

NSW Criminal Justice Aboriginal over-representation

September 2021 – Aboriginal adults



1.1 Key indicator: Aboriginal adults in prison*

Sentenced and remand custody

Stable
2 year trend

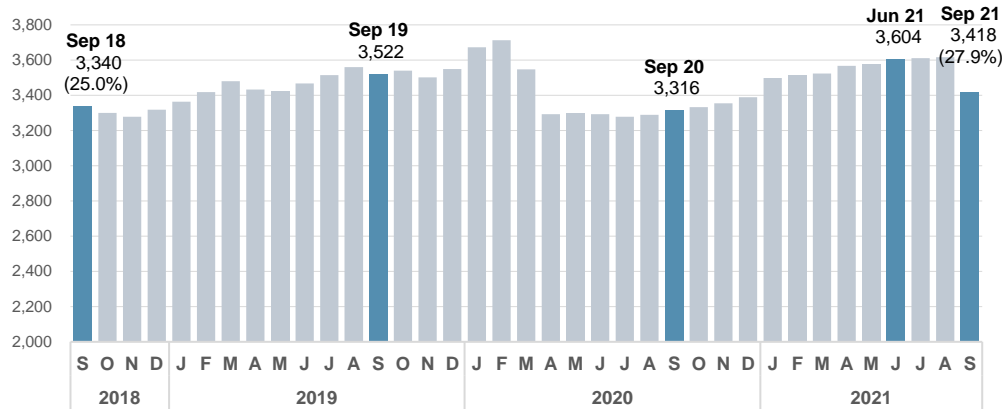
↓ -186
From prior quarter

↓ -104
From prior year

3,418
Current year

3,522
Last year

27.9%
Current %



2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

Stable
2 year trend

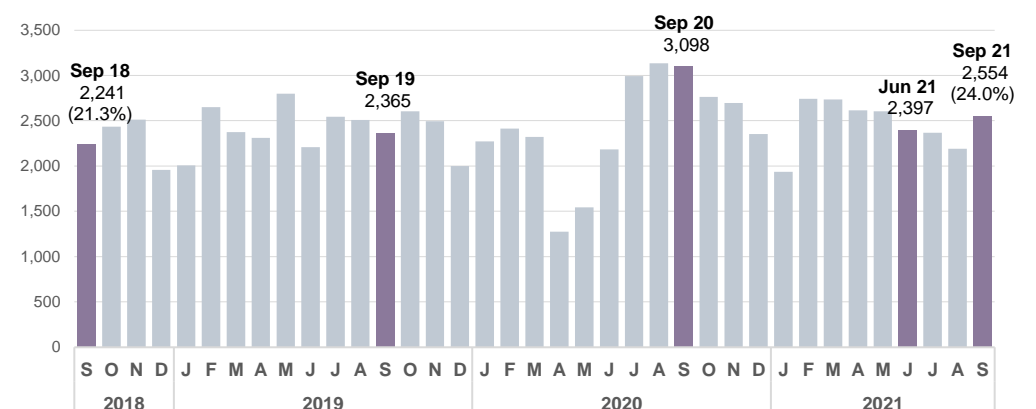
↓ -507
From prior quarter

↑ +1,622
From prior year

29,954
Current year

28,332
Last year

24.0%
Current %



1.2 Aboriginal men in prison*

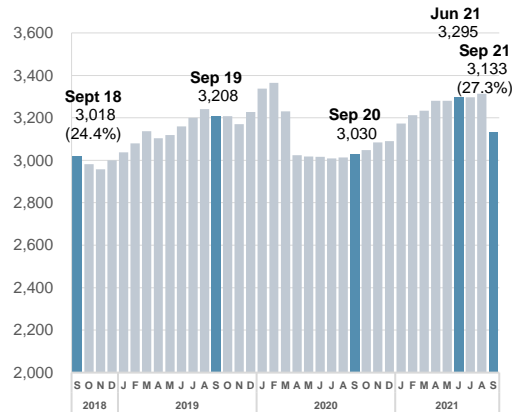
Sentenced and remand custody

Stable
2 year trend

-75
From prior year

3,113
Current year

3,208
Last year



1.3 Aboriginal women in prison*

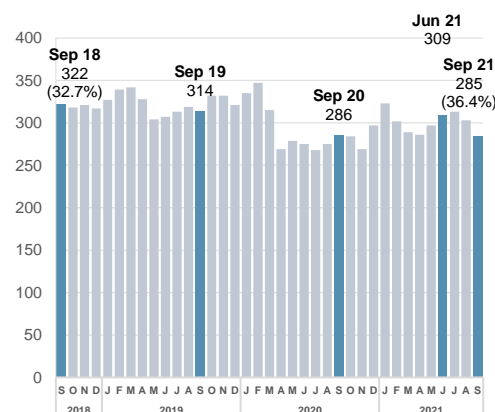
Sentenced and remand custody

Stable
2 year trend

-29
From prior year

285
Current year

314
Last year



2.2 Aboriginal men in court

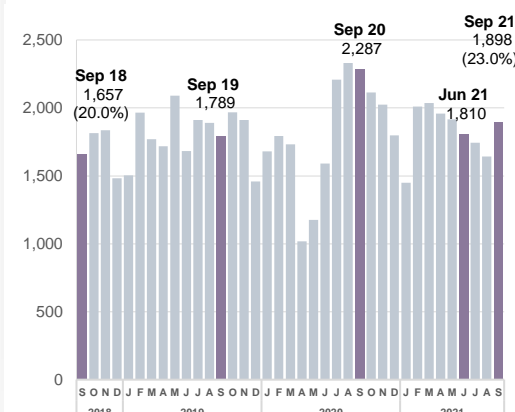
Local, District and Supreme Courts

Stable
2 year trend

+1,246
From prior year

22,403
Current year

21,157
Last year



2.3 Aboriginal women in court

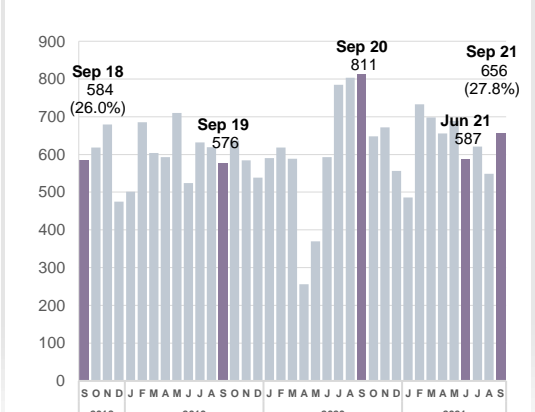
Local, District and Supreme Courts

Stable
2 year trend

+376
From prior year

7,551
Current year

7,175
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend

*Custody population figures are counted as at midnight on the last day of the month (stock figures). Trends are calculated comparing the latest month with the same month from 2 years prior

Aboriginal people comprise 2.2% of the adult NSW population

3. Police

3.1 Police court proceedings*

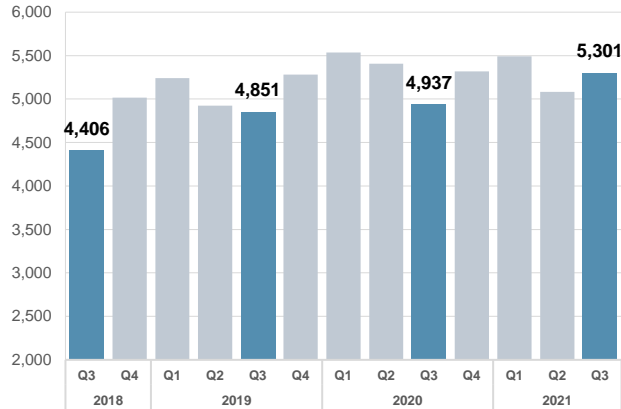
*excludes Aboriginal adults proceeded to court for breaching bail

Stable
2 year trend

↑+31
From prior year

21,193
Current year

21,162
Last year



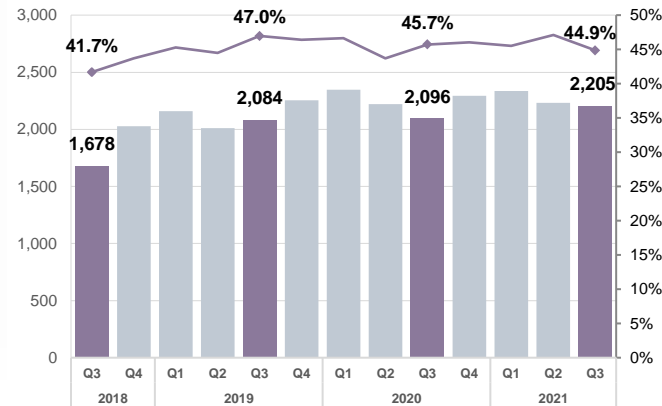
4.1 Refused bail by police

Stable
2 year trend

↑+149
From prior year

9,067
Current year

8,918
Last year



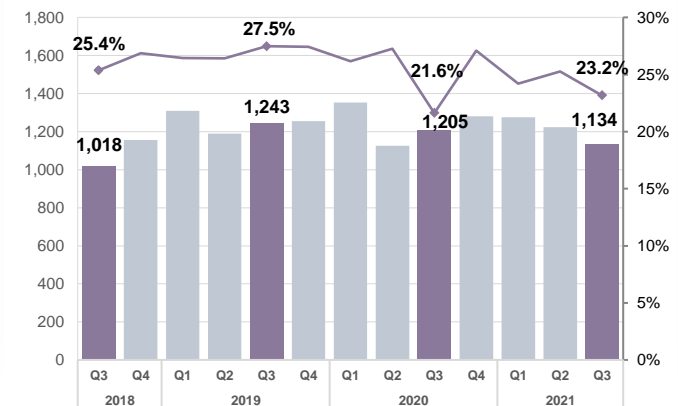
4.2 Refused bail by court

Stable
2 year trend

↓-26
From prior year

4,913
Current year

4,939
Last year



4. Bail

4.3 Bail revoked due to breach

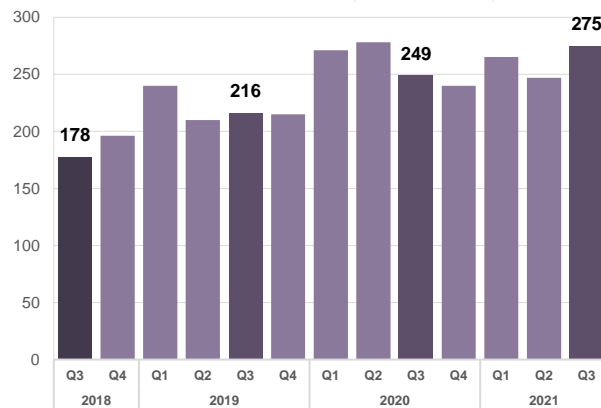
*breach of bail established in court

Stable
2 year trend

↑+14
From prior year

1,027
Current year

1,013
Last year



4.4 Reason for bail revocation – bail breach involving further offence*

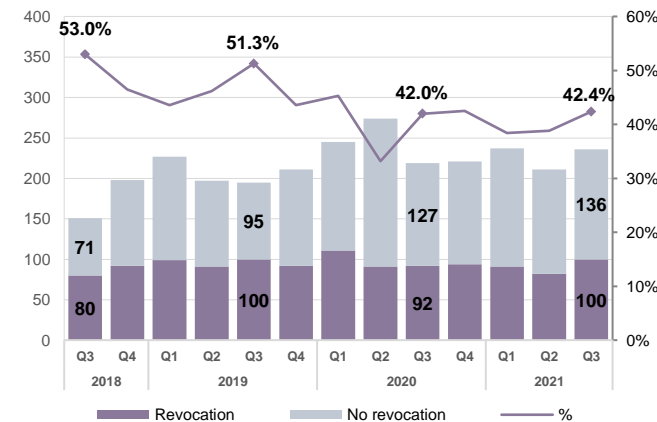
*breach of bail established in court

Stable
2 year trend

↓-19
From prior year

367
Current year

386
Last year



4.5 Reason for bail revocation – technical bail breach

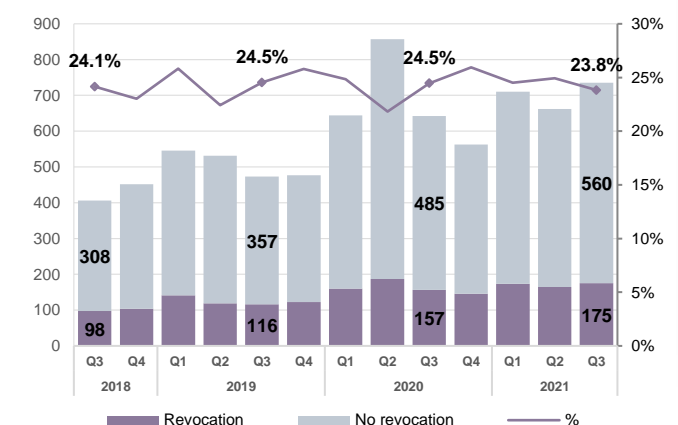
*breach of bail established in court

Stable
2 year trend

↑+33
From prior year

660
Current year

627
Last year



NSW Criminal Justice Aboriginal over-representation

September 2021 – Aboriginal adults

QUARTERLY REPORT



5. Criminal Courts

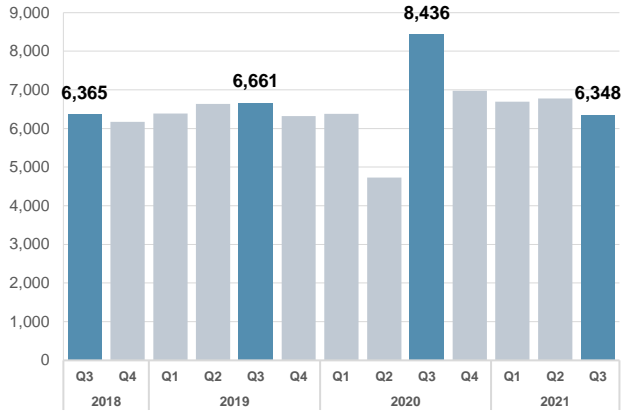
5.1 Found guilty in court

Stable
2 year trend

↑ +921
From prior year

26,794
Current year

25,873
Last year



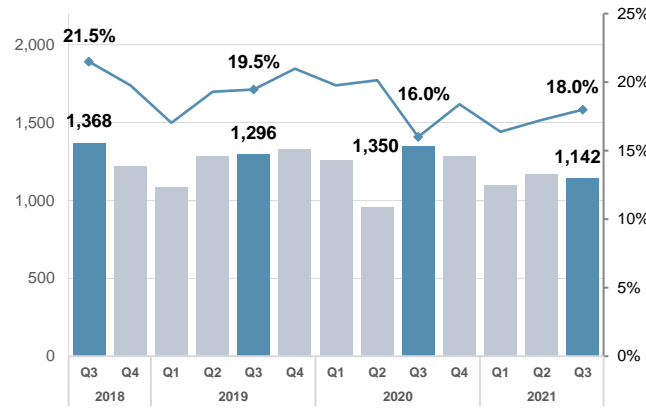
5.2 Sentenced to prison

Stable
2 year trend

↓ -203
From prior year

4,688
Current year

4,891
Last year



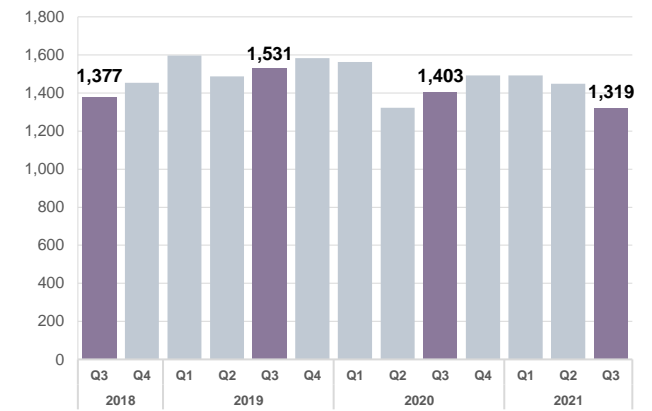
6.1 Entering custody

Stable
2 year trend

↓ -120
From prior year

5,752
Current year

5,872
Last year



6. Custody

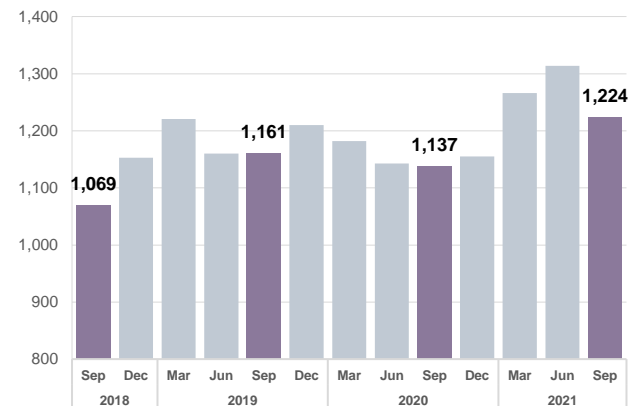
6.2 Remand custody population*

Up 5.4%
2 year trend

↑ +63
From prior year

1,224
Current year

1,161
Last year



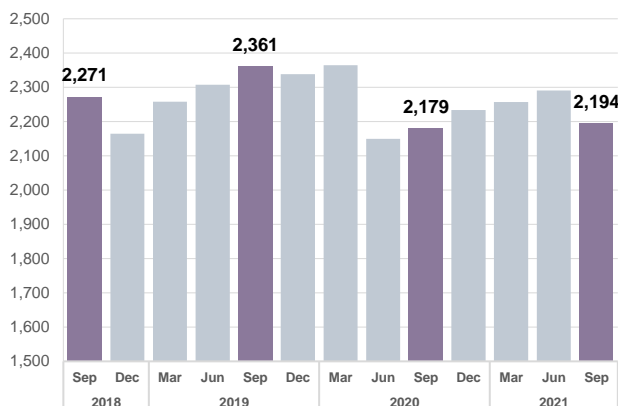
6.3 Sentenced custody population*

Stable
2 year trend

↓ -167
From prior year

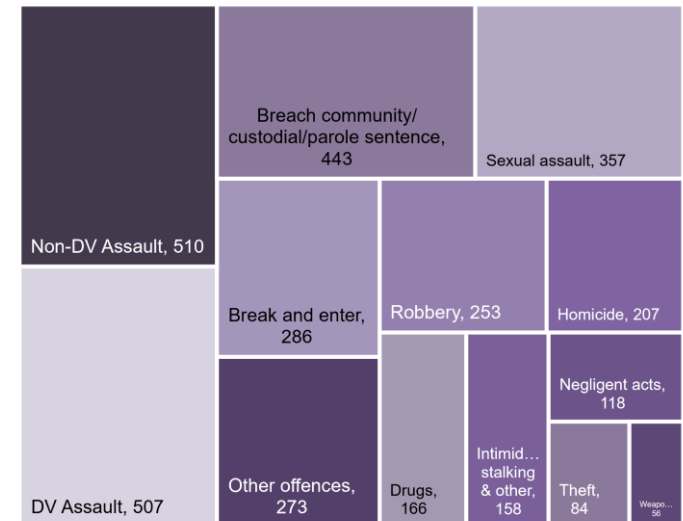
2,194
Current year

2,361
Last year



6.4 Prisoner's most serious offence

The most serious offence for which a person is imprisoned



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend

*Custody population figures are counted as at midnight on the last day of the month (stock figures). Trends are calculated comparing the latest month with the same month from 2 years prior.

Aboriginal people comprise 2.2% of the adult NSW population

7.1 Reoffending among Aboriginal adults guilty in court – new proven offence

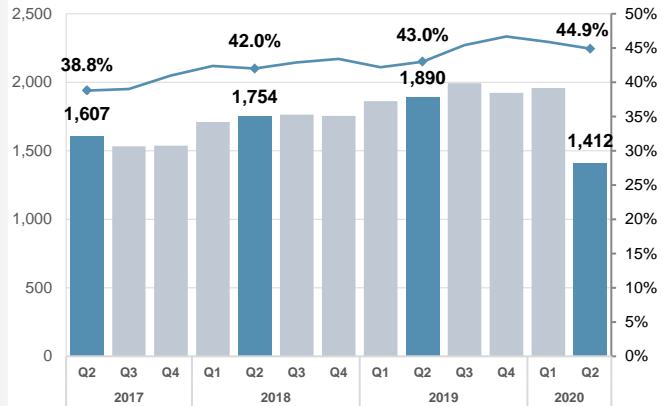
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Down 478
Change year to year

44.9%
Current rate

1,412[^]
Current year

1,890
Last year



7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

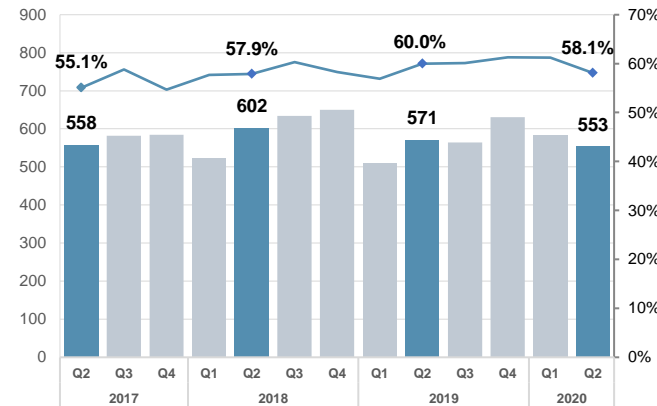
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Down 18
Change year to year

58.1%
Current rate

553
Current year

571
Last year



7.3 Reoffending among Aboriginal adults exiting custody – return to custody

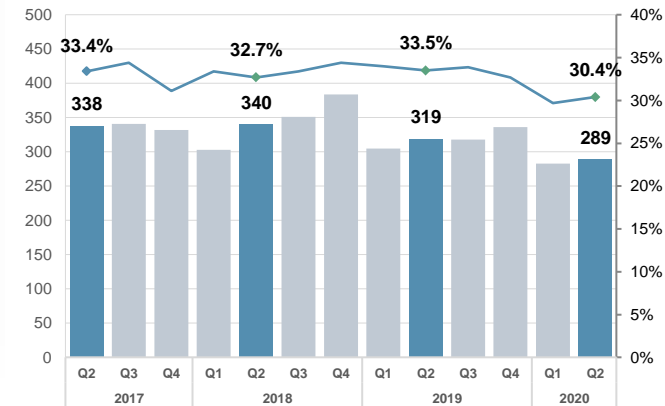
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

Down 30
Change year to year

30.4%
Current rate

289
Current year

319
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend
[^]Q2 2020 cohort - the number of criminal matters finalised in NSW Courts was lower than average due to changes in court operations following the COVID 19 pandemic.

Aboriginal people comprise 2.2% of the adult NSW population

Measure	Definition
1.1, 1.2, 1.3 Aboriginal adults in prison	Number of Aboriginal adults held in custody, whether remanded or sentenced. Custody population figures are counted as at midnight on the last day of the month.
2.1, 2.2, 2.3 Aboriginal adults in court	Number of Aboriginal adults appearing in finalised criminal court appearances. A finalised appearance is one which has been fully determined by the court and for which no further court proceedings are required. Counts appearances finalised in the Local, District and Supreme Courts.
3.1 Police court proceedings	Number of Aboriginal adults proceeded against to court by NSW Police. This measure excludes Aboriginal adults proceeded against for a breach of bail.
4.1 Refused bail by police	Number and proportion of Aboriginal adults refused bail by the police.
4.2 Refused bail by court	Number and proportion of Aboriginal adults refused bail at their first court bail appearance.
4.3, 4.4, 4.5 Bail breaches	Number of Aboriginal adults whose bail was revoked due to a bail breach. 4.4 and 4.5 are a subset of 4.3 and show the reason for the bail breach, 4.4 where the offender committed a new offence, 4.5 a technical bail breach, such as reporting to police, curfew and residence.
5.1 Found guilty in court	Number of Aboriginal adults found guilty in finalised criminal court appearances.
5.2 Sentenced to prison	Number and proportion of Aboriginal adults sentenced to custody.
6.1 Entering custody	Number of Aboriginal adults received into custody. Excludes those held in police/court cell complexes.
6.2, 6.3 Remand and sentenced prisoners	Remand – Aboriginal adults refused bail (and small numbers granted bail but unable to meet conditions) are remanded in custody pending future court action. Sentenced - the courts have imposed custodial sentence for a proven offence.
6.4 Prisoner's most serious offence	The most serious offence type for which each young person is in custody (remand and sentenced custody). Data is shown for the most recent month.
7.1 Reoffending among Aboriginal adults guilty in court	Reoffending is defined as a further offence committed within 12 months of a proven court appearance and finalised by court appearance within 15 months (excludes those who received a custodial penalty). The quarterly reoffending rate is the proportion of Aboriginal adult offenders with a proven court appearance in a given three-month period that went on to commit a further proven offence within 12 months of the court appearance.
7.2 Reoffending among Aboriginal adults exiting custody – new proven offence	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance within 15 months. The quarterly reoffending rate is the proportion of Aboriginal adult offenders released from sentenced custody in a given three-month period that went on to commit a further proven offence within 12 months of release.
7.3 Reoffending among Aboriginal adults exiting custody – return to custody	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance within 15 months where the offender received a subsequent custodial penalty. The quarterly reoffending rate is the proportion of Aboriginal adult offenders released from sentenced custody in a given three-month period that went on to commit a further proven offence within 12 months of release and received a subsequent custodial penalty (only counts those who committed a new proven offence not parole revocations or bail refusal). 7.3 is a subset of 7.2 and shows those who were returned to custody.

NSW Criminal Justice Aboriginal over-representation

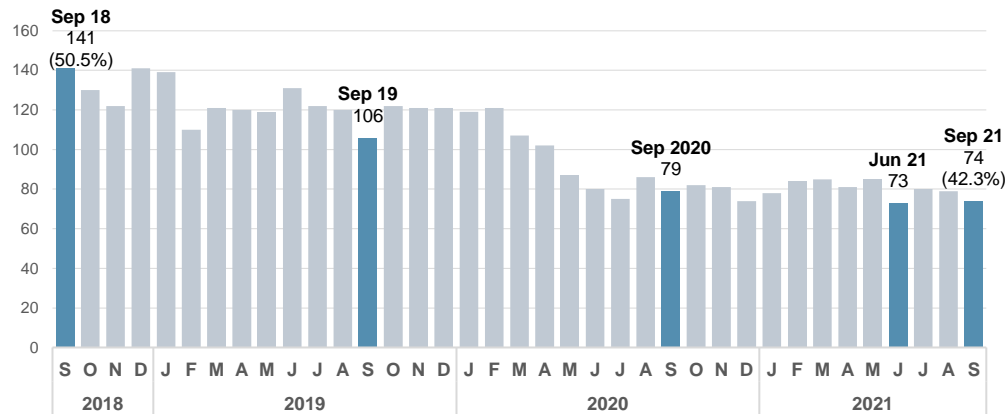
September 2021 – Aboriginal young people



1.1 Key indicator: Aboriginal young people in detention*

Sentenced and remand custody

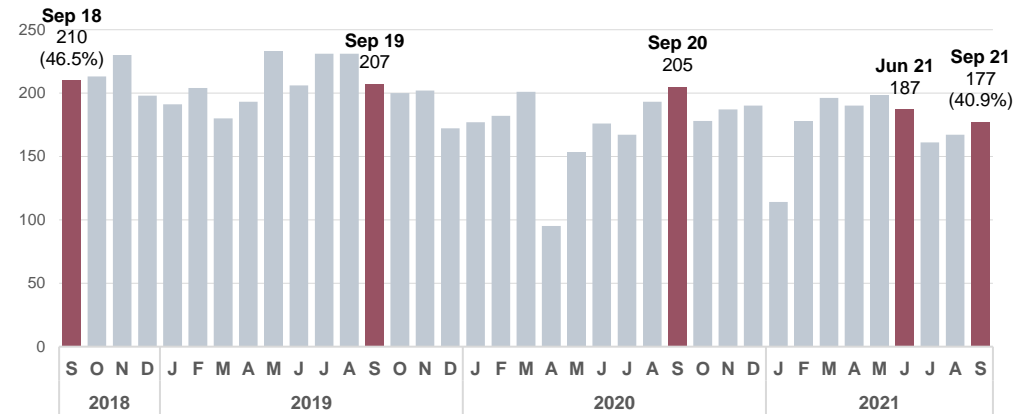
Down 30.2% 2 year trend	↑ +1 From prior quarter	↓ -32 From prior year	74 Current year	106 Last year	42.3% Current %
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2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

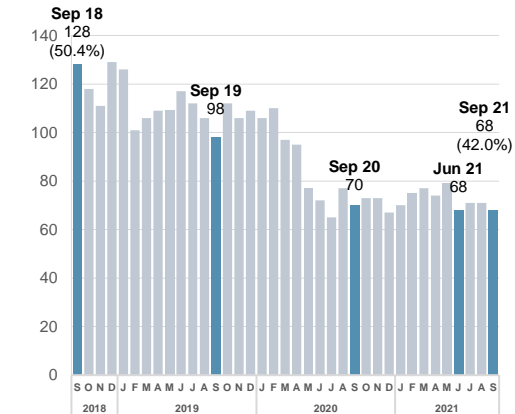
Stable 2 year trend	↓ -70 From prior quarter	0 From prior year	2,123 Current year	2,123 Last year	40.9% Current %
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1.2 Aboriginal young males in detention*

Sentenced and remand custody

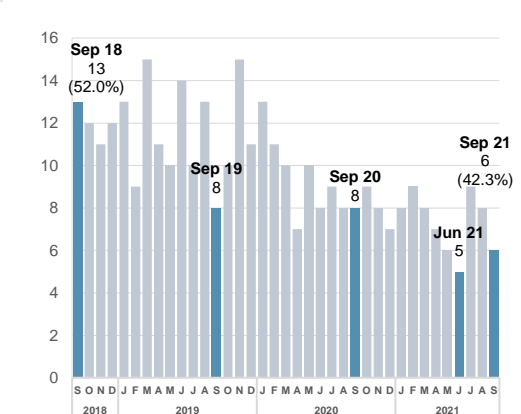
Down 30.6% 2 year trend	-30 From prior year	68 Current year	98 Last year
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1.3 Aboriginal young females in detention*

Sentenced and remand custody

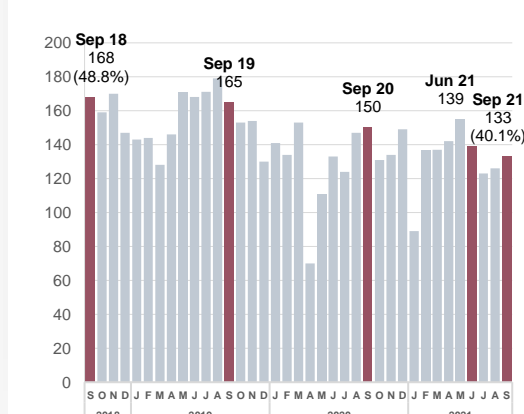
Down 25.0% 2 year trend	-2 From prior year	6 Current year	8 Last year
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2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

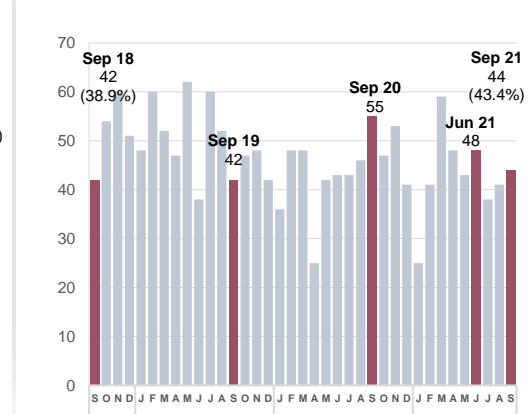
Stable 2 year trend	-5 From prior year	1,595 Current year	1,600 Last year
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2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

Stable 2 year trend	+5 From prior year	528 Current year	523 Last year
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Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend

*Custody population figures are counted as at midnight on the last day of the month (stock figures). Trends are calculated comparing the latest month with the same month from 2 years prior

Aboriginal young people comprise 5.3% of the NSW population aged 0 to 17 years)

3. Police

3.1 Police court proceedings*

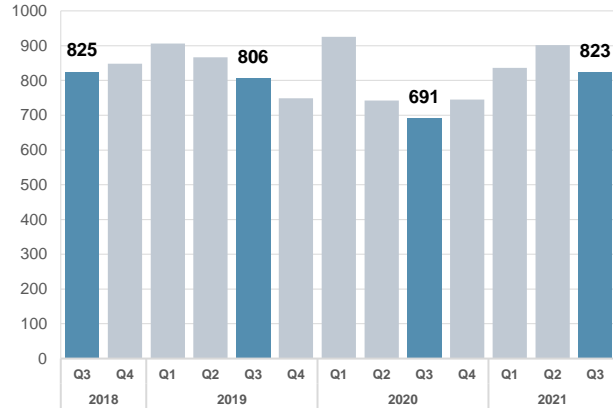
*excludes Aboriginal young people proceeded to court for breaching bail

Stable
2 year trend

↑ +198
From prior year

3,306
Current year

3,108
Last year



3.2 Diversion from court*

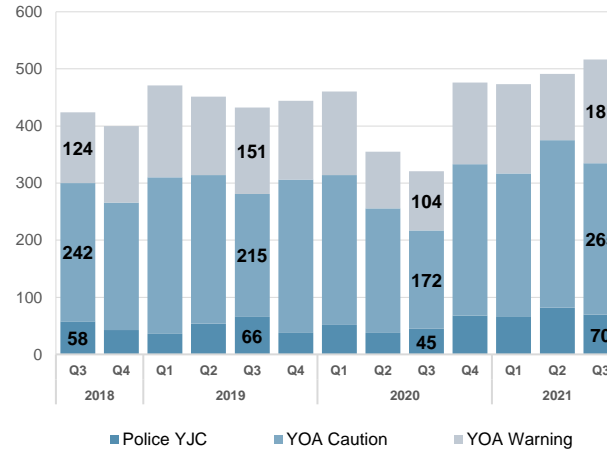
*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

Stable
2 year trend

↑ +376
From prior year

1,956
Current year

1,580
Last year



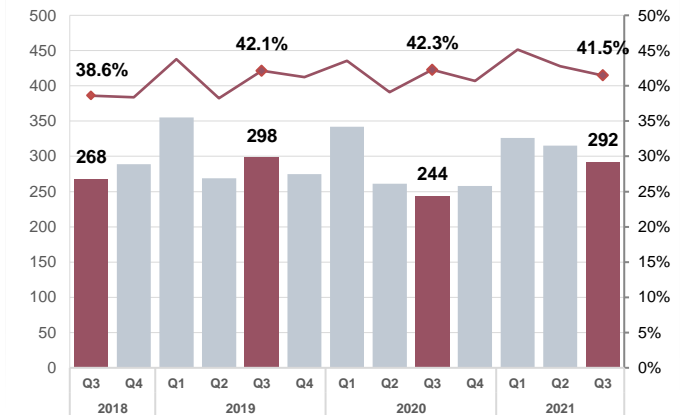
4.1 Refused bail by police

Stable
2 year trend

↑ +69
From prior year

1,191
Current year

1,122
Last year



4. Bail

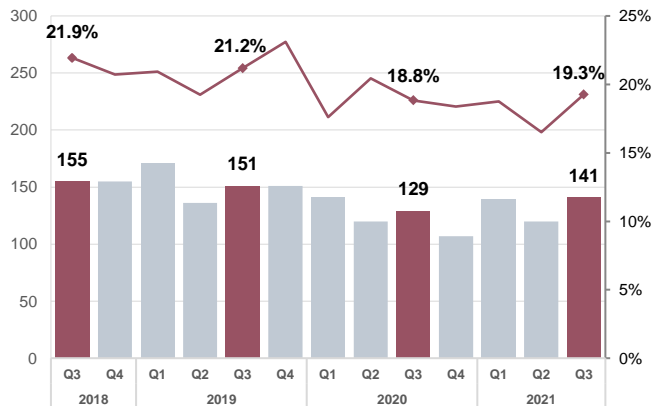
4.2 Refused bail by court

Stable
2 year trend

↓ -34
From prior year

507
Current year

541
Last year



4.3 Bail revocations following bail breach involving further offence*

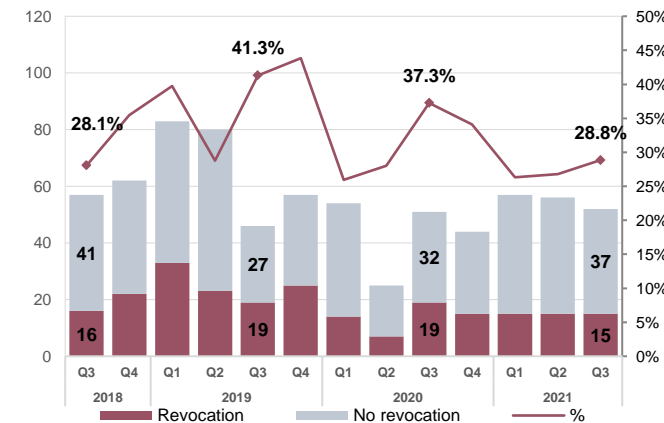
*breach of bail established in court

Stable
2 year trend

↓ -5
From prior year

60
Current year

65
Last year



4.4 Bail revocations from technical bail breach

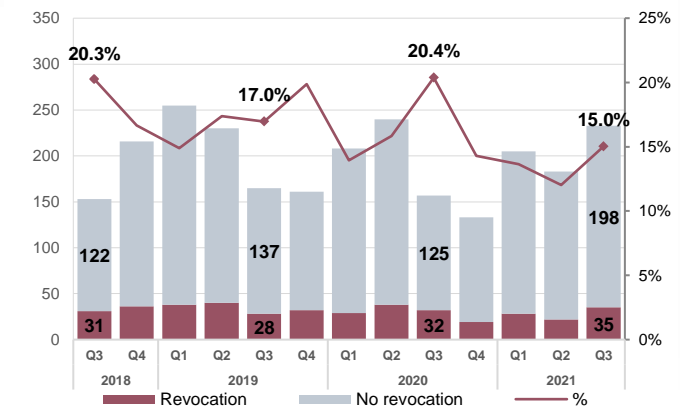
*breach of bail established in court

Stable
2 year trend

↓ -27
From prior year

104
Current year

131
Last year



5. Criminal Courts

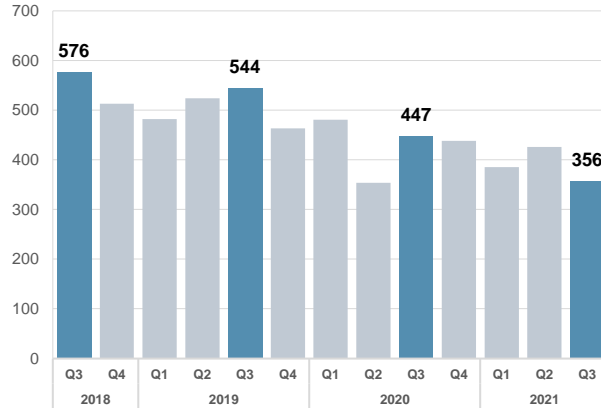
5.1 Found guilty in court

Down 8.0%
2 year trend

↓ -140
From prior year

1,605
Current year

1,745
Last year



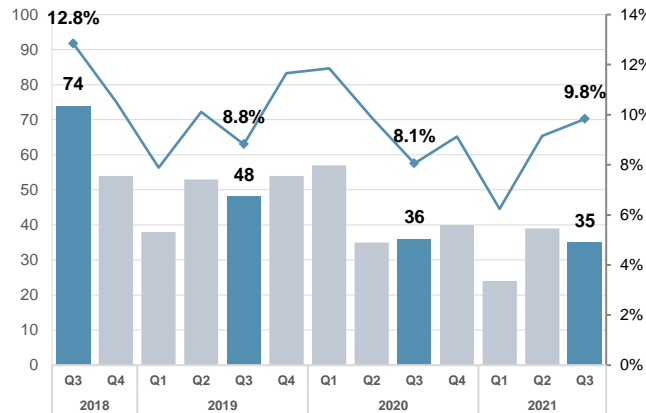
5.2 Sentenced to custody

Down 24.2%
2 year trend

↓ -44
From prior year

138
Current year

182
Last year



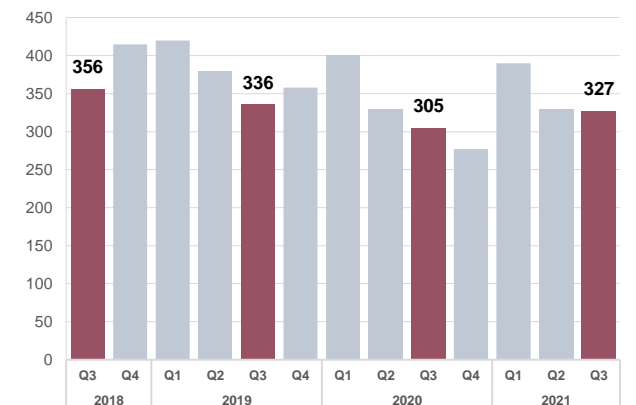
6.1 Entering custody

Stable
2 year trend

↓ -70
From prior year

1,323
Current year

1,393
Last year



6. Custody

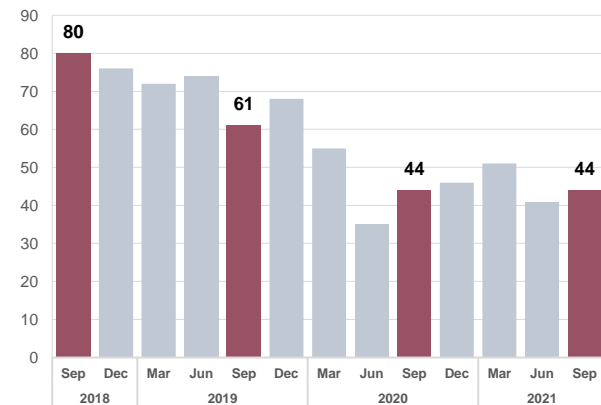
6.2 Remand custody population*

Down 27.9%
2 year trend

↓ -17
From prior year

44
Current year

61
Last year



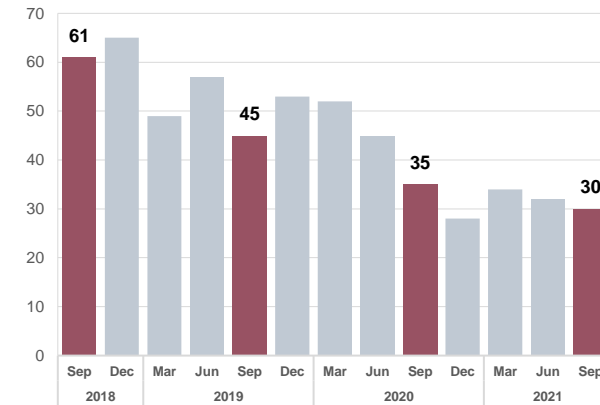
6.3 Sentenced custody population*

Down 33.3%
2 year trend

↓ -15
From prior year

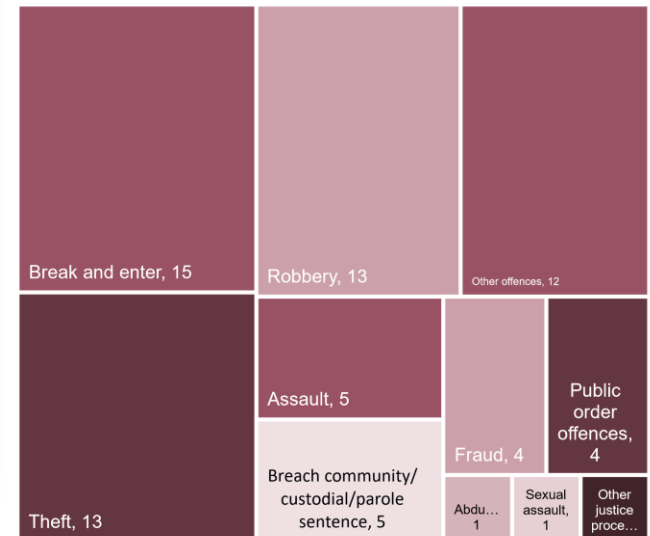
30
Current year

45
Last year



6.4 Detainee's most serious offence

The most serious offence for which a person is detained



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend

*Custody population figures are counted as at midnight on the last day of the month (stock figures). Trends are calculated comparing the latest month with the same month from 2 years prior

Aboriginal young people comprise 5.3% of the NSW population aged 0 to 17 years

7.1 Reoffending among Aboriginal young people guilty in court or dealt with by YJC

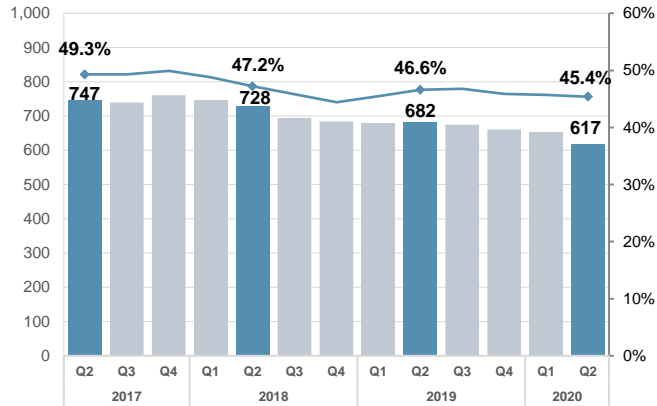
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Down 65
Change year to year

45.4%
Current rate

617
Current year

682
Last year



7.2 Reoffending among Aboriginal young people exiting custody – new proven offence

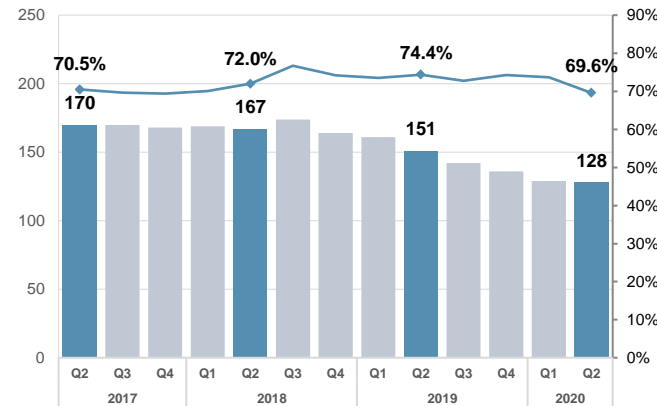
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Down 23
Change year to year

69.6%
Current rate

128
Current year

151
Last year



7.3 Reoffending among Aboriginal young people exiting custody – return to custody

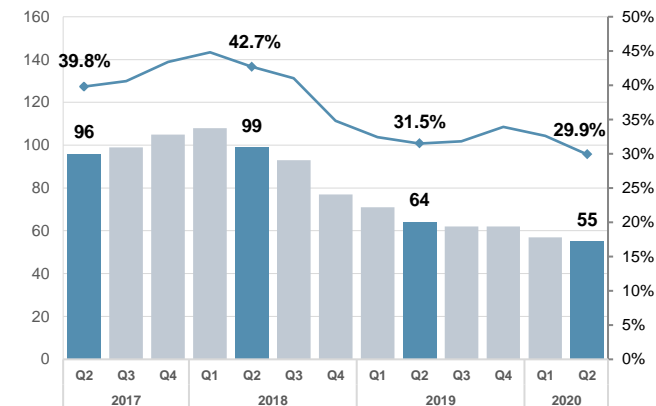
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

Down 9
Change year to year

29.9%
Current rate

55
Current year

64
Last year



Measure	Definition
1.1, 1.2, 1.3 Aboriginal young people in detention	Number of Aboriginal young people held in juvenile detention, whether remanded or sentenced. Custody population figures are counted as at midnight on the last day of the month.
2.1, 2.2, 2.3 Aboriginal young people in court	Number of Aboriginal young people appearing in finalised criminal court appearances. A finalised appearance is one which has been fully determined by the court and for which no further court proceedings are required. Counts appearances finalised in the Children's, Local, District and Supreme Courts.
3.1 Police court proceedings	Number of Aboriginal young people proceeded against to court by NSW Police. This measure excludes Aboriginal young people proceeded against for a breach of bail.
3.1 Diversions from court	Number of Aboriginal young people proceeded against by NSW Police via a Youth Justice Conference referral or a caution or warning under the Young Offenders Act.
4.1 Refused bail by police	Number and proportion of Aboriginal young people refused bail by the police.
4.2 Refused bail by court	Number and proportion of Aboriginal young people refused bail at their first court bail appearance.
4.3, 4.4 Bail breaches	Number of Aboriginal young people whose bail was revoked due to a bail breach. 4.4 shows breaches where the offender committed a new offence, 4.5 shows a technical bail breach, such as reporting to police, curfew and residence.
5.1 Found guilty in court	Number of Aboriginal young people found guilty in finalised criminal court appearances.
5.2 Sentenced to prison	Number and proportion of Aboriginal young people sentenced to juvenile detention.
6.1 Entering custody	Number of Aboriginal young people received into custody. Excludes those held in police/court cell complexes.
6.2, 6.3 Remand and sentenced population	Remand – Aboriginal young people refused bail (and small numbers granted bail but unable to meet conditions) are remanded in custody pending future court action. Sentenced - the courts have imposed custodial sentence for a proven offence.
6.4 Detainee's most serious offence	The most serious offence type for which each person is in custody (remand and sentenced custody). Data is shown for the most recent month.
7.1 Reoffending among Aboriginal young people guilty in court or dealt with by YJC	Reoffending is defined as a further offence committed within 12 months of a Youth Justice Conference or proven court appearance and finalised by court appearance or Youth Justice Conference within 15 months (excludes those who received a custodial penalty). Data is presented for a 12-month period (annual cohort) ending with the relevant quarter.
7.2 Reoffending among Aboriginal young people exiting custody – new proven offence	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance or Youth Justice Conference within 15 months. Data is presented for a 12-month period (annual cohort) ending with the relevant quarter.
7.3 Reoffending among Aboriginal young people exiting custody – return to custody	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance within 15 months where the offender received a subsequent custodial penalty. Data is presented for a 12-month period (annual cohort) ending with the relevant quarter. This measure counts only those offenders who committed a new proven offence not parole revocations or bail refusal. 7.3 is a subset of 7.2 and shows those who were returned to custody.

	Adults	Young people
	Key indicators	
Prison	<p>Stable</p> <p>There are currently 3,418 Aboriginal adults in prison in NSW (representing 27.9% of the adult prison population).</p> <p>The number of Aboriginal adult men and women in prison was stable over the 2 years to September 2021.</p>	<p>Down</p> <p>There are currently 74 Aboriginal young people in detention in NSW (representing 42.3% of juvenile detention population).</p> <p>Aboriginal young people in detention fell 30.2%. Both the number of young Aboriginal males and females have fallen.</p>
Court	<p>Stable</p> <p>The number of Aboriginal adults appearing in court is stable.</p> <p>The number of Aboriginal adult men and women appearing in court was stable over the 2 years to September 2021.</p>	<p>Stable</p> <p>The number of Aboriginal young people appearing in court is stable. The trend for both young Aboriginal males and females was also stable.</p>
	Secondary measures	
Police	<p>Stable</p> <p>Police court proceedings against Aboriginal adults were stable over the 2 years to September 2021.</p>	<p>Stable</p> <p>Both the number of Aboriginal young people proceeded to court and those diverted from court (police YJC, caution or warning) were stable over the 2 years to September 2021</p>
Bail	<p>Stable</p> <p>The number of Aboriginal adults being bail revoked for a technical breach or for committing a new offence while on bail was stable over the 2 years in September 2021.</p>	<p>Stable</p> <p>The number of Aboriginal young people being bail revoked for a technical breach or for committing a new offence while on bail was stable over the 2 years in September 2021.</p>
Courts	<p>Stable</p> <p>Court convictions and custodial sentences for Aboriginal adults are stable.</p>	<p>Down</p> <p>Aboriginal young people found guilty in court fell 8.0% over the 2 years in September 2021. The number and percent of Aboriginal young people sentenced to detention is also down 24.2%.</p>
Custody	<p>Up</p> <p>Aboriginal adults on remand rose by 5.4% over the last 2 years to September 2021.</p>	<p>Down</p> <p>The numbers of Aboriginal young people on remand and in sentenced detention both fell over the 2 years to September 2021, 27.9% and 33.3%, respectively.</p>
Reoffend	<p>Down</p> <p>The number of Aboriginal adults returning to custody within a year of being released is declining, down 30 adults to 30.4%.</p>	<p>Down</p> <p>The number of Aboriginal young people returning to custody within a year of being released is declining, down 9 young people. The proportion returning to custody is also falling, down to 29.9%.</p>