The over-representation of Aboriginal and Torres Strait Islander people (Indigenous Australians) in the criminal justice system is a serious social problem in Australia.

Indigenous Australians make up approximately 2.5% of Australia’s population, yet account for 26% of the nation’s jail population.

A recent Australian Institute of Criminology report found that the proportion of Indigenous prisoners has almost doubled over the 20 years since the Royal Commission into Aboriginal Deaths in Custody.

In 2012, the Australian Bureau of Statistics (ABS) reported that Aboriginal and Torres Strait Islander adults were imprisoned at a rate 15 times higher than that of non-Indigenous prisoners.

In 1991, Indigenous people represented around 1-in-7 people in Australian prisons (14%).

Currently, Indigenous people represent 1-in-4 people in prison (26%) and 1-in-5 deaths in custody (21%).
The rate of Indigenous imprisonment has been increasing steadily: between 2000 and 2010, the Indigenous imprisonment rate increased by 51.5%, while the non-Indigenous rate increased only slightly by 3.1%.

Significant contributing factors to the high rates of Indigenous imprisonment are the state and territory government bail and sentencing policies, which include mandatory sentencing, and provide few alternatives to remanding individuals in custody and imprisoning individuals for non-serious offending.

Research indicates that Indigenous juvenile offenders given a custodial sentence are 74% more likely to be reconvicted at any given time than those who receive a non-custodial penalty.

The rate of increase in Indigenous imprisonment is fastest growing among women and juveniles:

- Indigenous juveniles are 31 times more likely to be in detention than non-Indigenous juveniles.
- The imprisonment rate for Indigenous females increased by 58.6% between 2000 and 2010.

The consequences of high rates of Indigenous imprisonment are cyclical and destructive, both for the individuals concerned and entire communities.