

# NSW Criminal Justice Aboriginal over-representation

## December 2021 – Aboriginal adults



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

Sentenced and remand custody

**Stable**  
2-year trend

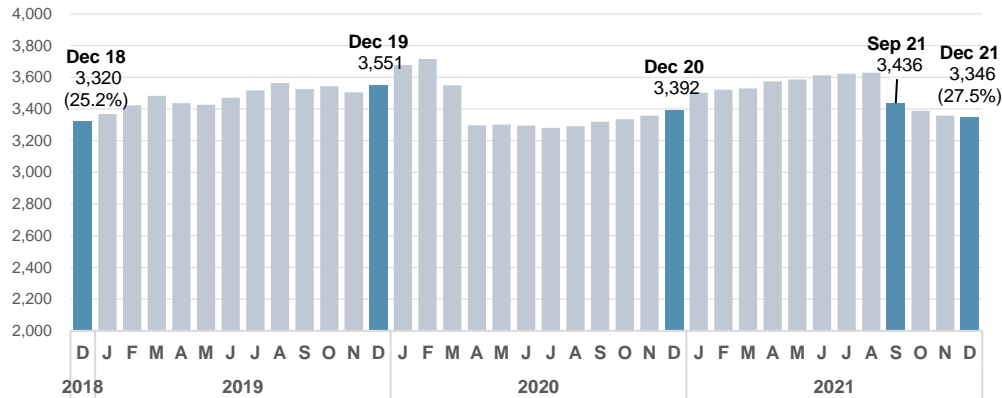
↓ **-90**  
From prior quarter

↓ **-205**  
From prior year

**3,346**  
Current year

**3,551**  
Last year

**27.5%**  
Current %



### 2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

**Stable**  
2-year trend

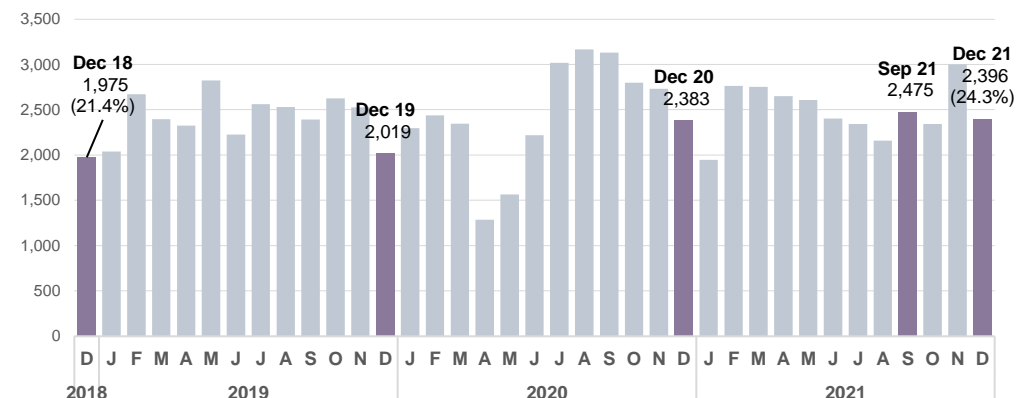
↑ **+764**  
From prior quarter

↑ **+459**  
From prior year

**29,839**  
Current year

**29,380**  
Last year

**24.3%**  
Current %



### 1.2 Aboriginal men in prison\*

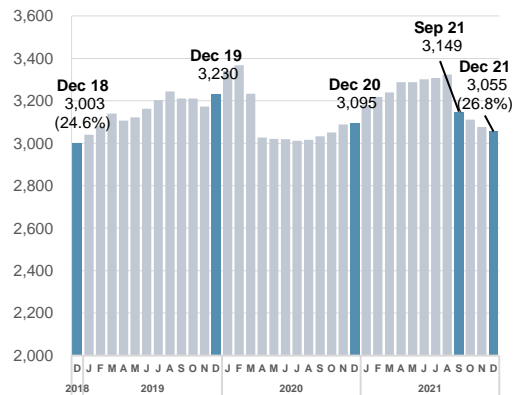
Sentenced and remand custody

**Stable**  
2-year trend

↓ **-175**  
From prior year

**3,055**  
Current year

**3,230**  
Last year



### 1.3 Aboriginal women in prison\*

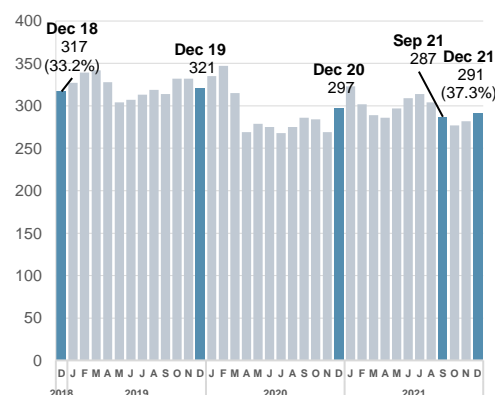
Sentenced and remand custody

**Stable**  
2-year trend

↓ **-30**  
From prior year

**291**  
Current year

**321**  
Last year



### 2.2 Aboriginal men in court

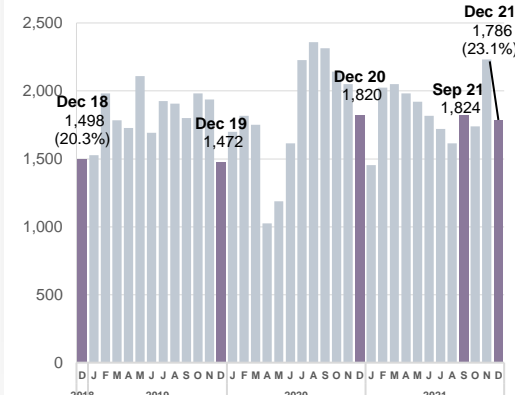
Local, District and Supreme Courts

**Stable**  
2-year trend

↑ **+156**  
From prior year

**22,167**  
Current year

**22,011**  
Last year



### 2.3 Aboriginal women in court

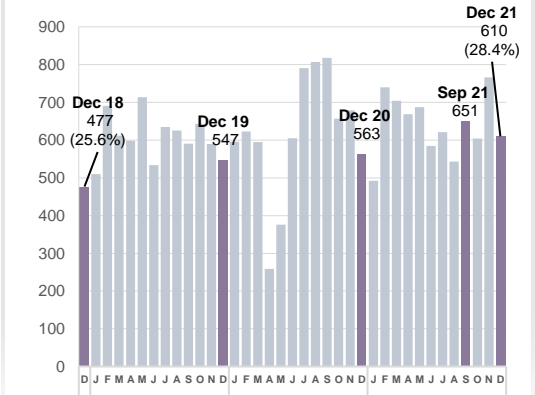
Local, District and Supreme Courts

**Stable**  
2-year trend

↑ **+303**  
From prior year

**7,672**  
Current year

**7,369**  
Last year



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

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

Aboriginal people comprise 2.2% of the adult NSW population

#### 3. Police

### 3.1 Police court proceedings\*

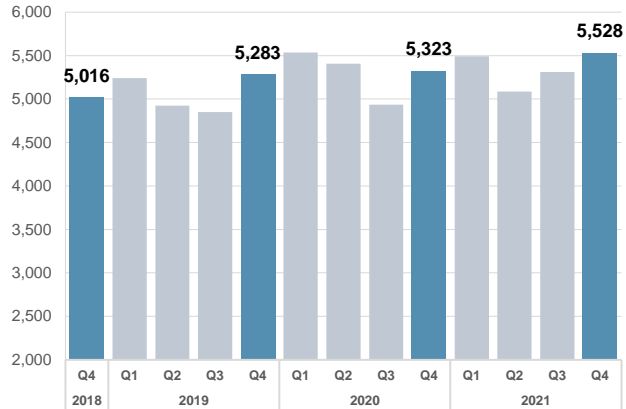
\*excludes Aboriginal adults proceeded to court for breaching bail

**Stable**  
2-year trend

**↑+217**  
From prior year

**21,420**  
Current year

**21,203**  
Last year



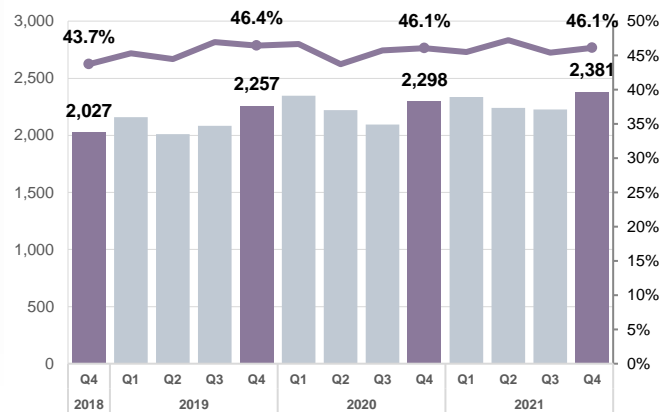
### 4.1 Refused bail by police

**Stable**  
2-year trend

**↑+221**  
From prior year

**9,183**  
Current year

**8,962**  
Last year



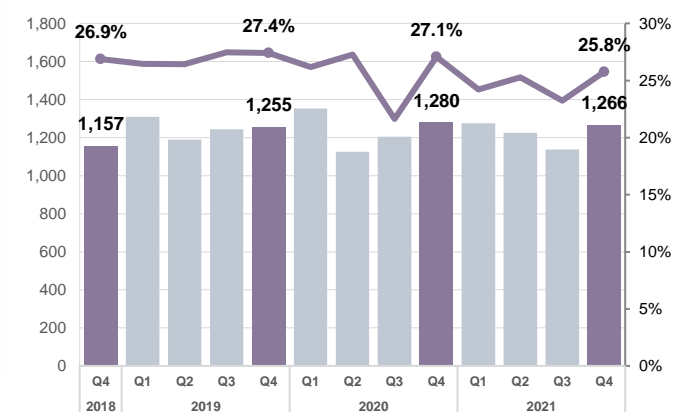
### 4.2 Refused bail by court

**Stable**  
2-year trend

**↓-60**  
From prior year

**4,904**  
Current year

**4,964**  
Last year



#### 4. Bail

### 4.3 Bail revoked due to breach

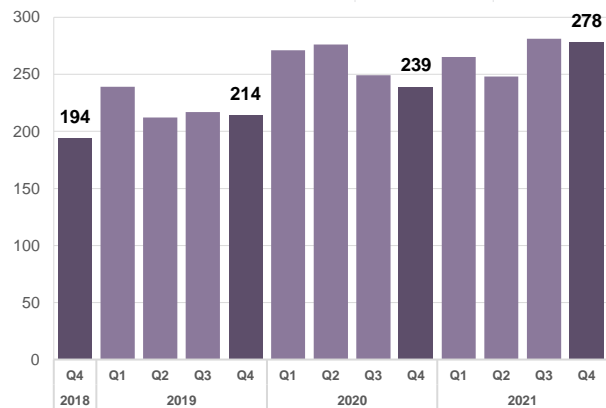
\*breach of bail established in court

**Stable**  
2-year trend

**↑+37**  
From prior year

**1,072**  
Current year

**1,035**  
Last year



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

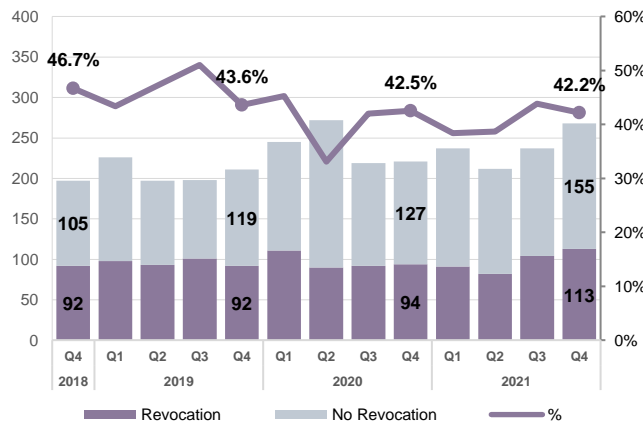
\*breach of bail established in court

**Stable**  
2-year trend

**↑+3**  
From prior year

**390**  
Current year

**387**  
Last year



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

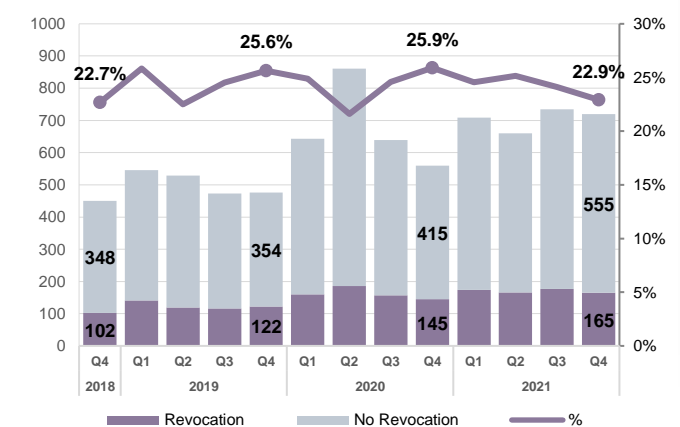
\*breach of bail established in court

**Stable**  
2-year trend

**↑+34**  
From prior year

**682**  
Current year

**648**  
Last year



#### 5. Criminal Courts

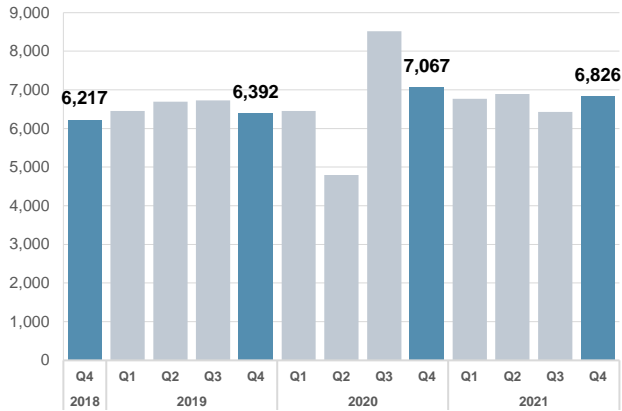
##### 5.1 Found guilty in court

**Stable**  
2-year trend

**↑ +80**  
From prior year

**26,910**  
Current year

**26,830**  
Last year



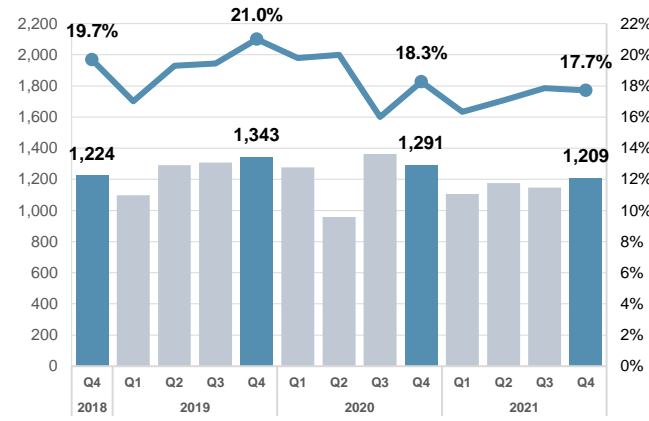
##### 5.2 Sentenced to prison

**Stable**  
2-year trend

**↓ -249**  
From prior year

**4,639**  
Current year

**4,888**  
Last year



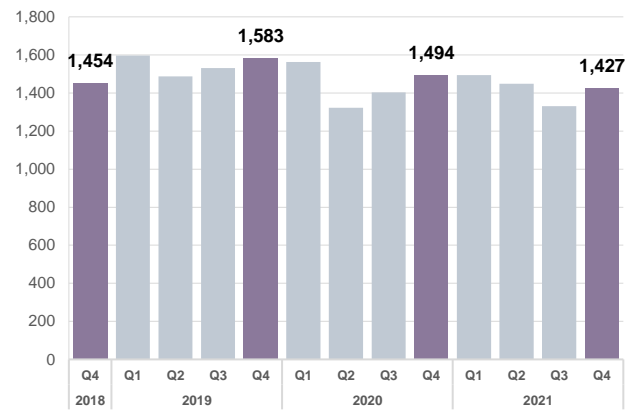
##### 6.1 Entering custody

**Stable**  
2-year trend

**↓ -83**  
From prior year

**5,700**  
Current year

**5,783**  
Last year



#### 6. Custody

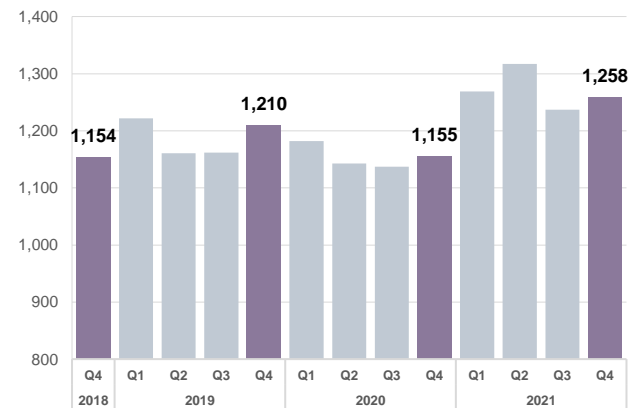
##### 6.2 Remand custody population\*

**Up 4.0%**  
2-year trend

**↑ +48**  
From prior year

**1,258**  
Current year

**1,210**  
Last year



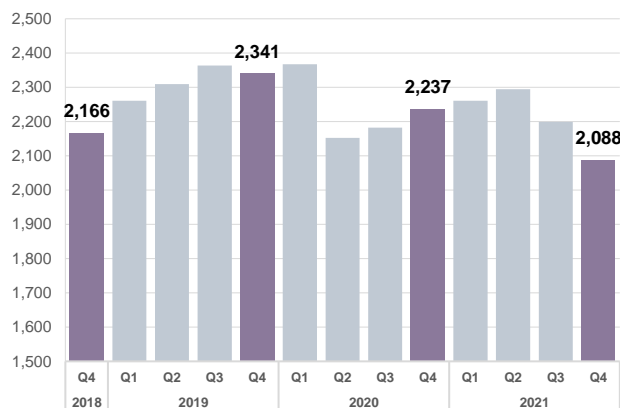
##### 6.3 Sentenced custody population\*

**Stable**  
2-year trend

**↓ -253**  
From prior year

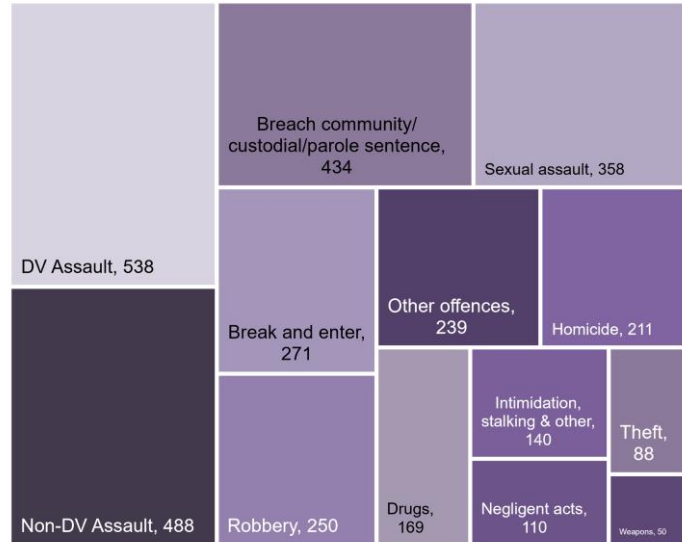
**2,088**  
Current year

**2,341**  
Last year



##### 6.4 Prisoner's most serious offence

The most serious offence for which a person is imprisoned



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

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

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

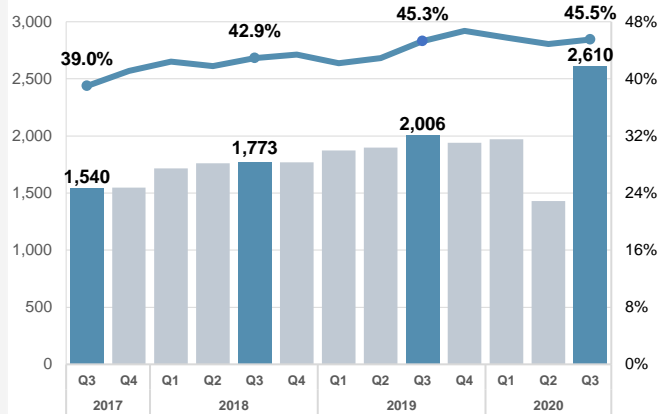
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Up 604**  
Change year to year

**45.5%**  
Current rate

**2,610<sup>^</sup>**  
Current year

**2,006**  
Last year



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

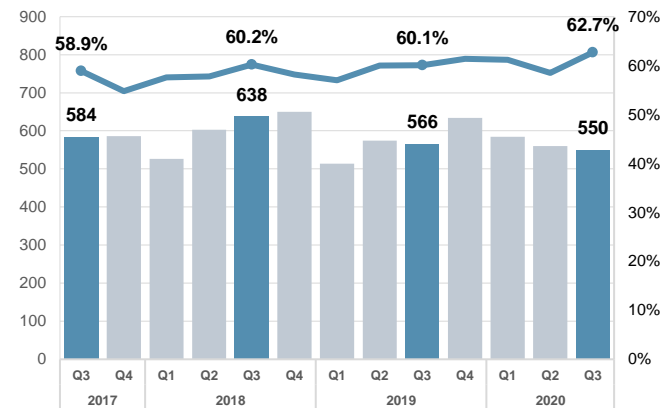
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Down 16**  
Change year to year

**62.7%**  
Current rate

**550**  
Current year

**566**  
Last year



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

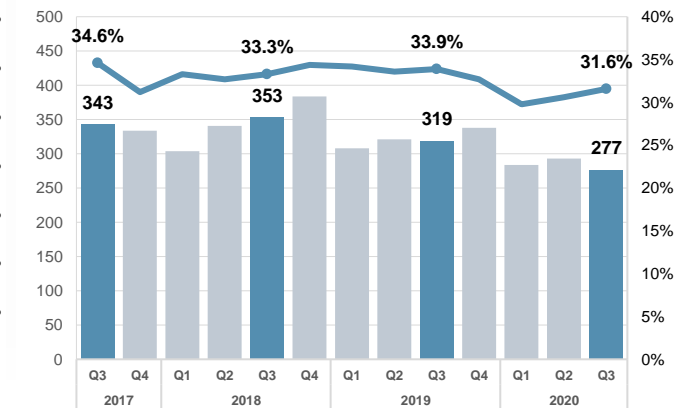
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

**Down 42**  
Change year to year

**31.6%**  
Current rate

**277**  
Current year

**319**  
Last year



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