

## 2019 PROJECT REPORT

### About the UQ Deaths in Custody Project

The University of Queensland (UQ) Deaths in Custody Project began in 2016, which marked 25 years since the handing down of the Royal Commission into Aboriginal Deaths in Custody ('Royal Commission').

The Royal Commission recommended that 'Coroners Offices in all States and Territories establish and maintain a uniform data base to record details of Aboriginal and non-Aboriginal deaths in custody and liaise with the Australian Institute of Criminology and such other bodies as may be authorized to compile and maintain records of Aboriginal deaths in custody in Australia' (Recommendation 40). Currently, the coroners in each State and Territory follow discrete legislation and maintain their own websites where they publish inquest findings.

Before the UQ Deaths in Custody Project, there was no free, publicly accessible national database that made all coroners' inquest findings on deaths in custody available. [Our database](#) collects and records data from all publicly available inquests on deaths in custody from all jurisdictions in Australia. This allows for comprehensive analysis of national trends and comparisons between jurisdictions.

### Deaths in Custody Definition

There is some variance between individual States' and Territories' legislative definitions of deaths in custody. For consistency, we have applied the Royal Commission's definition of deaths in custody.

The Royal Commission defined deaths in custody as a death wherever occurring of a person:

- who is in prison custody or police custody or detention as a juvenile;
- whose death is caused or contributed to by traumatic injuries sustained or by lack of proper care whilst in custody;
- who dies or is fatally injured in the process of police or prison officers attempting to detain that person;
- who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention.<sup>1</sup>

### Scope and Limitations of the Project

In this report, we analyse all of the coroners' inquest findings included in our database that were handed down between 1991 and 2018, a total of 614 cases.

Our project obtains its data solely from coroners' inquest findings that have been made publicly available on coroners' websites. For reasons of consistency and reliability, we do not consult any outside sources for information, such as media reports or interviews with family members.

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody, Volume 1 (Coronial Jurisdiction and Inquests, 4.5.45) <http://www.austlii.edu.au/au/other/indiglres/rciadic/national/vol1/104.html>

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Every State and Territory coroners' office differs in the extent of their public reporting. We have included all 614 publicly available findings in our database, but we are unable to determine whether or not every finding for a given year has been made available by each State or Territory (see Table 1).

### Deaths in Custody Data 1991-2018

Table 1: Number of Reports Available by Year for each State/Territory 1991-2018<sup>2</sup>

State/Territory	1997-99	2000-2002	2003-2005	2006-2008	2009-2011	2012-2014	2015-2017	2018	Total
ACT	<5				<5	<5		<5	10
NSW						16	43	18	77
NT		8	9	7	16	9	14	6	69
QLD			7	35	48	47	32	15	184
SA		20	15	21	24	17	16	<5	116
TAS		5	<5		<5	5	<5	<5	19
VIC			<5	<5	15	29	35	<5	88
WA						21	26	<5	51
<b>Total</b>	<b>&lt;5</b>	<b>33</b>	<b>33</b>	<b>67</b>	<b>107</b>	<b>145</b>	<b>170</b>	<b>55</b>	<b>614</b>

Table 1 demonstrates the variation of publication rates between jurisdictions. New South Wales and Western Australia did not begin publishing coroners' reports until 2012. Queensland has published the most reports (n=184), but is only the third most populous State. These gaps in the data make jurisdictional comparisons unreliable. Publication rates across the country are increasing, however.

Table 2: Aboriginal and Torres Strait Islander (ATSI) Status by Cause of Death 1991-2018

ATSI Status	Accident	Killed by another	Medical condition	Not specified	Other	Suicide	Total
ATSI	15	5	68		7	20	115
Not ATSI	2	8	23		2	17	52
<b>Not Specified</b>	<b>53</b>	<b>48</b>	<b>196</b>	<b>2</b>	<b>30</b>	<b>118</b>	<b>447</b>
<b>Total</b>	<b>70</b>	<b>61</b>	<b>287</b>	<b>2</b>	<b>39</b>	<b>155</b>	<b>614</b>

Table 2 demonstrates that 72.8% (n=447) of the coroners' reports did not specify the deceased's ethnicity or cultural background. In 18.7% of cases, the coroner stated that the deceased person identified as Aboriginal and Torres Strait Islander. Aboriginal and Torres Strait Islander adults represent approximately 2% of Australia's population, yet they constitute 28% of the country's prison population.<sup>3</sup>

<sup>2</sup> To protect the anonymity of individuals, values that are less than 5 are listed as '<5'.

<sup>3</sup> Australian Bureau of Statistics, Prisoners in Australia, 4517.0, 2019.

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Table 3: Age Range by Cause of Death 1991-2018

Age Range	Accident	Medical Condition	Killed by Another	Not Specified	Other	Suicide	Total
10-13 yrs	<5					<5	<5
14-17 yrs	7	<5	<5			<5	11
18-24 yrs	23	<5	11		6	23	67
25-29 yrs	15	10	10		6	20	61
30-34 yrs	6	20	8		6	22	62
35-39 yrs	<5	26	5		8	27	70
40-44 yrs	<5	21	11		<5	16	54
45-49 yrs	<5	26	<5		<5	18	50
50-54 yrs		31	<5		<5	10	47
55-59 yrs		31	<5			<5	36
60-64 yrs		31	<5		<5	<5	36
65-69 yrs	<5	30	<5				33
70-74 yrs	<5	13				<5	15
75-79 yrs		16					16
80-84 yrs	<5	13				<5	15
85+	<5	7					8
Not specified	6	6	5	<5	<5	6	27
Other		<5			<5	<5	<5
<b>Total</b>	<b>70</b>	<b>287</b>	<b>61</b>	<b>&lt;5</b>	<b>39</b>	<b>155</b>	<b>614</b>

Table 3 demonstrates that the most common cause of death is a medical condition (46%, n=287). It is worth remembering that death resulting from a 'medical condition' does not necessarily imply that the death was not preventable: the conditions of the person's incarceration may have contributed, and the person may not have received adequate or appropriate medical care. Death as a result of an 'accident' is most common in the 18-24 year age bracket (n=23). Death as a result of 'suicide' makes up a substantial proportion of the cases in our dataset (25%; n=155). Death as a result of suicide is more common in the 18-39 years age range.

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Table 4: Type of Custody by Cause of Death 1991-2018

Type of Custody	Accident	Killed by Another	Medical condition	Not Specified	Other	Suicide	Total
Forensic facility			5		<5	<5	7
Not specified			<5	<5		<5	<5
Other		<5	<5			<5	6
Police cell			22		5	10	37
Police operation	68	44	14	<5	19	34	180
Police station		<5	<5		<5	<5	5
Police vehicle	<5		<5		<5	<5	8
Prison	<5	14	239		12	99	365
Youth detention			<5			<5	<5
<b>Total</b>	<b>70</b>	<b>61</b>	<b>287</b>	<b>&lt;5</b>	<b>39</b>	<b>155</b>	<b>614</b>

Table 4 shows that deaths in custody are most likely to occur in prison (59%; n=365), followed by police operations (29% n=180). The most common cause of death in prison is 'medical condition' (65%; n=239). Death as a result of 'suicide' makes up 27% of the deaths in prison in our dataset (n=99). Indeed, 16% of all deaths in our dataset were suicides in prison (n=99). Death as a result of an 'accident' most commonly occurs during police operations: 97% of all deaths as a result of accidents were in police operations (n=68), and deaths as a result of accidents accounted for 11% of the total deaths in custody in our dataset (n=70).

Table 5: Gender by Cause of Death 1991-2018

Gender	Accident	Killed by another	Medical condition	Not specified	Other	Suicide	Total
Female	<5	<5	14		<5	6	28
Male	66	60	273	<5	36	149	585
Not Specified				<5			<5
<b>Total</b>	<b>70</b>	<b>61</b>	<b>287</b>	<b>&lt;5</b>	<b>39</b>	<b>155</b>	<b>614</b>

Table 5 shows that females make up only a small proportion of the total deaths in custody (4.5%; n=28). Males make up 95% (n=585) of all deaths in custody, but comprise 92% of the prisoner population.<sup>4</sup>

<sup>4</sup> Australian Bureau of Statistics, *Prisoners in Australia*, 4517.0, 2019.

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**Table 6: Gender by Aboriginal and Torres Strait Islander Status 1991-2018**

Gender	ATSI	Not ATSI	Not Specified	Total
Female	11	<5	14	28
Male	104	49	432	585
Not Specified			<5	<5
<b>Total</b>	<b>115</b>	<b>52</b>	<b>447</b>	<b>614</b>

Though the sample size is small, Table 6 shows that 39% (n=11) of the females in our dataset who died in custody identified as Aboriginal and Torres Strait Islander. Aboriginal and Torres Strait Islander women make up 33% of the female prison population in Australia.<sup>5</sup> The rate of imprisonment is 464.8 per 100,000 for Indigenous women, but only 21.9 per 100,000 for non-Indigenous women.<sup>6</sup>

**Table 7: State/Territory by Recommendations 1991-2018**

State	No Recommendations	Not Specified	Recommendations	Total
ACT	<5		8	10
NSW	45	<5	28	77
NT	31		38	69
QLD	97		87	184
SA	59		57	116
TAS	8		11	19
VIC	58	<5	29	88
WA	32		19	51
<b>Total</b>	<b>332</b>	<b>5</b>	<b>277</b>	<b>614</b>

Coroners do not always make formal recommendations when they hand down their findings. Sometimes this is because they have made an applicable recommendation before, in a previous inquest, and they do not see any utility in repeating that recommendation. In 277 of our 614 cases, the coroner made formal recommendations. However, in the other cases, the coroner may have made comments or offered less formal suggestions on how the death might have been prevented and how practice could be improved.

<sup>5</sup> Australian Bureau of Statistics, *Prisoners in Australia*, 4517.0, 2019, Table 5.

<sup>6</sup> Australian Law Reform Commission, *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, ALRC Report 133: <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/executive-summary-15/disproportionate-incarceration-rate/>

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**Table 8: Type of Custody by Aboriginal and Torres Strait Islander Status 1991-2018**

Type of Custody	ATSI	Not ATSI	Not Specified	Total
Forensic facility	<5		6	7
Not specified			<5	<5
Other	<5		<5	6
Police cell	14	<5	19	37
Police operation	30	14	136	180
Police station	<5		<5	5
Police vehicle	<5		6	8
Prison	61	34	270	365
Youth detention	<5		<5	<5
<b>Total</b>	<b>115</b>	<b>52</b>	<b>447</b>	<b>614</b>

Table 8 shows that 12% (n=14) of the total number of deceased Aboriginal and Torres Strait Islander people in our dataset died in police cells, compared with only 4.2% (n=19) of people whose Aboriginal and Torres Strait Islander status is listed as 'Not Specified.'

**Table 9: State by Remand/Sentenced Status 1991-2018**

State/Territory	Not Specified	Other	Remand	Sentenced	Total
ACT		5	5		10
NSW	<5	21	10	44	77
NT		32	9	28	69
QLD		70	34	80	184
SA	<5	46	29	40	116
TAS		<5	5	10	19
VIC	5	26	16	41	88
WA		18	<5	29	51
<b>Grand Total</b>	<b>8</b>	<b>222</b>	<b>112</b>	<b>272</b>	<b>614</b>

We are so grateful to **Joshua Hartmann** for making our Deaths in Custody Database website possible. Thanks to his incredible commitment to our project, we are looking forward to a new version of our website coming online in 2020. Thank you to all of the students who volunteered for us in 2019. Hannah Stadler was the Student Leader. Members of the student team were: Eashwar Alagappan, Elizabeth Aisi, Christopher Wong, Isaac Gill, Xannel Mangahas, Abiyana Ketheeswaran, Hannah Woodfield, Lucy Cornwell and Sarah Hamid.  
Prof Tamara Walsh, April 2020