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Australian Institute of Criminology

National Deaths in Custody Program Steering Group

Minutes of the first meeting

Tuesday 13 July 2021, 13:00-14:00 via Microsoft Teams

Present entities

NDICP	Australian Institute of Criminology (Chair)
Northern Territory	Northern Territory Correctional Services, Department of the Attorney-General and Justice
	Department of Territory Families, Housing and Communities
Queensland	Queensland Corrective Services
New South Wales	NSW Police Force
	Corrective Services NSW, Department of Communities & Justice
Australian Capital Territory	ACT Corrective Services, Justice and Community Safety Directorate
Victoria	Victoria Police
	Department of Justice and Community Safety
Tasmania	Tasmania Police
	Tasmania Prison Service, Department of Justice
South Australia	Department for Correctional Services
	Youth Justice Services, Department of Human Services
Western Australia	Department of Justice
Commonwealth	National Indigenous Australians Agency
Community	National Aboriginal and Torres Strait Islander Legal Service

Apologies

Northern Territory	NT Police, Fire and Emergency Services
Queensland	Queensland Police Service
Australian Capital Territory	ACT Coroners Court
South Australia	South Australia Police
Western Australia	Western Australia Police Force



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1. Welcome and introduction

The Australian Institute of Criminology (AIC) Deputy Director, Dr Rick Brown (Chair) opened the meeting at 13:05.

The Chair welcomed members to the first National Deaths in Custody Program (NDICP) Steering Group meeting and acknowledged the traditional custodians of the land on which the AIC stands, the Ngunnawal people.

The NDICP Steering Group meetings will be held under Chatham House Rule.

The Chair **noted** attendance and apologies and each member introduced themselves.

2. Agreement of the Terms of Reference

The Chair outlined the NDICP Steering Group Terms of Reference.

The Steering Group discussed the possibility of extending the scope of the Group to include research on Indigenous over-representation in the criminal justice system.

Action: The AIC will approach each member to seek their views on extending the scope of the Group.

3. Potential publication of the Terms of Reference and meeting minutes

The Chair discussed publishing the Terms of Reference and meeting minutes on the AIC website.

The Steering Group **agreed** to publish meeting documents on the AIC website. The Steering Group will receive two weeks to review the minutes prior to publication.

4. Timeframes for reporting

The NDICP currently reports annually and reports are published 18 months after the end of the reporting/financial year period. The AIC plans to increase the timeliness of the annual report by publishing within six months of the end of the financial year. Both the 2019–20 and 2020–21 reports are on track for publication by the end of November 2021, which aligns with the new reporting timeframe. The 2019–20 report will enter drafting stage next week, while the 2020–21 report is still in the data verification stage. **No concerns** were raised regarding the timeliness of publishing the 2019–20 and 2020–21 annual reports.

Furthermore, the AIC plans to work towards more frequent reporting. Following consultation with each jurisdiction, it was proposed that quarterly reporting would currently be feasible, but with an intention to move to monthly in the longer term. Data would be represented on a dashboard on the AIC's website. The dashboard would provide a snapshot of key indicators of deaths in custody, noting it is subject to necessary caveats relating to data verification. A full annual report would be made available within six months of the end of the financial year. The AIC proposes to release the first dashboard in April 2022, reporting the January–March 2022 quarter. The Steering Group would review the quarterly dashboard after 12 months in the July 2023 meeting and will discuss the feasibility of moving to a monthly dashboard. Each member was **supportive** of this proposal to move to more frequent reporting.

Concerns were raised about incidents being identifiable with more frequent reporting, as well as how data would be verified in a shorter timeframe. Concerns were also raised regarding potential inconsistencies in how Indigenous status is identified and the definition of a death in custody is applied across jurisdictions. The representative from NIAA agreed to provide the



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Commonwealth definition of Indigenous status for the Group to consider in aligning data across the NDICP. The AIC applies the definition of a death in custody outlined by the Royal Commission into Aboriginal Deaths in Custody, even if jurisdictions have differing legislative definitions. The Chair noted that the definition can be changed to meet contemporary needs and national consistency.

Action: NIAA to provide Commonwealth definition of Indigenous status to be circulated to the Group.

Action: The potential for changes to the definition of a death in custody will be an agenda item for the next meeting.

5. Identification of Indigenous status

Indigenous status is classified in the NDICP as Aboriginal, Torres Strait Islander, Aboriginal and Torres Strait Islander, or neither Aboriginal nor Torres Strait Islander. This information is supplied by data providers from police and correctional authorities in each state and territory on a death notification form and cross-referenced with the *Indigenous origin* and *Indigenous status* variables recorded in the National Coronal Information System (NCIS).

Prior to the introduction of the *Indigenous status* variable on the NCIS, Indigenous status was reported as not stated or unknown if the data provided by police and correctional authorities and that available on the NCIS did not correspond. With the introduction of the *Indigenous Status* variable, discrepancies between data provided by police and correctional authorities and that available on the NCIS have become more prevalent as, in some cases, *Indigenous origin* and *Indigenous status* are not consistent or may be missing. As such, the AIC proposes a new coding rule for Indigenous status to minimise the number of cases for which the Indigenous status of an individual is recorded as not stated or unknown:

- Where one or both of the *Indigenous origin* and *Indigenous status* variables in the NCIS are consistent with data provided by custodial authorities, the AIC will report the Indigenous status of the deceased as provided by the custodial authority.
- Where both of the *Indigenous origin* and *Indigenous status* variables in the NCIS are missing, the AIC will report the Indigenous status of the deceased as provided by the data provider.
- Where both of the *Indigenous origin* and *Indigenous status* variables in the NCIS are inconsistent with data provided by custodial authorities, the AIC will engage with the data provider directly to determine evidence of the deceased's Indigenous status.
- Where one of the *Indigenous origin* and *Indigenous status* variables in the NCIS is inconsistent with data provided by custodial authorities, and the other variable is missing, the AIC will engage with the data provider directly to determine evidence of the deceased's Indigenous status.

While taking into consideration data obtained through the NCIS, this rule will favour data provided by custodial authorities in each state and territory. This recognises that each custodial authority has their own comprehensive method of identifying the Indigenous status of an individual that are undertaken prior to data being provided to the AIC.

Overall, members **accepted** the new coding rule. Concerns were raised about relying too heavily on data providers identification, however the AIC noted that identifying Indigenous status as missing or unknown would be appropriate where data providers have doubt.



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6. Other business

6a. The AIC requested state and territory data providers assist in reconciling historical AIC NDICP data. No objections were raised.

Action: The AIC will send data spreadsheets to data providers.

6b. Members raised the possibility of extending the scope of AIC research and the Group to include qualitative analysis of the different causes and manners of deaths in custody, such as natural causes. The AIC noted that while the NDICP was established as a statistical monitoring program, the AIC itself has scope and mandate to use the data for further research. In the past, the AIC has reported on specific manners of deaths in custody including shooting deaths in police custody and motor vehicle pursuit-related fatalities.

6c. Further clarification on the updated notification forms was sought.

Action: The AIC will distribute further information in response to the queries raised.

No other business was raised.

The Chair thanked members for joining the first NDICP Steering Group meeting.

The next meeting will be held in early February 2022 and Group members will be contacted with potential dates.

The meeting closed at 13:57.