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Juvenile Justice in South Australia:

A 2004 update

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Introduction

The aim of this Information Bulletin is to provide an update on current trends in juvenile justice in South Australia. It summarises some of the preliminary findings from a much more extensive report, entitled *Crime and Justice in South Australia: Juvenile Justice*, which is due to be released by OCSAR in mid 2005.

Description of the South Australian Juvenile Justice System

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

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

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

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

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

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

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

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

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

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

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

(c) a youth should not be withdrawn unnecessarily from the youth's family environment;

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

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

To translate these guiding principles into practice, t*he Young Offenders Act* 1993 introduced a multi-tiered system of pre-court diversion designed to deal with all 'minor' offences. It also established the Youth Court of South Australia to deal with more serious and/or repeat offenders. More specifically, this new system of juvenile justice, which applies to youths who at the time of the alleged offence are aged 10 to 17 years inclusive, provides four processing options (see Figure 1).

- 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.

- 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.

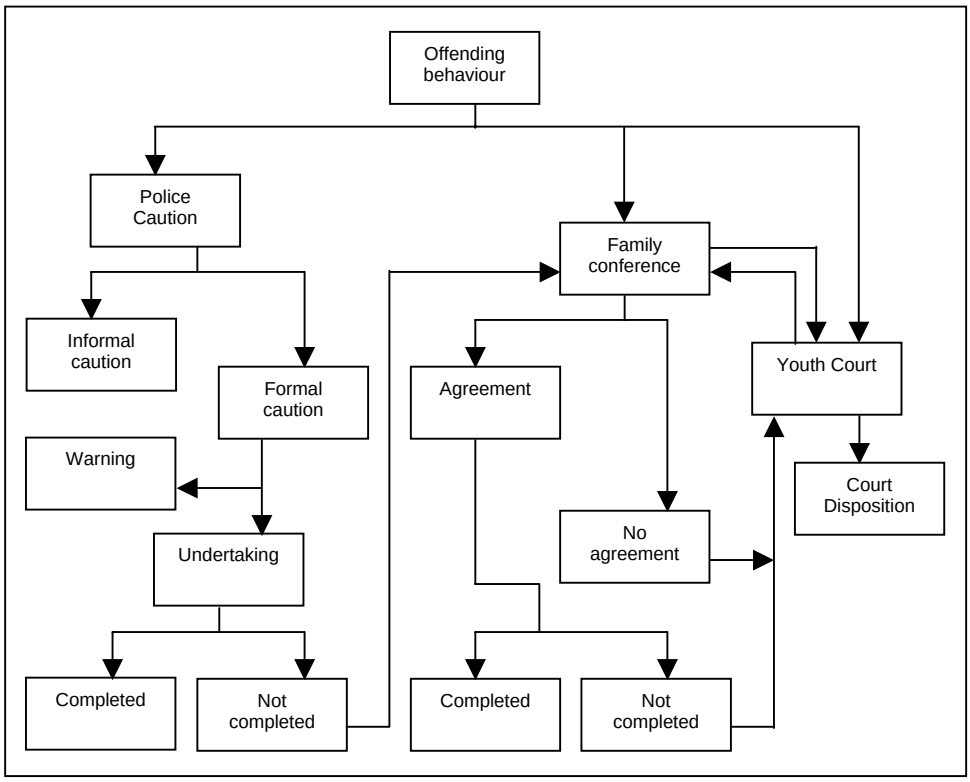
- If a youth commits a serious offence, is a repeat offender or fails to comply with a family conference undertaking, then (s)he may be formally charged and sent to the ***Youth Court***. This court is presided over by a Judge of District Court status and, although it functions as a court of summary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

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.

Figure 1 Structure of the Juvenile Justice System in South Australia



A statistical overview

This section presents a brief statistical overview of how the South Australian juvenile justice system has operated over the past decade or so.

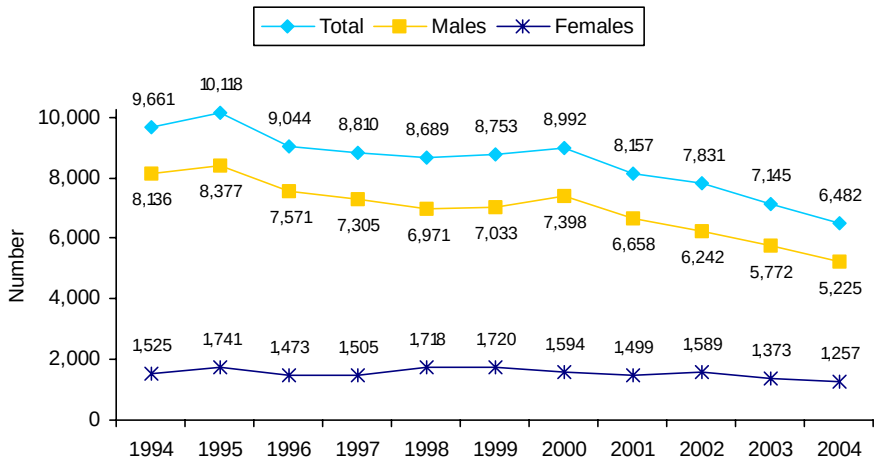
Police Statistics

Number of apprehensions

In 2004, young people aged 10 – 17 years at the time of the offence[1] accounted for 6,482 apprehension reports lodged by police. As shown, there has been a steady decline in apprehension numbers since 1995, with the 2004 figure the lowest of the 11 years depicted. The 2004 figure was 9.3% lower than the 7,145 reports in 2003 and 35.9% lower than the peak of 10,118 recorded in 1995.

The decrease has been particularly marked for males, with apprehension number dropping by 37.6% between 1995 and 2004. While female apprehensions have remained relatively constant over this period, there is also evidence of a decrease in recent years, with the numbers recorded in 2004 being 20.9% lower than in 2002. However, as in all previous years, females still account for only a minority of apprehensions: 19.4% in 2004.

Figure 2 Number of police apprehension reports involving juveniles, 1994 to 2004



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

As in previous years, the over-representation of Aboriginal youth persisted in 2004, with persons identified by police as Aboriginal in appearance accounting for 20.5% of apprehensions where this information was recorded. This over-representation was more pronounced for females than males, with Aboriginals accounting for 25.1% of all apprehensions involving young women compared with 19.5% of all apprehensions involving young men where relevant information on Aboriginal status was recorded.

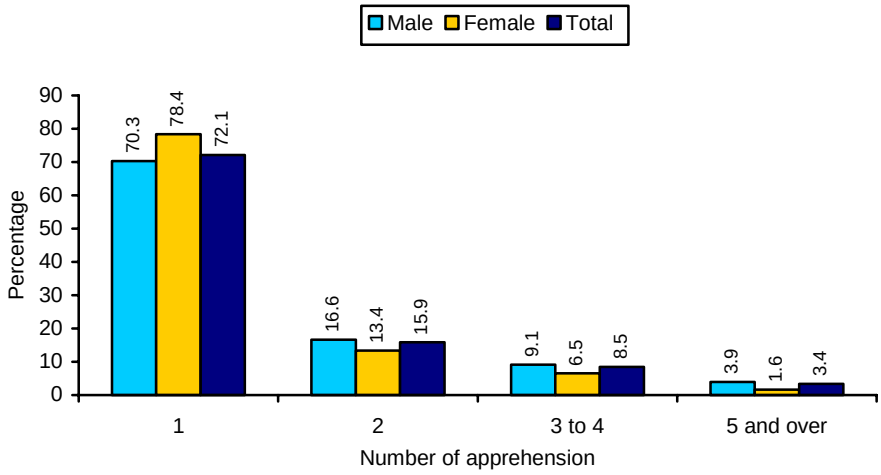
Number of persons apprehended

While the information presented above focuses on the number of apprehension reports submitted by police, this section looks at the number of discrete individuals[2] apprehended over the twelve month period.

In 2004, 4,198 individuals were apprehended, at an average of 1.54 apprehensions per person. Males accounted for a higher proportion of all persons apprehended (78.0%). Moreover, on average they were apprehended more frequently than females (with 1.60 apprehensions per male compared with 1.36 per female).

As indicated in Figure 3, while the majority of young people experienced only one apprehension in 2004, a small proportion (3.9% of males and 1.6% of females) were apprehended on five or more occasions over the 12 month period.

Figure 3 Number of apprehensions in 2004



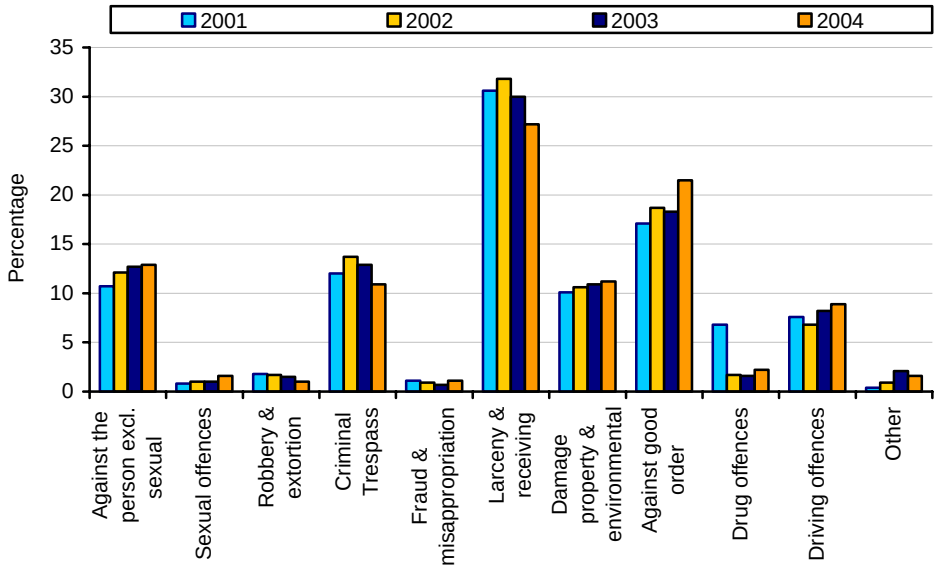
[2] For the purpose of this analysis, it a young person is apprehended on more than one occasion over the 12 month period, he/she is counted only once.

Most serious charge per apprehension

Figure 4 presents a breakdown of police apprehensions by the major offence alleged. This shows that in 2004 *larceny and receiving* was the most prominent offence, followed by *good order offences*, *offences against the person (excluding sexual offences)*, *damage property* and *criminal trespass*. 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.

While this offence profile is very similar to that observed in previous years, some shifts are evident. The main change has been a drop in the number of apprehensions involving a drug offence – from 6.8% in 2001 to 2.2% in 2004. While this can be largely attributed to the introduction of the Police Drug Diversion Initiative in September 2001 it should be noted that the proportion of apprehensions involving this offence was already decreasing before PDDI became operational (dropping from 13.7% to 6.8% across the period 1997 to 2001. There also seems to be a slight upward trend in the proportion of apprehensions involving an *offence against the person* and *good order offences*, but a slight downward trend in both *larceny and receiving* and *criminal trespass* apprehensions.

Figure 4 Police apprehension reports: major offence alleged, 2001 to 2004



Method of apprehension

In 2004, in 43.1% of apprehensions police opted to arrest rather than report the young person. While this represents a small decrease in the use of arrest compared with the previous year (44.0%), it should be noted that there has been an overall increase in the use of arrest since 1996, when only 27.3% of juvenile apprehensions involved arrest.

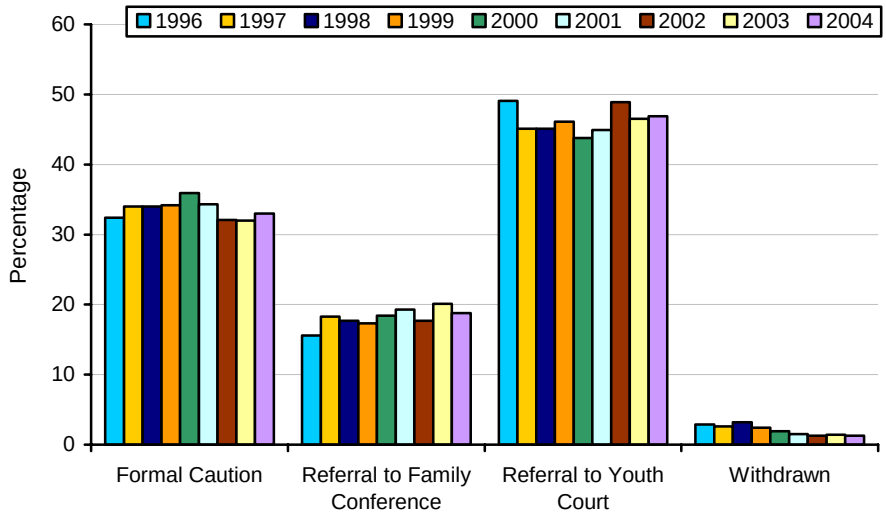
As in the past, Aboriginal youths were the most likely to be arrested. In 2004, over six in ten Aboriginal apprehensions (62.9%) were arrest-based compared with just over one in four non-Aboriginal apprehensions (42.2%). Stated differently, Aboriginals accounted for 27.7% of all arrest-based apprehensions but only 14.2% of all report-based apprehensions where racial appearance was recorded.

Type of action taken

In 2004, of those apprehensions where the type of action taken was recorded, 33.0% resulted in a referral to a formal caution with a further 18.8% being diverted to a family conference. Youth Court referrals accounted for 46.9%, while police withdrew 1.3% of the allegations.

As indicated in Figure 5, the distribution of cases across the main referral categories in 2004 was much the same as in the preceding years, with referrals to the Youth Court remaining the most frequently used option.

Figure 5 Police apprehensions: type of action taken, 1996 to 2004*



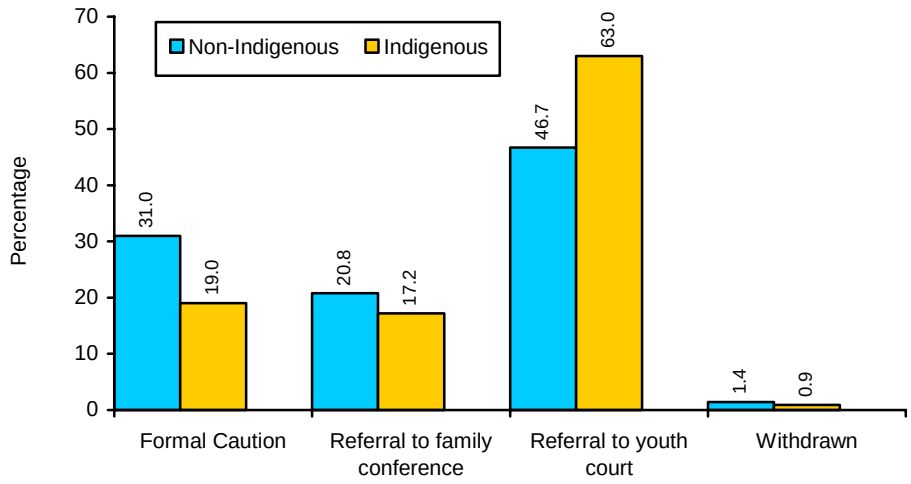
* In calculating the percentages, apprehensions for which the type of action taken was not recorded have been excluded.

As in previous years, the referral outcome varied depending on a range of factors: such as,

- the type of charge involved (for example, over nine in ten apprehensions involving *robbery and extortion* were referred to court compared with only four in ten apprehensions where the major allegation was *property damage*);
- the method of apprehension (with 67.2% of arrest-based apprehensions directed to court compared with 29.0% of report-based apprehensions); and
- the age of the young person (with 19.6% of all 10 year olds referred to court compared with 49.8% of 16 year olds).

As in previous years, a substantially higher proportion of Aboriginal than non-Aboriginal apprehensions resulted in a referral to the Youth Court. Where relevant information was recorded, over six in ten Aboriginal apprehensions (63.0%) were referred to court compared with less than half (46.7%) of the non-Aboriginal apprehensions. Conversely, only 19.0% of Aboriginal apprehensions received a formal caution compared with 31.0% of non-Aboriginal apprehensions. Differences between the two groups were less pronounced in relation to referrals to a family conference but even here, the proportion of Aboriginal cases thus referred was still lower than that recorded for non-Aboriginal apprehensions (17.2% compared with 20.8% respectively). A very small proportion of apprehensions were withdrawn (0.9% of Aboriginal and 1.4% of non-Aboriginal matters).

Figure 6 Type of action taken by Aboriginal status, 2004



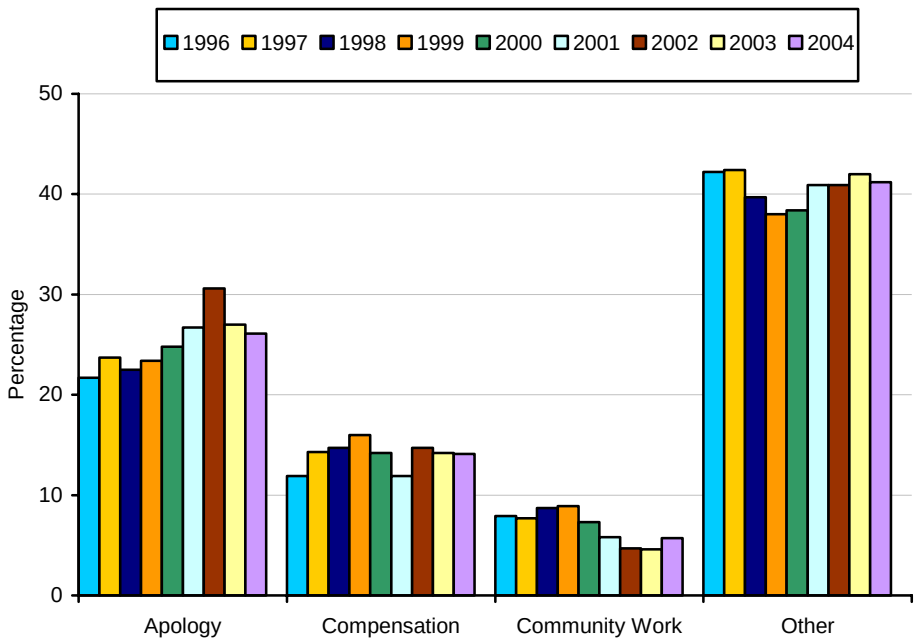
Stated differently, for those cases where racial appearance and type of referral was recorded, Aboriginal young people accounted for 13.8% of all formal caution referrals, 17.8% of all family conference referrals and 26.1% of all court referrals. Given that Aboriginal youth accounted for 20.5% of all apprehension reports, these figures indicate that they are under-represented in terms of the numbers receiving a formal caution and, albeit to a lesser degree, those referred to a family conference. Conversely, Aboriginal youth are over-represented amongst those referred to the Youth Court.

Formal police cautions

In 2004, there were 1,793 formal cautions actually administered by police (compared with 1,802 referrals to a caution). As noted earlier, as part of that caution, police may require the young person to enter into an undertaking involving a range of conditions. The extent to which this option is used by police is outlined in Figure 7.

As in previous years, the most frequently imposed condition was 'other', while relatively few cautions involved community work or compensation payments.

Figure 7 Formal police cautions: proportion involving apologies, compensation, community work or 'other' conditions, 1996 to 2004



Almost half (46.6%) of the compensation payments agreed to as part of a police caution in 2004 were for $50 or less, while only 2.0% involved amounts of more than $500.

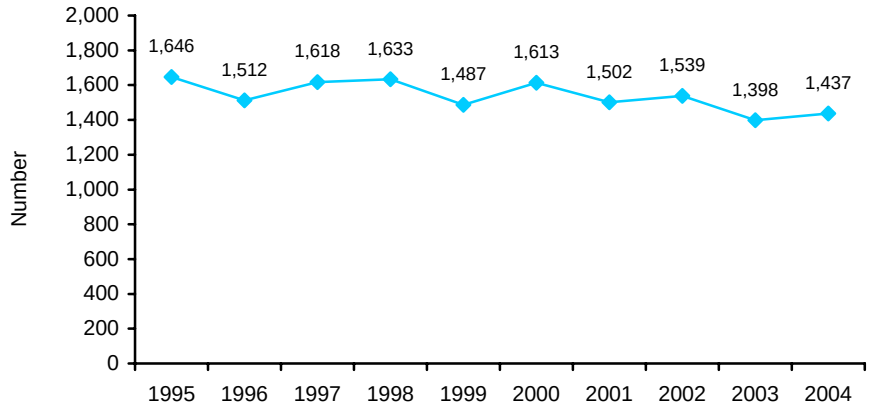
Similarly, the majority of community work agreements involved a relatively small number of hours, with 86.3% being for 10 hours or less. Only 7.8% involved more than 20 hours of work. These figures are substantially down on those recorded in 2003, when 64.9% of community work agreements were for 10 hours or less, while 17.0% were for more than 20 hours. These findings therefore suggest a decrease in the use of community work at the police cautioning level. While this can largely be explained by a lack of time and resources to organise such work, it is contrary to the legislative emphasis on the notions of restitution and restoration.

Family Conferences

Case referrals finalised by the Family Conference Team

In 2004, there were 1,607 referrals finalised by the Family Conference Team, with 1,437 resulting in a conference actually being held. Longitudinal trends in the number of cases where a conference was actually held (see Figure 8) indicate a slight increase of 2.8% on the number of cases conferenced in 2003. However numbers are still slightly down on those recorded in the mid 1990s.

Figure 8 Cases for which a family conference was held, 1995 to 2004



The offence profiles for males and females for whom a conference was actually held revealed some differences. In particular, a higher proportion of female than male cases had *other assault* listed as the major allegation (19.2% compared with 9.5% respectively). The same applied to *larceny from shops* (17.0% of female cases compared with only 7.1% of male cases). However, proportionately fewer female than male cases involved *criminal trespass* (12.0% compared with 16.3% respectively), *damage property and environmental offences* (12.0% compared with 15.3% respectively) or *larceny/illegal use of motor vehicle* (5.7% and 10.0% respectively).

The offence profiles of Aboriginal and non-Aboriginal cases were generally similar, with *criminal trespass*, *property damage* and *other assault* the three most prominent charges laid against both groups. In contrast to previous years *good order offences* were slightly more prominent for non-Aboriginal than Aboriginal youth (18.4% compared with 16.5% respectively).

There were 1,217 cases dealt with at a family conference that resulted in the young person agreeing to enter into an undertaking. The conditions associated with the undertakings are outlined in Figure 9[3]. The conditions most frequently agreed to were either an apology or 'other'. These were included in almost seven out of ten cases (69.6% and 68.4% respectively) where an undertaking resulted. The 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. Compensation was part of an undertaking in 22.9% of cases while community work was agreed to in 25.5%.

While these results are broadly comparable with those recorded in each of the years 1999 to 2002 (see Figure 9), there has been a slight decrease in the proportion of undertakings involving compensation but a definite increase in the proportion involving community work.

Of the 279 cases where the young person agreed to pay compensation, almost half involved amounts of $100 or less, while there was one case where payment of over $3,000 was agreed to. In terms of community work, 61.0% of the 310 cases with this outcome involved 20 hours or less, while in four case over 100 hours of work was agreed to.

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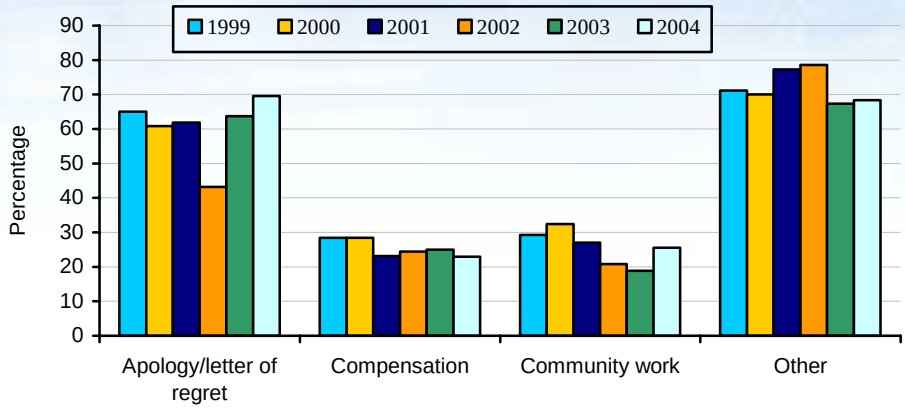
[3] It should be noted that, prior to 2002, apologies included both verbal and written apologies. However, following a review of the *Young Offenders Act, 1993* by the Chief Justice, this was changed. A 'letter of regret' was introduced which was deemed the same as a written apology for processing purposes. Verbal apologies can still occur, but are now regarded as different from the 'letters of regret'. In Figure 9, apologies and letters of regret have been combined.

Figure 9 Cases dealt with at a conference which resulted in an undertaking: proportion involving an apology/compensation/community work/other condition, 1999 to 2004



Proportion of cases resolved by way of conferencing

The availability of information on undertaking compliance, when combined with the details on conference outcomes, provided an insight into the level of positive resolution achieved by the conference system.

As shown in Table 1, of the 1,607 cases referred to a conference in 2004, 65.5% were positively finalised. In a further 12.6% of cases, compliance data for the undertakings were not available at the time the database was closed off for this report, and so these matters still had the potential to be appropriately resolved at this level. In contrast, 22.0% of referrals were not resolved at the conference level, either because the conference had not gone ahead (10.1%) or, if held, had not been able to finalise the matter (2.3%), or the resultant undertaking had not subsequently been complied with (9.6%).

The proportion of matters not successfully resolved in 2004 was somewhat higher than in the previous year (22.0% compared with 16.7% in 2003). This was due to an increase in the number of referrals for which a conference was not held or where the matter was not resolved at the conference (10.1% compared with 8.7% in 2003), and an increase in the number of referrals where the undertaking was not complied with (9.6% compared with 6.2% in 2003). Nevertheless, the fact that 78.1% were either positively resolved at this level or still had the potential to be resolved (pending undertaking completion) is still a positive result.

Table 1 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance, 2004

Case outcome	No.	%
Cases positively finalised		
conference held, undertaking complied with	857	53.3
conference held, undertaking waived	4	0.2
conference held, formal caution	181	11.3
conference held, no further action	0	0
case not proceeded with	10	0.6
Sub-total	1,052	65.5
Not yet classified		
conference held, undertaking compliance data not available	202	12.6
Cases not positively finalised		
conference held, undertaking not complied with - referred back to police	154	9.6
conference held, not finalised*	37	2.3
conference not held, not resolved**	162	10.1
Sub-total	353	22.0
Total	**1,607**	**100.0**

* This category includes conferences where the police or youth disagrees with the proposed outcome (n=1), where the youth elects to have the matter dealt with by a court (n=17), or where the youth does not admit the allegation (n=19).

** This category includes cases where no conference was held because there was no admission (n=12), or the youth failed to attend (n=78) or the youth could not be located (n=72).

The outcomes were, however, somewhat different for Aboriginal young people. As Table 2 indicates, for this group almost one third of referrals (32.5%) were not successfully resolved at this level compared with only 19.6% of non-Aboriginal referrals. The main reasons for these differences was the higher proportion of Aboriginal youths who either did not attend the conference (11.3% compared with 3.4% of non-Aboriginal referrals) or who could not be located (9.2% compared with 3.4% respectively).

Table 2 Case referrals received by the Family Conference Team: finalised outcome taking into account levels of undertaking compliance, by Aboriginal status 2004

Case outcome	Non-Aboriginal		Aboriginal	
	No.	%	No.	%
Cases positively finalised				
conference held, undertaking complied with	734	55.9	122	41.8
conference held, undertaking waived	3	0.2	1	0.3
conference held, formal caution	138	10.5	43	14.7
conference held, no further action	0	0	0	0
case not proceeded with	9	0.7	1	0.3
Sub-total	884	67.3	167	57.1
Not yet classified				
conference held, undertaking compliance data not available	172	13.1	30	10.3
Cases not positively finalised				
conference held, undertaking not complied with - referred back to police	125	9.5	29	9.9
conference held, not finalised*	33	2.5	4	1.4
conference not held, not resolved	100	7.6	62	21.2
Sub-total	258	19.6	95	32.5
Total	**1,314**	**100.0**	**292**	**100.0**

Youth Court

All finalised appearances before the Youth Court

In 2004, there were 2,402 cases finalised in the Youth Court in South Australia, which was slightly lower (by 12.5%) than the 2,746 cases finalised in 2003. In the majority of cases (74.6%) the major charge was proved[4]. In a further 131 appearances (5.5% 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 2,402 cases finalised in the Youth Court in 2004, 1,924 (80.1%) resulted in at least one charge being proved. These was slightly higher than in 2003, when 76.2% of cases results in at least one proved charge. Of the 478 cases where neither the major charge nor another or lesser charge was proved, 15 resulted in an acquittal, while in the remainder, the charges were either withdrawn (n=280) or dismissed for want of prosecution (n=183).

Finalised appearances where at least one charge was proved

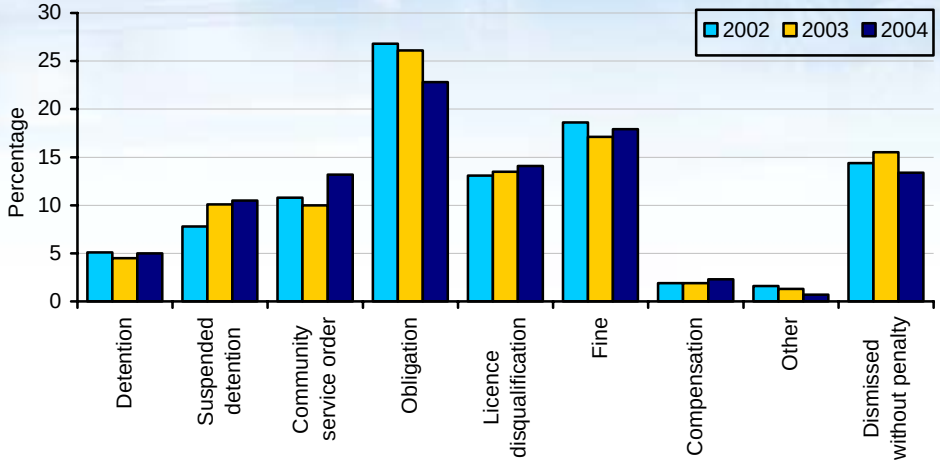
As noted above, in 1,924 of the 2,402 cases finalised by the Youth Court in 2004, at least one charge was proved. Details on the major or most serious penalty imposed in these 1,924 cases are outlined in Figure 10. As shown, in 2004, as in previous years, an obligation was the most frequently imposed penalty, featuring in just under one quarter of cases (22.8%). In a further 17.9% of cases, a fine was recorded as the major penalty. In 13.4% of cases, despite a finding of guilt, the matter was dismissed without penalty. The number of detention orders imposed was relatively low (5.0%).

As might be expected, the likelihood of receiving a detention order varied according to the seriousness of the charge involved. Of the 34 *robbery and extortion* cases proved in 2004, five (14.7%) received a detention order. Detention was also imposed in 29 (11.9%) of the 243 cases involving *criminal trespass offences.* In contrast, a detention order was rarely given when the major offence proved involved an *offence against good order* (1.0%) or a *driving offence* (0.7%). Of the 20 cases where the major offence proved was a *sexual offence*, none received a detention order, while 11 received an obligation and four were dismissed without penalty.

Of the 97 detention orders imposed in 2004, 85 involved detention in a secure care facility, while 12 were home detentions. There were no orders involving a combination of secure care and home detention.

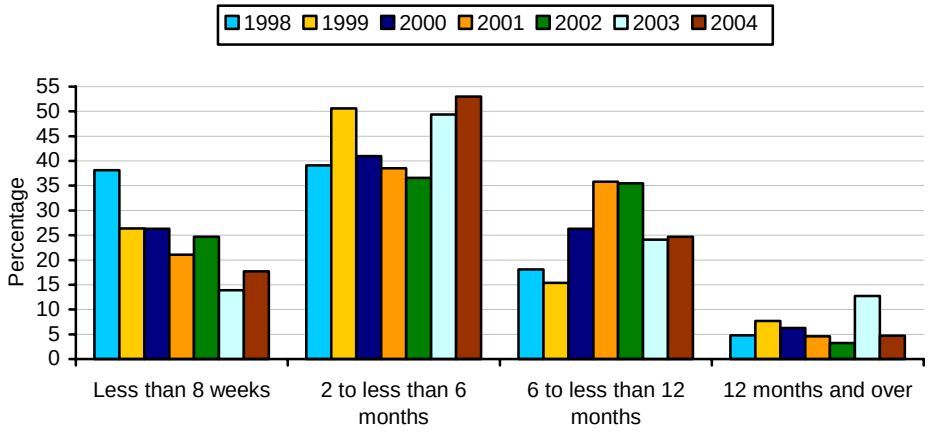
[4] It should be noted that this included 52 cases where the defendant was found not guilty under S.269 of the Mental Impairment Act. These individuals were released on a supervised order.

Figure 10 Youth Court appearances where at least one charge is proved: major penalty imposed per case, 2002 -2004



Further details about the length of the 85 secure detention orders imposed as the major penalty in 2004 are provided in Figure 11. 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. From 1998 to 2002, the Youth Court made fairly extensive use of its ability to impose short orders. In 2003 this declined markedly from 24.7% in 2002 to 13.9% in 2003 but in 2004 it went back up to 17.7%, which is still lower than in earlier years.

Figure 11 Youth Court appearances where at least one charge is proved: length of the longest secure detention order imposed per case, 1998 - 2004



Juveniles in custody

Average daily occupancy[5]

On average, 61.04 young people were held in custody per day during 2004. As shown in Figure 12, this is lower than the daily average recorded in 2001 (73.99) and is substantially lower than the 1997 peak.

On average on any given day in 2004, there were 30.12 youths serving a detention order. While only marginally lower than the average of 31.11 recorded in 2003, it is substantially lower (by 50.7%) than the peak recorded in 1996 (average of 61.05).

While there has been an overall decline in daily averages for detention, remand daily averages have remained relatively stable, despite the inevitable short term fluctuations. The remand daily average in 2004 was slightly lower than that recorded in 2002 (27.87 compared with 30.25 respectively), but was still higher than in 1996.

Figure 12 Average daily occupancy by custodial status, 1996 to 2004

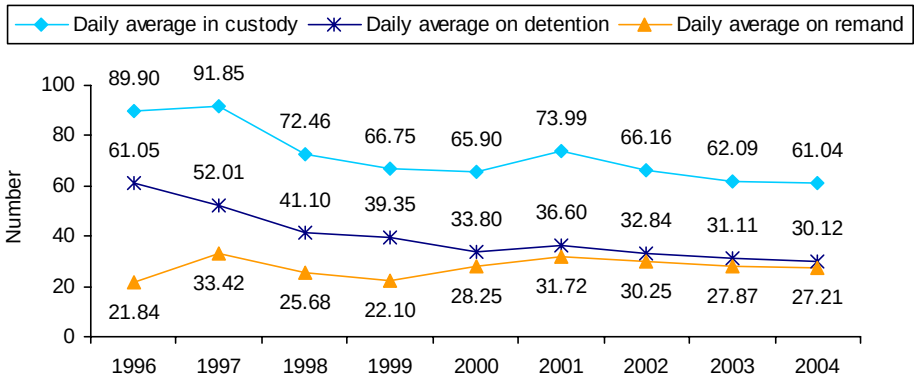


Figure 13 shows that, despite some fluctuations in the past five years, the Aboriginal daily average has remained relatively stable, with the 2004 figure (20.72) being slightly lower than a decade ago. In contrast, there has been an overall decline since the mid 1990s in the non-Aboriginal daily average, with the figure recorded in 2004 being 40.5% lower than the peak in 1997. As a result of the differing trends observed for Aboriginal and non-Aboriginal youth, the latter now account for a higher percentage of the total daily average than a decade ago. Yet despite this, it is worth noting that over the past

[5] Note that the 2004 figures are preliminary only and may be subject to slight changes when final error checks are completed.

two years, while non-Aboriginal daily averages have remained stable, Aboriginal daily averages have fallen (from 24.61 in 2002 to 20.72 in 2004). As a result, Aboriginals now account for a lower percentage of the total than in 2002 (33.9 % and 37.4%).

It is, however, too early to tell whether this is merely a short term fluctuation or part of a more sustained downward trend in Aboriginal incarcerations.

Figure 13 Average daily occupancy by racial identity, 1994 to 2004