



Research Publication

A profile of Aborigines in Prison, 1981.

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A PROFILE OF ABORIGINES IN PRISON, 1981

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Department of
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SUMMARY

This report presents a profile of Aborigines held in New South Wales prisons in March, 1981. Their demographic characteristics, educational background, occupation and employment history, previous criminal history and details of their present episode of imprisonment are compared both with those of non-Aboriginal prisoners and with those of Aboriginal prisoners in previous years. Compared to the proportion in the community, Aborigines are over-represented in New South Wales gaols. Aboriginal males, for example, are imprisoned in New South Wales at ten to seventeen times the rate of non-Aboriginal males. At 1st March, 1981, 213 (5.8%) of the N.S.W. prison population were Aborigines.

Aboriginal prisoners are similar to non-Aboriginal prisoners in that most are male labourers who had never married. Their employment histories and social security benefits received were also similar. However, they tend to be slightly younger and to have completed less schooling than their non-Aboriginal counterparts.

Comparison of Aboriginal and non-Aboriginal prisoners showed that many aspects of their previous criminal histories (e.g., average age of first juvenile conviction; number of juvenile bonds, fines and probations; average number of adult convictions; age at which convicted for first adult offence; and number of bonds, fines, probations and paroles as an adult) were similar. The major differences in criminal histories were reflected in commitments to institutions. Almost six in ten of the Aborigines had been referred to juvenile institutions compared with less than four in ten non-Aborigines. Similarly, Aborigines had, on average, received twice as many prior imprisonments (six) as had non-Aborigines (three).

Like the proportion of all prisoners, nine out of ten Aborigines in custody were sentenced prisoners. Most had been legally represented in court. Not all aspects of the present imprisonment were the same for Aboriginal and non-Aboriginal prisoners. The most common offence, for which both Aboriginal prisoners and non-Aboriginal prisoners were imprisoned were property offences such as "break, enter and steal" or "larceny of a motor vehicle". However there were some differences in the major offence, for example, more Aborigines were in gaol for "murder or assault" and "sexual offences" than were non-Aborigines, while a larger proportion of non-Aborigines were in gaol for "robbery", "fraud" or "drug" offences.

Comparing the 1976 and 1981 censuses, there was little change in the age or occupation of Aboriginal prisoners. On both occasions one-quarter of the Aborigines had no prior adult convictions. The proportion of Aborigines in gaol who were not under sentence was also unchanged. However, the education of Aborigines in custody in 1981 appears to be superior to that of Aborigines in custody in 1976. Aborigines in the 1981 census reported completing more years of school and the proportion of Aborigines who reported attempting a course after finishing school almost doubled between the 1976 and 1981 censuses.

The report concludes with a discussion of whether differences in demographic, criminal history and current offence characteristics can account for the higher rate of imprisonment of Aborigines. It is suggested that the few differences found here between Aboriginal and other prisoners cannot account for the difference in imprisonment rates and that research will need to look elsewhere to explain the differences.

As a result of correspondence between the Aboriginal Legal Service (A.L.S.) and the Minister for Corrective Services, the Research and Statistics Division was approached to update the available information on Aborigines in N.S.W. gaols. Earlier censuses of Aborigines in prison had been conducted in 1973, 1974 and 1976 (Department of Corrective Services, 1977). This report seeks to present a profile of Aborigines in N.S.W. gaols at 1st March, 1981. It examines demographic characteristics, educational background, occupation, criminal history and present offence details. These details are compared with information from earlier censuses and with characteristics of non-Aboriginal prisoners.

METHODOLOGY

In order to determine the number of Aborigines imprisoned in N.S.W. gaols it was necessary to conduct a census at all gaols on the same day. The census was self-administered, with wing officers assisting any Aborigines who required help in filling out the census form. This census was held on Sunday, 1st March, 1981. Sunday, the day the prison is its most static, was chosen because it coincides with the weekly collection of prison population figures. As part of a follow-up study investigating treatment in prison, five interviewers, two Aboriginal and three non-Aboriginal, visited each of the gaols in the state within three weeks of the census date. These interviewers also collected, checked and assisted prisoners with any problems they had in completing the census forms.

Prisoners were considered Aboriginal if they regarded themselves as Aboriginal and were regarded as Aboriginal by the other Aboriginal prisoners in the gaol. The informal networks of the Aborigines within each gaol were used to ensure that all Aboriginal prisoners were contacted by one of the interviewing team.

The Australian Bureau of Statistics (A.B.S.) publishes annually information on the demographic characteristics, current offence and some sentencing details of all prisoners in New South Wales. The most recent information available refers to prisoners in N.S.W. gaols on 30th June, 1979 (Australian Bureau of Statistics, 1982). Where this information is available, the characteristics of Aboriginal prisoners are compared to the characteristics of all prisoners. The A.B.S. publication, however, does not include information on educational background, occupation or criminal history details. Here the characteristics of Aborigines were compared with a group of non-Aborigines who were interviewed during March 1981, primarily as a comparison group for the follow-up study investigating treatment in prison. This comparison group was comprised of Australian born prisoners of the same sex, a similar age and who had spent a similar length of time in gaol for their present imprisonment as had the Aboriginal prisoners. Within most gaols, one non-Aboriginal was interviewed to every two Aboriginal prisoners.

RESULTS

1. Number of Aborigines in custody and rates of imprisonment

The most outstanding feature of Aborigines in N.S.W. gaols is their disproportionate rate of imprisonment. At 1st March, 1981, 213 (5.8%) of the N.S.W. prison population were Aborigines. This proportion, while

slightly lower, is similar to the 6%-7% derived from the censuses of Aboriginal prisoners held in 1973, 1974 and 1976 (see Table 1).

The 1974 census of all prisoners found a much higher percentage, 9.4%, of Aborigines than did the 1973, 1974 or 1976 censuses of Aboriginal prisoners. It is thought that the discrepancy between this and other censuses is related to a difference in methodology (Department of Corrective Services, 1977). In the 1974 census of all prisoners, each prisoner was given a questionnaire in which one question asked whether or not the prisoner considered himself to be an Aborigine. In the 1973, 1974 and 1976 censuses of Aborigines this question was presented verbally by custodial staff: those who indicated they were Aborigines were given a data sheet to complete. Response bias is possible in both methods. Therefore it is difficult to know which method provides the more accurate estimate.

In the 1981 census of Aboriginal prisoners, like earlier censuses of Aborigines, prisoners were asked by custodial staff whether or not they considered themselves to be Aborigines. Those who did were given a census form to complete. In this census, however, interviewers were able to check whether all the Aborigines in a gaol had been contacted, by asking the Aborigines who had been contacted to nominate any others in the gaol.

In order to determine whether Aborigines are over-represented in gaol, it is necessary to compare the proportion of Aborigines in the prison population with the proportion of Aborigines in the entire N.S.W. population. Unfortunately, it is difficult to know the number of Aborigines who live in N.S.W. The most accurate figures available are those based on the 1976 Census of Population and Housing, which asked people to nominate whether or not they considered themselves to be Aboriginal. However, it is difficult to be certain of the accuracy of these figures, given that the number of people admitting to be an Aborigine doubled between the 1971 and 1976 censuses. This increased number is likely to be due to a change in attitude toward calling oneself an Aborigine rather than a large increase in the number residing in N.S.W.

With these reservations in mind, figures from the 1976 Census of Population and Housing are used below to calculate rates per thousand of Aborigines and non-Aborigines in custody because these figures are the best estimates available. According to the 1976 Census of Population and Housing, Aborigines comprised 0.58% of the N.S.W. population aged 18 years or older. Thus the rate of Aborigines in prison at the 1st March, 1981 was ten times the rate in the community at the time of the 1976 Census of Population and Housing. Between 1973 and 1981 Aboriginal males seem to have been imprisoned in N.S.W. at ten to seventeen times the rate of non-Aboriginal males and Aboriginal females at eight to twenty-eight times the rate of non-Aboriginal females (see Table 2).

The report cannot answer the question of why the rate of imprisonment of Aborigines is so high. Information on the differential rate of commission of offences and on sentencing practices would be needed to begin to answer this question. However this report does provide a profile of the characteristics of Aboriginal prisoners in N.S.W. gaols in March, 1981.

2. Demographic Characteristics

Of the 213 Aborigines in N.S.W. gaols at the 1st March 1981, 208 (97.7%) agreed to participate in this study. The data reported below pertain to these 208 Aborigi-

nes. Ninety-six non-Aborigines formed the comparison group.

In summary, most of the Aboriginal prisoners, like their non-Aboriginal counterparts, were males (97%) who had never married (62%). The age of Aborigines in N.S.W. gaols on 1st March, 1981 ranged from 17 years to 60 years, with an average age of 26 years, 3 months. Aboriginal prisoners tend to be slightly younger than prisoners as a whole, with the age distribution of Aborigines in custody changing very little from 1976 to 1981.

a. Sex

Seven (3.4%) of the 208 Aboriginal prisoners were female. This is consistent with the percentage of women prisoners in custody in N.S.W. gaols.

b. Marital Status

As can be seen from Table 3, there are some marked dif-

ferences between the four groups in the percentages reporting themselves as never married, married and de facto. These differences could show changes over time or differences in willingness to acknowledge de facto status on a questionnaire (Aborigines 1976) or to reception officers (all prisoners, 1979) or to research interviewers, some of whom were Aboriginal (1981 data). The differences between the 1981 non-Aborigines' data and the 1979 data on all prisoners could also be due, in part, to demographic differences produced by matching the 1981 sample to the 1981 Aboriginal prisoners. It would thus be unwise to conclude that the marital status distribution of Aboriginal prisoners has changed markedly since 1976. Also it would be prudent to interpret any data on marital status obtained from routine records with some caution.

Table 1: Numbers and percentages of Aborigines in custody, 1973-1981

	Date				
	27.9.73	30.6.74	14.11.74	10.6.76	1.3.81
No. of Aborigines in custody	228	289	193	254	213
Total number of prisoners in custody	3722	3089	3228	3669	3670
Percentage of Aborigines in custody	6.1	9.4	6.0	6.9	5.8

Table 2: Aborigines and non-Aborigines in custody as rates per thousand of the N.S.W. general population, 1973-1981

Sex / Date	Aborigines		Non-Aborigines	
	No. in custody	Rate per 1,000 N.S.W. pop.*	No. in custody	Rate per 1,000 N.S.W. pop.*
Males				
27.9.73	217	21.13	3421	2.03
30.6.74	282	27.46	2752	1.63
14.11.74	187	18.21	3162	1.87
10.6.76	250	24.35	3322	1.97
1.3.81	206	19.57	3346	1.98
Females				
27.9.73	11	1.10	73	0.04
30.6.74	7	0.70	48	0.03
14.11.74	6	0.60	65	0.04
10.6.76	4	0.40	93	0.05
1.3.81	7	0.70	123	0.07

* Rates are based on the number of persons aged 18 years and older living in N.S.W., according on the 1976 Census of Population and Housing.

Table 3: Stated marital status

Marital Status	Aborigines		All prisoners	Non-Aborigines
	(1976) (%) (n = 254)	(1981) (%) (n = 199)	June 1979 (n = 3591)	(1981) (%) (n = 92)
Never married	66.9	61.8	64.1	60.9
Married	16.6	10.1	24.5	12.0
De facto	5.9	18.1	1.5	10.9
Separated	3.9	6.0	1.5	6.5
Divorced	0.4	3.0	7.0	7.6
Widowed	0.8	1.0	1.1	2.2

c. Age

Table 4 reflects the skewed distribution of the age of prisoners: with most prisoners being relatively young and few being in the older age groups. The age distribution of Aborigines in custody has changed very little from 1976 to 1981. The main differences are that in 1981 there are fewer 19 to 21 year old and more 25 year old Aborigines in custody. On both occasions the Aboriginal prisoners tended to be younger than prisoners in 1979.

Table 4: Stated age of Aborigines in prison

a) Aborigines in prison 1976 and 1981		
Age in years	1981 (%) (n = 208)	1976 (%) (n = 254)
18 and under	8.0	7.5
19	6.0	10.6
20	7.0	10.3
21	5.5	10.6
22	8.5	4.3
23	7.0	6.3
24	6.0	5.9
25	9.0	5.1
26-30	20.0	19.7
31-35	12.5	10.6
36-40	3.5	2.4
41-45	4.5	4.3
46-50	1.5	1.2
51-60	0.5	0.8
Over 60	-	0.4

b) Aborigines versus all prisoners		
Age in years	Aborigines, March 1981 (%) (n = 208)	All prisoners, June 1979 (%) (n = 3591)
14-17	2.0	0.4
18-20	19.1	15.8
21-22	14.1	13.6
23-24	13.0	12.0
25-29	26.1	22.3
30-34	12.6	14.0
35-39	6.0	8.4
40-44	4.5	5.1
45-49	1.4	3.6
50-59	0.5	2.4
60 and over	0.5	2.4

(N.B. The different age categories used in the 1976 census of Aboriginal prisoners and by the A.B.S. necessitated subdividing Table 4 into sections "a" and "b".)

d. Children

Aboriginal prisoners have, on average, more children than non-Aboriginal prisoners ($t = 2.15$, $df = 254$, $p < .032$). The number of children of Aboriginal prisoners ranged from nil to nine, while the non-Aboriginal prisoners interviewed had from nil to four children. Table 5 shows the distribution of the number of children of both Aboriginal and non-Aboriginal prisoners.

The majority of both Aboriginal and non-Aboriginal prisoners indicated that their spouses usually look after the children, even before they had come to gaol. Only about

one prisoner in every eight with children (12.4%) stated that he (or she) had experienced any difficulty in arranging for the children to be cared for while they were in gaol. While the prisoner was in gaol, in most cases, the children remained with the spouse (77%). Others were living with relatives (21%) and a small proportion were fostered.

Table 5: Number of children

1981	Aborigines (%) (n = 181)	Non-Aboriginal comparison group (%) (n = 88)
Number of children		
0	52	58
1	22	19
2	12	15
3	6	3
4 or more	7	5

3. Education

Prisoners' education was examined in terms of age left school, highest grade completed, courses attempted after leaving school and any formal qualifications obtained. In summary, the education of Aborigines in custody in 1981 appears to be superior to that of the Aborigines in custody in 1976. Aborigines in the 1981 census reported completing more years of school than did Aborigines in the 1976 census. The proportion of aborigines who reported attempting a course after finishing school almost doubled between the 1976 and 1981 census. However, Aborigines in custody would seem to have received less education than non-Aborigines in custody. On average Aborigines had left school earlier, completed fewer grades, were less likely to attempt a course after leaving school and had fewer formal educational qualifications than non-Aborigines.

a. Age at which left school

Aboriginal prisoners tended to leave school earlier than the non-Aboriginal comparison group ($t = 2.58$, $df = 278$, $p < .01$). In N.S.W. the legal minimum school leaving age is 15 years (special exemption can be obtained at 14 years 9 months). Over three-quarters of the Aboriginal prisoners (77%) had left school at or before this age compared with less than two-thirds of the non-Aboriginal prisoners (63%). Aboriginal prisoners ($\bar{x} = 14$ years 10 months) left school four months earlier, on average, than did the non-Aboriginal prisoners ($\bar{x} = 15$ years, 2 months). There was little difference between the ranges of age at which the prisoners left school: the age at which Aboriginal prisoners left school ranged from ten to eighteen years, while the age for non-Aboriginal prisoners ranged from twelve to eighteen years.

b. Highest grade of school completed

Similarly Aboriginal prisoners completed fewer grades of school, on average, than did non-Aboriginal prisoners. One in nine Aboriginal prisoners (11%) finished their education at primary school. This was very uncommon among the comparison group where only one in fifty (2%) did not proceed to high school. At the other end of the educational spectrum, fewer Aboriginal prisoners (2%) completed the final years of high school than non-Aboriginal prisoners (9%). Most prisoners left school

having completed either second form (Aborigines 29%, non-Aborigines 28%) or third form (Aborigines 30%, non-Aborigines 34%).

Aborigines in the 1981 census reported completing more grades of school, on average, than did Aborigines in the 1976 census. In the 1976 census, for example, twenty-two percent finished their education in primary school, while in 1981 only half this proportion did not attempt some form of secondary education.

Almost one-half of the Aborigines in custody in 1981 (48%), compared with one-third of the non-Aborigines (29%) were old for their class. For example, twelve of the Aborigines, compared with two of the non-Aborigines who finished only primary school, left school when they were fourteen or fifteen years old. This is much older than the average student who would be aged eleven or twelve years old when they completed primary school.

c. Educational courses attempted after leaving school.

There was a slight, but not statistically significant, tendency for a larger proportion of the non-Aboriginal prisoners (43%) to have attempted an educational course after leaving school than Aboriginal prisoners (31%). This was almost twice the proportion of Aborigines who reported attempting an educational course after leaving school in the 1976 census (18%). Technical college courses or trade apprenticeships with or without a technical college component were the most common educational courses attempted. Table 6 depicts the educational courses attempted by both Aboriginal and non-Aboriginal prisoners after leaving school.

Table 6: Educational courses attempted after leaving.

Type of course	1981	
	Aborigines (%) (n = 60)	Non-Aboriginal comparison group (%) (n = 38)
Technical college course	37	32
Trade apprenticeship & technical college course	20	42
Trade apprenticeship without a technical college course	18	8
College of Advanced Education course	7	13
University course	0	5
Not stated	18	0

From Table 6 it can be seen that non-Aboriginal prisoners were more likely to have attempted trade apprenticeships with a technical college component, C.A.E. or university courses than were Aboriginal prisoners. Aboriginal prisoners were more likely to have attempted trade apprenticeships not involving technical college courses than were non-Aboriginal prisoners.

d. Educational qualifications

Most of the prisoners who participated in this study had no formal qualifications. However the proportion of ab-

original prisoners having no formal qualifications (84%) is higher than that of non-Aboriginal prisoners (73%). Table 7 indicates the highest educational qualification achieved by Aboriginal and non-Aboriginal prisoners.

Table 7: Highest educational qualification achieved

Qualification	1981	
	Aborigines (%) (n = 196)	Non-Aboriginal comparison group (%) (n = 88)
No qualification	84	73
Intermediate Certificate or School Certificate	7	13
Leaving Certificate or Higher School Certificate	3	5
Technical College Certificate	4	3
Trade Certificate	2	7
Other (University of C.A.E. degree, diploma, etc.)	0	0

4. Occupation, Unemployment and Benefits Received

In this section of the report, the prisoner's usual occupation before coming to prison, whether the prisoner was employed in this occupation at the time of the offence, period of unemployment and social security benefits are considered.

In summary, the majority of both Aboriginal and non-Aboriginal prisoners said they usually work as "labourers". However considering those who gave more specific occupations, there was a tendency for more Aborigines to work in agricultural jobs such as "station hand", "picker" and "cane cutter", while more non-Aboriginals worked in service occupations such as "cook" or "barman" or in sales occupations. Aborigines did not differ from non-Aborigines in custody in terms of their history of unemployment nor in the social security benefits they had received.

a. Usual Occupation

Most of the prisoners interviewed worked in low status, basically unskilled occupations. Table 8 illustrates the usual occupation and the most recent occupation for both the Aborigines and the non-Aborigines interviewed. Almost two-thirds of the Aborigines (62%) and over half of the non-Aborigines (51%) stated that they usually worked as "labourers". There was a tendency for more Aborigines to work in agricultural jobs such as "station hands", "picker" and "cane cutter", while more non-Aborigines worked in service occupations such as "cook" or "barman" or in sales occupations. When asked about their most recent job, the pattern was similar, except that more stated specific areas of work rather than general labouring. Their most recent job had been in their usual occupation for almost six out of every

Table 8: Usual and most recent occupations

EMPLOYMENT CATEGORY	USUAL OCCUPATION		LAST OCCUPATION	
	A*	N*	A	N
1. LABOURERS, unspecified	122 (62%)	38 (51%)	76 (42%)	31 (46%)
2. FARMING, HORTICULTURAL AND ANIMAL HUSBANDRY				
a) Farmers	4	—	3	—
b) Station Hands	9	2	4	2
c) Other Farm Workers (e.g., pickers, shearers, gardeners, cane cutters, etc.)	6	2	28	1
TOTAL	19 (10%)	4 (5%)	35 (19%)	3 (4%)
3. CLERICAL OCCUPATIONS				
a) Business Managers	—	2	—	2
b) Clerical Workers	4	—	3	—
TOTAL	4 (2%)	2 (3%)	3 (2%)	2 (3%)
4. SERVICE WORKERS				
a) Cooks, Barworkers	5	4	4	4
b) Waitress, Doorman	—	2	3	2
c) Cleaners	—	—	—	1
d) Post Office Workers	—	—	1	—
TOTAL	5 (3%)	6 (8%)	8 (4%)	7 (10%)
5. SALES OCCUPATIONS				
a) Commercial Travellers	—	1	—	—
b) Retail and Wholesale Trade Salesmen	2	3	2	3
TOTAL	2 (1%)	4 (5%)	2 (1%)	3 (4%)
6. TRANSPORT WORKERS				
a) Driver, Road Transport	4	2	3	3
b) Railway Station Assistant	1	—	—	—
TOTAL	5 (3%)	2 (3%)	3 (2%)	3 (4%)
7. PROFESSIONAL, TECHNICAL AND RELATED OCCUPATIONS				
a) Entertainers	1	—	1	—
b) Technicians	—	1	1	1
c) Ambulance Officer	—	1	—	—
d) Social Worker	—	1	—	1
e) Pre-School Aide	1	—	1	—
TOTAL	2 (1%)	3 (4%)	3 (2%)	2 (3%)
8. TRADESMEN, PRODUCTION-PROCESS WORKERS				
a) Painters, Signwriters	6	4	4	2
b) Machinists, Mechanics, Plumbers, etc.	6	2	4	4
c) Welders, Boilermakers, Panelbeaters, etc.	4	2	4	1
d) Bricklayers, Construction Workers	7	2	4	2
e) Carpenters, Woodworkers	3	1	3	2
f) Textile, Leatherworkers	2	—	2	—
g) Stone or Glass Workers	2	1	2	—
h) Electricians, etc.	2	1	3	1
i) Storeman and Packers	3	—	5	1
j) Butchers and Meatworkers	2	2	6	3
TOTAL	31 (16%)	15 (20%)	37 (21%)	16 (24%)
9. HOME DUTIES	5 (3%)	—	4 (2%)	—
10. a) PENSIONERS	1	1	1	—
b) UNEMPLOYED	—	—	2	—
TOTAL	1 (—)	1 (1%)	3 (2%)	—
11. OTHER e.g. can't remember, not stated	—	—	6 (3%)	1 (1%)
GRAND TOTAL	196	75	180	68

*A = Aboriginal prisoners

N = Non-Aboriginal comparison group

ten prisoners. This was true for both Aboriginal and non-Aboriginal prisoners.

b. Unemployment

Aborigines in custody did not differ from non-Aborigines in custody in terms of their history of unemployment. When asked how often they had been employed, two-thirds of the prisoners replied either "always" or "usually" (66%) while the remaining third were divided between those who replied "not usually" or "always not" (30%) and those who had "never worked" (4%). Two-thirds of the prisoners (68%) were not working at the time of their current offence. On the average, their most recent period of unemployment was two and one-half months. This period of unemployment ranged from nil to six months.

c. Social Security Benefits

Of those who were unemployed, approximately half (51%) were receiving unemployment benefits during the entire period they were unemployed, one-quarter (23%) received benefits for part of this time and the remaining quarter did not receive any unemployment benefits at all. From Table 9 it can be seen that unemployment benefits were the benefits most commonly received. None of the prisoners interviewed said that they had been receiving: worker's compensation, age pension, Tertiary Education Allowance Scheme, repatriation pension, family allowance, widow's pension, deserted wife's pension, maintenance, Aboriginal aid or any other social security benefit.

Table 9: Social security benefits received

Benefits	1981	
	Aborigines (%) (n = 196)	Non-Aboriginal comparison group % (n = 92)
Unemployment	47	43
Sickness benefit	7	7
Invalid pension	1	1
Supporting parent's benefit	1	0

5. Criminal History

In summary, the major differences in criminal histories were reflected in commitments to institutions. A larger proportion of Aborigines in custody had been referred to juvenile institutions than had non-Aborigines in the comparison group. Almost six in ten of the Aborigines had been referred to juvenile institutions compared with less than four in ten non-Aborigines. Similarly, Aborigines had, on average, received twice as many prior imprisonments (six) as had non-Aborigines (three). Only a small number of all prisoners are classified as suitable for work release and at this time only a few had been sentenced to serve a community service order. However it would seem that fewer Aborigines than non-Aborigines experience these programmes.

a) Juvenile history

A larger proportion of Aborigines in custody had been referred to juvenile institutions than had non-Aborigines ($\chi^2 = 9.87$, $df = 1$, $p < .0017$). Almost six in ten of the Aborigines (59%) had been referred to juvenile insti-

tutions compared with less than four in ten of the non-Aborigines (37%).

There was no difference in the age of first juvenile conviction for the Aboriginal and non-Aboriginal prisoners. Age at first conviction ranged from five to seventeen years, the average age being thirteen years, six months.

b) Adult history

For almost one-quarter of the prisoners interviewed (24%), the present offence was their first adult conviction. Number of adult convictions ranged from one to fifty, with an average of six convictions, including the present one. There was no difference in the number of adult convictions between Aboriginal and non-Aboriginal prisoners.

Age at which they were convicted of their first adult offence ranged from fourteen years to thirty-nine years of age. Children under seventeen years of age are generally not found in the adult prison system. However six Aborigines and one non-Aborigine aged less than seventeen, put their ages up or gave their older brother's age at this time. When considering the average age for first adult conviction, Aborigines in custody did not differ from non-Aborigines in custody, the average age being nineteen years, six months.

Possible penalties include bonds, fines, probations, imprisonment, periodic detention, parole, licence, work release and community service orders. Table 10 illustrates the percentage of Aborigines and non-Aborigines who had received these penalties. This table reveals that, on the whole, the proportion of Aborigines reporting receiving various penalties is very similar to the proportion of non-Aborigines. Notable exceptions are that fewer Aborigines report experiencing work release or community service orders. When the number of each of these penalties is considered there is no difference between Aborigines and non-Aborigines in custody in terms of the average number of bonds, fines, probations or paroles. However, Aborigines had, on average, received twice as many prior imprisonments (six) as had non-Aborigines (three). Table 10 also illustrates that the proportion of Aborigines receiving bonds, fines, probations or imprisonments has increased since 1976.

As for the 1976 census of Aborigines, in 1981 one-quarter of the Aborigines had had no prior convictions. Of those with prior convictions however, a larger proportion of Aborigines reported receiving a range of corrective measures in 1981. In 1981 Aborigines reported having received more bonds, fines, probations and/or imprisonments.

6. Present Imprisonment

a) Type of gaol

There are three types of gaols in N.S.W., classified on the basis of the security classification of the prisoners housed in these gaols. The types of gaols, ranging from highest to lowest security classification are: secured, variable and open institutions. On 1st March, 1981 almost two-thirds of the Aborigines in custody were held in secured institutions (63.5%). Others were held in variable (13.0%) or open institutions (23.6%). This represents a higher proportion held in both secured and open institutions than is true of the entire gaol population. The distribution of all prisoners among type of gaols in N.S.W. on 1st March, 1981 was: secured

(53.7%), variable (29.0%), and open (17.4%).

b) Prisoner status

Almost nine out of ten Aborigines in custody (88.5%) were sentenced prisoners. This proportion closely resembles the percentage of all prisoners in custody on the 1st March, 1981 who were sentenced (85.6%). The remaining twelve percent of the Aboriginal prisoners were either on remand (5.8%), awaiting trial (3.1%) or awaiting appeal (2.6%).

c) Major offence

The most common offence, for which both Aboriginal and non-Aboriginal prisoners were sentenced, or unsentenced prisoners were charged, were property offences such as "break, enter and steal" or "larceny or a motor vehicle" (see Table 11). There were some differences in the nature of the current offence committed by the Aboriginal prisoners and non-Aboriginal comparison group. ($\chi^2 = 19.92$, $df = 8$, $p < 0.106$). These differences are echoed in a comparison of the offences of Aboriginal prisoners in 1981 and the offences of all prisoners in June, 1979. For example, more Aborigines had "murder or assault" and "sexual offences" than did their non-Aboriginal counterparts, while a larger proportion of the non-Aborigines had "robbery", "fraud" or "drug" offences. Within the "murder or assault" category the major differences were between "assault of unspecified nature" (Aborigines 9%, non-Aborigines 3%) and "major assault" (Aborigines 4%, non-Aborigines 2%). Within the "sexual offences" more Aborigines (13%) had "rape" offences than non-Aborigines (3%). Non-Aborigines (19%) were more likely to have "robbery offences" where it was unspecified whether major or

minor assault was involved, than were Aborigines (10%). Non-Aborigines were also more likely to have "Fraud not elsewhere contained" offences (Aborigines 1%, non-Aborigines 6%), or a range of drug offences (Aborigines 2%, non-Aborigines 5%).

In the published material pertaining to the 1974 and 1976 censuses of Aborigines (Department of Corrective Services, 1977) current major offence was categorised differently from the way it is classified in Table 11 (see Table 12). For example, "murder", "assault", "robbery" and "kidnapping" were combined as "against the person—general" and "arson", "break, enter and steal" and "malicious injury to property" were combined as "offences against property—with violence". When the current major offence for Aborigines in prison in 1974, 1976 and 1981 are compared (Table 12) it can be seen that the proportion of various offences have remained fairly constant. There seems to have been a slight increase in the proportion committing sexual offences and a decrease in the proportion committing property offences.

d) Legal representation

Most prisoners had been legally represented in court. Six out of ten Aborigines in custody (62%) had used the Aboriginal Legal Service. Others had used Legal Aid (31%) and a small proportion had used a private solicitor (6%). Only one in fifty (2%) of the Aborigines had had no legal representation. In contrast, three-quarters of the non-Aborigines (74%), who did not have the Aboriginal Service to rely on, used Legal Aid and the remaining one-quarter (23%) used a private solicitor. Once again only a small proportion of non-Aborigines were not

Table 10: Percentages of Aborigines and non-Aborigines incurring penalties for adult convictions

Penalty	Aborigines 1976 (%) (n = 254)	Aborigines 1981 (%) (n = 182)	Non-Aborigines (%) (n = 91)
bond	31	41	42
fine	52	58	58
probation	7	25	25
imprisonment	63	80	87
periodic detention	NI	5	5
parole	NI	26	29
licence	NI	4	2
work release	NI	3	8
community service order	NI	2	4

(Percentages in Table 10 sum to more than 100%, since each prisoner may have received more than one penalty. NI = no information.)

Table 11: Current major offence

Type of Offence	Aborigines 1981 (%) (n = 182)	Non-Aborigines 1981 (%) (n = 89)	All prisoners June 1979 (%) (n = 3591)
Murder/assault	23	16	15
Sexual	15	7	7
Robbery	12	22	15
Fraud	1	8	5
Other property	35	31	30
Driving	9	7	9
Against enforcement	2	3	10
Drugs	2	5	7
Offensive behaviour	1	1	1

legally represented (3%).

Between 1976 and 1981 there was an increase in the proportion of Aborigines who had been legally represented. No mention was made of legal representation by the Aboriginal Legal Service (A.L.S.) in the 1976 census of Aborigines. In the 1976 census, twenty per cent of Aborigines reported having no legal representation. This figure dropped to two per cent in the 1981 census. In 1981 almost two-thirds of the Aborigines reported using the A.L.S. Beside representing those who were not previously represented, this represents a movement away from using Legal Aid. In 1981 there was also a slight increase in the proportion represented by a private solicitor (6%) compared with 1976 (2%).

e) Plea

During the court hearing most prisoners pleaded guilty for their major offence. However, this was even more common with non-Aboriginal prisoners (86%) than Aboriginal prisoners (74%) ($X^2 = 4.93$, $df = 1$, $p < .0264$).

f) Status at the time of being charged

At the time of being charged for their current offence, almost half of the comparison group (48%), compared with approximately one-third of the Aborigines (36%) were either on a bond, on probation or on parole. From Table 13 it can be seen that there is little difference between the percentage of Aborigines and non-Aborigines who were on a bond or on parole; however, a much higher percentage of non-Aborigines were on probation.

Table 13: Status at time of current offence

Status	1981	
	Aborigines (%) (n = 187)	Non-Aboriginal comparison group (%) (n = 92)
On parole	18	22
On probation	5	14
On a bond	13	12
None of these	64	52

The high proportion under supervision at the time of being charged with the current offence need not indicate

a failure of such supervision. It could indicate either a higher rate of detection than when the person is not under supervision or might reflect the type of offender placed on supervision: that is, those thought more likely to re-offend are placed under supervision.

g) Time since last released from gaol

Prisoners were asked if they had previously been imprisoned, and, if so, at the time of being charged approximately how long was it since they had been released. Approximately four in ten Aborigines (41%) and five in ten non-Aborigines (41%) and five in ten non-Aborigines (51%) said they had not been imprisoned previously. For the rest, the time since last release ranged from less than one month to about twenty years. Table 14 compares the time between last release and being charged for the Aboriginal and comparison group prisoners. From this table it can be seen that, in general, there was less time between the previous imprisonment and being charged for the current offence for Aboriginal rather than non-Aboriginal prisoners. For example almost three-quarters of the Aboriginal prisoners (74%) who had been previously imprisoned, compared to less than half of the non-Aboriginal prisoners (42%) were charged within a year of being released.

Table 14: Time between last release from gaol and being charged for current offence

Time since release	1981	
	Aborigines (%) (n = 168)	Non-Aboriginal comparison group (%) (n = 89)
Not applicable, not previously imprisoned	41	51
1-3 months	14	5
4-6 months	11	7
7-12 months	18	9
1-2 years	8	12
2 ⁺ -3 years	4	9
3 ⁺ -4 years	2	3
More than 4 years	2	5

Table 12: Comparison of current major offence over time

Type of Offence	June 1974 (%) (n = 289)	Aborigines June 1976 (%) (n = 254)	March 1981 (%) (n = 182)
Against the person:			
General	33	30	35
Sexual	10	10	15
Against property:			
With violence	19	20	15
Without violence	23	24	21
Drugs	1	0	2
Offensive behaviour	3	4	1
Traffic	5	6	9
Revocation & Breach Offences	4	7	2
Other	2	0	0

h) Sentence for major offence

Table 15 depicts the sentence given for the major offence for both the Aboriginal and non-Aboriginal prisoners interviewed. There is a slight, but not statistically significant, tendency for Aborigines to have shorter sentences than non-Aborigines.

Sentence	1981	
	Aborigines (%) (n = 164)	Non-Aboriginal comparison group (%) (n = 83)
Less than 1 month	2	1
1-3 months	7	4
4-6 months	16	11
7-12 months	11	13
1 ⁻ -2 years	13	10
2 ⁻ -3 years	11	17
3 ⁻ -4 years	5	7
4 ⁻ -5 years	5	5
5 ⁺ -10 years	18	20
More than 10 years	12	12

i) Total sentence

The total sentence refers to the total period a prisoner is sentenced to serve during the current imprisonment. It is often longer than the sentence for the major offence since it may include additional sentences for other charges. The total sentences for both the Aboriginal and non-Aboriginal prisoners interviewed are depicted in Table 16.

Aborigines tend to have shorter sentences than non-Aborigines, for example, more than one-third of the Aborigines interviewed in 1981 (38%) compared with less than one in six of all prisoners (15%) in 1979, had sentences of twelve months or less. There were also differences in the sentences given for Aborigines in the 1976 and 1981 censuses. The proportion with sentences of less than one year remained unchanged. However, in 1981 there were fewer with sentences of between one

and four years and more with sentences of between five and ten years.

j) Non-parole period

A non-parole period (N.P.P.) is the minimum period of the sentence to be served before release to parole can be considered. Six months is the minimum non-parole period set. Under the Parole of Prisoners Act (1966), if a sentence of one year or less is given a non-parole period may be set, if the sentence exceeds one year, the judge or magistrate **must** state what part of that sentence is the non-parole period or he must explicitly decline to set a non-parole period.

Examination of Table 17 reveals some substantial, but complex, differences in the non-parole periods of Aboriginal and other prisoners. No simple explanation for the differences is evident. Given that time already served was used as a "matching" variable in the selection of the 1981 non-Aboriginal comparison group, some of the differences could be due to the effects of this selection process, as non-parole period is probably related in complex ways to time served. The proportion having non-parole periods in the comparison group (72%) is considerably greater than in the 1979 Census of all prisoners (56%). Between 1976 and 1981, the proportion of Aborigines receiving non-parole periods increased. Of those who received non-parole periods, fewer in 1981 received periods of between one and three years and more received periods of between four and five years than in 1976. It appears that prisoners in 1981 more often have non-parole periods than in 1976 or 1979, whether Aborigines or not.

k) Security classification

Prisoners are classified under six different security classifications: A1, A2, B, C1, and C3. Security ranges from A1 which represents the highest security to C3 which represents the lowest security classification. Table 18 illustrates the security classification of the Aborigines and the comparison group of non-Aborigines interviewed.

From Table 18 it appears that overall Aborigines seem to have lower security classification than non-Aborigines. Specifically, there are more "A" classification non-Aboriginal than Aboriginal prisoners and more "C" classification Aboriginal prisoners. This is even more apparent when the classification of Aborigi-

Sentence	Aborigines		All prisoners June, 1979 (%) (n = 3591)	Non-Aborigines 1981 (%) (n = 82)
	1976 (%) (n = 224)	1981 (%) (n = 159)		
Less than 1 month	2	2	2	0
1-3 months	5	6	1	2
4-6 months	13	16	3	13
7-12 months	17	14	9	12
1 ⁻ -2 years	14	12	11	13
2 ⁺ -3 years	13	9		15
3 ⁻ -4 years	8	6	27	6
4 ⁻ -5 years	5	5		4
5 ⁺ -10 years	13	19	21	20
More than 10 years (including life)	10	12	20	15
Periodic detention	0	0	6	0

nal prisoners is compared to the information available on the classification of all prisoners in November 1980.

When this information is combined with the information on gaol in which prisoners were being held, it can be seen that Aborigines are both more likely to be held in secured institutions and more likely to have a lower security classification. This would appear to be due to the numbers of low security Aborigines held in secured institutions such as Grafton or Maitland, or variable institutions such as Broken Hill, because these gaols act as reception prisons for the local area. Other reasons for holding a prisoner of lower security classification in a higher security gaol include, for example, being transferred there for medical reasons as the main prison hospital is located in a secured institution or as a result of trouble at a low security institution a prisoner may be transferred to an institution of higher classification yet not have his own classification changed for several months.

DISCUSSION

It is difficult to draw specific conclusions from a descriptive profile such as that presented here. However, some interesting points do merit discussion.

The most outstanding feature of Aborigines in N.S.W. gaols is their consistently high rate of imprisonment. Aboriginal males are imprisoned in New South Wales at ten to seventeen times the rate of non-Aboriginal males and Aboriginal females at eight to twenty-eight times the rate of non-Aboriginal females. This report cannot answer the question of why the rate of imprisonment of Aborigines is so high. Information on the differential rate of

commission of offences and on sentencing practices would be needed to begin to directly answer this question.

Although this report cannot directly answer the question of the disproportionate rate of imprisonment it can provide some interesting indications. Other research examining recidivism, parole breakdown or failure on particular programmes such as the Work Release programme, has suggested that going to prison and returning to prison is more likely where education is lacking, employment is unstable, drug or alcohol problems are experienced or the offender has a history of commitments to juvenile institutions or prisons. Certain serious offences, particularly violent offences, are also more likely to result in imprisonment, even at first offences.

The comparisons reported here revealed that on some, but not all, of these measures Aborigines were more "at risk" (e.g., more likely to re-offend or to breach) than others. While low for both groups, the level of education of Aboriginal prisoners is even lower than that of non-Aboriginal prisoners. There was little difference in the employment problems experienced by Aboriginal and non-Aboriginal prisoners. Aborigines were more likely to acknowledge having a problem with alcohol (47% versus 30%) but were less likely to acknowledge having a drug problem before coming to prison (11% versus 24%) (Gorta, Hunter & Gordon, in press). A slightly higher proportion of Aborigines were currently in prison for assault or sexual offences resulting in a higher proportion of Aborigines in gaol for "violent" offences. Aborigines in gaol were more likely to have a history of commitments to juvenile institutions and to have more prior episodes of imprisonment than were non-Aborigines.

Table 17: Non-parole period set

Non-parole period	Aborigines		All prisoners	Non-Aborigines
	1976 (%) (n = 254)	1981 (%) (n = 161)	June, 1979 (%) (n = 3591)	1981 (%) (n = 77)
No N.P.P. set	52	40	44	28
6 months	16	6	11	4
7-12 months		13		25
1 ⁺ -2 years	13	12	16	17
2 ⁺ -3 years	7	8	11	14
3 ⁺ -4 years	6	7	6	4
4 ⁺ -5 years	2	9	4	3
5 ⁺ -10 years	4	4	7	5
More than 10 years	0	1	1	0

Table 18: Security classification

Security Classification	1981		All prisoners
	Aborigines (%) (n = 149)	Non-Aborigines (%) (n = 74)	November, 1980 (%) (n = 2725)
A1	8	5	32
A2	11	23	
B	9	9	11
C1	9	4	12
C2	54	47	
C3	9	11	45

The question which arises is whether these differences could account, even in part, for the disproportionate rate of Aborigines in New South Wales prisons. At first sight, it might appear that the characteristics identified could provide at least a partial explanation. However, closer consideration makes this doubtful. The difference in education is small and could well reflect the greater rate of being placed in juvenile institutions. The difference in alcohol problems is to a considerable extent offset by the lower rate of problems with other drugs. Although a slightly higher proportion of Aborigines were currently in gaol for "violent" offences, overall Aborigines tended to be given shorter sentences than non-Aborigines possibly reflecting some judgment of the circumstances surrounding the offence. The greater number of prior commitments to institutions and prisons is simply another instance of the phenomenon to be explained: Aborigines are more often in prison than others.

Having been placed in an institution as a child could be associated with further imprisonments in a number of ways. It may be that when apprehended, the history of institutionalization could prompt the magistrate to pass prison sentences rather than use other penalties or it may be that through institutionalization, more Aborigines are likely to become predisposed toward criminal activity. In either case, they might experience more difficulty in staying out of trouble with the law once they have been placed in an institution. Similarly, the behaviour of Aborigines with drinking problems could more often place them in conflict with the law either because police and courts are less tolerant of their behaviour or because they behave differently.

To reiterate, the rate of imprisonment of Aborigines has consistently been much higher than the rate for non-Aborigines. The demographic, criminal history and current offence details presented in this report cannot account for this differential rate of imprisonment. Information on the rate of commission of offences and on sentencing practices would be needed to answer the question of why the rate of imprisonment of Aborigines is so high. Usually we only have information on number of *convictions* and not on the number of offences *committed*. Thus it would be difficult to determine the rate of commission of offences for any group. However, circumstances surrounding the detection of the offender and sentencing practices could be investigated.

REFERENCES

- Australian Bureau of Statistics, *Prisoners New South Wales 1978-79*, 1982.
- Gorta, A., Hunter, R., Gordon, G. Aborigines: Treatment in Prison, 1981. *N.S.W. Department of Corrective Services, Publication 6*, in press.
- N.S.W. Department of Corrective Services, Research and Statistics Division, Publication No. 11. *Census of Prisoners 1974—Aborigines in Prison*.