



THE UNIVERSITY OF
WESTERN AUSTRALIA

**Aboriginal Involvement in the
Western Australian Criminal Justice System:
A Statistical Review, 2001**



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**For
WA Department of Indigenous Affairs**

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Executive Summary

This Report provides the most up to date statistical information about the nature and extent of Indigenous involvement in the Western Australian criminal justice system. It has been compiled by the Crime Research Centre, University of Western Australia, on behalf of the WA Department of Indigenous Affairs.

The information presented has been compiled from the computerised records of the WA Police Service and the Department of Justice and, where possible, describes criminal justice activities up to and including December 31, 2001.

Victimisation

Based on crimes reported to police in 2001, Indigenous people were victims of 3,393 violent offences, giving a rate of 55.2 offences per 1,000 Indigenous people. Compared with a rate of 11.5 offences per 1,000 non-Indigenous people, Indigenous people were about five times more likely than non-Indigenous people to be victims of violence.

The greatest differences between Indigenous and non-Indigenous victimisation were found in the homicide and assault categories. Indigenous people were almost nine times more likely to become victims of homicide and 6.5 times more likely to become victims of assault than non-Indigenous people.

In the case of assault, Indigenous women were 12 times more likely to become victims of assault than non-Indigenous women, while Indigenous men were three times as likely to become victims of assault as non-Indigenous men.

Except for homicide and robbery offences, the victimisation rate of Indigenous women was greater than the victimisation rate of Indigenous men. Indigenous women were six times more likely to be victims of sexual assault and more than twice as likely to be assault victims as Indigenous men.

Age differences in Indigenous:non-Indigenous victimisation rates were also found - the differential risk increasing from 2.3 for the juveniles aged under 18 years to 8.6 for the '35 & over' age-group.

For both Indigenous people and non-Indigenous people, rates of reported domestic violence in rural and regional areas were higher than in the Perth metropolitan area. For Indigenous people, the regional/rural rate was 2.8 times the rate of domestic violence reported in Perth. For non-Indigenous people, the regional/rural rate was 1.5 times the Perth rate. Irrespective of region, the Indigenous rate of domestic violence far exceeds the non-Indigenous rate. In regional/rural areas, Indigenous people were 33 times more likely to be victims of domestic violence than non-Indigenous people, while in Perth, they were 17.4 times more likely to be victims than non-Indigenous people (see Figure 1.1).

Arrests

The level of over-representation of Indigenous people in the arrest population continues. Since 1998, Indigenous people are over 11 times more likely to be arrested than non-Indigenous people person. For Indigenous juveniles, the level of over-representation has increased continually since 1991 (from a factor of 7.3 in 1991 to 12.5 in 2001). The level of

over-representation is greatest for Indigenous children aged 10-14 years – in 2001, the Indigenous rate was 29 times greater than the non-Indigenous rate. For Indigenous women, the level of over-representation has increased from 11.4 in 1991 to 18.3 in 2001.

Contact rates of juveniles with the police

The number of juveniles formally cautioned or referred to juvenile justice teams (that is, diverted from arrest) has steadily increased since 1995. Trends in arrest and diversion rates suggest that although the cautioning and referral processes may initially have diverted some young offenders from the arrest process, some net widening has also occurred. By 2001, an Indigenous juvenile was over five times more likely than a non-Indigenous juvenile to have (formal) contact with the police.

For Indigenous people, 1.2 juveniles are formally diverted for every juvenile charged and processed by the justice system, whereas, for non-Indigenous people, four juveniles are diverted for every juvenile processed by the system. The highest Indigenous:non-Indigenous ratio was found in the 10-14 year age group, where an Indigenous juvenile was about seven times more likely to have contact with police than a non-Indigenous juvenile.

Regional variations in arrests

Arrest rates were found to vary from region to region (after controlling for variations in reported crime rates). The Kimberley region had the highest arrest rate (319 arrested persons for every 1,000 crimes) while Perth had the lowest (99 per 1,000 reported crimes). In terms of the differences between Indigenous and non-Indigenous arrest rates, the Lower Great Southern and Central regions had the greatest differences (respectively, by factors of 13.7 and 11.6). Differences were least in the South West and Kimberley regions, where the arrest rate of Indigenous people was about 8 times greater than that of non-Indigenous people.

Court activity

Higher court conviction rates varied somewhat by Indigenous status and offence type. For homicide offences, 58% of all charges involving Indigenous defendants resulted in conviction, compared with 51% of non-Indigenous charges. For assault offences, 71% of charges against Indigenous people resulted in conviction, compared with 56% for charges against non-Indigenous people.

In terms of penalties, Indigenous people were much less likely than non-Indigenous people to be issued with fines. For assault and burglary offences, Indigenous people were more likely than non-Indigenous people to receive custodial sentences.

In the Courts of Petty Sessions, 38% of charges against Indigenous people related to good order offences, 26% were for driving and vehicle offences, while property and violent offences accounted for 16% and 11.6% of Indigenous charges, respectively.

For all offence types except property offences, Indigenous people were more likely than non-Indigenous people to receive custodial sentences and less likely to receive fines. For example, compare an Indigenous 'imprisonment rate' of 23.5% with a non-Indigenous rate of 7.7% for violent offences. For driving/vehicle offences, compare an Indigenous imprisonment rate of 12.5% with a non-Indigenous rate of 2.9%. Reasons for the higher imprisonment rate of Indigenous people for driving offences are not entirely clear, although road traffic laws

stipulate that offenders with prior convictions for similar offences be dealt with more severely (including imprisonment).

In the Children's Court, 83% of charges against Indigenous people, compared with 71% of charges against non-Indigenous people, resulted in conviction. As for adults, the 'imprisonment rate' of Indigenous juveniles was higher than that of non-Indigenous juveniles: of convicted charges, 25% of those against Indigenous people received a custodial sentence, compared with 16% of those against non-Indigenous people. Significantly, the imprisonment rate of juvenile Indigenous females increased from 9% in 2000 to 17% in 2001.

Imprisonment

In 2001, the Indigenous reception rate into adult prisons was 30 times greater than the non-Indigenous rate (compare 82 per 1,000 relevant population with 2.7 per 1,000). One in five (20%) adult Indigenous receptions, compared with one in twenty (5%) non-Indigenous receptions, was for fine default.

Compared to other states and territories, WA ranks second to NT in average daily prisoners. In 2001, the Australian average daily adult imprisonment rate was 147 per 100,000 persons and the WA rate was 51% higher at 222 per 100,000 persons. The Indigenous imprisonment rate in WA and the ratio between Indigenous and non-Indigenous imprisonment rates in WA (21 times greater) were the highest of any jurisdiction.

With regard to the juvenile detention rate, the Western Australian rate in 2001 was 44 per 100,000 juveniles – higher than all other jurisdictions except the ACT and Tasmania, and 1.5 times higher than the national rate.

There was, however, a significant decline in the detention rate of Indigenous juveniles in 2000 in WA - declining from 714.3 in 1999 to 590.3 in 2000 and then steadying at 588.5 per 100,000 juveniles in 2001. The detention rate of non-Indigenous juveniles also decreased markedly between 2000 and 2001 – declining from 19.2 to 9.1 per 100,000 juveniles. Ironically, and despite these lower overall detention rates, the ratio of Indigenous to non-Indigenous rates has increased from 31 in 2000 to 65 in 2001. In other words, in 2001, the detention rate of young Indigenous people in WA was 65 times the non-Indigenous detention rate, which continues to be the highest differential in the nation.

In 2001, Indigenous people were also 13.6 times more likely to be admitted to a police lockup than non-Aborigines.

Introduction

The following Report provides the most up to date statistical information about the extent and nature of Indigenous involvement in the criminal justice system in Western Australia.

The Report has been compiled by the Crime Research Centre, University of Western Australia, on behalf of the WA Department of Indigenous Affairs. It is the last report in a series of annual statistical reports (commencing in 1998), which were originally prepared for the WA Aboriginal Justice Council.¹

The statistical information presented here has been compiled from the computerised records of the WA Police Service and the Department of Justice. Details of the level of police contact – whether by apprehensions (arrests and summonses), formal juvenile cautions and/or admission to a police lockup - are sourced from the police P18 system, Juvenile Cautioning system and Lockup Admissions system respectively, while information about the activities of the courts, prisons and community corrections areas are sourced from various electronic court case management systems (SRCASE, CHIPS) and the TOMS and CCD systems of the Department of Justice. Statistics relating to juveniles in detention and deaths in custody have been obtained from the Australian Institute of Criminology.

Where possible, the data describe criminal justice activities up to and including 31 December 2001.

The Report also includes a description of the level and nature of Indigenous victimisation based on crimes reported to and recorded by the police during 2001. Since not all crimes are reported to police, it is not possible to describe the full extent of Indigenous victimisation. Usually alternative data sources such as victimisation surveys are used to describe victimisation in more detail. However, few surveys of Indigenous people have been undertaken in Australia. Most recently, the Australian Bureau of Statistics (ABS) conducted an Indigenous Social Survey (ISS, September 2002) covering areas such as health, education, culture and labour force participation. The survey also included several law/crime questions, including:

- whether a victim of assault
- access to legal services
- type of legal services used in past 12 months
- age first formally charged by police
- whether arrested in past 5 years
- number of times arrested in past 5 years
- imprisonment in past 5 years

The results of the survey become available at the end of 2003 and, in addition to providing important information about current conditions, will provide researchers with an opportunity to assess changes since the pioneering National Aboriginal and Torres Strait Islander Survey (NATSIS) which was conducted by the ABS in 1994.

¹ In early 2002, the WA Aboriginal Justice Council was subsumed into the Department of Justice. Later that year it was completely abolished.

1. Victimization of Indigenous People

In this section we describe the level of Indigenous victimisation in Western Australia based on crimes reported to and recorded by the police. Our analysis focuses almost exclusively on violent ('against person') offences since these are the most serious crimes committed in the community and are those for which the 'ethnic appearance' of the victim (and the offender) has been most comprehensively recorded by the police.^{2,3} Like non-Indigenous people, Indigenous people are victims of non-violent crimes such as burglary, theft and property damage. However, the extent of this victimisation cannot be accurately ascertained from police records because of the high level of non-recording of ethnicity details in these cases.⁴

Based on crimes reported to police in 2001, Indigenous people were victims of 3,393 violent offences, giving a rate of 55.2 offences per 1,000 Indigenous people, which is slightly higher than the rate in 2000 (54.5 per 1,000). Compared with a rate of 11.5 offences per 1,000 non-Indigenous people, Indigenous people were about five times more likely than non-Indigenous people to be victims of violence (the same as in 2000). As in 2000, seventy-one per cent of all Indigenous victims and 46% of all non-Indigenous victims were women.

Table 1.1 and 1.2 below show how victimisation varies with offence type and sex.

The greatest difference between Indigenous and non-Indigenous victimisation were found in the homicide and assault categories (see Table 1.1). Indigenous people were almost nine times more likely to become victims of homicide and 6.5 times more likely to become victims of assault than non-Indigenous people.

In the case of assault, Indigenous *women* were 12 times more likely (14 times more likely in 1998, 13 times more likely in 1999 and also 13 times more likely in 2000) to become victims of assault than non-Indigenous women, while Indigenous *men* were three times as likely to become victims of assault than non-Indigenous men.

² Violent offences refers to offences committed against the (physical) person and are those coded to the Australian National Classification of Offences (ANCO) categories 111 through 129. For more information about ANCO, refer to the Australian Bureau of Statistics publication (ABS Cat. No. 1234.0).

³ In the police OIS system, 'ethnic appearance' is a term used to describe the visual appearance of victims and offenders. The field is completed on the basis of the attending police officer's subjective assessment of the person's appearance, and is recorded for operational purposes only. Care should be exercised in the interpretation of these statistics, as a subjective assessment means it is possible that a person attributed to a particular group does not belong to that group. Various categories of ethnic appearance are used, including Aboriginal, Caucasian, Asian and Latin. These are subsequently re-coded into two racial categories, 'Aboriginal' and 'non-Aboriginal' by the Crime Research Centre. Please see Appendix A for further caveats on police data.

⁴ The following table shows the high level on non-recording of victim ethnicity for crimes reported to and recorded by the WA Police Service.

Offence group	Victim Indigenous Status			Total
	Indigenous	Non-Indigenous	Unknown	
	%	%	%	%
Against person	13.7	82.6	3.6	100.0
Burglary/Theft	0.9	66.3	32.8	100.0
Damage	1.7	50.7	47.5	100.0
Good Order	2.8	71.3	25.9	100.0
Drugs	0.0	0.8	99.2	100.0
Other	11.2	80.1	8.6	100.0

Table 1.1: Reported Offences Against the Person by Victim Sex and Indigenous status, 2001

	Indigenous		Non-Indigenous		Ind:non-Ind
	n	rate/1,000	n	rate/1,000	ratio
<i>Females</i>					
Homicide	5	0.2	18	0.0	8.2
Assault	1,982	63.8	4,886	5.3	12.0
Sex offences	229	7.4	2,530	2.8	2.6
Other	197	6.3	1,388	1.5	4.2
Robbery	11	0.4	490	0.5	0.8
Total	2,424	78.0	9,312	10.2	7.6
<i>Males</i>					
Homicide	11	0.4	37	0.0	9.1
Assault	805	26.5	8,034	8.6	3.1
Sex offences	35	1.2	590	0.6	2.0
Other	102	3.4	1,465	1.6	2.1
Robbery	16	0.5	948	1.0	0.5
Total	969	31.8	11,074	11.9	2.7
<i>Combined</i>					
Homicide	16	0.3	55	0.0	8.7
Assault	2,787	45.3	12,920	7.0	6.5
Sex offences	264	4.3	3,120	1.7	2.5
Other	299	4.9	2,853	1.5	3.3
Robbery	27	0.4	1,438	0.8	0.5
Total	3,393	55.2	20,386	11.0	5.0

Table 1.2: Comparison of Male and Female Indigenous Victimization Rates

Offence	Rate		Female:Male ratio
	Female	Male	
Homicide	0.2	0.4	0.5
Assault	63.8	26.5	2.4
Sex offences	7.4	1.2	6.2
Other	6.3	3.4	1.9
Robbery	0.4	0.5	0.8
Total	78.0	31.8	2.5

Table 1.2 shows that for all offences except homicide and robbery, the victimisation rates of Indigenous women were greater than the victimisation rates of Indigenous men. Indigenous women were six times more likely to be victims of sexual assault and more than twice as likely to be assault victims as Indigenous men. In contrast, non-Indigenous men were about twice as likely to be assault victims as non-Indigenous women.

In half of all assault cases against Indigenous women, the relationship of the offender to the victim was not recorded. However, in cases where the relationship was recorded, 79% involved offenders who were known to the victim; and in 68% of these cases, the offender was the spouse or partner of the victim.

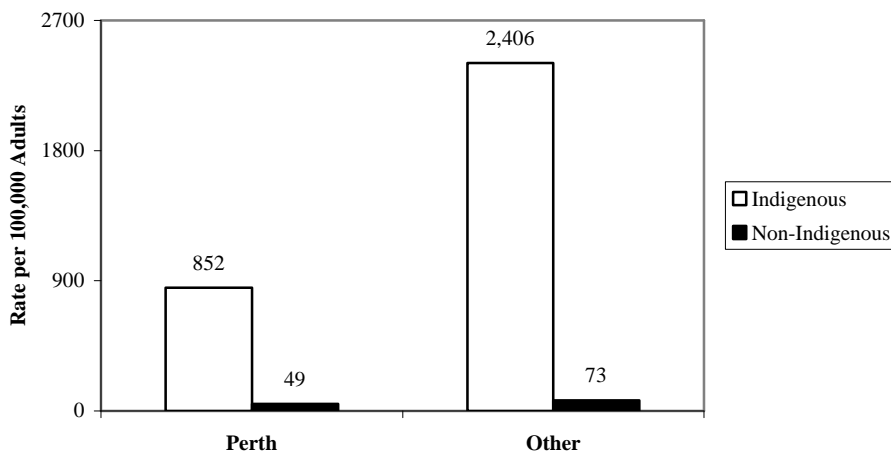
Table 1.3: Indigenous and Non-Indigenous Victimization by Age Group, 2001

Age Group	Rate per 1,000		Ind:non-Ind ratio
	Indigenous	Non-Indigenous	
<18	22.5	9.7	2.3
18-24	89.6	23.1	3.9
25-34	112.1	19.0	5.9
35 & over	58.4	6.8	8.6
Total	55.2	11.5	4.8

Table 1.3 shows how victimisation varies with age. For both Indigenous people and non-Indigenous people, young adults (those between 18 and 34 years old) had higher victimisation rates than those in other age groups. However, the highest differential risk was found in the ‘35 & over’ age group, where Indigenous people were almost nine times more likely to be victims of violence than non-Indigenous people. In fact, the differential risk increased gradually from 2.3 for the ‘<18’ age group to 8.6 for the ‘35 & over’ age-group.

In 2001, there were 24,678 offences against the person arising from a total of 22,321 incidents of violence. In 14% (3,159 out of 22,321) of these incidents, Indigenous victims were involved and, of these, almost one fifth (603 out of 3,159) were incidents of domestic violence.⁵ As in previous years, Figure 1.1 shows that the risk of victimisation (by a spouse) for Indigenous people and non-Indigenous people was greater in rural and regional areas than in the Perth metropolitan area.

Figure 1.1: Rates of Victimization for Domestic Violence in WA, 2001

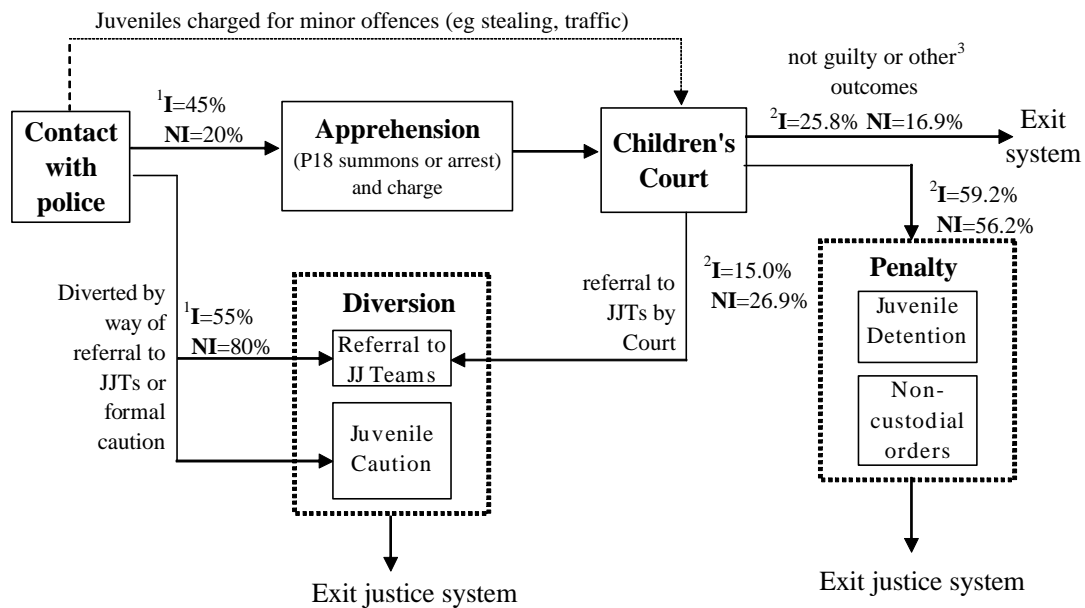


⁵ Domestic violence here refers to any against the person offence committed by a spouse or partner.

2. Contact with the Police

In this section, we describe the level of contact between the police and Indigenous offenders. Offenders are defined as persons who have either been apprehended and charged by police (either by way of arrest or summons) or diverted from the justice system through the juvenile cautioning system or through referral to juvenile justice teams. Diversion from the system was formally introduced to Western Australia in 1995 through the *Young Offenders Act* and is available only to juvenile offenders. Figure 2.1 describes the main elements of the juvenile justice system as established by the *Act*.

Figure 2.1: Main Elements of the Juvenile Justice System in WA, 2001



I = Indigenous people NI = Non-Indigenous people

¹ Based on distinct juveniles.

² Based on final appearances.

³ Other outcomes include dismissals immediately following conviction.

Data about apprehensions are derived from the police P18 system and describe offences charged by police either via arrest or summons. Note that not all charges laid by the police are recorded in the P18 system. Minor stealing and (most) traffic offences (for example, speeding and licencing offences) are not comprehensively recorded in the P18 system. However, the data do include the more serious traffic offences of reckless driving and driving under the influence of alcohol or drugs.

In the tables and figures that follow, we count police apprehensions in a number of ways. When describing prevalence, that is, the number of individuals apprehended each year, we count each person only once (even though they may have been arrested many times during the year) and only the most serious offence allegedly committed is described. The protocol for determining the most serious offence is based on ANCO classifications; and has been determined by reference to legal seriousness and the results of research on public opinion. A detailed description of the protocol can be found in Appendix B of the Crime Research Centre's annual publication, *Crime and Justice Statistics for Western Australia*.

A complicating factor in police apprehension records is that a record is provided for each different offence and, in cases where more than one offence of the same type is recorded at the same time, a count of the number of incidents of the same crime is also supplied. When counting all apprehensions or all arrests (these terms are used interchangeably throughout this report), we tally the total number of apprehension records (that is, different *types* of offences) for which charges have been laid.

Note that our counts of all apprehensions *do not* describe the total number of physical arrests made each year, nor do they describe the total number of charges laid by the police during the year. Our counts of total apprehensions per year exceed the total number of physical arrests made by the police each year, since arrests involving more than one type of offence will be counted more than once by our counting rules even though they may have derived from only one arrest event. Similarly, multiple 'counts' or charges of the *same* offence will be counted only once by our rules.⁶

2.1 Arrests (Apprehensions)

Table 2.1 and the associated figures (Figures 2.2, 2.3, 2.4, 2.5 & 2.6) summarise trends in Indigenous and non-Indigenous arrests since 1991. Annual arrest rates are presented per 1,000 persons and are 'prevalence' rates, meaning that they measure the number of *persons* in the relevant population that are arrested each year, rather than the number of *arrests* per group per year.

The table and figures show that the trend in the number of persons arrested over the period 1990-2001 has varied with sex, age status (juvenile/adult) and Indigenous status. Juvenile arrest rates fell dramatically (for both Indigenous people *and* non-Indigenous people) in the early 1990s, due mostly to the introduction and utilization of cautions and (later) referrals to juvenile justice teams. A formal cautioning system for juveniles was introduced in 1991 but this was not enacted (under the *Young Offenders Act*) until March 1995. Referrals to juveniles justice teams (JJTs) were also formally introduced through the *Young Offenders Act*.

For adults, arrest rates have been relatively steady for non-Indigenous people but have generally increased for Indigenous people, particularly females. Compared with 1990, the annual count of distinct female Indigenous adults arrested has doubled, increasing from 1,063 to 2,191 in 2001. These increases relate mostly to assault, good order offences and driving-related offences (including driving without a valid licence).

Table 2.1 shows the 'differential risk' (that is, the level of over-representation) of Indigenous people in the arrest population from 1991 to 2001. In 2001, an Indigenous person was 11.1 times more likely to be arrested than a non-Indigenous person, while in 1991 they were 7.6 times more likely to be arrested than a non-Indigenous person. Since 1998, the level of Indigenous over-representation in the arrest population has remained about the same (at just over 11 times the non-Indigenous rate).

For Indigenous juveniles, the level of over-representation has increased continually since 1991 (from a factor of 7.3 in 1991 to 12.5 in 2001). For Indigenous women, the level of over-representation has increased from 11.4 in 1991 to 18.3 in 2001.

⁶ As an example, when counting total apprehensions of a person arrested on two 'counts' of burglary and three 'counts' of stealing, we would count two apprehension records - one for burglary, the other for stealing.

Table 2.1: Trends in Distinct Persons Arrested (Prevalence) by Sex, Age status and Indigenous status, 1991-2001

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total charges	115,945	107,360	101,528	99,549	95,117	98,350	104,261	98,521	97,354	104,109	106,671
Total arrests	91,680	83,517	78,859	77,987	76,494	79,854	84,581	81,978	79,394	85,279	86,413
Distinct persons arrested	40,539	37,463	34,602	35,226	35,030	36,186	36,904	34,813	35,100	36,224	35,256
Charges per person	2.9	2.9	2.9	2.8	2.7	2.7	2.8	2.8	2.8	2.9	3.0
RATES (per 1,000 persons) - Distinct persons											
Race											
<i>Indigenous</i>	183.6	174.0	173.0	185.5	175.6	177.1	187.8	192.7	184.3	179.3	180.0
<i>Non-Indigenous</i>	24.2	21.9	19.7	19.6	19.2	19.4	19.1	17.1	16.3	16.0	16.2
<i>Ind:non-Ind ratio</i>	7.6	7.9	8.8	9.5	9.1	9.1	9.8	11.3	11.3	11.2	11.1
Sex											
Males											
<i>Indigenous</i>	276.2	263.5	263.2	276.4	260.4	261.9	271.8	278.1	266.3	259.5	256.4
<i>Non-Indigenous</i>	39.7	36.4	32.7	32.6	31.5	32.1	31.3	28.1	26.6	26.2	26.1
<i>Ind:non-Ind ratio</i>	7.0	7.2	8.0	8.5	8.3	8.2	8.7	9.9	10.0	9.9	9.8
Females											
<i>Indigenous</i>	94.4	87.8	86.7	98.0	93.8	95.7	107.2	110.6	105.9	102.8	106.4
<i>Non-Indigenous</i>	8.3	7.4	6.7	6.5	6.8	6.6	6.7	5.9	5.9	5.7	5.8
<i>Ind:non-Ind ratio</i>	11.4	11.9	12.9	15.1	13.8	14.5	16.0	18.7	17.9	18.0	18.3
Male:Female ratio	4.3	4.4	4.3	4.3	4.0	4.2	3.9	3.9	3.8	3.8	3.7
<i>NI male:NI female</i>	4.8	4.9	4.9	5.0	4.6	4.9	4.7	4.8	4.5	4.6	4.5
<i>Ind male:Ind female</i>	2.9	3.0	3.0	2.8	2.8	2.7	2.5	2.5	2.5	2.5	2.4
Age Status											
Juveniles											
<i>Indigenous</i>	158.4	134.1	121.7	115.8	104.7	98.2	102.5	104.9	109.7	102.0	99.6
<i>Non-Indigenous</i>	21.8	14.6	13.0	11.9	10.6	9.8	9.9	9.3	9.7	8.6	8.0
<i>Ind:non-Ind ratio</i>	7.3	9.2	9.4	9.7	9.9	10.0	10.4	11.3	11.3	11.9	12.5
Adults (18+)											
<i>Indigenous</i>	191.6	186.7	189.5	208.1	198.9	203.5	216.9	223.3	210.6	206.8	206.8
<i>Non-Indigenous</i>	24.5	23.1	20.8	20.8	20.6	21.0	20.5	18.3	17.3	17.2	17.4
<i>Ind:non-Ind ratio</i>	7.8	8.1	9.1	10.0	9.7	9.7	10.6	12.2	12.2	12.0	11.9
Adult:Juv ratio	1.0	1.4	1.4	1.5	1.7	1.8	1.7	1.6	1.4	1.5	1.6
<i>NI adult:NI juv</i>	1.1	1.6	1.6	1.7	1.9	2.1	2.1	2.0	1.8	2.0	2.2
<i>Ind adult:Ind juv</i>	1.2	1.4	1.6	1.8	1.9	2.1	2.1	2.1	1.9	2.0	2.1

Figure 2.2: Prevalence Arrest Rates, 1991-2001

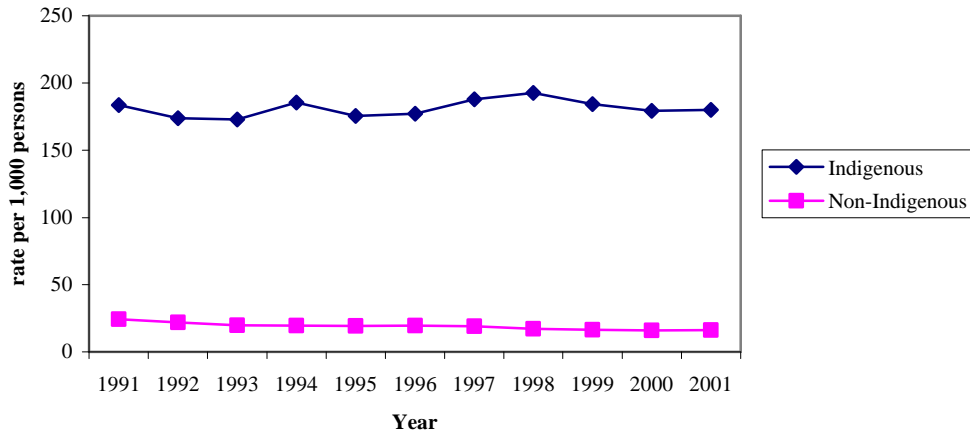


Figure 2.3: Arrest Rates of Juveniles, 1991-2001

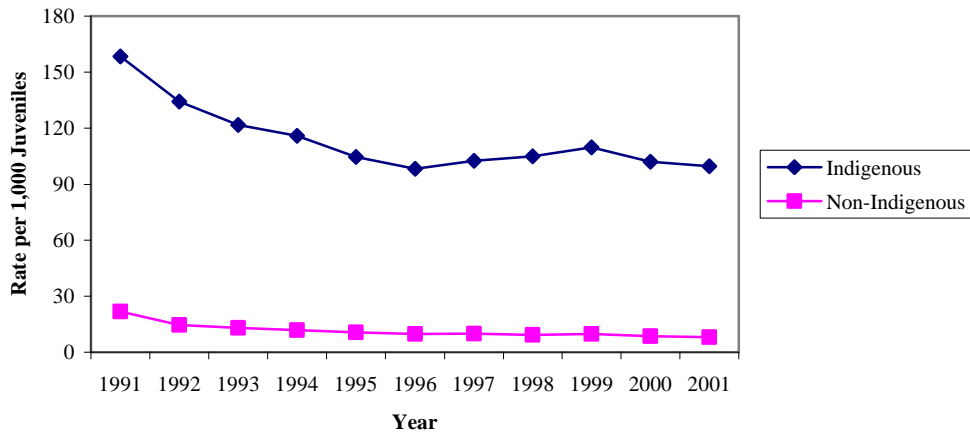


Figure 2.4: Arrest Rates of Adults, 1991-2001

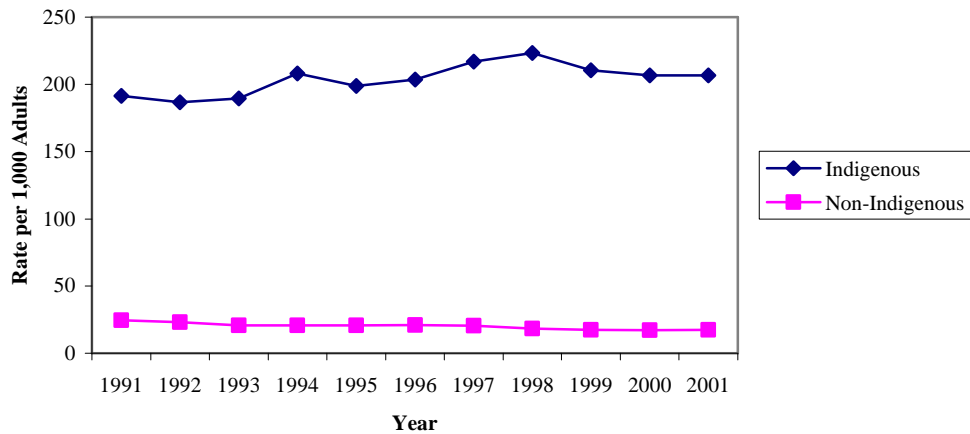


Figure 2.5: Arrest Rates of Males, 1991-2001

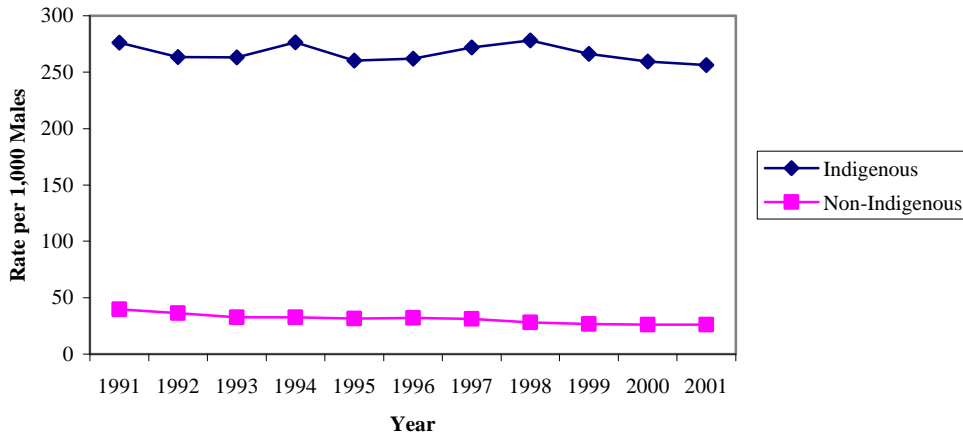


Figure 2.6: Arrest Rates of Females, 1991-2001

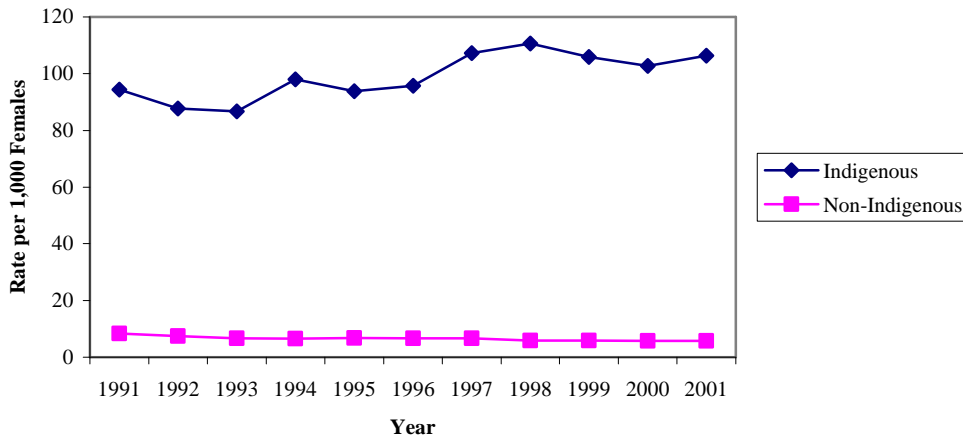


Table 2.2 presents data on the level of (formal) contact between juveniles and police from 1995 to 2001. In the table, the term ‘diversion’ includes both cautioning *and* referrals of juveniles by the police. Note that the diversionary data for 1995 is undercounted, as it does not include juveniles who may have appeared before the children’s Panel between January and March, 1995.⁷ The Panel, which operated prior to the enactment of the *Young Offenders Act* ceased operation in March 1995.

Table 2.2 shows that while the number of juveniles *arrested* by police declined substantially between 1995 and 1996, immediately following formalisation of the cautioning and referral schemes, the number of juveniles arrested since 1996 has remained reasonably steady. In contrast, the number of juveniles *diverted* by cautioning or referral since 1995 has steadily increased. These patterns suggest that although the cautioning and referral processes may *initially* have diverted some young offenders from the arrest process, some net widening has also occurred.

The overall rate of contact with police (inclusive of diversion) has increased from 46.2 in every 1,000 juveniles having contact in 1995 to 57.3 in every 1,000 juveniles having contact

⁷ Between 1 January and 13 March 1995, the Children’s Panel dealt with 434 distinct juveniles and 802 charges.

in 2000, with the most significant increases occurring during 1995. In 2001, the contact rate was slightly lower at 55 juveniles per 1,000 having contact with the police.

Table 2.2: Numbers of Distinct Juveniles Having (Formal) Contact with Police via Arrest or Diversion, 1995-2001

Type of Contact	1995	1996	1997	1998	1999	2000	2001
Total juveniles							
Juveniles apprehended (only)	2,326	2,064	2,131	1,997	2,149	2,072	2,008
Juveniles diverted (only)	6,283	7,895	7,948	9,007	8,814	9,235	9,043
Juveniles apprehended & diverted in the same year	931	1,047	1,111	1,216	1,437	1,381	1,261
<i>Total police contact</i>	9,540	11,006	11,190	12,220	12,400	12,688	12,312
<i>Rate of police contact per 1,000</i>	46.2	52.3	52.4	56.4	56.5	57.3	55.2
Indigenous juveniles							
Juveniles apprehended (only)	773	688	695	721	757	752	767
Juveniles diverted (only)	726	1,029	1,167	1,443	1,444	1,497	1,567
Juveniles apprehended & diverted in the same year	291	342	397	478	528	513	503
<i>Total police contact</i>	1,790	2,059	2,259	2,642	2,729	2,762	2,837
<i>Rate of police contact per 1,000</i>	183.0	202.4	213.3	238.9	239.4	233.7	234.2
Non-Indigenous juveniles							
Juveniles apprehended (only)	1,541	1,348	1,410	1,257	1,298	1,109	1,123
Juveniles diverted (only)	5,499	6,743	6,664	7,504	7,370	7,738	7,476
Juveniles apprehended & diverted in the same year	624	661	647	732	909	868	758
<i>Total police contact</i>	7,664	8,752	8,721	9,493	9,577	9,715	9,357
<i>Rate of police contact per 1,000</i>	39.0	43.7	43.0	46.1	46.0	46.3	44.4
Indigenous:non-Indigenous ratio	4.7	4.6	5.0	5.2	5.2	5.0	5.3

Differences in Indigenous and non-Indigenous contact rates are also presented in Table 2.2. Since 1995, the contact rates for both racial groups have increased, although more substantially for Indigenous people than non-Indigenous people. Thus, in terms of the differential risk between the two groups, this has increased from 4.7 in 1995 to 5.3 in 2001. That is, by 2001, an Indigenous juvenile was over five times more likely than a non-Indigenous juvenile to have (formal) contact with the police.

Figure 2.7 indicates the total number of individual juveniles who were either apprehended and charged by police or diverted during 2001. Some individuals may have had multiple contacts with police, in these cases we count the individuals only once. Where individuals were apprehended and charged on one or more occasions *and* diverted on other occasions in the same year, we count them only once in the apprehended and charged category.

Figure 2.7: Proportion of Juveniles Diverted, or not, from the Justice System by Indigenous Status, 2001

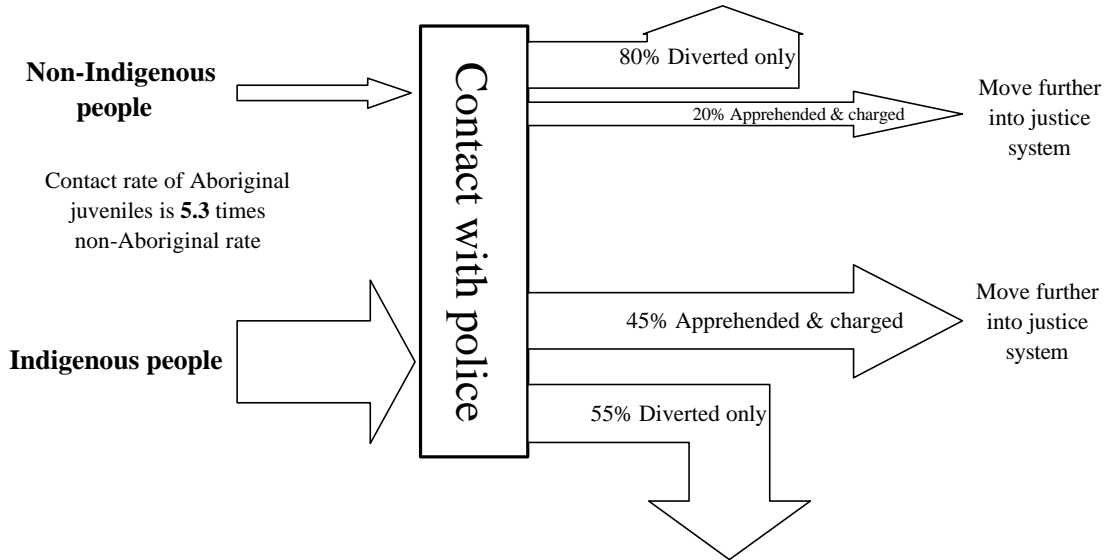


Figure 2.7 shows that, in the case of Indigenous people, about half (55%) of distinct juveniles formally dealt with by the police are diverted, while for non-Indigenous people, the proportion of juveniles diverted is 80%. Or, to put this another way, for Indigenous people, 1.2 juveniles are formally diverted for every juvenile charged and processed by the justice system, whereas, for non-Indigenous people, four juveniles are diverted for every juvenile processed by the system.

Figure 2.8: Contact Levels of Indigenous Juveniles with Police, 1995-2001

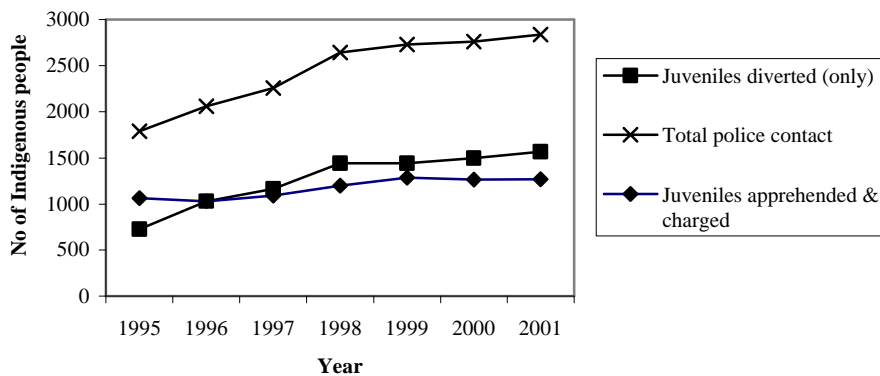
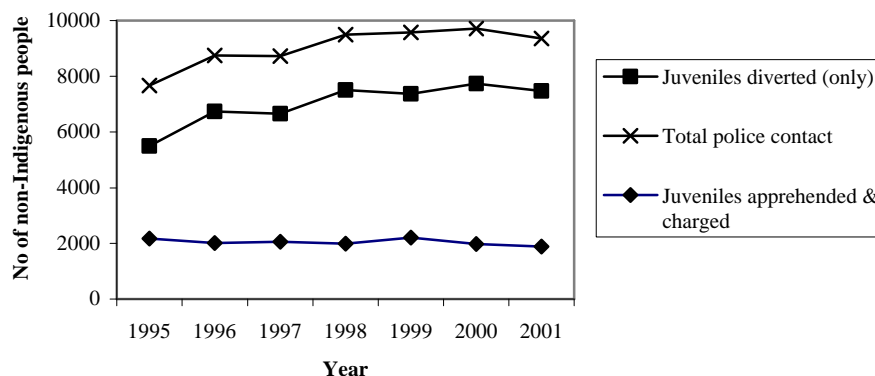


Figure 2.9: Contact Level of non-Indigenous Juveniles with Police, 1995-2001



A breakdown by age group (see Table 2.3) shows that in 2001, Indigenous juveniles aged 16 years experienced the highest rate of police contact, while the highest non-Indigenous rate of police contact was experienced by juveniles aged 17. The highest Indigenous:non-Indigenous ratio was found in the 10-14 year age group, where an Indigenous juvenile was about seven times more likely to have contact with police than a non-Indigenous juvenile.

Table 2.3: Rate of Juvenile Contact with Police by Indigenous status and Age, 2001

	Age			
	10-14	15	16	17
Indigenous rate per 1,000	193.3	298.5	323.6	315.1
Non-Indigenous rate per 1,000	26.8	70.8	68.6	78.7
Total rate per 1,000	36.4	82.7	80.8	89.8
Indigenous:non-Indigenous ratio	7.2	4.2	4.7	4.0

Arrests – other factors

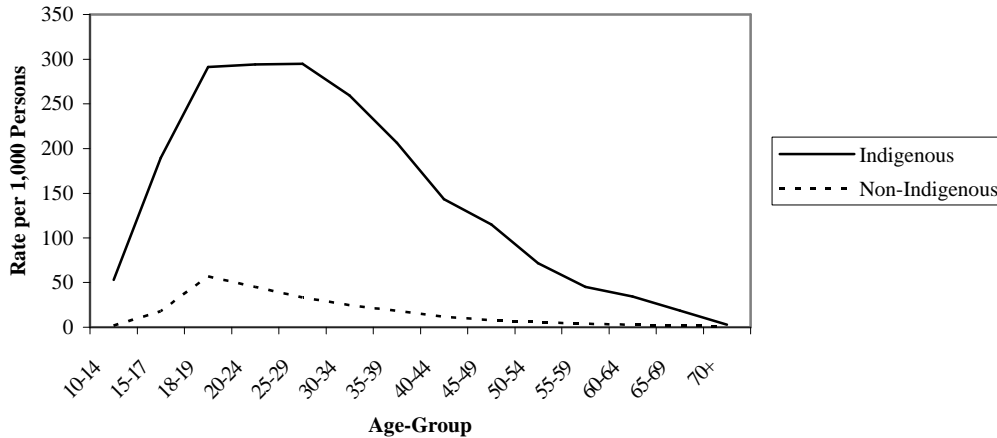
Age

Table 2.4 and Figure 2.10 show that, across all age groups, the non-Indigenous arrest rate is far exceeded by the Indigenous arrest rate. This is especially the case for the 10-14 year group, where the Indigenous arrest rate is 29 times the non-Indigenous arrest rate. For Indigenous people the arrest rate peaks in the 20-24 and 25-29 year groups, while for non-Indigenous people the rate is highest in the 18-19 year group.

Table 2.4: Age-Rated Arrest Rates (Prevalence) by Indigenous status, 2001

Age Group	Indigenous Rate per 1,000	Non-Indigenous	Ind : non-Ind Ratio
10-14	53.0	1.8	29.4
15-17	189.8	18.0	10.5
18-19	291.4	56.8	5.1
20-24	294.3	45.1	6.5
25-29	294.9	33.2	8.9
30-34	259.5	24.8	10.5
35-39	206.6	18.3	11.3
40-44	143.4	11.8	12.2
45-49	115.2	8.0	14.4
50-54	71.7	5.8	12.4
55-59	45.0	3.8	11.8
60-64	34.2	2.7	12.7
65-69	18.7	1.8	10.4
70+	3.0	0.6	5.0
Total	180.0	16.2	11.1

Figure 2.10: Age-rated Arrest Rates (Prevalence)



Region

Table 2.5 shows the number and rate of distinct Indigenous people arrested in the different regions of Western Australia. Arrest rates of adult Indigenous people (aged over 19 years) are highest in the South Eastern region, where one in every three is arrested *at least once* every year. In the Central and Midland regions, about one in every four Indigenous adults is arrested at least once every year. Arrest rates of young Indigenous people (aged between 10 and 19 years) are also highest in the South Eastern region (239 per 1,000 or almost one in every four Indigenous people) and lowest in the South West and Kimberley regions.

Table 2.5: Regional Variations in Arrest Rates of Indigenous People, 2001

Region	Young (10-19 yrs)		Adult (>19 yrs)		Total		Reported Crime Rates per 1,000 total population		
	n	Rate per 1,000	n	Rate per 1,000	n	Rate per 1,000	Ag. Person	Property	Total
Perth	645	131.4	1,683	174.2	2,328	159.8	11.9	151.9	174.9
South West	71	83.3	285	182.8	356	147.7	9.1	106.5	128.7
Lower Gt Southern	78	217.9	195	232.7	273	228.3	10.6	97.5	124.0
Upper Gt Southern	33	193.0	88	198.2	121	196.7	15.1	88.4	115.8
Midlands	84	172.8	239	240.4	323	218.2	13.7	91.3	120.0
South Eastern	283	239.4	899	329.1	1,182	302.0	23.5	195.3	242.3
Central	255	190.7	772	247.0	1,027	230.2	21.0	147.4	187.0
Pilbara	176	143.2	722	227.0	898	203.6	24.4	134.9	175.8
Kimberley	316	107.4	1,404	197.7	1,720	171.2	33.1	150.3	199.6
Total	1,941	144.1	6,287	212.0	8,228	190.8	12.9	144.8	170.1

* Obtained from Fernandez J and Loh N, *Crime and Justice Statistics for Western Australia, 2001*, Table VIIIb.

Includes unknown age and race.

Table 2.6 shows variations in *the rate of arrest* (of Indigenous and non-Indigenous persons, combined) in each region, *controlling for differences in reported crime rates*. The arrest rate is highest in the Kimberley, where 319 persons are arrested for every 1,000 reported crimes in the region, and lowest in Perth, where 99 persons are arrested for every 1,000 reported crimes.

Table 2.6 also presents ratios of the Indigenous to non-Indigenous arrest rates in each region. The table shows that differences between Indigenous and non-Indigenous arrest rates vary significantly from region to region. Differences are greatest in the Lower Great Southern and Central regions, where the arrest rate of Indigenous people is 13.7 and 11.6 times (respectively) greater than that of non-Indigenous people. Differences are least in the South West and Kimberley regions, where the arrest rate of Indigenous people is (only) about 8 times greater than that of non-Indigenous people.

Table 2.6: Regional variations in i) arrest rates per 1,000 reported crimes and ii) ratio of Indigenous and non-Indigenous arrest rates, 2001

Region	Persons arrested (Ind and non-Ind) per 1,000 crimes	Ind : non-Ind arrest ratio		
		Young (10-19yrs)	Adult (>19yrs)	Total
Perth	98.7	8.0	11.4	10.3
South West	152.8	4.0	10.8	8.4
Lower Gt Southern	181.5	10.9	14.7	13.7
Upper Gt Southern	232.4	6.0	11.5	10.0
Midlands	239.3	6.2	11.5	9.9
South Eastern	228.5	7.7	9.9	9.2
Central	193.4	7.9	12.9	11.6
Pilbara	241.4	6.2	11.9	10.3
Kimberley	319.5	4.1	9.4	8.0
Total	126.0	7.9	12.9	11.4

2.2 Juvenile Cautioning

The use of formal cautions and the proportion of juvenile Indigenous offenders receiving formal cautions have increased since 1995. Table 2.7 shows that 22% of all cautions in 2001 were issued to Indigenous juveniles.

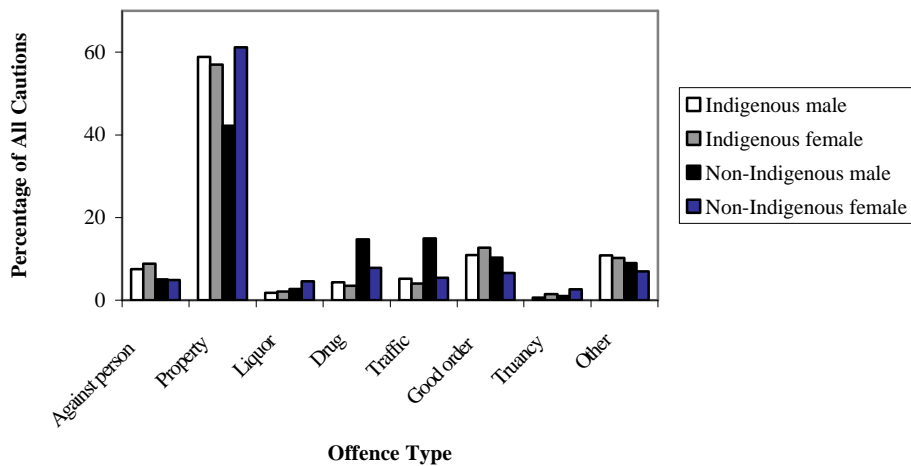
Table 2.7: Cautioning Trends, 1991-2001

Year	Total	Indigenous		Non-Indigenous	
		n	%	n	%
1991*	1,756	253	14.4	1,500	85.6
1992	3,804	549	14.4	3,255	85.6
1993	4,657	666	14.3	3,991	85.7
1994	4,770	661	13.9	4,109	86.1
1995	8,268	1,316	15.9	6,952	84.1
1996	9,506	1,699	17.9	7,671	80.7
1997	8,989	1,835	20.4	6,972	77.6
1998	10,401	2,071	19.9	8,095	77.8
1999	10,609	2,390	22.5	8,219	77.5
2000	11,267	2,472	21.9	8,795	78.1
2001	10,754	2,370	22.0	8,384	78.0
Total	84,781	16,282	19.2	67,943	80.1

*The cautioning scheme did not start until August, 1991

Figure 2.11 shows that almost three-fifths of all cautions issued to Indigenous juveniles (comprising 59% of cautions issued to males and 57% of cautions issued to females) were for property offences; and about one out of nine cautions issued to Indigenous juveniles (11% of cautions issued to males and 13% of cautions issued to females) were for good order offences. In contrast, most cautions issued to non-Indigenous juveniles were for property (42% of cautions issued to males and 61% of cautions issued to female juveniles), drug offences (15% of cautions issued to male juveniles and 8% of cautions issued to female juveniles), driving/motor vehicle offences and good order offences.

Figure 2.11: Cautions Issued by Offence Type, 2001



3. Court Activity

3.1 Higher Courts

Higher Court data have been sourced from the Higher Court Criminal Case Management System (SRCASE), which has been in operation at the Department of Justice since 1993.

In total, there were 9,100 charges finalised by the Higher Courts in 2001, on 3,642 occasions (final appearances) and involving 3,336 distinct persons – an average of 2.5 charges per final appearance and 2.7 charges per person.

As in previous years, the recording level and general quality of ‘ethnicity’ data in court records are poor. However, extracting police-sourced ethnic appearance for many court defendants with unknown ethnicity values significantly reduces the proportion of cases (charges) with unknown Indigenous status - to just 5.5% in 2001. This enables us to report more fully on the level of Indigenous representation in the Higher Courts.

Table 3.1: Finalised Charges in the Higher Courts by Offence Group and Indigenous status, 2001

Offence group	Indigenous		Non-Indigenous		Unknown	
	n	%	n	%	n	%
Homicide	12	0.8	51	0.7	8	1.6
Assault	172	10.8	435	6.2	40	8.0
Sex offences	263	16.5	1,769	25.2	114	22.8
Robbery	150	9.4	390	5.6	16	3.2
Burglary	539	33.8	1,131	16.1	85	17.0
Fraud	18	1.1	940	13.4	53	10.6
MV theft	62	3.9	125	1.8	13	2.6
Other theft	64	4.0	375	5.4	10	2.0
All other offences	313	19.6	1,790	25.5	162	32.3
Total	1,593	100.0	7,006	100.0	501	100.0

As Table 3.1 shows, there were differences in the types of offences for which Indigenous and non-Indigenous defendants were brought before the Higher Courts. Just over one third (33.8%) of Indigenous charges were for burglary offences (compared with 16.1% of non-Indigenous charges), 16.5% were for sex offences (compared with 25.2% for non-Indigenous people) and about one in nine (10.8%) were for assault offences (compared with 6.2% for non-Indigenous people). Few Indigenous people faced court for fraud offences (compare 1.1% with 13.4%).

Table 3.2: Proportion of Charges Convicted in the Higher Courts by Offence Group and Indigenous status, 2001

Offence group	Indigenous		Non-Indigenous		Unknown	
	n	%	n	%	n	%
Homicide	7	58.3	26	51.0	2	25.0
Assault	122	70.9	242	55.6	17	42.5
Sex offences	140	53.2	1,041	58.8	40	35.1
Robbery	135	90.0	358	91.8	14	87.5
Burglary	462	85.7	985	87.1	68	80.0
Fraud	16	88.9	747	79.5	36	67.9
MV theft	55	88.7	106	84.8	13	100.0
Other theft	55	85.9	219	58.4	8	80.0
All other offences	232	74.1	1,398	78.1	130	80.2
Total	1,224	76.8	5,122	73.1	328	65.5

Table 3.2 shows that ‘conviction rates’ (that is, the proportion of charges which resulted in a guilty outcome, either by way of plea or verdict) showed some variation by Indigenous status. In the case of homicide offences, almost three fifths (58.3%) of all charges involving Indigenous defendants resulted in conviction, compared with just over a half (51%) of non-Indigenous charges. For assault offences, this pattern was more pronounced: 70.9% of charges against Indigenous people resulted in conviction, compared with 55.6% for charges against non-Indigenous people. For some other offences (eg robbery, burglary), the conviction rate of Indigenous people was similar to the conviction rate for non-Indigenous people.

Table 3.3 provides a detailed breakdown of the type of penalties awarded to convicted charges in the Higher Courts by offence group and Indigenous status. The table shows, for example, that for assault and burglary offences, Indigenous people were more likely than non-Indigenous people to receive custodial sentences - compare an Indigenous ‘imprisonment rate’ of 78.7% with a non-Indigenous rate of 61.6% for assaults. In the case of burglary offences, compare an Indigenous imprisonment rate of 59.5% with a non-Indigenous rate of 47.9%.

Generally, across all offence groups, a greater proportion of non-Indigenous people than Indigenous people was issued with fines (compare 4.5% with 1.6%), while the proportion receiving non-custodial sentences was slightly higher for non-Indigenous people than Indigenous people (compare 32.6% to 28.6%).

Table 3.4 shows the median sentence lengths for charges resulting in custodial sentences in 2001. Indigenous people received shorter sentences than non-Indigenous people for homicide, robbery and burglary offences. (Note, however, that the number of cases in the homicide category was small.) Indigenous people received longer custodial sentences for sex offences, motor vehicle theft and fraud offences. However, for assault and other theft offences, sentence lengths for Indigenous people and non-Indigenous people were equivalent.

Table 3.3: Penalties Awarded to Convicted Charges in the Higher Courts by Offence Group and Indigenous status, 2001

Offence group	Non-custody		Custody		Fines & Other		Unknown		Total	
	n	%	n	%	n	%	n	%	n	%
<i>Indigenous</i>										
Homicide	1	14.3	6	85.7	0	0.0	0	0.0	7	100.0
Assault	18	14.8	96	78.7	1	0.8	7	5.7	122	100.0
Sex offences	9	6.4	126	90.0	0	0.0	5	3.6	140	100.0
Robbery	24	17.8	107	79.3	0	0.0	4	3.0	135	100.0
Burglary	172	37.2	275	59.5	4	0.9	11	2.4	462	100.0
Fraud	4	25.0	12	75.0	0	0.0	0	0.0	16	100.0
MV theft	6	10.9	46	83.6	0	0.0	3	5.5	55	100.0
Other theft	16	29.1	38	69.1	0	0.0	1	1.8	55	100.0
All other offences	100	43.1	106	45.7	14	6.0	12	5.2	232	100.0
Total	350	28.6	812	66.3	19	1.6	43	3.5	1,224	100.0
<i>Non-Indigenous</i>										
Homicide	2	7.7	22	84.6	2	7.7	0	0.0	26	100.0
Assault	65	26.9	149	61.6	21	8.7	7	2.9	242	100.0
Sex offences	142	13.6	836	80.3	20	1.9	43	4.1	1,041	100.0
Robbery	71	19.8	283	79.1	0	0.0	4	1.1	358	100.0
Burglary	468	47.5	472	47.9	17	1.7	28	2.8	985	100.0
Fraud	253	33.9	468	62.7	14	1.9	12	1.6	747	100.0
MV theft	20	18.9	75	70.8	2	1.9	9	8.5	106	100.0
Other theft	121	55.3	88	40.2	10	4.6	0	0.0	219	100.0
All other offences	527	37.7	694	49.6	142	10.2	35	2.5	1,398	100.0
Total	1,669	32.6	3,087	60.3	228	4.5	138	2.7	5,122	100.0
<i>Unknown Indigenous status</i>										
Homicide	1	50.0	0	0.0	1	50.0	0	0.0	2	100.0
Assault	9	52.9	5	29.4	1	5.9	2	11.8	17	100.0
Sex offences	17	42.5	23	57.5	0	0.0	0	0.0	40	100.0
Robbery	7	50.0	6	42.9	1	7.1	0	0.0	14	100.0
Burglary	30	44.1	32	47.1	2	2.9	4	5.9	68	100.0
Fraud	10	27.8	24	66.7	1	2.8	1	2.8	36	100.0
MV theft	2	15.4	10	76.9	0	0.0	1	7.7	13	100.0
Other theft	1	12.5	6	75.0	0	0.0	1	12.5	8	100.0
All other offences	40	30.8	74	56.9	14	10.8	2	1.5	130	100.0
Total	117	35.7	180	54.9	20	6.1	11	3.4	328	100.0

Note: Other penalty type includes fines.

Table 3.4: Median Sentence Length (months) of Imprisonment Charges in the Higher Courts by Offence Group and Indigenous status, 2001

Offence group	Indigenous Med mths	Non-Indigenous Med mths	Unknown Med mths
Homicide	75	174	-
Assault	18	18	24
Sex offences	32	24	9
Robbery	36	60	42
Burglary	12	18	24
Fraud	48	18	6
MV theft	24	15	12
Other theft	12	12	24
All other offences	12	18	42
Total	18	21	24

3.2 Courts of Petty Sessions (Lower Courts)

Adult lower court data have been extracted from the Department of Justice CHIPS system (**C**hildren's Court and **P**etty **S**essions). Note that while the CHIPS system is used by courts throughout the Perth metropolitan area and in regional centres across WA, many remote area courts continue to be managed by the police.

In 2001, the adult lower courts finalised 107,872 charges, on 55,034 occasions (final appearances), which were laid against 42,936 distinct persons – an average of 2 charges per final appearance and 2.5 charges per person.

As with data from the Higher Courts, the extraction of police-sourced ethnic appearance of court defendants by the CRC has significantly reduced the proportion with unknown Indigenous status - to just 15% in 2001. Although this proportion is still high, some level reporting of lower court activity based on Indigenous status can be undertaken.

Table 3.5 shows that charges dealt with by the lower courts in 2001 varied with offence type and Indigenous status. Almost two fifths (38.1%) of charges against Indigenous people were related to good order offences. Driving and vehicle offences accounted for one quarter (25.8%) of Indigenous charges, while property and violent offences accounted for 16.0% and 11.6% of Indigenous charges, respectively.

Table 3.5: Finalised Charges in the Lower Courts by Offence Group and Indigenous status, 2001

Offence group	Indigenous		Non-Indigenous		Unknown	
	n	%	n	%	n	%
Against person	2,475	11.6	3,783	5.4	490	3.0
Property	3,431	16.0	17,844	25.4	2,095	13.0
Good order	8,150	38.1	13,805	19.6	1,898	11.8
Driving/Vehicle	5,518	25.8	23,235	33.0	6,959	43.1
Other	1,384	6.5	9,386	13.3	2,636	16.3
Unknown	460	2.1	2,260	3.2	2,063	12.8
Total	21,418	100.0	70,313	100.0	16,141	100.0

Given the summary nature of the Courts of Petty Sessions, the 'conviction rate' of the lower courts was very high for all offence categories (see Table 3.6). The conviction rate was slightly higher for Indigenous people than non-Indigenous people for most offence groups. However, this difference was not statistically significant when persons with unknown Indigenous status were taken into account.

Table 3.6: Proportion of Charges Convicted in the Lower Courts by Offence Group and Indigenous status, 2001

Offence group	Indigenous		Non-Indigenous		Unknown	
	n	%	n	%	n	%
Against person	2,331	94.2	3,423	90.5	452	92.2
Property	3,308	96.4	16,542	92.7	1,754	83.7
Good order	7,867	96.5	12,839	93.0	1,785	94.0
Driving/Vehicle	5,425	98.3	22,874	98.4	6,832	98.2
Other	1,370	99.0	9,158	97.6	2,553	96.9
Unknown	442	96.1	2,115	93.6	1,868	90.5
Total	20,743	96.8	66,951	95.2	15,244	94.4

Table 3.7 provides details of the types of penalties imposed by the lower courts on finalised charges, broken down by offence type and Indigenous status. The table shows that for all offence types except property offences, Indigenous people were more likely than non-Indigenous people to receive custodial sentences. For example, for against person (violent) offences, compare an Indigenous ‘imprisonment rate’ of 23.5% with a non-Indigenous rate of 7.7%. For driving/vehicle offences, compare an Indigenous imprisonment rate of 12.5% with a non-Indigenous rate of 2.9%.

Closer inspection of the driving/vehicle offence category reveals that two thirds of charges related to driving without a valid licence. For these, the Indigenous imprisonment rate was 11% (compared with a non-Indigenous imprisonment rate of 1%). The remaining charges related to drink-driving offences. For these, the Indigenous imprisonment rate was 13% (compared with a non-Indigenous imprisonment rate of 4%). Reasons for the higher imprisonment rate of Indigenous people for driving offences are not entirely clear, although road traffic laws stipulate that offenders with prior convictions for similar offences be dealt with more severely (including imprisonment).

Generally, across all offence groups, a greater proportion of non-Indigenous people than Indigenous people was issued with fines (compare 64.9% with 54.6%), while the proportion receiving non-custodial sentences was only slightly higher for Indigenous people than non-Indigenous people (compare 22.8% with 20.7%).

Median sentence lengths for lower court charges resulting in custodial sentences in 2001 are presented in Table 3.8. Custodial sentences are generally short (4-6 months duration per charge), since these are less serious offences that are dealt with by the Courts of Petty Session. More serious offences are referred to the Higher Courts and usually attract longer sentences (refer to Table 3.4). As Table 3.8 shows, median sentence lengths for Indigenous people and non-Indigenous people, for good order offences, were comparable (about 3 months long). Indigenous people received longer sentences for against person and driving/vehicle offences (median of 6 months in each case), but shorter sentences than non-Indigenous people for property and miscellaneous other offences.

Table 3.7: Penalties Awarded to Convicted Charges in the Lower Courts by Offence Group and Indigenous status, 2001

Offence group	Fine		Non-custody		Custody		Dismissed		Unknown		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
<i>Indigenous</i>												
Against person	571	24.5	867	37.2	548	23.5	291	12.5	54	2.3	2,331	100.0
Property	1,395	42.2	1,153	34.9	549	16.6	137	4.1	74	2.2	3,308	100.0
Good order	4,494	57.1	1,803	22.9	821	10.4	502	6.4	247	3.1	7,867	100.0
Driving/Vehicle	3,506	64.6	736	13.6	680	12.5	118	2.2	385	7.1	5,425	100.0
Other	1,078	78.7	151	11.0	53	3.9	57	4.2	31	2.3	1,370	100.0
Unknown	289	65.4	22	5.0	10	2.3	23	5.2	98	22.2	442	100.0
Total	11,333	54.6	4,732	22.8	2,661	12.8	1,128	5.4	889	4.3	20,743	100.0
<i>Non-Indigenous</i>												
Against person	1,446	42.2	1,040	30.4	265	7.7	668	19.5	4	0.1	3,423	100.0
Property	5,164	31.2	7,492	45.3	2,952	17.8	901	5.4	33	0.2	16,542	100.0
Good order	7,577	59.0	2,720	21.2	1,300	10.1	1,209	9.4	33	0.3	12,839	100.0
Driving/Vehicle	20,167	88.2	1,338	5.8	673	2.9	620	2.7	76	0.3	22,874	100.0
Other	7,260	79.3	1,201	13.1	325	3.5	359	3.9	13	0.1	9,158	100.0
Unknown	1,828	86.4	83	3.9	52	2.5	139	6.6	13	0.6	2,115	100.0
Total	43,442	64.9	13,874	20.7	5,567	8.3	3,896	5.8	172	0.3	66,951	100.0
<i>Unknown Indigenous status</i>												
Against person	147	32.5	138	30.5	72	15.9	92	20.4	3	0.7	452	100.0
Property	505	28.8	634	36.1	446	25.4	160	9.1	9	0.5	1,754	100.0
Good order	1,039	58.2	329	18.4	214	12.0	176	9.9	27	1.5	1,785	100.0
Driving/Vehicle	5,981	87.5	151	2.2	171	2.5	484	7.1	45	0.7	6,832	100.0
Other	1,935	75.8	141	5.5	56	2.2	417	16.3	4	0.2	2,553	100.0
Unknown	1,472	78.8	90	4.8	30	1.6	272	14.6	4	0.2	1,868	100.0
Total	11,079	72.7	1,483	9.7	989	6.5	1,601	10.5	92	0.6	15,244	100.0

Table 3.8: Median Sentence Length (months) of Imprisonment Charges in the Lower Courts by Offence Group and Indigenous status, 2001

Offence group	Indigenous Med mths	Non-Indigenous Med mths	Unknown Med mths
Against person	6	4	5
Property	4	6	6
Good order	3	3	3
Driving/Vehicle	6	5	6
Other	1	3	4
Unknown	2	6	6
Total	4	4	6

3.3 Children's Court

Since 1994, information about the Children's Court has been recorded in the Department of Justice CHIPS system (**C**hildren's **C**ourt and **P**etty **S**essions).

In 2001, Indigenous people accounted for 37% of juvenile defendants, 44% of final appearances and 50% of all charges (offences) heard by the Children's Court. However, in 9% of defendant records, 6% of final appearance records and 4% of offence records, the Indigenous status of the defendant was neither recorded nor able to be derived from police records.

Thirty-five per cent of Indigenous people, compared with 68% of non-Indigenous people, had their cases heard by the Children's Court in Perth.

For Indigenous males, the most frequent types of offences charged were burglary and theft offences (52%), good order offences (20%), driving offences (8%) and offences against the person (7%). For Indigenous females, the most frequent types of offences charged were burglary and theft offences (41%), good order offences (26%), offences against the person (11%) and driving offences (7%).

Eighty-three per cent of charges against Indigenous people, compared with 71% of charges against non-Indigenous people, resulted in conviction (see Table 3.9).

Table 3.9: Children's Court Results by Indigenous status, All Charges 2001

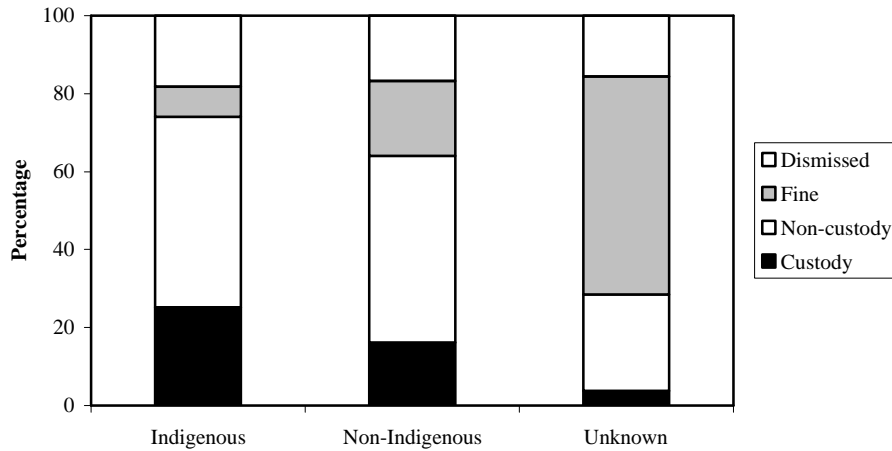
Result	Indigenous		Non-Indigenous		Unknown	
	n	%	n	%	n	%
Guilty	6,776	83	5,345	71	474	77
Referred to a juvenile justice team	1,063	13	1,895	25	131	21
Other*	354	4	248	3	14	2
Total	8,193	100	7,488	100	619	100

*'Other' includes:

- Dropped (where the matter is withdrawn or no evidence is offered);
- Not guilty (where the matter results in acquittal or is dismissed without conviction);
- Other (miscellaneous outcomes e.g. where no order is made).

The most common penalties imposed by the Children's Court were non-custodial orders – 49% of Indigenous charges (49% of female charges and 49% of male charges) and 48% of non-Indigenous charges (47% of female charges and 48% of male charges) received such sanctions – see Figure 3.1. Less than one quarter of convicted charges received a custodial sanction. However, the 'imprisonment rate' of Indigenous juveniles was higher than that of non-Indigenous juveniles: of convicted charges, 25% of those against Indigenous people (17% of convictions against females and 27% of convictions against males) received a custodial sentence; compared with 16% of those against non-Indigenous people (10% of convictions against females and 17% of convictions against males). Significantly, the imprisonment rate of juvenile Indigenous females increased from 9% in 2000 to 17% in 2001.

Figure 3.1: Penalties Imposed by the Children’s Court by Indigenous status, All Charges 2001



3.4 Referrals to Juvenile Justice Teams

Data on referrals to juvenile justice teams were compiled from two sources:

- (i) Police records (that is, referrals made by the police and recorded in the police cautioning database) and
- (ii) Children’s Court records (that is, referral decisions made by the Court).

In 2001, there were 2,299 referrals from the police (1,887 distinct persons) and 1,299 referral appearances from the Court (involving 1,142 distinct persons and accounting for 2,898 offences). Compared with 2000, the number of juveniles referred by either the police or the Court has decreased by 2%.

The demographic characteristics of distinct juveniles referred to the teams are shown in Table 3.10. About seven in every ten Indigenous juveniles referred were male, compared with about eight in every ten non-Indigenous juveniles referred.

Table 3.10: Characteristics of Distinct Persons Referred to Juvenile Justice Team

Characteristics	Police referrals			Children's Court referrals		
	Indigenous	Non-Indigenous	Unknown	Indigenous	Non-Indigenous	Unknown
% Male	72.0	80.8	95.0	69.7	86.1	64.4
% Female	27.8	18.4	5.0	30.3	13.6	33.3
% Unknown Sex	0.2	0.8	0.0	0.0	0.3	2.3
% aged 10-14	63.8	30.0	30.0	45.1	13.6	8.1
% aged 15-17	36.2	69.7	70.0	53.4	79.6	73.3
% aged 18 & over	0.0	0.3	0.0	1.5	6.8	18.6
Median age at referral	14	15	15	15	16	17
Total	510	1,357	20	337	718	87

Very young Indigenous people (aged 10-14 years) comprised a significant proportion of Indigenous referrals by the police (64%). Juveniles in this age group made up only 30% of non-Indigenous referrals by police. Generally, juveniles referred by the police tended to be younger than those referred by the Court.

Based on court records, the most common offences for which Indigenous juveniles were referred to teams were burglary and theft offences (68%), against person offences (11%), good order offences (9%) and motor vehicle/driving offences (5%).

A similar breakdown of the most frequent offences resulting in referral by police could not be provided, as the police do not record detailed offence data.

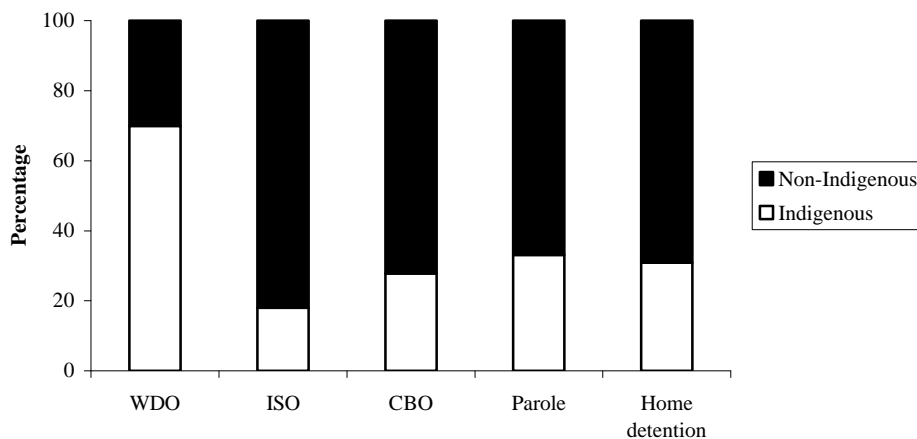
4. Community Based Orders

Non-custodial community-based orders are alternatives to imprisonment, requiring offenders to engage in a number of hours of community work and/or undertake special training or educational programs. In late 1996, the range of non-custodial community-based orders available to the courts was overhauled by the *Sentencing Act 1995*, the *Sentence Administration Act 1995* and the *Sentencing (Consequential Provisions) Act 1995*. The effect of these changes was to replace the use of good behaviour bonds, Community Service Orders (CSO) and probation with a wider range of alternatives including Intensive Supervision Orders (ISO), Community Based Orders (CBO) and Conditional Release Orders (CRO). The use of suspended sentences and spent convictions were also reviewed by the *Sentencing Act*.

Following the introduction of the *Fines, Penalties and Infringement Notices Enforcement Act* (1995), the number of offenders subject to Work and Development Orders (WDOs) for the non-payment of fines dropped dramatically from 12,742 in 1994 to only 189 in 1995; and of this much smaller group, Indigenous people accounted for 62%. Since then, however, the number of offenders issued with WDOs for non-payment of fines has increased from 189 in 1995 to 2,901 in 2001, with Indigenous people accounting for an increasing proportion (70%) – see Figure 4.2.

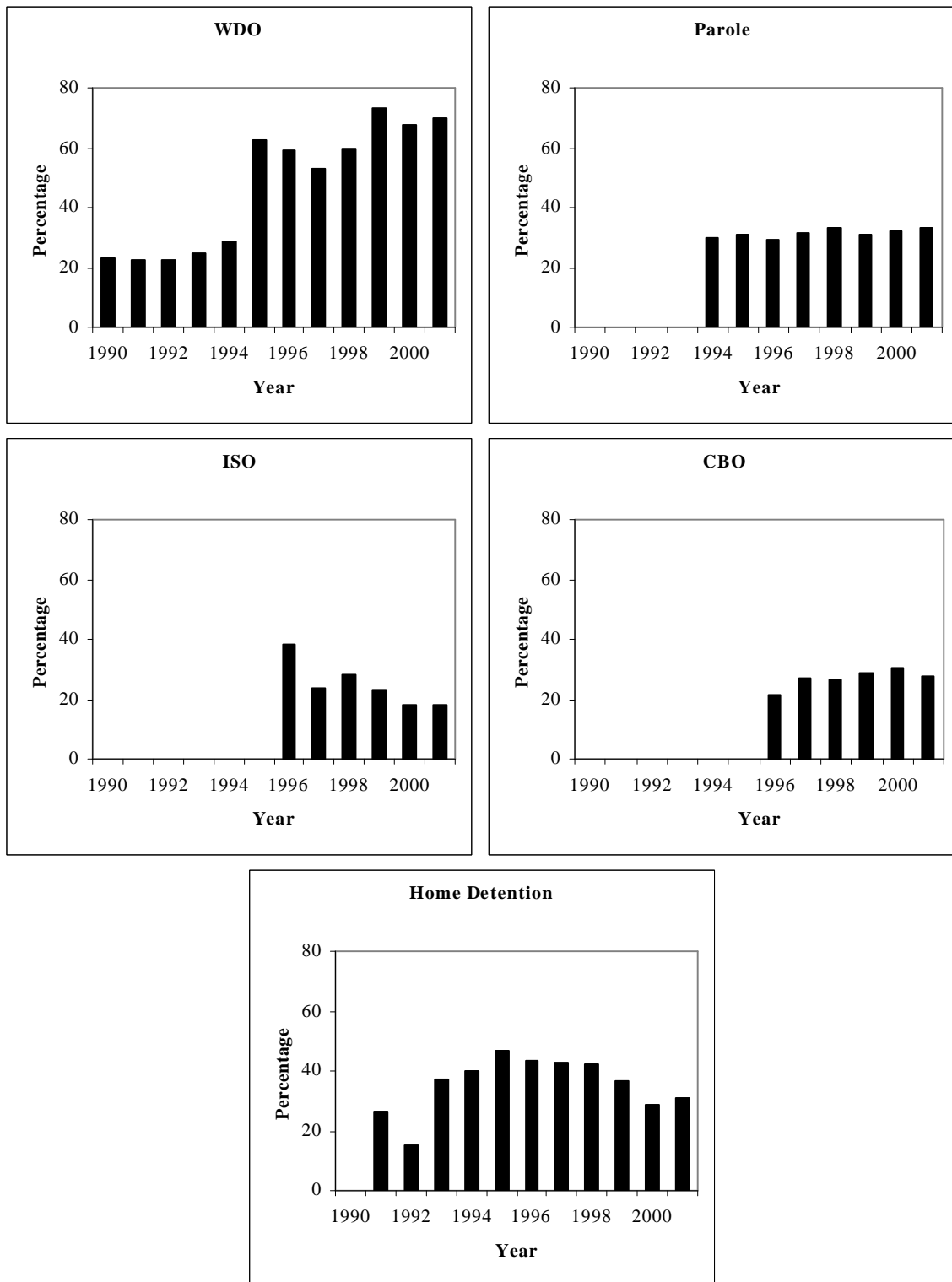
Changes to the Fines Enforcement legislation in 2000 have affected the utilisation patterns of WDOs. Early in 2000, the Act was amended to allow the court or Fines Enforcement Registrar to by-pass the licence suspension, seizure and sale of goods stages of fine enforcement and convert the fine *directly* to a WDO, where the offender does not have the capacity to pay. Later amendments relaxed the existing system to allow for greater flexibility in time to pay arrangements, additional eligibility requirements on offenders undertaking WDOs and more flexible enforcement procedures.

Figure 4.1: Indigenous Participation in Community Based Orders, 2001



In 2001, Indigenous people accounted for 18% of Intensive Supervision Orders (ISO), 28% of Community Based Orders (CBO), 33% of Parole and 31% of Home Detention (HD) – see Figure 4.1.

Figure 4.2: Participation of Indigenous People in Community Based Orders, 1990-2001



Note: Due to data extraction difficulties at the Department of Justice, parole data supplied to the Crime Research Centre for 1990 to 1993 were incomplete and therefore are not included in the figure above.

More about work and development orders in 2001:

- Indigenous people accounted for 70% of all offenders issued with work and development orders.
- Thirty-two per cent of Indigenous people issued with WDOs were females. In contrast only 21% of non-Indigenous people issued with WDOs were females.
- Young offenders (aged between 18 and 25 years) made up 28% of Indigenous people serving WDOs.
- WDOs issued to Indigenous people were mostly for good order offences (32%), vehicle/driving offences (32%), against person offences (16%), and burglary/theft offences (13%).
- Of WDOs issued to Indigenous offenders in 2001, about 29% were breached either through non-compliance or through re-offending while the breach-rate for non-Indigenous people was slightly higher at 31%.

More about intensive supervision orders (ISO) and community-based orders (CBO) in 2001:

- There were 255 ISO and 953 CBO issued to Indigenous people and, as Figure 4.1 shows, they accounted for about 18% of all ISOs and 28% of all CBOs.
- Indigenous women were slightly more likely to be issued with CBOs rather than ISOs. They accounted for 34% of CBOs and 32% of ISOs issued to Indigenous people.
- Young people (aged between 18 and 25 years) served about a half of these orders. They accounted for 46% of CBOs and 55% of ISOs issued to Indigenous people.
- ISOs issued to Indigenous people were mostly for violent offences (40%), burglary/theft offences (40%) and good order offences (13%) while CBOs were mostly issued for burglary/theft offences (30%), violent offences (27%), good order offences (19%) and vehicle/driving offences (17%).
- CBOs are generally served in a shorter time than ISOs. More than two fifths (45%) of CBOs issued to Indigenous people required completion within 6 months. The median length of CBOs for Indigenous people was 183 days – shorter than the median length for non-Indigenous people (344 days). The median length of ISOs for Indigenous people (364 days) was also shorter than the median length for non-Indigenous people (513 days).
- At the time of data extraction, about 19% of CBOs and 25% of ISOs issued to Indigenous people had been unsuccessfully completed (breached) either by non-compliance or through re-offending. On the other hand, about 17% of CBOs and 47% of ISOs issued to non-Indigenous people had been unsuccessfully completed.

5. Indigenous People in Custody

5.1 Adult Imprisonment

Trends in the *number* of persons entering WA prisons since 1990 are presented in Figure 5.1. There were significant declines in prison receptions in the mid 1990s, due mainly to the introduction of Fines Enforcement legislation and the (almost complete) elimination of prison entry for fine default. Since 1997, however, the reception rates of both Indigenous and non-Indigenous prisoners have increased, although in 2001, the non-Indigenous rate declined slightly. In 2001, the Indigenous reception rate was 30 times greater than the non-Indigenous rate (see Figure 5.2).

Figure 5.1: Trends in the Number of Prison Receptions in Western Australia, 1990-2001

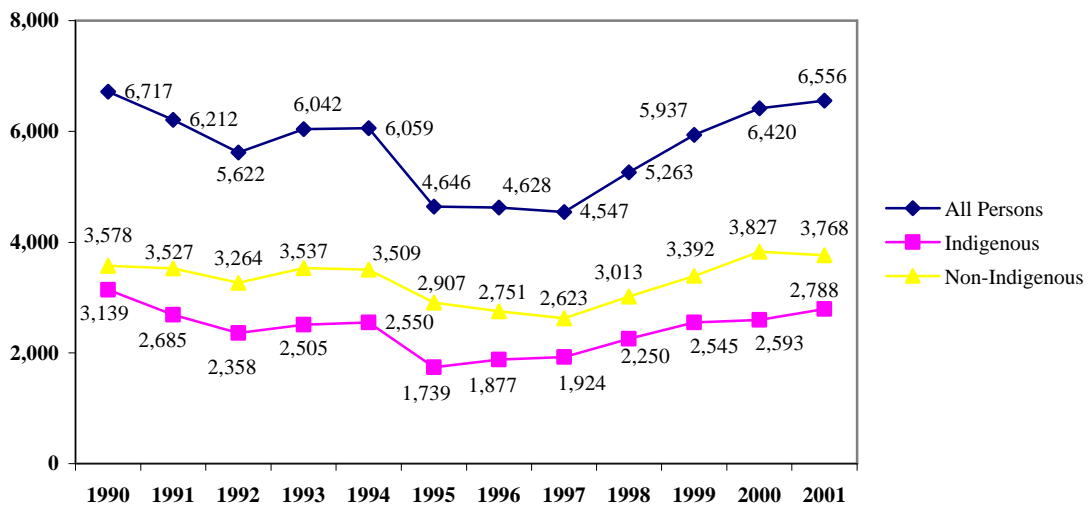
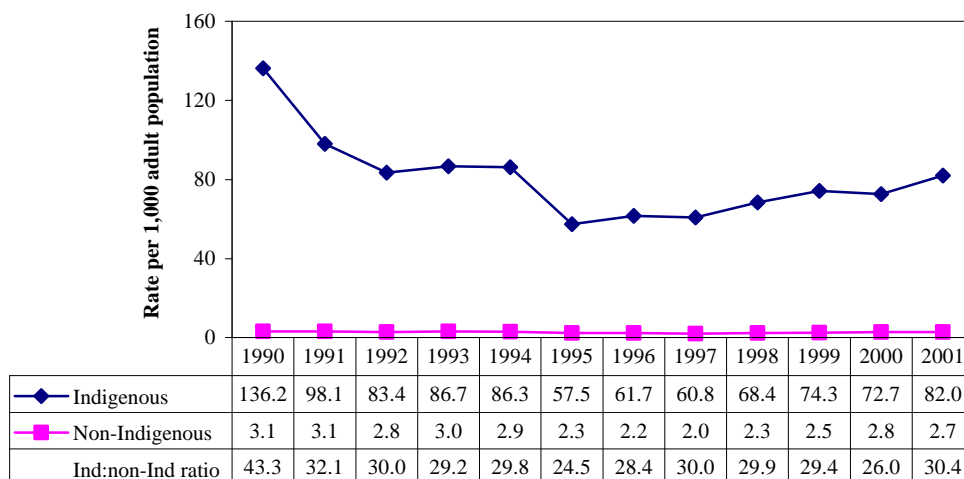


Figure 5.2: Rates of Adult Receptions into WA Prisons by Indigenous status, 1990-2001



**Table 5.1: Rates of Adult Imprisonment by Australian Jurisdiction – June 2001 quarter
(per 100,000 adult population)**

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Australia
Average Daily Prisoner Population									
Males	297.4	171.7	329.8	230.8	412.8	191.7	933.6	160.4	277.8
Females	20.2	12.8	21.8	14.2	31.3	9.4	28.5	25.0	18.7
Total	156.8	90.7	174.5	120.1	222.0	97.9	510.6	86.9	146.5
Indigenous Prisoner Population									
Indigenous	1,860.0	1,057.9	1,637.6	1,732.5	3,110.5	414.2	1,345.6	n.a.	1,780.9
<i>Ind:non-Ind ratio</i>	13.9	12.1	12.1	17.0	20.6	5.2	5.4	n.a.	14.9

Source: Compiled from figures in Tables 2, 5 & 6 in *Corrective Services Australia, December Quarter 2001*, ABS Catalogue No. 4512.0, March 2002.

Note: Table II no longer shows figures relating to Sentenced Prisoner Receptions, as this information is no longer published by the ABS.

Table 5.1 summarises national imprisonment rates as compiled by the National Corrective Services Unit, ABS. These are based on the average daily prisoner population, rather than on annual prison receptions. The table shows that WA ranks second to NT in average daily prisoners. In 2001, the Australian average daily adult imprisonment rate was 147 per 100,000 persons and the WA rate was 51% higher at 222 per 100,000 persons.

The Indigenous imprisonment rate (3,111 per 100,000 persons) in WA and the ratio between Indigenous and non-Indigenous imprisonment rates in WA (21 times greater) were the highest of any jurisdiction.

Other facts about imprisonment:

- In 2001, Indigenous people made up 2,788 out of 6,556 (43%) prison receivals. Thirty-six per cent (979 out of 2,743) of remand receptions were of Indigenous offenders. One in five (20%) Indigenous receptions, compared with one in twenty (5%) non-Indigenous receptions, were for fine default.
- The total number of persons entering prison for fine default in 2001 (734) was four times the number in 1996 (175). Though these figures are still far below those recorded prior to the introduction of the Fines Enforcement System, the number of fine defaulters entering prison appears to be rising.
- Indigenous people accounted for 75% (549 out of 734) of all fine defaulters entering prison in 2001, 55% of all receptions with finite sentences and 33% of all receptions serving parole sentences.
- Females made up 16% (282 out of 1,808) of Indigenous sentenced prisoners. Nearly half of these women (48%), compared with 27% of male Indigenous sentenced prisoners, were in prison for non-payment of fines.
- For Indigenous people, non-payment of fines were mainly related to motor vehicle related offences (57% - mostly drink driving and driving without a licence), good order offences (22% - mostly breach of orders, resist/hinder police and other offences

against good order), against the person offences (10% - mostly assault) and offences involving burglary/theft (8% - mostly theft).

- For Indigenous fine defaulters, a majority of sentence lengths (94%) were less than two months and females had slightly shorter sentences than males. Almost two thirds (65%) of Indigenous fine defaulters were 33 years old or younger.
- Ten per cent of Indigenous finite sentences, compared with 8% of non-Indigenous finite sentences, were between one year and two years.
- Seventy per cent of Indigenous parole sentences, compared with 81% of non-Indigenous parole sentences, were over 12 months.

5.2 Police lockup

Table 5.2 shows the trends in the number of receptions to WA police lockups.⁸ Since 1998, the number and rate of Indigenous people admitted to police lockups has been fairly stable. Receptions for public drunkenness have traditionally comprised a large component of Indigenous lockup figures. However, since 1996, Indigenous receptions for public drunkenness have continually declined. In 2001, drunkenness accounted for 13% of Indigenous receptions.

There were 19,377 receptions of 8,373 different Indigenous individuals admitted to police lockups in 2001 – averaging about 2 receptions per person. In terms of prevalence, this equates to about one in every seven Indigenous people in WA admitted to a police lockup *at least once* in 2001. In comparison, only one in every hundred non-Indigenous people was received into police lockup in 2001. Thus, Indigenous people were 13.6 times more likely to be admitted to a police lockup than non-Indigenous people.

Juveniles made up about 14% of Indigenous receptions (compared with 7% of non-Indigenous receptions) and females made up more than one quarter (29%) of Indigenous receptions (compared with 15% of non-Indigenous receptions).

¹ Information is drawn from the police computerised Lockup Admission System. Admissions to police lockups include the following legal status categories:

Arrest – apprehended and charged by police but not sentenced

Drunken Detainee – held in police custody while intoxicated but not charged

Fine Default – serving time in a lockup in default of payment of a fine

Remand – held in a lockup whilst on remand

Sentenced – serving time in a lockup as a sentenced prisoner

Warrants – held in a lockup under a warrant; assumed to be sentenced if not released on bail

Other – other status, for example, may have served time as a trustee; assumed to be sentenced.

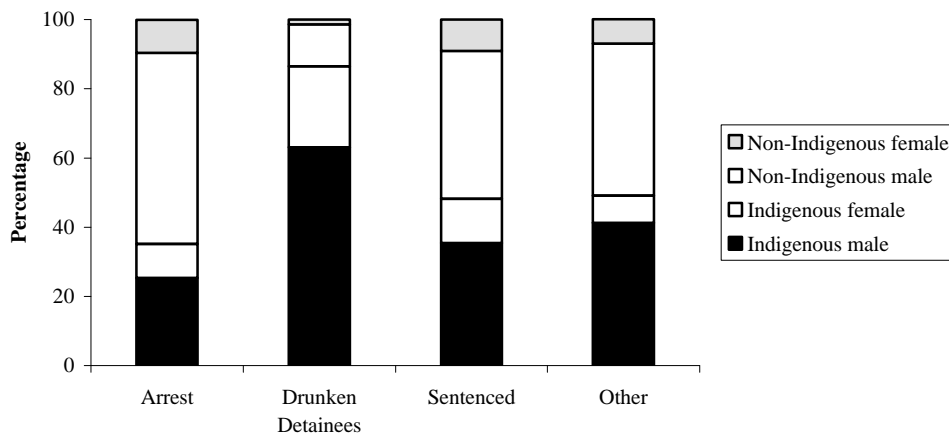
The basic unit of measurement to describe lockup activity is a reception ‘term’. A single reception ‘term’ may have multiple admissions such as when an offender is released to appear in court or transferred between lockups during that term.

Table 5.2: Trends in Receptions to WA Police Lockups 1994-2001

	1994	1995	1996	1997	1998	1999	2000	2001
Indigenous								
Receptions	22,413	18,744	20,148	19,760	19,396	19,090	19,223	19,377
Receptions for drunkenness - n	8,283	8,328	8,382	6,131	4,082	2,863	2,670	2,575
Receptions for drunkenness - %	37.0	44.4	41.6	31.0	21.1	15.0	13.9	13.3
Distinct persons received	7,579	6,651	7,181	7,382	7,847	7,994	8,172	8,373
Receptions per person	3.0	2.8	2.8	2.7	2.5	2.4	2.4	2.3
Rate per 1,000 persons	141	121	128	129	135	135	135	136
% Juvenile	9.7	11.6	11.1	12.1	13.1	13.7	13.7	14.1
% Female	25.9	24.7	26.3	27.9	27.3	28.2	28.7	29.3
Non-Indigenous								
Receptions	23,209	19,277	20,937	22,065	24,152	26,109	27,263	27,953
Receptions for drunkenness - n	321	398	459	578	469	422	441	397
Receptions for drunkenness - %	1.4	2.1	2.2	2.6	1.9	1.6	1.6	1.4
Distinct persons received	15,179	12,832	14,230	14,495	15,352	16,899	17,559	18,584
Receptions per person	1.5	1.5	1.5	1.5	1.6	1.5	1.6	1.5
Rate per 1,000 persons	9	8	8	8	9	9	10	10
% Juvenile	6.7	7.2	6.3	6.9	7.7	7.7	7.5	7.0
% Female	13.6	13.0	13.0	13.9	14.5	15.3	15.2	15.0

Figure 5.3 shows a breakdown of lockup receptions by sex, Indigenous status and reception type. Indigenous people (male and female) feature most prominently in the public drunkenness category.

Figure 5.3: Lockup Receptions by Indigenous status and Sex, 2001



Most stays in police lockups were of short duration – 95% of all receipts in 2001 had duration of one or two days (see Figure 5.4). Compared to Indigenous people, non-Indigenous people spend less time in police lockups. Note, however, that these figures are influenced by the inclusion of trustees (a convicted person who serves his sentence in a lockup rather than in a prison) who generally spend longer time in lock-ups, and prisoners held in lockups whilst in transit. No analysis has been undertaken to determine whether one group is affected more than the other by these influences. As Figure 5.4 shows, in 2001 more

than three quarters (77%) of non-Indigenous males stayed for a single day, compared with 60% of Indigenous males and 78% of non-Indigenous females stayed for a single day, compared with 64% of Indigenous females.

Figure 5.4: Length of Stay in Police Lockups, 2001



5.3 Juvenile Detention

Table 5.3 presents national data on the number of juveniles held in detention centres at June 30, 2001. As the table shows, the juvenile detention rate in WA was 44 per 100,000 juveniles – higher than all other jurisdictions except the Australian Capital Territory and Tasmania, and 1.5 times higher than the national rate.

Note, however, that there was a significant decline in the detention rate of Indigenous juveniles in 2000 in WA - declining from 714.3 in 1999 to 590.3 in 2000 and then steadying at 588.5 per 100,000 juveniles in 2001. The detention rate of non-Indigenous juveniles also decreased markedly between 2000 and 2001 – declining from 19.2 to 9.1 per 100,000 juveniles. Ironically, and despite these lower overall detention rates, the ratio of Indigenous to non-Indigenous rates has increased from 31 in 2000 to 65 in 2001. In other words, in 2001, the detention rate of young Indigenous people in WA was 65 times the non-Indigenous detention rate, which continues to be the highest differential in the nation.

Table 5.3: Census of Persons Aged 10-17 on 30 June 2001 in Juvenile Detention by Jurisdiction

Juvenile detention	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Australia
<i>As at 30 June 2001</i>									
N	232	66	85	97	56	37	6	25	604
Rate per 100,000 pop	32.7	12.7	20.4	43.5	34.6	67.0	23.9	70.5	28.2
Male rate	57.8	22.3	36.5	70.8	59.0	128.1	46.0	121.4	49.2
Female rate	6.3	2.8	3.5	14.7	8.9	3.7	0.0	17.3	6.0
Indigenous rate	333.6	183.8	214.7	588.5	154.5	177.0	57.4	657.9	284.0
Non-Indigenous rate	19.7	11.1	7.4	9.1	30.7	57.2	0.0	55.0	16.3
<i>Ind : non-Ind ratio</i>	16.9	16.6	29.0	64.7	5.0	3.1	n.a.	12.0	17.4

Source: *Statistics on Juvenile Detention in Australia: 1981-2001* - Australian Institute of Criminology.

5.4 Deaths in Custody

The Australian Institute of Criminology publishes statistics relating to deaths in custody intermittently. The following major points describing national trends have been extracted from *Deaths in Custody in Australia – 2001 National Deaths in Custody Program (NDICP) Annual Report* (Collins L.):

- There were 87 deaths in custody during the year ended 31 December 2001. Thirty-one of these deaths occurred in *police custody or custody-related police operations* and 56 in *prison custody*.
- Nineteen of the 87 deaths (22%), five out of 31 police custody deaths (16%) and 14 out of 56 prison custody deaths (25%) were of Indigenous or Torres Strait Islander people.
- The number of deaths reported during the year was 4% lower than those reported during 2000 (n=91) and 17% less than the 105 deaths reported during the peak year of 1997.
- Three women died in custody during 2001.
- Table 5.4 shows that for the first time since the early 1990s the declining number of deaths in police custody has ended, owing to the increase in non-Indigenous deaths occurring in police custody in 2001; Although the total number of deaths in prison custody decreased from 64 in 2000 to 56 in 2001, the number of Indigenous deaths in prison custody increased from 11 in 2000 to 14 in 2001.

Table 5.4: Australian Deaths in Custody, 1990 to 2001, Custodial Authority by Indigenous status

Year	Police			Prison			Juvenile Detention			Total		Overall Total
	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	
1990	5	26	31	5	28	33	0	1	1	10	55	65
1991	5	26	31	8	31	39	0	0	0	13	57	70
1992	7	24	31	2	34	36	0	0	0	9	58	67
1993	3	28	31	7	42	49	0	1	1	10	71	81
1994	3	24	27	11	42	53	0	1	1	14	67	81
1995	4	22	26	17	42	59	0	2	2	21	66	87
1996	6	23	29	12	40	52	0	1	1	18	64	82
1997	6	23	29	9	67	76	0	0	0	15	90	105
1998	6	19	25	9	60	69	1	0	1	16	79	95
1999	6	20	26	13	46	59	0	0	0	19	66	85
2000	5	20	25	11	53	64	1	1	2	17	74	91
2001	5	26	31	14	42	56	0	0	0	19	68	87

Figure 5.5 shows that the number of non-Indigenous deaths in prison and juvenile detention peaked in 1997 (67 deaths) then declined, while the number of Indigenous deaths in prison and juvenile detention peaked earlier (in 1995, 17 deaths) before showing signs of an

increase. Note, however, that as numbers are low, considerable fluctuations may occur in trends from year to year.

Figure 5.5: Australian Deaths Occurring in Custody or Custody-Related Police Operations, 1990 to 2001

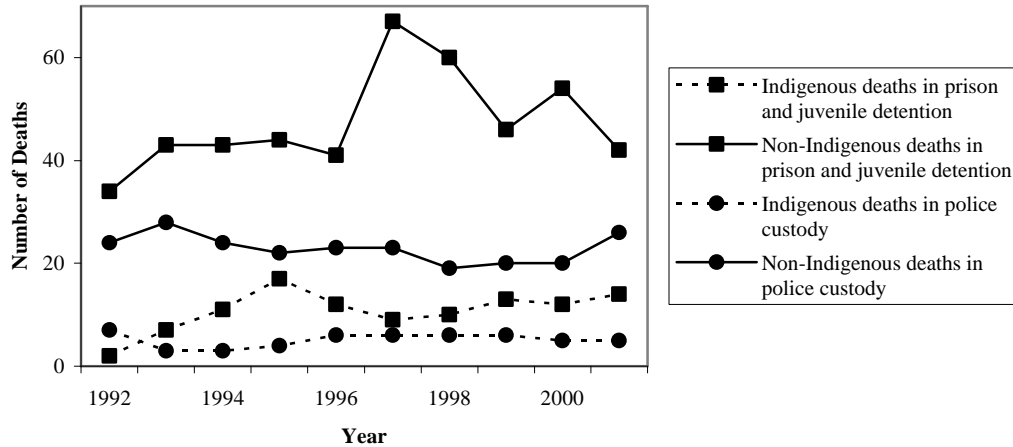


Table 5.5 presents latest available data on the number of deaths in custody in Western Australia, broken down by custodial authority and Indigenous status. The table shows that immediately after the tabling of the Royal Commission Into Aboriginal Deaths in Custody (RCIADIC) Report in 1991, the number of Indigenous and non-Indigenous deaths in custody in WA decreased significantly. However, since the mid-1990s, deaths in custody in WA have increased and are now comparable with pre-RCIADIC levels.

Table 5.5: Deaths in Custody in WA, 1990-2001, by Custodial Authority and Indigenous status

Year	Police			Prison			Total		
	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	Total	Ind.	Non-Ind.	Total
1990	3	3	6	0	3	3	3	6	9
1991	1	1	2	2	6	8	3	7	10
1992	1	0	1	0	3	3	1	3	4
1993	0	0	0	0	3	3	0	3	3
1994	1	2	3	2	4	6	3	6	9
1995	2	0	2	1	4	5	3	4	7
1996	2	3	5	2	4	6	4	7	11
1997	2	2	4	3	8	11	5	10	15
1998	1	1	2	3	10	13	4	11	15
1999	3	2	5	2	6	8	5	8	13
2000	1	1	2	4	10	14	5	11	16
2001	2	1	3	4	6	10	6	7	13
Total	19	16	35	23	67	90	42	83	125

Appendix A

CAVEATS ON POLICE DATA

The following caveats have been placed upon the release and use of police data in this Report:

1. The Data are supplied courtesy of the Western Australia Police Service.
2. The Data are sourced from the Western Australia Police Service's:
Offence Information System,
Name Indexing System (P18s) – Criminal Record Reference System,
Juvenile (Cautioning) System, and
Lockup Admission System.
3. The Data are provisional and may be subject to revision.
4. Processed Persons data refer to persons who have been 'processed', that is, arrested, summonsed, formally cautioned or referred to a Juvenile Justice Team program. They do not represent total clearances as clearance figures include offenders subject to statute bar, diplomatic immunity and other related processes. The processed persons data do not necessarily provide a count of offences, as more than one offender could be processed for a single offence or one offender could be processed for a number of offences. Accordingly, the data cannot be used to calculate reported offence numbers or clearance rates. Care should be exercised in their application.
5. The number of reported offences for a period comprises all offences reported during that period and may include offences committed during earlier periods. Therefore the reporting of historical offences may inflate the number of reported offences for a period.
6. Offence classifications may alter between periods due to changes in legislation or administrative recording practices. Accordingly, time series may be broken.
7. Aboriginality/Ethnicity is derived from the Western Australia Police Service Identity Code field for Ethnic Appearance. The field is completed on the basis of the attending police officer's subjective assessment of the person's appearance and is recorded for operational purposes only. Care should be exercised in the interpretation of these statistics, as a subjective assessment means it is possible that a person attributed to a particular group does not belong to that group.
8. Time series data may be affected by changes in legislation, coding practices and locality boundaries.
9. Any information relating to juvenile offenders' personal information (that is, anything that could identify the person) unless the person consents in writing, or, the divulgence is for the purposes of investigation of any suspected offence, or the conduct of proceedings against any person for an offence, contravenes an offence under Section 17 of the Young Offenders Act 1995 and Section 36 of the Children's Court of Western Australia Act 1988.
10. Any information likely to identify the complainant in a sexual offence or the complainant's school, if applicable, may contravene an offence under Section 36C of the Evidence Act 1906.