

# NSW Criminal Justice Aboriginal over-representation QUARTERLY REPORT

## March 2022 – Aboriginal adults



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

Sentenced and remand custody

**Down 2.7%**  
From prior year

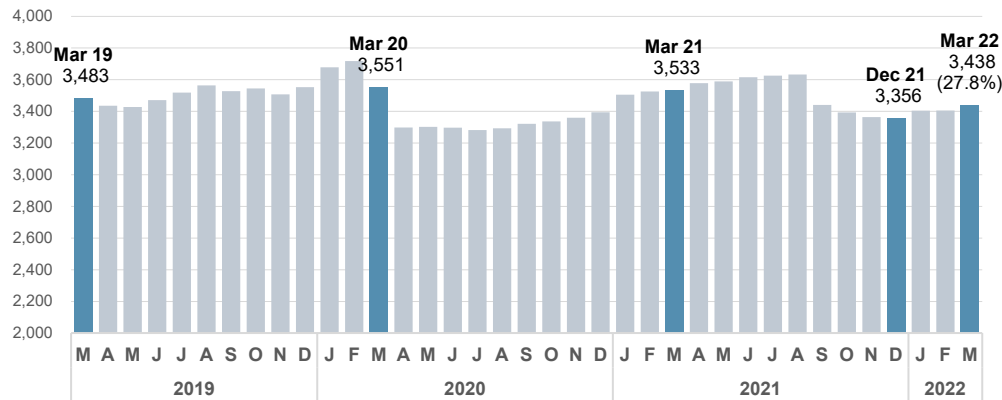
**+82**  
From prior quarter

**-95**  
From prior year

**3,438**  
Current year

**3,533**  
Last year

**27.8%**  
Current %



### 2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

**Down 0.7%**  
From prior year

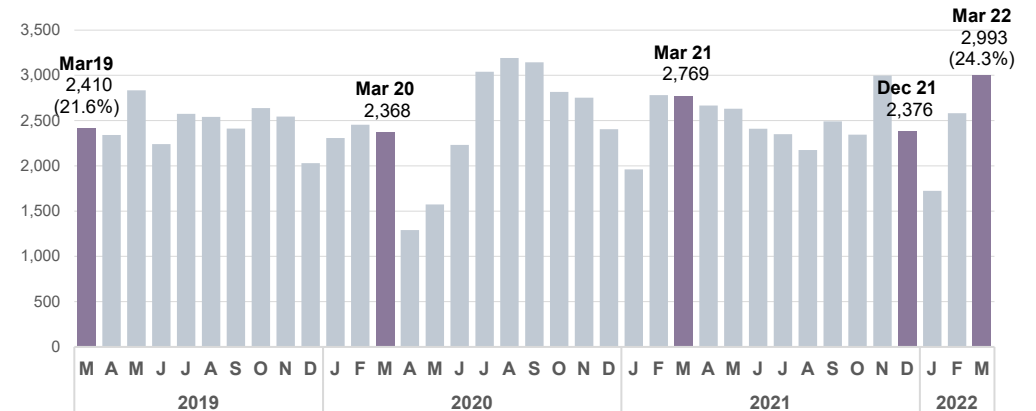
**-421**  
From prior quarter

**-216**  
From prior year

**29,738**  
Current year

**29,954**  
Last year

**24.3%**  
Current %



### 1.2 Aboriginal men in prison\*

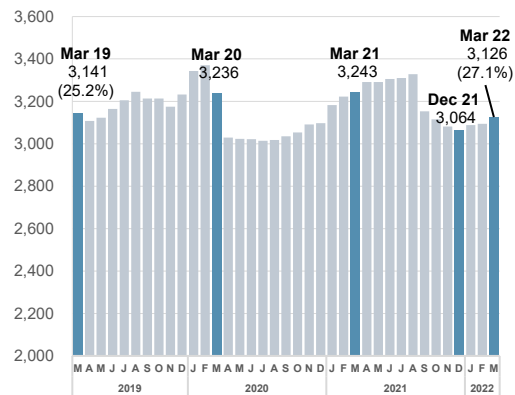
Sentenced and remand custody

**Down 3.6%**  
From prior year

**-117**  
From prior year

**3,126**  
Current year

**3,243**  
Last year



### 1.3 Aboriginal women in prison\*

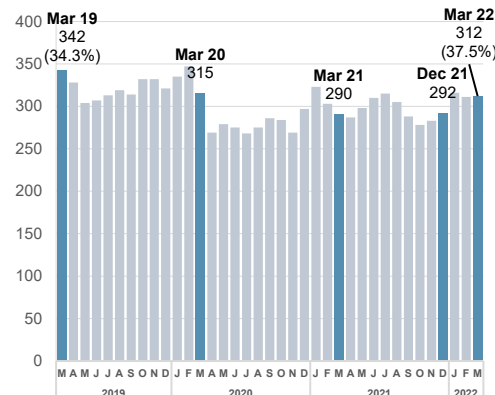
Sentenced and remand custody

**Up 7.6%**  
From prior year

**+22**  
From prior year

**312**  
Current year

**290**  
Last year



### 2.2 Aboriginal men in court

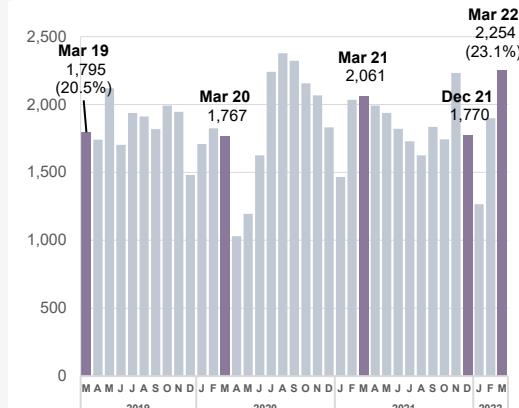
Local, District and Supreme Courts

**Down 1.3%**  
From prior year

**-301**  
From prior year

**22,102**  
Current year

**22,403**  
Last year



### 2.3 Aboriginal women in court

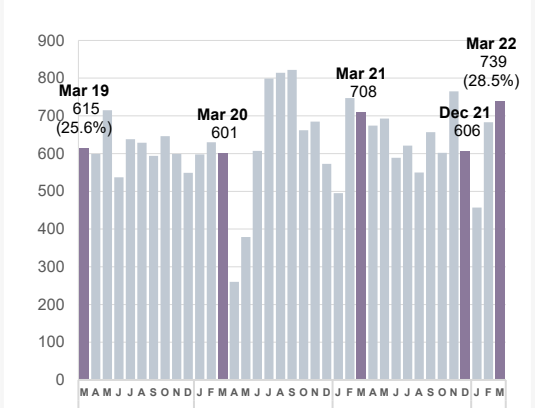
Local, District and Supreme Courts

**Up 1.1%**  
From prior year

**+85**  
From prior year

**7,636**  
Current year

**7,551**  
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).

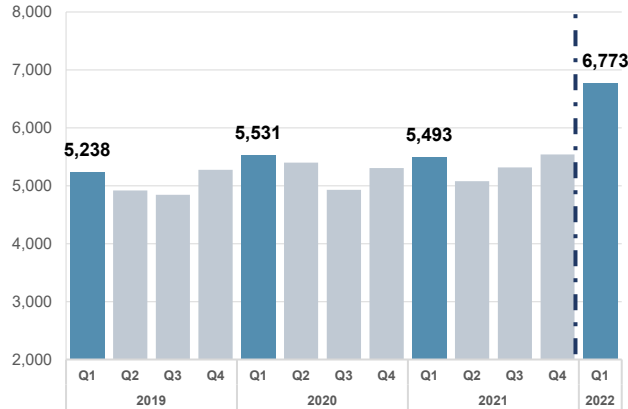
Aboriginal people comprise 2.2% of the adult NSW population

### 3. Police

#### 3.1 Police court proceedings\*

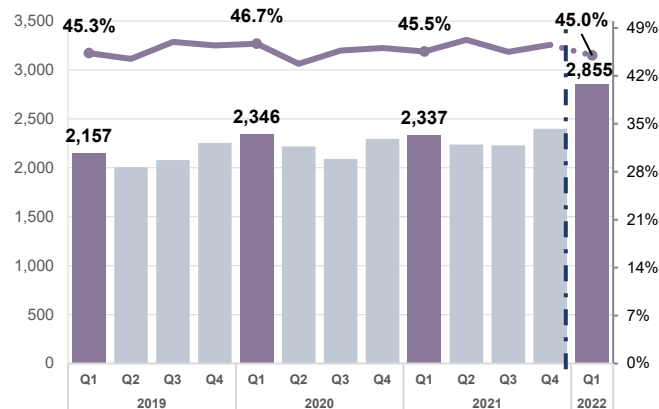
\*excludes Aboriginal adults proceeded to court for breaching bail

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



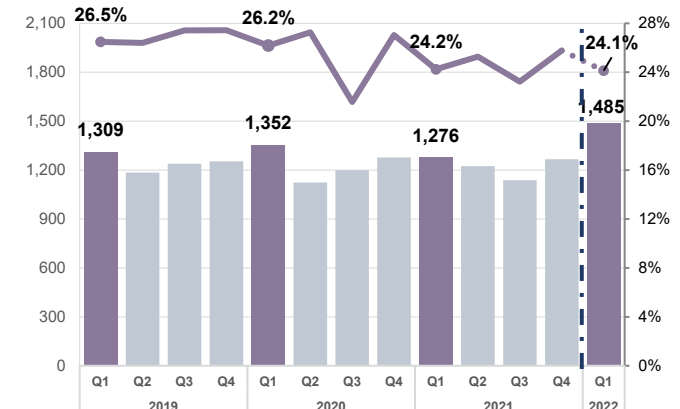
#### 4.1 Refused bail by police

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



#### 4.2 Refused bail by court

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.

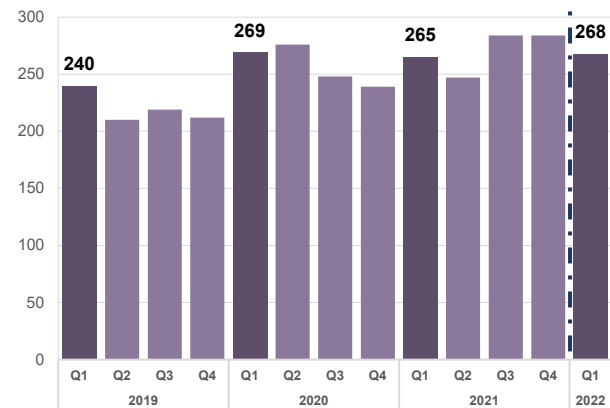


### 4. Bail

#### 4.3 Bail revoked due to breach

\*breach of bail established in court

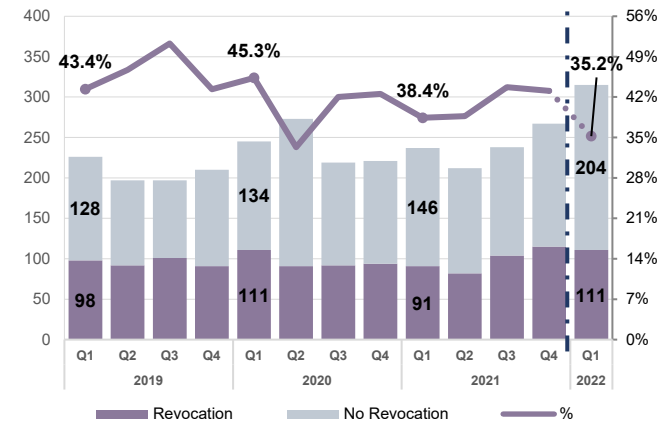
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

\*breach of bail established in court

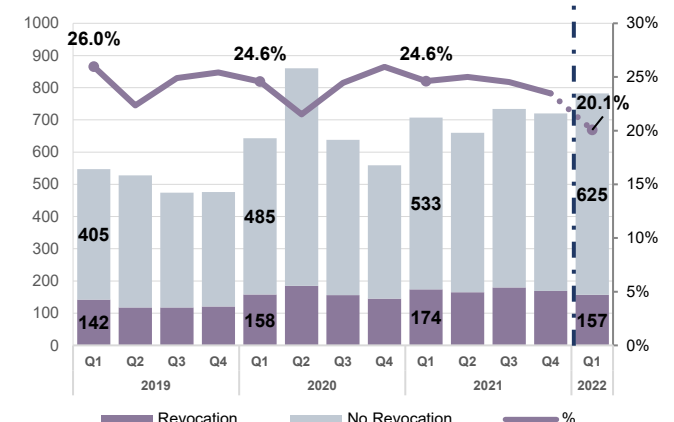
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

\*breach of bail established in court

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



### 5. Criminal Courts

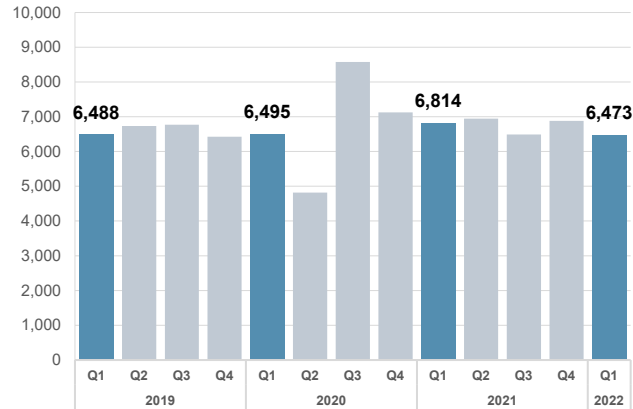
#### 5.1 Found guilty in court

**Down 2.0%**  
From prior year

**↓ -544**  
From prior year

**26,785**  
Current year

**27,329**  
Last year



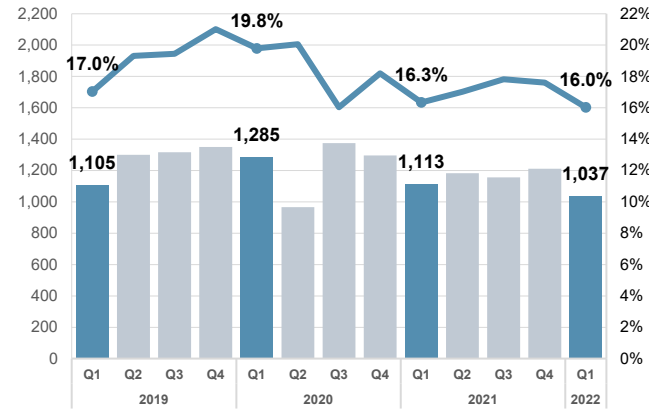
#### 5.2 Sentenced to prison

**Down 3.4%**  
From prior year

**↓ -163**  
From prior year

**4,586**  
Current year

**4,749**  
Last year



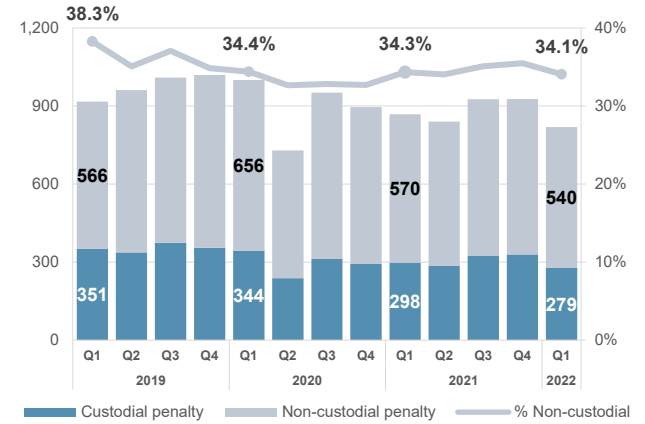
#### 5.3 Sentenced to custody from remand

**Down 0.4%**  
From prior year

**↓ -10**  
From prior year

**2,293**  
Current year

**2,303**  
Last year



### 6. Custody

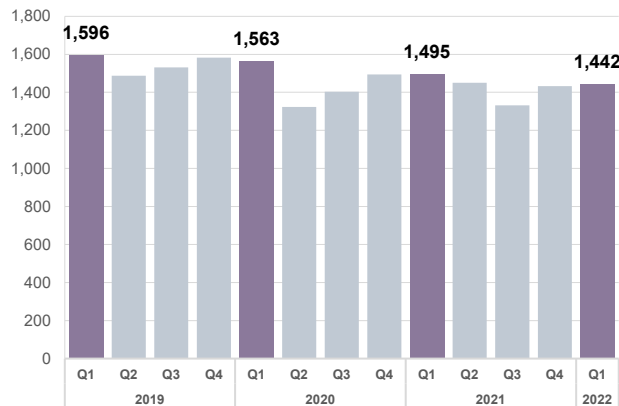
#### 6.1 Entering custody

**Down 1.0%**  
From prior year

**↓ -60**  
From prior year

**5,655**  
Current year

**5,715**  
Last year



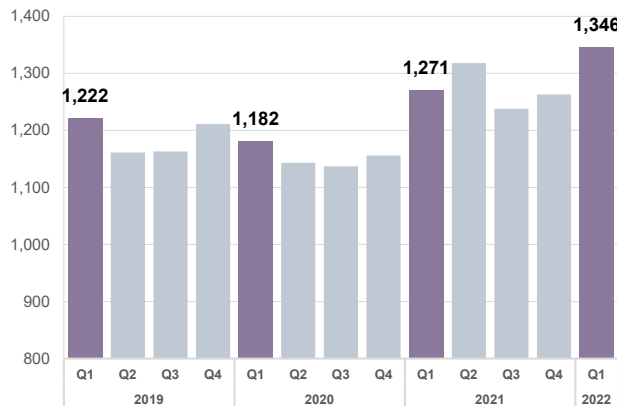
#### 6.2 Remand custody population\*

**Up 5.9%**  
From prior year

**↑ +75**  
From prior year

**1,346**  
Current year

**1,271**  
Last year



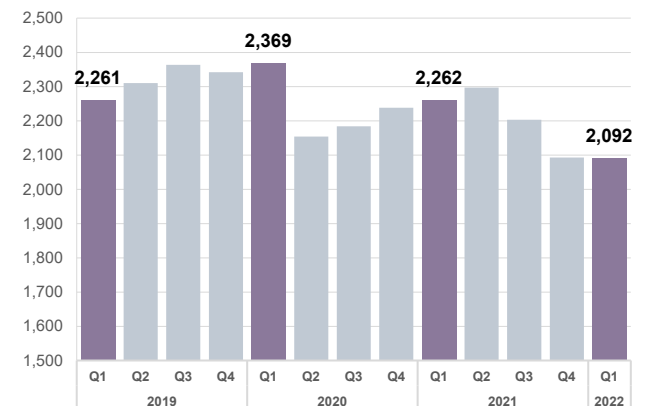
#### 6.3 Sentenced custody population\*

**Down 7.5%**  
From prior year

**↓ -170**  
From prior year

**2,092**  
Current year

**2,262**  
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).

### 6. Custody

#### 6.4 Length of stay in custody

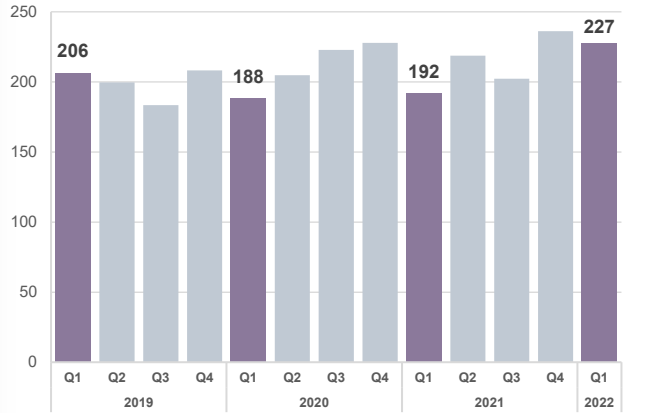
Average number of days for persons discharged by discharge date

**Up 3.9%**  
From prior year

**↑ +8 days**  
From prior year

**221 days**  
Current 12-month average

**213 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

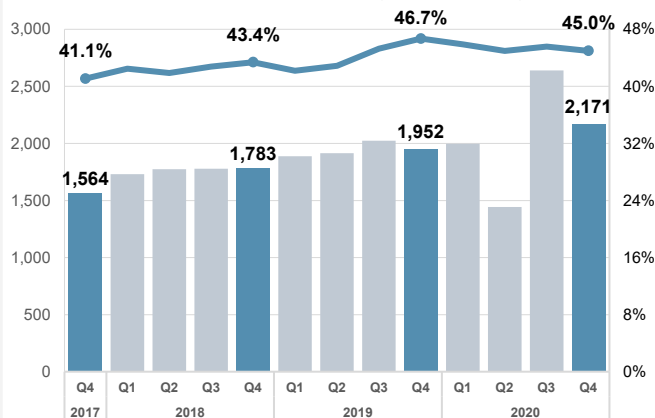
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Up 219**  
Change year to year

**45.0%**  
Current rate

**2,171<sup>^</sup>**  
Current year

**1,952**  
Last year



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

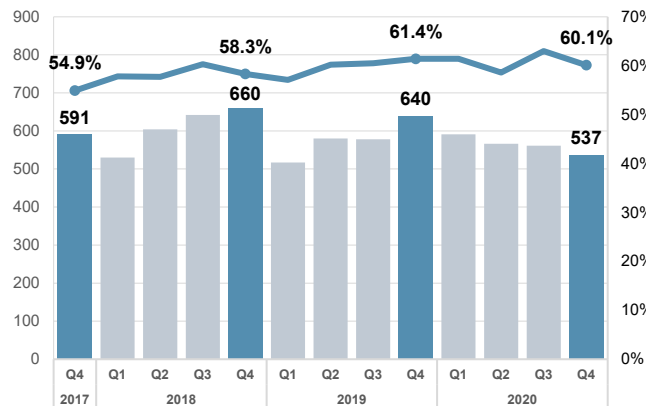
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Down 103**  
Change year to year

**60.1%**  
Current rate

**537**  
Current year

**640**  
Last year



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

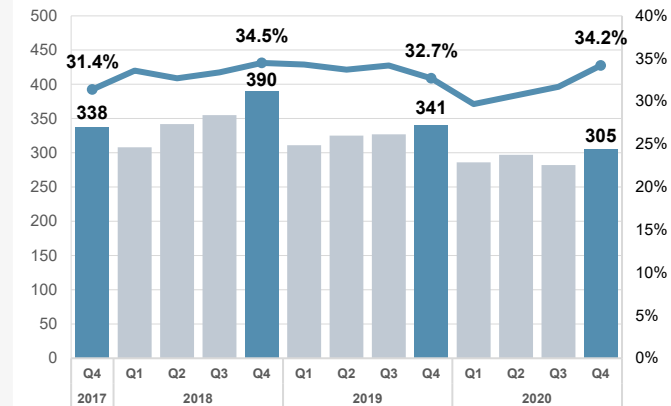
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

**Down 36**  
Change year to year

**34.2%**  
Current rate

**305**  
Current year

**341**  
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>Q3 2020 cohort - the number of criminal matters finalised in NSW Courts was higher than average due to a surge in court activity to address the disruption to court operations in Q2 2020 due to COVID-19.

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

## March 2022 – Aboriginal young people



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

Sentenced and remand custody

**Up 11.9%**  
From prior year

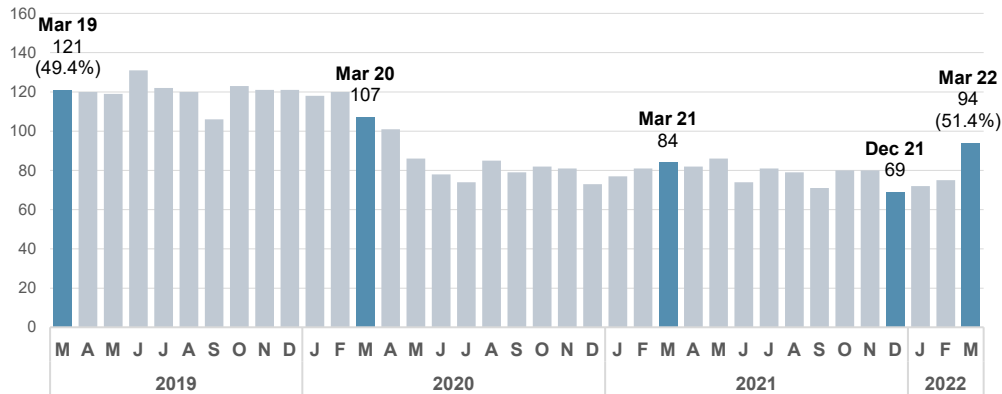
**+25**  
From prior quarter

**+10**  
From prior year

**94**  
Current quarter

**84**  
Same quarter last year

**51.4%**  
Current %



### 2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

**Up 3.2%**  
From prior year

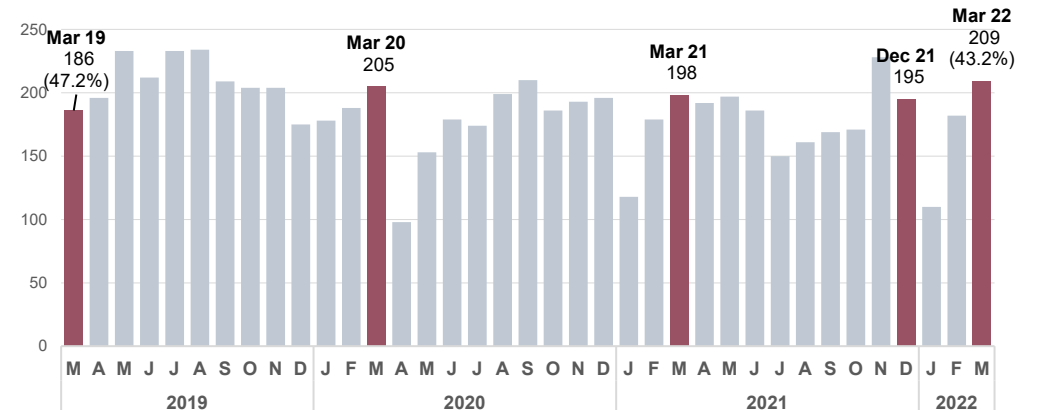
**+93**  
From prior quarter

**-67**  
From prior year

**2,150**  
Current year

**2,083**  
Last year

**43.2%**  
Current %



### 1.2 Aboriginal young males in detention\*

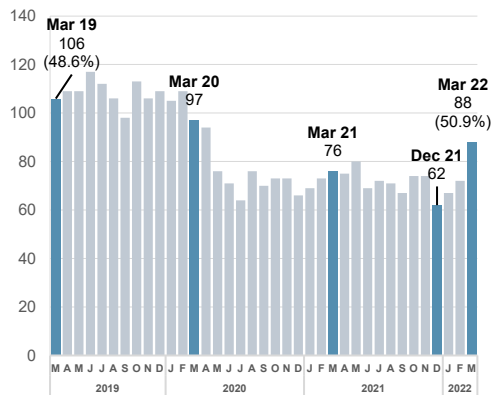
Sentenced and remand custody

**Up 15.8%**  
From prior year

**+12**  
From prior year

**88**  
Current quarter

**76**  
Same quarter last year



### 1.3 Aboriginal young females in detention\*

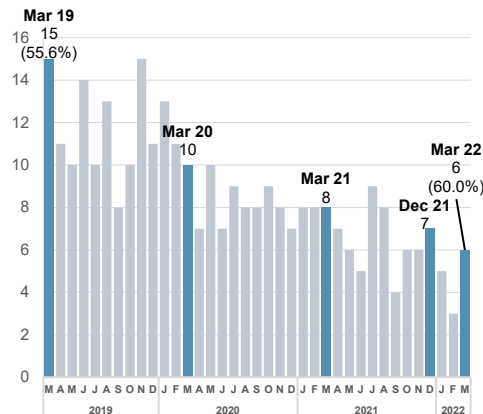
Sentenced and remand custody

**Down 25.0%**  
From prior year

**-2**  
From prior year

**6**  
Current quarter

**8**  
Same quarter last year



### 2.2 Aboriginal young males in court

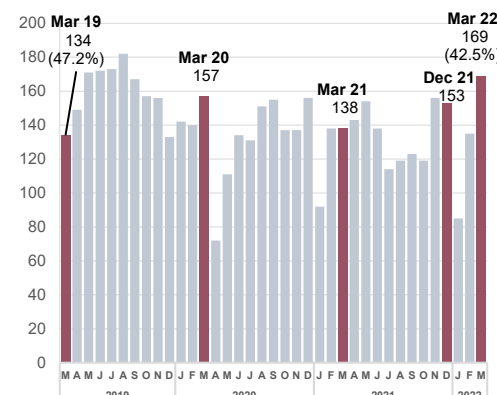
Children's, Local, District and Supreme Courts

**Up 3.6%**  
From prior year

**+56**  
From prior year

**1,608**  
Current year

**1,552**  
Last year



### 2.3 Aboriginal young females in court

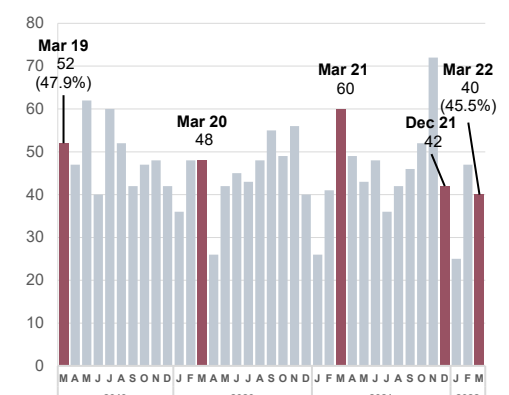
Children's, Local, District and Supreme Courts

**Up 2.1%**  
From prior year

**+11**  
From prior year

**542**  
Current year

**531**  
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 young people comprise 5.3% of the NSW population aged 0 to 17 years)

# NSW Criminal Justice Aboriginal over-representation

## QUARTERLY REPORT

### March 2022 – Aboriginal young people

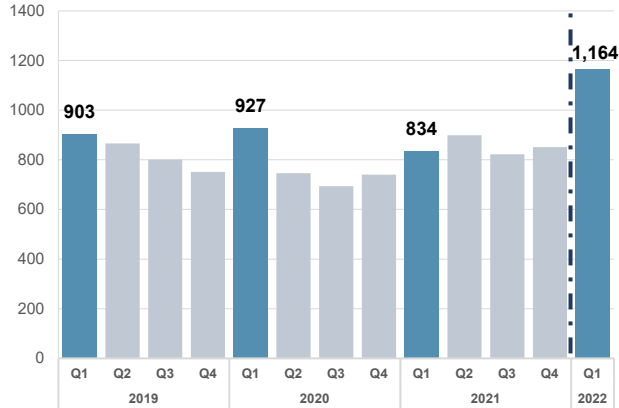


#### 3. Police

### 3.1 Police court proceedings\*

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

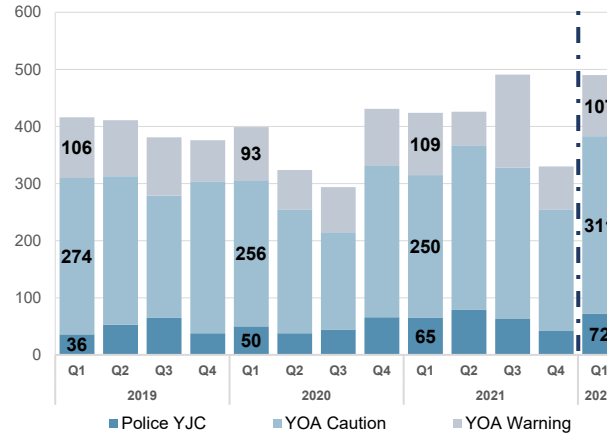
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



### 3.2 Diversion from court\*

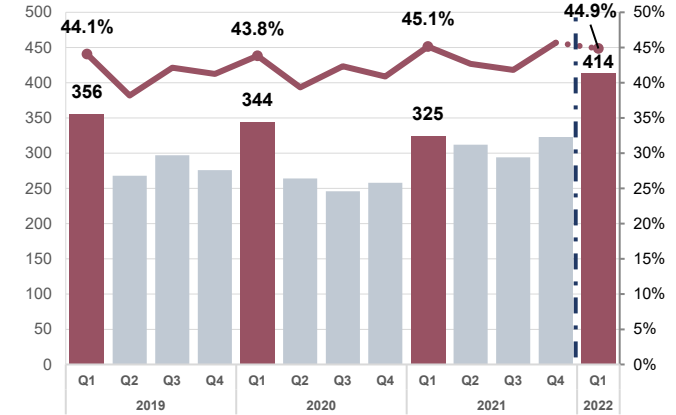
\*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



### 4.1 Refused bail by police

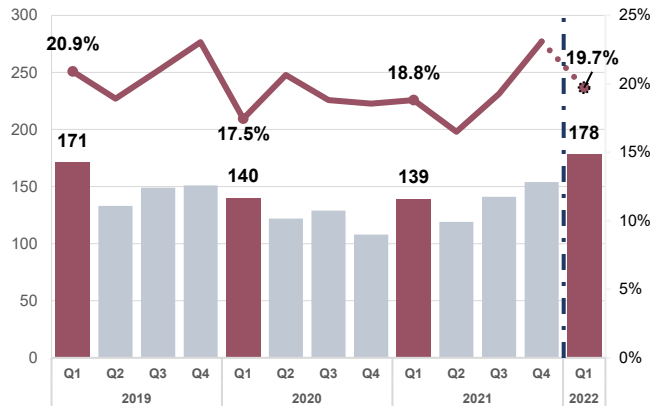
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



#### 4. Bail

### 4.2 Refused bail by court

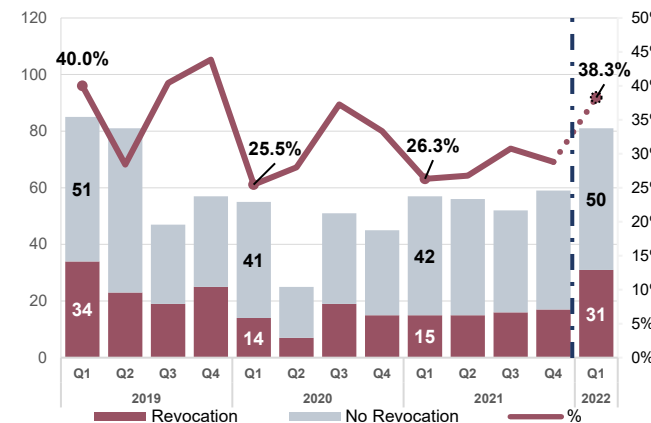
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

\*breach of bail established in court

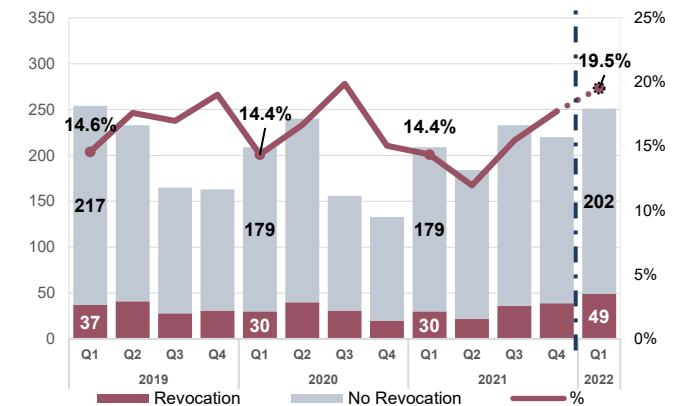
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



### 4.4 Bail revocations from technical bail breach

\*breach of bail established in court

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

# NSW Criminal Justice Aboriginal over-representation

## QUARTERLY REPORT

### March 2022 – Aboriginal young people



#### 5. Criminal Courts

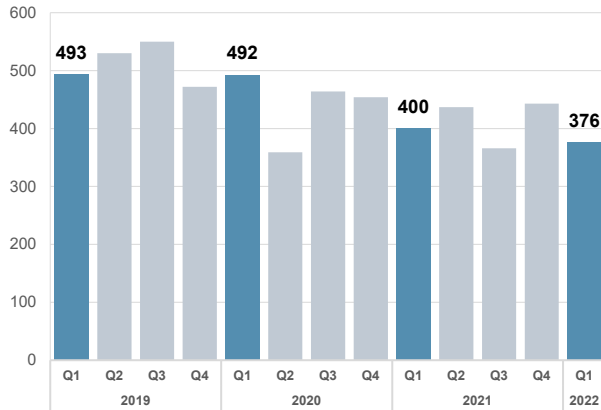
##### 5.1 Found guilty in court

**Down 3.3%**  
From prior year

**↓ -55**  
From prior year

**1,622**  
Current year

**1,677**  
Last year



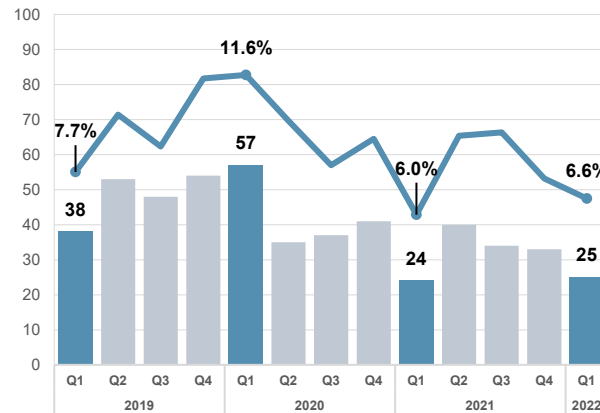
##### 5.2 Sentenced to custody

**Down 3.6%**  
From prior year

**↓ -5**  
From prior year

**132**  
Current year

**137**  
Last year



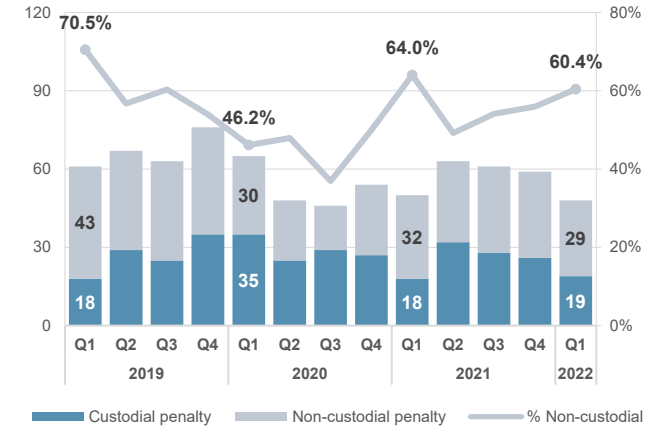
##### 5.3 Sentenced to custody from remand

**Up 6.1%**  
From prior year

**↑ +6**  
From prior year

**105**  
Current year

**99**  
Last year



#### 6. Custody

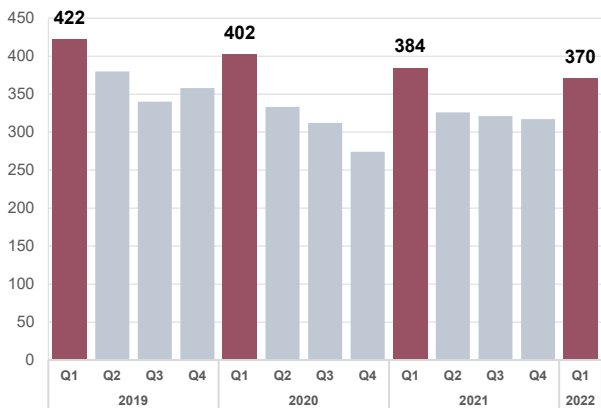
##### 6.1 Entering custody

**Up 2.4%**  
From prior year

**↑ +31**  
From prior year

**1,334**  
Current year

**1,303**  
Last year



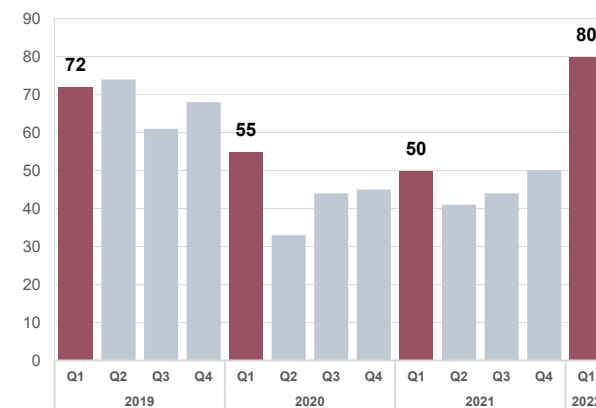
##### 6.2 Remand custody population\*

**Up 60.0%**  
From prior year

**↑ +30**  
From prior year

**80**  
Current quarter

**50**  
Same quarter last year



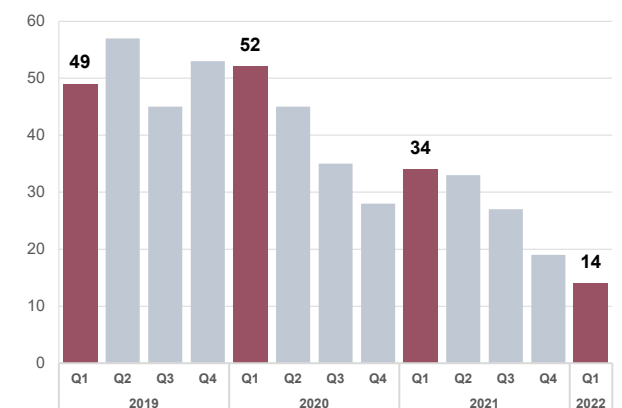
##### 6.3 Sentenced custody population\*

**Down 58.8%**  
From prior year

**↓ -20**  
From prior year

**14**  
Current quarter

**34**  
Same quarter 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 young people comprise 5.3% of the NSW population aged 0 to 17 years



### 6. Custody

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

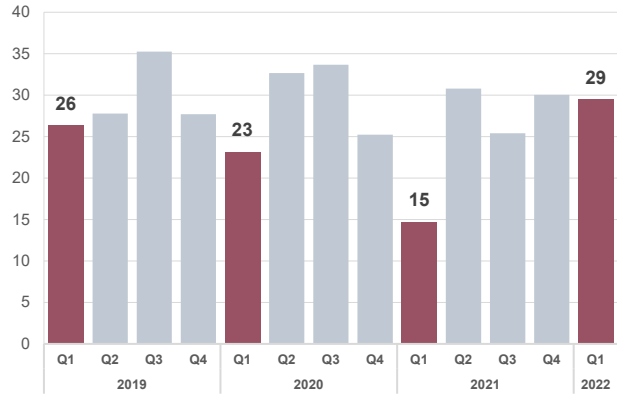
\*Average number of days for persons discharged by discharge date

**Up 9.5%**  
From prior year

**↑ +3 days**  
From prior year

**29 days**  
Current 12-month average

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



#### 6.5 Short-term remand\*

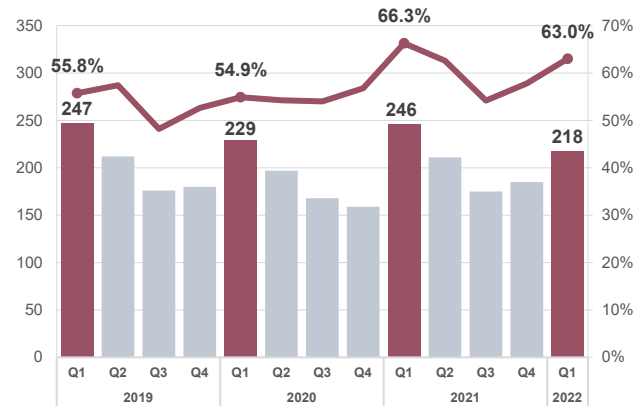
\*Number of persons that spent less than 2 days spent in custody by discharge date

**Up 2.5%**  
From prior year

**↑ +19**  
From prior year

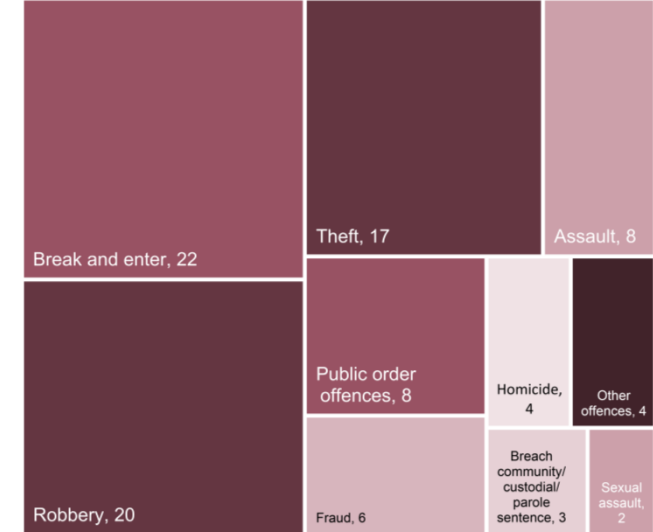
**789**  
Current year

**770**  
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

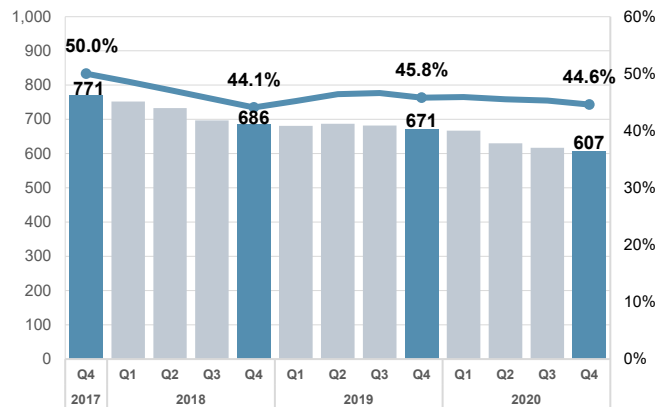
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 64**  
Change year to year

**44.6%**  
Current rate

**607**  
Current year

**671**  
Last year



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

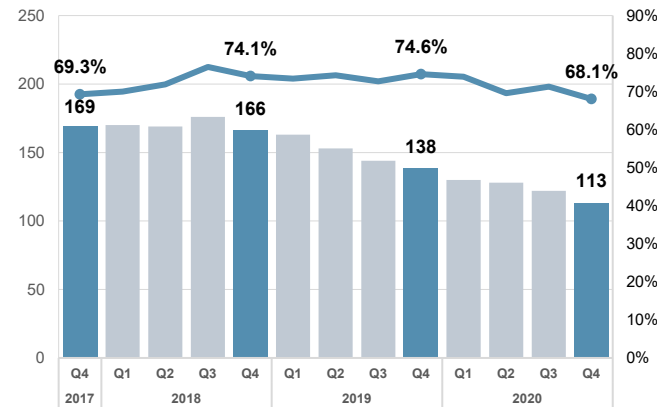
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 25**  
Change year to year

**68.1%**  
Current rate

**113**  
Current year

**138**  
Last year



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

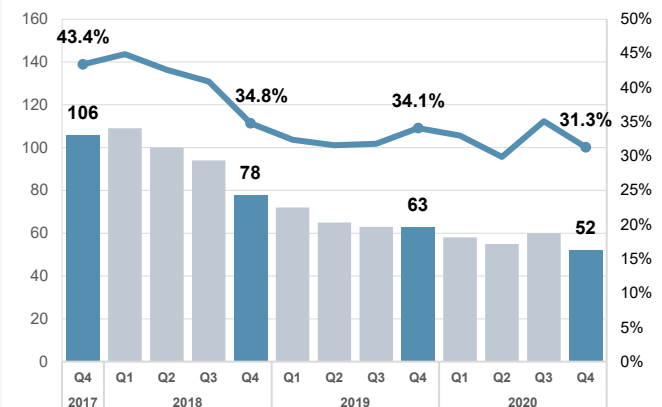
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

**Down 11**  
Change year to year

**31.3%**  
Current rate

**52**  
Current year

**63**  
Last year



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.

#### Adults

#### Young people

#### Key indicators

Prison

**Down**

There are currently 3,438 Aboriginal adults in prison in NSW (representing 27.8% of the adult prison population). The number of Aboriginal men in prison decreased by 3.6% from the previous year. The number of Aboriginal women increased by 7.6%.

**Stable\***

There are currently 94 Aboriginal young people in detention in NSW (representing 51.4% of juvenile detention population).

\*The trend has remained stable, until increasing in March 2022. In March 2022 the number of Aboriginal young people in detention increased from 75 to 94.

Court

**Stable**

The number of Aboriginal adults appearing in court is stable  
The number of Aboriginal adult men and women appearing in court was also stable.

**Stable**

The number of Aboriginal young people appearing in court is relatively stable. The trend for both young Aboriginal males and females was also stable.

#### Secondary measures

Police

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.

Bail

Courts

**Stable**

Court convictions remain relatively stable from the previous year. The number sentenced to custody decreased by 3.4%.

**Stable**

Aboriginal young people found guilty in court decreased by 3.3% from March 2021. The number sentenced to custody remained stable.

Custody

**Up**

Aboriginal adults on remand rose by 5.9% over the 12 months to March 2022.

**Up**

The numbers of Aboriginal young people in remand increased by 60.0% over the 12 months to March 2022. The current remand population is 80 Aboriginal young people.

Reoffend

**Down**

The number of Aboriginal adults returning to custody within a year of being released is declining, down 36 adults. The proportion returning to custody increased to 34.2%.

**Down**

The number of Aboriginal young people returning to custody within a year of being released declined by 11 young people. The proportion returning to custody decreased to 31.3%.