



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 46. Uniform methodology for deaths in custody surveys

*That the national deaths in custody surveys which I have recommended be undertaken by the Australian Institute of Criminology include the establishment of uniform procedures and methodologies which would not only enhance the state of knowledge in this area but also facilitate the making of comparisons between Australian and other jurisdictions, and facilitate communication of research findings.<sup>1</sup>*

<b>Background<sup>2</sup></b>	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) identified a significant challenge in criminological research as the lack of consistency and comparability in data collected across different jurisdictions. Differences in definitions, data collection methods, recording practices, and reporting standards made it difficult to accurately compare trends or assess the effectiveness of laws, policies, and practices nationwide. This hindered the ability of researchers, policymakers, and oversight bodies to monitor systemic issues, particularly those affecting Aboriginal and Torres Strait Islander peoples in custody, and to evaluate whether reforms were having their intended impact.
<b>Intent</b>	Establish uniform procedures and methodologies to support national deaths in custody surveys and comparisons across jurisdictions.
<b>Responsibility</b>	The Commonwealth Government.
<b>Key contacts</b>	Australian Institute of Criminology (AIC).
<b>Key action taken</b>	
<b>2005 Review<sup>3</sup></b>	The Department of Justice assessed Recommendation 46 as <b>fully implemented</b> . <b>Department of Justice</b> Corrections Victoria advised that they provided information to the Australian Institute of Criminology (AIC) on all deaths in custody, and the AIC published regular reports which allowed for comparisons between jurisdictions.
<b>2018 Review<sup>4</sup></b>	Deloitte assessed Recommendation 46 as being <b>fully implemented</b> by the Commonwealth Government, noting the AIC’s national program recorded information on deaths in prison and police custody based on definitions developed in response to RCIADIC recommendations.

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 1, 196 ('RCIADIC').

<sup>2</sup> ibid vol 1, 196, [6.1.12].

<sup>3</sup> 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, 613 ('2005 Review').

<sup>4</sup> 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) 96 ('2018 Review').

## 46. Uniform methodology for deaths in custody surveys

<b>Since then</b>	<p><b>Australian Institute of Criminology<sup>5</sup></b></p> <p>The Australian Institute of Criminology's National Deaths in Custody Program (NDICP) systematically records information on deaths in prison and police custody using standardised data collection templates developed in consultation with police and correctional agencies across jurisdictions. This approach enables consistent data gathering and national comparisons. The NDICP verifies data through the National Coronial Information System and confirms data with providers to ensure accuracy before releasing any information. In 2021, the AIC reconciled historical Indigenous status data with corrections departments and police forces in multiple jurisdictions to further strengthen data integrity and consistency. This process was finalised prior to releasing the Deaths in Custody in Australia 2021-22 report.</p>
-------------------	---

### Evidence of impact

<b>Authorising documents</b>	<p><b>Australian Institute of Criminology Data Collection Form<sup>6</sup></b></p> <p>The data collection form designed by the AIC records approximately 65 variables of information relating to the circumstances and characteristics of each death. The AIC sends forms to all relevant state and territory agencies to be completed and returned to the NDICP whenever a death occurs.</p>
<b>Outputs</b>	<p>The AIC developed a standardised data collection template in consultation with custodial agencies across jurisdictions and implemented a strict verification process using the National Coronial Information System to confirm data accuracy, with annual confirmations from data providers before releasing information on deaths in custody.</p>
<b>Outcomes</b>	<p>Based on the methodology used to collect this information from states and territories, the data collected is comparable across jurisdictions.</p>
<b>Community views</b>	<p>None identified.</p>

### Related recommendations

<b>2005 Review<sup>7</sup></b>	<p><b>Recommendation 149</b></p> <p>That the Department of Justice (Corrections Victoria) provide a report to the Aboriginal Justice Forum on progress of the implementation of the recommendations from the National Corrective Services Statistics Unit of the Australian Bureau of Statistics and the AIC.</p> <p>That the Victorian Government continue to implement and monitor Recommendation 46 through any monitoring process established as a consequence of this Review.</p>
--------------------------------	--

<sup>5</sup> Merran McAlister and Samantha Bricknell, Australian Institute of Criminology, *Deaths in custody in Australia 2021-22* (Statistical Report No 41, 2022) 32 ('Deaths in custody in Australia 2021-22').

<sup>6</sup> Ibid.

<sup>7</sup> 2005 Review, 649.

## 46. Uniform methodology for deaths in custody surveys

### Assessment summary<sup>8</sup>

The intent of Recommendation 46 was to establish a uniform and reliable methodology for collecting data on deaths in custody across all jurisdictions.

The Australian Institute of Criminology developed a standardised data collection template in consultation with police and correctional agencies nationwide, ensuring consistent data collection and enabling comparisons between states and territories. The National Deaths in Custody Program also uses the National Coronial Information System to verify primary data and confirms information with data providers before publication.

Responsibility for this recommendation lies primarily with the Commonwealth Government, with state governments required to provide data in accordance with agreed standards.

### Assessment of Recommendation 46

**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

**3**

(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

**3**

(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

**2**

(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

No actions identified.

<sup>8</sup> 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)').

## Low priority for further work

### Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)		Rec 46	
	Moderate (3-4)			
	Low (0-2)			

## Bibliography

Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 7 June 2023)

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)

Meeting with Caucus, Aboriginal Justice (Project Team, In person, 19 July 2023)

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)

McAlister, Merran and Samantha Bricknell, Australian Institute of Criminology, *Deaths in custody in Australia 2021-22* (Statistical Report No 41, 2022)

*Royal Commission into Aboriginal Deaths in Custody* (Final Report, 1991)