

AUSTRALIAN DEATHS IN CUSTODY

No. 11 Australian Deaths in Custody & Custody-related Police Operations 1994-95

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The information presented in this issue of the *Deaths in Custody, Australia* series covers deaths which occurred while people were in the custody of Australia's police, prisons and juvenile justice authorities during the twelve-month period 1 July 1994 to 30 June 1995. Its central findings can be summarised as follows.

Total Numbers

- During the twelve months to 30 June 1995, 76 deaths in custody were reported throughout Australia. The 76 deaths comprised 13 Aboriginal people and 63 non-Aboriginal people. There were no Torres Strait Islander deaths in custody reported during the year. No juveniles died in the custody of juvenile justice/juvenile welfare agencies. Three of the 76 deaths were of women. Fifty-five of these deaths (72 per cent) occurred in prison custody while 21 deaths (28 per cent) occurred in police custody or in custody-related police operations. The number of Aboriginal prison deaths both last year and this year is more than twice those reported for 1992-93. (The number of Aboriginal deaths in police custody is similar to last year's figure).

Age and Cause and Manner of Death

- The ages of those who died ranged from 18 to 75 years, averaging 35 years. The most frequent cause of death for both non-Aboriginal and Aboriginal people was hanging, followed in frequency by death from illness and death from injuries. In contrast with last year, a larger number of Aboriginal people died as a result of self-inflicted hanging than from disease.

Trends

- A positive feature to be highlighted is that the number of Aboriginal deaths in police custody during the year is equal to the lowest reported since 1980 and no Aboriginal people died in police lockups during the year. Remarkably, no deaths from hanging occurred in police custody during the financial year, continuing a downward trend over the last few years from an extraordinarily high level of 22 deaths from hanging in police custody in 1987.
- The number of deaths during the year (76) is substantially lower than that reported for the previous financial year (87). Taking a longer view, since 31 May 1989, the cut-off date for deaths investigated by the Royal Commission, 75 Aboriginal and 373 non-Aboriginal custodial deaths have been reported throughout Australia. With regard to Aboriginal people, this is an average of 12.3 deaths annually. The Royal Commission's final *National Report* was tabled in the Commonwealth Parliament on 9 May 1991. An average of 12.1 Aboriginal deaths in custody have occurred each year since that date.

Little improvement has occurred, since the Royal Commission presented its *National Report*, in the key areas of reducing the over-representation of Indigenous people in all forms of custody and, in the year under review, reducing the number of deaths in prison custody. It is to be hoped that the longer term implementation of the Royal Commission's Recommendations will result in improvements in both of these areas.

Adam Graycar

Director

INTRODUCTION

This paper presents information on deaths which occurred in police, prison and juvenile justice custody throughout Australia during the twelve months to 30 June 1995, as well as summary data on the whole period since 1980. The purpose of this paper is to provide policy makers, the managers of custodial facilities and the public with information which will enable them to remain aware of trends in custodial deaths, both nationally and at the State and Territory level. In doing so, the Australian Institute of Criminology (the AIC) is implementing Recommendation 41 of the Royal Commission into Aboriginal Deaths in Custody which addressed the need for the monitoring, on an ongoing basis, of Australian deaths in custody.

Details on the methodology used in this project were included in the first paper in this series and will not be repeated here. In brief, however, each of Australia's eight police services, corrections authorities and juvenile justice or juvenile welfare authorities was asked to provide information, in a standard format, on all deaths in custody which occurred within their area of responsibility during the year to 30 June 1995. Information on deaths was also obtained from other sources, including media reports and community organisations; these were checked against the custodial authorities' lists. In addition, each State Coroner or equivalent was asked to review custodial authorities' lists and check them for completeness. Once the findings of coronial inquests are received those reports are used to confirm and supplement information received from the custodial authorities. The information on trends presented towards the end of this paper updates that provided in earlier issues in this series. It incorporates new information on custodial deaths.

Although the present report covers the 1994-95 financial year, the Australian Institute of Criminology will continue to publish reports covering both the calendar and the financial years. The usefulness of having reports covering both periods is illustrated by the AIC's contribution to the report, *Three Years On: Implementation of Commonwealth Government Responses to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody: Second Annual Report 1993-94*. That report, prepared by the Commonwealth Government for tabling in the Commonwealth and the State/Territory Parliaments, incorporates a summary of relevant information published in this series.

WHAT IS A DEATH IN CUSTODY?

Consistency in definitions and counting rules is especially important in this type of project which aims to provide information on trends. The AIC's deaths in custody monitoring program has adopted the definition of a 'death in custody' which was recommended for this purpose by the Royal Commission into Aboriginal Deaths in Custody and which has been agreed to by all governments. In Recommendations 6 and 41 the Royal Commission expressed the view that the definition of a death in custody:

... should include at least the following categories:

- (i) the death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile;*
- (ii) the death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care whilst in such custody or detention;*
- (iii) the death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and*
- (iv) the death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention (Royal Commission into Aboriginal Deaths in Custody 1991, p. 190).*

The fourth paper in this series (McDonald & Howlett 1993) discussed the complexities involved in defining a custodial death for the purposes of this monitoring program and post-death investigations. In summary, it was pointed out that the definition quoted above is broader than that used in the past by some custodial authorities. Prior to 1990, some custodial authorities (particularly the police services) took the view that a 'death in custody' was limited to a death which occurred in a lockup, prison, juvenile detention centre, etc., or in a hospital after an inmate was transferred there directly from such a facility. Deaths which occurred in other forms of police custody (for example in a community setting), and deaths occurring while police or prison authorities were attempting to detain a person (for example in a pursuit), were often not categorised and dealt with as custodial deaths.

The definitional issues have been discussed with the police services. As reported in issue No. 9 in this series, on the basis that all Australian governments have accepted the definition of a 'death in custody' as recommended by the Royal Commission, all police services are now using the Royal Commission's definition of a 'death in custody'.

Deaths not yet Reported to the AIC

While the majority of the police and prison authorities report deaths in custody to the Australian Institute of Criminology very quickly, there is sometimes a delay in the time between the death occurring and the Institute receiving the information. As with previous reports in this series, it is possible that the information on deaths in police custody and custody-related police operations are incomplete. At the time of writing we are aware of at least two cases not covered in this report which may possibly fall within the definition of a 'death in custody'. If further information indicates that they meet the criteria for inclusion, this information will be updated in our next report in the series.

In addition, there are two cases in New South Wales for which the Institute is awaiting the findings of coronial inquests before deciding whether or not to include the cases in the 1994-95 data set. If the coroner's findings indicate that the death falls within the scope of this monitoring program, it will be included in future publications in this series.

This report covers the incidence of 1994-95 deaths in all custodial settings combined, and then discusses deaths in police custody and custody-related police operations separately, followed by prison deaths. The report concludes with a discussion of trends in custodial deaths. An Appendix to this report updates information published in the third paper in this series (Howlett 1993) on the deaths of young people in juvenile detention during the period 1980 to 1995. It specifically highlights new information received concerning the death of an Aboriginal youth in Victoria in 1986.

THE INCIDENCE OF DEATHS IN CUSTODY

During the twelve months to 30 June 1995, 76 deaths in custody were reported throughout Australia. Fifty-five of these deaths (72 per cent) occurred in prison custody while 21 deaths (28 per cent) occurred in police custody or in custody-related police operations. No juveniles died in the custody of juvenile justice/juvenile welfare agencies. Three of the 76 deaths were of women. The 76 deaths comprised 13 Aboriginal people and 63 non-Aboriginal people. As in previous years, Aboriginal people are over-represented in the number of custodial deaths. There were no Torres Strait Islander deaths in custody reported during the year. The 13 Aboriginal deaths represent 17 per cent of all custodial deaths during this period whereas Aboriginal people comprise less than two per cent of the Australian population.

TABLE 1
Australian Deaths in Custody, 1994-95
Jurisdiction, Aboriginality and Custodial Authority

<i>State</i>	<i>Police</i>			<i>Prison</i>			<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
NSW	1	7	8	4	18	22	5	25	30
Vic.	1	4	5	-	7	7	1	11	12
Qld	-	3	3	2	10	12	2	13	15
WA	1	2	3	-	6	6	1	8	9
SA	-	-	-	3	4	7	3	4	7
Tas.	-	1	1	-	-	-	-	1	1
NT	-	-	-	1	-	1	1	-	1
ACT	-	-	-	-	-	-	-	-	-
C'wth	-	1	1	-	-	-	-	1	1
Aust.	3	18	21	10	45	55	13	63	76

The distribution of Aboriginal and non-Aboriginal deaths, respectively, were similar between police and prison custody: three of the 13 Aboriginal deaths occurred in police and 10 in prison custody, compared with 18 of the 63 non-Aboriginal deaths having occurred in police custody and 45 in prison. Table 1 provide details on the number of custodial deaths by State/Territory and Aboriginality for the 1994-95 financial year.

New South Wales, Australia's most populous State, experienced more than one-third (39 per cent) of the 1994-95 deaths in custody; 30 out of the total of 76. Twenty-two of the deaths in this State occurred in prison custody, with the remaining 8 occurring in police custody. That State also had the most Aboriginal deaths (five out of the thirteen nationally). Three Aboriginal deaths occurred in South Australia; two in Queensland; and one each in Victoria, Western Australia, and the Northern Territory.

Queensland had the next highest number of deaths in custody with 15 deaths (20 per cent), 12 of which occurred in prison custody. All of the three deaths that occurred in police custody were of non-Aboriginal people. Twelve of the 76 deaths (16 per cent) occurred in Victoria, with all of the prison deaths being of non-Aboriginal people. Much lower proportions occurred in the other jurisdictions. With the exception of the Australian Capital Territory, at least one custodial death was reported from each of the other States and the Northern Territory during the year. One death was also reported in Western Australia in the custody of the Australian Federal Police.

THE CIRCUMSTANCES OF DEATHS IN CUSTODY

As already noted, the definition of a 'death in custody' as established by the Royal Commission into Aboriginal Deaths in Custody is quite broad. The 76 deaths which occurred during 1994-95 are summarised in Table 2 using the following two categories:

- deaths in **institutions** (prisons, police lockups and juvenile detention centres), or during transfer to or from an institution (for example in a police vehicle), or in hospital following transfer from an institution; and
- deaths which occurred while police or prison officers were in the process of **detaining** or attempting to detain the person.

A third category recommended by the Royal Commission, deaths which occur while a person is escaping from custody, is not relevant here as no such deaths have been reported during the year.

TABLE 2

Australian Deaths in Custody, 1994-95

Circumstances of Death, Aboriginality and Custodial Authority

<i>Circumstances*</i>	<i>Police</i>			<i>Prison</i>			<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
Institution	1	6	7	10	45	55	11	51	62
Detaining	2	12	14	-	-	-	2	12	14
Total	3	18	21	10	45	55	13	63	76

* See text for definitions

Sixty-two of the 76 deaths occurred in institutional settings. It is of special significance that one-third of the police custody deaths (seven out of 21) were in this category. All of the other police custody deaths took place while police officers were in the process of detaining, or attempting to detain, the individuals concerned. They occurred in circumstances such as sieges (in which the deaths were either self-inflicted or inflicted by police), or in motor vehicle pursuits which ended in a fatal crash. Of the 21 people who died in police custody or in custody-related police operations during the year, seven occurred in police lockups, police vehicles or in hospitals following transfer from such settings. Most of the remaining deaths occurred while police officers were in the process of attempting to detain the person, e.g. in a siege or pursuit, and a number of these deaths were self-inflicted.

Of the 13 Aboriginal deaths, 10 occurred in prison and three occurred in police custody. Of these three, one died from illness in police custody, and one each from gunshot injuries and one from external trauma incurred while police were attempting to detain the person. Significantly, for the second year running, it is pleasing to note that no Aboriginal or Torres Strait Islander people were reported to have died in a police lockup during the year.

Three women were reported to have died in custody or in custody-related police operations during the year. Brief descriptions are provided below:

- In Victoria, an Aboriginal woman aged 41 years died on 23 September 1994 as a result of a gunshot wound inflicted during a confrontation outside a community service agency. The woman, who had a prior history of mental illness, was shot by the police officer after she had allegedly threatened two police officers with a tomahawk.

- In New South Wales, a woman aged 50 years died on 13 January 1995 as a result of self-inflicted hanging. At the time of her death she was a prisoner at the Mulawa Correctional Centre, Sydney. She had been sentenced to a period of imprisonment for the offence of murder.
- In Queensland, a woman aged 27 years died on 15 December 1994 at the Southport Watchhouse from a suspected drug overdose. She had been arrested for the alleged offence of public drunkenness.

Cause and Manner of Death

As noted above, the information provided here on the cause and manner of death is derived, in most cases, from the custodial authorities; the regular reports published by the Australian Institute of Criminology will update this information if coroners' findings on the cause and manner of particular deaths differ from those reported to the AIC by the custodial authorities. The cause and manner of death for those who died in custody in Australia during 1994-95 is summarised in Table 3.

TABLE 3
Australian Deaths in Custody, 1994-95
Cause and Manner of Death, Aboriginality and Custodial Authority

<i>Manner</i>	<i>Police</i>			<i>Prison</i>			<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
Hanging	-	-	-	6	21	27	6	21	27
Natural causes	1	1	2	4	10	14	5	11	16
Gunshot	1	7	8	-	-	-	1	7	8
Head injury	-	2	2	-	-	-	-	2	2
Other external trauma	1	3	4	-	8	8	1	11	12
Drugs/alcohol	-	4	4	-	4	4	-	8	8
Other	-	1	1	-	-	-	-	1	1
Not known	-	-	-	-	2	2	-	2	2
Total	3	18	21	10	45	55	13	63	76

Hanging was the most frequent cause of death, accounting for 27 or 36 per cent of the deaths overall. Almost half of the prison deaths were from hanging, and no deaths occurred in this manner in police custody. This is a remarkable achievement, reflecting a downward trend from an extremely high level of 22 deaths in police custody from hanging in 1987. Natural causes was the next most frequent category with 16 deaths, followed by 'external trauma other than gunshot or head injury' deaths (12 cases). These categories were followed by deaths from alcohol and/or other drugs (8 cases), gunshot (8), head injury (2), and drowning (1). At the time of writing, the cause of death had not been determined for 2 prison deaths.

The cause and manner of death of the 13 Aboriginal people who died in custody was reported to be six by self-inflicted hanging, five from natural causes, i.e. illness (all of which were from heart disease), one from gunshot and one from external trauma. The impact of cardiovascular disease in the Aboriginal population generally¹ is being reflected in the custodial population.

¹ Australian Institute of Health and Welfare, *Australia's Health 1994*, AGPS, Canberra, 1994, pp. 26-36.

It should be borne in mind when interpreting the information presented in this paper on manner of death that, for drug-related deaths, unless the coroner clearly states that the death was intentional (i.e. suicidal), these deaths are treated as 'accidental'.

Death Rates

The rates of custodial deaths may be measured in two different ways: in terms of the ratio of the number of deaths to the number of people in the community or as the ratio of the number of deaths to the number of people in custody.² Commencing with the first of these approaches, it is observed that the 1994-95 crude death rate for police and prison custody combined was 0.43 per 100 000 of the total Australian population. When we consider only the population aged 15 years and above, to enhance comparability with the age structure of the custodial population, the death rate was 0.54 per 100 000.

Population data estimated by the Australian Bureau of Statistics enable comparisons to be made between the rates of custodial deaths of Aboriginal and non-Aboriginal people. Details are presented in Table 4. Although only 17 per cent of the deaths were among Aboriginal people, the fact that they comprise only 1.3 per cent of the adult population means that their adult (15 years and above) crude death rate was more than 15 times that of non-Aboriginal people.³

TABLE 4
Police and Prison Custody Death Rates, 1994-95
Denominators: Aboriginal, Non-Aboriginal and Total 15 yrs+ Populations Respectively

<i>Aboriginality</i>	<i>Population 1994^(a)</i>	<i>Persons 15 yrs^{+(a)}</i>	<i>Deaths in custody 1994-95</i>	<i>Deaths per 100 000 population 15 years⁺</i>
Aboriginal ^(b)	303 260	184 639	13	7.04
Non-Aboriginal ^(c)	17 538 050	13 812 456	63	0.46
Total	17 841 310	13 997 095	76	0.54

(a) Source: Population estimates provided by the Australian Bureau of Statistics.

(b) Includes Torres Strait Islanders.

(c) Includes 'not stated'.

In relation to the first type of measure, using figures for the different forms of custody, for the 1994-95 period the adult (15 years and above) crude death rate for *prison custody* was 0.39 per 100 000 of the Australian population. The adult crude prison death rate for Aboriginal people was 5.42 per 100 000 of the Australian Aboriginal population, whereas the prison death rate for non-Aboriginal people was 0.33 per 100 000 of the non-Aboriginal Australian population. Therefore, during the period covered by this report, the relative risk of prison custody death for Aboriginal people (compared with non-Aboriginal people) was 16.42 (that is 5.42 divided by 0.33). In other words, the risk of death occurring in prison experienced by all Aboriginal and Torres Strait Islander people during this time was more than 16 times that experienced by non-Aboriginal people.

² See the Technical Note in Deaths in Custody No. 7, *Australian Deaths in Custody 1993*, for details on the calculation of death rates.

³ A similar pattern is observed when age standardised rates are used. Because this applies throughout this section, only crude rates are presented here.

Turning now to *police custody* death rates, a similar pattern is observed. The adult crude death rate for all types of police custody (including police operations in community settings) for 1994-95 was 0.15 per 100 000 of the Australian population. The adult crude police custody death rate for Aboriginal people was 1.62 per 100 000 of the adult national Aboriginal population, whereas the corresponding death rate for non-Aboriginal people was 0.13 per 100 000 of the Australian population. This means that the relative risk that an adult Aboriginal person (compared with a non-Aboriginal person) experienced death in police custody was 12.46 (that is 1.62 divided by 0.13). In other words, the risk of death in all forms of police custody for adult Aboriginal people during this time was over 12 times that experienced by non-Aboriginal people.

TABLE 5
Prison Custody Death Rates, 1994-95

Denominator: Aboriginal, Non-Aboriginal and Total 15 yrs⁺ Populations Respectively

<i>Aboriginality</i>	<i>Population</i> <i>1994^(a)</i>	<i>Persons</i> <i>15 yrs⁺(a)</i>	<i>Deaths in</i> <i>custody</i> <i>1994-95</i>	<i>Deaths per</i> <i>100 000 population</i> <i>15 years⁺</i>
Aboriginal ^(b)	303 260	184 639	10	5.42
Non-Aboriginal ^(c)	17 538 050	13 812 456	45	0.33
Total	17 841 310	13 997 095	55	0.39

(a) Source: Population estimates provided by the Australian Bureau of Statistics.

(b) Includes Torres Strait Islanders.

(c) Includes 'not stated'.

However, as stated above, it is also useful to express the rates of deaths in custody in terms of the number of deaths compared to the number of people in custody. Applying this approach, the crude death rate for *prison custody* during 1994-95 was 3.47 per 1000 of the prison population.⁴ The crude death rate for Aboriginal prisoners was 4.14 per 1000 prisoners, whereas the death rate for non-Aboriginal prisoners was 3.35 per 1000 of the prison population. Therefore the relative risk of death in prison custody for Aboriginal prisoners (compared with non-Aboriginal prisoners) was 1.24 (that is 4.14 divided by 3.35). This means that the risk of death for Aboriginal prisoners was approximately 1.2 times greater than that for non-Aboriginal prisoners when their death rates are expressed in this manner. (This difference is not statistically significant.) It should be recalled, however, that this low relative risk of Aboriginal deaths in the prison setting is in contrast to the corresponding relative risk of 16.42 when the numbers of Aboriginal and non-Aboriginal prison deaths are compared with the relative sizes of the Aboriginal and non-Aboriginal populations in the community at large. The difference between these two estimates of relative risk is explained by the continuing over-representation of Aboriginal people in the prison population.

⁴ The prison population used as the denominator of these rates is estimated from National Prison Census data as at 30 June 1993, Australian Institute of Criminology, Canberra.

TABLE 6

Police Custody Death Rates, 1994-95

Denominator: Aboriginal, Non-Aboriginal and Total 15 yrs+ Populations Respectively

<i>Aboriginality</i>	<i>Population 1991 census^(a)</i>	<i>Persons 15 yrs⁺(a)</i>	<i>Deaths in custody 1994-95</i>	<i>Deaths per 100 000 population 15 years⁺</i>
Aboriginal ^(b)	303 260	184 639	3	1.62
Non-Aboriginal ^(c)	17 538 050	13 812 456	18	0.13
Total	17 841 310	13 997 095	21	0.15

(a) Source: Population estimates provided by the Australian Bureau of Statistics.

(b) Includes Torres Strait Islanders.

(c) Includes 'not stated'.

The pattern is similar for *police custody* death rates. The crude death rate for police custody deaths during 1994-95 was 7.63 per 1000 of the police custody population.⁵ The crude death rate for Aboriginal people during this time was 4.61 per 1000 of the police custody population and for non-Aboriginal people it was 9.11 per 1000. This means that during the year the relative risk of death in police custody experienced by Aboriginal people compared with that of non-Aboriginal people, was 0.51 (or 4.61 divided by 9.11) In other words, the non-Aboriginal death rate was almost double that of Aboriginal people. However, this difference is not statistically significant. (This calculation is based on one Aboriginal death and four non-Aboriginal deaths either in police lockups or in hospital following transfer from a lockup.)

The broad similarity in the rates of death of Aboriginal and non-Aboriginal people in police lockups during 1994-95 does not mean that the disproportionate over-representation of the number of Aboriginal people dying in police custody (compared with the number of non-Aboriginal people) has disappeared. Indeed, as noted above, the fact that there were three deaths of Aboriginal people during the year in all forms of police custody means that the Aboriginal population experienced death in police custody at a rate more than 12 times that of the non-Aboriginal population. (This conclusion is based on a comparison of the numbers of Aboriginal and non-Aboriginal police custody deaths, respectively, with the relative sizes of the Aboriginal and non-Aboriginal populations in the community at large.)

POLICE CUSTODY AND CUSTODY-RELATED DEATHS

State, Aboriginality, Gender & Age

It will be observed from Table 7 that a total of 21 people died in police custody or in custody-related police operations during the financial year 1994-95. Eighteen of these deaths were of non-Aboriginal people and three were of Aboriginal people. The largest number (8) of the deaths occurred in New South Wales. Five people died in Victoria; three in Queensland; three in Western Australia and one each in Tasmania and in the custody of the Australian Federal Police. Two of these 18 individuals were female and three (one woman and two men) were Aboriginal people.

⁵ These rates are calculated using only deaths in police lock-ups or in hospital following transfer from a lock-up as the numerators, and person x days in custody, annualised, as the denominators. It does not include deaths in other institutional circumstances (e.g. police vans) or deaths in non-institutional forms of police custody (e.g. raids) or in other police operations (e.g. pursuits).

The people who died in police custody during 1994-95 were mostly young. Their ages ranged from 18 to 62 years, with a mean age of 33 years and a median (the point above and below which half of the cases fell) of 30 years. There were no significant age differences between the Aboriginal people who died in police custody and the non-Aboriginal people, although the former had a mean age of 44 years compared to the mean age of 32 years for the latter.⁶ The ages of the three Aboriginal people who died in police custody were 37, 41 and 54 years, respectively.

TABLE 7

Australian Deaths in Police Custody and in Custody-related Police Operations, 1994-95
Jurisdiction and Aboriginality

<i>Jurisdiction</i>	<i>Category 1 - Institutional or Close Contact Custody</i>			<i>Category 2 - Other Custody-related Police Operations</i>			<i>Total</i>		<i>Grand</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>
NSW	-	2	2	1	5	6	1	7	8
Vic.	1	3	4	-	1	1	1	4	5
Qld	-	3	3	-	-	-	-	3	3
WA	1	2	3	-	-	-	1	2	3
SA	-	-	-	-	-	-	-	-	-
Tas.	-	-	-	-	1	1	-	1	1
NT	-	-	-	-	-	-	-	-	-
ACT	-	-	-	-	-	-	-	-	-
Other	-	1	1	-	-	-	-	1	1
Aust.	2	11	13	1	7	8	3	18	21

Cause and Manner of Death

As can be seen from Table 3, gunshot was the most frequent cause of death in this category. In fact, eight of the 21 people who died in police custody or in custody-related operations died as a result of gunshot. Three of these deaths were self-inflicted and the remaining five deaths were a result of gunshot wounds inflicted by police officers. Another six deaths resulted from injuries; four were a result of drug overdoses; two were from natural causes; two from injuries; and one death was a result of drowning.

Offence, Legal Status & Bail

This section provides data on the offences that led to the final period of custody of people who died in police custody or custody-related police operations, their legal status at the time of death and the reasons for being in police custody rather than being released on bail.

Information is available on the most serious *offence* associated with people being in custody. It should be noted that the legal status of these people varied. In many cases they had not been convicted of the offences (for example, when held on remand awaiting a court hearing), and in some instances people died before being charged or without even being liable to be charged (for example, when held in protective custody for public drunkenness in jurisdictions where such behaviour is not an offence).

⁶ There are differing age distributions of these two groups in the community but not in the custodial populations. Thus, the mean ages at death of Aboriginal and non-Aboriginal people, as we might expect, reflected the age distributions of their respective custodial populations but not their total populations in the community.

The highest number of deaths (8 of the 21) occurred among people who were in police custody or whom police were attempting to detain for the offence of assault (4 cases) and homicide (4 cases). Smaller numbers were in custody or were being sought to be detained for the offences of motor vehicle theft; traffic offences; robbery offences; break and enter offences; fraud offences; public drunkenness; and other offences against the person. One individual died while in protective custody for public drunkenness in New South Wales where such behaviour is no longer an offence.

Overall, the five most serious categories of offences, namely homicide, assault, sex offences, robbery and other offences against the person, accounted for 10 of the 21 deaths in police custody. All but three of the individuals were non-Aboriginal.

Turning to the *legal status* of the deceased, only one person was on remand in police custody at the time of their death and one person was in custody for drunkenness where this is not an offence. In one case, the person was a sentenced prisoner who, after appearing in court, died in a police lockup while awaiting transfer back to prison. The other 20 deaths occurred in a variety of situations, primarily while police were attempting to detain the individuals concerned.

During 1994-95, there was only one case where it would have been possible for police officers to have considered releasing the person on *bail*. Here bail was not provided owing to the level of intoxication of the woman who died. (This death occurred in Queensland where public drunkenness remains an offence.) In most cases, bail was not applicable because at the time of death the people had been remanded in custody by a court or were not in custody as the police were attempting to detain them.

Setting of Death

As can be seen from Table 7, 13 of the 21 people died in either an institutional setting or in close contact custody during 1994-95. Seven of those deaths occurred in police lockups, police vehicles or in hospitals following transfer to or from such settings. Most of the remaining deaths occurred while police officers were in the process of attempting to detain the person, e.g. in a siege or pursuit, and a number of these deaths were self-inflicted. Eighteen of these deaths were of non-Aboriginal people and three were Aboriginal people. Significantly, for the second year in succession, no Aboriginal or Torres Strait Islander people were reported to have died in a police lockup during the year. A breakdown of these deaths follows, including the basis for such classification.

As agreed by the Australasian Police Ministers' Council, the following definitions describe the two categories for a death in police custody:

Category 1: (a) deaths in institutional settings (e.g. police stations/lockups, police vehicles, etc.; or during transfer to or from such an institution; or in hospitals, etc. following transfer from an institution); and (b) other deaths in police operations where officers were in close contact with the deceased. This would include most raids and shootings by police. It would not include most sieges where a perimeter was established around a premises but officers did not have such close contact with the person as to be able to significantly influence or control the person's behaviour.

Category 2: Other deaths during custody-related police operations. This would cover situations where officers did not have such close contact with the person as to be able to significantly influence or control the person's behaviour. It would include most sieges as described above and most cases where officers were attempting to detain the person, e.g. pursuits.

Category 1: Deaths in institutions and other forms of close custody

Six of the 13 police custody-related deaths that fall into this category occurred in an institutional setting and seven in community settings. Of the *institution-related deaths*, three occurred in police lockups, two in hospital following transfer from a police lockup and one in the rear of an Australian Federal Police vehicle. One of the six deaths was of an Aboriginal person.

It should be noted that four of the six deaths that occurred in institutional settings were a result of drug or poison overdoses. All three deaths in police lockups resulted from drug overdoses.

The remaining seven deaths that occurred in the first category, i.e. situations where police were able to exert a substantial degree of influence over the behaviour of the person who died, were *deaths in non-institutional settings*, rather than in lockups, police vehicles or hospitals. It needs to be highlighted that six of these seven deaths were caused by gunshot and that all but one of these were a result of gunshot wounds inflicted by police while they were in the process of detaining, or attempting to detain, the individuals who died. The other gunshot death was the result of a self-inflicted bullet wound to the head on 22 January 1992. This person failed to regain consciousness, dying early in 1995, more than three years after the incident. The single death that was not a result of shooting was that of a person who died as a result of restraint asphyxiation in association with amphetamine use while police were in the process of attempting to detain him.

Category 2: Deaths in Other Custody-related Police Operations

As can be seen from Table 7, there were eight cases which fell into the second category of deaths in custody-related police operations. As agreed by APMC, this category covers cases where police were involved but had little capacity to significantly influence or control the person's behaviour. Three of the eight deaths resulted from injuries received in a motor cycle or motor vehicle crash in the course of a police pursuit. Two deaths were from self-inflicted gunshot wounds. Another two deaths (one of an Aboriginal male) resulted from falls from bridges while police were attempting to detain the individuals concerned; one drowned and one died from external injuries. The remaining death occurred as a result of the person being struck by a passing motor cycle while being pursued on foot by police. A brief description of these deaths is provided below:

- In New South Wales, a motorcyclist died after a collision with an oncoming vehicle while he and his passenger were being pursued by police. The motorcyclist was being pursued for exceeding the speed limit in a built-up area when his vehicle went onto the incorrect side of the roadway and collided head-on with an oncoming vehicle.
- In New South Wales, a man died after shooting himself at his home in a siege involving police. Police had attended the scene following a family violence report subsequent to which the deceased allegedly murdered his wife. Police, observing the man loading a rifle, retreated. Upon subsequently entering the premises, the man was found with a fatal gunshot wound alongside his deceased wife.
- In New South Wales, an Aboriginal man died as a result of external injuries when he accidentally fell to his death from a bridge. At the time of his death police were searching for the deceased in relation to the alleged offences of assault and breach of an interim Apprehended Violence Order. When the deceased saw police searching for him, he apparently climbed over the walkway of the bridge and fell to his death.
- In Victoria, a man died as a result of head injuries sustained after the vehicle in which he was travelling collided with a parked truck. The man was a passenger in a stolen motor vehicle being pursued by police at the time of his death.
- In New South Wales, a man died as a result of injuries sustained after the vehicle he was driving collided with a light pole. At the time of the incident, police were pursuing the deceased's vehicle in relation to the traffic offence of driving without registration plates and lights.
- In Tasmania, a man died after shooting himself in the head in a siege situation involving police. Police had attended the scene in relation to a hostage situation involving custody of the two-year-old child of the deceased. Police were in the process of negotiating with the deceased when he shot himself.
- In New South Wales, a man drowned after he jumped into Middle Harbour to avoid being arrested by police. At the time, police were attempting to detain and arrest the deceased for the offence of stealing a motor vehicle.
- In New South Wales, a man died as a result of head injuries sustained after being struck by a passing motorcycle whilst being pursued on foot by police. At the time, police were pursuing the deceased in relation to the alleged offence of possession of stolen property.

PRISON CUSTODY DEATHS

State, Aboriginality & Gender & Age

During the financial year 1994-95, a total of 55 deaths occurred in prison custody. Forty-five of these deaths were of non-Aboriginal people and ten were Aboriginal. Table 1 shows that New South Wales experienced the largest number of deaths in prison custody (22), accounting for 40 per cent of the prison deaths. Of the 10 Aboriginal deaths, four occurred in New South Wales, three in South Australia, two in Queensland and one in the Northern Territory. All of the Aboriginal people who died were male. Of the 55 deaths, only one female died in prison custody.

TABLE 8
Deaths in Prison Custody, 1994-95
Jurisdiction and Aboriginality

<i>Jurisdiction</i>	<i>Aboriginal</i>	<i>Non-Aboriginal</i>	<i>Total</i>
NSW	4	18	22
Vic.	-	7	7
Qld	2	10	12
WA	-	6	6
SA	3	4	7
Tas.	-	-	-
NT	1	-	1
ACT	-	-	-
Aust.	10	45	55

Age

The age range of the people who died in prison custody during 1994-95 was from 18 to 75 years. Their mean age at death was not significantly different from the mean age at death of those who died in police custody (35 years compared with 33 years respectively). Aboriginal people who died in prison custody were, on average, younger than the non-Aboriginal people (a mean of 31 years for Aboriginal prisoners compared with 36 years for non-Aboriginal prisoners), although the difference is not statistically significant.

Six of the deaths in prison custody that occurred during 1994-95 were of people aged 19 years or younger. All were young males and all died as a result of self-inflicted hanging.

Cause and Manner of Death

Overall, hanging was the most frequent cause of deaths in prison, accounting for 27 (or 51 per cent) of the 53 deaths for which information on the cause of death is currently available. It should be noted that 29 (54 per cent) of the deaths for which information on the manner of death is available were self-inflicted. At the time of writing, the cause of death had not been determined in two cases. Natural causes was the second most frequent category after hanging, with 14 deaths; 4 deaths resulted from injuries and 2 from drugs. Six of the ten Aboriginal people who died in prison died as a result of hanging and four died from natural causes (all heart disease).⁷

Of the 14 deaths from natural causes, nine resulted from heart disease, one from cancer, one from HIV and one from liver disease/hepatitis. (The type of illness is undetermined as yet in the two remaining cases.)

Offence & Legal Status

This section provides data on the most serious offence associated with people being in custody and their legal status at the time of death. The highest number of prison custody deaths (11 of the 55) occurred among people in prison for assault. After assault, the most common offence types were sex offences with 10 deaths, homicide with eight deaths, break and enter with six deaths, four for motor vehicle theft, three for robbery, and smaller numbers for the offences of fraud, deal or traffic in drugs, possess and use drugs, property damage, other good order offences, justice procedures and traffic offences.

Overall, the five most serious categories of offences, namely homicide, assault, sex offences, robbery and other offences against the person, accounted for 32 of the 55 cases. Some 58 per cent of both the Aboriginal and non-Aboriginal people who died in prison were being held for one of these more serious offences.

A substantial proportion (38 or 69 per cent) of the people who died in prison custody during 1994-95 had been sentenced to a period of imprisonment at the time of their death. The remaining 17 (or 31 per cent) were on remand, unconvicted and awaiting trial.

Information on the legal status of the people who died in prison custody is important: both Australian and overseas research has demonstrated an over-representation of custodial deaths among remandees compared with sentenced prisoners (Biles & McDonald 1992; Liebling 1992). As noted above, during 1994-95, 17 (or close to one-third) of the people who died in prison were held on remand. This proportion is very high when compared with the prison population as a whole where, as at 1 June 1994, 13 per cent of the prison population was held on remand (AIC 1993). This produces a measure of relative risk (an odds ratio) of 3.0. In other words, the proportion of deaths among remand prisoners was three times what one would expect from their proportion in the prison population.

Trends 1980 to 30 June 1995

This section presents information on trends in custodial deaths during the period 1 July 1980 to 30 June 1995. The figures for the period 1980 to the end of 1989 are based on data received by the Royal Commission into Aboriginal Deaths in Custody's Criminology Unit from the custodial authorities.⁸ It is likely that the definition of a death in custody used over this period varied both between the jurisdictions and over time. For this reason, too much emphasis should not be placed on small variations in numbers. The AIC has sought to apply the new and expanded Royal Commission definition of a custodial death, detailed above, to all cases which have occurred since 1 January 1990. However, the completeness of reporting of the deaths which occur in places other than institutions (particularly during police operations such as attempting to detain alleged offenders and others) is still improving, even over the period since 1990.

⁷ The health status of Aboriginal people in the community is far worse than that of non-Aboriginal people. Aboriginal people have an age standardised mortality rate three times that of non-Aboriginal people (Bhatia & Anderson 1995).

⁸ While the data set from which these figures were derived contains all the cases reported to the Royal Commission's Criminology Unit, it is possible that it is not a *complete* list of all 1980 to 1989 deaths in custody. As a result, the figures presented here may slightly under-estimate the number of deaths which occurred during that period.

TABLE 9****Australian Deaths in Custody 1980-81 to 1994-95******Year of Death, Custodial Authority and Aboriginality, Institutional Settings*****

<i>Year</i>	<i>Police</i>			<i>Prison</i>			<i>Juvenile Detention</i>			<i>Total</i>		<i>Grand Total</i>
	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	<i>Total</i>	<i>Ab'l</i>	<i>Non-Ab'l</i>	
1980-81	7	5	12	2	26	28	1	-	1	10	31	41
1981-82	2	13	15	3	26	29	-	-	-	5	39	44
1982-83	5	17	22	4	21	25	-	-	-	9	38	47
1983-84	3	11	14	2	30	32	-	1	1	5	42	47
1984-85	8	15	23	5	22	27	-	-	-	13	37	50
1985-86	5	12	17	4	16	20	-	-	-	9	28	37
1986-87	15	24	39	2	34	36	-	1	1	17	59	76
1987-88	6	15	21	4	40	44	1	1	2	11	56	67
1988-89	10	17	27	5	31	36	-	-	-	15	48	63
1989-90	5	14	19	10	43	53	-	1	1	15	58	73
1990-91	2	12	14	5	30	35	-	1	1	7	43	50
1991-92	5	10	15	4	27	31	-	-	-	9	37	46
1992-93	1	9	10	5	36	41	-	-	-	6	45	51
1993-94	2	5	7	11	46	57	-	2	2	13	53	66
1994-95	1	6	7	10	45	55	-	-	-	11	51	62
Total	77	185	262	76	473	549	2	7	9	155	665	820

Note: Some of the figures in this table differ from those published in previous Annual Reports. This reflects information which subsequently became available on deaths in custody which were not previously identified as such.

* The corresponding tables in reports prior to No. 8 in this series are not directly comparable with this table as they covered deaths in all settings, whereas (for consistency in the time series) this table covers only deaths in institutional settings.

** Deaths in prisons, police lockups or juvenile detention facilities, during transfer to or from them, or in medical facilities following transfer from detention facilities.

Table 9 sets out details on the number of custodial deaths reported for each financial year from 1 July 1980 to 30 June 1995, using a consistent definition of a 'death in custody' throughout. Since this report covers the financial year to 30 June 1995, the following discussion focuses on financial years. Calendar year information will be updated in the next monitoring report in this series.

Table 9 and Figure 4 show the number of deaths in institutional settings only. This includes prison custody deaths and, in the case of police and juvenile justice custody deaths, only deaths in detention facilities (e.g. police lockups and juvenile detention centres) and deaths which occurred while people were being transported to or from such facilities, or in hospitals etc. following transfer from lockups and other detention facilities. The table and figure do not include deaths in police operations, such as attempting to detain a person, even though such deaths have fallen within the definition of a 'death in custody' with effect from 1990. Omitting these deaths enables direct and accurate temporal comparisons to be made over the full period 1980 to 1995. Trends in deaths in police operations in non-institutional, community settings are discussed below.

The number of deaths each year was relatively low in the period 1980-81 to 1985-86. The substantial increase in Aboriginal deaths in 1987 (which was accompanied by an increase in non-Aboriginal deaths) was the stimulus for the demands of the Aboriginal community and others for the appointment of the Royal Commission into Aboriginal Deaths in Custody. Following this extreme year, the number of custodial deaths over the following three years (1987-88 to 1989-90) remained high, with an average of 68 deaths per year. It was lower during the 1990-91 1991-92 and 1992-93 financial years but rose again to 66 deaths in 1993-94. During the year under review, the number of custodial deaths fell slightly from 66 to 62.

Table 10 shows deaths that occurred in *all custodial circumstances* from 1990-91 to 1994-95. All of these cases are covered by the post-Royal Commission definition of a 'death in custody', which includes both deaths in institutional settings and in community settings, such as police sieges, shootings and pursuits. It will be observed from this table that the 76 deaths which were reported for the year covered by this report reflect a 13 per cent decrease on the previous year when 87 custodial deaths occurred. Deaths in all forms of police custody fell by 25 per cent (from 28 to 21 cases). Deaths in prison custody also fell marginally by 3.5 per cent (from 57 to 55 cases), in contrast to the previous year when deaths had risen by 36 per cent (from 42 to 57 cases). The number of deaths of Aboriginal people in all forms of custody combined has also fallen (from 15 to 13). The total number of non-Aboriginal deaths reported has fallen from 72 in 1993-94 to 63 in the current year, with almost all of the reduction occurring in deaths in police custody.

TABLE 10
Australian Deaths in Custody 1990-91 to 1994-95,
Aboriginality and Custodial Authority
Deaths in all custodial circumstances

Year	Police			Prison			Juvenile detention			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1990-91	3	22	25	5	30	35	-	1	1	8	53	61
1991-92	7	21	28	4	28	32	-	-	-	11	49	60
1992-93	3	33	36	5	37	42	-	-	-	8	70	78
1993-94	4	24	28	11	46	57	-	2	2	15	72	87
1994-95	3	18	21	10	45	55	-	-	-	13	63	76

Note: Some of the figures in this table differ from those published in past reports. This reflects information which subsequently became available on deaths in custody which were not previously identified as such.

Table 11 provides information on the custodial deaths that occurred in *institutions only* (police lockups or vehicles, prisons, juvenile detention centres and in hospitals following transfer to or from such facilities) from 1990-91 to 1994-95. It therefore incorporates only those cases that would have been covered by the earlier definition of a 'death in custody'. This table shows a decrease of 6 per cent between the 66 deaths reported in 1993-94 and the 62 deaths reported for 1994-95. Half of this decrease occurred in juvenile detention and the other half occurred among people in prison, both Aboriginal and non-Aboriginal. The number of Aboriginal and non-Aboriginal deaths in both police and prison custody has remained at about the same level over the last two years.

TABLE 11
Australian Deaths in Custody 1990-91 to 1994-95,
Aboriginality and Custodial Authority
Deaths in institutional settings only*

Year	Police			Prison			Juvenile detention			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1990-91	2	12	14	5	30	35	-	1	1	7	43	50
1991-92	5	10	15	4	27	31	-	-	-	9	37	46
1992-93	1	9	10	5	36	41	-	-	-	6	45	51
1993-94	2	5	7	11	46	57	-	2	2	13	53	66
1994-95	1	6	7	10	45	55	-	-	-	11	51	62

* Deaths in police lockups, police vehicles, prison, juvenile detention centres and in hospitals following transfer to or from such facilities.

Note: Some of the figures in this table differ from those published in past reports. This reflects information which subsequently became available on deaths in custody which were not previously identified as such.

Trends in Patterns of Police Custody-Related Deaths

Table 12 provides information on deaths in police custody and in custody-related police operations for the period 1990 to 1995. It is based on the two categories referred to earlier when deaths in police custody and in custody-related police operations were discussed. It is notable that the total number of deaths in police custody and in custody-related police operations in 1995 (21) is the lowest figure reported over the five years for which these data are available. The relatively low number is observed among both Aboriginal and non-Aboriginal deaths.

TABLE 12
Australian Deaths in Police Custody and in Related Police Operations,
1990-91 to 1994-95, by Aboriginality

Year	Category 1 - Institutional or Close Contact Custody			Category 2 - Other Custody-related Police Operations			Total		Grand Total
	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	Total	Ab'l	Non-Ab'l	
1990-91	2	21	23	1	1	2	3	22	25
1991-92	6	15	21	1	6	7	7	21	28
1992-93	1	18	19	2	15	17	3	33	36
1993-94	4	15	19	-	9	9	4	24	28
1994-95	2	11	13	1	7	8	3	18	21

The data in Table 12 indicate that while deaths in Category 1 (i.e. deaths in lockups and other situations where police could exercise a considerable degree of control over the deceased) have decreased noticeably in 1994-95, deaths in Category 2 (i.e. cases where police had little or no capacity to control the behaviour of the deceased) have remained roughly the same as the previous year, decreasing by only one case.

Deaths since the Royal Commission

In the period between the tabling of the Royal Commission's final National Report on 9 May 1991 and 30 June 1995, a total of 310 people are reported to have died in all forms of police, prison and juvenile justice custody in Australia. Fifty of these deaths were of Aboriginal people and 260 non-Aboriginal people. This represents an average of 12.1 Aboriginal deaths each year since the date of tabling and covers deaths in all forms of custody for the period since tabling, including both deaths in institutional settings and in the community (for example, where police officers were attempting to take a person into custody).

As previously discussed, the definition of a 'death in custody' has been modified since 1990, compared with the definition applied by the Royal Commission during the 1980-89 period. When comparing figures for the period of time covered by the Royal Commission's investigations, those figure needs to be compared with the figures for subsequent years which cover institutional deaths only. It should be noted that the yearly average number of Aboriginal deaths in institutional settings since the tabling of the Royal Commission Report in 1991 has been 10.1. During the period covered by the Royal Commission this figure was 10.5.

It is also notable that, since 31 May 1989, the cut-off date for the deaths investigated by the Royal Commission, 75 Aboriginal and 373 non-Aboriginal custodial deaths have been reported as having occurred throughout Australia. With regard to Aboriginal people, this is an average of 12.3 deaths annually. These figures cover deaths in both institutional and community settings, the definition recommended by the Royal Commission.

CONCLUSION

In conclusion, it should be noted that although the total number of people who died in all forms of custody during 1994-95 is substantially lower than that reported for the previous financial year, the figure for those who died in prison custody is once again very high. This suggests that key recommendations of the Royal Commission concerned with minimising the number of people held in prison and providing a high quality of care for those in prison are either not being fully implemented or, when they are, are not operating effectively. In order to significantly reduce the number of deaths in custody, there is clearly a need for stronger action by all governments to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody and to evaluate their impacts on the frequency of both Aboriginal and non-Aboriginal people dying while in the care of the state.

APPENDIX

DEATH OF ROWAN IN JUVENILE DETENTION

An earlier report in the *Deaths in Custody Australia* series (Howlett 1993) gave detailed information on the deaths of nine young people in juvenile detention in Australia during the period 1980 to the end of 1992. One of the deaths that was reported was that of Rowan, aged 16 years, who died as a result of self-inflicted hanging on 16 July 1986 at the Turana Youth Training Centre, Melbourne, Victoria.

At the time of writing that report it was thought that Rowan was a non-Aboriginal youth. That information had been taken from the finding of the Coroner's Inquest into Rowan's death. However, since the time of that Inquest and publication of our report, Rowan's adoptive mother has contacted the AIC with new information relating to his Aboriginality as well as to the verdict on her son's death. She is now in the process of attempting to have the inquest into Rowan's death re-opened on three counts. The first of these is that she has discovered through Adoption Information Services in Victoria that Rowan's birth father was of Aboriginal descent. (Community Services, Victoria, confirms this.) Second, she was not aware that her then-husband and herself could have had legal representation at the Inquest. Third, the verdict on her son's death was left open but she advises that she has evidence that Rowan did, in fact, commit suicide.

She has also made some comments and amendments to the details previously outlined in our report surrounding Rowan's childhood and the events leading up to his death. The following is a summary of those amendments and comments.

- Rowan was adopted when he was two-weeks-old. He was actually eight and a half-years-old when he was placed at Travancore Centre, a residential child psychiatric program, not twelve and a half-years-old, as previously reported. He was permanently removed from there by his adoptive father for a period of time after his adoptive parent's marriage broke down and they were temporarily separated. Rowan's adoptive mother is unable to say whether Rowan's behaviour caused the breakdown in the marriage, or whether the reverse was the case, the marriage breakdown contributing towards his behaviour.
- By the time Rowan was nearly twelve the adoption had broken down completely and Rowan was made a Ward of the State. Rowan's adoptive mother still considered Rowan to be her son. Frequent attempts to have Rowan returned to the family (usually instigated by Community Services, Victoria) were made without it being noticed that the situation was not improving. Rowan's behaviour was uncontrollable, with him absconding from his family home after being directed to live there by Community Services.
- His mother believes that his uncontrollable behaviour and the resulting trauma he was suffering was a result of him knowing that he was adopted, as well as being aware of his mixed descent.
- Rowan continued to abscond from his placements in facilities administered by the welfare/justice authorities. On 4 December 1985, two days after his birthday, Rowan contacted his Welfare Officer and reported that he was depressed and had attempted to take his life. Rowan's parents had thrown him a birthday party and, after strictly limiting the amount of alcohol, he had become quite angry and depressed. His mother believes from her research that it is known for adopted children to become quite depressed at the time of their birthdays.
- The AIC earlier reported that he had stated that he had gone to his family home and apparently taken sleeping tablets and brandy although it was unclear whether he had actually consumed these items. Rowan's adoptive mother has now confirmed that she had found that he had consumed the brandy, finding Rowan unconscious in the laundry at that time, and leaving him there to sleep it off. She was unaware that he had possibly taken sleeping tablets at the same time, later finding that several of her prescribed tablets were unaccountably missing.

- Rowan accumulated convictions for property offences, eventually being charged with threatening a school teacher with a knife (while intoxicated) in January 1986. Again, as for the other convictions, he received a non-custodial sanction. It was not long after this incident that it was considered by the welfare/justice authorities that he was not cooperating with the requirements of the probation order and he was consequently admitted to Turana Youth Training Centre on 2 April 1986. His mother has pointed out that the Inquest found that Rowan was a very bright boy and that it did not seem appropriate that he be placed in such an institution. She agrees with this statement but, having failed to have him certified insane for his own protection, saw that there was no alternative to incarceration, feeling that he would at least be safe in Turana.
- Rowan's mother would like it known that at the time of his death she had an unstable but strong friendship with Rowan and that she was the only person in the family who visited Rowan in Turana with any regularity. She saw Rowan at least once a week and often more frequently. In fact she visited Rowan the Monday before he died and was in hospital with injuries sustained in a motor vehicle accident when he died and therefore unable to visit him on the Thursday of that week as she had promised.
- Later on the evening of 16 July, after abandoning unsuccessful escape attempts, Rowan and his roommate continued to talk of ways of getting out of the institution, including suicide attempts. Rowan took a sheet from his bed and secured one end of it through the opening panes of his room's window. He sat on the window ledge and tied the other end of the sheet around his neck. Twice he intentionally slipped from the ledge and pulled himself back up. The third time he did not pull himself back up. His roommate wondered if Rowan was simply making a joke by remaining still. He was not.
- The Coronial Inquest was unable to determine whether Rowan intended to take his life and an 'open' finding was delivered. Rowan's mother believes Rowan did intend to take his life, having decided that he was going to get out of Turana, and deciding that suicide was the only way out for him.

As a result of the information relating to Rowan's Aboriginality, the following table updates information published in earlier reports in this series on the deaths of young people in juvenile detention.

TABLE 13
*Aboriginal and Non-Aboriginal Deaths in all forms of Juvenile Detention,
Jurisdiction, 1 January 1980 - 30 June 1995*

	<i>Aboriginal</i>	<i>Non-Aboriginal</i>	<i>Total</i>
NSW	1	3	4
Vic.	1	2	3
Qld	1	-	1
WA	-	-	-
SA	1	1	2
Tas.	-	-	-
NT	1	-	1
ACT	-	-	-
Australia	5	6	11

One implication of now identifying Rowan as having been an Aboriginal person (of Aboriginal descent and perceiving himself to be Aboriginal) is that his death would have been subject to investigation by the Royal Commission into Aboriginal Deaths in Custody if this information had been known to the Victorian authorities and to the Royal Commission. It seems, then, that there were 100 deaths of Indigenous people in custody between 1980 and 31 May 1989 (the period covered by the Royal Commission), not 99 as previously believed.

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Deaths in Custody, Australia, No. 11

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