether the decedent was in possession of a weapon. These data were unavailable from either source for two cases (2%). Data pertaining to a decedent's diagnosed or undiagnosed mental illness were obtained from coronial findings in 58 cases (71%). Where coronial findings did not provide this information, data were obtained from the NDICP database (11%, $n=9$). These data were unavailable in 15 cases (18%).

It is important to note that neither a history of mental illness nor the use of alcohol or drugs indicates that the behaviour of an individual during the incident resulting in their death was a consequence of these factors.

Results

There were 82 shooting deaths in police custody between 2006–07 and 2016–17 (see Table A1). Fifty-seven percent ($n=47$) of these deaths were police shootings, and 43 percent ($n=35$) were self-inflicted (see Table 1). All but three shooting deaths in police custody occurred as police attempted to detain the individual (see Table A2).

Consistent with previous years, 30 percent of all deaths occurring in police custody between 2006–07 and 2016–2017 were a result of shootings. The number of shooting deaths fluctuated annually, attributable to the small number of deaths occurring in police custody generally (see Figure 1). The greatest number of shooting deaths in police custody occurred in the three largest jurisdictions—28 in New South Wales, 18 in Queensland and 12 in Victoria (see Table A3).

Figure 1: Shooting deaths in police custody, 1991–92 to 2016–17 (n)



Note: Excludes one case where shooting death status was not recorded

Source: AIC NDICP 1991–92 to 2016–17 [computer file]; Table A1

Demographic characteristics

All but two of the 82 shooting deaths in police custody between 2006–07 and 2016–17 involved men (98%, $n=80$; see Table 1). Unlike all other age groups, decedents aged over 55 were more likely to have shot themselves (78%, $n=7$) than to have been shot by police (22%, $n=2$; see Table 1). Indigenous persons comprised six percent ($n=5$) of shooting deaths in police custody and non-Indigenous persons comprised 90 percent ($n=74$; see Table 1). The Indigenous status of three decedents was not recorded. Two of the five Indigenous decedents were shot by police and three shot themselves. Over half ($n=42$) of non-Indigenous decedents were shot by police. In each year since 1991–92 the number of Indigenous shooting deaths in police custody ranged from zero to two (see Table A4).

	Shot by police ($n=47$)	Shot by self ($n=35$)	Total ($n=82$)
Gender			
Male	46	34	80
Female	1	1	2
Age (years)			
25 and under	8	6	14
25–39	17	12	29
40–54	20	10	30
55 and over	2	7	9
Indigenous status			
Indigenous	2	3	5
Non-Indigenous	42	32	74
Not recorded	3	0	3

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Location of incidents

Incidents resulting in a shooting death in police custody occurred in capital cities as frequently as they did outside of capital cities (see Table 2). Most incidents occurred on private property (59%, $n=48$). The majority of self-inflicted shootings occurred in or around a private residence (69%, $n=24$), whereas a similar number of police shootings took place in private settings (51%, $n=24$) and public spaces (49%, $n=23$).

	Shot by police ($n=47$)		Shot by self ($n=35$)		Total ($n=82$)	
	n	%	n	%	n	%
Capital city	24	51	17	49	41	50
Other	23	49	18	51	41	50
Location						
Private property	24	51	24	69	48	59
Public place	23	49	10	29	33	40

Note: Excludes one death occurring in a custodial setting. Percentages may not total 100 due to rounding

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Most serious offence

Three-quarters of persons (75%, $n=56$; see Table 3) who died from a shooting in police custody were in the process of being or had been detained for a violent offence. The violent offences most commonly recorded against this population were homicide-related offences (36%, $n=20$) and assaults (30%, $n=17$). A smaller proportion of individuals had their most serious offence listed as robbery (9%, $n=5$). Shooting deaths were most likely to occur on private property for those who had committed a homicide-related offence (60%, $n=12$), assault (71%, $n=12$) or another offence against the person (57%, $n=8$). Conversely, shooting deaths that occurred shortly after the commission of a robbery mostly occurred in public places (80%, $n=4$).

Thirty-nine percent ($n=22$) of all violent offences were family and domestic violence related. Further, in 63 percent ($n=12$) of self-inflicted shootings, the decedent's most serious offence was a violent offence involving family and domestic violence. This is an increase from the 42 percent of self-inflicted shootings that followed a family and domestic violence related incident reported by Dalton (1998a).

A further nine percent ($n=7$) of detainees were in the process of being detained or had been detained for firearms offences, including possession of a prohibited weapon and misuse of regulated firearms.

Table 3: Shooting deaths by most serious offence, 2006–07 to 2016–17

	Shot by police ($n=41$)		Shot by self ($n=34$)		Total ($n=75$)	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Violent offences	37	90	19	56	56	75
Theft offences	1	2	2	6	3	4
Drug offences	0	0	1	3	1	1
Traffic offences	0	0	1	3	1	1
Good order offences ^a	2	5	3	9	5	7
Firearms offences	1	2	6	18	7	9
Other offences ^b	0	0	2	6	2	3

a: Good order offences include breach of orders, public order offences and offences against justice procedures

b: Other offences related to trespassing

Note: Excludes four cases where most serious offence category was not recorded and three cases where police were responding to mental health welfare concerns. Percentages may not total 100 due to rounding

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Possession of a weapon

In 96 percent ($n=43$; see Table 4) of police shootings between 2006–07 and 2016–17 the decedent was in possession of a weapon. The weapon most commonly possessed by decedents was a knife (47%, $n=21$), followed by a firearm (31%, $n=14$). Between 1989–90 and 2010–11, 85 percent ($n=89$) of fatal police shootings involved a decedent in possession of a weapon (AIC 2013). Since 2011–12, this has increased to 100 percent ($n=26$).

The proportion of incidents in which the weapon was used against responding police officers was higher in police shootings (88%, $n=38$) than self-inflicted shootings (34%, $n=12$). In police shootings, knives were most likely to be used against police, either to threaten ($n=15$) or injure ($n=2$) a police officer. Decedents who ultimately shot themselves were most likely to threaten ($n=10$) or kill ($n=1$) a responding police officer using the firearm ultimately used to shoot themselves. In one other self-inflicted shooting case, the decedent injured a police officer with a knife.

A larger proportion of police shooting incidents involving the possession of a firearm occurred on private property (57%, $n=8$) than in a public location (43%, $n=6$). Almost two-thirds (63%, $n=5$) of decedents shot by police while in possession of a firearm on private property had a mental illness. These decedents were most likely to have a violent offence (75%, $n=6$) recorded as their most serious offence.

Individuals shot by police while in possession of a knife were more likely to be in a public location (62%, $n=13$) than on private property (38%, $n=8$). Of those in possession of a knife in a public location prior to a police shooting, just over half (54%, $n=7$) had a mental illness, and 77 percent ($n=10$) had a violent offence recorded as their most serious offence.

Overall, 60 percent ($n=26$) of those who died as a result of a police shooting who were in possession of a weapon also had a mental illness (either diagnosed, undiagnosed or both).

Table 4: Shooting deaths in police custody by possession of a weapon, 2006–07 to 2016–17

	Shot by police ($n=45$)		Shot by self ($n=35$)		Total ($n=80$)	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Weapon	43	96	35	100	78	98
Firearm	14	31	34	97	48	60
Knife	21	47	0	0	21	26
Other	5	11	0	0	5	6
Multiple	3	7	1	3	4	5
No weapon	2	4	0	0	2	3

Note: Excludes two cases where possession of a weapon was not recorded. Percentages may not total 100 due to rounding

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Mental illness

Sixty-one percent ($n=50$; see Table 5) of decedents either had a diagnosed mental illness ($n=30$), were suspected of having an undiagnosed mental illness ($n=16$) or had both a diagnosed and undiagnosed mental illness ($n=4$). Undiagnosed mental illnesses were included where the coroner explicitly stated their belief that the decedent, prior to their death, had been displaying symptoms indicative of a mental illness that had not been diagnosed. Depression was the most commonly diagnosed mental illness ($n=16$), followed by anxiety ($n=8$) and schizophrenia ($n=6$). Similarly, depression was the mental illness most frequently suspected to have occurred undiagnosed among decedents ($n=6$), followed by drug induced psychosis and schizophrenia ($n=4$ for each).

Around 60 percent of persons shot by police (62%, $n=29$) or who shot themselves (60%, $n=21$) had been diagnosed with a mental illness, or were suspected to have a mental illness. The proportion of decedents who had been diagnosed with a mental illness was higher for those who shot themselves (43%, $n=15$; see Table 5) than it was for those fatally shot by police (32%, $n=15$). The proportion of decedents suspected of having an undiagnosed mental illness was slightly higher among those fatally shot by police (21%, $n=10$) than those who shot themselves (17%, $n=6$). Decedents involved in self-inflicted shootings (31%, $n=11$) were more likely than those fatally shot by police (13%, $n=6$) to have no mental illness.

Substance use

Forty-nine percent ($n=40$; see Table 5) of decedents had consumed alcohol and/or drugs shortly prior to their death. Of these, most had used alcohol or methamphetamine ($n=17$ for each), followed by cannabis ($n=13$).

Alcohol and/or drugs were consumed by around half of persons fatally shot by police (51%, $n=24$) and 46 percent ($n=16$) of those who shot themselves. A quarter (26%, $n=12$) of persons fatally shot by police had consumed one or more drugs prior to their death, and another 17 percent ($n=8$) had used alcohol and drugs. Among persons who shot themselves, 31 percent ($n=11$) had consumed one or more drugs and eleven percent ($n=4$) consumed only alcohol. No alcohol or drug use was recorded for 51 percent ($n=18$) of decedents from self-inflicted shootings compared with 36 percent ($n=17$) of decedents from police shootings.

Between 1989–90 and 2010–11, 51 percent ($n=53$) of fatal police shootings involved a decedent who had consumed alcohol and/or drugs prior to the incident resulting in their death (AIC 2013). Since 2011–12, this has decreased to 44 percent ($n=12$). Similarly, there has been a slight decrease in the proportion of decedents involved in a self-inflicted shooting who had consumed alcohol and/or drugs prior to their death (46%, $n=16$) since 1998 (48%; Dalton 1998a).

Table 5: Shooting deaths in police custody by mental illness and substance use, 2006–07 to 2016–17

	Shot by police (n=47)		Shot by self (n=35)		Total (n=82)	
	n	%	n	%	n	%
Mental illness						
Diagnosed mental illness	15	32	15	43	30	37
Undiagnosed mental illness	10	21	6	17	16	20
Diagnosed and undiagnosed mental illness	4	9	0	0	4	5
No mental illness	6	13	11	31	17	21
Not recorded	12	26	3	9	15	18
Substance use						
Alcohol	4	9	4	11	8	10
Drugs	12	26	11	31	23	28
Alcohol and drugs	8	17	1	3	9	11
None	17	36	18	51	35	43
Not recorded	6	13	1	3	7	9
Mental illness and substance use	15	32	10	29	25	30

Note: Percentages may not total 100 due to rounding

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Findings from coronial inquests

Where police shootings result in a death, coronial inquests examine whether the death was justifiable and whether police officers acted in accordance with relevant policies and procedures when discharging their firearm. Of the 39 fatal police shootings in 2006–07 to 2016–17 for which a coronial inquest had been completed and findings were available, 95 percent (n=37; see Table 6) were deemed justifiable shootings in which the decedent posed a significant threat to the lives of the police officers involved or to other individuals.

There were two cases in which the coroner determined that the shooting was not justifiable. In one of these cases, the coroner determined that the decedent had posed no threat to an attending police officer, and that the subsequent shot fired by the police officer was done so in a manner that was overly reactive. In the other case, the coroner determined that the attending police officer had accidentally fired their gun, mistaking it for their taser.

Table 6: Police shootings by outcome of coronial findings, 2006–07 to 2016–17

	n	%
Coronial findings available	39	83
Justifiable shooting	37	95
Unjustifiable shooting	2	5
Coronial findings unavailable	8	17

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Context of public and private police shootings

Coronial findings were available for 19 of the 23 police shootings that occurred in public places. In 79 percent ($n=15$) of these cases, the police shootings occurred directly after the decedent had threatened, injured or killed an individual other than the responding police officer(s).

Of the 24 police shootings that occurred on private property, 20 had coronial findings available. Of these cases, 11 (55%) involved the decedent threatening or injuring another individual shortly prior to their death. Six of these cases (55%) involved the perpetration of family or domestic violence.

Recommendations

Recommendations were made in 39 coronial inquests (25 related to police shootings and 14 related to self-inflicted shootings). Most of these recommendations were directed to police agencies and were related to eight main themes: internal policies, training, audio and video recordings of police interactions, internal communication, communication with external parties (including relatives of victims and the media), critical incident procedures, post-incident procedures and investigative integrity. Recommendations were most frequently made in relation to mental illness (36%, $n=14$). These recommendations included:

- incorporating mandatory mental health, de-escalation tactics and crisis response management into training for frontline and other police officers;
- embedding mental health workers within police operations;
- obtaining a mental health history of a high-risk offender when considering tactical options in respect of apprehending this offender;
- incorporating a mental health assessment into the firearm licence granting procedure;
- exchanging information relating to mental illness between police agencies and mental health treatment organisations;
- implementing systems in general practitioners' offices to identify and follow-up with patients who cease presenting themselves to receive their prescribed medication; and
- implementing mandatory suicide prevention and crisis management training for all medical practitioners.

Conclusion

The rate of shooting deaths in police custody has remained stable since the establishment of the NDICP in 1992, despite annual fluctuations. The majority of these deaths involved individuals who were non-Indigenous and male. Most decedents had a history of mental illness and almost half had used alcohol or drugs shortly before their death.

Shooting deaths in police custody were most likely to occur on private property, after the commission of a violent act and while the decedent was in possession of a weapon. Consequently, coroners have found the majority of police shootings to be justifiable, carried out by officers who were protecting themselves or others in the course of their duty.

In response to shooting deaths in police custody, coroners have made numerous recommendations as to how mental illness can better be dealt with by police and healthcare practitioners, how police policies and procedures can be revised, and how police training can be developed to ensure officers are best equipped to deal with the challenges they face while carrying out their duties.

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Appendix

	Shot by police	Shot by self	Shot by other	Total
1991–92	4	2	0	6
1992–93	4	5	1	10
1993–94	9	7	0	16
1994–95	6	5	0	11
1995–96	4	7	0	11
1996–97	7	8	0	15
1997–98	5	2	0	7
1998–99	2	0	0	2
1999–2000	11	4	0	15
2000–01	3	4	0	7
2001–02	2	4	0	6
2002–03	5	5	0	10
2003–04	6	5	0	11
2004–05	6	5	0	11
2005–06	3	3	0	6
2006–07	3	4	0	7
2007–08	3	6	0	9
2008–09	5	6	0	11
2009–10	3	5	0	8
2010–11	6	3	0	9
2011–12	4	2	0	6
2012–13	1	3	0	4
2013–14	3	3	0	6
2014–15	10	1	0	11
2015–16	5	1	0	6
2016–17	4	1	0	5
Total	124	101	1	226

Note: Excludes one case where shooting death status was not recorded

Source: AIC NDICP 1991–92 to 2016–17 [computer file]

Table A2: Shooting deaths in police custody by circumstances of custody, 2006–07 to 2016–17

	Shot by police (n=47)		Shot by self (n=35)		Total (n=82)	
	n	%	n	%	n	%
Institution	0	0	1	3	1	1
Escaping	0	0	1	3	1	1
Detaining	46	98	33	94	79	96
Other	1	2	0	0	1	1

Note: Percentages may not total 100 due to rounding

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Table A3: Shooting deaths in police custody by jurisdiction, 2006–07 to 2016–17 (n)

	Shot by police (n=47)	Shot by self (n=35)	Total (n=82)	Proportion ^a (%)
NSW	18	10	28	39
Vic	7	5	12	32
Qld	11	7	18	35
WA	4	4	8	17
SA	4	4	8	25
Tas	2	0	2	40
ACT	1	2	3	75
NT	0	3	3	13

a: Shooting deaths in police custody as a proportion of all deaths in police custody between 2006–07 and 2016–17

Source: AIC NDICP 2006–07 to 2016–17 [computer file]

Table A4: Shooting deaths in police custody by Indigenous status, 1991–92 to 2016–17 (n)

	Indigenous shooting deaths			Non-Indigenous shooting deaths		
	Shot by police	Shot by self	Shot by other	Shot by police	Shot by self	Shot by other
1991–92	0	0	0	4	2	0
1992–93	0	0	0	4	5	1
1993–94	1	0	0	8	7	0
1994–95	2	0	0	4	5	0
1995–96	0	0	0	4	7	0
1996–97	0	1	0	7	7	0
1997–98	0	0	0	5	2	0
1998–99	1	0	0	1	0	0
1999–2000	0	0	0	11	4	0
2000–01	1	0	0	2	4	0
2001–02	0	1	0	2	3	0
2002–03	1	0	0	4	5	0
2003–04	0	0	0	7	5	0
2004–05	0	0	0	6	5	0
2005–06	0	0	0	3	3	0
2006–07	0	0	0	3	4	0
2007–08	0	1	0	3	5	0
2008–09	0	1	0	5	5	0
2009–10	0	1	0	3	4	0
2010–11	1	0	0	5	3	0
2011–12	0	0	0	4	2	0
2012–13	0	0	0	1	3	0
2013–14	0	0	0	3	3	0
2014–15	1	0	0	9	1	0
2015–16	0	0	0	4	1	0
2016–17	0	0	0	2	1	0
Total	8	5	0	114	96	1

Note: Excludes three cases where Indigenous status was not recorded, and one case where shooting death status was not recorded

Source: AIC NDICP 1991–92 to 2016–17 [computer file]

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