

NSW Criminal Justice Aboriginal over-representation

September 2023 – Aboriginal adults



1.1 Key indicator: Aboriginal adults in prison*

Sentenced and remand custody

Up 7.0%
From September 2021

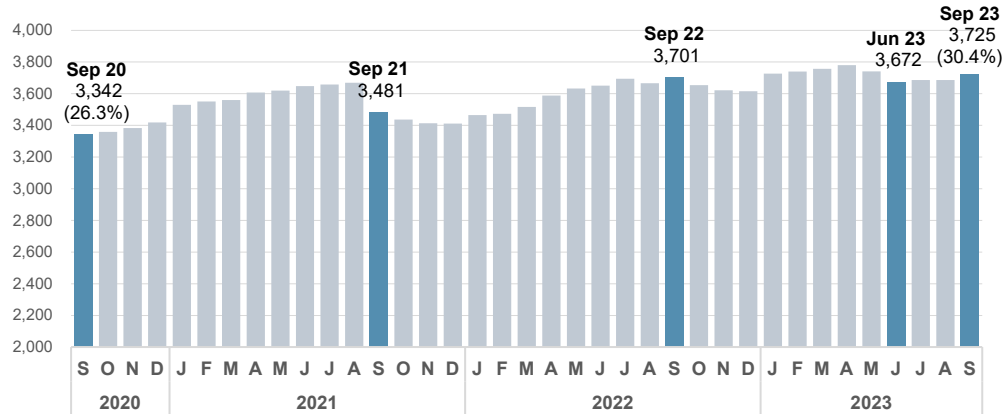
↑ +53
From prior quarter

↑ +244
From same month 2021

3,725
Current year

3,481
Same month 2021

30.4%
Current %



2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

Up 9.7%
From prior year

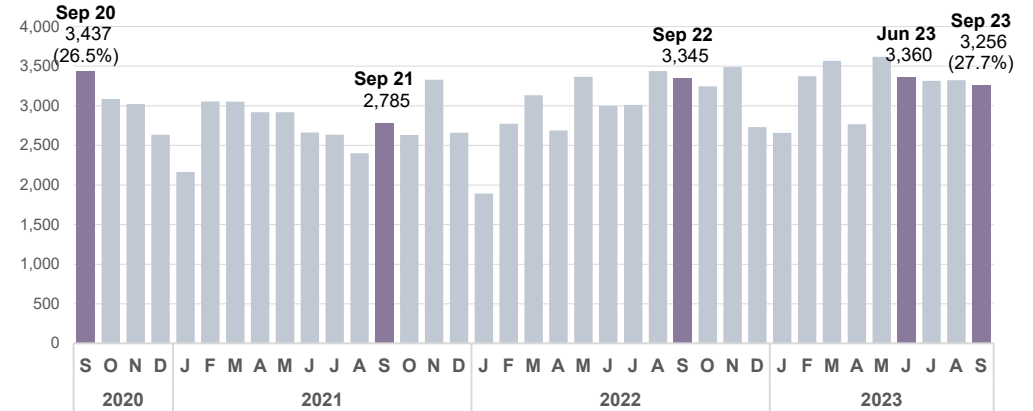
↑ +147
From prior quarter

↑ +3,435
From prior year

38,702
Current year

35,267
Last year

27.7%
Current %



1.2 Aboriginal men in prison*

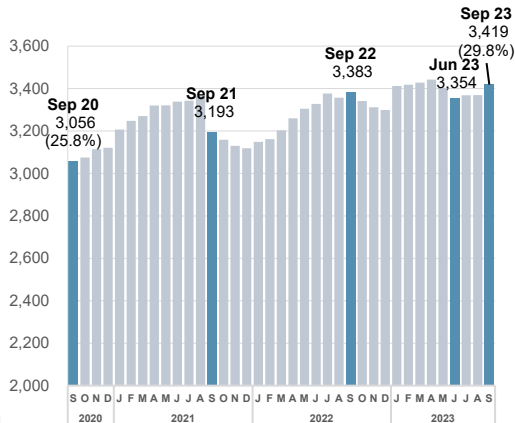
Sentenced and remand custody

Up 7.1%
From September 2021

↑ +226
From same month 2021

3,419
Current year

3,193
Same month 2021



1.3 Aboriginal women in prison*

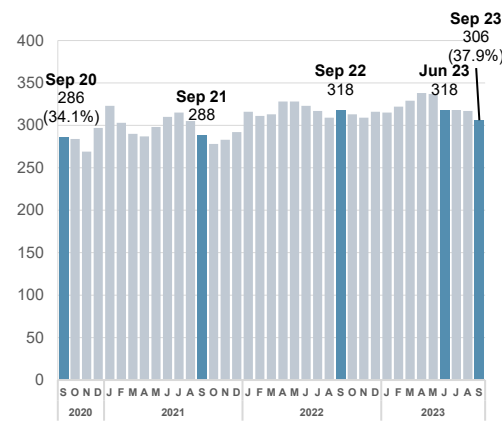
Sentenced and remand custody

Up 6.3%
From September 2021

↑ +18
From same month 2021

306
Current year

288
Same month 2021



2.2 Aboriginal men in court

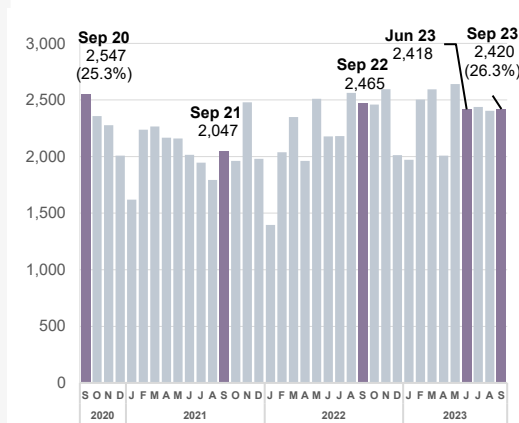
Local, District and Supreme Courts

Up 9.2%
From prior year

↑ +2,405
From prior year

28,465
Current year

26,060
Last year



2.3 Aboriginal women in court

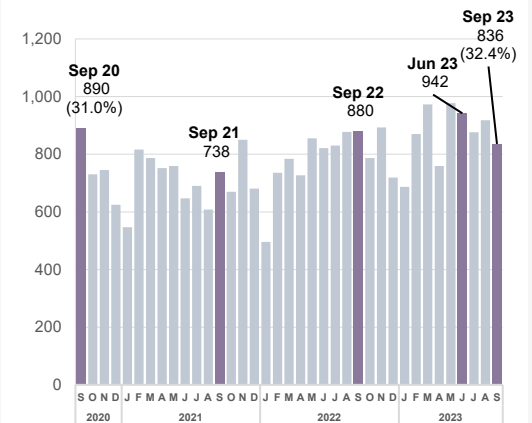
Local, District and Supreme Courts

Up 11.2%
From prior year

↑ +1,030
From prior year

10,237
Current year

9,207
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)

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September 2023 – Aboriginal adults

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3. Police

3.1 Police court proceedings*

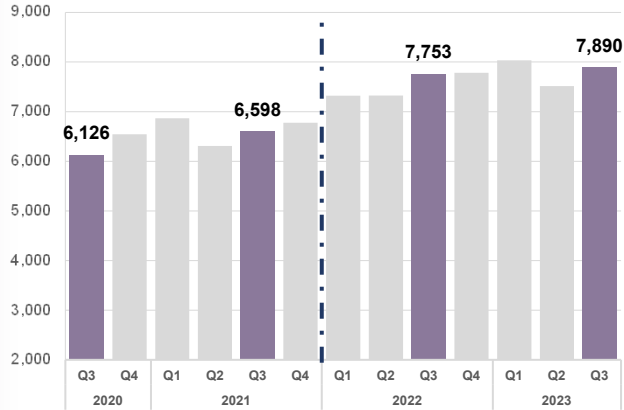
*excludes Aboriginal adults proceeded to court for breaching bail

Up 7.0%
From prior year

↑ +2,051
From prior year

31,223
Current year

29,172
Last year



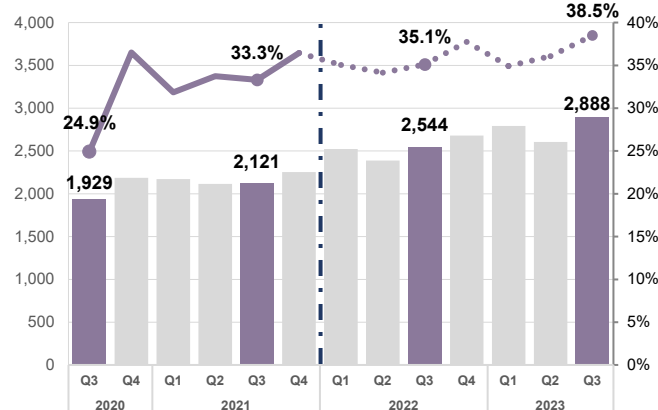
4.1 Refused bail by police

Up 12.9%
From prior year

↑ +1,257
From prior year

10,967
Current year

9,710
Last year



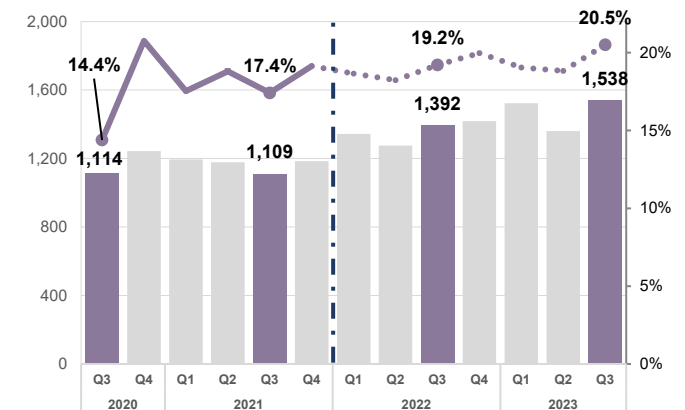
4.2 Refused bail by court

Up 12.4%
From prior year

↑ +645
From prior year

5,839
Current year

5,194
Last year



4. Bail

4.3 Bail revoked due to breach

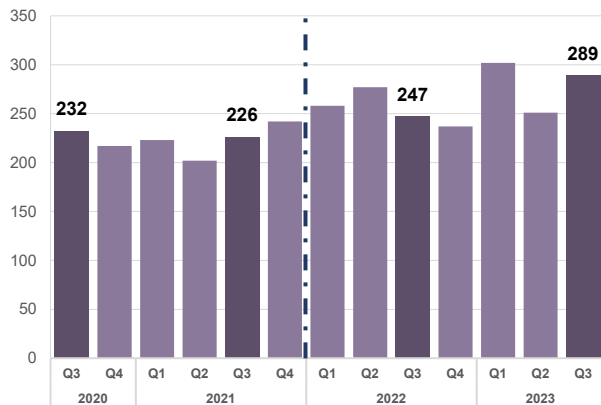
*breach of bail established in court

Stable
From prior year

↑ +65
From prior year

1,094
Current year

1,029
Last year



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

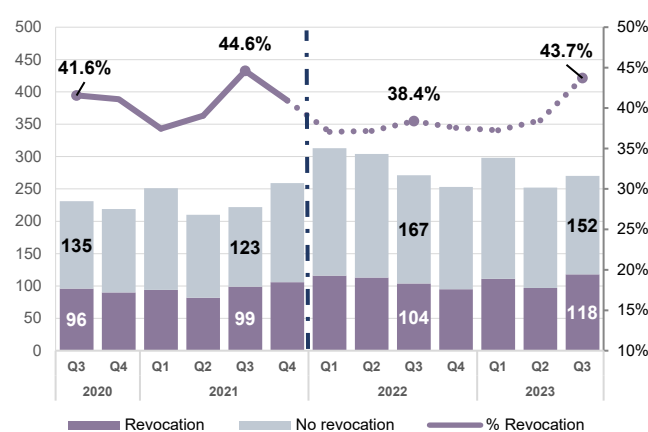
*breach of bail established in court

Stable
From prior year

↓ -10
From prior year

429
Current year

439
Last year



4.5 Reason for bail revocation – technical bail breach

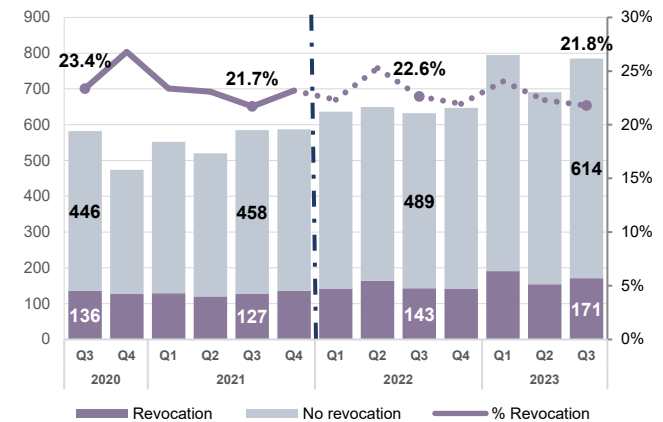
*breach of bail established in court

Up 12.7%
From prior year

↑ +75
From prior year

665
Current year

590
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.

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

NSW Criminal Justice Aboriginal over-representation

September 2023 – Aboriginal adults

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5. Criminal Courts

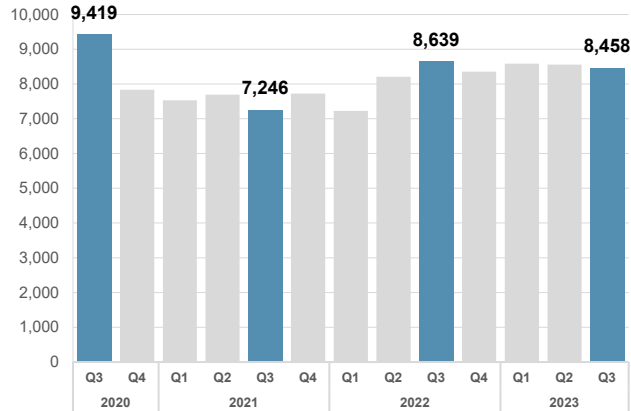
5.1 Found guilty in court

Up 6.8%
From prior year

↑+2,154
From prior year

33,950
Current year

31,796
Last year



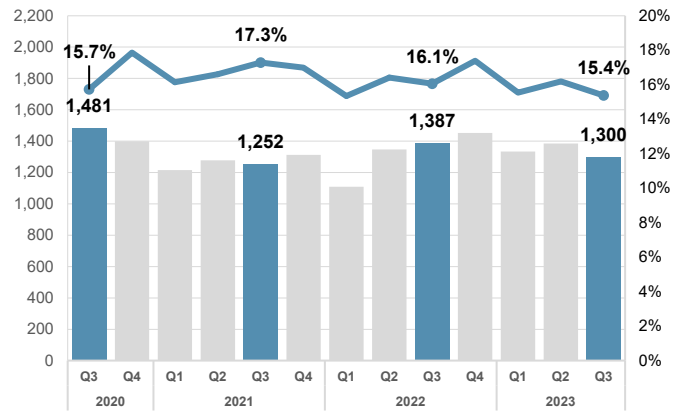
5.2 Sentenced to prison

Up 6.1%
From prior year

↑+316
From prior year

5,471
Current year

5,155
Last year



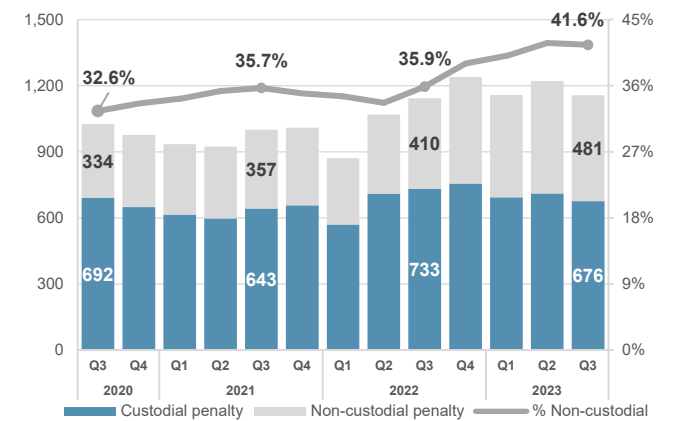
5.3 Sentenced to custody from remand

Up 6.3%
From prior year

↑+168
From prior year

2,837
Current year

2,669
Last year



6. Custody

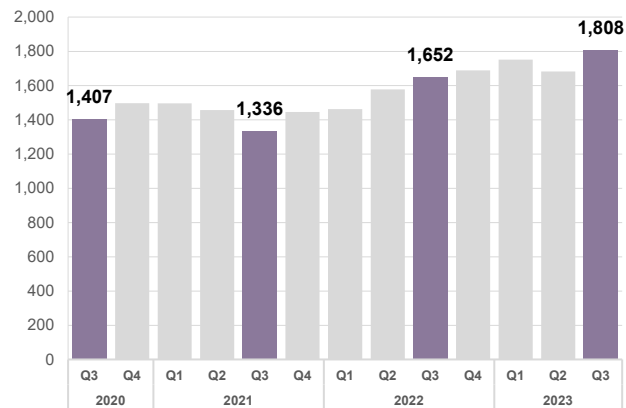
6.1 Entering custody

Up 19.8%
From September 2021

↑+1,145
From same qtr 2021

6,931
Current year

5,786
Same qtr 2021



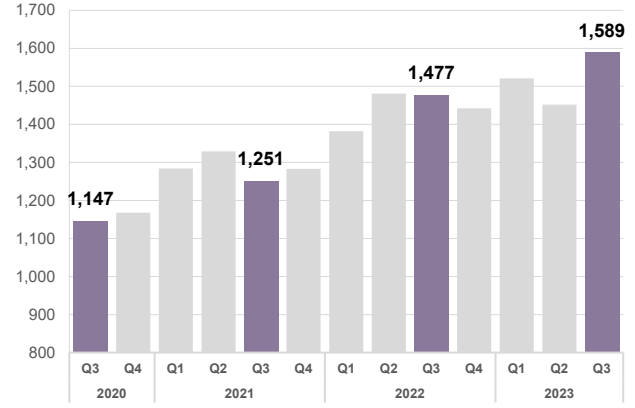
6.2 Remand custody population*

Up 27.0%
From September 2021

↑+338
From same qtr 2021

1,589
Current quarter

1,251
Same qtr 2021



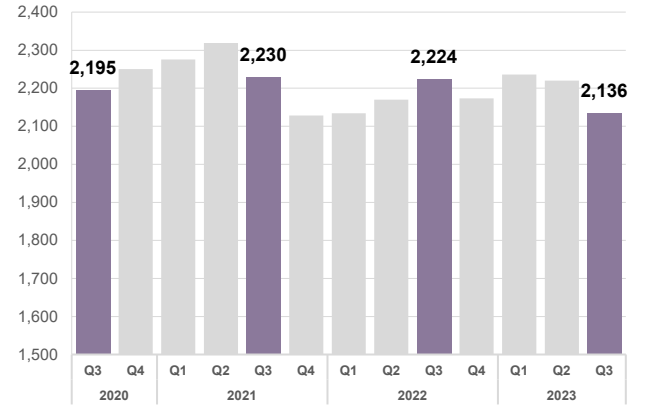
6.3 Sentenced custody population*

Down 4.2%
From September 2021

↓-94
From same qtr 2021

2,136
Current quarter

2,230
Same qtr 2021



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

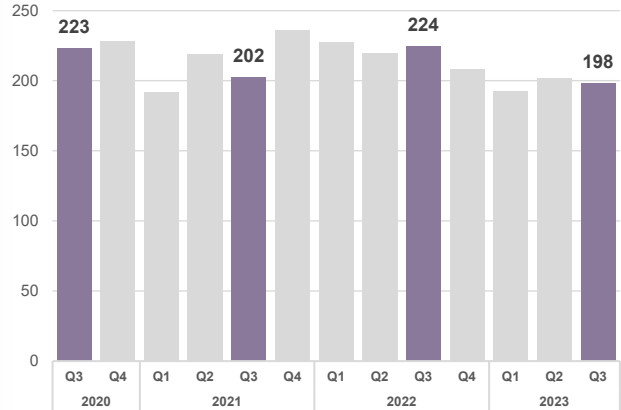
6.4 Length of stay in custody

Average number of days for persons discharged by discharge date

Down 12.1% ↓-27 days
From prior year

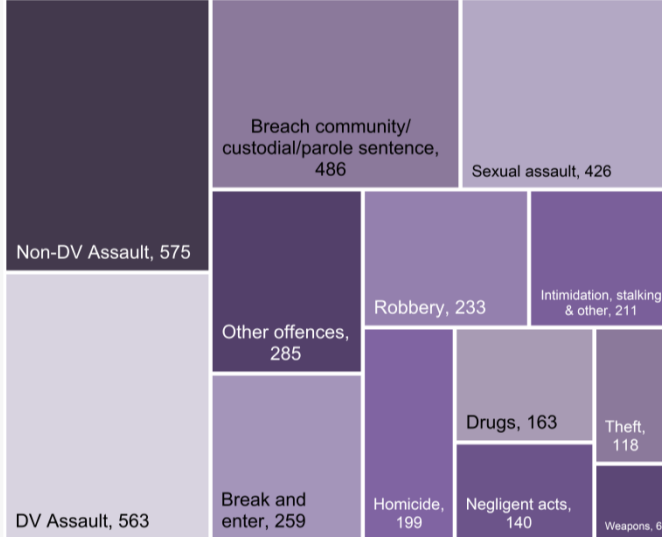
200 days Current 12-month average

227 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

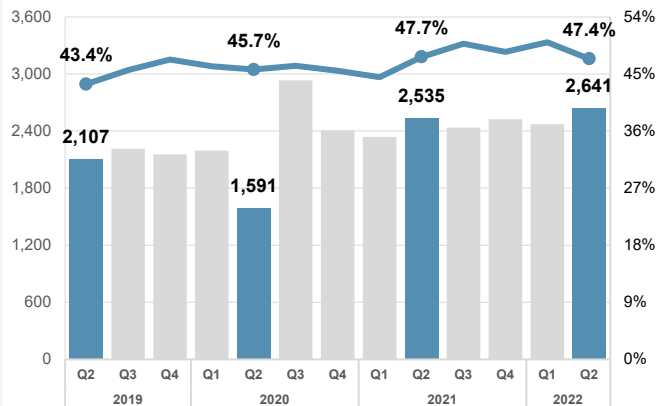
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Up 106 Change year to year

47.4% Current rate

2,641 Current year

2,535 Last year



7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

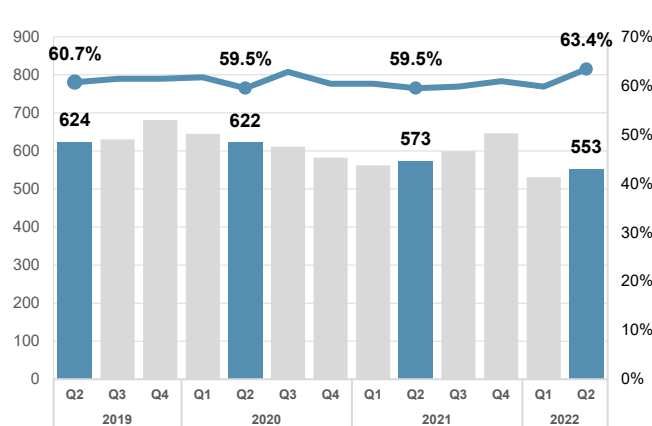
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Down 20 Change year to year

63.4% Current rate

553 Current year

573 Last year



7.3 Reoffending among Aboriginal adults exiting custody – return to custody

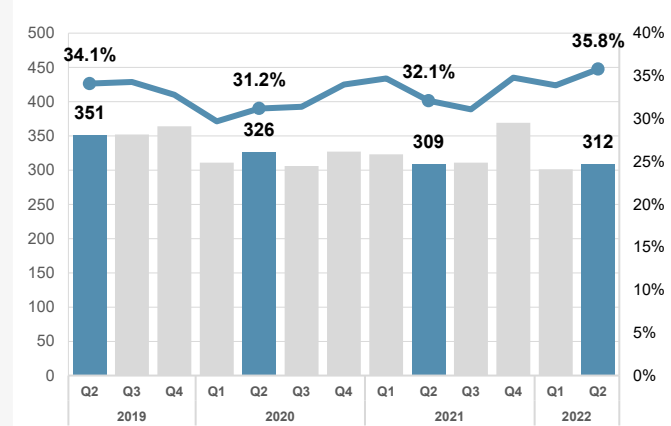
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

Stable Change year to year

35.8% Current rate

213 Current year

309 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

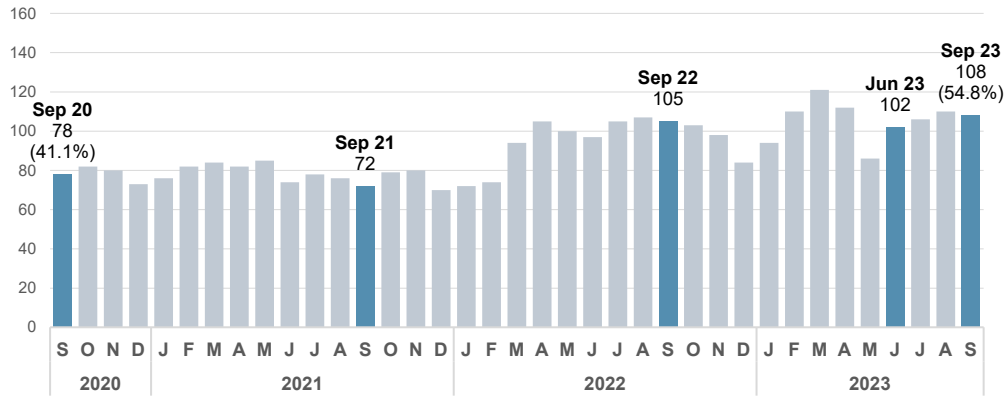
September 2023 – Aboriginal young people



1.1 Key indicator: Aboriginal young people in detention*

Sentenced and remand custody

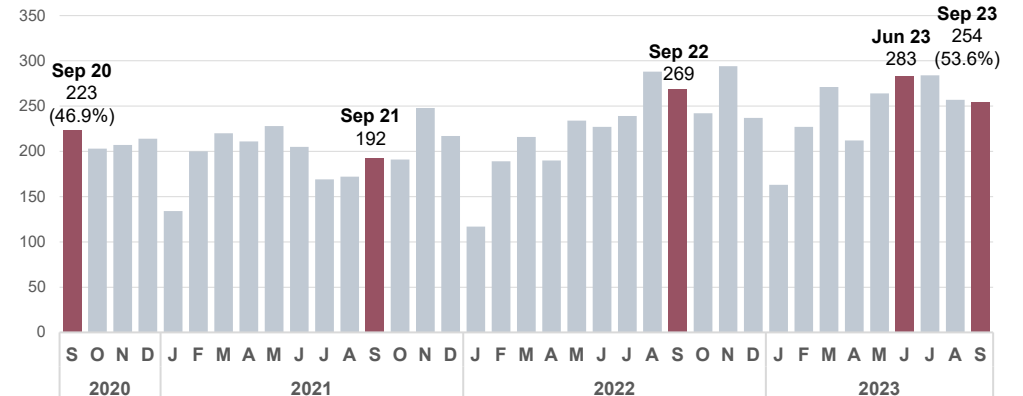
Up 50.0% From September 2021	↑+6 From prior quarter	↑+36 From same month 2021	108 Current quarter	72 Same month 2021	54.8% Current %
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2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

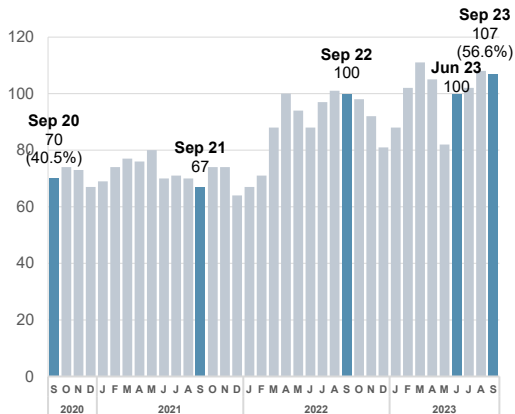
Up 13.8% From prior year	↑+36 From prior quarter	↑+363 From prior year	2,988 Current year	2,625 Last year	53.6% Current %
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1.2 Aboriginal young males in detention*

Sentenced and remand custody

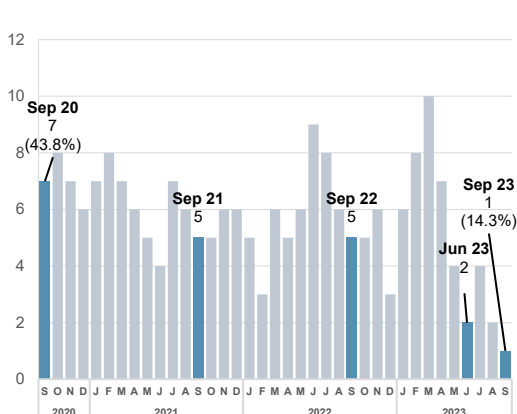
Up 59.7% From September 21	↑+40 From same month 2021	107 Current quarter	67 Same month 2021
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1.3 Aboriginal young females in detention*

Sentenced and remand custody

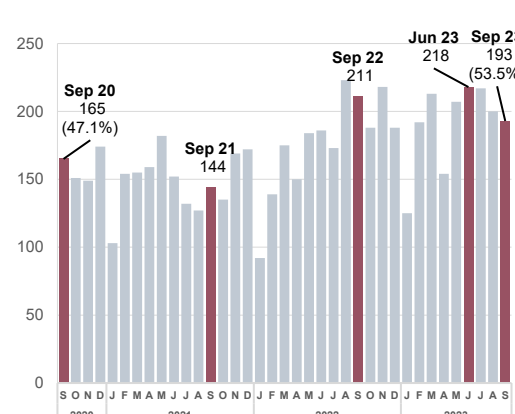
Stable From September 21	↓-4 From same month 2021	1 Current quarter	5 Same month 2021
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2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

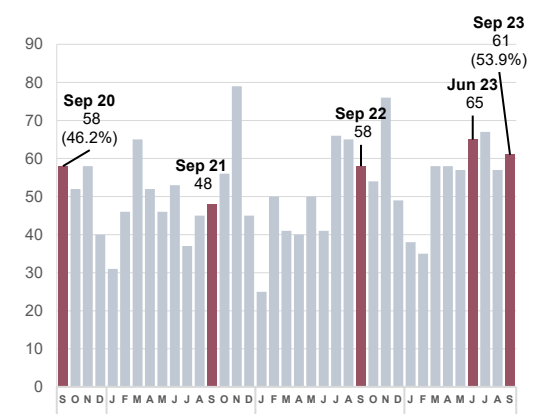
Up 15.1% From prior year	↑+304 From prior year	2,313 Current year	2,009 Last year
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2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

Up 9.6% From prior year	↑+59 From prior year	675 Current year	616 Last year
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Aboriginal young people comprise 6.2% of the NSW population aged 10 to 17 years (2021 ABS Census)

NSW Criminal Justice Aboriginal over-representation

September 2023 – Aboriginal young people

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3. Police

3.1 Police court proceedings*

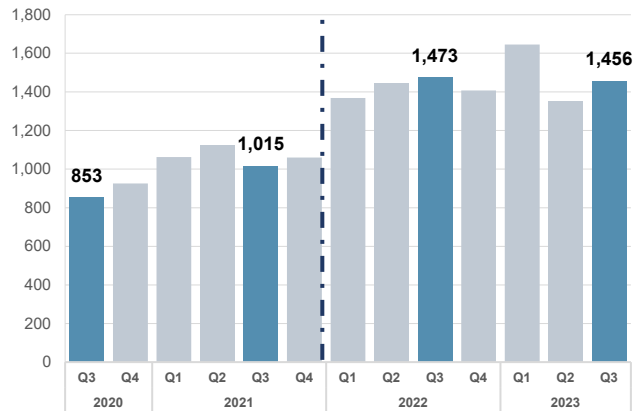
*excludes Aboriginal young people proceeded to court for breaching bail

Up 9.6%
From prior year

↑ +513
From prior year

5,860
Current year

5,347
Last year



3.2 Diversion from court*

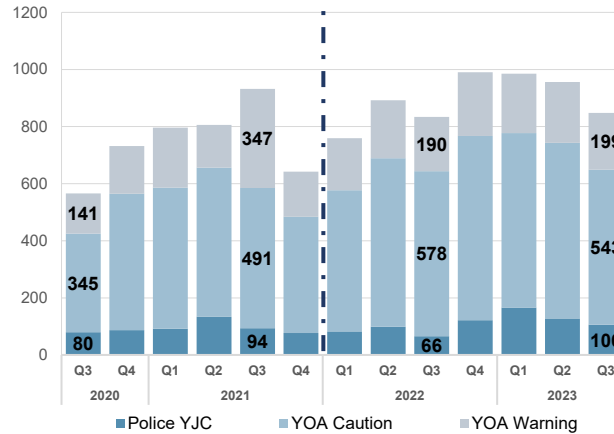
*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

Up 20.8%
From prior year

↑ +652
From prior year

3,782
Current year

3,130
Last year



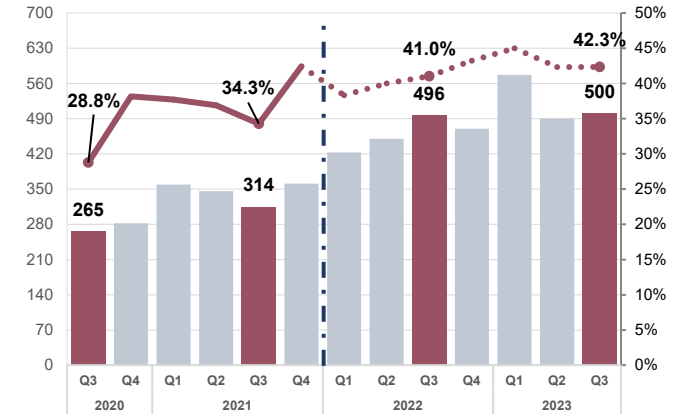
4.1 Refused bail by police

Up 17.7%
From prior year

↑ +307
From prior year

2,037
Current year

1,730
Last year



4. Bail

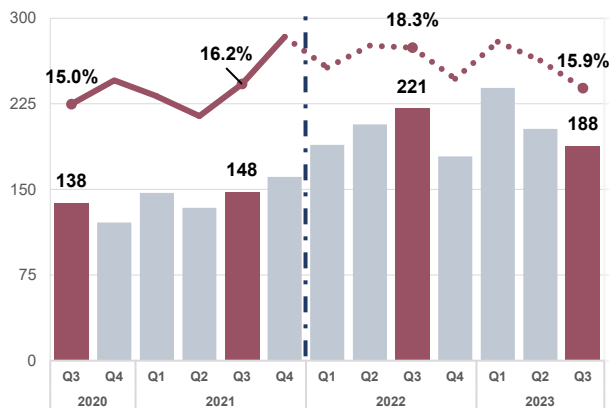
4.2 Refused bail by court

Up 4.0%
From prior year

↑ +31
From prior year

809
Current year

778
Last year



4.3 Bail revocations following bail breach involving further offence*

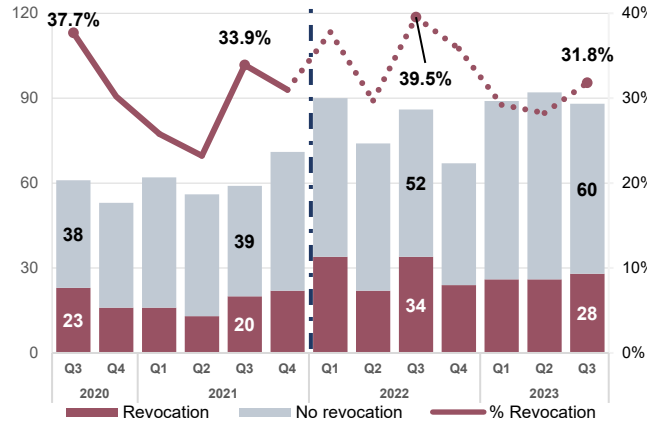
*breach of bail established in court

Stable
From prior year

↓ -8
From prior year

104
Current year

112
Last year



4.4 Bail revocations from technical bail breach

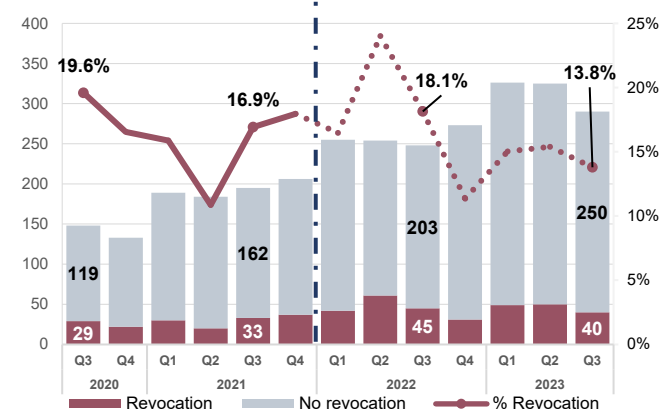
*breach of bail established in court

Stable
From prior year

↓ -15
From prior year

170
Current year

185
Last year



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NSW Criminal Justice Aboriginal over-representation

September 2023 – Aboriginal young people

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5. Criminal Courts

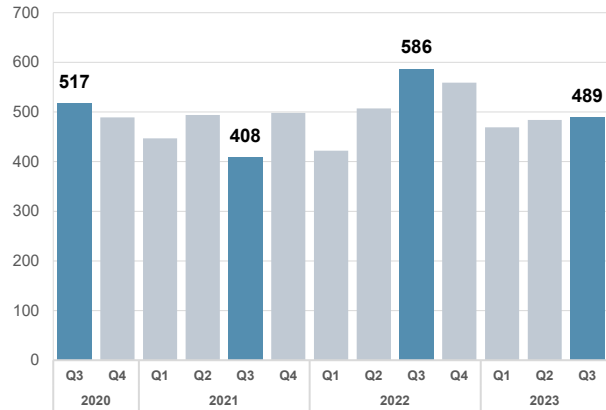
5.1 Found guilty in court

Stable
From prior year

↓ -12
From prior year

2,001
Current year

2,013
Last year



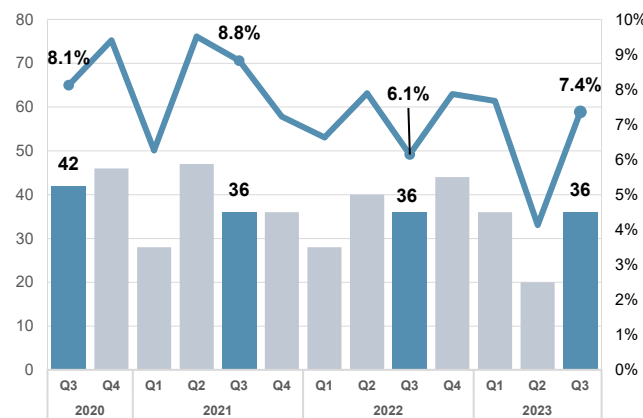
5.2 Sentenced to custody

Down 2.9%
From prior year

↓ -4
From prior year

136
Current year

140
Last year



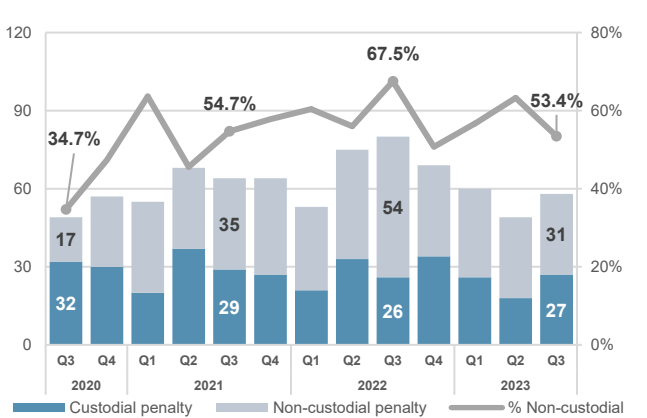
5.3 Sentenced to custody from remand

Stable
From prior year

↓ -2
From prior year

105
Current year

107
Last year



6. Custody

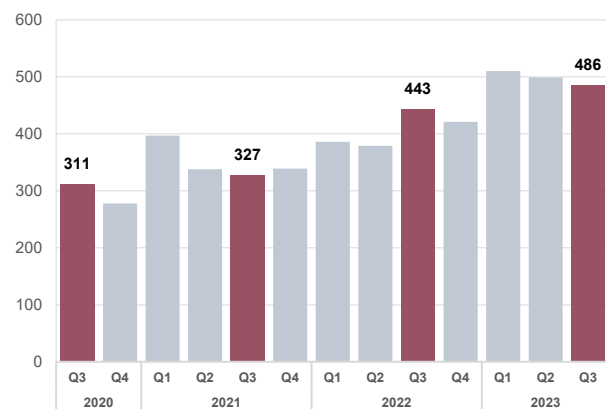
6.1 Entering custody

Up 43.0%
From September 2021

↑ +576
From same qtr 2021

1,916
Current year

1,340
Same qtr 2021



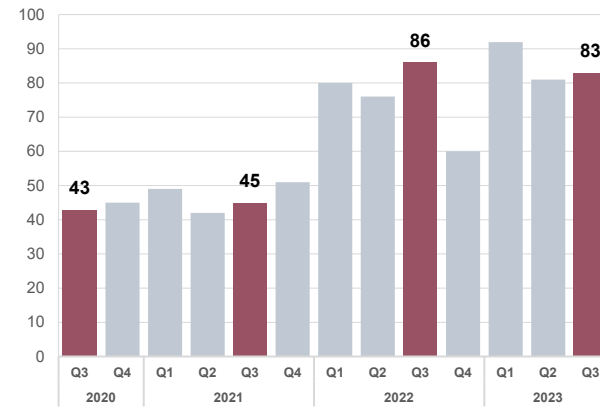
6.2 Remand custody population*

Up 84.4%
From September 2021

↑ +38
From same qtr 2021

83
Current quarter

45
Same qtr 2021



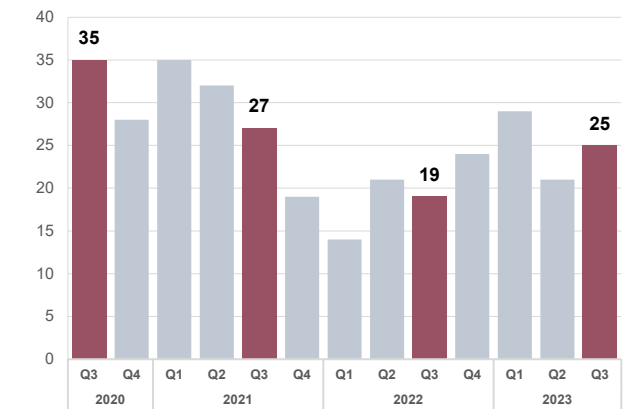
6.3 Sentenced custody population*

Down 7.4%
From September 2021

↓ -2
From same qtr 2021

25
Current quarter

27
Same qtr 2021



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)

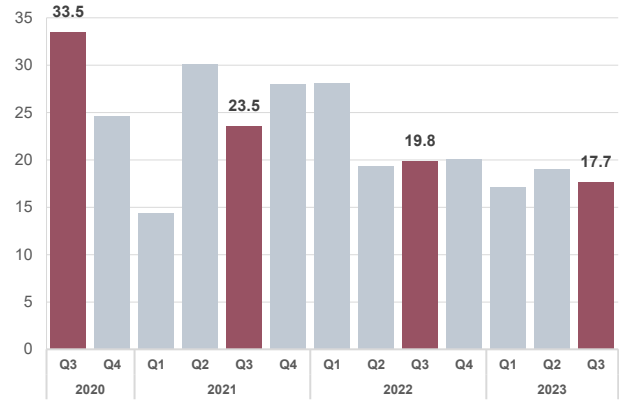
6. Custody

6.4 Length of stay in custody*

*Average number of days for persons discharged by discharge date

Down 23.3% **↓-5.6 days**
From prior year From prior year

18.4 days **24.0 days**
Current 12-month average 12-month average last year

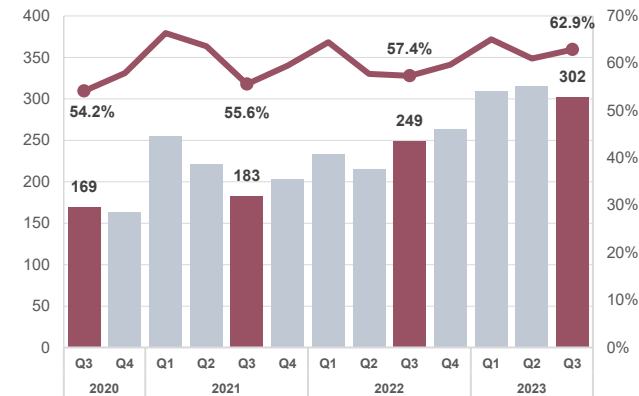


6.5 Short-term remand*

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

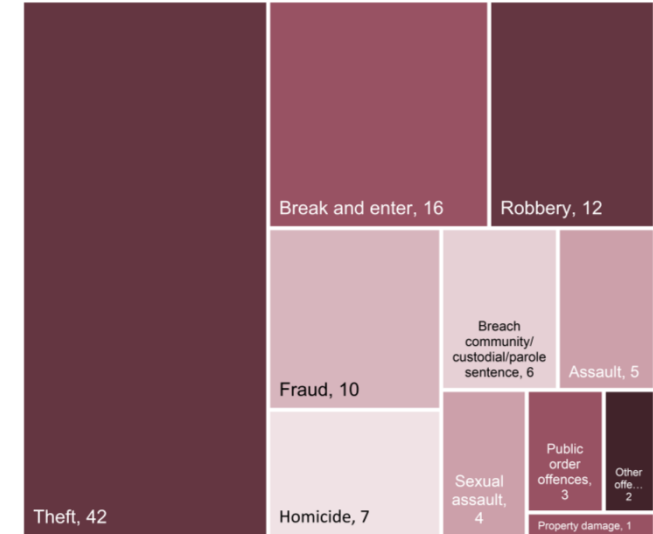
Up 32.0% **↑+289**
From prior year From prior year

1,191 **902**
Current year Last year



6.6 Detainee's most serious offence

The most serious offence for which a person is detained

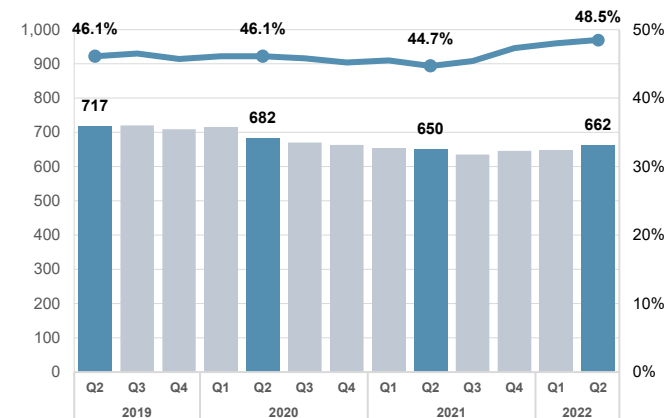


7. Reoffending

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

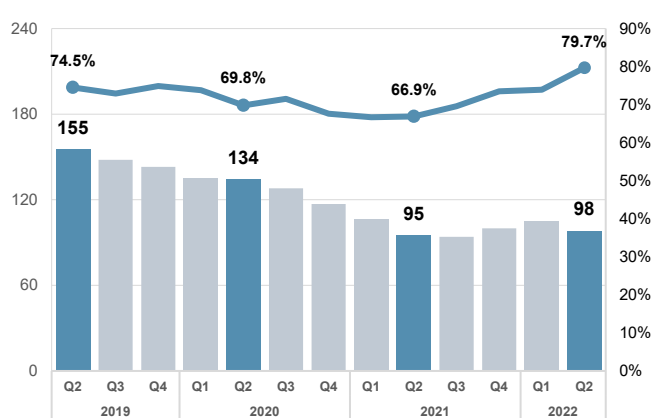
Up 12 **48.5%** **662** **650**
Change year to year Current rate Current year Last year



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

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

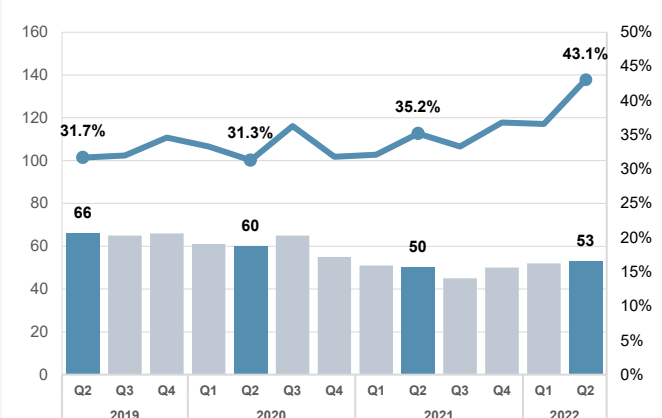
Up 3 **79.7%** **98** **95**
Change year to year Current rate Current year Last year



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 3 **43.1%** **53** **50**
Change year to year Current rate Current year 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.