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PREFACE

Crime and Justice in South Australia is published annually by the Office of Crime Statistics as a three volume set. This particular volume deals exclusively with young offenders and the juvenile justice system. Statistics in this report cover the period 1 January 1999 to 31 December 1999 and incorporate six main areas:

- police apprehensions of juveniles and actions taken (source of data: South Australia Police);
- formal cautions administered by police (source of data: South Australia Police);
- attendance by juveniles at family conferences (source of data: Courts Administration Authority);
- appearances by juveniles before the Youth Court (source of data: Courts Administration Authority);
- community service orders and mandates serviced by the Family and Youth Services Division of the Department of Human Services (source of data: Family and Youth Services); and
- juveniles held in custody in the Youth Training Centres (source of data: Family and Youth Services).

Through its statistical monitoring of the juvenile justice system, the Office of Crime Statistics seeks to provide an overview of how the system is currently operating, and by so doing, contribute to the ongoing public, political and academic interest in and debate about issues associated with youth offending and the State's response to it.

We trust that readers will find this report useful and informative.

Joy Wundersitz
Director
Office of Crime Statistics

September 2000

ACKNOWLEDGEMENTS

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Individual officers within the Office of Crime Statistics involved in the production of the report were as follows:

Systems design and programming, data tabulation and table layout	Justine Doherty
Data auditing	Justine Doherty Natalie Gatis
Commentary text	Joy Wundersitz
Desk top publishing	Natalie Gatis

INTRODUCTION

The *Young Offenders Act* 1993, which came into operation on 1 January 1994, provides the legislative framework for dealing with young people alleged to have committed a criminal offence in South Australia. The objects and statutory policies of the Act are set out in s 3, which states:

"3. (1) The object of this Act is to secure for youths who offend against the criminal law the care, correction and guidance necessary for their development into responsible and useful members of the community and the proper realisation of their potential.

(2) The powers conferred by this Act are to be directed towards that object with proper regard to the following statutory policies:

(a) a youth should be made aware of his or her obligations under the law and of the consequences of breach of the law;

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(c) the community, and individual members of it, must be adequately protected against violent or wrongful acts.

(2a) In imposing sanctions on a youth for illegal conduct –

(a) regard should be had to the deterrent effect any proposed sanction may have on the youth; and

(b) if the sanctions are imposed by a court on a youth who is being dealt with as an adult, regard should also be had to the deterrent effect any proposed sanction may have on other youths.

(3) Effect is to be given to the following statutory policies so far as the circumstances of the individual case allow:

(a) compensation and restitution should be provided, where appropriate, for victims of offences committed by youths;

(b) family relationships between a youth, the youth's parents and other members of the youth's family should be preserved and strengthened;

(c) a youth should not be withdrawn unnecessarily from the youth's family environment;

(d) there should be no unnecessary interruption of a youth's

education or employment;

(e) a youth's sense of racial, ethnic or cultural identity should **not be impaired."**

To translate these guiding principles into practice, t*he Young Offenders Act* 1993 introduced a multi-tiered system of pre-court diversion designed to deal with all 'minor' offences. It also established the Youth Court of South Australia to deal with more serious and/or repeat offenders. More specifically, this new system of juvenile justice, which applies to youths who at the time of the alleged offence are aged 10 to 17 years inclusive, provides four processing options.

- If a youth commits an offence which, according to police guidelines, can be classed as 'trivial' an operational police officer may administer an *informal caution*. These are given 'on the spot' and are not formally recorded. (Although an ancillary report is completed for the purposes of intelligence gathering no statistical data on informal cautions are included in this report.)

- Alternatively, a police officer may decide that the offence warrants a *formal police caution.* This is usually delivered either by a cautioning officer or a specially appointed Police Youth Officer in the presence of either a parent or guardian, or an adult closely involved with the youth. As part of a formal caution, a cautioning officer has the power to require the young person to enter into a formal undertaking. This may involve apologising to the victim, completing up to 75 hours of community work, paying compensation or performing any other tasks considered appropriate. In determining the nature of the undertaking, police are required to take into account the needs of the victim and to consult with the parents. The youth also has the right to refuse an undertaking, but such a refusal may result in the original allegations being referred to a family conference for resolution. (Details of formal police cautions are included in Section 2 of this report.)

- Offences which are considered too serious for a caution may be referred to a *family conference*. This constitutes the next diversionary level in the South Australian system. As is the case with a police caution, family conferences occur only if the youth admits to the commission of the offence. If the young person denies the allegations, (s)he is sent to court. Each conference is convened by a specialist Youth Justice Coordinator, whose task is to bring together in an informal setting those people most directly affected by the young person's offending behaviour. The young offender, the Coordinator and a police representative are statutorily required to be present. Other participants may include the offender's parents, family or friends, the victim and his/her supporters and any other

person whom it is considered could make a contribution to the conference. The aim of the conference is to give all participants the opportunity to discuss the offending behaviour, to identify the harm that has been caused and to decide on an appropriate outcome which is acceptable to the victim, the young person and the police. In most instances, the young person agrees to enter into an undertaking which may involve various conditions, such as apologising to the victim, paying compensation, performing community work or anything else that the conference participants consider appropriate. If the conference cannot reach an agreement, the matter is referred to the Youth Court where a Judge or magistrate will convene a second conference. (Statistical information on family conferences are detailed in Section 3 of this report.)

- If a youth commits a serious offence, is a repeat offender or fails to comply with a family conference undertaking, then (s)he may be formally charged and sent to the *Youth Court*. This court is presided over by a Judge of District Court status and, although it functions as a court of summary jurisdiction, it has the authority to hear all but a few major indictable offences. If the allegations are proved, the Youth Court may convict the young offender and impose a range of penalties including fines, community service and obligations. It may also impose a period of detention in a secure care facility for up to three years. Alternatively, the *Young Offenders Act* 1993 allows the court to order a period of home detention, to be served either as a stand-alone option or as a joint secure care/home detention order. Responsibility for organising community work and for providing appropriate supervision for youths placed on an obligation by the court rests with Family and Youth Services (FAYS), which is also required to provide pre-sentence and bail reports as requested by the court. FAYS also runs the State's two detention centres and operates a home detention program. (Statistical information relating to cases finalised by the Youth Court, together with data on community service and mandate supervision undertaken by FAYS, is contained in Section 4 of this report. Occupancy data for South Australia's two secure care facilities are presented in Section 5.)

The decision regarding the type of action taken against a youth – ie whether (s)he will receive a caution, be referred to a conference or be directed to the Youth Court – rests primarily with police and, in particular, with specialist Police Youth Officers. However, the Youth Court does have some gate-keeping powers. It can, for example, overturn any court referral decision made by a Police Youth Officer and send the matter back for either a caution or conference. It also exercises a referral role in the case of those youths who have been arrested but not granted police bail. Youths held under police custody (usually at the Magill Training Centre) must be brought before the court within a specified time following their arrest and at this court hearing, the presiding Judge or Magistrate may decide to deal with the case themselves or refer it back to a caution or conference. While this report provides details on the referral outcomes (see Section 2), it does not identify whether the referring agent is the police or the Youth Court.

Under some circumstances, a matter involving a young person who, at the time of offending, was aged under 18 years may be transferred to the District or Supreme Court either for trial or sentence, and that court may choose to deal with him or her as an adult. Youths who are charged with homicide are automatically transferred to a higher court if a committal hearing in the Youth Court finds that there is a case to answer. The Director of Public Prosecution or a police prosecutor may also apply for the youth to be dealt with in a higher court either because of the gravity of the offence or because the offence is part of a pattern of repeat offending. Finally, a youth charged with an indictable offence may request a hearing in an adult court. No details regarding cases referred to a higher court are contained in this report.

Summary of 1999 juvenile justice statistics

Police statistics

Police apprehensions

- During 1999 there were 8,753 police apprehension reports involving young people, which was similar to the 8,689 reports in 1998 but 13.5% lower than the peak of 10,118 recorded in 1995.

- The majority of juvenile apprehensions in 1999 involved males (80.3%) and youths aged 16 and over (51.7%).

- Aboriginal youths accounted for 16.8% of those apprehension reports where this information was recorded. A higher proportion of Aboriginal than non-Aboriginal apprehensions involved relatively young individuals (with just under two thirds aged 15 years and under compared with under one half of non-Aboriginals.)

- *Larceny and receiving* constituted the major allegation in 30.3% of all apprehensions, with the most prominent being *larceny from shops* (10.1%) and *larceny/illegal use of a motor vehicle* (6.5%). O*ffences against good order* accounted for 16.4% of all apprehensions while *burglary, break and enter* accounted for a further 12.2%. This offending profile was similar to that recorded in previous years.

- Of the 8,753 juvenile apprehensions in 1999, 31.8% were brought about by way of an arrest rather than a report. The figure was higher for those apprehensions involving Aboriginal youths, with 49.2% being arrest-based.

- For those 8,106 apprehension reports where the type of action taken was recorded, 34.2% resulted in a referral to a formal police caution, while 46.1% were directed to the Youth Court. A further 17.3% were referred to a family conference while 2.4% were withdrawn. These referral patterns were comparable with those recorded in previous years.

- The level of referrals to the Youth Court varied depending on the nature of the charge involved, as well as the age and racial appearance of the young person. Older youths and Aboriginal youths were more likely to be referred to court and less likely to be diverted to a police caution. Nearly seven in ten Aboriginal apprehensions (68.7%) were directed to court compared with just over four in ten non-Aboriginal apprehensions (44.7%).

- The 8,753 apprehension reports submitted in 1999 involved 5,086 discrete individuals. This gives an average of 1.7 apprehensions per youth which is

the same as that recorded in the previous three years. On average, males recorded 1.74 apprehensions in 1999 while females recorded 1.65.

Formal cautions

- *Larceny and receiving* was listed as the major allegation in almost one in three (29.9%) of the apprehensions referred to a formal caution in 1999, followed by *offences against good order* (22.6%) and *drug offences* (18.3%).

- In total, the 2,776 referrals to a caution in 1999 resulted in 2,753 formal cautions being administered.

- In just under one quarter of these formal cautions (23.4%), the young person was required to apologise to the victim while 16.0% involved the payment of compensation, 8.9% required the young person to perform community work, and 38.0% involved some 'other' condition.

- Almost one half (47.5%) of the compensation payments were for $50 or less, while only 3.2% were for amounts in excess of $500. The maximum amount which a young person agreed to pay as part of a cautionary undertaking was $1,672.

- Almost seven in ten (67.5%) community work agreements involved 10 hours or less, while the highest was 50 hours.

Family Conferences

Case referrals finalised by the Family Conference Team

- In 1999, 1,655 case referrals were finalised by the Family Conference Team. This is lower than the 1,809 cases finalised in 1998.

- For the majority of these referrals (89.8%), a conference was successfully convened and an agreement was reached. (Note that this figure does not take account of whether any undertakings entered into at a conference were subsequently completed.)

- In a small number of cases (1.9%), a conference was held but no resolution was achieved.

- In a further 10.2% of cases, no conference was held, primarily because the youth failed to attend the scheduled meeting or could not be located.

- As in previous years, referrals involving Aboriginal youths were proportionately less likely to result in a 'successful' conference than those

involving non-Aboriginal youths. Just over three quarters (76.4%) of Aboriginal referrals were resolved at a conference compared with 89.9% of non-Aboriginal referrals. The main contributor to this difference was the higher level of non-attendance recorded for Aboriginal youths (12.2% compared with 4.7% for non-Aboriginal youths.)

Cases dealt with at a family conference

- There were 1,487 cases for which a conference was actually held in 1999. The majority of these involved males (80.1%) and young people aged 15 years and under (61.0%). Aboriginal youths accounted for 13.2% of those cases for which racial identity was recorded.

- *Larceny and receiving* dominated the offence profile. It was listed as the major allegation in 34.2% of cases dealt with at a conference, followed by *burglary and break and enter* (14.9%) and *offences against the person, excluding sexual offences* (13.3%).

- Nearly six in ten cases (59.2%) involved one offence only while very few (5.6%) involved five or more allegations.

- Of the 1,347 cases dealt with in 1999 which resulted in the young person agreeing to enter into an undertaking, just under two thirds (65.0%) involved an apology, while seven in ten (71.1%) entailed 'other' conditions (such as agreement not to associate with certain peers, participate in counselling sessions etc). A further 29.3% of undertakings involved community work (which was lower than the 35.7% recorded in 1998) while 28.4% required the payment of compensation.

- Undertakings agreed to by Aboriginal youths were less likely than non-Aboriginal undertakings to involve apologies, compensation or community work, but were more likely to involve 'other' conditions.

- Of the 383 cases that resulted in a compensation agreement, just over one half (51.9%) were for amounts of $100 or less. The average amount agreed to was $231 while the maximum was $2,176.

- The average number of hours of community work agreed to was 28 (compared with 32 in the previous year), while the maximum was 150 (compared with 240 in 1998).

- **Of the 1,347 conference cases finalised in 1999 by way of an undertaking, information on undertaking compliance was available for 1,169 (86.8%). In 81.7% of these cases all undertakings were listed as having been complied with, while 15.5% were referred back to police for non-compliance and 2.8% were waived.**

- **While the level of compliance for Aboriginal youths was relatively high, a slightly greater proportion of Aboriginal than non-Aboriginal cases were referred back to police for non-compliance (20.3% compared with 14.8% respectively). However, the level of non-compliance by Aboriginal youths has decreased over the past three years, from 26.7% in 1999 to 20.3%.**

- **When information on undertaking compliance is combined with information on conference outcomes for all referrals, a more accurate measure of the level of positive resolution achieved by the conference process is obtained. Of the 1,655 conference referrals recorded in 1999, by the end of the survey period 67.6% were positively finalised, with all undertakings having been complied with. In a further 10.8% of cases, compliance data for undertakings were not available at the time the data-base was closed off, and so these matters still had the potential to be positively resolved at this level. In contrast, 21.6% of referrals were not resolved, either because the conference had not gone ahead (8.8%) or, if held, had not reached agreement (1.9%) or the resultant undertaking had not been subsequently complied with (10.9%).**

- **The level of positive finalisation was lower for Aboriginal than non-Aboriginal referrals (60.3% compared with 68.8% respectively) largely because of the higher level of non-compliance with undertakings and the higher proportion of cases where no conference was convened because the youth failed to attend or could not be located.**

Number of actual conferences held

- In 1999, 1,312 discrete conferences were held, which was 6.1% lower than in the previous year.

- The vast majority of these conferences (90.3%) involved one young offender only, while at the other end of the scale, only one conference dealt with five or more young offenders.

- Just under one half (46.1%) had at least one victim present. This figure is comparable with those of previous years.

Youth Court

Cases finalised

- The Youth Court finalised 2,975 cases in 1999, which was 7.1% fewer than the 3,203 finalised in 1998.

- Males accounted for 83.5% of the finalised court cases for which sex was recorded, while 65.6% of juveniles for whom age was listed were 16 years and over. Aboriginal youths comprised 19.3% of those defendants for whom racial appearance was recorded.

- As at the cautioning and conferencing level, *larceny and receiving* offences dominated, being listed as the major charge in 20.9% of all cases.

- In the majority of cases (69.0%) the major charge was proved. In a further 204 appearances (6.9%), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 2,975 cases finalised in 1999, 75.9% resulted in at least one charge being proved.

- Fines were listed as the major penalty in 27.1% of the cases where at least one charge was proved. Obligations accounted for 23.7% of cases and community service orders for 10.5%.

- The number of 'proved' cases resulting in a detention order was relatively low (4.7%) while a further 8.4% received a suspended sentence.

- The likelihood of receiving a detention order varied according to the seriousness of the charge involved. At one end of the scale, 15.3% of proven *robbery and extortion* cases resulted in detention, while at the other end, only 0.3% of cases involving a proven *offence against good order* had this outcome.

- Of the 612 fines imposed as the major penalty, the average amount payable was $109 while the maximum was $1,500. Of the 238 community service orders listed as the major penalty, the average duration was 57 hours while the maximum was 200.

- Of the 105 cases where detention constituted the most serious penalty imposed, the majority (85.7%) involved detention in a secure care facility while 14 (13.3%) were home detentions. Only one of the 105 cases involved a combined secure care/home detention order.

- Of the secure detention orders, the average duration was 19 weeks (compared with 15 weeks in 1998), while the maximum was 104 weeks. For home detention orders the average was 15 weeks and the maximum 26 weeks.

- Just over one quarter (26.4%) of all secure detention orders were of less than eight weeks duration. The most frequently imposed duration was that

of 'two to less than six months', with this category accounting for 50.6% of all secure care orders.

Community service orders and mandates supervised by Family and Youth Services

- In total, 474 community service orders were referred to FAYS by the Youth Court in 1999 for supervision, which is 24.2% lower than the 625 orders recorded in 1998 and 8.8% lower than the 520 referred in 1997.

- Of these, the majority involved males (86.3%) and youths aged 16 and over (67.3% of those orders for which this information was recorded). Aboriginal youths accounted for 18.6% of the total.

- The 474 orders involved a total of 31,172 hours of work, which is lower than in the two previous years. There has also been a steady decline in the average number of hours per order, from 101.5 hours in 1997 to 74.6 hours in 1998 to 65.8 in 1999.

- During 1999, according to the FAYS Client Information System, 8,483 mandates were issued by the Youth Court for youths who defaulted on fines or who failed to pay the costs associated with a court hearing. These involved 26,308 mandate days, with eight hours of community work constituting one mandate day. In contrast to the downward trend observed for CSOs, the number of mandates referred to FAYS increased steadily (by 25.5%) between 1997 and 1999.

Juveniles in custody

Admissions

- In 1999, there were 1,242 admissions to the State's two youth training centres. This figure was 7.5% lower than the 1,342 admissions recorded in 1998 and 18.9% lower than in 1993 the year preceding the introduction of the *Young Offenders Act*.

- The majority of admissions involved males (78.1%) and juveniles aged 16 years or over (58.1%). There were 44 admissions involving young persons aged 12 years or under.

- Aboriginal youths comprised three in ten admissions (29.2%) where racial identity was known which was the same as in 1998. However, this figure was higher than during the 1993 to 1997 period. Just over one half (51.3%) of all females admitted into secure care in 1999 were Aboriginal, compared with less than one quarter (23.0%) of male admissions.

Census figures

- There were 62 young people who spent at least some time in secure care on the 30 June 1999. This figure is 10.1% lower than the 69 recorded as being present one year earlier, on 30 June 1998. The 1999 figure is the lowest recorded since the *Young Offenders Act* came into operation in January 1994.

- Thirty nine (62.9%) of those youths in custody on 30 June 1999 were serving a detention order while 20 were on remand.

- Only six were female, while nearly one in three (18 or 29.0%) were Aboriginal.

Average daily occupancy

- On average, 66.75 youths were held in custody per day during 1999 compared with 72.46 in 1998 and 91.85 in 1997.

- In 1999, both the daily average on detention and the daily average on remand were lower than in the two previous years. On average there were 39.35 youths serving a detention order, which was lower than the 41.10 recorded in 1998 and the 52.01 recorded in 1997. There was an average of 22.10 youths on custodial remand compared with 25.68 in 1998 and 33.42 in 1997.

- Aboriginal daily occupancy numbers have increased slowly but steadily since 1995, with the 24.05 recorded in 1999 being 12.9% higher than the lowest Aboriginal daily average of 21.30 recorded in 1995. In contrast, the non-Aboriginal daily average recorded its second year of decrease.

- As a result of these opposite trends, in 1999 Aboriginals accounted for 36.2% of average daily occupancies, compared with 25.2% in 1997.

Using crime and justice reports

As with all quantitative data, the tables in this publication can give rise to misunderstanding and confusion unless interpreted carefully. The notes that follow are designed to assist understanding of the data in this *Crime and Justice in South Australia: Juvenile Justice* report. Readers are also urged to read the footnotes appended to the individual tables and the detailed explanatory notes in the Appendix.

Comprehensiveness

In using this report it is important to understand that, although it encompasses all major areas of the juvenile justice system, it does not purport to provide a comprehensive picture of the nature or level of youth offending in the community. The statistics presented here relate only to those young people who have actually been apprehended by police and have therefore come within the purview of the formal criminal justice system. The statistics do not include offences which were never reported to police or, if reported, were never cleared by way of an apprehension. Nor does this publication include those young people dealt with by way of an informal police caution (see Appendix for further discussion). Moreover, because of resource constraints, it does not include prosecutions for minor traffic offences, breaches of local government by-laws, etc.

Another factor which should be borne in mind in assessing these *Crime and Justice* figures is that, because they derive from operational records, they are affected by changes to the criminal law or justice administration. For example, the number of youths apprehended for drug offences in a given year may rise significantly if the South Australia Police dedicates more resources to enforcing the laws applying to this type of criminal behaviour. Changes in police recording practices also impact on the statistics. In 1999, for example, a modification to SAPOL work practices altered the way in certain driving related offences (notably *licencing*, *motor registration* and *dangerous or reckless driving*) were entered onto the data base, with the result that more of these offences were counted than previously (see Appendix for a more detailed explanation). Any observed increase in these categories between 1998 and 1999 may therefore be due, not to an increase in the actual number of persons caught for these offences, but to a change in data recording practices.

In many ways then, official crime statistics do not provide a reliable insight into what crimes are being committed and by whom. However, they do provide a valuable source of information about how the criminal justice system itself operates.
Before attempting to derive conclusions from the tables contained in Sections 2 to 5 of this report, readers should review the relevant explanatory text provided in the Appendix and take careful note of the scope of each collection.

‘Snapshot’ rather than ‘flow’ statistics

Readers should not see this report as a source of information about the ‘flow’ of business through the juvenile justice system. It would be tempting, for example, to try to link police apprehension figures (Section 2) with figures relating to finalised Youth Court cases (Section 4) in an attempt to estimate the extent to which young persons apprehended for a particular offence are subsequently sentenced to detention. However, this would not be a valid exercise. Many young offenders who came to the attention of police in 1999 may not have had their cases finalised by the end of the year, and so would not appear in the caution, conference or court statistics for 1999. Conversely, the conference and court data will contain cases which commenced in the previous year. Similarly, statistics relating to the number of youths held in a detention centre will contain persons apprehended and/or sentenced in 1998 or earlier. In other words, this publication provides a ‘snapshot’ of the relevant operations at each level of the system, rather than a ‘tracking’ system which follows the same group of offenders from the point of apprehension to final disposition.

Differences between agencies

Counting and classification differences between agencies also affect the statistics. For example, the main counting unit used in the police section is the apprehension report. In the family conference section, two counting units are used: the number of cases referred to and dealt with at a conference as well as the number of actual conferences held. Here, the term ‘case’ does not equate with a police apprehension report because, if the Conference Team receives several apprehension reports relating to the one offender, they may consolidate these into the one case. At the Youth Court level, the counting unit used is also described as a ‘case’ but the way in which the term is defined here differs from that at the conference level. In the final set of statistical tables, which relate to youths in secure care, three counting units are used: the number of admissions; the number of youths in custody on a particular date; and average daily occupancies.

Detailed explanations of counting rules and definitions employed in each section of the report are outlined in the Appendix. Readers who wish to make proper use of this publication are again urged to read that section and take account of footnotes to tables.

1 OVERVIEW

Introduction

The tables contained in this report provide data on the various stages of the South Australian juvenile justice system that commenced operation on 1 January 1994. The 1999 statistics presented here are the same as those included in the 1998 and 1997 reports. However, the current tables are not comparable in all respects with data contained in *Crime and Justice* publications prior to 1997 (see Appendix for further details).

As outlined earlier, Section 2 of this report (Tables 2.1 to 2.29) provides details on the number of police apprehensions of juveniles in 1999, the type of action taken in relation to these young people, and formal cautions administered by police. Section 3 (Tables 3.1 to 3.19) provides information on the number of referrals finalised and the number of cases dealt with by way of a family conference as well as the number of actual conferences held. In Section 4, Tables 4.1 to 4.15 focus on cases finalised by the Youth Court, while Tables 4.16 to 4.20 detail the number of community service orders and mandates referred to and supervised by the Family and Youth Services Division (FAYS) of the Department of Human Services. Finally, Section 5 (Tables 5.1 to 5.7) deals with juveniles held in custody in the State's two Youth Training Centres at Cavan and Magill.

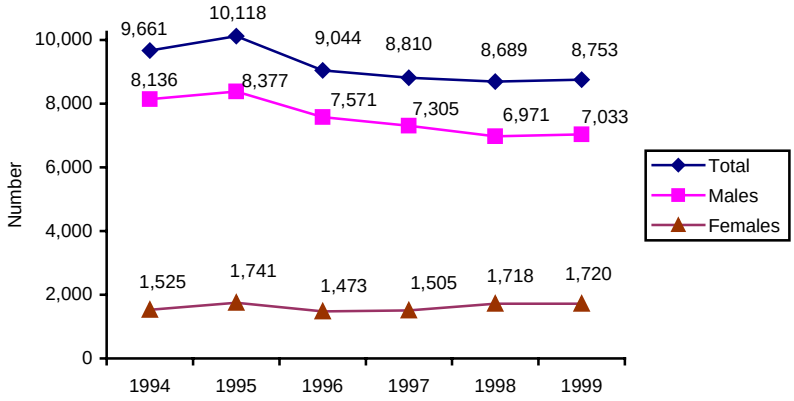
Police Statistics

Police apprehensions

In 1999, young people accounted for 8,753 apprehension reports lodged by police. This is virtually the same as the 8,689 apprehension reports filed in 1998, but is 13.5% lower than the peak of 10,118 recorded in 1995.

As shown in Figure 1, the number of both male and female apprehensions recorded in 1999 was very similar to that of the previous year. Over a longer time period, however, male and female trends differ. While there has been a general decline in male apprehensions since 1995 (with the 1999 figure being 16.0% lower than four years previously), for females figures have increased since 1996. Because of these different trends for males and females, the latter now account for a slightly greater proportion of apprehensions than was previously the case. While the overwhelming majority of apprehensions still involve males, in 1999 females accounted for 19.7% of all reports compared with 16.3% in 1996.

Figure 1 Number of police apprehension reports involving juveniles, 1994 to 1999



As in previous years, only a small proportion (7.0%) of apprehensions in 1999 involved youths aged 10-12 years while approximately one half (51.7%) were aged 16 and over. Youths aged 13-15 years accounted for the remaining 41.3%[1]. There were some age differences between males and females dealt with by police in 1999. Overall, a higher proportion of females than males were grouped in the middle age range of 13-15 years (54.3% compared with 38.1% respectively) while proportionately fewer were aged 16 and over (40.7% compared with 54.4% respectively).

Information on racial appearance was available for 8,059 (92.1%) of the 8,753 apprehensions[2]. Persons identified by police as Aboriginal in appearance accounted for 16.8% of these – a finding which highlights the ongoing disproportionate involvement of this group with the criminal justice system. As in previous years, however, this over-representation was more pronounced for females than males, with Aboriginals accounting for 28.4% of all apprehensions involving young women compared with 14.0% of all apprehensions involving young men.

Aboriginal young people brought into contact with the system were generally younger than their non-Aboriginal counterparts. As Figure 2 shows, youths aged 12 years and under accounted for 16.1% of Aboriginal apprehensions compared with only 4.7% of non-Aboriginal matters. Conversely, 37.8% of Aboriginal cases involved

[1] EIGHT APPREHENSIONS WHERE AGE WAS NOT RECORDED HAVE BEEN OMITTED FROM THESE CALCULATIONS.

[2] THE NUMBER OF APPREHENSIONS WHERE RACIAL APPEARANCE WAS 'KNOWN' WAS HIGHER THAN IN PREVIOUS YEARS DUE TO A NEW TECHNIQUE USED BY OCS TO 'PATCH' MISSING VALUES (SEE APPENDIX FOR A DETAILED DESCRIPTION). BECAUSE THIS METHOD WAS NOT USED IN EARLIER REPORTS, THE 1999 DATA ARE NOT DIRECTLY COMPARABLE WITH THOSE OF PREVIOUS YEARS.

young people aged 16 years and over compared with 55.1% of non-Aboriginal apprehensions.

Figure 2 Police apprehension reports: racial appearance by age, 1999

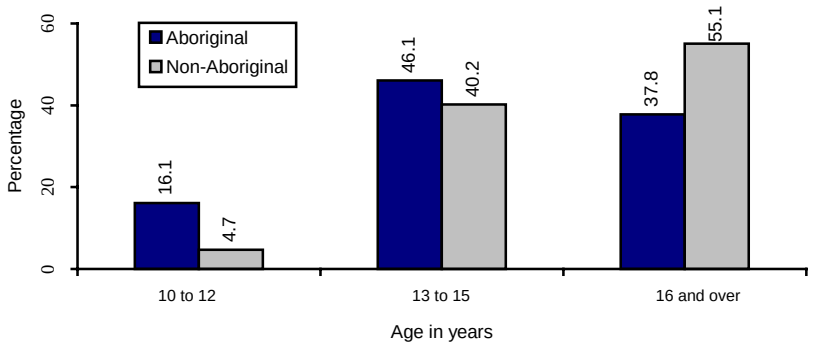
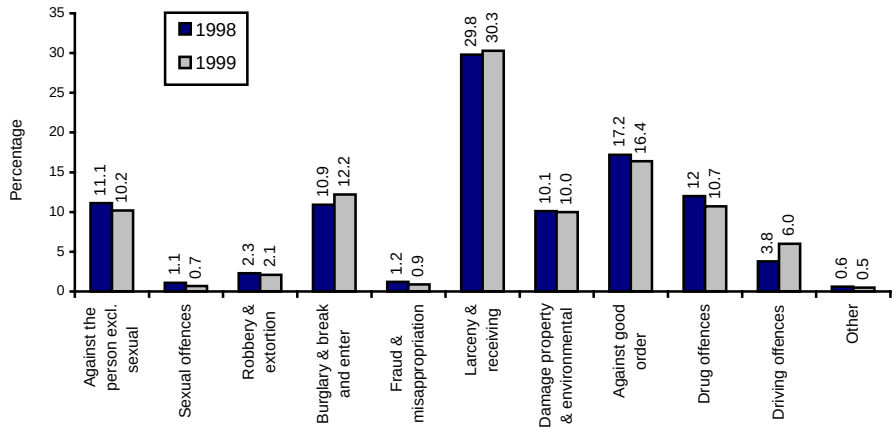


Figure 3 presents a breakdown of police apprehensions by the major offence alleged. This shows that in 1999 *larceny and receiving* constituted the major allegation in three in ten apprehensions (30.3%) while *good order offences* accounted for 16.4%. These were followed by *burglary, break and enter* (12.2%), *drug offences* (10.7%), *offences against the person, excluding sexual offences* (10.2%) and *damage property and environmental offences* (10.0%). There were relatively few apprehension reports in which *robbery and extortion* (2.1%), *fraud and misappropriation* (0.9%) and *sexual offences* (0.7%) were listed as the most serious offence alleged.

Figure 3 also indicates that the major offences for which youths were apprehended in 1999 were very similar to those recorded in the previous year. (It should be noted that the apparent increase in the proportion of *driving offences* recorded could be attributed to a change in police work practices relating to the recording of selected offences within this category – see Appendix for more details).

Figure 3 Police apprehension reports: major offence alleged, 1998 and 1999



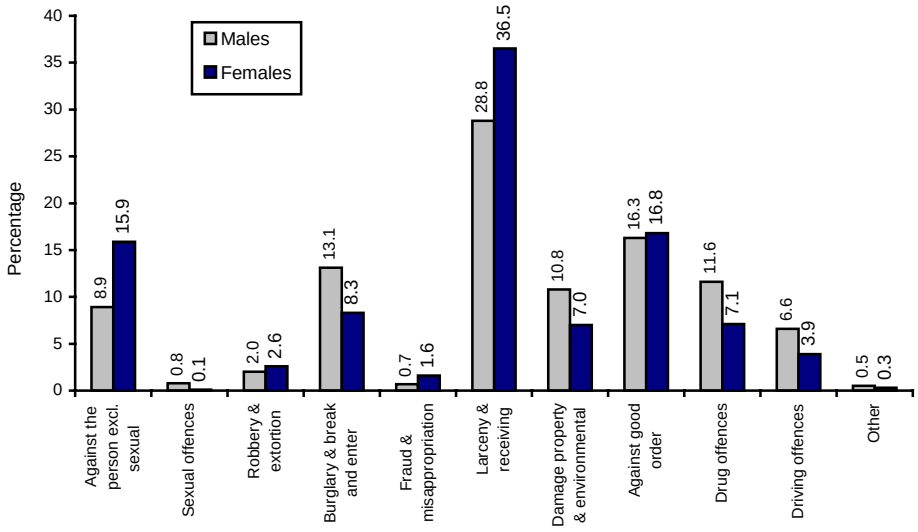
To provide a more detailed insight into the type of offences for which young people were apprehended in 1999, some of the broad offence categories outlined above have been broken down into sub-categories (see Table 2.2 and, for even greater detail, Tables 2.10 to 2.20 in Section 2 of this report).

Of the larceny-related offences, the most prominent ones included *larceny from shops* (10.1% of all apprehensions) and *larceny or illegal use of a vehicle* (6.5%). For those apprehensions involving a *drug offence*, the main one was that of *possess, use cannabis* (6.2% of all apprehensions). *Common assault*[1] accounted for the majority of *offences against the person, excluding sexual offences* (6.5% of all apprehensions) while *assault occasioning actual or grievous bodily harm* was the major offence in only 1.6% of apprehensions. There were only two apprehension reports in which the major offence was *murder* while only three reports involved *attempted murder*. Of the relatively small number of juvenile apprehension reports involving *robbery or extortion* as the major charge, the majority of these (149 out of 185) were unarmed, rather than armed, robberies.

[1] Including common assault of a family member

In broad terms, the offence profiles for males and females were relatively similar, with *larceny and receiving* accounting for the highest proportion of both groups while *sexual offences*, *robbery and extortion*, *fraud and misappropriation* and *other* offences accounted for the lowest proportions.

Figure 4 Police apprehension reports: sex by major offence alleged, 1999



Nevertheless, as shown in Figure 4, some differences were apparent. While *larceny and receiving* offences were the most dominant for both males and females, this offence group featured in a higher proportion of female than male apprehensions. Within this charge group, *larceny from shops* constituted the major allegation in just under one fifth (19.8%) of all female apprehensions compared with 7.7% for males. *Offences against the person, excluding sexual offences* were also more prominent for females than males (15.9% compared with 8.9% respectively). Conversely, a lower proportion of female than male apprehension reports listed, as the major allegation, *drug offences* (7.1% compared with 11.6% respectively) and *burglary, break and enter offences* (8.3% compared with 13.1% respectively).

Overall, the patterns of recorded offending by Aboriginal and non-Aboriginal young people were similar. For both groups, *larceny and receiving* accounted for just over 30% of all apprehensions and *offences against good order* for approximately 16% to 18%. However, a lower proportion of Aboriginal than non-Aboriginal apprehensions involved *drug offences* (4.4% compared with 12.1% respectively) while a higher proportion involved *burglary, break and enter* (16.9% compared with 11.6% respectively).

Method of apprehension

In 1999, in 31.8% of apprehensions police opted to arrest rather than report the young person. This represents a small increase in the use of arrest compared

with previous years (28.8% in 1998, 28.3% in 1997 and 27.3% in 1996). The proportion of male apprehensions brought about by way of an arrest was similar to that of females (32.0% and 31.2% respectively). For both males and females, the likelihood of being arrested rather than reported was higher than in the previous year, although the difference was more pronounced for females (with 31.2% being arrest-based in 1999 compared with 26.3% in 1998).

As might be expected, older youths were proportionately more likely to be arrested than younger ones (with 58.1% of cases involving young people aged 16 years and over being arrest-based compared with only 5.0% of those involving youths aged 10-12 years). However, it was Aboriginal youths who were the most likely to be arrested. In 1999, as was the case in the previous year, one in two Aboriginal apprehensions (49.2%) were arrest-based compared with one in three non-Aboriginal apprehensions (31.0%). Stated differently, Aboriginals accounted for 24.3% of all arrest-based apprehensions but only 12.9% of report-based apprehensions.

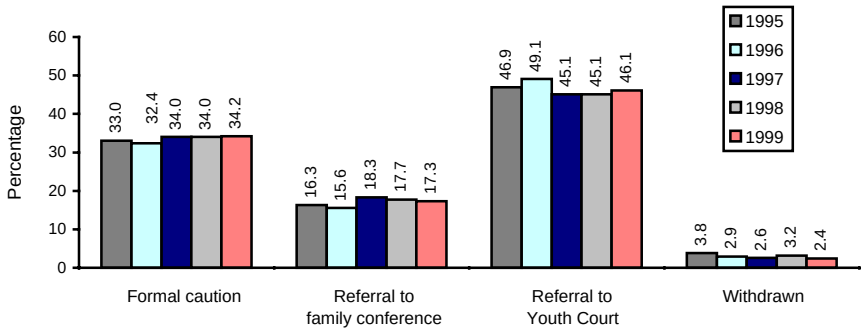
Type of Action taken

The type of action taken following the formal apprehension of a young person was not recorded in 7.4% of cases. Of those 8,106 apprehensions where this information was available, 34.2% resulted in a referral to a formal caution with a further 17.3% being diverted to a family conference. Youth Court referrals accounted for 46.1%, while police withdrew 2.4% of the allegations[3].

As indicated in Figure 5, the distribution of cases across the main referral categories in 1999 was much the same as in each of the four preceding years, with referrals to the Youth Court remaining the most frequently used option.

Figure 5 Police apprehensions: type of action taken, 1995 to 1999

[3] IT SHOULD BE NOTED THAT THESE DATA REFLECT THE FINAL REFERRAL, RATHER THAN THE FIRST. FOR EXAMPLE, IF A CASE WAS INITIALLY REFERRED TO THE YOUTH COURT, BUT THE COURT CHOSE TO SEND IT BACK TO A FAMILY CONFERENCE, THE REFERRAL WOULD BE LISTED AS 'FAMILY CONFERENCE'. SIMILARLY, IF AN APPREHENSION REPORT WAS INITIALLY REFERRED TO A FAMILY CONFERENCE BUT WAS LATER REDIRECTED TO THE YOUTH COURT (EITHER BECAUSE THE YOUTH COULD NOT BE LOCATED, DID NOT ATTEND THE CONFERENCE OR REQUESTED THAT THE MATTER BE DEALT WITH IN COURT), THE REFERRAL WOULD BE COUNTED AS 'YOUTH COURT'.

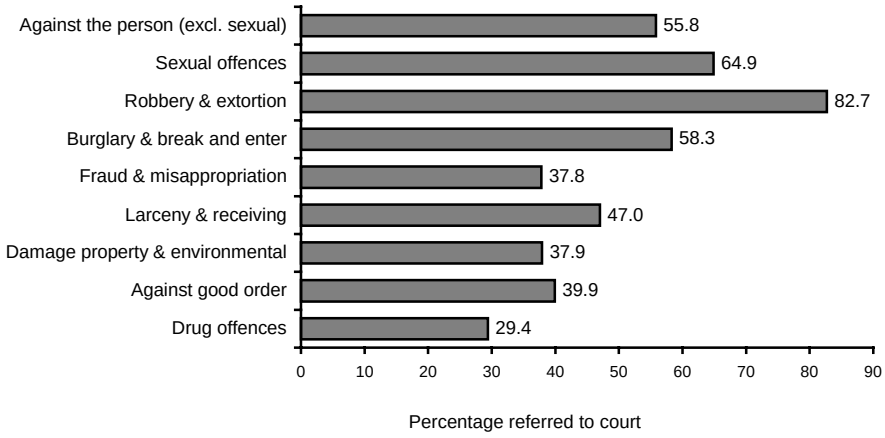


Note: In calculating these percentages, apprehensions for which the type of action taken was not recorded have been excluded.

As in previous years, the level of Youth Court referrals varied according to the nature of the major offence alleged. As Figure 6 shows, over eight in ten apprehensions involving *robbery and extortion* were ultimately referred to court. Over one half of all the cases involving either *offences against the person, sexual offences* or *burglary, break and enter* were also directed to court. In contrast, for those apprehensions where the major allegation was a *drug offence* approximately one in three cases (29.4%) were directed to court.

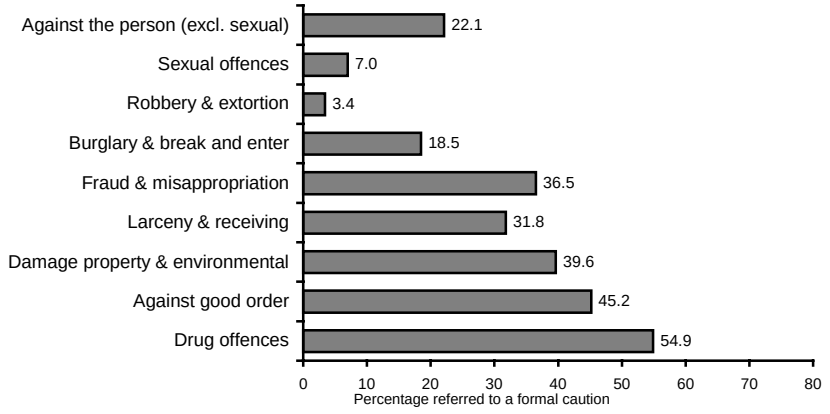
Just as the likelihood of a court referral varied depending on the nature of the charge involved, so did the probability of a formal police caution. As Figure 7 shows, of those apprehensions involving a *drug offence* over one half (54.9%) were referred to a formal caution. In contrast, only 3.4% of *robbery and extortions* and 7.0% of *sexual offences* resulted in a caution. Of those *offences against the person* that were referred for a formal caution, the majority (159 out of 193) involved *common assault*.

Figure 6 Police apprehensions: major offence alleged by proportion referred to Youth Court, 1999



In calculating these percentages , apprehensions where the type of action taken was not recorded have been excluded. Driving offences have been excluded because they generally by-pass the normal screening process and proceed straight to court.

Figure 7 Police apprehensions: major offence alleged by proportion referred to a formal caution, 1999



In calculating these percentages , apprehensions where the type of action taken was not recorded have been excluded. Driving offences have been excluded because they generally by-pass the normal screening process and proceed straight to court.

Overall, very few matters for which referral details were available were withdrawn by police. This level remained relatively constant across all offence categories, generally varying from approximately 1% to 3%. The offence category which recorded the highest proportion of withdrawals was that of *sexual offences* (with 7.0% of these allegations dropped). While this figure

was considerably lower than that recorded in 1998 (when 20.8% of apprehensions involving a *sexual offence* were withdrawn), care should be taken when interpreting these findings because of the very small numbers involved. In 1999, for example, only 4 of the 57 sexual offences were withdrawn compared with 20 of the 96 in 1998 where referral details were available.

The referral patterns were similar for both males and females, with 46.5% and 44.3% respectively referred to the Youth Court and approximately one third (33.9% and 35.7% respectively) diverted to a police caution. This situation is different from 1998, when a higher proportion of males were referred to the Youth Court than were females (46.5% compared with 39.5% respectively where the type of action taken was known) and a lower proportion were diverted to either a caution or family conference.

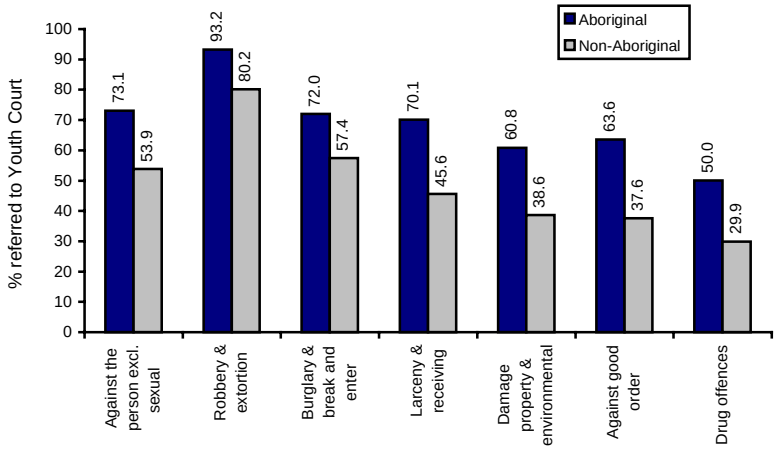
As in previous years, a substantially higher proportion of Aboriginal than non-Aboriginal apprehensions resulted in a referral to the Youth Court. Where relevant information was recorded, nearly seven in ten (68.7%) Aboriginal apprehensions were ultimately referred to court compared with just over four in ten (44.7%) non-Aboriginal matters. Conversely, only 16.4% of Aboriginal apprehensions received a formal caution compared with just over one third (34.8%) of non-Aboriginal cases. Differences between the two groups were less pronounced in relation to referrals to a family conference but even here, the proportion of Aboriginal cases thus referred was still lower than that recorded for non-Aboriginal apprehensions (13.6% compared with 18.0% respectively).

Stated differently, for those cases where racial appearance and type of referral were recorded, Aboriginal young people accounted for 8.9% of all formal caution referrals, 13.6% of all family conference referrals and 24.1% of all court referrals. Given that Aboriginal youth accounted for 16.8% of all apprehension reports, these figures indicate that they are under-represented in terms of the numbers receiving a formal caution and, albeit to a lesser degree, those referred to a family conference. Conversely, Aboriginal youth are substantially over-represented amongst those referred to the Youth Court.

Irrespective of the major allegation involved, these racial differences in the type of action taken remain. Substantial differences were evident for the full range of offences. For example, as shown in Figure 8, for *robbery and extortion*, over nine in ten Aboriginal apprehensions (93.2%) were referred to court compared with 80.2% of non-Aboriginal cases. The differences were more pronounced for *larceny and receiving* (70.1% compared with 45.6% respectively), *damage property and environmental offences* (60.8% compared with 38.6% respectively), *offences against good order* (63.6% compared with

37.6% respectively) and *drug offences* (50.0% compared with 29.9% respectively).

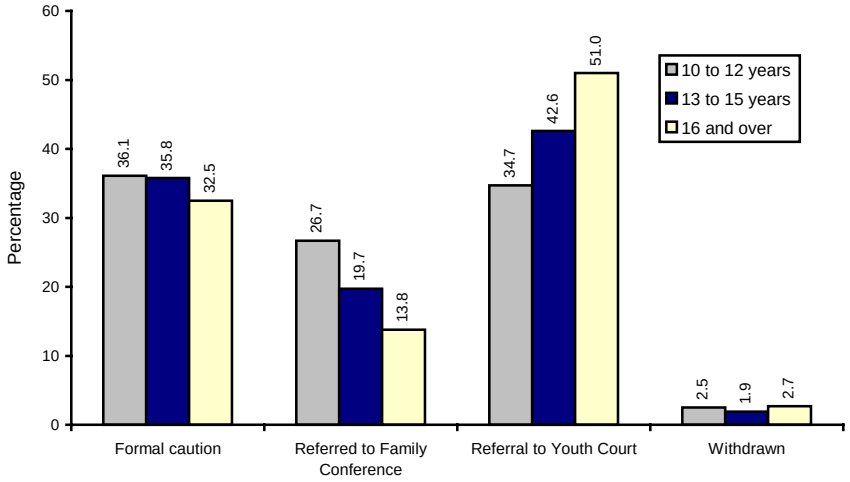
Figure 8 Police apprehensions by racial appearance: major offence alleged by proportion referred to court, 1999



Sexual offences and 'other' offences have been omitted because the very small number of Aboriginal apprehensions for these offences make comparisons tenuous. In calculating these percentages, apprehensions where the type of action taken was not recorded have been excluded.

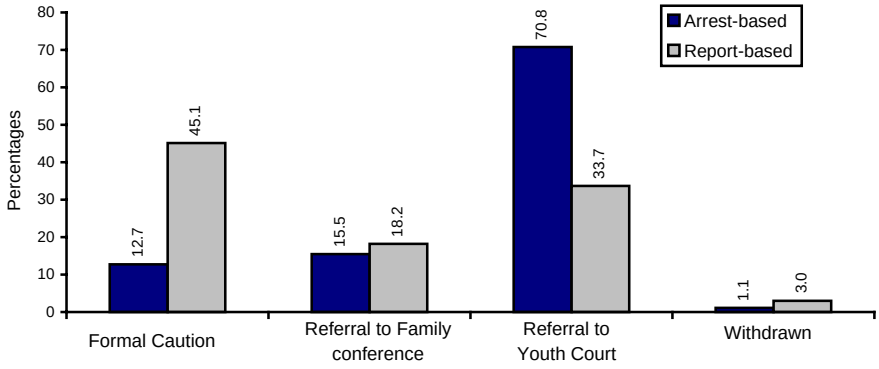
The type of action taken also varied according to the young person's age (see Figure 9). Generally, the younger the person, the greater the likelihood that (s)he would be referred for a formal caution or a family conference and the less likelihood that (s)he would be directed to the Youth Court. Almost two thirds (62.8%) of apprehensions involving young people aged 10 to 12 years were diverted compared with 46.3% of those aged 16 and over. Conversely, just over one third of those in the youngest age group were directed to court, compared with just over one half of those in the oldest age group.

Figure 9 Police apprehensions: age by type of referral, 1999



The type of action taken also co-varied with the method of apprehension (see Figure 10). Of the 2,718 arrest-based apprehensions where the type of action taken was known, seven in ten were directed to court (70.8%), compared with approximately three in ten report-based apprehensions (33.7%). In contrast, only 12.7% of arrest-based apprehensions resulted in a caution compared with 45.1% of reported cases. Stated differently, one half (51.5%) of court referrals were arrest-based, compared with 30.0% of family conference referrals and 12.4% of those cases where the young person was referred for a formal caution.

Figure 10 Police apprehensions: method of apprehension by type of referral, 1999



Number of discrete individuals apprehended

Whereas Tables 2.1 to 2.23 in Section 2 relate to apprehension reports, Table 2.24 details the number of discrete individuals apprehended during 1999. In this table, youths who were apprehended on more than one occasion during the 12 month reporting period are counted only once.

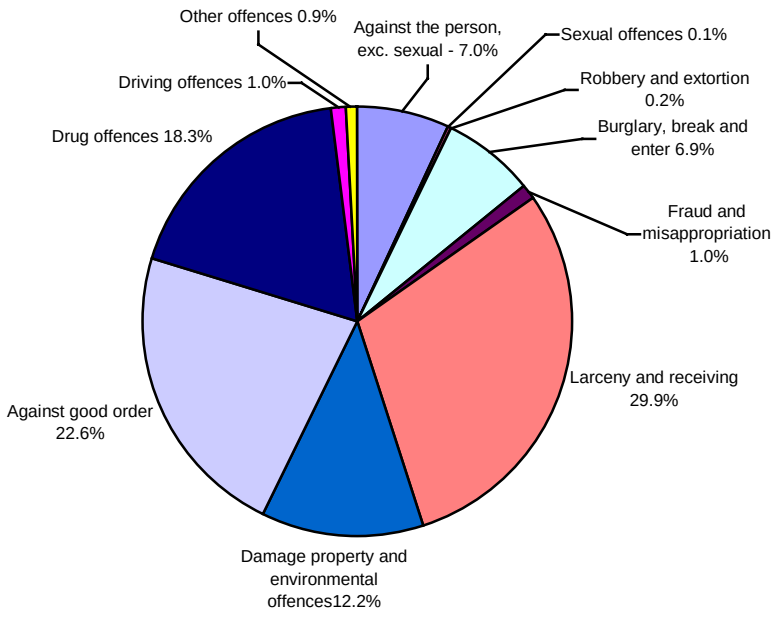
In 1999, the 8,753 apprehensions involved 5,086 individuals. This gives an average of 1.7 apprehensions per youth, which is the same as that recorded in the previous three years. As in 1998, the majority (68.9%) of young people were apprehended once only, while a very small proportion (5.6%) were apprehended on five or more occasions.

There were no pronounced differences between males and females in the proportions experiencing more than one apprehension in the 12 month reporting period, with 71.0% of females and 68.4% of males being apprehended once only. On average, males recorded 1.74 apprehensions in 1999 while females recorded 1.65 apprehensions.

Formal police cautions

As noted earlier, 2,776 apprehensions were referred for a formal caution. As Figure 11 shows, l*arceny and receiving* offences were listed as the major allegation in 29.9% of these apprehensions, followed by *offences against good order* (22.6%) and *drug offences* (18.3%). At the other end of the scale, only four cases involving a *sexual assault* were considered appropriate for a caution (compared with 13 in 1998), as were six *robbery and extortion* matters (compared with 12 in 1998).

Figure 11 Referrals to a formal police caution: most serious allegation listed per apprehension report, 1999

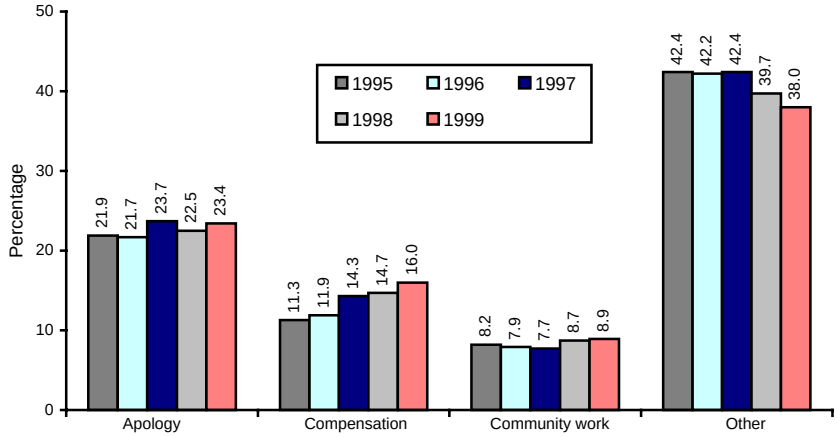


Whereas Tables 2.9 to 2.23 in Section 2 detail the number of apprehensions referred to a caution, Tables 2.25 to 2.29 focus on the actual number of formal cautions administered by police. It should be noted that in a small number of cases, the police may use the one formal caution to deal with two or more apprehension reports for the same young person. Thus, in 1999, while there were 2,776 apprehensions that were referred to a formal caution, only 2,753 cautions were actually given.

Under the terms of the *Young Offenders Act* 1993, police officers may, as part of a formal caution, require the young person to enter into an undertaking which could include apologising to the victim, performing community work, paying compensation or doing anything else considered appropriate by the police officer and agreed to by the youth. During 1999, 23.4% of formal police cautions involved an apology, 16.0% resulted in the payment of compensation, 8.9% required the young person to undertake community work and 38.0% resulted in some other type of condition. As shown in Figure 12, these proportions are similar to the pattern of previous years. In each of the five years depicted, 'other' conditions have dominated, followed by apologies and then compensation and lastly, community work. However, over time there has been a slight increase in the proportion of cautions involving the payment of compensation (from 11.3% in 1995 to 16.0% in 1999) and a decrease in the

proportion involving 'other' conditions (from 42.4% in 1995 to 38.0% in 1999).

Figure 12 Formal police cautions: proportion involving apologies, compensation, community work or 'other' conditions, 1995 to 1999



While the same pattern generally applied to both males and females in 1999, 'other' conditions featured slightly more prominently in female than male cautions (listed in 41.5% of female cautions compared with 37.1% of male cautions). In contrast, proportionately fewer females than males agreed to pay compensation (9.8% compared with 17.6% respectively).

There were both similarities and differences in the types of conditions agreed to in Aboriginal and non-Aboriginal cautions. For both groups, the condition most frequently included was that of 'other', followed by apologies and then compensation and community work. However, a higher proportion of non-Aboriginal cautions involved apologies (23.4% compared with 14.5% respectively), compensation (16.0% compared with 8.2% respectively), and 'other' conditions (39.0% compared with 31.9%). However, some care should be taken when interpreting these figures because of the high number of cautions where information regarding racial appearance was not available (393 out of 2,753 or 14.3%).

Nearly one half (47.5%) of the compensation payments agreed to as part of a police caution in 1999 were for $50 or less, while only 3.2% involved amounts of more than $500. The maximum amount agreed to was $1,672. This was included as part of an undertaking for a caution where the major allegation listed was a *damage property and environmental offence*. The second highest

amount recorded in 1999 was $1,000, for a caution involving an offence within the *fraud and misappropriation* category.

The majority of community work agreements involved a relatively small number of hours, with almost seven in ten (67.5%) being for 10 hours or less. Only approximately one in ten (11.8%) involved between 20 and 50 hours of work. The minimum number of community work hours attached to a caution was one, while the maximum was 50 (for an offence within the *burglary, break and enter* category.

Family Conferences

Three sets of statistics on family conferences are presented in Section 3 of this report. One set (Tables 3.1 to 3.3) details the number of case referrals finalised by the Family Conference Team. The second set (Tables 3.4 to 3.17) focuses only on those cases actually dealt with at a conference. They therefore exclude any referrals that did not come to a conference, either because the youth could not be located, refused to admit the allegation, failed to attend, or opted to have the allegations dealt with by the Youth Court. The third set of statistics (Tables 3.18 and 3.19) relates to the actual number of conferences held, irrespective of how many youths were dealt with at each one.

Case referrals finalised by the Family Conference Team

A total of 1,655 case referrals were finalised by the Family Conference Team in 1999[4]. This figure is 8.5% lower than the 1,809 cases finalised in 1998 and 7.6% lower than the 1,792 finalised in 1997. Males accounted for almost eight in ten (79.0%) of those 1,646 referrals where information on sex was recorded, which is similar to that recorded in previous years. Information on racial appearance was available for 1,583 referrals (95.6% of the total), with Aboriginal youth accounting for 15.0% of these. This figure is similar to that recorded in previous years.

As in 1998 and 1997, for the overwhelming majority of referrals finalised in 1999 (89.8%) a 'successful' conference was held with some form of agreement being reached.[5] In 1,347 of these 'successful' cases (i.e. 81.4% of all referrals), the young person entered into an undertaking. In a further 5.5%, a formal caution was all that participants thought was required, while in 1.0% of cases no further action was considered necessary.

For a small number of referrals finalised by the Family Conference Team in 1999 (n=31 or 1.9% of total referrals) a conference was convened but no resolution was achieved. In over half of these (i.e. 18 of the 31) the matter remained unresolved because the young person elected to have the allegations heard in court, while in a further 11 matters (0.7% of all referrals) the youth did not admit the allegation. In addition, there were two referrals where either the youth or the police did not agree with the outcome, and one case where a conference was held but a decision was made not to proceed with the matter. For 168 referrals (10.2% of the total), no conference

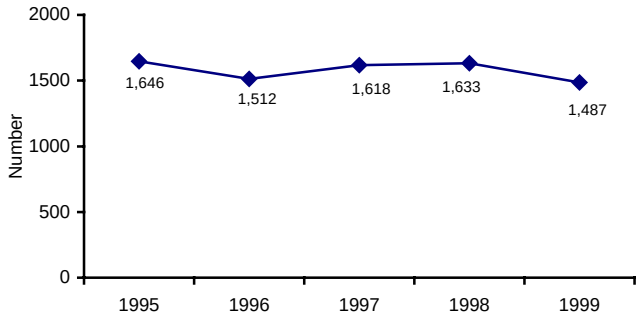
[4] THIS FIGURE INCLUDES A SMALL NUMBER OF REFERRALS RECEIVED BY THE FAMILY CONFERENCE TEAM IN 1998 BUT NOT FINALISED UNTIL 1999. IT SHOULD ALSO BE NOTED THAT REFERRALS RECEIVED IN 1999 BUT NOT FINALISED BY THE END OF THE YEAR HAVE NOT BEEN INCLUDED HERE.

[5] IT SHOULD BE STRESSED, THAT THE TERM 'SUCCESS', AS USED HERE, DOES NOT TAKE ACCOUNT OF WHETHER UNDERTAKINGS ENTERED INTO AT THE CONFERENCE WERE SUBSEQUENTLY COMPLIED WITH. LEVELS OF COMPLIANCE WITH UNDERTAKINGS AND CONDITIONS AGREED TO DURING A CONFERENCE ARE DISCUSSED IN A LATER SECTION.

was held. The non-appearance of the young person (5.9%) and inability to locate the youth (2.2%) were the main reasons for this. Again, these results are very similar to those recorded in 1998 and 1997. In each of these two preceding years, 9.7% of referrals did not result in a conference mainly because of the youth's non-appearance or an inability to locate the young person.

In total, of the 1,655 referrals finalised by the Family Conference Team in 1999, 1,487[6] resulted in a conference being held. Longitudinal trends in the number of cases where a conference was actually held (see Figure 13) indicate a decline between 1998 and 1999. In fact, the most recent figure is 8.9% lower than in the previous year, and 9.7% lower than the number of cases conferenced four years previously in 1995.

Figure 13 Cases for which a family conference was held, 1995 to 1999



In 1999, the referral outcomes recorded for males and females were broadly similar, although some minor differences were evidence. In particular, although the majority of referrals for both sexes resulted in a 'successful' conference, the figure was slightly higher for male than female referrals (91.0% compared with 85.0% respectively.) Conversely, while there were relatively few referrals where a conference was not convened, the figure was slightly higher for females than males (15.0% compared with 8.9% respectively). Moreover, the number of female referrals which did not proceed to a conference was higher than in 1998, when 10.7% of female referrals could not be conferenced.

[6] IT SHOULD BE NOTED THAT THE FIGURE OF 1,487 DOES NOT RELATE TO DISCRETE INDIVIDUALS. INSTEAD, YOUTHS WHO ATTENDED MORE THAN ONE CONFERENCE IN THE 12 MONTH PERIOD ARE COUNTED SEPARATELY ON EACH OCCASION. NOR DOES IT REFER TO A DISCRETE CONFERENCE, BECAUSE MORE THAN ONE YOUNG OFFENDER CAN BE DEALT WITH AT THE SAME CONFERENCE.

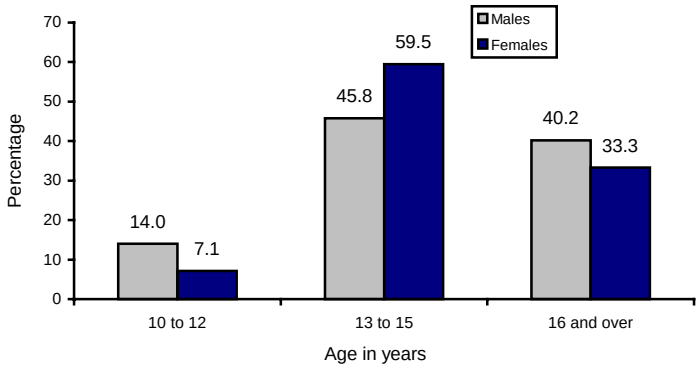
As occurred in 1998, a lower proportion of Aboriginal than non-Aboriginal referrals resulted in a 'successful' conference. Of the 237 Aboriginal referrals finalised by the Family Conference Team in 1999, just over three quarters (76.4%) were resolved at the conference compared with virtually nine in ten non-Aboriginal referrals (89.9%). For 20.7% of Aboriginal referrals, a conference was not convened, mainly because the young person failed to attend (12.2%) or could not be located by the Family Conference Team (6.3%). In contrast, only 8.4% of non-Aboriginal cases did not proceed to a conference, including 4.7% who failed to appear. These figures mean that in 1999, for those cases where racial identity was recorded, Aboriginal young people made up 13.0% of those referrals where a conference was 'successfully' completed, but a substantial 30.2% of those referrals that did not get to a conference. The proportion of Aboriginal referrals resulting in a 'successful' conference was slightly lower than in 1998 (when 79.7% were conferenced). This was primarily due to an increase in the proportion who failed to attend the conference (12.2% in 1999 compared with 8.3% in 1998).

Cases dealt with at a family conference

Whereas Tables 3.1 to 3.3 in Section 3 of this report provide details on all case referrals finalised by the Family Conference Team, Tables 3.4 through to 3.17 relate only to those 1,487 cases referred to above for which a conference was actually held. Males accounted for 80.1% of the 1,487 cases dealt with where this information was recorded (compared with 78.4% in 1998 and 79.8% in 1997). Almost one half (48.3%) of the 1,484 matters where age was recorded involved young people aged 13 to 15 years. A further 39.0% were aged 16 and over while only a small proportion (12.7%) were in the youngest age group of 10-12 years.

As in the previous year, the age profiles of males and females reveal some differences. As Figure 14 shows, a higher proportion of females than males fell within the middle age group of 13 to 15 years while conversely, males were more dominant in the youngest and oldest age groups.

Figure 14 Cases dealt with at a family conference: sex by age, 1999



In 1999, Aboriginal youths accounted for 13.2% of all cases dealt with by way of a conference where information on racial identity was recorded. Almost one in three Aboriginal cases (27.7%) involved young women compared with only one in five non-Aboriginal cases (19.1%). Stated differently, Aboriginals accounted for 18.1% of female cases dealt with at a conference, compared with 12.0% of those involving males.

There were marked age differences between Aboriginal and non-Aboriginal youth. As shown in Figure 15, a much higher proportion of Aboriginal than non-Aboriginal cases involved young people aged 10-12 years. Conversely, while four in ten non-Aboriginal cases involved youth aged 16 and over, this age group accounted for only one quarter of the Aboriginal cases. The proportion of Aboriginal cases involving very young individuals was higher in 1999 than in 1998, when 21.5% were recorded in the 10 – 12 year age bracket.

Figure 15 Cases dealt with at a family conference: racial identity by age, 1999

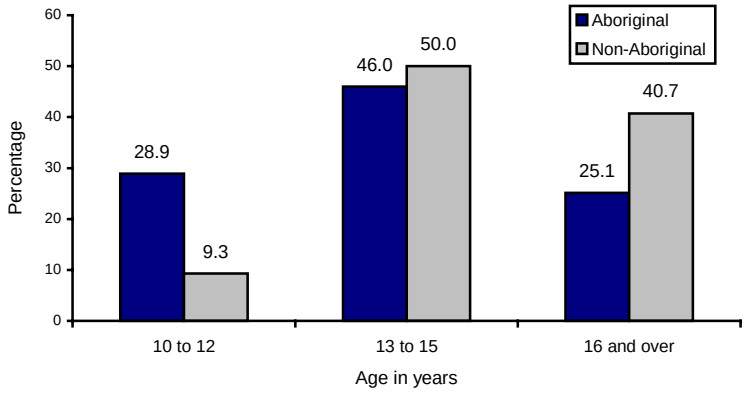
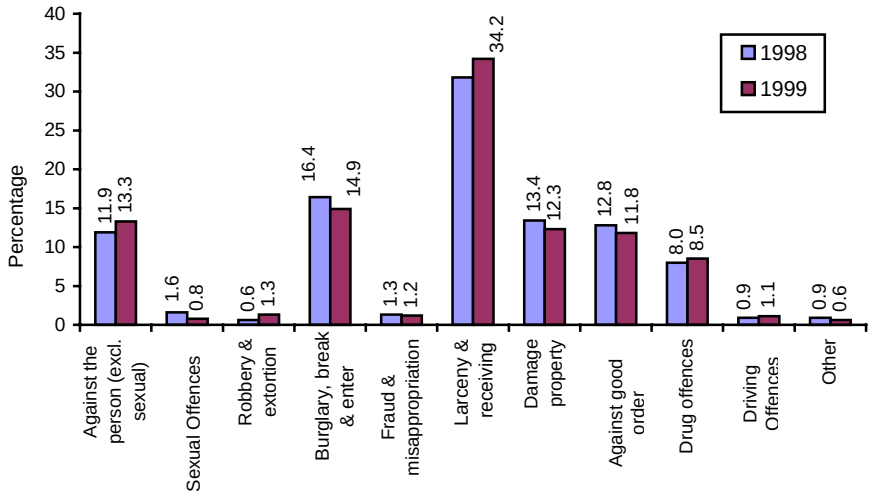


Figure 16 presents the most serious offence alleged in those cases dealt with at a family conference in 1999. As shown, *larceny and receiving* was the most prominent, accounting for 34.2% of all cases, followed by *burglary, break and enter* (14.9%), *offences against the person, excluding sexual offences* (13.3%) *damage property and environmental offences* (12.3%), *offences against good order* (11.8%) and *drug offences* (8.5%). This offence profile was very similar to that recorded in the previous year.

Larceny-related offences included a range of sub-categories. Due to coding problems, it was not possible in the 1999 data to distinguish between *larceny from shops* and *larceny-miscellaneous*. However, the combined category of *larceny from shops and larceny-miscellaneous* featured as the major offence alleged in 18.1% of all cases dealt with at a conference, while *larceny/illegal use of a vehicle* accounted for a further 8.1% of cases. *Other assault* was the most prominent of the *offences against the person, excluding sexual offences* category, accounting for 10.3% of all cases, while *serious assault* featured in only 2.6% of cases. A breakdown of *offences against good order* showed a fairly even spread across a number of sub-categories, including *disorderly/offensive behaviour* (1.9%), *graffiti and related offences* (1.4%), *hinder resist police* (1.2%) and *unlawful possession and/or use of weapons* (1.1%).

Figure 16 Cases dealt with at a family conference: major offence alleged per case, 1998 and 1999



The offence profiles of males and females revealed some small differences. In particular, a higher proportion of female than male cases had *other assault* listed as the major allegation (17.0% compared with 8.6% respectively). The same applied to *larceny from shops* and *larceny- miscellaneous* (25.5% of female cases compared with only 16.0% of male cases). However, fewer female than male cases involved *burglary, break and enter* (9.9% compared with 16.1% respectively) and *drug offences* (4.8% compared with 9.5% respectively).

While the offence profiles of Aboriginal and non-Aboriginal cases were generally similar, some small differences were again evident. *Burglary, break and enter offences* were more prominent for Aboriginal than non-Aboriginal youth (21.3% compared with 13.7% respectively). In contrast, *drug offences* accounted for a higher proportion of non-Aboriginal than Aboriginal cases (9.4% compared with 3.7% respectively), as did *larceny from shops* and *larceny-miscellaneous* (13.3% compared with 18.9% respectively).

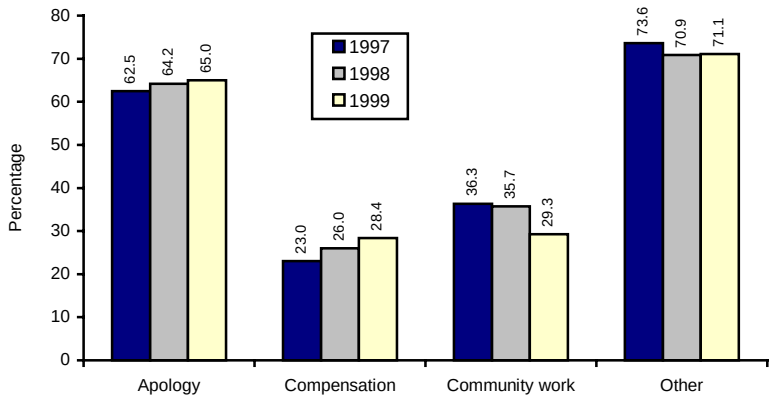
Nearly six in ten cases dealt with at a conference (59.2%) involved one offence only, while one in twenty (5.6%) involved five or more allegations. A slightly higher proportion of male than female cases involved multiple allegations (42.2% compared with 34.0% respectively) as did a higher proportion of non-Aboriginal than Aboriginal cases (42.8% compared with 27.7% respectively.)

As noted earlier, in 1999 there were 1,347 cases dealt with at a family conference that resulted in the young person agreeing to enter into an undertaking. This was 9.7% fewer than the 1,492 cases with undertakings recorded in 1998. The conditions associated with the

undertakings are outlined in Table 3.9[7] of Section 3. As in previous years, the condition most frequently agreed to was 'other', which was included in just over seven out of ten cases (71.1%) where an undertaking resulted. This condition of 'other' could include a wide range of requirements, such as agreement to attend school or a counselling session, adhere to a curfew or not associate with certain peers. The second most frequently invoked condition, an apology, featured in 65.0% of cases. Community work was part of an undertaking in 29.3% of cases while compensation was agreed to in 28.4%. These results are generally comparable with those recorded in 1997 and 1998 (see Figure 17) although the proportion resulting in community work has declined over the three year period, while the proportion involving compensation has increased. Nevertheless, these conditions are still used fairly sparingly compared with those of apologies and 'other'.

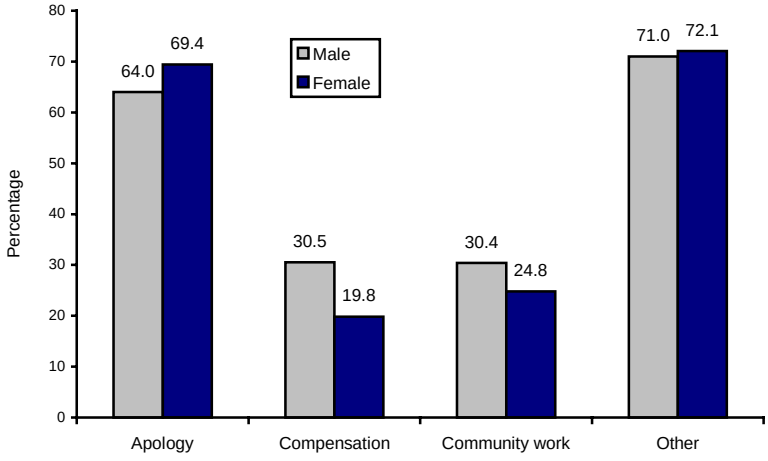
Figure 17 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/ other condition, 1997 to 1999

[7] It should be noted that these conditions are not mutually exclusive – i.e. if an undertaking included both an apology and compensation, each would be counted separately in Tables 3.9 and 3.10 in Section 3. However, if there were two apologies included in the one undertaking, this would be counted only once. In the very small number of instances where a single case resulted in multiple undertakings, these undertakings have been combined for the purposes of deriving data for these tables. Thus, if a case resulted in one undertaking to apologise and do community work and a second undertaking to apologise and pay compensation, this would be counted once under each of the three types of conditions listed – namely, apology, compensation and community work.



While the overall patterns were similar, some small male/female differences were apparent in the type of conditions included in undertakings. As illustrated in Figure 18, cases involving young women were more likely than those involving males to involve an apology but were proportionately less likely to involve compensation of community work. However, approximately equal proportions of undertakings by both groups involved 'other' conditions.

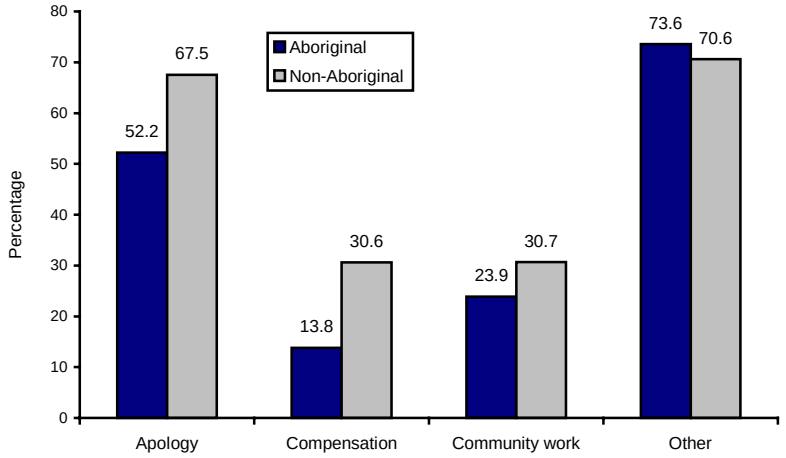
Figure 18 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/ other condition by sex, 1999



A comparison between the type of conditions associated with Aboriginal and non-Aboriginal undertakings (see Figure 19) also reveals some small differences. Aboriginal undertakings were somewhat less likely than non-Aboriginal ones to involve an apology,

compensation or community work. In comparison with previous years, the proportion of Aboriginal undertakings involving community work decreased (from 37.8% in 1997 to 28.4% in 1998 to 23.9% in 1999), while the use of apologies, compensation and 'other' conditions remained relatively stable. For non-Aboriginals, the proportion involving community work also decreased (from 36.1% in 1997 and 37.5% in 1998 down to 30.7% in 1999). Conversely, the proportion involving compensation increased slightly (from 24.3% in 1997 to 30.6% in 1999) as did the proportion involving an apology (from 63.9% in 1997 to 67.5% in 1999).

Figure 19 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition by racial identity, 1999



Of the 383 cases where the young person agreed to pay compensation, just over one half (51.9%) involved payment of $100 or less, while only 14 cases involved the payment of more than $1,000. The average amount of compensation agreed to was $231 (compared with $197 in 1998), while the maximum was $2,176 (compared with $2,499 in 1998). This was agreed to in cases, with the major allegation of *larceny/illegal use of a vehicle*.

The majority of community work agreements involved a relatively small number of hours, with just over one half (53.3%) consisting of 20 hours or less, and a further 19.0% involving 21-30 hours. There were only five cases where the community work agreements were for periods of more than 100 hours. The average number of community work hours was 28 (compared with 32 in 1998) while the maximum was 150 (compared with 240 in the previous year). The

maximum applied to two cases, one of which involved a *burglary, break and enter* offence and the other a *damage property* and *environmental* offence.

Undertaking compliance

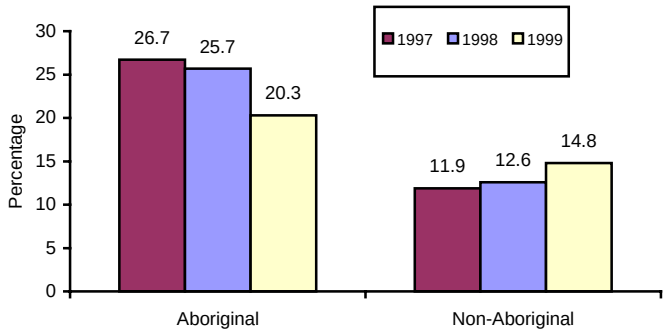
Of the 1,347 conference cases finalised by way of an undertaking in 1999, information on undertaking compliance was available for 1,169 (86.8%). This means that for the remaining 178 cases, the time allocated for completion of the undertaking had not expired by April 2000, when the database was closed off for this statistical report. All but one of those 1,169 cases for which relevant information was available involved a single undertaking. Only one case had multiple undertakings.

In 955 (81.7%) of these 1,169 cases, by April 2000 all undertakings were listed as having been complied with, while in a further 33 cases (2.8%) a decision was made to waive the outstanding requirements. In 181 cases (15.5%), the undertaking was not complied with and the matter was referred back to police, who then had the option to either not proceed with the matter or lay formal charges and refer the young person to the Youth Court for prosecution. This pattern of compliance has remained stable over the past three years, with compliance levels fluctuating slightly from 83.1% in 1997 to 82.0% in 1998 to 81.7% in 1999, and referrals back to police varying marginally from 14.4% in 1997 to 15.2% in 1998 to 15.5% in 1999.

In contrast to the previous year, when the level of referral back to police was higher for females than for males (21.6% compared with 13.3% respectively) no such differences were observed in 1999 (with only 15.8% of female cases and 15.5% of male cases being referred back). However, as in 1998, there were some differences between Aboriginal and non-Aboriginal cases. Of the 159 Aboriginal and 1,129 non-Aboriginal cases which resulted in an undertaking in 1999, information on undertaking compliance status was available for 148 (93.1%) and 969 (85.8%) respectively. Although the level of compliance was high for both groups, the proportion of cases referred back to police for non-compliance was more pronounced for Aboriginal than non-Aboriginal matters (20.3% compared with 14.8% respectively.) Of note, however, is that the proportion of Aboriginal cases referred back to police has decreased over the past three years while the level of non-Aboriginal compliance has increased marginally (see Figure 20). Hence, the gap between the two groups is reducing. To illustrate, in 1999, there was a 5.5 percentage point difference, compared with a 14.8 percentage point difference in 1997.

Figure 20 Cases dealt with at a conference which resulted in an undertaking: proportion of Aboriginal and non-Aboriginal cases referred back to

police for non-compliance: 1997 to 1999



Condition compliance

While it is rare to have more than one undertaking per case, it is not unusual to have more than one condition attached to each undertaking. Whereas Tables 3.14 and 3.15 in Section 3 detail compliance data for each undertaking, Tables 3.16 and 3.17 present compliance data for all of the individual conditions included in those undertakings.

As noted earlier, by the time the database was closed off for this report in April 2000, compliance details had been entered for 1,169 of those 1,347 conference cases which had resulted in an undertaking. For these 1,169 cases, compliance data were recorded for 806 apologies, 309 compensation agreements, 309 community work conditions and 1,187 other conditions. (For further explanation of the counting rules used here, refer to the Appendix.) While the level of compliance was generally high across all categories, there was some variation according to the type of condition. Apologies exhibited the highest level of compliance, with 96.8% being completed by or after the due date. This was followed by 'other' conditions where the compliance level was 88.2%, community work (80.6%) and compensation (80.3%).

For three of the four condition types the level of compliance for males and females was similar. For females, 96.8% of apologies, 87.7% of 'other' conditions and 79.3% of community work agreements were completed. Corresponding figures for males were 96.5%, 88.3%, and 80.7% respectively. However, for compensation conditions, the level of compliance was somewhat lower for females than males (73.8% compared with 81.2% respectively). It should be noted though, that the actual numbers of compensation and community work conditions involving females were relatively small (n=42 and n= 58 respectively). This means that minor changes in the absolute number of conditions complied with could produce relatively large percentage shifts. Hence, this comparison is rather tenuous.

While the great majority of apologies were complied with by both groups, Aboriginal compliance levels were slightly lower than non-Aboriginal levels for 'other' conditions (82.8% compared with 89.1% respectively). The number of compensation and community work conditions entered into by Aboriginal youths in 1999 was too small to permit meaningful analysis (n=21 and 30 respectively).

Proportion of cases resolved by way of conferencing

The availability of information on undertaking compliance, when combined with the details (provided earlier) on conference outcomes, gives a more accurate insight into the level of positive resolution achieved by the conference system.

Table 1 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance, 1999

Case Outcome	no.	%
Cases positively finalised		
• conference held, undertaking complied with	955	57.7
• conference held, undertaking waived	33	2.0
• conference held, formal caution	91	5.5
• conference held, no further action	17	1.0
• case not proceeded with	23	1.4
Sub-total	1,119	67.6
Not yet classifiable		
• conference held, compliance data not available	178	10.8
Cases not positively finalised		
• conference held, undertaking not complied with– referred back to police	181	10.9
• conference held, no agreement reached	31	1.9
• conference not held, not resolved	146	8.8
Sub-total	358	21.6
Total	1,655	100.0

As shown in Table 1, 57.7% of all cases referred to a conference in 1999 resulted in an undertaking which, by April 2000, had been completed. In a further 2.0% of cases the undertaking had been waived. In 6.5% of cases, the matters were finalised by way of either a caution or no further action. In a further 1.4% of cases, a decision was made not to proceed with the case. In total then, of the 1,655 cases referred, 67.6% were positively finalised. In a further 10.8% of cases, compliance data for the undertakings were not available at the time the database was closed off for this report, and so these matters still had the potential to be appropriately resolved at this level. In contrast, 21.6% of referrals were not resolved at the conference level, either because the conference had not gone ahead (8.8%) or, if held,

had not been able to reach agreement (1.9%), or the resultant undertaking had not subsequently been complied with (10.9%). These figures are similar to those obtained in 1997 and 1998, when 22.0% and 21.6% of cases respectively were not positively finalised.

The level of positive resolution achieved for Aboriginal and non-Aboriginal cases finalised in 1999 is detailed in Table 2. Overall, a lower proportion of Aboriginal cases were positively finalised (60.3% compared with 68.8% of non-Aboriginal cases) largely because proportionately fewer conference undertakings were complied with (48.9% compared with 59.1% respectively). Conversely, a higher proportion of Aboriginal than non-Aboriginal cases were not positively resolved by way of a conference (35.1% compared with 19.3% respectively.) It should also be noted that, at the time of data extraction, 11.9% of non-Aboriginal cases could not be classified because the time to complete the undertakings had not yet expired. In contrast, only 4.6% of Aboriginal cases were unclassifiable. In effect then, there were proportionately more non-Aboriginal than Aboriginal cases not counted which still had the potential to be positively completed. In turn, this means that the Aboriginal/non-Aboriginal differences in positive resolution noted above may be even larger once all relevant data are available.

Table 2 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance, Aboriginal and non-Aboriginal cases, 1999

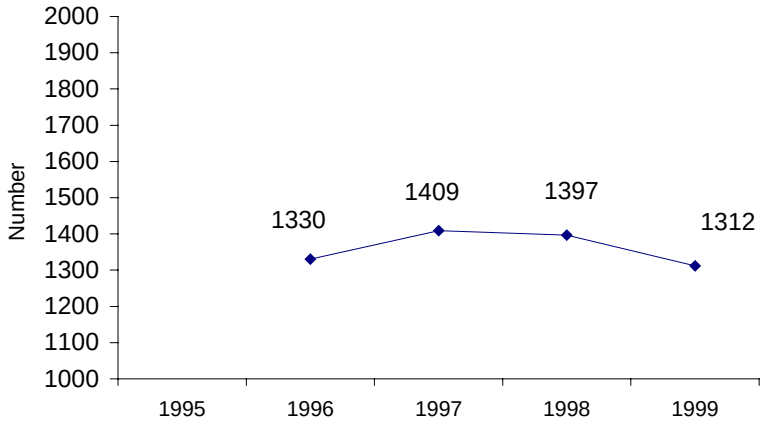
Case outcome	Aboriginal		Non-Aboriginal	
	No.	%	No.	%
Cases positively finalised				
• conference held, undertaking complied with	116	48.9	796	59.1
• conference held, undertaking waived	2	0.8	30	2.2
• conference held, formal caution	13	5.5	76	5.6
• conference held, no further action	9	3.8	5	0.4
• case not proceeded with	3	1.3	19	1.4
Sub-total	143	60.3	926	68.8
Not yet classifiable				
• Conference held, compliance data not available	11	4.6	160	11.9

Cases not positively finalised				
• conference held, undertaking not complied with– referred back to police	30	12.7	143	10.6
• conference held, no agreement reached	7	3.0	22	1.6
• conference not held	46	19.4	95	7.1
Sub-total	83	35.1	260	19.3
Total	237	100.0	1,346	100.0

Number of actual conferences held

While Tables 3.1 to 3.17 in Section 3 of this report relate to separate cases, Tables 3.18 and 3.19 detail the number of discrete conferences held, irrespective of the number of young offenders dealt with at each conference. In 1999, 1,312 conferences were held. As indicated in Figure 21, this is the lowest number recorded in the four years depicted. More specifically, the 1999 figure was 6.1% lower than in the previous year and 6.9% lower than in 1997.

Figure 21 Number of conferences held, 1995 to 1999



The vast majority of conferences held in 1999 (90.3%) involved a single young offender, while only one had five or more offenders present. Most of the conferences (86.7%) had at least one parent in attendance. This figure was virtually the same as that recorded in 1998 and 1997 (86.8% and 87.9% respectively) but was higher than in 1995 when 76.7% of conferences had a parent present. In 1999, 46.1% of conferences had at least one victim present which is comparable with the figures recorded in earlier years (48.5% in 1998, 46.6% in 1997 and 47.7% in 1996). As has been the situation in earlier years, relatively few conferences held in 1999 were attended by either victim supporters (19.9%) or youth supporters (28.7%).

In terms of the total number of participants, 3.0% of conferences in 1999 were attended by only one person - the young offender (excluding the Youth Justice Co-ordinator and the police representative, both of whom are statutorily required to attend each conference). Over one half (58.8%) had only two or three participants, while one in five (20.2%) had a total of five or more participants.

Youth Court

As in the 1998 *Juvenile Justice* report, two sets of tables are presented for finalised Youth Court appearances. One set (Tables 4.1 to 4.5 of Section 4) relate to all finalised appearances, including those where no charge was proved. The second set (Tables 4.6 to 4.15) provides details only on those finalised appearances where at least one charge was proved. It therefore excludes cases where there was no finding of guilt to any charge.

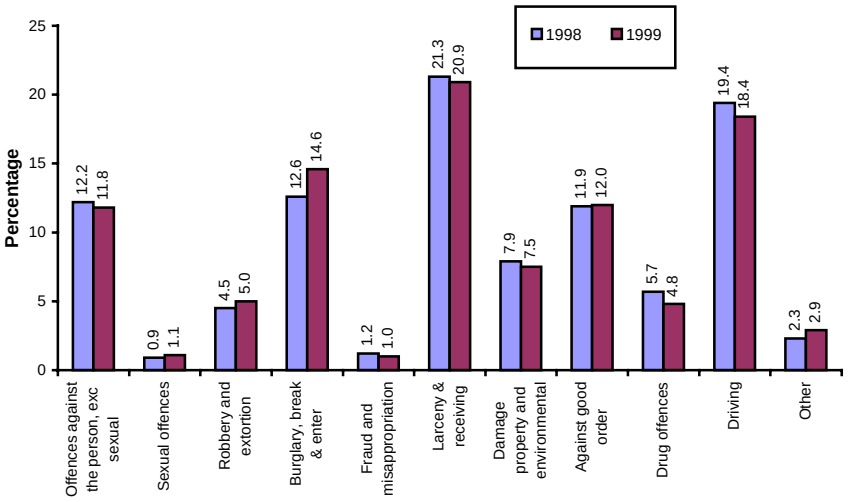
All finalised appearances before the Youth Court

In 1999, there were 2,975 cases finalised in the Youth Court in South Australia, which was 7.1% fewer than the 3,203 cases finalised in 1998 and 9.1% fewer than in 1997. Almost seven in ten of these cases (69.1%) were heard in a metropolitan Youth Court, with four in ten (40.5%) being dealt with by the Adelaide Youth Court. The other metropolitan courts at Christies Beach, Para Districts and Port Adelaide accounted for 7.9%, 8.8% and 11.9% of cases respectively. Country locations dealt with 30.9% of cases, with Port Augusta (5.4%), Whyalla (4.4%), Mount Gambier (4.3%) and Berri (3.0%) being the most prominent.

In the majority of cases (69.0%) the major charge was proved. In a further 204 appearances (6.9% of the total), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 2,975 cases finalised in the Youth Court in 1999, 2,258 (75.9%) resulted in at least one charge being proved. Of the 717 cases where neither the major charge nor another or lesser charge was proved, 10 resulted in an acquittal, while in the remainder, the charges were either withdrawn or dismissed.

Figure 22 presents a breakdown of finalised cases by the major offence charged. This shows that in 1999 *larceny and receiving* was the most prominent offence, accounting for one in five cases. This was followed by *driving offences* (18.4% of all cases), *burglary, break and enter* (14.6%), *offences against good order* (12.0%) and *offences against the person, excluding sexual offences* (11.8%). There were relatively few cases dealt with by the Youth Court which involved a *sexual offences* (1.1%) or *fraud and misappropriation* (1.0%) as the major charge. Figure 22 also illustrates that the major charge profile of cases in 1999 was similar to that observed in 1998.

Figure 22 Cases finalised in the Youth Court by major offence alleged, 1998 and 1999

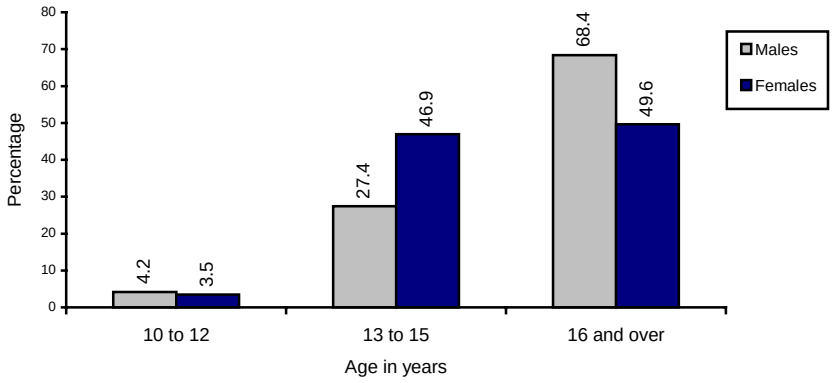


Within the broad grouping of *offences against the person, excluding sexual offences*, *other assault* was the most prominent, accounting for 7.6% of all finalised cases. *Serious assault* accounted for only 2.6%. There were five *homicide* cases, three of which resulted in a conviction, and two were dismissed or withdrawn. Of the 149 robbery cases finalised in 1999, only 31 involved *armed robbery*.

As was the situation for family conferences, a coding problem with the offence category of *larceny and receiving* meant that it was not possible to distinguish between *larceny from shops* and *larceny-miscellaneous*. However, the combined category constituted the major charge in 10.0% of cases, followed by *larceny, illegal use of a vehicle* (6.0%). A breakdown of the category of *offences against good order* reveals that the most prominent was *hinder/resist police* (featuring in 4.6% of cases). Of the driving offences, *dangerous, reckless or negligent driving* was the most prominent, accounting for 12.7% of all cases finalised in the Youth Court, while *drink driving* offences constituted 3.6% of cases.

Of the 2,948 cases for which sex was recorded, males accounted for the great majority (83.5%), while 65.6% of the 2,954 cases where age was listed involved young people who were 16 years and over. Only 4.1% of Youth Court cases involved those in the very young age group of 12 years and under. As shown in Figure 23, females tended to be younger than their male counterparts, with one half (50.4%) aged 15 years and under compared with only 31.6% of males. Conversely, approximately two thirds of males (68.4%) were aged 16 years and over, compared with only one half (49.6%) of females.

Figure 23 Cases finalised in the Youth Court: sex by age, 1999



While there were broad similarities in the charge profiles of male and female court cases (with *larceny and receiving* offences dominant for both groups) there were also some differences. *Dangerous, reckless, or negligent driving offences* were more prominent for males than females (13.4% compared with 5.1% respectively), as was *burglary, break and enter (*15.5% compared with 10.9% respectively). In contrast, a higher proportion of female than male cases involved *other assault* (12.1% compared with 6.7% respectively), and *larceny from shops and larceny - miscellaneous* (17.0% compared with 8.7% respectively).

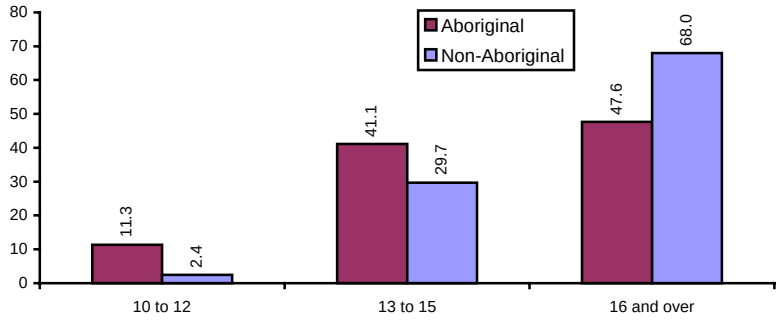
Aboriginal youths accounted for almost one in five cases (19.3%) finalised in the Youth Court where details on racial appearance were recorded[8]. Females featured more prominently in Aboriginal than non-Aboriginal cases. More specifically, young women were involved in just over one in four Aboriginal cases (26.4%) compared with only 13.4% of non-Aboriginal cases. Scaled differently, Aboriginal youths accounted for just over three in ten female cases (32.1%) where relevant information was available, compared with only 16.9% of male cases.

As shown in Figure 24, Aboriginal youth dealt with by the Youth Court in 1999 also tended to be younger than their non-Aboriginal counterparts. Where age was recorded, 11.3% of Aboriginal cases involved young people aged 12 years or under compared with only 2.4% of non-Aboriginal cases. At the other end of the scale, approximately two thirds of non-Aboriginal cases

[8] BECAUSE INFORMATION ON THE RACIAL APPEARANCE OF THOSE APPEARING BEFORE THE YOUTH COURT IS OBTAINED FROM POLICE DATA, THE NEW PROCEDURE USED BY OCS TO 'PATCH' MISSING DATA IN THE POLICE FILES (SEE APPENDIX) ALSO APPLIED HERE. BECAUSE THIS METHOD WAS NOT USED IN PREVIOUS YEARS, THE 1999 YOUTH COURT DATA RELATING TO RACIAL APPEARANCE IS NOT DIRECTLY COMPARABLE WITH THOSE CONTAINED IN EARLIER REPORTS.

involved youths aged 16 and over, compared with less than one half of the Aboriginal cases.

Figure 24 Cases finalised by the Youth Court: age by racial appearance, 1999



While the charge profiles for Aboriginal and non-Aboriginal youths were generally similar, there were several points of differences. A lower proportion of Aboriginal than non-Aboriginal cases involved a *driving offence* (2.0% compared with 17.2% respectively) while a higher proportion involved *burglary, break and enter* (23.2% of Aboriginal compared with 14.2% of non-Aboriginal cases).

Finalised appearances where at least one charge was proved

As noted earlier, in three quarters (75.9%) of the 2,975 cases finalised by the Youth Court in 1999, at least one charge was proved. However, this proportion varied slightly according to sex and racial appearance. More specifically, a higher proportion of finalised male than female cases resulted in at least one charge being proved (77.2% compared with 68.4% respectively). Similarly, a higher proportion of non-Aboriginal than Aboriginal cases dealt with in 1999 resulted in a finding of guilt to at least one charge (77.3% compared with 68.0% respectively).

Of the 2,258 cases where at least one charge was proved, a conviction was recorded in 54.3% of these. This figure is comparable to the proportion of convictions recorded in both 1998 (52.4% of all 'proven' cases) and 1997 (56.5%).

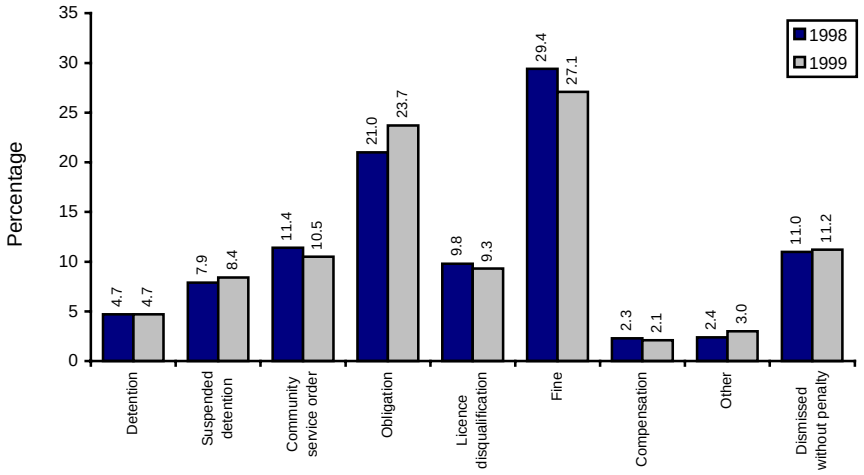
A comparison between the major offence charged (see Table 4.2 in Section 4 of this report) and the most serious offence proved (see Table 4.6) were generally

similar. In both situations, *larceny and receiving* offences were the most dominant. Similarly, the sex, age and racial appearance profiles of cases where at least one charge was proved did not differ markedly from those already described for all cases finalised. Hence, these factors will not be discussed further.

Details on the major penalty for the 2,258 cases where at least one charge was proved is outlined in Figure 25. As shown, in 1999 a fine was the most frequently imposed penalty, featuring in 27.1% of cases. In a further 23.7% of cases an obligation was recorded as the major penalty while 10.5% resulted in a community service order. In 11.2% of cases, despite a finding of guilt, the matter was dismissed without penalty. The number of detention orders imposed was relatively low, with only 4.7% of cases (105 out of 2,258) resulting in this penalty. In a further 189 cases (8.4%) a suspended detention order was imposed.

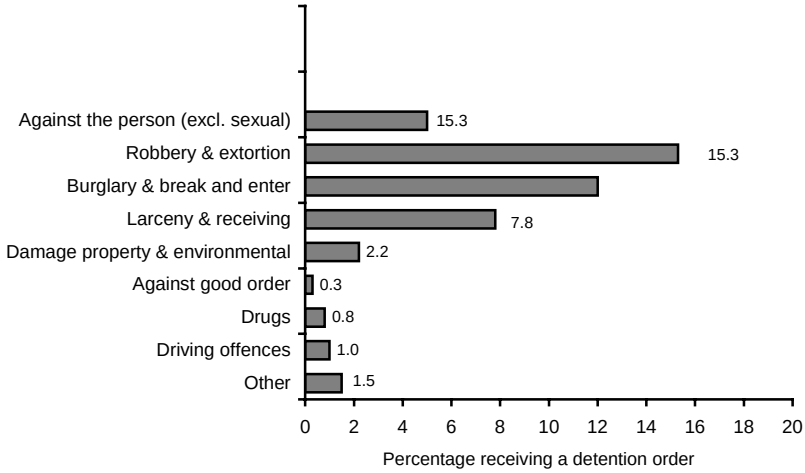
Figure 25 also shows that the major penalty profile for 1999 was generally the same as in 1998. In both years, fines and obligations were the most prominent, while relatively few cases resulted in either a detention or a suspended detention order. There were, however, some minor differences. Fines were slightly less prominent in 1999 than in either 1998 or 1997 (featuring in 27.1% of 'proven' cases compared with 29.4% in 1998 and 31.2% in 1997) while obligations accounted for a higher proportion of cases in 1999 than in 1998 or 1997 (23.7% compared with 21.0% in 1998 and 17.5% in 1997). While these differences are relatively small, they do suggest that the use of obligations is increasing, while the use of fines is decreasing.

Figure 25 Youth Court appearances where at least one charge is proved: major penalty imposed per case, 1998 and 1999



As might be expected, the likelihood of receiving a detention order varied according to the seriousness of the charge involved. As indicated in Figure 26, of the 72 *robbery and extortion* cases proved in 1999, 11 (15.3%) received a detention order. This figure was lower than in 1998, when 16 of the 67 such cases (ie almost one quarter) resulted in a custodial sentence. Detention was also imposed in 36 (12.0%) of the 300 cases involving *burglary, break and enter*. In contrast, a detention order was rarely given when the major offence proved involved an *offence against good order* (0.3% of the 321 such cases), a *driving offence* (1.0% of the 518 cases) or a *drug offence* (0.8% of the 129 cases). None of the 13 cases where a *sexual offence* was the major charge proved was sentenced to detention.

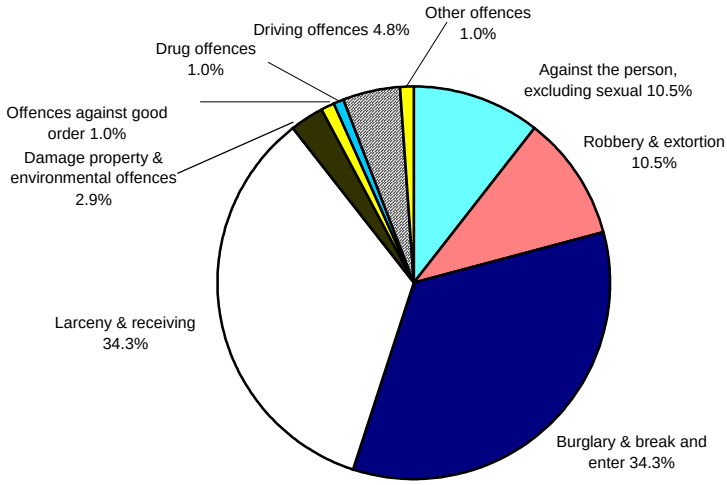
Figure 26 Youth Court appearances where at least one charge is proved: percentage of cases within each major offence category where detention was the most serious penalty, 1999



Note: *Sexual offences* and *fraud and misappropriation* have been omitted because of the very small numbers involved (n=13 and 23 respectively) make the calculation of percentages inappropriate.

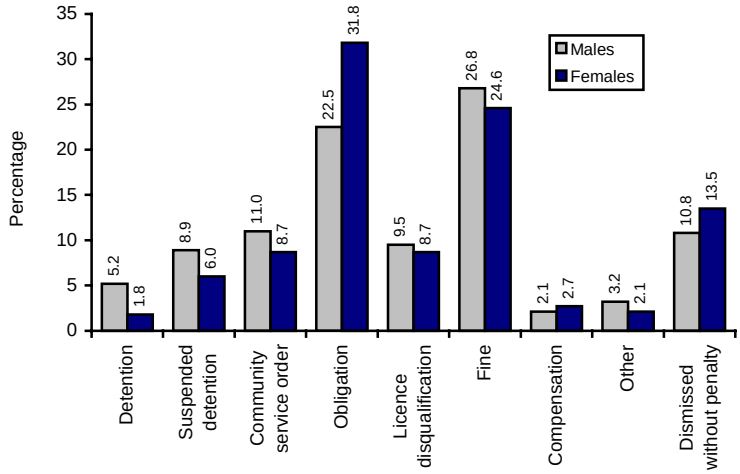
For those 105 cases that did receive a detention order, Figure 27 presents a breakdown of the major offence involved. This shows that both *larceny and receiving* and *burglary, break and enter* each accounted for 34.3% of all cases receiving a detention order, while *offences against the person, excluding sexual offences* and *robbery and extortion* each accounted for 10.5%.

Figure 27 Youth Court appearances where at least one charge is proved: major offence found proved in those cases where a detention order was imposed, 1999



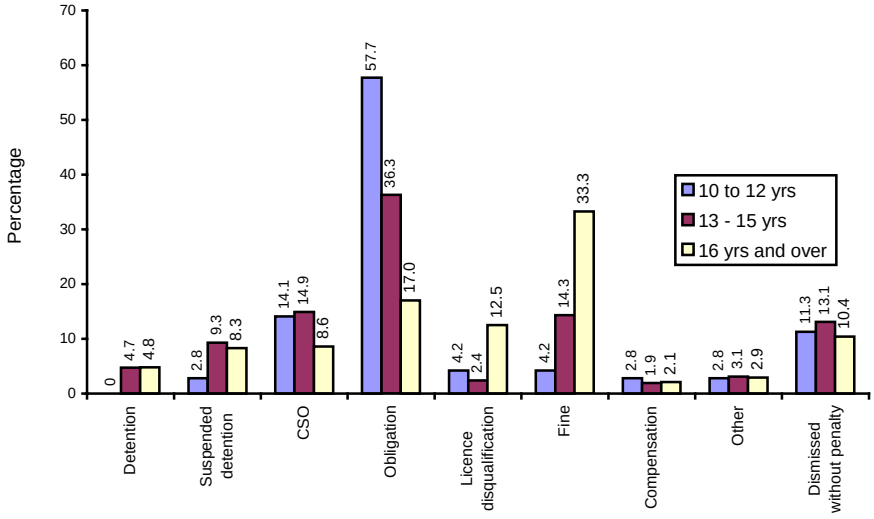
While the types of penalty imposed were broadly similar for males and females, Figure 28 there were some areas of difference. In particular, cases involving females were proportionately more likely than male cases to result in an obligation (31.8% compared with 22.5% respectively), but proportionately less likely to attract a detention or suspended detention order (7.8% compared with 14.1% respectively).

Figure 28 Youth Court appearances where at least one charge is proved: major penalty by sex, 1999



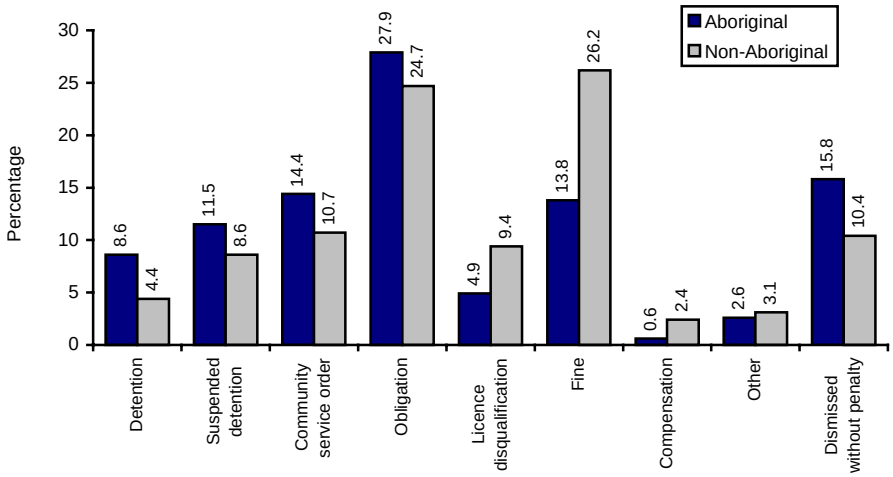
As in previous years, the type of penalty also varied somewhat according to age. In particular, as age increased, so the likelihood of receiving an obligation decreased. Conversely, as age increased, the likelihood of a fine increased (see Figure 29). To illustrate, of those cases involving 10-12 year old youths, 57.7% received an obligation while only 4.2% were fined. Corresponding figures for youths aged 16 and over were 17.0% and 33.3% respectively. As expected, detention and suspended detention orders were rarely imposed on those aged 12 years and under, while licence disqualifications were more prominent within the 16 years and over age group. The likelihood of having the matters dismissed without penalty was relatively constant across all age categories.

Figure 29 Youth Court appearances where at least one charge is proved: major penalty by age, 1999



There were also some Aboriginal/non-Aboriginal differences in the types of penalties imposed. As shown in Figure 30, proportionately fewer Aboriginal than non-Aboriginal cases resulted in a fine (13.8% compared with 26.2% respectively). In contrast, proportionately more Aboriginal matters were dismissed without penalty (15.8% compared with 10.4% respectively), while at the other end of the sentencing spectrum, proportionately more resulted in either detention and suspended detention (20.1% compared with 13.0% respectively). Overall, Aboriginal young people accounted for 29.1% of cases (30 of a total of 103 where racial identity was known) in which a detention order was imposed.

Figure 30 Youth Court appearances where at least one charge is proved: major penalty by racial identity, 1999



Of the 612 fines imposed as the major penalty, the average amount payable was $109 (the same as in 1998). The maximum was $1,500 (compared with $1,000 in the previous year). Of the 48 compensation orders listed as the major penalty, the average amount payable per case was $185, while the maximum was $837 (which was lower than the $1,002 maximum recorded in 1998). As noted earlier, at the family conference level, where compensation was agreed to, the average amount payable per case was $231 while the maximum was $2,176. However, this does not mean that family conferences require higher compensation payments than the Youth Court, because the figures are not comparable. The amount recorded for family conferences represents the total amount payable by the young person, irrespective of the number of separate compensation conditions agreed to during the one conference. For example, if a youth agreed to pay $100 to one victim and $80 to a second victim, the total amount recorded for the case would be $180. However, in deriving the Youth Court statistics, only the most serious penalty in a case is taken. Hence, in the example given above, only the largest amount - the $100 order - would be recorded.

Of the 238 community service orders listed as the major penalty at the Youth Court level, the maximum was 200 hours, while the average duration was 57 hours. This average is lower than that recorded in 1998 (63 hours) which in turn, was lower than the 1997 average (84 hours). In 1999, the maximum of 200 hours was for a case involving a *burglary, break and enter* charge.

As noted earlier, there were 105 cases where detention constituted the most serious penalty listed. The majority of the 1999 cases (n=90 out of 105 or 85.7%) involved detention in a secure care facility, while 14 (13.3%) were home detentions. One other case involved a combined order whereby the youth was required to serve a period in a training centre followed by a further

period in home detention. This order consisted of two months secure detention followed by one month on home detention.

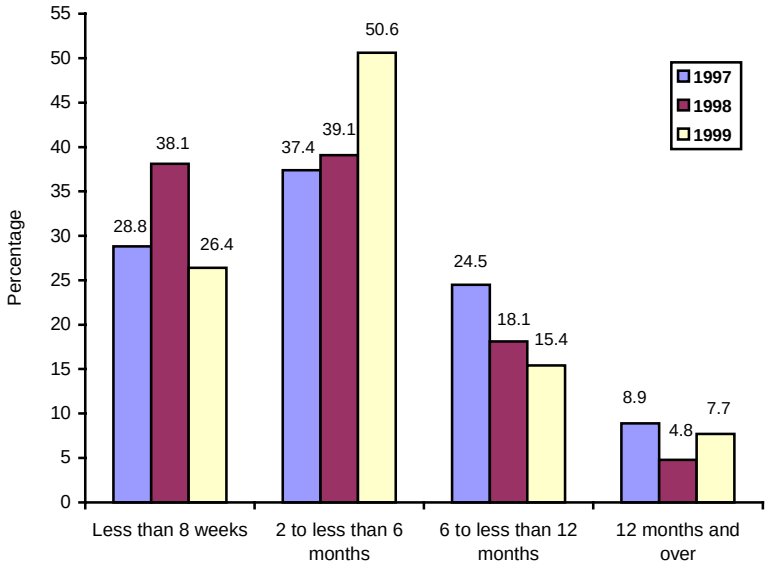
The actual number of cases resulting in a secure detention order in 1999 (n=90) was 13.5% lower than the 104 recorded in 1998 and 37.9% lower than the 145 recorded in 1997.

Of the 90 secure detention orders, the average duration was 19 weeks (compared with 15 weeks in 1998 and 20 weeks in 1999), while the maximum was 104 weeks (compared with 77 weeks in the previous year). The maxima recorded since the *Young Offenders Act* came into operation on 1 January 1994 have been consistently well below the 3 years that can be imposed under that legislation. For the 14 home detention orders imposed in 1999, the average was 15 weeks while the maximum was 26 weeks. This average was comparable with that recorded in 1998 (16 weeks) but was shorter than the 20 week average imposed in 1997.

Further details about the length of the secure detention orders imposed as the major penalty in 1999 are provided in Table 4.15 of Section 4. (Note that this table includes the 90 stand-alone secure orders as well as the secure component of the one order that combined secure care and home detention.) Prior to the introduction of the *Young Offenders Act* 1993, the minimum length of detention which could be imposed by the then Children's Court was two months, while the maximum was two years. The new legislation removed the minimum requirement, while increasing the maximum to three years. In 1999, as in previous years, the Youth Court made fairly extensive use of its ability to impose short orders. Just over one quarter (26.4%) of all secure detention orders were of less than eight week's duration, with 4.4% being less than two weeks. Of the longer detention orders recorded in 1999, the most frequently imposed duration was that of 'two to less than six months'; with this category accounting for one half of all secure care orders. A further 15.4% were for six to less than 12 months duration while there was one order of 24 months or more.

When detention order duration is compared over a three year period (see Figure 31) some trends emerge. In particular, between 1997 and 1999, the proportion of orders of less than 6 months duration increased (from 66.2% to 77.0% respectively), while the proportion of orders in the 6 to less than 12 months range decreased (from 24.5% to 15.4%). Overall then, not only has the number of secure detention orders decreased between 1997 and 1999, but so too has the length of the orders.

Figure 31 Youth Court appearances where at least one charge is proved: length of the longest secure detention order imposed per case, 1997 to 1999



It should be stressed, however, that these statistics on duration refer only to those detention orders recorded as the most serious penalty imposed in a case, rather than the total detention period which may be imposed for all charges in that case. To illustrate, if at the same hearing a youth received a twelve month order for one offence and a two month order for another offence, only the twelve month one would be counted here, even though in reality the youth received 14 months. The decision to report on the longest single order rather than the total per case is justified by the fact that detention orders are served concurrently, not cumulatively. Hence, in the above example, it is the 12 month order which would determine how long the youth would actually serve in a youth training centre.

Community service orders and mandates supervised by Family and Youth Services

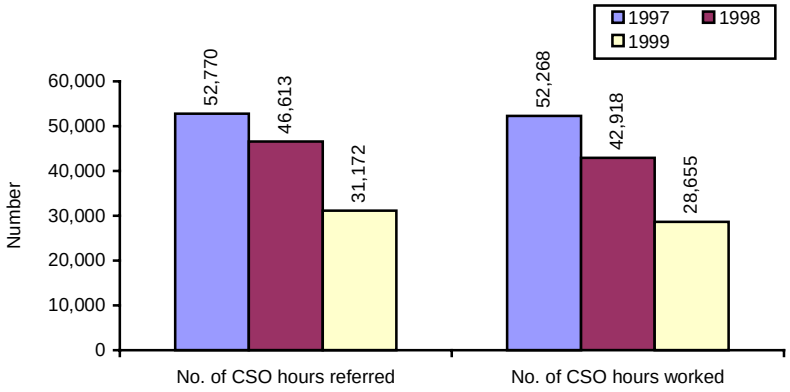
Under the *Young Offenders Act* 1993, Family and Youth Services (FAYS) are responsible for supervising community service orders imposed by the Youth Court. In 1999 there were 474[9] community service orders referred to FAYS. This was 24.2% lower than the 625 recorded in 1998 and 8.8% lower than the 520 referred in 1997.

Of the 474 orders referred in 1999, the majority (86.3%) involved males while youths aged 16 years and over accounted for 67.3% of the 450 orders for which this information was recorded. Aboriginal youths represented 18.6% of the 474 orders (compared with 20.2% of the 625 orders recorded in 1998). On the whole, Aboriginal juveniles ordered to undertake community service tended to be younger than their non-Aboriginal counterparts (with 51.2% of the Aboriginal orders applying to youths aged 15 years and under compared with 28.4% of the non-Aboriginal orders where age was recorded) and involved a higher proportion of females (30.7% compared with 9.8% respectively).

The 474 orders referred to FAYS in 1999 involved a total of 31,172 hours. As indicated in Figure 32, between 1997 and 1999 there was a steady decline in the number of hours referred, with the 1999 figure being 40.9% lower than the 52,770 hours referred two years previously. There was also a corresponding reduction in the average number of hours referred, from 101.5 hours per order in 1997 to 74.6 hours in 1998 to 65.8 in 1999.

Figure 32 Number of Community Service hours referred to FAYS and number of CSO hours worked in 1997, 1998 and 1999.

[9] THESE DATA ARE NOT COMPARABLE WITH THOSE ON COMMUNITY SERVICE ORDERS CONTAINED IN TABLE 4.10. THE FIGURE OF 474 RECORDED BY FAMILY AND YOUTH SERVICES INCLUDES *all* ORDERS REFERRED TO THEM FOR SUPERVISION, WHEREAS THE 238 LISTED IN TABLE 4.10 REPRESENTS THE NUMBER OF COURT CASES WHERE A COMMUNITY SERVICE ORDER WAS THE MOST SERIOUS PENALTY IMPOSED. THUS, IF A CASE INVOLVED SUSPENDED DETENTION AND A COMMUNITY SERVICE ORDER, THE COMMUNITY SERVICE ORDER WOULD NOT BE COUNTED IN TABLE 4.10, BECAUSE THE SUSPENDED DETENTION WOULD CONSTITUTE THE MOST SERIOUS OUTCOME FOR THAT CASE. HOWEVER, IT WOULD AT SOME STAGE BE REFERRED TO FAYS AND SO BE COUNTED IN THEIR STATISTICS.



In 1999, as in previous years, males and older youths aged 16 years and over accounted for the highest proportion of hours referred (88.3% and 74.0% respectively where sex and age were known). Aboriginal youths accounted for 17.5% of the hours referred. As was the situation in 1998, the average number of hours per order tended to be higher for males than females (67.3 hours compared with 56.2 hours respectively) and for non-Aboriginal compared with Aboriginal youths (an average of 66.6 hours compared with 62.1 hours respectively).

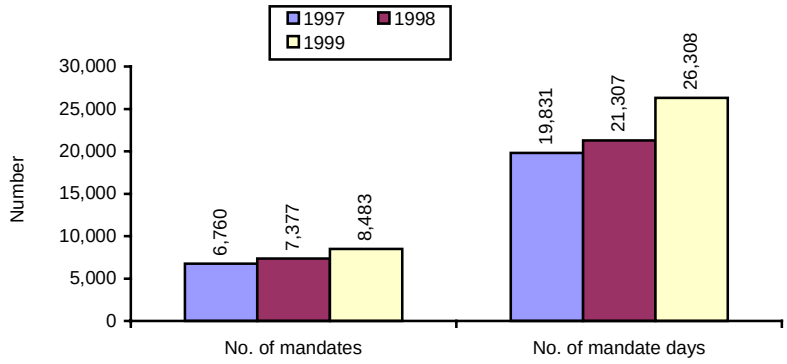
In 1999, there were 28,655 community service hours actually worked which, as again indicated in Figure 32, represents a noticeable decline (of 45.2%) since 1997. Overall, the sex patterns were similar to those recorded for 'hours referred', with males accounting for 85.5%. However, Aboriginals accounted for a slightly higher proportion of hours worked (23.3%) than hours ordered (17.5%), as did older youths aged 16 and over (80.7% of hours worked compared with 74.0% of hours ordered).

Apart from community service orders, Family and Youth Services are also required to provide work for youths who default on fines or who fail to pay the costs associated with a court hearing (such as the Criminal Injuries Compensation levy and court costs). According to the *Criminal Law (Sentencing) Act* 1988, a youth who defaults on a fine and is ordered by the court to perform community work in lieu of payment is required to complete eight hours of community work (i.e. one mandate day) for every $50.00 owed. However, if a young person makes application to perform community work in lieu of payment (under the hardship provision – section 67 – of the *Criminal Law (Sentencing) Act* 1988*)* the young person works at a rate of eight hours for every $100 owed.

During 1999, the FAYS Client Information System recorded that 8,483 mandates were issued by the court, involving a total of 26,308 mandate days. In contrast to the downward trend observed for CSOs, the number of mandates referred to FAYS increased steadily (by 25.5%) between 1997 and 1999. The same trend applied to the number of mandate days, with numbers rising from

19,831 in 1997 to 26,308 in 1999 – an overall increase of 32.7% (see Figure 32). It should be stressed that, for reasons outlined in the Appendix, these figures under-count the total number of mandates and mandate days. Yet despite this undercounting, the number of mandates recorded far exceeds the number of community service orders imposed. The same applies to the number of hours involved. Given that one mandate day equates to eight hours of work, then 210,464 mandate hours were issued in 1999 compared with only 31,172 community service hours referred.

Figure 33 Number of mandates and mandate days referred to FAYS; 1997 to 1999



Again, males and older youths dominated. Males accounted for 81.6% of mandates issued and 80.1% of the associated mandate days, while youths aged 16 years and over constituted for 82.2% of mandates and 89.6% of mandate days. Aboriginal youths accounted for 16.7% of mandates and 12.1% of all mandate days.

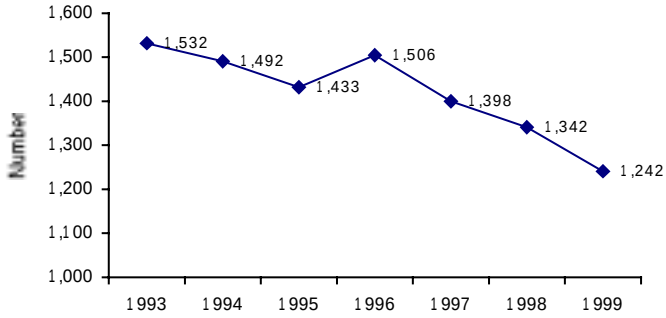
Juveniles in custody

Admissions

South Australia has two training centres in which young people are incarcerated, either as a result of a detention order, police custody, court ordered remand or warrant. These centres are administered by Family and Youth Services, which is part of the Department of Human Services.

In 1999 there were 1,242 admissions into custody, which was 7.5% lower than the 1,342 admissions in 1998 and 11.2% lower than the 1,398 admissions recorded in 1997. As shown in Figure 34, with the exception of 1996, the number of custodial admissions has decreased steadily since 1993, with the 1999 figure the lowest recorded in that period. It was, in fact, 18.9% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.

Figure 34 Number of admissions into secure care, 1993 to 1999

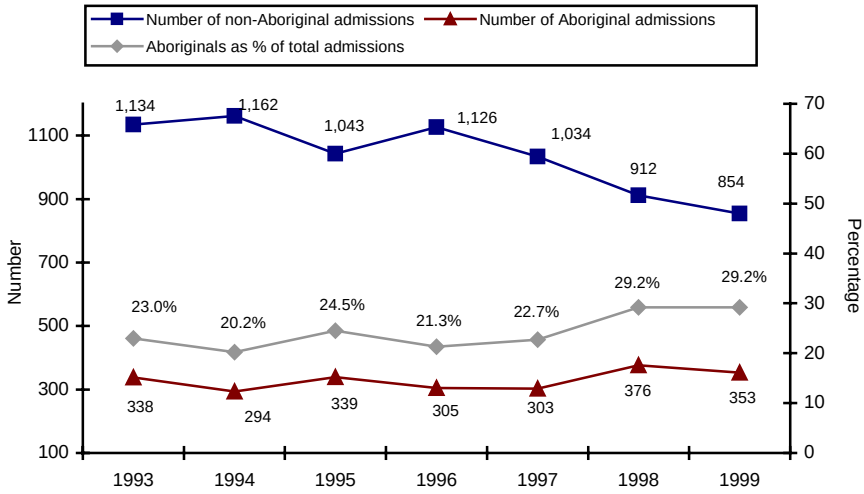


Males accounted for the great majority of admissions (78.1%), although this figure was lower than in 1998, when 84.6% of admissions were male. As in previous years, over half of the young people for whom age was recorded were 16 years or over (58.1%). However, there were 44 admissions into custody that involved persons aged 12 years or under. A comparison of the age profiles for male and female admissions reveals that females tended to be younger than their male counterparts. Almost two thirds (63.2%) of female admissions where age was recorded involved youths aged 15 years or younger, compared with just over one third (35.9%) of male admissions.

As shown in Figure 35, in terms of absolute numbers, Aboriginal admissions in 1999 (n=353) were slightly down on the previous year but were still higher than for any year in the 1993 to 1997 period. The number of non-Aboriginal admissions continued the downward trend of the preceding years, with the

1999 figure of 854 the lowest recorded during the seven years depicted. In 1999, as in 1998, Aboriginal youths comprised approximately three in ten admissions (29.2%) into secure care where information on racial identity was recorded. This is higher than at any time in the five years prior to 1998.

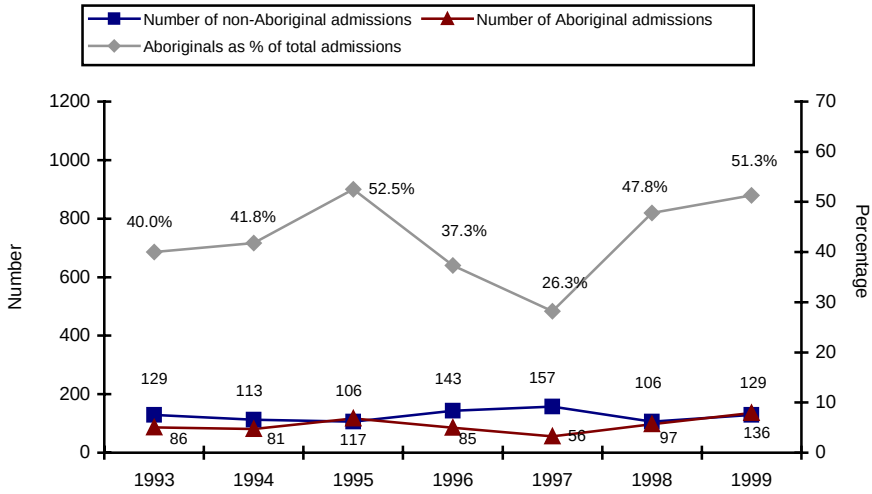
Figure 35 Number of admissions into secure care by racial identity, 1993 to 1999



For those cases where relevant information was recorded, just over one in two females (51.3%) admitted into secure care were Aboriginal compared with 23.0% of male admissions. As shown in Figure 36, the proportion of females identified as Aboriginal fluctuated considerably during the 1993 to 1999 period, ranging from a high of 52.5% in 1995 and 51.3% in 1999 to a low of 26.3% in 1997.

In terms of absolute numbers, admissions of Aboriginal females increased in 1999 (by 40.2%, from 97 in 1998 to 136). Non-Aboriginal female admissions also increased but at a more moderate pace (by 21.7%, from 106 to 129). In contrast, the number of Aboriginal male admissions decreased (by 22.2%) as did the number of non-Aboriginal male admissions (by 10.0%).

Figure 36 Number of female admissions into secure care by racial identity, 1993 to 1999



There were some age variations between Aboriginal and non-Aboriginal youths admitted to secure care in 1999, with a higher proportion of Aboriginal admissions involving younger individuals aged 15 and under (48.9% compared with 38.3% of non-Aboriginal admissions.)

Of the 1,201 cases for which information on employment status was recorded in 1999, approximately six in ten (62.2%) involved youths who were unemployed (i.e. they were no longer attending school but did not have a job). A further 31.7% were attending school while only 6.1% were listed as employed. These figures are generally comparable with those recorded in 1998. As would be expected, employment status varied according to age, with over eight in ten of those aged 10–12 being recorded as attending school, compared with 52.1% of those aged 13-15 and 15.8% of those aged 16 and over.

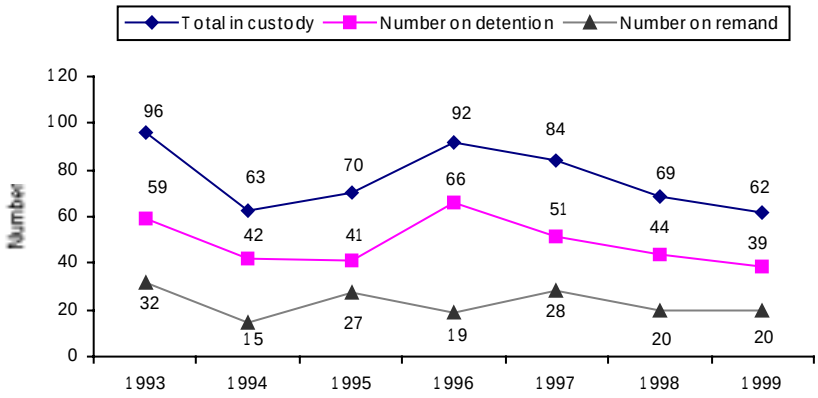
Census figures

Because of the way in which admissions are recorded, they provide little insight into the actual number of individuals in custody at any given time or the reasons for their presence in secure care. An alternative way of recording information is to focus on occupancy figures for a single day.

Tables 5.3 to 5.5 in Section 5 detail the number of juveniles in custody on 30 June 1999 according to the most serious authority under which each youth was being held. On that date, 62 juveniles spent at least part of the 24 hour period in a training centre. This figure is 10.1% lower than the 69 youths in custody

on 30 June 1998 and, as Figure 37 shows, is the lowest recorded during the seven year period depicted.

Figure 37 Young people in custody on 30th June by custodial status, 1993 to 1999



Thirty nine (62.9%) of the 62 young people incarcerated on 30 June 1999 were serving a detention order while 20 were on remand. As indicated in Figure 37, the number of youths on detention has decreased steadily since 1996, with the most recent figure being 40.9% lower than three years earlier. In fact, the number on detention on 30 June 1999 was the lowest census figure recorded during the seven years depicted. In contrast, remand numbers showed no clear upward or downward trend over this period. The number on remand on 30 June 1999 was the same as that recorded one year earlier, but figures have varied from 15 (on 30 June 1994) to 32 (on 30 June 1993).

As in previous years, only a small proportion of young people in the training centres on 30 June 1999 were being held on orders other than detention or remand. There were none on police custody, 1.6% on a first instance warrant and 3.2% were being held under warrant for having defaulted on a fine.

Of the 62 in custody on 30 June 1999, only six were female. Of these, three were on detention, one was serving a warrant in default, and two were on remand.

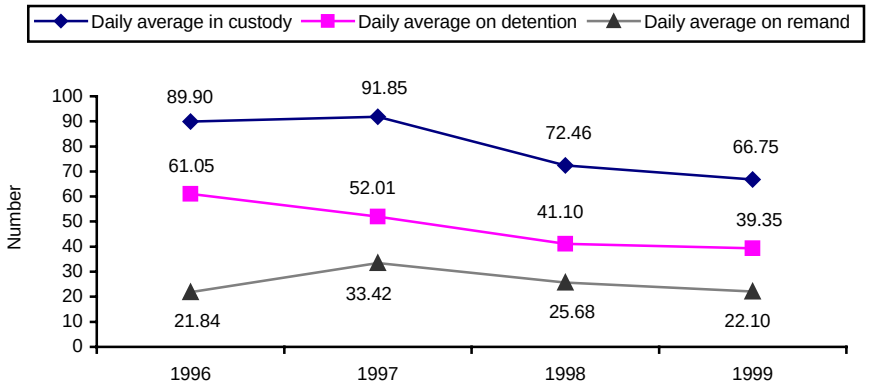
Of the young people present in the training centres on 30 June 1999, one in three (n=18 or 29.0%) were Aboriginal. This group accounted for one quarter of all males in secure care on that date (14 out of 56) but they represented the majority of females (four out of six).

Of the 18 Aboriginals in custody on 30 June 1999, 14 were serving a detention order, while the remaining four were on remand.

Average daily occupancy

Data relating to a single day's occupancy at the training centres (as presented above) have some limitations because numbers can fluctuate markedly from one day to the next. An alternative is to consider daily occupancies averaged out over a twelve month period. Tables 5.6 and 5.7 in Section 5 of this report detail the average daily occupancy for 1999 according to the most serious authority under which each youth was being held. These tables show that, on average, 66.75 young people were held in custody per day during 1999. As shown in Figure 38, this is 7.9% lower than the daily average recorded in 1998 (72.46) and 27.3% lower than in 1997 (n=91.85). It is, in fact, the lowest daily average recorded during the four years depicted.

Figure 38 Average daily occupancy by custodial status, 1996 to 1999

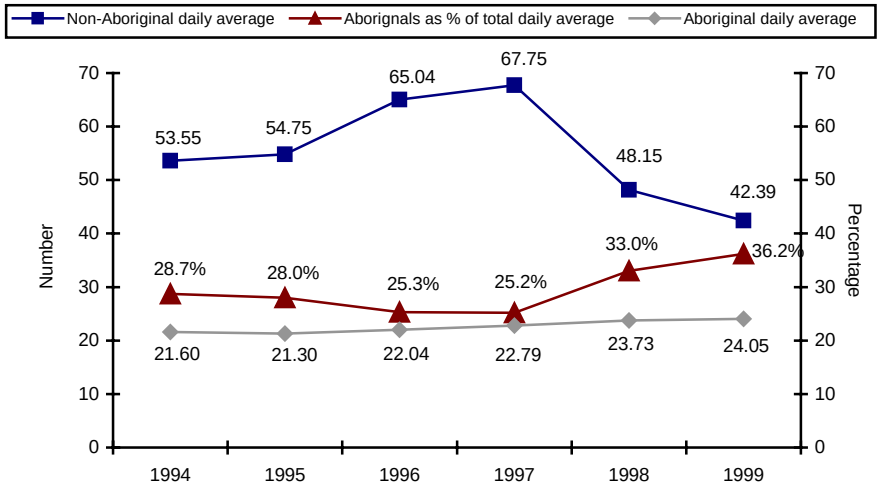


In the earlier discussion on Youth Court penalties, it was noted that in 1999, fewer cases finalised by the Youth Court resulted in a detention order than in 1998 (105 compared with 119 respectively). Although the average duration per order was higher in 1999 than in the previous year (19 weeks compared with 15 weeks), the overall effect, as Figure 38 shows, has been a continuing drop in the overall daily average number held on detention orders. On average on any given day in 1999, there were 39.35 youths serving a detention order. This was 4.3% lower than the average of 41.10 recorded in 1998 and 35.5% lower than the 61.05 average recorded in 1996. The remand daily average was also lower than that recorded in either 1998 or 1997, but was marginally higher than that recorded in 1996.

A comparison of daily averages for males and females reveals that males again dominated, accounting for 90.3% of average daily occupancy numbers in 1999. Of those for whom age was known, 70.2% were 16 years or over while only 0.9% were 12 years or less.

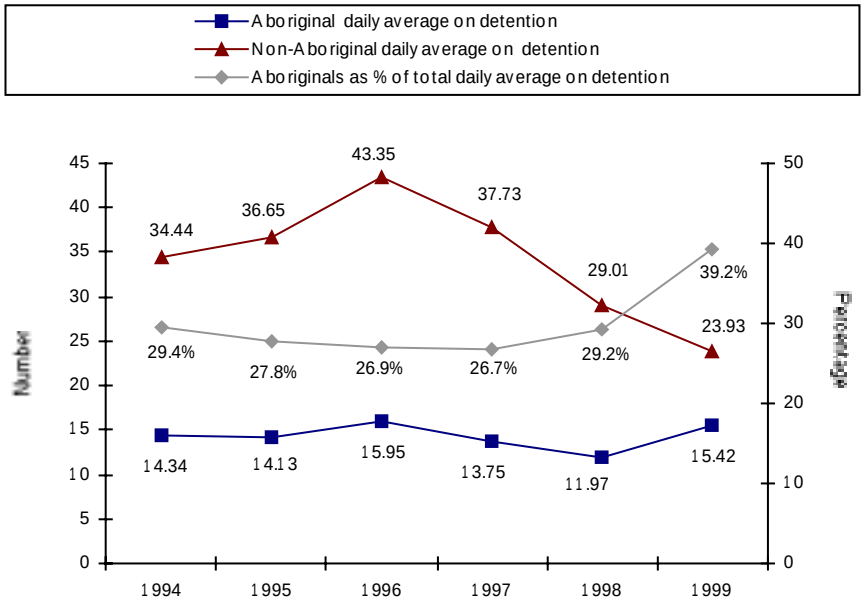
Figure 39 shows that Aboriginal daily occupancy numbers have increased slowly but steadily since 1995, with the 24.05 recorded in 1999 being 12.9% higher than the lowest Aboriginal daily average of 21.30 recorded in 1995. In contrast, the non-Aboriginal daily average recorded its second year of decrease, with the 1999 figure of 42.39 being 37.4% lower than the high point (of 67.75) recorded in 1997. As a result of these opposite trends, in 1999 Aboriginals constituted a higher proportion of average daily occupancies than at any stage during the previous five years.

Figure 39 Average daily occupancy by racial identity, 1994 to 1999



As shown in Figure 40, in terms of absolute numbers, the daily average for Aboriginal youths on a detention order in 1999 increased by 28.8% from 11.97 to 15.42. This marks the first increase since 1996, with the most recent figure now only marginally lower than the peak recorded three years previously. In contrast, non-Aboriginal daily occupancy numbers decreased in 1999 (by 17.5%), thereby continuing the downward shift since 1996. As a result of these different trends, in 1999 Aboriginal youth represented 39.2% of the daily average on detention - the highest proportion recorded during the six years depicted.

Figure 40 Average daily occupancy of youths on detention orders by racial identity, 1994 to 1999



The situation for remand is shown in Figure 40. Between 1996 and 1998 there was a marked increase in average daily remand numbers for Aboriginal youth but this upward trend was reversed in 1999 when numbers decreased from 10.18 to 7.14. Despite this decline, daily average remand numbers for this group were still higher than in the 1994 to 1996 period. In contrast, non-Aboriginal remand numbers declined in 1999, augmenting the substantial decline recorded in 1998. In 1999 Aboriginal youths constituted 32.6% of the average daily remand population which is the lower than in 1998, but higher than in the 1994 to 1997 period.

Figure 41 Average daily occupancy of youths on remand by racial identity, 1994 to 1999