



Australian Government

Australian Institute of Criminology

Trends & issues in crime and criminal justice

ISSN 0817-8542

No. 517 December 2016

Abstract | The number of prisoner-on-prisoner homicides has dropped considerably since 1998 and remained consistently low over the last decade. Although not common, prisoner-on-prisoner homicides generally receive considerable public attention.

This paper builds on previous AIC research, analysing the circumstances and nature of homicides that occurred in correctional facilities across Australia between 1980 and 2011. The findings show prisoner-on-prisoner homicides typically involve non-Indigenous male prisoners between the ages of 20 and 34, with violent offenders more likely to be victims than those sentenced for other offences.

The paper discusses effective strategies for managing violent offenders in prison. It also provides an overview of the preventive policies and procedures introduced by corrective services agencies that may have contributed to the decline in the number and rate of homicides.

Prisoner-on-prisoner homicides in Australia: 1980 to 2011

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Homicides that occur in prison receive considerable media and public attention; those where both victim and offender are prisoners often raise important questions about the adequacy of supervision in custodial environments. Porporino observed that:

As violent prison incidents are sensationalized in the media, the public's confidence in the effectiveness of the correctional system is eroded (1986: 213).

In Australia, every homicide in prison custody is subjected to internal review, a police investigation and a mandatory coronial inquest, and monitored by the Australian Institute of Criminology's (AIC) National Deaths in Custody Program (NDICP) and National Homicide Monitoring Program (NHMP). In some cases the incident may also be investigated by the relevant state ombudsman (Victorian Ombudsman 2012).

International research

The subject of prisoner-on-prisoner homicide has received considerable attention from penologists, particularly in the United States. The US Department of Justice's Bureau of Justice Statistics (BJS) coordinates the Deaths in Custody Reporting Program (DCRP), a program similar to the AIC's NDICP, established in 2000 under the US Death in Custody Reporting Act

of the same year. In 2005 the BJS reported that between 1980 and 2002 the homicide rate in US state prisons fell 93 percent, from 54 per 100,000 prisoners in 1980 to eight per 100,000 prisoners in 2002 (Mumola 2005). It also found 67 percent of homicide victims in state prisons had served at least two years and 37 percent had served five years, and that violent offenders were victims in 61 percent of incidents (Mumola 2005). While Mumola's (2005) study did not include information on perpetrators' history of violence, an earlier study by Sattar (2004) found perpetrators of prisoner-on-prisoner homicide were more likely to have violent criminal histories than their victims.

A more recent statistical update showed that between 2001 and 2010 the homicide rate in US state prisons remained stable at between three and five homicides per 100,000 prisoners each year, with homicides representing approximately 1.7 percent of all deaths in state prisons (Noonan 2012). Finally, with regard to the temporal characteristics and location of homicides in US state prisons, it was found incidents occurred most frequently between 6.00 am and midday, and least frequently between midnight and 6.00 am, and '[t]he victim's cell or room was the most frequent location' (Oklahoma Department of Corrections 2009: 1).

Analysis of data from England and Wales produced similar findings; between 1990 and 2001 there were 26 prisoner-on-prisoner homicides in England and Wales, representing two percent of all deaths in prison during that period (Sattar 2004). Detailed analysis of these incidents showed that:

- 54 percent (n=14) occurred in the victim's cell;
- 81 percent (n=21) of victims were sentenced;
- 54 percent of victims were in custody for a violent offence; and
- the most common motive was an 'altercation' (27%, n=7; Sattar 2004).

It was concluded that 'victims were more likely to be young...male repeat offenders, serving sentences for violence' (Sattar 2004: 4).

Research conducted by Porporino into the Canadian federal prison system found that 'the seriousness of the offence for which the inmate is serving time is unrelated to the risk of involvement in violent prison incidents' (1986: 222). Porporino also tested the hypothesis that offenders serving life sentences (commonly for murder) would have a greater propensity for violence in prison. Based on analysis of 8,278 violent incidents between 1980 and 1984 in Canadian federal prisons, it was shown that 'inmates serving the shortest sentences (less than two years) are by far the most active (ie show the greatest risk for involvement in prison violence)' (Porporino 1986: 220). The study did not clarify whether these inmates were more likely to be perpetrators or victims of violence, or both. In addition, it was found that 'inmates serving life sentences...show rates of involvement similar to or lower than those of other sentence groups' (Porporino 1986: 220).

A more recent study by Delisi, Berg and Hochstetler (2004) using a sample of 1,005 inmates in US state prisons, as cited in Sorensen and Cunningham (2010: 105) found 'convicted murderers were not significantly more likely to be involved in acts of prison violence'. Marquart, Ekland-Olson and Sorensen's (1989) Texas research, cited in Sorensen and Cunningham (2010: 105), found 'convicted capital murderers...demonstrated significantly lower rates of assaultive prison misconduct than did inmates system wide'. Finally, the key findings of Porporino, Doherty and Sawatsky's (1987) comparative review of homicides in Canadian federal prisons from 1967–1978 and 1979–1984 mirror

those of other studies in finding that prison cells were the most common locations for homicide (48%) and violent offenders were more likely to be victims (65%).

From analysis of data on prisoner-on-prisoner homicides overseas, Porporino, Doherty and Sawatsky concluded that:

The modal profile for a victim of prison homicides seems to be an individual who is relatively young, with a history of prior convictions and a fairly lengthy criminal career, serving a sentence for a violent offence...[They] are not commonly the vulnerable or inexperienced first offenders... they are individuals steeped in the prison sub-culture who run afoul of the norms of that sub-culture (1987: 134).

Aims of the research

Building on previous research conducted by the AIC on prison homicides in Australia (Dalton 1999), this study aimed to analyse available data to answer the following key research questions.

- How many prisoner-on-prisoner homicides have occurred in Australia since 1980?
- What is the long-term trend in the number and rate of prisoner-on-prisoner homicides?
- What were the demographic characteristics of the victims?
- What offences were the victims in custody for, and how long had they been in custody?
- What were the temporal and spatial characteristics of the homicides?
- What were the apparent motives for the homicides, and how were the victims killed?

Methodology

The main source of data for this study was the NDICP database, which holds a considerable amount of information about all deaths in prison custody. When a death in prison occurs, custodial authorities are obliged to report the details of the deceased to the NDICP, as well as the circumstances and nature of their death. This information is supplemented by additional data, such as autopsy and toxicology reports and coronial findings, as they become available. This additional information is sourced from the National Coronial Information System (NCIS), a national database containing a range of information about all deaths reported to a coroner.

The current study analysed data spanning a total of 32 calendar years from 1980 to 2011. While there would be some benefits in aligning the data period for this study with that of the NDICP's monitoring reports, the data would not align exactly, as the current study is based on calendar years while NDICP monitoring reports are based on financial years.

To provide additional context for the incidents examined, NDICP records were matched with records from the National Homicide Monitoring Program (NHMP) database. Once the cases were matched, information on the means of homicide and apparent motive for each incident was extracted from the NHMP database.

While the NDICP database collects information on the most serious offence for which those who die in custody were incarcerated, neither the NDICP nor the NHMP collect comparable information for perpetrators.

In undertaking the current study, deaths in custody data from Canada, the United Kingdom and the United States were examined to compare prisoner-on-prisoner homicide in those jurisdictions with similar incidents in Australia (Noonan 2012; Public Safety Canada 2011; UK Ministry of Justice National Offender Management Service 2010). However it should be noted that there are significant differences between countries. These include substantial differences in imprisonment rates and prison population sizes.

Throughout this paper, percentages are calculated only using those cases for which sufficient information is available; cases where information is incomplete were subtracted from totals before percentages were calculated.

The predominantly victim-based analysis of Australian data was this study's main limitation. While some information about the offenders in these homicides was extracted from the NHMP database it was not possible to identify the length of time the offender had spent in custody, nor was information on the offence(s) for which the offender was imprisoned available.

Further, comparisons both between Australian and overseas prisons and between local prisons are limited. The characteristics of prison populations, prison infrastructure and systems, and approaches to offender management, both internationally and within Australia, are varied and cannot be fully accounted for in this analysis.

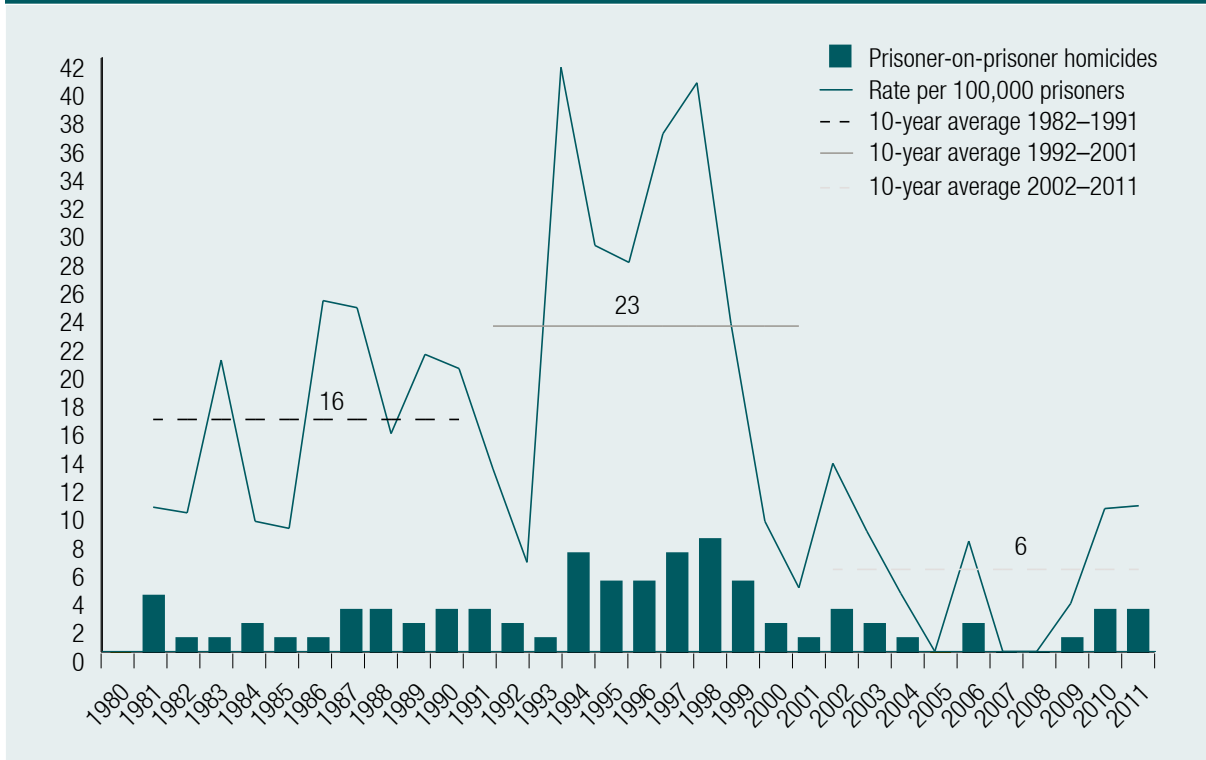
Definition

This study investigated only those deaths where one or more prisoners unlawfully killed another prisoner. The topic of prisoner homicide, however, is much broader and can include the accidental or justifiable killing of a prisoner—for example, by prison officers attempting to protect themselves or others or to prevent an inmate escaping custody. Such homicides are not included in this analysis.

Incidence and long-term trends

Over the 32 calendar years from 1980 to 2011 there were 82 prisoner-on-prisoner homicides, representing six percent of the 1,423 total deaths that occurred in Australian prisons. On average, this equates to 2.6 prisoner-on-prisoner homicides annually (see Figure 1).

Figure 1: Prisoner-on-prisoner homicides by year, 1980–2011 (n and rate per 100,000 prisoners)



Source: AIC NDICP 1980–2011 [computer file]

Over the three decades for which data were analysed, three distinct trends became apparent, albeit in the context of small overall numbers. Throughout the 1980s the number of prisoner-on-prisoner homicides remained stable, ranging between no and four deaths each year, with an average of two incidents per year ($\mu=1.8$). Throughout the 1990s the number of prisoner-on-prisoner homicides increased considerably compared with the previous decade, reaching a peak of eight incidents in 1998. Over this decade there was an average of five homicides in prison each year ($\mu=4.6$). Most recently, in the period from 2000 to 2011, both the number and frequency of homicides in prison decreased to between none and three each year, with an average of one homicide per year ($\mu=1.2$; see Figure 1).

Rate

It is important to place these incidents in the context of the prisoner population, for the purpose of calculating homicide rates. Rates were calculated for those years where both the numerator (number of homicides) and the denominator (prison population at 30 June each year) were available. This allowed the rates for the period from 1982 to 2011 to be calculated. Since 1982, the rate of homicides in prison has fluctuated considerably, ranging from none (in several years) to 41 homicides per 100,000 prisoners in 1994.

To provide a clearer assessment of homicide rates in prison, the three 10-year periods for which data were available were compared (see Figure 1). Between 1982 and 1991, the average annual homicide rate in prison was 16 per 100,000 prisoners. In the ensuing period, from 1992 to 2001, the annual

average rate increased to 23 per 100,000, before decreasing to just six per 100,000 prisoners for the most recent 10-year period. Thus, the period from 2002 to 2011 had the lowest average homicide rate of the three 10-year periods (see Figure 1).

Victim characteristics

The majority of deaths in prison custody in Australia between 1980 and 2011 were due to either natural causes (42.4%) or self-inflicted injuries (42.0%; see Table 1). Among the other four categories of death, accidents accounted for eight percent of deaths, while homicides (both prisoner-on-prisoner and justifiable) were the fourth most prevalent manner of death, accounting for six percent of the total.

The gender distribution of prisoner-on-prisoner homicides largely reflects gender distribution within the prison population. Males are over-represented in the prison system, forming on average 93 percent of the prison population (ABS 2012), and constitute the majority of prison homicide victims (97.6%; n=80). Females account for seven percent of prisoners (ABS 2012), but were victims of a prisoner-on-prisoner homicide in only two percent of cases (n=2; see Table 2).

In relation to the Indigenous (Aboriginal and/or Torres Strait Islander) status of victims, non-Indigenous prisoners were the victim in 93 percent (n=76) of prisoner homicides (see Table 2). Over the 30 years for which prison population data are available, the proportion of Indigenous prisoners in custody increased from 13 percent in 1982 to 26 percent in 2011 (ABS 2012b). Given only seven percent of all prisoner-on-prisoner homicides involved Indigenous prisoners, it can be concluded that Indigenous prisoners are under-represented in these incidents.

Analysis of the proportions of prison homicides by cohort provided further confirmation that Indigenous prisoners are less likely to be the victim of a homicide in prison than their non-Indigenous counterparts. Over the period from 1980 to 2011 there were a total of 1,423 deaths in prison (of all causes), of which 1,180 (82.9%) involved non-Indigenous prisoners and the remaining 243 (17.1%) Indigenous prisoners (see Table 3). Overall, 6.4 percent (n=76) of non-Indigenous deaths in prison were due to homicide, more than double the equivalent proportion among Indigenous prisoners (2.5%; n=6).

The highest proportion of victims of prisoner-on-prisoner homicide were aged 30–34 years (23.2%; n=19). This was followed by those aged 20–24 and 25–29, both of which groups had fifteen victims (each accounting for 18.3%). Victims of homicide aged 40 and older (N=18) represented 21.9 percent of all prisoner-on-prisoner homicides, but total deaths of those aged over 40 accounted for 41.9 percent of all prisoner deaths (see Table 2).

The mean age of all prisoner-on-prisoner homicide victims was 33.1 years, compared with a mean age for all deaths in prison of 39.5 years. These findings suggest prisoners under the age of 34 are more likely to be victims of homicide in prison. Older prisoners are more likely to die of natural causes than are younger ones; the smaller proportion of older prisoners who die from homicide is, therefore, partly due to the increased representation of natural-cause deaths among all deaths in custody of older prisoners.

Table 1: Australian deaths in prison custody by manner of death, 1980–2011 (n and %)

Manner of death	Total	%
Self-inflicted	598	42.0
Natural	603	42.4
Accidental (eg drugs or fire)	117	8.2
Prisoner-on-prisoner homicide	82	5.8
Justifiable homicide ^a	6	0.4
Other/Unknown	17	1.2
Total	1,423	100

a: Refers to homicides occurring under circumstances authorised by law, for example, a prison officer acting in self-defence
Source: AIC NDICP 1980–2011 [computer file]

Table 2: Australian deaths in prison custody and prisoner-on-prisoner homicides by gender, Indigenous status, age, time of day, day of the week and season, 1980–2011 (n and %)

	Prison deaths		Prison homicides	
	N	% Total prison deaths	N	% Total prison homicides
Gender				
Male	1,362	95.7	80	97.6
Female	61	4.3	2	2.4
Total	1,423	100	82	100
Indigenous status				
Indigenous	243	17.1	6	7.3
Non-Indigenous	1,180	82.9	76	92.7
Total	1,423	100	82	100
Age				
Mean age	39.5		33.1	
15–19	74	5.2	3	3.7
20–24	195	13.7	15	18.3
25–29	215	15.1	15	18.3
30–34	204	14.3	19	23.2
35–39	140	9.8	12	14.6
40–44	111	7.8	5	6.1
45–49	105	7.4	7	8.5
50–54	104	7.3	3	3.7
55–59	78	5.5	2	2.4
60–64	65	4.6	0	0.0
65+	132	9.3	1	1.2
Total	1,423	100	82	100

Table 2: Australian deaths in prison custody and prisoner-on-prisoner homicides by gender, Indigenous status, age, time of day, day of the week and season, 1980–2011 (n and %) cont.

	Prison deaths		Prison homicides	
	N	% Total prison deaths	N	% Total prison homicides
Time of day				
0.01 am–4.00 am	161	11.3	0	0.0
4.01 am–8.00 am	264	18.6	5	6.1
8.01 am–12.00 pm	256	18.0	15	18.3
12.01 pm–4.00 pm	219	15.4	29	35.4
4.01 pm–8.00 pm	188	13.2	24	29.3
8.01 pm–0.00 am	179	12.6	3	3.7
Missing	156	11.0	6	7.3
Total	1,423	100	82	100.0
Weekday				
Monday	225	15.8	16	19.5
Tuesday	174	12.2	9	11.0
Wednesday	201	14.1	14	17.1
Thursday	197	13.8	10	12.2
Friday	198	13.9	10	12.2
Saturday	220	15.5	13	15.9
Sunday	208	14.6	10	12.2
Total	1,423	100	82	100
Season				
Summer	331	23.3	19	23.2
Autumn	360	25.3	22	26.8
Winter	371	26.1	21	25.6
Spring	361	25.4	20	24.4
Total	1,423	100	82	100

Source: AIC NDICP 1980–2011 [computer file]

Temporal characteristics

Analysis of the temporal characteristics of prisoner homicides, including the time of day and day of the week, highlights when incidents are more likely to occur. Prisoner-on-prisoner homicides most frequently occurred between midday and 4.00 pm (35.4%; n=29); the next most likely time was between 4.01 pm and 8.00 pm (29.3%; n=24) and between 8.01 am and noon (18.3%; n=15; see Table 3).

While no information was available that allowed the examination of a potential relationship between homicides and out-of-cell hours or other prison activities, this would be a useful area for further consideration.

No prisoner-on-prisoner homicides occurred in the early morning hours between 0.01 am and 4.00 am. This was as expected, given prisoners are usually sleeping in their locked cells at this time and their interaction is therefore limited.

The data show substantial differences between the days of the week on which prisoner-on-prisoner homicides occurred. Homicides were most likely to occur on a Monday, accounting for 20 percent of all incidents (n=16). Wednesday was the next most likely day for homicides to occur, with 17 percent (n=14) of incidents occurring on a Wednesday. Comparatively, homicides were least likely to occur on Tuesdays, with 11 percent (n=9) of occurrences.

Previous AIC research suggests most prisoner-on-prisoner homicides occur on Monday because:

...[P]risoners receive greater numbers of visitors over the weekend, therefore increasing opportunities for the transfer of weapons...or passing information on particular individuals' movements, or their reason for being in prison (Dalton 1999: 3).

Visits may also contribute to heightened emotions or tensions that could lead to violent conflicts among prisoners.

There was no meaningful seasonal variation in prison homicides. The proportion of homicides in each season was evenly distributed, ranging from 23.2 percent in spring to 26.8 percent in autumn (Table 3). This was consistent with the even distribution of all deaths in prison, which ranged from 23.3 percent in spring to 26.1 percent in winter.

Overall, the findings of the analysis of the temporal characteristics of prison homicides indicate prison homicides are more likely to occur when prisoners have a greater opportunity to interact with one another. Consequently, preventive measures deployed at these times would have the greatest impact.

Location

Findings from prison homicide research in the United States, Canada, and England and Wales show prisoner-on-prisoner homicides were more likely to occur in prison cells than any other location.

In contrast, location data available for Australian incidents includes only the place of death, not the location of the attack. While a violent incident and the victim's death occurred in the same place in some cases, in others cases the victim was transferred to either the prison hospital, or a secure ward in a public hospital, for medical treatment prior to death. In such cases, it was not possible to determine the precise location of the attack from the available data. In three cases (4%), information about location of death was missing.

For those prisoner-on-prisoner homicides where location of death was known, prison cells (either single or shared) were the most common place of death for a prisoner-on-prisoner homicide (35%; n=29), followed by public hospitals (27%; n=22) where deaths occurred after an incident in prison (see Table 3). In England and Wales, 54 percent of prison homicides occurred in cells (Sattar 2004), while in Canadian federal prisons the proportion was 48 percent (Porporino, Doherty & Sawatsky 1987). The

proportion of Australian homicides in prison cells is slightly lower than the proportion seen in overseas research; however, it is highly likely that some deaths in hospital were the result of attacks that occurred in prison cells. It is also likely the data are influenced by the use of different classification rules and data definitions between these nations.

Offence leading to imprisonment

According to the most recent NDICP annual report (Baker & Cussen 2015) offenders who die in prison custody are most likely to be in prison for a violent offence (53%; n=784). The data presented in Table 3 confirms the same is true for homicides in prison, with almost two thirds of all victims (60%; n=59) serving a sentence for a violent offence (ie homicide, assault, sex offences or armed robbery). Sex offences were categorised as violent offences because all those in custody for sex offences who were murdered were imprisoned for rape or sexual assault. This was consistent with the international research included in this study, which also categorised sex offenders as violent offenders.

This study's finding that 60 percent of homicide victims were violent offenders is, again, consistent with the international research. Data from US local jails and state prisons compared homicide mortality rates by the most serious offence of prisoners (Mumola 2005). Local jail inmates held for violent offences had higher homicide mortality rates (5 per 100,000 inmates) than those held for property offences (3 per 100,000 inmates), drug offences (1 per 100,000 inmates) or public order offences (3 per 100,000 inmates). For state prisoners (Mumola 2005), the homicide mortality rate for those held for violent offences was the same as that for those held for property offences (4 per 100,000 inmates); these were higher than the rate for those held for drug offences (2 per 100,000 inmates) or public order offences (2 per 100,000 inmates). Those incarcerated for kidnapping offences had noticeably elevated homicide rates in both local jails (15 per 100,000 inmates) and state prisons (also 15 per 100,000 inmates). Of prisoners killed in homicides in England and Wales, 54 percent of victims were violent offenders, compared with just over 20 percent of the general prison population (Sattar 2004).

Table 3: Prisoner-on-prisoner homicides by location, offence leading to imprisonment, legal status, time spent in custody, time left to be served and total sentence length, 1980–2011 (n and %)

Prison homicides		
	N	% Total prison homicides
Location of death		
Public hospital	22	26.8
Prison hospital/clinic	5	6.1
Cell—single or shared	29	35.4
Other custodial setting ie yard, gym	19	23.2
Other	4	4.9
Not known	3	3.7
Total	82	100

Table 3: Prisoner-on-prisoner homicides by location, offence leading to imprisonment, legal status, time spent in custody, time left to be served, and total sentence length, 1980–2011 (n and %) cont.

Prison homicides		
	N	% Total prison homicides
Offence leading to imprisonment		
Homicide	13	15.9
Assault	5	6.1
Sex offences	15	18.3
Robbery	16	19.5
Break & enter	8	9.8
Fraud	2	2.4
Theft & property offences (nec)	2	2.4
Justice procedures	3	3.7
Other good order	1	1.2
Drug offences	14	17.1
Drink driving/other traffic	3	3.7
Total	82	100
Legal status		
Unsentenced	15	18.3
Sentenced	67	81.7
Total	82	100
Time spent in custody prior to murder		
Mean time spent in custody	977 days	
Median time spent in custody	436 days	
Kurtosis	8.7	
Standard deviation	1,345.8	
<24 hours	1	1.2
24 hours & <1 week	2	2.4
1 week & <1 month	8	9.8
1 month & <6 months	16	19.5
6 months & 12 months	11	13.4
1 year & <3 years	18	22.0
3 years & <5 years	9	11.0
>5 years	13	15.9
Not known	4	4.9
Total	82	100

Table 3: Prisoner-on-prisoner homicides by location, offence leading to imprisonment, legal status, time spent in custody, time left to be served, and total sentence length, 1980–2011 (n and %) cont.

Prison homicides		
	N	% Total prison homicides
Time remaining to be served till release		
Mean time till release	1,058 days	
Median time till release	471 days	
Kurtosis	21.7	
Standard deviation	1,720.5	
<1 week	1	1.2
1 week & <1 month	6	7.3
1 month & <6 months	11	13.4
6 months & <12 months	2	2.4
1 year & <3 years	18	22.0
3 years & <5 years	5	6.1
5 years & <10 years	12	14.6
>10 years	2	2.4
Life/other indeterminate sentence	4	4.9
Not known/not applicable	21	25.6
Total	82	100
Total sentence length		
<3 months	1	1.2
3 & <12 months	7	8.5
1 year & <3 years	4	4.9
3 years & <10 years	24	29.3
>10 years & <life	8	9.8
Life/other indeterminate sentence	4	4.9
Unsentenced	15	18.3
Not known	19	23.2
Total	82	100

Source: AIC NDICP 1980–2011 [computer file]

Legal status and time in custody prior to murder

Throughout the 1980s and 1990s unsentenced prisoners made up between 10 and 15 percent of prisoners each year (ABS 1998–2012). However, in the decade following 2000, the proportion increased to just under a quarter (23% in 2011; ABS 2012). A similar distribution in prisoner-on-prisoner homicides by legal status can be seen in Table 3, with the majority of victims sentenced prisoners at the time of their death (81.7%; n=67) and just under one in five (18.3%; n=15) unsentenced. Overall, the distribution of prison homicides between those prisoners who were sentenced and those on remand largely reflects the distribution of the prison population over time: in other words, neither cohort is over-represented in these incidents.

Close to half (46.3%; n=38) of all prisoners who were killed died within their first year of entering prison, with one third (32.9%; n=27) of those murdered killed within six months of incarceration. As Figure 2 shows, the length of time in custody (days) prior to being killed was not evenly distributed (K= 8.7, SD=1,345.8) in that it is skewed to the lower end of the range. With a range of less than one day to more than 20 years in prison before being murdered, median length of time is the best indication of central tendency. For those cases where length of time in custody data were available, the median time served before being murdered was 436 days (1 year, 2 months, 2 weeks); the mean time was 977 days (see Table 3).

This study's findings regarding length of time in custody are not consistent with research on homicides in US state prisons but do align with the results of a study of homicides in Canadian federal prisons. On average, homicide victims in US state prisons were in custody longer than victims in Australian prisons, with 67 percent having served at least two years and 37 percent five years (Mumola 2005). In contrast, analysis of data on homicide victims in Canadian federal prisons showed more than half (52%) were killed within the first six months and a further 31 percent were murdered after serving between six months and two years (Porporino, Doherty & Sawatsky 1987). Only 16 percent of victims had served more than two years (Porporino, Doherty & Sawatsky 1987). It is not clear whether these differences relate to differences in sentence length between the countries or some other factor.

Given almost half of homicide victims in Australian prisons were killed within 12 months of entering prison, it is possible these prisoners were not yet 'steeped in prison culture' (Porporino, Doherty & Sawatsky 1987: 134). While some may have previously been incarcerated, they may not have been accustomed to the interpersonal dynamics and routines of their current situation. Cunningham, Sorensen and Reidy (2004, as cited in Arbach-Lucioni, Martinex-Garcia & Andres-Pueyo 2012: 1,234) found 'violent misconduct in prison is more likely during the early years of an inmate's prison tenure'. Indeed, until a prisoner is accustomed to the 'sub-culture' and 'norms' (Porporino, Doherty & Sawatsky 1987: 134) of prison life, they may be at elevated risk of (fatal) violence.

Sentence length

The sentence length of a total of 48 victims who were convicted prisoners was known (see Table 4). Of these, half (50.0%; n=24) were serving sentences of between three and 10 years, with the majority convicted of violent offences (62.5%; n=15). The next most likely to be murdered were prisoners serving sentences of 10 years to life (25.0%; n=12), almost exclusively for serious violent offences (91.7%; n=11); only one quarter (25.0%; n=12) of victims were serving sentences of less than three years.

In summary, analysis of the type of offence leading to custody and sentence length showed that, of those victims serving sentences of more than three years, just under three quarters (72.2%; n=26) were imprisoned for a violent offence. This is likely due to the typically longer sentences that apply to violent offences than to other offence types, but data were not available to allow examination of this.

Means of homicide and apparent motive

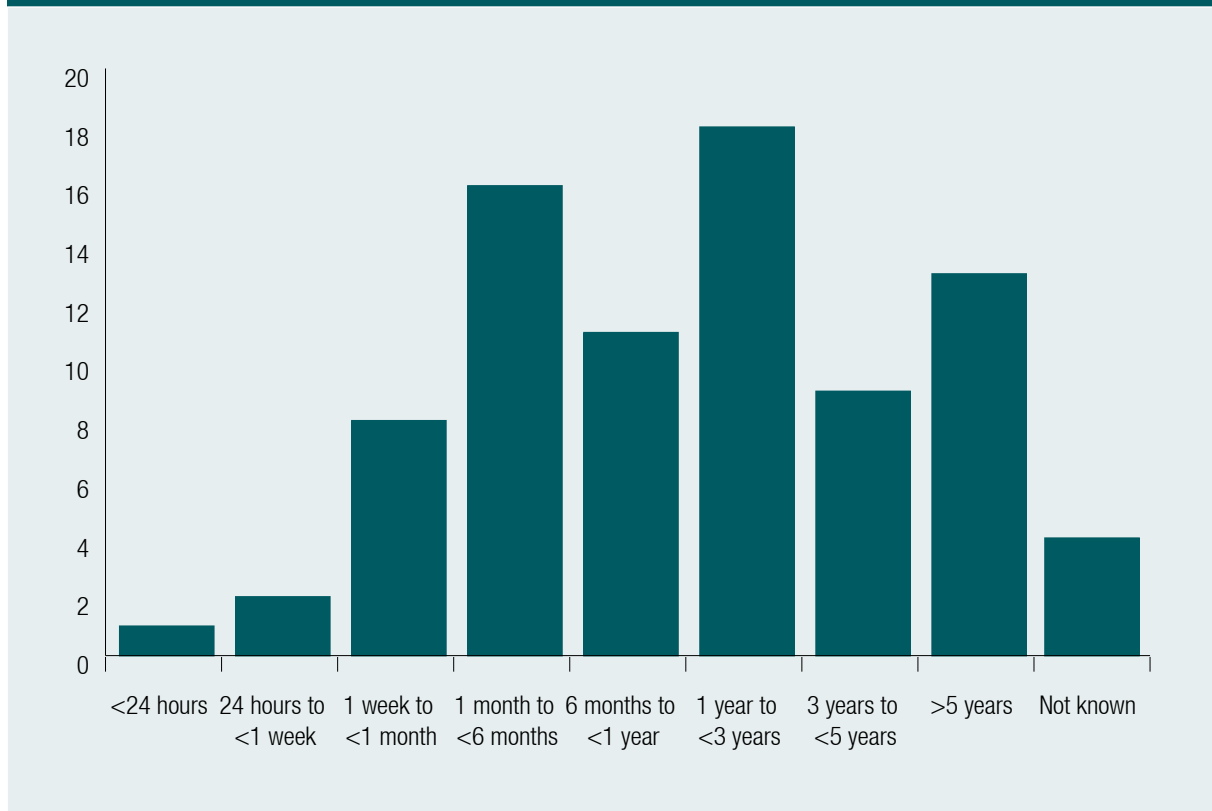
Victims were more likely to be murdered with a knife or some other improvised blade (ie a shiv; 48.8%; n=40) than any other weapon (see Table 4). Among the other means of killing, bashing using the hands and/or feet was the next most prevalent (19.5%; n=16), followed by strangulation (11.0%; n=9) and bashing with a blunt instrument (9.8%; n=8; see Table 4).

Determining the motive in prisoner-on-prisoner homicides is difficult, particularly in light of the code of silence investigators often face. As one commentator observed:

The code of silence was so strictly enforced that any individual who infringed on it was doomed to a macabre death at the hands of his fellow cons (Caron 1985: 58).

Of the 82 prison homicides in this study, an apparent motive for the killing was recorded for only 59 (72.0%). Of those homicides where motive was recorded, 'revenge in retaliation for perceived harm on a previous occasion' (45.8%; n=27) was the most common motive recorded, followed by 'other argument', which was identified in 27.1 percent (n=16) of the incidents. Four prisoners (6.8%) were murdered to prevent them from testifying and three (5.1%) were killed over drugs. Other motives were rarely recorded.

Figure 2: Time in custody prior to death by homicide, 1980–2011



Source: AIC NDICP 1980–2011 [computer file]

Table 4: Prisoner-on-prisoner homicides by means of homicide and apparent motive, 1980–2011

Means/weapon	N	%
Hanging	4	4.9
Strangulation	9	11.0
Bashed with hands and/or feet	16	19.5
Bashed with blunt instrument	8	9.8
Stabbed with knife/improvised blade (shiv)	40	48.8
Drugs	2	2.4
Other	2	2.4
Unknown	1	1.2
Total	82	100
Motive	N	%
Revenge	27	45.8
Other argument	16	27.1
Prevent victim testifying	4	6.8
Drugs	3	5.1
Jealousy	2	3.4
Money	1	1.7
Racial vilification	1	1.7
Sexual gratification	1	1.7
Sexual vilification	1	1.7
No apparent motive	3	5.1
Total	59*	100

* Excludes 23 cases where motive was recorded as unknown or missing

Source: AIC NDICP 1980–89 and NHMP 1989–2011 [computer file]

Implications for correctional policy and practice

Although prisons have been successful in reducing prisoner-on-prisoner homicides, it is nonetheless useful to reflect briefly on those key areas where further improvement might yield additional safeguards. For instance, the observation that Indigenous prisoners tend to experience lower rates of homicide than non-Indigenous prisoners may assist prison staff in making decisions about accommodation placements. Data suggesting an increase in homicides on Mondays, together with the relatively common use of shivs, suggests the continuing need for security screening following visits.

To aid this discussion, coronial findings were reviewed to identify which issues Australian coroners have made specific (and sometimes numerous) recommendations on. Of the 25 coroners' reports on record, 10 contained recommendations. These were categorised into four broad themes:

- practices and procedures;
- recommendations for supervision and surveillance;
- improving services and implementing change; and
- preventing interpersonal violence.

Practices and procedures

State coroners have identified the need to improve information sharing between custodial staff within and between facilities to ensure the risk of interpersonal violence is adequately and appropriately managed. In particular, coroners noted that improving information-sharing procedures would better equip custodial officers with the knowledge and information necessary to make informed decisions about transfers and placements. Information about a prisoner's mental health status and their prior involvement in incidents of violence in custody, and intelligence about grudges or disputes between prisoners, may help with risk assessment, placement and surveillance.

Recommendations for supervision and surveillance

The second theme broadly encompasses those recommendations related to the supervision and surveillance of prisoners. In particular, coroners regularly referred to the need for enhanced supervision, particularly when prisoners are interacting in communal or shared locations. Prisoner interactions may be more closely monitored and the escalation of interpersonal violence identified in a more timely manner through the use of closed-circuit television. Simply increasing the number of closed circuit monitoring units, however, may have little or no impact on the safety of prisoners if the monitoring equipment and/or the skills of the correctional staff charged with its operation are deficient. As some coroners noted, while it remains a priority to ensure that surveillance equipment provides adequate and appropriate coverage, staff monitoring those systems should also receive adequate and regular training.

Improving services and implementing change

Improving services in prison and implementing changes to the physical and design aspects of prison cells was the third theme of the coronial recommendations. Specifically, coroners regularly identified the absence of adequate mental health screening and support services as something which, if improved, might help to reduce the incidence of fatal violence in prison. In this regard, the early identification of mental health issues and the provision of adequate and appropriate resources is critical; this is particularly so if a prisoner can be identified early as a risk to themselves or others.

There have also been a number of important coronial recommendations relating to physical and design challenges that highlight the ongoing challenges for custodial and correctional authorities. Although, in many cases, such recommendations are specific to the nature of each case or institution (such as the use of self-locking doors or the removal of visual obstructions etc), they are nevertheless an important reminder of the need for ongoing assessment and review of the physical and design aspects of the custodial environment, which may promote rather than prevent violence.

Post-incident responses

Finally, it is important to note that not all coronial recommendations are specifically or directly related to the prevention of interpersonal violence. The activities of corrective services personnel as both respondents to, and investigators of, homicide in custody have also been the subject of review. In particular, the robust and timely investigation of homicides in custody may increase the likelihood that an offender is identified and successfully prosecuted, and this may act as a potential deterrent to future violent incidents. Coroners reporting on a range of inquests have pointed to the need for improved policies, procedures, and staff training in the preservation of crime-scene evidence, as well as adherence to crime scene management protocols, the development of appropriate witness interview policies and the application of clear chain-of-custody principles for the transfer and transport of evidence.

Conclusion

Over the 32 calendar years from 1 January 1980 to 31 December 2011 there were 82 prisoner-on-prisoner homicides in Australian correctional facilities, representing six percent of all deaths occurring in prison custody during that period. Since 2000, between no and three such homicides have occurred each year.

Analysis of NDICP and NHMP data shows close to half of all victims of homicide were killed within their first year of entering prison, with one third murdered within six months of incarceration. Victims were most likely to be in custody for violent offences and to die from stab wounds. Where motive was known, just under a third of the victims were killed in retaliation for some earlier perceived harm or grievance.

Given the behaviours, circumstances and backgrounds that lead to an individual's imprisonment, it is arguably inevitable that violent incidents will sometimes occur in prison. The structure and order within a prison can serve to increase surveillance of prisoners in a way that helps limit opportunities for violence; at the same time, the prison environment can fuel conflict and create opportunities for prisoners to take advantage of routine and close contact to plan revenge- or grievance-motivated attacks.

Data from the annual prison census show the number and proportion of Australian prisoners who are in custody for violent offences is growing (ABS 2012b, ABS 2013, ABS 2014). This would suggest the potential for prisoner homicide incidents is also growing.

All Australian corrective services agencies have invested heavily in infrastructure to help maintain good order and security within correctional facilities. Together with well-trained custodial and program staff, effective programs and activities, and the use of intelligence processes, security systems and monitoring serve to minimise the incidence of prisoner-on-prisoner homicide. The efficacy of these approaches is evidenced by the small number of homicides that occur each year. At the same time, the need for continued efforts to ensure a safe custodial environment for all prisoners remains. Coronial recommendations and evidence gained through research offer opportunities for correctional administrators to continue to improve the safety and good order of Australian correctional facilities.

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General editor, *Trends & issues in crime and criminal justice* series: Dr Rick Brown, Deputy Director, Australian Institute of Criminology. Note: *Trends & issues in crime and criminal justice* papers are peer reviewed. For a complete list and the full text of the papers in the *Trends & issues in crime and criminal justice* series, visit the AIC website at: aic.gov.au

ISSN 0817-8542

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