

# NSW Criminal Justice Aboriginal over-representation

## QUARTERLY REPORT

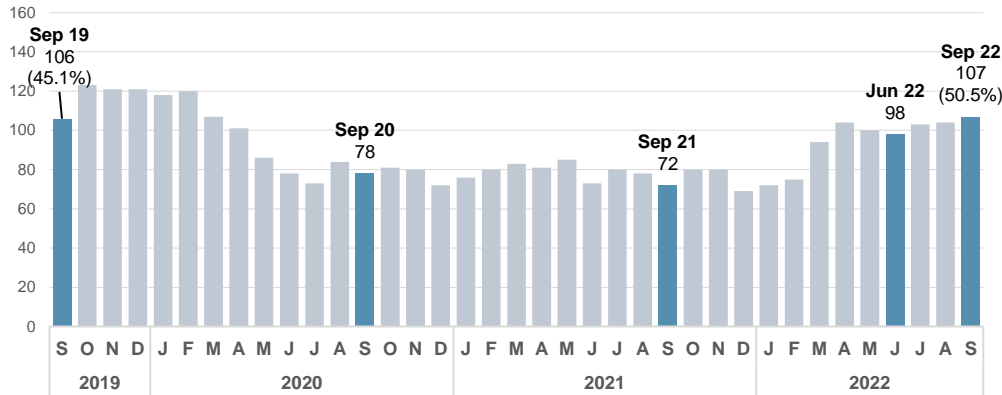
### September 2022 – Aboriginal young people



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

Sentenced and remand custody

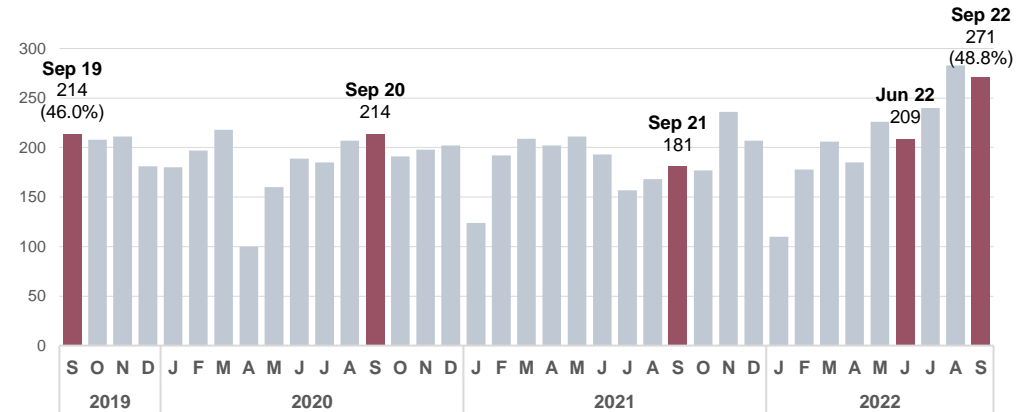
<b>Up 37.2%</b> From September 2020	<b>↑ +9</b> From prior quarter	<b>↑ +29</b> From same month 2020	<b>107</b> Current quarter	<b>78</b> Same month 2020	<b>50.5%</b> Current %
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#### 2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

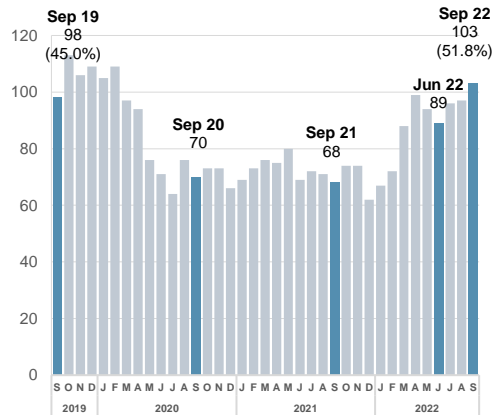
<b>Up 13.5%</b> From prior year	<b>↑ +174</b> From prior quarter	<b>↑ +300</b> From prior year	<b>2,528</b> Current year	<b>2,228</b> Last year	<b>48.8%</b> Current %
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#### 1.2 Aboriginal young males in detention\*

Sentenced and remand custody

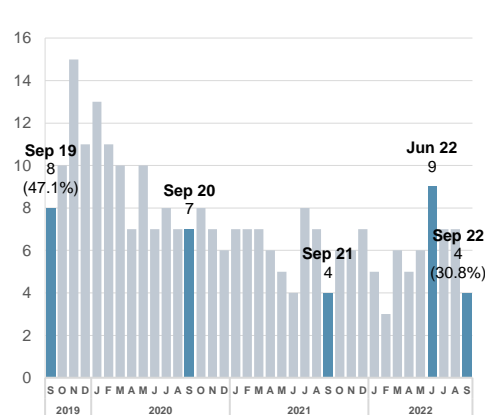
<b>Up 47.1%</b> From Sept 2020	<b>↑ +33</b> From same month 2020	<b>103</b> Current quarter	<b>70</b> Same month 2020
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#### 1.3 Aboriginal young females in detention\*

Sentenced and remand custody

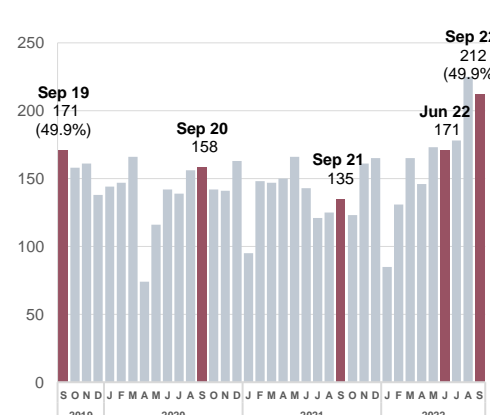
<b>Stable</b> From Sept 2020	<b>↓ -3</b> From same month 2020	<b>4</b> Current quarter	<b>7</b> Same month 2020
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#### 2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

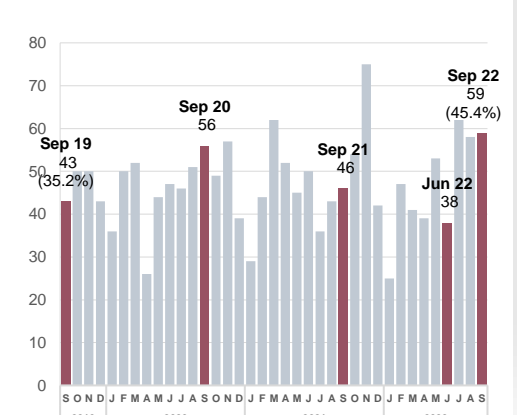
<b>Up 15.5%</b> From prior year	<b>↑ +259</b> From prior year	<b>1,935</b> Current year	<b>1,676</b> Last year
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#### 2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

<b>Up 7.4%</b> From prior year	<b>↑ +41</b> From prior year	<b>593</b> Current year	<b>552</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).

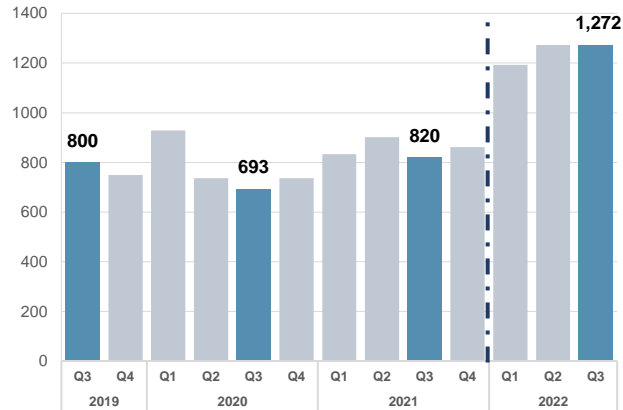
Aboriginal young people comprise 6.2% of the NSW population aged 10 to 17 years (2021 ABS Census)

### 3. Police

#### 3.1 Police court proceedings\*

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

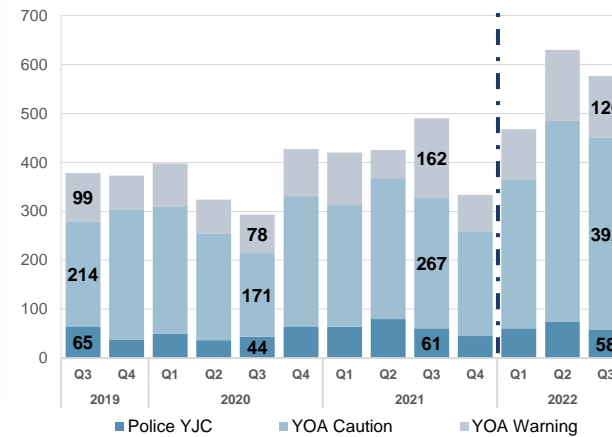
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



#### 3.2 Diversion from court\*

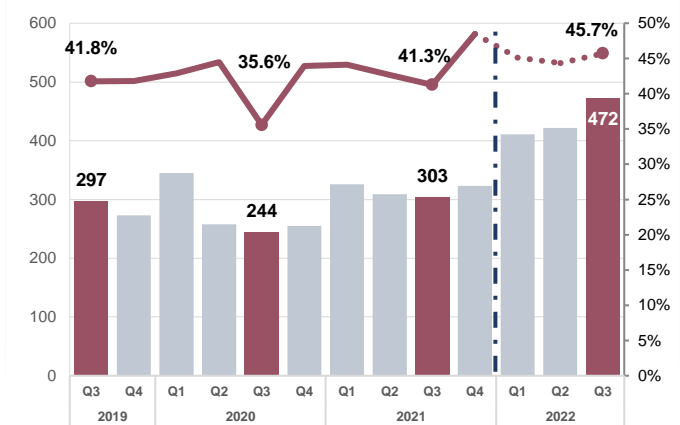
\*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



#### 4.1 Refused bail by police

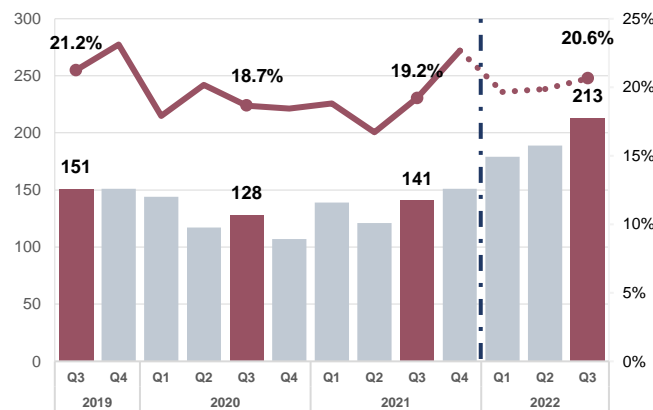
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



### 4. Bail

#### 4.2 Refused bail by court

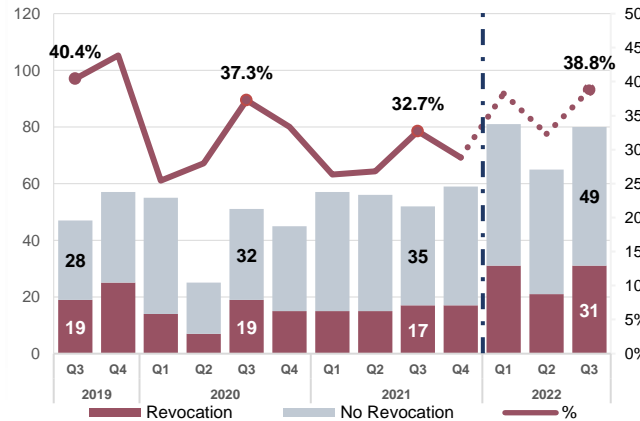
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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

\*breach of bail established in court

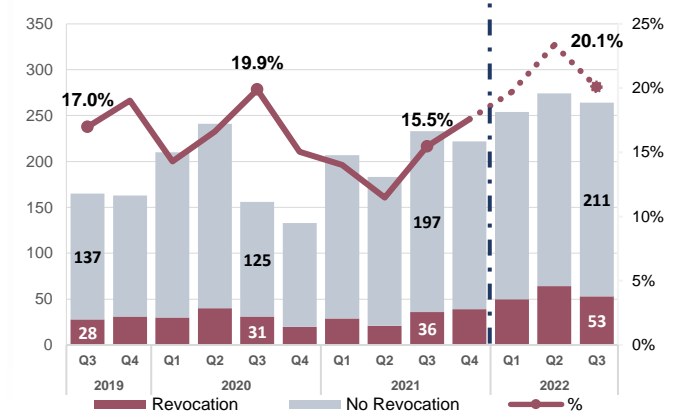
In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



#### 4.4 Bail revocations from technical bail breach

\*breach of bail established in court

In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal. As a result of this practice change, both the number and proportion of Aboriginal offenders has increased.



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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 2022 – Aboriginal young people

QUARTERLY REPORT



### 5. Criminal Courts

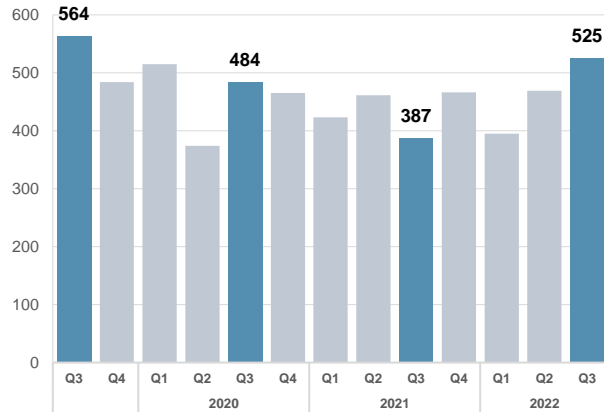
#### 5.1 Found guilty in court

**Up 6.9%**  
From prior year

**↑+119**  
From prior year

**1,855**  
Current year

**1,736**  
Last year



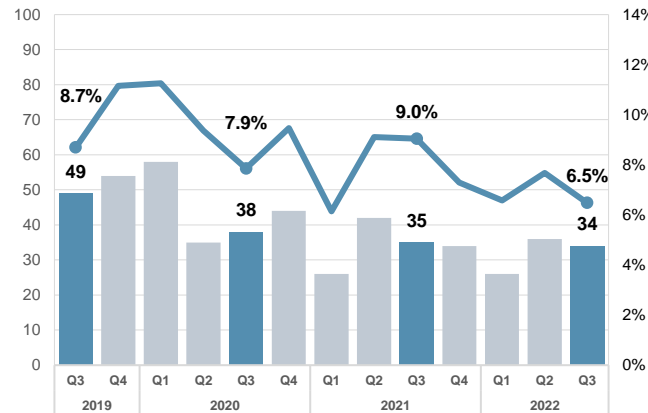
#### 5.2 Sentenced to custody

**Down 11.6%**  
From prior year

**↓-17**  
From prior year

**130**  
Current year

**147**  
Last year



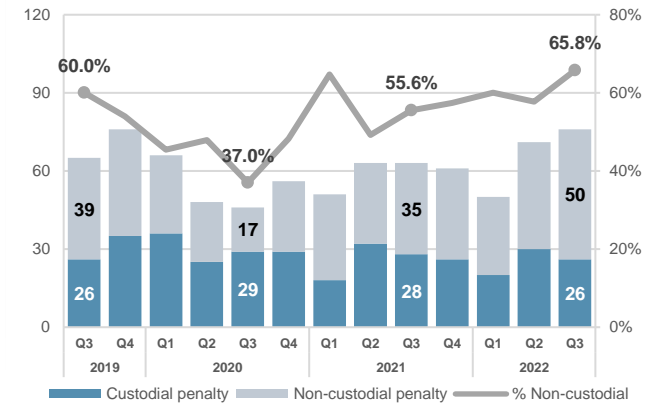
#### 5.3 Sentenced to custody from remand

**Down 4.7%**  
From prior year

**↓-5**  
From prior year

**102**  
Current year

**107**  
Last year



### 6. Custody

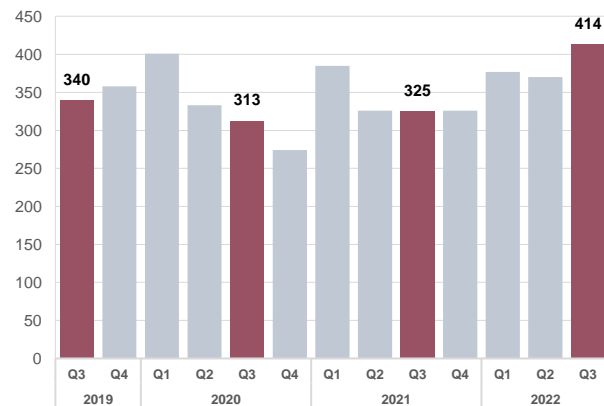
#### 6.1 Entering custody

**Up 13.5%**  
From Sept 2020

**↑+177**  
From same qtr 2020

**1,487**  
Current year

**1,310**  
Same qtr 2020



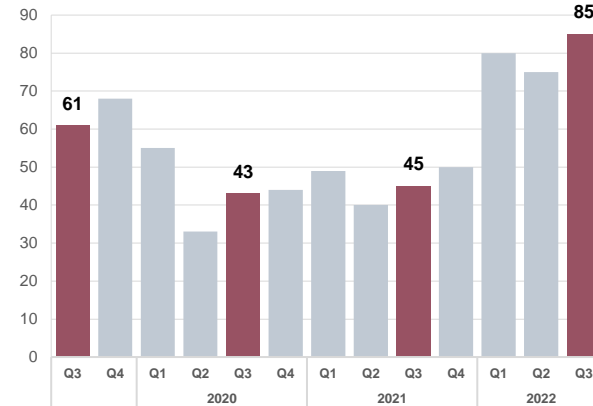
#### 6.2 Remand custody population\*

**Up 97.7%**  
From Sept 2020

**↑+42**  
From same qtr 2020

**85**  
Current quarter

**43**  
Same qtr 2020



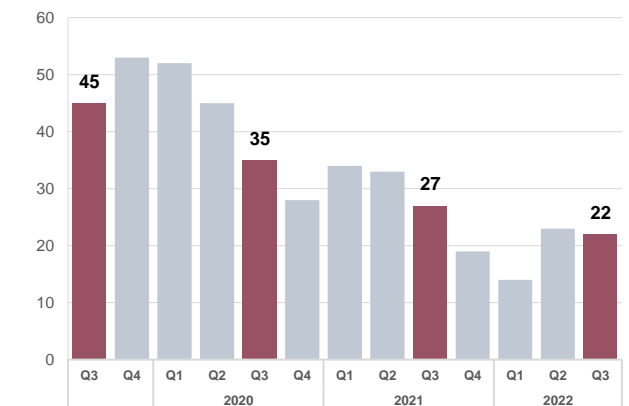
#### 6.3 Sentenced custody population\*

**Down 37.1%**  
From Sept 2020

**↓-13**  
From same qtr 2020

**22**  
Current quarter

**35**  
Same qtr 2020



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\*

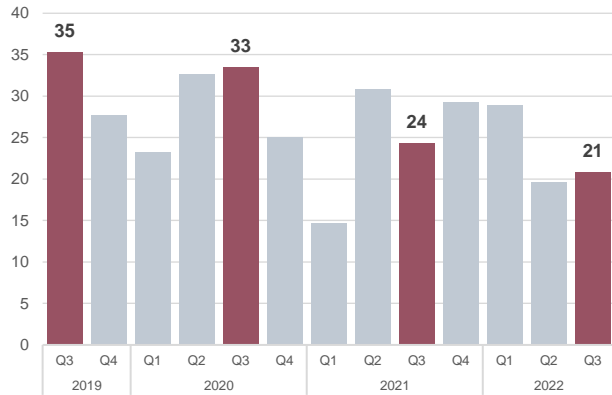
\*Average number of days for persons discharged by discharge date

**Up 2.5%**  
From prior year

**↑ +1 days**  
From prior year

**25 days**  
Current 12-month average

**24 days**  
12-month average last year



### 6.5 Short-term remand\*

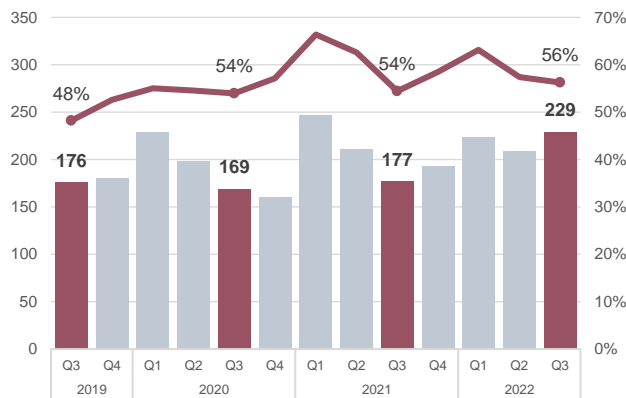
\*Number of persons that spent less than 2 days spent in custody by discharge date

**Up 7.4%**  
From prior year

**↑ +59**  
From prior year

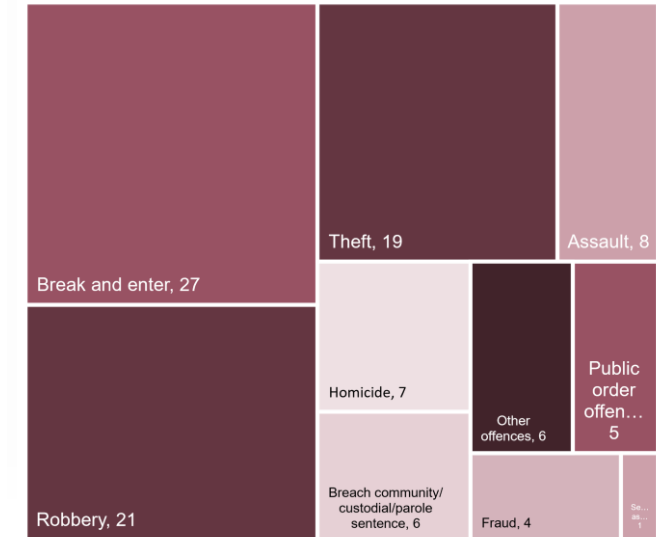
**854**  
Current year

**795**  
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

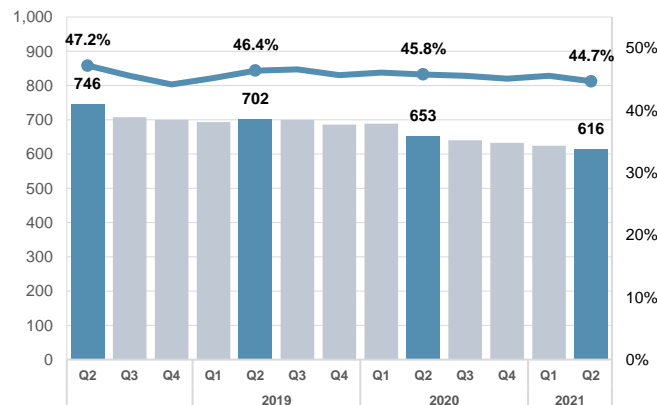
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 37**  
Change year to year

**44.7%**  
Current rate

**616**  
Current year

**653**  
Last year



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

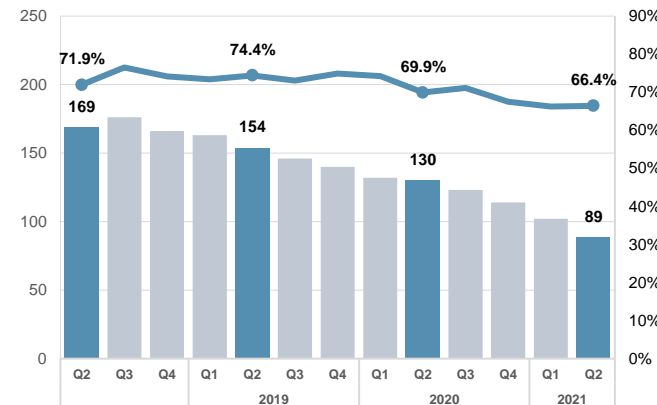
Annual cohort reoffending rate - Any new proven offence committed within 12 months

**Down 41**  
Change year to year

**66.4%**  
Current rate

**89**  
Current year

**130**  
Last year



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

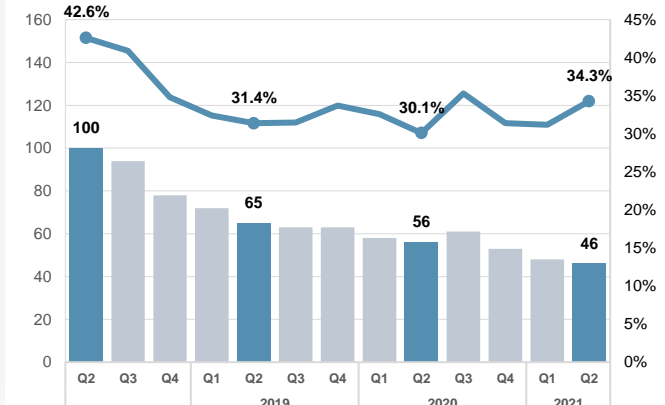
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

**Down 10**  
Change year to year

**34.3%**  
Current rate

**46**  
Current year

**56**  
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. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased
<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. 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
<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>5.3 Sentenced to custody from remand</b>	Number and proportion of Aboriginal young people refused bail at court finalisation by whether they received a custodial penalty or not.
<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 Length of stay in custody</b>	The average number of days spent in custody for Aboriginal young people discharged from custody.
<b>6.5 Short-term remand</b>	The number and proportion of Aboriginal young people discharged from custody that spent less than 2 days in custody
<b>6.6 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.