INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

Organisation: Australian Institute of Criminology

Name: Ms Diana Nelson

Date received: 31/01/2008

Hon Ian West MLC
Committee Chair
Standing Committee on Social Issues
New South Wales Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr West

Re: Inquiry into closing the gap – overcoming Indigenous disadvantage

The Australian Institute of Criminology is the Australian government's national public research centre on crime and justice issues and is very pleased to make a submission to this inquiry.

Because of the over-representation of the Indigenous population in the criminal justice system much of the research undertaken at the Institute has an Indigenous component. The research findings that specifically relate to the Indigenous population reflect the economic and social disadvantage experienced by the Indigenous community. The experience of colonisation, the disintegration of traditional laws and community norms, disruption of family and kinship ties, poverty, unemployment, personal stressors and multiple disadvantage, the forced removal from families and substance abuse are factors which increase the likelihood of an Indigenous person having contact with the criminal justice system, both as victims and offenders. Attached is an outline of publications the Institute has produced and research that focuses on specific issues related to the Indigenous community in Australia.

I hope you find the information contained in these reports useful. We look forward to hearing the outcome of the inquiry. Please do not hesitate to contact me if you have any questions.

Yours sincerely

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30 January 2008

Australian Government

Australian Institute of Criminology

The Australian Institute of Criminology (AIC) is the Australian government's national public research centre on crime and justice issues. Because of the over-representation of the Indigenous population in the criminal justice system much of the research undertaken at the Institute has an Indigenous component. The research findings that specifically relate to the Indigenous population reflect the economic and social disadvantage experienced by the Indigenous community. The experience of colonisation, the disintegration of traditional laws and community norms, disruption of family and kinship ties, poverty, unemployment, personal stressors and multiple disadvantage, the forced removal from families and substance abuse are factors which increase the likelihood of an Indigenous person having contact with the criminal justice system, both as victims and offenders. Following is a brief summary of publications and other activities the AIC has produced which provide evidence on which to develop social practices and policies that address Indigenous disadvantage.

Current research

The AIC conducts a range of research projects on key criminal justice issues under the following seven categories:

- violent crime
- property crime
- drugs
- transnational and organised crime
- economic and high tech crime
- the criminal justice system
- capacity building.

Embedded within each of these key research areas are projects that focus on victims of crime, custody and sentencing, causes of crime and crime prevention. Key groups include children, women, migrant communities and Indigenous people. As a result AIC's national monitoring programs on key areas, along with specific research projects, highlight Indigenous over-representation in the criminal justice system and provide insights into the efficacy of responses to reduce this over-representation.

Research was completed in 2006–07 on the reintegration of Indigenous male prisoners into society. The research, commissioned by the state and territory correction agencies, involved the collection and analysis of data on adult male prisoners whose major offence was violent. Recidivism outcomes over a two year period were examined. In addition, interviews and meetings were held with key stakeholders, including prisoners and correctional staff, in four jurisdictions. A report on the research is due to be released early 2008.

The AIC has undertaken a project, funded by Queensland's Attorney-General and Department of Justice, to determine how effective the Murri Court is in reducing the rates of failure to appear in court, as well as decreasing the reoffending rate and the number of court orders breached by Indigenous offenders.

In the coming year the Institute is conducting research on violence and child abuse in Indigenous communities, funded by the Australian Crime Commission. Research was also commissioned by the ACT Government on Indigenous victims of family violence.

National deaths in custody monitoring program
The National deaths in custody program (NDICP) was established at the AIC as part of the Australian Government's commitment to implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in 1992. The NDICP examines the circumstances of deaths in prison, policy custody and juvenile detention around Australia on an ongoing basis. The purpose of monitoring deaths in custody is to provide accurate, up-to-date information that will contribute to public policy discussion in this important area, and to increase public understanding of the issues. It also allows for the monitoring of long-term trends and patterns in police custody and custody-related operations. No other country has

such an extensive and long-term monitoring of this type. The collection holds information on 1,878 cases.

In 2005 there were 54 deaths in custody, comprising 34 deaths in prison custody and 20 in police custody and custody-related operations. Fifteen deaths were of Indigenous persons, eight of which occurred in police custody.

Prison custody deaths by Indigenous status and jurisdiction, 2005a

	Indigenous		Non-Indigenous		Persons Total
	n	%	n	%	
New South Wales	2	1.2	11	1.4	13
Victoria	1	4.5	4	1.2	5
Queensland	0	0.0	3	0.8	3
Western Australia	2	1.4	2	1.0	4
South Australia	0	0.0	6	5.7	6
Tasmania	0	0.0	1	2.1	1
Northern Territory	2	3.0	0	0.0	2
Australia	**7**	**1.2**	**27**	**1.4**	**(34)**

Police custody deaths by Indigenous status and jurisdiction, 2005

	Indigenous		Non-Indigenous		Persons Total
	n	%	n	%	
New South Wales	1	33.3	2	66.7	3
Victoria	0	0.0	5	100.0	5
Queensland	1	20.0	4	80.0	5
Western Australia	6	100.0	0	0.0	6
South Australia	0	0.0	1	100.0	1
Australia	**8**	**40.0**	**12**	**60.0**	**(20)**

The report, *Deaths in custody in Australia: National Deaths in Custody Program annual report 2005,* can be found at: http://www.aic.gov.au/publications/tbp/tbp021/
The 2006 annual report is due for release in late January.

National police custody survey
Also arising from the RCIADIC report, the AIC undertakes a national survey monitoring police custody. Survey findings include: how many people go into and out of police cells over the course of one month; why people are placed in police custody; the types of offences associated with police custody; the length of time that people are in police custody; the proportions of incidents in which Indigenous people are involved; rates of Indigenous and non-Indigenous custody per population; and whether these patterns change over time.

Over-representation of Indigenous persons in police custody
Data from the 2002 National police custody survey have been used to compare the involvement of Indigenous and non-Indigenous Australians with police. The following table gives the numbers of Indigenous and non-Indigenous custody incidents per respective 100,000 population, aged 10 and over. The final column shows the degree to which Indigenous persons were over-represented in police custody incidents compared with non-Indigenous persons.

	Indigenous	Other	Over-representation
New South Wales	1,693.2	158.2	10.7
Queensland	1,483.1	141.4	10.5
Western Australia	3,468.0	128.4	27.0
South Australia	3,605.3	142.4	25.3
Victoria	861.1	49.9	17.2
Northern Territory	2,841.9	234.9	12.1
ACT	1,187.7	54.7	21.7
Tasmania	144.2	36.6	3.9
Australia	2,028.7	119.6	17.0

The report can be found at: http://www.aic.gov.au/publications/tbp/tbp013/.Data collection for the fourth survey have been underway during 2007.

National juveniles in detention monitoring program
The National juveniles in detention monitoring program monitors long-term trends and changes in the number and rate of young people in juvenile detention facilities in Australia. Quarterly reports from relevant juvenile justice authorities in each Australian jurisdiction have been provided by the AIC since 1981. For each jurisdiction and year, information is collected on age, gender, Indigenous status and sentencing status. The most recent annual report shows that over-representation of Indigenous young people aged 10 to 17 in detention across Australia remains high and has not decreased since 1994.

Over-representation of Indigenous young people aged 10 to 17 in juvenile detention at 30 June 1994–2006 (rate ratios)

Year	NSW	Vic	Qld	WA	SA	Tas	NT	ACT	*Australia*
1994	16.2	11.7	22.5	28.2	16.4	2.1	2.4	0.0	17.0
1995	12.2	23.8	25.7	22.8	7.7	2.0	2.1	5.2	14.7
1996	14.5	8.0	30.8	26.7	11.3	5.0	3.3	10.9	16.4
1997	18.2	15.9	22.8	32.0	10.7	na	29.9	13.0	18.8
1998	12.7	23.4	27.0	31.6	20.0	na	7.9	18.7	19.2
1999	13.4	22.5	20.8	37.8	14.1	na	3.7	6.7	18.8
2000	16.5	9.1	22.6	30.9	10.9	na	5.5	6.6	18.2
2001	19.9	15.8	32.9	69.2	5.4	na	–	16.1	21.1
2002	18.4	13.1	24.2	39.8	23.0	na	3.6	11.9	20.8
2003	18.8	13.3	25.0	45.5	24.6	4.9	3.2	6.7	19.9
2004	29.6	20.4	23.1	51.9	20.3	3.8	5.3	19.5	25.6
2005	24.1[a]	37.4	18.1	44.1	22.3	3.9	9.9	17.3	23.0
2006	22.7[a]	11.8	15.4	31.9	13.0	4.8	31.0	20.6	20.9

na = not available
– Non-Indigenous rate was zero so over-representation ratio could not be calculated

The annual report, *Juveniles in detention in Australia, 1981-2006*, can be found at: http://www.aic.gov.au/publications/tbp/tbp026/ .

Homicide national monitoring program
The National homicide monitoring program was established in 1989 after a recommendation by the National Committee on Violence and an endorsement from the Australasian Police Ministers' Council. The purpose of the program is to identify as precisely as possible the

characteristics of individuals, which place them at risk of homicide victimisation and of offending and the circumstances, which contribute to the likelihood of a homicide occurring. A paper, taken from these data, examines the similarities and differences between Indigenous and non-Indigenous homicides in Australia during an 11-year period. The findings suggest that the 'typical' Indigenous homicide in Australia differed from other homicides in important ways. Indigenous homicides were more likely to occur within the family environment, with a high proportion of female involvement (both as victims and offenders). Many of the incidents resulted from some form of domestic altercation. Alcohol was found to play a major role: just over four out of five Indigenous homicides involved either the victim or the offender, or both, drinking at the time of the incident. Knives were the most common weapons of choice, with firearms used in less than six per cent of homicides. Indigenous homicides involving strangers were found to be exceptionally rare. These findings can be used to achieve more informed and sound policy directions in the reduction and prevention of lethal violence for Indigenous Australians. See: http://www.aic.gov.au/publications/tandi/tandi210.html

The policing implications of cannabis, amphetamine and other illicit drug use in Aboriginal and Torres Strait Islander communities

The National Drug Law Enforcement Fund (NDLERF) commissioned a 14-month study by the AIC in conjunction with AIATSIS to examine issues associated with the policing of cannabis, amphetamine and other illicit drug use in Aboriginal and Torres Strait Islander communities in rural and remote areas.

As well as seeking to enhance the law enforcement sector's understanding of the extent and nature of illicit drug use, the project sought to identify good policing practice to help prevent and to minimise the harms resulting from illicit drug use and produce guidelines on the implementation of good practice.

The study found that conventional drug policing strategies were rarely suited to rural and remote areas, especially in Aboriginal and Torres Strait Islander communities where police officers were highly visible. Effective strategies and initiatives were those that had the close cooperation and support of community leaders, high quality intelligence and logistical support from police organisations.

The full report can be found at: http://www.ndlerf.gov.au/pub/Monograph_15.pdf and a summary of the report,'Illicit drug use in rural and remote Indigenous communities' number 322 in the *Trends and Issues in crime and criminal justice* series at http://www.aic.gov.au/publications/tandi2/tandi322t.html

Good practice framework: policing illicit drugs in rural and remote local communities

In conjunction with this study the AIC and AIATSIS prepared a good practice guide for policing in remote and rural areas. The advice in the guide is intended for police and police organisations looking to review their approaches to policing illicit drug use and reducing drug-related harms among Aboriginal and Torres Strait Islander people in rural and remote areas. It emphasised the importance of adapting the advice to each situation because of the variation in communities and situations within those communities.

The guide focuses on opportunities to improve policing through the use of:
  o strategic policies and programs requiring different sectors and jurisdictions to commit to coordinated approaches to drug control
  o local, district and regional area planning to prevent crime and promote community safety, including the reduction of illicit drug supply and use
  o individual police practices.

See: http://www.ndlerf.gov.au/pub/Monograph_15a.pdf for the full report.

Both reports highlight urgent challenges confronting police and communities battling to cope with critically high rates of substance use and related harms in rural and remote Aboriginal settlements. The studies found that the rates of legal and illegal substance abuse in some remote area communities are among the highest in Australia. Yet remote communities are among the most poorly equipped to cope with these issues. Harm minimisation and law enforcement strategies can work in these areas, but only if they are adapted to address the realities of scarce policing, health and other services.

Workshops to facilitate the implementation of research findings

Both the AIATSIS-AIC policing illicit drugs study and NDLERF funded research into policing of volatile substance misuse identified a number of practical community and policing initiatives that are helping to turn these problems around and reduce the harms associated with high levels of substance use, including illicit drug use. The positives for police endeavouring to develop community based strategies to address these issues included:

- Increasing recognition of the issues facing Aboriginal and Torres Strait Islander communities in rural and remote areas.

- An increased willingness on the part of many Aboriginal and Torres Strait Islander leaders to work with police on community safety and harm reduction initiatives.

- The emergence of illicit drug diversion and treatment programs for offenders, giving police, courts, other services and communities themselves new ways to tackle the causes of drug-related harms, not just the symptoms.

There are many opportunities for police to play a key role in working with communities to reduce substance-related harms and improve outcomes. Central to improving police effectiveness is to task police and other services in a ways that strengthen the capacity of communities to deal with the causes of high levels of drug use and drug-related harms. This requires a coordinated approach whereby police devise local action plans in partnership with local communities, and target problems in ways that respond to local needs. For local police to achieve this, they need the support of regional and state/territory-level strategies.

Although the studies identify many effective options available to police working with Aboriginal communities in all states and territories, there is an urgent need for a national implementation plan to put these options into practice. Without a coordinated approach, the use of this research is likely to remain limited and ad hoc.

The AIC, along with other key researchers, held workshops in 2007 to promote and progress the outcomes of the two research projects. Involving senior and local police from across Australia, workshops were held in Cairns, Queensland, and in Alice Springs, Northern Territory. Another workshop, involving NSW and Victorian police, is planned for 2008 and is to be held in Mildura, Victoria. A report on the Alice Springs workshop is due for release soon on the NDLERF website.

Other papers/reports

Indigenous male offending and substance abuse, no. 293 in the Trends and issues in crime and criminal justice series.

This paper compares Indigenous and non-Indigenous male offenders' drug use and offending in order to identify how better to prevent and respond to drug-related crime. The data come from two sources: a survey of male adult prisoners (the Drug Use Careers of Offenders project), and an ongoing collection of data from police detainees (the Drug Use Monitoring in Australia program). In terms of risk factors, Indigenous men are younger, report lower levels of education and are less likely to have been employed. For those seeking to reduce Indigenous offending and drug use, the criminal justice system provides a unique window for developing and implementing specific Indigenous interventions at the local level. However, drug demand and harm reduction strategies must be sensitive to the use patterns of different groups in specific locations.
See: http://www.aic.gov.au/publications/tandi2/tandi293.html

Adult sexual violence in Indigenous and culturally and linguistically diverse communities in Australia, no. 345 in the Trends and issues in crime and criminal justice series

In 2006–07 research was undertaken on sexual assault against women in Indigenous and culturally and linguistically diverse communities. Working collaboratively with sexual assault service providers across the country, the research involved extensive consultations and interviews, with a major report and papers presented to the Office for Women. A trends and issues paper on the report has been released by the AIC but the full report has not yet been released. See: http://www.aic.gov.au/publications/tandi2/tandi345.html for the Trends and issues paper.

Mortality and morbidity in prisoners after release from prison in Western Australia 1995-2003, no. 71 in the Research and public policy series.

A major finding of the study is the greater risk of death and hospitalisation in Indigenous prisoners than the general population of WA. Indigenous prisoners are at greater risk of death or hospitalisation than the general Indigenous population. This is seen for a wide range of disease conditions, most of which are associated with social disadvantage.

When focusing on the Indigenous population it advocates addressing the social disadvantage that leads to chronic ill health through culturally appropriate health services, structured to ensure continuity of care on reentry into the community. In keeping with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, this should involve Indigenous medical services wherever this is possible.

Finally, while female prisoners account for only 11 percent of prisoners, they have extensive health problems that warrant special attention, highlighting the different needs of Indigenous and non-Indigenous women.

Common to all of these problems is the need for adequate resources for careful assessment and management of health problems and careful release planning to ensure continuity of health care after release. Particular emphasis is required on the recognition and management of chronic health problems, whether of a physical or mental nature, and removal of structural barriers to continuity of care.

The full report, Mortality and morbidity in prisoners after release from prison in Western Australia 1995-2003, can be found at: http://www.aic.gov.au/publications/rpp/71/index.html and a summary of the report the *Trends and Issues in crime and criminal justice* series at http://www.aic.gov.au/publications/tandi2/tandi320.html

Indigenous justice clearinghouse
http://www.indigenousjustice.gov.au

The Indigenous justice clearinghouse (http://www.indigenousjustice.gov.au) was initiated by the nation's justice ministers in response to the high rate of incarceration of Indigenous people, to help governments develop better evidence-based responses to the complex and difficult issues facing Indigenous communities. The clearinghouse is a website that brings together knowledge about the wide range of work being done at a grassroots level to address justice issues in Indigenous communities. The website was developed by the AIC in collaboration with the NSW Attorney General's Department and the pilot site was launched in November 2006 at a meeting of the Standing Committee of Attorneys-General. At the end of 2007 funding was agreed to continue and improve the clearinghouse for a further two years.

The clearinghouse provides a single entry point for key information about Indigenous justice issues in Australia, with the website including:

- an online forum for exchanging informal knowledge between decision makers, researchers and practitioners in the field

- a register of Indigenous justice resources

- concise briefs on existing research and evaluations and identification of areas where further research is needed

- a news section, disseminating information about new reports and research.

The register of resources includes information about key publications and evaluations, datasets and research projects. At the end of the year there were 86 members of the forum. The first research brief, on research into strong Indigenous communities, describes the variation in Indigenous crime rates among communities and what we know about safe communities that have low rates of assault and property offences.