



THE UNIVERSITY OF
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**Aboriginal involvement in the
Western Australian criminal justice system:
A statistical review, 2000**

crime

RESEARCH

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 is the third to be 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 Department 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 2000.

Data describing the level and nature of Aboriginal victimisation are also provided in this Report and are based on crimes reported to and recorded by the police during 2000. Alternative sources of information about the extent of Aboriginal victimisation are not readily available. 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. A smaller Indigenous Social Survey (ISS) is currently being developed by the Australia Bureau of Statistics and is to be conducted in 2002. The ISS should provide more up to date information on crime victimisation and related justice issues affecting Indigenous Australians.

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 ethnicity details in these cases.²

Based on crimes reported to police in 2000, Aborigines were victims of 3,296 violent offences (offences against the person) and this gives a rate of 54.5 offences per 1,000 Aborigines. Compared with a rate of 10.5 offences per 1,000 non-Aborigines, this rate is about 5 times higher. Seventy-one per cent of all Aboriginal victims and 46% 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 were found in the homicide and assault categories (see Table 1.1). In both offence categories, Aborigines were almost seven times more likely to become victims than non-Aborigines.

In the case of assault, Aboriginal *women* were 12.6 times more likely (12 times more likely in 1997, 14 times more likely in 1998 and 13 times more likely in 1999) to become victims of assault than non-Aboriginal women, while Aboriginal *men* were more than three times as likely to become victims of assault 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 ethnicity for crimes reported to and recorded by the WA Police Service.

Offence group	Victim Indigenous status			Total
	Aboriginal	Non-Aboriginal	Unknown	
	%	%	%	%
Against person	14.1	82.3	3.6	100.0
Burglary/Theft	0.9	68.1	31.0	100.0
Damage	1.6	55.6	42.7	100.0
Good Order	6.1	77.9	16.0	100.0
Drugs	0.0	0.4	99.6	100.0
Other	0.0	33.1	66.9	100.0

Table 1.1: Reported Offences Against the Person by Victim Sex and Indigenous status, 2000

Offence	Aborigines		Non-Aborigines		Ab:non-Ab ratio
	n	rate/1,000	n	rate/1,000	
<i>Females</i>					
Homicide	7	0.2	32	0.0	6.5
Assault	1,871	61.3	4,393	4.9	12.6
Sex offences	269	8.8	2,382	2.6	3.3
Other	188	6.2	1,409	1.6	4.0
Robbery	16	0.5	652	0.7	0.7
Total	2,351	77.0	8,868	9.8	7.9
<i>Males</i>					
Homicide	10	0.3	42	0.0	7.3
Assault	805	26.9	7,573	8.2	3.3
Sex offences	39	1.3	483	0.5	2.5
Other	79	2.6	1,435	1.6	1.7
Robbery	12	0.4	806	0.9	0.5
Total	945	31.6	10,339	11.3	2.8
<i>Combined</i>					
Homicide	17	0.3	74	0.0	6.9
Assault	2,676	44.3	11,966	6.6	6.7
Sex offences	308	5.1	2,865	1.6	3.2
Other	267	4.4	2,844	1.6	2.8
Robbery	28	0.5	1,458	0.8	0.6
Total	3,296	54.5	19,207	10.5	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	61.3	26.9	2.3
Sex offences	8.8	1.3	6.8
Other	6.2	2.6	2.3
Robbery	0.5	0.4	1.3
Total	77.0	31.6	2.4

Table 1.2 shows that for all offences except homicide, the victimisation rates of Aboriginal women were greater than the victimisation rates of Aboriginal men. Aboriginal women were almost seven times more likely to be victims of sexual assault and more than twice as likely to be assault victims than Aboriginal men. In contrast, non-Aboriginal men were about 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, 82% involved offenders who were known to the victim; and in 73% of these cases, the offender was the spouse or partner of the victim.

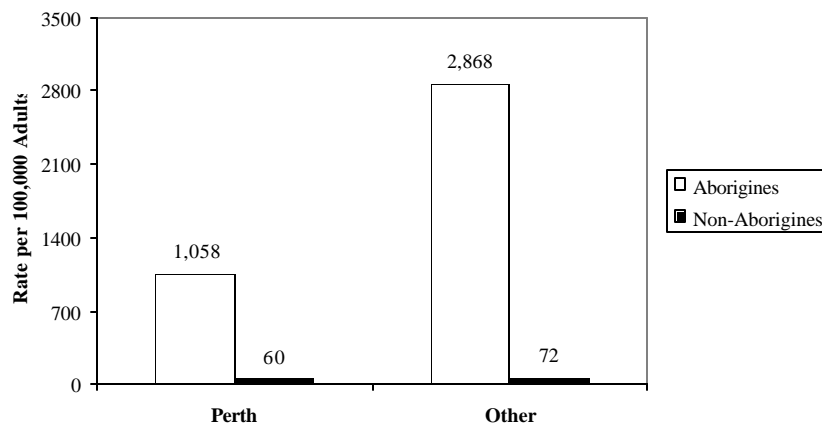
Table 1.3: Aboriginal and Non-Aboriginal Victimization by Age Group, 2000

Age Group	Rate per 1,000		Abl:non-Abl ratio
	Aborigines	Non-Aborigines	
<18	24.3	9.7	2.5
18-24	101.5	21.5	4.7
25-34	104.8	17.1	6.1
35 & over	51.9	6.6	7.9
Total	54.5	10.5	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 7.9 for the '35 & over' age-group.

In 2000, there were 23,335 offences against the person arising from a total of 21,008 incidents of violence. In about 15% (3,066 out of 21,008) of these incidents, Aboriginal victims were involved and, of these, one fifth (624 out of 3,066) were incidents of domestic violence.³ As in previous years, 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, 2000



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 (JJs).

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 that 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 table and figures show that the trend in the number of persons arrested over the period 1990-2000 has varied with sex, age status (juvenile/adult) and Indigenous status. Juvenile arrest rates fell dramatically (for both Aborigines *and* non-Aborigines) in the early 1990s, but

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.

then steadied for non-Aboriginal youth and increased slightly for Aboriginal juveniles. The early decline 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 (JITs) were also formally introduced through the *Young Offenders Act*.

For adults, arrest rates have been relatively steady for non-Aborigines but have generally increased for Aborigines, particularly females. Compared with 1990, the annual count of distinct adult female Aborigines arrested has almost doubled, increasing from 1,063 to 2,082 in 2000. The increase relates mostly to good order offences and driving-related offences (including driving while under licence suspension).

Table 2.1: Trends in distinct persons arrested (prevalence) by sex, age status and Indigenous status, 1991-2000

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Total charges	115,945	107,360	101,528	99,549	95,117	98,350	104,261	98,521	97,354	102,731
Total arrests	91,680	83,517	78,859	77,987	76,494	79,854	84,581	81,978	79,394	83,942
Distinct persons arrested	40,539	37,463	34,602	35,226	35,030	36,186	36,904	34,813	35,100	35,984
Charges per person	2.9	2.9	2.9	2.8	2.7	2.7	2.8	2.8	2.8	2.9
RATES (per 1,000 persons) - Distinct persons										
Race										
Aborigines	183.6	174.0	173.0	185.5	175.6	177.1	187.8	192.7	184.3	178.8
Non-Aborigines	24.2	21.9	19.7	19.6	19.2	19.4	19.1	17.1	16.3	15.9
Ab:nonAb ratio	7.6	7.9	8.8	9.5	9.1	9.1	9.8	11.3	11.3	11.2
Sex										
Males										
Aborigines	276.2	263.5	263.2	276.4	260.4	261.9	271.8	278.1	266.3	258.4
Non-Aborigines	39.7	36.4	32.7	32.6	31.5	32.1	31.3	28.1	26.6	26.0
Ab:nonAb ratio	7.0	7.2	8.0	8.5	8.3	8.2	8.7	9.9	10.0	9.9
Females										
Aborigines	94.4	87.8	86.7	98.0	93.8	95.7	107.2	110.6	105.9	102.8
Non-Aborigines	8.3	7.4	6.7	6.5	6.8	6.6	6.7	5.9	5.9	5.7
Ab:nonAb ratio	11.4	11.9	12.9	15.1	13.8	14.5	16.0	18.7	17.9	18.0
Male:Female ratio	4.3	4.4	4.3	4.3	4.0	4.2	3.9	3.9	3.8	3.7
NA male:NA female	4.8	4.9	4.9	5.0	4.6	4.9	4.7	4.8	4.5	4.6
Ab male:Ab female	2.9	3.0	3.0	2.8	2.8	2.7	2.5	2.5	2.5	2.5
Age Status										
Juveniles										
Aborigines	158.4	134.1	121.7	115.8	104.7	98.2	102.5	104.9	109.7	102.0
Non-Aborigines	21.8	14.6	13.0	11.9	10.6	9.8	9.9	9.3	9.7	8.5
Ab:nonAb ratio	7.3	9.2	9.4	9.7	9.9	10.0	10.4	11.3	11.3	12.0
Adults (18+)										
Aborigines	191.6	186.7	189.5	208.1	198.9	203.5	216.9	223.3	210.6	206.1
Non-Aborigines	24.5	23.1	20.8	20.8	20.6	21.0	20.5	18.3	17.3	17.0
Ab:nonAb ratio	7.8	8.1	9.1	10.0	9.7	9.7	10.6	12.2	12.2	12.1
Adult:Juv ratio	1.0	1.4	1.4	1.5	1.7	1.8	1.7	1.6	1.4	1.5
NA adult:NA juv	1.1	1.6	1.6	1.7	1.9	2.1	2.1	2.0	1.8	2.0
Ab adult:Ab juv	1.2	1.4	1.6	1.8	1.9	2.1	2.1	2.1	1.9	2.0

As Table 2.1 indicates, and 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 2000.

From the table, it can also be seen that the ‘differential risk’ (that is, level of over-representation) of Aboriginal people in the arrest population has increased from 7.6 in 1991 to 11.2 in 2000. This means that, in 2000, an Aboriginal person was 11.2 times more likely to be arrested than a non-Aboriginal person, while in 1991 they were 7.6 times more likely to be arrested than a non-Aboriginal person.

For Aboriginal juveniles, the level of over-representation has increased from 7.3 in 1991 to 12.0 in 2000, while for Aboriginal women the level of over-representation has increased from 11.4 in 1991 to 18.0 in 2000.

Figure 2.1: Prevalence Arrest Rates, 1991-2000

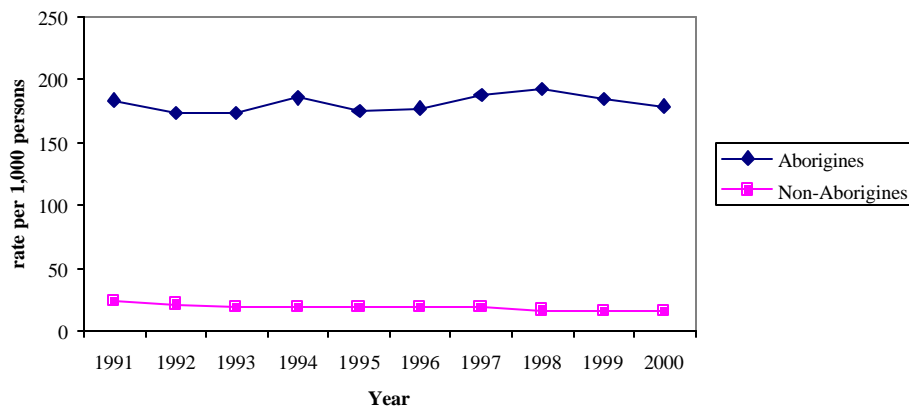


Figure 2.2: Arrest Rates of Juveniles, 1991-2000

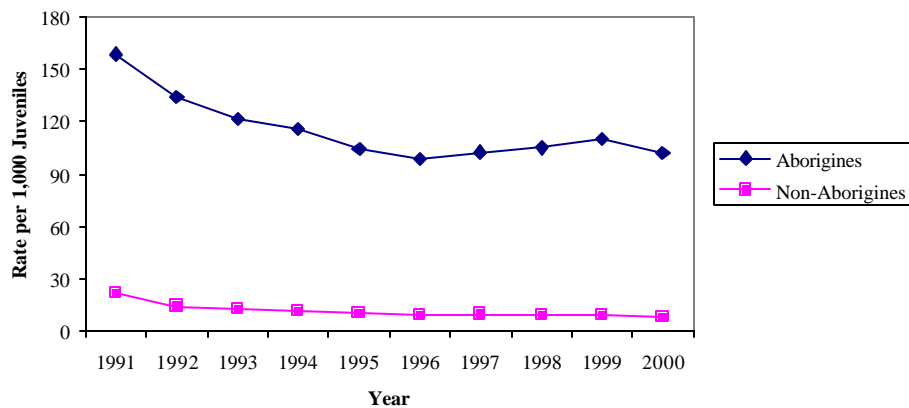


Figure 2.3: Arrest Rates of Adults, 1991-2000

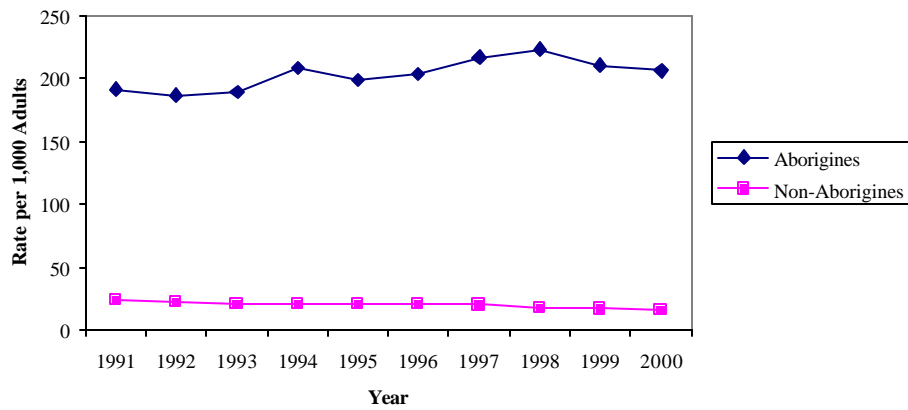


Figure 2.4: Arrest Rates of Males, 1991-2000

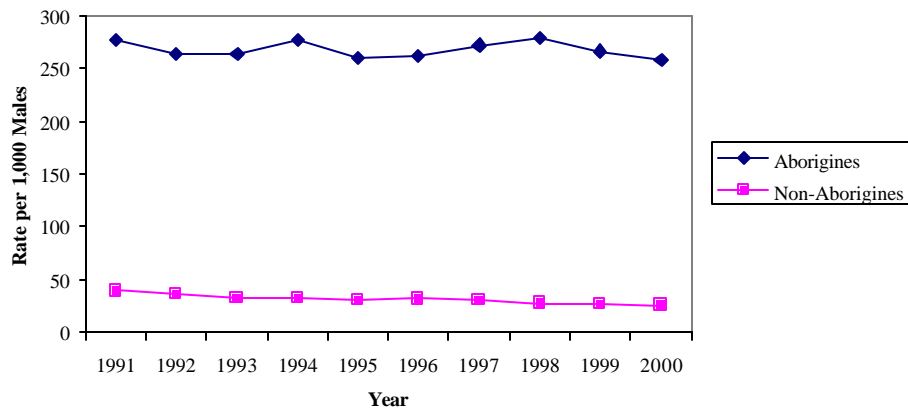


Figure 2.5: Arrest Rates of Females, 1991-2000

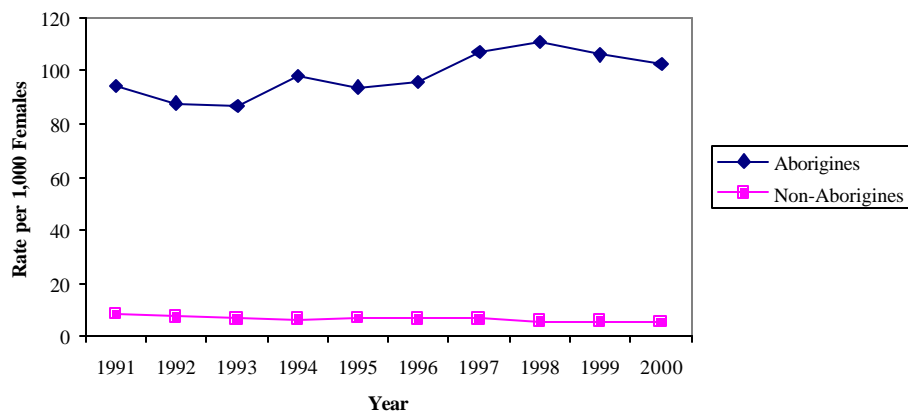


Table 2.2 presents data on the level of (formal) contact between juveniles and police from 1995 to 2000. In the table, the term ‘diversion’ includes both cautioning *and* referrals of juveniles by the police. Note that the diversionary data for 1995 is undercounted, as it does

not include juveniles who may have appeared before the Panel between January and March, 1995.⁵ 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 total rate of contact with police (inclusive of diversion) has increased from 46.2 in every 1,000 juveniles in 1995 to 57.3 in every 1,000 juveniles in 2000, with the most significant increases occurring throughout 1995. More recently, however, the contact rate has steadied to about 56-57 juveniles per 1,000 having contact with the police annually.

Table 2.2: Numbers of distinct juveniles having (formal) contact with police via arrest or diversion, 1995-2000

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

Table 2.2 also shows differences between Aboriginal and non-Aboriginal contact rates. Since 1995, the contact rate for Aboriginal juveniles increased from 183 persons per 1,000 having contact with police to 234 persons per 1,000: an increase of 28%. For non-Aborigines, the rate increased from 39 to 46 persons per 1,000 having contact: an increase of 18%. Thus, in

⁵ Between 1 January and 13 March 1995, the Children's Panel dealt with 434 distinct juveniles and 802 charges.

terms of the differential risk between the two groups, this increased from 4.7 in 1995 to 5.0 in 2000. That is, by 2000, an Aboriginal juvenile was five times more likely than a non-Aboriginal juvenile to have (formal) contact with the police.

The data also show that the utilisation of diversionary processes varies with Indigenous status. In the case of Aborigines, about half (54%) of distinct juveniles formally dealt with by the police are diverted, while for non-Aborigines, the proportion of juveniles diverted is 80%. [Or, to put this another way, for Aborigines, 1.2 juveniles are formally diverted for every juvenile entering the justice system, whereas, for non-Aborigines, 3.9 juveniles are diverted for every juvenile entering the system.]

Figure 2.7 shows that, from 1995 to 2000, the number of non-Aboriginal juveniles diverted exceeded the number of non-Aboriginal juveniles apprehended, while for Aboriginal juveniles (see Figure 2.6) this did not happen until the end of 1995.

Figure 2.6: Contact Levels of Aboriginal Juveniles with Police, 1995-2000

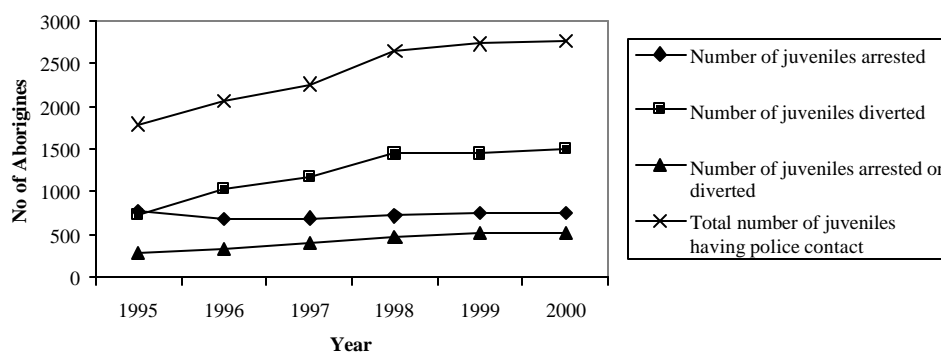
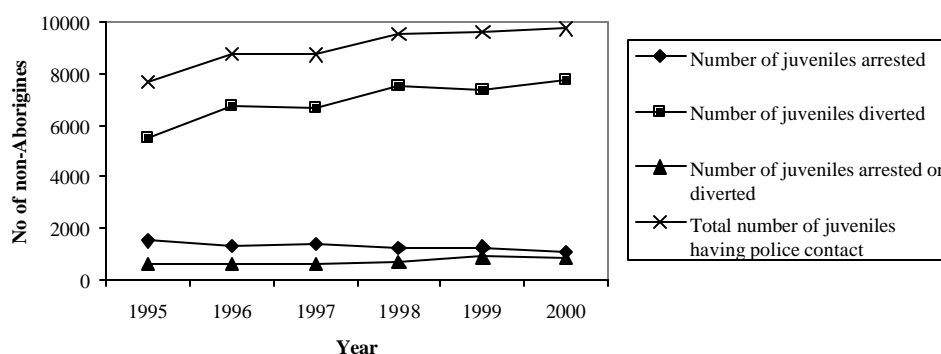


Figure 2.7: Contact Level of non-Aboriginal Juveniles with Police, 1995-2000



A further examination by age group (see Table 2.3) shows that in 2000, the highest Aboriginal rate of police contact was found in the 16 year age group while the highest non-Aboriginal rate of police contact was found in the 17 year age group. Note also that the highest Aboriginal:non-Aboriginal ratio was found in the 10-14 year age group, where an Aboriginal juvenile was about 7 times more likely to have contact with police than a non-Aboriginal juvenile.

Table 2.3: Rate of Juvenile Contact with Police by Indigenous status and Age, 2000

	Age			
	10-14	15	16	17
Aboriginal rate per 1,000	193.7	316.9	322.8	291.6
Non-Aboriginal rate per 1,000	27.9	73.3	70.6	84.7
Total rate per 1,000	37.3	85.2	82.6	94.6
Abl:non-Abl ratio	6.9	4.3	4.6	3.4

Arrests – other factors

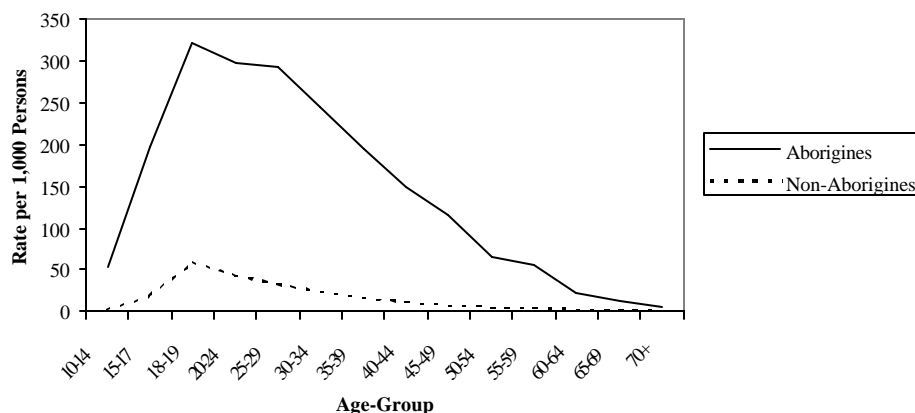
Age

Table 2.4 and Figure 2.8 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 26 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 Indigenous status, 2000

Age Group	Aborigines Rate per 1,000	Non-Aborigines	Ab : non-Ab Ratio
10-14	54.2	2.1	25.8
15-17	195.6	19.2	10.2
18-19	320.2	59.1	5.4
20-24	296.6	43.7	6.8
25-29	292.2	33.1	8.8
30-34	245.0	23.9	10.3
35-39	195.3	16.3	12.0
40-44	147.8	11.3	13.1
45-49	115.8	7.5	15.4
50-54	64.5	5.4	11.9
55-59	54.7	3.9	14.0
60-64	22.0	2.9	7.6
65-69	13.4	1.4	9.6
70+	5.3	0.7	7.6
Total	178.8	15.9	11.2

Figure 2.8: 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 Central, South Eastern and Upper Great Southern regions and lowest in the Lower Great Southern region. Arrest rates for young Aborigines are also highest in the Central region and lowest in the South West and Kimberley regions.

Table 2.5: Regional Variations in Arrest Rates of Aboriginal People, 2000

Region	Young (10-19)		Adult (>19)		Total	
	n	Rate per 1,000	n	Rate per 1,000	n	Rate per 1,000
Perth	677	179.8	1,723	203.2	2,400	196.0
South West	87	130.2	259	207.2	346	180.4
Lower Gt Southern	65	201.9	166	200.0	231	200.5
Upper Gt Southern	36	178.2	111	297.6	147	255.7
Midlands	69	171.6	192	219.7	261	204.5
South Eastern	192	193.7	763	304.2	955	272.9
Central	282	231.9	809	307.3	1,091	283.5
Pilbara	210	202.9	693	248.6	903	236.2
Kimberley	349	138.4	1,357	231.8	1,706	203.7

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 22% of all cautions in 2000 were issued to Aboriginal juveniles.

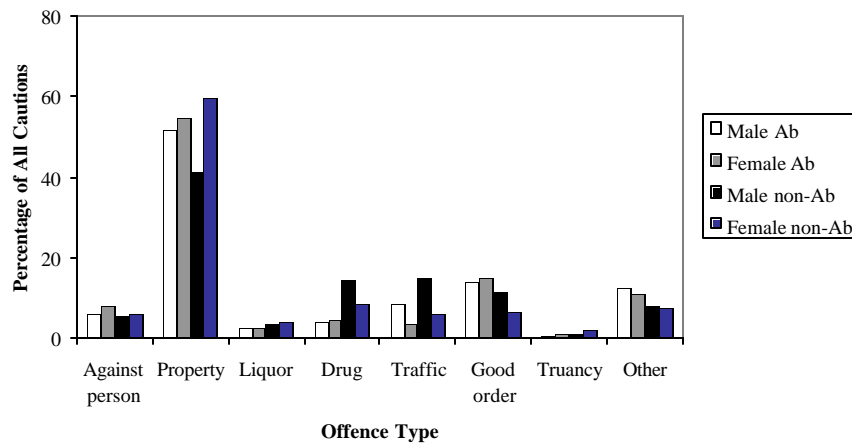
Table 2.6: Cautioning Trends, 1991-2000

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
2000	11,267	2,472	21.9	8,795	78.1
Total	74,027	13,912	18.8	59,559	80.5

*The cautioning scheme did not start until August, 1991

Figure 2.9 shows that more than a half of all cautions issued to Aboriginal juveniles (comprising 51% of cautions issued to males and 55% of cautions issued to females) were for property offences; and about one out of seven cautions issued to Aboriginal juveniles (14% of cautions issued to males and 15% of cautions issued to females) were for good order offences. On the other hand, most cautions issued to non-Aboriginal juveniles were for property (41% of cautions issued to males and 60% of cautions issued to female juveniles), traffic (15% of cautions issued to male juveniles), drug and good order offences.

Figure 2.9: Cautions Issued by Offence Type, 2000



3. Court Activity

3.1 Higher Courts

The 2000 Higher Court data have been extracted from computerised records of the Higher Court Criminal Case Management System (SRCASE), which has been in operation at the Department of Justice since 1993.

In 2000 there were 10,697 charges finalised by the Higher Courts, on 3,616 occasions (final appearances) and involving 3,361 distinct persons – an average of 3 charges per final appearance and 3.2 charges per person.

The Indigenous status of defendants was unavailable from the Higher Courts in a large proportion of cases (41.3%). However, using links to police records, researchers at the Crime Research Centre have been able to extract police-sourced ethnic appearance for many court defendants with unknown ethnicity values. This has significantly reduced the proportion of cases (charges) with unknown Indigenous status - from 41.3% to 23.3% - and thus, for the first time, has enabled some limited reporting on the level of Aboriginal representation in the Higher Courts.

Table 3.1: Finalised charges in the Higher Courts by offence group and Indigenous status, 2000

Offence group	Aborigines		Non-Aborigines		Unknown	
	n	%	n	%	n	%
Homicide	20	1.2	45	0.7	9	0.4
Assault	199	11.8	361	5.5	129	5.2
Sex offences	285	16.9	1,541	23.7	540	21.7
Robbery	101	6.0	287	4.4	117	4.7
Burglary	503	29.9	876	13.5	280	11.2
Fraud	14	0.8	1,476	22.7	692	27.8
MV Theft	41	2.4	98	1.5	22	0.9
Other theft	67	4.0	348	5.3	126	5.1
All other offences	452	26.9	1,481	22.7	575	23.1
Total	1,682	100.0	6,513	100.0	2,490	100.0

As Table 3.1 shows, there were differences in the types of offences for which Aboriginal and non-Aboriginal defendants were brought before the Higher Courts. Almost one third (29.9%) of Aboriginal charges were for burglary offences (compared with 13.5% of non-Aboriginal charges), 16.9% were for sex offences (compared with 23.7% for non-Aborigines) and about one in ten (11.8%) were for assault offences (compared with 5.5% for non-Aborigines). In contrast to non-Aborigines, few Aborigines faced court for fraud offences (compare 0.8% with 22.7%).

Table 3.2: Proportion of charges convicted in the Higher Courts by offence group and Indigenous status, 2000

Offence group	Aborigines GUI		Non-Aborigines GUI		Unknown GUI	
	n	%	n	%	n	%
Homicide	10	50.0	30	66.7	8	88.9
Assault	152	76.4	228	63.2	68	52.7
Sex offences	178	62.5	963	62.5	408	75.6
Robbery	75	74.3	248	86.4	97	82.9
Burglary	415	82.5	785	89.6	241	86.1
Fraud	13	92.9	1,347	91.3	633	91.5
MV Theft	32	78.0	90	91.8	19	86.4
Other theft	57	85.1	300	86.2	116	92.1
All other offences	363	80.3	1,163	78.5	427	74.3
Total	1,295	77.0	5,154	79.1	2,017	81.0

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, half (50%) of all charges involving Aboriginal defendants resulted in conviction, compared with two thirds (66.7%) of non-Aboriginal charges. For assault offences, the pattern was reversed: three quarters (76.4%) of charges against Aborigines resulted in conviction, compared with 63.2% for charges against non-Aborigines. For other offences (eg sex offences, theft and fraud), the conviction rate of Aborigines was similar to the conviction rate for non-Aborigines.

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 robbery offences Aborigines were more likely than non-Aborigines to receive custodial sentences - compare an Aboriginal ‘imprisonment rate’ of 74.3% with a non-Aboriginal rate of 58.8% for assaults. In the case of robbery offences, compare an Aboriginal imprisonment rate of 93.3% with a non-Aboriginal rate of 76.2%. Regarding assault offences, non-Aborigines were more likely than Aborigines to receive other penalties (specifically, fines), while for robbery offences, non-Aborigines were more likely than Aborigines to receive non-custodial sentences.

Generally, across all offence groups, a greater proportion of non-Aborigines than Aborigines was issued with fines (compare 7.5% with 1.8%), while the proportion receiving non-custodial sentences was only slightly higher for Aborigines than non-Aborigines (compare 28.5% to 24.7%).

Table 3.4 shows the median sentence lengths for charges resulting in custodial sentences in 2000. While Aborigines received shorter sentences than non-Aborigines for homicide offences, they received longer custodial sentences for assault and sex offences. However, for robbery, other theft and a range of other offences, sentence lengths for Aborigines and non-Aborigines were equivalent.

Table 3.3: Penalties awarded to convicted charges in the Higher Courts by offence group and Indigenous status, 2000

Offence group	Non-custody		Custody		Fines & Other		Unknown		Total	
	n	%	n	%	n	%	n	%	n	%
<i>Aborigines</i>										
Homicide	2	20.0	8	80.0	0	0.0	0	0.0	10	100.0
Assault	32	21.1	113	74.3	1	0.7	6	3.9	152	100.0
Sex offences	10	5.6	162	91.0	0	0.0	6	3.4	178	100.0
Robbery	5	6.7	70	93.3	0	0.0	0	0.0	75	100.0
Burglary	179	43.1	216	52.0	5	1.2	15	3.6	415	100.0
Fraud	0	0.0	13	100.0	0	0.0	0	0.0	13	100.0
MV Theft	7	21.9	24	75.0	0	0.0	1	3.1	32	100.0
Other theft	13	22.8	41	71.9	0	0.0	3	5.3	57	100.0
All other offences	121	33.3	214	59.0	17	4.7	11	3.0	363	100.0
Total	369	28.5	861	66.5	23	1.8	42	3.2	1,295	100.0
<i>Non-Aborigines</i>										
Homicide	0	0.0	28	93.3	1	3.3	1	1.0	30	100.0
Assault	55	24.1	134	58.8	32	14.0	7	3.1	228	100.0
Sex offences	108	11.2	833	86.5	13	1.3	9	0.9	963	100.0
Robbery	57	23.0	189	76.2	0	0.0	2	0.8	248	100.0
Burglary	360	45.9	386	49.2	17	2.2	22	2.8	785	100.0
Fraud	238	17.7	960	71.3	145	10.8	4	0.3	1,347	100.0
MV Theft	10	11.1	74	82.2	3	3.3	3	3.4	90	100.0
Other theft	62	20.7	229	76.3	6	2.0	3	1.0	300	100.0
All other offences	382	32.8	566	48.7	169	14.6	46	3.9	1,163	100.0
Total	1,272	24.7	3,399	65.9	386	7.5	97	1.9	5,154	100.0
<i>Unknown Indigenous status</i>										
Homicide	0	0.0	8	100.0	0	0.0	0	0.0	8	100.0
Assault	24	35.3	37	54.4	7	10.3	0	0.0	68	100.0
Sex offences	38	9.3	209	51.2	7	1.7	154	37.7	408	100.0
Robbery	15	15.5	80	82.5	1	1.0	1	1.0	97	100.0
Burglary	96	39.8	129	53.5	6	2.5	10	4.1	241	100.0
Fraud	151	23.9	358	56.6	17	2.7	107	16.9	633	100.0
MV Theft	3	15.8	15	78.9	0	0.0	1	5.3	19	100.0
Other theft	24	20.7	87	75.0	5	4.3	0	0.0	116	100.0
All other offences	124	29.0	235	55.0	49	11.4	19	4.5	427	100.0
Total	475	23.5	1,158	57.4	92	4.5	292	14.5	2,017	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, 2000

Offence group	Aborigines Med mths	Non-Aborigines Med mths	Unknown Med mths
Homicide	66	120	138
Assault	24	18	18
Sex offences	38	24	36
Robbery	48	48	48
Burglary	18	24	18
Fraud	12	24	18
MV Theft	24	12	12
Other theft	12	12	18
All other offences	24	24	18
Total	24	24	18

3.2 Courts of Petty Sessions (Lower Courts)

The 2000 lower court data have been extracted from the Department of Justice computerised CHIPS system (Children's Court and Petty Sessions). The CHIPS system was installed throughout the Perth metropolitan courts during 1998 but many regional courts did not come 'on-line' until the end of 1999. Many remote area courts continue to be managed by the police.

In 2000, the lower courts finalised 105,793 charges, on 56,657 occasions (final appearances), which were laid against 44,958 distinct persons – an average of 1.9 charges per final appearance and 2.4 charges per person.

As with data from the Higher Courts, the Indigenous status of defendants was unavailable in a large proportion of lower court cases (85.5%). However, the extraction of police-sourced ethnic appearance at CRC for court defendants having unknown Indigenous status has significantly reduced this proportion from 85.5% to 47.1%. Although the proportion of defendants with unknown ethnicity is still high, it enables us to initiate some level reporting of lower court activity based on Indigenous status.

Table 3.5 shows that charges dealt with by the lower courts in 2000 varied with offence type and Indigenous status. Almost two fifths (39.1%) of charges against Aborigines related to good order offences. Driving and vehicle offences accounted for more than one quarter (27.3%) of Aboriginal charges, while property and violent offences accounted for 16.7% and 10.8% of Aboriginal charges, respectively.

Table 3.5: Finalised charges in the Lower Courts by offence group and Indigenous status, 2000

Offence group	Aborigines		Non-Aborigines		Unknown	
	n	%	n	%	n	%
Against person	2,219	10.8	2,005	5.8	2,163	4.5
Property	3,419	16.7	8,074	23.4	9,849	20.7
Good order	8,019	39.1	6,282	18.2	8,263	17.4
Driving/Vehicle	5,595	27.3	12,840	37.1	20,142	42.3
Other	1,279	6.2	5,376	15.5	7,154	15.0
Total	20,531	100.0	34,577	100.0	47,571	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 Aborigines than non-Aborigines, for most offence groups. However, this difference was not significant when persons with unknown Indigenous status were factored in.

Table 3.6: Proportion of charges convicted in the Lower Courts by offence group and Indigenous status, 2000

Offence group	Aborigines		Non-Aborigines		Unknown	
	GUI		GUI		GUI	
	n	%	n	%	n	%
Against person	2,057	92.7	1,815	90.5	1,945	89.9
Property	3,273	95.7	7,037	87.2	9,263	94.1
Good order	7,747	96.6	5,941	94.6	7,678	92.9
Driving/Vehicle	5,511	98.5	12,695	98.9	19,820	98.4
Other	1,259	98.4	5,253	97.7	6,746	94.3
Total	19,847	96.7	32,741	94.7	45,452	95.5

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, Aborigines were more likely than non-Aborigines to receive custodial sentences. For example, compare an Aboriginal 'imprisonment rate' of 25.7% with a non-Aboriginal rate of 7.5% for against person (violent) offences. For good order offences, compare an Aboriginal imprisonment rate of 13.6% with a non-Aboriginal rate of 5.2%. For driving/vehicle offences, compare an Aboriginal imprisonment rate of 15% with a non-Aboriginal rate of 2%.

Generally, across all offence groups, a greater proportion of non-Aborigines than Aborigines was issued with fines (compare 71.6% with 58.7%), while the proportion receiving non-custodial sentences was only slightly higher for Aborigines than non-Aborigines (compare 20.4% with 17.7%).

Median sentence lengths for lower court charges resulting in custodial sentences in 2000 are presented in Table 3.8. Custodial sentences were generally short (4-6 months duration). Aborigines received shorter sentences than non-Aborigines for property offences, but slightly longer sentences for driving/vehicle offences. However, for other offence categories, sentence lengths for Aborigines and non-Aborigines were comparable.

Table 3.7: Penalties awarded to convicted charges in the Lower Courts by offence group and Indigenous status, 2000

Offence group	Fine		Non-custody		Custody		Other		Unknown		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
<i>Aborigines</i>												
Against person	549	26.7	729	35.4	529	25.7	244	11.9	6	0.3	2,057	100.0
Property	1,526	46.6	968	29.6	609	18.6	160	4.9	10	0.3	3,273	100.0
Good order	4,743	61.2	1,514	19.5	1,054	13.6	411	5.3	25	0.3	7,747	100.0
Driving/Vehicle	3,835	69.6	699	12.7	825	15.0	88	1.6	64	1.2	5,511	100.0
Other	989	78.6	132	10.5	78	6.2	58	4.6	2	0.2	1,259	100.0
Group Total	11,642	58.7	4,042	20.4	3,095	15.6	961	4.8	107	0.5	19,847	100.0
<i>Non-Aborigines</i>												
Against person	839	46.2	529	29.1	137	7.5	308	17.0	2	0.1	1,815	100.0
Property	2,814	40.0	3,064	43.5	747	10.6	411	5.8	1	0.0	7,037	100.0
Good order	3,806	64.1	1,294	21.8	307	5.2	531	8.9	3	0.1	5,941	100.0
Driving/Vehicle	11,571	91.1	421	3.3	259	2.0	429	3.4	15	0.1	12,695	100.0
Other	4,419	84.1	489	9.3	99	1.9	245	4.7	1	0.0	5,253	100.0
Group Total	23,449	71.6	5,797	17.7	1,549	4.7	1,924	5.9	22	0.1	32,741	100.0
<i>Unknown Indigenous status</i>												
Against person	834	42.9	599	30.8	175	9.0	334	17.2	3	0.2	1,945	100.0
Property	2,934	31.7	3,776	40.8	2,110	22.8	443	4.8	0	0.0	9,263	100.0
Good order	4,806	62.6	1,493	19.4	790	10.3	585	7.6	4	0.1	7,678	100.0
Driving/Vehicle	17,213	86.8	814	4.1	782	3.9	992	5.0	19	0.1	19,820	100.0
Other	5,308	78.7	529	7.8	270	4.0	636	9.4	3	0.0	6,746	100.0
Group Total	31,095	68.4	7,211	15.9	4,127	9.1	2,990	6.6	29	0.1	45,452	100.0

Table 3.8: Median sentence length (months) of imprisonment charges in the Lower Courts by offence group and Indigenous status, 2000

Offence group	Aborigines Med mths	Non-Aborigines Med mths	Unknown Med mths
Against person	6	6	4
Property	4	8	6
Good order	3	3	3
Driving/Vehicle	6	5	6
Other	3	3	2
Total	4	6	4

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 Department of Justice in computerised systems, such as the CHIPS system (**C**hildren's Court and **P**etty Sessions).

In 2000, Aborigines accounted for 35% of defendants, 40% of final appearances and 45% of all charges (offences) heard by the Children's Court. However, in 23% of defendant records, 18% of final appearance records and 14% of offence records, the Indigenous status or Aboriginality of the defendant was not recorded or could not be derived from police records.

Forty per cent of Aborigines, compared with 74% 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 (48%), good order offences (21%), offences against the person (10%) and driving offences (9%). For female Aborigines, the most frequent types of offences charged were burglary and theft offences (42%), good order offences (27%), offences against the person (13%) and driving offences (8%).

Eighty-three per cent of charges against Aborigines, compared with 75% of charges against non-Aborigines, resulted in conviction (see Table 3.9).

Table 3.9: Children's Court Results, All Charges 2000

Result	Aborigines		Non-Aborigines		Unknown	
	n	%	n	%	n	%
Guilty	6,232	83	5,212	75	1,674	73
Referred to a juvenile justice team	1,037	14	1,507	22	539	24
Other*	241	3	240	3	71	3
Total	7,510	100	6,959	100	2,284	100

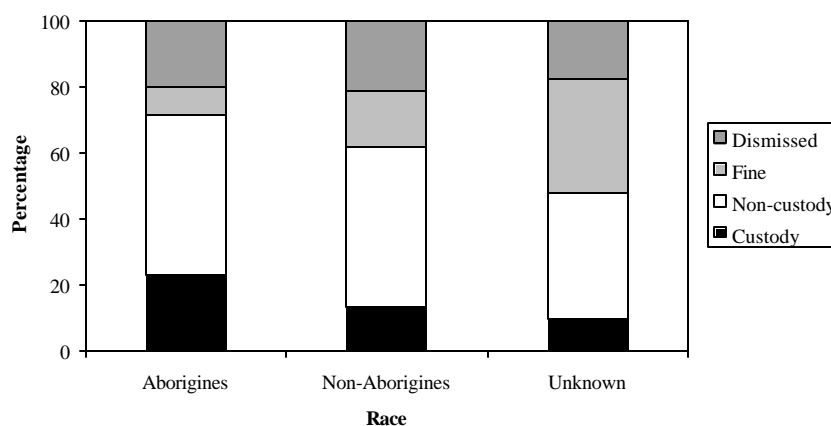
*'Other' includes:

- 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, 23% of those against Aborigines (9% of convictions against females and 26% of convictions against males) received a custodial sentence; compared with 13% of those against non-Aborigines (8% of convictions against females and 14% of convictions against males).

The most common sanctions were non-custodial orders – 48% of Aboriginal charges (55% of female charges and 47% of male charges) received such sanctions. Also 48% of non-Aboriginal charges (46% of female charges and 48% of male charges) received such sanctions – see Figure 3.1.

Figure 3.1: Penalties Imposed by the Children’s Court, 2000



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 2000, there were 2,297 referrals from the police (1,926 distinct persons) and 1,339 referral “appearances” from the Court (involving 1,166 distinct persons and accounting for 2,880 offences). Compared with 1999, the number of juveniles referred by the police has decreased by 13%, while the number of juveniles referred by the Court has decreased by 0.6%.

The demographic characteristics of distinct juveniles referred to the teams are shown in Table 3.10. With regards to police referrals, about seven in every ten Aboriginal juveniles referred were male, compared with about eight in every ten non-Aboriginal juveniles referred. A similar pattern was observed for Court referrals. Note, however, that in one fifth of all referrals by the Court, ethnicity details were not recorded.

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

Characteristics	Police referrals		Children's Court referrals		
	Aborigines	Non-Aborigines	Aborigines	Non-Aborigines	Unknown
% Male	71.9	80.3	66.3	83.7	78.9
% Female	27.9	19.1	32.9	15.2	18.7
% Unknown sex	0.2	0.7	0.8	1.1	2.4
% aged 10-14	64.9	28.4	50.8	13.2	17.0
% aged 15-17	34.8	71.2	46.9	79.8	70.5
% aged 18 & over	0.2	0.4	2.3	7.0	12.5
Median age at referral	14	16	14	16	17
Total	462	1,464	356	559	251

Very young Aborigines (aged 10-14 years) comprised a significant proportion of Aboriginal referrals by the police (65%). Juveniles in this age group made up only 28% of non-Aboriginal referrals by police. Generally, Aboriginal juveniles referred by the police tended to be younger (65% 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 (59%), good order offences (17%), motor vehicle/driving offences (6%) and against person offences (5%).

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.

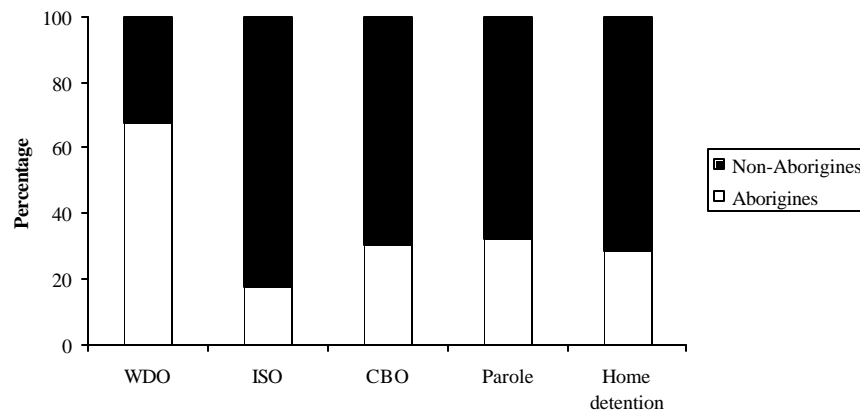
4. Community Based Orders

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 2,251 in 2000, with Aborigines accounting for an increasing proportion of them (68%) – see Figure 4.2.

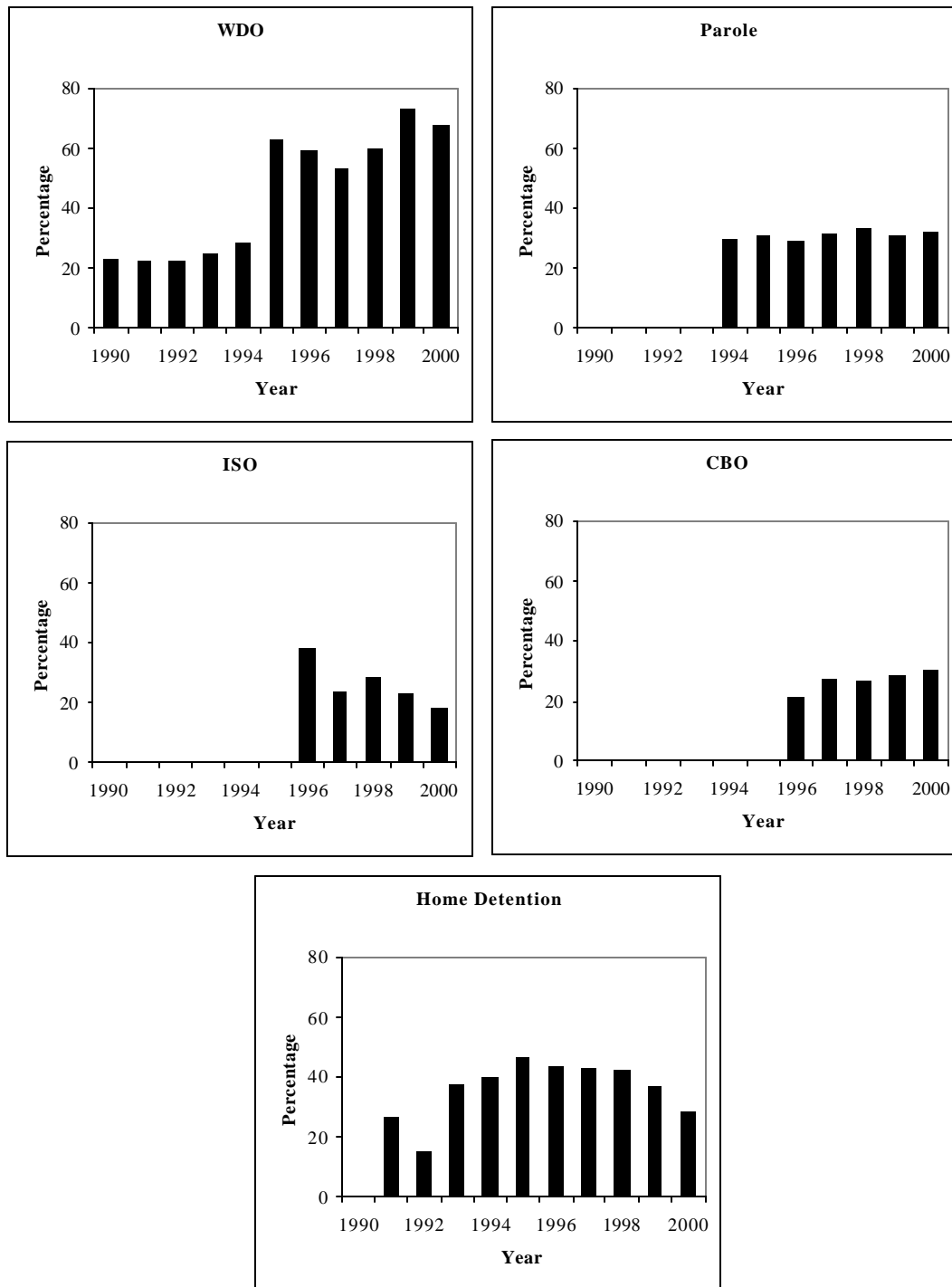
Changes to the Fines Enforcement legislation in 2000 have affected the utilisation patterns of WDOs. Early in 2000, the Act was amended to allow the court or Fines Enforcement Registrar to by-pass the licence suspension, seizure and sale of goods stages of fine enforcement and convert the fine *directly* 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: Aboriginal Participation in Community Based Orders, 2000



In 2000, Aborigines accounted for 18% of Intensive Supervision Orders (ISO), 30% of Community Based Orders (CBO), 32% of Parole and 29% of Home Detention (HD) – see Figure 4.1.

Figure 4.2: Participation of Aborigines in Community Based Orders, 1990 -2000



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 2000:

- Aborigines accounted for 68% of all offenders issued with work and development orders.
- 27% of Aborigines issued with WDOs were females. In contrast only 19% of non-Aborigines issued with WDOs were females.
- Young offenders (aged between 18 and 25 years) made up 24% of Aborigines serving WDOs.
- WDOs issued to Aborigines were mostly for good order offences (24%), against person offences (26%), vehicle/driving offences (28%) and burglary/theft offences (17%).
- Of WDOs issued to Aboriginal offenders in 2000, about 36% were breached either through non-compliance or through re-offending while the breach-rate for non-Aborigines was slightly lower at 34%.

More about intensive supervision orders (ISO) and community-based orders (CBO) in 2000:

- There were 203 ISO and 854 CBO issued to Aborigines and, as Figure 4.1 shows, they accounted for about 18% of all ISOs and 30% of all CBOs.
- Aboriginal women were more likely to be issued with CBOs rather than ISOs. They accounted for 31% of CBOs and 21% of ISOs issued to Aboriginal people.
- Young people (aged between 18 and 25 years) served most of these orders. They accounted for 53% of CBOs and 62% of ISOs issued to Aboriginal people.
- ISOs issued to Aboriginal people were mostly for violent offences (40%), burglary/theft offences (43%) and good order offences (11%) while CBOs were mostly issued for burglary/theft offences (34%), violent offences (28%), good order offences (21%) and vehicle/driving offences (10%).
- CBOs are generally served in a shorter time than ISOs. Two fifths (39%) of CBOs issued to Aboriginal people were required to be completed within 6 months. The median length of CBOs for Aborigines was 189 days – shorter than the median length for non-Aborigines (360 days). The median length of ISOs for Aborigines (364 days) was also shorter than the median length for non-Aborigines (520 days).
- At the time of data extraction, about 23% of CBOs and 52% of ISOs issued to Aborigines had been unsuccessfully completed (breached) either by non-compliance or through re-offending. On the other hand, about 21% of CBOs and 45% of ISOs issued to non-Aborigines had been unsuccessfully completed.

5. Aborigines in Custody

5.1 Adult Imprisonment

As Figure 5.1 shows, the total *number* of persons received into WA prisons fell in the early 1990s but has risen dramatically since 1997. Increases have occurred in both Aboriginal and non-Aboriginal prison receptions. Figure 5.2 shows trends in the *rate* of Aboriginal and non-Aboriginal prison receptions (per 1,000 adult population). As the figure shows, the reception rate for Aborigines declined during the early 1990s but, since 1997, has shown some increase. The reception rate for non-Aborigines is significantly lower but shows similar although less marked trends. In 2000, the Aboriginal reception rate was 26 times greater than the non-Aboriginal rate - this has declined considerably since 1990, when the ratio was 43.3.

Figure 5.1: Trends in prison receptions in Western Australia, 1990-2000

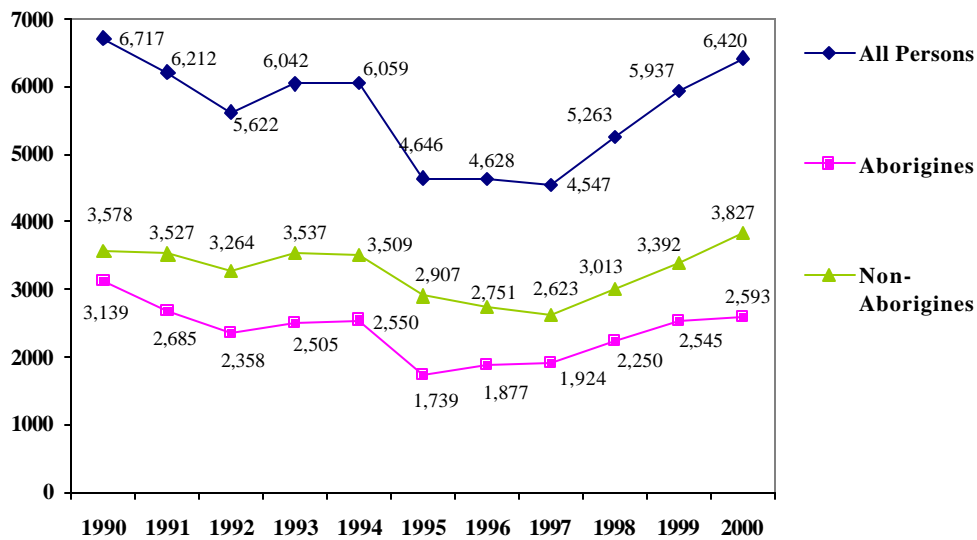
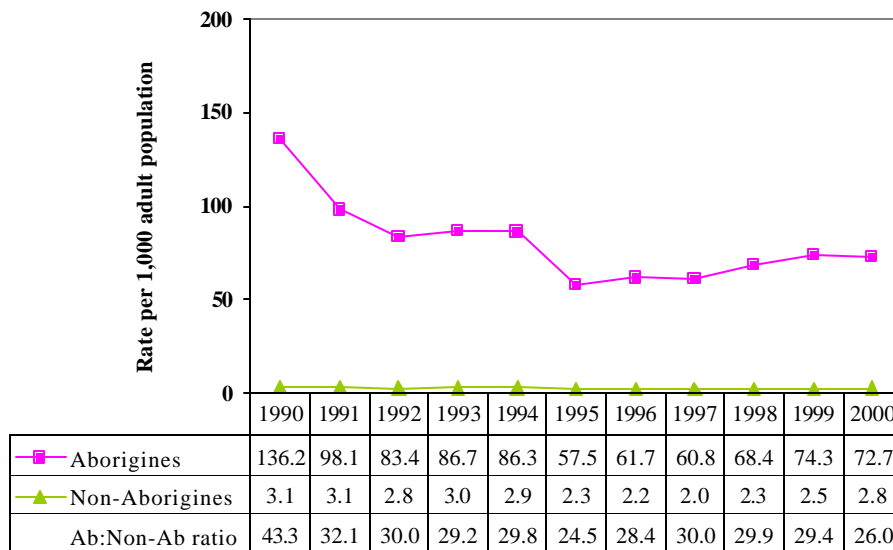


Figure 5.2: Rates of Adult Receptions into WA Prisons by Indigenous status, 1990-2000



	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Aborigines	136.2	98.1	83.4	86.7	86.3	57.5	61.7	60.8	68.4	74.3	72.7
Non-Aborigines	3.1	3.1	2.8	3.0	2.9	2.3	2.2	2.0	2.3	2.5	2.8
Ab:Non-Ab ratio	43.3	32.1	30.0	29.2	29.8	24.5	28.4	30.0	29.9	29.4	26.0

**Table 5.1: Rates of Adult Imprisonment by Australian Jurisdiction – June 2000 quarter
(per 100,000 adult population)**

	NSW	Vic	Qld	SA	WA	Tas	NT	ACT	Australia
Sentenced Prisoner Receptions (Jan-Dec 2000)									
Fine default	0.3	0.3	34.8	0.2	10.0	6.5	71.2	n.a	8.4
Other sentenced	39.4	28.1	88.4	26.0	61.8	42.1	129.3	18.9	47.0
Total	39.7	28.4	123.2	26.2	71.8	48.5	200.4	18.9	55.5
Average Daily Prisoner Population									
Males	287.5	163.8	344.8	223.3	401.3	233.9	841.4	159.1	273.6
Females	18.6	10.3	22.0	11.2	35.0	12.9	20.3	14.1	17.7
Total	151.0	85.4	182.2	114.9	218.1	120.4	459.3	85.7	143.9
Indigenous Prisoner Population									
Aborigines	1818.6	986.1	1,714.4	1,582.0	2,989.9	431.8	1,202.4	n.a.	1738.6
Ab : Non-Ab ratio	14.1	12.0	11.9	15.9	20.2	4.7	5.2	n.a.	14.8

Source: Compiled from figures in Tables 2, 4, 5 & 6 in *Corrective Services Australia, December Quarter 2000*, ABS Catalogue No. 4512.0, March 2001.

Table 5.1 summarises national imprisonment rates as compiled by the National Corrective Services Unit, ABS. These are based on average daily prisoner population, rather than on annual prison receptions. The table shows that WA ranks second to NT in average daily prisoners. The Australian average daily adult imprisonment rate for 2000 was 144 per 100,000 persons and the WA rate was 51% higher at 218 per 100,000 persons.

The Aboriginal imprisonment rate (2,990 per 100,000 persons) in WA and the ratio between Aboriginal and non-Aboriginal imprisonment rates in WA (20 times greater) were the highest.

Other facts about imprisonment:

- In 2000, Aborigines made up 2,593 out of 6,420 (40%) prison receivals. Thirty-six per cent (896 out of 2,518) of receptions on remand were Aboriginal receptions. Almost one in five (19%) Aboriginal prisoners received, compared with one in twenty (5%) non-Aboriginal receptions, were fine defaulters.
- The total number of persons entering prison for fine default in 2000 (703) 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 is on the increase.
- Aborigines accounted for 71% (497 out of 703) of all fine defaulters entering prison in 2000, 47% of all receptions with finite sentences and 31% of all receptions serving parole sentences.
- Females made up 16% (270 out of 1,696) of Aboriginal sentenced prisoners. Nearly two fifths of these women (39%), compared with 27% 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 (56% - mostly drink driving and driving without a licence), good order offences (19% - 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 (9% - mostly theft).
- For Aboriginal fine defaulters, a majority of sentence lengths (73%) were less than two months and females had slightly shorter sentences than males. Less than three quarters (70%) of Aboriginal fine defaulters were 33 years old or younger.
- Eleven per cent of Aboriginal finite sentences, compared with 6% of non-Aboriginal finite sentences, were between one year and two years.
- Seventy-five per cent of Aboriginal parole sentences, compared with 82% 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.⁶ The number of Aboriginal people admitted to police lockups has decreased since 1996, due to declines in the number of receptions for public drunkenness. In 2000, drunkenness accounted for 14% 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 8,172 different individuals admitted to police lockups in 2000 – 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 2000. Compared with non-Aborigines, in 2000 Aborigines were 13.5 times more likely to be admitted to a police lockup. In contrast, since 1995, the number of non-Aboriginal receptions *and* the number of distinct non-Aborigines who were locked up have both increased.

Juveniles made up about 14% of Aboriginal receptions and females made up more than one quarter (29%) of Aboriginal receptions.

¹Information 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.

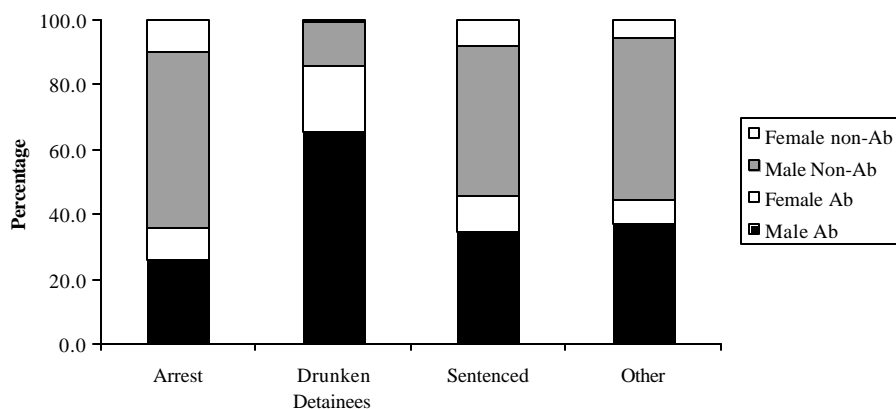
The basic unit of measurement to describe lockup activity is a reception ‘term’. A single reception ‘term’ may have multiple admissions such as when an offender is released to appear in court or transferred between lockups during that term.

Table 5.2: Trends in Receptions to WA Police Lockups 1994-2000

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

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

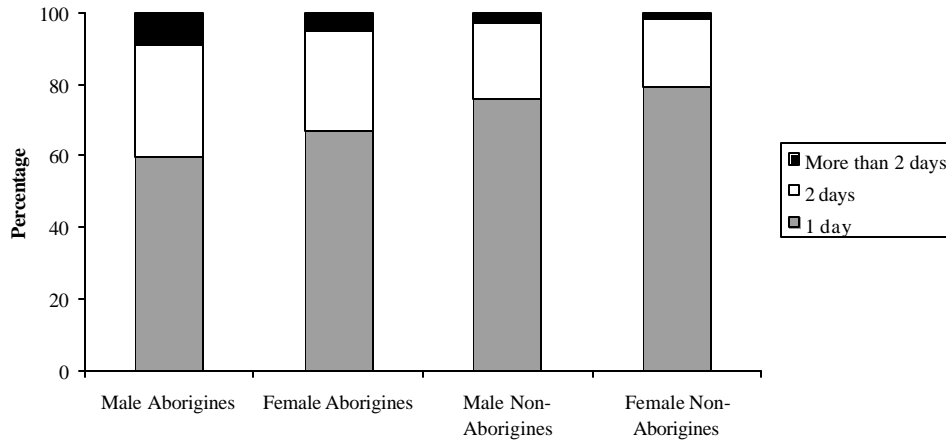
Figure 5.3: Lockup Receptions by Sex and Indigenous status, 2000



Most stays in police lockups were of short duration – 95% of all receptions in 2000 had a duration of one or two days (see Figure 5.4). Compared to Aborigines, non-Aborigines 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 2000 more than three quarters (76%) of male non-Aborigines stayed for a single day, compared with 59% of male Aborigines and 79% of female non-Aborigines stayed for a single day, compared with 67% of female Aborigines.

Figure 5.4: Length of Stay in Police Lockups, 2000



5.3 Juvenile Detention

Table 5.3 presents national data on the number of juveniles held in detention centres in 2000. As the table shows, the juvenile detention rate in WA was 52 per 100,000 juveniles – higher than all other jurisdictions except the Northern Territory and Tasmania, and 1.6 times higher than the national rate.

Note, however, that compared with 1999, the detention rate for Aboriginal juveniles has declined significantly in WA. The Aboriginal rate declined from 714.3 to 590.3 per 100,000 juveniles, while the non-Aboriginal rate increased slightly from 18.8 to 19.2 per 100,000. In terms of over-representation of Aborigines, the ratio of Aboriginal to non-Aboriginal rates declined from 38 in 1999 to 31 in 2000. In other words, in 2000, the detention rate of young Aborigines in WA was 31 times the non-Aboriginal detention rate, which continues to be the highest differential in the nation.

Table 5.3: Census of Persons Aged 10-17 on 30 June 2000 in Juvenile Detention by Jurisdiction

Juvenile detention	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	Australia
<i>As at 30 June 2000</i>									
N	274	52	104	115	59	37	15	15	671
Rate per 100,000 pop	38.8	10.1	25.2	51.9	36.4	66.5	60.7	42.2	31.5
Male rate	69.5	16.4	44.8	90.5	58.9	119.8	117.3	76.7	55.3
Female rate	6.7	3.6	4.5	11.1	12.7	11.0	0.0	5.8	6.4
Aboriginal rate	398.1	85.4	248.5	590.3	304.5	211.1	108.8	241.0	319.7
Non-Aboriginal rate	24.3	9.4	11.1	19.2	28.0	54.5	27.4	37.5	18.8
<i>Ab'l:Non-Ab'l ratio</i>	16.4	9.1	22.4	30.7	10.9	3.9	4.0	6.4	17.0
%Remanded Aborigines	39.4	0.0	47.5	36.0	60.0	44.4	36.4	50.0	40.9
%Remanded non-Aborigines	55.8	25.0	69.8	40.0	59.1	50.0	0.0	53.8	51.2

Source: *Persons in Juvenile Corrective Institutions 1981-2000 – with a Statistical Review of the Year 2000*, 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 *Australian Deaths in Custody and Custody-Related Police Operations, 2000* (Collins L. & Mouzos J. 2001):

- There were 91 deaths in custody during the year ended 31 December 2000. Twenty-five of these deaths occurred in *police custody or custody-related police operations*, 64 in *prison custody* and two juveniles died in the custody of juvenile welfare/justice agencies during the year.
- Seventeen of the 91 deaths (19%), five out of 25 police custody deaths (20%) and 11 out of 64 prison custody deaths (17%) and one out of two juvenile detention deaths were of Aboriginal or Torres Strait Islander people.
- The number of deaths reported during the year was 7% higher than those reported during 1999 (n=85) and 13% less than the 105 deaths reported during 1997.
- Three women died in custody during 2000.
- Table 5.4 shows that the number of deaths in police custody declined from 31 deaths in 1990 to 25 deaths in 2000 while the number of deaths in prison custody increased from 33 deaths to 64 deaths in 2000.

Table 5.4: Australian Deaths in Custody, 1990 to 2000, 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
2000	5	20	25	11	53	64	1	1	2	17	74	91

Figure 5.5 shows that the number of non-Aboriginal deaths in prison and juvenile detention increased to its highest in 1997 (67 deaths), then declined, but more recently shows signs of an increase. Similarly, the number of Aboriginal deaths in prison and juvenile detention peaked in 1995 (17 deaths), then declined, but there are some signs of an increase. Note, however, that as the numbers of deaths 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 2000

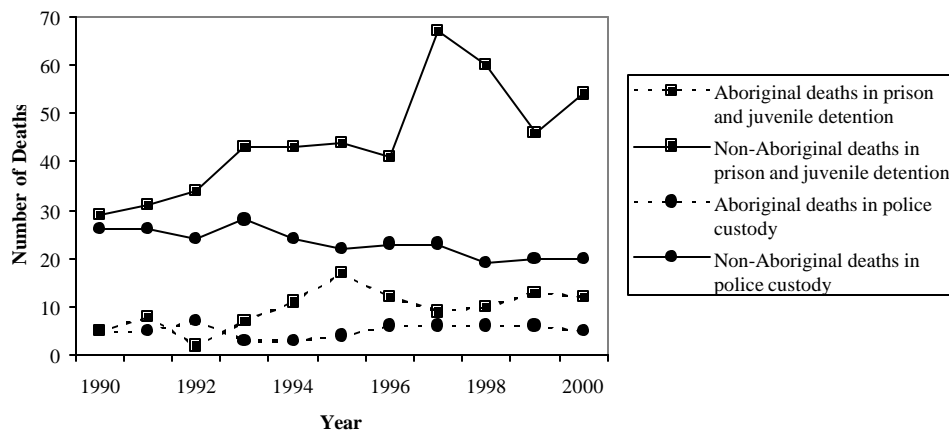


Table 5.5 presents latest available data on the number of deaths in custody in Western Australia, broken down by custodial authority and Aboriginality. The table shows that immediately after the tabling of the Royal Commission Into Aboriginal Deaths in Custody (RCIADIC) Report in 1991, the number of Aboriginal and non-Aboriginal 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, 1990-2000, 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
2000	1	1	2	4	10	14	5	11	16
Total	17	15	32	19	61	80	36	76	112