



Australian Government
Australian Institute of Criminology

National Deaths in Custody Program Steering Group
Minutes

Wednesday 4 October 2023, 14:00-15:30 via Microsoft Teams

Present

Commonwealth	Australian Institute of Criminology (Chair/NDICP)
	Attorney-General's Department
	National Indigenous Australians Agency
New South Wales	NSW Police Force
	Corrective Services NSW
Victoria	Victoria Police
	Corrections Victoria
Queensland	Queensland Police Service
	Queensland Corrective Services
Western Australia	Western Australia Police Force
	Corrective Services
South Australia	South Australia Police
	Department for Human Services (Communities and Justice)
Tasmania	Tasmania Police
	Corrective Services Tasmania
	Department for Education, Children and Young People
Northern Territory	Department of Territory Families, Housing and Communities
Australian Capital Territory	ACT Coroner's Court (ACT Policing)
	ACT Corrective Services, Justice and Community Safety Directorate
Community	National Aboriginal and Torres Strait Islander Legal Services

Apologies

South Australia	Department for Correctional Services
Northern Territory	Northern Territory Correctional Services
	Northern Territory 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 and acknowledged the traditional custodians of Canberra.

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

1.2 Confirmation of minutes and actions arising from the second meeting

The Chair confirmed the minutes from the fourth meeting and invited the group to comment. One member noted some amendments to Agenda Items 2 and 3. No other changes were noted and the minutes from the fourth meeting were accepted. The Chair noted that these would be published on the website.

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

1.2a Action item 1: The AIC will contact each jurisdiction to notify them of any borderline cases

This was completed and introduced as part of an ongoing process beginning in the Quarter 4, 2022 verification cycle.

1.2b Action item 2: Going forward, the AIC will include current borderline cases in quarterly data verification

This was completed and will be continued into all subsequent verification cycles.

1.2c Action item 3: The AIC to contact data providers to discuss their process of identifying Indigenous status

This item was initiated though it has not yet been completed. The AIC noted that this was to be an ongoing discussion with data providers.

1.2d Action item 4: Invite a representative of the National Coronial Information System (NCIS) to the NDICP Steering Group

This was completed however NCIS were unable to join today's meeting.

2. NDICP update

The Chair noted that a lot of work had been undertaken since the February meeting, culminating in the launch of the real-time dashboard in June. The Chair thanked data providers for their efforts in providing timely data to the NDICP to date.

One member advised the real-time dashboard is on the agendas for the forthcoming Standing Council of Attorneys General and Police Ministers Council. The member indicated that the length of time to notify the NDICP of a death in custody is likely to be raised at these meetings. The Chair noted that since the release of the dashboard 60 percent of death notifications had been received within six days.

The AIC reiterated its thanks to all members for their contributions to the real-time dashboard, and noted that there are currently 70 deaths published on the dashboard. The dashboard received significant interest from the media with over 300 mentions around the time of initial publication and is the fourth most visited webpage on the AIC site.

The AIC presented preliminary findings from the 2022–23 financial year which will be published at the end of 2023. One member requested further information on the use of data cubes alongside the publication of the Statistical Report, as well as the proposal to publish more state and territory



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break-downs. The AIC stated that data cubes are currently available and these will continue to be published annually. It was also noted that the 2022–23 Statistical Report may include some further state and territory information where data remains de-identified.

The AIC concluded the agenda item with a summary of the NDICP data requests received over the last financial year, reminding members that the AIC seeks approval from data providers where the data request includes unpublished state and territory NDICP data. One of the NDICP data requests received in 2022–23 was data on intentional self-inflicted deaths in custody for the Australian Institute of Health and Welfare's Suicide and Self-Harm Monitoring site. The AIC will provide members a link to the site once the data are published.

3. Definitions and terminology

The Chair observed that the definition of a death in custody had been raised following the release of the real-time dashboard.

Given this interest, the AIC invited discussion around terminology used in each jurisdiction and how it relates to the provision of data supplied to the NDICP. Specifically, the AIC noted that terms such as a 'death in police operation' and a 'death in police presence' are applied in some jurisdictions in addition to a 'death in custody'. The AIC asked for members to provide available information on these or other categories that may be relevant to the NDICP definition of a death in custody. This will enable the AIC to explain where NDICP data may differ to death in custody numbers released by individual jurisdictions. The AIC also emphasised that all deaths should be provided if they are reportable under the definition used by the NDICP.

Action item 1: The AIC will contact each data provider to obtain more information about categories used by the state custodial authority to define deaths in custody and related circumstances .

A few members posed questions about the reportability of extended supervision orders and deaths that occur in mental health facilities. The AIC also noted that it had received queries from data providers about the inclusion of deaths resulting from voluntary assisted dying. The AIC clarified that these latter deaths still constitute a death in prison custody and should be reported to the NDICP.

The AIC stated that we may need to consider expanding the NDICP definition of a death in custody but that this would be an ongoing discussion with the Steering Group.

Action item 2: The AIC will contact data providers for examples of deaths recorded by their custodial authority that are currently not reported to the NDICP or it is unclear whether they should be reported to the NDICP.

Another member asked how raising the age of criminal responsibility would impact reporting by data providers and the NDICP. The AIC noted that deaths that occur in youth justice facilities are rare and raising the age would primarily impact the preparation of death rate statistics. One member from a jurisdiction which is in the process of raising the age of criminal responsibility advised they could provide further information to assist reporting.

AIC further noted that there has been a review of the NDICP dataset. The 'manner of death' variable was identified for revision, specifically the value labels 'justifiable homicide' and 'unlawful homicide'. This revision was also suggested by a data provider as the reporting of deaths as justifiable homicides may be of concern to both families of the deceased and police officers involved in the shooting.

The AIC explained that justifiable homicide is an historical term used to define deaths in custody where there has been legal intervention and that this subcategory almost exclusively refers to fatal



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police shootings. No consistent term was found to be used in other deaths in custody statistics. The AIC proposed the use of 'lawful homicide' as an appropriate term going forward.

Two members noted that at the time of reporting, it may not be known whether a fatal police shooting was either justifiable or unlawful, and expressed concerns over the use of any specific term until the coronial finding. One member suggested that the term 'victim precipitated homicide' is becoming more widely used.

The AIC acknowledged this concern and suggested that one option is to delay coding a homicide incident as either justifiable (lawful) or unlawful until after a court outcome or coronial finding becomes available. In the interim these deaths may be coded as 'yet to be determined' to distinguish them from those where manner of death was unascertained by the coroner and described as unknown.

Action item 3: The AIC will contact members to confirm preference for manner of death terminology and coding of relevant deaths.

The AIC outlined the process by which the NDICP intends to revise value labels attributed to cause of death information in the dataset to align labels with the International Classification of Diseases. The AIC noted that this will promote standardisation of reporting and enable comparison with population-based causes of death data published by the Australian Bureau of Statistics and Australian Institute of Health and Welfare.

4. Other business and next meeting

No other business was raised by members. The next meeting will be held in February 2024.

The Chair once again thanked members for their contribution to the NDICP and attending today's meeting.

The meeting closed at 15:29.