



No. 217

Australian Deaths in Custody and Custody-related Police Operations, 2000

Lisa Collins and Jenny Mouzos

Monitoring the extent and nature of deaths in custody in Australia has been made possible through the National Deaths in Custody Program (NDICP). The NDICP (established in 1992) collects data on all deaths that have occurred in police, prison or juvenile custody in Australia since 1980. The NDICP provides an important role in the monitoring, research and dissemination of information on deaths in custody and is thought to be the only such program in the world.

This paper provides the latest information on deaths in custody in Australia for the year 2000. During 2000, there were 91 deaths in police, prison and juvenile custody. The majority occurred in prison custody (n=64) where self-inflicted injury remains the leading cause of death. There were 25 police custody deaths—17 occurred during the course of custody-related police operations and eight occurred in “close police custody” (the lowest figure recorded in over 10 years). In the period under review there were two juvenile detention deaths and a total of 17 Indigenous deaths. In terms of the manner of death, self-inflicted injury was the leading cause of death for Indigenous and non-Indigenous persons in custody during 2000.

Adam Graycar
Director

The Australian Institute of Criminology (AIC) monitors and reports on the annual incidence and nature of deaths that have occurred in all custodial settings in Australia. This paper presents new data on the circumstances and characteristics of deaths in custody that occurred in Australia for the calendar year 2000. It is divided into three main sections. The first section presents a general overview of deaths in all forms of custody, including an examination of long-term trends. The second section examines deaths that occurred specifically in police custody. This includes deaths in close police contact as well as deaths during other custody-related police operations. The last section examines deaths that occurred in prisons and juvenile detention centres. Throughout this paper, emphasis is placed on the identification of changes that have occurred over time in trends and patterns of deaths in custody in Australia.

All Custodial Deaths

General Trends in Custodial Deaths

During 2000, 91 people died in all forms of custody in Australia (Table 1). Compared to the early 1990s, the number of custodial deaths has increased from 65 in 1990 to 91 recorded in 2000. About one-quarter of all deaths in custody involve the deaths of

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Australian Institute
of Criminology
GPO Box 2944
Canberra ACT 2601
Australia

Tel: 02 6260 9221

Fax: 02 6260 9201

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Indigenous (Aboriginal and Torres Strait Islander) persons. During 2000, 17 of the 91 deaths in custody were of Indigenous persons. Since 1990, a total of 909 deaths have occurred in all forms of police, prison and juvenile justice custody in Australia. Around 18 per cent of these deaths were of Indigenous persons (n=162), which equates to an average of about 15 deaths of Indigenous persons in custody each year since that time.

Similarly, when the distribution of custodial deaths was examined, it was found that the majority of deaths occurred in prison custody, followed by deaths occurring in police custody. During 2000, seven out of every 10 deaths in custody took place in prison custody, and close to three out of every 10 deaths occurred in police custody, with two deaths occurring in juvenile detention. These figures do not differ significantly from previous years (particularly over the past

What is a "Death in Custody"?

For the purposes of the NDICP a "death in custody" is defined as a death, wherever occurring, of a person who is:

1. in prison custody or police custody or detention as a juvenile;
2. fatally injured in the process of police or prison officers attempting to detain that person; and
3. 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, pp. 189–190)

five years), indicating a stable trend in the distribution of deaths between prison, police and juvenile custodial locations (see, for example, Dalton 2000).

Of the 91 deaths that occurred in custody in Australia during 2000, New South Wales recorded the highest number, with 33 deaths, followed by Queensland and Western Australia with 18 and 16 deaths respectively (Table 2). In contrast, there were no recorded deaths in custody in the Australian Capital Territory or in Commonwealth custody, and

only one in each of the Northern Territory and Tasmania. While caution should be exercised when comparing deaths in custody across jurisdictions due to the small number of deaths, there have been a number of notable changes between 1990 and 2000. For example, Queensland, Western Australia and South Australia have all experienced increases in the number of recorded deaths in custody since 1990. During 2000, South Australia recorded 12 deaths in custody compared to three in 1999 (Table 2 and Figure 1).

Table 1: Australian deaths in custody (number)

Year	Police			Prison			Juvenile detention			Total		
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Overall total
1990	5	26	31	5	28	33	0	1	1	10	55	65
1991	5	26	31	8	31	39	0	0	0	13	57	70
1992	7	24	31	2	34	36	0	0	0	9	58	67
1993	3	28	31	7	42	49	0	1	1	10	71	81
1994	3	24	27	11	42	53	0	1	1	14	67	81
1995	4	22	26	17	42	59	0	2	2	21	66	87
1996	6	23	29	12	40	52	0	1	1	18	64	82
1997	6	23	29	9	67	76	0	0	0	15	90	105
1998	6	19	25	9	60	69	1	0	1	16	79	95
1999	6	20	26	13	46	59	0	0	0	19	66	85
2000	5	20	25	11	53	64	1	1	2	17	74	91
Total	56	255	311	104	485	589	2	7	9	162	747	909

Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

Table 2: Australian deaths in custody by jurisdiction, 2000 (number)

State	Police			Prison			Juvenile detention			Total		
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Overall total
NSW	2	12	14	3	16	19	0	0	0	5	28	33
Vic	0	1	1	1	7	8	0	1	1	1	9	10
Qld	1	2	3	2	13	15	0	0	0	3	15	18
WA	1	1	2	4	10	14	0	0	0	5	11	16
SA	1	4	5	1	6	7	0	0	0	2	10	12
Tas	0	0	0	0	1	1	0	0	0	0	1	1
NT	0	0	0	0	0	0	1	0	1	1	0	1
ACT	0	0	0	0	0	0	0	0	0	0	0	0
Cwth	0	0	0	0	0	0	0	0	0	0	0	0
Aust	5	20	25	11	53	64	1	1	2	17	74	91

Note: "Commonwealth" refers to prisoners held in federal custody (excluding asylum-seeker deaths)

Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

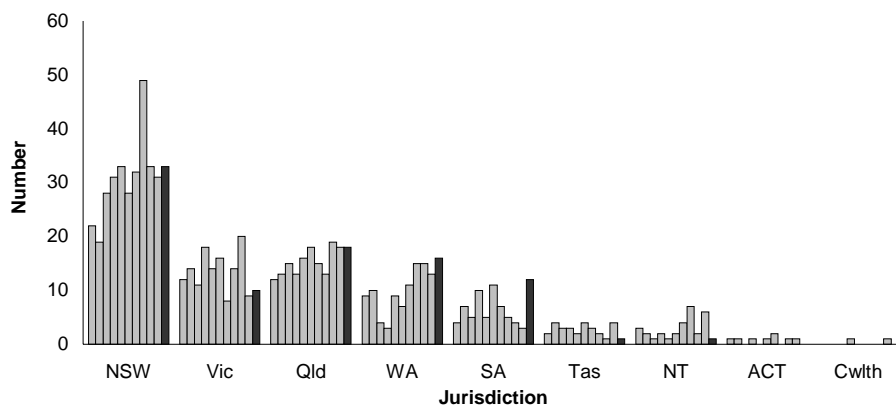
Gender and Age

In Australia, males outnumber females in statistics of violent deaths—particularly young adults, who feature disproportionately in the figures (Mouzos 2001a, 2001b). The gender and age distribution of persons who died in custody follows this trend. Of the 91 persons who died in custody in 2000, there were 88 males and three females. Just under half of all deaths that occurred in custody involved persons aged between 25 and 34 years (n=40).

Cause and Manner of Death

An examination of the deaths during 2000 where cause and manner of death were known (n=88) indicates that hanging was the most frequent cause of death, accounting for 35 per cent of all deaths during 2000 (n=31) (Table 3). This finding is consistent with previous years—hanging has been the leading cause of death in custody for 17 of the 21 years that deaths in custody information has been collected by the NDICP.

Figure 1: Australian deaths in custody by jurisdiction, 1990–2000



Note: “Commonwealth” refers to prisoners held in federal custody (excluding asylum-seeker deaths).

Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

In terms of the manner of death, self-inflicted injury was the leading manner of death for both Indigenous and non-Indigenous persons in custody during 2000. Self-inflicted injuries accounted for 36 of the 88 deaths where manner of death was known—or 41 per cent of all custodial deaths in 2000. Deaths attributed to natural causes were the second most common manner of death for both Indigenous and non-Indigenous persons during this time. The average age of persons whose deaths were attributed to self-inflicted injury was significantly lower than the average age of those who died of natural causes (29 years and 53 years respectively). Self-inflicted injuries and deaths due to natural causes accounted for just under 70 per cent of all deaths during 2000.

Most Serious Offence Leading to Custody

The NDICP collects information on the most serious offence leading to the final period of custody. Of the total cases where such information was applicable during 2000 (n=90), the highest number of custodial deaths occurred among people whose most serious offence was assault (20 cases), followed by homicide (19 cases). Together, these offence categories accounted for just over 43 per cent of all cases (Table 4).

Deaths in Prison Custody

Between 1980 and 2000 the number of prison custody deaths has ranged from a low of 17 in 1986 to a peak of 76 in 1997. Sixty-four deaths were reported to have occurred in Australian prisons during 2000, representing an increase from the 59 prison custody deaths recorded in 1999. Of these, 11 involved Indigenous persons.

A comparison of the average yearly number of prison deaths of Indigenous persons before and after the tabling of the Royal Commission into Aboriginal

Deaths in Custody’s final report on 9 May 1991 indicates that the number has increased from an average of four deaths per year to an average of nine deaths per year. It should be noted that the prison population has also grown in size from 9,826 in 1982 to 21,714 in 2000. In terms of rates per 1,000 prisoners, between 1982 and 2000 there were only marginal differences between the crude death rates per 1,000 Indigenous and non-Indigenous prisoners (accurate data were not available for 1980–81). In 2000, there was little difference between the crude death rate per 1,000 Indigenous and non-Indigenous prisoners in custody (2.69 and 3.00 respectively) (Figure 2). See Williams (2001) for further comparative analyses of pre- and post-Royal Commission deaths in custody in Australia.

Characteristics of Persons Who Died in Prison, 2000

Age and Gender

Of the 64 prison deaths, the youngest person who died in Australian prisons was aged 18 years and the oldest person was aged 91 years (the mean and median age for prison custody deaths was 39 and 33 years,

What is a Death in Prison Custody?

Deaths in prison custody include those deaths that occur in prisons 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.

(Royal Commission into Aboriginal Deaths in Custody 1991, pp. 189–190)

Table 3: Cause of death in Australian custody, 2000 (number)

Cause	Police			Prison			Juvenile detention			Total		
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Overall total
Hanging	0	0	0	8	22	30	1	0	1	9	22	31
Natural causes	1	2	3	3	18	21	0	1	1	4	21	25
Injuries*	4	9	13	0	5	5	0	0	0	4	14	18
Gunshot	0	7	7	0	0	0	0	0	0	0	7	7
Drugs	0	1	1	0	5	5	0	0	0	0	6	6
Other	0	1	1	0	0	0	0	0	0	0	1	1
Total	5	20	25	11	50	61	1	1	2	17	71	88

* “Injuries” includes head injury and/or other external trauma or multiple trauma.
Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

respectively). In terms of the gender distribution of persons who died in prison custody, males outnumbered females by a ratio of 31:1. In the general prison population, males outnumbered females by a ratio of 15:1. This suggests that females have a lower risk of death in custody compared to their male counterparts. During 2000, two women died in prison custody, both of whom were non-Indigenous.

Cause and Manner of Death

Hanging was the leading cause of death in prison, accounting for 49 per cent (n=30) of all prison deaths in 2000 (Table 3). Self-inflicted injuries accounted for 31 of the 61 deaths in prison custody where manner of death was determined. This pattern has remained almost unchanged when compared with figures from 1999.

Most Serious Offence Leading to Custody

Persons incarcerated in prison for committing homicide had the highest number of prison deaths (n=16). Of those 16 deaths, six were due to natural causes and seven resulted from hanging. Six of the 12 deaths of Indigenous persons in prison involved persons incarcerated for property

What is a Death in Police Custody?

Deaths in police custody are divided into two main categories:

- **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 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 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.

(This definition of a “death in police custody” is based on a 1994 resolution of the Australasian Police Ministers’ Council.)

offences such as break and enter and motor vehicle theft (Table 4).

Death of Sentenced and Unsented Prisoners

About 70 per cent of prison custody deaths involved the deaths of sentenced prisoners (n=45). The remaining 19 deaths (30%) were of persons on remand. Unsented (or remand) prisoners comprise 17 per cent of the total prison population in Australia (ABS 2001). The

proportion of remand prisoners who died in custody during 2000 is almost double the proportion of remand prisoners in Australian prisons. These figures suggest a greater likelihood of death among unsented prisoners compared with sentenced prisoners.

Deaths in Juvenile Detention

Few deaths occurred in juvenile detention centres. During 2000 there were two such deaths, with one death involving a 19-year-old non-Indigenous youth, and the other a 15-year-old Indigenous youth. The manner of death was attributed, respectively, to natural causes and suicide by hanging.

Table 4: Most serious offence leading to custody, 2000 (number)

Offence	Police			Prison			Total		Overall total
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	
Homicide	0	3	3	1	15	16	1	18	19
Assault	2	6	8	2	10	12	4	16	20
Sex offences	0	0	0	2	7	9	2	7	9
Robbery	0	1	1	1	4	5	1	5	6
Break, enter and steal	0	0	0	4	3	7	4	3	7
Fraud	0	0	0	0	2	2	0	2	2
Motor vehicle theft	2	6	8	1	0	1	3	6	9
Other theft	0	0	0	1	0	1	1	0	1
Justice procedures	1	1	2	0	1	1	1	2	3
Drunkenness	0	1	1	0	0	0	0	1	1
Other against good order	0	0	0	0	0	0	0	0	0
Possess and/or use drugs	0	0	0	0	1	1	0	1	1
Deal/traffic drugs	0	0	0	0	4	4	0	4	4
Other drug offences	0	0	0	0	1	1	0	1	1
Drink driving	0	0	0	0	0	0	0	0	0
Other traffic offences	0	1	1	0	4	4	0	5	5
Protective custody, intoxication*	0	0	0	0	0	0	0	0	0
Other offences	0	0	0	0	2	2	0	2	2
Total	5	19	24	12	54	66	17	73	90

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

Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

Deaths in Police Custody

An examination of deaths in police custody reveals that during 2000, Australia recorded eight Category 1a and 1b deaths, the lowest number since 1990. This decrease has been driven primarily by a reduction in the number of deaths in institutional settings (Category 1a only—excludes police shootings and raids). For example, in 2000 a total of two deaths occurred in institutional settings, compared with 18 in 1990 and 12 in 1980 (Figure 3).

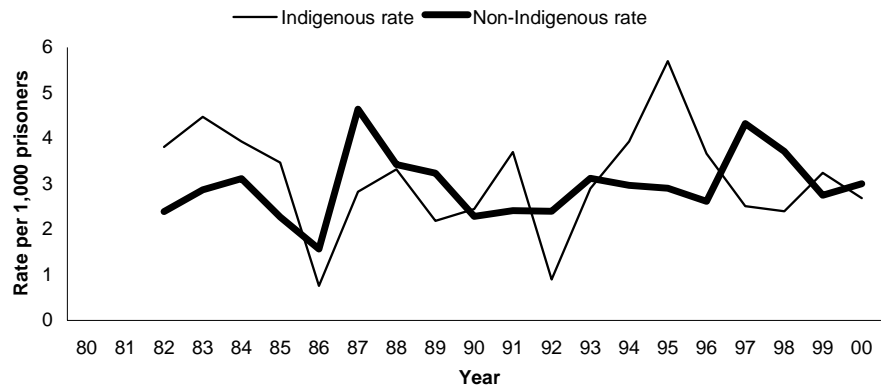
In contrast, there were 17 Category 2 deaths during 2000, one of the highest recorded numbers since 1990 (there were also 17 cases reported in 1996). These trends in both Category 1 and 2 deaths have been primarily driven by the deaths of non-Indigenous persons (Table 5). Despite yearly fluctuations, there are a number of notable trends between 1990 and 2000. While the number of Category 1 deaths has declined since 1990 (from 25 to eight), the number of Category 2 deaths has increased over the same period (from six to 17) (Table 5).

Characteristics of Police Custody Deaths, 2000

Age and Gender

Of the 25 persons who died in police custody in 2000 the youngest person was aged 14

Figure 2: Australian deaths in prison custody



Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

years and the oldest was 50 years (the mean and median age for police custody deaths was 28 and 27 years respectively). During 2000, one non-Indigenous woman died in police custody. No Indigenous women were reported to have died in police custody during this time.

Cause and Manner of Death

Death due to external or multiple injuries was the leading cause of death for those who died in police custody during 2000 (Table 3). Of the 13 police custody deaths caused by such injuries (external/multiple), eight were sustained during police pursuits involving motor vehicle accidents. In addition, of the seven people who died as a result of gunshot wounds, six were shot by police.

The leading manner of death for persons who died in police custody involved fatal accidents. An accident in this context includes deaths caused by incidents such as drowning, fires, motor vehicle accidents and deaths resulting from police pursuits. It may also include alcohol- and drug-related deaths. These deaths accounted for 11 of the 25 police custody deaths that occurred in 2000.

Most Serious Offence Leading to Custody

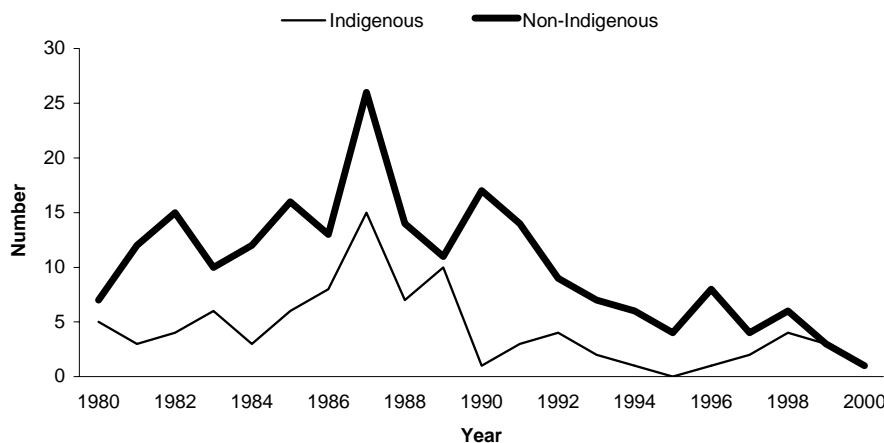
Information on the most serious offence leading to the final period of custody relates to the offence for which the person would most likely have been charged had he or she not died. In other instances the person may have been held on remand awaiting a court hearing or may have died before even being charged. During 2000, the highest number of police custody deaths occurred among people whose most serious offence was either motor vehicle theft (n=8) or assault (n=8) (Table 4). During

Table 5: Australian deaths in police custody and in custody-related police operations (number)

Year	Category 1: Institutional or close contact custody			Category 2: Other custody-related police operations			Total		Overall total
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	
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	0	16	16	3	28	31
1994	3	18	21	0	6	6	3	24	27
1995	0	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
2000	1	7	8	4	13	17	5	20	25
Total	29	150	179	27	105	132	56	255	311

Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

Figure 3: Police deaths in institutional settings (Category 1a), 1980–2000



Source: Australian Institute of Criminology, National Deaths in Custody Program [computer file]

this time, one person died in police institutional custody after being arrested for the offence of drunkenness. According to NDICP data, the total number of people who have died after being arrested for the offence of drunkenness (or after being taken into protective custody for public intoxication) between 1980 and 2000 is 103.

Concluding Comments

This paper provides a statistical snapshot of deaths in custody in Australia during the year 2000. In brief, Australia recorded 91 deaths in custody during 2000, an increase of six compared with 1999 figures. However, most trends of deaths in custody during this period remained similar to those observed in previous years, despite some yearly fluctuations.

Notable findings include:

- Twenty-five of all custodial deaths during 2000 occurred in police custody or custody-related police operations, two occurred in juvenile detention, and the remaining 64 deaths occurred in prison custody.
- Seventeen of the 91 deaths involved persons of Indigenous background, 11 of these occurring in prison custody, five in police custody/police operations and one in a juvenile detention facility. All Indigenous deaths in custody during 2000 were of male persons.
- Seventeen of the 25 people who died in police custody died in the course of custody-related police operations (68%). This proportion has remained relatively stable during the last five years, with deaths in custody-related police operations accounting for the majority of deaths that occur in police custody.
- In terms of the manner of death, self-inflicted injury was the leading cause of death for Indigenous and non-Indigenous persons in custody during 2000.

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Lisa Collins is a Research Assistant at the Australian Institute of Criminology.
Jenny Mouzos is a Research Analyst at the Australian Institute of Criminology.



General Editor, Trends and Issues in Crime and Criminal Justice series:
Dr Adam Graycar, Director
Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601 Australia

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