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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 2000 to 31 December 2000 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 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 2001

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

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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 Youth and Community 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 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 Community Programs Unit Managers. However, the Youth Court does have some gate-keeping powers. It can, for example, overturn any court referral decision made by a Community Programs Unit Manager 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 juvenile justice statistics for the year 2000

Police statistics

Police apprehensions

- During 2000 there were 8,992 police apprehension reports involving young people, which was similar to the 8,753 reports in 1999 but 11.1% lower than the peak of 10,118 recorded in 1995.

- The majority of juvenile apprehensions in 2000 involved males (82.3%) and youths aged 16 and over (52.9%).

- Aboriginal youths accounted for 16.2% of those apprehension reports where this information was recorded. A higher proportion of Aboriginal than non-Aboriginal apprehensions involved relatively young individuals (with over six in ten Aboriginal youth aged 15 years and under compared with less than half of non-Aboriginals.)

- *Larceny and receiving* constituted the major allegation in 30.8% of all apprehensions, with the most prominent being *larceny from shops* (10.6%) and *larceny/illegal use of vehicle* (motor vehicle and other) (7.1%). O*ffences against good order* accounted for 17.3% of all apprehensions while *burglary, break and enter* accounted for a further 11.8%. This offending profile was similar to that recorded in previous years.

- Of the 8,992 juvenile apprehensions in 2000, 32.8% were brought about by way of an arrest rather than a report. The figure was higher for those apprehensions involving Aboriginal youths, with 52.7% being arrest-based.

- For those 7,963 apprehension reports where the type of action taken was recorded, 35.9% resulted in a referral to a formal police caution, while 43.8% were directed to the Youth Court. A further 18.4% were referred to a family conference while 1.9% 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. Over six in ten Aboriginal apprehensions (65.3%) were directed to court compared with just over four in ten non-Aboriginal apprehensions (42.8%).

- The 8,992 apprehension reports submitted in 2000 involved 5,352 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 1.73 apprehensions in 2000 while females recorded 1.50.

Formal cautions

- *Larceny and receiving* was listed as the major allegation in one in three (33.5%) of the apprehensions referred to a formal caution in 2000, followed by *offences against good order* (24.4%) and *drug offences* (15.6%).

- In total, the 2,861 referrals to a caution in 2000 resulted in 2,832 formal cautions being administered.

- In just under one quarter of these formal cautions (24.8%), the young person was required to apologise to the victim while 14.2% involved the payment of compensation, 7.3% required the young person to perform community work, and 38.4% involved some 'other' condition.

- One half (50.1%) of the compensation payments were for $50 or less, while only 0.5% were for amounts in excess of $500. The maximum amount which a young person agreed to pay as part of a cautionary undertaking was $775.

- Almost seven in ten (68.6%) community work agreements involved 10 hours or less, while the highest was 75 hours.

Family Conferences

Case referrals finalised by the Family Conference Team

- In 2000, 1,781 case referrals were finalised by the Family Conference Team. This is 7.6% higher than the 1,655 cases finalised in 1999.

- For the majority of these referrals (89.1%), 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 (1.4%), a conference was held but no resolution was achieved.

- In a further 9.4% 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. Eight in ten (80.3%) Aboriginal referrals were resolved at a conference compared with 90.6% of non-Aboriginal referrals. The main contributor to this difference was the higher level of non-attendance recorded for Aboriginal youths (14.3% compared with 6.3% for non-Aboriginal youths.)

Cases dealt with at a family conference

- There were 1,613 cases for which a conference was actually held in 2000. The majority of these involved males (81.6%) and young people aged 15 years and under (61.8%). Aboriginal youths accounted for 13.7% of those cases for which racial identity was recorded.

- *Larceny and receiving* dominated the offence profile. It was listed as the major allegation in 35.5% of cases dealt with at a conference, followed by *burglary and break and enter* (19.0%) and *offences against the person, excluding sexual offences* (9.5%).

- Nearly six in ten cases (57.5%) involved one offence only while very few (4.7%) involved five or more allegations.

- Of the 1,430 cases dealt with in 2000 which resulted in the young person agreeing to enter into an undertaking, six in ten (60.8%) involved an apology, while seven in ten (70.0%) entailed 'other' conditions (such as agreement not to associate with certain peers, participate in counselling sessions etc). A further 32.4% of undertakings involved community work (which was higher than the 29.3% recorded in 1999) 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 406 cases that resulted in a compensation agreement, just over one half (56.9%) were for amounts of $100 or less. The average amount agreed to was $173 while the maximum was $2,580.

- The average number of hours of community work agreed to was 26 (compared with 28 in the previous year), while the maximum was 300 (compared with 150 in 1999).

- Of the 1,430 conference cases finalised in 2000 by way of an undertaking, information on undertaking compliance was available for 1,265 (88.5%). In 85.9% of these cases all undertakings were listed as having been complied with, while 11.9% were referred back to police for non-compliance and 2.1% 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 (17.6% compared with 10.9% respectively). However, the level of non-compliance by Aboriginal youths has decreased over the past three years, from 26.7% in 1997 to 17.6%.

- 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 1,781 conference referrals recorded in 2000, by the end of the survey period 72.9% were positively finalised, with all undertakings having been complied with. In a further 9.3% 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, 17.8% of referrals were not resolved, either because the conference had not gone ahead (8.0%) or, if held, had not reached agreement (1.4%) or the resultant undertaking had not been subsequently complied with (8.4%).

- The level of positive finalisation was lower for Aboriginal than non-Aboriginal referrals (65.3% compared with 73.9% 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 2000, 1,416 discrete conferences were held, which was 7.9% higher than in the previous year.

- The vast majority of these conferences (90.2%) involved one young offender only, while at the other end of the scale, only two conferences dealt with five or more young offenders.

- Four in ten (40.8%) had at least one victim present.

Youth Court

Cases finalised

- The Youth Court finalised 2,678 cases in 2000, which was 10.0% fewer than the 2,975 finalised in 1990.

- Males accounted for 82.6% of the finalised court cases for which sex was recorded, while 64.2% of juveniles for whom age was listed were 16 years and over. Aboriginal youths comprised 21.2% 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 24.4% of all cases.

- In the majority of cases (69.3%) the major charge was proved. In a further 197 appearances (7.4%), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 2,678 cases finalised in 2000, 76.7% resulted in at least one charge being proved.

- Obligations were listed as the major penalty in 25.8% of the cases where at least one charge was proved. Fines accounted for 20.7% of cases and community service orders for 12.3%.

- The number of 'proved' cases resulting in a detention order was relatively low (5.3%) while a further 7.9% 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, 31.1% of proven *robbery and extortion* cases resulted in detention, while at the other end, only 0.6% of cases involving a proven *offence against good order* had this outcome.

- Of the 424 fines imposed as the major penalty, the average amount payable was $111 while the maximum was $1,000. Of the 253 community service orders listed as the major penalty, the average duration was 46 hours while the maximum was 200.

- Of the 109 cases where detention constituted the most serious penalty imposed, the majority (85.3%) involved detention in a secure care facility while 14 (12.8%) were home detentions. Only two of the 109 cases involved a combined secure care/home detention order.

- Of the secure detention orders, the average duration was 19 weeks (the same as in 1999), while the maximum was 104 weeks. For home detention orders the average was 16 weeks and the maximum 26 weeks.

- Just over one quarter (26.3%) 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 41.1% of all secure care orders. Longer orders of 'six to 12 months' accounted for 26.3% of all secure detention orders.

Community service orders supervised by Family and Youth Services

- In total, 507 community service orders were referred to FAYS by the Youth Court in 2000 for supervision, which is 7.0% higher than the 474 orders recorded in 1999 but 18.9% lower than the 625 referred in 1998.

- Of these, the majority involved males (88.3%) and youths aged 16 and over (67.3% of those orders for which this information was recorded). Aboriginal youths accounted for 19.5% of the total.

- The 507 orders involved a total of 30,075 hours of work, which is 3.5% lower than the 31,172 recorded in 1999. However, this is a relatively small drop compared with the marked decline evident in the two preceding years (with the 1999 figure being 40.9% lower than the 52,770 hours referred two years previously).

- In 2000, there were 25,165 community service hours actually worked, representing a drop of 12.2% on the figure for 1999.

- In contrast to preceding years, no information was available on the number of mandates serviced by FAYS.

Juveniles in custody

Admissions

- In 2000, there were 1,201 admissions to the State's two youth training centres. This figure was 3.3% lower than the 1,242 admissions recorded in 1999 and 21.6% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.

- The majority of admissions involved males (80.1%) and juveniles aged 16 years or over (51.6%). There were 59 admissions involving young persons aged 12 years or under.

- Aboriginal youths comprised nearly three in ten admissions (27.9%) where racial identity was known, approximately the same proportion as in the two preceding years. However, this figure was higher than during the 1993 to 1997 period. Four in ten (41.5%) of all females admitted into

secure care in 2000 were Aboriginal, compared with approximately one quarter (24.6%) of male admissions.

Census figures

- There were 67 young people who spent at least some time in secure care on the 30 June 2000. This figure is 8.1% higher than the 62 recorded as being present one year earlier, on 30 June 1999. However, the 2000 figure is the third lowest recorded since the *Young Offenders Act* came into operation in January 1994.

- Thirty two (47.8%) of those youths in custody on 30 June 2000 were serving a detention order while 31 (46.3%) were on remand.

- Only ten were female, while nearly one in three (20 or 31.3%) were Aboriginal.

Average daily occupancy

- On average, 65.90 youths were held in custody per day during 2000 compared with 66.75 in 1999, 72.46 in 1998 and 91.85 in 1997.

- In 2000, on average there were 33.80 youths serving a detention order. This figure was lower than any of those recorded in the three previous years (39.95 in 1999, 41.10 in 1998 and 52.01 in 1997). However, the remand daily average of 28.25 was higher than in the two preceding years (22.10 in 1999 and 25.68 in 1998).

- Aboriginal daily occupancy numbers in 2000 were the lowest in the period since 1994, with the 19.05 recorded in 2000 being 20.8% lower than the peak of 24.05 recorded in 1999. In contrast, the non-Aboriginal daily average of 45.99 was higher than the figure for 1999. However, this 2000 non-Aboriginal figure was still lower than any recorded in the period 1994 – 1998.

- As a result of these opposite trends, in 2000 Aboriginals accounted for 29.3% of the average daily occupancy compared with 36.2% in 1999.

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 subsequent years 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 2000 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 2000. 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 2000 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 2000 statistics presented here are the same as those included in the 1999, 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 2000, 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 4.18 detail the number of community service orders[1] 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

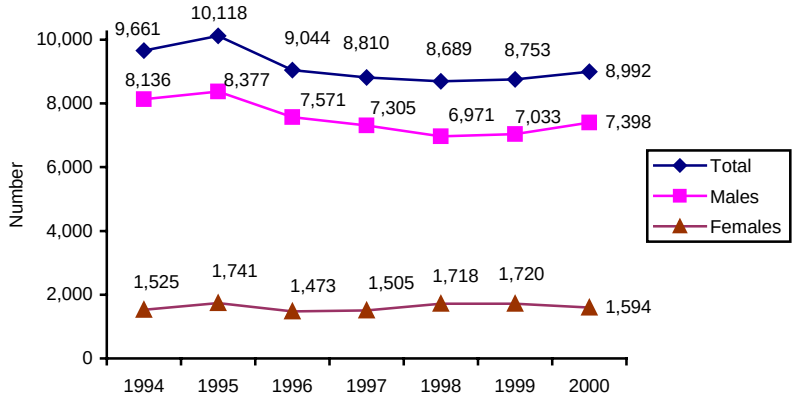
In 2000, young people accounted for 8,992 apprehension reports lodged by police. This is virtually the same as the 8,753 apprehension reports filed in 1999, but is 11.1% lower than the peak of 10,118 recorded in 1995.

As shown in Figure 1, the number of male apprehensions was slightly higher in 2000 than in 1999 (with the 2000 figure being 5.2% higher than in 1999). However, this increase came after a period of general decline in male apprehensions, and the 2000 figure of 7,398 was substantially lower than the peak of 8,377 in 1995. In contrast to the increase for males, female apprehensions showed a decrease of 7.3% (from 1,720 in 1999 to 1,594). This was a change from the trend evident in the two previous years when female

[1] In previous years, the Crime and Justice Report has provided information on mandates serviced by the Family and Youth Services Division. However, in July 2000 the legislation relating to penalty enforcement (*Criminal Law (Sentencing) Act 1988*) was amended. New computer systems needed to be developed to handle the associated changes in criminal justice processing. Unfortunately, this has meant that the required extract of data relating to fines enforcement was not available in time for this report. However, it is anticipated that the Crime and Justice Report covering the 2001 calendar year will provide information relating to young people undertaking community service to work off unpaid fines.

apprehensions increased. These contrasting changes for female and male apprehensions mean that females accounted for a slightly lower proportion of all reports in 2000 than in 1999 (17.7% compared with 19.7% respectively).

Figure 1 Number of police apprehension reports involving juveniles, 1994 to 2000



As in previous years, only a small proportion (7.2%) of apprehensions in 2000 involved youths aged 10-12 years while approximately one half (52.9%) were aged 16 and over. Youths aged 13-15 years accounted for the remaining 39.9%[2]. There were some age differences between males and females dealt with by police in 2000. Overall, a higher proportion of females than males were grouped in the middle age range of 13-15 years (49.7% compared with 37.8% respectively) while proportionately fewer were aged 16 and over (45.2% compared with 54.6% respectively).

Information on racial appearance was available for 8,238 (91.6%) of the 8,992 apprehensions[3]. Persons identified by police as Aboriginal in appearance accounted for 16.2% 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 25.0% of all apprehensions involving young women compared with 14.3% of all apprehensions involving young men.

[2] Three apprehensions where age was not recorded have been omitted from these calculations.
[3] As for 1999, the number of apprehensions where racial appearance was 'known' was higher than in previous years due to using other sources to 'patch' missing values (see Appendix for a detailed description). Because this method was not used in earlier reports, the 1999 and 2000 data are not directly comparable with those of previous years.

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 15.4% of Aboriginal apprehensions compared with only 5.1% of non-Aboriginal matters. Conversely, approximately one third (37.8%) of Aboriginal cases involved young people aged 16 years and over compared with over half (55.7%) of non-Aboriginal apprehensions.

Figure 2 Police apprehension reports: racial appearance by age, 2000

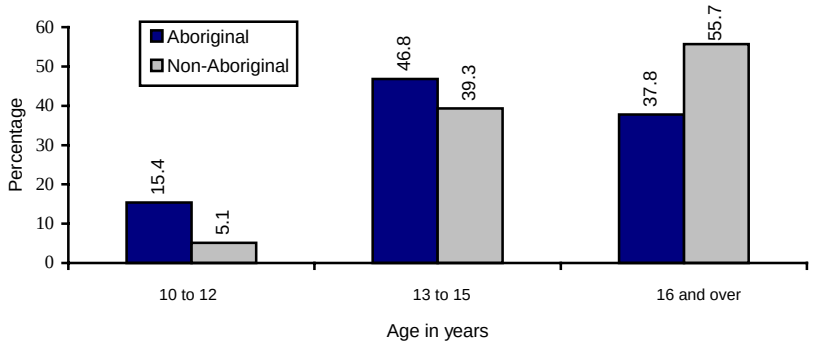
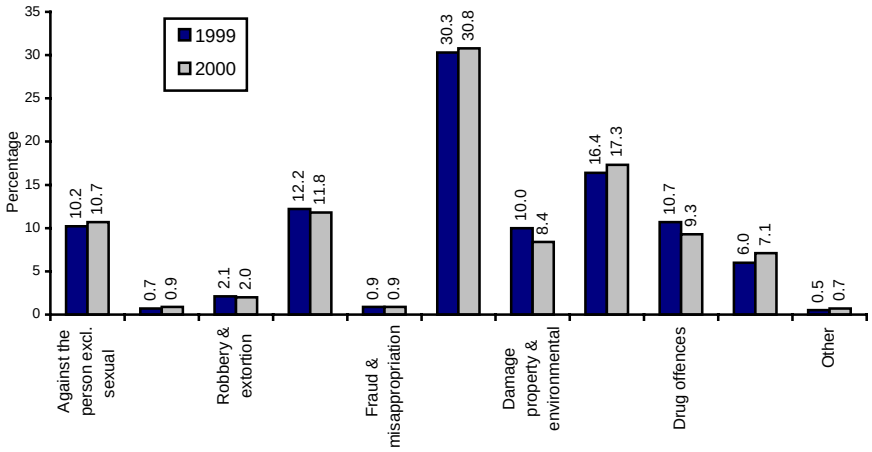


Figure 3 presents a breakdown of police apprehensions by the major offence alleged. This shows that in 2000 *larceny and receiving* constituted the major allegation in three in ten apprehensions (30.8%) while *good order offences* accounted for 17.3%. These were followed by *burglary, break and enter* [4](11.8%), *offences against the person, excluding sexual offences* (10.7%), *drug offences* (9.3%) and *damage property and environmental offences* (8.4%). There were relatively few apprehension reports in which *robbery and extortion* (2.0%), *fraud and misappropriation* (0.9%) and *sexual offences* (0.9%) were listed as the most serious offence alleged.

Figure 3 also indicates that the major offences for which youths were apprehended in 2000 were very similar to those recorded in the previous year.

[4] Readers should note that *the Criminal Law Consolidation (Serious Criminal Trespass) Amendment Act* which came into effect on 25th December, 1999 replaced *break and enter offences* with *criminal trespass offences*. Persons apprehended in 2000 would be changed with *break and enter* if the offences had been committed prior to 25 December 1999, or with *serious criminal trespass* if the offences had been committed after 25 December 1999. For simplicity, the term *burglary/break and enter* has been used throughout this report. For more details see the Appendix.

Figure 3 Police apprehension reports: major offence alleged, 1999 and 2000



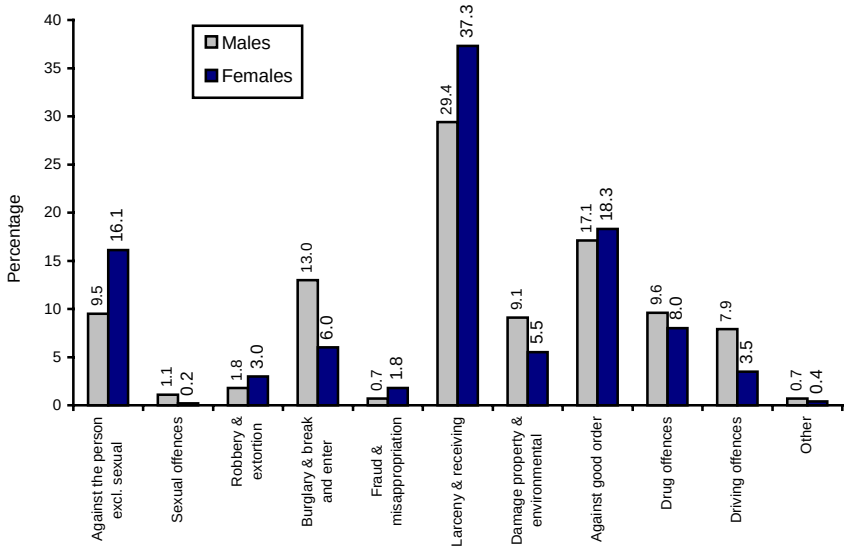
To provide a more detailed insight into the type of offences for which young people were apprehended in 2000, some of the broad offence categories outlined above have been broken down into sub-categories (see Table 2.2 and, for even greater detail, Tables 2.10 to 2.20 in Section 2 of this report).

Of the larceny-related offences, the most prominent ones included *larceny from shops* (10.6% of all apprehensions) and *larceny or illegal use of a vehicle* (7.1%). For those apprehensions involving a *drug offence*, the main one was that of *possess, use cannabis* (5.2% of all apprehensions). *Common assault*[5] accounted for the majority of *offences against the person, excluding sexual offences* (7.0% of all apprehensions) while *assault occasioning actual or grievous bodily harm* was the major offence in only 1.6% of apprehensions. There were only four 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 (135 out of 183) were unarmed, rather than armed, robberies.

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.

[5] Including common assault of a family member

Figure 4 Police apprehension reports: sex by major offence alleged, 2000



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 over one fifth (22.4%) of all female apprehensions compared with only 8.1% for males. *Offences against the person, excluding sexual offences* were also more prominent for females than males (16.1% compared with 9.5% respectively). Conversely, a lower proportion of female than male apprehension reports listed *burglary, break and enter offences* (6.0% compared with 13.0% respectively) and *driving offences* (3.5% compared with 7.9% respectively).

Overall, the patterns of recorded offending by Aboriginal and non-Aboriginal young people were similar. For both groups, *larceny and receiving* was the most dominant offence (approximately 30% of all apprehensions.) Nevertheless, some differences were apparent. *Good order offences* were more prominent for Aboriginal than non-Aboriginal apprehensions (21.3% compared with 16.5% respectively), as were *burglary, break and enter* offences (17.3% compared with 11.2% respectively). In contrast, a lower proportion of Aboriginal than non-Aboriginal apprehensions involved drug offences (3.7% compared with 10.3% respectively) and driving offences (1.4% compared with 7.1% respectively).

Method of apprehension

In 2000, in 32.8% 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 (31.8% in 1999, 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 (33.0% and 31.9% respectively). For both males and females, the likelihood of being arrested rather than reported was slightly higher than in 1999.

As might be expected, older youths were proportionately more likely to be arrested than younger ones (with 35.1% of cases involving young people aged 16 years and over being arrest-based compared with only 17.1% of those involving youths aged 10-12 years). However, it was Aboriginal youths who were the most likely to be arrested. In 2000, as was the case in the previous two years, one in two Aboriginal apprehensions (52.7%) were arrest-based compared with one in three non-Aboriginal apprehensions (32.5%). Stated differently, Aboriginals accounted for 23.8% of all arrest-based apprehensions but only 11.9% of report-based apprehensions.

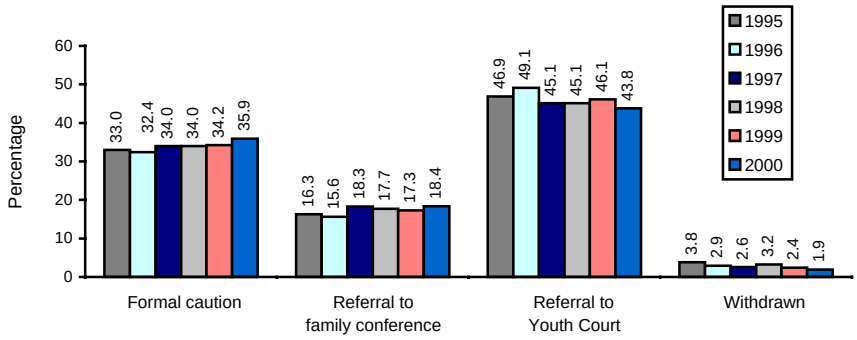
Type of action taken

The type of action taken following the formal apprehension of a young person was not recorded in 11.4% of cases – a higher proportion than the 7.4% recorded last year. Of those 7,963 apprehensions where this information was available, 35.9% resulted in a referral to a formal caution with a further 18.4% being diverted to a family conference. Youth Court referrals accounted for 43.8%, while police withdrew 1.9% of the allegations[6].

As indicated in Figure 5, the distribution of cases across the main referral categories in 2000 was much the same as in each of the four preceding years, with referrals to the Youth Court remaining the most frequently used option. This was despite the fact that during the year 2000 the South Australian Police Department implemented quite substantial changes to its organisational structure for processing young people. For more information on these changes refer to the Appendix.

[6] 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'.

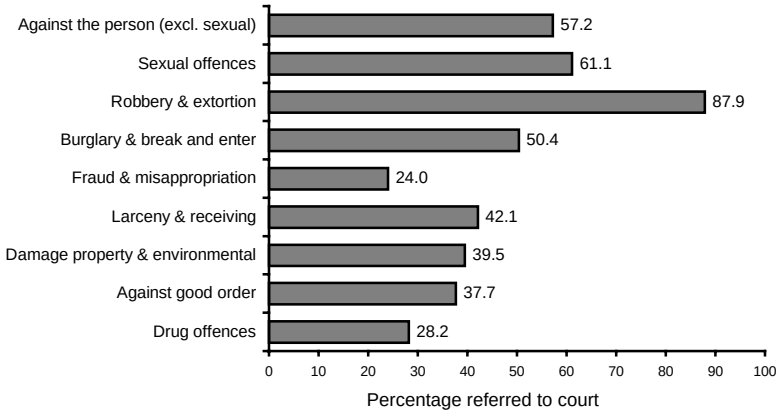
Figure 5 Police apprehensions: type of action taken, 1995 to 2000



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, nearly nine 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 (28.2%) were directed to court.

Figure 6 Police apprehensions: major offence alleged by proportion referred to Youth Court, 2000

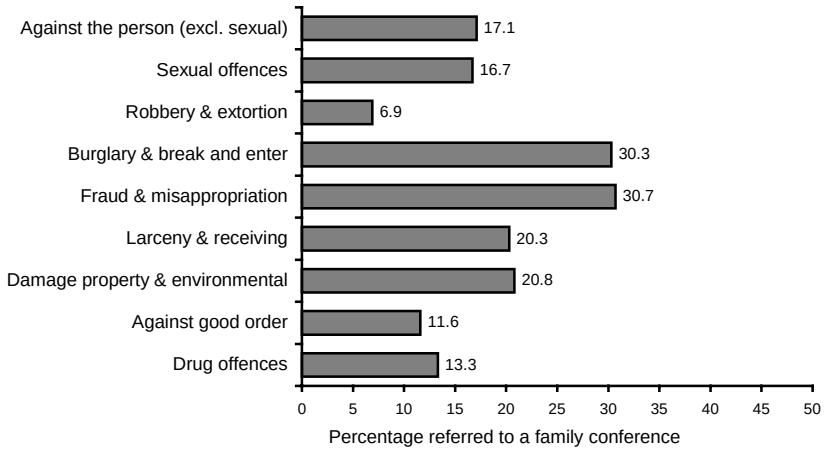


In calculating these percentages, apprehensions where the type of action taken was not recorded have been excluded. Driving offences have been excluded because they generally by-pass the normal screening process and proceed straight to court.

Just as the likelihood of a court referral varied depending on the nature of the charge involved, so did the probability of a referral to a family conference. As

Figure 7 shows, of those apprehensions where the major allegation was *burglary, break and enter* or *fraud and misappropriation* one in three (30.3% and 30.7% respectively) were referred to a family conference. In contrast, only 6.9% of *robbery and extortion offences,* 11.6% of *good order offences* and 13.3% of *drug offences* resulted in a family conference referral. Of those *offences against the person (excluding sexual offences)* that were referred for a family conference, nearly two-thirds (95 out of 155) involved *common assault*.

Figure 7 Police apprehensions: major offence alleged by proportion referred to a family conference, 2000



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 9.7% of these allegations dropped). This figure is approximately the same as that recorded in 1999, but is considerably lower than that recorded in 1998 (when 20.8% of apprehensions involving a *sexual offence* were withdrawn). However, care should be taken when interpreting these findings because of the very small numbers involved. In 2000, for example, only 7 of the 72 sexual offences were withdrawn compared with 20 of the 96 cases in 1998 where referral details were available.

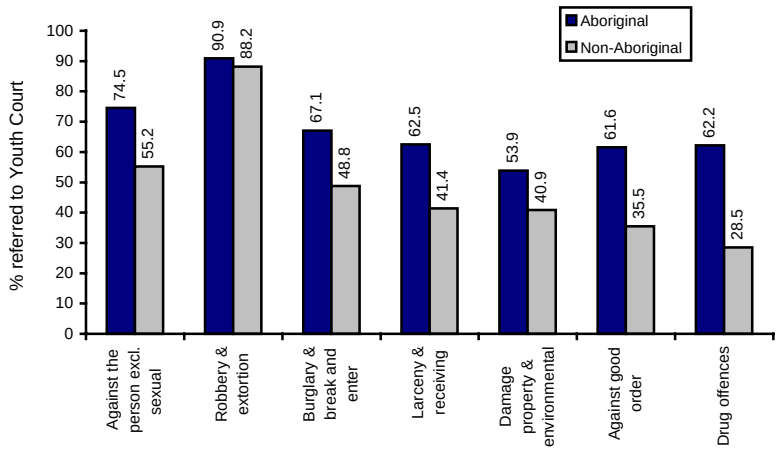
The referral patterns were similar for both males and females, with 44.5% and 40.6% respectively referred to the Youth Court and approximately one third (35.3% and 38.8% respectively) diverted to a police caution.

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, over six in ten (65.3%) Aboriginal apprehensions were ultimately referred to court compared with just over four in ten (42.8%) non-Aboriginal matters. Conversely, only 17.6% of Aboriginal apprehensions received a formal caution compared with just over one third (36.1%) 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 (15.0% compared with 19.4% respectively).

Stated differently, for those cases where racial appearance and type of referral were recorded, Aboriginal young people accounted for 8.8% of all formal caution referrals, 13.4% of all family conference referrals and 23.3% of all court referrals. Given that Aboriginal youth accounted for 16.2% 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.

These racial differences in type of action taken were evident across the great majority of offences. For example, as shown in Figure 8, for *offences against the person (excluding sexual offences)* nearly three-quarters of Aboriginal apprehensions (74.5%) were referred to court compared with 55.2% of non-Aboriginal cases. Similar differences were apparent for *larceny and receiving* (62.5% compared with 41.4% respectively) and *offences against good order* (61.6% compared with 35.5% respectively). The difference was most pronounced for *drug offences* with over six in ten Aboriginal apprehensions referred to court compared with less than three in ten non-Aboriginal cases (62.2% compared with 28.5% respectively). For only one offence group, *robbery and extortion*, were approximately the same proportions of Aboriginal and non-Aboriginal apprehensions referred to court (90.9% and 88.2% respectively).

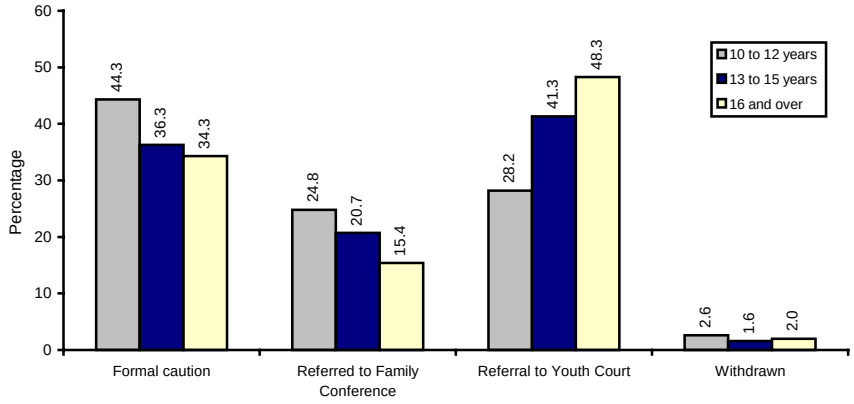
Figure 8 Police apprehensions by racial appearance: major offence alleged by proportion referred to court, 2000



Sexual offences, fraud and misappropriation, driving 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.

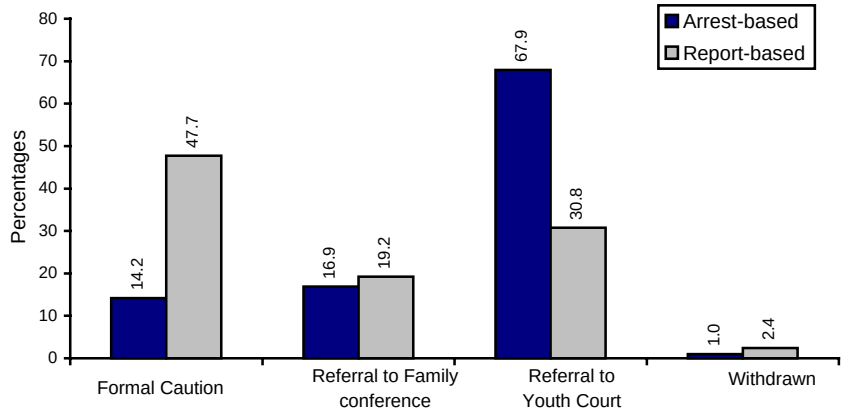
The type of action taken also varied according to the young person's age (see Figure 9). Generally, the younger the person, the greater the likelihood that (s)he would be referred for a formal caution or a family conference and the less likelihood that (s)he would be directed to the Youth Court. Over two-thirds (69.2%) of apprehensions involving young people aged 10 to 12 years were diverted compared with 49.7% of those aged 16 and over. Conversely, less than three in ten of those in the youngest age group were directed to court, compared with just under half in the oldest age group.

Figure 9 Police apprehensions: age by type of referral, 2000



The type of action taken also co-varied with the method of apprehension (see Figure 10). Of the 2,794 arrest-based apprehensions where the type of action taken was known, nearly seven in ten were directed to court (67.9%), compared with approximately three in ten report-based apprehensions (30.8%). In contrast, only 14.2% of arrest-based apprehensions resulted in a caution compared with 47.7% of reported cases. Stated differently, over one half (54.4%) of court referrals were arrest-based, compared with 32.3% of family conference referrals and 13.9% of those cases where the young person was referred for a formal caution.

Figure 10 Police apprehensions: method of apprehension by type of referral, 2000

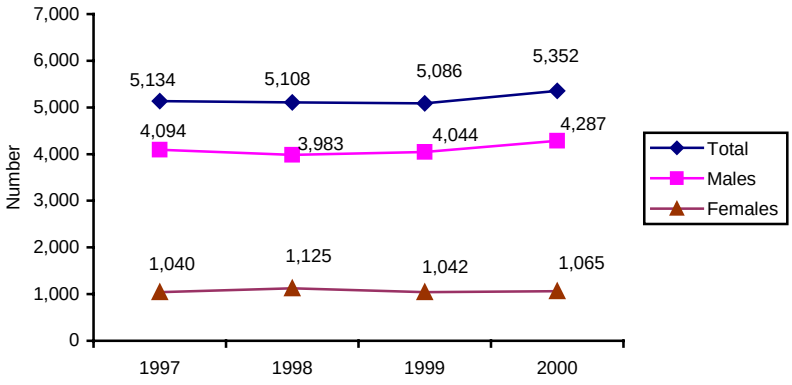


Number of discrete individuals apprehended

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 2000. In this table, youths who were apprehended on more than one occasion during the 12 month reporting period are counted only once.

As shown in Figure 11, there were 5,352 juveniles apprehended in 2000. This figure was 5.3% higher than the 5,086 recorded in 1999, and in fact, was the highest recorded in the four years depicted. The number of males apprehended was 4,287 which was the highest for the period 1997 to 2000 and was 6.0% higher than for 1999. In contrast, for females the number of discrete individuals apprehended was approximately the same as for 1999 (1,065 and 1,042 **respectively).**

Figure 11 Number of discrete individuals apprehended, 1997 to 2000



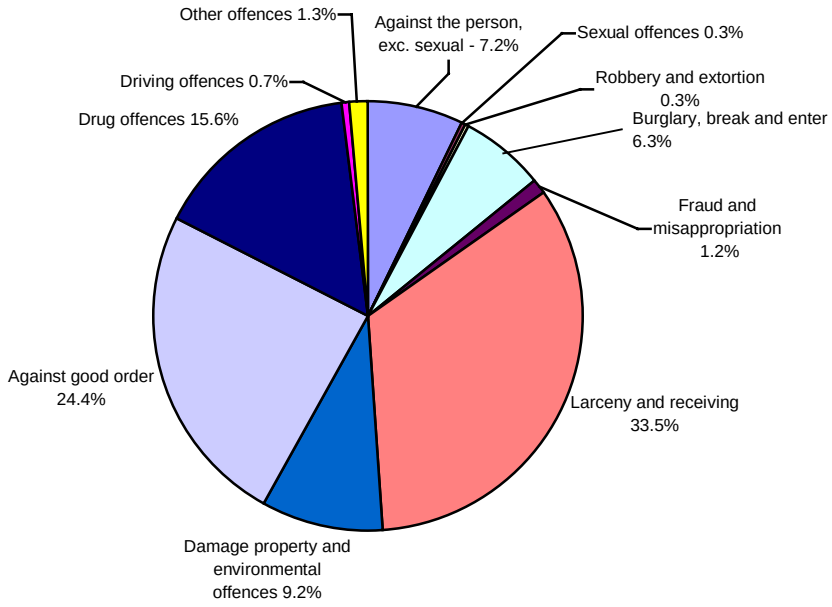
In 2000, the 8,992 apprehensions involved 5,352 individuals. This gives an average of 1.7 apprehensions per youth, which is the same as that recorded in the previous four years. As in 1999, the majority (69.7%) of young people were apprehended once only, while a very small proportion (5.1%) were apprehended on five or more occasions.

There was a small difference between males and females in the proportions experiencing more than one apprehension in the 12 month reporting period, with 76.3% of females and 68.1% of males being apprehended once only. On average, males recorded 1.73 apprehensions in 2000 while females recorded 1.50 apprehensions.

Formal police cautions

As noted earlier, 2,861 apprehensions were referred for a formal caution. As Figure 12 shows, *larceny and receiving* offences were listed as the major allegation in 33.5% of these apprehensions, followed by *offences against good order* (24.4%) and *drug offences* (15.6%). At the other end of the scale, only nine cases involving a *sexual assault* were considered appropriate for a caution (compared with four in 1999), as were nine *robbery and extortion* matters (compared with six in 1999).

Figure 12 Referrals to a formal police caution: most serious allegation listed per apprehension report, 2000

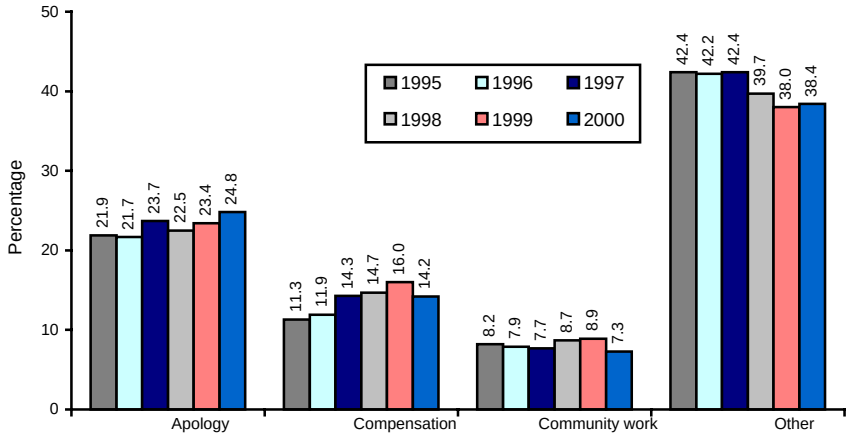


Whereas Tables 2.9 to 2.23 in Section 2 detail the number of apprehensions referred to a caution, Tables 2.25 to 2.29 focus on the actual number of formal cautions administered by police. It should be noted that in a small number of cases, the police may use the one formal caution to deal with two or more apprehension reports for the same young person. Thus, in 2000, while there were 2,861 apprehensions that were referred to a formal caution, only 2,832 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 2000, 24.8% of formal police cautions involved an apology, 14.2% resulted in the payment of compensation, 7.3% required the young person to undertake community work and 38.4% resulted in some other type of condition. As shown in Figure 13, these proportions are similar to the pattern of previous years. In each of the six years depicted, 'other' conditions have dominated, followed by apologies and then compensation and lastly, community work. However, over time there has been a decrease in the proportion involving 'other' conditions (from 42.4% in 1995 to 38.4% in 2000). In contrast, a different pattern is evident for compensation. The proportion of cautions involving compensation increased over the years 1995 to 1999 (from 11.3% in 1995 to 16.0% in 1999) but dropped back to 14.2% in 2000.

Figure 13 Formal police cautions: proportion involving apologies, compensation, community work or 'other' conditions, 1995 to 2000



While the same pattern generally applied to both males and females in 2000, apologies featured slightly more prominently in female than male cautions (listed in 29.8% of female cautions compared with 23.5% of male cautions). In contrast, proportionately fewer females than males agreed to pay compensation (9.1% compared with 15.5% 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 compensation (14.2% compared with 7.6% respectively), and 'other' conditions (40.1% compared with 27.5%). 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 (419 out of 2,832 or 14.8%).

Approximately one half (50.1%) of the compensation payments agreed to as part of a police caution in 2000 were for $50 or less, while only 0.5% involved amounts of more than $500. The maximum amount agreed to was $775. This was included as part of an undertaking for a caution where the major allegation listed was a *receiving, unlawful possession* offence. The average amount of compensation required as part of a caution was $88, a lower figure than the 1999 average of $110.

The majority of community work agreements involved a relatively small number of hours, with almost seven in ten (68.6%) being for 10 hours or less. Only approximately one in twenty (5.8%) 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 75 (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 1,781 case referrals were finalised by the Family Conference Team in 2000[7]. This figure is 7.6% higher than the 1,655 cases finalised in 1999 but slightly lower (by 1.5%) than the 1,809 finalised in 1998. Males accounted for eight in ten (79.8%) of those 1,768 referrals where information on sex was recorded, which is similar to that recorded in previous years. Information on racial appearance was available for 1,720 referrals (96.6% of the total), with Aboriginal youth accounting for 15.1% of these. This figure is similar to that recorded in previous years.

As in the previous three years, for the overwhelming majority of referrals finalised in 2000 (89.1%) a 'successful' conference was held with some form of agreement being reached.[8] In 1,430 of these 'successful' cases (i.e. 80.3% of all referrals), the young person entered into an undertaking. In a further 8.8%, a formal caution was all that participants thought was required. [9]

For a small number of referrals finalised by the Family Conference Team in 2000 (n=25 or 1.4% of total referrals) a conference was convened but no resolution was achieved. In nearly half of these (i.e. 11 of the 25) the matter remained unresolved because the young person elected to have the allegations heard in court, while in a further 14 matters (0.8% of all referrals) the youth did not admit the allegation. For 168 referrals (9.4% of the total), no conference was held. The non-appearance of the young person (4.7%) and inability to

[7] This figure includes a small number of referrals received by the Family Conference Team in 1999 but not finalised until 2000. It should also be noted that referrals received in 2000 but not finalised by the end of the year have not been included here.

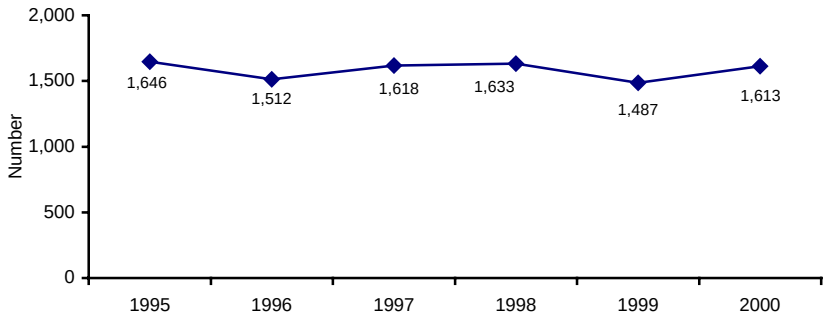
[8] It should be stressed that the term 'success', as used here, does not take account of whether undertakings entered into at the conference were subsequently complied with. Levels of compliance with undertakings and conditions agreed to during a conference are discussed in a later section.

[9] The 2000 figure for formal cautions is not directly comparable for those for previous years. This is because during 2000, conference outcomes that previously would have fallen into the category of 'no action' were recorded as 'formal cautions'. For further information, see Appendix.

locate the youth (2.9%) were the main reasons for this.[10] Again, these results are very similar to those recorded in 1999 and 1998. In each of these two preceding years, just under one in ten 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 1,781 referrals finalised by the Family Conference Team in 2000, 1,613[11] resulted in a conference being held. Longitudinal trends in the number of cases where a conference was actually held (see Figure 14) indicate an increase of 8.5% on the number of cases conferenced in 1999. The most recent figure is similar to those recorded in 1995, 1997 and 1998.

Figure 14 Cases for which a family conference was held, 1995 to 2000



In 2000 the referral outcomes recorded for males and females were broadly similar, although some minor differences were evident. In particular, although the majority of referrals for both sexes resulted in a 'successful' conference, the figure was higher for male than female referrals (90.4% compared with 83.3% respectively). Conversely, while there were relatively few referrals where a conference was not convened, the figure was higher for females than males (15.0% compared with 8.2% respectively). The proportion of female referrals which did not proceed to a conference was the same as for 1999 but higher than in 1998, when 10.7% of female referrals could not be conferenced.

As occurred in 1999, a lower proportion of Aboriginal than non-Aboriginal referrals resulted in a 'successful' conference. Of the 259 Aboriginal referrals finalised by the Family Conference Team in 2000, eight in ten (80.3%) were

[10] Due to a change in recording practices, the figure for the outcome of 'unable to locate youth' in 2000 may not be directly comparable with those for earlier years. See Appendix for further details.

[11] It should be noted that the figure of 1,613 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.

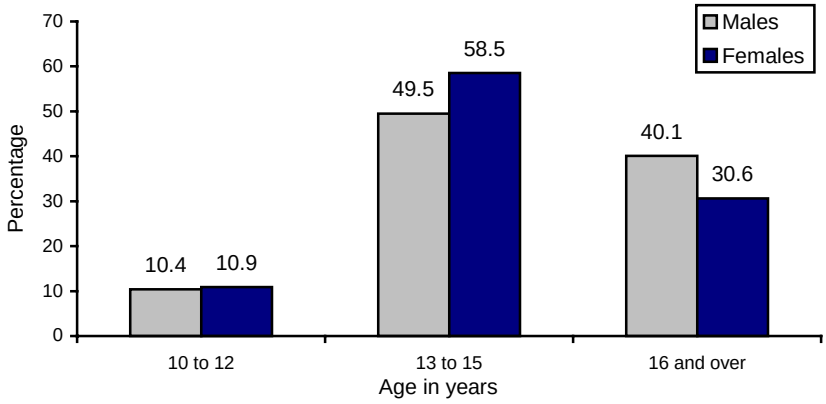
resolved at the conference compared with nine in ten non-Aboriginal referrals (90.6%). For 17.4% of Aboriginal referrals, a conference was not convened, mainly because the young person failed to attend (10.0%) or could not be located by the Family Conference Team (4.2%). In contrast, only 7.9% of non-Aboriginal cases did not proceed to a conference, including 3.7% who failed to appear. These figures mean that in 2000, for those cases where racial identity was recorded, Aboriginal young people made up 13.6% of those referrals where a conference was 'successfully' completed, but a substantial 28.0% of those referrals that did not get to a conference. The proportion of Aboriginal referrals resulting in a 'successful' conference was virtually the same as in 1999 and 1998 (79.7% in both years).

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 1,613 case referrals for which a conference was actually held. Males accounted for 81.6% of the 1,600 cases dealt with where this information was recorded (compared with 80.1% in 1999 and 78.4% in 1998). Half (51.0%) of the 1,608 matters where age was recorded involved young people aged 13 to 15 years. A further 38.2% were aged 16 and over while only a small proportion (10.8%) 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 15 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 oldest age groups.

Figure 15 Cases dealt with at a family conference: sex by age, 2000



In 2000, Aboriginal youths accounted for 13.7% of all cases dealt with by way of a conference where information on racial identity was recorded. Over one quarter of Aboriginal cases (26.2%) involved young women compared with less than one in five non-Aboriginal cases (17.3%). Stated differently, Aboriginals accounted for 19.4% of female cases dealt with at a conference, compared with 12.4% of those involving males.

There were marked age differences between Aboriginal and non-Aboriginal youth. As shown in Figure 16, 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 fifth of the Aboriginal cases. The proportion of Aboriginal cases involving very young individuals was slightly higher in 2000 than in 1999.

Figure 16 Cases dealt with at a family conference: racial identity by age, 2000

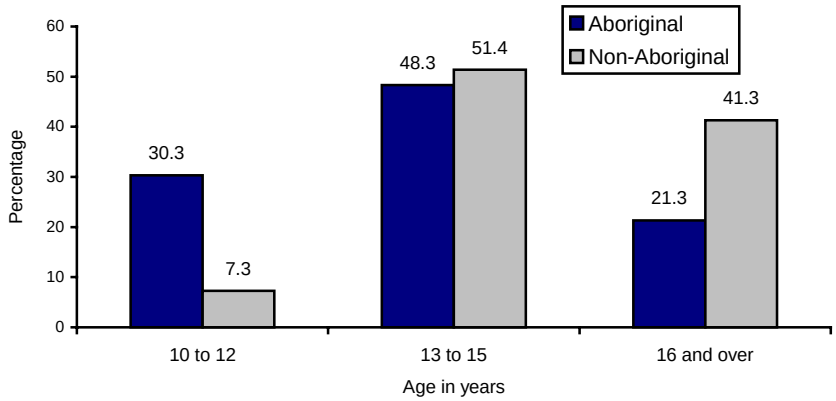
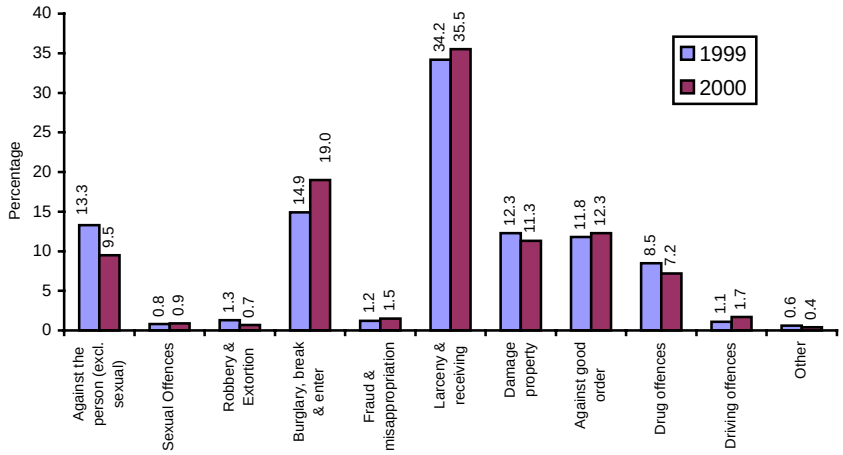


Figure 17 presents the most serious offence alleged in those cases dealt with at a family conference in 2000. As shown, *larceny and receiving* was the most prominent, accounting for 35.5% of all cases, followed by *burglary, break and enter* (19.0%), *offences against good order* (12.3%), *damage property and environmental offences* (11.3%), o*ffences against the person, excluding sexual offences* (9.5%) and *drug offences* (7.2%).

Larceny–related offence included a range of sub-categories. Due to coding problems, it was not possible in the 2000 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 18.2% of all cases dealt with at a conference, while *larceny/illegal use of a vehicle* accounted for a further 11.3% of cases. *Other assault* was the most prominent of the *offences against the person, excluding sexual offences* category, accounting for 7.3% of all cases, while *serious assault* featured in only 2.2% of cases.

Figure 17 Cases dealt with at a family conference: major offence alleged per case, 1999 and 2000



The offence profiles of males and females revealed some differences. In particular, a higher proportion of female than male cases had *other assault* listed as the major allegation (14.2% compared with 5.7% respectively). The same applied to *larceny from shops and larceny-miscellaneous* (28.8% of female cases compared with only 15.7% of male cases). However, as was the pattern in 1999, fewer female than male cases involved *burglary, break and enter* (13.2% compared with 20.4% respectively) and *drug offences* (2.7% compared with 8.3% respectively).

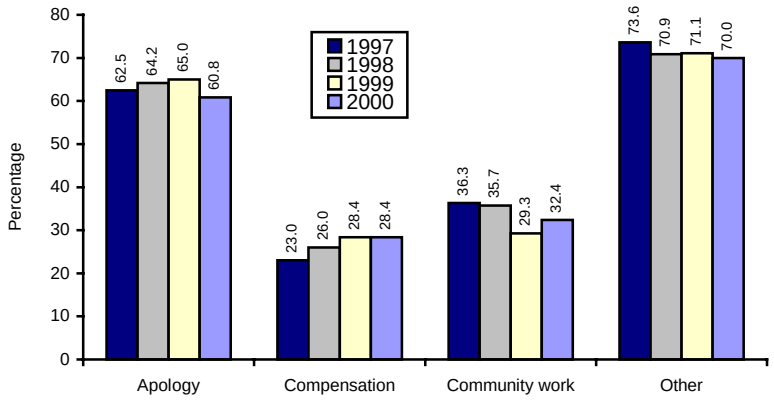
While the offence profiles of Aboriginal and non-Aboriginal cases were generally similar, some small differences were again evident. *Burglary, break and enter offences* were more prominent for Aboriginal than non-Aboriginal youth (28.5% compared with 17.6% respectively). In contrast, *drug offences* accounted for a higher proportion of non-Aboriginal than Aboriginal cases (8.3% compared with 1.9% respectively).

Nearly six in ten cases dealt with at a conference (57.5%) involved one offence only, while one in twenty (4.7%) involved five or more allegations. A higher proportion of male than female cases involved multiple allegations (44.1% compared with 35.6% respectively) as did a higher proportion of non-Aboriginal than Aboriginal cases (43.7% compared with 35.0% respectively.)

As noted earlier, in 2000 there were 1,430 cases dealt with at a family conference that resulted in the young person agreeing to enter into an undertaking. This was 6.2% more than the 1,347 cases with undertakings recorded in 1999.

The conditions associated with the undertakings are outlined in Table 3.9[12] of Section 3. As in previous years, the condition most frequently agreed to was 'other', which was included in seven out of ten cases (70.0%) 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 60.8% of cases. Community work was part of an undertaking in 32.4% of cases while compensation was agreed to in 28.4%. These results are generally comparable with those recorded in each of the years 1997 to 1999 (see Figure 18). However, it can be seen that the proportion of undertakings resulting in community work showed a slight increase in 2000, after exhibiting a decline over the period 1997 – 1999. Nevertheless, the conditions of community work and compensation are still used fairly sparingly compared with those of apologies and 'other'.

Figure 18Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition, 1997 to 2000

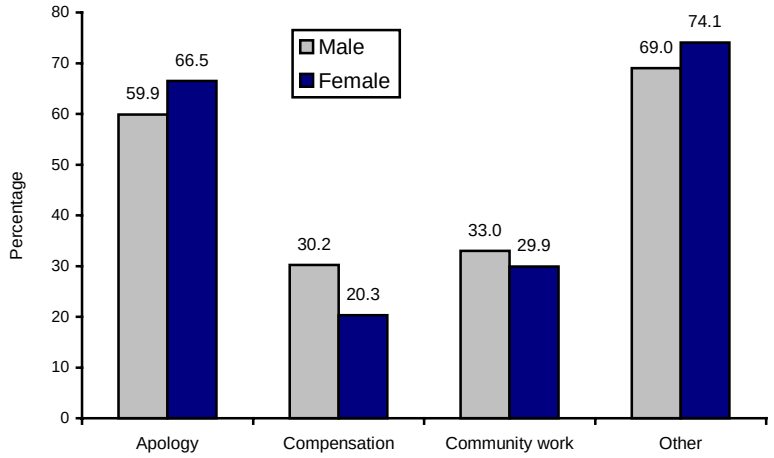


While the overall patterns were similar, some small male/female differences were apparent in the type of conditions included in undertakings. As illustrated in Figure 19, cases involving young women were more likely than those

[12] 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.

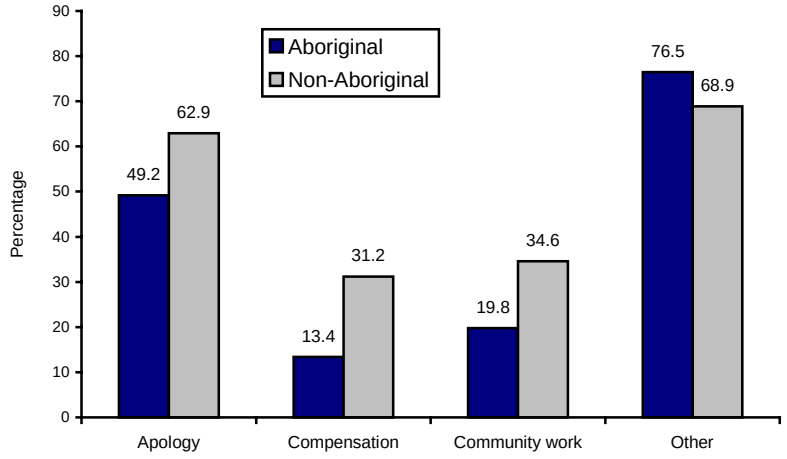
involving males to involve an apology or 'other' condition but were proportionately less likely to involve compensation or community work.

Figure 19Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition by sex, 2000



A comparison between the type of conditions associated with Aboriginal and non-Aboriginal undertakings (see Figure 20) also reveals some small differences. Aboriginal undertakings were less likely than non-Aboriginal ones to involve an apology, compensation or community work, but more likely to involve 'other' conditions. The proportion of Aboriginal undertakings involving community work was lower in 2000 than 1999 (19.8% compared with 23.9% respectively). This is a continuation of the trend evident in the period 1997 to 1999 (when proportions decreased from 37.8% in 1997 to 23.9% in 1999). However, the use of apologies, compensation and 'other' conditions remained relatively stable. For non-Aboriginals, the proportion of undertakings involving apologies decreased in 2000 (from 67.5% in 1999 to 62.9%) while those involving community work increased slightly (from 30.7% in 1999 to 34.6% in 2000).

Figure 20Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition by racial identity, 2000



Of the 406 cases where the young person agreed to pay compensation, just over one half (56.9%) involved payment of $100 or less, while only nine cases involved the payment of more than $1,000. The average amount of compensation agreed to was $173 (compared with $231 in 1999 and $197 in 1998), while the maximum was $2,580 (compared with $2,176 in 1999 and $2,499 in 1998). This amount was agreed to in a case where the major allegation was an offence in the category *larceny from shops and larceny - miscellaneous.*

The majority of community work agreements involved a relatively small number of hours, with over one half (63.3%) consisting of 20 hours or less, and a further 15.3% involving 21-30 hours. There were only nine cases where the community work agreements were for periods of more than 100 hours. The average number of community work hours was 26 (compared with 28 in 1999) while the maximum was 300 (compared with 150 in the previous year). The maximum applied to a case where the major allegation was a *damage property and environmental* offence.

Undertaking compliance

Of the 1,430 conference cases finalised by way of an undertaking in 2000, information on undertaking compliance was available for 1,265 (88.5%). This means that for the remaining 165 cases, the time allocated for completion of the undertaking had not expired by the end of May 2001, when the database was closed off for this statistical report. All but three of those 1,265 cases for which relevant information was available involved a single undertaking. Only

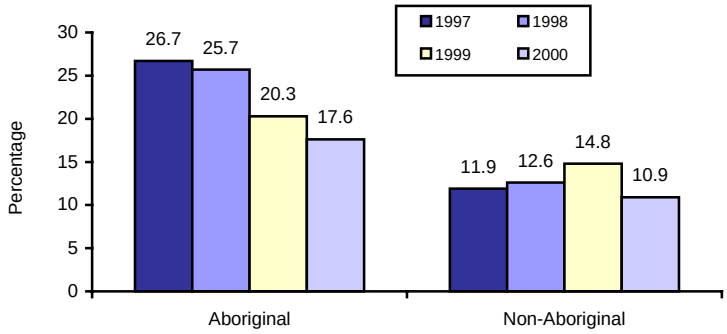
three cases had multiple undertakings. In two of these cases, all the associated undertakings were complied with. However, in the remaining case one undertaking was complied with and the other was referred back to the police.

In 1,087 (85.9%) of these 1,265 cases, by May 2001 all undertakings were listed as having been complied with, while in a further 27 cases (2.1%) a decision was made to waive the outstanding requirements. In 150 cases (11.9%), 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. (As noted above, in one additional case, one undertaking was complied with and the other not.) This pattern of compliance is slightly higher than that recorded in the past four years when compliance levels fluctuated slightly from 83.1% in 1997 to 82.0% in 1998 to 81.7% in 1999 and referrals back to police varied marginally from 14.4% in 1997 to 15.2% in 1998 to 15.5% in 1999.

In 2000, some differences were apparent between males and females in relation to the levels of compliance with undertakings. For males, 10.9% of those cases where relevant information was available were referred back to police because of non-compliance. In contrast, 16.3% of female cases resulted in a re-referral to police.

There were some differences, too, between Aboriginal and non-Aboriginal cases. Of the 187 Aboriginal and 1,194 non-Aboriginal cases which resulted in an undertaking in 2000, information on undertaking compliance status was available for 176 (94.1%) and 1,042 (87.2%) 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 (17.6% compared with 10.9% respectively.) Of note, however, is that the proportion of Aboriginal cases referred back to police has decreased over the past four years (from 26.7% in 1997 to 17.6%). In contrast, the non-compliance trend for non-Aboriginal cases has been quite different, increasing slightly in each of the years 1998 and 1999 before dropping in 2000 to its lowest level in four years. These differing trends resulted in a gap of 6.7 percentage points between the two groups in 2000 compared with gaps of 5.5 and 14.8 percentage points in 1999 and 1997 respectively.

Figure 21 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 2000



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 May 2001, compliance details had been entered for 1,265 of those 1,430 conference cases which had resulted in an undertaking. For these 1,265 cases, compliance data were recorded for 838 apologies, 342 compensation agreements, 395 community work conditions and 1,259 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 97.5% being completed by or after the due date. This was followed by 'other' conditions where the compliance level was 90.6%, compensation (87.7%) and community work (84.6%).

As noted earlier, males exhibited a higher level of undertaking compliance than females. Given this, it is not surprising that a similar pattern applied with condition compliance. Apart from apologies, males exhibited a higher level of compliance than females, with the biggest difference between the two groups being recorded for community work (86.6% for males compared with 73.4% for females). It should be noted though, that the actual numbers of compensation and community work conditions involving females were relatively small (n=44 and n= 64 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 (85.0% compared with 92.2% respectively). The number of compensation and community work conditions entered into by Aboriginal youths in 2000 was too small to permit meaningful analysis (n=23 and 36 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, 2000

Case outcome	No.	%
Cases positively finalised		
• conference held, undertaking complied with	1,087	61.1
• conference held, undertaking waived	27	1.5
• conference held, formal caution	156	8.8
• conference held, no further action	0	0
• case not proceeded with	28	1.6
Sub-total	1,298	72.9
Not yet classifiable		
• conference held, compliance data not available	165	9.3
Cases not positively finalised		
• conference held, undertaking not complied with– referred back to police	150	8.4
• conference held, no agreement reached	25	1.4
• conference not held, not resolved	142	8.0
Sub-total	317	17.8
Total*	1,780*	100.0

* This table does not include the one case where there were two undertakings, one of which was complied with while the other was referred back to the police.

As shown in Table 1, 61.1% of all cases referred to a conference in 2000 resulted in an undertaking which, by May 2001, had been completed. In a further 1.5% of cases the undertaking had been waived. In 8.8% of cases, the matters were finalised by way of a caution. In a further 1.6% of cases, a decision was made not to proceed with the case. In total then, of the 1,780[13]

13 This total does not include the one case where there were two undertakings, one of which was

cases referred, 72.9% were positively finalised. In a further 9.3% 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, 17.8% of referrals were not resolved at the conference level, either because the conference had not gone ahead (8.0%) or, if held, had not been able to reach agreement (1.4%), or the resultant undertaking had not subsequently been complied with (8.4%). The proportion of cases not resolved at the conference level was slightly lower in 2000 than in previous years (17.8% in 2000 compared with 22.0% in 1997 and 21.6% in both 1998 and 1999). However, each year a differing proportion of cases has not been classified due to the unavailability of compliance data at the time of the report. Hence, the final figures for each year may be slightly different from the ones detailed above.

The level of positive resolution achieved for Aboriginal and non-Aboriginal cases finalised in 2000 is detailed in Table 2. Overall, a lower proportion of Aboriginal cases were positively finalised (65.3% compared with 74.1% of non-Aboriginal cases) largely because proportionately fewer conference undertakings were complied with (54.4% compared with 62.1% respectively). Conversely, a higher proportion of Aboriginal than non-Aboriginal cases were not positively resolved by way of a conference (30.5% compared with 15.5% respectively.) It should also be noted that, at the time of data extraction, 10.4% of non-Aboriginal cases could not be classified because the time to complete the undertakings had not yet expired. In contrast, only 4.2% 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.

complied with while the other was referred back to the police.

Table 2 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance by racial identity, 2000

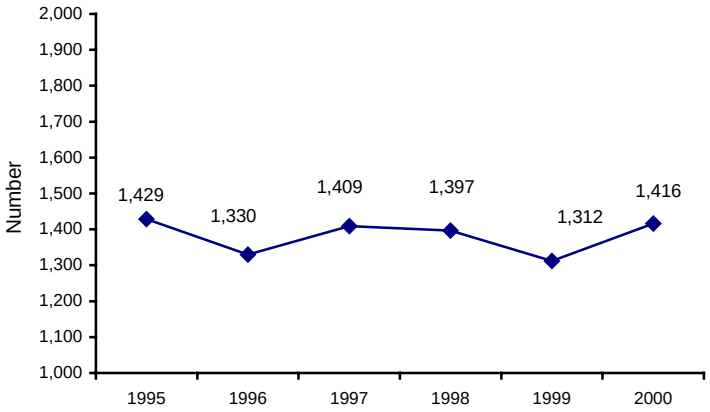
Case outcome	Aboriginal		Non-Aboriginal	
	No.	%	No.	%
Cases positively finalised				
• conference held, undertaking complied with	141	54.4	906	62.1
• conference held, undertaking waived	4	1.5	21	1.4
• conference held, formal caution	21	8.1	130	8.9
• conference held, no further action	0	0	0	0
• case not proceeded with	3	1.2	25	1.7
Sub-total	169	65.3	1,082	74.1
Not yet classifiable				
• Conference held, compliance data not available	11	4.2	152	10.4
Cases not positively finalised				
• conference held, undertaking not complied with– referred back to police	31	12.0	114	7.8
• conference held, no agreement reached	6	2.3	19	1.3
• conference not held	42	16.2	93	6.4
Sub-total	79	30.5	226	15.5
Total*	259	100.0	1,460*	100.0

* This table does not include the one case where there were two undertakings, one of which was complied with while the other was referred back to the police.

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 2000, 1,416 conferences were held. As indicated in Figure 22, this is the second highest number recorded in the six years depicted. More specifically, the 2000 figure was 7.9% higher than in the previous year when only 1,312 conferences were held and only 0.9% lower than the highest number of 1,429 recorded in 1995.

Figure 22 Number of conferences held, 1995 to 2000



The vast majority of conferences held in 2000 (90.2%) involved one young offender, while only two had five or more offenders present. Most of the conferences (86.9%) had at least one parent in attendance. This figure was virtually the same as those recorded in the three previous years but was higher than in 1995 when only 76.7% of conferences had a parent present. In 2000, 40.8% of conferences had at least one victim present which is lower than the figures recorded in earlier years (46.1% in 1999, 48.5% in 1998, 46.6% in 1997 and 47.7% in 1996). [14] As has been the situation in earlier years, relatively few conferences held in 2000 were attended by either victim supporters (17.2%) or youth supporters (31.1%). [15]

In terms of the total number of participants[16], 2.9% of conferences in 2000 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 (60.7%) had only two or three participants, while one in five (18.9%) had a total of five or more participants, with the maximum number of participants being 19.

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14 In interpreting these victim figures, it needs to be noted that some matters dealt with at conferences, such as drug offences, do not involve victims.

15 For some conferences, the victim, rather than attending the conference themselves, may choose to have some-one represent them, and these people are recorded as 'victim representatives'. Currently, the data do not allow for distinguishing between victim representatives and victim supporters. Both groups are included under the category of 'victim supporters'. However, it is hoped that it will be possible to differentiate between the two separate groups in the report covering the year 2001.

16 Currently, the total number of participants does not include participants other than the young offenders, youth supporters, parents, victims and victim supporters. However, some conferences include 'other' participants. For example, in cases where the offence occurred at a school, the school principal may attend as an 'other' party. Where arson has been involved, the Metropolitan Fire Service may be the 'other' party. It is intended that these additional participants will be included in the count of participants in next year's report.

Youth Court

As in the 1999 *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.

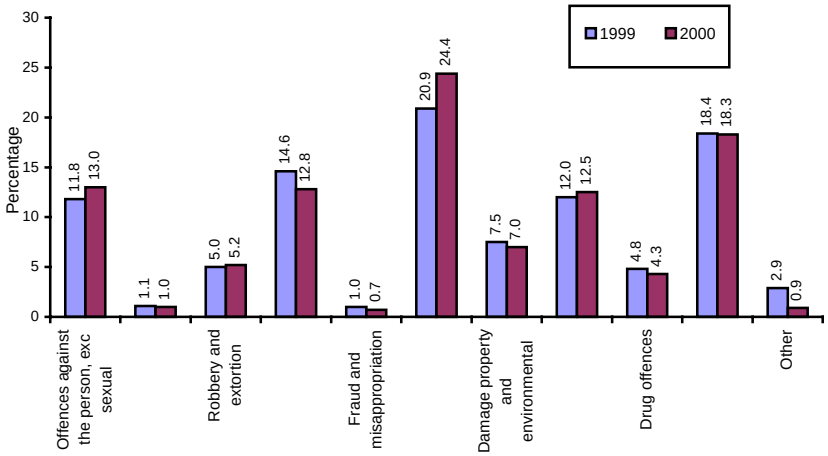
All finalised appearances before the Youth Court

In 2000, there were 2,678 cases finalised in the Youth Court in South Australia, which was 10.0% fewer than the 2,975 cases finalised in 1999 and 16.4% fewer than in 1998. Over six in ten of these cases (64.8%) were heard in a metropolitan Youth Court, with 38.7% of all cases being dealt with by the Adelaide Youth Court. The other metropolitan courts at Christies Beach, Para Districts and Port Adelaide accounted for 6.9%, 7.1% and 12.0% of cases respectively. Country locations dealt with 35.2% of cases, with Port Augusta (6.8%), Whyalla (5.1%), Mount Gambier (4.3%) and Port Pirie (3.0%) being the most prominent.

In the majority of cases (69.3%) the major charge was proved. In a further 197 appearances (7.4% 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 2,678 cases finalised in the Youth Court in 2000, 2,054 (76.7%) resulted in at least one charge being proved. Of the 624 cases where neither the major charge nor another or lesser charge was proved, nine resulted in an acquittal, while in the remainder, the charges were either withdrawn or dismissed.

Figure 23 presents a breakdown of finalised cases by the major offence charged for 2000 and 1999. This shows that in 2000 *larceny and receiving* was the most prominent offence, accounting for nearly one in four cases (24.4%). This was followed by *driving offences* (18.3% of all cases), *offences against the person, excluding sexual offences* (13.0%), *burglary, break and enter* (12.8%) and *offences against good order* (12.5%). There were relatively few cases dealt with by the Youth Court which involved a *sexual offence* (1.0%) or *fraud and misappropriation* (0.7%) as the major charge. Figure 23 also illustrates that the major charge profile of cases in 2000 was similar to that observed in 1999.

Figure 23 Cases finalised in the Youth Court by major offence alleged, 1999 and 2000



Within the broad grouping of *offences against the person, excluding sexual offences*, *other assault* was the most prominent, accounting for 8.4% of all finalised cases. *Serious assault* accounted for only 2.9%. There were seven *homicide*[17] cases, all of which were dismissed or withdrawn. Of the 139 robbery cases finalised in 2000, only 32 involved *armed robbery*.

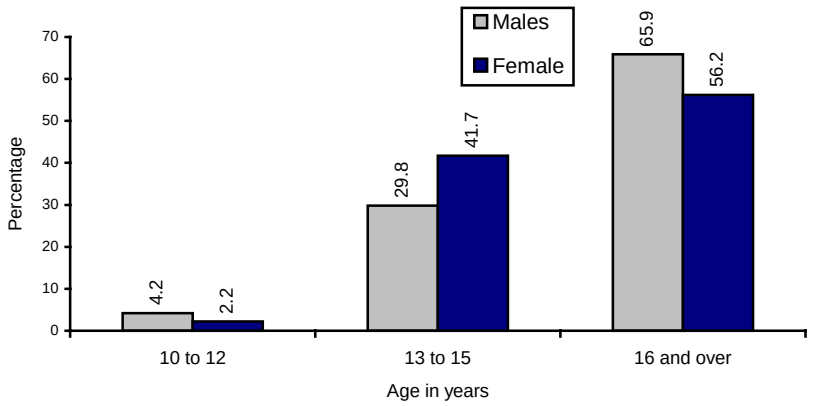
As was the situation for family conferences, a coding problem with the offence category of *larceny and receiving* meant that it was not possible to distinguish between *larceny from shops* and *larceny-miscellaneous*. However, the combined category constituted the major charge in 10.9% of cases, followed by *larceny, illegal use of a vehicle* (7.7%). A breakdown of the category of *offences against good order* reveals that the most prominent were *public order offences – miscellaneous* (4.0%) and *hinder/resist police* (featuring in 3.1% of cases). Of the driving offences, *dangerous, reckless or negligent driving* was the most prominent, accounting for 12.3% of all cases finalised in the Youth Court, while *drink driving* offences constituted 3.5% of cases.

Of the 2,672 cases for which sex was recorded, males accounted for the great majority (82.6%), while 64.2% of the 2,651 cases where age was listed involved young people who were 16 years and over. Only 3.8% of Youth Court cases involved those in the very young age group of 12 years and under. As shown in Figure 24, females tended to be younger than their male counterparts, with 43.8% aged 15 years and under compared with only 34.1%

[17] See the Appendix for a description of the offences covered by the term 'homicide' in this report. The *Young Offenders Act, 1993* uses the term 'homicide' to mean *murder* and *manslaughter* and includes special provisions for court proceedings when a young person is charged with a homicide offence (or an offence consisting of an attempt to commit, or an assault with intent to commit homicide). In such cases the Youth Court conducts a preliminary examination of the charge and may commit the young person for trial or sentence to the Supreme or District Court.

of males. Conversely, approximately two thirds of males (65.9%) were aged 16 years and over, compared with 56.2% of females.

Figure 24 Cases finalised in the Youth Court: sex by age, 2000



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 7.3% respectively), as was *burglary, break and enter (*14.2% compared with 6.2% respectively). In contrast, a higher proportion of female than male cases involved *other assault* (17.0% compared with 6.6% respectively), and *larceny from shops and larceny - miscellaneous* (13.3% compared with 10.3% respectively).

Aboriginal youths accounted for just over one in five cases (21.2%) finalised in the Youth Court where details on racial appearance were recorded. Females featured more prominently in Aboriginal than non-Aboriginal cases. More specifically, young women were involved in almost one in three Aboriginal cases (29.2%) compared with only 13.7% of non-Aboriginal cases. Stated differently, Aboriginal youths accounted for over three in ten female cases (36.4%) where relevant information was available, compared with only 18.1% of male cases.

As shown in Figure 25, Aboriginal youths dealt with by the Youth Court in 2000 also tended to be younger than their non-Aboriginal counterparts. Where age was recorded, 10.9% of Aboriginal cases involved young people aged 12 years or under compared with only 2.0% of non-Aboriginal cases. At the other end of the scale, approximately two thirds of non-Aboriginal cases involved youths aged 16 and over, compared with less than one half of the Aboriginal cases.

Figure 25 Cases finalised by the Youth Court: age by racial appearance, 2000

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* (2.6% compared with 18.8% respectively) while a higher proportion involved *good order offences* (16.8% of Aboriginal compared with 11.5% of non-Aboriginal cases).

Finalised appearances where at least one charge was proved

As noted earlier, in 2,054 of the 2,678 cases finalised by the Youth Court in 2000, at least one charge was proved. However, for two of these cases, while the matter was found proved, the young person involved was released on licence.[18] As this outcome is not regarded as a penalty, these two cases have been omitted from Tables 4.7 – 4.15 and are excluded from consideration as 'proved' cases in the following discussion.

The proportion of cases in which at least one charge was proved 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 (78.2% compared with 70.0% respectively). Similarly, a higher proportion of non-Aboriginal than Aboriginal cases dealt with in 2000 resulted in a finding of guilt to at least one charge (78.1% compared with 71.8% respectively).

As has been the situation in previous years, the profiles for 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

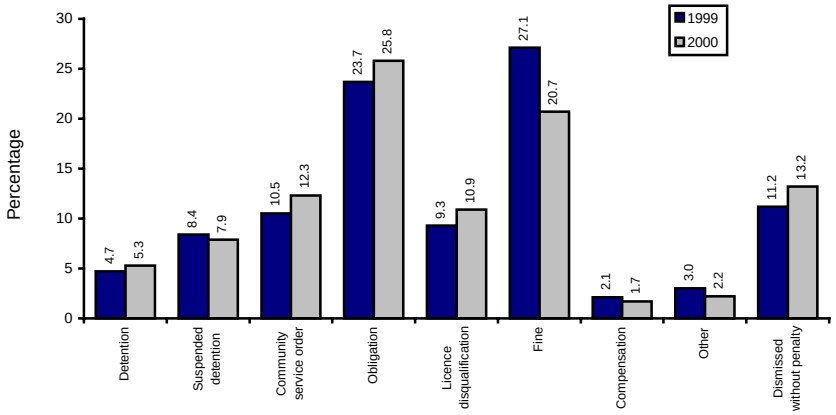
[18] In one of these cases, there was an outcome of conviction against one charge, while the outcome of 'released on licence' was recorded against the remaining charges. In the other case, there was only one charge.

differ markedly from those already described for all cases finalised.

Details on the major penalty for the remaining 2,052 cases where at least one charge was proved is outlined in Figure 26. As shown, in 2000 an obligation was the most frequently imposed penalty, featuring in one quarter of cases. In a further 20.7% of cases, a fine was recorded as the major penalty. Community service orders and licence disqualifications were the next most frequently imposed penalties (12.3% and 10.9% respectively) while in 13.2% of cases, despite a finding of guilt, the matter was dismissed without penalty. The number of detention orders imposed was relatively low, with only 5.3% of cases (109 out of 2,052) resulting in this penalty. In a further 162 cases (7.9%) a suspended detention order was imposed.

Figure 26 also shows that the major penalty profile for 2000 was similar to that for 1999. In each year, 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 differences. Obligations accounted for a higher proportion of cases in 2000 than in 1999 (25.8% compared with 23.7% respectively). This continued the trend evident since 1997 when obligations accounted for 17.5% of cases. In contrast, fines were less prominent in 2000 than in 1999 (accounting for 20.7% of 'proven' cases in 2000 compared with 27.1% in the previous year) which in turn was lower than the figures for both 1998 and 1997 (29.4% and 31.2% respectively). These opposite trends for obligations and fines mean that in 2000, for the first time in four years, obligations featured as the major penalty in a higher proportion of cases than did fines.

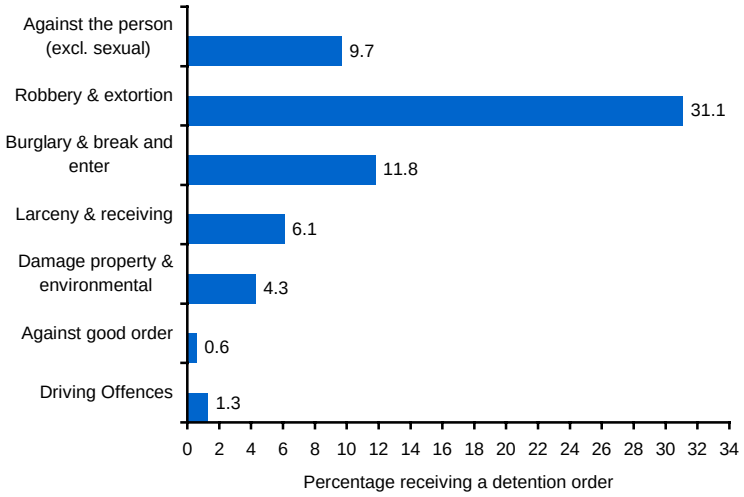
Figure 26 Youth Court appearances where at least one charge is proved: major penalty imposed per case, 1999 and 2000



As might be expected, the likelihood of receiving a detention order varied according to the seriousness of the charge involved. As indicated in Figure 27,

of the 61 *robbery and extortion* cases proved in 2000, 19 (31.1%) received a detention order. This figure was higher than in both 1999 and 1998 (15.3% of robbery cases in 1999 and 23.9% in 1998). Detention was also imposed in 25 (11.8%) of the 211 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* (0.6% of the 301 such cases) or a *driving offence* (1.3% of the 471 cases). None of the cases recording *sexual offences* or *a drug offence* as the major charge proved received a detention order.

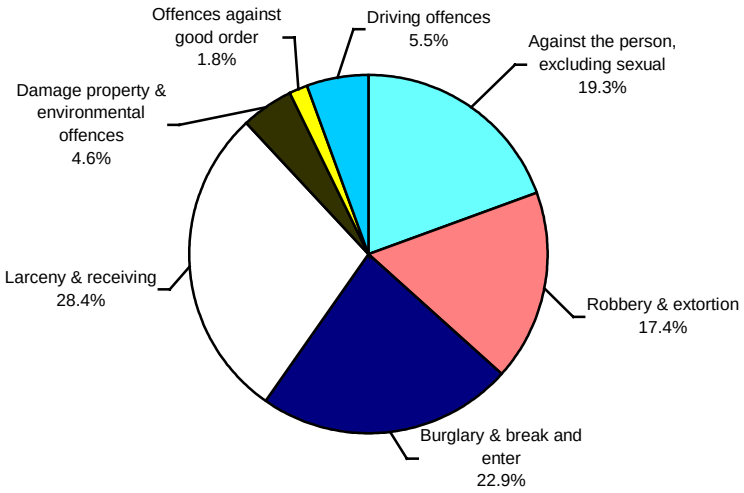
Figure 27 Youth Court appearances where at least one charge is proved: percentage of cases within each major offence category where detention was the most serious penalty, 2000



There were not any detention orders imposed in cases where *sexual offences*, *drug, fraud and misappropriation* or '*other*' offences were recorded as the major charge.

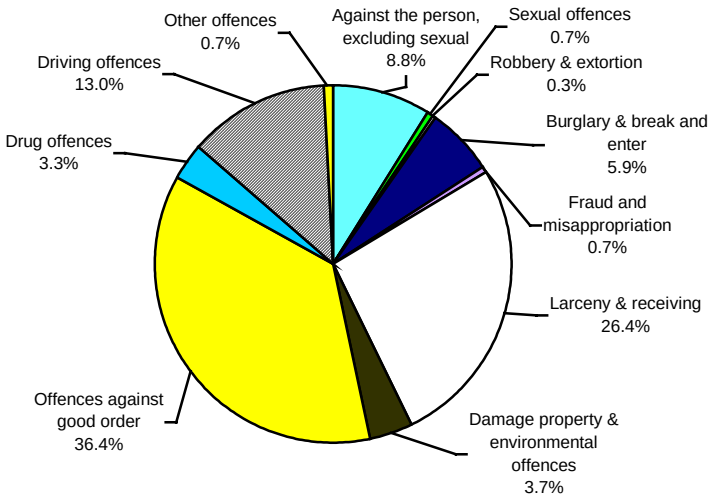
For those 109 cases that did receive a detention order, Figure 28 presents a breakdown of the major offence involved. This shows that *larceny and receiving* accounted for 28.4% of all cases receiving a detention order, followed by *burglary, break and enter* (22.9%), *offences against the person, excluding sexual offences (*19.3%) and *robbery and extortion* (17.4%).

Figure 28 Youth Court appearances where at least one charge is proved: major offence found proved in those cases where a detention order was imposed, 2000



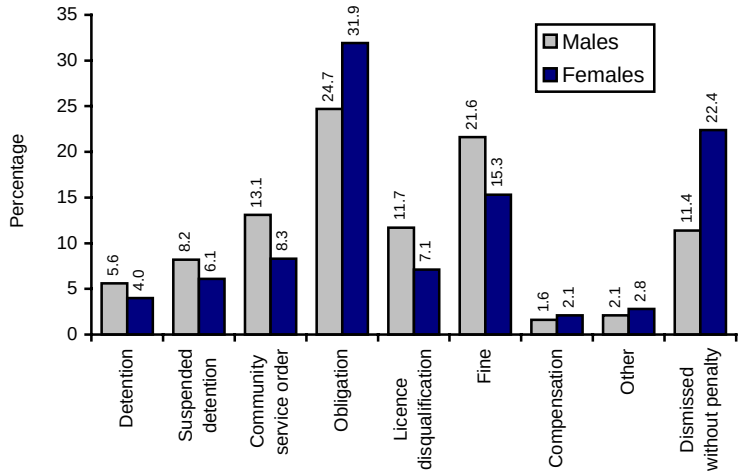
As noted earlier, in 13.2% of cases the matter was dismissed without penalty. Figure 29 presents for these 270 cases a breakdown of the major offence involved. This shows that *good order offences* were the most prominent, accounting for over one third (36.3%), followed by *larceny and receiving* which accounted for one quarter (26.3%), *driving offences (*13.0%), *offences against the person, excluding sexual offences* (8.8%) and *fraud and misappropriation* (0.7%).

Figure 29 Youth Court appearances where at least one charge is proved: major offence found proved in those cases where the matter was dismissed without penalty, 2000



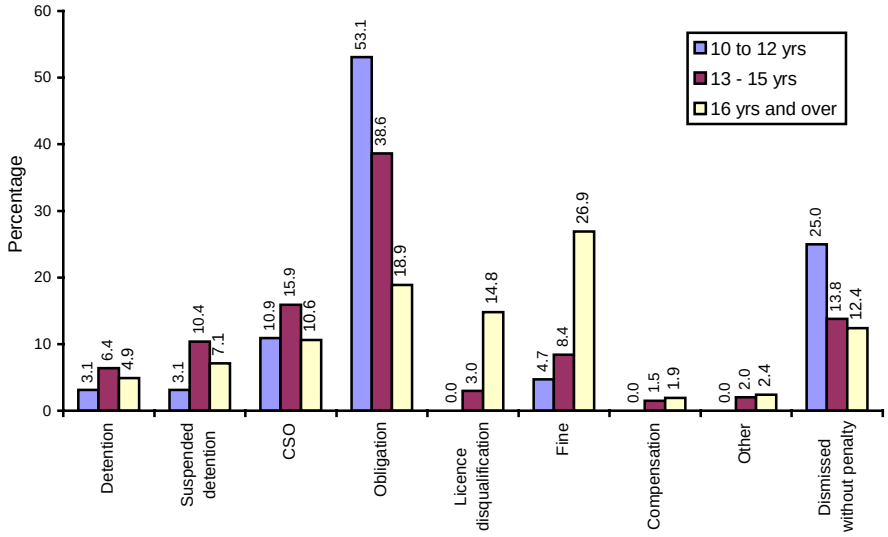
While the types of penalty imposed were broadly similar for males and females, Figure 30 indicates that there were some areas of difference. In particular, cases involving females were proportionately more likely than male cases to result in an obligation (31.9% compared with 24.7% respectively) and to have the matter dismissed without penalty (22.4% for females compared with only 11.4% for males). However, female cases were proportionately less likely than male cases to attract a fine (15.3% compared with 21.6%).

Figure 30 Youth Court appearances where at least one charge is proved: major penalty by sex, 2000



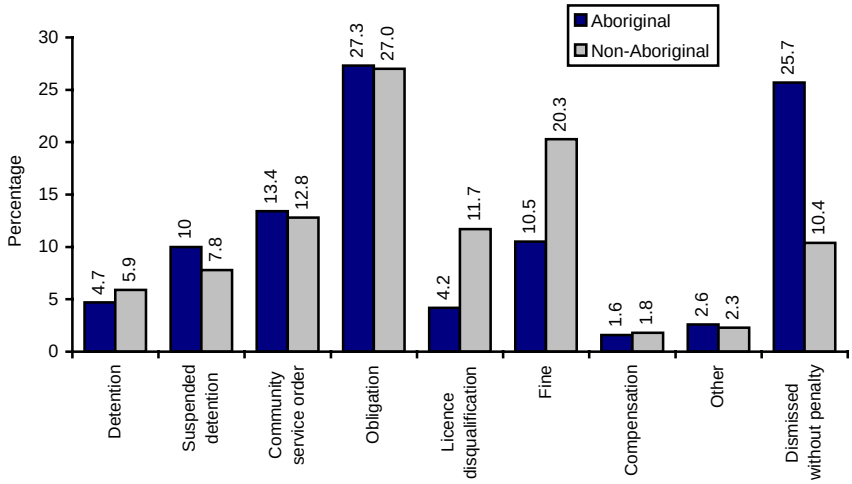
As in previous years, the type of penalty also varied somewhat according to age. In particular, as age increased, so the likelihood of receiving an obligation or having the matter dismissed without penalty decreased (see Figure 31). To illustrate, of those cases involving 10-12 year old youths, 53.1% received an obligation and for 25.0% the matter was dismissed without penalty. Corresponding figures for youths aged 16 and over were 18.9% and 12.4% respectively. The likelihood of a fine increased with age, with only 4.7% of cases involving 10-12 year olds receiving this penalty compared with 26.9% of those involving youths aged 16 years and over. 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.

Figure 31 Youth Court appearances where at least one charge is proved: major penalty by age, 2000



There were also some Aboriginal/non-Aboriginal differences in the types of penalties imposed. As shown in Figure 32, proportionately fewer Aboriginal than non-Aboriginal cases resulted in a fine (10.5% compared with 20.3% respectively). In contrast, proportionately more Aboriginal than non-Aboriginal matters were dismissed without penalty (25.7% compared with 10.4% respectively). At the other end of the sentencing spectrum, detention and suspended detention accounted for approximately equal proportions of Aboriginal and non-Aboriginal cases (14.7% and 13.7% respectively). However, detention was slightly less prominent for Aboriginal than non-Aboriginal cases (4.7% compared with 5.9% respectively) while the reverse was true for suspended detention orders (10.0% for Aboriginal compared with 7.8% for non-Aboriginal cases). Overall, Aboriginal young people accounted for 16.5% of those cases (18 of a total of 109 where racial identity was known) in which a period of detention was imposed. This figure is substantially lower than in 1999, when Aboriginal youth accounted for nearly three in ten of these cases (29.1%).

Figure 32 Youth Court appearances where at least one charge is proved: major penalty by racial identity, 2000



Of the 424 fines imposed as the major penalty, the average amount payable was $111 (almost the same as the $109 recorded in 1999). The maximum was $1,000 (compared with $1,500 in 1999). Of the 35 compensation orders listed as the major penalty, the average amount payable per case was $279, while the maximum was $2,368 (which was higher than the $837 maximum recorded in 1999). As noted earlier, at the family conference level, where compensation was agreed to, the average amount payable per case was $173 while the maximum was $2,580. However, this higher maximum for family conferences 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 253 community service orders listed as the major penalty at the Youth Court level, the maximum was 200 hours, while the average duration was 46 hours. This average is lower than those recorded in each of the three preceding years (57 hours, 63 hours and 84 hours for 1999, 1998 and 1997 respectively). In 2000, the maximum of 200 hours was imposed in more than one case and these cases involved *driving offences*.

As noted earlier, there were 109 cases where detention constituted the most serious penalty listed. The majority of these cases (n=93 out of 109 or 85.3%) involved detention in a secure care facility, while 14 (12.8%) were home detentions. Two other cases 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. One of these orders consisted of two months secure detention followed by six months on home detention, while the other consisted of eight weeks in secure detention followed by four months of home detention.

The actual number of cases resulting in a secure detention order in 2000 (n=93) was 3.3% higher than the 90 recorded in 1999 but 10.6% lower than the 104 recorded in 1998 and 35.9% lower than the 145 recorded in 1997.

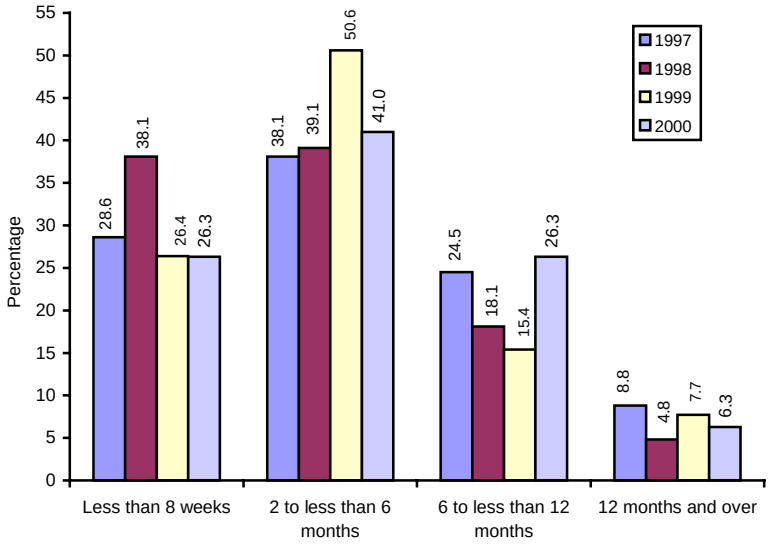
Of the 93 secure detention orders, the average duration was 19 weeks (the same as in 1999, but longer than the 15 weeks in 1998 and shorter than the 20 weeks in 1997), while the maximum was 104 weeks (the same as in 1999). The maximum recorded since the *Young Offenders Act* came into operation on 1 January 1994 have been consistently well below the three years that can be imposed under that legislation. For the 14 home detention orders imposed in 2000, the average was 16 weeks while the maximum was 26 weeks. This average was comparable with those recorded in each of the three preceding years (15 weeks in 1999, 16 weeks in 1998 and 17 weeks in 1997).

Further details about the length of the secure detention orders imposed as the major penalty in 2000 are provided in Table 4.15 of Section 4. (Note that this table includes the 93 stand-alone secure orders as well as the secure component of the two orders 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 2000, as in previous years, the Youth Court made fairly extensive use of its ability to impose short orders. Just over one quarter (26.3%) of all secure detention orders were of less than eight weeks duration, with 4.2% being less than two weeks. Of the longer detention orders recorded in 2000, the most frequently imposed duration was that of 'two to less than six months', with this category accounting for four in ten (41.1%) of all secure care orders. A further quarter (26.3%) were for 'six to less than 12 months' duration while there was one order of '24 months or more'.

When detention order duration for 2000 is compared with 1999 both similarities and differences are apparent (see Figure 33). In particular, the proportion of orders of short duration in 2000 was very similar to that recorded in 1999. (Orders of less than eight weeks accounted for 26.3% in 2000 and 26.4% in 1999). In addition, long orders of 12 months or more accounted for small proportions of all orders in both years (6.3% in 2000 and 7.7% in 1999). However, differences were apparent in the middle range orders of two months to 12 months. The top end of this middle range was more prominent in 2000 than in 1999 (with orders of six to 12 months accounting for 26.3% in 2000

compared with 15.4% in 1999), while the lower end was more prominent in 1999.

Figure 33 Youth Court appearances where at least one charge is proved: length of the longest secure detention order imposed per case, 1997 to 2000



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 twelve month order which would determine how long the youth would actually serve in a youth training centre.

Community service orders supervised by Family and Youth Services

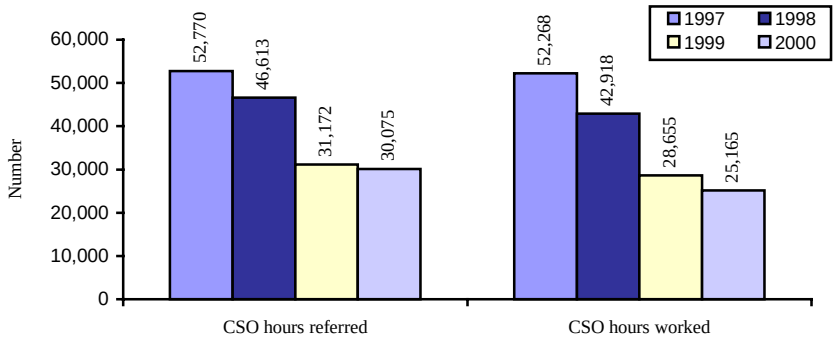
Under the *Young Offenders Act* 1993, Family and Youth Services (FAYS) are responsible for supervising community service orders imposed by the Youth

Court. In 2000 there were 507[19] community service orders referred to FAYS. This was 7.0% higher than the 474 recorded in 1999 but 18.9% lower than the 625 referred in 1998.

Of the 507 orders referred in 2000, the majority (88.3%) involved males while youths aged 16 years and over accounted for 67.3% of the 480 orders for which this information was recorded. Aboriginal youths represented 19.5% of the 507 orders (approximately the same as in 1999 when this group accounted for 18.6% of the 474 orders recorded). As has been the situation in previous years, Aboriginal juveniles ordered to undertake community service tended to be younger than their non-Aboriginal counterparts (with 45.8% of the Aboriginal orders applying to youths aged 15 years and under compared with 29.4% of the non-Aboriginal orders where age was recorded) and involved a higher proportion of females (17.2% compared with 10.3% respectively).

The 507 orders referred to FAYS in 2000 involved a total of 30,075 hours. This figure is 3.5% lower than the 31,172 recorded in 1999. However, as indicated in Figure 34, this is a relatively small drop compared with the marked decline evident in the two preceding years (with the 1999 figure being 40.9% lower than the 52,770 hours referred two years previously). The average number of hours per order in 2000 was 59.3, a lower figure than in any of the three preceding years (65.8 in 1999, 74.6 in 1999 and 101.5 in 1997).

Figure 34 Number of community service hours referred to FAYS and number of CSO hours worked; 1997 to 1999.



[19] These data are not comparable with those on community service orders contained in Table 4.10. The figure of 507 recorded by Family and Youth Services includes *all* orders referred to them for supervision, whereas the 253 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 2000, as in previous years, males and older youths aged 16 years and over accounted for the highest proportion of hours referred (89.2% and 71.4% respectively where sex and age were known). Aboriginal youths accounted for 18.7% of the hours referred. As was the situation in 1999, the average number of hours per order tended to be higher for males than females (59.8 hours compared with 55.1 hours respectively) and for non-Aboriginal compared with Aboriginal youths (an average of 59.9 hours compared with 56.9 hours respectively).

In 2000, there were 25,165 community service hours actually worked which, as again indicated in Figure 34, represents a relatively small decline (12.2%) since 1999. Overall, the sex and age patterns were similar to those recorded for 'hours referred', with males accounting for 90.1% and youth aged sixteen years and over for 73.3%. Aboriginal youth were recorded as working 4,610 hours which was 18.3% of the total.

In previous years, *Crime and Justice in South Australia* has provided information on mandates serviced by the Family and Youth Services Division. These applied to young people who defaulted on a fine or failed to pay the costs associated with a court hearing (such as the Criminal Injuries Compensation levy and court costs). However, in July 2000 the legislation relating to penalty enforcement (*Criminal Law (Sentencing) Act* 1988) was amended, and as a result, new computer systems needed to be developed to handle the changes in processing by criminal justice agencies. Unfortunately, this has meant that the required extract of data relating to fines enforcement was not available in time for this report. However, it is anticipated that the *Crime and Justice Report* covering the 2001 calendar year will provide information relating to young people undertaking community service to work off unpaid fines.

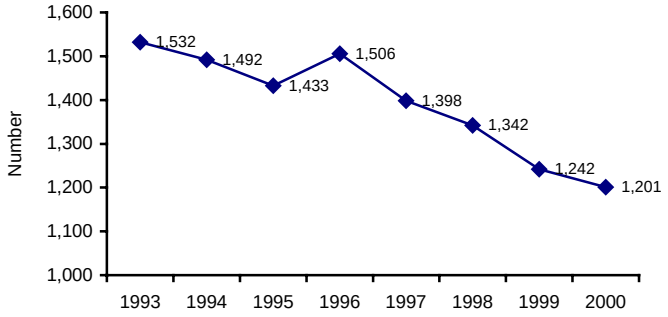
niles in custody

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 2000 there were 1,201 admissions into custody, which was 3.3% lower than the 1,242 admissions in 1999 and 10.5% lower than the 1,342 admissions recorded in 1998. As shown in Figure 35, with the exception of 1996, the number of custodial admissions has decreased steadily since 1993, with the 2000 figure the lowest recorded in that period. It was, in fact, 21.6% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.

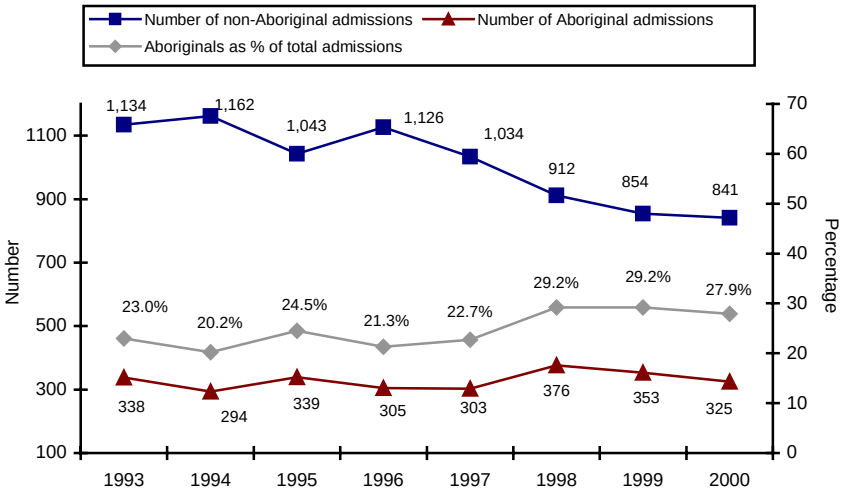
Figure 35 Number of admissions into secure care, 1993 to 2000



Males accounted for the great majority of admissions (80.1%), a slightly higher proportion than in 1999 (78.1%) although lower than in 1998, when 84.6% of admissions were male. As in previous years, half of the young people for whom age was recorded were 16 years or over (51.6%). However, there were 59 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 six in ten (57.4%) female admissions where age was recorded involved young people aged 15 years or younger, compared with under one half (46.2%) of male admissions. However, this difference in the male/female age profiles is not as pronounced as that recorded in 1999 when almost two-thirds of female admissions involved young people aged 15 years or younger, compared with just over one third of male admissions.

As shown in Figure 36, in terms of absolute numbers, Aboriginal admissions in 2000 (n=325) were slightly down on both 1999 and 1998. The number of non-Aboriginal admissions continued the downward trend of the preceding years, with the 2000 figure of 841 the lowest recorded during the eight years depicted. In 2000 Aboriginal youths comprised approximately three in ten admissions (27.9%) into secure care where information on racial identity was recorded. This figure is slightly lower than those for 1999 and 1998 (29.2% in both years), but higher than for the years preceding 1998.

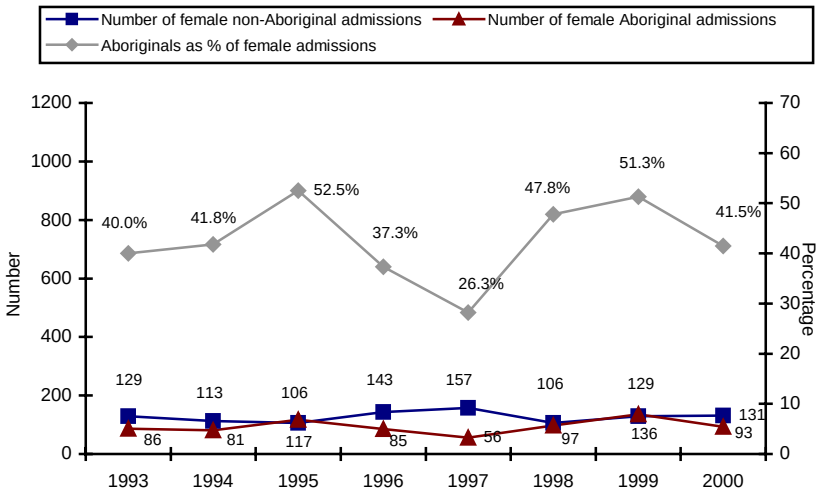
Figure 36 Number of admissions into secure care by racial identity, 1993 to 2000



For those cases where relevant information was recorded, just over four in ten females (41.5%) admitted into secure care were Aboriginal compared with 24.6% of male admissions. As shown in Figure 37, the proportion of females identified as Aboriginal fluctuated considerably during the 1993 to 2000 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 dropped in 2000 (by 31.6%, from 136 in 1999 to 93). However, non-Aboriginal female admissions remained constant (131 in 2000 and 129 in 1999). The number of Aboriginal male admissions increased (by 6.9%) while the number of non-Aboriginal male admissions decreased slightly (by 2.1%).

Figure 37 Number of female admissions into secure care by racial identity, 1993 to 2000



There were some age variations between Aboriginal and non-Aboriginal youths admitted to secure care in 2000, with a higher proportion of Aboriginal admissions involving younger individuals aged 15 and under (59.8% compared with 44.4% of non-Aboriginal admissions.)

Of the 1,107 cases for which information on employment status was recorded in 2000, approximately six in ten (64.5%) involved youths who were unemployed (i.e. they were no longer attending school but did not have a job). A further 29.3% were attending school while only 6.2% were listed as employed. These figures are generally comparable with those recorded in 1999. As would be expected, employment status varied according to age, with six in ten (53.7%) of those aged 10–12 being recorded as attending school, compared with 43.3% of those aged 13-15 and 15.7% of those aged 16 and over.

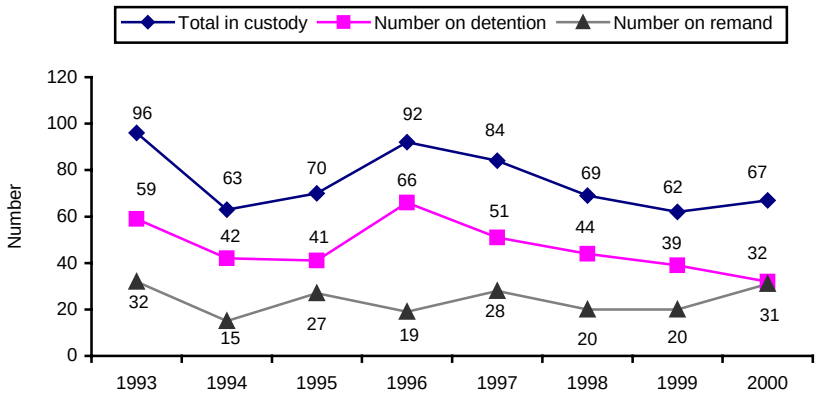
Census figures

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 2000 according to the most serious authority under which each youth was

being held. On that date, 67 juveniles spent at least part of the 24 hour period in a training centre. This figure is 11.3% higher than the 62 youths in custody on 30 June 1999 but, as Figure 38 shows, is the third lowest recorded during the eight year period depicted.

Figure 38 Young people in custody on 30th June by custodial status, 1993 to 2000



Thirty two (47.8%) of the 67 young people incarcerated on 30 June 2000 were serving a detention order while 31 were on remand. As indicated in Figure 38, the number of youths on detention has decreased steadily since 1996, with the most recent figure being 51.5% lower than the peak of 66 recorded four years earlier. In fact, the number on detention on 30 June 2000 was the lowest recorded during the eight years depicted. In contrast, remand numbers have fluctuated over this period and no clear upward or downward trend has been evident. Nonetheless, the number on remand on 30 June 2000 was the second highest recorded in the period 1993 to 2000.

As in previous years, only a small proportion of young people in the training centres on 30 June 2000 were being held on orders other than detention or remand. There were three on police custody.

Of the 67 young people in custody on 30 June 2000, only 10 were female. Of these, one was on detention, seven were on remand and two were in police custody.

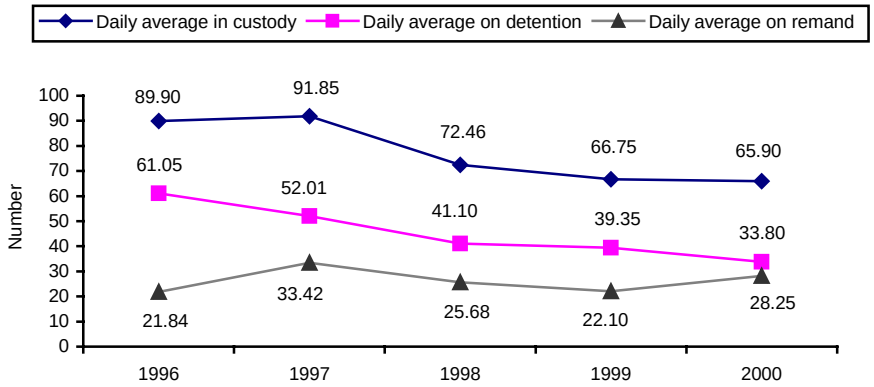
Of the young people present in the training centres on 30 June 2000, one in three (n=20 or 31.3%) were Aboriginal. This group accounted for one quarter of all males in secure care on that date (15 out of 54) but they represented half of the females (five out of ten).

Of the 20 Aboriginals in custody on 30 June 2000, 12 were serving a detention order, while six were on remand and two were in police custody.

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 2000 according to the most serious authority under which each youth was being held. These tables show that, on average, 65.90 young people were held in custody per day during 2000. As shown in Figure 39, this is 1.3% lower than the daily average recorded in 1999 (66.75) and 28.3% lower than in 1997 (n=91.85). It is, in fact, the lowest daily average recorded during the five years depicted.

Figure 39 Average daily occupancy by custodial status, 1996 to 2000



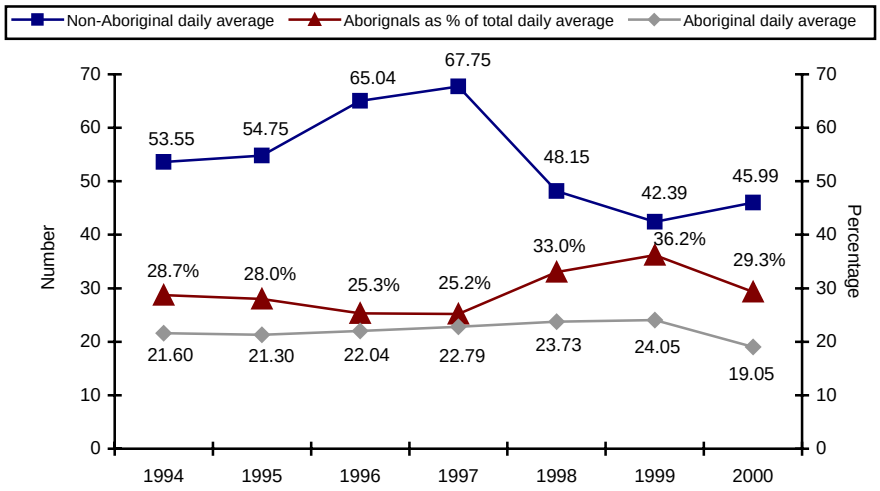
On average on any given day in 2000, there were 33.80 youths serving a detention order. This was 14.1% lower than the average of 39.35 recorded in 1999 and 44.6% lower than the peak recorded in 1996 (average of 61.05). In contrast, the remand daily average in 2000 was higher than that recorded in 1999 (28.25 compared with 22.10 respectively), and in fact was the second highest recorded in the five year period.

A comparison of daily averages for males and females reveals that males again dominated, accounting for 89.2% of average daily occupancy numbers in 2000. Of those for whom age was known, 60.0% were 16 years or over while only 2.1% were 12 years or less.

Figure 40 shows that the Aboriginal daily average in 2000 was substantially lower than that recorded in 1999 (19.05 compared with 24.05 respectively). In fact, this figure was the lowest of the seven years depicted. In contrast, non-Aboriginal figures recorded an increase with the 2000 figure of 45.99 being 8.5% higher than the 42.39 daily average in 1999. However, this 2000 figure

for non-Aboriginal youth was lower than the daily averages recorded in the five years prior to 1999. As a result of these different trends, in 2000 Aboriginal youth accounted for a lower proportion of the daily average than in either 1999 or 1998 (29.3% compared with 36.2% and 33.0% respectively), but a higher proportion than in the earlier years depicted.

Figure 40 Average daily occupancy by racial identity, 1994 to 2000



As shown in Figure 41, in terms of absolute numbers, the daily average for Aboriginal youths on a detention order in 2000 decreased by 26.5% from 15.42 to 11.34. In fact, the 2000 figure was the lowest of the seven years depicted. The non-Aboriginal numbers, too, showed a drop in 2000 (from 23.93 in 1999 to 22.18). As for Aboriginal youth, this figure was the lowest recorded in the period shown. In 2000, Aboriginal youths constituted 33.8% of the average daily detention population which is lower than in 1999, but higher than in the 1994 to 1998 period.

The situation for remand is shown in Figure 42. The Aboriginal remand daily average dropped by 4.8% in 2000, augmenting the substantial decline recorded in 1999. The daily average remand number for this group was the lowest of any of the years in the period 1997 – 2000. In contrast, non-Aboriginal remand numbers increased by 42.3% from 14.75 in 1999 to 20.99, the 2000 figure being the second highest recorded in the seven years depicted. Given these differing trends, Aboriginal youths accounted for 24.5% of the average daily remand population which is a substantially lower proportion than in either 1999 or 1998 but similar to the figures for 1996 and 1997.

Figure 41 Average daily occupancy of youths on detention orders by racial identity, 1994 to 2000

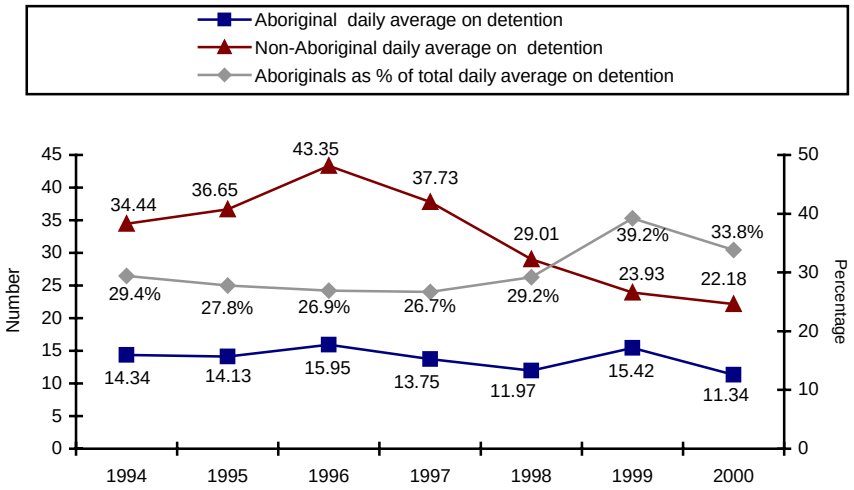


Figure 42 Average daily occupancy of youths on remand by racial identity, 1994 to 2000