

NSW Closing the Gap Target 10 Quarterly Report

Aboriginal adults are not overrepresented in the criminal justice system

DECEMBER 2023



1.1 Key indicator: Aboriginal adults in prison*

Sentenced and remand custody

Up 7.7%
From December 2021

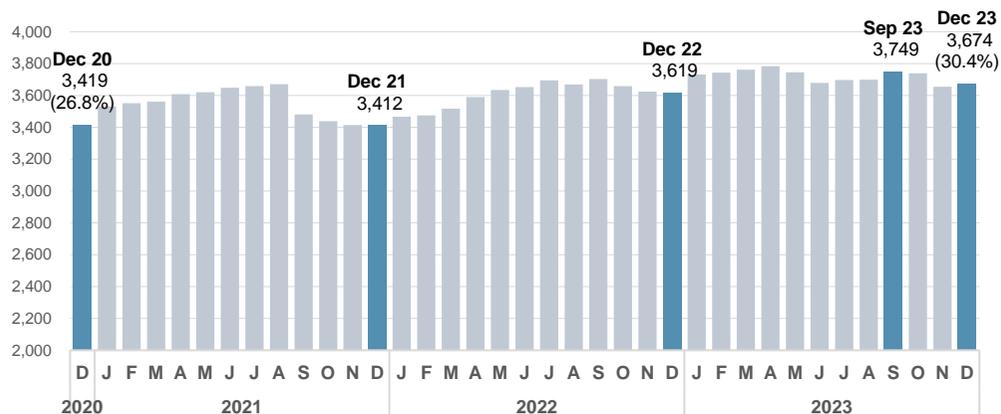
↓-75
From prior quarter

↑+262
From same month 2021

3,674
Current year

3,412
Same month 2021

30.4%
% Aboriginal



2.1 Key indicator – Aboriginal adults in court

Local, District and Supreme Courts

Up 6.0%
From prior year

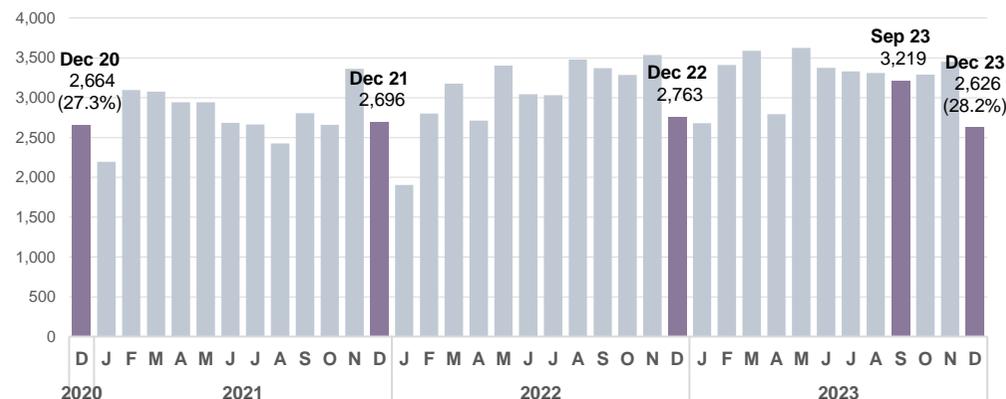
↓-493
From prior quarter

↑+2,182
From prior year

38,703
Current year

36,521
Last year

28.2%
% Aboriginal



1.2 Aboriginal men in prison*

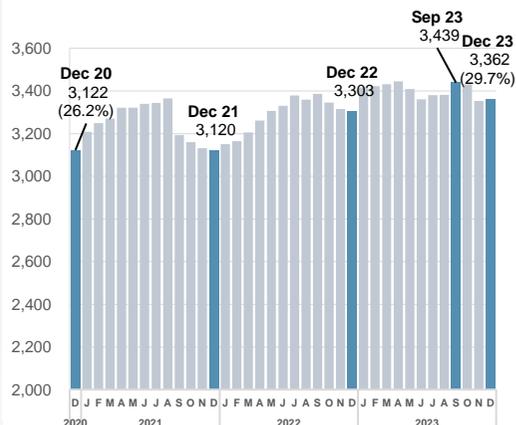
Sentenced and remand custody

Up 7.8%
From December 2021

↑+242
From same month 2021

3,362
Current year

3,120
Same month 2021



1.3 Aboriginal women in prison*

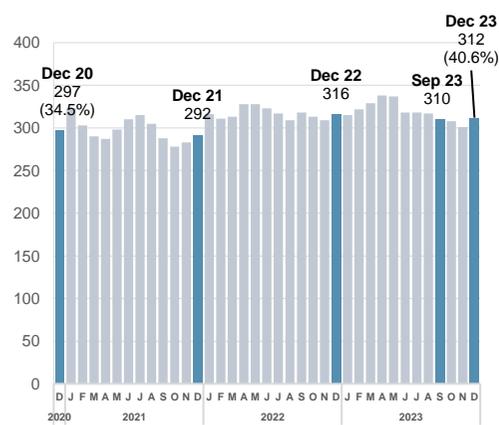
Sentenced and remand custody

Up 6.8%
From December 2021

↑+20
From same month 2021

312
Current year

292
Same month 2021



2.2 Aboriginal men in court

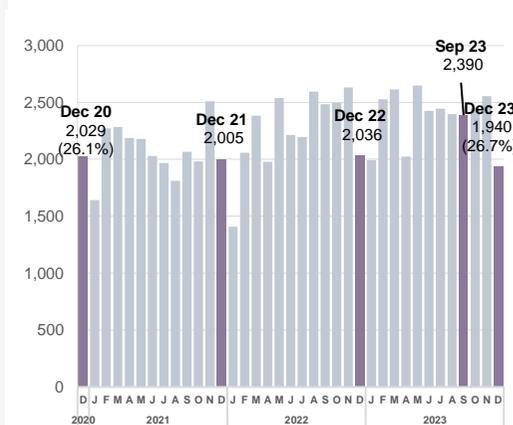
Local, District and Supreme Courts

Up 5.1%
From prior year

↑+1,388
From prior year

28,409
Current year

27,021
Last year



2.3 Aboriginal women in court

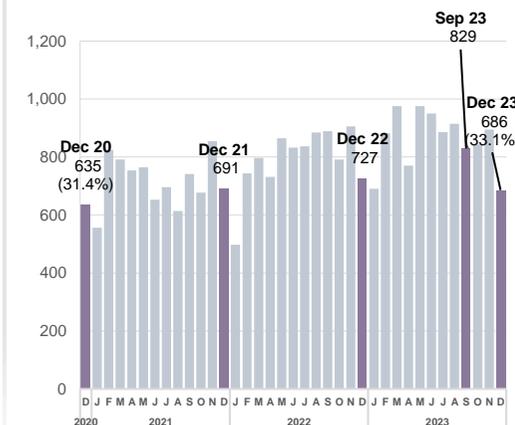
Local, District and Supreme Courts

Up 8.4%
From prior year

↑+794
From prior year

10,294
Current year

9,500
Last year



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

*Custody population figures are counted as at midnight on the last day of the month (stock figures).

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3. Police

3.1 Police court proceedings*

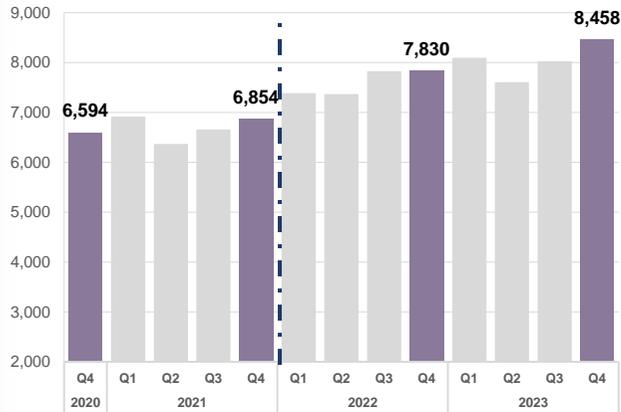
*excludes Aboriginal adults proceeded to court for breaching bail

Up 5.8%
From prior year

↑ +1,778
From prior year

32,184
Current year

30,406
Last year



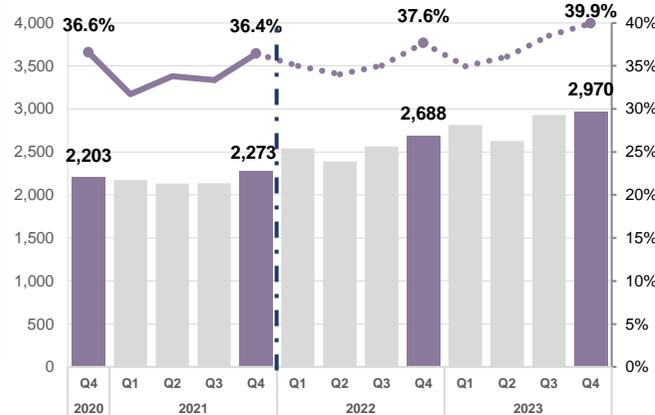
4.1 Refused bail by police

Up 11.4%
From prior year

↑ +1,163
From prior year

11,340
Current year

10,177
Last year



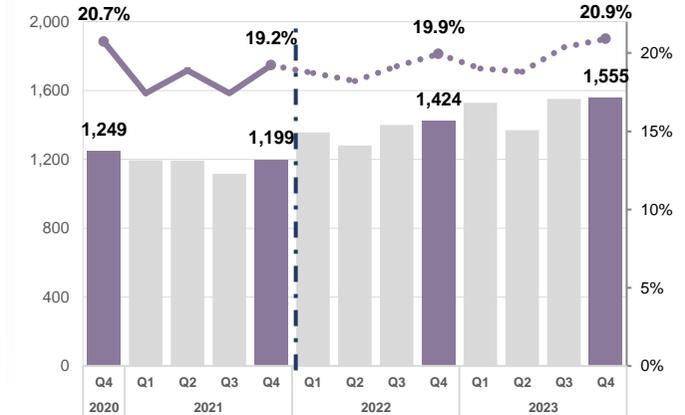
4.2 Refused bail by court

Up 9.9%
From prior year

↑ +543
From prior year

6,005
Current year

5,462
Last year



4. Bail

4.3 Bail revoked due to breach

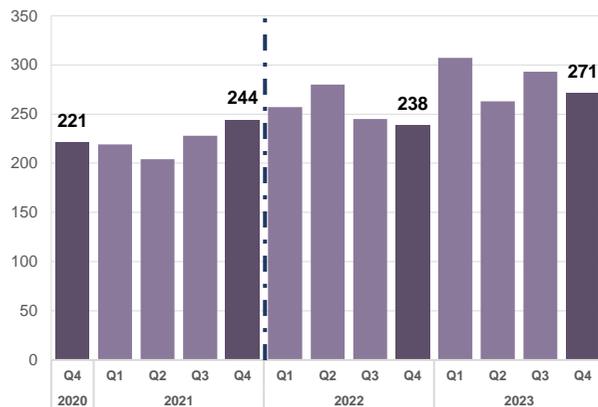
*breach of bail established in court

Up 11.2%
From prior year

↑ +114
From prior year

1,134
Current year

1,020
Last year



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

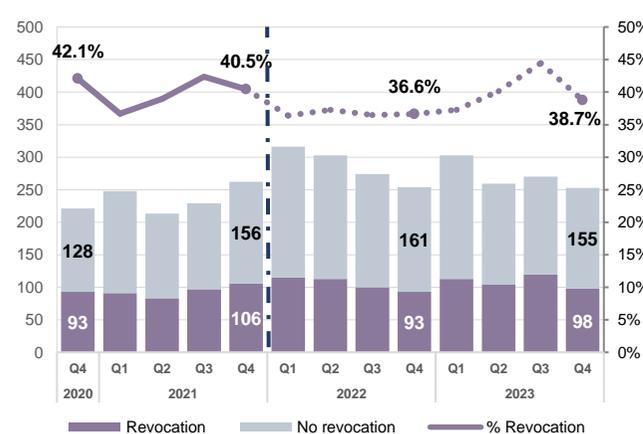
*breach of bail established in court

Stable
From prior year

↑ +14
From prior year

435
Current year

421
Last year



4.5 Reason for bail revocation – technical bail breach

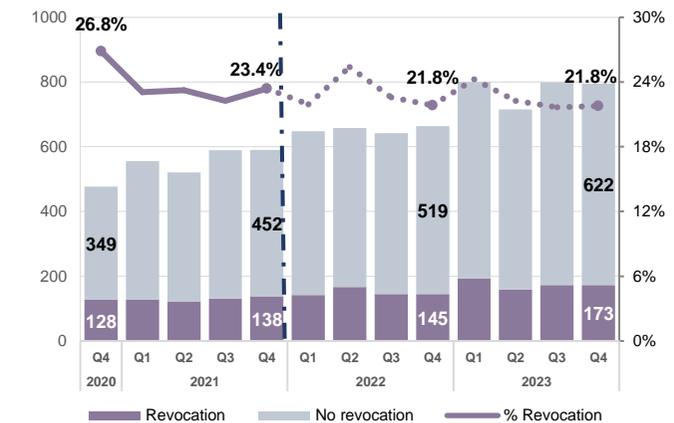
*breach of bail established in court

Up 16.7%
From prior year

↑ +100
From prior year

699
Current year

599
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend. In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal.

Aboriginal people comprise 3.4% of the adult NSW population (2021 ABS Census)

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5. Criminal Courts

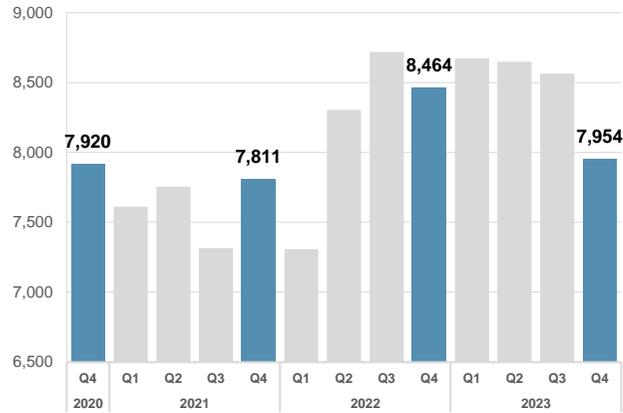
5.1 Found guilty in court

Up 3.2%
From prior year

↑ +1,048
From prior year

33,841
Current year

32,793
Last year



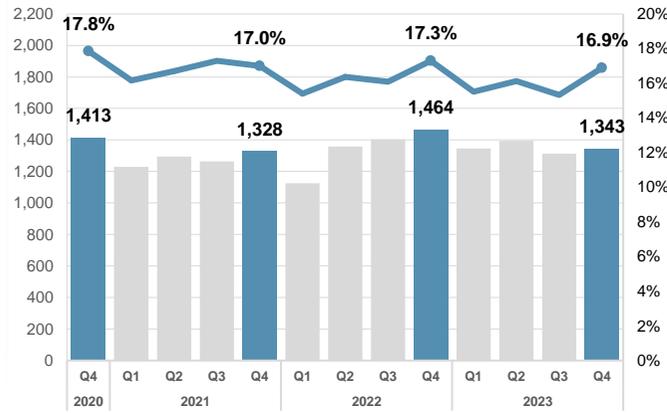
5.2 Sentenced to prison

Stable
From prior year

↑ +46
From prior year

5,396
Current year

5,350
Last year



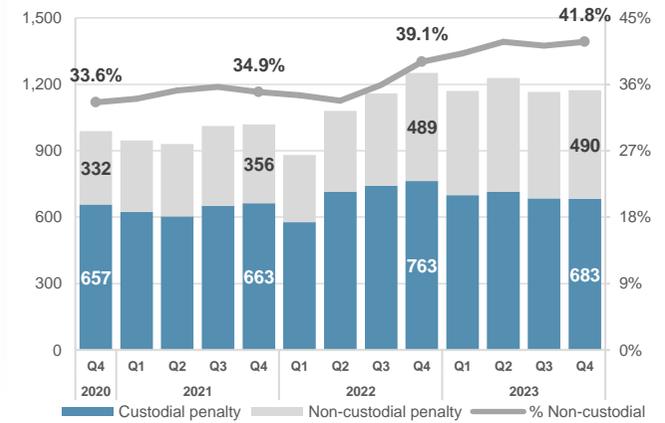
5.3 Sentenced to custody from remand

Stable
From prior year

↓ -14
From prior year

2,783
Current year

2,797
Last year



6. Custody

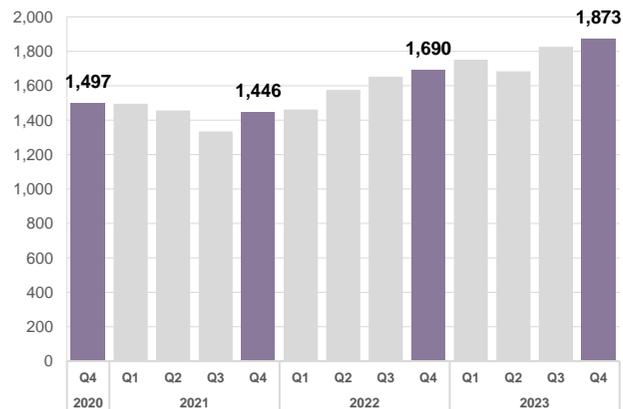
6.1 Entering custody

Up 24.4%
From December 2021

↑ +1,401
From 2021

7,136
Current year

5,735
2021



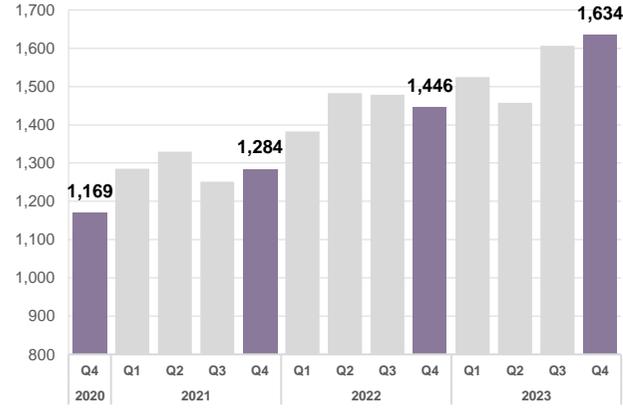
6.2 Remand custody population*

Up 27.3%
From December 2021

↑ +350
From same qtr 2021

1,634
Current quarter

1,284
Same qtr 2021



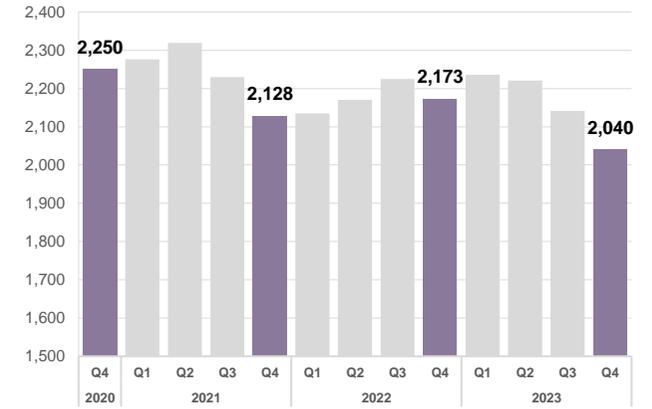
6.3 Sentenced custody population*

Stable
From December 2021

↓ -88
From same qtr 2021

2,040
Current quarter

2,128
Same qtr 2021



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

*Custody population figures are counted as at midnight on the last day of the month (stock figures).

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6. Custody

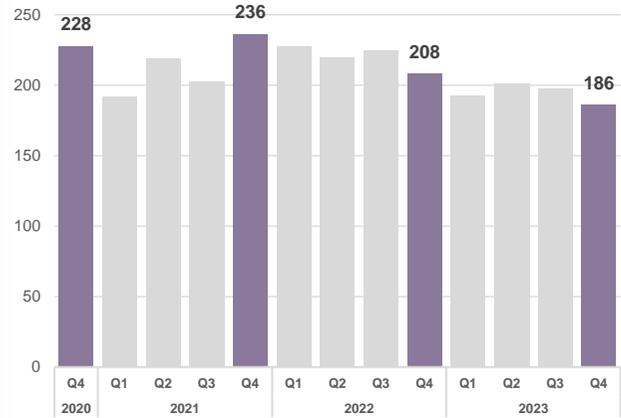
6.4 Length of stay in custody

Average number of days for persons discharged by discharge date

Down 11.9% ↓ -26 days
From prior year

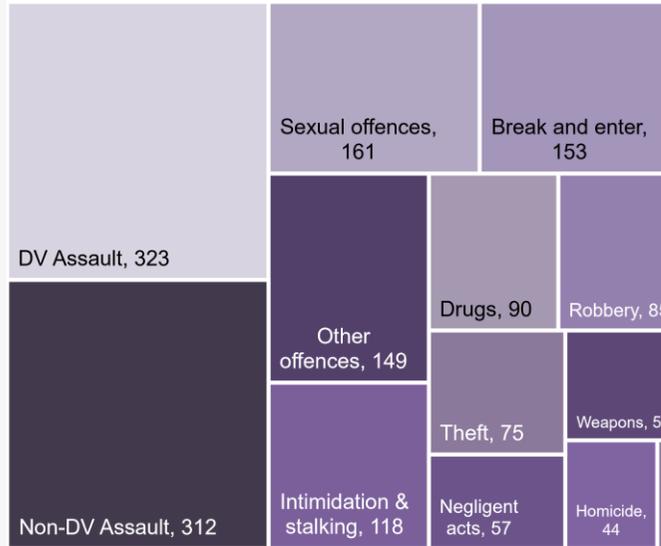
194 days Current 12-month average

220 days 12-month average last year



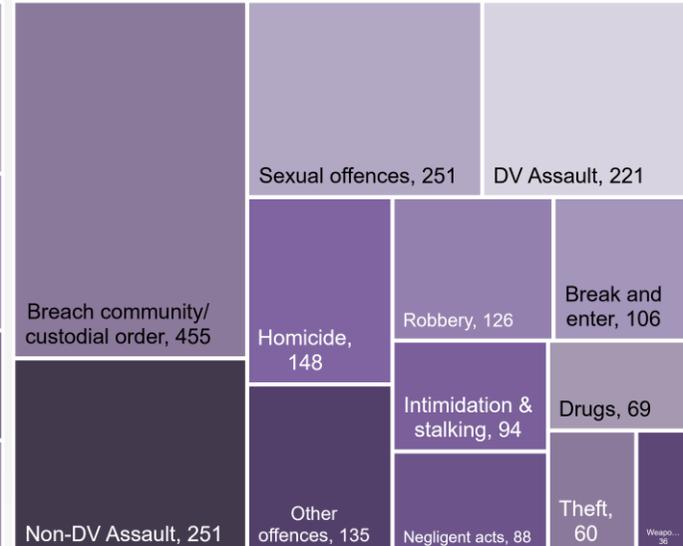
6.5 Remandee's most serious offence

Aboriginal remand population Dec 2023 = 1,634



6.6 Sentenced prisoner's most serious offence

Aboriginal sentenced population Dec 2023 = 2,040



7. Reoffending

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

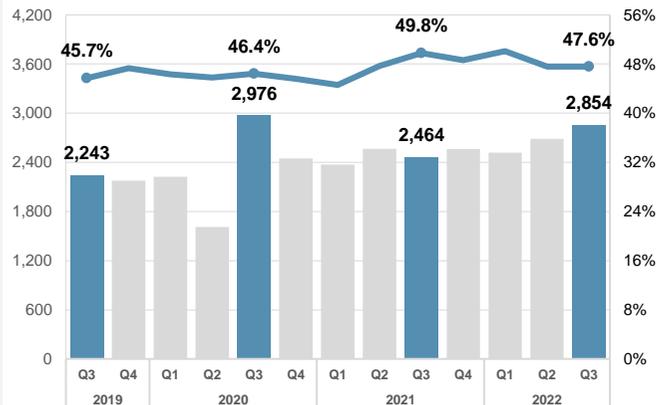
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Up 390 Change year to year

47.6% Current rate

2,854 Current year

2,464 Last year



7.2 Reoffending among Aboriginal adults exiting custody – new proven offence

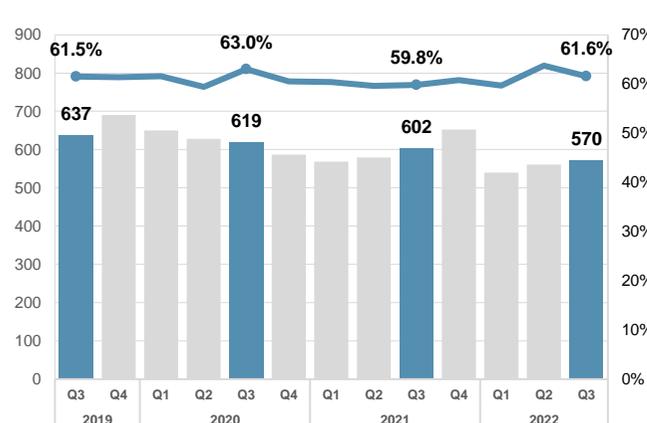
Quarterly cohort reoffending rate - Any new proven offence committed within 12 months

Down 32 Change year to year

61.6% Current rate

570 Current year

602 Last year



7.3 Reoffending among Aboriginal adults exiting custody – return to custody

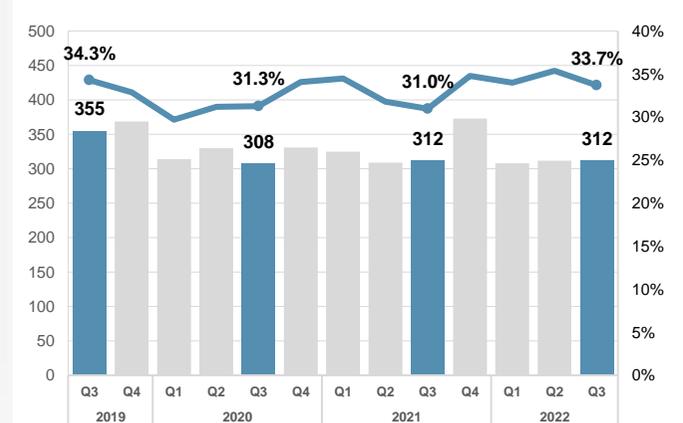
Quarterly cohort reoffending rate - Return to custody for a further offence committed within 12 months

Stable Change year to year

33.7% Current rate

312 Current year

312 Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend
 ^Q2 2020 cohort - the number of criminal matters finalised in NSW Courts was lower than average due to the disruption to court operations in due to COVID-19. In Q3 2020 the number of criminal matters finalised was higher due to a surge in court activity to address this disruption..

Aboriginal people comprise 3.4% of the adult NSW population (2021 ABS Census)

Measure	Definition
1.1, 1.2, 1.3 Aboriginal adults in prison	Number of Aboriginal adults held in custody, whether remanded or sentenced. Custody population figures are counted as at midnight on the last day of the month.
2.1, 2.2, 2.3 Aboriginal adults in court	Number of Aboriginal adults appearing in finalised criminal court appearances. A finalised appearance is one which has been fully determined by the court and for which no further court proceedings are required. Counts appearances finalised in the Local, District and Supreme Courts.
3.1 Police court proceedings	Number of Aboriginal adults proceeded against to court by NSW Police. This measure excludes Aboriginal adults proceeded against for a breach of bail. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased.
4.1 Refused bail by police	Number and proportion of Aboriginal adults refused bail by the police.
4.2 Refused bail by court	Number and proportion of Aboriginal adults refused bail at their first court bail appearance.
4.3, 4.4, 4.5 Bail breaches	Number of Aboriginal adults whose bail was revoked due to a bail breach. 4.4 and 4.5 are a subset of 4.3 and show the reason for the bail breach, 4.4 where the offender committed a new offence, 4.5 a technical bail breach, such as reporting to police, curfew and residence.
5.1 Found guilty in court	Number of Aboriginal adults found guilty in finalised criminal court appearances.
5.2 Sentenced to prison	Number and proportion of Aboriginal adults sentenced to custody.
5.3 Sentenced to custody from remand	Number and proportion of Aboriginal adults refused bail at court finalisation by whether they received a custodial or non-custodial penalty.
6.1 Entering custody	Number of Aboriginal adults received into custody. Excludes those held in police/court cell complexes.
6.2, 6.3 Remand and sentenced prisoners	Remand – Aboriginal adults refused bail (and small numbers granted bail but unable to meet conditions) are remanded in custody pending future court action. Sentenced - the courts have imposed custodial sentence for a proven offence.
6.4 Length of stay in custody	The average number of days spent in custody for Aboriginal adults discharged from custody.
6.5, 6.6 Prisoner's most serious offence	The most serious offence type for which each adults is in custody (remand and sentenced custody shown separately). Data is shown for the most recent month.
7.1 Reoffending among Aboriginal adults guilty in court	Reoffending is defined as a further offence committed within 12 months of a proven court appearance and finalised by court appearance within 15 months (excludes those who received a custodial penalty). The quarterly reoffending rate is the proportion of Aboriginal adult offenders with a proven court appearance in a given three-month period that went on to commit a further proven offence within 12 months of the court appearance.
7.2 Reoffending among Aboriginal adults exiting custody – new proven offence	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance within 15 months. The quarterly reoffending rate is the proportion of Aboriginal adult offenders released from sentenced custody in a given three-month period that went on to commit a further proven offence within 12 months of release.
7.3 Reoffending among Aboriginal adults exiting custody – return to custody	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance within 15 months where the offender received a subsequent custodial penalty. The quarterly reoffending rate is the proportion of Aboriginal adult offenders released from sentenced custody in a given three-month period that went on to commit a further proven offence within 12 months of release and received a subsequent custodial penalty (only counts those who committed a new proven offence not parole revocations or bail refusal). 7.3 is a subset of 7.2 and shows those who were returned to custody.

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Aboriginal young people are not overrepresented in the criminal justice system

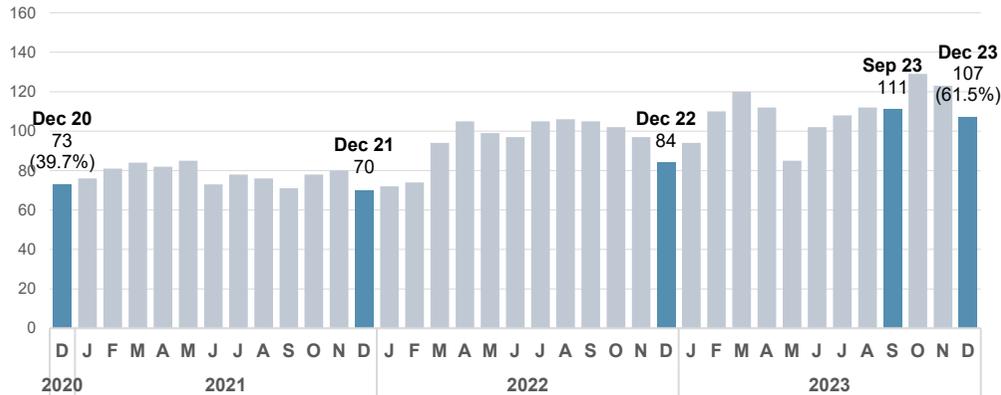
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1.1 Key indicator: Aboriginal young people in detention*

Sentenced and remand custody

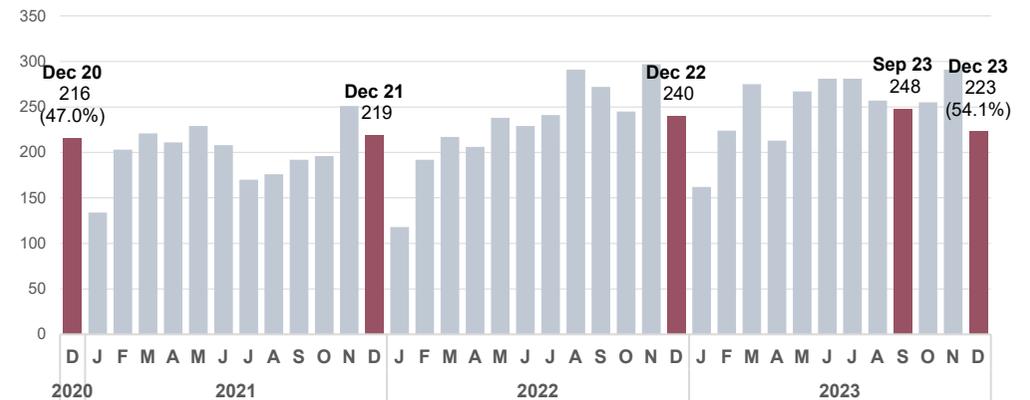
Up 52.9% From December 2021	↓-4 From prior quarter	↑+37 From same month 2021	107 Current quarter	70 Same month 2021	61.5% % Aboriginal
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2.1 Key indicator: Aboriginal young people in court

Children's, Local, District and Supreme Courts

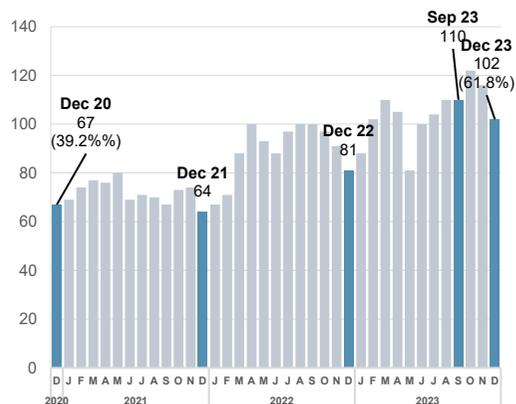
Up 6.9% From prior year	↓-17 From prior quarter	↑+191 From prior year	2,977 Current year	2,786 Last year	54.1% % Aboriginal
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1.2 Aboriginal young males in detention*

Sentenced and remand custody

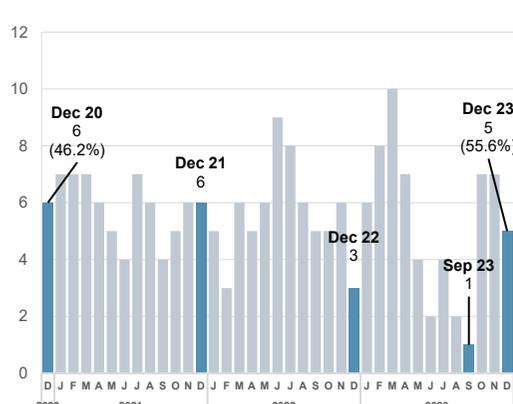
Up 59.4% From December 2021	↑+38 From same month 2021	102 Current quarter	64 Same month 2021
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1.3 Aboriginal young females in detention*

Sentenced and remand custody

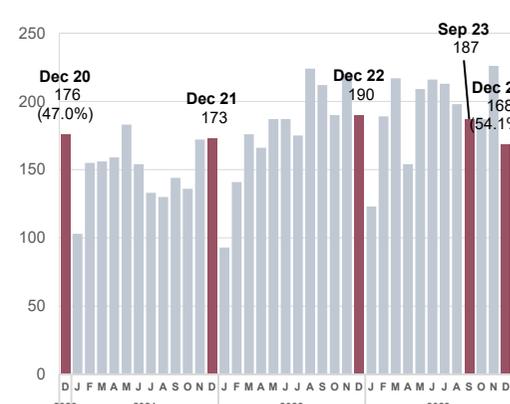
Stable From December 2021	↓-1 From same month 2021	5 Current quarter	6 Same month 2021
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2.2 Aboriginal young males in court

Children's, Local, District and Supreme Courts

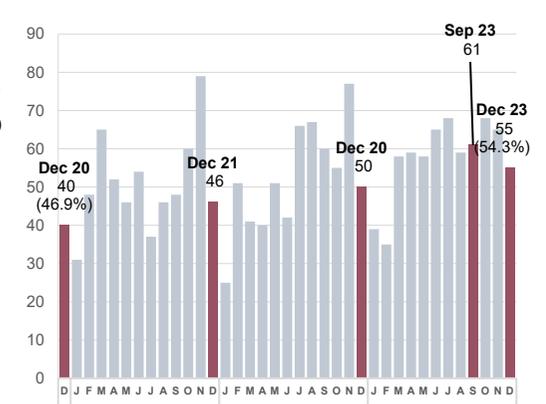
Up 5.8% From prior year	↑+126 From prior year	2,287 Current year	2,161 Last year
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2.3 Aboriginal young females in court

Children's, Local, District and Supreme Courts

Up 10.4% From prior year	↑+65 From prior year	690 Current year	625 Last year
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3. Police

3.1 Police court proceedings*

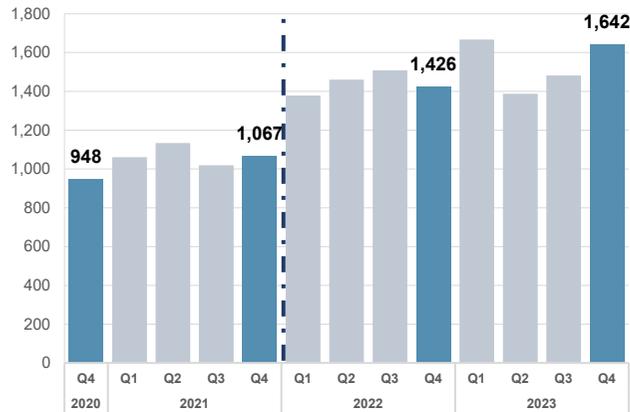
*excludes Aboriginal young people proceeded to court for breaching bail

Up 7.0%
From prior year

↑ +406
From prior year

6,178
Current year

5,772
Last year



3.2 Diversion from court*

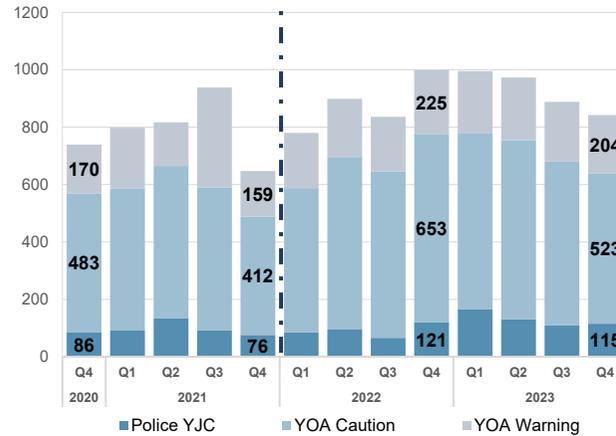
*Police Youth Justice Conference referrals, cautions/warnings under the Young Offenders Act.

Up 5.2%
From prior year

↑ +184
From prior year

3,698
Current year

3,514
Last year



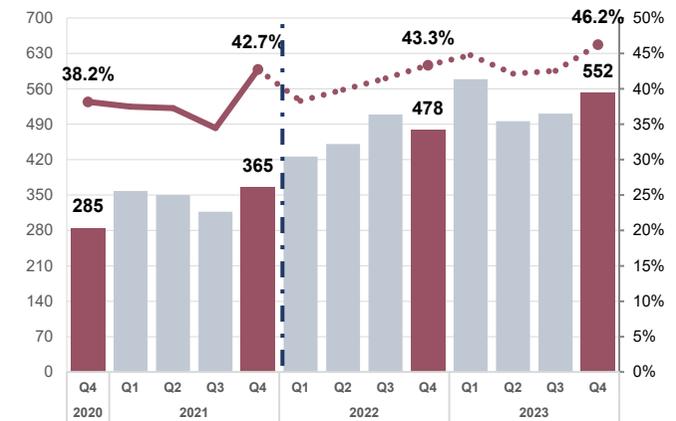
4.1 Refused bail by police

Up 14.7%
From prior year

↑ +274
From prior year

2,138
Current year

1,864
Last year



4. Bail

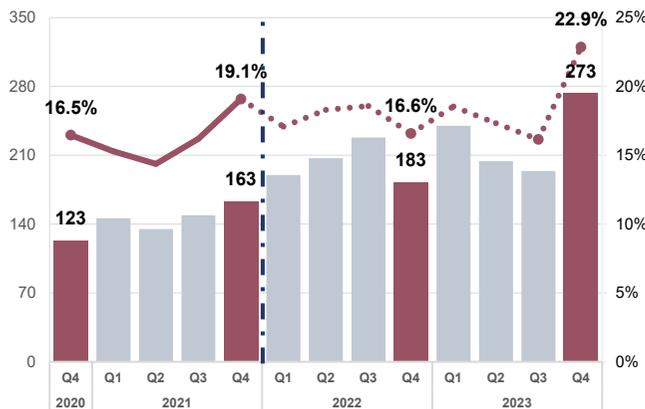
4.2 Refused bail by court

Up 12.7%
From prior year

↑ +103
From prior year

911
Current year

808
Last year



4.3 Bail revocations following bail breach involving further offence*

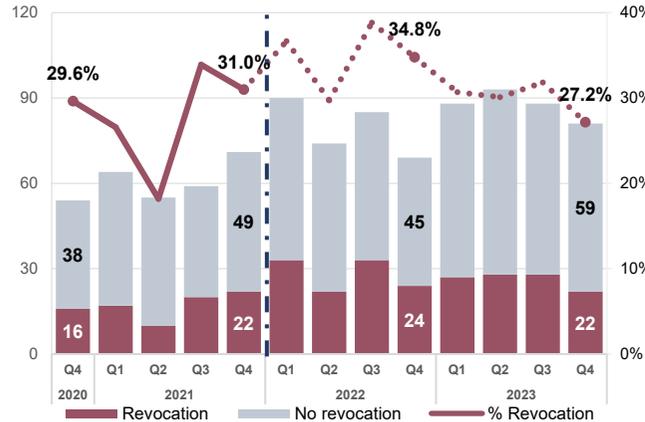
*breach of bail established in court

Down 6.3%
From prior year

↓ -7
From prior year

105
Current year

112
Last year



4.4 Bail revocations from technical bail breach

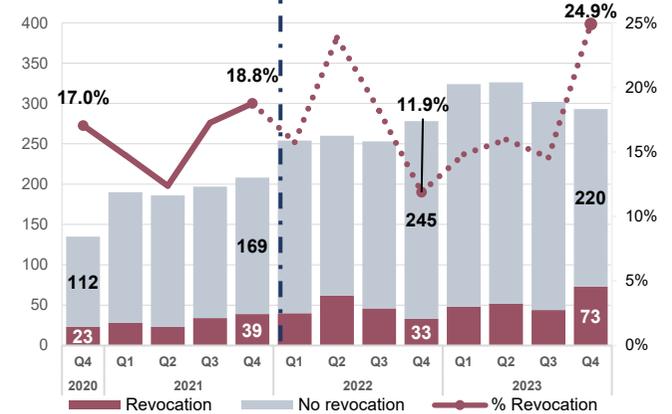
*breach of bail established in court

Up 19.9%
From prior year

↑ +36
From prior year

217
Current year

181
Last year



Note: data from March 2020 onwards have been impacted by COVID and may not represent a change in long term trend. In Jan 2022 it became mandatory for NSW Police to ask all offenders if they identify as Aboriginal.

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5. Criminal Courts

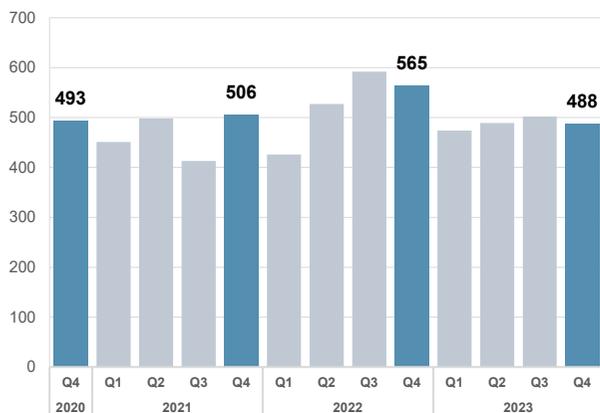
5.1 Found guilty in court

Down 7.4%
From prior year

↓-157
From prior year

1,953
Current year

2,110
Last year



5.2 Sentenced to custody

Down 15.2%
From prior year

↓-23
From prior year

128
Current year

151
Last year



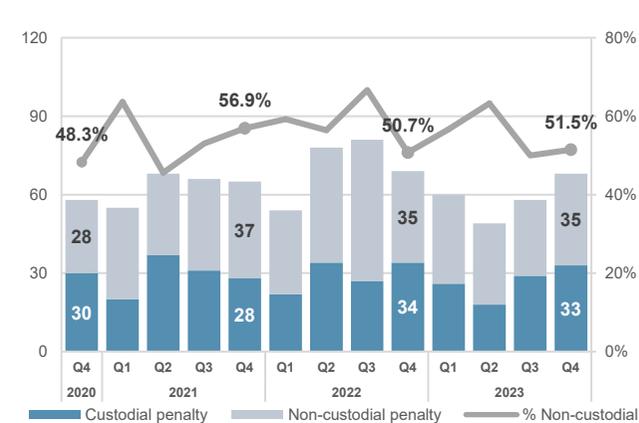
5.3 Sentenced to custody from remand

Down 9.4%
From prior year

↓-11
From prior year

106
Current year

117
Last year



6. Custody

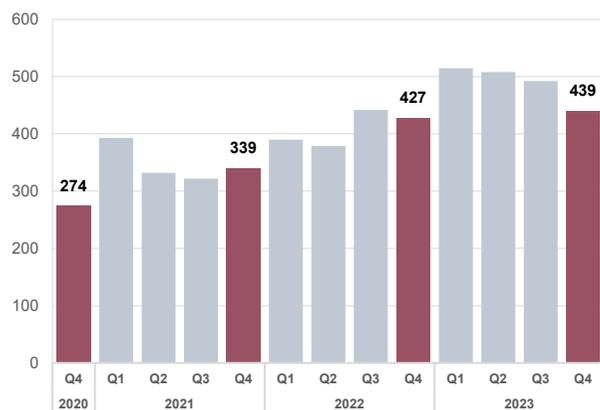
6.1 Entering custody

Up 41.0%
From December 2021

↑ +568
From 2021

1,954
Current year

1,386
2021



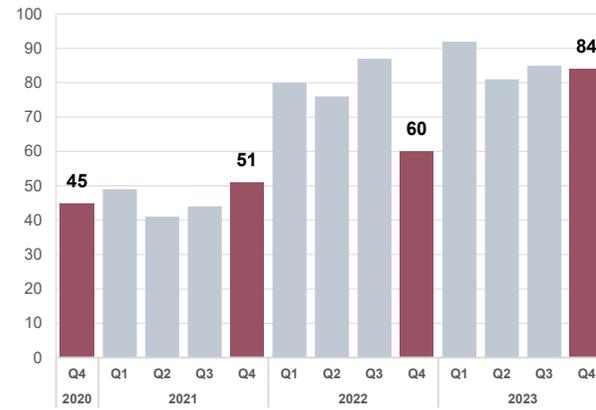
6.2 Remand custody population*

Up 64.7%
From December 2021

↑ +33
From same qtr 2021

84
Current quarter

51
Same qtr 2021



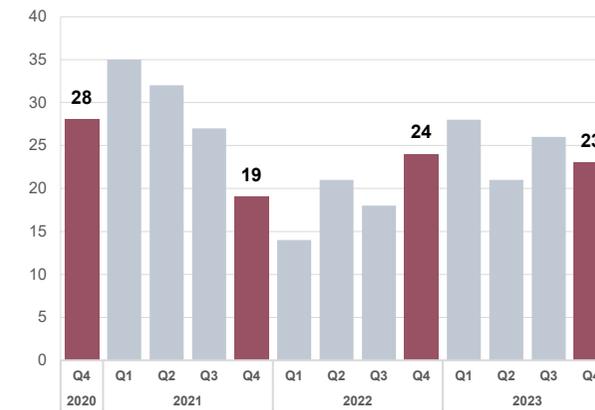
6.3 Sentenced custody population*

Up 21.1%
From December 2021

↑ +4
From same qtr 2021

23
Current quarter

19
Same qtr 2021



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

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6. Custody

6.4 Length of stay in custody*

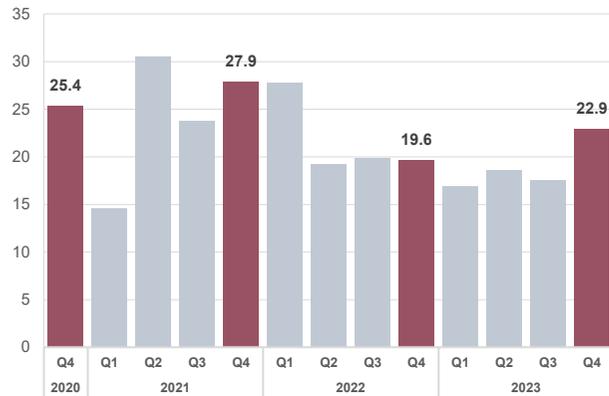
*Average number of days for persons discharged by discharge date

Stable
From prior year

↓-2.9 days
From prior year

18.9 days
Current 12-month average

21.8 days
12-month average last year



6.5 Short-term remand*

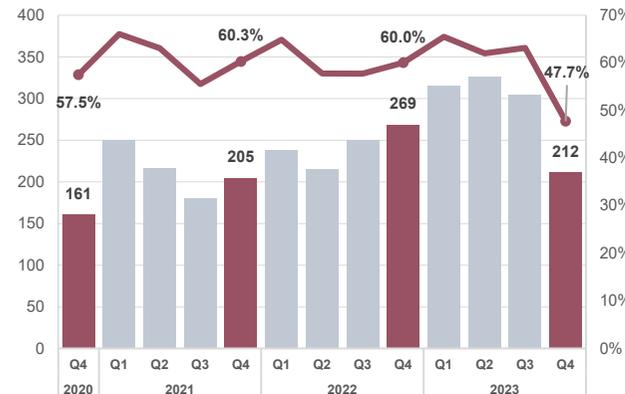
*Number of persons that spent less than 2 days spent in custody by discharge date

Up 19.0%
From prior year

↑+185
From prior year

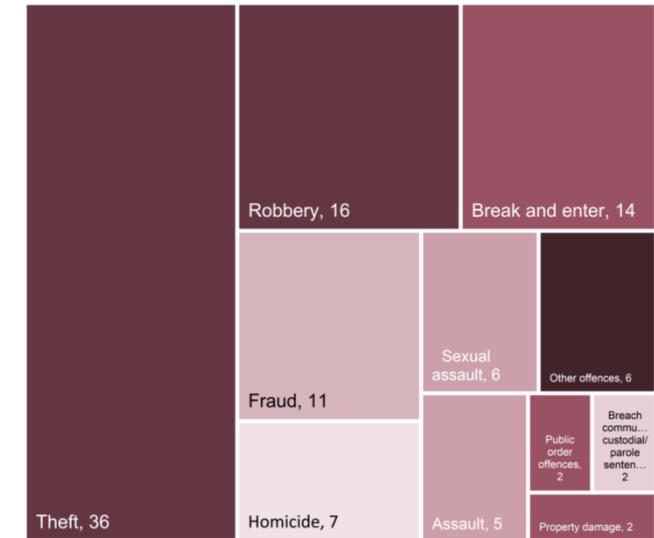
1,158
Current year

973
Last year



6.6 Detainee's most serious offence

The most serious offence for which a person is detained



7. Reoffending

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

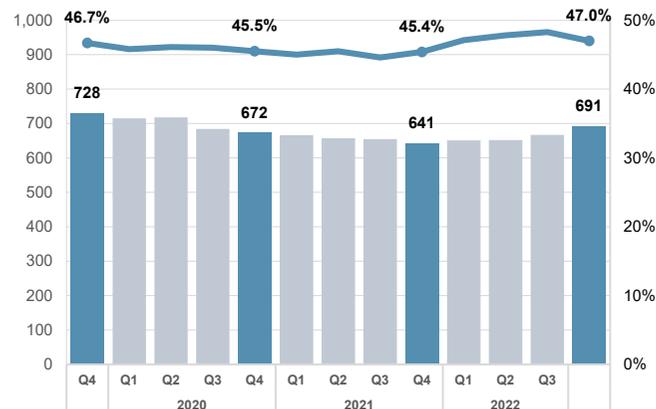
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Up 50
Change year to year

47.0%
Current rate

691
Current year

641
Last year



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

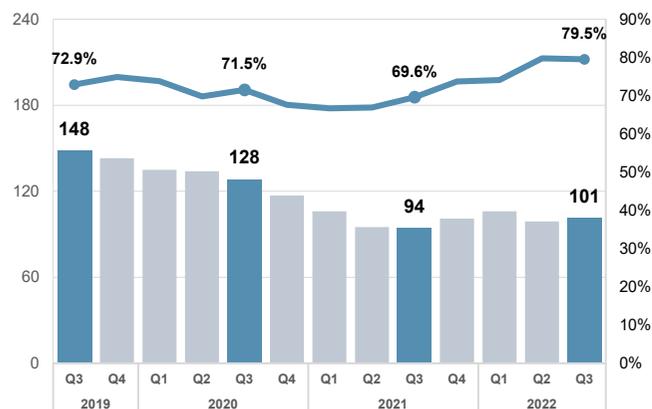
Annual cohort reoffending rate - Any new proven offence committed within 12 months

Up 7
Change year to year

79.5%
Current rate

101
Current year

94
Last year



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

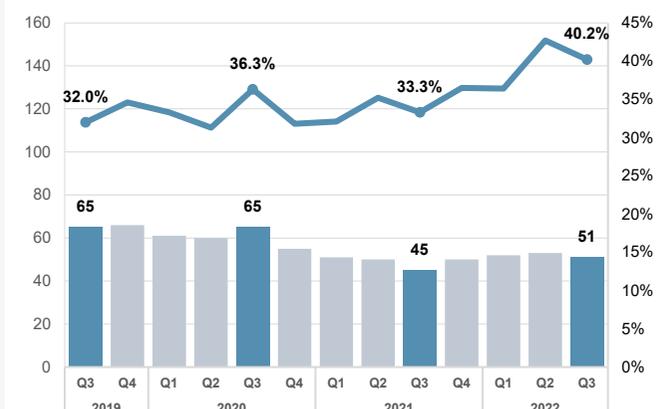
Annual cohort reoffending rate - Return to custody for a new offence committed within 12 months

Up 6
Change year to year

40.2%
Current rate

51
Current year

45
Last year



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

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

Measure	Definition
1.1, 1.2, 1.3 Aboriginal young people in detention	Number of Aboriginal young people held in juvenile detention, whether remanded or sentenced. Custody population figures are counted as at midnight on the last day of the month.
2.1, 2.2, 2.3 Aboriginal young people in court	Number of Aboriginal young people appearing in finalised criminal court appearances. A finalised appearance is one which has been fully determined by the court and for which no further court proceedings are required. Counts appearances finalised in the Children's, Local, District and Supreme Courts.
3.1 Police court proceedings	Number of Aboriginal young people proceeded against to court by NSW Police. This measure excludes Aboriginal young people proceeded against for a breach of bail. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased
3.1 Diversions from court	Number of Aboriginal young people proceeded against by NSW Police via a Youth Justice Conference referral or a caution or warning under the Young Offenders Act. Fare evasion offences have been excluded from these proceedings as they are regarded as a diversion from an infringement notice, and not directly a diversion from court. Due to improvement in police recording of Aboriginality since Jan 2022, the number of persons with a recorded Aboriginal status has increased
4.1 Refused bail by police	Number and proportion of Aboriginal young people refused bail by the police.
4.2 Refused bail by court	Number and proportion of Aboriginal young people refused bail at their first court bail appearance.
4.3, 4.4 Bail breaches	Number of Aboriginal young people whose bail was revoked due to a bail breach. 4.4 shows breaches where the offender committed a new offence, 4.5 shows a technical bail breach, such as reporting to police, curfew and residence.
5.1 Found guilty in court	Number of Aboriginal young people found guilty in finalised criminal court appearances.
5.2 Sentenced to prison	Number and proportion of Aboriginal young people sentenced to juvenile detention.
5.3 Sentenced to custody from remand	Number and proportion of Aboriginal young people refused bail at court finalisation by whether they received a custodial penalty or not.
6.1 Entering custody	Number of Aboriginal young people received into custody. Excludes those held in police/court cell complexes.
6.2, 6.3 Remand and sentenced population	Remand – Aboriginal young people refused bail (and small numbers granted bail but unable to meet conditions) are remanded in custody pending future court action. Sentenced - the courts have imposed custodial sentence for a proven offence.
6.4 Length of stay in custody	The average number of days spent in custody for Aboriginal young people discharged from custody.
6.5 Short-term remand	The number and proportion of Aboriginal young people discharged from custody that spent less than 2 days in custody
6.6 Detainee's most serious offence	The most serious offence type for which each person is in custody (remand and sentenced custody). Data is shown for the most recent month.
7.1 Reoffending among Aboriginal young people guilty in court or dealt with by YJC	Reoffending is defined as a further offence committed within 12 months of a Youth Justice Conference or proven court appearance and finalised by court appearance or Youth Justice Conference within 15 months (excludes those who received a custodial penalty). Data is presented for a 12-month period (annual cohort) ending with the relevant quarter.
7.2 Reoffending among Aboriginal young people exiting custody – new proven offence	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance or Youth Justice Conference within 15 months. Data is presented for a 12-month period (annual cohort) ending with the relevant quarter.
7.3 Reoffending among Aboriginal young people exiting custody – return to custody	Reoffending is defined as a further offence committed within 12 months of release from sentenced custody and finalised by court appearance within 15 months where the offender received a subsequent custodial penalty. Data is presented for a 12-month period (annual cohort) ending with the relevant quarter. This measure counts only those offenders who committed a new proven offence not parole revocations or bail refusal. 7.3 is a subset of 7.2 and shows those who were returned to custody.