

## **Abstract**

The focus for the second set of statistics shifts to the truly alarming figures for Indigenous imprisonment. The statistics indicate that the gap between Indigenous and non-Indigenous prisoners is widening rather than closing.

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

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](http://www.befrienders.org)

## **Introduction**

Australian First Nations peoples are the most incarcerated in the world (Anthony and Baldry 2017). In 2021, the United States has the highest incarceration rate of any nation at 639 per 100,000 population (WPR 2021). Within the US, African American people have the highest incarceration rate at 1,446 per 100,000 African American population (Carson 2020:10). However, the Indigenous incarceration rate is higher still at 2,081 per 100,000 Indigenous population (ABS 2020).

It may be noted that the African American imprisonment rate has been decreasing over the past decade while the Indigenous imprisonment rate has been increasing. US scholars have theorized that the reduction in African American numbers was due to:

- (1) Crime and arrests have been decreasing in the U.S.

- (2) The war on drugs has moved targets from crack and marijuana to meth and opioids, the latter drugs more often used by the white population
- (3) Criminal justice reform was necessary (given that the US housed 2,086,600 prisoners, 25% of the world's prison population - WPR 2021) and the reforms have been taking effect
- (4) White people have also come upon hard times, leading to a greater share of the crime

(Buchholz 2021; Hager 2017)

In attempting to understand why Indigenous numbers have been rising, a comparison may be made on the four theories:

- (1) Unlike the US, crime in Australia has generally been increasing, although it fluctuates and recently dipped for property offences due to COVID (but rose for domestic violence, both due to people being locked in their homes) (ABS 2021c, 2021d; Walker and Henderson)
- (2) Like the US, Australia has also shifted focus to meth and opioids (White 2019), but the difference according to White may be that Australians have been trying to "arrest their way out" of the crisis and use medical intervention rather than focusing on the addict and how harm may be reduced through community-based initiatives and sharing of resources among agencies
- (3) Criminal justice reform has not been as pressing in Australia given our much lower incarceration rate. Also, it was observed that criminal justice reform has been happening in cities, where more black people live, but not in rural areas. In Australia, we have a greater percentage of the Indigenous population in towns and remote areas which are often unreached by reform and opportunities
- (4) Non-Indigenous people in Australia have not had it as hard as white people in the US with uninterrupted economic growth through the GFC, so have not been inclined to crime for that reason

These differences explain why the Aboriginal prison population could have been increasing while the African American prison population has been decreasing.

Reasons for this 'Indigenous incarceration epidemic' (as former Prime Minister Kevin Rudd called it – Rudd 2015) include:

- Generational disadvantage including social exclusion, inadequate schooling, disengagement from school, unemployment and substandard housing
- A history of disconnection from land, racial discrimination, disempowerment, stolen generations and continuing high levels of out-of-home care systems
- Substance abuse and poor physical and mental health
- Being a victim of family, physical abuse and sexual abuse

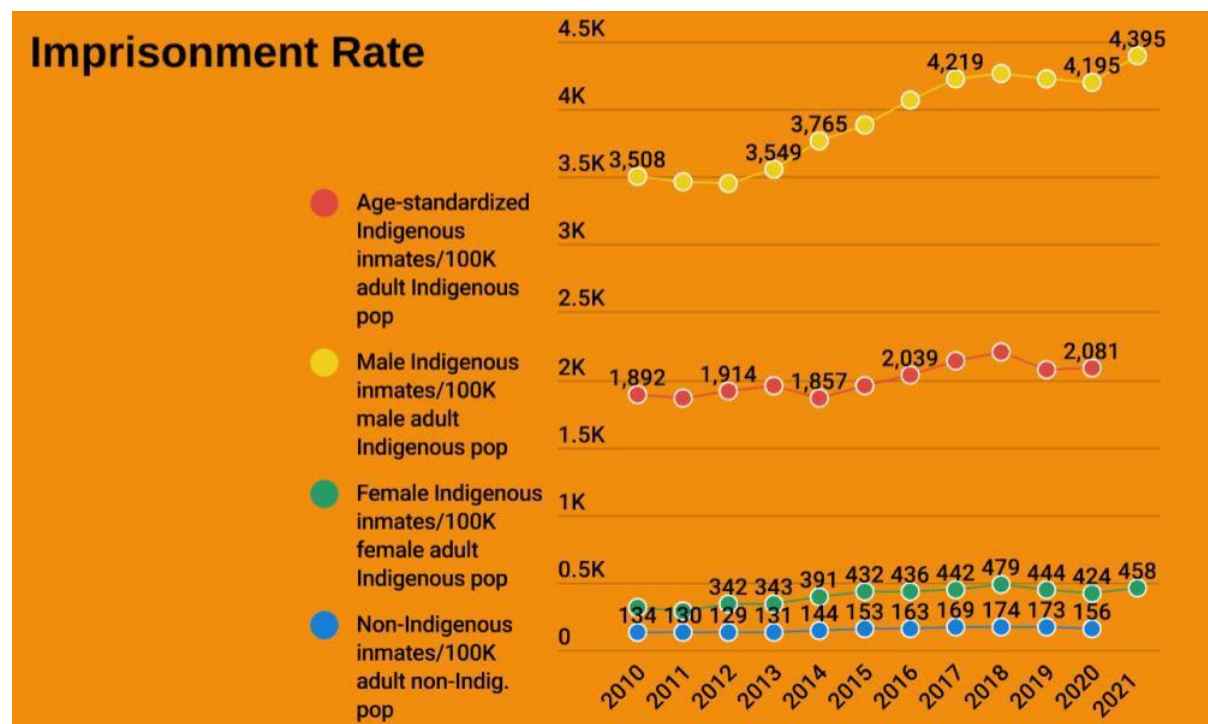
- Police selectively pursuing Aboriginal people (e.g. compared with non-Indigenous people, Indigenous people are: 15 times more likely to be charged for swearing, shouting or offensive behaviour; 20 times more likely to be charged for a seatbelt offence in WA; and four times less likely to receive a caution from police)

(UNAA 2021; Korff 2021b; Rudd 2015).

The number of Aboriginal deaths in custody has also been a touchstone of Australian prison reform. In the 30 years since the Royal Commission into Aboriginal Deaths in Custody handed down its findings (in 1991), 475 Indigenous deaths in custody have been recorded. Although the rate of non-Indigenous deaths in custody is actually higher than that of Indigenous deaths (0.21 per 100 prisoners compared with 0.13 per 100 respectively – Allam et al. 2021), the impact on the Indigenous population is considerable because of the extremely high Indigenous incarceration rate. Indigenous people as a whole die in police custody at over six times the rate of non-Indigenous people as a whole (0.61 per 100,000 people compared with 0.09 per 100,000 people – Allam et al. 2021).

Coroners were also twice as likely to find that police, prisons or hospitals failed to follow all of their own procedures in cases involving an Indigenous death in custody compared with a non-Indigenous death in custody. Indigenous deaths in custody were also more likely to involve drugs or alcohol (Allam et al. 2021).

Graph 1



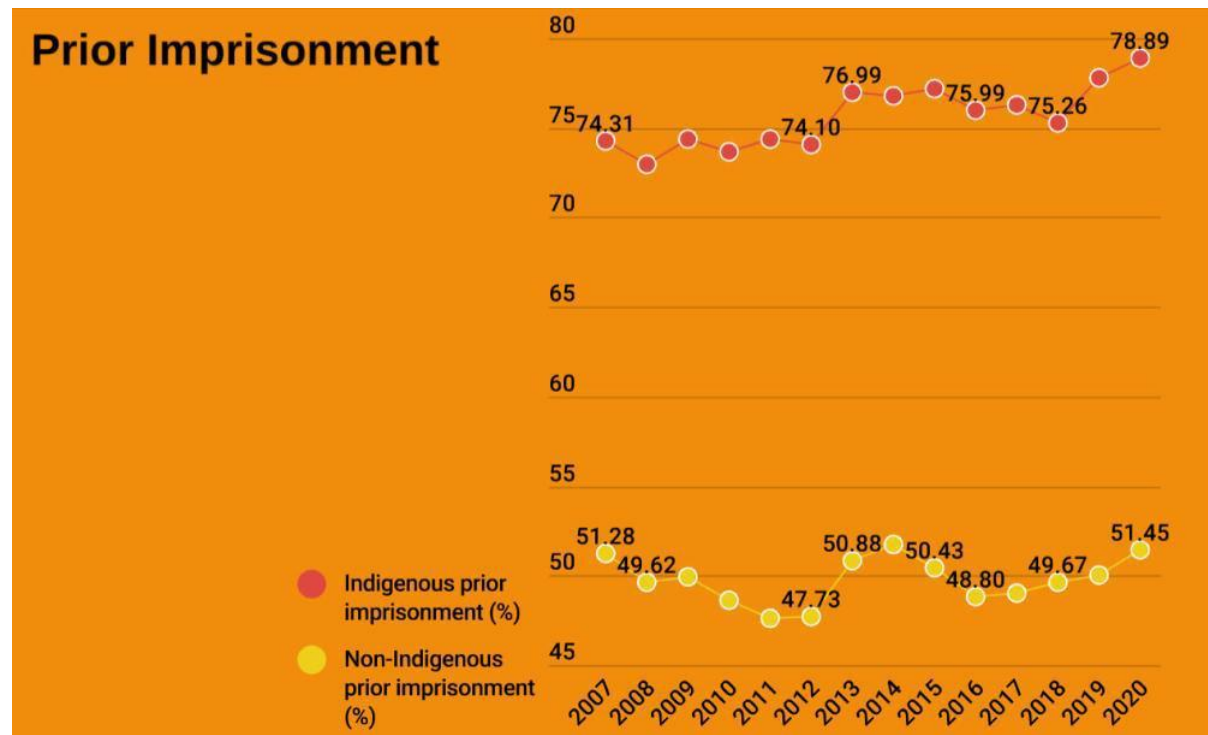
The non-Indigenous imprisonment rate has fluctuated over the decade and risen slightly (by 16.4%) and the age-standardized Indigenous rate rose a modest 10%. However, over 11 years, the male imprisonment rate rose 25.3% and the female rose much higher at 45.4%.

Data 1

Imprisonment Rate (inmates/100,000 adults)												
(Note: Year ending 30 June)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Inmates/100K adult pop	175	169	167	172	186	196	208	216	221	219	202	215
Male inmates/100K male adult pop	328	319	314	323	349	366	388	404	413	409	381	405
Female inmates/100K female adult pop	26	23	25	26	28	31	33	34	37	35	31	32
Age-standardized Indigenous inmates/100K adult Indigenous pop	1892	1868	1914	1959	1857	1951	2039	2142	2210	2077	2081	N/A
Male Indigenous inmates/100K male adult Indigenous pop	3508	3457	3453	3549	3765	3884	4067	4219	4262	4218	4195	4395
Female Indigenous inmates/100K female adult Indigenous pop	315	292	342	343	391	432	436	442	479	444	424	458
Non-Indigenous inmates/100K adult non-Indig. pop	134	130	129	131	144	153	163	169	174	173	156	N/A
How much more likely an Indigenous than a non-Indigenous inmate	14.1 times	14.4 times	14.8 times	15.0 times	12.9 times	12.8 times	12.5 times	12.7 times	12.7 times	12.0 times	13.3 times	N/A
Accessed 16-21/09/2021:	Sources: Australian Bureau of Statistics (2021) 'Corrective Services, Australia', June Quarter 2021 As well as '4517.0-Prisoners in Australia' for 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020											

Aboriginal people were jailed at 13.3 times the rate of non-Indigenous people in 2020, which is the highest rate since 2013.

Graph 2



51.45% of non-Indigenous prisoners had previously been imprisoned which is higher than in the 14 years examined. However, non-Indigenous prior imprisonment was even higher at an astounding 78.89%, which is by far the highest rate in the 14 years examined.

Data 2

Inmates, Selected Legal Status and Prior Imprisonment									
Year	Males	Females	Sentenced	Unsentenced	Non-Indigenous prior imprisonment (no.)	Non-Indigenous prior imprisonment (%)	Indigenous prior imprisonment (no.)	Indigenous prior imprisonment (%)	All inmates
2005	23,619	1,734	20,220	5,133	N/A	N/A	N/A	N/A	25,353
2006	23,963	1,827	20,208	5,581	N/A	N/A	N/A	N/A	25,790
2007	25,240	1,984	21,266	6,340	10,455	51.28	4,926	74.31	27,224
2008	25,658	1,957	21,276	6,870	10,251	49.62	4,893	72.95	27,615
2009	27,195	2,127	22,923	6,391	10,753	49.89	5,496	74.41	29,315
2010	27,469	2,231	23,333	6,369	10,603	48.58	5,587	73.67	29,700
2011	27,079	2,030	22,382	6,724	10,202	47.61	5,693	74.36	29,107
2012	27,185	2,201	22,510	6,873	10,150	47.73	5,916	74.10	29,380
2013	28,423	2,346	23,335	7,375	11,303	50.88	6,490	76.99	30,773
2014	31,201	2,589	25,513	8,213	12,657	51.76	7,115	76.79	33,789
2015	33,256	2,876	26,163	9,898	13,220	50.43	7,628	77.18	36,134
2016	35,745	3,094	26,649	12,111	13,768	48.80	8,052	75.99	38,845
2017	37,905	3,299	28,199	12,911	14,638	49.01	8,622	76.25	41,202
2018	39,343	3,625	29,030	13,856	15,446	49.67	8,917	75.26	42,974
2019	39,538	3,494	28,721	14,210	15,414	50.04	9,480	77.74	43,028
2020	37,908	3,144	27,849	13,097	14,855	51.45	9,539	78.89	41,060
2021	39,768	3,305	27,854	15,219	N/A	N/A	N/A	N/A	43,073

Accessed 16-21/09/2021: Sources: Australian Bureau of Statistics (2021) 'Corrective Services, Australia', June Quarter 2021  
As well as '4517.0-Prisoners in Australia' for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020

The high rate of prior imprisonment for Indigenous inmates is a major factor in the extremely high Indigenous imprisonment rate, the worst such rate on the planet (Anthony and Baldry 2017). With 30.33% of all Australian prisoners already being Indigenous AND the revolving door of over three-quarters of Indigenous inmates returning to prison AND Indigenous people being 11 times more likely to be denied bail (Allam et al. 2021).

### Data 3

Proportion Indigenous Inmates in New Receptions for Full-time Custody (Average of Available Quarters for each Year)					
Quarters	Indigenous (No.)	Non-Indigenous (No.)	Tot	Indigenous (%)	Non-Indigenous (%)
Mar Qtr. 2019	5,507	10,866			
Jun Qtr. 2019	5,692	11,597			
Sep Qtr. 2019	5,620	11,510			
Dec Qtr. 2019	5,678	11,352			
Ave Qtr. 2019	5,624.25	11,331.25	16,955.5	33.2	66.8
Mar Qtr. 2020	5,716	11,155			
Jun Qtr. 2020	5,697	11,499			
Sep Qtr. 2020	5,156	10,209			
Dec Qtr. 2020	5,326	10,448			
Ave Qtr. 2020	5,473.75	10,827.75	16,301.5	33.6	66.4
Mar Qtr. 2021	5,243	9,898			
Jun Qtr. 2021	5,512	10,463			
Ave to mid-2021	5,377.5	10,180.5	15,558	34.6	65.4
Accessed 3/10/2021:	Sources: Australian Bureau of Statistics (2021) 'Corrective Services, Australia', June Quarter 2021				

This table shows the number of new receptions for full-time custody for each of the last 10 quarters. The average of each year is taken as an indication of future trends in prison population. The proportion of Indigenous new receptions has grown from 33.2% for 2019 to 34.6% in the first half of 2021. This 34.6% is even higher than the existing proportion of Indigenous prisoners in the overall prison population of 30.33% so these new receptions can be expected to exert upward pressure on the already high Indigenous incarceration rate.

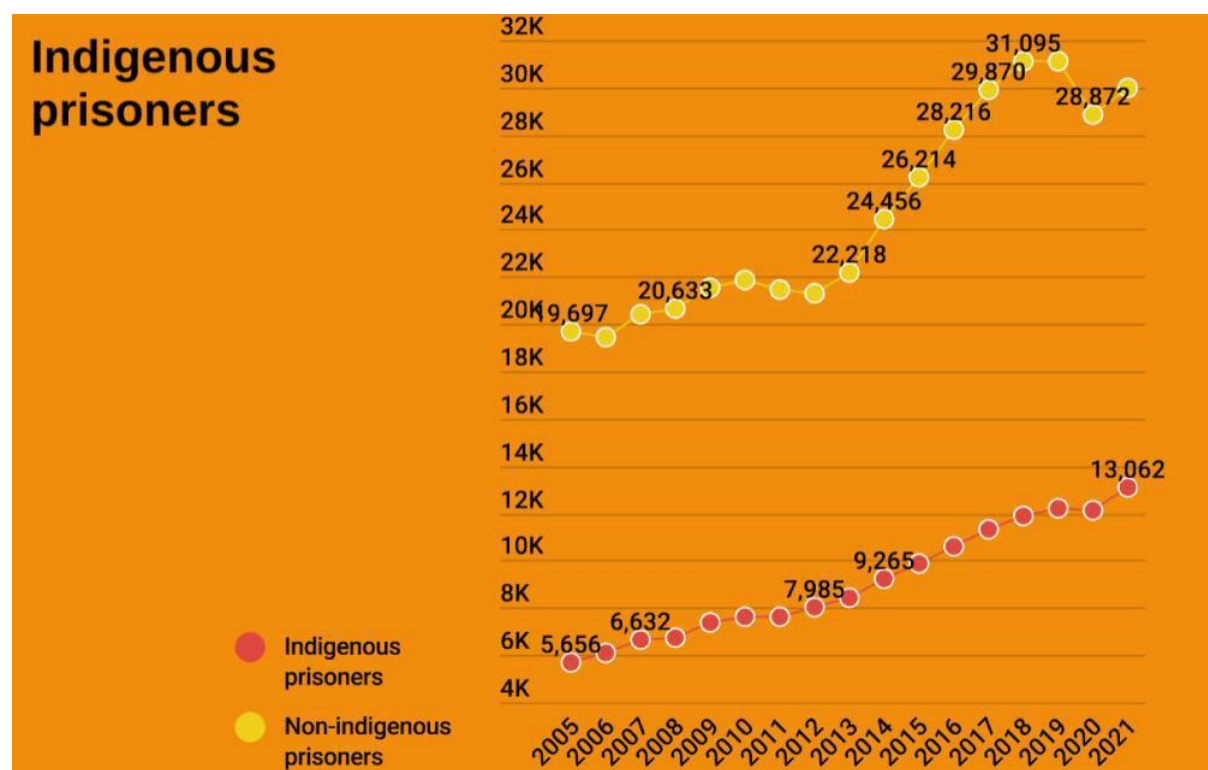
Further signs of an escalating crisis include that the Aboriginal youth detention rate is 17 times that of non-Aboriginals (AIHW 2021b:vi); and 90% of Aboriginal juvenile offenders reappear in adult court (compared with 52% for non-Aboriginal offenders) (Korff 2021b). In addition, the percentage of Indigenous youth in all age groups under 18 is approximately double that of non-Indigenous youth (ABS 2018).

In addition, 1 in 6 Indigenous children have been receiving child protection services. Of those, about 1 in 18 (18,900) Indigenous children were in out-of-home care as at 30 June 2020, 11 times the rate for non-Indigenous children. 18,900 Indigenous children are in out-of-home care as at 30 June 2020, a staggering 41% of the 46,000 children in out-of-home care, even though Aboriginal children only make up 6% of the population. These Indigenous children have been called a second stolen generation by Kevin Rudd and others (Rudd 2015; Korff 2021a), who also point out that alternative arrangements for the care of the children with kinship groups are not being adequately investigated and funded.

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 already 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, and this would also reduce the Aboriginal deaths in custody.

**Graph 4**





Since 2005, the Indigenous population rose 72.7% from approx. 508,850 to 878,998, but there was a 131% increase in the total number of Indigenous prisoners (128.5% increase for males, but 156.5% for females).

#### Data 4

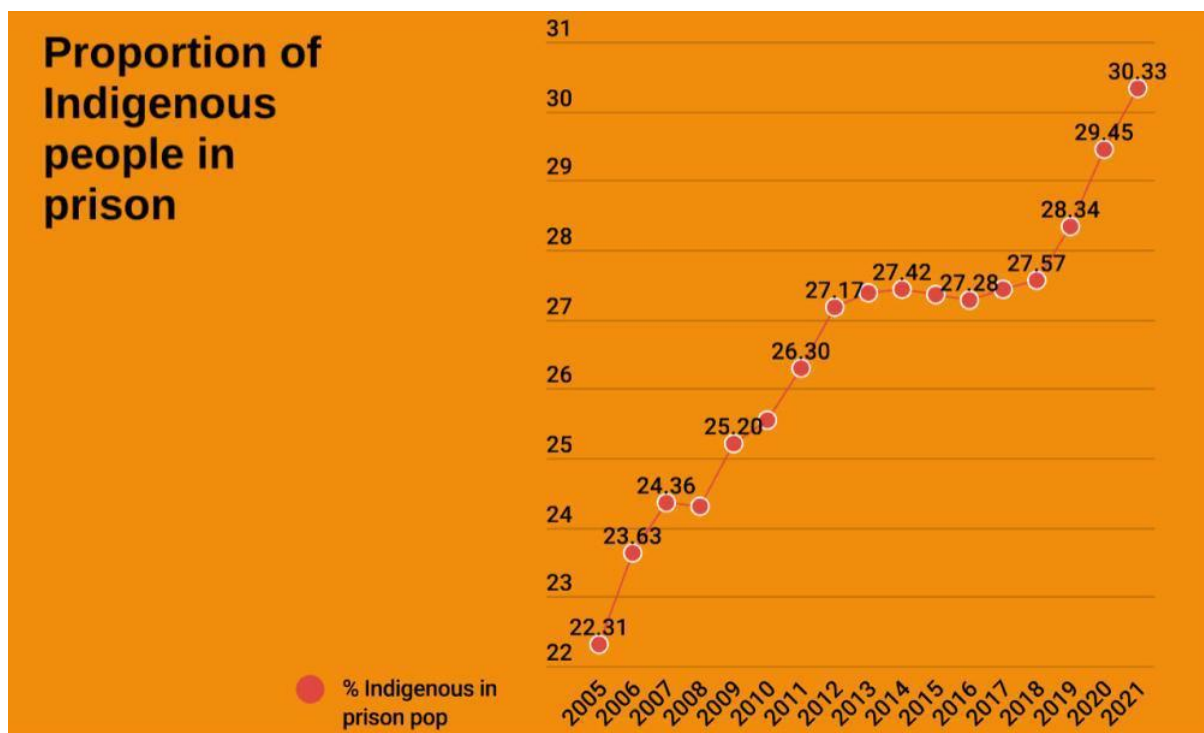
Indigenous Inmates, Selected Legal Status and Proportion in Prison							
Year	Males	Females	Sentenced	Unsentenced	Indigenous inmates	Non-indigenous inmates	% Indigenous in prison population
2005	5,166	490	4,515	1,141	5,656	19,697	22.31
2006	5,549	541	4,801	1,292	6,093	19,477	23.63
2007	6,016	613	5,089	1,543	6,632	20,403	24.36
2008	6,137	569	5,149	1,554	6,708	20,633	24.29
2009	6,783	602	5,811	1,573	7,387	21,554	25.20
2010	6,930	651	5,947	1,651	7,598	21,827	25.54
2011	7,033	623	5,848	1,808	7,655	21,423	26.30
2012	7,235	750	6,029	1,950	7,985	21,268	27.17
2013	7,657	773	6,354	2,076	8,430	22,218	27.39
2014	8,360	906	6,876	2,389	9,265	24,456	27.42
2015	8,859	1,025	7,183	2,702	9,885	26,214	27.36
2016	9,534	1,062	7,337	3,259	10,596	28,216	27.28
2017	10,199	1,106	7,697	3,610	11,307	29,870	27.44
2018	10,613	1,230	7,930	3,885	11,849	31,095	27.57
2019	11,012	1,179	8,037	4,128	12,195	31,133	28.34
2020	10,963	1,134	7,982	4,075	12,092	28,872	29.45
2021	11,805	1,257	8,291	4,771	13,062	30,011	30.33
Accessed 16-21/09/2021:		Sources: Australian Bureau of Statistics (2021) 'Corrective Services, Australia', June Quarter 2021 As well as '4517.0-Prisoners in Australia' for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020					

While non-Indigenous prisoners have decreased in number three times in the past 16 years including a dramatic reduction in 2020 due to COVID, Indigenous prisoners have only had one slight decrease due to COVID. This has meant that the percentage of Indigenous people in the general prison population has dramatically risen by 35.9% from 22.31% in 2005 to an incredible 30.33% in 2021 (when the percentage of Indigenous people in the general population is only 3.4%). This is a national tragedy.

Also of significance is that the unsentenced Indigenous prisoners have more than quadrupled since 2005, due mainly to the increased severity of the criminal justice system (Fitzgerald 2009:1-4).



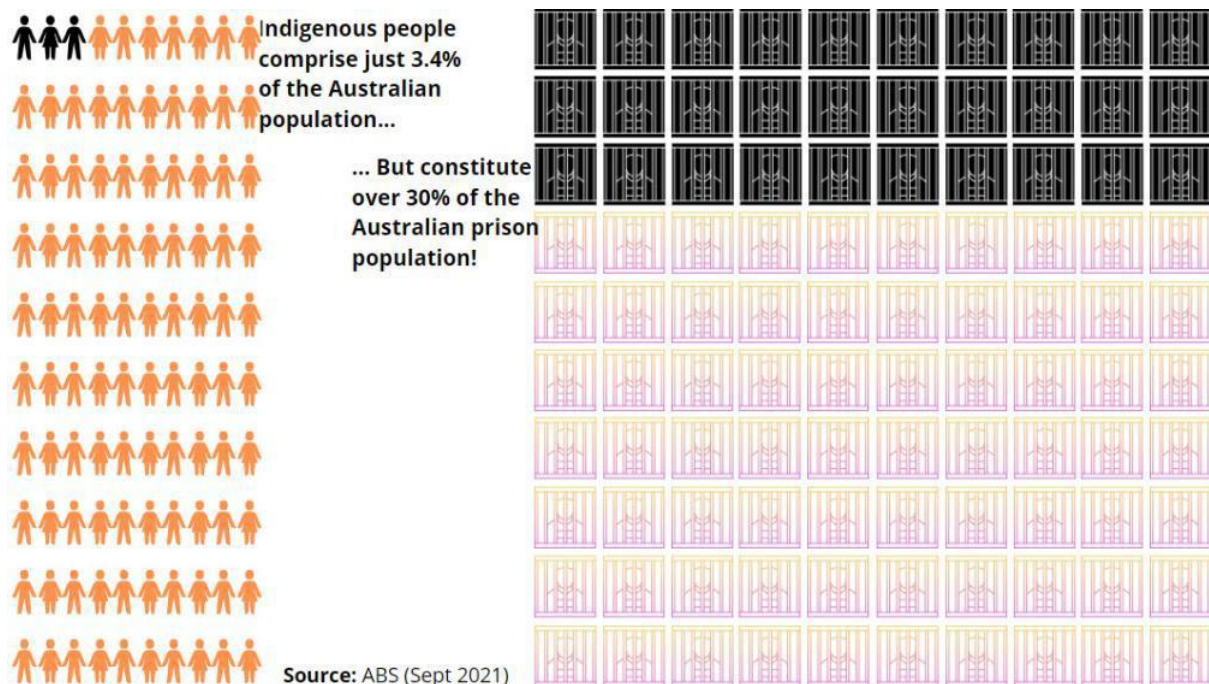
Graph 5A



30% of the adult prison population are Aboriginal and Torres Strait Islander people, even though they make up only 3.4% of the Australian population (878,998 Indigenous people in an Australian population of 25,776,900 as at 30 September 2021 - ABS).

Statistics are even worse for the young Aboriginal people who comprise 48% of the youth prison population but only 6% of the Australian population (ABS 2021b, AIHW 2021b:3; UNAA 2021).

## Data 5B



That is roughly 3 in 100 population yet 30 in 100 prisoners, and for young Aboriginal people, they constitute nearly half of the youth prison population.

## Data 5

Year	Males	Females	Sentenced	Unsented	Indigenous inmates	Non-Indigenous inmates	% Indigenous in prison population
2005	5,166	490	4,515	1,141	5,656	19,697	22.31
2006	5,549	541	4,801	1,292	6,093	19,477	23.63
2007	6,016	613	5,089	1,543	6,632	20,403	24.36
2008	6,137	569	5,149	1,554	6,708	20,633	24.29
2009	6,783	602	5,811	1,573	7,387	21,554	25.20
2010	6,930	651	5,947	1,651	7,598	21,827	25.54
2011	7,033	623	5,848	1,808	7,655	21,423	26.30
2012	7,235	750	6,029	1,950	7,985	21,268	27.17
2013	7,657	773	6,354	2,076	8,430	22,218	27.39
2014	8,360	906	6,876	2,389	9,265	24,456	27.42
2015	8,859	1,025	7,183	2,702	9,885	26,214	27.36
2016	9,534	1,062	7,337	3,259	10,596	28,216	27.28
2017	10,199	1,106	7,697	3,610	11,307	29,870	27.44
2018	10,613	1,230	7,930	3,885	11,849	31,095	27.57
2019	11,012	1,179	8,037	4,128	12,195	31,133	28.34
2020	10,963	1,134	7,982	4,075	12,092	28,872	29.45
2021	11,805	1,257	8,291	4,771	13,062	30,011	30.33

Accessed 16-21/09/2021: Sources: Australian Bureau of Statistics (2021) 'Corrective Services, Australia', June Quarter 2021  
As well as '4517.0-Prisoners in Australia' for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020

The proportion of Indigenous people in prison is one of the few sets of data that kept growing even through COVID, with a rise since 2005 of 36%. The only time the figures dipped was in 2015 and 2016, but that was due not to a reduction in the number of Indigenous prisoners, but rather to an unusually high jump in non-Indigenous prisoners.

## References

- ABS (Australian Bureau of Statistics) (2018) *Estimates of Aboriginal and Torres Strait Islander Australians, June 2016*, catalogue number 3238.0.55.001, accessed 29 September 2021.
- (2019) *Estimates and projections, Aboriginal and Torres Strait Islander Australians, 2006 to 2031*, catalogue number 3238.0, accessed 29 September 2021.
- (2020) [4517.0-Prisoners in Australia](#), accessed 16-21 September 2021. Note: Also used 'Prisoners in Australia' data from: [2005](#), [2006](#), [2007](#), [2008](#), [2009](#), [2010](#), [2011](#), [2012](#), [2013](#), [2014](#), [2015](#), [2016](#), [2017](#), [2018](#), [2019](#).
- (2021a) '[Corrective Services: June Quarter 2021](#)', accessed 27 September 2021.
- (2021b) '[Population clock \(Australia\)](#)', accessed 28 September, 2021.
- (2021c) '[Recorded crime - Offenders](#)', accessed 29 September, 2021.
- (2021d) '[Recorded crime - Victims](#)', accessed 29 September, 2021.
- AIHW (Australian Institute of Health and Welfare) (2021a) '[Adult Prisoners](#)', Snapshot, Release Date 16 Sept 2021, accessed 16 September 2021.
- (2021b) [Youth detention population in Australia 2020, Summary - Australian Institute of Health and Welfare \(aihw.gov.au\)](#), catalogue number JUV 135, accessed 29 September 2021.
- Allam L, Wahlquist C and Evershed N (9 April 2021) '[The facts about Australia's rising toll of Indigenous deaths in custody](#)', *The Guardian*, accessed 26 September 2021.
- Anthony T and Baldry E (2017) '[FactCheck Q&A: Are Indigenous Australians the most incarcerated people on Earth?](#)', *The Conversation.com* (6 June 2017), accessed 29 September 2021.
- Buchholz K (2021) '[Black incarceration rates are dropping in the U.S.](#)', *Statista*, accessed 22 September 2021.
- Carson EA (2020) '[Prisoners in 2019](#)', Bureau of Justice Statistics, US Department of Justice.
- Fitzgerald J (2009), 'Why are Indigenous imprisonment rates rising?', *NSW Bureau of Crime Statistics and Research*, (Issue Paper 41).
- Hager E (2017) '[A mass incarceration mystery: Why are black imprisonment rates going down? Four theories](#)', *The Marshall Project*.
- Korff J (2020) '[15 ways to reduce Aboriginal incarceration rates](#)', *Creative Spirits*, accessed 30 September 2021.

Rudd, K (2015) '[Speech: 2015 National Apology Breakfast](#)', (made in Sydney on 18 February 2015 on the 7<sup>th</sup> anniversary of the National Apology to Indigenous Australians), accessed 26 September 2021.

UNAA (United Nations Association of Australia-Victorian Division) (2021) '[Australia's first nations incarceration epidemic: Origins of overrepresentation and a path forward](#)', accessed 27 September 2021.

Walker J and Henderson M (1991) '[Understanding crime trends in Australia](#)', Australian Institute of Criminology.

White V, '[Australia needs a new strategy to deal with illicit drug use](#)', *The Strategist*, Australian Strategic Policy Institute, accessed 21 September 2021.

WPR (World Population Review) (2021), '[Incarceration rates by country 2021](#)', accessed 30 September 2021.