

## 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 Australian Bureau of Statistics (ABS) National Prison Census, National Policy Custody Survey, the Australian Institute of Criminology (AIC) National Deaths in Custody Program annual report, Australian Institute of Health and Welfare (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

The ABS conducted the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) between August 2002 and April 2003. The 2008 NATSISS was conducted between August 2008 and April 2009. The survey provides information about the Aboriginal and Torres Strait Islander populations of Australia for a wide range of areas of social concern including health, education, culture and labour force participation. The 2008 NATSISS included for the first time children aged under 15. The NATSISS will be conducted every six years, with the next survey planned for 2013.

The 2008 NATSISS collected information by personal interview from 13,300 Indigenous Australians across all states and territories of Australia, including those living in remote areas. The sample covered persons aged 15 years and over who are usual residents in selected 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.

### 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.

### National Police Custody Survey

The latest National Police Custody Survey conducted in 2007 collected information on the number of people who passed through police custody (as opposed to custody in the prison system) 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 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 and 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 selected police stations. The survey is by a voluntary questionnaire and drug use is confirmed by a urine sample provided by the detainee.

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 AIHW holds the Juvenile Justice National Minimum Data Set and this contains data on young people under juvenile justice supervision in the community and in detention.

The AIHW collects these data, which include both community-based and detention-based supervision, from the departments in each state and territory with 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. Aboriginal and Torres Strait Islander young people were over-represented in juvenile justice supervision, especially in detention. Although only about 5% of young Australians are Indigenous, almost 40% of those under supervision on an average day were Indigenous. The over-representation was higher in detention, where over half of those in detention and almost 60% of unsentenced detainees were Indigenous. An Indigenous person aged 10–17 years is around 16 times as likely to be under supervision on an average day as a non-Indigenous young people aged 10–17 years.

## **The Health of Australia's Prisoners**

In 2009, the AIHW conducted the inaugural National Prisoner Health Census. This census collected information from prisoners throughout Australia during a one week period. It

includes information on the health of prisoners at the time of entry to prisons, their use of health services while in prison, as well as some information on the prison environment. The Census data was used in compiling a report on indicators of the health of prisoners. 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.

## 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 2009. These data are published in the ABS publication *Prisoners in Australia 2009* (ABS 2009).

- As at 30 June 2009, there were 7,385 Indigenous prisoners (7,372 aged 18 years and over) recorded in the National Prison Census (Table 2.14.1).
- After adjusting for differences in age structure, the age-standardised rate of imprisonment for Indigenous prisoners was 1,891 per 100,000 adult population compared with 136 per 100,000 adult population for non-Indigenous prisoners, making Indigenous people 14 times more likely than non-Indigenous persons to be in prison at 30 June 2009 (Table 2.14.2).
- Indigenous Australians were imprisoned at a crude rate of 2,310 per 100,000 (Table 2.14.2).

### People in prison custody by age and sex

- The median age of Indigenous prisoners was 31 years compared with 35 years for non-Indigenous prisoners (Table 2.14.1).
- Imprisonment rates were highest among those aged 25–29 and 20–24 in the Indigenous population and among those aged 25–29 and 30–34 in the non-Indigenous population.
- Approximately 92% of the total Indigenous prisoners were male, and 8% were female. Imprisonment rates were much higher for Indigenous males than Indigenous females (6,783 per 100,000 compared with 602 per 100,000). The non-Indigenous proportions of prisoners are similar, 93% are male, 7% are female, however the crude rates are lower 247.0 and 17.9 per 100,000 respectively (Table 2.14.1).

**Table 2.14.1: People in prison custody, by Indigenous status, sex and age group, as at 30 June 2009**

| Age group (years)     | Males         |              |                     | Females      |              |                     | Persons       |              |                     |
|-----------------------|---------------|--------------|---------------------|--------------|--------------|---------------------|---------------|--------------|---------------------|
|                       | Number        | Per cent     | Rate <sup>(a)</sup> | Number       | Per cent     | Rate <sup>(a)</sup> | Number        | Per cent     | Rate <sup>(a)</sup> |
| <b>Indigenous</b>     |               |              |                     |              |              |                     |               |              |                     |
| Under 18              | 13            | 0.2          | 201.9               | 0            | 0.0          | 0.0                 | 13            | 0.2          | 103.5               |
| 18                    | 109           | 1.6          | 1,713.6             | 7            | 1.2          | 116.8               | 116           | 1.6          | 938.8               |
| 19                    | 229           | 3.4          | 3,719.9             | 19           | 3.2          | 331.2               | 248           | 3.4          | 2,085.4             |
| 20–24                 | 1,460         | 21.5         | 5,796.2             | 97           | 16.1         | 401.1               | 1,557         | 21.1         | 3,153.6             |
| 25–29                 | 1,436         | 21.2         | 6,974.6             | 139          | 23.1         | 680.3               | 1,575         | 21.3         | 3,839.5             |
| 30–34                 | 1,199         | 17.7         | 6,885.3             | 124          | 20.7         | 694.5               | 1,323         | 17.9         | 3,751.3             |
| 35–39                 | 1,038         | 15.3         | 5,897.1             | 108          | 17.9         | 569.6               | 1,146         | 15.5         | 3,134.3             |
| 40–44                 | 639           | 9.4          | 4,194.0             | 62           | 10.3         | 370.2               | 701           | 9.5          | 2,191.9             |
| 45–49                 | 373           | 5.5          | 2,815.1             | 32           | 5.3          | 219.0               | 405           | 5.5          | 1,453.7             |
| 50–54                 | 181           | 2.7          | 1,678.6             | 7            | 1.2          | 60.1                | 188           | 2.5          | 838.4               |
| 55–59                 | 55            | 0.8          | 680.5               | 4            | 0.7          | 44.9                | 59            | 0.8          | 347.2               |
| 60–64                 | 33            | 0.5          | 594.1               | 3            | 0.3          | 47.6                | 36            | 0.5          | 303.7               |
| 65 and over           | 18            | 0.3          | 234.1               | 0            | 0.0          | 0.0                 | 18            | 0.3          | 100.8               |
| <b>Total (crude)</b>  | <b>6,783</b>  | <b>100.0</b> | <b>4,230.3</b>      | <b>602</b>   | <b>100.0</b> | <b>359.1</b>        | <b>7,385</b>  | <b>100.0</b> | <b>2,251.5</b>      |
| Mean age              | 32.1          | ..           | ..                  | 32.3         | ..           | ..                  | 32.1          | ..           | ..                  |
| Median age            | 30.6          | ..           | ..                  | 31.7         | ..           | ..                  | 30.7          | ..           | ..                  |
| <b>Non-Indigenous</b> |               |              |                     |              |              |                     |               |              |                     |
| Under 18              | 24            | 0.1          | 16.4                | 0            | 0.0          | 0.0                 | 24            | 0.1          | 8.4                 |
| 18                    | 143           | 0.7          | 95.5                | 7            | 0.5          | 4.9                 | 150           | 0.7          | 51.5                |
| 19                    | 344           | 1.7          | 224.4               | 19           | 1.3          | 13.1                | 363           | 1.7          | 121.9               |
| 20–24                 | 2,897         | 14.4         | 372.0               | 163          | 10.9         | 22.0                | 3,060         | 14.2         | 201.1               |
| 25–29                 | 3,602         | 18.0         | 465.4               | 274          | 18.4         | 36.4                | 3,876         | 18.0         | 253.9               |
| 30–34                 | 3,355         | 16.7         | 461.2               | 260          | 17.4         | 35.9                | 3,615         | 16.8         | 248.9               |
| 35–39                 | 3,141         | 15.7         | 401.5               | 251          | 16.8         | 31.8                | 3,392         | 15.7         | 215.7               |
| 40–44                 | 2,295         | 11.4         | 308.9               | 190          | 12.7         | 25.4                | 2,485         | 11.5         | 166.5               |
| 45–49                 | 1,587         | 7.9          | 208.2               | 151          | 10.1         | 19.5                | 1,738         | 8.1          | 113.1               |
| 50–54                 | 1,093         | 5.4          | 156.5               | 93           | 6.2          | 13.1                | 1,186         | 5.5          | 84.2                |
| 55–59                 | 662           | 3.3          | 104.0               | 42           | 2.8          | 6.5                 | 704           | 3.3          | 54.9                |
| 60–64                 | 455           | 2.3          | 79.3                | 28           | 1.9          | 4.9                 | 483           | 2.2          | 42.1                |
| 65 and over           | 465           | 2.3          | 35.5                | 13           | 0.9          | 0.8                 | 478           | 2.2          | 16.6                |
| <b>Total (crude)</b>  | <b>20,063</b> | <b>100.0</b> | <b>247.0</b>        | <b>1,491</b> | <b>100.0</b> | <b>17.9</b>         | <b>21,554</b> | <b>100.0</b> | <b>130.9</b>        |
| Mean age              | 36.4          | ..           | ..                  | 36.7         | ..           | ..                  | 36.4          | ..           | ..                  |
| Median age            | 34.5          | ..           | ..                  | 35.5         | ..           | ..                  | 34.5          | ..           | ..                  |

(a) Rates per 100,000 adult population.

Source: ABS 2009.

### **People in prison custody by state/territory**

- Western Australia and South Australia recorded the highest age-standardised ratios of Indigenous to non-Indigenous rates of imprisonment, with Indigenous persons being 20 and 16 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 2009**

|                          | 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> | 2,138        | 236        | 2,374                  | 2,591.1                   | 2,153.1                              | 7,789          | 587          | 8,376                  | 156.3                     | 163.9                                | 13.1                                       |
| <b>Vic</b>               | 221          | 20         | 241                    | 1,158.8                   | 968.4                                | 3,847          | 262          | 4,109                  | 98.7                      | 100.8                                | 9.6  |
| <b>Qld</b>               | 1,460        | 116        | 1,576                  | 1,732.9                   | 1,427.2                              | 3,791          | 300          | 4,091                  | 124.5                     | 128.5                                | 11.1                                       |
| <b>WA</b>                | 1,633        | 157        | 1,790                  | 4,075.4                   | 3,328.7                              | 2,445          | 184          | 2,629                  | 159.1                     | 163.0                                | 20.4                                       |
| <b>SA</b>                | 420          | 29         | 449                    | 2,596.6                   | 2,072.4                              | 1,419          | 92           | 1,511                  | 121.2                     | 133.4                                | 15.5                                       |
| <b>Tas</b>               | 61           | 5          | 66                     | 577.5                     | 470.7                                | 431            | 38           | 469                    | 126.1                     | 146.1                                | 3.2  |
| <b>ACT<sup>(f)</sup></b> | 23           | 3          | 26                     | 965.5                     | 759.6                                | 157            | 20           | 177                    | 65.8                      | 63.2                                 | 12.0                                       |
| <b>NT</b>                | 827          | 37         | 864                    | 2,104.2                   | 1,699.6                              | 184            | 10           | 192                    | 160.6                     | 152.5                                | 11.1                                       |
| <b>Aust</b>              | <b>6,783</b> | <b>603</b> | <b>7,386</b>           | <b>2,309.8</b>            | <b>1,890.7</b>                       | <b>20,063</b>  | <b>1,493</b> | <b>21,554</b>          | <b>130.9</b>              | <b>135.6</b>                         | <b>13.9</b>                                |

(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 2009.

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

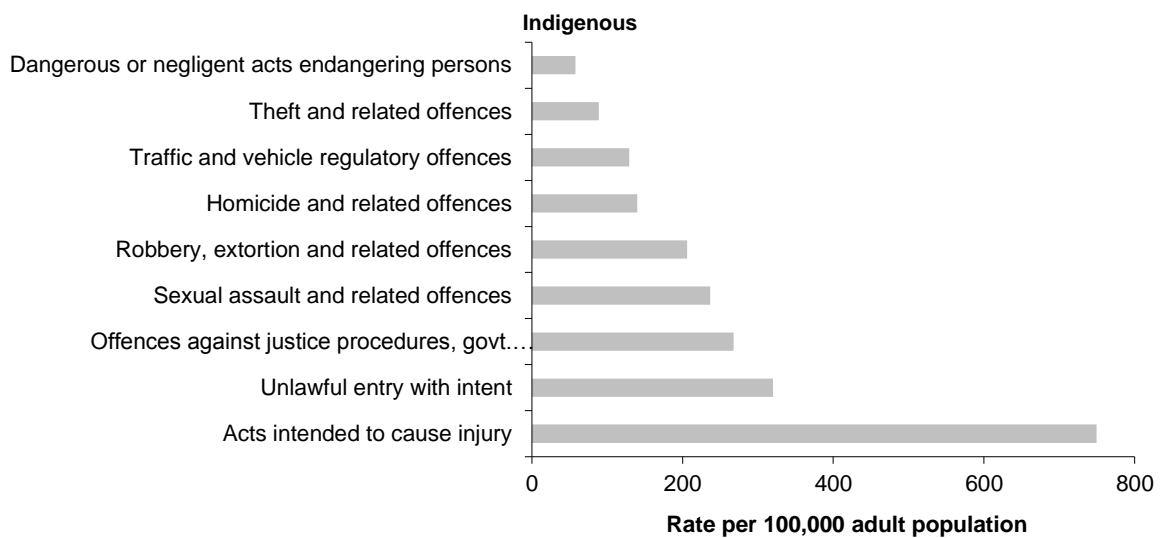
- As at 30 June 2009, approximately 76% of Indigenous and 50% of non-Indigenous people in prison custody were subsequently sentenced to prison (Table 2.14.3).
- Around 32% (2,365 persons) of all Indigenous people in prison custody were charged with acts intended to cause injury as the most serious offence. This offence accounted for 15% (3,203 persons) 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 10% 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.
- Indigenous Australians were taken into prison custody for acts intended to cause injury and unlawful entry with intent at rates of 749 and 320 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 19 and 13 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 2009**

|  | Indigenous   |             | Non-Indigenous |             |
|--|--------------|-------------|----------------|-------------|
|  | Number       | prior %     | Number         | prior %     |
| Sentenced  | 5,811        | 76.3        | 16,986         | 50.4        |
| Unsentenced  | 1,573        | 67.5        | 4,570          | 48.1        |
| Acts intended to cause injury  | 2,365        | 76.3        | 3,203          | 52.1        |
| Unlawful entry with intent   | 1,010        | 76.6        | 2,183          | 76.0        |
| Offences against justice procedures, government, security and operations | 845          | 85.4        | 1,643          | 76.9        |
| Sexual assault and related offences                                      | 747          | 62.7        | 2,837          | 27.1        |
| Robbery, extortion and related offences                                  | 650          | 69.4        | 2,104          | 60.3        |
| Homicide and related offences  | 441          | 61.7        | 2,256          | 34.7        |
| Traffic and vehicle regulatory offences                                  | 408          | 83.8        | 997            | 63.8        |
| Theft and related offences   | 280          | 76.1        | 993            | 66.1        |
| Dangerous or negligent acts endangering persons                          | 183          | 81.4        | 392            | 53.1        |
| Illicit drug offences  | 138          | 59.4        | 2,987          | 34.0        |
| Property damage and environmental pollution                              | 83           | 62.7        | 283            | 54.4        |
| Public order offences  | 73           | 76.7        | 138            | 55.1        |
| Abduction, harassment and other offences against the person              | 52           | 65.4        | 229            | 52.0        |
| Fraud, deception and related offences                                    | 44           | 62.8        | 807            | 33.1        |
| Prohibited and regulated weapons and explosives offences                 | 38           | 66.7        | 233            | 54.5        |
| Miscellaneous offences   | 24           | 84.0        | 248            | 25.4        |
| Unknown  | 3            | 100.0       | 23             | 82.6        |
| <b>Total</b>   | <b>7,384</b> | <b>74.4</b> | <b>21,556</b>  | <b>49.9</b> |

Source: ABS 2009.

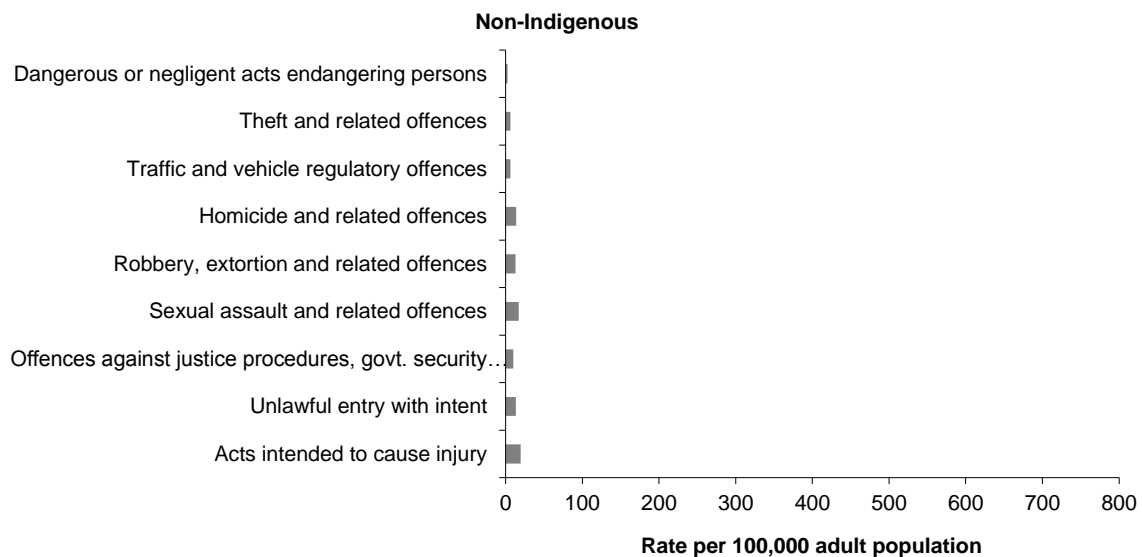




*Note:* Rates (number per 100,000 adult population) have not been age-standardised.

*Source:* AIHW analysis of ABS 2009.

**Figure 2.14.1a: Most serious offence/charge, crude rates, Indigenous adults, 30 June 2009**



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

*Source:* AIHW analysis of ABS 2009.

**Figure 2.14.1b: Most serious offence/charge, crude rates, non-Indigenous adults, 30 June 2009**

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

- As at 30 June 2009, 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 (60 months, or 5 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 (43 months and 24 months, respectively) (ABS 2009).
- The mean (5.6 months) and median (3.2 months) time on remand for non-Indigenous unsentenced prisoners was longer than for Indigenous unsentenced prisoners (4.0 months and 2.3 months, respectively) (ABS 2009).

**Table 2.14.4: Number of Indigenous sentenced prisoners, by sentence length<sup>(a)</sup> and most serious offence, 30 June 2009**

| <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 (per cent)</b> | <b>Mean<sup>(b)</sup> (months)</b> | <b>Median<sup>(b)</sup> (months)</b> |
|---|---------------------------|---------------------|--------------------------|---------------------------|-------------------------|-------------------------|--------------------------|---------------------------|---------------------------|------------------|-------------|--------------|--------------|-------------------------|------------------------------------|--------------------------------------|
| Homicide and related offences                                     | 0                         | 0                   | 0                        | 0                         | 0                       | 18                      | 91                       | 44                        | 40                        | 36               | 119         | 10           | 358          | 6.2                     | 146.8                              | 120.1                                |
| Acts intended to cause injury                                     | 30                        | 64                  | 139                      | 216                       | 531                     | 497                     | 149                      | 28                        | 10                        | 3                | 0           | 5            | 1,672        | 28.8                    | 28.7                               | 18.0                                 |
| Sexual assault and related offences                               | 0                         | 3                   | 4                        | 8                         | 21                      | 131                     | 245                      | 114                       | 31                        | 17               | 6           | 17           | 597          | 10.3                    | 93.7                               | 84.0                                 |
| Dangerous or negligent acts endangering persons                   | 0                         | 3                   | 8                        | 38                        | 64                      | 35                      | 8                        | 0                         | 0                         | 0                | 0           | 0            | 156          | 2.7                     | 21.8                               | 15.0                                 |
| Abduction and related offences                                    | 0                         | 0                   | 0                        | 0                         | 3                       | 11                      | 10                       | 5                         | 0                         | 0                | 0           | 0            | 29           | 0.5                     | 67.9                               | 55.4                                 |
| Robbery, extortion and related offences                           | 4                         | 0                   | 0                        | 0                         | 24                      | 192                     | 187                      | 43                        | 18                        | 7                | 0           | 4            | 479          | 8.3                     | 74.5                               | 60.1                                 |
| Unlawful entry with intent  | 5                         | 12                  | 18                       | 55                        | 229                     | 341                     | 146                      | 20                        | 8                         | 0                | 0           | 0            | 834          | 14.4                    | 39.8                               | 29.4                                 |
| Theft and related offences  | 3                         | 20                  | 27                       | 28                        | 79                      | 49                      | 20                       | 0                         | 0                         | 0                | 0           | 0            | 226          | 3.9                     | 23.5                               | 14.5                                 |
| Deception and related offences                                    | 4                         | 3                   | 0                        | 3                         | 13                      | 8                       | 0                        | 0                         | 0                         | 0                | 0           | 0            | 31           | 0.6                     | 22.6                               | 18.0                                 |
| Illicit drug offences   | 4                         | 3                   | 6                        | 4                         | 8                       | 51                      | 23                       | 0                         | 0                         | 0                | 0           | 0            | 99           | 1.7                     | 43.9                               | 36.7                                 |
| Weapons and explosives offences                                   | 0                         | 3                   | 0                        | 5                         | 7                       | 5                       | 3                        | 0                         | 0                         | 0                | 0           | 0            | 23           | 0.4                     | 20.7                               | 16.5                                 |
| Property damage and environmental pollution                       | 0                         | 4                   | 7                        | 9                         | 15                      | 17                      | 7                        | 3                         | 0                         | 0                | 0           | 0            | 62           | 1.1                     | 28.4                               | 18.0                                 |
| Public order offences   | 0                         | 0                   | 6                        | 11                        | 29                      | 10                      | 3                        | 0                         | 0                         | 0                | 0           | 0            | 59           | 1.0                     | 23.8                               | 17.0                                 |
| Road traffic and motor vehicle regulatory offences                | 18                        | 41                  | 74                       | 80                        | 145                     | 32                      | 3                        | 0                         | 0                         | 0                | 0           | 0            | 393          | 6.7                     | 12.0                               | 11.0                                 |
| Offences against justice procedures, govt security and operations | 6                         | 64                  | 113                      | 199                       | 268                     | 95                      | 11                       | 0                         | 0                         | 0                | 3           | 3            | 762          | 13.1                    | 14.9                               | 12.0                                 |
| Miscellaneous offences  | 0                         | 0                   | 0                        | 0                         | 3                       | 3                       | 0                        | 3                         | 0                         | 0                | 0           | 5            | 14           | 0.3                     | 52.2                               | 28.6                                 |
| Unknown   | 0                         | 0                   | 0                        | 0                         | 0                       | 0                       | 0                        | 0                         | 0                         | 0                | 0           | 0            | 0            | 0.1                     | 5.7                                | 4.0                                  |
| <b>Total</b>  | <b>74</b>                 | <b>220</b>          | <b>402</b>               | <b>656</b>                | <b>1,439</b>            | <b>1,495</b>            | <b>906</b>               | <b>260</b>                | <b>107</b>                | <b>63</b>        | <b>128</b>  | <b>44</b>    | <b>5,794</b> | <b>100.0</b>            | <b>42.9</b>                        | <b>24.0</b>                          |

(a) Aggregate sentence length.

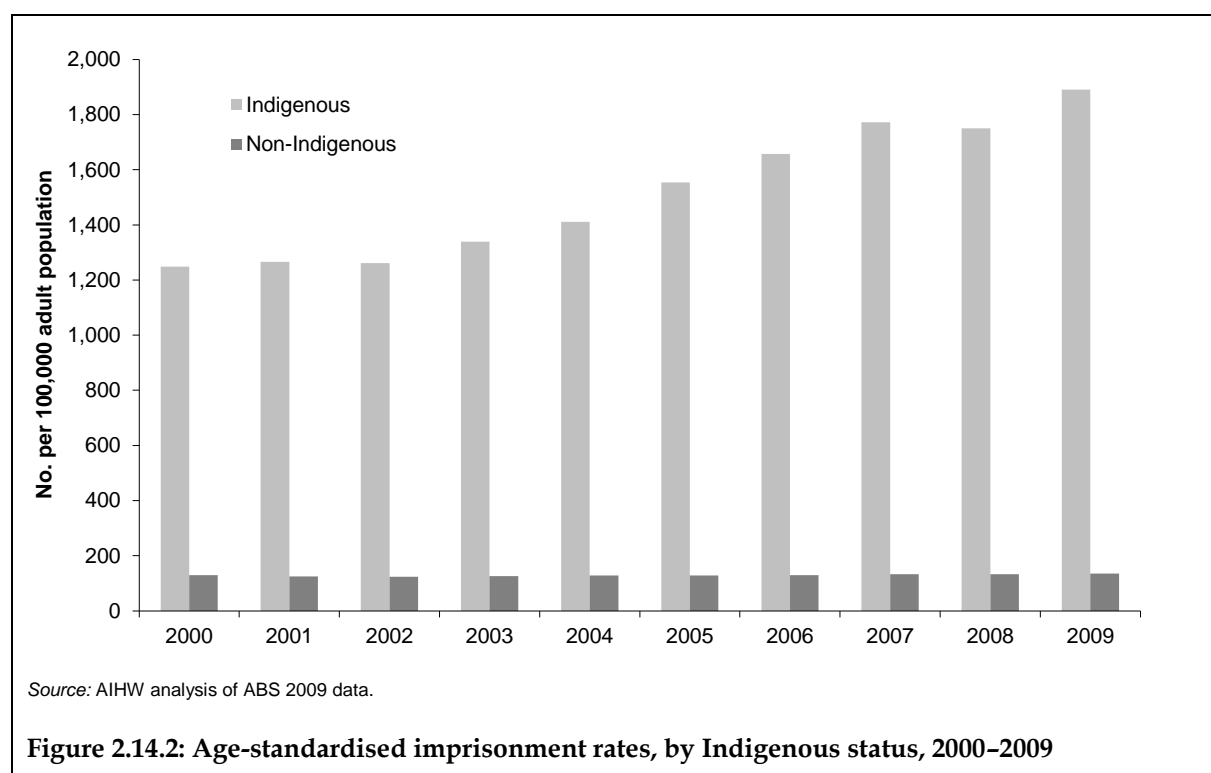
(b) Mean is average number of months; median is the number at which half the sample lies above and half the sample lies below.

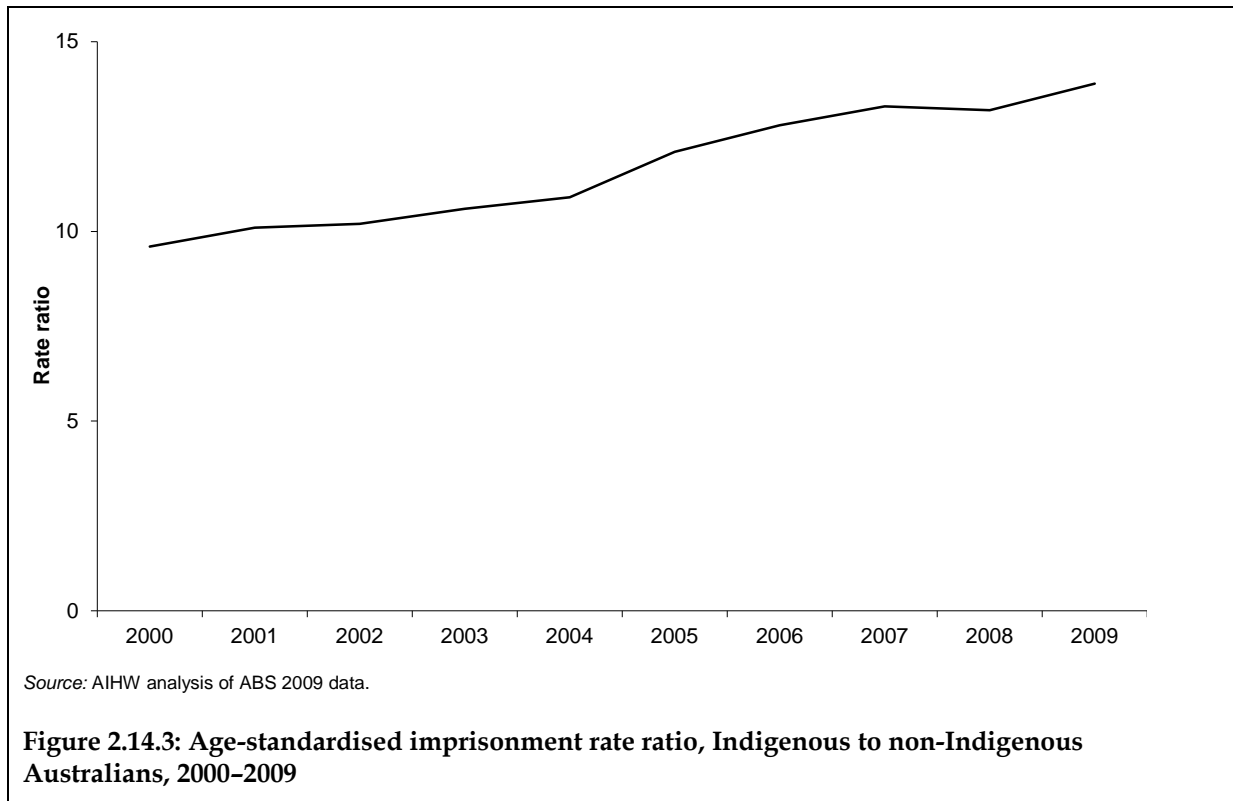
Source: ABS 2009.

## 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 2000–2009.

- During the period of 2000–2009 age-standardised Indigenous imprisonment rates increased steadily from 1,248 to 1,891 per 100,000. This was compared to age-standardised imprisonment rates of non-Indigenous Australians which ranged from 123 per 100,000 in 2002 to 136 per 100,000 in 2009 over the same period (Figure 2.14.2; Table 2.14.5).
- The rate ratio of age-standardised imprisonment rates ranged from 9.6 in 2000 to 14 in 2009 (Figure 2.14.3; Table 2.14.5).





**Table 2.14.5: Age-standardised imprisonment rates<sup>(a)</sup> and rate ratio, by Indigenous status, 2000–2009**

|             | Indigenous | Non-Indigenous | Rate ratio |
|-------------|------------|----------------|------------|
| <b>2000</b> | 1,248.4    | 129.5          | 9.6        |
| <b>2001</b> | 1,266.5    | 124.8          | 10.1       |
| <b>2002</b> | 1,261.9    | 123.2          | 10.2       |
| <b>2003</b> | 1,339.5    | 126.5          | 10.6       |
| <b>2004</b> | 1,411.3    | 128.9          | 10.9       |
| <b>2005</b> | 1,554.0    | 128.4          | 12.1       |
| <b>2006</b> | 1,656.9    | 129.1          | 12.8       |
| <b>2007</b> | 1,771.9    | 133.1          | 13.3       |
| <b>2008</b> | 1,750.0    | 132.7          | 13.2       |
| <b>2009</b> | 1,890.7    | 135.6          | 13.9       |

(a) Rate per 100,000 adult population.

Source: ABS 2009.

## 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

- In 2007 there were nine Indigenous deaths in police custody and 65 non-Indigenous deaths in police custody. In 2008 there were 13 Indigenous deaths in police custody and 73 non-Indigenous deaths in police custody (Tables 2.24.6a and 2.14.6b).
- In 2007, 56% of all Indigenous deaths in custody were within prison and 44% within police custody. This was compared to 62% of non-Indigenous deaths in custody that were within prison and 39% within police custody (Table 2.14.6a). In 2008 Indigenous deaths in custody within prison increased to 69% and police custody deaths decreasing to 31%; and the proportions of non-Indigenous deaths remaining stable at 62% in prison and decreasing to 38% in police custody (Table 2.14.6b).
- In 2007, 89% of Indigenous deaths in custody were males, compared to 2008 where 100% of all Indigenous deaths in custody were males. Non-Indigenous deaths did not show this same change, 95% in both 2007 and 2008 (Tables 2.24.6a and 2.14.6b).
- In 2007, the largest proportion of deaths in custody for Indigenous Australians was in Queensland (33%) while in 2008 the largest proportion was in Western Australia (54%) (Tables 2.24.6a and 2.14.6b).
- Two thirds (67%) of Indigenous deaths in custody were due to natural causes in 2007, rising to 70% in 2008. The proportions of deaths due to natural causes were lower for non-Indigenous prisoners 48% in 2007 declining to 40% in 2008 (Tables 2.24.6a and 2.14.6b).

**Table 2.14.6a: Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2007**

|                                      | Indigenous |          | Non-Indigenous |          | Total  |          |
|--------------------------------------|------------|----------|----------------|----------|--------|----------|
|                                      | Number     | Per cent | Number         | Per cent | Number | Per cent |
| <b>Custodial authority</b>           |            |          |                |          |        |          |
| Police                               | 4          | 44.4     | 25             | 38.5     | 29     | 39.2     |
| Prison                               | 5          | 55.6     | 40             | 61.5     | 45     | 60.8     |
| Juvenile justice/welfare             | 0          | 0.0      | 0              | 0.0      | 0      | 0.0      |
| <i>Total custodial authority</i>     | 9          | 100.0    | 65             | 100.0    | 74     | 100.0    |
| <b>Legal status</b>                  |            |          |                |          |        |          |
| Sentenced                            | 5          | 55.6     | 25             | 38.5     | 30     | 40.5     |
| Unsentenced                          | 1          | 11.1     | 18             | 27.7     | 19     | 25.7     |
| Other <sup>(a)</sup>                 | 3          | 33.3     | 22             | 33.9     | 25     | 33.8     |
| <i>Total legal status</i>            | 9          | 100.0    | 65             | 100.0    | 74     | 100.0    |
| <b>Sex</b>                           |            |          |                |          |        |          |
| Males                                | 8          | 88.9     | 62             | 95.4     | 70     | 94.6     |
| Females                              | 1          | 11.1     | 3              | 4.6      | 4      | 5.4      |
| <i>Total sex</i>                     | 9          | 100.0    | 65             | 100.0    | 74     | 100.0    |
| <b>Age</b>                           |            |          |                |          |        |          |
| Less than 25                         | 1          | 11.1     | 6              | 9.2      | 7      | 9.5      |
| 25–39                                | 2          | 22.2     | 24             | 36.9     | 26     | 35.1     |
| 40–54                                | 4          | 44.4     | 18             | 27.7     | 22     | 29.7     |
| 55+                                  | 2          | 22.2     | 17             | 26.2     | 19     | 25.7     |
| <i>Total age</i>                     | 9          | 100.0    | 65             | 100.0    | 74     | 100.0    |
| <b>State/territory</b>               |            |          |                |          |        |          |
| NSW                                  | 2          | 22.2     | 21             | 32.3     | 23     | 31.1     |
| Vic                                  | 0          | 0.0      | 16             | 24.6     | 16     | 21.6     |
| Qld                                  | 3          | 33.3     | 9              | 13.9     | 12     | 16.2     |
| WA                                   | 2          | 22.2     | 6              | 9.2      | 8      | 10.8     |
| SA                                   | 2          | 22.2     | 8              | 12.3     | 10     | 13.5     |
| Tas                                  | 0          | 0.0      | 3              | 4.6      | 3      | 4.1      |
| ACT                                  | 0          | 0.0      | 0              | 0.0      | 0      | 0.0      |
| NT                                   | 0          | 0.0      | 2              | 3.1      | 2      | 2.7      |
| <i>Total state/territory</i>         | 9          | 100.0    | 65             | 100.0    | 74     | 100.0    |
| <b>Manner of death<sup>(b)</sup></b> |            |          |                |          |        |          |
| Self-inflicted                       | 2          | 22.2     | 17             | 26.2     | 19     | 25.7     |
| Not intentionally self-inflicted     | 0          | 0        | 3              | 4.6      | 3      | 4.1      |
| Natural causes                       | 6          | 66.7     | 31             | 47.7     | 37     | 50.0     |
| Justifiable homicide                 | 0          | 0.0      | 4              | 6.2      | 4      | 5.4      |
| Unlawful homicide                    | 0          | 0.0      | 0              | 0.0      | 0      | 0.0      |
| Accident                             | 1          | 11.1     | 6              | 9.2      | 7      | 9.5      |

(continued)

**Table 2.14.6a (continued): Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2007**

|   | Indigenous |           | Non-Indigenous |           | Total     |           |
|---|------------|-----------|----------------|-----------|-----------|-----------|
|   | Number     | Per cent  | Number         | Per cent  | Number    | Per cent  |
| Other                                     | 0          | 0.0       | 0              | 0.0       | 0         | 0.0       |
| <i>Total manner of death</i>              | 9          | 100.0     | 65             | 100.0     | 74        | 100.0     |
| <b>Most serious offence<sup>(c)</sup></b> |            |           |                |           |           |           |
| Violent                                   | 2          | 22.2      | 31             | 48.4      | 33        | 45.2      |
| Theft-related                             | 4          | 44.4      | 8              | 12.5      | 12        | 16.4      |
| Good order                                | 0          | 0.0       | 6              | 9.4       | 6         | 8.2       |
| Drug-related                              | 0          | 0.0       | 5              | 7.8       | 5         | 6.9       |
| Traffic                                   | 2          | 22.2      | 3              | 4.7       | 5         | 6.9       |
| Other                                     | 1          | 11.1      | 11             | 17.2      | 12        | 16.4      |
| <i>Total most serious offence</i>         | 9          | 100.0     | 64             | 100.0     | 73        | 100.0     |
| <b>Total number</b>                       | <b>9</b>   | <b>..</b> | <b>65</b>      | <b>..</b> | <b>74</b> | <b>..</b> |

(a) Includes situations where the deceased had not been physically apprehended (for example, sieges, motor vehicle pursuits).

(b) Four non-Indigenous cases have been excluded because of missing information.

(c) One non-Indigenous cases have been excluded because of missing information.

*Notes:*

1. Numbers in the various breakdowns may not reflect overall column total due to missing information and data that was not available.
2. Percentages may not reflect column totals due to missing information and rounding.

*Source:* AIC National Deaths in Custody Program (2007 dataset).



**Table 2.14.6b: Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2008**

|   | Indigenous |          | Non-Indigenous |          | Total  |          |
|---|------------|----------|----------------|----------|--------|----------|
|   | Number     | Per cent | Number         | Per cent | Number | Per cent |
| <b>Custodial authority</b>              |            |          |                |          |        |          |
| Police                                  | 4          | 30.8     | 28             | 38.4     | 32     | 37.2     |
| Prison                                  | 9          | 69.2     | 45             | 61.6     | 54     | 62.8     |
| Juvenile justice/welfare                | 0          | 0        | 0              | 0        | 0      | 0        |
| <i>Total custodial authority</i>        | 13         | 100.0    | 73             | 100.0    | 86     | 100.0    |
| <b>Legal status<sup>(b)</sup></b>       |            |          |                |          |        |          |
| Sentenced                               | 8          | 66.7     | 31             | 42.5     | 39     | 45.9     |
| Unsentenced                             | 2          | 16.7     | 16             | 21.9     | 18     | 21.2     |
| Other <sup>(a)</sup>                    | 2          | 16.7     | 26             | 35.6     | 28     | 32.9     |
| <i>Total legal status<sup>(b)</sup></i> | 12         | 100.0    | 73             | 100.0    | 85     | 100.0    |
| <b>Sex</b>                              |            |          |                |          |        |          |
| Males                                   | 13         | 100      | 69             | 94.5     | 82     | 95.4     |
| Females                                 | 0          | 0        | 4              | 5.5      | 4      | 4.7      |
| <i>Total sex</i>                        | 13         | 100.0    | 73             | 100.0    | 86     | 100.0    |
| <b>Age</b>                              |            |          |                |          |        |          |
| Less than 25                            | 2          | 15.4     | 6              | 8.2      | 8      | 9.3      |
| 25–39                                   | 4          | 30.8     | 25             | 34.3     | 29     | 33.7     |
| 40–54                                   | 5          | 38.5     | 21             | 28.8     | 26     | 30.2     |
| 55+                                     | 2          | 15.4     | 21             | 28.8     | 23     | 26.7     |
| <i>Total age</i>                        | 13         | 100.0    | 73             | 100.0    | 86     | 100.0    |
| <b>State/territory</b>                  |            |          |                |          |        |          |
| NSW                                     | 1          | 7.7      | 21             | 28.8     | 22     | 25.6     |
| Vic                                     | 0          | 0        | 17             | 23.3     | 17     | 19.8     |
| Qld                                     | 2          | 15.4     | 12             | 16.4     | 14     | 16.3     |
| WA                                      | 7          | 53.9     | 13             | 17.8     | 20     | 23.3     |
| SA                                      | 0          | 0        | 7              | 9.6      | 7      | 8.1      |
| Tas                                     | 0          | 0        | 0              | 0        | 0      | 0        |
| ACT                                     | 0          | 0        | 1              | 1.4      | 1      | 1.1      |
| NT                                      | 3          | 23.1     | 2              | 2.7      | 5      | 5.8      |
| <i>Total state/territory</i>            | 13         | 100.0    | 73             | 100.0    | 86     | 100.0    |
| <b>Manner of death<sup>(b)</sup></b>    |            |          |                |          |        |          |
| Self-inflicted                          | 1          | 7.7      | 24             | 32.9     | 25     | 29.1     |
| Not Intentionally self-inflicted        | 0          | 0        | 1              | 1.4      | 1      | 1.2      |
| Natural causes                          | 9          | 69.2     | 29             | 39.7     | 38     | 44.2     |
| Justifiable homicide                    | 0          | 0        | 5              | 6.9      | 5      | 5.8      |
| Unlawful homicide                       | 0          | 0        | 0              | 0        | 0      | 0        |
| Negligent homicide                      | 1          | 7.7      | 0              | 0        | 1      | 1.2      |

(Continued)

**Table 2.14.6b (continued): Deaths in custody (police and prison), by Indigenous status and selected characteristics, 2008**

|   | Indigenous |              | Non-Indigenous |              | Total     |              |
|---|------------|--------------|----------------|--------------|-----------|--------------|
|   | Number     | Per cent     | Number         | Per cent     | Number    | Per cent     |
| Accident                                  | 1          | 7.7          | 12             | 16.4         | 13        | 15.1         |
| Other                                     | 1          | 7.7          | 2              | 2.7          | 3         | 3.5          |
| <i>Total manner of death</i>              | <i>13</i>  | <i>100.0</i> | <i>73</i>      | <i>100.0</i> | <i>86</i> | <i>100.0</i> |
| <b>Most serious offence<sup>(c)</sup></b> |            |              |                |              |           |              |
| Violent                                   | 5          | 38.5         | 36             | 51.4         | 41        | 49.4         |
| Theft-related                             | 1          | 7.7          | 10             | 14.3         | 11        | 13.3         |
| Good order                                | 1          | 7.7          | 5              | 7.1          | 6         | 7.2          |
| Drug-related                              | 1          | 7.7          | 3              | 4.3          | 4         | 4.8          |
| Traffic                                   | 2          | 15.4         | 9              | 12.9         | 11        | 13.3         |
| Missing                                   | 2          | 15.4         | 5              | 7.1          | 7         | 8.4          |
| Other                                     | 1          | 7.7          | 2              | 2.9          | 3         | 3.6          |
| <i>Total most serious offence</i>         | <i>13</i>  | <i>100.0</i> | <i>70</i>      | <i>100.0</i> | <i>83</i> | <i>100.0</i> |
| <b>Total number</b>                       | <b>13</b>  | <b>..</b>    | <b>73</b>      | <b>..</b>    | <b>86</b> | <b>..</b>    |

(a) Includes situations where the deceased had not been physically apprehended (for example, sieges, motor vehicle pursuits).

(b) One Indigenous case has been excluded due to missing information about legal status.

(c) Two non-Indigenous cases have been excluded because of missing data.

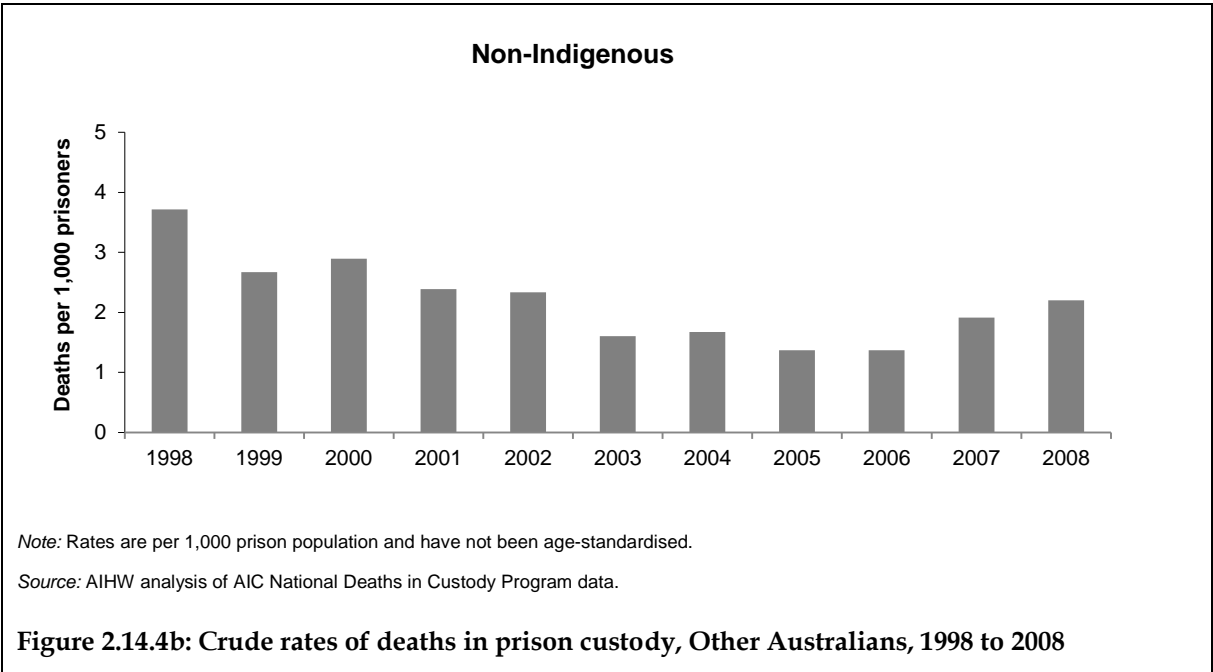
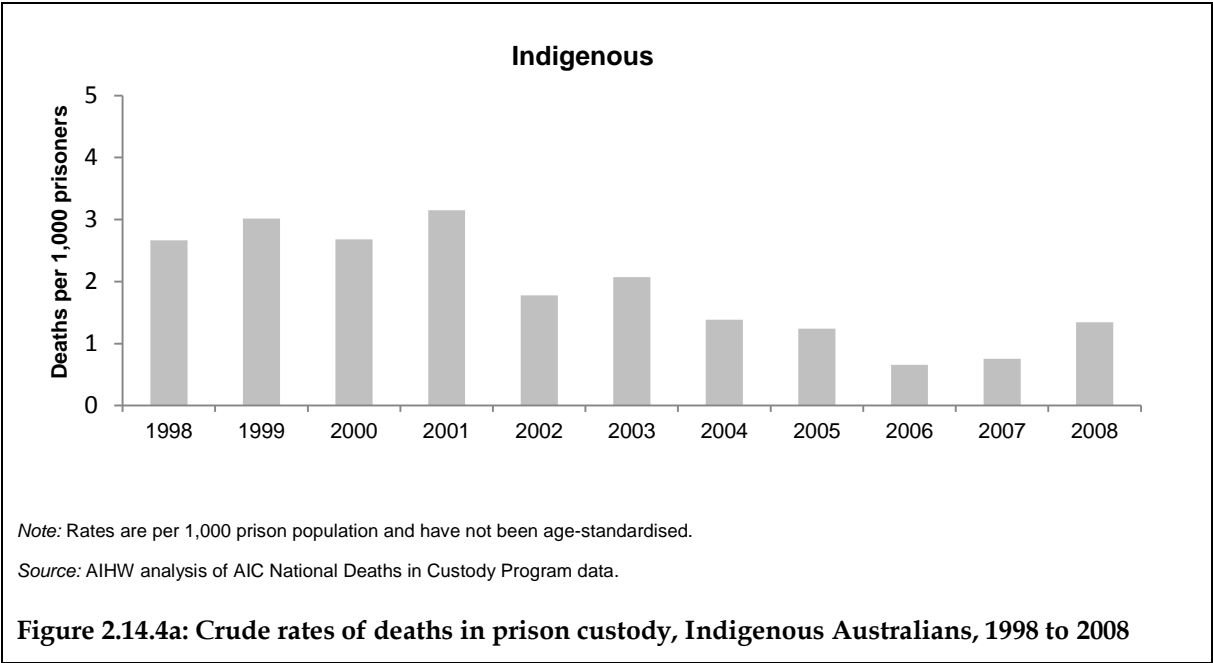
Note: Numbers and percentages breakdowns may not reflect overall column total due to missing information and data that was not available.

Source: AIC National Deaths in Custody Program [2008 dataset].

## Time series analyses

Figures 2.14.5a and 2.14.5b and Table 2.14.8 present the crude death rates for Indigenous and other Australians in prison custody over the period 1998 to 2008.

- Over the period 1998 to 2008 there were between 3.15 and 0.66 Indigenous deaths in custody per 1,000 Indigenous prisoners, (between 14 and four Indigenous deaths in custody) (Figure 2.14.4a). In 2008 there were 1.34 Indigenous deaths in custody per 1,000 Indigenous prisoners (nine deaths), (Table 2.14.7).
- Over the same period, there were between 3.71 and 1.37 non-Indigenous deaths per 1,000 non-Indigenous prisoners, (between 59 and 27 deaths) (Figure 2.14.4b). In 2008 there were 2.20 non-Indigenous deaths per 1,000 non-Indigenous prisoners, (45 deaths) (Table 2.14.7).



**Table 2.14.7: Crude rates of deaths per 1,000 prisoners in prison custody, 1998 to 2008**

|             | <b>Indigenous</b> | <b>Non-Indigenous</b> |
|-------------|-------------------|-----------------------|
| <b>1998</b> | 2.67              | 3.71                  |
| <b>1999</b> | 3.02              | 2.67                  |
| <b>2000</b> | 2.68              | 2.90                  |
| <b>2001</b> | 3.15              | 2.39                  |
| <b>2002</b> | 1.78              | 2.33                  |
| <b>2003</b> | 2.07              | 1.60                  |
| <b>2004</b> | 1.39              | 1.67                  |
| <b>2005</b> | 1.24              | 1.37                  |
| <b>2006</b> | 0.66              | 1.37                  |
| <b>2007</b> | 0.75              | 1.91                  |
| <b>2008</b> | 1.34              | 2.20                  |

*Source:* AIC National Deaths in Custody Program 1998 to 2008 data sets.

## Contact with police

Information on police contact by Indigenous persons is available from the 2008 NATSISS.

- In 2008, approximately 48% of Indigenous males aged 15 years and over had been formally charged by the police, 22% had been arrested by the police in the previous 5 years and 37% had been incarcerated in the previous 5 years (Table 2.14.8b).

### Contact with police by selected characteristics

- Indigenous persons aged 35–44 years were most likely to have been formally charged, Indigenous persons aged 25–34 years were most likely to have been arrested by the police in the previous 5 years, and Indigenous persons aged 15–24 years were most likely to have been incarcerated by the police in the previous 5 years (Table 2.14.8b).
- A higher proportion of Indigenous males than females had been formally charged (48% compared with 21%), arrested by police in the previous 5 years (22% compared with 9%) and incarcerated in the previous 5 years (37% compared with 30%) (Table 2.14.8b).
- In 2008, the highest proportion of Indigenous people aged 15 years and over who had been formally charged were in the Northern Territory (68%) (Table 2.14.8a).
- 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 been formally charged than Indigenous Australians who had not engaged in these activities (Table 2.14.8b).
- In 2008, a higher proportion of Indigenous Australians in the lowest (1st) quintile of household income had been formally charged and arrested by the police 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 12 and 24 years (78%) (Table 2.14.8a; Figure 2.14.5).
- According to the 2008 NATSISS, 20% of Indigenous persons aged 15 years and over had been arrested in the previous 5 years, compared to 16% in 2002 and 23% in 2008. During 2008, 8% of Indigenous persons aged 15 years and over reported being arrested once and 7% reported being arrested more than once (ABS 2008).

**Table 2.14.8a: Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2008**

|  | Formally charged | Arrested by police<br>in last 5 years | Incarcerated<br>in last 5 years(a) |
|--|------------------|---------------------------------------|------------------------------------|
|  | Per cent         |                                       |                                    |
| <b>Sex</b>   |                  |                                       |                                    |
| Males  | 67.7             | 70.1                                  | 86.6                               |
| Females  | 32.3             | 29.9                                  | 13.4                               |
| Persons  | 100.0            | 100.0                                 | 100.0                              |
| <b>Age</b>   |                  |                                       |                                    |
| 15–24  | 23.4             | 36.6                                  | 28.5                               |
| 25–34  | 25.9             | 30.6                                  | 37.3                               |
| 35–44  | 24.9             | 21.2                                  | 24.9                               |
| 45–54  | 17.4             | 8.7                                   | 6.6                                |
| 55 and over  | 8.4              | 3.0                                   | 2.6                                |
| <b>State/territory</b>                                       |                  |                                       |                                    |
| NSW  | 30.1             | 25.5                                  | 16.5                               |
| Vic  | 6.5              | 6.7                                   | 2.9                                |
| Qld  | 24.9             | 23.0                                  | 33.8                               |
| WA   | 17.9             | 21.1                                  | 17.6                               |
| SA   | 5.9              | 6.5                                   | 5.6                                |
| Tas/ACT  | 4.2              | 3.8                                   | 3.1                                |
| NT   | 10.4             | 13.4                                  | 20.5                               |
| <b>Self-assessed health status</b>                           |                  |                                       |                                    |
| Excellent/good   | 38.5             | 40.9                                  | 48.3                               |
| Good   | 34.9             | 34.0                                  | 29.6                               |
| Fair/poor  | 26.6             | 25.1                                  | 22.1                               |
| <b>Has disability or long-term health condition</b>          |                  |                                       |                                    |
| Yes  | 56.9             | 54.0                                  | 50.5                               |
| No   | 43.1             | 46.0                                  | 49.5                               |
| <b>Smoker status</b>   |                  |                                       |                                    |
| Current daily smoker   | 63.4             | 72.0                                  | 82.6                               |
| Not current daily smoker                                     | 36.6             | 28.0                                  | 17.4                               |
| <b>Risky/high-risk alcohol consumption in last 12 months</b> |                  |                                       |                                    |
| Yes  | 37.6             | 34.0                                  | 37.7                               |
| No   | 62.4             | 66.0                                  | 62.3                               |
| <b>Whether used substances in last 12 months</b>             |                  |                                       |                                    |
| Yes  | 37.6             | 48.6                                  | 49.3                               |
| No   | 62.4             | 51.4                                  | 50.7                               |
| <b>Household income</b>                                      |                  |                                       |                                    |
| 1st quintile   | 52.2             | 60.5                                  | 64.7                               |
| 5th quintile   | 8.2              | 6.1                                   | 5.7                                |

(continued)

**Table 2.14.8a (continued): Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2008**

|   | Formally charged | Arrested by police<br>in last 5 years | Incarcerated<br>in last 5 years(a) |
|---|------------------|---------------------------------------|------------------------------------|
|   | Per cent         |                                       |                                    |
| <b>Index of disparity</b>   |                  |                                       |                                    |
| 1st quintile  | 58.4             | 63.6                                  | 66.6                               |
| 5th quintile  | 3.5              | 2.4                                   | 4.9                                |
| <b>Employment</b>   |                  |                                       |                                    |
| Employed  | 50.9             | 44.8                                  | 41.3                               |
| Unemployed  | 13.9             | 20.9                                  | 23.2                               |
| Not in the labour force   | 35.2             | 34.4                                  | 35.6                               |
| <b>Location</b>   |                  |                                       |                                    |
| Remote  | 26.3             | 32.1                                  | 40.1                               |
| Non-remote  | 73.7             | 67.9                                  | 59.9                               |
| <b>Has non-school qualification</b>   |                  |                                       |                                    |
| Yes   | 32.2             | 26.8                                  | 24.5                               |
| No  | 67.8             | 73.2                                  | 75.5                               |
| <b>Completed Year 12</b>  |                  |                                       |                                    |
| Yes   | 14.6             | 13.4                                  | 8.2                                |
| No  | 85.4             | 86.6                                  | 91.8                               |
| <b>Housing</b>  |                  |                                       |                                    |
| Owner   | 21.0             | 14.5                                  | 3.1                                |
| Renter  | 77.7             | 84.2                                  | 94.2                               |
| Dwelling has major structural problems  | 32.8             | 36.4                                  | 33.1                               |
| Dwelling requires additional bedrooms <sup>(a)</sup>                          | 26.0             | 30.9                                  | 35.6                               |
| <b>Family and culture</b>   |                  |                                       |                                    |
| Participated in sporting, social or<br>community activities in last 12 months | 91.6             | 90.0                                  | 90.3                               |
| Able to get support in time of crisis from<br>someone outside the household   | 87.8             | 85.7                                  | 82.1                               |
| Person removed from natural family  | 12.8             | 13.6                                  | 20.5                               |
| Relative removed from natural family  | 51.4             | 50.6                                  | 57.2                               |
| Currently lives in homelands/traditional<br>country                           | 38.2             | 37.4                                  | 35.4                               |
| Participated in cultural activities in last 12<br>months                      | 64.1             | 65.8                                  | 69.2                               |
| <b>Victim of physical or threatened violence in last 12 months</b>            |                  |                                       |                                    |
| Yes   | 24.0             | 34.5                                  | 30.0                               |
| No  | 76.0             | 65.5                                  | 70.0                               |
| <b>Stressors experienced in last 12 months</b>                                |                  |                                       |                                    |
| At least one stressor experienced in last<br>12 months                        | 66.6             | 72.0                                  | 69.3                               |
| No stressors experienced in last<br>12 months                                 | 33.4             | 28.0                                  | 30.7                               |

(continued)

**Table 2.14.8a (continued): Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2008**

|   | Formally charged | Arrested by police<br>in last 5 years | Incarcerated<br>in last 5 years(a) |
|---|------------------|---------------------------------------|------------------------------------|
|   | Per cent         |                                       |                                    |
| <b>Age first formally charged by the police<sup>(b)</sup></b> |                  |                                       |                                    |
| 11 years or younger   | 3.4              | 4.6                                   | 7.7                                |
| 12–24   | 77.9             | 79.6                                  | 80.6                               |
| 25–34   | 12.3             | 10.3                                  | 8.3                                |
| 35 and over   | 6.4              | 5.5                                   | 3.5                                |
| Total   | 100.0            | 100.0                                 | 100.0                              |
| <b>Total</b>  | <b>100.0</b>     | <b>100.0</b>                          | <b>100.0</b>                       |
| <b>Total number</b>   | <b>109,685</b>   | <b>49,070</b>                         | <b>10,628</b>                      |

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

(b) Proportions are of those formally charged not of total persons.

Source: AIHW analysis of 2008 NATSISS.



**Table 2.14.8b: Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2008**

|  | Formally charged | Not formally charged | Arrested by police in last 5 years | Not arrested by police in last 5 years | Incarcerated in last 5 years | Not incarcerated in last 5 years | Total |
|--|------------------|----------------------|------------------------------------|--|------------------------------|----------------------------------|-------|
|  | Per cent         |                      |                                    |  |                              |                                  |       |
| <b>Sex</b>   |                  |                      |                                    |  |                              |                                  |       |
| Males  | 47.6             | 52.4                 | 22.1                               | 77.9                                   | 37.1                         | 62.9                             | 100.0 |
| Females  | 20.7             | 79.3                 | 8.6                                | 91.4                                   | 29.5                         | 70.5                             | 100.0 |
| Persons  | 33.6             | 66.4                 | 15.0                               | 85.0                                   | 35.9                         | 64.1                             | 100.0 |
| <b>Age</b>   |                  |                      |                                    |  |                              |                                  |       |
| 15–24  | 24.7             | 75.3                 | 17.3                               | 82.7                                   | 82.6                         | 17.4                             | 100.0 |
| 25–34  | 40.7             | 59.3                 | 21.5                               | 78.5                                   | 59.9                         | 40.1                             | 100.0 |
| 35–44  | 42.9             | 57.1                 | 16.3                               | 83.7                                   | 29.7                         | 70.3                             | 100.0 |
| 45–54  | 40.7             | 59.3                 | 9.1                                | 90.9                                   | 10.9                         | 89.1                             | 100.0 |
| 55 and over  | 21.5             | 78.5                 | 3.4                                | 96.6                                   | 6.9                          | 93.1                             | 100.0 |
| <b>State/territory</b>                                       |                  |                      |                                    |  |                              |                                  |       |
| NSW  | 34.4             | 65.6                 | 13.0                               | 87.0                                   | 21.6                         | 78.4                             | 100.0 |
| Vic  | 32.6             | 67.4                 | 15.1                               | 84.9                                   | 17.9                         | 82.1                             | 100.0 |
| Qld  | 30.3             | 69.7                 | 12.5                               | 87.5                                   | 50.6                         | 49.4                             | 100.0 |
| WA   | 44.4             | 55.6                 | 23.4                               | 76.6                                   | 32.8                         | 67.2                             | 100.0 |
| SA   | 36.4             | 63.6                 | 17.7                               | 82.3                                   | 28.3                         | 71.7                             | 100.0 |
| Tas/ACT  | 30.4             | 69.6                 | 12.3                               | 87.7                                   | 43.0                         | 57.0                             | 100.0 |
| NT   | 27.7             | 72.3                 | 15.9                               | 84.1                                   | 52.9                         | 47.1                             | 100.0 |
| <b>Self-assessed health status</b>                           |                  |                      |                                    |  |                              |                                  |       |
| Excellent/good   | 29.5             | 70.5                 | 14.0                               | 86.0                                   | 52.8                         | 47.2                             | 100.0 |
| Good   | 34.4             | 65.6                 | 15.0                               | 85.0                                   | 30.6                         | 69.4                             | 100.0 |
| Fair/poor  | 40.1             | 59.9                 | 17.0                               | 83.0                                   | 24.4                         | 75.6                             | 100.0 |
| <b>Has disability</b>  |                  |                      |                                    |  |                              |                                  |       |
| Yes  | 37.0             | 63.0                 | 14.5                               | 85.5                                   | 25.9                         | 74.1                             | 100.0 |
| No   | 28.8             | 71.2                 | 12.7                               | 87.3                                   | 40.3                         | 59.7                             | 100.0 |
| <b>Smoker status</b>   |                  |                      |                                    |  |                              |                                  |       |
| Current daily smoker   | 47.8             | 52.2                 | 24.3                               | 75.7                                   | 40.7                         | 59.3                             | 100.0 |
| Not current daily smoker                                     | 22.2             | 77.8                 | 7.6                                | 92.4                                   | 23.0                         | 77.0                             | 100.0 |
| <b>Risky/high-risk alcohol consumption in last 12 months</b> |                  |                      |                                    |  |                              |                                  |       |
| Yes  | 55.6             | 44.4                 | 29.2                               | 70.8                                   | 39.0                         | 61.0                             | 100.0 |
| No   | 28.8             | 71.2                 | 11.9                               | 88.1                                   | 35.6                         | 64.4                             | 100.0 |
| <b>Whether used substances in last 12 months</b>             |                  |                      |                                    |  |                              |                                  |       |
| Yes  | 56.6             | 43.4                 | 32.5                               | 67.5                                   | 44.2                         | 55.8                             | 100.0 |
| No   | 27.4             | 72.6                 | 10.0                               | 90.0                                   | 28.9                         | 71.1                             | 100.0 |

(continued)

**Table 2.14.8b (continued): Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2008**

|  | Formally charged | Not formally charged | Arrested by police in last 5 years | Not arrested by police in last 5 years | Incarcerated in last 5 years | Not incarcerated in last 5 years | Total |
|--|------------------|----------------------|------------------------------------|--|------------------------------|----------------------------------|-------|
| <b>Household income</b>                              |                  |                      |                                    |  |                              |                                  |       |
| 1st quintile   | 37.3             | 62.7                 | 18.8                               | 81.2                                   | 37.5                         | 62.5                             | 100.0 |
| 5th quintile   | 27.8             | 72.2                 | 9.0                                | 91.0                                   | 57.7                         | 42.3                             | 100.0 |
| <b>Index of disparity</b>                            |                  |                      |                                    |  |                              |                                  |       |
| 1st quintile   | 37.0             | 63.0                 | 18.0                               | 82.0                                   | 37.4                         | 62.6                             | 100.0 |
| 5th quintile   | 29.6             | 70.4                 | 9.3                                | 90.7                                   | 71.2                         | 28.8                             | 100.0 |
| <b>Employment</b>                                    |                  |                      |                                    |  |                              |                                  |       |
| Employed   | 33.1             | 66.9                 | 13.0                               | 87.0                                   | 34.6                         | 65.4                             | 100.0 |
| Unemployed   | 45.7             | 54.3                 | 30.7                               | 69.3                                   | 55.3                         | 44.7                             | 100.0 |
| Not in the labour force                              |                  |                      |                                    |  | 30.2                         | 69.8                             | 100.0 |
| <b>Location</b>                                      |                  |                      |                                    |  |                              |                                  |       |
| Remote   | 35.4             | 64.6                 | 19.4                               | 80.6                                   | 45.4                         | 54.6                             | 100.0 |
| Non-remote   | 33.0             | 67.0                 | 13.6                               | 86.4                                   | 31.4                         | 68.6                             | 100.0 |
| <b>Has non-school qualification</b>                  |                  |                      |                                    |  |                              |                                  |       |
| Yes  | 33.5             | 66.5                 | 12.5                               | 87.5                                   | 33.8                         | 66.2                             | 100.0 |
| No   | 33.6             | 66.4                 | 16.2                               | 83.8                                   | 36.6                         | 63.4                             | 100.0 |
| <b>Completed Year 12</b>                             |                  |                      |                                    |  |                              |                                  |       |
| Yes  | 24.0             | 76.0                 | 9.8                                | 90.2                                   | 46.0                         | 54.0                             | 100.0 |
| No   | 36.0             | 64.0                 | 16.3                               | 83.7                                   | 35.2                         | 64.8                             | 100.0 |
| <b>Housing</b>                                       |                  |                      |                                    |  |                              |                                  |       |
| Owner  | 23.9             | 76.1                 | 7.4                                | 92.6                                   | 11.3                         | 88.7                             | 100.0 |
| Renter   | 37.9             | 62.1                 | 18.3                               | 81.7                                   | 38.3                         | 61.7                             | 100.0 |
| Dwelling has major structural problems               | 38.9             | 61.1                 | 19.3                               | 80.7                                   | 35.4                         | 64.6                             | 100.0 |
| Dwelling requires additional bedrooms <sup>(a)</sup> | 34.9             | 65.1                 | 18.5                               | 81.5                                   | 43.2                         | 56.8                             | 100.0 |

(continued)

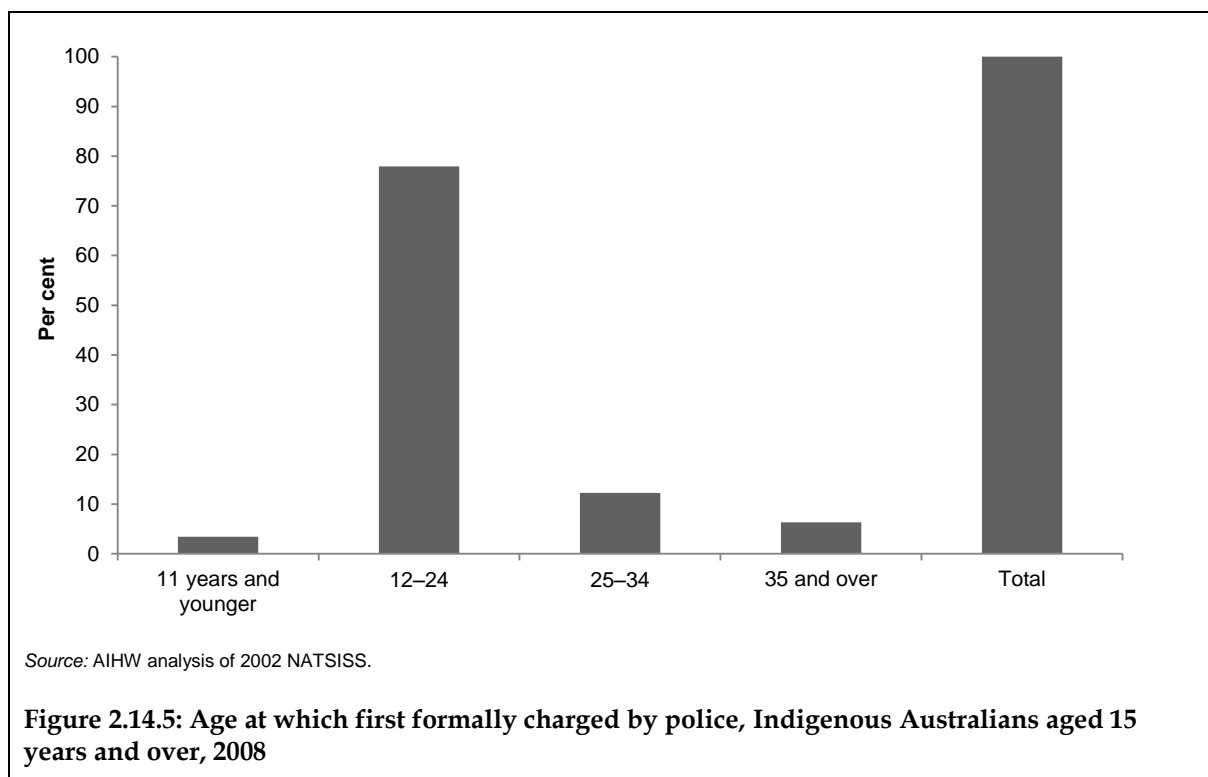
**Table 2.14.8b (continued): Contact with the police, by selected population characteristics, Indigenous persons aged 15 years and over, 2008**

|  | Formally charged | Not formally charged | Arrested by police in last 5 years | Not arrested by police in last 5 years | Incarcerated in last 5 years | Not incarcerated in last 5 years | Total          |
|--|------------------|----------------------|------------------------------------|--|------------------------------|----------------------------------|----------------|
| <b>Family and culture</b>  |                  |                      |                                    |  |                              |                                  |                |
| Participated in sporting, social or community activities in last 12 months | 33.3             | 66.7                 | 14.6                               | 85.4                                   | 36.3                         | 63.7                             | 100.0          |
| Able to get support in time of crisis from someone outside the household   | 33.2             | 66.8                 | 14.5                               | 85.5                                   | 34.9                         | 65.1                             | 100.0          |
| Person removed from natural family   | 51.1             | 48.9                 | 24.3                               | 75.7                                   | 33.3                         | 66.7                             | 100.0          |
| Relative removed from natural family                                       | 38.8             | 61.2                 | 13.5                               | 86.5                                   | 38.1                         | 61.9                             | 100.0          |
| Currently lives in homelands/traditional country                           | 39.3             | 60.7                 | 17.2                               | 82.8                                   | 33.6                         | 66.4                             | 100.0          |
| Participated in cultural activities in last 12 months                      | 34.2             | 65.8                 | 15.7                               | 84.3                                   | 38.6                         | 61.4                             | 100.0          |
| <b>Victim of physical violence in last 12 months</b>                       |                  |                      |                                    |  |                              |                                  |                |
| Yes  | 54.9             | 45.1                 | 35.4                               | 64.6                                   | 45.5                         | 54.5                             | 100.0          |
| No   | 29.8             | 70.2                 | 11.5                               | 88.5                                   | 32.9                         | 67.1                             | 100.0          |
| <b>Victim of threatened physical violence in last 12 months</b>            |                  |                      |                                    |  |                              |                                  |                |
| Yes  | 49.4             | 50.6                 | 30.1                               | 69.9                                   | 45.7                         | 54.3                             | 100.0          |
| No   | 30.0             | 70.0                 | 11.6                               | 88.4                                   | 32.3                         | 67.7                             | 100.0          |
| <b>Stressors experienced in last 12 months</b>                             |                  |                      |                                    |  |                              |                                  |                |
| At least one stressor experienced in last 12 months                        | 38.9             | 61.1                 | 18.8                               | 81.2                                   | 36.9                         | 63.1                             | 100.0          |
| No stressors experienced in last 12 months                                 | 26.3             | 73.7                 | 9.9                                | 90.1                                   | 33.7                         | 66.3                             | 100.0          |
| <b>Age first formally charged by the police<sup>(b)</sup></b>              |                  |                      |                                    |  |                              |                                  |                |
| 11 years or younger  | n.a.             | n.a.                 | 52.3                               | 47.7                                   | 35.5                         | 64.5                             | 100.0          |
| 12–24  | n.a.             | n.a.                 | 39.8                               | 60.2                                   | 35.7                         | 64.3                             | 100.0          |
| 25–34  | n.a.             | n.a.                 | 32.8                               | 67.2                                   | 39.5                         | 60.5                             | 100.0          |
| 35 and over  | n.a.             | n.a.                 | 33.4                               | 66.6                                   | 45.1                         | 54.9                             | 100.0          |
| Total  | n.a.             | n.a.                 | 38.9                               | 61.1                                   | 36.3                         | 63.7                             | 100.0          |
| <b>Total number</b>  | <b>109,685</b>   | <b>109,685</b>       | <b>49,070</b>                      | <b>277,702</b>                         | <b>10,628</b>                | <b>19,003</b>                    | <b>326,773</b> |

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

(b) Proportions are of those formally charged not of total persons.

Source: AIHW analyses of 2008 NATSISS.



## Detainees and drug use

The AIC Drug Use Monitoring in Australia (DUMA) survey reports on drug use among police detainees at selected police stations 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 2008 survey are presented in Table 2.14.9.

- In all but one of the selected police stations shown in Table 2.14.9 there was a higher proportion of Indigenous detainees testing positive to drugs than non-Indigenous detainees.
- Between 65% 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 49% and 78% of non-Indigenous detainees.
- Cannabis was the most common drug for which both Indigenous and non-Indigenous detainees tested positive. Methamphetamines and benzodiazepines were also common drugs to which Indigenous and non-Indigenous detainees tested positive. Of the surveyed police stations in Australia during 2008, between 8% and 100% of Indigenous detainees and between 14% and 46% of non-Indigenous detainees tested positive for multiple drugs.

Table 2.14.9: Detainees at selected police stations, by drug use and Indigenous status, 2008

|  | Adelaide (SA)   |                | Bankstown + Parramatta (NSW) |                | Brisbane + Southport (Qld) |                | East Perth (WA) |                | Darwin (NT)  |                | Footscray/Sunshine (Vic) |                |
|--|-----------------|----------------|------------------------------|----------------|----------------------------|----------------|-----------------|----------------|--------------|----------------|--------------------------|----------------|
|  | Indigenous      | Non-Indigenous | Indigenous                   | Non-Indigenous | Indigenous                 | Non-Indigenous | Indigenous      | Non-Indigenous | Indigenous   | Non-Indigenous | Indigenous               | Non-Indigenous |
| <b>Tested positive to a drug</b>                     | <b>Per cent</b> |                |                              |                |                            |                |                 |                |              |                |                          |                |
| Benzodiazepines                                      | 44.0            | 25.6           | 20.6                         | 15.0           | 26.4                       | 22.5           | 12.5            | 21.8           | 10.1         | 13.5           | n.p.                     | 36.1           |
| Cannabis   | 74.0            | 45.7           | 61.8                         | 37.3           | 68.9                       | 44.3           | 65.8            | 51.7           | 61.5         | 70.3           | n.p.                     | 40.1           |
| Cocaine  | n.p.            | n.p.           | n.p.                         | 3.3            | n.p.                       | 1.2            | n.p.            | n.p.           | n.p.         | n.p.           | n.p.                     | 6.1            |
| Heroin   | n.p.            | n.p.           | n.p.                         | 7.4            | n.p.                       | 10.7           | n.p.            | n.p.           | n.p.         | n.p.           | n.p.                     | 47.6           |
| Methamphetamine                                      | 18.0            | 27.0           | n.p.                         | 8.5            | 16.2                       | 18.0           | 28.3            | 35.8           | n.p.         | n.p.           | n.p.                     | 20.4           |
| Multiple drugs                                       | 48.0            | 30.8           | 23.5                         | 18.3           | 29.7                       | 24.7           | 30.3            | 38.1           | 8.3          | 13.5           | n.p.                     | 46.3           |
| <i>Total tested positive to a drug<sup>(a)</sup></i> | 86.0            | 65.9           | 67.7                         | 48.5           | 77.7                       | 63.3           | 75.7            | 72.5           | 65.1         | 78.4           | 100.0                    | 67.4           |
| Did not test positive to a drug                      | 14.0            | 34.2           | 32.4                         | 51.5           | 22.3                       | 36.7           | 24.3            | 27.6           | 34.9         | 21.6           | 0.0                      | 32.7           |
| <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>   |
| <b>Total number</b>                                  | <b>50</b>       | <b>328</b>     | <b>34</b>                    | <b>367</b>     | <b>148</b>                 | <b>1,205</b>   | <b>152</b>      | <b>294</b>     | <b>109</b>   | <b>37</b>      | <b>n.p.</b>              | <b>147</b>     |

(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 2008.

## Young people on remand

Data on young people on remand 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 2007–08. Previously, information was provided on young people under juvenile justice supervision. However, due to changes to the Juvenile Justice National Minimum Data Set, information is instead provided on young people on remand.

The term ‘remand’ is used here to indicate young people who have been remanded in custody by a court. It excludes those young people who have been detained by police and supervised by juvenile justice agencies, as well as young people who are on remand while also serving a sentence of detention (AIHW, 2009).

### Young people on remand by selected characteristics

- On an average day, 320 young people were on remand during 2007–08; 182 of these young people were Indigenous (Table 2.14.10a).
- 33 Indigenous young people on remand on an average day were aged 10–13 years, 148 were aged 14–17 years, and 2 were aged 18 years and over.
- Queensland (66) and Western Australia (64) had the highest number of Indigenous young people on remand on an average day.

**Table 2.14.10a: Number of young people on remand on an average day, by age and Indigenous status, states and territories, 2007–08**

| Age                     | NSW         | Vic       | Qld        | WA        | SA        | Tas       | ACT       | NT        | Aust. excl. NSW |
|-------------------------|-------------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------------|
| <b>Indigenous</b>       |             |           |            |           |           |           |           |           |                 |
| 10–13                   | n.a.        | 1         | 16         | 11        | 2         | 1         | 2         | —         | 33              |
| 14–17                   | n.a.        | 5         | 50         | 53        | 10        | 6         | 3         | 21        | 148             |
| 18+                     | n.a.        | 1         | —          | —         | 1         | —         | —         | —         | 2               |
| <b>Total</b>            | <b>n.a.</b> | <b>6</b>  | <b>66</b>  | <b>64</b> | <b>13</b> | <b>7</b>  | <b>5</b>  | <b>21</b> | <b>182</b>      |
| <b>Non-Indigenous</b>   |             |           |            |           |           |           |           |           |                 |
| 10–13                   | n.a.        | 3         | 3          | 1         | 3         | 1         | 1         | —         | 13              |
| 14–17                   | n.a.        | 25        | 39         | 20        | 15        | 9         | 6         | 2         | 116             |
| 18+                     | n.a.        | 3         | —          | —         | 1         | —         | —         | —         | 5               |
| <b>Total</b>            | <b>n.a.</b> | <b>32</b> | <b>42</b>  | <b>22</b> | <b>19</b> | <b>10</b> | <b>7</b>  | <b>2</b>  | <b>134</b>      |
| <b>All young people</b> |             |           |            |           |           |           |           |           |                 |
| 10–13                   | n.a.        | 4         | 19         | 12        | 5         | 2         | 3         | 1         | 46              |
| 14–17                   | n.a.        | 33        | 89         | 73        | 25        | 15        | 9         | 22        | 266             |
| 18+                     | n.a.        | 4         | —          | —         | 3         | —         | —         | —         | 7               |
| <b>Total</b>            | <b>n.a.</b> | <b>41</b> | <b>108</b> | <b>85</b> | <b>32</b> | <b>17</b> | <b>12</b> | <b>23</b> | <b>320</b>      |

#### Notes

1. New South Wales not included, as data were not available for 2007–08.
2. Age calculated at start of financial year if period of detention began before start of financial year, otherwise age calculated as at start of period of detention.
3. Total includes young people with unknown Indigenous status.

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

**Table 2.14.10b: Rates of young people on remand on an average day, by age and Indigenous status, states and territories, 2007–08<sup>(a)(b)</sup>**

| Age   | NSW <sup>(c)</sup> | Vic         | Qld          | WA           | SA           | Tas          | ACT <sup>(d)</sup> | NT           | Aust. excl. NSW <sup>(c)</sup> |
|---|--------------------|-------------|--------------|--------------|--------------|--------------|--------------------|--------------|--------------------------------|
| <b>Indigenous no. per 100,000</b>                     |                    |             |              |              |              |              |                    |              |                                |
| 10–13   | n.a.               | 30.5        | 106.0        | 160.6        | 72.3         | 53.2         | n.a.               | —            | 91.8                           |
| 14–17   | n.a.               | 149.9       | 345.8        | 800.0        | 365.6        | 306.8        | n.a.               | 368.7        | 420.0                          |
| <b>Total 10-17</b>                                    | <b>n.a.</b>        | <b>90.7</b> | <b>223.3</b> | <b>474.9</b> | <b>218.1</b> | <b>182.5</b> | <b>n.a.</b>        | <b>185.3</b> | <b>254.3</b>                   |
| <b>Non-Indigenous no. per 100,000</b>                 |                    |             |              |              |              |              |                    |              |                                |
| 10–13   | n.a.               | 1.1         | 1.4          | 0.9          | 3.9          | 4.0          | n.a.               | —            | 1.8                            |
| 14–17   | n.a.               | 9.1         | 17.3         | 17.7         | 18.5         | 34.8         | n.a.               | 26.5         | 15.5                           |
| <b>Total 10-17</b>                                    | <b>n.a.</b>        | <b>5.2</b>  | <b>9.5</b>   | <b>9.5</b>   | <b>11.3</b>  | <b>19.6</b>  | <b>n.a.</b>        | <b>13.1</b>  | <b>8.8</b>                     |
| <b>All young people<sup>(e)</sup> no. per 100,000</b> |                    |             |              |              |              |              |                    |              |                                |
| 10–13   | n.a.               | 1.5         | 8.1          | 10.4         | 6.2          | 7.4          | 17.6               | 7.5          | 6.1                            |
| 14–17   | n.a.               | 11.8        | 37.1         | 61.0         | 29.8         | 53.9         | 49.8               | 166.2        | 34.0                           |
| <b>Total 10-17</b>                                    | <b>n.a.</b>        | <b>6.8</b>  | <b>22.8</b>  | <b>36.1</b>  | <b>18.2</b>  | <b>31.0</b>  | <b>34.2</b>        | <b>86.4</b>  | <b>20.3</b>                    |

(a) Rates for Indigenous are calculated using population estimates based on the 2006 Census (Series B).

(b) Age calculated at start of financial year if period of detention began before start of financial year, otherwise age calculated as at start of period of detention.

(c) New South Wales not included, as data were not available for 2007–08.

(d) Australian Capital Territory single year of age population data not available for rate calculations.

(e) Age calculated at start of financial year if period of detention began before start of financial year, otherwise age calculated as at start of period of detention.

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

## Completed periods of remand

- Indigenous young people completed more periods of remand during the year than non-Indigenous young people (Table 2.14.11).
- Indigenous young people spent a median length of 14 days in remand, compared to 9 days for non-Indigenous young people.

**Table 2.14.11: Completed periods of remand by Indigenous status, states and territories, 2007–08**

| Indigenous status                            | NSW         | Vic        | Qld          | WA           | SA         | Tas        | ACT        | NT         | Aust.<br>Excl. NSW |
|--|-------------|------------|--------------|--------------|------------|------------|------------|------------|--------------------|
| <b>Median length (days)</b>                  |             |            |              |              |            |            |            |            |                    |
| Indigenous                                   | n.a.        | 16         | 20           | 14           | 6          | 36         | 9          | 19         | 14                 |
| Non-Indigenous                               | n.a.        | 11         | 12           | 8            | 7          | 16         | 6          | 28         | 9                  |
| <b>Total</b>                                 | <b>n.a.</b> | <b>13</b>  | <b>16</b>    | <b>12</b>    | <b>6</b>   | <b>18</b>  | <b>6</b>   | <b>21</b>  | <b>11</b>          |
| <b>Number of completed periods of remand</b> |             |            |              |              |            |            |            |            |                    |
| Indigenous                                   | n.a.        | 84         | 653          | 847          | 282        | 53         | 75         | 132        | 2,127              |
| Non-Indigenous                               | n.a.        | 450        | 453          | 354          | 362        | 117        | 194        | 10         | 1,940              |
| <b>Total</b>                                 | <b>n.a.</b> | <b>476</b> | <b>1,108</b> | <b>1,201</b> | <b>646</b> | <b>170</b> | <b>277</b> | <b>142</b> | <b>4,121</b>       |
| <b>Number of young people</b>                |             |            |              |              |            |            |            |            |                    |
| Indigenous                                   | n.a.        | 55         | 376          | 489          | 148        | 37         | 31         | 88         | 1,224              |
| Non-Indigenous                               | n.a.        | 289        | 268          | 204          | 214        | 78         | 107        | 7          | 1,167              |
| <b>Total</b>                                 | <b>n.a.</b> | <b>368</b> | <b>646</b>   | <b>693</b>   | <b>364</b> | <b>115</b> | <b>141</b> | <b>95</b>  | <b>2,422</b>       |

*Notes*

1. Total includes young people with unknown Indigenous status.
2. The duration of periods of remand separated by a transfer to another remand or detention centre were summed.

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

- Young Indigenous people completed more multiple periods of remand during the year than non-Indigenous young people (Table 2.14.12).
- Just over 40% of Indigenous young people completed 2 or more periods of remand during the year, compared to 35% of non-Indigenous young people.

**Table 2.14.12: Number of completed periods of remand by Indigenous status, Australia (excluding NSW), 2007–08**

| Number of remand periods | Indigenous   | Non-Indigenous | Total        |
|--------------------------|--------------|----------------|--------------|
| 1                        | 712          | 755            | 1,488        |
| 2                        | 279          | 221            | 505          |
| 3                        | 139          | 99             | 239          |
| 4                        | 55           | 52             | 109          |
| 5+                       | 39           | 40             | 81           |
| <b>Total</b>             | <b>1,224</b> | <b>1,167</b>   | <b>2,422</b> |

*Notes*

1. New South Wales not included, as data not available for 2007–08.
2. Total includes young people with unknown Indigenous status.

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



## 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 2009 NSW Inmate Health Survey and the 2002 Queensland Women Prisoners' Health Survey.

- Fewer than half of all male and female prisoners surveyed reported a history of regular injecting drug use. Regular drug use at the time of incarceration, which may include injecting, was reported by 42% of male prisoners in New South Wales, as well as 54% 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).

Further information is available from the AIHW's *The health of Australia's prisoners, 2009* (AIHW 2010). Data for 2009 are presented in Table 2.14.13 and 2.14.14.

- A higher proportion of Indigenous (38%) than non-Indigenous (26%) prison entrants consulted a medical professional for their own health in prison during the previous 12 months. However, the proportion of prison entrants who had consulted a medical professional for their own health in the community was 62% of Indigenous and 76% of

non-Indigenous entrants. This therefore suggests that medical professionals are consulted less in prison than in the community (Table 2.14.13).

- During the previous 12 months, a similar percentage of Indigenous (4%) and non-Indigenous (5%) prison entrants needed to but did not consult with a medical professional while in prison (Table 2.14.13).

**Table 2.14.13: Access to medical advice<sup>(a)</sup> by Indigenous status and type of health service (community or prison), proportion of prison entrants<sup>(b)</sup> aged 18 years and over, 2009**

|  | Indigenous | Non-Indigenous |
|--|------------|----------------|
|  | Per cent   |                |
| Consulted a medical professional for their own health in the community     | 62         | 76             |
| Consulted a medical professional for their own health in prison            | 38         | 26             |
| Needed to consult with a medical professional in the community but did not | 42         | 43             |
| Needed to consult with a medical professional while in prison but did not  | 4          | 5              |

(a) Consultations within the previous 12 months.

(b) Not all prison entrants had been in prison during the previous 12 months. The proportion of prison entrants who had ever been in prison before was higher among Indigenous (82%) than non-Indigenous entrants (65%). Therefore, it may be expected that a higher proportion of Indigenous than non-Indigenous prison entrants may have been in prison during the previous 12 months to be able to access these health services.

Source: The health of Australia's prisoners, 2009 (AIHW 2010).

- In 2009, 25% of prisons received visits from an Aboriginal Community Controlled Health Organisation or an Aboriginal Medical Service at least once a month (AIHW 2010).
- A lower proportion of Indigenous (26%) than non-Indigenous (41%) prison entrants reported that they were told by a doctor, psychiatrist or psychologist that they have a mental health disorder (including alcohol and drug abuse). However, a higher proportion of Indigenous (65%) than non-Indigenous prison entrants (47%) reported a risk of alcohol-related harm, and a similar proportion reported they engaged in illicit drug use during the previous 12 months (72% and 71% respectively).
- The rates of diagnosed health conditions for Indigenous and non-Indigenous prison entrants were similar for asthma (30% and 29% respectively), cardiovascular disease (both 5%) and diabetes (5% and 3% respectively) (Table 2.14.15)
- In 2009, the same proportion (22%) of Indigenous and non-Indigenous prisoners in custody used the prison clinic during census week (AIHW 2010).
- A similar proportion (1%) of Indigenous and non-Indigenous prisoners in custody who attended a clinic during the census week did so for a communicable disease. Note however, that this was the proportion of all prisoners who attended the clinic for a communicable disease, not the proportion of clinic visits for a communicable disease. It was from a one week snapshot of clinic attendance (and therefore is not related to prevalence data) and may be an underestimate because some prisoners may have attended the clinic for other conditions or symptoms arising from a communicable disease.

**Table 2.14.14: Diagnosed health conditions, by Indigenous status and age, prison entrants aged 18 years and over, 2009**

|   | Indigenous | Non-Indigenous |
|---|------------|----------------|
|   | Per cent   |                |
| Have you ever been told by a doctor, nurse, psychiatrist or psychologist that they have a mental health disorder (including alcohol and drug abuse) | 26         | 41             |
| Have you ever been told by a doctor or nurse that they have asthma  | 30         | 29             |
| Have you ever been told by a doctor or nurse that they have cardiovascular disease  | 5          | 5              |
| Have you ever been told by a doctor or nurse that they have arthritis   | 4          | 8              |
| Have you ever been told by a doctor or nurse that they have diabetes  | 5          | 3              |
| Attended clinic during census week due to communicable disease <sup>(a)(b)(c)(d)</sup>  | 1          | 1              |
| Risk of alcohol-related harm (self-report)  | 65         | 47             |
| Report they have engaged in illicit drug use in the last 12 months  | 72         | 71             |

(a) Attending clinic data is for prisoners in custody only, not all prison entrants.

(b) Proportion of all prisoners who attended the clinic for a communicable disease. Not the proportion of clinic visits for a communicable disease.

(c) From a one week snapshot of clinic attendance (therefore not related to prevalence data).

(d) May be an underestimation because some prisoners may have attended the clinic for other conditions or symptoms arising from a communicable disease.

*Note:* The National Prisoner Health Census is a self-reported survey there could be a possibility of under reporting to these questions.

*Source:* The health of Australia's prisoners, 2009.

## **Data quality issues**

### **National Aboriginal and Torres Strait Islander Social Survey**

The NATSISS is conducted in all states and territories and includes remote and non-remote areas. The 2008 sample was 13,300 persons in 6900 households, with a response rate of 82% of households. Up to three randomly selected Indigenous people were chosen from selected households to participate in the survey. Trained ABS interviewers conducted the survey using face-to-face interviews. In non-remote areas interviewers used a notebook computer to record responses, while in remote areas a paper questionnaire was used. Interviewers obtained the consent of a parent or guardian before interviewing those aged 15 to 17 years. Indigenous persons usually resident in non-private dwellings such as hotels, motels, hostels, hospitals, short-stay caravan parks, prisons and other correctional facilities were excluded.

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.

Information recorded in this survey is 'as reported' by respondents, and therefore may differ from information available from other sources or collected using different methodologies.

Data on health related indicators have been age-standardised to the 2001 total Australian population to account for differences in the age structures of the states and territories and the Indigenous and non-Indigenous population.

Time series comparisons for the 2008 survey are available through the 1994 National Aboriginal and Torres Strait Islander Survey and the 2002 NATSISS. However not all data elements align across the three (1994, 2001 and 2008) NATSISS surveys, hence care is required when reviewing results across the three surveys. There are no strictly comparable non-Indigenous results available for the 2008 NATSISS because the latest General Social Survey (which has been used in the past to compare with Indigenous results from the NATSISS) was run in 2006, with the next being run in 2010. Data from other ABS surveys run in 2008 may, however, be used to obtain rough non-Indigenous comparisons for some data items. Where possible, the ABS has provided recommendations for non-Indigenous data comparisons these have been adopted in this report.

The 2008 NATSISS has a relatively large level of under-coverage when compared to other ABS surveys. There was also an increase in under-coverage compared to previous ABS Indigenous surveys. For example, the estimated under-coverage in the 2004-05 National Aboriginal and Torres Strait Islander Health Survey (NATSIHS) was 42%. The overall under-coverage rate for the 2008 NATSISS is approximately 53% of the in-scope population at the national level. This rate varies across the states and territories (ABS 2010).

Further information on NATSISS data quality issues can be found in the *National Aboriginal and Torres Strait Islander Social Survey, 2008: Users' guide* (ABS 2010).

### **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 Prisoner 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 Prisoner 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 Prisoner Census were serving long-term sentences for serious offences. In comparison, the flow of offenders in and out of prisons consists mainly of persons serving shorter sentences for lesser offences.

The data is extracted from each state and territory's prisoner management and information systems.

### **National Police Custody Survey**

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 data collection between the jurisdictions (electronic versus manual) and there is 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.

### **Deaths in Custody Australia**

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).

### **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 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. Areas of variation throughout Australia include: 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. (AIHW 2007). 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 2000-01 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 2007). 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 2007). Around 3% of young people who were under supervision during 2007-08 and 8% of all young people since 2000-01 have an unknown Indigenous status. For all other variables, the amount of missing data is less than 0.1%.

#### **The Health of Australia's Prisoners**

Some data are collected with reference to the time period 'within the previous 12 months'. Not all prison entrants had been in prison during the previous 12 months. The proportion of prison entrants who had ever been in prison before was higher among Indigenous than non-Indigenous entrants. Therefore it may be expected that a higher proportion of Indigenous prison entrants may have been in prison during the previous 12 months and had access to prison health services.

Data on prison entrants who attended a clinic due to a communicable disease must be considered with three caveats. First, this is the proportion of all prisoners who attended the clinic for a communicable disease, not the proportion of clinic visits for a communicable disease. Second, this data is a one week sample of clinic attendance and is not related to prevalence data. Finally, the reported data may be an underestimation because prisoners may have attended the clinic for other conditions or symptoms arising from a communicable disease.

## **List of symbols used in tables**

|        |   |
|--------|---|
| n.a.   | not available   |
| –      | rounded to zero (including null cells)  |
| 0      | zero  |
| ..     | not applicable  |
| n.e.c. | not elsewhere classified  |
| n.f.d. | not further defined   |
| n.p.   | not available for publication but included in totals where applicable, unless otherwise indicated |

## References

- ABS 2008. National Aboriginal and Torres Strait Islander Survey 2008: detailed findings.
- ABS 2009. Prisoners in Australia 2009. ABS cat. no. 4517.0 Canberra: ABS.
- AIHW 2006. Juvenile justice in Australia 2001–01 to 2003–04. Cat. no. JUV 1. Canberra: AIHW.
- AIHW 2007. Juvenile justice in Australia 2005–06. Cat. no. JUV 3. Canberra: AIHW.
- AIHW 2009. Juvenile justice in Australia 2007–08. Cat. no. JUV 5. Canberra: AIHW.
- AIHW 2010. The health of Australia’s prisoners 2009. Cat. no. PHE 123. 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.

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