

## 2.14 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 and the AIC Drug Use Monitoring in Australia survey.

#### **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 and 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, and 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 include 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) survey**

DUMA is an annual survey which has been conducted by the AIC since 1999 at some locations across Australia. The survey reports on drug use among police detainees at nine 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 this 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 2007. These data are published in the ABS publication *Prisoners in Australia 2007* (ABS 2007).

- As at 30 June 2007, there were 6,630 Indigenous prisoners (6,623 aged 18 years and over) recorded in the National Prison Census (Table 2.14.1). Indigenous prisoners represented approximately 24% of the total prisoner population.

- After adjusting for differences in age structure, the age-standardised rate of imprisonment for Indigenous prisoners was 1,787 per 100,000 adult population compared with 134 per 100,000 adult population for non-Indigenous prisoners, making Indigenous prisoners more than 13 times more likely than non-Indigenous persons to be in prison at 30 June 2007 (Table 2.14.2).
- Indigenous Australians were imprisoned at a rate of 2,256 per 100,000.

### **People in prison custody by age and sex**

- The median age of Indigenous prisoners was 31 years compared with 34 years for non-Indigenous prisoners (Table 2.14.1).
- Imprisonment rates were highest among those aged 25–29 and 30–34 in 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 (4,231 per 100,000 compared with 405 per 100,000).

**Table 2.14.1: People in prison custody, by Indigenous status, sex and age group, as at 30 June 2007**

Age group (years)	Males			Females			Persons		
	No.	%	Rate <sup>(a)</sup>	No.	%	Rate <sup>(a)</sup>	No.	%	Rate <sup>(a)</sup>
<b>Indigenous</b>									
Under 18	7	0.1	6.2	—	—	—	7	0.1	3.2
18	106	1.8	1,861.3	4	0.7	72.9	110	1.7	984.0
19	201	3.3	3,674.6	18	2.9	339.2	219	3.3	2,032.1
20–24	1,305	21.7	5,380.6	148	24.1	622.9	1,453	21.9	3,026.2
25–29	1,261	21.0	6,707.1	142	23.1	742.3	1,403	21.2	3,698.7
30–34	1,165	19.4	6,786.3	116	18.9	623.2	1,281	19.3	3,580.1
35–39	900	15.0	5,467.1	88	14.3	476.0	988	14.9	2,826.8
40–44	559	9.3	4,017.8	57	9.3	361.6	616	9.3	2,075.8
45–49	308	5.1	2,571.0	25	4.1	189.3	333	5.0	1,322.1
50–54	115	1.9	1,260.7	8	1.3	81.0	123	1.9	647.5
55–59	46	0.8	663.9	6	1.0	78.8	52	0.8	357.5
60–64	22	0.4	495.6	3	0.5	62.3	24	0.4	259.3
65 and over	21	0.3	333.3	—	—	—	21	0.3	146.0
<b>Total<sup>(b)</sup></b>	<b>6,016</b>	<b>100.0</b>	<b>4,230.6</b>	<b>614</b>	<b>100.0</b>	<b>404.6</b>	<b>6,630</b>	<b>100.0</b>	<b>2,255.5</b>
Mean age	31.8	..	..	31.5	..	..	31.8	..	..
Median age	30.6	..	..	29.9	..	..	30.5	..	..
<b>Non-Indigenous</b>									
Under 18	20	0.1	0.9	—	—	—	21	0.1	0.4
18	133	0.7	99.5	10	0.7	7.1	143	0.7	51.9
19	296	1.6	220.1	11	0.8	7.8	307	1.5	111.2
20–24	2,814	14.8	397.9	148	11.0	20.2	2,962	14.5	205.5
25–29	3,496	18.4	504.3	271	20.2	38.4	3,767	18.5	269.2
30–34	3,408	17.9	471.1	242	18.0	33.7	3,650	17.9	253.3
35–39	2,982	15.7	388.8	241	18.0	31.9	3,223	15.8	211.7
40–44	2,127	11.2	282.5	174	13.0	23.4	2,301	11.3	153.9
45–49	1,487	7.8	197.5	106	7.9	14.4	1,593	7.8	106.8
50–54	911	4.8	132.9	69	5.1	10.2	980	4.8	71.9
55–59	645	3.4	102.6	45	3.4	7.2	690	3.4	55.0
60–64	359	1.9	69.6	15	1.1	2.9	374	1.8	36.1
65 and over	367	1.9	24.5	9	0.7	0.7	376	1.8	13.8
<b>Total<sup>(b)</sup></b>	<b>19,045</b>	<b>100.0</b>	<b>237.5</b>	<b>1,342</b>	<b>100.0</b>	<b>17.3</b>	<b>20,387</b>	<b>100.0</b>	<b>129.2</b>
Mean age	35.9	..	..	35.9	..	..	35.9	..	..
Median age	34	..	..	34.6	..	..	34.1	..	..

(continued)

**Table 2.14.1 (continued): People in prison custody, by Indigenous status, sex and age group, as at 30 June 2007**

Age group (years)	Males			Females			Persons		
	No.	%	Rate <sup>(a)</sup>	No.	%	Rate <sup>(a)</sup>	No.	%	Rate <sup>(a)</sup>
	<b>Total<sup>(c)</sup></b>								
Under 18	27	0.1	1.1	3	0.2	0.1	28	0.1	0.6
18	248	1.0	177.9	14	0.7	9.5	262	1.0	91.4
19	503	2.0	359.4	31	1.6	21.1	534	2.0	186.1
20–24	4,157	16.5	568.4	301	15.2	39.7	4,458	16.4	299.4
25–29	4,788	19.0	672.4	418	21.1	57.6	5,206	19.1	362.2
30–34	4,595	18.2	620.4	361	18.2	49.0	4,956	18.2	335.5
35–39	3,904	15.5	498.4	334	16.8	43.1	4,238	15.6	272.1
40–44	2,703	10.7	352.4	234	11.8	30.9	2,937	10.8	192.6
45–49	1,818	7.2	237.7	134	6.8	17.8	1,952	7.2	128.7
50–54	1,034	4.1	148.9	78	3.9	11.3	1,112	4.1	80.5
55–59	691	2.7	108.8	52	2.6	8.2	743	2.7	58.5
60–64	382	1.5	73.4	17	0.9	3.2	399	1.5	38.2
65 and over	390	1.5	26.0	9	0.5	0.7	399	1.5	14.6
<b>Total<sup>(b)</sup></b>	<b>25,240</b>	<b>100.0</b>	<b>309.3</b>	<b>1,984</b>	<b>100.0</b>	<b>25.1</b>	<b>27,224</b>	<b>100.0</b>	<b>169.4</b>
Mean age	34.9	..	..	34.4	..	..	34.9	..	..
Median age	33.1	..	..	33.2	..	..	33.1	..	..

(a) Number per 100,000 population.

(b) Number per 100,000 adult population.

(c) Includes prisoners whose Indigenous status is unknown.

Source: ABS 2007.

### People in prison custody by state/territory

- The proportion of prisoners who were Indigenous was highest in the Northern Territory (84%) and lowest in Victoria (6%).
- Western Australia and South Australia recorded the highest age-standardised ratios of Indigenous to non-Indigenous rates of imprisonment, with Indigenous persons being 21 and 15 times as likely to be in prison as non-Indigenous Australians in these jurisdictions respectively (Table 2.14.2).

**Table 2.14.2: People in prison custody, by Indigenous status, sex and state/territory, 30 June 2007**

	Indigenous					Non-Indigenous					
	Number			Crude rate <sup>(b)</sup>	Age-standardised rate <sup>(c)</sup>	Number			Crude rate <sup>(b)</sup>	Age-standardised rate <sup>(c)</sup>	Age-standardised rate ratio <sup>(d)</sup>
	Males	Females	Persons <sup>(a)</sup>			Males	Females	Persons <sup>(a)</sup>			
<b>NSW<sup>(e)</sup></b>	1,823	227	2,049	2,467.4	1,987.7	7,410	529	7,939	155.0	161.8	12.3
<b>Vic</b>	222	19	238	1,288.5	999.5	3,706	242	3,945	99.1	100.8	9.9
<b>Qld</b>	1,343	111	1,454	1,761.4	1,405.4	3,815	299	4,113	132.0	136.1	10.3
<b>WA</b>	1,468	182	1,652	3,886.2	3,077.2	2,051	144	2,195	141.8	146.1	21.1
<b>SA</b>	359	28	389	2334.7	1,839.5	1,289	90	1,379	113.6	124.9	14.7
<b>Tas</b>	53	6	67	632.7	521.1	433	20	454	124.4	140.6	3.7
<b>ACT<sup>(f)</sup></b>	16	—	20	774.9	672.8	201	18	217	83.8	80.5	8.4
<b>NT</b>	727	35	761	2,046.6	1,602.9	137	6	145	126.1	117.0	13.7
<b>Aust</b>	<b>6,016</b>	<b>614</b>	<b>6,630</b>	<b>2,255.5</b>	<b>1,786.7</b>	<b>19,045</b>	<b>1,342</b>	<b>20,387</b>	<b>129.2</b>	<b>133.5</b>	<b>13.4</b>

\* Represents significant differences in the Indigenous/non-Indigenous comparisons.

(a) Includes sex not stated.

(b) Number per 100,000 adult population.

(c) Number per 100,000 adult population directly age standardised to 2001 Australian standard 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) Numbers and rates for New South Wales exclude ACT prisoners held in New South Wales.

(f) Rates for Australian Capital Territory include ACT prisoners held in New South Wales as well as ACT prisoners held in the Australian Capital Territory.

Source: ABS 2007.

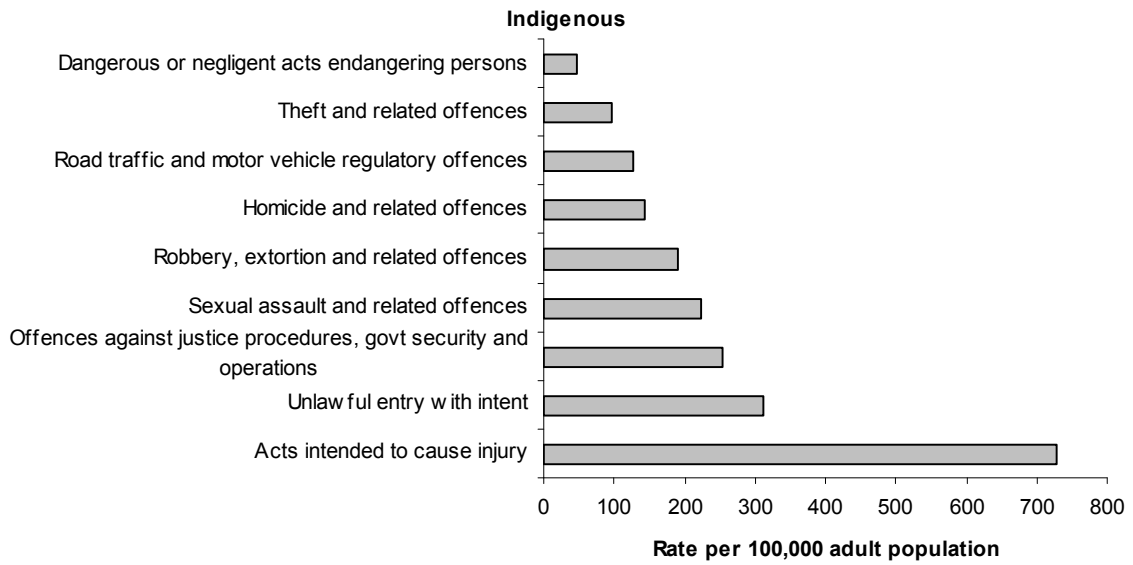
### **People in prison custody by legal status and most serious offence/charge**

- As at 30 June 2007, approximately 77% of Indigenous and 78% of non-Indigenous people in prison custody were sentenced to prison (Table 2.14.3).
- 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 14% of non-Indigenous people in prison custody (Table 2.14.3).
- Unlawful entry was recorded as the most serious offence for 14% of Indigenous people in prison custody and 11% of non-Indigenous people in prison custody. Offences against justice procedures, government security and operations were the most serious offence for 11% 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 (13%) compared with Indigenous people in prison custody (2%).
- Indigenous Australians were taken into prison custody for acts intended to cause injury and unlawful entry with intent at rates of 727 and 312 per 100,000 adult population respectively (Figure 2.14.1a).
- Non-Indigenous Australians were taken into prison custody for acts intended to cause injury and unlawful entry with intent at rates of 18 and 15 per 100,000 adult population respectively (Figure 2.14.1b).

**Table 2.14.3: People in prison custody, by Indigenous status, legal status and most serious offence/charge, 30 June 2007**

	Indigenous		Non-Indigenous	
	No.	%	No.	%
<b>Legal status</b>				
Sentenced	5,100	76.9	15,984	78.4
Unsentenced	1,530	23.1	4,403	21.6
<b>Most serious offence/charge</b>				
Acts intended to cause injury	2,138	32.2	2,869	14.1
Unlawful entry with intent	916	13.8	2,329	11.4
Offences against justice procedures, govt security and operations	749	11.3	1,629	8.0
Sexual assault and related offences	660	10.0	2,443	12.0
Robbery, extortion and related offences	558	8.4	1,995	9.8
Homicide and related offences	422	6.4	2,218	10.9
Road traffic and motor vehicle regulatory offences	370	5.6	1,042	5.1
Theft and related offences	284	4.3	1,220	6.0
Dangerous or negligent acts endangering persons	139	2.1	239	1.2
Illicit drug offences	100	1.5	2,569	12.6
Property damage and environmental pollution	88	1.3	273	1.3
Deception and related offences	54	0.8	821	4.0
Public order offences	47	0.7	188	0.9
Abduction and related offences	36	0.5	175	0.9
Weapons and explosives offences	30	0.5	180	0.9
Miscellaneous offences	39	0.6	171	0.8
<b>Total</b>	<b>6,630</b>	<b>100.0</b>	<b>20,387</b>	<b>100.0</b>

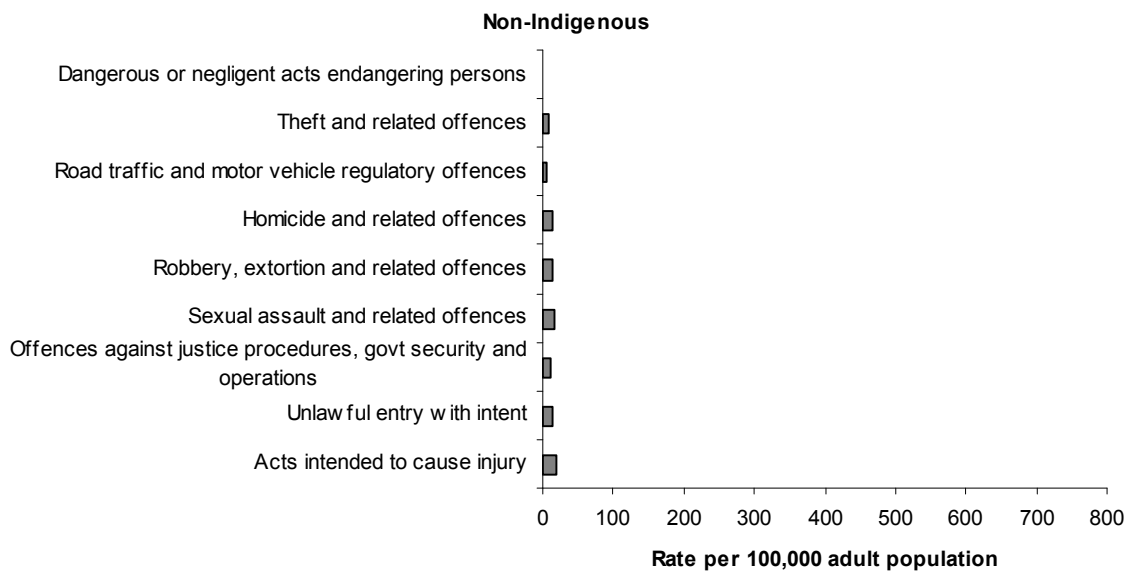
Source: ABS 2007.



*Note:* Rates (number per 100,000 adult population) have not been age-standardised.

*Source:* AIHW analysis of ABS 2007.

**Figure 2.14.1a: Most serious offence/charge, crude rates, Indigenous adults, 30 June 2007**



*Note:* Rates (number per 100,000 adult population) have not been age-standardised.

*Source:* AIHW analysis of ABS 2007.

**Figure 2.14.1b: Most serious offence/charge, crude rates, non-Indigenous adults, 30 June 2007**

### **People in prison custody by sentence length**

- As at 30 June 2007, the median sentence length for Indigenous sentenced prisoners was 24 months. The longest median sentence lengths were for homicide and related offences (113 months, or 9 years), sexual assault and related offences (84 months, or 7 years) and abduction and related offences (72 months, or 6 years) (Table 2.14.4).
- The mean (64 months) and median (42 months) sentence lengths for non-Indigenous sentenced prisoners was longer than those for Indigenous sentenced prisoners (44 months and 24 months, respectively) (ABS 2007).
- The mean (5.5 months) and median (3.1 months) time on remand for non-Indigenous unsentenced prisoners was longer than for Indigenous unsentenced prisoners (4.2 months and 2.2 months, respectively) (ABS 2007).

**Table 2.14.4: Number of Indigenous sentenced prisoners, by sentence length<sup>(a)</sup> and most serious offence, 30 June 2007**

<b>Most serious offence</b>	<b>Periodic detention</b>	<b>&lt;3 months</b>	<b>3 to &lt;6 months</b>	<b>6 to &lt;12 months</b>	<b>1 to &lt;2 years</b>	<b>2 to &lt;5 years</b>	<b>5 to &lt;10 years</b>	<b>10 to &lt;15 years</b>	<b>15 to &lt;20 years</b>	<b>20+ years</b>	<b>Life</b>	<b>Other</b>	<b>Total</b>	<b>Total (%)</b>	<b>Mean<sup>(b)</sup> (months)</b>	<b>Median<sup>(b)</sup> (months)</b>
Homicide and related offences	—	—	—	—	5	15	96	34	37	32	109	9	337	6.6	141.7	112.7
Acts intended to cause injury	25	95	115	208	461	391	135	21	10	3	3	8	1,475	29.0	27.8	18.0
Sexual assault and related offences	3	—	—	4	25	112	196	111	32	16	7	14	520	10.2	97.2	84.1
Dangerous or negligent acts endangering persons	—	6	4	23	59	34	3	—	—	—	—	—	129	2.5	20.3	15.0
Abduction and related offences	—	—	—	—	3	7	13	3	—	—	—	—	26	0.5	73.4	72.0
Robbery, extortion and related offences	—	—	5	3	23	149	177	43	17	7	—	3	427	8.4	77.4	64.9
Unlawful entry with intent	9	14	29	59	185	285	124	20	6	—	—	—	731	14.4	39.7	28.4
Theft and related offences	10	23	30	25	52	40	24	3	—	—	3	—	210	4.1	27.1	13.0
Deception and related offences	4	3	—	5	9	10	5	—	—	—	—	—	36	0.7	29.6	20.6
Illicit drug offences	6	5	4	5	10	24	16	—	—	—	—	—	70	1.4	40.3	33.0
Weapons and explosives offences	—	3	—	—	8	5	—	—	—	—	—	—	16	0.3	27.2	17.9
Property damage and environmental pollution	—	8	8	10	15	13	3	—	—	—	—	—	57	1.1	20.0	12.0
Public order offences	—	6	7	3	12	4	—	—	—	—	—	—	32	0.6	20.0	12.0
Road traffic and motor vehicle regulatory offences	20	46	67	63	118	38	—	—	—	—	—	—	352	6.9	12.0	10.5
Offences against justice procedures, govt security and operations	3	60	101	155	231	86	8	3	—	—	4	—	651	12.8	14.8	12.0
Miscellaneous offences	—	3	—	—	9	4	5	3	—	—	—	—	24	0.5	48.4	25.0
<b>Total</b>	<b>80</b>	<b>272</b>	<b>370</b>	<b>563</b>	<b>1,225</b>	<b>1,217</b>	<b>805</b>	<b>241</b>	<b>102</b>	<b>58</b>	<b>126</b>	<b>34</b>	<b>5,093</b>	<b>100.0</b>	<b>43.5</b>	<b>24.0</b>

(continued)

**Table 2.14.4 (continued): Number of Indigenous sentenced prisoners, by sentence length<sup>(a)</sup> and most serious offence, 30 June 2007**

(a) Aggregate sentence length.

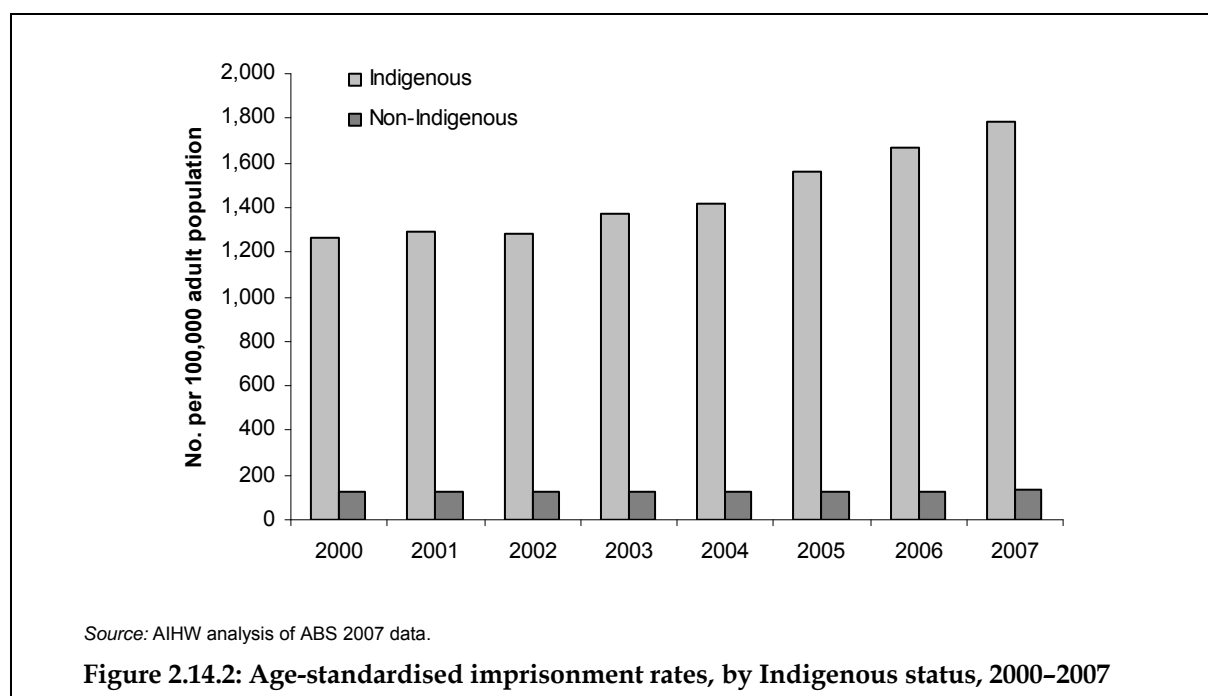
(b) Mean is average number of months; median is the number at which half the sample lies above and half the sample lies below.

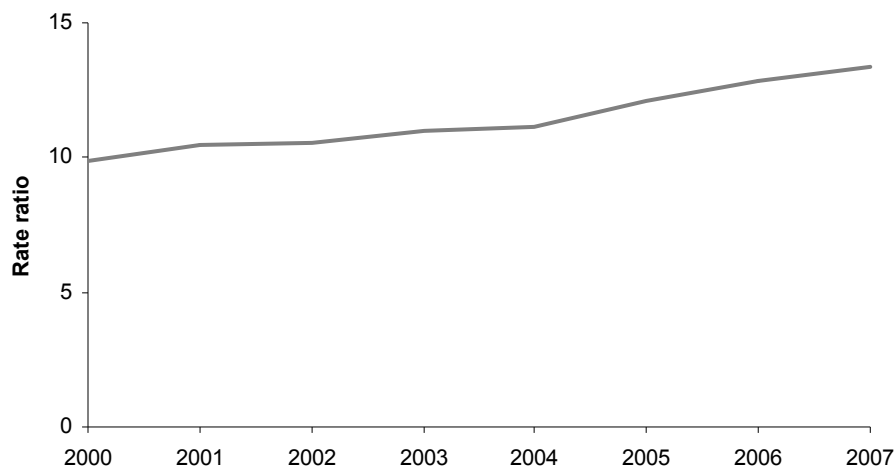
Source: ABS 2007.

## Time series analyses

Data on the imprisonment rates of Indigenous and non-Indigenous people aged 18 years and over are presented below for the period 2000–2007.

- There was a significant increase in the imprisonment rate of Indigenous Australians, with an average yearly increase in the rate of around 77 per 100,000. In contrast, the average yearly increase in the imprisonment rate for non-Indigenous Australians was 1 per 100,000 over the same period (Figure 2.14.2).
- There was a significant increase in the rate ratio between Indigenous and non-Indigenous imprisonment rates. The fitted trend implies an average yearly increase in the ratio of around 0.5 (Figure 2.14.3).





Source: AIHW analysis of ABS 2007 data.

**Figure 2.14.3: Age-standardised rate ratio Indigenous to non-Indigenous persons in prison custody, 2000–2007**

## 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.

Note that rates presented below will differ slightly from those published by the AIC, because ABS low series Indigenous population estimates have been used in the calculation of rates, as opposed to the high series Indigenous population estimates that 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 2.14.5).
- Indigenous people were taken into police custody at a rate of 2,061 per 100,000, which was 17 times the rate of other Australians.
- Indigenous Australians aged 17–19 had the highest rate of being taken into police custody (3,293 per 100,000) followed closely by the 25–34 year age group (3,285 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 with 4.2 hours for other Australians.

**Table 2.14.5: People in police custody, by Indigenous status and selected characteristics, 2002**

	Indigenous		Other		Rate ratio <sup>(b)</sup>
	No.	No. per 100,000 <sup>(a)</sup>	No.	No per 100,000 <sup>(a)</sup>	
<b>Sex</b>					
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
<b>Age</b>					
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
<b>State/territory</b>					
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
<b>Most serious offence associated with being in custody</b>					
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 <sup>(c)</sup>	1,069	309.9	2,212	13.3	23.4
Traffic offences	351	101.7	1,329	8.0	12.8
Justice offences <sup>(d)</sup>	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 <sup>(e)</sup>	1,156	335.1	5,529	33.2	10.1
Not applicable <sup>(f)</sup>	1,407	407.8	1,411	8.5	48.2

(continued)

**Table 2.14.5 (continued): People in police custody, by Indigenous status and selected characteristics, 2002**

	Indigenous		Other		Rate ratio <sup>(b)</sup>
	No.	No. per 100,000 <sup>(a)</sup>	No.	No. per 100,000 <sup>(a)</sup>	
<b>Length of time in custody for public drunkenness offences</b>					
> 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
<b>Total public drunkenness</b>	<b>1,375</b>	<b>398.6</b>	<b>1,556</b>	<b>9.3</b>	<b>42.7</b>
<b>Total</b>	<b>7,111</b>	<b>2,061.2</b>	<b>19,936</b>	<b>119.5</b>	<b>17.2</b>
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, where high series population estimates are used.

(b) The rate ratio is calculated by dividing Indigenous rate by non-Indigenous rate. If rates are age-standardised, the rates for Indigenous Australians are likely to reduce somewhat, which would result in the rate ratios being slightly lower than those presented here.

(c) Includes 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) Includes 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.

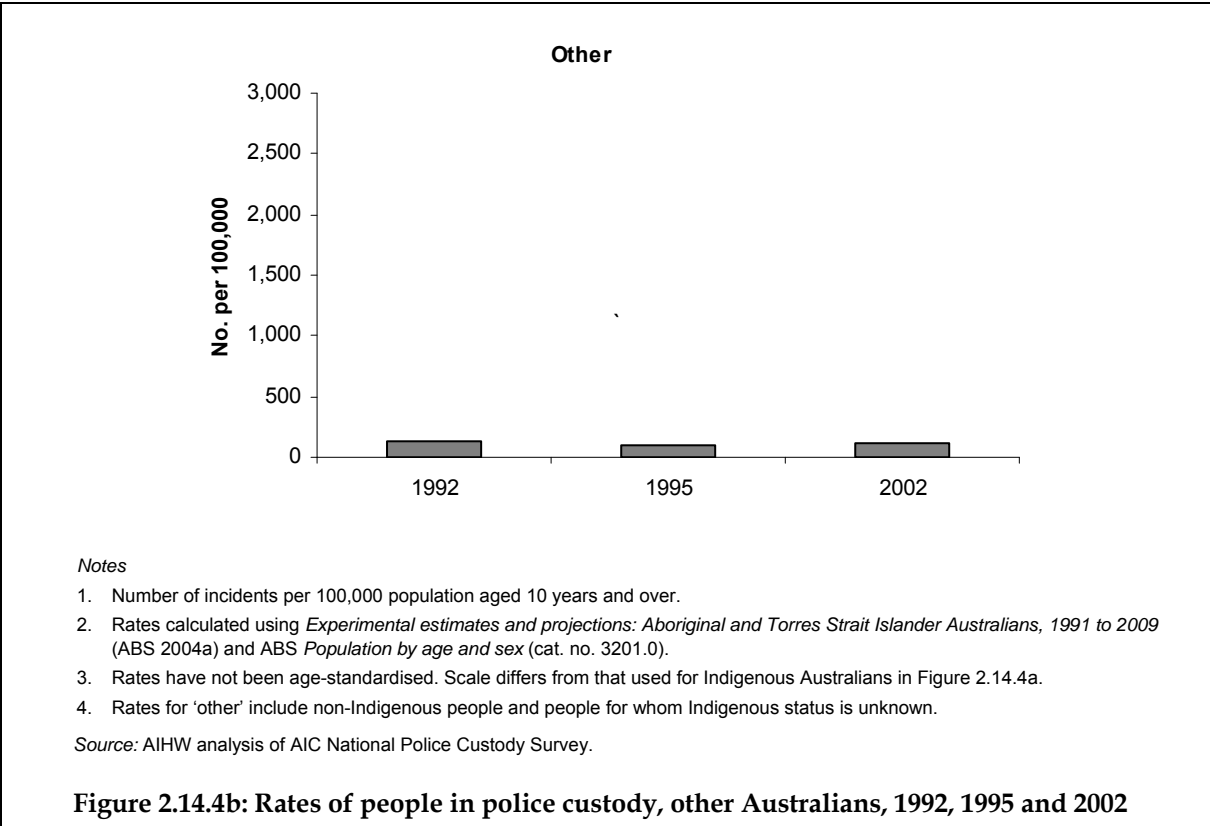
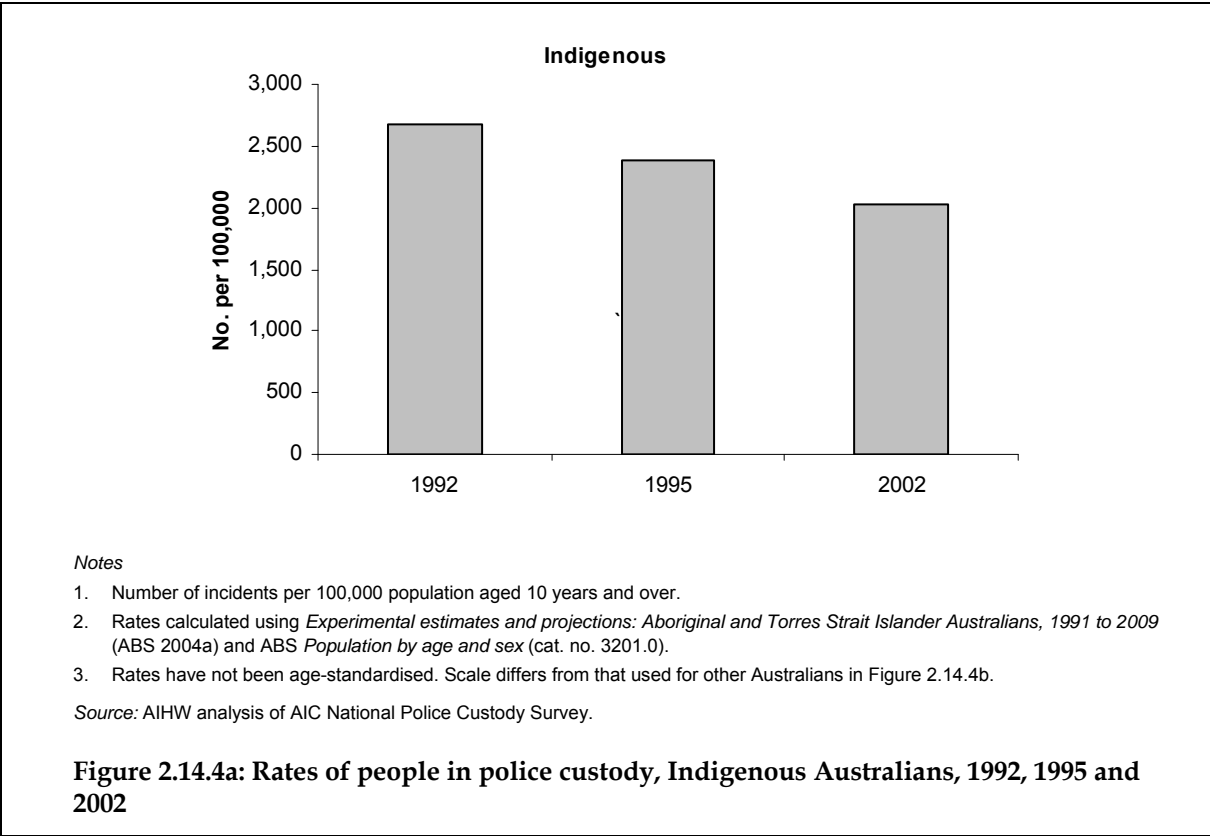
(f) Includes incidents of protective custody for those states where public drunkenness is not an offence, as well as where the word 'arrest' or 'warrant' was written but nothing else. These incidents were not included in the calculation of percentages.

*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 data.

### Time series analyses

- Rates for 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) (Figure 2.14.4a).
- Rates for other Australians in police custody were 126 per 100,000 in 1992, 100 per 100,000 in 1995 and 120 per 100,000 in 2002 (Figure 2.14.4b).



## 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 2004–2006, there were 176 deaths in custody, 40 (23%) of which were of Indigenous persons, 134 (76%) of which were of non-Indigenous persons and 2 (1%) of which had a 'not stated' Indigenous status.
- Of the 40 Indigenous deaths in police, prison and juvenile justice/welfare custody, 53% were in police custody and 45% were in prison custody (Table 2.14.6).
- The majority of Indigenous deaths in custody occurred among those aged 25–39 years (19 deaths; 48%). Approximately 30% of Indigenous persons who died in custody were aged 25 years or less compared with 15% of non-Indigenous persons.
- Western Australia had the highest proportion of Indigenous deaths in custody (35%). All the deaths in custody that occurred in the Northern Territory between 2004 and 2006 were of Indigenous people (6 deaths in total).
- The majority of deaths in custody of Indigenous people were due to accident (45%) or natural causes (37%). In comparison, for non-Indigenous persons, the majority of deaths were due to natural causes (39%) and self-inflicted (37%).
- The most common offence of Indigenous and non-Indigenous people who died in custody between 2004 and 2006 was violence (46% and 63% respectively). Theft-related offences were the second most common offence (28% and 19%).

**Table 2.14.6: Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2004–2006**

	Indigenous		Non-Indigenous	
	No.	%	No.	%
<b>Custodial authority</b>				
Police	21	52.5	48	35.8
Prison	18	45.0	86	64.2
Juvenile justice/welfare	1	2.5	—	—
<b>Legal status</b>				
Sentenced	14	35.9	55	41.0
Unsentenced	10	25.6	39	29.1
Other <sup>(a)</sup>	15	38.5	40	29.9
<b>Sex</b>				
Males	34	87.2	125	93.3
Females	5	12.8	9	6.7
<b>Age</b>				
Less than 25	12	30.0	20	14.9
25–39	19	47.5	48	35.8
40–54	8	20.0	33	24.6
55+	1	2.5	33	24.6
<b>State/territory</b>				
NSW	9	22.5	51	38.1
Vic	3	7.5	24	17.9
Qld	6	15.0	22	16.4
WA	14	35.0	16	11.9
SA	2	5.0	16	11.9
Tas	—	—	3	2.2
ACT	—	—	2	1.5
NT	6	15.0	—	—
<b>Manner of death<sup>(b)</sup></b>				
Self-inflicted	7	18.4	49	37.1
Natural causes	14	36.8	52	39.4
Justifiable homicide	—	—	12	9.1
Unlawful homicide	—	—	3	2.3
Accident	17	44.7	16	12.1
<b>Most serious offence<sup>(c)</sup></b>				
Violent	18	46.2	78	62.9
Theft-related	11	28.2	23	18.5
Good order	5	12.8	3	2.4
Drug-related	—	—	5	4.0
Traffic	5	12.8	8	6.5
Other	—	—	7	5.6
<b>Total</b>	<b>40</b>	<b>100.0</b>	<b>134</b>	<b>100.0</b>

**Table 2.14.6 (continued): Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2004–2006**

- (a) Includes situations where the deceased had not been physically apprehended (for example, sieges, motor vehicle pursuits)
- (b) Two Indigenous cases and two non-Indigenous cases have been excluded because of missing data.
- (c) One Indigenous case and 10 non-Indigenous cases have been excluded because of missing data.

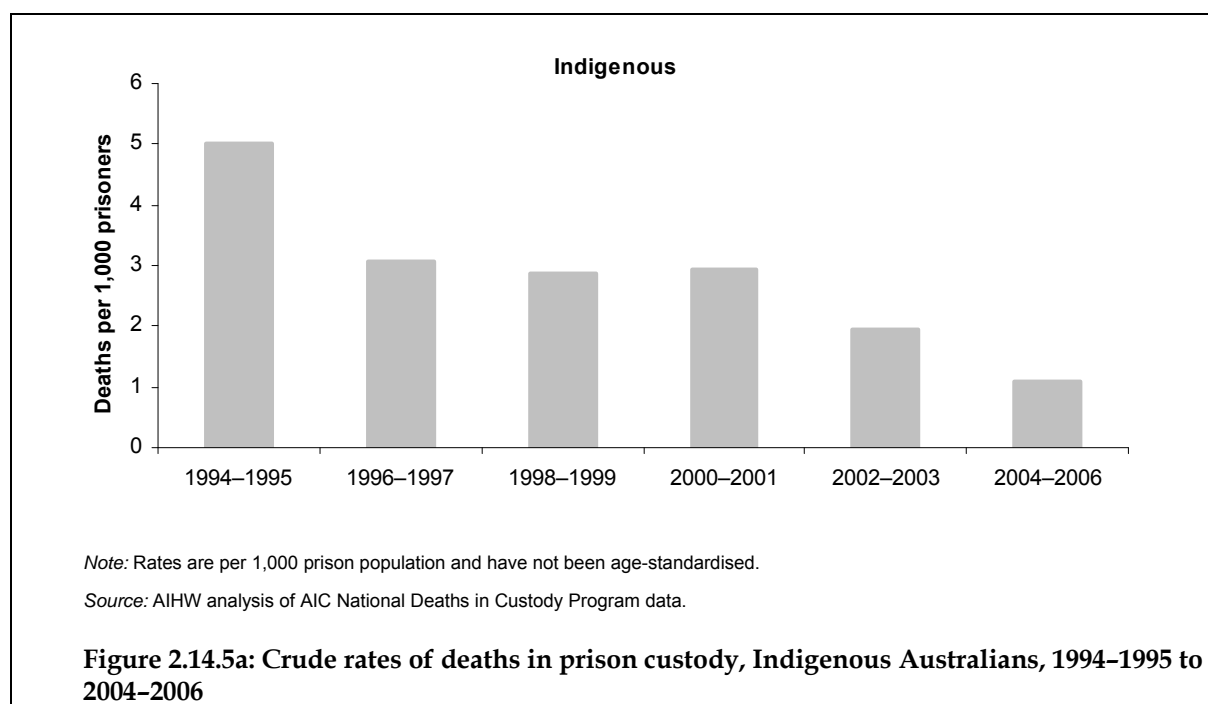
*Note:* One death occurring in juvenile custody during this period has been excluded from the data.

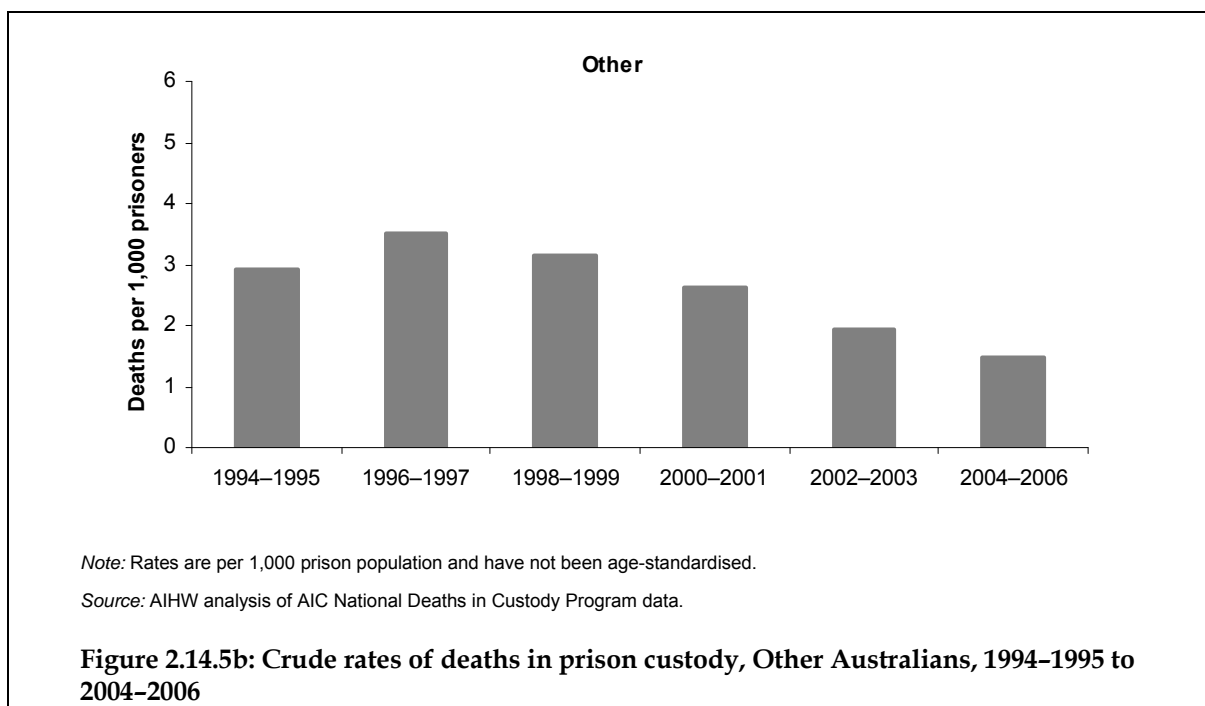
*Source:* AIHW analysis of AIC National Deaths in Custody Program 2004–2006.

### Time series analyses

Figures 2.14.5a and 2.14.5b present the crude death rates for Indigenous and other Australians in prison custody over the period 1994–1995 to 2004–2006.

- Over the period 1994–1995 to 2004–2006 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, which is equivalent to a 76% reduction in the rate over the period (Figure 2.14.5a).
- 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 0.2 per 1,000 prison population. This is equivalent to a 71% reduction in the rate over the period (Figure 2.14.5b).





## Contact with police

Information on police contact by Indigenous persons is available from the 2002 NATSISS.

- 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 previous 5 years and 7% had been incarcerated in the previous 5 years (Table 2.14.7).

### 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 previous 5 years.
- A higher proportion of Indigenous males than females had been formally charged (50% compared with 21%), arrested by police in the previous 5 years (24% compared with 9%) and incarcerated in the previous 5 years (11% compared with 3%).
- 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 previous 12 months and had used substances in the previous 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 (1st) quintile of household income had been formally charged, arrested by the police or incarcerated in the previous 5 years than Indigenous Australians in the highest (5th) quintile of household income.

- The majority of Indigenous Australians who had been formally charged by police reported that the age at which they were first formally charged was between 15 and 24 years (63%) (Figure 2.14.6).
- The proportion of Indigenous persons aged 15 years and over who reported being arrested in the last 5 years was much higher in 2002 than in 1994 (33% compared with 16%). In 2002 approximately 7% of Indigenous persons had been arrested once and 9% had been arrested on two or more occasions, compared with 12% and 21% respectively for Indigenous persons in 1994 (ABS 1995; ABS unpublished data).

**Table 2.14.7: Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2002**

	Formally charged	Arrested by police in last 5 years	Incarcerated in last 5 years <sup>(a)</sup>
	Per cent		
<b>Sex</b>			
Males	50.4	24.2	11.4
Females	20.8	9.2	3.1
Persons	35.0	16.4	7.1
<b>Age</b>			
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 and over	24.8	3.4*	0.9*
<b>State/Territory</b>			
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 <sup>(b)</sup>	12.9	7.7
ACT	29.5 <sup>(b)</sup>	14.5	5.1*
NT	24.0	18.9	2.9*
<b>Self-assessed health status</b>			
Excellent/good	29.8	14.7	6.3
Good	34.9	18.4	7.7
Fair/poor	44.6	17.1	7.8
<b>Has disability or long-term health condition</b>			
Yes	41.8	18.6	7.4
No	30.4	14.0	5.9
<b>Smoker status</b>			
Current daily smoker	47.5	25.4	11.7
Not current daily smoker	23.1	7.9	2.7
<b>Risky/high-risk alcohol consumption in last 12 months</b>			
Yes	49.7	25.6	11.8
No	27.0	11.4	4.6
<b>Whether used substances in last 12 months</b>			
Yes	56.2	34.6	15.7
No	43.4	14.7	5.9

(continued)

**Table 2.14.7 (continued): Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2002**

	Formally charged	Arrested by police in last 5 years	Incarcerated in last 5 years <sup>(a)</sup>
	Per cent		
<b>Household income</b>			
1st quintile	41.5	20.6	8.5
5th quintile	17.7	2.5	0.9
<b>Employment</b>			
Employed CDEP	42.4	24.8	11.7
Employed non-CDEP	29.0	8.4	3.4
<i>Total 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
<b>Location</b>			
Remote	32.8	16.9	8.5
Non-remote	35.8	16.2	6.6
<b>Has non-school qualification</b>			
Yes	34.2	14.7	6.2
No	35.2	17.0	7.4
<b>Completed Year 12</b>			
Yes	20.7	7.9	3.2
No	37.9	18.1	7.9
<b>Housing</b>			
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 <sup>(c)</sup>	34.1	16.6	7.1
<b>Family and culture</b>			
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

(continued)

**Table 2.14.7 (continued): Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2002**

	Formally charged	Arrested by police in last 5 years	Incarcerated in last 5 years <sup>(a)</sup>
	Per cent		
<b>Victim of physical or threatened violence in last 12 months</b>			
Yes	52.0	31.8	12.9
No	29.5	11.5	5.2
<b>Stressors experienced in last 12 months</b>			
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
<b>Age first formally charged by the police<sup>(d)</sup></b>			
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 <sup>(e)</sup>	100.0	100.0	100.0
<b>Total</b>	<b>35.0</b>	<b>16.4</b>	<b>7.1</b>
<b>Total number</b>	<b>98,655</b>	<b>46,268</b>	<b>20,024</b>

(a) May include persons held in protective custody.

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

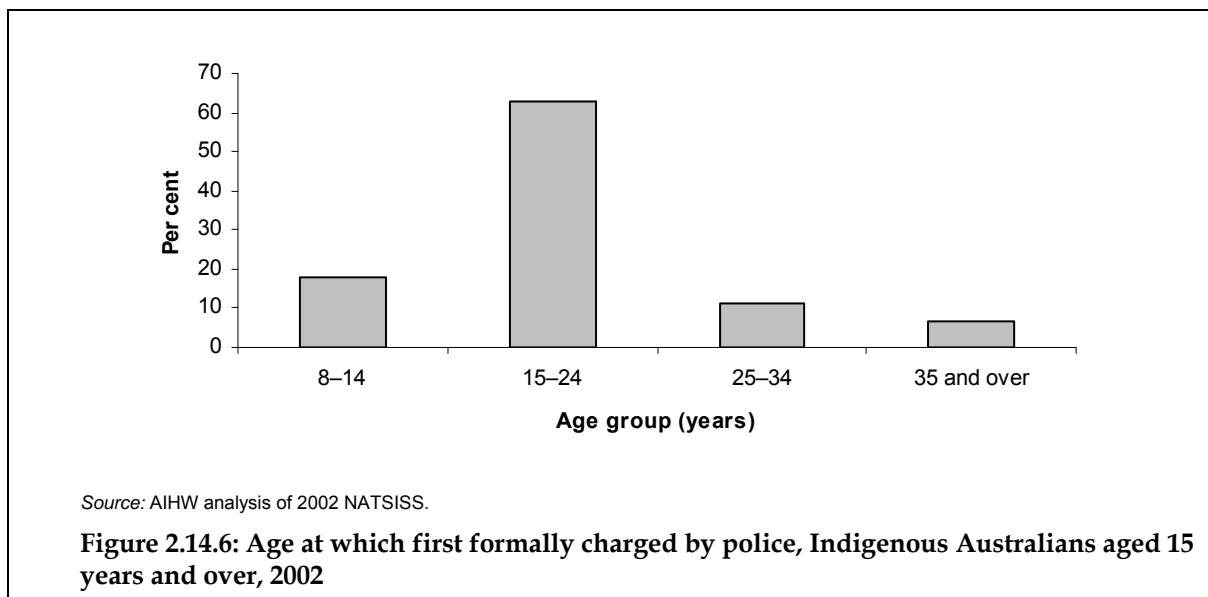
(c) Based on Canadian National Occupancy Standard for housing appropriateness.

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

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

Note: CDEP = Community Development Employment Projects Scheme.

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 nine 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 2006 survey are presented in Table 2.14.8.

- In 2006, a higher proportion of Indigenous detainees tested positive to drugs than non-Indigenous detainees in all nine police stations surveyed.
- Between 61% and 100% of Indigenous detainees at selected police stations in South Australia, New South Wales, Queensland, Western Australia, the Northern Territory and Victoria tested positive to drugs compared with between 50% and 74% of non-Indigenous detainees.
- Cannabis was the most common drug for which both Indigenous and non-Indigenous detainees tested positive. Methyl amphetamines and benzodiazepines were also common drugs to which Indigenous and non-Indigenous detainees tested positive. Between 9% and 80% of Indigenous detainees and between 15% and 49% of non-Indigenous detainees tested positive for multiple drugs.

Table 2.14.8: Detainees at selected police stations, by drug use and Indigenous status, 2006

	Adelaide + Elizabeth (SA)		Bankstown + Parramatta (NSW)		Brisbane + Southport (Qld)		East Perth (WA)		Darwin (NT)		Footscray/Sunshine (Vic)	
	Indig.	Non-Indig.	Indig.	Non-Indig.	Indig.	Non-Indig.	Indig.	Non-Indig.	Indig.	Non-Indig.	Indig.	Non-Indig.
<b>Tested positive to a drug</b>	<b>Per cent</b>											
Benzodiazepines	37.4	16.7	25.8	19.1	24.3	23.0	12.6	25.5	5.9	17.5	60.0	34.9
Cannabis	81.3	58.3	77.4	40.7	66.2	45.9	68.9	56.1	60.8	35.0	80.0	50.0
Cocaine	0.6	0.7	16.1	5.2	1.5	1.4	0.0	0.0	0.0	0.0	0.0	0.7
Heroin	6.0	6.0	29.0	11.8	16.9	9.7	4.4	7.2	3.3	10.0	60.0	32.9
Methylamphetamine	26.5	29.7	41.9	15.9	23.5	24.1	28.9	34.2	3.9	7.5	20.0	25.3
Multiple drugs	45.2	30.8	51.6	24.0	35.3	28.5	28.2	34.5	9.2	15.0	80.0	49.3
<b>Total tested positive to a drug<sup>(a)</sup></b>	<b>87.4</b>	<b>73.1</b>	<b>100.0</b>	<b>55.9</b>	<b>75.7</b>	<b>64.6</b>	<b>83.7</b>	<b>74.1</b>	<b>61.4</b>	<b>50.0</b>	<b>100.0</b>	<b>73.3</b>
Did not test positive to a drug	12.7	26.9	—	44.1	24.3	35.4	16.3	25.9	38.6	50.0	—	26.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Total number	166	717	31	383	136	1,027	135	278	153	40	5	146

(a) Proportion who tested positive to a least one drug. Sum of components will add to more than the subtotal because detainees can test positive to more than one type of drug.

Source: AIC Drug Use Monitoring in Australia (DUMA) survey 2006.

## **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 2005–06.

Note that rates presented below will differ slightly from those published by the AIHW in *Juvenile justice in Australia 2005–06* (AIHW 2007a). This is because rates presented here are calculated using the ABS low series Indigenous estimated resident population projections, whereas rates presented in the AIHW report were calculated using the high series Indigenous estimated resident population projections.

- In 2005–06, there were 4,592 Indigenous persons aged 10–17 years under juvenile justice supervision. This represented approximately 41% of all people aged 10–17 years under juvenile justice supervision (Table 2.14.9).
- Overall, Indigenous people aged 10–17 years were under juvenile justice supervision at a rate of 47.8 per 1,000 population, compared with 2.9 per 1,000 for non-Indigenous people of the same age.

## **Young people under juvenile justice by selected characteristics**

- Approximately 74% of Indigenous persons and 84% 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 from 10 to 17 years (Figure 2.14.7). Around half (48%) of all Indigenous young people under juvenile justice supervision were aged 16–17 years.
- Western Australia, South Australia and the Australian Capital Territory had the highest rates of Aboriginal and Torres Strait Islander young people under juvenile justice supervision (113, 54 and 54 per 1,000 young people respectively).

**Table 2.14.9: Young people aged 10–17 years under juvenile justice supervision, by Indigenous status and selected characteristics, 2005–06**

	Indigenous		Non-Indigenous		Rate ratio <sup>(b)</sup>	Not stated	
	No.	No. per 1,000 <sup>(a)</sup>	No.	No. per 1,000 <sup>(a)</sup>		No.	% <sup>(c)</sup>
<b>Sex</b>							
Males	3,655	73.7	5,169	4.7	15.7	441	4.8
Females	936	20.2	956	0.9	22.0	105	5.3
Persons <sup>(d)</sup>	4,592	47.8	6,126	2.9	16.8	547	4.9
<b>Age</b>							
10	20	1.6	8	0.0	52.8	0	0.0
11	65	5.2	31	0.1	45.0	5	5.0
12	170	13.7	64	0.2	57.5	2	0.8
13	430	34.9	280	1.0	33.6	19	2.6
14	736	60.3	675	2.5	24.2	45	3.1
15	948	80.1	1,207	4.4	18.0	113	5.0
16	1,129	99.5	1,835	6.8	14.6	175	5.6
17	1,094	99.5	2,026	7.6	13.1	188	5.7
<b>Total</b>	<b>4,592</b>	<b>47.8</b>	<b>6,126</b>	<b>2.9</b>	<b>16.8</b>	<b>547</b>	<b>4.9</b>
<b>State/territory</b>							
NSW	1,091	38.5	1,789	2.5	15.1	253	8.1
Vic	159	26.5	1,070	2.0	13.3	142	10.4
Qld	1,171	43.1	1,279	3.0	14.5	0	0.0
WA	1,539	113.4	899	4.1	27.4	39	1.6
SA	287	53.9	612	3.9	14.0	51	5.4
Tas	68	17.9	251	4.9	3.7	62	16.3
ACT	41	53.5	175	5.0	10.7	0	0.0
NT	236	21.5	51	3.3	6.4	0	0.0
<b>Aust</b>	<b>4,592</b>	<b>47.8</b>	<b>6,126</b>	<b>2.9</b>	<b>16.8</b>	<b>547</b>	<b>4.9</b>

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

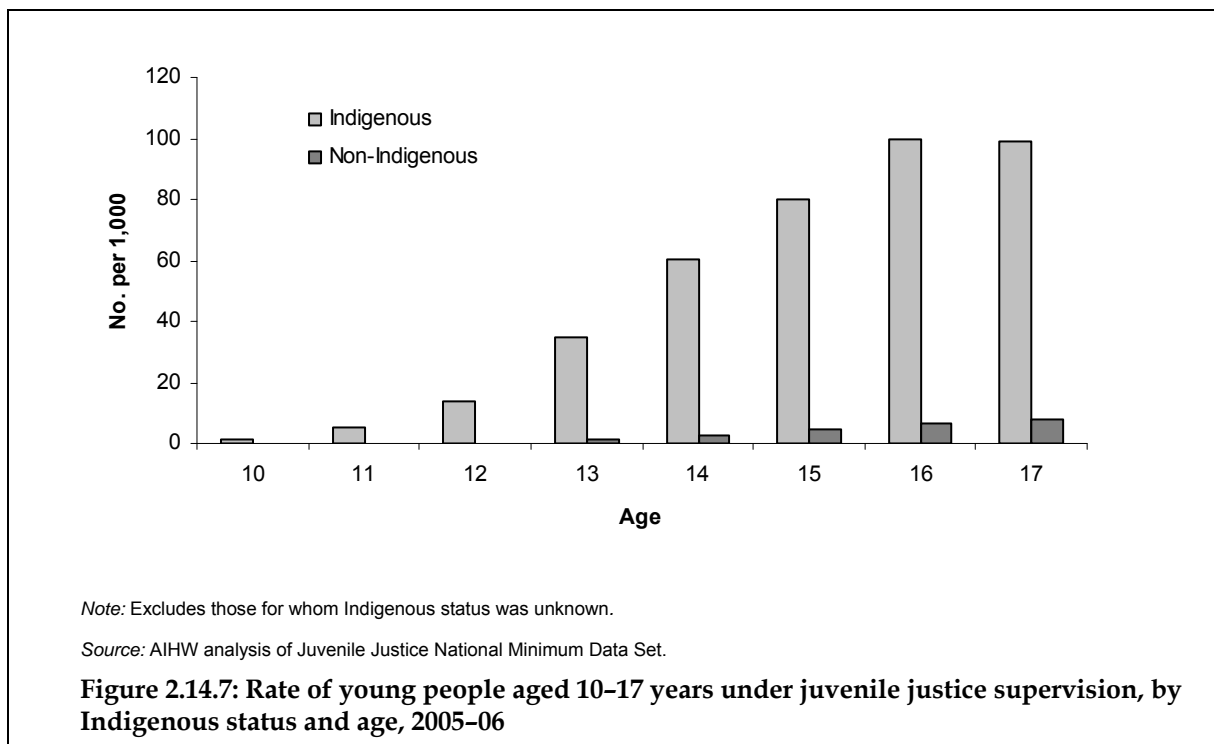
(b) Rate ratio is calculated by dividing the Indigenous rate by the rate for non-Indigenous Australians.

(c) Proportion of 'not stated' records out of total within each variable category.

(d) Includes those for whom sex was unknown.

*Note:* Rates presented here will differ from those published in the AIHW report *Juvenile justice in Australia 2005–06* (AIHW 2007a). This is because rates presented here are calculated using the average of 2005 and 2006 low series Indigenous estimated resident population projections and Australian June quarter 2006 estimated resident population. Rates presented in the AIHW report were calculated using the 2006 high series Indigenous population projections.

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

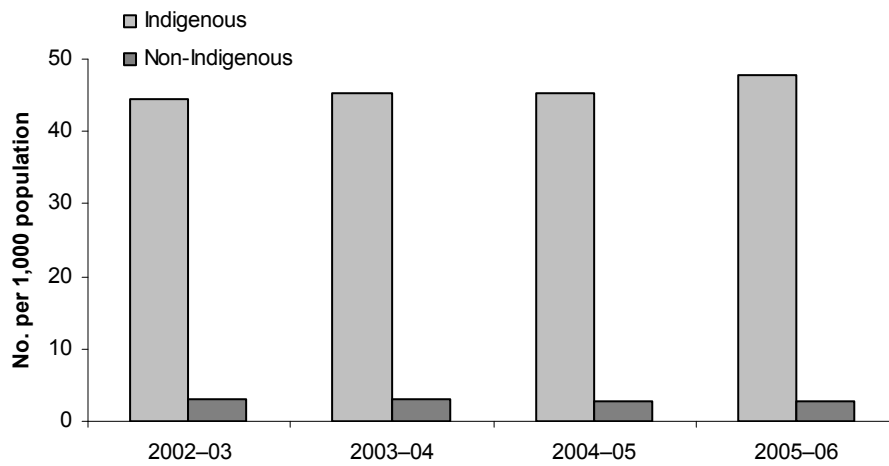


### Characteristics of supervision periods of young people under juvenile justice

- In 2005–06 Indigenous young people had a higher proportion of two or more supervision periods during the year than non-Indigenous young people. Around 23% of Indigenous young people completed two or more supervision periods during the year, compared with around 15% of non-Indigenous young people (AIHW 2007a).
- On average, Indigenous young people completed shorter supervision periods during 2005–06 than non-Indigenous young people. Almost two-thirds (64%) of supervision periods completed by Indigenous young people during 2005–06 were less than 6 months, compared with 56% of those completed by non-Indigenous young people (AIHW 2007a).
- In 2005–06, 56% of supervision periods experienced by Indigenous young people contained episodes of pre-sentence detention (remand), compared with 50% for non-Indigenous young people. Supervision periods of Indigenous young people were slightly more likely than those of non-Indigenous people to contain episodes of sentenced detention (11% and 9%, respectively) but less likely to contain episodes of sentenced community supervision (44% and 48%, respectively) (AIHW 2007a).
- The proportion of pre-sentence detention episodes of Indigenous young people in 2005–06 ending with release on bail was less than the proportion for non-Indigenous young people (56% and 68%, respectively). A higher proportion of Indigenous young people had a detention episode immediately following a pre-sentence detention episode ending with ‘sentenced’ than non-Indigenous young people (11% and 8%, respectively) (AIHW 2007a).

### Time series analyses

- Over the period 2002–03 to 2005–06 there was a significant increase in the rate of juvenile justice supervision for Indigenous young people aged 10–17 years, and no significant change in the rate of juvenile justice supervision for non-Indigenous young people (Figure 2.14.8).



*Notes*

1. Excludes those for whom Indigenous status was unknown.
2. Rates for 2002-03 do not include Australian Capital Territory data. *Experimental estimates and projections: Aboriginal and Torres Strait Islander Australians, 1991 to 2009* (ABS 2004a) used in the calculation of rates.

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

**Figure 2.14.8: Rates of young people aged 10-17 years under juvenile justice supervision, by Indigenous status, 2002-03 to 2005-06**

## Additional information

### Health status of prisoners

In the general population there are large differences between the health of the Indigenous population and the non-Indigenous population across a range of health status measures. There are inadequate data to determine the applicability of this statement to the incarcerated population, but there have been two recent prisoner health surveys where Indigenous status was recorded, enabling some health comparisons to be made. These are the 2001 NSW Inmate Health Survey and the 2002 Queensland Women Prisoners' Health Survey.

- More than half of all male and female prisoners surveyed reported a history of injecting drug use. Regular drug use at the time of incarceration, which may include injecting, was reported by 67% of male prisoners in New South Wales, as well as 74% and 63% of female prisoners in New South Wales and Queensland respectively.
- In both surveys, high proportions of prisoners tested positive for communicable diseases, particularly hepatitis C, which is strongly associated with injecting drug use. In New South Wales, the rate of hepatitis C among Indigenous male prisoners rose from 30% in 1996 to 58% in 2004. In comparison, the rate of hepatitis C among non-Indigenous male prisoners has increased only slightly over the same period, from 35% in 1996 to 39% in 2004. The rate of hepatitis C among female Indigenous prisoners also increased slightly, from 72% in 1996 to 75% in 2004. There has been a reduction in the rate of hepatitis C among non-Indigenous female prisoners, from 64% in 1996 to 58% in 2004.
- Approximately 82% of Indigenous prisoners were current smokers compared with 77% of non-Indigenous prisoners, which was over four times the rate of the general population.
- Mental health concerns were common among inmates. In New South Wales, 41% of males and 54% of female inmates reported having received some form of psychiatric treatment during their lifetime; in Queensland 61% of female inmates had received treatment. Incarceration may be both a risk factor for, and a result of, emotional distress and mental illness. The 1991 Royal Commission into Aboriginal Deaths in Custody found that Aboriginal people who were imprisoned 'often experience depressive symptoms and unresolved anger which sometimes leads them to attempt or commit suicide whilst in custody' (HREOC 1993:698).
- The incarceration of young Indigenous men and juveniles during their formative years left them 'permanently alienated from their communities', so that on release from prison, they were likely to turn to substance abuse and violence (HREOC 1993:698).
- Released Aboriginal and Torres Strait Islander prisoners in Western Australia have risk of death almost 10 times that of the general Western Australian population and almost 3 times that of their peers in the community. The main causes of death include suicide, drug and alcohol events, and motor vehicle accidents (Krieg 2006).

## **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 overcome 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 establish 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 2004b).*

*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 NATSISS content in order to accommodate language and cultural appropriateness in traditional communities and help respondents understand 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 2002 NATSISS publication (ABS 2004b).*

### **Criminal justice data**

*Although 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 prisoners 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 mainly 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 jurisdictions (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) survey**

*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.*

### **Juvenile Justice National Minimum Data Set**

*'Responsibility for juvenile justice rests at state and territory level, and there is marked diversity in the 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 2007a). Therefore caution is required in comparing data across the jurisdictions.*

*The coverage of data in this national minimum data set is 'complete for the period 2003–04 to 2005–06, with data for 2001–02 to 2002–03 missing only from the Australian Capital Territory. In all other instances, it is believed that 100% of young people within scope of the collection 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 (19%) is almost 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 2007a). 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. Over the last few years there has been a general decline in the number of young people with an 'unknown/not recorded' Indigenous status in most jurisdictions' (AIHW 2007a).*

## References

ABS (Australian Bureau of Statistics) 1995. National Aboriginal and Torres Strait Islander Survey 1994: detailed findings. ABS cat. no. 4190.0. Canberra: ABS.

ABS 2004a. Experimental estimates and projections: Aboriginal and Torres Strait Islander Australians, 1991 to 2009. ABS cat no. 3238.0. Canberra: ABS

ABS 2004b. National Aboriginal and Torres Strait Islander Social Survey 2002. ABS cat. no. 4714.0. Canberra: ABS.

ABS 2007. Prisoners in Australia 2007. ABS cat. no. 4517.0. Canberra: ABS.

AIHW (Australian Institute of Health and Welfare) 2006. Juvenile justice in Australia 2001–01 to 2003–04. Cat. no. JUV 1. Canberra: AIHW.

AIHW 2007a. Juvenile justice in Australia 2005–06. Cat. no. JUV 3. Canberra: AIHW.

AIHW 2007b. Prisoner health in Australia: Contemporary information collection and a way forward. Cat. no. PHE 94. Canberra: AIHW.

HREOC (Human Rights and Equal Opportunities Commission) 1993. Human rights and mental illness, vols 1 & 2. Canberra; AGPS.

Krieg AS 2006. Aboriginal incarceration: health and social impacts. Medical Journal of Australia 184:534–6.