

SERIES A No. 38 (2)

AUGUST 2002

CRIME AND JUSTICE
IN
SOUTH AUSTRALIA
-
JUVENILE JUSTICE
2001

OFFICE OF CRIME STATISTICS
Attorney-General's Department

First published August 2002 by

Office of Crime Statistics
South Australian Attorney-General's Department
Box 464, GPO
ADELAIDE SA 5001

Copyright 2002 South Australian Attorney-General's Department

All rights reserved

Cover design by Andrew Davies
Printed by Graphic Print Group

ISSN: 1441-0443

CONTENTS

PREFACE	xiii
ACKNOWLEDGEMENTS	xv
INTRODUCTION	1
Summary of 2001 juvenile justice statistics	5
Police Statistics	5
Family Conferences	6
Youth Court	9
Juveniles in Custody	11
Using Crime and Justice reports	13
Comprehensiveness	13
‘Snapshot’ rather than ‘flow’ statistics	14
Differences between agencies	14
1 OVERVIEW	15
Introduction	17
Police Statistics	19
Police apprehensions	19
Number of discrete individuals apprehended	28
Formal police cautions	30
Family Conferences	33
Case referrals finalised by the Family Conference Team	33
Cases dealt with at a family conference	35
Number of actual conferences held	45
Youth Court	47
All finalised appearances before the Youth Court	47
Finalised appearances where at least one charge was proved	50
Community service orders supervised by	
Family and Youth Services	58
Juveniles in Custody	62
Admissions	62
Census figures	65
Average daily occupancy	66
2 POLICE STATISTICS	71
Police apprehensions	73
Table 2.1 Police apprehensions: sex by major offence alleged	73

Table 2.2a	Police apprehensions: age by major offence alleged against males	74
Table 2.2b	Police apprehensions: age by major offence alleged against females	75
Table 2.2c	Police apprehensions: age by major offence alleged against all persons	76
Table 2.3	Police apprehensions: racial appearance by major offence alleged	77
Table 2.4	Police apprehensions: sex and age by racial appearance	78
Table 2.5a	Police apprehensions: age by major offence alleged against persons of Aboriginal appearance	79
Table 2.5b	Police apprehensions: age by major offence alleged against persons of non-Aboriginal appearance	80
Table 2.5c	Police apprehensions: age by major offence alleged against persons for whom racial appearance was not recorded	81
Table 2.6	Police apprehensions: method of apprehension and sex by age	82
Table 2.7	Police apprehensions: racial appearance by method of apprehension	83
Table 2.8	Police apprehensions: sex and age by type of action	84
Table 2.9	Police apprehensions: type of action by major offence alleged. Summary of all offence groups	85
Table 2.10	Police apprehensions: type of action by major offence alleged. Offences against the person (excluding sexual offences)	86
Table 2.11	Police apprehensions: type of action by major offence alleged. Sexual offences	87
Table 2.12	Police apprehensions: type of action by major offence alleged. Robbery and extortion	88
Table 2.13	Police apprehensions: type of action by major offence alleged. Criminal trespass	89
Table 2.14	Police apprehensions: type of action by major offence alleged. Fraud and misappropriation	90
Table 2.15	Police apprehensions: type of action by major offence alleged. Larceny and receiving	91
Table 2.16	Police apprehensions: type of action by major offence alleged. Damage property and environmental offences	92
Table 2.17	Police apprehensions: type of action by major offence alleged. Offences against good order	93
Table 2.18	Police apprehensions: type of action by major offence alleged. Drug offences	94
Table 2.19	Police apprehensions: type of action by major offence alleged. Driving offences	95
Table 2.20	Police apprehensions: type of action by major offence alleged. Other offences	96

Table 2.21a	Police apprehensions: type of action by major offence alleged against males	97
Table 2.21b	Police apprehensions: type of action by major offence alleged against females	98
Table 2.21c	Police apprehensions: type of action by major offence alleged against all persons	99
Table 2.22a	Police apprehensions: type of action by major offence alleged against persons of Aboriginal appearance	100
Table 2.22b	Police apprehensions: type of action by major offence alleged against persons of non-Aboriginal appearance	101
Table 2.22c	Police apprehensions: type of action by major offence alleged against persons for whom racial appearance was not recorded	102
Table 2.23	Police apprehensions: sex and type of action by method of apprehension	103
	Number of persons apprehended	104
Table 2.24	Number of police apprehensions per person by sex	104
	Formal police cautions	105
Table 2.25	Formal police cautions: sex by proportion of cautions involving an apology/compensation/community work/other condition	105
Table 2.26	Formal police cautions: racial appearance by proportion of cautions involving an apology/compensation/community work/other condition	106
Table 2.27	Formal police cautions where compensation was agreed to: sex by amount of compensation per caution	107
Table 2.28	Formal police cautions where community work was agreed to: sex by number of hours of community work per caution	108
Table 2.29	Formal police cautions where an undertaking was agreed to: undertaking conditions by major offence admitted	109
	3 FAMILY CONFERENCES	111
	Case referrals finalised by the Family Conference Team	113
Table 3.1	Case referrals finalised by the Family Conference Team: sex by most serious outcome	113

Table 3.2	Case referrals finalised by the Family Conference Team: racial identity and sex by most serious outcome	114
Table 3.3a	Case referrals finalised by the Family Conference Team: most serious outcome by major offence alleged where a conference was held	115
Table 3.3b	Case referrals finalised by the Family Conference Team: most serious outcome by major offence alleged where a conference was not held	116
Table 3.3c	Case referrals finalised by the Family Conference Team: most serious outcome by major offence alleged for all referrals	117
Cases dealt with at a family conference		118
Table 3.4a	Cases dealt with at a family conference: age by major offence alleged against males.	118
Table 3.4b	Cases dealt with at a family conference: age by major offence alleged against females.	119
Table 3.4c	Cases dealt with at a family conference: age by major offence alleged against all persons.	120
Table 3.5a	Cases dealt with at a family conference: age by major offence alleged against Aboriginal persons.	121
Table 3.5b	Cases dealt with at a family conference: age by major offence alleged against non-Aboriginal persons.	122
Table 3.5c	Cases dealt with at a family conference: age by major offence alleged against persons for whom racial identity was not recorded	123
Table 3.6	Cases dealt with at a family conference: sex and age by racial identity	124
Table 3.7	Cases dealt with at a family conference: sex by number of offences alleged	125
Table 3.8	Cases dealt with at a family conference: racial identity by number of offences alleged	126
Table 3.9	Cases dealt with at a family conference where an undertaking was agreed to: sex by proportion involving an apology/compensation/community work/other condition	127
Table 3.10	Cases dealt with a family conference where an undertaking was agreed to: racial identity by proportion involving an apology/compensation/community work/other condition	128
Table 3.11	Cases dealt with at a family conference where compensation was agreed to: sex by amount of compensation per case	129
Table 3.12	Cases dealt with at a family conference where community work was agreed to: sex by amount	

	of community work per case	130
Table 3.13	Cases dealt with at a family conference where an undertaking was agreed to: undertaking conditions by major offence admitted	131
Table 3.14	Cases dealt with at a family conference where an undertaking was agreed to: sex by undertaking compliance status	132
Table 3.15	Cases dealt with at a family conference where an undertaking was agreed to: racial identity by undertaking compliance status	133
Table 3.16	Cases dealt with at a family conference where an undertaking was agreed to: sex by condition compliance status	134
Table 3.17	Cases dealt with at a family conference where an undertaking was agreed to: racial identity by condition compliance status	135
Family conferences		136
Table 3.18	Family conferences: number of conferences held per month	136
Table 3.19	Family conferences: number of participants per conference	137
4 YOUTH COURT		139
Finalised appearance before the Youth Court		141
Table 4.1	Finalised appearances before the Youth Court: outcomes for the major offence charged	141
Table 4.2a	Finalised appearances before the Youth Court: age by major offence charged against males	142
Table 4.2b	Finalised appearances before the Youth Court: age by major offence charged against females	143
Table 4.2c	Finalised appearances before the Youth Court: age by major offence charged against all persons	144
Table 4.3a	Finalised appearances before the Youth Court: age by major offence charged against persons of Aboriginal appearance	145
Table 4.3b	Finalised appearances before the Youth Court: age by major offence charged against persons of non-Aboriginal appearance	146
Table 4.3c	Finalised appearances before the Youth Court: age by major offence charged against persons for whom racial appearance was not recorded	147
Table 4.4	Finalised appearances before the Youth Court:	

	sex and age by racial appearance	148
	Finalised appearances before the Youth Court where at least one charge is proved	149
Table 4.5	Finalised appearances before the Youth Court where at least one charge is proved: outcome by major offence proved	149
Table 4.6a	Finalised appearances before the Youth Court where at least one charge is proved: age by major offence proved against males	150
Table 4.6b	Finalised appearances before the Youth Court where at least one charge is proved: age by major offence proved against females	151
Table 4.6c	Finalised appearances before the Youth Court where at least one charge is proved: age by major offence proved against all persons	152
Table 4.7a	Finalised appearances before the Youth Court where at least one charge is proved: age by major offence proved against persons of Aboriginal appearance	153
Table 4.7b	Finalised appearances before the Youth Court where at least one charge is proved: age by major offence proved against persons of non-Aboriginal appearance	154
Table 4.7c	Finalised appearances before the Youth Court where at least one charge is proved: age by major offence proved against persons for whom racial appearance was not recorded	155
Table 4.8	Finalised appearances before the Youth Court where at least one charge was proved: sex and age by racial appearance	156
Table 4.9	Finalised appearances before the Youth Court where at least one charge is proved: major penalty for major offence proved	157
Table 4.10	Finalised appearances before the Youth Court where at least one charge is proved: sex and age by major penalty	158
Table 4.11	Finalised appearances before the Youth Court where at least one charge is proved: racial appearance and age by major penalty	159
Table 4.12	Finalised appearances before the Youth Court where at least one charge is proved: major penalty for major offence proved where major penalty is a fine, community service order or compensation	160
Table 4.13	Finalised appearances before the Youth Court where at least one charge is proved: major penalty for major offence proved where major penalty	

	is detention	161
Table 4.14	Finalised appearances before the Youth Court where at least one charge is proved: length of the longest secure detention order imposed per case per month	162
Community service orders supervised by Family and Youth Services (FAYS)		163
Table 4.15	Community service orders referred to FAYS: racial identity and sex by age	163
Table 4.16	Community service hours referred to FAYS: racial identity and sex by age	164
Table 4.17	Community service hours worked: racial identity and sex by age	165
Table 4.18	Fines Payment Community service orders referred to FAYS: racial identity and sex by age	166
Table 4.19	Fines Payment Community service hours referred to FAYS: racial identity and sex by age	167
Table 4.20	Fines Payment Community service hours worked: racial identity and sex by age	168
Table 4.21	Fines Payment Community service hours worked: racial identity and sex by age	169
5 JUVENILES IN CUSTODY		171
Admissions 173		
Table 5.1	Juveniles admitted into custody: sex and age by racial identity	173
Table 5.2	Juveniles admitted into custody: sex and age by employment status	174
Juveniles in custody on 30 June 2001		175
Table 5.3a	Juveniles in custody on 30 June 2001: age by most serious authority for males and females	175
Table 5.3b	Juveniles in custody on 30 June 2001: age by most serious authority for all persons	176
Table 5.4	Juveniles in custody on 30 June 2001: racial identity and sex by most serious authority	177
Table 5.5	Juveniles in custody on 30 June 2001: age by most serious authority for Aboriginal and non-Aboriginal persons	178

Average daily occupancy	179
Table 5.6a Average daily occupancy: age by most serious authority for males and females	179
Table 5.6b Average daily occupancy: age by most serious authority for all persons	180
Table 5.7 Average daily occupancy: age by most serious authority for Aboriginal and non-Aboriginal persons	181
6 APPENDIX	183
YOUNG PEOPLE AND CRIMINAL JUSTICE IN SOUTH AUSTRALIA	185
INTRODUCTION	185
DEFINITION OF OFFENCE GROUPS	185
POLICE STATISTICS	187
Police apprehensions	187
Number of individuals apprehended	192
Formal police cautions	193
FAMILY CONFERENCES	195
Case referrals received by the Family Conference Team	195
Cases dealt with at a family conference	198
Family conferences	202
YOUTH COURT	203
Finalised appearances before the Youth Court	203
Finalised appearances before the Youth Court where at least one charge was proved	206
Community service orders serviced by Family and Youth Services	209
JUVENILES IN CUSTODY	210
Juveniles admitted into custody	210
Juveniles in custody on 30 June 2001	211
Average daily occupancy	211
PUBLICATIONS OF THE OFFICE OF CRIME STATISTICS	212

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 2001 to 31 December 2001 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

August 2002

ACKNOWLEDGEMENTS

Numerous people have contributed to this *Crime and Justice in South Australia: Juvenile Justice* report. The Office of Crime Statistics acknowledges the assistance of staff from other Departments, including Theo Sarantaugas and Ty Cheng (Statistical Services Section of South Australia Police), Joe Walker, Werner Buchheister and Paul Minenko (Family and Youth Services Division of the Department of Human Services), Geoff Gray and Judi Washington (Adelaide Youth Court), Jan Kitcher (formerly Adelaide Youth Court), Carolyn Doherty and the Family Conference Team (Courts Administration Authority), and computing staff of the Courts Administration Authority.

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

Systems design and programming, data tabulation and table layout	Justine Doherty Carol Castle Lynne Sampson
Data auditing	Justine Doherty Carol Castle
Commentary text	Justine Doherty
Desk top publishing	Tina Conroy Carol Ware

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;
- *****
- (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, *the 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 2001

Police statistics

Police apprehensions

- During 2001 there were 8,157 police apprehension reports involving young people, which was 9.3% lower than the 8,992 reports in 2000 and 19.4% lower than the peak of 10,118 recorded in 1995.
- The majority of juvenile apprehensions in 2001 involved males (81.6%) and youths aged 16 and over (52.1%).
- Aboriginal youths accounted for 17.8% 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 30.6% of all apprehensions, with the most prominent being *larceny from shops* (12.0%) and *larceny/illegal use of vehicle* (motor vehicle and other) (6.6%). *Offences against good order* accounted for 17.1% of all apprehensions while *criminal trespass* accounted for a further 12.0%. This offending profile was similar to that recorded in previous years.
- Of the 8,157 juvenile apprehensions in 2001, 36.5% were brought about by way of an arrest rather than a report. The figure was higher for those apprehensions involving Aboriginal youths, with 54.0% being arrest-based.
- For those 7,257 apprehension reports where the type of action taken was recorded, 34.3% resulted in a referral to a formal police caution, while 44.9% were directed to the Youth Court. A further 19.3% were referred to a family conference while 1.5% 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 (64.7%) were directed to court compared with just over four in ten non-Aboriginal apprehensions (44.3%).
- The 8,157 apprehension reports submitted in 2001 involved 5,168 discrete individuals. This gives an average of 1.6 apprehensions per youth which is

a little lower than that recorded in the previous four years. On average, males recorded 1.62 apprehensions in 2001 while females recorded 1.42.

Formal cautions

- *Larceny and receiving* was listed as the major allegation in one in three (31.1%) of the apprehensions referred to a formal caution in 2001, followed by *offences against good order* (28.4%) and *drug offences* (12.3%).
- In total, the 2,486 referrals to a caution in 2001 resulted in 2,460 formal cautions being administered.
- In just over one quarter of these formal cautions (26.7%), the young person was required to apologise to the victim while 11.9% involved the payment of compensation, 5.8% required the young person to perform community work, and 40.9% involved some 'other' condition.
- One half (51.7%) of the compensation payments were for \$50 or less, while only 1.7% were for amounts in excess of \$500. The maximum amount which a young person agreed to pay as part of a cautionary undertaking was \$1,670.
- Almost seven in ten (67.8%) community work agreements involved 10 hours or less, while the highest was 48 hours.

Family Conferences

Case referrals finalised by the Family Conference Team

- In 2001, 1,668 case referrals were finalised by the Family Conference Team. This is 6.3% lower than the 1,781 cases finalised in 2000.
- For the majority of these referrals (88.2%), 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 (1.7%), a conference was held but no resolution was achieved.
- In a further 10.0% 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 (79.0%) Aboriginal referrals were resolved at a conference compared with 89.7% of non-Aboriginal referrals. The main contributor to this difference was the higher level of non-attendance recorded for Aboriginal youths (14.1% compared with 3.9% for non-Aboriginal youths.)

Cases dealt with at a family conference

- There were 1,502 cases for which a conference was actually held in 2001. The majority of these involved males (81.2%) and young people aged 15 years and under (61.4%). Aboriginal youths accounted for 13.8% of those cases for which racial identity was recorded.
- *Larceny and receiving* dominated the offence profile. It was listed as the major allegation in 33.5% of cases dealt with at a conference, followed by *criminal trespass* (16.8%), *offences against good order* (13.8%) and *offences against the person, excluding sexual offences* (13.6%).
- Six in ten cases (61.2%) involved one offence only while very few (4.1%) involved five or more allegations.
- Of the 1,335 cases dealt with in 2001 which resulted in the young person agreeing to enter into an undertaking, six in ten (61.9%) involved an apology, while over seven in ten (77.3%) entailed 'other' conditions (such as agreement not to associate with certain peers, participate in counselling sessions etc). A further 27.0% of undertakings involved community work while 23.1% 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 309 cases that resulted in a compensation agreement, just over one half (63.4%) were for amounts of \$100 or less. The average amount agreed to was \$170 while the maximum was \$3,743.
- The average number of hours of community work agreed to was 26 (the same as in the previous year), while the maximum was 200 (compared with 300 in 2000).
- Of the 1,335 conference cases finalised in 2001 by way of an undertaking, information on undertaking compliance was available for 1,108 (83.0%). In 86.6% of these cases all undertakings were listed as having been complied with, while 11.2% were referred back to police for non-compliance and 2.3% 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 (17.5% compared with 9.8% respectively). However, the level of non-compliance by Aboriginal youths has decreased over the past four years, from 26.7% in 1997 to 17.5% this year.
- 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 1,668 conference referrals recorded in 2001, by the end of the survey period 67.3% were positively finalised, with all undertakings having been complied with. In a further 13.6% of cases, compliance data for undertakings were not available at the time the database was closed off, and so these matters still had the potential to be positively resolved at this level. In contrast, 19.1% of referrals were not resolved, either because the conference had not gone ahead (10.0%) or, if held, had not reached agreement (1.7%) or the resultant undertaking had not been subsequently complied with (7.4%).
- The level of positive finalisation was lower for Aboriginal than non-Aboriginal referrals (62.5% compared with 68.4% 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 2001, 1,329 discrete conferences were held, which was 6.1% lower than in the previous year.
- The vast majority of these conferences (91.1%) involved one young offender only, while at the other end of the scale, only six conferences dealt with five or more young offenders.
- Four in ten (40.6%) had at least one victim present.

Youth Court

Cases finalised

- The Youth Court finalised 2,769 cases in 2001, which was 3.4% more than the 2,678 finalised in 2000.
- Males accounted for 84.3% of the finalised court cases for which sex was recorded, while 63.2% of juveniles for whom age was listed were 16 years and over. Aboriginal youths comprised 18.5% 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 (70.9%) the major charge was proved. In a further 198 appearances (7.2%), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 2,769 cases finalised in 2001, 78.0% resulted in at least one charge being proved.
- Obligations were listed as the major penalty in 26.4% of the cases where at least one charge was proved. Fines accounted for 19.8% of cases and community service orders for 13.0%.
- The number of 'proved' cases resulting in a detention order was relatively low (5.8%) while a further 7.6% 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, 28.6% of proven *robbery and extortion* cases resulted in detention, while at the other end, only 0.7% of cases involving a proven *offence against good order* had this outcome.
- Of the 428 fines imposed as the major penalty, the average amount payable was \$97 while the maximum was \$500. Of the 280 community service orders listed as the major penalty, the average duration was 51 hours while the maximum was 320.
- Of the 125 cases where detention constituted the most serious penalty imposed, the majority (87.2%) involved detention in a secure care facility while 16 (12.8%) were home detentions. None of the 125 cases involved a combined secure care/home detention order.
- Of the secure detention orders, the average duration was 21 weeks (higher than the four previous years), while the maximum was 65 weeks. For home detention orders the average was 17 weeks and the maximum 26 weeks.

- Just over one fifth (21.1%) 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 38.5% of all secure care orders. Longer orders of six to 12 months accounted for 35.8% of all secure detention orders.

Community service orders and fines payment orders supervised by Family and Youth Services

- In total, 560 community service orders were referred to FAYS by the Youth Court in 2001 for supervision, which is 10.5% higher than the 507 orders recorded in 2000 but 10.5% lower than the 625 referred in 1998.
- Of these, the majority involved males (87.5%) and youths aged 16 and over (70.7% of those orders for which this information was recorded). Aboriginal youths accounted for 18.0% of the total.
- The 560 orders involved a total of 34,653 hours, which is 15.2% higher than the 30,075 recorded in 2000 and 10% higher than the figure for 1999.
- In 2001, there were 23,468 hours actually worked, representing a small decline (of 6.7%) since 2000.
- During 2001, a total of 978 fines payment orders were referred to FAYS to be worked off by community service. Males and older youths aged 16 years and over accounted for the majority (79.7% and 90.3% respectively). One in ten orders involved Aboriginal youth.
- A total of 58,592 hours of community service were involved in these 978 orders.
- In 2001, a total of 1,053 fines payment orders were actually worked off by community service.

Juveniles in custody

Admissions

- In 2001, there were 1,099 admissions to the State's two youth training centres. This figure was 8.5% lower than the 1,201 admissions recorded in 2000 and 28.3% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.
- The majority of admissions involved males (80.0%) and juveniles aged 16 years or over (57.3%). There were 37 admissions involving young persons aged 12 years or under.
- Aboriginal youths comprised three in ten admissions (31.5%) where racial identity was known, a higher proportion than was the case in 2000 (27.9%). The 2001 figure was higher than any recorded in the previous eight years. Four in ten of all females admitted into secure care in 2001 were Aboriginal, compared with approximately three in ten male admissions.

Census figures

- There were 72 young people who spent at least some time in secure care on the 30 June 2001. This figure is 7.5% higher than the 67 recorded as being present one year earlier, on 30 June 2000, and is higher than both the 1999 and 1998 figures. However, it is substantially lower than those recorded in 1997 and 1996 (84 and 92 respectively).
- Forty (56.3%) of those youths in custody on 30 June 2001 were serving a detention order while 31 (43.7%) were on remand.
- Only eight were female, while one in five (15 or 21.1%) were Aboriginal.

Average daily occupancy

- On average, 73.99 youths were held in custody per day during 2001 compared with 65.90 in 2000.
- In 2001, on average there were 36.60 youths serving a detention order. This figure was 8.3% higher than the average of 33.80 recorded in 2000 but 40% lower than the peak of 61.05 recorded in 1996. The remand daily average of 31.72 was higher than in 2000 (28.25) and in fact was the second highest recorded in the period, 1996 onwards.
- Aboriginal daily occupancy numbers in 2001 were the second lowest in the period since 1994. The figure of 20.15 recorded in 2001 was 16.2%

lower than the peak of 24.05 recorded in 1999. In contrast, the non-Aboriginal daily average of 52.91 was higher than the figures for the three previous years. As a result of these opposite trends, in 2001 Aboriginals accounted for 27.6% of the average daily occupancy compared with 29.3% in 2000, 36.2% in 1999 and 33.0% in 1998.

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 2001 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 2001. 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 2001 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 2001 statistics presented here are the same as those included in the reports covering the four previous years. 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) provide details on the number of police apprehensions of juveniles in 2001, 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) provide 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 4.14 focus on cases finalised by the Youth Court, while Tables 4.15 to 4.21 detail the number of community service orders¹ 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.

Recent changes to the criminal law or justice administration

There have been some major changes in criminal legislation and justice administration in the past two years that are likely to have impacted on the statistics presented in this report. Last year's *Crime and Justice Report* detailed the changes brought about by the *Criminal Law Consolidation (Serious Criminal Trespass) Amendment Act*², which came into effect on 25th December 1999. In that legislation, *break and enter offences* were replaced with a range of *serious criminal trespass offences*, including the major indictable offence of *aggravated serious criminal trespass*. This legislation may have had a number of effects. For example, anecdotal evidence suggests that because some of the new offences are classified as 'major indictable' and need to be heard before a Judge rather than a magistrate these matters may take longer to process than was previously the case.

Last year's report also noted that during 1999, major organisational changes were introduced by South Australia Police (see Appendix for details). As might be expected with a new system, it took some time for the new structure to be

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.

² For more information on the changes associated with this legislation see the Appendix.

firmly established and it was not until the end of 2000 that the re-organisation was thought to be working smoothly. This means that 2001 was the first complete year with the new organisation well established and it might be anticipated that this would impact on the apprehension and caution statistics.

There have been further changes during 2001, with the Police Drug Diversion Initiative being implemented in September of that year. The aim of this program is to provide people with the opportunity to address their drug use problems and to bring about a reduction in both the numbers of illicit drug users in South Australia and the health, criminal and social harms associated with illicit drug use. The Initiative targets illicit drug users early in their involvement in the criminal justice system and diverts eligible offenders into compulsory drug education, assessment and treatment programs. Instead of being formally apprehended, offenders are diverted into one of these programs. This means then that juveniles who in previous years may have appeared in the apprehension statistics for *drug offences* might now be diverted. Hence, it would be expected that the 2001 figure for drug related apprehensions would be somewhat lower than in previous years.

This initiative might be expected to impact differentially on the statistics for different groups. For example, in previous years the data indicated that *drug offences* were listed against a higher proportion of non-Aboriginal than Aboriginal apprehensions. Hence, it might be anticipated that the diversion program would impact more markedly on non-Aboriginal than Aboriginal apprehension statistics. In addition, it would be expected that the Drug Diversion Initiative will result in lower numbers of young people being referred to family conferences and the Youth Court for drug offences.

Finally, there has been one other initiative that may impact on the statistics for police apprehensions, police referrals, family conferences and Youth Court cases. This is South Australia Police's move to a problem solving policing model. Anecdotal evidence suggests that this approach involves increased use of arrest for some categories of offence, greater targeting of recidivists, more stringent checking for compliance with bail conditions and more opposition to bail at both the point of arrest and in court. These measures could impact on a range of statistics, from arrest levels to time spent in custody on remand. As is the situation with the Drug Diversion Initiative, this new approach may impact differentially on various sub-groups of people.

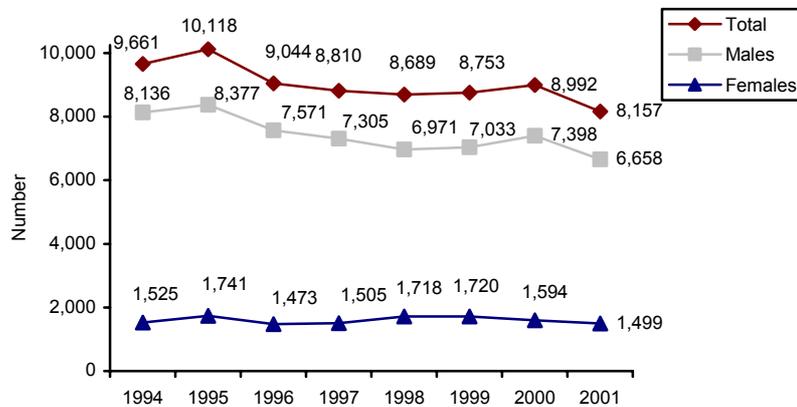
Police Statistics

Police apprehensions

In 2001, young people accounted for 8,157 apprehension reports lodged by police. This is 9.3% lower than the 8,992 apprehensions filed in 2000 and 19.4% lower than the peak of 10,118 recorded in 1995. In fact, the 2001 figure is the lowest of the eight years depicted.

Male apprehensions recorded a 10% decrease on the 2000 figure, with the figure of 6,658 being the lowest recorded in the period 1994 to 2001. Female apprehensions, too, showed a decrease. The 2001 figure, 6.0% lower than the previous year, was the second lowest in the period shown. Females accounted for 18.4% of all apprehensions, which is comparable with the figures for previous years.

Figure 1 Number of police apprehension reports involving juveniles, 1994 to 2001



As in previous years, only a small proportion (7.9%) of apprehensions in 2001 involved youths aged 10-12 years while approximately one half (52.1%) were aged 16 and over. Youths aged 13-15 years accounted for the remaining 40.1%. There were some age differences between males and females dealt with by police in 2001. Overall, a higher proportion of females than males were grouped in the middle age range of 13-15 years (50.7% compared with 37.7% respectively) while proportionately fewer were aged 16 and over (43.2% compared with 54.1% respectively).

Information on racial appearance was available for 7,420 (91.0%) of

the 8,157 apprehensions³. Persons identified by police as Aboriginal in appearance accounted for 17.8% of these – a finding which highlights the ongoing disproportionate involvement of this group with the criminal justice system. As in previous years, however, this over-representation was more pronounced for females than males, with Aboriginals accounting for 23.9% of all apprehensions involving young women compared with 16.5% of all apprehensions involving young men.

Aboriginal young people brought into contact with the system were generally younger than their non-Aboriginal counterparts. As Figure 2 shows, youths aged 12 years and under accounted for approximately one-fifth of Aboriginal apprehensions compared with only 5.1% of non-Aboriginal matters. Conversely, approximately one third of Aboriginal cases involved young people aged 16 years and over compared with over half of non-Aboriginal apprehensions.

Figure 2 Police apprehension reports: racial appearance by age, 2001

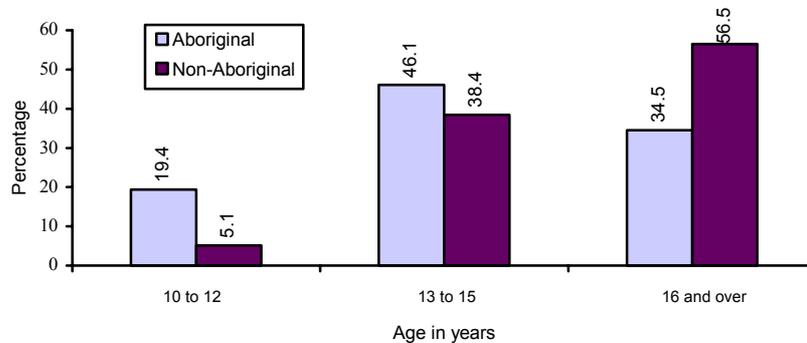


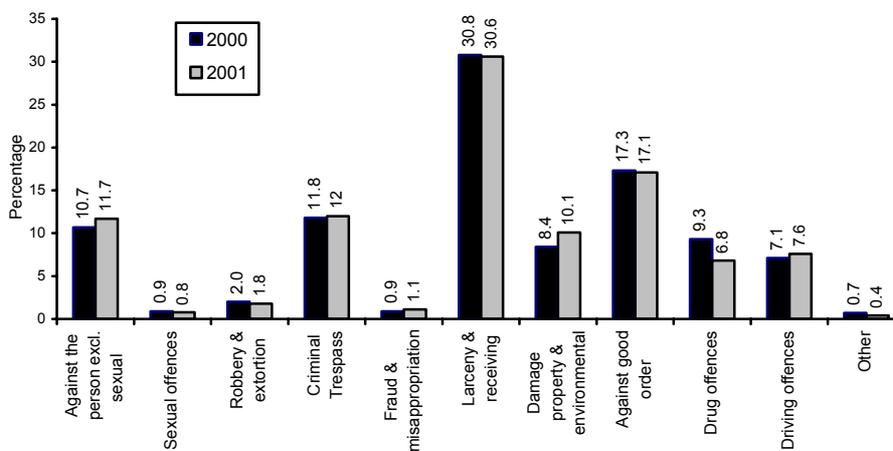
Figure 3 presents a breakdown of police apprehensions by the major offence alleged. This shows that in 2001 *larceny and receiving* was the most prominent offence, followed by *good order offences*, *criminal trespass*⁴, *offences against the person (excluding sexual offences)*, *damage property and environmental offences*, *driving* and *drug offences*. There were relatively few apprehension reports in which *robbery and extortion*, *fraud and misappropriation* or *sexual offences* were listed as the most serious offence alleged.

³ As for 1999 and 2000, 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 data since 1999 are not directly comparable with those of previous years.

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*. However, persons apprehended in 2001 would be changed with *break and enter* if the offences had been committed prior to 25 December 1999. For more details see the Appendix.

Figure 3 also indicates that the major offences for which youths were apprehended in 2001 were very similar to those recorded in the previous year. As noted earlier⁵, the Police Drug Diversion Initiative began implementation in September 2001. Given this, it would be expected that, compared with 2000, there would be some decline in the proportion of apprehensions with a *drug offence* listed as the major allegation. As Figure 3 shows, this is the case with a drop from 9.3% in 2000 to 6.8% in 2001. However, it should be noted that the proportion of apprehensions involving this offence had already steadily decreased over the last four years (from 13.7% to 9.3% across the period 1997 to 2000).

Figure 3 Police apprehension reports: major offence alleged, 2000 and 2001



To provide a more detailed insight into the type of offences for which young people were apprehended in 2001, 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* (12.0% of all apprehensions) and *larceny or illegal use of a vehicle* (6.6%). For those apprehensions involving a *drug offence*, the main one was that of *possess, use cannabis* (4.1% of all apprehensions). *Common assault*⁶ accounted for the majority of *offences against the person, excluding sexual offences* (7.2% of all apprehensions) while *assault occasioning actual or grievous bodily harm* was the major offence in only 2.2% of apprehensions.

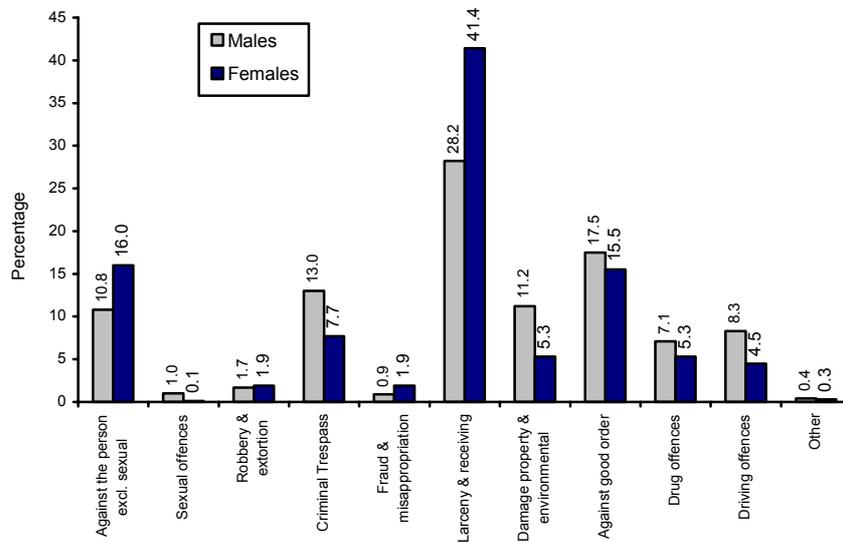
⁵ See comments under the heading 'Recent changes to the criminal law or justice administration'.

⁶ Including common assault of a family member

There were no 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 (111 out of 145) 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.

Figure 4 Police apprehension reports: sex by major offence alleged, 2001



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 (27.0%) of all female apprehensions compared with only 8.6% for males. *Offences against the person, excluding sexual offences* were also more prominent for females than males (16.0% compared with 10.8% respectively). Conversely, a lower proportion of female than male apprehension reports listed *criminal trespass offences* (7.7% compared with 13.0% respectively), *damage property and environmental offences* (5.3% compared with 11.2%) and *driving offences* (4.5% compared with 8.3% 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. *Criminal trespass offences* were more prominent for Aboriginal than non-Aboriginal apprehensions (16.1% compared with 11.7% respectively), as were *good order offences* (18.9% compared with 16.8% respectively). In contrast, a lower proportion of Aboriginal than non-Aboriginal apprehensions involved *drug offences* (2.6% compared with 7.5% respectively) and *driving offences* (1.9% compared with 7.7% respectively).

Method of apprehension

In 2001, in 36.5% of apprehensions police opted to arrest rather than report the young person. This represents a small increase in the use of arrest compared with last year (32.8%). Given the earlier comments regarding South Australia Police's move to a problem solving model⁷ this may not be unexpected. However, it also needs to be noted that there has been a steady increase in the use of arrest over the previous five years (27.3% in 1996, 28.3% in 1997, 28.8% in 1998, 31.8% in 1999 and 32.8% in 2000).

For both males and females, more than three in ten apprehensions were by way of arrest. However, males were more likely than females to be arrested (37.5% compared with 32.1% respectively). This 2001 figure for males represents an increase on the proportion arrested in 2000 (33.0%). In contrast, the female arrest rate remained relatively constant across the two years (32.1% in 2001 and 31.9% in 2000).

As might be expected, older youths were proportionately more likely to be arrested than younger ones (with 39.3% of cases involving young people aged 16 years and over being arrest-based compared with only 24.2% of those involving youths aged 10-12 years). However, it was Aboriginal youths who were the most likely to be arrested. In 2001, as was the case in the previous three years, one in two Aboriginal apprehensions (54.0%) were arrest-based compared with one in three non-Aboriginal apprehensions (37.1%). Stated differently, Aboriginals accounted for 24.0% of all arrest-based apprehensions but only 13.6% of report-based apprehensions, where racial identity was recorded.

Type of action taken

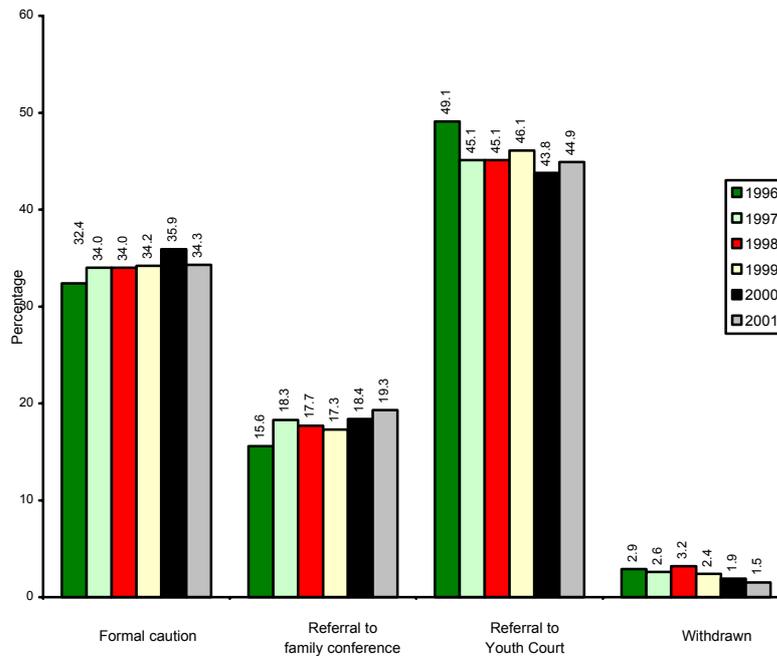
The type of action taken following the formal apprehension of a young person was not recorded in 11.0% of cases – an equivalent proportion to the 11.4% recorded last year. Of those 7,257 apprehensions where this information was available, 34.3% resulted in a referral to a formal caution with a further 19.3%

⁷ See comments under the heading 'Recent changes to the criminal law or justice administration'.

being diverted to a family conference. Youth Court referrals accounted for 44.9%, while police withdrew 1.5% of the allegations⁸.

As indicated in Figure 5, the distribution of cases across the main referral categories in 2001 was much the same as in each of the five preceding years, with referrals to the Youth Court remaining the most frequently used option.

Figure 5 Police apprehensions: type of action taken, 1996 to 2001

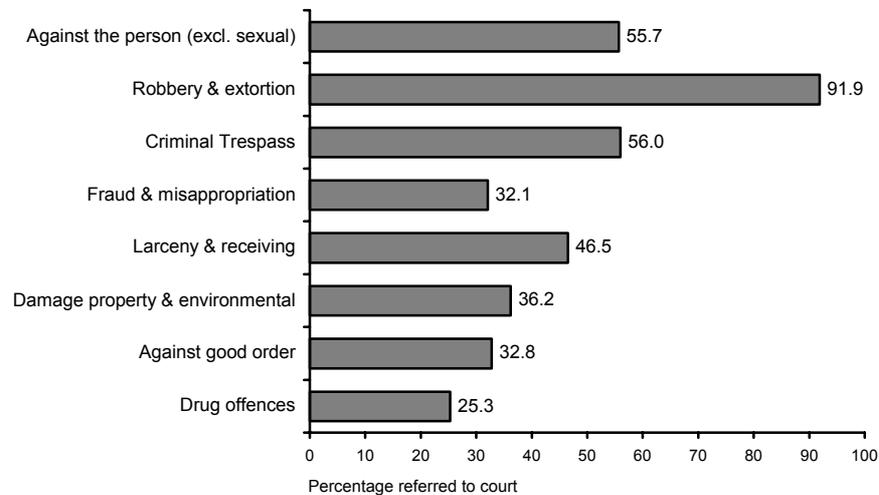


In calculating the percentages, apprehensions for which the type of action taken was not recorded have been excluded

As in previous years, the level of Youth Court referrals varied according to the nature of the major offence alleged. As Figure 6 shows, 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 *criminal trespass* were also directed to court. In contrast, for those apprehensions where the major allegation was a *drug offence* approximately one in four cases were directed to court.

⁸ 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 6 Police apprehensions: major offence alleged by proportion referred to Youth Court, 2001



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. *Sexual* and *other offences* have been excluded because the small number of apprehensions for these offences make comparisons tenuous.

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 *fraud and misappropriation* (with 6.0% of the total of 91 allegations dropped).

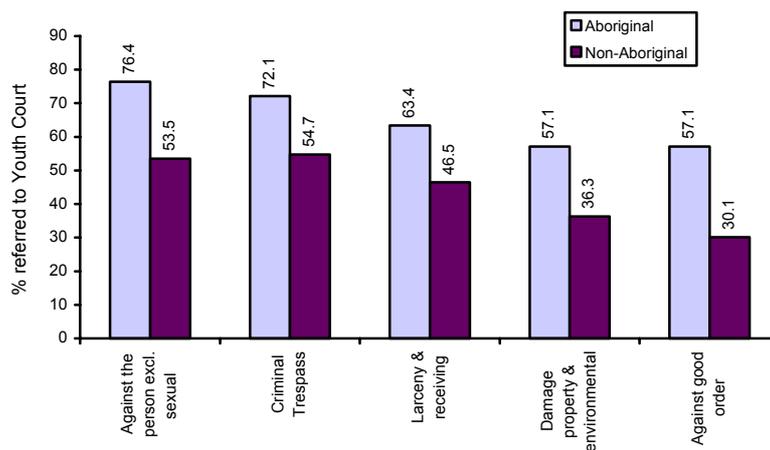
The referral patterns were similar for both males and females. For those apprehensions where the type of referral was recorded, 46.0% of males and 40.4% of females were referred to the Youth Court while approximately one third (33.5% and 37.3% respectively) were diverted to a police caution.

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 (64.7%) Aboriginal apprehensions were referred to court compared with just over four in ten (44.3%) non-Aboriginal matters. Conversely, only 16.8% of Aboriginal apprehensions received a formal caution compared with just over one third (33.9%) 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 (17.6% compared with 20.2% respectively).

Stated differently, for those cases where racial appearance and type of referral were recorded, Aboriginal young people accounted for 10.3% of all formal caution referrals, 16.8% of all family conference referrals and 25.2% of all court referrals. Given that Aboriginal youth accounted for 17.8% of all apprehension reports, these figures indicate that they are under-represented in terms of the numbers receiving a formal caution and, albeit to a lesser degree, those referred to a family conference. Conversely, Aboriginal youth are substantially over-represented amongst those referred to the Youth Court.

These racial differences in type of action taken were evident across the great majority of offences. For example, as shown in Figure 7, for *offences against the person (excluding sexual offences)* three-quarters of Aboriginal apprehensions were referred to court compared with half of non-Aboriginal cases. Similar differences were apparent for *larceny and receiving* and *offences against good order*. For only one offence group, *robbery and extortion*, were approximately the same proportions of Aboriginal and non-Aboriginal apprehensions referred to court (22 out of 24 and 103 out of 111 respectively where referral details were recorded).

Figure 7 Police apprehensions by racial appearance: major offence alleged by proportion referred to court, 2001

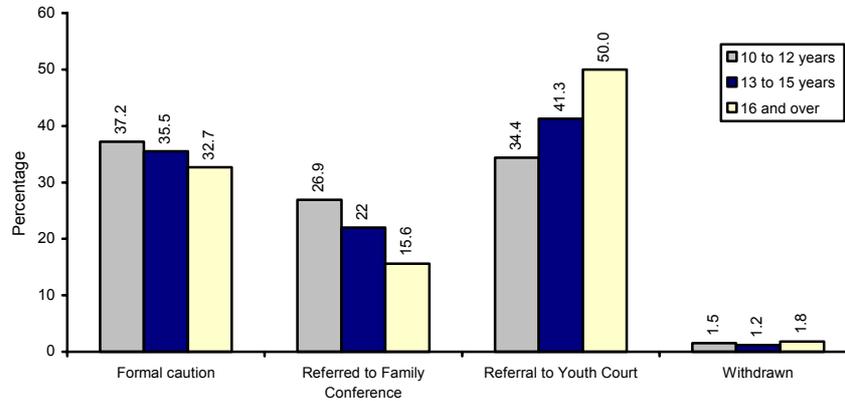


Sexual offences, robbery, fraud and misappropriation, driving, drug and 'other' offences have been omitted because the very small number of Aboriginal apprehensions for these offences make comparisons tenuous. In calculating these percentages, apprehensions where the type of action taken was not recorded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

The type of action taken also varied according to the young person's age (see Figure 8). Generally, the younger the person, the greater the likelihood that (s)he would be referred for a formal caution or a family conference and the less likelihood that (s)he would be directed

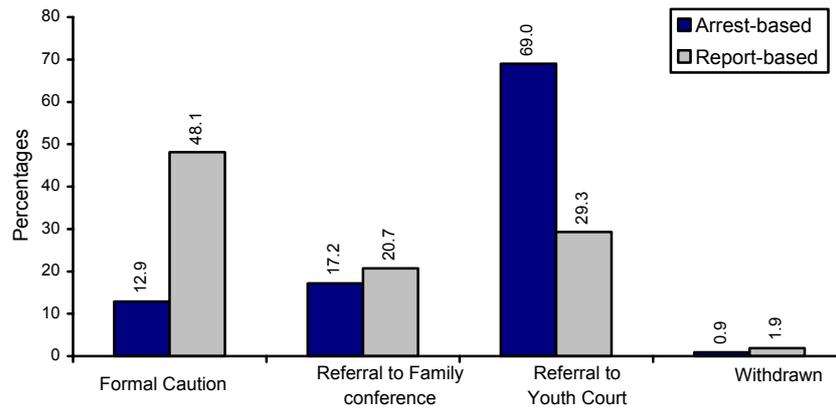
to the Youth Court. Almost two thirds of apprehensions involving young people aged 10 to 12 years were diverted compared with just under one half of those aged 16 and over. Conversely, only one third of those in the youngest age group were directed to court, compared with half in the oldest age group.

Figure 8 Police apprehensions: age by type of referral, 2001



The type of action taken also co-varied with the method of apprehension (see Figure 9). Of the 2,850 arrest-based apprehensions where the type of action taken was known, nearly seven in ten were directed to court, compared with approximately three in ten report-based apprehensions. In contrast, only 12.9% of arrest-based apprehensions resulted in a caution compared with nearly half of the reported cases. Stated differently, over one half (60.4%) of court referrals were arrest-based, compared with 35.0% of family conference referrals and 14.8% of those cases where the young person was referred for a formal caution.

Figure 9 Police apprehensions: method of apprehension by type of referral, 2001



Number of discrete individuals apprehended

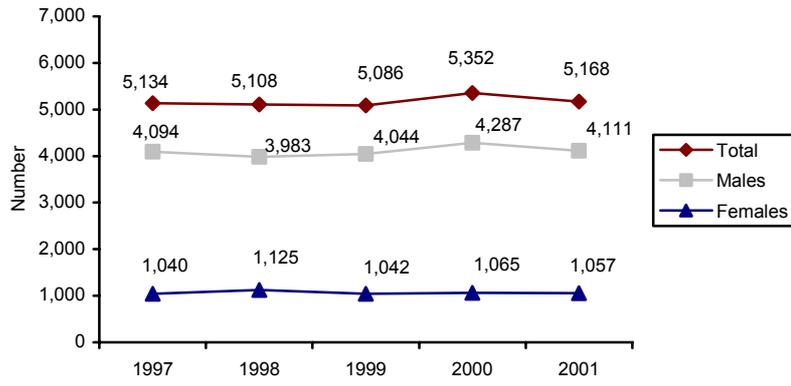
Whereas Tables 2.1 to 2.23 in Section 2 relate to apprehension reports, Table 2.24 details the number of discrete individuals apprehended during 2001. In this table, youths who were apprehended on more than one occasion during the 12 month reporting period are counted only once.

As shown in Figure 10, there were 5,168 juveniles apprehended in 2001. This figure was 3.4% lower than the 5,352 recorded in 2000, but higher than in each of the other three years depicted. The number of males apprehended was 4,111, 4.1% lower than the 4,287 recorded the previous year. In contrast, for females the number of discrete individuals apprehended was virtually the same as for 2000.

In 2001, the 8,157 apprehensions involved 5,168 individuals. This gives an average of 1.6 apprehensions per youth, which is slightly lower than the 1.7 recorded in the previous five years. As in 2000, the majority (71.5%) of young people were apprehended once only, while a very small proportion (3.8%) 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 76.7% of females and 70.2% of males being apprehended once only. On average, males recorded 1.62 apprehensions in 2001 while females recorded 1.42 apprehensions.

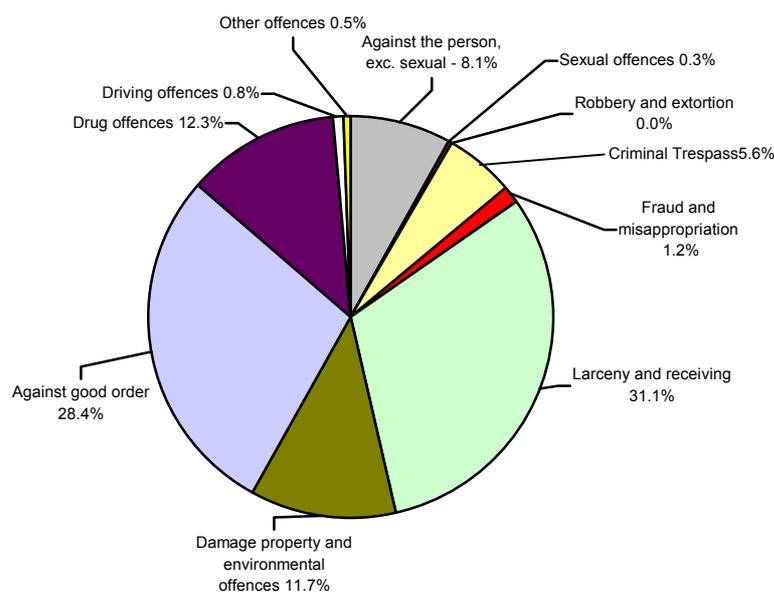
Figure 10 Number of discrete individuals apprehended, 1997 to 2001



Formal police cautions

As noted earlier, 2,486 apprehensions were referred for a formal caution. As Figure 11 shows, *larceny and receiving* offences were the most prominent for these apprehensions, followed by *offences against good order*, *drug offences* and *damage property and environmental offences*. At the other end of the scale, only eight cases involving a *sexual assault* were considered appropriate for a caution (compared with nine in 2000), as were two *robbery and extortion* matters (again compared with nine in 2000).

Figure 11 Referrals to a formal police caution: most serious allegation listed per apprehension report, 2001

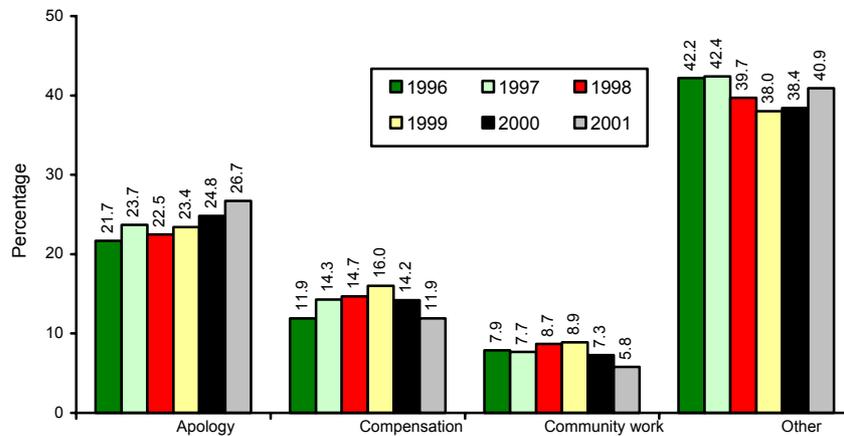


Whereas Tables 2.9 to 2.23 in Section 2 detail the number of apprehensions referred to a caution, Tables 2.25 to 2.29 focus on the actual number of formal cautions administered by police. It should be noted that in a small number of cases, the police may use the one formal caution to deal with two or more apprehension reports for the same young person. Thus, in 2001, while there were 2,486 apprehensions that were referred to a formal caution, only 2,460 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 2001, 26.7% of formal police

cautions involved an apology, 11.9% resulted in the payment of compensation, 5.8% required the young person to undertake community work and 40.9% resulted in some other type of condition. As shown in Figure 12, these proportions are similar to the pattern of previous years. In each of the six years depicted, 'other' conditions have dominated, followed by apologies and then compensation and lastly, community work. However, some variation is evident. Over the last three years, there has been an increase in the proportion involving an apology so that the 2001 figure is the highest of the six years depicted. In contrast, a different pattern is evident for compensation. The proportion of cautions involving compensation increased over the years 1996 to 1999 but dropped back to its lowest point by 2001. Similarly, the community work figure for 2001 is the lowest of the six years shown.

Figure 12 Formal police cautions: proportion involving apologies, compensation, community work or 'other' conditions, 1996 to 2001



While the same pattern generally applied to both males and females in 2001, apologies featured slightly more prominently in female than male cautions (listed in 30.8% of female cautions compared with 25.6% of male cautions). In contrast, proportionately fewer females than males agreed to pay compensation (8.5% compared with 12.8% respectively) or do community work (3.1% compared with 6.5% 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 (11.3% compared with 9.6% respectively), and 'other' conditions (41.4% compared with 31.6%). Some care

should be taken, though, when interpreting these figures because of the high number of cautions where information regarding racial appearance was not available (436 out of 2,460 or 17.7%).

Approximately one half (51.7%) of the compensation payments agreed to as part of a police caution in 2001 were for \$50 or less, while only 1.7% involved amounts of more than \$500. The maximum amount agreed to was \$1,670. This was included as part of an undertaking for a caution where the major allegation listed was a *fraud and misappropriation offence*. The average amount of compensation required as part of a caution was \$114, a higher figure than the previous year's average of \$88 but virtually the same as the 1999 average of \$110.

The majority of community work agreements involved a relatively small number of hours, with almost seven in ten (67.8%) being for 10 hours or less. Only approximately one in ten (9.1%) 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 48 which was listed against an offence of *resist/hinder police*.

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 1,668 case referrals were finalised by the Family Conference Team in 2001. This figure is 6.3% lower than the 1,781 cases finalised in 2000 but virtually the same as the 1,655 finalised in 1999. Males accounted for eight in ten (80.6%) of all referrals, which is similar to the proportion recorded in previous years. Information on racial appearance was available for 1,604 referrals (96.2% of the total), with Aboriginal youth accounting for 15.5% 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 2001 (88.2%) a 'successful' conference was held with some form of agreement being reached.¹⁰ In 1,335 of these 'successful' cases (i.e. 80.0% of all referrals), the young person entered into an undertaking. In a further 8.2%, a formal caution was all that participants thought was required.¹¹

For a small number of referrals finalised by the Family Conference Team in 2001 (31 or 1.9% of total referrals) a conference was convened but no resolution was achieved. In half of these (i.e. 16 of the 31) the matter remained unresolved because the young person did not admit the allegation, while in a further 12 matters, the youth elected to have the allegations heard in court. For 166 referrals (10.0% of the total), no conference was held. The non-appearance of the young person (5.3%) and inability to locate the youth (3.2%)

⁷ This figure includes a small number of referrals received by the Family Conference Team in 2000 but not finalised until 2001. It should also be noted that referrals received in 2001 but not finalised by the end of the year have not been included here.

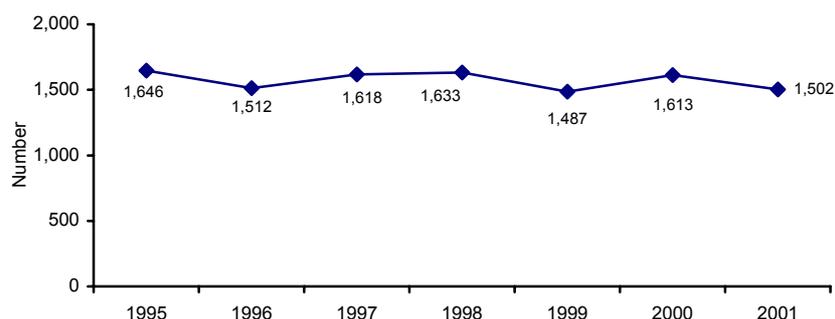
⁸ It should be stressed that the term 'success', as used here, does not take account of whether undertakings entered into at the conference were subsequently complied with. Levels of compliance with undertakings and conditions agreed to during a conference are discussed in a later section.

¹¹ The 2001 figure for formal cautions is not directly comparable for those for the years prior to 2000. This is because since 2000, conference outcomes that previously would have fallen into the category of 'no action' have been recorded as 'formal cautions'. For further information, see the Appendix.

were the main reasons for this.¹² Again, these results are very similar to those recorded in the three previous years. In each of those 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 1,668 referrals finalised by the Family Conference Team in 2001, 1,502 resulted in a conference being held. Longitudinal trends in the number of cases where a conference was actually held (see Figure 13) indicate a decrease of 6.9% on the number of cases conferenced in 2000.

Figure 13 Cases for which a family conference was held, 1995 to 2001



In 2001 the referral outcomes recorded for both sexes were broadly similar. The majority of referrals for males and females resulted in a 'successful' conference (88.8% and 85.5% respectively). For both sexes, there were relatively few referrals where a conference was not convened (9.3% of male and 12.7% of female referrals).

As occurred in 2000, a lower proportion of Aboriginal than non-Aboriginal referrals resulted in a 'successful' conference. Of the 248 Aboriginal referrals finalised by the Family Conference Team in 2001, eight in ten (79.0%) were resolved at the conference compared with nine in ten non-Aboriginal referrals (89.7%). For 19.8% of Aboriginal referrals, a conference was not convened, mainly because the young person failed to attend (14.1%) or could not be located by the Family Conference Team (4.4%). In contrast, only 8.4% of non-Aboriginal cases did not proceed to a conference, including 3.9% who

¹² Due to a change in recording practices, the figure for the outcome of 'unable to locate youth' in 2001 may not be directly comparable with those for the years prior to 2000. See Appendix for further details.

¹³ It should be noted that the figure of 1,502 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.

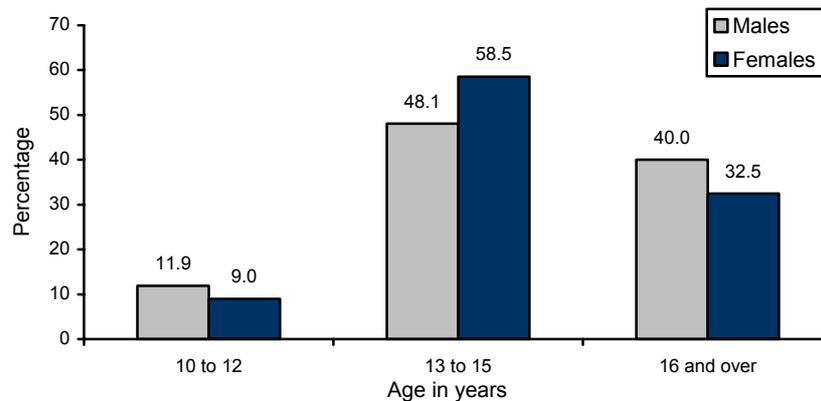
failed to appear. These figures mean that in 2001, for those cases where racial identity was recorded, Aboriginal young people made up 13.9% of those referrals where a conference was 'successfully' completed, but a substantial 30.1% of those referrals that did not get to a conference. However, the proportion of Aboriginal referrals resulting in a 'successful' conference was virtually the same as in 2000 and 1999 (80.3% and 79.7% respectively).

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 1,502 case referrals for which a conference was actually held. Males accounted for 81.2% of the 1,502 cases (compared with 81.6% in 2000, 80.1% in 1999 and 78.4% in 1998). Half (50.0%) of the 1,483 matters where age was recorded involved young people aged 13 to 15 years. A further 38.6% were aged 16 and over while only a small proportion (11.3%) were in the youngest age group of 10-12 years.

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

Figure 14 Cases dealt with at a family conference: sex by age, 2001



In 2001, Aboriginal youths accounted for 13.8% of all cases dealt with by way of a conference where information on racial identity was recorded. Approximately equal proportions of both Aboriginal and non-Aboriginal cases

dealt with at a conference involved young women (21.1% and 18.2% respectively).

There were marked age differences between Aboriginal and non-Aboriginal youth. As shown in Figure 15, a much higher proportion of Aboriginal than non-Aboriginal cases involved young people aged 10-12 years. Conversely, while four in ten non-Aboriginal cases involved youth aged 16 and over, this age group accounted for only one fifth of the Aboriginal cases. The proportion of Aboriginal cases involving very young individuals was slightly higher in 2001 than in the two previous years.

Figure 15 Cases dealt with at a family conference: racial identity by age, 2001

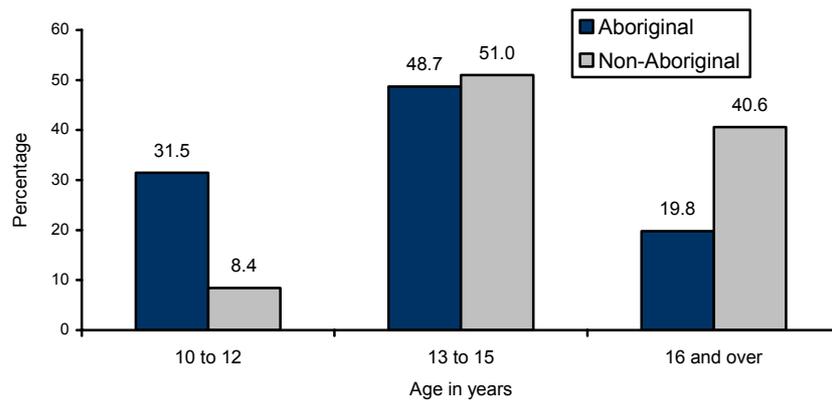


Figure 16 presents the most serious offence alleged in those cases dealt with at a family conference in 2001. As shown, *larceny and receiving* was the most prominent, accounting for 33.5% of all cases, followed by *criminal trespass*, *offences against good order*, *offences against the person (excluding sexual offences)* and *damage property and environmental offences*.

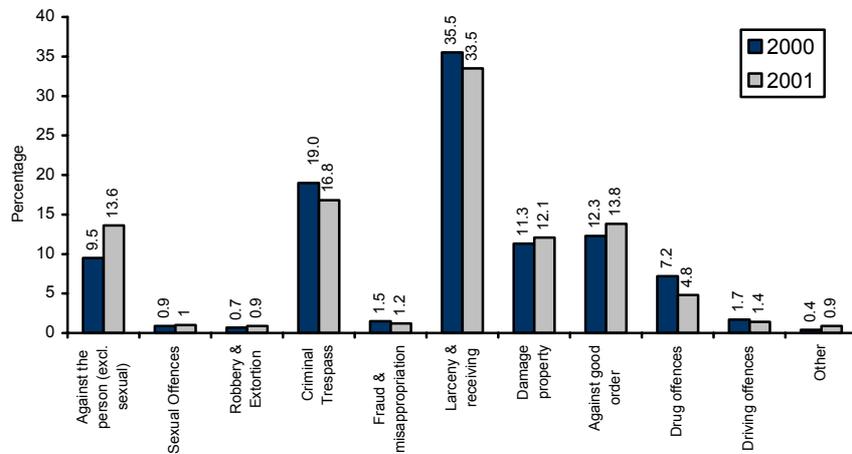
Larceny-related offence included a range of sub-categories. This year, it has been possible to distinguish between *larceny from shops* and *larceny-miscellaneous* and it can be seen that *larceny from shops* was the most prominent larceny offence, accounting for 13.2% of all cases. *Larceny/illegal use of a vehicle* accounted for a further 7.8% of cases. *Other assault* was the most prominent of the *offences against the person (excluding sexual offences)* category, accounting for 9.5% of all cases, while *serious assault* featured in only 3.2% of cases.

As can be seen in Figure 16, the major offences dealt with at a family conference in 2001 were very similar to those recorded in the previous year. However, some differences are apparent. *Offences against the person (excluding sexual offences)* were more prominent in 2001 than in 2000. In

contrast, *drug offences* were less prominent, a result which may be related to the implementation of the Police Illicit Drug Diversion Initiative.¹⁴

¹⁴ For further information on the Police Illicit Drug Diversion Initiative see the Appendix.

Figure 16 Cases dealt with at a family conference: major offence alleged per case, 2000 and 2001



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 (14.8% compared with 8.3% respectively). The same applied to *larceny from shops* (29.0% of female cases compared with only 9.6% of male cases). However, proportionately fewer female than male cases involved *criminal trespass* (12.0% compared with 18.0% respectively) or *damage property and environmental offences* (6.7% compared with 13.4% respectively).

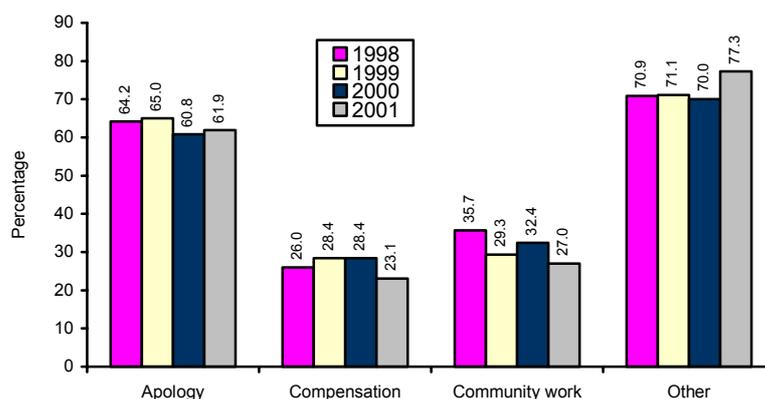
While the offence profiles of Aboriginal and non-Aboriginal cases were generally similar, some small differences were again evident. *Good order offences* were more prominent for Aboriginal than non-Aboriginal youth (18.6% compared with 12.8% respectively) while *drug offences* accounted for a higher proportion of non-Aboriginal than Aboriginal cases.

Six in ten cases dealt with at a conference (61.2%) involved one offence only, while one in twenty (4.1%) involved five or more allegations. A higher proportion of male than female cases involved multiple allegations (39.7% compared with 35.0% respectively) as did a higher proportion of non-Aboriginal than Aboriginal cases (39.8% compared with 33.7% respectively.)

As noted earlier, in 2001 there were 1,335 cases dealt with at a family conference that resulted in the young person agreeing to enter into an undertaking. This was 6.6% fewer than the 1,430 cases with undertakings recorded in 2000.

The conditions associated with the undertakings are outlined in Table 3.9¹⁵ of Section 3. As in previous years, the condition most frequently agreed to was ‘other’, which was included in almost eight out of ten cases (77.3%) 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 61.9% of cases. Community work was part of an undertaking in 27.0% of cases while compensation was agreed to in 23.1%. These results are generally comparable with those recorded in each of the years 1998 to 2000 (see Figure 17). However, it can be seen that the proportion of undertakings resulting in ‘other’ conditions showed a substantial increase in 2001, the highest figure recorded in the four years shown. The reverse was true for community work and compensation, with undertakings in 2001 less likely than in the three previous years to involve these conditions.

Figure 17 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition, 1998 to 2001

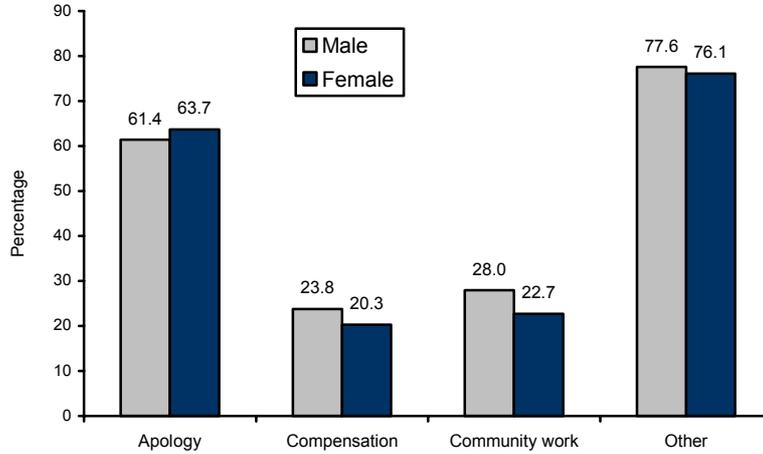


As illustrated in Figure 18, the overall patterns for males and females were similar. However, there was a slight difference for community work which was agreed to in a higher proportion of male than female

¹⁵ 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.

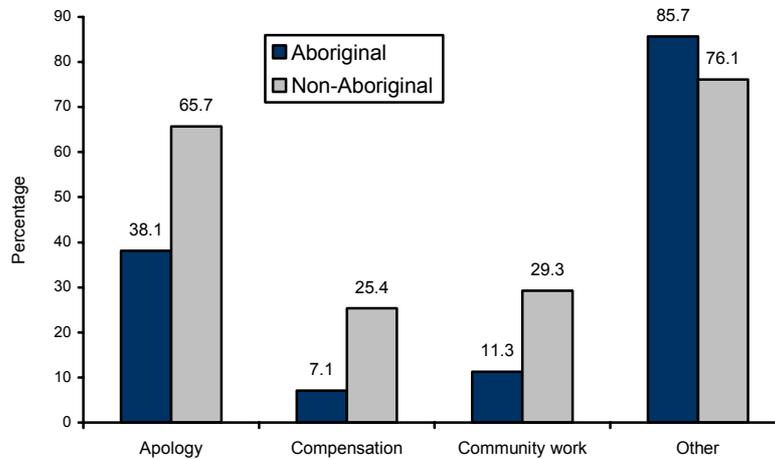
undertakings.

Figure 18 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition by sex, 2001



For both Aboriginal and non-Aboriginal undertakings (see Figure 19) the conditions of community work and compensation were used sparingly compared with those of apologies and 'other'. However, some differences were apparent. Aboriginal undertakings were less likely than non-Aboriginal ones to involve an apology, compensation or community work, but more likely to involve 'other' conditions. Similar Aboriginal/non-Aboriginal differences in undertaking conditions have been evident since 1998.

Figure 19 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition by racial identity, 2001



Of the 309 cases where the young person agreed to pay compensation, six in ten (63.4%) involved payment of \$100 or less, while only four cases involved the payment of more than \$1,000. The average amount of compensation agreed to was \$170 (compared with \$173 in 2000, \$231 in 1999 and \$197 in 1998), while the maximum was \$3,743 (compared with \$2,580 in 2000, \$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 *fraud and misappropriation*.

The majority of community work agreements involved a relatively small number of hours, with over one half (58.7%) consisting of 20 hours or less, and a further 13.6% involving 21-30 hours. There were only three cases where the community work agreements were for periods of more than 100 hours. The average number of community work hours was 26 (the same as in 2000 but slightly less than the 28 in 1999) while the maximum was 200 (compared with 300 in the previous year and 150 in 1999). The maximum applied to a case where the major allegation was a *criminal trespass* offence.

Undertaking compliance

Of the 1,335 conference cases finalised by way of an undertaking in 2001, information on undertaking compliance was available for 1,108 (83.0%). This means that for the remaining 247 cases, the time allocated for completion of the undertaking had not expired by the end of mid April 2002, when the database was closed off for this statistical report. Each of these cases consisted of only one undertaking.

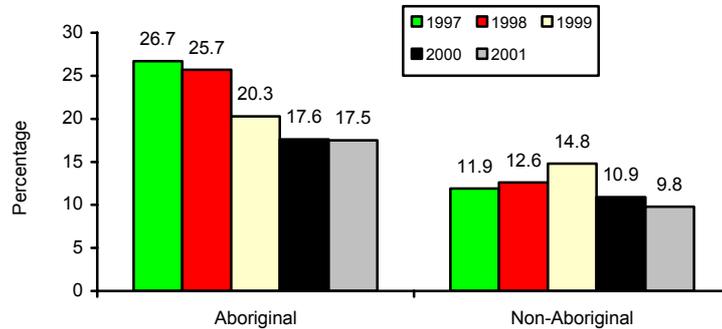
In 959 (86.6%) of these 1,108 cases, by mid April 2002 all undertakings were listed as having been complied with, while in a further 25 cases (2.3%) a decision was made to waive the outstanding requirements. In 124 cases (11.2%), the undertaking was not complied with and the matter was referred back to police, who then had the option to either not proceed with the matter or lay formal charges and refer the young person to the Youth Court for prosecution. This pattern of compliance is virtually the same as that recorded in 2000 (when 85.9% of undertakings were complied with) and slightly higher than the level recorded in the three years from 1997 to 1999.

In 2001, there was very little difference between males and females in relation to the levels of compliance with undertakings. For males, 11.1% of those cases where relevant information was available were referred back to police because of non-compliance, while 11.7% of female cases resulted in a re-referral to police.

There were differences between Aboriginal and non-Aboriginal cases. Of the 168 Aboriginal and 1,114 non-Aboriginal cases which resulted in an undertaking in 2001, information on undertaking compliance status was available for 154 (91.7%) and 911 (81.8%) respectively. Although the level of compliance was high for both groups, the proportion of cases referred back to police for non-compliance was more pronounced for Aboriginal than non-Aboriginal matters (17.5% compared with 9.8% respectively.)

However, as shown in Figure 20, the proportion of Aboriginal cases referred back to police decreased over the four years 1997 to 2000 and the 2001 figure is virtually the same as the relatively low level recorded in the previous year. 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 and then again in 2001. These differing trends resulted in a gap of 7.7 percentage points between the two groups in 2001 compared with gaps of 5.5 and 14.8 percentage points in 1999 and 1997 respectively.

Figure 20 Cases dealt with at a conference which resulted in an undertaking: proportion of Aboriginal and non-Aboriginal cases referred back to police for non-compliance: 1997 to 2001



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 mid April 2002, compliance details had been entered for 1,108 of those 1,335 conference cases which had resulted in an undertaking. For these 1,108 cases, compliance data were recorded for 749 apologies, 235 compensation agreements, 276 community work conditions and 1,353 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 compensation (91.5%), 'other' conditions (89.0%) and community work (87.0%).

As noted earlier, the level of undertaking compliance for males and females was equivalent. A similar pattern was evident for condition compliance. It was only for community work that a substantial difference was recorded (88.8% compliance for males compared with 75.0% for females). However, it should be noted that the actual number of community work conditions involving females was relatively small (36) which means that minor changes in the number of conditions complied with could produce relatively large percentage shifts. Hence, this comparison is rather tenuous.

While the great majority of apologies were complied with by both groups, Aboriginal compliance levels were slightly lower than non-Aboriginal levels

for 'other' conditions (82.2% compared with 90.1% respectively). The number of compensation and community work conditions entered into by Aboriginal youths in 2000 was too small to permit meaningful analysis (9 and 16 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, 2001

Case outcome	No.	%
Cases positively finalised		
• conference held, undertaking complied with	959	57.5
• conference held, undertaking waived	25	1.5
• conference held, formal caution	136	8.2
• conference held, no further action	0	0
• case not proceeded with	2	0.1
Sub-total	1,122	67.3
Not yet classifiable		
• conference held, compliance data not available	227	13.6
Cases not positively finalised		
• conference held, undertaking not complied with—referred back to police	124	7.4
• conference held, no agreement reached	29	1.7
• conference not held, not resolved	166	10.0
Sub-total	319	19.1
Total*	1,668	100.0

As shown in Table 1, of the 1,668 cases referred to a conference in 2001, 67.3% were positively finalised. In a further 13.6% 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, 19.1% of referrals were not resolved at the conference level, either because the conference had not gone ahead (10.0%) or, if held, had not been able to reach agreement (1.7%), or the resultant undertaking had not subsequently been complied with (7.4%).

The proportion of cases not resolved at the conference level was

slightly higher in 2001 than in 2000 (19.1% compared with 17.8% respectively) but lower than the figures recorded in the years 1997 to 1999 (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 2001 is detailed in Table 2. Overall, a lower proportion of Aboriginal cases were positively finalised (62.5% compared with 68.4% of non-Aboriginal cases) largely because proportionately fewer conference undertakings were complied with (49.2% compared with 59.1% respectively). Conversely, a higher proportion of Aboriginal than non-Aboriginal cases were not positively resolved by way of a conference (31.9% compared with 16.7% respectively.) However, it should be noted that, at the time of data extraction, 15.0% of non-Aboriginal cases could not be classified because the time to complete the undertakings had not yet expired. In contrast, only 5.6% of Aboriginal cases were unclassifiable. In effect then, there were proportionately more non-Aboriginal than Aboriginal cases not counted which still had the potential to be positively completed. In turn, this means that the Aboriginal/non-Aboriginal differences in positive resolution noted above may be even larger once all relevant data are available.

Table 2 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance by racial identity, 2001

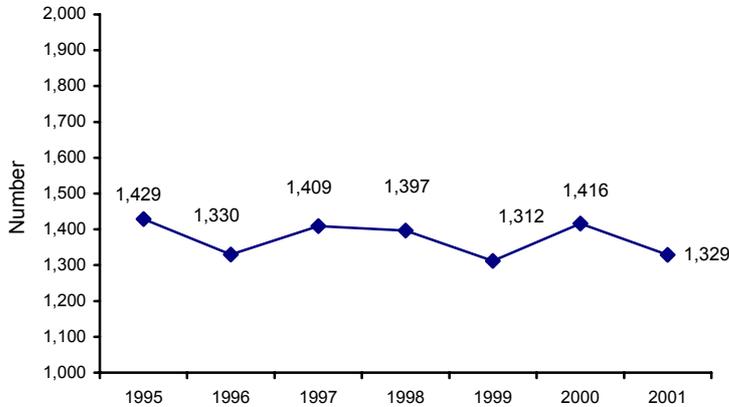
Case outcome	Aboriginal		Non-Aboriginal	
	No.	%	No.	%
Cases positively finalised				
• conference held, undertaking complied with	122	49.2	802	59.1
• conference held, undertaking waived	5	2.0	20	1.5
• conference held, formal caution	28	11.3	103	7.6
• conference held, no further action	0	0	0	0
• case not proceeded with	0	0	2	0.1
Sub-total	155	62.5	927	68.4
Not yet classifiable				
• Conference held, compliance data not available	14	5.6	203	15.0
Cases not positively finalised				
• conference held, undertaking not complied with– referred back to police	27	10.9	89	6.6
• conference held, no agreement reached	3	1.2	23	1.7
• conference not held	49	19.8	114	8.4
Sub-total	79	31.9	226	16.7

Total	248	100.0	1,356	100.0
-------	-----	-------	-------	-------

Number of actual conferences held

While Tables 3.1 to 3.17 in Section 3 of this report relate to separate cases, Tables 3.18 and 3.19 detail the number of discrete conferences held, irrespective of the number of young offenders dealt with at each conference. In 2001, 1,329 conferences were held. As indicated in Figure 21, this is one of the lower numbers recorded in the seven years depicted. More specifically, the 2001 figure was 6.1% lower than in the previous year when 1,416 conferences were held.

Figure 21 Number of conferences held, 1995 to 2001



The vast majority of conferences held in 2001 (91.1%) involved one young offender, while six had five or more offenders present. Most of the conferences (82.8%) had at least one parent present¹⁶.

In 2001, 40.6% of conferences had at least one victim present which is similar to the figure recorded in 2000¹⁷ (40.8%) but lower than those recorded in earlier years (46.1% in 1999, 48.5% in 1998, 46.6% in 1997 and 47.7% in 1996). This year it has been possible to provide details on the number of conferences where a victim, rather than attending the conference themselves, chose to have someone represent them.¹⁸ These people are recorded as victim

¹⁶ This year's figures for parents are not directly comparable with those for previous years, when parents and guardians were both included under the one category of 'parent'.

¹⁷ 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.

¹⁸ Prior to this year, the data did not allow for distinguishing between victim representatives and victim supporters. Both groups were included under the category of 'victim supporters'.

representatives and were present at 5.4% of conferences. One in ten conferences (11.9%) had a victim supporter present. As has been the situation in earlier years, relatively few conferences were attended by youth supporters (25.1%). This year, for the first time, it is possible to report on the number of 'other' participants. These are people whose occupation or role is in some way relevant to the particular conference. For example, in cases where the offence occurred at a school, the school principal may attend as an 'other' party. When arson has been involved, the Metropolitan Fire Service may be the 'other' party. This year's figures indicate that 4.7% of conferences involved at least one 'other' participant.

In terms of the total number of participants¹⁹, 3.4% of conferences in 2001 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). Six in ten (60.4%) had only two or three participants, while one in five (18.5%) had a total of five or more participants, with the maximum number of participants being 24.

¹⁹ Prior to this year, the total number of participants did not include participants other than the young offenders, youth supporters, parents, guardians victims, victim representatives 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.

Youth Court

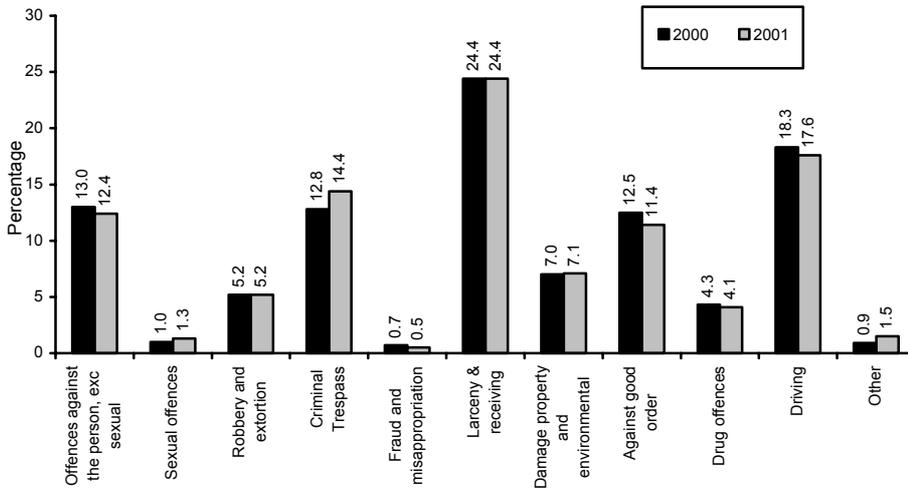
As in the 2000 *Juvenile Justice* report, two sets of tables are presented for finalised Youth Court appearances. One set (Tables 4.1 to 4.4 of Section 4) relate to all finalised appearances, including those where no charge was proved. The second set (Tables 4.5 to 4.15) provides details only on those 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 2001, there were 2,769 cases finalised in the Youth Court in South Australia, which was 3.4% more than the 2,678 cases finalised in 2000 but 6.9% fewer than in 1999. In the majority of cases (70.9%) the major charge was proved. In a further 198 appearances (7.2% 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 2,769 cases finalised in the Youth Court in 2001, 2,161 (78.0%) resulted in at least one charge being proved. Of the 608 cases where neither the major charge nor another or lesser charge was proved, four resulted in an acquittal, while in the remainder, the charges were either withdrawn or dismissed.

Figure 22 presents a breakdown of finalised cases by the major offence charged for 2001. This shows that in 2001 *larceny and receiving* was the most prominent offence, accounting for nearly one in four cases. This was followed by *driving offences*, *criminal trespass*, *offences against the person, excluding sexual offences* and *offences against good order*. There were relatively few cases dealt with by the Youth Court which involved a *sexual offence* or *fraud and misappropriation* as the major charge. Figure 22 also illustrates that the major charge profile of cases in 2001 was similar to that observed in 2000.

Figure 22 Cases finalised in the Youth Court by major offence alleged, 2000 and 2001



Within the broad grouping of *offences against the person, excluding sexual offences, other assault* was the most prominent, accounting for 8.5% of all finalised cases. *Serious assault* accounted for only 2.7%. There were five *homicide*¹⁷ cases, two resulting in a conviction and three dismissed for want of prosecution. Of the 143 robbery cases finalised in 2001, only 35 involved *armed robbery*.

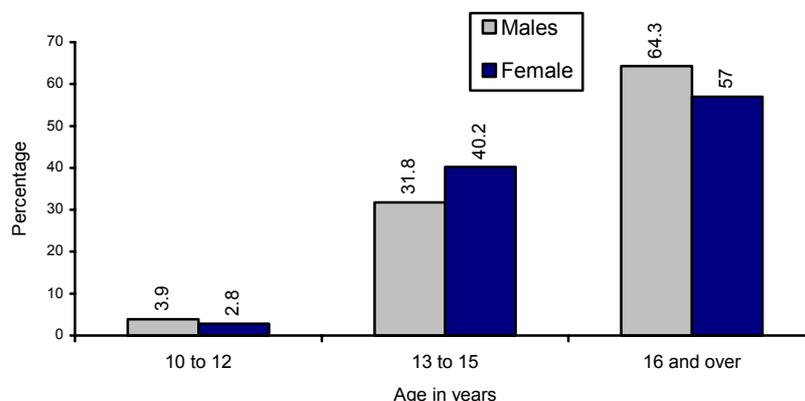
As was the case in 2000, a coding problem with the offence category of *larceny and receiving* meant that it was not possible to distinguish between *larceny from shops* and *larceny-miscellaneous*. However, the combined category constituted the major charge in 11.6% of cases, followed by *larceny, illegal use of a vehicle* (7.7%). A breakdown of the category of *offences against good order* reveals that the most prominent were *hinder/resist police* and *public order offences – miscellaneous* (3.6% and 3.2% respectively). Of the driving offences, *dangerous, reckless or negligent driving* was the most prominent, accounting for 11.9% of all cases finalised in the Youth Court, while *drink driving offences* constituted 3.1% of cases.

Details of the sex of the defendant were recorded on all cases, with males accounting for the great majority (84.3%), while 63.2% of the 2,743 cases where age was listed involved young people who were 16 years and over. Only 3.7% of Youth Court cases involved those in the very young age group of 12 years and under. As shown in Figure 23, females tended to be younger than their male counterparts, with

¹⁷ Readers should note that the term ‘homicide’ as used in this report includes, in addition to *murder* and *manslaughter* (and *attempt to commit*, or *an assault with intent to commit*) *conspiracy to murder*, *drive causing death* and *offences involving suicide*.

43.0% aged 15 years and under compared with only 35.7% of males. Conversely, approximately two thirds of males (64.3%) were aged 16 years and over, compared with 57.0% of females.

Figure 23 Cases finalised in the Youth Court: sex by age, 2001

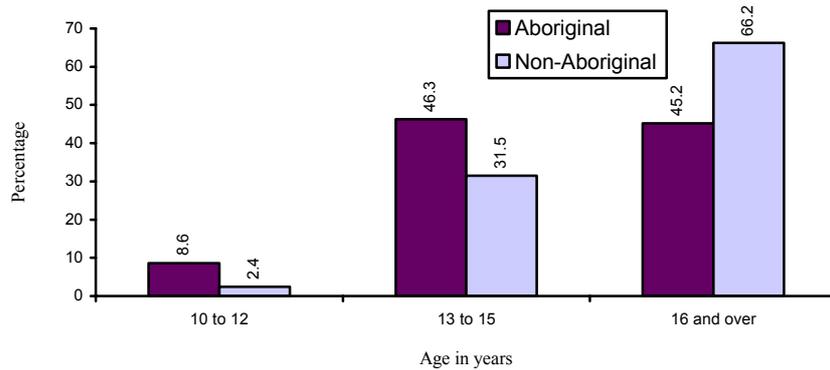


While there were broad similarities in the charge profiles of male and female court cases (with *larceny and receiving offences* dominant for both groups) there were also some differences. *Dangerous, reckless, or negligent driving offences* were more prominent for males than females (12.7% compared with 7.6% respectively). In contrast, a higher proportion of female than male cases involved *other assault* (12.0% compared with 7.8% respectively), and *larceny from shops and larceny - miscellaneous* (18.6% compared with 10.2% respectively).

Aboriginal youths accounted for just over one in five cases (18.5%) 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 four Aboriginal cases (23.6%) compared with only 13.2% of non-Aboriginal cases. Stated differently, Aboriginal youths accounted for over three in ten female cases (28.9%) where relevant information was available, compared with only 16.6% of male cases.

As shown in Figure 24, Aboriginal youths dealt with by the Youth Court in 2001 also tended to be younger than their non-Aboriginal counterparts. Where age was recorded, 8.6% of Aboriginal cases involved young people aged 12 years or under compared with only 2.4% of non-Aboriginal cases. At the other end of the scale, approximately two thirds of non-Aboriginal cases involved youths aged 16 and over, compared with less than one half of the Aboriginal cases.

Figure 24 Cases finalised by the Youth Court: age by racial appearance, 2001



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* (1.9% compared with 17.5% respectively) while a higher proportion involved *good order offences* (15.6% of Aboriginal compared with 10.3% of non-Aboriginal cases) and *larceny and receiving offences* (30.8% compared with 24.4% respectively). The two sub-categories of *larceny/illegal use of a motor vehicle* and *illegal interference to a motor vehicle* accounted for the greater prominence of *larceny offences* for Aboriginal youth.

Finalised appearances where at least one charge was proved

As noted earlier, in 2,161 of the 2,769 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. As this outcome is not regarded as a penalty, these two cases have been omitted from Tables 4.5 – 4.14 and are excluded from consideration as ‘proved’ cases in the following discussion.

The proportion of cases in which at least one charge was proved was virtually the same for both males and females (77.8% and 78.9% respectively). This is a different result from the previous two years when a higher proportion of male than female cases resulted in at least one charge being proved (78.2% compared with 70.0% respectively in 2000 and 77.2% compared with 68.4% in 1999). However, a comparison of the proportions of Aboriginal and non-Aboriginal cases with at least one charge proved revealed similarities with the figures for previous years. In 2001, Aboriginal youth were less likely than their non-Aboriginal counterparts to have a finding of guilt recorded (73.2% of Aboriginal compared with 78.9% of non-Aboriginal cases).

As has been the situation in previous years, a comparison of the profiles for the major offence charged (see Table 4.1 in Section 4 of this report) and the most serious offence proved (see Table 4.5) revealed only slight differences. In both situations, *larceny and*

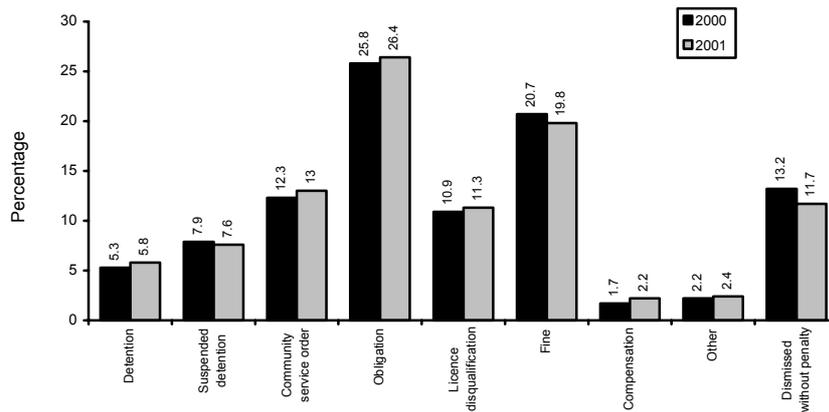
receiving offences were the most dominant. However, the ‘major offence proved’ profile showed a slightly lower proportion of *offences against the person (excluding sexual offences)* (9.7% compared with 12.4% of the major offence charged), *robbery and extortion* (2.9% compared with 5.2% respectively) and *criminal trespass* (11.4% compared with 14.4% respectively) but a slightly higher proportion of *driving offences* (22.2% compared with 17.6% respectively) and *good order offences* (13.6% compared with 11.4% respectively). This suggests a slight shift from potentially more serious to slightly less serious charges.

The sex, age and racial appearance profiles of cases where at least one charge was proved did not differ markedly from those already described for all cases finalised. Hence, these factors will not be further elaborated on.

Details on the major penalty for the 2,159 cases where at least one charge was proved is outlined in Figure 25. As shown, in 2001 an obligation was the most frequently imposed penalty, featuring in just over one quarter of cases. In a further 19.8% of cases, a fine was recorded as the major penalty. Community service orders and licence disqualifications were the next most frequently imposed penalties while in 11.7% of cases, despite a finding of guilt, the matter was dismissed without penalty. The number of detention orders imposed was relatively low, as was the number of suspended detention orders.

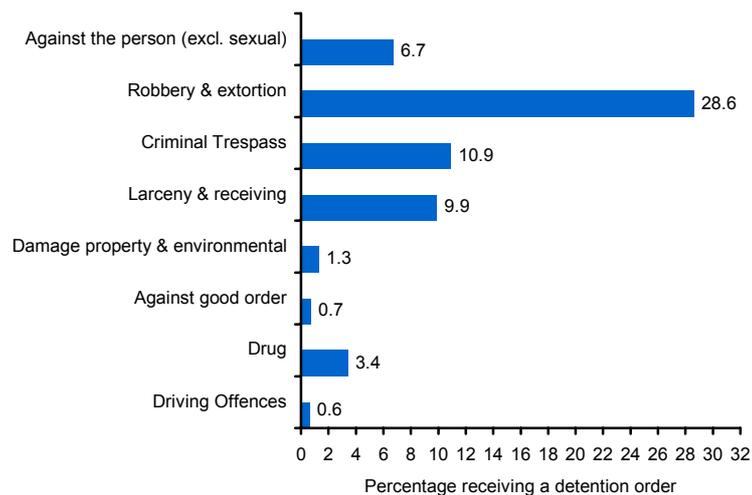
Figure 25 also shows that the major penalty profile for 2001 was similar to that for 2000. In each year, obligations were the most prominent followed by fines, while relatively few cases resulted in either a detention or a suspended detention order.

Figure 25 Youth Court appearances where at least one charge is proved: major penalty imposed per case, 2000 and 2001



As might be expected, the likelihood of receiving a detention order varied according to the seriousness of the charge involved. As indicated in Figure 26, of the 63 *robbery and extortion* cases proved in 2001, 18 (28.6%) received a detention order. This figure was lower than in 2000 (31.1%) but higher than in 1999 and 1998 (15.3% of robbery cases in 1999 and 23.9% in 1998). Detention was also imposed in 27 (10.9%) of the 247 cases involving *criminal trespass offences*. In contrast, a detention order was rarely given when the major offence proved involved an *offence against good order* or a *driving offence*. Of the 14 cases where the major offence proved was a *sexual offence*, only one received a detention order. The same situation applied for those cases where the major offence proved fell in the category of *fraud and misappropriation* (1 of a total of 11 cases).

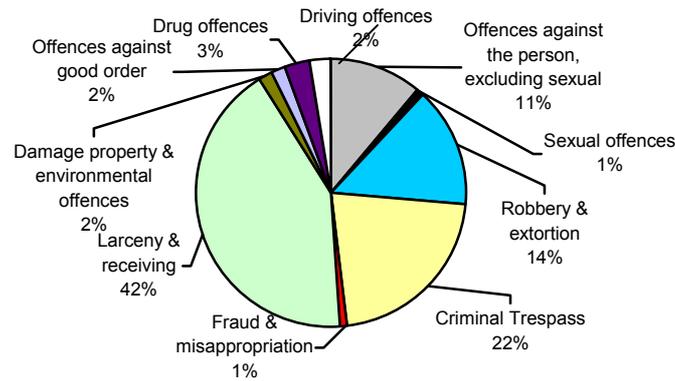
Figure 26 Youth Court appearances where at least one charge is proved: percentage of cases within each major offence category where detention was the most serious penalty, 2001



Sexual offences and fraud and misappropriation have been omitted because the very small numbers involved (n=14 and 11 respectively) make that the calculation of percentages inappropriate.

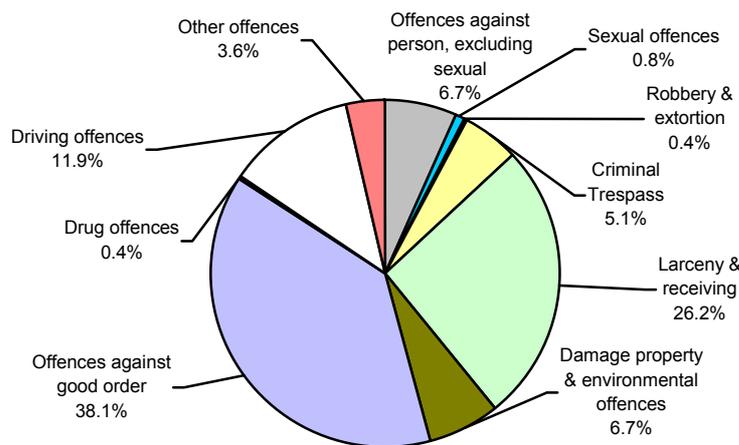
For those 125 cases that did receive a detention order, Figure 27 presents a breakdown of the major offence involved. This shows that *larceny and receiving* accounted for four in ten cases receiving a detention order, followed by *criminal trespass, robbery and extortion, offences against the person, excluding sexual offences*. Further study of the *larceny* cases revealed that one sub-category, *larceny/illegal use of a vehicle*, accounted for almost one third (30.4% or 38) of the 125 cases involving a detention order.

Figure 27 Youth Court appearances where at least one charge is proved: major offence found proved in those cases where a detention order was imposed, 2001



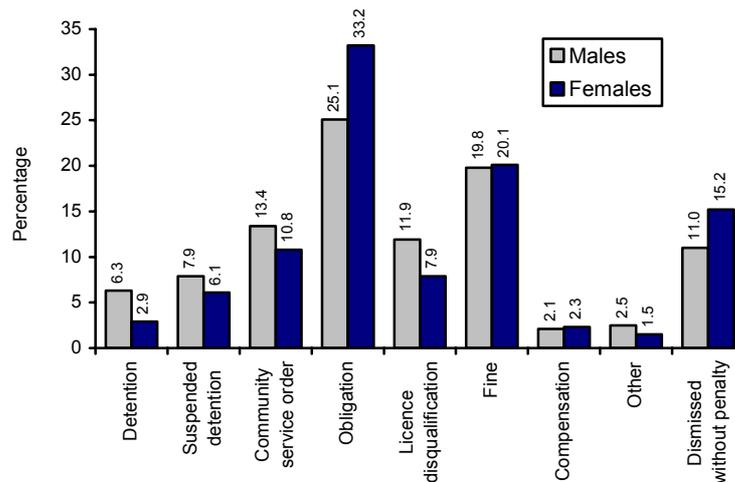
As noted earlier, in 11.7% of cases the matter was dismissed without penalty. Figure 28 presents for these 252 cases a breakdown of the major offence involved. This shows that *good order offences* were the most prominent, accounting for over one third, followed by *larceny and receiving, driving offences, offences against the person, excluding sexual offences* and *criminal trespass offences*.

Figure 28 Youth Court appearances where at least one charge is proved: major offence found proved in those cases where the matter was dismissed without penalty, 2001



While the types of penalty imposed were broadly similar for males and females, Figure 29 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 and to have the matter dismissed without penalty. However, females were proportionately less likely than male cases to attract a detention order, a licence disqualification or a community service order.

Figure 29 Youth Court appearances where at least one charge is proved: major penalty by sex, 2001

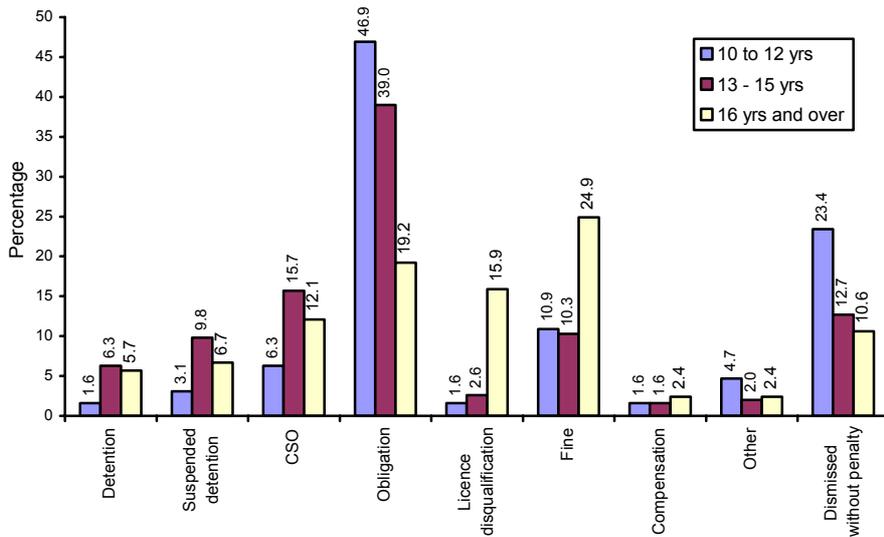


As in previous years, the type of penalty also varied somewhat according to age. In particular, as age increased, so the likelihood of receiving an obligation or having the matter dismissed without penalty decreased (see Figure 30). To illustrate, of those cases involving 10-12 year old youths, 46.9% received an obligation and for 23.4% the matter was dismissed without penalty. Corresponding figures for youths aged 16 and over were 19.2% and 10.6% respectively. Fines were far more prominent for the oldest group of youth compared with those in the younger age groups, with 24.9% those aged 16 and over receiving this penalty compared with only 10.9% of cases involving 10-12 year olds. 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 30 contains what may appear to be an unexpected finding. Approximately equal proportions of the middle and older age groups received a detention order. Further, those in the 13 to 15 years age group were more likely than the oldest age group to receive a suspended detention or community

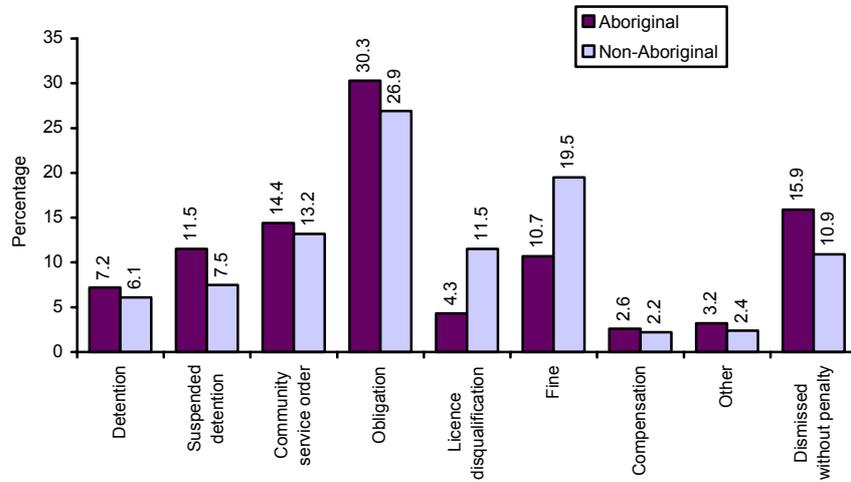
service order. This is contrary to the expectation that those in the older age group would be more likely than their younger counterparts to receive the penalties at the serious end of the sentencing spectrum. However, as detailed in Table 4.6c, substantial differences are apparent in the ‘major offence proved’ profiles for these two age groups. A *driving offence* was listed as the major offence for only 3.2% of those in the middle age group but for almost one third of those aged 16 years and over (32.7% or 456 of a total of 1,393). This means that the penalty profile for the oldest age group has been substantially impacted by this one offence.

Figure 30 Youth Court appearances where at least one charge is proved: major penalty by age, 2001



There were also some Aboriginal/non-Aboriginal differences in the types of penalties imposed. As shown in Figure 31, proportionately fewer Aboriginal than non-Aboriginal cases resulted in a fine or a licence disqualification. In contrast, proportionately more Aboriginal than non-Aboriginal matters were dismissed without penalty, while at the other end of the sentencing spectrum, proportionately more resulted in detention or suspended detention. Overall, Aboriginal young people accounted for 20% of those cases (25 out of a total of 125) in which a period of detention was imposed. This figure is higher than in 2000, when Aboriginal youth accounted for 16.5% of these cases, but lower than the 1999 figure of 29.1%.

Figure 31 Youth Court appearances where at least one charge is proved: major penalty by racial identity, 2001



Of the 428 fines imposed as the major penalty, the average amount payable was \$97 (slightly less than the \$111 recorded in 2000 and the \$109 recorded in 1999). The maximum was \$500 (compared with \$1,000 in 2000 and \$1,500 in 1999). Of the 47 compensation orders listed as the major penalty, the average amount payable per case was \$199, while the maximum was \$800 (which was substantially lower than the \$2,368 recorded in 2000 but close to the \$837 maximum recorded in 1999). As noted earlier, at the family conference level, where compensation was agreed to, the maximum was \$3,743. 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 280 community service orders listed as the major penalty at the Youth Court level, the maximum was 320 hours, while the average duration was 51 hours. This average is higher than the 46 hours recorded in 2000 but 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 2001, the maximum of 320 hours was imposed in a case involving *graffiti and related offences*.

As noted earlier, there were 125 cases where detention constituted the most serious penalty listed. The majority of these cases (109 out of 125 or 87.2%) involved detention in a secure care facility, while 16 (12.8%) were home detentions. In recent years, there have been two or three additional cases that have 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. However, in 2001 there were no cases involving a combined order.

The actual number of cases resulting in a secure detention order in 2001 (109) was 17.2% higher than the 93 recorded in 2000 and 21.1% higher than the 90 recorded in 1999.

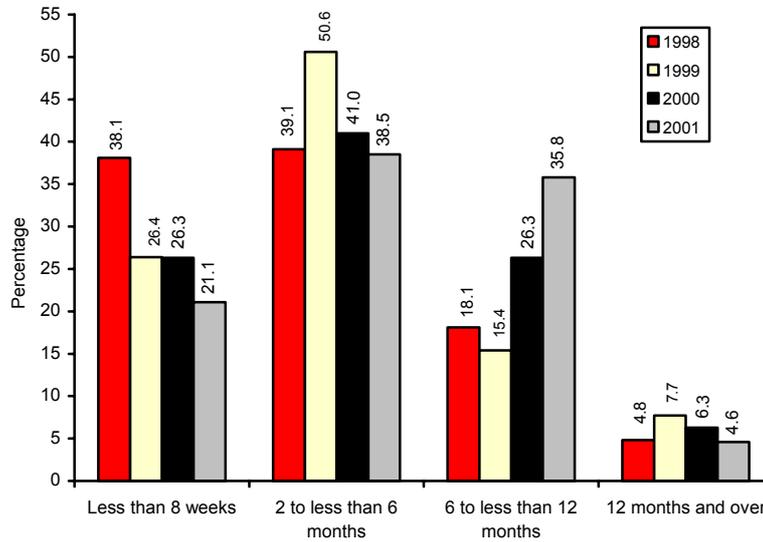
Of the 109 secure detention orders, the average duration was 21 weeks, which was longer than in any of the previous four years (19 weeks in both 1999 and 2000, 15 weeks in 1998 and 20 weeks in 1997). However, the maximum of 65 weeks was shorter than the 104 weeks maximum recorded in 2000. The maximum 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 16 home detention orders imposed in 2001, the average was 17 weeks while the maximum was 26 weeks. This average was comparable with those recorded in each of the four preceding years (16 weeks in 2000, 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 2001 are provided in Table 4.14 of Section 4. (Note that while this table usually includes both the stand-alone secure orders and the secure component of any other orders that combined secure care and home detention, this year there were no combined orders.) 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 2001, as in previous years, the Youth Court made fairly extensive use of its ability to impose short orders. Just over one fifth (21.1%) of all secure detention orders were of less than eight weeks duration, with 1.8% being less than two weeks. Of the longer detention orders recorded in 2001, nearly four in ten (38.5%) involved periods of two to less than six months. A further third (35.8%) were for six to less than 12 months duration while there were no orders of 18 months or more.

When detention order duration for 2001 is compared with 2000 both similarities and differences are apparent (see Figure 33). In particular, long orders of 12 months or more accounted for small proportions of all orders in both years (4.6% in 2001 and 6.3% in 2000). Further, the lower end of the middle range of orders accounted for similar proportions in both years. However, there were some differences apparent in the top end of the middle range. Orders of six to 12 months accounted for a substantially higher proportion of cases in 2001 than in 2000. A smaller level of variation was

evident for orders of short duration, with those of less than eight weeks accounting for 21.1% of all orders in 2001 compared with 26.3% in 2000.

Figure 32 Youth Court appearances where at least one charge is proved: length of the longest secure detention order imposed per case, 1998 to 2001



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 usually 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 and fines payment orders supervised by Family and Youth Services

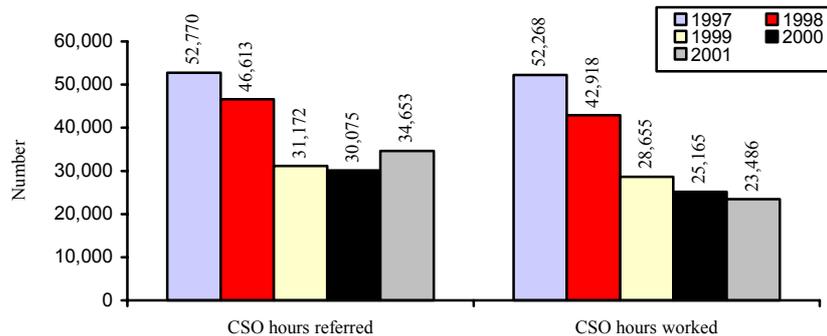
Under the *Young Offenders Act 1993*, Family and Youth Services (FAYS) are responsible for supervising community service orders imposed by the Youth

Court. In 2001 there were 560¹⁹ community service orders referred to FAYS. This was 10.5% higher than the 507 ordered in 2000 and 18.1% higher than the 474 recorded in 1999. However, it was 10.4% lower than the 625 referred in 1998.

Of the 560 orders referred in 2001, the majority (87.5%) involved males while youths aged 16 years and over accounted for 70.7% of the 560 orders. Aboriginal youths represented 18.0% of the 560 orders, an equivalent proportion to those recorded in 2000 and 1999. 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 41.6% of the Aboriginal orders applying to youths aged 15 years and under compared with 26.6% of the non-Aboriginal orders where age was recorded) and involved a higher proportion of females (19.8% compared with 10.9% respectively where gender was recorded).

The 560 orders referred to FAYS in 2001 involved a total of 34,653 hours. This figure is 15.2% higher than the 30,075 recorded in 2000 and 10% higher than the number of hours referred in 1999. However, the 2001 figure is markedly lower than those for 1998 and 1997. The average number of hours per order in 2001 was 61.9 hours, a higher figure than that recorded in 2000 (59.3) but lower than in any of the three preceding years (65.8 in 1999, 74.6 in 1999 and 101.5 in 1997).

Figure 33 Number of community service hours referred to FAYS and number of CSO hours worked; 1997 to 2001.



¹⁹ These data are not comparable with those on community service orders contained in Table 4.9. The figure of 507 recorded by Family and Youth Services includes *all* orders referred to them for supervision, whereas the 280 listed in Table 4.9 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 4.9, 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 2001, as in previous years, males and older youths aged 16 years and over accounted for the highest proportion of hours referred (90.3% and 73.7% respectively where sex and age were known). Aboriginal youths accounted for 18.6% of the hours referred. As was the situation in 2000, the average number of hours per order tended to be higher for males than females (63.9 hours compared with 47.9 hours respectively). The average number of hours per order was slightly higher for Aboriginal than non-Aboriginal youth (63.8 hours compared with 61.4 hours respectively). This is a reverse of the situation evident in previous years.

In 2001, there were 23,486 community service hours actually worked which, as again indicated in Figure 33, represents a relatively small decline (of 6.7%) since 2000. Overall, the sex and age patterns were similar to those recorded for 'hours referred', with males accounting for 90.8% and youth aged sixteen years and over for 76.8%. Aboriginal youth were recorded as working 4,035 hours which was 17.2% of the total.

In the years 1997 to 1999²⁰, *Crime and Justice in South Australia* provided information on mandates serviced by the Family and Youth Services Division. These applied to young people who defaulted on a fine²¹ or failed to pay the costs associated with a court hearing. Family and Youth Services was required to provide community work for these young people. In July 2000 the legislation relating to penalty enforcement (*Criminal Law (Sentencing) Act 1988*) was amended, and there were associated changes in the criminal justice processing of young people who defaulted on a fine. For example, one change related to the amount of outstanding fine 'worked off' by eight hours of community service. Previously, eight hours was required to 'work off' outstanding amounts of up to \$50²². Under the new legislation, the same period of community service 'works off' amounts of up to \$100. These changes mean that it is not possible to compare the 2001 figures with those for previous years. Hence, the following discussion presents only the 2001 data.

During 2001, a total of 978 fines payment orders were referred to FAYS to be worked off by community service. Males and older youths aged 16 years and over accounted for the majority (79.7% and 90.3% respectively). One in ten orders (10.6%) involved Aboriginal youth. These youth tended to be younger than their non-Aboriginal counterparts (23.1% of Aboriginal orders applying to youth 15 years or younger compared with only 8.1% of non-Aboriginal orders).

A total of 58,592 hours of community service were involved in these 978 fines payment orders referred to FAYS, giving an average of 59.9 hours per order.

²⁰ Information was not presented for the year 2000, as the relevant computer systems were being changed and the required extract of data relating to fines enforcement could not be provided.

²¹ Both court ordered fines and fines relating to 'expiation offences' may be 'worked off' by community service.

²² The situation was different if the young person made application to perform community work in lieu of payment (under the provision (section 67) of the Criminal Law (Sentencing) Act, 1988). In such circumstances the young person worked at a rate of eight hours for every \$100 owed.

The average number of hours per order was substantially higher for males than females (62.7 hours compared with 48.9 hours respectively), and slightly higher for Aboriginal than non-Aboriginal youth (61.8 hours compared with 59.7 hours respectively).

There were 1,053 fines payment orders actually worked off by community service during 2001. Again, males accounted for the great majority (83.1%) as did those 16 years and over (92.7%). Just under one in ten (8.7%) involved Aboriginal youth. Analysis of the number of community service hours actually worked off during 2001 indicated a similar pattern, with males accounting for 87.9% of the 27,334 hours worked, while those 16 years and over constituted 93.6% and Aboriginal youth 9.3%.

Juveniles in custody

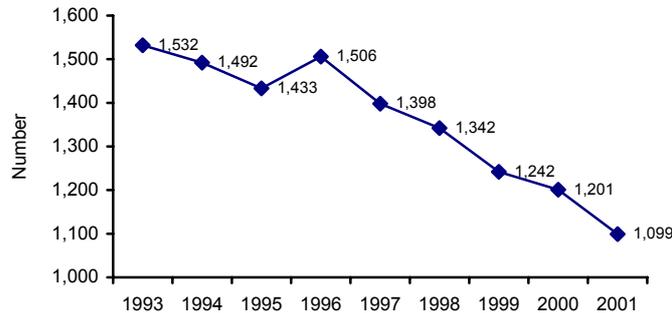
Admissions

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

The analysis provided in this section is based on data extracted from FAYS computer system. Readers should note that during 2001, there were substantial modifications to the 'juveniles in custody' component of that system. In the time available for the preparation of this report, it has not been possible to investigate all issues associated with those changes. Hence, the results presented here are preliminary.

In 2001 there were 1,099 admissions into custody, which was 8.5% lower than the 1,201 admissions in 2000 and 11.5% lower than the 1,242 admissions recorded in 1999. As shown in Figure 34, with the exception of 1996, the number of custodial admissions has decreased steadily since 1993, with the 2001 figure the lowest recorded in that period. It was, in fact, 28.3% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.

Figure 34 Number of admissions into secure care, 1993 to 2001

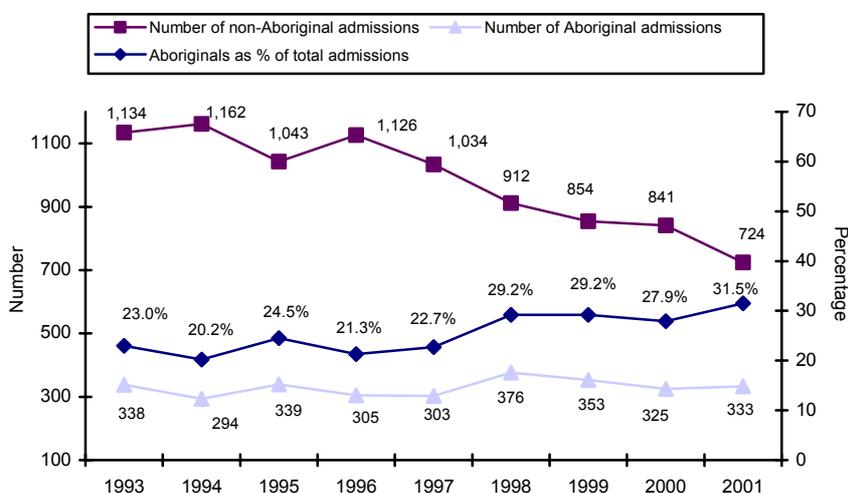


Males accounted for the great majority of admissions (80.0% where gender was recorded), the same proportion as in 2000 but a slightly higher proportion than in 1999 (78.1%). Nearly six in ten admissions where age details were recorded involved young people who were 16 years or over (57.3%). However, there were 37 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. Nearly half (46.0%) of the female admissions where age was recorded involved young

people aged 15 years or younger, compared with 41.8% 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 35, in terms of absolute numbers, Aboriginal admissions in 2001 (333) were approximately the same as in 2000 but were slightly down on both 1999 and 1998. The number of non-Aboriginal admissions continued the downward trend of the preceding years, with the 2001 figure of 724 the lowest recorded during the nine years depicted. In 2001 Aboriginal youths comprised approximately three in ten admissions (31.5%) into secure care where information on racial identity was recorded. This figure is higher than for 2000 (27.9%) and is, in fact, the highest of the nine year period shown.

Figure 35 Number of admissions into secure care by racial identity, 1993 to 2001

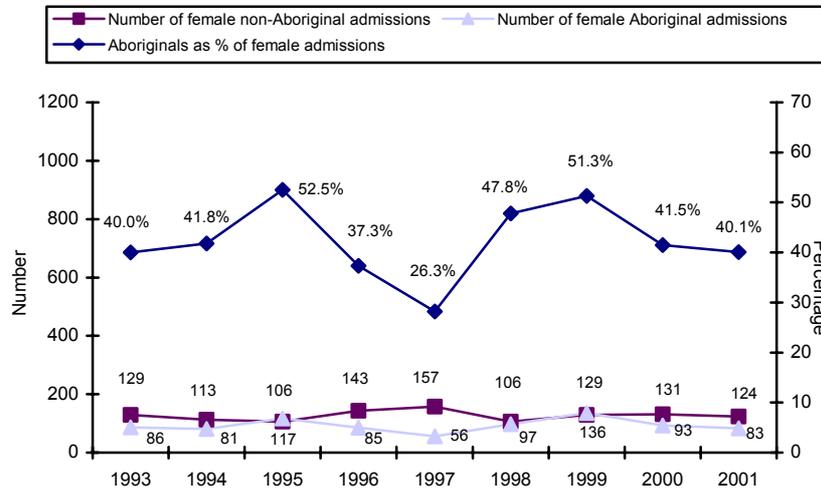


For those cases where relevant information was recorded, just over four in ten females (40.1%) admitted into secure care were Aboriginal compared with 29.4% of male admissions. As shown in Figure 36, the proportion of females identified as Aboriginal fluctuated considerably during the 1993 to 2001 period, 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 2001 (by 10.8%). Non-Aboriginal female admissions were also slightly down on the previous year (by 5.3%). The number of Aboriginal male admissions

increased (by 7.8%). In contrast, the number of non-Aboriginal male admissions decreased substantially (by 15.5%).

Figure 36 Number of female admissions into secure care by racial identity, 1993 to 2001



There were some age variations between Aboriginal and non-Aboriginal youths admitted to secure care in 2001, with a higher proportion of Aboriginal admissions involving younger individuals aged 15 and under (50.2% compared with 39.7% of non-Aboriginal admissions.)

Of the 1,005 cases for which information on employment status was recorded in 2001, two thirds (66.9%) involved youths who were unemployed (i.e. they were not undertaking study of any kind but did not have a job). A further 27.2% were students while only 5.5% were listed as employed. These figures are generally comparable with those recorded in 2000²³. As would be expected, employment status varied according to age. Where relevant information was available, five in ten (54.3%) of those aged 10–12 were recorded as attending school, compared with 41.5% of those aged 13-15 and 15.5% of those aged 16 and over.

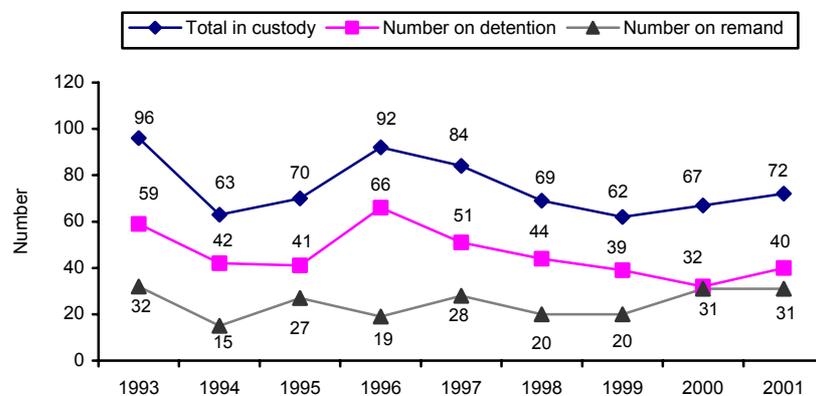
²³ While the figures are comparable with previous years, it should be noted that whereas in previous years, the student category covered only school students, this year it includes those undertaking TAFE or university studies.

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 2001 according to the most serious authority under which each youth was being held. On that date, 72 juveniles spent at least part of the 24 hour period in a training centre. This figure is 7.5% higher than the 67 youths in custody on 30 June 2000 and in fact is higher than both the 1999 and 1998 figures. However, it is substantially lower than those recorded in 1997 and 1996.

Figure 37 Young people in custody on 30th June by custodial status, 1993 to 2001



Forty (56.3%) of the 71 young people incarcerated on 30 June 2001 for whom the most serious authority was recorded were serving a detention order while 31 were on remand. As indicated in Figure 37, the 2001 figure of 40 on detention represents an increase on the number recorded in 2000. However, as there had been a steady decrease in detention numbers in the five years to 2000, the 2001 figure is still one of the lowest for the nine years depicted. In contrast, while the number on remand on 30 June 2001 was the same as that recorded the previous year, it is still the second highest figure recorded in the nine year period depicted.

Of the 72 young people in custody on 30 June 2001, only 8 were female. Of these, four were on detention and four were on remand.

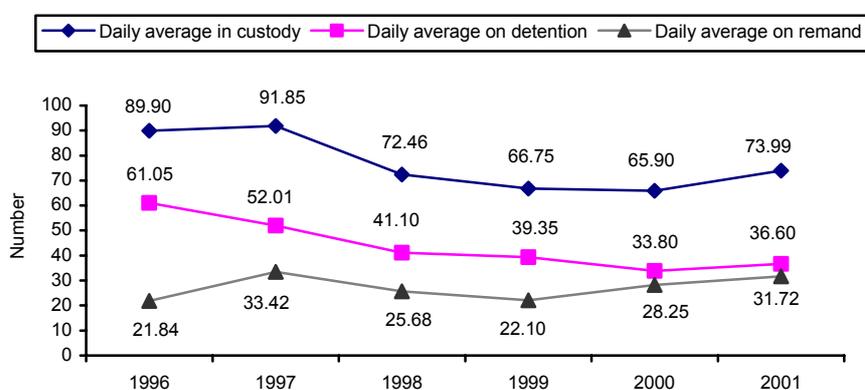
One in five (15 or 21.1%) of those persons in custody on 30 June 2001 were Aboriginal. This group accounted for one fifth of all males in secure care on that date (13 out of 64) but they represented more than one quarter of the females (two out of seven for whom racial identity details were recorded).

Of the 15 Aboriginals in custody on 30 June 2001, 11 were serving a detention order, while four were on remand.

Average daily occupancy

Data relating to a single day's occupancy at the training centres (as presented above) have some limitations because numbers can fluctuate markedly from one day to the next. An alternative is to consider daily occupancies averaged out over a twelve month period. Tables 5.6 and 5.7 in Section 5 of this report detail the average daily occupancy for 2001 according to the most serious authority under which each youth was being held. These tables show that, on average, 73.99 young people were held in custody per day during 2001. As shown in Figure 38, this is higher than the daily average recorded in 2000 (65.90) and 1999 (66.75). However, the 2001 figure is substantially lower than the 1997 peak.

Figure 38 Average daily occupancy by custodial status, 1996 to 2001



On average on any given day in 2001, there were 36.60 youths serving a detention order. This was 8.3% higher than the average of 33.80 recorded in 2000 but 40.0% lower than the peak recorded in 1996 (average of 61.05). The remand daily average in 2001 was higher than that recorded in 2000 (31.72 compared with 28.25), and in fact was the second highest recorded in the six year period.

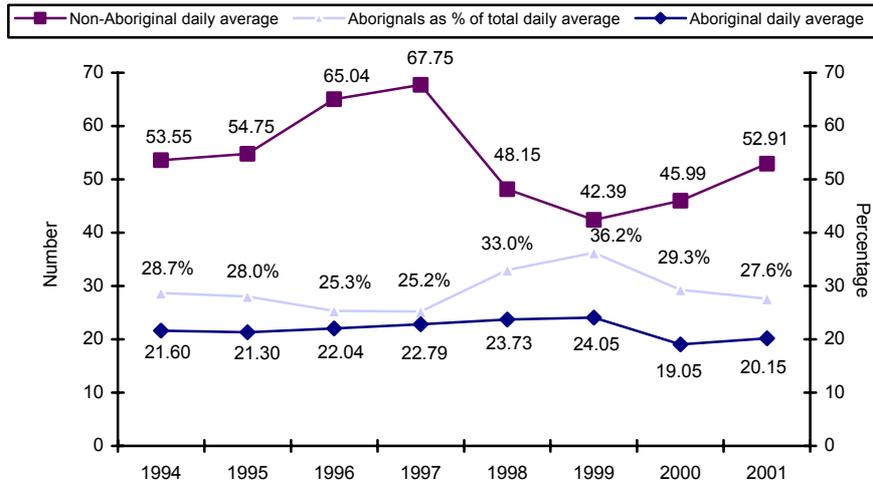
A comparison of daily averages for males and females reveals that males again dominated, accounting for 90.0% of average daily occupancy numbers in 2001 where gender was recorded. Of those for whom age was known, 66.4% were 16 years or over while only 0.9% were 12 years or less.

Figure 39 shows that the Aboriginal daily average in 2001 was 5.8% higher than that recorded in 2000 (20.15 compared with 19.05 respectively). Nonetheless, this figure is the second lowest recorded in the eight years depicted, and is considerably lower than the figures for both 1999 and 1998. In 2001, non-Aboriginal figures recorded a more substantial increase than was the case for their Aboriginal counterparts, with the 2001 figure of 52.91 being 15.0% higher than the 45.99 daily average in 2000. In fact, the 2001 non-Aboriginal daily average was higher than both the 1999 and 1998 figures. As a result of these different trends, in 2001 Aboriginal youth accounted for a lower proportion of the daily average than in any of the three preceding years.

This trend contrasts with that observed for admission data. As indicated earlier in Figure 35, although in recent years the number of Aboriginal admissions to secure care had decreased slightly, the drop in non-Aboriginal admissions was far more substantial. As a result, in 2001 Aboriginals accounted for a higher proportion of all admissions than previously. In contrast, as Figure 36 indicates, while Aboriginal daily averages have remained constant, non-Aboriginal daily averages have increased in the past two years, with the result that, Aboriginal youth now account for a lower percentage of daily averages than previously.

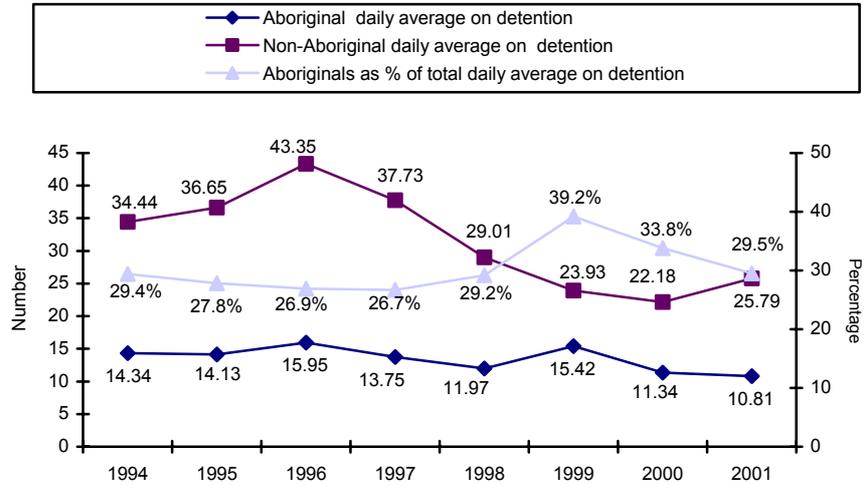
The difference in trends between admissions and daily averages (most evident for non-Aboriginal youths) can be explained by a third factor - time spent custody. Daily averages are a product of the actual number of admissions and time served by each youth once admitted to secure care. The fact that daily averages for non-Aboriginal youth have increased while admissions have decreased clearly indicates that on average, those admitted to secure care are now spending longer periods there.

Figure 39 Average daily occupancy by racial identity, 1994 to 2001



As shown in Figure 40, in terms of absolute numbers, the daily average for Aboriginal youths on a detention order in 2001 decreased by 4.7% from 11.34 to 10.81. In fact, the 2001 figure was the lowest of the eight years depicted. For non-Aboriginal youth, the situation was somewhat different, with the 2001 daily average 16.3% higher than in the previous year and 7.8% higher than the 1999 figure. However, the 2001 figure was lower than those recorded in the years preceding 1999. In 2001, Aboriginal youths constituted 29.5% of the average daily detention population, which is lower than in the two preceding years, but higher than in the 1994 to 1998 periods.

Figure 40 Average daily occupancy of youths on detention orders by racial identity, 1994 to 2001



The situation for remand is shown in Figure 41. The Aboriginal remand daily average increased in 2001. As a result, the 2001 figure is the second highest in the eight years depicted. However, it is substantially lower than the peak of 10.18 in 1998. For non-Aboriginal youth, too, the remand figures rose in 2001, augmenting the very substantial increase recorded in 2000. As a result, Aboriginal youths accounted for 25.8% of the average daily remand population which is approximately equivalent to the 2000 figure, but a substantially lower proportion than in either 1999 or 1998.

Figure 41 Average daily occupancy of youths on remand by racial identity, 1994 to 2001.

