

2.13 Contact with criminal justice system

The prevalence of Aboriginal and Torres Strait Islander peoples in prison custody, other contact with the criminal justice system, including police custody and juvenile justice, and relationships with health and social factors

Data sources

Data for this measure come from the ABS National Prison Census, National Policy Custody Survey, the Australian Institute of Criminology (AIC) National Deaths in Custody Program Annual Report, AIHW Juvenile Justice National Minimum Data Set, the ABS National Aboriginal and Torres Strait Islander Social Survey (NATSISS) and the AIC Drug Use Monitoring in Australia (DUMA).

National Aboriginal and Torres Strait Islander Social Survey (NATSISS)

The 2002 NATSISS collected information from 9,400 Indigenous Australians across all states and territories of Australia. The sample covered persons aged 15 years or over who were usual residents of private dwellings. It collected information on a wide range of subjects including family and culture, health, education, employment, income, financial stress, housing, as well as law and justice. The 2002 NATSISS is the second national social survey of Indigenous Australians conducted by the ABS. Selected non-Indigenous comparisons are available through the 2002 General Social Survey (GSS). The ABS plans to conduct the NATSISS every 6 years. The next survey is planned for 2008.

National Prison Census

The ABS collects data from administrative records on persons in prison custody on 30 June each year in all jurisdictions. This Census includes all prisoners in adult corrective services, but not persons in juvenile institutions, psychiatric care or police custody. The Census collects information on the number of people in custody, legal status (sentenced or unsentenced), prior imprisonment, the most serious offence committed and length of sentence.

Most jurisdictions collect Indigenous status information from individual prisoners. It is uncommon for corrective services agencies to collect indigenous status from anyone other than the prisoner themselves. The accuracy of this data has not been assessed.

National Police Custody Survey

The latest National Police Custody Survey conducted in 2002 collected information on the numbers of people who passed through police custody (as opposed to custody in the prison system) in the month of October 2002 in all jurisdictions. Survey findings are reported on: how many people go into and out of police cells over the course of one month; why people are placed in police custody; the types of offences associated with police custody; the length of time that people are in police custody; the proportions of incidents in which Indigenous people are involved; rates of Indigenous and non-Indigenous custody per population; and whether these patterns change over time.

The Indigenous status of the victim or perpetrator or both is based on police identification.

There are some inconsistencies in the method of data collection between jurisdictions and thus care should be taken in comparing data between states and territories.

Deaths in custody in Australia: National Deaths in Custody Program annual report

As a requirement of the Deaths in Custody Royal Commission, the Australian Institute of Criminology (AIC) collects data on deaths in custody each year for all jurisdictions. Data collected includes custodial authority (police, prison, juvenile justice/welfare), legal status (sentenced or unsentenced), cause of death, manner of death, location of death, most serious offence.

Indigenous status is determined by previous self-identification to prison authorities.

Drug Use Monitoring in Australia (DUMA)

The DUMA is an annual survey which has been conducted by the Australian Institute of Criminology since 1999 at some locations across Australia. Further sites in Victoria and the Northern Territory (Darwin) are being reported from 2006 onwards. The survey reports on drug use among police detainees at seven police stations in metropolitan areas in Australia. The survey is by a voluntary questionnaire and drug use is confirmed by a urine sample provided by the detainee.

The survey is conducted at police stations in selected metropolitan areas and does not provide regional coverage. The number of detainees questioned is quite low and thus includes a very small Indigenous sample.

The Indigenous status of the detainee is established by the following question: 'What is your ethnic background?'. (If the respondent mentions 'Australian' but not 'Aboriginal', prompt: 'Do you consider yourself an Aboriginal or Torres Strait Islander?'.)

Analysis is presented by state/territory as the figures do not permit national coverage.

Juvenile Justice National Minimum Data Set

The Juvenile Justice National Minimum Data Set is held by the AIHW and contains data on young people under juvenile justice supervision, juvenile justice episodes and juvenile justice centres.

These data, which include both community-based and detention-based supervision, are collected by the AIHW from the departments in each state and territory with particular responsibility for juvenile justice. Data are available by financial year from 2000-01.

The standard ABS question on Indigenous status is included in the National Minimum Data Set.

Data analyses

People in prison custody

Data on Indigenous people in prison custody come from the ABS National Prison Census which collected information about persons held in Australian prisons on the night of 30 June 2005. These data are published in the ABS publication, *Prisoners in Australia 2005*.

- As at 30th June 2005, there were 5,656 Indigenous prisoners aged 18 years and over recorded in the National Prison Census. Indigenous prisoners represented approximately 22% of the total prisoner population.
- After adjusting for differences in age structure, the age-standardised rate of imprisonment for Indigenous prisoners was 1,561 per 100,000 adult population compared to 129 per 100,000 adult population for non-Indigenous prisoners, making Indigenous prisoners 12 times more likely than non-Indigenous persons to be in prison at 30 June 2005 (Table 2.13.1).
- Indigenous Australians were imprisoned at a rate of 2,021 per 100,000.

People in prison custody by age and sex

- The median age of Indigenous prisoners was 30 years compared to 33 years for non-Indigenous prisoners (Table 2.13.1).
- Imprisonment rates were highest among those aged 20–34 years in both the Indigenous and non-Indigenous populations.
- Approximately 91% of Indigenous prisoners were male, and only 9% were female. Imprisonment rates were much higher for Indigenous males than Indigenous females (3,820 per 100,000 compared to 338 per 100,000).

Table 2.13.1: People in prison custody, by Indigenous status, sex and age group, as at 30 June 2005

Age group (years)	Males			Females			Persons		
	No.	%	Rate ^(a)	No.	%	Rate ^(a)	No.	%	Rate ^(a)
Indigenous									
Under 18	19	0.4	1,041.7	—	—	—	19	0.3	531.0
18	90	1.7	1,667.0	4	0.8	78.9	94	1.7	897.9
19	166	3.2	3,254.9	17	3.5	338.8	183	3.2	1,808.8
20–24	1,159	22.4	5,229.4	117	24.0	534.8	1,276	22.6	2,897.4
25–29	1,134	21.9	6,411.9	90	18.4	490.2	1,224	21.6	3,395.6
30–34	1,051	20.3	5,899.9	114	23.4	587.9	1,165	20.6	3,131.4
35–39	738	14.3	4,799.4	68	13.9	392.1	806	14.3	2,463.2
40–44	452	8.7	3,286.6	45	9.2	293.5	497	8.8	1,708.9
45–49	212	4.1	1,906.3	23	4.7	191.4	235	4.2	1,015.7
50–54	82	1.6	938.5	10	2.0	106.2	92	1.6	506.9
55–59	39	0.8	622.2	—	—	—	39	0.7	300.3
60–64	13	0.3	315.2	—	—	—	13	0.2	149.4
65 and over	13	0.3	219.0	—	—	—	13	0.2	95.6
Total	5,168	100.0	3,819.6	488	100.0	337.6	5,656	100.0	2,021.2
Mean age	30.7	..	..	30.7	..	..	30.7	..	..
Median age	30.0	..	..	30.0	..	..	30.0	..	..
Non-Indigenous									
Under 18	18	0.1	30.0	—	—	—	18	0.1	15.3
18	111	0.6	81.2	5	0.4	3.9	116	0.6	43.5
19	287	1.6	205.5	13	1.1	9.8	300	1.6	110.0
20–24	2,854	15.9	402.4	155	12.8	23.0	3,009	15.7	217.5
25–29	3,406	18.9	507.7	240	19.8	36.6	3,646	19.0	274.9
30–34	3,369	18.7	458.7	226	18.6	30.5	3,595	18.7	243.7
35–39	2,676	14.9	374.3	192	15.8	26.6	2,868	14.9	199.6
40–44	1,899	10.6	252.4	153	12.6	20.2	2,052	10.7	136.0
45–49	1,316	7.3	185.2	96	7.9	13.4	1,412	7.4	98.8
50–54	811	4.5	124.2	67	5.5	10.1	878	4.6	66.8
55–59	599	3.3	97.5	39	3.2	6.4	638	3.3	52.2
60–64	353	2.0	75.5	16	1.3	3.5	369	1.9	39.8
65 and over	279	1.6	23.5	11	0.9	0.8	290	1.5	11.0
Total	17,978	100.0	238.2	1,213	100.0	15.6	19,191	100.0	125.3
Mean age	34.9	..	..	35.4	..	..	35.0	..	..
Median age	33.0	..	..	34.0	..	..	33.0	..	..

(continued)

Table 2.13.1 (continued): People in prison custody, by Indigenous status, sex and age group, as at 30 June 2005

Age group (years)	Males			Females			Persons		
	No.	%	Rate ^(a)	No.	%	Rate ^(a)	No.	%	Rate ^(a)
	Total^(b)								
Under 18	37	0.2	59.9	—	—	—	37	0.1	30.6
18	218	0.9	153.4	9	0.5	6.7	227	0.9	81.9
19	469	2.0	324.0	31	1.8	22.5	500	2.0	176.8
20–24	4,083	17.3	558.2	276	15.9	39.6	4,359	17.2	305.3
25–29	4,607	19.5	669.1	338	19.5	50.2	4,945	19.5	363.0
30–34	4,488	19.0	596.5	345	19.9	45.4	4,833	19.1	319.6
35–39	3,475	14.7	475.8	265	15.3	35.9	3,740	14.8	254.6
40–44	2,418	10.2	315.6	202	11.6	26.2	2,620	10.3	170.4
45–49	1,571	6.7	217.6	119	6.9	16.3	1,690	6.7	116.3
50–54	914	3.9	138.2	81	4.7	12.1	995	3.9	74.7
55–59	665	2.8	107.2	41	2.4	6.7	706	2.8	57.2
60–64	373	1.6	79.0	16	0.9	3.5	389	1.5	41.6
65 and over	301	1.3	25.3	11	0.6	0.8	312	1.2	11.8
Total	23,619	100.0	307.4	1,734	100.0	21.9	25,353	100.0	162.5
Mean age	34.0	..	..	34.1	..	..	34.0	..	..
Median age	32.0	..	..	32.0	..	..	32.0	..	..

(a) Rate per 100,000 adult population.

(b) Includes prisoners whose Indigenous status is unknown.

Source: ABS 2005.

People in prison custody by state/territory

- The proportion of prisoners who were Indigenous was highest in the Northern Territory (81%) and lowest in Victoria (6%) (Table 2.13.2).
- Western Australia and South Australia recorded the highest age-standardised ratios of Indigenous to non-Indigenous rates of imprisonment, with Indigenous persons being 19 and 13 times as likely to be in prison as non-Indigenous Australians in these jurisdictions respectively.

Table 2.13.1: People in prison custody, by Indigenous status, sex and state/territory, 30 June 2005

	Indigenous					Non-Indigenous					Age standar dised rate ratio ^(d)
	Number			Crude rate ^(b)	Age- standar dised rate ^(c)	Number			Crude rate ^(b)	Age standar dised rate ^(c)	
	Males	Females	Persons			Males	Females	Persons			
NSW^(a)	1,504	178	1,682	2,106.3	1,652.0	7,347	506	7,853	152.1	157.9	10.5
Vic	199	21	220	1,223.7	983.2	3,236	236	3,472	89.0	91.2	10.8
Qld	1,235	96	1,331	1,706.1	1,303.8	3,718	251	3,969	134.4	137.7	9.5
WA	1,267	141	1,408	3,502.6	2,697.0	1,947	127	2,074	140.3	143.9	18.7
SA	240	25	265	1,680.6	1,296.5	996	58	1,054	89.4	98.6	13.2
Tas	66	4	70	691.8	559.2	452	24	476	133.2	149.2	3.7
ACT^(e)	14	3	17	1,059.9	821.1	129	7	136	97.3	93.2	8.8
NT	641	22	663	1,855.9	1,440.9	153	4	157	147.1	134.7	10.7
Aust	5,168	488	5,656	2,021.2	1,560.9	17,978	1,213	19,191	125.3	128.8	12.1

(a) Rates for NSW exclude ACT prisoners held in NSW.

(b) Crude rate per 100,000 adult population.

(c) Age-standardised rate per 100,000 adult population.

(d) The ratio of Indigenous to non-Indigenous imprisonment is calculated by dividing the Indigenous age-standardised rate by the non-Indigenous age-standardised rate.

(e) Rates for ACT include prisoners held in NSW as well as prisoners held in ACT.

Source: ABS 2005.

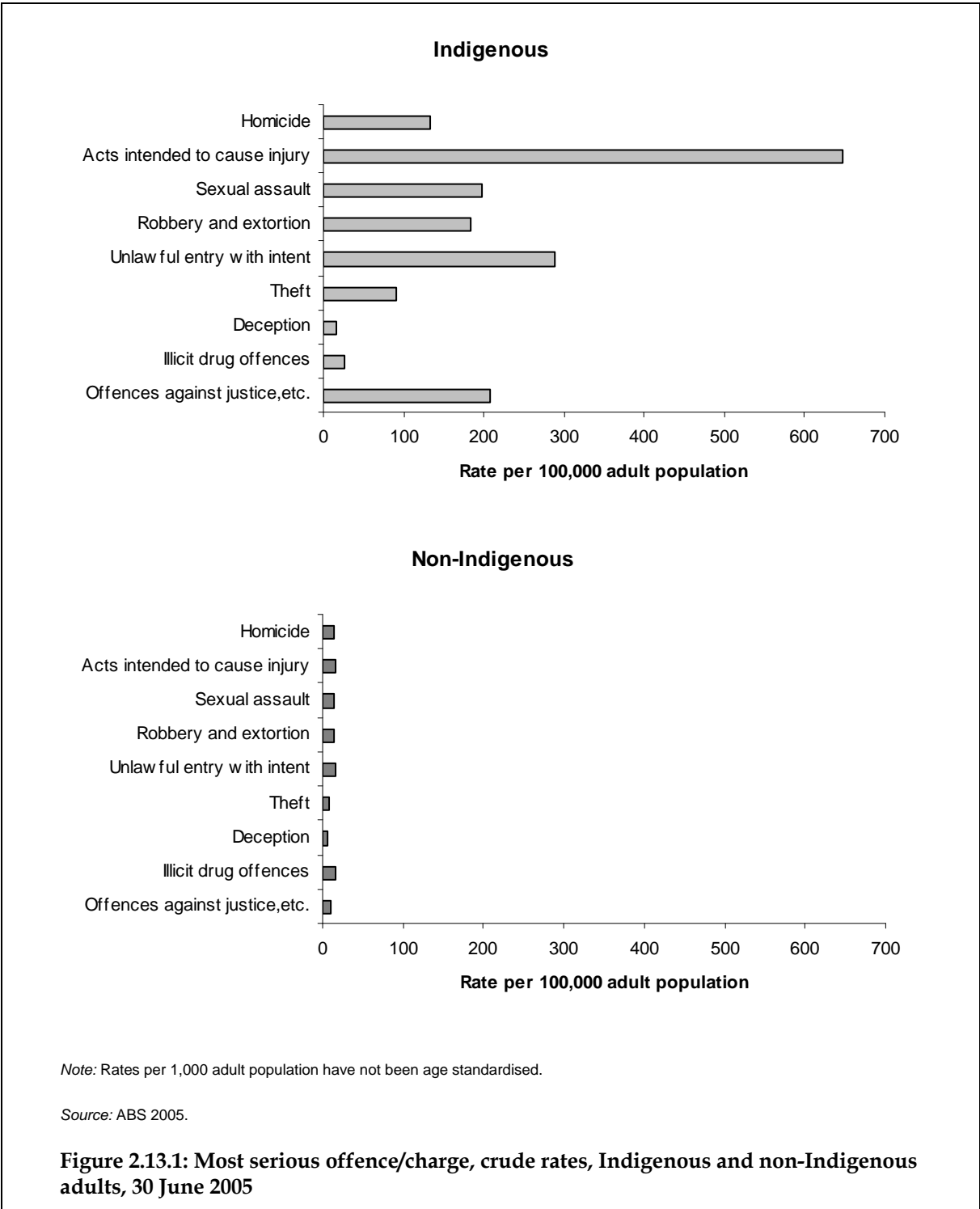
People in prison custody by legal status and most serious offence/charge

- As at 30th June 2005, approximately 80% of Indigenous and non-Indigenous people in prison custody were sentenced to prison (Table 2.13.3).
- Around one-third (32%) of all Indigenous people in prison custody were charged with acts intended to cause injury as the most serious offence. This offence accounted for only 13% of non-Indigenous people in prison custody (Table 2.13.3).
- Unlawful entry was recorded as the most serious offence for 14% of Indigenous people in prison custody and 13% of non-Indigenous people in prison custody. Offences against justice procedures, government security and operations were the most serious offence for 10% of Indigenous prisoners and 8% of non-Indigenous prisoners. A higher proportion of non-Indigenous people in prison custody were charged with illicit drug offences as their most serious charge (12%) compared to Indigenous people in prison custody (1%).
- Indigenous people were taken into prison custody at higher rates than non-Indigenous people for all types of offences (Figure 2.13.1). Differences were most marked for acts intended to cause injury and unlawful entry with intent.

Table 2.13.3: People in prison custody, by Indigenous status, legal status and most serious offence/charge, 30 June 2005

	Indigenous		Non-Indigenous	
	No.	%	No.	%
Legal status				
Sentenced	4,515	79.8	15,437	80.4
Unsentenced	1,141	20.2	3,754	19.6
Most serious offence/charge				
Acts intended to cause injury	1,809	32.0	2,449	12.8
Unlawful entry with intent	810	14.3	2,429	12.7
Offences against justice procedures, government security and operations	580	10.3	1,446	7.5
Sexual assault and related offences	551	9.7	2,111	11.0
Robbery, extortion and related offences	518	9.2	2,122	11.1
Homicide and related offences	371	6.6	2,108	11.0
Road traffic and motor vehicle regulatory offences	289	5.1	978	5.1
Theft and related offences	256	4.5	1,282	6.7
Dangerous or negligent acts endangering persons	151	2.7	210	1.1
Illicit drug offences	72	1.3	2,325	12.1
Property damage and environmental pollution	65	1.1	180	0.9
Public order offences	56	1.0	197	1.0
Deception and related offences	45	0.8	812	4.2
Abduction and related offences	25	0.4	167	0.9
Weapons and explosives offences	21	0.4	165	0.9
Miscellaneous offences	37	0.7	210	1.1
Total	5,656	100.0	19,191	100.0

Source: ABS 2005.



People in prison custody by sentence length

- As at 30 June 2005, the median sentence length for Indigenous sentenced prisoners was 24 months. The longest median sentence lengths were for homicide and related offences (120 months or 10 years), sexual assault and related offences (84 months or 7 years) and robbery, extortion and related offences (65 months or 5 years) (Table 2.13.4).

Table 2.13.4: Number of Indigenous sentenced prisoners, by sentence length^(a) and most serious offence, 30 June 2005

Most serious offence	Periodic detention	<3 months	3 to <6 months	6 to <12 months	1 to <2 years	2 to <5 years	5 to <10 years	10 to <15 years	15 to <20 years	20+ years	Life	Other	Total	Total (%)	Mean (months)	Median (months)
Homicide and related offences	0	0	0	0	3	11	75	36	32	27	99	12	295	6.5	144.2	120.1
Sexual assault and related offences	0	0	3	10	31	93	169	99	28	13	6	15	467	10.3	94.1	84.0
Robbery, extortion and related offences	0	0	3	10	22	140	165	41	20	7	0	0	411	9.1	77.7	64.9
Abduction and related offences	0	0	0	0	0	7	12	0	0	0	0	0	19	0.4	59.6	48.0
Illicit drug offences	0	0	0	0	14	25	10	0	0	0	0	0	52	1.2	42.3	33.0
Unlawful entry with intent	8	8	23	64	184	255	105	10	5	0	0	0	662	14.7	37.1	27.0
Weapons and explosives offences	0	0	3	3	6	4	0	0	0	0	0	0	19	0.4	30.6	20.4
Property damage and environmental pollution	3	6	3	8	14	15	3	0	0	0	0	0	52	1.2	23.0	19.8
Acts intended to cause injury	20	34	101	233	418	327	120	20	10	3	0	0	1,302	28.8	27.9	16.0
Theft and related offences	6	6	18	37	61	49	18	4	3	0	0	0	202	4.5	30.0	15.0
Deception and related offences	6	0	0	6	16	9	0	0	0	0	0	0	37	0.8	25.0	15.0
Dangerous or negligent acts endangering persons	3	15	11	26	58	31	3	0	0	0	0	0	147	3.3	18.5	14.0
Public order offences	3	6	4	8	15	3	3	3	0	0	0	0	45	1.0	24.8	12.0
Offences against justice procedures, government security and operations	4	50	63	150	143	79	7	3	0	0	0	0	499	11.1	15.1	10.9
Road traffic and motor vehicle regulatory offences	12	28	40	103	79	17	0	0	0	0	0	0	279	6.2	10.5	9.0
Miscellaneous offences	0	0	0	7	5	12	3	0	0	0	0	0	27	0.6	28.8	24.0
Total	65	153	272	668	1,069	1,077	693	219	98	50	105	46	4,515	100.0	43.3	23.7

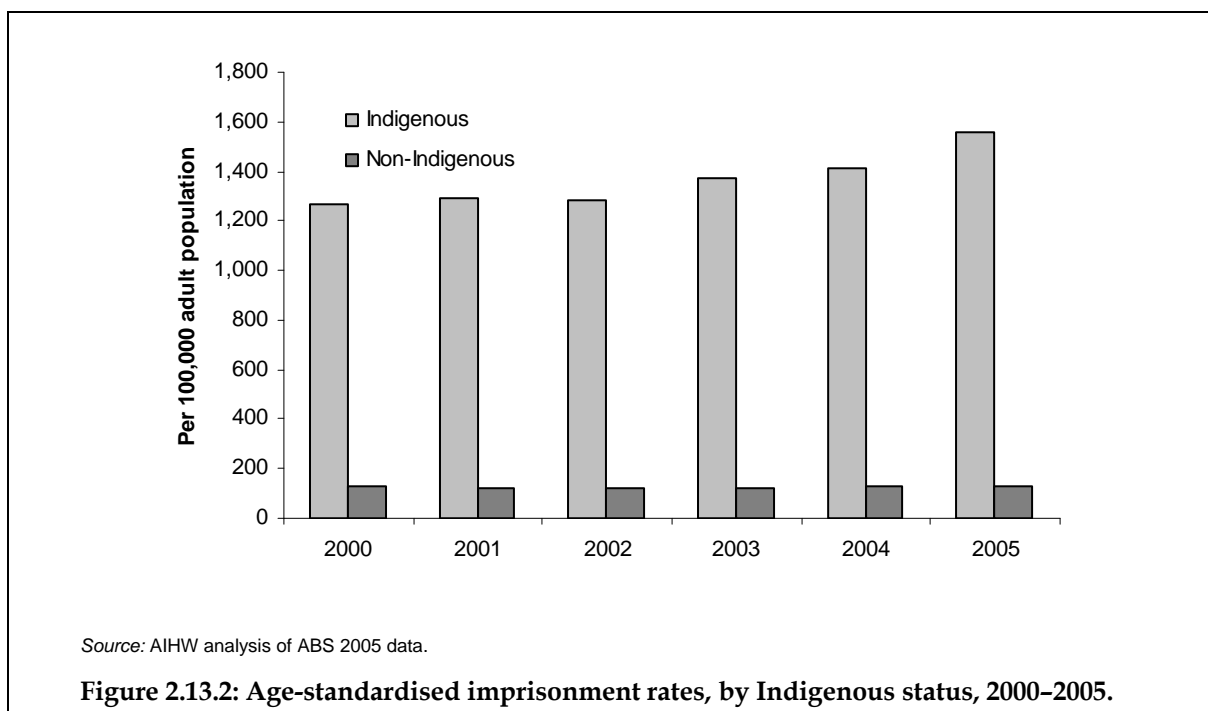
(a) Aggregate sentence length.

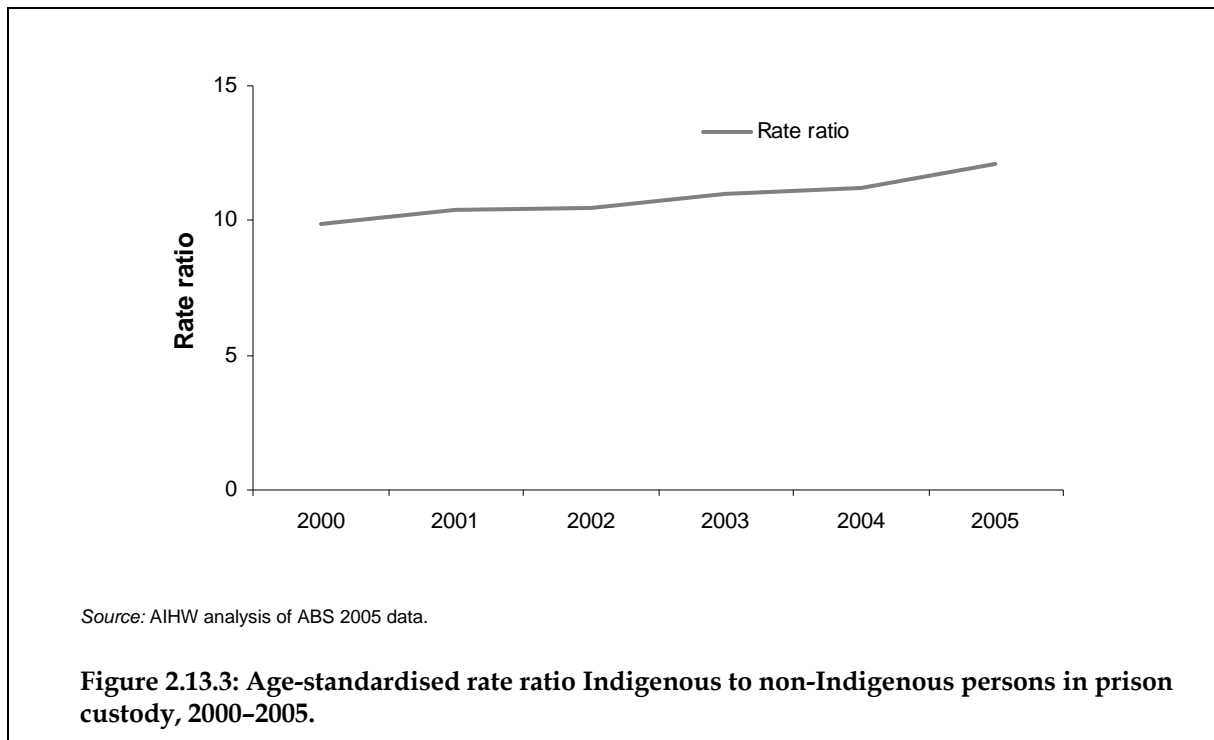
Source: ABS 2005.

Time series analysis

Data on the imprisonment rates of Indigenous and non-Indigenous people aged 18 years and over are presented below for the period 2000–2005.

- For the period 2000–2005, there was a significant increase in the imprisonment rate of Indigenous Australians, with an average yearly increase in the rate of around 56 per 100,000. There was no significant change in the imprisonment rate of non-Indigenous Australians over the same period (Figure 2.13.2).
- There was a significant increase in the rate ratio between Indigenous and non-Indigenous imprisonment rates between 2000 and 2005. The fitted trend implies an average yearly increase in the ratio of around 0.4 (Figure 2.13.3).





People in police custody

Information on people in police custody comes from the National Police Custody Survey, which was conducted in 1992, 1995 and 2002 and collected information on the numbers of people who passed through police custody (as opposed to custody in the prison system). Data from these surveys are presented below.

Please note that rates presented below will differ slightly from those published by the AIC as ABS low series Indigenous population estimates have been used in the calculation of rates, as opposed to high series Indigenous population estimates which are used by the AIC.

People in police custody by selected characteristics

- In 2002, there were approximately 7,111 Indigenous people in police custody. Indigenous people accounted for approximately 26% of all people in prison custody in 2002 (Table 2.13.5).
- Indigenous people were taken into police custody at a rate of 2,061 per 100,000, which was 17 times the rate of non-Indigenous people.
- The majority of Indigenous people taken into police custody were aged between 20–34 years of age at rates of over 3,000 per 100,000.
- Around three-quarters (77%) of all Indigenous people in prison custody were males.
- Rates for Indigenous people taken into police custody were highest in South Australia (3,644 per 100,000) and Western Australia (3,514 per 100,000). Indigenous people in these states were taken into police custody at 26–27 times the rate of other people in these states and territories.
- Public order offences such as trespass, offensive language or behaviour were the most common offences associated with being in police custody for Indigenous people.

Indigenous people were taken into police custody for these offences at 23 times the rate of other people. Assault and intent to injure was the second most common offence associated with being in police custody, for which Indigenous people were taken into custody at 22 times the rate of other people.

- Approximately 1,375 Indigenous people were taken into police custody for public drunkenness in 2002. Indigenous people were taken into custody for this offence at 43 times the rate of other people. The median length of time Indigenous people were in police custody for public drunkenness was 5.7 hours compared to 4.2 hours for non-Indigenous people.

Table 2.13.5: People in police custody, by Indigenous status and selected characteristics, 2002

	Indigenous		Other		Rate ratio ^(b)
	No.	Rate per 100,000 ^(a)	No.	Rate per 100,000 ^(a)	
Sex					
Males	5,494	3,245.3	17,055	207.0	15.7
Females	1,617	920.3	2,881	34.1	27.0
Persons	7,111	2,061.2	19,936	119.5	17.2
Age					
Less than 17	904	1,146.8	1,346	73.6	15.6
17–19	920	3,292.9	2,683	339.1	9.7
20–24	1,176	3,047.6	4,213	326.4	9.3
25–34	2,387	3,285.2	6,281	223.9	14.7
35 and over	1,724	1,357.1	5,414	54.3	25.0
State/territory					
NSW	1,738	1,730.9	8,935	158.1	10.9
Vic	187	882.8	2,099	49.9	17.7
Qld	1,416	1,508.7	4,387	141.3	10.7
WA	1,755	3,514.1	2,072	128.3	27.4
SA	710	3,643.5	1,865	142.4	25.6
Tas	19	144.8	145	36.6	4.0
ACT	36	1,226.2	151	54.7	22.4
NT	1,250	2,848.4	282	234.7	12.1
Most serious offence associated with being in custody					
Homicide	15	4.3	51	0.3	14.2
Assault/intent to injure	737	213.6	1,643	9.9	21.7
Sexual assault	48	13.9	176	1.1	13.2
Dangerous acts	184	53.3	480	2.9	18.5
Abduction	4	1.2	39	0.2	5.0
Robbery/extortion	45	13.0	177	1.1	12.3
Break and enter	364	105.5	697	4.2	25.2
Theft	377	109.3	1,394	8.4	13.1
Deception/fraud	28	8.1	340	2.0	4.0
Drug offences	93	27.0	717	4.3	6.3
Weapons	59	17.1	164	1.0	17.4
Property damage	151	43.8	402	2.4	18.2
Public order offences ^(c)	1,069	309.9	2,212	13.3	23.4
Traffic offences	351	101.7	1,329	8.0	12.8
Justice offences ^(d)	499	144.6	1,228	7.4	19.6
Miscellaneous	77	22.3	202	1.2	18.4
Other not definable	448	129.9	1,744	10.5	12.4
Not stated ^(e)	1,156	335.1	5,529	33.2	10.1
Not applicable ^(f)	1,407	407.8	1,411	8.5	48.2

(continued)

Table 2.13.5 (continued): People in police custody, by Indigenous status and selected characteristics, 2002

	Indigenous		Other		Rate ratio ^(b)
	No.	Rate per 100,000 ^(a)	No.	Rate per 100,000 ^(a)	
Length of time in custody for public drunkenness offences					
>48 hours	5	1.4	4	0.0	60.4
>24-48 hours	8	2.3	8	0.0	48.3
>12-24 hours	15	4.3	16	0.1	45.3
>6-12 hours	476	138.0	219	1.3	105.1
>4-6 hours	533	154.5	588	3.5	43.8
>2-4 hours	194	56.2	506	3.0	18.5
30 minutes-2 hours	90	26.1	122	0.7	35.7
Up to 30 minutes	54	15.7	93	0.6	28.1
Total public drunkenness	1,375	398.6	1,556	9.3	42.7
Total	7,111	2,061.2	19,936	119.5	17.2
Median	5.7 hours		4.2 hours		

(a) Number of incidents in police custody per 100,000 population aged 10 years and over using the ABS low series estimated resident Indigenous and non-Indigenous populations as at 31 December 2002. Note that these rates will differ from those published by the AIC by which high series population estimates are used.

(b) The rate ratio is calculated by dividing Indigenous rate by non-Indigenous rate.

(c) Public order offences include trespass, offensive language, offensive behaviour, criminal intent, conspiracy, disorderly conduct, betting and gambling offences, liquor and tobacco offences, censorship offences, prostitution offences and other public order offences.

(d) Offences against justice include breaches of justice orders, subverting the course of justice, resisting or hindering police or government officials, offences against government security and operations.

(e) These incidents were not included in the calculation of percentages.

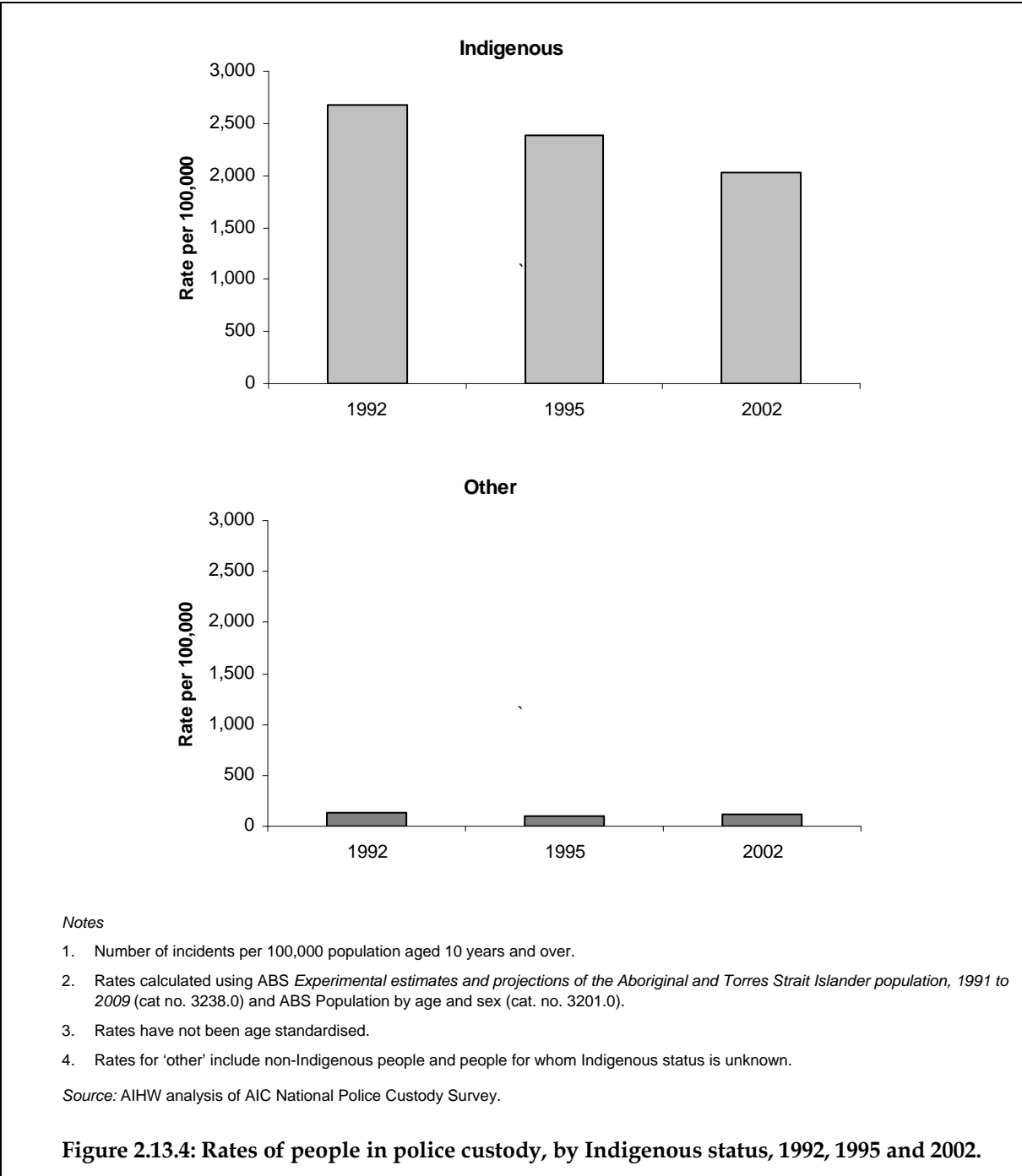
(f) Includes incidents of protective custody for those states where public drunkenness is not an offence, as well as where the word 'arrest' or 'warrant' was written but nothing else. These incidents were not included in the calculation of percentages.

Note: Shading indicates that rates for Indigenous and non-Indigenous have not been age standardised and thus are not strictly comparable.

Source: AIHW analysis of AIC National Police Custody Survey 2002 (computer file, weighted data).

Time series analysis

- Rates of Indigenous people in police custody were lower in 2002 (2,061 per 100,000) than in 1995 (2,381 per 100,000) and in 1992 (2,689 per 100,000). Rates of non-Indigenous people in police custody were 126 per 100,000 in 1992, 100 per 100,000 in 1995 and 120 per 100,000 in 2002 (Figure 2.13.4).



Deaths in custody

Data on deaths in custody in Australia come from the Australian Institute of Criminology (AIC) National Deaths in Custody Program and are presented below.

Deaths by selected characteristics

- Over the three-year period 2002–2004, there were 49 deaths in police and prison custody of Indigenous persons. Of these deaths, 24 were in police custody and 25 were in prison custody. Deaths of Indigenous persons in custody represented approximately 22% of total deaths in custody for this period (Table 2.13.6).

- The majority of Indigenous deaths in custody occurred among those aged 25–39 years (22 deaths). Of those who died in custody aged less than 25 years, approximately 31% were Indigenous.
- All the deaths in custody that occurred in the Northern Territory between 2002 and 2004 were of Indigenous people (11 deaths in total).
- The majority of deaths in custody of Indigenous people were due to natural causes (22 deaths) or accident (16 deaths). Indigenous persons represented 31% and 36% of total deaths in custody for these causes of death.
- The most common offence of Indigenous and non-Indigenous people who died in custody between 2002 and 2004 was violence. Indigenous people represented 22% of total deaths in custody of people charged with violence-related offences.

Table 2.13.6: Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2002–2004

	Indigenous		Non-Indigenous	
	No.	%	No.	%
Custodial authority				
Police	24	24.2	75	75.8
Prison	25	19.5	103	80.5
Juvenile justice/welfare	0	0.0	0	0.0
Total	49	21.6	178	78.4
Age				
Less than 25	13	31.0	29	69.0
25–39	22	24.2	69	75.8
40–54	12	18.8	52	81.3
55+	2	6.7	28	93.3
Total	49	21.6	178	78.4
State/territory				
NSW	12	14.0	74	86.0
Vic	0	0.0	30	100.0
Qld	12	26.7	33	73.3
WA	13	37.1	22	62.9
SA	1	7.1	13	92.9
Tas	0	0.0	4	100.0
ACT	0	0.0	2	100.0
NT	11	100.0	0	0.0
Australia	49	21.6	178	78.4
Manner of death				
Self-inflicted	10	11.6	76	88.4
Natural causes	22	30.6	50	69.4
Justifiable homicide	0	0.0	14	100.0
Unlawful homicide	0	0.0	6	100.0
Accident	16	35.6	29	64.4
Total	48*	21.5	175^(a)	78.5
Most serious offence				
Violent	26	22.2	91	77.8
Theft related	4	12.1	29	87.9
Good order	7	41.2	10	58.8
Drug related	0	0.0	8	100.0
Traffic	8	27.6	21	72.4
Other	4	19.0	17	81.0
Total	49	21.8	176^(b)	78.2

(a) Three cases have been excluded due to missing data.

(b) Two cases have been excluded due to missing data.

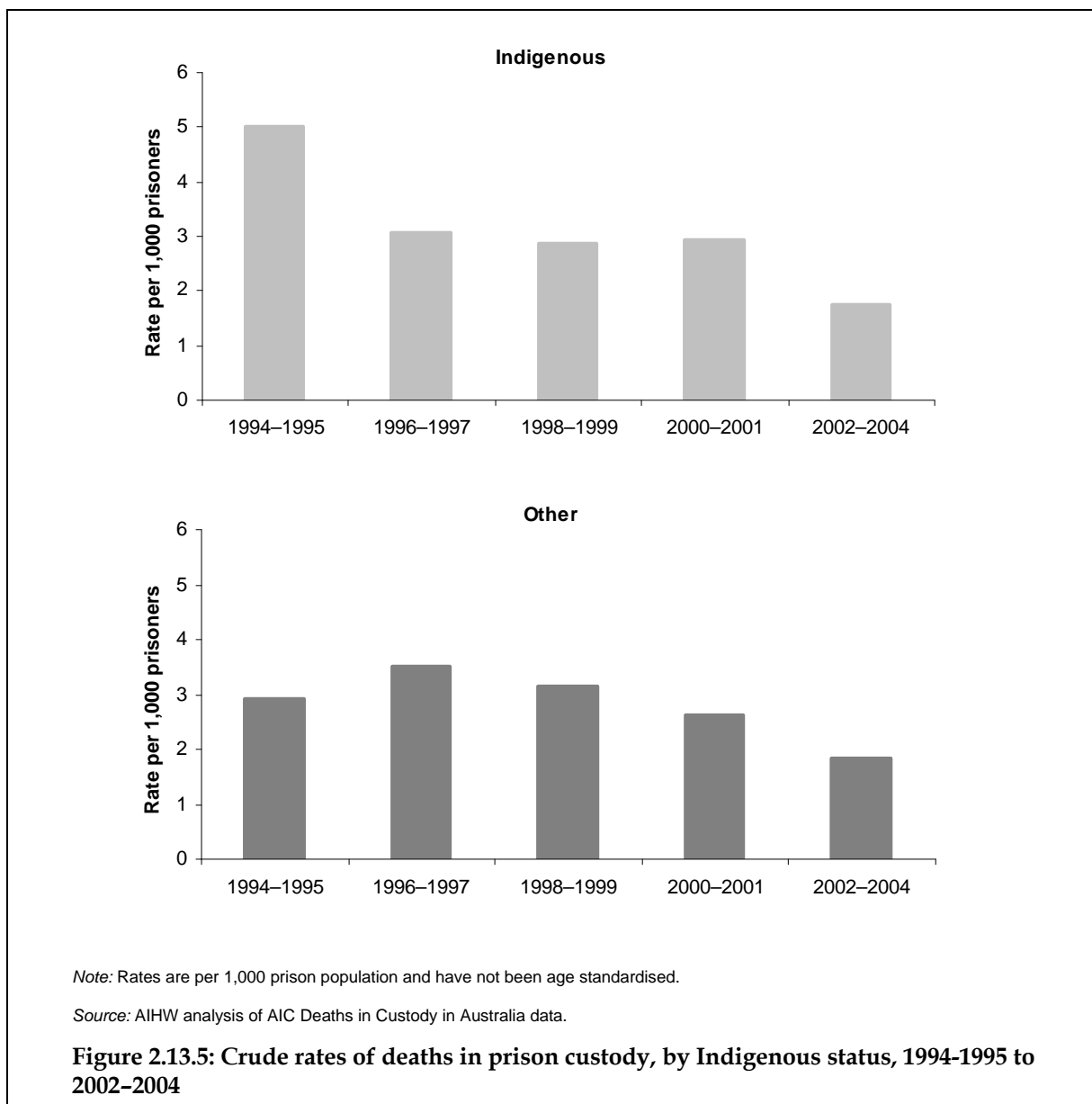
Note: Numbers may change pending coronial outcomes.

Source: AIHW analysis of AIC Deaths in Custody in Australia: National Deaths in Custody Program 2002–2004.

Time series analysis

Figure 2.13.5 presents the crude death rates for Indigenous and other Australians in prison custody over the period 1994–1995 to 2002–2004.

- Over the period 1994–1995 to 2002–2004 there has been a significant decline in the rate of Indigenous deaths in prison custody. The fitted trend implies an average yearly decline in the rate of around 0.3 per 1,000 prison population.
- Over the same period, there has also been a significant decline in the rate of deaths of other Australians in prison custody, with an average yearly decline in the rate of 0.1 per 1,000 prison population.



Contact with police

Information on police contact by Indigenous persons is available from the 2002 National Aboriginal and Torres Strait Islander Social Survey.

- In 2002, approximately 35% of Indigenous persons aged 15 years and over had been formally charged by the police, 16% had been arrested by the police in the last 5 years and 7% had been incarcerated in the last 5 years (Table 2.13.7).

Contact with police by selected characteristics

- Indigenous persons aged 25–34 and 35–44 years were most likely to be formally charged, and Indigenous persons aged 15–24 and 25–34 years were most likely to be arrested by the police or incarcerated in the last 5 years.
- A higher proportion of Indigenous males had been formally charged (50%), arrested by police in the last 5 years (24%) and incarcerated in the last 5 years (11%), than Indigenous females (21%, 9% and 3% respectively).
- Western Australia and South Australia had the highest proportions of Indigenous people aged 15 years and over in contact with the police in 2002.
- Indigenous Australians with a disability or long-term health condition were more likely to be formally charged, arrested or incarcerated than Indigenous people without a disability.
- Indigenous Australians aged 15 years and over who were current daily smokers, had consumed alcohol at moderate or high risk levels in the last 12 months and had used substances in the last 12 months were more likely to have had police contact than Indigenous Australians who had not engaged in these activities.
- In 2002, a higher proportion of Indigenous Australians in the lowest quintile of household income had been formally charged, arrested by the police or incarcerated in the last 5 years than Indigenous Australians in the highest quintile of household income.
- The majority of Indigenous Australians who had been formally charged, arrested by the police in the last 5 years or incarcerated in the last 5 years reported that the age at which they were first formally charged by the police was between 15 and 24 years of age (63%, 61% and 58% respectively).

Table 2.13.7: Contact with the police, by selected population characteristics: Indigenous persons aged 15 years and older, 2002

	Formally charged	Arrested by police in last 5 years	Incarcerated in last 5 years ^(a)
	(per cent)		
Sex			
Males	50.4	24.2	11.4
Females	20.8	9.2	3.1
Persons	35.0	16.4	7.1
Age			
15–24	30.0	21.2	8.1
25–34	38.3	20.8	9.3
35–44	42.1	15.4	7.6
45–54	37.4	10.4	5.3*
55 or over	24.8	3.4*	0.9*
State/Territory			
NSW	36.1	17.4	6.5
Vic	35.5	17.0	6.7
Qld	32.7	14.3	6.2
WA	46.8	22.1	10.6
SA	39.5	19.5	8.2
Tas	29.5 ^(b)	12.9	7.7
ACT	29.5 ^(b)	14.5	5.1*
NT	24.0	18.9	2.9*
Self-assessed health status			
Excellent/good	29.8	14.7	6.3
Good	34.9	18.4	7.7
Fair/poor	44.6	17.1	7.8
Has disability or long-term health condition			
Yes	41.8	18.6	7.4
No	30.4	14.0	5.9
Smoker status			
Current daily smoker	47.5	25.4	11.7
Not current daily smoker	23.1	7.9	2.7
Risky/high risk alcohol consumption in last 12 months			
Yes	49.7	25.6	11.8
No	27.0	11.4	4.6
Whether used substances in last 12 months			
Yes	56.2	34.6	15.7
No	43.4	14.7	5.9

(continued)

Table 2.13.7 (continued): Contact with the police, by selected population characteristics: Indigenous persons aged 15 years and older, 2002

	Formally charged	Arrested by police in last 5 years	Incarcerated in last 5 years ^(a)
Household income			
1st quintile	41.5	20.6	8.5
5th quintile	17.7	2.5	0.9
Employment			
Employed CDEP	42.4	24.8	11.7
Employed non-CDEP	29.0	8.4	3.4
<i>Subtotal employed</i>	32.5	12.7	5.6
Unemployed	51.8	34.8	16.4
Not in the labour force	32.0	14.4	5.7
Location			
Remote	32.8	16.9	8.5
Non-remote	35.8	16.2	6.6
Has non-school qualification			
Yes	34.2	14.7	6.2
No	35.2	17.0	7.4
Completed Year 12			
Yes	20.7	7.9	3.2
No	37.9	18.1	7.9
Housing			
Owner	24.8	6.3	2.4
Renter	38.9	20.3	8.7
Dwelling has major structural problems	38.8	20.7	8.4
Dwelling requires additional bedrooms ^(c)	34.1	16.6	7.1
Family and culture			
Involved in social activities in last 3 months	34.4	16.1	7.1
Had undertaken voluntary work in last 12 months	33.5	14.6	5.7
Able to get support in time of crisis from someone outside the household	33.9	15.5	6.4
Person removed from natural family	50.0	26.7	15.4
Relative removed from natural family	40.3	20.0	9.8
Currently lives in homelands/traditional country	39.1	20.8	10.7
Attended cultural event(s) in last 12 months	35.2	16.8	7.5
Victim of physical or threatened violence in last 12 months			
Yes	52.0	31.8	12.9
No	29.5	11.5	5.2

(continued)

Table 2.13.7 (continued): Contact with the police, by selected population characteristics: Indigenous persons aged 15 years and older, 2002

	Formally charged	Arrested by police in last 5 years	Incarcerated in last 5 years ^(a)
	(per cent)		
Presence of stressors in last 12 months			
At least one stressor experienced in last 12 months	36.3	17.8	8.0
No stressors experienced in last 12 months	28.5	9.7	3.1
Age first formally charged by the police^(d)			
8–14	17.7	24.8	28.4
15–24	63.1	61.1	57.7
25–34	11.3	8.6	7.9
35 and over	6.6	4.5	5.5
Total ^(e)	100.0	100.0	100.0
Total	35.0	16.4	7.1
Total number	98,655	46,268	20,024

(a) May include persons held in protective custody.

(b) Rate for Tasmania and Australian Capital Territory combined.

(c) Based on Canadian National Occupancy Standard for housing appropriateness.

(d) Proportions are of those formally charged, arrested by police in last 5 years and incarcerated in last 5 years, not of total persons.

(e) Includes those who 'don't know' age at which first formally charged and 'not stated'.

Source: AIHW analysis of 2002 NATSISS.

Detainees and drug use

The AIC Drug Use Monitoring in Australia (DUMA) survey reports on drug use among police detainees at seven police stations in metropolitan areas in Australia. The survey is by a voluntary questionnaire and drug use is confirmed by a urine sample provided by the detainee. Data from the 2005 survey are presented in Table 2.13.8 below.

- In 2005, a higher proportion of Indigenous detainees tested positive to drugs than non-Indigenous detainees in all seven police stations surveyed.
- Between 62% and 85% of Indigenous detainees at selected police stations in South Australia, New South Wales, Queensland and Western Australia tested positive to drugs compared to between 47% and 73% of non-Indigenous detainees.
- Cannabis was the most common drug for which both Indigenous and non-Indigenous detainees tested positive. Methylamphetamine was also a common drug to which Indigenous and non-Indigenous detainees tested positive. Multiple drugs were tested positive in between 21% to 43% of Indigenous detainees and 23% to 38% of non-Indigenous detainees.

Table 2.13.8: Detainees at selected police stations, by drug use and Indigenous status, 2005

	Adelaide + Elizabeth (SA)		Bankstown + Parramatta (NSW)		Brisbane + Southport (Qld)		East Perth (WA)	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
	(per cent)							
Benzodiazepines	30.3	20.6	33.3	15.8	21.3	19.3	14.2	22.6
Cannabis	80.0	60.5	50.0	34.4	59.8	51.0	73.1	57.2
Cocaine	0.0	0.7	4.2	3.7	0.0	0.6	0.0	0.0
Heroin	9.7	9.3	4.2	15.2	5.5	14.3	6.0	11.1
Methylamphetamine	26.9	35.6	25.0	12.3	28.4	23.1	29.1	33.0
Multiple drugs	42.8	37.5	20.8	22.9	35.4	29.2	32.1	37.6
<i>Subtotal tested positive to a drug</i>	<i>84.8</i>	<i>72.9</i>	<i>66.7</i>	<i>47.4</i>	<i>66.9</i>	<i>62.2</i>	<i>79.9</i>	<i>69.0</i>
Did not test positive to a drug	15.2	27.1	33.3	52.6	33.1	37.8	20.2	31.1
Total	100	100	100	100	100	100	100	100
Total number	145	734	24	462	127	1,010	134	306

Source: AIC, Drug Use Monitoring in Australia (DUMA) Program 2005.

Young people under juvenile justice supervision

Data on young people in juvenile justice facilities or under juvenile justice supervision come from the AIHW Juvenile Justice National Minimum Data Set. Data on juvenile justice were first collected in 2000–01 and the latest available data are for 2003–04.

It should be noted that rates presented below will differ slightly from those published by the AIHW in *Juvenile justice in Australia, 2000–01 to 2003–04*. This is because rates presented here are calculated using the ABS low series Indigenous estimated resident population projections, while rates presented in the AIHW report were calculated using the high series Indigenous estimated resident population projections.

- In 2003–04, there were 3,427 Indigenous persons aged 10–17 years under juvenile justice supervision. This represented approximately 37% of all people aged 10–17 years under juvenile justice supervision (Table 2.13.9).
- Overall, Aboriginal and Torres Strait Islander young people aged 10–17 years were represented under juvenile justice supervision at a rate of 37.2 per 1,000 population, compared to 2.8 per 1,000 for non-Indigenous young people.

Young people under juvenile justice by selected characteristics

- Approximately 80% of Indigenous persons and 85% of non-Indigenous persons aged 10–17 years under juvenile justice supervision were male.
- The rates of juvenile justice supervision for Indigenous young people were higher than for non-Indigenous young people at all ages (Figure 2.13.6). Around half (49%) of all Indigenous young people under juvenile justice supervision were aged 16–17 years.
- Western Australia and South Australia had the highest rates of Aboriginal and Torres Strait Islander young people under juvenile justice supervision (61 per 1,000 and 56 per 1,000 young people respectively).

Table 2.13.9: Young people aged 10–17 years under juvenile justice supervision, by Indigenous status and selected characteristics, 2003–04

	Indigenous		Non-Indigenous		Not stated		Rate ratio ^(b)
	No.	Rate per 1,000 ^(a)	No.	Rate per 1,000 ^(a)	No.	Rate per 1,000 ^(a)	
Sex							
Males	2,726	57.3	4,986	4.6	621	n.a.	12.5
Females	698	15.6	905	0.9	161	n.a.	17.8
Persons ^(c)	3,427	37.2	5,893	2.8	784	n.a.	13.3
Age							
10	14	1.1	9	0.0	2	n.a.	33.0
11	63	5.1	36	0.1	10	n.a.	37.5
12	123	10.1	84	0.3	21	n.a.	31.9
13	311	26.2	264	1.0	37	n.a.	26.6
14	502	44.1	633	2.4	94	n.a.	18.5
15	720	65.1	1,183	4.5	163	n.a.	14.5
16	854	79.9	1,780	6.8	204	n.a.	11.8
17	840	81.3	1,904	7.2	253	n.a.	11.3
Total	3,427	37.2	5,893	2.8	784	n.a.	13.3
State/territory							
NSW	892	32.6	1,575	2.2	197	n.a.	14.5
Vic	149	26.2	1,244	2.4	0	n.a.	11.1
Qld	993	38.7	1,417	3.4	2	n.a.	11.4
WA	803	60.6	499	2.3	188	n.a.	26.0
SA	288	55.6	629	4.0	68	n.a.	13.8
Tas	40	54.5	209	6.0	1	n.a.	9.1
ACT	208	19.7	45	3.1	0	n.a.	6.4
NT	54	14.4	275	5.4	328	n.a.	2.7
Aust	3,427	37.2	5,893	2.8	784	n.a.	13.3

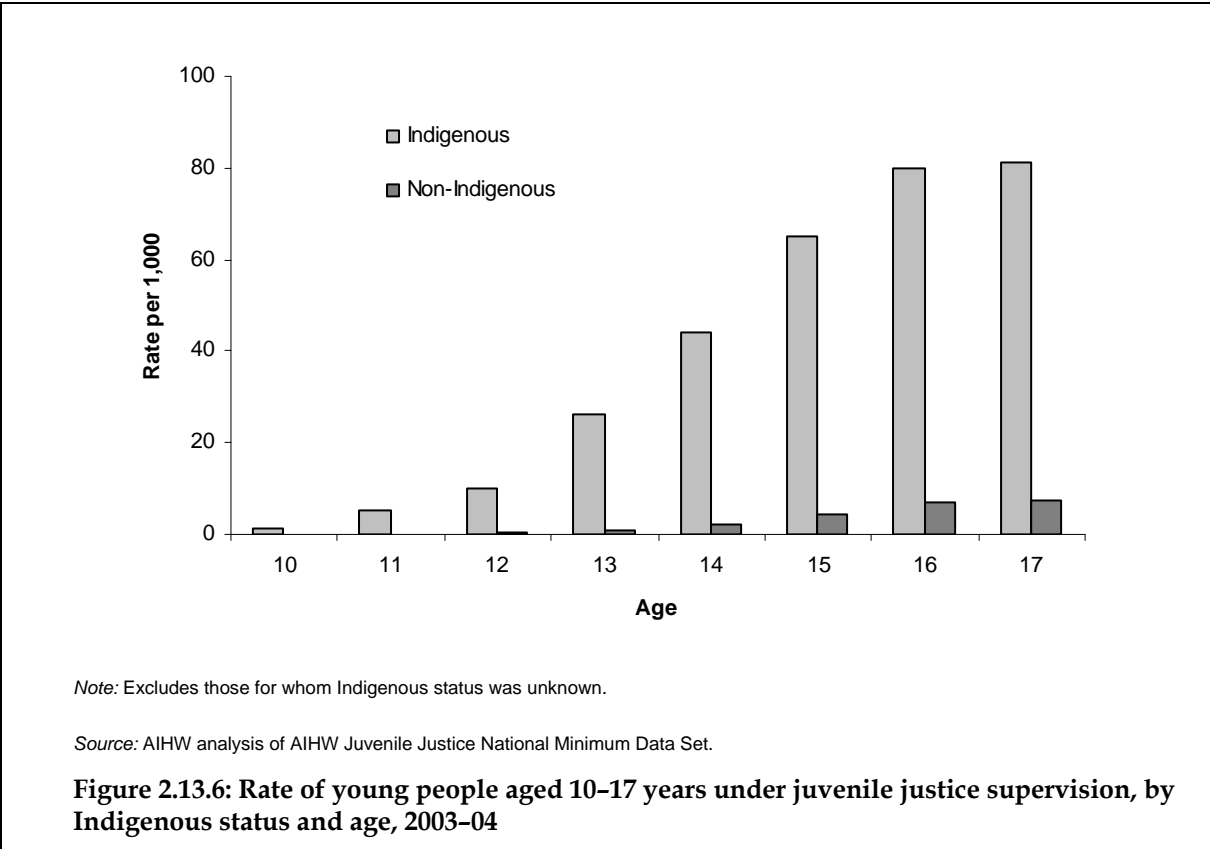
(a) Rate per 1,000 population aged 10–17 years.

(b) Rate ratio is calculated by dividing the Indigenous rate by the rate for other Australians.

(c) Includes those for whom sex was unknown.

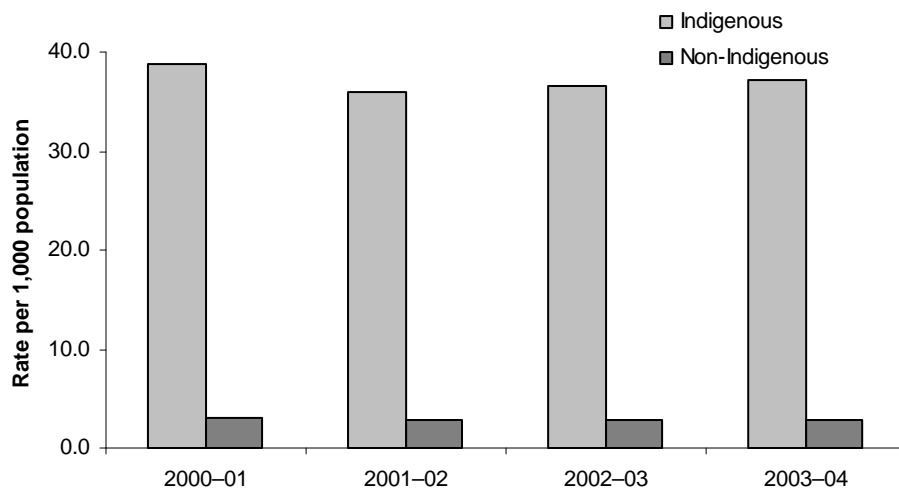
Note: Rates presented here will differ from those published in the AIHW report, Juvenile justice in Australia, 2000–01 to 2003–04. This is because rates presented here are calculated using the average of 2003 and 2004 low series Indigenous estimated resident population projections and Australian June quarter 2004 Estimated Resident Population. Rates presented in the AIHW report were calculated using the 2004 high series Indigenous population projections.

Source: AHW analysis of AIHW Juvenile Justice National Minimum Data Set.



Time series analysis

- Over the period 2000-01 to 2003-04 there was a non-significant decline in the rate of juvenile justice supervision for Indigenous young people age 10-17 years, and a significant decline in the rate of juvenile justice supervision for non-Indigenous young people (Figure 2.13.7).



Notes

1. Excludes those for whom Indigenous status was unknown.
2. Rates for 2000-01 to 2002-03 do not include Australian Capital Territory data. Australian Capital Territory data only available for 2003-04. ABS *Experimental estimates and projections of the Aboriginal and Torres Strait Islander population 1991 to 2009* (cat. no. 3238.0) used in the calculation of rates.

Source: AIHW analysis of AIHW Juvenile Justice National Minimum Data Set.

Figure 2.13.7: Rates of young people aged 10-17 years under juvenile justice supervision, by Indigenous status, 2000-01 to 2003-04

Data quality issues

National Aboriginal and Torres Strait Islander Social Survey (NATSISS)

The NATSISS uses the standard Indigenous status question. The NATSISS sample was specifically designed to select a representative sample of Aboriginal and Torres Strait Islander Australians and thus overcomes the problems inherent in most national surveys with small and unrepresentative Indigenous samples. As with other surveys, the NATSISS is subject to sampling and non-sampling errors. Calculations of standard errors and significance testing help to identify the accuracy of the estimates and differences.

Information recorded in this survey is essentially 'as reported' by respondents. The ABS makes every effort to collect accurate information from respondents, particularly through careful questionnaire design, pre-testing of questionnaires, use of trained interviewers and assistance from Indigenous facilitators. Nevertheless, some responses may be affected by imperfect recall or individual interpretation of survey questions (ABS 2004).

Non-Indigenous comparisons are available through the General Social Survey. Time series comparisons are available through the 1994 National Aboriginal and Torres Strait Islander Survey.

In remote communities there were some modifications to the NATSIHS content in order to address language and cultural appropriateness in traditional communities, as well as to assist respondents in understanding the concepts. Some questions were excluded and some reworded. Also, paper forms were used in communities in remote areas and computer-assisted interview (CAI) instruments were used in non-remote areas. The CAI process included built in edit checks and sequencing.

Further information on NATSISS data quality issues can be found in the national publications (ABS 2004).

Criminal justice data

While the NATSISS provides information on contact by Indigenous people with the police and incarceration, comparative data are not available for non-Indigenous people from the ABS surveys, such as the General Social Survey.

National Prison Census

Most jurisdictions collect Indigenous status from individual prisoners. It is uncommon for corrective services agencies to collect Indigenous status from anyone other than the prisoner themselves. However, the accuracy of these data has not been assessed.

The Prison Census provides a picture of persons in prison at a point in time (30 June) and does not represent the flow of prisoners during the year. The majority of prisoners in the annual Prison Census were serving long-term sentences for serious offences, whereas the flow of offenders in and out of prisons consists primarily of persons serving shorter sentences for lesser offences.

National Police Custody Survey 2002

The Indigenous status of the victim or perpetrator or both is based on police identification, and therefore will underestimate the level of custody involving Indigenous persons. There are also some inconsistencies in the method of collection of data between the jurisdiction (electronic versus manual) and no guarantee that the reporting is complete. However, the comparisons between the prison custody figures and the police custody figures are useful to have and should be reported.

(continued)

Data quality issues (continued)

Deaths in custody in Australia: National Deaths in Custody Program annual report

As a requirement of the Deaths in Custody Royal Commission, the AIC collects data on deaths in custody each year for all jurisdictions. Indigenous status is by previous self-identification to prison authorities (see above).

AIC Drug Use Monitoring in Australia (DUMA)

The Indigenous status of the detainee is established in the questionnaire by the following questions:

'What is your ethnic background?' (If the respondent mentions 'Australian' but not 'Aboriginal,' prompt: 'Do you consider yourself an Aboriginal or Torres Strait Islander?')

It is likely that this question will underestimate the number of Indigenous persons being detained through a reluctance on the part of detainees to identify as Indigenous.

This survey is conducted at police stations in selected metropolitan areas and does not provide regional coverage. In addition, the actual number of detainees questioned is quite low, which does not permit great analysis of the Indigenous data. Finally, the figures do not permit national coverage, but instead analysis by state is recommended.

Future reporting of these data will include the Victorian and Northern Territory police station data from 2006 calendar year onwards.

Juvenile Justice National Minimum Data Set

'Responsibility for juvenile justice rests at state and territory level, and there is marked diversity in terms of legislation, policy and practices among jurisdictions. The age when young people are considered juveniles or adults by the justice system, key policy directions, diversionary options, possible court outcomes, and specific programs and services available to young people are all areas of variation throughout Australia' (AIHW 2006). Therefore caution is required in comparing data across the jurisdictions.

The coverage of data in this new national minimum dataset is high 'with missing data confined to supervised bail and reason for exit data in Queensland, pre-sentence data in Tasmania and some reason-for-exit data from Victoria and Northern Territory. Much of these data will be available and reported on in the next edition. Data for 2000-01, 2001-02 and 2002-03 from the Australian Capital Territory were unavailable. In all other instances, it is believed that 100% of young people within scope of the collection, being supervised by juvenile justice departments as a result of having committed or allegedly committed an offence, were included in the data' (AIHW 2006).

The Aboriginal and Torres Strait Islander population is younger than the rest of the Australian population. The proportion of Indigenous Australians who are aged 10-17 years (20%) is approximately twice that of the non-Indigenous population (11%). Further, the proportion of Indigenous people differs across jurisdictions, with the Indigenous population forming a particularly high proportion (about 30%) of the total Northern Territory population (AIHW 2006). Therefore, for this measure comparisons will take account of age differences and present some data at the state/territory level.

'Differences in data collection methods, data recording systems within jurisdictions and an unwillingness of some young people to respond to questions around Indigenous status all impact on the quality of Indigenous data. As in the whole of the community services sector, there is a commitment to improving Indigenous status data in juvenile justice. For example, over the 4 year period, there has been a general decline in Indigenous status unknown data in most jurisdictions' (AIHW 2006).

References

AIHW (Australian Institute of Health and Welfare) 2006. Juvenile justice in Australia 2000–01 to 2003–04. AIHW cat. no. JUV 1. Canberra: AIHW.

ABS (Australian Bureau of Statistics) 2004. National Aboriginal and Torres Strait Islander Social Survey 2002. ABS cat. no. 4714.0. Canberra: ABS.

ABS 2005. Prisoners in Australia. ABS cat. no. 4517.0. Canberra: ABS.