



Australian Government
Australian Institute of Criminology

National Deaths in Custody Program Steering Group

Minutes

Wednesday 22 February 2023, 14:00-15:30 via Microsoft Teams

Present entities

NDICP	Australian Institute of Criminology (Chair)
New South Wales	NSW Police Force
	Corrective Services NSW, Department of Communities and Justice
Victoria	Victoria Police
	Department of Justice and Community Safety
Queensland	Queensland Corrective Services
	Queensland Police Service
Western Australia	Western Australia Police Force
	Department of Justice
South Australia	South Australia Police
	Department for Correctional Services
	Youth Justice, Department for Human Services
Tasmania	Tasmania Police
	Tasmania Corrective Services, Department of Justice
Northern Territory	NT Correctional Services
	Department of Territory Families, Housing and Communities
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

Apologies

Northern Territory	NT Police, Fire and Emergency Services
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1.1 Welcome and apologies

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

The Chair **noted** attendance and apologies for the meeting.

1.2 Confirmation of minutes and actions arising from the second meeting

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

The Chair acknowledged the seven action items from the third meeting and outlined progress to date.

1.2a Action item 1: The AIC to follow up with data providers about their ability to accommodate more frequent reporting before February 2023 meeting.

The AIC made a request to Steering Group members following the August 2022 meeting regarding their capacity to increase the timeliness of data provision. The Chair stated this item would be discussed at agenda item 2.

1.2b Action item 2: The AIC to contact data providers to discuss their process of identifying Indigenous status.

The AIC contacted Steering Group members regarding their process of identifying and recording Indigenous status. The Chair thanked those who contributed a response and noted that this would be discussed at agenda item 4.

1.2c Action item 3: The AIC to follow up data providers to obtain remaining death in custody definitions.

The AIC followed up with Steering Group members to obtain death in custody definitions from those who had not yet provided one. The chair noted that this would be discussed at agenda item 4.

1.2d Action item 4: The AIC will seek further feedback on the notification forms.

The AIC sought further feedback from data providers following the August 2022 meeting. The AIC explained that the changes were the inclusion of a unique identifier for verification purposes and the addition of tick boxes on police notification forms to assist with method of detainment coding.

1.2e Action item 5: The AIC will seek members views on the current data transfer system.

The AIC sought feedback following the August 2022 meeting. The Chair noted that this is now completed and all outstanding questions had been answered.

1.2f Action item 6: The AIC will increase the length of future meetings to 90 minutes.

The Chair noted that this was completed and in progress for the present meeting.

1.2g Action item 7: The AIC will invite a representative of the National Coronial Information System to become a member of the Group.

The Chair noted that this item will be carried over to the next meeting.



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2. Review to enhance deaths in custody reporting

The Chair outlined the purpose of a proposed review to enhance deaths in custody reporting. The review will examine the current arrangements for reporting deaths in custody. The Chair explained that the review will look at two programs: the current National Deaths in Custody Program and a potential qualitative research program.

The AIC acknowledged that there have been a number of previous discussions with custodial authorities about changes to deaths in custody reporting. It was noted the review represents a formal consultation process and Steering Group member responses will be reflected in options considered.

3. NDICP borderline cases

The AIC outlined the categorisation of deaths in custody notifications as in-scope, out-of-scope and borderline, and the definition of a borderline case. The AIC explained that borderline cases were introduced into the NDICP following a review of the program in the early 2000s and because of their complexity, they are not included in any analysis or publications until the release of a coronial finding. As such, the number of published deaths in custody may differ between financial years. The AIC confirmed that checks for coronial outcomes are carried out each quarter alongside the verification of data for the NDICP dashboard update. The AIC noted the importance of ensuring that AIC data aligns with that of data providers, and invited any questions from members.

One member enquired about the process the NDICP uses to decide whether a death is within the scope of the program or not, as well as about the impetus for checking on coronial findings. The AIC cited several processes used to determine whether a death is in scope, including coronial findings and consultation with data providers. The member noted that this is useful to know as it would assist in ensuring there is consistency between the NDICP database and that of the relevant custodial authority. The AIC agreed and confirmed that checks for coronial outcomes are regularly carried out, and reiterated that any decision regarding categorisation outcomes will be communicated to data providers.

Action item 1: The AIC will contact each jurisdiction to notify them of any borderline cases prior to the next round of data verification.

Action item 2: Going forward, the AIC will include current borderline cases in quarterly data verification.

4. Indigenous status and death in custody definitions

The AIC restated that two of the action items from the August 2022 meeting were to discuss definitions of a death in custody used by custodial authorities and the identification and recording of Indigenous status by data providers.

The AIC received 16 responses from data providers regarding the definition of a death in custody used by their custodial authority. The AIC thanked those who responded and stated that it is satisfied that all responses received align with the RCIADIC definition, and that the NDICP is receiving notifications for all deaths which fall within this definition.

The AIC noted that it received 10 responses from data providers regarding how Indigenous status is determined, and thanked those who responded. Most responses noted self-identification (and appearance) as the primary methods of identifying Indigenous status. The AIC also noted that it received useful information regarding the processes involved where an



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individual changed their Indigenous status, as well as when Indigenous status was unable to be determined. The AIC requested that those who have not yet provided a response to please do so. The AIC also outlined that understanding how Indigenous status is identified and recorded will be an important part of the review.

Action item 3: The AIC to contact data providers before the next meeting to obtain further information regarding their process of identifying Indigenous status.

4. Other business and next meeting

No other business was raised. The next meeting will be held in August 2023.

The Chair once again thanked members for their contribution to the NDICP and attending today's meeting, and encouraged all members to provide a submission to the review once it is opened.

The meeting closed at 15:08.