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# Toward a theory of Indigenous arrest

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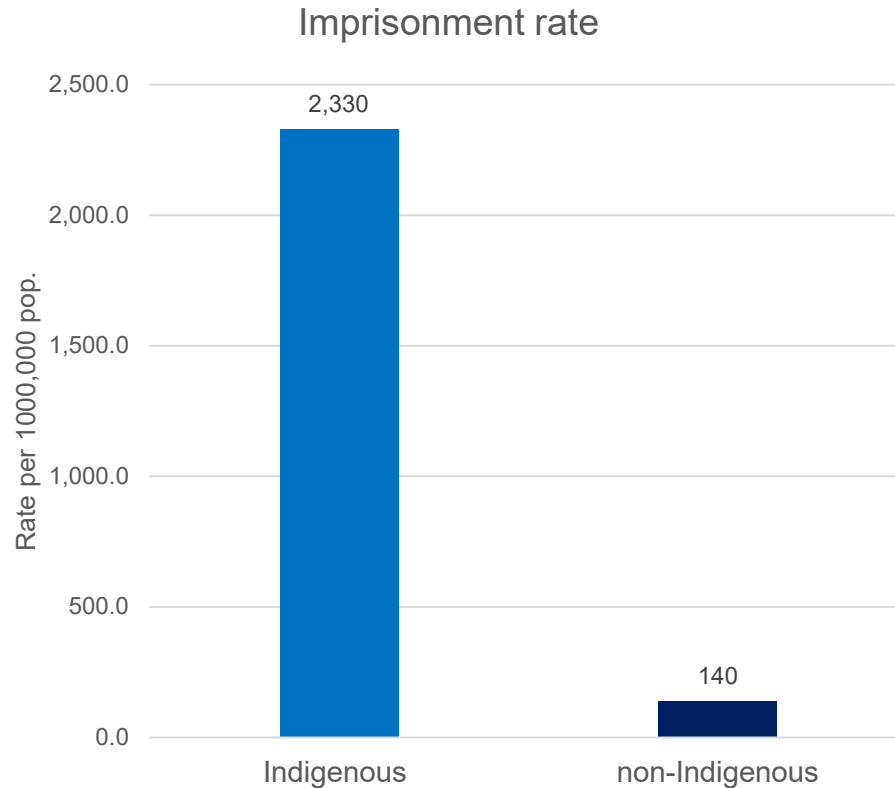
\*Michael Doyle is a Bardi Aboriginal man from the Kimberley region of Western Australia.

\*\*Teagan Weatherall is a Kamilaroi and Anaiwan woman from Northern Tablelands of New South Wales.

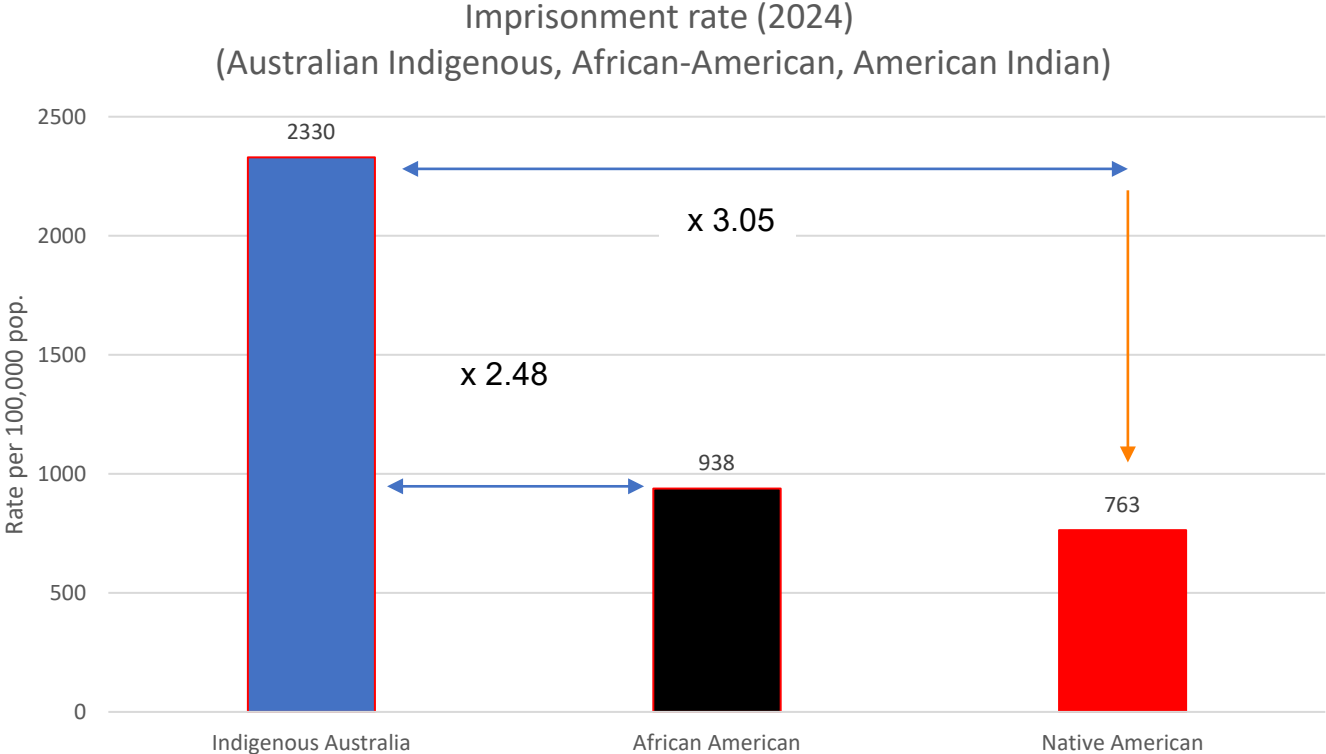
# Background

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# The Australian Aboriginal imprisonment rate is 16.6 times the non-Aboriginal rate



It's also 2.48 times the African American imprisonment rate and more than 3 times the American Indian imprisonment rate



## In July 2020, Australia established a National Agreement on Closing the Gap

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### **Target**

By 2031, reduce the number of Aboriginal and Torres Strait Islander adults held in custody by at least 15 per cent.

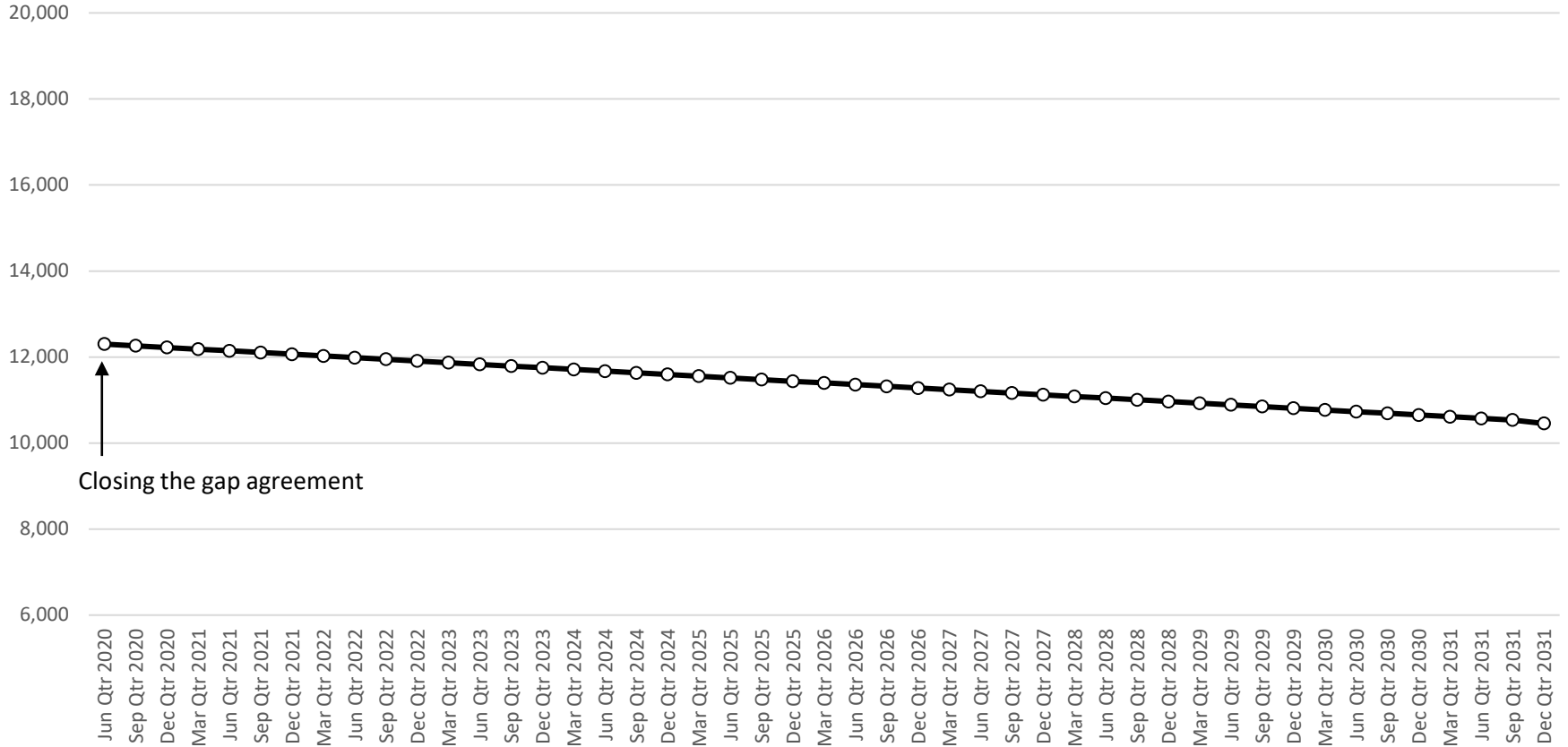
### **Actual**

When this commitment was made, the Aboriginal prison population stood at 12,578

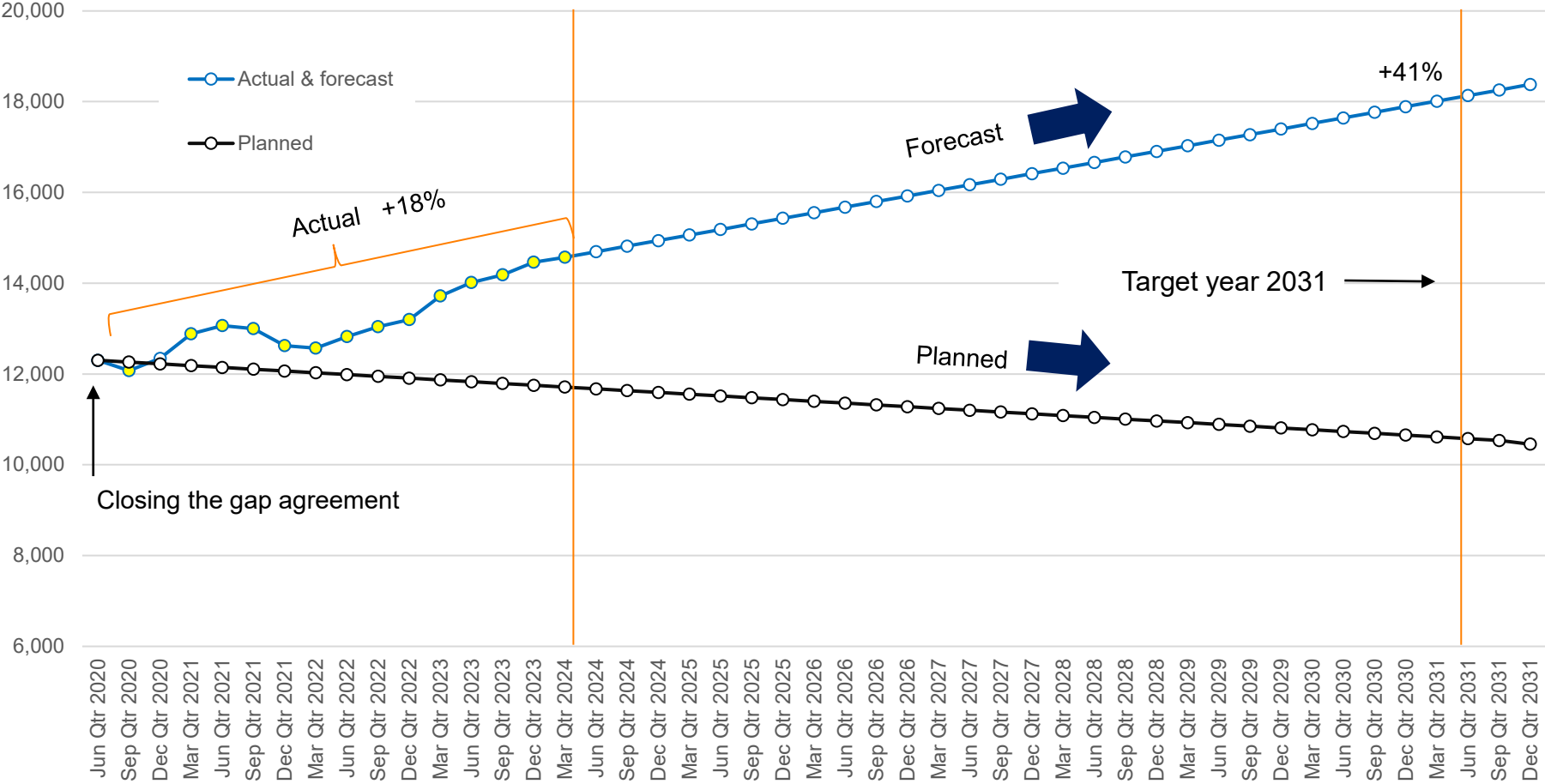
### **Planned**

A 15% reduction would have seen it fall to 10,691

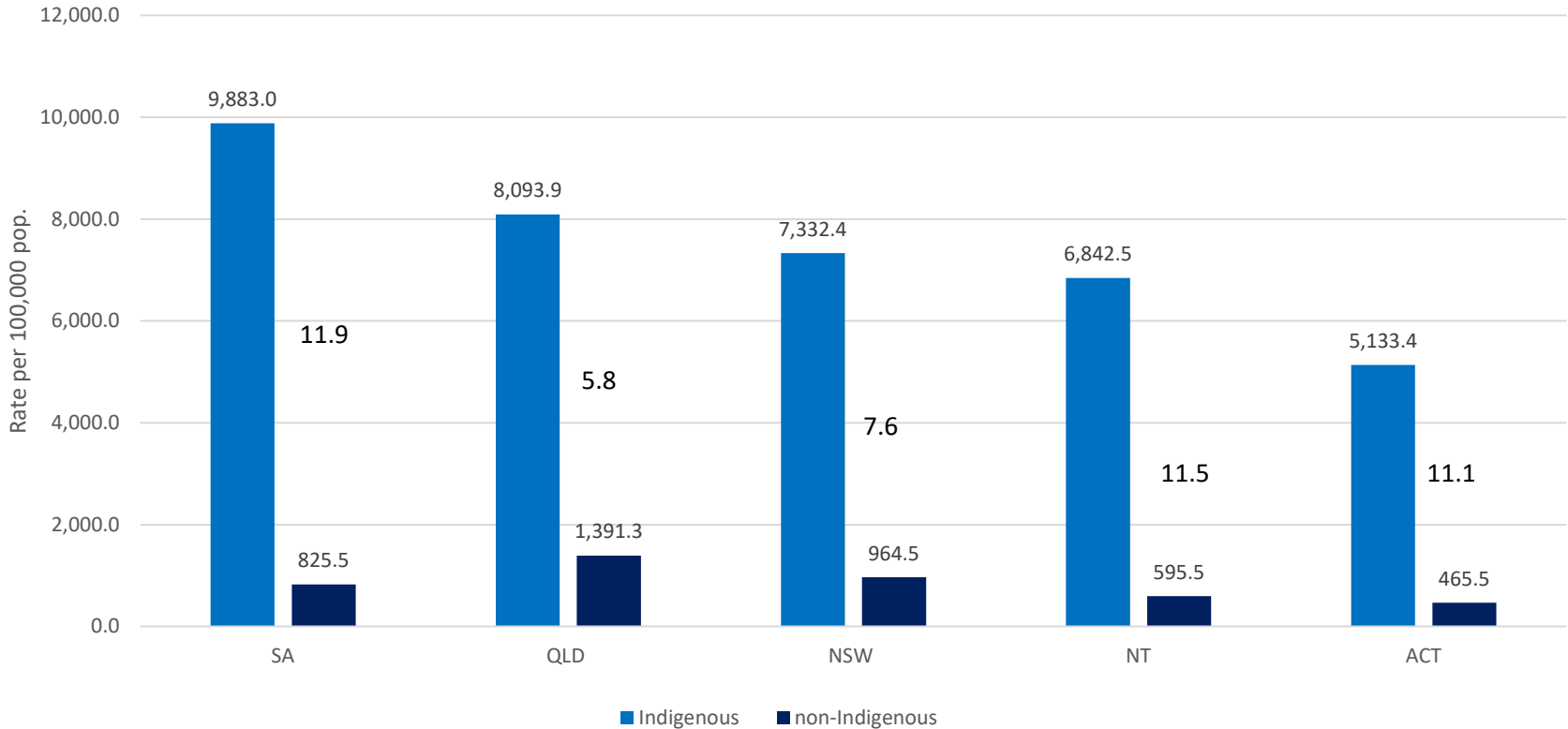
# This is what they planned



# This is what happened (and what might happen)



# The leading cause of this over-representation is a high rate of Indigenous arrest



**Source:** Australian Bureau of Statistics 2023



## But why the higher rate of arrest?

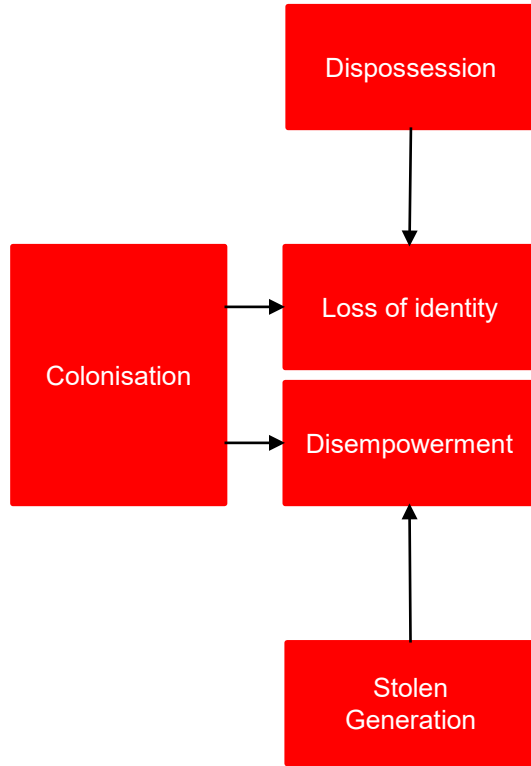
- Social disorganisation theory (Gale 1978; Hunter 1993)
  - Rapid social change following colonisation created a state of anomie or normlessness
- Conflict theory (Cunneen & McDonald 1996; Broadhurst 1997)
  - Continuing Indigenous defiance and resistance to colonisation and dispossession
- Lifestyle/routine activity theory (Pearson 2001)
  - Drug and alcohol use underpin most forms of Indigenous offending
- Strain/economic theory (Walker & McDonald 1995; Royal Commission 1991).
  - Poverty and disadvantage create incentives for offending
- Cultural theory (Langdon 1988; Tatz 1990; Martin 1993)
  - Violence is a legacy of tribal custom and culture

**There are many possible pathways from colonisation to Indigenous arrest**

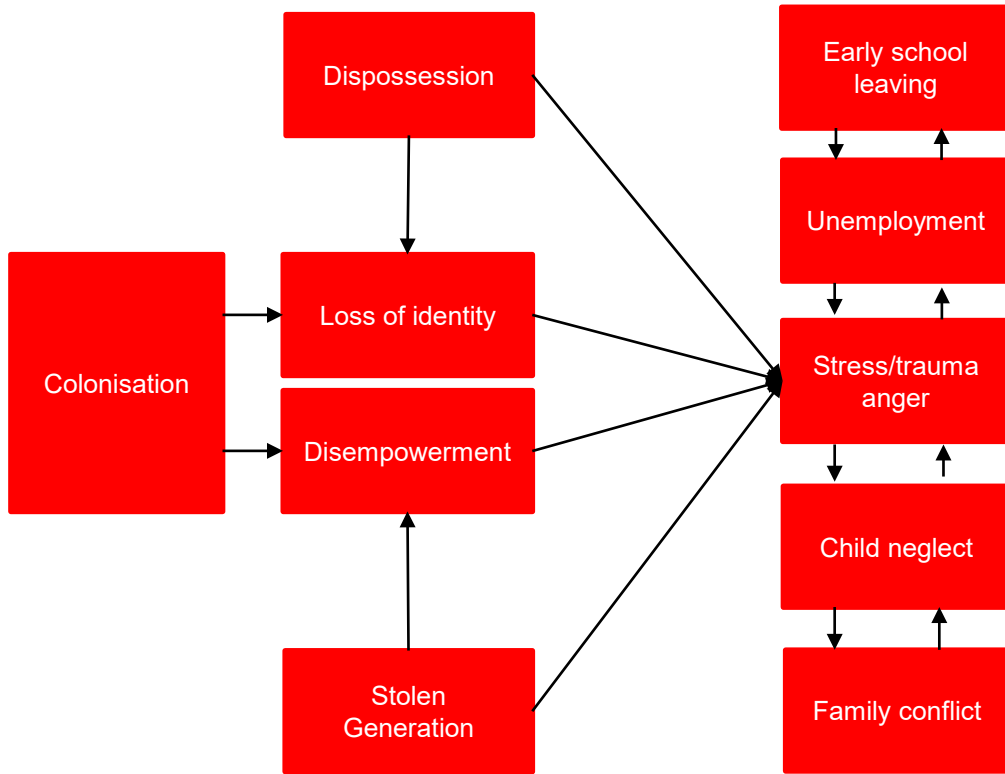


Colonisation

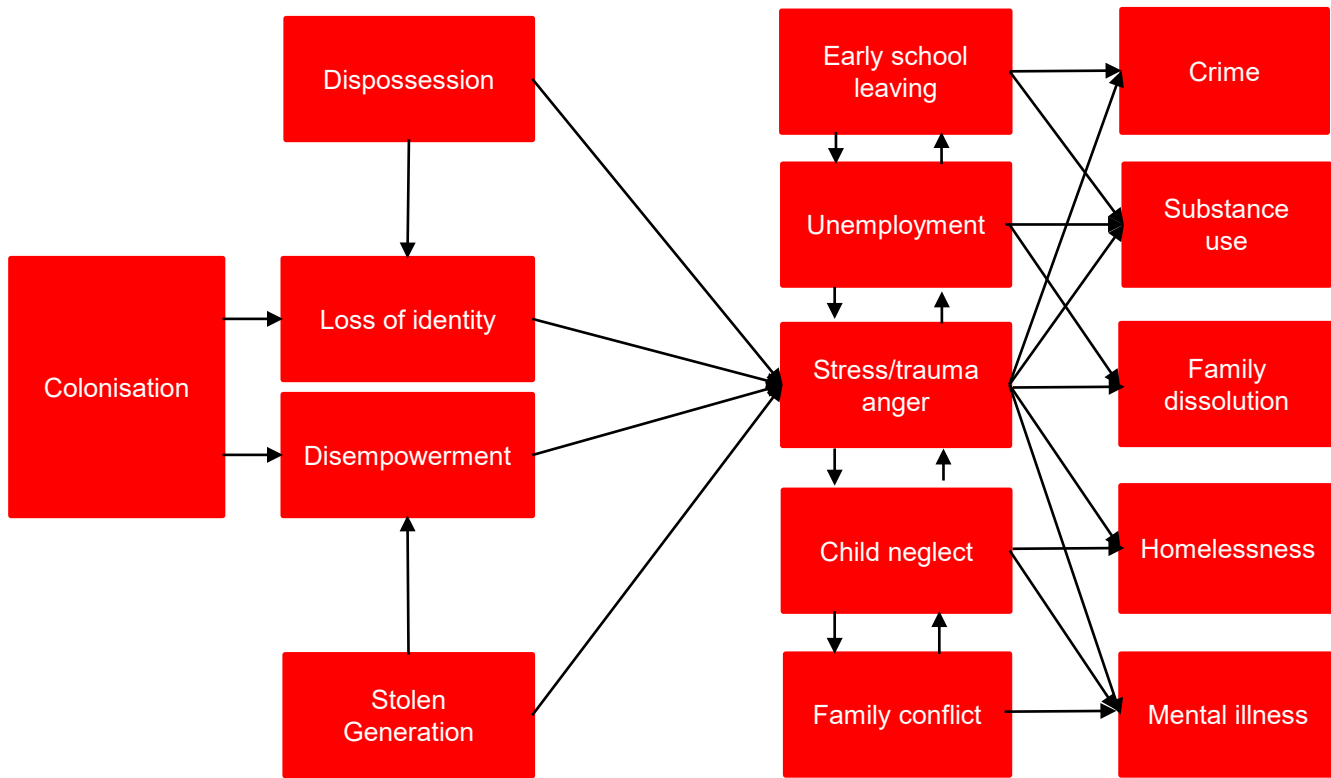
# There are many possible pathways from colonisation to Indigenous arrest



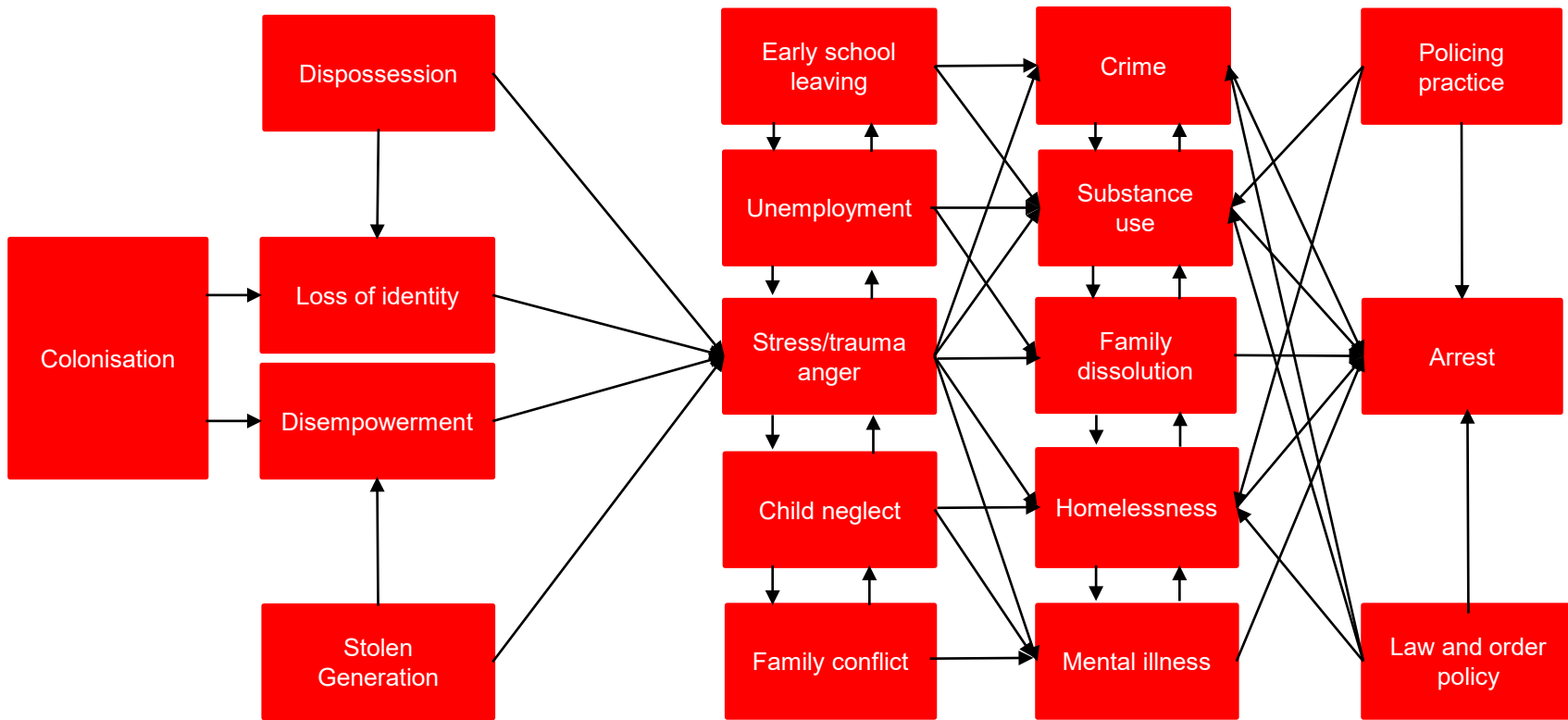
# There are many possible pathways from colonisation to Indigenous arrest



# There are many possible pathways from colonisation to Indigenous arrest



# There are many possible pathways from colonisation to Indigenous arrest



## But what does the available research show?

- Hunter (2001)
  - Age
  - Gender
  - Alcohol use
  - Unemployment
  - Early school leaving
  - Taken away from natural family
- Weatherburn, Snowball and Hunter (2008)
  - + crime-prone neighbourhood, substance use, social isolation
- Ferrante (2013)
  - + Cultural ties/community connections (protective).

# Limitations of past research

- Not guided by any explicit theory (mainly exploratory)
- Some key factors ignored
  - Exposure to arrest
  - State/Territory law enforcement policy
- More than 20 years since the last study
- No research yet conducted on arrest using the 2014/15 NATSISS
  - Only dataset that allows you to compare Aboriginal people arrested with those who have not been arrested



# The current study

- Indigenous risk of arrest a function of eight main factors:
  1. Demographic factors
  2. Stress & trauma
  3. Lifestyle
  4. Adverse social environment
  5. Exposure to police
  6. Social capital
  7. Human capital
  8. State/Territory law enforcement policy

# The model of Indigenous arrest we test

$$P(A/Xi) = 1/(1 + e^{-(\alpha + \beta_i X_i)})$$

Where:

X1 = demographic factors

X2 = lifestyle factors

X3 = factors associated with stress/trauma

X4 = adverse social environment

X5 = exposure to arrest

X6 = human/economic capital

X7 = social capital

X8 = law enforcement policy/practice

$\beta_i$  = the effect of  $X_i$  on probability of arrest.

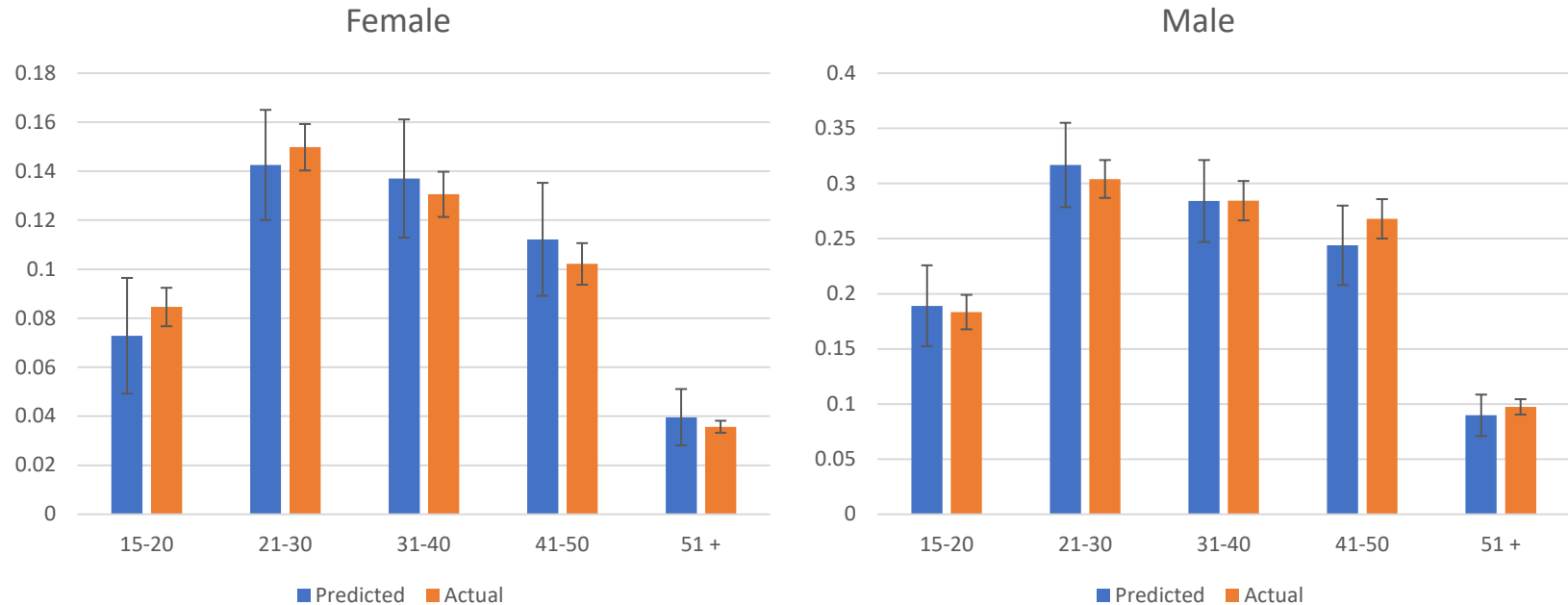
## The data source

- The 2014/15 National Aboriginal and Torres Strait Islander Social Survey (NATSISS)
  - **Scope:** All Aboriginal and Torres Strait Islander residents of private dwellings
  - **Method:** Multi-stage stratified random sample survey
  - N = 8,235 households
  - Community and non-community samples
  - **Response rate:** 73% (non-remote), 89% (remote)
  - Experienced interviewers trained in cultural awareness
  - Aboriginal interviewers employed in community sample survey

# Variables

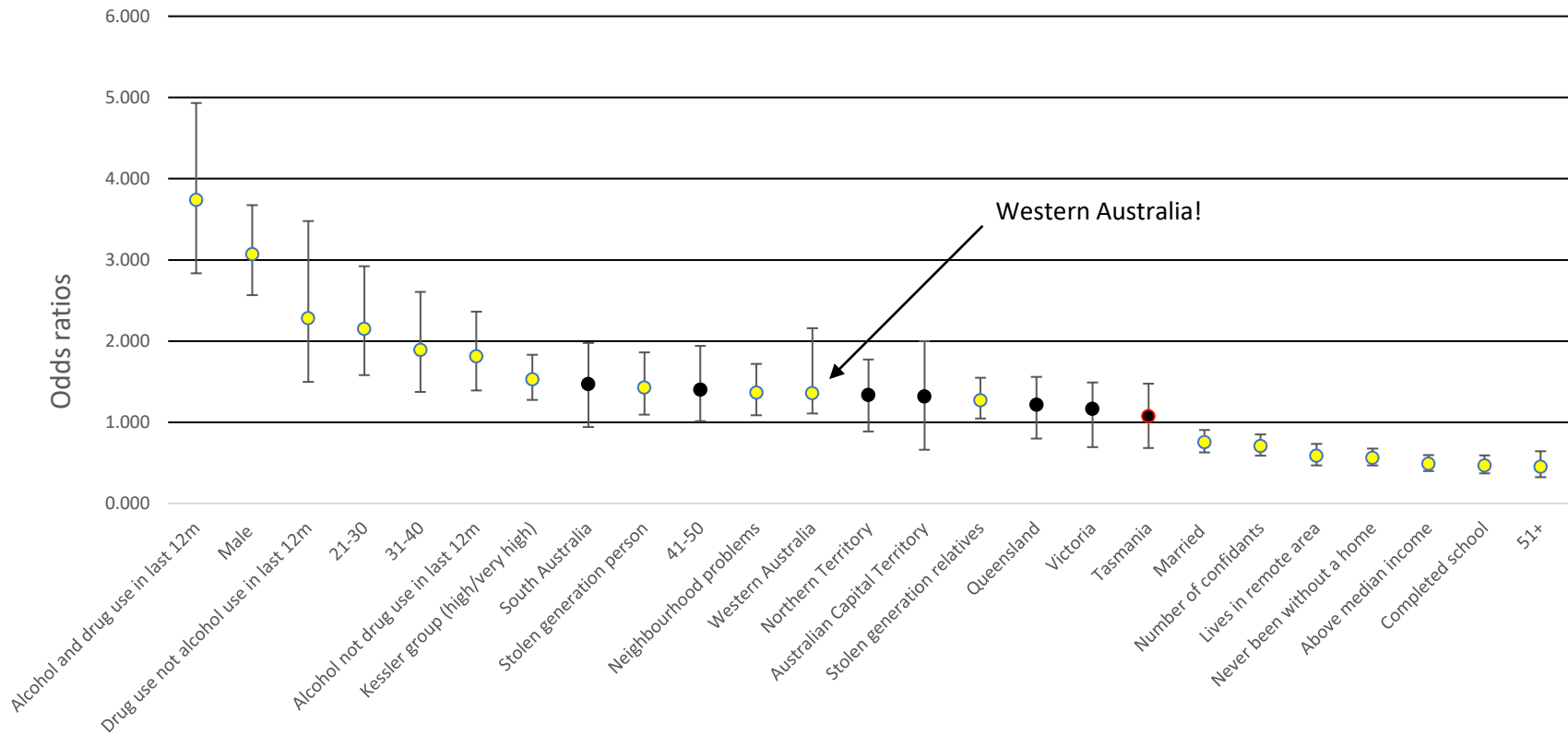
- Dependent variable
  - Arrested in the past five years
- Independent variables
  - Demographics: Age, sex
  - Lifestyle: Substance use (none, alcohol only, illicit drug(s) only, illicit drugs and alcohol)
  - Stress/Trauma: Kessler scale, stolen generation (self and relatives)
  - Adverse social environment: Neighbourhood problems
  - Exposure to arrest: Homelessness, State/Territory
  - Human/economic capital: School completion, income
  - Social capital: Marital status, number of confidants

# First Question: How well does the model fit the data

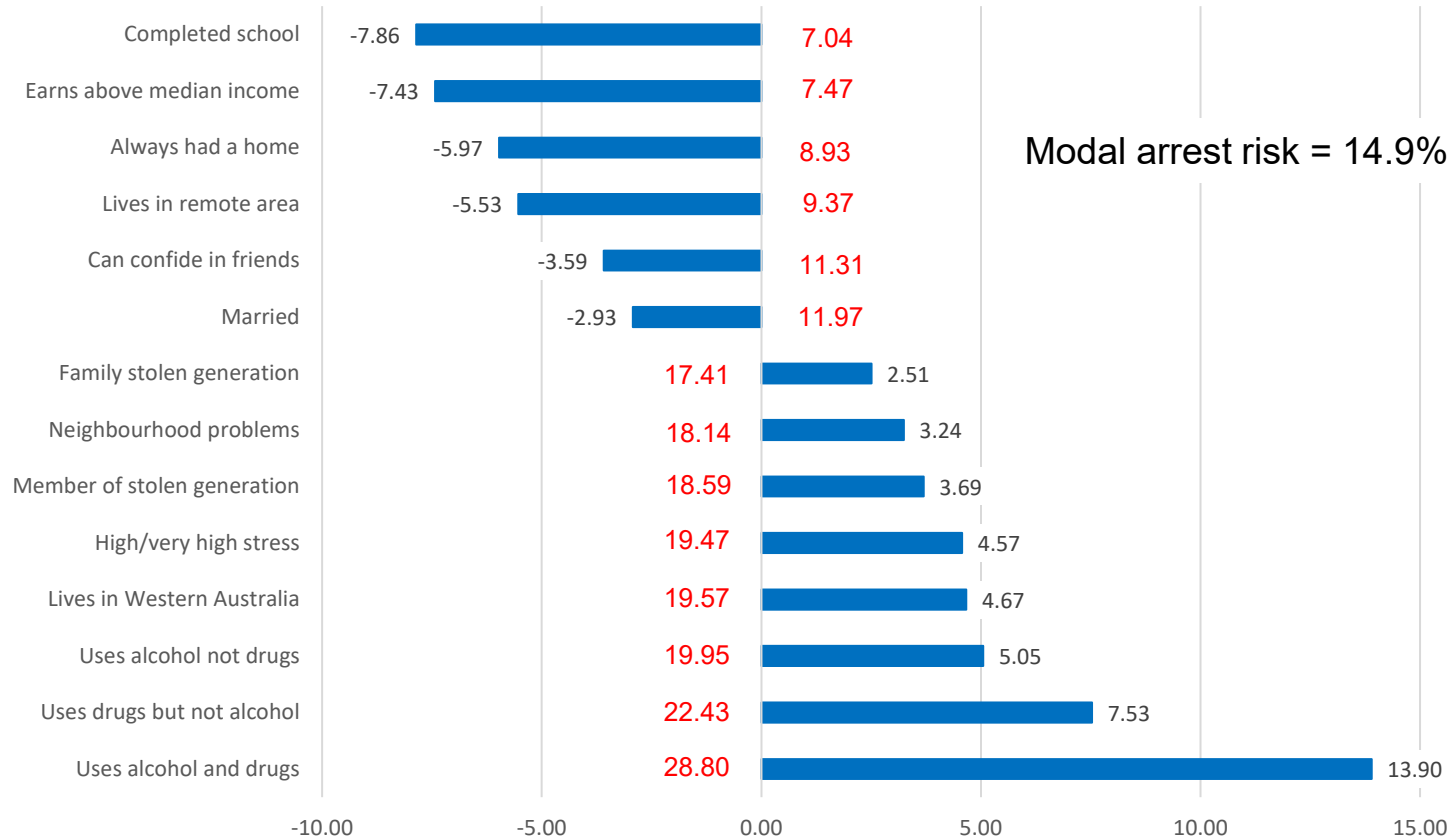


AUC = .8036

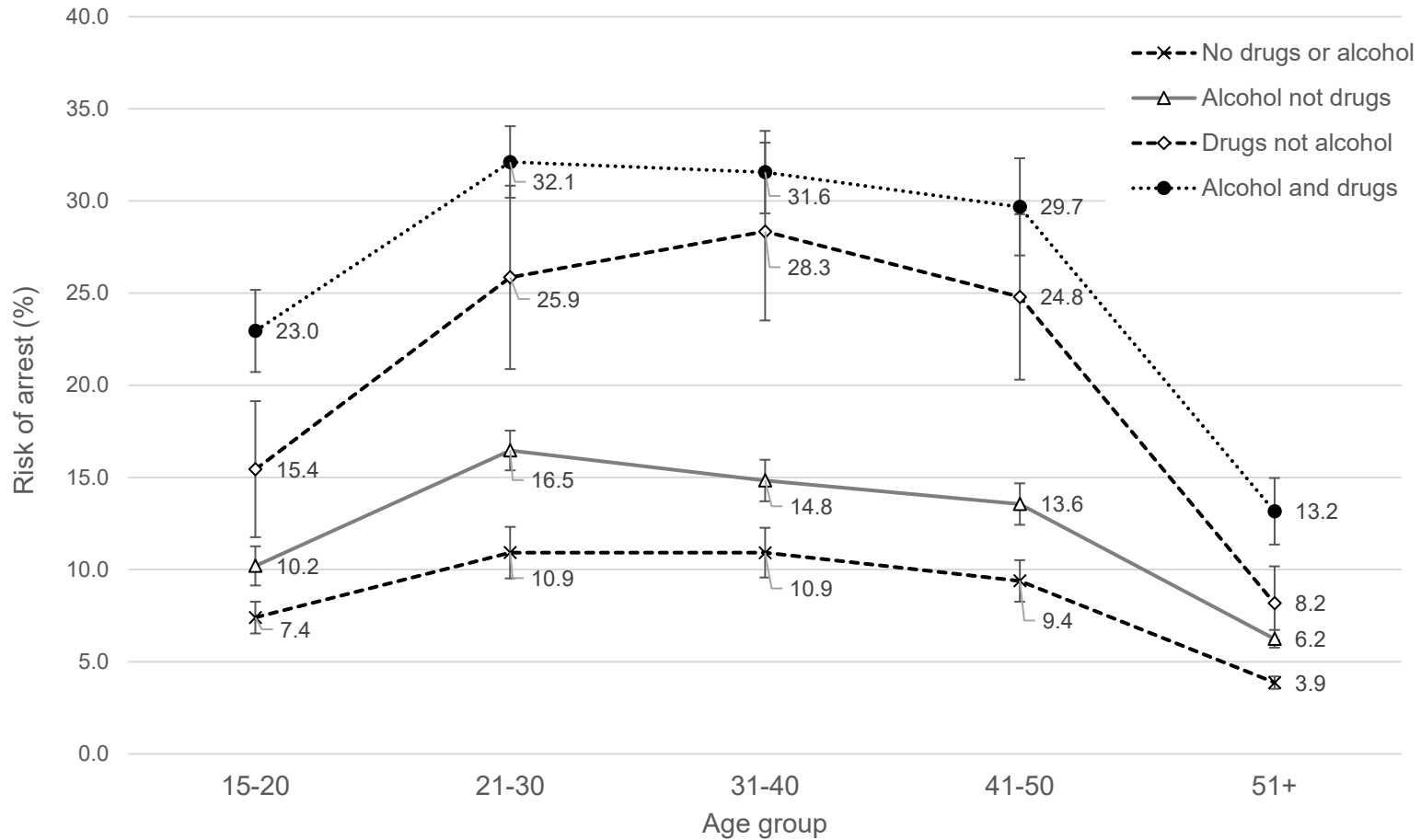
# So, what are the results?



# Results: Marginal effects of covariates on the risk of arrest

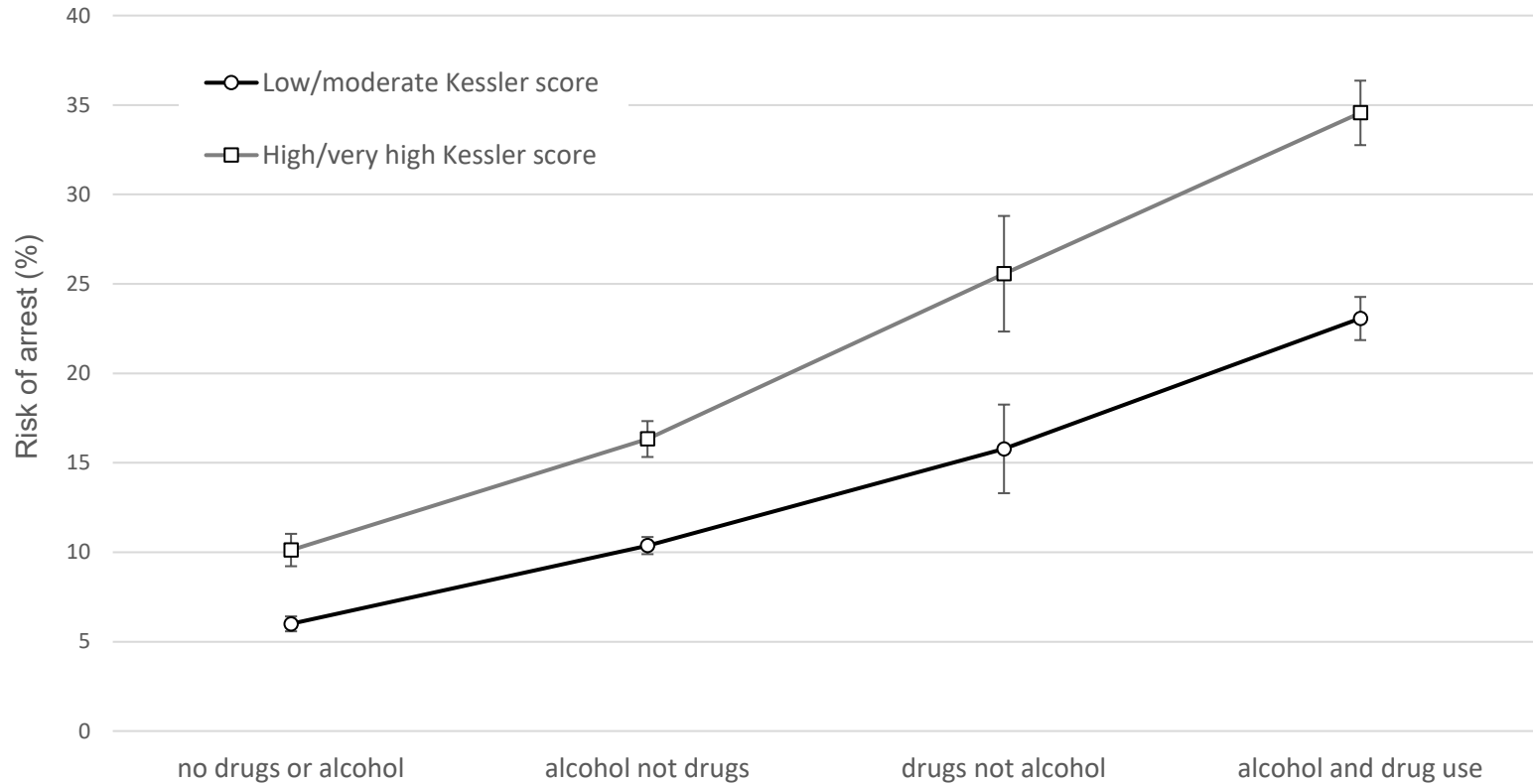


# Predicted risk of arrest by age and substance use

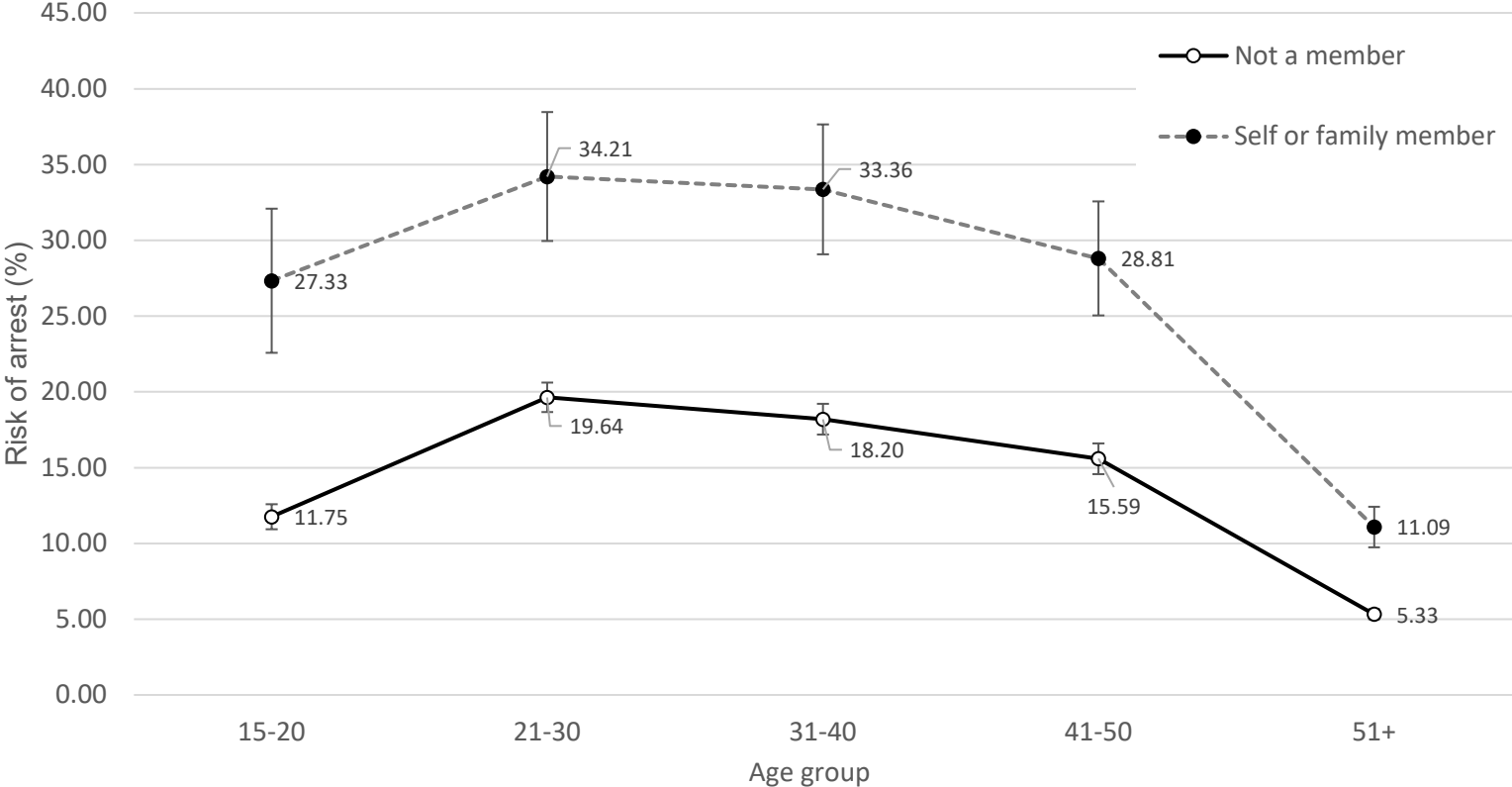




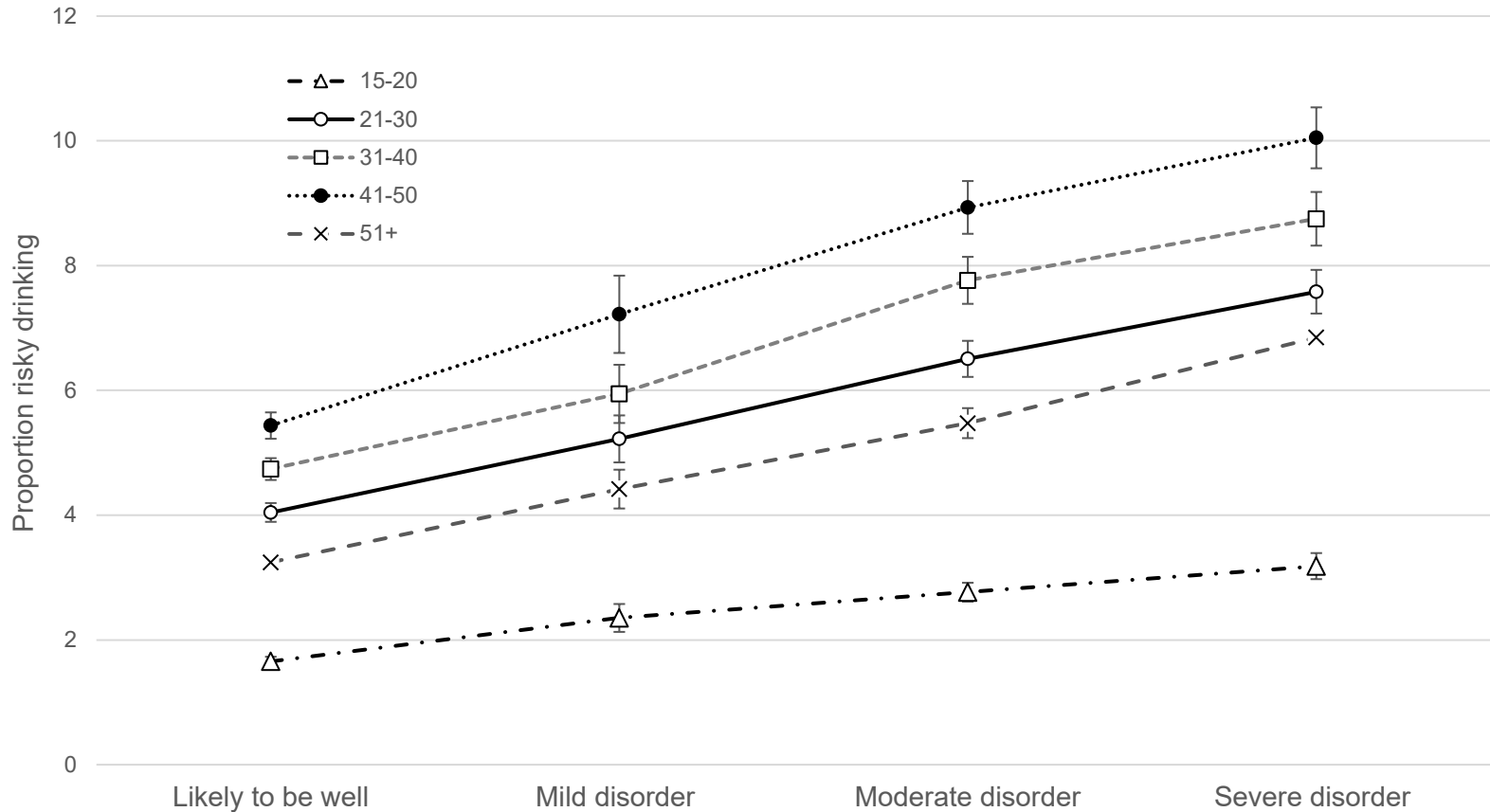
# Predicted risk of arrest by substance use and level of psychological stress



# Predicted risk of arrest by age and self or family membership of the stolen generation



# Predicted proportion engaging in risky drinking by Kessler score and age group



# Summary

- Leading risk factors:
  - Drug and alcohol use
  - Stress and trauma
  - Living in Western Australia?
  - Membership of the stolen generation
- Leading protective factors
  - School completion
  - Earns above median income
  - Has a permanent home
  - Lives in a remote area

# Caveats & Conclusions

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- Study is cross-sectional:
  - Can't deal with endogeneity, likely omitted variable bias
- Don't have good measures of some key variables
  - E.G., Exposure to police, early childhood experiences
- Don't have any measure of self-reported offending frequency or type:
  - Can't separately analyse risk factors for minor vs serious offences
- Desperately need more longitudinal research on Indigenous families and communities

**Questions/Comments?**