



**Australian Government**

**Australian Institute of Criminology**

# **2002 National Police Custody Survey**

**Natalie Taylor  
Michael Bareja**

**Technical and Background Paper**

**No. 13**

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## Foreword

This report presents findings from the fourth National police custody survey which was conducted in October 2002 in conjunction with each police jurisdiction in Australia. It aims to obtain information on the extent and nature of police custody incidents over a one-month period in order to identify flows into and out of police custody, who goes into custody and why, and to provide comparisons in custody over time. It reflects an ongoing commitment by all police services in Australia to the recommendations made by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991). It also represents a continued commitment to understanding and improving custody-related police activities to allow better strategic planning and more effective resource allocation.

Two key issues in relation to police custody continue to be Indigenous over-representation in custody and public drunkenness. During October 2002 custody incidents were 17 times more likely to involve Indigenous than non-Indigenous persons per relevant population. Further, 19 per cent of all Indigenous custody incidents were for public drunkenness compared with eight per cent of all non-Indigenous custody incidents. Despite the fact that both over-representation ratios and public drunkenness custody incidents have declined since the 1995 survey, these are clearly still issues for concern. They highlight the fact that police cells, in spite of efforts to the contrary, continue to be used as temporary sobering-up shelters in the absence of other alternatives.

The National police custody survey is a useful tool for understanding involvement with the criminal justice system beyond courts and prisons. It assists in identifying progress toward meeting key recommendations from the RCIADIC and provides invaluable information for police in each jurisdiction against which they can benchmark and plan their future custody-related activities. The Australian Institute of Criminology, in collaboration with Australia's police services, will continue to monitor patterns in police custody through the conduct of future police custody surveys.

**Toni Makkai**  
**Director**  
**Australian Institute of Criminology**

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## **Disclaimer**

This research paper does not necessarily reflect the policy position of the Australian Government.

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## Contents

Foreword	5
Acknowledgments	6
Executive summary	10
Background	11
Numbers of custody incidents	11
Indigenous over-representation	12
Gender and age	12
Reasons for being placed in custody	13
Public drunkenness	13
Time and day of detention	14
Length of time in custody	14
Reasons for release from custody	15
Conclusions	15
1 Overview	16
Scope and coverage	18
Objectives of the survey	18
Methodology	18
Variables included in the survey	19
Sample size	19
Data problems	20
2 Characteristics of persons taken into police custody	21
Indigenous status	22
Over-representation of Indigenous persons in police custody	23
Gender and age	26
Summary	27
3 Characteristics of incidents of police custody	28
Reasons for being in custody	29
Rates of custody by type of crime	31
Day of the week that persons were taken into custody	34
Time of the day that persons were taken into custody	35
Time of the day that persons were taken into custody by type of offence	36
Public drunkenness and police custody	40
Length of time in custody	43
Length of time in custody by most serious offence	45
Length of time in custody for public drunkenness	46
Release from custody and reasons for release	46
Summary	47
4 Conclusions	49
References	51
Appendix A: Examples of current jurisdictional practice in police custody	53
Appendix B: Technical appendix	57

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## List of tables

Table 1:	Distribution of occurrences of police custody by state/territory	20
Table 2:	Number of incidents of police custody by state/territory and Indigenous status	22
Table 3:	Rates of Indigenous and non-Indigenous custody by jurisdiction	23
Table 4:	Percentage of custody incidents involving Indigenous persons and over-representation ratios by jurisdiction for 1988, 1992, 1995 and 2002 surveys	24
Table 5:	Custody incidents by gender and Indigenous status	26
Table 6:	Custody incidents by age and Indigenous status	27
Table 7:	Rates of custody and over-representation ratios by age and Indigenous status	27
Table 8:	Reasons for being in custody	29
Table 9:	Most serious offence associated with being in custody	30
Table 10:	Percentage of most serious offence type within each age group	30
Table 11:	Most frequent offence for custody by time of day admitted for all detainees	39
Table 12:	Percentage of all public drunkenness incidents by gender, age and Indigenous status	42
Table 13:	Average number of hours in custody by jurisdiction and Indigenous status	44
Table 14:	Number of hours in custody by Indigenous status and most serious offence	45
Table 15:	Number of hours in custody for incidents of public drunkenness by jurisdiction and Indigenous status	45
Table 16:	Percentage of cases with missing data on Indigenous status, gender and age within each jurisdiction	59



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## List of figures

Figure 1: Numbers of police custody incidents for surveys conducted in 1988, 1992, 1995 and 2002	19
Figure 2: Percentage of incidents involving Indigenous persons within each state/territory	22
Figure 3: Comparison of custody incidents by Indigenous status for 1988, 1992, 1995 and 2002	23
Figure 4: Rates of Indigenous custody by jurisdiction in 1992, 1995 and 2002	25
Figure 5: Rates of non-Indigenous custody by jurisdiction in 1992, 1995 and 2002	26
Figure 6: Rate of custody incidents for assault by age and Indigenous status	31
Figure 7: Rate of custody incidents for burglary (break and enter) by age and Indigenous status	32
Figure 8: Rates of custody incidents for theft by age and Indigenous status	32
Figure 9: Rates of custody incidents for public order offences by age and Indigenous status	33
Figure 10: Rates of custody incidents for drug offences by age and Indigenous status	33
Figure 11: Rates of custody incidents for traffic offences by age and Indigenous status	34
Figure 12: Distribution of police custody incidents according to day of the week	35
Figure 13: Percentage of incidents according to date admitted to cells and Indigenous status	35
Figure 14: Time of day that persons were taken into custody	36
Figure 15: Time of day that custody incidents occurred for assault	37
Figure 16: Time of day that custody incidents occurred for burglary (break and enter)	37
Figure 17: Time of day that custody incidents occurred for theft	38
Figure 18: Time of day that custody incidents occurred for traffic offences	38
Figure 19: Time of day that custody incidents occurred for public order offences	39
Figure 20: Proportion of all incidents within each jurisdiction and across Australia due to public drunkenness	40
Figure 21: Percentage of all public drunkenness incidents within each jurisdiction by Indigenous status	41
Figure 22: Percentage of Indigenous and non-Indigenous incidents resulting from drunkenness in 1995 and 2002	41
Figure 23: Rate of custody incidents for public drunkenness by age and Indigenous status	42
Figure 24: Time of day that persons were taken into custody for public drunkenness	43
Figure 25: Day of the week that persons were taken into custody for public drunkenness	43
Figure 26: Length of time in custody for Indigenous and non-Indigenous incidents	44
Figure 27: Reasons for release from custody	46

## Executive summary

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## Background

The need for a National police custody survey stems primarily from two sources:

1. recommendations made by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991) that:
  - the numbers of persons held in police custody and the circumstances surrounding custody incidents be identified and reported;
  - alternatives (such as sobering-up shelters) be utilised for persons found intoxicated in public places, rather than having them placed in police lock-ups;
  - all police services adopt and apply the principle of arrest being the sanction of last resort in dealing with offenders; and
2. identification in the 'Overcoming Indigenous disadvantage' report prepared for the Council of Australian Governments (Steering Committee for the Review of Government Service Provision 2003) of the need for information about Indigenous involvement in the criminal justice system beyond official prison and courts data.

The first National police custody survey was conducted during the month of August 1988. The Royal Commission saw a need for the survey to be repeated periodically and recommended that the Australian Institute of Criminology conduct it as a cooperative venture with all state and territory police services. A second survey was hence conducted in August 1992, a third in August 1995 and this report summarises the findings from the fourth survey conducted in October 2002. The aims of the survey are to identify:

- how many people go into and out of police cells over the course of one month;
- why people are placed in police custody;
- the types of offences associated with police custody;
- the length of time that people are in police custody;
- the proportions of incidents in which Indigenous people are involved;
- rates of Indigenous and non-Indigenous custody per population; and
- whether these patterns change over time.

The number of incidents identified in this report refers to every occasion in which a person was physically placed into a police cell, not distinct individuals. For example, if one particular person were placed into police custody on three separate occasions during the month in question, this would be counted as three separate incidents of custody. Further, as the survey is conducted over a one-month period, the findings are a 'snapshot' in time – any references in this report to the surveys conducted in 1988, 1992, 1995 or 2002 refer to incidents which occurred over a one-month period in each of these years.

## Numbers of custody incidents

For the purposes of the National police custody survey, an incident of police custody refers to any occasion in which a person was taken into police custody and physically lodged in a police cell. During the month of October 2002 there were 27,047 discrete incidents of police custody across Australia. The proportions of incidents largely reflected the state and territory populations and were distributed as follows:

- New South Wales (10,673);
- Queensland (5,803);

- 
- Western Australia (3,827);
  - South Australia (2,575);
  - Victoria (2,286);
  - Northern Territory (1,532);
  - Australian Capital Territory (187); and
  - Tasmania (164).

This number is slightly higher than the numbers recorded in the 1995 and 1992 surveys but lower than that recorded in the 1988 survey.

## Indigenous over-representation

Indigenous people continue to be detained at higher rates per relevant population than non-Indigenous people and continue to be over-represented in custody incidents. Twenty-six per cent of all custody incidents in October 2002 involved Aboriginal or Torres Strait Islander persons, meaning that Indigenous people were 17 times more likely to be involved in a custody incident (per relevant population) than non-Indigenous people. Of all the jurisdictions Western Australia had the highest over-representation ratio (Indigenous people were 27 times more likely to be in custody than non-Indigenous people), followed by South Australia (25 times more likely). Tasmania had the lowest over-representation ratio.

However, while Indigenous over-representation in police custody remains high, there has been an overall decline in levels of over-representation in recent years and a reduction in rates of Indigenous custody in some jurisdictions. Key findings were that:

- In August 1988, Indigenous people were 29 times more likely to be involved in police custody incidents, compared with 22 times more likely in August 1992 and 25 times more likely in August 1995. In October 2002 the over-representation ratio across Australia was 17, reflecting the lowest over-representation ratio in police custody since the 1988 survey.
- Rates of Indigenous custody per 100,000 population have decreased considerably in Western Australia since the 1992 survey (the number of Indigenous incidents per population in this jurisdiction has halved since the 1992 survey). Rates have also decreased in Queensland and South Australia since the 1995 survey, while rates of both Indigenous and non-Indigenous custody have decreased in the Northern Territory since the 1992 survey.

## Gender and age

Males comprised 83 per cent of all persons taken into custody during October 2002 and this pattern did not vary by jurisdiction. This is consistent with the finding in 1995 where males comprised 87 per cent of detainees. For Indigenous detainees:

- two in 10 were female;
- the mean age was 28 and the median age was 27;
- thirteen per cent were aged under 17;
- the largest proportion of incidents involved persons aged between 25 and 34.

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For non-Indigenous detainees:

- one in 10 was female;
- the mean age was 29 and the median age was 27;
- seven per cent were aged under 17;
- the largest proportion of incidents involved persons aged between 25 and 34.

Rates of Indigenous custody per 100,000 relevant population were considerably higher for all age groups than for non-Indigenous persons.

## Reasons for being placed in custody

The majority of people (64%) taken into custody in 2002 were under arrest, including warrants. The remainder of incidents related to remand, protective custody, investigation or 'other'. As public drunkenness is only an offence in Victoria and Queensland, incidents of protective custody primarily comprised incidents of public drunkenness in the other jurisdictions. When incidents are broken down into the most serious offence:

- the three most frequent offences were public order offences (19%), assault/intent to injure (14%) and theft (10%);
- Indigenous people were more highly represented in custody for assault, break and enter, public order offences and offences against justice than non-Indigenous people;
- non-Indigenous people were more likely to be in custody for theft, fraud, drug and road traffic offences than Indigenous people;
- property-related offences (burglary, theft or property damage) were the most common reason for both Indigenous and non-Indigenous people being placed in custody under the age of 19 years;
- public order offences were more common for Indigenous than non-Indigenous persons aged 25 and above.

## Public drunkenness

Public drunkenness continues to be a major reason for being detained in custody:

- in 2002, 12 per cent of all incidents of police custody were due to public drunkenness;
- in the jurisdictions where public drunkenness has been decriminalised (all jurisdictions except Victoria and Queensland), incidents involving public drunkenness generally involved people being placed in detention for purposes of protective custody;
- among Indigenous custody incidents, 19 per cent were for public drunkenness whereas this figure was eight per cent for non-Indigenous incidents;
- Indigenous people comprised the vast majority of all public drunkenness custody incidents in the Northern Territory (92%) and Western Australia (83%);
- per relevant population, incidents of custody relating to public drunkenness were much more likely to involve Indigenous than non-Indigenous persons.

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However, while the numbers of custody incidents relating to public drunkenness are high, the proportions of all incidents which involve public drunkenness for both Indigenous and non-Indigenous people have been decreasing:

- in 1995, 34 per cent of all Indigenous custody incidents involved public drunkenness compared with 19 per cent in 2002;
- for non-Indigenous incidents, 15 per cent involved public drunkenness in 1995 compared with only eight per cent in 2002.

Hence there has been a decline since 1995 in the proportions of police custody incidents involving public drunkenness. It is still clearly the case, however, that police cells are being used as a temporary solution to the problem of public drunkenness rather than other alternatives such as sobering-up shelters. Whether this is because other alternatives are simply not available cannot be determined from this survey.

## Time and day of detention

Overall, incidents of police custody tended to peak on Thursdays for both Indigenous and non-Indigenous custody incidents. Large numbers of people were admitted into police custody between 3pm and midnight, although a higher percentage of non-Indigenous incidents occurred in the early hours of the morning. Key findings were that:

- evenings and early mornings were more likely to involve detentions relating to assault, traffic offences, public order offences and drunkenness, while property-related custody incidents (burglary, theft and property damage) were more likely to occur during the middle of the day;
- for incidents involving public drunkenness, non-Indigenous people were more likely to be detained in the early hours of the morning while Indigenous people were more likely to be detained in the evening.

Given that many incidents of assault and traffic offences which occur late at night or in the early hours of the morning may also involve alcohol consumption, these findings indicate that policing during the evenings and early hours of the morning may be conducted within an environment of heightened aggression and difficulty compared with other hours of the day.

## Length of time in custody

The majority of people taken into custody during October 2002 were detained for less than four hours per incident. Across Australia the median length of time in custody for Indigenous people was 4.3 hours (mean of 12 hours) compared with a median of 2.9 hours (mean of 11 hours) for non-Indigenous people. The length of time in custody varied both with the reason for custody and the jurisdiction in which the incident occurred:

- the longest median times spent in custody were for homicide, robbery and sexual assault;
- road traffic offences registered the shortest periods of time in custody;
- Indigenous people spent longer in custody for assault and offences against justice while non-Indigenous people spent longer in custody for homicide and drug-related offences;

- 
- when the reason for custody related to public drunkenness Indigenous people, on average, were detained longer in Western Australia and the Northern Territory than non-Indigenous people. In Victoria this pattern was reversed – Indigenous people arrested for public drunkenness were detained for shorter periods on average than non-Indigenous people.

## Reasons for release from custody

Ninety-five per cent of all persons who were placed into custody during October 2002 were released from custody by the end of the survey period. Two per cent were still in custody at the end of the survey period. About half of the reasons for release related to bail, while about one-fifth of detainees were released to court or prison.

## Conclusions

The National police custody survey provides information both at a national and jurisdictional level which can assist police services to better understand the activities of their organisations and apply this understanding to strategic planning and resource allocation. It is also a useful tool for monitoring the degree to which key recommendations from the Royal Commission into Aboriginal Deaths in Custody have been and continue to be implemented, as well as providing information about levels of Indigenous involvement with the criminal justice system beyond prison and courts data.

While overall numbers of custody and over-representation ratios remain high, it is clear that Indigenous custody rates have been declining in some jurisdictions. This was so particularly for Western Australia where noticeable decreases in Indigenous custody rates since 1992 were identified. Queensland, South Australia and the Northern Territory also showed reductions in Indigenous custody rates since 1995. Such findings indicate that the recommendations from the Royal Commission into Aboriginal Deaths in Custody may be having some impact in terms of reducing numbers of Indigenous people from being detained by police in some jurisdictions.

Although alcohol abuse clearly continues to play a large role in incidents of police custody (particularly Indigenous custody), the proportion of all custody incidents which are attributable to alcohol have been declining. This was so for both Indigenous and non-Indigenous custody incidents.

The Australian Institute of Criminology, in collaboration with Australia's police services, will continue to monitor patterns and trends in police custody in future surveys. In addition to the useful role the survey plays in monitoring trends and providing information relating to use of police resources, the information provided in this survey will also be useful for assisting in identifying rates of deaths in police custody based on the number of police custody incidents which occur (the National deaths in custody program is also administered through the Australian Institute of Criminology). Further, it provides a means of responding to some of the issues raised by the Steering Committee for the Review of Government Service Provision in its 2003 'Overcoming Indigenous disadvantage' report by providing information about Indigenous involvement in the criminal justice system beyond prison and courts.

# 1 Overview

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Australian policing throughout the past two decades has seen a process of continual change as environmental, political and public demands have shifted. Police are now expected to be proactive rather than simply reactive, are focused on achieving tangible outcomes, improving public relations and using intelligence-led policing to determine priorities and solve problems.

One issue which arguably helped to instigate changes in policing across Australia related to findings from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991). The Commission found that two-thirds of the Aboriginal and Torres Strait Islander deaths which occurred in custody occurred in police custody (rather than in prison or juvenile correctional facilities). This finding placed police officers and police culture squarely in the public eye in terms of the need to change police attitudes and behaviours toward Indigenous persons both in their care and in their daily contact. In particular there was a clearly perceived need to reduce the over-representation of Aboriginal and Torres Strait Islander persons in the criminal justice system, and to minimise the number of deaths of Indigenous persons occurring in police custody.

A second impetus for change in policing strategies and culture has stemmed from the shift in recent years to divert people away from entering and proceeding further into the criminal justice system. Traditionally, the path from police to court to prison was a well-worn one. However, diversionary strategies are now in place at several stages within this path in an attempt to divert people away from moving deeper into the system. As police are the first point of contact into the criminal justice system diversionary strategies such as cautioning and conferencing mean that options other than court and prosecution are available to pursue.

An example of where police have explicitly been directed to divert people away from the criminal justice system is the Northern Territory agreement (NT agreement 2000). Under this agreement, signed by the Commonwealth and Northern Territory governments, police are required to divert young people who have been apprehended for minor offences away from the criminal justice system by issuing informal and formal cautions or directing them to a range of funded programs, including family conferences. The agreement funds a range of diversionary programs as well as an Aboriginal interpreter service. The emphasis is therefore on rehabilitation and reintegration rather than punishment per se. Similarly, the Illicit drug diversion initiative, part of the Federal Government's national approach to early intervention and prevention of illicit drug use, gives police the formal power to divert people who are detected early in their drug use careers away from police custody and into education, assessment or treatment. This diversionary shift is reflected also in court sentencing options and community corrections. A natural extension of this movement away from detention and prosecution in relation to policing would presumably be a shift away from custody where possible. Hence police culture and practices have had to respond to changes in the political and social environment.

When the Royal Commission into Aboriginal Deaths in Custody commenced its work, it was apparent that the most basic questions about Aboriginal deaths in police custody such as 'what is the death rate for Indigenous persons in police custody' and 'how does this rate compare with the rate for non-Indigenous persons' could not be answered from existing information sources. This was because none of Australia's police services had available information on the numbers of people in police custody, the break-down of Indigenous versus non-Indigenous people in custody, the length of time they were in custody and why they were there. As a result the Royal Commission in its final *National report* recommended (and all governments agreed):

That relevant ministers report annually to their state and territory parliaments as to the numbers of persons held in police, prison and juvenile centre custody with statistical details... (Recommendation 47)

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In August 1988 the Royal Commission's criminology unit conducted the first National police custody survey in cooperation with the eight Australian police services (Biles & McDonald 1992). This survey provided data for the first time which showed the large numbers of people passing through police cells and the over-representation of Indigenous people in the police custodial system. The Royal Commission saw a need for the survey to be repeated periodically, recognising that it would be some time before police data systems would be capable of producing useful national data (particularly trend data) on people in police custody. Accordingly it recommended that the Australian Institute of Criminology conduct the survey periodically as a cooperative venture with the Australian police in each jurisdiction. The second National police custody survey was conducted in August 1992 (McDonald 1992) and a third survey took place in August 1995 (Carcach & McDonald 1997). This report presents the findings from the fourth National police custody survey which the Australian Institute of Criminology, along with each police jurisdiction in Australia, conducted in October 2002.

## Scope and coverage

The fourth National police custody survey attempted to cover every occasion in which a person was taken into police custody and physically lodged in a police cell, at any location in Australia, during the month of October 2002. This means that the survey did not cover *all* people arrested, as only a proportion of such people are placed into cells. It also included not only offenders and alleged offenders, but also people held in the cells for protective custody, typically when apprehended without arrest for public drunkenness in the Australian states and territories where public drunkenness is not an offence.

## Objectives of the survey

The purpose of the survey was to obtain information on the extent and nature of police custody in Australia during October 2002, and to enable some comparisons to be made with the previous surveys. As the 2002 survey was conducted during the month of October (previous surveys have been conducted during the month of August) comparisons will not be for the same month. Due to the fact that both August and October surveys were conducted over a one-month (31-day) period and were separated by only two months, it is not anticipated that the difference in month of monitoring between the 2002 and previous surveys should significantly affect custody levels or flows. However, this difference is nonetheless a caveat which should be kept in mind when interpreting comparisons with previous surveys.

## Methodology

The survey was conducted during the period 1 October 2002 to 31 October 2002. Data were collected in two different ways (see Appendix B for detailed methodology):

- data for the ACT, South Australia and Victoria were collected by police officers at the station level who manually completed a separate data collection form (hard copy) for each occasion of custody. These forms were collated centrally by each police service and forwarded to the Australian Institute of Criminology for coding, data entry and analysis;
- data for New South Wales, Queensland, Western Australia, Northern Territory and Tasmania were provided to the AIC in the form of electronic datasets and the required information was manually sought and extracted retrospectively by an AIC researcher.

## Variables included in the survey

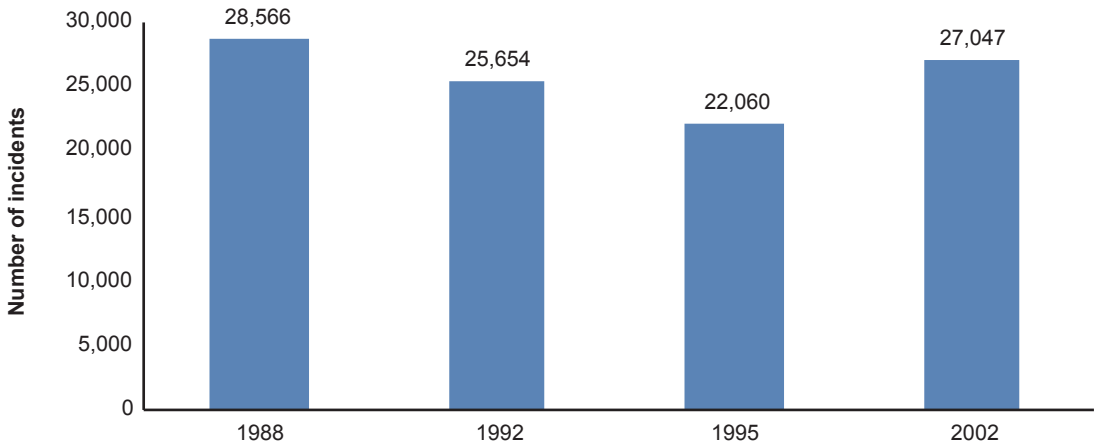
For each state and territory the survey collected data on the following variables:

- name of the police station or watchhouse;
- postcode of the police station or watchhouse;
- age of detainee;
- gender of detainee;
- Indigenous status (Aboriginal/Torres Strait Islander or not);<sup>1</sup>
- date and time when the person was lodged in the cells;
- reason for being lodged in the cells;
- most serious offence;
- date and time when the person was released from cells;
- whether or not the person was still in police cells at the end of the survey period;
- reason for release from police cells.

## Sample size

Data were collected on 27,047 different occurrences of police custody during the month of October 2002. Figure 1 shows the number of incidents recorded in previous surveys. The distribution of cases in 2002 by jurisdiction is shown in Table 1. It can be seen that the proportion of occurrences of police custody largely reflect the population distributions of each jurisdiction, although Victoria accounts for noticeably fewer custody incidents than would otherwise be expected given its population.

**Figure 1: Numbers of police custody incidents for surveys conducted in 1988, 1992, 1995 and 2002**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file]; Carcach & McDonald 1997; McDonald 1992, 1993

<sup>1</sup> The method by which Indigenous status was determined varied by jurisdiction. In some cases the person being detained in custody was asked to self-identify; in others a subjective visual judgment was made by the officer admitting the detainee.

**Table 1: Distribution of occurrences of police custody by state/territory**

State/territory	Occurrences of police custody October 2002		
	Number	Per cent	% population aged 10 or above
New South Wales	10,673	39	33
Queensland	5,803	21	19
Western Australia	3,827	14	10
South Australia	2,575	10	8
Victoria	2,286	9	25
Northern Territory	1,532	6	1
Australian Capital Territory	187	<1	2
Tasmania	164	<1	2
Australia	27,047	100	100

Source: Australian Institute of Criminology National police custody survey 2002 [computer file]; ABS 2003

## Data problems

Missing data for many of the variables was a major problem. This occurred both in the manually completed data forms and the electronic data sets, although arguably the latter posed greater problems in terms of some variables. To compensate for the variations in missing data (both for individual variables and by jurisdiction) and to reduce potential biases in the analyses, the survey estimates were weighted to ensure that they conformed to the original state and territory distribution of 27,047 cases. Details of the weighting procedure are provided in Appendix B.

## **2 Characteristics of persons taken into police custody**

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## Indigenous status

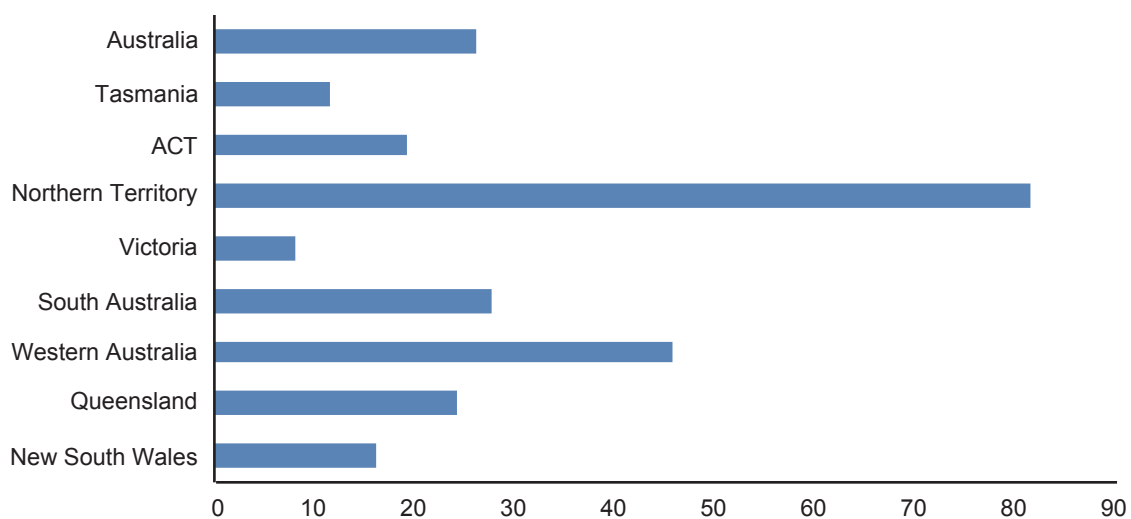
Table 2 shows the number and percentage of incidents of police custody in each jurisdiction according to whether detainees were of Aboriginal/Torres Strait Islander descent or not. Due to the disproportionate representation of Indigenous people within each jurisdiction (for example, 27 per cent of the Northern Territory's population is Indigenous compared with two per cent at the national level) it is important to place these numbers in context. As a percentage of all custody incidents within each jurisdiction, the Northern Territory recorded the highest number of Indigenous detainees (82%), followed by Western Australia (46%). Victoria recorded the lowest percentage (8%). Across Australia, Indigenous detentions as a percentage of total incidents comprised 26 per cent (see Figure 2). This number reflects a slight decrease from the 1995 survey (see Figure 3).

**Table 2: Number of incidents of police custody by state/territory and Indigenous status**

	Indigenous		Other		Total	
	N	%	N	%	N	%
New South Wales	1,738	16.3	8,935	83.7	10,673	100
Queensland	1,416	24.4	4,387	75.6	5,803	100
Western Australia	1,755	45.9	2,072	54.1	3,827	100
South Australia	710	27.6	1,865	72.4	2,575	100
Victoria	187	8.2	2,099	91.8	2,286	100
Northern Territory	1,250	81.6	282	18.4	1,532	100
ACT	36	19.3	151	80.7	187	100
Tasmania	19	11.6	145	88.4	164	100
Australia	7,111	26.3	19,936	73.7	27,047	100

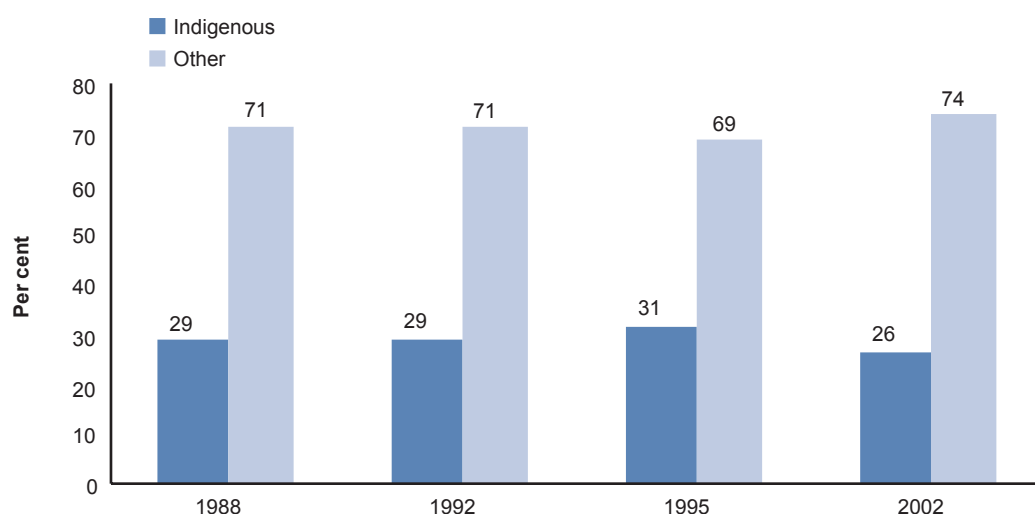
Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 2: Percentage of incidents involving Indigenous persons within each state/territory**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 3: Comparison of custody incidents by Indigenous status for 1988, 1992, 1995 and 2002**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]; Carcach & McDonald 1997; McDonald 1993, 1992

## Over-representation of Indigenous persons in police custody

Data from the 2002 National police custody survey have been used to compare the involvement of Indigenous and non-Indigenous Australians with police. Table 3 gives the numbers of Indigenous and non-Indigenous custody incidents per respective 100,000 population, aged 10 and over. The final column of Table 3 shows the degree to which Indigenous persons were over-represented in police custody incidents compared with non-Indigenous persons. Overall, Indigenous people were 17 times more likely to be involved in a custody incident in 2002 than non-Indigenous people. Of all the jurisdictions, Western Australia had the highest over-representation ratio (27 times more likely), followed by South Australia (25 times more likely). Tasmania had the lowest over-representation ratio of Indigenous persons in custody.

**Table 3: Rates of Indigenous and non-Indigenous custody by jurisdiction**

	Indigenous	Other	Over-representation
New South Wales	1,693.2	158.2	10.7
Queensland	1,483.1	141.4	10.5
Western Australia	3,468.0	128.4	27.0
South Australia	3,605.3	142.4	25.3
Victoria	861.1	49.9	17.2
Northern Territory	2,841.9	234.9	12.1
ACT	1,187.7	54.7	21.7
Tasmania	144.2	36.6	3.9
Australia	2,028.7	119.6	17.0

Note: Number of incidents of police custody per 100,000 population aged 10 years and over

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]; ABS 2003, 2004

The finding that Indigenous people are over-represented in police custody is not new and is consistent with Indigenous over-representation in the criminal justice system more generally. However, following on from the recommendations of the Royal Commission into Aboriginal Deaths in Custody, the two key questions which need to be addressed in relation to Indigenous over-representation in police custody are:

- have rates of Indigenous police custody (number of Indigenous custody incidents per 100,000 Indigenous population) been decreasing; and
- has the degree to which Indigenous people are over-represented in police custody (compared with non-Indigenous people) been decreasing?

To determine whether over-representation ratios have been decreasing over time, Table 4 shows the percentage of all custody incidents surveyed in 1988, 1992, 1995 and 2002 which involved Indigenous persons, and the respective degrees to which Indigenous people were over-represented in custody compared with non-Indigenous people. To ensure that the most up-to-date figures have been used in population and Indigenous estimates for each of the four surveys, rates and ratios have been re-calculated for each of the three earlier surveys, for persons aged 10 and above, so that comparisons can be made with some confidence. Rates for the 2002 survey have been calculated using Indigenous population estimates recently released by the ABS (2004) which are based on the 2001 census. Rates for 1992, 1995 and 2002 have been calculated using high series<sup>2</sup> ABS Indigenous estimates, consistent with other AIC publications. For 1988, low series estimates have had to be used as the ABS did not at that time have high series estimates available. This means that over-representation comparisons with the 1988 survey are not as straightforward as are comparisons between the 1992, 1995 and 2002 surveys.

It can be seen that, in general, over-representation ratios in 2002 were considerably lower than they were in 1995 and indeed were the lowest recorded since the National police custody survey began. In 2002, Indigenous people were 17 times more likely to be involved in a custody incident than non-Indigenous people compared with 1995 when Indigenous people were 25 times more likely to be involved in a custody incident than non-Indigenous people. At a jurisdictional level, over-representation ratios for police custody

**Table 4: Percentage of custody incidents involving Indigenous persons and over-representation ratios by jurisdiction for 1988, 1992, 1995 and 2002 surveys**

	1988		1992		1995		2002	
	%	Over-rep	%	Over-rep	%	Over-rep	%	Over-rep
New South Wales	14.3	15.4	16.2	12.6	21.0	17.9	16.3	10.7
Queensland	28.8	17.9	23.5	10.9	32.3	17.6	24.4	10.5
Western Australia	54.2	50.3	57.3	48.3	52.8	40.3	45.9	27.0
South Australia	21.8	28.3	19.5	19.6	25.1	27.1	27.6	25.3
Victoria	4.1	12.4	3.8	9.7	4.8	12.0	8.2	17.2
Northern Territory	76.3	10.4	80.0	10.9	80.0	11.3	81.6	12.1
ACT	5.0	11.2	2.7	3.6	17.0	24.8	19.3	21.7
Tasmania	7.5	4.8	5.4	2.2	12.1	5.0	11.6	3.9
Australia	28.6	28.6	28.8	22.4	31.1	25.2	26.3	17.0

Source: ABS 1993, 1994, 1998a, 1998b, 2003, 2004

<sup>2</sup> Indigenous population estimates are based on high level estimates. High level estimates are derived from projections of both natural population growth as well as an increased propensity for Australians to identify as Indigenous.



**Figure 4: Rates of Indigenous custody by jurisdiction in 1992, 1995 and 2002**



Note: Number of incidents per 100,000 population, 10 years and over  
Source: ABS 1998a, 1998b, 2003, 2004

have declined considerably in New South Wales, Queensland and Western Australia since 1995. Hence, while Western Australia recorded the highest over-representation ratio in 2002, it must be acknowledged that the ratio in this jurisdiction has declined quite markedly since the National police custody survey commenced.

While these appear to be positive findings, it must be remembered that over-representation ratios reflect the likelihood of Indigenous people being in custody *compared with non-Indigenous people*. A reduction in over-representation could therefore be due to either a reduction in rates of Indigenous custody *or* an increase in rates of non-Indigenous custody. To examine this question more closely, Figures 4 and 5 show rates of custody in 1992, 1995 and 2002 for Indigenous and non-Indigenous people respectively. A comparison of these two figures shows that the reduction in over-representation in Western Australia has clearly been due to a reduction in Indigenous rates of custody. Rates of Indigenous custody have steadily decreased in Western Australia since 1992 while rates of non-Indigenous custody have remained stable. The reduction in Queensland also appears to be due to a reduction in Indigenous custody incidents, although the scale of the reduction is much smaller and apparent only since 1995. The reduction in over-representation in New South Wales, however, appears to be due to an increase in non-Indigenous custody incidents – the rate of Indigenous custody has remained more or less stable since 1992. The Northern Territory has seen rate reductions for both Indigenous and non-Indigenous people, resulting in stable over-representation ratios which mask this achievement. Compared with the 1995 survey, South Australia has seen a greater drop in Indigenous than non-Indigenous incidents. Victoria's Indigenous rates have remained relatively stable compared with a drop in non-Indigenous custody rates since 1995. Hence, while no change in Indigenous custody rates has occurred in Victoria, over-representation ratios have increased because non-Indigenous incidents have decreased.

These analyses show that variations in over-representation ratios can result from either changes in Indigenous rates of custody and/or changes in rates of non-Indigenous custody. From the perspective of the RCIADIC recommendations the important objective to focus on is reducing rates of Indigenous custody. Western Australia has seen a substantial reduction in over-representation ratios since 1988 and these reductions have clearly been due to a continued reduction in Indigenous rates of custody. Overall, these findings suggest that the effectiveness of strategies to reduce Indigenous incidents of police custody are meeting with varying degrees of success in each jurisdiction.

**Figure 5: Rates of non-Indigenous custody by jurisdiction in 1992, 1995 and 2002**



Note: Number of incidents per 100,000 population, 10 years and over  
Source: ABS 1998a, 1998b, 2003, 2004

## Gender and age

The majority of incidents of police custody involved males (see Table 5). Across Australia, eight in 10 incidents involved males while two in 10 incidents involved females. This pattern did not vary between jurisdictions and is consistent with findings from the 1995 survey. While the majority of both Indigenous and non-Indigenous incidents comprised males, females were significantly more highly represented among Indigenous than non-Indigenous incidents ( $p < .05$ ).

**Table 5: Custody incidents by gender and Indigenous status**

	Indigenous		Other		Total	
	N	%	N	%	N	%
Male	5,494	77	17,055	86	22,549	83
Female	1,617	23	2,881	14	4,498	17
Total	7,111	100	19,936	100	27,047	100

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

Table 6 shows the distribution of police custody incidents according to the age and Indigenous status of the persons involved. Overall, the median age of people in custody during October 2002 was 27 years. Thirteen per cent of Indigenous detainees were aged under 17 years compared with seven per cent of non-Indigenous detainees. Across Australia the largest percentage of custody incidents involved persons aged between 25 and 34. Table 7 shows that rates of Indigenous custody per relevant 100,000 population were considerably higher for all age groups than their non-Indigenous counterparts. People aged under 17 were 15 times more likely to be in custody if they were Indigenous, while those aged over 35 were 25 times more likely to be detained if they were Indigenous.

**Table 6: Custody incidents by age and Indigenous status**

	Indigenous		Other		Total	
	N	%	N	%	N	%
Less than 17	904	12.7	1,346	6.8	2,250	8.3
17–19	920	12.9	2,683	13.5	3,603	13.3
20–24	1,176	16.5	4,213	21.1	5,389	19.9
25–34	2,387	33.6	6,281	31.5	8,668	32.0
35 and over	1,724	24.3	5,414	27.2	7,138	26.4
Total	7,111	100.0	19,936	100.0	27,047	100.0

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Table 7: Rates of custody and over-representation ratios by age and Indigenous status**

	Indigenous	Other	Total	Over-representation
Less than 17	1,129.1	73.6	117.9	15.3
17–19	3,243.7	339.3	439.8	9.6
20–24	2,999.7	326.6	405.4	9.2
25–34	3,233.5	224.0	301.3	14.4
35 and over	1,335.8	54.4	70.7	24.6
Total	2,028.7	119.6	158.9	17.0

Note: Number of incidents of police custody per 100,000 population aged 10 years and over

Source: ABS 2003, 2004

## Summary

Indigenous people continue to be detained at high levels and over-represented in police custody. One-quarter of all incidents which occurred in 2002 were Indigenous, meaning that custody incidents were 17 times more likely to involve Indigenous people than non-Indigenous people per relevant population. However the level of over-representation in the 2002 survey is the lowest recorded since the survey first commenced in 1988. Further, rates of Indigenous custody per 100,000 population have been decreasing in Western Australia and the Northern Territory since 1992, while rates of Indigenous custody have decreased in Queensland and South Australia since 1995. These are positive findings and suggest that key recommendations from the RCIADIC are meeting with some degree of success.

### **3 Characteristics of incidents of police custody**

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## Reasons for being in custody

Approximately two-thirds of all custody incidents during October 2002 were for arrest (either with or without a warrant). The distribution of incidents relating to arrest and remand were similar for both Indigenous and non-Indigenous persons (Table 8). However Indigenous persons were seven times more likely than non-Indigenous persons to be detained on grounds of protective custody, the vast majority of such incidents being related to public drunkenness.

**Table 8: Reasons for being in custody**

	Indigenous		Other		Total	
	N	%	N	%	N	%
Arrest	3,904	54.9	10,198	51.2	14,102	52.1
Warrant	784	11.0	2,521	12.6	3,305	12.2
Remand	158	2.2	217	1.1	375	1.4
Protective custody <sup>a</sup>	939	13.2	383	1.9	1,322	4.9
For investigation <sup>b</sup>	654	9.2	3,676	18.4	4,330	16.0
Other <sup>c</sup>	668	9.4	2,908	14.6	3,576	13.2
Not stated	4	0.1	34	0.2	38	0.1
Australia	7,111	100.0	19,936	100.0	27,047	100.0

a Protective custody incidents were comprised almost entirely of public drunkenness. Persons taken into protective custody for public drunkenness were in New South Wales, Western Australia, South Australia, Northern Territory, Tasmania and the ACT where public drunkenness is not an offence

b Includes questioning

c Includes awaiting transit to/from court, awaiting extradition, breaches of court orders and fine defaults (where the person was not arrested)

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

Incidents of custody were further classified into the most serious offence, categorised according to Australian standard offence classification (ABS 1997). Table 9 shows the number and percentage of incidents by most serious offence. Incidents for which no information about the most serious offence was provided or where offence information was not applicable were excluded from the calculation of percentages although raw numbers for these incidents are still given in Table 9. To calculate percentages which included these incidents would underestimate the proportion of police custody incidents which are due to certain categories of offence (it is assumed that the incidents for which offence information was missing are randomly distributed).

Table 9 shows that the three most frequent offences, where known, were public order offences (19%), assault/intent to injure (14%) and theft (10%). Indigenous persons were more highly represented in custody for assault, break and enter, public order offences and offences against justice than non-Indigenous persons. The opposite pattern was observed for theft, fraud, drug and road traffic offences.

In addition to identifying which types of offence people were most likely to be placed in custody for, it is also useful to identify which types of offence were associated with different age groups. For example, what types of crime are 17- to 19-year-olds most likely to be placed in custody for, and does this differ from people aged 35 and over?

Excluding incidents where offence information was not available or not applicable, Table 10 shows that people aged under 17 years were most likely to be in custody for property-related offences such as burglary, theft or property damage. Forty-eight per cent of Indigenous juveniles and 42 per cent of non-Indigenous juveniles were in custody in relation to these offences. Those aged 17 to 19 were also most likely to be in custody for property-related offences, although the proportions overall were beginning

**Table 9: Most serious offence associated with being in custody**

Reason for custody <sup>a</sup>	Indigenous		Other		Total	
	N	%	N	%	N	%
Homicide	15	0.3	51	0.4	66	0.4
Assault/intent to injure*	737	16.2	1,643	12.6	2,380	13.6
Sexual assault	48	1.1	176	1.4	224	1.3
Dangerous acts	184	4.0	480	3.7	664	3.8
Abduction	4	0.1	39	0.3	43	0.2
Robbery/extortion	45	1.0	177	1.4	222	1.3
Break and enter*	364	8.0	697	5.4	1,061	6.0
Theft*	377	8.3	1,394	10.7	1,771	10.1
Deception/fraud*	28	0.6	340	2.6	368	2.1
Drug offences*	93	2.0	717	5.5	810	4.6
Weapons	59	1.3	164	1.3	223	1.3
Property damage	151	3.3	402	3.1	553	3.2
Public order offences* <sup>b</sup>	1,069	23.5	2,212	17.0	3,281	18.7
Traffic offences*	351	7.7	1,329	10.2	1,680	9.6
Justice offences* <sup>c</sup>	499	11.0	1,228	9.4	1,727	9.8
Miscellaneous	77	1.7	202	1.6	279	1.6
Other not definable	448	10.0	1,744	13.4	2,192	12.5
Not stated <sup>d</sup>	1,156	–	5,529	–	6,685	–
Not applicable <sup>e</sup>	1,407	–	1,411	–	2,818	–
Total	7,111	100.0	19,936	100.0	27,047	100.0

\* difference significant to  $p < .05$

a Most serious offence coded according to the Australian standard offence classification (ABS 1997).

b Public order offences include trespass, offensive language, offensive behaviour, criminal intent, conspiracy, disorderly conduct, betting and gambling offences, liquor and tobacco offences, censorship offences, prostitution offences and other public order offences.

c Offences against justice include breaches of justice orders, subverting the course of justice, resisting or hindering police or government officials, offences against government security and operations.

d These incidents were not included in the calculation of percentages.

e Includes incidents of protective custody for those states where public drunkenness is not an offence, as well as where the word 'arrest' or 'warrant' was written but nothing else. These incidents were not included in the calculation of percentages.

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Table 10: Percentage of most serious offence type within each age group**

	<17 years		17–19		20–24		25–34		35 or over	
	Ind	Other	Ind	Other	Ind	Other	Ind	Other	Ind	Other
Assault	7.6	10.5	14.7	11.1	16.0	11.3	18.7	13.0	18.3	14.6
Burglary/theft/ property damage	48.1	42.1	28.5	26.2	20.0	19.9	13.1	17.5	7.5	12.2
Justice offences	15.5	12.0	12.2	6.8	10.1	9.2	10.0	9.6	9.7	10.2
Public order	10.6	10.3	17.8	22.6	21.5	19.2	24.2	15.1	34.6	16.0
Traffic offences	1.2	2.0	6.1	7.7	9.1	11.4	9.5	11.0	8.6	11.4
Drug offences	0.9	1.1	2.0	3.3	2.7	5.5	1.9	6.4	2.3	6.4
Other personal <sup>a</sup>	4.6	6.3	3.0	4.8	1.9	2.6	2.3	2.3	1.6	4.0
Other <sup>b</sup>	11.5	15.7	15.6	17.4	18.5	20.9	20.3	24.9	17.3	25.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

a Includes homicide, sexual assault, abduction and robbery

b Includes dangerous acts, deception/fraud, weapon offences, miscellaneous and other not definable

Note: Excludes instances where offence information was not stated or was not applicable

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

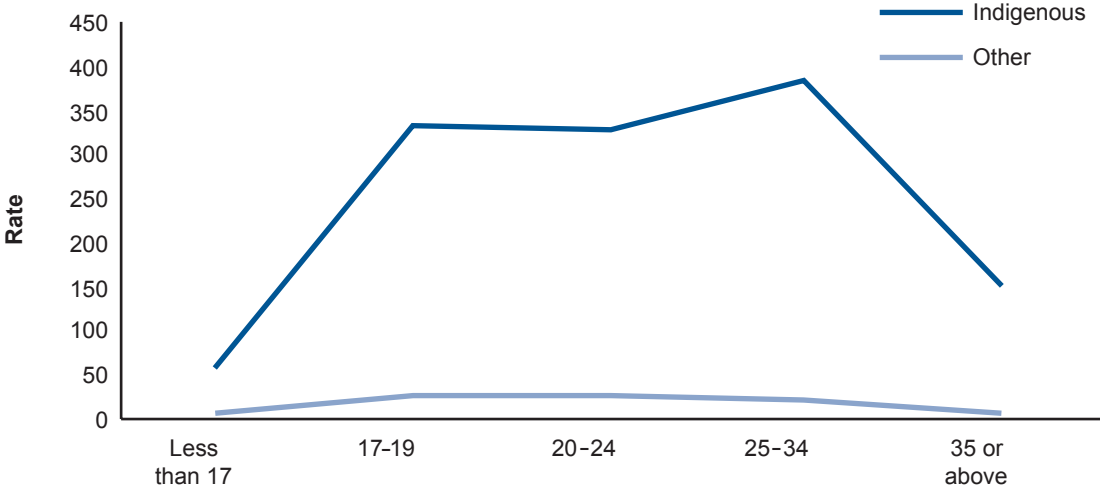
to decline. Between 20 and 24 years, however, the pattern began to change, with equal proportions of Indigenous and non-Indigenous people being detained for both property and public order offences. While public order offences began to dominate from the age of 25 years on, Indigenous people were increasingly more likely to be in custody for public order offences than non-Indigenous people after the age of 25. Hence, while property offences tend to dominate reasons for custody for younger detainees, public order offences become more prevalent in custody with increasing age and this is more pronounced for Indigenous than non-Indigenous people.

### Rates of custody by type of crime

From a police operations perspective, the most practical information stemming from a survey such as this are arguably the findings relating to the nature and characteristics of the custody incidents themselves. That is, numbers of incidents occurring, length of incidents, characteristics of detainees and so on. This is because these incidents in their entirety are what police deal with on a daily basis. From a functional and resource-based perspective, police need to know what the flow of people who go into and out of custody look like and how many people are processed through police cells. Hence this information will generally be provided through an analysis of the sample itself (raw numbers and percentages). Another useful way to look at the data, however, is to determine the numbers of people who are placed into custody as a proportion of their relevant total populations (rates). Such analyses allow greater comparability between jurisdictions, Indigenous and non-Indigenous people, age groups and gender because they take into account the fact that populations can vary widely.

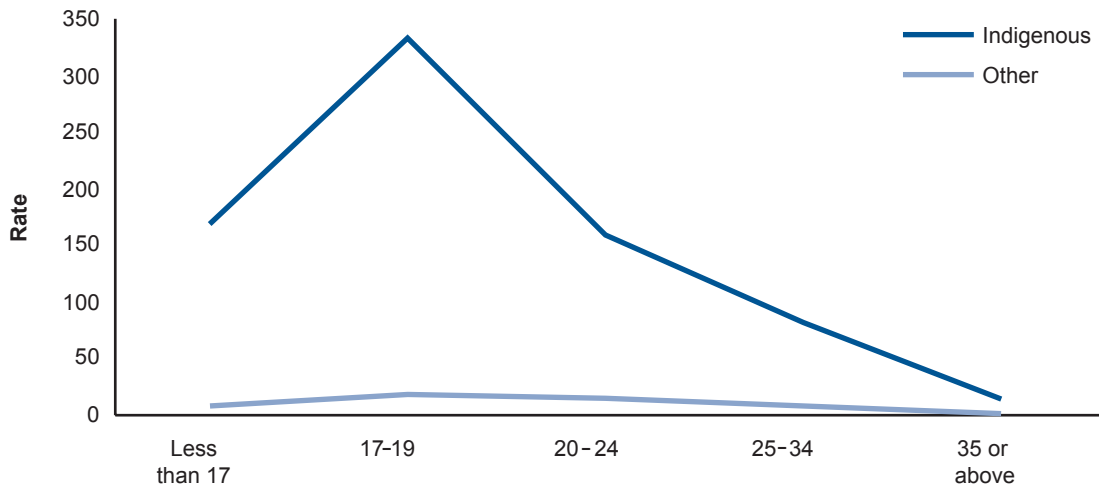
Rates in this report are based on numbers of incidents per 100,000 relevant population. The following figures show the rates of custody incidents by age and Indigenous status in the 2002 survey for the most serious offences of assault, burglary, theft, public order offences, drug and traffic offences. Overall, with the exception of public order offences, the patterns for both Indigenous and non-Indigenous incidents were similar. However, because Indigenous custody rates were considerably higher per relevant 100,000 population than non-Indigenous custody rates, the peaks and falls are much more marked for Indigenous incidents. For assault (Figure 6) Indigenous custody rates peaked between the ages of 17 and 34 and

**Figure 6: Rate of custody incidents for assault by age and Indigenous status**



Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16  
 Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

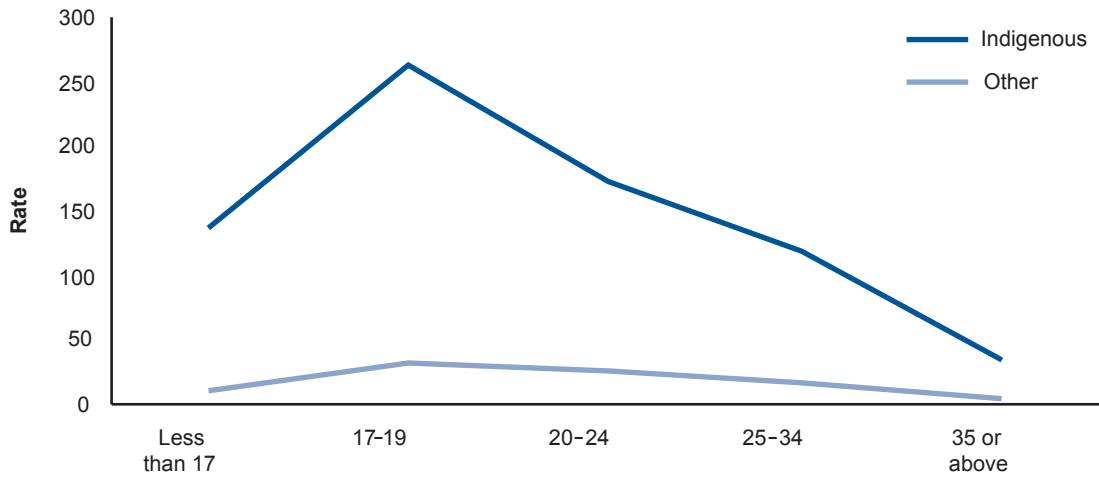
**Figure 7: Rate of custody incidents for burglary (break and enter) by age and Indigenous status**



Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 8: Rates of custody incidents for theft by age and Indigenous status**

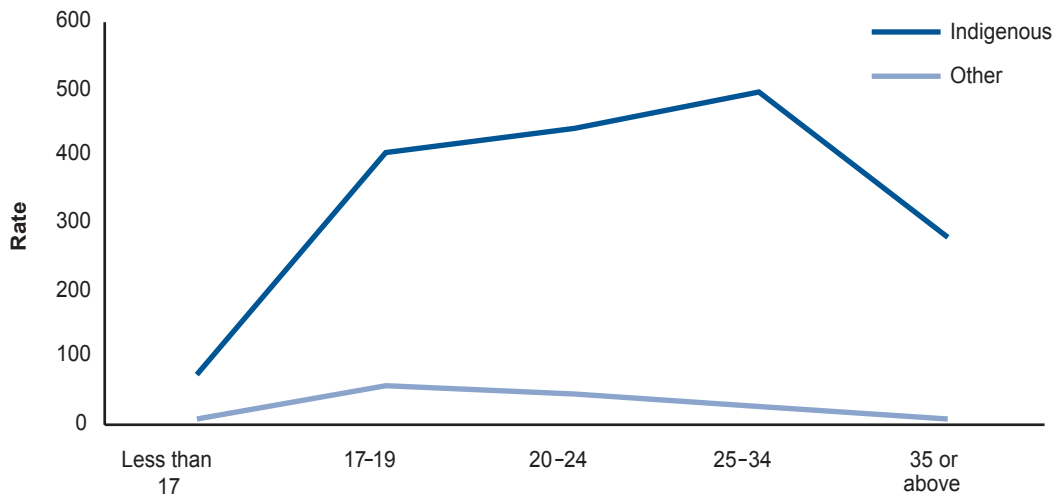


Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]



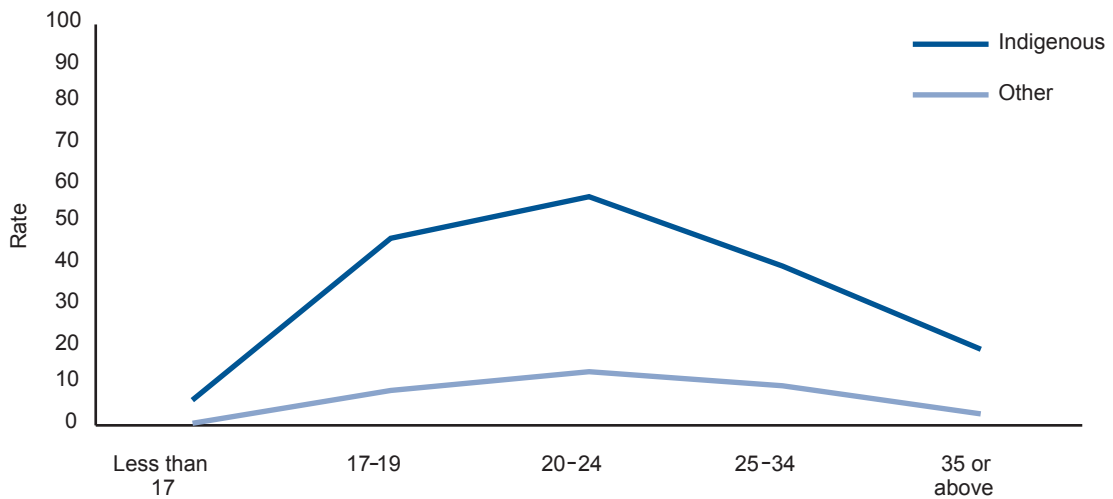
**Figure 9: Rates of custody incidents for public order offences by age and Indigenous status**



Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

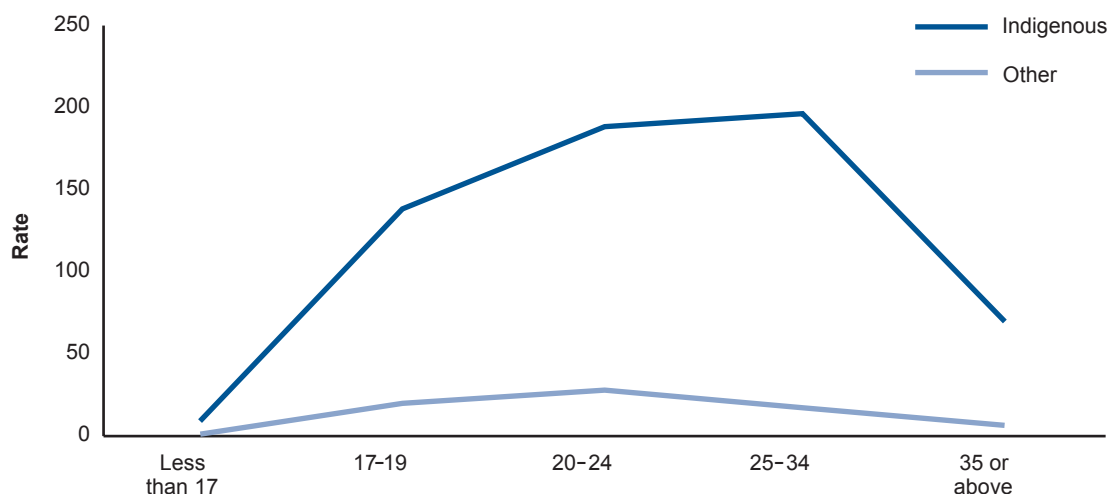
**Figure 10: Rates of custody incidents for drug offences by age and Indigenous status**



Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 11: Rates of custody incidents for traffic offences by age and Indigenous status**



Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16

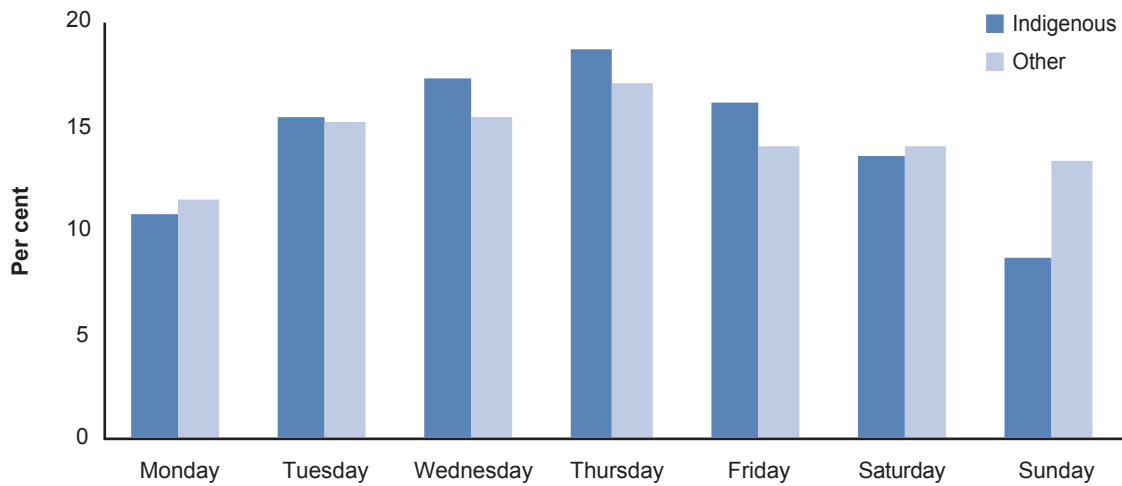
Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

dropped by the age of 35 and over. Rates of custody for burglary and theft (Figures 7 and 8) peaked between 17 and 19 and then dropped. Public order offences (Figure 9) peaked between 25 and 34 years of age for Indigenous incidents. This pattern was slightly different for non-Indigenous incidents where public order offences tended to peak between the ages of 17 and 24 years. Drug offences showed a remarkably similar pattern for both Indigenous and non-Indigenous incidents (Figure 10), peaking between 20 and 24 years of age. In sum, what these figures show is that while patterns of custody relating to age are generally similar for both Indigenous and non-Indigenous incidents (peaks and troughs), the numbers of Indigenous incidents of custody relative to Indigenous populations are much higher than they are for non-Indigenous incidents.

## Day of the week that persons were taken into custody

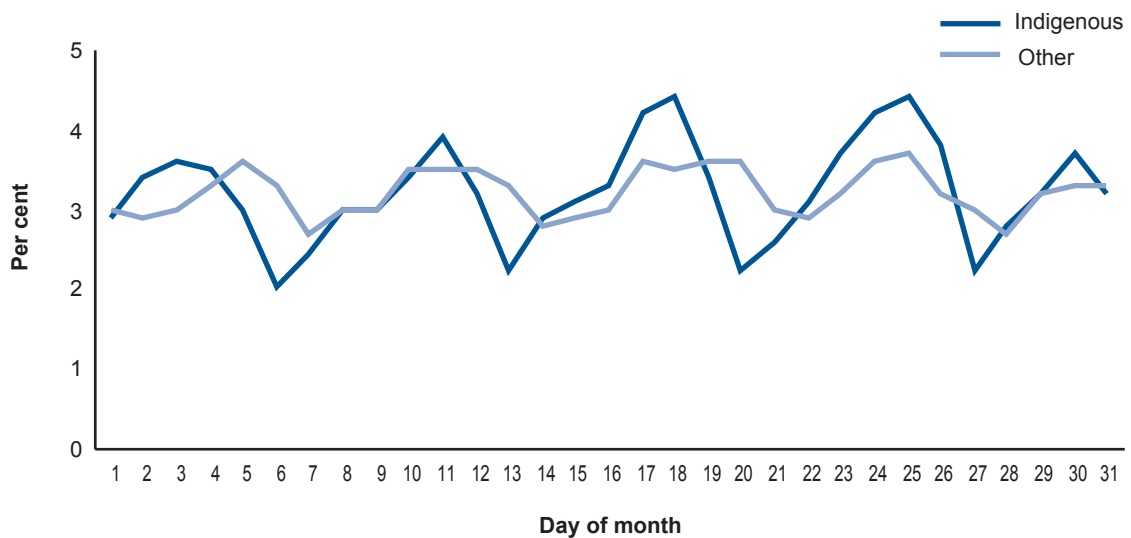
Occasions on which people were taken into custody during October 2002 were distributed throughout the week, with the highest numbers on Thursday for both Indigenous and non-Indigenous incidents (see Figure 12). This is consistent with findings from the 1995 survey where Thursday was the day when most incidents of custody admission occurred. Thursday is usually the day for wages and pensions. Figure 13 shows that the percentage of persons being admitted into custody for the month of October 2002 peaked on Thursdays and dropped on Mondays. This pattern was consistent throughout the month for both Indigenous and non-Indigenous incidents, although the peaks and troughs were more defined for Indigenous than non-Indigenous persons.

**Figure 12: Distribution of police custody incidents according to day of the week**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 13: Percentage of incidents according to date admitted to cells and Indigenous status**

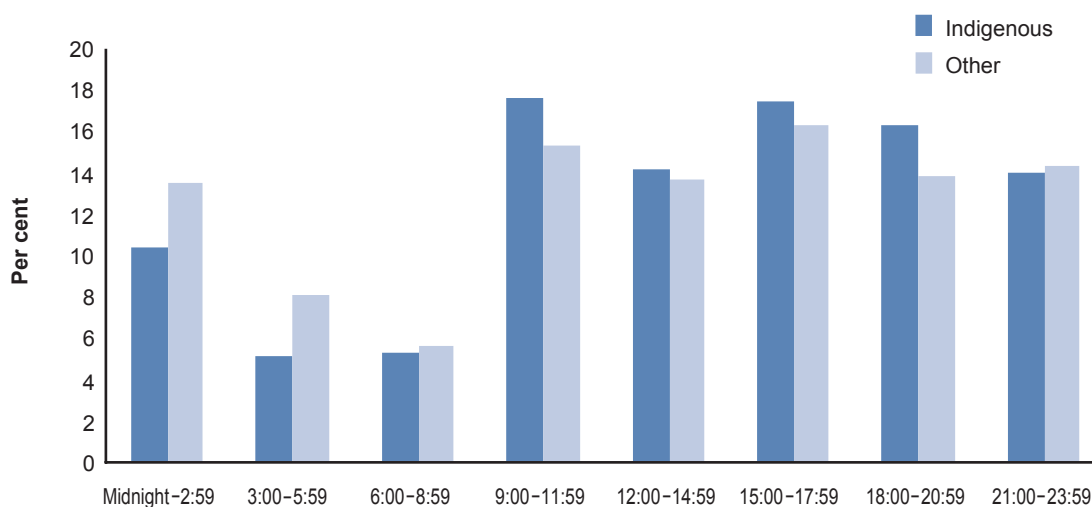


Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

## Time of the day that persons were taken into custody

Figure 14 shows the distribution of custody incidents according to the time of day when they occurred and the Indigenous status of the persons involved. Custody incidents tended to peak in the afternoon and evenings. For Indigenous persons the peak times seemed to be between 3pm and midnight, while a higher percentage of non-Indigenous incidents occurred in the early hours of the morning.

**Figure 14: Time of day that persons were taken into custody**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

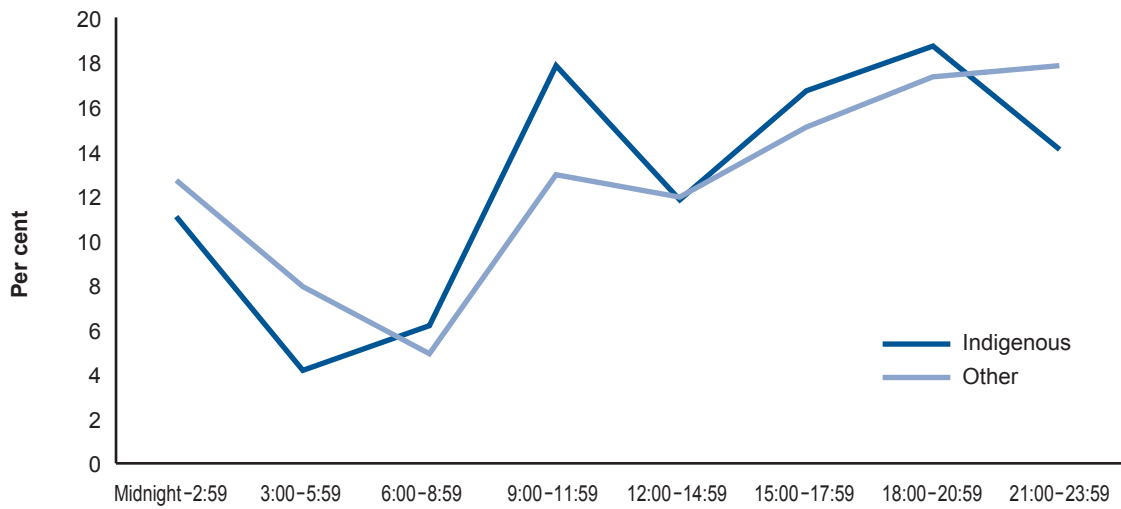
## Time of the day that persons were taken into custody by type of offence

From a police operations perspective, it is useful to know whether the time of day that people are placed in police custody varies with different offence types. Knowing when to expect more or less serious or violent types of detainee means that strategies can be put in place to ensure that police stations are staffed appropriately for busy and/or difficult periods of the day. This can be investigated in two ways:

1. Identifying the proportion of incidents within each type of offence which occur at various times of the day. For example, do custody incidents involving assault tend to occur mainly late at night?
2. Identifying which type of offence occurs most often at particular times of the day. For example, between 9pm and midnight, what types of custody incidents are police having to deal with?

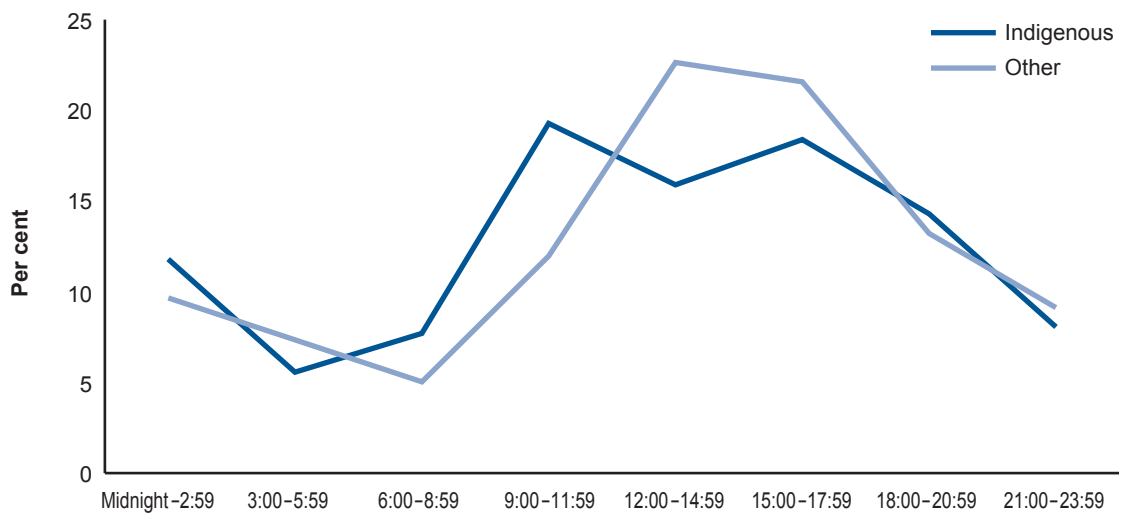
In response to the first point, Figures 15 to 19 show the distribution throughout the day for custody incidents relating to each of assault, burglary, theft, traffic offences and public order offences. With the exception of public order offences, patterns for both Indigenous and non-Indigenous custody incidents were similar. Incidents relating to assault tended to increase after 9am, peak between the hours of 6pm and 9pm and then drop between 3am and 9am. Burglary and theft-related incidents tended to peak between the hours of 12pm and 6pm. Conversely, traffic-related incidents tended to peak late in the evening and early morning, presumably reflecting a large number of people caught driving while exceeding the legal alcohol limit. For incidents of custody relating to public disorder, non-Indigenous people were more likely to be detained in the early hours of the morning while Indigenous people were more likely to be detained in the evening. These findings indicate that evenings and early mornings are more likely to involve people being detained for reasons relating to assault, dangerous driving or drunkenness while property-related custody incidents are more likely to occur during the middle of the day. Assuming that many incidents of assault and dangerous driving may also involve some degree of alcohol consumption, it is likely that policing during the evenings and early hours of the morning may be conducted within an environment of heightened aggression and difficulty.

**Figure 15: Time of day that custody incidents occurred for assault**



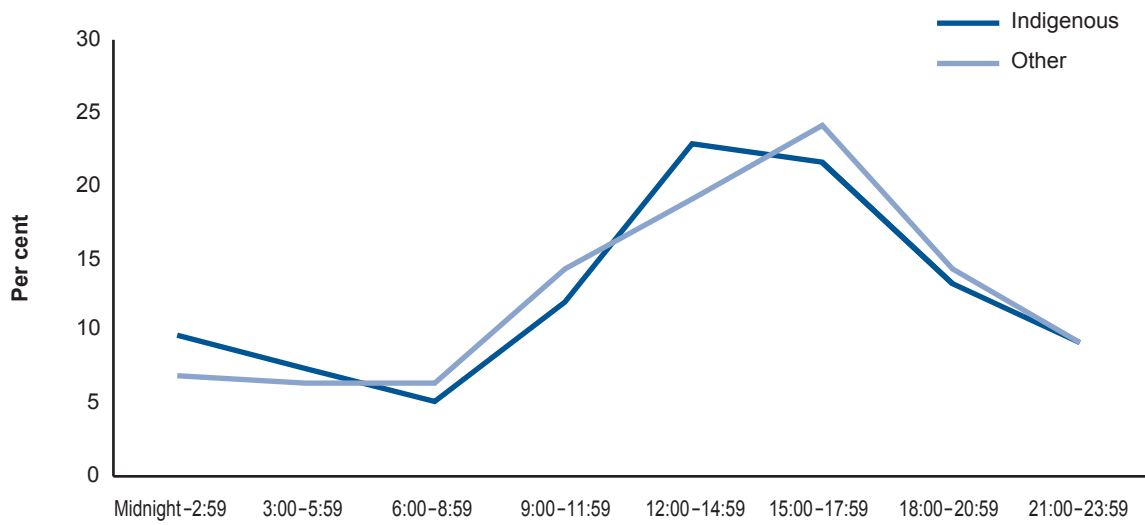
Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 16: Time of day that custody incidents occurred for burglary (break and enter)**



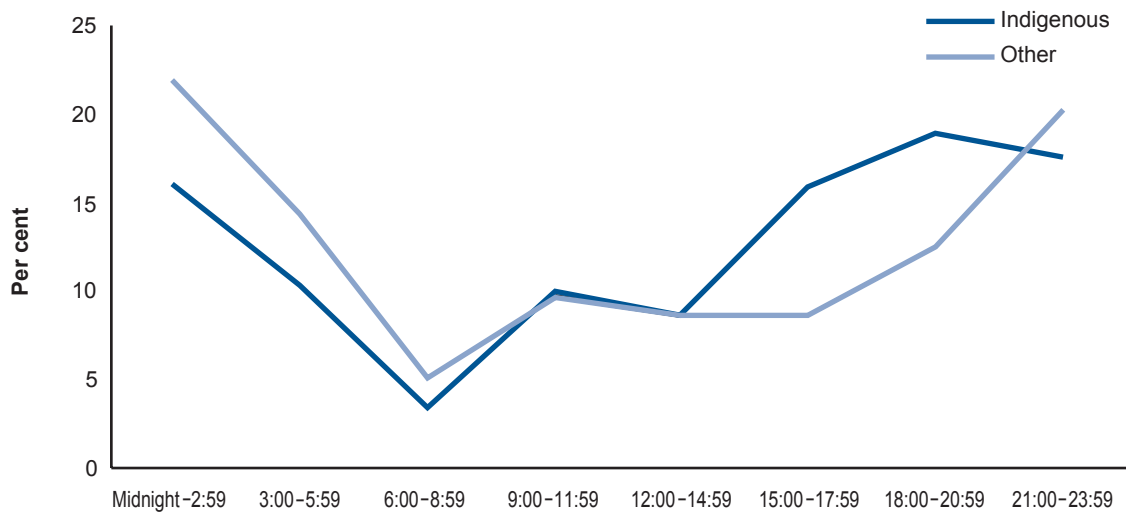
Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 17: Time of day that custody incidents occurred for theft**



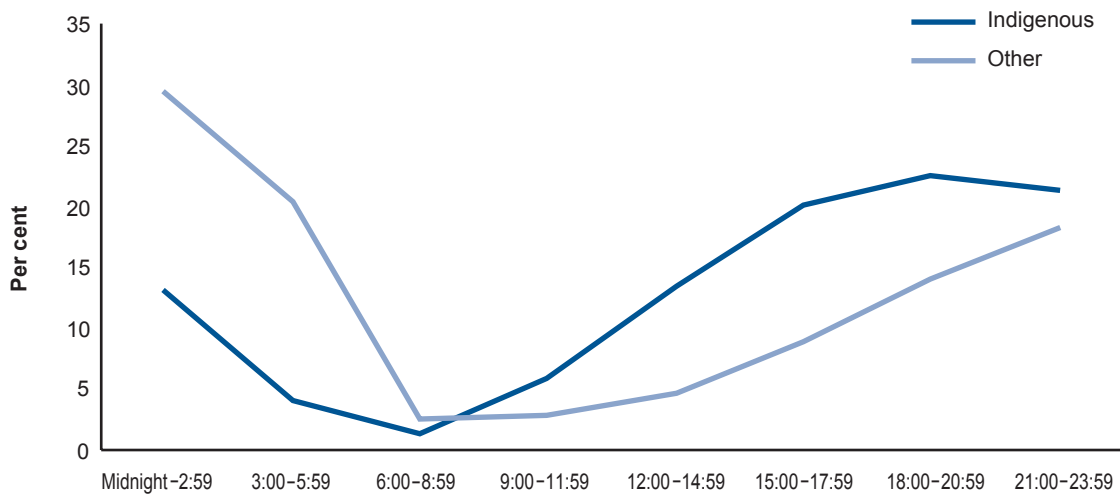
Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 18: Time of day that custody incidents occurred for traffic offences**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 19: Time of day that custody incidents occurred for public order offences**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

In response to the second point above, Table 11 shows the most frequently occurring custody-related offence within each time period during the course of the day. Excluding incidents for which offence information was not provided or was not applicable, it can be seen once again that about one-third of all custody incidents which occur between the hours of midnight and 6am relate to public order offences. Between 6am and 6pm property offences (burglary, theft, property damage) are more frequent. Then between 6pm and midnight public order offences become more frequent again.

**Table 11: Most frequent offence for custody by time of day admitted for all detainees (row percentages)**

	Assault	Property	Justice	Public order	Traffic	Drugs	Other personal <sup>a</sup>	Other <sup>b</sup>	Total
Midnight-2.59	11.1	12.8	8.7	34.6	13.2	2.8	1.4	15.3	100
3.00-5.59	10.3	16.3	7.4	33.7	14.1	2.7	1.0	14.4	100
6.00-8.59	12.7	22.4	9.7	11.3	8.0	4.2	4.1	27.6	100
9.00-11.59	14.2	21.3	12.0	8.1	6.6	6.2	4.8	26.8	100
12.00-14.59	12.1	24.9	10.1	10.6	6.0	6.3	4.0	25.9	100
15.00-17.59	12.7	22.4	9.6	14.5	5.6	5.3	3.7	26.1	100
18.00-20.59	16.3	17.6	10.1	21.2	8.7	4.2	3.7	18.2	100
21.00-23.59	15.7	14.3	11.1	22.9	12.8	4.0	2.5	16.7	100

a Includes homicide, sexual assault, abduction and robbery

b Includes dangerous acts, deception/fraud, weapon offences, miscellaneous and other not definable

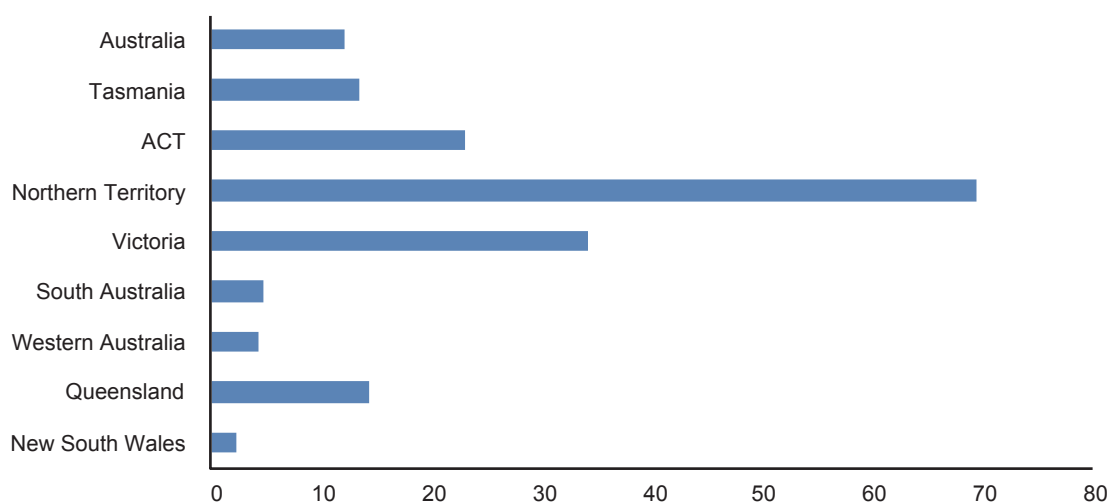
Note: Excludes instances where offence information was not stated or was not applicable

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

## Public drunkenness and police custody

To determine the total number of custody incidents in which persons were detained for being drunk, the number of incidents for which public drunkenness was an offence was added to the number of incidents in which persons were placed in protective custody because they were drunk. Across Australia the total number of incidents (where known) resulting from drunkenness was 3263 – that is, 12 out of every 100 incidents. Figure 20 shows that the proportion of all custody incidents which stemmed from public drunkenness varied by jurisdiction. The Northern Territory recorded the highest proportion of incidents due to public drunkenness.

**Figure 20: Proportion of all incidents within each jurisdiction and across Australia due to public drunkenness**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, unweighted data]

Among Indigenous persons, 19 per cent of all custody incidents were for public drunkenness whereas this figure was only eight per cent for non-Indigenous persons. Figure 21 shows how the proportion of all public drunkenness incidents varied by jurisdiction and by Indigenous status. Nationally it can be seen that the breakdown of public drunkenness incidents was similar for Indigenous and non-Indigenous persons. However, analysis by jurisdiction shows that this pattern varied markedly (Figure 21). Indigenous people comprised the vast majority of such incidents in the Northern Territory (92%) and Western Australia (83%), followed by South Australia (61%) and Queensland (42%).

While the proportions of Indigenous people being placed in police custody for public drunkenness are clearly high, and higher than for non-Indigenous people, a comparison with the 1995 National police custody survey shows that the proportions of incidents involving public drunkenness for both Indigenous and non-Indigenous persons have decreased quite markedly. Figure 22 shows that in 1995, 34 per cent of all Indigenous police custody incidents involved public drunkenness compared with 19 per cent in 2002. For non-Indigenous people, 15 per cent of incidents involved public drunkenness in 1995 compared with only eight per cent in 2002. Hence there has been a clear decline in the proportions of people being detained in police custody for public drunkenness since 1995.

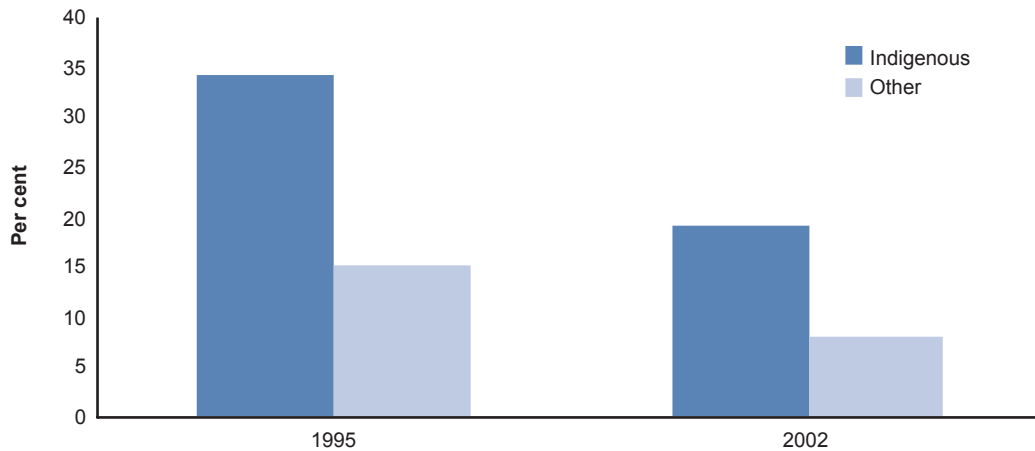


**Figure 21: Percentage of all public drunkenness incidents within each jurisdiction by Indigenous status**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 22: Percentage of Indigenous and non-Indigenous incidents resulting from drunkenness in 1995 and 2002**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]; Carcach & McDonald 1997

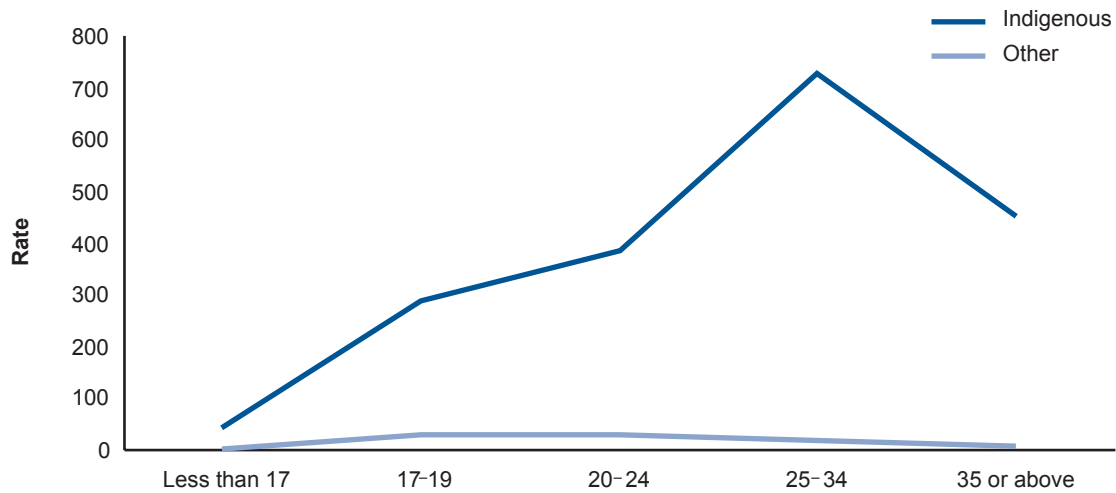
Table 12 shows that the majority of persons detained for public drunkenness were aged over 25 years. Indigenous persons detained for public drunkenness tended to be slightly older than non-Indigenous detainees. Figure 23 shows that, as a proportion of the relevant populations, the number of incidents in which Indigenous people were detained for public drunkenness was considerably higher than the number of incidents in which non-Indigenous people were detained from the ages of 17 and above. It can also be seen that rates of Indigenous detention per 100,000 population for public drunkenness peaked between the ages of 25 and 34, while rates of non-Indigenous detention for public drunkenness were generally low and peaked between the ages of 17 and 19. Overall, custody incidents of public drunkenness were 42 times more likely to involve Indigenous people than non-Indigenous people per relevant population.

**Table 12: Percentage of all public drunkenness incidents by gender, age and Indigenous status**

Age group	Female		Male		Total	
	Indigenous	Other	Indigenous	Other	Indigenous	Other
Less than 17	2.4	6.1	2.5	1.4	2.4	1.9
17 to 19	3.7	3.1	6.7	15.4	5.9	14.1
20 to 24	12.3	22.7	10.4	22.0	10.8	22.0
25 to 34	36.3	33.1	39.7	30.1	38.9	30.5
35 or over	45.3	35.0	40.7	31.2	42.0	31.5
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 23: Rate of custody incidents for public drunkenness by age and Indigenous status**

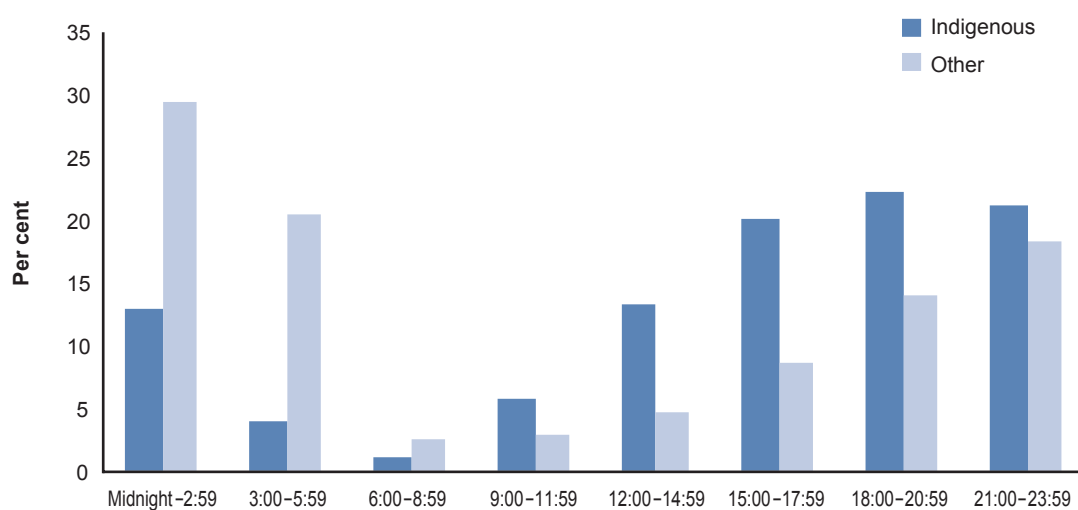


Note: Rates refer to number of incidents per 100,000 relevant population. For the age group 'less than 17' rates are based on the relevant population aged 10 to 16

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

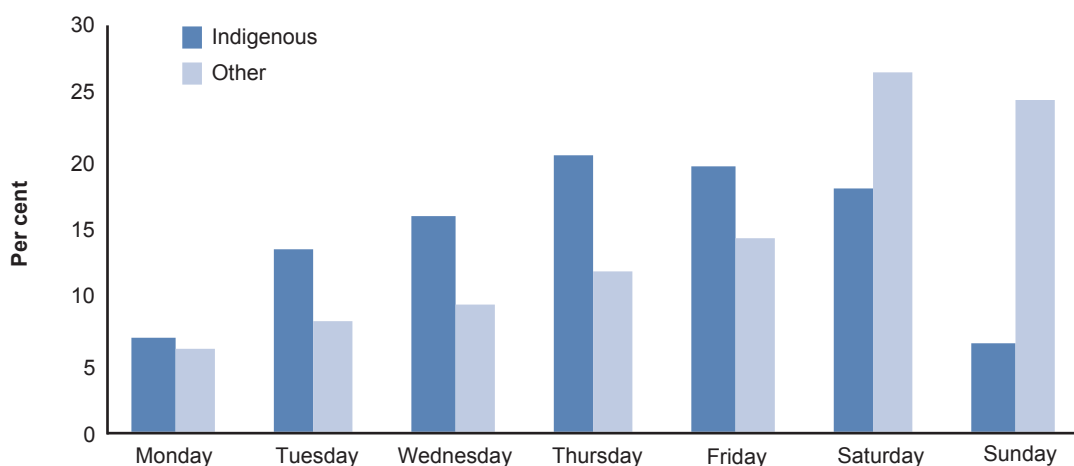
Figure 24 shows that, for incidents of public drunkenness, Indigenous persons were more likely to be placed into custody between the hours of 3pm and midnight. Non-Indigenous persons, however, were more likely to be placed in custody between midnight and 6am. These differences may well reflect a greater likelihood of non-Indigenous persons attending and leaving licensed premises and nightclubs in the early hours of the morning. This interpretation is borne out through the fact that non-Indigenous custody incidents occurred more frequently on Saturdays and Sundays (Friday and Saturday night partying) whereas the pattern of custody for Indigenous persons was more evenly distributed, peaking on Thursdays and Fridays (Figure 25).

**Figure 24: Time of day that persons were taken into custody for public drunkenness**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Figure 25: Day of the week that persons were taken into custody for public drunkenness**

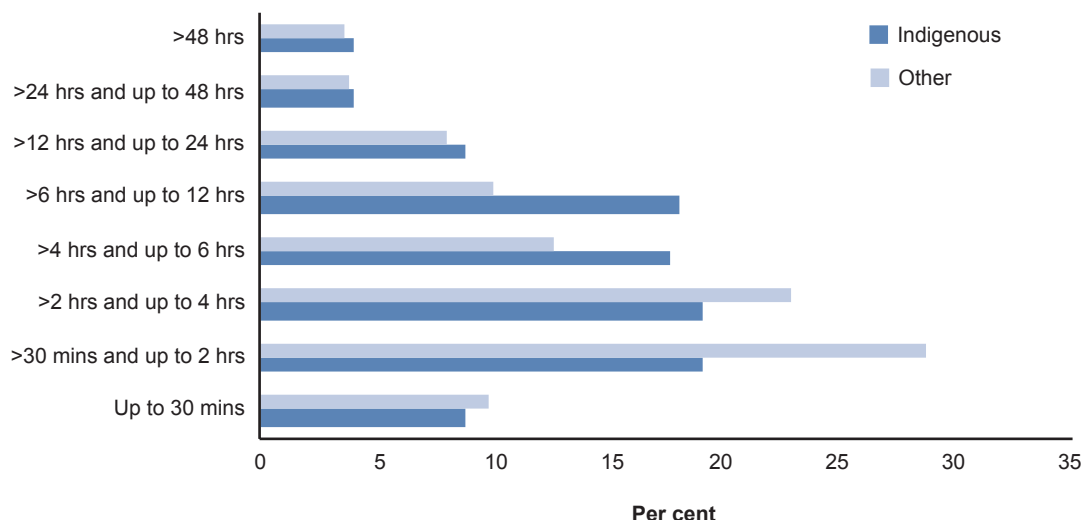


Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

## Length of time in custody

The majority of persons taken into custody during October 2002 were detained for less than four hours per incident (see Figure 26). One in 10 incidents was for up to half an hour, while in one-quarter of incidents persons were detained between half an hour and two hours. Across Australia, the median length of time in custody for Indigenous persons was 4.3 hours (mean of 12 hours) compared with a median of 2.9 hours (mean of 11 hours) for non-Indigenous persons.

**Figure 26: Length of time in custody for Indigenous and non-Indigenous incidents**



Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

Table 13 shows that the average length of time of Indigenous and non-Indigenous custody incidents varied markedly both within and between jurisdictions. The shortest periods of custody were in New South Wales, where the average length of time in custody for Indigenous persons was about six hours compared with four hours for non-Indigenous persons. This difference was significant. New South Wales also had low levels of variation (see standard deviations in Table 13) in lengths of custody incidents compared with other jurisdictions. One possible reason for these shorter custody periods is that NSW Police have up to four hours to conduct an investigation with the capacity to apply to a magistrate to extend that investigative time up to a maximum of 12 hours. Hence, for purposes of the investigation process itself, there is a legislative requirement relating to the amount of time a person can be detained under investigation. The Northern Territory also had relatively short custody periods, although both Western Australia and the Northern Territory had significantly longer custody periods for Indigenous than non-Indigenous persons.

**Table 13: Average number of hours in custody by jurisdiction and Indigenous status**

	Indigenous		Non-Indigenous	
	Mean	SD	Mean	SD
New South Wales*	6.61	13.21	4.40	7.82
Queensland	18.46	39.54	16.46	34.25
Western Australia*	12.77	72.73	6.42	70.56
South Australia	9.12	43.95	23.76	650.63
Victoria	26.21	71.80	20.26	43.53
Northern Territory*	7.75	10.36	6.16	5.20
Australian Capital Territory	11.27	10.91	8.25	8.31
Tasmania	51.96	184.77	11.99	67.49
Australia	11.56	45.81	10.89	202.89

\* Means differ significantly at  $p < .05$

Note: Means are heavily affected by standard deviations – the larger the standard deviations the more variation there is around the mean and the less likely it is that means will differ significantly from each other. For this reason the mean should not be viewed in isolation from its standard deviation.

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

## Length of time in custody by most serious offence

Table 14 shows the average hours spent in police custody classified by Indigenous status and the most serious offence leading to custody. Both the mean (arithmetic average) and median number of hours are presented to give a clearer picture of the length of time spent in custody. The median represents the number of hours spent in custody below which half of the custody incidents fell and above which half of the custody incidents fell. The large differences between the mean and the median lengths of custody are due to the highly skewed distribution of the times spent in custody. That is, a small proportion of detainees were in custody for long periods which can affect the means considerably. For this reason the median is probably a better indicator of the length of time in custody.

**Table 14: Number of hours in custody by Indigenous status and most serious offence**

Reason for custody	Median hours in custody			Mean hours in custody		
	Indigenous	Other	Total	Indigenous	Other	Total
Homicide*	9.0	15.8	14.2	11.0	34.2	29.6
Assault/intent to injure*	3.6	3.0	3.2	11.6	6.9	8.2
Sexual assault	6.4	4.0	4.4	16.7	12.2	13.1
Dangerous acts	3.0	2.5	2.6	9.7	8.0	8.4
Robbery/extortion	8.5	7.7	7.7	14.2	15.4	15.1
Break and enter	3.6	4.5	4.2	13.4	13.4	13.4
Theft	3.3	3.5	3.4	11.3	12.1	11.9
Deception/fraud	3.7	3.3	3.3	7.2	9.2	9.1
Drug offences*	2.5	2.9	2.9	5.5	13.6	12.7
Weapons	3.6	3.4	3.4	8.9	6.8	7.3
Property damage	2.9	2.7	2.7	8.8	81.7	62.7
Public order offences	4.0	3.9	3.9	9.7	5.5	6.8
Traffic offences	1.2	1.2	1.2	5.7	4.6	4.8
Justice offences*	4.9	3.6	3.9	15.0	11.8	12.7

\* Mean number of hours in custody differs significantly at  $p < .05$

Source: Australian Institute of Criminology National police custody survey 2002 [computer file, weighted data]

**Table 15: Number of hours in custody for incidents of public drunkenness by jurisdiction and Indigenous status**

	Median hours in custody			Mean hours in custody		
	Indigenous	Other	Total	Indigenous	Other	Total
New South Wales	3.2	3.8	3.7	4.3	4.0	4.1
Queensland	4.4	4.2	4.3	6.7	5.6	6.0
Western Australia*	5.3	3.6	5.2	7.1	4.4	6.7
South Australia	6.1	6.5	6.4	6.5	6.7	6.6
Victoria*	3.8	4.1	4.0	3.3	4.1	4.0
Northern Territory*	6.0	5.7	6.0	6.9	5.7	6.8
Australian Capital Territory	7.4	6.9	7.0	7.0	7.5	7.4
Australia*	5.7	4.2	4.7	6.6	5.3	6.0

\* Differences in mean hours in custody between Indigenous and other incidents significant to  $p < .05$

Note: Tasmania is excluded from this table due to the small number of persons detained for drunkenness and the fact that no Indigenous persons were detained for drunkenness

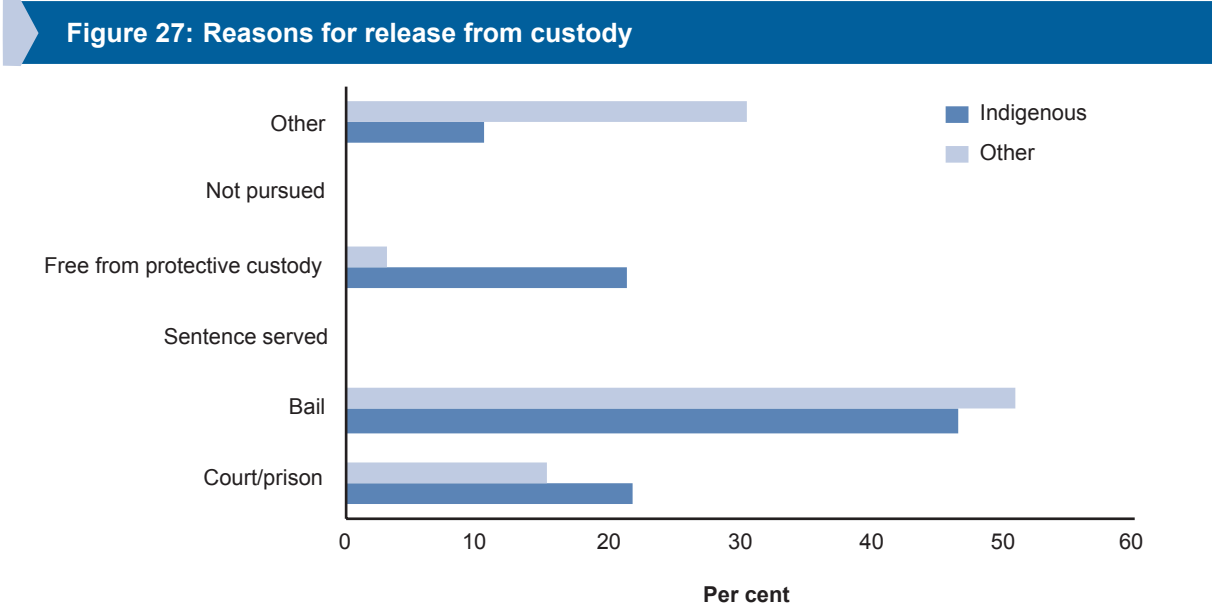
Consistent with the seriousness of the crimes (bail is not automatic and is unlikely to be granted for more serious crimes), the longest periods of time spent in custody were for homicide, robbery and sexual assault. Road traffic offences registered the shortest periods of time in custody. Custody incidents involving Indigenous persons were significantly longer for assault and offences against justice than for non-Indigenous persons. Conversely, the average length of time for which non-Indigenous persons were detained for homicide and drug offences was longer than for Indigenous persons.

### Length of time in custody for public drunkenness

When the reason for being in custody related to public drunkenness (either as the most serious offence or protective custody), the median amount of time spent in custody was about five hours, while the average amount of time was six hours. Across Australia Indigenous people were detained significantly longer than non-Indigenous people for public drunkenness (seven hours versus five) although this pattern varied by jurisdiction (Table 15). In Western Australia and the Northern Territory Indigenous people were detained longer than non-Indigenous people. However in Victoria (where public drunkenness is an offence) detention periods were significantly shorter for Indigenous people than non-Indigenous people.

### Release from custody and reasons for release

At the end of the survey period, 95 per cent of people who had been taken into custody during October 2002 had been released from custody while two per cent of detainees were still in custody. Data on this variable for three per cent of incidents was missing. The reasons for release from custody are shown in Figure 27. The reasons for release could not be determined at all from the electronic databases for incidents of custody in Queensland and a large number of incidents in New South Wales, so the data for reasons for release were not weighted. The missing data were not randomly distributed on this variable. Hence Figure 27 shows the reasons for release from custody for the 17,659 incidents of custody in which this information was available and where detainees had been released prior to the end of the survey



Source: Australian Institute of Criminology National police custody survey 2002 [computer file]

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period. It can be seen that release on bail accounted for about half of the incidents, while about one-fifth of detainees were released to court or prison. One in five Indigenous detainees were released due to being freed from protective custody, reflecting the high numbers of Indigenous persons in protective custody.

## Summary

In sum, the characteristics of police custody incidents were as follow.

- The majority of people taken into custody in 2002 were under arrest. However, people can be taken into custody for reasons other than arrest, such as protective custody or investigation. Many people are also placed into police cells for short periods due to transit between courts and other locations. It is important, therefore, to bear in mind that people are placed into police cells for a variety of reasons, not simply arrest.
- The three most frequent offences associated with custody incidents were public order offences, assault/intent to injure and theft, the first two of which were more likely for Indigenous than non-Indigenous incidents. Non-Indigenous people were more likely to be in custody for theft, fraud, drug and road traffic offences than Indigenous people.
- Younger people were more likely to be in custody for property-related offences (burglary, theft or property damage) while Indigenous people aged 25 and above were more likely to be in custody for public order offences.
- Public drunkenness remains a key issue in incidents of police custody, particularly for the Northern Territory where the vast majority of all custody incidents involved public drunkenness. Across Australia, Indigenous people were more likely to be detained in relation to public drunkenness than non-Indigenous people. The proportion of all incidents which are due to public drunkenness has, however, decreased since 1995.
- For incidents involving public drunkenness, non-Indigenous people were more likely to be detained in the early hours of the morning while Indigenous people were more likely to be detained in the evening. These findings imply different patterns of public alcohol consumption for Indigenous and non-Indigenous people.
- The findings show that evenings and the early hours of the morning were more likely to involve detentions relating to assault, traffic offences, public order offences and drunkenness, while property-related custody incidents (burglary, theft and property damage) were more likely to occur during the middle of the day. Given that incidents of assault, traffic offences and public order offences are presumably more likely to involve alcohol consumption during evenings and early mornings, these findings indicate that policing during the late evening and early morning is likely to occur within a more aggressive and difficult environment than policing during the day.

## 4 Conclusions

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The National police custody survey is a useful example of research undertaken cooperatively by the Australian Institute of Criminology and Australia's police services. It reflects an ongoing commitment by all police services in Australia to the recommendations from the Royal Commission into Aboriginal Deaths in Custody (1991). It also reflects a continuing commitment by police to better understand the activities of police organisations and how this understanding may be applied to strategic planning and more effective resource allocation.

The importance of the National police custody survey is that it allows patterns and trends in police custody to be monitored to determine:

- how many people go into and out of police custody over the course of one month;
- why people are placed in police custody;
- the types of offences associated with police custody;
- the length of time that people are in police custody;
- the proportions of incidents in which Indigenous people are involved; and
- whether these patterns change over time.

In particular, regular monitoring of police custody can assist in identifying whether key recommendations from the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991) are being pursued and are having an impact. Of particular importance in this regard are two key recommendations:

1. that all police services should adopt and apply the principle of arrest being the sanction of last resort in dealing with offenders (Recommendation 87); and
2. public drunkenness should be decriminalised and a full range of services (such as sobering-up shelters) should be provided for the care of people found intoxicated in public places, rather than having them placed in police lock-ups (Recommendations 79–81).

Although the overall numbers of custody incidents decreased between 1988 and 1995, the number of incidents identified in the 2002 National police custody survey reflects an increase since 1995. As the 2002 survey was conducted in the month of October (previous surveys were conducted in the month of August) it is unknown whether the increased number of incidents may be in part due to this difference or reflects an actual upturn in custody incidents. On the basis of the raw numbers of incidents in this report it would appear that people are continuing to be placed in police custody at levels approaching those of 1992. The implication of this in relation to the first recommendation above is that being placed in police custody does not have to involve arrest. Large numbers of people were detained for purposes of protective custody or investigation which did not involve arrest. Hence, it is important to recognise that being placed in police custody is not simply a result of arrest but occurs for other reasons too.

Related to this point is the second recommendation above. Decriminalising public drunkenness was undoubtedly seen as a means of avoiding the need to place people who were publicly drunk into police custody. Alternatives such as sobering-up shelters were seen as more appropriate alternatives to a police cell and, given the high numbers of Indigenous people detained for public drunkenness, such an outcome would be more consistent with the goal of reducing the number of Indigenous people in police cells. However, despite the fact that public drunkenness is no longer an offence in six Australian jurisdictions, large numbers of people continue to be placed in police cells due to public drunkenness. Police cells still appear to be used as a temporary solution to public drunkenness, regardless of whether public drunkenness is an offence or not. While there has been a decline in the percentage of all custody

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incidents attributable to public drunkenness since 1995, indicating that some people are being diverted from police cells due to public drunkenness, it appears that alternatives such as sobering-up shelters are not being used as widely as they otherwise might. Most jurisdictions have in place procedures and guidelines for diverting intoxicated people, where possible, away from police custody and into sobering-up shelters or into the care of relatives or friends (see Appendix A) – the fact that there are still so many people being placed into protective custody due to public intoxication implies that these strategies may be meeting with limited success. Whether this may be due to insufficient resourcing or capacity for such centres to function properly or some other reason is worthy of further investigation.

It is also clearly still the case that Indigenous people are being placed into police cells for public drunkenness at a much higher rate than non-Indigenous people. In the 2002 survey, incidents of police custody for public drunkenness were 42 times more likely to involve Indigenous than non-Indigenous persons per relevant population. While this highlights that alcohol abuse continues to be a considerable problem within the Indigenous community, the characteristics identified in this survey for people placed into custody show that Indigenous people are more likely to be taken into custody for public drunkenness between 3pm and midnight on Thursdays and Fridays. This is in contrast to non-Indigenous people who are more likely to be taken into custody for public drunkenness in the early hours of Saturday and Sunday mornings. These findings suggest different patterns of public alcohol consumption for Indigenous and non-Indigenous people. It is possible that there may be other characteristics associated with how and when Indigenous people become publicly intoxicated which could assist police in identifying more effective strategies for reducing the numbers of Indigenous people being placed into custody due to public drunkenness. Identification in this survey of these peak entry hours could also be used in the development of sobering-up shelters and identifying when they need to be resourced most heavily.

This report has shown that although overall numbers of people being taken into police custody have remained high, and that Indigenous over-representation is still high, patterns of Indigenous over-representation have been declining since 1995. While the reasons for this and the degree to which it occurs vary by jurisdiction (some jurisdictions have experienced declines in Indigenous custody rates while others have seen increases in non-Indigenous custody rates) such findings are promising. Western Australia has seen a considerable drop in Indigenous custody rates since 1992. Queensland and South Australia have seen a reduction in Indigenous custody rates since 1995. The Northern Territory's rates of custody have dropped for both Indigenous and non-Indigenous people. Such reductions should be acknowledged and commended as they occur. Continued monitoring of police custody will assist in identifying whether the trends are continuing. Identification of Indigenous persons should also become more reliable in future surveys as jurisdictions start to put in place a consistent approach to Indigenous identification. Use of the Australian Bureau of Statistics' self-report measure for Indigenous identification (see Appendix A) is currently being adopted by several jurisdictions which should eliminate the subjectivity associated with visual judgments and improve comparability across jurisdictions.

In sum, it appears that there has been some progress toward meeting key recommendations of the Royal Commission into Aboriginal Deaths in Custody. This is reflected primarily in reduced rates of Indigenous custody in some jurisdictions, as well as a reduction in the percentage of custody incidents attributable to public drunkenness. The direction and extent of the changes are promising and augur well for future improvements. These will continue to be tracked through future National police custody surveys.

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**Appendix A: Examples of current  
jurisdictional practice  
in police custody**

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The following are current examples of police procedures and guidelines relating to different components of police custody. These examples are provided to give a flavour of the types of procedures which police currently have in place for detaining persons in police custody (note that these examples are current in 2004). These examples are not exhaustive and any reference to particular jurisdictions in the boxes below does not preclude the existence of such procedures in other jurisdictions. The examples are provided to illustrate that the nature of police custody is not straightforward and that police are continually working to ensure safer and more appropriate ways of detaining persons in police custody.

### **Length of time in custody**

#### *New South Wales*

NSW Police policy is to detain a person in police custody for the shortest possible time. The use of court attendance notices (CANs) and field court attendance notices (FCANs) is encouraged to reduce the number of people being detained in custody. NSW Police has trained a number of experienced police as 'custody managers' whose role it is to manage the wellbeing of a person who is placed into custody. The custody manager carries out a risk assessment of the person in custody, to determine a number of factors including the frequency of observations of the person whilst in custody.

Amendments to the Bail Act reduce the likelihood of offenders, charged with serious offences or repeat offenders, being granted bail. Also, notwithstanding NSW Police policy to reduce the number of people in custody, NSW Police has a pro-arrest policy for domestic violence offences. In recent years, significant efforts have been made to encourage victims of domestic violence to report the violence.

### **Indigenous custody**

#### *New South Wales*

The NSW *Young Offenders Act* requires police to notify the Aboriginal Legal Service and an 'acceptable person' in the event that a young person of Aboriginal or Torres Strait Islander descent is placed into custody.

#### *South Australia*

In South Australia an Aboriginal visitors scheme operates after hours as well as weekends and public holidays. Approved Aboriginal visitors may visit police cells at any time, provided the visits do not unduly interfere with operational requirements. When an Aboriginal person is detained the officer in charge is required, as soon as is reasonably practicable, to

- request an Aboriginal visitors scheme visitor;
- contact the Aboriginal legal rights movement;
- contact an Aboriginal field officer.

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## Illness or injury

### South Australia

If a person in custody (including a person detained under the *Public Intoxication Act*) has:

- an impaired state of consciousness (no response to commands or stimulation, incapable of rational conversation, persistently or intermittently drowsy/sleepy, or unable to walk or stand unassisted);
- difficulty breathing;
- a breath analysis reading of 0.35 per cent or higher; or
- complained of severe abdominal, chest, limb or head pain

the person must be medically examined. The health of the person is paramount.

### New South Wales

The NSW Police building code sets the standards for construction of custody areas including charge rooms, prisoner holding docks, observation cells and cell complexes. These standards are constantly being reviewed to ensure the potential for self-harm by prisoners is minimised. All cells at police stations have been classified according to their condition, their frequency of use and requirements to support local courts.

## Public drunkenness

### Queensland

Section 210 of the *Police Powers and Responsibilities Act 2000* imposes a duty on a police officer, at the earliest reasonable opportunity following the arrest of a person for being drunk in a public place in circumstances where the police officer is satisfied it is more appropriate for the person to be taken to a place of safety, to take the person to the place of safety and release that person.

These provisions do not apply in cases where the arresting officer is satisfied that a person at the 'place of safety' is unable to provide care for the person or the person's behaviour may pose a risk of harm, including but not limited to, an act of domestic violence or associated domestic violence, to other persons at the place of safety.

Examples of a place of safety include:

- a hospital for a person who needs medical attention;
- a place other than a hospital that provides care for persons who are drunk;
- a vehicle used to transport persons to a place of safety and under the control of someone other than a police officer; and
- the person's home or the home of a relative or friend, if there is no likelihood of domestic violence or associated domestic violence happening at the place because of the person's condition or the person is not subject to a domestic violence order preventing the person from entering or remaining at the place.

Prior to releasing any such arrested person the police officer releasing the arrested person is to ensure that the person apparently in possession or in charge of the place of safety signs an undertaking to provide care for the arrested and released person.

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### *New South Wales*

NSW Police only detain intoxicated persons as a last resort. Police will seek to have the person cared for by a friend or family member or will deliver the person to a proclaimed place. Intoxicated persons detained in police custody are not charged and are detained only until such time as they are capable of looking after themselves.

### *South Australia*

Before police apprehend a person under the *Public Intoxication Act* they are directed to:

- try to ascertain whether someone else is able and willing to care for the person; and
- check whether there are other groups, such as the Aboriginal sobriety group, to care for the person.

When police do apprehend a person under the Act they are directed to consider whether to take them to their residence, or a place approved by the minister for Human Services (such as sobering-up shelters) and release them from custody, rather than detain them in a police station. Before taking a person to their residence police are directed to find out whether there is anyone there to care for the person or if there are any domestic problems which are likely to arise.

### *Western Australia*

The *Protective Custody Act 2000* allows police officers to remove intoxicated people to a safe, secure place to recover or receive treatment.

## **Indigenous identification**

### *Queensland*

In support of the Queensland Aboriginal and Torres Strait Islander justice agreement, which seeks to achieve a 50 per cent reduction in the rate of incarceration of Indigenous people by the year 2011, the Queensland Government has decided to collect statistics on the number of Aboriginal and Torres Strait Islander persons coming into contact with the criminal justice system. This decision involves action by all criminal justice agencies.

The Queensland Government has determined that all criminal justice agencies will ask the Australian Bureau of Statistics' standard Indigenous identifying question of victims and offenders. This question is based on self-identification. From 1 January 2003 it has been mandatory for Queensland police officers to ask all victims and offenders, on which an entry is made in the Crime reporting information system for police (CRISP), the question:

'Are you of Aboriginal or Torres Strait Islander origin?'

Responses are recorded using the following codes:

- NO not Aboriginal or Torres Strait Islander;
- AB identifies as Aboriginal;
- TI identifies as Torres Strait Islander;
- BO identifies as Aboriginal and Torres Strait Islander; and
- RF refused.



## Appendix B: Technical appendix

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## Methodology and weighting procedures

- The fourth National police custody survey covered every occasion in which a person was taken into police custody and physically lodged in a police cell, at any location within Australia, during the month of October 2002. The survey therefore covers the total number of discrete incidents of police custody which occurred, not the number of distinct persons who were taken into custody. For example, if one person was taken into custody on three separate occasions during October 2002 this would be counted in the survey as three incidents of custody.
- The purpose of the survey was to obtain information on the extent and nature of police custody in Australia in 2002, and to enable comparisons to be made with the previous surveys so as to be able to observe trends. In doing so, the survey program collects data which have been found useful in evaluating the implementation of some key recommendations of the Royal Commission into Aboriginal Deaths In Custody.
- The survey was conducted during the period 1 October to 31 October 2002. Data were collected in two ways: data for the ACT, South Australia and Victoria were collected by police officers at the station level who manually completed a separate data collection form for each occasion of custody, while data for New South Wales, Queensland, Western Australia, Northern Territory and Tasmania were provided in the form of electronic datasets.
- The survey data (hard copies or electronic data sets) were provided to the Australian Institute of Criminology for coding, data entry, editing and analysis. For the jurisdictions which provided electronic data sets, the required survey information was manually sought and extracted retrospectively by an AIC researcher.
- This differs from previous surveys where data collection forms were completed by police officers at the station level in all jurisdictions. Although provision of electronic data sets to the AIC may have been easier to provide from the point of view of police in each jurisdiction who provided data in this manner, it became clear that this method of data provision was not as suitable for the purposes of extracting the required survey information as the manual completion of forms. The electronic databases provided usually included considerably more persons and variables than that required for the purposes of the survey. It was difficult at times to identify which pieces of information in the electronic data sets matched the variables in the survey. Entry and exit dates and times required manual searching of individual cases as a person's electronic custody record may have tracked their progress through the system (transit, interviews and so on). In sum, the survey data collected retrospectively through provision of electronic databases required extensive and time-consuming manual searching. In some cases survey variables simply could not be identified or retrieved. It is recommended for future National police custody surveys that, for jurisdictions wishing to provide electronic data, specially tailored data requirements and parameters be established and agreed with each jurisdiction so that data extraction and submission is simplified.
- The total number of police custody incidents recorded in which a person was placed in a police cell during October 2002 was 27,047.
- Although the survey was designed as a census of all the incidents of police custody occurring during October 2002, there was no way to verify whether all of them were effectively and accurately recorded by police stations. It is possible, therefore, that the survey estimates may have been affected to some degree by undercoverage.

**Table 16: Percentage of cases with missing data on Indigenous status, gender and age within each jurisdiction (%)**

State/territory	Age	Gender	Indigenous status	Age, gender or Indigenous status
New South Wales	1.3	0.0	0.0	1.3
Queensland	1.4	0.0	0.0	1.4
Western Australia	0.1	0.0	0.0	0.2
South Australia	1.6	1.7	6.0	8.5
Victoria	0.1	0.1	7.9	9.1
Northern Territory	40.1	0.0	0.0	40.1
Australian Capital Territory	1.6	2.1	44.9	47.0
Tasmania	0.0	0.0	0.0	0.6
Australia	3.4	0.1	1.6	5.1

Source: Australian Institute of Criminology National police custody survey 2002 [computer file]

- Similarly to previous surveys, missing data for many of the variables was a major problem with this survey. Missing data occurred for both manually completed surveys and electronic data. In 1,371 out of the 27,047 recorded incidents, data on gender, age and/or Indigenous status were missing. This means that five per cent of all incidents which occurred had missing data for at least one of these three variables (see Table 16).
- In New South Wales two electronic data files were provided to the AIC and it was necessary to link cases between these two data sets for purposes of determining the most serious offence. However, less than half of the total incidents were able to be matched between the two data sets. This means that the most serious offence in New South Wales could only be determined for less than half the custody incidents. In the Queensland electronic data set it was not possible to identify the date on which was the person was taken into custody for six per cent of cases, or released from custody in 10 per cent of cases.
- To compensate for missing data and to ensure that estimates were not biased by exclusion of cases due to missing data, the survey estimates were adjusted by incorporating a weight to each record in the survey data file. The weighting procedure ensured that the survey estimates conformed to the state and territory distribution of the original 27,047 cases. Where weights were applied it was assumed that the missing data were randomly distributed.
- Exclusion of cases due to missing data would cause the survey estimates to be biased. One way to remove this bias is by applying a weight to each record in the final sample in such a way that the survey estimates of numbers of incidents of police custody conform to the state and territory distribution of the original 27,047 cases. The weight for the i-th record in the final sample was computed according to the following expression:

$$W_{si} = N_s / (N_s - M_s)$$

Where,

$W_{si}$  = weight for the i-th police custody incident in the s-th state or territory

$N_s$  = total number of police custody incidents recorded in the s-th state or territory

$M_s$  = number of incidents in the s-th state or territory with missing data for the selected variables.

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- Two separate weights were calculated: one which was applied to estimates involving Indigenous status, age and gender; and one which was applied to estimates involving dates and times in which people were placed into custody. The calculation and use of two separate weights ensured that as much use of original data as possible was being used in survey estimates. For example, for Table 6 in which estimates of Indigenous status and gender were calculated, each record in the data set was adjusted by a weight which accounted for all incidents which were missing data on Indigenous status, age and sex by jurisdiction.