

TWENTY YEARS OF MONITORING SINCE THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY: AN OVERVIEW BY THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Laura Beacroft,* Mathew Lyneham** and Matthew Willis***

I Introduction

The Royal Commission into Aboriginal Deaths in Custody ('RCIADIC') was established in 1987 by the Australian Parliament in response to concerns over the deaths of Indigenous people in custody. It examined the circumstances surrounding the deaths in prison or police custody of 99 Indigenous people between 1 January 1980 and 31 May 1989. The RCIADIC found the rate of death in custody was not higher among Indigenous people in custody than among non-Indigenous people in custody. Rather, the fundamental issue was the extent to which Indigenous Australians were over-represented in their contact with the criminal justice system, the Royal Commission concluding that '[t]oo many Aboriginal people are in custody too often.'¹

Among the concerns expressed by the Royal Commission was that statistics on both deaths in custody and the related issue of the numbers of persons in police custody were at best poor, if not simply unavailable. The final report of the RCIADIC therefore recommended a number of initiatives to improve statistical monitoring. These included the establishment of an ongoing program to monitor Indigenous and non-Indigenous deaths in custody. The Royal Commission recommended that the Australian Institute of Criminology ('AIC') be tasked with establishing and maintaining this program.²

A deaths in custody monitoring program, building on the data collection and reporting conducted to inform the RCIADIC, was commenced at the AIC in 1992, together with a complementary Police Custody Survey program. The AIC released the first deaths in custody report in 1992, covering deaths from 1980 to 1992, and has since produced annual reports on deaths under what is now known as the

National Deaths in Custody Program ('NDICP'). Following a meeting between the Australian Police Ministers' Council and the AIC in 1994, the definition of a death occurring in police custody was broadened to include deaths occurring during police operations. The Police Custody Survey was first undertaken in 1988, to inform the work of the RCIADIC, then again in 1992 and every five years since.

This paper provides an overview of trends and issues emerging from analysis of this unique dataset compiled from more than 30 years of statistics on deaths in custody. The analysis includes data up to and including 2008. While data from 2009 had been collected through the NDICP, it was not ready for publication at the time of writing and will be reported in the next NDICP monitoring report. In keeping with the terms of the Royal Commission, the paper will focus particularly on the deaths of Indigenous persons.

II The NDICP

The AIC's NDICP examines the incidence and circumstances of deaths in the criminal justice system, but does not monitor deaths in all institutions where persons may be in custody, such as those occurring in immigration detention centres and mental health institutions that are not managed by prison authorities. The scope of the NDICP's monitoring is consistent with the recommendations of the RCIADIC.³ Using nationally-agreed definitions and collection arrangements, all deaths in prison, juvenile custody and police custody - including deaths occurring in the process of a person being detained - are independently monitored, collectively analysed and reported annually.

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

- state and territory police services, correctional agencies and juvenile justice agencies; and
- coronial records.

Following a death in custody, data collection forms are completed by custodial agencies and submitted to the AIC, together with any additional information such as offence records and police narratives. The collection process includes data on 'borderline' cases that do not clearly fall within the definition of a death in custody. The AIC is advised of such cases, but they are excluded from analysis until coronial findings determine whether they fall within the definitions. Coronial records such as transcripts of proceedings, coronial findings, pathology, toxicology and post-mortem reports are held in the National Coronial Information System ('NCIS'), maintained by the Victorian Institute of Forensic Medicine. The AIC also draws upon media reports as a way of monitoring deaths in custody, using these as a trigger for following up reports from custodial authorities and liaising with authorities on 'borderline' cases, but media reports are not relied on to inform the NDICP database.

The NDICP database covers 63 fields of information (variables) for each individual dying in custody. Validation of the data is undertaken as coronial findings become available, which can at times be some years after a death has occurred. NDICP monitoring reports document any changes to previously reported information resulting from coronial outcomes – for instance when the cause of a death is medically determined to be different from that originally reported.

The Human Research Ethics Committee of the Victorian Department of Justice supervises the ethics of the NDICP, with secondary supervision by the AIC's independent Human Research Ethics Committee. The AIC renews its ethics practices periodically. Requests for unpublished information by interested parties are subject to ethics review and agreement by the data providers: state and territory custodial authorities and the NCIS.

A Definitions

The definitions used to determine whether a case is a 'death in custody' are drawn from the recommendations of the RCIADIC.⁴ The working definitions used for inclusion in the NDICP are:

(i) Death in Prison Custody

Deaths in prison custody include those deaths that occur in prison. This also includes deaths that occur during transfer to or from prison, or in medical facilities following transfer from prison. The NDICP does not include individuals who are on parole or who are serving community-based orders.

(ii) Death in Juvenile Custody

Deaths in juvenile custody are those deaths that occur in a juvenile detention facility or in any circumstance where a juvenile is under the custodial control of a juvenile justice agency. This also includes deaths that occur during transfer to or from detention, or in medical facilities following transfer from detention. The NDICP does not include children placed into foster care.

(iii) 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 lockups, police vehicles, during transfer to or from such an institution, or in hospitals, 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 significantly influence or control the person's behaviour (see Category 2).

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, as described above, and most cases where officers were attempting to detain a person, for example, during a pursuit.

B A Note on Indigenous Status

An ongoing issue in maintaining deaths in custody data, and other criminal justice data more generally, is the determination of an individual's Indigenous status. The manner in which Indigenous status is determined varies between different states and territories and sometimes between agencies within a state or territory. While most agencies use self-reporting of Indigenous status based on a standard question developed by the Australian Bureau of Statistics ('ABS'),⁵ others rely on an officer's educated, but still subjective judgment of physical appearance. While there are no cases in the NDICP dataset where an individual's Indigenous status is not recorded, criminal justice data often contain a relatively large proportion of records with 'unknown' Indigenous status. This can be a confounding factor in data on broader custodial populations⁶ and should be kept in mind when interpreting data in this report that use these broader populations as a base.

III Assessing Progress in Reducing Deaths in Custody

The NDICP reports on a range of high-level indicators for monitoring deaths in custody, including for Indigenous persons. These indicators provide a way of analysing changes over time, which in turn can inform the extent to which changes in policy and procedures have contributed to reductions in the number of deaths in custody. Key indicators used in monitoring reports, and in this paper, include:

1. Trends in numbers of deaths in prisons, police and juvenile detention, and the proportion of total deaths in each setting involving Indigenous persons.
2. Trends in the rate of death per 1,000 relevant adult prisoners.
3. Trends in causes of death, both natural and not natural causes.

IV Key Trends in Deaths in Custody – 1980 to 2008

A Broad Trends

Since 1980, a total of 2,056 deaths in custody have occurred, with 1,260 of these deaths (61 per cent) occurring in prison. There have been 779 deaths (38 per cent) in police custody and custody-related operations and 17 deaths (<one per cent)

in juvenile justice custody. Of the total deaths since 1980, 392 (19 per cent) have been of Indigenous persons, with 209 of these (53 per cent) occurring in prison, 176 (45 per cent) in police custody and custody-related operations and seven (two per cent) in juvenile justice agencies. In other words, 17 per cent of all deaths in prison have been of Indigenous persons and 23 per cent of all deaths in police custody and custody-related operations have been of Indigenous persons. There have been 17 deaths in juvenile justice custody. Due to the relatively small number of juvenile deaths, this paper focuses on deaths in prison and police custody. Forty-one per cent of those who died in juvenile justice custody have been Indigenous, which is in the context of the very high levels of Indigenous over-representation in juvenile detention.⁷

There has been considerable annual fluctuation in the proportion of people dying in custody who were Indigenous (see Table 1 over). While 26 per cent of all people dying in custody in 2005 were Indigenous, this fell to 12 per cent in 2007 and 15 per cent in 2008. Since 1980, the highest proportions of Indigenous deaths were in 1980, 1986 and 2005 (26 per cent in each year), while the lowest proportions were in 1981 (11 per cent), 1993 (12 per cent) and 2007 (12 per cent).

Caution should be taken in interpreting fluctuations in the per centage of deaths involving Indigenous persons each year as slight variations in the relatively small numbers concerned can have a significant effect on per centages. The largest number of Indigenous deaths in a single year was 22 in 1995, while the lowest was five deaths in 1981. For the 29 years for which data can be reported, there was an average of 13.5 deaths of Indigenous persons each year, compared with an average of 57.3 deaths of non-Indigenous persons each year.

Overall, the numbers of Indigenous deaths in custody increased from the late-1980s to the late-1990s and then began to decline. The full time series was fitted with a trend line which shows a statistically significant decrease in deaths since 1998 ($p < 0.001$; see Figure 1 trend line). However, since 2006 there has been a noticeable rise in the numbers of deaths each year for both prison and police custody. It remains to be seen whether this represents the beginning of a trend towards increasing numbers of deaths, or whether it is a short-term aberration against the longer trend of decreasing deaths. While Figure 1 only shows Indigenous deaths, non-Indigenous deaths have followed a similar pattern.

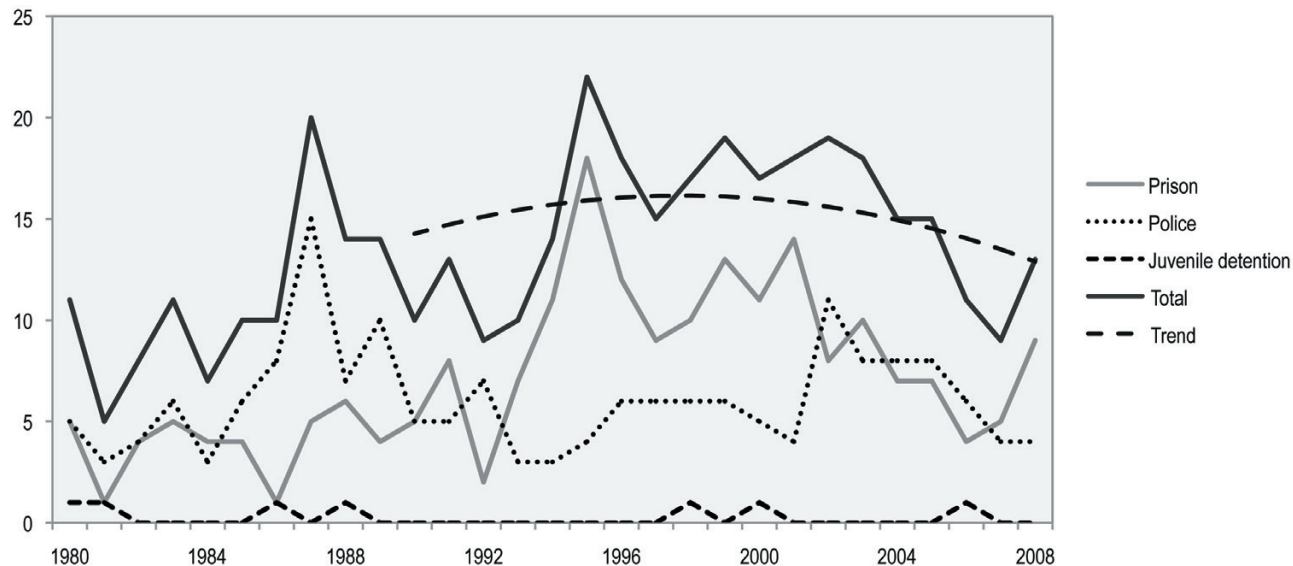
**TWENTY YEARS OF MONITORING SINCE THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY:
AN OVERVIEW BY THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY**

TABLE 1: DEATHS IN CUSTODY BY CUSTODIAL AUTHORITY AND INDIGENOUS STATUS, 1980–2008 (NUMBER)

Year	Prison				Police				Juvenile				Total			
	Indigenous No.	Non-Indigenous No.	Total No.	Proportion (%) Indigenous	Indigenous No.	Non-Indigenous No.	Total No.	Proportion (%) Indigenous	Indigenous No.	Non-Indigenous No.	Total No.	Proportion (%) Indigenous	Indigenous No.	Non-Indigenous No.	Total No.	Proportion (%) Indigenous
1980	5	25	30	16.7	5	7	12	41.7	1	0	1	100.0	11	32	43	25.6
1981	1	27	28	3.6	3	12	15	20.0	1	0	1	100.0	5	39	44	11.4
1982	4	21	25	16.0	4	15	19	21.1	0	0	0	N/A	8	36	44	18.2
1983	5	26	31	16.1	6	10	16	37.5	0	1	1	0.0	11	37	48	22.9
1984	4	27	31	12.9	3	12	15	20.0	0	0	0	N/A	7	39	46	15.2
1985	4	22	26	15.4	6	16	22	27.3	0	0	0	N/A	10	38	48	20.8
1986	1	16	17	5.9	8	13	21	38.1	1	0	1	100.0	10	29	39	25.6
1987	5	48	53	9.4	15	28	43	34.9	0	1	1	0.0	20	77	97	20.6
1988	6	36	42	14.3	7	20	27	25.9	1	0	1	100.0	14	56	70	20.0
1989	4	36	40	10.0	10	13	23	43.5	0	1	1	0.0	14	50	64	21.9
1990	5	28	33	15.2	5	26	31	16.1	0	1	1	0.0	10	55	65	15.4
1991	8	31	39	20.5	5	26	31	16.1	0	0	0	N/A	13	57	70	18.6
1992	2	34	36	5.6	7	24	31	22.6	0	0	0	N/A	9	58	67	13.4
1993	7	42	49	14.3	3	30	33	9.1	0	1	1	0.0	10	73	83	12.0
1994	11	42	53	20.8	3	25	28	10.7	0	1	1	0.0	14	68	82	17.1
1995	18	41	59	30.5	4	22	26	15.4	0	2	2	0.0	22	65	87	25.3
1996	12	40	52	23.1	6	23	29	20.7	0	1	1	0.0	18	64	82	22.0
1997	9	67	76	11.8	6	23	29	20.7	0	0	0	N/A	15	90	105	14.3
1998	10	59	69	14.5	6	21	27	22.2	1	0	1	100.0	17	80	97	17.5
1999	13	46	59	22.0	6	21	27	22.2	0	0	0	N/A	19	67	86	22.1
2000	11	51	62	17.7	5	21	26	19.2	1	1	2	50.0	17	73	90	18.9
2001	14	43	57	24.6	4	31	35	11.4	0	0	0	N/A	18	74	92	19.6
2002	8	42	50	16.0	11	26	37	29.7	0	0	0	N/A	19	68	87	21.8
2003	10	30	40	25.0	8	28	36	22.2	0	0	0	N/A	18	58	76	23.7
2004	7	32	39	17.9	8	23	31	25.8	0	0	0	N/A	15	55	70	21.4
2005	7	27	34	20.6	8	16	24	33.3	0	0	0	N/A	15	43	58	25.9
2006	4	27	31	12.9	6	18	24	25.0	1	0	1	100.0	11	45	56	19.6
2007	5	40	45	11.1	4	25	29	13.8	0	0	0	N/A	9	65	74	12.2
2008	9	45	54	16.7	4	28	32	12.5	0	0	0	N/A	13	73	86	15.1
Total	209	1051	1260	16.6	176	603	779	22.6	7	10	17	41.2	392	1664	2056	19.1

Source: AIC NDICP 1980–2008

FIGURE 1: INDIGENOUS DEATHS IN CUSTODY BY TYPE OF CUSTODY, 1980–2008 (NUMBER)



Source: AIC NDICP 1980–2008

Significant to $p < 0.01$

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.

As is apparent in Figure 1, most deaths each year occur in prison. Considering people are generally held in prison for longer than they would be in other custodial settings, it is not surprising that more deaths occur in prison custody than in other settings. As outlined in the next section, high-level trends in deaths in custody therefore tend to be largely shaped by trends in prison deaths and the factors driving these trends. A close examination of deaths in prison will be followed by a close examination of deaths in police custody and custody-related operations. As few deaths have occurred in juvenile custody, these deaths will not be examined in the same detail as those in other custody settings.

B Trends in Prison Deaths

The rate of death in prison per 1,000 adult prisoners (for both Indigenous and non-Indigenous prisoners) has fluctuated since the early 1980s (Figure 2). Between 1986 and 1988 the annual rate increased from 1.5 to 4.4 deaths per 1,000 prisoners. In the 1990s rates dropped, ranging between 2.3 and 4 deaths per 1,000 prisoners each year. Since 1998, there

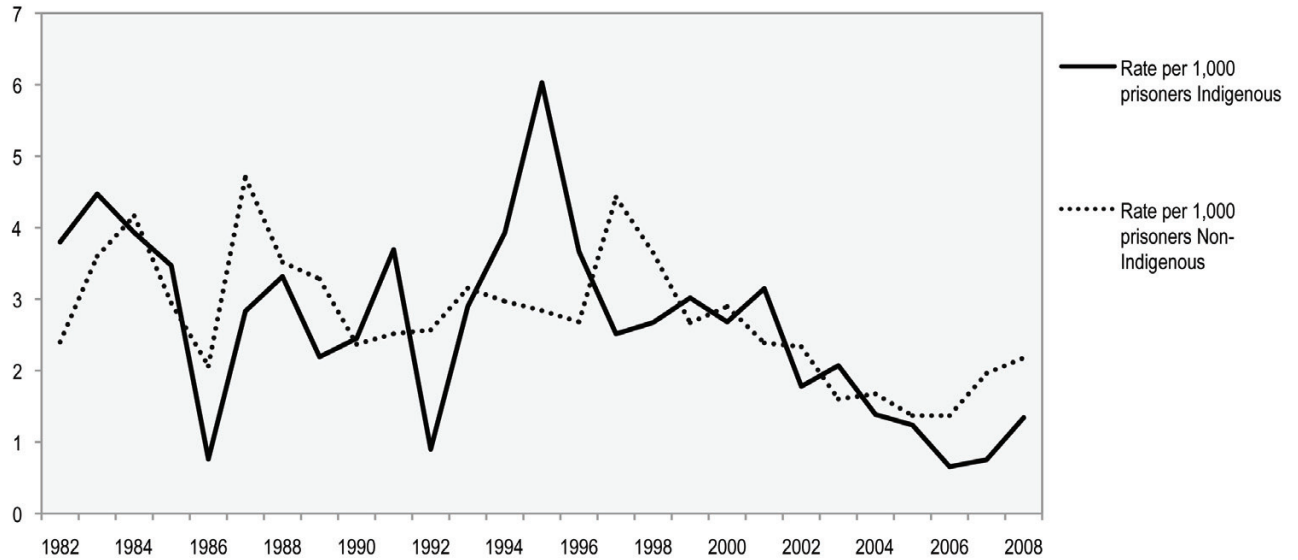
has been a decrease in the rate of prison deaths, with the lowest rate for the recording period (1.2 deaths per 1,000 prisoners) identified in 2006. In recent years, there has been a noticeable increase in the rate, with the national rate being two deaths per 1,000 prisoners in 2008.

From the late 1980s until the early 2000s, deaths resulting from self-inflicted injuries, such as hangings, were generally the most frequent cause of death in prison for both Indigenous and non-Indigenous prisoners. However, over the past decade this pattern has changed, with natural causes now the most common cause of death in prison each year (see Figure 3). The recent increase in rate of death in prison for both Indigenous and non-Indigenous prisoners is therefore partly explained by increasing numbers of older prisoners (Indigenous and non-Indigenous) dying in prison from natural causes such as heart attack and cancer.

(i) Deaths Due to Natural Causes – Prison

Since 1980, just over one-half (51 per cent) of all Indigenous

FIGURE 2: PRISON CUSTODY DEATHS BY INDIGENOUS STATUS (RATE PER 1,000 ADULT PRISONERS*), 1982–2008

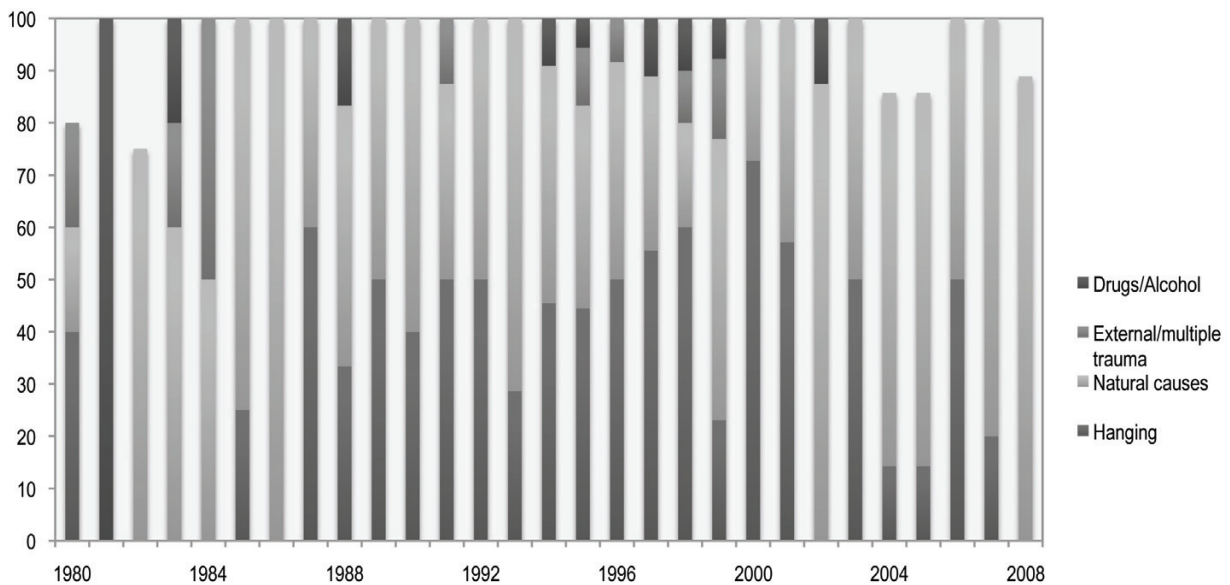


* Rate per 1,000 relevant adult prisoners (see Part VI (A) below)

Source: AIC NDICP 1980–2008

Note: Indigenous status for the general prison population is not available before 1982.

FIGURE 3: MAIN CAUSES OF INDIGENOUS DEATHS IN PRISON CUSTODY, 1980–2008 (PERCENTAGE)



Source: AIC NDICP 1980–2008.

prisoner deaths in custody were due to natural causes, compared with 37 per cent for non-Indigenous prisoners (see Table A2 in Appendix A). In 2008 the number of natural cause deaths in prison (n=37) was the highest ever recorded. In 2008 eight of the nine Indigenous deaths were due to natural causes.

The increasing incidence of deaths due to natural causes suggests the need for appropriate responses from correctional agencies. These responses will depend on a better understanding of prisoner health and the associated care required for prisoners. The definition of a natural cause death in the NDICP is quite broad and is currently under review. Under the present definition there are ten different classifications of natural cause deaths. These classifications cover major bodily systems and disease types, and allow for cross-classification for multiple causes as well as undetermined cases where a Coroner cannot give an unequivocal determination as to cause of death.

Since 1980 there have been a total of 490 deaths in prison attributed to natural causes, with 441 (90 per cent) being further classified under one of the ten specific classifications of natural cause. The remaining cases had insufficient information to allow classification. Of the 441 natural cause deaths that have been categorised, 208 (47 per cent) were due to heart disease, 80 (18 per cent) were due to cancer, 46 (10 per cent) were due to respiratory disease and 23 (five per cent) were strokes. A total of 29 deaths (seven per cent) were due to multiple medical conditions and the remainder due to various other conditions.

Of the 490 natural cause deaths occurring in prison custody, 106 were of Indigenous people and 99 cases had sufficient information to classify under one of the natural cause classifications. Of these, 60 (61 per cent) were due to heart disease, eight (eight per cent) resulted from cancer, seven (seven per cent) resulted from respiratory disease and two (two per cent) occurred as the result of strokes. The remainder were due to multiple medical conditions and various other conditions.

It can be seen that a large proportion of natural cause deaths in prison since 1980 were the result of ongoing serious health conditions, particularly heart disease. A recent study completed by the Australian Institute of Health and Welfare⁸ on the health of Australia's prisoners sampled a total of 9,149 prisoners, covering almost one-third of all persons in custody

at the time of the survey. It found that a higher proportion of 35- to 44- year- old prisoners had asthma, cardiovascular disease and diabetes than persons of this age in the general population.⁹ In addition, findings from this study showed that '[r]ates of hepatitis B and C are significantly higher among prison entrants than the wider community, as well as high levels of smoking, alcohol consumption and illicit drug use.'¹⁰

(ii) Age at Death – Prison Custody

People who die in custody tend to do so at much younger ages than the general population. In 2008 the median age at death in the general population was 78.1 years for males and 84.0 years for females.¹¹ For prisoners in 2008, the median age at death was 43 years for males and 53 years for females, differences of 31.5 and 31.0 years respectively. There are some substantial difficulties with directly comparing the life expectancies of prison and non-prison populations due to differences between the populations such as age profiles, histories of socio-economic disadvantage and substance use. Nonetheless, this points to the seriousness of the health and wellbeing issues facing prisoners and correctional agencies.

Indigenous prisoners, like the Indigenous population as a whole, experience poorer average health than non-Indigenous people. Indigenous Australians experience higher rates of long-term health conditions such as asthma, diabetes and kidney failure than non-Indigenous Australians.¹² The most recent ABS statistics show that the average life expectancy for Indigenous males is 11.5 years less than for their non-Indigenous counterparts. Indigenous women have a mean life expectancy 9.7 years less than non-Indigenous women.¹³ This recognised gap in health outcomes at least partly explains why greater proportions of Indigenous prisoners die of natural causes, and at younger ages, than non-Indigenous prisoners. Data from the NDICP show that since 1980, 83 per cent of Indigenous deaths in prison of persons aged between 40 and 54 years were due to natural causes. All Indigenous deaths in prison since 1980 of persons aged over 55 years were attributable to natural causes.

As the prison population ages, health issues associated with aging impact on deaths in custody. The median age at death for all prisoners, including Indigenous prisoners, has been increasing over the past decade. By way of explanation, median age is the middle age out of all persons dying within a group of people, such that half the ages in the list are less

than the median, and half the ages are greater. Median age is a more reliable measure of central tendency than average age in the context of these data. Figure 4 shows that the median age of Indigenous and non-Indigenous prisoners dying in custody has risen, particularly over the last decade. For Indigenous prisoners, median age at death has risen from a low of 24 years in 1990 to a high of 50 years in 2007. More generally, of the 37 people who died from natural causes in 2008, 30 were persons aged 40 years or older and the median age for all persons dying of natural causes in prison in 2008 was 52 years. In other words, those persons dying of natural causes in prison are much older than the median age of the prison population.

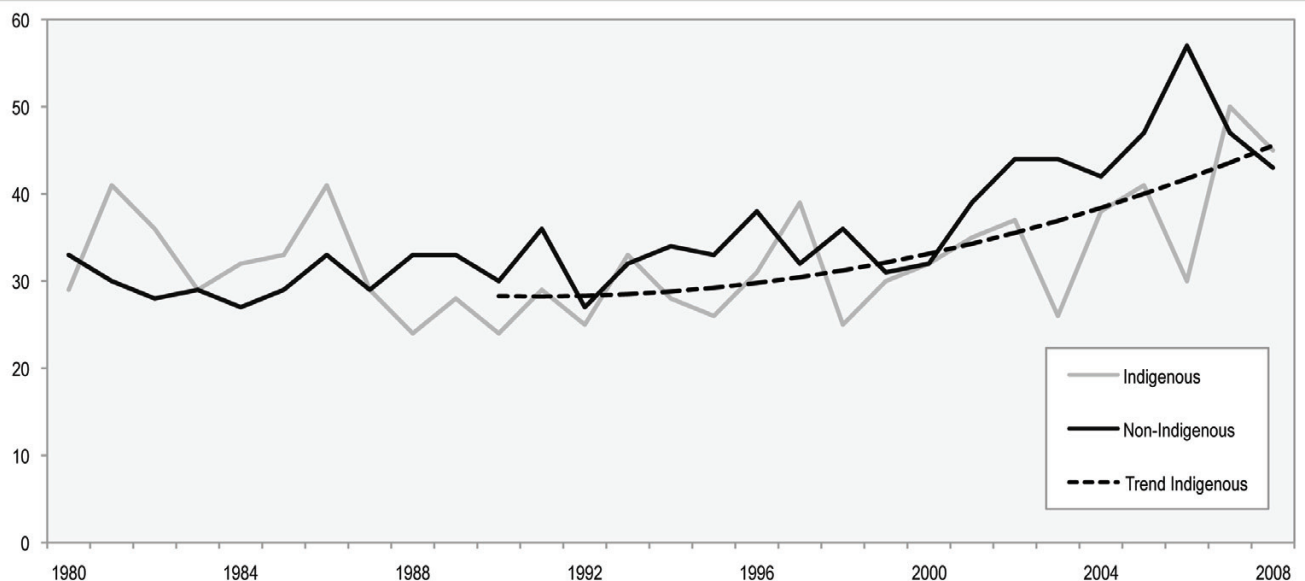
(iii) Over-representation – Prison

It is well documented that Indigenous Australians are significantly over-represented in all areas of the criminal justice system, particularly in juvenile detention,¹⁴ police custody incidents¹⁵ and prison.¹⁶ Figure 5 (see over) shows fluctuations in the ratio of Indigenous to non-Indigenous rates of death in prison custody. That is, Figure 5 illustrates

the likelihood of Indigenous persons dying in prison compared with their non-Indigenous counterparts. The over-representation ratio is a well-recognised indicator where, in this case, a result over one indicates over-representation of Indigenous persons in prison deaths. Indigenous over-representation was at its highest in 1995 (where for every one non-Indigenous death in prison there were 2.1 Indigenous deaths). However, it is encouraging to note that since this peak in the mid-1990s there has been a steady decline in the over-representation ratio, with levels recorded in recent years being some of the lowest seen since 1980. In 2008 the over-representation ratio was 0.6, representing one of the lower ratios ever seen.

Furthermore, in 2008 the nine Indigenous deaths in prisons (17 per cent of total prison deaths in 2008) were lower than would be expected based on the per centage of Indigenous people imprisoned (26 per cent). The rate for Indigenous deaths in custody in 2008 was 1.3 per 1,000 Indigenous prisoners, compared with the higher rate of 2.2 per 1,000 non-Indigenous prisoners.

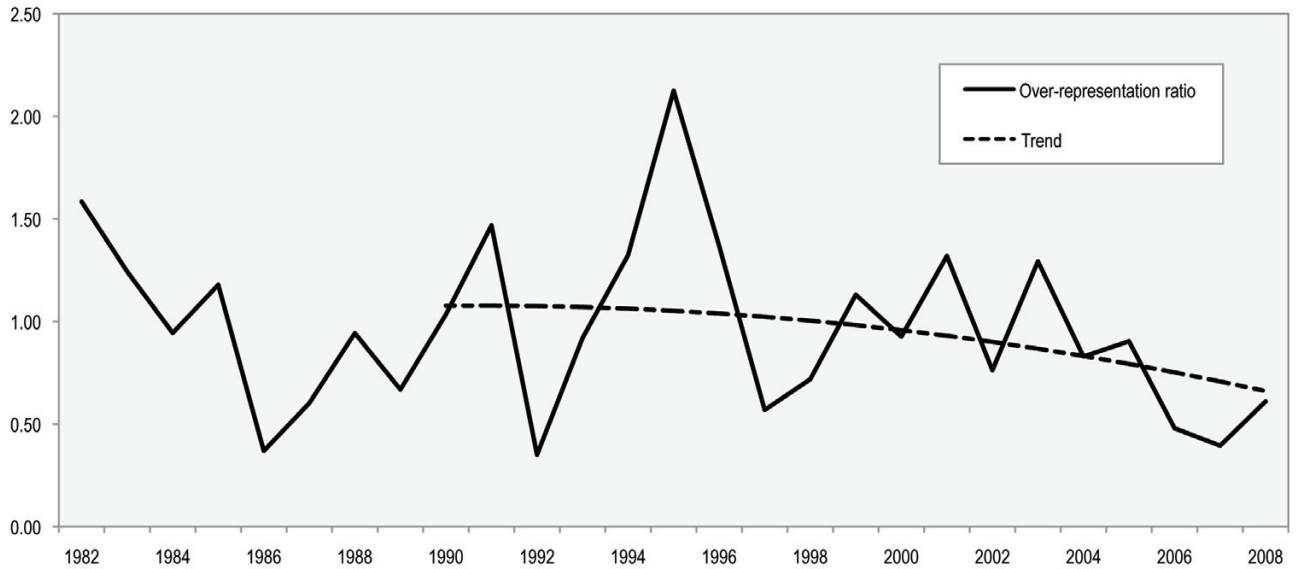
FIGURE 4: MEDIAN AGE AT DEATH IN PRISON, BY INDIGENOUS STATUS AND YEAR, 1980–2008



Source: AIC NDICP 1980–2008

Note: Indigenous status for the general prison population is not available before 1982.

FIGURE 5: OVER-REPRESENTATION RATIO* OF INDIGENOUS DEATHS IN CUSTODY, 1982–2008

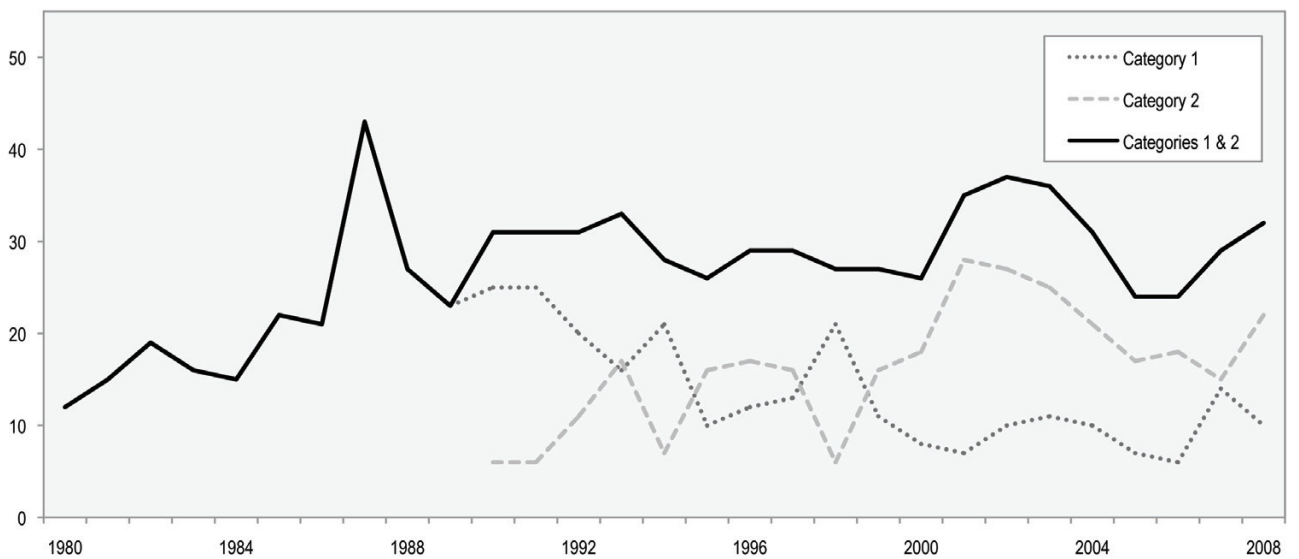


*Rate per 1,000 relevant adult prisoners

Source: AIC NDICP 1980–2008

Note: Indigenous status for the general prison population is not available before 1982.

FIGURE 6: TRENDS IN DEATHS IN POLICE CUSTODY AND CUSTODY-RELATED OPERATIONS, 1980–2008 (NUMBER)



Source: AIC NDICP 1980–2008

C Trends in Police Custody Deaths

Before 1990 only deaths occurring in institutional settings, such as police cells and watch-houses, were included in the NDICP database. Although data is available on some police custody deaths since 1980, the analyses and trends discussed here are based on data from 1990 onwards, when data on deaths in police operations as well as police institutional settings began being collected. However, for the purposes of transparency, data from 1980 is included in tables/figures and appendixes as applicable.

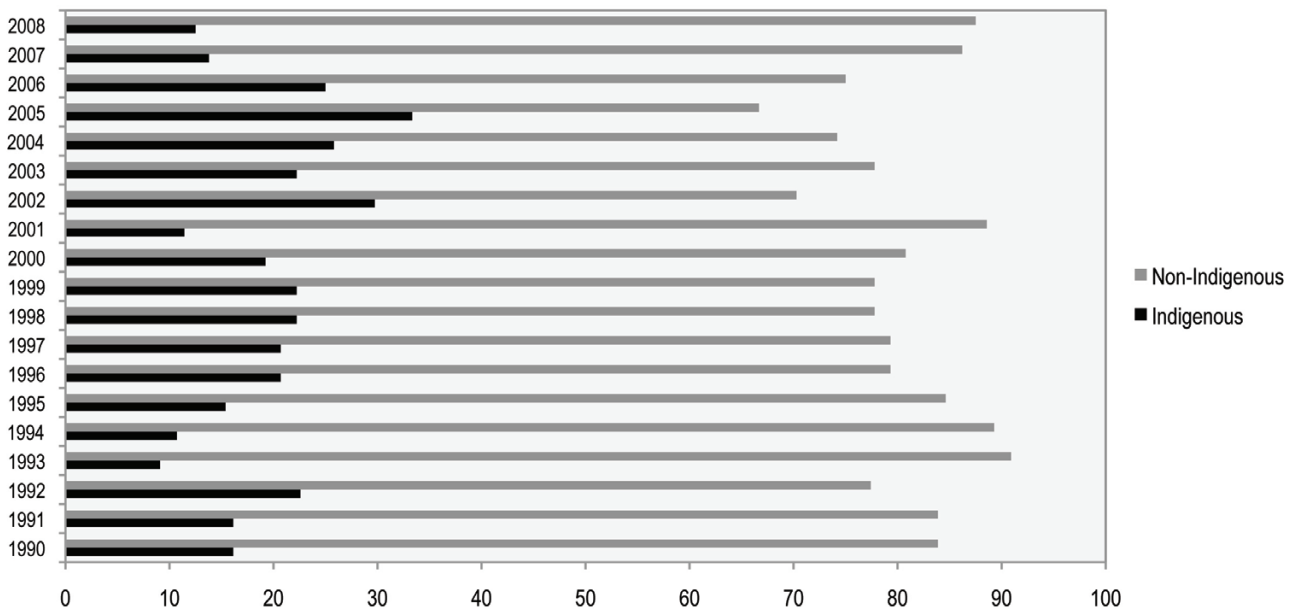
The annual number of Indigenous and non-Indigenous deaths in police custody has been largely stable since 1990, with a peak of deaths in 2002 and then a decline to 2006, after which it rose to levels similar to those recorded throughout the 1990s (Figure 6). This generally stable trend in police custody deaths obscures changes in the circumstances of deaths occurring in police custody. As noted previously, the circumstances of police custody deaths are either Category 1 deaths (in institutional settings, such as police cells, raids, shootings) or Category 2 deaths (during sieges and police pursuits). These two categories exhibit different trends.

Looking more closely (see Figure 6), it is apparent that since 1990 Category 1 deaths have declined, while Category 2 deaths increased between 1990 and 2001 but have since decreased markedly. Overall, Category 2 deaths have consistently been more prevalent than Category 1 deaths each year since 1999.

The trend for deaths in police custody involving Indigenous persons is similar to the trend for all deaths in police custody, with Category 2 deaths accounting for the majority of Indigenous deaths in police custody. However, the trend for Indigenous deaths involves a less dramatic rise in Category 2 deaths and little change in Category 1 deaths.

For deaths in police custody, the proportion of those dying who were Indigenous is used as an indicator of over-representation (Figure 7). At this time reliable rates for deaths in police custody cannot be calculated as consistent data on the population basis (the total number of people in police custody) is not available; the AIC has reviewed its Police Custody Survey to consider ways to improve its utility in overcoming this gap (see methodology note two). Of all deaths in police custody recorded in the NDICP since

FIGURE 7: DEATHS IN POLICE CUSTODY AND CUSTODY-RELATED OPERATIONS BY INDIGENOUS STATUS, 1990–2008 (PERCENTAGE)



Source: AIC NDICP 1980–2008

1980, 23 per cent involved Indigenous persons (n=176). While the numbers of deaths of Indigenous persons has remained relatively stable over the last two decades, the proportion of all police custody deaths that involve Indigenous persons has dropped recently. In 2007 and 2008 some of the lowest historical proportions of deaths involving Indigenous persons were recorded (14 per cent and 13 per cent respectively). This drop is in part due to higher numbers of non-Indigenous persons dying, mostly in the process of being detained, Category 2 deaths.

(i) Deaths Due to Natural Causes – Police Custody

Since 1990, when deaths in police custody-related operations began to be collected, there have been 53 deaths in police custody due to natural causes (nine per cent of all police custody deaths since 1990). Twenty-one of these deaths (40 per cent) were of Indigenous persons and 32 (60 per cent) were non-Indigenous. Further details of the cause of death is recorded for 48 of these cases, with the majority of these (60 per cent; n=29) being due to heart disease, six (13 per cent) due to multiple conditions and four (eight per cent) due to respiratory illness. Another form of disease or illness accounted for the remaining cases (refer to Appendix Table A3).

(ii) Age at Death – Police Custody

Those who die in police custody tend to be younger than those who die in prison. For all deaths since 1980, the median age at death in police custody is 30 years, compared with 34 years for deaths in prison custody (Figure 8). However, when comparing the longer term trends in median age at death between police and prison custody deaths, it can be seen that median age at time of death has risen for those in prison custody, while for police custody the median age has remained fairly stable. For example, in 2008 the median age at death for police custody was 29 years, much younger than the median age at death of 43 years in prison custody. This younger age profile of persons dying in police custody reflects the broader literature which shows that persons aged under 30 years, predominantly younger males, are more likely than other groups to engage in offending and as a result are more likely to come into contact with police.¹⁷

The younger age profile for deaths in police custody is more pronounced for Indigenous persons than it is for non-Indigenous persons. Of the 109 total Indigenous deaths in police custody since 1990, the median age at death was 27 years, which compares with the median age for non-Indigenous persons over the same period of 30 years. Some

FIGURE 8: MEDIAN AGE AT DEATH OF POLICE CUSTODY DEATHS, BY INDIGENOUS STATUS, 1980–2008 (YEARS)



Source: AIC NDICP 1980–2008

44 per cent of Indigenous people who have died in police custody were less than 25 years of age at the time of death, compared with 25 per cent of non-Indigenous persons. When comparing the other age categories, it can be seen that 36 per cent of Indigenous deaths in police custody were of persons aged 25 to 39 years, compared with 44 per cent for non-Indigenous persons. Indigenous persons aged 40 to 54 years comprised 17 per cent of all Indigenous deaths, compared with 21 per cent for non-Indigenous persons in the same age category. Finally, for persons aged 55 years or older, four per cent of all Indigenous police custody deaths were of persons aged 55 years or over, compared with eight per cent for non-Indigenous persons (see Figure 8).

The greater proportion of deaths in police custody of Indigenous persons in the younger age categories compared with non-Indigenous persons in part reflects the younger age profile of the overall Indigenous population.¹⁸ This potentially leads to a greater relative proportion of the Indigenous population coming into contact with the criminal justice system, including being placed in custody, compared with the non-Indigenous population. Indeed, a recent longitudinal cohort study of persons born in Queensland in 1990 and their contact with the criminal justice system found that

when gender and Indigenous status were examined it was found that two in three (n=934, 62.6%) of all Indigenous males and one in four (n=429, 27.8%) Indigenous females had a record of offending by the age of 17 years compared to one in 10 (n=3,611, 12.8%) non-Indigenous males and one in 20 (n=1,823, 6.9%) non-Indigenous females.¹⁹

Research also indicates that young people aged 15 to 19 years are responsible for a much greater proportion of offences and have greater contact with the criminal justice system than those in other age groups.²⁰ Juveniles' increased risk of offending can be attributed to factors including a lack of maturity, propensity for risk-taking behaviours and susceptibility to peer influences. This is particularly so when these factors coincide with intellectual disability or mental illness and when coupled with juveniles' increased risk of victimisation, compared with other age groups.²¹

That is, available evidence suggests that the younger age profile of the Indigenous population generally compared to the non-Indigenous population, combined with a greater proportion of Indigenous young people coming in contact

with the criminal justice system, contributes to the continuing over-representation of Indigenous persons in custody. Reducing the numbers and frequency with which Indigenous persons come into contact with the criminal justice system was one of the key recommendations put forward by the RCIADIC, and this remains an ongoing challenge now.

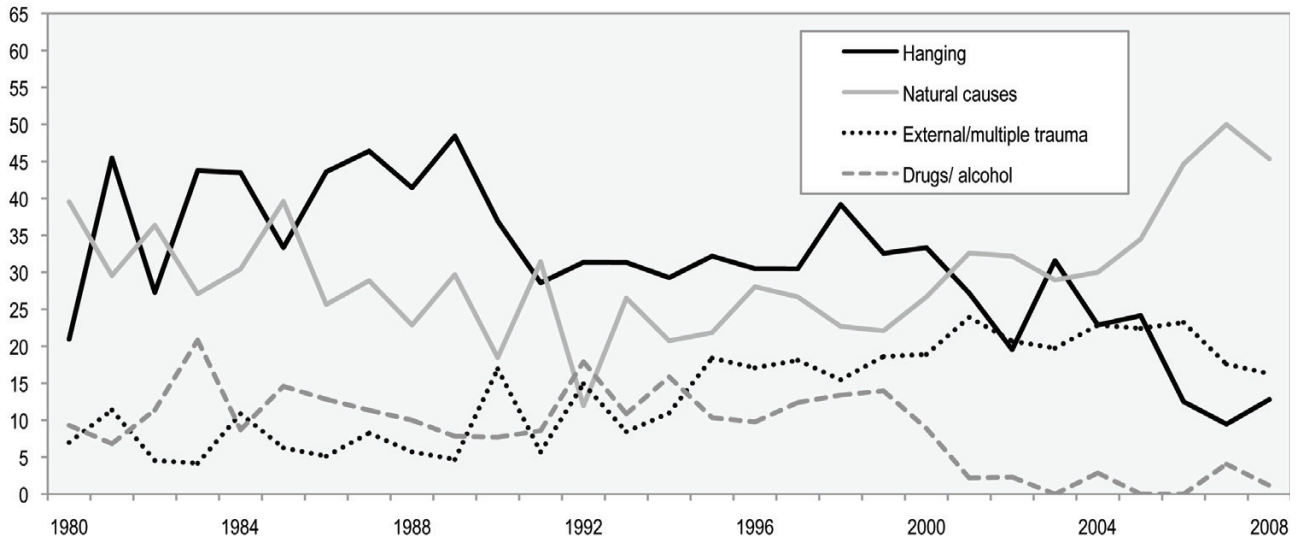
D Deaths Not Due to Natural Causes – All Custody Settings

The RCIADC was established 'in response to a growing public concern that deaths in custody of Aboriginal people were too common and public explanations were too evasive to discount the possibility that foul play was a factor in many of them.'²² For this reason, the focus of this section is on deaths attributable to causes other than natural causes. In particular, trends for self-inflicted hangings, and also deaths that were caused by the actions of another person, are considered.

Hanging as a cause of death in all forms of custody (prison, police and juvenile custody) has been generally decreasing since the late 1990s, with the lowest recorded numbers occurring in 2006 and 2007, for both Indigenous and non-Indigenous persons (Figure 9 and 10). The majority of hangings occur in prisons; hanging as a cause of death in prison has been decreasing since the early 2000s for both Indigenous and non-Indigenous persons (see Appendix Table A2). Hanging deaths in police custody and custody-related operations have also declined for both Indigenous and non-Indigenous persons, from an average of 8.6 deaths per year from 1980 to 1989 to an average of 2.4 deaths per year from 1990 to 2008 (see Appendix Table A3). While conclusions cannot be drawn about hanging deaths in juvenile justice custody due to the small numbers, as explained above, in the interests of full reporting it is noted that hanging deaths in juvenile custody occur very infrequently, with the last recorded hanging death being in 2000; since 1980, only two per cent of all hanging deaths have occurred in juvenile custody.

The decrease in hanging deaths is due in part to efforts to remove hanging points and other materials that could be used in a hanging from prisons and police cells, a prevention strategy that has been informed by specific analysis of these matters in the NDICP. Of the 340 hanging deaths in prison custody between 1990 and 2008 for which the information is available (seven per cent have missing information), cell

FIGURE 9 - DEATHS IN ALL FORMS OF CUSTODY BY CAUSE OF DEATH, 1980–2008 (PERCENTAGE)



Note: Includes prison and police custody, police operations, and juvenile custody.
Source: AIC NDICP 1980–2008

FIGURE 10 - DEATHS OF INDIGENOUS PERSONS IN ALL FORMS OF CUSTODY BY CAUSE OF DEATH, 1980–2008 (PERCENTAGE)



Note: Includes prison and police custody, police operations, and juvenile custody.
Source: AIC NDICP 1980–2008

bars accounted for 39 per cent (n=134) of hanging points, other fittings inside cells comprised 36 per cent (n=121) and shower fixtures comprised 13 per cent (n=44). Bed sheets have consistently been the most commonly used object in hanging deaths each year (61 per cent).

Liability for a death in custody is not well captured in the NDICP database and is currently under review. However, there is information in the NDICP that provides an indication of deaths that were caused by the actions of another person; such deaths are not necessarily of a criminal nature since the data has not been checked against any court proceedings that might have followed the coronial findings. There have been 190 deaths in custody where the death was associated with the actions of another person (such as an inmate fatally wounding another inmate or a police shooting during a police operation), which represent nine per cent of all deaths in custody recorded since 1980. Forty-two per cent (n=80) occurred in prison custody and 58 per cent (n=110) occurred in police custody. There have been no deaths resulting from the actions of another person recorded in juvenile custody. Deaths in prison custody resulting from the actions of another person almost exclusively involved some form of trauma inflicted by another prisoner, whereas those in police custody almost exclusively resulted from shootings during police operations. Of the 80 cases of deaths resulting from the acts of another person in prison custody, 10 per cent (n=8) involved Indigenous victims, and for police custody and custody-related operations, nine per cent (n=10) involved an Indigenous victim.

These indicative findings suggest mental illness and the misuse of drugs and alcohol as cross-cutting issues for deaths in custody. There are many challenges that police face when seeking to detain people affected by mental illness or intoxication, as well as for correctional services in working with mentally unwell prisoners and protecting prisoners from other inmates. Responding to these challenges requires the continuing development of appropriate policies, processes and operating procedures that help to safeguard the wellbeing of police detainees, prisoners and officers. The presence of mental illness issues among persons in custody is an issue for all custodial authorities. Research has found that prisoners in Australia had higher rates of schizophrenia and psychotic disorders than the wider community and the percentage of the prison population with these mental illnesses was much higher in Australia than in New Zealand, Canada or other comparable countries.²³

V Achieving Further Progress in Reducing Indigenous Deaths in Custody

Twenty years ago the RCIADIC concluded that the fundamental issue was not that Indigenous people in custody were more likely to die than non-Indigenous people in custody, but that Indigenous people were far more likely to be in custody in the first place. While the numbers and rates have changed since the time of the Royal Commission, the essential problem that was identified remains the same now: today Indigenous people comprise less than 2.5 per cent of the total Australian population²⁴ yet account for over a quarter (28 per cent) of young people in juvenile detention,²⁵ one-third (33 per cent) of people involved in police custody incidents²⁶ and more than one-quarter (26 per cent) of the total prison population.²⁷ It is a deceptively simple, but undeniably cogent fact that Indigenous Australians get locked up more often than other Australians.

At one level, there is some faint comfort in knowing that Indigenous people in custody are no more likely to die than non-Indigenous people in custody. Indigenous Australians are certainly over-represented among deaths in custody compared with their representation in the general Australian population, but they are not over-represented in comparison with the extent to which they appear in custodial populations. Custodial authorities have responded to the issues raised through the RCIADIC and subsequently through the NDICP, with operational, procedural and policy changes contributing to a reduction in self-inflicted deaths to the point where they now represent both the smallest number and smallest proportion of deaths since monitoring began. While any self-inflicted death is a tragedy, the scale of this tragedy has been declining.

Alongside the reduction in self-inflicted deaths, deaths from natural causes have been increasing. While more research is needed, it appears that ageing of the general population is leading to a relatively older prison population, with resulting implications for the nature of deaths in custody. The gap in health and mortality between Indigenous and non-Indigenous Australians is large and well-documented.²⁸ Coupled with the health disadvantages experienced by those entering the prison system more generally, the physical wellbeing of Indigenous prisoners is a continuing challenge for custodial authorities.

As the RCIADIC established so clearly, further efforts to reduce Indigenous deaths in custody must focus on reducing the number of Indigenous people who come into contact with the criminal justice system. There are many reasons why the rates of Indigenous over-representation remain high, despite the efforts of government and other agencies and Indigenous Australians themselves to close the gap on Indigenous disadvantage in the criminal justice system. There are many factors that contribute to high rates of offending among Indigenous Australians, leading to their over-representation in prison and police custody. These include the impacts of colonisation, the policies and practices of past governments, socio-economic disadvantage, alcohol misuse, the intergenerational transmission of violence and the younger age profile of the Indigenous population.

Recent research provides some insights into why Indigenous over-representation in the criminal justice system remains such a problem. Research conducted by the NSW Bureau of Crime Statistics and Research showed that rising Indigenous imprisonment rates in that state between 2001 and 2008 were largely due to increased severity by the criminal justice system in bail and sentencing decisions.²⁹ Indigenous offenders were found to have been more likely to be refused bail, to spend more time on remand, to be sentenced to imprisonment and to receive longer sentences than previously was the case, although these sentences were not necessarily longer than those given to non-Indigenous offenders. Importantly, the research showed that increased imprisonment rates were not the result of increased offending. Due to differences between the criminal justice systems across the states and territories, further research would be needed to show whether similar factors caused increased Indigenous imprisonment in the other states and territories.

A separate recent study by the NSW Bureau of Crime Statistics and Research examined why the imprisonment rate in New South Wales ('NSW') is much higher than in Victoria.³⁰ The study concluded that the higher NSW imprisonment rate is attributable to the combination of a higher rate of court appearance, a slightly higher conviction rate and higher likelihoods of both remand in custody and imprisonment.

A study into sentencing outcomes found that Indigenous and non-Indigenous offenders tend to receive equal sentences for similar offences.³¹ By examining judges' sentencing remarks and controlling for the effects of offenders' social backgrounds and criminal histories, the study found similar

results to a number of earlier studies that looked at possible sentencing disparities. South Australia was the one state where Indigenous offenders tended to receive more lenient sentences, with judges' remarks showing they understood the issues faced by Indigenous offenders and took their social circumstances into account, recognising situations where offenders were motivated by necessity and survival rather than greed.

There are many different ways of seeking to reduce Indigenous contact with the criminal justice system, but perhaps the greatest value can be achieved through programs and services aimed at reducing levels of recidivism. A recent NSW study found that reducing the rate of Indigenous re-appearance in court by 20 per cent almost halved the ratio of Indigenous to non-Indigenous Local Court appearances.³² The study concluded that offender rehabilitation and assistance with improving compliance with court orders should be the focus of efforts to reduce over-representation. While correctional authorities are making progress in offender rehabilitation programs for Indigenous offenders, there remains a need for more culturally appropriate programs that better meet the needs of Indigenous offenders, including measures to help them deal with the grief and trauma issues that can impede their capacity to fully engage with programs and services.³³

While deaths in juvenile detention are rare, this does not obviate the need for measures designed to reduce the involvement of Indigenous young people with the criminal justice system. Over-representation in juvenile detention remains unacceptably high, and as long as this continues to be the case, there will continue to be a heightened risk of Indigenous young people entering adult custody. Efforts to reduce Indigenous contact with the criminal justice system must include early interventions to reduce juvenile offending.

There is also no doubt that the misuse of alcohol is a major risk factor for offending, including Indigenous offending.³⁴ Interventions aimed at limiting the harms associated with alcohol use through a combination of demand and supply reduction approaches have great potential for achieving substantial and lasting benefits for Indigenous Australians and further reducing their representation in deaths in custody statistics.

Although it may never be possible to completely prevent Indigenous Australians dying in custody especially given the trend of prisoners being older, as long as Indigenous persons

remain over-represented at all stages of the criminal justice system the number of Indigenous people dying in custody will remain unacceptably high. It is only through continued, concerted and informed efforts to reduce Indigenous contact with the criminal justice system that this problem can be appropriately managed.

VI Notes on Analytical Methodology

A Rate of Death Per 1,000 Relevant Adult Prisoners

Rates are calculated by dividing the number of deaths in prison by the relevant prison population and then multiplying the result by 1,000; the relevant population is the total population of adult prisoners for overall rates, the total population of Indigenous prisoners for Indigenous rates of death and the total population of non-Indigenous prisoners for non-Indigenous rates of death. The population numbers used as the denominator are taken from the annual prisoner census conducted by the ABS.³⁵ The ABS census counts all prisoners in corrective services custody in each state and territory as at midnight on 30 June. Rates are only calculated back to 1982 as comparable prison census data are not available prior to 1982. Comparison of rates indicate whether there is over-representation by Indigenous persons in deaths, and 'rate ratios' are used for this purpose; a rate ratio is calculated by dividing the Indigenous rate of death by the non-Indigenous rate.

B Proportion of All Deaths in Police Custody That Involve Indigenous Persons

Proportions are used because it is not currently possible to calculate rates of death in police custody; there is no reliable data available on the number of people who are placed into police custody each year or the number of people who come into contact with police in custody-related operations. This information is not available through the AIC's Police Custody Survey, because this survey only captures data for persons held in police cells and watch-houses over a one month period, approximately every five years. While it is indicative of the numbers of people being held in police custody, it does not cover all types of police custody or custody-related operations, for example custody that does not involve being held in a police cell, and it would be unreliable to extrapolate custody populations from the survey data and to draw conclusions for periods other than those directly covered by

the survey. The possibility of gaining better police custody data for the NDICP is an issue the AIC is pursuing with police agencies.

C Other Notes

Analyses in this paper have been conducted for the total number of cases known to the AIC at the time of writing and for which the relevant information is available. The AIC is reviewing its data on total numbers of deaths in custody cases following advances in electronic processes for this task, for reporting in future monitoring reports. The total numbers of cases reported in this paper should be treated as a minimum, particularly for non-Indigenous deaths and deaths in motor vehicle pursuits. The next NDICP monitoring report, covering data to 30 June 2011, is due to be released shortly. Also, some cases have incomplete data where some variables are missing or unknown until a coronial finding is available. As a result, there are differences in the number of cases used for the various analyses. Finally, some column and row percentages may not total to 100 due to rounding.

* Research Manager, Australian Institute of Criminology.

** Research Officer, Australian Institute of Criminology.

*** Principal Research Analyst, Australian Institute of Criminology.

1 Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 1, 6 [1.3.3].

2 Ibid vol 5, 78–9 recs 40–7.

3 Ibid.

4 Ibid 78 recs 41(c)(i)–(iv).

5 Australian Bureau of Statistics (ABS), *Population Characteristics, Aboriginal and Torres Strait Islander Australians, 2006*, Report No 4713 (2010) 172.

6 See Boyd Hunter and Aarthi Ayyar, 'Some Reflections on the Quality of Administrative Data for Indigenous Australians: The Importance of Knowing Something about the Unknown(s)' (Working Paper No 51, Centre for Aboriginal Economic Policy Research, The Australian National University, 2009).

7 For an overview of trends in juvenile detention in Australia, see Kelly Richards and Mathew Lyneham, 'Juveniles in Detention in Australia, 1981–2008' (Monitoring Report No 12, Australian Institute of Criminology, 2010).

8 'The Health of Australia's Prisoners 2009' (Report, Australian Institute of Health and Welfare, 2010).

- 9 Ibid 102.
- 10 Ibid iii.
- 11 Australian Bureau of Statistics, *Deaths, Australia 2008*, Report No 3302 (2009).
- 12 Australian Bureau of Statistics, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, Oct 2010*, Report No 4704 (2010).
- 13 Ibid.
- 14 Richards and Lyneham, above n 7, 20–38.
- 15 Natalie Taylor and Michael Bareja, '2002 National Police Custody Survey' (Technical and Background Paper No 13, Australian Institute of Criminology, 2005).
- 16 Australian Bureau of Statistics, *Prisoners in Australia 2010*, Report No 4517 (2010) 54.
- 17 For research on the younger age of Indigenous offenders compared to non-Indigenous offenders, see Don Weatherburn, Bronwyn Lind and Jiuzhao Hua, 'Contact with the New South Wales Court and Prison Systems: The Influence of Age, Indigenous Status and Gender' (Crime and Justice Bulletin No 78, NSW Bureau of Crime Statistics and Research, August 2003); Toni Makkai and Jason Payne, 'Drugs and Crime: A Study of Incarcerated Male Offenders' (Research and Public Policy Series No 52, Australian Institute of Criminology, 2003); Judy Putt, Jason Payne and Lee Milner, 'Indigenous Male Offending and Substance Abuse' (Trends & Issues in Crime and Criminal Justice No 293, Australian Institute of Criminology, February 2005).
- 18 Australian Bureau of Statistics, *Population Characteristics, Aboriginal and Torres Strait Islander Australians 2010*, Report No 4713 (2010) 15.
- 19 Troy Allard et al, 'Police Diversion of Young Offenders and Indigenous Over-representation' (Trends & Issues in Crime and Criminal Justice No 390, Australian Institute of Criminology, 2010) 3.
- 20 Kelly Richards, 'What Makes Juvenile Offenders Different from Adult Offenders?' (Trends & Issues in Crime and Criminal Justice No 409, Australian Institute of Criminology, 2011).
- 21 Ibid.
- 22 RCIADIC, above n 1, vol 1, 1 [1.1.2].
- 23 James R P Oglloff et al, 'The Identification of Mental Disorders in the Criminal Justice System' (Trends & Issues in Crime and Criminal Justice No 334, Australian Institute of Criminology, 2007).
- 24 Australian Bureau of Statistics, *Population Characteristics, Aboriginal and Torres Strait Islander Australians*, Report No 4713 (2010).
- 25 Richards and Lyneham, above n 7, 20–38.
- 26 Taylor and Bareja, above n 15.
- 27 Australian Bureau of Statistics, *Prisoners in Australia 2010*, Report No 4517 (2010).
- 28 See Steering Committee for the Review of Government Service Provision, Parliament of Australia, *Report on Government Services 2011* (2011) vol 2.
- 29 Jacqueline Fitzgerald, 'Why Are Indigenous Imprisonment Rates Rising?' (Issue Paper No 41, NSW Bureau of Crime Statistics and Research, August 2009).
- 30 Don Weatherburn, Katrina Grech and Jessie Holmes, 'Why Does NSW Have a Higher Imprisonment Rate than Victoria?' (Crime and Justice Bulletin No 145, NSW Bureau of Crime Statistics and Research, December 2010).
- 31 Samantha Jeffries and Christine Bond, 'Does Indigeneity Matter? Sentencing Indigenous Offenders in South Australia's Higher Courts' (2009) 42 *Australian & New Zealand Journal of Criminology* 47.
- 32 Boris Beranger, Don Weatherburn and Steve Moffat, 'Reducing Indigenous Contact with the Court System' (Issues Paper No 54, NSW Bureau of Crime Statistics and Research, December 2010).
- 33 Matthew Willis and John-Patrick Moore, 'Reintegration of Indigenous Prisoners' (Research and Public Policy Series No 90, Australian Institute of Criminology, 2008).
- 34 Joy Wundersitz, 'Indigenous Perpetrators of Violence: Prevalence and Risk Factors for Offending' (Research and Public Policy Series No 105, Australian Institute of Criminology, 2010). Australian Bureau of Statistics, above n 16.

**TWENTY YEARS OF MONITORING SINCE THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY:
AN OVERVIEW BY THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY**

Appendix A: Detailed Findings from the National Deaths in Custody Program

TABLE A1: RATE OF DEATH IN PRISON CUSTODY, BY YEAR, JURISDICTION, AND INDIGENOUS STATUS, 1990–2008 (RATE PER 1,000 RELEVANT ADULT PRISONERS)

	NSW		Vic		Qld		WA		SA		Tas		NT		ACT		Total	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
1990	3.45	2.25	0.00	0.90	5.44	3.11	0.00	2.64	8.08	2.48	0.00	4.45	0.00	7.75	0.00	0.00	2.45	2.28
1991	4.54	1.86	0.00	1.80	5.79	2.29	3.47	5.22	0.00	4.48	99.30	3.92	0.00	0.00	0.00	0.00	3.70	2.41
1992	1.54	1.76	0.00	1.38	2.71	5.46	0.00	2.27	0.00	4.14	0.00	7.81	0.00	7.99	0.00	0.00	0.90	2.55
1993	5.46	2.75	19.14	2.77	2.35	4.26	0.00	2.16	0.00	6.13	0.00	3.98	0.00	0.00	0.00	0.00	2.89	3.12
1994	3.64	3.49	0.00	1.26	7.23	3.61	2.91	2.76	4.34	1.79	0.00	8.62	3.02	0.00	0.00	0.00	3.93	2.97
1995	6.73	2.33	0.00	2.57	6.28	4.03	1.40	2.68	23.28	4.37	0.00	4.35	2.92	0.00	0.00	0.00	6.02	2.84
1996	3.15	2.52	0.00	3.00	6.19	2.21	2.66	2.66	3.85	3.29	0.00	3.89	2.78	0.00	0.00	29.40	3.67	2.68
1997	2.97	4.75	0.00	3.19	1.06	3.80	4.00	5.35	0.00	3.27	0.00	8.73	4.56	5.98	0.00	0.00	2.51	4.31
1998	2.74	2.83	7.95	4.39	1.94	3.79	3.96	6.27	4.13	2.63	0.00	3.50	0.00	0.00	0.00	13.33	2.67	3.65
1999	5.53	2.65	0.00	1.79	2.71	3.05	1.93	2.98	0.00	0.88	0.00	13.03	2.10	0.00	0.00	0.00	3.02	2.67
2000	2.40	1.92	7.21	2.32	1.91	3.79	3.99	4.71	4.45	5.59	0.00	2.85	0.00	0.00	0.00	0.00	2.69	2.89
2001	3.74	2.00	0.00	1.54	1.74	3.86	3.73	2.86	4.34	2.59	0.00	0.00	4.39	3.83	0.00	0.00	3.15	2.39
2002	1.33	2.48	0.00	2.96	1.69	1.41	3.45	2.59	0.00	1.64	0.00	5.47	2.18	0.00	0.00	0.00	1.78	2.33
2003	0.64	1.91	0.00	0.28	4.20	1.73	1.97	2.66	4.09	2.48	0.00	0.00	1.75	0.00	0.00	0.00	2.08	1.60
2004	1.27	1.55	0.00	1.16	1.67	1.24	1.64	3.07	0.00	3.24	0.00	2.58	1.80	0.00	0.00	0.00	1.39	1.67
2005	1.19	1.35	4.51	1.15	0.00	0.75	1.42	0.96	0.00	4.97	0.00	2.08	3.01	0.00	0.00	0.00	1.24	1.37
2006	1.02	1.53	0.00	1.08	0.00	0.99	0.71	1.88	0.00	1.58	0.00	2.18	1.53	0.00	0.00	0.00	0.66	1.37
2007	0.97	1.94	0.00	2.28	0.69	1.46	1.21	0.91	0.00	2.90	0.00	6.51	0.00	0.00	0.00	0.00	0.75	1.94
2008	0.47	2.03	0.00	2.77	1.34	1.98	3.87	1.35	0.00	3.24	0.00	0.00	0.00	0.00	0.00	6.85	1.34	2.15

Source: AIC NDICP 1980–2008

TABLE A2: CAUSE OF DEATHS IN PRISON CUSTODY BY INDIGENOUS STATUS AND YEAR 1980–2008

	Hanging		Natural Causes		Head Injury		Gunshot		External/ Multiple Trauma		Drugs/ Alcohol		Other/ Multiple		Missing		Total	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
1980	2	5	1	15	1	1	0	0	1	2	0	1	0	0	0	1	5	25
1981	0	13	0	6	0	0	0	1	0	5	1	1	0	0	0	1	1	27
1982	0	6	3	7	0	0	1	0	0	1	0	2	0	3	0	2	4	21
1983	0	15	3	3	0	0	0	0	1	1	1	6	0	1	0	0	5	26
1984	0	13	2	7	0	0	0	1	2	3	0	2	0	1	0	0	4	27
1985	1	9	3	9	0	0	0	0	0	2	0	2	0	0	0	0	4	22
1986	0	6	1	7	0	1	0	0	0	1	0	1	0	0	0	0	1	16
1987	3	19	2	12	0	0	0	0	0	8	0	8	0	0	0	1	5	48
1988	2	15	3	10	0	1	0	0	0	2	1	3	0	2	0	3	6	36
1989	2	19	2	10	0	0	0	1	0	2	0	4	0	0	0	0	4	36
1990	2	15	3	8	0	0	0	0	0	4	0	0	0	1	0	0	5	28
1991	4	10	3	12	0	3	0	0	1	1	0	3	0	2	0	0	8	31
1992	1	16	1	6	0	0	0	2	0	4	0	5	0	1	0	0	2	34
1993	2	19	5	14	0	1	0	0	0	1	0	6	0	1	0	0	7	42
1994	5	17	5	11	0	0	0	0	0	6	1	7	0	1	0	0	11	42
1995	8	18	7	10	0	0	0	0	2	5	1	7	0	1	0	0	18	41
1996	6	15	5	15	0	2	0	0	1	3	0	5	0	0	0	0	12	40
1997	5	26	3	23	0	0	0	0	0	9	1	9	0	0	0	0	9	67
1998	6	28	2	14	0	0	0	0	1	7	1	10	0	0	0	0	10	59
1999	3	22	7	9	0	0	0	0	2	5	1	10	0	0	0	0	13	46
2000	8	21	3	17	0	2	0	0	0	3	0	7	0	0	0	1	11	51
2001	8	17	6	23	0	0	0	0	0	1	0	1	0	1	0	0	14	43
2002	0	16	7	18	0	0	0	1	0	4	1	1	0	2	0	0	8	42
2003	5	13	5	13	0	0	0	0	0	3	0	0	0	1	0	0	10	30
2004	1	13	5	15	0	1	0	0	0	1	0	1	0	0	1	1	7	32
2005	1	9	5	14	0	1	0	0	0	2	0	0	0	0	1	1	7	27
2006	2	5	2	19	0	0	0	0	0	3	0	0	0	0	0	0	4	27
2007	1	6	4	28	0	0	0	0	0	1	0	1	0	1	0	3	5	40
2008	0	10	8	29	0	0	0	0	0	3	0	0	1	3	0	0	9	45
Total	78	416	106	384	1	13	1	6	11	93	9	103	1	22	2	14	209	1051

Source: AIC NDICP 1980–2008

**TWENTY YEARS OF MONITORING SINCE THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY:
AN OVERVIEW BY THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY**

TABLE A3: CAUSE OF DEATHS IN POLICE CUSTODY AND CUSTODY-RELATED OPERATIONS, BY INDIGENOUS STATUS AND YEAR 1980–2008

	Hanging		Natural Causes		Head Injury		Gunshot		External/ Multiple Trauma		Drugs/ Alcohol		Other/ Multiple		Missing		Total	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
1980	1	1	0	1	2	2	1	0	0	0	1	2	0	0	0	1	5	7
1981	1	6	1	5	1	0	0	0	0	0	0	1	0	0	0	0	3	12
1982	0	6	2	4	1	2	0	0	1	0	0	3	0	0	0	0	4	15
1983	1	5	4	2	1	0	0	0	0	0	0	3	0	0	0	0	6	10
1984	1	6	1	4	0	1	0	0	0	0	1	1	0	0	0	0	3	12
1985	0	6	4	3	1	1	0	1	0	1	1	4	0	0	0	0	6	16
1986	4	6	1	1	2	1	0	0	0	1	1	3	0	0	0	1	8	13
1987	9	13	6	8	0	0	0	2	0	0	0	3	0	0	0	2	15	28
1988	2	9	2	1	0	0	0	6	2	0	1	2	0	1	0	1	7	20
1989	3	6	5	2	0	1	1	2	0	1	1	0	0	0	0	1	10	13
1990	0	6	0	1	2	2	1	3	2	5	0	5	0	4	0	0	5	26
1991	1	5	2	5	1	3	0	9	1	1	0	3	0	0	0	0	5	26
1992	1	3	1	0	0	3	0	9	2	4	2	5	1	0	0	0	7	24
1993	0	4	2	1	0	4	1	8	0	6	0	3	0	4	0	0	3	30
1994	0	1	1	0	0	0	2	15	0	3	0	5	0	1	0	0	3	25
1995	0	1	0	2	0	2	0	10	4	5	0	1	0	1	0	0	4	22
1996	1	2	0	3	1	0	1	7	3	7	0	3	0	1	0	0	6	23
1997	1	0	1	1	1	1	0	11	2	8	1	2	0	0	0	0	6	23
1998	1	2	2	4	0	0	1	6	1	6	0	2	1	0	0	1	6	21
1999	3	0	1	2	0	1	0	9	2	7	0	1	0	1	0	0	6	21
2000	0	0	1	2	0	0	0	7	4	10	0	1	0	1	0	0	5	21
2001	0	0	0	1	1	2	1	4	2	19	0	1	0	3	0	1	4	31
2002	0	1	2	1	2	6	2	8	4	10	0	0	1	0	0	0	11	26
2003	1	5	2	2	0	3	0	7	4	8	0	0	1	2	0	1	8	28
2004	1	1	1	0	0	1	0	11	6	9	0	1	0	0	0	0	8	23
2005	2	2	1	0	0	1	0	6	4	7	0	0	1	0	0	0	8	16
2006	0	0	1	3	0	1	0	4	3	7	0	0	1	2	1	1	6	18
2007	0	0	2	3	0	0	1	7	1	11	0	2	0	1	0	1	4	25
2008	0	1	1	1	1	0	1	13	0	11	0	1	1	1	0	0	4	28
Total	34	98	47	63	17	38	13	165	48	147	9	58	7	23	1	11	176	603

Source: AIC NDICP 1980–2008

TABLE A4 - DEATHS IN CUSTODY BY AGE-GROUP AND INDIGENOUS STATUS, 1980–2008 (NUMBER)

	Less than 25 years			25–39 years			40–54 years			55 years and older			Total		
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total
1980	5	8	13	3	11	14	3	8	11	0	5	5	11	32	43
1981	2	9	11	0	15	15	1	12	13	2	3	5	5	39	44
1982	1	10	11	3	13	16	3	9	12	1	4	5	8	36	44
1983	2	14	16	6	12	18	2	6	8	1	5	6	11	37	48
1984	0	11	11	5	16	21	2	5	7	0	7	7	7	39	46
1985	0	10	10	7	13	20	2	4	6	1	11	12	10	38	48
1986	4	3	7	4	13	17	2	10	12	0	3	3	10	29	39
1987	7	25	32	8	33	41	5	12	17	0	7	7	20	77	97
1988	5	17	22	6	23	29	1	11	12	2	5	7	14	56	70
1989	4	12	16	9	25	34	1	9	10	0	4	4	14	50	64
1990	7	14	21	2	24	26	1	8	9	0	9	9	10	55	65
1991	4	15	19	7	23	30	2	9	11	0	10	10	13	57	70
1992	4	17	21	3	18	21	1	15	16	1	8	9	9	58	67
1993	5	16	21	2	33	35	2	18	20	1	6	7	10	73	83
1994	5	20	25	7	26	33	1	14	15	1	8	9	14	68	82
1995	11	16	27	7	30	37	4	13	17	0	6	6	22	65	87
1996	7	15	22	9	22	31	2	18	20	0	9	9	18	64	82
1997	6	22	28	6	37	43	3	21	24	0	10	10	15	90	105
1998	9	16	25	5	40	45	3	13	16	0	11	11	17	80	97
1999	4	16	20	9	33	42	5	8	13	1	10	11	19	67	86
2000	7	14	21	8	37	45	2	10	12	0	12	12	17	73	90
2001	5	21	26	9	25	34	3	12	15	1	16	17	18	74	92
2002	2	15	17	11	22	33	4	20	24	2	11	13	19	68	87
2003	8	6	14	4	25	29	5	19	24	1	8	9	18	58	76
2004	3	9	12	9	23	32	3	14	17	0	9	9	15	55	70
2005	5	5	10	5	16	21	4	13	17	1	9	10	15	43	58
2006	5	7	12	5	14	19	1	9	10	0	15	15	11	45	56
2007	1	6	7	2	24	26	4	18	22	2	17	19	9	65	74
2008	2	6	8	4	25	29	5	21	26	2	21	23	13	73	86
Total	130	375	505	165	671	836	77	359	436	20	259	279	392	1664	2056

Source: AIC NDICP 1980–2008