

# NSW Criminal Justice Aboriginal over-representation

## September 2021 – Aboriginal adults



### 1.1 Key indicator: Aboriginal adults in prison\*

Sentenced and remand custody

**Stable**  
2 year trend

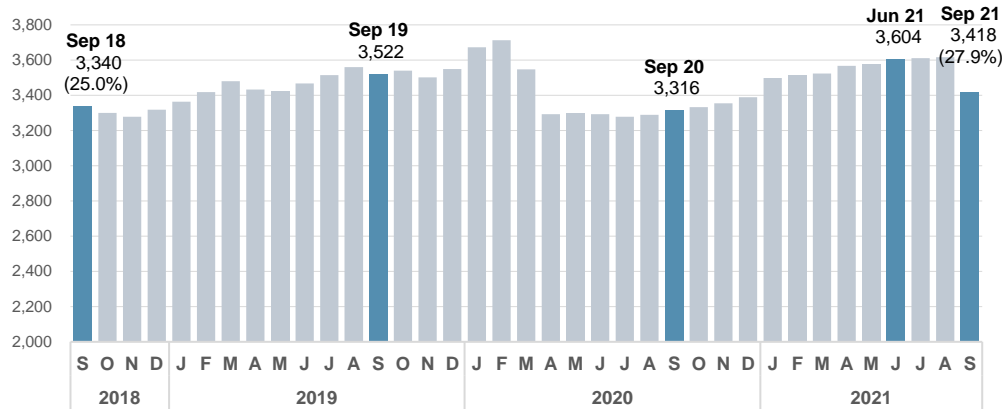
↓ -186  
From prior quarter

↓ -104  
From prior year

**3,418**  
Current year

**3,522**  
Last year

**27.9%**  
Current %



### 2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

**Stable**  
2 year trend

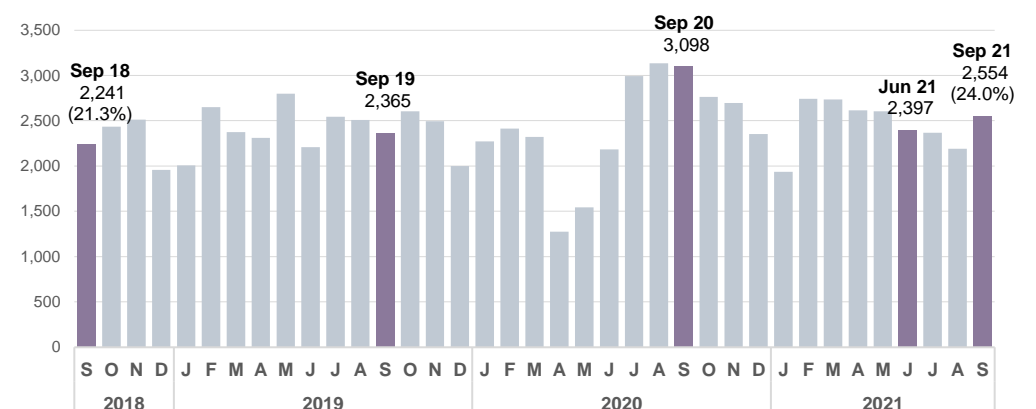
↓ -507  
From prior quarter

↑ +1,622  
From prior year

**29,954**  
Current year

**28,332**  
Last year

**24.0%**  
Current %



### 1.2 Aboriginal men in prison\*

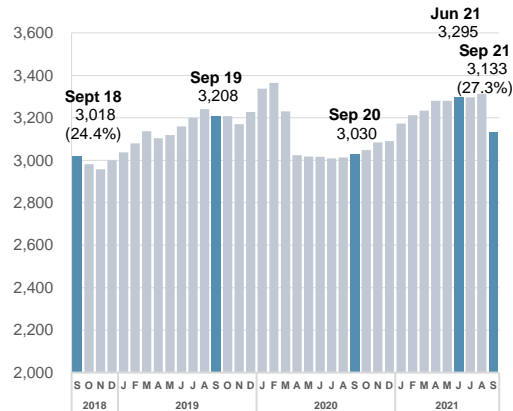
Sentenced and remand custody

**Stable**  
2 year trend

-75  
From prior year

**3,113**  
Current year

**3,208**  
Last year



### 1.3 Aboriginal women in prison\*

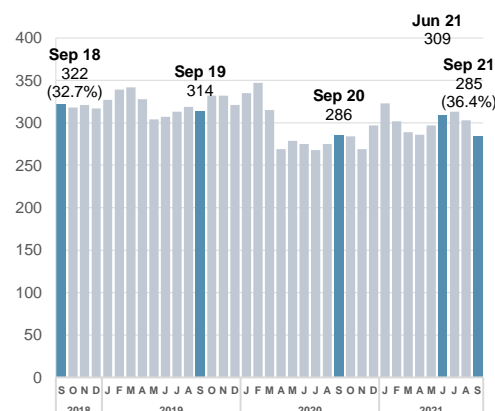
Sentenced and remand custody

**Stable**  
2 year trend

-29  
From prior year

**285**  
Current year

**314**  
Last year



### 2.2 Aboriginal men in court

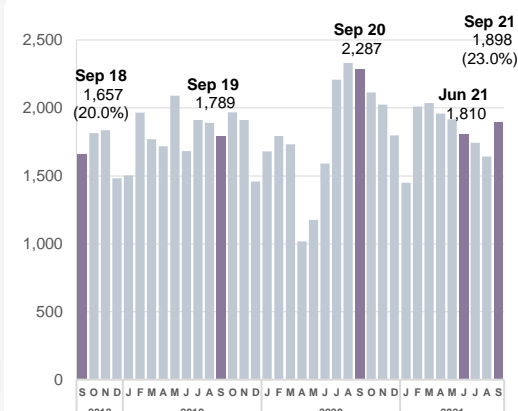
Local, District and Supreme Courts

**Stable**  
2 year trend

+1,246  
From prior year

**22,403**  
Current year

**21,157**  
Last year



### 2.3 Aboriginal women in court

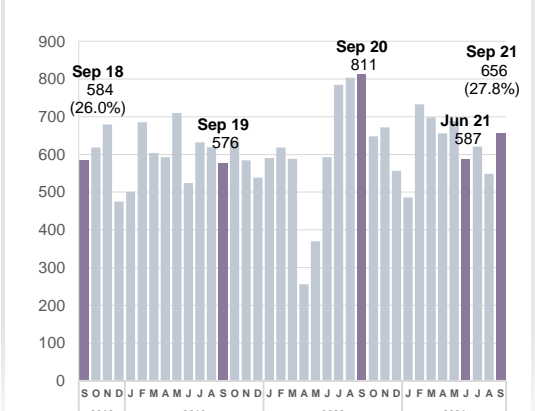
Local, District and Supreme Courts

**Stable**  
2 year trend

+376  
From prior year

**7,551**  
Current year

**7,175**  
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). Trends are calculated comparing the latest month with the same month from 2 years prior

Aboriginal people comprise 2.2% of the adult NSW population

# NSW Criminal Justice Aboriginal over-representation

## September 2021 – Aboriginal adults

QUARTERLY REPORT



### 3. Police

#### 3.1 Police court proceedings\*

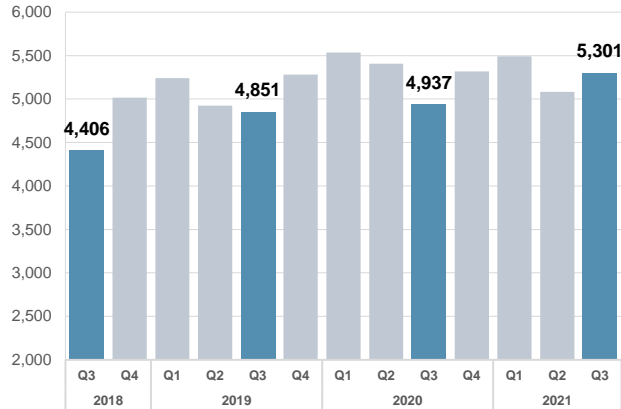
\*excludes Aboriginal adults proceeded to court for breaching bail

**Stable**  
2 year trend

**↑+31**  
From prior year

**21,193**  
Current year

**21,162**  
Last year



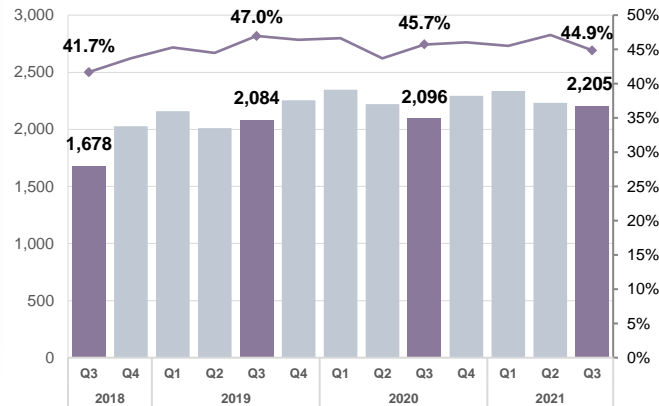
#### 4.1 Refused bail by police

**Stable**  
2 year trend

**↑+149**  
From prior year

**9,067**  
Current year

**8,918**  
Last year



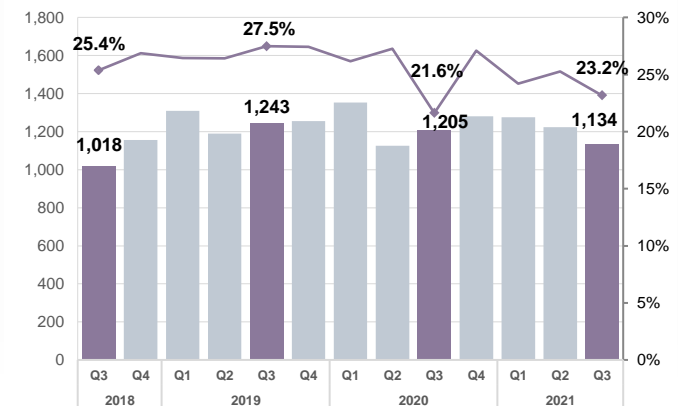
#### 4.2 Refused bail by court

**Stable**  
2 year trend

**↓-26**  
From prior year

**4,913**  
Current year

**4,939**  
Last year



### 4. Bail

#### 4.3 Bail revoked due to breach

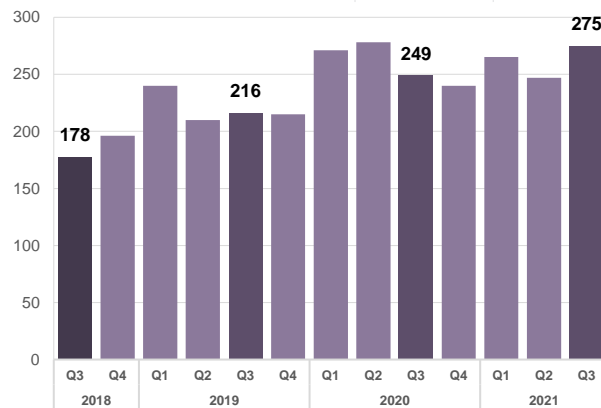
\*breach of bail established in court

**Stable**  
2 year trend

**↑+14**  
From prior year

**1,027**  
Current year

**1,013**  
Last year



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

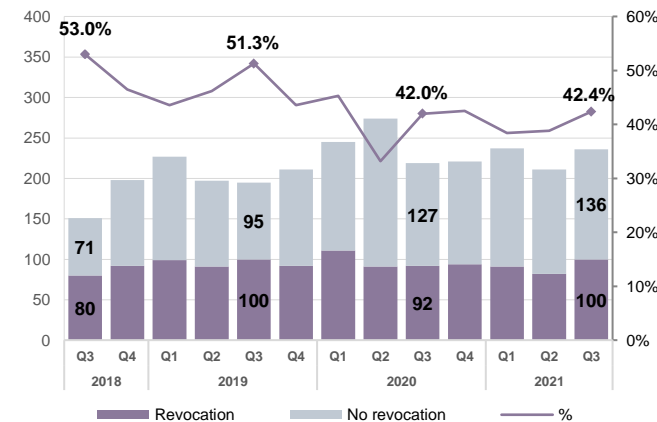
\*breach of bail established in court

**Stable**  
2 year trend

**↓-19**  
From prior year

**367**  
Current year

**386**  
Last year



#### 4.5 Reason for bail revocation – technical bail breach

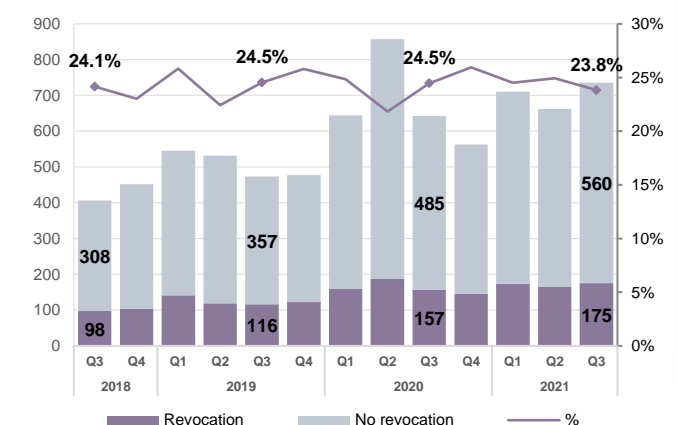
\*breach of bail established in court

**Stable**  
2 year trend

**↑+33**  
From prior year

**660**  
Current year

**627**  
Last year



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

Aboriginal people comprise 2.2% of the adult NSW population

# NSW Criminal Justice Aboriginal over-representation

## September 2021 – Aboriginal adults

QUARTERLY REPORT



5. Criminal Courts

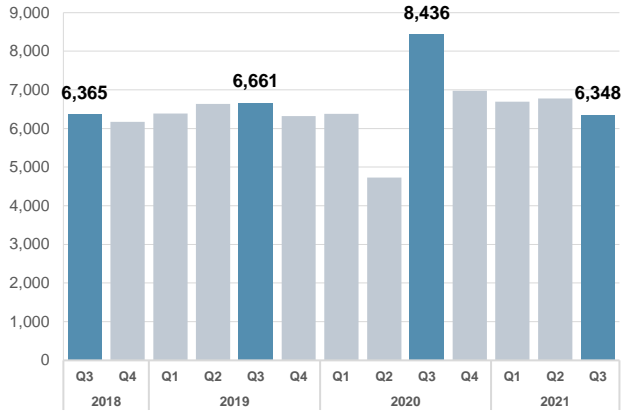
### 5.1 Found guilty in court

**Stable**  
2 year trend

**↑ +921**  
From prior year

**26,794**  
Current year

**25,873**  
Last year



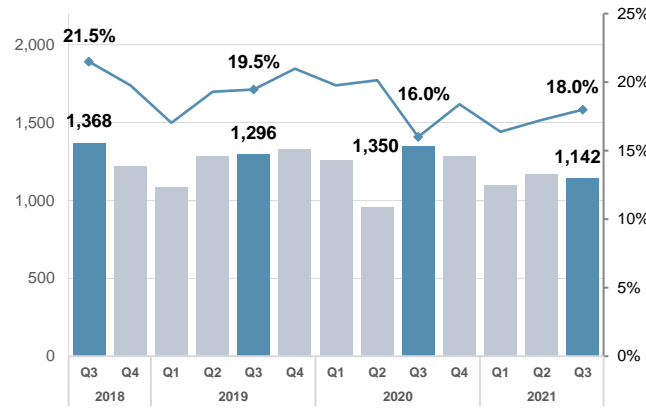
### 5.2 Sentenced to prison

**Stable**  
2 year trend

**↓ -203**  
From prior year

**4,688**  
Current year

**4,891**  
Last year



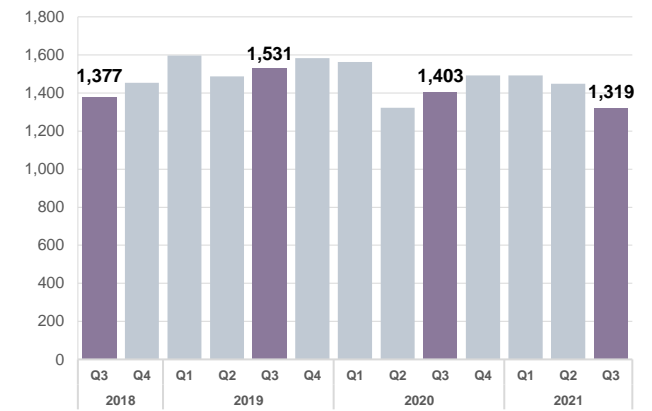
### 6.1 Entering custody

**Stable**  
2 year trend

**↓ -120**  
From prior year

**5,752**  
Current year

**5,872**  
Last year



6. Custody

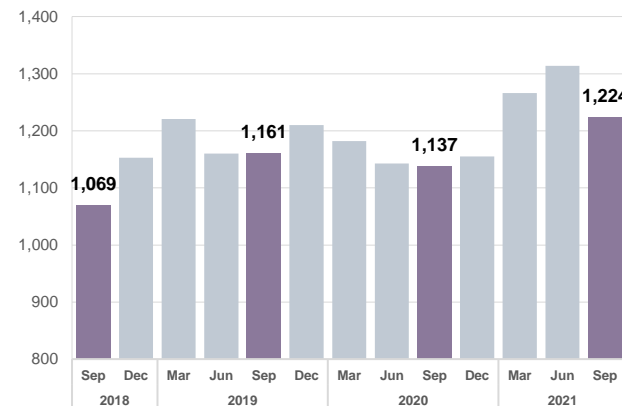
### 6.2 Remand custody population\*

**Up 5.4%**  
2 year trend

**↑ +63**  
From prior year

**1,224**  
Current year

**1,161**  
Last year



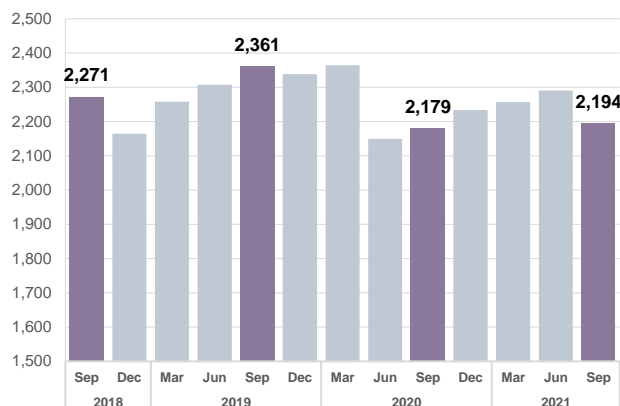
### 6.3 Sentenced custody population\*

**Stable**  
2 year trend

**↓ -167**  
From prior year

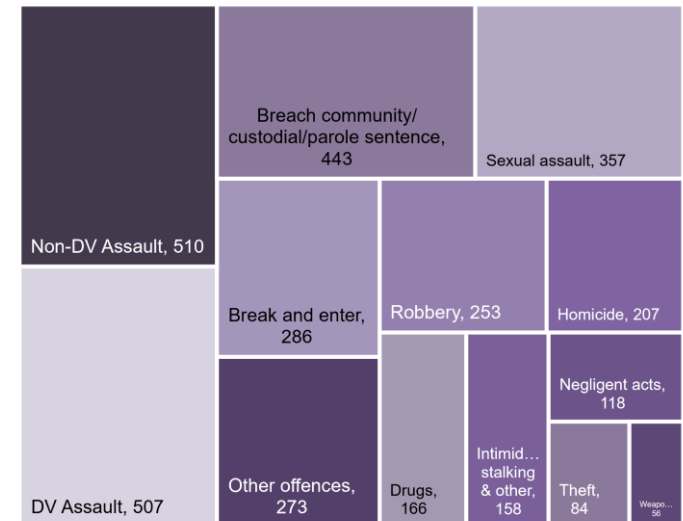
**2,194**  
Current year

**2,361**  
Last year



### 6.4 Prisoner's most serious offence

The most serious offence for which a person is imprisoned



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). Trends are calculated comparing the latest month with the same month from 2 years prior.

Aboriginal people comprise 2.2% of the adult NSW population

### 7.1 Reoffending among Aboriginal adults guilty in court – new proven offence

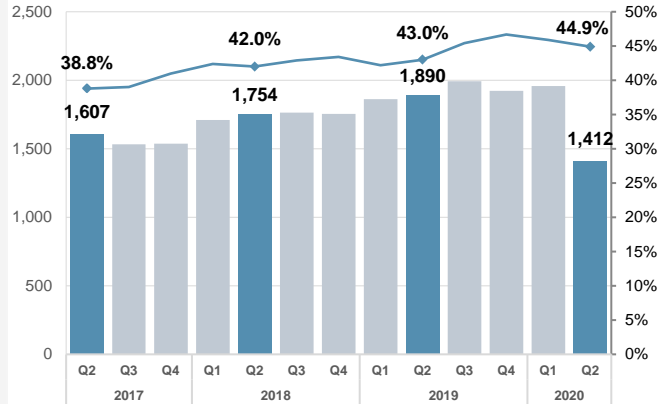
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Down 478**  
Change year to year

**44.9%**  
Current rate

**1,412<sup>^</sup>**  
Current year

**1,890**  
Last year



### 7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

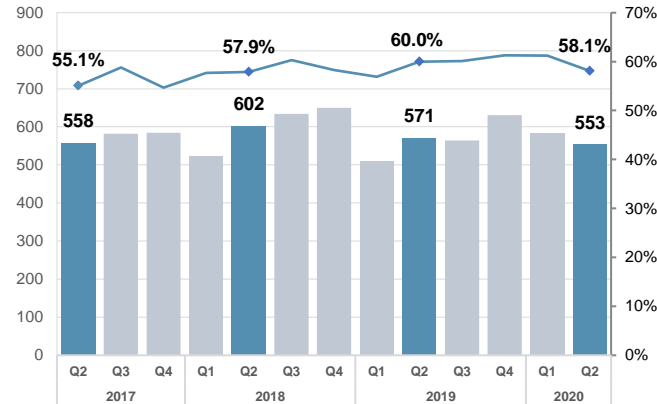
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

**Down 18**  
Change year to year

**58.1%**  
Current rate

**553**  
Current year

**571**  
Last year



### 7.3 Reoffending among Aboriginal adults exiting custody – return to custody

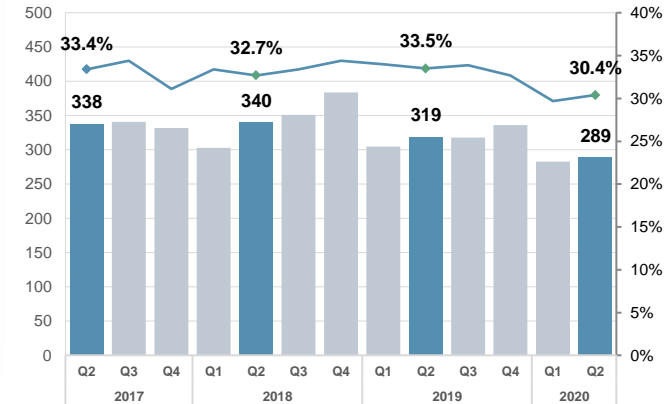
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

**Down 30**  
Change year to year

**30.4%**  
Current rate

**289**  
Current year

**319**  
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend  
<sup>^</sup>Q2 2020 cohort - the number of criminal matters finalised in NSW Courts was lower than average due to changes in court operations following the COVID 19 pandemic.

Measure	Definition
<b>1.1, 1.2, 1.3 Aboriginal adults in prison</b>	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.
<b>2.1, 2.2, 2.3 Aboriginal adults in court</b>	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.
<b>3.1 Police court proceedings</b>	Number of Aboriginal adults proceeded against to court by NSW Police. This measure excludes Aboriginal adults proceeded against for a breach of bail.
<b>4.1 Refused bail by police</b>	Number and proportion of Aboriginal adults refused bail by the police.
<b>4.2 Refused bail by court</b>	Number and proportion of Aboriginal adults refused bail at their first court bail appearance.
<b>4.3, 4.4, 4.5 Bail breaches</b>	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.
<b>5.1 Found guilty in court</b>	Number of Aboriginal adults found guilty in finalised criminal court appearances.
<b>5.2 Sentenced to prison</b>	Number and proportion of Aboriginal adults sentenced to custody.
<b>6.1 Entering custody</b>	Number of Aboriginal adults received into custody. Excludes those held in police/court cell complexes.
<b>6.2, 6.3 Remand and sentenced prisoners</b>	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.
<b>6.4 Prisoner's most serious offence</b>	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.
<b>7.1 Reoffending among Aboriginal adults guilty in court</b>	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.
<b>7.2 Reoffending among Aboriginal adults exiting custody – new proven offence</b>	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.
<b>7.3 Reoffending among Aboriginal adults exiting custody – return to custody</b>	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

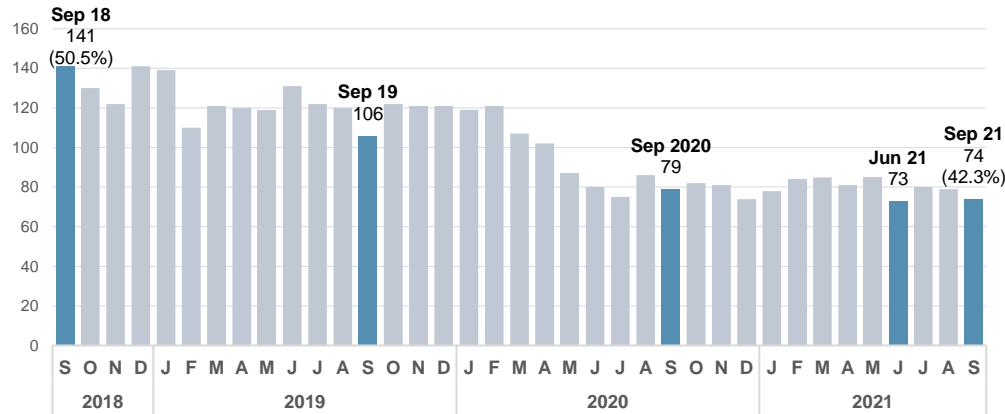
## September 2021 – Aboriginal young people



### 1.1 Key indicator: Aboriginal young people in detention\*

Sentenced and remand custody

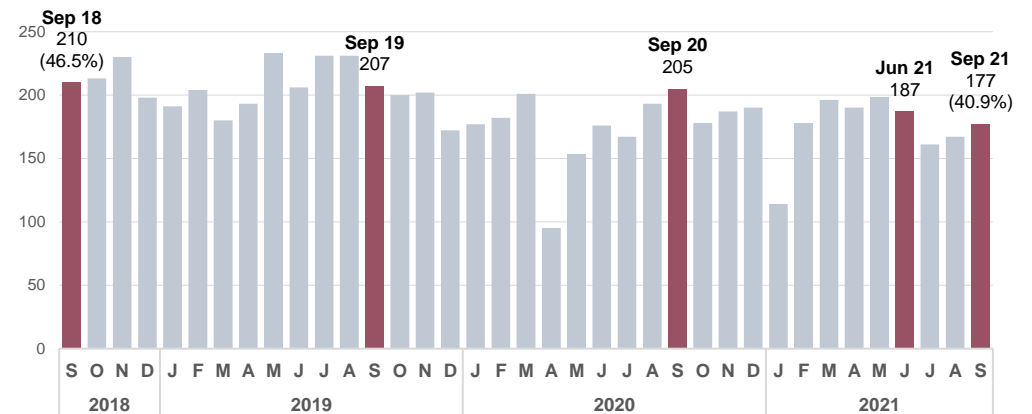
<b>Down 30.2%</b> 2 year trend	<b>↑ +1</b> From prior quarter	<b>↓ -32</b> From prior year	<b>74</b> Current year	<b>106</b> Last year	<b>42.3%</b> Current %
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### 2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

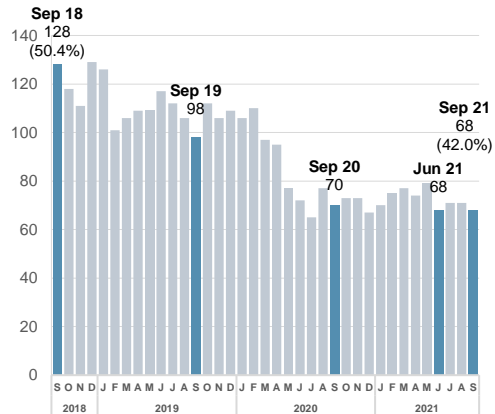
<b>Stable</b> 2 year trend	<b>↓ -70</b> From prior quarter	<b>0</b> From prior year	<b>2,123</b> Current year	<b>2,123</b> Last year	<b>40.9%</b> Current %
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### 1.2 Aboriginal young males in detention\*

Sentenced and remand custody

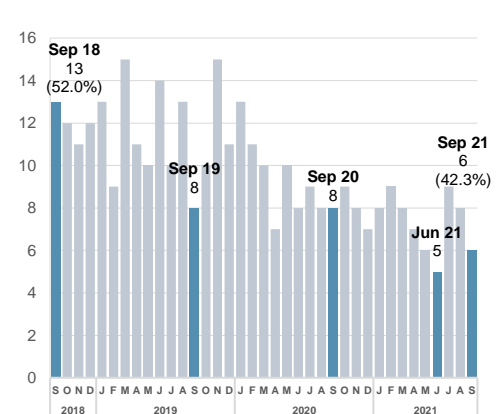
<b>Down 30.6%</b> 2 year trend	<b>-30</b> From prior year	<b>68</b> Current year	<b>98</b> Last year
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### 1.3 Aboriginal young females in detention\*

Sentenced and remand custody

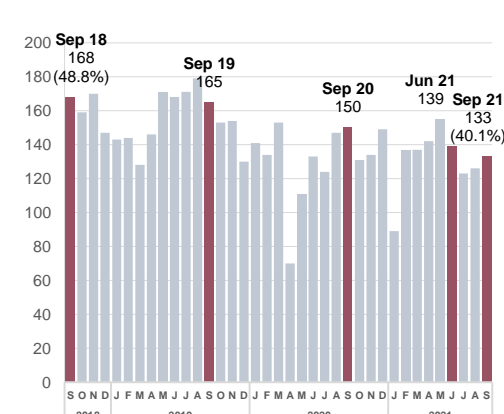
<b>Down 25.0%</b> 2 year trend	<b>-2</b> From prior year	<b>6</b> Current year	<b>8</b> Last year
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### 2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

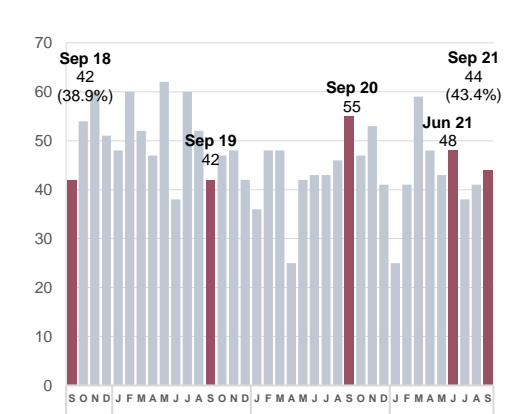
<b>Stable</b> 2 year trend	<b>-5</b> From prior year	<b>1,595</b> Current year	<b>1,600</b> Last year
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### 2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

<b>Stable</b> 2 year trend	<b>+5</b> From prior year	<b>528</b> Current year	<b>523</b> Last year
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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). Trends are calculated comparing the latest month with the same month from 2 years prior

Aboriginal young people comprise 5.3% of the NSW population aged 0 to 17 years)

### 3. Police

#### 3.1 Police court proceedings\*

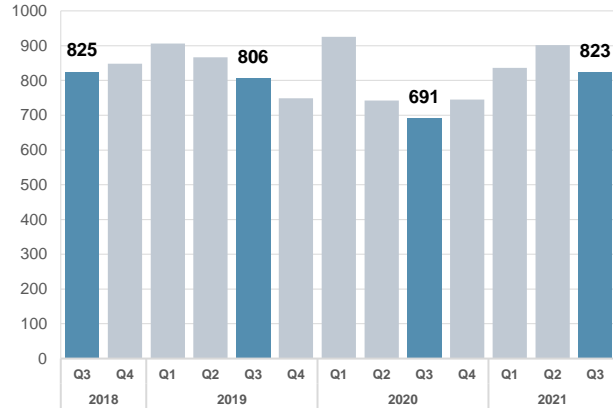
\*excludes Aboriginal young people proceeded to court for breaching bail

**Stable**  
2 year trend

**↑ +198**  
From prior year

**3,306**  
Current year

**3,108**  
Last year



#### 3.2 Diversion from court\*

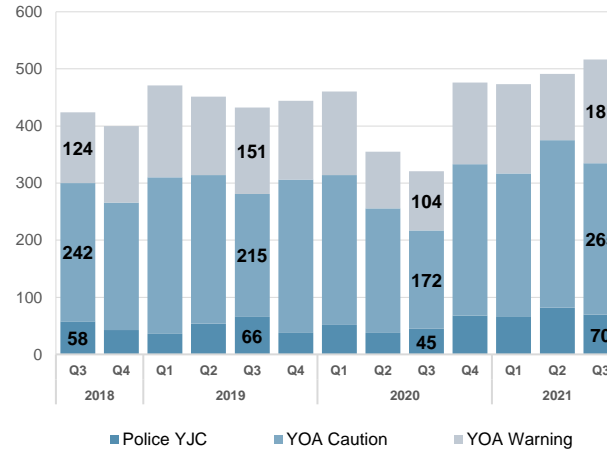
\*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

**Stable**  
2 year trend

**↑ +376**  
From prior year

**1,956**  
Current year

**1,580**  
Last year



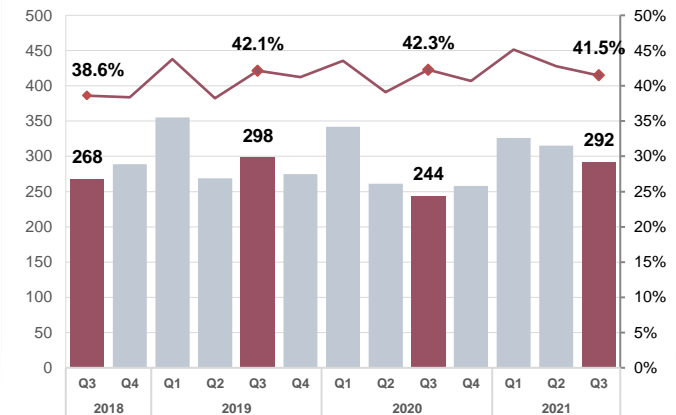
#### 4.1 Refused bail by police

**Stable**  
2 year trend

**↑ +69**  
From prior year

**1,191**  
Current year

**1,122**  
Last year



### 4. Bail

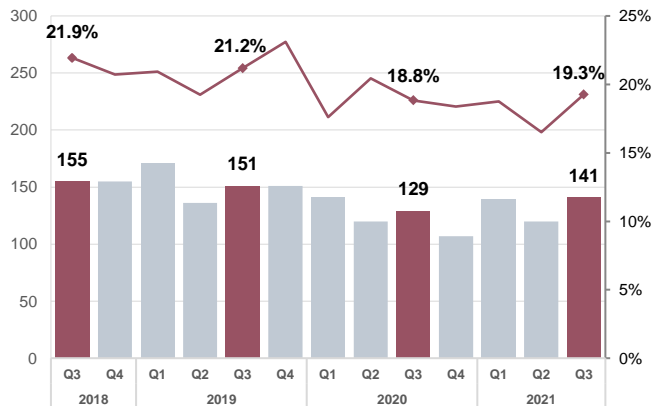
#### 4.2 Refused bail by court

**Stable**  
2 year trend

**↓ -34**  
From prior year

**507**  
Current year

**541**  
Last year



#### 4.3 Bail revocations following bail breach involving further offence\*

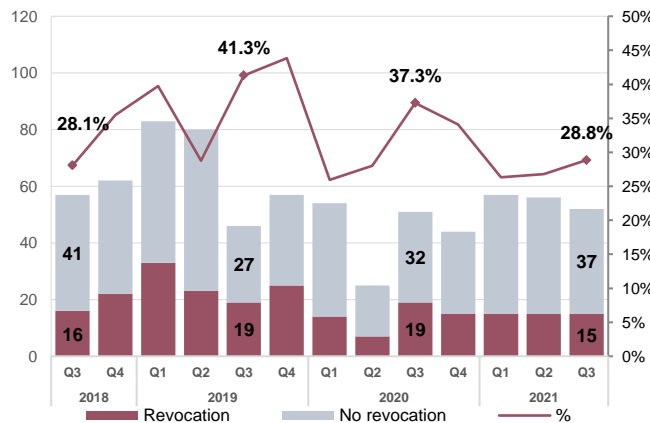
\*breach of bail established in court

**Stable**  
2 year trend

**↓ -5**  
From prior year

**60**  
Current year

**65**  
Last year



#### 4.4 Bail revocations from technical bail breach

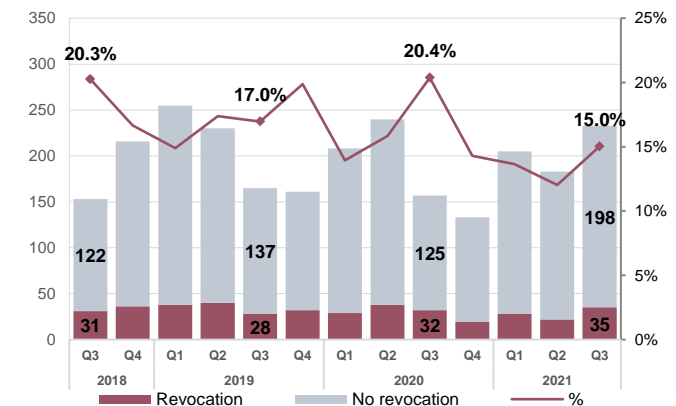
\*breach of bail established in court

**Stable**  
2 year trend

**↓ -27**  
From prior year

**104**  
Current year

**131**  
Last year



#### 5. Criminal Courts

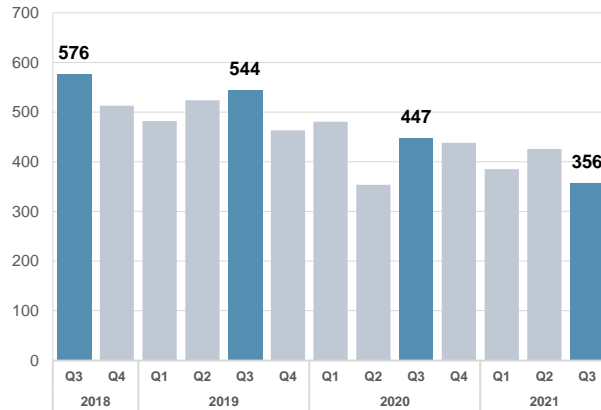
### 5.1 Found guilty in court

**Down 8.0%**  
2 year trend

**↓ -140**  
From prior year

**1,605**  
Current year

**1,745**  
Last year



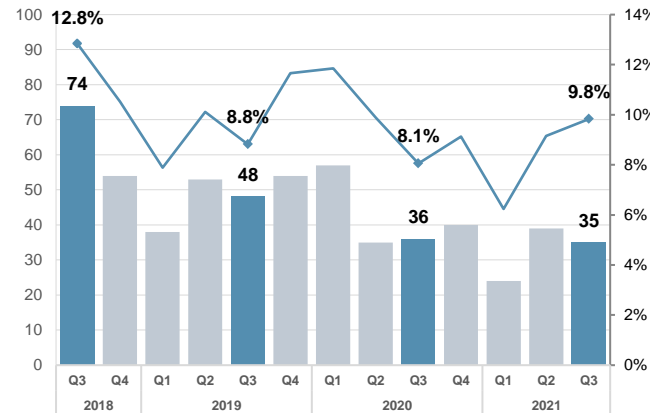
### 5.2 Sentenced to custody

**Down 24.2%**  
2 year trend

**↓ -44**  
From prior year

**138**  
Current year

**182**  
Last year



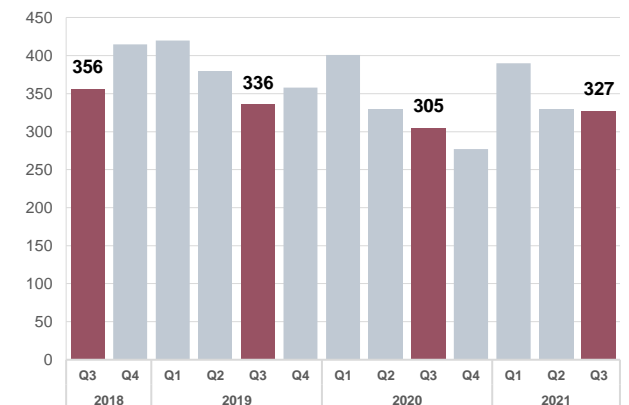
### 6.1 Entering custody

**Stable**  
2 year trend

**↓ -70**  
From prior year

**1,323**  
Current year

**1,393**  
Last year



#### 6. Custody

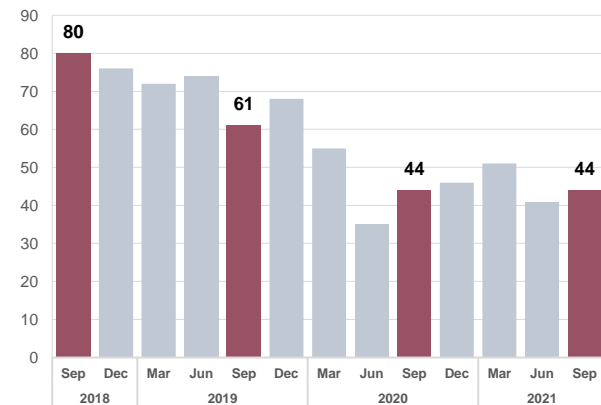
### 6.2 Remand custody population\*

**Down 27.9%**  
2 year trend

**↓ -17**  
From prior year

**44**  
Current year

**61**  
Last year



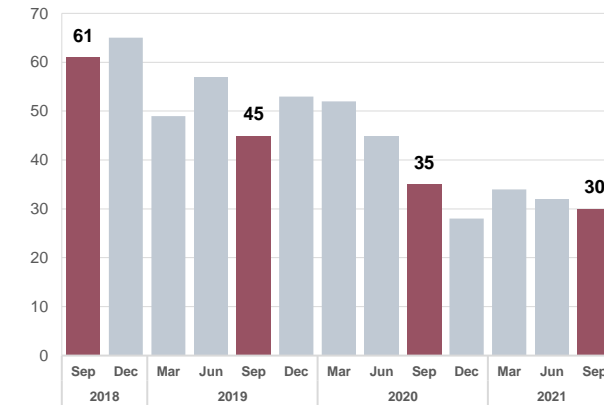
### 6.3 Sentenced custody population\*

**Down 33.3%**  
2 year trend

**↓ -15**  
From prior year

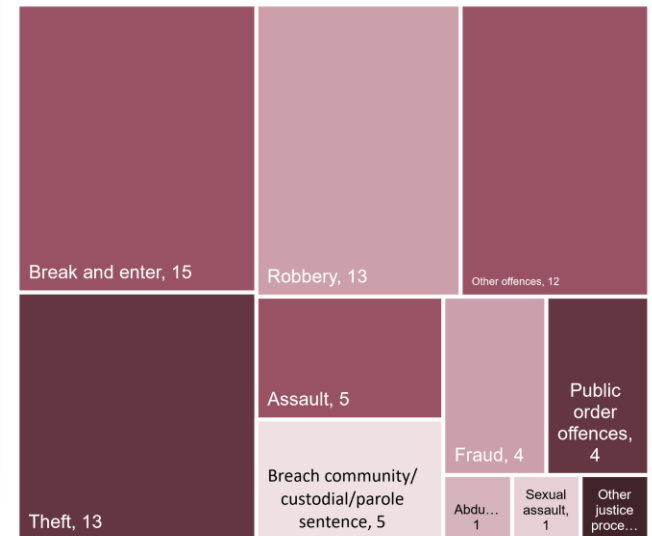
**30**  
Current year

**45**  
Last year



### 6.4 Detainee's most serious offence

The most serious offence for which a person is detained



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). Trends are calculated comparing the latest month with the same month from 2 years prior

Aboriginal young people comprise 5.3% of the NSW population aged 0 to 17 years



### 7.1 Reoffending among Aboriginal young people guilty in court or dealt with by YJC

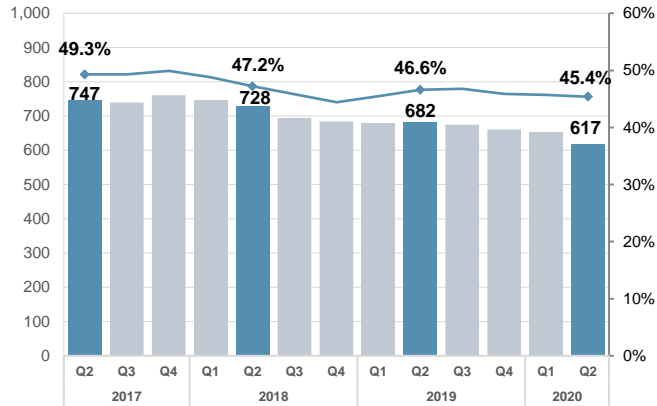
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 65**  
Change year to year

**45.4%**  
Current rate

**617**  
Current year

**682**  
Last year



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

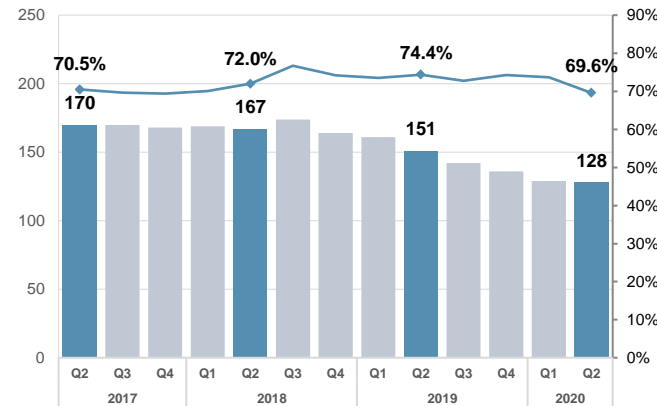
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 23**  
Change year to year

**69.6%**  
Current rate

**128**  
Current year

**151**  
Last year



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

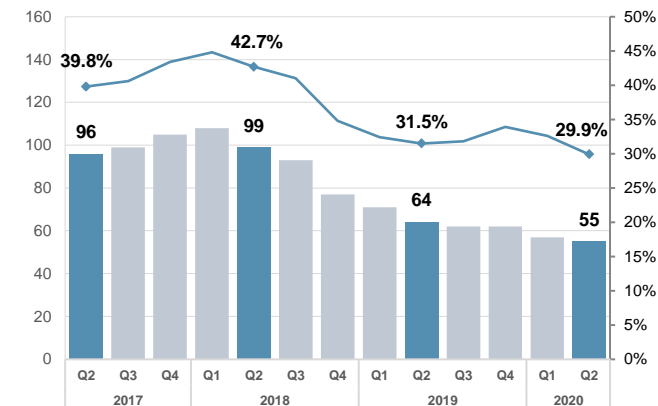
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

**Down 9**  
Change year to year

**29.9%**  
Current rate

**55**  
Current year

**64**  
Last year



Measure	Definition
<b>1.1, 1.2, 1.3 Aboriginal young people in detention</b>	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.
<b>2.1, 2.2, 2.3 Aboriginal young people in court</b>	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.
<b>3.1 Police court proceedings</b>	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.
<b>3.1 Diversions from court</b>	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.
<b>4.1 Refused bail by police</b>	Number and proportion of Aboriginal young people refused bail by the police.
<b>4.2 Refused bail by court</b>	Number and proportion of Aboriginal young people refused bail at their first court bail appearance.
<b>4.3, 4.4 Bail breaches</b>	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.
<b>5.1 Found guilty in court</b>	Number of Aboriginal young people found guilty in finalised criminal court appearances.
<b>5.2 Sentenced to prison</b>	Number and proportion of Aboriginal young people sentenced to juvenile detention.
<b>6.1 Entering custody</b>	Number of Aboriginal young people received into custody. Excludes those held in police/court cell complexes.
<b>6.2, 6.3 Remand and sentenced population</b>	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.
<b>6.4 Detainee's most serious offence</b>	The most serious offence type for which each person is in custody (remand and sentenced custody). Data is shown for the most recent month.
<b>7.1 Reoffending among Aboriginal young people guilty in court or dealt with by YJC</b>	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.
<b>7.2 Reoffending among Aboriginal young people exiting custody – new proven offence</b>	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.
<b>7.3 Reoffending among Aboriginal young people exiting custody – return to custody</b>	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.

	Adults	Young people
	<b>Key indicators</b>	
<b>Prison</b>	<p><b>Stable</b></p> <p>There are currently 3,418 Aboriginal adults in prison in NSW (representing 27.9% of the adult prison population).</p> <p>The number of Aboriginal adult men and women in prison was stable over the 2 years to September 2021.</p>	<p><b>Down</b></p> <p>There are currently 74 Aboriginal young people in detention in NSW (representing 42.3% of juvenile detention population).</p> <p>Aboriginal young people in detention fell 30.2%. Both the number of young Aboriginal males and females have fallen.</p>
<b>Court</b>	<p><b>Stable</b></p> <p>The number of Aboriginal adults appearing in court is stable.</p> <p>The number of Aboriginal adult men and women appearing in court was stable over the 2 years to September 2021.</p>	<p><b>Stable</b></p> <p>The number of Aboriginal young people appearing in court is stable. The trend for both young Aboriginal males and females was also stable.</p>
	<b>Secondary measures</b>	
<b>Police</b>	<p><b>Stable</b></p> <p>Police court proceedings against Aboriginal adults were stable over the 2 years to September 2021.</p>	<p><b>Stable</b></p> <p>Both the number of Aboriginal young people proceeded to court and those diverted from court (police YJC, caution or warning) were stable over the 2 years to September 2021</p>
<b>Bail</b>	<p><b>Stable</b></p> <p>The number of Aboriginal adults being bail revoked for a technical breach or for committing a new offence while on bail was stable over the 2 years in September 2021.</p>	<p><b>Stable</b></p> <p>The number of Aboriginal young people being bail revoked for a technical breach or for committing a new offence while on bail was stable over the 2 years in September 2021.</p>
<b>Courts</b>	<p><b>Stable</b></p> <p>Court convictions and custodial sentences for Aboriginal adults are stable.</p>	<p><b>Down</b></p> <p>Aboriginal young people found guilty in court fell 8.0% over the 2 years in September 2021. The number and percent of Aboriginal young people sentenced to detention is also down 24.2%.</p>
<b>Custody</b>	<p><b>Up</b></p> <p>Aboriginal adults on remand rose by 5.4% over the last 2 years to September 2021.</p>	<p><b>Down</b></p> <p>The numbers of Aboriginal young people on remand and in sentenced detention both fell over the 2 years to September 2021, 27.9% and 33.3%, respectively.</p>
<b>Reoffend</b>	<p><b>Down</b></p> <p>The number of Aboriginal adults returning to custody within a year of being released is declining, down 30 adults to 30.4%.</p>	<p><b>Down</b></p> <p>The number of Aboriginal young people returning to custody within a year of being released is declining, down 9 young people. The proportion returning to custody is also falling, down to 29.9%.</p>