



Royal Commission into Aboriginal Deaths in Custody Recommendation

43. National Police Custody Survey

That a survey such as the 1988 National Police Custody Survey be conducted at regular intervals of, say, two to five years, with the aim of systematically monitoring and evaluating the degree to which needed improvements in legislation, attitudes, policies and procedures that affect police custody are implemented. ¹

Background²	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised the need for all jurisdictions to have available, on an ongoing basis, detailed information on people held in police cells. When the RCIADIC commenced, basic questions about Aboriginal deaths in police custody could not be answered from existing information held by Australia's police services. The first National Police Custody Survey was conducted in August 1988 to support the RCIADIC as 60 per cent of the deaths being investigated occurred in police custody. The original survey provided information on the timing and reasons for an individual's placement in custody as well as demographic information. ³ The RCIADIC saw a need for the survey to be repeated periodically to monitor and evaluate the impacts of changes made over time.
Intent	Regularly collect information on people in police custody nationally to systematically monitor and evaluate the outcomes of legislation, policy, procedural and attitudinal changes.
Responsibility	The Commonwealth Government.
Key contacts	Australian Institute of Criminology (AIC).
Key action taken	
2005 Review⁴	Victoria Police assessed Recommendation 43 as partially implemented . Victoria Police Victoria Police advised that the AIC began a national police survey in late 2002 to be completed by July 2004. As of November 2004 (prior to the publication of the 2005 Review), a draft had been commented on, however the final document had not been released.
2018 Review⁵	Deloitte concluded that the Commonwealth had fully implemented Recommendation 43 since the AIC published annual data on all deaths in custody since 1992. While the National

¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 1, 195 ('RCIADIC').

² ibid 191, vol 1 [6.1.7].

³ Aboriginal & Torres Strait Islander Data Archive, 'National Police Custody Survey, Australia, August 1998', *ATSIDA Aboriginal & Torres Strait Islander Data Archive* (Web page, 2 July 2025) <<https://www.atsida.edu.au/archive/datasets/au.edu.anu.ada.ddi.00601>> ('National Police Custody Survey, Australia, August 1998').

⁴ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 400 ('2005 Review').

⁵ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 94 ('2018 Review').

43. National Police Custody Survey

Police Custody Survey was no longer conducted, Deloitte asserted that the National Prison Census performed a similar function and collected data that could be used for evaluating legislation, attitudes, policies and procedures.

The Aboriginal Justice Caucus disagreed with this assessment.

Since then

Australian Institute of Criminology⁶

The AIC conducted national surveys of police custody in August 1992, August 1995 and October 2002 with the cooperation of police in each jurisdiction in Australia.⁷

The National police custody survey is a useful tool for understanding involvement with the criminal justice system beyond courts and prisons. It assists in identifying progress toward meeting key recommendations from the RCIADIC and provides invaluable information for police in each jurisdiction against which they can benchmark and plan their future custody-related activities.⁸

Each survey was a snapshot in time, providing information for people in custody in that month.

These surveys aimed to identify:

- *how many people go into and out of police cells over the course of one month;*
- *why people are placed in police custody;*
- *the types of offences associated with police custody;*
- *the length of time that people are in police custody;*
- *the proportions of incidents in which Indigenous people are involved;*
- *rates of Indigenous and non-Indigenous custody per population; and*
- *whether these patterns change over time.⁹*

In the report from the 2002 survey, the AIC aimed to continue to monitor patterns in police custody through the conduct of future police custody surveys. However, no surveys have been published since 2002. The AIC conducted a survey in 2007, but the results were not published, as the methodology for collecting and recording data introduced comparability issues between jurisdictions which could not be reasonably resolved using statistical and weighting procedures.¹⁰

When this recommendation was assessed by the Aboriginal Justice Caucus in 2023, data on the number and details of people in police cells were not routinely published.

⁶ David McDonald, Australian Institute of Criminology, *National Police Custody Survey 1992: Preliminary Report* (Deaths in custody Australia 2, 1993) ('National Police Custody Survey 1992'); Carlos Carchach and David McDonald, Australian Institute of Criminology, *National Police Custody Survey August 1995* (Research and public policy series 9, 1 June 1997) ('National Police Custody Survey 1995'); Natalie Taylor and Michael Bareja, Australian Institute of Criminology, *2002 National Police Custody Survey* (Technical and background paper series 13, 1 February 2005) ('2002 National Police Custody Survey').

⁷ *National Police Custody Survey 1992; National Police Custody Survey 1995; 2002 National Police Custody Survey.*

⁸ Toni Makkai in *2002 National Police Custody Survey*, 5.

⁹ *Ibid* 11.

¹⁰ This information is not published and was informally provided by the AIC in May 2013 as part of the 2015 Review conducted by Amnesty International and Clayton Utz for Change the Record.

43. National Police Custody Survey

Evidence of impact

Authorising documents	There isn't any legislation or other documentation requiring national surveys of police custody to be conducted.
Outputs	<p>The RCIADIC recommended that national police custody surveys be conducted 'with the aim of systematically monitoring and evaluating the degree to which needed improvements in legislation, attitudes, policies and procedures that affect police custody are implemented'.</p> <p>The surveys published between 1988 and 2002 provided data to support monitoring of trends in the number and rates of people, Aboriginal and non-Aboriginal, in custody, and types of offences for which people were held. The survey could be used to conclude whether recommendations from the RCIADIC were potentially 'having some impact in terms of reducing numbers of Indigenous people from being detained'.¹¹ However, the data collected were not sufficient to conclusively monitor or evaluate why such trends occurred.</p>
Outcomes	There is no ongoing implementation of the National Police Custody Survey, resulting in a significant gap in monitoring police custody practices and evaluating the impact of reforms, particularly for Aboriginal and Torres Strait Islander people.
Community views	<p>Aboriginal Justice Caucus</p> <p><i>No data reports have been released from the National Police Custody Survey since the 2002 findings were published, and national data on the number and characteristics of people in police custody are still not routinely reported.</i></p>

Related recommendations

Overcoming Indigenous Disadvantage¹²	This report identified the need for information about Aboriginal and Torres Strait Islander involvement with criminal legal systems across states and territories beyond official prison and courts data.
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Assessment summary¹³

The Royal Commission into Aboriginal Deaths in Custody considered it essential that national surveys of people in police custody be conducted to systematically monitor and evaluate the outcomes of legislation, policy, and other changes over time.

No data reports have been released from the National Police Custody Survey since the 2002 findings were published, and national data on the number and characteristics of people in police custody are still not routinely reported.

¹¹ 2002 National Police Custody Survey, 15.

¹² Steering Committee for the Review of Government Service Provision, Cth, *Overcoming Indigenous Disadvantage: Key Indicators 2003* (Report, 13 November 2003).

¹³ Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 7 June 2023) ('Working Group Meeting (7 June 2023)'); Meeting with Aboriginal Justice Caucus (Project Team, In person, 19 July 2023) ('Aboriginal Justice Caucus Meeting (19 July 2023)').

Assessment of Recommendation 43

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

2

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

0

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

1

(Score out of 3)

Potential actions for further work

Regular publication of data about people in police custody

That Victoria Police improve collection and publication of information about people held in police custody, that identifies how many people are going in and out of police cells, why people are placed in custody, the types of offences associated with police custody, the length of time that people are in police custody, bail outcomes, rates of self-harm and other serious or medical incidents, and whether these patterns change over time.

Moderate priority for further work

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)			
	Moderate (3-4)			
	Low (0-2)		Rec 43	

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