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In reply please quote:

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Media Release

Two studies on Indigenous contact with the justice system

Drug and alcohol abuse is the leading cause of Indigenous overrepresentation in the justice system, according to a new study released today by the NSW Bureau of Crime Statistics and Research (BOCSAR).

BOCSAR used data from the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) to identify the social and economic factors that underpin Indigenous contact with the justice system.

The research showed that the Indigenous Australians were far more likely to have been prosecuted or imprisoned for an offence if they abused drugs or alcohol, failed to complete year 12 or were unemployed.

Illicit drug use was the strongest predictor of both criminal prosecution and imprisonment. High-risk alcohol consumption was the second most important predictor of criminal prosecution and the third most important predictor of imprisonment.

Participating in the Commonwealth Development Employment Project (CDEP) appears to reduce the risk of prosecution (compared with being unemployed).

Other factors that increased the risk of prosecution or imprisonment included: experiencing financial stress, living in a crowded household and being a member of the stolen generation.

In a separate study, also released today, BOCSAR examined the question of whether the higher rate of Indigenous imprisonment is due to racial bias in sentencing.

The researchers found no evidence of racial bias in sentencing.

Indigenous offenders *are* about 2.5 times more likely than non-Indigenous offender to receive a prison sentence, if convicted. However this difference disappears when controls are introduced for factors (e.g. plea, offence, prior record) that courts can legitimately take into account in sentencing.

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BOCSAR found that the Indigenous offenders are more likely to receive a prison sentence than non-Indigenous offenders because they:

- Have much longer criminal records
- Are more likely to be convicted of a violent offence
- Are more likely at any given court appearance to be convicted of multiple offences
- Are more likely to have breached a previous court order; and
- Are much more likely to have re-offended after being given an alternative to full-time imprisonment, such as periodic detention and/or a suspended sentence

Commenting on the findings, the Director of BOCSAR, Dr Don Weatherburn, said that they carry important implications for Indigenous policy.

“Past policy has concentrated on reform of the justice system and/or on reducing the general level of economic and social disadvantage among Indigenous Australians,” he said.

“Our research suggests the need for a more focussed approach; one where the key priorities involve reducing Indigenous drug and alcohol abuse, improving Indigenous school performance and raising the level of Indigenous employment.”

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