



No. 203

Deaths in Custody: 10 Years on from the Royal Commission

Paul Williams

On 15 April 1991, the report of the Royal Commission Into Aboriginal Deaths In Custody (RCIADIC) was presented to governments. To commemorate the 10th anniversary of this event in 2001, the Australian Institute of Criminology is publishing a series of thematic research papers on deaths in custody. In this first paper, the number and circumstances of deaths in custody for the decade examined by the Commission are compared with those which occurred in the decade since.

The Commission examined the circumstances of the deaths of 99 Indigenous persons in police or prison custody that occurred between January 1980 and May 1989. In the post-RCIADIC decade, 1990 to 1999, there were a further 628 deaths (115 of which were of Indigenous persons) in police or prison custody, and a further 190 deaths (30 of which were of Indigenous persons) during police operations. The average annual rate of death in custody for an Indigenous person decreased from 4.4 deaths per 100,000 persons between 1980 and 1989, to 3.8 deaths per 100,000 persons between 1990 and 1999. Over this period, as a proportion of all deaths in custody or police operations, deaths of Indigenous persons decreased from 21 per cent to 18 per cent. Deaths of all persons in police custody decreased from 61 per cent of all deaths in custody between 1980 and 1989 to 18 per cent between 1990 and 1999. Conversely, over the same period, deaths in prisons increased from 35 per cent to 81 per cent of all deaths in custody.

Adam Graycar
Director

In October 1987, a Royal Commission into Aboriginal Deaths in Custody (RCIADIC) was established in response to a perception in the community, and particularly in the Indigenous community, that deaths in custody of Indigenous persons were “too common and public explanations were too evasive to discount the possibility that foul play was a factor in many of them” (RCIADIC 1991a, p. 1). On 15 April 1991, the report of the Commission was presented to the Commonwealth and State and Territory governments, and on 9 May 1991 it was tabled in the Commonwealth Parliament. The RCIADIC examined the circumstances of the deaths in custody of 99 Indigenous people which occurred between 1 January 1980 and 31 May 1989. One of the most important findings was that Aboriginal inmates and detainees were no more likely to die in custody than were non-Aborigines. The Commissioners also found, however, that while a “common thread of abuse, neglect or racism” could not be supported, “their Aboriginality played a significant and in most cases a dominant role in their being in custody and dying in custody” (RCIADIC 1991a, p. 1). The Commissioners made 339 recommendations, including the establishment of a National Deaths in Custody Monitoring and Research Program at the Australian Institute of Criminology (AIC). The Program, which was established in 1992, provides comprehensive, timely and authoritative data on all deaths which occur in custody and

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custody-related operations. To our knowledge, no other nation is as transparent on the issue of custodial deaths. This is the forty-first research paper produced by the AIC on deaths in custody (refer to <http://www.aic.gov.au>).

The Present Study

The present study uses case records from the National Deaths in Custody Monitoring and Research Program to compare the number and circumstances of the custodial deaths which occurred during the decade examined by the RCIADIC (1980–1989) with the number and circumstances of custodial deaths in the decade subsequently (1990–1999). For the purposes of this paper, data for the former include deaths which occurred after the RCIADIC cut-off date of 31 May 1989, and before 1 January 1990, which brings the total number of deaths of Indigenous persons in custody during the decade 1980–1989 to 110.

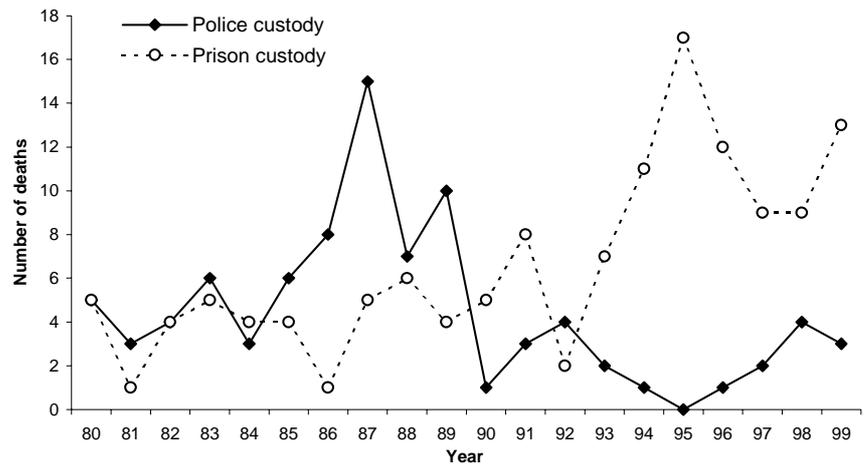
Data on deaths examined during the RCIADIC were collected during the life of the Royal Commission. Data on all other deaths which occurred prior to the establishment of the National Deaths in Custody Monitoring and Research Program (1992) were collected retrospectively. Data on all deaths subsequent to the establishment of the Program were provided by jurisdictions as and when police, corrective services, juvenile justice and coronial records were available (generally within the same calendar year as the occurrence of the death).

What is a Death in Custody?

One outcome of the RCIADIC was a definition of the circumstances which would require notification to the National Deaths in Custody Monitoring and Research Program:

- the death, wherever occurring, of a person who is in prison custody, police custody or detention as a juvenile;
- the death, wherever occurring, of a person who dies, or is fatally injured, in the process of police or prison officers attempting to detain that person; or
- the death, wherever occurring, of a person attempting to

Figure 1: Indigenous deaths in custody by custodial authority, Australia, 1980–1999



Source: National Deaths in Custody database, unit record file (deaths in juvenile facilities [n=5] excluded).

escape from prison, police custody or juvenile detention (RCIADIC 1991b, p. 190).

With very few exceptions, the RCIADIC only examined those deaths among Indigenous persons which occurred in custodial facilities (in police or corrective services custody). The Letters Patent authorised the Commissioners to inquire into:

- the deaths in Australia since 1 January 1980 of Aboriginals and Torres Strait Islanders whilst in police custody, in prison or in any other place of detention; and
- any subsequent action taken in respect of those deaths (RCIADIC 1991b, p. 158).

Accordingly, the Commissioners were unable to investigate the second category of deaths which subsequently required notification to the National Deaths In Custody Monitoring and Research Program (that is, deaths occurring in the process of police or prison officers attempting to detain persons).

Findings

Deaths of Indigenous Persons in Police Custody, Prison or Other Place of Detention, 1980–89 and 1990–99

The number of deaths of Indigenous persons in a place of detention in the decade subsequent to that examined by the RCIADIC was 115, an increase of five deaths compared to the previous decade (Figure 1 and Table 1).

While the number of deaths remained relatively constant over the two periods, there was a

significant change in the distribution of deaths between custodial authorities responsible for detention. In the RCIADIC decade, 61 per cent of Indigenous deaths in custody occurred in police custody (n=67). This fell to just 18 per cent between 1990 and 1999 (n=21). The number of deaths of Indigenous persons in prisons increased from 39 to 93 in the same period.

There was an increase in the proportion of deaths occurring in New South Wales (from 16 per cent to 32 per cent) over the two decades, and corresponding decreases in the proportion of deaths in South Australia (from 13 per cent to nine per cent) and Western Australia (from 30 per cent to 18 per cent), though these changes were not statistically significant. The proportion of deaths attributable to suicides and other self-inflicted causes increased slightly from 35 per cent to 43 per cent, with a complementary decrease in deaths attributable to accidents (from 11 per cent to five per cent).

Deaths of Non-Indigenous Persons in Police Custody, Prison or Other Place of Detention, 1980–89 and 1990–99

The number of non-Indigenous persons who died in custody increased from 423 between 1980 to 1989 to 513 in the subsequent decade (see Table 1). As was observed with Indigenous persons, there was a decrease in the proportion of deaths of non-Indigenous persons in police custody (from 32 per cent to 15 per cent) and an increase in the proportion of deaths occurring in

prisons custody (from 67 per cent to 84 per cent).

Proportionally (as well as in absolute numbers), more deaths of non-Indigenous persons occurred in New South Wales in

the post-RCIADIC decade (increase from 35 per cent to 40 per cent) and correspondingly fewer deaths occurred in Victoria (from 25 per cent to 17 per cent). Deaths of non-Indigenous persons

attributable to natural causes declined slightly from 31 per cent to 26 per cent and deaths due to accidents increased from 12 per cent to 18 per cent over the two decades.

Table 1: Deaths in police custody, prison or other place of detention, by Indigenous status, Australia, 1980–1989 and 1990–1999

	1980–1989						1990–1999					
	Indigenous		Non-Indigenous		Total		Indigenous		Non-Indigenous		Total	
	(1) No.	(2) %	(3) No.	(4) %	(5) No.	(6) %	(7) No.	(8) %	(9) No.	(10) %	(11) No.	(12) %
Overall	110	100	423	100	533	100	115	100	513	100	628	100
Custodial authority												
Police	67	61	136	32	203	38	21	18	78	15	99	16
Prison	39	36	284	67	323	61	93	81	429	84	522	83
Juvenile justice/welfare	4	2	3	1	7	1	1	1	6	–	7	1
Statistical significance 1							<i>p</i> <.01		<i>p</i> <.01			
Statistical significance 2									<i>n</i> /s			
Statistical significance 3							<i>p</i> <.01					
Gender												
Male	99	90	406	96	505	95	106	92	488	95	594	95
Female	11	10	17	4	28	5	9	8	25	5	34	5
Statistical significance 1							<i>n</i> /s		<i>n</i> /s			
Statistical significance 2							<i>p</i> <.05		<i>n</i> /s			
Statistical significance 3							<i>n</i> /s					
Age												
<20 years	15	14	36	9	51	10	13	11	34	7	47	8
20–39 years	66	60	249	59	315	59	78	68	303	59	381	61
40–59 years	28	26	102	24	130	24	22	19	131	26	153	24
60+ years	1	1	36	9	37	7	2	2	45	9	47	8
Statistical significance 1							<i>n</i> /s		<i>n</i> /s			
Statistical significance 2							<i>p</i> <.05		<i>p</i> <.01			
Statistical significance 3							<i>n</i> /s					
Jurisdiction												
New South Wales	18	16	147	35	165	31	37	32	204	40	241	38
Victoria	5	5	105	25	110	21	4	4	87	17	91	15
Queensland	29	26	80	19	109	20	32	28	98	19	130	21
South Australia	14	13	32	8	46	9	10	9	37	7	47	8
Western Australia	33	30	40	10	73	14	21	18	53	10	74	12
Tasmania	1	1	11	3	12	2	1	1	19	4	20	3
Northern Territory	10	9	7	2	17	3	10	9	8	2	18	3
Australian Capital Territory	–	–	1	–	1	–	–	–	5	1	5	1
Other Commonwealth Territories	–	–	–	–	–	–	–	–	2	–	2	–
Statistical significance 1							<i>n</i> /s		<i>n</i> /s			
Statistical significance 2							<i>p</i> <.01		<i>p</i> <.01			
Statistical significance 3							<i>p</i> <.05					
Cause of death												
Suicide/self-inflicted	38	35	203	48	241	45	50	43	236	46	286	46
Natural causes	51	46	130	31	181	34	49	43	135	26	184	29
Homicide	4	4	20	5	24	5	7	6	40	8	47	8
Other causes												
Accidental hanging	–	–	–	–	–	–	3	3	4	1	7	1
Other accident	12	11	49	12	61	11	6	5	94	18	100	16
Other/unknown	5	5	21	5	26	5	–	–	2	–	2	–
Statistical significance 1							<i>p</i> <.05		<i>p</i> <.01			
Statistical significance 2							<i>p</i> <.05		<i>p</i> <.01			
Statistical significance 3							<i>p</i> <.01					

Notes

Statistical significance 1 = within Indigenous status χ^2 test (columns 2 vs 8 and 4 vs 10).

Statistical significance 2 = between Indigenous and non-Indigenous status χ^2 test (columns 2 vs 4 and 8 vs 10).

Statistical significance 3 = between total deaths χ^2 test (columns 6 vs 12).

– = zero, or set to zero.

n/s = not significant.

Source: National Deaths in Custody database, unit record file.

Differences in Deaths of Indigenous and Non-Indigenous Persons in Custody 1980–1989 and 1990–1999

While the RCIADIC determined that there was no increased risk of death in custody for Indigenous inmates and detainees compared to non-Indigenous inmates and detainees, there were differences between the two groups in where the deaths occurred (jurisdictionally and place of detention), the age distribution of deaths, and in causes of deaths (see Table 1). In the RCIADIC decade, 61 per cent of the deaths of Indigenous persons occurred in police custody and 67 per cent of deaths of non-Indigenous persons occurred in prisons. In the post-RCIADIC decade there was no real difference in proportions of deaths which occurred in police custody (18 per cent of deaths of Indigenous persons and 15 per cent of deaths of non-Indigenous persons) or in prisons (81% cf. 84%).

As might be expected from its population size, New South Wales contributed most deaths in custody in both decades (31 per cent and 38 per cent). Deaths in custody decreased in Victoria over the two decades (from 21 per cent to 15 per cent) and remained stable in the other jurisdictions. In the RCIADIC decade, 30 per cent of all deaths in custody of Indigenous persons occurred in Western Australia, which compared to just 10 per cent of deaths of non-Indigenous persons. Conversely, only one in 20 (5%) deaths in custody of Indigenous persons occurred in Victoria, compared to one-quarter (25%) of deaths in custody of non-Indigenous persons. When we examine the post-RCIADIC decade, we find a similar pattern, but at reduced levels. Slightly fewer than one-fifth (18%) of all deaths in custody of Indigenous persons occurred in Western Australia compared with 10 per cent of deaths in custody of non-Indigenous persons. Victoria contributed just four per cent of all deaths in custody of Indigenous persons compared with 17 per cent of deaths in custody of non-Indigenous persons.

There were more deaths due to suicide of non-Indigenous persons in custody (48 per cent of all deaths) than there were of

Indigenous persons in custody (35%) during the RCIADIC decade. In the post-RCIADIC decade the gap narrowed (46% cf. 43%) and a real difference in deaths attributable to accidents emerged (18 per cent of deaths of non-Indigenous persons compared with five per cent of deaths of Indigenous persons).

Deaths During Police Operations, 1990–1999

An additional category of deaths—the death, wherever occurring, of a person who dies, or is fatally injured in the process of police or prison officers attempting to detain that person—was added to the other two categories of “deaths in custody” as a result of the

Table 2: Deaths occurring in the process of police operations, by Indigenous status, Australia, 1990–1999

	Indigenous		Non-Indigenous		Total	
	No. (1)	% (2)	No. (3)	% (4)	No. (5)	% (6)
Overall	30	100	160	100	190	100
Circumstances						
Attempt to detain						
Motor vehicle pursuit	12	40	38	24	50	26
Other pursuit	–	–	6	4	6	3
Siege	1	3	20	13	21	11
Raid	–	–	3	2	3	2
Other	7	23	49	31	56	29
Other operations	10	33	44	28	54	28
<i>Statistical significance (2 vs 4)</i>				<i>n/s</i>		
Police contact*						
Close contact	7	23	65	41	72	39
Not close contact	23	78	92	59	115	62
<i>Statistical significance</i>				<i>n/s</i>		
Gender						
Male	26	87	153	96	179	94
Female	4	13	7	4	11	11
<i>Statistical significance (2 vs 4)</i>				<i>p=.054</i>		
Age						
<20 years	20	67	18	11	38	20
20–39 years	5	17	95	59	100	53
40–59 years	4	13	41	26	45	24
60+ years	1	3	6	4	7	4
<i>Statistical significance (2 vs 4)</i>				<i>p<.01</i>		
Jurisdiction						
New South Wales	8	27	57	36	65	34
Victoria	1	3	44	28	45	24
Queensland	3	10	19	12	22	12
South Australia	2	7	12	8	14	7
Western Australia	10	33	12	8	22	12
Tasmania	2	7	6	4	8	4
Northern Territory	4	13	8	5	12	6
Australian Capital Territory	–	–	2	1	2	1
<i>Statistical significance (2 vs 4)</i>				<i>p<.01</i>		
Cause of death						
Suicide/self-inflicted	2	7	49	31	51	27
Natural causes	3	10	6	4	9	5
Homicide	10	33	54	34	64	34
Accidents	15	50	46	29	61	32
Other causes	–	–	2	1	2	1
<i>Statistical significance (2 vs 4)</i>				<i>p<.01</i>		

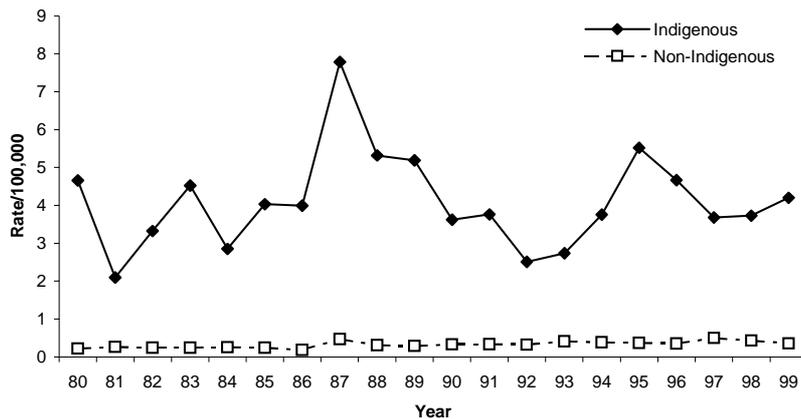
Notes

* Close contact comprises situations where police might reasonably be expected to be able to influence the behaviour of the deceased (for example, most raids); not close contact comprises all other situations (for example, most sieges).

χ² test used for significance.

Source: National Deaths In Custody database, unit record file.

Figure 2: Rates of deaths in custody and custody-related operations per 100,000 populations, by Indigenous status, Australia, 1980–1999



Source: National Deaths in Custody database, unit record file; ABS *Estimated Resident Population*, cat. no. 3201; ABS *Experimental Estimates of the Aboriginal and Torres Strait Islander Population*, cat. no. 3230; 1980–1985 Indigenous populations derived by linear interpolation.

recommendations of the RCIADIC. Since 1990, such deaths have only occurred as a result of police operations (Table 2).

There were 190 deaths of persons in police operations in the 1990 to 1999 decade, 30 of which were of Indigenous persons. There were no differences in the operational circumstances, level of police contact or gender distributions of deaths of Indigenous and non-Indigenous persons in such operations. Just over one-quarter (each) of all deaths in police operations occurred in motor vehicle pursuits (26%), other attempts to detain (29%) and in other police operations (28%).

Statistically significant differences between deaths of Indigenous and non-Indigenous persons in police operations were observed in the age distribution, jurisdiction and causes of deaths.

Two-thirds (67%) of deaths in police operations of Indigenous persons involved persons aged under 20 years, compared with only 11 per cent of deaths of non-Indigenous persons. Conversely, three times as many deaths in police operations of non-Indigenous persons involved persons aged 20–39 years (59% cf. 17%) and twice as many non-Indigenous persons aged 40–59 years (26% cf. 13%).

Over one-quarter (28%) of all police operations-related deaths of non-Indigenous persons occurred in Victoria, compared with just three per cent of deaths of Indigenous persons in police operations. One-third (33%) of the deaths of Indigenous persons in police operations occurred in

Western Australia and only eight per cent of such deaths among non-Indigenous persons.

Almost one-third (31%) of police operation-related deaths of non-Indigenous persons were attributed to suicide or other self-inflicted cause, compared to seven per cent of Indigenous persons. The reverse is true of police operation-related accidents, with 50 per cent of deaths of Indigenous persons and 29 per cent of deaths of non-Indigenous persons attributable to this cause.

All Deaths in Custody and Custody-Related Operations

Expressed as crude rates per 100,000 respective populations, Indigenous persons were between seven (1993) and 22 times (1986) more likely to die in custody or custody-related operations than were non-Indigenous persons over the two decades (Figure 2).

The crude rate of death in custody or custody-related operations for an Indigenous person varied from 2.1 per 100,000 persons (1981) to 7.7 per 100,000 persons (1987). For non-Indigenous persons the corresponding range was from just 0.2 per 100,000 (1986) to 0.5 per 100,000 (1997). These differences reflect the known facts of Indigenous over-representation in all aspects of the criminal justice system.

Looking more specifically at deaths in *prison* custody, and expressed as crude rates per 1,000 inmates rather than total populations, differences between rates of deaths of Indigenous

inmates and deaths of non-Indigenous inmates disappear (Figure 3). (Due to the uncertainty of corresponding police custody detainee and police operations exposed population denominators, it is not possible to determine the relative risks for other custody-related deaths.) The differential was between 0.3 (1981) and 2.0 (1995). Crude rates per 1,000 inmates varied from 0.9 (1992) to 5.7 (1995) for Indigenous inmates, and from 2.3 (1990) to 4.6 (1987) for non-Indigenous inmates. That is, as was established by the RCIADIC, Indigenous inmates were no more likely to die in prison than were non-Indigenous inmates.

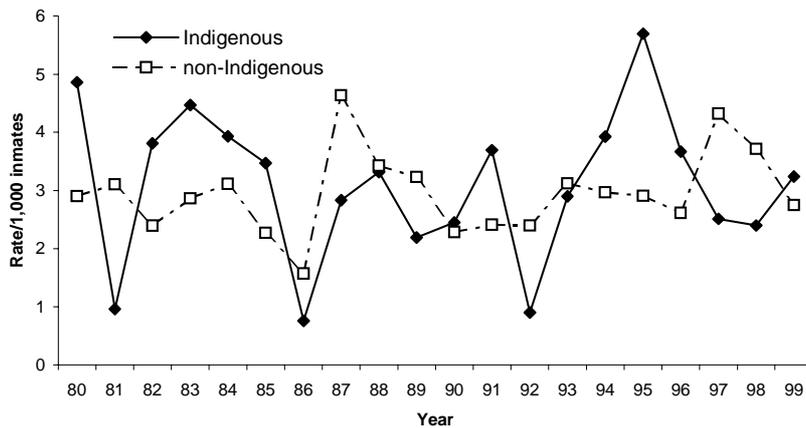
Nonetheless, Indigenous deaths accounted for 20.6 per cent of all deaths in custody and police operations in the RCIADIC decade (n=110) and 17.7 per cent in the post-RCIADIC period (n=145). Corresponding proportions of the sub-category of deaths in prison custody were 12 per cent in the RCIADIC decade (n=39) and 17.8 per cent in the post-RCIADIC decade (n=93). These rates are far higher than the respective population size of Indigenous persons in Australia would otherwise suggest.

Discussion

Even with the addition of another category of deaths (police operations) in the decade since the Royal Commission, the average annual rate of death of Indigenous persons in custody, relative to population size, diminished slightly (from 4.4 per 100,000 to 3.8 per 100,000 persons). Among non-Indigenous persons, the average annual rate of death increased slightly from 0.27 per 100,000 to 0.38 per 100,000 persons. The total number of persons who died in custody or custody-related operations between 1990 and 1999 was 818, an average of one custodial death every four days.

The distribution of deaths between custodial authorities which occurred in the two decades is vastly different. There was a significant **reduction** in the number of deaths of both Indigenous persons (67 to 21) and non-Indigenous persons (136 to 78) *in police custody*. In the same

Figure 3: Rates of deaths in prison custody per 1,000 inmate populations, by Indigenous status, Australia, 1980–1999



Source: National Deaths in Custody database, unit record file; AIC/ABS *National Prisons Census* 1982–1999 unit record file; 1980–1981 Indigenous, non-Indigenous inmate populations derived by linear interpolation.

period there was an **increase** from 323 to 522 deaths occurring *in prisons*. Almost three times as many Indigenous persons died in prison custody in the post-RCIADIC decade (n=93) than in the decade examined by the Royal Commission (n=39).

We might ask “what factors contributed to the decrease in the number of deaths in police custody and to the increase in the number of deaths in prison custody?” The number of persons in prisons doubled in the post-RCIADIC decade to 19,096 (Dalton 2000) and, all things being equal, if we had done nothing it might be expected that the number of in-prison deaths would also double (from 30 in 1980 to 60 in 1990). In fact, this expectation was realised—in 1999 there were 59 deaths in prisons.

When we examine the circumstances of death, and particularly causes of death, we note that suicide and self-inflicted causes, at around a little over one in three and two in every five deaths respectively, were the most prevalent causes for both Indigenous and non-Indigenous persons in custody or custody-related operations in the post-RCIADIC decade. These rates were not significantly different to those of the previous decade. The proportion of all custody and custody-related deaths attributable to homicide and “other accidents” which occurred between 1990 and 1999 were *double* those of the RCIADIC decade. The majority of these deaths, however, occurred during police operations (homicide includes justifiable homicide), a

category which, with few exceptions, was not examined by the RCIADIC. Accordingly, these deaths did not contribute to the increase in the number of deaths observed *in prisons*, though they are sufficient to be of concern when considered in isolation of all other causes and circumstances.

The timing and completion rate of the implementation of the 339 RCIADIC recommendations might have been significant. For example, were (more/most important of) those recommendations relating more specifically to police custody implemented by (some/all) jurisdictions, than those recommendations relating more specifically to prison custody? The Deaths in Custody Monitoring and Research Program at the Australian Institute of Criminology recently completed an inventory of the current (March 2001) status of the implementation of the RCIADIC recommendations, which will inform this area of enquiry (forthcoming).

The Royal Commission was held between 1987 and 1991 and most jurisdictions indicate that they have implemented most of the recommendations, though a number of commentators dispute the extent to which they have been implemented (see, for example, Cunneen & McDonald 1997; Office of Aboriginal and Torres Strait Islander Social Justice Commissioner 1996). The objective information from the AIC’s National Deaths in Custody Monitoring and Research Program provides a firm foundation to

explore the trends observed in the decade since the RCIADIC. The series of thematic research papers to be released over the course of 2001 will contribute to public policy discussion in this important area.

Acknowledgment

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References

- Australian Institute of Criminology (AIC) 1982 to 1993, *National Prisons Census*, Australian Institute of Criminology, Canberra.
- Australian Bureau of Statistics (ABS) 1986 to 1995, *Experimental Estimates of the Aboriginal and Torres Strait Islander Population*, cat. no. 3230.0, Australian Bureau of Statistics, Canberra.
- 1996 to 1999, *Experimental Projections of the Aboriginal and Torres Strait Islander Population*, cat. no. 3231.0, Canberra.
- Cunneen, C. & McDonald, D. 1997, *Keeping Aboriginal and Torres Strait Islander People out of Custody*, Office of Public Affairs, Aboriginal and Torres Strait Islander Commission, Canberra.
- Dalton, V. 2000, “Australian deaths in custody and custody-related police operations 1999”, *Trends and Issues in Crime and Criminal Justice*, no. 153, Australian Institute of Criminology, Canberra.
- Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner 1996, *Indigenous Deaths In Custody 1989–1996*, Aboriginal and Torres Strait Islander Commission, Canberra.
- Royal Commission into Aboriginal Deaths in Custody (RCIADIC) 1991a, *Royal Commission into Aboriginal Deaths in Custody National Report: Overview and Recommendations* (Commissioner Elliott Johnson), Australian Government Publishing Service, Canberra.
- 1991b, *Royal Commission into Aboriginal Deaths in Custody National Report: Volume 1* (Commissioner Elliott Johnson), Australian Government Publishing Service, Canberra.

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