

NSW Closing the Gap Target 11 Quarterly Report

Aboriginal young people are not overrepresented in the criminal justice system

DECEMBER 2023



1.1 Key indicator: Aboriginal young people in detention*

Sentenced and remand custody

Up 52.9%
From December 2021

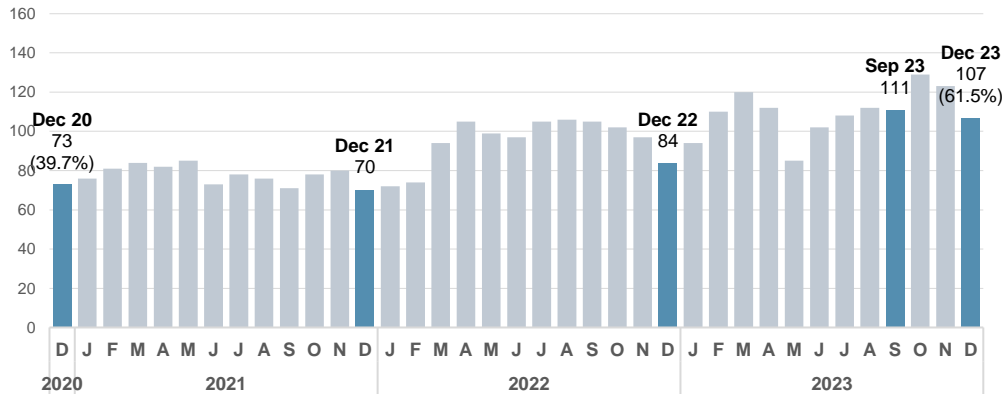
↓-4
From prior quarter

↑+37
From same month 2021

107
Current quarter

70
Same month 2021

61.5%
% Aboriginal



2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

Up 6.9%
From prior year

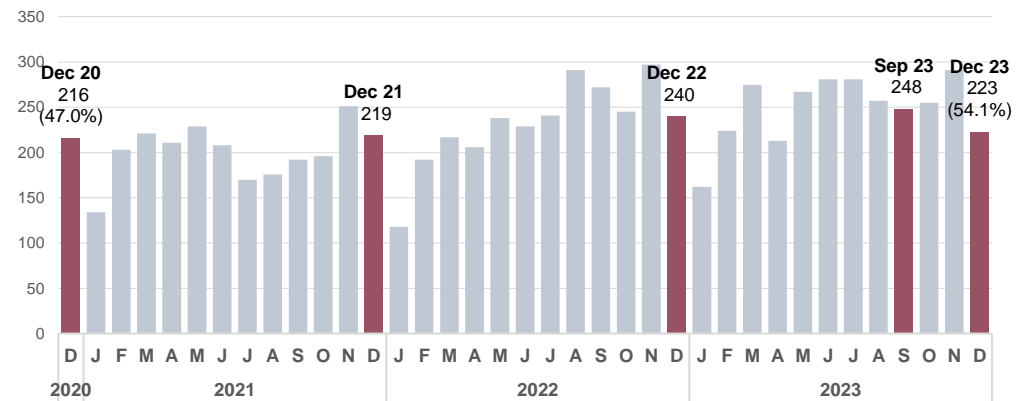
↓-17
From prior quarter

↑+191
From prior year

2,977
Current year

2,786
Last year

54.1%
% Aboriginal



1.2 Aboriginal young males in detention*

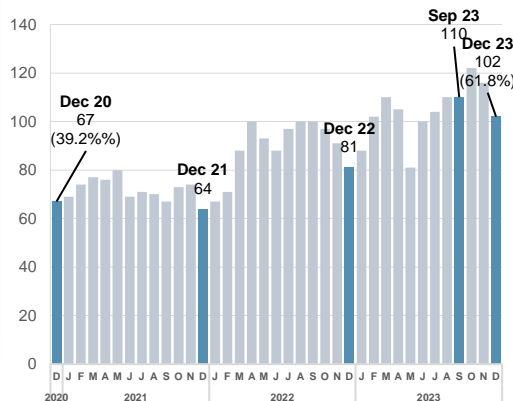
Sentenced and remand custody

Up 59.4%
From December 2021

↑+38
From same month 2021

102
Current quarter

64
Same month 2021



1.3 Aboriginal young females in detention*

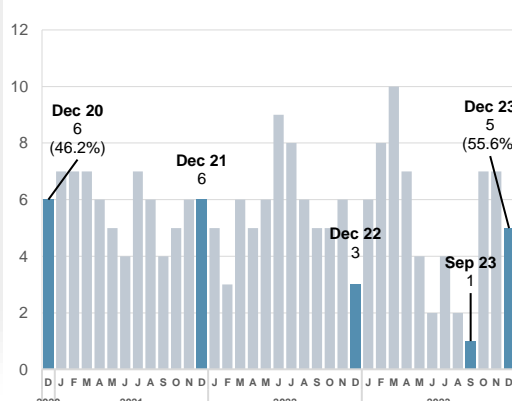
Sentenced and remand custody

Stable
From December 2021

↓-1
From same month 2021

5
Current quarter

6
Same month 2021



2.2 Aboriginal young males in court

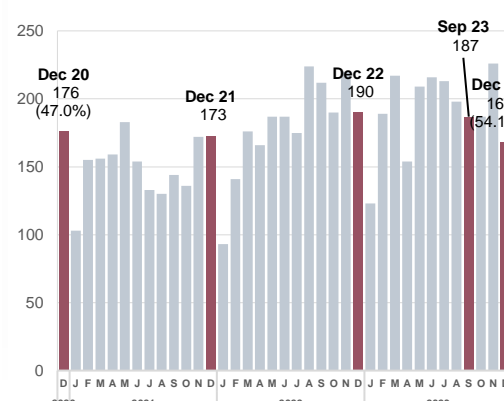
Children's, Local, District and Supreme Courts

Up 5.8%
From prior year

↑+126
From prior year

2,287
Current year

2,161
Last year



2.3 Aboriginal young females in court

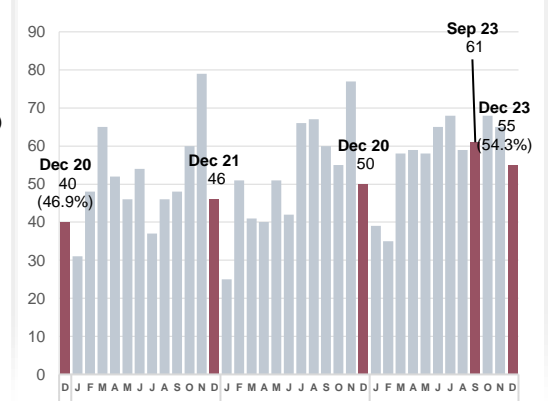
Children's, Local, District and Supreme Courts

Up 10.4%
From prior year

↑+65
From prior year

690
Current year

625
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).

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3. Police

3.1 Police court proceedings*

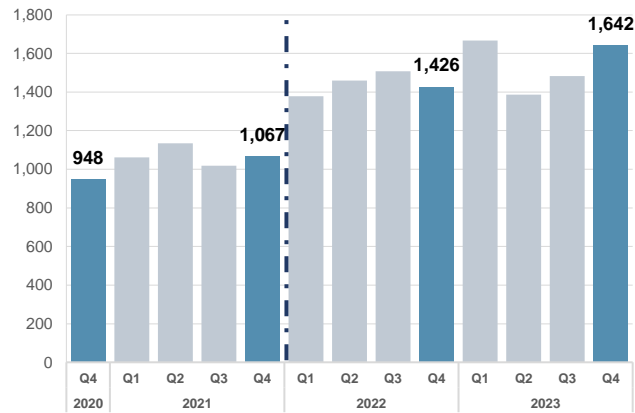
*excludes Aboriginal young people proceeded to court for breaching bail

Up 7.0%
From prior year

↑ +406
From prior year

6,178
Current year

5,772
Last year



3.2 Diversion from court*

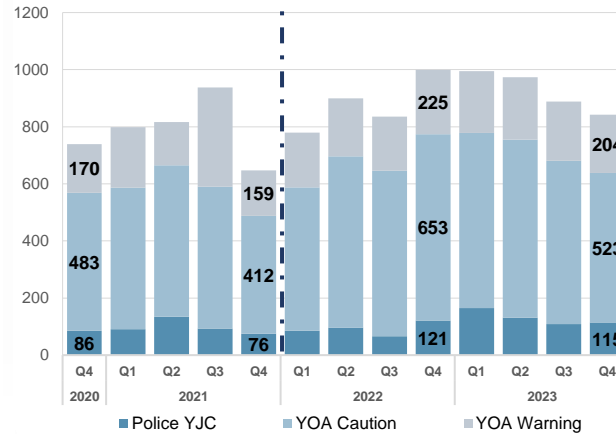
*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

Up 5.2%
From prior year

↑ +184
From prior year

3,698
Current year

3,514
Last year



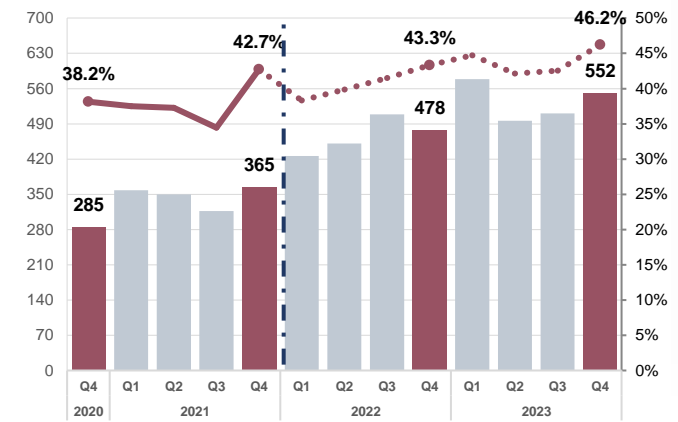
4.1 Refused bail by police

Up 14.7%
From prior year

↑ +274
From prior year

2,138
Current year

1,864
Last year



4. Bail

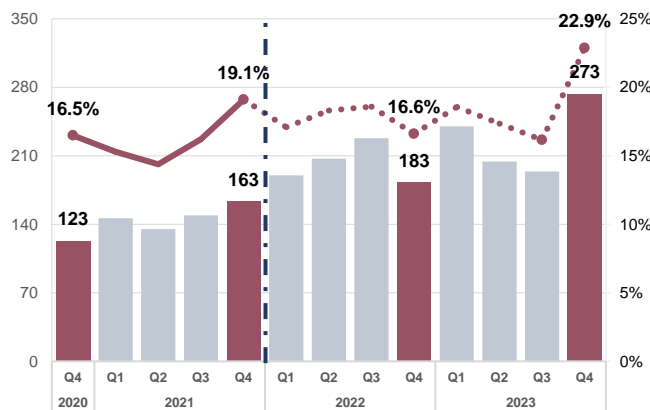
4.2 Refused bail by court

Up 12.7%
From prior year

↑ +103
From prior year

911
Current year

808
Last year



4.3 Bail revocations following bail breach involving further offence*

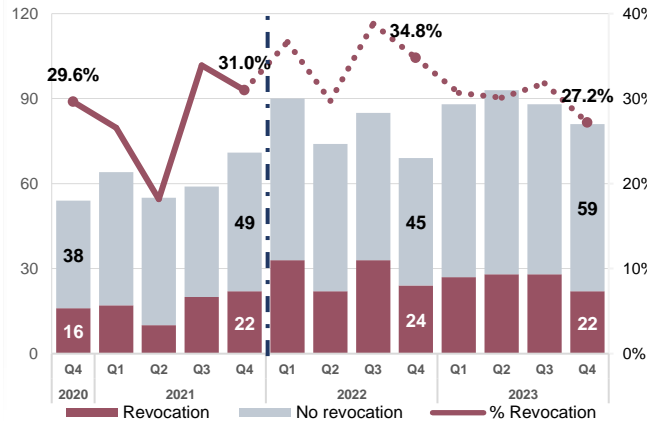
*breach of bail established in court

Down 6.3%
From prior year

↓ -7
From prior year

105
Current year

112
Last year



4.4 Bail revocations from technical bail breach

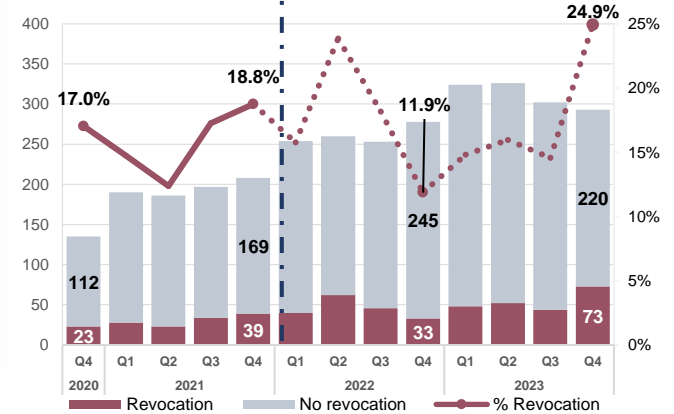
*breach of bail established in court

Up 19.9%
From prior year

↑ +36
From prior year

217
Current year

181
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend. In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal.

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5. Criminal Courts

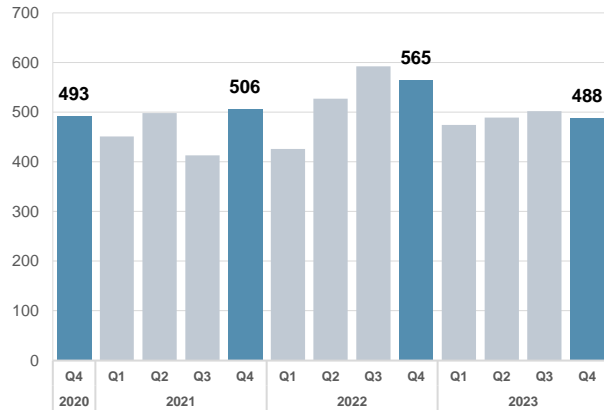
5.1 Found guilty in court

Down 7.4%
From prior year

↓-157
From prior year

1,953
Current year

2,110
Last year



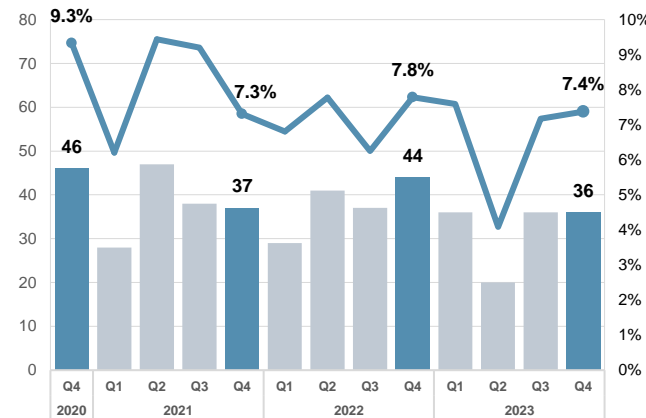
5.2 Sentenced to custody

Down 15.2%
From prior year

↓-23
From prior year

128
Current year

151
Last year



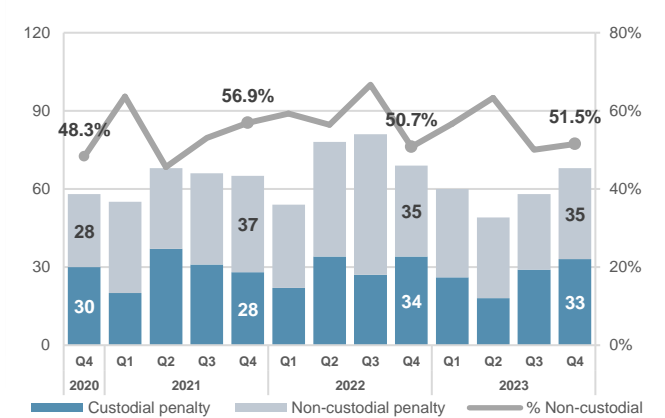
5.3 Sentenced to custody from remand

Down 9.4%
From prior year

↓-11
From prior year

106
Current year

117
Last year



6. Custody

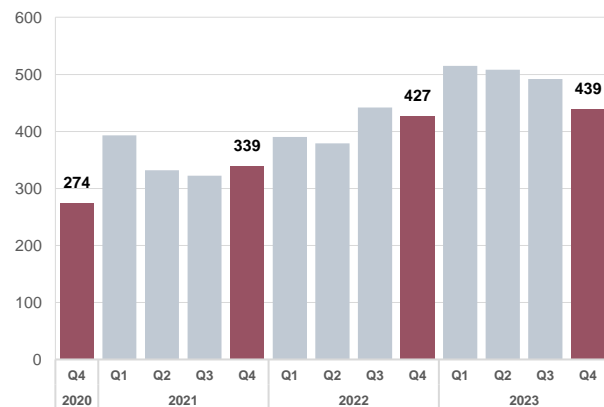
6.1 Entering custody

Up 41.0%
From December 2021

↑+568
From 2021

1,954
Current year

1,386
2021



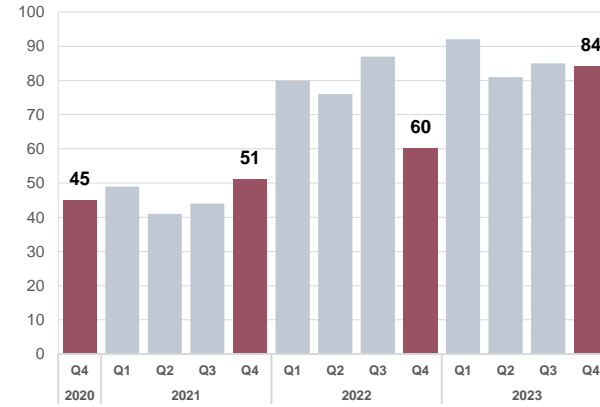
6.2 Remand custody population*

Up 64.7%
From December 2021

↑+33
From same qtr 2021

84
Current quarter

51
Same qtr 2021



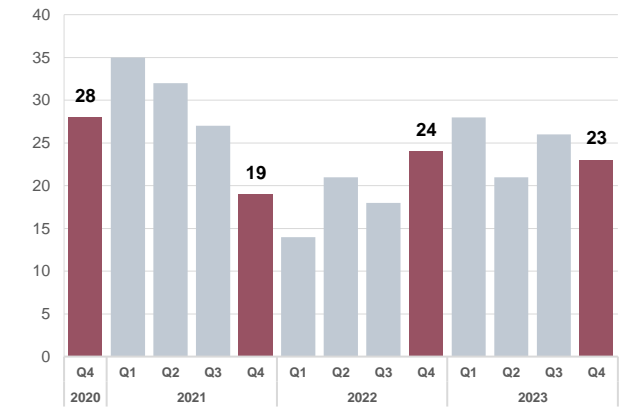
6.3 Sentenced custody population*

Up 21.1%
From December 2021

↑+4
From same qtr 2021

23
Current quarter

19
Same qtr 2021



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

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6. Custody

6.4 Length of stay in custody*

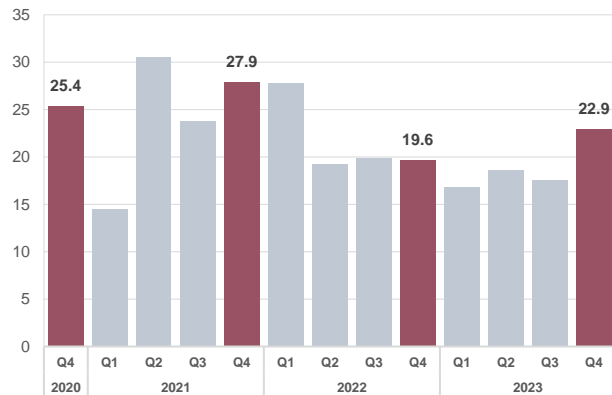
*Average number of days for persons discharged by discharge date

Stable
From prior year

↓-2.9 days
From prior year

18.9 days
Current 12-month average

21.8 days
12-month average last year



6.5 Short-term remand*

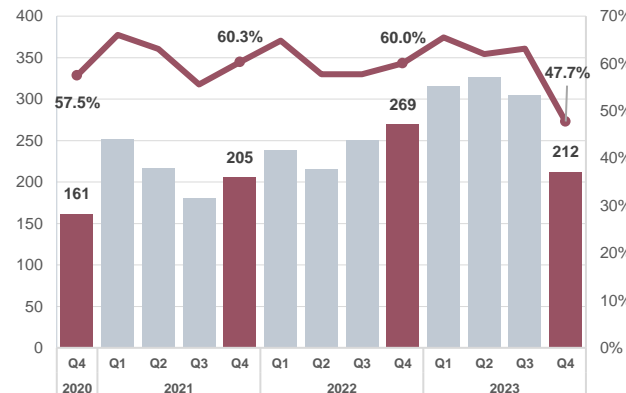
*Number of persons that spent less than 2 days spent in custody by discharge date

Up 19.0%
From prior year

↑+185
From prior year

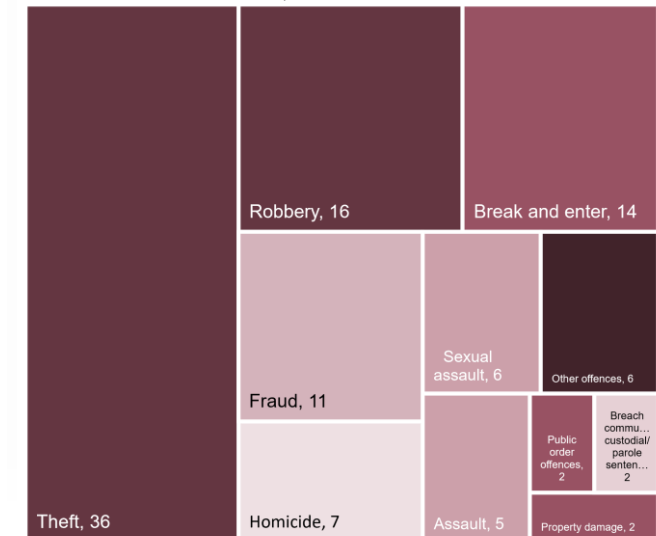
1,158
Current year

973
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

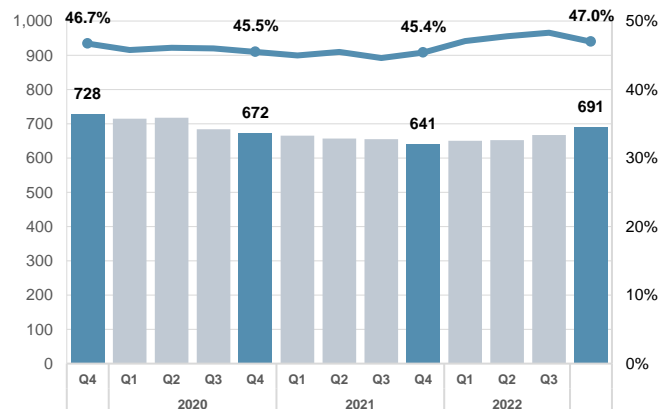
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Up 50
Change year to year

47.0%
Current rate

691
Current year

641
Last year



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

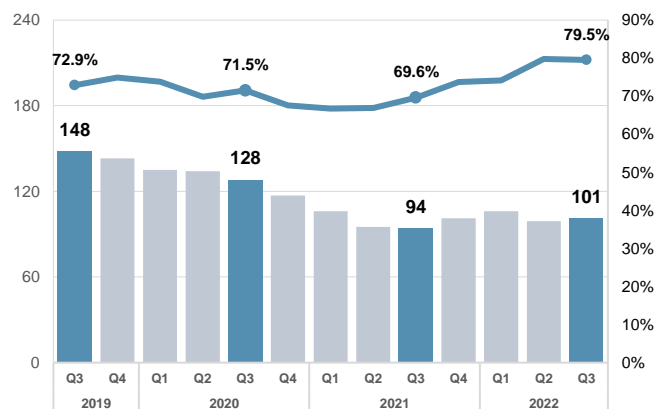
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Up 7
Change year to year

79.5%
Current rate

101
Current year

94
Last year



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

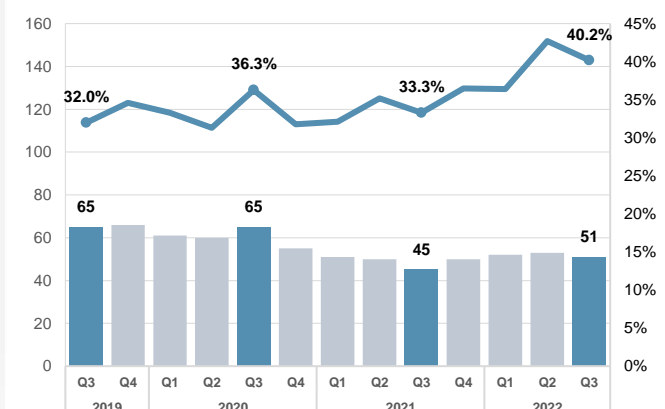
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

Up 6
Change year to year

40.2%
Current rate

51
Current year

45
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
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.