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**Australian Institute of Criminology**

# Indigenous perpetrators of violence: Prevalence and risk factors for offending

Joy Wundersitz

**AIC** Reports  
Research and  
Public Policy Series

105



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# Foreword

The Australian Institute of Criminology was funded by the Australian Crime Commission to undertake research that could inform and complement the work of the National Indigenous Violence and Child Abuse Intelligence Task Force. It was important, given the plethora of government inquiries and initiatives in recent times, to initially review and assess the evidence of victimisation of, and offending by, Indigenous people. The first summary of this evidence on risk factors associated with Indigenous victimisation was released last year. It drew on a range of sources, primarily survey and administrative data, as well as specific studies, to distil the most significant individual and social risk factors.

This report is the end result of a similar exercise. It highlights the gaps and limitations in publicly available administrative and survey data and shows that only a small number of empirical studies have been undertaken in this area. This is not to suggest that in-depth, qualitative research and wide-ranging consultations are not important—these document the viewpoints of Indigenous people; their everyday experience of being an Indigenous person and the kinds of violence they experience, witness and are fearful of. Their perceptions of what will prevent and reduce such violence are crucial to all policies and community-based initiatives aimed at tackling violence. Notwithstanding this, it is regrettable given the enduring and significant overrepresentation of Indigenous people in the criminal justice system, as victims and offenders and the kinds of violence found in some Indigenous communities, that there

has been little investment and commitment to better data and a strategic, ongoing research agenda.

In this report, the available data indicate that Indigenous people are 15 to 20 times more likely than non-Indigenous people to commit violent offences. The main risk factors linked to violent offending by Indigenous people include alcohol misuse, illicit drug use, sex, age, childhood experience of violence and abuse, exposure to pornography, education, income, employment, housing, physical and mental health, geographic location and access to services. However alcohol, based on existing evidence, stands out as a problem over and above structural factors such as socioeconomic disadvantage. The report concludes by drawing attention to the need to investigate the specifics of different forms of violent offending—the relationship between victims and offenders and the location and nature of different community settings. It is not, in itself, enough to continue to document the overrepresentation of Indigenous people in the criminal justice system. This can only be properly understood if more research involves the examination of what stops and inhibits offending. There are many Indigenous people who experience a constellation of risk factors who do not offend or refrain from offending and the report ends with a recommendation for further research into resilience and what are commonly called ‘protective’ factors, as part of a ‘developmental prevention’ approach.

**Adam Tomison**  
**Director**



# Contents

iii	<b>Foreword</b>	
vii	<b>Acknowledgements</b>	
viii	<b>Acronyms</b>	
ix	<b>Executive summary</b>	
1	<b>Introduction</b>	
2	Definitional issues	
3	<b>Identifying risk factors for Indigenous violence: Some conceptual issues</b>	
3	The ecological systems approach	
4	Theories of Indigenous violence	
6	Key data sources and their contribution to understanding Indigenous violence	
11	<b>The prevalence and nature of Indigenous violent offending</b>	
11	Indigenous apprehensions for violent offending	
17	Self-reported levels of Indigenous violent offending	
20	Extent of Indigenous violent offending: A summary	
21	Recidivism among violent Indigenous offenders	
22	Prisoners' prior contact with the custodial system	
23	Predicting re-contact with the prison system	
26	Victims of Indigenous violent offending	
29	Recidivism and victim/offender characteristics: A summary	
30	<b>Risk factors for Indigenous violent offending</b>	
30	Types of risk factors: An overview	
32	What evidence links selected risk factors to violence?	
35	Discussion	
39	Discussion	
40	Violent offending by juveniles	
48	Discussion	
49	Illicit drug use	
54	Discussion	
55	Childhood experiences of violence	
59	Discussion	
60	Exposure to pornography	
60	Education, employment, income and housing factors	
63	Discussion	
64	Physical health and disability	
65	Psychological distress and mental health issues	
68	Discussion	
69	Geographic location and remoteness	
74	Discussion	
75	Access to services	
77	Discussion	
78	Summary of univariate analyses	
80	Identifying the predictors of Indigenous violence using multivariate analysis	
86	Predicting the likelihood of violent recidivism among violent Indigenous offenders: A Western Australian study	
90	Summary of findings from the multivariate analyses	
92	<b>Conclusion</b>	
92	Indigenous violent offending: A summary	
94	Key gaps in our understanding of Indigenous violent offending	
95	How can these knowledge gaps be addressed?	
97	Should there be more emphasis on protective factors?	
100	<b>References</b>	
106	<b>Appendixes</b>	
107	<b>Appendix A: Data sources and limitations</b>	
109	<b>Appendix B: Key concepts</b>	
109	Indigenous community	
109	Defining violence	

## Figures

- 12 Figure 1: Apprehension reports and discrete persons apprehended for a violent offence by Indigenous status, Western Australia 2005 and South Australia 2006
- 13 Figure 2: Indigenous apprehension reports and Indigenous persons apprehended by type of offence, Western Australia 2005
- 18 Figure 3: Self-reported lifetime and regular offending among adult male prisoners by Indigenous status and type of violence, DUCO 2001
- 20 Figure 4: Self-reported lifetime and regular offending among Indigenous juvenile detainees by offence type, DUCO 2004
- 22 Figure 5: Sentenced prisoners who had a prior imprisonment by most serious current offence and Indigenous status, Australia, 2006
- 23 Figure 6: Probability of re-incarceration among male prison releasees by Indigenous status, Western Australia 1975–84
- 24 Figure 7: Median time to fail among male prison releasees by Indigenous status, Western Australia 1975–84
- 38 Figure 8: Persons apprehended for a violent offence by Indigenous status and age (years), Western Australia 2005
- 39 Figure 9: Violent offence charges by age (years) and Indigenous status, South Australia 2006
- 71 Figure 10: Indigenous apprehension, Kimberley Region, Western Australia 2001
- 71 Figure 11: Indigenous apprehension offence comparisons, North Metropolitan Region, Western Australia 2001
- 73 Figure 12: Gascoyne-Murchison region—apprehensions for offences of violence, 2001
- 15 Table 3: Apprehension reports by type of violent offence and Indigenous status, South Australia 2006
- 16 Table 4: Arrest rates by Indigenous status, New South Wales 2000
- 17 Table 5: Self-reported offending among Indigenous and non-Indigenous school students in New South Wales, 1999
- 19 Table 6: Self-reported lifetime and regular offending among Indigenous adult male prisoners by type of offence: DUCO 2001
- 19 Table 7: Self-reported lifetime and regular offending among adult women prisoners by Indigenous status and offence type, DUCO 2003
- 27 Table 8: Racial identity of victims and offenders
- 34 Table 9: Individuals apprehended by most serious violent offence recorded in 2005, gender and Indigenous status, Western Australia
- 35 Table 10: Indigenous persons arrested at least once in the last 5 years, 1994
- 44 Table 11: Alcohol-related offending by level of alcohol consumption for urban Indigenous persons, NDSHS 1994
- 44 Table 12: Relationship between victimisation and perpetration of alcohol-related offending for urban Indigenous persons, NDSHS 1994
- 52 Table 13: Self-reported recent drug use by adult male police and prison detainees, DUMA and DUCO
- 68 Table 14: Proportion of respondents previously diagnosed as having a mental health disorder, by Indigenous status, Queensland
- 72 Table 15: Regions/sub-regions with an apprehension rate for violent offences of 70 per 1,000 Indigenous population or above, Western Australia 2001
- 87 Table 16: Predictors of violent re-offending among Indigenous persons in Western Australia
- 88 Table 17: Predictors of sexual re-offending among Indigenous persons in Western Australia
- 91 Table 18: Summary of findings from multivariate analyses of NATSIS and NATSISS data

## Tables

- 13 Table 1: Indigenous apprehension reports and Indigenous persons apprehended by type of offence, South Australia 2006
- 14 Table 2: Apprehension reports by type of violent offence and Indigenous status, Western Australia 2005



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This research has been funded and supported by the Australian Crime Commission through its National Indigenous Violence and Child Abuse Intelligence Task Force.

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# Acronyms

<b>ABS</b>	Australian Bureau of Statistics
<b>ACC</b>	Australian Crime Commission
<b>AGD</b>	Attorney-General's Department
<b>AIC</b>	Australian Institute of Criminology
<b>AIHW</b>	Australian Institute of Health and Welfare
<b>APY</b>	Anangu Pitjantjatjara Yankunytjatjara
<b>DUCO</b>	Drug Use Careers of Offenders
<b>DUMA</b>	Drug Use Monitoring in Australia
<b>NATSIHS</b>	National Aboriginal and Torres Strait Islander Health Survey
<b>NATSIS</b>	National Aboriginal and Torres Strait Islander Survey
<b>NATSISS</b>	National Aboriginal and Torres Strait Islander Social Survey
<b>NDSHS</b>	National Drug Strategy Household Survey
<b>NHMP</b>	National Homicide Monitoring Program
<b>NTER</b>	Northern Territory Emergency Response
<b>OR</b>	odds-ratio
<b>RCIADIC</b>	Royal Commission into Aboriginal Deaths in Custody
<b>VRAG</b>	Violence Risk Appraisal Guide

# Executive summary

The issue of violence within Indigenous communities has attracted considerable political and media attention in recent times, culminating in the establishment of the National Indigenous Violence and Child Abuse Intelligence Task Force in 2006 and the Australian Government's Northern Territory Emergency Response (NTER; colloquially referred to as the Australian Government Intervention) in 2007. These initiatives were preceded by a large number of academic writings and government inquiries, all of which point to disproportionately high levels of violence within Indigenous communities, with some commentators describing it as 'all pervasive' (Fitzgerald 2001) or at 'epidemic levels' (Gordon, Hallahan & Henry 2002).

This report focuses on Indigenous perpetrators of violence and aims to quantify the prevalence and nature of violent behaviour as well as examine empirical evidence on the relationship between violence and its associated risk factors.

Official criminal justice statistics indicate that:

- Indigenous persons are substantially more likely to be charged with a violent offence than their non-Indigenous counterparts.
- The majority of Indigenous persons apprehended for a violent offence were charged with common or minor assault while comparatively few were charged with sexual assault.
- Indigenous perpetrators of violence have a greater likelihood of being re-incarcerated for a violent act and to be re-incarcerated in a shorter period of time than their non-Indigenous counterparts.

In terms of victim/offender characteristics:

- Most acts of violence involving an Indigenous victim occurred at the hands of an Indigenous perpetrator.

- Most homicides perpetrated by an Indigenous offender were directed against a family member.
- There is a higher level of interracial violence by Indigenous offenders than is generally assumed.

To provide a conceptual framework for understanding Indigenous violence, this report uses the ecological systems approach which recognises that risk factors for offending are located not only within the individual, but also in the broader environment within which the individual lives. Those situated in close proximity to the individual him/herself are classified as 'proximal' factors while broader community characteristics are classified as 'distal' factors.

## Understanding the risk factors to violence: A univariate approach

- *sex*—Indigenous males are substantially more likely to be apprehended for a violent offence than Indigenous females, even though they account for roughly equivalent proportions of the Indigenous population;
- *age*—the risk of perpetrating violence varies according to age, with those in the mid ranges of 18–34 years the most likely to engage in such behaviour;
- *Aboriginal/Torres Strait Islander*—persons who identify as Aboriginal have a higher risk of contact with the criminal justice system than do Torres Strait Islanders;
- *alcohol misuse*—alcohol is now regarded as one, if not *the*, primary risk factor for violence in Indigenous communities. However, contrary to popular perception, at a community level, the

percentage of those who consume alcohol is no greater within the Indigenous population than the non-Indigenous population. However, among those who do drink, Indigenous persons are more likely to engage in high-risk alcohol consumption or ‘binge drinking’ than their non-Indigenous counterparts;

- *illicit drug use*—in contrast to alcohol, illicit drug use is less prevalent within the Indigenous population than the non-Indigenous population;
- *childhood experiences of violence and abuse*—evidence suggests that Indigenous children experience relatively high levels of child abuse and neglect which, in turn, increases the likelihood that they will grow up to become perpetrators of violence;
- *exposure to pornography*—anecdotal evidence suggests that access to pornography is widespread in some Indigenous communities, particularly in remote areas, and that such exposure increases the risk of sexualised violence among children and adolescents as well as adults;
- *education, employment, income and housing*—there is empirical evidence linking offending to factors such as poor schooling, unemployment and poor housing within the general Australian population via their contribution to more proximal risk factors such as low self-esteem, high stress levels, a sense of alienation and helplessness, poor social functioning, repressed anger and boredom;
- *physical health*—while Indigenous people have significantly poorer health outcomes than non-Indigenous people across a broad range of indicators, empirical evidence linking physical health and disability to an increased risk of becoming a violent offender is sparse;
- *mental illness and psychological distress*—within Indigenous communities, a relatively high proportion of adults and children experience psychological distress and mental illness;

- *geographic location*—the relationship between geographic location and the risk of violence is not definitive. While data from the National Homicide Monitoring Program (NHMP) undertaken by the Australian Institute of Criminology (AIC) indicate higher levels of homicides in remote communities, findings from the 2002 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) suggest that residents in these more isolated settings were no more likely to experience contact with police than those in major urban centres; and
- *access to services*—numerous inquiries have criticised the ineffectiveness or lack of services provided to both perpetrators and victims of Indigenous violence, particularly in semi-remote and remote areas of Australia.

## Understanding the risk factors to violence: A multivariate approach

Unlike univariate data, multivariate analyses seek to identify those variables that remain predictive of offending when the influence of other factors has been controlled for. Only a handful of Indigenous-specific multivariate analyses have been undertaken in Australia and all have sought to predict Indigenous contact with the criminal justice system, rather than actual offending behaviour. With the exception of Mukherjee et al. (1998), who tested a very small number of potential risk factors, the analyses found that gender, alcohol use/abuse, education levels, age (ie under 25 years), labour force status and place of residence (ie whether the Indigenous person lived in a major city, rural or remote location) all proved to be independently predictive of the likelihood of Indigenous arrests. Of these, consumption/abuse of alcohol was ranked either first or second.

## Addressing the knowledge gaps

Ways of addressing some of the current gaps in our knowledge of Indigenous violent offending include:

- reassessing the content of the NATSISS and other Indigenous population surveys to include questions about actual offending behaviour;
- undertaking more effective ‘mining’ of existing police apprehension data via specific data extracts to investigate some of the issues for which published information is not currently available (such as the frequency of Indigenous apprehensions for child abuse); and
- improving the quality of police apprehension data, particularly by ensuring that each state and territory collects information on the Indigenous status of offenders and victims via direct questioning of these individuals, using the standard Australian Bureau of Statistics (ABS) Indigenous status question (ABS 1999).

## Should we be placing more focus on protective rather than risk factors?

Alongside the body of evidence attesting to the marked prevalence of violent offending among Indigenous Australians is the fact that the majority of Indigenous people are not violent, even though many confront the same risks as offenders and live in the same communities where violence is endemic. This suggests that there may be other factors that serve to protect the individual against involvement in violence.

Far more attention needs to be paid to identifying protective factors for Indigenous violence, given that much may be achieved in the area of crime prevention and crime reduction by clarifying and reinforcing the strengths inherent in Indigenous communities (Homel, Lincoln & Herd 1999). Perhaps by placing greater emphasis on identifying and nurturing the protective factors, more effective intervention strategies can be developed in the future.





# Introduction

The issue of violence within Indigenous communities has attracted considerable government, public and media scrutiny in recent times, as indicated by the establishment of the Australian Crime Commission's (ACC's) National Indigenous Violence and Child Abuse Intelligence Task Force in 2006 and the Australian Government's NTER to protect Indigenous children from child abuse, which was announced in June 2007.

However, attempts to quantify levels of Indigenous violence have focused primarily on the experiences of Indigenous victims, while discussion of potential risk factors has relied heavily on qualitative or anecdotal information. They have, therefore, tended to be 'top heavy with theory and discussion, and lack reporting of empirical evidence on violence' (Memmott & National Crime Prevention 2001: 2).

This report focuses on Indigenous perpetrators of violence and wherever possible, draws upon quantitative information to describe the nature of offending behaviour and its potential precursors. Its primary aims are twofold: first, to provide data on the prevalence and nature of Indigenous violent offending and second, to summarise the empirical evidence pertinent to the risk factors for Indigenous violence.

This report is divided into sections:

- The remainder of the first section deals with some key definitional and conceptual issues, including brief overviews of:
  - the ecological systems approach to understanding crime 'causation'; and
  - some general criminological theories that may help to explain the link between certain risk factors and offending behaviour.

It also describes the key data sources used in the report, their strengths and limitations, and the implications for the issues that could be canvassed.

- The second section presents statistics on the nature and frequency of Indigenous violent offending (including recidivism), derived from criminal justice databases and self-report surveys, and draws comparisons with non-Indigenous offenders to identify areas of difference in offending patterns between the two groups. It also includes a brief exploration of the victims of Indigenous offending, notably their Indigenous status and relationship to the offender.
- The third section describes the broad range of historical, community, family, individual and precipitating factors put forward by various

government inquiries and academic studies as risk factors for Indigenous violence and details the empirical evidence linking at least some of these factors to that violence. In addition to considering each risk factor individually, this section summarises the results from a handful of multivariate analyses that attempt to identify key predictors of Indigenous violence while partialling out the effects of other, potentially relevant variables.

- In the conclusion, the key findings of the report are summarised, some of the major gaps in the current knowledge of Indigenous violent offending are identified and ways of addressing these gaps are recommended. Attention is also drawn to the need to focus more heavily on exploring protective rather than risk factors for violence within Indigenous communities.

By focusing on Indigenous offenders, this report builds upon, and should be read in conjunction with, a recently published overview of the risk factors for Indigenous victims of violence (Bryant & Willis 2008). It should be stressed, however, that any attempt to provide an overview of the complex issue of Indigenous violence will inevitably suffer from ‘the twin dangers of generalisation and decontextualisation’ (Hunter 2007: 88). This report is no exception. Given the considerable diversity in the histories, experiences and present-day characteristics of Indigenous communities in Australia, the nature, extent, causes and impact of violence will vary considerably from one location to another. Such diversity can only be accurately captured by a case-based ethnographic approach, which compares patterns of violence in a range of Indigenous communities located at different points across and within the urban/rural/remote continuum. However, such an approach is beyond the scope of the present exercise. Instead, this report simply aims to pull together those general themes and findings from existing research and published statistical reports. Most of the information in these published works could not be disaggregated to a sub-state regional level, let alone to a discrete community level.

Another danger in a generalised report of this nature is its potential to contribute to a perception that all

Indigenous communities are beset by violence and that all Indigenous people (particularly males) are perpetrators of such behaviour—a perception which the mainstream media, particularly through its coverage of the NTER, seems to have nurtured. This is not the case. A large number of Indigenous Australians never commit criminal offences, let alone acts of violence. It has been noted that ‘many Aboriginal people have been able to function productively, without disturbance to their self-esteem or cultural identity’ (Aboriginal and Torres Strait Islander Women’s Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000: 49). Similarly, a major study of justice issues in Cape York, Queensland commented that ‘while there were serious problems in [these] communities [they] also produce gifted artists, musicians, athletes and intellectuals and include close-knit families, industrious workers and resilient people’ (Fitzgerald 2001: 5).

While acknowledging the limitations inherent in the generalised overview presented here, some broad commonalities regarding both the extent of Indigenous violent offending and the correlates of that violence can be identified. Although these may not be present in all Indigenous communities or apply to all Indigenous perpetrators of violence, they do have some general validity. Documenting these findings may provide a background against which more community-specific understandings of violence can be developed.

## Definitional issues

Often reports and commentaries refer to a generic *Indigenous community* when, in fact, there are a multitude of different communities ranging from remote to urban locations. Discussions of violence tend to focus on spatially separate remote or semi-remote communities. Similarly, violence can be defined by the type of behaviour involved, the characteristics of the victim and the circumstances in which it occurs, with a predominant focus on the forms of violence occurring at an intra-community level. See Appendix B for further details and discussion of these key concepts.





# Identifying risk factors for Indigenous violence: Some conceptual issues

## The ecological systems approach

It is widely recognised that there is no single cause of violence in Indigenous communities. Instead, such behaviours stem from, or are associated with, a multitude of variables operating at different levels in the environment. Memmott and National Crime Prevention (2001) divide the risk factors for violence into three categories:

- *precipitating causes*—the specific event or series of events that trigger a particular incident;
- *situational factors*—located at either the community, family or personal level that impact on an individual, such as unemployment and poverty; and
- *underlying factors*—that constitute an historical pattern of disruption involving Indigenous systems of law, morals, authority and punishment that triggered the onset of widespread social and psychological problems which are now being passed from generation to generation.

This categorisation is a variant of an ecological systems theory for understanding crime causation. This theory, originally developed by Bronfenbrenner (1979) in his writings on child developmental psychology, has since been applied in a diverse range of fields, including criminology, where Zubrick and Robson (2003), among others, have noted its

applicability to understanding Indigenous offending. This theory recognises that the risk factors for offending are located not only within the individual, but also in the wider environment within which that individual resides. This environment can be conceived as a series of concentric circles, radiating out from the individual and his/her immediate family at the centre (the microsystem), to the individual's local neighbourhood, school and work environment (the mesosystem). From there, it radiates to the broader community within which the individual's local networks sit (the exosystem) and finally, to the wider society (the macrosystem) which, through its cultural values, customs and laws, help shape the characteristics of an individual's local community. To these four levels, Bronfenbrenner (1979) added a time dimension—the chronosystem which, at a personal level, encompasses the changes arising from normal maturation processes and other life events, and at a macro-level, reflects the broad historical forces impacting on a society, such as colonisation.

Each of these levels generates different sets of risk (and protective) factors for violent offending. Those situated within or near the individual him/herself (such as mental illness, drug abuse, level of social support and family conflict) are classified as 'proximal' factors, in that they occur in close proximity to the offending behaviour itself. In

contrast, broader community characteristics (such as historical events, socioeconomic inequality, poverty and unemployment) are classified as 'distal' factors and, as the term implies, operate at some distance from the offending behaviour. The probability that a specific characteristic will directly 'cause' violent behaviour diminishes as analysis moves from the proximal to the distal factors, from the micro- to the macro-system. Even among the proximal factors, many will not play a direct causative role in violence but may nevertheless indirectly increase the likelihood that such behaviour will occur.

An ecological systems approach is particularly relevant to understanding Indigenous violent offending for a number of reasons:

- By recognising that there is no single 'cause' of violence, it redirects attention away from a search for such a 'cause' (which may ultimately be a fruitless exercise) to an exploration of the interconnections between the various risk factors and how these interactions increase the probability that violence will occur.
- The framework's focus on 'risk' rather than 'causation' acknowledges that, while a particular characteristic may appear to be strongly linked to violence, not all individuals who exhibit that characteristic actually engage in such behaviour. For instance, while there seems to be a higher incidence of violence among those who abuse alcohol, not all persons who drink excessively commit acts of violence and not all perpetrators of violence misuse alcohol.
- By focusing on the interconnectedness of risk factors, it also draws attention to the fact that the relationship between any two variables in this framework is not uni-directional. While community characteristics such as poor living conditions may increase the risk of violence, in turn, violent behaviour potentially reinforces those negative community characteristics.
- It also recognises that a particular risk factor may operate at different levels within the framework. For example, a high level of substance abuse is both a community characteristic as well as a characteristic of specific individuals and so could be considered as both a distal and a proximal risk factor for violence.
- It makes it clear that in order to reduce violence, initiatives must be targeted not just at the individual, but at the broader family, community and societal framework within which they are located.
- It also allows for the fact that, even if a number of the identified factors pose a low risk for violence, their effect on an individual's behaviour may be cumulative and hence, significant (Zubrick & Robson 2003).

For these reasons, this report uses the ecological systems approach to explore the issue of Indigenous violence. It identifies a range of factors operating at each of the different levels in the model and, when examining a particular correlate of violence, it explores the extent to which this characteristic exists at both an individual level (ie within Indigenous offender populations) as well as in the broader Indigenous community. It also adopts the term 'risk' rather than 'causation', although in so doing it does not take the further step advocated by Zubrick and Robson (2003) of differentiating between those factors that act as predictors for the onset of offending (which they designate as 'risk' factors) and those that predict the continuation or persistence of such offending (referred to as 'prognostic' variables).

## Theories of Indigenous violence

A number of general criminological theories may help to explain why particular factors, such as unemployment, poor educational standards or cultural disintegration, increase the likelihood that some individuals in some situations will become perpetrators of violence. One exposition of those theories that may have been applied to, or may have relevance for, Indigenous violence comes from Snowball and Weatherburn (2008). These include:

- cultural theory;
- anomie theory;
- social disorganisation theory;
- social deprivation theory; and
- lifestyle/routine activity theory.

Of these, Snowball and Weatherburn (2008) found strong support for lifestyle/routine activity theory and moderate support for the other theories. The exception was cultural theory for which they found no support.

### *Cultural theory*

Cultural theorists argue that violence, including family and inter-tribal violence, was an integral and legitimate part of traditional Aboriginal society and constituted a socially acceptable way of achieving specified goals and redressing perceived wrongs done to either the individual or the group. One recent proponent of this theory maintained that contemporary family violence in Indigenous communities has its roots in inherently violent and misogynist traditional law and practices (Nowra 2007). If this argument is correct, then violence should be higher in those communities located within traditional homelands, where Indigenous adherence to traditional law, clan obligations and ceremonies remain strong. However, there seems to be no evidence of this or of the claim that high levels of violence within Indigenous communities could be attributable to Aboriginal law (see for example Anderson & Wild 2007; Gordon, Hallahan & Henry 2002). In fact, the argument that a 'propensity for violence is a feature of Indigenous culture is rejected by most scholars' (Snowball & Weatherburn 2008: 218), a number of whom have roundly condemned such views (see Cripps 2007; Robertson & Cunneen cited in Sneddon 2007). Such views are also resented by Indigenous people themselves on the grounds that it 'reinforces prejudice and ignorance [and] masks the complex nature' of violence (Wild & Anderson 2007). In fact, the term 'bullshit law' has been used to describe those situations where Indigenous perpetrators of sexual abuse have attempted to use traditional law as justification for the assault and rape of women (Payne 1990).

### *Anomie theory*

This theory focuses on the often brutal process of colonisation and dispossession, with its attendant destruction of Indigenous cultural values and roles. This, it argues, created feelings of alienation and

anomie among Indigenous people, especially among males who, having been deprived of their status as 'law-makers' and religious leaders, no longer have a sense of purpose or identity (Langton cited in Snowball & Weatherburn 2008). For these individuals, violence may either be a means of trying to regain some level of dominance or authority within their family and community, or an expression of their sense of frustration, anger and alienation.

### *Social disorganisation theory*

This theory is closely linked to anomie theory. It posits that 'colonisation and dispossession produced a breakdown of Indigenous informal social controls' (Snowball & Weatherburn 2008: 219). In the initial years of European expansionism, the loss of key lawmakers and community members through disease and deliberate killings meant that traditional authority structures and knowledge bases within Indigenous communities were quickly undermined. This process continued during the post-settlement phase, fostered by such policies as the deliberate disempowerment of Indigenous adults by 'white' missionary and reserve managers, and the forced removal of children of mixed parentage from their families. This meant that those surviving members who would traditionally have been responsible for inculcating and enforcing adherence to community values and behavioural norms lost the authority and capacity to do so. The social disorganisation theory accounts for the apparently higher levels of violence among children of the stolen generation and underpins the expectation of Memmott and National Crime Prevention (2001) of higher levels of violence within those communities that have a long history of functioning as removal centres or missions. Finally, it may also offer some explanation for any apparent 'normalisation' of violence within some communities, in that the absence of formal and informal social controls may potentially create a vacuum within which violence could become established as one of the new behavioural norms.

### *Social deprivation theory*

According to this theory, the broad range of economic and social disadvantages experienced by Indigenous communities (the origins of which can

be traced to the negative impact of colonisation and dispossession) generate feelings of anger, frustration and despair that, in turn, result in violence. If such disadvantage could be redressed, then differences in the level of violence between Indigenous and non-Indigenous people should largely disappear. This argument has gathered considerable support over the decades and underpinned much of the Royal Commission Into Aboriginal Deaths in Custody (RCIADIC) reasoning, where '[t]he single significant contributing factor to incarceration is the disadvantaged and unequal position of Aboriginal people in Australia in every way, whether socially, economically or culturally' (RCIADIC 1991: 15).

### *Lifestyle or routine activity theory*

Contrary to the four theories outlined above, those who advocate this approach do not invoke the effects of colonisation and dispossession to explain the currently high levels of violence in Indigenous communities. Instead, they concentrate on factors embedded within the present lifestyle of Indigenous people and in particular, on what they view as the comparatively recent phenomenon of alcohol abuse. Pearson (2001a, 2001b), for example, argues that the high level of alcohol consumption now present in many communities is not only one of the major causes of Indigenous violence but also contributes to ongoing social and economic disadvantages. He argues that the symptom theory of substance abuse (and by extension, violence) is wrong. Instead, 'addiction is a condition in its own right' (Pearson 2001a: 4). He continues:

We must understand that trauma, dispossession et cetera make our communities *susceptible* to grog and drug epidemics, [but] they do not automatically *cause* abusive behaviour. Addiction [to alcohol and drugs] is a condition in its own right...[A]n established addiction is... independent of the historical causes of the first voluntary consumption of the addictive substance (Pearson 2001a: 4).

According to this thesis, violence cannot be reduced by focusing on the so called 'underlying causes' such as transgenerational grief, racism, dispossession and so on, but by tackling what Pearson (2001a: 4) sees as the 'core' of the problem—namely addiction and substance abuse. In his view, '[i]f we get on top

of our grog and drug problem we will get on top of the worst of our violence problem' (Pearson 2001b: 1).

In summary, it is likely that all of the criminological theories described above (with the exception of the cultural theory) help to explain Indigenous violence, although the relevance of each may vary from one community to another and from one time to another. It also underlines the multi-faceted approach required to prevent and reduce violence, which research indicates addressing structural factors, as well as ensuring there are a range of specific situational and community crime prevention measures in place in individual community settings (Memmott & National Crime Prevention 2001).

## Key data sources and their contribution to understanding Indigenous violence

To measure accurately the level of violence perpetrated by Indigenous individuals and to 'unpack' the complex interactions between the host of risk factors seemingly associated with such violence, two types of information are required:

- accurate statistics on each person's actual involvement (or non-involvement) in violent offending; and
- comprehensive details per individual on each of the potential proximate and distal risk factors thought to be associated with such violence.

The availability of such data would make it possible to identify key areas of difference between offenders and non-offenders and in turn, using multivariate analysis, test the relative contribution of each of these differences to the likelihood that an individual will engage in illegal behaviour.

Such empirically-based information does not, however, exist. Instead, while the study was able to draw on three important data sources—namely official crime and criminal justice data, population and offender-based surveys, and government reports and academic papers—each had some limitations, as described below.

## *Official crime and criminal justice data*

In determining the nature and extent of Indigenous violent offending, apprehensions data containing details on the number and characteristics of persons arrested or summonsed by police is most relevant. Courts and corrections data also provide information on offenders, but they exclude those individuals who, although apprehended by police, do not progress through to those stages of the criminal justice system. Hence, while they are useful in identifying how the criminal justice system responds to offenders following apprehension, they provide a less useful insight than do police statistics into those who allegedly offend in the first place. In this report, police data will therefore be used as the primary source of information, with courts and corrections data cited only occasionally.

In using police statistics, however, their limitations should be acknowledged:

- Apprehensions data do not encompass all offenders but only those who are formally charged or summonsed. A high proportion of incidents are never reported to police or, if reported, never result in the apprehension of a suspect. This is particularly true in the case of sexual assaults.
- As noted earlier, apprehension statistics relate only to those forms of violent behaviour that are legislatively defined as criminal, such as homicide, physical and sexual assault. Individuals who commit acts of emotional, psychological or economic abuse are less likely to be charged with committing illegal acts and so often go undetected and unrecorded.
- Even in the case of those acts of violence defined as 'criminal', it is often not possible to extract data on specific offence types, such as family violence or assaults against children or the elderly because of the way in which such data are entered onto the systems.
- Nor is it possible in most instances to extract data on the dynamics of, or circumstances surrounding, the incident itself to determine whether, for example, the perpetrator acted alone or as part of a group, or whether the violence was part of a sequence of criminal events.

- Apprehension data are also of little use in assessing potential risk factors for violence. Apart from basic demographic descriptors such as age and sex, most contain little or no information on the personal characteristics of the offender. Nor do they contain any information on the characteristics of the family or community within which the offender resides.
- Another important limitation for risk assessment is the fact that official crime statistics tell us nothing about those Indigenous persons who do not offend, which is fundamental to identifying risk factors for violence. Instead, they only allow comparisons between Indigenous offenders and non-Indigenous offenders.
- Determining the Indigenous status of offenders is also problematic. While most police apprehension data across Australia include some indication of Indigenous status, there is no standard procedure currently in place for obtaining such information.
- Inconsistency in counting rules and offence definitions from one state to another makes it impossible to profile Indigenous offending at a national level.
- Very little regional or small area data on Indigenous offenders are publicly released by police agencies. The only exception is some Western Australian statistics on violence apprehension rates for Indigenous and non-Indigenous persons across seven of that state's regions for the year 2001 (Fernandez 2003).

There are several national databases that provide some useful statistics on perpetrators of specific types of violence. One of these is the AIC's NHMP, which is sourced from police records and supplemented by information from investigating officers, media reports etc. Another minor source of information is the reports from coronial inquests but, being predominantly case-based, they provide mainly qualitative details on individual offenders. Wherever possible, information from these alternative administrative databases has been included in this report.

## Self-report surveys

### Population surveys

Broad-based population surveys provide the most appropriate vehicle for collecting the information required to accurately assess both the prevalence and risk factors for Indigenous violence. Not only do they have the potential to ask respondents about their actual criminal behaviour, but they can also collect wide-ranging details on each person and his/her immediate environment.

Two population surveys conducted in Australia that specifically targeted Aboriginal and Torres Strait Islander communities are the National Aboriginal and Torres Strait Islander Survey (NATSIS) of 1994 and its successor, the NATSISS—both administered by the ABS. On the positive side, these surveys collected respondent-specific data on a broad range of socioeconomic, health, welfare, housing and other characteristics that constitute potential risk factors for offending behaviour. They also included questions about whether or not the person had been a victim of physical or threatened violence in the previous 12 months and, more importantly for this exercise, whether they had ever been formally charged and/or arrested or imprisoned during the previous five years. On the downside, however, these surveys did not ask respondents about their actual offending behaviour. Consequently, while they can provide useful insights into differences in characteristics between arrested and non-arrested individuals, it cannot be assumed that such differences also exist, or exist to the same degree, between those who do or do not offend simply because decisions taken by criminal justice agents are influenced by certain factors extraneous to those associated with the actual offending itself. Nevertheless, there is likely to be some overlap between the two and, in the absence of more accurate data, the NATSIS and NATSISS constitute the primary source of data for assessing risk.

The NATSIS and NATSISS have other limitations:

- Particularly problematic for this current exercise is the fact that the amount of information collected on violence per se was limited. While the NATSIS did record some data on individuals' charge and arrest histories for assaultive behaviour, the NATSISS only asked about charges/arrests for all offences combined, without any reference to violence-specific incidents.

- Because they are resource-intensive and logistically difficult to administer, especially in remote Indigenous communities, they are not conducted on a sufficiently regular basis to provide adequate time series data that could identify longitudinal changes in the patterns and risk factors for violence. Hence, unlike official crime statistics, which entail continuous data collection, they merely provide a 'snapshot' at a particular point in time.
- Their resource intensiveness limits the size of the respondent sample which in turn, restricts the extent to which the data can be spatially disaggregated. While the two Indigenous population surveys provide some reliable statistics at a state level, no sub-state or regional analysis is possible.
- Both surveys targeted respondents living within households, thereby excluding marginalised individuals, such as the homeless and those in institutions, whose risk of offending may be relatively high.
- The methodologies used, the populations targeted and the questions asked varied not only from one survey to the other but also from one region to another within the same survey, making comparisons between the surveys difficult. The minimum age for inclusion in the surveys also varied, with the NATSIS targeting respondents aged 13 years and over, while the NATSISS focused on those aged 15 years and over.
- As with all self-report surveys, they rely on the willingness or ability of the respondent to provide honest and accurate answers, which when it comes to sensitive issues such as offending may not always be provided. The fact that some respondents were apparently questioned in the presence of other family members may also increase the risk of inaccurate answers.

Other Indigenous-specific population surveys have also been conducted, including the National Aboriginal and Torres Strait Islander Health Survey and the Western Australian Aboriginal Child Health Survey (NATSIHS). However, neither of these sought information on the respondent's offending behaviour. Thus, although they provide some useful background information on Indigenous adults and children, including the types of stressors to which they are exposed, they are unable to shed any light on Indigenous perpetrators of violence.



## Offender-based surveys

Two AIC survey-based monitoring programs targeted at specific groups of offenders proved relevant for this report:

- Drug Use Monitoring in Australia (DUMA) involves ongoing quarterly interviews with arrestees in selected police stations/watch houses in Queensland, Western Australia, South Australia, New South Wales and more recently, Victoria and the Northern Territory.
- Drug Use Careers of Offenders (DUCO), a one-off survey of adult male and female prisoners and juvenile detainees in Australian states and territories.

In terms of their ability to contribute to an understanding of the nature and extent of Indigenous violent offending, DUCO proved to be particularly important for two reasons:

- It provided some data on the self-reported lifetime and 'regular' offending behaviour of detainees, which potentially includes all offences perpetrated by these individuals, even if that offending never resulted in formal contact with the criminal justice system.
- It asked respondents about their previous involvement in particular types of violence—namely, physical assaults, sex offences and the act of 'killing someone'.

In contrast, DUMA is of more limited use because it only asks respondents whether they had previously been charged/arrested by police and it restricted its questions to 'all' offending, without reference to violence.

Both surveys provided comprehensive insights into the alcohol and illicit drug use patterns of Indigenous offenders, which had not previously been available. However, their ability to contribute to a broader empirical understanding of risk factors for Indigenous violent offending was hampered not only by the small amount of 'personal' information collected, but also by the fact that they did not record data on Indigenous non-offenders. Instead, like official crime statistics, they only enable comparisons to be drawn between Indigenous offenders and non-Indigenous offenders which, for reasons already outlined, cannot provide an accurate insight into the risk factors for Indigenous violence.

## Research-based information

A considerable amount of anecdotal information about Indigenous communities may be derived from academic research reports, most of which date from the late 1980s and early 1990s onwards. The authors of these reports come from a range of disciplines, including health, anthropology, criminology, psychology and from the legal and judicial fields (see for example Atkinson 1994, 1991, 1990a, 1990b; Blagg 2000, 1999; Brady 1990; Collmann 1988; Hunter 1991a, 1991b, 1990). These often entail in-depth observations of specific communities and, as such, provide important qualitative details about the community context for violence. However, many focus on more remote and semi-remote communities, with relatively few concentrating on urban dwellers (exceptions include Gale 1972; Gale & Wundersitz 1982).

In addition to these academic publications, there is now a plethora of highly influential reports funded by, and/or arising from, various Commonwealth and state inquiries into Indigenous violence and associated matters.

At a national level, these include:

- RCIADIC;
- the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (HREOC 1997);
- an overview of Indigenous family violence by Memmott and National Crime Prevention (2001) commissioned by the Australian Government Attorney-General's Department (AGD); and
- the report by Al-Yaman, Van Deland and Wallis (2006) on family violence among Aboriginal and Torres Strait Islander peoples, undertaken by the Australian Institute of Health and Welfare (AIHW) as part of the work of the National Advisory Group on Aboriginal and Torres Strait Islander Health Information and Data, funded by the Australian Health Ministers Advisory Council.

Reports largely funded by state governments include:

- Queensland's Aboriginal and Torres Strait Islander Women's Task Force on Violence Report (Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000);

- the Cape York Justice Study (Fitzgerald 2001) which aimed to identify the nature and causes of offending in this region's Indigenous communities and to examine the relationship between alcohol, substance abuse and offending;
- the Western Australian Government's Inquiry into the Responses of Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon, Hallahan & Henry 2002);
- Victoria's Indigenous Family Violence Taskforce report (2003);
- the New South Wales Aboriginal Child Sexual Assault Taskforce report (Ella-Duncan et al. 2006);
- the report by the Northern Territory Government (Wild & Anderson 2007), known as the 'Little Children are Sacred' report—which helped initiate the Australian Government's NTER; and
- the Inquiry into Child Sexual Abuse in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in South Australia (Mullighan 2008).

These government reports contain a wealth of information on Indigenous violence, gleaned from existing literature and from evidence provided by individual witnesses, public consultations and site visits. They also include broad-ranging discussions about the 'causes' of Indigenous violence but in the main, the material they present tends to be highly descriptive and/or heavily reliant on anecdotal evidence or case studies that do not allow for generalisations. They contain relatively little (if any) statistical data on the nature or extent of Indigenous violence from a perpetrator perspective (although many do include data on Indigenous victimisations). Nor do they employ empirical methods to test the predictive power of any of the variables cited as potential risk factors for violence.

For a detailed discussion of data limitations, see Appendix A.





# The prevalence and nature of Indigenous violent offending

Qualitative evidence indicates that 'Indigenous violence is widespread and disproportionately high compared to non-Indigenous violence in Australian society' (Memmott & National Crime Prevention 2001: 2). The relatively limited amount of empirical data currently available supports this conclusion. Using statistics derived predominantly from police apprehensions, this section explores:

- the extent to which Indigenous persons are charged with offences of violence and how this compares with other non-violent offending;
- the different types of violence involved;
- the racial identity of the victims of Indigenous violence and their relationship to the offender; and
- levels of recidivism.

Wherever possible, comparisons are drawn with non-Indigenous offenders to identify both differences and similarities in patterns of violence.

In the absence of national data on this topic, the discussion will draw heavily on the very small number of states (notably Western Australia and South Australia) that publish annual statistics on Indigenous apprehensions. However, no direct comparisons between these two jurisdictions can be drawn because of differences in criminal justice processes, data extraction methods, offence classificatory systems etc. For example, the WA data described below pertain to the most serious

charge per apprehension report, while much of the SA data include all charges laid, irrespective of the number of apprehension reports or discrete individuals involved.

In using police apprehension data, the term 'violence' will be applied to those offences which are listed by police as either 'inter-personal' or 'against the person'. In both Western Australia and South Australia, these include homicide and related offences, assault, sexual offences and kidnapping/abduction. In Western Australia, dangerous operation of a vehicle is also included in this category, although in South Australia this offence is defined as a driving offence.

## Indigenous apprehensions for violent offending

In both Western Australia and South Australia, Indigenous people are substantially more likely to be apprehended by police for violent offences than non-Indigenous people.

In Western Australia during 2005, there were 4,911 police apprehensions involving Indigenous persons where the most serious charge was an offence of violence (Loh et al. 2007). This represents an apprehension rate of 111.1 per 1,000 Indigenous

population aged 10 years and over. These apprehensions involved 3,796 discrete individuals (Loh et al. 2007: Table 2.1). The fact that this latter figure is lower than the total apprehensions indicates that at least some persons were apprehended more than once during the 12 month period. Overall, for every 1,000 Indigenous population aged 10 years and over, 85.9 individuals were formally proceeded against by police at least once during 2005. Indigenous rates were also substantially higher than those of the non-Indigenous population. As Figure 1 shows, the Indigenous apprehension rate in 2005 was 22 times as high as the non-Indigenous rate and was 19 times as high for discrete persons apprehended.

SA data for 2006 reflect a similar pattern (OCSAR 2007). Although lower than in Western Australia, the rate of Indigenous apprehensions for violent offences

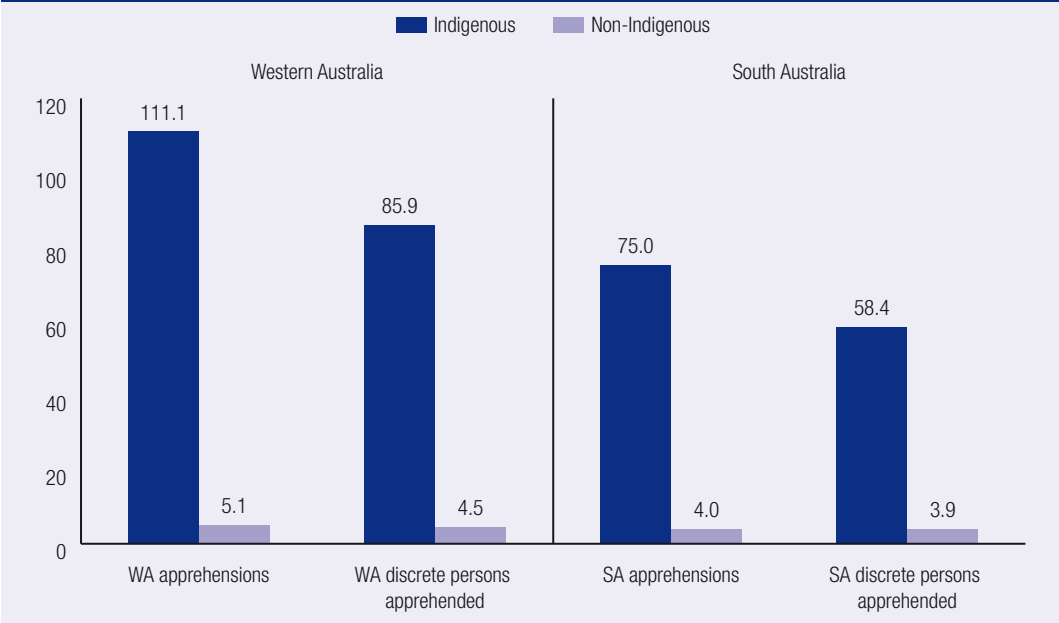
in this state was almost 18 times as high as the non-Indigenous rate and was 15.3 times as high for discrete persons apprehended (see Figure 1).

### Comparison between Indigenous violent and non-violent apprehension rates

When compared with other types of criminal behaviour, such as property offending or illicit drug use, violence features prominently in the charge profiles of Indigenous persons apprehended by police.

As shown in Figure 1, Western Australian Indigenous apprehension rates for violent offending in 2005 were higher than for any other offence type. At 111.1 per 1,000 Indigenous population aged 10 years and over, it was 1.1 times the apprehension rates for

**Figure 1** Apprehension reports and discrete persons apprehended for a violent offence by Indigenous status, Western Australia 2005 and South Australia 2006 (rates per 1,000 relevant population 10 years and over)



Note: Rates are based on ABS unadjusted population figures for Western Australia and South Australia extracted from the 2006 census (ABS cat. no. 2068.0). The Indigenous population figures are lower than the estimated figures released by the ABS (see cat. no. 4705.0) which include adjustments for those respondents who did not record their Indigenous status. However, actual census data rather than estimated data were used because they provide age specific and gender specific breakdown which is not available for the estimated data

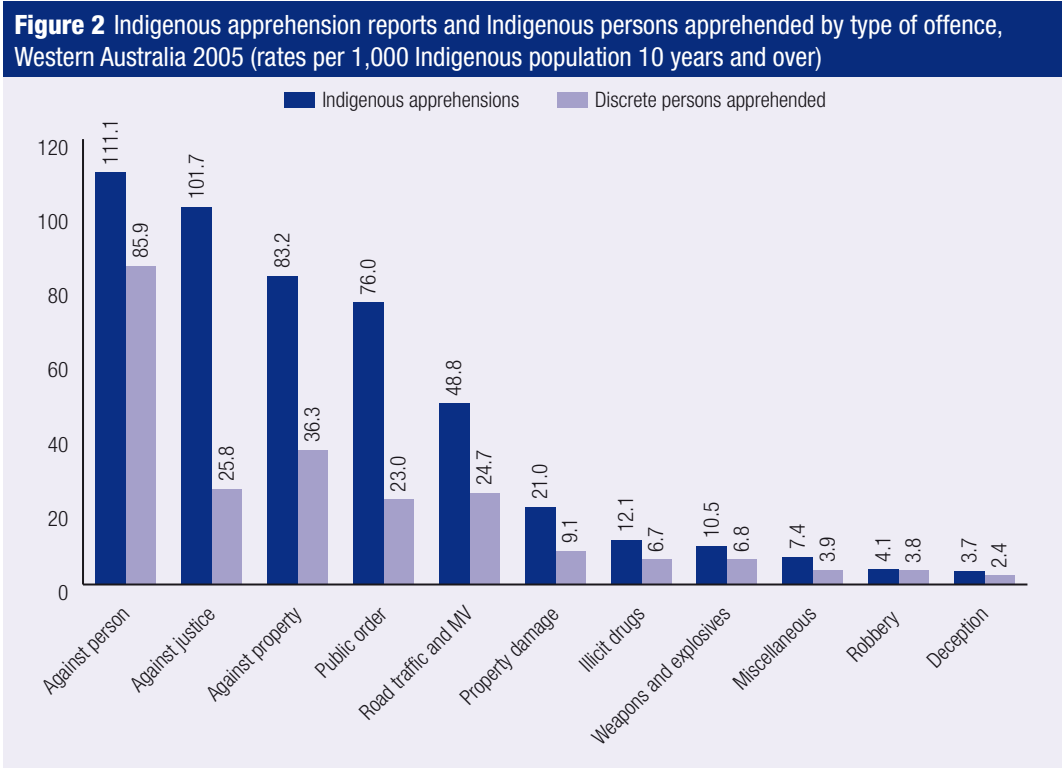
In Western Australia, only the most serious charge per apprehension report or per individual is counted. In South Australia, each apprehension report which includes an offence against the person is counted, even if it does not represent the most serious charge in that report. Similarly, each person charged with at least one against the person offence in 2006 is counted, even if they are also charged with more serious offences

In both states, Indigenous status is primarily determined by police according to the physical appearance of the individual

Source: derived from Loh et al. 2007: Tables 2.1 and 2.4; OCSAR 2007: Table 6.27

‘against justice’ offences and 1.3 and 1.5 times as high as good order and property offence rates respectively. It was also a substantial nine times the apprehension rate for illicit drug offences (derived from Loh et al. 2007: Table 2.4).

When discrete individuals, rather than apprehensions, are considered, the dominance of violent offences becomes even more pronounced. Figure 2 shows that in 2005, 85.9 Indigenous persons per 1,000 population aged 10 years and over in Western



Note: See description of counting rules under Figure 1  
 Source: Derived from Loh et al. 2007: Tables 2.1 and 2.4

Table 1 Indigenous apprehension reports and Indigenous persons apprehended by type of offence, South Australia 2006 (rates per 1,000 Indigenous population 10 years and over)		
Charge type	Apprehensions	Discrete individuals apprehended
Violent offences	75.0	58.4
Robbery and extortion	3.2	3.1
Offences against property	104.4	67.1
Driving offences	89.1	65.1
Drug offences	4.2	4.0
Offences against good order	199.1	97.3

a: Rates are based on ABS unadjusted population figures for South Australia extracted from the 2006 census (ABS cat. no. 2068.0). The Indigenous population figures are lower than the estimated figures released by the ABS (2006b cat. no. 4705.0) which include adjustments for respondents who did not record their Indigenous status. However, actual census data rather than estimated data were used here because they provide age and gender specific breakdowns not available for the estimated data. See description of counting rules under Figure 1  
 Source: Derived from OCSAR 2007: Table 6.27

Australia had an offence of violence recorded as their most serious charge over that 12 month period, which was 2.4 times as high as that of property offences which, as the second ranked category, recorded a rate of just 36.3 per 1,000 population (Loh et al. 2007).

Patterns were somewhat different in South Australia. Table 1 shows that, while the rate of violent offences in 2006 was still comparatively high, it was lower than those recorded for good order, property and driving offences. This finding applied irrespective of whether analysis focused on all apprehension reports or the number of discrete persons apprehended at least once during the 12 month period.

While these differences between South Australia and Western Australia may indicate actual variations in Indigenous offending patterns, they may also be due to differences in the counting rules used to extract the data. Also relevant is the fact that, as noted earlier, Western Australia includes dangerous driving as a violent offence, whereas South Australia does not.

*Indigenous apprehension rates for different types of violence*

Using apprehension data from Western Australia and South Australia, together with some comparatively early police statistics from New South Wales and national homicide data from the NHMP, this section examines:

- the type of violent offences charged against Indigenous offenders; and

- the extent to which these differ from those recorded by non-Indigenous persons. For simplicity, only data relating to apprehension rates are presented, while rates per discrete individual apprehended during the 12 month period are not included.

The data again indicate broad similarities between these jurisdictions. In particular:

- Indigenous apprehensions are far more likely to involve a charge of assault than any other violent offence; and
- Indigenous apprehension rates are substantially higher than non-Indigenous rates within each violent offence category.

**Western Australia**

In Western Australia, the Indigenous apprehension rate for assaults (78.5 per 1,000 Indigenous population aged 10 years and over) was almost three times that of the next highest violence category, dangerous operation of a vehicle (28.3 per 1,000; see Table 2). In contrast, sexual assault and homicide rates were low.

Table 2 also shows that within each charge subcategory, Indigenous apprehension rates were higher than non-Indigenous rates. Assaults recorded the greatest difference, where the apprehension rate for Indigenous persons was 27 times as high as that of non-Indigenous persons. Large variations were also observed for sexual offences, where the Indigenous rate (3.4) was 11 times that of the

Table 2 Apprehension reports by type of violent offence and Indigenous status, Western Australia 2005 (rates per 1,000 relevant population 10 years and over)		
Charge type	Indigenous rate per 1,000	Non-Indigenous rate per 1,000
Homicide and related offences	0.5	0.4
Acts intended to cause injury (ie assault)	78.5	2.9
Sexual assault and related offences	3.4	0.3
Dangerous or negligent acts endangering persons (ie dangerous operation of a vehicle)	28.5	1.8
Abduction and related offences	0.2	<0.1
Total	111.1	5.1

Note: there were 70 apprehensions involving a violent offence where information on Indigenous status was not recorded

See description of counting rules under Figure 1

Source: Derived from Loh et al. 2007: Table 2.4

non-Indigenous rate (0.3). The smallest difference was recorded for homicides, where the Indigenous rate (0.5 per 1,000 population) was only 1.2 times higher than the non-Indigenous apprehension rate (0.4). However, the total number of homicide apprehensions was small for both groups (Loh et al. 2007).

## South Australia

In South Australia, as in Western Australia, common assault dominated the charge profile of Indigenous offenders, with an apprehension rate of 62.4 per 1,000 Indigenous population aged 10 years and over. This was over nine times as high as the rate recorded for assault occasioning actual or grievous bodily harm (6.7 per 1,000 population). A comparatively low apprehension rate was recorded for sexual offences (3.8 per 1,000 Indigenous population aged 10 years and over) which, at least in part, may be due to the lower reporting and lower detection rates associated with this type of offence, particularly within Indigenous communities.

Across all of the violent charge categories listed, Indigenous apprehension rates were higher than non-Indigenous rates. These inter-group differences

were particularly pronounced for both common assault and assault occasioning actual bodily harm, with Indigenous apprehension rates approximately 20 times as high as the non-Indigenous rates for each. The Indigenous rate for sexual offences (3.8) was almost five times the non-Indigenous rate (0.8).

## New South Wales

Although New South Wales does not publish regular statistics on Indigenous violent offenders, one-off data detailing the number of arrests per selected offence category during the 2000 calendar year show that, as in South Australia and Western Australia:

- the Indigenous arrest rate exceeded the non-Indigenous rate in every offence category listed;
- within the Indigenous group, arrest rates were highest for domestic violence assault (1,993.2 per 100,000 population), followed by the property offence of break/enter (1,895.9 per 100,000 population). These were also the two most prominent charge types laid against non-Indigenous offenders (280.1 and 191.7 per 100,000 population respectively); and

**Table 3** Apprehension reports by type of violent offence and Indigenous status, South Australia 2006 (rates per 1,000 relevant population 10 years and over)

Charge type	Indigenous rate per 1,000	Non-Indigenous rate per 1,000
Homicide related offences	0.4	0.1
Assault	82.4	4.3
Assault occasioning actual/grievous bodily harm	6.7	0.3
Common assault	75.7	4.0
Kidnapping/abduction	0.7	0.1
Ill-treatment of children	0	0
Stalking	0	<0.1
Other non-sexual offences against the person	5.8	0.4
Sexual offences	3.8	0.8
Rape	1.5	0.2
Indecent assault	1.1	0.2
Unlawful sexual intercourse	0.4	0.2
Incest	0	<0.1
Other sexual offences	0.8	0.2
Total	93.1	5.6

Note: In this table, all charges included in apprehension reports are counted

Source: Derived from OCSAR 2007: Tables 6.15 and 6.16

**Table 4 Arrest rates by Indigenous status, New South Wales 2000 (major charge per arrest)**

Offence type	Indigenous rate per 100,000 population	Non-Indigenous rate per 100,000 population	Degree of difference
<b>Violent offences</b>			
Murder	9.7	1.7	+5.7
Sexual assault	133.8	35.5	+3.8
Sexual assault against children	65.5	19.2	+3.4
Assault—domestic violence related	1,993.2	280.1	+7.1
Assault—grievous bodily harm	228.3	20.6	+11.1
<b>Property offences</b>			
Robbery	402.1	65.7	+6.1
Break/enter	1,895.9	191.7	+9.9
Motor vehicle theft	689.7	92.0	+7.5

Note: These data cannot be compared with those from South Australia and Western Australia because the NSW data relate only to arrests and exclude persons apprehended by other means (such as a summons)

Source: Weatherburn, Fitzgerald & Hua 2003: 67

- although arrest rates for murder were comparatively low for both groups, the Indigenous rate (9.7 per 100,000 population) was almost six times as high as the non-Indigenous rate (1.7 per 100,000 population; Weatherburn, Fitzgerald & Hua 2003).

The NSW data also contain separate breakdowns for the sexual assault of children. Among both Indigenous and non-Indigenous offenders, these rates were lower than those recorded for all sexual assaults. However, the Indigenous rate (65.5 per 100,000 population) still exceeded the non-Indigenous rate (19.2 per 100,000 population) by a factor of 3.4.

### *National homicide data*

Arguably the only source of national data on Indigenous apprehensions for violence is that provided by the AIC's NHMP. It indicates that a disproportionately high percentage of homicides in Australia are committed by Indigenous offenders. In 2005–06, Indigenous persons constituted 22 percent of those 314 individuals charged with homicide (where racial identity was recorded), although they constituted less than three percent of the Australian population (Davies & Mouzos 2007).

Indigenous overrepresentation was particularly pronounced in the Northern Territory, where this group accounted for all 27 persons apprehended for this offence in 2005–06. In Western Australia, 41 percent of persons apprehended for homicide were Indigenous (12 of the 29), which was 9.2 times higher than expected, given that this group represented only three percent of that state's total population. They also accounted for 13 of the 62 homicide offenders in Queensland (21%), 12 of the 111 in New South Wales (11%) and two of the 23 in South Australia (7%). Of the 53 persons apprehended for this offence in Victoria in 2005–06, none were Indigenous. The same applied in Tasmania, where only two offenders were apprehended that year for homicide (Davies & Mouzos 2007).

Even these disproportionately high figures are likely to underestimate the actual level of Indigenous homicides as they do not include victims (predominantly females) whose deaths are ostensibly attributed to other factors (such as renal failure) but which are, in effect, the culmination of long-term spousal abuse (Memmott & National Crime Prevention 2001).

# Self-reported levels of Indigenous violent offending

## Indigenous population surveys: 1994 NATSIS and 2002 NATSISS

According to the 1994 NATSIS, over 20 percent of Indigenous respondents aged 13 years and over living in urban and rural/remote Australia reported that they had been arrested by police at least once in the preceding five years. Of these, 17 percent indicated that their most recent arrest had been for assault. This was lower than the proportion arrested for disorderly conduct/public drinking (32%) and drink driving (23%). However, it was higher than the percentage arrested for theft/burglary (15%; Mukherjee et al. 1998). At the time of the 2002 NATSISS, the proportion of Indigenous respondents arrested in the preceding five years had declined to 16 percent (while the age range of persons surveyed by NATSIS and NATSISS was slightly different, namely 13 years and over compared with 15 years and over (ABS 2004), this is unlikely to have affected the results). However, no specific breakdowns of the types of offences involved were collected.

## Targeted population surveys: The NSW School Survey

In contrast to the national Indigenous population surveys, a 1999 survey of 3,600 secondary school

students in New South Wales sought information on the prevalence and frequency of each individual's actual offending behaviour, irrespective of whether it came to official notice (Weatherburn, Fitzgerald & Hua 2003). As summarised in Table 5, a higher proportion of Indigenous students indicated they had committed at least one offence in the previous 12 months than non-Indigenous students. This difference applied across all six offence categories examined, including assault. Among Indigenous students, one in five (19%) indicated that they had committed at least one assault in the preceding 12 months, while among those Indigenous students classified as 'active offenders', just over half (51%) admitted committing more than five assaults during that period. Both figures were more than double those recorded by non-Indigenous students. Among this latter group, only eight percent admitted to committing at least one assault in the preceding 12 months while 22 percent of those students classified as 'active offenders' reportedly committed five or more assaults during the same period.

## Offender-based surveys

As noted earlier, a particularly useful source of information on self-reported violence among Indigenous offenders is the DUCO survey. However, because the respondents were all incarcerated at the time of interview, the results apply only to a subset of relatively serious offenders and should not be generalised to all offenders.

Table 5 Self-reported offending among Indigenous and non-Indigenous school students in New South Wales, 1999						
Offence	% who committed at least 1 offence in past 12 months			Of those who were active offenders, % who committed more than 5 offences in past 12 months		
	Indigenous %	Non-Indigenous %	Students per category (n)	Indigenous %	Non-Indigenous %	Students per category (n)
Assault	19	8	324	51	22	107
Vehicle theft	10	2	100	50	20	39
Break/enter	9	4	139	43	18	50
Receiving	24	17	615	40	19	171
Shoplifting	16	8	291	45	28	135
Malicious damage	36	32	1,132	33	19	309

Source: Weatherburn, Fitzgerald & Hua 2003: Table 1: 68

During one phase of this project, information on self-reported offending was collected from 2,135 adult males imprisoned in Western Australia, Queensland, Tasmania and the Northern Territory in mid 2001. Approximately one-quarter of these individuals were Indigenous. Based on their self-reported lifetime offending behaviour, one-third (34%) of Indigenous respondents were classified as regular violent offenders while one-third (32%) were also listed as regular multiple offenders (Makkai & Payne 2003).

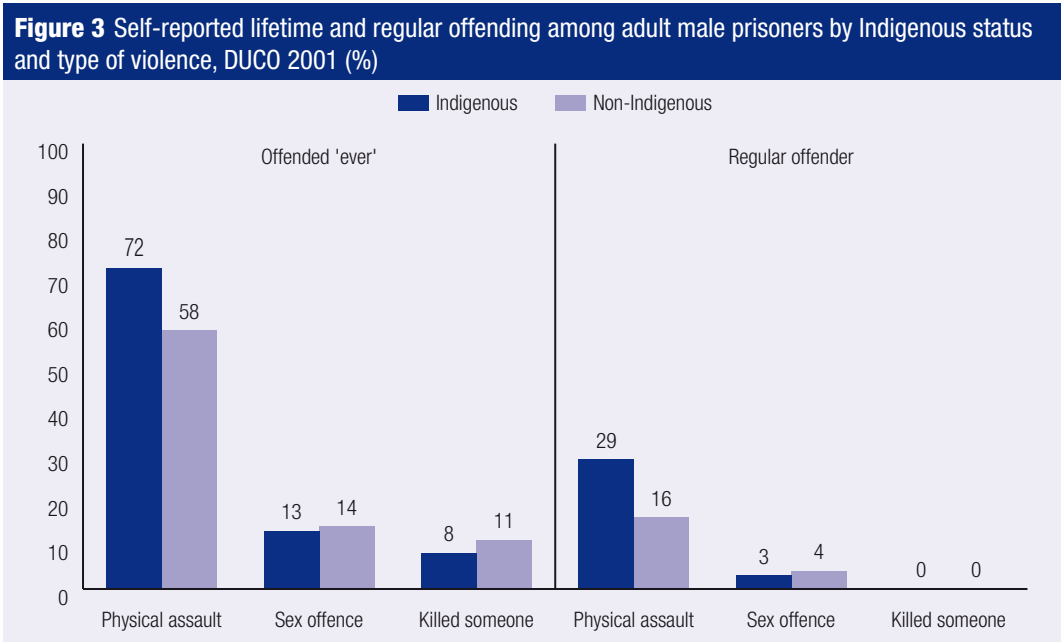
When asked about the particular types of violence committed at any stage during their lifetime (see Figure 3) over seven in 10 Indigenous respondents (72%) admitted to physically assaulting another person, while one in three (29%) reportedly did so on a regular basis. The proportion who admitted to sexual offending, either ‘ever’ or ‘regularly’, was substantially lower (at 13% and 3% respectively; Putt, Payne & Milner 2005).

The percentage of Indigenous prisoners who reported that they had committed at least one physical assault ‘ever’ or ‘regularly’ was significantly higher than that reported by non-Indigenous prisoners. In contrast, no significant inter-group differences were observed for sex offences or for the act of ‘killed someone’.

That physical assault featured prominently in the offending profile of these Indigenous prisoners is further indicated in Table 6, which compares levels of self-reported behaviour across a range of violence and non-violent offence types. Assault was the highest ranking offence ‘ever’ committed and was the third highest offence committed on a regular basis, behind buying illegal drugs and break/enter.

A second component of DUCO conducted in 2003 surveyed 470 adult female prisoners in six Australian jurisdictions (Johnson 2004); of these, 27 percent were Indigenous. As was the case with males, almost three-quarters of the Indigenous female respondents (73%) admitted to physically assaulting another person at some stage in their lives, while of these, 16 percent did so on a regular basis. These figures were much higher than those recorded by non-Indigenous females, 40 percent of whom admitted to an assault ‘ever’ while of these, only five percent admitted to regular involvement in this type of offending. As a result, the escalation rate (ie the percentage of those who, having committed the initial offence, went on to become regular offenders) was higher among Indigenous than non-Indigenous women (22% compared with 13%).

As Table 7 shows, in terms of the lifetime offending patterns of Indigenous women, assault was the



Source: Putt, Payne & Milner 2005: 3



**Table 6** Self-reported lifetime and regular offending among Indigenous adult male prisoners by type of offence: DUCO 2001 (%)

Offence type	Indigenous prisoners who reported ever committing this offence	Indigenous prisoners who reported regular involvement in this offence
Physical assault	72	29
Break/enter	61	32
Bought illegal drugs	56	46
Motor vehicle theft	52	23
Stealing without break in	48	24
Traded stolen goods	34	21
Vandalism	33	9
Sold illegal drugs	30	18
Robbery without weapon	24	9
Armed robbery	19	8
Sex offence	13	3
Fraud	12	4
Killed someone	8	0

Source: Putt, Payne & Milner 2005: 3

**Table 7** Self-reported lifetime and regular offending among adult women prisoners by Indigenous status and offence type, DUCO 2003 (%)

Offence type	Indigenous			Non-Indigenous		
	Ever	Regular	Escalation	Ever	Regular	Escalation
Physical assault	73	16	22	40	5	13
Break and enter	40	24	60	32	15	47
Stealing without breaking in	44	30	68	55	33	60
Traded stolen goods	35	22	63	44	29	66
Vandalised property	20	–	–	16	2	13
Fraud, forgery	23	12	52	48	22	46
Robbery without weapon	14	5	36	11	2	18
Armed robbery	12	–	–	14	2	14
Drug offences	61	52	85	72	66	92

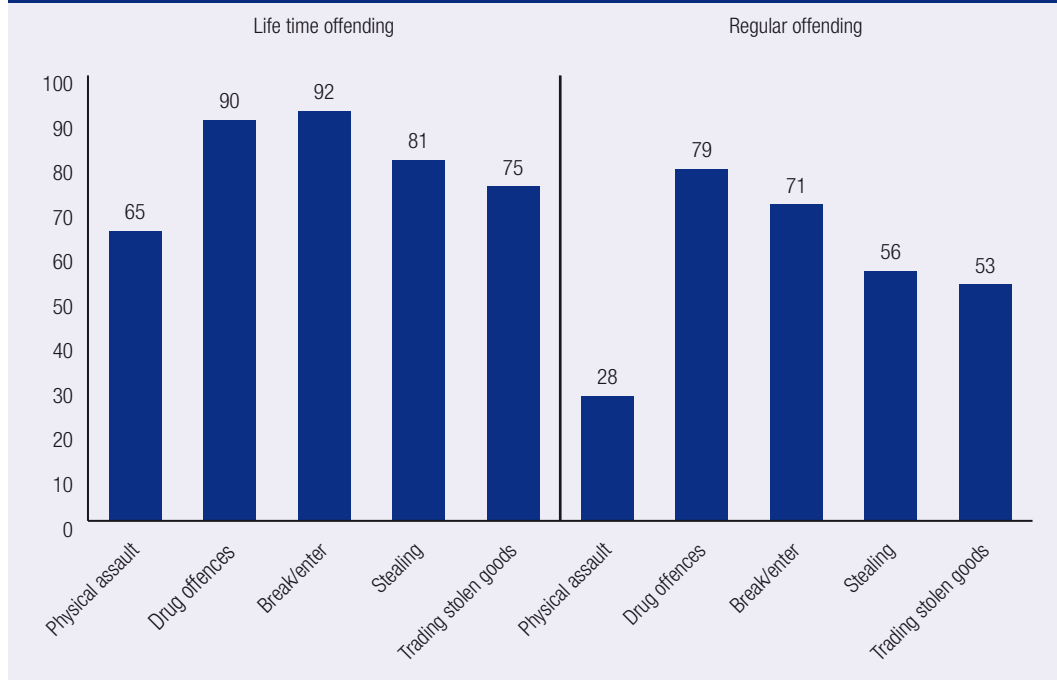
Source: Johnson 2004: 95

highest ranked offence, followed by drug offences (61%) and break/enter (40%). However, among regular Indigenous offenders, assault was ranked well down the list, behind drug offences, stealing and break/enter. As a result, the escalation rate for assault was low compared with the other categories listed. In other words, while a higher proportion of Indigenous female prisoners had committed this type of violence at some stage in their lives

compared with property or drug offending, far fewer went on to become regular violent offenders. A relatively similar pattern was observed among non-Indigenous female prisoners.

While the self-reported offending profiles of Indigenous male and female adult prisoners were relatively similar, the juvenile component of DUCO (involving mainly male respondents) produced some

**Figure 4** Self-reported lifetime and regular offending among Indigenous juvenile detainees by offence type, DUCO 2004 (%)



Source: Prichard & Payne 2005: 84

different results (Prichard & Payne 2005). This survey of 371 young people held in custody in 2004 across Australia showed that Indigenous youths (who comprised 59% of the total sample) were less likely to engage in physical assault than in drug offences, break and enter, stealing and trading stolen goods either during their lifetime or on a regular basis (see Figure 4).

Also, contrary to the adult findings, significantly fewer Indigenous than non-Indigenous juveniles had committed an assault ever (65% compared with 84% respectively), while slightly (but not significantly) fewer of these were regularly involved in this type of behaviour (28% of Indigenous and 31% of non-Indigenous youths). Overall, the escalation rate for physical assault was relatively similar (at 43% for young Indigenous detainees and 37% for non-Indigenous detainees).

## Extent of Indigenous violent offending: A summary

While anecdotal information suggests that violent behaviour is widespread within many Indigenous communities, most of the available statistics measure either the individual's level of contact with the criminal justice system or the self-reported offending behaviour of small, potentially unrepresentative, groups of Indigenous offenders (notably prisoners) currently being dealt with by the criminal justice system. Despite these limitations, police apprehension data from Western Australia and South Australia indicate that, in recent years:

- Indigenous people were substantially more likely to be apprehended by police for an offence of violence than non-Indigenous people. In both states, the Indigenous apprehension rate for violent offending was between 15 and 20 times the non-Indigenous rate.

- In Western Australia, Indigenous persons were more likely to be apprehended for a violent offence than for any other type of offence, such as property, drug or good order matters. These findings did not apply in South Australia and this may be due to the different counting rules used to extract the data.
- By far, the most common violent offence charged against Indigenous persons was common or minor assault. In contrast, rates of apprehension for sexual assault were very low in both states, although this may be more reflective of low reporting and detection levels rather than low involvement in this type of behaviour.
- Irrespective of the type of violence involved, Indigenous apprehension rates consistently exceeded non-Indigenous rates.

Indigenous population surveys and self-report studies of students and prisoners identified similar patterns.

- According to the 1994 NATSIS, one in five Indigenous persons had been arrested by police at least once in the preceding five years, and of these, 17 percent had been charged with assault at the time of their most recent arrest.
- A NSW survey of school students found that one in five Indigenous students admitted to assaulting another person in the preceding 12 months, while among those classified as 'active offenders', one in two reported committing more than five assaults in the same period. These figures were double those reported by non-Indigenous students.
- Among adult male and female prisoners surveyed as part of DUCO, approximately three-quarters admitted to assaulting another person at least once in their lifetime, while 29 percent of Indigenous males and 16 percent of Indigenous females apparently did so on a regular basis. These figures were substantially higher than those recorded by non-Indigenous prisoners. In contrast, although levels of assaultive behaviour were still high among Indigenous juvenile detainees, they were lower than those recorded by non-Indigenous detainees.

## Recidivism among violent Indigenous offenders

In the absence of any population-based surveys designed to obtain details from Indigenous respondents on their actual levels of offending and re-offending, most Indigenous recidivism studies undertaken in Australia have had to rely on official criminal justice data. These have defined recidivism either as re-apprehension, re-conviction or re-imprisonment and as such, have measured re-contact with the system itself, rather than actual re-offending behaviour. Although the overwhelming majority of these have focused on all Indigenous offenders rather than violent offenders per se, they have consistently identified much higher levels of re-contact among Indigenous than non-Indigenous offenders, irrespective of age or gender (for an overview of some of the findings on Indigenous re-contact in general see SCRGSP 2007: s 9.2).

Similar findings have emerged from the handful of analyses that have attempted to assess levels of re-contact by Indigenous violent offenders (see below). However, in presenting these results, it should be noted that such studies are beset by classification problems because of the fact that most recidivists do not specialise in only one type of offending. The usual strategy adopted is to classify offenders according to the offence for which they were most recently charged, convicted or imprisoned. But this is artificial because it defines as 'non-violent' those individuals who, although currently being dealt with for another type of offence, such as a property or drug matter, may have had prior episodes of violence. A more accurate approach would be to classify perpetrators according to the number of violent offences for which they were charged, convicted or imprisoned over a specified time period (eg 1 or 5 years). However, such data are not easily extracted from official criminal justice databases. This definitional limitation should be borne in mind when interpreting the results outlined below.

## Prisoners' prior contact with the custodial system

The annual census of adults in Australian prisons includes statistics on the proportion who had previously served a term of incarceration, according to the type of offence for which the individual was currently imprisoned (ABS 2006a).

As Figure 5 indicates, of the 396 Indigenous persons incarcerated across Australia on 30 June 2006 for a homicide or related offence, 65 percent had a record of prior incarceration, as did:

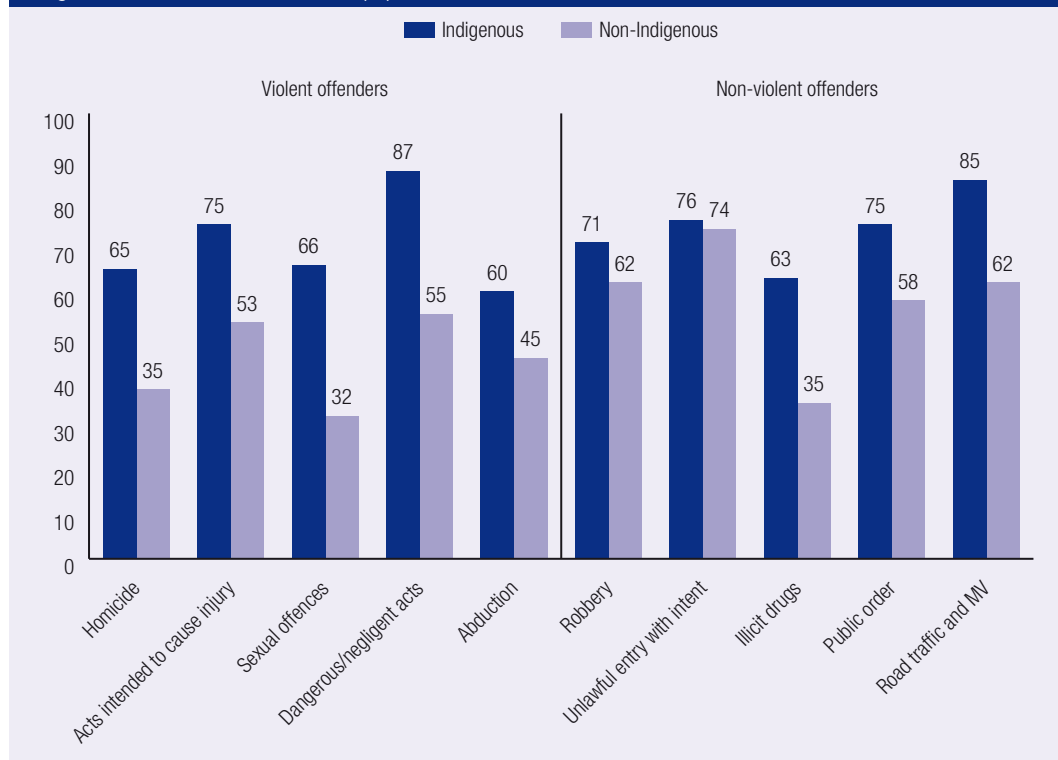
- Seventy-five percent of those currently imprisoned for acts intended to cause injury;
- Sixty-six percent of sexual offenders;
- Eighty-seven percent of those incarcerated for dangerous/negligent acts; and

- Sixty percent for those involved in abduction or a related offence.

These figures were generally consistent with those recorded by Indigenous offenders currently imprisoned for a non-violent offence. Among this latter group, the percentage who had previously been incarcerated ranged from 69 percent of those currently imprisoned for deception or property damage, up to 85 percent of those currently in jail for a road traffic/motor vehicle regulatory offence.

Figure 5 also shows that a much higher proportion of Indigenous prisoners currently serving time for a violent offence had a prior record compared with their non-Indigenous counterparts. Indigenous levels ranged from 1.3 times greater for abduction up to 2.1 times greater for sexual offences. Similar variations were also observed between Indigenous and non-Indigenous non-violent offenders.

**Figure 5** Sentenced prisoners who had a prior imprisonment by most serious current offence and Indigenous status, Australia, 2006 (%)



Note: for comparative purposes, only a selection of non-violent offences have been included here

Source: ABS 2006a: Table 8

# Predicting re-contact with the prison system

Rather than focusing on an individual's prior contact with the criminal justice system, an alternative approach is to use survival analysis to determine the probability that an individual will re-offend in the future. One of the few (and by now, somewhat dated) studies undertaken in Australia examined the likelihood of re-incarceration among first-time Indigenous and non-Indigenous prisoners released from WA jails between July 1975 and June 1984 (Broadhurst et al. 1988). The study paid particular attention to differences in the probability of re-contact among male prisoners, depending on the type of offence for which individuals were imprisoned at the time of release. It also examined the time taken between initial release and re-imprisonment (ie the time to 'fail').

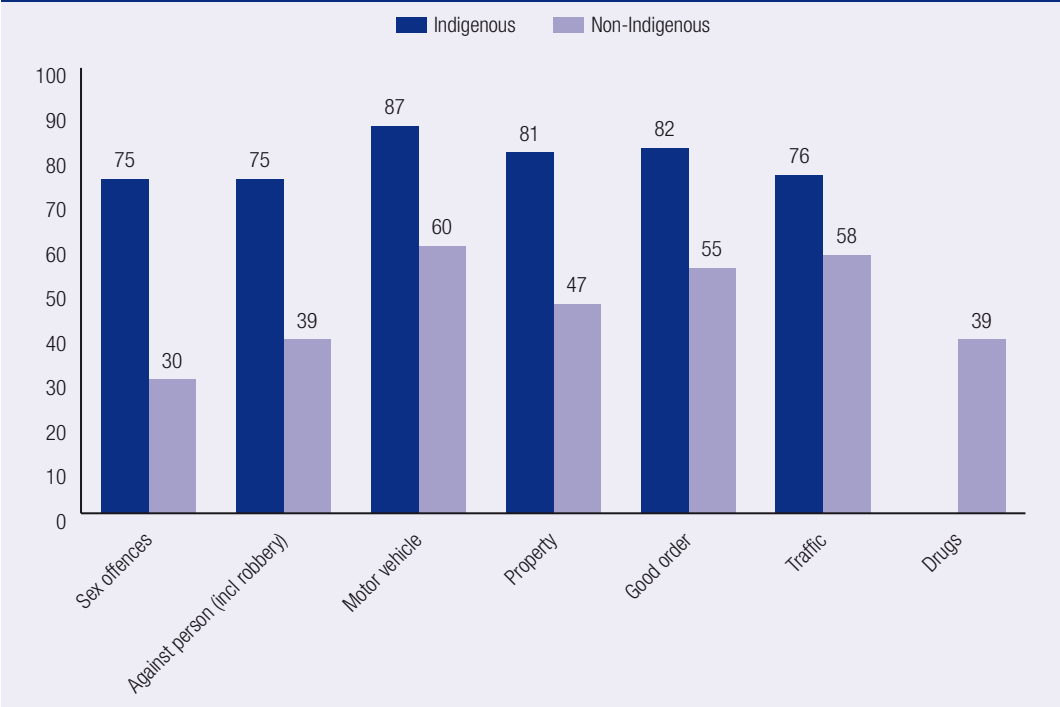
While levels of re-incarceration among Indigenous male releasees were very high across all offence

types, Indigenous sex offenders and 'against person' offenders had slightly lower probabilities of re-incarceration (75% per category) than did motor vehicle theft, property and good order offenders, all of whom had probabilities exceeding 80 percent (see Figure 6).

While non-Indigenous releasees exhibited greater variability in re-incarceration probabilities from one offence type to another, the patterns were similar to those of Indigenous releasees. Non-Indigenous males imprisoned for a sex offence or an offence against the person had a lower probability of being re-incarcerated than those previously imprisoned for a motor vehicle, property, good order or traffic offence.

However, across all offences types, Indigenous male releasees had a higher probability of re-incarceration than non-Indigenous male releasees. The greatest discrepancy between the two groups was recorded for sex offences (where the Indigenous probability of re-incarceration was 2.5 times greater than the

**Figure 6** Probability of re-incarceration among male prison releasees by Indigenous status, Western Australia 1975–84 (%)



Note: The very small numbers of Indigenous persons with a most serious offence of homicide (n=20) or drug offences (n=10) prevented reliable calculation of recidivism probabilities for these two offence types

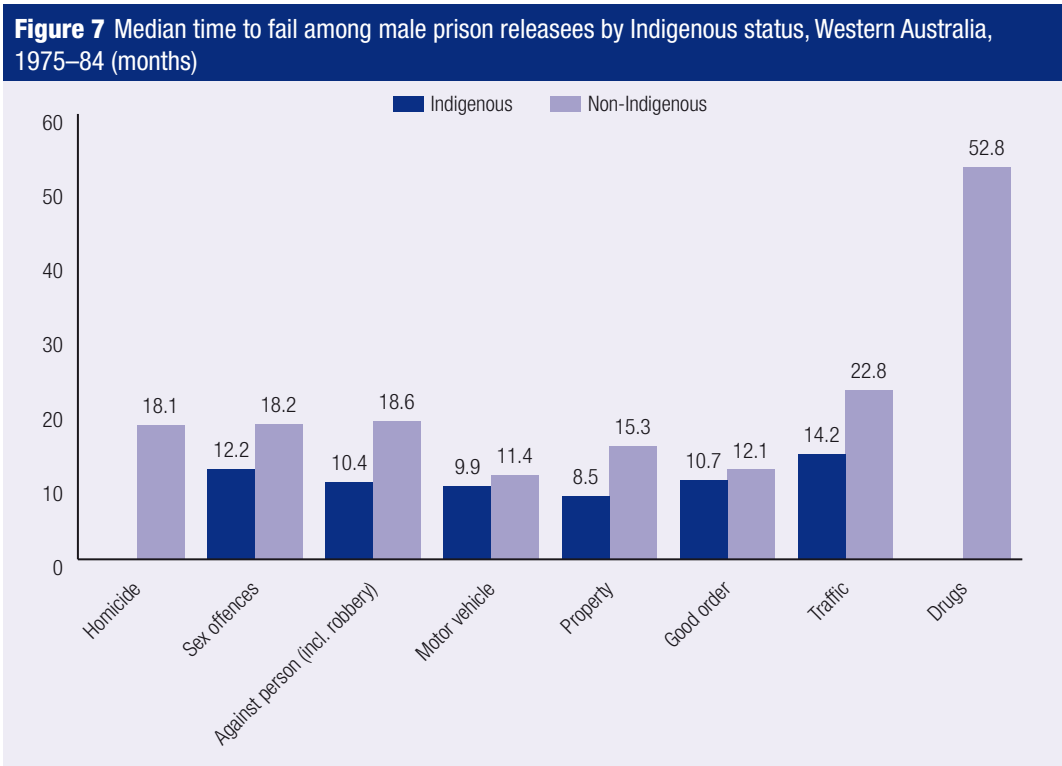
Source: Broadhurst et al. 1988: 94

non-Indigenous probability) and against person offences (1.9 times greater). In contrast, the Indigenous probability of re-incarceration for traffic offences was only 1.3 times higher than the non-Indigenous figure.

In terms of the median time taken by Indigenous males to 'fail' (ie to be re-incarcerated) there were some slight variations between offence types. For those most recently imprisoned for a sex offence or an 'against person' offence, it took only 12.2 months and 10.4 months respectively for them to be re-incarcerated (see Figure 7). These were slightly higher than the results for property offenders (who had a median 'time to fail' of 8.5 months) but lower than for traffic offenders (14.2 months). A similar pattern was evident among non-Indigenous male releasees. Those who were serving time for a sex offence or an 'against person' offence at the point of release took slightly longer to be re-incarcerated than property offenders, but recorded a shorter time to 'fail' than traffic offenders and, most noticeably,

drug offenders. Interpreting the findings is difficult, however, because the time taken to be re-incarcerated is a product of both the time taken to re-offend and the time taken by the criminal justice system to reconvict and re-imprison that individual. The more serious the offence, the longer it usually requires to complete the judicial process, particularly if the defendant enters a 'not guilty' plea.

A follow-up study of prisoners released from Western Australian jails between 1 July 1975 and 30 June 1987 focused on re-contact levels among 560 male sexual offenders. Rather than classifying individuals according to the offence for which they were imprisoned at the time of release, the study defined a sex offender as any prisoner who had been incarcerated for a sexual offence at some stage during their recorded criminal careers. It also considered the type of offence for which these individuals were re-incarcerated. Results indicated that the chance of re-incarceration was significantly higher for Indigenous than non-Indigenous sex



Note: The very small numbers of Indigenous persons with a most serious offence of homicide (n=20) or drug offences (n=10) prevented reliable calculation of recidivism probabilities  
Source: Broadhurst et al. 1988

offenders (80% compared with 35% respectively). For both groups, the probability of re-incarceration was higher among younger individuals and those with a prior record, although the same was also true of non-sex offenders. There was also a relatively high probability that sex offenders would be re-incarcerated for a violent offence, although the degree of 'specialisation' in sex offences per se was low. The study therefore concluded that 'aggression rather than perversion is the more salient characteristic of sex offenders' (Broadhurst & Maller 1991).

The finding that Indigenous violent offenders are more likely to be re-incarcerated and within a shorter timeframe than their non-Indigenous counterparts has since been replicated by other studies. For instance, an analysis of nearly 9,000 violent male offenders released from prison in all Australian jurisdictions over a two year period (2001 and 2002) found that proportionately, more Indigenous than non-Indigenous prisoners (55% and 31% respectively) were re-incarcerated within two years of release and, on average, they returned to prison more quickly, with almost one-quarter (24%) re-incarcerated within six months of initial release, compared with only 12 percent of non-Indigenous releasees. Indigenous violent offenders were also far more likely than their non-Indigenous counterparts to be re-imprisoned for a violent crime. This was particularly true of assault, with 44 percent of Indigenous prisoners re-admitted for this offence, compared with only 20 percent of non-Indigenous releasees. In contrast, the latter were more likely to have committed robbery, break and enter or theft offences (Willis & Moore 2008).

A study of Northern Territory adult prisoners released in 2001–02 also found that Indigenous offenders were three times more likely to return to prison within two years than non-Indigenous offenders (45% compared with 15% respectively). Although no Indigenous breakdowns were provided, the highest rate of return to prison was recorded by those who, at the time of release, had been serving time for assault. This group also recorded the highest rate of return for committing the same type of offence (31%; Northern Territory Office of Crime Prevention 2005).

### *Indigenous status as an independent predictor of the likelihood of re-offending*

While Indigenous offenders seem to have higher recidivism levels (as defined by re-contact with the criminal justice system) than non-Indigenous offenders, a range of other variables (such as age, gender and prior criminal record) are also associated with higher rates of recidivism. Hence, Indigenous status itself may not be the key issue, but instead, Indigenous offenders are more likely than their non-Indigenous counterparts to possess characteristics that constitute risk factors for violence. In other words, 'Aboriginality may be a factor that catches a number of stigmatising characteristics (such as truancy, unemployment, substance abuse) and in a sense operates as a shorthand predictive model' for both re-offending and re-contact with the system (Broadhurst 1997: 417).

Some studies have attempted to explore this issue by testing whether Indigenous offenders continue to record higher re-contact levels when the effects of some other factors are being controlled. While not focused on violent offenders per se, their findings are worth noting here.

One study involved 3,352 sentenced prisoners released from Victorian prisons in 2002–03, five percent of whom were Indigenous (Hollard, Pointon & Ross 2007). Like the earlier WA study described above, it found that:

- Indigenous prisoners returned to jail at significantly higher rates than non-Indigenous prisoners, with 50 percent being re-incarcerated within two years of release compared with 34 percent of non-Indigenous prisoners.
- The time taken to return to prison was shorter for Indigenous prisoners, with a 60 percent higher rate of return in the first six months than would have been expected if recidivism levels had remained constant over the two year follow-up period.

To identify those factors that were potentially predictive of these re-imprisonment trends, six variables were tested:

- age at time of release;
- gender;
- Indigenous status;
- whether the prisoner was serving a sentence for property offences at the time of initial release;
- time served; and
- number of prior terms of imprisonment.

Results indicated that the strongest predictor of a return to prison was the number of prior imprisonment terms experienced by the individual, followed by their age at the time of release and whether or not a property offence was involved. In combination, these three variables correctly predicted 73 percent of all 'return to prison' cases. Indigenous status was not found to be a significant predictor when the effects of these other variables were controlled for. The higher recidivism rates for Indigenous prisoners could therefore be explained by the fact that this group was generally younger than their non-Indigenous counterparts (with an average age of 28.8 years compared with 32.1 years for non-Indigenous prisoners) and had a greater number of prior imprisonments (at an average of 3.4 per person compared with 2.1 per person for non-Indigenous prisoners).

Other research though has produced different results. One study measured the risk of re-offending (defined as reappearance in court for an offence allegedly committed after release) among a group of NSW prisoners granted parole in 2001–02 (Jones et al. 2006). It found that Indigenous offenders were 1.4 times more likely than non-Indigenous releasees to reappear in court, even when factors such as prior custodial episodes, prior drug convictions, age, type of parole, time spent in custody and the offence for which they were imprisoned prior to being granted parole had been partialled out. Indigenous status proved to be the third strongest predictor of the time taken to re-offend. Given the possibility that these inter-group differences could be due to differential rates of detection rather than to differential offending, the study re-analysed the data excluding those offences most susceptible to police discretion. It found that the remaining Indigenous offenders still had a higher risk of re-offending than their non-Indigenous counterparts.

Another study, which focused on youths who first appeared in the NSW Children's Court in 1995,

examined re-offending over an eight year period, with re-offending again defined as a reappearance in court (Chen et al. 2005). Results indicated that among the 693 Indigenous youths in the sample, the average number of reappearances was 8.3 compared with 2.8 for the 4,783 non-Indigenous youths. Indigenous status proved to be a significant predictor of the number of reappearances, even when the effects of age at first court appearance, gender and principal offence at first appearance were controlled for. The study also found that being Indigenous increased the likelihood of appearing in an adult court once the individual turned 18 years of age, with nine in 10 Indigenous males who had appeared at least once in the Children's Court being almost certain to appear in an adult court within eight years of their first juvenile appearance. Non-Indigenous males had a lower (6 in 10) chance of a subsequent adult court appearance. The likelihood of an adult court appearance by female Indigenous offenders was also much higher than that of non-Indigenous females with eight in 10 likely to appear in an adult court compared with less than three in 10 non-Indigenous females.

It should be noted, however, that these studies were unable to control for more than a handful of variables known to be associated with re-offending. If a broader range of information on each individual had been available for testing, the role of Indigenous status in predicting re-offending may have been significantly weakened.

## Victims of Indigenous violent offending

Many government inquiries into violence in Indigenous communities do not 'explore or state the race or cultural identity of the victims and perpetrators' but instead, imply that 'not only are all members of Indigenous communities Indigenous people, but that both parties to the assault are Indigenous' (Keel 2004: 6). Allied with this is an assumption that most intra-community violence is, in fact, family violence. However, very little data are available that shed any light on these issues. What little can be gleaned from the literature is summarised below.



## Indigenous status of victims and offenders

Data from the NHMP indicates that, at a national level, well over nine in 10 homicides are intra-racial in nature—that is, both the victim and offender were from the same racial group. As Table 8 shows, excluding those incidents where relevant details were not recorded, over eight in 10 (n=203 or 83%) of the 245 homicides brought to police attention in 2004–05 involved a non-Indigenous person as both perpetrator and victim, while in 14 percent of cases (n=35), both were Indigenous. Only seven homicides (3%) were classified as interracial and of these, the majority (5 of the 7) involved an Indigenous offender and a non-Indigenous victim (SCRGSP 2007).

Earlier data from Western Australia indicate a similar profile for sexual assault incidents. Of those for which relevant data were available, 95 percent were intra-racial, with 10 percent involving an Indigenous person as both victim and offender. Very few were interracial (36 of 678, or 5%) and of these, the majority (n=26) involved an Indigenous perpetrator and non-Indigenous victim. A different pattern was evident, however, for assaults. As Table 8 shows, a much lower proportion (78%) were intra-racial while conversely, 22 percent were interracial. And of the 852 inter-racial assaults, over nine in 10 (n=794) comprised an Indigenous perpetrator and a non-Indigenous victim. This finding is somewhat

contrary to the common perception that the overwhelming majority of Indigenous violence occurs within the group.

Interesting findings also emerge when these data are analysed from the perspective of the offender. While the overwhelming majority (88%) of the 40 homicides perpetrated by an Indigenous offender involved an Indigenous victim, this was not the case for sexual assaults and, more particularly, for assaults. Of the 94 sexual assaults perpetrated by an Indigenous offender, over one-quarter (28%) involved a non-Indigenous person as did almost one-half (47%) of the 1,680 assaults committed by Indigenous offenders. Although the WA statistics, in particular, are now somewhat dated and are hampered by the high percentage of incidents where the Indigenous status of both victim and perpetrator is not recorded (see footnote to Table 8), these findings point to a higher level of interracial offending by Indigenous perpetrators than has generally been acknowledged.

Results are less surprising when a victim perspective is adopted. In line with general expectations, the majority of Indigenous victims are attacked by other Indigenous persons. More specifically, of the 37 homicides recorded in Australia in 2004–05 that involved an Indigenous victim, 35 (95%) were committed by an Indigenous perpetrator, as were 94 percent of the 944 assaults and 87 percent of the 78 sexual assaults involving an Indigenous victim recorded in Western Australia in 1993. But while

**Table 8** Racial identity of victims and offenders (%)

	Homicide Australia 2004–05 <sup>a</sup>	Assault WA 1993 <sup>b</sup>	Sexual assault WA 1993 <sup>b</sup>
Indigenous offender, Indigenous victim	14	23	10
Non-Indigenous offender, non-Indigenous victim	83	55	85
Total intra-racial	97	78	95
Indigenous offender, non-Indigenous victim	2	20	4
Non-Indigenous offender, Indigenous victim	1	2	1
Total interracial	3	22	5
Total	100 (n=245)	100 (n=3,905)	100 (n=678)

Note: There were 13 homicides where the racial identity of either the victim or offender was unknown. The number of unknowns was higher for the WA data, accounting for 4,202 of the 8,107 assaults (52%) and 891 of the 1,569 sexual assaults (57%). However, the majority of these incidents (3,661 and 820 respectively) involved a non-Indigenous victim and an unknown offender. If, as the above Table suggests, non-Indigenous victims of sexual assaults are usually targeted by non-Indigenous offenders, then it could be argued that the racial profile for sexual assaults would not differ much from that outlined in the Table even if data were available for these missing cases. The situation for assaults is more ambiguous

a: SCRGSP, attachment Table 3A.10.6

b: Broadhurst, Ferrante & Harding 1995: 29

these findings are in line with expectations, the role played by non-Indigenous offenders should not be ignored, particularly in relation to sexual assaults where, according to the above data, they account for 13 percent of all sexual assaults against Indigenous victims. Anecdotal evidence supports this finding. For example, the Inquiry into child sexual assault in the Northern Territory found evidence of what it described as non-Aboriginal 'paedophiles' who infiltrated Indigenous communities to sexually abuse children. Such individuals often held positions of influence and trust within the community (Wild & Anderson 2007: 61) which meant that at times, the families of the young female victims did not try to prevent the abuse because of a fear of losing entitlements and other benefits which the perpetrator had helped them obtain (Coorey 2001: 7). The Inquiry also cited examples of more organised offending where non-Aboriginal men ran 'an elaborate scheme that involved taking young Aboriginal girls from the remote community to town and trading sex with the girls for drugs' (Wild & Anderson 2007: 64). It also identified a 'rampant informal sex trade' between Indigenous girls (some as young as 12 years old) and non-Indigenous workers from the local mining company, with the girls receiving alcohol, cash and other goods in return. Yet, because of the girls' age, this constituted unlawful sexual intercourse. Another example of transactional sex included the exploitation by taxi drivers of young Indigenous girls who either exchanged sex for free taxi rides, or were procured by the taxi drivers for non-Indigenous clients (Wild & Anderson 2007: 61–64).

While not empirically tested, the extent to which Indigenous people are the victims of non-Indigenous violence may be higher in urban areas. For example, a community survey conducted in Adelaide found that, of all Indigenous sexual assaults identified, 42 percent were perpetrated by non-Indigenous males while 41 percent were committed by Indigenous males (Carter 1987). The remaining 17 percent were pack rapes involving both Indigenous and non-Indigenous offenders acting in concert. The study also found that where the perpetrator was Indigenous, he was usually known to the victim, whereas in those instances where the perpetrator was non-Indigenous, he was more likely to be a stranger or only known to the victim by sight.

While the results from the Adelaide survey are now somewhat dated and cannot be generalised to other types of violence or to other Indigenous communities, they do suggest that the extent to which Indigenous violence involves non-Indigenous persons as either the victims or perpetrators may warrant closer investigation. At the very least, it seems important to acknowledge that some acts of violence within Indigenous communities are committed by non-Indigenous perpetrators, thereby challenging what seems to be a widespread tendency to often lay the blame for such behaviour at the feet of Indigenous people.

### *Relationship of offender to victim*

Numerous reports contain details on the Indigenous victim's relationship to the offender. As summarised by Bryant and Willis (2008), these show that in the overwhelming majority of cases, the perpetrators of such violence are identified by the victim as family members. However, very little information is available on the converse—that is, on the Indigenous offender's relationship to the victim. In the absence of such data, it seems reasonable to assume that, if victims report that their attackers are predominantly family members, then the converse will also hold true; namely that Indigenous perpetrators of violence will predominantly target Indigenous victims.

This assumption gains some support from the NHMP data. During 2004–05, in over three-quarters (n=27 or 77%) of the 35 'Indigenous' homicides, the victim was related to the offender, either as an intimate partner or as a family member. In a further 20 percent of cases, the victim was a friend or acquaintance. Only one (3%) of the 35 'Indigenous' homicides involved a stranger (SCRGSP 2007). The results for non-Indigenous homicides were quite different. A much smaller proportion of such incidents were directed against an intimate partner or family member (40%) while a higher proportion of victims were either a friend or acquaintance of the offender (30%) or a stranger (16%). In a further 11 percent of non-Indigenous homicides, the victim's relationship to the offender was recorded as 'other'. Of the seven interracial homicides recorded in 2004–05, none involved a family member, while the majority involved a stranger (SCRGSP 2007).

That a high proportion of ‘Indigenous’ homicides are perpetrated against a family member is not surprising, given that all are intra-racial. What is not clear, however, is whether these patterns would hold true for other forms of violence where, at least according to the WA assault data cited previously, a much higher proportion of the victims of Indigenous violence (47%) may be non-Indigenous.

## Recidivism and victim/offender characteristics: A summary

Despite the paucity of empirical data, some tentative conclusions can be drawn from the preceding discussion. In particular:

- Indigenous violent offenders are substantially more likely than their non-Indigenous counterparts to be re-incarcerated and to be re-incarcerated for a violent offence, particularly assault.
- The average time between initial release and re-imprisonment is also shorter for this group compared with non-Indigenous violent offenders.
- The extent to which Indigenous status is predictive of re-offending once the effect of some other factors, such as age, gender and prior criminal record, have been taken into account is unclear. While some analyses have indicated that Indigenous status remains an independent predictor of re-offending, others have shown that this relationship disappears when other variables are factored in. This latter finding seems the most logical given that, as a group, Indigenous people are substantially disadvantaged across a range of indicators, many of which constitute risk factors for violence. If the effects of all relevant risk factors could be partialled out rather than just some of them, it seems unlikely that Indigenous status per se would continue to be predictive of violence.
- In line with qualitative information, data from the NHMP and from Western Australia indicate that the majority of officially-reported homicides, sexual assaults and assaults are intra-racial in nature. However, this was less true for assaults than for the other two offences, with over one in five classified as interracial.
- The common perception that most acts of violence involving an Indigenous victim take place at the hands of an Indigenous offender is also supported by the limited data available.
- Whether the converse holds true—that is, whether Indigenous offenders predominantly target Indigenous victims—is less clear. This seems to be the case for the very serious offence of homicide. However, WA data indicate that for the less serious violent offence of assault, almost one-half of the victims were non-Indigenous. The same applied to about one-quarter of sexual offences. While this suggests a potentially higher level of involvement by Indigenous offenders in interracial violence than generally acknowledged, two points should be stressed. First, the amount of data available on this issue is extremely limited and somewhat tenuous because of the large number of incidents where relevant information on the racial identity of the victim and offender were missing. Second, because the data relate only to those incidents brought to police attention, they are influenced by the victim's willingness to report a matter, which may vary depending on the racial identity of the parties involved.
- Over three-quarters of recorded homicides committed by Indigenous persons are directed against either partners or family members. This was markedly higher than that observed for non-Indigenous homicides, of which only about two in five involved a family member. This result is not unexpected, given that most Indigenous homicides were intra-racial and given the extended kin networks that characterise many Indigenous communities. However, whether this pattern holds true for less serious forms of Indigenous violence (particularly for assaults), where a higher proportion of victims may be non-Indigenous, cannot be ascertained.

These data raise an inevitable question—why are Indigenous recorded and self-reported crime rates so much higher than non-Indigenous rates? One reason may be the differences in age profiles. Other contributing factors may include higher levels of unemployment, more harmful use of alcohol, poorer health and living standards etc. The link between these factors and Indigenous violent offending will be explored in the third section of this report.



# Risk factors for Indigenous violent offending

This section of the report:

- summarises the broad range of factors that seem to be associated with, and may potentially act as, risk factors for Indigenous violent offending; and
- explores the empirical evidence that links some of these key factors to an increased likelihood that an Indigenous person will engage in violence.

## Types of risk factors: An overview

Consistent with the ecological approach outlined in the first section, five sets or layers of factors have been identified that may contribute, either directly or indirectly, to Indigenous violence: historical events, community characteristics, family characteristics, individual characteristics and the specific circumstances that directly precipitate an act of violence.

### *Historical factors*

The incidence of violence in Indigenous communities and among Indigenous people cannot be separated from the history of European and Indigenous relations (Memmott & National Crime Prevention 2001).

These sentiments echo those expressed a decade earlier by the RCIADIC:

It was the dispossession and removal of Aboriginal people from their land which has had the most profound impact on Aboriginal society and continues to determine the economic and cultural well being of Aboriginal people to such a significant degree as to directly relate to the rate of arrest and detention of Aboriginal people (RCIADIC 1991: para 19.1.1).

Several discrete stages in the process of cultural, economic and social dispossession have been identified. Various reports have identified a long list of negative consequences arising from this contact history (eg see Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Blagg 2000; Fitzgerald 2001; Gordon, Hallahan & Henry 2002; Memmott & National Crime Prevention 2001).

These include:

- the breakdown of traditional laws and systems of governance;
- loss of religious practices and spirituality;
- loss of the traditional economic base;
- loss of traditional social structures and controls, including child rearing practices;

- imposition of a negative socio-political status, with its attendant removal of rights and responsibilities, personal freedom and social autonomy;
- breakdown of traditional gender roles, resulting in the marginalisation of Indigenous males;
- exploitation of Indigenous labour and denial of wages; and
- racism and ethnocentrism.

These negative consequences of colonisation have, in turn, given rise to a host of community and individually-based risk factors for Indigenous violence (described below).

### *Community and family characteristics: The distal factors*

A wealth of data has been accumulated which demonstrates that, when compared with Australian society as a whole, Indigenous communities are disadvantaged across a range of indicators. As Memmott and National Crime Prevention (2001) and others have noted, such communities are often characterised by:

- low income levels and the absence of a viable economic base;
- high unemployment levels, a lack of long-term job prospects and high welfare dependency;
- poor and overcrowded housing conditions;
- low educational attainment and low literacy levels;
- poor physical and mental health; and
- short life expectancy rates (including high infant mortality rates).

Associated with these overt forms of socioeconomic disadvantage are factors such as:

- low levels of community and family cohesiveness;
  - high levels of intra-family conflict and community factionalism;
  - low levels of family and community resilience and social capital;
  - lack of proper parenting and child rearing skills.
- An inquiry into violence in Cape York, for example, argued that the mission and dormitory systems 'removed from adults the responsibility for being primary carers for children', while generations of institutionalisation resulted in the diminution of parenting skills (Fitzgerald 2001: 310);

- high levels of alcoholism and illicit drug use;
- lack of functional role models to guide young individuals during crucial transition points in their lives; and
- exposure to pornographic material, especially in some remote communities.

These characteristics have been further exacerbated by a lack of access to the skills and resources needed for effective community management and by a dearth of effective government initiatives and programs designed to tackle key problems.

The persistence of institutional and systemic discrimination, which serves to perpetuate existing inequalities, also plays a role (Ella-Duncan et al. 2006; SCRGSP 2007; SNAICC 1996), as does the way in which government agencies 'do business' in these communities. The Aboriginal and Torres Strait Islander Women's Task Force on Violence and Department of Aboriginal and Torres Strait Islander Policy and Development (2000), for example, drew attention to the so-called 'Aboriginal industry' and claimed that, in many communities, both Indigenous and non-Indigenous agencies had failed to deliver critical services and produce tangible outcomes. Included in this is the fact that government systems often do not respond quickly and effectively to incidents of violence (as discussed in more detail later in this report).

### *Factors situated within the individual: The proximal factors*

Individuals who reside in disadvantaged communities will inevitably experience at least some, if not most, of those disadvantages themselves, including long periods of un- or under-employment, lack of or low income levels, living in overcrowded households, being prone to chronic physical and mental health problems and being neglected and/or exposed to violence as a child. These experiences all help to shape individuals' personalities and influence how they will perceive and respond to a given situation, including the likelihood that they will resort to dysfunctional adaptive behaviours such as violence (Memmott & National Crime Prevention 2001). In particular, these community-based disadvantages may contribute to:

- high levels of alcohol and (to a lesser extent) illicit drug misuse (see Aboriginal and Torres Strait Islander Social Justice Commissioner 2006; Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Bolger 1991; Fitzgerald 2001; Gordon, Hallahan & Henry 2002; Memmott & National Crime Prevention 2001; Mouzos 2001);
- high levels of stress and anxiety;
- low resilience levels and poor coping skills;
- psychological problems, including lack of self-esteem, feelings of powerlessness, alienation, marginalisation, frustration, hopelessness, depression, shame and apathy, all of which are particularly pronounced among males who have been characterised as 'the disaffected, alienated, angry young men' (Hunter 1990: 274);
- intellectual disabilities, psychiatric and mental health problems such as paranoid schizophrenia;
- poor infant health and insecure childhood attachment (Telethon Institute for Child Health Research cited in Gordon, Hallahan & Henry 2002);
- neurological impairment or brain damage caused by petrol sniffing and alcoholism; this includes foetal alcohol syndrome which impacts on the individual's learning ability and behaviour, resulting in difficulties in social problem-solving, lack of impulse control and lack of memory or cognition that potentially leads to an increased risk of suicide, incarceration, early pregnancies and violence (Fitzgerald 2001);
- unresolved anger, which may be particularly characteristic of males responding to their diminished power base (Hunter 1990); and
- boredom and peer group pressure, particularly among young males (Fitzgerald 2001).
- jealousy over relationships and material goods (Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Gladman, Queensland Heath & National Injury Surveillance Unit (Australia) 1998);
- 'payback' by individuals, families or larger groups against a perceived transgressor. In the APY Lands, for example, Mullighan (2008) documented numerous instances where the perpetrator of a child sexual assault incident was, himself, violently beaten by the family of the victim as retribution for his behaviour; and
- failure to repay a debt. This factor has particular relevance in Indigenous communities where there are high levels of poverty and welfare dependence and where only a handful of people have disposable incomes (Memmott & National Crime Prevention 2001).

Empirical information on the actual motivation for particular incidents of violence is relatively sparse, although some insight is provided by the NHMP (SCRGSP 2007). For the 35 homicides recorded in 2004–05 where both the victim and the perpetrator were Indigenous, the key triggers were:

- domestic altercation (43% of the 35 Indigenous homicides);
- alcohol-related argument (20%); and
- other argument (17%).

In contrast, the main triggers for the 203 non-Indigenous homicides recorded in that same year were 'other argument' (42%) and 'domestic altercation' (20%), while 'alcohol-related argument' was listed as the trigger in only six percent of cases (SCRGSP 2007).

## What evidence links selected risk factors to violence?

Despite the large number of potential risk factors for Indigenous violence, very few empirical studies have attempted to explore the nature or strength of these relationships or to disentangle the complex interactions that inevitably exist between them.

### *Precipitating causes*

One final component, which is embedded within the microsystem and therefore constitutes a proximal risk factor for violent offending, relates to those specific events that actually trigger an incident of violence—the so-called 'precipitating causes'. These may include:



Consequently, there is no clear consensus about which of the multitude of disadvantages confronting Indigenous communities should be addressed first in order to achieve a reduction in current levels of Indigenous violence.

The aim of this section is to summarise the relatively scant empirical evidence that indicates a link between violent behaviour and selected characteristics situated within the individual and their environment. Data from two types of studies or approaches are described:

- univariate analyses that focus on the relationship between Indigenous violence and one risk factor only, such as alcohol misuse or unemployment; and
- multivariate studies that use more complex statistical methods to identify those variables that remain predictive of Indigenous violence once the influence of a range of factors have been partialled out.

### *Univariate relationship between violence and individual risk factors*

The individual risk factors considered are:

- demographic variables of gender, age and Aboriginal/Torres Strait Islander identity;
- alcohol and illicit drug use;
- childhood experiences of violence;
- exposure to pornography;
- indicators of socioeconomic disadvantage, notably education levels, employment, income and housing;
- physical and mental health;
- geographic location, including remoteness; and
- access to services.

In accordance with the ecological systems approach to understanding risk factors for violence, each of the following subsections is divided into two components. The first briefly summarises what is known about that variable at a community level (ie as a distal factor), while the second focuses on what is known about that variable as it relates to Indigenous offenders (ie as a proximal factor).

## *Gender*

The overwhelming majority of Indigenous (as well as non-Indigenous) persons who offend and are processed by the criminal justice system are male. This applies across all Australian jurisdictions and spans most offence types, including offences of violence.

### **Police apprehensions data**

Police data from Western Australia, which details the number of Indigenous persons apprehended at least once during 2005 according to the most serious offence charged against them during that year (Loh et al. 2007), show that:

- Indigenous males accounted for 76 percent of the 3,796 Indigenous persons apprehended for a violent offence. This is 1.6 times greater than expected, given that they represented only 49 percent of the Indigenous population aged 10 years and over at the time of the 2006 census (ABS 2007).
- For every 1,000 Indigenous males aged 10 years and over in that state, 133.7 were apprehended at least once for a violent offence. This was more than three times the rate of 40.1 recorded by Indigenous females.
- Violent offences dominated the charge profiles of both genders. In 2005, Indigenous males were over four times more likely to be apprehended for a violent offence than for a property offence which, with a rate of 51.6 per 1,000 population, was the second most frequently recorded charge laid against this group. Indigenous females were twice as likely to be apprehended for violent offences than for property offences (21.6 per 1,000).
- However, in proportionate terms, violent offences featured more prominently in the charge profiles of Indigenous males than in those of Indigenous females.

A breakdown of the specific types of violent offences charged against Indigenous males and females in Western Australia is presented in Table 9. Within each subcategory, the rate of apprehension for Indigenous males far exceeded that of Indigenous females. In relation to assault, the male rate (96.8 per 1,000) was 3.2 times as high as the female rate

**Table 9** Individuals apprehended by most serious violent offence recorded in 2005, by gender and Indigenous status, Western Australia (rates per 1,000 relevant population 10 years and over)

Offence type	Males		Females	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
Homicide and related offences	0.9	0.1	0.2	<0.1
Acts intended to cause injury (ie assault)	96.8	4.5	30.5	0.7
Sexual assault and related offences	6.4	0.6	<0.1	0
Dangerous or negligent acts endangering persons (mainly dangerous operation of a vehicle)	29.4	2.9	9.3	0.4
Abduction and related offences	0.3	<0.1	0	0
Total violent offences	133.8	8.1	40.1	1.1

Source: Derived from Loh et al. 2007: Table 2.1

(30.5). Male rates were also 3.2 times that of the female rates for dangerous operation of a vehicle and a substantial 64 times as high for sexual assault.

When compared with Western Australia's non-Indigenous population (Table 9), Indigenous males were almost 17 times more likely to have a violent offence recorded as their most serious charge in 2005 than were non-Indigenous males (a rate of 133.7 per 1,000 compared with 8 per 1,000 non-Indigenous males). Inter-group differences were even more pronounced for females, with Indigenous females at least 35 times more likely than their non-Indigenous counterparts to be charged with a violent offence (40.1 per 1,000 population compared with 1.1 per 1,000 respectively).

Of particular note is the fact that, although within both the Indigenous and non-Indigenous group, male apprehension rates greatly exceeded female rates, this was not the case when comparing across groups. Instead, the violent offence rate for Indigenous females was five times as high as that of non-Indigenous males (40.1 versus 8). In relation to specific offences, the Indigenous female rate exceeded the non-Indigenous male rate for homicide, acts intended to cause injury and dangerous/negligent acts. One important exception was sexual offences, where the Indigenous female rate was slightly lower than the non-Indigenous male rate (<0.1 per 1,000 compared with 0.6 respectively). These results have important policy implications. There has been a tendency to focus responses and interventions on Indigenous males while paying less attention to the violent offending of Indigenous

females. Yet these data suggest that the incidence and nature of violent behaviour by Indigenous females requires closer scrutiny.

Data from the NHMP reinforce this conclusion (see SCRGSP 2007). In 2004–05, a higher proportion of Indigenous than non-Indigenous homicides involved a female perpetrator (26% of 35 compared with 18% of 203 respectively) while conversely, the proportion involving a male perpetrator was lower (74% for Indigenous compared with 82% for non-Indigenous). The NHMP data also brings into question a common perception that most acts of violence by Indigenous males are directed against Indigenous females. In fact, of the 35 Indigenous homicides recorded in 2004–05, four in 10 (40%) involved males as both offender and victim, while only one in three (34%) comprised a male offender and a female victim. Overall, one-quarter of the Indigenous homicides (9 of 35) were perpetrated by women and of these, the majority were directed against male victims. This accords with anecdotal information from a Cape York Inquiry, which found that Indigenous women also engaged in violence, usually in retaliation for male spousal violence (Fitzgerald 2001).

### Population survey data: The NATSIS and NATSISS

As was the case with police apprehension data, both the 1994 NATSIS and the 2002 NATSISS indicate higher levels of contact with the criminal justice system among Indigenous males than females.



While not specific to violent offenders, the 1994 survey indicated that, for Australia as a whole, more than three times as many males aged 13 years and over were arrested than were females in the preceding five years (32% compared with 9%). Males were also more likely than females to have experienced more than one apprehension during this period (19% compared with 12%; Mukherjee et al. 1998). These gender differences applied in all jurisdictions (see Table 10).

**Table 10** Indigenous persons arrested at least once in the last 5 years, 1994 (%)

Jurisdiction	Indigenous males	Indigenous females
NSW	35	10
Vic	36	9
Qld	24	6
SA	38	19
WA	37	14
Tas	20	5
NT	32	7
Australia	32	9

Source: Mukherjee et al. 1998: Table 2.1, 4

The 2002 survey also pointed to a predominance of males, with almost one-quarter (24%) of Indigenous males aged 15 years and over indicating that they had been arrested at least once in the previous five years compared with nine percent of Indigenous females (ABS 2004).

Of the two surveys, only the NATSIS collected information on the type of offence for which individuals had been arrested. Interestingly, it showed that among Indigenous arrestees, a higher proportion of females than males were charged with an assault at the time of their most recent contact with police (19% compared with 16%). In contrast, a higher proportion of male than female arrestees (26% and 14% respectively) were charged with a drink driving offence. However, for both genders, disorderly conduct/public drinking were the most prominent, accounting for 31 percent of male and 38 percent of female arrests (Mukherjee et al. 1998).

## Discussion

Although males and females account for roughly equivalent proportions of the Indigenous population (49% and 51% respectively), they are not equally represented in the offending statistics, with Indigenous males substantially more likely to be apprehended than Indigenous females. The same gender differences are also evident within the non-Indigenous population.

Because the majority of data used to substantiate these gender variations relate not to actual offending behaviour, but to levels of contact with the criminal justice system, one possible explanation is that agents of that system, including police, show greater leniency towards females and so are more likely to either ignore their behaviour or to simply warn and caution them rather than laying formal charges against them. However, while this may apply to some of the less serious types of offending, it is unlikely to explain the large gender differences in apprehension rates for serious violent offences.

Explanations put forward to explain differences in male/female offending levels within the general Australian population are likely to apply within the Indigenous context. However, reasons specific to Indigenous persons have also been identified. Foremost among these is the argument that colonisation and its aftermath resulted in the marginalisation of Indigenous males. During the early days of settlement, Indigenous men were ‘dispossessed of their roles as economic providers and ritual leaders’ (Memmott & National Crime Prevention 2001: 29) while at the same time, women’s status was, at least in some areas, augmented by European settlers who brought them into their households as domestics and as sexual partners. This selective treatment towards women continued into the mid-twentieth century when, as the primary caregivers, they obtained access to supporting mothers’ and widow’s pensions, and child endowment. In contrast, males either had to find paid work or were forced to rely on unemployment benefits which, because they could be more easily be terminated if certain job-search requirements were not met, provided a less tenuous

form of income. As caregivers, Indigenous women (particularly those living in urban centres) were also more likely to have access to housing. This gave them an important power base within the community, while men were either forced into a position of dependency or were displaced from the household entirely. As one commentator has noted, '[w]omen with children were better off financially without an obvious male partner, and younger single mothers were better off financially not getting married at all' (Fitzgerald 2001: vol 2: 17). This displacement of males, it is argued, resulted in a range of dysfunctional behaviours, including alcohol misuse and offending. In turn, greater involvement in crime, together with higher levels of arrest and imprisonment, further contributed to the alienation of males from their family and community.

The displacement of Indigenous men is reflected in the large percentage of Indigenous households which, at least in the recent past, did not have an adult male present. A survey of Aboriginal families living in Adelaide in the early 1980s found that, of those women who were married or living in a stable defacto relationship, over four in 10 (44%) had a non-Indigenous partner. In comparison, only 23 percent of males in a current relationship had a non-Indigenous partner (Gale & Wundersitz 1982). In addition, of the 377 adults interviewed for whom parental details were available, over one-quarter (27%) indicated that they had a non-Indigenous father, while only six percent had a non-Indigenous mother. This led to the conclusion that

Aboriginal women have always been more able to establish relationships with non-Aboriginal partners than have the males...[and] this has significantly contributed to [Aboriginal male] alienation from the household and the family (Gale & Wundersitz 1982: 38).

The same situation has been observed in many other Indigenous communities across Australia. For example, in Cape York during the 1960s and 1970s most community households had no male figurehead, and middle aged men were evicted with no home to go to, moving from relative to relative, a large floating population of aimless and rootless individuals, easy prey to violence and alcohol (Fitzgerald 2001 vol 2: 17).

While the link between loss of status/displacement of Indigenous males and their involvement in violent behaviour has yet to be empirically tested, anecdotal evidence suggests that violence may be an 'acting out of anger by men in response to their diminished power and sense of powerlessness' (Hunter 1990: 274). Or it may reflect 'men's compensation for lack of status, esteem and value' (Blagg 2000: 3). This may be true even in urban settings such as Adelaide, where it was observed that

Many Aboriginal men have lost both their status and their self-respect. The path now followed by so many of the men, from hotel to gaol, is but an inevitable consequence of their loss of status and purpose in society (Gale 1978: 2).

This may be particularly true for certain types of violence such as child sexual abuse. One Aboriginal informant, for example, argued that 'the sexual abuse of Indigenous children has its origins in the breakdown of traditional laws and men's roles, especially those relating to the community protection of women and children' (Phillips 1996).

Whether due to marginalisation or other factors, males are more likely than females to exhibit at least some of the characteristics identified as risk factors for violence. Pre-eminent among these is the significantly greater levels of alcohol misuse by Indigenous males. To cite just some of the evidence for this, the 2002 NATSISS found that males were significantly more likely to engage in high risk alcohol consumption than females (17% compared with 13% respectively; ABS 2004). Similarly, the 2004–05 NATSIHS indicated that long-term risky/high risk alcohol consumption was more prominent among Indigenous men than women (20% compared with 14%). This applied across all age groups, with the exception of those aged 55 years and over, where the rates for both groups were relatively similar (SCRGSP 2007). Levels of alcohol misuse among males are even higher in some locations, as indicated by a 1987 study of five ex-reserve communities in Queensland, which found that almost two-thirds of men engaged in heavy, very heavy or binge drinking compared with only 30 percent of women (Smithson et al. 1991).

Because of their more secure social position within Indigenous communities, females may also be better equipped to deal with personal stressors without resorting to dysfunctional behaviour. According to the NATSISS, for example, they are more likely than Indigenous males to have access to informal, family-based support networks in times of crisis (ABS 2002).

Yet females are not entirely risk-free. In 2002, they were more likely than males to live in dwellings that have structural problems, have lower incomes and experience greater financial stress. Moreover, in that year, one-half of this group was classified as 'not in the workforce' compared with one in three Indigenous males (30%), with the majority of these women probably in receipt of a social security pension. The amount of income received would therefore be very low which, when combined with their greater responsibilities as heads of often very large households containing numerous dependent children, may help to explain their higher levels of financial stress (56% compared with 52% of Indigenous males; ABS 2002).

Their relatively high exposure to potential risk factors for violence may also help to explain why Indigenous female apprehension rates often exceed those of non-Indigenous males.

## Age profiles

As with gender, age has long been recognised as a risk factor for offending within the general population, with the likelihood of involvement in criminal activity starting to increase from about the age of 14 or 15 years, reaching a peak during the mid 20s and early 30s and then diminishing from the mid to late 30s onwards. This age profile also characterises Indigenous violent offenders.

### Apprehensions: Western Australia

Western Australian apprehension data (Figure 8) show that the majority of Indigenous persons apprehended for a violent offence in 2005 were either aged 18 to 25 years (29%) or 26 to 33 years (28%). In contrast, only about one in 10 fell within the youngest and oldest age groupings depicted.

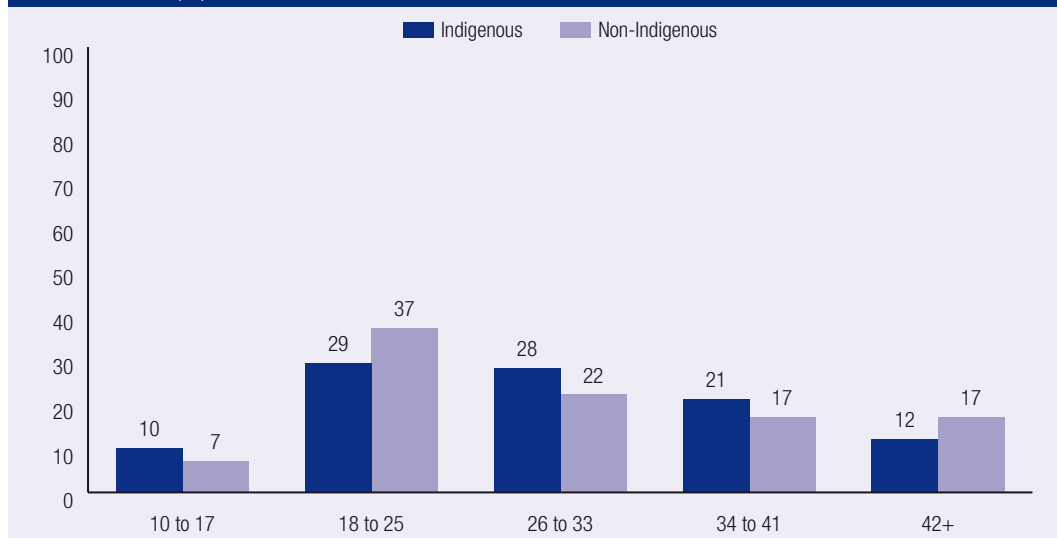
Because the age brackets used to extract the apprehension data do not accord with published ABS age categories, it is not possible to calculate accurate offending rates. However, broad comparisons with population figures for those aged 10 years and over indicate that:

- The youngest and oldest age groups were underrepresented in the apprehension data. Juveniles aged 10 to 17 years inclusive accounted for one-quarter of the Indigenous population in Western Australia but only 10 percent of all Indigenous persons apprehended for a violent offence. Those aged 40 years and over made up 30 percent of the Indigenous population whereas only 12 percent of violent offenders fell within the roughly equivalent age group of 42 years and over.
- In contrast, those in the mid-ranges were overrepresented compared with their relative population sizes. Those aged 18–24 years and 25–34 years accounted for 16 percent and 19 percent of the Indigenous population in Western Australia, whereas 29 percent and 28 percent of persons apprehended for a violent offence fell within the roughly similar age ranges of 18–25 years and 26–33 years respectively.
- The 35–39 year age group was the most overrepresented, accounting for only nine percent of the population but 21 percent of the roughly age-equivalent apprehension group.

The age profiles of Indigenous persons apprehended by police in 2005 were broadly similar to those of non-Indigenous apprehendees (see Figure 8), although the latter recorded a higher proportion in the peak 18–25 year category and in the oldest age bracket of 42 years and over. Conversely, a lower proportion of non-Indigenous than Indigenous offenders were aged less than 18 years. To some extent, these differences reflect variations in the age structures of the two population groups. In particular, the non-Indigenous population has fewer young people (7% compared with 25% of the Indigenous population) and markedly older people (52% compared with 30% of the Indigenous population).

There is some evidence from the WA data that the age profiles of Indigenous offenders vary depending on the type of violence involved. A comparison

**Figure 8** Persons apprehended for a violent offence by Indigenous status and age (years), Western Australia, 2005 (%)



Note: Each person apprehended in 2005 is counted once, irrespective of the number of apprehensions or the number of charges laid that year. Only those whose most serious charge in 2005 was a violent offence are included

Source: Loh et al. 2007: Table 2.2

between Indigenous persons apprehended for physical and sexual assault in 2005 indicates that, although those in the mid age ranges of 18–25 years and 26–33 years were still the most dominant, individuals charged with a sexual offence tended to be somewhat older than those charged with physical assault. Just over four in 10 (42%) of those apprehended for an assault were aged 25 years or under compared with three in 10 (29%) of those charged with a sexual offence. Conversely, 30 percent of assault offenders were aged 34 years and over, compared with 41 percent of sexual offenders (Loh et al. 2007). While these differences may reflect variations in actual offending behaviour from one age group to another, factors such as age variations in the victim's willingness to report a matter to police may also play a role.

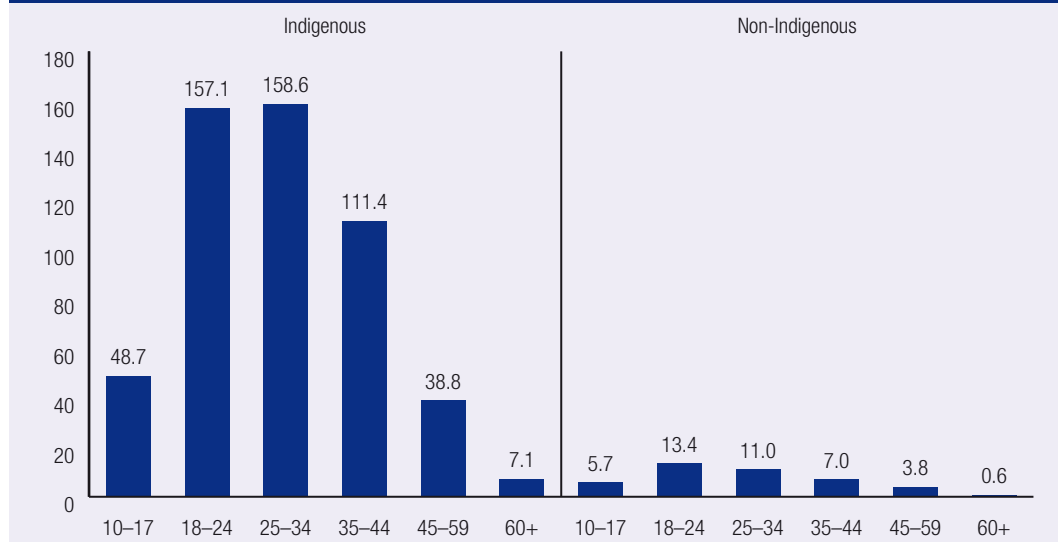
### Apprehensions: South Australia

Despite differences in counting rules, the age profile of Indigenous persons apprehended for violent offences in South Australia in 2006 was similar to that observed in Western Australia. Persons aged 18–24 years and 25–34 years dominated and in combination, accounted for 59 percent of all Indigenous charges laid by police that year. This

pattern applied irrespective of the type of violence involved. Almost six in 10 assaults occasioning actual or grievous bodily harm charges (58%) were allegedly committed by persons in these two age brackets, as were 60 percent of common assault charges and 54 percent of sexual offences. The main difference was the higher proportion of sexual offenders (15%) who fell within the 45 years and over age bracket compared with either assault occasioning (7%) or common assault (7%). Again, this mirrors trends in Western Australia (OCSAR 2007).

The dominance of the 18–24 year and 25–34 year age range is illustrated clearly in Figure 9, which details the rates of charging per age category. As shown, charge rates among 18–24 and 25–34 year olds were extremely high. These same two age groups also dominated the charge profiles of non-Indigenous offenders but across each of the categories depicted, Indigenous rates per 1,000 age-specific population were higher and often substantially higher than non-Indigenous rates. For example, charge rates among Indigenous offenders aged 18–24 years and 25–34 years (157.1 and 158.6 per 1,000 population respectively) were 12 and 14 times as high as those of non-Indigenous

**Figure 9** Violent offence charges by age (years) and Indigenous status, South Australia, 2006 (rate per 1,000 relevant population 10 years and over)



Note: All charges laid in 2006 are counted, irrespective of the number of discrete persons charged or the number of apprehension reports lodged

Source: OCSAR 2007: Table 6.14

offenders in these two age brackets (13.4 and 11.0 per 1,000 non-Indigenous age-specific population respectively). Charge rates among Indigenous persons aged 45–59 years and 60 years and over were also substantially greater than the charge rate for non-Indigenous persons in these age categories.

### Population survey data: The NATSIS and NATSISS

Results from the NATSIS support the conclusion that Indigenous persons aged 18–24 years and 25–34 years have the highest risk of contact with police for a violent offence, while those in the younger and older age brackets have a lower risk. Of all male respondents aged 18–24 years and 25–34 years, eight percent in each category indicated that they had been arrested for assault on the occasion of their most recent contact with police. In contrast, fewer than one percent of juveniles and two percent of older respondents aged 44 years and over listed assault as the reason for their most recent arrest. While figures were generally much lower for Indigenous females, the patterns were the same, with three percent of those in the two mid-age ranges reporting that they had been arrested

for assault compared with only 0.2 percent and 0.3 percent of those in the youngest and oldest age brackets respectively (Hunter 2001: 12).

Although the 2002 NATSISS did not provide any specific data on violent offenders, age breakdowns for all persons arrested by police (irrespective of the charge) were relatively similar to those described above.

## Discussion

For Indigenous and non-Indigenous persons alike, those aged between 18 and 34 years had a higher risk of being apprehended for a violent offence than other age groups. Nevertheless, Indigenous violent apprehension rates were consistently higher than non-Indigenous rates across all age categories, thereby indicating that factors other than differences in population age profiles are operative.

Explanations put forward to explain the overrepresentation of 18–34 year old offenders (particularly male offenders) within the general population—for example, that those in this age group is more likely to be risk-takers, to engage

in social activities that potentially expose them to risky situations, such as one-on-one male fighting in public places, and lower levels of emotional and psychological maturity (Bryant & Willis 2008), are also likely to apply to Indigenous offenders.

## Violent offending by juveniles

Within the general community, research indicates that those individuals who start offending at a young age face a much greater risk of escalating to more frequent and more serious offending as they move into adulthood. This has led to the implementation of a range of intervention strategies designed to break the cycle of offending among juveniles before it becomes entrenched. While Indigenous-specific data are relatively limited, evidence suggests that offending is not only more prevalent among young Indigenous persons, but commences at an earlier age compared with non-Indigenous youths. A SA study of a cohort of young people born in 1984 (Skrzypiec & Wundersitz 2005) found that:

- A much higher proportion of the Indigenous than the non-Indigenous birth cohort were apprehended at least once during their juvenile years (44% compared with 16% respectively).
- This pattern applied to both males and females. Almost two-thirds (63%) of Indigenous males in the 1984 birth cohort were apprehended at least once between the ages of 10 and 17 years inclusive, compared with less than one-quarter of non-Indigenous males (24%). Similarly, one-quarter (27%) of Indigenous females were apprehended compared with only seven percent of non-Indigenous females.
- Interestingly, however, the proportion of Indigenous females in the 1984 birth cohort who were apprehended at least once as juveniles (24%) was slightly higher than that recorded by the non-Indigenous male cohort (22%).
- One in 10 of the Indigenous cohort had experienced their first apprehension by the age of 12 years (compared with less than 1 in 100 of the non-Indigenous birth cohort) while one-third (32%) had been apprehended by the age of 15 years (compared with less than 10% of non-Indigenous youth).

Unfortunately, no data were provided on the types of offending involved. However, other inquiries into Indigenous violence have pointed to relatively high levels of violent offending among adolescents. An NT inquiry was informed that Indigenous children were becoming increasingly unruly, disrespectful and lawless. It was told that in many communities, 'the younger generations were living in anarchy, associated with rampant promiscuity and violence' (Wild & Anderson 2007: 63). The Inquiry drew particular attention to child-on-child sexual abuse, which it attributed to the combined effects of intergenerational trauma, the breakdown of cultural restraints and the fact that many, if not all, of these child offenders had themselves been victims of sexual abuse and/or had witnessed inappropriate sexual behaviour from an early age (Wild & Anderson 2007). Similarly, the APY Lands Inquiry documented numerous cases of children, some as young as five, acting out inappropriate sexual behaviours and abusing other children (Mullighan 2008). In the Cairns police district (incorporating the Cape York Indigenous communities), the sex offence rate among males aged 10–14 years was 1.4 times higher than the Queensland average, while among 15–19 year olds, it was three times higher (Fitzgerald 2001).

What then, do official apprehension data indicate about the nature and level of violent offending among Indigenous juveniles compared with Indigenous adult offenders and with non-Indigenous juveniles?

### *Indigenous youth compared with Indigenous adults*

WA apprehension data for 2005 (Loh et al. 2007) showed that:

- A relatively high proportion (26%) of Indigenous juveniles apprehended by police had a violent offence listed as their most serious charge that year.
- However, they were far more likely to be charged with a property than a violent offence, with this category featuring as the major charge laid against four in 10 Indigenous juveniles apprehended that year.
- These patterns were different from those observed for Indigenous adults, a higher proportion of who were charged with a violent offence (40%) than a property offence (11%).



- Indigenous adults were also more likely than Indigenous juveniles to be charged with offences against public order (11% compared with 5%), driving/traffic (12% compared with 4%) and 'against justice' procedures (12% compared with 5%).
- An analysis of the different types of violent offences listed against Indigenous juveniles points to the overwhelming preponderance of assaultive behaviour. This offence type constituted the most serious charge laid against 88 percent of those Indigenous juveniles apprehended in Western Australia for a violent offence in 2005, whereas sexual assaults accounted for only six percent (Loh et al. 2007). Again, however, it should be stressed that these data relate not to actual behaviour but to contact with the criminal justice system.

### *Indigenous youth compared with non-Indigenous youth*

SA data for 2005 indicate that, on a per capita basis, Indigenous juveniles faced a much higher risk of being apprehended across most violent offence categories than non-Indigenous youth. The former were 10 times more likely than non-Indigenous youths to be charged with common assault (26.3 per 1,000 Indigenous juvenile population compared with 2.6 per 1,000 non-Indigenous juvenile population), six times more likely to be charged with serious assault (4.1 and 0.7 per 1,000 respectively) and two times more likely to be charged with a sexual assault (1.2 compared with 0.5; derived from OCSAR 2006).

Of interest though is the fact that while Indigenous rates are consistently higher, in proportionate terms, the types of charges laid against those Indigenous young people who do engage in violence is slightly different compared with their non-Indigenous counterparts. While the most common offence of violence charged against both Indigenous and non-Indigenous youths was common assault, it featured more prominently in the charge profiles of Indigenous youth (being listed as the major charge in 77% of Indigenous violent apprehensions compared with 64% of non-Indigenous violent apprehensions). In contrast, proportionately fewer Indigenous than non-Indigenous youths were charged with serious

assault (12% compared with 16%) or a sexual offence (4% compared with 12% respectively). Similar findings emerged from Western Australia, where proportionately more Indigenous than non-Indigenous youths apprehended for violence in 2005 were charged with acts intended to cause injury (ie assault) while proportionately fewer were charged with sexual assault. The figures were 88 percent and 68 percent respectively for assaults and six percent compared with nine percent respectively for sexual offences (Loh et al. 2007). In other words, these figures suggest that Indigenous youths are more likely to be charged with a violent offence in the first place, but those who are charged are more likely to be involved in the potentially less serious forms of violence (namely common assault) than their non-Indigenous counterparts.

### *Aboriginal or Torres Strait Islander identity*

That there may be some difference between Aboriginal and Torres Strait Islanders in terms of their level of contact with the criminal justice system is indicated by the 2002 NATSISS, which found that Aboriginal respondents aged 15 years and over were more likely to have been arrested by police in the previous five years (20%) than Torres Strait Islanders (15%; ABS 2002). No data specific to violent offenders were available.

This disparity may be due to different levels of exposure to various risk factors for violence faced by the two groups. According to the NATSISS, while both Aboriginal and Torres Strait Islander people shared a number of features in common (eg a similar proportion in both population groups were able to obtain support in a time of crisis, had experienced at least one stressor in the preceding 12 months including financial stress and had similar health standards), there were other areas where Aboriginal persons seemed to be more disadvantaged. For example, this group had:

- lower educational standards, with one-third achieving no more than Year 9 at school, compared with one-quarter of Torres Strait Islanders;
- lower levels of both Community Development Employment Projects (CDEP) and non-CDEP employment;

- lower levels of home ownership (27% compared with 31%) and higher levels of rental accommodation;
- higher levels of structural problems with their current dwellings (40% and 33% respectively) indicating poorer housing conditions; and
- higher levels of childhood removal either of themselves or a relative from the family unit (39% compared with 25%; ABS 2002).

If education, employment and housing standards are, in fact, significant risk factors for offending behaviour, this could help to explain at least some of the difference in offending between these two groups. However, far more data are required to tease out this potential link between Aboriginal/Torres Strait Islander identity and violence.

## *Alcohol misuse*

### **Community levels of alcohol use**

Alcohol has been present in many Indigenous communities since the early days of European settlement when it was often used as a tool by non-Indigenous persons to manipulate or exploit Indigenous people. It was used historically by some employers as currency in lieu of wages, as a bribe by 'white' settlers to obtain sex from Indigenous women and as a lure to attract Indigenous people into missions and reserves (Wild & Anderson 2007; Keel 2004). During the many decades when Indigenous people were prohibited from buying alcohol themselves, they were still able to purchase it illegally from unscrupulous 'white' people, including publicans. However, it was not until the 1960s and 1970s, with the repeal of the various state Aboriginal Acts that had banned the sale of alcohol to Indigenous people, that consumption started to escalate (Fitzgerald 2001; Hunter 1990) to the point where it is now regarded as one of the most important risk factors for violence in Indigenous communities. It has been variously observed that 'substance abuse has reached epidemic proportions in Aboriginal and Torres Strait Islander communities' (Coorey 2001: 88) and that 'obtaining alcohol, its consumption, and dealing with its consequences, have increasingly become core activities around which much of Aboriginal economic, social and politician life revolves' (Fitzgerald 2001: vol 2: 55).

However, contrary to popular belief, the proportion of Indigenous persons who consume alcohol is actually lower than that of the Australian population. A 1994 survey of 3,000 Indigenous people living in urban areas of Australia (National Drug Strategy Household Survey's (NDSHS) Urban Aboriginal and Torres Strait Islander Supplement Survey; see Hennessy & Williams 2001) found that approximately 88 percent of Indigenous Australians had consumed alcohol at some point in their lives, which was lower than the 94 percent recorded for the general population. Some 10 years later, the 2004–05 NATSIHS and the National Health Survey revealed that, after adjusting for age differences, a higher proportion of Indigenous than non-Indigenous adult respondents had either never consumed alcohol (11% compared with 9% respectively) or had not consumed alcohol in the week prior to being interviewed (42% compared with 27%; SCRGSP 2007). And more recently, the 2007 NDSHS noted that 77 percent of Indigenous persons aged 14 years and over were 'non abstainers', compared with the higher figure of 83 percent of non-Indigenous Australians.

The crucial difference though, is that those Indigenous Australians who do consume alcohol are more likely than their non-Indigenous counterparts to engage in hazardous or harmful levels of drinking. Again, these patterns have remained relatively consistent over recent decades:

- The 1994 NDSHS Urban Aboriginal and Torres Strait Islander Supplement found that over eight in 10 Indigenous drinkers consumed alcohol at either hazardous or harmful levels, irrespective of age or gender (see Hennessy & Williams 2001). Among female drinkers, 90 percent of those aged 14–24 years engaged in hazardous or harmful levels of drinking, as did 80 percent of those aged 25 and over. Among male drinkers, 79 per cent of 14–24 year olds were hazardous or harmful alcohol users, as were 83 percent of those aged 25 and over (hazardous levels were defined as five to six drinks for males and three to four drinks for females, while harmful levels were set at more than six drinks for males and more than four drinks for females).



- A decade later, in 2004, levels remained high, with 70 percent of Indigenous male and 67 percent of Indigenous female alcohol consumers identified by the NDSHS drinking at levels that placed them at high risk of harm. These figures were over six times greater than those recorded by non-Indigenous respondents, among whom only 10 percent of male and 11 percent of female alcohol users were classified as high risk consumers.

The NATSIHS also revealed higher levels of 'binge' drinking among the two groups (defined as the consumption of seven or more standard drinks for males and five or more for females at any one 'sitting'). Age standardised results indicated that 47 percent of Indigenous adult respondents engaged in binge drinking at least once in the 12 months prior to the interview, while 17 percent engaged in such drinking at least once per week over that period. Corresponding figures for non-Indigenous respondents were much lower (40% and 8% respectively; SCRGSP 2007).

While the above data apply at a national level, some state-specific information on Indigenous levels of risk/high risk consumption during the preceding 12 months showed only minor regional variations. Five states—New South Wales, Victoria, Queensland, Western Australia and South Australia—had relatively similar levels of risky Indigenous drinking (varying from 15.5% to 17.5% of those surveyed by NATSISS). Figures for Tasmania and the Australian Capital Territory were consistently, but not significantly, lower than the national average of 15.1%. Only the Northern Territory recorded levels of risky to high risk alcohol consumption among Indigenous respondents (9.1%) that were significantly lower than the national average—a finding which seems to be at odds with popular stereotypes of the Northern Territory (ABS 2002).

Nor is there any evidence of marked variations in risky/high risk alcohol consumption between Indigenous persons living in remote and non-remote areas. Data from the 2002 NATSISS (ABS 2002) found that, during the preceding 12 months, 10 percent of remote respondents engaged in risky alcohol consumption compared with nine percent in non-remote areas, while seven percent and five percent respectively engaged in high risk

alcohol consumption. However, there were differences between the two groups in terms of non-consumers and low level risky consumers. Whereas remote Indigenous residents were more likely than non-remote residents to be non-consumers (46% compared with 24%), the reverse was true for low risk consumers (32% of remote compared with 51% of non-remote residents).

The grouping of Indigenous communities into either remote or non-remote may, however, obscure important regional and subregional differences, with some locations likely to record risky alcohol consumption levels well above the state or national averages. For example, a survey of Cape York communities between 1998 and 1999 found that three-quarters of the male respondents (74%) and over four in 10 female respondents (44%) had consumed alcohol in the week preceding the survey. Of those consuming alcohol, 83 percent of males and 84 percent of females admitted to drinking at levels defined as harmful (Fitzgerald 2001).

The consequences of such high risk alcohol consumption for Indigenous persons, families and communities have been well documented (see Bryant & Willis 2008 for an overview).

## Alcohol misuse and violence

Alcohol misuse is now widely regarded as one of, if not the, main risk factor for Indigenous violence. As early as the 1990s, Hunter (1990: 273) drew attention to the link between the greater access to alcohol that occurred in the 1970s and the subsequent increase in Indigenous violence. He noted that 'children and young people who were currently engaging in self-destructive behaviour were the first generation to have grown up in an environment where heavy drinking and significant family violence were common'. A similar link between escalating Indigenous violence and the removal of alcohol restrictions was observed by a Cape York Inquiry: 'There is no doubt that the introduction of liquor to Aboriginal communities presaged the end of the relative "quiet" of mission days and fostered an upsurge in alcohol-related violence', with harmful levels of alcohol consumption now being 'the chief precursor to violence, crime, injury and ill health in these communities' (Fitzgerald 2001: vol 2: 25, 40).

Empirical evidence for a link between alcohol and violent offending can be derived from population and offender surveys as well as from official criminal justice data.

National population surveys

A national survey of urban-dwelling Indigenous Australians (NDSHS Urban Aboriginal and Torres Strait Islander Peoples Supplement of 1994; see Hennessy & Williams 2001) found that over one-quarter of Indigenous respondents (27%) admitted committing alcohol-related verbal abuse (36% of males and 21% of females) while 18 percent admitted responsibility for alcohol-related physical assaults (24% of males and 13% of females). In contrast, alcohol seemed to be a less relevant factor in either property damage or property theft. Overall, 13 percent of respondents admitted to involvement in alcohol-related property damage (18% of males and 9% of females) while eight percent indicated they had committed alcohol-related property theft (13% of males and 4% of females).

The survey also found that the likelihood of committing an alcohol-related offence increased as the level of alcohol consumption increased (Hennessy & Williams 2001). As shown in Table 11, of those Indigenous respondents who reported drinking at harmful levels (ie at levels known to cause brain damage and mental illness), almost one-half admitted to committing alcohol-related verbal abuse, while one in three had committed an alcohol-related assault. Low risk consumers were less likely to perpetrate these offences (with 17% admitting to alcohol-related verbal abuse and 10% to alcohol-related assault).

Table 11 Alcohol-related offending by level of alcohol consumption for urban Indigenous persons, NDSHS 1994 (%)			
Alcohol-related offence	Risk level of alcohol consumption		
	Low risk	Hazardous	Harmful
Verbal abuse	17	25	46
Physical abuse	10	16	30
Property damage	6	11	20
Property theft	3	3	12

Source: Hennessy & Williams 2001: 155

Not only did alcohol consumption increase the risk of committing an alcohol-related offence, but it also increased the risk of becoming a victim of such an offence. As Table 12 shows, of those individuals who had perpetrated alcohol-related physical abuse:

- over seven in 10 (72%) had been the victim of alcohol-related verbal abuse; and
- two-thirds (66%) had been the victim of alcohol-related physical abuse.

Similarly high levels of violent victimisation were reported by those who admitted committing alcohol-related property damage and property theft, with four percent and 65 percent of offenders in these two categories indicating they had been the victims of physical abuse. This suggests that, irrespective of the type of offence involved, Indigenous persons who engage in alcohol-related crime are themselves likely to be the victims of such offences.

Table 12 Relationship between victimisation and perpetration of alcohol-related offending for urban Indigenous persons, NDSHS 1994 (%)				
Victim of alcohol-related offence	Perpetrator of alcohol-related offence			
	Verbal abuse	Physical abuse	Property damage	Property theft
Verbal abuse	68	72	69	67
Physical abuse	60	66	64	65
Property damage	58	61	73	70
Property theft	45	51	58	68

Source: Hennessy & Williams 2001: 155

More recent data on alcohol-related violence derived from the 2004 NDSHS also found that a higher proportion of Indigenous than non-Indigenous respondents admitted to verbal or physical abuse while under the influence of alcohol. Among Indigenous respondents, 18 percent were involved in alcohol-related verbal abuse while five percent admitted to alcohol-related physical abuse. Corresponding figures for non-Indigenous respondents were much lower (6% and 7% respectively; Al Yaman, Van Deland & Wallis 2006).

The 2002 NATSISS provides further evidence of a link between alcohol use and an increased risk of contact with police. It found that those Indigenous respondents who had been charged by police at some stage in their lives were over two times more likely to report being risky to high risk users of alcohol than those who had never been charged (24% compared with 11% respectively; ABS 2002). Further analysis of the same data set (Weatherburn, Snowball & Hunter 2006) showed that, among respondents living in non-remote areas, the risk of being arrested increased as the level of alcohol consumption increased. Among those who had not consumed alcohol in the previous 12 months, only one-quarter (26%) had been arrested by police compared with 39 percent of low risk alcohol consumers, 50 percent of medium risk consumers and 61 percent of high risk consumers (Weatherburn, Snowball & Hunter 2006). However, these results are limited in that they only measure an individual's self-reported contact with the criminal justice system rather than their actual offending behaviour and are not specific to violent offenders.

#### *Offender-based surveys*

The relatively few offender-based surveys so far undertaken in Australia consistently indicate much higher levels of alcohol use among Indigenous than non-Indigenous offenders brought into contact with the criminal justice system. For example, a survey of women in Western Australian jails in 2005 found that Indigenous female respondents were almost twice as likely to admit being under the influence of alcohol or another drug at the time of the offence than were non-Indigenous female respondents (73% compared with 39% respectively; Department of Corrective Services Western Australia 2006). While these findings were not specific to women imprisoned for a violent offence, it is worth noting that over one-third (37%) of the Indigenous women surveyed were serving a sentence for homicide, assault, sexual assault or some other violent offence, compared with one-quarter (26%) of the non-Indigenous women.

A recent study of male and female offenders serving a community supervision order in Queensland found that over one-half of the Indigenous males surveyed

(53%) were assessed as being alcohol dependent compared with only one in three non-Indigenous males (30%). Levels of alcohol dependency among Indigenous females was very similar to that of non-Indigenous males (just under 30%) but were 1.5 times as high as the levels recorded by non-Indigenous females (just over 20%; Mazerolle & Legosz 2007). Interestingly, this survey also found that these offenders were exposed to high levels of alcohol-related aggression by their partners. This was particularly true for Indigenous women. Of those who were in a relationship, two-thirds indicated they had been subjected to alcohol-related partner aggression, compared with less than half of the non-Indigenous women (46%). While levels were generally lower for male respondents, over 40 percent of Indigenous males who had a partner had been subjected to alcohol-related aggression by that individual. Again, this was higher than that of their non-Indigenous counterparts, 30 percent of whom reported being the victim of alcohol-related partner aggression.

Alcohol use was also higher among Indigenous than non-Indigenous adult male and female offenders interviewed as part of DUCO and DUMA. Although the findings were not specific to violent offenders, a relatively high percentage of these individuals were either currently charged, with or had previously been dealt with, for a violent offence. More specifically:

- Of those women prisoners surveyed in six Australian jurisdictions in 2003 as part of DUCO (Johnson 2004):
  - Nearly one in three of these Indigenous women (28%) were incarcerated for assault while one in 10 (11%) were imprisoned for murder or a related offence;
  - They had a lengthy history of assaultive behaviour, with 73 percent indicating they had 'ever' committed an assault (compared with 40% of non-Indigenous women) and 16 percent noting that they regularly committed assaults (compared with only 5% of non-Indigenous women); and
  - Having perpetrated their first assault, almost one-quarter (22%) escalated to committing assaults on a regular basis (compared with only 13% of non-Indigenous women).

- Of the Indigenous males surveyed as part of DUCO sample, 58 percent were imprisoned for a violent offence, 72 percent admitted that they had previously committed a physical assault and 16 percent did so on a regular basis.
- Of the DUMA adult male sample, 28 percent of Indigenous respondents were being detained for a violent offence.

Given these relatively high levels of violence, an analysis of the drug use patterns of these two groups is relevant here.

The survey of adult female prisoners found that:

- Over two-thirds of Indigenous women (68%) reported regular alcohol use in the six months prior to arrest compared with just over one-third (37%) of non-Indigenous women.
- The proportion who were dependent on alcohol only was higher among Indigenous than non-Indigenous women (31% compared with 6%).
- Indigenous women were almost four times more likely to report that they were under the influence of alcohol at the time the offence was committed (60% compared with 16% of non-Indigenous women) and were 12 times more likely to attribute their current offence to alcohol only (24% of Indigenous compared with 2% of non-Indigenous women) rather than to other illicit drugs.

The two surveys of adult male offenders (see Putt, Payne & Milner 2005)—one focused on persons arrested by police (DUMA) and the other on adult male prisoners (DUCO)—indicated that:

- A significantly higher proportion of Indigenous than non-Indigenous respondents in both groups had recently used alcohol, although usage was much higher among prisoners than police detainees. Nine in 10 Indigenous prisoners (90%) and six in 10 Indigenous police detainees (59%) reported recent alcohol use, which was 1.2 and 1.5 times as high as usage levels among non-Indigenous prisoners and detainees (76% and 50% respectively).
- Among Indigenous respondents, alcohol was listed as the drug most frequently used at the time of their most recent offending (DUCO) or arrest (DUMA). Of those who actually reported drug use

on this occasion, alcohol was cited by 69 percent of Indigenous DUCO and 43 percent of Indigenous DUMA respondents. These levels were much higher than those reported by non-Indigenous drug-using DUCO and DUMA respondents, with only 27 percent and 28 percent respectively listing alcohol as the drug most frequently used at the time of their recent offending/arrest.

- Of those respondents who reported recent use of alcohol, a significantly higher proportion of Indigenous (42% DUCO; 25% DUMA) than non-Indigenous (19% DUCO; 17% DUMA) males indicated they were dependent on it.
- Within the DUMA sample, nearly twice as many Indigenous than non-Indigenous respondents directly attributed their offending to alcohol consumption. Among DUCO respondents:
  - Ten percent of Indigenous prisoners, compared with four percent of non-Indigenous prisoners, attributed their offending to alcohol addiction, either by itself or in combination with an illicit drug; and
  - Twenty-five percent of Indigenous prisoners (compared with only 5% of non-Indigenous prisoners) regarded alcohol intoxication as the cause of that offending. A further 14 percent of Indigenous respondents implicated both alcohol and illicit drug intoxication (compared with 6% of non-Indigenous respondents). In combination then, alcohol was directly cited as a causative factor in their most recent offending by 43 percent of Indigenous prisoners, which was 3.3 times as high as that of non-Indigenous respondents (13%).

A link between alcohol consumption and violent offending was also found among juvenile detainees surveyed as part of DUCO (Prichard & Payne 2005), with results indicating that both regular violent and regular property offenders were three times more likely to be regular users of alcohol than non-regular offenders. However, when Indigenous status was taken into account, the survey found slightly lower levels of alcohol use among Indigenous than non-Indigenous detainees (43% compared with 50% respectively). This is quite contrary to the trends observed among adult male and female prisoners.

### *Criminal justice data*

Very little insight into the link between alcohol abuse and Indigenous violence can be derived from criminal justice databases because they generally do not record information on the personal characteristics of offenders other than sex and age. One exception is the NHMP derived from police apprehension data, which showed that, from 1999–2000 to 2004–05 (SCRGSP 2007):

- In 70 percent of Indigenous homicides (ie those that involved both an Indigenous victim and an Indigenous perpetrator), both parties had consumed alcohol at the time of the offence, compared with only 20 percent of non-Indigenous homicides.
- Inter-group differences were less pronounced for those homicides where only the offender was under the influence of alcohol at the time (11% of Indigenous compared with 9% of non-Indigenous homicides).
- There has been a significant decrease in recent years in Indigenous homicides involving alcohol consumption by both the victim and offender (from 72% in 1999–2000 to 59% in 2004–05).

At a regional level, an inquiry into Cape York communities found that alcohol-related offending accounted for 45 percent of all offences recorded by police (Fitzgerald 2001). In addition, of those Cape York offenders imprisoned during the period 1998–99 to 2000–01 for an offence against the person, 46 percent indicated they were under the influence of alcohol at the time of the offence, while a further 28 percent were reportedly under the influence of illicit drugs. Relatively high levels of alcohol use were also observed among Cape York individuals serving a community service order during the same period, with 39 percent of those sentenced for violence stating they were under the influence of alcohol at the time of the offence. Although these data also included non-Indigenous offenders resident in the Cape York area, most persons living in this region were Indigenous.

### *Indigenous status as a predictor of alcohol-related offending*

The studies described above detail the proportion of Indigenous offenders who committed alcohol-related

crimes. A different approach was taken by Carcach and Conroy (2001). Using 10 years of data (July 1989 to June 1999) from the NHMP, they sought to identify whether Indigenous status was predictive of alcohol-related offending when the effects of other variables had been controlled for. Alcohol-related homicides were defined as those incidents where, according to police, alcohol precipitated the offence. Homicides where the victim, the offender or both had been drinking at the time but where there was no evidence to suggest that this drinking had contributed to the violence were excluded.

Of the 3,009 homicides analysed, 138 involved an Indigenous offender. Of these, just under one-third (30%) were alcohol related. In contrast, only 10 percent of non-Indigenous homicides were alcohol related. When a range of factors, such as the age and relationship of the victim and the time and location of the incident were held constant, analysis indicated that homicides involving a Caucasian offender were 64 times less likely to involve alcohol as a precipitating factor than homicides involving an Indigenous offender or offenders of other racial appearance (Carcach & Conroy 2001). This difference was statistically significant. The study also found an interaction effect between the racial appearance of the victim and that of the offender. Incidents involving a non-Caucasian offender but a Caucasian victim were 1.2 times more likely to be alcohol related than those incidents where both victim and offender were Caucasian. Incidents involving non-Caucasians as both victims and offenders were 2.9 times more likely to be alcohol related than those involving a Caucasian offender and a non-Caucasian victim. The authors therefore concluded that the likelihood of an alcohol-related homicide was higher in those cases where either the victim or offender or both were non-Caucasian (Carcach & Conroy 2001).

## Discussion

Various explanations have been put forward for the observed link between high levels of alcohol consumption and violence in Indigenous communities. Many of these are also applicable to non-Indigenous offending. They include the following.

- The pharmacological effects of alcohol impair judgment and remove those social inhibitions that may otherwise prevent an individual from becoming violent. What are normally considered appropriate behavioural standards are ignored and high levels of alcohol use allow people to express feelings that would otherwise be suppressed. In those situations where traditional customs or rules of conduct have been suspended, long-running grievances may come to the surface and lead to conflict between individuals and between larger groups within the community, which often divide along kin or family lines (Memmott & National Crime Prevention 2001).
- Harmful levels of alcohol use can lead to tissue damage and neurological dependency. It may also trigger or exacerbate psychological and emotional problems in the individual (such as poor anger management), as well as various forms of mental illness, such as antisocial personality and bipolar disorder.
- Alcohol may be part of the individual's social and cultural learning environment. It has been argued that those persons who grow up in settings where there are high levels of alcohol and violence may come to regard the two behaviours as inextricably linked. The expectation that aggression is a normal mode of behaviour 'may result in community tolerance of violent behaviour by persons under the influence of alcohol' and a tendency to excuse such behaviour on the grounds that the individual 'does not know what he/she is doing' (Bolger 1991: 95). Excusing individuals who engage in alcohol-related violence means that they are not held accountable for their actions. There is, therefore, no incentive to desist from such behaviour (D'Abbs et al. 1993).
- Numerous writers have pointed to the intergenerational nature of the alcohol abuse/violence nexus. Aboriginal and Torres Strait Islander Women's Task Force on Violence and Department of Aboriginal and Torres Strait Islander Policy and Development (2000: 31), for example, noted that 'having been socialised into a culture of alcohol, substance abuse, violence and anarchy, the crimes committed by some offenders reflect those witnessed or experienced as a child'. In such situations, drinking and violence becomes a 'socially learned response'. Similarly, Pearson (2001a: np) argued that 'substance abuse epidemics are embedded in our Aboriginal social web and has become our new dysfunctional culture; to drink is to be Aboriginal'.
- Alcohol misuse has corrupted some of the basic traditional customs of Indigenous people. It has become interwoven with, and an integral part of, kin-based sharing obligations, but these obligations have been distorted, with alcohol now being the 'shared' commodity rather than food (Pearson 2001a: np). If kin obligations of sharing are not adhered to in relation to alcohol, violence may result.
- Alcohol may be a way of coping with the consequences of colonisation and dispossession. It provides a means of dealing with or masking the accumulated stress and trauma arising from the breakdown of traditional culture and the loss of spirituality. This may be particularly pertinent in the case of Indigenous males, at least some of whom, as a result of the disintegration of their traditional roles and responsibilities, now find themselves in a marginalised position on the fringe of Indigenous communities.
- Alcohol may provide a means of empowerment, with alcohol-related violence 'a symbol of protest against the state for the dependent situations in which [Indigenous people] find themselves' (Sackett cited in Homel, Lincoln & Herd 1999: 189).
- Even if the offender himself is not intoxicated, alcohol may still contribute to violent behaviour by providing non-intoxicated individuals with greater offending opportunities. As Fitzgerald (2001: vol 1: 89) argues, 'Sober men may act opportunistically towards intoxicated women', while older persons under the influence of alcohol may be more vulnerable to physical or financial elder abuse, some of which may be triggered by the perpetrators' need to obtain money to buy alcohol (Western Australia Office of the Public Advocate 2005). The same applies to children and young persons, who may be rendered more vulnerable to victimisation either because they themselves are intoxicated or because the intoxication of their primary caregivers places them at risk. This includes situations where young children find themselves living in a house full of intoxicated adults or situations where young people are left to roam the streets late at night because of the lack of parental supervision due to alcohol



consumption. Another scenario where the victim's alcohol use increases the opportunities for perpetrators to commit sexual offences involves young girls who engage in transactional sex either in direct exchange for alcohol or as a way of obtaining money to purchase it (Mullighan 2008).

One other issue raised by various commentators is the link between alcohol consumption and the welfare-based cash economy. Various inquiries have noted that much of the violence in remote communities occurs on, or immediately after pension day, when residents gain access to cash. A Cape York inquiry, for example noted that hospital admissions were significantly higher on these days than on other days of the week (Fitzgerald 2001). The need to break the link between access to welfare monies and alcohol abuse was a fundamental driver of the Australian Government's NTER.

## Illicit drug use

### *Extent of illicit drug use in Indigenous communities*

While illicit drug use appears to be a lesser problem in Indigenous communities than alcohol misuse, levels are increasing. Findings from the NATSIHS indicate that, in 2004–05, eight percent of Indigenous adult respondents in non-remote areas reported using illicit substances in the 12 months leading up to the survey, with cannabis being the main drug used by 23 percent of these individuals (SCRGSP 2007).

The 2007 NDSHS, targeted at individuals aged 14 years and over, found that 24 percent of Indigenous respondents had used illicit drugs in the previous 12 months, compared with only 13 percent of the non-Indigenous population. However, when cannabis use was excluded, the differences between the two groups decreased noticeably; down to 10 percent for Indigenous people and eight percent for non-Indigenous people (AIHW 2008).

While little information is available on geographic differences in patterns of Indigenous illicit drug use, there is some indication that levels of cannabis use are very high in regional and remote areas of Australia and may be increasing.

- In Albany Western Australia, almost 30 percent of Indigenous youth aged 14–19 years indicated they used cannabis, compared with only 18 percent of the same age group in the general Australian population (Gray et al. 1997).
- Interviews conducted with Indigenous residents aged 13–36 years in Arnhem Land in 2002 revealed that, in the mid 1980s, there was no detected cannabis use in Top End communities. However, by 2001–02, there had been a substantial increase, with 60–73 percent of males and 26–27 percent of females aged 13–34 years using this drug. The proportion of 'current' Indigenous male users was almost double that of the general NT population in the same age group (Clough et al. 2004).
- A more recent survey conducted in the same region in 2005–06 noted that levels of cannabis use had remained high, with 61 percent of males and 58 percent of females aged 13–34 years using this drug on a weekly basis. Among users, 88 percent reported symptoms of cannabis dependency. There were also very high levels of concurrent alcohol use (reported by 86% of respondents; Lee, Clough & Conigrave 2007).
- A snapshot of cannabis use provided by the NT Department of Health and Community Services found 'widespread use in remote communities in the Alice Springs region and increasing use in larger communities in the Barkly region and in the Arnhem region, with youths as young as 12 involved' (Select Committee on Substance Abuse in the Community 2003: 11).
- The WA Aboriginal Child Health Survey found that 41 percent of Indigenous children aged 15–16 years had tried marijuana compared with 33 percent of non-Indigenous young people. Marijuana use was associated with parental use of drugs, poor school performance and school attendance (Blair, Zubrick & Cox 2005).

To obtain a better understanding of geographic variations in Indigenous drug use, almost 800 police officers in Western Australia, South Australia and Queensland were questioned about their perceptions of illicit drug use in their region (Putt & Delahunty 2006). The study found that patterns of use varied considerably between urban and non-urban communities, with amphetamines, heroin,

benzodiazepines and ecstasy considered to be more prevalent in urban than rural areas. Almost nine in 10 rural and urban police reported that cannabis was commonly used by Indigenous persons in their area. When asked which types of substance use they considered to be a serious or moderately serious problem among Indigenous people in their local area, similar proportions of rural- and urban-based police nominated alcohol, followed by cannabis. However, urban-based police were more concerned about amphetamine use than were their rural counterparts, while petrol sniffing was considered a more serious problem by rural police. Respondents also indicated that Indigenous persons in regional and remote locations were heavily involved in the cannabis trade, but were less involved in the trading of amphetamines.

One other area of concern identified by various studies is that of petrol sniffing, particularly as it affects young Indigenous people. In some locations, instances of abuse involving boot polish, glue, deodorants and perfumes have also been observed (Coorey 2001). The 2004 NDSHS found that petrol sniffing affected a considerable proportion of young Indigenous people living in remote areas of Australia, particularly in 'the Western corridor of Central Australia and the Tri State region of SA, WA and the NT' (SCRGSP 2007). A SA Coronial Inquest conducted in 2002 found that petrol sniffing was 'endemic' on the APY Lands and, in its view, was responsible for 35 deaths in the previous 20 years. It noted, however, that levels had diminished since the late 1990s with the introduction of OPAL fuel—a conclusion supported by the recent inquiry into child sexual abuse on the Lands (Mullighan 2008: 87). However, Mullighan (2008) also noted that this reduction in petrol sniffing by children and young people had been offset by an increased use of marijuana. A similar trend has recently been observed in a remote Arnhem Land community (Senior & Chenhall 2008). This study, conducted over a five year period, noted that the practice of banning alcohol and replacing petrol with its non-sniffable form as part of the Australian Government's Emergency Response has reduced petrol sniffing but has increased the use of marijuana (Senior & Chenhall 2008). The study noted, though, that this was not simply a matter of individuals substituting

one type of drug for another, because the circumstances under which petrol sniffing occurred, the characteristics of the user population and the way in which these users were perceived by the community were different from those associated with marijuana use. While petrol sniffing was surreptitious and usually involved unattached young males, marijuana use occurred within the home and family and involved a wider cross-section of the community.

The consequences of petrol sniffing have been well documented, including the damage caused to the protective membrane surrounding the peripheral nerve endings of the brain, resulting in hallucinations, diminished levels of concentration, an inability to control behaviour and, in some cases, death (Brady 1992).

### *Illicit drug use and violent offending*

Much of our knowledge about the interrelationship between drug use and Indigenous offending is derived from surveys of illicit drug use patterns among particular groups of offenders within the criminal justice system. These surveys suggest that, in contrast to alcohol use, illicit drug use among Indigenous offenders is no higher and, at times, is actually lower than that of non-Indigenous offenders. Data from the NHMP show that a lower proportion of Indigenous (13%) than non-Indigenous (19%) homicides during the period 1999–00 to 2004–05 occurred while the offender was under the influence of illicit drugs (SCRGSP 2007). In addition, the proportion of Indigenous homicides that were drug related fell from 35 percent in 1999–2000 to 10 percent in 2004–05. While these findings are encouraging, they need to be understood in the context of the much greater influence of alcohol in Indigenous homicide, as discussed earlier.

A study of offenders in Queensland (Mazerolle & Legosz 2007) found that, while overall levels of illicit drug use were relatively high, Indigenous respondents were less likely to report such use than their non-Indigenous counterparts. They were significantly less likely to use:

- sedatives (19% compared with 33% of non-Indigenous respondents);
- tranquillisers (12% compared with 31%);



- hallucinogens (24% compared with 50%);
- amphetamines (46% compared with 66%);
- prescription amphetamines (3% compared with 15%);
- cocaine (14% compared with 30%);
- ecstasy (16% compared with 42%);
- heroin (28% compared with 41%); and
- methadone (6% compared with 20%).

Interestingly, though, a significantly higher percentage of Indigenous than non-Indigenous respondents were concerned that their drug use was out of control (42% compared with 28% respectively).

The most comprehensive source of data on the link between drug use and crime comes from DUMA and DUCO. Pertinent results from these surveys are detailed below.

### Adult female prisoners: DUCO

Of those women prisoners surveyed in six Australian jurisdictions in 2003, 27 percent were Indigenous (Johnson 2004). As noted earlier, while most of the results do not differentiate between violent and non-violent respondents, they are nevertheless relevant to a discussion of the link between drug use and violence among Indigenous persons because of the high proportion of Indigenous female interviewees who were either currently imprisoned for an act of violence or had previously committed such an offence. The survey found that (Johnson 2004):

- Among Indigenous female prisoners, the most frequently used illicit drug was cannabis, although usage was 1.5 times below that of alcohol. Over four in 10 Indigenous women (44%) reportedly used cannabis in the six months prior to arrest, which exceeded the level of cannabis use among non-Indigenous women (38%).
- In contrast, non-Indigenous female prisoners were more likely than their Indigenous counterparts to use a drug other than cannabis or alcohol—almost three-quarters (72%) compared with just over one-half (52%) respectively.
- Non-Indigenous women were also more likely to report regular use of more than one illicit drug (43% compared with 27% of Indigenous women).
- Consistent with the above results, while a higher proportion of Indigenous than non-Indigenous women admitted to alcohol dependency (as discussed earlier), the proportion dependent on illicit drugs only was lower (26% compared with 46% for non-Indigenous women).
- When those individuals dependent on illicit drug use only and those dependent on both illicit drugs and alcohol were combined, just under one-half (49%) of Indigenous women were found to be dependent on some form of illicit drug compared with over half (57%) of the non-Indigenous women.

In terms of the impact of illegal drug use on offending behaviour:

- Although Indigenous women were almost four times more likely than non-Indigenous women to be under the influence of alcohol rather than an illicit substance at the time of their most recent offence, the opposite was true in relation to illicit drugs. Overall, non-Indigenous women were 1.3 times more likely to be under the influence of an illicit drug (47% compared with 35% of Indigenous women respectively) at the time of committing their last offence prior to incarceration.
- Whereas Indigenous women were equally likely to blame alcohol (24%) and illegal drugs (21%) for their most recent offending, non-Indigenous women were more likely to ascribe their behaviour to illicit drug use only (21%) with only two percent nominating alcohol as a causative factor.
- Interestingly, none of the Indigenous women and only one percent of the non-Indigenous women attributed their offending to the combined effect of alcohol and illegal drugs.

Among those female prisoners who became regular offenders:

- Indigenous women were, on average, older than their non-Indigenous counterparts when they first used alcohol (average age of 15 years compared with 14.4 years for non-Indigenous women), cannabis (15.7 and 15.1 years respectively) and other drugs (17.9 years and 17.2 years respectively). They were also slightly older when they committed their first violent offence (21 years for Indigenous women and 20.5 years for non-Indigenous women).

- There was little difference between the two groups in terms of the relative sequence of drug use/offending events. Approximately one-third of Indigenous and non-Indigenous women commenced drug use prior to offending (36% and 33% respectively), while another third indicated that their first drug use and first offending coincided (34% and 35% respectively). Finally, just under one-third of both groups (29% and 32% of Indigenous and non-Indigenous women respectively) commenced drug use after they had committed their first offence. The study therefore concluded that ‘Drug use...seems to have a similar effect on offending among drug using Indigenous and non-Indigenous women’ (Johnson 2004: 101).

### Adult male offenders: DUCO/DUMA

The responses from over 2,000 adult male prisoners surveyed in Western Australia, Queensland, Tasmania and Northern Territory prisons in mid 2001 (the DUCO sample) and 5,797 adult male detainees interviewed in seven urban-based police stations or watch houses in Queensland, Western Australia, South Australia and New South Wales in 2002 and 2003 (the DUMA sample) were analysed for information about the relationship between illicit drug use and offending (Putt, Payne & Milner 2005). Once again, while these findings are not specific to violent offenders, their relevance to the drugs/violent crime nexus is indicated by the relatively high level of

violence perpetrated by these respondents (detailed earlier). Findings indicated that, while Indigenous respondents in both the DUCO and DUMA samples were significantly more likely to report use of and dependency on alcohol rather than on illicit drugs, and to attribute their most recent offending to alcohol rather than illicit drug dependency (see earlier discussion), some interesting findings in relation to illicit drug use per se did emerge (see Table 13). In particular:

- A significantly lower proportion of Indigenous than non-Indigenous DUMA and DUCO detainees had recently used heroin or LSD/hallucinogens/ecstasy.
- Recent cannabis use was significantly higher among Indigenous than non-Indigenous DUMA respondents, although no differences were observed between these two groups in the DUCO sample.
- A significantly higher proportion of non-Indigenous than Indigenous DUCO respondents were regular users of cocaine. Among DUMA respondents, levels of cocaine use were very low and there were no significant differences between Indigenous and non-Indigenous detainees.
- The illegal use of benzodiazepines was significantly lower among Indigenous than non-Indigenous respondents in the DUCO sample, but no differences were observed in the DUMA sample.

**Table 13** Self-reported recent drug use by adult male police and prison detainees, DUMA and DUCO (%)

Type of drug	DUCO (used in 6 months prior to imprisonment)		DUMA (used in past 30 days)	
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
Alcohol	90**	76	59**	50
Amphetamines	28	46**	40*	35
Cannabis	61	61	70**	58
Cocaine	8	19**	2	4
Heroin	15	31**	13	16*
Illegal benzodiazepines	15	25**	7	9
Inhalants/glue/petrol	4**	2	—	—
LSD/hallucinogens, ecstasy	15	26**	7	10*

\*Statistically significant difference at  $p < 0.05$

\*\*Statistically significant difference at  $p < 0.01$

Source: Putt, Payne & Milner 2005: 4

- Amphetamine use was significantly lower among Indigenous users in the DUCO group but significantly higher in the DUMA group when compared with non-Indigenous users.

Those respondents who indicated use of a particular drug in the previous six months (in the case of DUCO) or 12 months (for DUMA) were asked whether they were dependent on that drug. The extent of dependency varied according to the type of drug involved and whether the respondents were prisoners or police arrestees.

- Well over four in 10 (45%) Indigenous users of cannabis interviewed as part of DUCO indicated they were dependent on this drug, which was higher than the level of dependency among non-Indigenous cannabis users (32%). In contrast, among DUMA respondents, levels of cannabis dependency were the same for both groups (33%).
- Levels of heroin dependency among those who used this drug were lower among Indigenous than non-Indigenous users and this applied to both DUCO and DUMA respondents. Nevertheless, over one-half (53%) of Indigenous heroin users surveyed by DUCO felt they were dependent on the drug, as were 44 percent of those Indigenous persons canvassed by DUMA.
- Four in 10 (40%) Indigenous prisoners who had used amphetamines in the previous six months felt they were dependent on it, as did one-quarter (26%) of Indigenous police arrestees. These dependency levels were not significantly different from those reported by non-Indigenous users.

When respondents were asked whether they attributed their most recent serious offence to either intoxication or addiction to an illicit drug or to combination of both (Putt, Payne & Milner 2005), results indicated that, among DUCO respondents:

- Sixteen percent of Indigenous prisoners blamed their offending on their addiction to illegal drugs, either alone (11%) or in combination with alcohol (5%). This figure was markedly lower than that recorded by non-Indigenous respondents, 24 percent of whom attributed their most recent offence to addiction to illicit drugs only (22%) or illicit drugs and alcohol (2%).

- A further 19 percent and 18 percent of Indigenous and non-Indigenous prisoners respectively considered their most recent offence was due to their intoxication from an illicit drug. While these proportions are similar, most of the Indigenous offenders in this group cited intoxication with illicit drugs and alcohol combined (14%), whereas most non-Indigenous offenders in this category identified intoxication with illicit drugs only (12%).
- When addiction and intoxication data were combined, results indicated that only eight percent of Indigenous respondents attributed their most recent offending to addiction/intoxication from an illicit drug only, while 19 percent blamed a combination of illicit drugs and alcohol addiction/intoxication.

Within the DUMA sample, although nearly twice as many Indigenous than non-Indigenous respondents blamed their offending on alcohol, an equal proportion in both groups ascribed their behaviour to either dependency on, or intoxication from, illegal drugs.

### Juvenile offenders: DUCO

A survey of Indigenous and non-Indigenous juvenile detainees (Prichard & Payne 2005) identified some different trends from those outlined above for adults. Again, while analysis focused on all detainees rather than on violent offenders per se, the results are pertinent because of the high levels of assaultive behaviour among these individuals, as indicated by the fact that:

- Sixty-five percent of Indigenous detainees had assaulted someone at least once in their lifetime, as had 84 percent of non-Indigenous detainees;
- Twenty-eight percent and 31 percent respectively engaged in this behaviour on a regular basis; and
- Twenty-five percent and 42 percent respectively were currently imprisoned for assault.

In terms of drug use profiles, there were a number of similarities between Indigenous and non-Indigenous youths, with both groups reportedly using similar types of drugs at similar frequencies. The exception was amphetamines and ecstasy where non-Indigenous use was significantly higher. However, Indigenous youths were more likely than non-Indigenous youth to attribute their criminal offending to substance use (35% compared with 29%

respectively) and were 1.3 times more likely to nominate both intoxication from, and daily use of, illicit drugs as a contributing factor in their most recent offending episode (25% compared with 19% respectively; Prichard & Payne 2005).

Interestingly, a much higher proportion of Indigenous than non-Indigenous substance-using juvenile detainees reported that substance use commenced after their first offending episode (53% compared with 39% respectively) while a much lower proportion indicated that substance use preceded their first offence (22% compared with 36% of non-Indigenous juvenile detainees). The study therefore concluded that 'substance use may have played a greater role in the criminal careers of non-Indigenous youths than it did for Indigenous youths' (Prichard & Payne 2005: 89).

## Discussion

To summarise the findings from the studies cited above:

- Alcohol use was far more prevalent among adult male and female Indigenous offenders than illicit drug use. However, the opposite was true for non-Indigenous offenders.
- The illicit substance most frequently used by Indigenous offenders was cannabis, with usage levels consistently (but not always) higher than among non-Indigenous offenders. In contrast, use of illicit drugs other than cannabis was lower, although these inter-group differences were not always significant.
- Almost half of the Indigenous respondents admitted to being dependent on an illicit drug, either by itself or in association with alcohol.
- Despite the prominent role played by alcohol in Indigenous offending, some gender differences were evident. Among Indigenous women, illicit drug and alcohol use seemed to be equally implicated in their offending, while among Indigenous males, alcohol was far more dominant.
- Nevertheless, a lower proportion of both Indigenous male and female offenders blamed their most recent offending on illicit drug use than did their non-Indigenous counterparts.
- There may also be an inter-generational component in the drug use patterns of Indigenous offenders. Indigenous drug-dependent female prisoners, for example, were significantly more likely than their non-Indigenous counterparts to have grown up in families with drug problems (Johnson 2004). Almost three-quarters of Indigenous youths detained in Australian juvenile detention centres reported coming from substance-abusing families, which was significantly higher than that reported by non-Indigenous youths (59%). Among Indigenous juvenile detainees, 39 percent had a substance-abusing mother/stepmother, while 43 percent reported paternal substance abuse (Prichard & Payne 2005).

The relatively high levels of cannabis use among Indigenous offender populations is particularly concerning. A growing body of international research indicates that long-term marijuana use may be associated with violent offending via its impact on an individual's mental health status (Moore & Stuart 2005). Heavy use of this substance is now linked with an increased risk of psychosis, including schizophrenia, depression and other mood disorders, particularly among those individuals whose genetic predisposition makes them more vulnerable to the effects of this drug (eg Brook, Balka & Whiteman 2001; Brook et al. 2002; Lynskey et al. 2004; Patton et al. 2002). While most of this research had focused on the general population, there is some indication of a similar link between marijuana use and mental health problems in Indigenous communities. For example, a recent study in Arnhem Land found that, after adjusting for age, sex and other substance use patterns (tobacco, alcohol and lifetime petrol sniffing), Indigenous persons who were heavy cannabis users were four times more likely than the rest of the sample to report moderate to severe depressive symptoms (Lee et al. 2008). Further research in the same region found that the risk of anxiety-dependency symptoms increased as the level of cannabis use increased, although use of this drug was not associated with an increased risk of psychosis (Clough et al. 2005).

On a qualitative level, an NT Inquiry observed that in many of the Indigenous communities it visited, cannabis use was cited as a significant cause of fighting, either when a person ‘humbugged’ another family member for money with which to purchase the drug, or when a person became agitated because they are unable to obtain the drug (Wild & Anderson 2007). Contrary to this, however, the Inquiry also noted that in some Indigenous communities, young people were deliberately encouraged to use cannabis because it supposedly had a ‘calming’ effect on them and led to a more ‘peaceful’ community. Similar contradictory findings emerged from a study of marijuana use in an Arnhem Land community (Wild & Anderson 2007). On the one hand, residents expressed concern about this drug’s link with domestic violence and family neglect but, on the other hand, believed that ‘marijuana smokers were less harmful or disruptive to community life’ than were petrol sniffers (Wild & Anderson 2007: 173). The Mullighan Inquiry (2008) found evidence that cannabis use increased the risk of involvement by young girls in transactional sex as a means of either obtaining cannabis or the money with which to purchase it. It expressed concern that the recent increase in marijuana use among young people in the APY Lands could potentially lead to an increase in the incidence of such under-aged sexual activity because marijuana was more expensive than petrol.

The general literature also suggests a link between methamphetamine use and violent, aggressive behaviour. This has been attributed to methamphetamine psychosis which apparently resembles the acute symptoms of paranoid schizophrenia and can last for periods ranging from two to three hours or a number of days (Drabsch 2006). While not all users exhibit such psychosis, evidence suggests that this condition is 11 times more common among users than non-users (Drabsch 2006).

One final issue that has received attention in the general literature is whether drug use leads to offending or vice versa. Three different explanations about the sequencing of events are now accepted (Johnson 2004; Prichard & Payne 2005) and are likely to be equally applicable within the Indigenous community:

- first, that drug use leads to involvement in crime, either because of the psychopharmacological effects of the drugs or because individuals need to offend to obtain money to buy drugs;
- second, that rather than being causally linked, drugs and crime simply co-exist within the same subculture; and
- third, that drugs and crime are both caused by the same underlying factors, such as childhood experiences of abuse or family problems.

While these hypotheses have not been specifically tested within an Indigenous context, it is likely that all three apply to varying degrees, as indicated by the fact that among Indigenous women prisoners surveyed as part of DUCO, one-third indicated that they had commenced drug use prior to offending, another third reported that first drug use and first offending coincided and the final third noted that they had commenced drug use after they had committed their first offence.

## Childhood experiences of violence

### *Extent of childhood exposure to violence within Indigenous communities*

Data from a variety of sources, including hospital separation records, child protection notification systems and court records relating to care and protection orders, all point to disproportionately high levels of child abuse, neglect and family violence within Indigenous communities. For example, rates of hospitalisation for neglect and abandonment among Indigenous children were 30 to 80 times higher than for the non-Indigenous population. Between 2002–03 and 2005–06, in most Australian states, Indigenous children were between five to 10 times more likely to be the subject of a substantiated child-protection notification than non-Indigenous children (Bryant & Willis 2008). Anecdotal evidence (eg see Wild & Anderson 2007; Gordon, Hallahan & Henry 2002; Mullighan 2008) also indicates that many Indigenous children, particularly those living in isolated communities, are regularly exposed to pornography and because

of overcrowded housing conditions, witness sexual behaviour between adults from a very young age. Added to this is their exposure to the high levels of generalised violence in some communities.

### *Link between childhood experiences and violence*

There is growing evidence in the general literature that children who experience or witness violence have a greater risk of becoming perpetrators of such behaviour (see Bryant & Willis 2008; Mazerolle & Legosz 2007 for a more detailed overview). The same relationship seems to apply within Indigenous communities. A NSW inquiry into Indigenous child sexual abuse noted that children who constantly witnessed violence within the home, or who were themselves subjected to child abuse, may experience 'devastating psychological affects' and, in the absences of an alternative healthy model of living, may 'start to use violence themselves' (Ella-Duncan et al. 2006: 57).

That a high proportion of Indigenous female offenders have experienced trauma and abuse as a child is indicated by a number of studies. Interviews with 133 females held in WA prisons in November and December 2005 found that 22 percent of the 60 Indigenous women interviewed had been brought up as wards of the state, compared with only 11 percent of the 70 non-Indigenous women surveyed (Department of Corrective Services Western Australia 2006: 45). A survey of Indigenous women in NSW prisons found that 70 percent had been the victims of child sexual abuse, with most also reporting that they had experienced other types of abuse as children (Lawrie 2003a; 2003b). In addition, 78 percent were victims of violence as adults, while 44 percent said they had been sexually assaulted as adults. Significantly, the majority of these Indigenous women had been victims of violent abuse before they became involved in crime. The study also found a clear link between child sexual assault and drug use, with 98 percent of women who had been sexually assaulted as children reporting that they were drug users. However, in contrast to Indigenous males, these women were much more likely to use illicit drugs (particularly heroin) than alcohol. Most attributed their illicit drug problem 'to their experiences of past violence and

their inability to get help with it' (Lawrie 2003a: np). The study therefore concluded that 'unless the abuse experienced by Aboriginal women is effectively addressed they will continue with their drug use and continue to offend' (Lawrie 2003a: np).

Interviews conducted as part of DUCO (see Johnson 2004) also revealed high levels of child and adult abuse among both Indigenous and non-Indigenous female prisoners. The survey indicated that:

- Sixty percent of Indigenous female prisoners were the victims of child abuse, while 79 percent were the victims of adult abuse. Figures for non-Indigenous women were relatively similar (65% and 77% respectively).
- The main form of child abuse experienced by Indigenous women was emotional abuse (52%), followed by physical abuse (39%) and sexual abuse (37%).
- Non-Indigenous women were slightly more likely than Indigenous women to have experienced physical and emotional abuse as children, but were less likely to have been neglected. However, these inter-group differences were not statistically significant.
- The main forms of adult abuse experienced by Indigenous women prisoners were physical abuse (74%) and emotional abuse (63%). Only 29 percent reported being the victims of sexual abuse.
- Proportionately fewer non-Indigenous than Indigenous women indicated that they had been physically abused as adults (61% compared with 74%) but proportionately more had been subjected to either adult sexual abuse (36% and 29% respectively) or emotional abuse (66% compared with 63%). However, these inter-group differences were not statistically significant.
- Those Indigenous women who were imprisoned for a violent offence were significantly less likely to have experienced adult abuse than those Indigenous females incarcerated for non-violent offences (61% compared with 83% respectively). However, they were more likely to have experienced child abuse, although these differences were not significant.

Levels of childhood abuse were also high among Indigenous male offenders. Interviews conducted with 58 Indigenous male prisoners convicted of



a sexual and/or physical assault found that almost four in 10 (38%) had been victims of rape or sexual abuse. Most of these individuals appeared to be suffering from post-traumatic stress (Atkinson-Ryan cited in Wild & Anderson 2007). Findings from the DUCO survey of predominantly male juveniles found that among Indigenous youths, one in five (21%) reported physical abuse, while three in 10 (30%) indicated they had been victims of emotional abuse. Interestingly, however, these levels were significantly lower than those reported by non-Indigenous juvenile detainees. Among this latter group, 37 percent said they had been physically assaulted, while 43 percent had experienced emotional abuse (Prichard & Payne 2005: 90).

A study that focused specifically on the link between childhood abuse and subsequent offending involved a survey of 480 offenders (20% of whom were Indigenous) serving intensive correction or probation orders in Queensland (Mazerolle & Legosz 2007). It found strong links between criminal offending and a range of childhood traumas including chaotic family experiences, parental alcohol and drug abuse, family violence, physical and emotional abuse and neglect. Interestingly though, while rates of exposure to various forms of childhood trauma among Indigenous offenders were much higher than those in the general population, they were not significantly different from those experienced by non-Indigenous offenders. Instead, gender appeared to be the key factor, with Indigenous and non-Indigenous females experiencing higher levels of unwanted childhood sexual abuse than their male counterparts. The key findings included the following:

- Almost one-half of both Indigenous and non-Indigenous female respondents reported experiencing some form of non-physical abuse as a child. Approximately 45 percent and 54 percent respectively reported physical abuse, while 30 percent and 25 percent respectively in each group had been subjected to penetrative sexual abuse.
- Figures were lower for males. About 21 percent of Indigenous males, compared with over 30 percent of non-Indigenous males, had been subjected to non-physical abuse as a child, while about 25 percent and 31 percent respectively had been subjected to childhood physical abuse. Levels of penetrative sexual abuse were similar—at about 11 to 12 percent.
- Interestingly, these figures reveal that, whereas Indigenous females recorded somewhat lower levels of childhood abuse than non-Indigenous females, among males the reverse applied.
- Levels of adult sexual abuse (ie since the age of 16 years) were also very high, with an overall prevalence for all respondents of 54 percent. There were no significant differences between Indigenous and non-Indigenous offenders.
- Experiences of child sexual assault seemed to increase the amount and variety of violent offending during adulthood among females but not among males. Among female respondents (ie Indigenous and non-Indigenous combined), those who had experienced childhood sexual assault were approximately 1.6 times as likely to become an adult violent offender than those who were not abused as children (over 80% compared with just over 50% respectively). In contrast, over 80 percent of males were violent offenders, irrespective of whether they had been sexually abused in childhood.
- The relationship between childhood sexual abuse and adult violent offending did not differ by Indigenous status, although no specific figures were cited in the report.
- For all groups of offenders, more extreme and sequential exposure to child sexual assault was related to higher levels of suicide attempts and self-harm. Most strikingly, the study found that *all* Indigenous male respondents who had experienced penetrative abuse as a child had attempted suicide at least once, while seven in 10 had self-harmed. These levels were greater than those recorded by non-Indigenous males (60% of whom had attempted suicide and approximately 27% of whom had self-harmed). There were, however, no significant differences in either suicide or self-harm between Indigenous and non-Indigenous females. Just over 50 percent in both groups reported a suicide attempt, while between 45 percent and 50 percent admitted to self-harming behaviours.
- While not specific to Indigenous respondents, the study found that child sexual assault did not have a significant impact on school completion levels but was related to multiple school suspensions/expulsions. In contrast, victims

of childhood sexual assault were significantly more likely than non-victims to report involvement in juvenile delinquency, to have used drugs for non-medical purposes by the age of 18 years, to be dependent on alcohol (males only, not females), to use certain types of illicit drugs, to suffer from depression as adults, to have attempted suicide and to engage in self-harming behaviours. In turn, each of these factors poses its own risk for involvement in violence.

- The intergenerational nature of the childhood abuse/violent offending relationship was indicated by the finding that respondents who had experienced severe forms of childhood sexual assault were more likely to have children who also suffered abuse, although the study did not identify who was responsible for that abuse. One explanation may be that offenders with a history of child sexual assault live in situations which not only continues to place them at risk of adult abuse but also places their children at risk of abuse (Mazerolle & Legosz 2007).

Overall, the study concluded that while there is a clear link between childhood exposure to sexual assault and the degree of criminal involvement as adults, many of the relationships linking prior risk to negative consequences later in life seem to be shared by both Indigenous and non-Indigenous offenders alike.

However, the problem with all of the studies described above is that they are limited to a relatively small subset of Indigenous offenders in contact with the criminal justice system. Their findings may therefore not be representative of those Indigenous persons who, although suffering childhood abuse, do not engage in criminal behaviour. This problem is not shared by another Queensland study (Stewart, Dennison & Hurren 2005) that focused on all children born in 1983 and 1984 who had at least one recorded contact with that state's Department of Families (for a child protection or Children's Court matter) and/or the Queensland Police Service (for a formal caution). It tracked their interaction with both the juvenile justice and the child protection systems from birth to the age of 17 years. It then compared the offending behaviour of those children in the birth cohort who had experienced maltreatment (defined

as either emotional, physical or sexual abuse or neglect) with those who had not been maltreated. The study revealed that:

- Although Indigenous children accounted for only four percent of the 1983 and 1984 birth cohorts, they constituted 11 percent of maltreated children. They were also more likely to have more than one substantiated notification and experience multiple types of maltreatment than non-Indigenous children.
- Indigenous children with a substantiated maltreatment incident were more likely than non-Indigenous maltreated children to be placed outside the home at some stage during their childhood, possibly because of the greater number of maltreatment episodes which they experienced.
- Both Indigenous and non-Indigenous children who experienced some form of maltreatment were more likely to offend in adolescence than non-maltreated children.
- However, levels of offending among Indigenous maltreated children were higher than among non-Indigenous maltreated children, with more than one-half of the maltreated Indigenous males offending before the age of 17 years compared with only one-quarter (26%) of the overall sample.
- Among maltreated children, Indigenous status, sex, age of final notification, number of notifications, the number of maltreatment episodes and whether or not the maltreatment had involved neglect or physical abuse (rather than sexual abuse) all proved to be independent predictors of the likelihood of juvenile offending. However, of these variables, sex and Indigenous status were the most significant. In fact, 59 percent and 36 percent of maltreated Indigenous males and females respectively subsequently offended, compared with only 32 percent and 16 percent of non-Indigenous maltreated males and females respectively (Stewart, Dennison & Hurren 2005).

The authors therefore concluded that, while maltreatment may not be the specific cause of offending, it does act as an indicator that the child is being exposed to significant risks that may subsequently lead to offending.



One final issue relating to childhood experiences and their potential link with violence is the issue of whether or not an individual was removed from their family when young. That such an experience may act as a risk factor for offending is indicated by findings from the NATSISS, which showed that those respondents aged 15 years and over who had been removed from their natural family were 1.3 times as likely to be charged by police than those who had never been removed (54% compared with 34% respectively; ABS 2002).

## Discussion

At least three explanations may account for the apparent link between childhood victimisation and subsequent offending:

- first, that the experiences of childhood victimisation are a direct cause of offending;
- second, that the relationship is simply coincidental; or, those factors that increase the risk of victimisation as a child are the same as those that increase the risk that an individual will become an offender; and
- third, that those who experience abuse or neglect as children reside in families and communities where violence and maltreatment is considered normative. The child may, therefore, grow up believing that such behaviour is an inevitable and 'normal' part of living. Under these circumstances, behaving violently becomes a learned response to stressful situations among these abused children.

Anecdotal evidence, as summarised below, suggests that all three explanations may be relevant to Indigenous children.

The existence of a direct causative link between childhood experiences and subsequent involvement in violent offending was supported by the inquiry into violence in Cape York (Fitzgerald 2001). Fitzgerald (2001) cited research by Partnerships Against Domestic Violence which found that being abused as a child and/or being exposed to family violence had a negative impact on the child's developing neurophysiology. This had the potential to reduce the child's cognitive development and generate a range of symptoms, including anxiety, depression, psychological distress, an inability to form

attachments, poor educational attainment, lower job opportunities and difficulties in dealing with anger. In turn, these predisposed the individual to engage in a range of dysfunctional behaviours, including alcohol and illicit drug abuse and violence. When these individuals became parents themselves, there was a likelihood that the cycle would start all over again. The Cape York Inquiry also noted that, in small communities, even if a child's family environment was free of violence, there was a high probability that the child would nevertheless be exposed to violence present in other families living in close proximity (Fitzgerald 2001).

The APY Lands Inquiry was somewhat more circumspect in claiming a direct causal link between child abuse and adult violence. It noted that, while childhood experiences could not be ruled out as the cause of violence, other factors may also be involved. It did, however, find evidence that victims of child sexual abuse exhibited a range of behavioural problems including chronic kleptomania, suicidal behaviour, explicit sexual teasing and violence. Such violence sometimes became manifest at a relatively young age, as indicated by observations from the local school principal who noted that children whom he believed had been sexually abused were often violent at school (Mullighan 2008).

An inquiry into family violence in Queensland (Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000) indicated support for the 'normalisation' theory of violence. It observed that children, particularly in isolated communities where there were no other reference points against which local experiences could be compared, learned violence 'as part of their upbringing and socialisation'. While the children may not have become used to it, they did learn to adapt to such violence (Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000) and subsequently engaged in violence themselves. The normalisation of violence also means that alternative role models that value safe and non-violent family relationships are not available to younger generations and so the intergenerational cycle of violence remains unbroken (Fitzgerald 2001).

Whatever the underlying explanation, the relationship between childhood abuse and neglect and subsequent engagement in violence is not a straightforward one. There are gender differences as indicated by the Queensland research that found the experience of child sexual assault increased the amount and variety of violent offending among female offenders but not males (Mazerolle & Legosz 2007). And, as borne out by the study of maltreatment and juvenile offending in Queensland (Stewart, Dennison & Hurren 2005), not all individuals who experience child abuse and neglect subsequently become abusive adults.

## Exposure to pornography

While little empirical data are available, anecdotal evidence indicates access to pornography is widespread, particularly in remote Indigenous communities (Wild & Anderson 2007; Coorey 2001; Fitzgerald 2001; Mullighan 2008). The potential link between the viewing of sexually explicit material and Indigenous violence has long been recognised. In the early 1990s, Indigenous women and community workers attributed an increase in physical violence and sexual abuse (particularly by Indigenous men and boys) to the entry into their communities of pornography (Atkinson 1990a; 1990b). Assaults on young children, infants and animals by young males escalated after a shipment of pornographic videos (Hazlehurst 1994).

More recent inquiries have reiterated these concerns. An investigation into Indigenous child abuse in Queensland and New South Wales noted that Indigenous informants 'expressed concern that children, together with adults are watching violent videos "over and over" because of the lack of alternative activities' (Coorey 2001: 8). This, it was argued, contributed to the 'development of sexually inappropriate behaviour and new styles of crime, that contrast to traditional ways of behaviour' (Coorey 2001: 8). This issue was also explored by the Northern Territory inquiry into Indigenous child abuse (Wild & Anderson 2007). It drew attention to the proliferation of pornographic materials within these communities in recent years and its use as

a way of 'grooming' children for sex. It also argued that exposure to pornography contributed to the sexualisation of children, leading to the acting out of inappropriate sexual behaviours. Similar findings emerged from the APY Lands Inquiry (Mullighan 2008).

While both the NT and the SA inquiries (among others) have stressed that the relationship between pornography and sexual abuse is likely to be complex, in view of what seems to be an escalation in access to such material particularly in remote Indigenous communities, 'determining the nature of the relationship is becoming increasingly important' (Wild & Anderson 2007: 210). It should also be stressed that exposing children to pornography is, itself, a form of child sexual abuse and is defined as such by legislation.

## Education, employment, income and housing factors

### *Extent of community disadvantage*

That Indigenous people experience disadvantage across a wide range of educational, employment, financial and housing indicators is well documented. As a result, only a few survey-based statistics will be summarised here to substantiate this. (For further information see ABS 2006d, 2004; Bryant & Willis 2008; SCRGSP 2007).

In relation to education:

- According to the 2002 NATSISS, significantly fewer Indigenous than non-Indigenous respondents aged 18 years and over had obtained a post-secondary education (29% and 50% respectively) or had completed Year 12 (11% and 15% respectively). Conversely, significantly more had achieved only Year 9 or below (33% compared with 16% of non-Indigenous respondents; ABS 2002).
- In 2006, 21 percent of Indigenous 15 year olds were not participating in school education compared with only five percent of non-Indigenous 15 year olds (SCRGSP 2007: 11–17). In many areas, both urban and rural, there is a high rate of

absenteeism, while in some isolated communities in remote Australia, Indigenous children have no access to formal education at all. In the year 2000, it was estimated that in one area of the Northern Territory, this was the case for an estimated 1,000 Indigenous children (Human Rights and Equal Opportunity Commission cited in Coorey 2001).

In terms of employment indicators:

- In 2002, under one-half (46%) of Indigenous respondents aged 15 and over were employed (including 12% who were on CDEP), while 14 percent were unemployed. The remainder were not in the workforce and many of these would have been in receipt of some form of welfare payment (ABS 2002).
- The 2004–05 NATSIHS indicated that, after adjusting for age, the labour force participation rate for Indigenous people was about three-quarters that of non-Indigenous people (59% compared with 78% respectively), while the unemployment rates was about three times higher (13% and 4% respectively; SCRGSP 2007).

In terms of income levels, according to the 2002 NATSISS:

- A significantly higher proportion of Indigenous than non-Indigenous persons aged 18 years and over fell within the two lowest quintiles for equivalised gross household income (70% and 39% respectively) while conversely, a significantly lower percentage fell within the two highest quintiles (15% and 43% respectively; ABS 2002).
- Only one in three Indigenous respondents (31%) were in receipt of a wage or salary other than CDEP, while over half (52%) were dependent on a government pension or allowance. The figures were reversed for non-Indigenous persons, over half of whom (57%) were in receipt of wages while only 27% were dependent on welfare (ABS 2002).
- Over one-half of Indigenous persons (54%) reported that they had experienced financial stress compared with just over one in 10 non-Indigenous persons (14%; ABS 2002).
- In 2004–05, the median gross weekly equivalised household income for Indigenous people was \$340 compared with \$618 for non-Indigenous households (SCRGSP 2007).

In relation to housing:

- In 2002, only about one-quarter (27%) of Indigenous adults lived in homes owned or being purchased by a member of that household. This was considerably lower than home ownership levels of non-Indigenous persons (73%). Conversely, a significantly higher proportion of Indigenous (70%) than non-Indigenous (24%) adults were in rental accommodation (ABS 2002).

Commentators (eg Coorey 2001; Gordon, Hallahan & Henry 2002; Mullighan 2008) have pointed to:

- overcrowding and substandard conditions, with multiple family units living within the one house;
- inappropriate housing design characterised by small living areas, inadequate toilet and ablution facilities, failure to incorporate open spaces and use of building materials that are completely inappropriate for the intensely hot and cold temperatures that characterise much of central Australia. The houses often reflect the needs of non-Indigenous nuclear families rather than multi-unit Indigenous households;
- lack of regular maintenance; and
- lack of appropriate security, such as lockable doors.

While educational standards, employment, housing and other social conditions will obviously vary from one Indigenous setting to another, residents in remote locations are likely to experience the greatest levels of disadvantage across all of these indicators. The Cape York Inquiry observed that:

Social problems are especially visible in small, poor, remote communities, whatever their race and culture. Such communities commonly have limited facilities and public services, high costs for basic goods and other services, little economic activity, few local opportunities, comparatively low education standards, high unemployment, welfare dependency and heavy alcohol consumption (Fitzgerald 2001: vol 1: 50).

As evidence of this, it found that in Cape York:

- as many as 50 percent of students were absent from school on any given day;
- in some communities, no Indigenous student had achieved Year 12 standard in recent years, with high drop-out rates from Year 8 onwards;

- data from one school in the region indicated that during 11 years of schooling (from Year 2 to Year 12), students' reading age improved by less than two years; and
- half of the community relied on CDEP for employment, while 37 percent were not in the labour force. Only 11 percent of the residents had some form of employment other than CDEP (Fitzgerald 2001).

### *The link between educational, employment, income and housing disadvantages and violence*

Within in the general community, there is considerable evidence linking low educational attainment, high unemployment and a poor physical environment with an increased risk of violence (National Crime Prevention 1999a; 1999b). Again, though, empirical data relevant to Indigenous offenders generally, and Indigenous violent offenders in particular, is sparse.

While not focused specifically on violent offenders, a survey of Indigenous women prisoners in New South Wales (Lawrie 2003b) found that among this group:

- the majority had low levels of education, with 70 percent leaving school before completing Year 10;
- nine in 10 of those surveyed were not employed at the time of their most recent offence and, of those who were employed, most were in low paying manual jobs such as bar work, waitressing or rural seasonal labour;
- just over four in 10 (42%) did not receive any formal income, even from social welfare payments, with one-quarter indicating that their sole source of income was crime; and
- housing and accommodation was a serious problem, with at least 15 percent of those who were mothers indicating they were homeless or had no fixed address.

This study, however, was constrained by the absence of any comparable data on non-Indigenous women prisoners against which relative levels of Indigenous disadvantage could be measured. To overcome this, other studies have sought to compare levels of disadvantage among Indigenous and non-Indigenous offenders. The findings have been somewhat mixed:

- A study of violent offenders released from Australian prisons over a two year period found that a higher percentage (37%) of Indigenous prisoners had less than a Year 9 level of education compared with non-Indigenous prisoners (21%), while a lower proportion had completed Year 12 or post-secondary education (7% compared with 16% of non-Indigenous prisoners; Willis & Moore 2008).
- An analysis of NHMP data for the period 2004–05 found significantly higher unemployment levels among Indigenous offenders. Of the 20 Indigenous homicide incidents recorded that year where relevant data were available, 90 percent were perpetrated by an offender who was not working, compared with 62 percent of the 121 non-Indigenous homicides (SCRGSP 2007).
- In contrast, the DUCO survey of adult female prisoners found that Indigenous respondents were no more likely to have been in trouble at school than their non-Indigenous counterparts (Johnson 2004).
- Similarly, among juvenile detainees surveyed by DUCO, both Indigenous and non-Indigenous youths reported having troubled educational histories (Prichard & Payne 2005: 90). Somewhat unexpectedly though, non-Indigenous youths were twice as likely to have truanted or to have been suspended or expelled from school—a finding which may have more to do with the fact that, because a lower proportion of non-Indigenous youths are locked up in the first place, the ones that are incarcerated may be more 'troubled' than their Indigenous counterparts for whom incarceration is not an unusual outcome.

Overall, though, these studies are limited in that, even if they do indicate lower levels of economic and educational disadvantage among Indigenous than non-Indigenous offenders, this does not prove that such disadvantage actually causes higher levels of offending among Indigenous persons. Instead, these findings may simply reflect the fact that all Indigenous persons, offenders and non-offenders alike, have higher levels of disadvantage than non-Indigenous persons.

The only way to overcome this dilemma is to compare offenders and non-offenders within the Indigenous population itself. Any observed differences in characteristics between these two

groups may provide a better indication of risk factors for offending than any Indigenous/non-Indigenous comparison. Again, however, the main source of such comparative data—the NATSIS—focuses not on differences in actual offending behaviour, but on differences in levels of contact with the police. Nor does the survey provide any data specific to violent offenders.

Nevertheless, it does point to some significant educational and economic differences between those Indigenous people who have, and those who have not, had contact with the criminal justice system. Secondary analysis of the NATSISS data by Weatherburn, Snowball and Hunter (2006) found that the likelihood of being charged by police at some point in their lives was significantly lower for those who had remained at school longer. Of those Indigenous persons who had achieved Year 12, only 21 percent had been charged by police, compared with 39 percent of those with Year 10 or 11 schooling and 43 percent of those with Year 9 schooling or below. The likelihood of being charged was also higher among:

- those who were unemployed (58%) compared with those who were either employed (34%) or not in the labour force (34%);
- those who, although technically employed, were on CDEP (44%) compared with those employed elsewhere (30%);
- those who were dependent on welfare as their principle source of income (41%) compared with those who received wages and income from business or property (30%) or from some other source (30%); and
- those who had experienced days when they did not have money (45%) compared with those who had not experienced such financial stress (31%).

Interestingly though, the likelihood of being charged was not related to either the size of the household or levels of overcrowding. Of those living in households with three or more dependents, 38 percent had been charged at some stage in their lives compared with 37 percent of those in smaller households. And of those in crowded households (ie where the number of people per bedroom exceeded two), 38 percent had been charged compared with 37 percent of those in non-crowded households.

Similar findings emerged when a different measure of police contact—that is, whether a person had been arrested in the previous five years—was used (Weatherburn, Snowball & Hunter 2008):

- Of those Indigenous persons who had a schooling level of Year 9 or below, 21 percent had been arrested in the last five years, which was double that recorded by those individuals who had reached Year 12 (10%). Individuals who had obtained a post-school qualification (degree, diploma) were significantly less likely to have been arrested than those without such qualifications (18% compared with 15%).
- Almost one-third of those who were unemployed had been arrested in the past five years, which was 2.7 times as high as arrest levels among employed persons (13%).
- In terms of income levels, persons who were ranked in the lowest quintile of equivalised gross household income were 3.6 times as likely to have been arrested than those in the two highest quintiles (21% and 55% respectively).

## Discussion

There is empirical evidence linking offending to factors such as poor schooling, unemployment and poor housing within the general Australian population, possibly via their contribution to more proximal risk factors such as low self-esteem, high stress levels, a sense of alienation and helplessness, poor social functioning, repressed anger and boredom (National Crime Prevention 1999a).

Such links are also likely to apply within Indigenous communities, where levels of disadvantage are particularly pronounced. Some issues, however, have particular significance for Indigenous violence. For example, various government inquiries have posited a link between overcrowded households and the sexual abuse of Indigenous children. Such overcrowding, it is argued, provides potential offenders with more opportunities to abuse children because of their close proximity, the lack of appropriate security and the absence of careful oversight by parents. Overcrowding may also increase children's access to pornographic material and increase the likelihood of them witnessing adult

sexual behaviour, which in turn, may encourage them act out similar behaviours, using other children as their victims (eg see Wild & Anderson 2007; Gordon, Hallahan & Henry 2002; Mullighan 2008).

The heavy dependence on welfare payments, combined with the prominent role played by CDEP, particularly in semi-remote and remote communities, has also generated considerable concern in recent years. Pearson (2001a) argues that welfare policies have produced an artificial economy in many communities which is in direct contrast to the 'real' economics of both traditional Indigenous subsistence and the broader market economy. In his view, by its failure to place any demands of reciprocity or responsibility on the welfare recipient, 'passive welfare' dependence is an important contributor to high levels of social dysfunction, including alcohol abuse and violence. Such dysfunction is, he considers, quite separate from the social dysfunction generated by colonial dispossession and dislocation. Other commentators have also pointed to a 'culture of defeat' generated by prolonged welfare dependence (Fitzgerald 2001). The availability of CDEP has not, it is claimed, been effective in overcoming these problems, because, in many instances, it does not offer meaningful work, is only available for several hours a day and involves tedious tasks which do not include any training for, or pathway towards, full time employment opportunities. The Cape York inquiry also noted that, because CDEP is not available to those individuals who remain at school, it provides an incentive for young persons to leave school at the earliest opportunity (Fitzgerald 2001). CDEP has attracted considerable negative media attention since its initial abolition, then reinstatement, as part of the Australian Government's Emergency Response, with claims that its 'pretend jobs' have become an obstacle to real employment, thereby perpetuating a cycle of joblessness and family dysfunction (*The Advertiser* 19 August 2008). Nevertheless, there is some indication that those on CDEP are less likely to have contact with the criminal justice system than those who are unemployed, thereby suggesting that being on CDEP may, in fact, operate as a protective, rather than as a risk factor, for violence (Weatherburn, Snowball & Hunter 2008, 2006).

## Physical health and disability

### *Extent of community disadvantage*

Over many decades, both media and public attention has focused on the poor health outcomes for Indigenous adults and children. A handful of statistics from the wealth of data now available are summarised below.

#### Life expectancy at birth

- In 2001, Indigenous life expectancy was around 17 years lower than for the general population of Australia. More recent estimates indicate a life expectancy of 59 years for Indigenous males and 65 years for Indigenous females, compared with 77 years and 82 years for non-Indigenous males and females respectively (SCRGSP 2007).

#### Infant birth weight and mortality rates

- Indigenous babies are two to three times more likely to be born with a low birth weight, which is predictive of future problems (Coorey 2001: 92)
- Between 2003 and 2005, the combined infant mortality rates for New South Wales, the Northern Territory, Queensland, South Australia and Western Australia were two to three times as high as those of Australian infants in general (SCRGSP 2007).

#### Disability, chronic disease and injury

- The proportion of the Indigenous population aged 15 years and over reporting a disability or long-term health condition in 2002 was almost twice as high as that reported by non-Indigenous people. In 2001, Indigenous people reported higher rates of asthma, diabetes and kidney disease than did non-Indigenous people (SCRGSP 2007).
- In 2004–05, Indigenous children under four years of age were twice as likely as non-Indigenous children to be hospitalised for potentially preventable diseases and injuries. In that same year, the hospitalisation rate for Indigenous adults with a potentially preventable chronic illness was eight times the rate of non-Indigenous adults (SCRGSP 2007).



- In 2001–02, deaths due to diabetes were two to four times higher among Indigenous than non-Indigenous people (SCRGSP 2007).
- In 2002, in Western Australia, the prevalence of foetal alcohol syndrome was 2.76 per 1,000 Aboriginal children compared with only 0.02 per 1,000 non-Aboriginal children (O’Leary 2002).
- In that same state, 29 percent of Aboriginal children aged 0–17 years had a perforated eardrum and 65 percent had experienced hearing loss as a result of otitis media (Zubrick & Silburn 2006).

These national findings are replicated in various Indigenous communities across Australia. For example, in the Cape York region (see Fitzgerald 2001):

- the median age of death among Indigenous people was 20 years below that of the general Queensland population, while mortality rates were two to three times higher;
- there were high rates of sexually transmitted diseases, particularly among pre-adolescent and adolescent girls;
- the rates of premature births and low birth weights (both of which constitute risk factors for infant mortality and health problems in later life) were 1.5 times as high as that of the general Queensland population; and
- there were high rates of diseases, including glaucoma, ear infections, heart disease and kidney failure.

### *Link to offending*

There is very little empirical data on the extent to which poor health outcomes act as a risk factor for violent offending. That such a link may exist comes from the 2002 NATSISS which found that:

- those Indigenous persons who had been charged by police at some stage in their lives were more likely to report fair to poor health status than those who had never been charged (30% compared with 20% respectively; ABS 2002); and
- of those who had been arrested in the previous five years, 20 percent indicated they suffered from a disability, which was significantly higher than the 14 percent recorded by those who had not been arrested during that period (ABS 2002).

Overall, though, it is likely that the link between physical health and violence is an indirect one, mediated by other risk factors, such as the impact of poor health on educational and employment opportunities.

## Psychological distress and mental health issues

### *Extent of community disadvantage*

A mental health problem has been defined as ‘diminished cognitive or social abilities but not to the extent that the criteria for a mental illness are met’ while a mental illness is a ‘clinically diagnosable disorder’ (Department of Health & Ageing 2009: 29). However, data on the prevalence of either mental health problems or mental illness within the Indigenous context are ‘glaringly deficient’ (Hunter 2003: 150). One data source is hospitalisation records but, as with criminal justice data, such information reflects only the ‘tip of the iceberg’ because many Indigenous people either do not have access to, or prefer not to use, these services. Nevertheless, these records indicate that Indigenous persons experience considerably higher levels of psychological distress than non-Indigenous persons. For example:

- The chances of an Indigenous person being admitted for involuntary psychiatric care is three to five times higher than for Australians in general and is even higher for disorders relating to substance use, psychotic disorders and dementia (Response Ability 2009)
- In 2003–04, the rate of hospitalisation for those diagnosed with mental disorders due to psychoactive substance use was over four times as high as for Indigenous than non-Indigenous males and over three times as high for Indigenous females compared with non-Indigenous females. Indigenous male and female rates for schizophrenia, schizotypal and delusional disorders were more than double those of their non-Indigenous counterparts (ABS & AIHW 2005).

In terms of deaths resulting from mental illness:

- From 1999 to 2003, just over two percent of Indigenous deaths in Queensland, Western Australia, South Australia and the Northern Territory were due to mental disorders, which was over five times that of non-Indigenous Australians (ABS & AIHW 2005)
- Over this same period, male Indigenous death rates due to mental illness were 5.5 times as great as non-Indigenous male rates, while among females the Indigenous rate was 2.2 times the non-Indigenous rate (AIHW 2006).

Findings from the 2002 NATSISS showed that Indigenous persons aged 18 years and over were significantly more likely to have experienced at least one stressor in the preceding 12 months (83%) than non-Indigenous persons (57%). The stressors most frequently cited were death of a family member or close friend (46%), serious illness or disability (31%) and inability to get a job (27%; ABS 2002).

Somewhat similar findings emerged from the 2004–05 NATSIHS (SCRGSP 2007). It noted that:

- Indigenous people were twice as likely to be hospitalised for mental and behavioural disorders than non-Indigenous people.
- After adjusting for age differences, 27 percent of Indigenous people reported high to very high levels of distress compared with only 13 percent of non-Indigenous people, with these inter-group differences applying across all age categories. These levels did not vary significantly between those Indigenous persons living in major cities, regional areas or remote Australia.
- Abuse or violent crime was the most prominent stress factor cited (causing high to very high distress in 42% of respondents), a finding which illustrates the existence of a 'vicious circle', with stress potentially increasing the risk of violence which, in turn, increases the risk of higher stress levels.
- Other stress factors identified included drug-related problems (cited by 41% of Indigenous respondents), alcohol problems (39%), divorce or separation (38%) and gambling (39%).

High levels of mental health problems and psychological distress have also been identified in Indigenous children. The Western Australian Aboriginal Child Health Survey (WAACHS) conducted

between 2000 and 2002 among young people aged under 18 years found that:

- Twenty-four percent of Aboriginal children were at high risk of clinically significant emotional or behavioural difficulties compared with 15 percent of non-Indigenous children (Zubrick et al. 2005).
- The factor most strongly associated with these difficulties was 'life stress events' (Zubrick et al. 2005), with over one in five Aboriginal children (22%) aged 0 to 17 years living in families who indicated they had experienced seven or more major life stress events in the 12 months prior to the survey, compared with less than one percent of non-Aboriginal young people. Among the children themselves, 70 percent of those identified as Aboriginal had experienced three or more life stress events in 12 months, compared with 14 percent of non-Aboriginal children (Blair, Zubrick & Cox 2005).
- Those children cared for by adults who had been forcibly separated from their natural families in childhood were more than twice as likely as other children to be at high risk of clinically significant emotional or behavioural difficulties (Zubrick & Silburn 2006).

Given these results, it is not surprising that according to the same survey:

- One in five Aboriginal young people aged 12 to 17 years were 'at high risk of clinically significant emotional behaviours...compared with 7%...of a contemporaneous sample of non-Aboriginals 12 to 17 years old' (Blair, Zubrick & Cox 2005: 435).
- One in three Aboriginal young people were at 'high risk of clinically significant conduct problems compared with 13.1% of the non-Aboriginal sample' (Blair, Zubrick & Cox 2005: 435).

Interestingly, the proportion of children at high risk of clinically significant emotional or behavioural problems was lowest in areas of extreme isolation. This may suggest that stronger adherence to traditional culture and lifestyle that occurs in these isolated areas may act as a protective factor (Zubrick & Silburn 2006).

Another potential indicator of depression and poor mental health among Indigenous people is their very high levels of suicide and non-fatal self-harm (which, according to Memmott & National Crime Prevention



2001 and others, constitute forms of violence in their own right). In 2005, in those four states for which data were available (Queensland, South Australia, Western Australia and the Northern Territory), Indigenous suicide rates were markedly higher than non-Indigenous rates (SCRGSP 2007: 73–75). More specifically, when compared with non-Indigenous figures, Indigenous suicide rates were:

- 2.6 times as high in Western Australia (18.8 suicides per 100,000 Indigenous population compared with 10.8 per 100,000 non-Indigenous population);
- 3.1 times as high in the Northern Territory (48.2 compared with 15.5);
- 3.9 times as high in South Australia (45 compared with 11.4 respectively); and
- 2.6 times as high in Queensland (32.2 compared with 12.2 respectively).

These inter-group differences are even larger in some communities. For example, in the remote Cape York region, Indigenous male suicide rates in 2001 were over six times as high as that of all Queensland males, while Indigenous female rates were two times higher than statewide rates for the total female population (Fitzgerald 2001).

There is also some evidence that Indigenous suicide rates may be increasing. Research has indicated that, not only has the Northern Territory recorded the highest Indigenous suicide rate since the mid 1990s, but that this rate has escalated over the past two decades. In the early 1980s, the age-adjusted suicide rate for NT Indigenous males was about one-third of that of NT non-Indigenous males, while no suicides were recorded for the female Indigenous population. But between 1981 and 2002, the suicide rate of both Indigenous males and females increased substantially (by an average of 17% and 26% respectively each year). In contrast, non-Indigenous male and female suicide rates increased by only one percent and six percent respectively over this same period. As a result of these different trends, by 2001–02, Indigenous male and female suicide rates were almost two times that of non-Indigenous rates (Measey et al. 2006).

Statistics from the AIHW National Hospital Morbidity database on incidents involving self-harm that did

not result in death also point to higher levels among Indigenous than non-Indigenous people, with an age-standardised hospitalisation rate for intentional self-harm in 2004–05 of 2.9 per 1,000 Indigenous population compared with 1.6 per 1,000 non-Indigenous population (SCRGSP 2007).

The risk of suicide among Indigenous persons is higher among males than females. This is particularly true in the Northern Territory where, between 2001 and 2005, the Indigenous male suicide rate was more than seven times that of Indigenous females (84.9 per 100,000 Indigenous male population compared with 11.7 for females). In contrast, the gender gap was lowest in South Australia and Queensland (with males 3.3 and 3.6 times respectively more likely to suicide than females; SCRGSP 2007: attachment Table 3A.8.1). Interestingly, however, the opposite applied to incidents involving non-fatal self-harming behaviour. Here, the statistics indicate that female rates are higher than those of males. In 2004–05, self-harm hospitalisation rates among Indigenous females was three per 1,000, compared with 2.7 per 100,000 male Indigenous population (SCRGSP 2007).

The risk of suicide among Indigenous persons also varies according to age. It is highest among persons aged 25–34 years, which is also the peak age for involvement in violent offending. Within this age group, suicide rates ranged from 35.6 per 1,000 in Western Australia, 54.6 in Queensland, 85.2 in South Australia, to 92.6 in the Northern Territory. By comparison, the risk is lower among those aged under 25 years (11.5 per 1,000 Indigenous population in Western Australia, 15.5 in Queensland, 23.3 in South Australia and 30.5 in the Northern Territory (SCRGSP 2007).

### *Link between mental health issues and violent offending*

The limited amount of empirical evidence relating to the link between mental health and violent offending suggests the presence of high stress levels/mental health problems among Indigenous offenders. However, most of these data apply to all offenders rather than to violent offenders per se and pertain only to those individuals who have been ‘caught’ by police.

- According to the 2002 NATSISS (ABS 2002), a higher proportion of Indigenous persons who had been charged by police at some stage in their lives (86%) had experienced at least one stressor in the previous 12 months than those who had never been charged (81%). Interestingly though, when stress associated with alcohol, drugs and unemployment were excluded, those persons charged by police were no more likely to experience a stressor than those who had never been charged (38% compared with 37%).
- A study conducted among prisoners in Western Australia found that, when compared with that state's Indigenous population as a whole, rates of hospital admissions for mental disorders were approximately twice as high among Indigenous male prisoner and three times as high for Indigenous female prisoners (Hobbs et al. 2006).
- Results from a survey of female prisoners in six Australian jurisdictions conducted as part of DUCO found that Indigenous females imprisoned for a violent offence were more likely (78%) to have mental health problems than non-violent Indigenous female offenders (63%; Johnson 2004). Similar differences were observed when property offenders were compared with non-property offenders.
- A survey of offenders serving community-based orders in Queensland (Mazerolle & Legosz 2007) found that over half of the Indigenous respondents were suffering either moderate to severe depression. However, although the differences were not statistically significant, depression seemed to be more pronounced among non-Indigenous respondents, with seven percent classified as severely depressed compared with only three percent of Indigenous respondents. Non-Indigenous offenders were also significantly more likely than their Indigenous counterparts to have been previously diagnosed by a doctor with having a mental health disorder. This applied to all of the disorders measured, with the exception of alcohol and drug dependence (see Table 14). However, while these figures may point to lower levels of mental disorders among Indigenous offenders, they may also reflect their lower access to medical support and less willingness to access such services.

**Table 14** Proportion of respondents previously diagnosed as having a mental health disorder, by Indigenous status, Queensland (%)

Type of disorder	Indigenous	Non-Indigenous
Depression	31.9	46.3*
Bipolar disorder	1.1	9.4*
Personality disorder	1.1	8.3*
Schizophrenia	1.1	9.4*
Anxiety	10.6	27.3*
ADHD	7.4	9.1*
Drug dependence	28.2	20.2*
Alcohol dependence	10.6	14.7*

\* Differences were statistically significant

Source: Mazerolle & Legosz 2007: 58

# Discussion

That Indigenous persons involved with the criminal justice system experience mental health problems and psychological stress has been identified by various government inquiries. The RCIADIC (1991), for example, drew a strong link between undiagnosed mental and social distress and high rates of incarceration among Indigenous people. It also noted that incarceration may, in itself, either trigger mental illness or, if already present in the individual, exacerbate it—an outcome which is particularly likely in those situations where appropriate treatment programs are not made available to prisoners.

However, the link between mental health issues and offending (including violent offending) is likely to be complex and multidimensional. Psychological stress, for example, may not be directly causative of violence, but may lead to alcohol abuse which, in turn, may result in violence. There is also a growing body of evidence (outlined earlier in this report) of a link between illicit substance abuse (particularly marijuana and methamphetamines), mental illness and violence.

In recognition of the failure of the criminal justice system to deal effectively with those persons whose offending is linked to their mental health status,

a number of Australian jurisdictions have now established specialised diversionary courts (colloquially referred to as Mental Health Courts) which aim to use the offender's contact with the criminal justice system as a lever for engaging that person in effective treatment programs. As yet, however, these courts operate in only a handful of locations (predominantly in capital cities) and are limited to a relatively small number of offenders. They are therefore not readily accessible to Indigenous offenders (Hunter & McRostie 2001). Other specialist or problem-oriented courts, such as drug courts or Indigenous courts, may on occasion identify and seek to address mental health issues but this is not their primary purpose.

## Geographic location and remoteness

### *Spatial variations in Indigenous population distribution and characteristics*

The geographic distribution of the Indigenous population is substantially different from that of non-Indigenous Australians. While the latter are predominantly urban dwellers, Indigenous Australians mainly reside in rural and remote areas. Yet even within the Indigenous population, the characteristics of Indigenous persons living in remote regions vary considerably from those resident in rural areas or in major cities. The 2002 NATSISS, for example, found that persons aged 15 years and over living in remote areas were more disadvantaged across a range of indicators than their non-remote counterparts. In particular:

- They had lower education levels. Fewer had a post-school qualification (17% compared with 3%) while a higher proportion had left school in Years 6, 7 and 8 or had never attended school in the first place (6% compared with less than 1% of non-remote Indigenous residents; ABS 2002).
- While a significantly higher proportion were employed (52% compared with 44%), their main source of employment was CDEP. In remote

areas, 33 percent of Indigenous people were employed under this scheme while only 19 percent were engaged in other work. In comparison, only five percent of non-remote Indigenous residents were employed under CDEP, while 40 percent were engaged in non-CDEP work. The prominent role played by CDEP in remote communities meant that the proportion of the population officially designated as unemployed was actually lower than in non-remote areas (6% compared with 17%; ABS 2002). But given the range of criticisms now being levelled at CDEP (as outlined earlier), this may not be a positive indicator of economic wellbeing.

- A significantly higher proportion of remote residents had experienced at least one stressor in the past 12 months (86% compared with 81% of non-remote dwellers; ABS 2002) while almost three-quarters (73%) reported experiencing financial stress compared with under one-half (47%) of non-remote dwellers (ABS 2002).
- A significantly lower proportion believed they could get support in a time of crisis (87% compared with 92%; ABS 2002).
- A significantly lower proportion were home owners, while a significantly higher proportion lived in dwellings that had major structural problems (50% compared with 33% of non-remote residents) or were overcrowded (ie needed additional bedrooms; 52% compared with 16%; ABS 2002).

In relation to some characteristics, however, Indigenous persons living in remote regions seemed to fare better than those in non-remote locations. For example, remote residents were less likely to have been removed from their natural family (6% compared with 9%) or have a relative who had been removed (28% compared with 39%) and were more likely to have retained a commitment to traditional values and lifestyle, including identifying with a clan or tribal/language group, currently living in their homeland or traditional country, speaking an Aboriginal language at home and being more heavily involved in Indigenous cultural events (ABS 2002).

Overall though, Indigenous persons in remote areas seem to rank higher on a range of indicators widely considered to be risk factors for violence.

## *Link between geographic location and violent offending*

Given what seems to be a concentration of risk factors for violence in remote communities, combined with the greater difficulties involved in accessing services and programs, it may be expected that these communities would exhibit higher levels of violence. This perception has frequently been reinforced by the media, particularly in their reporting of the NTER.

However, empirical evidence to this effect is sparse, with most information derived either from the NATSISS, or official criminal justice data sets, both of which measure contact with the system rather than offending per se. The findings from these different sources are also somewhat contradictory.

On the one hand, there is some indication that those in remote areas have higher offending rates than those in non-remote areas. For example, between 1999–2000 and 2004–05, the Indigenous homicide rate was lowest in major cities (4.6 per 100,000 Indigenous population), increasing to 4.9 in inner regional areas, to 13.4 in outer regions and 16.7 in remote areas, before dropping slightly to 13.1 in very remote areas. In contrast, non-Indigenous homicide rates were not only much lower across all regions, but showed little variation from one geographic setting to another, with figures ranging from 1.4 to approximately 1.6 per 100,000 non-Indigenous population. Only in the very remote areas did the non-Indigenous rate exceed two per 100,000 population (SCRGSP 2007: attachment Table 3A.10.5). As a result of these different trends, the discrepancy between Indigenous and non-Indigenous homicide rates increased as the degree of remoteness increased. In major cities, the Indigenous rate was approximately 3.3 times that of the non-Indigenous rate, but in remote areas it was 10 times as high.

Other data, however, do not support the view that Indigenous persons in remote communities have a higher risk of offending or involvement with the criminal justice system. According to the 2002 NATSISS, Indigenous people aged 15 years and over in remote or very remote areas of Australia were no more likely than those in a major city to have been charged by police at some stage in their lives (35% and 33% respectively) or to have been arrested in

the preceding five years (17% and 16% respectively; ABS 2002). This lack of difference may, however, be due to factors other than an absence of variation in offending behaviour. First, because the data measure contact with the system, rather than actual offending, they are likely to be influenced by regional variations in police strength and availability. In addition, the use of a highly generalised dichotomised variable that groups all respondents into either 'remote' or 'non-remote' (the latter of which combines those living in major cities, inner regional and outer regional areas) may be too crude a measure to detect differences at a local level.

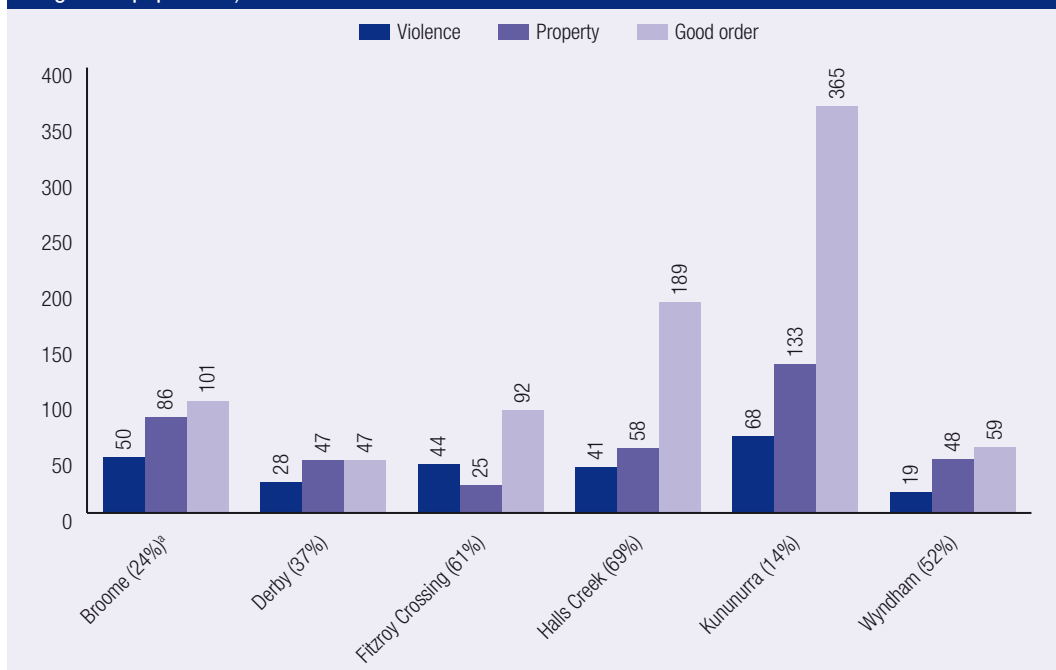
One analysis which used a more fine-grained geographic differentiation to investigate regional variations in Indigenous violent apprehension rates was undertaken in Western Australia in 2001 (Fernandez 2003). While the results (a selection of which are outlined below) are now somewhat dated, they nevertheless point to significant differences in apprehension rates at both a regional and a sub-regional level. They therefore indicate that the link between geographic location and the risk of violence is far more complex than a simple remote/non-remote dichotomisation.

### **Regional variations in Indigenous apprehension rates for violent offences, Western Australia**

Indigenous apprehension data for 2001 were extracted for a number of ABS postal areas within seven key regions in Western Australia: Gascoyne-Murchison, Goldfields, Great Southern, Kimberley, Pilbara, North Metropolitan and South Metropolitan (Fernandez 2003). The data showed marked variations between and within these seven regions, in both the rate of violent offending, as well as the relative positioning of violence compared with property and good order apprehensions.

In the Kimberley region, for example, rates of apprehension for violent offences varied from 68.4 per 1,000 Indigenous population in Kununurra to 18.5 in Wyndham. In all six Kimberley sub-regions, apprehension rates for violent offences were consistently lower than apprehension rates for good order offences and (with the exception of Fitzroy Crossing) for property offences (see Figure 10). Of particular note, however, is that these rates do not appear to be linked to the relative size of the

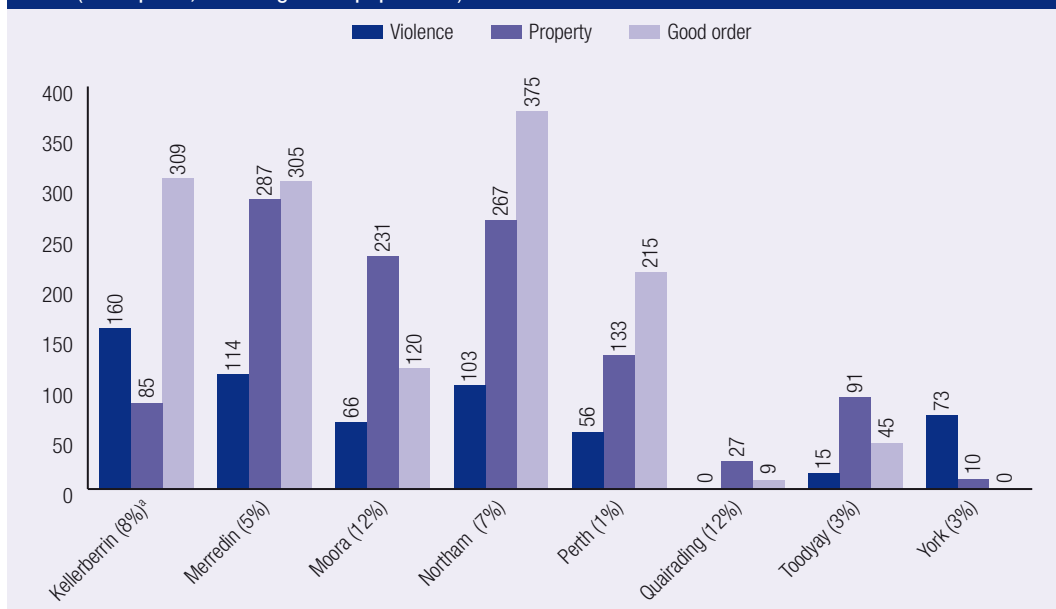
**Figure 10** Indigenous apprehension, Kimberley Region, Western Australia 2001 (rates per 1,000 Indigenous population)



a: These figures represent the percentage of the total population in each region that identifies as Indigenous

Source: Fernandez 2003

**Figure 11** Indigenous apprehension offence comparisons, North Metropolitan Region, Western Australia 2001 (rates per 1,000 Indigenous population)



a: These figures represent the percentage of the total population in each region that identifies as Indigenous

Source: Fernandez 2003

Indigenous population in each region. Although over 60 percent of the population in Fitzroy Crossing identified as Indigenous, compared with only 24 percent in Broome, apprehension rates for violent offences were relatively similar in both locations. In Kununurra, where apprehension rates for violence were higher, only 14 percent of the population was Indigenous.

Interestingly, apprehension rates for Indigenous violent offending in the remote Kimberley region were no higher than those recorded in more southerly locations, such as the North Metropolitan region, which includes sections of Perth and parts of that state's wheat belt (Fernandez 2003).

As shown in Figure 11, in the North Metropolitan

region, rates of violent apprehensions exceeded 60 per 1,000 Indigenous population in five of the eight sub-regions listed and reached a high of 159.6 per 1,000 in Kellerberrin. As was the case in the Kimberley, both property and good order offences were more prominent than apprehensions for violent offences.

This considerable intra-regional variation, and the fact that the highest apprehension rates for Indigenous violent offences do not necessarily occur in semi-remote or remote areas, are further illustrated in Table 15. This lists all sub-regions where the violence apprehension rate exceeded 70 per 1,000 Indigenous population. The highest rate of violent apprehensions (250 per 1,000 population) was

**Table 15** Regions/sub-regions with an apprehension rate for violent offences of 70 per 1,000 Indigenous population or above, Western Australia, 2001

Region	Indigenous	Indigenous persons
	Rate per 1,000 persons	As a % of total population
<b>Gascoyne-Murchison</b>		
Carnarvon	106.9	12.5
Mount Magnet	100.0	16.7
Wiluna	151.5	22.0
<b>Goldfields</b>		
Esperance	72.8	3.9
Kalgoorlie-Bolder	78.4	6.3
Laverton	195.1	32.2
<b>Great Southern</b>		
Albany	85.5	2.7
Katanning	120.4	7.2
Mount Barker	93.8	3.7
Narrogin	81.6	5.3
Wagin	250.0	5.1
Kimberley	0.0	0.0
<b>Pilbara</b>		
Port Hedland	70.3	15.2
<b>North Metropolitan</b>		
Kellerberrin	159.6	8.1
Merredin	113.8	4.6
Northam	102.5	6.6
York	72.9	3.2
South Metropolitan	0.0	0.0

Source: Fernandez 2003

recorded in the Great Southern district of Wagin, followed by Kellerberrin (159.6) in the North Metropolitan region. Interestingly, no sub-region in the Kimberley or the South Metropolitan regions recorded such high apprehension levels. Yet, arguably, these two regions sit at quite different ends of the geographic and Indigenous cultural spectrum in Western Australia.

These figures suggest that the size of the Indigenous population, when viewed as a percentage of the total population in each region, does not affect Indigenous apprehension rates. Regions with large Indigenous populations relative to the size of the non-Indigenous population do not have higher rates of offending than areas where the proportion of Indigenous persons in the population is relatively small (although absolute numbers are likely to be higher). Nor does the rate of violent offending seem to vary in any consistent way according to distance from Perth.

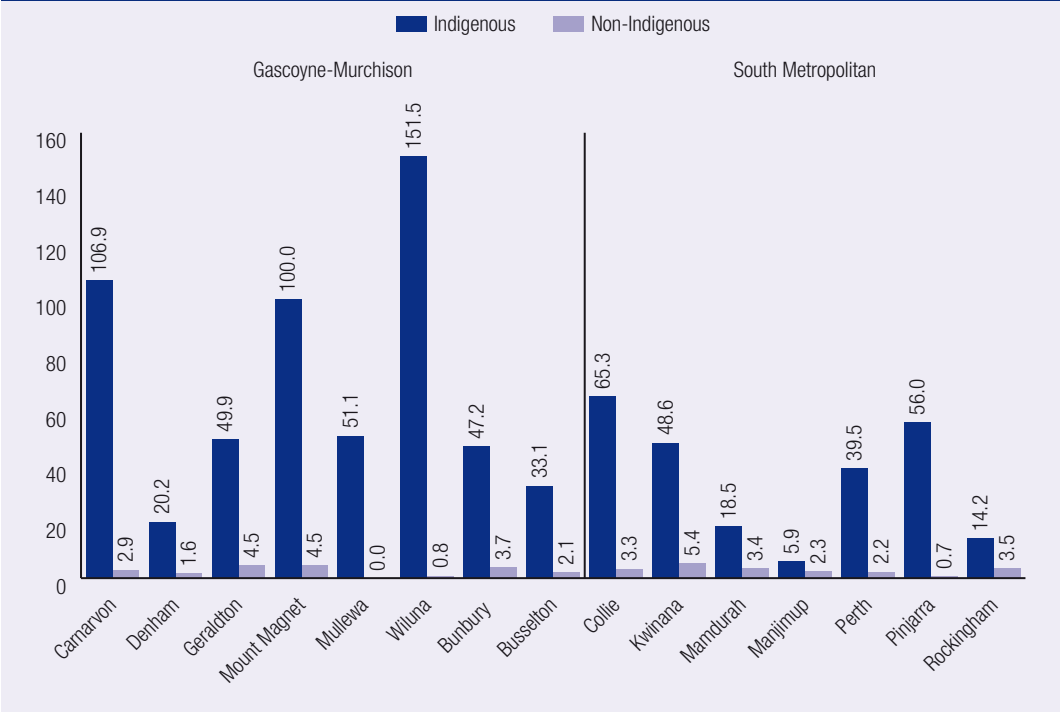
There was, however, one element of consistency across all of these regions, irrespective of the size

of the Indigenous population or its geographic location—namely that Indigenous apprehension rates for violent offending were higher than those recorded by non-Indigenous persons. This issue is explored in more detail below.

### Regional variations in Indigenous/non-Indigenous rates of apprehension for violent offences, Western Australia

That Indigenous apprehension rates for violent offences in Western Australia were consistently and substantially higher than non-Indigenous rates is illustrated in Figure 12, which focuses on a selection of locations in the Gascoyne-Murchison and South Metropolitan regions. However, the patterns illustrated here are consistent with those observed across all other regions. Figure 12 also indicates that the extent of difference between Indigenous and non-Indigenous individuals varies from one sub-region to another. Within the Gascoyne-Murchison region, for example, Indigenous apprehension rates for violent offences in Wiluna were 194 times that of

**Figure 12** Gascoyne-Murchison region—apprehensions for offences of violence, 2001 (rates per 1,000 population by Indigenous status)



Source: Fernandez 2003



non-Indigenous apprehension rates for violence, while in Denham they were only 13 times as high. To fully understand the factors in Wiluna and Denham that lead to such large discrepancies between the two, in-depth community-based studies are required.

## Discussion

While both the incidence and nature of Indigenous violent offending varies considerably from one region to another, the data do not point to an association between remoteness and levels of violence. An analysis of victim-based rather than offender-based data is also inconclusive. While the 2002 NATSISS did not find any variation between remote and non-remote areas in levels of self-reported violent victimisations, the survey did find that those living in remote areas were more likely than non-remote dwellers to perceive violence as a bigger problem in their community, with a significantly higher percentage citing abuse and violent crime (17% compared with 9% of non-remote residents) and the witnessing of violence (30% and 10% respectively) as stressors in their lives. In addition, when asked to identify problems that they considered to be a serious issue in their neighbourhood, a significantly higher proportion of remote than non-remote respondents aged 15 years and over listed family violence (41% compared with 14%), assaults (41% compared with 12%), sexual assaults (17% and 5% respectively) and levels of neighbourhood conflict (31% and 9% respectively; ABS 2002). While perceptions may not necessarily reflect reality, these findings, combined with what seem to be the more pronounced presence in remote communities of risk factors for violent offending, contributes to an expectation of higher levels of violence in these settings. That this is not reflected in the offender-based data may be due to several factors:

- Most of the available information on geographic variations in offending relates to the individual's contact with the criminal justice system. It may be that, although levels of violence are higher in remote than non-remote areas, such violence is either never reported to police or does not result in the official apprehension or charging of the perpetrator.

- Alternatively, as suggested earlier, the differentiation between remote and non-remote may simply be too crude. Indeed, it is more probable that certain risk factors for violence will vary from one community to another even within the same geographic setting, while other risk factors may remain constant, irrespective of geographic location. A 1998 study by the Queensland Criminal Justice Commission (cited in Memmott & National Crime Prevention 2001), which analysed the rate of violent offences reported to police broken down by police division, found that, rather than geographic location, it was their history as mission centres that characterised those four Indigenous communities which recorded the highest incidence of violent crime. This finding accords with the expectation of Memmott and National Crime Prevention (2001: 13) that 'Indigenous communities which are most affected by violence [are likely to be] those with a long history of functioning as removal centres or missions and where maximum dysfunctional cultural change has occurred'. An earlier study by Trigger et al. (1983) of 14 Aboriginal reserves in Queensland also found that levels of violence varied depending on the characteristics of the community involved, and argued that the history of government policy and the style of administration experienced by a community was one of the key factors in determining its characteristics. Fitzgerald (2007) citing Pearson (2001b), suggests a different argument for the absence of regional variations in violence from one setting to another within Cape York. He attributes it to the fact that many of these communities, irrespective of their location, are dependent on welfare, which, in turn, links to high levels of dysfunctional behaviours, including alcohol abuse and violence.

A better understanding of the relationship between geographic location and risk factors for violence therefore requires a more community-specific approach, rather than trying to use broad locational groupings as a proxy for violence.

## Access to services

### *Extent of disadvantage within the community*

The extent to which individuals and their communities have access to appropriate services and support programs may influence both the initiation as well as the continuation of violence. These services include:

- broader community-wide programs designed to improve education, employment, health and housing opportunities for Indigenous people;
- strategies or interventions which aim to redress particular types of dysfunctional behaviour within the individual, such as alcohol abuse, illicit drug use, anger and aggression; and
- criminal justice and related services that are specifically geared to respond to both victims and perpetrators of violence. This includes those agencies with responsibility for providing counselling and support services to victims, as well as criminal justice agencies that are required to investigate, apprehend, prosecute and sentence the alleged perpetrators of such violence.

It is beyond the scope of this report to canvas the range and effectiveness of either the generic services or those designed to respond to dysfunctional behaviours situated within the individual that represent risk factors for violence. Instead, consideration will be limited to those agencies whose work brings them into direct contact with offenders. While access to these services will inevitably vary from one community to another both within and across different geographic settings, numerous reports indicate that remote and semi-remote communities are the most severely disadvantaged (eg see Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Fitzgerald 2001; Gordon, Hallahan & Henry 2002; Mullighan 2008; Wild & Anderson 2007). To illustrate this, information from only one of these inquiries will be summarised below, although the findings apply to many other regions in Australia.

The Mullighan Inquiry (2008) in the APY Lands of South Australia detailed case after case where government services failed to respond adequately, particularly to issues of child abuse. Criticisms of Families South Australia, the agency with legislative responsibility for protecting children at risk, included:

- failure to locate welfare and child protection workers within the communities themselves, therefore preventing them from responding quickly to critical situations;
- failure to investigate notifications of abuse and neglect, delays in investigation or failure to undertake follow-up work after initial contact;
- lack of effective strategies to resolve child abuse and neglect situations. In many cases, the only solution authorities could offer was to remove the victim from his/her family and the community, while leaving the alleged perpetrator in situ. Not only did this appear to punish the victims, but it also meant that when they later returned to the community (as most did), they often found themselves back in the same risky situation as before; and
- a complex and cumbersome mandatory notification system which reportedly discouraged some notifiers from lodging reports.

Criticisms were also levelled against workers in other agencies—notably health—for their failure to report instances of child abuse and neglect. The Inquiry identified many cases where teenage girls had sought medical treatment for a sexually transmitted infection (which, at the very least, indicates under-age, and probably unlawful, sexual behaviour or at the worst, a potential child abuse situation) but these were either not reported to the relevant government agency or were reported only after lengthy delays. Various reasons given for non-notification included that the young girl was involved in 'consensual sex', or that notification would create further problems in the community and potentially heighten tension between individuals and families.

The provision of mental health services for both young victims and young perpetrators of sexual assault was also considered inadequate. The Inquiry noted that the agency with statewide responsibility for providing mental health services to abused children and youth (the Children's and Adolescents

Mental Health Service) had no workers based in the APY Lands and, at one point, refused to follow up on referrals from that region because of insufficient funding (Mullighan 2008). This was despite acknowledgement that child victims of sexual abuse require access to therapeutic services, not only to deal with the immediate trauma, but to reduce the risk that they will become perpetrators of such abuse themselves. Nor were any services provided by the main public health agency responsible for supporting adult rape and sexual assault victims in South Australia. Such services could only be accessed by transferring the victim to Adelaide, or through the two Adelaide-based psychiatrists who visited the APY Lands approximately four times per year (Mullighan 2008). The Inquiry also drew attention to the absence of any medical practitioners or psychologists who had the training required to undertake assessments of child sexual abuse allegations involving children under the age of seven years.

Criminal justice agencies came in for their own share of criticism. In relation to the police, Mullighan (2008) noted that:

- at the time of the Inquiry, there was no permanent police presence in any of the Indigenous communities on the APY Lands, with the nearest 24 hour police station located hundreds of kilometres away, therefore making it difficult for residents to contact police after hours;
- police responses were slow or, at times, non-existent; and
- often when a police investigation did occur, no action resulted. Overall, very few alleged perpetrators were proceeded against, with SA police data indicating that between 2000 and 2007, there were only six apprehensions for child sexual assault on the APY Lands, despite the fact that the Inquiry found evidence that the incidence of such abuse was high.

Community dissatisfaction with police services is not new and is not limited to the APY Lands. Over a decade ago, the 1994 NATSIS found that almost one-quarter (22%) of Indigenous people surveyed believed that police did not do a good job when dealing with violence. Levels of dissatisfaction were

slightly higher in other urban centres and capital cities than in rural areas (24%, 23% and 20% respectively). Reasons given for these negative views mirrored those found by the Mullighan Inquiry—namely that the police response was too slow, that they did not understand Indigenous people or their culture, that they failed to fully investigate the incident or that they failed to respond at all (Mukherjee et al. 1998).

The APY Lands Inquiry also noted that responses from other sections of the criminal justice system, notably prosecutions and court, were inadequate. Quite often, following the apprehension of a suspect, the individual was either never prosecuted or was never convicted. This observation has been substantiated by empirical evidence from other areas of Australia. An NT inquiry found that only half (52%) of those Indigenous persons apprehended for child abuse (as well as only 48% of non-Indigenous apprehensions) actually progressed through to the final stages of processing, with the largest attrition levels occurring at the point of sentencing after a matter had been finalised (Wild & Anderson 2007). Although not specific to Indigenous offenders, a study of sexual assaults against children in South Australia found that, of all such incidents reported to police in 2000–01, only 16 percent resulted in the alleged perpetrator experiencing some type of consequence, which could include either diversion to a family conference (in the case of juvenile perpetrators) or a court sentence (Wundersitz 2004). Even when an Indigenous perpetrator is found guilty and imprisoned, upon release, they often return to the same community and take up residence in close proximity to the victim. This has the potential to further traumatise that victim.

Other complaints about the criminal justice system include a lack of interpreters, an absence of victim support services to help people negotiate their way through the criminal process and a lack of specialists to deal with and provide support to child victims (Mullighan 2008; Wild & Anderson 2007). The dearth of appropriate prison-based treatment programs for incarcerated violent offenders, including anger management and sex offender programs, was also noted, as was the limited support and treatment provided during the post-release period.

## *Link between inadequate service responses and violent offending*

Again, there is very little empirical data linking access to appropriate interventions, support services and programs with either the initiation, or the continuation, of violent behaviour. One of the few pieces of information comes from a study of repeat violent offending among Indigenous offenders in Western Australia (Allan & Dawson 2002). That study found that, after controlling for a range of factors, one of the key predictors of the likelihood of subsequent violent offending by Indigenous persons was the failure by the system to implement feasible release plans for these individuals upon exiting from prison. This variable was significant in predicting both future violent offending and future sexual offending among Indigenous releasees.

## Discussion

The lack of an adequate response by service providers to acts of violence within Indigenous communities may contribute to the continuation of that violence in several ways. For example:

- Failure to intervene effectively at the time of the incident itself means that a particular act of violence will not be curtailed and may potentially spread to involve other members of the community.
- Low apprehension levels and the absence of effective deterrence measures, particularly for child sexual assault, convey the impression to perpetrators that they will not be held accountable for their actions and so they have no incentive to change their behaviour (Wild & Anderson 2007).
- The absence of effective treatment programs for violent offenders, particularly during the early stages of their offending careers, means that any underlying issues (such as alcohol or drug abuse) are not being addressed. Similarly, victims (particularly child victims) who do not have access to appropriate counselling and support services may, themselves, go on to become offenders or be re-victimised.

Equally important, however, is the fact that agency inaction may engender attitudes within the community which, in themselves, contribute to the continuation and even escalation of violence. Various inquiries have identified what seems to be a degree of Indigenous acceptance of violence as either normative or inevitable, together with a refusal to report or condemn such violence. However, this apparent acceptance may, at least in part, stem from a sense of futility and powerlessness—a sense that even if they do report an incident to police or ‘welfare’, nothing will be done about it. Allied with this may be fear of retaliation if they do take action.

As one witness to the Mullighan Inquiry (2008: 46) expressed it:

Imagine...being [assaulted] for refusing sex and the person gets effectively a slap on the knuckles. Why would you go through years of vilification, abuse and ostracism in small communities? This is educative for communities...you can be violent and destructive to get your own way and anybody who stands up to you gets publicly vilified and hounded.

Non-Aboriginal workers also suffer consequences for taking action. The APY Lands Inquiry, for example, cited an incident where students refused to attend school because they believed that school personnel had been responsible for the arrest of a popular male member of the community on child assault charges (Mullighan 2008). In other situations, the decision by agency workers not to report a potential incident, or the decision by police not to proceed against the suspected perpetrator was based on their perception that bringing the matter into the open would generate further violence in the community (Mullighan 2008). More effective and more timely agency responses to individual acts of violence could reassure residents that they would be protected from retaliation if they did report an incident to police.

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## Summary of univariate analyses

A broad range of variables have been identified as potential risk factors for Indigenous violence. A number of these characterise the community as a whole as well as impacting on discrete individuals (ie they operate as both distal and proximal risk factors for violence). An examination of the empirical evidence linking some of these risk factors to violence indicated the following:

- *gender*—Indigenous males are more likely to engage in violence than Indigenous females. While this trend is also evident within the non-Indigenous population, it is noteworthy that Indigenous females generally record higher levels of violence than non-Indigenous males. Many of the reasons put forward to explain this gender imbalance in the general population are also likely to apply in the Indigenous setting. However, additional factors may also be operating, such as the displacement of Indigenous males attendant upon the loss of their traditional roles in the post-colonisation era. This, it is argued, has led to problems such as a lack of self-esteem, unresolved anger and high alcohol consumption within this group, which in turn, may find expression in violent behaviour;
- *age*—the risk of perpetrating violence varies according to age, with those in the mid range of 18–34 years being the most likely to engage in such behaviour. While this pattern is characteristic of both the Indigenous and the non-Indigenous population, Indigenous violent offenders tend, on the whole, to be slightly younger than their non-Indigenous counterparts, a finding which cannot be entirely explained by differences in the age profiles of the two groups;
- *Aboriginal/Torres Strait Islander*—persons who identify as Aboriginal have a higher risk of contact with the criminal justice system for a violent offence than do Torres Strait Islanders. To some extent, this may be due to different levels of exposure to certain risk factors for violence, with Aboriginal persons recording lower education and employment levels, for example;
- *alcohol misuse*—writers such as Pearson (2001a: np) argue that ‘grog and drug epidemics’ are now the most important underlying issue confronting Indigenous communities. Interestingly, though, at a community level, contrary to popular perception, the percentage of the Indigenous population who consume alcohol is no greater than in the non-Indigenous population. The main difference lies in the fact that, among those who do drink, proportionately more Indigenous than non-Indigenous people consume alcohol at risky to high risk levels or engage in episodes of binge drinking than their non-Indigenous counterparts. That there is a clear link between Indigenous alcohol consumption and violent offending is indicated by the fact that, at an individual level, a much higher proportion of Indigenous offenders consume alcohol at risky to high risk levels than either Indigenous non-offenders or non-Indigenous offenders. Moreover, as consumption levels increase, so too does involvement in acts of verbal or physical abuse. Prisoner surveys also indicate that Indigenous offenders are more likely than their non-Indigenous counterparts to be under the influence of alcohol at the time of their offending and to attribute their offending to alcohol consumption. This is particularly true of Indigenous males. Various reasons have been put forward to explain the apparent link between Indigenous alcohol misuse and violence, including the pharmacological impact that alcohol has on an individual’s sense of what is and is not appropriate behaviour.
- *illicit drug use*—in contrast to alcohol, illicit drug use is less prevalent within the Indigenous than the non-Indigenous population. Similarly, among offender groups, Indigenous persons who have been arrested or imprisoned are far less likely than non-Indigenous detainees to report use of most types of illicit drugs, with the exception of marijuana, where the pattern is reversed.

Indigenous adult offenders are also less likely to be dependent on illicit drugs, to be under the influence of an illicit drug at the time of their most recent offending or to attribute their most recent offence to illicit drug use than their non-Indigenous counterparts. In contrast to adults, both Indigenous and non-Indigenous young offenders reportedly used similar types of drugs at similar frequencies. Interestingly, though, Indigenous youth were more likely to nominate illicit drug use as a factor in their most recent offending episode. Apart from these age differences, there are also some gender differences. Although alcohol use is high among both Indigenous women and men, the former are equally likely to attribute their offending to either alcohol or illicit substances, whereas Indigenous males are far more likely to blame alcohol only. However, while illicit drug use at a community level and within specific offender groups is still lower among Indigenous than non-Indigenous people, of particular concern is the rapid escalation in marijuana use within Indigenous communities over the past 10 years or so. This trend is particularly evident among young people in remote communities, where the introduction of non-sniffable fuel (OPAL) has resulted in a decrease in petrol sniffing but a concomitant increase in marijuana use. This may have serious implications, given the growing body of evidence that heavy, long-term use of marijuana may lead to or exacerbate pre-existing mental illnesses, which in turn, may trigger violent episodes;

- *child victimisation*—child protection data indicate that Indigenous children experience relatively high levels of child abuse and neglect, although this data has to be interpreted with caution as it is a record of reported incidents. In turn, such maltreatment appears to constitute a risk factor for subsequent involvement in violent offending. This is indicated by the high proportion of Indigenous adult offenders who report that, as a child, they were either subjected to sexual or other forms of maltreatment or witnessed violence within their family and/or community. Various explanations for the link between childhood violence and subsequent offending observed within the general community—such as the effect that these early experiences have on the child's cognitive and emotional development, and the

increased risk that the child will grow up believing that violence is normal—are also likely to apply to Indigenous children. However, the relationship is not a simple one, as evidenced by the fact that the majority of victims of childhood abuse do not grow up to be perpetrators themselves;

- *exposure to pornography*—anecdotal evidence suggests that access to pornography is widespread in some Indigenous communities, particularly in remote areas, and that such exposure increases the risk of sexualised violence, particularly among children and adolescents. However, empirical evidence to this effect is lacking;
- *education, employment, income and housing*—it is well documented that Indigenous communities exhibit lower education levels, higher unemployment rates, lower incomes, higher rates of welfare dependency and poorer housing conditions than their non-Indigenous counterparts. Similar differences emerge when Indigenous offenders are compared with either Indigenous non-offenders or non-Indigenous offenders. However, it is likely that the relationship between these factors and violence is an indirect one, mediated by their association with other factors such as self-esteem, levels of resentment and alcohol abuse. Pearson (2001a; 2001b), for example, links violence to alcohol misuse, which he, in turn, ascribes to passive welfare dependency. The role of CDEP is also criticised because it is part of the artificial economy now underpinning many Indigenous communities. And while evidence suggests that those Indigenous persons on CDEP have a higher risk of offending than those in fully paid employment, they have a lower risk of offending than those who are unemployed. In some respects, it may therefore act as a protective, rather than as a risk factor for violence;
- *physical health*—that Indigenous people have significantly poorer health outcomes than non-Indigenous people across a broad range of indicators has also been well documented. However, empirical evidence linking physical health and disability to an increased risk of becoming a violent offender is sparse. One indication comes from the 2002 NATSISS, which found that those persons who had experienced



formal contact with police were more likely than those who had had no such contact to be suffering from poor health or a disability. Again, however, the link, if it does exist, is likely to be an indirect one;

- *mental health*—within Indigenous communities, a relatively high proportion of both adults and juveniles experience distress and mental illness. At least some of this has been attributed to the trauma and unresolved grief stemming from the loss of traditional country and culture. One expression of this psychological distress is the high rates of Indigenous suicide and non-fatal self-harm incidents, particularly among males, which are consistently higher than corresponding rates within the Australian community. The nature of the relationship between mental illness and violence is, however, unclear. Some data indicate that Indigenous persons charged by police are more likely than those who have not been charged to experience high stress levels. But when stress associated with alcohol, drugs and unemployment are excluded, these differences disappear. Other research suggests that, although many Indigenous and non-Indigenous offenders suffer from depression, levels are actually higher among non-Indigenous offenders (Mazerolle & Legosz 2007);
- *geographic location*—there seems to be a general assumption that levels of violence are higher in remote than in non-remote communities, based in part, on a perception that the latter suffer from a greater range of social, economic and other disadvantages than their urbanised counterparts. However, the relationship between geographic location and the risk of violence is not straightforward. While data from the NHMP indicate higher levels of violence in remote communities, findings from the 2002 NATSISS suggest that those in remote areas were no more likely to experience contact with police than those in major urban centres. However, using a highly generalised dichotomous variable (ie remote/non-remote) as a measure of geographic location may be too crude. As evidence of this, WA police data indicate that Indigenous apprehension rates for offences of violence vary just as much from one location to another within a particular region as they do between regions. It is, therefore, more

likely that community characteristics including policing, coupled with region-wide patterns of movement, rather than geographic location per se, are the critical factors in understanding violence and that these will differ even between so-called 'remote' communities; and

- *access to services*—linked, in part, to geographic location is the level of community access to services. Numerous inquiries have criticised the lack and/or the ineffectiveness of the services provided to both perpetrators and victims of Indigenous violence, particularly in semi-remote and remote areas of Australia. Criticisms include a failure by government agencies to locate appropriate police, welfare and support workers within the communities themselves; slow and, at times, ineffective responses to violent incidents; and a failure by some non-Indigenous professionals to notify relevant authorities about suspected instances of abuse. The criminal justice system is also criticised because of its low success rate in apprehending and convicting offenders, particularly in cases involving child sexual abuse, although this criticism applies to all such cases and not just those involving Indigenous children. In the absence of high quality, responsive services, offenders are not held accountable for their actions, community engagement in developing appropriate responses to violent offenders is undermined and there are few strategies in place to either prevent the onset of violence, or to reduce the incidence of repeat offending.

The variables outlined above do not include all of the potential risk factors for violence. Yet they do serve to illustrate the complexity of the issue and the problems generated by a lack of appropriate data.

## Identifying the predictors of Indigenous violence using multivariate analysis

Many of the factors that seem to be associated with an increased risk of Indigenous violent offending are themselves interrelated. By focusing on one variable at a time, it is not possible to identify those that are



directly related to violence and those that are indirectly related through their association with one or more intervening variables. An alternative approach is to use more sophisticated statistical techniques to determine those factors that remain strongly associated with the likelihood that an individual will offend while simultaneously controlling for the effects of a range of other variables. This approach, which is based on comparing offenders and non-offenders within the Indigenous community, goes a long way to overcoming the limitations of univariate analyses described in the preceding section.

However, only a handful of studies have so far applied this methodology to Indigenous offending, as described below. In so doing, however, it should be noted that, as with the univariate studies, they too have limitations. In particular:

- because of the type of data available for analysis, they are only able to identify factors associated with the likelihood of contact with the criminal justice system, rather than the likelihood of actually offending;
- most focus on offending in general rather than violent offending in particular; and
- they do not have access to statistics on, and so are unable to test the impact of, the full range of factors potentially influencing an individual's behaviour.

### *Predicting the likelihood of arrest using NATSIS data*

A comparatively early study (Mukherjee et al. 1998) used data from the 1994 NATSIS to predict the probability of arrest among Indigenous males and females. The national survey found that 20 percent of Aboriginal and Torres Strait Islander people reported they had been arrested at least once during the five years immediately prior to interview in 1994. More than three times as many males were arrested than females. Almost half of Indigenous young men aged 18 to 24 years reported being arrested at least once, and for both males and females strong associations with the likelihood of arrest were found with age, state of residence, whether taken away from family as a child, labour force status and perceptions of relationships with police. These variables, along with urban or rural place of

residence, recognition of own homeland and whether they had a place to meet for cultural activities made up the set of reference characteristics that were used in the logistical regression to predict the likelihood of an arrest. Results indicated that, for both men and women, five factors remained strongly predictive of the likelihood of being arrested by police at least once during the previous five years, once the effect of other relevant variables had been controlled for:

- *labour force status*—the probability of arrest was significantly higher among unemployed males and females than among those in employment other than CDEP. This was the strongest predictor of male arrests (adjusted odds-ratio (OR) of 2.39) and the second strongest predictor of female arrests (OR=2.11);
- *relationship with police*—those males and females who believed that relationships with police had deteriorated over the previous five years had a significantly higher probability of arrest than those individuals who did not hold this view (however, it is unclear whether their assessment of police relations impacted on their offending behaviour or whether the fact of being arrested coloured their views of police). This variable was the second strongest predictor of male arrests (OR=2.04) and the third strongest predictor of female arrests (OR=1.92);
- *whether the individual had been taken away from the family as a child*—those Indigenous males and females who had been removed from their families were significantly more likely to be arrested compared with those who had not been taken away. This factor was ranked third in order of predictive capacity for males (OR=1.82) and fourth for females (OR=1.75);
- *age*—for both sexes, the probability of arrest was significantly higher among young adults aged 20–24 years (males OR=1.39 and females OR=1.63) than was the case for those aged 25–44 years. In turn, those individuals in the younger (13–14 years) and older age groups (45 years and over) had lower predicted probabilities of arrest when compared with a standardised reference group. Among males, age was the fourth strongest predictor, while for females it was the fifth strongest; and

- *state of residence*—among Indigenous males, state of residence was the fifth strongest predictor of arrest, with those living in Queensland (OR=0.53) and Tasmania (OR=0.94) recording a significantly lower risk than those from the reference state of New South Wales. Among females, state of residence was the most important predictor of arrest, with those living in South Australia (OR=2.19) having a significantly higher probability than those in the reference state of New South Wales, while those living in Queensland (OR=0.62) had a significantly lower probability. Again, it is unclear whether these results point to state-based variations in offending rates or whether they are the product of different policing procedures, legislation etc.

Two factors were predictive of female, but not male, arrests:

- *living in an urban area*—those Indigenous women living in capital cities and other urban areas were marginally (OR=1.36) (but still significantly) more likely to have been arrested over the preceding five years than women living in rural areas, once the effect of other variables had been controlled for; and
- *having a place to meet for cultural activities*—those women who had access to a meeting place had a marginally (OR=1.31) (but still significantly) lower probability of arrest than those who lacked such access.

A subsequent analysis of NATSIS data, this time disaggregated according to the *type of offence* involved in the most recent self-reported arrest in the previous five years, of those aged 13 years and over, was undertaken by Hunter (2001). The offence categories used were assault, theft, drinking-related offences (ie drinking in public or drink driving) and total offences. Of these, the most common offence for which Indigenous respondents had been arrested was drinking-related offences (16% of male and 5% of female arrests) while a smaller proportion (5% of males and 2% of females) had been arrested for assault.

Hunter (2001) goes into considerable detail to explain the variables selected for the model as indicators for a range of individual and household factors likely to increase the probability of contact with the criminal justice system. Several individual

variables such as sex, age, labour force status and being taken away as child, were also examined by Mukherjee et al. (1998) but he tests for a wider range of individual-level (eg alcohol consumption) and household-level variables (eg number of residents) as well as a number of what he termed institutional variables (eg whether there were Indigenous police aides or liaison officers in the community and whether a respondent lived within 50 kilometres of a police station). In contrast to Mukherjee et al. (1998), Hunter excludes perceptions of police because of concerns of ‘endogeneity bias’ and the respondent’s state of residence, as he assumes the influence of jurisdictional differences is adequately picked up by other variables. He also raises concerns about the ‘current location’ questions given the high rates of geographic mobility (Hunter 2001: 11).

Using a standard probit regression analysis, marginal effects were calculated as the difference in probability of arrest for a person with or without the specified characteristic, with all other characteristics fixed at average values. Males were 13.1 percentage points more likely to be arrested than females, the oldest age groups were 9.5 percentage points less likely to be arrested than other respondents (the peak age group for the probability of arrest was 18 to 24 years), Torres Strait Islanders were 7.7 percentage points less likely to be arrested than Aboriginal persons and those who were unemployed were 13.1 percentage points more likely to be arrested. Other important factors were educational outcomes, ever drinking alcohol (12.8 percentage points) and having been physically attacked or verbally threatened. Smaller marginal but significant (to the 5% level) effects were found for urban residence, the policing variables, long-term health condition, being taken from one’s natural family and living in a crowded house.

Overall, the study found a relatively high degree of consistency in predictive variables across the different offence types. The factors that remained significantly and independently associated with the probability of being arrested for an assault, once the influence of other variables had been taken into account, were similar to those risk factors for arrests in general. However, the size of the marginal effect of each variable on the likelihood of arrest varied from one offence category to another, with alcohol

consumption and being the victim of a physical attack or verbal threat being particularly important predictors of drinking-related arrests and assault arrests.

Six factors proved to be strongly predictive of arrests for assault. In order of magnitude, these were:

- *alcohol consumption*—of the range of factors tested, this factor exerted the greatest effect, with those who reported ‘ever’ consuming alcohol being significantly more likely to be arrested for assault than the ‘average’ Indigenous person who had never consumed alcohol;
- *education levels*—as the number of years of secondary schooling increased, the likelihood of being arrested for assault decreased, with the greatest likelihood of an arrest being concentrated among those individuals who had completed six to nine years of schooling only. Contrary to this trend, however, those who had no formal schooling or primary school education only had the least chance of an assault arrest. According to Hunter (2001: 21) this variable may be ‘picking up the detrimental effect of imposing a largely alien education system onto Indigenous peoples with the consequent impact on their cultures and social cohesion’;
- *gender*—being male was associated with a higher probability of being arrested for assault, but the effect was lower than for the other offence types analysed;
- *victimisation experience*—individuals who had been physically attacked or verbally threatened had a significantly greater likelihood of being arrested for assault than other Indigenous offenders. Hunter (2001: 22) concluded that ‘this would seem to confirm the suspicion that there is a cycle of violence and abuse in Indigenous communities which is probably related to drinking related behaviour’;
- *age*—of the four age groups considered, those aged 45 years and over had the lowest probability of an assault arrest, while those aged between 25–34 years had the highest likelihood, although for the latter group the marginal effect was not statistically significant; and
- *labour force status*—those who were unemployed had a greater likelihood of being arrested for assault than other Indigenous persons.

Interestingly, those on CDEP had a lower risk of an assault arrest than those who were unemployed. Hunter (2001: 25) concluded that ‘the continued expansion of the CDEP scheme is likely to play a role in mitigating the Indigenous over-representation in arrest statistics’.

The probability of being arrested for an assault was also slightly (but still significantly) *higher* for those who:

- lived in a crowded house (defined as having two or more residents per bedroom); and
- had a long term health condition.

In contrast, probabilities of an assault arrest were slightly, but significantly, *lower* for those who:

- identified as Torres Strait Islander rather than Aboriginal—a finding which, as noted earlier, may be due to the smaller range of disadvantages experienced by Torres Strait Islander persons and that many of these individuals live in very remote parts of Australia;
- lived in a rural area rather than elsewhere. In contrast, living in a capital city or in a remote area had no significant effect on the probability of arrest; and
- lived in a community that had Indigenous police aides, which may indicate the availability of a culturally appropriate police service.

Variables that were not significantly predictive of the likelihood of an assault arrest included:

- living with non-Indigenous people (used as an indicator of better economic prospects);
- the quality of the housing stock (as measured by whether household utilities were available and working);
- living with householders who themselves had been arrested (considered to be a proxy for peer group pressure);
- living within 50 kilometres of a police station (indicative of access to policing services);
- living in a family with at least one dependant (which may imply greater carer responsibilities); and
- living in a household where other members had voted (a variable which may act as a proxy measure of the extent of an individual’s social networks; Hunter 2001: 8).

Of particular note was the finding that being removed from their natural family had no marginal effect on an individual's probability of being arrested for assault. This is in marked contrast to the results obtained when all arrests were considered, irrespective of offence type. When all Indigenous persons who reported they had been arrested in the previous five years were considered, the likelihood of arrest for those persons who had suffered removal from family was higher than for those who had not been removed. Hunter (2001) noted that this variable's lack of statistical association with the likelihood of an assault arrest may be due to the relatively small number of respondents arrested for this type of offence and the attendant reduction in the power of the statistical analysis. Larger sample sizes may have produced different results.

### *Predicting the likelihood of being charged by police*

Several later studies, this time using self-report data collected by the 2002 NATSISS, also sought to identify those factors that seemed to predict Indigenous contact with the criminal justice system (Weatherburn, Snowball & Hunter 2008, 2006). In contrast to Hunter (2001) these two studies did not examine different types of offences (so it is not possible to single out factors that increase the probability of arrest or charges for a violent offence) and a wider range of measures of contact with the criminal justice system are employed—whether or not the individual had 'ever' been charged by police, whether they had been imprisoned in the previous five years and whether they had been arrested in the last five years and the number of arrests in that period. Additional predictor variables, which were not available in the earlier survey, were also examined.

Of the 8,523 adults aged 18 years and over surveyed by the NATSISS, approximately 36 percent indicated they had been charged at least once by police at some stage in their lives and the likelihood of being imprisoned in the past five years was one in 13. In the first study, an initial univariate analysis identified a wide range of variables (such as gender, educational attainment, alcohol use, employment status, principle income source, financial stress etc) that, when analysed separately, were significantly associated with the likelihood of ever being charged or being

imprisoned in the previous five years. In the next stage of analysis, multivariate logistic regression was used to determine which of this long list of factors remained predictive of police charging (model's pseudo  $R^2=0.196$ ) and imprisonment (model's pseudo  $R^2=0.0829$ ) when the influence of the other factors had been partialled out (Weatherburn, Snowball & Hunter 2006).

Of the variables tested, the ones that exerted a large negative effect on (ie substantially increased the likelihood of) being charged by police included:

- *being male rather than female*—of all the factors tested, this one exerted the strongest marginal effect on the likelihood of being charged ( $OR=4.69$ );
- *being a substance user and a high risk user of alcohol*—these were the second ( $OR=2.86$ ) and third ( $OR=2.6$ ) strongest predictors. The authors noted that 'for an average [Indigenous] person, being a substance user increases the probability of being charged by almost 13 percentage points. Being a high risk user of alcohol increases the risk of being charged by over 11 percentage points' (Weatherburn, Snowball & Hunter 2006: 10–11); and
- *being unemployed rather than being employed or not in the labour force*—those who were unemployed had a greater likelihood of being charged ( $OR=1.64$ ) than those on CDEP, who, in turn, had a greater likelihood of being charged than those in other types of employment or not in the labour force ( $OR=1.23$ ). The report therefore concluded, as did the earlier study by Hunter (2001), that being in a CDEP scheme 'appears to provide a protective effect against the risk of being charged when compared with those who are unemployed' (Weatherburn, Snowball & Hunter 2006: 12).

Smaller positive effects were found for age (18 to under 25 years versus those 25 years or over;  $OR=0.82$ ), not completing Year 12 ( $OR=0.52$ ), sole parent with dependent children ( $OR=1.22$ ), living in a crime-prone area ( $OR=1.31$ ), welfare income source ( $OR=1.55$ ), financial stress ( $OR=1.62$ ), person or family member of 'stolen generation' ( $OR=1.45$ ), no social involvement ( $OR=1.35$ ) and living in a major city versus remote ( $OR=0.77$ ). Social support, large family, crowded household and social stressors were not significant predictors of being charged. The

marginal effects for the 'charged' model were significantly larger than those for the 'imprisoned' model. However, the authors concluded that the 'most powerful predictors' of being charged or imprisoned (other than the sex of the respondent) were alcohol consumption and drug use (Weatherburn, Snowball & Hunter 2006: 10). Although the effect for substance abuse on the risk of imprisonment is lower, it is higher than any other effect in the imprisonment. Year 12 completion and unemployment exerted similar effects on the risk of imprisonment, while being on welfare exerted a bigger effect than high-risk alcohol consumption; the CDEP variable was not significant. The differences in the strength and significance of predictor variables between the charged and imprisoned models were attributed by the authors to both the sample size and to differences in the factors that lead to being charged and imprisoned. Importantly, they note that violent offenders are more likely to be imprisoned than non-violent offenders, which could partly explain the differences.

### *Predicting frequency of arrest*

A subsequent study sought to identify some of the 'main predictors and correlates of Indigenous arrest frequency' (Weatherburn, Snowball & Hunter 2008: 310). However, rather than investigating the likelihood of being charged by police (as was the case in the first report), it focused on whether or not 8,523 respondents to the NATSISS had been arrested, as well as the number of arrests in the five years preceding the survey of 1,390 respondents. The variables included as potential predictive variables were similar to those used in their first study and a probit modelling approach ensured the methodology was consistent with the Hunter (2001) study. Of the significant independent variables in the two models, the main caveat related to drug abuse because, although 90 percent of respondents answered the question, ABS had concerns about data quality and did not release results for remote areas. However, based on further analysis, the authors decided to include this variable but *caution is urged* when considering the results of this variable (Weatherburn, Snowball & Hunter 2008). Both models provided good fit to the data, having non-significant Hosmer and Lemeshow tests.

The frequencies of the variables used in the models were as follows: aged 18 to under 25 years 18.7%, male 42.3%, one parent family 20.5%, urban residence 15.4%, regional residence 40.1%, remote 44.5%, community or neighbourhood problems 76.1%, social engagement 87.8%, welfare dependence 67.5%, unemployed 16.1%, CDEP 9.8%, stolen generation 37.8%, alcohol abuse 6.8%, drug abuse 22.2%, financial stress 44.1% and Year 12 completion 15.1%.

In terms of the risk of arrest, no significant interaction effects between alcohol or illicit drug abuse and welfare, unemployment or financial stress were identified. Fewer than one in 10 respondents indicated they engaged in risky alcohol consumption but the most powerful predictive factor apart from gender was alcohol abuse (parameter estimate  $b=0.64$ ). However, drug abuse ( $b=0.59$ ), welfare dependence ( $b=0.42$ ), unemployment ( $b=0.36$ ), financial stress ( $b=0.36$ ), being a member of a one parent family ( $b=0.22$ ) or part of the stolen generations ( $b=0.19$ ), being less than 25 years of age ( $b=0.24$ ), living in a crime prone area ( $b=0.12$ ) and being on CDEP rather than in other forms of employment ( $b=0.19$ ) all increased the risk of arrest (again, though, being on CDEP reduced the risk when compared with those who were unemployed). Completing Year 12 and social involvement significantly reduced the risk of arrest. Finally, respondents living in urban and regional areas of Australia were less likely to be arrested than those in remote areas.

In terms of the number of arrests (excluding those who had never been charged by police), no significant interaction effects were identified between alcohol or illicit drug use and the socioeconomic variables tested. Alcohol abuse remained the most powerful predictor other than sex, followed by welfare dependency. Drug abuse, being unemployed and having limited social involvement also had an effect on the number of arrests. In contrast, living in a crime-prone area, being a member of the stolen generation, financial stress in the past 12 months, completing Year 12 and region of residence had no significant effect. The factors that were predictive of the likelihood of arrest were, therefore, somewhat different from those that predicted the actual number of arrests among those who had been apprehended at least once. Two possible explanations are offered



for this difference—differences in sample sizes or that some variable play a role in shaping ‘the risk of involvement in crime, but play little or no role in shaping the frequency of contact with the criminal justice system among active offenders’ (Weatherburn, Snowball & Hunter 2008: 318)

Overall, this study confirmed the previous findings that alcohol use was a stronger predictor of both the likelihood and frequency of being arrested by police than were factors such as drug abuse, unemployment, welfare dependency, financial stress, failure to complete Year 12 and lack of social support. Importantly, the absence of any apparent interaction effect between drug/alcohol abuse and factors indicative of socioeconomic disadvantage suggests that substance abuse is not simply a product or symptom of Indigenous disadvantage. This means that reducing Indigenous economic and social disadvantage and reducing Indigenous alcohol and drug use are potentially quite separate issues, with a reduction in one not necessarily leading to a reduction in the other. These findings, according to the authors, reinforce Pearson’s (2001a) argument that drug and alcohol abuse, rather than being a symptom of cultural, social and economic disadvantage, now constitute problems in their own right and play an independent role in explaining Indigenous violence as well as in perpetuating Indigenous socioeconomic disadvantage.

## Predicting the likelihood of violent recidivism among violent Indigenous offenders: A Western Australian study

Another empirical study relevant to this issue is that by Allan and Dawson (2002). The aim of their research was to identify the risk factors associated with violent re-offending among Indigenous persons in Western Australia and, in turn, develop a predictive risk assessment instrument for this offender group. Unlike the studies of Hunter (2001) and Weatherburn, Snowball and Hunter (2008, 2006), this study concentrated specifically on Indigenous violence.

It also differed from the others in that it sought to identify risk factors associated with violent re-offending, rather than initial offending. Hence, its target group was those Indigenous offenders who had already experienced some contact with the criminal justice system.

The sample used for the analysis comprised 525 adult male Indigenous offenders in Western Australia who had been found guilty by the court of a violent or sexual offence and who had been identified by correctional services as requiring either a violence or sexual offender intervention program (Allan & Dawson 2002). Re-offending was defined as any subsequent finding of guilt for a violent or sex offence.

Of these 525 offenders, 48 percent had a violent offence recorded as their most serious index offence, while 21 percent had a family violence offence, 22 percent had a non-violent sexual offence and eight percent had a violent sexual offence. Information on 67 potentially predictive variables was extracted for each person from relevant Department of Justice files. These variables were then categorised into specific ‘predictor domains’ using three different methods of categorisation, each of which embodied a different conceptualisation of violence. This multifaceted approach allowed the study to test the predictive strength of a particular variable when it was combined with different arrays of factors based on different conceptual models. To take the variable of offence severity as an example, under what was defined as a ‘static criminogenic and non-criminogenic’ approach, this variable was combined with previous violent offences, previous non-violent offences, age of first offence, age of index offence, juvenile violence, previous prison term, previous sexual offences and history of perpetrating violent offences against family members. According to the Violence Risk Appraisal Guide (VRAG) instrument, offence severity was grouped with age at the time of the:

- index offence;
- offence related to payback behaviour;
- offence related to active involvement in inter-family, inter-community or inter-regional feuding;
- offence related to debts or money issues; and
- unfeasible release plans.

**Table 16** Predictors of violent re-offending among Indigenous persons in Western Australia

Predictors of violent re-offending	Static, criminogenic and non-criminogenic grouping	VRAG grouping	Factors specific to Indigenous violence (after Memmott & National Crime Prevention 2001)
<b>Concordance across all three conceptual groupings</b>			
Previous violent offences	Yes	Yes	Yes
Victim died	Yes	Yes	Yes
Alcohol misuse	Yes	Yes	Yes
Previous male victim	Yes	Yes	Yes
Poor anger/behavioural control	Yes	Yes	Yes
Unfeasible release plans	Yes	Yes	Yes
Exposure to violence/family violence from an early age	Yes	Yes	Yes
Relationship instability	Yes	Yes	Yes
Unresponsive to or non compliance with treatment (exclude mental illness)	Yes	Yes	Yes
Victim received medical attention	Yes	Yes	Yes
<b>Concordance across two conceptual groupings</b>			
Irresponsibility and not caring about the needs of significant others	Yes		Yes
Lack of realistic long-term goals	Yes	Yes	
Juvenile history of violent behaviour		Yes	Yes
Denial (ie won't accept responsibility for actions/ minimisation/victim takes responsibility)		Yes	Yes
Drug misuse	Yes		Yes
Affect (ie restricted emotional responses/ unable to deal with strong emotions?)		Yes	Yes
Age at time index offence was committed	Yes		Yes
History of perpetrating family violence or related to victims	Yes		Yes
Childhood problem behaviour, aggression and offending	Yes		Yes
<b>Concordance across one conceptual grouping</b>			
Previous non-violent offences	Yes		
Active involvement in inter-family/ community/region feuding		Yes	
Grandiose sense of self-worth		Yes	
Age of first offence		Yes	
Employment problems/status		Yes	
Criminal associates		Yes	
Solvent use		Yes	
Previous prison term			Yes
Breach of any order		Yes	
Female victims			Yes
Impulsivity (unplanned behaviour without thought for consequences)			Yes
Offence severity			Yes

Source: Allan &amp; Dawson 2002



Under a third grouping, based on the causes of violence outlined by Memmott and National Crime Prevention (2001)—namely underlying causes, situational factors and precipitating causes—offence severity was combined with age of first offence, age at the time of the index offence, previous violent offences, previous non-violent offences, juvenile violence, previous prison term, breach of orders, history of sexual offences, history of family violence, child victims, male victims, female victims, animal victims, victim died and victim required medical attention.

Preliminary analysis indicated that the predictive factors varied depending on whether the offence

involved was a violent or a sexual offence. Moreover, within the violent offender category, family violence perpetrators formed a distinctive sub-group, while among sexual offenders, those who did not use violence seemed to differ from those who were violent. The authors therefore noted that, ideally, separate analyses should be undertaken for each of these four groups. However, because of the small number of individuals available for analysis, the study was only able to differentiate between violent offenders and sex offenders.

The factors that proved to be predictive of violent re-offending within each of the three categorisation schemas are summarised in Table 16. As shown,

**Table 17** Predictors of sexual re-offending among Indigenous persons in Western Australia

Predictors of sexual re-offending	Static, criminogenic and non-criminogenic grouping	VRAG grouping	Factors specific to Indigenous violence (after Memmott & National Crime Prevention 2001)
<b>Concordance across all three conceptual groupings</b>			
Age at time index offence was committed	Yes	Yes	Yes
Juvenile history of violent behaviour	Yes	Yes	Yes
Previous male victims	Yes	Yes	Yes
Poor anger/behavioural control	Yes	Yes	Yes
Unfeasible release plans	Yes	Yes	Yes
Exposure to violence/family violence from an early age	Yes	Yes	Yes
Lack of realistic long-term goals	Yes	Yes	Yes
Denial (ie won't accept responsibility for actions/minimisation/victim takes responsibility)	Yes	Yes	Yes
Unresponsive to or non-compliant with treatment (exclude mental illness)	Yes	Yes	Yes
Had treatment prior to re-offending	Yes	Yes	Yes
Sexual abuse during childhood	Yes	Yes	Yes
<b>Concordance across two conceptual groupings</b>			
Relationship instability	Yes	Yes	
Impulsivity (unplanned behaviour without thought for consequences)	Yes		Yes
History of sexual offences	Yes		Yes
Childhood problem behaviour	Yes		Yes
<b>Concordance across one conceptual grouping</b>			
Poor coping skills		Yes	
Age at first offence		Yes	
Previous violent offences	Yes		
Restricted emotional response/unable to deal with strong emotions		Yes	

Source: Allan & Dawson 2002

10 items proved to be predictive across all three conceptual groupings, while nine were predictive in two of the three groupings and 12 were found to be predictive in only one of the conceptual groupings.

The factors that proved to be predictive of sexual offending are summarised in Table 17. As shown, 11 variables were predictive across the three conceptual groupings, while four were predictive in two of the approaches and four factors were identified as significant in one approach only.

A long list of factors did not have any predictive value for either Indigenous violent or sexual re-offending, including whether the victim was a child or animal, whether the offender was a member of the stolen generation, lived with his/her primary caregiver until aged 16 years, had an absent father during childhood, had experienced problems at school, had been sexually abused while in an institution, had been physically or emotionally abused during childhood or while in an institution, was assessed as having superficial charm, became bored/needed stimulation, was manipulative or a pathological liar, perceived violent/sex offending to be acceptable behaviour, lacked remorse, exhibited intimacy problems, led a parasitic lifestyle, engaged in promiscuous sexual behaviour, had low education status, exhibited self-harm or suicidal ideation, exhibited identity issues or over-identification with masculine roles/stereotypes, engaged in paranoid behaviour, exhibited low self-esteem or stress associated with deaths in custody, had high levels of stress, had received treatment for mental illness or had an untreated mental illness, was involved in a relationship characterised by jealousy/jealous behaviour, where the violence was related to payback behaviour or to debts and money issues, or was associated with the viewing of pornographic material.

In the second stage of analysis, the study used the predictor variables identified in Stage 1 of the project to construct a risk-assessment instrument that would accurately differentiate between Indigenous re-offenders and non-re-offenders. Additional variables routinely collected by WA's Department of Justice were also included.

In the final model designed to predict violent re-offending, only four variables were retained:

- age at first offence;
- unfeasible release plans;

- impulsivity (ie unplanned behaviour without thought for consequences); and
- personal/emotional orientation.

However, while the model was able to accurately classify re-offenders using these four variables (with a classification accuracy of 95%), its ability to classify non-re-offenders (at 55%) was only marginally better than chance. The authors therefore concluded that their attempt to construct a risk assessment tool for Indigenous violent re-offending had failed.

In constructing a risk assessment model for re-offending among sexual offenders, the three factors that were the best predictors of such behaviour were:

- unrealistic long-term goals;
- unfeasible release plans; and
- poor coping skills.

In contrast to the predictive model developed for violent offenders, the sex re-offending model was able to accurately classify both re-offenders and non-re-offenders (with a classification accuracy of 92% and 94% respectively).

The authors considered that the retention of these three factors within the sex re-offending model was particularly pertinent for policy development, in that at least two of them were what they termed 'dynamic factors', that is, factors that were susceptible to change. They argued that poor coping skills could be addressed while offenders were in prison, with follow-up assistance provided after release. Similarly, they argued that it should be possible to devise more feasible release plans for each individual. They did acknowledge, however, that the task of addressing unrealistic long-term goals may require more extensive intervention, not only with the individual, but also with his broader community to bring about long-term improvements in opportunity.

In terms of the limitations of this study, the authors drew attention to the relatively small sample sizes and the fact that their analyses were limited to those variables collected by criminal justice agencies. Potentially, there may be other factors impacting on violent and sexual behaviour for which they could not test because of a lack of data. They also pointed

to their inability to test for what they considered to be 'subtle but fundamental' differences between different Indigenous communities (Allan & Dawson 2002: 22). They argued that, ideally, risk factors should be identified for each community separately to take account of variations in aspects such as geographic location, levels of de-culturation and acculturation, and language differences. Finally, they also acknowledged that, by focusing on risk factors, their analysis was one-sided because it failed to investigate the protective factors that may help to prevent recidivism among violent and sex offenders (Allan & Dawson 2002).

Despite these limitations, one of the most significant outcomes of this study was the finding that risk factors differed depending on whether generalised violence, family violence, non-violent sexual offending or violent sexual offending was being considered. The research, therefore, highlights the need for further investigations that differentiate between the types of violence involved rather than, as has been the tendency so far, to talk about violence as a single form of behaviour.

## Summary of findings from the multivariate analyses

Although small in number, the multivariate analyses described above confirm that Indigenous offending (including violent offending) is multicausal. A large number of variables remain independently predictive of Indigenous offending (or more accurately, contact with the criminal justice system) after the effects of other factors have been partialled out. Nevertheless, as summarised in Table 18, there is some consistency in the predictive factors identified. The studies by Hunter (2001) and Weatherburn, Snowball and Hunter (2006) found that alcohol use/abuse, gender, education levels, age, labour force status and residential location were all significantly predictive of contact with the criminal justice system, with four of these variables also predictive of the frequency of contact (Weatherburn, Snowball & Hunter 2008). As

additional variables were available in the NATSISS, Weatherburn, Snowball and Hunter (2008, 2006) also found that drug abuse, financial stress, welfare dependency, involvement in social activities and living in a crime prone area were also important.

There were, however, some differences between the studies. Hunter (2001), for example, found that family removal was not associated with the likelihood of an assault arrest although this variable did appear to be related to police contact when 2002 data were used.

The fact that results varied from one study to another is to be expected, given differences in the data sources (NATSIS versus NATSISS), the range of predictor variables tested, the age range of the respondent group (Hunter (2001), for example, included all persons aged 13 years and over, whereas Weatherburn, Snowball and Hunter (2008, 2006) focused on adults aged 18 years and over), the types of offending involved (assaults versus all offences) and the offending indicator used (ie 'ever charged', arrested in last five years, or number of arrests). Definitions also varied for what seemed to be the same predictive variable. For example, in terms of alcohol use, Hunter (2001) focused on whether or not a person had ever consumed alcohol, whereas the studies by Weatherburn, Snowball & Hunter (2008, 2006) used the extent of consumption in the previous 12 months.

One multivariate study not included in Table 18 is that by Allan and Dawson (2002) because, unlike the others, it focused on violent re-offending by those individuals already involved with the criminal justice system and used a much larger and broader array of potential predictors than the other analyses. Its findings again point to the multitude of factors that remain predictive of violence, once the effects of other variables have been controlled for. The study also indicated that, not only do the predictive variables change depending on the conceptual frameworks used to group them during the testing phase, more importantly, they also vary depending on the type of violence considered.

**Table 18** Summary of findings from multivariate analyses of NATSIS and NATSISS data

Risk factor	Murkherjee et al. (1998)	Hunter (2001)	Weatherburn, Snowball & Hunter (2006)	Weatherburn, Snowball & Hunter (2006)	Weatherburn, Snowball & Hunter (2008)
	NATSIS: arrest in last 5 years, males/ females, all offences	NATSIS: arrest in last 5 years by most serious offence at last arrest=assault	NATSISS: Charged 'ever', persons aged 18 years and over	NATSISS: arrested in last 5 years, persons aged 18 years and over	NATSISS: number of arrests in last 5 years for those aged 18 years and over who had been arrested
Alcohol misuse	—	Significant	Significant	Significant	Significant
Gender	—	Significant	Significant	Significant	Significant
Education level	—	Significant	Significant	Significant	Not significant
Age	Significant	Significant	Significant	Significant	Significant
Labour force status (employed/unemployed)	Significant	Significant	Significant	Significant	Significant
Place of residence	Significant — female only	Significant	Significant	Significant	Not significant
CDEP/non-CDEP	—	—	Significant	Significant	Not significant
Illegal drug use	—	—	Significant	Significant	Significant
Financial stress	—	—	Significant	Significant	Not significant
Welfare dependence	—		Significant	Significant	Significant
Involvement in social activity	—	—	Significant	Significant	Significant
Living in crime prone area	—		Significant	Significant	Not significant
Removal from family	Significant	Not significant	Significant	Significant	Not significant
Living in family with one dependent/sole parent family	—	Not significant	Significant	Significant	Not significant
Living in crowded (large) household	—	Significant	Not significant	Not significant	—
Victim experiences	—	Significant	—	—	—
Long term health condition	—	Significant	—	—	—
TSI/Aboriginal	—	Significant	—	—	—
Social stressors	—	—	Not significant	Not significant	—
Lack of social support	—	—	Not significant	Not significant	
Living in non-Indigenous household	—	Not significant	—	—	—
Quality of housing	—	Not significant	—	—	—
Other members of household arrested	—	Not significant	—	—	—
Living within 50 kms of police station	—	Not significant	—	—	—
Other household members had voted	—	Not significant	—	—	—
Indigenous police aides	—	Not significant	—	—	—
Relationship with police	Significant	—	—	—	—
State of residence	Significant	—	—	—	—
Access to cultural meeting place	Significant — female only	—	—	—	—



# Conclusion

This final section of the report provides some interpretation for, and considers the implications of, the empirical results detailed earlier. It also explores:

- existing gaps in knowledge of violent offending perpetrated by Indigenous persons;
- the limitations of the data currently available on this issue; and
- ways in which at least some of these data gaps could be addressed.

## Indigenous violent offending: A summary

While this present report has not been able to canvas all of the academic studies and government inquiries dealing with Indigenous violence, it has summarised the quantitative and (to a lesser extent) the qualitative evidence currently available. In doing so, it has confirmed that, according to both police apprehension data and self-report surveys, the rate of violent offending by Indigenous persons is consistently higher than that of non-Indigenous persons, with Indigenous males being strongly overrepresented in these figures. Levels of recidivism among violent Indigenous offenders (measured by re-contact with the criminal justice system) were also disproportionately high while, conversely, the time taken to recidivate was disproportionately low.

As outlined in the second section, Indigenous violence seems to be linked, either directly or indirectly, to a broad range of factors such as gender, age, Aboriginal/Torres Strait Islander identity, alcohol consumption, childhood experiences of abuse, exposure to pornography, indicators of socioeconomic disadvantage (such as education, employment and housing), and mental and physical health. Illicit drug use may also be relevant, although at present, Indigenous offenders are less likely than their non-Indigenous counterparts to report drug use or to attribute their offending to either dependency on, or intoxication from drugs.

However, disentangling the contribution of each of these factors to Indigenous violence is difficult, not only because of a lack of empirical data but also because of the complex inter-relationships that inevitably exist between them. Two broad explanations have been invoked, either explicitly or implicitly, in the literature.

One explanation views violence as a symptom of underlying problems, the origins of which can be traced back to the act of colonisation. In the words of Memmott and National Crime Prevention (2001: 11), '[t]he incidence of violence in Indigenous communities and among Indigenous people cannot be separated from the history of European and Indigenous relations'. According to this argument,

the dispossession and removal of Indigenous people from their land and the attendant breakdown of traditional culture is directly responsible for the multiple disadvantages that now characterise many Indigenous communities, including poverty, overcrowding, dilapidated housing stock, high unemployment levels and high levels of family breakdown. These factors impact on the mental, physical, social and economic wellbeing of Indigenous individuals and, in turn, may contribute to the development of dysfunctional behaviours, such as alcohol abuse and violence. By implication then, the most effective way to reduce violence is to redress the multitude of socioeconomic disadvantages which Indigenous individuals and communities face.

While this line of reasoning has general validity, its relevance for current policy and strategy development has been challenged by Pearson (2001a, 2001b). While acknowledging that substance abuse 'originally got a foothold in our community because many people were bruised by history' (2001b: 4), Pearson argues that it is more important to focus on what is occurring now. In his view, alcohol abuse is currently responsible for 'a great proportion of Indigenous violence' as well as exacerbating existing social and economic disadvantages (Pearson 2001b: 20). Hence, while government policies and programs aimed at improving the living conditions of Indigenous Australians may be useful in preventing initial entry into alcohol misuse, they will not have any effect on an individual who is already addicted. 'Such individuals cannot be convinced to quit by offering a materially and socially better life including land rights, infrastructure, work, education, loving care, voluntary rehabilitation and so on. The addict will use all of these material and human resources to facilitate an abusive lifestyle' (Pearson 2001b: 5).

Instead, violence will only be reduced by confronting alcohol consumption and addiction directly. In part, this requires strategies designed to change community attitudes to alcohol misuse. These 'must be aimed at creating an environment which makes it more uncomfortable for substance abusers to continue with the abuse than to quit. There must be no more unconditional support if people don't change, there must be a material cost. And very

importantly, there must be an immediate rejection of abusive behaviour by the environment' (Pearson 2001a: np).

In addition, there must be enforced or mandatory treatment for those who abuse alcohol; and Indigenous reliance on 'passive welfarism' must be redressed. In Pearson's (2001b) view, passive welfarism is the 'main determinant' of Indigenous substance abuse (and by extension, alcohol abuse) via its creation of idle time and lack of purpose and its provision of an unconditional money supply with which alcohol can be purchased.

Pearson's argument finds strong support from the empirical studies of Weatherburn, Snowball and Hunter (2008, 2006). While these aimed to predict the likelihood of being arrested rather than the likelihood of actually offending, and while they did not focus specifically on violence, the results clearly point to the important role now played by alcohol and illicit drug use in Indigenous arrests, with these two factors constituting the second and third strongest predictors of Indigenous arrests (after gender), even when the influence of other variables are controlled for. Equally important, they found no significant interaction effects between alcohol and drug abuse and factors such as welfare, unemployment or financial stress. These findings, they argue, indicate that drug and alcohol abuse, rather than being a symptom of cultural, social and economic disadvantage, constitute problems in their own right and play an independent role in explaining Indigenous contact with the criminal justice system and in perpetuating Indigenous socioeconomic inequality.

However, the Weatherburn, Snowball and Hunter (2008, 2006) studies also provide some support for ecological models of causation or what (using Pearson's terminology) could be designated as the 'symptom theory' of Indigenous violence, as evidenced by the fact that being unemployed rather than employed, experiencing financial stress and being dependent on welfare were all strongly and independently predictive of Indigenous arrests. These findings suggest that tackling Indigenous socioeconomic disadvantage, while not necessarily reducing violence in the short term, may nevertheless have long term benefits in this area.

Several results from another empirical study also have implications for future policy or strategic development. In attempting to predict the likelihood of violent re-offending among Indigenous violent offenders in Western Australia, Allan and Dawson (2002) found that those factors that potentially predict one form of violence differed in some respects from those that predict another form of violence (Allan & Dawson 2002). This provides a useful reminder that violence is not homogenous, but encompasses a range of different behaviours that occur in widely varying situations, target different victims and potentially have quite different triggers. To date, however, little attempt has been made to examine how the risk factors for Indigenous persons vary from one type of violence to another and how, in turn, intervention strategies and programs need to be designed to reflect these differences. The other interesting finding from this study was that one of the key predictors of the likelihood that an Indigenous violent or sexual offender would re-offend was the absence of feasible release plans at the time of exiting prison. Although tenuous, this highlights the need for criminal justice and related agencies to provide effective and timely interventions for violent offenders. There is now ample qualitative evidence to indicate that responses to Indigenous violence by mainstream agencies are, in many instances, inadequate. Failure to locate police, welfare and other critical personnel within the communities themselves reduces their ability to protect the victims and to provide effective intervention and treatment programs for offenders.

Finally, there is some evidence (albeit limited) that violence itself is a risk factor for other forms of disadvantage. According to a study by Hunter and Borland (1999), for example, Indigenous persons who have contact with the criminal justice system are significantly less likely to obtain employment than those who have never had contact. This points to the existence of a vicious, mutually reinforcing circle, whereby socioeconomic and other forms of disadvantage lead to violence, which in turn perpetuates the socioeconomic disadvantage. The challenge for policymakers is to identify where and how best to intervene in order to break that circle.

## Key gaps in our understanding of Indigenous violent offending

As noted many times in this report, despite the considerable number of research and government inquiries into Indigenous violence, there is still relatively little quantitative data on the actual level and nature of violence perpetrated by Indigenous offenders or on the personal and situational characteristics of these individuals compared with Indigenous non-offenders. Instead, most of the available statistics relate to Indigenous contact with the criminal justice system rather than offending per se. Without a more detailed understanding of what proportion of the Indigenous population actually commits acts of violence, the nature and frequency of that violence, and the circumstances within which it occurs, successful intervention strategies will be difficult to develop.

Such information can best be obtained from large-scale surveys of randomly selected individuals conducted across a range of Indigenous communities. At the present time, the most suitable vehicle for collecting such information—the NATSISS—only asks individuals whether they have been arrested or imprisoned, not whether they have offended. Nor does it collect information on violence per se, or its various subcategories. In the absence of such self-report data, it is necessary to rely on official crime statistics and in particular, on police apprehension data. Apart from the obvious limitations of such data (eg they exclude the potentially large numbers of perpetrators who are never ‘caught’ by police and provide no comparative information on those Indigenous persons who never offend), public access to such information is comparatively restricted.

- Only two states (Western Australia and South Australia) publish regular statistics on the number of Indigenous persons apprehended by police for violent offences. It is therefore not possible to develop a national profile of Indigenous violent apprehensions or to determine how and to what extent these vary from one jurisdiction to another.



- Only one state (Western Australia) has published regionally-specific breakdowns on Indigenous violent apprehensions but even these are not released on a regular basis, with data for the 2001 calendar year being the most recent set available. The lack of regional, subregional and community-specific data prevents detailed analysis of the extent to which patterns of Indigenous violent offending vary according to the different historical trajectories and current socioeconomic characteristics of particular communities.
- No state publishes data specific to Indigenous perpetrators of family violence or child abuse and neglect on a regular basis. Nor do official police apprehensions data contain any information on those individuals who perpetrate emotional, financial or psychological abuse.
- No data are available on the extent to which perpetrators of one form of violence also commit other types of violence and/or non-violent crimes, such as property or drug offending. While research indicates that, within the general community, perpetrators of family violence may also commit child abuse, there are no published statistics specific to Indigenous offenders that can verify this.
- Data on the offending trajectories and criminal careers of Indigenous violent offenders are also lacking. Hence, determining what interventions are required and when those interventions should be applied in order to disrupt those trajectories cannot be determined.
- Very little is documented about the victims of Indigenous perpetrators of violence, including the extent to which such offenders target non-Indigenous victims or their relationship to those victims. Extrapolating from Indigenous victim reports about the offender is not the same thing, particularly in light of some data suggesting that approximately half of all assaults committed by Indigenous persons are directed against a non-Indigenous victim.

While the above gaps in our understanding of the nature and extent of Indigenous violence are important, potentially more critical is the absence of strong, empirically-based evidence of the way

in which the various risk factors relate to Indigenous violence and how these vary depending on the type of violence involved and the setting within which that violence occurs. While the work of Hunter (2001), Weatherburn, Snowball and Hunter (2008, 2006) and Allan and Dawson (2002) has started to address this gap, it is still limited by their need to focus on contact with the system, rather than on actual offending behaviour, and on the limited range of potential risk factors which they are able to include. Again, because of a lack of empirical information, it is also not possible for these studies to identify how predictive factors vary depending on the different types of violence involved or on the characteristics of specific Indigenous communities.

As Weatherburn, Snowball and Hunter (2008) highlight, there are always shortcomings in research instruments, and they refer to the different time horizons in the NATSISS questions that formed the basis of the independent and dependent variables and to the wording of the question used to generate the drug abuse variable. Importantly, they call for further research into the various factors that their research showed were linked to the risk and frequency of research, in order to better understand how and why these factors have an effect. Hunter (2001) stresses that empirical analysis of large-scale survey data will continue to be only 'broadly indicative' and calls for case studies or ethnographic approaches to illuminate cross-cultural issues, including contact between police and Indigenous Australians.

## How can these knowledge gaps be addressed?

There are at least three ways in which some of the current gaps in knowledge of Indigenous violent offending can be addressed:

- redesigning some of the questions currently included in the NATSISS and similar population surveys;
- making more effective use of existing data, particularly police apprehension data; and
- improving the quality of police apprehension data.

## *Reassessing the questions currently included in the NATSISS and similar surveys*

Population-based surveys specifically targeted at Indigenous respondents provide the best method for obtaining data on the actual levels (and types) of violent offending perpetrated by Indigenous persons because they have the potential to identify all offending incidents in which the individual is involved, even if they are never identified or apprehended by police. Equally important, they also have the capacity to collect a wide range of data on the proximal factors (such as drug or alcohol use, mental impairment and stress levels) as well as on the distal factors (such as family and community characteristics) for violence. Such data would provide the basis for identifying those variables that are independent predictors of violence when controlling for the effects of other factors. Moreover, if survey numbers were sufficiently large, they could also provide the basis for detailed regional and subregional comparisons of both the levels of violent behaviour and how these levels vary depending on the characteristics of the community itself. However, a range of ethical concerns related to, for example, self-reporting of offending and the naming of specific communities, will need to be considered and addressed to ensure there is community support for such surveys.

Other data sources lack the capacity to collect such information. For example, self-report surveys that target specific groups of offenders, although useful in other contexts, only provide information on those individuals who actually offend (or have contact with the criminal justice system). While they permit comparisons between Indigenous and non-Indigenous offenders, they tell us nothing about differences between Indigenous offenders and Indigenous non-offenders, which is the key to identifying key risk factors for violence.

Apart from the problems identified earlier, police, via apprehension data, are restricted in their capacity to collect detailed information on the offender, their family environment and community setting. There have been limited attempts in some states to extend the amount of background data collected on offenders. For example, SA police have added an indicator to their Police Information Management

System which, when fully operational, should allow officers to record whether, in their judgement, alcohol, illicit drug use, mental impairment or gambling are associated with that individual's offending behaviour. However, given the already heavy data recording demands placed on operational police and other justice personnel, it is unlikely that these systems will be modified sufficiently to enable them to collect all the data required to test for risk factors.

## *Making more effective use of existing data, notably police apprehension data*

The implementation of more comprehensive and broader community-based surveys is likely to be extremely resource intensive and will require considerable lead-in time, even assuming agreement by key stakeholders that such modifications were required. A more immediate and achievable strategy for addressing some of the knowledge gaps is to make greater use of that data collected by criminal justice agencies, particularly police apprehension information.

A range of offender-based information currently collected by police is not publicly released. However, police departments have the capacity to undertake specific data extracts which, if made available to bona fide researchers, could answer some of the questions raised earlier. For example:

- In addition to Western Australia, some other states (such as South Australia) are able to extract offender-based information according to either the residential address of the offender and the location where the offence occurred. Such data would add considerably to the limited amount of regionally-specific information currently available and provide the basis for comparing rates of violent apprehensions both only within and across different types of Indigenous communities.
- Some states have the capacity to link police apprehension data with victim-based incident report data, thereby enabling them to identify and profile those offenders who, although officially charged with a generic offence such as assault, are actually targeting family members, elderly persons or children.

- States such as South Australia and Western Australia are able to identify all apprehensions involving the same individual over relatively long time periods, thereby providing some insight into issues such as whether violent offenders are charged with other types of crime and/or multiple types of violence. Data on recidivism levels could also be extracted, as well as the individual's age at the time of first apprehension, the types of offences initially committed and whether, over time, these became more serious. Techniques for determining differences in criminal trajectories are now widely used and could easily be applied to Indigenous violent offenders.

In outlining these possibilities for additional data extracts, two points should be noted:

- Only a small number of states actually have access to the data required, thus precluding any nationally-based analysis.
- Such data extracts still relate, not to all Indigenous offenders, but only to those who actually come into contact with the criminal justice system.

However, despite these limitations, such data would still be useful.

### *Improving police apprehension data*

To improve police apprehension data on Indigenous offending it is important for all states to implement a standard process for ascertaining and recording the offender's and the victim's Indigenous status, using the ABS standard Indigenous identification question (ABS 1999). This is under active development and all jurisdictions have now agreed in principle to follow this approach. Due to the resource implications involved, it may take time for all jurisdictions to implement the changes. Once implemented, all jurisdictions will have the capacity to extract and publish Indigenous-specific information on both victims and offenders, as well as enable comparisons across jurisdictions.

## Should there be more emphasis on protective factors?

The overwhelming majority of reports into Indigenous violence rely on research that focused on describing the apparent risk factors for violence and/or contact with the criminal justice system (eg Hunter 2001; Memmott & National Crime Prevention 2001; Weatherburn, Snowball and Hunter 2008, 2006). But is this the most fruitful line of inquiry? An alternative, complementary and potentially more constructive approach is to concentrate on identifying those factors that prevent or 'protect' the individual from becoming involved in violence in the first place, or once involved, will help him/her desist from such behaviour.

Despite evidence of a disproportionately high level of Indigenous violence, the fact remains that the majority of Indigenous people are not violent, even though many live in communities where violence is endemic, are subjected to violence either as victims or witnesses, and experience intergenerational trauma and systemic social disadvantage without becoming offenders themselves. In a similar vein, even within the same region, one Indigenous community may have low crime rates while another may have high rates (Lawrence 2007). What is it about particular individuals or particular communities that make them more resilient?

In the Pathways to Prevention report (National Crime Prevention 1999a) it is argued that an individual's development is marked by a number of pathways. At key transition points along those pathways, such as the transition from home to school, from pre-school through primary to high school, and from school to work, the individual may move either towards or away from offending depending on what risk and protective factors are impacting on him/her at the time. These risk and protective factors will

vary from one point along the developmental pathway to another and from one time to another, depending on the changing circumstances of the individual, his or her family and the broader community. This approach therefore rejects the idea of a static list of risk and protective factors in favour of dynamic interactionism:

It is the cumulative total and the timing of adverse factors, their interactions (over time) with each other and with positive features in the environment, and the life phases involved that are more important than the compilation of lists (Homel, Lincoln & Herd 1999: 184).

By focusing on the individual's life trajectory and by identifying the critical transition points in that trajectory, interventions may be developed that divert the individual away from offending. But this approach requires a focus on both protective as well as risk factors—which is known as 'developmental prevention'.

One of the few studies to consider potential protective factors for Indigenous offending (Homel, Lincoln & Herd 1999) suggested the following:

- *cultural resilience*—the notion of cultural resilience arises from the 'cultural, economic, locational and structural heterogeneity' that characterises Indigenous communities across Australia and which 'represents important cultural resilience, revival and distinctiveness' (Altman 1996: 11). This idea is supported, at least in part, by findings from the NATSISS (ABS 2002). This survey indicated that, despite a long period of disruption caused by European colonisation and the upheaval of the stolen generations, indicators of Indigenous cultural retention had remained stable since 1994. Just over one-half of Indigenous people surveyed continued to identify with a clan, tribal or language group, while 22 percent continued to live in homelands and traditional country. Almost seven in 10 Indigenous people aged 15 years and over had attended cultural events in the previous 12 months while one in five still spoke an Aboriginal or Torres Strait Islander language. Successful land title claims may also have a protective role (Homel, Lincoln & Herd 1999). These claims, it is argued, 'strengthen Aboriginal communities by giving them a voice, coalescing individuals and groups, and giving rise to strong

Aboriginal organisations which in turn provide sites of resistance and stronger definitions of community' (Edmunds cited in Homel, Lincoln & Herd 1999: 190);

- *personal coping and adjustment skills*—the survival of Indigenous communities in the face of the negative impact of colonisation and the contemporary effects of disadvantage testifies to the resilience and adaptability of individual members of these communities. Some writers have observed that Aboriginal child rearing practices tend to produce children who are self-sufficient and resourceful (Malin et al. cited in Homel, Lincoln & Herd 1999). Other research has indicated relatively high levels of self-esteem and confidence among young Indigenous males (Lincoln et al. cited in Homel, Lincoln & Herd 1999) which could provide the basis for individual resilience and personal achievement; and
- *family linkages*—strong extended kinship ties across generations provide a measure of economic and psychological security as well as community cohesion even if, at times, they may also be a source of friction. Such ties operate not only in more traditionally oriented, remote communities but in highly urbanised settings as evidenced by 'patterns of mobility within extended kin networks' (Daly & Smith cited in Homel, Lincoln & Herd 1999: 191). One example of this comes from a study of Indigenous families conducted in Adelaide in the 1980s (Gale & Wundersitz 1982). It found that, through a series of residential moves made over a period of years, relatively large numbers of siblings and their families managed to relocate within a few streets of each other. Given the absence, at that time, of access to vehicles and telephones, such co-location provided ready access to a strong support network in times of stress. Another coping skill identified by that study was the tendency for multiple family units from the same extended kin network to reside in the one household. The combined income of all members ensured that, as a unit, the household remained above the poverty line. The arrangement also generated an ample supply of adults who could share responsibility for supervising the young children.

If greater attention was paid to identifying the protective factors associated with violence, it may be possible to develop effective crime prevention and reduction strategies focused on strengthening these positive elements. If implemented in collaboration with Indigenous communities themselves, these may provide a more dynamic and constructive way forward than simply attempting to redress or mitigate the risk factors.

These potential protective factors can inform strategies and initiatives that draw on developmental and community crime prevention principles. However, as Hunter (2001) notes, there is rarely an explicit crime prevention objective to the multitude of early intervention projects and services that operate across the country. More careful analysis is required of social policies and programs to assess whether they are like to reduce violent offending by individuals and within communities by being sensitive to the constellation of risk factors associated with age, sex and geographic location. Given the high mobility of Indigenous Australians (see Hunter 2001), an important issue is to make

policy initiatives and service delivery responsive to individuals and families that may move around to several residential locations within a year and which build on identified protective factors.

Several studies have highlighted pragmatic measures that might reduce violence in the short-term. In particular, Hunter (2001) and the later studies by Weatherburn, Snowball and Hunter (2008, 2006) drew attention to how alcohol abuse is strongly and independently associated with Indigenous Australians' contact with the criminal justice system. In their most recent study, Weatherburn, Snowball and Hunter (2008) cite evidence that indicates restrictions on alcohol supply and price increases reduces crime and antisocial behaviour in Indigenous communities. In addition to tackling socioeconomic disadvantage through national funding and policy frameworks, at a more local level, the research findings point to the potential of environmental design (housing, lighting, amenities etc) and specific employment schemes (such as CDEP) to reduce levels of violence or disorder in neighbourhood or community settings.

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# Appendixes

# Appendix A: Data sources and limitations

To measure accurately the level of violence perpetrated by Indigenous individuals and to ‘unpack’ the complex interactions between the host of risk factors seemingly associated with such violence, accurate statistics on each person’s actual involvement (or non-involvement) in violent offending are required, together with comprehensive details per individual on each of the potential proximate and distal risk factors thought to be associated with this violence.

Such empirically-based information does not exist. Instead, the three data sources used in this report—official criminal justice data, population or offender-based surveys and government or academic reports—each has limitations.

- Official criminal justice data collection systems, for example, only pertain to behaviours that are legislatively defined as criminal. They therefore exclude emotional, psychological or financial abuse. They also exclude those offenders who are never detected or proceeded against by police. Finally, in those few states that actually publish police statistics on Indigenous violent offenders, the procedures used to ascertain racial identity vary from one jurisdiction to another.
- Of the very small number of Indigenous-based population surveys conducted in Australia, the 1994 NATSIS and the 2002 NATSISS asked respondents whether they had previously been arrested or imprisoned. They also collected a range of details about each respondent including employment status, education levels, stress factors etc. While the resultant data provide useful insights into the extent of Indigenous contact with the criminal justice system and the risk factors for such contact, they do not relate to actual offending behaviour. Moreover, although the 1994 survey included a question about assault arrests, the 2002 NATSISS focused on all offending, thereby

precluding any analysis of Indigenous violence per se. The primary source of self-reported data on Indigenous offending therefore comes from small-scale, usually one-off surveys of police arrestees and prisoners which do not provide any comparative data on those Indigenous persons who have no contact with the system.

- The third source of data—academic research and government inquiries—provides useful qualitative insights into risk factors for Indigenous violence, but empirical data are usually lacking. In addition, very few of these reports seek to statistically test the extent to which various risk factors actually predict Indigenous violent offending.

As a result, the majority of information presented in this report relates to Indigenous contact with the criminal justice system, rather than actual offending.

The three main data sources used—namely official criminal justice data, self-report survey data and research/inquiry documents—shed some light on both the prevalence and risk factors for violent behaviour by Indigenous persons. However, they fall well short of providing the comprehensive range of information needed to fully understand what is, after all, a very complex issue. As a result, the range of issues which this report was able to explore is seriously constrained, not only in terms of the number of different types of violence that could be considered but also in terms of its ability to provide any definitive insights into the relative importance of the various risk factors explored.

## *Types of violence considered*

Despite the many different forms of violence outlined earlier, most of the statistics on violent offending by Indigenous persons contained in this report are, of necessity, restricted to those acts of physical

aggression (such as homicide, common/aggravated assaults and sexual assaults) defined by Australian law as criminal. And even within this limited framework, such information was only available for a handful of states and did not extend to an analysis of criminal acts perpetrated against particular types of victims, such as children, the elderly or family members.

This report was also unable to present statistics on the perpetration of emotional, psychological, social or economic abuse or on those forms of violence, such as intergenerational violence, one-on-one fighting, dysfunctional community syndrome or sequential violence, that are defined according to the contextual circumstances of the behaviour. Nor could it provide any statistics on various forms of interracial violence, such as racially motivated or structural violence. Finally, suicide and self-harm have also been excluded because, although such behaviours have a devastating effect on Indigenous families and communities and although relevant statistics are available at both a state and national level, such behaviours do not involve the direct victimisation of one individual by another.

Other issues, although considered important to understanding the nature of Indigenous violent offending, have also been omitted because of a lack of data. For example, no discussion could be included on the extent to which Indigenous individuals who commit one type of violence also commit other types of violence. While research conducted within the general community (eg Edleson 1999; Goddard & Hiller 1993) indicates that perpetrators of physical and sexual child abuse are also likely to commit acts of spousal violence, whether such an association exists within Indigenous communities has not been empirically tested.

Nor was it possible to examine the extent to which Indigenous violent offenders engage in other forms of crime, such as property and drug offending. While there is some indication from the NHMP that a much smaller proportion of Indigenous than non-Indigenous homicides occurred in the course of committing another type of offence (about 1 in 25 compared with 1 in 6 respectively), the extent to which these findings could be generalised to other less serious forms of violence is not known.

If nothing else then, this report highlights the need for more comprehensive data on all forms

of violence perpetrated by Indigenous persons and the circumstances within which that violence occurs. Without such data it is difficult to develop an accurate insight into the level and nature of violence perpetrated by Indigenous offenders and to accurately assess the relative contribution of the various risk factors for such violence.

### *Disentangling the risk factors for violence*

While this report is able to identify a long list of potential risk factors, it is not able to provide any definitive empirical assessment on the relative contribution of each of these factors to Indigenous violence, or on the mechanisms underpinning these relationships. Instead, for reasons already outlined, it is limited to information gleaned from two types of studies:

- univariate analyses that provide some insight into the association between Indigenous offenders and one factor only, such as alcohol abuse or unemployment. However, such studies cannot provide an assessment of relative risk, because they do not take account of the influence of other factors that may be operating on the individual at the same time
- multivariate analyses that use more complex statistical methods to identify those variables that remain predictive of Indigenous violence once the influence of a range of other factors have been partialled out. While this approach offers some insight into the relative importance of various risk factors for violence, the few Australian studies so far undertaken have been constrained not only by their lack of access to all but a relatively small number of personal details, but also by their focus on predicting contact with the system, rather than actual offending. For example, Hunter (2001) sought to identify key predictor factors for Aboriginal arrests using data from the 1994 NATSIS, while several reports by Weatherburn, Snowball and Hunter (2006) used NATSIS data to examine the predictors of Indigenous charges and imprisonments. The results from these studies are summarised in the third section, together with a WA study which sought to identify factors predictive of Indigenous re-contact with the system for violent offending.



# Appendix B: Key concepts

In a report such as this, it is important to define what is meant by the terms Indigenous community and violence.

## Indigenous community

Many government inquiries into Indigenous violence have talked about the Indigenous community in general, without seeking to clarify this term. In reality, there are a multitude of different communities, ranging from:

- remote settlements far removed from non-Indigenous townships, such as those in the APY Lands, Arnhem Land, the Kimberley or Cape York;
- rurally-based communities located in close proximity to, but still spatially separate from, non-Indigenous townships (such as Point Pearce and Raukkan in South Australia). Many of these are artificial constructs that began their existence as government reserves or mission settlements;
- town camps of predominantly transient dwellers situated on the edges of centres such as Alice Springs; and
- integrated urbanised groups living within mainstream regional centres and capital cities.

Discussions of violence in Indigenous communities tend to focus on spatially separate remote or semi-remote communities. In these situations, the impact of violence is likely to be particularly damaging because both the perpetrators and victims of such behaviour generally come from within the community and are often related through complex kin networks. However, the situation may be quite different in major cities where:

- there are often a number of different Indigenous groups or social networks, defined according to the part of the state from which the members originated or the kinship groups to which they belong;

- the members of these networks are likely to be scattered across the suburbs, thereby reducing the intensity and frequency of interaction between them; and
- the 'pool' of potential victims is larger, with Indigenous persons having a greater opportunity to offend against non-Indigenous people because of the co location of the two groups.

Violent offending by Indigenous persons in these highly urbanised settings may be more diffuse and therefore less detrimental to the cohesiveness and viability of the offender's community than in more isolated settlements. The situational risk factors for violence may also be different, as will access to police and other resources, all of which may produce variations in both the onset and re-occurrence of violent behaviour.

While this report set out to present information on differences in the level and nature of Indigenous violence depending on the type of community involved, the lack of spatially relevant data made this task very difficult and highlights the need for better data collection and analysis in this area.

## Defining violence

In broad terms, Indigenous violence can be defined as:

an issue focused around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities (Victorian Indigenous Family Violence Task Force 2003: 123).

Memmott & National Crime Prevention (2001) identified 12 forms of violence in Indigenous

communities. In turn, these (together with others not nominated by Memmott & National Crime Prevention 2001) may be grouped into four broad categories, depending on whether the defining criteria is the nature of the behaviour itself, the characteristics of the victim, the contextual framework within which the violence occurs or whether the violence is intra- or inter-racial.

### *Violence defined by the type of behaviour involved*

These forms are largely self-explanatory and include:

- physical violence, notably homicide and assault;
- sexual violence, including rape, indecent assault and unlawful sexual intercourse/carnal knowledge;
- emotional violence;
- psychological violence; and
- economic abuse, which may include the withdrawal or extraction of money or goods as a way of hurting somebody (Bolger 1991: 6) or when 'welfare payments are used by the recipient to buy alcohol instead of food, leaving other family members without basic resources' (Memmott & National Crime Prevention 2001: 49).

Suicide and self-harm could also be included here, because they involve an act of physical violence, albeit directed against the self.

### *Violence defined by the characteristics of the victim*

The most frequently recognised forms of violence defined according to the characteristics of the victim are domestic violence, family violence, child abuse and elder abuse.

- *domestic and family violence*—although domestic violence has long been recognised as a distinct form of abuse in non-Indigenous settings, there has been much discussion in the literature about the appropriateness of applying this concept to Indigenous communities. It usually refers to those situations where the victim is either a spouse or defacto and, as such, has a very narrow and often legislatively constrained meaning. Within Indigenous communities it may be more appropriate to use the generic term of 'family'

violence, defined as any violence that 'occurs between people who are known to each other by way of familial or other domestic relationships, past or present' (MacDonald cited in Gordon, Hallahan & Henry 2002: 7). This broader term more accurately reflects the complex network of family and kinship ties that underpin Indigenous relationships and, according to a number of reports (eg see Aboriginal and Torres Strait Islander Women's Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000; Gordon, Hallahan & Henry 2002), is the term now preferred by Indigenous people themselves to refer to violence that occurs within the domestic setting;

- *child abuse*—within Indigenous communities, this refers to 'any form of action that results in the wellbeing of the child being threatened or leading to actual harm... includ[ing] practices leading to the denial of Aboriginality of children' (SNAICC 1996: 4). It covers a range of behaviours including:
  - emotional and physical abuse;
  - sexual abuse, involving 'activities ranging from exposing the child to sexually explicit materials or behaviours, taking visual images of the child for pornographic purposes, touching, fondling and/or masturbation of the child, having the child touch, fondle or masturbate the abuser, oral sex performed by the child or on the child by the abuser and anal or vaginal penetration of the child' (Tomison 1995: 2);
  - lack of effective parenting or neglect, including 'any serious omissions or commissions by a person having the care of the child which, within the boundaries of cultural tradition, constitute a failure to provide conditions that are essential for the healthy physical and emotional development of a child' (Tomison & Poole 2000: 10);
  - withdrawal of support;
  - failure to provide adequate medical care; and
  - cultural deprivation.

Of these, child sexual abuse has received considerable publicity in recent years. However, achieving consensus about what constitutes child sexual abuse within Indigenous communities is not straightforward. While certain behaviours (such as rape) clearly constitute criminal acts and are

regarded as such by both Australian law and by Indigenous people, some ambiguity exists in relation to two forms of sexual behaviour involving adolescents under the age of 16 years—‘consensual’ sex between individuals and ‘transactional’ sex, where young persons (usually girls) engage in sexual acts, often with older men, for the purpose of obtaining petrol or marijuana, or money with which to purchase these items. Such behaviours, particularly those involving consensual sex, are not always viewed as unlawful by the young ‘victims’ themselves, their families, other community members and, at times, by non-Indigenous service providers. Yet under Australian law, may (depending on the jurisdiction) constitute forms of child abuse and may lead to charges of unlawful sexual intercourse or carnal knowledge. Some inquiries into Indigenous child sexual abuse (eg see Mullighan 2008) also dispute the extent to which such behaviours are truly consensual. They argue instead, that while many of the young girls may not overtly refuse to participate in a sexual act, they do so because they feel they had no choice. As the Mullighan Inquiry (2008: 63) noted ‘Anungu children...lack communication skills, emotional maturity and awareness of the law to negotiate sexual relations and in reality consent to them’. Hence, in its view, all such incidents should be regarded as non-consensual child sexual abuse.

- *elder abuse*—while elder abuse could be viewed as a subset of family violence (Aboriginal and Torres Strait Islander Women’s Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000), little is currently known about its nature and extent within Indigenous communities. This suggests that it should be treated as a separate category at this stage. Elder abuse has been defined as ‘any act occurring within a relationship where there is an implication of trust which results in harm to an older person’ and was used in a preliminary study conducted in Western Australia which found that:

- while there was some indication of sexual and physical abuse of older people, such instances were relatively infrequent;
- instead, Indigenous elder abuse primarily involved financial abuse and ‘demand sharing’, whereby younger individuals take advantage of kinship-based obligations to force their older relatives to share resources such as welfare payments;

- perpetrators were often members of the victim’s immediate family, particularly grandchildren or their grandchildren’s friends; and
- in the metropolitan area, elderly Indigenous people congregating in city parks were ‘easy targets for some to stand over and rob people for monies’ especially if the victim was under the influence of alcohol (Western Australia Office of the Public Advocate 2005: 26).

An inquiry into Indigenous violence in Cape York also observed that, while abuse of older people in that region was a ‘relatively recent phenomenon’, it nevertheless existed and was ‘related to the loss of traditional cultures and values, including respect for elders’ (Fitzgerald 2001: 93–94). Similarly, Queensland’s Aboriginal and Torres Strait Islander Women’s Task Force on Violence (Aboriginal and Torres Strait Islander Women’s Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000) noted instances of emotional and physical abuse directed against older people, particularly older women, by substance-dependent family members. Often the aim was to extract money but it could also include sexual assault.

However, the generic definition cited above and used in the Western Australian study, may not be appropriate for Indigenous people or communities where the term ‘elder’ is reflective of important cultural roles that are not necessarily linked to the person’s age. If the definition does require the specification of an age range, this may need to be different for Indigenous groups, given their substantially shorter life expectancy compared with non-Indigenous Australians (SCRGSP 2007).

### *Violence defined by the circumstances in which it occurs*

Five types of violence identified in Indigenous communities fit within this category:

- *one-on-one adult fighting*—this generally takes place between members of the same gender (usually, but not always, males). In traditional society, it occurred in a highly structured manner but has now become far less regimented and is often fuelled by alcohol (Memmott & National Crime Prevention 2001);

- *inter-group violence*—this ranges from violence between different kin groups in remote communities to forms of gang violence involving predominantly young Indigenous males in urban settings;
- *cyclic or intergenerational violence*—this term covers several different scenarios. At one level, it may refer to the commission by the same adult of acts of violence against successive generations of individuals, including their children and grandchildren (Ella-Duncan et al. 2006: 61). However, it is more commonly applied to violence that is transmitted from one generation to another ‘through social and cultural processes’ (National Crime Prevention 1999a: 8). This may stem from the ‘cumulative, intergenerational impacts of trauma on trauma on trauma’ (Atkinson 1996: 7), whereby individuals who experience or witness violence and other life stressors as children subsequently respond to such trauma by becoming perpetrators of violence. Alternatively, some commentators have argued that it is due to the ‘normalisation’ of violence in a community. Under this scenario, because of its pervasive nature, violence may become internalised by each successive generation as an inherent part of the culture or lifestyle. It thus acquires certain legitimacy as a method of resolving disputes and may even be perceived, particularly among young males, as something akin to a rite of passage. However, this notion of ‘normalised’ violence has been disputed by various Indigenous leaders who argue that in some communities, factors such as the lack of an effective police response or intervention programs mean that residents are powerless to take action against violent perpetrators. However, this lack of action should not, in their view, be interpreted as an ‘acceptance’ of such violence;
- *dysfunctional community syndrome*—this is characterised by the simultaneous occurrence within the one community of many different types of violence, together with a range of socioeconomic, health and educational disadvantages; and
- *sequential violence*—this refers to situations where a particular incident involving a single perpetrator and victim triggers a sequence of retaliatory events

that may ultimately spread to encompass a large number of community members. The inquiry into child abuse in the APY Lands, for example, described the considerable community unrest that occurred following a report to police that a young girl had been sexually assaulted. The victim’s father apparently went to the home of the perpetrator’s family and assaulted the perpetrator and his sister. In turn, when the perpetrator was released back into the community on bail, he assaulted the victim’s sister. The episode culminated in a brawl involving more than 100 people (Mullighan 2008). The same inquiry also identified cases where the young victim herself was assaulted by members of her own family as punishment for her involvement in what they perceived to be a ‘wrong skin’ sexual relationship (Mullighan 2008). These types of sequential violence, which motivated by the concept of ‘payback’, have the potential to be more damaging to the community than one-off incidents, because of the number of people who ultimately become involved and the long term unrest and tension which they generate.

### *Interracial violence*

The forms of violence identified above operate predominantly at an intra-community level where there is a strong probability that both the offender and victim will be Indigenous. There are, however, other forms of violence that are interracial, including:

- individual acts of aggression by Indigenous perpetrators against non-Indigenous victims and vice versa;
- oppositional violence that constitutes part of a pattern of resistance by Indigenous people against the dominant European culture (Hunter 1991a);
- racially-motivated violence (Cunneen 1990: 1997);
- systemic or structural violence. This may be historical, such as the massacres perpetrated by European settlers, the subsequent resettlement of Indigenous people on segregated reserves and the forced removal of Indigenous children from their parents. It may also be contemporary, such as the documented examples of police violence against Indigenous offenders (Cunneen 1990: 1997); and

- some writers also refer to psycho-social domination and cultural/spiritual genocide by the dominant culture and argue that this constitutes ‘the greatest violence of all’ (Aboriginal and Torres Strait Islander Women’s Task Force on Violence & Department of Aboriginal and Torres Strait Islander Policy and Development 2000: 67).

Overall, these broad categories of violence are by no means mutually exclusive. An incident of interpersonal violence may include any combination of physical assault, sexual assault, emotional abuse and psychological abuse. A fist fight in the street, while

technically constituting assaultive behaviour, may involve one-on-one adult fighting or it may escalate to inter-group fighting, particularly if the initial protagonists’ kin become involved. Where such escalation occurs, then violence becomes sequential. This complex interweaving of different types of violence, when combined with other forms of dysfunctional behaviour (such as alcohol and illicit drug abuse) that occur within a context of social and economic disadvantage all go to make up a dysfunctional community.



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This report presents results of research into victimisation of, and offending by, Indigenous people. Findings are designed to inform and complement the work of the National Indigenous Violence and Child Abuse Intelligence Task Force.

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