



Australian Government
Australian Institute of Criminology

National Deaths in Custody Program Steering Group

Minutes of the second meeting

Tuesday 22 February 2022, 13:00-14:00 via Microsoft Teams

Present entities

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

Observers

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| Community | Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney |
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Apologies

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| Tasmania | Tasmania Prison Service, Department of Justice |
| Northern Territory | NT Police, Fire and Emergency Services |
| | Department of Territory Families, Housing and Communities |

1.1 Welcome and apologies

The Australian Institute of Criminology (AIC) Deputy Director, Dr Rick Brown (Chair) opened the meeting at 13:01.

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

The Chair thanked members for their contribution to increasing the timeliness of NDICP reports, resulting in the publication of the *Deaths in custody in Australia 2019–20* report in October 2021, and the *Deaths in custody in Australia 2020–21* report in December 2021.

The Chair **noted** attendance and apologies and the observers to the meeting introduced themselves.

1.2 Confirmation of minutes and actions arising from the first meeting

The Chair reminded the Group that minutes from the first meeting were confirmed with members via email in the weeks following the meeting, and were then published online.

The Chair acknowledged the five action items from the first meeting and outlined progress to date.

1.2a Action item 1: The AIC will approach each member to seek their views on extending the scope of the Group.

Members indicated a preference for the Steering Group to focus on the NDICP. The Group noted the Justice Policy Partnership (JPP) as a separate forum focused on reducing over-incarceration of Aboriginal and Torres Strait Islander adults and young people, and the Indigenous Justice Research Program (IJRP) which funds academic research relating to Aboriginal and Torres Strait Islander criminal justice.

The Group discussed the importance of the NDICP Steering Group, the JPP and the IJRP maintaining good communication. One mechanism for this is cross-membership among the groups (ie AIC, NIAA and the Attorney-General's Department).

1.2b Action item 2: NIAA to provide Commonwealth definition of Indigenous status to be circulated to the Group.

The Commonwealth definition of Indigeneity was distributed to members of the Group. Further discussion on the collection and verification of data pertaining to Indigenous status will be held at the third meeting of the Group.

Action item 1: The AIC to include an agenda item on definition and recording of Indigenous status for Meeting 3.



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1.2c Action item 3: The potential for changes to the definition of a death in custody will be an agenda item for the next meeting.

The Chair noted that this discussion will also be postponed until the third meeting of the Group. It was proposed the Group consider how the definition of a death in custody is applied nationally and locally.

Action item 2: The AIC to include an agenda item on NDICP and state/territory authority definitions of a death in custody for Meeting 3.

Action item 3: The AIC to request death in custody definitions from Steering Group members prior to Meeting 3.

1.2d Action item 4: The AIC will send data spreadsheets to data providers.

The AIC distributed data spreadsheets to data providers after the first meeting. Work to ensure that the data held by the NDICP is accurate and reliable remains ongoing.

1.2e Action item 5: The AIC will distribute further information in response to the queries raised.

The AIC distributed the requested information via email after the first meeting.

2. Deaths in custody dashboard

The AIC discussed their intention to produce data more regularly on a *Deaths in custody in Australia* dashboard on the AIC website. Annual reports will still be produced within six months of the end of the financial year to provide a more comprehensive analysis of deaths in custody.

The AIC is working with a consultant to finalise the design of the dashboard, which will include information about the number of people who have died in custody in each quarter, disaggregated by Indigenous status and custody type (ie prison or police custody). It will also include interactive data visualisations, presenting information on the sex and age of those who die in custody. Depending on data availability, data visualisations may also present information on the manner of death, legal status and method of detainment (where applicable). All data will be disaggregated by Indigenous status and custody type. The dashboard would also include information about the data and caveats around the preliminary nature of the data. The AIC outlined delivery dates for the first release of the dashboard presenting data from January–March 2022, as well as future releases.

A number of concerns were raised. The primary concern was the ability for data providers to return data within the proposed timeframe, which may affect the completeness and accuracy of information provided. The timeframe may not allow for internal reporting and data confirmation processes followed by authorities before data are released. An additional concern related to the publication of preliminary data which dashboard users may not appreciate despite the use of data caveats. The Group discussed the need to be mindful of doing no further harm to the families and communities of those who have died in custody, which may happen if data requiring later clarification or inaccurate data is published.

Members raised the possibility of releasing the dashboard one month later than proposed to allow for the most complete and accurate data to be provided to the AIC and to minimise the risk of further harm. The AIC suggested a document is sent to all data providers to determine which data items can be reported and in what timeframe. The Chair noted that decisions pertaining to the content and timeframes of the dashboard would be communicated to members.



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The Chair stated that there was a need to ensure that the dashboard is accurate, pragmatic and timely, and that he would discuss the concerns raised with policy colleagues and provide members of the Group with an update on the resolution.

Action item 4: The Chair to discuss the concerns raised with policy colleagues and provide members of the Group with an update on the resolution.

Action item 5: The AIC to send out a document to all data providers to determine which of the proposed data items can be reported and in what timeframe.

Queries were raised about the content of the dashboard, including whether the dashboard could provide an indication of the timeliness of medical intervention. The AIC noted that while this issue could not be explored on the dashboard, it will be considered in a separate piece of work on natural cause deaths in custody which is currently ongoing. A further query was raised about whether the dashboard could include a separate breakdown of deaths in youth justice custody. The AIC indicated that they will consider whether this is possible, noting that while the number of deaths in youth justice custody are reported when they occur, the details are typically collapsed into prison custody reporting to minimise the risk of identifiability.

Finally, members queried whether the notification form would change in response to quarterly reporting requirements. While there are no current plans for this, the Chair suggested the AIC can examine with data providers if the form requires modification.

Action item 6: The AIC to include an agenda item on the notification form for Meeting 3.

3. January–June 2022 NDICP work program

The AIC informed the Group that work is ongoing on a paper examining the nature and circumstances of natural cause deaths in custody including demographic factors, legal status, comparison to deaths occurring in the community (where possible) and consideration of the adequacy and cultural safety of healthcare. This paper will primarily focus on deaths in prison custody. Deaths in police custody may be reported as part of this report or in a separate report.

The AIC further informed the group that work to confirm the number and Indigenous status of deaths in custody in each jurisdiction was ongoing.

No concerns were raised regarding the January–June 2022 NDICP work program.

4. Other business and next meeting

4a. The AIC raised the possibility of expanding the membership of the Group to include a representative from the National Coronial Information System. No objections were raised.

Action: The AIC will invite a representative of the National Coronial Information System to become a member of the Group.

4b. The next meeting will be held in late July or early August 2022. Group members will be contacted with potential dates.

4c. The Chair indicated a preference to keep meetings to one hour to ensure that there is a high level of attendance and engagement, but that the AIC may reach out for out-of-session contributions. **No concerns** were raised regarding keeping meetings to one hour.

No other business was raised.

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

The meeting closed at 13:59.