



No. 153 Australian Deaths in Custody and Custody-related Police Operations 1999

Vicki Dalton

In 1999, 85 people died in police or prison custody—10 fewer than the previous year. The number of deaths in police custody (26) was the second lowest since records were kept and the number of prison deaths overall (59) was down on the previous two years.

There was an increase in the number of Indigenous institutional deaths (16), which was the third highest on record—although there were more deaths in 1987 and 1995.

Of the total number of Indigenous deaths (19), 8 were from natural causes and 6 by hanging. Of the total number of non-Indigenous deaths (66), 11 were of natural causes and 23 were by hanging.

This paper updates information on 1998 deaths and longer-term custodial death trends, and highlights some of the changes that have occurred in 1999.

Adam Graycar
Director

1999 Deaths: Summary

- A total of 85 people were reported to have died in all forms of custody during the year ended 31 December 1999. Twenty-six of these deaths occurred in police custody, or custody-related police operations, and 59 in prison custody. No juveniles died in the custody of juvenile welfare/justice agencies during the year.
- The number of deaths reported during the year was 11.7 per cent lower than that reported during 1998 (n = 95) and 23.5 per cent less than the 105 deaths reported during 1997.
- Seven women died in custody during 1999, 4 in prison custody, and 3 in police custody/police operations.
- The overall number of deaths in prison custody fell by 28.8 per cent over the last two years, from 76 deaths in 1997 to 59 deaths in 1999.
- The overall number of deaths in all forms of police custody (institutional and police operations) declined from 31 deaths in 1990 to 26 deaths in 1999. During the 12-month period under review, there was a noticeable reduction in the number of deaths in "institutional" police custody (for example, lockups), down from 10 deaths in 1998 to 6 deaths in 1999. On the other hand, there was a noticeable increase in the number of deaths in "police operations" (up from 15 to 20 deaths), while police officers were in the process of detaining or attempting to detain individuals in the community.
- In line with the 20-year trend to date, Aboriginal people were significantly over-represented in the number of custodial deaths during 1999. Nineteen (or more than 22%) of the 85 deaths were of Indigenous people.
- Nationally, Indigenous adults represent less than 2 per cent of the Australian adult population, but approximately 19 per cent of the total prison population. During 1999, 22 per cent of all prison deaths (13 out of 59) were Indigenous people.
- Twenty-three per cent (6 out of 26) of all police custody deaths were Indigenous people.

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What is a Death in Custody?

Definitions of a “death in custody” can be found in earlier Australian Institute of Criminology papers on this topic, but in general they include:

- the death, wherever occurring, of a person who is in prison custody, police custody or detention as a juvenile;
- 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; or
- the death, wherever occurring, of a person attempting to escape from prison, police custody or juvenile detention.

Royal Commission into Aboriginal Deaths in Custody 1991, p. 190.

“Institutional” Deaths

Table 1 shows the number of deaths in “institutional settings” only for the period 1 January 1980 to 31 December 1999.

- The overall number of deaths in police “institutional” custody (for example, a police lockup, police vehicle, or in hospital following transfer from a lockup) over the 19-year period varied substantially from 12 deaths in 1980, peaking at 41 deaths in 1987, and declining rapidly since that peak year to a relatively small number of 4 deaths in 1995. During 1999, there were 6 deaths.
- The number of Indigenous deaths in police “institutional” custody followed a similar pattern.
- The overall number of deaths in prison custody ranged from 30 deaths in 1980 to a low of 17 in 1986, only jumping dramatically to 53 deaths in 1987. In the following five years (1988 to 1992), prison deaths gradually decreased, then rose to an all-time high of 76 in 1997.
- Over the last 2 years, the total number of prison deaths fell from 76 deaths to 59 deaths.
- The number of Indigenous deaths in prisons remained relatively high over this period.

All Custodial Deaths

Table 2 shows the deaths that have occurred in *all custodial circumstances* for the period 1990 to 1999. This includes both deaths in institutional settings and those in police operations in commu-

nity settings, such as sieges, shootings, and pursuits.

Figures 1, 2, and 3 display trend information on all deaths covered in Tables 1 and 2.

Police Custody and Custody-Related Police Operations

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.

Category 1: (a) deaths in institutional settings (for example, police stations or lockups, police vehicles, during transfer to or from such an institution, or in hospitals, following transfer from an institution). (b) Other deaths in police operations where officers were in close contact with the deceased. This would include most raids and shootings by police. However, 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 to be able to significantly influence or control the person’s behaviour.

Table 1: Australian Deaths in Custody, 1980-99: Year of Death, Custodial Authority and Aboriginality, Institutional Settings*

Year	Police			Prison			Juvenile			Total			Overall Total	
	Abl.	Other	Total	Abl.	TSI	Other	Total	Abl.	Other	Total	Abl.	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				8		36	44
1983	6	10	16	5		26	31		1	1	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	9		67	76				11		71	82
1998	4	6	10	9		60	69	1		1	14		66	80
1999	3	3	6	13		46	59				16		49	65

Abl.=Aboriginal, TSI=Torres Strait Islander People

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

Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

Table 2: Australian Deaths in Custody 1990 to 1999: 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	Total	
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	23	29	12	40	52		1	1	18	64		82
1997	6	23	29	9	67	76				15	90		105
1998	6	19	25	9	60	69	1		1	16	79		95
1999	6	20	26	13	46	59				19	66		85

Ind.=Indigenous

Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

Category 2: Other deaths during custody-related police operations. 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. It would include most sieges, as described above, and most cases where officers were attempting to detain a person, for example, pursuits.

Table 3 and Figure 4 display breakdowns of deaths occurring in these two categories for the period 1990 to 1999.

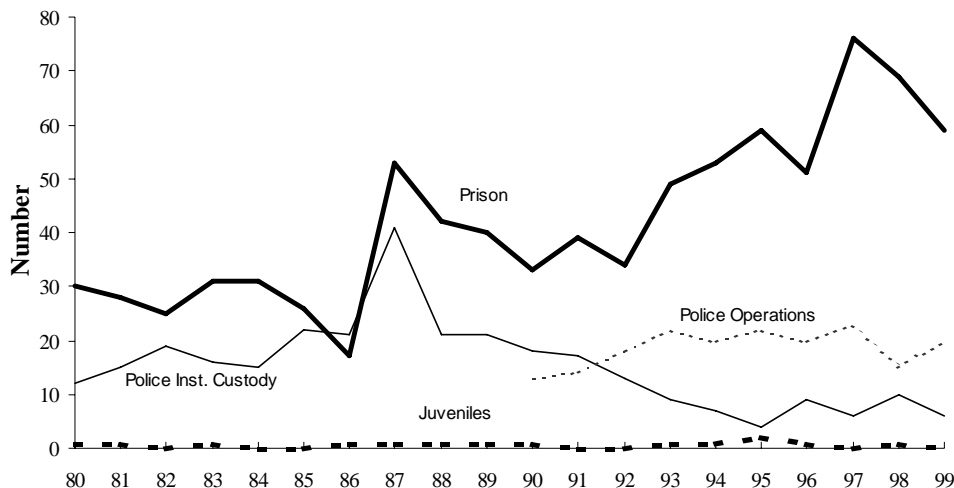
- During the 1990 to 1995 period, Category 1 deaths (that is, in lock-ups and other situations, for example shootings by police, where police could exercise a considerable degree of control over the deceased) decreased from 25 to 10. With the exception of 1998, when 19 deaths were reported, the number of Category 1 deaths has remained low since 1995.
- Category 2 deaths (that is, cases where police had little or no capacity to control the behaviour of the deceased, for example, motor vehicle pursuits and self-inflicted gunshot wounds during sieges) have increased over the 10-year period (from 6 to 15 deaths). Once again, 1998 diverged from this pattern when the number of Category 2 deaths fell to 6.
- The pronounced shift in the longer-term trend that was experienced during 1998 is explained by a number of factors: (i) a reduction in the number of self-inflicted gunshot deaths occurring in siege situations; and (ii) a noticeable reduction in the number of persons dying during the course of, or as a result of, a motor vehicle pursuit. On the other hand, the high number of Category 1 deaths during 1998 was almost entirely explained by a larger number of deaths taking place in police lockups, or in hospital following transfer.
- As can be seen from Figure 4, however, during 1999 this pattern was reversed.

Demographics

Table 4 provides details on the number of deaths reported in each State/Territory during the 1999 calendar year period.

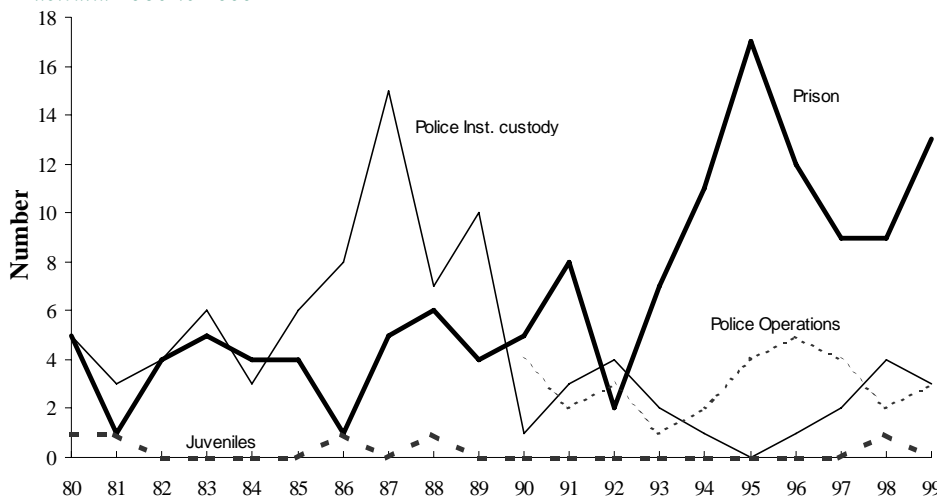
- No deaths were reported in the **Australian Capital Territory** during 1999.
- One death was reported in Western Australia in the custody of the Australian Federal Police (recorded under **Commonwealth** in Table 4).

Figure 1: Deaths in Police and Prison Custody and Juvenile Detention, Australia 1980 to 1999



Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

Figure 2: Indigenous Deaths in Police and Prison Custody and Juvenile Detention, Australia 1980 to 1999



Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

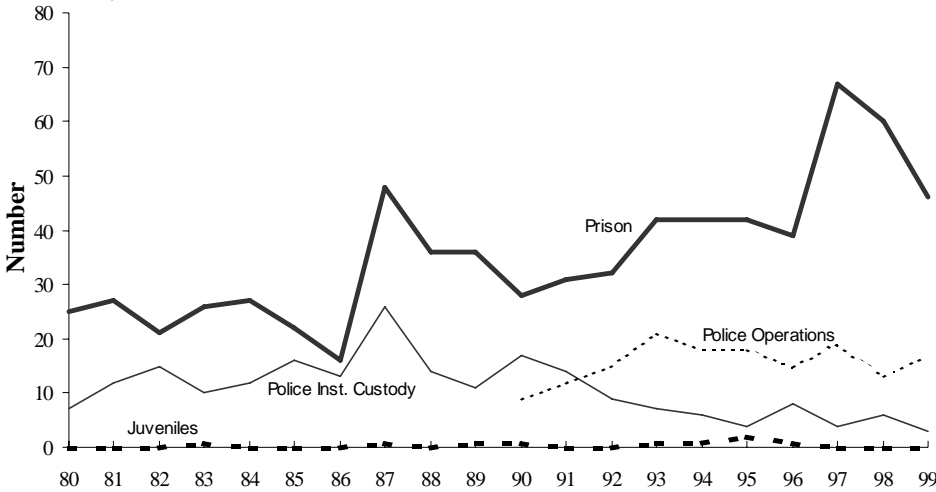
Table 3: Australian Deaths in Police Custody and in Custody-related Police Operations, 1990 to 1999, by Aboriginality

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	11	12	5	12	17	6	23	29
1997	3	10	13	3	13	16	6	23	29
1998	5	14	19	1	5	6	6	19	25
1999	3	8	11	3	12	15	6	20	26
Total	28	143	171	23	92	115	51	235	286

Ind.=Indigenous

Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

Figure 3: Non-Indigenous Deaths in Police and Prison Custody and Juvenile Detention, Australia 1980 to 1999



Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

Of the deaths in 1999 in New South Wales, 8 were Aboriginal people—7 males in prison custody and 1 female in a police operation. In Queensland, there were 4 Aboriginal deaths—3 males in prison custody and 1 female in a police operation. There were 5 Aboriginal deaths during the year in Western Australia—2 in prison, 2 in police custody, and 1 in a police operation. The Northern Territory was the only other jurisdiction to report Aboriginal deaths during the year—1 male in prison custody and 1 male in a police operation. New South Wales and Queensland each reported the deaths of non-Indigenous females—two in prison in New South Wales, and 2 in prison and 1 in a police operation in Queensland.

Age

- Those who died in police custody were aged between 14 and 61 years, with a mean and median age of 34 years.
- Those who died in prison custody ranged in age from 18 to 87 years, with mean and median ages of 36 and 30 years respectively.

Cause and Manner of Death

Table 5 and Figure 5 display the causes and manner of death for those who died during 1999.

- Hanging was the most frequent cause of death, accounting for 29 (34%) of all

deaths during the year under review.

- Hanging was also the leading cause of death in prison, accounting for 26 (44%) of all prison deaths.
- More Indigenous people died from natural causes than from hanging.
- Death from both external/multiple injuries and gunshot was the leading cause of death for those who died in police custody or police operations. Eight of the 9 deaths from injuries were sustained during high-speed police pursuits.

Nine people died from gunshot wounds, 6 of these offenders were shot by police and the remaining 3 deaths were self-inflicted.

Figure 5 provides the manner of death. It can be seen that self-inflicted suicide is the leading manner of death, accounting for 35 (or just over 41%) of all deaths during 1999.

- Just over one-quarter (n = 7) of the 26 deaths in police custody or custody-related police operations were as a result of suicide and 3 were as a result of hanging. Almost half (n = 28) of the 59 deaths in prison were also as a result of self-inflicted suicide, all but 2 deaths were from hanging (see last group of columns).
- Death from natural causes (illness) accounted for a greater number (n = 8) of the total 19 Indigenous deaths that occurred during 1999. For non-Indigenous people, the leading cause of death was suicide (see second last group above).

Offences, Legal Status and Bail

Table 6 provides information on the most serious offence relating to the final period of custody or

Table 4: Australian Deaths in Custody, 1999: Jurisdiction, Aboriginality and Custodial Authority

State	Police			Prison			Total		Grand Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
NSW	1	4	5	7	19	26	8	23	31
Vic.		4	4		5	5		9	9
Qld	1	3	4	3	11	14	4	14	18
WA	3	2	5	2	6	8	5	8	13
SA		2	2		1	1		3	3
Tas.					4	4		4	4
NT	1	4	5	1		1	2	4	6
ACT									0
C'wth		1	1					1	1
Aust.	6	20	26	13	46	59	19	66	85

Ind.=Indigenous

Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

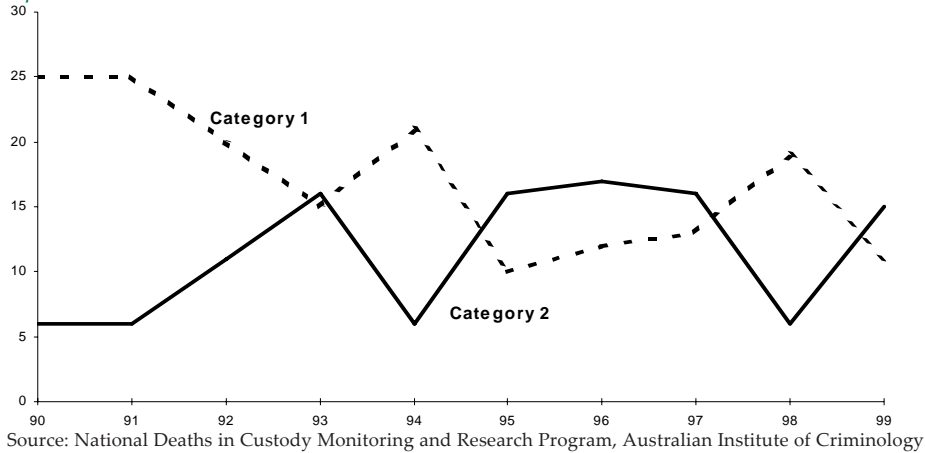
Table 5: Australian Deaths in Custody, 1999: Cause of Death, Aboriginality and Custodial Authority

Cause	Police			Prison			Total		Grand Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
Hanging	3		3	3	23	26	6	23	29
Natural causes	1	2	3	7	9	16	8	11	19
Injuries	2	7	9	2	5	7	4	12	16
Gunshot		9	9					9	9
Drugs		1	1	1	9	10	1	10	11
Other		1	1					1	1
Total	6	20	26	13	46	59	19	66	85

Ind.=Indigenous

Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

FIGURE 4: Australian Deaths in Police Custody and in Custody-related Police Operations, 1990 to 1999



police operation. In some cases, for example police operations deaths, this would be the offence for which the person would most likely to 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.

- The highest number of custodial deaths occurred among people whose most serious offence was assault (17 cases), followed by homicide (15 cases) and robbery (12 cases). Overall, these three most serious categories of offences accounted for 44 (52%) of the 85 cases.
- For those who died in police custody during 1999, the table clearly shows the large number of both Indigenous and non-Indigenous people whose last and most serious offence was assault (n = 9).
- Since 1980, 102 people have died in police institutional custody after being arrested for the offence of drunkenness, or after being taken into protective custody, for public intoxication. 1999 is the first year during the 20-year period that no such deaths occurred.
- For those who died in prison custody during 1999, 13 were incarcerated for homicide, followed by 11 for robbery, and 9 for break, enter and steal offences. The greatest number of Indigenous deaths were of inmates incarcerated for homicide (n = 5).
- In relation to prison custody deaths, 36 (61%) were sentenced prisoners. Another 21 (36%) were on remand.

This proportion of remandee deaths is high and it highlights the trend of over-representation of custodial deaths among remandees compared with sentenced prisoners; remandees comprised 14 per cent of the prison population as a whole at 30 June 1998 (Australian Bureau of Statistics 1999).

- Of the 25 deaths in police custody/custody-related police operations, there were only 3 cases where it would have been possible for police officers to have released the person on bail. Bail was not applicable in the other 23 cases, either because the person died prior to being charged with an offence (3 cases) or during the process of police attempting to detain them. In the 3 cases where bail was an option, the detainees were refused bail because of a bench warrant (1 case), or the seriousness of the offence (2 cases).

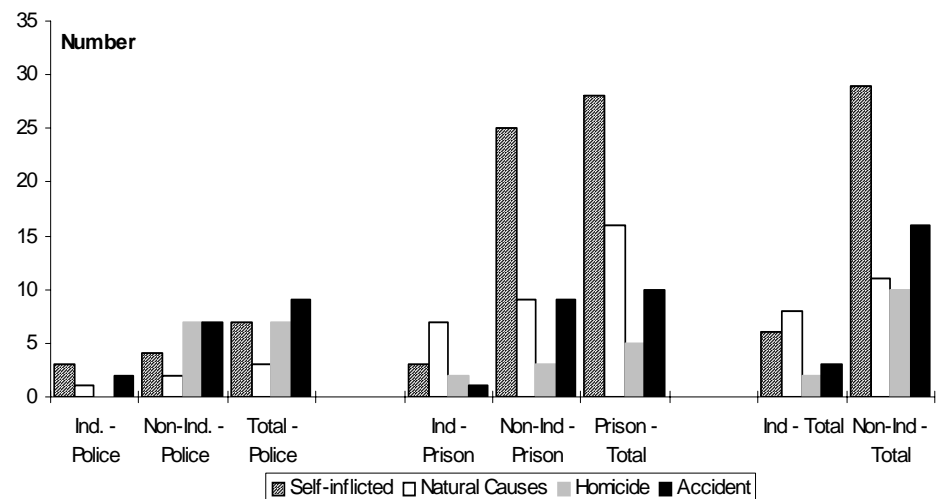
Deaths Since the Royal Commission

In the period between the tabling of the Royal Commission's final *National Report* on 9 May 1991 and 31 December 1999, a total of 724 people are reported to have died in all forms of police, prison, and juvenile justice custody in Australia. One hundred and twenty-nine of these deaths were Aboriginal people, 2 of Torres Strait Islander people and 593 non-Indigenous people. This represents an average of 15.2 Indigenous deaths each year since the date of tabling and covers deaths in all forms of custody for the period since tabling, including both deaths in institutional settings and in police operations.

Over time, the definition of a "death in custody" has been modified. In order to compare figures pre- and post-Royal Commission, only institutional deaths can be considered. The yearly average number of Aboriginal deaths in institutional custody since the tabling of the Royal Commission report in 1991 has been 12.3 compared to 10.5 during the 1980-89 investigation period. It should be noted that the prison population has grown in size from 9,826 in 1982 to 19,096 in 1998.

Figure 6 displays information on the crude death rates for prison custody only over the 18 year period 1982 to 1999 (accurate

Figure 5: Australian Deaths in Custody, 1999: Manner of Death, Aboriginality, and Custodial Authority



Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

data was not available for 1980-81).

- The crude death rate for Indigenous prisoners also varied significantly, the lowest rate of 0.76 deaths per 1,000 Indigenous prisoners was also reported in 1986. It can be seen from Figure 6 that the highest death rate for Indigenous prisoners was reported in 1995 (5.70 per 1,000). During 1999, the crude death rate for Indigenous prisoners was 3.24 per 1,000.
- The crude death rate for non-Indigenous prisoners varied from a low of 1.57 per 1,000 non-Indigenous prisoners in 1986 to a high of 4.64 per 1,000 prisoners during 1987. During 1999, the crude death rate for non-Indigenous prisoners was 2.75 per 1,000 prisoners.

Conclusion

Number of Prison Deaths: Over the last 20 years, Australia's prison population has doubled, with Indigenous prisoners accounting for an increasing proportion of the total prisoner population. Prison deaths have followed a similar trend, with the overall number of both Indigenous and non-Indigenous prison deaths more than doubling over the period (see Table 1).

Over the past two decades, an average of 6.6 Indigenous people have died in prison each year. In the first decade, this average was 3.9 deaths per year compared to 9.3 deaths per year during the 1990s. For non-Indigenous people, the yearly average figures

were 35.65, 28.4 and 42.9 respectively.

It should be highlighted that in the decade before the Royal Commission, 12.1 per cent of all prison deaths were of Indigenous people. During the last decade, this proportion has risen to 17.6. During 1999, 22 per cent of all prison deaths were of Indigenous people.

Death Rates: Based on the above death rate data, it is possible to calculate the relative risk of death in prison custody for Indigenous people (compared with non-Indigenous people) for the decades before and after the Royal Commission, as well as for the 1999 calendar year period. These figures are 1.22 in 1982-89, 1.06 in 1990-99, and 1.18 in 1999.

Therefore, during 1999 the relative risk of death in prison custody for Indigenous prisoners (compared with non-Indigenous prisoners) was 1.18. This means that the risk of death for Indigenous prisoners was approximately 1.2 times (18%) greater than that of non-Indigenous prisoners.

Table 6: Australian Deaths in Custody, 1999: Most Serious Offence Leading to Custody, Aboriginality and Custodial Authority

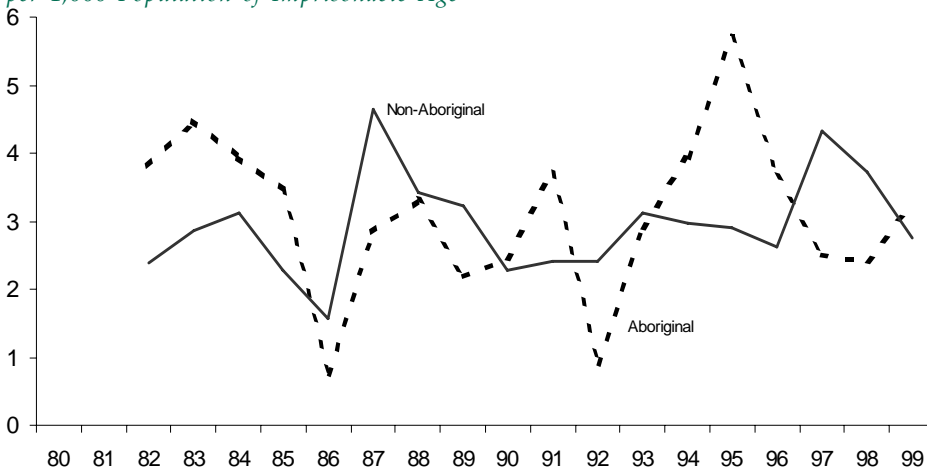
Offence	Police			Prison			Total		Grand Total
	Ind.	Other	Total	Ind.	Other	Total	Ind.	Other	
Homicide		2	2	5	8	13	5	10	15
Assault	2	7	9	4	4	8	6	11	17
Sex offences		1	1	1	4	5	1	5	6
Robbery		1	1	2	9	11	2	10	12
Break, enter & steal				1	8	9	1	8	9
Fraud									
Motor vehicle theft	2	2	4		2	2	2	4	6
Other theft	1	1	2		3	3	1	4	5
Property damage					1	1		1	1
Justice procedures	1		1		1	1	1	1	2
Drunkenness									
Other against good order		1	1					1	1
Possess and/or use drugs		1	1					1	1
Deal/traffic drugs		1	1		4	4		5	5
Other drug offences					1	1		1	1
Drink driving									
Other traffic offences		2	2		1	1		3	3
Mental Health legis.									
Other offences		1	1					1	1
Protective cust. intoxication*									
Total	6	20	26	13	46	59	19	66	85

Ind.=Indigenous

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

Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

Figure 6: Australian Deaths in Custody, 1980-99: Prison Custody Death Rates, Rate per 1,000 Population of Imprisonable Age



Source: National Deaths in Custody Monitoring and Research Program, Australian Institute of Criminology.

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