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PREFACE

Crime and Justice in South Australia is published annually by the Office of Crime Statistics and Research 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 2002 to 31 December 2002 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); 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 and Research 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 and Research

November 2003

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INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

(c) a youth should not be withdrawn unnecessarily from the youth's family environment;

(d) there should be no unnecessary interruption of a youth's education or employment;

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

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

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

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

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

the young person and the police. In most instances, the young person agrees to enter into an undertaking which may involve various conditions, such as apologising to the victim, paying compensation, performing community work or anything else that the conference participants consider appropriate. If the conference cannot reach an agreement, the matter is referred to the Youth Court where a Judge or magistrate will convene a second conference. (Statistical information on family conferences are detailed in Section 3 of this report.)

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

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

Under some circumstances, a matter involving a young person who, at the time of offending, was aged under 18 years may be transferred to the District or Supreme Court either for trial or sentence, and that court may choose to deal

with him or her as an adult. Youths who are charged with homicide are automatically transferred to a higher court if a committal hearing in the Youth Court finds that there is a case to answer. The Director of Public Prosecution or a police prosecutor may also apply for the youth to be dealt with in a higher court either because of the gravity of the offence or because the offence is part of a pattern of repeat offending. Finally, a youth charged with an indictable offence may request a hearing in an adult court. No details regarding cases referred to a higher court are contained in this report.

Summary of juvenile justice statistics for the year 2002

Police statistics

Police apprehensions

- During 2002 there were 7,831 police apprehension reports involving young people aged 10 to 17 at the time of the offence, which was 4.0% lower than the 8,157 reports in 2001 and 22.6% lower than the peak of 10,118 recorded in 1995.

- The majority of juvenile apprehensions in 2002 involved males (79.7%) and youths aged 16 and over at the time of apprehension (50.2%).

- Aboriginal youths accounted for 21.8% of those apprehension reports where this information was recorded. A higher proportion of Aboriginal than non-Aboriginal apprehensions involved relatively young individuals (with two thirds of Aboriginal youth aged 15 years and under compared with less than half (44.6% of non-Aboriginals.)

- *Larceny and receiving* constituted the major allegation in 31.8% of all apprehensions, with the most prominent being *larceny from shops* (12.2%) and *larceny/illegal use of vehicle* (motor vehicle and other) (7.1%). O*ffences against good order* accounted for 18.7% of all apprehensions while *criminal trespass* accounted for a further 13.7%. This offending profile was similar to that recorded in previous years.

- Of the 7,831 juvenile apprehensions in 2002, 42.9% were brought about by way of an arrest rather than a report. The figure was higher for those apprehensions involving Aboriginal youths, with 64.1% being arrest-based.

- For those 6,699 apprehension reports where the type of action taken following apprehension was recorded, 32.1% resulted in a referral to a formal police caution, while 48.9% were directed to the Youth Court. A further 17.7% were referred to a family conference while 1.3% were withdrawn. These referral patterns were comparable with those recorded in previous years.

- The level of referral 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 seven in ten Aboriginal apprehensions (71.1%) were directed to court compared with almost half of the non-Aboriginal apprehensions (47.5%).

- The 7,831 apprehension reports submitted in 2002 involved 4,832 discrete individuals. This gives an average of 1.6 apprehensions per youth which is the same as that recorded in 2001. On average, males recorded 1.7 apprehensions in 2002 while females recorded 1.5.

Formal cautions

- *Larceny and receiving* was listed as the major allegation in just over one in three (35.6%) of the apprehensions referred to a formal caution in 2002, followed by *offences against good order* (30.9%) and *damage property and environment offences* (13.7%).

- In total, the 2,152 referrals to a caution in 2002 resulted in 2,127 formal cautions being administered.

- In over one quarter of these formal cautions (30.6%), the young person was required to apologise to the victim while 14.7% involved the payment of compensation, 4.7% required the young person to perform community work, and 40.9% involved some 'other' condition.

- Just under one half (47.6%) of the compensation payments were for $50 or less, while only 2.9% were for amounts in excess of $500. The maximum amount which a young person agreed to pay as part of a cautionary undertaking was $1,800.

- Almost seven in ten (67.0%) community work agreements involved 10 hours or less, while the highest was 40 hours.

Family Conferences

Case referrals finalised by the Family Conference Team

- In 2002, 1,700 case referrals were finalised by the Family Conference Team. This is 1.9% higher than the 1,668 cases finalised in 2001.

- For the majority of these referrals (87.6%), a conference was 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 (2.9%), a conference was held but no resolution was achieved.

- In a further 9.5% of cases, no conference was held, primarily because the youth failed to attend the scheduled meeting or could not be located.

- As in previous years, referrals involving Aboriginal youths were proportionately less likely to result in a 'successful' conference than those involving non-Aboriginal youths. Eight in ten (80.1%) Aboriginal referrals were resolved at a conference compared with 89.3% of non-Aboriginal referrals. The main contributor to this difference was the higher level of non-attendance recorded for Aboriginal youths (9.9% compared with 3.6% for non-Aboriginal youths.)

Cases dealt with at a family conference

- There were 1,539 cases for which a conference was actually held in 2002. The majority of these involved males (78.8%) and young people aged 15 years and under (63.2%). Aboriginal youths accounted for 16.1% of those cases for which racial identity was recorded.

- *Larceny and receiving* dominated the offence profile. It was listed as the major allegation in 33.6% of cases dealt with at a conference, followed by *criminal trespass* (17.9%), *offences against good order* (14.8%) and *damage property and environmental offences* (13.8%).

- Just over half of the cases (54.8%) involved one offence only while very few (4.9%) involved five or more allegations.

- Of the 1,343 cases dealt with in 2002 which resulted in the young person agreeing to enter into an undertaking, only 43.2% involved an apology[1], while over seven in ten (78.6%) entailed 'other' conditions (such as agreement not to associate with certain peers, participate in counselling sessions etc). A further 20.8% of undertakings involved community work while 24.4% required the payment of compensation.

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

- Of the 328 cases that resulted in a compensation agreement, just over one half (57.3%) were for amounts of $100 or less. The average amount agreed to was $205 while the maximum was $4,200.

[1] A change in the definition of an 'apology' occurred in mid 2002, which differentiated between a verbal apology and a 'letter of regret'. (See Appendix for further explanation).

- The average number of hours of community work agreed to was 30 (higher than the previous year), while the maximum was 200 (the same as in the previous year).

- Of the 1,343 conference cases finalised in 2002 by way of an undertaking, information on undertaking compliance was available for 1,213 (90.3%). In 89.2% of these cases all undertakings were listed as having been complied with, while 10.8% were referred back to police for non-compliance.

- 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 (16.1% compared with 9.7% respectively). However, the level of non-compliance by Aboriginal youths has decreased over the past four years, from 25.7% in 1997 to 16.1% in 2002.

- 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 1,700 conference referrals recorded in 2002, by the end of the survey period 73.6% were positively finalised, with all undertakings having been complied with. In a further 7.6% of cases, compliance data for undertakings were not available at the time the data-base was closed off, and so these matters still had the potential to be positively resolved at this level. In contrast, 18.8% of referrals were not resolved, either because the conference had not gone ahead (8.5%) or, if held, had not reached agreement (2.5%) or the resultant undertaking had not been subsequently complied with (7.7%).

- The level of positive finalisation was lower for Aboriginal than non-Aboriginal referrals (67.2% compared with 75.0% 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 2002, 1,363 discrete conferences were held, which was generally comparable with previous years.

- The vast majority of these conferences (89.9%) involved one young offender only, while at the other end of the scale, there were no conferences at which five or more young offenders were dealt with.

- Over three in ten (35.7%) had at least one victim present.

Youth Court

Cases finalised

- The Youth Court finalised 3,019 cases in 2002, which was 9.0% more than the 2,769 finalised in 2001.

- Males accounted for 82.9% of the finalised court cases for which sex was recorded, while 62.2% of juveniles for whom age was listed were 16 years and over at the time the offence was committed. Aboriginal youths comprised 22.7% 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 21.7% of all cases.

- In the majority of cases (64.8%) the major charge was proved. In a further 230 appearances (7.6%), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 3,019 cases finalised in 2002, 72.4% resulted in at least one charge being proved.

- Obligations were listed as the major penalty in 26.8% of the cases where at least one charge was proved. Fines accounted for 18.6% of cases and licence disqualification for 13.1%. A further 14.4% of cases with at least one guilty finding were dismissed without penalty.

- The number of 'proved' cases resulting in a detention order was relatively low (5.1%) while a further 7.8% 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, 19.2% of proven *robbery and extortion* cases resulted in detention, while at the other end, only 0.9% of cases involving a proven *offence against good order* had this outcome.

- Of the 406 fines imposed as the major penalty, the average amount payable was $120 while the maximum was $600. Of the 236 community service orders listed as the major penalty, the average duration was 57 hours while the maximum was 300.

- Of the 112 cases where detention constituted the most serious penalty

imposed, the majority (83.0%) involved detention in a secure care facility while 19 (17.0%) were home detentions. None of the 112 cases involved a combined secure care/home detention order.

- Of the 93 secure detention orders, the average duration was 21 weeks (lower than in 2001), while the maximum was 78 weeks. For home detention orders the average was 15 weeks and the maximum 26 weeks.

- Approximately one quarter (24.7%) 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 36.6% of all secure care orders. Longer orders of six to 12 months accounted for 35.5% of all secure detention orders.

Juveniles in custody

Admissions

- In 2002, there were 1,222 admissions to the State's two youth training centres. This figure was 11.2% higher than the 1,099 admissions recorded in 2001 but 20.2% lower than in 1993, the year that preceded the introduction of the *Young Offenders Act*.

- The majority of admissions involved males (78.4%) and juveniles that were aged 16 years or over (49.4%). There were 82 admissions involving young persons aged 12 years or under.

- Aboriginal youths comprised over one third (36.8%) of all admissions where racial identity was known, a higher proportion than was the case in 2001 (31.5%). The 2002 figure was higher than any recorded in the previous ten years. Of all females admitted into secure care in 2002, 35.7% were Aboriginal. Similarly, Aboriginals accounted for 36.7% of all male admissions.

Census figures

- There were 54 young people who spent at least some time in secure care on the 30 June 2002. This figure is 25.0% lower than the 72 recorded as being present one year earlier, on 30 June 2001, and is the lowest in the ten year period.

- Twenty four (44.4%) of those youths in custody on 30 June 2002 were serving a detention order while 27 (50.0%) were on remand.

- Of those in custody only eight were female, and 42.6% were Aboriginal.

Average daily occupancy

- On average, 66.16 youths were held in custody per day during 2002 compared with 73.99 in 2001.

- In 2002, on average there were 32.84 youths serving a detention order. This figure was 10.3% lower than the average of 36.60 recorded in 2001 and 46.2% lower than the peak of 61.05 recorded in 1996. The remand daily average of 30.25 was lower than in 2001 (31.72) but was the third highest recorded in the seven year period.

- Aboriginal daily occupancy numbers in 2002 were the highest in the nine year period. In contrast, the non-Aboriginal daily average of 41.22 was the lowest recorded in the nine year period. As a result of these opposite trends, in 2002 Aboriginals accounted for a higher percentage (37.4%) of the average daily occupancy than was the case in 2001 and 2000 (27.6% and 29.3% respectively).

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) or through the Police Drug Diversion Initiative. 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 2002 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 2002. 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 2002 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 2002 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) provides details on the number of police apprehensions of juveniles in 2002, the type of action taken in relation to these young people, and formal cautions administered by police. Section 3 (Tables 3.1 to 3.19) provides information on the number of referrals finalised and the number of cases dealt with by way of a family conference as well as the number of actual conferences held. In Section 4, Tables 4.1 to 4.14 focus on cases finalised by the Youth Court. 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 recent years that are likely to have impacted on the statistics presented in this report. The *Crime and Justice Report* for the 2000 calendar year detailed the changes brought about by the *Criminal Law Consolidation (Serious Criminal Trespass) Amendment Act*[1], 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, and may be more likely to be referred to the Youth Court, rather than diverted to a Family Conference.

During 1999, major organisational changes were also 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 become 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, with any resultant impact on the apprehension and caution statistics becoming evident.

Further changes occurred 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

[1] For more information on the changes associated with this legislation see the Appendix.

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 options. This means that juveniles who, in previous years, may have appeared in the apprehension statistics for *drug offences* may now be diverted. Hence, it would be expected that the 2002 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.

One other initiative that may impact on the statistics for police apprehensions, police referrals, family conferences and Youth Court cases 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.

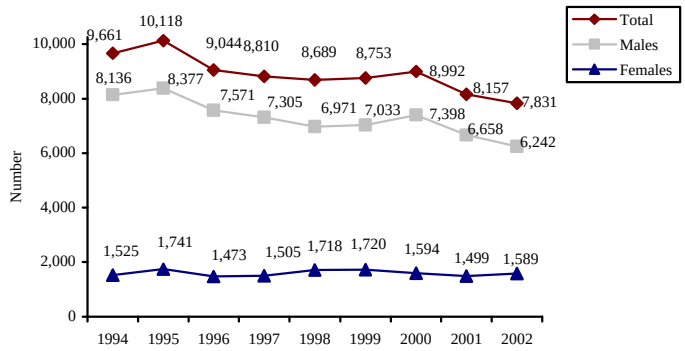
Police Statistics

Police apprehensions

In 2002, young people aged 10 – 17 years at the time of the offence[2] accounted for 7,831 apprehension reports lodged by police. This is 4.0% lower than the 8,157 apprehensions filed in 2001 and 22.6% lower than the peak of 10,118 recorded in 1995. In fact, the 2002 figure is the lowest of the nine years depicted.

Male apprehensions recorded a 6.2% decrease compared with 2001, with the figure of 6,242 being the lowest recorded in the period 1994 to 2002. In contrast, female apprehensions showed a slight increase. The 2002 figure of 1,589 was 6.0% higher than the previous year. Females accounted for 20.3% of all apprehensions, which is comparable with the figures for previous years.

Figure 1 Number of police apprehension reports involving juveniles, 1994 to 2002



As in previous years, only a small proportion (8.9%) of apprehensions in 2002 involved youths aged 10-12 years while approximately one half (50.2%) were aged 16 and over at the time of apprehension. Youths aged 13-15 years accounted for the remaining 40.9%. There were some age differences between males and females dealt with by police in 2002. Overall, a higher proportion of females than males were grouped in the middle age range of 13-15 years (46.7% compared with 39.4% respectively) while proportionately fewer were aged 16 and over (44.6% compared with 51.7% respectively).

[2] However, they may have been aged over 17 years at the time they were apprehended and/or processed through the juvenile justice system.

Information on racial appearance was available for 7,027 (89.7%) of the 7,831 apprehensions[3]. Persons identified by police as Aboriginal in appearance accounted for 21.8% 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 29.9% of all apprehensions involving young women compared with 19.9% of all apprehensions involving young men where relevant information on Aboriginal status was recorded.

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 5.3% 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, 2002

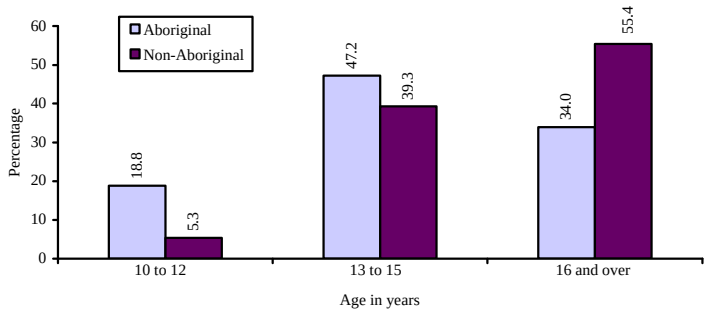


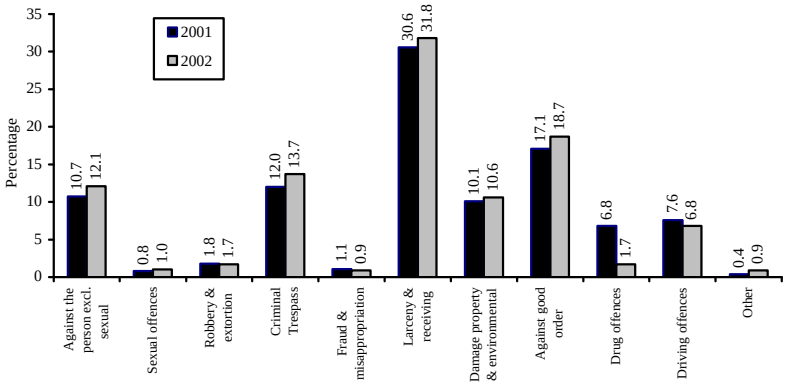
Figure 3 presents a breakdown of police apprehensions by the major offence alleged. This shows that in 2002 *larceny and receiving* was the most prominent offence, followed by *good order offences*, *criminal trespass*[4] and *offences against the person (excluding sexual offences).* There were relatively few apprehension reports in which *fraud and misappropriation*, *sexual offences* or *robbery and extortion* were listed as the most serious offence alleged.

[3] As for 1999, 2000 and 2001, 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] *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 2002 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 2002 were very similar to those recorded in the previous year. As noted earlier[5], the Police Drug Diversion Initiative began implementation in September 2001. Given this, it would be expected that, compared with 2001, 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 6.8% in 2001 to 1.7% in 2002. However, it should be noted that the proportion of apprehensions involving this offence was already decreasing before PDDI became operational (dropping from 13.7% to 6.8% across the period 1997 to 2001).

Figure 3 Police apprehension reports: major offence alleged, 2001 and 2002



To provide a more detailed insight into the type of offences for which young people were apprehended in 2002, 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).

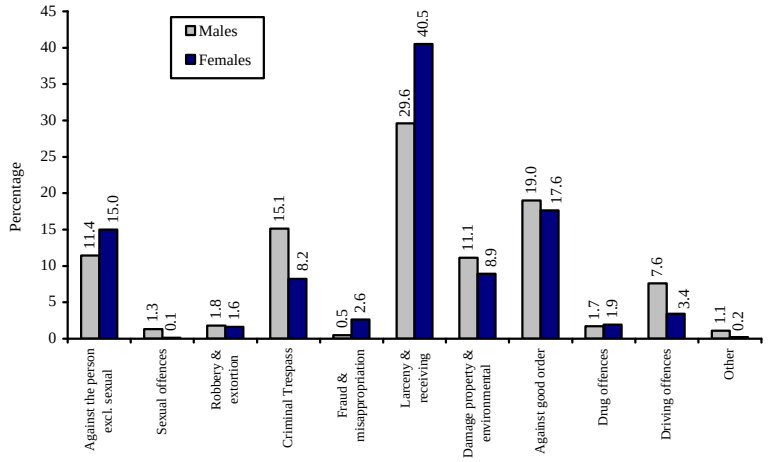
Of the larceny-related offences, the most prominent ones included *larceny from shops* (12.2% of all apprehensions) and *larceny or illegal use of a vehicle* (7.1%). *Common assault*[6] accounted for the majority of *offences against the person, excluding sexual offences* (7.1% of all apprehensions) while *assault occasioning actual or grievous bodily harm* was the major offence in only 2.2% of apprehensions. There was one apprehension report in which the major offence was *murder* and five reports involving *attempted murder*. Of the relatively small number of juvenile apprehension reports involving *robbery* as

[5] See comments under the heading 'Recent changes to the criminal law or justice administration'.
[6] Including common assault of a family member

the major charge, the majority of these (99 out of 132) 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*, *drug offences* and *other* offences accounted for the lowest proportions.

Figure 4 Police apprehension reports: sex by major offence alleged, 2002



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 (24.4%) of all female apprehensions compared with only 9.1% for males. *Offences against the person, excluding sexual offences* were also more prominent for females than males (15.0% compared with 11.5% respectively). Conversely, a lower proportion of female than male apprehension reports listed *criminal trespass offences* (8.2% compared with 15.1% respectively), *damage property and environmental offences* (8.9% compared with 11.1%) and *driving offences* (3.4% compared with 7.7% 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 (19.5% compared with 12.9% respectively). In contrast, a lower proportion of Aboriginal than non-Aboriginal apprehensions involved *driving offences* (1.7% compared with 7.0% respectively).

Method of apprehension

In 2002, in 42.9% 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 (36.5%). Given the earlier comments regarding South Australia Police's move to a problem solving model[7] this may not be unexpected. However, it should also be noted that there has been a steady increase in the use of arrest over the previous six years (from 27.3% in 1996 to 36.5% in 2001).

For males, more than four in ten apprehensions (44.5%) were by way of arrest, compared with 36.6% of females. This 2002 figure for males represents an increase on the proportion arrested in 2001 (37.5%). Similarly, the female arrest rate increased from those recorded in 2001 (32.1%) and 2000 (31.9%).

As might be expected, older youths were proportionately more likely to be arrested than younger ones (with 45.9% of cases involving young people aged 16 years and over being arrest-based compared with only 28.8% of those involving youths aged 10-12 years). However, it was Aboriginal youths who were the most likely to be arrested. In 2002, as was the case in previous years, six in ten Aboriginal apprehensions (61.4%) were arrest-based compared with one in four non-Aboriginal apprehensions (43.9%). Stated differently, Aboriginals accounted for 28.1% of all arrest-based apprehensions but only 16.1% of report-based apprehensions where racial appearance was recorded.

Type of action taken

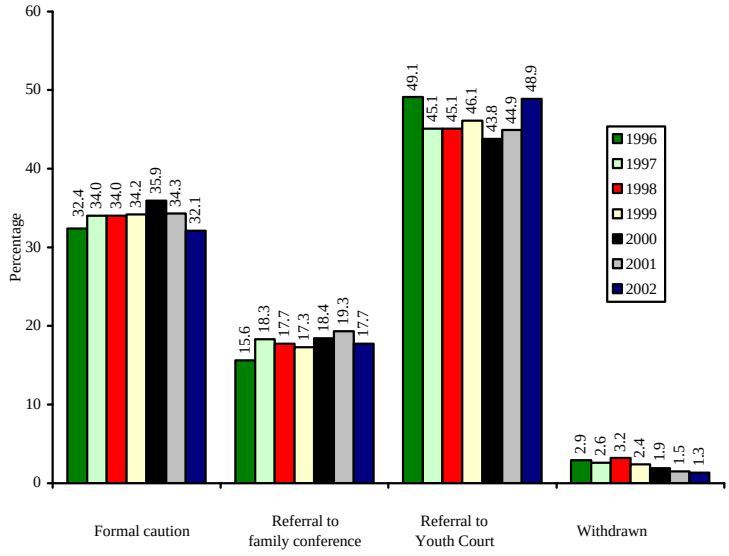
The type of action taken following the formal apprehension of a young person was not recorded in 14.5% of cases – a greater proportion than the 11.0% recorded in 2001. Of those 6,699 apprehensions where this information was available, 32.1% resulted in a referral to a formal caution with a further 17.7% being diverted to a family conference. Youth Court referrals accounted for 48.9%, while police withdrew 1.3% of the allegations[8].

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

[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'.

As indicated in Figure 5, the distribution of cases across the main referral categories in 2002 was much the same as in the preceding years, with referrals to the Youth Court remaining the most frequently used option.

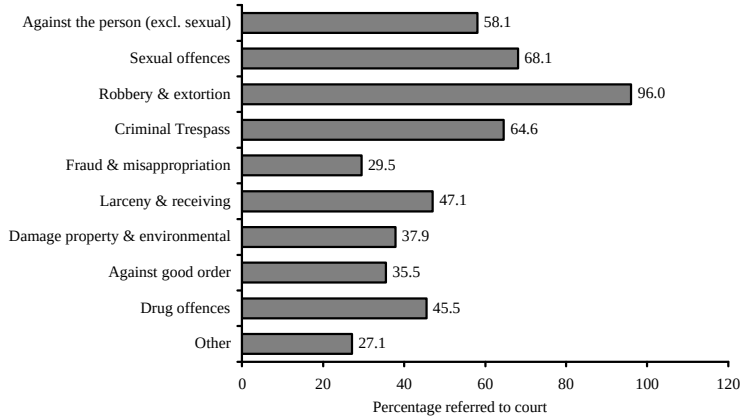
Figure 5 Police apprehensions: type of action taken, 1996 to 2002



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, more than 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 *fraud and misapprehension* approximately one in three cases were directed to court.

Figure 6 Police apprehensions: major offence alleged by proportion referred to Youth Court, 2002



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

Overall, very few matters for which referral details were available were withdrawn by police. This level remained relatively constant across all offence categories, generally varying from approximately 1% to 3%. The offence category which recorded the highest proportion of withdrawals was that of *drug offences* (with 5.8% of the 127 allegations for which relevant details were available being dropped).

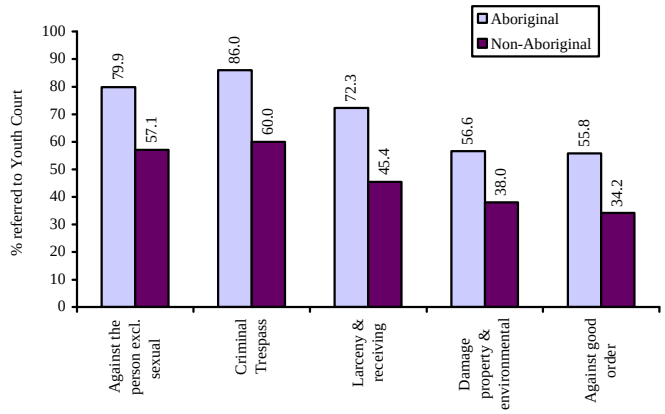
Overall, the referral patterns were generally similar for both males and females. However, a slightly higher proportion of males were referred to the Youth Court (50.3% of males and 43.8% of females where the type of referral was recorded) while a lower proportion (30.6% and 38.0% respectively) were 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 seven in ten (71.1%) Aboriginal apprehensions were referred to court compared with less than half (47.5%) of the non-Aboriginal matters. Conversely, only 15.2% of Aboriginal apprehensions received a formal caution compared with just under one third (32.2%) of non-Aboriginal cases. Differences between the two groups were less pronounced in relation to referrals to a family conference but even here, the proportion of Aboriginal cases thus referred was still lower than that recorded for non-Aboriginal apprehensions (13.3% compared with 18.8% respectively).

Stated differently, for those cases where racial appearance and type of referral were recorded, Aboriginal young people accounted for 11.9% of all formal caution referrals, 16.8% of all family conference referrals and 29.9% of all court referrals. Given that Aboriginal youth accounted for 21.8% 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 over-represented amongst those referred to the Youth Court.

These racial differences in type of action taken were evident across the great majority of offence categories. For example, as shown in Figure 7, for *offences against the person (excluding sexual offences)* over three-quarters of Aboriginal apprehensions were referred to court compared with just over 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 (24 out of 25 and 95 out of 99 respectively where referral details were recorded).

Figure 7 Police apprehensions by racial appearance: major offence alleged by proportion referred to court, 2002

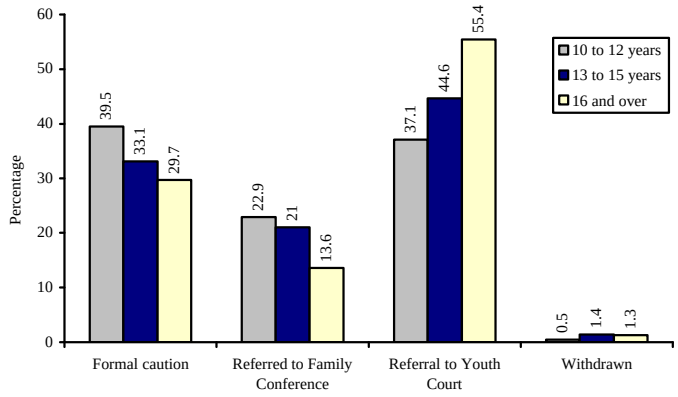


Sexual offences, robbery, fraud and misappropriation, driving, drug and 'other' offences have been omitted because the very small number of Aboriginal apprehensions for these offences make comparisons tenuous. In calculating these percentages, apprehensions where the type of action taken was not recorded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

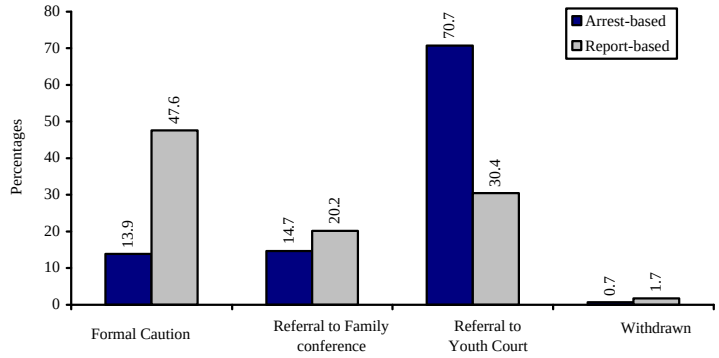
diverted compared with under one half of those aged 16 and over. Conversely, only about one third of those in the youngest age group were directed to court, compared with over half in the oldest age group.

Figure 8 Police apprehensions: age by type of referral, 2002



The type of action taken also co-varied with the method of apprehension (see Figure 9). Of the 3,079 arrest-based apprehensions where the type of action taken was known, seven in ten were directed to court, compared with approximately three in ten report-based apprehensions. In contrast, only 13.9% of arrest-based apprehensions resulted in a caution compared with nearly half of the reported cases. Stated differently, two thirds (66.4%) of court referrals were arrest-based, compared with 38.2% of family conference referrals and 19.9% of those cases where the young person was referred for a formal caution.

Figure 9 Police apprehensions: method of apprehension by type of referral, 2002



Number of discrete individuals apprehended

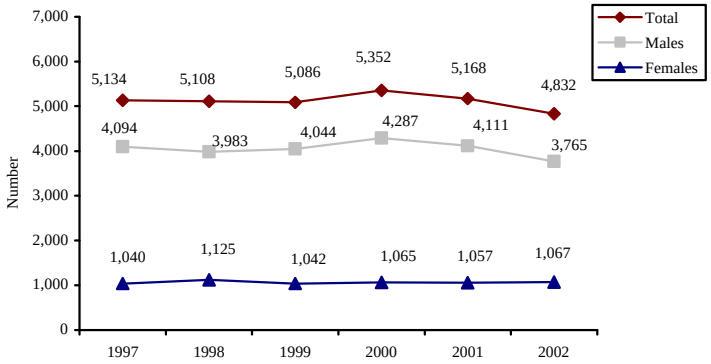
Whereas Tables 2.1 to 2.23 in Section 2 relate to apprehension reports, Table 2.24 details the number of discrete individuals apprehended during 2002. In this table, youths who were apprehended on more than one occasion during the 12 month reporting period are counted only once.

As shown in Figure 10, there were 4,832 juveniles apprehended in 2002. This figure was 6.5% lower than the 5,168 recorded in 2001, and is in fact, the lowest number recorded over the six years depicted. The number of males apprehended was 3,765, 8.4% lower than the 4,111 recorded the previous year. In contrast, for females the number of discrete individuals apprehended was virtually the same as for 2001.

In 2002, the 7,831 apprehensions involved 4,832 individuals. This gives an average of 1.6 apprehensions per youth, which has remained constant from 2001. As in 2001, the majority (70.8%) of young people were apprehended once only, while a very small proportion (4.1%) were apprehended on five or more occasions.

There was a small difference between males and females in the proportions experiencing more than one apprehension in the 12 month reporting period, with 76.6% of females and 69.2% of males being apprehended once only. On average, males recorded 1.7 apprehensions in 2002 while females recorded 1.5 apprehensions.

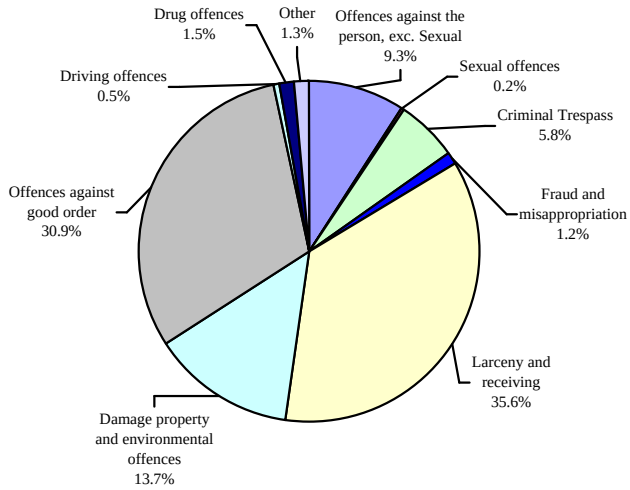
Figure 10 Number of discrete individuals apprehended, 1997 to 2002



Formal police cautions

As noted earlier, 2,152 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*, *damage property and environmental offences*, and *offences against the person*. At the other end of the scale, only five cases involving a *sexual assault* were considered appropriate for a caution (compared with eight in 2001) and no *robbery and extortion* matters (compared with two in 2001).

Figure 11 Referrals to a formal police caution: most serious allegation listed per apprehension report, 2002

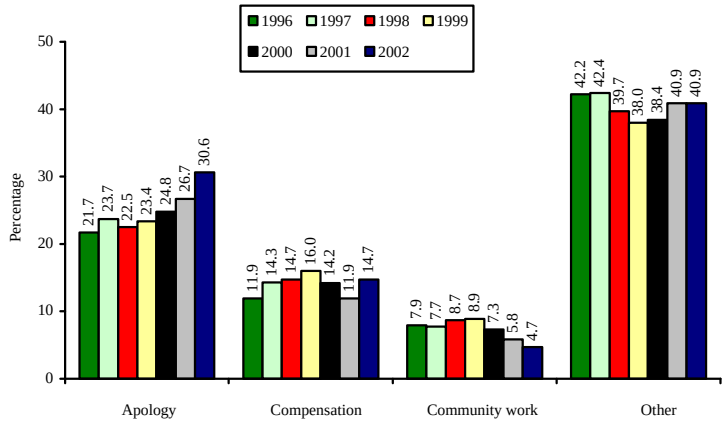


Whereas Tables 2.9 to 2.23 in Section 2 detail the number of apprehensions referred to a caution, Tables 2.25 to 2.29 focus on the actual number of formal cautions administered by police. It should be noted that in a small number of cases, the police may use the one formal caution to deal with two or more apprehension reports for the same young person. Thus, in 2002, while there were 2,152 apprehensions that were referred to a formal caution, only 2,127 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 2002, 30.6% of formal police

cautions involved an apology, 14.7% resulted in the payment of compensation, 4.7% 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 seven years depicted, generally 'other' conditions have dominated, followed by apologies and then compensation and lastly, community work. However, some variation is evident. In recent years, there has been an increase in the proportion involving an apology, with the result that the 2002 figure is the highest of the seven years depicted. In contrast, a different pattern is evident for community work. The proportion of cautions involving community work has decreased over the period shown, with the figure for 2002 the lowest since the new system commenced in 1994.

Figure 12 Formal police cautions: proportion involving apologies, compensation, community work or 'other' conditions, 1996 to 2002



While the same pattern generally applied to both males and females in 2002, proportionately fewer females than males agreed to pay compensation (9.8% compared with 16.3% 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 (15.5% compared with 7.4% respectively), apologies (30.9% and 15.2% respectively) and 'other' conditions (43.1% compared with 28.9%). 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 (413 out of 2,127 or 19.4%).

Just under one half (47.6%) of the compensation payments agreed to as part of a police caution in 2002 were for $50 or less, while only 2.9% involved amounts of more than $500. The maximum amount agreed to was $1,800. This was included as part of an undertaking for a caution where the major allegation listed was a *damage property and environmental offence*. The average amount of compensation required as part of a caution was $124, a slightly higher figure than the previous year's average of $114.

The majority of community work agreements involved a relatively small number of hours, with almost seven in ten (67.0%) being for 10 hours or less. Only 12.0% 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 40 which was listed for an offence of *larceny from shops*.

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 1,700 case referrals were finalised by the Family Conference Team in 2002[9]. This figure is 4.5% lower than the 1,781 cases finalised in 2000 but higher than the 1,668 finalised in 2001. Males accounted for almost eight in ten (79.0%) of all referrals, which is similar to the proportion recorded in previous years. Information on racial appearance was available for 1,699 referrals, with Aboriginal youth accounting for 17.8% of these. This figure is similar to that recorded in previous years.

As in previous years, for the overwhelming majority of referrals finalised in 2002 (87.6%) a 'successful' conference was held, with some form of agreement being reached.[10] In 1,343 of these 'successful' cases (i.e. 79.0% of all referrals), the young person entered into an undertaking. In a further 8.6%, a formal caution was all that participants thought was required. [11]

For a small number of referrals finalised by the Family Conference Team in 2002 (49 or 2.9% of total referrals) a conference was convened but no resolution was achieved. In just under half of these (i.e. 27 of the 49) the matter remained unresolved because the young person did not admit the allegation, while in a further 16 matters, the youth elected to have the allegations heard in court. For 161 referrals (9.5% of the total), no conference was held. The non-appearance of the young person (4.7%) and inability to

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[9] This figure includes a small number of referrals received by the Family Conference Team in 2001 but not finalised until 2002. It should also be noted that referrals received in 2002 but not finalised by the end of the year have not been included here.

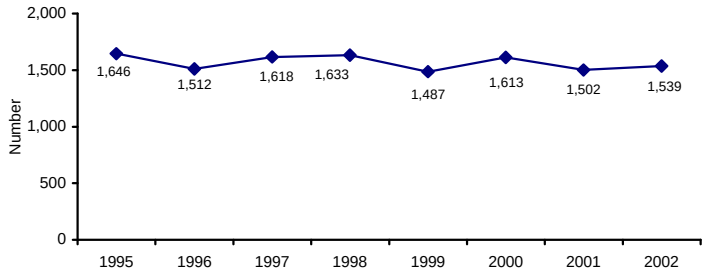
[10] It should be stressed that the term 'success', as used here, does not take account of whether undertakings entered into at the conference were subsequently complied with. Levels of compliance with undertakings and conditions agreed to during a conference are discussed in a later section.

[11] The 2002 figure for formal cautions is not directly comparable with 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.

locate the youth (3.6%) 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 1,700 referrals finalised by the Family Conference Team in 2002, 1,539[13] resulted in a conference being held. Longitudinal trends in the number of cases where a conference was actually held (see Figure 13) indicate a slight increase of 2.5% on the number of cases conferenced in 2001.

Figure 13 Cases for which a family conference was held, 1995 to 2002



In 2002 the referral outcomes recorded for both sexes were broadly similar. The majority of referrals for males and females resulted in a 'successful' conference (87.4% and 88.5% respectively). For both sexes, there were relatively few referrals where a conference was not convened (9.7% of male and 8.7% of female referrals).

As occurred in 2001, a lower proportion of Aboriginal than non-Aboriginal referrals resulted in a 'successful' conference. Of the 302 Aboriginal referrals finalised by the Family Conference Team in 2002, eight in ten (80.1%) were resolved at the conference compared with almost nine in ten non-Aboriginal referrals (89.3%). For 18.2% of Aboriginal referrals, a conference was not convened, mainly because the young person failed to attend (9.9%) or could not be located by the Family Conference Team (7.9%). In contrast, only 7.6% of non-Aboriginal cases did not proceed to a conference, including 3.6% who

[12] Due to a change in recording practices, the figure for the outcome of 'unable to locate youth' in 2002 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 1,539 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.

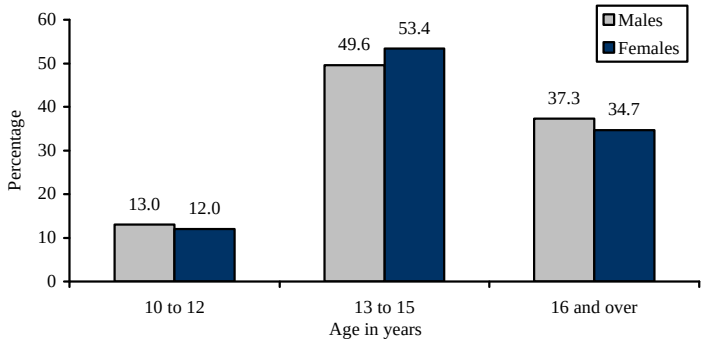
failed to appear. These figures mean that in 2002, for those cases where racial identity was recorded, Aboriginal young people made up 16.3% of those referrals where a conference was 'successfully' completed, but a substantial 34.2% of those referrals that did not get to a conference. However, the proportion of Aboriginal referrals resulting in a 'successful' conference was virtually the same as in 2001 and 2000 (79.0% and 80.3%).

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 1,539 case referrals for which a conference was actually held. Males accounted for 78.8% of the 1,539 cases (compared with 81.2% in 2001). Half (50.4%) of the 1,539 matters where age was recorded involved young people aged 13 to 15 years. A further 36.8% were aged 16 and over while only a small proportion (12.8%) were in the youngest age group of 10-12 years.

As in the previous year, the age profiles of males and females reveal some small 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 slightly more dominant in the oldest age group.

Figure 14 Cases dealt with at a family conference: sex by age, 2002



In 2002, Aboriginal youths accounted for 16.1% of all cases dealt with by way of a conference where information on racial identity was recorded. A higher proportion of Aboriginal compared with non-Aboriginal cases dealt with at a conference involved young women (28.7% and 19.7% 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 almost four in ten non-Aboriginal cases involved youth aged 16 and over, this age group accounted for only one quarter of the Aboriginal cases. The proportion of Aboriginal cases involving very young individuals was slightly lower in 2002 than in 2001.

Figure 15 Cases dealt with at a family conference: racial identity by age, 2002

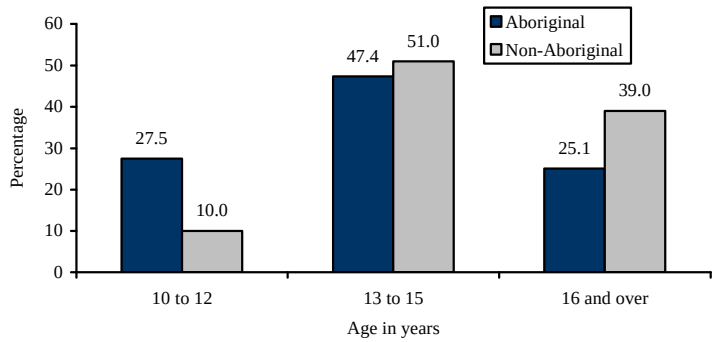


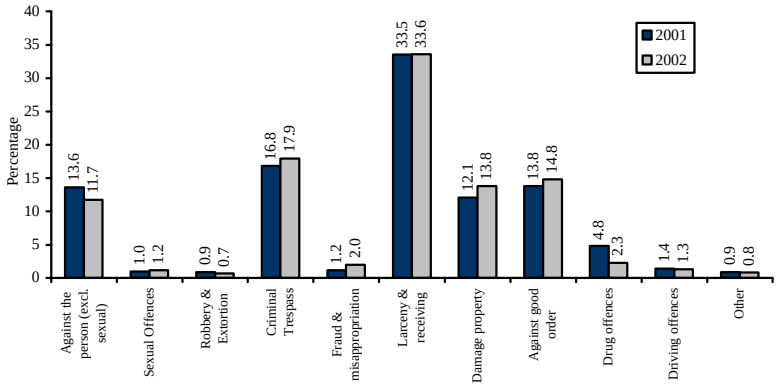
Figure 16 presents the most serious offence alleged in those cases dealt with at a family conference in 2002. As shown, *larceny and receiving* was the most prominent, accounting for 33.6% of all cases, followed by *criminal trespass*, *offences against good order, damage property and environmental offences* and o*ffences against the person (excluding sexual 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*. *Larceny from shops* was the most prominent larceny offence, accounting for 12.7% of all cases. *Larceny/illegal use of a vehicle* accounted for a further 8.0% of cases. *Other assault* was the most prominent of the *offences against the person (excluding sexual offences)* category, accounting for 7.8% of all cases, while *serious assault* featured in only 3.1% of cases.

As can be seen in Figure 16, the major offences dealt with at a family conference in 2002 were very similar to those recorded in the previous year. Only minor differences are apparent. For example, *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, 2001 and 2002



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 (12.0% compared with 6.7% respectively). The same applied to *larceny from shops* (24.8% of female cases compared with only 9.4% of male cases). However, proportionately fewer female than male cases involved *criminal trespass* (12.9% compared with 19.3% respectively) or *damage property and environmental offences* (5.8% compared with 15.9% 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 (20.6% compared with 13.7% respectively).

Over half the cases dealt with at a conference (54.8%) involved one offence only, while 4.9% involved five or more allegations. A similar proportion of male and female cases involved multiple allegations (45.0% compared with 46.0% respectively) as did a higher proportion of non-Aboriginal than Aboriginal cases (46.2% compared with 40.1% respectively.)

As noted earlier, in 2002 there were 1,343 cases dealt with at a family conference that resulted in the young person agreeing to enter into an undertaking. This was very similar to the 1,335 cases with undertakings recorded in 2001.

The conditions associated with the undertakings are outlined in Table 3.9[15] of Section 3.

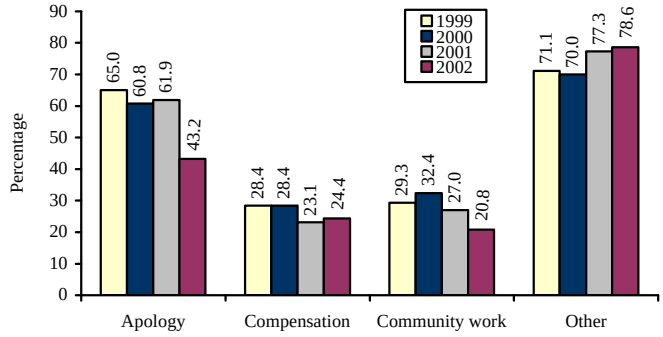
It should be noted, however, that prior to 2002, apologies included both verbal and written apologies. However, following a review of the Young Offenders Act, 1993 by the Chief Justice, this was changed. A 'letter of regret' was introduced which was deemed the same as a written apology for processing purposes. Verbal apologies can still occur, but are now regarded as different from the 'letters of regret'. Because this change was not introduced until mid 2002, for the purposes of this report 'letters of regret' have been combined with verbal apologies. The two categories will be reported on separately in future reports.

As in previous years, the condition most frequently agreed to was 'other', which was included in almost eight out of ten cases (78.6%) 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, apology, featured in 43.2% of cases. Compensation was part of an undertaking in 24.4% of cases while community work was agreed to in 20.8%.

While these results are broadly comparable with those recorded in each of the years 1999 to 2001 (see Figure 17), it can be seen that there has been a substantial decrease in the proportion of undertakings resulting in an apology. This could be due to the change in the recording of apologies described above. The proportion of cases involving 'other' conditions showed an increase in 2002, the highest figure recorded in the four years shown. The reverse was true for community work, with undertakings in 2002 less likely than in the three previous years to involve these conditions.

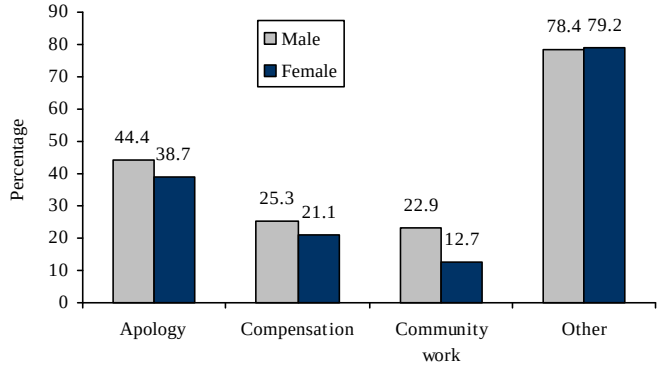
[15] It should be noted that these conditions are not mutually exclusive – i.e. if an undertaking included both an apology and compensation, each would be counted separately in Tables 3.9 and 3.10 in Section 3. However, if there were two apologies included in the one undertaking, this would be counted 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.

Figure 17 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition, 1999 to 2002



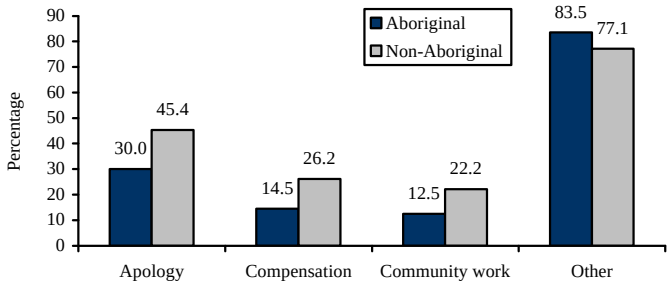
As illustrated in Figure 18, the overall patterns for males and females were broadly similar. However, there was a difference for community work, which was agreed to in a higher proportion of male than female undertakings.

Figure 18 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition by sex, 2002



For both Aboriginal and non-Aboriginal undertakings (see Figure 19) the conditions of apologies, community work and compensation were used sparingly compared with '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, 2002



Of the 328 cases where the young person agreed to pay compensation, nearly six in ten (57.3%) involved payment of $100 or less, while only ten cases involved the payment of more than $1,000. The average amount of compensation agreed to was $205 (compared with $170 in 2001 and $173 in 2000), while the maximum was $4,200 (compared with $3,743 in 2001 and $2,580 in 2000). 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 (54.8%) consisting of 20 hours or less, and a further 17.2% involving 21-30 hours. There were only eight cases where the community work agreements were for periods of more than 100 hours. The average number of community work hours was 30 (which was slightly more than the 26 in 2001) while the maximum was 200 (the same as in the previous year). The maximum applied to a case where the major allegation was a *larceny/illegal use of a vehicle* offence.

Undertaking compliance

Of the 1,343 conference cases finalised by way of an undertaking in 2002, information on undertaking compliance was available for 1,213 (90.3%). This

means that for the remaining 130 cases, the time allocated for completion of the undertaking had not expired by the end of mid April 2003, when the database was closed off for this statistical report. Each of these cases consisted of only one undertaking.

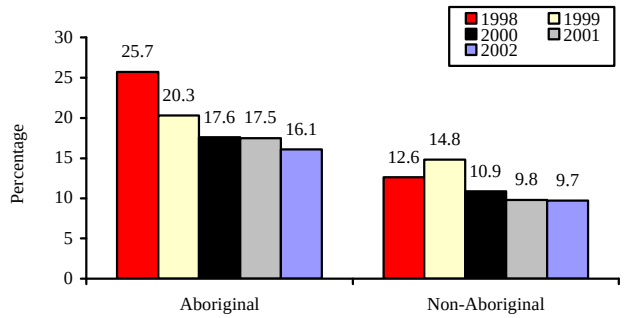
In 1,082 (89.2%) of these 1,213 cases, all undertakings were listed as having been complied with by mid April 2003. In 131 cases (10.8%), the undertaking was not complied with and the matter was referred back to police, who then had the option to either not proceed with the matter or lay formal charges and refer the young person to the Youth Court for prosecution. The level of undertaking compliance in 2002 was slightly higher than the level recorded in the years from 1997 to 2001.

In 2002, there was very little difference between males and females in relation to the levels of compliance with undertakings. For males, 10.6% of those cases where relevant information was available were referred back to police because of non-compliance, while 11.5% of female cases resulted in a re-referral to police.

However, there were differences between Aboriginal and non-Aboriginal cases. Of the 200 Aboriginal and 1,142 non-Aboriginal cases which resulted in an undertaking in 2002, information on undertaking compliance status was available for 186 (93.0%) and 1026 (89.8%) 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 (16.1 compared with 9.7 respectively.)

However, as shown in Figure 20, the proportion of Aboriginal cases referred back to police decreased steadily over the five years from 1998 to 2002. The non-compliance trend for non-Aboriginal cases has also shown an overall decrease (with the exception of 1999).

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: 1998 to 2002



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 1,213 of those 1,343 conference cases which had resulted in an undertaking. For these 1,213 cases, compliance data were recorded for 552 apologies, 314 compensation agreements, 232 community work conditions and 1,596 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 98.4% being completed by or after the due date. This was followed by compensation (88.9%), community work (88.8%) and 'other' conditions (82.8%).

As noted earlier, the level of undertaking compliance for males and females was equivalent. A broadly similar pattern was evident for condition compliance. It was only for community work that a noticeable difference was recorded (89.6% compliance for males compared with 83.3% for females). However, it should be noted that the actual number of community work conditions involving females was relatively small (30) 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 generally lower than non-Aboriginal levels. However, it should be noted that the number of compensation and community work conditions entered into by Aboriginal youths in 2002 was too small to permit meaningful analysis (27 and 20 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, 2002

Case outcome	No.	%
Cases positively finalised		
• conference held, undertaking complied with	1,082	63.6
• conference held, undertaking waived	0	0
• conference held, formal caution	147	8.6
• conference held, no further action	0	0
• case not proceeded with	22	1.3
Sub-total	1,251	73.6
Not yet classifiable		
• conference held, compliance data not available	130	7.6
Cases not positively finalised		
• conference held, undertaking not complied with– referred back to police	131	7.7
• conference held, not finalised*	43	2.5
• conference not held, not resolved	145	8.5
Sub-total	319	18.8
Total	1,700	100.0

* This category includes conferences where the police or youth disagrees with the proposed outcome, where the youth elects to have the matter dealt with by a court, or where the youth does not admit the allegation.

As shown in Table 1, of the 1,700 cases referred to a conference in 2002, 73.6% were positively finalised. In a further 7.6% 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, 18.8% of referrals were not resolved at the conference level, either because the conference had not gone ahead (8.5%) or,

if held, had not been able to finalise the matter (2.5%), or the resultant undertaking had not subsequently been complied with (7.7%).

The proportion of cases not resolved at the conference level was slightly lower in 2002 than in 2001 (19.1%) and clearly 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 2002 is detailed in Table 2. Overall, a lower proportion of Aboriginal cases were positively finalised (67.2% compared with 75.0% of non-Aboriginal cases) largely because proportionately fewer conference undertakings were complied with (51.7% compared with 66.3% respectively). Conversely, a higher proportion of Aboriginal than non-Aboriginal cases were not positively resolved by way of a conference (28.1% compared with 16.7% respectively.)

One positive finding though, is that a higher percentage of Aboriginal cases were successfully resolved in 2002 than in 2001 (67.2% compared with 62.5% respectively). The same finding applied to non-Aboriginal cases (with 75.0% positively finalised at the conference level compared with 68.4% in 2001).

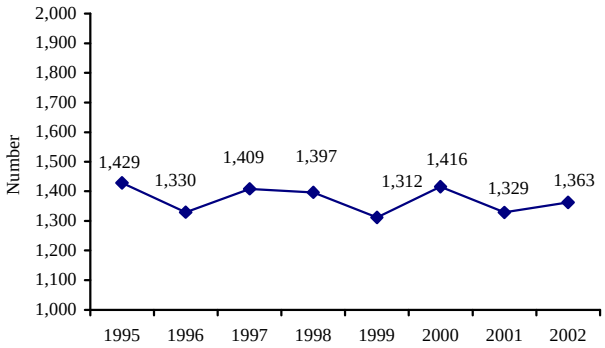
Table 2 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance by racial identity, 2002

Case outcome	Aboriginal		Non-Aboriginal	
	No.	%	No.	%
Cases positively finalised				
• conference held, undertaking complied with	156	51.7	926	66.3
• conference held, undertaking waived	0	0	0	0
• conference held, formal caution	42	13.9	105	7.5
• conference held, no further action	0	0	0	0
• case not proceeded with	5	1.7	17	1.2
Sub-total	203	67.2	1,048	75.0
Not yet classifiable				
• Conference held, compliance data not available	14	4.6	116	8.3
Cases not positively finalised				
• conference held, undertaking not complied with– referred back to police	30	9.9	100	7.2
• conference held, no agreement reached	1	0.3	42	3.0
• conference not held	54	17.9	91	6.5
Sub-total	85	28.1	233	16.7
Total	302	100.0	1,397	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 2002, 1,363 conferences were held. As indicated in Figure 21, this is fairly comparable with the numbers recorded in the preceding seven years depicted.

Figure 21 Number of conferences held, 1995 to 2002



The vast majority of conferences held in 2002 (89.9%) involved only one young offender, while there were no conferences involving five or more offenders present. Most of the conferences (82.0%) had at least one parent present[16].

In 2002, 35.7% of conferences had at least one victim present which is lower than in previous years,[17] when percentages ranged from 40.6% (in 2001) to 48.5% in 1998. However, in part, this may be due to a change in recording practices. Again this year it has been possible to differentiate between the number of conferences where the victim attended and those where, rather than attending the conference themselves, the victim chose to have someone represent them.[18] Previously these people were recorded in the 'victim' category. In 2002, victim representatives were present at 4.0% of conferences.

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[16] This year's figures for parents are not directly comparable with those in the years prior to 2001, 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 2001, the data did not allow for distinguishing between victim representatives and victim supporters. Both groups were included under the category of 'victim supporters'.

One in ten conferences (9.5%) had a victim supporter present. As has been the situation in earlier years, relatively few conferences were attended by youth supporters (20.9%). Again this year it has been 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 4.5% of conferences involved at least one 'other' participant.

In terms of the total number of participants[19], 4.8% of conferences in 2002 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 (62.8%) had two or three participants, while 16.4% had five or more participants.

[19] Prior to 2001, 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 2001 *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 4.14) 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.

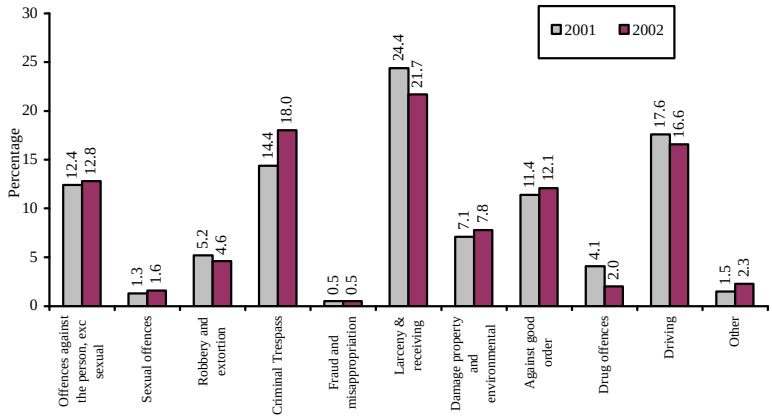
All finalised appearances before the Youth Court

In 2002, there were 3,019 cases finalised in the Youth Court in South Australia, which was 9.0% more than the 2,769 cases finalised in 2001. In the majority of cases (64.8%) the major charge was proved. In a further 230 appearances (7.6% 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 3,019 cases finalised in the Youth Court in 2002, 2,186 (72.4%) resulted in at least one charge being proved. Of the 833 cases where neither the major charge nor another or lesser charge was proved, seven resulted in an acquittal, while in the remainder, the charges were either withdrawn or dismissed for want of prosecution.

Figure 22 presents a breakdown of finalised cases by the major offence charged for 2002. This shows that in 2002 *larceny and receiving* was the most prominent offence, accounting for just over one in five cases. This was followed by *criminal trespass*, *driving offences, 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 while the major charge profile of cases in 2002 was generally similar to that observed in 2001, there were some shifts. In particluar, in 2002 there was an increase in the proportion of *criminal trespass* cases (up from 14.4% to 18.0%) and a decrease in *larceny and receiving* cases (down from 24.4% to 21.7%).

Figure 22 Cases finalised in the Youth Court by major offence alleged, 2001 and 2002



Within the broad grouping of *offences against the person, excluding sexual offences*, *other assault* was the most prominent, accounting for 7.1% of all finalised cases. *Serious assault* accounted for only 4.2%. There were seven *homicide*[20] cases. Of the 139 robbery cases finalised in 2002, only 35 involved *armed robbery.*

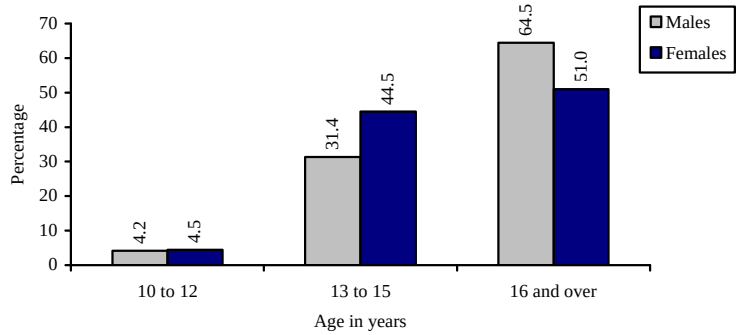
As was the case in 2001, a coding problem with the offence category of *larceny and receiving* meant that it was not possible to distinguish between *larceny from shops* and *larceny-miscellaneous*. However, the combined category constituted the major charge in 10.3% of cases, followed by *larceny, illegal use of a vehicle* (6.8%). A breakdown of the category of *offences against good order* reveals that the most prominent were *hinder/resist police* and *public order offences – miscellaneous* (4.1% and 3.3% respectively). Of the driving offences, *dangerous, reckless or negligent driving* was the most prominent, accounting for 10.5% of all cases finalised in the Youth Court, while *drink driving offences* constituted 4.1% of cases.

Details of the sex of the defendant were recorded for 3,014 cases, with males accounting for the great majority (82.9%) of these. Of the 2,993 cases where age was listed, 62.2% involved young people who were 16 years and over at the time the offence was committed. Only 4.2% 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 49.0%

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

aged 15 years and under compared with only 35.6% of males. Conversely, approximately two thirds of males (64.5%) were aged 16 years and over, compared with 51.0% of females.

Figure 23 Cases finalised in the Youth Court: sex by age, 2002

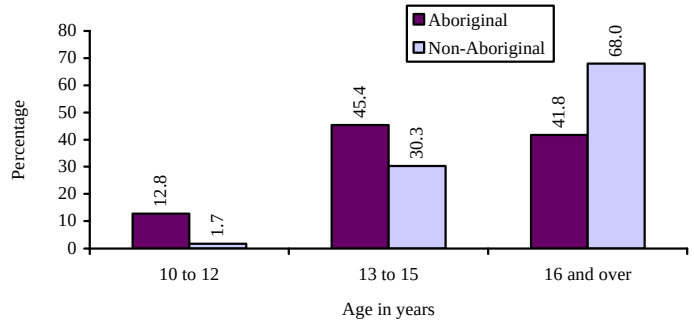


While there were broad similarities in the charge profiles of male and female court cases (with *larceny and receiving offences* dominant for both groups) there were also some differences. *Criminal trespass* offences were more prominent for males than females (19.3% compared with 12.0% respectively) as were *dangerous, reckless, or negligent driving* offences (11.4% compared with 5.8% respectively). In contrast, a higher proportion of female than male cases involved *other assault* (13.4% compared with 5.8% respectively), and *larceny from shops and larceny - miscellaneous* (16.7% compared with 9.0% respectively).

Aboriginal youths accounted for just over one in five cases (22.7%) 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 over one in four Aboriginal cases (27.1%) compared with only 14.1% of non-Aboriginal cases. Stated differently, Aboriginal youths accounted for over three in ten female cases (36.1%) where relevant information was available, compared with only 19.9% of male cases.

As shown in Figure 24, Aboriginal youths dealt with by the Youth Court in 2002 also tended to be younger than their non-Aboriginal counterparts. Where age was recorded, 12.8% of Aboriginal cases involved young people aged 12 years or under compared with only 1.7% of non-Aboriginal cases. At the other end of the scale, over two thirds of non-Aboriginal cases involved youths aged 16 and over, compared with 41.9% of the Aboriginal cases.

Figure 24 Cases finalised by the Youth Court: age by racial appearance, 2002



While the charge profiles for Aboriginal and non-Aboriginal youths were broadly similar, there were several points of differences. A lower proportion of Aboriginal than non-Aboriginal cases involved a *driving offence* (1.6% compared with 17.6% respectively) while a higher proportion involved *criminal trespass* (28.4% compared with 16.4% respectively).

Finalised appearances where at least one charge was proved

As noted earlier, in 2,186 of the 3,019 cases finalised by the Youth Court in 2002, at least one charge was proved. Included in this category were three cases where the defendant was found mentally unfit to stand trial under Part 8A of the *Criminal Law Consolidation Act*, 1935, which deals with mental impairment. The young persons involved were all released on licence. As this outcome is not regarded as a penalty, these three cases have been omitted from Tables 4.5 – 4.14 and are excluded from consideration in the following discussion.

The proportion of cases in which at least one charge was proved was almost the same for both males and females (72.8% and 69.9% respectively). This is a similar result to 2001, but varies from the years 2000 and 1999 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).

In 2002, Aboriginal youth were less likely than their non-Aboriginal counterparts to have a finding of guilt recorded (67.8% of Aboriginal compared with 73.5% of non-Aboriginal cases). This finding accords with those of previous years.

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

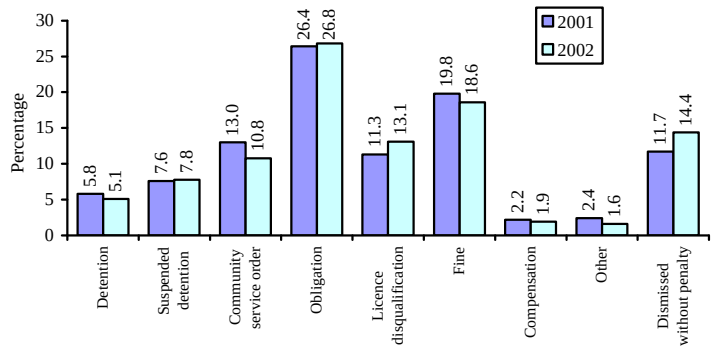
situations, *larceny and receiving* offences were the most dominant. However, the 'major offence proved' profile showed a slightly lower proportion of *offences against the person (excluding sexual offences)* (10.6% compared with 12.8% of the major offence charged), *robbery and extortion* (2.4% compared with 4.6% respectively) and *criminal trespass* (14.1% compared with 18.0% respectively) but a slightly higher proportion of *driving offences* (22.2% compared with 16.6% respectively) and *good order offences* (15.7% compared with 12.1% 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 2,183 cases where at least one charge was proved is outlined in Figure 25. As shown, in 2002 an obligation was the most frequently imposed penalty, featuring in just over one quarter of cases. In a further 18.6% of cases, a fine was recorded as the major penalty. In 14.4% 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.

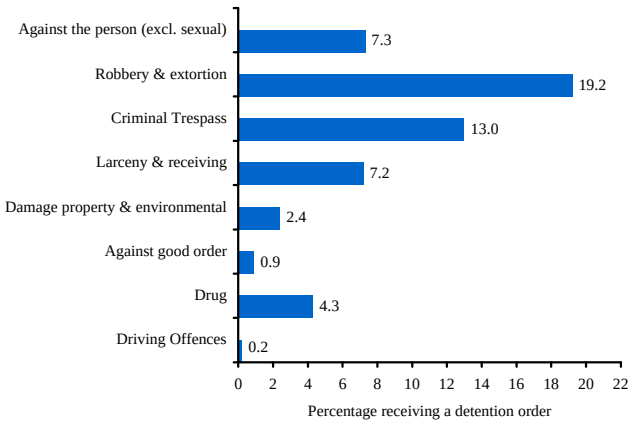
Figure 25 also shows that the major penalty profile for 2002 was broadly similar to that for 2001. In each year, obligations were the most prominent followed by fines, while relatively few cases resulted in either a detention or a suspended detention order. However, there were some slight shifts. For example, in 2002, a higher proportion of cases were dismissed without penalty, or resulted in a licence disqualification, while a lower percentage resulted in a fine or community service order.

Figure 25 Youth Court appearances where at least one charge is proved: major penalty imposed per case, 2001 and 2002



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 52 *robbery and extortion* cases proved in 2002, 10 (19.2%) received a detention order. This figure was lower than in 2001 (28.6%) and 2000 (31.1%), but higher than in 1999 (15.3%). Detention was also imposed in 40 (13.0%) of the 307 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 17 cases where the major offence proved was a *sexual offence*, only one received a detention order. A similar situation applied for those cases where the major offence proved fell in the category of *fraud and misappropriation* (0 of a total of 15 cases).

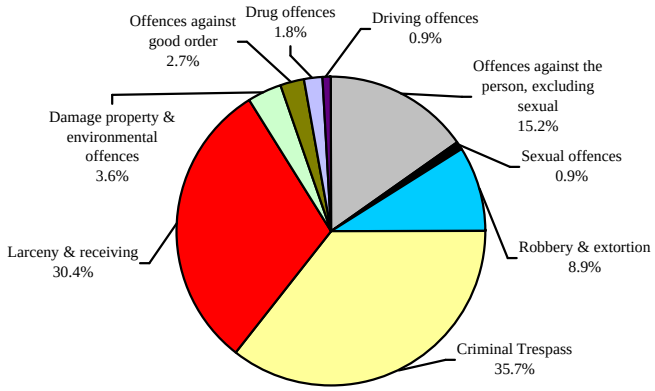
Figure 26 Youth Court appearances where at least one charge is proved: percentage of cases within each major offence category where detention was the most serious penalty, 2002



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.

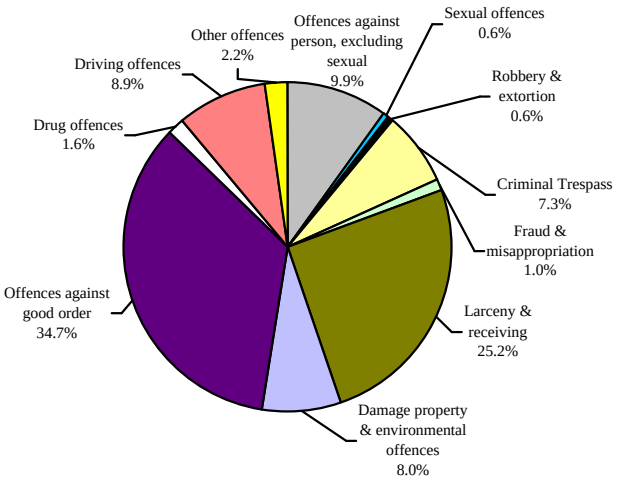
For those 112 cases that did receive a detention order, Figure 27 presents a breakdown of the major offence involved. This shows that *criminal trespass* accounted for 35.7% of cases receiving a detention order, followed by *larceny and receiving*, *offences against the person, excluding sexual offences* and *robbery and extortion.* Further study of the *larceny* cases revealed that one sub-category, *larceny/illegal use of a vehicle*, accounted for 21.4% of the 112 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, 2002



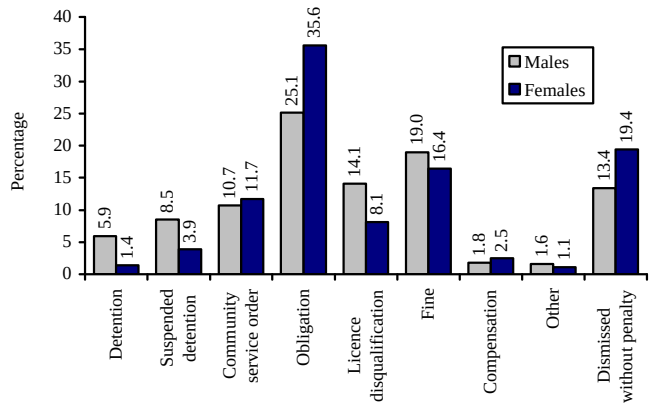
As noted earlier, in 14.4% of cases the matter was dismissed without penalty. Figure 28 presents for these 314 cases a breakdown of the major offence involved. This shows that *good order offences* were the most prominent, accounting for over one third, followed by *larceny and receiving.*

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, 2002



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 or a dismissal without penalty. However, females were proportionately less likely than male cases to attract a fine, a detention order, a suspended detention order or a licence disqualification.

Figure 29 Youth Court appearances where at least one charge is proved: major penalty by sex, 2002

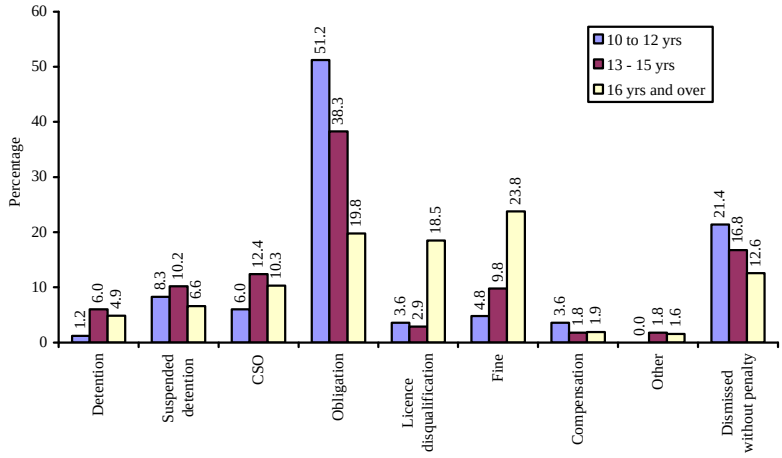


As in previous years, the type of penalty also varied somewhat according to age. In particular, as age increased, so the likelihood of receiving an obligation or having the matter dismissed without penalty decreased (see Figure 30). To illustrate, of those cases involving 10-12 year old youths, 51.2% received an obligation and for 21.4% the matter was dismissed without penalty. Corresponding figures for youths aged 16 and over were 19.8% and 12.6% respectively. Fines were far more prominent for the oldest group of youth compared with those in the younger age groups, with 23.8% of those aged 16 and over receiving this penalty compared with only 4.8% of cases involving 10-12 year olds. As expected, detention orders were rarely imposed on those aged 12 years and under, while licence disqualifications were far more prominent within the 16 years and over age group. This latter finding reflects the fact that 33.5% of those in the oldest age group were charged with a *driving offence*, compared with none in the youngest group and only 1.9% of those in the middle 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 10 to 12 and 13 to 15 years age groups were more likely than the oldest age group to receive a suspended detention

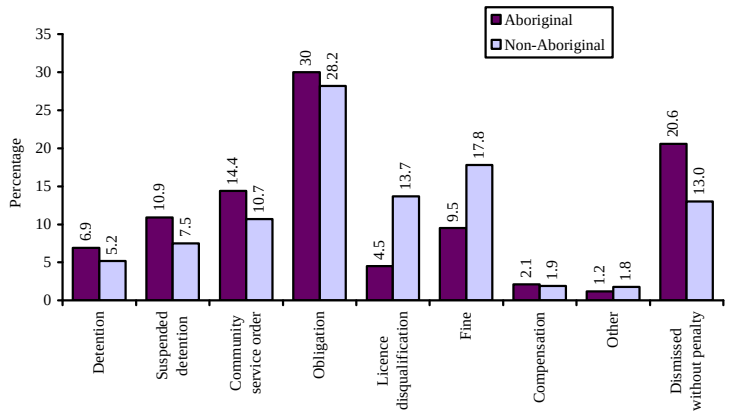
order. This is contrary to the expectation that those in the older age group would be more likely than their younger counterparts to receive penalties at the serious end of the sentencing spectrum.

Figure 30 Youth Court appearances where at least one charge is proved: major penalty by age, 2002



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 26.1% of those cases (29 out of a total of 111) in which a period of detention was imposed and where information on racial appearance was recorded. This figure is higher than in 2001, when Aboriginal youth accounted for 20% of cases with these outcomes.

Figure 31 Youth Court appearances where at least one charge is proved: major penalty by racial identity, 2002



Of the 406 fines imposed as the major penalty, the average amount payable was $120. This was higher than the $97 recorded in 2001 and the $111 recorded in 2000. The maximum was $600 (compared with $500 in 2001 and $1,000 in 2000). Of the 41 compensation orders listed as the major penalty, the average amount payable per case was $272, while the maximum was $2,000 (which was substantially higher than the $800 recorded in 2001 but lower than the $2,368 maximum recorded in 2000). As noted earlier, at the family conference level, where compensation was agreed to, the maximum was $4,200. 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 236 community service orders listed as the major penalty at the Youth Court level, the maximum was 300 hours, while the average duration was 57 hours. This average is higher than the 51 hours and 46 hours recorded in 2001and 2000 respectively, but was equal to the average duration recorded in 1999. In 2002, the maximum of 300 hours was imposed in a case involving *fraud and misappropriation offences*.

As noted earlier, there were 112 cases where detention constituted the most serious penalty listed. The majority of these cases (93 out of 112 or 83.0%) involved detention in a secure care facility, while 19 (17.0%) 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 2002 there were no cases involving a combined order.

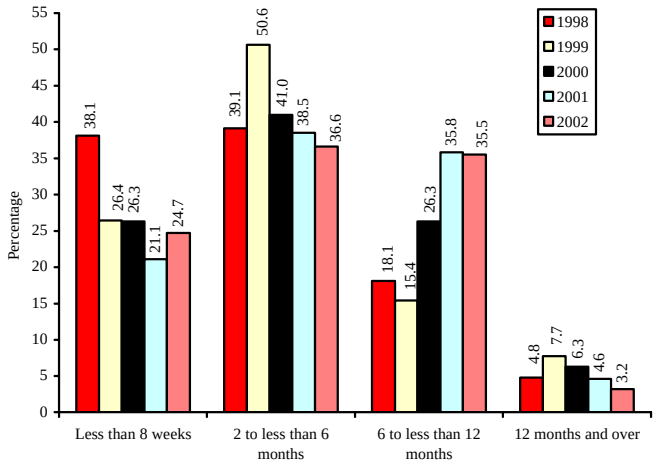
The actual number of cases resulting in a secure detention order in 2002 (93) was 14.7% lower than the 109 recorded in 2001 and equal to the number of cases recorded in 2000.

Of the 93 secure detention orders, the average duration was 19 weeks, which was shorter than the 21 weeks recorded in 2001. However, the maximum of 78 weeks was longer than the 65 weeks maximum recorded in 2001. The maxima recorded since the *Young Offenders Act* came into operation on 1 January 1994 have been consistently below the three years that can be imposed under that legislation. For the 19 home detention orders imposed in 2002, the average was 15 weeks while the maximum was 26 weeks. This average was comparable with those recorded in each of the four preceding years (16 weeks in 2001, 16 weeks in 2000, 15 weeks in 1999 and 16 weeks in 1998).

Further details about the length of the secure detention orders imposed as the major penalty in 2002 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 2002, as in previous years, the Youth Court made fairly extensive use of its ability to impose short orders. Almost one quarter (24.7%) of all secure detention orders were of less than eight weeks duration, with 2.2% being less than two weeks. Of the longer detention orders recorded in 2002, nearly four in ten (36.6%) involved periods of two to less than six months. A further third (35.5%) were for six to less than 12 months duration while there was one order of 18 to 24 months.

When detention order duration for 2002 is compared with the figures recorded in previous years, 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 2002 than in earlier years (3.2% in 2002 compared with 7.7% in 1999). There has also been a decrease in the proportion of orders involving incarceration for 2 to less than 6 months. In contrast, over the five years depicted, there has been an increase in the proportion of 6 to less than 12 month orders.

Figure 32 Youth Court appearances where at least one charge is proved: length of the longest secure detention order imposed per case, 1998 to 2002



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 based on the fact that detention orders are served concurrently, not cumulatively. According to legislation, juveniles can only receive a cumulative sentence when a breach has occurred. 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.

Juveniles in custody

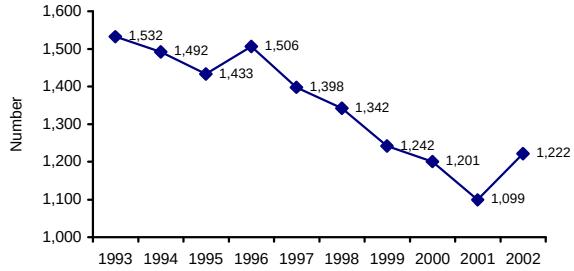
Admissions

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.

In 2002 there were 1,222 admissions into custody, which was 11.2% higher than the 1,099 admissions in 2001, but only 1.7% higher than the 1,201 admissions recorded in 2000. As shown in Figure 34, with the exceptions of 1996 and 2002, the number of custodial admissions has decreased steadily since 1993, with the 2001 figure the lowest recorded in that period. The 2002 figure is 20.2% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.

Figure 34 Number of admissions into secure care, 1993 to 2002.



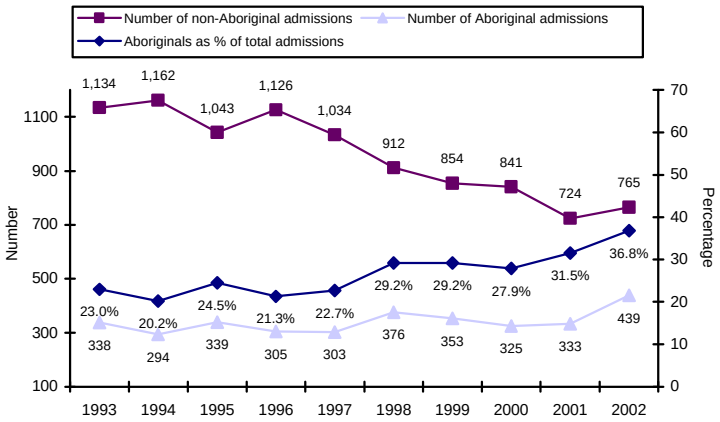
Males accounted for the greater majority of admissions (78.4%) where gender was recorded. This figure was similar to the proportions recorded in 2001 and 2000. Approximately half the admissions where age details were recorded involved young people who were aged 16 years or older (49.4%). However, there were 82 admissions into custody that involved persons aged 12 years or under in 2002 (6.9%), which is higher than in 2001 (37 admissions or 3.4% of the total). A comparison of the age profiles for male and female admissions reveals that males tended to be slightly younger than their female counterparts. Over half (51.3%) of the male admissions where age was recorded involved individuals aged 15 years or younger, compared with 48.0% of female admissions. More importantly though, the figures indicate that males are now being admitted at a younger age than previously. The differences between the

male/female age profiles has significantly decreased since those 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 2002 (439) were the highest recorded during the ten years depicted, and were 31.8% higher than 2001. The number of non-Aboriginal admissions in 2002 (765) was 5.7% higher than the 2001 figure of 724. However, it was still lower than those recorded prior to 2001.

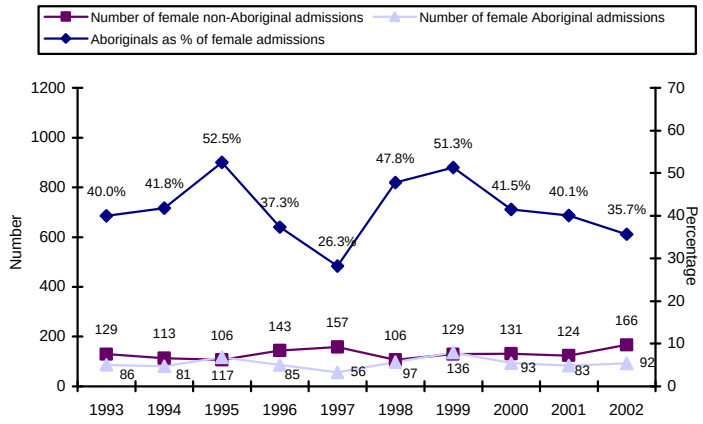
Given the downward trend in non-Aboriginal admissions and the upward trend in Aboriginal admissions, the latter now account for a much higher percentage of total admissions than at any point in the 10 years depicted. In 2002 Aboriginal youths comprised just over one third of all admissions (36.8%) into secure care where information on racial identity was recorded, compared with only 20.2% in 1994.

Figure 35 Number of admissions into secure care by racial identity, 1993 to 2002.



For those cases where relevant information was recorded, just over one third (35.7%) of all females admitted into secure care were Aboriginal, as were 36.7% of all male admissions. As shown in Figure 36, the proportion of females identified as Aboriginal fluctuated considerably during the 1993 to 2002 period, ranging from the peak figures of 52.5% in 1995 and 51.3% in 1999 to a low of 26.3% in 1997.

Figure 36 Number of female admissions into secure care by racial identity, 1993 to 2002.



There were some age variations between Aboriginal and non-Aboriginal youths admitted to secure care in 2002. The Aboriginal admissions were comprised of a higher proportion (58.4%) of younger individuals aged 15 and under, compared with non-Aboriginal admissions for the same age group (46.1%).

Of the 1,222 cases recorded in 2002, over half (54.1%) involved unemployed youths (i.e. they were not undertaking study of any kind or did not have a job). A further 35.8% were students while only 6.7% were listed as employed. These figures are generally comparable with those recorded in 2001 and 2000[21]. As would be expected, employment status varied according to age. Of particular note though is that 123 of those aged 14 and under (ie. 33.9% of this age grouping) were categorised as unemployed, despite the fact that, by law, they should all have been attending school.

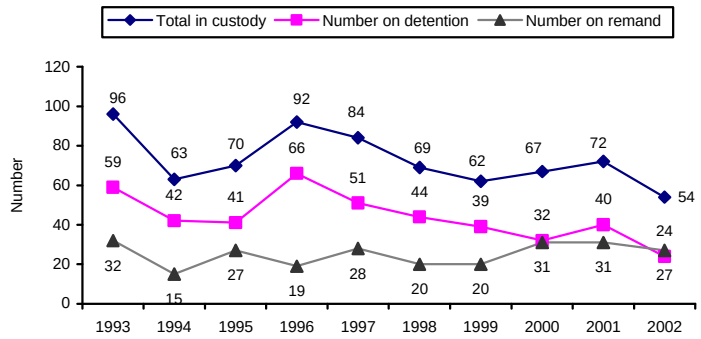
Census figures

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.

[21] While the figures are comparable with previous years, it should be noted that prior to 2001, the student category covered only school students. This year, as in 2001, it includes those undertaking TAFE or university studies.

Tables 5.3 to 5.5 in Section 5 detail the number of juveniles in custody on 30 June 2002 according to the most serious authority under which each youth was being held. On that date, 54 juveniles spent at least part of the 24 hour period in a training centre. This figure is 25.0% lower than the 72 youths in custody on 30 June 2001 and is, in fact, the lowest obtained during the ten year period depicted.

Figure 37 Young people in custody on 30th June by custodial status, 1993 to 2002.



Twenty four of the 54 young people (44.4%) incarcerated on 30 June 2002 were serving a detention order, while 27 were on remand. As indicated in Figure 37, there has been a steady decrease in detention numbers since the peak of 1996. The 2002 figure is, in fact, the lowest recorded for the ten years depicted.

The number on remand on 30 June 2002 was lower than in 2000 and 2001, but is fairly consistent with levels recorded in previous years.

Of the 54 young people in custody on 30 June 2005, only eight were female (14.8%). Of these, three were on detention, four were on remand, and one was in police custody.

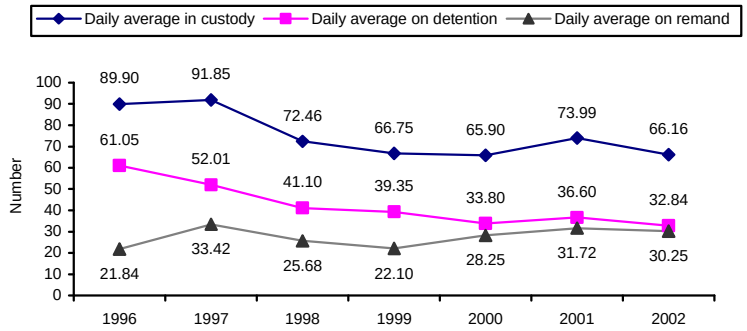
Just under half (23 or 42.6%) of those persons in custody on 30 June 2001 were Aboriginal. This group accounted for almost four in ten (39.1%) males in secure care on that date (18 out of 46) but they represented just under two thirds of all the females (five out of eight).

Of the 23 Aboriginals in custody on 30 June 2002, ten were serving a detention order, while thirteen were on remand. This group accounted for about 40% of all detainees present that day, and almost half of all remandees.

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 2002 according to the most serious authority under which each youth was being held. These tables show that, on average, 66.16 young people were held in custody per day during 2002. As shown in Figure 38, this is lower than the daily average recorded in 2001 (73.99) and is substantially lower (by 28.0%) than the 1997 peak.

Figure 38 Average daily occupancy by custodial status, 1996 to 2002.



On average on any given day in 2002, there were 32.84 youths serving a detention order. This was 10.3% lower than the average of 36.60 recorded in 2001 and 46.2% lower than the peak recorded in 1996 (average of 61.05).

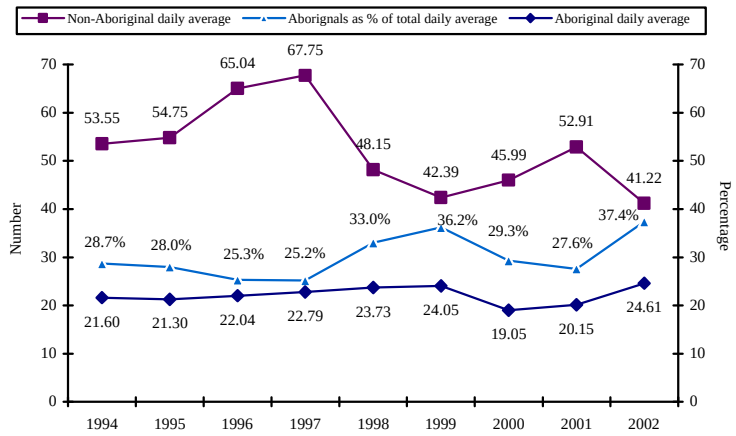
While there has been an overall decline in daily averages for detention, remand daily averages have remained relatively stable, despite the inevitable short term fluctuations. The remand daily average in 2002 was slightly lower than that recorded in 2001 (30.25 compared with 31.72 respectively), but was the third highest recorded in the seven year period.

A comparison of daily averages for males and females reveals again that males dominated, accounting for 88.5% of average daily occupancy numbers in 2002. Of those for whom age was known, 63.2% were 16 years or over while only 2.3% were 12 years or less.

Figure 39 shows that the Aboriginal daily average in 2002 was higher than that recorded in 2001 and 2000 (24.61 compared with 20.15 and 19.05 respectively). This figure is the highest recorded in the nine years depicted. In

2002, unlike their Aboriginal counterparts, non-Aboriginal figures recorded a substantial decrease, with the 2002 figure of 41.22 being 22.1% lower than the 52.91 daily average recorded in 2001. In fact, the 2002 non-Aboriginal daily average was the lowest obtained in the nine year period. As a result of these different trends, in 2002 Aboriginal youth accounted for a higher proportion of the average daily occupancy than in any of the preceding years.

Figure 39 Average daily occupancy by racial identity, 1994 to 2002.



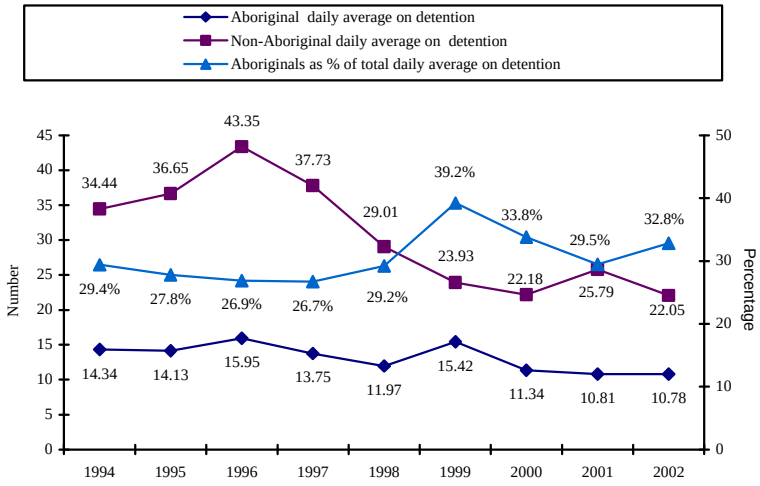
This occupancy trend is similar with that observed for admission data. As indicated earlier in Figure 35, since the 1998 peak of 376 the number of Aboriginal admissions to secure care had decreased till 2000 and has risen since whereas non-Aboriginal admissions clearly have an overall downward trend. As a result of the different admission trends in 2002 Aboriginals accounted for a higher proportion of all admissions than previously. In contrast, as Figure 39 indicates, while Aboriginal daily averages have remained fairly constant [fluctuating between 20 to 25 people in secure care] with a upward trend since 2000 the non-Aboriginal daily averages have an overall downward trend although it is more variable [fluctuating between 41 to 68 people in secure care]. Aboriginal youth account for a lower percentage of daily averages in contrast with the non-Aboriginal group but it should be noted that Aboriginal youth constitute only a small proportion of the entire youth population of South Australia therefore are highly over-represented in these data sets.

The difference in trends between admissions and daily averages (most evident for non-Aboriginal youths) can be further 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 since 1999, with the exception of 2002, while admissions have decreased clearly indicates that on average, those admitted to secure care are there for longer periods.

As shown in Figure 40, in terms of absolute numbers, the daily average for Aboriginal youths on a detention order in 2002 remained fairly stable, with both the 2001 and 2002 figures the lowest of the nine years depicted. For non-Aboriginal youth, the situation was somewhat different, with the 2002 daily average decreasing by 22.1%. It is also the lowest for the nine year period. Because of these different trends, in 2002 Aboriginal youths constituted a higher proportion (32.8%) of the average daily detention population than in the previous year.

Figure 40 Average daily occupancy of youths on detention orders by racial identity, 1994 to 2002.



The situation for remand is shown in Figure 41. The Aboriginal remand daily average of 12.69 was 58.8% higher than the 7.99 remand average in 2001 and is the highest in the nine years depicted. For non-Aboriginal youth, the remand figures dropped in 2002 by 24.6% compared with the 2001 figure. The number of non-Aboriginals remanded in the nine year period fluctuated considerably, with no evidence of a clear upward or downward trend. Similarly, the proportion accounted for by Aboriginal youths also fluctuated considerably, from 22.8% in 1996 to 42.3% in 2002.

Figure 41 Average daily occupancy of youths on remand by racial identity, 1994 to 2002.