Government of South Australia
Department of Justice

office of crime statistics and research

Crime and Justice in South Australia, 2006

Juvenile Justice

No. 43 (2)

First published 2008 by

Office of Crime Statistics and Research
South Australian Attorney General's Department
G.P.O. Box 464
ADELAIDE SA 5001

ISSN: 1441-0443

CONTENTS

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 2006 to 31 December 2006 and incorporate five 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: Families SA, Department for Families and Communities).

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.

Paul Thomas
Manger
Office of Crime Statistics and Research

September 2008

ACKNOWLEDGEMENTS

Numerous people have contributed to this *Crime and Justice in South Australia: Juvenile Justice* report. The Office of Crime Statistics and Research acknowledges the assistance of staff from other Departments, including Kym Thomas and Tony Langley (South Australia Police), Reinhardt Walker (Families SA, Department for Families and Communities), Judi Washington (Adelaide Youth Court), Carolyn Doherty and the Family Conference Team (Courts Administration Authority), and computing staff of the Courts Administration Authority.

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

Systems design and programming, data tabulation and table layout	Carol Castle
Data auditing	Carol Castle
Commentary text	Paul Thomas and Senada Nukic
Desk top publishing	Tina Conroy and Natalie Gatis
Editing and coordination	Paul Thomas

INTRODUCTION

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

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

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

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

****

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

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

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

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

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

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

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

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

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

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

To translate these guiding principles into practice, 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 Children, Youth and Family Services (CYFS), which is also required to provide pre-sentence and bail reports as requested by the court. CYFS 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 CYFS, 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 2006

Police statistics

Police apprehensions

- During 2006 young people aged 10 – 17 years at the time of the offence[1] accounted for 6,372 apprehension reports lodged by police. This is 4.0% higher than the 6,127 apprehensions filed in 2005 and 37.0% lower than the peak of 10,118 recorded in 1995. The 2006 figure is the second lowest of the twelve years depicted, but reverses the decreasing trend of the previous five years.

- The majority of juvenile apprehensions in 2006 involved males (81.2%) and youths aged 16 and over (52.3%).

- Aboriginal youths accounted for 20.9% of those apprehension reports where this information was recorded. A higher proportion of Aboriginal than non-Aboriginal apprehensions involved relatively young individuals (with 57.9% of Aboriginal youth aged 15 years and under compared with 44.3% of non-Aboriginal youths).

- *Larceny and receiving* constituted the major allegation in 26.3% of all apprehensions, with the most prominent being *larceny from shops* (11.4%) and *larceny - miscellaneous* (5.0%). O*ffences against good order* accounted for 24.7% of all apprehensions while *offences against the person (excluding sexual offences)* accounted for a further 12.8%. This offending profile was generally similar to that recorded in previous years.

- Of the 6,372 juvenile apprehensions in 2006, 48.0% were brought about by way of an arrest rather than a report. The figure was higher for those apprehensions involving Aboriginal youths, with 63.6% being arrest-based.

- For those 5,662 apprehension reports where the type of action taken was recorded, 32.9% resulted in a referral to a formal police caution, while 46.9% were directed to the Youth Court. A further 19.1% were referred to a family conference while 1.1% were withdrawn. These referral patterns were comparable with those recorded in previous years.

- The level of referrals to the Youth Court varied depending on the nature of the charge involved, as well as the age and racial appearance of the young person. Older youths and Aboriginal youths were more likely to be referred to court and less likely to be diverted to a police caution. Six in ten Aboriginal apprehensions (61.5%) were directed to court compared with less than half (46.0%) of the non-Aboriginal apprehensions.

- The 6,372 apprehension reports submitted in 2006 involved 4,061 discrete individuals. This gives an average of 1.6 apprehensions per youth which was slightly higher as that recorded in 2005. On average, males recorded 1.6 apprehensions in 2006 while females recorded 1.4.

Formal cautions

- *Offences against good order* were listed as the major allegation in over one third (41.5%) of the apprehensions referred to a formal caution in 2006, followed by *larceny and*

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

receiving (28.7%) and *damage property and environmental offences* (11.6%).

- In total, the 1,861 referrals to a caution in 2006 resulted in 1,840 formal cautions being administered.

- In just under one quarter of these formal cautions (23.1%), the young person was required to apologise to the victim while 10.8% involved the payment of compensation, 3.3% required the young person to perform community work, and 31.9% involved some 'other' condition.

- Over half (56.1%) of the compensation payments were for $50 or less, while only 1.5% were for amounts in excess of $500. The maximum amount which a young person agreed to pay as part of a cautionary undertaking was $579.

- Over six in ten (63.3%) of the community work agreements involved 10 hours or less, while the highest was 25 hours.

Family Conferences

Case referrals finalised by the Family Conference Team

- In 2006, 1,413 case referrals were finalised by the Family Conference Team. This is 0.8% higher than the 1,402 cases finalised in 2005.

- For the majority of these referrals (90.9%), a conference was successfully convened and an agreement was reached. (Note that this figure does not take account of whether any undertakings entered into at a conference were subsequently completed.)

- In a small number of cases (2.3%), a conference was held but no resolution was achieved.

- In a further 6.7% 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 (82.3%) of Aboriginal referrals were resolved at a conference compared with 93.2% of non-Aboriginal referrals. The main contributor to this difference was the higher level of non-attendance recorded for Aboriginal youths (14.3% compared with 4.4% for non-Aboriginal youths.)

Cases dealt with at a family conference

- There were 1,319 cases for which a conference was actually held in 2006. The majority of these involved males (80.1%) and young people aged 15 years and under (61.6%). Aboriginal youths accounted for 20.4% of those cases for which racial identity was recorded.

- *Larceny and receiving* dominated the offence profile. It was listed as the major allegation in 28.5% of cases dealt with at a conference, followed by *offences against good order* (24.0%), *criminal trespass* (17.0%) and *offences against the person, excluding sexual offences* (12.0%).

- Over half of the cases (50.9%) involved one offence only while very few (4.6%) involved five or more allegations.

- Of the 1,098 cases dealt with in 2006 which resulted in the young person agreeing to enter into an undertaking, half (51.5%) involved a letter or regret, 23.4% required the payment of compensation, 20.7% agreed to undertake community work and 13.7% involved an apology. In addition, one in seven (70.3%) entailed 'other' conditions (such as agreement not to associate with certain peers, participate in counselling sessions, etc).

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

- Of the 257 cases that resulted in a compensation agreement, just under one half (44.7%) were for amounts of $100 or less. The average amount agreed to was $236 while the maximum was $2,400.

- The average number of hours of community work agreed to was 26 (down from 28 in the previous year), while the maximum was 300 (compared with 275 in 2005).

- Of the 1,098 conference cases finalised in 2006 by way of an undertaking, information on undertaking compliance was available for 926 (84.3%). In 86.5% of these cases all undertakings were listed as having been complied with by mid April 2007, while 13.4% 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 (18.4% compared with 12.2% respectively).

- 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 1,413 conference referrals recorded in 2006, by the end of the survey period 70.7% had been positively finalised, with all undertakings having been complied with. In a further 12.2% of cases, compliance data for undertakings were not available at the time the data-base was closed off, and so these matters still had the potential to be positively resolved at this level. In contrast, 17.1% of referrals were not resolved, either because the conference had not gone ahead (6.1%) or, if held, had not reached agreement (2.3%) or the resultant undertaking had not been subsequently complied with (8.8%).

- The level of positive finalisation was lower for Aboriginal than non-Aboriginal referrals (63.2% compared with 73.1% respectively) largely because of 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 2006, 1,212 discrete conferences were held, which was 3.7% higher than in the previous year.

- The vast majority of these conferences (93.6%) involved one young offender only, while at the other end of the scale, only seven conferences dealt with four or more young offenders.

- Almost one third (30.0%) had at least one victim present which continues the declining trend of the previous years.

- However, if attendance by a victim supporter/representative is included, the number of

conferences which had at least some form of victim involvement increases to 41.8%.

Youth Court

- The Youth Court finalised 2,295 cases in 2006, which 4.6% lower than the 2,405 cases finalised in 2005.

- Males accounted for 85.2% of the finalised court cases for which sex was recorded, while 60.5% of juveniles for whom age was listed were 16 years and over at the time of the offence. Aboriginal youths comprised 21.3% of those defendants for whom racial appearance was recorded.

- As at the cautioning and conferencing level, *larceny and receiving* offences dominated, being listed as the major charge in 20.0% of all cases.

- In the majority of cases (78.5%) the major charge was proved. In a further 107 appearances (4.7%), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 2,295 cases finalised in 2006, 83.1% resulted in at least one charge being proved.

- Obligations were listed as the major penalty in 24.0% of the cases where at least one charge was proved. Fines accounted for 17.2% of cases, licence disqualifications for 14.9% and community service orders for 12.8%. 12.9% of cases were dismissed without penalty.

- The number of proved cases resulting in a detention order was relatively low (4.8%) while a further 8.8% 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, 26.5% of proven *robbery and extortion* cases resulted in detention, while at the other end, only 0.3% of cases involving a proven *offence against good order* had this outcome.

- Of the 327 fines imposed as the major penalty, the average amount payable was $158 while the maximum was $1,000. Of the 244 community service orders listed as the major penalty, the average duration was 52 hours while the maximum was 320.

- Of the 89 cases where detention constituted the most serious penalty imposed, the majority (92.1%) involved detention in a secure care facility while 7 (7.9%) were home detentions. Three of the 89 cases involved a combined secure care/home detention order.

- Of the 82 secure detention orders, the average duration was 18 weeks (shorter than the 23 weeks recorded in 2004), while the maximum was 79 weeks. For home detention orders the average was 13 weeks and the maximum 21 weeks.

- Just over one in four (27.1%) of all secure detention orders were of less than eight weeks duration. The most frequently imposed duration was that of two to less than six months, with this category accounting for 45.9% of all secure care orders.

Juveniles in custody

Admissions

- In 2006, there were 926 admissions to the State's two youth training centres. This figure was 4.2% lower than the 967 admissions recorded in 2005, 17.4% lower than the 1,121 admissions recorded in 2004 and 21.8% lower than the 1,184 recorded in 2003.

- The majority of admissions involved males (80.3%) and just under half of all juveniles were aged 16 years or over (45.9%). There were 65 admissions involving young persons aged 12 years or under.

- Aboriginal youths comprised just over one third of admissions (34.9%) where racial identity was known. Of all females admitted into secure care in 2006, 31.3% were Aboriginal. Aboriginals accounted for 35.7% of all male admissions.

Census figures

- There were 51 young people who spent at least some time in secure care on the 30 June 2006. This figure is 23.9% lower than the 67 recorded as being present one year earlier, on 30 June 2005.

- Twenty five (49.0%) of those youths in custody on 30 June 2006 were serving a detention order while 19 (37.3%) were on remand.

- Only two young people in custody at 30 June 2006 were female (3.9%), while 16 (or 31.43%) were Aboriginal.

Average daily occupancy

- On average, 54.40 youths were held in custody per day during 2006 compared with 62.23 in 2005.

- In 2006, on average there were 25.85 youths serving a detention order. This figure was 19.6% lower than the average of 32.15 recorded in 2005 and 57.7% lower than the peak of 61.05 recorded in 1996. The remand daily average of 21.49 was lower than that in 2005 (26.08).

- Aboriginal daily occupancy numbers in 2006 decreased to 17.96 compared with 26.32 in 2005. In contrast, the non Aboriginal daily average increased from 35.90 in 2005 to 36.44.

Using crime and justice reports

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

Comprehensiveness

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

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

In many ways then, official crime statistics do not provide a reliable insight into what crimes are being committed and by whom. However, they do provide a valuable source of information about how the criminal justice system itself operates.

Before attempting to derive conclusions from the tables contained in Sections 2 to 5 of this report, readers should review the relevant explanatory text provided in the Appendix and take careful note of the scope of each collection.

'Snapshot' rather than 'flow' statistics

Readers should not see this report as a source of information about the 'flow' of business through the juvenile justice system. It would be tempting, for example, to try to link police apprehension figures (Section 2) with figures relating to finalised Youth Court cases (Section 4) in an attempt to estimate the extent to which young persons apprehended for a particular offence are subsequently sentenced to detention. However, this would not be a valid exercise. Many young offenders who came to the attention of police in 2005 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 2005. 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 the preceding year. 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 2006 statistics presented here are the same as those included in the reports covering the seven 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 2006, the type of action taken in relation to these young people, and formal cautions administered by police. Section 3 (Tables 3.1 to 3.20) 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 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 from 2002 and onwards drug related apprehensions would be 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.

---

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

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.

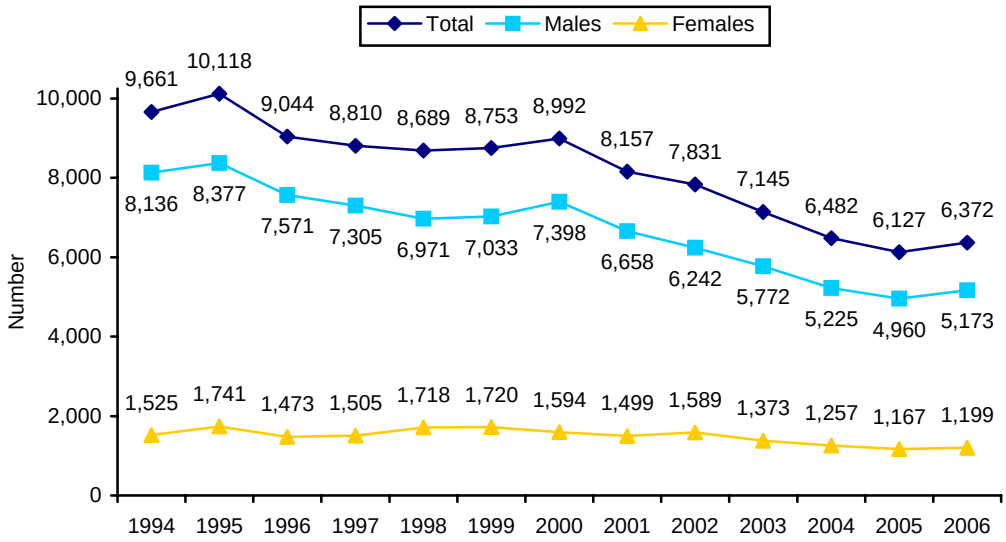
Police Statistics

Police apprehensions

In 2006, young people aged 10 – 17 years at the time of the offence[2] accounted for 6,372 apprehension reports lodged by police. This is 4.0% higher than the 6,127 apprehensions filed in 2005 and 37.0% lower than the peak of 10,118 recorded in 1995. The 2006 figure is the second lowest of the twelve years depicted, but reverses the decreasing trend of the previous five years.

Male apprehensions recorded a 4.3% increase compared with 2005, with the figure of 5,173 being the second lowest recorded in the period 1994 to 2006. Female apprehensions showed an 2.7% increase during 2006 which like their male counterparts, was the second lowest level recorded during the period depicted. Females accounted for 18.8% of all apprehensions, which is comparable with the figure recorded in 2005.

Figure 1 Number of police apprehension reports involving juveniles, 1994 to 2006



As in previous years, only a small proportion (8.5%) of apprehensions in 2006 involved youths aged 10-12 years while approximately one half (52.3%) were aged 16 and over at the time of apprehension. Youths aged 13-15 years accounted for the remaining 39.2%.

There were some age differences between males and females dealt with by police in 2006. Overall, a higher proportion of females than males were grouped in the middle age range of 13-15 years (46.5% compared with 37.5% respectively) while proportionately fewer were aged 16 and over (46.3% compared with 53.7% respectively).

Information on racial appearance was available for 5,916 (92.8%) of the 6,372 apprehensions[3]. Persons identified by police as Aboriginal in appearance accounted for 20.9% of these – a finding which highlights the ongoing disproportionate involvement of this group with the criminal justice system. This over-representation was slightly more pronounced for females than males, with

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

[3] As for all reports since 1999 the number of apprehensions where racial appearance was 'known' was higher than in previous years due to using other sources to 'patch' missing values (see Appendix for a detailed description). Because this method was not used in earlier reports, the data since 1999 are not directly comparable with those of previous years.

Aboriginals accounting for 23.5% of all apprehensions involving young women compared with 20.3% 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 15 years and under accounted for almost six out of every ten (57.9%) Aboriginal apprehensions compared with just over four of every ten (44.3%) non-Aboriginal matters. Conversely, the majority of non-Aboriginal cases (55.7%) involved people aged 16 years and over compared to only 42.1% of Aboriginal apprehensions.

Figure 2 Police apprehension reports: racial appearance by age, 2006

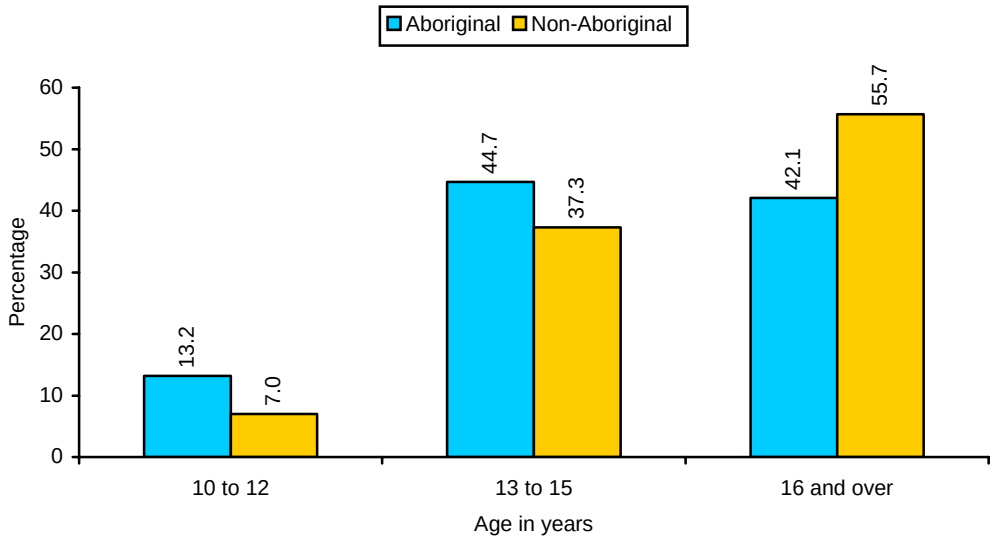
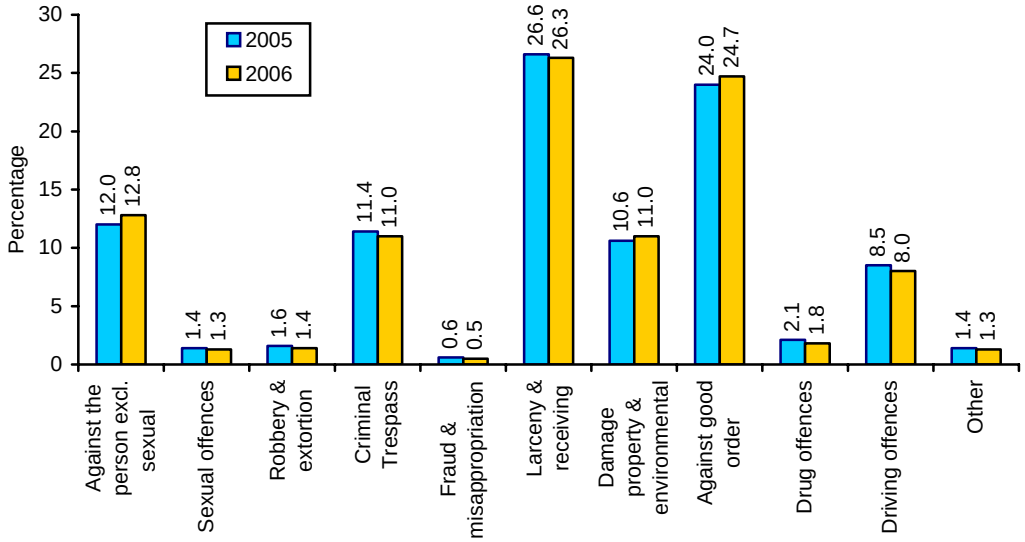


Figure 3 presents a breakdown of police apprehensions by the major offence alleged. This shows that in 2005 *larceny and receiving* was the most prominent offence, followed by *good order offences, offences against the person (excluding sexual offences), criminal trespass offences* and *property damage and environmental 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.

Figure 3 also indicates that the major offences for which youths were apprehended in 2006 were very similar to those recorded in the previous year.

Figure 3 Police apprehension reports: major offence alleged, 2005 and 2006



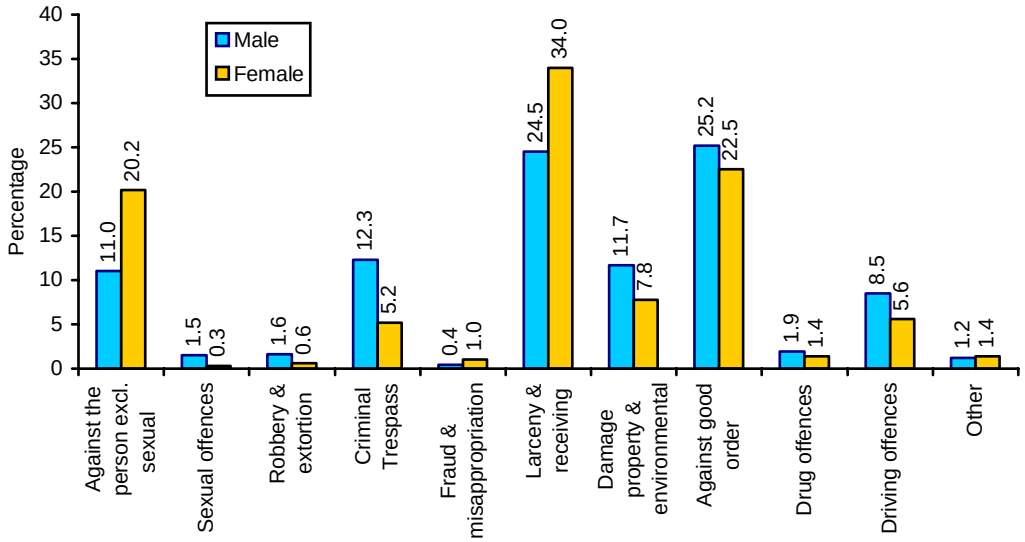
To provide a more detailed insight into the type of offences for which young people were apprehended in 2006, some of the broad offence categories outlined above have been broken down into sub-categories (see Tables 2.10 to 2.20 in Section 2 of this report).

Of the larceny-related offences, the most prominent ones included *larceny from shops* (11.4% of all apprehensions), *other larceny* (5.0%) and *larceny or illegal use of a vehicle* (4.7%). *Common assault*[4] and *other minor assault* accounted for seven of every ten *offences against the person, excluding sexual offences* (9.1% of all apprehensions) while *assault occasioning actual or grievous bodily harm* was the major offence in only 0.9% of all juvenile apprehensions. There was one apprehension report in which the major offence was *murder* and five reports involving *attempted murder*. Unlike 2005 were only 36.8% of juvenile apprehension reports involving *robbery* as the major charge concerned armed robbery, in 2006 armed robbery comprised 58.7% of juvenile apprehensions for robbery.

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

[4] Including common assault of a family member

Figure 4 Police apprehension reports: sex by major offence alleged, 2006



Nevertheless, as shown in Figure 4, some differences were apparent. For example, *larceny and receiving* offences were 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 (23.0%) of all female apprehensions compared with only 8.7% for males. *Offences against the person, excluding sexual offences* were also more prominent for females than males (20.2% compared with 11.0% respectively). Conversely, a lower proportion of female than male apprehension reports listed *criminal trespass offences* (5.2% compared with 12.3% respectively) and *damage property and environmental offences* (7.8% compared with 11.7% respectively).

In broad terms, 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 (26.8% for Aboriginal and 25.6% for non-Aboriginal apprehensions.) Nevertheless, some differences were apparent. *Criminal trespass offences* were more prominent for Aboriginal than non-Aboriginal apprehensions (16.3% compared with 10.0% respectively). In contrast, a lower proportion of Aboriginal than non-Aboriginal apprehensions involved *driving offences* (1.9% compared with 9.1% respectively).

Method of apprehension

In 2006, in 48.0% of apprehensions police opted to arrest rather than report the young person. This is slightly higher than the recorded use of arrest in 2005 (46.1%). Given the earlier comments regarding South Australia Police's move to a problem solving model[5] 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 48.0% in 2006).

For males, approximately half of all apprehensions (49.6%) were by way of arrest, compared with 41.0% of females.

As might be expected, older youths were proportionately more likely to be arrested than younger ones (with 50.1% of cases involving young people aged 16 years and over being arrest-based

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

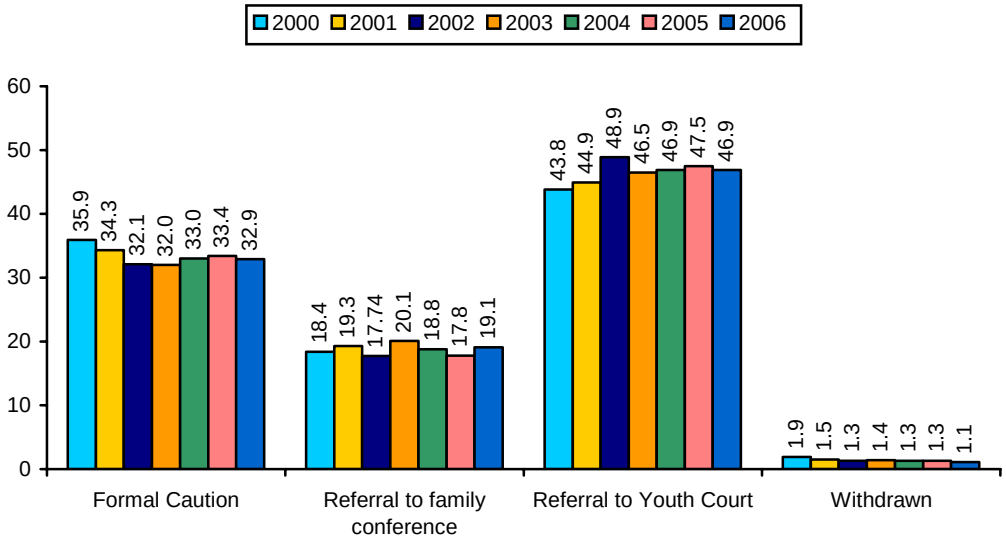
compared with only 34.2% of those involving youths aged 10-12 years). However, it was Aboriginal youths who were the most likely to be arrested. In 2006, over six in ten Aboriginal apprehensions (63.6%) were arrest-based compared with less than four in ten non-Aboriginal apprehensions (36.4%). Stated differently, Aboriginals accounted for 25.7% of all arrest-based apprehensions but only 15.7% 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 11.1% of cases[6] – a slightly smaller proportion than the 12.5% recorded in 2005. Of those 5,662 apprehensions where this information was available, 32.9% resulted in a referral to a formal caution with a further 19.1% being diverted to a family conference. Youth Court referrals accounted for 46.9%, while police withdrew 1.1% of the allegations[7].

As indicated in Figure 5, the distribution of cases across the main referral categories in 2006 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, 2000 to 2006



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 an *offence against good order*, only one in three cases were directed to court.

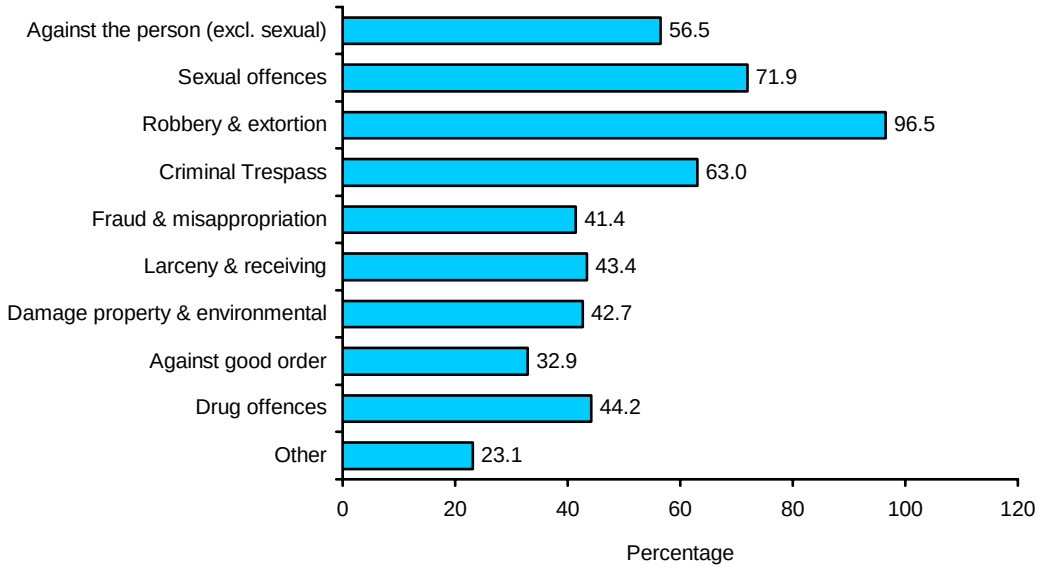
Of particular note is the comparatively high rate of court referral for youths apprehended for drug offences (44.2%). Six in ten (60.9%) of these cases involved young people charged with

[6] Just under half of these involved *driving* offences.

[7] 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'.

possess/use drugs or *possess implements for drug use*. Since 2001, such youths should in the first instance have been diverted to PDDI. Their referral to court is an indication that the PDDI diversion was not successful (usually because the youth failed to attend the assessment meeting) and so was redirected to court.

Figure 6 Police apprehensions: major offence alleged by proportion referred to Youth Court, 2006



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 most offence categories, varying from approximately 0.0% to 3.1%. The highest level was recorded for were *sexual offences* (with 3.1% or 2 out of 64 allegations for which relevant details were available being dropped). This may be the result of victims being unwilling to take part in the prosecution.

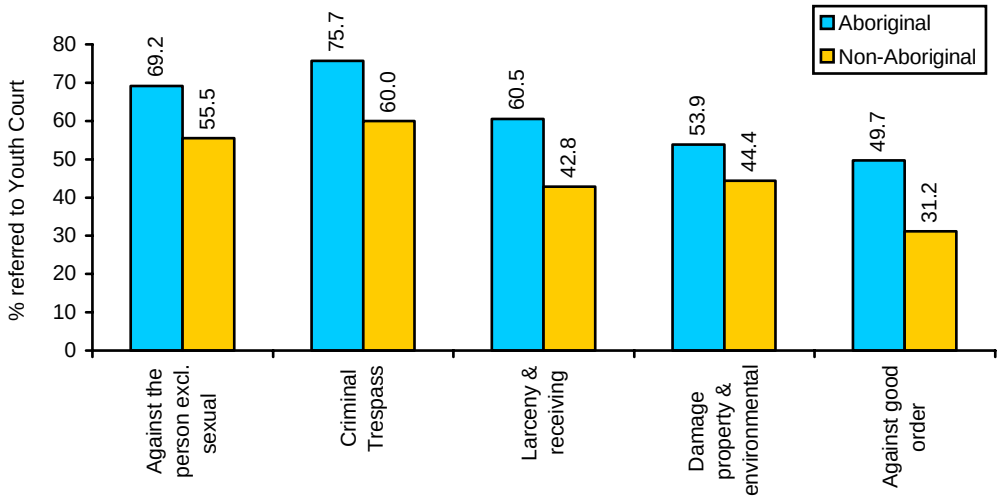
Overall, the referral patterns were generally similar for both males and females. However, a slightly higher proportion of males were referred to the Youth Court (49.2% of males and 37.1% of females where the type of referral was recorded) while a lower proportion (31.3% and 39.5% respectively) were 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, six in ten (61.5%) Aboriginal apprehensions were referred to court compared with less than half (46.0%) of the non-Aboriginal matters. Conversely, only 19.8% of Aboriginal apprehensions received a formal caution compared with just under one third (32.4%) 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 (18.0% compared with 20.4% respectively).

Stated differently, for those cases where racial appearance and type of referral were recorded, Aboriginal young people accounted for 14.4% of all formal caution referrals, 19.4% of all family conference referrals and 26.8% of all court referrals. Given that Aboriginal youth accounted for 20.9% of all apprehension reports where racial appearance was recorded, 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 majority of offence categories. For example, as shown in Figure 7, for *larceny and receiving* offences 60.5% of Aboriginal apprehensions were referred to court compared with just 42.8% of non-Aboriginal cases. Similar differences were apparent for *offences against the person (excluding sexual), criminal trespass, property damage and environmental offences* and *offences against good order.*

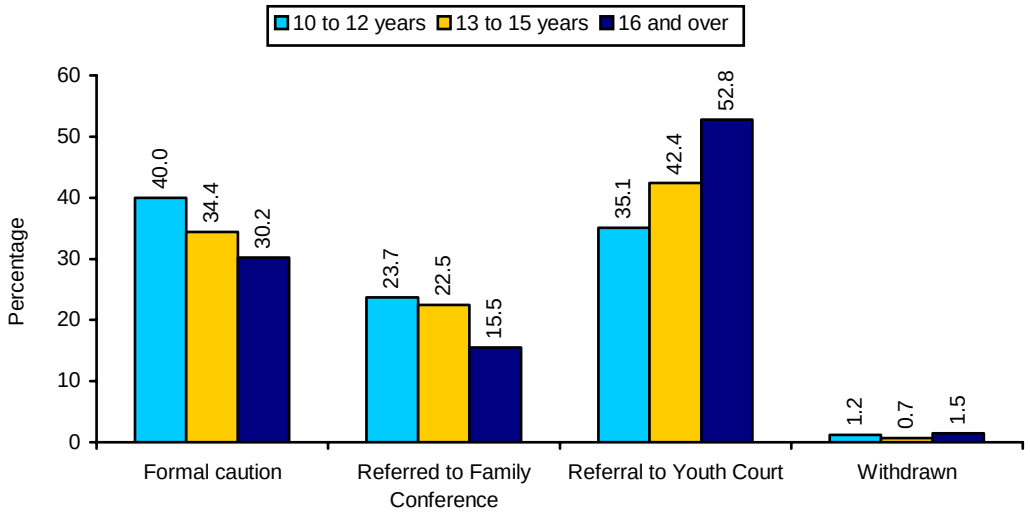
Figure 7 Police apprehensions by racial appearance: major offence alleged by proportion referred to court, 2006



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.

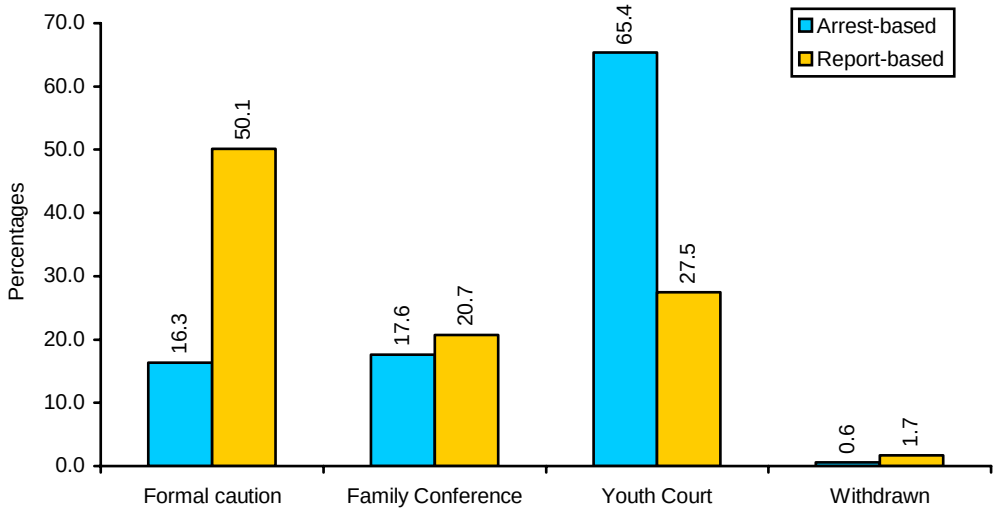
The type of action taken also varied according to the young person's age (see Figure 8). Generally, the younger the person, the greater the likelihood that (s)he would be referred for a formal caution or a family conference and the less likelihood that (s)he would be directed to the Youth Court. Six out of ten (63.7%) apprehensions involving young people aged 10 to 12 years were diverted compared with under one half (45.7%) of those aged 16 and over. Conversely, just over one third (35.1%) of those in the youngest age group were directed to court, compared with over half (52.8%) in the oldest age group.

Figure 8 Police apprehensions: age by type of referral, 2006



The type of action taken also co-varied with the method of apprehension (see Figure 9). Of the 2,890 arrest-based apprehensions where the type of action taken was known, 65.4% were directed to court, compared with 27.5% of the report-based apprehensions. In contrast, only 16.3% of arrest-based apprehensions resulted in a caution compared with 50.1% of the reported cases. Stated differently, over two thirds (71.3%) of court referrals were arrest-based, compared with 47.0% of family conference referrals and 25.3% of those cases where the young person was referred for a formal caution.

Figure 9 Police apprehensions: method of apprehension by type of referral, 2006



Number of discrete individuals apprehended

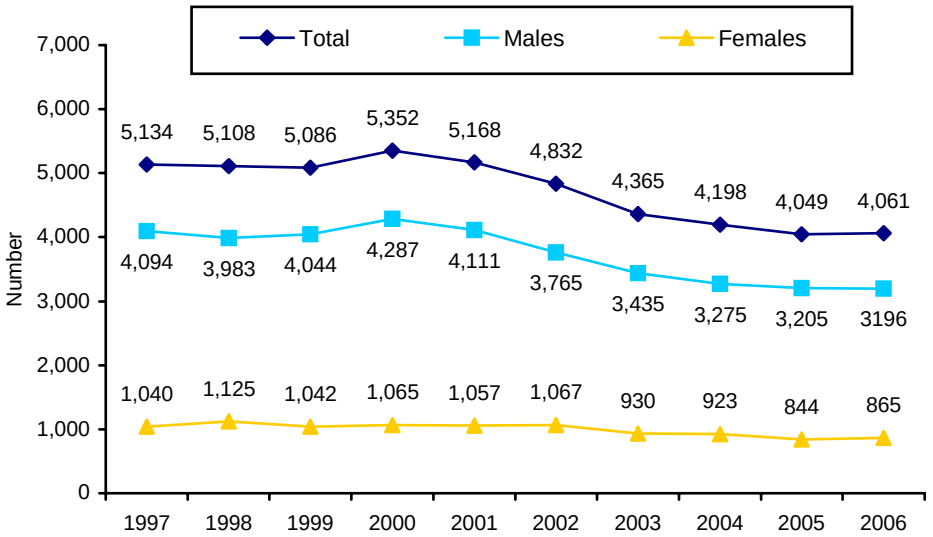
Whereas Tables 2.1 to 2.23 in Section 2 relate to apprehension reports, Tables 2.24 a and b detail the number of discrete individuals apprehended during 2006. In this table, youths who were apprehended on more than one occasion during the 12 month reporting period are counted only once.

As shown in Figure 10, there were 4,061 juveniles apprehended in 2006. This figure was 0.3% higher than the 4,049 recorded in 2005, and is the second lowest number recorded over the ten years depicted. The number of males apprehended was 3,196, which was 0.3% lower than the 3,205 recorded the previous year. For females the number of discrete individuals apprehended was 2.5% higher than in 2005.

In 2006, the 6,372 apprehensions involved 4,061 individuals. This gives an average of 1.57 apprehensions per youth, which is the similar to the 2005 average of 1.51. As in previous years, the majority (71.9%) of young people were apprehended once only during the 12 month period, while a very small proportion (4.0%) were apprehended on five or more occasions.

There was a difference between males and females in the proportions experiencing more than one apprehension in the 12 month reporting period, with 79.8% of females and 69.7% of males being apprehended once only. On average, males recorded 1.62 apprehensions in 2006 while females recorded 1.39 apprehensions.

Figure 10 Number of discrete individuals apprehended, 1997 to 2006

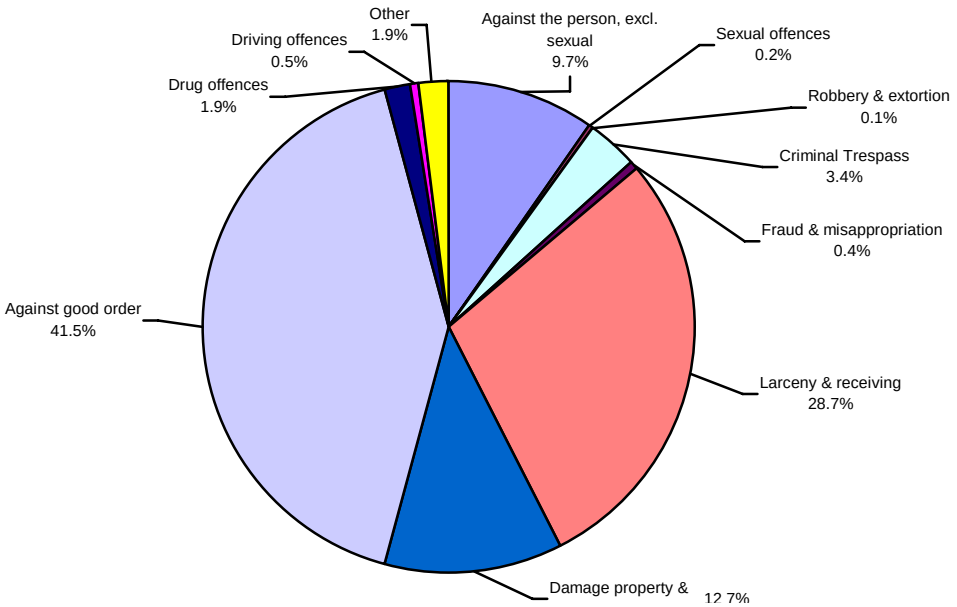


A lower proportion of Aboriginal than non-Aboriginal young people were apprehended only once in 2005 (52.3% compared with 72.1%) while conversely, a higher percentage were apprehended on five or more occasions (9.0% compared with 3.6% respectively).

Formal police cautions

As noted earlier, 1,861 apprehensions were referred for a formal caution. As Figure 11 shows, *against good order* offences were the most prominent for these apprehensions, followed by *larceny and receiving*, *damage property and environmental offences*, and *offences against the person*. At the other end of the scale, only ten apprehensions involving *driving offences* and four involving a *sexual assault* were considered appropriate for a caution, while one *robbery and extortion* apprehensions were referred for a caution.

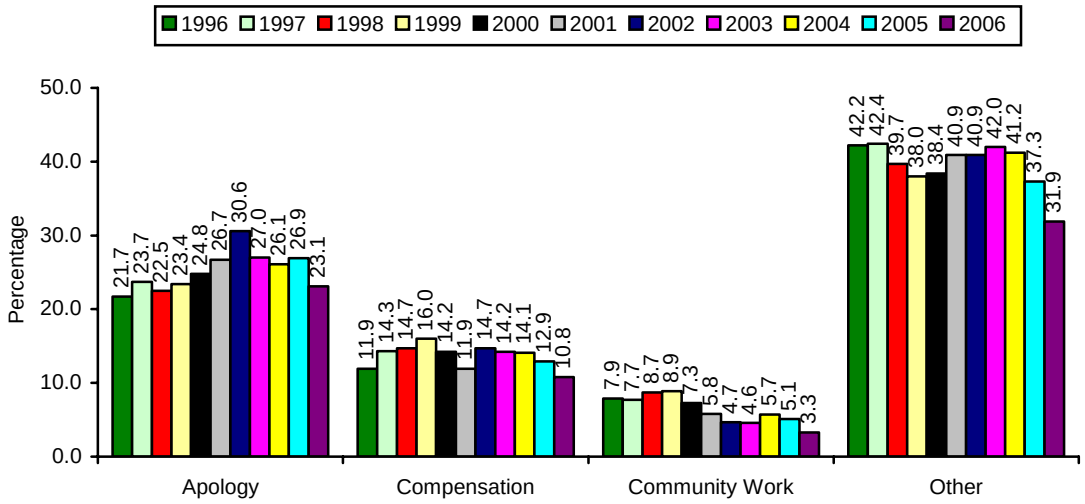
Figure 11 Referrals to a formal police caution: most serious allegation listed per apprehension report, 2006



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 or alternatively, while a matter may be referred for a caution, that caution may not take place (usually because the young person fails to attend). Thus, in 2006, while there were 1,861 apprehensions that were referred to a formal caution, only 1,840 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 2006, 23.1% of formal police cautions involved an apology, 10.8% resulted in the payment of compensation, 3.3% required the young person to undertake community work and 31.9% 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 ten years depicted, 'other' conditions have generally dominated, followed by apologies and then compensation and lastly, community work.

Figure 12 Formal police cautions: proportion involving apologies, compensation, community work or 'other' conditions, 1996 to 2006



While the same pattern generally applied to both males and females in 2006, proportionately fewer females than males agreed to perform community work (2.1% compared with 3.6% respectively).

There were both similarities and differences in the types of conditions agreed to in Aboriginal and non-Aboriginal cautions. For both groups, the condition most frequently included was that of 'other', followed by apologies and then compensation and community work. However, a higher proportion of non-Aboriginal cautions involved compensation (11.4% compared with 5.5% respectively), apologies (24.7% and 12.3% respectively) and 'other' conditions (33.6% compared with 20.0%). 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 (292 out of 1,840 or 15.9%).

Over half (56.1%) of the compensation payments agreed to as part of a police caution in 2006 were for $50 or less, while only 1.5% involved amounts of more than $500. The maximum amount agreed to was $579. This was included as part of an undertaking for a caution where the major allegation listed was a *damage property offence*. The average amount of compensation required as part of a caution was $94, a lower figure than the previous year's average of $129.

The majority of community work agreements involved a relatively small number of hours, with six in ten (63.3%) being for 10 hours or less. Only 5.0% involved more than 20 hours of work. The minimum number of community work hours attached to a caution was one, while the maximum was 25 hours which was listed for an *'other larceny'* offence and a *criminal trespass* offence.

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 to 3.20) 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 1,413 case referrals were finalised by the Family Conference Team in 2006[9]. This figure is 0.8% higher than the 1,402 cases finalised in 2005. Males accounted for three quarters (79.1%) of all referrals, which compares to the 74.9% recorded in 2005. Aboriginal youth accounted for 22.3% of all referrals in 2006 compared to 24.0% in 2005.

As in previous years, for the overwhelming majority of referrals finalised in 2006 (90.9%) a 'successful' conference was held, with some form of agreement being reached.[10] In 1,098 of these 'successful' cases (i.e. 77.7% of all referrals), the young person entered into an undertaking. In a further 13.1%, a formal caution was all that participants agreed was required. [11]

For a small number of referrals finalised by the Family Conference Team in 2006 (32 or 2.3% of total referrals) a conference was convened but no resolution was achieved. In over half of these (i.e. 21 of the 32) the matter remained unresolved because the young person did not admit the allegation, while in a further 11 matters, the youth elected to have the allegations heard in court. For 94 referrals (6.7% of the total), no conference was held. The inability to locate the youth (3.5%) and non-appearance of the young person (2.4%) were the main reasons for this.[12] Again, these results are very similar to those recorded in recent years.

Of the 1,413 referrals finalised by the Family Conference Team in 2006, 1,319[13] resulted in a conference being held. Longitudinal trends in the number of cases where a conference was actually held (see Figure 13) indicate an increase of 4.6% compared with the number of cases conferenced in 2005.

---

[9] This figure includes a small number of referrals received by the Family Conference Team in 2005 but not finalised until 2006. It should also be noted that referrals received in 2006 but not finalised by the end of the year have not been included here.

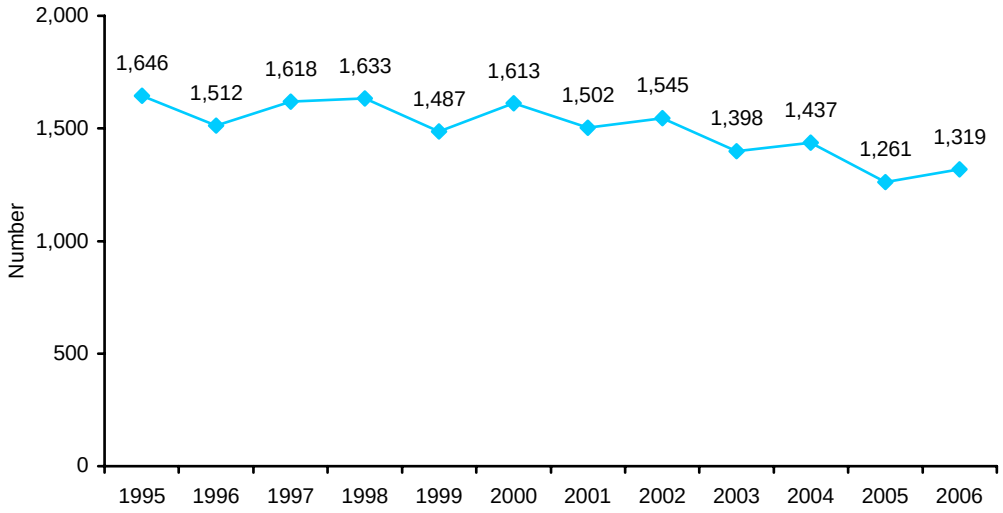
[10] The term 'success', as used here, does not take account of whether undertakings entered into at the conference were subsequently complied with. Levels of compliance with undertakings and conditions agreed to during a conference are discussed in a later section.

[11] The 2006 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.

[12] Due to a change in recording practices, the figure for the outcome of 'unable to locate youth' in 2006 may not be directly comparable with those for the years prior to 2000. See Appendix for further details.

[13] The figure of 1,319 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.

Figure 13 Cases for which a family conference was held, 1995 to 2006



In 2006 the referral outcomes recorded for both sexes were broadly similar. The majority of referrals for males and females resulted in a 'successful' conference (92.0% and 86.5% respectively). For both sexes, there were relatively few referrals where a conference was not convened (5.4% of male and 11.2% of female referrals).

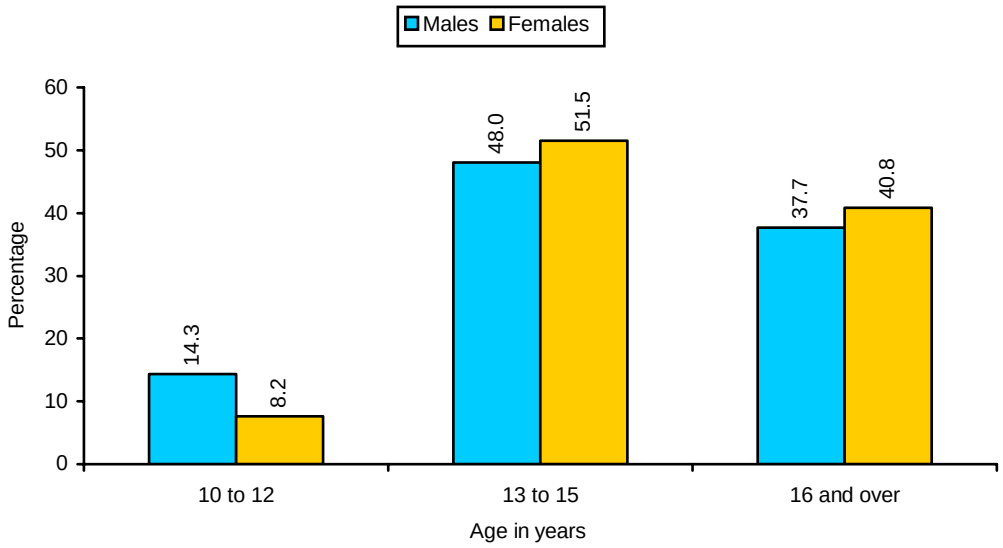
As occurred in 2005, a lower proportion of Aboriginal than non-Aboriginal referrals resulted in a 'successful' conference. Of the 315 Aboriginal referrals finalised by the Family Conference Team in 2006, 82.3% were resolved at the conference compared with nine in ten non-Aboriginal referrals (93.2%). For 14.3% of Aboriginal referrals, a conference was not convened, mainly because the young person failed to attend (3.2%) or could not be located by the Family Conference Team (10.8%). In contrast, only 4.4% of non-Aboriginal cases did not proceed to a conference, including 2.2% who failed to appear. These figures mean that Aboriginal youths accounted for 20.3% of those referrals where a conference was 'successfully' completed, but a substantial 48.4% of those referrals that did not get to a conference.

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 1,319 case referrals for which a conference was actually held. Males accounted for 80.1% of the 1,319 cases (compared with 75.7% in 2005). Half (48.7%) of the 1,319 matters involved young people aged 13 to 15 years. A further 38.3% were aged 16 and over while only a small proportion (13.0%) were in the youngest age group of 10-12 years.

Unlike the previous year where a higher proportion of females than males fell within the middle age group of 13 to 15 years, the age profiles of males and females reveal some little differences. As Figure 14 shows, the difference was considerably smaller in 2006.

Figure 14 Cases dealt with at a family conference: sex by age, 2006



In 2006, Aboriginal youths accounted for 20.8% of all cases dealt with by way of a conference.

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 over four in ten non-Aboriginal cases involved youth aged 16 and over, this age group accounted for one in five of the Aboriginal cases. The proportion of Aboriginal cases involving very young individuals increased during the last two years, 28.3% in 2006 compared to 25.4% and 18.3% in 2005 and 2004 respectively.

Figure 15 Cases dealt with at a family conference: racial identity by age, 2006

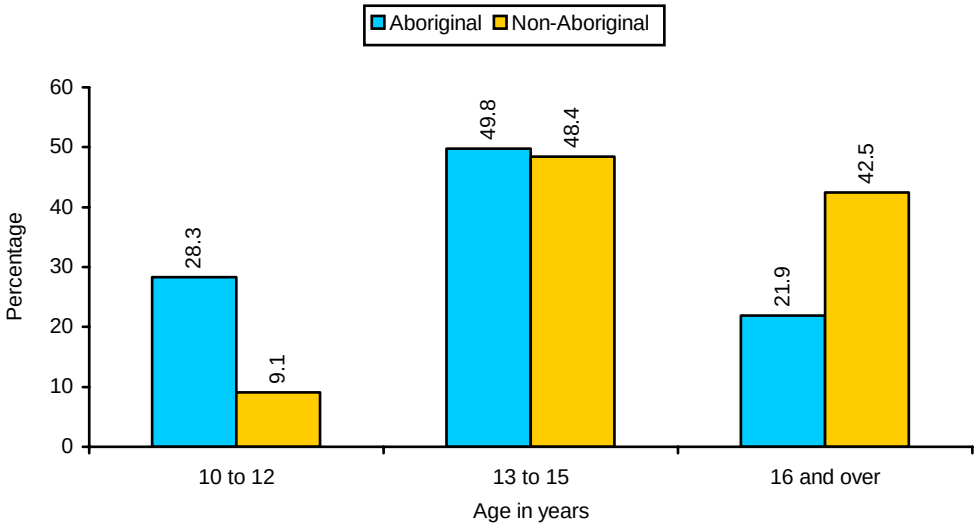
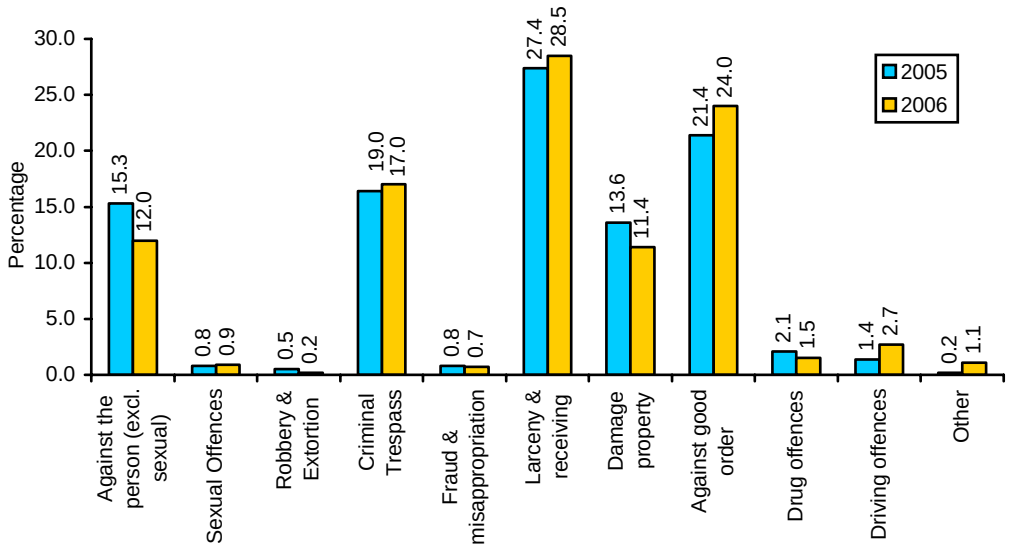


Figure 16 presents the most serious offence alleged in those cases dealt with at a family conference in 2005. As shown, *larceny and receiving* was the most prominent, accounting for 28.5% of all cases, followed by *offences against good order*, *criminal trespass*, o*ffences against the person (excluding sexual offences*), and *damage property and environmental offences.*

Larceny–related offence included a range of sub-categories. *Larceny from shops* was the most prominent larceny offence, accounting for 10.5% of all cases. *Larceny/illegal use of a vehicle* accounted for a further 5.9% of cases. *Other assault* was the most prominent of the *offences against the person (excluding sexual offences)* category, accounting for 9.4% of all cases, while *serious assault* featured in only 1.9% of cases.

As can be seen in Figure 16, the major offences dealt with at a family conference in 2006 were similar to those recorded in the previous year. Only minor differences are apparent.

Figure 16 Cases dealt with at a family conference: major offence alleged per case, 2005 and 2006



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 (18.6% compared with 7.1% respectively). The same applied to *larceny from shops* (20.9% of female cases compared with only 7.9% of male cases). However, proportionately fewer female than male cases involved *criminal trespass* (6.1% compared with 19.7% respectively).

While the offence profiles of Aboriginal and non-Aboriginal cases were also generally similar, some small differences were evident. *Property Damage* offences were less prominent for Aboriginal than non-Aboriginal youth (8.1% compared with 12.3% respectively). In contrast *offences against good order* were more prominent amongst Aboriginal youth (34.1% compared to 21.4% for non-Aboriginal youth).

Over half the cases dealt with at a conference (50.9%) involved one offence only, while 4.6% involved five or more allegations. A higher proportion of male than female cases involved more than one allegation (52.6% compared with 35.0% respectively) as did a higher proportion of non-Aboriginal than Aboriginal cases (49.8% compared with 46.3% respectively.)

As noted earlier, in 2006 there were 1,098 cases dealt with at a family conference that resulted in the young person agreeing to enter into an undertaking. This was 3.4% higher than the 1,062 cases with undertakings recorded in 2005.

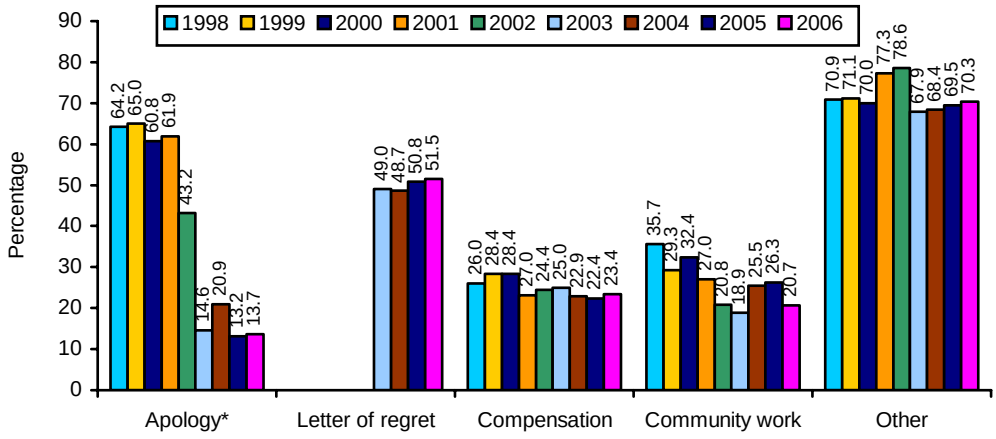
The conditions associated with the undertakings are outlined in Table 3.9[14] of Section 3.

It should be noted 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'.

As in previous years, the condition most frequently agreed to was 'other', which was included in two thirds of cases (70.3%) where an undertaking resulted. This condition of 'other' could include a wide range of requirements, such as agreement to attend school or a counselling session, adhere to a curfew or not associate with certain peers. The second most frequently invoked condition, a letter of regret, featured in 51.5% of cases. Community work was part of an undertaking in 20.7% of cases, compensation was agreed to in 23.4% and an apology was an agreed condition in 13.7% of cases.

While these results are broadly comparable with those recorded in each of the years 1998 to 2001 (see Figure 17), there has been a substantial decrease in the proportion of undertakings resulting in an apology since 2001. This is due to the change in the recording of apologies described above.

Figure 17 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition, 1998 to 2006

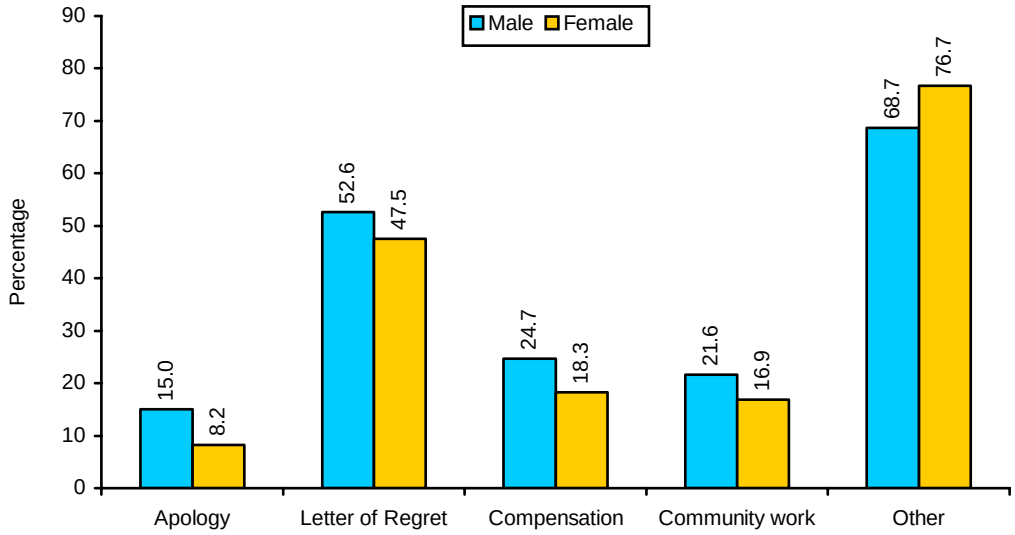


* Prior to 2002, apologies included both verbal and written apologies. However, following a review of the Young Offenders Act, 1993 by the Chief Justice, this was changed. A 'letter of regret' was introduced, which was deemed the same as a written apology for processing purposes. Verbal apologies can still occur, but are now regarded as different from the 'letters of regret'. Because this change was not introduced until mid-2002, 'letters of regret' were combined with verbal apologies in previous reports. The 2003 report was the first time they have been reported on separately.

As illustrated in Figure 18, there were some differences in the patterns for males and females. For example, a higher proportion of males agreed to an undertakings involving community work compensation, apology and a letter of regret.

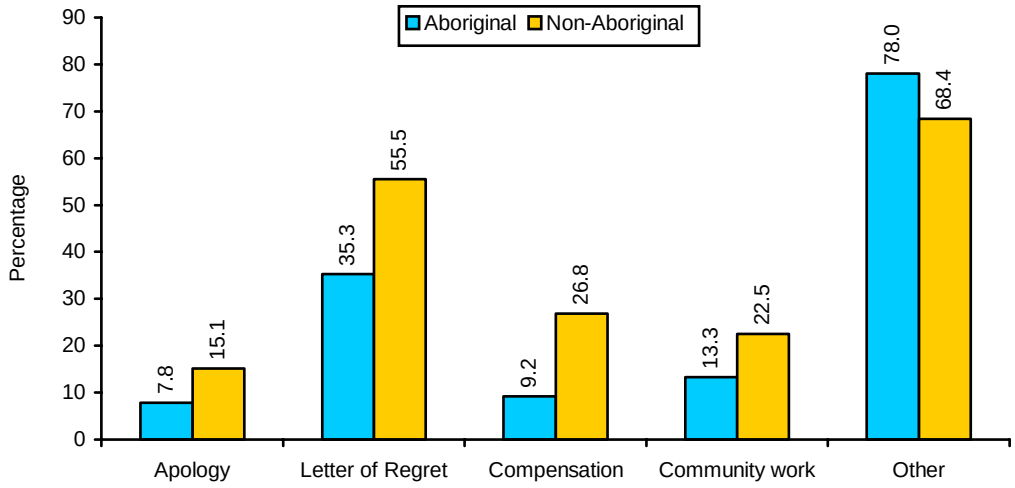
[14] It should be noted that these conditions are not mutually exclusive – i.e. if an undertaking included both an apology and compensation, each would be counted separately in Tables 3.9 and 3.10 in Section 3. However, if there were two apologies included in the one undertaking, this would be counted 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 18 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/letter of regret/compensation/community work/other condition by sex, 2006



For Aboriginal and non-Aboriginal undertakings (see Figure 19) some differences were apparent. Aboriginal undertakings were less likely than non-Aboriginal ones to involve community work, compensation, apologies or letters of regret, but were more likely to involve 'other' conditions.

Figure 19 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/letter of regret/compensation/community work/other condition by sex, 2006



Of the 257 cases where the young person agreed to pay compensation, four in ten (44.7%) involved payment of $100 or less, while only seven cases (2.7%) involved the payment of more than $1,000. The average amount of compensation agreed to was $236 (compared with $166 in 2005), while the maximum was $2,400 (compared with $1,780 in 2005). The maximum amount was agreed to in a case where the major allegation was an offence in the category *criminal trespass.*

The majority of community work agreements involved a relatively small number of hours, with 67.8% consisting of 20 hours or less, and a further 22.9% involving 21-50 hours. There were only three cases where the community work agreements were for periods of more than 100 hours. The average number of community work hours was 26 (which was slightly less than the 28 in 2005) while the maximum was 300 (compared to 275 in the previous year). The maximum applied to a case where the major allegation was a *serious assault* offence.

Undertaking compliance

Of the 1,098 conference cases finalised by way of an undertaking in 2006, information on undertaking compliance was available for 926 (84.3%). This means that for the remaining 172 cases, the time allocated for completion of the undertaking had not expired by mid April 2007, when the database was closed off for this statistical report. Three of the completed cases involved more than one undertaking.

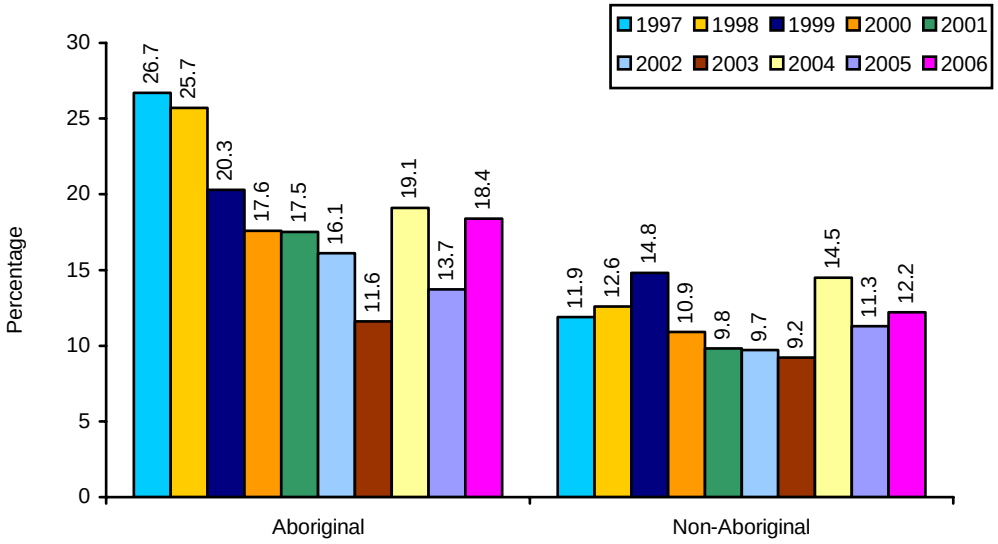
In 798 (86.5%) of these 926 cases, all undertakings were listed as having been complied with by mid April 2007. In 124 cases (13.4%), the undertaking was not complied with and the matter was referred back to police, who then had the option to either not proceed with the matter or lay formal charges and refer the young person to the Youth Court for prosecution. The level of undertaking compliance in 2006 was slightly lower than the 88.2% recorded in 2005.

In 2006, there was very little difference between males and females in the levels of compliance with undertakings. For males, 12.9% of those cases where relevant information was available were referred back to police because of non-compliance, while 15.5% of female cases resulted in a re-referral to police.

Likewise, there were only small differences between Aboriginal and non-Aboriginal cases. Although the level of compliance was high for both groups, the proportion of cases referred back to police for non-compliance was marginally more pronounced for Aboriginal than non-Aboriginal matters (18.4% compared with 12.2% respectively.)

As shown in Figure 20, there was an increase in non-compliance levels in 2006, when compared with 2005, but similar to those recorded in 2004.

Figure 20 Cases dealt with at a conference which resulted in an undertaking: proportion of Aboriginal and non-Aboriginal cases referred back to police for non-compliance: 1997 to 2006



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 2007, compliance details had been entered for 926 of those 1,098 conference cases which had resulted in an undertaking. For these 926 cases, compliance data were recorded for 512 letters of regret, 126 apologies, 209 compensation agreements, 169 community work conditions and 902 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. (This is to be expected given that such apologies normally take place during the conference itself.) This was followed by letters of regret (95.7%), 'other' conditions (89.1%), community work (85.2%) and compensation (84.7%).

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 compensation that a noticeable difference was recorded (85.2% compliance for males compared with 81.5% for females). However, it should be noted that the actual number of compensation conditions involving females was relatively small (27) 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 compensation and community work undertaking were complied with by both groups, Aboriginal compliance levels were generally lower than non-Aboriginal levels for compensation. However, it should be noted that the number of compensation conditions entered into by Aboriginal youths in 2006 is extremely small (19) which makes meaningful analysis difficult.

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, 2006

Case outcome	No.	%
Cases positively finalised		
• conference held, undertaking complied with	801	56.7
• conference held, undertaking waived	1	0
• conference held, formal caution	186	13.2
• conference held, no further action	0	0
• case not proceeded with	11	0.8
Sub-total	999	70.7
Not yet classifiable		
• conference held, compliance data not available	172	12.2
Cases not positively finalised		
• conference held, undertaking not complied with– referred back to police	124	8.8
• conference held, not resolved*	32	2.3
• conference not held, not resolved	86	6.1
Sub-total	242	17.1
Total	1,413	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 1,413 cases referred to a conference in 2006, 70.7% were positively finalised. In a further 12.2% 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 total then, 81.9% had or still could be finalized successfully at this level.

In contrast, 17.1% of referrals were not resolved at the conference level, either because the conference had not gone ahead and the matter had not been resolved (6.1%) or if held, no resolution was achieved (2.3%), or the resultant undertaking had not subsequently been complied with (8.8%).

The proportion of cases not positively finalised at the conference level was lower in 2006 (17.1%) than in 2005 and 2004 (19.0% 22.0% respectively). However, each year a differing proportion of cases could not be classified due to the unavailability of compliance data at the time of the report. Hence, if all compliance data had been available the final figures for each year may have been slightly different from the ones detailed above.

The level of positive resolution achieved for Aboriginal and non-Aboriginal cases finalised in 2006 is detailed in Table 2. Overall, a lower proportion of Aboriginal cases were positively finalised (63.2% compared with 73.1% of non-Aboriginal cases) largely because proportionately fewer conference undertakings were complied with (47.9% compared to 50.9% respectively). Conversely, a higher proportion of Aboriginal than non-Aboriginal cases were not positively finalised by way of a conference (27.6% compared with 14.1% respectively.)

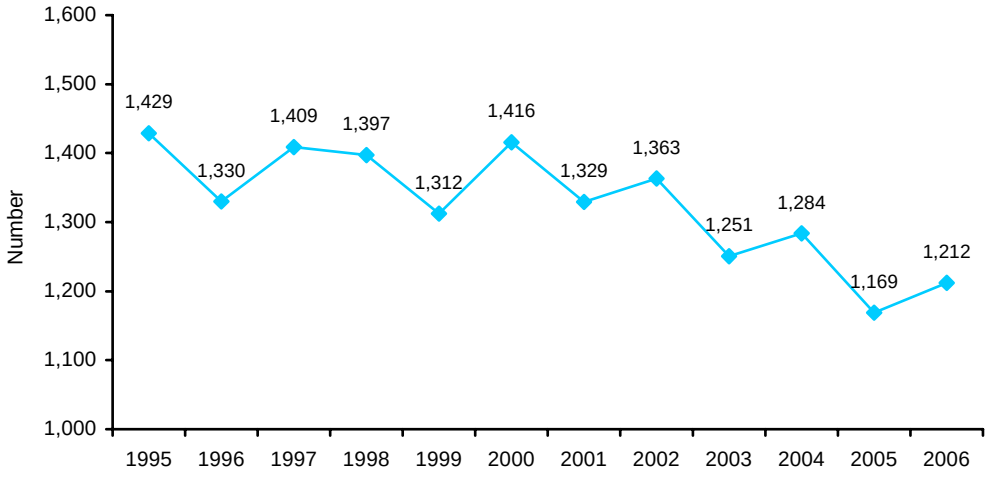
Table 2 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance by racial identity, 2006

Case outcome	Aboriginal		Non-Aboriginal	
	No.	%	No.	%
Cases positively finalised				
• conference held, undertaking complied with	151	47.9	649	59.2
• conference held, undertaking waived	1	0.3	0	0
• conference held, formal caution	43	13.7	143	13.0
• conference held, no further action	0	0	0	0
• case not proceeded with	1	0.3	9	0.8
Sub-total	199	63.2	801	73.1
Not yet classifiable				
• conference held, compliance data not available	29	9.2	140	12.8
Cases not positively finalised				
• conference held, undertaking not complied with– referred back to police	34	10.8	90	8.2
• conference held, not resolved	9	2.9	23	2.1
• conference not held, not resolved	44	14.0	42	3.8
Sub-total	87	27.6	155	14.1
Total	315	100.0	1,096	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 to 3.20 detail the number of discrete conferences held, irrespective of the number of young offenders dealt with at each conference. In 2006, 1,212 conferences were held. As indicated in Figure 21, this is 3.6% higher than the 2005 total of 1,169 which was the lowest number in the previous 11 years reviewed.

Figure 21 Number of conferences held, 1995 to 2006



In terms of the total number of participants[15], 3.0% of conferences in 2006 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). Seven in ten (71.5%) had two or three participants, while 12.6% had five or more participants.

The vast majority of conferences held in 2006 (93.6%) involved only one young offender, while there were seven conferences where four or more offenders were present. Most of the conferences (79.0%) had at least one parent present[16].

In 2006, 30.0% of the conferences had at least one victim present which is similar to the 2005 figure but lower than earlier years.[17]. For example, in 2005 victims were present at 29.3% of conferences, which was lower than the 30.9%, 32.9%, 35.7% and 40.6% recorded in 2004, 2003, 2002 and 2001 respectively.

In 2006, one in nine conferences (11.9%) had a victim supporter or representative present. One in five (19.6%) of conferences were attended by youth supporters which was lower than the 24.0% recorded in 2005.

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 8.5% of conferences involved at least one 'other' participant.

The information presented above focuses on each participant type separately which means that it is not possible to determine the actual composition of each conference. To rectify this Table 3.20 shows the combination of participant 'types' present at the same conference. Of the 1,212 conferences held in 2006, four in ten (44.2%) were attended by the young person(s) and his/her parent(s) or guardians. Almost one quarter (24.7%) were attended by the youth, together with at least one parent/guardian and a victim or victim supporter/representative. In total, 34.6% of conferences had victim involvement of some form, with either the victim themselves, or a victim supporter or representative present.

[15] 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.

[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.

Youth Court

As in the 2005 *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.

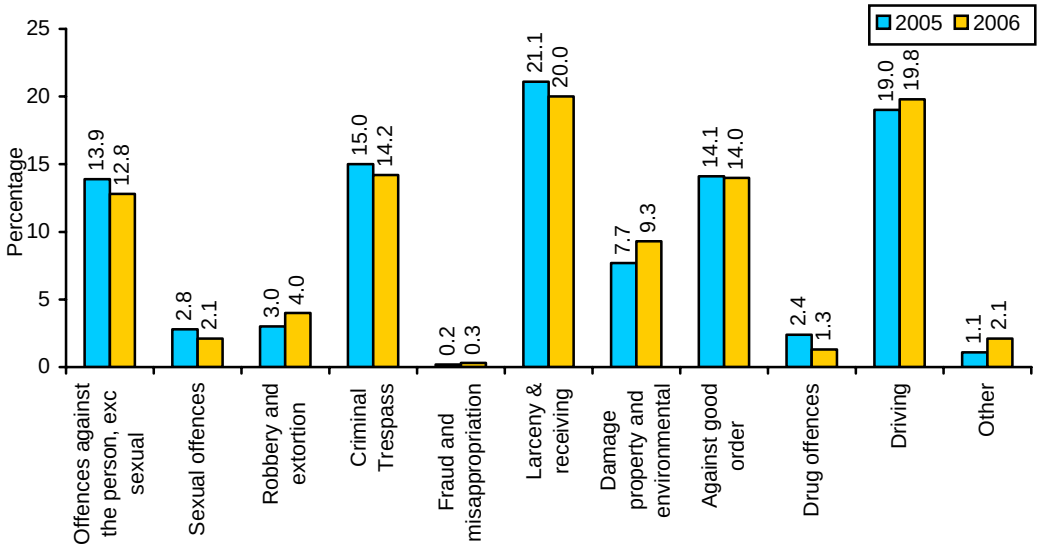
All finalised appearances before the Youth Court

In 2006, there were 2,295 cases finalised in the Youth Court in South Australia, which was 4.6% fewer than the 2,405 cases finalised in 2005. In over three quarters of cases (78.5%) the major charge was proved. In a further 107 appearances (4.7% of the total), the major charge was not proved but there was a finding of guilt to a lesser or other charge. In total then, of the 2,295 cases finalised in the Youth Court in 2006, 1,908 (83.1%) resulted in at least one charge being proved. Of the 387 cases where neither the major charge nor another or lesser charge was proved, 16 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 2006. This shows that in 2006 *larceny and receiving* was the most prominent offence, accounting for one in five cases. This was followed by *driving offences*, *criminal trespass*, *offences against good order* and *offences against the person, excluding sexual offences*. There were relatively few cases dealt with by the Youth Court which involved a *sexual offence*, *robbery and extortion*, *fraud and misappropriation*, or a *drug offence* as the major charge.

Figure 22 also illustrates that the major charge profile of cases in 2006 was generally similar to that observed in 2005.

Figure 22 Cases finalised in the Youth Court by major offence alleged, 2005 and 2006



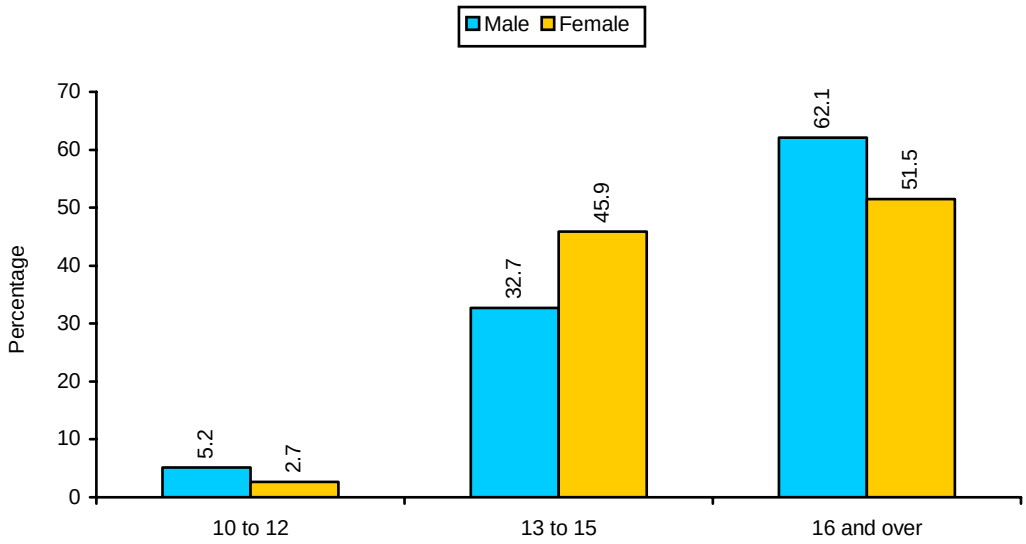
Within the broad grouping of *offences against the person (excluding sexual offences)*, *other assault* was the most prominent, accounting for 9.0% of all finalised cases. *Serious assault* accounted for only 3.0%. There were six *homicide*[18] cases.

Of the 92 robbery cases finalised in 2006, 24 involved *armed robbery.*

Amongst the *larceny and receiving* offence group, *larceny/illegal use of a vehicle* (5.9%) was the most frequent major charge, followed by *larceny from shops* (5.5%) and *other larceny* (5.3%). A breakdown of the category of *offences against good order* reveals that the most prominent were *hinder/resist police*, *public order offences – miscellaneous*, and *disorderly/offensive behaviour* (3.7%, 3.4% and 2.7% respectively). Of the driving offences, *dangerous, reckless or negligent driving* was the most prominent, accounting for 10.2% of all cases finalised in the Youth Court, while *drink driving offences* constituted 6.5% of cases.

Details of the sex of the defendant were recorded for 2,294 cases, with males accounting for the great majority (85.2%) of these. Of the 2,291 cases where age was listed, 60.5% involved young people who were 16 years and over at the time the offence was committed. Only 4.8% 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 48.5% aged 15 years and under compared with only 37.9% of males. Conversely, six in ten males (62.1%) were aged 16 years and over, compared with 51.5% of females.

Figure 23 Cases finalised in the Youth Court: sex by age, 2006



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 (15.6% compared with 6.5% respectively) as were *dangerous, reckless, or negligent driving* offences (10.4% compared with 8.8% respectively). In contrast, a higher proportion of female than male cases involved *other assault* (20.0% compared with 7.4% respectively) and *larceny from shops* (8.8% compared with 4.7% respectively).

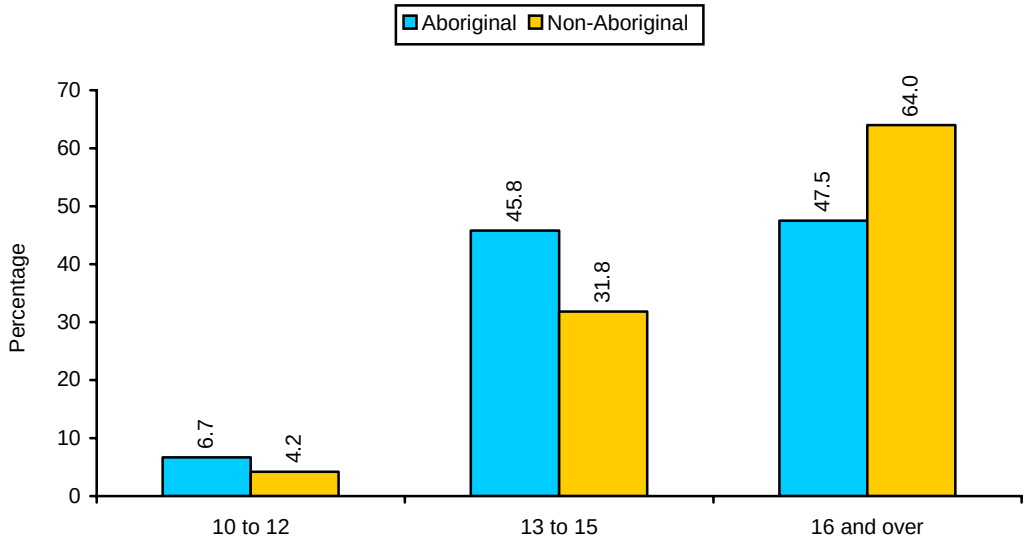
Aboriginal youths accounted for just over one in five cases (21.3%) finalised in the Youth Court where details on racial appearance were recorded. Females featured slightly more prominently in

[18] 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*.

Aboriginal than non-Aboriginal cases. More specifically, young women were involved in 20.2% of Aboriginal cases compared with only 12.9% of non-Aboriginal cases. Stated differently, Aboriginal youths accounted for 29.7% of female cases 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 2006 also tended to be younger than their non-Aboriginal counterparts. Where age was recorded, 6.7% of Aboriginal cases involved young people aged 12 years or under compared with only 4.2% of non-Aboriginal cases. At the other end of the scale, 64.0% of non-Aboriginal cases involved youths aged 16 and over, compared with 47.5% of the Aboriginal cases.

Figure 24 Cases finalised by the Youth Court: age by racial appearance, 2006



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* (2.9% compared with 23.4% respectively) while a higher proportion involved *criminal trespass* (21.2% compared with 12.6% respectively).

Finalised appearances where at least one charge was proved

As noted earlier, in 1,908 of the 2,295 cases finalised by the Youth Court in 2006, 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 released on licence. As this outcome is not regarded as a penalty, their cases have been omitted from Tables 4.5 – 4.14 and is excluded from consideration in the following discussion. There was also was one individual who pleaded guilty and was diverted to a formal caution. This case has also been omitted from Tables 4.5 - 4.14.

The proportion of cases in which at least one charge was proved was almost the same for both males and females (82.4% and 86.2% respectively). This result is slightly higher than the proportions recorded in 2005 where 79.3% of male cases resulted in at least one charge being proved as did 77.7% of female cases.

In 2006, Aboriginal youth were less likely than their non-Aboriginal counterparts to have a finding of guilt recorded (78.6% of Aboriginal compared with 84.1% of non-Aboriginal cases). This finding accords with those of previous years.

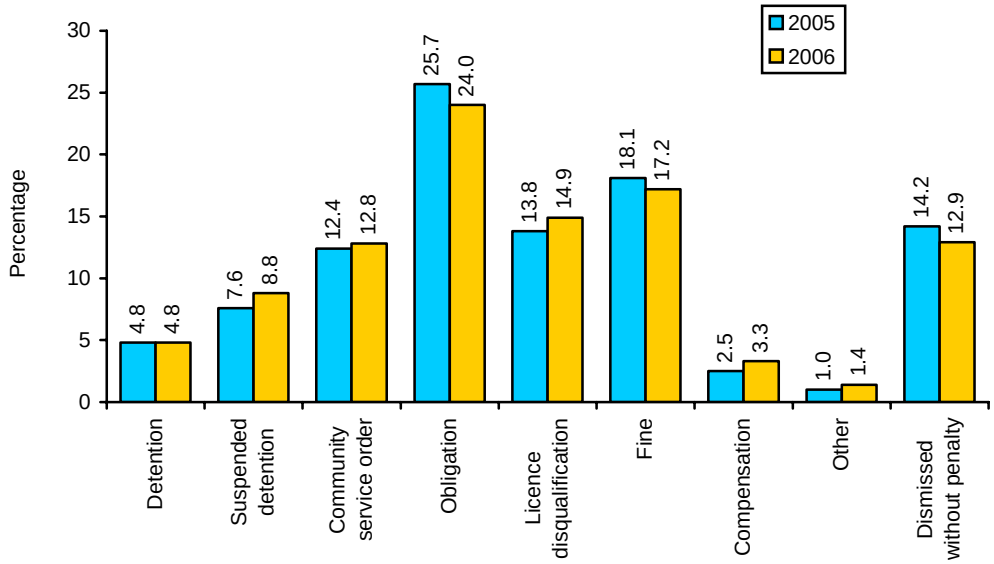
As has been the situation in previous years, a comparison of the profiles for the most serious offence charged (see Table 4.1 in Section 4 of this report) and the most serious offence proved (see Table 4.5) revealed only slight differences. The 'major offence proved' profile showed a slightly lower proportion of *offences against the person (excluding sexual offences)* (11.3% compared with 12.8% of the major offence charged), *criminal trespass* (12.6% compared with 14.2% respectively) but a slightly higher proportion of *driving offences* (23.0% compared with 19.8% respectively) and *good order offences* (16.2% compared with 14.0% 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 1,904 cases where at least one charge was proved is outlined in Figure 25. As shown, in 2006 an obligation was the most frequently imposed penalty, featuring in 24.0% of cases. In a further 17.2% of cases, a fine was recorded as the major penalty, followed by a licence disqualification in 14.9% of cases. In 12.9% of cases, despite a finding of guilt, the matter was dismissed without penalty. The number of detention orders imposed was relatively low (4.8%).

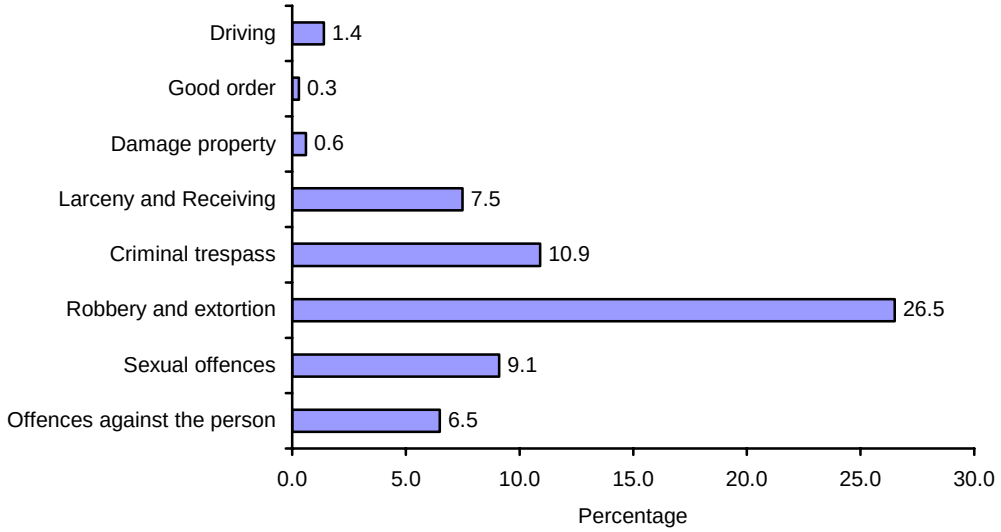
Figure 25 also shows that the major penalty profile for 2006 was broadly similar to that for 2005. In each year, obligations were the most prominent followed by fines, while relatively few cases resulted in a detention order.

Figure 25 Youth Court appearances where at least one charge is proved: major penalty imposed per case, 2005 and 2006



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 49 *robbery and extortion* cases proved in 2006, 13 (26.5%) received a detention order. Detention was also imposed in 26 (10.9%) of the 239 cases involving *criminal trespass offences.* In contrast, a detention order was rarely given when the major offence proved involved an *offence against good order, property damage or driving offence.*

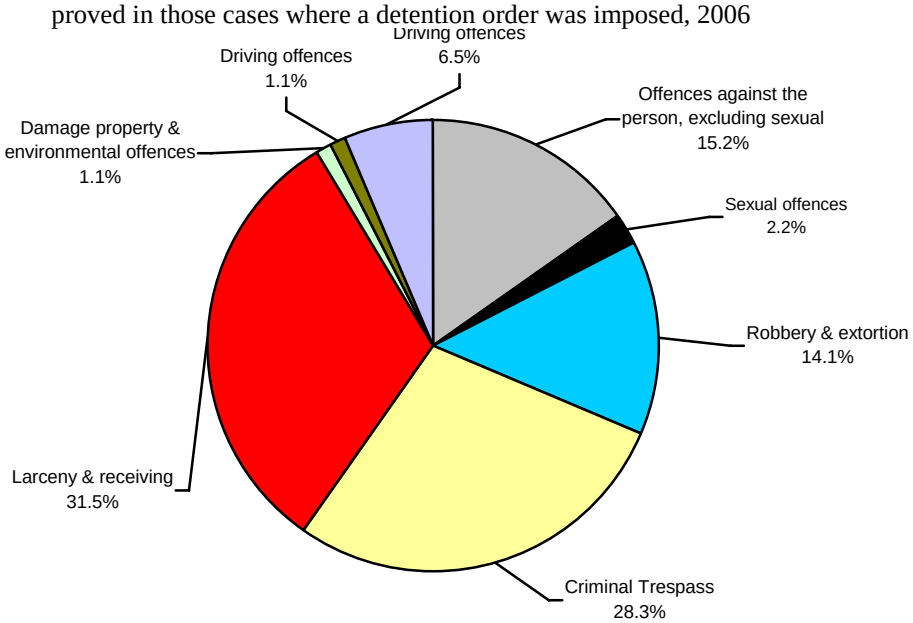
Figure 26 Youth Court appearances where at least one charge is proved: percentage of cases within each major offence category where detention was the most serious penalty, 2006.



Note: Other offences, fraud and misappropriation and drug offences have been omitted because there were no detentions recorded for these offence category.

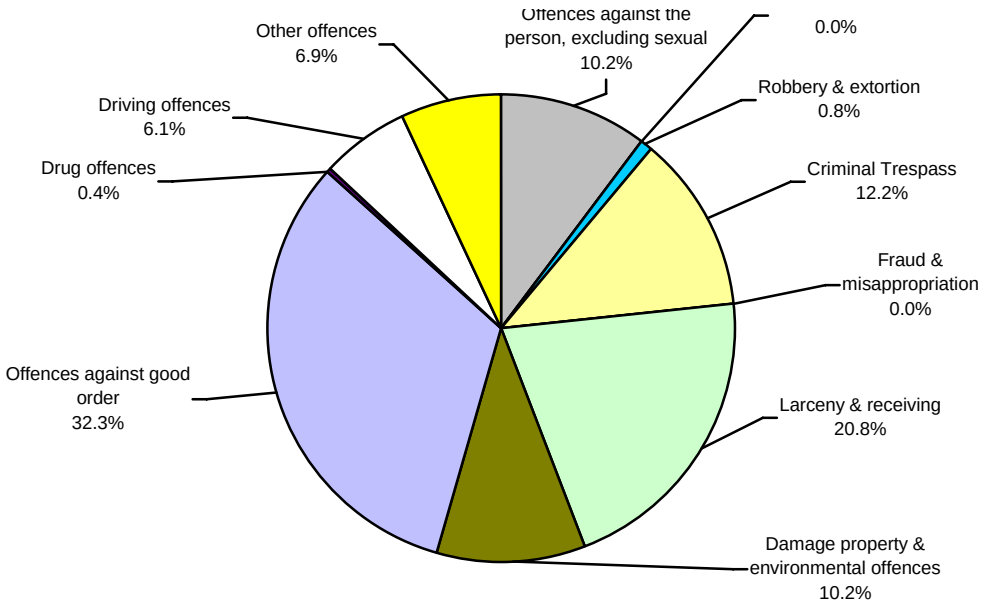
For those 92 cases that did receive a detention order, Figure 27 presents a breakdown of the major offence involved. This shows that *criminal trespass* accounted for 28.3% of cases receiving a detention order, followed by *larceny and receiving*, *offences against the person* and *robbery and extortion*. Further study of the *larceny* cases revealed that one sub-category, *larceny/illegal use of a vehicle*, accounted for 16.3% of the 92 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, 2006



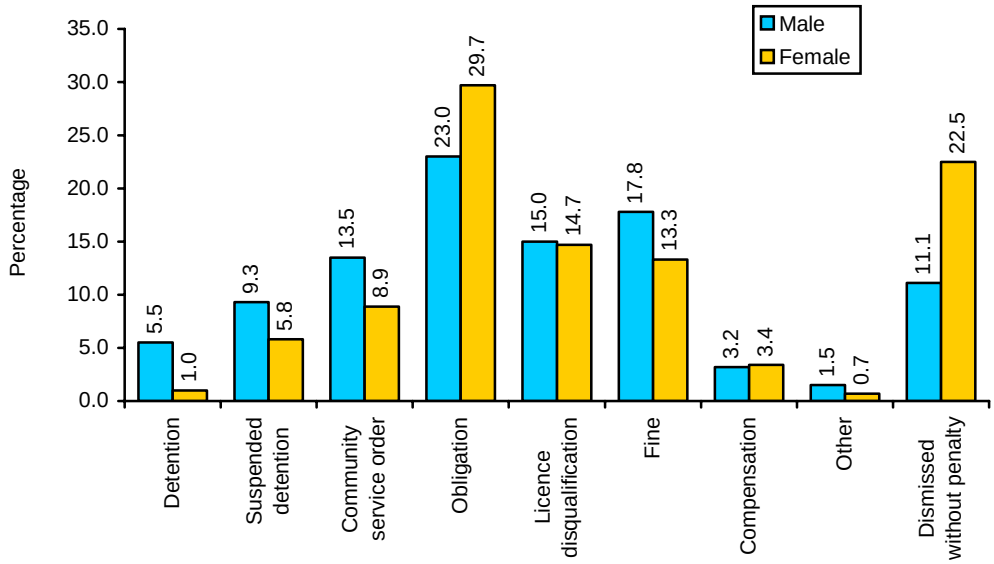
As noted earlier, in 12.9% of cases the matter was dismissed without penalty. Figure 28 presents for these 245 cases a breakdown of the major offence involved. This shows that *good order offences* were the most prominent, accounting for over one third, followed by *larceny and receiving.*

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, 2006



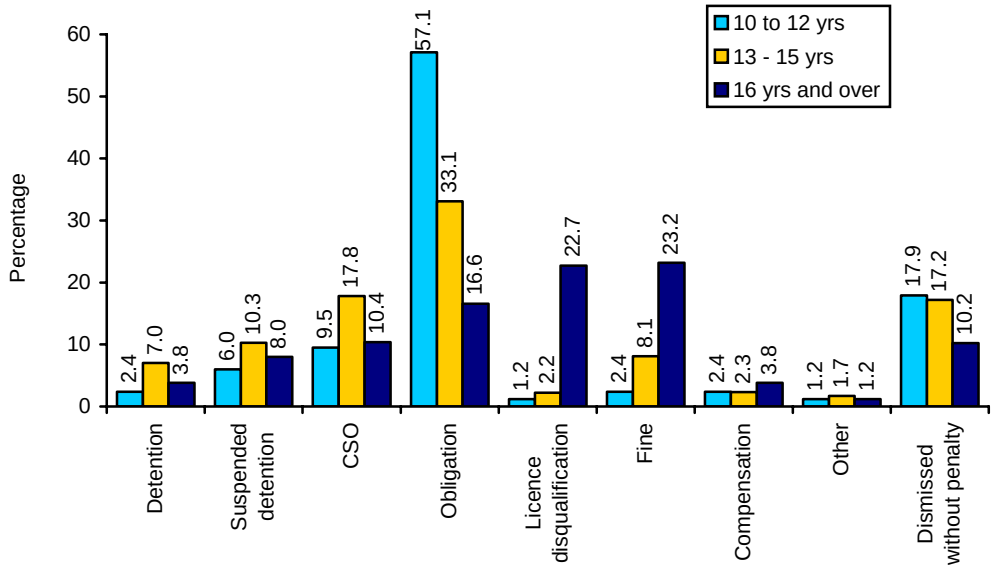
While the types of penalty imposed were broadly similar for males and females, Figure 29 indicates that there were some areas of difference. In particular, cases involving females were proportionately more likely than male cases to result in an obligation or a dismissal without penalty. However, females were proportionately less likely than males to attract a detention order, a suspended detention order, a community service order or a licence disqualification.

Figure 29 Youth Court appearances where at least one charge is proved: major penalty by sex, 2006



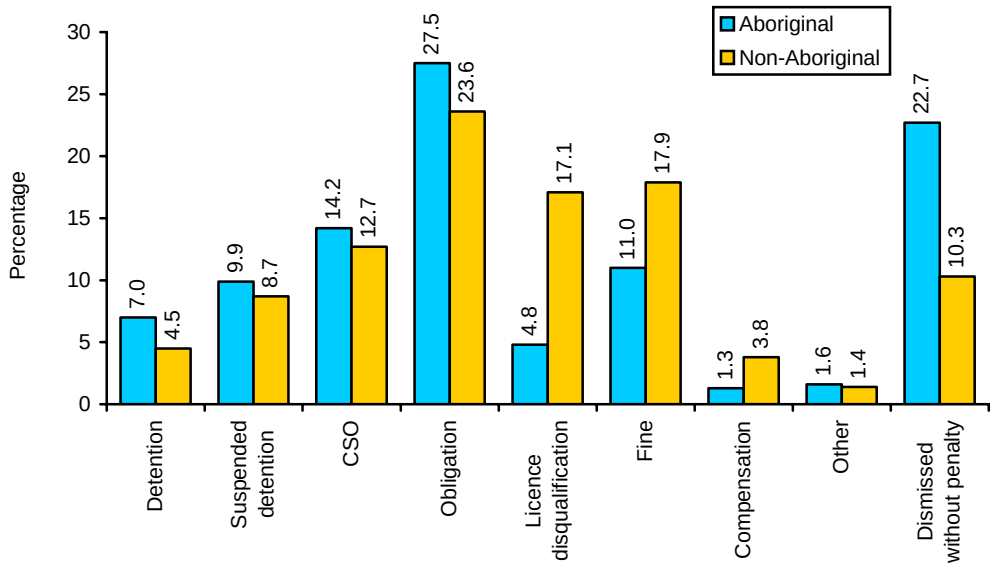
As in previous years, the type of penalty also varied somewhat according to age. In particular, as age increased, so the likelihood of receiving an obligation or having the matter dismissed without penalty decreased (see Figure 30). To illustrate, of those cases involving 10-12 year old youths, 57.1% received an obligation and for 17.9% the matter was dismissed without penalty. Corresponding figures for youths aged 16 and over were 16.6% and 10.2% respectively. Fines were far more prominent for the oldest group of youth compared with those in the younger age groups, with 23.2% of those aged 16 and over receiving this penalty compared with only 2.4% of cases involving 10-12 year olds. Detention orders were rarely imposed, especially amongst 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 35.4% of those in the oldest age group were found guilty of a *driving offence*, compared with only 3.4% of those in the middle age group.

Figure 30 Youth Court appearances where at least one charge is proved: major penalty by age, 2006



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, suspended detention, community service orders or obligations. Overall, Aboriginal young people accounted for 28.3% of those cases (26 out of a total of 92) in which a period of detention was imposed and where information on racial appearance was recorded.

Figure 31 Youth Court appearances where at least one charge is proved: major penalty by racial identity, 2006



Of the 327 fines imposed as the major penalty, the average amount payable was $158. This was higher than the $124 recorded in 2005 and the $128 recorded in 2004. The maximum was $1,000 (compared with $800 in 2005 and $1,000 in 2004). Of the 62 compensation orders listed as the major penalty, the average amount payable per case was $315, while the maximum was $4,000 (which was substantially higher than the $789 recorded in 2005). As noted earlier, at the family conference level, where compensation was agreed to, the maximum was $2,400. However, these 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 considered. Hence, in the example given above, only the largest amount - the $100 order - would be recorded.

Of the 244 community service orders listed as the major penalty at the Youth Court level, the maximum was 320 hours, while the average duration was 50 hours. This average compares to the 49 hours recorded in 2005.

As noted earlier, there were 92 cases where detention constituted the most serious penalty listed. The majority of these cases (82) involved detention only in a secure care facility, seven were home detentions only orders, while three cases involved a combined order whereby the youth was required to serve a period in a training centre followed by a further period in home detention. (There were no combined orders in 2005).

The actual number of cases resulting in a secure detention order in 2006 (85) was 9.0% higher than the 78 recorded in 2005 but equal to the 85 recorded in 2004.

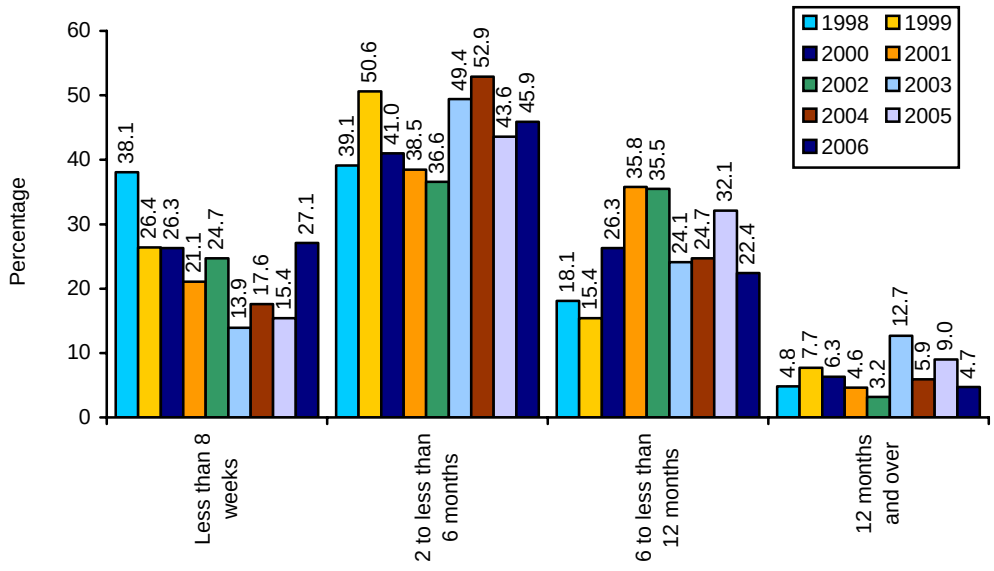
Of the 82 secure detention only orders, the average duration was 18 weeks, which was shorter than the 23 weeks recorded in 2005, but similar to the 2004 average. The maximum of 79 weeks was shorter than the 91 weeks maximum recorded in 2005. The maxima recorded since the *Young Offenders Act* came into operation on 1 January 1994 have been consistently below the three years that can be imposed under that legislation.

For the 7 home detention only orders imposed in 2006, the average was 13 weeks while the maximum was 21 weeks. This average was shorter than the 18 weeks recorded in 2005 but comparable to the 14 weeks recorded in 2004.

Further details about the length of the secure detention orders imposed as the major penalty in 2006 are provided in Table 4.14 of Section 4. (Note that this table includes both the stand-alone secure orders and the secure component of any other orders that combined secure care and home detention.) Prior to the introduction of the *Young Offenders Act* 1993, the minimum length of detention which could be imposed by the then Children's Court was two months, while the maximum was two years. The new legislation removed the minimum requirement, while increasing the maximum to three years. In 2006, as in previous years, the Youth Court made fairly extensive use of its ability to impose short orders. Approximately one in four (27.1%) of all secure detention orders were of less than eight weeks duration. Of the longer detention orders recorded in 2006, 45.9% involved periods of two to less than six months. A further one in five (22.4%) were for six to less than 12 months duration while there were three orders between 12 months and less than 18 months and one order of 18 to 24 months. There were no orders of two years or more.

When detention order duration for 2006 is compared with the figures recorded in previous years, both similarities and differences are apparent (see Figure 32). In particular, orders of six months or more accounted for a smaller proportion of all orders in 2006 than in 2005 (27.1% in 2006 compared with 41.1% in 2005). In contrast there had been a general decrease in the proportion of orders involving incarceration for less than 8 weeks across the period 1998 to 2005 but this was reversed in 2006.

Figure 32 Youth Court appearances where at least one charge is proved: length of the longest secure detention order imposed per case, 1998 to 2006



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

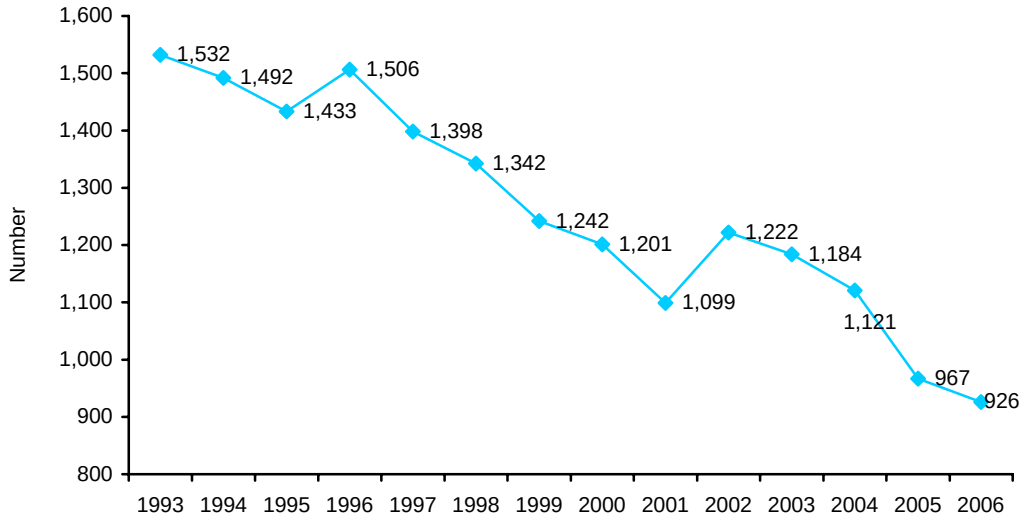
Admissions

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 Families SA which is part of the Department for Families and Communities.

The analysis provided in this section is based on data extracted from the Families SA computer system.

In 2006 there were 926 admissions into custody, which was 4.2% lower than the 967 admissions in 2005, and 17.4% lower than the 1,121 admissions recorded in 2004. As shown in Figure 33, with the exceptions of 1996 and 2002, the number of custodial admissions has decreased steadily since 1993, with the 2006 figure the lowest recorded in that period. The 2006 figure is 39.6% lower than in 1993, the year preceding the introduction of the *Young Offenders Act*.

Figure 33 Number of admissions into secure care, 1993 to 2006.



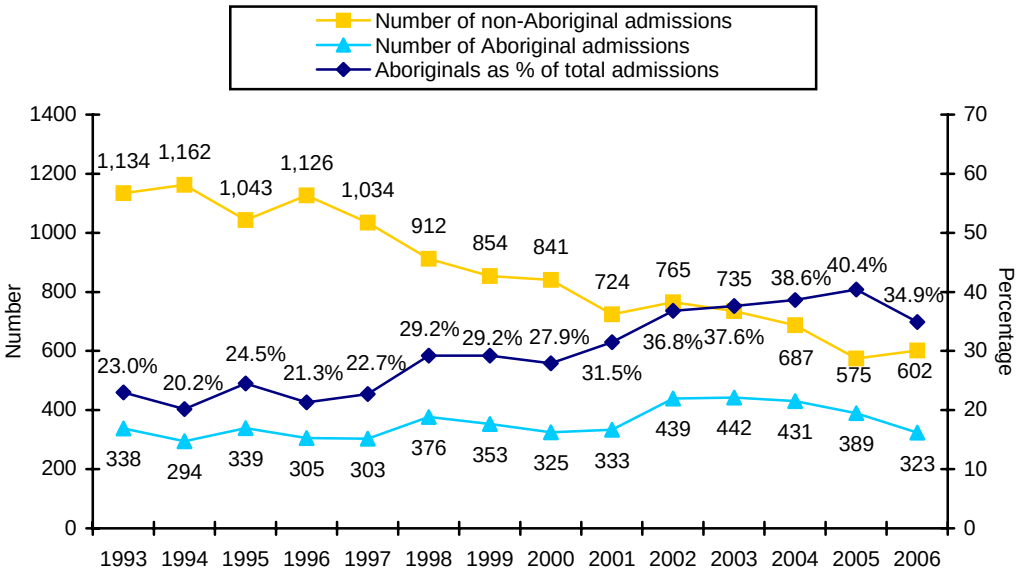
Males accounted for the greater majority of admissions (80.3%). This figure was slightly higher than the proportion recorded in 2005 (76.4%) but lower than in other recent years (84.4% in 2004 and 81.6% in 2003). Just under half the admissions where age details were recorded involved young people who were aged 16 years or older (46.2%). There were 65 admissions into custody that involved persons aged 12 years or under in 2006 (7.1% of the total), which is equal to that recorded 2005. A comparison of the age profiles for male and female admissions reveals that females tended to be slightly younger than their male counterparts. Two thirds (67.6%) of the female admissions where age was recorded involved individuals aged 15 years or younger, compared with 50.2% of male admissions. The proportion of young females decreased during 2006, compared with 2005 (71.9%) but is larger than the 57.1% recorded in 2004.

As shown in Figure 34, in terms of absolute numbers, Aboriginal admissions in 2006 (323) declined for the third successive year to be 17.0% lower than in 2005, 25.1% lower than 2004 and 26.9% lower than 2003. However, the number of non-Aboriginal admissions in 2006 (602) increased slightly. It was 4.7% higher than the 2005 figure of 575 however it was 12.4% lower

than in 2004. It is noteworthy that despite this slight increase from previous year non-Aboriginal admissions in 2006 is the second lowest recorded in the period depicted.

As a result of decline in the number of Aboriginal admissions as compared to a slight increase of non-Aboriginal admissions, the latter now account for a lowest percentage of total admissions during the period since 2001. In 2006 Aboriginal youths comprised just over a third of all admissions (34.9%) into secure care where information on racial identity was recorded, compared with only 20.2% in 1994.

Figure 34 Number of admissions into secure care by racial identity, 1993 to 2006

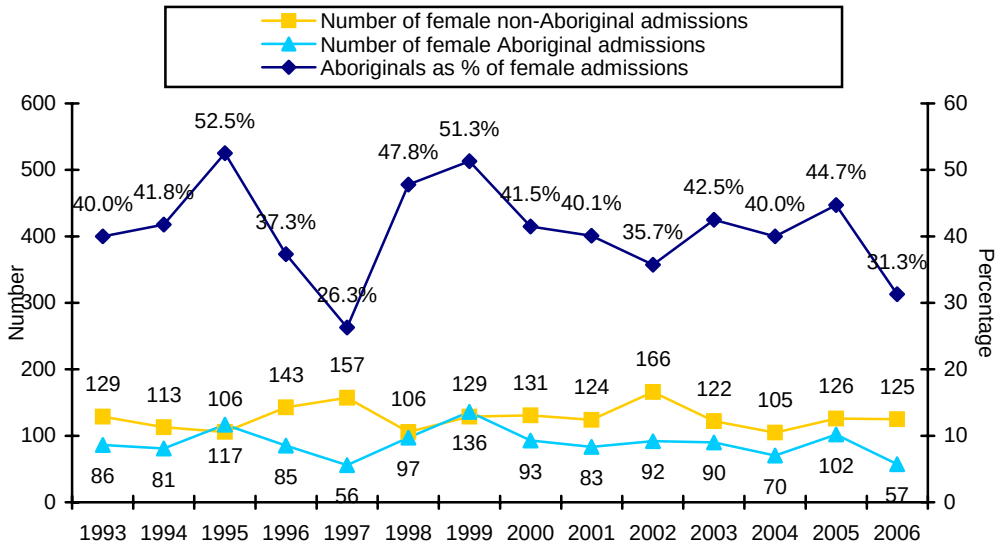


For those cases where relevant information was recorded, 31.3% of all females admitted into secure care were Aboriginal, as were 30.4% of all male admissions. As shown in Figure 35, the proportion of females identified as Aboriginal fluctuated considerably during the 1993 to 2006 period, ranging from the peak figures of 52.5% in 1995 and 51.3% in 1999 to a low of 26.3% in 1997. It noteworthy that figure reported for 2006 is the second lowest for the period since 1993.

There were some age variations between Aboriginal and non-Aboriginal youths admitted to secure care in 2006. The Aboriginal admissions comprised a higher proportion (54.9%) of younger individuals aged 15 and under, compared to non-Aboriginal admissions for the same age group (47.5%).

Of the 926 cases recorded in 2006, 47.0% were students. A further 42.3% involved unemployed youths (i.e. they were not undertaking study of any kind or did not have a job) while only 7.0% were listed as employed. As would be expected, employment status varied according to age. Of particular note though is that 83 of those aged 14 and under (ie. 25.9% of this age grouping) were categorised as unemployed, despite the fact that, by law, they should all have been attending school.

Figure 35 Number of female admissions into secure care by racial identity, 1993 to 2006



Census figures

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

Tables 5.3 to 5.5 in Section 5 detail the number of juveniles in custody on 30 June 2006 according to the most serious authority under which each youth was being held. On that date, 51 juveniles spent at least part of the 24 hour period in a training centre. This figure is 23.9% lower than the 67 youths in custody on 30 June 2005.

Twenty five of the 51 young people (49.0%) incarcerated on 30 June 2006 were serving a detention order, while 19 (37.3%) were on remand. As indicated in Figure 36, there had been a steady decrease in detention numbers from 66 in 1996 down to a low of 24 in 2002. In the period from 2003 to 2005 the numbers on detention have increased slightly even though they still remained well below the peak of 1996. The detention number reported for 2006 is the second lowest figure over the whole period since 1993.

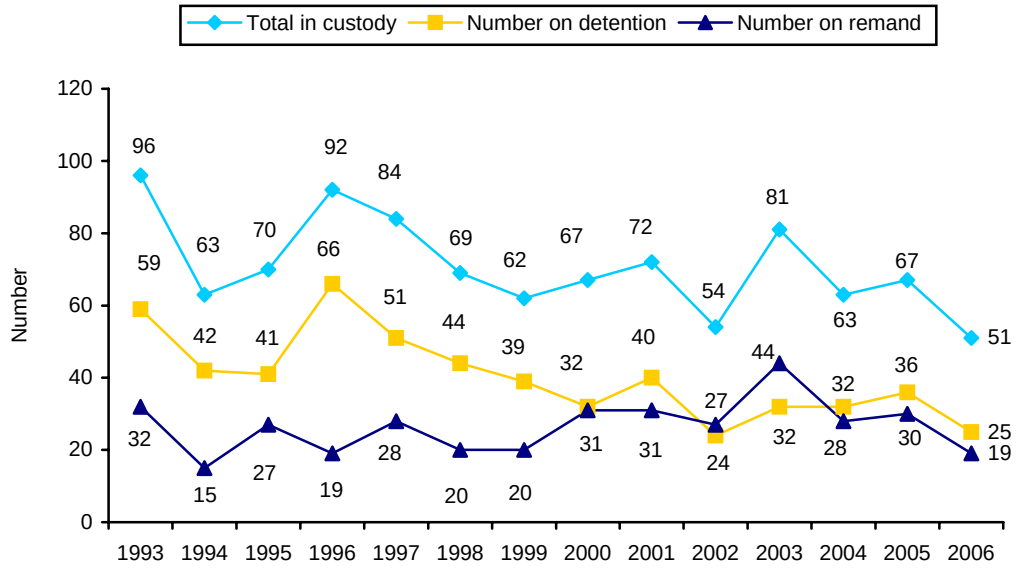
The number on remand on 30 June 2006 was significantly lower than in 2005 (19 compared to 30 respectively) and is the lowest figure since 30 June 1996 when there were also 19 on remand.

Of the 51 young people in custody on 30 June 2006, only two were female (3.9%). Of these females, all two were on remand.

Three in ten (16 or 31.4%) of those persons in custody on 30 June 2006 were Aboriginal. This group accounted for 30.6% of males in secure care on that date (15 out of 49) and one of the two females.

Of the 16 Aboriginals in custody on 30 June 2006, 6 were serving a detention order, while 8 were on remand. This group accounted for 24% of all the detainees present that day, and almost half (42.1%) of all remandees.

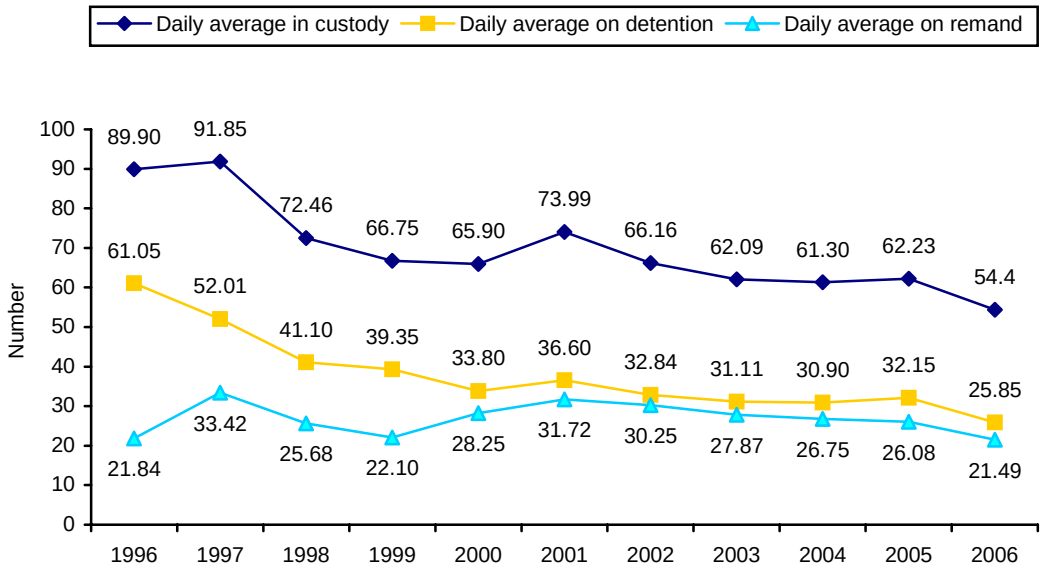
Figure 36 Young people in custody on 30th June by custodial status, 1993 to 2006



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 2006 according to the most serious authority under which each youth was being held. These tables show that, on average, 54.40 young people were held in custody per day during 2006. As shown in Figure 37, this is reasonably lower than the daily average recorded in 2005 (62.23 or 12.6%) but is substantially lower (by 40.7%) than the 1997 peak of 91.85.

Figure 37 Average daily occupancy by custodial status, 1996 to 2006



On average on any given day in 2006, there were 25.85 youths serving a detention order. This was 19.6% lower than the average of 32.15 recorded in 2005 and 57.7% lower than the peak recorded in 1996 (average of 61.05).

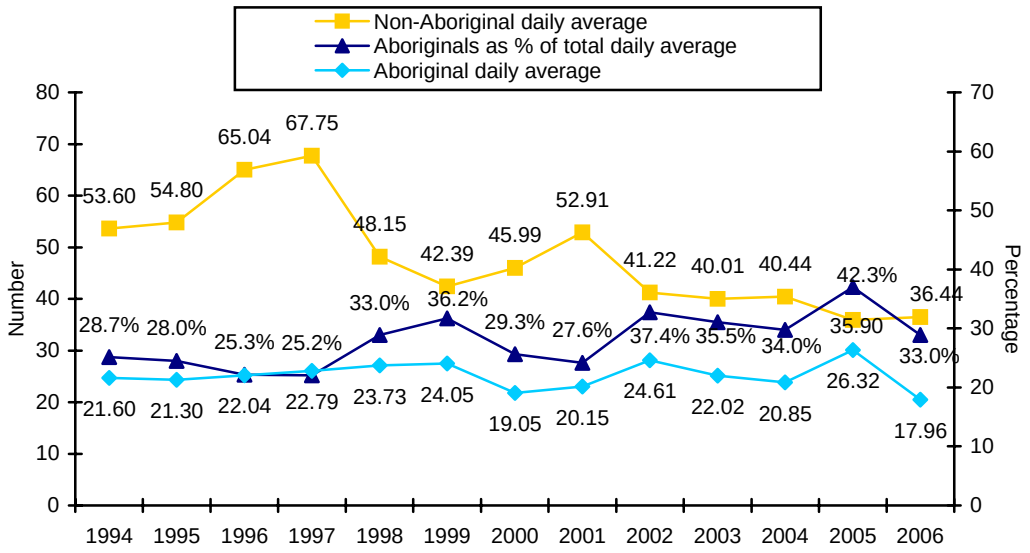
While the long term picture represents an overall decline in daily averages for detention, remand daily averages have followed a different pattern. In the first six years depicted in Figure 37, there was a general upward trend, from 21.84 per day in 1996 to 31.72 in 2001. Since then, daily averages have decreased with the 2006 figure of 21.49 being the lowest of all eleven years analysed.

A comparison of daily averages for males and females reveals that males dominated, accounting for 92.0% of average daily occupancy numbers in 2006. Of those for whom age was known, 56.0% were 16 years or over while only 2.4% were 12 years or less.

Figure 38 shows that the Aboriginal daily average in 2006 was lower than that recorded in 2005 (17.96 compared with 26.32 respectively or 31.8% lower). This figure is the lowest recorded in the 13 years depicted. In 2006, unlike their Aboriginal counterparts, non-Aboriginal figures slightly increased, with the 2006 figure of 36.44 being 1.5% higher than the 35.90 daily average recorded in 2005. The 2006 non-Aboriginal daily average was the second lowest obtained in the period.

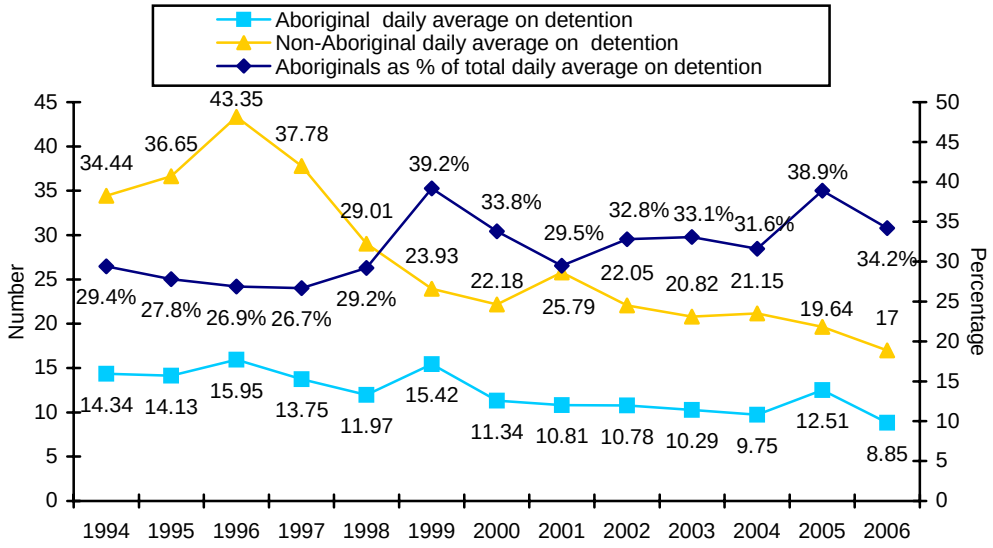
Despite the diverging trends the significant reduction in Aboriginal daily averages over the last year reported led to a lower percentage of Aboriginal youth's daily averages (33.0%) compared to 2005 when the highest percentage (42.3%) was recorded .

Figure 38 Average daily occupancy by racial identity, 1994 to 2006



As shown in Figure 39, in terms of absolute numbers, the daily average for Aboriginal youths on a detention order decreased to 8.85 during 2006 compared with 12.51 in 2005. This represents a decrease of 29.3%. For non-Aboriginal youth, a smaller reduction occurred, with the 2006 daily average decreasing by 13.4% from 19.64 in 2005 to 17.0 in 2006. Due to the significantly lower decrease in the Aboriginal youth on detention, this group now accounts for 34.2% of the daily average detention numbers, compared with 38.9% in 2005.

Figure 39 Average daily occupancy of youths on detention orders by racial identity, 1994 to 2006



The remand trend was similar to the one observed above for detention (see Figure 40). The Aboriginal remand daily average of 6.86 was 43.8% lower than the 12.20 remand average in 2005. For non-Aboriginal youth, the remand figures slightly increased in 2006 by 5.5% compared with the 2005 figure. As a result, the proportion of remandees accounted for by Aboriginal youths in 2006 (31.9%) has fallen compared to 2005 (46.8%) when the highest proportion during the period was recorded.

Figure 40 Average daily occupancy of youths on remand by racial identity, 1994 to 2006