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Australian Institute of Criminology

Deaths in custody in Australia: National Deaths in Custody Program 2007

Jane Curnow
Jacqueline Joudo Larsen

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Foreword

The National Deaths in Custody Program (NDICP) is responsible for monitoring the extent and nature of deaths that have occurred in prison, police and juvenile custody since 1980. The Australian Institute of Criminology (AIC) has coordinated the NDICP since its establishment in 1992; the result of a recommendation made by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) the previous year. The program is unique. No other country has consistently collected similar data over such a long period of time.

The overall number of recorded deaths, and the rate per relevant population, has declined significantly in prisons since 1997. However, there has been no statistically significant change in the overall number of police custody deaths since 1990. The overall trend masks the long-term decline in Category 1 police custody deaths. Category 2 deaths (which include pursuits and police shootings) increased until 2002 and then began to decline.

This report finds that in 2007:

- 74 deaths occurred in prison, police and juvenile custody across Australia
- 45 deaths occurred in prison custody (five Indigenous)
- 29 deaths occurred in police and police custody-related operations (four Indigenous)
- Seven deaths occurred in prison due to hanging (one Indigenous). No hanging deaths occurred in police custody
- Four deaths occurred during police motor vehicle pursuits
- Four deaths resulted from police shootings.

In terms of Indigenous status, rates of death for both Indigenous and non-Indigenous prisoners have declined significantly since the mid-1990s. Unfortunately, we cannot calculate comparable

rates for police custody as there are no national annual data on the number of persons who come into contact with the police or who are detained in custody by police. The number of Indigenous deaths in police custody and custody-related operations is lower than for non-Indigenous persons, but the relative proportion of Indigenous to non-Indigenous deaths increased from 2002, peaking in 2005. This change was a result of a decline in the number of non-Indigenous deaths, but with no comparable decrease in Indigenous deaths. However, the proportion of Indigenous to non-Indigenous deaths in police custody dropped markedly in 2007, reaching its lowest point since 2001.

The overall findings of this report are generally positive, with 2007 recording the smallest proportion of self-inflicted deaths in prison and the smallest number of hangings in overall custody since data collection began. The findings also indicate a decrease in overall Indigenous deaths since 1980. However, the period following release is discussed as a critical factor in a prisoner's risk of death.

Investments in basic research infrastructure, such as the NDICP, cannot be underestimated. It provides policymakers with a unique empirical evidence base on which to monitor trends in deaths in custody and the reasons for those deaths. Such data also enables research in this area, as well as providing reliable information that can be disseminated to the wider community.

The NDICP draws on data sources from all state and territory police services, and juvenile justice and correctional departments. The AIC is grateful for the support and cooperation that we receive from these key agencies.

Judy Putt
General Manager, Research
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Acronyms

AIC	Australian Institute of Criminology
ABS	Australian Bureau of Statistics
APMC	Australasian Police Ministers' Council
NDICP	National Deaths in Custody Program
NCIS	National Coroners Information System
RCIADIC	Royal Commission into Aboriginal Deaths in Custody

Executive summary

2007 results

This report presents information on deaths in custody in Australian states and territories for the 2007 calendar year. It provides comparisons by jurisdiction and Indigenous status. Key findings are:

- 74 deaths occurred in custody in 2007 (45 in prison custody, 29 in police custody and custody-related operations).
- Nine deaths were of Indigenous persons (five in prison custody, and four in police custody and custody-related operations).
- 70 males and four females died in prison or police custody and custody-related operations (44 males and one female in prison custody, and 26 males and three females in police custody and custody-related operations).
- The average age of persons who died in prison custody was 48 years with most deaths involving persons aged 55 years or older. For deaths in police custody and custody-related operations, the average age was 37 years and most were aged between 25 and 39 years.
- There were seven hanging deaths (one Indigenous) in prison and no hanging deaths in police custody and custody-related operations.
- Four deaths occurred during motor vehicle pursuits (one Indigenous) and four deaths resulted from police shootings (all non-Indigenous).
- Violent offences were the most common serious offence committed immediately prior to the final period of custody in prison deaths. Violent and 'other' offences were most common in police custody and custody-related operations.

Long-term trends

This report also presents information on deaths in custody in Australian states and territories between 1980 and 2007 for prison custody and between 1990 and 2007 for police custody and custody-related operations.

Prison deaths: 1980–2007

A total of 1,206 deaths have been recorded in prison custody since 1980.

- Non-Indigenous deaths have consistently outnumbered Indigenous deaths each year.
- Despite some fluctuations in rates of both Indigenous and non-Indigenous deaths since 1982, the rates of death for both have become more similar since 1999. Until 2007, where slight increases occurred in both Indigenous and non-Indigenous deaths, both had been trending downward since 1999.
- Deaths of males have consistently outnumbered deaths of females each year.
- Rates of death have been consistently higher for those aged 55 and over than for other age groups since 1982.
- Hanging and natural causes have generally been the most common causes of death over this period.

Police deaths: 1990–2007

- The number of deaths in police custody and custody-related operations remained relatively constant between 1990 and 2004. The number of deaths in 2005 and 2006 has declined from previous years, but deaths in 2007 increased slightly and this number may be revised upward pending coronial outcomes.
- The number of non-Indigenous deaths has been consistently greater than the number of Indigenous deaths each year. While the number of Indigenous deaths in police custody has generally been increasing and the number of non-Indigenous deaths has been declining, 2007 saw an increase in the number of non-Indigenous deaths and a decrease in the number of Indigenous deaths.
- Deaths of males have consistently outnumbered deaths of females each year.
- Most deaths in police custody and custody-related operations have involved persons aged between 25 and 39 (n=227), followed by persons aged less than 25 years (n=165).
- The number of deaths each year from hanging has fluctuated between zero and six. There were no deaths due to hanging in 2007.
- Since 2000, deaths have most frequently resulted from external/multiple trauma.
- Accidents have generally been the most common manner of death each year.
- There have been 152 deaths during motor vehicle pursuits recorded between 1990 and 2007.
- A total of 151 shooting deaths have been recorded since 1990. Of these, 87 have involved persons shot by police and 62 have involved persons who shot themselves in the presence of police.



Introduction and context

Indigenous over-representation in the criminal justice system

The disproportionately high rates at which Indigenous persons are over-represented in the criminal justice system have long been recognised as a concern in Australian justice. The RCIADIC highlighted Indigenous over-representation in custody as ‘a major reason for Aboriginal deaths in custody’ (RCIADIC 1991: 6). The Royal Commission was established in 1987 in response to concern over the number of deaths of Aboriginal people in custody and examined the circumstances surrounding the deaths of 99 Indigenous people that occurred between 1 January 1980 and 31 May 1989. Although the Commissioners were unable to ‘point to a common thread of abuse, neglect or racism’ (s1.1.1) among the deaths, they did find that Aboriginality played a significant role in their presence in custody as well as their subsequent deaths.

The Royal Commission found the rate of death in custody was not higher among Indigenous people in custody than among non-Indigenous people in custody. It was established that the rate of death among Indigenous people in custody was relative to their proportion in the entire population, not because they are more likely to die in custody, but rather that Indigenous people are significantly over-represented

in custody. The problem was simply ‘too many Aboriginal people are in custody too often’ (s1.3.3).

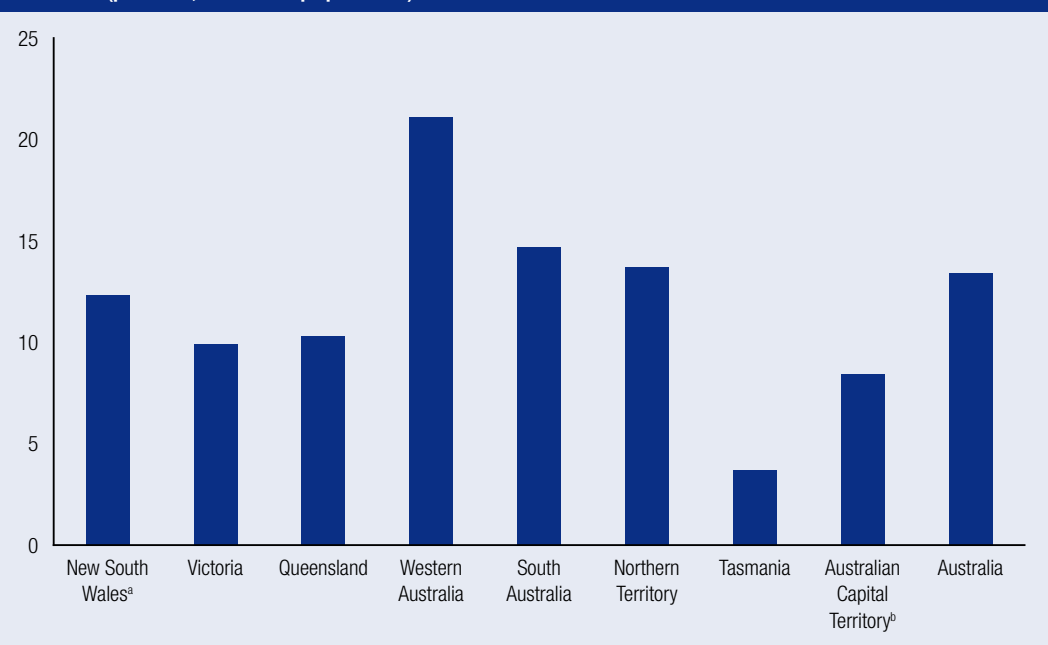
As was the case during the years of the Royal Commission, Indigenous people continue to be over-represented in custody in all Australian states and territories (Table 1). Indigenous people comprise almost three percent of the total Australian population but account for over half (54%) of youths in juvenile detention, just over one-quarter (26%) of people involved in police custody incidents and almost one-quarter (24%) of the prison population.

Recent statistics show Indigenous juveniles are 21 times more likely than non-Indigenous juveniles to be detained (Taylor 2007). Rates of detention for both Indigenous and non-Indigenous juveniles have decreased since 1994, although the decrease for non-Indigenous juveniles is considerably greater than that of Indigenous juveniles (38% versus 24%) (Taylor 2007). Similarly, Indigenous persons were 17 times more likely than non-Indigenous persons to be arrested or detained by police and accounted for 26 percent of all police custody incidents across Australia in 2002 (Taylor & Bareja 2005). In the most recent prison census data, the rate of imprisonment of Indigenous persons was 13 times higher than the rate of imprisonment of non-Indigenous persons (ABS 2007a). The Indigenous rate of imprisonment was consistently higher than the non-Indigenous imprisonment rate across all jurisdictions (Figure 1).

Table 1: Indigenous over-representation in custody (percent)

	Indigenous of total population ^a	Indigenous of total police custody incidents ^b	Indigenous of total juvenile detention population ^c	Indigenous of total prison population ^d
New South Wales	2.5	16.3	45.4	20.0
Victoria	0.7	8.2	10.5	5.7
Queensland	3.8	24.4	51.4	26.1
Western Australia	3.8	45.9	67.6	42.9
South Australia	1.9	27.6	31.4	22.0
Tasmania	3.9	11.6	29.0	12.7
Northern Territory	29.2	81.6	96.0	84.0
Australian Capital Territory	1.6	19.3	27.3	8.0
Australia	2.7	26.3	43.8	24.4

Sources: a ABS 2004; b Taylor & Bareja 2005; c Taylor 2007; d ABS 2007a

Figure 1: Ratio of Indigenous to non-Indigenous age standardised rates of imprisonment (per 100,000 adult population)

a: Data for New South Wales exclude ACT prisoners held in NSW prisons

b: Data for the Australian Capital Territory include ACT prisoners held in New South Wales, as well as ACT prisoners held in the Australian Capital Territory

Source: ABS 2007a

Studies also indicate Indigenous people have high rates of contact with the courts. One study examining levels of contact with the court and prison systems among persons aged 10 years or older found very high rates had appeared in court in New South Wales between 1997 and 2001 and almost seven percent received a custodial sentence. The rate of contact with the court system was almost four-and-a-half times higher for Indigenous persons than for the entire NSW population and Indigenous persons were 16 times more likely to be imprisoned than the wider population (Weatherburn, Lind & Hua 2003). In 2003–04, almost one-third of youths under juvenile justice supervision were Indigenous and one-quarter of Indigenous youths had completed two or more supervision periods (AIHW 2006).

The fundamental goal of the RCIADIC recommendations was directed at ‘the elimination of disadvantage and the growth of empowerment and self-determination of Aboriginal society’ (s1.10.10). Among the Royal Commission’s numerous recommendations was the need for imprisonment to be seen as a sanction of last resort (92) and for police to use cautioning rather than arrest where possible (239). These recommendations are important in light of findings regarding the likelihood of offenders continuing through the criminal justice system once they have come into contact with it (Payne 2007). Several studies have found Indigenous offenders are more likely than their non-Indigenous counterparts to have higher rates of ongoing contact with the criminal justice system (Chen et al. 2005; Ferrante, Maller & Loh 2004).

National Deaths in Custody Program

Among the concerns expressed by the Royal Commission was the dearth of reliable statistics on Indigenous contact with the criminal justice system. The National Police Custody Survey, administered by the AIC, was established as an intermittent collection of statistics relating to the extent to which people are detained by police across Australia. The final report of the RCIADIC (1991) also recommended an ongoing program be established to monitor Indigenous and non-Indigenous deaths in prison,

police custody and juvenile detention to gauge the impact of the recommendations regarding the rates of death in custody.

The program was to perform the following functions:

- maintain a statistical database relating to deaths in custody of Aboriginal and non-Aboriginal persons.
- report annually to the Commonwealth Parliament.
- negotiate with all custodial agencies with a view to formulating a nationally agreed standard form of statistical input and a standard definition of deaths in custody.

In response, the NDICP was established at the AIC in 1992 and continues to provide comprehensive and authoritative data on all deaths that occur in custody and custody-related police operations. Although the NDICP began recording information in 1992, data on all custodial deaths between 1980 and 1992 were collected retrospectively, placing the NDICP in the unique position of holding detailed information on custodial deaths in Australia over 26 years.

The NDICP examines the circumstances of deaths in prison, police custody and juvenile detention across Australia. The purpose of monitoring deaths in custody is to provide accurate, up-to-date information that will contribute to public policy discussion and to increase public understanding of the issues. It also allows for the monitoring of long-term trends and patterns in police custody and custody-related operations.

The final report of the RCIADIC outlined the types of deaths that would require notification to the NDICP (41). They are:

- A death, wherever occurring, of a person who is in prison custody, police custody or detention as a juvenile.
- A death, wherever occurring, of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care, while in such custody or detention.
- A death, wherever occurring, of a person who dies, or is fatally injured, in the process of police or prison officers attempting to detain that person.
- A death, wherever occurring, of a person attempting to escape from prison, police custody or juvenile detention.

Compiling the National Deaths in Custody Program

The information held in the NDICP database is based on three main data sources:

- NDICP data collection forms completed by all state and territory police services and correctional departments and sent to the AIC directly whenever a death occurs (including additional information such as offence records and police narratives).
- Coronial records, such as transcripts of proceedings and findings, as well as toxicology and post-mortem reports.
- Information gleaned from press clippings.

NDICP data collection forms allow information to be recorded on approximately 60 variables relating to the circumstances and characteristics of each death. Australian state and territory police and correction authorities provide completed data collection reports and all relevant information is then extracted and entered into the NDICP database.

Coronial data used in the NDICP data collection process (including coronial rulings and findings, and toxicology and pathology reports) are accessed through the National Coroners Information System (NCIS) for most jurisdictions. The NCIS was formerly managed by the Monash University National Centre for Coronial Information and is currently based at, and managed by, the Victorian Institute of Forensic Medicine. After submitting an ethics application to the Monash University National Centre for Coronial Information in order to obtain access to the NCIS for the NDICP, the AIC was granted access in July 2001 on a fee-for-service basis.

Indigenous status

When reporting statistics on Indigenous persons it is important to note, as with the criminal justice system more generally, Indigenous status is not always collected. When it is, the recording is not always consistent. Further, the way in which Indigenous status is determined varies. The recording of Indigenous status may be based on a subjective judgement of physical appearance or may rely on self-reporting. These issues should be borne in mind when interpreting the data in this report.

Definitions

The definitions used to determine whether a case can be deemed a 'death in custody' are derived from the recommendations of the RCIADIC and are presented in Box 1. The definition of a death occurring in police custody is based on a resolution of the Australasian Police Ministers' Council (APMC) in 1994. Previously, only deaths occurring in police institutional settings (Category 1a) were reported to the NDICP and included in the dataset. The resolution of the APMC allowed the definition to be expanded so deaths occurring during police operations (Category 1b and Category 2) could be included and distinguished from those in institutional settings. Category 1a deaths have been included in the NDICP since 1980, and police operational deaths (Category 1b and Category 2) have been collected by the NDICP since 1990.

Borderline cases

The NDICP uses the definition of a death in custody as recommended by the RCIADIC as a guide to which cases should be included in the NDICP database. While most of the cases are straightforward and fall within the definition, every year there are some cases where it is unclear whether the death should be classified as a death in custody. For the purposes of the NDICP, a person is considered to be in custody when they are not free to leave the detention or arrest of police or corrections officials. As outlined in Box 1, this includes deaths that occur in hospitals if the injuries or illness suffered while in custody caused or contributed to that death. In cases where police were clearly in the process of detaining or attempting to detain a person immediately prior to death, such as shootings, sieges, raids and pursuits, the person is considered to have been in custody at the time of death. In all of these cases, the question centres on whether the deceased was in custody at the time of death. Some brief examples of situations where borderline cases may arise and therefore be excluded pending the outcome of a coronial inquiry are provided in Box 2.

Box 1: Defining deaths in custody

Death in prison custody

Deaths in prison custody include those deaths that occur in prison or juvenile detention facilities. This also includes the deaths that occur during transfer to or from prison or juvenile detention centres, or in medical facilities following transfer from adult and juvenile detention centres (RCIADIC 1991: 189–190).

Death in police custody

Deaths in police custody are divided into two main categories:

Category 1

- (a) Deaths in institutional settings (for example, police stations or lock-ups, police vehicles, hospitals, during transfer to or from such institutions, or following transfer from an institution).
- (b) Other deaths in police operations where officers were in close contact with the deceased. This would include most raids and shootings by police. However, it would not include most sieges where a perimeter was established around a premise but officers did not have such close contact with the person to be able to significantly influence or control the person's behaviour.

Category 2

Other deaths during custody-related police operations. This would cover situations where officers did not have such close contact with the person to be able to significantly influence or control the person's behaviour. It would include most sieges and cases where officers were attempting to detain a person, for example, during a pursuit.

Box 2: Examples of borderline cases

Police engage in a pursuit after observing a car that has been reported stolen. The police attempt to make the driver pull over, but the driver speeds away from them. When speeds reach dangerous levels police call off the pursuit. They still follow the stolen vehicle and it is still in sight when the driver loses control and is fatally injured in the resulting car accident.

Police pull over a vehicle for a traffic infringement. As the car stops, the driver opens the door and flees the vehicle. Police pursue the offender on foot, but lose sight of them. Police continue to search and a short time later discover the individual has collapsed on the ground and died.

During 2001, the NDICP Review Committee was formed as an internal review body to examine cases where such uncertainty exists. During 2003, a decision was made by the Committee to exclude all borderline cases from analysis pending their coronial outcome. This exclusion may result in a delay of up to several years regarding those particular borderline cases, as they may not be heard in their jurisdiction's Coroner's Court for months or years. Despite this drawback, the integrity and reliability of the NDICP is improved over the longer term as the coronial decision is an experienced legal determination based on all evidence available. It is important to note that this may mean that the total number of deaths for 2007 may be revised upward in future reports as borderline cases go to a coronial inquiry. Where appropriate, cases will be retrospectively included in the database, with adjustments made in subsequent annual reports.

In 2007, 14 cases were considered to be borderline. All of the borderline deaths occurred in police custody and custody-related operations. All 14 borderline cases are excluded from the information presented in this report as a decision regarding their inclusion or exclusion from the NDICP database has been deferred pending future determinations by a coroner in each case.

Cases added to the National Deaths in Custody Program since the last annual report

Overall, a further 14 cases have been added retrospectively to the NDICP since the 2006 annual report (Table 2). Of these cases, one involved an Indigenous person.

Report format

This report presents data on deaths in custody collated from all jurisdictions for the 2007 calendar year and reports on trends since 1980. The variables presented in this report are:

- Indigenous status
- age at time of death
- sex
- custodial authority held by at time of death
- time of incident for motor vehicle pursuit and shooting deaths
- cause of death, including hanging points and materials used for deaths caused by hanging
- manner of death
- location of death
- most serious offence.

Information on each of these variables is presented for all deaths in both prison custody and police custody (including custody-related operations) in *Overview of deaths in custody*. Additional information on the legal status of persons who died in prison custody is also reported, as is information regarding the reasons why persons were in the custody of police prior to their deaths.

There were no deaths in juvenile detention in 2007, thus the total number of deaths in juvenile detention remains at 17 since 1980. Due to the small numbers, this report contains no further information on deaths in juvenile detention.

Motor vehicle pursuit and shooting deaths focuses on two types of deaths in custody that tend to attract a great deal of media and public interest—those occurring during motor vehicle pursuits and police shootings. The demographics of persons involved in these types of incidents are examined, as are the circumstances surrounding the events.

Methodological note

Where rates of prison death are presented in this report, they have been calculated using the results of the *Annual National Prisoner Census* (ABS 2007). The Census counts all prisoners in legal custody in each jurisdiction as at midnight on 30 June. Where trends in rates of death are presented, the rates are only calculated back to 1982 as prison census data are not available prior to 1982. Rates of police custody death are not presented in this report because there is no reliable data source for:

- the number of people who are placed into police custody each year
- the number of people who come into contact with police in custody-related operations.

Some variables have missing data where there is unknown information or the AIC is awaiting further detail and as a result, there are differences in the number of cases that contribute to the various analyses. Analyses have been conducted for the total number of cases for which the relevant information is available.

Some column and row percentages may not sum to 100 due to rounding.

Table 2: Deaths added to the NDICP in 2007

Year	Custodial authority	State	Indigenous status	Cause of death
1987	Police	Victoria	Non-Indigenous	Shot by police
	Police	Victoria	Non-Indigenous	Shot by police
1988	Police	Victoria	Non-Indigenous	Shot by police
	Police	Victoria	Non-Indigenous	Shot by police
	Police	Victoria	Non-Indigenous	Shot by police
	Police	Victoria	Non-Indigenous	Shot by police
1989	Police	Victoria	Non-Indigenous	Shot by police
	Police	Victoria	Non-Indigenous	Shot by police
2004	Police	South Australia	Indigenous	Hanging
	Police	New South Wales	Non-Indigenous	Motor vehicle pursuit
2005	Police	New South Wales	Non-Indigenous	Motor vehicle pursuit
	Police	Queensland	Non-Indigenous	Hanging
	Police	Queensland	Non-Indigenous	Shot by police
2006	Police	Queensland	Non-Indigenous	Motor vehicle pursuit

Overview of deaths in custody

Overview of all deaths

The current dataset of the NDICP covers a 27 year period from 1980 to 2007. The dataset contains details relating to 1,969 individual custodial deaths (Table 3) that include:

- 1,206 deaths in prison custody
- 745 deaths in police custody and custody-related operations
- 17 deaths in the custody of juvenile justice agencies.

The majority of deaths recorded by the NDICP are of non-Indigenous persons (81%), with Indigenous persons accounting for approximately 19 percent of all custodial deaths (n=379). Raw numbers reported in this section are presented in the Appendix.

Custodial authority

There are three distinct trends in the total number of deaths that occurred between 1980 and 2007 (Figure 2). The first from 1980 to 1986, is a relatively stable trend with no obvious increase or decrease. The second trend shows a steady increase in the number of deaths between 1989 and 1997, while the third trend reveals a distinct decline in total deaths from 1997 onwards. A first order polynomial

regression model confirmed this curvilinear pattern in deaths since 1990 to be significant (the dotted line in Figure 2 highlights the curvilinear trend). The overall trend in the number of deaths in custody is strongly affected by the trend in the number of deaths in prison (Figure 2 shows prison deaths reflect the same trend as overall deaths) because prison deaths account for the majority of deaths each year. The curvilinear trend for deaths in prison is also significant.

The trend for prison deaths is, however, quite different from deaths in police custody and custody-related operations. Overall, there is no statistically significant change over time in police custody deaths.

Deaths in prison custody 2007

A total of 45 deaths occurred in prison custody in Australia in 2007. Across the jurisdictions:

- New South Wales recorded 18 deaths
- Victoria recorded nine deaths
- Queensland recorded seven deaths
- Western Australia recorded four deaths

Table 3: Custodial deaths by custodial authority, 1980–2007 (number)

	Prison	Police	Juvenile detention	Total
1980	30	12	1	43
1981	28	15	1	44
1982	25	19	0	44
1983	31	16	1	48
1984	31	15	0	46
1985	26	22	0	48
1986	17	21	1	39
1987	53	43	1	97
1988	42	27	1	70
1989	40	23	1	64
1990	33	31	1	65
1991	39	31	0	70
1992	36	31	0	67
1993	49	33	1	83
1994	53	28	1	82
1995	59	26	2	87
1996	52	29	1	82
1997	76	29	0	105
1998	69	27	1	97
1999	59	27	0	86
2000	62	26	2	90
2001	57	35	0	92
2002	50	37	0	87
2003	40	36	0	76
2004	39	31	0	70
2005	34	23	0	57
2006	31	23	1	55
2007	45	29	0	74
Total	1,206	745	17	1,968

Source: AIC NDICP 1980–2007 [computer file]

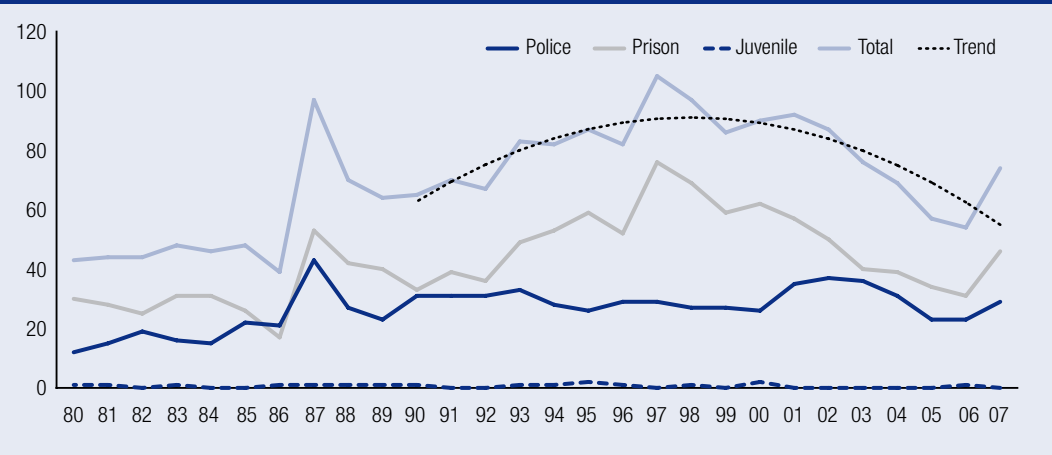
- South Australia recorded four deaths
- Tasmania recorded three deaths
- No deaths were recorded in the Northern Territory or the Australian Capital Territory.

Prison populations differ greatly across the states and territories, which has an impact on the number of deaths recorded. Table 4 presents the rates of death in prison relative to each jurisdiction's prison population.

Trends

A total of 1,206 deaths have been recorded in prison custody across Australia since 1980. Despite some fluctuation in rates of death between 1982 and 1996, no overall trend emerged during this period (Figure 3). However, there has been a statistically significant decline in rates of prison death since 1997, with the rate of death in 2006 reaching its lowest point since data have been collected.

Figure 2: Trends in deaths in custody by custodial authority, 1980–2007 (number)

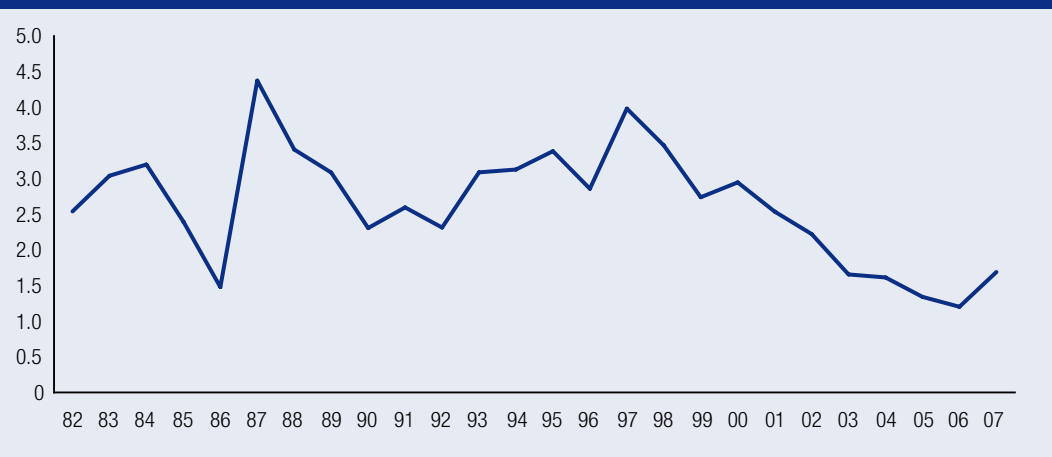


* Significant to $p < .01$

Note: 'Police' includes deaths in both police custody (Category 1) and during custody-related operations (Category 2). Category 2 deaths have been included since 1990

Source: AIC NDICP 1980–2007 [computer file]

Figure 3: Prison custody deaths, 1982–2007 (rate per 1,000 prisoners)



Source: AIC NDICP 1982–2007 [computer file]

Demographic characteristics

Indigenous status

2007

There were 27,224 prisoners in Australia as at 30 June 2007 and of these, 24 percent ($n=6,603$) were Indigenous (ABS 2007). Five of the 45 prison deaths in 2007 were Indigenous persons (Table 4), equating to 11 percent of prison deaths. This is a lower proportion than would be expected based on the proportion of Indigenous people imprisoned.

Based on ABS prison population data, the rates of death in prison custody across Australia were:

- 0.8 per 1,000 Indigenous prisoners
- 2.0 per 1,000 non-Indigenous prisoners.

Trends

Between 1980 and 1986, the total number of deaths occurring in prison each year was below 40 (Table 5). Between 1994 and 2001, the total number of yearly deaths in prison custody was above 50.

Table 4: Prison custody deaths by Indigenous status, 2007 (rate per 1,000 prisoners)

	Indigenous		Non-Indigenous		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	2	1.0	16	2.0	18	1.8
Victoria	0	0.0	9	2.3	9	2.2
Queensland	1	0.7	6	1.5	7	1.3
Western Australia	2	1.2	2	0.9	4	1.0
South Australia	0	0.0	4	2.9	4	2.3
Tasmania	0	0.0	3	6.6	3	5.7
Australia	5	0.8	40	2.0	45	1.7

Source: AIC NDICP 1980–2007 [computer file]

Table 5: Prison custody deaths by Indigenous status, 1980–2007 (number)

	Indigenous	Non-Indigenous	Total
1980	5	25	30
1981	1	27	28
1982	4	21	25
1983	5	26	31
1984	4	27	31
1985	4	22	26
1986	1	16	17
1987	5	48	53
1988	6	36	42
1989	4	36	40
1990	5	28	33
1991	8	31	39
1992	2	34	36
1993	7	42	49
1994	11	42	53
1995	18	41	59
1996	12	40	52
1997	9	67	76
1998	10	59	69
1999	13	46	59
2000	11	51	62
2001	14	43	57
2002	8	42	50
2003	10	30	40
2004	7	32	39
2005	7	27	34
2006	4	27	31
2007	5	40	45
Total	200	1,006	1,206

Source: AIC NDICP 1980–2007 [computer file]

Since 2003, the yearly number of deaths has been at or below 40, until 2007 when the number of prison deaths rose to 45.

Since 1980, Indigenous persons have accounted for 17 percent (n=200) of all deaths of prisoners. This hides individual yearly differences, varying from between four percent of all deaths being of Indigenous prisoners in 1981 to 31 percent in 1995. The rates of death for Indigenous and non-Indigenous prisoners have generally fluctuated between one and six deaths per 1,000 prisoners since 1982. Fluctuations in rates have reduced since 1999, with both Indigenous and non-Indigenous rates of death converging since

1999 (Figure 4). Rates of death have declined significantly for Indigenous prisoners since 1995 and for non-Indigenous prisoners since 1997.

Sex

2007

Forty-four of the 45 prison deaths in 2007 were males (Table 6). One death of a female was recorded in New South Wales. The rate of death of female prisoners in 2007 was equal to that of 2006 (0.5 per 1,000 prisoners) and the lowest since 1992. For males it was 1.7 per 1,000 prisoners—slightly higher

Figure 4: Prison custody deaths by Indigenous status, 1982–2007 (rate per 1,000 prisoners)



Source: AIC NDICP 1982–2007 [computer file]

Table 6: Prison custody deaths by sex, 2007^a

	Male		Female		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	17	1.8	1	1.3	18	1.8
Victoria	9	2.3	0	0.0	9	2.2
Queensland	7	1.4	0	0.0	7	1.3
Western Australia	4	1.1	0	0.0	4	1.0
South Australia	4	2.4	0	0.0	4	2.3
Tasmania	3	6.0	0	0.0	3	5.7
Australia	44	1.7	1	0.5	45	1.7

a: Rate per 1,000 prisoners (ABS 2007)

Source: AIC NDICP 1980–2007 [computer file]

than the 2006 rate of 1.3 per 1,000 which was the lowest recorded since 1982.

Trends

Male deaths have consistently outnumbered deaths of females each year since 1980 (Table 7). Since 1980, 96 percent of deaths have been male. This reflects the fact that the vast majority of prisoners in Australia (93%) are male. With the exception of 1982, 1983 and 1994, the trend in rates of death for males and females has been relatively low and stable (Figure 5). Greater fluctuation has occurred for female deaths due to the small number of females who died in prison custody.

Age

2007

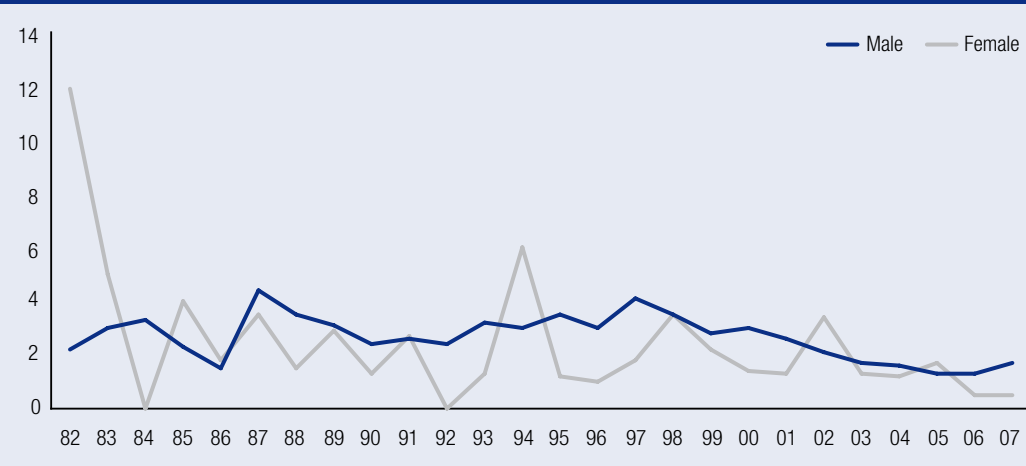
In the general population in 2006, the median age at death was 77 years for males and 83 years for females (ABS 2006b). This is considerably older than the median age at time of death for males (49 years) and females (46 years) in prison custody. The median age at time of death in 2007 was higher for Indigenous (50 years) than non-Indigenous (47 years) prisoners. Only one death occurred of someone younger than 25 years. The remaining 44 deaths were spread evenly over the 25–39 years (n=14), 40–54 years (n=13) and 55 years and over (n=17) categories (Table 8).

Table 7: Prison custody deaths by sex, 1980–2007 (number)

	Male	Female	Total
1980	30	0	30
1981	28	0	28
1982	21	4	25
1983	29	2	31
1984	31	0	31
1985	24	2	26
1986	16	1	17
1987	51	2	53
1988	41	1	42
1989	38	2	40
1990	32	1	33
1991	37	2	39
1992	36	0	36
1993	48	1	49
1994	48	5	53
1995	58	1	59
1996	51	1	52
1997	74	2	76
1998	65	4	69
1999	56	3	59
2000	60	2	62
2001	55	2	57
2002	45	5	50
2003	38	2	40
2004	37	2	39
2005	31	3	34
2006	30	1	31
2007	44	1	45
Total	1,154	52	1,206

Source: AIC NDICP 1980–2007 [computer file]

Figure 5: Prison custody deaths by sex, 1982–2007 (rate per 1,000 prisoners)



Source: AIC NDICP 1982–2007 [computer file]

Table 8: Prison custody deaths by age category, 2007 (number)

	Less than 25	25–39	40–54	55+	Total	Median age
New South Wales	0	6	7	5	18	48
Victoria	1	2	2	4	9	52
Queensland	0	1	0	6	7	60
Western Australia	0	2	2	0	4	44
South Australia	0	2	0	2	4	46
Tasmania	0	1	2	0	3	40
Totals						
Indigenous	0	1	2	2	5	50
Non-Indigenous	1	13	11	15	40	47
All persons	1	14	13	17	45	48

Source: AIC NDICP 1980–2007 [computer file]

Trends

Since 1980, just under one-quarter (22%) of deaths have been of persons aged less than 25 years, 41 percent have been of persons aged 25 to 39 years, 21 percent have been of persons aged 40 to 54 and 16 percent have been of persons aged 55 or over (Table 9). While deaths of persons aged less than 25 years were generally more numerous each year than those aged 55 and over between 1980 and 2000, this pattern has reversed since 2000.

Figure 6 shows that between 1982 and 2007:

- the rates of death for those aged 55 and over have had greater fluctuation and been consistently higher than for other age groups

- the rates of death for those aged under 55 have been relatively low and constant over this period.

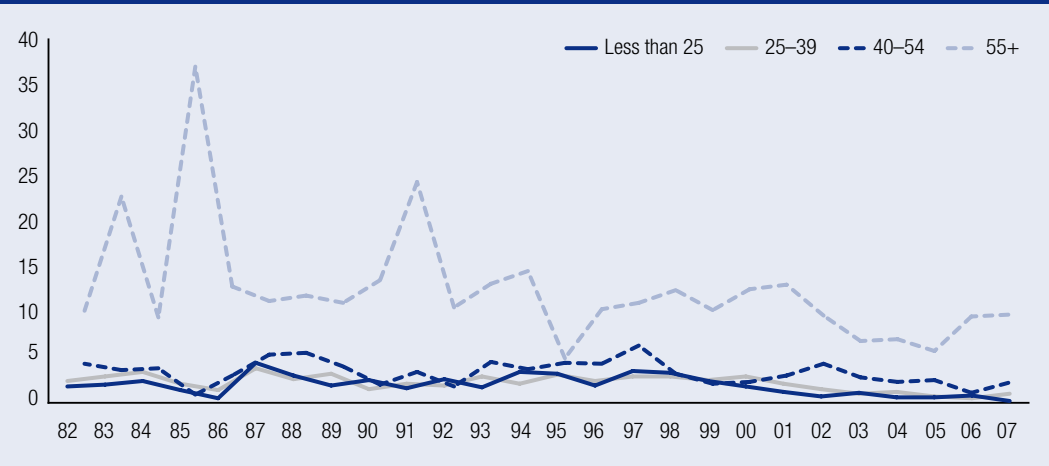
Since 1980, Indigenous prisoners who died in prison were aged:

- less than 25 years (29%; n=57)
- 25–39 years (47%; n=94)
- 40–54 years (21%; n=41)
- 55 and older (4%; n=8).

Non-Indigenous prisoners who died in prison during this time were aged:

- less than 25 years (20%; n=202)
- 25–39 years (40%; n=401)
- 40–54 years (21%; n=215)
- 55 and older (19%; n=188).

Figure 6: Prison custody deaths by age category, 1982–2007 (rate per 1,000 prisoners)



Source: AIC NDICP 1982–2007 [computer file]

Table 9: Prison custody deaths by age category, 1980–2007 (number)

	Less than 25	25–39	40–54	55+	Total
1980	8	11	8	3	30
1981	6	11	9	2	28
1982	7	11	5	2	25
1983	8	14	4	5	31
1984	9	16	4	2	31
1985	6	11	1	8	26
1986	2	8	4	3	17
1987	19	23	8	3	53
1988	13	16	9	4	42
1989	8	21	7	4	40
1990	12	11	4	6	33
1991	8	16	7	8	39
1992	13	15	4	4	36
1993	8	24	11	6	49
1994	17	18	10	8	53
1995	16	27	13	3	59
1996	10	22	13	7	52
1997	19	28	21	8	76
1998	18	30	11	10	69
1999	14	28	8	9	59
2000	10	32	8	12	62
2001	7	25	12	13	57
2002	4	18	18	10	50
2003	6	12	14	8	40
2004	3	16	11	9	39
2005	3	10	13	8	34
2006	4	7	6	14	31
2007	1	14	13	17	45
Total	259	495	256	196	1,206

Source: AIC NDICP 1980–2007 [computer file]

Historically, a greater proportion of Indigenous prisoners die in the younger age groups compared with non-Indigenous prisoners. The relative youth of Indigenous persons who die in prison custody compared with non-Indigenous persons may in part be explained by the average poorer health levels for Indigenous than non-Indigenous people (SCRGSP 2005a). Indigenous people have a life expectancy at birth that is 17 years less than that for the wider Australian population and more long-term health conditions such as asthma, diabetes and kidney failure (ABS 2006b). When cause of death is examined by age for Indigenous prisoners, the impact of poor health is evident. Natural causes were the most common cause of death for Indigenous prisoners aged between 25 and 39 (48%; n=45), between 40 and 54 (87%; n=34) and for all eight prisoners who were 55 or older. Hanging was the most common cause of death among those aged less than 25 (72%; n=41). Comparatively, for non-Indigenous prisoners hanging was the most common cause of death for those aged less than 25 (75%; n=149) and between 25 and 39 (46%; n=185). Natural causes were the most common cause of death for those aged 40 to 54 (58%; n=124), and 55 and older (84%; n=158). The overall disadvantage evident among Indigenous persons is a higher proportion of deaths in the younger age groups compared with their non-Indigenous counterparts.

Circumstances surrounding the deaths

The NDICP collects information on both the cause and manner of each death. Cause of death information relates to the direct cause of death as reported by the coroner or by police and prison authorities. Manner of death is a related variable, but refers to the accountability or responsibility for the death as reported by the coroner or by police and prison authorities. Therefore in some cases, cause and manner will correspond. For example, where a person dies as a result of natural causes, their death will be recorded as natural causes for both cause and manner of death. In other cases, cause and manner of death will differ. For example, where a person dies after hanging themselves, cause of death will be recorded as hanging and manner of death will be recorded as either self-inflicted or accidental hanging.

Cause of death

2007

In 2007, most deaths in prison custody were due to natural causes (n=32; Table 10). Seven prisoners died from hanging and one each from external/multiple trauma, drug/alcohol toxicity and other causes. Of the five Indigenous deaths in prison custody in 2007, four were due to natural causes and one due to hanging.

Table 10: Prison custody deaths by cause of death, 2007 (number)

	Hanging	Natural causes	Head injury	External/multiple trauma	Drugs/alcohol	Other	Total
New South Wales	3	11	0	0	1	1	16
Victoria	0	8	0	1	0	0	9
Queensland	1	6	0	0	0	0	7
Western Australia	1	2	0	0	0	0	3
South Australia	2	2	0	0	0	0	4
Tasmania	0	3	0	0	0	0	3
Totals							
Indigenous	1	4	0	0	0	0	5
Non-Indigenous	6	29	0	1	1	1	38
All persons ^a	7	32	0	1	1	1	42

a: Three cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Of the seven hanging deaths in prison custody in 2007:

- bedding materials were used in four deaths
- rope/cord was used in two deaths
- clothing other than belts or shoelaces was used in one death.

The most common hanging points in 2007 were cell bars (n=2), fittings in the cell other than the bars, such as light fittings, ventilation grilles, door handles or beds (n=2), and bed bunks (n=2). A fitting outside the cell was used in the remaining case.

Trends

Since 1980, deaths due to hanging and natural causes have consistently been the most common causes of death in prison each year (Table 11). Over this period, deaths due to drug or acute alcohol toxicity have been consistently low, while deaths due to head injury or gunshot have been consistently very low and in several years, nonexistent. Figure 7 demonstrates the proportion of deaths in each category has remained fairly constant each year. Forty-one percent (n=484) of prison deaths since

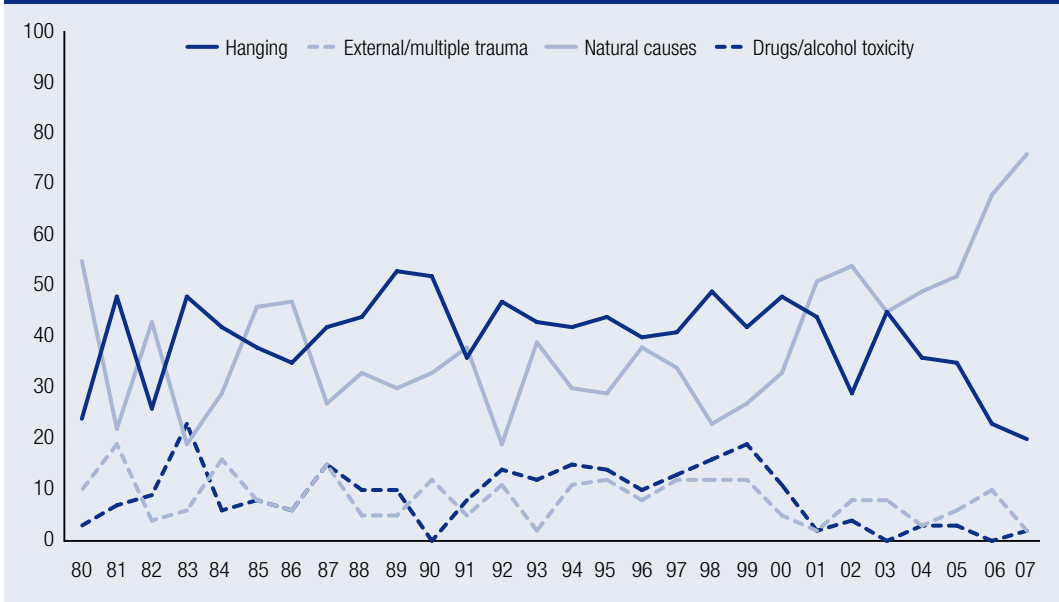
Table 11: Prison custody deaths by cause of death, 1980–2007 (number)

	Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drugs/alcohol	Other	Total
1980	7	16	2	0	3	1	0	29
1981	13	6	0	1	5	2	0	27
1982	6	10	0	1	1	2	3	23
1983	15	6	0	0	2	7	1	31
1984	13	9	0	1	5	2	1	31
1985	10	12	0	0	2	2	0	26
1986	6	8	1	0	1	1	0	17
1987	22	14	0	0	8	8	0	52
1988	17	13	1	0	2	4	2	39
1989	21	12	0	1	2	4	0	40
1990	17	11	0	0	4	0	1	33
1991	14	15	3	0	2	3	2	39
1992	17	7	0	2	4	5	1	36
1993	21	19	1	0	1	6	1	49
1994	22	16	0	0	6	8	1	53
1995	26	17	0	0	7	8	1	59
1996	21	20	2	0	4	5	0	52
1997	31	26	0	0	9	10	0	76
1998	34	16	0	0	8	11	0	69
1999	25	16	0	0	7	11	0	59
2000	29	20	2	0	3	7	0	61
2001	25	29	0	0	1	1	1	57
2002	16	25	0	1	4	2	2	50
2003	18	18	0	0	3	0	1	40
2004	14	20	1	0	1	1	0	37
2005	10	19	1	0	2	0	0	32
2006	7	21	0	0	3	0	0	31
2007	7	32	0	0	1	1	1	42
Total ^a	484	453	14	7	101	112	19	1,190

a: 16 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Figure 7: Prison custody deaths by cause of death, 1980–2007 (percent)



Source: AIC NDICP 1980–2007 [computer file]

1980 have been due to hanging, followed by 38 percent (n=454) that were due to natural causes.

Since 1980, deaths of Indigenous prisoners were due to:

- natural causes (49%; n=97)
- hanging (39%; n=78)
- external and/or multiple trauma (6%; n=11)
- drug and/or alcohol toxicity (5%; n=10).

The proportion of non-Indigenous prisoners who died due to natural causes was lower than for Indigenous prisoners (35%).

Data have been collected on hanging points and materials used to hang with since 1990. Of the 354 hanging deaths in prison custody between 1990 and 2007, cell bars accounted for 36 percent of hanging points, other fittings inside cells comprised 33 percent and shower fixtures comprised 12 percent (Table 12). Seven percent of cases were missing this information. Sheets have consistently been the most common object used each year in hanging deaths (56%; Table 13).

Manner of death

As noted previously, manner of death is closely related to cause of death and as a result the findings may be similar. Manner of death may be classed as self-inflicted, due to natural causes, justifiable homicide, unlawful homicide, accidental or other. Self-inflicted cases include all deaths where the manner or responsibility of death is considered self-inflicted rather than accidental. For example, most hangings and self-inflicted gunshot wounds would be classified as self-inflicted. Justifiable homicide refers to homicides that occur under circumstances authorised by law, for example, a prison officer acting in self-defence. When the manner of death is classified as an accident, this includes deaths that result from toxicity of drugs and/or alcohol, head injuries, burn injuries, drowning, and fatal injuries following a motor vehicle accident. It also includes hangings where the coroner has found the incident to be accidental. It is important to note that some alcohol and drug-related deaths are classified as accidental unless the coroner has clearly stated that the death was intentional and therefore self-inflicted.

Table 12: Prison custody hanging deaths by hanging point used, 1990–2007 (number)

	Cell bars	Shower fixture	Other cell fitting	Fitting outside cell	Bed bunk	Other	Total
1990	10	0	4	0	0	0	14
1991	6	0	7	0	0	0	13
1992	7	2	6	0	0	0	15
1993	9	3	7	0	2	0	21
1994	8	2	9	1	2	0	22
1995	10	4	10	0	1	0	25
1996	5	0	8	3	1	0	17
1997	8	6	13	0	3	1	31
1998	7	5	15	0	3	0	30
1999	12	1	8	1	2	0	24
2000	8	2	8	0	6	0	24
2001	9	6	3	2	3	1	24
2002	8	7	0	0	0	0	15
2003	8	1	9	0	0	0	18
2004	7	0	3	0	3	0	13
2005	4	1	4	0	1	0	10
2006	1	3	2	0	1	0	7
2007	2	0	2	1	2	0	7
Total ^a	129	43	118	8	30	2	330

a: 24 cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table 13: Prison custody hanging deaths by material used 1990–2007 (number)

	Sheets	Shoelaces	Belt	Other clothing	Rope/cord	Other	Total
1990	8	0	1	1	1	4	15
1991	7	0	1	0	4	2	14
1992	12	0	1	2	1	1	17
1993	11	1	1	2	3	3	21
1994	17	0	1	3	1	0	22
1995	16	0	2	2	1	4	25
1996	10	3	1	2	2	0	18
1997	16	5	0	2	6	1	30
1998	22	1	1	1	2	1	28
1999	9	7	0	2	3	2	23
2000	17	3	0	3	4	0	27
2001	14	1	0	2	1	4	22
2002	12	0	0	1	0	1	14
2003	9	5	0	2	0	2	18
2004	8	1	0	1	1	1	12
2005	6	0	0	1	1	1	9
2006	4	0	0	3	0	0	7
2007	4	0	0	1	2	0	7
Total ^a	202	27	9	31	33	27	329

a: 24 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

2007

Thirty-two of the 45 prison deaths in 2007 were due to natural causes (Table 14). A further nine deaths were considered to have been self-inflicted and one due to an accident. Manner of death information is missing for three deaths. Of the five Indigenous deaths in prison custody in 2007, four were due to natural causes and one was self-inflicted.

Trends

Since 1980, 45 percent of deaths have been self-inflicted and 38 percent have been due to natural causes (Table 15). During this period:

- self-inflicted deaths and deaths due to natural causes have consistently been the two most frequent manners of death each year
- no deaths were recorded as being due to justifiable or unlawful homicide between 1980 and 1991
- deaths due to unlawful homicide became more frequent between 1992 and 1999, and have since dropped off.

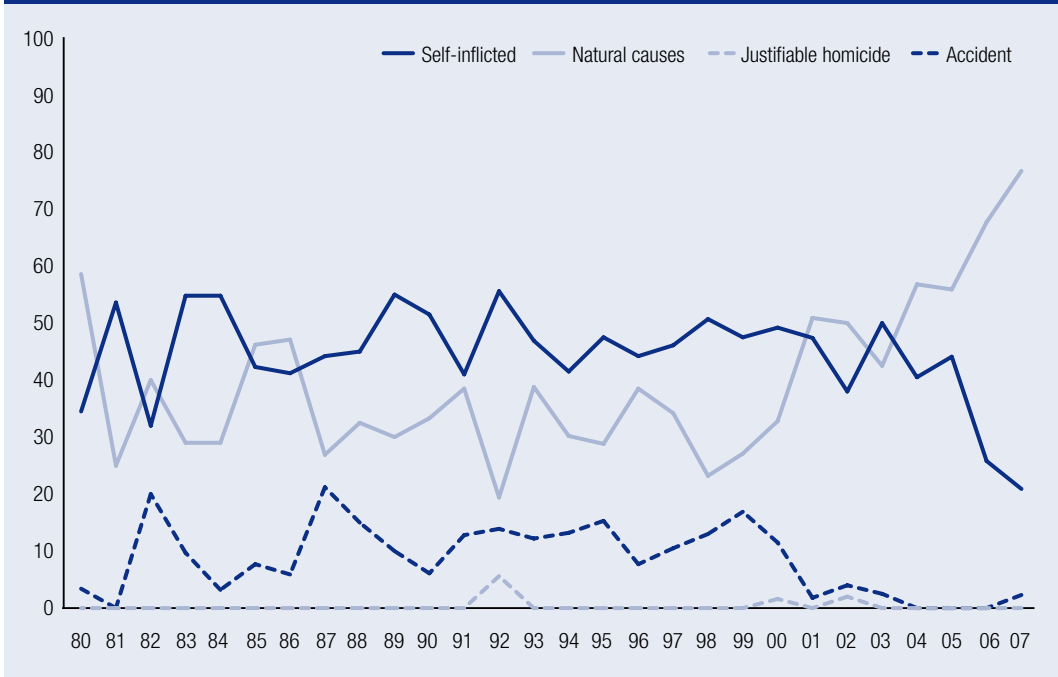
Figure 8 shows that, as a proportion of all deaths, those due to natural causes have been increasing since 1998, while accidental deaths and those due to unlawful homicide have decreased since 1999. For all Indigenous prisoners who died in custody since 1980, manner of death was attributable to:

- natural causes (49%)
- self-inflicted deaths (42%)
- accidental deaths (4%)
- unlawful homicides (3%).

Most serious offence

The NDICP collects information on the most serious offence leading to custody. The offences are grouped into six categories: violent, theft related, drug related, traffic, good order and other/unknown. Where information on more than one offence is provided, only the most serious of those is assigned to the case. The hierarchy from most to least serious is: violent, theft related, drug related, traffic, good order and other. Thus, if a person had been charged with a violent offence and a property offence, the

Figure 8: Prison custody deaths by manner of death, 1980–2007 (percent)



Source: AIC NDICP 1980–2007 [computer file]

Table 14: Prison custody deaths by manner of death of those known^a, 2007 (number)

	Self-inflicted	Natural causes	Accident	Total
New South Wales	4	11	1	16
Victoria	1	8	0	9
Queensland	1	6	0	7
Western Australia	1	2	0	3
South Australia	2	2	0	4
Tasmania	0	3	0	3
Totals				
Indigenous	1	4	0	5
Non-Indigenous	8	28	1	37
All persons	9	32	1	42

a: Three cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Table 15: Prison custody deaths by manner of death, 1980–2007 (number)

	Self-inflicted	Natural causes	Justifiable homicide	Unlawful homicide	Accident	Other/unknown	Total
1980	10	17	0	0	1	1	29
1981	15	7	0	0	0	6	28
1982	8	10	0	0	5	2	25
1983	17	9	0	0	3	2	31
1984	17	9	0	0	1	4	31
1985	11	12	0	0	2	1	26
1986	7	8	0	0	1	1	17
1987	23	14	0	0	11	4	52
1988	18	13	0	0	6	3	40
1989	22	12	0	0	4	2	40
1990	17	11	0	0	2	3	33
1991	16	15	0	0	5	3	39
1992	20	7	2	2	5	0	36
1993	23	19	0	1	6	0	49
1994	22	16	0	7	7	1	53
1995	28	17	0	5	9	0	59
1996	23	20	0	5	4	0	52
1997	35	26	0	6	8	1	76
1998	35	16	0	8	9	1	69
1999	28	16	0	5	10	0	59
2000	30	20	1	3	7	0	61
2001	27	29	0	0	1	0	57
2002	19	25	1	3	2	0	50
2003	20	17	0	2	1	0	40
2004	15	21	0	1	0	0	37
2005	15	19	0	0	0	0	34
2006	8	21	0	2	0	0	31
2007	9	32	0	0	1	0	42
Total^a	538	458	4	50	111	35	1,196

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

violent offence would take precedence. For the purposes of the NDICP, these groups are defined as:

- violent offence—includes homicide, assault, sex offences, other offences against the person and robbery
- theft-related offence—includes break and enter, other theft, property damage and fraud
- drug-related offence—includes possessing, using, dealing, trafficking and manufacturing/growing drugs
- traffic offence—includes road traffic, driving and license offences
- good order offence—includes public drunkenness, protective custody for intoxication in jurisdictions where public drunkenness is not an offence, justice procedure offences, breaches of sentences (including fine default), and other offences against good order (for example, prostitution, betting and gambling, disorderly conduct, vagrancy and offensive behaviour)
- other/unknown—includes other offences not elsewhere classified or where the most serious offence is unknown.

2007

Twenty-seven of the 45 prison deaths in 2007 were of persons whose most serious offence was violent in nature (Table 16). This was followed by eight deaths of persons with theft-related most serious

offences, four persons with drug-related offences as most serious, three persons with good order offences and three with traffic offences as their most serious. Of the five Indigenous deaths, two involved theft-related offences as the most serious offence prior to custody, two involved traffic offences and one involved a violent offence.

Trends

In 2007, most offenders were imprisoned for violent offences (approximately 42%; ABS 2007a). The most recent prisoner census data reveal that 51 percent of the Indigenous prisoner population had a violent offence as their most serious offence, compared with 39 percent of non-Indigenous prisoners. There is a range of offences under the violent offence category, including acts intended to cause injury, sexual assault, homicide and robbery. Among these specific offences, acts intended to cause injury (32%) were the most common offence for which Indigenous prisoners were sentenced to a term of imprisonment (ABS 2007). Since 1980, 51 percent of prisoners who died in custody had been imprisoned for violent offences, followed by theft-related offences (30%; Table 17). Each year since 1993, violent offences have been the most frequent and most serious offence prior to custody. Traffic and good order offences, as the most serious offence, have been low each year.

Table 16: Prison custody deaths by most serious offence, 2007 (number)

	Violent	Theft-related	Drug-related	Traffic	Good order	Total
New South Wales	10	4	2	1	1	18
Victoria	7	0	1	0	1	9
Queensland	4	2	0	0	1	7
Western Australia	1	0	1	2	0	4
South Australia	3	1	0	0	0	4
Tasmania	2	1	0	0	0	3
Totals						
Indigenous	1	2	0	2	0	5
Non-Indigenous	26	6	4	1	3	40
All persons	27	8	4	3	3	45

Source: AIC NDICP 1980–2007 [computer file]

Since 1980, the most serious offence relating to deaths of Indigenous prisoners has been:

- violent offences (58%; n=115)
- theft-related offences (25%; n=49)
- good order offences (7%; n=14)
- drug-related offences (2%; n=4)
- traffic offences (5%; n=10)
- other (4%; n=7).

The most serious offence relating to deaths of non-Indigenous prisoners has been:

- violent offences (50%; n=493)
- theft-related offences (31%; n=303)
- good order offences (6%; n=63)
- drug-related offences (8%, n=81)
- traffic offences (3%; n=26)
- other (3%; n=25).

Table 17: Prison custody deaths by most serious offence, 1980–2007 (number)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1980	10	6	4	2	5	2	29
1981	15	9	1	1	2	0	28
1982	7	9	3	1	3	1	24
1983	13	9	0	1	7	0	30
1984	15	10	2	2	1	0	30
1985	11	11	1	0	1	0	24
1986	10	2	1	1	2	0	16
1987	17	22	2	1	5	1	48
1988	24	12	1	1	2	1	41
1989	22	12	3	0	0	1	38
1990	15	10	1	0	3	4	33
1991	23	9	3	0	3	1	39
1992	13	16	3	0	2	2	36
1993	22	18	3	2	4	0	49
1994	25	22	1	1	3	2	54
1995	31	17	8	2	1	0	59
1996	22	20	4	2	1	3	52
1997	34	20	10	2	8	1	75
1998	29	28	5	1	6	0	69
1999	26	25	5	1	1	1	59
2000	37	15	5	2	1	2	62
2001	30	11	6	2	3	5	57
2002	31	9	2	2	4	2	50
2003	28	3	3	2	3	1	40
2004	29	2	2	3	0	3	39
2005	20	11	1	1	1	0	34
2006	22	6	1	0	2	0	31
2007	27	8	4	3	3	0	45
Total ^a	608	352	85	36	77	33	1,191

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Figure 9 shows the trends in rates of death since 1982 according to the most serious offence committed immediately prior to the final period of custody. The rates of death have generally fluctuated between one and five deaths per 1,000 prisoners (with the exception of 1983) for the four more common types of offence category: violent, theft-related, drug-related and good order offences. The trends for specific offences show:

- rates of violent offence deaths have been relatively constant over the years
- rates of theft-related offence deaths fluctuated up to 1998 but have since declined
- rates of drug-related offence deaths showed some fluctuation up until 1997 but have trended downward since then.

Location of death

2007

In 2007, 15 prison deaths occurred in cells, 13 in public hospitals, 12 in prison hospitals, four in other custodial settings and one in an ambulance on the way to hospital (Table 18). Three Indigenous deaths

in 2007 occurred in public hospitals, one in a prison hospital and one occurred in a cell.

Trends

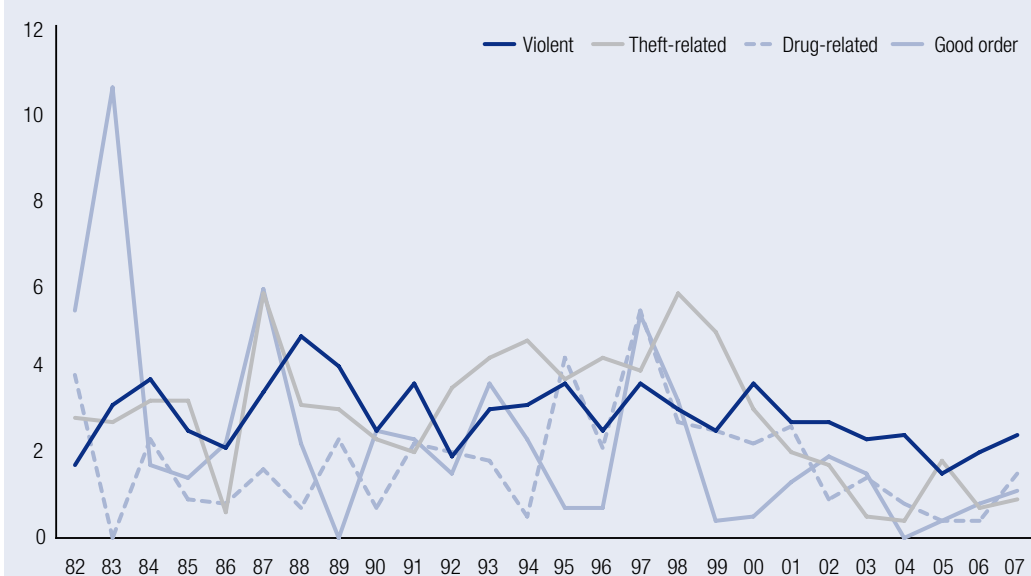
Since 1980, over half of all prison deaths (61%) have occurred in cells (Table 19). The proportions of all deaths occurring in cells have been similar for both Indigenous (60%) and non-Indigenous (59%) persons.

Legal status of prisoners who died in custody

2007

At 30 June 2007, almost 78 percent of all prisoners across Australia were serving a sentence (n=21,128), while the remaining 22 percent were unsentenced prisoners on remand (ABS 2007a). Of the 45 deaths that occurred in 2007, 30 (67%) were of sentenced prisoners and 15 were of remanded prisoners (Table 20). All five Indigenous prisoners in 2007, and 25 of the 40 non-Indigenous prisoners, had been sentenced at the time of death.

Figure 9: Prison custody deaths by most serious offence, 1982–2007 (rate per 1,000 prisoners)^a



a: Cases for which traffic and other offences were recorded as most serious offence have been excluded due to small numbers

Source: AIC NDICP 1982–2007 [computer file]

Table 18: Prison custody deaths by location, 2007 (number)

	Public hospital	Prison hospital	Cell	Other custodial setting	Other	Total
New South Wales	3	6	8	1	0	18
Victoria	2	3	3	0	1	9
Queensland	2	3	1	1	0	7
Western Australia	2	0	1	1	0	4
South Australia	3	0	1	0	0	4
Tasmania	1	0	1	1	0	3
Totals						
Indigenous	3	1	1	0	0	5
Non-Indigenous	10	11	14	4	1	40
All persons	13	12	15	4	1	45

Source: AIC NDICP 1980–2007 [computer file]

Table 19: Prison custody deaths by location, 1980–2007 (number)

	Public hospital	Prison hospital	Cell	Custodial setting	Public place	Other custodial setting	Total
1980	12	0	11	0	0	0	23
1981	5	0	13	0	0	0	18
1982	8	0	6	0	0	0	14
1983	9	0	19	0	0	0	28
1984	9	0	16	0	0	0	25
1985	7	0	12	0	0	0	19
1986	8	0	6	0	0	0	14
1987	12	0	31	0	0	0	43
1988	12	0	19	0	0	0	31
1989	8	0	21	0	0	0	29
1990	5	0	26	0	0	0	31
1991	14	0	24	0	0	0	38
1992	11	3	19	2	1	0	36
1993	13	5	29	2	0	0	49
1994	7	8	36	2	0	0	53
1995	17	6	33	2	0	1	59
1996	15	2	25	8	1	1	52
1997	15	10	49	1	0	1	76
1998	9	6	45	9	0	0	69
1999	11	5	38	5	0	0	59
2000	19	2	39	2	0	0	62
2001	18	0	31	6	2	0	57
2002	19	4	22	5	0	0	50
2003	8	4	25	3	0	0	40
2004	17	5	16	1	0	0	39
2005	7	3	21	3	0	0	34
2006	12	6	11	2	0	0	31
2007	13	12	15	4	0	1	45
Total^a	320	81	658	57	4	4	1,124

a: 82 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Table 20: Prison custody deaths by legal status, 2007^a

	Sentenced		Unsentenced		Persons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	11	1.4	7	3.0	18	1.8
Victoria	8	2.4	1	1.2	9	2.2
Queensland	5	1.2	2	1.5	7	1.3
Western Australia	2	0.6	2	2.7	4	1.0
South Australia	2	1.7	2	3.2	4	2.3
Tasmania	2	5.0	1	7.9	3	5.7
Australia	30	1.3	15	2.5	45	1.7

a: Rate per 1,000 prisoners (ABS 2007)

Source: AIC NDICP 1980–2007 [computer file]

Table 21: Prison custody deaths by legal status, 1980–2007 (number)

	Sentenced	Unsentenced	Total
1980	22	7	29
1981	21	7	28
1982	16	8	24
1983	21	10	31
1984	21	9	30
1985	17	6	23
1986	9	6	15
1987	37	14	51
1988	30	10	40
1989	25	13	38
1990	23	9	32
1991	25	14	39
1992	26	10	36
1993	32	17	49
1994	34	19	53
1995	42	17	59
1996	40	12	52
1997	48	28	76
1998	45	24	69
1999	38	21	59
2000	43	19	62
2001	37	20	57
2002	33	17	50
2003	26	14	40
2004	24	15	39
2005	20	14	34
2006	25	6	31
2007	30	15	45
Total ^a	810	381	1,191

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Trends

Seventy-one percent of Indigenous prisoners and 67 percent of non-Indigenous prisoners who have died in custody since 1980 were sentenced at the time of their death. The proportion of prisoners who died each year and were sentenced fluctuated between 60 and 80 percent (Table 21).

Type of prison in which deaths occurred: government versus private

The first private prison in Australia was made operational in 1990 (Harding 1992) and since this time, deaths in private prisons have accounted for 10 percent (n=92) of all deaths in prison custody. In 2007, 36 of the 45 deaths in prison custody occurred in the custody of government-run prisons (Table 22), which is not surprising given that the majority of prisoners are housed in government-run prisons (84%; n=22,761). The rates of death in both private and government-run prisons were slightly different, with 1.8 deaths per 1,000 prisoners in privately run prisons and 1.6 deaths per 1,000 prisoners in government-run prisons. Since 1990, 11 percent (n=10) of deaths in private prisons and 19 percent (n=151) of deaths in government-run prisons were of Indigenous prisoners.

Summary

There were 45 deaths in prison custody across Australia in 2007, five of which were of Indigenous persons. Seven hanging deaths occurred, one of

Table 22: Prison custody deaths by type of prison, 2007 (rate per 1,000 relevant prisoners)

	Private		Government		All prisons	
	n	Rate	n	Rate	Total n	Rate
New South Wales	1	1.3	16	1.5	17	1.5
Victoria	5	4.0	4	1.5	9	2.2
Queensland	2	1.6	5	0.9	7	1.3
Western Australia	0	0.0	4	1.3	4	1.0
South Australia	0	0.0	4	2.5	4	2.3
Tasmania	0	0.0	3	5.7	3	5.7
Total ^a	8	1.8	36	1.6	44	1.6

a: One case has been excluded as the offender was in the custody of corrective services but had not been admitted into prison at the time of death

Note: There are no private prisons in operation in Tasmania

Source: AIC NDICP 1980–2007 [computer file]

which involved an Indigenous person. One female died in prison custody.

There has been a decline in rates of prison death since 1997. Despite some fluctuation in rates of death for Indigenous and non-Indigenous prisoners between 1982 and 1998, fluctuations in rates have reduced since 1999, with both Indigenous and non-Indigenous rates of death becoming much more similar since 1999. Rates of death have declined significantly for Indigenous prisoners since 1995 and for non-Indigenous prisoners since 1997.

Of all deaths that have occurred in prison custody since 1980, 96 percent have been of males. This reflects the fact that the vast majority of prisoners in Australia (93%) are male. Hanging and natural causes have consistently been the most common causes of death in prison since 1980. About half of prisoners who died in prison custody since 1980 had their most serious offence prior to imprisonment recorded as a violent offence, and violent offences have been the most frequently recorded most serious offence each year since 1993. Since 1980, violence as the most serious offence was proportionately higher for Indigenous prisoners (58%) who died in prison custody than for non-Indigenous prisoners (50%).

Prisoners are most likely to die from natural causes or to self-inflict death, primarily by hanging. In the case of Indigenous prisoners, a greater proportion die of natural causes at a younger age than non-Indigenous prisoners. Both young Indigenous

and non-Indigenous prisoners are more likely to hang themselves than older prisoners.

Deaths in police custody and custody-related operations

2007

A total of 29 deaths were recorded in police custody and custody-related operations in Australia in 2007. Across the jurisdictions there were:

- seven in Victoria
- six in South Australia
- five in New South Wales
- five in Queensland
- four in Western Australia
- two in the Northern Territory
- none in Tasmania or the Australian Capital Territory.

Trends

Trends in police custody deaths are best interpreted from 1990 onwards. This is because only Category 1a deaths (police institutional settings) were included prior to 1990 and are not directly comparable with the number recorded after 1990. However, for the purposes of completeness, Table 23 provides the

Table 23: Deaths in police custody and custody-related operations, 1980–2007 (number)

	Category 1	Category 2	Categories 1 and 2
1980	12	0	12
1981	15	0	15
1982	19	0	19
1983	16	0	16
1984	15	0	15
1985	22	0	22
1986	21	0	21
1987	43	0	43
1988	27	0	27
1989	23	0	23
1990	25	6	31
1991	25	6	31
1992	20	11	31
1993	16	17	33
1994	21	7	28
1995	10	16	26
1996	12	17	29
1997	13	16	29
1998	21	6	27
1999	11	16	27
2000	8	18	26
2001	7	28	35
2002	10	27	37
2003	11	25	36
2004	10	21	31
2005	7	16	23
2006	6	17	23
2007	14	15	29
Total	460	285	745

Source: AIC NDICP 1990–2007 [computer file]

number of deaths that have occurred in police custody each year since 1980. Figure 10 shows these numbers graphically. The concerns expressed by the RCIADIC are reflected in the upward trend in deaths between 1980 and 1987.

An examination of total deaths occurring since 1990 (Categories 1a, 1b and 2) shows that the number of deaths occurring each year remained stable between 1990 and 2000, peaked in 2002 and then declined each year to 2006. However this hides the different trends which have emerged since 1990 between Category 1 and Category 2 deaths. Figure 10 shows Category 1 deaths (institutional settings, raids, shootings) have declined significantly since 1990 while Category 2 deaths (sieges, police pursuits) showed a statistically significant increase between 1990 and 2001 and a significant decrease since then. Furthermore, since 1999, Category 2 deaths have consistently been more prevalent than Category 1 deaths each year.

Demographic characteristics

Indigenous status

2007

Of the 29 deaths that occurred in police custody and custody-related operations in 2007, four were of Indigenous persons (Table 24).

Table 24: Deaths in police custody and custody-related operations by Indigenous status, 2007

	Indigenous	Non-Indigenous	Persons
	n	n	Total n
New South Wales	0	5	5
Victoria	0	7	7
Queensland	2	3	5
Western Australia	0	4	4
South Australia	2	4	6
Northern Territory	0	2	2
Australia	4	25	29

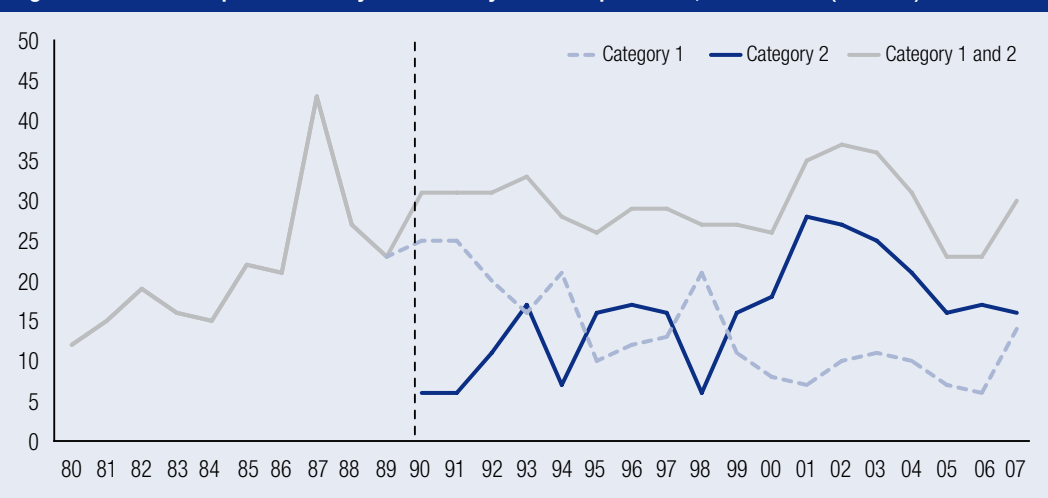
Source: AIC NDICP 1980–2007 [computer file]

Trends

While the number of non-Indigenous deaths has outweighed the number of Indigenous deaths each year (Table 25), the relative ratio of Indigenous to non-Indigenous deaths each year increased from

2002 until 2005, as shown in Figure 11. Up to 2001, between one and two deaths in every 10 each year was of Indigenous persons. This rose to just over three in 10 in 2005 before falling to just under three in 10 in 2006, and declining again in 2007 to one in 10. This change, prior to 2007, is a result of a

Figure 10: Deaths in police custody and custody-related operations, 1980–2007 (number)



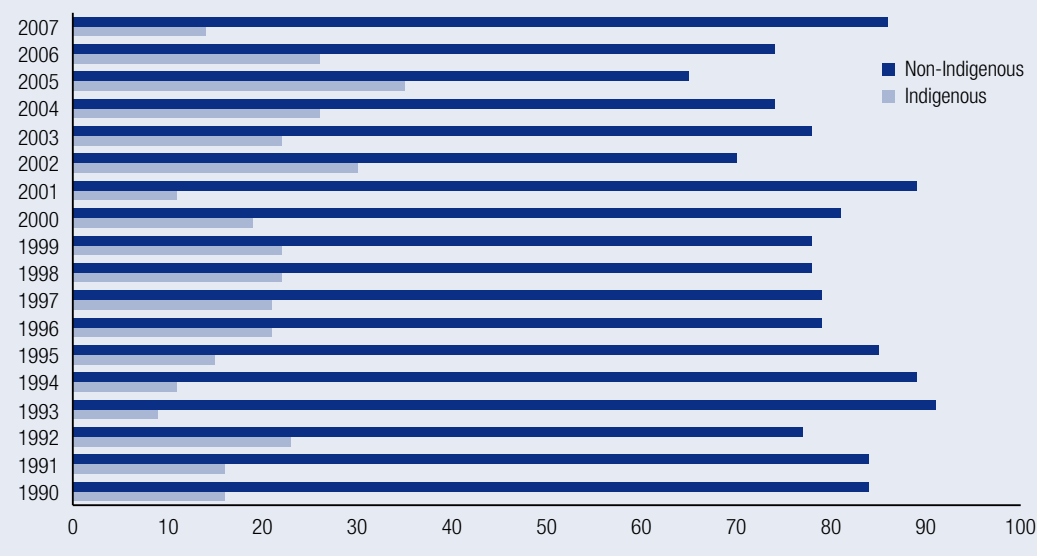
Source: AIC NDICP 1990–2007 [computer file]

Table 25: Deaths in police custody and custody-related operations by Indigenous status, 1990–2007 (number)

	Indigenous	Non-Indigenous	Total
1990	5	26	31
1991	5	26	31
1992	7	24	31
1993	3	30	33
1994	3	25	28
1995	4	22	26
1996	6	23	29
1997	6	23	29
1998	6	21	27
1999	6	21	27
2000	5	21	26
2001	4	31	35
2002	11	26	37
2003	8	28	36
2004	8	23	31
2005	8	15	23
2006	6	17	23
2007	4	25	29
Total	105	427	532

Source: AIC NDICP 1980–2007 [computer file]

Figure 11: Deaths in police custody and custody-related operations by Indigenous status, 1990–2007 (percent)



Source: AIC NDICP 1990–2007 [computer file]

significant decline in the number of non-Indigenous deaths and a significant increase in Indigenous deaths over the previous 17 years.

Sex

2007

Twenty-six of the 29 deaths that occurred in police custody and custody-related operations in 2007 were of males. Of the four deaths of Indigenous persons, three were of males and one was of a female. Of the 26 deaths of non-Indigenous persons, 24 were of males and two were of females.

Trends

Males represent 83 percent of people involved in police custody incidents (Taylor & Bareja 2005). Deaths of males have far outnumbered those of females each year since 1990 (Table 26). In most recorded years, only about one in every 10 deaths in police custody and custody-related operations since 1990 has been of a female. The only exceptions were in 1992 and 2005 when females accounted for two out of every 10 deaths.

Table 26: Deaths in police custody and custody-related operations by sex, 1990–2007 (number)

	Male	Female	Total
1990	30	1	31
1991	27	4	31
1992	25	6	31
1993	30	3	33
1994	24	4	28
1995	25	1	26
1996	29	0	29
1997	26	3	29
1998	27	0	27
1999	24	3	27
2000	25	1	26
2001	34	1	35
2002	34	3	37
2003	33	3	36
2004	30	1	31
2005	19	4	23
2006	19	4	23
2007	26	3	29
Total	487	45	532

Source: AIC NDICP 1990–2007 [computer file]

Age

2007

During 2007, the average age of all persons who died in police custody and custody-related operations was 36 years. The average age was lower for Indigenous (34 years) than for non-Indigenous (37 years) persons. Twelve of the 29 deaths in 2007 were of persons aged between 25 and 39 years, followed by nine deaths of persons aged between 40 and 54 years (Table 27).

Trends

Since 1990, deaths of persons aged between 25 and 39 years have generally exceeded deaths of persons in other age groups each year (Table 28). The proportion of deaths of persons aged 55 years and over each year has remained low since 1990.

Of all deaths of Indigenous persons since 1990:

- 44 percent were aged less than 25 years
- 36 percent were aged between 25 and 39 years
- 16 percent were aged between 40 and 54 years
- four percent were 55 or older.

Of all deaths of non-Indigenous persons since 1990:

- 28 percent were aged less than 25 years
- 44 percent were aged between 25 and 39 years
- 21 percent were aged between 40 and 54 years
- seven percent were 55 or older.

The relative youth of Indigenous persons who die in custody compared with non-Indigenous persons may in part be explained by their higher levels of offending and consequently, higher levels of contact with the criminal justice system. Studies have shown that Indigenous males are on average younger than non-Indigenous males when they first commit a property or violent offence, or when they are first arrested by police (Putt, Payne & Milner 2005). They are also more likely to begin *regularly* offending at younger ages (Makkai & Payne 2003). The 2002 National Police Custody Survey found that Indigenous persons were 17 times more likely than non-Indigenous persons to be involved in custody incidents (Taylor & Bareja 2005). Indigenous youth (aged less than 17 years) were 15 times more likely to be detained than non-Indigenous youth in the same

age group, and those aged less than 35 years were 32 times more likely to be detained than non-Indigenous persons in the same age group. Research has consistently found that offending from a young age enhances the likelihood of ongoing contact with the criminal justice system. The fact that a greater proportion of Indigenous deaths in police custody or custody-related operations are of persons aged less than 25 when compared with non-Indigenous persons in the same age group reflects the greater levels of offending at a young age and as a result increased contact with police.

Circumstances surrounding the deaths

Cause of death

2007

Where cause of death was known in 2007

(28 deaths), most deaths in police custody and custody-related operations were due to external/multiple trauma (n=12). This was followed by eight gunshot deaths, five deaths due to natural causes, two drug-related deaths and one drowning (Table 29). No hanging deaths occurred during 2007. Two of the four deaths of Indigenous persons were due to natural causes, one death was due to external/multiple causes and one due to gunshot.

Trends

The trend since 1990 indicates that the majority of deaths each year in police custody and custody-related operations have been caused primarily by external/multiple trauma and gunshot wounds (Table 30). Deaths due to drug or acute alcohol toxicity fluctuated between one and seven each year in the period up to 1998 but since then have been extremely low to nonexistent. The trend in the number of deaths due to hanging, which were identified as a serious concern by the RCIADIC, has changed dramatically since the Royal Commission. In the 10 year period between 1980 and 1989, 86 hanging deaths occurred in police custody, while only 45 have been recorded in the 18 years that followed. This is a decline from an average of 8.6 deaths per year in the earlier period to an average of 2.5 deaths per year in the later period.

Table 27: Deaths in police custody and custody-related operations by age category, 2007 (number)

	Less than 25	25–39	40–54	55+	Total
New South Wales	2	2	1	0	5
Victoria	1	2	3	1	7
Queensland	0	3	2	0	5
Western Australia	0	3	1	0	4
South Australia	2	2	2	0	6
Northern Territory	1	0	0	1	2
Totals					
Indigenous	1	1	2	0	4
Non-Indigenous	5	11	7	2	25
All persons	6	12	9	2	29

Source: AIC NDICP 1980–2007 [computer file]

Table 28: Deaths in police custody and custody-related operations by age category, 1990–2007 (number)

	Less than 25	25–39	40–54	55+	Total
1990	8	15	5	3	31
1991	11	14	4	2	31
1992	8	6	12	5	31
1993	12	11	9	1	33
1994	7	15	5	1	28
1995	9	10	4	3	26
1996	11	9	7	2	29
1997	9	15	3	2	29
1998	6	15	5	1	27
1999	6	14	5	2	27
2000	9	13	4	0	26
2001	19	9	3	4	35
2002	13	15	6	3	37
2003	8	17	10	1	36
2004	9	16	6	0	31
2005	7	10	4	2	23
2006	7	11	4	1	23
2007	6	12	9	2	29
Total	165	227	105	35	532

Source: AIC NDICP 1990–2007 [computer file]

Table 29: Deaths in police custody and custody-related operations by cause of death, 2007 (number)

	Hanging	Natural causes	Gunshot	External/ multiple trauma	Drug-related	Other	Total
New South Wales	0	0	1	4	0	0	5
Victoria	0	0	2	4	0	0	6
Queensland	0	1	3	0	1	0	5
Western Australia	0	0	1	1	1	1	4
South Australia	0	3	0	3	0	0	6
Northern Territory	0	1	1	0	0	0	2
Totals							
Indigenous	0	2	1	1	0	0	4
Non-Indigenous	0	3	7	11	2	1	24
All persons ^a	0	5	8	12	2	1	28

a: One case has been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Table 30: Deaths in police custody and custody-related operations by cause of death, 1990–2007 (number)

	Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol toxicity	Other/ multiple	Total
1990	6	1	4	4	7	5	4	31
1991	6	7	4	9	2	3	0	31
1992	4	1	3	9	6	7	1	31
1993	4	3	4	9	6	3	4	33
1994	1	1	0	17	3	5	1	28
1995	1	2	2	10	9	1	1	26
1996	3	3	1	8	10	3	1	29
1997	1	2	2	11	10	3	0	29
1998	3	6	0	7	7	2	1	26
1999	3	3	1	9	9	1	1	27
2000	0	3	0	7	14	1	1	26
2001	0	1	3	5	21	1	3	34
2002	1	3	9	10	13	0	1	37
2003	6	4	3	7	12	0	3	35
2004	2	1	1	11	15	1	0	31
2005	4	1	1	6	10	0	1	23
2006	0	4	1	4	10	0	2	21
2007	0	5	0	8	12	2	1	28
Total^a	45	51	39	151	176	38	26	526

a: Six cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Since 1990, external/multiple trauma has been the most commonly ascribed cause of death in police custody and custody-related operations among Indigenous persons. For the purposes of collection, external and/or multiple trauma is defined as an injury caused by external force, even though the resultant injury may be internal. Stabbing deaths would fall under this category, which does not include head injuries caused by external trauma as these are recorded separately. Of all Indigenous deaths (n=105):

- 43 percent were due to external/multiple trauma
- 19 percent were due to natural causes
- 12 percent were due to hanging
- 10 percent were due to gunshot
- eight percent were due to head injuries
- three percent were due to drug or acute alcohol toxicity
- six percent were due to other or multiple causes.

Hanging deaths: points and materials

Data on hanging points and materials used in hanging have been collected for all deaths between 1990 and 2007 (data for three deaths were missing). Of the 45 hanging deaths between 1990 and 2007 (none were recorded for 2007):

- 16 involved cell bars
- nine involved other fittings in cells (such as vents)
- six involved fittings outside the cell (such as tree in yard)
- five involved shower fixtures
- three occurred in a police van
- three—other
- three—missing information.

Materials used in hangings included:

- 14 with clothing (other than shoelaces or belts)
- 10 with sheets
- seven with rope/cord
- six with shoelaces
- four with belts
- one—other
- three—missing information.

Manner of death

2007

Where information about manner of death was known (n=27), 13 of the 28 deaths in 2007 were self-inflicted (Table 31). This was followed by six deaths due to accidents, five deaths due to natural causes and four that were considered justifiable

Table 31: Deaths in police custody and custody-related operations by manner of death, 2007 (number)

	Self-inflicted	Natural causes	Justifiable homicide	Accident	Total
New South Wales	3	0	0	2	5
Victoria	5	0	1	0	6
Queensland	2	1	2	0	5
Western Australia	1	0	1	2	4
South Australia	1	3	0	2	6
Northern Territory	1	1	0	0	2
Totals					
Indigenous	1	2	0	1	4
Non-Indigenous	12	3	4	5	24
All persons ^a	13	5	4	6	28

a: One case has been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

homicides. Information on manner of death in two cases was unclear at the time of data collection and is pending confirmation from coroners' findings. Two of the four deaths of Indigenous persons were due to natural causes. One death was self-inflicted and another was accidental.

Trends

Since 1990, where information about manner of death was known, 42 percent (n=220) of all deaths were accidental, while 30 percent (n=160) were self-inflicted (Table 32). Each year, accidental deaths have generally been the most common manner of death, followed by self-inflicted deaths. Deaths ruled as justifiable homicide peaked at 13 in 1994 and have since fluctuated between two and six deaths per year. No unlawful homicides have been recorded

since 1990, with the exception of 1992 and 2000, in which one incident of unlawful homicide occurred.

Among Indigenous deaths since 1990:

- 53 percent were due to accidents
- 20 percent were self-inflicted
- 19 percent were due to natural causes
- five percent were considered justifiable homicides.

Most serious offence

2007

The most common serious offence prior to death in 2007 was 'other' (n=12), followed by six deaths associated with a violent offence, four with theft, three with good order offences, two with traffic offences and one was drug related (Table 33).

Table 32: Deaths in police custody and custody-related operations by manner of death, 1990–2007 (number)

	Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other	Total
1990	9	1	0	2	15	4	31
1991	9	7	0	1	10	4	31
1992	12	1	1	4	13	0	31
1993	12	4	0	3	11	3	33
1994	6	1	0	13	8	0	28
1995	8	2	0	5	11	0	26
1996	11	3	0	2	13	0	29
1997	8	2	0	6	13	0	29
1998	5	6	0	6	9	0	26
1999	7	3	0	6	10	1	27
2000	4	3	1	5	12	1	26
2001	8	1	0	3	22	0	34
2002	12	3	0	4	18	0	37
2003	14	4	0	3	14	0	35
2004	11	1	0	6	13	0	31
2005	6	1	0	5	11	0	23
2006	5	4	0	2	11	0	22
2007	13	5	0	4	6	0	28
Total ^a	160	52	2	80	220	13	527

a: Five cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table 33: Deaths in police custody and custody-related operations by most serious offence, 2007 (number)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other ^a	Total
New South Wales	0	0	0	1	1	2	4
Victoria	1	1	1	0	0	4	7
Queensland	3	1	0	0	1	0	5
Western Australia	1	1	0	1	0	1	4
South Australia	1	1	0	0	0	4	6
Northern Territory	0	0	0	0	1	1	2
Totals							
Indigenous	1	2	0	0	0	1	4
Non-Indigenous	5	2	1	2	3	11	24
All persons ^b	6	4	1	2	3	12	28

a: 10 of these 'other offences' were attempted apprehensions under mental health legislation; two were matters of protective custody (intoxication)

b: One case has been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Two of the four Indigenous deaths were preceded by theft-related offences, one was associated with a violent offence, and one with another offence.

Location of death

Location of death refers to the specific environment at the time of death, that is, the actual place where the death occurred. The different locations include:

- public hospitals, which include cases where a person was transferred to a hospital from other locations and died there
- prison hospitals, which include deaths in prison clinics and secure wards in public hospitals
- cells, which include all types of cells—single, shared or observation
- custodial settings, which include locations within the correctional facility but outside the cell, for example, exercise yards, interview rooms and police vans
- private properties, which generally consists of private residences
- public places, such as streets, ovals and other outdoor general-use areas
- psychiatric hospitals
- other locations, which may include ambulances.

2007

Ten of the 29 police custody deaths in 2007 occurred in public hospitals and 10 occurred in public places (Table 35). Five occurred on private property, two in cells, one in another custodial setting (i.e. not within a cell or prison hospital) and one in an ambulance en route to hospital. Two of the four Indigenous people who died in police custody or custody-related operations died in public places, one died in a public hospital, and one in a custodial setting.

Trends

Since 1990, 41 percent (n=211) of deaths for which information on location of death is available occurred in public places (Table 36). This was followed by 28 percent (n=143) that have occurred in public hospitals. Prior to 1990, only one death occurring in a public place had been recorded. However, since the definition expanded to allow the inclusion of deaths occurring during custody-related operations, public places have frequently been one of the more common locations for deaths in police custody, and have exceeded deaths in all other locations each year since 1999. While cell deaths peaked in 1991 with 10 deaths, there have been relatively few recorded since then.

Table 34: Deaths in police custody and custody-related operations by most serious offence, 1990–2007 (number)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1990	6	7	0	2	15	1	31
1991	9	5	0	1	13	3	31
1992	6	10	2	4	7	2	31
1993	9	10	1	4	5	4	33
1994	16	7	0	2	2	1	28
1995	10	9	0	4	2	1	26
1996	10	9	1	3	6	0	29
1997	9	10	0	1	7	2	29
1998	9	6	0	3	6	3	27
1999	12	8	2	2	2	1	27
2000	11	9	0	2	3	0	25
2001	5	11	0	8	5	6	35
2002	6	8	0	10	4	8	36
2003	12	6	1	8	4	3	34
2004	14	7	0	5	2	3	31
2005	10	6	1	4	1	0	22
2006	5	3	1	3	2	5	19
2007	6	4	1	2	3	12	28
Total ^a	165	135	10	68	89	55	522

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table 35: Deaths in police custody and custody-related operations by location of death, 2007 (number)

	Cell	Other custodial setting	Public hospital	Private property	Public place	Other	Total
New South Wales	0	0	3	0	2	0	5
Victoria	1	0	1	2	3	0	7
Queensland	0	1	2	1	1	0	5
Western Australia	0	0	2	1	1	0	4
South Australia	1	0	0	1	3	1	6
Northern Territory	0	0	2	0	0	0	2
Totals							
Indigenous	0	1	1	0	2	0	4
Non-Indigenous	2	0	9	5	8	1	25
All persons	2	1	10	5	10	1	29

Source: AIC NDICP 1980–2007 [computer file]

Table 36: Deaths in police custody and custody-related operations by location of death, 1990–2007 (number)

	Public hospital	Cell	Custodial setting	Private property	Public place	Other	Total
1990	9	5	2	1	5	0	22
1991	10	10	1	2	2	0	25
1992	10	3	3	3	11	1	31
1993	13	2	2	3	12	1	33
1994	5	3	2	7	10	1	28
1995	9	1	1	5	9	1	26
1996	7	4	2	4	11	1	29
1997	10	5	0	4	8	2	29
1998	11	4	2	3	5	2	27
1999	6	1	2	6	12	0	27
2000	7	2	0	4	13	0	26
2001	8	2	0	3	22	0	35
2002	11	0	1	6	19	0	37
2003	3	6	3	3	21	0	36
2004	5	2	0	7	17	0	31
2005	1	2	3	5	12	0	23
2006	8	0	1	2	12	0	23
2007	10	2	1	5	10	1	29
Total ^a	143	54	26	73	211	10	517

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Circumstances of custodial period for deaths in police custody

The NDICP examines the circumstances of the custodial period, that is, why the deceased was in custody at the time of death. The four categories into which deaths are classified are:

- Institution—death occurred in a police lock-up, prison, juvenile detention centre, or during transfer to or following transfer from one of these places to a hospital or other detention facility, or during transfer to a facility, for example, in van, etc.
- Escaping—death occurred during the process of the person escaping or attempting to escape from police or prison custody or juvenile detention.
- Detaining—death occurred during the process of police or prison officers attempting to detain the person, regardless of whether or not the person was under arrest or the officers intended to arrest the person.

- Other/marginal cases—for example, the death of a person detained under a state Mental Health Act in the process of being conveyed via ambulance from a public hospital to a psychiatric institution under ‘police escort’.

2007

Overall, 24 of the 29 deaths that occurred in police custody and custody-related operations in 2007 occurred while police were in the process of detaining, or attempting to detain, the individual. Of these, 21 involved non-Indigenous persons and three involved Indigenous persons. Of the 24 deaths that resulted from police detaining or attempting to detain an individual, 10 deaths occurred as a result of a shooting or other situation, six resulted from sieges, four occurred during motor vehicle pursuits and four during other pursuits (Table 37).

Table 37: Deaths in police custody and custody-related operations by method of detainment, 2007 (number)

	Motor vehicle pursuit	Other pursuit	Siege	Raid	Shooting/other	Total
New South Wales	2	0	2	0	1	5
Victoria	0	2	1	0	3	6
Queensland	0	0	2	0	1	3
Western Australia	0	2	0	0	1	3
South Australia	2	0	0	0	3	5
Northern Territory	0	0	1	0	1	2
Total ^a	4	4	6	0	10	24

a: Five cases for which detaining was not the type of custody have been excluded

Source: AIC NDICP 1980–2007 [computer file]

Trends

There was a decrease in the number of institutional deaths between 1990 and 1993, and since then, the number of institutional deaths has remained in single figures except 1998 when 11 deaths were recorded (Table 38). Since 1992, deaths occurring while police were in the process of detaining, or attempting to detain, an individual have been more frequent than any other type of custody each year. Only two deaths have occurred since 1990, one in each of 1997 and 2002, where an individual was trying to escape police.

Table 39 shows that:

- the number of motor vehicle pursuit deaths peaked between 2000 and 2002
- apart from seven deaths in 2000, deaths resulting from raids have been low to nonexistent in all other years
- deaths resulting from sieges and non-motor vehicle pursuits have fluctuated since 1990 but generally remained low; between zero and seven deaths per year.

Summary

While the overall number of deaths in police custody and custody-related operations was relatively stable between 1990 and 2000, deaths have fallen since 2002. The increase in deaths between 2000 and 2002 was primarily due to an increase in police operational deaths which since 2000, have outnumbered deaths in institutional settings.

Deaths in institutional settings have been declining since 1990. Deaths of males consistently and greatly outnumber those of females. Most persons who die in police custody are aged below 39 years. Indigenous persons who die in police custody tend to be younger than non-Indigenous persons. These findings reflect the broader literature that shows young males are more likely than other groups to engage in offending and as a result, are more likely to come into contact with police.

Over time (and particularly since 1990) there has been a shift in the number and nature of deaths occurring in institutional settings. Where most deaths in police custody used to be due to hangings, they are now primarily due to external/multiple trauma, most often the result of a motor vehicle pursuit, and to gunshot wounds. This change in cause of death reflects two things. Firstly, there has been a decrease in the number of deaths occurring in police cells. When hanging points in police cells and lock-ups were identified as an issue by the RCIADIC, efforts were made to reduce those (Sallybanks 2005), which may explain in part the decline in hanging deaths. Secondly, the expansion of the term ‘police custody’ to include custody-related operations since 1990 has meant the opportunity for deaths to be recorded that occur as a result of vehicle pursuits, shootings and sieges has increased greatly. Most of the deaths recorded are now occurring during custody-related operations, typically involving motor vehicle pursuits and shootings. Motor vehicle pursuit and police shooting deaths are examined in detail in ‘Motor vehicle pursuit and shooting deaths’.

Table 38: Deaths in police custody and custody-related operations by type of custody, 1990–2007 (number)

	Institution	Escaping	Detaining	Other/marginal	Total
1990	18	0	13	0	31
1991	17	0	13	1	31
1992	13	0	18	0	31
1993	10	0	20	3	33
1994	7	0	21	0	28
1995	4	0	22	0	26
1996	9	0	20	0	29
1997	6	1	22	0	29
1998	11	0	14	2	27
1999	6	0	21	0	27
2000	2	0	24	0	26
2001	3	0	30	2	35
2002	5	1	30	1	37
2003	9	0	27	0	36
2004	4	0	27	0	31
2005	7	0	15	1	23
2006	1	0	22	0	23
2007	5	0	24	0	29
Total	137	2	383	10	532

Source: AIC NDICP 1990–2007 [computer file]

Table 39: Deaths in police custody and custody-related operations by method of detainment, 1990–2007 (number)

	Motor vehicle pursuit	Other pursuit	Siege	Raid	Other	Total
1990	5	1	0	0	4	10
1991	2	2	2	0	6	12
1992	5	2	1	0	8	16
1993	9	1	4	1	5	20
1994	4	1	3	0	13	21
1995	7	2	2	1	10	22
1996	11	0	1	1	7	20
1997	8	1	7	1	5	22
1998	5	1	2	0	6	14
1999	8	1	2	0	10	21
2000	13	2	1	7	1	24
2001	17	7	3	1	2	30
2002	16	2	4	0	8	30
2003	10	4	6	1	6	27
2004	9	5	4	0	9	27
2005	9	1	0	1	4	15
2006	10	0	2	0	10	22
2007	4	4	6	0	10	24
Total ^a	152	37	50	14	124	377

a: Six cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]



Motor vehicle pursuit and shooting deaths

Deaths resulting from motor vehicle pursuits and police shootings in the National Deaths in Custody Program dataset

Deaths occurring during motor vehicle pursuits or as a result of police shootings are cases that attract a great deal of media and public attention. They often take place in public areas, which means they can impact on other members of the community who are not directly involved (e.g. where a person being pursued by police in a vehicle may lose control of the car and collide with another car or bystanders). This section presents information on the characteristics and circumstances of deaths that result from motor vehicle pursuits and police shootings.

Limitations of the data sources

Police and coronial records (the two main data sources for this section) do not always contain complete data on each incident of pursuit or shooting. In particular, there is a great deal of

missing information for three variables: time of incident, duration of pursuit, and speeds reached during the pursuit. The NDICP collection forms sent to police departments do not currently ask for information on these variables, which means information on them can only be gleaned (where available) from coronial records. Coronial findings are relied on to confirm information from police reports and to complete missing information. However, not all information is reported consistently in coronial records across cases. This means that by necessity, some variables will have only limited information available.

The length of time taken for some coronial findings to become available also means NDICP cases are often updated retrospectively. For 2007 and recent years, information on cases involving pursuits and shootings may not yet be available. It is for this reason that Tables 43, 44, 47 and 54 are incomplete and exclude many cases due to missing data. Table 40 lists the key variables missing for the 23 motor vehicle pursuit deaths which occurred in 2005, 2006 and 2007.

Table 40: Key variables missing for motor vehicle pursuit deaths, 2005, 2006 and 2007

Case number	Most serious offence	Top speed	Length of pursuit	Time of incident
200508	✓	✓	✓	✓
200510	✓	✓	✓	✓
200536	✓	✓	✓	✓
200537	✓	✓	✓	✓
200549	✗	✓	✓	✓
200551	✓	✓	✓	✓
200552	✓	✓	✓	✓
200554	✓	✓	✓	✓
200555	✓	✗	✗	✓
200601	✓	✓	✓	✓
200618	✓	✓	✓	✓
200622	✗	✓	✗	✓
200628	✗	✓	✓	✓
200642	✗	✗	✓	✓
200644	✓	✗	✗	✓
200645	✓	✗	✗	✓
200650	✓	✗	✗	✓
200651	✓	✓	✓	✓
200655	✓	✓	✓	✓
200737	✗	✓	✓	✓
200739	✓	✗	✗	✓
200750	✓	✓	✓	✓
200752	✓	✓	✓	✓

Source: AIC NDICP 2005–2007 [computer file]

Motor vehicle pursuit deaths

2007

Four motor vehicle pursuit deaths occurred in 2007. Across jurisdictions, the number of deaths recorded was:

- two in New South Wales
- two in South Australia.

Trends

Since 1990, there have been 152 deaths resulting from motor vehicle pursuits (Table 40). The number of pursuit deaths increased between 1998 and 2001, then decreased between 2001 and 2004 (Figure 12; Table 41). In 2007, four pursuit deaths were recorded—the fewest since 1994.

Since 1990, the number of deaths for each jurisdiction has been:

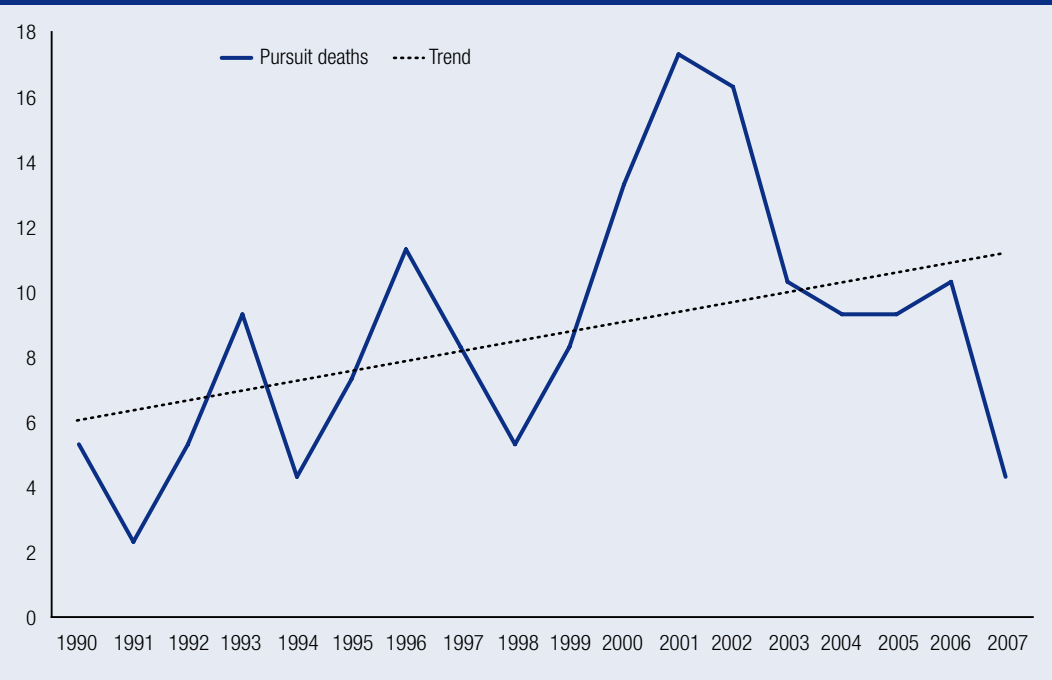
- 61 in New South Wales
- 26 in Victoria
- 17 in Queensland
- 25 in Western Australia
- 14 in South Australia
- six in the Northern Territory
- two in the Australian Capital Territory
- one in Tasmania.

Demographic characteristics

Indigenous status

Of the four motor vehicle pursuit deaths in 2007, one involved an Indigenous person (Table 41). Over one-quarter (26%) of all deaths due to motor vehicle pursuits recorded since 1990 have involved Indigenous persons. Table 41 lists the raw numbers of deaths from 1990 to 2007.

Figure 12: Motor vehicle pursuit deaths, 1990–2007 (number)



Source: AIC NDICP 1990–2007 [computer file]

	Indigenous	Non-Indigenous	Total
1990	3	2	5
1991	1	1	2
1992	2	3	5
1993	0	9	9
1994	0	4	4
1995	4	3	7
1996	4	7	11
1997	2	6	8
1998	0	5	5
1999	2	6	8
2000	2	11	13
2001	3	14	17
2002	3	13	16
2003	2	8	10
2004	2	7	9
2005	4	5	9
2006	4	6	10
2007	1	3	4
Total	39	113	152

Source: AIC NDICP 1990–2007 [computer file]

Sex

One female died during a police motor vehicle pursuit in 2007 (Table 42). Since 1990, males have accounted for the vast majority of motor vehicle pursuit deaths, outnumbering female deaths every year.

Age

The average age at time of death for persons involved in police pursuits in 2007 was 18 years (18 years for Indigenous persons and 17 years for non-Indigenous persons). All four pursuit deaths in 2007 were of persons aged less than 25 years. Since 1990, just under two-thirds (65%) of deaths from motor vehicle pursuits were of persons aged under 25 years.

	Male	Female	Total
1990	4	1	5
1991	2	0	2
1992	4	1	5
1993	8	1	9
1994	4	0	4
1995	7	0	7
1996	11	0	11
1997	8	0	8
1998	5	0	5
1999	6	2	8
2000	13	0	13
2001	16	1	17
2002	13	3	16
2003	9	1	10
2004	9	0	9
2005	8	1	9
2006	7	3	10
2007	3	1	4
Total	137	15	152

Source: AIC NDICP 1990–2007 [computer file]

Since 1990, the average age of Indigenous persons who died during motor vehicle pursuits was 20 years; five years younger than for non-Indigenous persons in the same circumstances (25 years). Sixty-four percent of deaths were of persons aged less than 25 years (n=98; Table 43). Over three-quarters (79%) of Indigenous deaths were of persons aged less than 25 while the corresponding number for non-Indigenous persons was 60 percent.

Of those aged under 25 years, most who died were aged 17 or younger (45%; n=44). Since 1990, deaths of persons in this age group comprised:

- 15 deaths of 17-year-olds
- 11 deaths of 16-year-olds
- four deaths of 15-year-olds
- eight deaths of 14-year-olds
- four deaths of 13-year-olds
- two deaths of 12-year-olds.

Table 43: Motor vehicle pursuit deaths by age at time of death, 1990–2007 (number)

	Less than 15	15–19	20–24	25–29	30+	Total
1990	1	3	0	0	1	5
1991	0	1	0	0	1	2
1992	2	0	1	1	1	5
1993	0	4	3	2	0	9
1994	0	1	1	2	0	4
1995	0	4	2	1	0	7
1996	3	4	2	1	1	11
1997	0	4	1	1	2	8
1998	0	0	1	1	3	5
1999	1	3	1	0	3	8
2000	1	5	2	4	1	13
2001	3	9	3	1	1	17
2002	1	7	1	2	5	16
2003	1	2	0	1	6	10
2004	0	3	2	3	1	9
2005	0	5	1	2	1	9
2006	0	3	2	3	2	10
2007	1	2	1	0	0	4
Total	14	60	24	25	29	152

Source: AIC NDICP 1990–2007 [computer file]

The young age of a large proportion of persons who die during or following a motor vehicle pursuit is important given that the legal age of obtaining a driver's licence (specifically, a learner's permit) is 16 in all jurisdictions (except the Australian Capital Territory where the legal driving age is 15 and nine months). Two in five deaths of youths aged 17 years or less were of persons who were not of legal driving age.

Circumstances surrounding the deaths

Speed and length of time of pursuit

Insufficient information was available at the time of compiling this report to provide details regarding length of pursuit and top speed for all 2007 cases. This information will be updated based on coronial outcomes and published in future reports. As a result, the findings remain largely unchanged from

those in 2006 where it was reported that the speeds reached were generally high across most jurisdictions. The top speed was recorded at 220 kilometres per hour and pursuit times ranged from 10 seconds to 40 minutes (Table 44). The average length of pursuits for which the information was available ranged from five to 11 minutes.

The average top speed reached in pursuits each year has declined since 1990 (Figure 13). The trend in average length of time taken for a pursuit also decreased over this period although this was not found to be statistically significant.

Time of incident

The majority of motor vehicle pursuits resulting in a death since 1990 (where information was available) occurred between midnight and 4.00am (34%), followed closely by the four-hour period from 8.00pm to midnight (32%). Table 45 presents the raw numbers for each time period.

Table 44: Speed and length of time of motor vehicle pursuits, 1990–2007^a

	Average top speed (km/h)	Top speed (km/h)	Average pursuit time (mins:secs)	Pursuit time (mins:secs)		Number of cases
				Min.	Max.	
New South Wales	118	190	5:44	0:10	40:00	47
Victoria	133	200	5:02	0:30	18:00	19
Queensland	133	180	7:52	1:30	22:00	12
Western Australia	158	220	6:42	1:00	15:00	18
South Australia	113	140	11:00	3:00	32:00	11
Tasmania	40	40	–	–	–	1
Northern Territory	94	130	5:30	4:00	7:00	4
Australian Capital Territory	174	180	–	–	–	2

a: Averages were calculated using the total number of cases for which top speed and length of pursuit data were available

Source: AIC NDICP 1990–2007 [computer file]

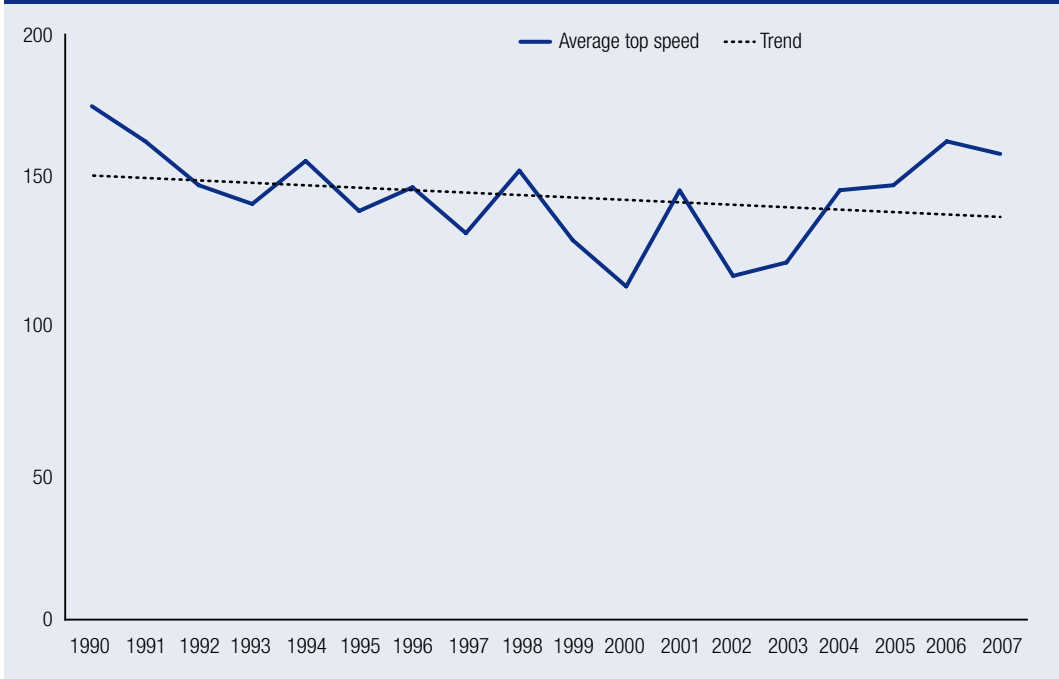
Table 45: Motor vehicle pursuit deaths by time of incident, 1990–2007 (number)

	12.00–4.00am	4.01–8.00am	8.01am–12.00pm	12.01–4.00pm	4.01–8.00pm	8.01–11.59pm	Total
1990	3	0	0	1	1	0	5
1991	2	0	0	0	0	0	2
1992	1	1	0	0	0	2	4
1993	0	1	0	0	0	1	2
1994	1	0	0	1	0	1	3
1995	0	1	0	0	0	0	1
1996	1	0	0	1	0	1	3
1997	3	0	2	1	0	1	7
1998	0	0	0	0	2	3	5
1999	1	0	0	0	1	4	6
2000	2	1	0	1	1	5	10
2001	4	0	1	4	0	6	15
2002	4	0	2	1	1	6	14
2003	1	3	2	0	0	0	6
2004	5	0	0	0	1	1	7
2005	3	0	1	1	0	4	9
2006	4	0	3	0	1	2	10
2007	4	0	0	0	0	0	4
Total ^a	39	7	11	11	8	37	113

a: 39 cases have been excluded due to missing time of incident data

Source: AIC NDICP 1990–2007 [computer file]

Figure 13: Average top speed reached in motor vehicle pursuit deaths, 1990–2007 (kilometres per hour)



Source: AIC NDICP 1990–2007 [computer file]

Cause and manner of death

All of the 2007 deaths following a motor vehicle pursuit (n=4) were caused by external/multiple trauma sustained as a result of the pursuit (Table 46). Since 1990, external/multiple trauma has been the most common cause of motor vehicle pursuit deaths (78%; n=118), followed by head injuries (16%). Sometimes weapons are involved in the course of a pursuit. Motor vehicle pursuit deaths caused by gunshots are an example of this and generally begin with a pursuit but end with the person shooting themselves or being shot by police. Since 1990, the majority (93%) of motor vehicle pursuit deaths were considered accidental. Tables 46 and 47 present the raw numbers for each type of cause and manner of death.

Most serious offence

2007

Information on most serious offence is only available for three of the four pursuit deaths that occurred in 2007. One had a most serious offence that was

violent, one was theft-related, and one had a traffic offence as the most serious offence in the period prior to death. The Indigenous death in 2007 was preceded by a theft-related offence.

Trends

Deaths of persons who had a theft-related most serious offence immediately prior to their final period of custody have generally outnumbered all other offence types since 1990 (50%; Table 48). Of the total number of theft-related offences, 62 involved the theft of a motor vehicle. This means that 43 percent of all motor vehicle pursuit deaths were associated with a car (and most likely the car being pursued) being stolen. There has been a decline recorded in the number of deaths related to motor vehicle theft since 2001, and during this same period there has been a decline in motor vehicle thefts across Australia (AIC 2007). It is possible that the reduction in motor vehicle thefts may have had an unintended but positive impact on deaths resulting from motor vehicle pursuits.

Table 46: Motor vehicle pursuit deaths by cause of death, 1990–2007 (number)

	External/multiple trauma	Head injury	Gunshot	Other	Total
1990	4	1	0	0	5
1991	1	1	0	0	2
1992	5	0	0	0	5
1993	5	3	0	1	9
1994	3	0	1	0	4
1995	6	1	0	0	7
1996	9	1	1	0	11
1997	6	1	1	0	8
1998	4	0	1	0	5
1999	7	0	0	1	8
2000	10	0	2	1	13
2001	14	3	0	0	17
2002	9	7	0	0	16
2003	7	3	0	0	10
2004	8	1	0	0	9
2005	8	1	0	0	9
2006	8	1	0	0	9
2007	4	0	0	0	4
Total ^a	118	24	6	3	151

a: One case has been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table 47: Motor vehicle pursuit deaths by manner of death, 1990–2007 (number)

	Accident	Self-inflicted	Unlawful homicide	Justifiable homicide	Other	Total
1990	4	0	0	0	1	5
1991	2	0	0	0	0	2
1992	4	1	0	0	0	5
1993	9	0	0	0	0	9
1994	3	1	0	0	0	4
1995	7	0	0	0	0	7
1996	10	1	0	0	0	11
1997	7	1	0	0	0	8
1998	4	0	0	1	0	5
1999	8	0	0	0	0	8
2000	11	0	1	1	0	13
2001	16	1	0	0	0	17
2002	15	1	0	0	0	16
2003	10	0	0	0	0	10
2004	8	1	0	0	0	9
2005	9	0	0	0	0	9
2006	10	0	0	0	0	10
2007	4	0	0	0	0	4
Total	141	7	1	2	1	152

Source: AIC NDICP 1990–2007 [computer file]

Table 48: Motor vehicle pursuit deaths by most serious offence, 1990–2007 (number)

	Violent	Theft-related	Drug-related	Traffic	Good order	Total
1990	1	3	0	1	0	5
1991	0	1	0	1	0	2
1992	0	3	0	2	0	5
1993	0	4	1	4	0	9
1994	1	1	0	2	0	4
1995	0	4	0	3	0	7
1996	1	7	0	3	0	11
1997	0	7	0	1	0	8
1998	2	1	0	2	0	5
1999	2	3	1	2	0	8
2000	0	9	0	2	1	12
2001	0	9	0	7	1	17
2002	0	6	0	9	0	15
2003	1	2	0	7	0	10
2004	0	5	0	4	0	9
2005	0	5	0	2	1	8
2006	0	2	1	3	1	7
2007	1	1	0	1	0	3
Total ^a	9	73	3	56	4	145

a: Seven cases have been excluded due to missing data

Source: AIC NDICP 1990–2006 [computer file]

The importance of targeting interventions towards young males is clear given the finding that of those pursuit deaths involving car theft, the vast majority (87%) involved persons aged less than 25 years and most cases (92%) involved males. Box 3 outlines key measures aimed at preventing motor vehicle theft.

The second most common offence type since 1990 was traffic offences (39%). Of the 55 cases where traffic offences were the most serious offence, 34 involved offences for dangerous driving (including exceeding the speed limit).

Location of death

As would be expected due to the nature of motor vehicle pursuits, three of the four deaths (including the Indigenous death) occurred in public places and the remaining death in a public hospital following the accident. Since 1990, 77 percent of pursuit deaths have occurred in public places, that is, at the scene of the collision following a motor vehicle pursuit (Table 49).

Box 3: Preventing motor vehicle theft

Motor vehicle theft is often an opportunistic act committed by young men for the purpose of obtaining temporary transport, using the vehicle to aid in the commission of other offences, or for the purposes of joyriding (NMVTRC 2004).

The National Motor Vehicle Theft Reduction Council was established as a national taskforce to bring about reductions in vehicle theft in 1999. The Council reports three crucial elements are required to prevent opportunistic thieves:

- prevention programs for at-risk youths
- the use of immobilisers
- the protection of car keys.

The first element, providing prevention programs for at-risk youths, is important as these programs seek to break the cycle of offending by providing youths with skills and training in order to help them find employment. In providing this group of youths with the means of gaining employment and earning money, the need to commit crime due to

any underlying socioeconomic disadvantage is lessened.

The second and third elements relating to the use of immobilisers and protection of car keys are also important and tackle the problem of vehicle theft from a different angle. The ‘target hardening’ of motor vehicles by fitting immobilisers to them is an effective way of deterring theft of those vehicles. In making the vehicles more difficult to obtain, the ability and opportunity an offender has to steal them is dramatically reduced and they become less attractive as targets. Immobilisers have now become a mandatory requirement for all cars sold from July 2001 —and most cars stolen in Australia are older vehicles, which are less likely to have immobilisers fitted. However, the fitting of immobilisers does become redundant if the car keys are not protected. In a report the Council stated that 70 percent of immobilised vehicle thefts were reportedly due to the offender obtaining access to the car keys, highlighting the importance of protecting these items (NMVTRC 2004).

Table 49: Motor vehicle pursuit deaths by location, 1990–2007 (number)

	Public hospital	Private property	Public place	Other	Total
1990	0	0	5	0	5
1991	0	0	2	0	2
1992	1	0	4	0	5
1993	2	0	7	0	9
1994	1	0	2	1	4
1995	4	0	3	0	7
1996	3	1	7	0	11
1997	3	0	5	0	8
1998	3	0	2	0	5
1999	2	0	6	0	8
2000	3	0	10	0	13
2001	2	0	15	0	17
2002	4	0	12	0	16
2003	1	0	9	0	10
2004	0	0	9	0	9
2005	0	0	9	0	9
2006	2	0	8	0	10
2007	1	0	3	0	4
Total	32	1	118	1	152

Source: AIC NDICP 1990–2007 [computer file]

Shooting deaths

Shooting deaths in police custody can be categorised into those where people are shot by police and those where people shoot themselves in the presence of police. It is the former category that attracts media and public attention.

2007

In 2007, eight deaths resulted from gunshot wounds, three in Queensland, two in Victoria, and one in each of New South Wales, Western Australia and the Northern Territory (Table 50). Four involved persons who shot themselves in the presence of police and the remaining four deaths were of persons shot by police.

Table 50: Police shooting deaths, 2007^a

	Shot by police	Shot by self	Total
New South Wales	0	1	1
Victoria	1	1	2
Queensland	2	1	3
Western Australia	1	0	1
Northern Territory	0	1	1
Total	4	4	8

a: Jurisdictions for which no shooting deaths were recorded have been excluded
Source: AIC NDICP 1980–2007 [computer file]

Trends

Since 1990, 151 shooting deaths have been recorded (Table 51). Most (58%) were of persons shot by police, while 41 percent involved persons shooting themselves in the presence of police. At a yearly level, the proportions of people shot by police or self have varied. Since 2003, no Indigenous persons in police custody have been shot by police.

The number of persons in custody who were shot by police peaked at 12 deaths in 1994 and has fluctuated between two and six deaths each year since (Figure 14).

Demographic characteristics

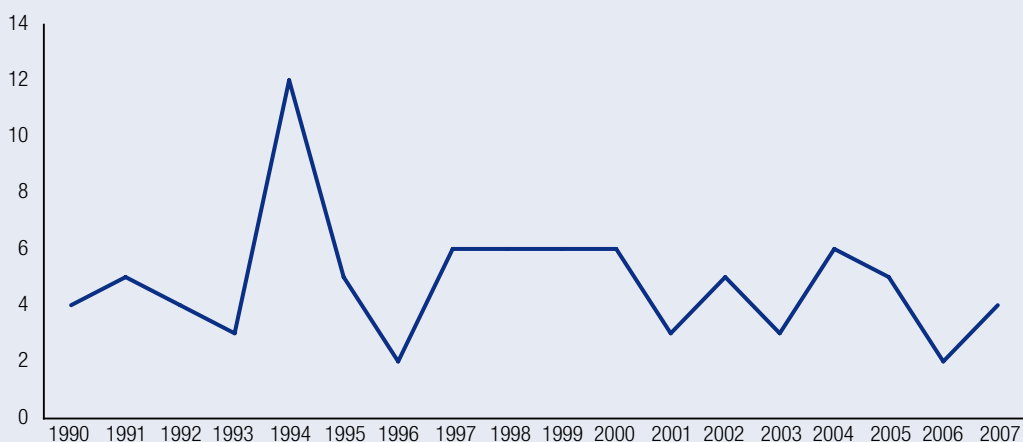
Indigenous status

The four police shooting deaths in 2007 involved non-Indigenous persons. No Indigenous person died from being shot by police in 2007. Since 1990, 92 percent (n=80) of police shooting deaths have involved non-Indigenous persons (Table 52).

Sex

Females are far less likely than males to be shot by police (Table 53). Two females in 1994 and one female in 1995 were shot by police. In all other years, only males have died as a result of police shootings.

Figure 14: Police shooting deaths, 1990–2007 (number)



Source: AIC NDICP 1990–2007 [computer file]

Table 51: Police shooting deaths, 1990–2007 (number)

	Shot by police		Shot by self		Shot by other official		Total		Total
	Indigenous	Non-Indig.	Indigenous	Non-Indig.	Indigenous	Non-Indig.	Indigenous	Non-Indig.	
1990	1	3	0	0	0	0	1	3	4
1991	0	5	0	4	0	0	0	9	9
1992	0	4	0	4	0	1	0	9	9
1993	1	2	0	5	0	0	1	7	8
1994	2	10	0	5	0	0	2	15	17
1995	0	5	0	5	0	0	0	10	10
1996	0	2	1	5	0	0	1	7	8
1997	0	6	0	5	0	0	0	11	11
1998	1	5	0	1	0	0	1	6	7
1999	0	6	0	3	0	0	0	9	9
2000	0	6	0	1	0	0	0	7	7
2001	1	2	0	2	0	0	1	4	5
2002	1	4	1	4	0	0	2	8	10
2003	0	3	0	4	0	0	0	7	7
2004	0	6	0	5	0	0	0	11	11
2005	0	5	0	1	0	0	0	6	6
2006	0	2	0	2	0	0	0	4	4
2007	0	4	1	3	0	0	1	7	8
Total ^a	7	80	3	59	0	1	10	140	150

a: One case has been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table 52: Police shooting deaths (number), as a percentage of total deaths in police custody, 1990–2007

	Indigenous		Non-Indigenous		Total n
	n	%	n	%	
1990	1	20	3	12	4
1991	0	0	5	19	5
1992	0	0	4	17	4
1993	1	33	2	7	3
1994	2	67	10	40	12
1995	0	0	5	23	5
1996	0	0	2	9	2
1997	0	0	6	26	6
1998	1	17	5	24	6
1999	0	0	6	29	6
2000	0	0	6	29	6
2001	1	25	2	6	3
2002	1	9	4	15	5
2003	0	0	3	11	3
2004	0	0	6	27	6
2005	0	0	5	33	5
2006	0	0	2	17	2
2007	0	0	4	15	4
Total	7	7	80	19	87

Source: AIC NDICP 1990–2007 [computer file]

Table 53: Police shooting deaths by sex, 1990–2007 (number)

	Male	Female	Total
1990	4	0	4
1991	5	0	5
1992	4	0	4
1993	3	0	3
1994	10	2	12
1995	4	1	5
1996	2	0	2
1997	6	0	6
1998	6	0	6
1999	6	0	6
2000	6	0	6
2001	3	0	3
2002	5	0	5
2003	3	0	3
2004	6	0	6
2005	5	0	5
2006	2	0	2
2007	4	0	4
Total	84	3	87

Source: AIC NDICP 1990–2007 [computer file]

Age

The average age at time of death for persons shot by police in 2007 was 36 years, which is slightly higher than the average age for all persons shot by police since 1990 (32 years). Three of the four police shooting deaths in 2007 involved persons aged between 25 and 39 years; the other was aged between 40 and 54 (Table 54). Since 1990, the average age of the seven Indigenous persons who were shot by police was 29 years, younger than the average 33 years for non-Indigenous persons.

Circumstances surrounding the deaths

Time of incident

Most deaths from 1990 to 2007 resulting from a police shooting occurred between the late afternoon and early morning (Table 55). Of the 72 deaths

where information was available, 31 percent occurred between 4.00pm and 8.00pm, 17 percent between 8.00pm and midnight, and 17 percent between midnight and 4.00am.

Manner of death

The 2007 police shooting deaths were considered justifiable homicides, although these results are pending confirmation by relevant state and territory coroners. Since 1990, the majority (91%; n=79) were considered to be justifiable homicides (Table 56). Only one death has been classified as unlawful homicide in 2000, and one was classified as accidental in 2002.

Most serious offence

Of the police shooting deaths in 2007, two involved an individual whose most serious offence immediately prior to the shooting was a violent offence, one who had committed a theft-related offence, and the other a good order offence. Deaths of persons who had a violent most serious offence immediately prior to the shooting have generally outnumbered all other offence types since 1990 (Table 57). Sixty-seven percent (n=58) of police shooting deaths have involved persons who had a violent offence immediately prior to the shooting and many of these involved weapons. The majority of these offences involved serious assaults and homicides. Of the seven Indigenous deaths since 1990, five involved violent offences as the most serious offence committed prior to death. One death involved a theft-related offence and another a good order offence.

Location of death

Most police shootings occur in public places (44%; n=36) or on private property (37%; n=31). Of the 2007 deaths, three occurred on private property and one in a public place (Table 58). Of the seven Indigenous deaths since 1990, three occurred in public hospitals, two on private property and one in a public place. The location of the seventh case is unknown at present. Most non-Indigenous deaths occurred in public places (45%) or on private property (38%).

Table 54: Police shooting deaths by age category, 1990–2007 (number)

	Less than 19	20–24	25–29	30–34	35–39	40–44	45+	Total
1990	0	0	2	1	0	1	0	4
1991	0	3	1	0	0	1	0	5
1992	0	1	0	0	0	1	2	4
1993	1	0	0	0	0	0	2	3
1994	1	2	1	2	2	3	1	12
1995	0	1	1	1	2	0	0	5
1996	0	0	1	0	1	0	0	2
1997	0	1	3	1	1	0	0	6
1998	1	1	0	3	1	0	0	6
1999	0	0	3	0	1	2	0	6
2000	0	1	5	0	0	0	0	6
2001	0	0	0	0	1	1	1	3
2002	1	2	0	1	0	0	1	5
2003	0	0	0	2	0	1	0	3
2004	0	0	2	2	1	0	1	6
2005	0	0	3	1	0	1	0	5
2006	0	0	0	1	1	0	0	2
2007	0	0	0	3	0	0	1	4
Total	4	12	22	18	11	11	9	87

Source: AIC NDICP 1990–2007 [computer file]

Table 55: Police shooting deaths by time of incident, 1990–2007 (number)^a

	12.00– 4.00am	4.01– 8.00am	8.01am– 12.00pm	12.01– 4.00pm	4.01– 8.00pm	8.01– 11.59pm	Total
1990	0	0	1	1	2	0	4
1991	2	1	0	0	0	0	3
1992	2	0	0	1	0	0	3
1993	0	0	0	1	1	1	3
1994	1	0	3	2	3	3	12
1995	1	1	0	0	1	0	3
1996	1	0	0	0	0	0	1
1997	3	2	0	0	0	1	6
1998	1	1	0	0	3	1	6
1999	0	0	2	1	1	1	5
2000	0	2	0	0	2	1	5
2001	0	0	0	0	2	1	3
2002	0	0	0	0	3	1	4
2003	0	1	0	1	0	0	2
2004	1	0	1	0	1	0	3
2005	0	0	0	1	2	0	3
2006	0	0	1	0	0	1	2
2007	0	0	2	0	1	1	4
Total	12	8	10	8	22	12	72

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table 56: Police shooting deaths by manner of death, 1990–2007 (number)

	Unlawful homicide	Justifiable homicide	Accident	Other	Total
1990	0	2	0	2	4
1991	0	1	0	4	5
1992	0	4	0	0	4
1993	0	3	0	0	3
1994	0	12	0	0	12
1995	0	5	0	0	5
1996	0	2	0	0	2
1997	0	6	0	0	6
1998	0	6	0	0	6
1999	0	6	0	0	6
2000	1	5	0	0	6
2001	0	3	0	0	3
2002	0	4	1	0	5
2003	0	3	0	0	3
2004	0	6	0	0	6
2005	0	5	0	0	5
2006	0	2	0	0	2
2007	0	4	0	0	4
Total	1	79	1	6	87

Source: AIC NDICP 1990–2007 [computer file]

Table 57: Police shooting deaths by most serious offence, 1990–2007 (number)

	Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
1990	3	1	0	0	0	0	4
1991	3	0	0	0	1	1	5
1992	1	3	0	0	0	0	4
1993	2	1	0	0	0	0	3
1994	10	2	0	0	0	0	12
1995	2	1	0	1	0	1	5
1996	1	0	1	0	0	0	2
1997	4	2	0	0	0	0	6
1998	4	1	0	0	0	1	6
1999	5	1	0	0	0	0	6
2000	4	2	0	0	0	0	6
2001	2	0	0	0	1	0	3
2002	1	1	0	0	2	1	5
2003	2	0	0	0	0	1	3
2004	6	0	0	0	0	0	6
2005	5	0	0	0	0	0	5
2006	1	1	0	0	0	0	2
2007	2	1	0	0	1	0	4
Total	58	17	1	1	5	5	87

Source: AIC NDICP 1990–2007 [computer file]

Table 58: Police shooting deaths by location, 1990–2007 (number)

	Public hospital	Private property	Public place	Other	Total
1990	1	1	0	0	2
1991	1	2	0	0	3
1992	0	0	4	0	4
1993	2	1	0	0	3
1994	2	4	6	0	12
1995	1	2	2	0	5
1996	0	1	1	0	2
1997	2	1	1	2	6
1998	1	2	2	1	6
1999	0	2	4	0	6
2000	1	2	3	0	6
2001	0	2	1	0	3
2002	1	2	2	0	5
2003	0	1	2	0	3
2004	0	1	5	0	6
2005	1	3	1	0	5
2006	0	1	1	0	2
2007	0	3	1	0	4
Total ^a	13	31	36	3	83

a: Four cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Summary

Most deaths resulting from police pursuits are of young males whom the literature has shown to be at higher risk than older males of becoming involved in criminal activity. The vast majority of police pursuit deaths involve males. All four pursuit deaths in 2007 were of persons aged less than 25 years. Since 1990, just under two-thirds of deaths from motor vehicle pursuits have been of persons aged less than 25 years. Indigenous persons who die as a result of police pursuits are younger than their non-Indigenous counterparts (one-quarter of all pursuit deaths involve Indigenous persons). Since 1990, more than three-quarters of Indigenous deaths that resulted from police pursuits were of persons aged less than 25 years while the corresponding number for non-Indigenous persons was 60 percent.

Just under half of all motor vehicle pursuit deaths since 1990 were associated with car theft. It is likely that most, if not all, of these relate to theft of the vehicle that was being pursued. Of those pursuit deaths that involved car theft, 92 percent of young offenders were male and 87 percent were aged less than 25 years. These findings highlight the need to target intervention and education at younger males. The decline in number of deaths related to motor vehicle theft corresponds to a decline in motor vehicle thefts across Australia, and it is possible that this fall in motor vehicle thefts may be linked to the fall in motor vehicle pursuit deaths. This potential link further emphasises the need to reduce the capacity of young offenders to steal motor vehicles through devices such as immobilisers.

Deaths that occur as a result of being shot by police always attract media attention. The number of deaths in custody resulting from police shootings peaked in 1994 with 12 shootings, and has since fluctuated between two and six deaths per year. Males, again, comprise the vast majority of those shot and killed by police. However, the average age of those who die from police shootings is older than those who die from pursuits. Over half of those who died from police shootings since 1990 were aged between 25 and 39 years. This age difference may be indicative of a number of factors, including that offenders in this age group may be more likely than those aged

below 25 to have progressed into more violent offending and to have access to weapons that require greater self-defence on behalf of police officers. Of the 87 deaths that have occurred as a result of police shootings, 79 were classified as justifiable homicide. At these ages, offenders may also have more pronounced mental health issues that manifest themselves in public acts of violence. These possible explanations give rise to policy issues around restricting access to weapons and training police in dealing with violent and mentally ill offenders. It is also important to note that 63 of 152 shooting deaths involved persons who shot themselves in the presence of police.

Conclusion

Overall trends

There has been a significant decline in the total number of deaths which have occurred in custody since 1997. Over this period, deaths declined from 105 in 1997 to 74 in 2007. The total number of deaths in custody declined consecutively between 2001 (92 deaths) and 2006 (55 deaths). Deaths in 2007 rose to 74.

Prison deaths generally account for the majority of deaths each year. In 2007, 59 percent of all recorded deaths in custody occurred in prison. Apart from 2006 (one death), no deaths have been recorded in juvenile detention since 2001.

Of all custodial deaths recorded since 1980, 19 percent have been of Indigenous persons. Indigenous persons have comprised 17 percent of all deaths which have occurred in prison since 1980 and 20 percent of all deaths which have occurred in police custody since 1990. In 2007, 12 percent of all custodial deaths were of Indigenous persons (13% in police custody and 11% in prison). Rates of death have declined significantly for Indigenous prisoners since 1995, while the raw proportion of Indigenous to non-Indigenous deaths in prison in 2007 was the lowest it has been since 1997. Although rates cannot be determined for deaths which have occurred in police custody and related operations

due to lack of knowledge about how many people are involved in police custody and related operations each year, the raw proportion of Indigenous to non-Indigenous deaths in police custody in 2007 was the lowest it has been since 2002. Hence, although Indigenous people continue to be substantially over-represented in prison compared with non-Indigenous people, the rates of death in prison have been similar for both Indigenous and non-Indigenous people since 1999 and have been significantly declining. These are positive trends.

Cause of death and age

2007 saw a large increase in deaths from natural causes, particularly in prison deaths. Thirty two of the 42 (76%) prison deaths, where cause is known, resulted from natural causes. This was the highest number and proportion recorded since 1980. This increase in deaths by natural causes coincides with both an increase in the age of people imprisoned and the number of prisoners who die in prison. The percentage of prisoners aged 55 or more in 1987 was 2.2 percent (Debaecker & Chapman 1989). This rose to 3.8 percent in 1997 (ABS 1998) and has since increased to 5.7 percent in 2007 (ABS 2007a).

With the increase in prison deaths due to natural causes, self-inflicted deaths in prison have been decreasing. The year 2007 recorded the lowest proportion of self-inflicted deaths in prison since 1980. Hanging was the most common cause of self-inflicted death in prison. Seventeen percent of prison custody deaths in 2007 were due to hanging and again, this is the lowest proportion recorded since 1980. No hanging deaths were recorded in police custody during 2007. However, the decrease in self-inflicted deaths in prison is in contrast to a jump in self-inflicted deaths in police custody and related operations in 2007. Forty-six percent of these deaths were self-inflicted, representing the highest proportion of self-inflicted deaths in police custody and related operations since 1990. Most were the result of jumping/falling from a height or self-inflicted gunshot wounds.

Motor vehicle pursuit deaths

Most deaths resulting from police pursuits are of young males. Ninety percent of people who have died as a result of a motor vehicle pursuit since 1990 have been male. Sixty-four percent have been of persons aged less than 25 years. Over one quarter of pursuit deaths have been of Indigenous persons. Forty-three percent of all motor vehicle pursuit deaths since 1990 have been associated with the theft of a car, most likely the car being pursued. Sixty-seven percent of pursuit deaths have occurred between 8.00pm and 4.00am. These findings clearly point to the need to target intervention and education at young males. The prevention of car

theft is also important—reducing the opportunities for car theft makes them less attractive and accessible as targets.

Shooting deaths in police custody and related operations

Of all shooting deaths which have occurred in police custody and related operations since 1990, just over half have been of people who were shot by police (57%). Shootings by police attract a lot of media attention and it is important to monitor the nature of, and circumstances, surrounding such shootings. Most police shootings occur in public places or on private property. The number of people shot by police since 1990 peaked in 1994 with 12 deaths and has fluctuated between two and six deaths each year since. Indigenous people account for seven percent of all persons shot by police since 1990, but no Indigenous persons have died as a result of being shot by police since 2002. Out of 87 police shootings since 1990, only three deaths have been of females. Since 1995, no females have died as a result of police shooting. Of all deaths resulting from police shootings since 1990, 91 percent were classified as justifiable homicide. Only one homicide was classified as unjustifiable. Given the context in which police shootings often occur, it is possible that mental health issues may be prevalent in offenders which manifest in acts of violence. Restricting access to weapons and training police in dealing with violent and mentally ill offenders may assist in reducing deaths which result from police shootings.

References and published material

References

All URLs correct at 22 May 2008

Australia. Royal Commission into Aboriginal Deaths in Custody (RCIADIC) 1991. *National report volume 1*. Canberra: Australian Government Publishing Service

Australian Bureau of Statistics (ABS) 2007a. *Prisoners in Australia 2007*. ABS cat. no. 4517.0. Canberra: ABS

Australian Bureau of Statistics (ABS) 2007b. *Population by age and sex, Australian states and territories*. ABS cat. no. 3201.0. Canberra: ABS

Australian Bureau of Statistics (ABS) 2006a. *National Aboriginal and Torres Strait Islander health survey 2004–05*. ABS cat. no. 4715.0. Canberra: ABS

Australian Bureau of Statistics (ABS) 2006b. *Deaths, Australia*. ABS cat. no. 3302.0. Canberra: ABS

Australian Bureau of Statistics (ABS) 2004. *Experimental estimates and projections, Aboriginal and Torres Strait Islander Australians*. 2004. ABS cat. no. 3238.0. Canberra: ABS

Australian Bureau of Statistics (ABS) 1998. *Prisoners in Australia 1997*. Canberra: ABS

Australian Institute of Criminology (AIC) 2007. *Australian crime: facts and figures 2006*. Canberra: AIC. <http://www.aic.gov.au/publications/facts/2006/index.html>

Australian Institute of Health and Welfare (AIHW) 2006. *2004 juvenile justice in Australia 2000–01 to 2003–04*. AIHW cat. no. JUV 1. Canberra: AIHW

Borzycki M 2005. *Interventions for prisoners returning to the community*. Canberra: Commonwealth of Australia. <http://www.aic.gov.au/publications/reports/2005-03-prisoners.html>

Chen S et al. 2005. The transition from juvenile to adult criminal careers. *Crime and justice bulletin* no. 86. Sydney: NSW Bureau of Crime Statistics and Research

Debaecker F & Chapman J 1989. *Australian prisoners 1987*. Canberra: Australian Institute of Criminology

Department of Justice & Victorian Aboriginal Justice Forum 2005. *Victorian implementation review of the recommendations from the Royal Commission into Aboriginal Deaths in Custody, review report*. Victoria: Department of Justice

Ferrante A, Maller M & Loh N 2004. *Pathways through justice: a statistical analysis of offender contact with the Western Australia juvenile justice system. Final report for the Department of Justice*. Perth: Crime Research Centre

Harding R 1992. Private prisons in Australia. *Trends & issues in crime and criminal justice* no. 36. <http://www.aic.gov.au/publications/tandi/tandi36.html>

Hobbs M et al. 2006. Mortality and morbidity in prisoners after release from prison in Western Australia 1995–2003. *Trends & issues in crime and criminal justice* no. 320. <http://www.aic.gov.au/publications/tandi2/tandi320.html>

Kariminia A et al. 2007. Suicide risk among recently released prisoners in New South Wales Australia. *Medical journal of Australia* 187(7): 387–90

Loh N & Ferrante A 2003. *Aboriginal involvement in the Western Australian criminal justice system: a statistical review 2001*. Report for the Department of Indigenous Affairs. http://www.crc.law.uwa.edu.au/publications/about_ajc_reports

Makkai T & Payne J 2003. *Drugs and crime: a study of incarcerated male offenders*. Research and public policy series no. 52. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/rpp/52/index.html>

National Motor Vehicle Theft Reduction Council (NMVTRC) 2004. *Tackling vehicle theft: a guide for local communities*. Adelaide: NMVTRC

Payne J 2007. *Recidivism in Australia: findings and future research*. Research and public policy series no. 80. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/rpp/80/index.html>

Putt J, Payne J & Milner L 2005. Indigenous male offending and substance abuse. *Trends & issues in crime and criminal justice* no. 293. <http://www.aic.gov.au/publications/tandi2/tandi293.html>

Sallybanks J 2005. *Monitoring injuries in police custody: a feasibility and utility study*. Technical and background paper no. 15. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tbp/tbp015/>

Steering Committee for the Review of Government Service Provision (SCRGSP) 2005. *Overcoming Indigenous disadvantage: key indicators 2005*. Canberra: Productivity Commission

Taylor N 2007. *Juveniles in detention in Australia, 1981–2006*. Technical and background paper no. 22. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tbp/tbp026/>

Taylor N & Bareja M 2005. *2002 national police custody survey*. Technical and background paper no. 13. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tbp/tbp013/>

Weatherburn D, Lind B & Hua J 2003. Contact with the New South Wales court and prison systems: the influence of age, Indigenous status and gender. *Crime and justice bulletin* no. 78. Sydney: NSW Bureau of Crime Statistics and Research

Biles D & Dalton V 1999. Deaths in private prisons 1990–99: a comparative study. *Trends & issues in crime and criminal justice* no. 120. <http://www.aic.gov.au/publications/tandi/tandi120.html>

Biles D, Harding R & Walker J 1999. The deaths of offenders serving community corrections orders. *Trends & issues in crime and criminal justice* no. 107. <http://www.aic.gov.au/publications/tandi/tandi107.html>

Collins L 2002. *Deaths in custody in Australia: 2001 National Deaths in Custody Program (NDICP) annual report*. Research and public policy series no. 42. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/rpp/42/>

Collins L & Ali M 2003. *Deaths in custody in Australia: 2002 National Deaths in Custody Program (NDICP) annual report*. Research and public policy series no. 50. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/rpp/50/>

Collins L & Mouzos J 2002. Deaths in custody: a gender-specific analysis. *Trends & issues in crime and criminal justice* no. 238. <http://www.aic.gov.au/publications/tandi/tandi238.html>

Collins L & Mouzos J 2001. Australian deaths in custody and custody-related police operations, 2000. *Trends & issues in crime and criminal justice* no. 217. <http://www.aic.gov.au/publications/tandi/tandi217.html>

Dalton V 2000. Australian deaths in custody and custody-related police operations 1999. *Trends & issues in crime and criminal justice* no. 153. <http://www.aic.gov.au/publications/tandi/tandi153.html>

Dalton V 1999. Aboriginal deaths in prison 1980 to 1998: national overview. *Trends & issues in crime and criminal justice* no. 131. <http://www.aic.gov.au/publications/tandi/tandi131.html>

Dalton V 1999. Prison homicides in Australia: 1980 to 1998. *Trends & issues in crime and criminal justice* no. 103. <http://www.aic.gov.au/publications/tandi/index3.html>

Dalton V 1999. Suicide in prison 1980 to 1998: national overview. *Trends & issues in crime and criminal justice* no. 126. <http://www.aic.gov.au/publications/tandi/tandi126.html>

Dalton V 1998. Police custody and self-inflicted firearms deaths. *Trends & issues in crime and criminal justice* no. 94. <http://www.aic.gov.au/publications/tandi/tandi94.html>

Dalton V 1998. Police shootings 1990–97. *Trends & issues in crime and criminal justice* no. 89. <http://www.aic.gov.au/publications/tandi/tandi89.html>

Dalton V 1998. Prison deaths 1980–97: national overview and state trends. *Trends & issues in crime and criminal justice* no. 81. <http://www.aic.gov.au/publications/tandi/tandi81.html>

Selected published material

All URLs correct at 22 May 2008

Biles D & Dalton V 2001. Deaths in private prisons and public prisons in Australia: a comparative analysis. *Australian and New Zealand journal of criminology* 34(3): 293–301

Joudo J 2006. Deaths in custody in Australia 1990–2004. *Trends & issues in crime and criminal justice* no. 309. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tandi2/tandi309.html>

Joudo J 2006. *Deaths in custody in Australia: National Deaths in Custody Program annual report 2005*. Technical and background paper no. 21. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tbp/tbp021/>

Joudo J & Curnow J 2007. *Deaths in custody in Australia: National Deaths in Custody Program annual report 2006*. Research and public policy series no. 85. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/rpp/85/index.html>

Joudo J & Veld M 2005. *Deaths in custody in Australia: 2004 National Deaths in Custody Program (NDICP) annual report 2004*. Technical and background paper no. 19. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tbp/tbp019/>

McCall M 2004. *Deaths in custody in Australia: 2003 National Deaths in Custody Program (NDICP) annual report*. Technical and background paper no. 12. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/tbp/tbp012/>

Williams P 2001. Deaths in custody: 10 years on from the Royal Commission. *Trends & issues in crime and criminal justice* no. 203. <http://www.aic.gov.au/publications/tandi/tandi203.html>

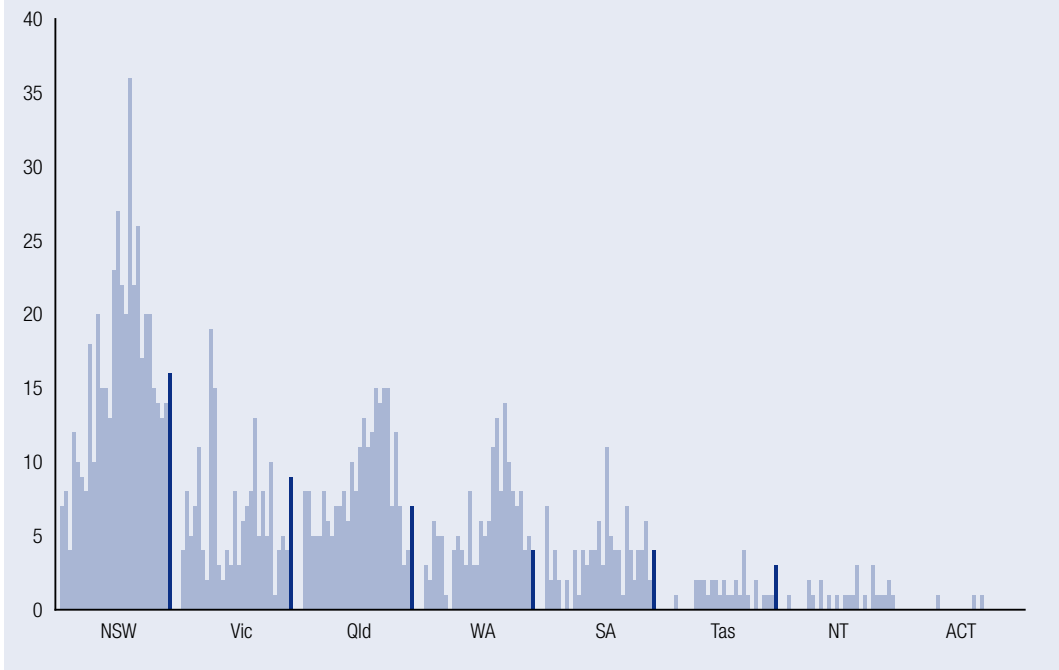


Appendix

Detailed findings from the
National Deaths in Custody
Program: number of deaths in
police and prison custody

Deaths in prison custody, 1980–2007

Figure A1: Deaths in prison custody by jurisdiction, 1980–2007 (number)



Source: AIC NDICP 1980–2007 [computer file]

Table A1: Prison custody deaths by jurisdiction, 1980–2007 (number)

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Total
1980	7	4	8	3	7	0	1	0	30
1981	8	8	8	2	2	0	0	0	28
1982	4	5	5	6	4	1	0	0	25
1983	12	7	5	5	2	0	0	0	31
1984	10	11	5	5	0	0	0	0	31
1985	9	4	8	1	2	0	2	0	26
1986	8	2	6	0	0	0	1	0	17
1987	18	19	5	4	4	2	0	1	53
1988	10	15	7	5	1	2	2	0	42
1989	20	3	7	4	4	2	0	0	40
1990	15	2	8	3	3	1	1	0	33
1991	15	4	6	8	4	2	0	0	39
1992	13	3	10	3	4	2	1	0	36
1993	23	8	8	3	6	1	0	0	49
1994	27	3	11	6	3	2	1	0	53
1995	22	6	13	5	11	1	1	0	59
1996	20	7	11	6	5	1	1	1	52
1997	36	8	12	11	4	2	3	0	76
1998	22	13	15	13	4	1	0	1	69
1999	26	5	14	8	1	4	1	0	59
2000	17	8	15	14	7	1	0	0	62
2001	20	5	15	10	4	0	3	0	57
2002	20	10	7	8	2	2	1	0	50
2003	15	1	12	7	4	0	1	0	40
2004	14	4	7	8	4	1	1	0	39
2005	13	5	3	4	6	1	2	0	34
2006	14	4	4	5	2	1	1	0	31
2007	18	9	7	4	4	3	0	0	45
Total	456	183	242	161	104	33	24	3	1,206

Source: AIC NDICP 1980–2007 [computer file]

Indigenous status

Table A2: Prison custody deaths by Indigenous status, 1980–2007

	Indigenous		Non-Indigenous		Persons
	n	%	n	%	Total n
New South Wales	63	13.9	393	86.1	456
Victoria	5	2.7	178	97.3	183
Queensland	47	19.4	195	80.6	242
Western Australia	48	29.8	113	70.2	161
South Australia	18	17.3	86	82.7	104
Tasmania	1	3.0	32	97.0	33
Northern Territory	18	75.0	6	25.0	24
Australian Capital Territory	0	0.0	3	100.0	3
Australia	200	16.6	1,006	83.4	1,206

Source: AIC NDICP 1980–2007 [computer file]

Legal status

Table A3: Prison custody deaths by legal status, 1980–2007 (number)

		Sentenced	Unsentenced	Total
New South Wales	Indigenous	42	21	63
	Non-Indigenous	264	128	392
Victoria	Indigenous	2	3	5
	Non-Indigenous	127	51	178
Queensland	Indigenous	36	10	46
	Non-Indigenous	133	50	183
Western Australia	Indigenous	33	15	48
	Non-Indigenous	75	38	113
South Australia	Indigenous	13	5	18
	Non-Indigenous	48	38	86
Tasmania	Indigenous	1	0	1
	Non-Indigenous	19	12	31
Northern Territory	Indigenous	14	4	18
	Non-Indigenous	3	3	6
Australian Capital Territory	Indigenous	0	0	0
	Non-Indigenous	0	3	3
Totals	Indigenous	141	58	199
	Non-Indigenous	669	323	992
	All persons ^a	811	381	1,191

a: 15 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Sex

Table A4: Prison custody deaths by sex, 1980–2007

		%	Total n
New South Wales	Male	95.8	437
	Female	4.2	19
Victoria	Male	91.3	167
	Female	8.7	16
Queensland	Male	96.7	234
	Female	3.3	8
Western Australia	Male	96.9	156
	Female	3.1	5
South Australia	Male	96.2	100
	Female	3.8	4
Tasmania	Male	100.0	30
	Female	0.0	0
Northern Territory	Male	100.0	24
	Female	0.0	0
Australian Capital Territory	Male	100.0	3
	Female	0.0	0
Totals	Male	95.7	1,154
	Female	4.3	52
	All persons	100.0	1,206

Source: AIC NDICP 1980–2007 [computer file]

Age

Table A5: Prison custody deaths by mean age at death, 1980–2007 (number)

	Indigenous		Non-Indigenous		Persons	
	n	Mean age	n	Mean age	Total n	Mean age
New South Wales	63	32.3	393	38.1	456	37.2
Victoria	5	29.2	178	37.3	183	37.9
Queensland	47	33.5	195	40.5	242	39.2
Western Australia	48	33.7	113	40.0	161	38.1
South Australia	18	28.8	86	38.9	104	37.4
Tasmania	1	48.0	32	39.5	33	39.6
Northern Territory	18	33.8	6	33.0	24	33.6
Australian Capital Territory	0	0.0	3	19.7	3	19.7
Australia	200	32.8	1,006	38.8	1,206	37.8

Source: AIC NDICP 1980–2007 [computer file]

Table A6: Prison custody deaths by age at time of death, 1980–2007 (number)

		Less than 25	25–39	40–54	55+	Total
New South Wales	Indigenous	17	33	10	3	63
	Non-Indigenous	84	153	96	60	393
Victoria	Indigenous	3	1	1	0	5
	Non-Indigenous	32	80	34	32	178
Queensland	Indigenous	13	20	11	3	47
	Non-Indigenous	36	75	39	45	195
Western Australia	Indigenous	12	21	12	1	46
	Non-Indigenous	28	39	20	26	113
South Australia	Indigenous	8	9	1	0	18
	Non-Indigenous	10	42	18	16	86
Tasmania	Indigenous	0	0	1	0	1
	Non-Indigenous	8	9	7	8	32
Northern Territory	Indigenous	4	10	3	1	18
	Non-Indigenous	1	3	1	1	6
Australian Capital Territory	Indigenous	0	0	0	0	0
	Non-Indigenous	3	0	0	0	3
Totals	Indigenous	57	94	41	8	200
	Non-Indigenous	202	401	215	188	1,006
	All persons	259	495	256	196	1,206

Source: AIC NDICP 1980–2007 [computer file]

Cause of death

Table A7: Prison custody deaths by cause of death, 1980–2007 (number)

		Hanging	Natural causes	Head injury	Gunshot	External/ multiple trauma	Drugs/ alcohol	Other	Total
NSW	Indigenous	22	27	0	0	8	5	0	62
	Non-Indigenous	159	132	5	2	33	49	7	387
Vic	Indigenous	2	3	0	0	0	0	0	5
	Non-Indigenous	57	65	1	1	24	22	4	174
Qld	Indigenous	25	20	0	0	0	1	0	46
	Non-Indigenous	82	71	3	2	18	18	1	195
WA	Indigenous	16	27	0	1	2	1	0	47
	Non-Indigenous	53	37	1	0	6	8	5	110
SA	Indigenous	8	7	1	0	1	1	0	18
	Non-Indigenous	33	34	3	1	7	5	2	85
Tas	Indigenous	1	0	0	0	0	0	0	1
	Non-Indigenous	16	14	0	0	0	1	0	31
NT	Indigenous	4	12	0	0	0	2	0	18
	Non-Indigenous	3	1	0	0	2	0	0	6
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	0	0	0	0	3
Totals	Indigenous	78	96	1	1	11	10	0	197
	Non-Indigenous	405	355	13	6	90	103	19	991
	All persons ^a	483	451	14	7	101	113	19	1,188

a: 18 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Manner of death

Table A8: Prison custody deaths by manner of death, 1980–2007 (number)

		Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other/unknown	Total
NSW	Indigenous	25	27	5	0	6	0	63
	Non-Indigenous	172	133	23	1	45	14	388
Vic	Indigenous	2	3	0	0	0	0	5
	Non-Indigenous	70	65	5	1	29	8	178
Qld	Indigenous	25	21	0	0	0	0	46
	Non-Indigenous	86	75	13	1	14	6	195
WA	Indigenous	17	28	1	0	0	2	48
	Non-Indigenous	62	36	1	0	10	1	110
SA	Indigenous	9	7	0	0	1	1	18
	Non-Indigenous	40	34	2	1	5	3	85
Tas	Indigenous	1	0	0	0	0	0	1
	Non-Indigenous	18	14	0	0	0	0	32
NT	Indigenous	4	13	0	0	1	0	18
	Non-Indigenous	5	1	0	0	0	0	6
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	0	0	0	3
Totals	Indigenous	83	99	6	0	8	3	199
	Non-Indigenous	455	359	44	4	103	32	997
	All persons ^a	538	458	50	4	111	35	1,196

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007

Most serious offence

Table A9: Prison custody deaths by most serious offence, 1980–2007 (number)								
		Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
NSW	Indigenous	36	17	3	2	3	2	63
	Non-Indigenous	166	134	44	7	25	10	386
Vic	Indigenous	2	2	0	0	1	0	5
	Non-Indigenous	91	53	17	1	13	3	178
Qld	Indigenous	29	10	1	2	3	1	46
	Non-Indigenous	96	51	10	14	9	7	187
WA	Indigenous	28	14	0	3	2	1	48
	Non-Indigenous	65	33	5	1	7	2	113
SA	Indigenous	9	3	0	1	4	1	18
	Non-Indigenous	50	21	5	2	7	1	86
Tas	Indigenous	1	0	0	0	0	0	1
	Non-Indigenous	20	8	0	1	1	2	32
NT	Indigenous	10	3	0	2	1	2	18
	Non-Indigenous	3	2	0	0	1	0	6
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	0	0	0	3
Totals	Indigenous	115	49	4	10	14	7	199
	Non-Indigenous	493	303	81	26	63	25	991
	All persons ^a	608	352	85	36	77	32	1,190

a: 16 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Location of death

Table A10: Prison custody deaths by location, 1980–2007 (number)

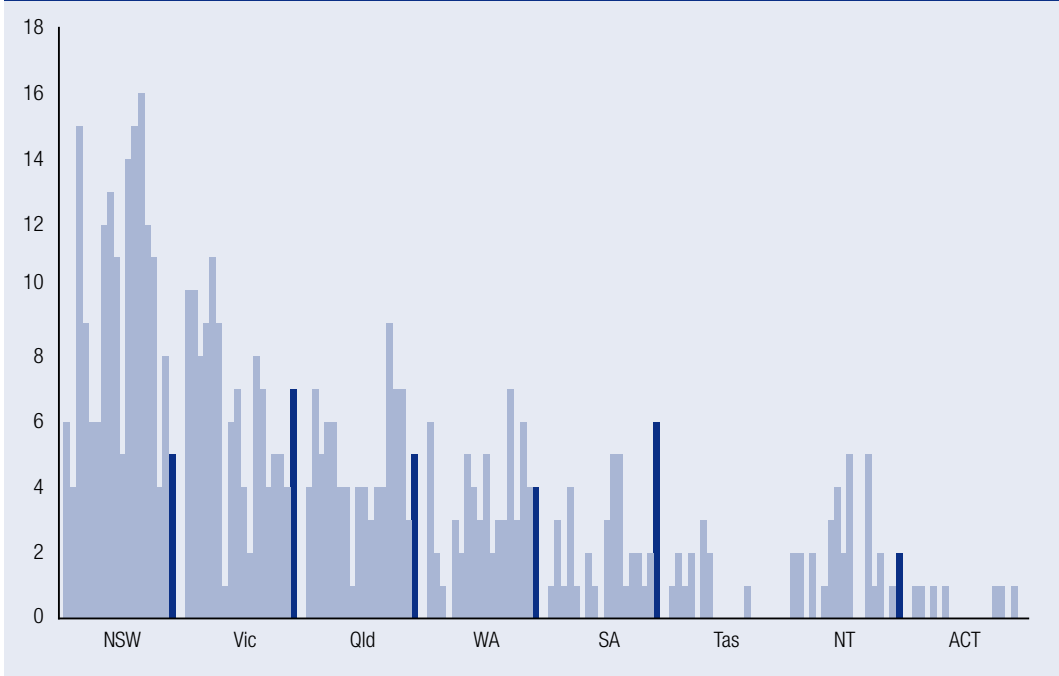
		Public hospital	Prison hospital	Cell	Other custodial setting	Public place	Other	Total
NSW	Indigenous	21	4	33	4	0	1	63
	Non-Indigenous	83	29	240	17	0	2	371
Vic	Indigenous	0	0	5	0	0	0	5
	Non-Indigenous	35	18	109	5	0	1	168
Qld	Indigenous	8	1	30	4	0	0	43
	Non-Indigenous	69	12	69	11	1	1	163
WA	Indigenous	17	1	24	1	0	0	43
	Non-Indigenous	28	4	67	6	3	1	109
SA	Indigenous	4	1	12	0	0	0	17
	Non-Indigenous	32	3	44	4	0	1	84
Tas	Indigenous	0	0	1	0	0	0	1
	Non-Indigenous	11	8	12	0	0	1	32
NT	Indigenous	8	1	8	0	0	0	17
	Non-Indigenous	3	0	3	0	0	0	6
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	1	0	2	0	0	0	3
Totals	Indigenous	58	8	113	9	0	1	189
	Non-Indigenous	262	74	546	43	4	7	936
	All persons ^a	320	82	659	52	4	8	1,125

a: 82 cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Deaths in police custody and custody-related operations

Figure A2: Deaths in police custody and custody-related operations by jurisdiction, 1990–2007 (number)



Source: AIC NDICP 1990–2007 [computer file]

**Table A11: Deaths in police custody and custody-related operations by jurisdiction, 1990–2007
(number)**

	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Cwith	Total
1990	6	10	4	6	1	1	2	1	0	31
1991	4	10	7	2	3	2	2	1	0	31
1992	15	8	5	1	1	1	0	0	0	31
1993	9	9	6	0	4	2	2	1	0	33
1994	6	11	6	3	1	0	0	0	1	28
1995	6	9	4	2	0	3	1	1	0	26
1996	12	1	4	5	2	2	3	0	0	29
1997	13	6	1	4	1	0	4	0	0	29
1998	11	7	4	3	0	0	2	0	0	27
1999	5	4	4	5	3	0	5	0	1	27
2000	14	2	3	2	5	0	0	0	0	26
2001	15	8	4	3	5	0	0	0	0	35
2002	16	7	4	3	1	1	5	0	0	37
2003	12	4	9	7	2	0	1	1	0	36
2004	11	5	7	3	3	0	1	1	0	31
2005	4	5	7	6	1	0	0	0	0	23
2006	8	4	3	4	2	0	1	1	0	23
2007	5	7	5	4	6	0	2	0	0	29
Total	172	117	87	63	41	12	31	7	2	532

Source: AIC NDICP 1990–2007 [computer file]

Category 1 and Category 2 deaths

Table A12: Deaths in police custody and custody-related operations by category, 1990–2007			
		%	Total n
New South Wales	Category 1	26.7	46
	Category 2	73.3	126
Victoria	Category 1	62.4	73
	Category 2	37.6	44
Queensland	Category 1	58.6	51
	Category 2	40.7	36
Western Australia	Category 1	46.0	29
	Category 2	54.0	34
South Australia	Category 1	46.3	19
	Category 2	53.7	22
Tasmania	Category 1	41.7	5
	Category 2	58.3	7
Northern Territory	Category 1	61.3	19
	Category 2	38.7	12
Australian Capital Territory	Category 1	42.9	3
	Category 2	57.1	4
Commonwealth	Category 1	100.0	2
	Category 2	0.0	0
Australia	Category 1	46.4	247
	Category 2	53.6	285
Total			532

Source: AIC NDICP 1990–2007 [computer file]

Indigenous status

Table A13: Deaths in police custody and custody-related operations by Indigenous status, 1990–2007

	Indigenous		Non-Indigenous		Persons
	n	%	n	%	Total n
New South Wales	21	12.2	151	87.8	172
Victoria	5	4.3	112	95.7	117
Queensland	18	20.7	69	79.3	87
Western Australia	33	52.4	30	47.6	63
South Australia	10	24.4	31	75.6	41
Tasmania	2	16.7	10	83.3	12
Northern Territory	16	51.6	15	48.4	31
Australian Capital Territory	0	0.0	7	100.0	7
Commonwealth	0	0.0	2	100.0	2
Australia	105	19.7	427	80.3	532

Source: AIC NDICP 1990–2007 [computer file]

Sex

Table A14: Deaths in police custody and custody-related operations by sex, 1990–2007

		%	Total n
New South Wales	Male	94.2	162
	Female	5.8	10
Victoria	Male	88.9	104
	Female	11.1	13
Queensland	Male	87.4	76
	Female	12.6	11
Western Australia	Male	93.7	59
	Female	6.3	4
South Australia	Male	92.7	38
	Female	7.3	3
Tasmania	Male	100.0	12
	Female	0.0	0
Northern Territory	Male	87.1	27
	Female	12.9	4
Australian Capital Territory	Male	100.0	7
	Female	0.0	0
Commonwealth	Male	100.0	2
	Female	0.0	0
Totals	Male	91.6	487
	Female	8.4	45

Source: AIC NDICP 1990–2007 [computer file]

Table A15: Deaths in police custody and custody-related operations by mean age at time of death, 1990–2007 (number)

	Indigenous		Non-Indigenous		Persons	
	n	Mean age	n	Mean age	Total n	Mean age
New South Wales	21	29.2	151	33.1	172	32.7
Victoria	5	33.6	112	32.4	117	32.4
Queensland	18	29.7	69	36.2	87	34.9
Western Australia	33	24.4	30	31.6	63	27.8
South Australia	10	31.5	31	29.1	41	29.7
Tasmania	2	21.5	9	40.6	11	37.1
Northern Territory	16	30.9	15	34.5	31	32.6
Australian Capital Territory	0	0.0	7	32.1	7	32.1
Commonwealth	0	0.0	2	44.5	2	44.5
Australia ^a	105	28.3	426	33.3	531	32.3

a: One case has been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Table A16: Deaths in police custody and custody-related operations by age category, 1990–2007 (number)

		Less than 25	25–39	40–54	55+	Total
NSW	Indigenous	9	7	4	1	21
	Non-Indigenous	42	69	27	13	151
Vic	Indigenous	0	4	1	0	5
	Non-Indigenous	36	48	22	6	112
Qld	Indigenous	8	6	3	1	18
	Non-Indigenous	11	32	20	6	69
WA	Indigenous	20	9	3	1	33
	Non-Indigenous	9	15	5	1	30
SA	Indigenous	4	4	1	1	10
	Non-Indigenous	13	12	5	1	31
Tas	Indigenous	1	1	0	0	2
	Non-Indigenous	2	3	4	1	10
NT	Indigenous	4	7	5	0	16
	Non-Indigenous	4	6	3	2	15
ACT	Indigenous	0	0	0	0	0
	Non-Indigenous	2	3	2	0	7
Cwlth	Indigenous	0	0	0	0	0
	Non-Indigenous	0	1	0	1	2
Totals	Indigenous	46	38	17	4	105
	Non-Indigenous	119	189	89	31	428
	All persons	165	227	106	35	533

Source: AIC NDICP 1990–2007 [computer file]

Cause of death

Table A17: Deaths in police custody and custody-related operations by cause of death, 1990–2007 (number)

		Hanging	Natural causes	Head injury	Gunshot	External/multiple trauma	Drugs/alcohol	Other	Total
NSW	Indigenous	2	1	1	2	12	1	2	21
	Non-Indigenous	11	8	5	45	70	7	4	150
Vic	Indigenous	1	0	0	1	2	1	0	5
	Non-Indigenous	11	7	15	41	21	9	6	110
Qld	Indigenous	1	6	2	1	5	0	2	17
	Non-Indigenous	3	6	6	24	12	11	5	67
WA	Indigenous	5	6	4	0	17	1	0	33
	Non-Indigenous	3	2	0	9	12	2	2	30
SA	Indigenous	1	2	0	2	4	0	1	10
	Non-Indigenous	2	4	2	7	12	4	0	31
Tas	Indigenous	0	0	0	2	0	0	0	2
	Non-Indigenous	0	1	1	6	1	0	1	10
NT	Indigenous	2	5	1	2	5	0	1	16
	Non-Indigenous	2	1	1	6	2	1	2	15
ACT	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	1	1	0	3	2	0	0	7
Cwth	Indigenous	0	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	0	1	0	2
Totals	Indigenous	12	20	8	10	45	3	6	104
	Non-Indigenous	33	31	30	141	132	35	20	422
	All persons ^a	45	51	38	151	177	38	26	526

a: Six cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Manner of death

Table A18: Deaths in police custody and custody-related operations by manner of death, 1990–2007 (number)

		Self-inflicted	Natural causes	Unlawful homicide	Justifiable homicide	Accident	Other/unknown	Total
NSW	Indigenous	6	1	0	1	13	0	21
	Non-Indigenous	58	8	2	16	64	2	150
Vic	Indigenous	2	0	0	1	2	0	5
	Non-Indigenous	29	6	0	29	41	5	110
Qld	Indigenous	2	6	0	0	9	1	18
	Non-Indigenous	18	8	0	14	26	1	67
WA	Indigenous	5	6	0	0	22	0	33
	Non-Indigenous	10	2	0	6	11	1	30
SA	Indigenous	2	2	0	2	4	0	10
	Non-Indigenous	11	4	0	4	12	0	31
Tas	Indigenous	1	0	0	1	0	0	2
	Non-Indigenous	5	1	0	1	3	0	10
NT	Indigenous	2	5	0	0	8	1	16
	Non-Indigenous	7	1	0	4	1	2	15
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	1	3	0	7
Cwth	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	1	0	2
Totals	Indigenous	20	20	0	5	58	2	105
	Non-Indigenous	140	32	2	75	162	11	422
	All persons ^a	160	52	2	80	220	13	527

a: Five cases have been excluded due to missing data

Source: AIC NDICP 1980–2007 [computer file]

Most serious offence

Table A19: Deaths in police custody and custody-related operations by most serious offence, 1990–2007 (number)								
		Violent	Theft-related	Drug-related	Traffic	Good order	Other	Total
NSW	Indigenous	5	8	1	1	4	2	21
	Non-Indigenous	47	34	4	29	10	23	147
Vic	Indigenous	2	1	0	0	1	1	5
	Non-Indigenous	33	36	3	11	18	8	109
Qld	Indigenous	6	5	0	0	6	0	17
	Non-Indigenous	26	8	2	8	20	4	68
WA	Indigenous	5	19	0	6	3	0	33
	Non-Indigenous	12	6	0	6	3	3	30
SA	Indigenous	4	5	0	0	0	1	10
	Non-Indigenous	9	7	0	4	4	7	31
Tas	Indigenous	1	0	0	0	1	0	2
	Non-Indigenous	4	0	0	1	3	2	10
NT	Indigenous	2	2	0	1	9	1	15
	Non-Indigenous	7	2	0	0	5	1	15
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	1	0	1	2	1	7
Cwth	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	1	0	0	0	1	2
Totals	Indigenous	25	40	1	8	24	5	103
	Non-Indigenous	140	95	9	60	65	50	419
	All persons ^a	165	135	10	68	89	55	522

a: 10 cases have been excluded due to missing data

Source: AIC NDICP 1990–2007 [computer file]

Location

Table A20: Deaths in police custody and custody-related operations by location of death, 1990–2007 (number)

		Public hospital	Cell	Other custodial setting	Private property	Public place	Other	Total
NSW	Indigenous	8	1	1	3	8	0	21
	Non-Indigenous	41	7	4	23	74	2	151
Vic	Indigenous	1	1	1	1	1	0	5
	Non-Indigenous	24	13	7	18	42	2	106
Qld	Indigenous	8	3	2	0	4	1	18
	Non-Indigenous	15	15	3	10	21	2	66
WA	Indigenous	7	5	3	1	17	0	33
	Non-Indigenous	8	1	1	4	13	1	28
SA	Indigenous	3	1	0	2	4	0	10
	Non-Indigenous	10	2	0	5	12	1	30
Tas	Indigenous	1	0	0	0	1	0	2
	Non-Indigenous	4	1	1	4	0	0	10
NT	Indigenous	8	1	1	0	5	0	15
	Non-Indigenous	3	3	0	1	6	1	14
ACT	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	2	0	0	1	3	0	6
Cwth	Indigenous	0	0	0	0	0	0	0
	Non-Indigenous	0	0	2	0	0	0	2
Totals	Indigenous	36	12	8	7	40	1	104
	Non-Indigenous	107	42	18	66	171	9	413
	All persons ^a	143	54	26	73	211	10	517

a: 15 cases have been excluded due to missing data; Indigenous status for two persons in New South Wales is unknown

Source: AIC NDICP 1990–2007 [computer file]

Type of police custody

Table A21: Deaths in police custody and custody-related operations by type of custody, 1990–2007

	Institution		Escaping		Detaining		Other		Total n
	%	n	%	n	%	n	%	n	
NSW	13.4	23	0.6	1	86.0	148	0.0	0	172
Vic	29.9	35	0.0	0	67.5	79	2.6	3	117
Qld	40.2	35	1.1	1	55.2	48	3.4	3	87
WA	31.7	20	0.0	0	68.3	43	0.0	0	63
SA	14.6	6	0.0	0	78.0	32	7.3	3	41
Tas	25.0	3	0.0	0	75.0	9	0.0	0	12
NT	35.5	11	0.0	0	61.3	19	3.2	1	31
ACT	28.6	2	0.0	0	71.4	5	0.0	0	7
Australia	100.0	2	0.0	0	0.0	0	0.0	0	2
Total	25.8	137	0.4	2	72.0	383	1.9	10	532

Source: AIC NDICP 1990–2007 [computer file]

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