

Indigenous incarceration

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Abstract

The main reason for the large number of Aboriginal deaths in custody (475 deaths in the 30 years since the findings of the Royal Commission into Aboriginal Deaths in Custody) is the extremely high incarceration rate of Indigenous people (although comprising 3.4% of the Australian population, Aboriginal and Torres Strait Islander people make up 29% of the prison population (editor's note: this figure has risen to 30.6% as at Sept 2021)).

Aboriginal and Torres Strait Islander people are respectfully advised that this article contains references to people who have passed away.

For those accessing and using this article, the details contained therein are of a highly sensitive nature and we ask you to be respectful of the cultural sensitivities of the living relatives and friends of those whose deaths are recorded in this article.

If this article raises any concerns for you or someone you know, please contact your local doctors' health service; Lifeline on 13 11 14; or Beyond Blue on 1300 22 4636 (in Australia).

If you are outside Australia, you may obtain help in your country by visiting Befrienders Worldwide at www.befrienders.org

The Indigenous incarceration rate

In 2021, approximately 880,000 Aboriginal and Torres Strait Islander people constitute 3.4% of the Australian population (ABS 2018 cf. ABS 2019, World Population Review), yet First Nations people make up a highly disproportionate 29% of the prison population (ABS

2020b). At the same time, an even greater percentage (31%) of new prisoners are Aboriginal and Torres Strait Islander people so the disparity is increasing (NSW Legislative Council 2020, citing Australian statistics: Graham at 16:31:16 and Sharpe at 16:48:52).

Although the death rate in custody of non-Indigenous people is actually higher than for Indigenous people (0.21 per 100 prisoners compared with 0.13 per 100 respectively – Allam et al.), the number of Indigenous deaths in the 30 years since the findings of the Royal Commission into Aboriginal Deaths in Custody – RCIADIC is 475 (Guardian 2021, note: one death missing in Guardian figures). This is high due to the much higher incarceration rate for Indigenous people, the highest for any people group in the world (Anthony and Baldry 2017). This represents systemic failure. For example, Aboriginal people are 11 times more likely to be denied bail and are imprisoned at 13 times the rate of non-Indigenous people (Allam et al.). The statistics indicate an escalating crisis since the Aboriginal youth detention rate is 17 times that of non-Aboriginals (AIHW 2021b:vi); 48% of detained juveniles are Aboriginal (yet the proportion of 10 to 17-year-old Aboriginal children is just 6%) (AIHW 2021b:3); and 90% of Aboriginal juvenile offenders reappear in adult court (compared with 52% for non-Aboriginal offenders) (Korff 2021). In addition, the percentage of Indigenous youth in all age groups under 18 is approximately double that of non-Indigenous youth (ABS 2018). Unless drastic measures are taken in the short term, this large young population will be adding to the young Aboriginal population already in prison (the median age of Indigenous prisoners is 32.1 years compared with 35.2 for non-Indigenous prisoners – ABS 2020b).

Urgent reduction of the Aboriginal incarceration rate is therefore the top priority, with one benefit being a reduction in Aboriginal deaths in custody.

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