

# NSW Criminal Justice Aboriginal over-representation QUARTERLY REPORT

## December 2022 – Aboriginal adults



### 1.1 Key indicator: Aboriginal adults in prison\*

Sentenced and remand custody

**Up 4.4%**  
From December 2020

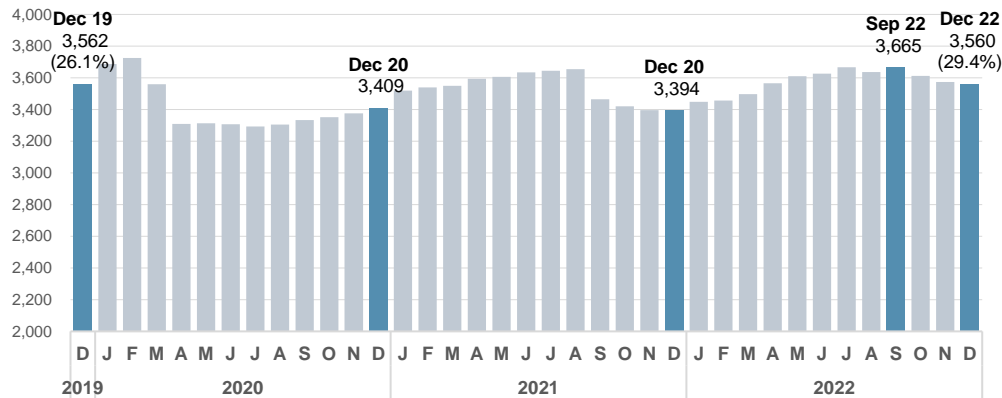
**↓-105**  
From prior quarter

**↑+151**  
From same month 2020

**3,560**  
Current year

**3,409**  
Same month 2020

**29.4%**  
Current %



### 2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

**Up 9.1%**  
From prior year

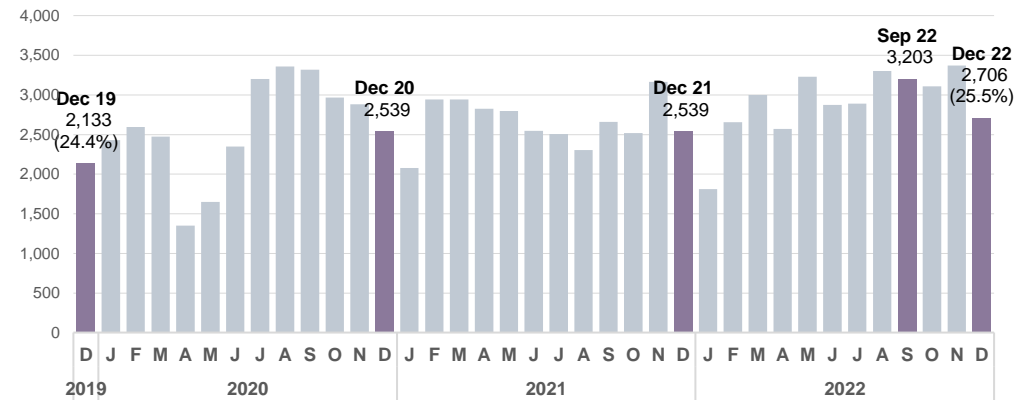
**↓-210**  
From prior quarter

**↑+2,892**  
From prior year

**34,724**  
Current year

**31,832**  
Last year

**25.5%**  
Current %



### 1.2 Aboriginal men in prison\*

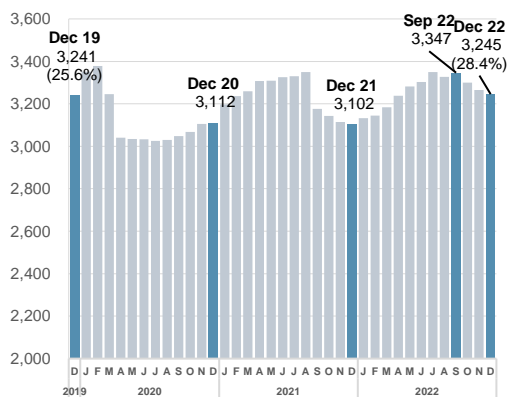
Sentenced and remand custody

**Up 4.3%**  
From Dec 2020

**↑+133**  
From same month 2020

**3,245**  
Current year

**3,112**  
Same month 2020



### 1.3 Aboriginal women in prison\*

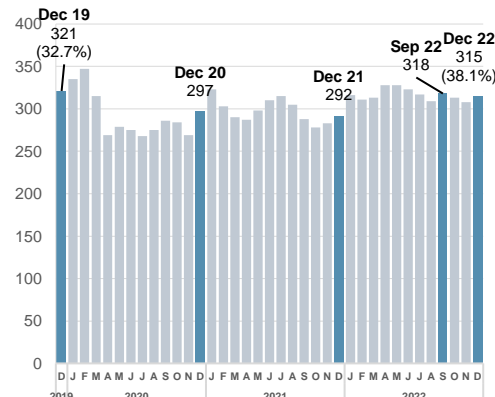
Sentenced and remand custody

**Up 6.1%**  
From Dec 2020

**↑+18**  
From same month 2020

**315**  
Current year

**297**  
Same month 2020



### 2.2 Aboriginal men in court

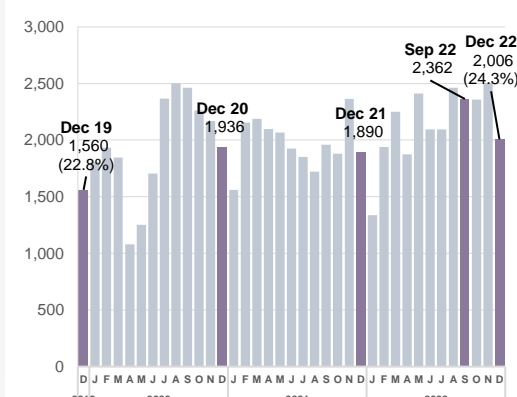
Local, District and Supreme Courts

**Up 8.6%**  
From prior year

**↑+2,040**  
From prior year

**25,692**  
Current year

**23,652**  
Last year



### 2.3 Aboriginal women in court

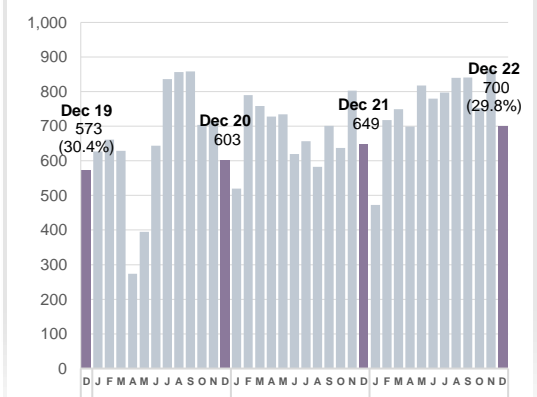
Local, District and Supreme Courts

**Up 10.4%**  
From prior year

**↑+852**  
From prior year

**9,032**  
Current year

**8,180**  
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).

Aboriginal people comprise 2.7% of the adult NSW population (2021 ABS Census)

#### 3. Police

### 3.1 Police court proceedings\*

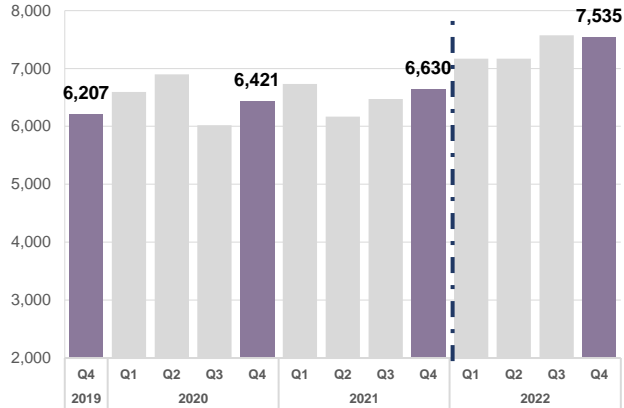
\*excludes Aboriginal adults proceeded to court for breaching bail

**Up 13.2%**  
From prior year

**+3,445**  
From prior year

**29,449**  
Current year

**26,004**  
Last year



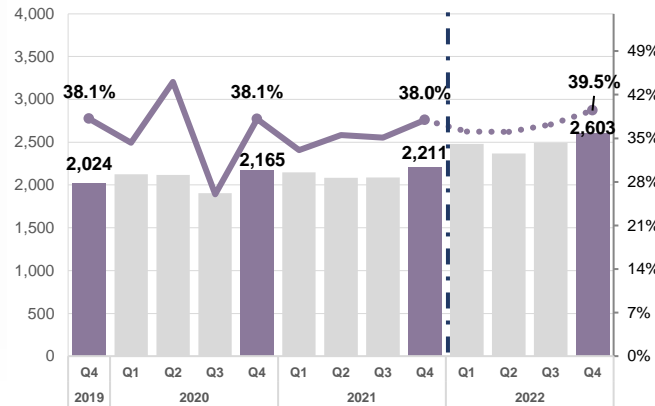
### 4.1 Refused bail by police

**Up 16.6%**  
From prior year

**+1,417**  
From prior year

**9,946**  
Current year

**8,529**  
Last year



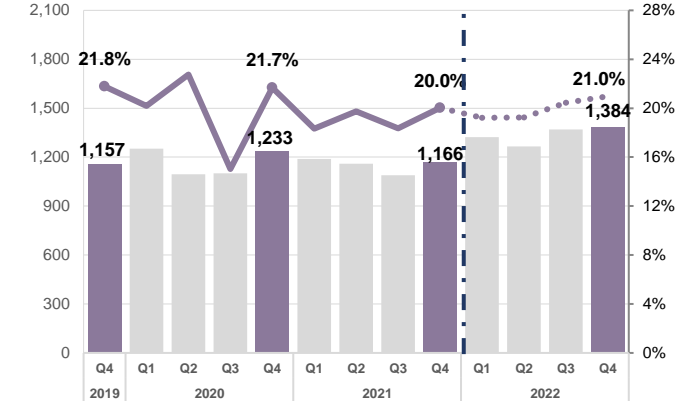
### 4.2 Refused bail by court

**Up 16.0%**  
From prior year

**+737**  
From prior year

**5,341**  
Current year

**4,604**  
Last year



#### 4. Bail

### 4.3 Bail revoked due to breach

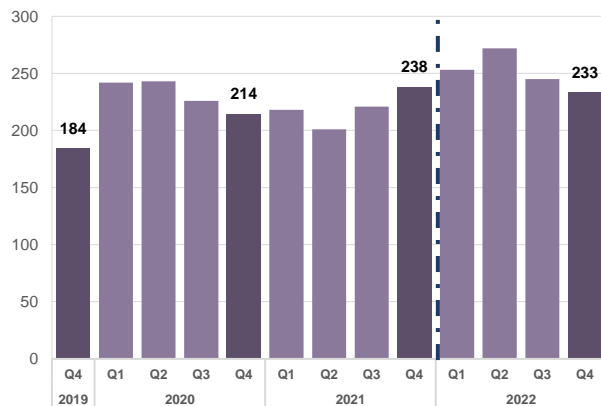
\*breach of bail established in court

**Up 14.2%**  
From prior year

**+125**  
From prior year

**1,003**  
Current year

**878**  
Last year



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

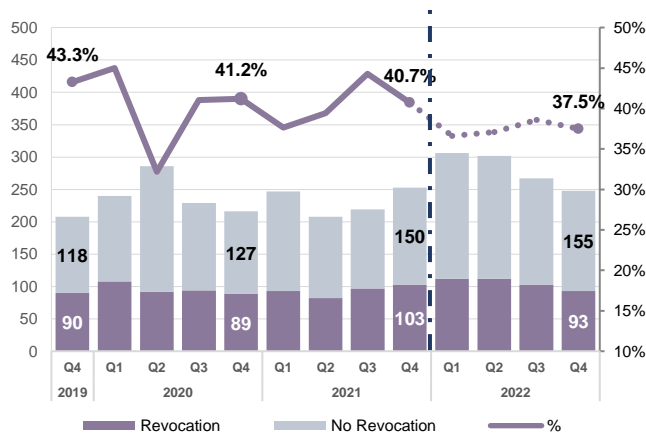
\*breach of bail established in court

**Up 12.0%**  
From prior year

**+45**  
From prior year

**420**  
Current year

**375**  
Last year



### 4.5 Reason for bail revocation – technical bail breach

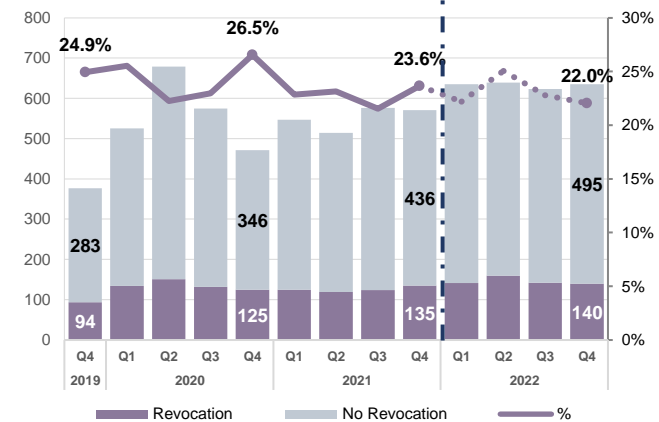
\*breach of bail established in court

**Up 15.9%**  
From prior year

**+80**  
From prior year

**583**  
Current year

**503**  
Last year



#### 5. Criminal Courts

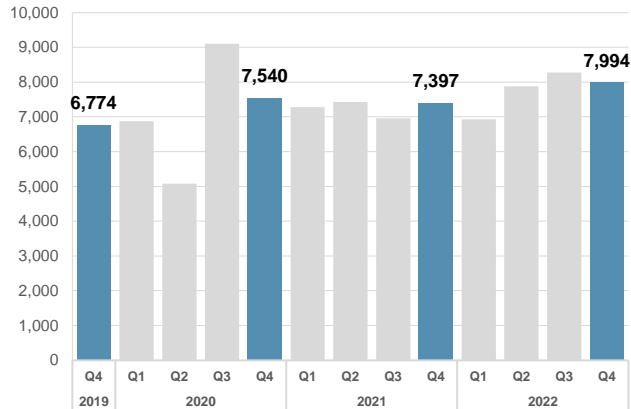
##### 5.1 Found guilty in court

**Up 7.0%**  
From prior year

**↑+2,026**  
From prior year

**31,085**  
Current year

**29,059**  
Last year



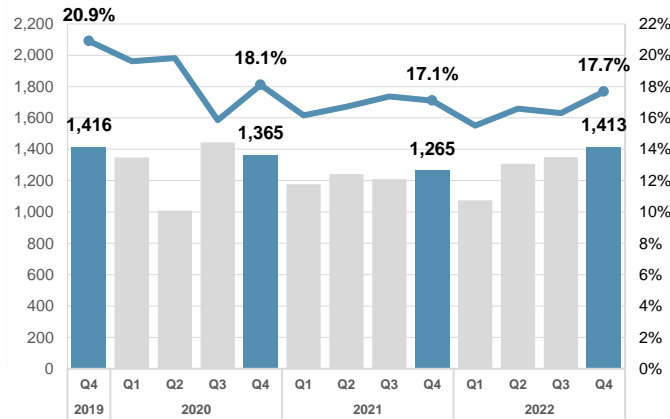
##### 5.2 Sentenced to prison

**Up 5.2%**  
From prior year

**↑+255**  
From prior year

**5,146**  
Current year

**4,891**  
Last year



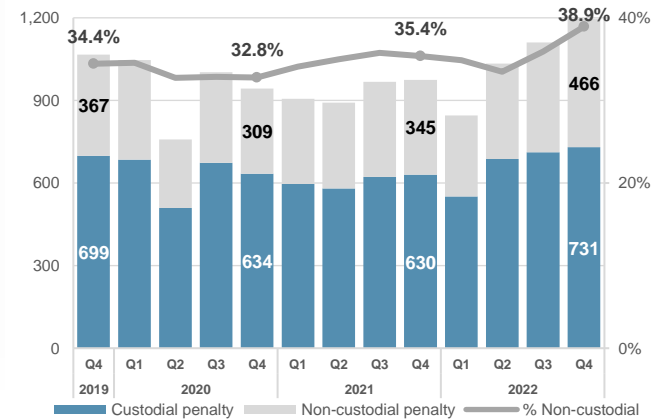
##### 5.3 Sentenced to custody from remand

**Up 10.4%**  
From prior year

**↑+253**  
From prior year

**2,682**  
Current year

**2,429**  
Last year



#### 6. Custody

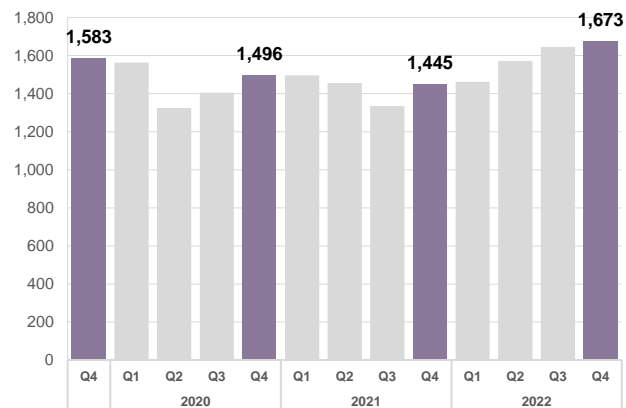
##### 6.1 Entering custody

**Up 9.8%**  
From Dec 2020

**↑+565**  
From same qtr 2020

**6,354**  
Current year

**5,789**  
Same qtr 2020



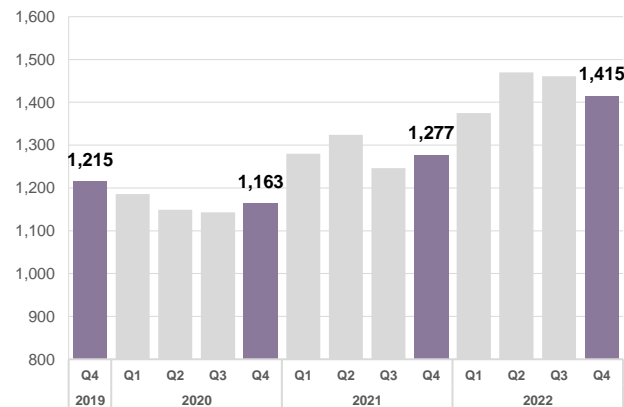
##### 6.2 Remand custody population\*

**Up 21.7%**  
From Dec 2020

**↑+252**  
From same qtr 2020

**1,415**  
Current quarter

**1,163**  
Same qtr 2020



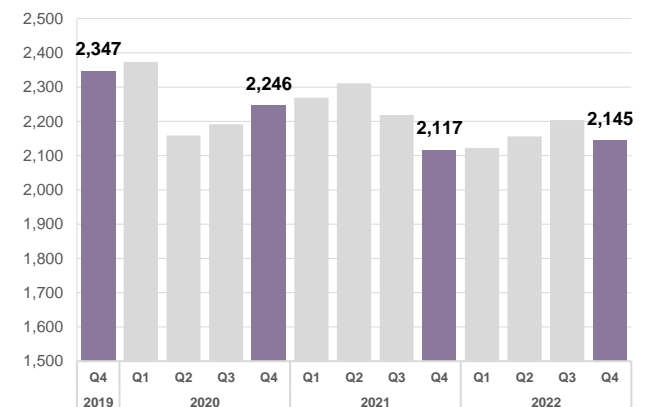
##### 6.3 Sentenced custody population\*

**Down 4.5%**  
From Dec 2020

**↓-101**  
From same qtr 2020

**2,145**  
Current quarter

**2,246**  
Same qtr 2020



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).

Aboriginal people comprise 2.7% of the adult NSW population (2021 ABS Census)

### December 2022 – Aboriginal adults

#### 6. Custody

##### 6.4 Length of stay in custody

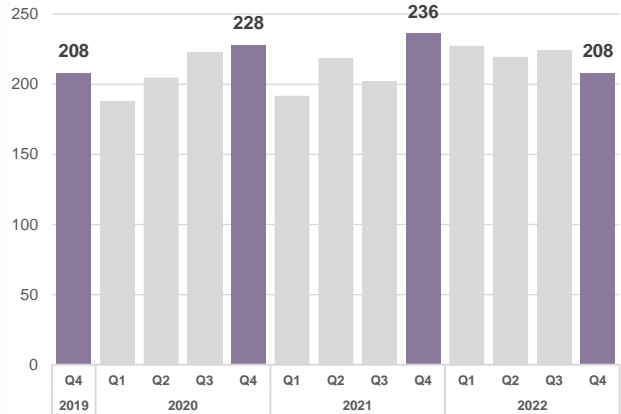
Average number of days for persons discharged by discharge date

**Up 4.0%**  
From prior year

**↑ +8 days**  
From prior year

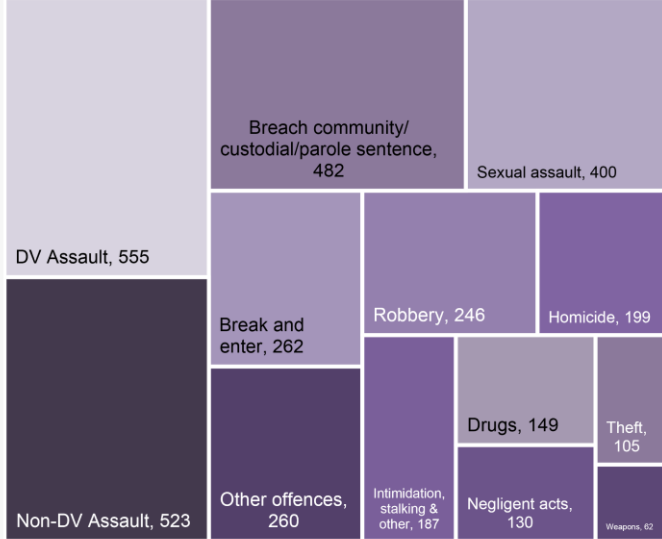
**220 days**  
Current 12-month average

**212 days**  
12-month average last year



##### 6.5 Prisoner's most serious offence

The most serious offence for which a person is imprisoned



#### 7. Reoffending

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

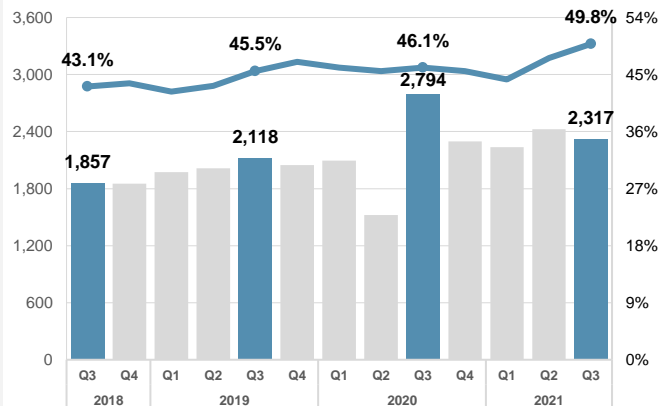
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Down 477<sup>^</sup>**  
Change year to year

**49.8%**  
Current rate

**2,317**  
Current year

**2,794**  
Last year



##### 7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

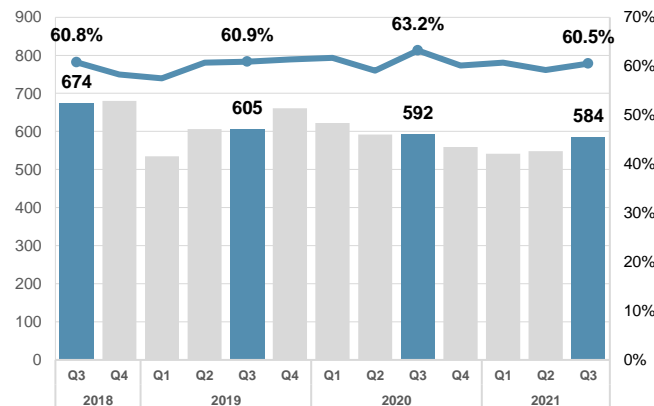
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Down 8**  
Change year to year

**60.5%**  
Current rate

**584**  
Current year

**592**  
Last year



##### 7.3 Reoffending among Aboriginal adults exiting custody – return to custody

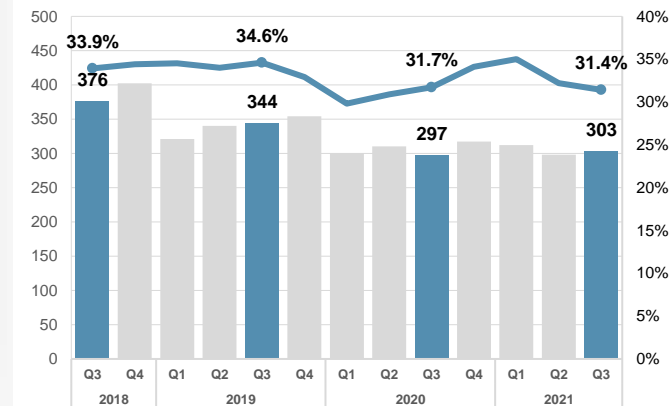
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

**Up 6**  
Change year to year

**31.4%**  
Current rate

**303**  
Current year

**297**  
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend  
<sup>^</sup>Q2 2020 cohort - the number of criminal matters finalised in NSW Courts was lower than average due to the disruption to court operations in due to COVID-19. In Q3 2020 the number of criminal matters finalised was higher due to a surge in court activity to address this disruption..

Aboriginal people comprise 2.7% of the adult NSW population (2021 ABS Census)

Measure	Definition
<b>1.1, 1.2, 1.3 Aboriginal adults in prison</b>	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.
<b>2.1, 2.2, 2.3 Aboriginal adults in court</b>	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.
<b>3.1 Police court proceedings</b>	Number of Aboriginal adults proceeded against to court by NSW Police. This measure excludes Aboriginal adults proceeded against for a breach of bail. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased.
<b>4.1 Refused bail by police</b>	Number and proportion of Aboriginal adults refused bail by the police.
<b>4.2 Refused bail by court</b>	Number and proportion of Aboriginal adults refused bail at their first court bail appearance.
<b>4.3, 4.4, 4.5 Bail breaches</b>	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.
<b>5.1 Found guilty in court</b>	Number of Aboriginal adults found guilty in finalised criminal court appearances.
<b>5.2 Sentenced to prison</b>	Number and proportion of Aboriginal adults sentenced to custody.
<b>5.3 Sentenced to custody from remand</b>	Number and proportion of Aboriginal adults refused bail at court finalisation by whether they received a custodial or non-custodial penalty.
<b>6.1 Entering custody</b>	Number of Aboriginal adults received into custody. Excludes those held in police/court cell complexes.
<b>6.2, 6.3 Remand and sentenced prisoners</b>	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.
<b>6.4 Length of stay in custody</b>	The average number of days spent in custody for Aboriginal young people discharged from custody.
<b>6.5 Prisoner's most serious offence</b>	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.
<b>7.1 Reoffending among Aboriginal adults guilty in court</b>	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.
<b>7.2 Reoffending among Aboriginal adults exiting custody – new proven offence</b>	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.
<b>7.3 Reoffending among Aboriginal adults exiting custody – return to custody</b>	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 QUARTERLY REPORT

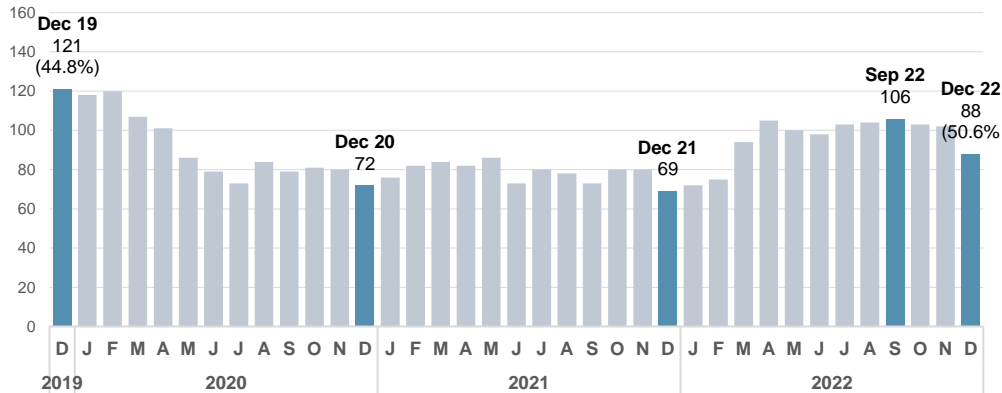


## December 2022 – Aboriginal young people

### 1.1 Key indicator: Aboriginal young people in detention\*

Sentenced and remand custody

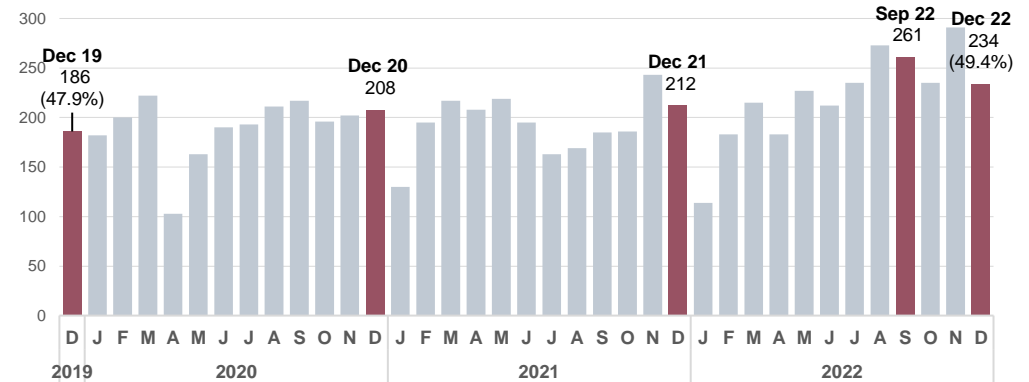
<b>Up 22.2%</b> From December 2020	<b>↓ -18</b> From prior quarter	<b>↑ +16</b> From same month 2020	<b>88</b> Current quarter	<b>72</b> Same month 2020	<b>50.6%</b> Current %
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### 2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

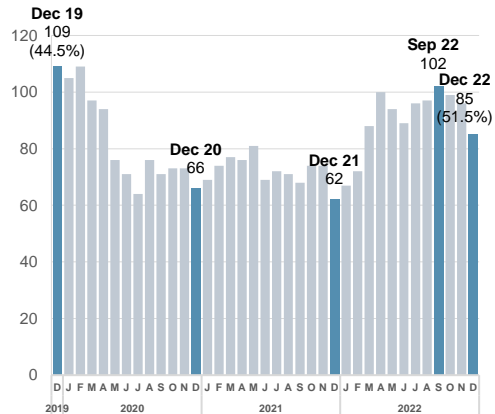
<b>Up 14.7%</b> From prior year	<b>↓ -9</b> From prior quarter	<b>↑ +341</b> From prior year	<b>2,663</b> Current year	<b>2,322</b> Last year	<b>49.4%</b> Current %
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### 1.2 Aboriginal young males in detention\*

Sentenced and remand custody

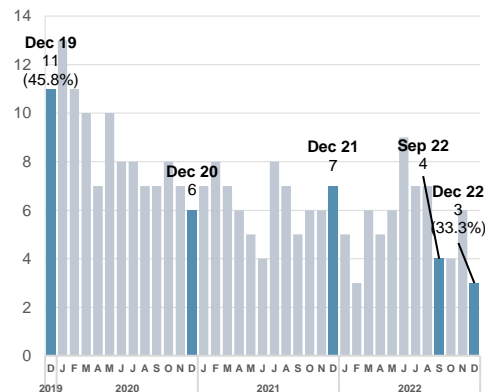
<b>Up 28.8%</b> From Dec 2020	<b>↑ +19</b> From same month 2020	<b>85</b> Current quarter	<b>66</b> Same month 2020
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### 1.3 Aboriginal young females in detention\*

Sentenced and remand custody

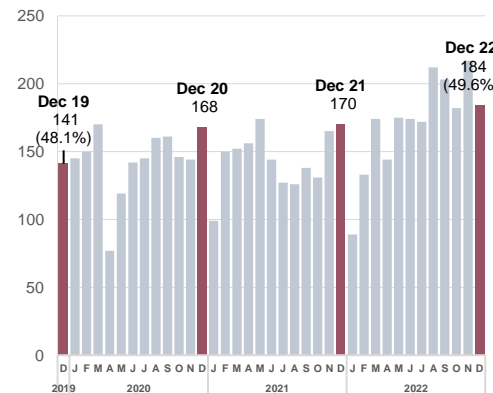
<b>Stable</b> From Sept 2020	<b>↓ -3</b> From same month 2020	<b>3</b> Current quarter	<b>6</b> Same month 2020
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### 2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

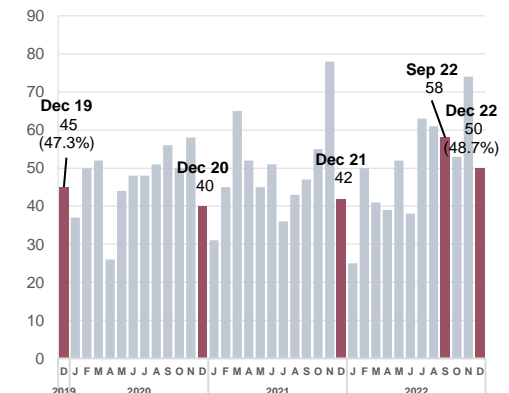
<b>Up 18.9%</b> From prior year	<b>↑ +327</b> From prior year	<b>2,059</b> Current year	<b>1,732</b> Last year
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### 2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

<b>Up 2.4%</b> From prior year	<b>↑ +14</b> From prior year	<b>604</b> Current year	<b>590</b> 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).

Aboriginal young people comprise 6.2% of the NSW population aged 10 to 17 years (2021 ABS Census)

# NSW Criminal Justice Aboriginal over-representation

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### December 2022 – Aboriginal young people



#### 3. Police

### 3.1 Police court proceedings\*

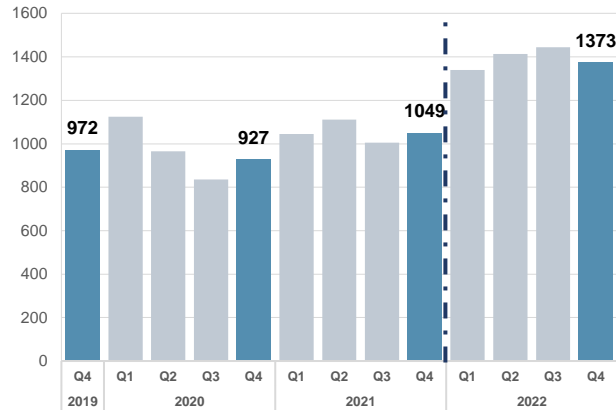
\*excludes Aboriginal young people proceeded to court for breaching bail

**Up 32.4%**  
From prior year

**+1,362**  
From prior year

**5,572**  
Current year

**4,210**  
Last year



### 3.2 Diversion from court\*

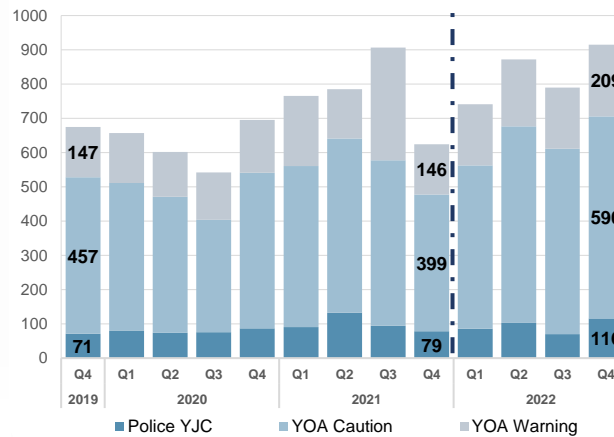
\*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

**Up 7.7%**  
From prior year

**+238**  
From prior year

**3,318**  
Current year

**3,080**  
Last year



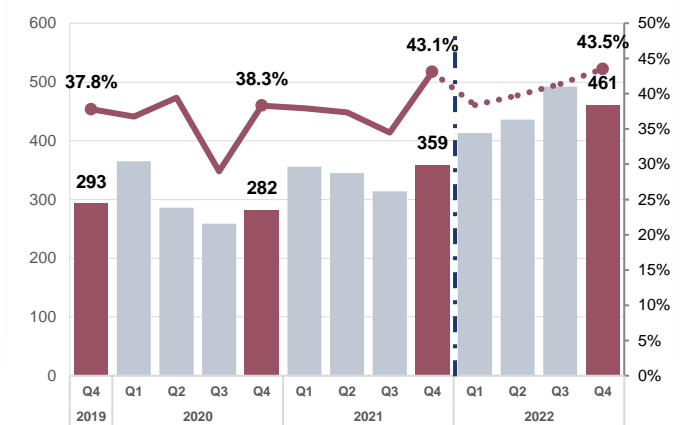
### 4.1 Refused bail by police

**Up 31.1%**  
From prior year

**+428**  
From prior year

**1,802**  
Current year

**1,374**  
Last year



#### 4. Bail

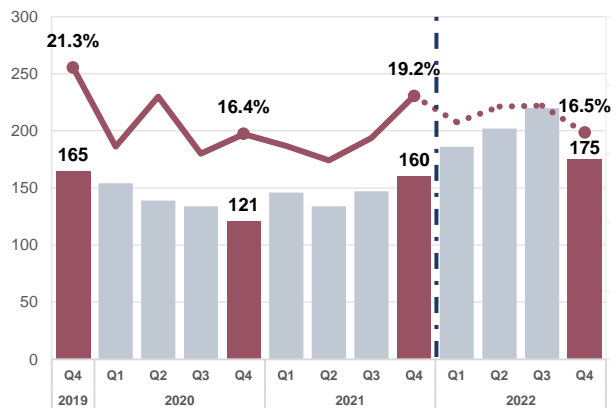
### 4.2 Refused bail by court

**Up 33.4%**  
From prior year

**+196**  
From prior year

**783**  
Current year

**587**  
Last year



### 4.3 Bail revocations following bail breach involving further offence\*

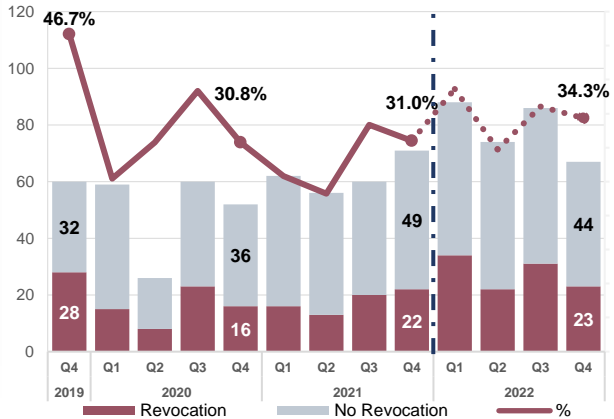
\*breach of bail established in court

**Up 54.9%**  
From prior year

**+39**  
From prior year

**110**  
Current year

**71**  
Last year



### 4.4 Bail revocations from technical bail breach

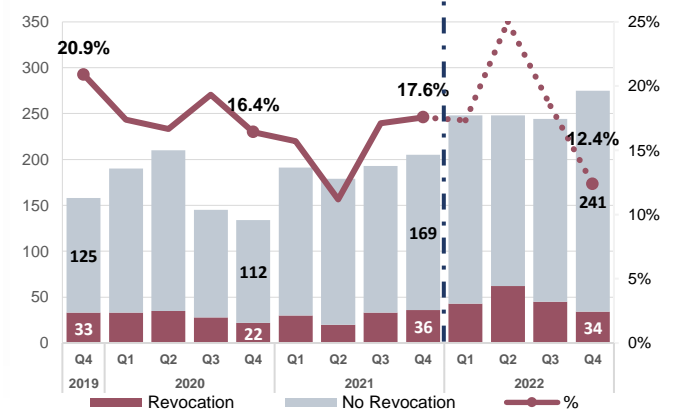
\*breach of bail established in court

**Up 54.6%**  
From prior year

**+65**  
From prior year

**184**  
Current year

**119**  
Last year



# NSW Criminal Justice Aboriginal over-representation

## December 2022 – Aboriginal young people

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5. Criminal Courts

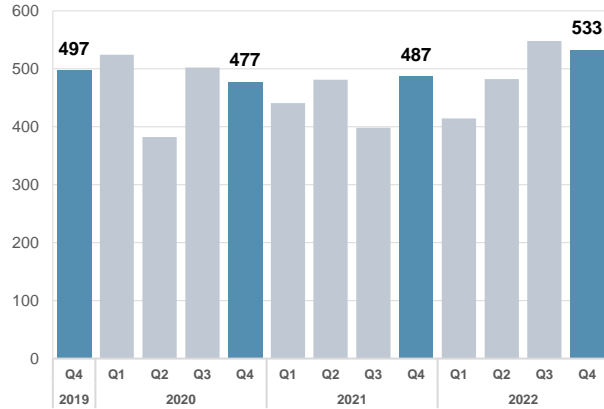
### 5.1 Found guilty in court

**Up 9.4%**  
From prior year

**↑+170**  
From prior year

**1,977**  
Current year

**1,807**  
Last year



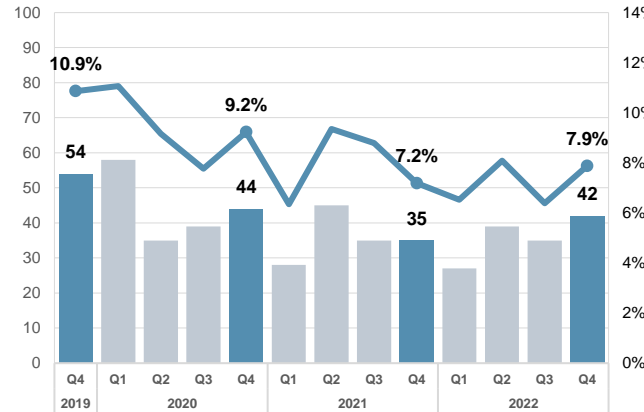
### 5.2 Sentenced to custody

**Stable**  
From prior year

**+0**  
From prior year

**143**  
Current year

**143**  
Last year



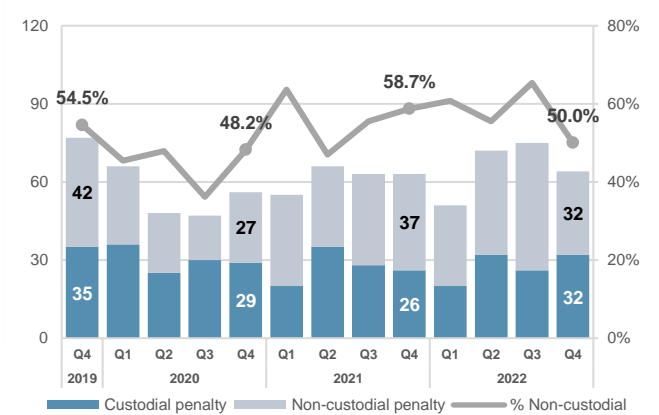
### 5.3 Sentenced to custody from remand

**Up 0.9%**  
From prior year

**↑+1**  
From prior year

**110**  
Current year

**109**  
Last year



6. Custody

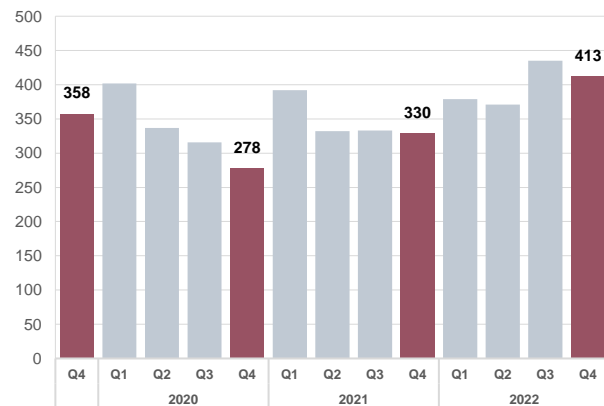
### 6.1 Entering custody

**Up 19.9%**  
From Dec 2020

**↑+265**  
From same qtr 2020

**1,598**  
Current year

**1,333**  
Same qtr 2020



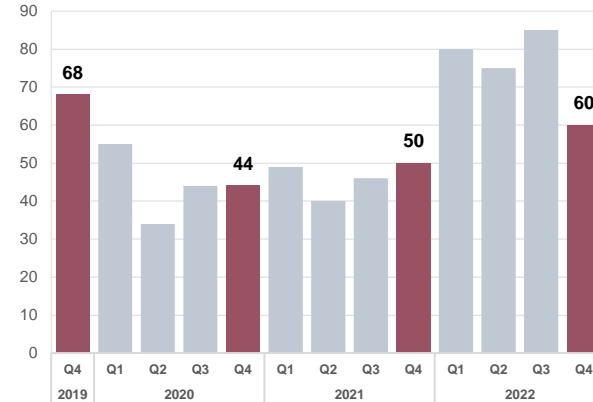
### 6.2 Remand custody population\*

**Up 36.4%**  
From Dec 2020

**↑+16**  
From same qtr 2020

**60**  
Current quarter

**44**  
Same qtr 2020



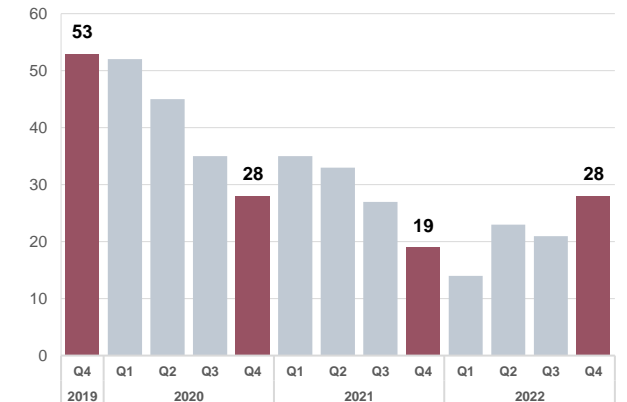
### 6.3 Sentenced custody population\*

**Stable**  
From Dec 2020

**+0**  
From same qtr 2020

**28**  
Current quarter

**28**  
Same qtr 2020



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).

Aboriginal young people comprise 6.2% of the NSW population aged 10 to 17 years (2021 ABS Census)



# NSW Criminal Justice Aboriginal over-representation

## December 2022 – Aboriginal young people

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### 6. Custody

#### 6.4 Length of stay in custody\*

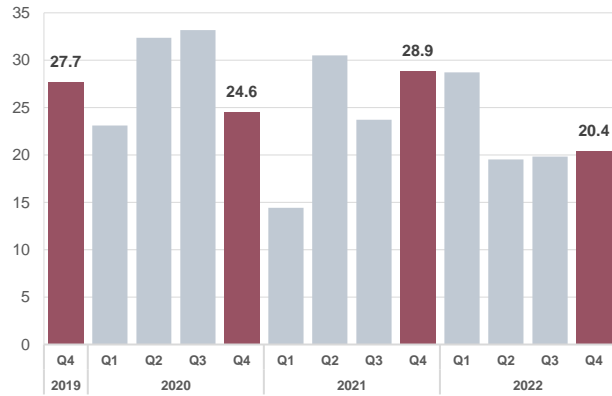
\*Average number of days for persons discharged by discharge date

**Down 9.6%**  
From prior year

**↓-2.4 days**  
From prior year

**22.3 days**  
Current 12-month average

**24.7 days**  
12-month average last year



#### 6.5 Short-term remand\*

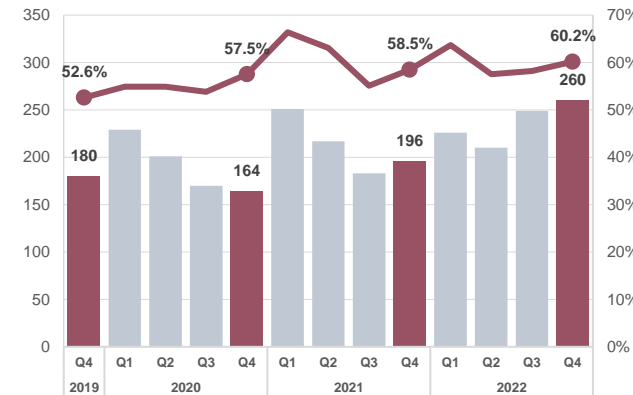
\*Number of persons that spent less than 2 days spent in custody by discharge date

**Up 11.6%**  
From prior year

**+98**  
From prior year

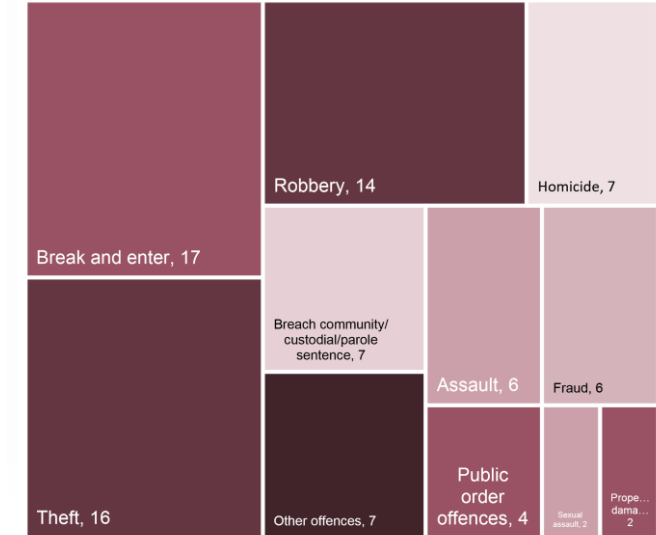
**945**  
Current year

**847**  
Last year



#### 6.6 Detainee's most serious offence

The most serious offence for which a person is detained



### 7. Reoffending

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

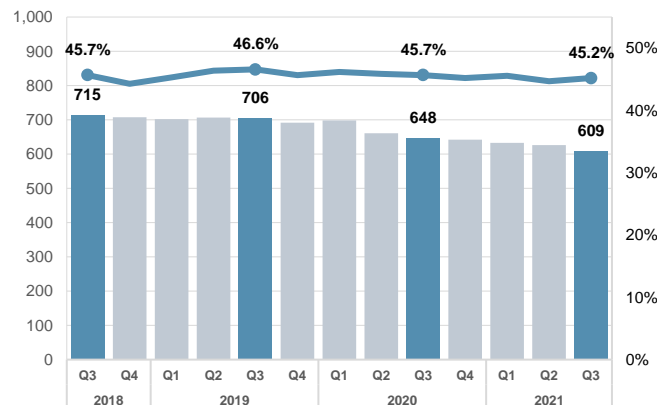
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 39**  
Change year to year

**45.2%**  
Current rate

**609**  
Current year

**648**  
Last year



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

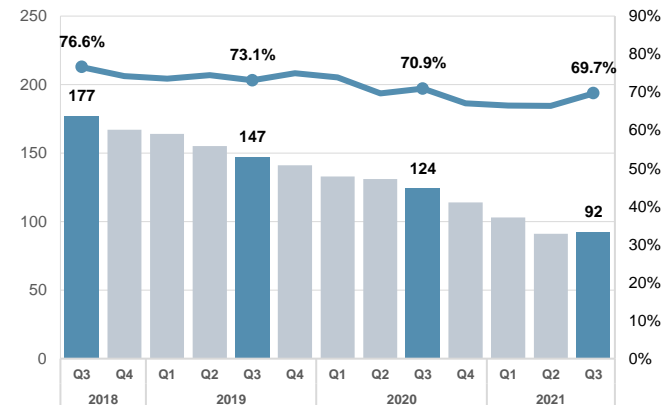
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 32**  
Change year to year

**69.7%**  
Current rate

**92**  
Current year

**124**  
Last year



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

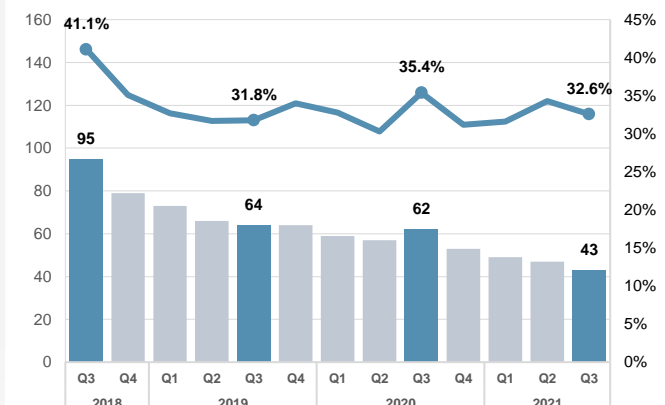
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

**Down 19**  
Change year to year

**32.6%**  
Current rate

**43**  
Current year

**62**  
Last year



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

Aboriginal young people comprise 6.2% of the NSW population aged 10 to 17 years (2021 ABS Census)

Measure	Definition
<b>1.1, 1.2, 1.3 Aboriginal young people in detention</b>	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.
<b>2.1, 2.2, 2.3 Aboriginal young people in court</b>	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.
<b>3.1 Police court proceedings</b>	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. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased
<b>3.1 Diversions from court</b>	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. Fare evasion offences have been excluded from these proceedings as they are regarded as a diversion from an infringement notice, and not directly a diversion from court. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased
<b>4.1 Refused bail by police</b>	Number and proportion of Aboriginal young people refused bail by the police.
<b>4.2 Refused bail by court</b>	Number and proportion of Aboriginal young people refused bail at their first court bail appearance.
<b>4.3, 4.4 Bail breaches</b>	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.
<b>5.1 Found guilty in court</b>	Number of Aboriginal young people found guilty in finalised criminal court appearances.
<b>5.2 Sentenced to prison</b>	Number and proportion of Aboriginal young people sentenced to juvenile detention.
<b>5.3 Sentenced to custody from remand</b>	Number and proportion of Aboriginal young people refused bail at court finalisation by whether they received a custodial penalty or not.
<b>6.1 Entering custody</b>	Number of Aboriginal young people received into custody. Excludes those held in police/court cell complexes.
<b>6.2, 6.3 Remand and sentenced population</b>	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.
<b>6.4 Length of stay in custody</b>	The average number of days spent in custody for Aboriginal young people discharged from custody.
<b>6.5 Short-term remand</b>	The number and proportion of Aboriginal young people discharged from custody that spent less than 2 days in custody
<b>6.6 Detainee's most serious offence</b>	The most serious offence type for which each person is in custody (remand and sentenced custody). Data is shown for the most recent month.
<b>7.1 Reoffending among Aboriginal young people guilty in court or dealt with by YJC</b>	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.
<b>7.2 Reoffending among Aboriginal young people exiting custody – new proven offence</b>	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.
<b>7.3 Reoffending among Aboriginal young people exiting custody – return to custody</b>	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.