

**Submission
No 48**

**INQUIRY INTO HIGH LEVEL OF FIRST NATIONS
PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF
DEATHS IN CUSTODY**

Name: Professor Eileen Baldry

Date Received: 21 August 2020

I would like the Committee to take note of the two attachments.

1. A predictable and predictable path. This is a report on an ARC research project on Indigenous Australians with mental and cognitive disability in the criminal justice system. of the 700+ Indigenous Australians in the 2,731 people in the dataset gathered to do this study, almost all have mental &/or cognitive disability. It highlights the very high rate of Indigenous Australians with disability in prisons in NSW, their significantly earlier contact with police and therefore high level of criminalisation, their higher rates of remand and prison sentences and the higher levels of disadvantage of Aboriginal women with disability who end up in prison. The report contains a number of detailed case studies demonstrating the cumulative and compounding of disability and disadvantage enmeshing Aboriginal people in the criminal justice system and concludes with recommendations from Aboriginal communities regarding how to address this shameful overrepresentation and prevent Aboriginal people with disability being imprisoned.

2. The Booming Industry continued: Australian Prisons. A 2020 update. This report is a summary of the use and growth of prisons including the overrepresentation of Indigenous Australians.

And I draw to the committee's attention the 'natural experiment' of the massive reduction of the NSW prison population during COVID 19 and the fact that there has been no increase in offences except for DV offences (NB DV is not solved by use of prison). The reduction has been largely due to reduction in use of remand demonstrating that many people held on remand do not need to be in prison and supports the NSW Law Reform Com report and recs on reducing the use of remand; use of remand impacts more on Indigenous Australians and people with disability as they are more over-represented in remand than non-Indigenous people.