

Department of Communities and Justice (DCJ) response to further Question on Notice from the 7 December 2020 hearing of the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody

Question 1 (p.53) - Death rates

Mr DAVID SHOEBRIDGE: Do you have the relevant data not as against the proportion of Aboriginal people in jail but against per 100,000 people in the community?

Mr COUTTS-TROTTER: Sure. It will be disproportionate, Mr Shoebridge, for the simple reason that Aboriginal people are far too likely to be in jail.

Mr DAVID SHOEBRIDGE: And so you can cut this data in 10 different ways but what Aboriginal—

Mr COUTTS-TROTTER: It was not trying to be a debating point. I just felt, coming to this Committee, it was an important point to make that Aboriginal people are far more likely to be in prison but once in prison—actually on those measures prison is a safer environment for Aboriginal people over that period of time.

Mr DAVID SHOEBRIDGE: In terms of the likelihood of an Aboriginal person dying in jail compared to a non-Aboriginal person dying in jail—

Mr COUTTS-TROTTER: Much higher.

Mr DAVID SHOEBRIDGE: Much, much higher. Do you have that rate?

Mr COUTTS-TROTTER: We can get that for you. Yes, absolutely.

Answer:

The attached tables entitled *“Death Rates in Corrective Services NSW custody by apparent cause of death, gender and Indigenous status - 2017-2020”* have been prepared in response to this question.

Over-representation rates and rates of death in custody are usually reported separately. The Australian Bureau of Statistics (ABS), for example, reports that ATSI persons are 14 times more likely to be imprisoned in NSW compared with their non-ATSI counterparts.

The rate of Aboriginal deaths in custody relative to the population of Aboriginal people in the community is not reported in national performance reports like the Report on Government Services, because it is difficult to interpret. However, it can be calculated by dividing the number of Aboriginal deaths in custody by the number of Aboriginal adults in NSW. Applying this method to data from the period 2017-2020, the Aboriginal and Torres Strait Islander male death rates were 5.0 times higher for natural causes and 5.1 times higher for deaths by unnatural causes when compared with non-Aboriginal and Torres Strait Islander males. This difference is directly attributable to the overrepresentation rate, but the differential is not as high as the overrepresentation rate itself, because Aboriginal prisoners are less likely to die to in custody than non-Aboriginal people.

Death Rates in Corrective Services NSW custody by apparent cause of death, gender and Indigenous status - 2017-2020

Table 1a: Deaths by Natural causes (deaths 100,000 adults in the community per year)

Males

Year	Aboriginal and Torres Strait Islander	Non- Aboriginal and Torres Strait Islander
2017	2.55	0.41
2018	2.48	0.47
2019	2.41	0.80
2020	3.52	0.49

Females

Year	Aboriginal and Torres Strait Islander	Non- Aboriginal and Torres Strait Islander
2017	0.00	0.00
2018	0.00	0.03
2019	0.00	0.00
2020	0.00	0.00

Table 1a shows the prisoner rate of deaths by natural causes for calendar years 2017 to 2020. Rates are calculated as the number of prisoner deaths divided by the relevant community population and expressed as prisoner deaths per 100,000 adults per year. There was only one female prisoner death by natural causes over the time period (a non-Aboriginal and Torres Strait Islander prisoner death in 2018).

Table 1b: Deaths by Un-natural causes ((deaths 100,000 adults in the community per year)

Males

Year	Aboriginal and Torres Strait Islander	Non- Aboriginal and Torres Strait Islander
2017	1.27	0.41
2018	1.24	0.34
2019	4.82	0.47
2020	1.17	0.46

Females

Year	Aboriginal and Torres Strait Islander	Non- Aboriginal and Torres Strait Islander
2017	0.00	0.00
2018	0.00	0.00
2019	0.00	0.00
2020	0.00	0.03

Table 1b shows the prisoner rate of deaths by un-natural causes for calendar years 2017 to 2020. Rates are calculated as the number of prisoner deaths divided by the relevant community population and expressed as prisoner deaths per 100,000 adults per year. There was only one female prisoner death by un-natural causes over the time period (a non-Aboriginal and Torres Strait Islander prisoner death in 2020).