

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

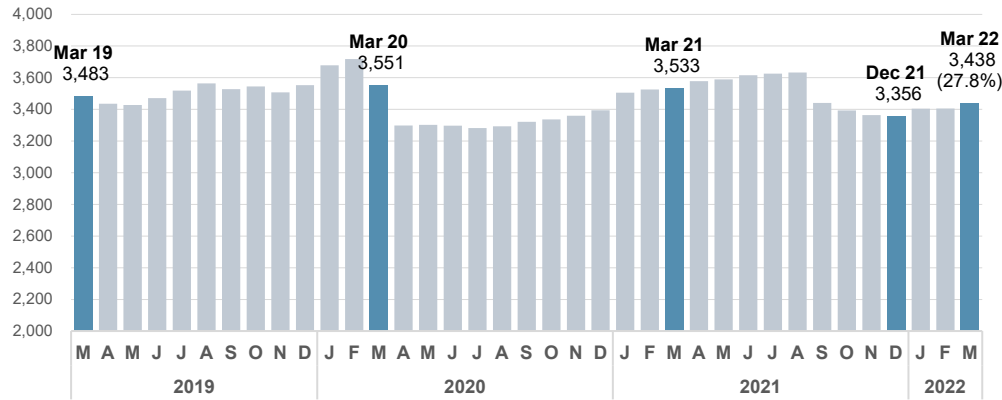
+82
From prior quarter

-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

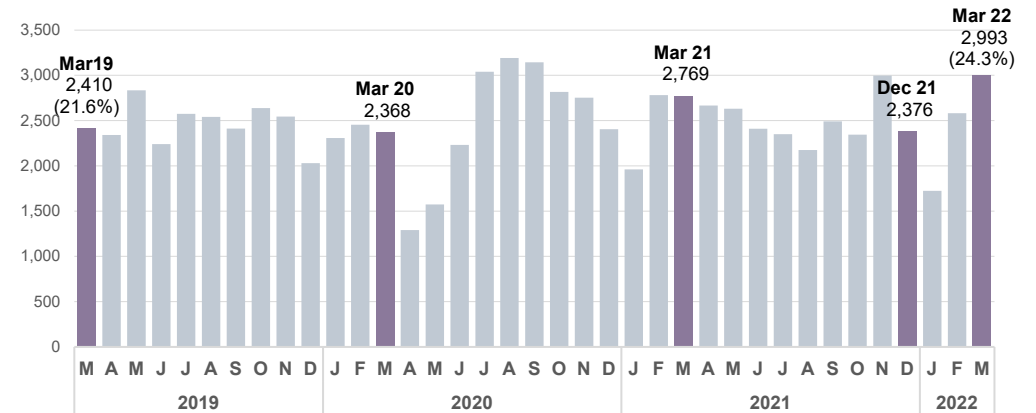
-421
From prior quarter

-216
From prior year

29,738
Current year

29,954
Last year

24.3%
Current %



1.2 Aboriginal men in prison*

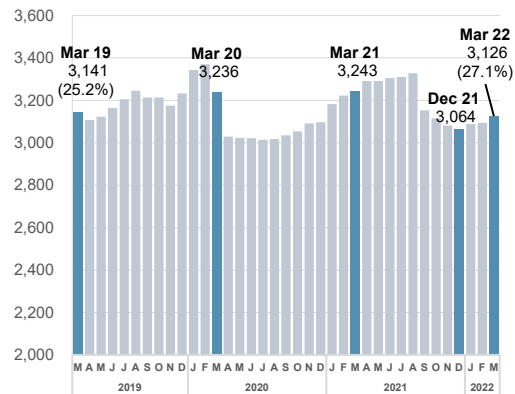
Sentenced and remand custody

Down 3.6%
From prior year

-117
From prior year

3,126
Current year

3,243
Last year



1.3 Aboriginal women in prison*

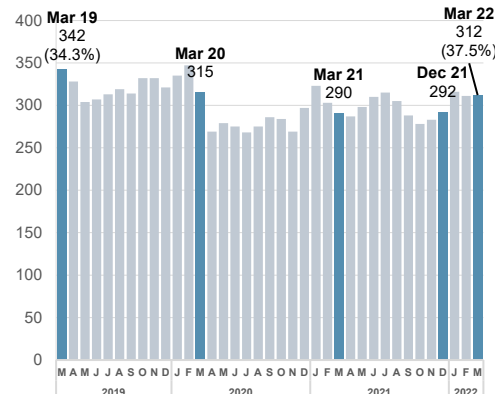
Sentenced and remand custody

Up 7.6%
From prior year

+22
From prior year

312
Current year

290
Last year



2.2 Aboriginal men in court

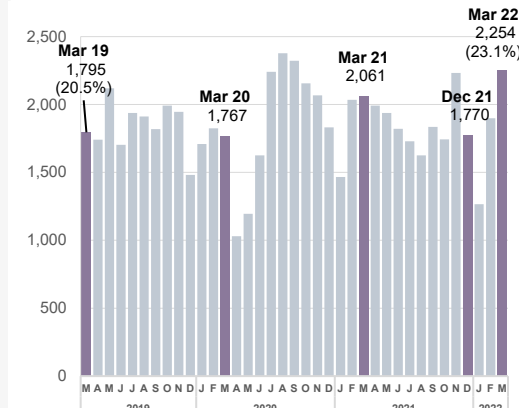
Local, District and Supreme Courts

Down 1.3%
From prior year

-301
From prior year

22,102
Current year

22,403
Last year



2.3 Aboriginal women in court

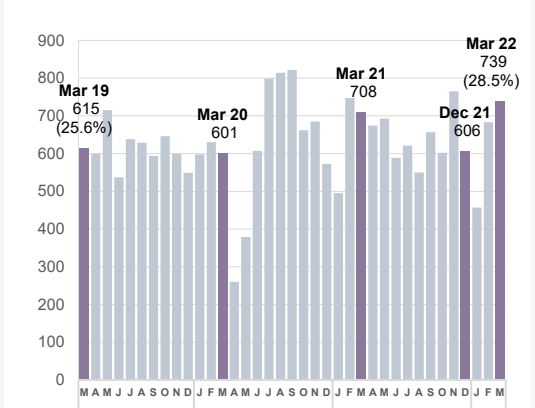
Local, District and Supreme Courts

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

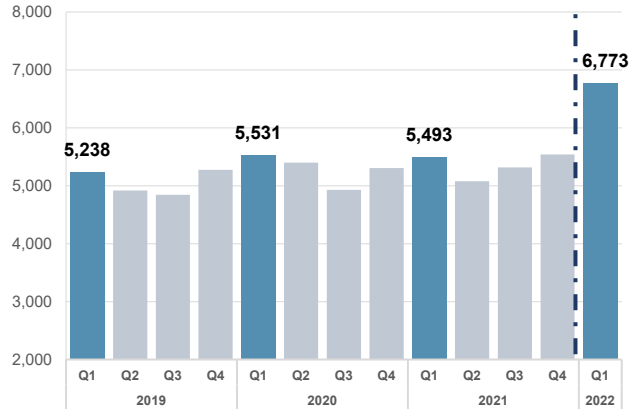
*Custody population figures are counted as at midnight on the last day of the month (stock figures).

3. Police

3.1 Police court proceedings*

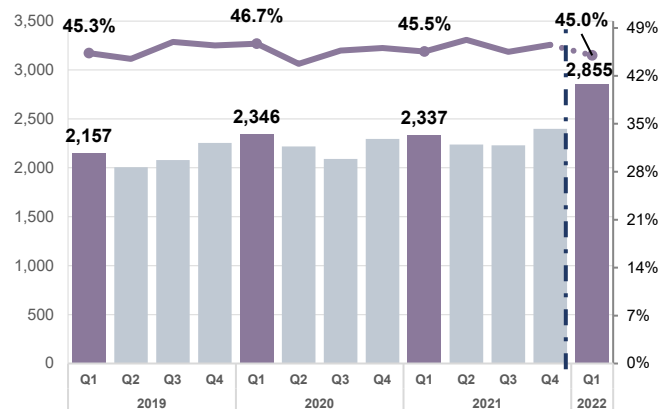
*excludes Aboriginal adults proceeded to court for breaching bail

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.



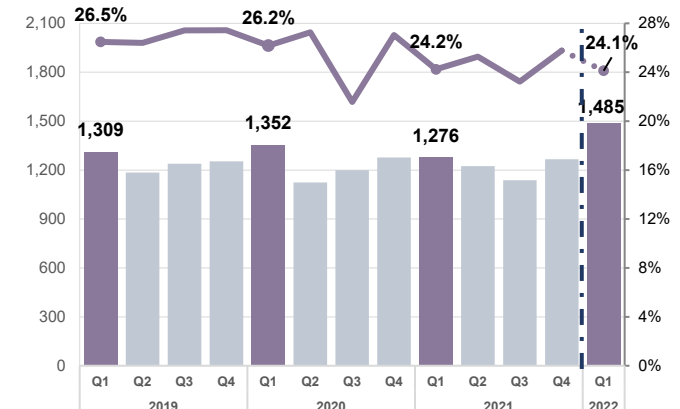
4.1 Refused bail by police

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.

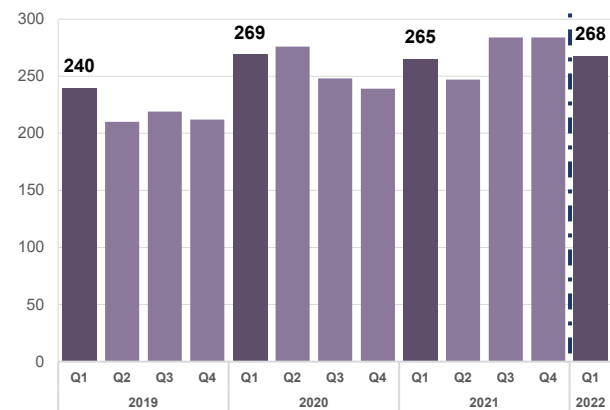


4. Bail

4.3 Bail revoked due to breach

*breach of bail established in court

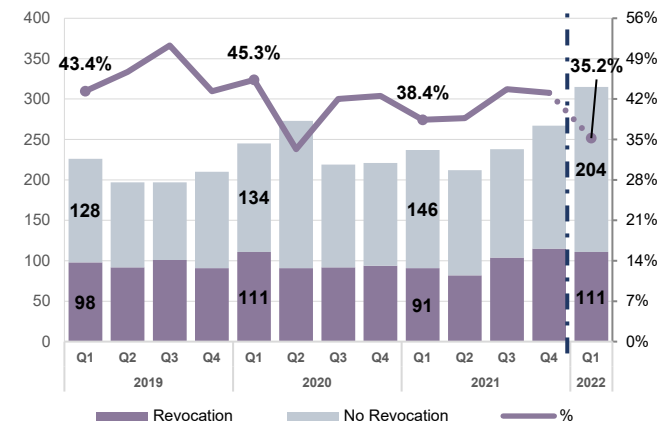
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

*breach of bail established in court

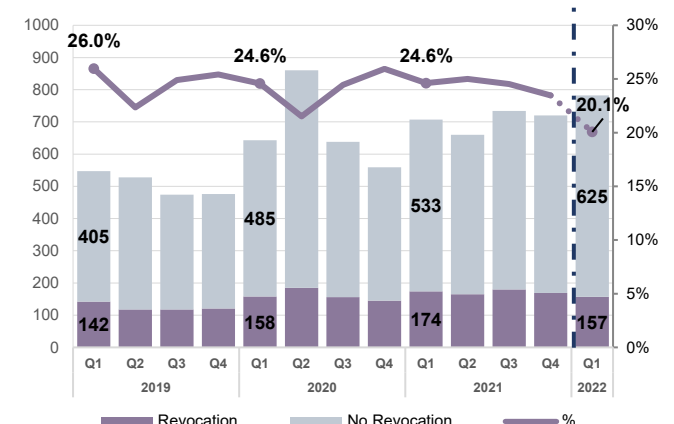
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

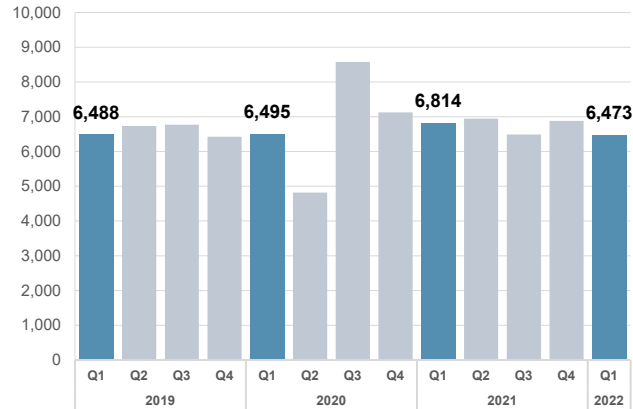
5.1 Found guilty in court

Down 2.0%
From prior year

↓ -544
From prior year

26,785
Current year

27,329
Last year



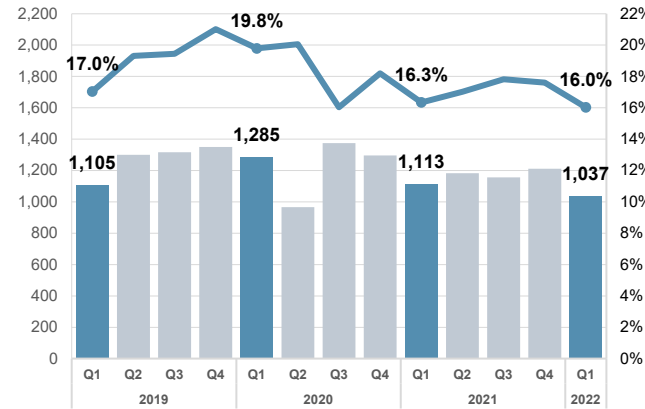
5.2 Sentenced to prison

Down 3.4%
From prior year

↓ -163
From prior year

4,586
Current year

4,749
Last year



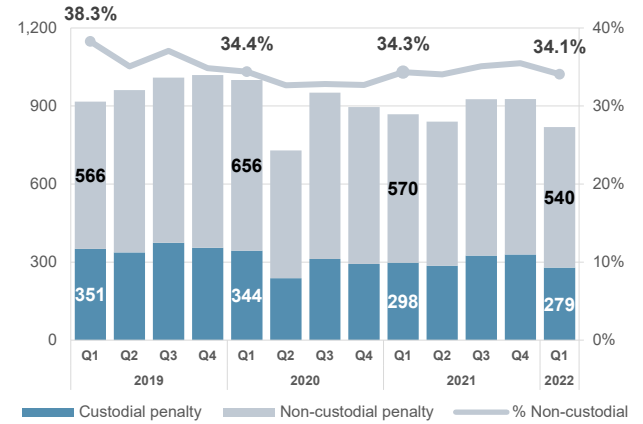
5.3 Sentenced to custody from remand

Down 0.4%
From prior year

↓ -10
From prior year

2,293
Current year

2,303
Last year



6. Custody

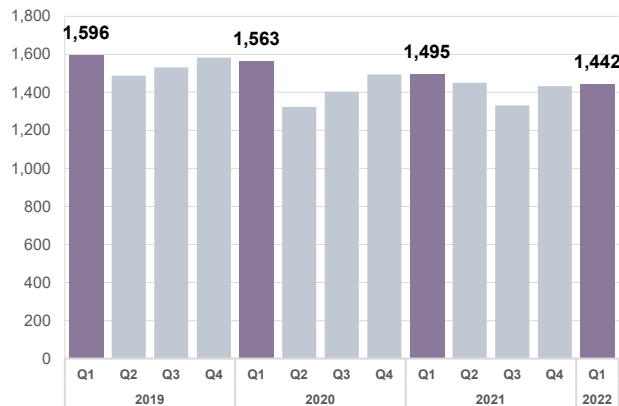
6.1 Entering custody

Down 1.0%
From prior year

↓ -60
From prior year

5,655
Current year

5,715
Last year



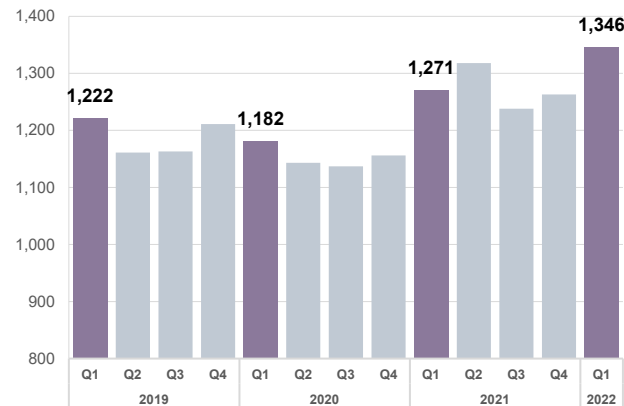
6.2 Remand custody population*

Up 5.9%
From prior year

↑ +75
From prior year

1,346
Current year

1,271
Last year



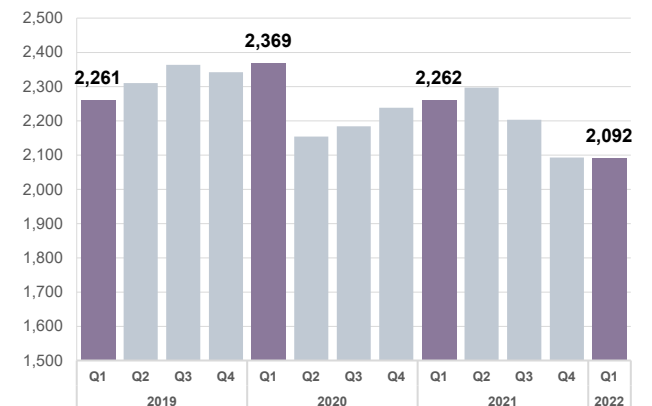
6.3 Sentenced custody population*

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

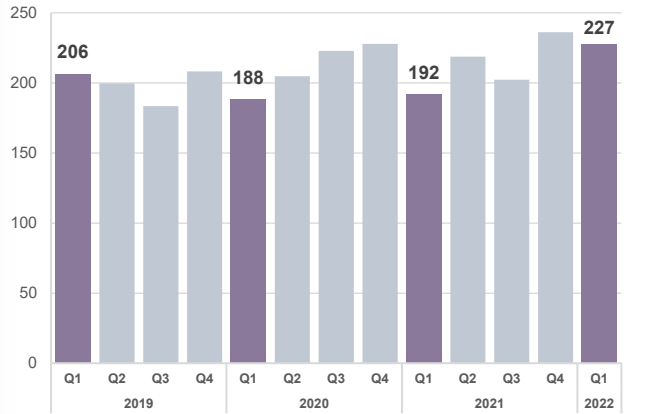
Average number of days for persons discharged by discharge date

Up 3.9%
From prior year

↑ +8 days
From prior year

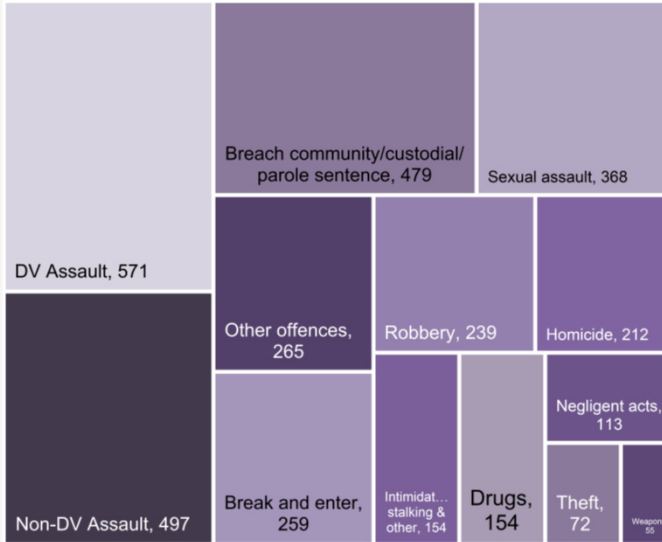
221 days
Current 12-month average

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

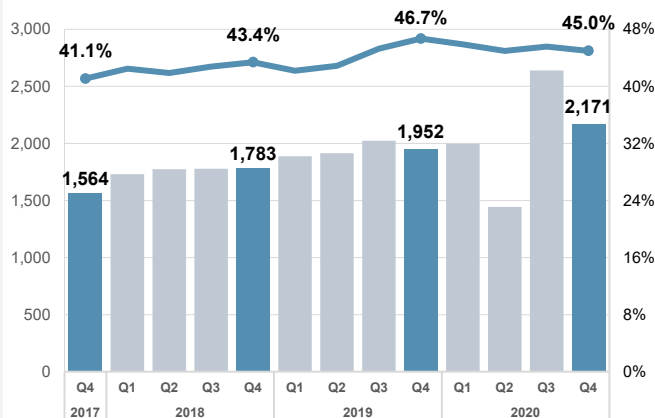
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Up 219
Change year to year

45.0%
Current rate

2,171[^]
Current year

1,952
Last year



7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

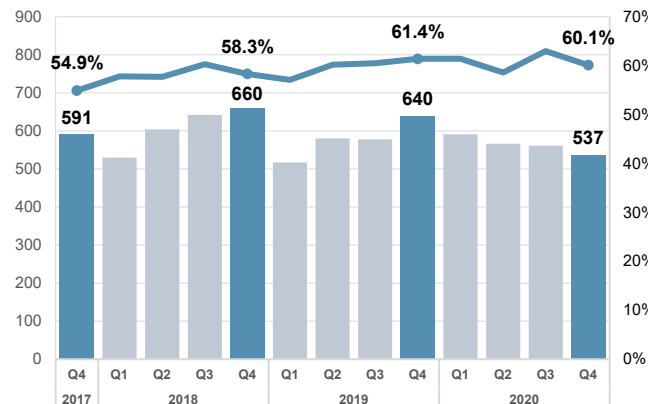
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

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

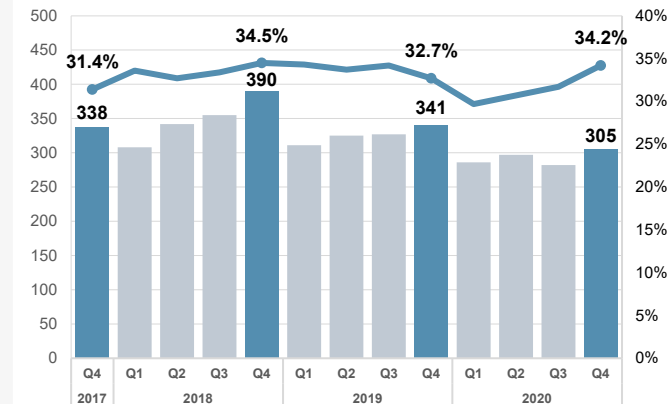
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

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
[^]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.

Aboriginal people comprise 2.2% of the adult NSW population

| Measure | Definition |
|---|--|
| 1.1, 1.2, 1.3 Aboriginal adults in prison | Number of Aboriginal adults held in custody, whether remanded or sentenced. Custody population figures are counted as at midnight on the last day of the month. |
| 2.1, 2.2, 2.3 Aboriginal adults in court | Number of Aboriginal adults appearing in finalised criminal court appearances. A finalised appearance is one which has been fully determined by the court and for which no further court proceedings are required. Counts appearances finalised in the Local, District and Supreme Courts. |
| 3.1 Police court proceedings | Number of Aboriginal adults proceeded against to court by NSW Police. This measure excludes Aboriginal adults proceeded against for a breach of bail. 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. |