



No.81 Prison Deaths 1980-97: National Overview and State Trends

Vicki Dalton

719 people have died in Australia's prisons during the 18-year period, 1 January 1980 to 31 December 1997. The largest increase in the number of deaths per year was between 1996 and 1997, when prison deaths increased by 44 per cent. However, in the previous 17 years the death rate per 1000 prisoners has fluctuated across a fairly narrow range. Data presented here highlight some of the notable jurisdictional differences, including comparisons between death rates for both Indigenous and non-Indigenous people. The overwhelming majority of deaths are of non-Indigenous people.

The information collected on the 719 prison custody deaths comprise 109 (more than 15 per cent) Indigenous people and 610 non-Indigenous people. Also included are the deaths of 27 females.

Approximately 15 per cent of Australia's prison population is on remand, yet this group comprises a disproportionate number of prison deaths (37 per cent in 1997, for example).

Over the 18-year period, 42 per cent of deaths were by hanging and 33 per cent by natural causes. Overall, deaths by hanging exceeded deaths by natural causes by 62. However, among Aboriginal people death from illness and natural causes exceeded deaths by hanging (see Table 3). Aboriginal health and the persistent over-representation of Aboriginal people in custody are key factors in seeking preventive mechanisms.

1997 had the highest number of deaths on record. Analysis in future years will test whether or not this was an aberration, or cause for still more serious concern.

Adam Graycar
Director

1980-97 National Overview

Table 1 and Figures 1 and 2 show the distribution of both Indigenous and non-Indigenous deaths in prison custody over the 18-year period. Key features are:

- Since the Royal Commission into Aboriginal Deaths in Custody the number of deaths of Indigenous and non-Indigenous people in prison have more than doubled (from 33 deaths in 1990 to 75 deaths in 1997). At the same time the prison population has increased by 29 per cent.
- Nationally, prison deaths rose by 44 per cent over the last 12 months, from 52 in 1996 to 75 in 1997. The 75 deaths recorded in 1997 is the highest number recorded for the 18-year period.
- During 1997 the number of Indigenous deaths in prison custody fell by 33 per cent, while the number of non-Indigenous deaths in prison rose by 68 per cent (see Figure 2).

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Figure 1: Australian deaths in prison custody, 1980 to 1997: all jurisdictions

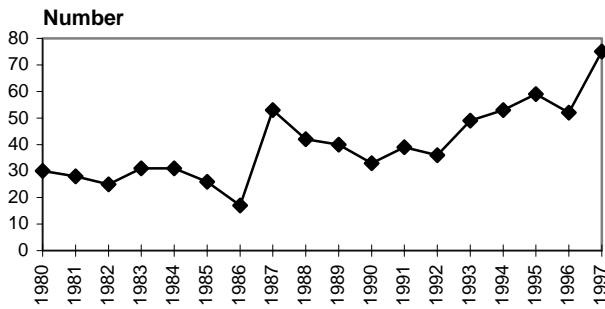


Table 1 and Figure 1 also provide information, based on prison trends for the 18-year period, on average daily prisoner populations and national average rates of imprisonment and corresponding death rates (see also section on “Changes in National and State/Territory Prison Populations” and Tables 5 and 6, later in this report).

The national average daily prison population has increased by 76 per cent since 1980 while the national average rate of imprisonment has increased by 85 per cent. Over the 18-year period

the number of deaths has increased by 150 per cent while the corresponding death rate increase has been 42 per cent.

Table 2 and Figures 3, 4 and 5 provide information on the Indigenous and non-Indigenous breakdown of the 719 prison deaths between Australia’s States and Territories for the 18-year period.

Of the 719 deaths over the past 18 years, more than 38 per cent (276) occurred in New South Wales, 17 per cent (119) in Victoria, 20 per cent (143) in Queensland, 11 per cent (80) in

Western Australia, and smaller numbers in the remaining jurisdictions.

All jurisdictions (with the exception of South Australia and the Australian Capital Territory) recorded an increase in prison deaths during the 12 months to 31 December 1997. The most notable increases were in New South Wales and Western Australia where total prison deaths increased by 75 and 83 per cent respectively (see Table 5).

Over the 18 years, New South Wales recorded the largest number of Indigenous prison deaths (33), followed by Queensland with 28, Western Australia with 22, South Australia with 14, the Northern Territory with 9, Victoria with 2 and Tasmania with 1. No Indigenous deaths have been reported in the Australian Capital Territory.

While Victoria recorded a high number of non-Indigenous deaths (117), a relatively small number of Indigenous deaths (2) were reported.

The Northern Territory was the only jurisdiction to record a

Table 1: Australian deaths in prison custody 1980 to 1997: Aboriginality, all jurisdictions

Year	Indigenous	Other	Total	Average daily prisoner population ^(a)	National average rate of imprisonment per 100 000 adult population	Deaths per 1000 prison population
1980	5	25	30	9 746	66.3	3.08
1981	1	27	28	9 755	65.3	2.87
1982	4	21	25	9 745	64.2	2.57
1983	5	26	31	10 001	64.9	3.10
1984	4	27	31	9 709	62.3	3.19
1985	4	22	26	10 504	66.5	2.48
1986	1	16	17	11 084	69.1	1.53
1987	5	48	53	11 614	71.3	4.56
1988	6	36	42	11 709	70.8	3.59
1989	4	36	40	12 249	72.8	3.27
1990	5	28	33	13 280	77.8	2.48
1991	8	31	39	14 028	81.1	2.78
1992	2	34	36	14 241	81.4	2.53
1993	7	42	49	14 586	82.5	3.36
1994	11	42	53	15 367	99.8	3.45
1995	17	42	59	15 864	116.4	3.72
1996	12	40	52	16 642	120.4	3.12
1997	8	67	75	17 182	122.8	4.37
Total	109	610	719			

(a) The prison population used as the denominator is the average of the total prisoner population count taken on the first day of each month for the period January to December 1980 through to January to September 1997. **Source:** Australian Prison Trends, Australian Institute of Criminology; Canberra and National Correctional Statistics: Prisons, ABS, Melbourne.

Figure 2: Australian deaths in prison custody, 1980 to 1997: Aboriginality, all jurisdictions

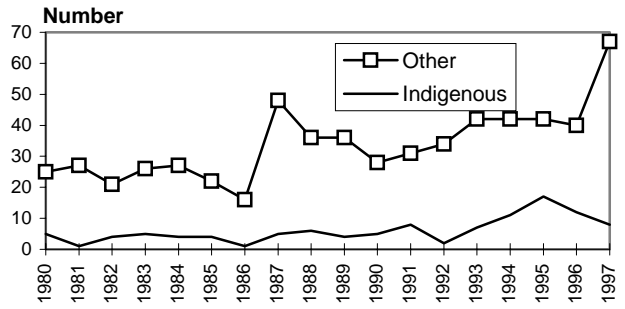


Figure 3: Australian deaths in prison custody 1980 to 1997: Aboriginality, all jurisdictions

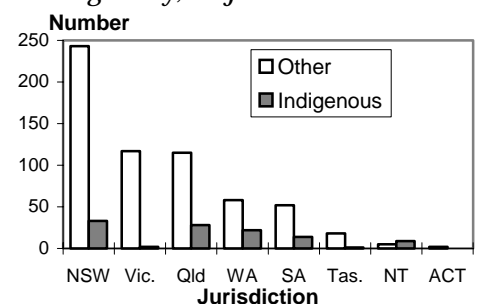


Table 2: Australian deaths in prison custody 1990 to 1997, by Aboriginality and jurisdiction

Year	New South Wales			Victoria			Queensland			Western Australia			South Australia			Tasmania			Northern Territory			Aust. Capital Territory		
	I	O	T	I	O	T	I	O	T	I	O	T	I	O	T	I	O	T	I	O	T	I	O	T
1980	1	6	7	4	4		1	7	8	1	2	3	1	6	7				1		1			
1981		8	8	8	8		1	7	8		2	2		2	2									
1982		4	4	5	5			5	5	3	3	6	1	3	4	1	1							
1983	2	10	12	7	7			5	5	2	3	5	1	1	2									
1984	1	9	10	11	11			5	5	3	2	5												
1985		9	9	4	4		2	6	8	1		1		2	2						1	1	2	
1986		8	8	2	2		1	5	6												1	1		
1987	1	17	18	19	19		2	3	5	1	3	4	1	3	4	2	2						1	1
1988	1	9	10	15	15		1	6	7	2	3	5		1	1	2	2	2	2	2		2		
1989	3	17	20	3	3			7	7		4	4	1	3	4	2	2							
1990	2	13	15	2	2		2	6	8		3	3	1	2	3	1	1		1	1		1	1	
1991	3	12	15	4	4		2	4	6	2	6	8		4	4	1	1	2						
1992	1	12	13	3	3		1	9	10		3	3		4	4	2	2		1	1				
1993	4	19	23	2	6	8	1	7	8		3	3		6	6	1	1							
1994	3	24	27	3	3		4	7	11	2	4	6	1	2	3	2	2	1	1		1	1		
1995	5	17	22	6	6		4	9	13	1	4	5	6	5	11	1	1	1	1	1		1	1	
1996	3	17	20	7	7		5	6	11	2	4	6	1	4	5	1	1	1	1	1		1	1	1
1997	3	32	35	8	8		1	11	12	2	9	11		4	4	2	2	2	1	3				
Total	33	243	276	2	117	119	28	115	143	22	58	80	14	52	66	1	18	19	9	5	14	2	2	2

I = Indigenous; O = Other; T = Total

greater number of Indigenous than non-Indigenous deaths in prison custody, both for the 18-year period as a whole and for 1997 specifically (see Figure 3).

During 1997, New South Wales, Western Australia and the Northern Territory all recorded the highest number of prison deaths for their respective jurisdictions for the 18-year period.

In Tasmania and the Northern Territory the numbers have fluctuated between 0 and 2 (Indigenous and Other) between 1980 and 1997. In the Australian Capital Territory there have been a total of two non-Indigenous deaths. See Table 2 for details.

What is a Death in Prison Custody?

The Australian Institute of Criminology's Deaths in Custody Monitoring and Research Program has adopted the definition of a "death in custody" which was recommended by the Royal Commission into Aboriginal Deaths in Custody and which has been agreed to by all governments (see Dalton 1998).

The data contained in this report, and all previous reports emanating from the Australian Institute of Criminology's Deaths in Custody Monitoring and Research Program, updates Royal Commission deaths in custody data covering the period 1980 to the end of 1989. It has been provided to the Australian Institute of Criminology by Australia's eight corrections authorities and is also supplemented from other sources, including media reports, community organisations and individuals, as well as confirmation by State Coroner or equivalents.

When summarising the 719 prison deaths, three categories are applicable:

- 716 deaths occurred in an institutional setting (prison), or during transfer to or from the prison, or in hospital following transfer from the prison;
- 2 deaths occurred during the process of the individuals escaping or attempting to escape from prison custody; and

- 1 death occurred while police were in the process of detaining or attempting to detain the person.

Australian Institute of Criminology deaths in custody figures vary marginally from those collected or reported by other individuals or organisations. The process of definition is as follows: once notification of a death is received, the recommended definition is applied systematically to determine whether or not to treat the case as a "death in custody" for the purposes of national monitoring. While this is fairly straightforward in most cases, every year there are usually a handful of cases which are reported that appear to be somewhat borderline for one reason or another. This may be because the exact details of the death and the circumstances surrounding it are not entirely clear or available in any detail.

It is important to mention here that there are deaths that occur in other forms of custody which fall outside the definition; for example, persons who died on

Figure 4: Australian deaths in prison custody, 1980 to 1997, by jurisdiction

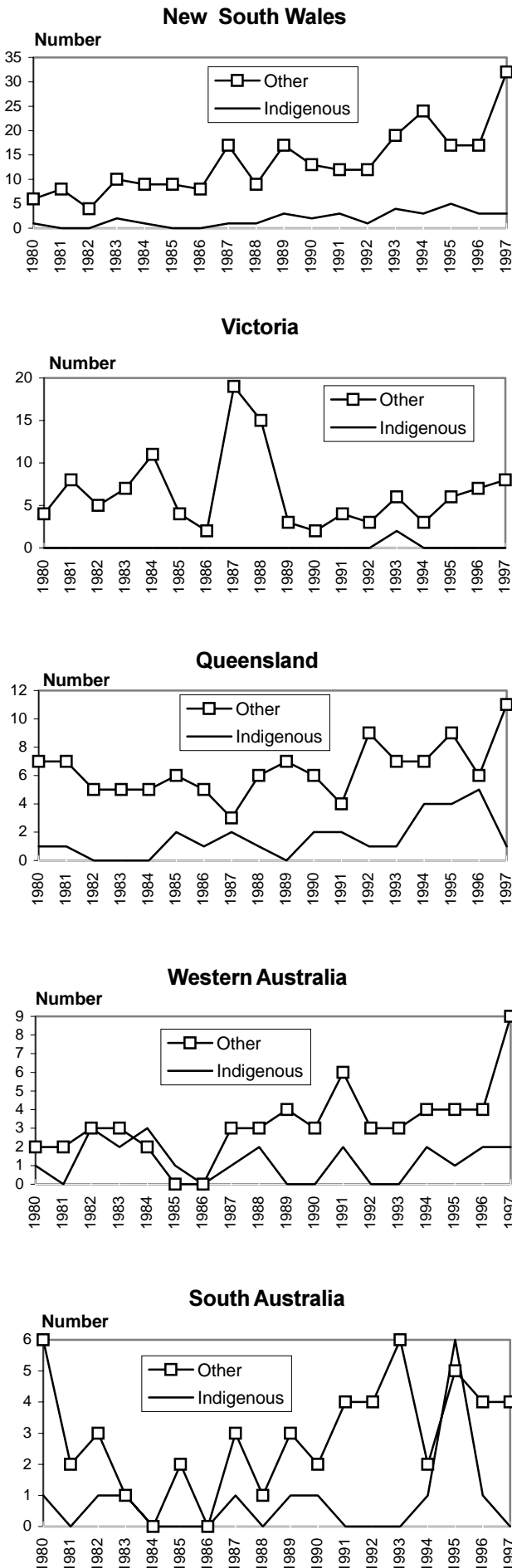
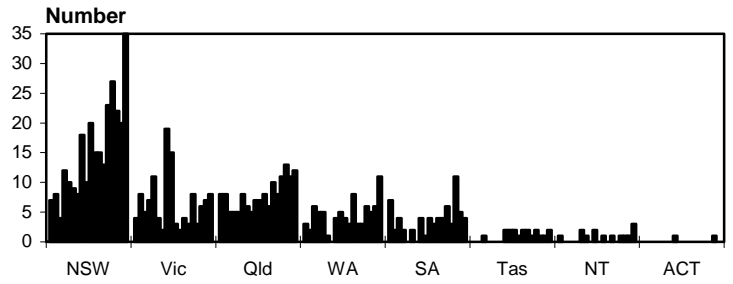


Figure 5: Australian deaths in prison custody, 1980 to 1997, all jurisdictions



home leave, home detention, following a successful escape from custody, following transfer to a psychiatric or other medical facility where the duty of care is transferred from the relevant Corrective Service Department to the Department of Health or other agency, etc. This list is by no means exhaustive. These deaths are not included in the data base. During 1997 there were a number of Indigenous and non-Indigenous deaths which fell into this category of “deaths in other forms of custody”.

Location of Death

Approximately 75 per cent of all prison deaths occur within the prison environment itself (e.g. usually in a single or shared cell, otherwise in the prison medical centre/clinic/hospital, exercise yard, gymnasium or other location). All but a few of the remaining 25 per cent of deaths occur in hospital following transfer from the custodial setting due to injury or illness.

Age

People who died in prison custody averaged 35 years of age, with half of them being aged below 31 years. Indigenous people ranged between 17 and 64 years compared to 17 and 78 years for non-Indigenous people. The average age at death for Indigenous people was 31 compared to 36 years for non-Indigenous people.

N.B.
Note differing scales for graphs in figure 4. See Table 2 for trends in Tasmania, Northern Territory and ACT.

Cause and Manner of Death

Table 3 and Figure 6 display the cause of death for those who died in prison custody during the period 1980-97. It can be seen that hanging was the most common cause of death, accounting for 299 (or 42 per cent) of all deaths, followed by natural causes representing approximately 33 per cent of all deaths.

Of the 109 Indigenous people who have died in custody over the 18-year period, 39 per cent died as a result of hanging, compared to 48 per cent from illness (natural causes). Since 1990, however, this proportion has changed, with hanging and natural causes deaths representing almost identical proportions of Indigenous prison deaths.

Queensland has recorded the greatest number of Indigenous hanging deaths (19 out of 42) accounting for more than 45 per cent of the total, followed by New South Wales with 9 (or 21 per cent).

There have been 76 drug or alcohol-related deaths in prison during the 18-year period. Five of these deaths were of Indigenous people. The number of such deaths has been higher in recent years (see Figure 6).

Forty-eight people have been reported to have died in prison as a result of homicide. Three of the 48 cases were of Indigenous people. Data confirm that deaths of inmates as a result of being stabbed, asphyxiated, assaulted, injected with heroin or otherwise has increased in recent years.

Table 3: Australian deaths in prison custody, 1980 to 1997: Causes of death

Cause	Indig-enous	%	Other	%	Total	%
Hanging	42	39	257	42	299	42
Natural causes	52	48	185	30	237	33
Injuries	9	8	68	11	77	11
Gunshot	1	1	5	1	6	1
Drugs	4	4	64	10	68	9
Alcohol	1	1	7	1	8	1
Other/multiple causes			14	2	14	2
Not known			10	2	10	1
Total	109	101	610	99	719	100

Since 1994, 22 homicides have occurred in our nation's prisons, representing 46 per cent of the overall homicide deaths during the 18 years period. New South Wales has recorded the greatest number of homicides (23 or 48 per cent of the total). [A Trends and Issues paper on Prison Homicides will be available from the Australian Institute of Criminology towards the end of 1998.]

Legal Status

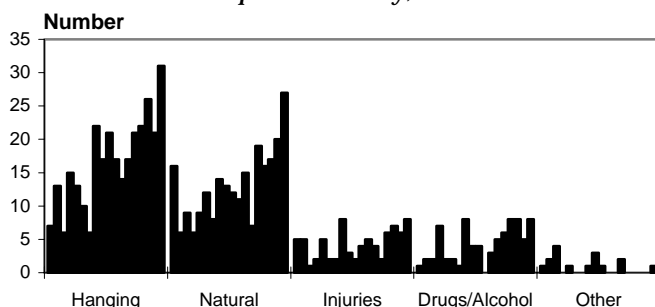
Sixty-eight per cent or 486 of the deaths were of people who had been sentenced to a period of imprisonment at the time of their death. Another 216 (or 30 per cent) were on remand at the time of death. Indigenous prisoners who died were more likely than non-Indigenous prisoners who died to be serving a sentence than on remand (75 per cent compared to 25 per cent) whereas the corresponding figures for non-Indigenous people were 68 and 31 per cent respectively.

Australian and overseas research has demonstrated an over-representation of custodial deaths among remandees compared with sentenced prisoners (Biles & McDonald 1992; Liebling 1992). For example, during 1996, 12 (or 23 per cent) of the people who died in prison were held on remand. This proportion is high when compared with the prison population as a whole where, as at 1 September 1996, 13.5 per cent of the prison population was held on remand (ABS 1997). This produces a relative risk (an odds ratio) of 1.92 which means that the proportion of deaths among this group of prisoners is nearly twice what one would expect from their proportion in the prison population. During 1997, 28 (37 per cent) of the 75 prison deaths were of remandees who comprised approximately 15 per cent of the total prisoner population during September 1997.

Age

A strong relationship is apparent between age and manner of death. For example, suicide was the cause of death in 67 per cent of deaths of prisoners aged between 17 and 30 years, compared to 21 per cent of deaths in the 40 plus age group. On the other hand, natural causes (illness) represented 11 per cent of deaths in the under 30 age group compared to 69 per cent in the over 40 age group.

Figure 6: Australian deaths in prison custody, 1980 to 1997: Causes of death



Generally, remand prisoners were younger than sentenced prisoners. The average age of the 216 remandees was 31 years, compared to 37 years for the 486 sentenced prisoners.

Differences are noted in the manner of death for sentenced prisoners and prisoners on remand. One hundred and fifty-six (or 72 per cent) of the 216 remandee deaths were self-inflicted, compared to 169 (or 35 per cent) of the 486 sentenced deaths. Two hundred (or 41 per cent) of sentenced prisoners died from natural causes compared to 36 deaths (or 17 per cent) of remand prisoners.

Offences

Table 4 displays information collected on the most serious offence relating to the final period of custody of the deceased. These offences are classified according to the Australian National Classification of Offences.

The highest number of custodial deaths occurred among people whose most serious offence was homicide (140 cases or 19.5 per cent). Sex offences accounted for 106 (14.7 per cent), followed by robbery with 87 (12.1 per cent), break, enter & steal (81 or 11.3 per cent), and assault (77 or 10.7 per cent).

Overall, the five most serious categories of offences, namely homicide, assault, sex offences, robbery and other offences against the person, accounted for 416 (or more than 58 per cent) of the 719 cases.

The largest number of Indigenous prison deaths were of Indigenous people imprisoned for sex offences (30 or 27.5 per cent of Indigenous deaths), followed by assault (20 or 18.3 per cent) break, enter & steal (17 or 15.6 per cent), and homicide (11 or 10.1 per cent).

Non-Indigenous prisoners were more likely to be in prison for homicide (129 or 21.1 per cent

Table 4: Australian deaths in prison custody, 1980 to 1997: Most serious offence leading to custody and Aboriginality

Offence	Ind.	%	Non-Ind.	%	Total	%
Homicide	11	10.1	129	21.1	140	19.5
Assault	20	18.3	57	9.3	77	10.7
Sex offences	30	27.5	76	12.5	106	14.7
Robbery	3	2.8	84	13.8	87	12.1
Other offences against person	-	-	6	1.0	6	0.8
Break, enter & steal	17	15.6	64	10.5	81	11.3
Fraud	1	.9	15	2.5	16	2.2
Motor vehicle theft	4	3.7	16	2.6	20	2.8
Other theft	1	.9	28	4.6	29	4.0
Property damage	5	4.6	10	1.6	15	2.1
Justice procedures	6	5.5	30	4.9	36	5.0
Drunkenness	1	.9	3	.5	4	.6
Other against good order	1	.9	12	2.0	13	1.8
Possess and/or use drugs	2	1.8	10	1.6	12	1.7
Deal/traffic drugs	-	-	26	4.3	26	3.6
Other drug offences	-	-	13	2.1	13	1.8
Drink driving	3	2.8	4	.7	7	1.0
Other traffic offences	2	1.8	10	1.6	12	1.7
Other offences	1	.9	3	.5	4	.6
Not known	1	.9	14	2.3	15	2.1
Total	109	100.00	610	100.00	719	100.00

of non-Indigenous deaths), followed by robbery (84 or 13.8 per cent), sex offences (76 or 12.5 per cent), break, enter & steal (64 or 10.5 per cent), assault (57 or 9.3 per cent) and drug offences (49 or 8 per cent).

Over-representation and Death Rates

As can be seen from Table 1, 109 (or more than 15 per cent) of the 719 prison deaths during the 1980-97 period were of Indigenous people.

In 1997, Indigenous people comprised approximately 17 per cent of the adult prisoner population (ABS 1998) and represented 11 per cent of prison deaths. In contrast, they comprised only 1.6 of the Australian adult population (ABS, 1996; 1997). Therefore while the proportion of Indigenous deaths in prison is slightly less than their proportion of the prison population, that is not the case when compared to their proportion in the community.

This is consistent with Biles, McDonald and Fleming (1992), who reported:

It is clear, then, that Aboriginal and non-Aboriginal prisoners had roughly similar mortality rates over the 1980-88 period with the Aboriginal rates being, in fact, a little lower than those of non-Aboriginal people. However, when the gross over-representation of Indigenous people in prison (their national imprisonment rate is over ten times that of non-Indigenous people), we see that they died in prison at a rate far higher than non-Indigenous people.

Clearly, both the numbers and over-representation of Indigenous people in Australian prisons has increased since that time. Table 5 shows that in 1996 the crude death rate for Indigenous prisoners was 3.83 per 1000 of the prison population compared to 2.96 per 1000 for non-Indigenous prisoners (see also Dalton 1997). This produced a relative risk of death in prison custody for Indigenous prisoners (compared with non-Indigenous

Table 5: Australian deaths in custody, 1996 and 1997: Changes in Indigenous and total prison populations and prison custody death rates

	Prison population 1996 ^(a)	Deaths in prison custody 1996	Deaths per 1000 prison population	Prison population 1997 ^(a)	Deaths in prison custody 1997	Deaths per 1000 prison population	% change in prison population 1996 to 1997	% change in prison deaths 1996 to 1997	% change in prison death rates 1996 to 1997
Aboriginality									
Indigenous ^(b)	3 135	12	3.83	3 230 ^(d)	8	2.48	3.03	-33.33	-35.25
Non-Indig. ^(c)	13 507	40	2.96	13 952	67	4.80	3.29	68.00	62.16
Total	16 642	52	3.12	17 182	75	4.37	3.24	44.23	40.06

(a) The prison population used as the denominator is the average of the total prisoner population count taken on the first day of each month for the period January to December 1996 and January to September 1997.

Source: *National Correctional Statistics: Prisons*, ABS, Melbourne.

(b) Includes Torres Strait Islander peoples.

(c) Includes "not stated".

(d) Figures for June to September not available.

Table 6: Australian deaths in custody, 1996 and 1997: Changes in total prison populations and prison custody deaths 1996 and 1997, by jurisdiction

Jurisdiction	Prison population 1996 ^{(a)(b)}	Deaths in prison custody 1996	Deaths per 1000 prison population	Prison population 1997 ^(a)	Deaths in prison custody 1997	Deaths per 1000 prison population	% change in prison population 1996 to 1997	% change in prison deaths 1996 to 1997	% change in prison death rates 1996 to 1997
NSW	6 259	20	3.20	6 338	35	5.52	1.26	75.00	72.50
Vic.	2 449	7	2.86	2 537	8	3.15	3.59	14.29	10.14
Qld	3 411	11	3.22	3 712	12	3.23	8.82	9.09	0
WA	2 235	6	2.68	2 227	11	4.94	-0.36	83.33	84.33
SA	1 485	5	3.37	1 489	4	2.69	0.27	-20.00	-20.18
Tas.	277	1	3.61	259	2	7.72	-6.50	100.00	113.85
NT	492	1	2.03	583	3	5.15	18.50	200.00	153.69
ACT ^(c)	34	1	-	37	0	-	8.82	-	-
Total	16 642	52	3.12	17 182	75	4.37	3.24	44.23	40.06

(a) The prison population used as the denominator is the average of the total prisoner population count taken on the first day of each month for the period January to December 1996 and January to September 1997.

Source: *National Correctional Statistics: Prisons*, ABS, Melbourne.

(b) Includes Torres Strait Islander peoples.

(c) Remand prisoners only.

prisoners) of 1.3, i.e. the risk of death for Indigenous prisoners was approximately 1.3 times that of non-Indigenous prisoners. This seemingly low relative risk of Indigenous deaths in the prison setting is in contrast to the corresponding relative risk of 22 times where the numbers of Indigenous and non-Indigenous prison deaths are compared with the relative sizes of the Indigenous and non-Indigenous populations in the community at large.

The difference between these two estimates of relative risk is explained by the continuing over-representation of Indigenous people in the prison population.

Fuller reportage and discussion on the topic of custodial death rates and over-representation can be found in a number of Australian Institute of Criminology publications (see Biles & McDonald 1992; Walker & McDonald 1995; Dalton 1996; and Dalton & Carcach 1997).

Changes in National and State/Territory Prison Populations

As noted above, prison custody deaths increased by 44 per cent in the 12 months to December 1997. To what extent might this increase be explained by an in-

crease in the population at risk, i.e. the overall prison population (see Table 1 and Figure 1)? To explore this it is necessary to look at the different jurisdictions and any patterns that may be evident.

Table 5 provides information on the number of Indigenous and non-Indigenous prisoners, nationally, for both 1996 and 1997, based on data relating to prison trends obtained from reports on prison statistics for the period January 1996 to September 1997 released by the Australian Bureau of Statistics. Data for the December quarter 1997 were not available at the time of writing. Following this, information is

provided on a jurisdictional basis (see Table 6).

Table 5 shows that there were increases in national prisoner populations from 1996 to 1997 for both Indigenous and non-Indigenous prisoners, with the non-Indigenous prisoner population increasing slightly more than the Indigenous prisoner population. For Indigenous people there was a 3.03 per cent increase over the 12 months in their national prisoner population; however, it should be noted that over the 12-month period there was a corresponding decrease of 33 per cent in the number of prison deaths of Indigenous people. In contrast, while the non-Indigenous prisoner population increased by 3.29 per cent over the 12-month period, there was an increase of 68 per cent in the number of non-Indigenous deaths in prison custody.

It can be seen that during 1996 the relative risk of death in prison custody for Indigenous prisoners (compared to non-Indigenous prisoners) was 1.3. In 1997, this figure had decreased to 0.52, highlighting the rise in the risk to non-Indigenous people in prison.

Conclusion

The Royal Commission into Aboriginal Deaths in Custody was established in 1987 in response to the large number of both Indigenous and non-Indigenous deaths occurring in custody during the 1980s. Significant attention and enquiry focussed on the high number of deaths occurring in police lockups during the period. Previous reports from the Australian Institute of Criminology (including Dalton 1998) have discussed the significant decline in the number of deaths in police “institutional” custody (lockups) in recent years.

However, as the end of the 1990s approaches, we are seeing an increasing trend occurring in prison custody deaths. During 1997, prison custody deaths reached a record high of 75, up 44 per cent on the previous 12 months. While the number of Indigenous deaths in prison custody declined during the 12-month period, non-Indigenous deaths increased by some 68 per cent.

Work in progress at the Australian Institute of Criminology (and in conjunction with jurisdictions) will attempt to explain this rise over the last 12 months so that appropriate prevention strategies can be proposed. This report confirms that 10 years after the Royal Commission and five years following acceptance of its recommendations, new efforts are required in addressing the increasing number of deaths in prison custody, the increasing over-representation of Indigenous people in custody, and the increasing rates of incarceration following interaction with the criminal justice system.

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