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Aboriginal participation in MERIT

The study population was made up of 6,219 persons who were referred to MERIT between 2 July 2000 and 31 October 2004. Of these, 853 (13.7%) persons identified as Aboriginal and 4,242 (68.2%) as non-Aboriginal. The Indigenous status of a large number of referred persons was unrecorded, 1,124 (18.1%). This proportion of persons of unknown Indigenous status is high, and needs to be acknowledged as having the potential to taint the results presented below.

Aboriginal appearances in the Local Court

The full report compared the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons charged before the Local Courts. Aboriginals were reported as consistently making up a proportion of Aboriginal persons referred to MERIT that was proportionate to the proportion of Indigenous persons appearing in the Local Courts. While Figure 1 shows there to be slight variation across the years, the number of Aboriginal persons appearing before the Local Courts was unknown, 1,124 (18.1%). This proportion is identifi ed.8 This revision resulted in a significant increase in the number of Aboriginal persons referred to MERIT compared with Aboriginal appearances in the Local Court.

Figure 1: The proportion of Aboriginal referrals to MERIT compared with Aboriginal appearances at the Local Court.

Referrals by Area Health Service

It is diffi cult to provide a accurate comparison of Aboriginal referrals by Area Health Service (AHS) for two reasons. The fi rst is that there had been a change in the way that Aboriginal status was recorded in the MIMS database. As such, it is possible that the higher proportion of Aboriginal referrals (48.8%), followed by the AHS regions with Aboriginal referral proportions higher at the time the research was conducted. Another is the variation in Aboriginal population.

The proportion of Aboriginal referrals (48.8%), followed by the AHS regions with Aboriginal referral proportions higher at the time the research was conducted. Another is the variation in Aboriginal population.

Notes

1. This bulletin was prepared by Tara Mehaffey. The information is based on the work conducted by Michael Cash and reported in Participation of Aboriginal people in the MERIT program: Main fi ndings. The full report provides information relating to Aboriginal participation from program commencement in July 2000 to 31 October 2004. As such, it provides an account of the MERIT program, although the study period of MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

2. Australian Bureau of Statistics, Crime, binge drinking was higher.2 Evidence also suggests that in 2001, 13.8% of all persons appearing in court were associated with two or three alcohol convictions, and 6.6% of these people were Aboriginal.5

3. Chen, S., Matruglio, T., Matuszeski, G., & Chudleigh, J. (2004). To what extent are programs designed to address the alcohol problem? This bulletin reports the main fi ndings of the MERIT program: Main fi ndings. The full report provides information relating to Aboriginal participation from program commencement in July 2000 to 31 October 2004. As such, it provides an account of the MERIT program, although the study period of MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

4. ‘An Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Islander descent who identifi es as an Aboriginal or Torres Strait Islander and is accepted as such by others.6

5. The term ‘Aboriginal’ is used in this bulletin to describe persons who identifi ed as Aboriginal and/or Torres Strait Islander. The term ‘Aboriginal’ is used in this bulletin to describe persons who identifi ed as Indigenous at any court appearance since 1994.

6. BOCSAR changed the ATSI status counting rules in 2004. The BOCSAR reports produced prior to 2004 included persons who identifi ed as Indigenous on the basis of the COC data. However, since the reform of the counting rules, Indigenous persons are included in the ATSI counts for the first time.

7. Figures relating to the proportion of Aboriginal persons charged in the NSW Local Court appeared who have identifi ed themselves as Indigenous at any court appearance since 1994.

8. The first Study on the proportion of Aboriginal persons using the MERIT program was released in January 2003. This bulletin reports the main fi ndings of the MERIT program, although the study period of MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

Participation of Aboriginal people in the MERIT program: Main fi ndings

This bulletin reports the main fi ndings of the Participation of Aboriginal people in the MERIT program report, released by the Crime Prevention Division. The full report provides information relating to Aboriginal participation from program commencement in July 2000 to 31 October 2004. As such, it provides an account of the Aboriginal participation during the fi rst four years of the MERIT program. Although the study period of MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

Background

The Aboriginal population is signifi cantly over-represented in the NSW Criminal Justice System. While 16.8% of the NSW population make up 16.3% of all persons appearing in court are associated with two or three alcohol convictions, and 6.6% of these people were Aboriginal.5

The Aboriginal and Torres Strait Islander population is designed to deal with offenders facing less serious drug or drug related charges than those appearing before the NSW Drug Court.

Data used in this study

Data used in this study was taken from the outputs of the Multidisciplinary MIMS database. MIMS is a system designed to provide specifi city, effectiveness, eligibility, is aimed at addressing both the health and criminal justice issues of adults who present at a participating Local Court and who have demonstrated drug problems. MERIT provides treatment to the pre-plea stage of the court process. Participants must meet specifi c eligibility criteria, be suitable for release on bail and be motivated to engage in treatment and rehabilitation for their drug and alcohol problems.

The report Participation of Aboriginal people in the MERIT program: Main fi ndings examines access to MERIT on the basis of Aboriginality.

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The reasons for non-acceptance provided in the full report are broken down into three categories: eligibility, suitability and other. The reasons for non-acceptance are detailed in the report. The eligibility category includes program resources and numbers of participants relative to MERIT staff resources. The team may take into account such issues as the defendant’s motivation and previous experiences with drug treatment services. Operational issues are also important, such as the availability of rehabilitation services, and the caseload of program participants relative to MERIT staff resources.

The third stage of acceptance is the endorsement of a referral by a Magistrate. While a defendant may be considered both eligible and suitable they may not ultimately be accepted into the MERIT program.

Aboriginals were less likely than non-Aboriginals to be accepted into MERIT during the study period. Aboriginal defendants have a bearing on their subsequent participation by a Magistrate. While a defendant may be considered both eligible and suitable they may not ultimately be accepted into the MERIT program.

The most common reason for non-completion was the defendant being breached by the MERIT team for non-compliance. This was the most for Aboriginal defendants than it was for non-Aboriginal defendants (65.7% compared with 60.1%). Aboriginals were, however, less likely to be removed from the program by the Court, and less likely to withdraw voluntarily from the program. Defendants may be breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

Principal drug and treatments provided

The Program Guidelines define the “principal drug” as being the drug that forms the basis of the treatment plan for persons involved in the program. Aside from a slightly higher proportion of Aboriginal defendants presenting with a cannabis problem and a slightly lower proportion with a heroin problem, there was little difference between Aboriginal and non-Aboriginal defendants with regard to the principal drug of concern.

The most common reason for non-completion was the defendant being breached by the MERIT team for non-compliance. This was the most for Aboriginal defendants than it was for non-Aboriginal defendants (65.7% compared with 60.1%). Aboriginals were, however, less likely to be removed from the program by the Court, and less likely to withdraw voluntarily from the program. Defendants may be breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

Differences on the basis of Aboriginal status were significant. This was more the case for Aboriginal non-completers than it was for non-Aboriginal participants. Aboriginals were, however, less likely to be removed from the program by the Court, and less likely to withdraw voluntarily from the program. Defendants may be breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

The most common reason for non-completion was the defendant being breached by the MERIT team for non-compliance. This was the most for Aboriginal defendants than it was for non-Aboriginal defendants (65.7% compared with 60.1%). Aboriginals were, however, less likely to be removed from the program by the Court, and less likely to withdraw voluntarily from the program. Defendants may be breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.
Referals to MERIT

Aboriginal participation in MERIT

The study population was made up of 6,219 persons who were referred to MERIT between 2 July 2000 (date of program commencement) and 31 October 2004. Of these, 853 (13.7%) persons identified as Aboriginal and 4,204 (67.6%) as non-Aboriginal. The Indigenous status of a large number of referred persons was unknown, 1,240 (19.7%). This proportion of persons of unknown Indigenous status is high, and needs to be acknowledged as having the potential to tamper the results presented below.

Aboriginal appearances in the Local Court

The full report compares the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons charged before the Local Courts. Aboriginals were reported as consistently making up a higher proportion of referrals to MERIT than non-Aboriginals. This information was based on Local Court statistics provided by the Bureau of Crime Statistics and Research (BOCSAR).

However, since the time the Court statistics were provided for this full report, a significant increase in the number of Indigenous persons appearing in the Local Courts. Using revised 2000-2004 BOCSAR information, Figure 1 compares the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons appearing in the NSW Local Court, at the time the research was conducted. Another significant variation in Aboriginal proportion.

The Aboriginal participation in MERIT program was developed following a recommendation of the NSW Drug Summit and directs adults identified with primary drug problems who are facing charges in the NSW Local Court for a serious offence to the MERIT program. The successful completion of the MERIT program by the defendant may be considered by the Magistrate when handing down the sentence. MERIT is a joint initiative of the Attorney General’s Department of New South Wales, the Aboriginal and Islander Health Council of NSW, the Australian Bureau of Crime Statistics and Research (BOCSAR), and the NSW Department of Corrective Services. It is designed to deal with offenders facing less serious charges who are on bail and be motivated to engage in treatment and to avoid further contact with the criminal justice system.

Background

The Aboriginal population is significantly over-represented in the NSW Criminal Justice System. While 2% of the NSW population is Indigenous, the NSW police identified 3.5% of all persons charged in the NSW Local Court and NSW prisons identified 3.1% of all persons appeared who have identified as Indigenous on any court appearance since 1994. On completion of the treatment program defendants return to the court for sentencing. Data used in this study

The report Participation of Aboriginal people in the MERIT program: Main findings is designed to deal with offenders facing less serious charges who are on bail and be motivated to engage in treatment and to avoid further contact with the criminal justice system.

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Data used in this study was taken from the MERIT Information Management System (MIMS) database. MIMS is a continuously updated database on Aboriginal and non-Aboriginal persons referred to and participating in program commencement in July 2000 to 31 October 2004. As such, it provides an accurate account of Aboriginal participation during this four year period of the MERIT program. Although the study period MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

The full report Participation of Aboriginal people in the MERIT program: Main findings is designed to deal with offenders facing less serious charges who are on bail and be motivated to engage in treatment and to avoid further contact with the criminal justice system.

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During the study period, 3,454 (55.5%) of the 6,219 defendants had a lower program completion rate (55%) than non-Aboriginal participants (60%). The reasons for program non-completion, by Aboriginal status, are provided in Figure 3.

The third stage of acceptance is the endorsement of suitability for release on bail. Operational issues are also important, such as the availability of rehabilitation services, and the caseload for the defendant. The most common reason for non-completion was the defendant being breached by the MERIT team. This was more the case for Aboriginal defendants than it was for non-Aboriginal defendants (65.7% compared with 60.1%). Aboriginals were, however, less likely to be removed from the Court, and less likely to withdraw voluntarily from the program. Defendants may be removed from the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions. The most common reason for non-completion was the defendant being breached by the MERIT team. This was more the case for Aboriginal defendants than it was for non-Aboriginal defendants (65.7% compared with 60.1%). Aboriginals were, however, less likely to be removed from the Court, and less likely to withdraw voluntarily from the program. Defendants may be removed from the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

Principal drug and treatments provided

Another reason for the non-acceptance of Aboriginal referrals may be related to the type of offence committed, as a higher proportion of Aboriginal defendants referred to MERIT are facing charges of assault. The MERIT program excludes persons who have committed violent offences. On this basis, it is likely that referrals offered by Aboriginal defendants have a bearing on their subsequent acceptance into the MERIT program.

The reasons for non-acceptance provided in the full report are broken down into three categories: Suitability, availability and ‘other’. The reasons for non-acceptance offered by the program are proportionately similar across all eligibility and suitability reasons, and apart from the finding that Magistrates were less likely to claim Aboriginal defendants as unsuitable (60.5% compared with 52.0% for non-Aboriginal).

There is however a disparity between Aboriginal and non-Aboriginal persons in relation to ‘other’ reasons for non-acceptance, 21.6% compared with 12.1%. Unpublished information in this other category is likely to be key to understanding the reasons behind Aboriginal non-acceptance into the MERIT program.

Primary drug of concern

The MERIT Program Guidelines define the ‘principal drug of concern’ as being the drug of concern for persons involved in prison. Aside from a slightly higher proportion of Aboriginal defendants presenting with a cannabis problem and a slightly lower proportion with a heroin problem, there was little difference between Aboriginal and non-Aboriginal defendants with regard to the principal drug of concern.

Discussion

The non-acceptance of Aboriginal people in the MERIT program related to the level of participation of Aboriginal and non-Aboriginal defendants in the first four years of the MERIT program. The findings relate to the criminal justice responses to Aboriginal people in New South Wales, and the significant over-representation of the Aboriginal community in the criminal court and prison environments. Because of the widespread coverage of the MERIT program across NSW, even small gains in reduction in repeat admissions or reductions in drug treatment programs have the potential to have an impact on Aboriginal people being referred to the courts and appearing before the courts and being sentenced.

The current study shows that Aboriginal defendants are referred to MERIT in proportion to their rate of appearance before NSW Courts. This finding is encouraging, as it indicates that Aboriginal defendants have an equal opportunity of being referred to MERIT as non-Aboriginal defendants.

An analysis of the characteristics of defendants referred to the MERIT program reveals that there is no significant difference on the basis of Aboriginal status with regard to referral rates to the program between Aboriginal and non-Aboriginal defendants.

Demographic characteristics

There were demographic differences between the Aboriginal and non-Aboriginal populations with regard to age, gender, living arrangements, employment status and education level.

The results demonstrated that Aboriginal persons referred to MERIT tend to be younger than non-Aboriginal persons. Aboriginal females made up a smaller proportion of the Aboriginal defendants compared to non-Aboriginal females. This finding is likely to reflect the general criminal population figures, as Aboriginal women make up almost one quarter of the females in the NSW Local Court Charge (24%) and prison (24%) populations.2,12

A comparison of Aboriginal and non-Aboriginal defendants showed that a higher proportion of Aboriginal defendants were married and/or living with family or partner, had a lower level of education and had served time in prison. When considering these results with regard to program and subsequently completing the program, knowledge of the reasons behind these findings is key to understanding the acceptance and completion rates among Aboriginal status.

Current directions

An encouraging outcome of the report is the implementation of a number of strategies designed to increase the level of Aboriginal participation in the MERIT program. For example, MERIT teams have established a number of Aboriginal Client Services Specialist positions, located in Local Courts that have high Aboriginal populations, who are able to assist Aboriginal defendants in the community in the criminal court and prison environments. Because of the widespread coverage of the MERIT program across NSW, even small gains in reduction in repeat admissions or reductions in drug treatment programs have the potential to have an impact on Aboriginal people being referred to the courts and appearing before the courts and being sentenced.

The Aboriginal Health and Medical Research Council has received funding to develop a best practice model to engage and retain Aboriginal defendants in MERIT. This project will be conducted over the next two years, funded by the NSW Attorney General’s Department and NSW Health.

Monitoring the level of program referral and completion by Aboriginal defendants will be a key component of the program evaluation strategy.

References


Corporate Research, Evaluation Statistics, 2006, Facts & Figures, Department of Corrective Services, EL Edmon, August.


The reasons for non-acceptance provided in the full report are broken down into three categories: eligibility, suitability and other. The reasons for non-acceptance between Aboriginal and non-Aboriginal offenders are very similar, with the program being proportionately similar across all eligibility and suitability categories, except for the finding that Magistrates were less likely to deem Aboriginal defendants as unsuitable (60% compared with 12% non-Aboriginal).

The most common reason for non-completion was the defendant being breached by the MERIT team for non-compliance. This was the most common reason for non-completion of the program for Aboriginal defendants (85.7% compared with 61%). Aboriginals were, however, more likely to be released by the Court, and less likely to withdraw voluntarily from the program. Defendants may be breached by the Court as a result of being charged with another offence while on the program or otherwise breaking bail conditions.

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Aboriginal participants were much more likely to be referred to residential treatment programs (48% compared with 15%). However, it is important to consider that inferences in treatments provided may be a reflection of the differing philosophies of the healthcare professionals in any given area rather than being due to any Aboriginal in engaging in a drug problem.

There were demographic differences between the Aboriginal and non-Aboriginal populations with regard to age, gender, living arrangements, employment status and education level.

The results demonstrated that Aboriginal persons referred to MERIT were more likely to have a cannabis problem than non-Aboriginal persons. Aboriginal females made up a different group of offenders than non-Aboriginal females. This finding is likely to reflect the general criminal population figures, as Aboriginal women make up almost one quarter of the females in the NSW Local Court charge (45%) and prison (44%) populations. A comparison of Aboriginal and non-Aboriginal non-completers showed that a higher proportion of Aboriginal defendants were married and/or living with a partner than non-Aboriginal defendants. This finding is likely to reflect the general criminal population figures, as Aboriginal women make up almost one quarter of the females in the NSW Local Court charge (45%) and prison (44%) populations.6

Aboriginal defendants were married and/or living with a partner more often than non-Aboriginal defendants. This finding is likely to reflect the general criminal population figures, as Aboriginal women make up almost one quarter of the females in the NSW Local Court charge (45%) and prison (44%) populations.6

The current study shows that Aboriginal defendants are referred to MERIT in proportion to their rate of appearance before NSW Courts. This finding is encouraging, as it indicates that Aboriginal defendants have similar referral rates as their rate of appearance, referred to MERIT as non-Aboriginal defendants.

An analysis of the characteristics of defendants referred to MERIT revealed that there was no significant difference on the basis of Aboriginal status with regard to referral to treatment. There were also no significant differences on the basis of Aboriginal status in regard to program completion or any of the critical outcomes. Demographic differences between the two groups were also apparent. While these issues are of interest – more systemic differences were found between the two groups that warrant further consideration.

Differences on the basis of Aboriginal status were found with regard to program acceptance and program completion rates, with a higher proportion of Aboriginal defendants being accepted into the program. Aboriginals were, however, less likely to complete the program. This finding is likely to reflect the general criminal population figures, as Aboriginal women make up almost one quarter of the females in the NSW Local Court charge (45%) and prison (44%) populations.6

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Aboriginal participants were much more likely to be referred to residential treatment programs (48% compared with 15%). However, it is important to consider that inferences in treatments provided may be a reflection of the differing philosophies of the healthcare professionals in any given area rather than being due to any Aboriginal in engaging in a drug problem.
Referrals to MERIT
The MERIT program5 is a court based diversion mechanism designed to deal with offenders facing less serious drug problems. MERIT operates at the Local Court level and involves a collaborative effort by the community in which he or she lives. Crime prevention interventions can interrupt the crime/court cycle are reaching the people in the community. In this bulletin, we report the main findings of the MERIT program: Main findings

Figure 1: The proportion of Aboriginal referrals to MERIT compared with the proportion of Aboriginal identified persons appearing in the NSW Local Court.

Notes
1. This bulletin was prepared by Tania Matruglio. The information in the bulletin is based on the results of a pilot study conducted by the NSW Attorney General’s Department of New South Wales, 2006. Thanks is given to Brett Furby for his preliminary analysis of the data.
2. Participation of Aboriginal people in the MERIT program: Main findings
3. This bulletin reports the main findings of the Participation of Aboriginal people in the MERIT program report, released by the Crime Prevention Division. The full report provides information relating to Aboriginal participation from program commencement in July 2000 to 31 October 2004. As such, it provides a comparison of Aboriginal participation during the first four years of the MERIT program. Although the study period for MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.
4. There is evidence that demonstrates that once an individual has come into contact with the criminal justice system the likelihood that they will continue to do so increases. This finding is particularly pertinent for the Indigenous population for whom the likelihood of having continued contact with the criminal justice system is disproportionately high. Aboriginal persons to be referred to MERIT by a Magistrates, Police, Probation and Parole, Solicitors or by a self-referral mechanism. The Magistrates Early Referral into Treatment (MERIT) program was developed following a community request to interrupt the crime/court cycle. MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.
5. The Magistrates Early Referral into Treatment (MERIT) program was developed following a community request to interrupt the crime/court cycle. MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.
6. Aboriginal persons identified as Aboriginal in the reference court appearance. Since 2004, BOCSAR has begun counting all persons who appeared who have identified themselves as Indigenous at any court appearance since 1994. Prior to this only counted persons who identified as Indigenous on the occasion of the reference court appearance. The successful completion (or otherwise) of the MERIT program by the defendant may be considered by the Magistrate when handing down the sentence. MERIT is a joint initiative between the criminal justice and health sectors. Further details of the MERIT program and the treatments provided can be found in the report, BOCSAR has revised the way the Indigenous status of persons charged is identified.8 The revision resulted in a significant increase in the number of Indigenous persons appearing in the Local Courts. Using revised 2000-2004 BOCSAR information,4 Figure 1 compares the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons appearing between 2 July 2000 and 31 October 2004. Of these, 853 (13.7%) persons identified as Aboriginal and 2,424 (39.4%) as non-Aboriginal. The Indigenous status of a large number of referred persons was unrecorded, 1,324 (18.1%). This proportion of persons of unknown Indigenous status is high, and needs to be acknowledged as having the potential to temper the results presented below.
7. The term ‘Aboriginal’ is used in this bulletin to describe persons who identified as Aboriginal or Torres Strait Islander on the occasion of the reference court appearance. Since 2004, BOCSAR has been collecting data on people who have identified themselves as Indigenous at any court appearance since 1994.
8. BOCSAR changed the ATSI status counting rules in 2004. The BOCSAR reports produced prior to 2004 only counted persons who identified as Indigenous on the occasion of the reference court appearance. Since 2004, BOCSAR has begun counting all persons who appeared who have identified themselves as Indigenous at any court appearance since 1994.
9. Figures relating to the proportion of Aboriginal persons identified in the NSW Local Court is expected from BoCSAR and is to be provided in the Statistics Unit of the NSW Bureau of Crime Statistics and Research.
10. Information provided by the Statistical Services Unit of the NSW Bureau of Crime Statistics and Research indicates that in 2004 the NSW prison identified 29.1% of all reported offenders as being aboriginal.
12. Corporate Research, Evaluation & Statistics, Facts & Figures, NSW Department of Corrective Services, August 2005. This report was based on data obtained from the NSW Bureau of Crime Statistics and Research.
13. BOCSAR changed the ATSI status counting rules in 2004. The BOCSAR reports produced prior to 2004 only counted persons who identified as Indigenous on the occasion of the reference court appearance. Since 2004, BOCSAR has been collecting data on people who have identified themselves as Indigenous at any court appearance since 1994.
14. Aboriginal persons to be referred to MERIT by a Magistrates, Police, Probation and Parole, Solicitors or by a self-referral mechanism. The Magistrates Early Referral into Treatment (MERIT) program was developed following a community request to interrupt the crime/court cycle. MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.
15. There is evidence that demonstrates that once an individual has come into contact with the criminal justice system the likelihood that they will continue to do so increases. This finding is particularly pertinent for the Indigenous population for whom the likelihood of having continued contact with the criminal justice system is disproportionately high. Aboriginal persons to be referred to MERIT by a Magistrates, Police, Probation and Parole, Solicitors or by a self-referral mechanism. The Magistrates Early Referral into Treatment (MERIT) program was developed following a community request to interrupt the crime/court cycle. MERIT was operational in 53 Local Courts across New South Wales, and covered all Area Health Services.

Numbers and percentages relating to Aboriginal persons referred to MERIT between 2 July 2000 and 31 October 2004 (date of program commencement) and 31 October 2004. Of these, 853 (13.7%) persons identified as Aboriginal and 2,424 (39.4%) as non-Aboriginal. The Indigenous status of a large number of referred persons was unrecorded, 1,324 (18.1%). This proportion of persons of unknown Indigenous status is high, and needs to be acknowledged as having the potential to temper the results presented below.

Aboriginal appearances in the Local Court
The full report compares the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons charged before the Local Courts. Aboriginal persons were reported as consistently making up a higher proportion of referrals to MERIT than non-Aboriginals. This information was based on Local Court statistics provided by the Bureau of Crime Statistics and Research (BOCSAR).

However, since the time the Court statistics were provided for the full report, 2004-2005 BOCSAR information has been used to revise the way the Indigenous status of persons charged is identified.8 The revision resulted in a significant increase in the number of Indigenous persons appearing in the Local Courts. Using revised 2000-2004 BOCSAR information,4 Figure 1 compares the proportion of Aboriginal persons referred to MERIT with the proportion of Aboriginal persons appearing in the NSW Local Court.

While Figure 1 shows there to be slight variation across this period, the number of Aboriginal persons referred to MERIT is proportionately very similar to the number of Aboriginal persons represented in the NSW Local Court. This large proportion differential between referrals and appearances is in evidence, with a evidence of a 3% difference between referral and referred to MERIT is proportionately very similar to the proportion of Aboriginal persons referred to MERIT is proportionately very similar to the proportion of Aboriginal persons referred to MERIT.

Charges types
Aboriginal persons referred to MERIT were twice as likely to be facing charges relating to assaults, justice offences, malicious damage and theft/breach. Almost one in eight Aboriginal persons referred to MERIT was facing a charge for Assault (11.7%), Offence against justice procedures (11.8%), Aboriginal defendants were less likely to be facing charges for drug offences (15.7%).

An important consideration in view of these findings is that MERIT Targets people who have an illicit drug problem. However, it is possible that those persons referred to this program may have a secondary alcohol problem. This issue is important as self-referral and consumption is implicated in around one third of all assaults reported to the NSW Police.4

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