



No. 80

Australian Deaths in Custody & Custody-related Police Operations, 1997

Vicki Dalton

Since 1992, the National Deaths in Custody Monitoring and Research Program at the Australian Institute of Criminology, in cooperation with all State and Territory Police, Correctional Services and Juvenile Justice/Welfare Departments, and State Coroners or equivalents, has prepared and disseminated regular reports.¹ These reports have covered deaths across both calendar and financial years, thus responding to the need to provide policy makers, the managers of custodial facilities and the public with timely and up-to-date information which will enable them to remain aware of trends in custodial deaths, both nationally and at the State and Territory level.²

This Trends and Issues paper provides data on the 103 deaths in police and prison custody which occurred in 1997 — the highest number of deaths on record. It also identifies the trends in the number of deaths in custody-related police operations and, more specifically, the number of people dying as a result of injuries received in the course of, or immediately following, police pursuits.

Seventy-three per cent of the 103 deaths during 1997 occurred in prison custody. A fuller discussion on trends of deaths in Australia's prisons can be found in the Trends and Issues in Crime and Criminal Justice report No. 81, Prison Deaths 1980-97: National Overview and State Trends.

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Deaths in Institutional Places of Custody and Other Circumstances

The 103 Australian deaths in custody in 1997 occurred in a range of circumstances, reflecting the breadth of the definition of a death in custody as recommended by the Royal Commission into Aboriginal Deaths in Custody (1991) and agreed to by all governments (see p. 2). These deaths are summarised in Table 1 using three categories:

- deaths in **institutions** (prisons, police lockups and juvenile detention centres), or during transfer to or from an institution

Table 1: Australian deaths in custody, 1997: Circumstance of death, Aboriginality and custodial authority

Circumstances(*)	Police			Prison			Total		Overall Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
Institution Detaining	2	4	6	8	67	75	10	71	81
Escaping	3	18	21				3	18	21
	1		1				1		1
Total	6	22	28	8	67	75	14	89	103

*Includes deaths in police custody and police operations.



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1. See also the AIC's contribution to ATSIIC, Monitoring and Reporting Section, 1997.

2. See the AIC's web site (<http://www.aic.gov.au>) for a complete list of all previous publications on the topic as well as additional information on deaths in custody.

What is a Death in Custody?

At Recommendation 41, the Final Report of the Royal Commission into Aboriginal Deaths in Custody recommended that the definition of a "death in custody":

... should include at least the following categories:

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

The AIC's National Deaths in Custody Monitoring and Research Program has applied this definition in compiling information about all custodial deaths which have occurred since 1 January 1990. This definition is broader than that generally applied during the Royal Commission period as it includes not only deaths that occur in an institutional place of custody, but it also includes the death of a person who dies or is fatally injured in the process of police or prison officers detaining or attempting to "detain" that

person, and deaths which occur when a person is "escaping" or attempting to "escape" from custody. Prior to 1990 nearly all deaths in custody were regarded as "institutional" deaths, i.e. they occurred either in prison, a police lockup or juvenile detention centre, or during transfer to or from an institution (for example in a police vehicle) or in hospital following transfer from the institution.

The Australasian Police Ministers' Council, at its 26 May 1994 meeting, agreed that future deaths in custody reports published by the Australian Institute of Criminology would separate deaths in police custody into two categories to more clearly identify the range of circumstances in which these deaths occur. The two categories are "deaths in police custody" which generally cover deaths in institutional settings and other close-contact situations, and "deaths in custody-related police operations" which cover situations in which police had less control over the person they were seeking to detain, such as sieges and motor vehicle pursuits (see p. 7).

Australian Institute of Criminology deaths in custody figures may vary marginally from those collected or reported by other individuals or organisations. The process of definition is as follows: once notification of a death is received, the recommended definition is applied systematically to determine whether or not to treat the case as a "death in custody" for the purposes of national monitoring. While this is fairly straightforward in most cases, including those falling into the second category of custody-related police operations (mainly "detaining" deaths), every year there are

usually a handful of cases which are reported that appear to be somewhat borderline for one reason or another. This may be because the exact details of the death and the circumstances surrounding it are not entirely clear or available in any detail.

A typical example here is the death of a driver or passenger who died during the course of, or following, a police pursuit which may or may not have been terminated before the collision occurred. In these situations, and following discussions with the relevant Police Service, a decision is often made to exclude the death pending completion of a Coronial Inquest and receipt of the Coroner's Findings.

It is important to mention here that there are deaths that occur in other forms of custody which fall outside the definition; for example, persons who died on home leave, home detention, following transfer to a sobering-up shelter, following a successful escape from custody, following transfer to a psychiatric or other medical facility where the duty of care is transferred from the relevant Police Service or Corrective Service Department to the Department of Health or other agency. Other possibilities of persons dying in custody could include deaths of persons detained in Immigration facilities or prisoners of war or others subject to the Department of Defence or Immigration. During 1997 there were a number of Indigenous and non-Indigenous deaths which fell into this category of "deaths in other forms of custody". This list is by no means exhaustive.

Table 2: Australian deaths in custody, 1997: Jurisdiction, Aboriginality and custodial authority

Jurisdiction	Police			Prison			Total		Overall Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
NSW	3	10	13	3	32	35	6	42	48
Vic.		5	5		8	8		13	13
Qld		1	1	1	11	12	1	12	13
WA	2	2	4	2	9	11	4	11	15
SA		1	1		4	4		5	5
Tas.			nil		2	2		2	2
NT	1	3	4	2	1	3	3	4	7
ACT			nil			nil		nil	nil
Aust.	6	22	28	8	67	75	14	89	103

Ind. = Indigenous

(for example in a police vehicle), or in hospital following transfer from an institution;

- deaths which occurred while police or prison officers were in the process of **detaining** or attempting to detain the person; and
- deaths which occurred during the process of the person **escaping** or attempting to escape from police or prison custody or juvenile detention.

A fourth category recommended by the Royal Commission, deaths which occur while police were in the process of **escorting** those detained under State or Territory mental health legislation to a psychiatric institution, is not relevant here as no such deaths were reported during the year.

Eighty-one (or 79 per cent) of the 103 deaths occurred in institutional settings. There was a relatively low number of deaths (6) of both Indigenous and non-Indigenous people which occurred in institutional police custody.

Notably, all other police custody deaths took place while police officers were in the process of detaining, or attempting to detain, the individuals concerned; in one of these cases the deceased died whilst in the process of escaping after having been detained. These deaths

accounted for 22 (or 79 per cent) of all deaths in police custody and custody-related police operations. They occurred in circumstances such as sieges (in which the deaths were either self-inflicted or inflicted by police), or motor vehicle pursuits which ended in a fatal crash.

Half (11) of these 22 deaths were as a result of gunshot wounds either self-inflicted or inflicted by police. A further six deaths were the result of people dying from injuries received in a motor vehicle crash in the course of, or immediately following, a police pursuit.

Custodial authority, Aboriginality and Jurisdiction

Table 2 provides details on the 1997 custodial deaths. Seventy-five deaths (73 per cent) occurred in prison custody while 28 deaths (27 per cent) occurred in police custody or in custody-related operations. Fourteen Aboriginal deaths were reported, representing 14 per cent of all custodial deaths. It should be noted that Aboriginal and Torres Strait Islander people comprise less than 2 per cent of the Australian population.

Eight (or 57 per cent) Indigenous deaths occurred in prison custody, with the remaining six deaths (43 per cent) occurring in police custody or a related police operation. A higher

proportion of non-Indigenous people (75 per cent) died in prison custody, with 25 per cent dying in police custody or a related police operation.

New South Wales experienced just under one-half of the 1997 deaths in custody, 48 out of the total of 103, followed by Western Australia with 15 deaths.

Gender

Five women died in custody during 1997; three in police custody and two in prison. Their ages ranged from 28 to 43 years. One was an Aboriginal woman who died as a result of self-inflicted hanging.

Age

The people who died in police custody were aged between 16 and 58 years, averaging 31 years. The mean age at death for Indigenous people was 26 years compared to 33 years for non-Indigenous people.

The people who died in prison custody ranged in age from 18 to 69 years, averaging 37 years. The mean age at death for Indigenous people was 34 years, compared to 37 years for non-Indigenous people.

Cause and Manner of Death

Table 3 and Figure 2 display the cause and manner of death for those people who died in custody

Figure 1: Australian deaths in custody, 1997: Jurisdiction and custodial authority

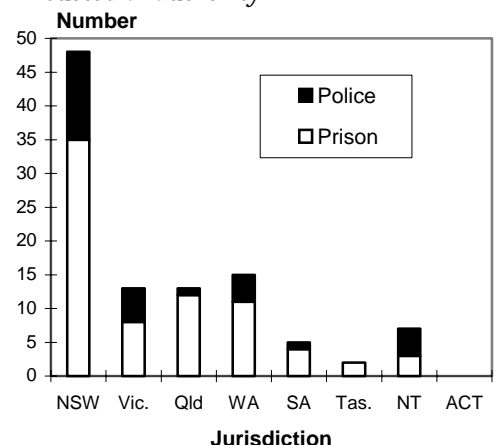


Table 3: Australian deaths in custody, 1997: Cause of death, Aboriginality and custodial authority

Cause	Police			Prison			Total		Overall Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
Hanging	1		1	4	27	31	5	27	32
Natural causes	1	1	2	3	24	27	4	25	29
Injuries	3	7	10		8	8	3	15	18
Gunshot		11	11					11	11
Drugs				1	7	8	1	7	8
Alcohol	1	1	2				1	1	2
Not known		2	2		1	1			3
Total	6	22	28	8	67	75	14	89	103

during the year under review. The information provided here on the cause and manner of death was provided, in most cases, by the custodial authorities.

Hanging was the most frequent cause of death, accounting for 32 (or 31 per cent) of all

deaths. It can be seen that all but one of these deaths occurred in prison custody. The one death from hanging to occur in police custody is significantly less than the 22 hangings that occurred in police custody in 1987. Five Indigenous people died as a

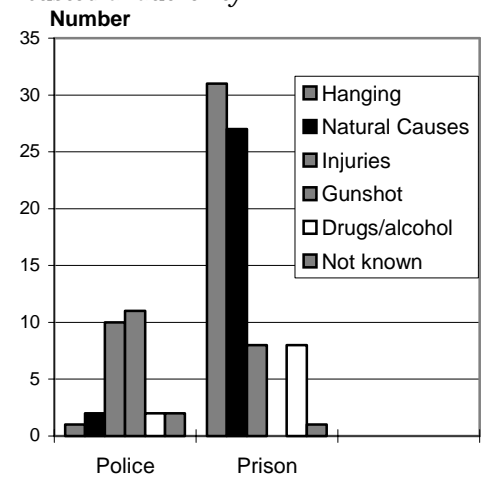
Table 4: Australian deaths in custody, 1997: Most serious offence leading to custody, Aboriginality and custodial authority

Offence	Police			Prison			Total		Overall Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
Homicide		1	1	1	8	9	1	9	10
Assault	1	4	5		11	11	1	15	16
Sex offences		2	2	5	6	11	5	8	13
Robbery	1	3	4		10	10	1	13	14
Other offences against person		1	1		3	3		4	4
Break, enter & steal				1	5	6	1	5	6
Fraud					2	2		2	2
Motor vehicle theft	2	3	5		1	1	2	4	6
Other theft					1	1		1	1
Property damage		2	2		1	1		3	3
Justice procedures*		2	2		8	8		10	10
Drunkenness		2	2					2	2
Other against good order									
Possess and/or use drugs				1	1	2	1	1	2
Deal/traffic drugs					5	5		5	5
Other drug offences					3	3		3	3
Drink driving					1	1		1	1
Other traffic offences		1	1		1	1		2	2
Other offences									
Mental Health legis.									
Protective custody intoxication**	2	1	3				2	1	3
Total	6	22	28	8	67	75	14	89	103

*Includes Breach of Parole, Bail Act offences, Breach AVO, Contempt of Court, Obstructing Police.

** Refers to a person taken into protective custody for drunkenness where drunkenness is not an offence.

Figure 2: Australian deaths in custody, 1997: Cause of death and custodial authority



result of hanging in 1997 (four in prison and one female in police custody).

Twenty-nine deaths were due to illness (natural causes). At the time of writing the nature of the illness was unknown in eight cases. In more than half the remaining cases for which the cause of illness was identified, the deceased died as a result of a heart attack or heart disease, with much smaller numbers being attributable to cancer, respiratory disease, epilepsy, stroke or a combination of factors. All but two deaths resulting from illness occurred in prison custody.

Eighteen deaths were as a result of head or external/multiple injuries. Four of these deaths were self-inflicted, as a result of stab wounds, a cut throat during a pursuit on foot, electrocution or asphyxiation with a plastic bag. Six deaths were the result of unlawful homicide where the deceased was either assaulted, stabbed or strangled by another inmate. In the remaining eight cases all deaths were accidental; six the result of external injuries received in a motor vehicle crash in the course of, or immediately following, a police pursuit; one when the deceased was run over by a train while escaping from police; and one as a result of a head injury from a fall.

Table 5: Australian deaths in custody, 1997: Legal status, Aboriginality and custodial authority

Legal status	Police			Prison			Total			Overall
	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	Total	
Sentenced ^(a)		1	1	5	41	46	5	42	47	
Remand ^(b)	1	2	3	3	25	28	4	27	31	
Protective custody ^(c)	2	1	3				2	1	3	
Detained as unfit to plead					1	1		1	1	
Other	3	18	21				3	18	21	
Total	6	22	28	8	67	75	14	89	103	

(a) Includes “under sentence: no appeal current” and “under sentence: awaiting determination of any appeal (verdict or sentence)”.

(b) “Unconvicted: awaiting court hearing/trial extradition” and “convicted, awaiting sentence”.

(c) Protective custody for drunkenness where not an offence.

Death by gunshot accounted for 11 deaths (all in police custody), five of which were self-inflicted and the remaining six being the result of the offenders being shot by police.

Ten deaths resulted from either self-inflicted intentional or accidental drug or alcohol toxicity.

Offences

This section looks at the circumstances of those who died in custody. This includes details on the offences that led to the final period of custody, the legal status at the time of their death, as well as the reason for bail being denied for those in police custody.

Information is collected on the most serious offence relating to the final period of custody or police operation, regardless of the person’s legal status. In some cases, for example police operations deaths, this would be the offence for which the person would most likely have been charged had he or she not died. In other instances the person may be held on remand awaiting a court hearing or may have died before even being liable to be charged (e.g. where held in protective custody for drunkenness in jurisdictions where such behaviour is not an offence). These offences are classified according to the Australian National Classification of Offences.

Table 4 shows that the

highest number of custodial deaths occurred among people whose most serious offence was assault (16 cases). Robbery accounted for 14 cases, sex offences for 13 cases and homicide for 10 cases. Overall, the five most serious categories of offences, namely homicide, assault, sex offences, robbery and other offences against the person, accounted for 57 (or more than 55 per cent) of the 103 cases.

Legal Status & Bail

Table 5 shows the legal status of the people who died in custody during 1997. It can be seen that a substantial number (47) or 46 per cent of the deaths were of people who had been **sentenced** to a period of imprisonment at the time of their death. Another 31 (or 30 per cent) were on **remand** at the time of death; all but one of these were unconvicted, being held in custody awaiting trial. In the other case, the person had been convicted and was awaiting sentencing.

The manner of death for sentenced prisoners shows some significant differences compared to prisoners on remand. Twenty (or 65 per cent) of the 31 remandee deaths were self-inflicted, compared to 14 (or 30 per cent) of the 47 sentenced deaths. Twenty (or 43 per cent) of sentenced prisoners died from natural causes compared to 7 deaths (or 23 per cent) of remand prisoners

dying from illness.

Of the 28 deaths in police custody or police operations during 1997, there were only four cases where it would have been possible for police officers to have released the person on bail. Bail was not applicable in the other cases. They cover a variety of circumstances, such as people in custody where no offence was involved (e.g. protective custody), or where the person died prior to being charged with an offence (e.g. in transit to a police station or during the process of being detained). In three of the four cases where bail was an option, the detainees were reported by police to have been too intoxicated to be released.

Trends 1980 to 1997

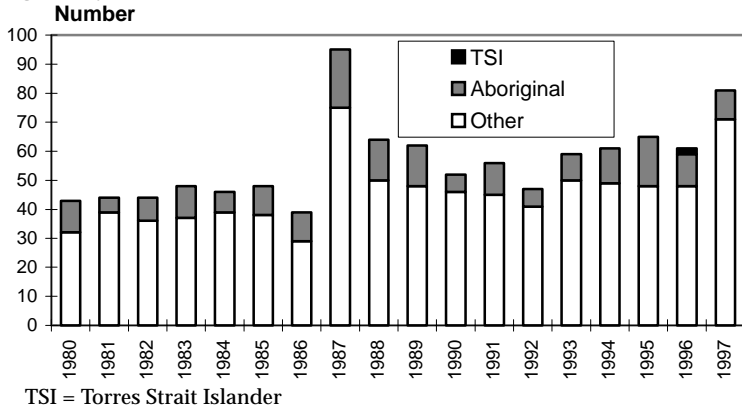
Table 6 and Figure 3 show the number of deaths in custody in **institutional settings** only for the period 1 January 1980 to 31 December 1997. They do not include deaths in police operations, such as attempting to detain a person. Omitting these deaths enables direct and accurate temporal comparisons to be made over the full period 1980 to 1997.

Deaths were relatively low in institutional settings during the period 1980 to 1986, increasing substantially in 1987. This provided the stimulus for the appointment of the Royal Commission into Aboriginal Deaths in Custody.

Figure 4 shows that the number of institutional deaths in police custody has steadily declined since that time. There has been an 85 per cent reduction (from 41 to 6) in the number of institutional deaths in police custody between 1987 and 1997.

The number of people to die in Australian prisons during the 1997 year was the highest number recorded for the 18-year period since 1980. In recent years

Figure 3*: Australian deaths in custody, 1980-97: Year of death and Aboriginality, INSTITUTIONAL SETTINGS**



the overall number of both Indigenous and non-Indigenous people dying in Australian prisons has risen markedly. During 1997 the number and proportion of Indigenous deaths in prison custody fell noticeably, while the number and proportion of non-Indigenous deaths rose significantly.

Deaths in All Custodial Circumstances

Figure 4*: Australian deaths in police custody 1980-97, Year of death and Aboriginality, INSTITUTIONAL SETTINGS**

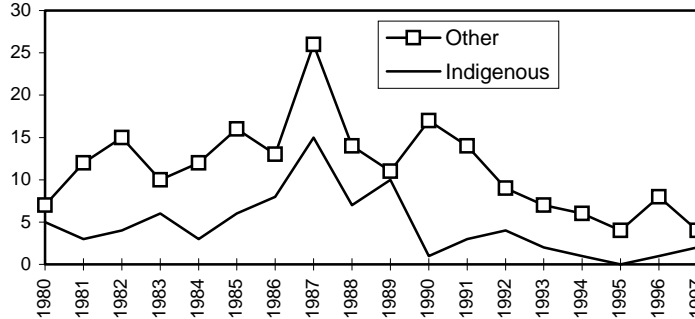
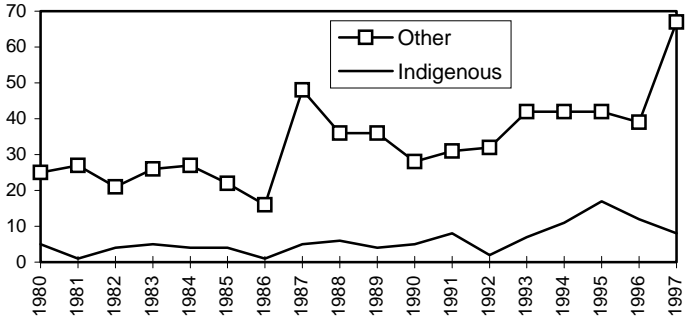


Figure 5*: Australian deaths in prison custody, 1980-97: Year of death, and Aboriginality, INSTITUTIONAL SETTINGS**



N.B. Scale in Figure 5 differs from scale in Figure 4.

Table 6*: Australian deaths in custody, 1980-97: Year of death, custodial authority and Aboriginality, INSTITUTIONAL SETTINGS**

Year	Police			Prison			Juvenile			Total			Overall Total	
	Ind.	Other	Total	Ind.	TSI	Other	Total	Ind.	Other	Total	Ind.	TSI		Other
1980	5	7	12	5		25	30	1		1	11		32	43
1981	3	12	15	1		27	28	1		1	5		39	44
1982	4	15	19	4		21	25		1	1	8		36	44
1983	6	10	16	5		26	31				11		37	48
1984	3	12	15	4		27	31				7		39	46
1985	6	16	22	4		22	26				10		38	48
1986	8	13	21	1		16	17	1		1	10		29	39
1987	15	26	41	5		48	53		1	1	20		75	95
1988	7	14	21	6		36	42	1		1	14		50	64
1989	10	11	21	4		36	40		1	1	14		48	62
1990	1	17	18	5		28	33		1	1	6		46	52
1991	3	14	17	8		31	39				11		45	56
1992	4	9	13	2		32	34				6		41	47
1993	2	7	9	7		42	49		1	1	9		50	59
1994	1	6	7	11		42	53		1	1	12		49	61
1995		4	4	17		42	59		2	2	17		48	65
1996	1	8	9	10	2	39	51		1	1	11	2	48	61
1997	2	4	6	8		67	75				10		71	81

Note: Some of these figures differ from those previously published, reflecting information which subsequently became available on deaths in custody which were not previously identified as such.

* The corresponding tables and graphs in reports prior to February 1995 are not directly comparable with these as they covered deaths in all settings, whereas (for consistency in the time series) this table and graphs covers only deaths in institutional settings.

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

Table 7: Australian deaths in custody 1990 to 1997: Aboriginality and custodial authority, DEATHS IN ALL CUSTODIAL CIRCUMSTANCES

Year	Police			Prison			Juvenile detention			Total		Overall Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
1990	5	26	31	5	28	33		1	1	10	55	65
1991	5	26	31	8	31	39				13	57	70
1992	7	24	31	2	34	36				9	58	67
1993	3	28	31	7	42	49		1	1	10	71	81
1994	3	24	27	11	42	53		1	1	14	67	81
1995	4	22	26	17	42	59		2	2	21	66	87
1996	6	22	28	12	40	52		1	1	18	63	81
1997	6	22	28	8	67	75				14	89	103

Table 7 shows deaths that occurred in *all custodial circumstances* for the period 1990 to 1997. All of these cases are covered by the post-Royal Commission definition of a “death in custody”, which includes both deaths in institutional settings and in police operations in community settings, such as sieges, shootings and pursuits.

Trends in Police Custody & Custody-Related Deaths

As agreed by the Australasian Police Ministers’ Council (APMC), the following definitions are used to determine into which of the two categories a death in police custody will be included:

Category 1: (a) deaths in institutional settings (e.g. police stations/lockups, police vehicles, etc.; or during transfer to or from such an institution; or in hospitals, etc. following transfer from an institution); and (b) other

deaths in police operations where officers were in close contact with the deceased. This would include most raids and shootings by police. It would not include most sieges where a perimeter was established around a premises but officers did not have such close contact with the person as to be able to significantly influence or control the person’s behaviour.

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

Table 8 displays a breakdown of deaths occurring in these two categories for the period 1990 to 1997.

Table 8: Australian deaths in POLICE CUSTODY and in CUSTODY-RELATED POLICE OPERATIONS, 1990 to 1997, by Aboriginality

Year	Category 1 - Institutional or Close Contact Custody			Category 2 - Other Custody-related Police Operations			Total		Overall Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
1990	2	23	25	3	3	6	5	26	31
1991	4	21	25	1	5	6	5	26	31
1992	4	16	20	3	8	11	7	24	31
1993	3	12	15		16	16	3	28	31
1994	3	18	21		6	6	3	24	27
1995		10	10	4	12	16	4	22	26
1996	1	10	11	5	12	17	6	22	28
1997	3	10	13	3	12	15	6	22	28
Total	20	120	140	19	74	93	39	194	233

It can be seen that deaths in Category 1 (i.e. deaths in lock-ups and other situations where police could exercise a considerable degree of control over the deceased) have decreased noticeably over the last eight years (from 25 to 13). On the other hand, Category 2 deaths (i.e. cases where police had little or no capacity to control the behaviour of the deceased, for example motor vehicle pursuits) have increased significantly over the eight-year period (from 6 to 15 deaths).

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Summary

This paper presents information on deaths which occurred in police and prison custody and custody-related police operations in Australia during the twelve-month period 1 January to 31 December 1997. Its central findings can be summarised as follows.

Australian Deaths in Custody, Year to 31 December 1997

Custodial authority	Indigenous	Other	Total
Police custody (Category 1 & Category 2)*	6	22	28
Prison	8	67	75
Total	14	89	103

* Includes deaths in police custody and police operations (see p. 7).

Total Numbers and Trends

- A total of 103 people were reported to have died during the year ended 31 December 1997. Twenty-eight of these deaths occurred in police custody or custody-related police operations and 75 in prison custody. No deaths were reported of youths in juvenile detention centres.
- The 103 deaths is the highest number since the Royal Commission.
- All deaths in prison custody have risen over the last 18 years, from 30 deaths in 1980 to 75 deaths in 1997. At the same time, the prison population and the rate of imprisonment have risen. Nationally, all prison deaths rose by 44 per cent over the last 12 months, from 52 in 1996 to 75 in 1997 (see Trends and Issues No. 81).
- Five women died in police or prison custody during 1997.
- Since the Royal Commission into Aboriginal Deaths in Custody, the number and proportion of prison custody deaths have risen; in 1997 they represented 93 per cent of all institutional custodial deaths, compared to 63 per cent in 1990.
- There has been a substantial reduction in the proportion of both Indigenous and non-Indigenous deaths in police 'institutional' settings (e.g. a police lockup, police vehicle, or in hospital following transfer from a lockup) as

distinct from custody-related police operations (e.g. deaths in community settings such as shootings, sieges or pursuits). During 1997, 21 per cent of all police custody deaths (including custody-related police operations) were "institutional", compared to 58 per cent in 1990.

- There has been an upward trend in the number of both Indigenous and non-Indigenous deaths occurring while police were in the process of detaining or attempting to detain individuals. In the main, these deaths occur in motor vehicle crashes in the course of, or immediately following, a police pursuit, or in siege situations as a result of gunshot wounds either self-inflicted or inflicted by police officers.
- During 1997, six people (2 Indigenous and 4 non-Indigenous) died in police lockups (or, in one case, in hospital following transfer from the lockup). One was an Aboriginal male in Western Australia; the other an Aboriginal female in New South Wales. Four other Indigenous people also died in other forms of police custody.
- Fourteen of the 103 deaths in 1997 were of Indigenous people. (No Torres Strait Islander people died in custody during 1997.) While the number of Indigenous

deaths in all forms of **police custody** have remained stable since 1990, **prison custody** deaths rose steadily to a peak of 17 in 1995. Over the last two years Indigenous deaths have decreased to 8 during the year under review. The significant increase in deaths occurring in Australia's prisons has been those of non-Indigenous people.

- In recent years the number of Indigenous people in Australia's prisons has continued to increase, as has their level of over-representation in both police and prison custody. It needs to be emphasised that Indigenous people are heavily over-represented in the number of custodial deaths compared with their number in the community. Nationally, Aboriginal adults represent about 1.6 per cent of the Australian adult population but they represent approximately 17 per cent of the total prison population. In 1997, more than 13 per cent of all custodial deaths were of Indigenous people.

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