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DIRECTOR

In reply please quote:

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MEDIA RELEASE

The scope for reducing Indigenous imprisonment rates

Aboriginal and Torres Strait Islander (ATSI) people remain greatly over-represented among New South Wales prisoners and the level of over-representation is increasing, according to a new report released today by the NSW Bureau of Crime Statistics and Research.

In 1998 ATSI persons were 10 times more likely than the general population to be imprisoned, whereas they were eight times more likely in 1991.

The Bureau report is the first to examine relative over-representation of ATSI defendants at different stages of the criminal justice system. It found that 11 per cent of all NSW Local Court appearances were by ATSI defendants. This is more than 5 times higher than would be expected, given their numbers in the general population.

At the point of sentence, however, the level of over-representation increased again, with 20 per cent of those sentenced to a prison term in NSW Local Courts being of ATSI descent. This is almost twice the percentage that would be expected, given the rate at which ATSI defendants are convicted in Local Courts.

The level of ATSI over-representation is more pronounced in the NSW Higher Criminal Courts but, unlike the situation in the Local Courts, it does not escalate significantly at the point of sentencing.

Twelve per cent of those appearing, 12 per cent of those convicted and 13 per cent of those sentenced to prison in the NSW Higher Criminal Courts are of ATSI descent.

The greater rate at which ATSI defendants receive prison sentences in the Local Court is not necessarily due to discriminatory sentencing practices by magistrates. The greater likelihood of a prison sentence may be partly because ATSI defendants are more likely to be convicted of a violent offence and, partly, because they are more likely to have a prior criminal record.

According to the Bureau report, efforts to reduce the level of ATSI over-representation in prison should focus on reducing the high rate at which ATSI people appear in court on criminal charges. However it also recommends more use of diversion for ATSI defendants currently given short prison sentences.

ATSI defendants are more likely than non-ATSI defendants to receive a short (i.e. less than six month) prison sentence. If ATSI people presently given a short prison sentence were instead given some form of non-custodial sanction, the number of ATSI persons sentenced to prison could be reduced by 54 per cent.

Commenting on the findings, the Director of the Bureau, Dr Don Weatherburn, said that, while diversion of Aboriginal and Torres Strait Islander offenders into non-custodial options was important, it was even more important to find ways of reducing crime in Aboriginal and Torres Strait Islander communities.

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‘The over-representation of Aboriginal and Torres Strait Islander people in court and prison are, at least in part, a reflection of the levels of crime in some Aboriginal and Torres Strait Islander communities. The victims of Aboriginal or Torres Strait Islander offending are very often other Aboriginal or Torres Strait Islander people’, he said.

‘We need to help Aboriginal and Torres Strait Islander communities to address this problem if we want to produce any large and durable reduction in the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system’.

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