

NSW Criminal Justice Aboriginal over-representation QUARTERLY REPORT

September 2022 – Aboriginal adults



1.1 Key indicator: Aboriginal adults in prison*

Sentenced and remand custody

Up 9.3%
From September 2020

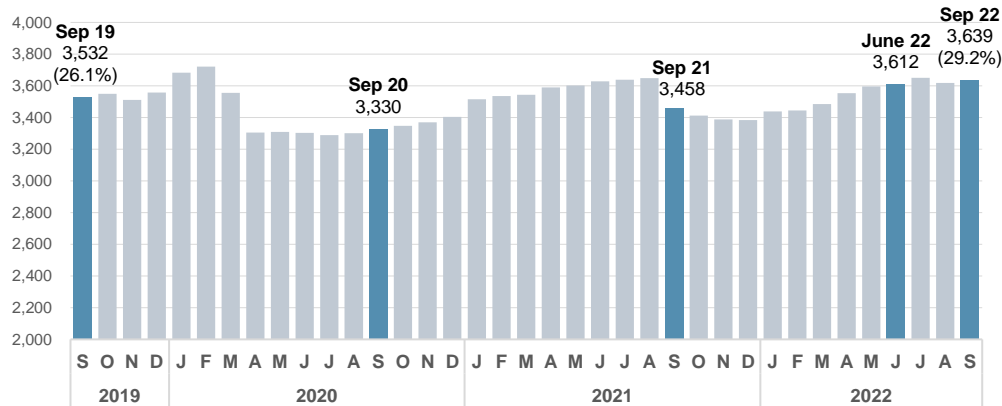
↑ +27
From prior quarter

↑ +309
From same month 2020

3,639
Current year

3,330
Same month 2020

29.2%
Current %



2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

Up 6.9%
From prior year

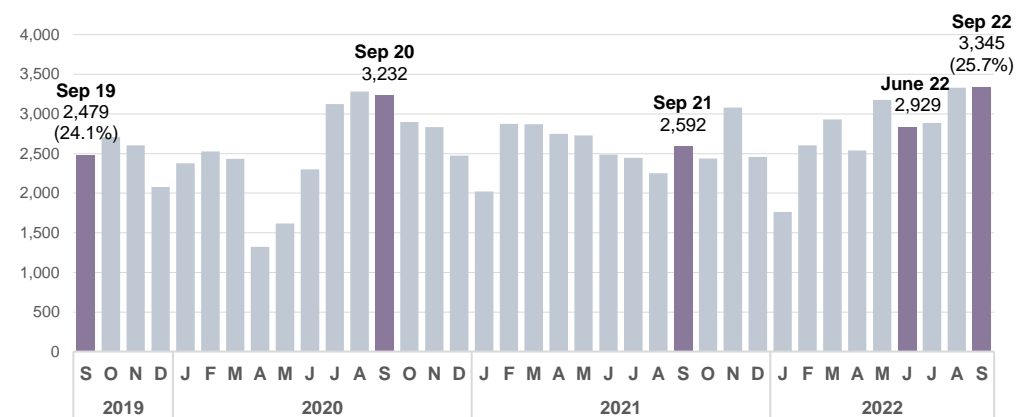
↑ +1,014
From prior quarter

↑ +2,149
From prior year

33,377
Current year

31,228
Last year

24.9%
Current %



1.2 Aboriginal men in prison*

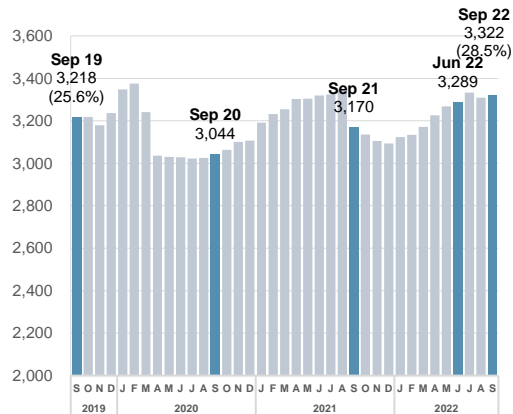
Sentenced and remand custody

Up 9.1%
From Sept 2020

↑ +278
From same month 2020

3,322
Current year

3,044
Same month 2020



1.3 Aboriginal women in prison*

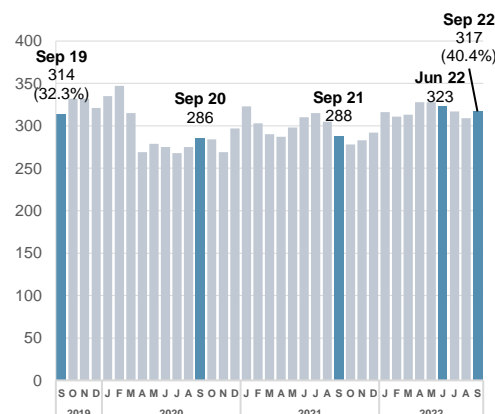
Sentenced and remand custody

Up 10.8%
From Sept 2020

↑ +31
From same month 2020

317
Current year

286
Same month 2020



2.2 Aboriginal men in court

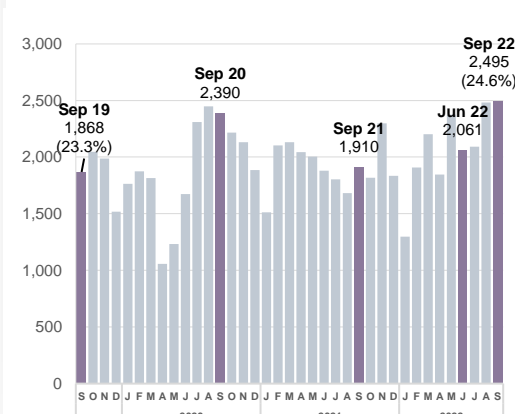
Local, District and Supreme Courts

Up 6.1%
From prior year

↑ +1,412
From prior year

24,709
Current year

23,297
Last year



2.3 Aboriginal women in court

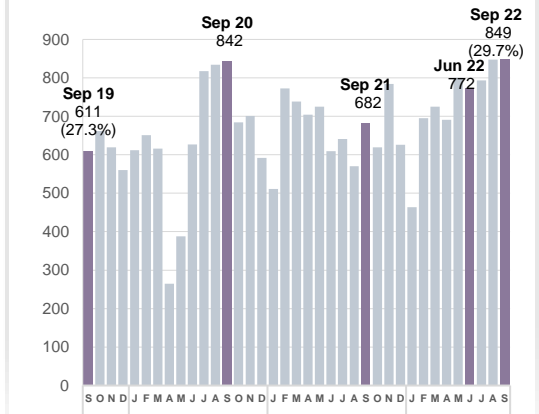
Local, District and Supreme Courts

Up 9.3%
From prior year

↑ +736
From prior year

8,665
Current year

7,929
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).

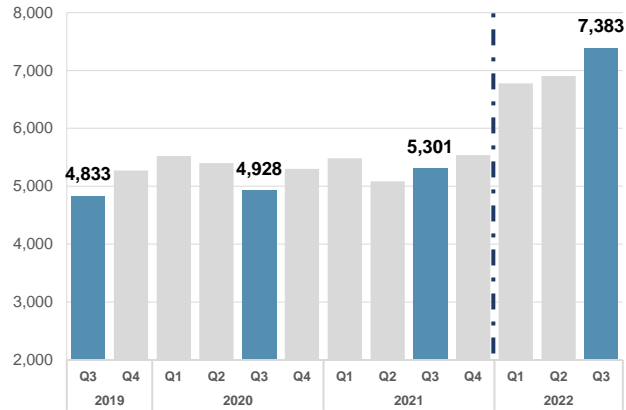
Aboriginal people comprise 2.7% of the adult NSW population (2021 ABS Census)

3. Police

3.1 Police court proceedings*

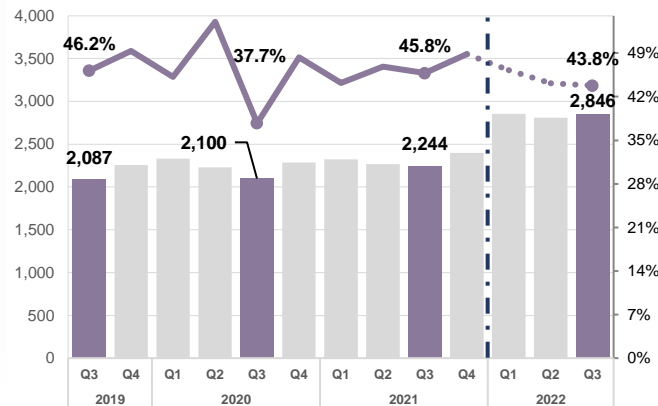
*excludes Aboriginal adults proceeded to court for breaching bail

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.



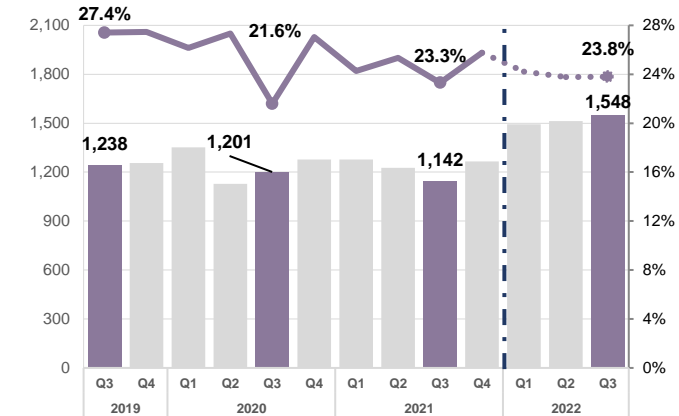
4.1 Refused bail by police

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

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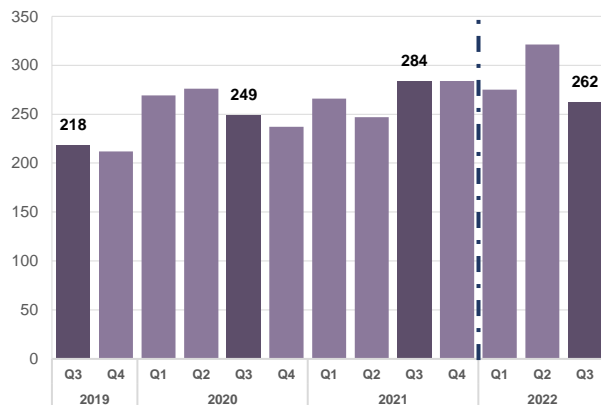


4. Bail

4.3 Bail revoked due to breach

*breach of bail established in court

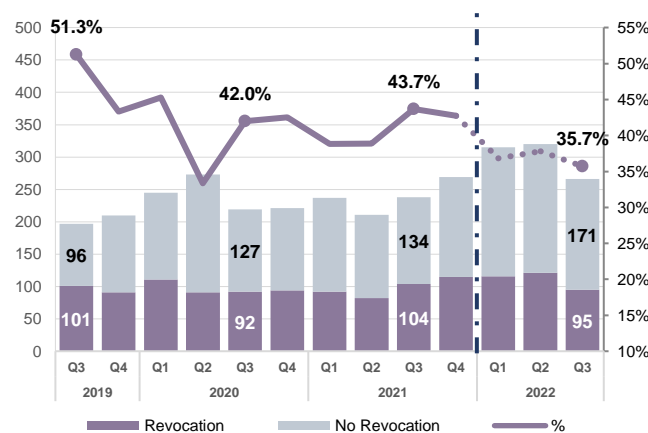
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

*breach of bail established in court

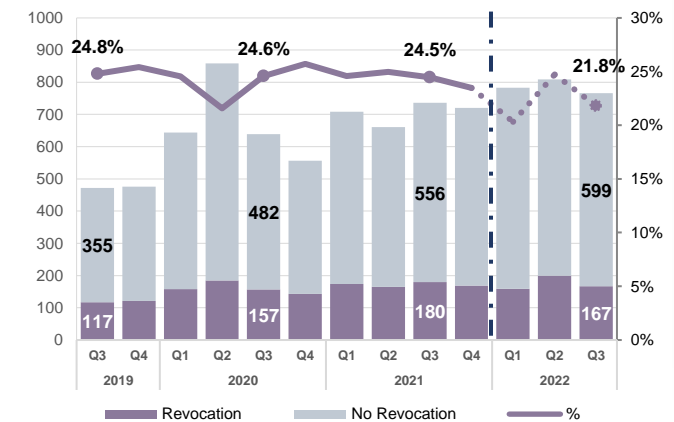
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

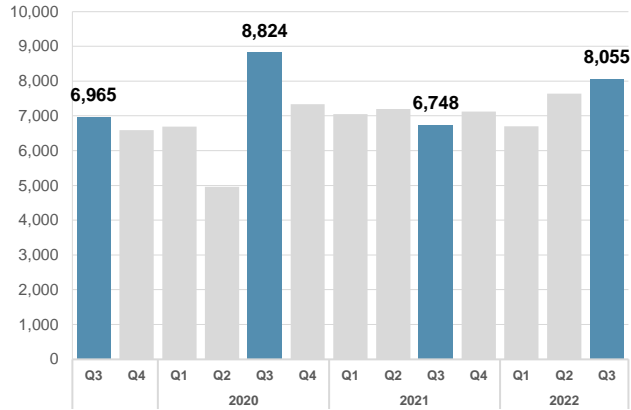
5.1 Found guilty in court

Up 4.2%
From prior year

↑ +1,192
From prior year

29,524
Current year

28,332
Last year



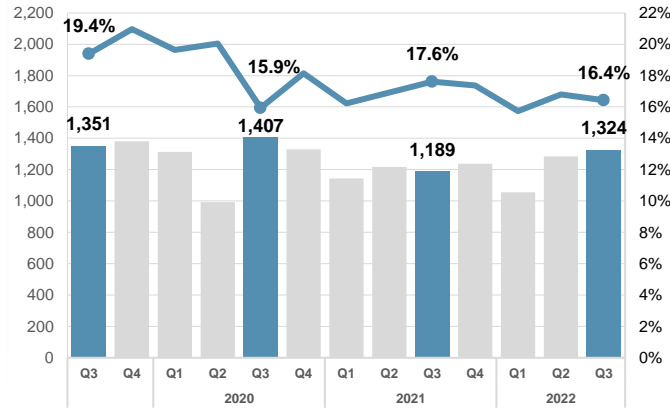
5.2 Sentenced to prison

Up 0.4%
From prior year

↑ +20
From prior year

4,900
Current year

4,880
Last year



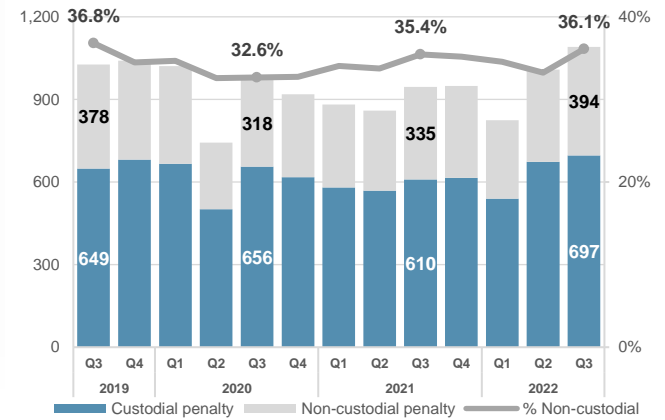
5.3 Sentenced to custody from remand

Up 6.2%
From prior year

↑ +147
From prior year

2,525
Current year

2,378
Last year



6. Custody

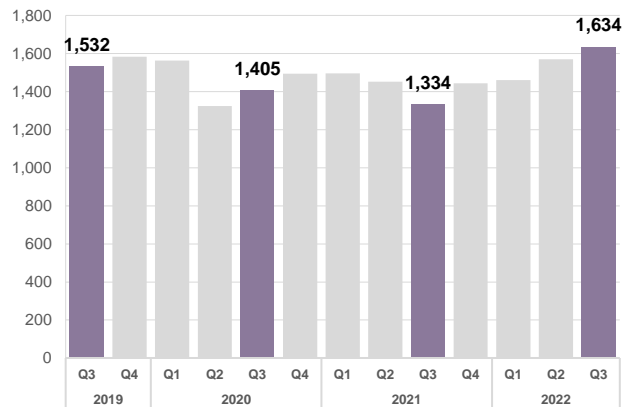
6.1 Entering custody

Up 5.7%
From Sept 2020

↑ +330
From same qtr 2020

6,108
Current year

5,778
Same qtr 2020



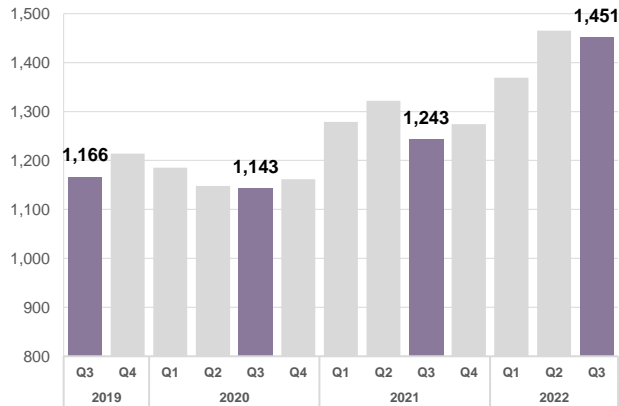
6.2 Remand custody population*

Up 26.9%
From Sept 2020

↑ +308
From same qtr 2020

1,451
Current quarter

1,143
Same qtr 2020



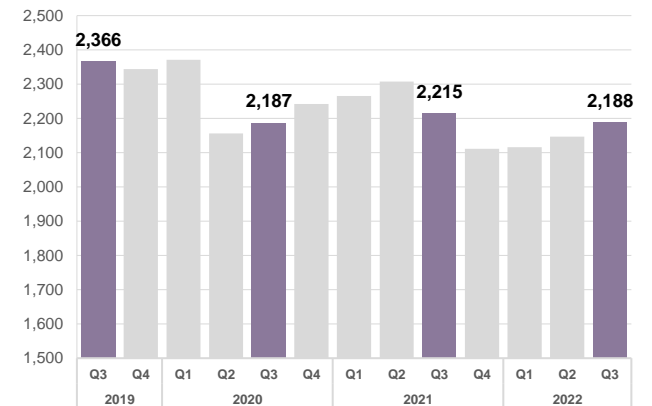
6.3 Sentenced custody population*

Stable
From Sept 2020

↑ +1
From same qtr 2020

2,188
Current quarter

2,187
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)

6. Custody

6.4 Length of stay in custody

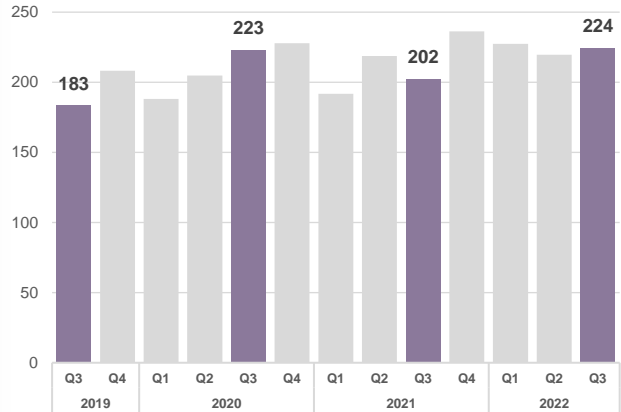
Average number of days for persons discharged by discharge date

Up 8.2%
From prior year

↑+17 days
From prior year

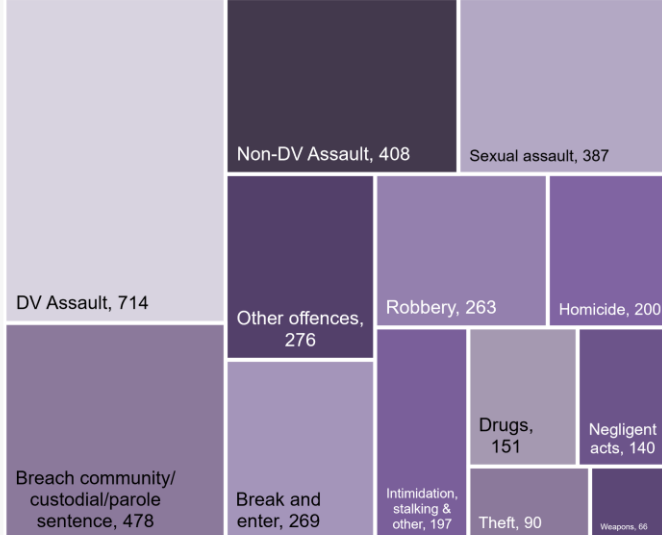
227 days
Current 12-month average

210 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

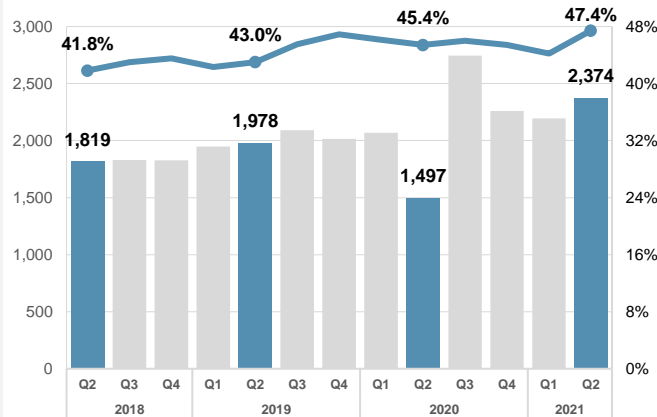
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Up 877[^]
Change year to year

47.4%
Current rate

2,374
Current year

1,497
Last year



7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

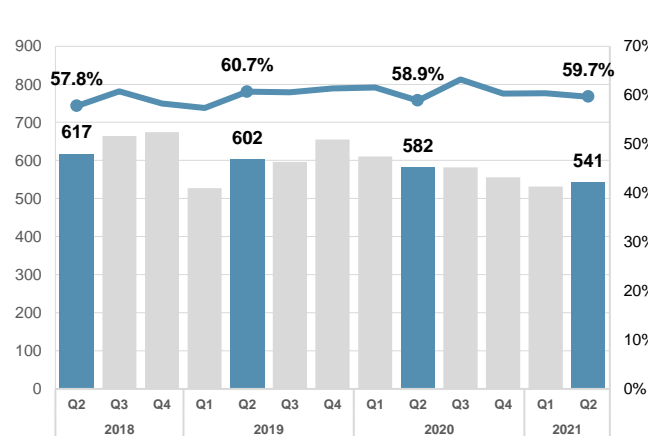
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Down 41
Change year to year

59.7%
Current rate

541
Current year

582
Last year



7.3 Reoffending among Aboriginal adults exiting custody – return to custody

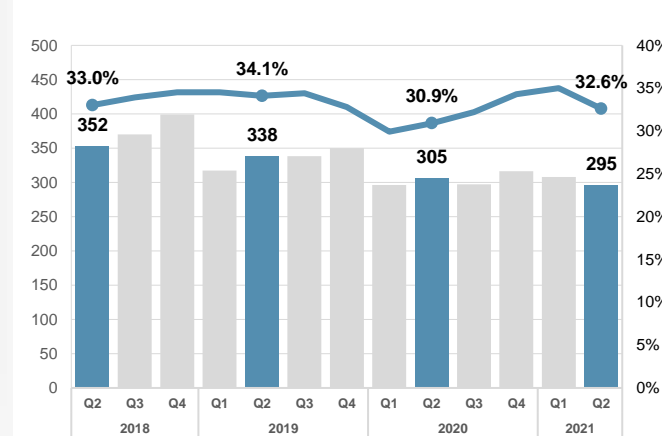
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

Down 10
Change year to year

32.6%
Current rate

295
Current year

305
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 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
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. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased.
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.
5.3 Sentenced to custody from remand	Number and proportion of Aboriginal adults refused bail at court finalisation by whether they received a custodial or non-custodial penalty.
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 Length of stay in custody	The average number of days spent in custody for Aboriginal young people discharged from custody.
6.5 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

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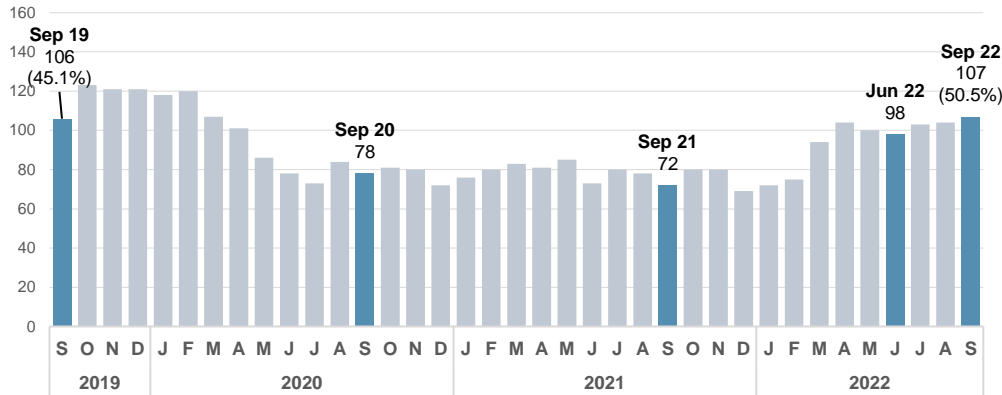
September 2022 – Aboriginal young people



1.1 Key indicator: Aboriginal young people in detention*

Sentenced and remand custody

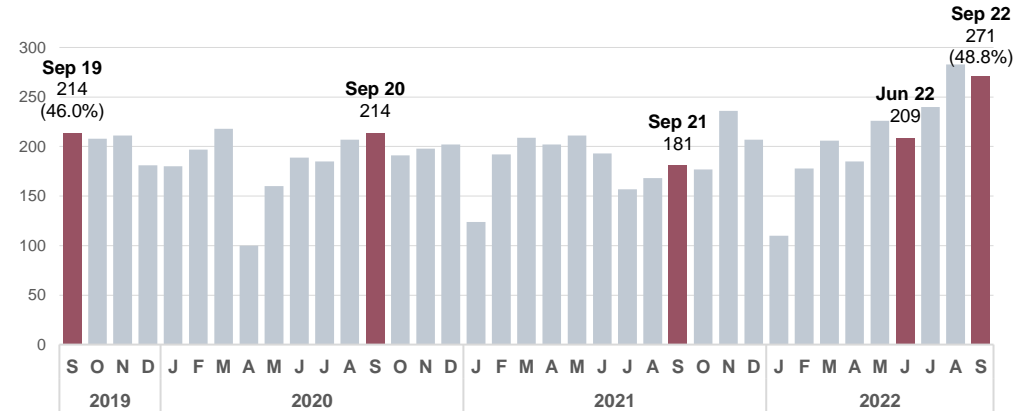
Up 37.2% From September 2020	↑ +9 From prior quarter	↑ +29 From same month 2020	107 Current quarter	78 Same month 2020	50.5% Current %
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2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

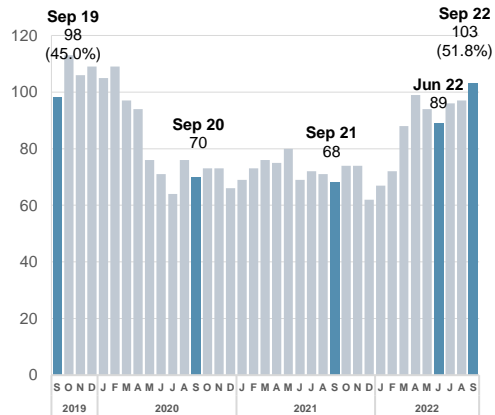
Up 13.5% From prior year	↑ +174 From prior quarter	↑ +300 From prior year	2,528 Current year	2,228 Last year	48.8% Current %
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1.2 Aboriginal young males in detention*

Sentenced and remand custody

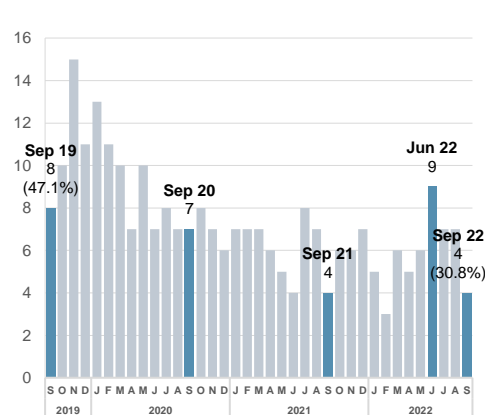
Up 47.1% From Sept 2020	↑ +33 From same month 2020	103 Current quarter	70 Same month 2020
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1.3 Aboriginal young females in detention*

Sentenced and remand custody

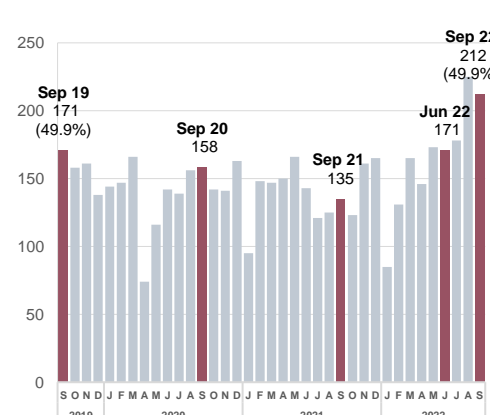
Stable From Sept 2020	↓ -3 From same month 2020	4 Current quarter	7 Same month 2020
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2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

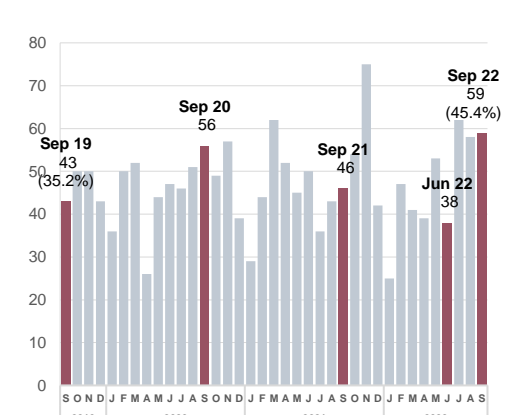
Up 15.5% From prior year	↑ +259 From prior year	1,935 Current year	1,676 Last year
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2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

Up 7.4% From prior year	↑ +41 From prior year	593 Current year	552 Last year
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*Custody population figures are counted as at midnight on the last day of the month (stock figures).

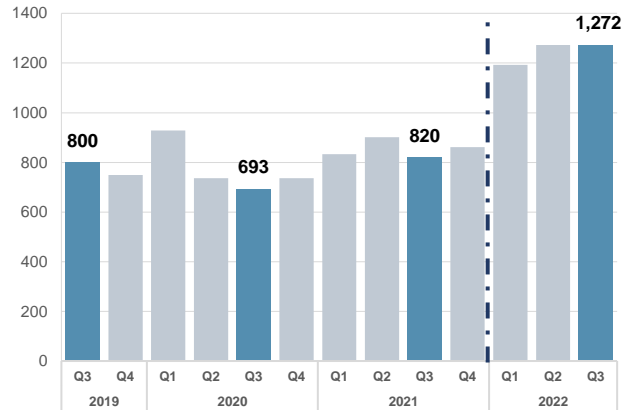
Aboriginal young people comprise 6.2% of the NSW population aged 10 to 17 years (2021 ABS Census)

3. Police

3.1 Police court proceedings*

*excludes Aboriginal young people proceeded to court for breaching bail

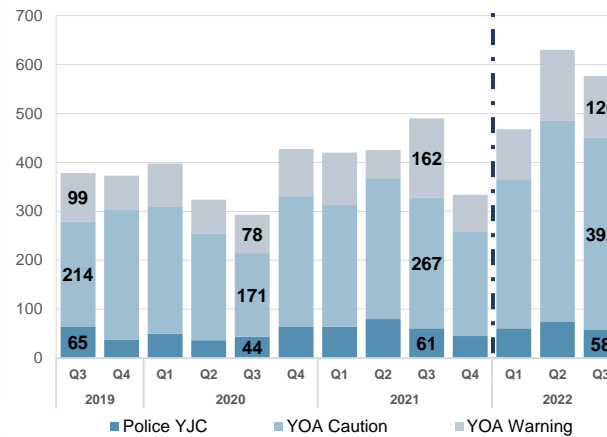
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



3.2 Diversion from court*

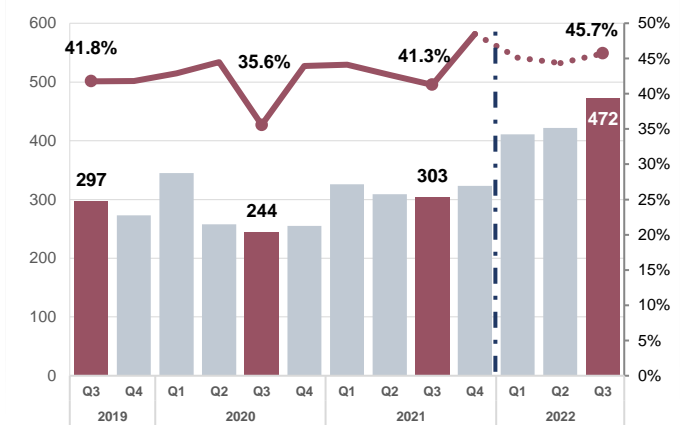
*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

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

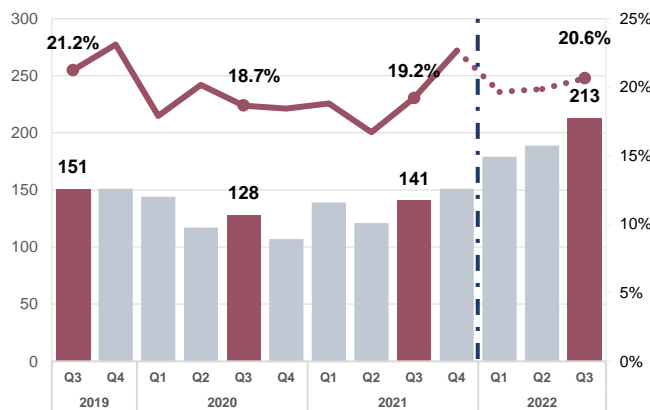
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



4. Bail

4.2 Refused bail by court

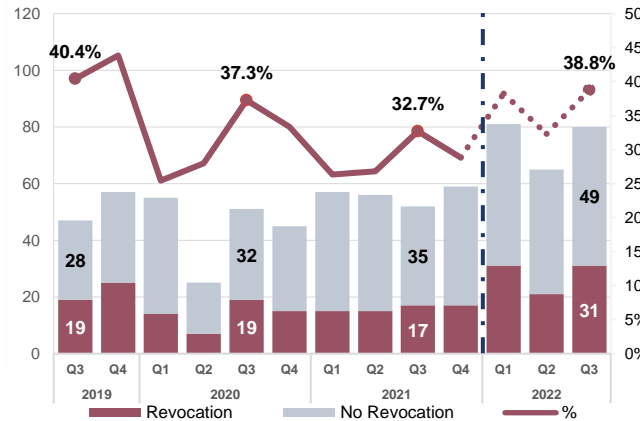
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



4.3 Bail revocations following bail breach involving further offence*

*breach of bail established in court

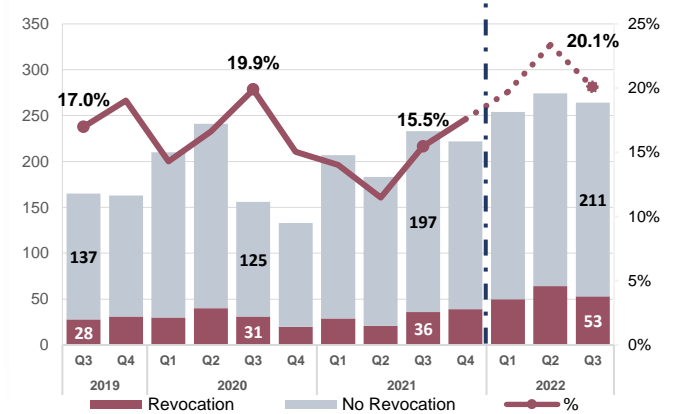
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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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NSW Criminal Justice Aboriginal over-representation

September 2022 – Aboriginal young people

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5. Criminal Courts

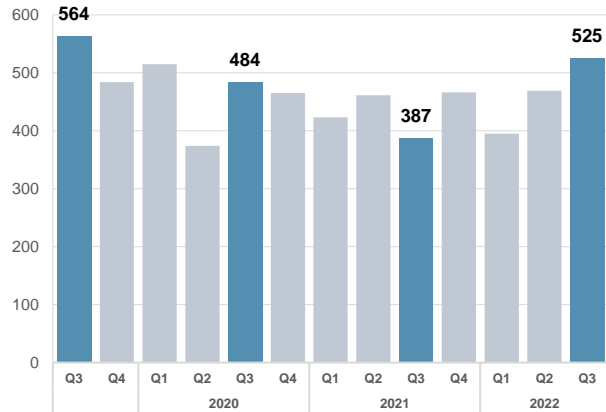
5.1 Found guilty in court

Up 6.9%
From prior year

+119
From prior year

1,855
Current year

1,736
Last year



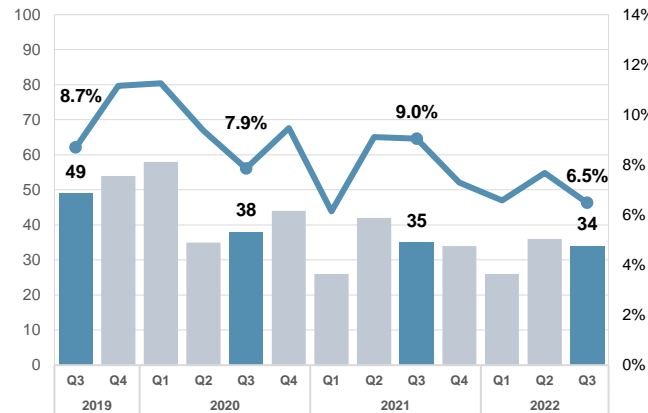
5.2 Sentenced to custody

Down 11.6%
From prior year

-17
From prior year

130
Current year

147
Last year



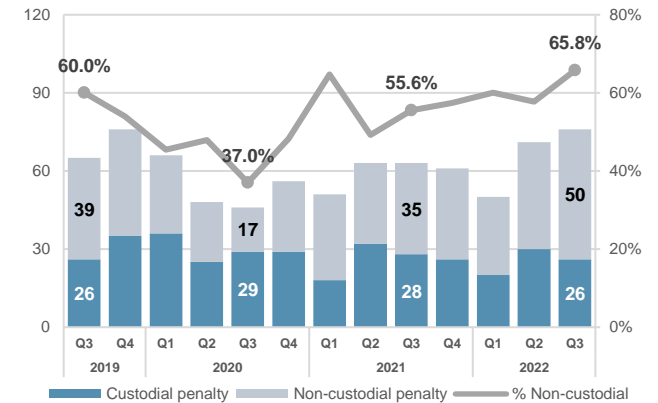
5.3 Sentenced to custody from remand

Down 4.7%
From prior year

-5
From prior year

102
Current year

107
Last year



6. Custody

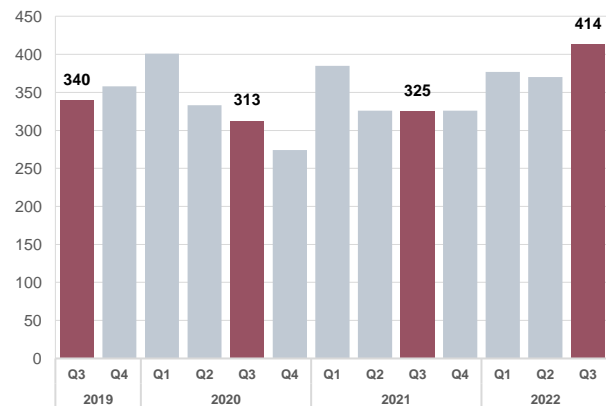
6.1 Entering custody

Up 13.5%
From Sept 2020

+177
From same qtr 2020

1,487
Current year

1,310
Same qtr 2020



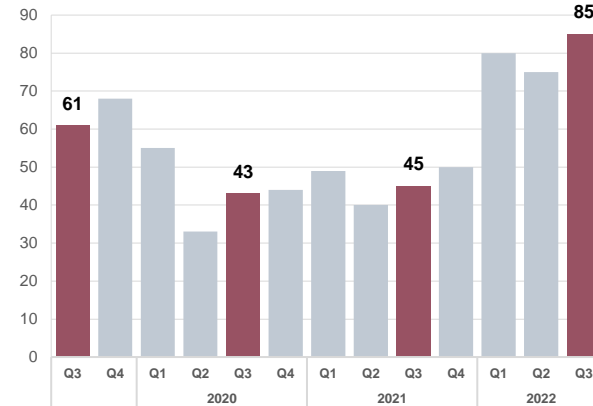
6.2 Remand custody population*

Up 97.7%
From Sept 2020

+42
From same qtr 2020

85
Current quarter

43
Same qtr 2020



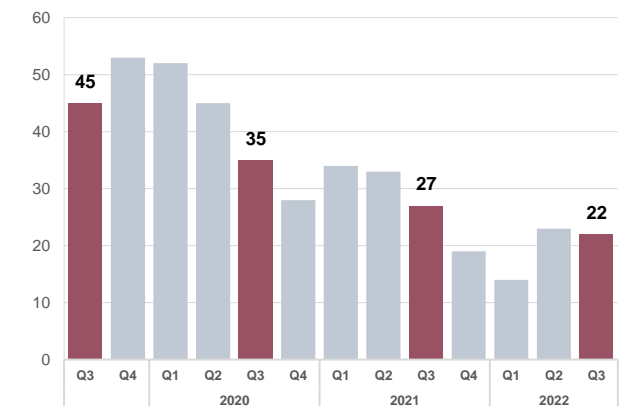
6.3 Sentenced custody population*

Down 37.1%
From Sept 2020

-13
From same qtr 2020

22
Current quarter

35
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)

6. Custody

6.4 Length of stay in custody*

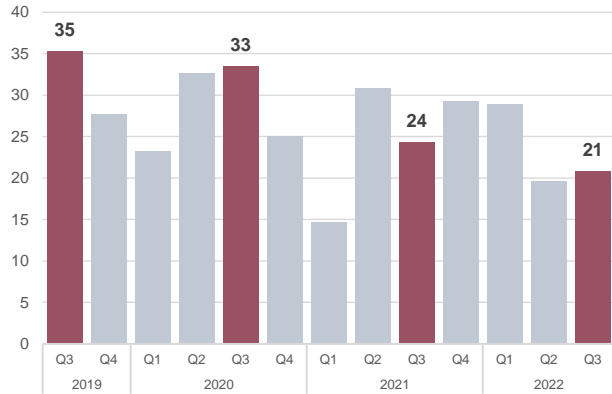
*Average number of days for persons discharged by discharge date

Up 2.5%
From prior year

↑ +1 days
From prior year

25 days
Current 12-month average

24 days
12-month average last year



6.5 Short-term remand*

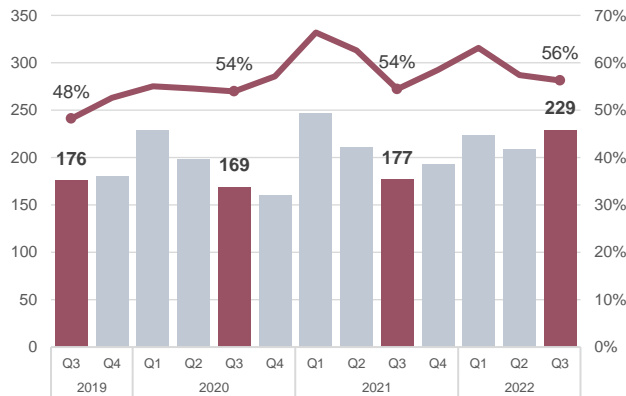
*Number of persons that spent less than 2 days spent in custody by discharge date

Up 7.4%
From prior year

↑ +59
From prior year

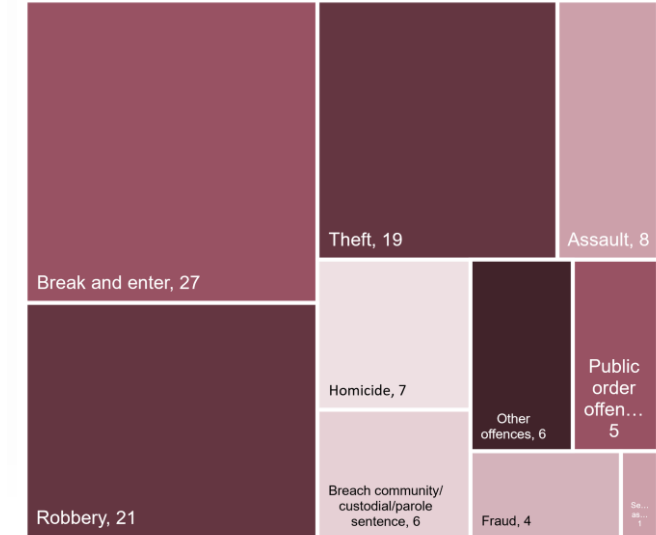
854
Current year

795
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

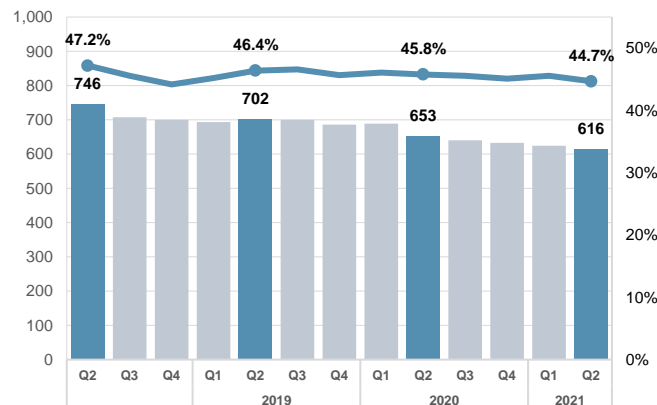
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Down 37
Change year to year

44.7%
Current rate

616
Current year

653
Last year



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

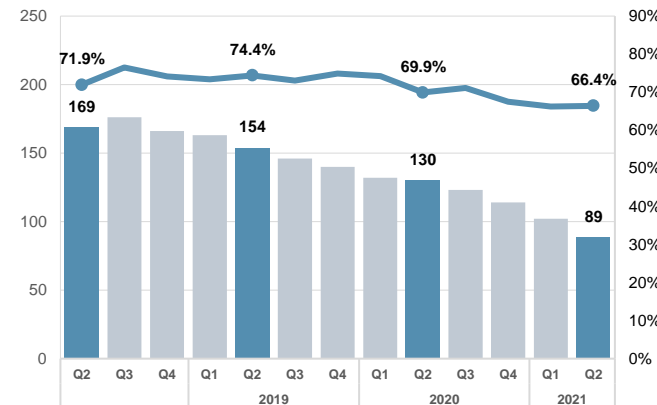
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Down 41
Change year to year

66.4%
Current rate

89
Current year

130
Last year



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

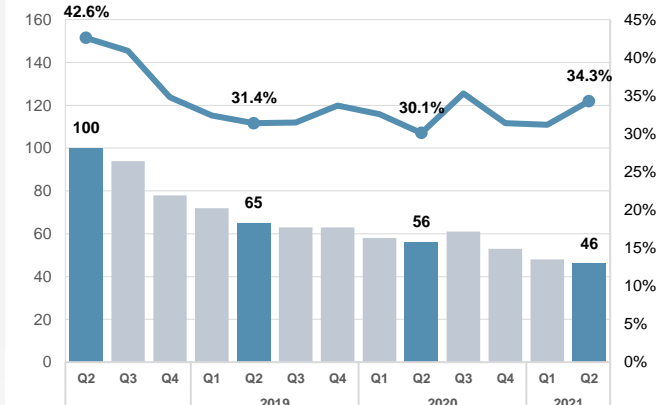
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

Down 10
Change year to year

34.3%
Current rate

46
Current year

56
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. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased
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. 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
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.
5.3 Sentenced to custody from remand	Number and proportion of Aboriginal young people refused bail at court finalisation by whether they received a custodial penalty or not.
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 Length of stay in custody	The average number of days spent in custody for Aboriginal young people discharged from custody.
6.5 Short-term remand	The number and proportion of Aboriginal young people discharged from custody that spent less than 2 days in custody
6.6 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.