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# Deaths in custody in Australia: National Deaths in Custody Program 2008

Mathew Lyneham  
Jacqueline Joudo Larsen  
Laura Beacroft

**AIC Reports**  
Monitoring  
Reports **10**



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# Foreword

In this report, the Australian Institute of Criminology (AIC) continues its annual monitoring of deaths in custody, covering deaths for the period 1980 to 2008. This report analyses deaths occurring in custodial settings, such as prison and juvenile detention, as well as police custody and related operations, such as sieges and motor vehicle pursuits. It does not consider deaths in detention centres under immigration legislation. Since it was established to monitor issues relevant to Indigenous people in custody as explained below; the question of the future scope of the monitoring program will be considered in a planned review of this program. Monitoring of deaths in custody began in 1992 following recommendations by the Royal Commission into Aboriginal Deaths in Custody (RCADIC), which was, in turn, a response to hangings and other deaths of Indigenous persons in custody in the 1980s. The purpose of monitoring deaths in custody is to provide accurate, regular information that will contribute to policy and programs that aim to reduce deaths in custody and to increase public understanding of the issues. The importance of this monitoring was again emphasised with the endorsement by the Australian and state and territory governments of the National Indigenous Law and Justice Framework (SCAG Working Group on Indigenous Justice 2009) to tackle serious Indigenous law and justice issues.

As with previous reports, this report uses data provided by state and territory police services, correctional and juvenile justice agencies, and has been reviewed by relevant state and territory agencies before publication. The AIC is grateful for the cooperation of all of these agencies in the preparation of this report and their ongoing commitment to monitoring deaths in custody.

The report has some encouraging findings. Overall deaths in custody have been generally decreasing since 2000, although there has been a rise in total deaths since 2006. There were no deaths in juvenile justice centres in 2008, however, there was a modest increase for prison custody deaths from the previous year. Police custody deaths have also increased slightly.

Indigenous deaths in both prison and police custody have been decreasing for the past decade; while non-Indigenous deaths have generally been declining, but have been on the rise since 2006. In 2008, the ratio of Indigenous to non-Indigenous deaths in police custody and custody-related operations dropped to one in eight. There was also a lower proportion of Indigenous deaths in prison than would be expected, based on the percentage of Indigenous people imprisoned. Indigenous people are no more likely to die in custody than non-Indigenous people.

Hanging as a cause of death in all forms of custody has been generally decreasing since the late 1990s to the lowest ever recorded numbers in 2006 and 2007. When hangings occur, young Indigenous and non-Indigenous prisoners are more likely to hang themselves than older prisoners. The decrease in hanging deaths may be partly due to efforts to remove hanging points and materials from cells, a prevention strategy that has been informed by specific analysis of these matters in this monitoring report since 1992.

There has been a recorded decline in the number of deaths in custody related to motor vehicle theft since 2001, as well as a decline in motor vehicle thefts across Australia over the same period (AIC 2008). It is possible that the reduction in motor

vehicle thefts may have had a positive impact on deaths resulting from motor vehicle pursuits. Also both the average top speed reached in police pursuits of motor vehicles and the average length of time of pursuits have been steadily declining since 1990. In both 2007 and 2008, there was one Indigenous death resulting from a motor vehicle pursuit, representing the lowest recorded number in a decade.

There remain some concerning issues. Recent rises in total deaths, and particularly those in prison custody, are a matter for concern. However, it should be noted that when comparing these recent rises in total deaths with previous years, they remain lower than recorded numbers in the late 1990s and the early part of this decade.

While Indigenous people are not more likely to die in custody than non-Indigenous people, they remain significantly over-represented in all forms of custody compared with the non-Indigenous Australian population. This indicates the need for continued efforts to 'close the gap' in Indigenous disadvantage, particularly with regard to contact with the criminal justice system. Indigenous people comprise less than 2.5 percent of the total Australian population but account for over a quarter (28%) of young people in juvenile detention, one-third (33%) of people involved in police custody incidents and almost one-quarter (24%) of the total prison population. The issue of over-representation of Indigenous people in police custody is considered in more detail by the complementary monitoring report *2007 National Police Custody Survey Report* (Williams et al. forthcoming). It should also be noted

that greater proportions of Indigenous prisoners die of natural causes at younger ages than non-Indigenous prisoners, which is likely to be associated with the recognised gap in health outcomes for the Indigenous population generally.

There has been an overall decrease in deaths in police custody and related operational deaths over the past decade. However, this overall decrease hides the different trends that have emerged since 1990 between Category 1 deaths (institutional settings, raids, shootings) and Category 2 deaths (sieges, police pursuits). While Category 1 deaths have been declining steadily over the past two decades, Category 2 deaths have fluctuated but have been increasing in recent years. Since 1999, Category 2 deaths have overtaken Category 1 as the most numerous each year. Whereas most police custody deaths throughout the late 1980s and early 1990s were due to hangings, they are now primarily due to external/multiple trauma resulting from injuries sustained in police pursuits of motor vehicles and gunshot wounds in sieges. More detailed analysis of deaths in police pursuits of motor vehicles (Category 2 deaths) and shootings (either under Category 1 or Category 2 circumstances) has been included in this monitoring report.

Given the importance of this monitoring report, the AIC will conduct a review in 2011 to consider areas that may be enhanced to improve its relevance to contemporary issues, policies and programs.

**Adam Tomison**  
**Director**

# Contents

iii	<b>Foreword</b>
viii	<b>Acknowledgements</b>
ix	<b>Acronyms</b>
xi	<b>Executive summary</b>
1	<b>Introduction and context</b>
1	Origins of monitoring deaths in custody: Indigenous over-representation in the criminal justice system
3	National Deaths in Custody Program
8	<b>Overview of deaths in custody</b>
8	Overview of all deaths
10	Deaths in prison custody
32	Summary of deaths in prison custody
33	<b>Deaths in police custody and custody- related operations</b>
45	Summary of deaths in police custody and custody-related operations
47	<b>Motor vehicle pursuit and shooting deaths</b>
47	Deaths resulting from motor vehicle pursuits and shootings during police operations
48	Motor vehicle pursuit deaths
55	Shooting deaths
61	Summary
64	<b>Conclusion</b>
64	Overall trends
66	<b>References</b>
67	Selected published material
69	<b>Appendix: Detailed findings from the National Deaths in Custody Program</b>

## Figures

3	Figure 1: Ratio of Indigenous to non- Indigenous age standardised rates of imprisonment
10	Figure 2: Trends in deaths in custody by custodial authority, 1980–2008
11	Figure 3: Prison custody deaths, 1982–2008
13	Figure 4: Prison custody deaths by Indigenous status, 1982–2008
15	Figure 5: Prison custody deaths by sex, 1982–2008
17	Figure 6: Prison custody deaths by age category, 1982–2008
19	Figure 7: Prison custody deaths by cause of death, 1980–2008
25	Figure 8: Prison custody deaths by manner of death, 1980–2008
27	Figure 9: Prison custody deaths by most serious offence, 1982–2008
33	Figure 10: Deaths in police custody and custody-related operations, 1980–2008
36	Figure 11: Deaths in police custody and custody-related operations by Indigenous status, 1990–2008
48	Figure 12: Motor vehicle pursuit deaths, 1990–2008
51	Figure 13: Average top speed reached (km/h) in motor vehicle pursuit deaths, 1990–2008
57	Figure 14: Police shooting deaths, 1990–2008
70	Figure A1: Deaths in prison custody by jurisdiction, 1980–2008
77	Figure A2: Deaths in police custody and custody-related operations by jurisdiction, 1990–2008

## Tables

- 2 Table 1: Indigenous over-representation in custody
- 6 Table 2: Deaths added to the NDICP in 2008
- 9 Table 3: Custodial deaths by custodial authority, 1980–2008
- 11 Table 4: Prison custody deaths by Indigenous status, 2008
- 12 Table 5: Prison custody deaths by Indigenous status, 1980–2008
- 13 Table 6: Prison custody deaths by sex, 2008
- 14 Table 7: Prison custody deaths by sex, 1980–2008
- 15 Table 8: Prison custody deaths by age category, 2008
- 16 Table 9: Median age of Australia's prison population, by legal status, Indigenous status and sex, 1999–2009
- 16 Table 10: Prison custody deaths by age category, 1980–2008
- 18 Table 11: Prison custody deaths by cause of death, 2008
- 20 Table 12: Prison custody deaths by cause of death, 1980–2008
- 21 Table 13: Prison custody hanging deaths by hanging point used, 1990–2008
- 22 Table 14: Prison custody hanging deaths by material used 1990–2008
- 23 Table 15: Prison custody deaths by manner of death, 2008
- 24 Table 16: Prison custody deaths by manner of death, 1980–2008
- 25 Table 17: Prison custody deaths by most serious offence, 2008
- 26 Table 18: Prison custody deaths by most serious offence, 1980–2008
- 28 Table 19: Prison custody deaths by location, 2008
- 29 Table 20: Prison custody deaths by location, 1980–2008
- 30 Table 21: Prison custody deaths by legal status, 2008
- 31 Table 22: Prison custody deaths by legal status, 1980–2008
- 32 Table 23: Prison custody deaths by type of prison, 2008
- 34 Table 24: Deaths in police custody and custody-related operations, 1980–2008
- 34 Table 25: Deaths in police custody and custody-related operations by Indigenous status, 2008
- 35 Table 26: Deaths in police custody and custody-related operations by Indigenous status, 1990–2008
- 36 Table 27: Deaths in police custody and custody-related operations by sex, 1990–2008
- 37 Table 28: Deaths in police custody and custody-related operations by age in years category, 2008
- 37 Table 29: Deaths in police custody and custody-related operations by age in years category, 1990–2008
- 38 Table 30: Deaths in police custody and custody-related operations by cause of death, 2008
- 39 Table 31: Deaths in police custody and custody-related operations by cause of death, 1990–2008
- 40 Table 32: Deaths in police custody and custody-related operations by manner of death, 2008
- 41 Table 33: Deaths in police custody and custody-related operations by manner of death, 1990–2008
- 41 Table 34: Deaths in police custody and custody-related operations by most serious offence, 2008
- 42 Table 35: Deaths in police custody and custody-related operations by most serious offence, 1990–2008
- 43 Table 36: Deaths in police custody and custody-related operations by location of death, 2008
- 43 Table 37: Deaths in police custody and custody-related operations by location of death, 1990–2008
- 44 Table 38: Deaths in police custody and custody-related operations by method of detainment, 2008
- 45 Table 39: Deaths in police custody and custody-related operations by type of custody, 1990–2008
- 46 Table 40: Deaths in police custody and custody-related operations by method of detainment, 1990–2008



49	Table 41: Motor vehicle pursuit deaths, 1990–2008	73	Table A5: Prison custody deaths by median age in years at death, 1980–2008
49	Table 42: Motor vehicle pursuit deaths by sex, 1990–2008	74	Table A6: Prison custody deaths by age in years at time of death, 1980–2008
50	Table 43: Motor vehicle pursuit deaths by age in years at time of death, 1990–2008	74	Table A7: Prison custody deaths by cause of death, 1980–2008
51	Table 44: Speed and length of time of motor vehicle pursuits, 1990–2008	75	Table A8: Prison custody deaths by manner of death, 1980–2008
52	Table 45: Motor vehicle pursuit deaths by time of incident, 1990–2008	76	Table A9: Prison custody deaths by most serious offence, 1980–2008
53	Table 46: Motor vehicle pursuit deaths by cause of death, 1990–2008	76	Table A10: Prison custody deaths by location, 1980–2008
53	Table 47: Motor vehicle pursuit deaths by manner of death, 1990–2008	78	Table A11: Deaths in police custody and custody-related operations by jurisdiction, 1990–2008
54	Table 48: Motor vehicle pursuit deaths by most serious offence, 1990–2008	78	Table A12: Deaths in police custody and custody-related operations by category, 1990–2008
55	Table 49: Motor vehicle pursuit deaths by location, 1990–2008	79	Table A13: Deaths in police custody and custody-related operations by Indigenous status, 1990–2008
55	Table 50: Police shooting deaths, 2008	80	Table A14: Deaths in police custody and custody-related operations by sex, 1990–2008
56	Table 51: Police shooting deaths, 1990–2008	80	Table A15: Deaths in police custody and custody-related operations by mean age in years at time of death, 1990–2008
57	Table 52: Police shooting deaths, as a percentage of total deaths in police custody, 1990–2008	81	Table A16: Deaths in police custody and custody-related operations by age category, 1990–2008
58	Table 53: Police shooting deaths by sex, 1990–2008	81	Table A17: Deaths in police custody and custody-related operations by cause of death, 1990–2008
59	Table 54: Police shooting deaths by age category, 1990–2008	82	Table A18: Deaths in police custody and custody-related operations by manner of death, 1990–2008
60	Table 55: Police shooting deaths by time of incident, 1990–2008	83	Table A19: Deaths in police custody and custody-related operations by most serious offence, 1990–2008
60	Table 56: Police shooting deaths by manner of death, 1990–2008	83	Table A20: Deaths in police custody and custody-related operations by location of death, 1990–2008
61	Table 57: Police shooting deaths by most serious offence, 1990–2008	84	Table A21: Deaths in police custody and custody-related operations by type of custody, 1990–2008
62	Table 58: Police shooting deaths by location, 1990–2008		
71	Table A1: Prison custody deaths by jurisdiction, 1980–2008		
72	Table A2: Prison custody deaths by Indigenous status, 1980–2008		
72	Table A3: Prison custody deaths by legal status, 1980–2008		
73	Table A4: Prison custody deaths by sex, 1980–2008		

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# Acronyms

<b>ABS</b>	Australian Bureau of Statistics
<b>AFP</b>	Australian Federal Police
<b>AIC</b>	Australian Institute of Criminology
<b>AIHW</b>	Australian Institute of Health and Welfare
<b>APMC</b>	Australasian Police Ministers' Council
<b>ATSI</b>	Aboriginal and Torres Strait Islander
<b>NDICP</b>	National Deaths in Custody Program
<b>NCIS</b>	National Coroners Information System
<b>RCIADIC</b>	Royal Commission into Aboriginal Deaths in Custody



# Executive summary

## Overview of the Deaths in Custody Monitoring Program

This report presents information on deaths in custody in Australian states and territories for the 2008 calendar year. It provides information and comparisons about the incidence and circumstances of deaths in the two main crime-related custodial settings: prison and police custody and custody-related operations (the latter includes sieges, raids, shootings and motor vehicle pursuits). It also presents trend analysis from 1980 onwards for prison custody and from 1990 for police custody and custody-related operations. Comparisons between these custody settings are limited. While rates can be presented for prison custody deaths, they are not available for police and custody-related operations due to a lack of reliable data for the total numbers of persons placed into police custody and/or involved in a custody-related operation each year.

## Key findings for 2008

### *Overview of total deaths in custody*

Deaths in prison custody have always been higher in number than deaths in police custody and make up a substantial proportion of total deaths, such that trends in prison custody deaths strongly impact on overall trends for deaths in custody.

In 2008 there were:

- 86 total deaths in custody;
- 54 in prison custody (63%);
- 32 in police custody and custody-related operations (37%); and
- 0 in juvenile detention.

Since 1980, a total of 2,056 deaths in custody have occurred, with 1,260 deaths in prison (61.3%), 779 deaths in police custody and custody-related operations (37.9%) and 17 deaths in the custody of juvenile justice agencies (0.8%). Overall, deaths in custody increased in the late 1980s to the late 1990s, however since 2000, there has been a steady decrease. In both 2007 and 2008, there have been increases in the total number of deaths in custody since the 20 year low of 56 deaths in 2006.

## Long-term trends

### *Prison deaths*

The trend in rates of prison custody deaths has fluctuated since the early 1980s. Between 1986 and 1988, the annual rate increased significantly from 1.5 to 4.4 deaths per 1,000 prisoners and then in the 1990s, the rate dropped and ranged between 2.3 and 4.0 deaths per 1,000 prisoners. Since 1998, there has been a decrease in the rates of prison deaths, to its lowest rate of 1.2 per 1,000 prisoners in 2006. In recent years, there has been a modest increase in the death rate, with the national rate being two deaths per 1,000 prisoners in 2008. The rates of death in prison in each jurisdiction are in line with this national rate.

This recent increase is partly explained by increasing numbers of persons dying in prison from natural causes, as there has only been a 6.6 percent increase in Australia's prison population. Recently, the number of deaths from natural causes has increased steadily, with the number in 2008 (n=38) being the highest ever recorded. Previously, those deaths attributed to self-inflicted injuries, such as hangings, were generally the most frequent manner of death in prison, but since 2001 this trend has

reversed dramatically. Over the past eight years, deaths from natural causes have consistently exceeded self-inflicted deaths each year, with the exception of 2003 where they were the same. This trend in deaths due to natural causes may be partly attributed to an ageing prisoner population in Australia, with the median age of the prisoner population rising steadily each year between 1998 and 2008 (ABS unpublished data).

### *Police custody and custody-related operations deaths*

The number of deaths in police custody and custody-related operations remained stable between 1990 and 2000, increasing to a peak in 2002 but then declining each year to 2006. Overall, the number of deaths in recent years are similar to those recorded throughout the 1990s.

When looking at the two different categories of police custody deaths—either Category 1 deaths (institutional settings, raids, shootings) or Category 2 deaths (sieges, police pursuits)—more pronounced trends can be seen. Since 1990, Category 1 deaths have declined significantly, with the number in 2006 being the lowest ever recorded. Since 2006, there has been a small rise in the number of Category 1 police custody deaths, but they remain much lower than in the early 1990s. Conversely, for Category 2 deaths since 1990, there has been a significant increase, particularly between 1998 and 2001 where there was a 78.6 percent (n=22) rise in these types of deaths. Since 1999, Category 2 deaths have consistently been more prevalent than Category 1 deaths each year. A more detailed analysis of deaths associated with police pursuits of motor vehicles (Category 2 deaths) and shootings (classified as either Category 1 or 2) has been included in this monitoring report.

### *Indigenous deaths in custody*

Indigenous people are no more likely to die in custody than non-Indigenous people, however, they remain significantly over-represented in custody compared with their proportion of the total Australian population. This is consistent with Royal Commission into Aboriginal Deaths in Custody (RCIADIC) findings.

Out of the 86 deaths in all forms of custody in 2008, 13 involved Indigenous persons (15% of total). Of these Indigenous deaths, 10 were attributed to natural causes and one each to head injury, gunshot and other/multiple trauma. Since 1980, there have been a total of 392 Indigenous deaths (19% of total deaths in custody since 1980) across all forms of custody. The trend for Indigenous deaths in custody has been downwards over the past decade.

In 2008, the nine Indigenous deaths in prisons (17% of total prison deaths in 2008) was lower than would be expected based on the percentage of Indigenous people imprisoned (24%). In addition, the rate for Indigenous deaths in custody is 1.3 per 1,000 compared with the higher rate of 2.2 per 1,000 for non-Indigenous prisoners. Greater proportions of Indigenous prisoners die of natural causes, and at younger ages, than non-Indigenous prisoners. This is most likely associated with the recognised gap in health outcomes for the Indigenous population generally.

There were four Indigenous deaths in police custody and custody-related operations in 2008, the same number of deaths recorded in 2007. This number is much lower than recorded Indigenous deaths between 2002 and 2005. The ratio of Indigenous to non-Indigenous deaths in police custody or custody-related operations has dropped to just under one in eight, after reaching a high of more than one in three in 2005.

A larger proportion of Indigenous deaths in police custody or custody-related operations are of persons aged less than 25 years, when compared with non-Indigenous persons in the same age group. This reflects the greater propensity for Indigenous people to offend at a younger age and, in turn, come into contact with police at a younger age than non-Indigenous persons (Makkai & Payne 2003; Putt, Payne & Milner 2005).

### *Age and sex*

Between 1980 and 2005, there were generally more deaths of prisoners aged 25–39 years each year than those aged 55 years and over. This pattern has reversed in the past seven years. In 2008, the number of deaths of persons aged 55 years and

older was the highest recorded since the collection of these data began in 1980 and represents 35 percent of prison deaths in 2008. Also of note is the number of 40 to 54 year olds who died in prison custody in 2008 (n=18)—the second highest ever recorded.

Young Indigenous and non-Indigenous prisoners are more likely to hang themselves than older prisoners, with 84 percent of total hangings involving persons aged under 39 years and 39 percent involving persons under 25 years.

Emerging trends from the data indicate that greater proportions of younger people are dying in police custody and custody-related operations, while a greater proportion of older people are dying in prison custody than in previous years. Preliminary analysis of the data show that the median age of those dying in police custody (as of 2008) is 29 years, much lower than the median age at death of 43 years in prison custody. This issue has been targeted for more in-depth analysis in this and future reports.

When looking at the breakdown of deaths in custody by sex, it can be seen that the overwhelming majority of deaths are males, who have comprised 96 percent of total prison custody deaths since 1980 and 93 percent of total police custody deaths since 1990. This trend has remained stable since data collection began.

### *Circumstances of deaths: Cause and manner of death, most serious offence, legal status and location*

Since 1980, there have been 491 deaths (39%) due to natural causes in prison. In 2008, there were 38 deaths in prison custody that were due to natural causes, representing just over 70 percent of total prison custody deaths. Over the past eight years, deaths due to natural causes have been increasing and in 2008, the nine Indigenous prisoner deaths were all due to natural causes. Since 2001, natural causes have become the most frequent cause of death in prison for Indigenous prisoners.

Deaths due to hanging have comprised 39 percent of all prison deaths since 1980. However, hanging as a cause of death in prison has been decreasing since 2000, with the numbers recorded in the past

three years being some of the lowest ever. Similarly, hanging deaths in police custody and custody-related operations have declined from an average of 8.6 deaths per year from 1980 to 1989 to an average of 2.4 deaths per year from 1990 to 2008. This is almost certainly associated with efforts to remove hanging points and materials from cells—a prevention strategy that has been informed by specific analysis of these matters in this monitoring report since 1980.

For both prison deaths since 1980 and police custody and custody-related operational deaths since 1990, violent offences have been the most frequent type of serious offence committed by the deceased prior to custody. Of all prison custody deaths since 1980, more than half (52%) were of persons whose most serious offence prior to custody was violence-related; since 1990, 31 percent of police custody deaths related to persons with violent offences as their most serious offence.

Traffic and good order offences, as the most serious offence prior to custody, do occur, but remain relatively low each year. Since 1980, three percent of the deaths in prison custody were of persons with traffic offences and six percent were of persons with good order offences as their most serious offence type prior to death. The percentages for police custody deaths since 1990 are slightly higher than prison custody, with 14 percent of deaths involving persons with traffic offences as their most serious offence and 17 percent for persons with good order offences as their most serious offence.

Since 1980, 68 percent of the total number of persons who died in custody were sentenced, with the number of prison custody deaths of sentenced prisoners in 2008 representing an increase from recent years. This appears due, in part, to more sentenced prisoners dying of natural causes than ever before, with 31 of the 38 natural cause deaths in 2008 being of sentenced prisoners. Furthermore, since 1980, 49 percent of all deaths of sentenced prisoners have been due to natural causes.

Since 1980, over half of all prison deaths occurred in cells (57%), followed by public hospitals (29%). Regarding deaths in police custody and custody-related operations, the most common location for a death since 1990 is a public place (41%); in 2008, 44 percent of deaths occurred in a public place.

The rates of death per 1,000 prisoners in private and government-run prisons were quite different. The rate of deaths in private prisons was 4.5 deaths per 1,000 prisoners, while the rate in government prisons was 1.4 deaths per 1,000 prisoners. Across all prisons, the rate was 1.9 deaths per 1,000 prisoners. This difference will be investigated in future reports.

### *Deaths in custody from police pursuits of motor vehicles and shootings*

In 2008, there were 11 motor vehicle pursuit deaths. Throughout the decade 1990 to 1999, the number of motor vehicle pursuit deaths increased gradually, peaking between 2000 and 2002. Over the past six years, the number of deaths has generally decreased slightly.

One-quarter of all pursuit deaths recorded since 1990 have involved Indigenous persons and the median age of Indigenous persons who die in motor vehicle pursuits since 1990 is six years younger (17 years) than for non-Indigenous persons (23 years).

Since 1990, four out of every five (80%) pursuit deaths involved persons aged 29 years or younger, with young people aged 15–19 years representing 38 percent of the total number of pursuit deaths over the same period.

The average top speed reached in pursuits has declined since 1990, although in some cases, the top speeds reached during the pursuit have still been quite high. There have been 25 motor vehicle pursuit deaths since 2006, but for only 12 was there information about the top speeds reached. Of these 12, two pursuits involved top speeds of between 80km/h and 100km/h, and the remaining 10 cases had a top speed of between 120km/h and 187km/h. The Australian Federal Police (AFP) National Guideline for police pursuits recommends that when the pursuit exceeds the prescribed speed limit, enters a built-up or heavily congested area, or when driving and/or weather conditions are bad, the pursuit will be terminated (AFP 2007). At this stage, it is not possible to consider police pursuit protocols in all jurisdictions, so further analysis of this information will be conducted in the next report.

For those pursuits where information is available, the average length of time for pursuits in 2008 was just under four minutes. Since 1990, most pursuit deaths have occurred at night, between midnight and 4 am (34%).

Deaths of persons who had a theft-related offence as their most serious offence immediately prior to dying as a result of a motor vehicle pursuit have generally outnumbered all other offence types since 1990 and comprise 48 percent of all offence categories. Of these theft-related offences, 43 percent were associated with a car being stolen (often the car being pursued). Data show that there has been a recorded decline in the number of deaths related to motor vehicle theft since 2001, and during this same period, there has been a decline in motor vehicle thefts across Australia (AIC 2008). It is possible that the reduction in motor vehicle thefts may have had a positive impact on the number of deaths resulting from motor vehicle pursuits.

### *Shooting deaths*

Shooting deaths occur when a person is shot by police or where a person shoots themselves in the presence of police. Since 1990, there have been a total of 164 shooting deaths. There has been some fluctuations in numbers over the 1990–2008 period, with the number of self-inflicted gunshot deaths peaking in 2008 (n=9) and the number of deaths as a result of a police shooting peaking in 1994 (n=12). However, since 1990, more fatalities have involved persons shot by police (57%) than self-inflicted gunshot deaths (43%).

Over the past 18 years for which data is available, one in 13 police shooting deaths have involved an Indigenous person, but no Indigenous persons have died from being shot by police since 2002. Two self-inflicted gunshot deaths by Indigenous persons have been recorded in the past six years.

The median age of those who died from police shooting deaths in 2008 (42 years, n=14) is much older than those who die from motor vehicle pursuits (26 years, n=11). Over half of those who died from police shootings since 1990 were aged between 25 and 39 years (55%) and almost all were male (97%). Since 1990, the average age of the seven Indigenous persons who were shot by police was 29 years,



which is younger than the average 33 years for non-Indigenous persons. Between 1990 and 2008, most deaths resulting from a police shooting occurred in the late afternoon to early morning, in a public place (43%) or on private property (38%).

Deaths of persons who had a violent offence as their most serious offence immediately prior to the shooting have consistently outnumbered persons with other offence types since 1990. Sixty-five percent of *all* shooting deaths, both self-inflicted and by police, have involved persons who had committed a violent offence immediately prior to the shooting and many of these involved weapons. The majority of these violent offences involved serious assaults and homicides.

Of the 92 total deaths of persons involved in shootings by police since 1990, 84 were determined to be justifiable homicides (91%), which suggests that the need for, and manner in which, police provide self-protection are key issues for consideration in preventing such deaths.

Since 1990, 71 of the 164 total shooting deaths (43%) involved persons who shot themselves in the presence of police. Issues relating to suicide and mental illness need consideration if self-inflicted shooting deaths are to be reduced.





# Introduction and context

## Origins of monitoring deaths in custody: Indigenous over- representation in the criminal justice system

Individuals of Aboriginal and Torres Strait Islander (ATSI) background continue to be disproportionately over-represented in the criminal justice system; a problem that has long been recognised as a matter for concern in Australia. The RCIADIC observed that Indigenous over-representation in custody as ‘a major reason for Aboriginal deaths in custody’ (RCIADIC 1991: 6). The RCIADIC was established in 1987 in response to concern over the number of deaths of Aboriginal people in custody and examined the circumstances surrounding the deaths of 99 Indigenous people that occurred between 1 January 1980 and 31 May 1989. Although the Commissioners were unable to ‘point to a common thread of abuse, neglect or racism’ (s 1.1.1) among the deaths, they did find that the problem of Indigenous deaths in custody arose because ‘too many Aboriginal people are in custody too often’ (s 1.3.3). Overall, the RCIADIC found that Indigenous people were not

more likely to die in custody than non-Indigenous people, but remain significantly over-represented in custody compared with their proportion of the total Australian population. This remains true today.

A recent re-visiting of issues considered by the RCIADIC occurred with the endorsement of the Australian and state and territory governments of the *National Indigenous Law and Justice Framework* to tackle serious Indigenous law and justice issues (SCAG Working Group on Indigenous Justice 2009). This framework represents ‘the first nationally agreed approach to Indigenous law and justice’ and ‘forms a comprehensive response to the many issues that drive Indigenous disadvantage in law and justice’ (AGD 2010: np). It aims to reduce the over-representation of ATSI people in the criminal justice system by focusing on community safety and reducing rates of alcohol and substance-related crime. It will form the basis of a long-term strategic approach to Indigenous law and justice issues and support work being done to ‘close the gap’ on Indigenous disadvantage. In endorsing the framework, state and territory governments have collectively affirmed their commitment to tackling the ‘serious and complex issues that mark the interaction between Indigenous Australians and the justice system’ (SCAG Working Group on

Indigenous Justice 2009: 4). Importantly, the framework includes as a strategy:

[to] undertake an analysis of the RCIADIC recommendations of contemporary relevance... Cross reference key findings of the analysis with the [f]ramework and develop strategies and actions in response to key findings that are not captured in the [f]ramework' (SCAG Working Group on Indigenous Justice 2009: 15).

Findings and conclusions in this report will assist the implementation of this strategy and contribute to associated actions. As was the case during the years of the RCIADIC, Indigenous people continue to be over-represented in custody in all Australian states and territories (see Table 1). Indigenous people comprise less than 2.5 percent of the total Australian population (ABS 2007), but account for over one-quarter (28%) of youths in juvenile detention, one-third (33%) of people involved in police custody incidents and almost one-quarter (24%) of the total prison population.

Indigenous juveniles are 28 times more likely than non-Indigenous juveniles to be in detention (Taylor 2007). The rate of detention for both Indigenous and non-Indigenous juveniles has decreased since 1994,

although the decrease for non-Indigenous juveniles is considerably greater than that of Indigenous juveniles (38% versus 24%; Taylor 2007). Similarly, Indigenous persons were 22 times more likely than non-Indigenous persons to be arrested or detained by police and accounted for 33 percent of all police custody incidents across Australia in 2007 (Williams et al. forthcoming). In the most recent prison census data, the ratio of imprisonment rates of Indigenous to non-Indigenous persons was 17:1; Indigenous people had an imprisonment rate 17 times higher than that of non-Indigenous persons (ABS 2008a). The Indigenous rate of imprisonment was consistently higher than the non-Indigenous imprisonment rate across all jurisdictions (see Figure 1).

Studies also indicate that Indigenous people have disproportionately high rates of contact with the courts. For example, the rate of contact with the court system was almost 4.5 times higher for Indigenous persons than for the entire NSW population and Indigenous persons were 16 times more likely to be imprisoned than the wider NSW population (Weatherburn, Lind & Hua 2003). Indigenous juveniles are over-represented in both community and detention-based supervision;

**Table 1** Indigenous over-representation in custody (%)

	Indigenous persons as a percentage of total population <sup>a</sup>	Indigenous persons as a percentage of total police custody incidents <sup>b</sup>	Indigenous persons as a percentage of total juvenile detention population <sup>c</sup>	Indigenous persons as a percentage of total prison population <sup>d</sup>
New South Wales	2.1	16.5	25.9	20.4
Victoria	0.6	9.0	19.7	5.8
Queensland	3.3	31.4	25.1	27.0
Western Australia	3.0	45.7	42.8	41.2
South Australia	1.7	45.5	27.9	20.6
Tasmania	3.5	16.7	7.9	12.6
Northern Territory	27.8	94.4	7.8	83.2
Australian Capital Territory	1.2	19.4	15.8	10.4
Australia	2.3	33.1	28.0	24.3

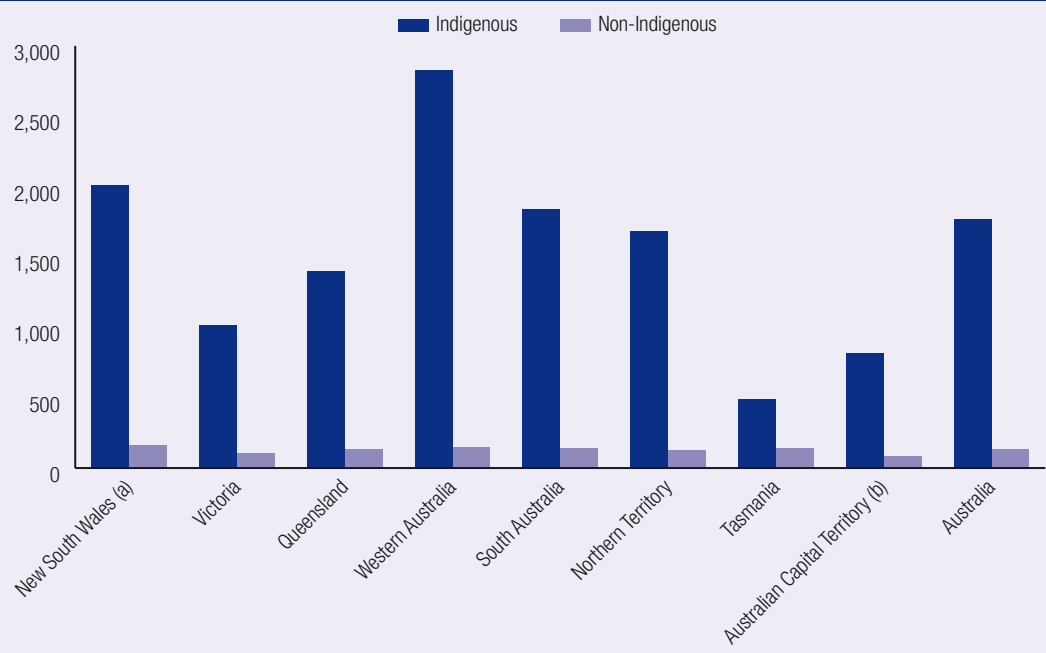
a: ABS 2007

b: Williams et al. forthcoming

c: Taylor 2007

d: ABS 2008a

**Figure 1** Age standardised rates of imprisonment (per 100,000 adults), Indigenous status by state and territory, 2008



a: Data for New South Wales excludes ACT prisoners held in NSW prisons

b: Data for the Australian Capital Territory includes ACT prisoners held in New South Wales, as well as ACT prisoners held in the Australian Capital Territory

Source: ABS 2008a

53 percent of all juveniles in detention are Indigenous and 39 percent of those juveniles under community supervision are Indigenous (Richards 2009).

The fundamental goal of the RCIADIC (1991: s 1.10.10) recommendations was directed at 'the elimination of disadvantage and the growth of empowerment and self-determination of Aboriginal society'. Among the RCIADIC's numerous recommendations was the need for imprisonment to be seen as a sanction of last resort (s 92) and for police to use cautioning rather than arrest where possible (s 239). These recommendations are important in light of findings regarding the likelihood of offenders continuing through the criminal justice system once they have come into contact with it (Payne 2007). Several studies have found Indigenous offenders are more likely than their non-Indigenous counterparts to have higher rates of ongoing contact with the criminal justice system (Chen et al. 2005; Ferrante, Maller & Loh 2004).

## National Deaths in Custody Program

Among the concerns expressed by the RCIADIC (1991) was the scarcity of reliable statistics on Indigenous contact with the criminal justice system. The *National Police Custody Survey*, administered by the Australian Institute of Criminology (AIC), was established as an intermittent collection of statistics relating to the extent to which people are detained by police across Australia. The final report of the RCIADIC (1991) also recommended an ongoing program be established to monitor Indigenous and non-Indigenous deaths in prison, police custody and juvenile detention to gauge the impact of the recommendations regarding the rates of death in custody.

The program was to perform the following functions:

- maintain a statistical database relating to deaths in custody of Aboriginal and non-Aboriginal persons;

- report annually to the Commonwealth Parliament; and
- negotiate with all custodial agencies with a view to formulating a nationally agreed standard form of statistical input and a standard definition of deaths in custody.

In response, the National Deaths in Custody Program (NDICP) was established at the AIC in 1992 and since then has provided comprehensive and authoritative data on all deaths that occur in custody and custody-related police operations. Although the NDICP began recording information in 1992, data on all custodial deaths between 1980 and 1992 were collected retrospectively, placing the NDICP in the unique position of holding detailed information on custodial deaths in Australia over the past 29 years.

The NDICP examines the circumstances of deaths in prison, police custody and juvenile detention across Australia in each year of reporting and also monitors long-term trends and patterns in police custody and custody-related operations. The purpose of monitoring deaths in custody is to provide accurate, regular information that will contribute to policy and programs that aim to reduce deaths in custody and to increase public understanding of the issues.

The final report of the RCIADIC outlined the types of deaths that would require notification to the NDICP. They are:

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

## *Compiling the National Deaths in Custody database*

The information held in the NDICP database is based on two main data sources:

- NDICP data collection forms completed by all state and territory police services and correctional departments and sent to the AIC directly whenever a death occurs (including additional information such as offence records and police narratives);
- coronial records, such as transcripts of proceedings and findings, as well as toxicology and post-mortem reports; and

NDICP data collection forms allow information to be recorded on approximately 60 variables relating to the circumstances and characteristics of each death. Australian state and territory police and correctional authorities provide completed data collection reports and all relevant information is then extracted and entered into the NDICP database.

Coronial data used in the NDICP data collection process (including coronial rulings and findings, and toxicology and pathology reports) are accessed through the National Coroners Information System (NCIS) for most jurisdictions. After submitting an ethics application to obtain access to the NCIS for the NDICP, the AIC was granted access in July 2001 on a fee-for-service basis. The AIC renews its ethics application periodically.

## **Indigenous status**

When reporting statistics on Indigenous persons, it is important to note, as with the criminal justice system more generally, Indigenous status is not always collected; and when it is, the recording is not always consistent. Moreover, the way in which Indigenous status is determined varies between jurisdictions. The recording of Indigenous status may be based on a subjective judgement of physical appearance or may rely on self-reporting. Also of concern are numbers of people with unknown Indigenous status.

A recent study from the Australian National University observed that

the size of Indigenous involvement in the criminal justice system will be severely underestimated if no attempt is made to establish or estimate the true identity of the large number of people with unknown ATSI status (Hunter & Ayyar 2009: 16)

These issues should be kept in mind when interpreting the data in this report.

## Definitions

The definitions used to determine whether a case can be deemed a death in custody are derived from the recommendations of the RCIADIC and are presented in Box 1. The definition of a death occurring in police custody is based on a 1994 resolution of the Australasian Police Ministers' Council (APMC). Previously, only deaths occurring in police institutional settings (Category 1a) were reported to the NDICP and included in the dataset. The resolution of the APMC allowed the definition

to be expanded so deaths occurring during police operations (Category 1b and Category 2) could be included and distinguished from those in institutional settings. Category 1a deaths have been included in the NDICP since 1980 and police operational deaths (Category 1b and Category 2) have been collected by the NDICP since 1990.

## Borderline cases

The NDICP uses the definition of a death in custody as recommended by the RCIADIC as a guide to which cases should be included in the NDICP database. While most of the cases are straightforward and fall within the definition, every year there are some cases where it is unclear whether the death should be classified as a death in custody. For the purposes of the NDICP, a person is considered to be in custody when they are not free to leave the detention or arrest of police or corrections officials. As outlined in Box 1, this includes deaths that occur in hospitals if the injuries or illness suffered while

### Box 1 Defining deaths in custody

#### Death in prison custody

Deaths in prison custody include those deaths that occur in prison or juvenile detention facilities. This also includes the deaths that occur during transfer to or from prison or juvenile detention centres, or in medical facilities following transfer from adult and juvenile detention centres (RCIADIC 1991: 189–190).

#### Death in police custody

Deaths in police custody are divided into two main categories:

##### Category 1

- 1a Deaths in institutional settings (eg police stations or lock-ups, police vehicles, hospitals, during transfer to or from such institutions, or following transfer from an institution).
- 1b Other deaths in police operations where officers were in close contact with the deceased. This includes most deaths linked to police raids and shootings by police. However, it would not include most sieges where a perimeter was established around a premise but officers did not have such close contact with the person to be able to significantly influence or control the person's behaviour.

##### Category 2

Other deaths during custody-related police operations. This includes most sieges and cases where officers were attempting to detain a person, for example, during a pursuit. This would cover situations where officers did not have such close contact with the person to be able to significantly influence or control the person's behaviour.

## Box 2 Examples of borderline cases

Example 1: Police engage in a pursuit after observing a car that has been reported stolen. The police attempt to make the driver pull over, but the driver speeds away from them. When speeds reach dangerous levels police call off the pursuit. They still follow the stolen vehicle and it is still in sight when the pursued driver loses control and is fatally injured in the resulting car accident.

Example 2: Police pull over a vehicle for a traffic infringement. As the car stops, the driver opens the door and flees the vehicle. Police pursue the offender on foot, but lose sight of them. Police continue to search and a short time later discover the individual has collapsed on the ground and died.

In such incidents, a decision is made following discussions with the relevant custodial authority to exclude these cases from analysis pending coronial inquiry outcomes. If the coroner determines that the individual in question was under the supervision of the relevant custodial authority, amendments to the dataset are made retrospectively to include the incident as a death in custody.

in custody caused or contributed to that death. In cases where police were clearly in the process of detaining or attempting to detain a person immediately prior to death, such as shootings, sieges, raids and pursuits, the person is considered to have been in custody at the time of death. In all of these cases, the question of inclusion in this report centres on whether the deceased was in custody at the time of death. Some brief examples of situations where borderline cases may arise and may be excluded from this report pending the coronial inquiry's findings are provided in Box 2.

During 2001, the NDICP Review Committee was formed as an internal review body to examine cases where such uncertainty exists. During 2003, a decision was made by the Committee to exclude all borderline cases from analysis pending their coronial outcome. This exclusion may result in a delay of some years regarding those particular borderline cases, as they may not be heard in their jurisdiction's coroner's court for months or years, or a coroner's findings may be appealed. Despite this drawback, the integrity and reliability of the NDICP is improved over the longer term as the coronial decision is a legally binding determination based on all evidence

available. It is important to note that this may mean that the total number of deaths may be revised upward in future reports as borderline cases are not counted for this report until the coronial findings are available to determine if they should be counted. Cases that are retrospectively included in the database are identified clearly, with any necessary adjustments to findings made in subsequent reports. Cases that have been retrospectively included in the database in the 2008 report following a coronial finding are listed in Table 2.

Finally, each year, AIC data is cross-checked with the relevant custodial authorities to ensure accuracy. Where information is missing from reports to the NDICP, these are checked against coronial findings and necessary revisions made to the dataset.

In 2008, three cases were considered to be borderline. Two of the cases occurred in a public place following the attendance of police officers and the third case occurred in prison custody. All three borderline cases are excluded from the information presented in this report as a decision regarding their inclusion in the NDICP database has been deferred pending the coronial findings in each case.

**Table 2** Deaths added to the NDICP in 2008

Year	Custodial authority	Jurisdiction	Indigenous status	Cause of death
2005	Police	South Australia	Non-Indigenous	Motor vehicle pursuit
2006	Police	South Australia	Non-Indigenous	Other/multiple—drowning



## Calculating death rates

Where rates of prison death are presented in this report, they have been calculated using the results of the annual national prisoner census (ABS 2008a). The census counts all prisoners in legal custody in each jurisdiction as at midnight on 30 June. Where trends in rates of death are presented, the rates are only calculated back to 1982, as prison census data are not available prior to 1982. Rates of police custody deaths are not presented in this report because there is no reliable data source for:

- the number of people who are placed into police custody each year; and
- the number of people who come into contact with police in custody-related operations.

Some variables have missing data where there is unknown information or the AIC is awaiting further detail. As a result, there are differences in the number of cases that contribute to the various analyses. Analyses have been conducted for the total number of cases for which the relevant information is available.

Some column and row percentages may not total to 100 due to rounding.

## Report content

This report presents data on deaths in custody collated from all jurisdictions for the 2008 calendar year and reports on trends since 1980. The variables presented in this report are:

- Indigenous status;
- age at time of death;
- sex;
- custodial authority at time of death;

- time of incident for motor vehicle pursuit and shooting deaths;
- cause of death, including hanging points and materials used for deaths caused by hanging;
- manner of death;
- location of death;
- most serious offence;
- legal status in prison at time of death; and
- reason(s) why the individual was in in police custody at time of death.

Information on each of these variables is presented for all deaths in both prison custody and police custody (including custody-related operations) in *Overview of Deaths in Custody*.

There were no deaths in juvenile detention in 2008 and therefore, the total number of deaths in juvenile detention remains at 17 since 1980. Due to the small numbers, this report contains no further information on deaths in juvenile detention.

Motor vehicle pursuit and shooting deaths are two types of deaths in custody that can attract media and public interest. The demographics of persons involved in these types of incidents are examined, as are the circumstances surrounding the events.

Additional data to that referred to in text is included in the Appendix.

## Timing of report

The timing of the release of this monitoring report is dependent on many factors including the collection of data from all jurisdictions. In order to improve the timeliness of this program a review of data collection will occur in 2011.

# Overview of deaths in custody



## Overview of all deaths

The current dataset of the NDICP covers a 29 year period from 1980 to 2008 and contains details relating to 2,056 individual custodial deaths (see Table 3) that include:

- 1,260 deaths in prison custody;
- 779 deaths in police custody and custody-related operations; and
- 17 deaths in the custody of juvenile justice agencies.

The majority of deaths recorded by the NDICP are of non-Indigenous persons (81%), with Indigenous persons accounting for approximately 19 percent of all custodial deaths (n=392).

## *Overall trends in deaths in custody by custodial authority*

From 1980 to the mid 1990s, there was a gradual increase in deaths to a high of 105 deaths in 1997. Since 1997, there has been a steady decline in total deaths to a 20 year low of 56 deaths in 2006. In the past two years, the total number of deaths in custody has increased from 74 in 2007 to 86 in 2008. A first order polynomial regression model confirmed a curvilinear pattern in deaths, in that the decrease in deaths since 1998 is statistically significant ( $p < 0.05$ ; the dotted line in Figure 2 shows the trend).

The overall trend in the number of deaths in custody is strongly affected by the trend in the number of deaths in prison, as they account for the majority of deaths each year; this is evident in the pattern of deaths presented in Figure 2. While there has been a statistically significant decline ( $p < 0.01$ ) in prison deaths since 1997, over the past three years the number of deaths has been increasing. While recent rises in total deaths, particularly those in prison custody, are a matter for concern, they remain lower than recorded numbers of deaths for the late 1990s and the early part of this decade.

The trend for deaths in police custody and custody-related operations is quite different to the trend for deaths in prison custody. Overall, there has been no statistically significant change over time for police custody and custody-related deaths. Throughout the 1980s, the number of police custody deaths increased, however, the data only captured deaths in police lock-ups and holding facilities. From 1990, the NDICP definition of police custody was expanded to include police sieges and motor vehicle pursuits (Category 2 deaths). The total number of deaths in all forms of police custody remained stable from 1990 to 2000, peaked in 2002 (n=37) and has been declining ever since, with 32 deaths in police custody in 2008. Underpinning this decrease has been a reduction in Category 1 deaths in police custody and those occurring in institutional settings, raids and police shootings.

**Table 3** Custodial deaths by custodial authority, 1980–2008 (n)

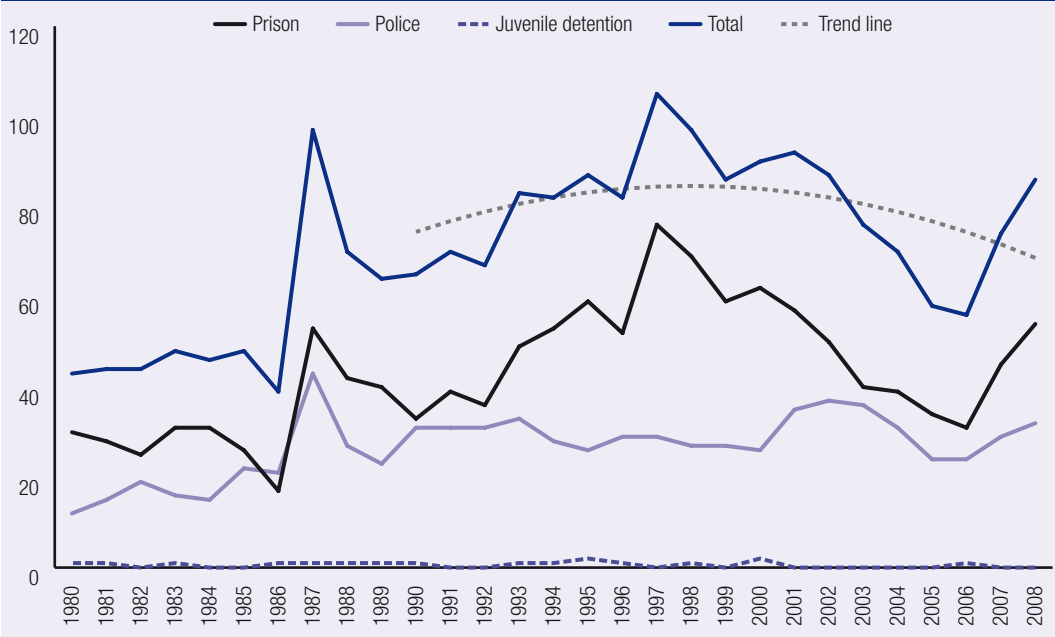
	Prison	Police	Juvenile detention	Total
1980	30	12	1	43
1981	28	15	1	44
1982	25	19	0	44
1983	31	16	1	48
1984	31	15	0	46
1985	26	22	0	48
1986	17	21	1	39
1987	53	43	1	97
1988	42	27	1	70
1989	40	23	1	64
1990	33	31	1	65
1991	39	31	0	70
1992	36	31	0	67
1993	49	33	1	83
1994	53	28	1	82
1995	59	26	2	87
1996	52	29	1	82
1997	76	29	0	105
1998	69	27	1	97
1999	59	27	0	86
2000	62	26	2	90
2001	57	35	0	92
2002	50	37	0	87
2003	40	36	0	76
2004	39	31	0	70
2005	34	24	0	58
2006	31	24	1	56
2007	45	29	0	74
2008	54	32	0	86
Total	1,260	779	17	2,056

Source: AIC NDICP 1980–2008 [computer file]

Since the late 1990s, there has been a noticeable shift in the nature of police custody deaths. Throughout the 1990s, the number of Category 1 deaths each year were in a general decline, from a high of 25 deaths in 1990, to a low of 11 in 1999. Category 2 deaths over the same period fluctuated between six and 17 deaths each year. Since 1999, Category 2 deaths have become the most numerous

each year in police custody. In 2008, the number of Category 2 deaths was the highest recorded in the last five years (n=22) and the fourth highest number recorded since the collection of this data began. Conversely, Category 1 deaths have been decreasing, with the 10 deaths recorded in 2008 being one of the lower numbers of recorded deaths in a single year.

**Figure 2** Trends in deaths in custody by custodial authority, 1980–2008 (n)



\* significant to  $p < .05$

Note: 'Police' includes deaths in both police custody (Category 1) and during custody-related operations (Category 2). Category 2 deaths have been included since 1990

Source: AIC NDICP 1980–2008 [computer file]

## Deaths in prison custody 2008

A total of 54 deaths occurred in prison custody in Australia in 2008 (Table 4). Across the jurisdictions:

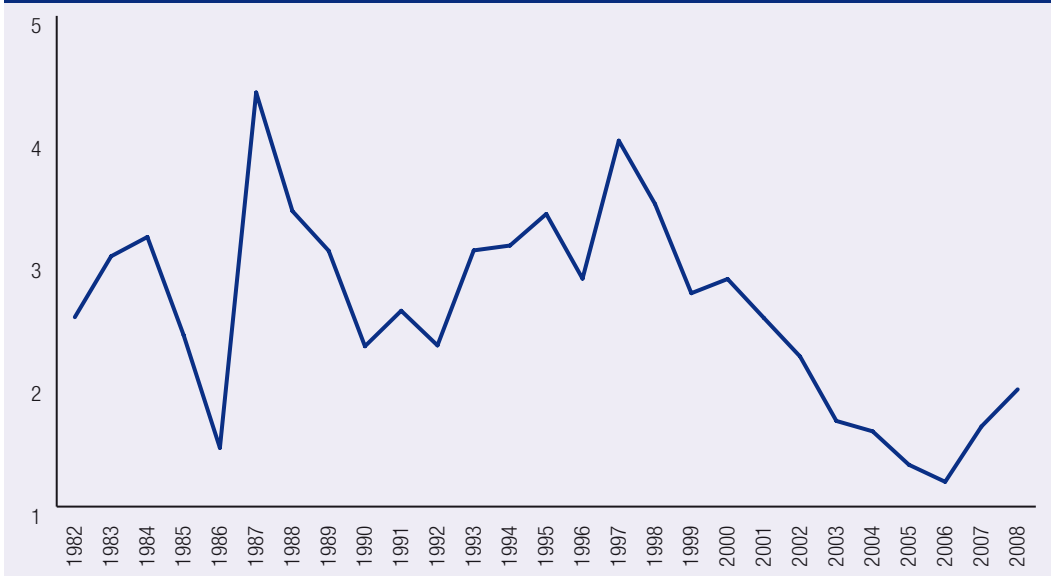
- New South Wales recorded 18 deaths;
- Victoria recorded 11 deaths;
- Queensland recorded 10 deaths;
- Western Australia recorded nine deaths;
- South Australia recorded five deaths;
- the Australian Capital Territory recorded one death; and
- no deaths were recorded in Tasmania or the Northern Territory.

Prison populations differ greatly across the states and territories, which has an impact on the number and distribution of deaths recorded. Table 4 presents the rates of death in prison relative to each jurisdiction's prison population (per 1,000 prisoners). Here, it can be seen that the Australian Capital

Territory had the highest rate of deaths in prison at 6.2 per 1,000 prisoners, while New South Wales had the lowest rate at 1.7 per 1,000. The relatively high rate of death per 1,000 prisoners in the Australian Capital Territory is likely to be a result of the small prison population ( $n=162$ ).

### Trends

A total of 1,260 deaths have been recorded in prison custody across Australia since 1980. Despite some fluctuation in rates of death between 1982 and 1996, no overall trend emerged during this period (see Figure 3). However, there has been a statistically significant decline in the rates of prison death since 1997 ( $p < 0.05$ ), with the rate of deaths in 2006 reaching its lowest point since data have been collected. Yet, it can also be seen that since this low, the rate of prison deaths per 1,000 prisoners has increased as a result of prison custody deaths increasing while the prison population in Australia has remained fairly stable.

**Figure 3** Prison custody deaths, 1982–2008 (rate per 1,000 prisoners)<sup>a</sup>

a: Rate per 1,000 prisoners (ABS 2008a)

Source: AIC NDICP 1982–2008 [computer file]

**Table 4** Prison custody deaths by Indigenous status, 2008 (rate per 1,000 prisoners)<sup>a</sup>

	Indigenous		Non-Indigenous		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	1	0.5	17	2.1	18	1.7
Victoria	0	0.0	11	2.8	11	2.6
Queensland	2	1.3	8	2.0	10	1.8
Western Australia	6	3.9	3	1.4	9	2.4
South Australia	0	0.0	5	3.3	5	2.6
Australian Capital Territory	0	0.0	1	6.8	1	6.2
Australia	9	1.3	45	2.2	54	2.0

a: Rate per 1,000 prisoners (ABS 2008a)

Source: AIC NDICP 1980–2008 [computer file]

## Demographic characteristics

### Indigenous status

#### 2008

There were 27,615 prisoners in Australia as at 30 June 2008 and of these, 24 percent (n=6,708) were Indigenous (ABS 2008a). Nine of the 54 prison deaths in 2008 were of Indigenous persons (see Table 4), equating to 17 percent of all prison deaths. This is an under-representation given that Indigenous people comprised 24 percent of those imprisoned.

Using ABS prison population data, the rates of death in prison custody across Australia were:

- 1.3 per 1,000 Indigenous prisoners; and
- 2.2 per 1,000 non-Indigenous prisoners (ABS 2008a).

#### Trends

The number of both Indigenous and non-Indigenous deaths in prison custody has decreased over the past decade. More specifically, between 1980 and

1986, the total number of deaths occurring in prison each year was below 32 (see Table 5), with 1986 having the lowest number of prison deaths (n=17) in the 29 years for which data are recorded. From 1987 to 1994, the total number of deaths in prison fluctuated between 33 and 53 each year. From 1994

to 2001, there were consistently more than 50 deaths per year. Over the past seven years, there has been a gradual decrease in the number of deaths in prison each year, to a 20 year low of 31 deaths in 2006. However, in the past two years, there has been an increase in total deaths in prison, from 45 in 2007 to 54 in 2008.

**Table 5 Prison custody deaths by Indigenous status, 1980–2008 (n)**

	Indigenous	Non-Indigenous	Total
1980	5	25	30
1981	1	27	28
1982	4	21	25
1983	5	26	31
1984	4	27	31
1985	4	22	26
1986	1	16	17
1987	5	48	53
1988	6	36	42
1989	4	36	40
1990	5	28	33
1991	8	31	39
1992	2	34	36
1993	7	42	49
1994	11	42	53
1995	18	41	59
1996	12	40	52
1997	9	67	76
1998	10	59	69
1999	13	46	59
2000	11	51	62
2001	14	43	57
2002	8	42	50
2003	10	30	40
2004	7	32	39
2005	7	27	34
2006	4	27	31
2007	5	40	45
2008	9	45	54
Total	209	1,051	1,260

Source: AIC NDICP 1980–2008 [computer file]

Over the past five years, the total number of deaths in custody has increased from 39 in 2004 to 54 in 2008, a rise of 28 percent. This increase can be attributed to a rise in the number of non-Indigenous deaths in prison custody, which have increased 29 percent over the same period. Although the number of prison custody deaths in 2008 is higher than in the previous five years, there have still been fewer total deaths each year since 2002 than were recorded in the late 1990s.

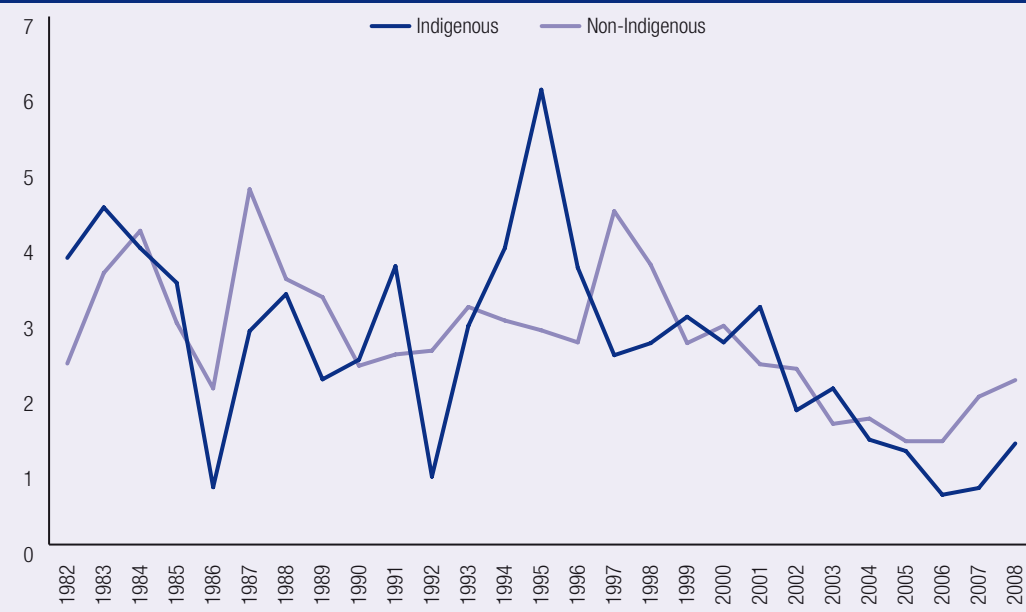
#### *Trends in Indigenous prison deaths in custody*

Trends in Indigenous deaths in prison are quite similar to the trend in total deaths. Throughout the 1980s the number of Indigenous deaths ranged from one and six each year (Table 5). From 1994 to 2001, there was an increase in Indigenous prison deaths, with the number recorded each year increasing to nine or more deaths each year. The year 1995 had the highest number of Indigenous deaths since data collection began (n=18). In contrast, for the greater part of this decade, the number of Indigenous deaths has been decreasing. Over the past five years, Indigenous prison deaths have ranged between four and nine each year.

Since 1980, deaths of Indigenous persons have accounted for 17 percent (n=209) of total prisoner deaths, however, the proportion of all deaths has ranged from between four percent in 1981 to 31 percent in 1995.

The rates of death for Indigenous and non-Indigenous prisoners have generally fluctuated between one and six deaths per 1,000 prisoner since 1982. There has been less fluctuation in the rates since 1999, with both Indigenous and non-Indigenous rates of death track together at an equal rate (see Figure 4). Most importantly, the rates of death have declined significantly for Indigenous prisoners since 1995 and for non-Indigenous prisoners since 1997 ( $p < 0.01$ ).

**Figure 4** Prison custody deaths by Indigenous status, 1982–2008 (rate per 1,000 prisoners)<sup>a</sup>



a: Rate per 1,000 prisoners (ABS 2008a)

Source: AIC NDICP 1982–2008 [computer file]

**Table 6** Prison custody deaths by sex, 2008 (rate per 1,000 prisoners)<sup>a</sup>

	Male		Female		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	17	1.7	1	1.3	18	1.7
Victoria	11	2.8	0	0.0	11	2.6
Queensland	9	1.8	1	2.4	10	1.8
Western Australia	9	2.6	0	0.0	9	2.4
South Australia	4	2.2	1	7.5	5	2.6
Australian Capital Territory	0	0.0	1	58.8	1	6.2
Australia	50	1.9	4	2.0	54	2.0

a: Rate per 1,000 prisoners (ABS 2008a)

Source: AIC NDICP 1980–2008 [computer file]

## Sex

### 2008

Fifty of the 54 prison deaths in 2008 were males (see Table 6). One death of a female was recorded for each of New South Wales, Queensland, South Australia and the Australian Capital Territory. The rate of death of female prisoners in 2008 was 2.0 per 1,000 prisoners and for males the rate was 1.9 per 1,000 prisoners. For both males and females, there has been a moderate increase in the rate in 2007

and 2008 (see Figure 5). However, due to the relatively small number of female prison custody deaths each year, small increases in recorded cases are likely to substantially affect the rate.

### Trends

Male deaths have consistently outnumbered females deaths each year since 1980 (see Table 7), with 96 percent of all deaths being males. This corresponds with the gender distribution of the

**Table 7** Prison custody deaths by sex, 1980–2008 (n)

	Male	Female	Total
1980	30	0	30
1981	28	0	28
1982	21	4	25
1983	29	2	31
1984	31	0	31
1985	24	2	26
1986	16	1	17
1987	51	2	53
1988	41	1	42
1989	38	2	40
1990	32	1	33
1991	37	2	39
1992	36	0	36
1993	48	1	49
1994	48	5	53
1995	58	1	59
1996	51	1	52
1997	74	2	76
1998	65	4	69
1999	56	3	59
2000	60	2	62
2001	55	2	57
2002	45	5	50
2003	38	2	40
2004	37	2	39
2005	31	3	34
2006	30	1	31
2007	44	1	45
2008	50	4	54
Total	1,204	56	1,260

Source: AIC NDICP 1980–2008 [computer file]

Australian prison population, where 93 percent of prisoners are male (ABS 2008a). The death rate for males and females has been relatively low and has remained stable (see Figure 5), however, there were increased numbers of male deaths in custody from 1995 to 2001. The total number of male deaths in custody declined during the first half of this decade, but has been steadily increasing over the past three years. Greater fluctuations have been observed in female deaths due to the small numbers involved.

## Age

### 2008

Among the general Australian population, as at 30 June 2008, the median age at death was 78.1 years for males and 84 years for females (ABS 2009). This is considerably higher than the median age at time of death for males (43 years) and females (53 years) in prison custody. The median age at time of death in 2008 was lower for non-Indigenous (43 years) than Indigenous (45 years) prisoners (see Table 8). Only one death of a person under 25 years of age occurred in 2008. The remaining 53 deaths were distributed over the 25–39 year (n=16), 40–54 year (n=18) and 55 years and over (n=19) categories.

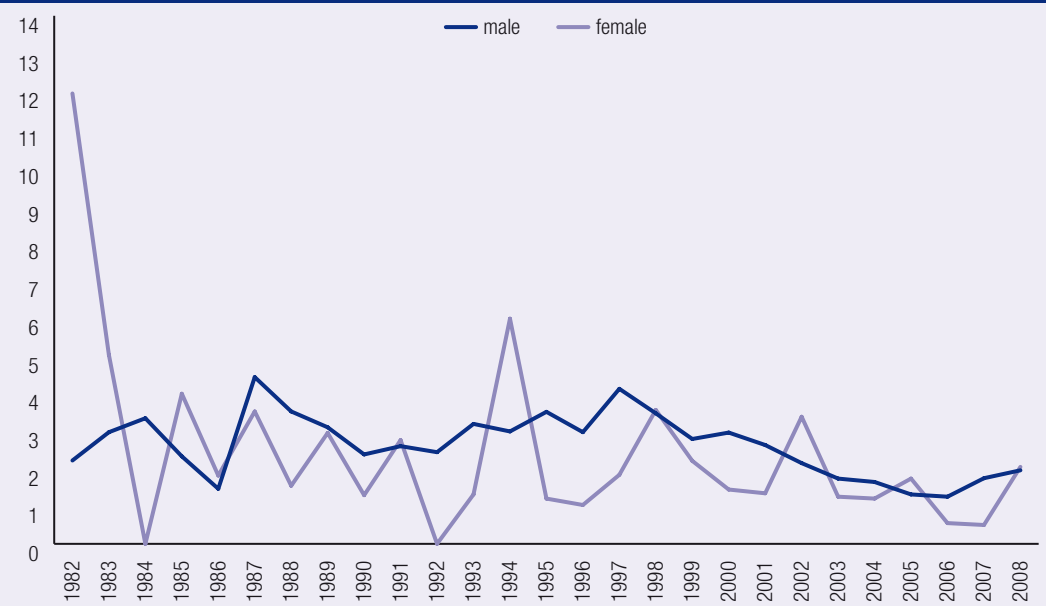
In a similar fashion to the general population, Australia's prison population has been ageing steadily. Data obtained from the ABS show that the median age for all prisoners has been increasing over the past decade (see Table 9). Sentenced prisoners show more pronounced rises in median age when compared with unsentenced prisoners. Of particular note is the rise in the median age of sentenced non-Indigenous prisoners, with the median age of males in this group rising by 3.7 years since 1999 and the median age of female prisoners rising by 5.7 years. As non-Indigenous persons comprise the overwhelming majority of all persons in prison (75% in 2008), a rise in the median of between four and six years is indicative of the ageing of the total prison population.

### Trends

Since 1980, just over one-fifth (21%) of deaths have been of persons aged less than 25 years, 41 percent have been of persons aged 25 to 39 years, 22 percent have been of persons aged 40 to 54 years and 17 percent have been of persons aged 55 years or over (see Table 10). While deaths of persons aged less than 25 years were generally more numerous each year than those aged 55 years and over between 1980 and 2000, this pattern has reversed dramatically since 2000. In 2008, the number of deaths of persons aged 55 years and older (n=19) was the highest number recorded since the collection of this data began in 1980. Further, the number of 40–54 year olds who died in prison custody in 2008 (n=18) was the second highest ever recorded (and equal to that recorded in 2002). This trend may be attributed, in part, to an ageing prisoner population in Australia.



**Figure 5** Prison custody deaths by sex, 1982–2008 (rate per 1,000 prisoners)<sup>a</sup>



a: Rate per 1,000 prisoners (ABS 2008a)

Source: AIC NDICP 1982–2008 [computer file]

**Table 8** Prison custody deaths by age category, 2008 (n)

	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total	Median age at time of death	Median age of prisoner population <sup>a</sup>
New South Wales	1	6	7	4	18	42	33.1
Victoria	0	1	2	8	11	60	35.3
Queensland	0	5	2	3	10	39	32.9
Western Australia	0	4	3	2	9	40	32.6
South Australia	0	0	3	2	5	42	34.5
Australian Capital Territory	0	0	1	0	1	42	29.8
<b>Totals</b>							
Indigenous	0	3	4	2	9	45	30.6
Non-Indigenous	1	13	14	17	45	43	35.8
All persons	1	16	18	19	54	43	33.2

a: ABS 2008a

Source: AIC NDICP 1980–2008 [computer file]

**Table 9** Median age of Australia's prison population, by legal status, Indigenous status and sex, 1999–2009

	Sentenced				Unsentenced			
	Indigenous		Non-Indigenous		Indigenous		Non-Indigenous	
	Male	Female	Male	Female	Male	Female	Male	Female
1999	28.0	28.9	31.4	30.5	26.4	25.8	28.8	28.2
2000	28.6	28.3	31.7	30.6	26.7	24.6	28.9	28.0
2001	29.2	28.0	32.0	31.5	27.2	28.2	29.2	27.9
2002	29.3	28.8	32.5	31.5	27.5	28.6	29.5	30.0
2003	30.0	29.4	33.0	32.5	27.2	28.3	30.3	31.0
2004	30.1	29.6	33.5	33.7	28.3	30.3	31.0	32.1
2005	30.5	31.0	33.9	34.4	28.1	30.1	31.7	33.4
2006	30.9	30.6	34.3	35.5	28.6	30.2	31.5	31.9
2007	31.4	30.4	34.7	35.8	27.9	27.1	31.6	31.4
2008	30.7	30.5	35.2	36.4	28.4	28.4	32.1	33.5
2009	31.1	32.1	35.1	36.2	28.5	29.8	32.2	33.6

a: ABS unpublished data

**Table 10** Prison custody deaths by age category, 1980–2008 (n)

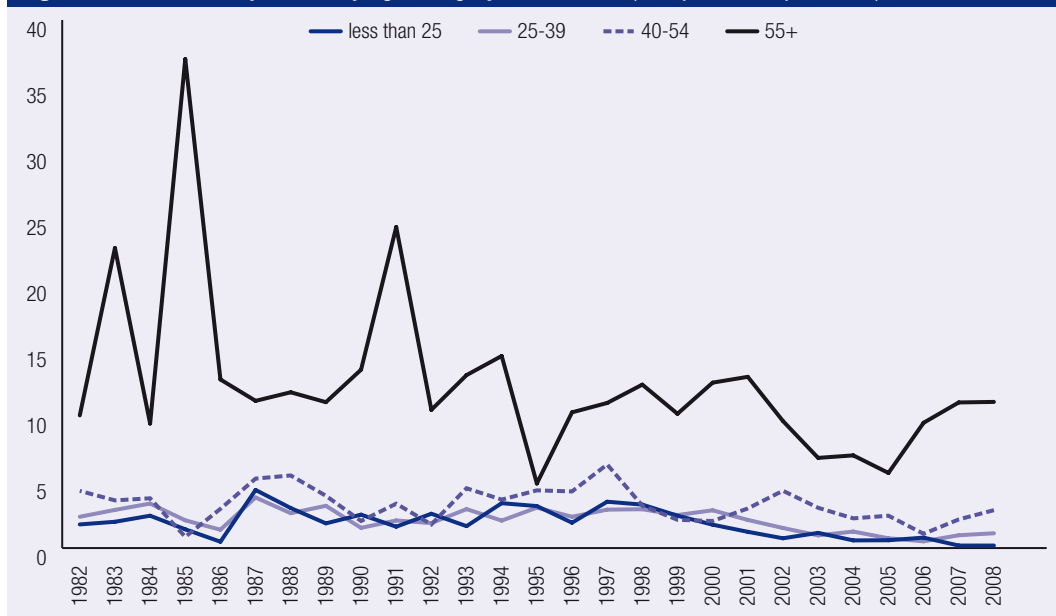
	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total
1980	8	11	8	3	30
1981	6	11	9	2	28
1982	7	11	5	2	25
1983	8	14	4	5	31
1984	9	16	4	2	31
1985	6	11	1	8	26
1986	2	8	4	3	17
1987	19	23	8	3	53
1988	13	16	9	4	42
1989	8	21	7	4	40
1990	12	11	4	6	33
1991	8	16	7	8	39
1992	13	15	4	4	36
1993	8	24	11	6	49
1994	17	18	10	8	53
1995	16	27	13	3	59
1996	10	22	13	7	52
1997	19	28	21	8	76
1998	18	30	11	10	69
1999	14	28	8	9	59

**Table 10** continued

	Less than 25 yrs	25–39 yrs	40–54 yrs	55+ yrs	Total
2000	10	32	8	12	62
2001	7	25	12	13	57
2002	4	18	18	10	50
2003	6	12	14	8	40
2004	3	16	11	9	39
2005	3	10	13	8	34
2006	4	7	6	14	31
2007	1	14	13	17	45
2008	1	16	18	19	54
Total	260	511	274	215	1,260

Source: AIC NDICP 1980–2008 [computer file]

**Figure 6** Prison custody deaths by age category, 1982–2008 (rate per 1,000 prisoners)<sup>a</sup>



a: Rate per 1,000 prisoners (ABS 2008a)

Source: AIC NDICP 1982–2008 [computer file]

With reference to Figure 6, it can be seen that between 1982 and 2008:

- the rates of death for those aged 55 years and over have fluctuated greatly and have been consistently higher than for other age groups— with a high of 37 per 1,000 in 1985 to a low of 4.9 per 1,000 in 1995; and
- the rates of death for those aged under 55 years have been relatively low and constant over this period (with the exception of 1997) and the rate per 1,000 for these age groups was consistently under five deaths.

Since 1980, Indigenous prisoners who died in prison were in the following age categories (see Table A6):

- less than 25 years (27%; n=57);
- 25–39 years (46%; n=97);
- 40–54 years (22%; n=45); and
- 55 years and older (5%; n=10).

Non-Indigenous prisoners who died in prison during this time were in the following age categories (see Table A6):

- less than 25 years (19%; n=203);
- 25–39 years (39%; n=414);
- 40–54 years (22%; n=229); and
- 55 years and older (20%; n=205).

Historically, a greater proportion of Indigenous prisoners die in the younger age groups compared with non-Indigenous prisoners. Research indicates that ‘the overall mortality rate for Indigenous males and females is about three times that of non-Indigenous males and females’ (ABS 2008c: 151). This may be attributed to the average poorer health levels for Indigenous people compared with non-Indigenous people (ABS 2008c). Indigenous people currently have a life expectancy at birth that is 17 years less than that of the wider Australian population and they experience higher rates of long-term health conditions such as asthma, diabetes and kidney failure (ABS 2008c).

When cause of death is examined by age for Indigenous prisoners, the impact of poor health is evident. Natural causes were the most common cause of death for Indigenous prisoners aged between 25 and 39 years (51%; n=49), between

40 and 54 years (87%; n=39) and for all 10 prisoners who were 55 years or older. Hanging was the most common cause of death among those Indigenous persons aged less than 25 years (72%; n=41). Similarly, for non-Indigenous prisoners, hanging was the most common cause of death for those aged less than 25 years (73%; n=149) and between 25 and 39 years (46%; n=190). Natural causes were the most common cause of death for those non-Indigenous persons aged 40 to 54 years (58%; n=133) and 55 years and older (85%; n=174).

### *Circumstances surrounding death*

The NDICP collects information on both the cause and manner of each death. Cause of death information relates to the direct cause of death as reported by the coroner or by police and prison authorities. The *manner of death* is different to the cause of death but is a related variable that refers to the accountability or responsibility for the death as reported by the coroner or by police and prison authorities. Therefore, in some cases, cause and manner will correspond. For example, where a person dies as a result of natural causes, their death will be recorded as natural causes for both cause and manner of death. In other cases, cause and manner of death will differ. For example, where a person dies after hanging themselves, cause of death will be recorded as hanging and manner of death will be recorded as either self-inflicted or accidental hanging.

**Table 11** Prison custody deaths by cause of death, 2008 (n)

	Hanging	Natural causes	External/ multiple trauma	Other	Total
New South Wales	3	11	1	3	18
Victoria	2	9	0	0	11
Queensland	3	6	1	0	10
Western Australia	1	7	1	0	9
South Australia	0	5	0	0	5
Australian Capital Territory	1	0	0	0	1
<b>Totals</b>					
Indigenous	0	9	0	0	9
Non-Indigenous	10	29	3	3	45
All persons	10	38	3	3	54

Source: AIC NDICP 1980–2008 [computer file]

## Cause of death

### 2008

In 2008, more than two-thirds of deaths in prison custody were due to natural causes (n=38; Table 11). Ten prisoners died from hanging, three from external/multiple trauma and three from 'other' causes. Of the nine Indigenous deaths in prison custody in 2008, all were due to natural causes.

Of the people who died from hanging (Table 14):

- bedding materials were used in five deaths;
- rope/cord was used in two deaths;
- 'other' material was used in one death; and
- in three cases, the material used was listed as 'not known', pending coronial findings.

The most common hanging points in 2008 were cell bars (n=5), fittings in the cell other than the bars (such as light fittings, ventilation grills, door handles or beds; n=2), shower fixtures (n=1) and 'other' point in one death (Table 13). Information on the hanging point in the other case was not available at the time of writing.

### Trends

Over the 20 year period 1980 to 2000, hanging deaths generally outnumbered all other causes each

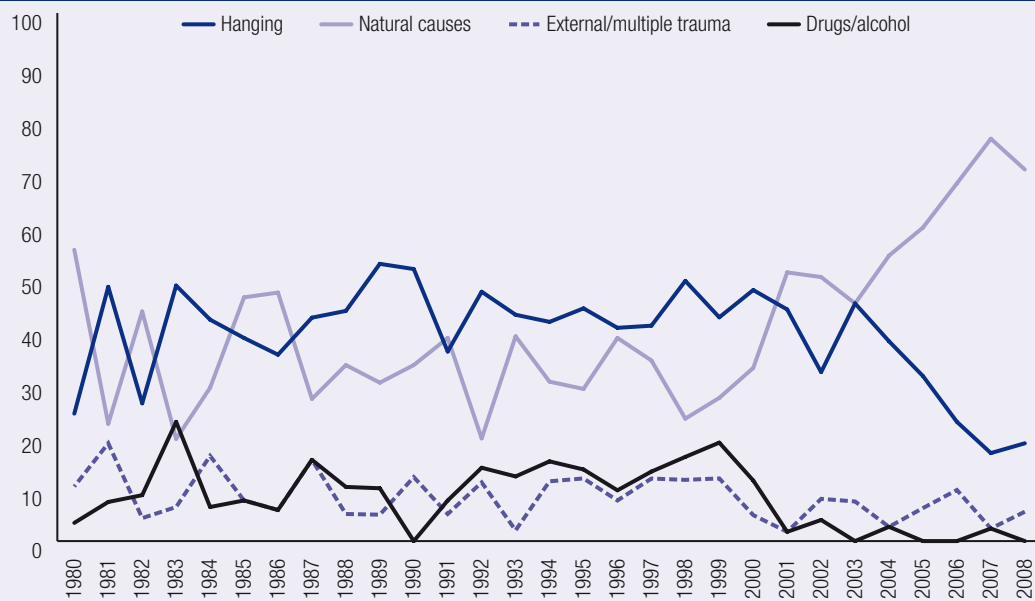
year. However, over the past eight years, hanging deaths have been decreasing, while deaths due to natural causes have become the most frequent cause of death (see Table 12; Figure 7). Since 1980, deaths due to drug or acute alcohol toxicity have been consistently low, with a small increase in the late 1990s. Deaths due to head injury or gunshot occur very infrequently and in some years are non-existent. Figure 7 demonstrates that the proportion of deaths in each category has remained fairly constant each year. Forty percent (n=494) of prison deaths since 1980 have been due to hanging, followed by 39 percent (n=491) that were due to natural causes.

Since 1980, deaths of Indigenous prisoners have been due to (Table A7):

- natural causes (51%; n=107);
- hanging (37%; n=78);
- external and/or multiple trauma (5%; n=11); and
- drug and/or alcohol toxicity (4%; n=9).

Figure 7 shows that the number of hanging deaths each year in prison remained fairly stable from 1980 to 2000, after which the number each year began to decline markedly. In contrast, deaths due to natural causes have fluctuated each year, ranging from between 19 and 69 percent of total deaths.

**Figure 7** Prison custody deaths by cause of death, 1980–2008 (%)



Source: AIC NDICP 1980–2008 [computer file]

**Table 12** Prison custody deaths by cause of death, 1980–2008 (n)

	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drugs/alcohol	Other	Total
1980	7	16	2	0	3	1	0	29
1981	13	6	0	1	5	2	0	27
1982	6	10	0	1	1	2	3	23
1983	15	6	0	0	2	7	1	31
1984	13	9	0	1	5	2	1	31
1985	10	12	0	0	2	2	0	26
1986	6	8	1	0	1	1	0	17
1987	22	14	0	0	8	8	0	52
1988	17	13	1	0	2	4	2	39
1989	21	12	0	1	2	4	0	40
1990	17	11	0	0	4	0	1	33
1991	14	15	3	0	2	3	2	39
1992	17	7	0	2	4	5	1	36
1993	21	19	1	0	1	6	1	49
1994	22	16	0	0	6	8	1	53
1995	26	17	0	0	7	8	1	59
1996	21	20	2	0	4	5	0	52
1997	31	26	0	0	9	10	0	76
1998	34	16	0	0	8	11	0	69
1999	25	16	0	0	7	11	0	59
2000	29	20	2	0	3	7	0	61
2001	25	29	0	0	1	1	1	57
2002	16	25	0	1	4	2	2	50
2003	18	18	0	0	3	0	1	40
2004	14	20	1	0	1	1	0	37
2005	10	19	1	0	2	0	0	32
2006	7	21	0	0	3	0	0	31
2007	7	32	0	0	1	1	1	42
2008	10	38	0	0	3	0	3	54
Total <sup>a</sup>	494	491	14	7	104	112	22	1,244

a: 16 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

The most notable trend that has emerged from this data is the rise in natural cause deaths as a percentage of total deaths since the late 1990s. It can be seen that over the past decade, deaths due to natural causes have become the most frequent cause of death, with almost three out of every four deaths in prison in 2008 attributed to natural causes.

A greater percentage of Indigenous prisoners die in custody of natural causes than non-Indigenous

prisoners; 51 percent for Indigenous prisoners compared with 36 percent for non-Indigenous prisoners.

For the purposes of this monitoring program, the definition of a natural cause death is quite broad, in that it covers deaths associated with chronic medical conditions, such as diabetes, cancer and cardiovascular disease, as well as deaths due to

respiratory problems like asthma and complications with epilepsy. The number of natural cause deaths recorded in 2007 and 2008 (n=32 and n=38 respectively) are the highest recorded since collection of this data began. These recent rises in natural cause deaths are probably linked to an ageing prison population and a prison population with more health problems than the general population.

Of the 38 people who died from natural causes in 2008, 25 persons were aged 45 years or older and the median age for natural cause deaths was 52 years. That is, those persons dying of natural causes in prison are much older than the median age of the (ageing) prison population.

Data from the NDICP show that of the 21 natural cause deaths in prison where information about the exact cause of death is available, 11 were due

to heart attack, seven were due to cancer and three were due to multiple serious health conditions. The majority of natural cause deaths in prison in 2008 were of persons suffering with underlying serious health conditions.

In a recent study completed by the Australian Institute of Health and Welfare (AIHW) into the health of Australia's prisoners, it was found that

for asthma, cardiovascular disease and diabetes, a higher proportion of prison entrants had the condition than those in the general population by the age of 35–44 years (AIHW 2010: 102).

In addition, findings from this study also show that: rates of hepatitis B and C are significantly higher among prison entrants than the wider community, as well as high levels of smoking, alcohol consumption and illicit drug use (AIHW 2010: iii).

**Table 13** Prison custody hanging deaths by hanging point used, 1990–2008 (n)

	Cell bars	Shower fixture	Other cell fitting	Fitting outside cell	Bed bunk	Other	Total
1990	10	0	4	0	0	0	14
1991	6	0	7	0	0	0	13
1992	7	2	6	0	0	0	15
1993	9	3	7	0	2	0	21
1994	8	2	9	1	2	0	22
1995	10	4	10	0	1	0	25
1996	5	0	8	3	1	0	17
1997	8	6	13	0	3	1	31
1998	7	5	15	0	3	0	30
1999	12	1	8	1	2	0	24
2000	8	2	8	0	6	0	24
2001	9	6	3	2	3	1	24
2002	8	7	1	0	0	0	16
2003	8	1	9	0	0	0	18
2004	7	0	3	0	3	0	13
2005	4	1	4	0	1	0	10
2006	1	3	2	0	1	0	7
2007	2	0	2	1	2	0	7
2008	5	1	2	0	0	1	9
Total <sup>a</sup>	134	44	121	8	30	3	340

a: 24 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

This study sampled a total of 9,149 prisoners, covering almost one-third of all persons in custody at the time of the survey, representing one of the most comprehensive studies of the prison population ever conducted.

### *Hanging deaths*

Data have been collected on hanging points and materials used to undertake the hangings since 1990. Of the 340 hanging deaths in prison custody between 1990 and 2008 for which the information is available, cell bars accounted for 39 percent (n=134) of hanging points, other fittings inside cells comprised 36 percent (n=121) and shower fixtures comprised 13 percent (n=44; see Table 13). Seven percent of cases were missing this information. Bedsheets have consistently been the most common object used each year in hanging deaths (61%; Table 14).

### *Manner of death*

As noted previously, the manner of death is closely related to cause of death and, as a result, the findings may be similar. Manner of death may be classed as *self-inflicted*, *due to natural causes*, *justifiable homicide*, *unlawful homicide*, *accidental* or *other*. Self-inflicted cases include all deaths where the manner of death is considered self-inflicted rather than accidental. For example, most hangings and self-inflicted gunshot wounds would be classified as self-inflicted. Justifiable homicide refers to homicides that occur under circumstances authorised by law, for example, a prison officer acting in self-defence. When the manner of death is classified as an accident, this includes deaths that result from toxicity of drugs and/or alcohol, head injuries, burn injuries, drowning and fatal injuries following a motor vehicle accident. It also includes hangings where the coroner has found the incident

**Table 14** Prison custody hanging deaths by material used 1990–2008 (n)

	Sheets	Shoelaces	Belt	Other clothing	Rope/cord	Other	Total
1990	8	0	1	1	1	4	15
1991	7	0	1	0	4	2	14
1992	12	0	1	2	1	1	17
1993	11	1	1	2	3	3	21
1994	17	0	1	3	1	0	22
1995	16	0	2	2	1	4	25
1996	10	3	1	2	2	0	18
1997	16	5	0	2	6	1	30
1998	22	1	1	1	2	1	28
1999	9	7	0	2	3	2	23
2000	17	3	0	3	4	0	27
2001	14	1	0	2	1	4	22
2002	12	0	0	1	1	1	15
2003	9	5	0	2	0	2	18
2004	8	1	0	1	1	1	12
2005	6	0	0	1	1	1	9
2006	4	0	0	3	0	0	7
2007	4	0	0	1	2	0	7
2008	5	0	0	0	2	1	8
Total <sup>a</sup>	207	27	9	31	36	28	338

a: 26 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]



to be accidental. It is important to note that some alcohol- and drug-related deaths are classified as accidental unless the coroner has clearly stated that the death was intentional and therefore self-inflicted.

## 2008

Thirty-seven of the 54 prison deaths in 2008 were due to natural causes (see Table 15). A further 14 deaths were considered to have been self-inflicted, one was classified as accidental and two were categorised as 'other'. Of the nine Indigenous deaths in prison custody in 2008, all were due to natural causes.

## Trends

Since 1980, 44 percent of deaths have been self-inflicted and 40 percent have been due to natural causes (see Table 16). During this period:

- self-inflicted deaths and deaths due to natural causes have consistently been the two most frequent manners of death each year;
- no deaths were recorded as due to justifiable or unlawful homicide between 1980 and 1991. This has also been the case over the past two years and no justifiable homicide has been recorded since 2002; and
- deaths due to unlawful homicide became more frequent between 1992 and 1999, and have since dropped off. None have been recorded in the past two years.

Figure 8 shows that, as a proportion of all deaths, those due to natural causes have been increasing since 1998, while accidental, self-inflicted and those due to unlawful homicide have decreased since 1999. For all Indigenous prisoners who died in prison custody since 1980, manner of death was attributable to:

- natural causes (52%);
- self-inflicted deaths (40%);
- accidental deaths (4%); and
- unlawful homicides (3%).

## Most serious offence

The NDICP collects information on the most serious offence leading to custody. The offences are grouped into six categories—violent offences, theft-related, drug-related, traffic, good order and other/unknown. Where information on more than one offence is provided, only the most serious of those is assigned to the case. The hierarchy from most to least serious is—violent, theft-related, drug-related, traffic, good order and other. Therefore, if a person was charged with a violent offence and a property offence, the violent offence would take precedence. For the purposes of the NDICP, these groups are defined as:

- violent offence—includes homicide, assault, sex offences, other offences against the person and robbery;
- theft-related offence—includes break and enter, other theft, property damage and fraud;

**Table 15** Prison custody deaths by manner of death, 2008 (n)

	Self-inflicted	Natural causes	Accident	Other	Total
New South Wales	5	10	1	2	18
Victoria	2	9	0	0	11
Queensland	4	6	0	0	10
Western Australia	2	7	0	0	9
South Australia	0	5	0	0	5
Australian Capital Territory	1	0	0	0	1
<b>Totals</b>					
Indigenous	0	9	0	0	9
Non-Indigenous	14	28	1	2	45
All persons	14	37	1	2	54

Source: AIC NDICP 1980–2008 [computer file]

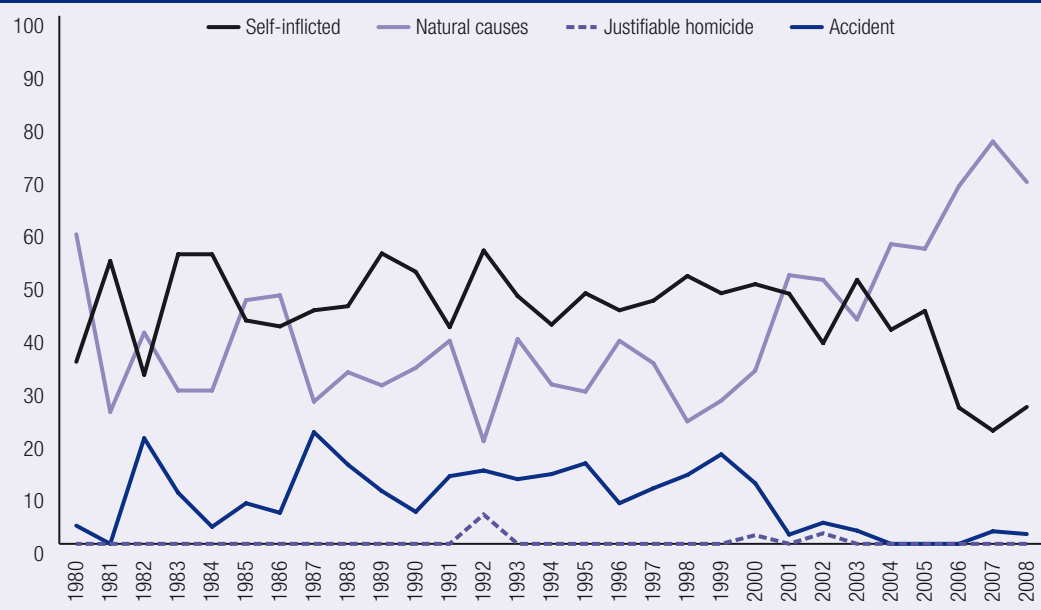
**Table 16** Prison custody deaths by manner of death, 1980–2008 (n)

	Self-inflicted	Natural causes	Justifiable homicide	Unlawful homicide	Accident	Other/unknown	Total
1980	10	17	0	0	1	1	29
1981	15	7	0	0	0	6	28
1982	8	10	0	0	5	2	25
1983	17	9	0	0	3	2	31
1984	17	9	0	0	1	4	31
1985	11	12	0	0	2	1	26
1986	7	8	0	0	1	1	17
1987	23	14	0	0	11	4	52
1988	18	13	0	0	6	3	40
1989	22	12	0	0	4	2	40
1990	17	11	0	0	2	3	33
1991	16	15	0	0	5	3	39
1992	20	7	2	2	5	0	36
1993	23	19	0	1	6	0	49
1994	22	16	0	7	7	1	53
1995	28	17	0	5	9	0	59
1996	23	20	0	5	4	0	52
1997	35	26	0	6	8	1	76
1998	35	16	0	8	9	1	69
1999	28	16	0	5	10	0	59
2000	30	20	1	3	7	0	61
2001	27	29	0	0	1	0	57
2002	19	25	1	3	2	0	50
2003	20	17	0	2	1	0	40
2004	15	21	0	1	0	0	37
2005	15	19	0	0	0	0	34
2006	8	21	0	2	0	0	31
2007	9	32	0	0	1	0	42
2008	14	37	0	0	1	2	54
Total <sup>a</sup>	552	495	4	50	112	37	1,250

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

**Figure 8** Prison custody deaths by manner of death, 1980–2008 (%)



Source: AIC NDICP 1980–2008 [computer file]

**Table 17** Prison custody deaths by most serious offence, 2008 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
New South Wales	8	5	1	1	2	1	18
Victoria	9	1	1	0	0	0	11
Queensland	9	0	1	0	0	0	10
Western Australia	5	2	0	1	0	1	9
South Australia	4	0	0	0	1	0	5
Australian Capital Territory	0	0	0	0	0	1	1
<b>Totals</b>							
Indigenous	4	1	1	2	0	1	9
Non-Indigenous	31	7	2	0	3	2	45
All persons	35	8	3	2	3	3	54

Source: AIC NDICP 1980–2008 [computer file]

- drug-related offence—includes possessing, using, dealing, trafficking and manufacturing/growing drugs;
- traffic offence—includes road traffic, driving and license offences;
- good order offence—includes public drunkenness, protective custody for intoxication in jurisdictions where public drunkenness is not an offence, justice procedure offences, breaches of sentences (including fine default) and other offences against good order (eg prostitution, betting and gambling, disorderly conduct, vagrancy and offensive behaviour); and
- other/unknown—includes other offences not elsewhere classified or where the most serious offence is unknown.

## 2008

Thirty-five of the 54 prison deaths in 2008 were of persons whose most serious offence was violent in nature (see Table 17). This was followed by eight deaths of persons with theft-related most serious offences and three persons with good order offences

as their most serious offence. Three persons died in prison with drug-related offences as their most serious offence and two with traffic offences. Of the nine Indigenous deaths; four had violent offences and two had traffic offences as the most serious offence prior to custody; and there was one each for theft-related, drug-related and 'other' offences.

**Table 18** Prison custody deaths by most serious offence, 1980–2008 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1980	10	6	4	2	5	2	29
1981	15	9	1	1	2	0	28
1982	7	9	3	1	3	1	24
1983	13	9	0	1	7	0	30
1984	15	10	2	2	1	0	30
1985	11	11	1	0	1	0	24
1986	10	2	1	1	2	0	16
1987	17	22	2	1	5	1	48
1988	24	12	1	1	2	1	41
1989	22	12	3	0	0	1	38
1990	15	10	1	0	3	4	33
1991	23	9	3	0	3	1	39
1992	13	16	3	0	2	2	36
1993	22	18	3	2	4	0	49
1994	24	22	1	1	3	2	53
1995	31	17	8	2	1	0	59
1996	22	20	4	2	1	3	52
1997	34	20	10	2	8	1	75
1998	29	28	5	1	6	0	69
1999	26	25	5	1	1	1	59
2000	37	15	5	2	1	2	62
2001	30	11	6	2	3	5	57
2002	31	9	2	2	4	2	50
2003	29	3	3	2	3	0	40
2004	29	2	2	3	0	3	39
2005	20	11	1	1	1	0	34
2006	22	6	1	0	2	0	31
2007	27	8	4	3	3	0	45
2008	35	8	3	2	3	3	54
Total <sup>a</sup>	643	360	88	38	80	35	1,244

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Trends

In 2008, most offenders were imprisoned for violent offences (approximately 52%; ABS 2008a). The most recent prisoner census data reveal that 60 percent of the Indigenous prisoner population had a violent offence as their most serious offence, compared with 50 percent of non-Indigenous prisoners. There are a range of offences under the 'violent offence' category, including acts intended to cause injury, sexual assault, homicide and robbery. Among these specific offences, acts intended to cause injury (31%) were the most common offence for which Indigenous prisoners were sentenced to a term of imprisonment (ABS 2008a). Since 1980, 52 percent of prisoners who died in custody had been imprisoned for violent offences, followed by theft-related offences (29%; Table 18). Each year since 1993, violent offences have been the most frequent and most serious offence prior to custody. Traffic and good order offences, as the most serious offence, have been low each year for both Indigenous and non-Indigenous deaths in custody.

Since 1980, the most serious offence relating to Indigenous prisoners who died in custody has been (Table A9):

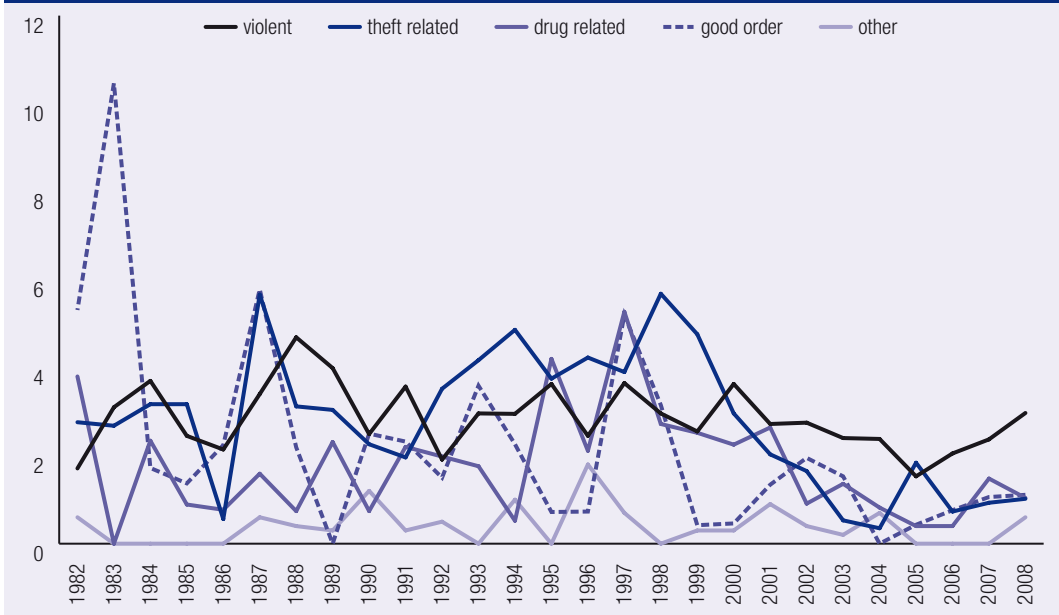
- violent offences (57%; n=119);
- theft-related offences (24%; n=50);
- good order offences (7%; n=14);
- drug-related offences (2%; n=5);
- traffic offences (6%; n=12); and
- other (4%; n=8).

The most serious offence relating to non-Indigenous prisoners who died in custody has been:

- violent offences (51%; n=524);
- theft-related offences (30%; n=310);
- good order offences (6%; n=66);
- drug-related offences (8%; n=83);
- traffic offences (3%; n=26); and
- other (3%; n=27).

Figure 9 shows the trends in rates of death since 1982 according to the most serious offence committed immediately prior to the final period of custody. The rates of death have generally fluctuated between one and five deaths per 1,000 prisoners (with the exception of 1983) for the four most common types of offence category—violent, theft-related, drug-related and good order offences. The trends for specific offences shows that:

**Figure 9** Prison custody deaths by most serious offence, 1982–2008 (rate per 1,000 prisoners)<sup>a</sup>



a: Cases for which traffic and other offences were recorded as most serious offence have been excluded due to small numbers

Source: (ABS 2008a) AIC NDICP 1982–2008 [computer file]

- rates of violent offence deaths have been relatively constant over the years;
- rates of theft-related offence deaths fluctuated up to 1998 but have since declined; and
- rates of drug-related offence deaths showed some fluctuation up until 1997 but have tended to decrease since then.

## Location of death

### 2008

In 2008, 16 prison deaths occurred in cells, 26 in public hospitals, 10 in prison hospitals and two in other custodial settings (see Table 19). Six Indigenous deaths in 2008 occurred in a public hospital, two occurred in a cell and one in another custodial setting.

### Trends

Since 1980, over half of all prison deaths (57%) have occurred in cells (see Table 20). The proportions of all deaths occurring in cells have been similar for both Indigenous (58%; n=114) and non-Indigenous (57%; n=560) persons.

## Legal status of prisoners who died in custody

### 2008

On 30 June 2008, almost 77 percent of all prisoners across Australia were serving a sentence (n=21,275),

while the remaining 23 percent were unsentenced prisoners on remand (ABS 2008a). Of the 54 deaths that occurred in 2008, 37 (69%) were of sentenced prisoners and 17 (31%) were of prisoners on remand. Table 21 shows the number and rate of sentenced and unsentenced prisoner deaths in custody in each jurisdiction and nationally. The rate of death for unsentenced prisoners is slightly higher than for sentenced prisoners, but is consistent with previous years.

Caution should be taken when interpreting rates of death for unsentenced prisoners. The calculation of rates of death among unsentenced prisoners relies on an accurate count of the total annual number of unsentenced prisoners, which is currently not available. Similar to previous annual reports, the unsentenced prison population figures taken from the annual Australian Bureau of Statistics (ABS) publication *Prisoners in Australia* (ABS 2008a) provides only a census of unsentenced prisoner numbers on 30 June each year, not the actual number of unsentenced prisoners who were in custody at any time during the year. With the mean length of time on remand in 2008 being five months (ABS 2008a), the actual number of unsentenced prisoners in the justice system over a 12 month period is much higher than the number recorded by the ABS on 30 June. Consequently, using the census count to calculate the rate of death per 1,000 would inflate the rate of death for unsentenced prisoners.

**Table 19** Prison custody deaths by location, 2008 (n)

	Public hospital	Prison hospital	Cell	Other custodial setting	Total
New South Wales	9	3	5	1	18
Victoria	3	6	2	0	11
Queensland	3	1	6	0	10
Western Australia	5	0	3	1	9
South Australia	5	0	0	0	5
Australian Capital Territory	1	0	0	0	1
<b>Totals</b>					
Indigenous	6	0	2	1	9
Non-Indigenous	20	10	14	1	45
All persons	26	10	16	2	54

Source: AIC NDICP 1980–2008 [computer file]

**Table 20** Prison custody deaths by location, 1980–2008 (n)

	Public hospital	Prison hospital	Cell	Custodial setting	Public place	Other custodial setting	Total
1980	12	0	11	0	0	0	23
1981	5	0	13	0	0	0	18
1982	8	0	6	0	0	0	14
1983	9	0	19	0	0	0	28
1984	9	0	16	0	0	0	25
1985	7	0	12	0	0	0	19
1986	8	0	6	0	0	0	14
1987	12	0	31	0	0	0	43
1988	12	0	19	0	0	0	31
1989	8	0	21	0	0	0	29
1990	5	0	26	0	0	0	31
1991	14	0	24	0	0	0	38
1992	11	3	19	2	1	0	36
1993	13	5	29	2	0	0	49
1994	7	8	36	2	0	0	53
1995	17	6	33	2	0	1	59
1996	15	2	25	8	1	1	52
1997	15	10	49	1	0	1	76
1998	9	6	45	9	0	0	69
1999	11	5	38	5	0	0	59
2000	19	2	39	2	0	0	62
2001	18	0	31	6	2	0	57
2002	19	4	22	5	0	0	50
2003	8	4	25	3	0	0	40
2004	17	5	16	1	0	0	39
2005	7	3	21	3	0	0	34
2006	12	6	11	2	0	0	31
2007	13	12	15	4	0	1	45
2008	26	10	16	2	0	0	54
Total <sup>a</sup>	346	91	674	59	4	4	1,178

a: 82 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

**Table 21** Prison custody deaths by legal status, 2008<sup>a</sup>

	Sentenced		Unsentenced		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	14	1.7	4	1.6	18	1.7
Victoria	7	2.1	4	4.9	11	2.6
Queensland	5	1.2	5	4.0	10	1.8
Western Australia	7	2.3	2	2.6	9	2.4
South Australia	4	3.1	1	1.5	5	2.6
Australian Capital Territory	0	0.0	1	12.5	1	6.2
Australia	37	1.7	17	2.7	54	2.0

a: Rate per 1,000 prisoners (ABS 2008)

Source: AIC NDICP 1980–2008 [computer file]

When looking at the number of deaths of unsentenced prisoners in 2008, there has been a small rise from 2007, but the number of deaths remains lower than those recorded in the late 1990s (Table 22). A more pronounced rise can be seen in the number of deaths of sentenced prisoners compared with previous years. This increase in the deaths of sentenced prisoners can be largely attributed to greater numbers of natural cause deaths among this group (n=31; 84% of sentenced prisoner deaths), representing the highest number of natural cause deaths ever recorded among sentenced prisoners. The increased numbers of natural cause deaths among sentenced prisoners is the main reason for the overall increase in deaths by natural causes for *all* deaths in custody.

This trend is probably attributable to the general ageing of all prisoners, including sentenced prisoners, which is evident in data provided by the ABS (see Table 9). It appears that those sentenced prisoners who are dying of natural causes are the older prisoners. For example, available data indicate that the median age of the sentenced non-Indigenous male prisoner population at death was much higher than their population overall, as identified by the ABS (49 years at death versus 36.2 years for median age of non-Indigenous male prisoner population (ABS unpublished data)).

Another factor contributing to this rise in the number of natural cause deaths in prison custody may be the poorer health of prisoners compared with the general population. Conclusions from a recent study

completed by the AIHW on prisoner health indicate that

prisoner populations are acknowledged as having some of the worst health in the community. High rates of chronic disease, blood-borne viruses and sexually transmitted infections, psychiatric illness and injury are found in this population' (AIHW 2009: 1).

Further, research has found that prisoners in Australia had higher rates of schizophrenia and psychotic disorders than the wider community and that the percentage of the prison population with these mental illnesses was much higher in Australia than in New Zealand, Canada or worldwide figures (Ogloff et al. 2007). As a result of these findings, it is concluded that recent rises in natural cause deaths in prison can probably be attributed, in part, to the ageing of the prison population combined with the poorer physical and mental health of prisoners in Australia when compared with the wider community.

## Trends

Seventy-one percent of Indigenous prisoners (n=148) and 67 percent of non-Indigenous prisoners (n=699) who have died in custody since 1980 were sentenced at the time of their death. The number of prisoners who have died each year and had been sentenced has fluctuated between 60 and 80 percent. Of the total number of persons who have died in custody since 1980, more than two-thirds (68%) had been sentenced. Most notable, however, is the rise in the number of prison custody deaths of sentenced prisoners in 2008, which is the



highest number since 2000. This rise in deaths of sentenced prisoners in 2008 is closely associated with rises in natural cause deaths, in that 31 of the 38 natural cause deaths were of sentenced persons.

**Table 22** Prison custody deaths by legal status, 1980–2008 (n)

	Sentenced	Unsentenced	Total
1980	22	7	29
1981	21	7	28
1982	16	8	24
1983	21	10	31
1984	21	9	30
1985	17	6	23
1986	9	6	15
1987	37	14	51
1988	30	10	40
1989	25	13	38
1990	23	9	32
1991	25	14	39
1992	26	10	36
1993	32	17	49
1994	34	19	53
1995	42	17	59
1996	40	12	52
1997	48	28	76
1998	45	24	69
1999	38	21	59
2000	43	19	62
2001	37	20	57
2002	33	17	50
2003	26	14	40
2004	24	15	39
2005	20	14	34
2006	25	6	31
2007	30	15	45
2008	37	17	54
Total <sup>a</sup>	847	398	1,245

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

### *Type of prison in which deaths occurred: Government versus private*

The first private prison in Australia was made operational in 1990 (Harding 1992) and there are now seven private prisons nationally, with at least one in every state except Tasmania, the Northern Territory and the Australian Capital Territory. Since 1990, deaths in private prisons have accounted for 12 percent (n=112) of all deaths in prison custody. In 2008, 32 of the 52 (62%) deaths in a prison setting occurred in government-run facilities (see Table 23), perhaps reflecting the fact that the majority of prisoners in Australia are housed in government-run prisons (84%; n=22,761). Since 1990, nine percent (n=10) of deaths in private prisons and 20 percent (n=160) of deaths in government-run prisons were of Indigenous prisoners. The rates of death for all prisoners in private and government-run prisons were different, with 4.5 deaths per 1,000 prisoners in privately-run prisons and 1.4 deaths per 1,000 prisoners in government-run prisons, with the national figure at 1.9 deaths per 1,000 prisoners.

After further analysis of the dataset, it can be seen that of the 112 deaths in private prisons since 1990, 55 (or 49%) were due to natural causes and 38 were due to hanging (34%). Also of note is the age of persons dying in private prisons, in that 63 of the 112 deaths (56%) were of persons aged 40 years or older. After conducting the same analysis for government prisons, it can be seen that 325 of the 819 (40%) total deaths since 1980 were due to natural causes and 326 were due to hanging (40%). Those deaths of persons aged 40 years or older comprised 40 percent of total deaths in government prisons. In making comparisons of these data between private and government prisons, it appears that a greater proportion of total deaths in private prisons were due to natural causes and a greater proportion of total deaths involved persons aged 40 years or older. Further research into these data and the differing rates of death between private and government prisons will be conducted for the next report.

**Table 23** Prison custody deaths by type of prison, 2008 (rate per 1,000 relevant prisoners)<sup>b</sup>

	Private		Government		All prisons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	3	3.9	15	1.5	18	1.7
Victoria	10	6.9	1	0.4	11	2.6
Queensland	4	3.1	5	1.2	9	1.6
Western Australia	2	2.6	7	2.3	9	2.4
South Australia	1	7.2	4	2.2	5	2.6
Total <sup>a</sup>	20	4.5	32	1.4	52	1.9

a: Two cases have been excluded as the offenders were in the custody of corrective services but had not been admitted into prison at the time of death

b: Rate per 1,000 prisoners (ABS 20086)

Source: AIC NDICP 1980–2008 [computer file]

## Summary of deaths in prison custody

There were 54 deaths in prison custody across Australia in 2008, nine of which were of Indigenous persons. All of the Indigenous deaths were from natural causes. Of the 54 total deaths in prison, 38 were due to natural causes and 10 were hanging deaths (all non-Indigenous). Four females died in prison custody—one each in New South Wales, Queensland, South Australia and the Australian Capital Territory.

Since 1997, there has been an overall decline in rates of prison deaths. Despite some fluctuation in rates of deaths for Indigenous and non-Indigenous prisoners between 1982 and 1998, rates of deaths have declined significantly for Indigenous prisoners since 1995 and for non-Indigenous prisoners since 1997. Further, the death rates for both Indigenous and non-Indigenous prisoners have become much more similar since 1999. Of all deaths that have occurred in prison custody since 1980, 96 percent have been males. This corresponds with the fact that the vast majority of prisoners in Australia (93%) are male.

Each year since 1993, violent offences have consistently been the most frequent and most serious offence prior to the death in prison custody.

In 2008, persons who died in prison custody with violent offences as their most serious offence comprised 65 percent of the total number of deaths. Since 1980, violent offences as the most serious offence prior to custody were proportionately higher for Indigenous prisoners (57%) who died in prison custody than for non-Indigenous prisoners (51%). Since 1980, it can be seen that 9.5 percent of total prison custody deaths have been of persons with either traffic or good order offences as their most serious offence prior to death.

Prisoners are most likely to die from natural causes or to self-inflict death, primarily by hanging. Hanging as a cause of death in prison has decreased substantially since 1999. However, where hanging is the cause of death, both young Indigenous and non-Indigenous prisoners are more likely to hang themselves than older prisoners.

Since 1980, there has been an increase in the proportion of all deaths in prison from natural causes and also an increase in persons over 55 years dying in custody. This emerging trend reflects the ageing of the prison population and the poorer health among this group compared with the general population. In the case of Indigenous prisoners, greater proportions die of natural causes at a younger age than do non-Indigenous prisoners, which may reflect the lower life expectancy and greater health problems currently experienced by many Indigenous persons.

# Deaths in police custody and custody-related operations

## 2008

A total of 32 deaths were recorded in police custody and custody-related operations in Australia in 2008. Across the jurisdictions there were:

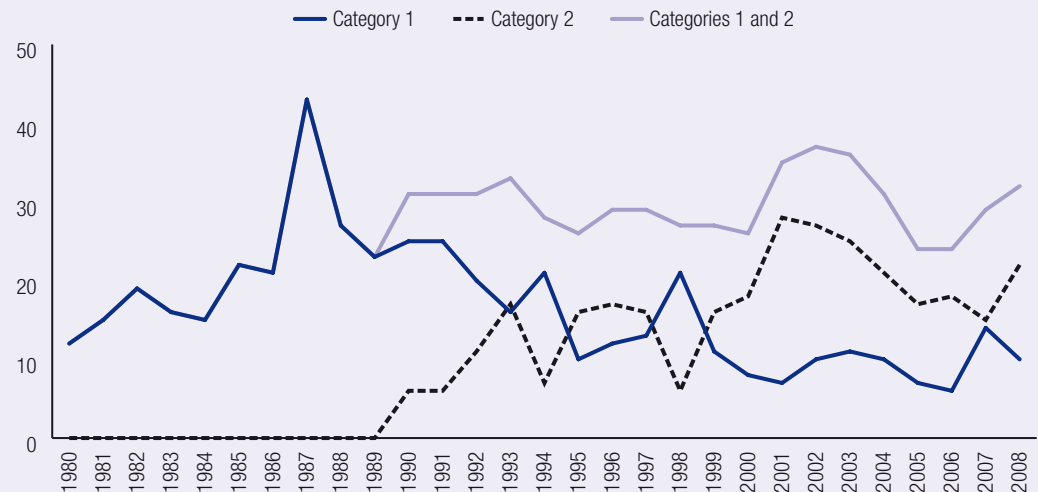
- 11 in Western Australia;
- 6 in Victoria;
- 5 in the Northern Territory;
- 4 in New South Wales;

- 4 in Queensland;
- 2 in South Australia; and
- none in Tasmania or the Australian Capital Territory.

## Trends

Trends in police custody deaths are best interpreted from 1990 onwards as only Category 1a deaths (police institutional settings) were included in the

**Figure 10** Deaths in police custody and custody-related operations, 1980–2008 (n)



Source: AIC NDICP 1990–2008 [computer file]

collection prior to 1990; these are not directly comparable with the number of deaths recorded after 1990. However, for the purposes of completeness, Table 24 provides the number of deaths that have occurred in police custody each

**Table 24** Deaths in police custody and custody-related operations, 1980–2008 (n)

	Category 1	Category 2	Categories 1 and 2
1980	12	0	12
1981	15	0	15
1982	19	0	19
1983	16	0	16
1984	15	0	15
1985	22	0	22
1986	21	0	21
1987	43	0	43
1988	27	0	27
1989	23	0	23
1990	25	6	31
1991	25	6	31
1992	20	11	31
1993	16	17	33
1994	21	7	28
1995	10	16	26
1996	12	17	29
1997	13	16	29
1998	21	6	27
1999	11	16	27
2000	8	18	26
2001	7	28	35
2002	10	27	37
2003	11	25	36
2004	10	21	31
2005	7	17	24
2006	6	18	24
2007	14	15	29
2008	10	22	32
Total	470	309	779

Source: AIC NDICP 1990–2008 [computer file]

year since 1980. Figure 10 shows these numbers graphically. The concerns expressed by the RCIADIC are reflected in the increased number of deaths between 1980 and 1987.

An examination of total deaths occurring since 1990 (Categories 1a, 1b and 2) shows that the number of deaths occurring each year remained stable between 1990 and 2000, peaked in 2002 and then declined each year to 2006. In 2008, there was a small increase from the 2006 figure, but it remains lower than levels recorded early in this decade. It is important to note the different trends that have emerged since 1990 between Category 1 and Category 2 deaths. Figure 10 shows that Category 1 deaths (institutional settings, raids, shootings) have declined significantly ( $p < 0.01$ ) since 1990, while Category 2 deaths (sieges, police pursuits) significantly increased ( $p < 0.05$ ) between 1990 and 2001, but have decreased markedly since then. Overall, Category 2 deaths have consistently been more prevalent than Category 1 deaths each year since 1999.

## Demographic characteristics

### Indigenous status

#### 2008

Of the 32 deaths that occurred in police custody and custody-related operations in 2008, four were of Indigenous persons (see Table 25).

**Table 25** Deaths in police custody and custody-related operations by Indigenous status, 2008

	Indigenous n	Non-Indigenous n	Persons Total n
New South Wales	0	4	4
Victoria	0	6	6
Queensland	0	4	4
Western Australia	1	10	11
South Australia	0	2	2
Northern Territory	3	2	5
Australia	4	28	32

Source: AIC NDICP 1980–2008 [computer file]

When comparing recorded deaths in police custody across different states and territories, Western Australia has the highest number of deaths (n=11), Victoria recorded six deaths, the Northern Territory recorded five deaths, New South Wales and Queensland recorded four and South Australia recorded two deaths. There were no police custody deaths in Tasmania or the Australian Capital Territory.

### Trends

The number of non-Indigenous deaths has outweighed the number of Indigenous deaths each year (see Table 26), however, the relative ratio of Indigenous to non-Indigenous deaths each year increased from 2002 until 2005, as shown in Figure 11. Between 1990 and 2001, the ratio of Indigenous to non-Indigenous deaths fluctuated from 1:10 to 1:5. Since 2001, the ratio of Indigenous deaths has increased noticeably, reaching as high as 1:2 police custody deaths in 2005. However, over the past two years, the ratio has dropped to more than one in six deaths being of an Indigenous person. For the reasons presented earlier, rates of police custody cannot be presented in this report.

## Sex

### 2008

All of the 32 deaths that occurred in police custody and custody-related operations in 2008 were males (Table 27). Of the four deaths of Indigenous persons, all were male, as were all of the 28 non-Indigenous deaths.

### Trends

Males represent 84 percent of people involved in police custody incidents (Williams et al. forthcoming). Deaths of males have far outnumbered those of females each year since 1990 (see Table 27). Overall, the trend shows that approximately one in every 10 deaths in police custody and custody-related operations since 1990 has been female. The only exceptions were in 1992, when females accounted for just over one in four deaths, and 2005 and 2006, where one out of every five deaths was of a female.

**Table 26** Deaths in police custody and custody-related operations by Indigenous status, 1990–2008 (n)

	Indigenous	Non-Indigenous	Total
1990	5	26	31
1991	5	26	31
1992	7	24	31
1993	3	30	33
1994	3	25	28
1995	4	22	26
1996	6	23	29
1997	6	23	29
1998	6	21	27
1999	6	21	27
2000	5	21	26
2001	4	31	35
2002	11	26	37
2003	8	28	36
2004	8	23	31
2005	8	16	24
2006	6	18	24
2007	4	25	29
2008	4	28	32
Total	109	457	566

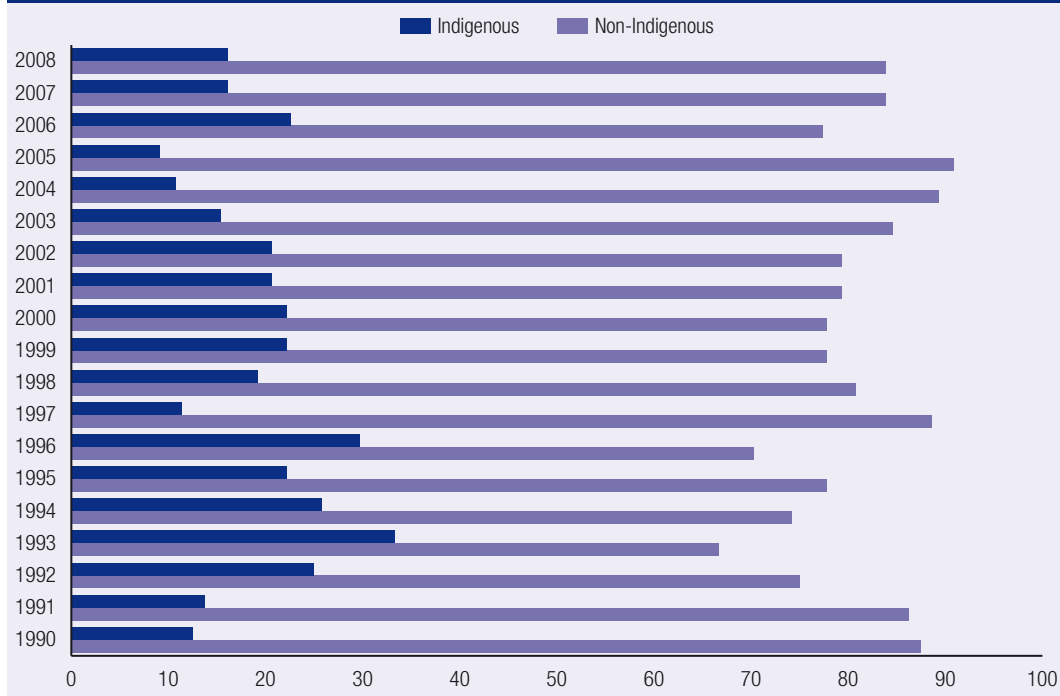
Source: AIC NDICP 1980–2008 [computer file]

## Age

### 2008

In 2008, the median age of all persons who died in police custody and custody-related operations was 29 years (see Table 28). The median age was lower for Indigenous persons (24 years) than for non-Indigenous (30 years) persons. Thirteen of the 32 deaths in 2008 were of persons aged between 25 and 39 years, followed by eight deaths of persons aged between 40 and 54 years (see Table 28). There were also seven deaths of persons aged less than 25 years; almost one in five deaths fell into this age group.

**Figure 11** Deaths in police custody and custody-related operations by Indigenous status, 1990–2008 (%)



Source: AIC NDICP 1990–2008 [computer file]

### Trends

Since 1990, deaths of persons aged between 25 and 39 years each year have generally exceeded deaths of persons in other age groups (see Table 29). The proportion of deaths each year of persons aged 55 years and over has remained low since 1990.

Of all deaths of Indigenous persons since 1990 (see Table A16):

- 44 percent were aged less than 25 years;
- 36 percent were aged between 25 and 39 years;
- 17 percent were aged between 40 and 54 years; and
- 4 percent were 55 or older.

Of all deaths of non-Indigenous persons since 1990:

- 27 percent were aged less than 25 years;
- 44 percent were aged between 25 and 39 years;
- 21 percent were aged between 40 and 54 years; and
- 8 percent were 55 or older.

**Table 27** Deaths in police custody and custody-related operations by sex, 1990–2008 (n)

	Male	Female	Total
1990	30	1	31
1991	27	4	31
1992	25	6	31
1993	30	3	33
1994	24	4	28
1995	25	1	26
1996	29	0	29
1997	26	3	29
1998	27	0	27
1999	24	3	27
2000	25	1	26
2001	34	1	35
2002	34	3	37
2003	33	3	36
2004	30	1	31
2005	20	4	24
2006	20	4	24
2007	26	3	29
2008	32	0	32
Total	521	45	566

Source: AIC NDICP 1990–2008 [computer file]

**Table 28** Deaths in police custody and custody-related operations by age in years category, 2008 (n)

	Less than 25	25–39	40–54	55+	Median age at death	Total
New South Wales	1	1	2	0	40	4
Victoria	2	2	0	2	27	6
Queensland	1	0	3	0	48	4
Western Australia	1	8	0	2	26	11
South Australia	0	1	1	0	36	2
Northern Territory	2	1	2	0	28	5
<b>Totals</b>						
Indigenous	2	1	1	0	24	4
Non-Indigenous	5	12	7	4	30	28
All persons	7	13	8	4	29	32

Source: AIC NDICP 1980–2008 [computer file]

**Table 29** Deaths in police custody and custody-related operations by age in years category, 1990–2008 (n)

	Less than 25	25–39	40–54	55+	Total
1990	8	15	5	3	31
1991	11	14	4	2	31
1992	8	6	12	5	31
1993	12	11	9	1	33
1994	7	15	5	1	28
1995	9	10	4	3	26
1996	11	9	7	2	29
1997	9	15	3	2	29
1998	6	15	5	1	27
1999	6	14	5	2	27
2000	9	13	4	0	26
2001	19	9	3	4	35
2002	13	15	6	3	37
2003	8	17	10	1	36
2004	9	16	6	0	31
2005	8	10	4	2	24
2006	7	12	4	1	24
2007	6	12	9	2	29
2008	7	13	8	4	32
Total	173	241	113	39	566

Source: AIC NDICP 1990–2008 [computer file]

More Indigenous young people die in custody than do non-Indigenous persons. This may, in part, be explained by higher levels of offending and consequently, higher levels of contact with the criminal justice system. Studies have shown that Indigenous males are, on average, younger than non-Indigenous males when they first commit a property or violent offence and when they are first arrested by police (Putt, Payne & Milner 2005). They are also more likely to begin regularly offending at younger ages (Makkai & Payne 2003).

The 2002 *National Police Custody Survey* found that Indigenous persons were 17 times more likely than non-Indigenous persons to be involved in custody incidents (Taylor & Bareja 2005), while the forthcoming 2007 *National Police Custody Survey* found that Indigenous persons were 22 times more likely to be involved in a police custody incident (Williams et al. forthcoming).

Research has consistently found that offending from a young age enhances the likelihood of ongoing contact with the criminal justice system (AIC 2008; Richards 2009). Indigenous juveniles (aged 17 years and under) are 15 times more likely to be detained than non-Indigenous juveniles in the same age group and those aged less than 35 years are 32 times more likely to be detained than non-Indigenous persons in the same age group (AIC 2008). A greater proportion of Indigenous deaths in police custody or custody-related operations are of persons aged under 25 years, than non-Indigenous persons in the same age group. This reflects the greater frequency of their contact with police.

## Circumstances surrounding death

### Cause of death

#### 2008

Most deaths in police custody and custody-related operations were due to injuries sustained from gunshots (n=14), either self-inflicted or by police (Table 30). This was followed by 11 deaths attributed to external/multiple trauma and two deaths attributed to natural causes and 'other' causes. One death was due to each of the following causes—hanging, head injury and drug-related (see Table 30). Of the four deaths of Indigenous persons, one each was due to natural causes, head injury, gunshot and 'other' causes.

#### Trends

Since 1990, the majority of deaths each year in police custody and custody-related operations have been caused primarily by external/multiple trauma and gunshot wounds (see Table 31). Deaths due to drug or acute alcohol toxicity fluctuated between one and seven each year in the period up to 1998 but since then, have been extremely low to nonexistent. The trend in the number of deaths due to hanging, which was identified as a serious concern by the RCIADIC, has changed dramatically since the Royal Commission. In the 10 year period between 1980 and 1989, 86 hanging deaths occurred in police custody, while only 46 have been recorded in the 19 years that followed. This is a decline from an

**Table 30** Deaths in police custody and custody-related operations by cause of death, 2008 (n)

	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drug-related	Other	Total
New South Wales	1	0	0	3	0	0	0	4
Victoria	0	0	0	3	3	0	0	6
Queensland	0	1	0	2	0	0	1	4
Western Australia	0	0	1	3	7	0	0	11
South Australia	0	0	0	1	1	0	0	2
Northern Territory	0	1	0	2	0	1	1	5
<b>Totals</b>								
Indigenous	0	1	1	1	0	0	1	4
Non-Indigenous	1	1	0	13	11	1	1	28
All persons	1	2	1	14	11	1	2	32

Source: AIC NDICP 1980–2008 [computer file]



average of 8.6 deaths per year in the earlier period to an average of 2.4 deaths per year in the later period. Since 1990, external/multiple trauma has been the most commonly ascribed cause of death in police custody and custody-related operations among Indigenous persons. For the purposes of collection, external and/or multiple traumas are defined as *an injury caused by external force, even though the resultant injury may be internal.*

Of all Indigenous deaths (n=108):

- 41 percent were due to external/multiple trauma;
- 19 percent were due to natural causes;
- 11 percent were due to hanging;
- 10 percent were due to gunshot;
- 8 percent were due to head injuries;
- 3 percent were due to drug or acute alcohol toxicity; and
- 6 percent were due to other or multiple causes.

### *Hanging deaths: Points and materials*

Data on hanging points and materials used in hanging have been collected for all deaths between 1990 and 2008 (data for 3 deaths were missing). Of the 46 hanging deaths since 1990:

- 16 involved cell bars;
- 9 involved other fittings in cells (such as vents);
- 6 involved fittings outside the cell (such as tree in yard);
- 5 involved shower fixtures;
- 3 occurred in a police van;
- 3 were other; and
- 3 were missing information.

Materials used in hangings were:

- 14 with clothing (other than shoelaces or belts);
- 10 with sheets;
- 7 with rope/cord;

**Table 31** Deaths in police custody and custody-related operations by cause of death, 1990–2008 (n)

	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drugs/alcohol toxicity	Other/multiple	Total
1990	6	1	4	4	7	5	4	31
1991	6	7	4	9	2	3	0	31
1992	4	1	3	9	6	7	1	31
1993	4	3	4	9	6	3	4	33
1994	1	1	0	17	3	5	1	28
1995	1	2	2	10	9	1	1	26
1996	3	3	1	8	10	3	1	29
1997	1	2	2	11	10	3	0	29
1998	3	6	0	7	7	2	1	26
1999	3	3	1	9	9	1	1	27
2000	0	3	0	7	14	1	1	26
2001	0	1	3	5	21	1	3	34
2002	1	3	8	10	14	0	1	37
2003	6	4	3	7	12	0	3	35
2004	2	1	1	11	15	1	0	31
2005	4	1	1	6	10	0	2	24
2006	0	4	1	4	10	0	3	22
2007	0	5	0	8	12	2	1	28
2008	1	2	1	14	11	1	2	32
Total <sup>a</sup>	46	53	39	165	188	39	30	560

a: 6 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

- 6 with shoelaces;
- 4 with belts;
- 1 with other; and
- 3 cases were missing information.

Information on the hanging point and materials is not available for the one hanging death recorded in 2008

## Manner of death

### 2008

Twelve of the 32 deaths in 2008 were due to accidents (see Table 32). There were also 12 self-inflicted deaths, five that were considered justifiable homicides, two that were natural cause deaths and one death to ‘other’ causes. Of the four Indigenous deaths, there was one death in each of the following categories—natural causes, self-inflicted, accidental and ‘other’.

### Trends

Since 1990, where information about manner of death was known, 42 percent (n=234) of all deaths were accidental, while 31 percent (n=172) were self-inflicted (see Table 33). Each year, accidental deaths have generally been the most common manner of death, followed by self-inflicted deaths. Deaths ruled as justifiable homicide peaked at

13 in 1994 and have since fluctuated between two and six deaths per year. In the past three years, justifiable homicides have reduced slightly compared with levels in the late 1990s.

Among Indigenous deaths since 1990:

- 52 percent were due to accidents;
- 19 percent were self-inflicted;
- 19 percent were due to natural causes; and
- 5 percent were considered justifiable homicides.

## Most serious offence

### 2008

The most common serious offences prior to death in 2008 were ‘traffic’ (n=9) and ‘violent’ (n=6) offences, followed by three deaths associated with a ‘theft-related’ offence and three with ‘good order’ offences (Table 34). Similar to previous years, there was only one death in custody of a person under the ‘drug-related’ category and there were no deaths of persons with ‘other’ offences. One of the four Indigenous deaths was preceded by violent offences and one was associated with a good order offence. Information about the most serious offence in the other two Indigenous deaths was unavailable at the time of preparing this report.

**Table 32** Deaths in police custody and custody-related operations by manner of death, 2008 (n)

	Self-inflicted	Natural causes	Justifiable homicide	Accident	Other	Total
New South Wales	3	0	1	0	0	4
Victoria	1	0	2	3	0	6
Queensland	1	1	1	1	0	4
Western Australia	5	0	0	5	1	11
South Australia	0	0	1	1	0	2
Northern Territory	2	1	0	2	0	5
<b>Totals</b>						
Indigenous	1	1	0	1	1	4
Non-Indigenous	11	1	5	11	0	28
All persons	12	2	5	12	1	32

Source: AIC NDICP 1980–2008 [computer file]

**Table 33** Deaths in police custody and custody-related operations by manner of death, 1990–2008 (n)

	Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other	Total
1990	9	1	0	2	15	4	31
1991	9	7	0	1	10	4	31
1992	12	1	1	4	13	0	31
1993	12	4	0	3	11	3	33
1994	6	1	0	13	8	0	28
1995	8	2	0	5	11	0	26
1996	11	3	0	2	13	0	29
1997	8	2	0	6	13	0	29
1998	5	6	0	6	9	0	26
1999	7	3	0	6	10	1	27
2000	4	3	1	5	12	1	26
2001	8	1	0	3	22	0	34
2002	12	3	0	4	18	0	37
2003	14	4	0	3	14	0	35
2004	11	1	0	6	13	0	31
2005	6	1	0	5	12	0	24
2006	5	4	0	2	12	0	23
2007	13	5	0	4	6	0	28
2008	12	2	0	5	12	1	32
Total <sup>a</sup>	172	54	2	85	234	14	561

a: 5 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

**Table 34** Deaths in police custody and custody-related operations by most serious offence, 2008 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Total
New South Wales	0	0	0	0	1	1
Victoria	2	1	0	3	0	6
Queensland	0	1	1	1	0	3
Western Australia	1	1	0	4	2	8
South Australia	1	0	0	1	0	2
Northern Territory	2	0	0	0	0	2
<b>Totals</b>						
Indigenous	1	0	0	0	1	2
Non-Indigenous	5	3	1	9	2	20
All persons <sup>a</sup>	6	3	1	9	3	22

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

**Table 35** Deaths in police custody and custody-related operations by most serious offence, 1990–2008 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1990	6	7	0	2	15	1	31
1991	9	5	0	1	13	3	31
1992	6	10	2	4	7	2	31
1993	9	10	1	4	5	4	33
1994	16	7	0	2	2	1	28
1995	10	9	0	4	2	1	26
1996	10	9	1	3	6	0	29
1997	9	10	0	1	7	2	29
1998	9	6	0	3	6	3	27
1999	12	8	2	2	2	1	27
2000	11	9	0	2	3	0	25
2001	5	11	0	8	5	6	35
2002	6	8	0	10	4	8	36
2003	12	6	1	8	4	3	34
2004	14	7	0	5	2	3	31
2005	10	6	1	5	1	0	23
2006	5	3	1	3	2	6	20
2007	6	4	1	2	3	12	28
2008	6	3	1	9	3	0	22
Total <sup>a</sup>	171	138	11	78	92	56	546

a: 20 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

## Location of death

Location of death refers to the specific environment at the time of death, that is, the type of place where the death occurred. They are:

- *public hospitals*—which includes cases where a person was transferred to a hospital from other locations and died there;
- *prison hospitals*—which includes deaths in prison clinics and secure wards in public hospitals;
- *cells*—which includes all types of cells—single, shared or observation;
- *custodial settings*—which includes locations within the correctional facility but outside the cell, for example, exercise yards, interview rooms and police vans;

- *private properties*—which generally consists of private residences;
- *public places*—such as streets, ovals and other outdoor general-use areas;
- *psychiatric hospitals*; and
- *other locations*—which may include ambulances.

## 2008

Fourteen of the 32 police custody deaths in 2008 occurred in public places and 10 occurred in public hospitals (see Table 36). Six deaths occurred on private property and two occurred in an ‘other’ setting. Three of the four Indigenous people who died in police custody or custody-related operations died in a public hospital; the other death occurred in a public place.

**Table 36** Deaths in police custody and custody-related operations by location of death, 2008 (n)

	Public hospital	Private property	Public place	Other	Total
New South Wales	1	3	0	0	4
Victoria	2	0	4	0	6
Queensland	0	0	3	1	4
Western Australia	4	1	5	1	11
South Australia	0	1	1	0	2
Northern Territory	3	1	1	0	5
<b>Totals</b>					
Indigenous	3	0	1	0	4
Non-Indigenous	7	6	13	2	28
All persons	10	6	14	2	32

Source: AIC NDICP 1980–2008 [computer file]

**Table 37** Deaths in police custody and custody-related operations by location of death, 1990–2008 (n)

	Public hospital	Cell	Custodial setting	Private property	Public place	Other	Total
1990	9	5	2	1	5	0	22
1991	10	10	1	2	2	0	25
1992	10	3	3	3	11	1	31
1993	13	2	2	3	12	1	33
1994	5	3	2	7	10	1	28
1995	9	1	1	5	9	1	26
1996	7	4	2	4	11	1	29
1997	10	5	0	4	8	2	29
1998	11	4	2	3	5	2	27
1999	6	1	2	6	12	0	27
2000	7	2	0	4	13	0	26
2001	8	2	0	3	22	0	35
2002	11	0	1	6	18	1	37
2003	3	6	3	3	21	0	36
2004	5	2	0	7	17	0	31
2005	1	2	3	5	13	0	24
2006	8	0	1	2	13	0	24
2007	10	2	1	5	10	1	29
2008	10	0	0	6	14	2	32
Total <sup>a</sup>	153	54	26	79	226	13	551

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

## Trends

Since 1990, 41 percent (n=226) of deaths for which information on location of death is available occurred in public places (see Table 37). This was followed by 28 percent (n=153) occurring in public hospitals. Prior to 1990, only one death occurring in a public place had been recorded. However, since the definition of a death in custody was expanded to allow the inclusion of deaths occurring during custody-related operations, public places have frequently been one of the more common locations for deaths in police custody and have generally exceeded deaths in all other locations each year since 1999. While cell deaths peaked in 1991 with 10 deaths, there have been relatively few recorded since then and none recorded in 2008.

### *Circumstances of custodial period for deaths in police custody*

The NDICP examines the circumstances of the custodial period, that is, why the deceased was in custody at the time of death. The four categories into which deaths are classified are:

- *institution*—death occurred in a police lock-up, prison, juvenile detention centre, or during transfer to or following transfer from one of these places to a hospital or other detention facility, or during transfer to a facility, for example, in van etc;
- *escaping*—death occurred during the process of the person escaping or attempting to escape from police or prison custody or juvenile detention;
- *detaining*—death occurred during the process of police or prison officers attempting to detain the person, regardless of whether or not the person was under arrest or the officers intended to arrest the person; and

- *other/marginal cases*—for example, the death of a person detained under a state Mental Health Act in the process of being conveyed via ambulance from a public hospital to a psychiatric institution under ‘police escort’.

## 2008

Overall, 27 of the 32 deaths that occurred in police custody and custody-related operations in 2008 occurred while police were in the process of detaining, or attempting to detain, the individual (Table 38). Of these, 26 involved non-Indigenous persons and one involved an Indigenous person. For the 27 deaths that resulted from police detaining or attempting to detain an individual, 13 deaths were as a result of a shooting or other situation, 11 occurred during motor vehicle pursuits and three resulted from sieges.

## Trends

The number of deaths in institutions has been declining since 1990 and numbers in recent years have been some of the lowest recorded. Between 1994 and 2008, the number of institutional deaths remained in single figures except in 1998 when 11 deaths were recorded (see Table 39). Since 1992, deaths occurring while police were in the process of detaining, or attempting to detain, an individual have been more frequent than any other type of custody each year, accounting for 73 percent (n=411) of all deaths in police custody and custody-related operations. Only four deaths have occurred since 1990 where an individual was trying to escape police—one in 1997, 2002, 2005 and 2008. The numbers of deaths that have occurred while police

**Table 38** Deaths in police custody and custody-related operations by method of detainment, 2008 (n)

	Motor vehicle pursuit	Siege	Shooting/other	Total
New South Wales	0	1	3	4
Victoria	3	0	3	6
Queensland	1	0	2	3
Western Australia	5	0	5	10
South Australia	1	1	0	2
Northern Territory	1	1	0	2
Total <sup>a</sup>	11	3	13	27

a: 5 cases for which detaining was not the type of custody have been excluded

Source: AIC NDICP 1980–2008 [computer file]

**Table 39** Deaths in police custody and custody-related operations by type of custody, 1990–2008 (n)

	Institution	Escaping	Detaining	Other/marginal	Total
1990	18	0	13	0	31
1991	17	0	13	1	31
1992	13	0	18	0	31
1993	10	0	20	3	33
1994	7	0	21	0	28
1995	4	0	22	0	26
1996	9	0	20	0	29
1997	6	1	22	0	29
1998	11	0	14	2	27
1999	6	0	21	0	27
2000	2	0	24	0	26
2001	3	0	30	2	35
2002	5	1	30	1	37
2003	9	0	27	0	36
2004	4	0	27	0	31
2005	7	1	15	1	24
2006	1	0	23	0	24
2007	5	0	24	0	29
2008	4	1	27	0	32
Total	141	4	411	10	566

Source: AIC NDICP 1990–2008 [computer file]

are detaining someone have remained fairly stable over the past five years, but remain higher than recorded levels throughout the 1990s.

Table 40 shows that:

- the number of motor vehicle pursuit deaths peaked between 2000 and 2003;
- apart from seven deaths in 2000, deaths resulting from raids have been low to nonexistent in all other years;
- deaths resulting from sieges and other pursuits (not motor vehicle pursuits) have fluctuated since 1990 but have generally remained low—between zero and seven deaths per year; and
- deaths resulting from other causes in police custody, (which covers incidents such as suicides and strangulations), have risen over the past eight years, with 2008 showing the highest recorded figure since 1994.

## Summary of deaths in police custody and custody-related operations

The number of deaths in police custody and custody-related operations remained stable between 1990 and 2000, peaked in 2002 and then declined each year to 2006. In 2008, there was a marginal increase from the 2007 figure, but overall the number of deaths remains in line with recorded levels in recent years. While the number of deaths has remained stable, since 1999, Category 2 deaths (sieges, police pursuits) have consistently been more prevalent than Category 1 deaths (institutional settings, raids, shootings) each year.

There were four Indigenous deaths in police custody and custody-related operations in 2008 (accounting for 12.5% of total deaths). Of particular note, the ratio of Indigenous to non-Indigenous deaths in police custody has dropped to around one in seven in the

**Table 40** Deaths in police custody and custody-related operations by method of detainment, 1990–2008 (n)

	Motor vehicle pursuit	Other pursuit	Siege	Raid	Other	Total
1990	5	1	0	0	4	10
1991	2	2	2	0	6	12
1992	5	2	1	0	8	16
1993	9	1	4	1	5	20
1994	4	1	3	0	13	21
1995	7	2	2	1	10	22
1996	11	0	1	1	7	20
1997	8	1	7	1	5	22
1998	5	1	2	0	6	14
1999	8	1	2	0	10	21
2000	13	2	1	7	1	24
2001	17	7	3	1	2	30
2002	16	2	4	0	8	30
2003	10	4	6	1	6	27
2004	9	5	4	0	9	27
2005	9	1	0	1	4	15
2006	10	1	2	0	10	23
2007	4	4	6	0	10	24
2008	11	0	3	0	13	27
Total <sup>a</sup>	163	38	53	14	137	405

a: 11 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

past two years, after reaching as high as one in three, such as in 2005.

Male deaths consistently account for the vast majority of all police custody and custody-related deaths each year, with all deaths in police custody in 2008 being male. Further, the age distribution is much younger for police custody deaths than for prison custody deaths, with a median age at death in prison custody of 43 years compared with a median age at death in police custody of 29 years. Moreover, deaths of persons in police custody aged between 25 and 39 years generally exceed deaths of persons in all other age groups each year. Indigenous persons who die in police custody tend to be younger than non-Indigenous persons. These findings reflect the broader literature that shows young males are more likely than other groups to engage in offending and as a result, are more likely to come into contact with police.

Hanging deaths in police custody and custody-related operations have declined from an average

of 8.6 deaths per year from 1980 to 1989, to an average of 2.4 deaths per year over the past 19 years. This trend is associated with a decrease in the number of deaths occurring in police cells. When hanging points in police cells and lock-ups were identified as an issue by the RCIADIC, efforts were made to remove them where possible (Sallybanks 2005), which may, in part, explain the decline in hanging deaths since 1990. In addition, the expansion of the term 'police custody' to include custody-related operations since 1990 has meant an opportunity for deaths to be recorded that occur as a result of vehicle pursuits, shootings and sieges. Most of the deaths recorded are now occurring during custody-related operations, typically involving motor vehicle pursuits and shootings, rather than hangings in cells. For this reason, motor vehicle pursuit and police shooting deaths are examined in detail in a separate section *Motor vehicle pursuit and shooting deaths*.





# Motor vehicle pursuit and shooting deaths

## Deaths resulting from motor vehicle pursuits and shootings during police operations

Deaths occurring during motor vehicle pursuits or as a result of shootings during a police operation attract a great deal of media and public attention. They often take place in public areas, which means they can impact on other members of the community who are not directly involved (eg where a person being pursued by police in a vehicle may lose control of the car and collide with another car or bystanders). This section presents information on the characteristics and circumstances of deaths that result from motor vehicle pursuits and police shootings.

### *Limitations of the data sources*

Police and coronial records (the two main data sources for this section) do not always contain complete data on each incident of motor vehicle pursuits or shootings. In particular, there is a great deal of missing information for three variables—time

of incident, duration of pursuit and speeds reached during the pursuit. The NDICP collection forms sent to police agencies do not currently ask for information on these variables, which means information on them can only be obtained from coronial records. Coronial findings are relied on to confirm information from police reports and to complete missing information. However, not all information is reported on or reported consistently in coronial records across cases. This means that some variables will have only limited information available. Also, the length of time taken for some coronial findings to become available also means NDICP cases are often updated retrospectively. For 2008 and recent years, information on cases involving pursuits and shootings may not yet be available.

It is for these reasons that Tables 45 and 46 exclude many cases due to missing data—there are 39 cases with missing information in Table 45, which represents one in five of the cases relevant to this section. Efforts are being made to improve the future collection of these data and also to review the entire dataset to identify where information may be included retrospectively.

# Motor vehicle pursuit deaths

## 2008

Eleven motor vehicle pursuit deaths occurred in 2008 (Table 4). Across jurisdictions, the number of deaths recorded were:

- 5 in Western Australia;
- 3 in Victoria;
- 1 in Queensland;
- 1 in Northern Territory; and
- 1 in South Australia.

## Trends

Since 1990, there have been 163 deaths resulting from motor vehicle pursuits (see Table 41). The number of pursuit deaths peaked between 2000 and 2003, then decreased slightly (see Figure 12; Table 41). In 2008, 11 pursuit deaths were recorded; an increase of seven from the previous year. The total number of pursuit deaths in 2008 is higher than in 2007, but remains consistent with the trend over the past six years.

Since 1990, the number of deaths for each jurisdiction has been:

- 61 in New South Wales;
- 30 in Western Australia;
- 29 in Victoria;
- 18 in Queensland;
- 15 in South Australia;
- 7 in the Northern Territory;
- 2 in the Australian Capital Territory; and
- 1 in Tasmania.

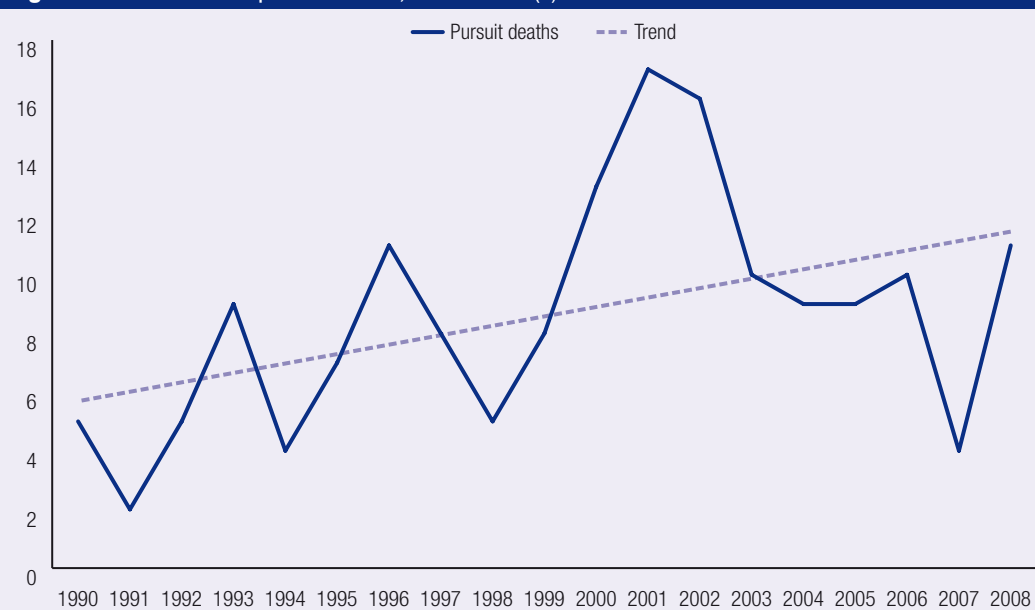
It is not possible to compare jurisdictions based on rates of death per 1,000 police custody incidents, as these data are not consistently collected at a national level. However, it may be possible in future reports to draw upon data obtained through the *National Police Custody Survey*, which is conducted every five years by the AIC, to calculate rates.

## Demographic characteristics

### Indigenous status

Of the 11 motor vehicle pursuit deaths in 2008, one involved an Indigenous person (see Table 41). One-quarter (25%) of all deaths due to motor vehicle pursuits recorded since 1990 have involved Indigenous persons. Table 41 shows the numbers of deaths for Indigenous and non-Indigenous from 1990 to 2008.

**Figure 12** Motor vehicle pursuit deaths, 1990–2008 (n)



Source: AIC NDICP 1990–2008 [computer file]

**Table 41** Motor vehicle pursuit deaths, 1990–2008 (n)

	Indigenous	Non-Indigenous	Total
1990	3	2	5
1991	1	1	2
1992	2	3	5
1993	0	9	9
1994	0	4	4
1995	4	3	7
1996	4	7	11
1997	2	6	8
1998	0	5	5
1999	2	6	8
2000	2	11	13
2001	3	14	17
2002	3	13	16
2003	2	8	10
2004	2	7	9
2005	4	5	9
2006	4	6	10
2007	1	3	4
2008	1	10	11
Total	40	123	163

Source: AIC NDICP 1990–2008 [computer file]

## Sex

No females died during a police motor vehicle pursuit in 2008 (see Table 42). Since 1990, males have accounted for the vast majority of motor vehicle pursuit deaths, outnumbering female deaths every year. Females account for nine percent of the total number of motor vehicle pursuit deaths.

## Age

Since 1990, four out of every five pursuit deaths have involved persons aged 29 years or under (80.4%), with young people aged 15–19 years representing 47 percent of deaths in this group. Nine out of the 11 pursuit deaths in 2008 were of persons aged less than 29 years. The median age at time of death for persons involved in police pursuits

in 2008 was 26 years (22 years for Indigenous persons and 27 years for non-Indigenous persons).

Since 1990, the median age of Indigenous persons who died during motor vehicle pursuits was 17 years; six years younger than the median for non-Indigenous persons in the same circumstances (23 years). Four in every five (80%) Indigenous deaths were of persons aged less than 25 years, while the corresponding population for non-Indigenous persons was 57 percent.

Half of those under 25 years who died were aged 16 to 19 years inclusive (56%: n=57). Since 1990, deaths of persons in this age group comprised:

- 13 deaths of 19 year olds;
- 18 deaths of 18 year olds;
- 15 deaths of 17 year olds; and
- 11 deaths of 16 year olds.

**Table 42** Motor vehicle pursuit deaths by sex, 1990–2008 (n)

	Male	Female	Total
1990	4	1	5
1991	2	0	2
1992	4	1	5
1993	8	1	9
1994	4	0	4
1995	7	0	7
1996	11	0	11
1997	8	0	8
1998	5	0	5
1999	6	2	8
2000	13	0	13
2001	16	1	17
2002	13	3	16
2003	9	1	10
2004	9	0	9
2005	8	1	9
2006	7	3	10
2007	3	1	4
2008	11	0	11
Total	148	15	163

Source: AIC NDICP 1990–2008 [computer file]

**Table 43** Motor vehicle pursuit deaths by age in years at time of death, 1990–2008 (n)

	Less than 15	15–19	20–24	25–29	30+	Total
1990	1	3	0	0	1	5
1991	0	1	0	0	1	2
1992	2	0	1	1	1	5
1993	0	4	3	2	0	9
1994	0	1	1	2	0	4
1995	0	4	2	1	0	7
1996	3	4	2	1	1	11
1997	0	4	1	1	2	8
1998	0	0	1	1	3	5
1999	1	3	1	0	3	8
2000	1	5	2	4	1	13
2001	3	9	3	1	1	17
2002	1	7	1	2	5	16
2003	1	2	0	1	6	10
2004	0	3	2	2	2	9
2005	0	5	1	2	1	9
2006	0	3	2	3	2	10
2007	1	2	1	0	0	4
2008	0	2	2	5	2	11
Total	14	62	26	29	32	163

Source: AIC NDICP 1990–2008 [computer file]

The age distribution of persons who died during or following a motor vehicle pursuit shows that young people in their late teens have an increased risk of fatality during a pursuit. This is particularly important given that the legal age of obtaining a driver's licence (specifically, a learner's permit) is 16 years in all jurisdictions (except the Australian Capital Territory where the legal driving age is 15 years and 9 months). Since 1990 there have been 29 deaths of persons aged 16 years or less in motor vehicle pursuits, representing 18 percent of all deaths in this category.

### *Circumstances surrounding the deaths*

#### **Speed and length of time of pursuit**

Insufficient information was available at the time of compiling this report to provide details regarding

length of pursuit and top speed for all 2008 cases. This information will be sourced from coronial outcomes and published in future reports. Since 1990, top speeds reached during pursuits were generally very high across most jurisdictions, with the exception of Tasmania. The maximum speeds reached during motor vehicle pursuits ranged from 40km/h in Tasmania to 220km/h in Western Australia and Victoria, with pursuit times ranging from one to 40 minutes (see Table 44). The average length of pursuits in 2008 for which the information was available was five minutes.

It should be noted that in most pursuit situations, once speeds reach in excess of 120km/h, it is recommended that the pursuit be scaled back or terminated. Under the AFP National Guideline for police pursuits, it is recommended that the pursuit will be terminated:

when the value of apprehending an offender is outweighed by any one or more of the following criteria: the real or potential danger to police, members of the public or people in the suspect vehicle, the volume of road and pedestrian traffic, the speed of the subject vehicle involved (AFP 2007: 10)

It is a matter for concern that the average top speed since 1990 in all but two jurisdictions is well above 120km/h (Table 44) and in 2008, two of the three pursuit deaths where information is available involved

a top speed above 120km/h. The high average speeds commonly used in motor vehicle pursuits considerably increases the likelihood of an accident occurring.

While average top speeds reached in pursuits remains very high, they have declined since 1990 (see Figure 13). The average length of time taken for a pursuit has also been decreasing over this period, although this was not found to be statistically significant.

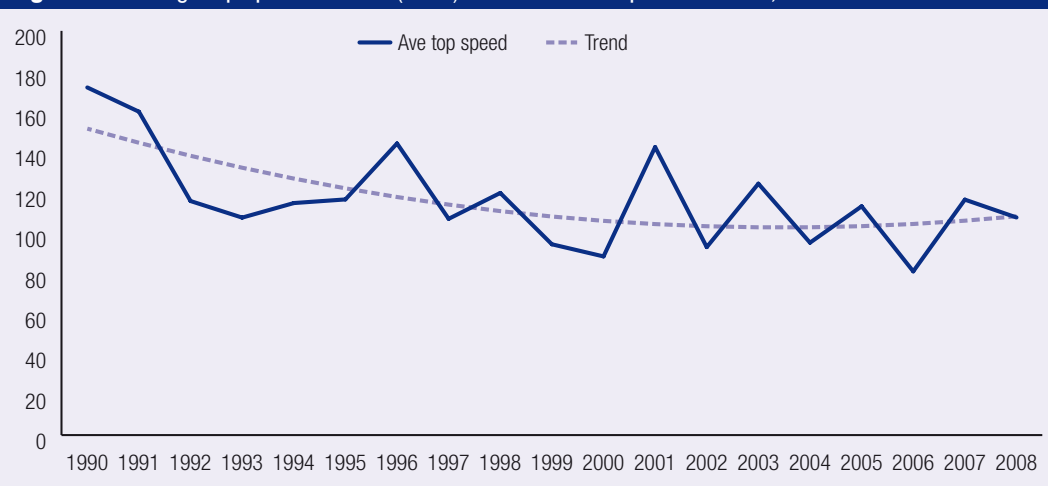
**Table 44** Speed and length of time of motor vehicle pursuits, 1990–2008<sup>a</sup>

	Average top speed (km/h)	Top speed (km/h)	Average pursuit time (mins: secs)	Pursuit time (mins: secs)		Number of cases
				Min	Max	
New South Wales	132	190	5:74	0:17	40:00	42
Victoria	142	220	5:02	0:30	18:00	23
Queensland	136	180	8:19	1:30	22:00	14
Western Australia	151	220	6:53	1:00	15:00	22
South Australia	113	140	9:17	3:00	32:00	11
Tasmania	40	40	–	–	–	1
Northern Territory	132	160	4:17	1:30	7:00	4
Australian Capital Territory	174	180	1:00	1:00	1:00	2

a: Averages were calculated using the total number of cases for which top speed and length of pursuit data were available

Source: AIC NDICP 1990–2008 [computer file]

**Figure 13** Average top speed reached (km/h) in motor vehicle pursuit deaths, 1990–2008



Source: AIC NDICP 1990–2008 [computer file]

## Time of incident

Table 45 shows the time of incident for motor vehicle pursuits. The majority of motor vehicle pursuits resulting in a death since 1990 (where information was available) occurred between midnight and 4 am (34%), followed by the four hour period from 8 pm to midnight (23%).

## Cause and manner of death

Of the 2008 deaths following a motor vehicle pursuit (n=11), nine were caused by external/multiple trauma sustained as a result of the pursuit, with two deaths recorded as due to an 'other' cause (see Table 46). Since 1990, external/multiple trauma has been the most common cause of motor vehicle pursuit deaths (79%; n=128), followed by head injuries (14%; n=23).

Sometimes weapons are involved during a pursuit. Motor vehicle pursuit deaths caused by gunshots are an example of this and generally begin with a pursuit but end with the person shooting themselves or being shot by police. Since 1990, the majority (93%) of motor vehicle pursuit deaths were considered accidental. Tables 46 and 47 present the recorded numbers for each type of cause and manner of death.

## Most serious offence

### 2008

Information on most serious offence is available for 10 of the 11 pursuit deaths that occurred in 2008. One had a most serious offence that was theft-related, the other nine had a traffic offence as the most serious offence in the period prior to death (Table 48).

**Table 45** Motor vehicle pursuit deaths by time of incident, 1990–2008 (n)

	12.00– 4.00 am	4.01– 8.00 am	8.01 am– 12.00 pm	12.01– 4.00 pm	4.01– 8.00 pm	8.01– 11.59 pm	Total
1990	4	0	0	0	1	0	5
1991	2	0	0	0	0	0	2
1992	1	2	0	1	0	1	5
1993	0	4	0	1	0	4	9
1994	1	0	1	1	0	1	4
1995	0	2	0	1	0	4	7
1996	4	4	1	0	1	1	11
1997	2	2	1	1	0	2	8
1998	1	0	1	0	1	2	5
1999	6	0	0	0	1	1	8
2000	2	3	0	1	3	4	13
2001	6	0	1	3	0	7	17
2002	6	0	4	2	2	2	16
2003	0	3	2	2	3	0	10
2004	7	0	1	0	1	0	9
2005	3	1	0	1	0	4	9
2006	3	0	4	0	1	2	10
2007	3	1	0	0	0	0	4
2008	4	1	0	0	3	3	11
Total <sup>a</sup>	55	23	16	14	17	38	163

a: 39 cases have been excluded due to missing time of incident data

Source: AIC NDICP 1990–2008 [computer file]

**Table 46** Motor vehicle pursuit deaths by cause of death, 1990–2008 (n)

	External/multiple trauma	Head injury	Gunshot	Other	Total
1990	4	1	0	0	5
1991	1	1	0	0	2
1992	5	0	0	0	5
1993	5	3	0	1	9
1994	3	0	1	0	4
1995	6	1	0	0	7
1996	9	1	1	0	11
1997	6	1	1	0	8
1998	4	0	1	0	5
1999	7	0	0	1	8
2000	10	0	2	1	13
2001	14	3	0	0	17
2002	10	6	0	0	16
2003	7	3	0	0	10
2004	8	1	0	0	9
2005	8	1	0	0	9
2006	8	1	0	0	9
2007	4	0	0	0	4
2008	9	0	0	2	11
Total <sup>a</sup>	128	23	6	5	162

a: 1 case has been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

**Table 47** Motor vehicle pursuit deaths by manner of death, 1990–2008 (n)

	Accident	Self-inflicted	Unlawful homicide	Justifiable homicide	Other	Total
1990	4	0	0	0	1	5
1991	2	0	0	0	0	2
1992	4	1	0	0	0	5
1993	9	0	0	0	0	9
1994	3	1	0	0	0	4
1995	7	0	0	0	0	7
1996	10	1	0	0	0	11
1997	7	1	0	0	0	8
1998	4	0	0	1	0	5
1999	8	0	0	0	0	8
2000	11	0	1	1	0	13
2001	16	1	0	0	0	17
2002	15	1	0	0	0	16
2003	10	0	0	0	0	10
2004	8	1	0	0	0	9
2005	9	0	0	0	0	9
2006	10	0	0	0	0	10
2007	4	0	0	0	0	4
2008	11	0	0	0	0	11
Total	152	7	1	2	1	163

Source: AIC NDICP 1990–2008 [computer file]

## Trends

Deaths of persons whose most serious offence immediately prior to their final period of custody was theft-related have generally outnumbered all other offences since 1990 (48%; n=74 see Table 48). Of the total number of theft-related offences, 63 involved the theft of a motor vehicle. This means that 39 percent of all motor vehicle pursuit deaths were associated with a car (most likely the car being pursued) being stolen. Data show that there has been a recorded decline in the number of deaths related to motor vehicle theft since 2001 and during this same period there has been a decline in motor vehicle thefts across Australia (AIC 2008). It is possible that the reduction in motor vehicle thefts may have had a positive impact on deaths resulting from motor vehicle pursuits. The importance of targeting interventions towards young males is clear given the finding that of those pursuit deaths involving

car theft, the vast majority (95%) involved persons aged less than 29 years and most cases (92%) involved males.

The second most common offence type since 1990 is traffic offences (42%; n=65 see Table 48). Of the 65 cases where traffic offences were the most serious offence, 34 involved offences for dangerous driving (including exceeding the speed limit).

### *Location of death*

As would be expected due to the nature of motor vehicle pursuits, seven of the 11 deaths occurred in public places and the remaining four deaths in a public hospital following the accident (see Table 49). Since 1990, 77 percent of pursuit deaths have occurred in public places, that is, at the scene of the collision following a motor vehicle pursuit.

**Table 48** Motor vehicle pursuit deaths by most serious offence, 1990–2008 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Total
1990	1	3	0	1	0	5
1991	0	1	0	1	0	2
1992	0	3	0	2	0	5
1993	0	4	1	4	0	9
1994	1	1	0	2	0	4
1995	0	4	0	3	0	7
1996	1	7	0	3	0	11
1997	0	7	0	1	0	8
1998	2	1	0	2	0	5
1999	2	3	1	2	0	8
2000	0	9	0	2	1	12
2001	0	9	0	7	1	17
2002	0	6	0	9	0	15
2003	1	2	0	7	0	10
2004	0	5	0	4	0	9
2005	0	5	0	2	1	8
2006	0	2	1	3	1	7
2007	1	1	0	1	0	3
2008	0	1	0	9	0	10
Total <sup>a</sup>	9	74	3	65	4	155

a: 8 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]



**Table 49** Motor vehicle pursuit deaths by location, 1990–2008 (n)

	Public hospital	Private property	Public place	Other	Total
1990	0	0	5	0	5
1991	0	0	2	0	2
1992	1	0	4	0	5
1993	2	0	7	0	9
1994	1	0	2	1	4
1995	4	0	3	0	7
1996	3	1	7	0	11
1997	3	0	5	0	8
1998	3	0	2	0	5
1999	2	0	6	0	8
2000	3	0	10	0	13
2001	2	0	15	0	17
2002	4	0	12	0	16
2003	1	0	9	0	10
2004	0	0	9	0	9
2005	0	0	9	0	9
2006	2	0	8	0	10
2007	1	0	3	0	4
2008	4	0	7	0	11
Total	36	1	125	1	163

Source: AIC NDICP 1990–2008 [computer file]

## Shooting deaths

This section examines those deaths resulting from shootings, which can be classified as either a Category 1 or 2 death, depending on the circumstances surrounding the shooting. Shooting deaths during police operations includes situations where a person dies due to being shot by police, as well as those situations where a person dies due to self-inflicted gunshot wounds in the presence of police.

### 2008

In 2008, 14 deaths resulted from gunshot wounds—three each in New South Wales, Western Australia and Victoria, two in both Queensland and the Northern Territory and one in South Australia (see

Table 50). Nine involved persons who shot themselves in the presence of police and the remaining five deaths were of persons shot by police.

**Table 50** Police shooting deaths, 2008

	Shot by police	Shot by self	Total
New South Wales	1	2	3
Victoria	2	1	3
Queensland	1	1	2
Western Australia	0	3	3
South Australia	1	0	1
Northern Territory	0	2	2
Total	5	9	14

Source: AIC NDICP 1980–2008 [computer file]

## Trends

Since 1990, 165 shooting deaths have been recorded (see Table 51). Most (56%) were of persons shot by police, while 43 percent involved persons shooting themselves in the presence of police. Since 1990, only one person has been 'shot by other official' such as a security guard. Since 2003, no Indigenous persons in police custody have been shot by police and only four self-inflicted gunshot deaths by Indigenous persons have been recorded since 1990.

The number of persons in custody who were shot by police peaked at 12 deaths in 1994 and has fluctuated between two and six deaths each year

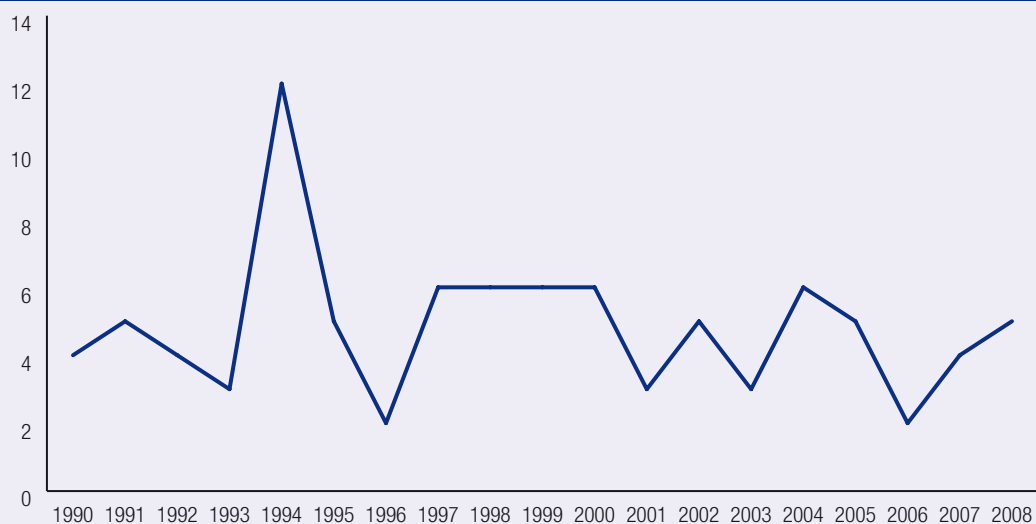
since (see Table 51 and Figure 14). There has been a small decline in the number of police shooting deaths in recent years. Of particular note is the number of persons who died from self-inflicted gunshot wounds in the presence of police in 2008, with nine of the 14 shooting deaths involving persons in this group. This rise in self-inflicted shooting deaths is a matter for concern and suggests that police need to consider how to respond to mental illness to reduce these deaths. When looking at the offence histories for persons who shoot themselves, 42 of the 71 self-inflicted shooting deaths (59%) were of persons with violent offences. This emerging trend will be monitored further in the next report.

**Table 51** Police shooting deaths, 1990–2008 (n)

	Shot by police		Shot by self		Shot by other official		Total		
	Indigenous	Non-Indig	Indigenous	Non-Indig	Indigenous	Non-Indig	Indigenous	Non-Indig	Total
1990	1	3	0	0	0	0	1	3	4
1991	0	5	0	4	0	0	0	9	9
1992	0	4	0	4	0	1	0	9	9
1993	1	2	0	5	0	0	1	7	8
1994	2	10	0	5	0	0	2	15	17
1995	0	5	0	5	0	0	0	10	10
1996	0	2	1	5	0	0	1	7	8
1997	0	6	0	5	0	0	0	11	11
1998	1	5	0	1	0	0	1	6	7
1999	0	6	0	3	0	0	0	9	9
2000	0	6	0	1	0	0	0	7	7
2001	1	2	0	2	0	0	1	4	5
2002	1	4	1	4	0	0	2	8	10
2003	0	3	0	4	0	0	0	7	7
2004	0	6	0	5	0	0	0	11	11
2005	0	5	0	1	0	0	0	6	6
2006	0	2	0	2	0	0	0	4	4
2007	0	4	1	3	0	0	1	7	8
2008	0	5	1	8	0	0	1	13	14
Total <sup>a</sup>	7	85	4	67	0	1	11	154	165

a: 1 case has been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

**Figure 14** Police shooting deaths, 1990–2008 (n)

Source: AIC NDICP 1990–2008 [computer file]

**Table 52** Police shooting deaths, as a percentage of total deaths in police custody, 1990–2008

	Indigenous		Non-Indigenous		Total n
	n	%	n	%	
1990	1	20	3	12	4
1991	0	0	5	19	5
1992	0	0	4	17	4
1993	1	33	2	7	3
1994	2	67	10	40	12
1995	0	0	5	23	5
1996	0	0	2	9	2
1997	0	0	6	26	6
1998	1	17	5	24	6
1999	0	0	6	29	6
2000	0	0	6	29	6
2001	1	25	2	6	3
2002	1	9	4	15	5
2003	0	0	3	11	3
2004	0	0	6	27	6
2005	0	0	5	33	5
2006	0	0	2	12	2
2007	0	0	4	16	4
2008	0	0	5	16	5
Total	7	7	85	15	92

Source: AIC NDICP 1990–2008 [computer file]

## Demographic characteristics

### Indigenous status

The five police shooting deaths in 2008 involved non-Indigenous persons. No Indigenous person has died from being shot by police since 2002. Table 52 shows that from 1990, 92 percent (n=85) of police shooting deaths have involved non-Indigenous persons.

### Sex

Females are far less likely than males to be shot by police, with three percent of total police shooting deaths between 1990 and 2008 being females (see Table 53). Two females in 1994 and one female in

1995 were shot by police. In all other years, only males have died as a result of police shootings.

### Age

The median age at time of death for persons shot by police in 2008 was 41 years, which is much higher than the median age for all persons shot by police since 1990 (30 years). Two of the five police shooting deaths in 2008 involved persons aged less than 29 years, two involved persons aged 40–44 years and one involved a person aged 45–49 (see Table 54). Since 1990, the median age of the seven Indigenous persons who were shot by police was 34 years, which is older than the median for non-Indigenous persons (30 years).

**Table 53** Police shooting deaths by sex, 1990–2008 (n)

	Male	Female	Total
1990	4	0	4
1991	5	0	5
1992	4	0	4
1993	3	0	3
1994	10	2	12
1995	4	1	5
1996	2	0	2
1997	6	0	6
1998	6	0	6
1999	6	0	6
2000	6	0	6
2001	3	0	3
2002	5	0	5
2003	3	0	3
2004	6	0	6
2005	5	0	5
2006	2	0	2
2007	4	0	4
2008	5	0	5
Total	89	3	92

Source: AIC NDICP 1990–2008 [computer file]

**Table 54** Police shooting deaths by age category, 1990–2008 (n)

	Less than 19 yrs	20–24 yrs	25–29 yrs	30–34 yrs	35–39 yrs	40–44 yrs	45+ yrs	Total
1990	0	0	2	1	0	1	0	4
1991	0	3	1	0	0	1	0	5
1992	0	1	0	0	0	1	2	4
1993	1	0	0	0	0	0	2	3
1994	1	2	1	2	2	3	1	12
1995	0	1	1	1	2	0	0	5
1996	0	0	1	0	1	0	0	2
1997	0	1	3	1	1	0	0	6
1998	1	1	0	3	1	0	0	6
1999	0	0	3	0	1	2	0	6
2000	0	1	5	0	0	0	0	6
2001	0	0	0	0	1	1	1	3
2002	1	2	0	1	0	0	1	5
2003	0	0	0	2	0	1	0	3
2004	0	0	2	2	1	0	1	6
2005	0	0	3	1	0	1	0	5
2006	0	1	0	0	1	0	0	2
2007	0	0	0	3	0	0	1	4
2008	0	1	1	0	0	2	1	5
Total	4	14	23	17	11	13	10	92

Source: AIC NDICP 1990–2008 [computer file]

## *Circumstances surrounding the deaths*

### **Time of incident**

Most deaths from 1990 to 2008 resulting from a police shooting occurred between the late afternoon and early morning (see Table 55). Where information was available, 31 percent occurred between 4 pm and 8 pm, 18 percent between 8 pm and midnight, 16 percent between 8am and midday and 14 percent between midnight and 4 am.

### **Manner of death**

The 2008 police shooting deaths were considered justifiable homicides, although these results are pending confirmation by relevant state and territory coroners. A justifiable homicide is that which occurs under circumstances authorised by law and, in such cases, generally no charges against the officers

involved are recommended by a coronial inquiry. Since 1990, the majority of police shooting deaths (91%; n=84) were considered to be justifiable homicides (see Table 56).

### *Most serious offence*

Of the five police shooting deaths in 2008, two involved individuals whose most serious offence immediately prior to the shooting was a violent offence and one involved a theft-related offence, with relevant information on the other two cases not currently available (see Table 57). Deaths of persons who had a violent most serious offence immediately prior to the shooting have consistently outnumbered all other offence types since 1990. Sixty-seven percent (n=60) of police shooting deaths have involved persons who had a violent offence immediately prior to the shooting and many of these involved weapons. The majority of these offences

**Table 55** Police shooting deaths by time of incident, 1990–2008 (n)<sup>a</sup>

	12.00– 4.00 am	4.01– 8.00 am	8.01am– 12.00 pm	12.01– 4.00 pm	4.01– 8.00 pm	8.01– 11.59 pm	Total
1990	1	0	1	0	2	0	4
1991	3	1	1	0	0	0	5
1992	1	0	0	2	0	1	4
1993	0	0	1	1	0	1	3
1994	1	0	2	3	3	3	12
1995	1	0	1	0	3	0	5
1996	1	0	1	0	0	0	2
1997	3	1	1	0	0	1	6
1998	0	2	0	0	3	1	6
1999	0	0	3	1	1	1	6
2000	1	1	0	0	3	1	6
2001	0	0	0	0	2	1	3
2002	0	0	0	1	3	1	5
2003	0	1	0	1	0	1	3
2004	1	0	1	2	2	0	6
2005	0	1	0	1	2	0	4
2006	0	0	1	0	0	1	2
2007	0	0	2	0	1	1	4
2008	0	0	0	0	3	2	5
Total	13	7	15	12	28	16	91

a: 1 case has been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

**Table 56** Police shooting deaths by manner of death, 1990–2008 (n)

	Unlawful homicide	Justifiable homicide	Accident	Other	Total
1990	0	2	0	2	4
1991	0	1	0	4	5
1992	0	4	0	0	4
1993	0	3	0	0	3
1994	0	12	0	0	12
1995	0	5	0	0	5
1996	0	2	0	0	2
1997	0	6	0	0	6
1998	0	6	0	0	6
1999	0	6	0	0	6
2000	1	5	0	0	6
2001	0	3	0	0	3
2002	0	4	1	0	5
2003	0	3	0	0	3
2004	0	6	0	0	6
2005	0	5	0	0	5
2006	0	2	0	0	2
2007	0	4	0	0	4
2008	0	5	0	0	5
Total	1	84	1	6	92

Source: AIC NDICP 1990–2008 [computer file]

**Table 57** Police shooting deaths by most serious offence, 1990–2008 (n)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1990	3	1	0	0	0	0	4
1991	3	0	0	0	1	1	5
1992	1	3	0	0	0	0	4
1993	2	1	0	0	0	0	3
1994	10	2	0	0	0	0	12
1995	2	1	0	1	0	1	5
1996	1	0	1	0	0	0	2
1997	4	2	0	0	0	0	6
1998	4	1	0	0	0	1	6
1999	5	1	0	0	0	0	6
2000	4	2	0	0	0	0	6
2001	2	0	0	0	1	0	3
2002	1	1	0	0	2	1	5
2003	2	0	0	0	0	1	3
2004	6	0	0	0	0	0	6
2005	5	0	0	0	0	0	5
2006	1	1	0	0	0	0	2
2007	2	1	0	0	1	0	4
2008	2	1	0	0	0	0	3
Total <sup>a</sup>	60	18	1	1	5	5	90

a: 2 cases have been omitted due to a lack of information

Source: AIC NDICP 1990–2008 [computer file]

involved serious assaults and homicides. Of the seven Indigenous deaths since 1990, five involved violent offences as the most serious offence committed prior to death. One death involved a theft-related offence and another involved a good order offence.

### *Location of death*

Most police shootings occur in public places (43%; n=38) or on private property (38%; n=33 Table 58). Of the 2008 deaths, three occurred in a public place and two occurred on private property. Of the six Indigenous deaths since 1990, three occurred in public hospitals, two on private property and one in a public place. Most non-Indigenous deaths occurred in public places (46%) or on private property (38%).

## Summary

### *Motor vehicle pursuit deaths*

In 2008, 11 motor vehicle pursuits occurred. From 1990 until 2003, there was an increasing number of deaths, yet from 2003 to 2007 there was a general decrease.

Most deaths resulting from motor vehicle pursuits are of young males, a group identified in the literature as possessing a much higher risk than older males of becoming involved in criminal activity (Makkai & Payne 2003; Putt, Payne & Milner 2005). The vast majority of police pursuit deaths involve males. All of the 11 motor vehicle pursuit deaths in 2008 were of males, with nine involving persons aged less than 29 years. Since 1990, just under two-thirds (63%) of deaths from motor vehicle pursuits have been of persons aged less than

**Table 58** Police shooting deaths by location, 1990–2008 (n)

	Public hospital	Private property	Public place	Other	Total
1990	1	1	0	0	2
1991	1	2	0	0	3
1992	0	0	4	0	4
1993	2	1	0	0	3
1994	2	4	6	0	12
1995	1	2	2	0	5
1996	0	1	1	0	2
1997	2	1	1	2	6
1998	1	2	2	1	6
1999	0	2	4	0	6
2000	1	2	3	0	6
2001	0	2	1	0	3
2002	1	2	1	1	5
2003	0	1	2	0	3
2004	0	1	5	0	6
2005	1	3	1	0	5
2006	0	1	1	0	2
2007	0	3	1	0	4
2008	0	2	3	0	5
Total <sup>a</sup>	13	33	38	4	88

a: 4 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

25 years. Indigenous persons who die as a result of police pursuits are younger than their non-Indigenous counterparts (one-quarter of all pursuit deaths involve Indigenous persons). Since 1990, 80 percent of Indigenous deaths that resulted from police pursuits were of persons aged less than 25 years while the corresponding number for non-Indigenous persons was 57 percent.

The average top speeds reached in pursuits have been decreasing since 1990. However, the top speeds reached in some pursuits were still very high—up to 220km/h in some pursuits in Western Australia and Victoria. Yet, in most jurisdictions, once a police pursuit reaches speeds at and above 120km/h it is recommended that the pursuit be scaled back or terminated. Under the AFP National Guideline surrounding police pursuits, it is recommended that when the ‘value of apprehending

an offender is outweighed by any one or more of the following criteria’—for example, a pursuit exceeds the prescribed speed limit, enters a built-up or heavily congested area, or when driving and/or weather conditions are bad, the pursuit may be terminated (AFP 2007: 10). The implementation of guidelines such as this would likely contribute to the reduction of pursuit deaths.

Just under half of all motor vehicle pursuit deaths since 1990 were associated with car theft, which was likely to be theft of the vehicle that was being pursued. Of those pursuit deaths that involved car theft, 92 percent of young offenders were male and 95 percent were aged less than 29 years. These findings highlight the need to target intervention and education at younger males. The decline in number of deaths related to motor vehicle theft corresponds to a decline in motor vehicle thefts across Australia



and it is possible that this fall in motor vehicle thefts may be linked to the fall in motor vehicle pursuit deaths. This potential link further emphasises the need to reduce the capacity of young offenders to steal motor vehicles through devices such as immobilisers.

### *Shooting deaths*

Most police shooting deaths occur with persons shot by police (43%), rather than self-inflicted injuries; with 93 percent of police shooting deaths involving non-Indigenous people. The number of deaths resulting from police shootings peaked in 1994 with 12 shootings and has since fluctuated between two and six deaths per year. As with motor vehicle pursuit deaths, males comprise the vast majority of those who die from gunshot wounds.

Deaths of persons who had a violent offence as their most serious offence immediately prior to the shooting have consistently outnumbered all other offence types since 1990. Sixty-seven percent of shooting deaths involved persons who had been charged with a violent offence immediately prior to the shooting and many of those offences involved weapons. The majority of those offences involved serious assaults and homicides. Most deaths from 1990 to 2008 resulting from a police shooting occurred between late afternoon and early morning, in a public place (43%) or on private property (38%).

The median age of those who die from being shot by police is older than those who die during pursuits (30 years vs 21 years). Since 1990, 80 percent of motor vehicle pursuit deaths involved persons aged under 30 years, while for persons being shot by police, 45 percent involve persons aged over 30. Moreover, the median age of persons dying in motor vehicle pursuits is 21 years, which is much lower than the median age of persons shot by police at 30 years. The median age of the seven Indigenous people who were shot by police was 34 years; older than the median of 30 years for non-Indigenous persons.

This older median age for shooting deaths, coupled with the finding that violent crime is often identified as the most serious last offence committed, may be indicative of persons who have progressed into more violent behaviour and who have access to weapons. Such situations may require greater self-defence by police officers during the process of arresting such individuals. Of the 92 deaths that have occurred as a result of police shootings, 84 were classified as justifiable homicide. The methods of self-protection police employ are important in preventing such deaths.

Finally, it is important to note that since 1990, 71 of 165 shooting deaths involved persons who shot themselves in the presence of police. This suggests that police need to consider how they respond to mental illness if self-inflicted shooting deaths are to be reduced.

# Conclusion



## Overall trends

Overall, numbers of deaths in custody increased in the late 1980s to the late 1990s. There was a significant decline in the total number of deaths in custody since 1997—from 105 in 1997 to 56 in 2006. However, the overall number of deaths have increased over the past two years with total deaths numbering 74 in 2007 and 86 in 2008.

Prison deaths generally account for the majority of all custodial deaths each year. In 2008, 63 percent of all recorded deaths in custody occurred in prison. There has been a small rise in police custody death numbers. Apart from 2006 (where one death occurred), no deaths have been recorded in juvenile detention since 2000.

Of all custodial deaths recorded since 1980, 19 percent have been of Indigenous persons. Indigenous persons have comprised 17 percent of all deaths that have occurred in prison since 1980 and 19 percent of all deaths that have occurred in police custody since 1990. In 2008, 15 percent of all custodial deaths were of Indigenous persons (13% in police custody and 17% in prison). The overall trend is that there has been a decrease in Indigenous deaths in prison custody over the past decade, with a slight increase in 2008 from previous years. Also, the ratio of Indigenous to non-Indigenous deaths in police custody has dropped to its lowest point in seven years.

## *Prison deaths*

Over the past decade, there has been a reduction in the rate of death in prison custody, to an all-time low of 1.3 per 1,000 prisoners in 2006. Since this low, there has been a slight rate increase to two per 1,000 in 2008. This upward movement in the trend in recent years is partly due to an increase in the number of persons dying from natural causes, with the number of such deaths recorded in 2008 being the highest ever. This rising number of natural-cause deaths in prison may be attributed to an ageing prisoner population in Australia, with ABS data showing that the mean age of prisoners has risen steadily from 1998 to 2008 (ABS 2008a).

## *Police custody and custody-related operations deaths*

Unlike prison custody deaths, which have decreased over the past decade, police custody deaths have fluctuated. Category 1 deaths (those in institutional settings, raids and shootings) have been declining since the 1990s, to the lowest number ever recorded in 2006. Conversely, the number of Category 2 deaths (those occurring in police sieges and motor vehicle pursuits) have been increasing in recent years. In 2008, there was a 32 percent increase in the number of Category 2 deaths from

2007, which can be attributed to a rise in pursuit deaths. Rates cannot be determined for deaths which have occurred in police custody and custody-related operations due to a lack of reliable data on how many people are involved in police custody and custody-related operations each year. However, the proportion of Indigenous to non-Indigenous deaths in police custody in 2008 was the lowest since 2001.

### *Cause of death and age*

A further increase in deaths from natural causes, particularly in prison custody, was recorded in 2008. Thirty-eight of the 54 (70%) prison deaths, where cause was known, resulted from natural causes. This rise in deaths by natural causes corresponds to an increase in the age of the prison population. The percentage of prisoners aged 55 years or over in 1987 was 2.2 percent (Debaecker & Chapman 1989), this rose to 3.8 percent in 1997 (ABS 1998) and has since risen to 6.2 percent in 2008 (ABS 2008a).

While there has been an increase in prison deaths due to natural causes, self-inflicted deaths in prison have been decreasing. The year 2008, experienced one of the lowest total number of self-inflicted deaths in prison since 1980. There were 10 recorded cases of hanging deaths in prison custody in 2008 and one hanging death was recorded in police custody.

### *Motor vehicle pursuit deaths*

Most deaths resulting from police pursuits involve young males. Over 91 percent of people who have died as a result of a motor vehicle pursuit since 1990 have been male and 63 percent have been aged less than 25 years. One-quarter of pursuit deaths have been of Indigenous persons. Further, 39 percent of all motor vehicle pursuit deaths since 1990 have been associated with the theft of a car, often the car being pursued; and 57 percent of pursuit deaths have occurred between 8 pm and 4 am. These findings underscore the need to target intervention

and education at young males. The prevention of car theft is important to reduce the opportunity for incidents of pursuit deaths linked to car theft.

Although some police pursuits are still reaching very high speeds, the average top speeds reached during pursuits have declined since 1990, as has the length of time taken to end the pursuit. The AFP National Guideline for police pursuits, which was introduced at the end of 2007, is one example of the types of protocols that govern police pursuits (AFP 2007).

### *Shooting deaths in police custody and custody-related operations*

Of all shooting deaths which have occurred in police custody and custody-related operations since 1990, just over half have been of people who were shot by police (56%). Shootings by police can attract media attention. It is important to monitor the nature of such shootings and the circumstances around them. Most police shootings occur in public places (43%) or on private property (38%). The number of people shot by police since 1990 peaked in 1994 with 12 deaths and has fluctuated between two and six deaths each year since then. Indigenous people account for seven percent of all persons shot by police since 1990, but no Indigenous persons have died as a result of being shot by police since 2002.

Of the 92 police shootings since 1990, only three deaths have been of females; since 1995, no females have died as a result of police shooting. Of all deaths resulting from police shootings since 1990, 91 percent were classified as justifiable homicide. Only one homicide was classified as unlawful. Of the 164 total shooting deaths where information is available, 43 percent (n=71) were self-inflicted. Given the context in which police shootings often occur, consideration of issues related to police responses to mental illness may be important to reducing these deaths.

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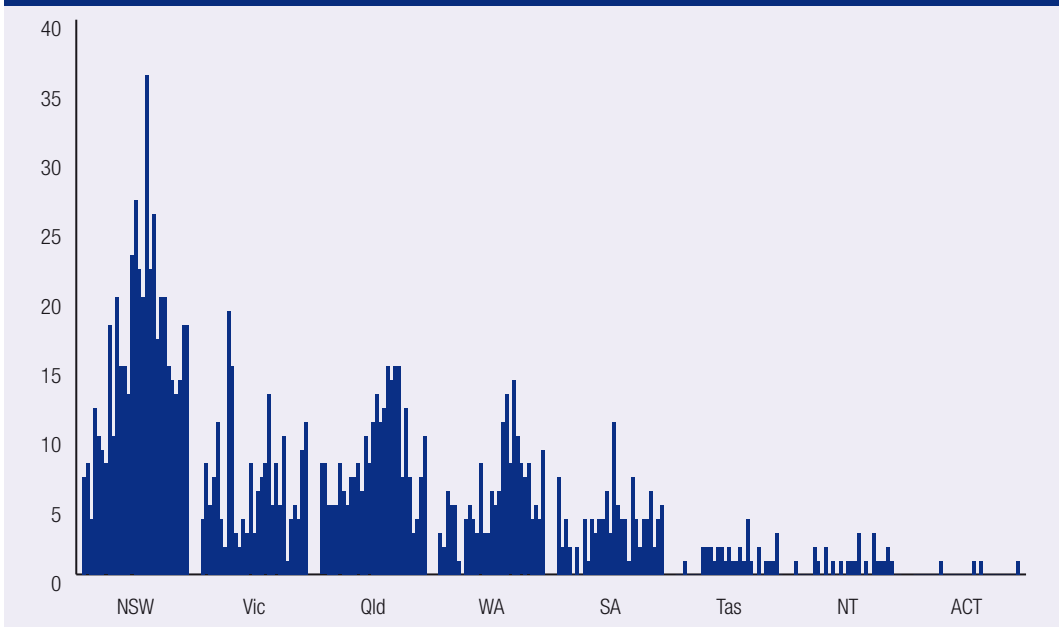


Appendix: Detailed  
findings from the  
National Deaths in  
Custody Program

# Number of deaths in police and prison custody

## Deaths in prison custody, 1980–2008

**Figure A1** Deaths in prison custody by jurisdiction, 1980–2008 (n)



Source: AIC NDICP 1980–2008 [computer file]



**Table A1** Prison custody deaths by jurisdiction, 1980–2008 (n)

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
1980	7	4	8	3	7	0	1	0	30
1981	8	8	8	2	2	0	0	0	28
1982	4	5	5	6	4	1	0	0	25
1983	12	7	5	5	2	0	0	0	31
1984	10	11	5	5	0	0	0	0	31
1985	9	4	8	1	2	0	2	0	26
1986	8	2	6	0	0	0	1	0	17
1987	18	19	5	4	4	2	0	1	53
1988	10	15	7	5	1	2	2	0	42
1989	20	3	7	4	4	2	0	0	40
1990	15	2	8	3	3	1	1	0	33
1991	15	4	6	8	4	2	0	0	39
1992	13	3	10	3	4	2	1	0	36
1993	23	8	8	3	6	1	0	0	49
1994	27	3	11	6	3	2	1	0	53
1995	22	6	13	5	11	1	1	0	59
1996	20	7	11	6	5	1	1	1	52
1997	36	8	12	11	4	2	3	0	76
1998	22	13	15	13	4	1	0	1	69
1999	26	5	14	8	1	4	1	0	59
2000	17	8	15	14	7	1	0	0	62
2001	20	5	15	10	4	0	3	0	57
2002	20	10	7	8	2	2	1	0	50
2003	15	1	12	7	4	0	1	0	40
2004	14	4	7	8	4	1	1	0	39
2005	13	5	3	4	6	1	2	0	34
2006	14	4	4	5	2	1	1	0	31
2007	18	9	7	4	4	3	0	0	45
2008	18	11	10	9	5	0	0	1	54
Total	474	194	252	170	109	33	24	4	1,260

Source: AIC NDICP 1980–2008 [computer file]

## Indigenous status

**Table A2** Prison custody deaths by Indigenous status, 1980–2008

	Indigenous		Non-Indigenous		Persons
	n	%	n	%	Total n
New South Wales	64	13.5	410	86.5	474
Victoria	5	2.6	189	97.4	194
Queensland	49	19.4	203	80.6	252
Western Australia	54	31.8	116	68.2	170
South Australia	18	16.5	91	83.5	109
Tasmania	1	3.0	32	97.0	33
Northern Territory	18	75.0	6	25.0	24
Australian Capital Territory	0	0.0	4	100.0	4
Australia	209	16.6	1,051	83.4	1,260

Source: AIC NDICP 1980–2008 [computer file]

## Legal status

**Table A3** Prison custody deaths by legal status, 1980–2008 (n)

		Sentenced	Unsentenced	Total
New South Wales	Indigenous	43	21	64
	Non-Indigenous	277	132	409
Victoria	Indigenous	2	3	5
	Non-Indigenous	134	55	189
Queensland	Indigenous	37	11	48
	Non-Indigenous	137	54	191
Western Australia	Indigenous	38	16	54
	Non-Indigenous	77	39	116
South Australia	Indigenous	13	5	18
	Non-Indigenous	52	39	91
Tasmania	Indigenous	1	0	1
	Non-Indigenous	19	12	31
Northern Territory	Indigenous	14	4	18
	Non-Indigenous	3	3	6
Australian Capital Territory	Indigenous	0	0	0
	Non-Indigenous	0	4	4
Totals	Indigenous	148	60	208
	Non-Indigenous	699	338	1,037
	All persons <sup>a</sup>	847	398	1,245

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Sex

**Table A4** Prison custody deaths by sex, 1980–2008

		%	Total n
New South Wales	Male	95.8	454
	Female	4.2	20
Victoria	Male	91.8	178
	Female	8.3	16
Queensland	Male	96.4	243
	Female	3.6	9
Western Australia	Male	97.1	165
	Female	2.9	5
South Australia	Male	95.4	104
	Female	4.6	5
Tasmania	Male	100.0	33
	Female	0.0	0
Northern Territory	Male	100.0	24
	Female	0.0	0
Australian Capital Territory	Male	75.0	3
	Female	25.0	1
Totals	Male	95.6	1,204
	Female	4.4	56
	All persons	100.0	1,260

Source: AIC NDICP 1980–2008 [computer file]

## Age

**Table A5** Prison custody deaths by median age in years at death, 1980–2008 (n)

	Indigenous		Non-Indigenous		Persons	
	n	Median age	n	Median age	Total n	Median age
New South Wales	64	29.5	410	34.0	474	33.0
Victoria	5	24.0	189	34.0	194	34.0
Queensland	49	34.0	203	36.0	252	35.0
Western Australia	54	33.5	116	34.0	170	34.0
South Australia	18	29.0	91	36.0	109	34.0
Tasmania	1	48.0	32	35.5	33	36.0
Northern Territory	18	33.0	6	27.0	24	32.5
Australian Capital Territory	0	0.0	4	20.5	4	20.5
Australia	209	32.0	1,051	35.0	1,260	34.0

Source: AIC NDICP 1980–2008 [computer file]

**Table A6** Prison custody deaths by age in years at time of death, 1980–2008 (n)

		Less than 25	25–39	40–54	55+	Total
New South Wales	Indigenous	17	34	10	3	64
	Non-Indigenous	85	158	103	64	410
Victoria	Indigenous	3	1	1	0	5
	Non-Indigenous	32	81	36	40	189
Queensland	Indigenous	13	20	12	4	49
	Non-Indigenous	36	80	40	47	203
Western Australia	Indigenous	12	23	17	2	54
	Non-Indigenous	28	41	20	27	116
South Australia	Indigenous	8	9	1	0	18
	Non-Indigenous	10	42	21	18	91
Tasmania	Indigenous	0	0	1	0	1
	Non-Indigenous	8	9	7	8	32
Northern Territory	Indigenous	4	10	3	1	18
	Non-Indigenous	1	3	1	1	6
Australian Capital Territory	Indigenous	0	0	0	0	0
	Non-Indigenous	3	0	1	0	4
Totals	Indigenous	57	97	45	10	209
	Non-Indigenous	203	414	229	205	1,051
	All persons	260	511	274	215	1,260

Source: AIC NDICP 1980–2008 [computer file]

## Cause of death

**Table A7** Prison custody deaths by cause of death, 1980–2008 (n)

		Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol	Other	Total
NSW	Indigenous	22	28	0	0	8	5	0	63
	Non-Indigenous	162	142	5	2	34	49	10	404
Vic	Indigenous	2	3	0	0	0	0	0	5
	Non-Indigenous	59	74	1	1	24	22	4	185
Qld	Indigenous	25	22	0	0	0	1	0	48
	Non-Indigenous	85	75	3	2	19	18	1	203
WA	Indigenous	16	34	0	1	2	1	0	54
	Non-Indigenous	54	38	1	0	7	8	5	113
SA	Indigenous	8	7	1	0	1	1	0	18
	Non-Indigenous	33	39	3	1	7	5	2	90
Tas	Indigenous	1	0	0	0	0	0	0	1
	Non-Indigenous	17	14	0	0	0	1	0	32

**Table A7 continued**

		Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol	Other	Total
NT	Indigenous	4	13	0	0	0	1	0	18
	Non-Indigenous	3	1	0	0	2	0	0	6
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	3	1	0	0	0	0	0	4
Totals	Indigenous	78	107	1	1	11	9	0	207
	Non-Indigenous	416	384	13	6	93	103	22	1,037
	All persons <sup>a</sup>	494	491	14	7	104	112	22	1,244

a: 18 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Manner of death

**Table A8 Prison custody deaths by manner of death, 1980–2008 (n)**

		Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other/ unknown	Total
NSW	Indigenous	25	28	5	0	6	0	64
	Non-Indigenous	177	142	23	1	46	16	405
Vic	Indigenous	2	3	0	0	0	0	5
	Non-Indigenous	72	74	5	1	29	8	189
Qld	Indigenous	25	23	0	0	0	0	48
	Non-Indigenous	90	79	13	1	14	6	203
WA	Indigenous	17	34	1	0	0	2	54
	Non-Indigenous	64	37	1	0	10	1	113
SA	Indigenous	9	7	0	0	1	1	18
	Non-Indigenous	40	39	2	1	5	3	90
Tas	Indigenous	1	0	0	0	0	0	1
	Non-Indigenous	18	14	0	0	0	0	32
NT	Indigenous	4	13	0	0	1	0	18
	Non-Indigenous	5	1	0	0	0	0	6
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	3	1	0	0	0	0	4
Totals	Indigenous	83	108	6	0	8	3	208
	Non-Indigenous	469	387	44	4	104	34	1,042
	All persons <sup>a</sup>	552	495	50	4	112	37	1,250

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008

## Most serious offence

**Table A9** Prison custody deaths by most serious offence, 1980–2008 (n)

		Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
NSW	Indigenous	36	17	3	3	3	2	64
	Non-Indigenous	174	139	45	7	27	11	403
Vic	Indigenous	2	2	0	0	1	0	5
	Non-Indigenous	100	54	18	1	13	3	189
Qld	Indigenous	30	10	2	2	3	1	48
	Non-Indigenous	104	51	10	14	9	7	195
WA	Indigenous	31	15	0	4	2	2	54
	Non-Indigenous	67	34	5	1	7	2	116
SA	Indigenous	9	3	0	1	4	1	18
	Non-Indigenous	54	21	5	2	8	1	91
Tas	Indigenous	1	0	0	0	0	0	1
	Non-Indigenous	20	8	0	1	1	2	32
NT	Indigenous	10	3	0	2	1	2	18
	Non-Indigenous	3	2	0	0	1	0	6
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	0	0	1	4
Totals	Indigenous	119	50	5	12	14	8	208
	Non-Indigenous	524	310	83	26	66	27	1,036
All persons <sup>a</sup>		643	360	88	38	80	35	1,244

a: 16 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Location of death

**Table A10** Prison custody deaths by location, 1980–2008 (n)

		Public hospital	Prison hospital	Cell	Other custodial setting	Public place	Other	Total
NSW	Indigenous	22	4	33	4	0	1	64
	Non-Indigenous	91	32	245	19	0	1	388
Vic	Indigenous	0	0	5	0	0	0	5
	Non-Indigenous	38	23	111	5	0	1	178
Qld	Indigenous	9	1	31	4	0	0	45
	Non-Indigenous	71	13	74	12	1	0	171
WA	Indigenous	21	1	24	3	0	0	49
	Non-Indigenous	29	4	69	7	3	0	112

**Table A10** continued

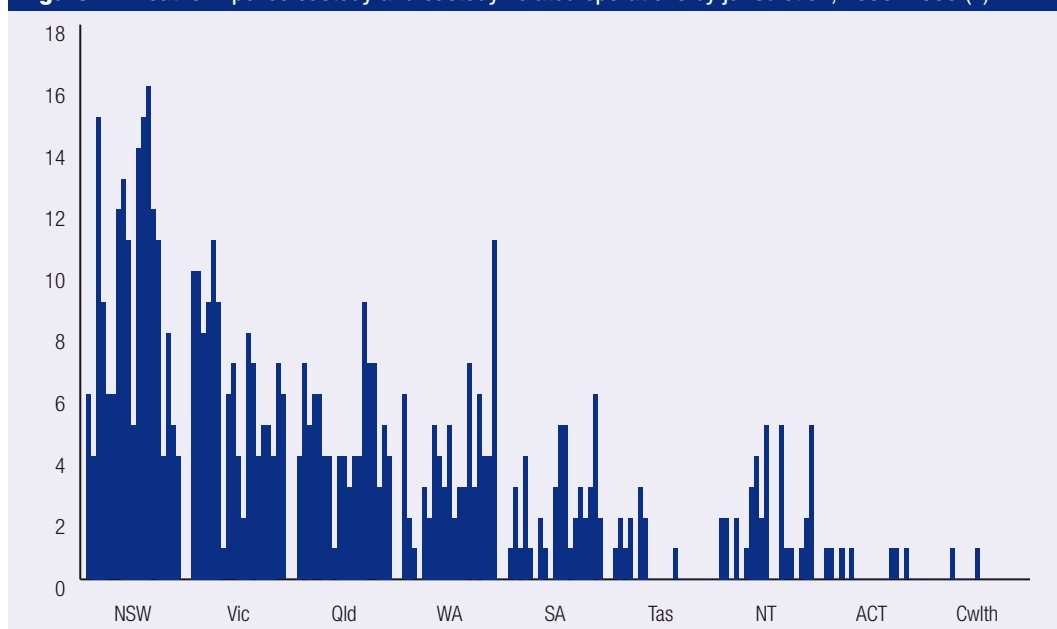
		Public hospital	Prison hospital	Cell	Other custodial setting	Public place	Other	Total
SA	Indigenous	4	1	12	0	0	0	17
	Non-Indigenous	37	3	44	4	0	1	89
Tas	Indigenous	0	0	1	0	0	0	1
	Non-Indigenous	11	8	12	1	0	0	32
NT	Indigenous	8	1	8	0	0	0	17
	Non-Indigenous	3	0	3	0	0	0	6
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	0	2	0	0	0	4
Totals	Indigenous	64	8	114	11	0	1	198
	Non-Indigenous	282	83	560	48	4	3	980
	All persons <sup>a</sup>	346	91	674	59	4	4	1,178

a: 82 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Deaths in police custody and custody-related operations

**Figure A2** Deaths in police custody and custody-related operations by jurisdiction, 1990–2008 (n)



Source: AIC NDICP 1990–2008 [computer file]

**Table A11** Deaths in police custody and custody-related operations by jurisdiction, 1990–2008 (n)

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Cwlth	Total
1990	6	10	4	6	1	1	2	1	0	31
1991	4	10	7	2	3	2	2	1	0	31
1992	15	8	5	1	1	1	0	0	0	31
1993	9	9	6	0	4	2	2	1	0	33
1994	6	11	6	3	1	0	0	0	1	28
1995	6	9	4	2	0	3	1	1	0	26
1996	12	1	4	5	2	2	3	0	0	29
1997	13	6	1	4	1	0	4	0	0	29
1998	11	7	4	3	0	0	2	0	0	27
1999	5	4	4	5	3	0	5	0	1	27
2000	14	2	3	2	5	0	0	0	0	26
2001	15	8	4	3	5	0	0	0	0	35
2002	16	7	4	3	1	1	5	0	0	37
2003	12	4	9	7	2	0	1	1	0	36
2004	11	5	7	3	3	0	1	1	0	31
2005	4	5	7	6	2	0	0	0	0	24
2006	8	4	3	4	3	0	1	1	0	24
2007	5	7	5	4	6	0	2	0	0	29
2008	4	6	4	11	2	0	5	0	0	32
Total	176	123	91	74	45	12	36	7	2	566

Source: AIC NDICP 1990–2008 [computer file]

*Category 1 and Category 2 deaths***Table A12** Deaths in police custody and custody-related operations by category, 1990–2008

		%	Total n
New South Wales	Category 1	27.3	48
	Category 2	72.7	128
Victoria	Category 1	61.8	76
	Category 2	38.2	47
Queensland	Category 1	59.3	54
	Category 2	40.7	37
Western Australia	Category 1	40.5	30
	Category 2	59.5	44
South Australia	Category 1	44.4	20
	Category 2	55.6	25



**Table A12** continued

		%	Total n
Tasmania	Category 1	41.7	5
	Category 2	58.3	7
Northern Territory	Category 1	52.8	19
	Category 2	47.2	17
Australian Capital Territory	Category 1	42.9	3
	Category 2	57.1	4
Commonwealth	Category 1	100.0	2
	Category 2	0.0	0
Australia	Category 1	45.4	257
	Category 2	54.6	309
Total			566

Source: AIC NDICP 1990–2008 [computer file]

### *Indigenous status*

**Table A13** Deaths in police custody and custody-related operations by Indigenous status, 1990–2008

	Indigenous		Non-Indigenous		Persons
	n	%	n	%	Total n
New South Wales	21	11.9	155	88.1	176
Victoria	5	4.1	118	95.9	123
Queensland	18	19.8	73	80.2	91
Western Australia	34	46.0	40	54.1	74
South Australia	10	22.2	35	77.8	45
Tasmania	2	16.7	10	83.3	12
Northern Territory	19	52.8	17	47.2	36
Australian Capital Territory	0	0.0	7	100.0	7
Commonwealth	0	0.0	2	100.0	2
Australia <sup>a</sup>	109	19.3	457	80.7	566

Source: AIC NDICP 1990–2008 [computer file]

## Sex

**Table A14** Deaths in police custody and custody-related operations by sex, 1990–2008

		%	Total n
New South Wales	Male	94.3	166
	Female	5.7	10
Victoria	Male	89.4	110
	Female	10.6	13
Queensland	Male	87.9	80
	Female	12.1	11
Western Australia	Male	94.6	70
	Female	5.4	4
South Australia	Male	93.3	42
	Female	6.7	3
Tasmania	Male	100.0	12
	Female	0.0	0
Northern Territory	Male	88.9	32
	Female	11.1	4
Australian Capital Territory	Male	100.0	7
	Female	0.0	0
Commonwealth	Male	100.0	2
	Female	0.0	0
Totals	Male	92.1	521
	Female	8.0	45

Source: AIC NDICP 1990–2008 [computer file]

## Age

**Table A15** Deaths in police custody and custody-related operations by mean age in years at time of death, 1990–2008 (n)

	Indigenous		Non-Indigenous		Persons	
	n	Median age	n	Median age	Total n	Median age
New South Wales	21	27.0	155	31.0	176	30.5
Victoria	5	35.0	118	29.0	123	29.0
Queensland	18	27.5	73	36.0	91	34.0
Western Australia	34	20.0	40	29.0	74	26.0
South Australia	10	30.5	35	27.0	45	27.0
Tasmania	2	21.5	9	42.0	11	32.0
Northern Territory	19	29.0	17	34.0	36	31.0
Australian Capital Territory	0	0.0	7	26.0	7	26.0
Commonwealth	0	0.0	2	44.5	2	44.5
Australia <sup>a</sup>	109	27.0	456	30.0	565	30.0

a: 1 case has been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

**Table A16** Deaths in police custody and custody-related operations by age category, 1990–2008 (n)

		Less than 25 yrs	25–39 yrs	40–54 yrs	55+ years	Total
NSW	Indigenous	9	7	4	1	21
	Non-Indigenous	43	70	29	13	155
Vic	Indigenous	0	4	1	0	5
	Non-Indigenous	38	50	22	8	118
Qld	Indigenous	8	6	3	1	18
	Non-Indigenous	12	32	23	6	73
WA	Indigenous	20	10	3	1	34
	Non-Indigenous	10	22	5	3	40
SA	Indigenous	4	4	1	1	10
	Non-Indigenous	14	14	6	1	35
Tas	Indigenous	1	1	0	0	2
	Non-Indigenous	2	3	4	1	10
NT	Indigenous	6	7	6	0	19
	Non-Indigenous	4	7	4	2	17
ACT	Indigenous	0	0	0	0	0
	Non-Indigenous	2	3	2	0	7
Commonwealth	Indigenous	0	0	0	0	0
	Non-Indigenous	0	1	0	1	2
Totals <sup>a</sup>	Indigenous	48	39	18	4	109
	Non-Indigenous	125	202	95	35	457
	All persons	173	241	113	39	566

Source: AIC NDICP 1990–2008 [computer file]

### *Cause of death*

**Table A17** Deaths in police custody and custody-related operations by cause of death, 1990–2008 (n)

		Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drugs/alcohol	Other	Total
NSW	Indigenous	2	1	1	2	12	1	2	21
	Non-Indigenous	12	8	5	48	70	7	4	154
Vic	Indigenous	1	0	0	1	2	1	0	5
	Non-Indigenous	11	7	15	44	24	9	6	116
Qld	Indigenous	1	6	2	1	5	0	2	17
	Non-Indigenous	3	7	6	26	12	11	6	71
WA	Indigenous	5	6	5	0	17	1	0	34
	Non-Indigenous	3	2	0	12	19	2	2	40
SA	Indigenous	1	2	0	2	4	0	1	10
	Non-Indigenous	2	4	2	8	13	4	2	35
Tas	Indigenous	0	0	0	2	0	0	0	2
	Non-Indigenous	0	1	1	6	1	0	1	10

**Table A17** continued

		Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol	Other	Total
NT	Indigenous	2	6	1	3	5	0	2	19
	Non-Indigenous	2	1	1	7	2	2	2	17
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	1	1	0	3	2	0	0	7
Cwth	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	0	1	0	2
Totals	Indigenous	12	21	9	11	45	3	7	108
	Non-Indigenous	34	32	30	154	143	36	23	452
	All persons <sup>a</sup>	46	53	39	165	188	39	30	560

a: 6 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Manner of death

**Table A18** Deaths in police custody and custody-related operations by manner of death, 1990–2008 (n)

		Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other/ unknown	Total
NSW	Indigenous	6	1	0	1	13	0	21
	Non-Indigenous	61	8	2	17	64	2	154
Vic	Indigenous	2	0	0	1	2	0	5
	Non-Indigenous	30	7	0	31	43	5	116
Qld	Indigenous	2	6	0	0	9	1	18
	Non-Indigenous	19	8	0	15	28	1	71
WA	Indigenous	5	6	0	0	22	1	34
	Non-Indigenous	15	2	0	6	16	1	40
SA	Indigenous	2	2	0	2	4	0	10
	Non-Indigenous	11	4	0	5	15	0	35
Tas	Indigenous	1	0	0	1	0	0	2
	Non-Indigenous	5	1	0	1	3	0	10
NT	Indigenous	3	6	0	0	9	1	19
	Non-Indigenous	8	1	0	4	2	2	17
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	1	3	0	7
Cwth	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	1	0	2
Totals	Indigenous	21	21	0	5	59	3	109
	Non-Indigenous	151	33	2	80	175	11	452
	All persons <sup>a</sup>	172	54	2	85	234	14	561

a: 6 cases have been excluded due to missing data

Source: AIC NDICP 1980–2008 [computer file]

## Most serious offence

**Table A19** Deaths in police custody and custody-related operations by most serious offence, 1990–2008 (n)

		Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
NSW	Indigenous	5	8	1	1	4	2	21
	Non-Indigenous	47	34	4	29	11	23	148
Vic	Indigenous	2	1	0	0	1	1	5
	Non-Indigenous	35	37	3	14	18	8	115
Qld	Indigenous	6	5	0	0	6	0	17
	Non-Indigenous	26	9	3	9	20	4	71
WA	Indigenous	5	19	0	6	4	0	34
	Non-Indigenous	13	7	0	10	4	3	37
SA	Indigenous	4	5	0	0	0	1	10
	Non-Indigenous	10	7	0	6	4	8	35
Tas	Indigenous	1	0	0	0	1	0	2
	Non-Indigenous	4	0	0	1	3	2	10
NT	Indigenous	3	2	0	1	9	1	16
	Non-Indigenous	8	2	0	0	5	1	16
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	1	2	1	7
Cwth	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	0	1	2
Totals	Indigenous	26	40	1	8	25	5	105
	Non-Indigenous	145	98	10	70	67	51	441
All persons <sup>a</sup>		171	138	11	78	92	56	546

a: 7 cases have been excluded due to missing data

Source: AIC NDICP 1990–2008 [computer file]

## Location

**Table A20** Deaths in police custody and custody-related operations by location of death, 1990–2008 (n)

		Public hospital	Cell	Other custodial setting	Private property	Public place	Other	Total
NSW	Indigenous	8	1	1	3	8	0	21
	Non-Indigenous	42	7	4	26	74	2	155
Vic	Indigenous	1	1	1	1	1	0	5
	Non-Indigenous	26	13	7	18	46	2	112
Qld	Indigenous	8	3	2	0	4	1	18
	Non-Indigenous	15	15	3	10	24	3	70
WA	Indigenous	8	5	3	1	17	0	34
	Non-Indigenous	11	1	1	5	18	2	38
SA	Indigenous	3	1	0	2	4	0	10
	Non-Indigenous	10	2	0	6	15	1	34

**Table A20** continued

		Public hospital	Cell	Other custodial setting	Private property	Public place	Other	Total
Tas	Indigenous	1	0	0	0	1	0	2
	Non-Indigenous	4	1	1	4	0	0	10
NT	Indigenous	10	1	1	0	5	1	18
	Non-Indigenous	4	3	0	2	6	1	16
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	0	0	1	3	0	6
Cwth	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	0	2	0	0	0	2
Totals	Indigenous	39	12	8	7	40	2	108
	Non-Indigenous	114	42	18	72	186	11	443
All persons <sup>a</sup>		153	54	26	79	226	13	551

a: 16 cases have been excluded due to missing data; Indigenous status for two persons in New South Wales is unknown

Source: AIC NDICP 1990–2008 [computer file]

### *Type of police custody*

**Table A21** Deaths in police custody and custody-related operations by type of custody, 1990–2008

	Institution		Escaping		Detaining		Other		Total n
	%	n	%	n	%	n	%	n	
NSW	13.1	23	0.6	1	86.4	152	0.0	0	176
Vic	28.5	35	0.0	0	69.1	85	2.4	3	123
Qld	39.6	36	1.1	1	56.0	51	3.3	3	91
WA	28.4	21	0.0	0	71.6	53	0.0	0	74
SA	13.3	6	2.2	1	77.8	35	6.7	3	45
Tas	25.0	3	0.0	0	75.0	9	0.0	0	12
NT	36.1	13	2.8	1	58.3	21	2.8	1	36
ACT	28.6	2	0.0	0	71.4	5	0.0	0	7
Australia	100.0	2	0.0	0	00.0	0	0.0	0	2
Total	24.9	141	0.7	4	72.6	411	1.8	10	566

Note: Percentages may not total 100 due to rounding

Source: AIC NDICP 1990–2008 [computer file]

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