



THE UNIVERSITY OF
WESTERN AUSTRALIA

**Aboriginal involvement in the
Western Australian criminal justice system:
A statistical review, 1999**

crime

centre

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**For the
Aboriginal Justice Council**

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Introduction

The following Report provides the most up to date statistical information about the extent and nature of Aboriginal 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 Aboriginal Justice Council of WA.

The statistical information presented here has been compiled from the computerised records of the WA Police Service (for details of arrests, cautioning and police lockups) and from the Ministry of Justice (for information about the activities of the courts, prisons and community corrections areas). Statistics relating to 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 1999.

Data describing the level and nature of Aboriginal victimisation is also provided in this Report and is based on reports made to the police during 1999. The use of official statistics to describe levels of victimisation is problematic, however, since not all offences are reported to or recorded by the police (the so-called ●dark figure● of crime). Surveys, on the other hand, measure the extent of crime regardless of whether they are reported to authorities. However, these are time-consuming, more expensive to organise and are generally restricted by methodological and sampling issues. The last comprehensive national survey of Aboriginal and Torres Strait Islanders was conducted in 1994 (NATSIS, ABS 1995) and included eleven questions related to law and justice matters, several of which asked respondents about being victims of assault.

1. Victimization of Aboriginal People

In this section we describe the level of Aboriginal 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.¹ Like non-Aborigines, Aboriginal 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 race details in these cases.²

Based on crimes reported to police in 1999, Aborigines were victims of 3,277 violent offences (offences against the person) and this gives a rate of 55.2 offences per 1,000 Aborigines. Compared with a rate of 10.7 offences per 1,000 non-Aborigines, this rate is about 5 times higher. Seventy-two per cent of all Aboriginal victims and 45% of all non-Aboriginal victims were women.

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

The greatest difference between Aboriginal and non-Aboriginal victimisation was in the assault category (see Table 1.1), for which Aborigines were almost seven times more likely to become victims than non-Aborigines. The difference was even greater for females; in 1999, Aboriginal women were 13 times more likely (12 times more likely in 1997 and 14 times more likely in 1998) to be victims of an assault than non-Aboriginal women.

The offence category with the next greatest difference between Aboriginal and non-Aboriginal victimisation was homicide. In 1999, Aboriginal women were about six times more likely to become victims of homicide than non-Aboriginal women; and Aboriginal men were more than five times more likely to become victims of homicide than non-Aboriginal men.

¹ In the Police Offence Information System (P49), '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.

² The following table shows the high level on non-recording of victim race for crimes reported to and recorded by the WA Police Service.

Offence group	Victim Race			Total
	Aboriginal	Non-Aboriginal	Unknown	
	%	%	%	%
Against person	14.0	82.5	3.5	100.0
Burglary/Theft	1.1	69.4	29.6	100.0
Damage	1.5	53.7	44.8	100.0
Good Order	5.2	77.7	17.1	100.0
Drugs	0.0	0.2	99.8	100.0
Other	0.3	9.9	89.8	100.0

Table 1.1: Reported Offences Against the Person by Victim Sex and Race, 1999

	Aborigines		Non-Aborigines		Ab:non-Ab ratio
	n	rate/1,000	n	rate/1,000	
<i>Females</i>					
Homicide	6	0.2	29	0.0	6.2
Assault	1,888	62.9	4,219	4.7	13.3
Sex offences	322	10.7	2,621	2.9	3.7
Other	139	4.6	1,301	1.5	3.2
Robbery	15	0.5	552	0.6	0.8
Total	2,370	79.0	8,722	9.8	8.1
<i>Males</i>					
Homicide	8	0.3	46	0.1	5.4
Assault	776	26.4	7,831	8.6	3.1
Sex offences	40	1.4	522	0.6	2.4
Other	65	2.2	1,261	1.4	1.6
Robbery	18	0.6	916	1.0	0.6
Total	907	30.9	10,576	11.7	2.7
<i>Combined</i>					
Homicide	14	0.2	75	0.0	5.7
Assault	2,664	44.9	12,050	6.7	6.7
Sex offences	362	6.1	3,143	1.7	3.5
Other	204	3.4	2,562	1.4	2.4
Robbery	33	0.6	1,468	0.8	0.7
Total	3,277	55.2	19,298	10.7	5.2

Table 1.2: Comparison of Male and Female Aboriginal Victimization Rates

Offence	Rate		Female:Male ratio
	Female	Male	
Homicide	0.2	0.3	0.7
Assault	62.9	26.4	2.4
Sex offences	10.7	1.4	7.9
Other	4.6	2.2	2.1
Robbery	0.5	0.6	0.8
Total	79.0	30.9	2.6

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

In half of all assault cases against Aboriginal women, the relationship of the offender to the victim was not recorded. In cases where the relationship was recorded, 84% involved offenders who were known to the victim; and in 73% of these cases, the offender was the spouse or partner of the victim.

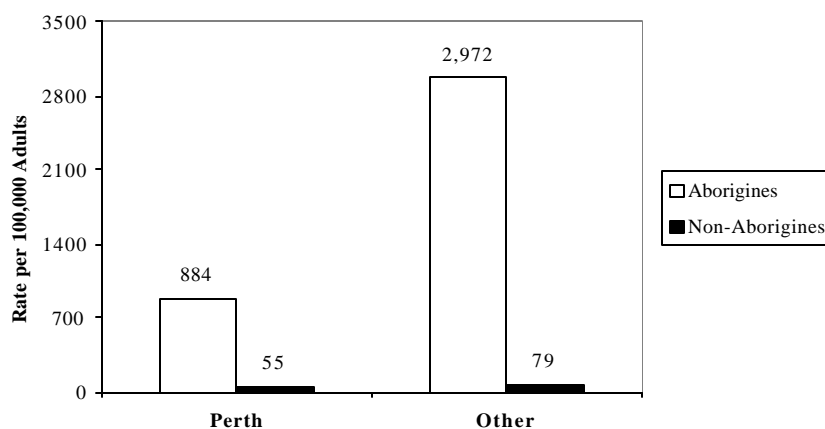
Table 1.3: Aboriginal and Non-Aboriginal Victimization by Age Group, 1999

Age Group	Rate per 1,000		Abl:non-Abl ratio
	Aborigines	Non-Aborigines	
<18	25.8	10.2	2.5
18-24	94.4	21.9	4.3
25-34	109.7	17.3	6.3
35 & over	52.6	6.6	8.0
Total	55.2	10.7	5.2

Table 1.3 shows that victimisation also varies with age. For both Aborigines and non-Aborigines, young adults (those between 18 and 34 years old) had higher victimisation rates than other age-groups. However, the highest differential risk was found in the '35 & over' age-group, where Aborigines were eight times more likely to be victims of violence than non-Aborigines. In fact, the differential risk increased gradually from 2.5 for the '<18' age-group to 8.0 for the '35 & over' age-group.

In 1999, there were 23,405 offences against the person arising from a total of 20,906 incidents of violence. In about 15% (3,051 out of 20,906) of these incidents, Aboriginal victims were involved and, of these, one-fifth (626 out of 3,051) were incidents of domestic violence.³ Figure 1.1 shows that the risk of victimisation (by a spouse) for Aborigines and non-Aborigines was greater in rural areas than in the Perth metropolitan area.

Figure 1.1: Rates of victimisation for domestic violence in WA, 1999



³ 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 Aboriginal people as 'offenders', that is, as persons apprehended by the police (either via arrest or summons) or diverted (as juveniles) either through the cautioning system or via referrals to juvenile justice teams (JITs).

Data about apprehensions are derived from the police P18 form 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 traffic offences (for example, speeding and parking offences) are not comprehensively recorded in this system. However, the data do include the more serious traffic offences of reckless driving and driving under the influence.

In the tables and figures which follow, we measure 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 which is 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.⁴

2.1 Arrests

Table 2.1 and the associated figures (Figures 2.1, 2.2, 2.3, 2.4 & 2.5) summarise trends in Aboriginal and non-Aboriginal 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 arrest rate of Aboriginal people⁵ declined in the early 90's from 184 per 1,000 persons in 1991 to its lowest of 173 per 1,000 persons in 1993, since then it has increased to 193 per 1,000 persons in 1998 and 184 per 1,000 persons in 1999. The arrest rate of non-Aboriginal people has continually

⁴ 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.

⁵ Aboriginality 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.

declined from 24 per 1,000 persons in 1991 to 16 per 1,000 persons in 1999. As a result, the 'differential risk' (over-representation) of Aboriginal people has increased from 7.6 in 1991 to 11.3 in 1999. This means that, in 1999, Aboriginal people were 11.3 times more likely to be arrested than non-Aboriginal people, whereas in 1991 they were 7.6 times more likely to be arrested than non-Aborigines.

Table 2.1: Trends in the (prevalence) Arrest Rates of Aborigines and Non-Aborigines, 1991-1999

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

A closer examination reveals that the decline in Aboriginal arrest rates in the early 90's was mostly related to a decline in juvenile arrests, which occurred from 1991 to 1996. The arrest rates for Aboriginal adults and for Aboriginal women have generally increased since 1993. Note that the arrest rate for Aboriginal women has increased gradually from 94 per 1,000 females in 1991 to 111 per 1,000 females in 1998 and 106 per 1,000 females in 1999. This increase is closely related to the increase in number of arrests for driving offences (from 10% of Aboriginal women arrests in 1991 to 23% of Aboriginal women arrests in 1999) and mostly for drink driving, driving without a

licence or driving while licence suspended. As a percentage of the number of female Aboriginal arrests for driving offences, drink driving arrests decreased from 41% in 1995 to 29% in 1999, driving without a licence arrests decreased from 38% in 1995 to 27% in 1999, while driving with a suspended licence arrests increased from 9% in 1995 to 31% in 1999.

Figure 2.1: Prevalence Arrest Rates, 1991-1999

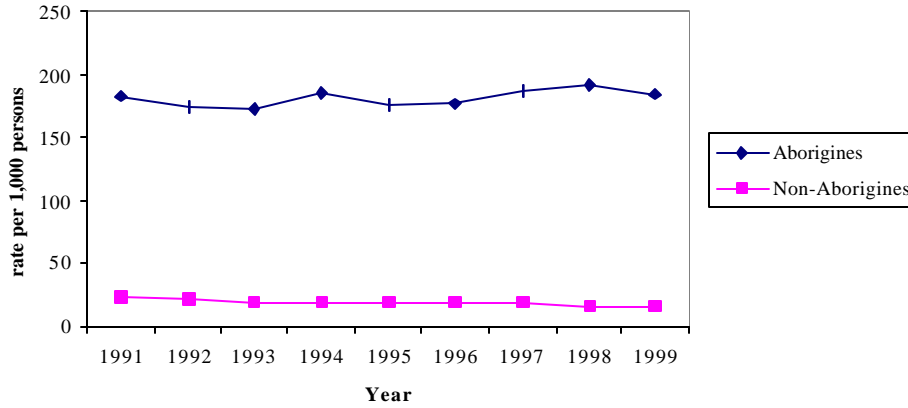


Figure 2.2: Arrest Rates of Juveniles, 1991-1999

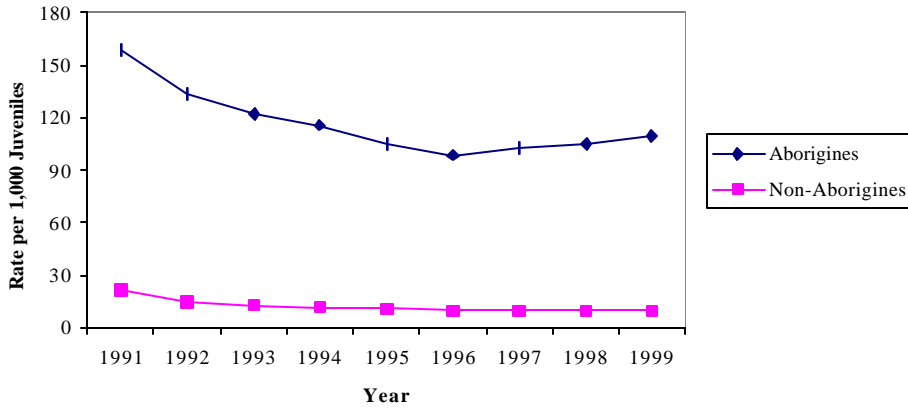


Figure 2.3: Arrest Rates of Adults, 1991-1999

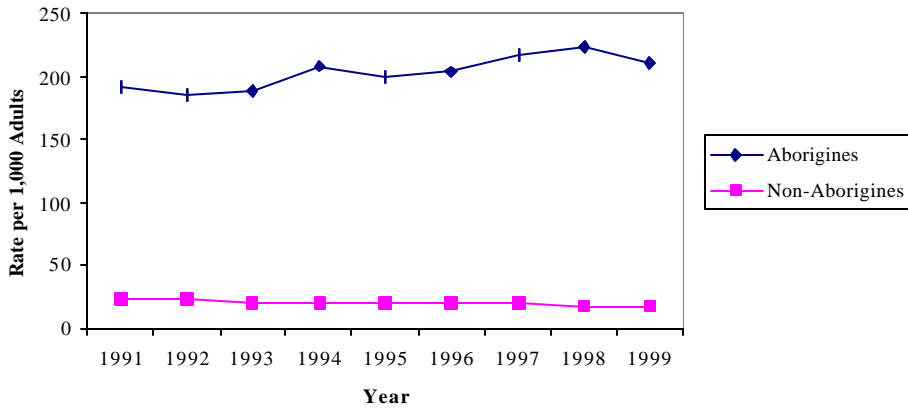


Figure 2.4: Arrest Rates of Males, 1991-1999

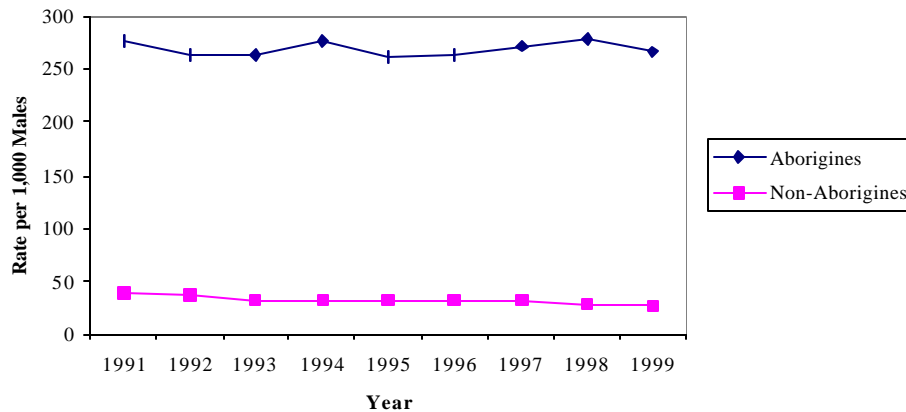
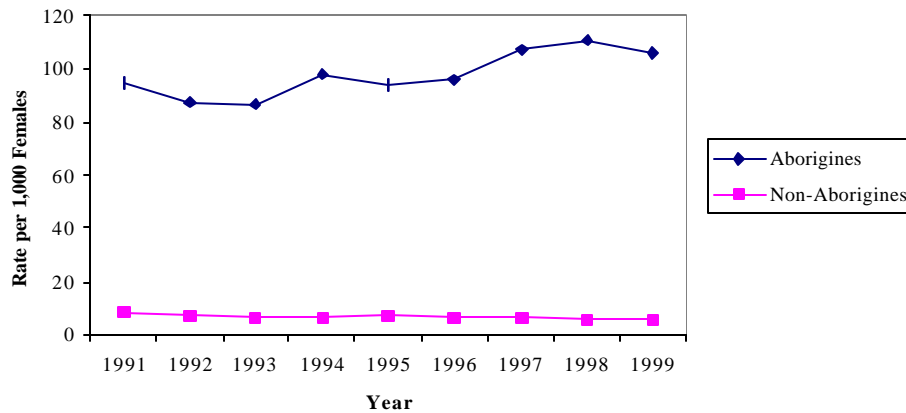


Figure 2.5: Arrest Rates of Females, 1991-1999



In contrast to the trends in Aboriginal arrest rates, the non-Aboriginal arrest rate (whether for juveniles or adults, males or females) declined between 1991 and 1999.

From Table 2.1 it can also be seen that for both juveniles and adult, the Aboriginal:non-Aboriginal ratio (over-representation) has increased between 1991 and 1999.

As noted earlier, much of the decline in juvenile apprehensions (for Aboriginal juveniles, only from 1991 to 1996) can be attributed to the introduction and increasing use 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*.

Table 2.2 presents data on the level of (formal) contact between juveniles and police from 1995 to 1999. 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 Panel between January and March, 1995.⁶ The Panel, which operated prior to the enactment of the *Young Offenders Act* ceased operation in March 1995.

Table 2.2 shows that the number of juveniles apprehended by police declined significantly throughout 1995, immediately following formalisation of the cautioning and referral schemes. However, since then, juvenile apprehensions have steadied. In contrast, the number of juveniles diverted (or, diverted *and* apprehended during the year) has steadily increased. These patterns suggest that although the cautioning and referral processes may have diverted many young offenders from the arrest process, some net-widening has also occurred. The total rate of police contact (inclusive of diversion) has increased from 46.2 in 1995 to 56.5 in 1999, with the most significant increases occurring throughout 1995. More recently, however, the contact rate has steadied to about 56 contacts per 1,000 juveniles per year.

Table 2.2: Juvenile Contact (prevalence) with Police via Arrest or Diversion (caution or referral to JJTs), 1995-1999

Type of Contact	1995	1996	1997	1998	1999
Total juveniles					
Juveniles apprehended (only)	2,326	2,064	2,131	1,997	2,149
Juveniles diverted (only)	6,283	7,895	7,948	9,007	8,814
Juveniles apprehended & diverted	931	1,047	1,111	1,216	1,437
<i>Total police contact</i>	9,540	11,006	11,190	12,220	12,400
<i>Rate of police contact per 1,000</i>	46.2	52.3	52.4	56.4	56.5
Aboriginal juveniles					
Juveniles apprehended (only)	773	688	695	721	757
Juveniles diverted (only)	726	1,029	1,167	1,443	1,444
Juveniles apprehended & diverted	291	342	397	478	528
<i>Total police contact</i>	1,790	2,059	2,259	2,642	2,729
<i>Rate of police contact per 1,000</i>	183.0	202.4	213.3	238.9	239.4
Non-Aboriginal juveniles					
Juveniles apprehended (only)	1,541	1,348	1,410	1,257	1,298
Juveniles diverted (only)	5,499	6,743	6,664	7,504	7,370
Juveniles apprehended & diverted	624	661	647	732	909
<i>Total police contact</i>	7,664	8,752	8,721	9,493	9,577
<i>Rate of police contact per 1,000</i>	39.0	43.7	43.0	46.1	46.0
Aboriginal:non-Aboriginal ratio	4.7	4.6	5.0	5.2	5.2

Table 2.2 also shows differences between Aboriginal and non-Aboriginal contact rates. In 1995, the contact rate for Aboriginal juveniles was 183 per 1,000 juveniles, while for non-Aborigines the rate was 39 per 1,000 juveniles. Thus, in 1995, the contact rate for Aboriginal juveniles was 4.7 times greater than for non-Aboriginal juveniles. By 1999, the contact rates for both groups had risen (for Aborigines to 239 per 1,000 juveniles and for non-Aborigines to 46 per 1,000 juveniles), and the differential risk between the two groups had increased to 5.2. That is, by 1999, the contact rate for Aboriginal youth was 5.2 times greater than for non-Aboriginal juveniles.

A further examination of age group (see Table 2.3) shows that in 1999, the highest Aboriginal and non-Aboriginal rates of police contact were found in the 17 year age-group. Note also that the

⁶ Between 1 January and 13 March 1995, the Children's Panel dealt with 434 distinct juveniles and 802 charges.

highest Aboriginal:non-Aboriginal ratio was found in the 10-14 year age-group, where Aboriginal juveniles were about 7 times more likely to have contact with police than non-Aboriginal juveniles.

Table 2.3: Rate of Juvenile Contact with Police by Race and Age, 1999

	Age			
	10-14	15	16	17
Aboriginal rate per 1,000	194.6	322.4	298.0	341.2
Non-Aboriginal rate per 1,000	27.3	74.0	68.8	87.2
Total rate per 1,000	36.4	86.2	80.6	101.1
Abl:non-Abl ratio	7.1	4.4	4.3	3.9

Figure 2.8 shows that, from 1995 to 1999, the number of non-Aboriginal juveniles diverted exceeded the number of non-Aboriginal juveniles apprehended, while for Aboriginal juveniles (see Figure 2.7) this did not happen until the end of 1995.

Figure 2.6: Contact Levels of All Juveniles with Police, 1995-1999

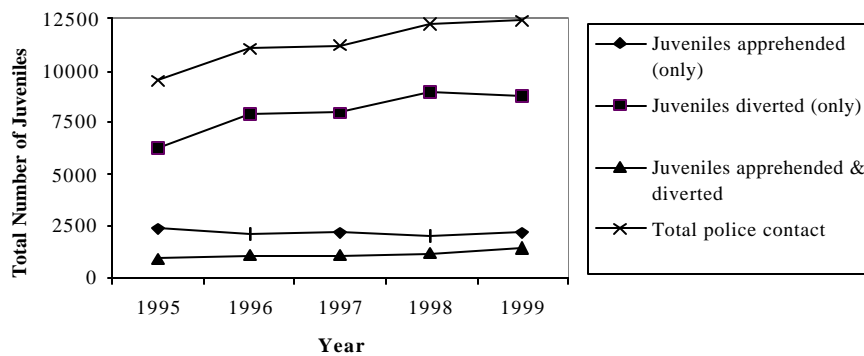


Figure 2.7: Contact Levels of Aboriginal Juveniles with Police, 1995-1999

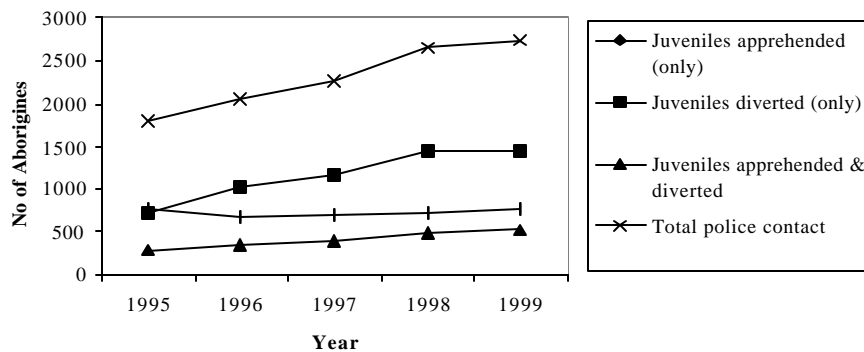
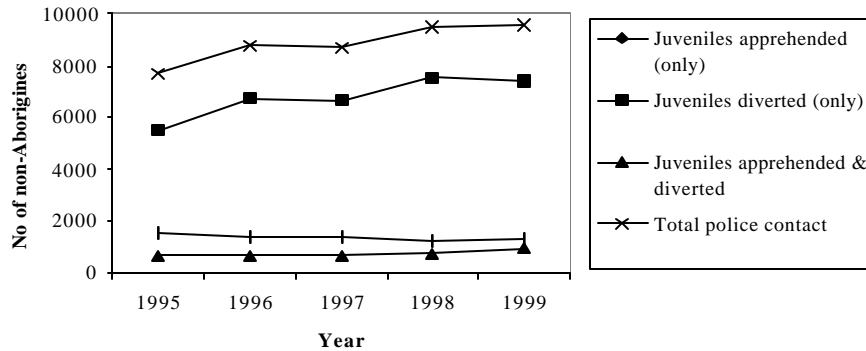


Figure 2.8: Contact Level of non-Aboriginal Juveniles with Police, 1995-1999



Arrests – other factors

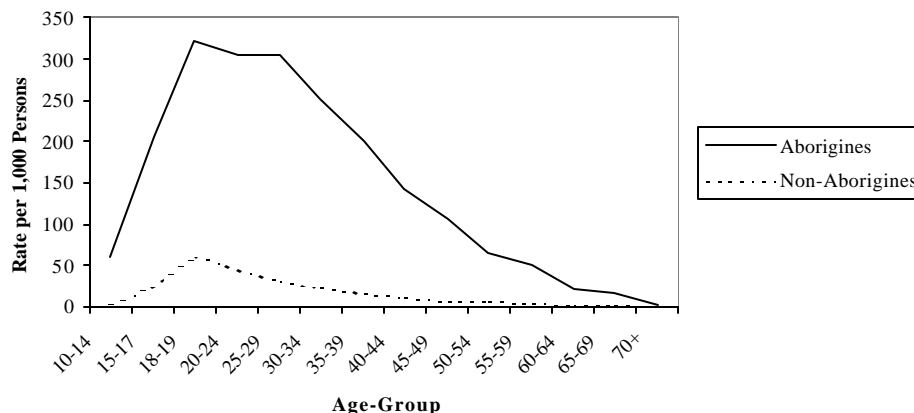
Age

Table 2.4 and Figure 2.9 show that, for all age groups, non-Aboriginal arrest rates are far exceeded by Aboriginal arrest rates. This is especially the case for 10-14 year group, where the Aboriginal arrest rate is 27 times the non-Aboriginal arrest rate. For both Aborigines and non-Aborigines, the arrest rates peak in the 18-19 year group.

Table 2.4: Age-Rated Arrest Rates by Race, 1999

Age Group	Aborigines Rate per 1,000	Non-Aborigines Rate per 1,000	Ab : non-Ab Ratio
10-14	59.8	2.2	27.2
15-17	205.5	22.2	9.3
18-19	322.1	61.1	5.3
20-24	304.5	44.9	6.8
25-29	304.9	32.5	9.4
30-34	253.1	23.1	11.0
35-39	199.5	15.9	12.5
40-44	143.9	11.6	12.4
45-49	105.9	7.7	13.8
50-54	65.5	5.8	11.3
55-59	49.1	3.8	12.9
60-64	20.6	2.9	7.1
65-69	16.8	1.8	9.3
70+	3.3	0.8	4.1
Total	184.3	16.3	11.3

Figure 2.9: Age-rated Arrest Rates (prevalence)



Region

Table 2.5 shows regional differences in Aboriginal arrest rates in Western Australia. Arrest rates for adults are highest in the Upper Great Southern, Central & South Eastern regions and lowest in the Midlands region. Arrest rates for young Aboriginals are also highest in the Upper Great Southern region and lowest in the Midlands and South West regions.

Table 2.5: Regional Variations in Arrest Rates of Aboriginal People, 1999

Region	Young (10-19)		Adult (>19)		Total	
	n	Rate per 1,000	n	Rate per 1,000	n	Rate per 1,000
Perth	691	183.5	1,706	201.2	2,397	195.7
South West	75	112.3	233	186.4	308	160.6
Lower Gt Southern	70	217.4	197	237.3	267	231.8
Upper Gt Southern	50	247.5	119	319.0	169	293.9
Midlands	45	111.9	152	173.9	197	154.4
South Eastern	213	214.9	710	283.1	923	263.8
Central	289	237.7	757	287.5	1,046	271.8
Pilbara	191	184.5	704	252.5	895	234.1
Kimberley	354	140.4	1,519	259.4	1,873	223.6

2.2 Juvenile Cautioning

The use of formal cautions and the proportion of juvenile Aboriginal offenders receiving these cautions have increased since 1995. Table 2.6 shows that 23% of all cautions in 1999 were issued to Aboriginal juveniles.

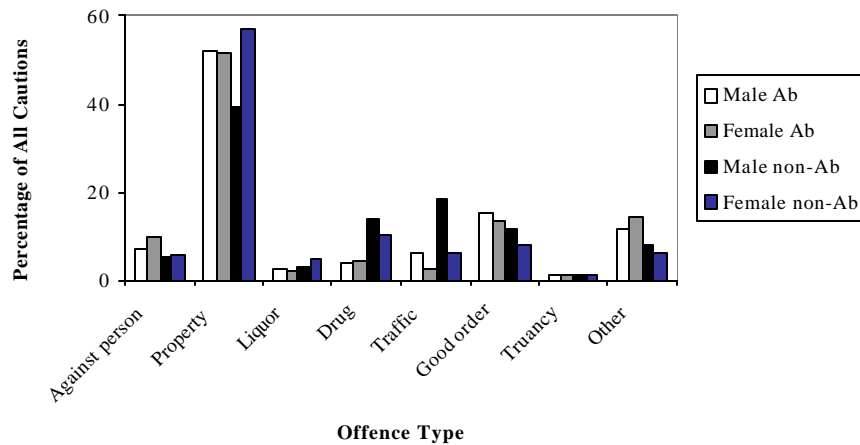
Table 2.6: Cautioning Trends, 1991-1999

Year	Total	Aborigines		Non-Aborigines	
		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
Total	62,760	11,440	18.2	50,764	80.9

*The cautioning scheme did not start until August, 1991

Figure 2.10 shows that more than a half of all cautions issued to Aboriginal juveniles (comprising 52% of cautions issued to males and 51% of cautions issued to females) were for property offences; and about one out of seven cautions issued to Aboriginal juveniles (15% of cautions issued to males and 14% of cautions issued to females) were for good order offences. On the other hand, most cautions issued to non-Aboriginal juveniles were for property (40% of cautions issued to males and 57% of cautions issued to female juveniles), traffic (18% of cautions issued to male juveniles), drug and good order offences.

Figure 2.10: Cautions Issued by Offence Type, 1999



3. Court Activity

3.1 Higher Courts

The 1999 Higher Court data have been extracted from computerised records of the Higher Court Criminal Case Management System (SRCASE) which has been operated by the Ministry of Justice since 1993.

In 1999 there were 8,750 charges finalised by the Higher Courts, on 3,243 occasions (final appearances) and involving 2,996 distinct persons – an average of 2.7 charges per final appearance and 2.9 charges per person.

Table 3.1 summarises the activities of the Higher Courts for all charges, for all final appearances and for all distinct persons. It shows that the race of a defendant was not recorded in 53% of charges, 50% of final appearances and 52% of distinct persons. As a result, analyses on Aboriginality will be unreliable.

Table 3.1: Summary of Higher Court Activities, 1999

	All charges	Final appearances	Distinct persons
Total	8,750	3,243	2,996
Sex			
Males	7,022	2,756	2,544
Females	1,503	406	373
Unknown	225	81	79
<i>% Male</i>	80.3	85.0	84.9
Race			
Aborigines	201	122	112
Non-Aborigines	3,873	1,493	1,341
Unknown	4,676	1,628	1,543
<i>% Aboriginal</i>	2.3	3.8	3.7
Age			
<26 years	3,031	1,449	1,327
26-33 years	2,087	773	722
34+ years	3,491	951	878
Unknown	141	70	69
<i>% aged 25 years or less</i>	34.6	44.7	44.3
Court outcome			
Convicted	6,534	2,585	2,418
Acquited	825	238	211
Other	1,391	420	367
<i>% Convicted</i>	74.7	79.7	80.7
Offence type			
Against person	3,047	1,099	1,032
Property	4,337	1,318	1,218
Good order	423	242	215
Drugs & Other	665	377	356
Unclassified	278	207	175
<i>% Against person(violent)</i>	34.8	33.9	34.5

3.2 Courts of Petty Sessions (Lower Courts)

The 1999 lower court data have been extracted from the Ministry of Justice computerised CHIPS system (**C**hildren's **C**ourt and **P**etty **S**essions). Note that not all Courts of Petty Sessions were using the CHIPS system in 1999. The CHIPS system was installed throughout the Perth metropolitan courts during 1998 but many regional courts were still coming 'on-line' during 1999. Many remote area courts continue to be managed by the police.

In 1999, the lower courts finalised 95,640 charges, on 50,447 occasions (final appearances), which were laid against 40,624 distinct persons – an average of 1.9 charges per final appearance and 2.4 charges per person.

Table 3.2 summarises the activities of the lower courts for all charges, all final appearances and distinct persons. The table shows that the race of the defendant was not recorded in 89% of charges, 90% of final appearances and 91% of distinct persons. Therefore, analyses on Aboriginality will be unreliable.

Table 3.2: Summary of Lower Court Activities, 1999

	All charges	Final appearances	Distinct persons
Total	95,640	50,447	40,624
Sex			
Males	71,965	38,087	30,322
Females	20,211	10,248	8,417
Unknown	3,464	2,112	1,885
<i>% Male</i>	75.3	75.5	74.6
Race			
Aborigines	3,601	1,777	1,117
Non-Aborigines	7,276	3,532	2,425
Unknown	84,763	45,138	37,082
<i>% Aboriginal</i>	3.8	3.5	2.8
Age			
<26 years	38,187	19,532	15,012
26-33 years	25,610	12,906	10,164
34+ years	26,246	14,597	12,226
Unknown	5,597	3,412	3,222
<i>% aged 25 years or less</i>	39.9	38.7	37.0
Court outcome			
Convicted	90,975	48,701	39,630
Other	4,665	1,746	994
<i>% Convicted</i>	95.1	96.5	97.6
Offence type			
Against person	5,491	4,075	3,435
Property	20,811	7,874	6,282
Good order	16,862	7,664	5,388
Drugs & Other	9,788	4,857	3,842
Driving/Vehicle	35,026	22,216	18,561
Unclassified	7,662	3,761	3,116
<i>% Against person(violent)</i>	5.7	8.1	8.5

3.3 Children's Court

Since 1994, information about the Children's Court and related juvenile matters in Western Australia have been recorded by the Ministry of Justice in computerised systems, such as the CHIPS system (**C**hildren's Court and **P**etty **S**essions).

In 1999, Aborigines accounted for 20% of defendants, 27% of final appearances and 32% of all charges (offences) heard by the Children's Court. However, in 45% of defendant records, 36% of final appearance records and 29% of offence records, the race or Aboriginality of the defendant was not recorded. Therefore, caution needs to be exercised in interpreting the Children's Court data.

Fifty-three per cent of Aborigines, compared with 83% of non-Aborigines, had their cases heard by the Perth Children's Court.

For male Aborigines, the most frequent types of offences charged were burglary and theft offences (52%), good order offences (20%), driving offences (10%) and offences against the person (9%). For female Aborigines, the most frequent types of offences charged were burglary and theft offences (43%), good order offences (28%), offences against the person (13%) and driving offences (7%).

Eighty-four per cent of charges against Aborigines, compared with 77% of charges against non-Aborigines, resulted in conviction (see Table 3.3).

Table 3.3: Children's Court Results, All Charges 1999

Result	Aborigines		Non-Aborigines		Unknown	
	n	%	n	%	n	%
Guilty	4,943	84	5,621	77	4,154	76
Referred to a juvenile justice team	703	12	1,373	19	999	18
Other*	264	4	318	4	346	6
Total	5,910	100	7,312	100	5,499	100

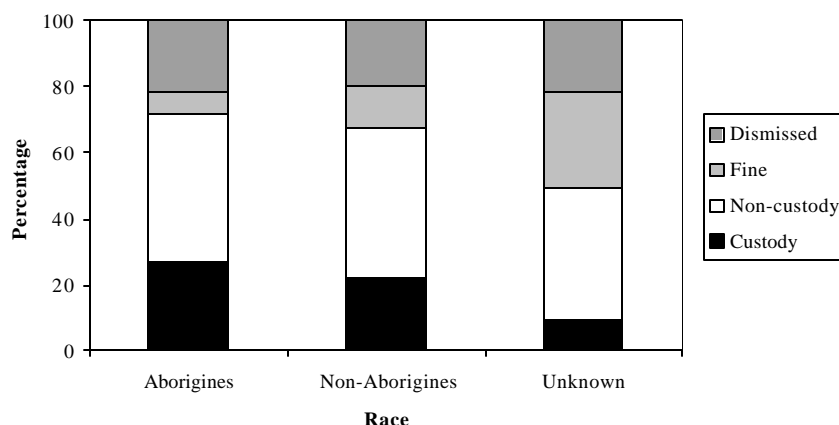
*'Other' includes:

- 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).

Of convicted charges, 26% of those against Aborigines (13% of convictions against females and 30% of convictions against males) received a custodial sentence; compared with 22% of those against non-Aborigines (16% of convictions against females and 23% of convictions against males).

The most common sanctions were non-custodial orders – 45% of Aboriginal charges (50% of female charges and 44% of male charges) received such sanctions. Also 45% of non-Aboriginal charges (52% of female charges and 44% of male charges) received such sanctions – see Figure 3.1.

Figure 3.1: Penalties Imposed by the Children’s Court, 1999



3.4 Referrals to Juvenile Justice Teams

Data on referrals to juvenile justice teams were extracted 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 1999, there were 2,634 referrals from the police (2,214 distinct persons) and 1,335 referral “appearances” from the Court (involving 1,173 distinct persons and accounting for 2,866 offences). Compared with 1998, referrals from the police have increased by 3%, while referrals from the Court have decreased by 8%.

The demographic characteristics of distinct juveniles referred to the teams are shown in Table 3.4. With regards to police referrals, about seven in every ten Aboriginal juveniles referred, compared with about eight in every ten non-Aboriginal juveniles referred, were male. A similar pattern was observed for Court referrals. Note, however, that in two-fifths of all juveniles referred by the Court, ethnicity details were not recorded.

Table 3.4: Characteristics of Distinct Persons Referred to Juvenile Justice Team

Characteristics	Police referrals		Children's Court referrals		
	Aborigines	Non-Aborigines	Aborigines	Non-Aborigines	Unknown
% Male	72.4	82.0	72.1	82.2	79.5
% Female	27.4	17.6	26.4	16.2	15.1
% Unknown sex	0.2	0.4	1.4	1.6	5.4
% aged 10-14	64.4	29.5	50.7	18.9	19.0
% aged 15-17	35.4	70.4	47.3	73.9	72.7
% aged 18 & over	0.2	0.1	1.9	7.2	8.3
Median age at referral	14	16	14	16	16
Total	515	1698	208	488	477

Very young Aborigines (aged 10-14 years) comprised a significant proportion of Aboriginal referrals by the police (64%). Juveniles in this age group made up only 29% of non-Aboriginal referrals by police. Generally, Aboriginal juveniles referred by the police tended to be younger (64% were aged 10-14 years) than those referred by the Court (51% were aged 10-14 years).

Based on court records, the most common offences for which Aboriginal juveniles were referred to teams were burglary and theft offences (66%), good order offences (13%), motor vehicle/driving offences (7%) and against person offences (7%).

A similar breakdown of the most frequent offences resulting in referral by police cannot be provided, as detailed offence data are not recorded by the police.

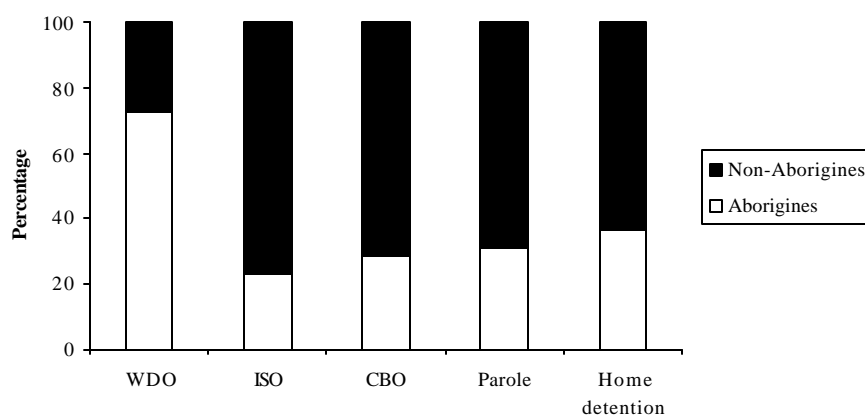
4. Community Based Orders

As alternatives to imprisonment, non-custodial community-based orders provide offenders with an opportunity 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, Aborigines 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 2,101 in 1999, with Aborigines accounting for an increasing proportion of them (73%) – see Figure 4.2.

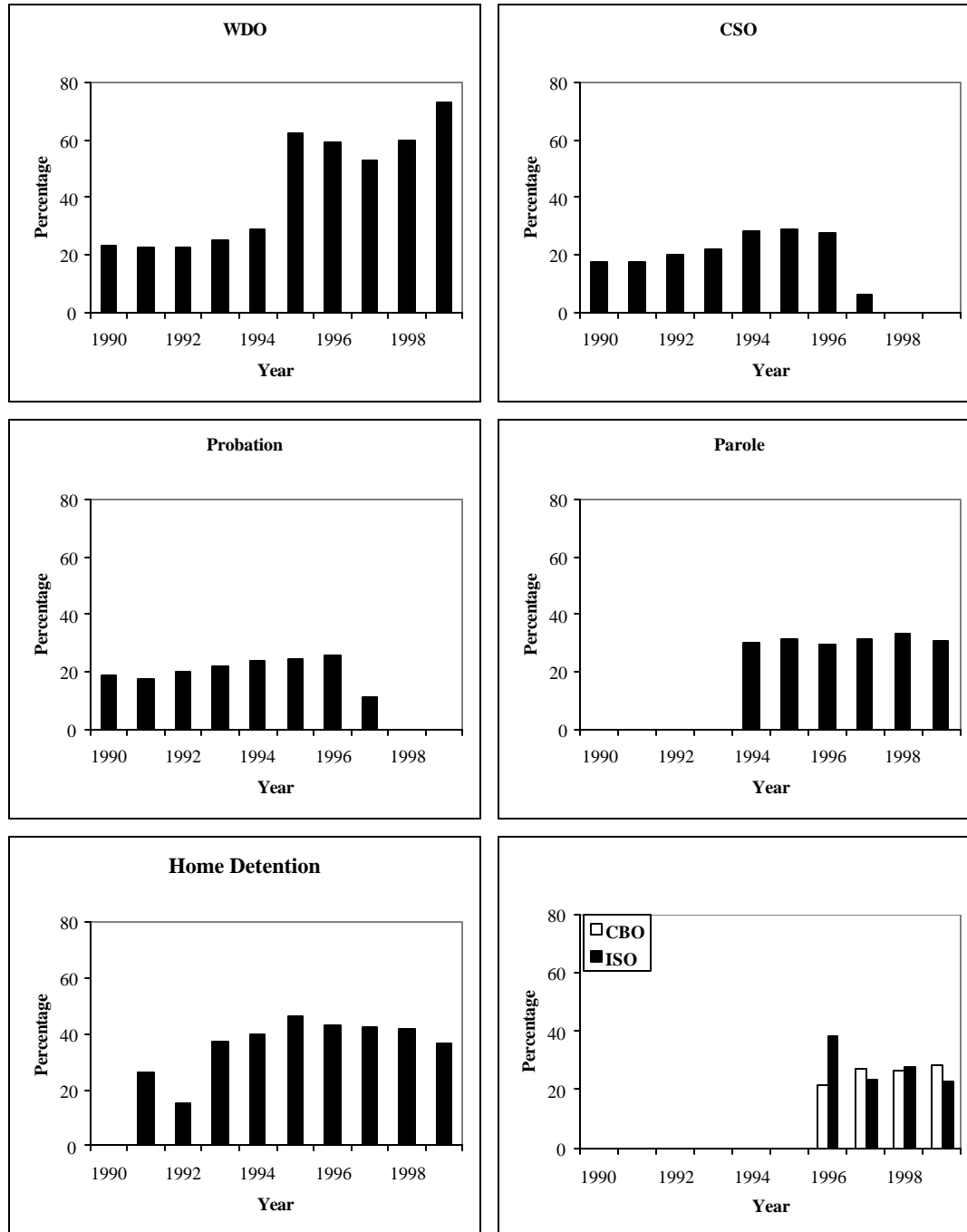
Recent (and pending) changes to the Fines Enforcement legislation are likely to affect the utilisation patterns of WDOs still further. In autumn 2000, the Act was amended to allow the court or Fines Enforcement Registrar to by-pass the licence suspension, seizure and sale of goods stages of fine enforcement and convert the fine *directly* to a WDO, where the offender does not have the capacity to pay. Legislation currently before Parliament will relax the existing system allowing for greater flexibility in time to pay arrangements. These legislative amendments also include additional eligibility requirements on offenders undertaking WDOs and increased and more flexible enforcement procedures.

Figure 4.1: Aboriginal Participation in Community Based Orders, 1999



In 1999, Aborigines accounted for 23% of Intensive Supervision Orders (ISO), 29% of Community Based Orders (CBO), 31% of Parole and 37% of Home Detention (HD) – see Figure 4.1.

Figure 4.2: Participation of Aborigines in Community Based Orders, 1990-1999



Note: Due to data extraction difficulties at the Ministry 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 1999:

- Aborigines accounted for 73% of all offenders issued with work and development orders.
- 34% of Aborigines issued with WDOs were females. In contrast only 18% of non-Aborigines issued with WDOs were females.
- Young offenders (aged between 18 and 25 years) made up 35% of Aborigines serving WDOs.
- WDOs issued to Aborigines were mostly for good order offences (32%), against person offences (26%), vehicle/driving offences (18%) and burglary/theft offences (17%).
- Of WDOs issued to Aboriginal offenders in 1999, about 30% were breached either through non-compliance or through re-offending while the breach-rate for non-Aborigines was slightly higher at 33%.

More about intensive supervision orders (ISO) and community-based orders (CBO) in 1999:

- There were 217 ISO and 710 CBO issued to Aborigines and, as Figure 4.1 shows, they accounted for about 23% of all ISOs and 29% of all CBOs.
- Aboriginal women were more likely to be issued with CBOs rather than ISOs. They accounted for 35% of CBOs and 29% of ISOs issued to Aboriginal people.
- Young people (aged between 18 and 25 years) served most of these orders. They accounted for 52% of CBOs and 60% of ISOs issued to Aboriginal people.
- ISOs issued to Aboriginal people were mostly for violent offences (46%) and burglary/theft offences (38%) while CBOs were mostly issued for burglary/theft offences (32%), violent offences (30%), good order offences (18%) and vehicle/driving offences (15%).
- CBOs are generally served in a shorter time than ISOs. Two-fifths (40%) of CBOs issued to Aboriginal people were required to be completed within 6 months. The median length of CBOs for Aborigines was 270 days – shorter than the median length for non-Aborigines (361 days). The median length of ISOs for Aborigines (365 days) was also shorter than the median length for non-Aborigines (540 days).
- At the time of data extraction, about 23% of CBOs and 45% of ISOs issued to Aborigines had been unsuccessfully completed (breached) either by non-compliance or through re-offending. On the other hand, about 16% of CBOs and 41% of ISOs issued to non-Aborigines had been unsuccessfully completed.

5. Aborigines in Custody

5.1 Adult Imprisonment

The proportion of Aboriginal offenders admitted to prison has fallen slightly during 1990-1999 period (see Figure 5.1) from 43% in 1990 to 41% in 1999. The prison census of Aboriginal prisoners on December 31 has remained fairly constant at about one-third of the prison population.

Figure 5.1: Distinct Persons Admitted to Prison by Race, 1990-1999

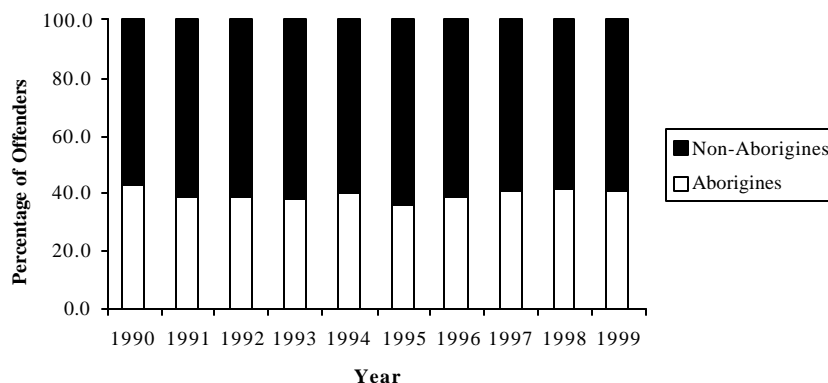


Table 5.1: Rates of Adult Imprisonment by Australian Jurisdiction – June 1999 quarter (per 100,000 adult population)

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Australia
Sentenced Prisoner Receptions (Jan-Dec 1999)									
Fine default	0.3	0.3	38.2	42.6	12.3	25.3	162.2	n.a	13.9
Other sentenced	43.5	26.3	91.3	32.0	63.5	46.7	157.8	11.1	49.4
Total	43.7	26.6	129.5	74.6	75.8	72.0	320.0	11.1	63.3
Average Daily Prisoner Population									
Males	284.0	154.1	369.1	233.8	401.4	185.5	853.6	126.1	273.8
Females	17.3	9.7	23.4	12.6	31.3	10.0	44.4	7.6	17.2
Total	148.5	80.3	195.0	120.7	216.2	95.4	475.5	66.1	143.6
Indigenous Prisoner Population									
Aborigines	n.a.	939.9	1,760.5	1,609.9	3,118.6	448.7	1,506.0	n.a.	n.a.
Ab : Non-Ab ratio	n.a.	12.2	11.3	15.7	21.7	5.1	9.9	n.a.	n.a.

Source: Compiled from figures in Tables 2, 4, 5 & 6 in *Corrective Services Australia, December Quarter 1999*, ABS Catalogue No. 4512.0, March 2000.

Table 5.1 summarises national imprisonment rates as compiled by the National Corrective Services Unit, ABS. Based on average daily prisoner population, WA ranks second to the NT. The Australian average daily adult imprisonment rate for 1999 was 144 per 100,000 persons and the WA rate was 51% higher at 216 per 100,000 persons.

The Aboriginal imprisonment rate (3,119 per 100,000 persons) in WA and the ratio between Aboriginal and non-Aboriginal imprisonment rates in WA (22 times greater) were the highest.

Other facts about imprisonment:

- In 1999, Aborigines made up 2,545 out of 5,937 (43%) prison receivals. Thirty-nine per cent (919 out of 2,349) of receptions on remand were Aboriginal receptions. About one in six (16%) Aboriginal prisoners received, compared with one in sixteen (6%) non-Aboriginal receptions, were fine defaulters.
- The total number of persons entering prison for fine default in 1999 (611) was 3.5 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 is on the increase.
- Aborigines accounted for 66% (405 out of 611) of all fine defaulters entering prison in 1999, 52% of all receptions with finite sentences and 33% of all receptions serving parole sentences.
- Females made up 18% (300 out of 1626) of Aboriginal sentenced prisoners. Nearly half of these women (47%), compared with one in five of male Aboriginal sentenced prisoners, were in prison for non-payment of fines.
- For Aborigines, non-payment of fines were mainly related to motor vehicle related offences (38% - mostly drink driving and driving without a licence), good order offences (28% - mostly breach of orders, resist/hinder police and other offences against good order) and offences involving burglary/theft (14% - mostly theft).
- For Aboriginal fine defaulters, most sentence lengths (86%) were less than two months and females had slightly shorter sentences than males. Three-quarters (75%) of Aboriginal fine defaulters were 33 years old or younger.
- Sixty-two per cent of Aboriginal finite sentences, compared with 53% of non-Aboriginal finite sentences, were between six months and one year.
- Eighty-two per cent of Aboriginal parole sentences, compared with 90% of non-Aboriginal 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.⁷ The number of Aboriginal people admitted to police lockups has decreased since 1996, due to declines in the

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.

number of receptions for public drunkenness. In 1999, drunkenness accounted for 15% of Aboriginal receptions.

Even though the number of Aboriginal receptions has decreased since 1996, the number of *distinct Aborigines* who were locked up since then (and also its rate per 1,000 persons) has increased. There were 7,994 different individuals admitted to police lockups in 1999 – averaging at about 2 receptions per person. In terms of ‘prevalence’, this means about one in every seven Aborigines in WA was admitted to a police lockup *at least once* in 1999. Compared with non-Aborigines, in 1999 Aborigines were 15 times more likely to be admitted to a police lockup.

On the other hand, since 1995 the number of non-Aboriginal receptions and the number of *distinct non-Aborigines* who were locked up have increased. In fact, the number of *distinct non-Aborigines* who were locked up has increased 10% between 1995 and 1999.

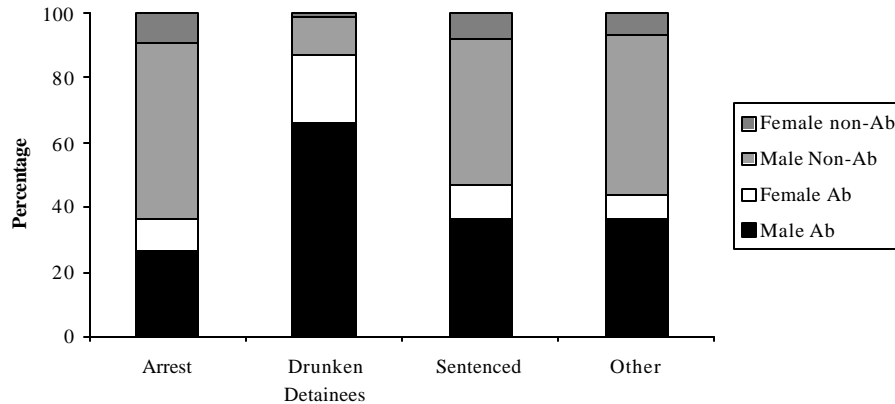
Juveniles made up about 14% of Aboriginal receptions and females made up more than one-quarter (28%) of Aboriginal receptions.

Table 5.2: Trends in Receptions to WA Police Lockups 1994-1999

	1994	1995	1996	1997	1998	1999
<i>Aborigines</i>						
Receptions	22,413	18,744	20,148	19,760	19,396	19,090
Receptions for drunkenness - n	8,283	8,328	8,382	6,131	4,082	2,863
Receptions for drunkenness - %	37.0	44.4	41.6	31.0	21.1	15.0
Distinct persons received	7,579	6,651	7,181	7,382	7,847	7,994
Receptions per person	3.0	2.8	2.8	2.7	2.5	2.4
Rate per 1,000 persons	141	121	128	129	135	135
% Juvenile	9.7	11.6	11.1	12.1	13.1	13.7
% Female	25.9	24.7	26.3	27.9	27.3	28.2
<i>Non-Aborigines</i>						
Receptions	23,209	19,277	20,937	22,065	24,152	26,109
Receptions for drunkenness - n	321	398	459	578	469	422
Receptions for drunkenness - %	1.4	2.1	2.2	2.6	1.9	1.6
Distinct persons received	15,179	12,832	14,230	14,495	15,352	16,899
Receptions per person	1.5	1.5	1.5	1.5	1.6	1.5
Rate per 1,000 persons	9	8	8	8	9	9
% Juvenile	6.7	7.2	6.3	6.9	7.7	7.7
% Female	13.6	13.0	13.0	13.9	14.5	15.3

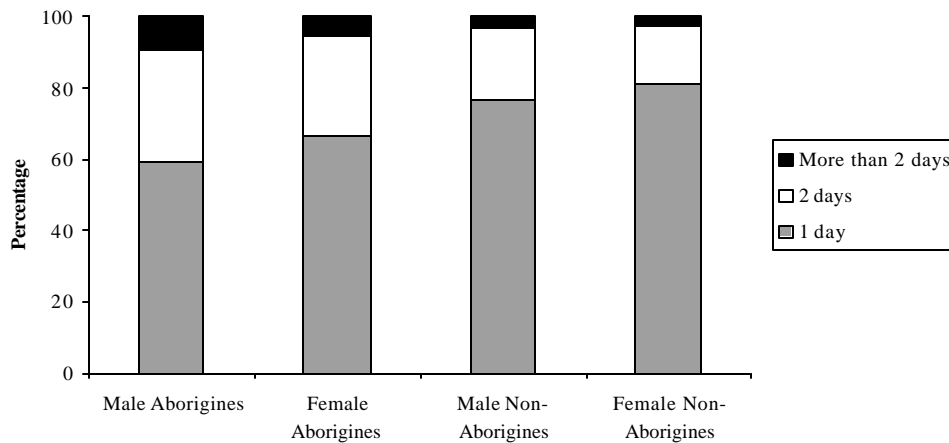
Figure 5.2 shows a breakdown of lockup receptions by sex, race and receipt type. Aborigines (male and female) feature most prominently in the public drunkenness category.

Figure 5.2: Lockup Receivals by Sex and Race, 1999



Most episodes in police lockups are of short duration – 95% of all receivals in 1999 had lengths of stay of one or two days (see Figure 5.3). Compared to Aborigines, non-Aborigines spend less time in police lockups. Note 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 5.3 shows, in 1999 more than three-quarters (77%) of male non-Aborigines stayed for a single day, compared with 59% of male Aborigines and 81% of female non-Aborigines stayed for a single day, compared with 66% of female Aborigines.

Figure 5.3: Length of Stay in Police Lockups, 1999



5.3 Juvenile Detention

Table 5.3 presents national data on the number of juveniles held in juvenile detention centres in 1999. As shown by the table, the juvenile detention rate in WA was 57 per 100,000 juveniles – higher than all other jurisdictions except the Northern Territory and 1.7 times higher than the national rate. Though the percentage of remanded Aborigines and remanded non-Aborigines were

about the same (53.5% and 53.8%), the detention rate of young Aborigines in WA was 38 times the non-Aboriginal detention rate.

Table 5.3: Census of Persons Aged 10-17 on 30 June 1999 in Juvenile Detention by Jurisdiction

Juvenile detention	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Australia
<i>As at 30 June 1999</i>									
N	277	60	137	125	34	31	14	16	694
Rate per 100,000 pop	39.4	11.8	33.5	56.9	21.0	55.2	57.4	44.6	32.7
Male rate	70.0	21.9	60.5	99.2	34.9	105.0	95.3	64.9	58.1
Female rate	7.3	1.2	5.0	12.2	6.3	3.6	16.9	23.0	6.1
Aboriginal rate	365.6	225.0	330.5	714.3	213.9	75.7	101.1	261.8	344.2
Non-Aboriginal rate	27.1	9.9	15.8	18.8	15.2	53.6	27.6	39.8	19.8
<i>Ab'l:Non-Ab'l ratio</i>	13.5	22.7	20.9	38.0	14.1	1.4	3.7	6.6	17.4
%Remanded Aborigines	50.5	0.0	51.3	53.5	40.0	33.3	30.0	50.0	48.6
%Remanded non-Aborigines	51.1	24.0	62.3	53.8	45.8	28.6	25.0	42.9	47.3

Source: *Persons in Juvenile Corrective Institutions – A Statistical Review of the Year 1999* by Carcach C and Muscat G, Australian Institute of Criminology (forthcoming).

5.4 Deaths in Custody

Statistics relating to deaths in custody are published intermittently by the Australian Institute of Criminology. The following major points describing national trends have been extracted from *Australian Deaths in Custody and Custody-Related Police Operations 1999* (Dalton, V. 2000):

- There were 85 deaths in custody during the year ended 31 December 1999. Twenty-six of these deaths occurred in *police custody or custody-related police operations* and 59 in *prison custody*. No juveniles died in the custody of juvenile welfare/justice agencies during the year.
- Nineteen of the 85 deaths (22%), six out of 26 police custody deaths (23%) and 13 out of 59 prison custody deaths (22%) were of Aboriginal or Torres Strait Islander people.
- The number of deaths reported during the year was 11.7% lower than those reported during 1998 (n=95) and 23.5% less than the 105 deaths reported during 1997.
- Seven women died in custody during 1999, three in police custody/police operations and four in prison custody.
- Table 5.4 shows that the number of deaths in police custody declined from 31 deaths in 1990 to 26 deaths in 1999 while the number of deaths in prison custody increased from 33 deaths to 59 deaths in 1999.

Table 5.4: Australian Deaths in Custody, 1990 to 1999, Custodial Authority by Aboriginality

Year	Police			Prison			Juvenile Detention			Total		Overall Total
	Abl.	Non-Abl	Total	Abl.	Non-Abl	Total	Abl.	Non-Abl	Total	Abl.	Non-Abl	
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

Figure 5.4 shows that the number of non-Aboriginal deaths in prison and juvenile detention increased to its highest (67 deaths) in 1997 and since then it has decreased to 59 deaths in 1999. On the other hand, the number of Aboriginal deaths in prison and juvenile detention reached its highest (17 deaths) in 1995, decreased to 9 deaths in 1998 and then has increased again to 13 deaths in 1999.

Figure 5.4: Australian Deaths Occurring in Custody or Custody-Related Police Operations, 1990 to 1999

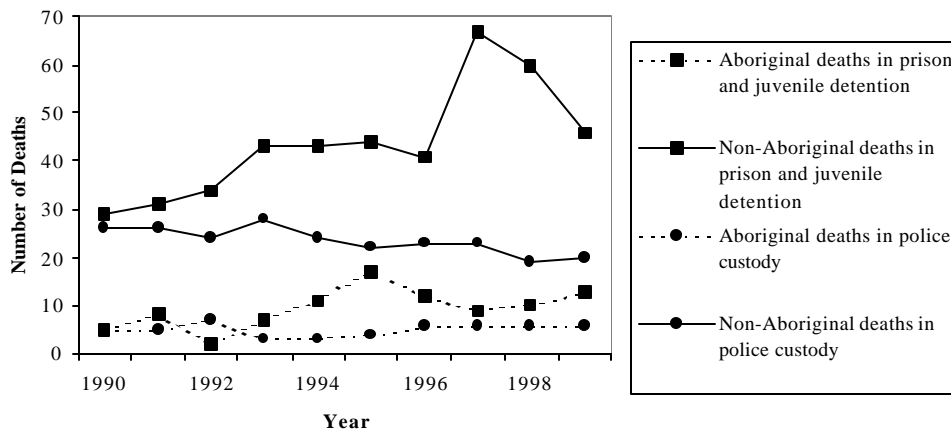


Table 5.5 presents latest available data on the number of deaths in custody in Western Australia, broken down by custodial authority and Aboriginality. The table shows that immediately after the tabling of the Royal Commission Report in 1991, the number of Aboriginal and non-Aboriginal deaths in custody in WA decreased significantly. However, since the mid-1990s, the number of deaths in custody in WA have been increasing and, by 1999, had reached pre-RCIADIC levels.

Table 5.5: Deaths in Custody in WA, 1990-1999, by Custodial Authority and Aboriginality

Year	Police			Prison			Total		
	Abl	Non-Abl	Total	Abl	Non-Abl	Total	Abl	Non-Abl	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
Total	16	14	30	15	51	66	31	65	96

Source: Australian Institute of Criminology, unpublished data.